



AUDITOR-GENERAL  
SOUTH AFRICA

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# FOREIGN MISSION OBSERVATION REPORT

DEPARTMENT OF HOME AFFAIRS

March 2018

051218 PC Home Affairs





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**FOREIGN MISSION OBSERVATION REPORT TO THE ACCOUNTING OFFICER  
ON THE AUDIT OF THE DEPARTMENT OF HOME AFFAIRS FOR THE YEAR  
ENDED 31 March 2018**

**1. INTRODUCTION**

- 1.1. The purpose of the management report is to communicate key audit observations to the accounting officer and the report does not constitute public information. This report is prepared as part of the value-add initiatives by the Auditor-General South Africa.



List of acronyms and abbreviations

AGSA	Auditor General of South Africa
ID	Identity document
DIRCO	Department of International Co-operation and Relations
DHA	Department of Home Affairs
FOC	Foreign Office Co-ordination
LRP	Locally recruited personnel
RSA	Republic of South Africa
VFS	Visa Facilitating Services



## 2. The Mandate of the Department of Home Affairs

### Constitutional Mandate

The mandate of the Department of Home Affairs is grounded on three sets of related principles.

2.1. As stated in Chapter 1, Section 3 of the Constitution:

All citizens are:

- a) equally entitled to the rights, privileges and benefits of citizenship; and
- b) equally subject to the duties and responsibilities of citizenship

A related principle of specific relevance under the Bill of Rights is Section 20, which states that "No citizen may be deprived of citizenship" and Section 28(1)(a), which states that "every child has the right to a name and a nationality from birth".

2.2. The Constitution emphasises that citizenship is equal, inclusive and participatory and comes with rights and responsibilities. To establish real equality, given a history of racial exclusion, the Constitution also insists on achieving equity through redress. This principle has, for example, guided the DHA in expanding its footprint to cover remote and marginalised communities.

2.3. Unless otherwise stipulated, the Bill of Rights applies to all persons in South Africa and this speaks to policy and legislation related to international migration. Importantly, Section 21 stipulates that:

- (1) "Everyone has the right to freedom movement.
- (2) Everyone has the right to leave the Republic.
- (3) Every citizen has the right to enter, to remain in and to reside anywhere, in the Republic.
- (4) Every citizen has the right to a passport

It follows that managing international migration appropriately is a priority for economic development and to attain social harmony and cohesion.

## **2.4 Legislative Mandate**

### **Mandate of Immigration Services**

The purpose of Immigration Services is to facilitate and regulate the secure movement of people through ports of entry into and out of the Republic of South Africa (RSA) ; determine the status of asylum seekers and regulate refugee affairs; confirm and provide enabling documents to foreign visitors legally residing within the Republic; enforce immigration legislation and effect deportations.

The core mandate is to:

- Facilitate and regulate the secure movement of people through ports of entry and out of the Republic of South Africa
- Confirm and provide enabling documents to foreign visitors legally residing within RSA.
- Enforce immigration legislation and effect deportations.
- Determine the status of asylum seekers and regulate refugee affairs
- Contribute towards realising a positive migration trend into the RSA that enhances the skills base and support foreign direct investment.

The immigration mandate is managed and executed through the Immigration Act, 2002 (Act No 13 of 2002) and the Refugees Act, 1998 (Act No 130 of 1998)

- Immigration Act, 2002 (Act No 13 of 2002)
- Immigration Regulations, 2014;
- Refugees Act, 1998 (Act No 130 of 1998); and
- Refugees Regulations, 2000.

### **3. THE ROLE OF DHA AT FOREIGN MISSIONS**

3.1 South Africa has 124 foreign missions abroad of which 32 missions are represented by 42 DHA officials. The remaining missions are represented by DIRCO officials who assist with the visa and consular services. DHA officials are placed at missions where the service of DHA can be best delivered and those missions where there is more strategic and political importance.

DHA has two (2) types of missions for immigration services

#### **3.2 VFS missions**

A VFS mission is a mission which is supported by a facilitation centre (VFS Global).

The objective to open the South African Visa Application Centres (VACs) was to establish minimum standards through improved turnaround times for visa applications, including enhanced quality adjudication and risk management controls especially in high volume missions.

