



REPUBLIC OF
SOUTH AFRICA
REPUBLIQUE
D'AFRIQUE DU SUD
PASSPORT
PASSEPORT



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

REPORT OF THE REVIEW BY MINISTERIAL COMMITTEE ON THE ISSUANCE OF PERMITS AND VISAS

MINISTRY OF HOME AFFAIRS

10 June 2022

Table of Contents

<i>I. Figures and Tables.....</i>	<i>11</i>
<i>II. Abbreviations and Acronyms.....</i>	<i>14</i>
<i>III. Acknowledgements.....</i>	<i>18</i>
<i>IV. Members of the Ministerial Committee.....</i>	<i>19</i>
<i>V. Problem Statement.....</i>	<i>21</i>
<i>VI. Terms of Reference of the Ministerial Committee.....</i>	<i>25</i>
<i>1. Executive Summary</i>	<i>27</i>
1.1 Introduction	27
1.1.1 Establishing a Ministerial Committee	27
1.1.2 Purpose of the Review	27
1.1.3 Terms of Reference of the Ministerial Committee	27
1.1.4 Scope of the Review	28
1.1.5 Deliverables	29
1.1.6 Methodology.....	29
1.2 The Legislative and Regulatory Environment.....	30
1.3 South African Permitting Systems and Processes	31
1.4 The Situation Pre-2014	31
1.5 Post 2014 - Turnaround Strategy	32
1.6 Internal Audit (IA) Findings.....	34
1.7 Lack of Consequence Management.....	35
1.8 Criminal Typologies Targeting the Issuance of Visas and Permits	35
1.9 Data Analytics from the Visa and Permitting Systems and Processes	35
1.10 Review of 2004 to 2014 data	36
1.11 Data Received and Collected.....	37
1.12 Single Entity Retrieval Tool (SERT)	38

1.13	Identified Data Anomalies found in the Different Systems and Visa and Permit Types	38
1.14	Exceptions identified per visa and permit type	43
1.14.1	Permanent Residence Permits (PRP)	43
1.14.1.1	General PRP figures and trends	43
1.14.1.2	PRP approved before 5 years with no continuous period of residence	44
1.14.1.3	PRPs approved but declined previously due to false documentation submitted	44
1.14.1.4	PRP based on known patterns	44
1.14.2	Business and Corporate Visas and Permits	45
1.14.3	Critical and Exceptional Skills Visas and Permits	46
1.14.4	Study Visas	46
1.14.5	Retired Persons Visas	47
1.14.6	Citizenship by Naturalisation	48
1.14.7	PRPs with missing documentation or application forms	49
1.14.8	Naturalised people identified in NPR compared to DHA list of Naturalised People (July 2003 to June 2019)	50
1.15	General Visa/Permit Observations	51
1.15.1	Patterns identified	51
1.15.2	System Manipulation	53
1.15.3	Delays in the printing of visas	53
1.15.4	Missing control number register	54
1.15.5	Common use of cell phone numbers and email addresses	54
1.15.6	Fast processing of applications	55
1.15.7	Visa date issued way into the future	55
1.15.8	VFS/DHA email address associated to an applicant	55
1.15.9	“South Africans” applying for Visas (Asylum Cases)	56

1.16	Key Recommendations	56
1.16.1	Phase 2-Appointment of a Multidisciplinary Investigating Task Team	56
1.16.2	Technology Approaches to Resolve System and Data Security Challenges	57
1.16.3	Digitisation of all manual files	57
1.17	Concluding Remarks	58
2.	<i>Methodology</i>	59
3.	<i>Legislative and Regulatory Environment</i>	60
3.1	Visas and Permits	61
3.1.1	Immigration Act 13 of 2002	61
3.2	Study Visa.....	66
3.3	Business Visa.....	68
3.4	Critical Skills Visa	71
3.5	Retired Persons Visa	73
3.6	Corporate Visa	74
3.7	Permanent Residence Permit	76
3.8	Standard Operating Procedure – Permitting Processes (Temporary Residence Visas) (“SOP TRV”)	81
3.9	Standard Operating Procedure – Permitting Processes (Permanent Residence Permits) (“SOP PRP”)	84
3.10	Citizenship.....	84
3.10.1	Citizenship by Naturalisation.....	85
3.11	Prevention and Combatting of Corrupt Activities Act 12 of 2004	90
4.	<i>South African Permitting Systems and Processes</i>	94
4.1	Background.....	94
4.2	Home Affairs Services Operating Environment 2004-2021.....	97
4.2.1	The Situation Pre-2014	97

