



Report of the Portfolio Committee on Home Affairs on activities during the 5th Parliament (May 2014 – March 2019)

Key highlights

1. Reflection on committee programme per year and on whether the objectives of such programmes were achieved

Over the 5-year term under review the Committee had a busy legislative schedule dealing with 10 Amendment bills and thus conducted only 5 of the 9 oversight trips it had planned in addition to 2 joint oversight trips dealing with violence against foreigners and border security respectively. The planned schedule of the Committee was, however, not strictly adhered to due to the need to adapt to arising issues of concern; availability of stakeholders to engage, as well as schedule and budgetary constraints to travel. The Committee also conducted a lengthy inquiry into State Capture in the last 18 months of its term which dominated the programme of the Committee.

2. Committee's focus areas during the 5th Parliament

The Committee expanded its performance and budgetary oversight to include presentations from the Provincial Managers and quarterly reports of the Department of Home Affairs (DHA), Electoral Commission (IEC) and Government Printing Works (GPW).

3. Key areas for future work

- The Committee will need to follow up on the implementation of the High Level Panel on Key Legislation to address some outstanding issues including amending the Electoral Act to provide for an electoral system that makes Members of Parliament accountable to defined constituencies on a proportional representation and constituency system for national elections.
- There will be significant ongoing work related to the implementation of the Global Compact on Migration, African Union (AU) vision 2063 and the country's Policy on International Migration as well as significant amendments to the Refugees and Immigration Acts.
- The Committee will need to oversee the completion of the advanced printing facilities at the GPW in Pretoria to prepare for the phasing out of the green ID book and full roll out of the smart ID card as well as the introduction of E-passports and potential African Passports (introduced by the AU).
- The Committee will need to monitor the implementation of the recommendations of its Budget Review Reports as well as the Inquiry into Early Naturalisation.

4. Key challenges emerging

- The busy legislative and ad hoc inquiry schedule of the Committee hampered its oversight visits, and inhibited plans to visit all provinces in the 5 year term.
- Repeated declined applications combined with budget constraints for study tours limited the international perspective of the Committee on migration, electoral and civic affairs.

- A lengthy period with an Acting Chairperson, delayed key legislative and oversight decisions.
- The busy schedule of the Committee lead to the repeated delay of the adoption of minutes and reports of the Committee.

5. Recommendations

- The Committee reaffirms the need to address continued significant constraints on the cost of employment budget of the DHA which is a threat to the efficiency and security of essential DHA services to citizens as well as visitors in South Africa.
- Adoption of minutes and reports to form a monthly part of the programme of the Committee.
- Consider the important international implications of the work of the PCHA in consideration of applications for study tours.
- Appoint Committee Researcher and process the renewal or replacement of a Content Advisor for the Committee before January 2020.
- Monitor Implementation of the relevant High Level Panel Recommendations.
- Monitor implementation of recommendations emanating from the Inquiry into early Naturalisation.
- Monitor outstanding Budget Review Report Recommendations.
- Monitor long term outstanding litigation and related contingent liabilities.
- Proactively monitor the procurement and renewal processes of contracts under the DHA and investigations of related irregularities particularly in relation to Visa Facilitation Services (VHS) the National Identification System by EOH and the Fixed Based Operator under Fireblade Aviation at OR Tambo international Airport.

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1. Introduction

1.1 Department/s and Entities falling within the committee's portfolio

The Medium-Term Strategic Framework (MTSF) for the 2014-2019 electoral term stipulates the 14 Outcomes to be achieved. The priorities that relate to the Home Affairs portfolio are as follows:

Name of Department / Entity	Role of Entity
Department of Home Affairs (DHA)	<ul style="list-style-type: none"> • All people in South Africa are and feel safe • Creating and retaining decent employment • Efficient effective and development orientated public service • Nation Building and Social Cohesion
The Electoral Commission of South Africa (IEC)	<ul style="list-style-type: none"> • To manage elections of national, provincial and municipal elections in accordance with national legislation • To ensure that those elections are free and fair; and • To declare the results of those elections within a period that must be prescribed by national legislation
The Government Printing Works (GPW)	<ul style="list-style-type: none"> • To provide security printing to the state • To deliver equitable information to the public; and • To disseminate government information through technology, innovation and service

Name of Department / Entity	Role of Entity
Department of Home Affairs (DHA)	<ul style="list-style-type: none"> • All people in South Africa are and feel safe • Creating and retaining decent employment • Efficient effective and development orientated public service • Nation Building and Social Cohesion
	excellence

1.2 Functions of committee:

Parliamentary committees are mandated to:

- Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.
- Process and pass legislation.
- Facilitate public participation in Parliament relating to issues of oversight and legislation.

1.3 Method of work of the committee (if committee adopted a particular method of work e.g. SCOPA.)

In addition to the regular engagement with the DHA on their plans, challenges, quarterly performance and budgets, the Committee, in 2017 initiated a similar process for the GPW and IEC in order to monitor in year performance and identify challenges early on.

Although it is a national competency; the DHA has nine provincial offices, each with a Provincial Manager accounting to the Head Office in Pretoria. Each year since 2015, before the tabling of the Annual Report by the Department of Home Affairs, the Committee invites all the nine Provincial Managers to brief the Committee on the state of their provinces. This not only helps the Committee assess the relevance of the Annual Report but also more locally specific issues which in turn have informed the formulation of legislation and improving oversight.

1.4 Purpose of the report

The purpose of this report is to provide an account of the Portfolio Committee on Home Affairs (PCHA) work during the 5th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Home Affairs (DHA) and its entities (IEC and GPW).

This report provides an overview of the activities the committee undertook during the 5th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 6th

Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee’s oversight and legislative roles in future.