VFS Global is the service provider that was awarded the contract. In terms of the agreement, all ordinary passport holders apply for their respective visas at these centres, whilst official and Diplomatic Passport holders not exempted from South African visas, apply directly at the Mission

#### **3.3. Non-VFS missions**

A non-VFS mission is a mission whereby there are no visa application centres. Applicants apply for the relevant permits directly at the mission.



#### 4. LIST OF SIGNIFICANT SELECTED MISSIONS

The following missions classified as significant locations were selected.

The classification was based on Quantitative and Qualitative factors

Mission name	Country	Departmental official performing immigration and civic duties at the mission	Basis of Selection
Port Louis	Mauritius	DIRCO	There was a request to look at the civic application process as the department has been subject to numerous litigation claims from South African nationals in that country due to delays in processing civic applications and thus this mission was selected as a planning mission
Lubumbashi	Democratic Republic of Congo	DIRCO	The mission has DIRCO officials and is a Visa Facilitated Services mission. The Chief Director: Foreign offices indicated that there the department is concerned about processes at the mission due to management override of adjudication processes of visa applications.
Kinshasa	Democratic Republic of Congo	DHA	The mission has DIRCO officials and is a Visa Facilitated Services mission. The Chief Director: Foreign offices indicated that there the department is concerned about processes at the mission due to management override of adjudication processes of visa applications.





Lagos	Nigeria	DHA	The total revenue collection is above five percent (5%) of the total foreign revenue
Abuja	Nigeria	DHA	The total revenue collection is above five percent (5%) of the total foreign revenue
Luanda	Angola	DHA	The total revenue collection is above five percent (5%) of the total foreign revenue
Mumbai	India	DHA	Based on discussion held with Counter Corruption and the Chief Director: Foreign Offices, there were allegations that Indian nationals are receiving free permits without supporting applications. The matter is under investigation. This presents a high risk in terms of fraud and the completion of revenue.
New Delhi	India	DHA	Based on discussion held with Counter Corruption and the Chief Director: Foreign Offices, there were allegations that Indian nationals are receiving free permits without supporting applications. The matter is under investigation. This presents a high risk in terms of fraud and the completion of revenue.
Mbabane	Swaziland	DHA	There are indicators of fraud as an official was suspended for missing visa labels. Thus the risk of completion of revenue is high.

### 5. Executive Summary of Key Observations

No.	Mission	Observation
1	Mauritius	Long-outstanding applications for passports and identity documents
		Training of Dirco staff assisting with the visa process
2	Nigeria	High number of applications received from VFS daily
		Oversight role of head of mission vs responsibilities of DHA officials
3	Democratic Republic of Congo	No DHA official in Lubumbashi
		Applications being processed at the mission in Lubumbashi
		Lack of support from Head Office
4	India	High number of applications received from VFS daily
		External pressures from Other Departments
		Inadequate number of DHA officials in Mumbai
5	Swaziland	High volume of foreign nationals residing in Swaziland applying for South African visas.

## 6. Detailed Observations

### 6.3. Port Louis (Mauritius)

6.3.1. The AGSA was requested by the foreign office coordination section, amongst others, to visit the mission in Port Louis due to the high number of complaints from South African citizens residing in that country who have been struggling with getting responses from the DHA for the various services they require.

#### (i) Long-outstanding applications for passports and identity documents

6.3.2. A meeting was held with Mr Celani Tembe and Ms Zolisa Filtane at the mission. They indicated that the mission was struggling to get responses from the DHA to queries they required assistance with. We selected a sample of long-outstanding applications for passports and identity documents (IDs) from the civic register at the mission and followed up with civic section at the DHA (BVR) in South Africa as to their status. The DHA had no record of some of the applications. The following serve as examples:

**Table 1: Applications dispatched from the mission of which the DHA has no record**

Count	ID number	Application type	Date sent from mission via diplomatic bag	Status of application at the DHA
1	0210016192085	Passport	09/08/2017	No record
2	6206250028088	Passport	09/08/2017	No record
3	8810115223004	Passport	09/08/2017	No record
4	9901143250080	Passport	09/08/2017	No record
5	7111155075086	Passport	09/08/2017	No record
6	7207120154087	Passport	09/08/2017	No record

