

2. Report of the Oversight Visit by the Portfolio Committee on Home Affairs to Fireblade Aviation at OR Tambo International Airport and Desmond Tutu Refugee Reception in Gauteng Province, dated 27 November 2018.

The Portfolio Committee on Home Affairs having conducted an oversight visit to Fireblade Aviation and Desmond Tutu Refugee Reception Office on 31 August 2018, reports as follows:

1. Introduction

1.1. The Portfolio Committee on Home Affairs (the Committee) conducted an oversight visit to the Gauteng Province on 31 August 2018. The Committee exercises oversight over the Department of Home Affairs (DHA), the Government Printing Works (GPW) and the Electoral Commission of South Africa (IEC). The oversight was conducted due to the fact that Fireblade Aviation brought an application for a declaratory order that the Minister of Home Affairs grant Fireblade approval for an ad hoc international customs and immigration service to be conducted by the Border Control Operational Coordinating Committee at the premise that Fireblade leases from Denel at OR Tambo International airport (ORTIA).

The Committee also visited the Desmond Tutu Refugee Reception Officer (DTRRO) to assess the services being offered at the centre since its renaming in 2015.

Prior to the oversight trip on 31 August 2018, the Portfolio Committee on Home Affairs received a briefing from the Minister of Home Affairs and Director-General on the matters of Fireblade Aviation on 8 May 2018. During the oversight visit, the Committee resolved to call the owners of Fireblade Aviation to Parliament on 30 October 2018. This was followed by the meeting with the Minister of Home Affairs and the Department of Home Affairs on 6 November 2018.

1.2. Delegation-The delegation comprised of the following:

African National Congress (ANC)

Mr PH Chauke – Chairperson of the Committee

Mr DM Gumede

Mrs TE Kenye

Ms DD Raphuti

Democratic Alliance (DA)

Mr MH Hoosen

Economic Freedom Fighters (EFF)

Ms HO Mkhali

2. Briefing Session by the Department of Home Affairs and other stakeholders at Fireblade Aviation

2.1. The Acting Director-General (ADG) made the presentation without the presence of the Stakeholders that operate at Fireblade Aviation. He reported that the application for the facility was made in 2013 and 2016. The Minister of Home Affairs, Mr Malusi Gigaba was approached by Fireblade Aviation and he holds that he rejected it and it is alleged the application was subsequently approved in 2016. The facility had been used for local flights and Fireblade Aviation later applied that international flights should also operate at the facility.

2.2. The matter went to court and the Court compelled the DHA to provide the services at the facility and the DHA then approached the Supreme Court of Appeal (SCA) but lost the case. The SCA did not deal with the merits of the case indicating that it had no chance of success. The DHA approached the Constitutional Court, while the matter was still at the SCA. The Constitutional Court ruled that the matter was not urgent and the matter at the SCA should be finalised first. The DHA was now in the process of appealing to the Constitutional Court.

2.3. The ADG reported that was no letter from the Minister of Home Affairs nor the Director-General or a contract to allow Fireblade Aviation to operate at the airport.

2.4. The other stakeholders were called into the meeting and the Committee members and stakeholders introduced themselves. It was agreed that before the presentation, the Committee should conduct a walk-about at the facility and presentations by stakeholders were done thereafter.

2.5. The Committee was taken to the arrival section first, where it was reported that the South African Revenue Service (SARS) and the South African Police Service (SAPS) will approach aircrafts when they land. The aircraft will land at OR Tambo International Airport and there was gate at the facility that must be opened by Airports Company South Africa (ACSA) for the aircraft to move into the facility.

2.6. The DHA receive a 24-hour notice via sms/WhatsApp and email notifications of international flights that are scheduled to arrive at and depart from Fireblade Aviation Facility. It was reported that the following details are required:

- Aircraft registration.
- Aircraft type, year of manufacture and serial number.
- Departure and arrival destinations.
- Expected time of arrival and expected time of departure.
- Expected number of crew members and passengers.
- A complete General Declaration.
- Cargo manifest.
- Any health questioner's and / or confirmations which may be required by the Department of Health.
- List of weapons related to hunting, body guards protective body gear for the attention of SAPS.
- Short notice requests of international movements with less than 24 hours' notice are applied on a case by case basis and subject to the approval of the Border Law Enforcement Authorities.