2. Key statistics

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 5th Parliament:

Activity	2014	2015	2016	2017	2018	2019	Total
Meetings held	12	21	24	28	29	<u>5</u>	14
Legislation processed	None	2	3	2	3	<u>2</u>	10
Oversight trips undertaken	2	1 (2)	0	1	1	<u>1</u>	5 (2) ¹
Study tours undertaken	None	None	None	None	None	<u>None</u>	None
International agreements processed	None	None	None	None	None	<u>None</u>	None
Statutory appointments made	None	1	1	None	3	<u>None</u>	5
Interventions considered	None	None	None	1	None	<u>None</u>	1
Petitions considered	None	1	None	None	None	<u>None</u>	1

3. Stakeholders:

Apart from the DHA, GPW and IEC, the PCHA has regular interactions with the Office of the Auditor General and the State Law Advisor and through its seminars and public hearings has interactions with several stakeholders including:

¹ PCHA formed part of the Ad Hoc Committee on Violence Against Foreigners and Security Cluster Committees Joint oversight to Borders.

Government

- National Treasury
- Department of Police
- Department of International Relations and Cooperation
- Department of Defence
- Department of Telecommunications
- Department of Public Works
- Department of Justice and Constitutional Development
- [The Portfolio Committee on Tourism](#)
- [The portfolio Committee on Police](#)
- [The Portfolio Committee on International Relations](#)
- [The Select Committee on Social Services](#)

Non-Government

- Consortium for Refugees and Migrants in South Africa
- The Centre for Child Law
- Centre for Constitutional Rights
- Commission on Gender Equality
- Lawyers for Human Rights
- Business Unity South Africa
- The Institute for Global Dialogue
- Africa Institute of South Africa
- The Institute for Security Studies
- Scalabrini Centre for Human Mobility in Africa
- University of Cape Law Clinic
- The United Nations High Commissioner for Refugees

4. Briefings and/or public hearings

An Inter-Ministerial Committee (IMC) made recommendations in relation to the unintended consequences of the immigration regulations in 2015, in part in response to a Petition by Hon. De Vos, to suspend certain regulations for 12 months. The Committee received an update on progress in this regard in 2016: Implementation of the IMC recommendations were reported to have been divided into three phases: immediate phase, short-term implementation phase, and long term implementation phase. The immediate phase was implemented from 1 November 2015 to 31 January 2016. The short term implementation phase was managed from 1 November and was expected to be finalised by 31 October 2016. The long-term implementation phase was managed from 1 November 2015 and was expected to be completed by 31 March 2017 and beyond. Members felt that the DHA should do more to ensure the security of South African citizens and this could be achieved by ensuring that all travellers' biometrics were captured, that there were reliable network connections, and that there were sufficient human resources. The DHA should balance the need for economic growth with national security when introducing stringent measures. The recent new measures had had an impact on the tourism industry and seriously affected the South African economy.

The two amendments to both the Immigration and Refugees' Acts in the period under review, each solicited between 10 and 20 public written submissions and oral participation particularly from Human Rights and Migration focussed stakeholders. In contrast the 2018 Civil Union Amendment Bill generated 568 submissions, primarily from those in favour of universal application of same sex civil unions by all designated DHA officials.

The Portfolio Committee on Home Affairs was requested by the House Chairperson to investigate the granting of early citizenship to the Gupta family. The DHA briefed the Committee on the early naturalisation of the Gupta family. In the engagement with the Department, it was agreed that additional information was required from the DHA, especially on the family investments and charitable contributions. In 2018, 13 out of the Committee's 29 meetings dealt with the matter of early naturalisation. Since June 2017, the Committee met 17-21 times on this including 6 times with the former DG, 3 times with the current Minister thus far, once with a former Minister, twice with the Deputy Minister, twice with the new DG and with 9-11 other respondents. Since commencing the inquiry, the PCHA has had 22 meetings dealing with the matter of early Naturalisation/State capture related to the Gupta family and associates including 6 times with the former DG, 5 times with different Ministers of Home Affairs, thrice with the Deputy Minister, twice with the new DG and with 11 other respondents. The PCHA considered over 1300 pages of submitted evidence and hundreds of emails. The final report with recommendation was tabled on 14 March 2019.

~~The Committee Section is in the process of transcribing these meetings and considering over 1300 pages of submitted evidence and hundreds of emails before 2 final meetings in early December 2018.~~

5. Legislation

The following pieces of legislation were referred to the committee and processed during the 5th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not
2015/16	Refugees Amendment Act 10 of 2015	75	To amend the Refugees Act, 1998, so as to confer discretion upon the Refugee Appeals Authority to allow the public and media access to its proceedings in the appropriate cases.	completed
	Local Government: Municipal Electoral Amendment Act 1 of 2016	75	To define an expression and to amend a definition; to amend provisions relating to the nomination of candidates; to provide for the electronic submission of candidate nomination documents; to provide for different modalities for payments of electoral deposits; to provide for the notification of interested parties where a candidate has been nominated by more than one person; to clarify the circumstances in which new ballot papers may be issued to voters; and to clarify the provisions relating to the determination and declaration of the results of by-elections	completed
2016/17	Immigration Amendment Act 8 of 2016	75	To provide for an adequate sanction for foreigners who have overstayed in the Republic beyond the expiry date on their visa.	completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not
	Border Management Authority Bill 9 of 2016	75	Establishment, organisation, regulation, functions and control of the Border Management Authority; to provide for the appointment, terms of office, conditions of service and functions of the Commissioner and Deputy Commissioners; to provide for the appointment and terms and conditions of employment of officials; to provide for the duties, functions and powers of officers; to provide for the establishment of an Inter-Ministerial Consultative Committee, Border Technical Committee and advisory committees; to provide for delegations; to provide for the review or appeal of decisions of officers; to provide for certain offences and penalties; to provide for annual reporting; to provide for the Minister to make regulations with regard to certain matters.	not completed
2017/18	Refugee Amendment Act 11 of 2017	75	To include further provisions relating to disqualification from refugee status; to provide for integrity measures to combat fraud and corruption among staff members at Refugee Reception Offices, the Standing Committee and the Refugee Appeals Authority; to omit provisions referring to the Status Determination Committee; to substitute certain provisions relating to the Refugee Appeals Authority; to provide for the re-establishment of the Standing Committee for Refugee Affairs and to confer additional powers on the Standing Committee; to confer additional powers on the Director-General; to clarify the procedure relating to conditions attached to asylum seeker visas and abandonment of applications; to revise provisions relating to the review of asylum applications; to provide for the withdrawal of refugee status in respect of categories of refugees; to provide for additional offences and penalties.	completed
2018/19	Civil Union Amendment Bill 11 of 2018	75	To amend the Civil Union Act, 2006, by repealing a section 6 which allows for civil servant to opt out of officiating same sex unions;	To be completed
	Draft Immigration Amendment Bill	75	To insert a definition; to revise and align the provisions relating to the detention of illegal foreigners for purposes of deportation with constitutional principles; to provide for further extensions of detention of an illegal foreigner in certain circumstances; to provide guidance to an immigration officer as to when he or she may arrest and detain an illegal foreigner for purposes of deportation	To be completed Withdrawn
	Electoral Amendment Bill	75	To apply a single standard of identification to all South African voters; to provide for increased geographical coverage of registration and	Completed/ withdrawn

