**4. Report of the Portfolio Committee on Home Affairs on oversight visit to Gauteng Province, dated 12 May 2015.**

**The Portfolio Committee on Home Affairs, having conducted an oversight visit to Gauteng on 23 – 26 November 2014, reports as follows:**

1. **Introduction**

The Portfolio Committee on Home Affairs (the Committee) conducted an oversight visit to Gauteng Province from 23 – 26 November 2014. The Committee exercises oversight over the Department of Home Affairs (DHA), the Government Printing Works (GPW) and the Electoral Commission (IEC). The Committee visited the Headquarters of the DHA to see its operations, the two Refugee Reception Offices in Pretoria; namely Marabastad Refugee Reception office, the Tshwane Interim Refugee Reception Office (TIRRO) and the Lindela Repatriation Centre. The Committee then visited the GPW and the IEC. The visit was shortened due to the urgent parliamentary work on Thursday, 27 November 2014.

The following offices of the Department of Home Affairs were on the programme but were not visited:

• The Byron Office in Pretoria.

• The Centurion office in Centurion.

• Krugersdorp office in Krugersdorp.

• Harrison Street office in Johannesburg.

• Provincial Manager’s office in Braamfontein.

* 1. **Delegation**

The delegation comprised of the following:

**African National Congress (ANC)**

Mr BL Mashile – Chairperson

Mr DM Gumede

Mrs TE Kenye

Ms DD Raphuti

Ms NA Mnisi

**Democratic Alliance (DA)**

Mr AM Figlan

**Freedom Front Plus (FF+)**

Dr CP Mulder (He left on 25 November for whips meeting)

**Parliamentary Staff**

Mr Eddy Mathonsi – Committee Secretary

Mr Adam Salmon – Committee Researcher

Ms Nandipha Maxhegwana – Committee Assistant

Mr Evans Molepo – Principal Communication Officer

1. **Department of Home Affairs Head Office**

The Committee was welcomed by Mr Thulani Mavuso: Chief Operations Officer and Ms Nkidi Mohoboko: Deputy Director General: Learning Academy. Ms Mohoboko apologised on behalf of the Director General who had other urgent business. The Head office is based in the Central Business District in Pretoria. The Hallmark Building has been rented and the DHA envisaged having its own building in future where all operations will be housed in one building. At present the Ministry and Identity Document offices are based in different buildings because of a lack of space.

After the welcome and introduction, the Committee was taken to the following sections at the Head Office:

* 1. **The Command Centre and Help Desk**

The Command Centre is an idea borrowed from the military of a war-room environment that the DHA adopted. It deals with the Smart ID and passport technology rollout to branches nationally. It consists of the following stakeholders:

* Information Services
* Business (Civics and Immigration)
* Learning Academy
* Facilities, and
* External stakeholders

The Command Centre has a Commander whose role is to plan effectively and coordinate the allocation of tasks for the relevant stakeholders. The following achievements were reported:

* Roll out of live capture technology for smart ID and Passports to 110 offices nationwide in all the nine provinces.
* The Information Service was voted the best managed branch in the DHA.

It was reported that the following were challenges with regard to the Command Centre: the budget - it includes the back office, front office infrastructure, the furniture and resources – it includes the human resources and training. It was further reported that load shedding does affect operations at the DHA. The State Information Technology Agency (SITA) manages many of the Information Technology Services/Servers of the DHA but a new disaster recovery site will be located outside of SITA by the end of January 2015.

The DHA is training its officials through the Home Affairs Learning Academy including various refresher courses.

In future, the Command Centre will be moved to the BVR building (*Bevolkingsregister*/ Afrikaans for National Population Register).

* 1. **Permanent Residence Permit (PRP) hub**

The Committee was next taken to the Permanent Residence Hub. There were still a number of application files that needed to be adjudicated manually. These are the files of applications received by the DHA before the introduction of the Visa Facilitation Service (VFS). As of June 2014, the DHA receives applications from VFS electronically and these applications are dealt with online. The VFS is a private company subcontracted by the DHA to receive applications on PRP and Temporary Residence Visas (TRV). The VFS has eleven centres across all nine provinces in the country.