2.7 It was reported that the following stakeholders operate at the facility at the 24 hours' notice of the arrival and departure of international flights:

The Department of Health (DoH).

The Department of Home Affairs (DHA).

Department of Agriculture, Forestry and Fisheries (DAFF).

The South African Revenue Service (SARS).

The Department of Environmental Affairs (DEA); and

The South African Police Service (SAPS).

2.8. It was then reported that Fireblade Aviation has agreed to provide transportation for officials of the above departments from ORTIA main building to Fireblade Aviation to process landing or departure of planes. The DoH will check the passengers and crew members in relation to health issues especially on arrival aircraft according to international health regulations. The traveller's body temperature is taken by a scanner and if the body temperature is more than 36.9 Degree Celsius, the traveller will be referred to the clinic at the facility and a nurse will conduct a basic medical assessment. If the Port Health Officer is satisfied with the basic medical assessment, the traveller is allowed to proceed to Immigration at the DHA and if not satisfied, the traveller is referred to the nearest health facility.

2.9. It was reported that after the DoH had done their work, the passengers will proceed to the DHA and passengers will be processed according to the requirements in the Immigration Act, 2002 and Immigration Regulations of 2014. The Immigration Officer can refuse entry and refer passengers to a secondary investigation by the Inspectorate. There should be compliance in relation to the requirements for travel of minors. If a person is refused entry according to the Immigration Act, that person is handed over to Fireblade Aviation who will be responsible to accommodate such a person or persons until such time that the person is removed from the Republic on

the soonest available flight. In the inadmissible facility, there was one bed and sofas and the Committee was concerned if more than one person needed to be held. Thus far only one person has been refused entry in several months based on not having a yellow fever certificate.

2.10. DAFF is responsible for the regulation of the import and export of animal and plant products. A dog handler and sniffer dog check the luggage for the regulated agricultural products and if regulated products are found, the import documentation will be requested from the passenger and if the import documentation are not presented, the DAFF will confiscate the products for incineration.

2.11. The Customs Detector Dog Unit will rummage the aircraft on arrival and departure and the passengers will disembark the aircraft into the terminal for immigration processing. The passengers will approach Customs to declare the goods and the baggage will be scanned. Because of the low number of passengers, SARS can scan all passengers. From January 2018 – August 2018, it was reported that there were 400 flights that were processed at the Fireblade facility. If a passenger has something to declare, the duty is payable to Customs. If a passenger is departing the Republic on an international trip, there has been Value Added Tax (VAT) Refund of approximately R140 000 in terms of VAT that had been refunded. It was reported that the VAT claims will be accepted at Fireblade Aviation but will be processed at the OR Tambo International Airport. It was reported that most of the passengers are tourists.

2.12. DEA check on alien invasive species. Passengers will have to apply for whenever such are brought to the country. Once a non-compliance is detected, enforcement action is taken.

2.13. SAPS personnel deployed at the facility are responsible for the following aspects in terms of Section 205 of the Constitution of the Republic of South Africa:

- prevention and detection of crimes.

- routine surveillance and patrol.
- respond to and control acts of hi-jacking, sabotage, and bomb threats.
- interventions hostage negotiations.