Year	Name of Legislation	Tagging	Objectives	Completed/Not
			voting stations in foreign countries with significant numbers of eligible voters; to provide for voting to take place on weekends; to provide for time zones to be taken into account when setting deadlines for receipt and counting of votes from citizens ordinarily resident at a place outside the Republic; to provide for special votes in elections for a provincial legislature of persons ordinarily resident outside the Republic	
	Electoral Laws Amendment Bill 33 of 2018	75	<p>To amend the—</p> <ul style="list-style-type: none"> ● Electoral Commission Act, 1996, so as to provide for the use of all available sources of data to obtain information necessary for the Commission to compile and maintain the national common voters' roll; to provide for the electronic submission of party registration applications; to provide for the exclusive jurisdiction of the Electoral Court to adjudicate intra-party leadership disputes that have an impact on the Commission's preparation for elections; to provide for the prohibition of the use of the name and its acronym, logo, designs or electoral material used or owned by the Commission; and ● Local Government: Municipal Electoral Act, 2000, so as to regulate the publication of, and objections to, a provisionally compiled voters' roll ahead of elections, in order to establish a structured process of resolving these objections without jeopardising the preparation for elections; to provide for the prohibition of the use of public finances to fund party political campaigns. ● Electoral Act 1998, so as to revise the existing provisions relating to voter registration, voters' roll, voting districts and voting procedure; to regulate the publication of, and objections to, a provisionally compiled voters' roll ahead of elections in order to establish a structured process for resolving these objections without jeopardising the preparations for elections; to clarify that the election timetable may include any matter authorised in terms of the Electoral Act; to clarify that the voter's roll to be used in an election must be that certified by the chief electoral officer for that election; to clarify that the cut-off date for the registration of voters for an upcoming election must be the date of proclamation of an election date; to provide for the chief electoral officer to notify the relevant parties where a candidate's name appears on multiple party lists and to afford such 	To be completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not
			parties an opportunity to substitute that candidate and re-order their party lists; to repeal the requirement that the identity document of a voter must be stamped as proof of voting; to provide for different voting procedure for voters without addresses on the voter's roll; to provide for the circumstances under which an agent may object to a voter whose name appears on the segment of the voters' roll for the voting district in which the voting station is located; to limit the class of persons who may apply for accreditation to provide voter education for an election to juristic persons; to align the provision regarding the circumstances in which new ballot papers may be issued to voters with the provisions of the Local Government: Municipal Electoral Act, 2000.	

a) Challenges emerging
 The following challenges emerged during the processing of legislation:

- The Border Management Authority Bill 9 of 2016 reached an impasse in the NCOP due to concerns primarily from National Treasury.

b) Issues for follow-up
 The 6th Parliament should consider following up on the following concerns that arose:

- The Draft Immigration Amendment Bill 2018 is pending further engagement with Stakeholders by the Department on its implementation and may rather form part a comprehensive overhaul of the Act planned by the DHA for the 2019/20. The Committee should ensure that constitutional court rulings leading to the Bill are effected by July 2019.
- Alternative legislation may need to be considered by the DHA in the absence of the passing of the BMA bill.

6. Oversight trips undertaken

The following oversight trips were undertaken:

Date	Area	Objective	Recommendations	Responses	Follow-up
16 Sep 2014	Barrack street large office Western Cape Report not adopted	To assess: <ul style="list-style-type: none"> The queue management system. The Live Capture functionality for passports & Identity Smart Card. Clients satisfaction & to assess service delivery, & Asylum seeker management. 	<ol style="list-style-type: none"> That the Minister of Home Affairs should ensure that the roll out the Live Capture functionality at other offices of the Department of Home Affairs was done as soon as possible. This would limit the number of people coming to Barrack Street office, especially on Tuesdays. That the Minister of Home Affairs should ensure sufficient resources for the Cape Town Large office, particularly for the roll out of the ID Smart Card. That the Minister of Home Affairs should meet with SITA to reduce internet downtimes, given that many clients have to travel some distance to apply for ID Smart Cards only to find that the system is not working. That during the renovations, there should be little or no disruptions to the services rendered. 	<ol style="list-style-type: none"> Live capture rolled out to more Western Cape offices Resources increased Several engagements with SITA & issues still occur. Noted. 	Ongoing engagement with DHA & SITA on down times
23-26 Nov 2014	Gauteng Report Adopted 12 May 2015	Oversight over the DHA, GPW & IEC	<ol style="list-style-type: none"> The DHA should consider creating or looking for new Headquarters for the DHA with adequate accommodation for all staff & the Ministry. The Department should consider partitioning the Command Centre & the Help Desk. The DHA should ensure that the Batho Pele principle posters are on the wall of the offices. The DHA should ensure that improvements, renovations & decorations are made to the building to improve its suitability for staff. The DHA should upgrade its IT systems as a matter of urgency. The Minister of Home Affairs & the DHA should consider moving the Marabastad Reception Centre to 	<ol style="list-style-type: none"> DHA Headquarters upgraded by DPW but still not adequate. Done Done Done in part In process Centre Upgraded & renamed 	1. Report on Headquarters status needed.