It was reported that there were 20 adjudicators and that the adjudicators do not know the names of the applicants in order to prevent fraud. Each application has a barcode and the adjudicators will process the applications based on the checklist signed off by the applicant and the VFS. Once the applications had been processed, it would be forwarded to the Chief Director responsible for permitting. The Chief Director will sign off the applications and the applications are further forwarded to the Deputy Director-General for checking and recommending for approval or rejection by the Director-General. In order to process the PRP, the turnaround target time was reported to be eight months. After approval, a certificate of permanent residence permit can be printed; and notification sent to the applicant. The Permit has several security features which make producing fraudulent copies very difficult.

* 1. **The Temporary Residence Visa (TRV)**

These short stay visas are not yet automated like the PRP. The files come from VFS through courier and all applications are put through the Movement Control System. The hub has 20 adjudicators who processed an average of 30 applications per day. It means that a minimum of 600 applications are processed per day. The turnaround time to process a TRV is approximately 8 weeks. The adjudicators can approve or reject an application on the spot based on whether it meets the requirements.

* 1. **Advanced Passengers Processing (APP) and Movement Control System**

**(MCS)**

The Advanced Passengers Processing hub manages the system where travellers are cleared by officials of the DHA before they board a plane to the Republic. A number of local and international security and risk systems are linked to the APP. If, for example, an individual is on the list of wanted persons, that individual will not be allowed to board the plane to South Africa. It was further reported that other individuals are noted and allowed into country but put under of surveillance. This will depend on the risk of allowing the person into the country. All people travelling to South Africa are put on the MCS and it keeps the number of people entering or exiting the country.

It was reported that there are other airports outside the country such as the Victoria Falls Airport in Zimbabwe which does not have the APP from which manual forms are sent. It is a requirement for the foreign airlines to have the system in order to enter South Africa.

The DHA is in the process of conducting a survey of all border communities to assess challenges.

* 1. **The Zimbabwean Special Permit (ZSP) Hub**

Lastly, the Committee was taken to ZSP hub. The ZSP has an electronic system where all applications are received from VFS. The application process is linked to the police. If it is found that the applicant is on the list of wanted persons or is awaiting trial, the DHA will request a police report on the applicant to determine the nature of the offence. It was reported that the application is simple, comprising of a one-page form, and it requires a valid Zimbabwean passport, letter of employment, business registration or educational enrolment. The adjudication commenced on 10 November 2014 until to date, the DHA has adjudicated approximately 10 000 applications. The DHA indicated that it will finish the adjudication of all the approximately 250 000 applications by the end of April 2015.

1. **The Refugee Reception Offices**

The Refugee Reception Offices receive applications from asylum seekers who come to the Republic to seek protection. The two Offices, namely the Marabastad and the Tshwane Interim Refugee Reception Offices (TIRRO) are the only refugee reception offices in Gauteng that help asylum seekers and refugees to process their applications.

* 1. **Marabastad Refugee Reception Office**

The Marabastad Refugee Reception is the busiest refugee reception office in South Africa. It is responsible for receiving asylum applications, capture and adjudications of these applications, issuing of asylum and refugee documents, extension of the permits of outstanding Standing Committee for Refugee Affairs (SCRA) and Refugee Appeals Board (RAB) cases. The Marabastad had encountered a number of problems because of the open space adjacent to it. The applicants were sleeping in that open space and they were robbed by criminals. The open space belongs to the City of Tshwane and it has not been fenced. Awaiting applicants were thus moved to sheltered area with toilets. The gate opens around 06:00 and closes around 09:00 since there is limited capacity to process applications. The office schedules different regions of origin on each day of the week to improve efficiency, for example Southern African Development Community nationals on Monday. Applicants that have not been helped on the day of arrival have their names taken down and are prioritised the following day even it is not the day for their region.

Mr Manana: Director of the Refugee Reception Office, took the delegation on the walkabout and made the presentation on the current situation at the Marabastad and TIRRO. He was helped by Mr Albert Matsaung: Gauteng Provincial Manager. Mr Manana reported that their staff component were as follows:

* 3 Managers for Refugee Status Determination Officers (RSDOs).
* 106 RSDOs.
* 3 Inspectorate officers.
* 3 Managers for Refugee Reception Officers.
* 30 Refugee Reception Officers.