3. Challenges faced by different departments at the facility

- 3.1. As indicated, for the departure and arrival of aircrafts, the DHA is notified within 24 hours and the Fireblade Aviation provides transport for officials at ORTIA to come to the Fireblade Aviation to process passengers. Fireblade Aviation pays the DHA R116 749.67 per month for services at the facility. At ORTIA, there 87 counters and if a large aircraft lands that needs to be processed at Fireblade Aviation, the DHA deploys two officials that would otherwise be offering services to all international passengers since the DHA is not based at Fireblade and the issue of notifications is based on a trust relationship.
- 3.2. DAFF does not operate 24 hours at the facility. There are two shifts which starts at 06:00 till 14:00 and from 14:00 till 22:00.
- 3.3. The Office space at Fireblade for the DEA is small and operates on a needs basis. It was reported that special arrangements are made to accommodate flights out of operating hours.
- 3.4. Access cards are held by Fireblade Aviation which compromise the security of the SAPS information systems since the criminal detection system is not available at Fireblade Aviation. Border Police are specialised in this area of work, so ordinary police cannot be deployed. SAPS thus has to deploy three officials and resources from ORTIA to process passengers at Fireblade Aviation. The 24 hour notifications were affecting operations at ORTIA since officers need to be sent to Fireblade Aviation two hours before the aircraft lands or departs.

The Committee was concerned by the non-attendance of the SAPS Officers from the ORTIA to the meeting of the Committee. The Officer who ended up attending the meeting was informed late by General Ndaba, the officer in charge at ORTIA.

3.5. It was reported by SARS's that 24 hour notifications were affecting operations and deployments and that they have not as yet collected any revenue since the commencement of operations at Fireblade.

3.6. Fireblade Aviation officials reported that international clients, international flights and Safari are processed at the facility. The owners of facility – the Oppenheimers, it was reported, are treated the same way as other clients. There are also six planes which are available to charter. It was reported that an aircraft cannot move or land without a flight plan. It was also reported that there is a Gym at the facility for the clients. It was also reported that the Department of International Relations and Cooperation does not pay for the use of the facility but is informed of the arrival of diplomatically important persons.

4. Briefing by the Minister of Home Affairs and the DG on the privatisation of a section of the OR Tambo International Airport to Fireblade Aviation.

The briefing by the Minister of Home Affairs and the Director-General took place on 8 May 2018. The Minister of Home Affairs made the presentation and he reported that the DHA received a request from Fireblade Aviation to operate at OR Tambo as a VIP international terminal otherwise known as a fixed base operation (FBO). The landlord for the terminal is Denel. The DHA responded in 2014 that there are several Departments operating at the Airport. The Ministers concerned were consulted. He reported that the Minister of Agriculture

agreed but the Ministers of State Security, Finance and the South African Revenue Service did not agree. Other Ministers did not respond. The Denel Chief Executive Officer agreed in a letter which was later reneged by another letter from the Chairperson of the Denel Board. He reported that the Chairperson of the Board's letter indicated that the CEO acted outside of the mandate of the Board and would be subjected to disciplinary action.

In 2017, the Minister of Finance wrote a second letter, wherein he agreed to the request by Fireblade Aviation on condition that there was a service fee charged. The service fee covers the cost of the Immigration Services and other government services were not mentioned and thus effectively free.

The first application by Fireblade Aviation was for the VIP Terminal and it was later changed to the private terminal for the Oppenheimer family. The Minister reported that the Immigration law does not allow the DHA to operate a private terminal and there was no policy on the privatisation of international airports. The DHA needs to rationalise its services at airports due to capacity constraints and lack of demand at airports with limited international traffic. Fireblade took the matter to court. The High Court ruled against the DHA. The DHA took the matter to the Supreme Court of Appeal and the Constitutional Court at the same time. The Supreme court also found against the DHA and the Constitutional Court ruled that the matter was not urgent and the court process at the Supreme Court of Appeal should be finalised first. The DHA was now in the process of appealing to the Constitutional Court.

The Minister indicated that in terms of the PFMA, there should be a competitive bidding process for this service. With regards to the Fireblade Aviation, there was no such. There is no letter from the Minister nor the DG or a contract from the DG to allow Fireblade Aviation to operate at the Airport. The Minister indicated that it was the opinion of the judge that the Minister had lied but this was not an order.

He further indicated that there were applications to operate similar operations by Mr W. Basson at George Airport and Mr C. Wiese at Cape Town International Airports.