Date	Area	Objective	Recommendations	Responses	Follow-up
			<p>a place where it would be more appropriate to handling of asylum seekers.</p> <p>7. The DHA should make sure that the Centre has adequate working air-conditioning.</p> <p>8. The DHA should ensure that there is sufficient security to manage crowds at the Marabastad Refugee Reception Centre.</p> <p>9. The DHA should ensure that the perimeter fence is attended to as a matter of urgency with regard to ensuring the security & safety of asylum seekers while inside the Centre.</p> <p>10. The DHA should ensure that the computers at Marabastad are upgraded as a matter of urgency.</p> <p>11. The DHA should consider the continued use of TIRRO given the current demands & if so invest in improving the working conditions & consider renovating the facility.</p> <p>12. The Ministers of Home Affairs & 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.</p> <p>13. The GPW should pay attention to the high vacancy rate.</p> <p>14. The Electoral Commission should re-evaluate if its current electric power arrangements are sufficient to cope with all possible risk scenarios.</p> <p>15. The DHA should ensure that the rooms at Lindela Repatriation Centre have an additional toilet & a shower for the inmates</p> <p>16. The DHA should ensure that the beds & blankets should be numbered & that the upper beds have a step ladder.</p> <p>17. The DHA should continue to make offices available & an open invitation at the Centre available to the South African Human Rights Commission.</p>	<p>7. Done in part</p> <p>8. Improved</p> <p>9. Done</p> <p>10. Done</p> <p>11. Centre closed after project</p> <p>12. Upgrades to facility addressed issues.</p> <p>13. Conversion to State owned company commenced but decided against.</p> <p>14. Implemented.</p> <p>15. Noted by contactor.</p> <p>16. Noted by contactor</p> <p>17. Office set up for HRC.</p>	<p>Monitor implementation of GPW special dispensation</p>

Date	Area	Objective	Recommendations	Responses	Follow-up
			<p>18.The DHA should ensure that the immigration law is implemented & intervene where there unintended consequences.</p> <p>19.The DHA should fast-track the implementation of the Border Management Agency to improve immigration management.</p>	<p>18. Act amended twice</p> <p>19. Bill commenced but stalled at NCOP.</p>	BMA alternatives to be considered
21 - 24 July 2015	Northern Cape Report Adopted 18 August 2015	The purpose of the visit was to conduct oversight to the ports of entry & offices of the DHA to see if it has capacity to deliver services.	<p>Citizen Services</p> <p>1.More proactive communication & engagement with communities around Upington is need to encourage them to apply for & collect Smart ID Cards.</p> <p>2.The lack of public transport & long distances between service points requires that the province have more access to vehicles to provide services to communities.</p> <p>3.Better security measures are needed for safeguarding of uncollected Smart ID Cards, Identity Documents & Passports behind the counters at Upington office during office hours.</p> <p>4.The uninstalled scanner & metal detector in the Upington Office must be installed as soon as possible.</p> <p>5.Within the context of national staff shortages, the DHA should nonetheless consider the significant need to address human resource constraints in the Northern Cape.</p> <p>6.Civic & Immigration Officials should be provided with new uniforms as a matter of urgency.</p> <p>7.A methods needs to found to better specify the number of children in each province with passports that could need UBCs, in order to improve planning.</p> <p>8.A more efficient method for keeping mobile offices fully functional is needed in Northern Cape.</p> <p>Immigration Services</p> <p>9.The security & passport control of the railway line crossing the international border at Nakop needs to be significantly improved.</p> <p>10.The Memorandum of Understanding between the DHA & SanParks concerning the residential accommodation of the officials at Twee Rivieren port of entry needs to be finalised.</p> <p>11.The operating hours of Home Affairs need to be aligned with that of SanParks at Twee Rivieren port of</p>	<p>1. Stakeholder Forums improved</p> <p>2. Cars procured & mobile units improving</p> <p>3. Noted by office</p> <p>4. Done</p> <p>5. Ongoing challenge</p> <p>6. Partially addressed</p> <p>7. Uncertain</p> <p>8. Mobile unit procurement process being finalised.</p> <p>9. No report as yet</p> <p>10. No report as yet</p> <p>11. No report as yet</p>	<p>Get report on cars & mobile units.</p> <p>Get report on staff shortages by province</p> <p>Follow up on Nakop rail security.</p> <p>Follow up report on outstanding issues.</p>

