

# ANNEXURE A

## **PRESENTATION BY THE MINISTER OF HOME AFFAIRS, DR AARON MOTSOALEDI ON THE OCCASION OF THE MEDIA BRIEFING ON 17 MARCH 2024**

Programme Director:

Director-General Tommy Makhode

Border Management Authority Commissioner, Dr Mike Masiapato

Members of the media

Ladies and gentlemen I called you here today to deal with several matters which affect the DHA and have been in the media in recent days.

### **Circular issued on 21 December 2023**

Let me start with the Circular that was issued by the Department on 21 Dec 2024. This circular was directed to the Commissioner of BMA as well as managers of Ports of Entry. It was also sent to Provincial Inspectorate and Visa Facilitation Centres. This circular was meant to guide BMA officials at the Ports of Entry on what to do when they encounter nationals of other countries falling within particular categories at the borders. These would be individuals who have applied for visa extensions, waivers or appeals and have not yet received their outcomes, negative or positive.

I wish to emphasise that this circular was an internal communications document. It was targeted for home affairs and BMA officials who I have mentioned.

Rather than guide anybody, unfortunately, this document raised a storm in the media and within establishments that have to do with tourism. The Department of Home Affairs was accused of chasing away tourists out of the country and in the process weakening and even risking the collapse the tourism industry. One specific group of tourists mentioned in this regard are called "*Swallows*". These are people who move between the northern and the southern hemisphere in search of sunny days and they are regarded as very important to the tourism industry. I wish to state categorically that the Department of Home Affairs would gain nothing by destroying the tourism industry

which is regarded as one of the pillars of the economy, not only in South Africa but in many other countries.

The Ministry of Home Affairs and the Ministry of Tourism always work in partnership on issues of tourism because both departments are important in this regard. This particular issue was no exception. It is for these reasons, that with these accusations intensifying, I contacted our Tourism Minister, Ms Patricia de Lille and we discussed this matter. After this consultation, I did try to clarify this matter in the debate of State of the Nation Address on 14 February 2024. In my input, I did concede that this was a very unfortunate circular, which should not even have been issued because the matters it was trying to clarify could have easily been addressed in the normal course of operations between BMA and the Department. I further clarified this matter on the occasion of the responses to oral questions by the Justice, Crime Prevention and Security Cluster (JCPS) during plenary in Parliamentary on 28 February 2024.

Judging by the reactions, it appears that my explanation in Parliament was not enough. We arrived at the conclusion that if indeed the circular had the effect of chasing tourists out of the country, we needed to find a way to resolve that. Hence, we needed to check at the borders if there was a significant spike of people who had visited South Africa as tourists and are leaving. If there was such a spike, we wanted to act in mitigation. In this regard, we reasoned that if tourists are in trouble, their first port of call will be the tourist industry operators and the ministry of tourism. If the industry feels threatened, they will approach the tourism ministry. It is with that in mind that we approached Minister De Lille to find out how many people approached her as a consequence of actions emanating from this circular.

Minister De Lille informed us that only one case was referred to her department and she immediately contacted the Department of Home Affairs and the matter was resolved to the satisfaction of the individual concerned. We also scouted our ports of entry, especially the airports to see if such individuals were encountered. It was at the Cape Town International Airport where five people are set to have encountered problems because they were declared undesirable due to their overstay in the country. We have instructed officials to take steps so that this undesirability status could be lifted without any waste of time.

Ladies and gentlemen, I think it is important for me to outline this whole concept of declaring people undesirable. The word undesirable is perhaps by itself very unfortunate because it sounds scary, but it is the term used when the Immigration Act of 2002 was enacted in Parliament. In all the ports of entry in and out of South Africa, we have got an electronic movement control system (MCS). When people enter the country, the MCS electronically records the date and time of entry. As you would know, your passports and visas indicate the number of days you have been allocated to be in South Africa. If you exceed your allocated days even by just one day, the MCS at the borders will pick it up, regard it as an overstay, and automatically declare you undesirable. Fortunately, lawmakers in this country also realised that there could be a myriad of reasons that may cause a person to exceed their allocated days. Hence in the Act, the legislature empowers the minister to review and set aside an undesirability status on application by the affected individual if cogent reasons are provided.

I need to explain something important again, when you apply for the extension of your visa before it expires, you are given a receipt which has a reference number with which you can trace your application. In case your visa expires before the department has responded to your application, that receipt will act as an extension of your visa until such time you get a response, negative or positive. This means that no law enforcement officer, immigration officer or officials at the port of entry may trouble you while you are carrying such a receipt. As I said earlier on, when the circular was issued, it was an attempt to guide BMA officials because they were regarded as new at the borders.

If there is anybody who was declared undesirable whilst they were carrying their receipt, they need to present themselves to the Department so that their undesirability status can be removed.