The Committee engaged with the presentation by the Minister. The Committee indicated that Parliament should look at the loopholes in terms of the legislation and support the appeal by the DHA to the Constitutional Court to protect the poor against government services being offered exclusively to the wealthy.

In relations to the Ministers who have been asked if FBO could operate at the Airport, the Minister indicated if all of them had agreed, the DHA would have engaged the Cabinet with regard to the policy. Fireblade Aviation are believed by the Minister to have received a related internal memorandum through bribery of DHA officials. He indicated that there was no discussion between him and the Gupta family in relation to this matter. It is claimed that a pilot overheard the Chairperson of Denel and Ajay Gupta discussing the matter in a private plane, but this is hearsay.

After the meeting with the Minister of Home Affairs, the Committee supported the DHA appeal to the Constitutional Court on the Fireblade Aviation matter.

5. Briefing by Fireblade Aviation owners (Oppenheimers) on the operations of the Fireblade Terminal at OR International Airport.

The meeting with Mr Nicholas Oppenheimer, Mr Manne Dipico, Mr Jonathan Oppenheimer and Mr Robbie Irons took place on 30 October under oath. Mr Nicholas Oppenheimer indicated that he would go through the statement. In the statement he indicated that the idea of world class gateway into South Africa came to him and son, Jonathan Oppenheimer in 2012 for non-scheduled aviation. Non-scheduled aviation are private aircraft that are not run by major commercial airlines.

They started consultation with major stakeholders and it became apparent that OR Tambo International did not have a facility dedicated to both domestic and international non-scheduled aircraft movements. Underutilised land and facilities was identified at Denel complex at OR Tambo International Airport. Discussions took place with Airports Company South Africa (ACSA) and Denel. All parties were supportive of the proposal. Fireblade Aviation was established and other stakeholders were consulted to determine their support.

Mr N. Oppenheimer indicated that from inception, Fireblade's business plan was that customs and Immigration facilities should be available on site. The family invested around R150 million into the business and without international flights, it was clear that the business would not make a profit or recover its costs. Fireblade opened its doors to domestic flights in 2014. For the facility to operate international flights, customs and immigration would be needed and early engagement with government department stakeholders ensured that the building's design had the necessary space dedicated to international flights and included the parties' specific requirements. He reported that there were 27 approvals by various Government bodies and by 2016, the only approval outstanding was that of the Minister of Home Affairs. In a meeting of 28 January 2016, Minister Gigaba finally granted verbal approval after years of delays. After the approval, it became apparent that the DHA had no intention of honouring the approval. After several engagements with the DHA, with no success, Fireblade had to approach the courts to seek clarity.

The Pretoria High Court and the Supreme Court of Appeal both found that indeed Minister Gigaba had granted permission to Fireblade and the full bench had also found that the Minister had lied under oath on the matter. The Minister has made a leave to appeal to the Constitutional Court to appeal the permission but not to challenge the finding that he did grant the approval.

On 12 February 2018, the first international flight passed through the Fireblade Aviation Terminal. It was reported that there had been 691 international flights with 1 401 passengers as at 30 October 2018. He indicated there are other privately owned airports in South Africa such as Lanseria and Kruger Mpumalanga International Airports which offer international Services and there are also privately owned warehouses which process goods. All these facilities enjoy support of state agencies. The Air Traffic Navigation Services (ATNS) who control the airspace on behalf of the South African Government, also controls aircraft arriving and departing at any airfield. All Fireblade's movements are controlled by the ATNS, ACSA and the Department of Transport, while customs and immigration services support international movements as a service provided by the state.

Since Fireblade opened for business in 2014, there have been 13,884 movements and less than 5 percent were operated on behalf of the Oppenheimer family. Of the 691 international movements, 6 percent were operated on behalf of the Oppenheimer family.

The Standard Operating Procedure (SOP) was agreed in 2015 by all parties and the revised draft version was discussed on 4 April 2018 but is awaiting DHA approval.

Fireblade Aviation is currently paying the DHA approximately R116 000 per month for services rendered at the facility and Fireblade Aviation pays R1 million rental per month to Denel. There are 52 people employed by Fireblade Aviation.