Count	ID number	Application type	Date sent from mission via diplomatic bag	Status of application at the DHA
7	0102230737086	ID	09/08/2017	No record
8	8810115223004	ID	09/08/2017	No record

6.3.3. Per the meeting held with Mr Ramashia (director of citizenship), it was confirmed that there is a problem with the control around DHA documents from Dirco to the DHA. Thus, the above-mentioned applications might have been misplaced at the Dirco mail-sorting room as the diplomatic bag included documents for other departments. The DHA only processes what it receives and would not know if any documents are outstanding. Cognisance is taken of the response provided by management; however, due consideration should be given to the DHA's own internal processes regarding applications from when they are received from Dirco to when they are distributed to the different directorates. For example, when the applications are received from Dirco, they go to the foreign office coordination and support (FOC) directorate, from where they are forwarded to the respective branches within the DHA. There is a lack of tracking of the applications in this regard.

**(ii) Training of Dirco staff assisting with the visa process**

6.3.4. We identified that the following applicant of Nigerian origin was given a visitor's visa to South Africa issued on 7 December 2017.

**Table 2: Applicant for visitor's visa**

Name	Visa control no.	Conditions
Onuchukwu Remigius	A00817787	To be admitted for 34 days only for visiting

6.3.5. Per inspection of the applicant's supporting documents, we noted that the applicant's stay in Mauritius was valid until 1 March 2018 as per the Mauritius immigration letter attached to his application. The applicant's flight itinerary indicated that he would return to Mauritius on 28 February 2018. This would be a day before his stay in Mauritius would expire on 1 March 2018.

- 6.3.6. We enquired of management if this applicant had been invited for an interview and whether there is a process in place to further vet the applications of applicants invited for interviews. It was confirmed that this had not been done. Cognisance is taken that management members are not DHA officials and thus would not be aware of such controls. Thus, there is a risk that foreign nationals might be admitted into South Africa for purposes other than those for which they applied in their visa.
- 6.3.7. The mission is the first line of vetting in ensuring that visas are only issued to applicants who have demonstrated or provided sufficient evidence about their intended visit to South Africa. The question then arises as to the level and extent of training to Dirco officials in the area of immigration matters and whether the DHA is regularly sharing common trends with Dirco officials involved in the immigration process. The DHA is encouraged to look into this matter in relation to the level and extent of training provided.

#### 6.4. Nigeria : Lagos and Abuja

##### (i) High number of applications received from VFS daily

6.4.1. The DHA has an agreement with VFS Global, which facilitates the receiving of applications on behalf of the DHA. Nigeria is one of the countries where such an arrangement is in place.

6.4.2. We made the following analysis for the Lagos and Abuja missions:

**Table 3: Analysis of Lagos and Abuja missions**

Name of mission	Average number of applications received daily from VFS in 2018	Total revenue collected per mission in rand for the year ended 31 March 2017	Number of DHA officials at the mission	Number of locally recruited personnel (LRP) assisting DHA officials	Average number of applications processed for the year ended 31 March 2017
Lagos	200	18 000 000	Two	Three	51 765
Abuja	100	22 000 000	One	Two	42 353

6.4.3. We noted that both missions were working on a turnaround time of five days on average. For example, applications being adjudicated on a Friday would be those that would have been received by the mission the previous Friday. The missions are thus sitting with a backlog of around 400 applications. According to DHA officials at the Lagos mission (Mr Mbambo and Mr Mabasa) and the Abuja mission (Ms Boitumelo Shounyane), this was because they receive a lot of fraudulent applications. Each application therefore has to be scrutinised in its entirety, taking into consideration that the average rate of fraudulent applications is 50% of the daily applications received.

6.4.4. Furthermore, they have to attend to interviews of those applicants requested to present themselves at the mission for further scrutiny. There is thus pressure on the officials to work faster to ensure that the backlog does not increase, which entails them having to work long

hours and also over some weekends to clear the backlog. This increases the risk of fatigue and errors.

- 6.4.5. The mission is the first line of control in terms of scrutinising foreign nationals intending to visit South Africa. A detailed scrutiny of each application is therefore essential before a decision on the application is made. We are concerned about the high volume of applications and the pressure this places on the officials to perform their work diligently.