4.2.1.1	Application delivery methods	99
4.2.1.2	No requirement for applicants to appear in person	99
4.2.1.3	Regional Office Receipt of Applications.....	100
4.2.1.4	Postal Receipts	100
4.2.1.5	Adjudication	100
4.2.1.6	Filing Challenges	100
4.2.1.7	Issuing of Visas.....	101
4.2.1.8	Capturing and Dispatch	101
4.2.1.9	Regional Office Receipt of Application Outcomes	101
4.3	Post 2014 – Turnaround Strategy.....	101
4.3.1	People, Processes and Systems	102
4.3.2	Immigration Amendment Act, 2011	103
4.3.3	Cost Benefit Analysis	103
4.3.3.1	VFS Business Solution – Establishment of Visa Facilitation Centres	104
4.3.3.2	VFS Business Solution – Cost Implications.....	105
4.3.3.3	Modernised Online Visa Application Process at VFS	105
4.3.3.4	Functionary Roles Per Directorate.....	106
4.3.3.5	Challenges: People, Processes and Systems.....	107
4.3.3.6	General Operational Challenges in Adjudication	110
4.3.3.7	Access to other departmental systems	111
4.3.3.8	Access to other organisations/third parties.....	111
4.3.3.9	Verification of Good Cause letter	112
4.3.3.10	Visas and Permits Issued Since 2004 Prescribed Requirements for Visas and Permits.....	112
4.3.3.11	Internal Audit (IA) Findings 2018/2019 and 2019/2020	114
4.3.3.12	Internal Audits Performed in the Past Six (6) Years	115
4.3.3.13	Summary of Key IA Findings and Root Causes.....	117

4.3.3.13.1	Visa Adjudication System (VAS) 2020 – 2021	117
4.3.3.13.2	Alleged unauthorised access and unlawful activities on VAS	118
4.3.3.13.3	Four (4) Mission Audit in 2019 – 2020	119
4.3.3.13.4	Investigations in Lubumbashi and Abuja 2019-2020.....	120
4.3.3.13.5	Permitting Appeals 2019-2020	121
4.3.3.13.6	Investigation in Namibia in collaboration with Counter-Corruption and Security Branch 2019-2020.....	122
4.3.3.13.7	Visa Adjudication System (VAS) 2018 – 2019	123
4.3.3.13.8	e-Permitting System Project Governance 2018 – 2019	124
4.3.3.13.9	VFS V-Assist System 2017 -2018	126
4.3.3.13.10	Eight (8) Mission Audit in 2017 – 2018.....	126
4.3.3.13.11	Permitting Adjudication 2016 -2017	129
4.3.3.13.12	VFS Application Review 2015 – 2016	130
4.3.3.13.13	VAS Application Review 2015 – 2016	131
4.3.3.13.14	IT Networks and Systems 2016 Digital Strategy Document.....	132
5.	Findings	134
5.1.	Background	134
5.2.	Lack of adequate systems communication and integration.....	139
5.3.	People/Silos	141
5.4.	Outdated systems and methodologies used.....	141
5.5.	Information security risks	141
5.6.	Nexia SAB&T Cyber Investigation.....	144
5.7.	T200 firewall installations.....	146
5.8.	Foreign Pastors and Prophets.....	147
5.9.	Interviews with Whistle-Blowers	147
5.10.	Criminal Typologies Targeting the Issuance of Visas and Permits	150
5.11.	Data Analytics from the Visa and Permitting Systems and Processes	153
5.11.1.	Background of the Analytical Review.....	153