6. Briefing by the Minister of Home Affairs on Fireblade Aviation Terminal at OR International Airport.

After the engagement with Fireblade Aviation on 30 October 2018, there was agreement to invite the Minister of Home Affairs and the Department of Home Affairs. There was a Constitutional Court decision

which dismissed the leave to appeal by the Minister of Home Affairs on 29 October 2018 and it was followed by the Report of the Public Protector which made findings against the Minister of Home Affairs. The Report of the Public Protector has remedial actions and the report will be referred to the Speaker of the National Assembly and the President.

The Committee pointed out that the discussion in this meeting was not to reverse the findings of the Public Protector and the Court judgements. The Committee fully supported the findings of the Public Protector and the court judgements. The purpose of the meeting should be to discuss the way forward on the matter of Fireblade Aviation. The Chairperson indicated that the state was already providing services through a number of departments at the Fireblade facility. There should be an agreement envisaged on how the Department of Home Affairs and other departments are providing a service at the facility and a proper policy framework.

After a lengthy discussion, the Committee agreed to give an opportunity to the Minister to address the members on the Fixed Based Operator (FBO). The Minister indicated that there was no policy framework on private Very Very Important Persons (VVIP) terminals and the policy has now to be developed. The Minister of Home Affairs has to consult with Cabinet colleagues in the development of the policy. Airports are the responsibility of Airports Company South Africa (ACSA) under the Department of Transport. The DHA chairs the current border coordinating agency known as the Border Control Operational Coordinating Committee (BCOCC) and the Inter Agency Clearing Forum (IACF). Some confusion arose as a result of local BCOCC giving approval without national IACF concurrence.

The Minister further reported that the Lanseria International Airport and Kruger Mpumalanga International Airports are privately owned, however, are also for public use. The two airports are governed by a

separate policy. Kruger Mpumalanga International Airport was declared an international airport prior to 2010 World Cup where government took a decision that each province should have an international airport. Government did not have the capacity and a private developer was allowed to operate the facility. Lanseria International Airport was established to address some of the high demand from ORTIA.

The Minister repeated that there was an application for a VVIP facility at Cape Town International Airport and George Airport. The Minister indicated that there was now a need for the government to consult with members of the public on VVIP FBOs.

After the presentation by the Minister, there was discussion that the Minister had been given a chance to clarify the matter whether he lied under oath or not. After the discussion, before the presentation by the ADG of the DHA, the Minister further tried to clarify the issue of whether he granted permission to the Fireblade Aviation to operate at ORTIA. The Committee intervened indicating that the final Constitutional Court ruling on the matter made such clarity unnecessary.

The ADG made a presentation and he indicated that the DHA implemented a court instruction on 27 December 2018 to operate a FBO at ORTIA. He indicated that DHA and Fireblade Aviation exchanged communication in January and February 2018 to ensure that the court decision was implemented while awaiting the DHA's appeal to the Constitutional Court. On 12 February 2018 operations started to abide by the court instruction. He also reported that a Memorandum of Understanding (MOU) with elements of a Standard Operating Procedure (SOP) was development with the BCOCC. It was agreed that the MOU would be signed in February 2018 and provided to Fireblade Aviation for consideration.

Fireblade Aviation provided inputs to the MOU/ SOP and sent it to the DHA for consideration and was forwarded to the DHA Legal Services to advise on the process going forward. The Legal Services advised that the DHA had not decided on the MOU pending the Con Court ruling. The Constitutional Court dismissed the DHA's application on 29 October 2018 for leave to appeal and now the DHA can proceed on advice on how to move forward with the finalisation of the MOU.

The risks identified include the following:

- The FBO operates on a trust relationship with DHA and other agencies operating at the facility.
- Before and after the clearance of flights, all officials (except SARS) from various stakeholders are transported from/to OR Tambo International Airport.
- There are no officials at the FBO when there are no flights and there is a security risk concerning what happens at these times.