Mr Manana reported that seven RROs help with the new applications, 10 capture the applicants, two deals with errors and applicants flagged for security reasons and eleven deal with extensions. The RROs process around three hundred new comers per day and extend approximately 2 850 SCRA and RAB cases per day. It was reported that each RRO extends approximately 150 cases per day and each RRO captures about 40 applications per day. It was reported that from April to October 2014, there were 31 429 arrivals, 25 112 were interviewed, 21 493 were adjudicated and only 3 122 (10%) were granted refugee status. The top approval countries were Ethiopia with 1 327, followed by the DRC with 1 121 and Somalia with 688.

The SCRA deals with verifying all manifestly unfounded applications and at present has a backlog of 80 524 from former Crown Mines Refugee Reception Office up to 2011 and a backlog of 26 129 from TIRRO from 2009 until August 2011 and there is a new backlog from September 2011 to date of 94 259. The total backlog is thus 200 930. In addition the backlog of appeals dealt with by the RAB numbered 10 200. SCRA and RAB report to the Minister of Home Affairs.

It was reported that the infrastructure at Marabastad is as follows:

* There were 33 work stations and there are 16 operational computers and printers.
* The computers and related printers were highly specialised and expensive to replace.
* All the computers had exceeded their life span and unreliable.

Mr Manana reported that the following were challenges and were being addressed:

* The SCRA backlog.
* The Docutrack system collapsed at Marabastad in April 2014. This is the system that used to track files in the registry.
* There is lack of terminal seating and equipment.
* There are only three RSDO Managers.
* Fraudulent and corruptive activities.
* Gauteng as the economic hub in the country, attracts the majority of Asylum applicants and there is lack of Refugee Reception Centres in other provinces.
* There is a lack of sufficient space inside for applicants.
	1. **The Tshwane Interim Refugee Reception Office (TIRRO)**

The TIRRO was established in April 2009 and was intended to be a temporary reception office designed to absorb the additional demand backlogs in asylum applications by SADC nationals. This was in response to disruptions and repeated court interdicts against the DHA by the business community in the area neighbouring Marabastad and the former Crown Mines Refugee Reception Office. The TIRRO now serves as an over flow of the Marabastad Refugee Office. The TIRRO office receives applications for Refugee Travel documents, Identity Documents, extensions of SCRA and RAB cases, interviews and adjudication applications. It does not take new applications. Inside, the hall has been partitioned. Unlike the Marabastad Refugee Reception Office, the docufile system is working.

In terms of the infrastructure, it has the following:

* Seven workstations and six were working and 11 were not working.
* All the computers had exceeded their lifespan and are beyond repair.
* The office space is under-utilised.
* The office is in a poor state of repair with broken windows, doors and walls.
1. **The Government Printing Works (GPW)**

The Committee visited the GPW and was shown how the Smart Card and the new secure passports are printed.

The Chief Executive Officer: Professor Mbewu welcomed the delegation and made the presentation on the operations of the GPW. He indicated that the GPW was established in 1888 and it is 126 year-old State-owned Organisation. The core business is security printing which includes the new Smart ID Cards, identity documents, passports, visas, birth and education certificates, permits, examination scripts and general printing for government departments. The GPW before 2009 was a subcomponent of the DHA. It has now been converted into a government component and for the past five year it has received an unqualified audit opinion. It is now aiming to receive a clean audit.

He reported that there are seven buildings at the Visagie Street where the Pavilion 1, 2, 3 are situated and the Headquarters is at Bosman Street. The aim is to move the Bosman Street to a building closer to the factory at Visagie Street in the near future. The Pavilion 3 is still being renovated. The Pavilion 1 houses the Smart ID Card Factory and passport factory. The Pavilion 2 houses the high security printing factory and Pavilion 3 will house the examination Centre and Dispatch Centre once the renovations have been completed in 2015.

The Committee was thereafter taken to Pavilion 1 to see how the Smart ID Cards were printed. There are three high quality machines that print the Smart ID Cards and each machine costs approximately R11 million. It was reported that the machines print approximately 350 Smart Cards per hour. The machines are designed to operate 24 hours a day but currently only run for one 8 hour shift. There is a fourth machine reported to be at the disaster recovery site.