Date	Area	Objective	Recommendations	Responses	Follow-up
			<p>entry to address operational challenges.</p> <p>12. Provision needs to be made for boardrooms & storage space in the infrastructure plans of ports of entry.</p> <p>13. The Rietfontein port of entry infrastructure & accommodation is inadequate & needs upgrading to more permanent structures.</p> <p>14. The roll-out of the eMCS to Gemsbok & other ports of entry needs to be prioritised.</p> <p>15. The contracts of Home Affairs appointed cleaners need to be re-evaluated at border posts where RAMP cleaning services are present.</p> <p>16. More substantial medical provisions should be provided for isolated ports such as Nakop.</p> <p>17. Targets should rather be set for the number of inspections to be conducted rather than amounts of persons detained or deported in order to improve security & reduce wrongful detention.</p>	<p>12. No report as yet</p> <p>13. Not implemented</p> <p>14. eMCS national rollout commenced</p> <p>15. No report as yet.</p> <p>16. No report as yet</p> <p>17. Addressed in plans.</p>	<p>Outstanding issues to be addressed in engagement with Provincial managers.</p>
1 - 4 Aug 2017	Eastern Cape Report Adopted 17 Oct	<p>The oversight was conducted due to complaints of undocumented children & in part based on a complaint made by a community member, who alleged that the DHA officials at Sterkspruit were ill-treating people who come for services. While in that area, the Community had a meeting with the DHA Stakeholder Forum, the Senqu Local Municipality, Walter Sisulu Local</p>	<p>1.The DHA should consider deploying more Immigration Inspectorate in & around Sterkspruit to deal with the undocumented foreign nationals.</p> <p>2.The DPW should expedite getting office space on behalf of the DHA.</p> <p>3.In instances where the DHA office is closed by the DoL, the DHA should immediately deploy mobile offices so that services to the community are not interrupted.</p> <p>4.The DHA should encourage community members to work through the DHA Stakeholder Forum.</p> <p>5.The issue of fraudulent documents for foreign nationals should be dealt with by the DHA & the DHA Stakeholder Forum.</p> <p>6.DHA Stakeholder forums should not be headed by persons holding political office.</p> <p>7.The DHA should consider to negotiate with the DoH to come from East London on specific dates to conduct several paternity tests given the distances from rural areas.</p> <p>8.The DHA should have scheduled deployment of mobile</p>	<p>1. Improved</p> <p>2. In progress</p> <p>3. Noted by DHA</p> <p>4. Improved Stakeholder forums</p> <p>5. Improved stakeholder forums</p> <p>6. Noted by DHA</p> <p>7. Noted but not implemented yet</p> <p>8. No progress reported</p> <p>9. No report received yet.</p> <p>10.No report received yet.</p>	<p>Outstanding issues still to be addressed in engagement with Provincial managers.</p>

Date	Area	Objective	Recommendations	Responses	Follow-up
		Municipality, a public meeting at Gcina Village, visited the Burgersdorp Small office, the Aliwal North Medium Office, Telle Bridge Port of Entry between South Africa & Lesotho & Mpilisweni Hospital.	<p>offices to Jamestown, Steynsburg & Venterstand where there are no DHA offices & arrange scheduled visits to farms to provide services.</p> <p>9. The DHA should negotiate & motivate for expanded office space in Burgersdorp & strengthen the office security.</p> <p>10. Hospitals should include DHA in their discharge checklist for births registration as part of their procedures.</p> <p>11. DHA should embark on a vigorous awareness campaign on the impact of renting out their identity documents.</p> <p>12. DHA should negotiate on the exemption of paternity test costs for the indigent.</p>	<p>11. Noted by DHA</p> <p>12. No progress reported.</p>	Outstanding issues still to be addressed in engagement with Provincial managers.
31 Aug 2018	Gauteng Report not yet Adopted	Assess Fireblade Aviation in relation to court case on an ad hoc international customs & immigration service 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	<p>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.</p> <p>2. 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.</p> <p>3. 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.</p> <p>4. The DHA should consider installing a camera focussing outside the entrance of the Desmond Tutu Refugee Reception Office.</p> <p>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</p>	<p>1. Matter followed up with DHA and deadline set for MOU by end of 2018.</p> <p>2. To be monitored.</p> <p>3. Case initiated.</p> <p>4. Noted by DHA.</p> <p>5. SAPS engaged and issues noted.</p>	Monitor performance in relation to Fireblade FBO

- Low refugee Status granting rate to be monitored.

7. Study tours undertaken

None of the applications for study tours by the Committee were approved.

a) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- Other Committees received repeated priority over the PCHA for study tours.
- Limited Budget should be directed to Committees which have not yet had study tours.
- International Counterparts were not available to engage at times in which the PCHA were permitted by Parliament to travel.

8. International Agreements

No international agreements needed to be adopted by the Committee.

9. Statutory appointments

The following appointment processes were referred to the committee and the resultant statutory appointments were made:

Date	Type of appointment	Period of appointment	Status of Report
2015	Electoral Commissioner	2015 to 2020	Adopted
2016	Electoral Commissioner	2016 to 2021	Adopted
2018	3 Electoral Commissioners	November 2018 to 2023	Adopted

a) Challenges emerging

The following challenges emerged during the statutory appointments:

The short list for the 2016 Electoral commissioners from the Chief Justice did not have sufficient women to offer a choice in filling the gender equity within the commission and thus had to be re-submitted to the committee.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

New appointment of electoral commissioners will need to be done in 2020, 2021

10. Interventions

The following interventions were referred to and processed by the committee:

Title	Date referred	Current status
Allegations of State Capture and Early Naturalisation of the Gupta Family	15 June 2017	After numerous meetings and significant information gathered; the inquiry established by the Committee is in Phase 2 engaging with identified informants. Two further informants could only be scheduled for engagement in early December due to being abroad. The final report is envisaged to be adopted in early 2019.

a) Challenges emerging

The following challenges were experienced during the processing of interventions:

- Unavailability and resignations and/or reappointments and reliance on long term acting capacity of several key participants delayed inquiry process.
- Limited Staff capacity to analyse and compile large amounts of evidence gathered has also delayed finalisation.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- Some of the recommendations of the final report will need to be monitored by the Committee going forward.