In relation to the funding model, Fireblade Aviation reimburses the DHA for personnel cost amounting to R1 400 996 per annum. The amount is paid to the DHA's bank account which in turn pays the money into the National Revenue Fund (NRF).

The Committee engaged with the presentation and indicated to the DHA that it should have advised all the ministers from start that there was no policy framework and there was a lack of coordination among government departments.

The Committee emphasized that there was a need for a final MOU and policy framework as soon as possible. On the matter of legal costs in relation Fireblade Aviation matter, the DHA was advised to provide an overview once billing was finalised.

The Committee indicated the it was an opportunity for the DHA to review gaps to be covered in the Border Management Authority (BMA) while it was still in Parliament. The DHA should have an MOU/SOP in

the interim and involve other government department/ agencies senior management and Cabinet. There should be clear timelines provided in this regard by the end of November 2018.

7. Desmond Refugee Reception Office in Pretoria.

The Committee proceeded to the Desmond Tutu Refugee Reception Office to assess the services being offered including the use of the new automated system which were installed in 2017.

7.1. The DHA had invited UNHCR to the meeting as part of the stakeholders in relation to the management of asylum seekers and refugees in the Republic and before the presentation, the Committee was taken on the walk-about at the Desmond Tutu Refugee Reception Office.

7.2. The Committee was shown three Automated Booking Terminals (ABT). It was reported that the DHA has five of the ABTs, three are at the Desmond Tutu Refugee Reception Office, one at Cape Town Refugee Reception Offices and another one at Port Elizabeth Refugee Reception Office. The DHA was in the process of procuring ABTs for Musina and Durban Refugee Reception Offices. These ABTs are used by clients for bookings new clients, ID applications, passport applications, family joining and self-extension of Section 22 asylum permits. The DHA officials would be at the ABTs at Desmond Tutu Refugee Reception Office as early as 06:00 to assist clients with services. These machines have the capacity to be used in the languages dominant amongst clients.

7.3. In order to get inside the building, the applicants should input fingerprint biometrics to the ABTs in order for the revolving gate to open. Once inside, the clients are issued with number through the booking system.

7.4. The Centre provides the clients with an off-site interpretation system via phone and there is a unique number for each client.

7.5. The Committee was taken to a control room which is normally manned by three people and the cameras monitors all the 41 RSDOs when conducting interviews.

7.6. It was reported that 70 percent of new asylum applicants prefer the Desmond Tutu Refugee Reception Office. Musina Refugee Reception Office only received 5 percent of the new asylum seekers.

7.7. It was reported that 65 percent of the new asylum applicants are received in the first half of the year between January to May and as the year progresses the number goes down. It was reported that 68 percent are males and 32 percent are females. Young adults between the ages of 19 – 35 account for 80 percent of all the new applicants. Most of the applicants; 47 percent, are from SADC, 23 percent from East Africa, 14 percent from West Africa and 14 percent from East Asia.

7.8. The top sending countries in 2017 was the Democratic Republic of Congo with 4 849, due to ongoing instability, followed by Zimbabwe with 2 927, Ethiopia with 2 926, Nigeria with 2 871, Bangladesh with 1 932, Somalia with 1 766, Malawi with 1 509, Burundi with 799, Pakistan 791 and Ghana with 714.

7.9. The DHA has granted refugee status to 125 999 applicants since 2009 and the number of applicants approved by Refugee Status Determination in 2017 was 2 267 which was mainly family joining. These were people from DRC, Somalia, Eritrea and Congo. There were 18 894 abusive, fraudulent and manifestly unfounded applications mainly from Bangladesh, Zimbabwe, DRC, Ethiopia, Pakistan, Nigeria and Somalia. Unfounded cases at appeal were 6 819.

7.10. Failed asylum seekers are handed over to inspectorate and are transferred to Lindela Repartition Centre or Police stations, some are issued with orders to leave the Republic.