It was reported that the GPW receives data from the server of the DHA. The data is downloaded to the server of the GPW to process the ID Smart Card. There is no human interference and it is impossible for the Smart ID Card to be fraudulently made at the GPW. The card comprises six layers and it is not possible to scrap off and/or insert another photo. It is also impossible for the chip to be on the wrong card. After printing, the cards are automatically batched together with a letter from the DHA. The cards are batched according to the office of application. If the cards were to be stolen, it becomes useless since it is bound to the photo and biometrics of its owner. The GPW is thus helping the DHA to clean the National Population Register by removing the possibility of fraudulent identity on the system.

The passport printing machine was procured at approximately R200 million. The machine receives data from the DHA. The GPW starts with the process of printing the passport and within 24 – 48 hours, the passport is ready to be dispatched to the office of application. A number of complex security features were shown to the Committee. It is impossible for the officials to steal the material that makes the passport. The material is counted and numbered and it goes by signed handover. The one person counts the material when it is handed to another person. In the process of printing the passport if is spoilt, the data is erased from the server.

The dispatching of the Smart Card and the passport is done by a private courier services. The possibility of theft is drastically reduced by impossibility of transferring documents to the wrong recipient.

The last place visited was Pavilion 2 which houses the high security printing factory. The high security factory prints ballot papers, birth certificates, asylum seeker certificates and examination papers. The Committee was shown the bank printing note machine which costs approximately R50 million. The machine has the ability to print a number of complex security features.

The GPW indicated that it had approximately R1.3 billion in cash reserves in order to sustain operations, move offices and continue with technology upgrades. These reserves had increased over the last three years. The staff component is 514 with 120 vacancies that needed to be filled.

1. **The Electoral Commission (IEC)**

The Committee was welcomed by the Vice-Chairperson of the IEC, Mr Terry Tselane.

The purpose of the oversight visit was to receive a briefing by the IEC on the Annual Report of 2013/14 financial year on the Represented Political Parties’ Fund and to tour the building and IT Facilities.

The Vice-Chairperson made the introductory remarks which included that there were by-elections on 26 November 2014 in most parts of the country. He further reported that the Demarcation Board will be launching the delimitation processes on 9 December 2014 in preparations of the 2016 Local Government Elections.

The Department of International Relations and Cooperation (DIRCO) funds the IEC on international technical assistance that is requested. The funds come from DIRCO through the African Renaissance Fund. The IEC has recently provided assistance to Namibia, Botswana and Mozambique. On 28 November 2014, the IEC planned to discuss the assistance to Burundi. Lesotho will have elections soon; however, Lesotho has not requested a particular assistance.

Mr Tselane emphasised that the IEC is not empowered by legislation to participate in international assistance and that is the reason DIRCO is funding them. The IEC international assistance mandate is in terms of its constitutional role to promote democracy.

The Committee expressed a concern with regard to the reputational risk of the IEC with all the negative reporting regarding the Public Protector Report on the lease of the Head Office of the IEC. If the image of the IEC is damaged, it means that the image of the country also suffers especially given the country is approaching the local government elections in 2016. The Vice-Chairperson reported that there are many positive stories which are not reported in the media. The IEC will provide a report to the Public Protector by December 2014 in relation to her findings.

With regard to the lease agreement for the Riverside Office Park, he reported that it is being reviewed by the court. Once the outcome of the court processes has been completed, the IEC will negotiate with the owners of the Riverside Office Park to pay a fair amount.

After the meeting, the Committee was taken to the IEC server room which can store 115 terabytes of Data on election results, maps, registered voters etc. It was reported that there was another server at the disaster recovery site. The server at the disaster recovery site replicates the information from time to time from the main server. The Central Processing Unit (CPU) and the server are refreshed every 5 years and 8-10 years respectively.

In case there is load shedding, there is a backup power supply including 240 batteries, an uninterrupted power supply and a high capacity generator. The batteries functions until the generator kicks in within three seconds. The generator has the ability to run for more than one week. The engineers service the generator once every month and conduct a dry run using only the generator on a regular basis. During the elections, the army provides a backup mobile generator.

1. **The Lindela Repatriation Centre**

The Committee visited Lindela Repatriation Centre in Krugersdorp. Lindela is a transit centre for illegal immigrants in the process of being deported to their countries of origin. The Committee was responding to a South African Human Rights Commission report that there are human rights violations at the Centre by the DHA and Bosasa.