**(ii) Oversight role of head of mission vs responsibilities of DHA officials**

- 6.4.6. Pursuant to the points noted above, we noted that some applications in Lagos were rejected by the DHA official based on, among other reasons, fraudulent documents or not meeting the requirements of the visa applied for as stipulated in the Immigration Act. Such applicants would then appeal to the consul-general and subsequent approval would be obtained after intervention from the consul-general. This raises a pertinent question as to whether a head of mission may override the decision made by a DHA official when it comes to immigration matters. We encourage the DHA to look into this matter, as this will assist all missions with DHA officials.

## 6.5. Democratic Republic of Congo

### 6.5.1. Lubumbashi

#### Background

6.5.1.1. Lubumbashi is the second biggest city in the DRC after Kinshasa. Its close proximity to South Africa as compared to Kinshasa makes it a very viable option for DRC nationals intending to travel to South Africa. One may travel by bus from Lubumbashi to South Africa through Zambia and Zimbabwe, thus the transport cost is cheaper compared to more expensive air travel from Kinshasa. Lubumbashi is the mining capital of the DRC and acts as a hub to other surrounding cities, which means that there is a large volume of human traffic from and to other countries via Lubumbashi.

6.5.1.2. The South African consulate in Lubumbashi also makes use of VFS for the administration of visa applications. The mission receives a daily average of 80 to 100 applications. The Visa Permit System (VPS) is used to capture all applications received from VFS. After evaluation, visa labels are printed from the system for insertion in the respective passports. In the absence of such a system or when the system is offline, the missions resort to issuing handwritten visas. This means that when applications are received from VFS, they are manually recorded in a visa register book. Once individual applications have been evaluated, the LRP have to complete the information that needs to appear on the handwritten labels (i.e. name of applicant, date, passport number, and visa conditions) before the Dirco official signs the individual labels as approved. The LRP then have to complete the process in the visa register by inserting the control number of the visa issued against the respective applications before returning to VFS.

#### Observations

6.5.1.3. There is no DHA official that is allocated to the mission and thus the visa function is performed by Dirco officials with the assistance of one LRP. Due to the intensity of the administrative work, the mission cleaner is also assisting in this regard. We enquired as to when the Dirco staff get to do their own duties, and were informed that it is after hours or on weekends.



- 6.5.1.4. Furthermore, although the process and procedure for visa application submissions are done via VFS, we noted that the mission is accepting applications from individuals and that the application fee is paid in cash (United States dollars), which poses a risk of fraud. From an audit perspective, it is also impossible to know the number of visa applicants that applied at the mission and whether all cash received would have been receipted. From inspection of the mission visa register, one cannot distinguish an application made via VFS and one made in person. This risk is further increased by the fact that we raised an audit issue with regard to visa labels that we identified as missing at the mission (the management response is still outstanding in this regard).
- 6.5.1.5. The corporate service manager explained that there are applicants coming from other cities and regions outside Lubumbashi where no VFS facilities are available. For example, Kolwezi is 300 km from Lubumbashi, Fungurume 198 km, Katanga 328 km and Mbuji Mayi 1 000 km. As the turnaround time for the visa process is five days or even longer from submission to response, such applicants struggle with the cost of accommodation in Lubumbashi while awaiting the outcome of their applications. Thus, in addition to the daily applications received via VFS, the mission has to attend to such applicants as well as South African citizens requiring consular services, which is a cumbersome task.
- 6.5.1.6. The second explanation pertaining to applicants coming to the mission has to do with applicants wanting to have their existing visa moved from an old passport to a new passport. The DRC introduced a new passport and thus there are a lot of applicants moving their visas to the new passport. This matter was discussed with the consul-general and the corporate service manager, as it poses a high risk of fraud as well as a breach of contract with VFS.
- 6.5.1.7. We are concerned about the evaluation of the applications due to the following:
- (i) Dirco officials are under pressure to perform DHA work as well as execute their own duties. Thus, the risk of fatigue and error is high.
  - (ii) It is very difficult, if not impossible, for the mission official to do a risk profile of each applicant's travel history in the absence of the VPS. With the VPS, officials are able to see the number of times the applicant has applied for a visa and the status thereof. For example, an applicant may submit a new passport but might have been previously refused a visa on another passport and this will not be picked up. In addition, an applicant might have been put on a stop list (list of

undesirable people that cannot enter South Africa) due to, among other reasons, the submission of fraudulent documents, which might also not be picked up. This was not being done as the Dirco official is under pressure to clear backlogs.

