**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 1252**

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**INTERNAL QUESTION PAPER 13 – 2022**

**1252. Ms L L van der Merwe (IFP) to ask the Minister of Home Affairs:**

(1) Whether, in light of the fact that he is on record saying that he understands the frustrations of South Africans pertaining to illegal migrants, and given the absence of the requisite number of immigration officers, law enforcement officers and the Border Management Authority, he has found that it is a fact that the Republic is facing an illegal migration crisis in which Operation Dudula has allegedly been assisting his department and other law enforcement authorities to identify undocumented and/or illegal persons and businesses; if not, what is the position in this regard; if so’

(2) whether his department supports the efforts of Operation Dudula; if not, why not; if so, what are the relevant details;

(3) what plans has his department put in place in order to (a) identify all illegal foreign nationals who are currently within the borders of the Republic and (b) ensure that they are deported? NW1508E

**REPLY:**

(1) The Department does not condone any illegal activities. The activities of Operation Dudula of identifying and forcefully removing alleged illegal foreign nationals in identified communities is not a programme of the Department.

 The Department of Home Affairs through its Inspectorate has the legal mandate to ensure that all persons in South Africa are lawfully permitted to be here. The inspectorate does regular inspections and conducts investigations to detect those who may be here unlawfully. Multi-disciplinary operations with the South African Police Services and Metropolitan Police, including inspections of businesses, is a key source of the detection of illegal foreign nationals, their arrest and deportation.

 In carrying out its function the inspectorate will first look at information received from all members of the public and investigate the matter before appropriate action can be taken. The Department of Home Affairs will not act upon any unverified information in applying the Immigration Act.

 When a foreign national is found to be in the country without status by the Inspectorate, the undocumented individual can either be deported, issued with an Order to Depart or a Notice to Report to an Immigration Officer at specified intervals (with particular reference to those who must depart the country with their families) while in the process of leaving the country.

 In situations where criminal charges are preferred against suspects, the individuals who provided the information including those affiliated to Operation Dudula, can be summonsed to court to give evidence in the state’s case.

 It must be noted that presently the world is facing an international global crisis with regards to migration. The RSA government does not have a precise number of undocumented immigrants in the Republic due to the clandestine nature of the act of being here illegally. A number of persons entered without being recorded on any system and live here as unrecorded. It is only when they are detected or their presence is noted that we are able to act. However, the Department is looking how to manage migration issues with a view to find sustainable solutions.

(2) The Inspectorate is a law enforcement unit whose mandate is to enforce immigration laws through the investigation of unlawfulness and ensure redress in accordance with set prescripts, together with other law enforcement agencies, including the South African Police Services and the Department of Justice and Correctional Services. The Department can therefore, not be in support of any activities by anybody or any structure which are not informed by the above prescripts and the rule of law.

(3)(a) The conduct of multi-disciplinary operations with the South African Police Services and Metropolitan Police as well as inspections, including those of businesses, is a key source of the detection of illegal foreign nationals, their arrest and deportation. The strategy is captured in the DHA Annual Performance Plan (APP) 2022/23.

(3)(b) In its daily operations, the provincial Inspectorates record all the documents issued in terms of each arrested on the Case Management System (CMS), which must be verified and approved at different levels of management before approval for direct deportation to neighbouring or a transfer to the Lindela Holding Facility to conduct mass deportations. The proof of deportation in a case can be drawn from the CMS where required.

 **END**