The Chief Director: Inspectorate, Mr Mathews made the presentation on the current status on Lindela Repatriation Centre. The DHA has had a contract with Bosasa since 2005 and it is reviewed every three years. It was reported the centre had around R400 000 of deportees money in storage and was investigating the use of this to offset deportation costs. The DHA spends approximately R70 million per annum on transport to deport the detainees.

In terms of Section 41 of the Immigration Act, 2002, the police or immigration can detain a person suspected to be an illegal immigrant for up to 48 hours in order to verify the status of the detained person. After 48 hours the detained person can be charged criminally or issued with a deportation warrant. The deportee is entitled to request a court to confirm deportation or to make an appeal against the deportation. If the deportation warrant is issued, the person can be detained for up to 30 days and a further 90 days with a court warrant. The maximum detention is 120 days.

There are some illegal immigrants who misrepresent their country of origin and are rejected by these countries. These immigrants do this purposefully resulting in them being held at the Centre for more than 120 days after which the DHA is compelled by law and court order to release them.

Detention facilities for the purposes of deportation include police stations, correctional facilities and the Lindela Repatriation Centre.

It was reported that as at 26 November 2014, there were 1 752 illegal foreigners waiting to be deported. The number comprised mostly of those from Zimbabwe (740), followed by Mozambique (365), Malawi (318), Lesotho (138), Nigeria (72), and the Democratic Republic of Congo (30). There were also other nationals from other parts of Africa, Bangladesh, India, Pakistan and the USA, Germany, Australia and other parts of the world. There were four nationals who were currently rejected by all country representatives. Mothers with children and children are not kept at Lindela, and the DHA works with the Department of Social Development in this regard.

The Centre has three sections, two for males and one for females. Each room has 36 double bunk beds, mattresses and blankets. Each of rooms has a shower, a toilet and wash basin with a television. The detainees have access to the television every day. There are 179 rooms however the contractual agreement with the DHA is to cater for 4 000 detainees.

There is an induction programme that is offered to inform detainees of the rules, their legal rights, visiting hours and procedures.

There is a clinic with a visiting medical doctor and six permanent nurses. It is open 7 days a week. The medical assistants check rooms every day for sick people. Serious cases are referred to Leratong Hospital and they are taken by an ambulance. There are three sick bays and each has 7 beds for males, an isolation room with six beds and a separate two bed room for females. It was reported that there had been three deaths from January 2014 up to November 2014. The deaths were as results of HIV-related illness.

In terms of security, there are 64 cameras, 28 television monitors and recording facilities in a control room. There are 368 security guards. There are four shifts with 92 security guards. It was reported that in certain situations, the guards use minimum force, where the staff of Bosasa had been assaulted, to quell violence when there are riots or the detainees fight amongst each other. Teargas or water cannons can also be used. When the riots are very violent, the South African Police Service is called in. It was reported that the violence is sometime caused by frustrations of detainees that want to be deported. The administration process takes time. The DHA has taken a decision not to deport detainees during the December times since some of the foreign nationals deliberately present themselves to the DHA for deportation during December to in effect get free transport back home.

It was reported that the detainees receive three well balance meals and the meals are monitored by a registered dietician and quality management specialists. The Committee was taken through the kitchen which was very clean and during lunch, the Committee was given food from the same kitchen.

The South African Human Rights Commission has issued a report on human rights violations at the Centre. The DHA is complying with the recommendations of the report. It was reported by DHA that senior managers in the provinces must approve deportation of illegal immigrants. The Centre does not accept illegal foreigners who had not been cleared as rightful deportees by a Senior Manager from provinces.

1. **Committee key findings**

These are some of the key finding by the Committee:

* 1. **The Headquarters of the Department Home Affairs**
		1. The Headquarters of the DHA, are not an optimal environment for staff including underutilised and un-renovated space on the ground floor, in contrast to congestion in the upper floors.
		2. No information displayed.
	2. **The Refugee Reception Offices**
		1. **The Marabastad Refugee Reception Office**
			1. The Marabastad Refugee Reception Office is overcrowded. The air

conditioners are not adequate.

* + - 1. There is insufficient security in the event of an unrest.
			2. Computers were very old and more than half were not operational. Those

that were operational are beyond their lifespan.

* + - 1. There had been improved management and accommodation of asylum

seekers within the premises from the former waiting area across the road from the centre, where it was indicated that asylum seekers had been queuing outside the facility.