11. Petitions

The following petitions were referred to and considered by the committee:

Title	Date referred	Current status
Petition for 12-month suspension of certain immigration provisions to conduct regulatory impact assessment	22 October 2015	Inter-Ministerial Committee (IMC) made recommendations in relation to the unintended consequences of the immigration regulations, in 2015. The long-term implementation phase was managed from 1 November 2015 to be completed by 31 March 2017 and beyond.

a) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- The DHA should balance the need for economic growth with national security when introducing future Immigration Regulations. The impact on the tourism industry and the South African economy will need to be considered during amendments to the Immigration Act in 2019.

12. Obligations conferred on committee by legislation:

As specified by section 5 of the Money Bills Amendment Procedures and Related Matters Act (MBAP) of 2009, the National Assembly, through its Committees, must annually assess the performance of each national department. A Committee must submit the Budgetary Review and Recommendation Report (BRRR) annually to the National Assembly which assesses the effectiveness and efficiency of the department's use and forward allocation of available resources and may include the recommendations on the use of resources in the medium term.

The Committee must submit the BRRR after the adoption of the budget and before the adoption of the reports on the Medium Term Budget Policy Statement (MTBPS) by the respective Houses in November of each year. The Committee were briefed by the Auditor General (AG) and Department of Home Affairs on the 2017/18 Annual Reports on 11 October 2018. This was followed by the Electoral Commission (IEC) and the Government Printing Works (GPW) 2017/18 annual reports in the afternoon. The Portfolio Committee on Home Affairs (the Committee), considered its draft BRRR on 16 and 23 October and adopted the final report on 24 October 2018.

a) Challenges emerging

The following challenges emerged during Implementation of Budgetary Review and Recommendation Reports:

- Follow up of previous years outstanding issues can still be improved upon.

- There is insufficient meeting time to address in person all issues raised in the report as well as whatever current issues emerge in a given year.
- Budget analysis quality and monitoring was compromised due to the non-filling of a long term vacancy of a Researcher for the Committee.

b) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

Continue to monitor BRRR recommendations according to set deadlines throughout the year.

13. Summary of outstanding issues relating to the department /entities that the committee has been grappling with

The following key issues are outstanding from the committee's activities during the 5th Parliament:

Responsibility	Issue(s)
Oversight Visits	Provincial oversight was not conducted as planned in Free State, Kwazulu Natal, Mpumalanga, Limpopo and North West
Two International Study Tour	Two planned Study Tour were not authorised on International Best practice related to Migration, Elections and Documentation as well as joining proposed Agenda for African Electoral Oversight missions.

14. Other matters referred by the Speaker/Chairperson

The following other matters were referred to the committee and the resultant report was produced:

Date of referral	Expected report date	Content of referral	Status of Report
31 May 2018	The High Level Panel recommendations were reported on in October 2018 but some issues remain to be addressed	<ol style="list-style-type: none"> 1. Parliament should consider providing Chapter 9 institutions with appropriate resources. 2. Parliament should consider having regular annual mandatory dedicated parliamentary social cohesion forums with the relevant departments and stakeholders to obtain feedback from departments and input from the public on progress with the implementation of legislation relating to foreign nationals 3. Parliament should ensure that the rights of refugees, immigrants and stateless persons, especially children, are better protected 4. by providing a legal immigration status to unaccompanied migrant children placed in 	To be adopted by Committee in 2019

Date of referral	Expected report date	Content of referral	Status of Report
		<p>the care system; and by providing legal immigration status to stateless persons.</p> <p>5. Parliament should follow up on the implementation of recommendations in all key reports on xenophobia and ensure that steps are taken to improve implementation of the Immigration Act 13 of 2002 such as considering the need to strategically manage migration at all levels to promote national and regional development and by considering the need to balance concerns regarding migration with human rights and the rule of law.</p> <p>6. Parliament should use its powers to introduce legislative changes to the South African Citizenship Act 88 of 1995 to ensure that children of foreign nationals are not discriminated against, including amending the Act by deleting the requirement of birth registration as a prerequisite for acquiring nationality for children based on discriminatory grounds</p> <p>7. Parliament should use its powers to introduce legislative changes to the Alteration of Sex Description and Sex Status Act 49 of 2003 to remove any discrimination against any individual who has undergone a sex change and wants to change their sex on their identity documents , to bring clarity on the application of the Act to asylum seekers and refugees, and either to include a section in the Act specifying regulations to direct implementation of the Act, or ensure the development and public availability of directives and standard operating procedures.</p> <p>8. Parliament should amend the Electoral Act to provide for an electoral system that makes Members of Parliament accountable to defined constituencies on a proportional representation and constituency system for national elections.</p>	

b) Challenges emerging

The following challenges emerged during the processing of the referral:

- The busy legislative schedule of the Committee as well as the lengthy state capture inquiry meant that even the regular oversight work of the committee let alone the HLP recommendations were not all addressed.

c) Issues for follow-up

The 6th Parliament should consider following up on the following concerns that arose:

- Consideration of all outstanding HLP recommendations as a matter of urgency in the Committees Annual Plans

- Await Court Ruling on the urgency of amending the Electoral Act to include a defined constituency system at National Level elections.