- (iii) The DRC has a high rate of unemployment and thus the applications would require a detailed vetting process as well as risk profiling of individuals. Such a function would require an immigration official as opposed to a Dirco official.
- (iv) There is no correlation between the number of people evaluating applications and the high volume of applications. It should be noted that applications are received from VFS on a daily basis and not keeping up with the pace will result in a huge backlog of applications, thus affecting the quality of the evaluation process.

6.5.1.8. We recommend that the DHA consider the following:

- (i) Deploy at least two officials and increase the number of LRP assisting with visa applications.
- (ii) Fix the VPS as a matter of urgency, to ease the pressure on personnel due to the manual process being used.
- (iii) Consult with the State Security Agency (SSA), Dirco and VFS before deciding on how to deal with the matter of individuals applying at the mission in person, as these departments have an interest in this matter. The DRC has big investment opportunities for South Africa in terms of agriculture, mining, transport, energy, etc. and thus diplomatic relations are involved. The level of infrastructure outside of Lubumbashi (i.e. road access, electricity and networks) is very poor, thus making it difficult to open offices in those cities and regions. This can be argued from a diplomatic viewpoint as to why the mission should assist such applicants. The security at the mission gate does not have scanners to search applicants entering the mission, which poses a security threat to mission staff, hence the need to consult the SSA. The DHA needs to also engage VFS on how to deal with this matter, as there is an agreement in place regarding the application process. VFS is thus losing revenue from those applicants that apply in person at the mission, as VFS charges an administrative fee for each application. Hence, there is a risk of breach of contract in the current situation.

- (iv) In the interim, until clarity is obtained on the aforementioned matters, the mission should not accept applications except for services to South African citizens.

## Kinshasa

6.5.1.9. The mission in Kinshasa receives an average of 60 visa applications per day from VFS. Although the mission has a DHA official and makes use of the VPS, the following observations were made:

- (i) The DHA official is working long hours and over weekends to ensure that applications are timeously evaluated. This is compounded by the fact that a lot of the applications require follow-up or authentication of supporting documents, as a significant number of fraudulent documents are identified. This process entails the official having to make phone calls from his cellphone to the DHA's head office, institutions of learning and companies in South Africa as part of the verification process. We did observe the official making a phone call to the University of Cape Town, which confirmed that the letter as attached by the applicant was not issued by them. It should be noted that the phone call was time consuming, as he was transferred from one department to another until he was assisted.

On a particular day, 30 to 40 applications are processed, in addition to interviewing applicants and attending meetings. The DHA official receives a phone call allowance, but a concern was raised that this is not sufficient. The DHA's head office was requested to look into this matter, but the response was that there is no budget. The ambassador confirmed that the official has to use his own funds or is sometimes assisted with airtime when the monthly allocated allowance is finished. If the situation is allowed to continue as is, there is a risk that the official might evaluate applications without applying the necessary checks, thus increasing the risk of illegal immigrants to the country.

- (ii) A significant number of applications are made whereby applicants are attaching proof of property ownership in South Africa as part of their motivation to be granted visas. Such applicants do not have South African bank accounts and

their DRC bank accounts do not reflect amounts that are commensurate with one being able to purchase property in South Africa. It has been identified that these properties are being bought for cash. We identified instances of applicants with properties in Cape Town worth over R2 000 000. This poses a risk of the illicit flow of money as well as non-compliance with the Financial Intelligence Centre Act.

The DRC has indicated that there will be presidential elections this year, thus there is a risk of people moving money outside the country to destinations including South Africa. Section 27(F) of the act relates to the application for a permanent residence permit for financially independent persons. One of the requirements of this act is that the applicant must have a net worth of R12 000 000. Given the nature of the aforementioned applicants, this is easily attainable. The DHA in corroboration with the SSA is encouraged to give this matter due consideration and to also advise immigration officials on how to handle such matters. Furthermore, this would ensure South Africa as a country is not found to be complacent should such matters be raised at a diplomatic level.