* + 1. **The Tshwane Interim Refugee Reception Office (TIRRO)**
			1. Windows, doors and prefabricated walls were broken and there was no

proper security. There is no burglar-proofing.

* + - 1. There are still old posters indicating that the Office still takes only

nationals from SADC countries.

* + - 1. The building is dilapidated and it has not been painted for a long time.
			2. Computers are old and more than half were not operational. Those that

were operational had exceeded their lifespan.

* 1. **The Government Printing Works (GPW)**
		1. The renovation at Pavilion three at Visagie Street building and the building next to the Visagie Street Building had not been completed.
		2. The Committee was impressed with their skills and the equipment used in producing Smart ID Cards and passports.
		3. The Committee viewed that the GPW be entered into the Proudly South African Campaign and for excellence awards.
		4. The GPW has a high vacancy rate.
	2. **The Electoral Commission (IEC)**
		1. In case of power failure, there is a generator and battery uninterrupted power supply which kicks in within three seconds.
	3. **Lindela Repatriation Centre**
		1. The Zimbabwean Consulate was satisfied with the conditions at the centre.
		2. Each room had 36 beds with only one toilet and a shower. The bunk beds did not have a step ladder.
		3. The centre is clean and the authority and the DHA have responded to human rights concerns. There is enough space to accommodate the deportees.
		4. The DHA has allocated the South African Human Rights Commission office space with desks and chairs to be used.
		5. There is a clinic with three sick bays that includes an isolation ward.
		6. There is good quality catering at the facility and the Committee ate food that is normally prepared for the deportees.
1. **Recommendations**

The Committee has the following recommendations based on the key findings during the oversight visit. The recommendations are captured respectively.

* 1. **The Headquarters for the Department Home Affairs**
		1. The DHA should consider creating or looking for new Headquarters of the DHA with adequate accommodation for all staff and the Ministry.
		2. The Department should consider partitioning the Command Centre and the Help Desk.
		3. The DHA should ensure that the Batho Pele principle posters are on the wall of the offices.
		4. The DHA should ensure that improvements, renovations and decorations are made to the building to improve its suitability for staff.
		5. The DHA should upgrade their IT systems as a matter of urgency.
	2. **The Refugee Reception Offices**
		1. **The Marabastad Refugee Reception Centre**
			1. The Minister of Home Affairs and the DHA should consider moving the Marabastad Reception Centre to a place where it would be more appropriate to handling of asylum seekers.
			2. The DHA should make sure that the Centre has adequate working air-conditioning.
			3. The DHA should ensure that there is sufficient security to manage crowds at the Marabastad Refugee Reception Centre.
			4. The DHA should ensure that the perimeter fence is attended to as a matter of urgency with regard to ensuring the security and safety of asylum seekers while inside the Centre.
			5. The DHA should ensure that the computers at Marabastad are upgraded as a matter of urgency.

* 1. **The Tshwane Interim Refugee Reception Office (TIRRO)**
		1. The DHA should consider the continued use of TIRRO given the current demands and if so invest in improving the working conditions and consider renovating the facility.
		2. The DHA should ensure that the old and irrelevant posters are removed.
		3. The DHA should consider upgrading the computers as a matter of urgency.
	2. **The Government Printing Works (GPW)**
		1. The Ministers of Home Affairs and Public Works should work together with the Department of Public Works to ensure that the security wall around this National Key Point Printing Facility is completed as a matter of urgency.
		2. The GPW should pay attention to the high vacancy rate.
	3. **The Electoral Commission (IEC)**
		1. The Electoral Commission should re-evaluate if its current electric power arrangements are sufficient to cope with all possible risk scenarios.
	4. **The Lindela Repatriation Centre**
		1. The DHA should ensure that the rooms at Lindela Repatriation Centre have an additional toilet and a shower for the inmates
		2. The DHA should ensure that the beds and blankets should be numbered and that the upper beds have a step ladder.
		3. The DHA should continue to make offices available and an open invitation at the Centre available to the South African Human Rights Commission.
		4. The DHA should ensure that the immigration law is implemented and intervene where there unintended consequences.
		5. The DHA should fast-track the implementation of the Border Management Agency to improve immigration management.

Report to be considered.