15. Recommendations

- The Committee reaffirms the need to address continued significant constraints on the cost of employment budget of the DHA which is a threat to the efficiency and security of essential DHA services to citizens as well as visitors in South Africa.
- Adoption of minutes and reports to form a monthly part of the programme of the Committee.
- Consider the important international implications of the work of the PCHA in consideration of applications for study tours.
- Appoint Committee Researcher and process the renewal or replacement of a Content Advisor for the Committee before January 2020.
- Consistent budgetary and employee number limitations have significantly affected the service delivery capacity of the DHA and will need innovative solutions and consistent encouragement by the Committee in its Budgetary Recommendation and other reports.
- Monitor Implementation of the relevant High Level Panel Recommendations.
- Monitor implementation of recommendations emanating from the Inquiry into early Naturalisation.
- Monitor outstanding Budget Review Report Recommendations.
- Monitor long term outstanding litigation and related contingent liabilities.
- Proactively monitor the procurement and renewal processes of contracts under the DHA and investigations of related irregularities particularly in relation to Visa Facilitation Services (VHS) the National Identification System by EOH and the Fixed Based Operator under Fireblade Aviation at OR Thambo international Airport.
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16. Committee strategic plan

Main Tasks	Activities	Targets	KPI	Responsibility
1. Enhanced ability of Parliament to exercise its legislative power through	• Amend legislation <i>Actions</i>	1.Legislation amended	Comprehensive & timely action according to planning requirements.	Committee

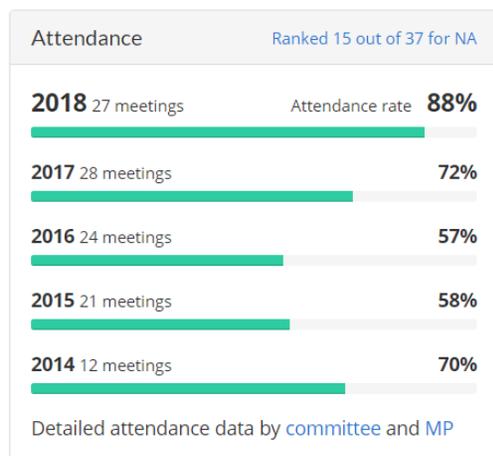
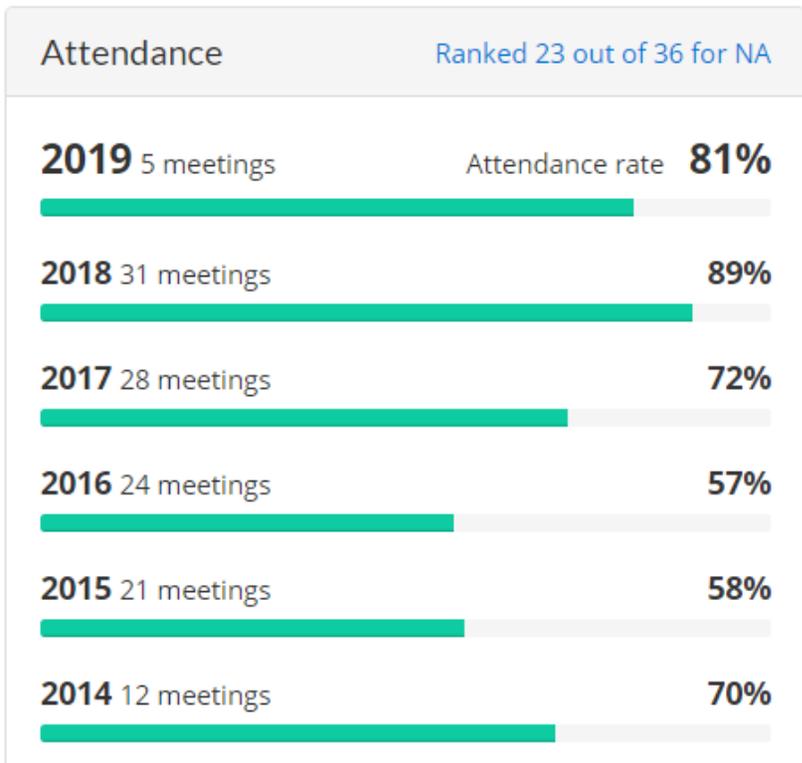
Main Tasks	Activities	Targets	KPI	Responsibility
<p>consolidation & implementation of integrated legislative processes by 2019.</p> <p>Legislation to be Introduced:</p> <p>1. Committee Refugee Amendment Bill</p> <p>2. Refugee Amendment Bill 2015/16</p> <p>3. Border Management Agency Bill 2015/16</p> <p>4. State Printers Bill 2016</p> <p>5. Local Government Municipal Electoral Amendment Bill 2015</p> <p>6. Draft Immigration Policy 2016</p> <p>South African Law Reform Commission (SALRC) Recommendations 2016-2020.</p>	<p>Briefings by Departments</p> <p>Research conducted</p> <p>Committee deliberation</p> <p>Formal consideration (vote)</p> <p>• Conduct public hearings</p> <p><i>Actions</i></p> <p>Advertisements</p> <p>Information materials</p> <p>Transport</p> <p>Report on inputs (research service)</p> <p>• Table reports</p> <p><i>Actions</i></p> <p>Drafting of report</p> <p>Tabling of report</p>	<p>2. Public hearings conducted</p> <p>3. Reports tabled</p> <p>4. Monitor implementation of Act through timely tabling of regulations.</p>	<p>Reports on processed legislation to be tabled & adopted as a matter of priority over other activities of the committee.</p> <p>Immigration Policy Debated.</p> <p>Engage with Department of Justice on regulations for appointing single Electoral Commissioners.</p> <p>Monitor & Engage DHA on implementation of SALRC recommendations.</p>	<p>Committee</p> <p>Committee & Department of Justice</p> <p>Committee</p>
<p>2. Enhance Parliament's oversight and accountability over the work of the Executive to ensure implementation of the objectives of the Medium Term Strategic Framework (MTSF) 2014-2019: Including the DHA, GPW & IEC:</p> <ul style="list-style-type: none"> All people in South Africa are and feel safe Creating and retaining decent employment Efficient effective and development orientated public service Nation Building and Social Cohesion 	<p>For each of the bullets below conduct the following</p> <p>Briefings</p> <p>Analyse budget</p> <p>Formulate recommendations or programmes</p> <p>Drafting of report</p> <p>Tabling of reports</p> <p>• Scrutinise Strategic Plans, Presidential speeches, Ministerial speeches, Gov Fiscal review, Policy doc's</p> <p>• Scrutinise ENE/</p>	<p>5. Strategic Plans scrutinised</p> <p>6. Budget allocation scrutinised</p>	<p>Issues identified & questioned/ resolved.</p> <p>Departmental Events Attended.</p> <p>April-May yearly</p> <p>February-September yearly</p> <p>Budget Review & Recommendation Reports in October yearly</p>	<p>Committee</p> <p>Committee and DHA, IEC, GPW</p> <p>Committee and DHA, IEC, GPW</p> <p>Committee and DHA, IEC, GPW and AG</p>