7.11. UNHCR reported working with the DHA as an advisory body and offer technical support. UNHCR indicated that since South Africa has a mix migration flow and asylum seekers are allowed to work, more people apply for asylum and there was a backlog of approximately 150 000 applications at the Refugee Appeals Board (RAB). There are people who have been waiting for determination for more than 15 years. The DHA should consider a special dispensation for asylum seekers who have been in the country for a long time. With the current situation, it would take more than 50 years to clear the backlogs. More backlogs were being added with the new appeals. It was also reported that the would-be asylum seekers were being turned back at the Durban Refugee Reception Office until January 2019. UNHCR has noted that South Africa has better systems of integration than creating camps. Camps come with many of their own problems and expenses.

8. Challenges faced at the Desmond Refugee Reception Office

There are many challenges which the DHA has identified as follows:

8.1. There are syndicates, human traffickers and smugglers who are targeting the DTRRO.

8.2. The Tshwane Metro Police set up road blocks around the Centre, targeting undocumented migrants and soliciting bribes who are coming to the Centre to receive services from the DHA.

8.3. Criminals were robbing clients who are coming to the Centre in full view of the police. The Tshwane Metro Police and the SAPS were contributing to problems at the Centre. The Community Policing Forums and syndicates also seem to operate around the centre.

9. Observations by the Committee

While on the oversight the Portfolio Committee on Home Affairs observed the following:

9.1. The DHA has not yet appealed the SCA ruling to the Constitutional Court to provide services at Fireblade Aviation.

9.2 There is no written agreement or contract between the Fireblade Aviation and the DHA to provide services at the facility. It was reported that there was a draft Standard Operating Procedure (SOP) and Memorandum of Understanding.

9.3. The inadmissible facility at Fireblade Aviation has only one bed and sofas.

9.4. The operations at ORTIA are interrupted when government officials have to provide services at Fireblade Aviation facility. There are other departments which might not be able to assist Fireblade Aviation, especially after hours, such as the Department of Environment Affairs.

9.5. The Committee was concerned with the security of the country and spending of public funds to private individuals.

9.6. The Committee was concerned with reports of SAPS and Metro Police targeting clients outside the centre who are coming to apply for asylum or renew permits.

9.7. The Operations Manager at the Centre, was reported to have been shot and the Centre has opened a case with the police.

9.8. There were allegations of corruption against officials of the DHA who work with the so called agents and smugglers outside the Centre. On the day of the oversight, the Chief Director: Asylum Seeker

Management saw an official taking R50 bribe from a client. The official was dismissed and the client arrested.

9.9. The Committee concurs with the Constitutional judgement and the Report of the Public Protector on the matter of the Fireblade Aviation.

10. Recommendations

Based on the oversight visit by the Portfolio Committee on Home Affairs to Fireblade Aviation at OR International Airport and the Desmond Tutu Refugee Reception Office, the Committee recommends to the Minister of Home Affairs the following:

10.1. While the matter between the DHA and Fireblade Aviation was dismissed by the Constitutional Court and there was adverse finding on the Minister of Home Affairs on the Fireblade Aviation, there should be an agreement or Memorandum of Understanding on how the different stakeholders would work with each at the Fireblade Aviation facility. Clear timelines for implementation of a final MOU should be provided to the Committee by the end of November 2018.

10.3. The operations at OR Tambo International Airport should not be affected as result of the aircraft that are being processed at Fireblade Aviation. Public funds should not be used for the benefit of private individuals at the expense of others.

10.4. With regards to operation at Desmond Tutu Refugee Reception Office, the DHA should engage the Hawks in relation to syndicates that operate outside the Centre.

10.5. The DHA should consider installing a camera focussing outside the entrance of the Desmond Tutu Refugee Reception Office.

10.5. The Tshwane Metro Police and SAPS members who are targeting clients at the Centre to solicit bribes from clients should be dealt with seriously by the Tshwane Metro Police and the South African Police Service.

10.6. The state, especially the DHA, must have a capacity and willingness to process all asylum seekers who come to any centre to seek refuge.

10.7. The DHA should consider to register all national who present themselves to the Department of Home Affairs and provide the Committee on a plan on how to deal with backlogs.

Report to be considered