Given that we have identified only one person from the department of tourism and five at the Cape Town International Airport, we are not in a position to conclude that these were the only people who were negatively affected by the circular. So, today we are making a call to the people in the industry or any other institution which are in a position to identify such people so that we can immediately resolve their issues. Up to so far,

the accusations directed at Home Affairs are full of generalities, anecdotes and no specific cases were given to us. We are pleading today, that anybody who wants to accuse must please be specific because accusations without providing specific details won't help the individuals affected, except of course if the intention was never to help such affected people but just to throw mud at the department.

### **Mr Kudakwashe Mpofu (a Zimbabwean national)**

This brings me to the next issue.

One of the media houses published an article on Sunday, 10 March 2024, about a certain Mr Kudakwashe Mpofu from Zimbabwe. He is said to be "fighting tooth and nail to stop the Department of Home Affairs from deporting him to Zimbabwe after allegations that he fraudulently obtained his permanent residence permit in South Africa".

In the story, Mr Mpofu is waxing lyrical about how the Department never responded to his court papers and court orders. In a way, Mr Mpofu was trying to demonstrate that the Department was guilty and he is innocent. Interestingly, in the newspaper article, Mr Mpofu is avoiding to deal with the question of whether there is any truth in the accusations that his papers are fraudulent or not. He is concentrating on court processes and their technicalities and the failures of the Department in dealing with the courts. Nowhere does Mr Mpofu mention that the Department as the custodian of all immigration documents informed him and his lawyers on 23 June 2023 that his purported Permanent Residence Permit is actually fraudulent.

Ladies and gentleman, I am here to confirm to you today that according to our records, Mr Kudakwashe Mpofu's Permanent Residence Permit is fraudulent, was not issued by the Department of Home Affairs and we do not know where he obtained it from. We can confirm that the Permanent Residence Permit reference number appearing on Mr Mpofu's document does not exist in our system and we can further confirm that the control number appearing on Mr Mpofu's purported document was not issued by the Department to him but rather it was legitimately issued to somebody else. As to how Mr Mpofu came across that control number, we do not know. It is not possible in our

system for the same control number to be used more than once, as these are face value documents printed by the Government Printing Works (GPW).

It is a matter of national embarrassment that Mr Mpofu was able to obtain employment as a Chief Financial Officer (CFO) at the North West Development Corporation handling public funds. After ascertaining these facts, I immediately phoned the Acting Premier of the North West, Mr Nono Maloi. And to the credit of North West Government, he told me that they have already suspended Mr Mpofu on learning about this problem.

However, there are several issues which do not sit well with me as the Minister:

1. Why did Home Affairs officials who picked up this matter not open a police case immediately as soon as they came across this fraud?
2. Why did Home Affairs officials not respond to court papers to the extent that Mr Mpofu is proudly mentioning the non-responsiveness of the Department including the Minister?
3. How did North West Development Corporation's Human Resources unit employ Mr Mpofu without performing due diligence because it is the duty of each prospective employer to perform such before they hire anybody?

It is for these reasons that we have handed over this matter to the SIU not only to probe Mr Mpofu but also officials in government both at Home Affairs and North West Development Corporation who dealt with Mr Mpofu's matter.

I wish to remind the country how after Bushiri obtained his fraudulent Permanent Residence Permit which he used to defraud his own congregation of R102 Million, fourteen Home Affairs officials working in Permitting Unit where these visas are produced wrote a petition to me as a Minister demanding that the Counter-Corruption Unit of the Department stop investigating their "errors". This alarming petition led to the establishment of the now well-known Ministerial Task Team headed by former Director-General in the Presidency, Dr Cassius Lubisi. The question is, is Mr Mpofu's case one of those so-called "errors" that were not supposed to be investigated? The SIU will provide answers. For now, we have opened a criminal case at the Pretoria

Central Police Station and we are happy that the North West Development Corporation has suspended Mr Mpofu.

### **Presidential SIU Proclamation**

Mr Mpofu's issue leads me to the third issue that I want to talk about today.

As a result of the revelations of the Lubisi report, Home Affairs asked the President to issue a proclamation for the SIU to investigate visa issues in the Department of Home Affairs. We are happy that the President has issued such a proclamation and the SIU is going to work hand in glove with the Lubisi team and the Multi-Disciplinary team which was appointed as a result of recommendations of the Lubisi Report.

I wish to remind the country of what I once said in one press conference when some people were accusing us of doing nothing to secure our borders. This was before the advent of the BMA and its border guards. The accusations were made when social media videos showed poor people jumping the border fence in order to buy some mealie meal or paraffin.

At that time, I said some people want me to chase lizards while crocodiles abound. I described crocodiles as respectable people who enter the country legally wearing suits or high heels and carrying briefcases full of cash to bribe officials to legalise their stay in the country. I said then that we are going to concentrate our energies and resources on the crocodiles. I wish to enthusiastically tell you today that with the work of the Lubisi team, Multi-disciplinary team and SIU, the days of the crocodiles like Mpofu are numbered.

I thank you.