Main Tasks	Activities	Targets	KPI	Responsibility
State of the Nation Address (2015) <ul style="list-style-type: none"> Attract Foreign Skills Establishing a Border Management Agency (BMA) Improved Access to Smart Identity Documents Eradicate racism and all related intolerances The Nine Point Plan to Ignite Growth and Create Jobs. The Anti-Corruption Inter-ministerial Committee. 	MTEF/ budget allocations <ul style="list-style-type: none"> Scrutinise briefings & reports Scrutinise Annual Reports Conduct site visits 	7. Briefings & reports scrutinised 8. Annual Reports scrutinised 9. Site visits conducted. Period each year: Early February. End of July. End of November.	Ongoing including Auditor General Findings September yearly Two Local Oversight trips per Annum Priority Northern Cape & Western Cape. Two International Trips in 5 years on Focussing on Electronic Voting (Namibia), Smart IDs, E-voting and VFS for e-governance services (India).	Committee and DHA Committee and International Role-players
3. Enhanced public involvement in the processes of Parliament to realise participatory democracy through the implementation of the public involvement model by 2019.	For each of the bullets below consider the following: <ul style="list-style-type: none"> Advertisement Event/meeting Accommodation Transport Report Review of Oversight Impact Public participation meetings Conduct public hearings Petitions etc. 		Broad advertising of public hearings & pro-active invitation of relevant Stakeholders Trouble spots visited & reports presented on public satisfaction with DHA services. 2015/16: Meeting on violence against foreigner businesses with Ministers of Home Affairs, Small Business and Police. 2016/17 Public meetings & oversight of public education initiatives. Ongoing Participation in radio & television broadcasts, publications, the website, & Parliamentary outreach projects.	Committee Committee Committee, NGOs, SALGA Committee Committee

Main Tasks	Activities	Targets	KPI	Responsibility
4. Co-operate & collaborate with other spheres of government on matters of common interest and ensure co-operative and sound intergovernmental relations	<ul style="list-style-type: none"> • Approve international agreements • Appoint public office bearers • Discharge of statutory functions / Cooperative Government • Ensure better cooperation between government bodies to improve service delivery <p>Actions Advertisement Interviews Recommendation Tabling of report</p>	10. Public office bearers appointed.	As required: February 2015 Recommend Electoral Commissioner.	Committee
		11. Report by Provincial Home Affairs Managers.	Yearly 3 rd Term	Committee
		12. DHA Cooperation with Departments of Trade & Industry & Labour on scarce skills quotas.	2015 Immigration Policy & Colloquium	Committee
		13. Engage Department of Public Works on delayed projects.	Ongoing	Committee
		14. Engage Department of International Relations and Cooperation on Audit Findings.	Ongoing	Committee
		15. International Agreements.	As needed	Committee
		16. Attend Municipal Demarcation Board joint meeting with Committee on Co-operative Governance and Traditional Affairs.	As needed	Committee, MDB and Committee on Cooperative Governance and Traditional Affairs.
17. Meeting with Department of Justice and Constitutional Development on International Crime Syndicates.	2016	Committee and DJCD		

Main Tasks	Activities	Targets	KPI	Responsibility
5. Enhanced parliamentary international engagement and co-operation	<p>Engage with relevant structures on facilitating Members of Parliament being exposed to international events.</p> <p>2016 More active international participation.</p> <p>Keep abreast of relevant international developments & fora including:</p> <ul style="list-style-type: none"> • Migration • Election Monitoring & Reform • Integrated e-Government Services 	<p>18. Members chosen to participate in Election Oversight by Parliamentary Group on International Relations</p> <p>Issues of relevance to mandate raised (directly & indirectly).</p> <p>19. Contribution to Regional Integration.</p> <p>Members informed on topics relevant to their mandate.</p>	<p>As required International Agreements Considered & Monitored in Oversight Function</p> <p>Two International Trips in 5 years: 2016 & 2018.</p> <p>Ongoing Engagement with Southern African Development Community Secretariat</p> <p>Ongoing Engagement of African Country Counterparts on Printing Passports or ballot papers by GPW.</p> <p>African Election Oversight 2015/16: Burkina Faso, Burundi, Chad, Central African Republic, Côte D'ivoire, South Sudan. 2016/17: Cape Verde, Chad, Democratic Republic Of Congo, Equatorial Guinea, The Gambia, Ghana, Niger, Republic of the Congo, Seychelles, Uganda. 2017/18: Djibouti, Guinea, Liberia, Rwanda.</p>	Committee, Speaker & International Relations.
6. Build a capable and productive parliamentary service that delivers enhanced support to Members of Parliament in order that they may efficiently fulfill their constitutional functions.	<ul style="list-style-type: none"> • Procedural advice • Legal advice • Policy advice • Research • Information requests • Minutes • Reports • Documentation 	Advice, Information or Reports provided	<p>85% within 5 days</p> <p>85% within 5 days</p> <p>85% within 5 days</p> <p>95% within time allocated</p> <p>98% within time allocated</p> <p>85% within 2 days</p> <p>85% within 5 days</p> <p>98% of requests provided</p>	Parliamentary Support Staff

17. Master attendance list



Source: <https://pmg.org.za/committee/110/>

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