5.11.2.	<i>Purpose the Analytical Review</i>	154
5.11.3.	<i>Limitations of the data received</i>	154
5.12.	<i>Review of 2004 to 2014 data</i>	155
5.12.1.	<i>Digitization of manual files</i>	156
5.13.	<i>Summary of information received and analysed</i>	156
5.13.1.	<i>Single Entity Retrieval Tool (SERT)</i>	156
5.13.2.	<i>Data Received and Collected</i>	160
5.13.3.	<i>Data Quality and Completeness Findings</i>	160
5.13.4.	<i>The “Hands -Off” Production Environment Principle</i>	161
5.13.4.1.	<i>Temporary tables created within the production environment....</i>	162
5.13.4.2.	<i>Missing primary keys (gaps in sequence)</i>	164
5.13.5.	<i>Proper data transfer methodology</i>	166
5.13.6.	<i>Differences between VFS and VAS</i>	167
5.13.6.1.	<i>In VAS but not in VFS</i>	168
5.13.6.2.	<i>In VAS applicants database but no associated application</i>	171
5.13.6.3.	<i>Passport number differences between VAS and VFS for same applicant</i>	172
5.13.7.	<i>Loss in data prevention controls</i>	173
5.13.8.	<i>Visa Adjudication System (VAS)</i>	174
5.13.9.	<i>Track and Trace (TnT)</i>	176
5.13.10.	<i>Visa Facilitation Services (VFS) System</i>	179
5.13.11.	<i>Movement Control System (MCS)</i>	179
5.13.12.	<i>Advanced Passenger Processing (APP)</i>	180
5.13.13.	<i>National Population Register (NPR)</i>	182
5.13.14.	<i>Visa System (Foreign Missions)</i>	183
5.13.15.	<i>V-List</i>	183
5.14.	<i>High level exceptions found per visa and permit type</i>	185

5.14.1.	<i>Permanent Residence Permits (PRP.....</i>	<i>186</i>
5.14.1.1.	<i>General PRP figures and trends.....</i>	<i>186</i>
5.14.1.2.	<i>PRP approved before 5 years with no continuous period of residence.....</i>	<i>189</i>
5.14.1.3.	<i>PRP approved but had been declined previously due to false documentation.....</i>	<i>189</i>
5.14.1.4.	<i>PRP based on known patterns</i>	<i>190</i>
5.14.2.	<i>Business and Corporate Visas and Permits</i>	<i>191</i>
5.14.2.1.	<i>Common trends in business and corporate visas and permits ...</i>	<i>191</i>
5.14.2.1.1.	<i>Summarised per country.....</i>	<i>193</i>
5.14.2.1.2.	<i>Turnaround times</i>	<i>195</i>
5.14.2.1.3.	<i>What business types were applied for.....</i>	<i>197</i>
5.14.3.	<i>Critical Skills Visas and Exceptional Skills Permits.....</i>	<i>197</i>
5.14.3.1.	<i>Common trends in critical skills visas and permits</i>	<i>197</i>
5.14.3.2.	<i>Ages of the applicants.....</i>	<i>199</i>
5.14.3.3.	<i>Change in visa from general worker to critical skills</i>	<i>199</i>
5.14.3.4.	<i>Change from study to critical skills visas</i>	<i>200</i>
	<i>Study Visa Application followed by Critical Skills Visa Applications.</i>	<i>202</i>
5.14.3.5.	<i>Study visas linked to PRP applications.....</i>	<i>204</i>
5.14.4.	<i>Study Visas.....</i>	<i>205</i>
5.14.4.1.	<i>Common trends in study visas.....</i>	<i>205</i>
5.14.4.2.	<i>Number of study visas per year</i>	<i>207</i>
5.14.4.3.	<i>Top ten countries of approved study visas.....</i>	<i>208</i>
5.14.4.4.	<i>Speed of applications to approvals</i>	<i>208</i>
5.14.4.5.	<i>Institutions of study peculiarities.....</i>	<i>209</i>
5.14.5.	<i>Retired Persons Visas</i>	<i>210</i>
5.14.5.1.	<i>Retirement trends</i>	<i>210</i>

5.14.5.2.	<i>Retired visa before the age of 55.....</i>	216
5.14.5.3.	<i>Entering on a retired persons visa then changing to another one</i>	216
5.14.6.	<i>Citizenship by Naturalisation.....</i>	217
5.14.6.1.	<i>Naturalisation completed prior to the completion of 5 years</i>	219
5.14.6.2.	<i>PRPs that were rejected but approved via the appeal process....</i>	220
5.14.6.3.	<i>PRPs with missing documentation or application forms</i>	221
5.14.6.4.	<i>Naturalised people identified in NPR compared to DHA list of Naturalised People (July 2003 to June 2019).....</i>	222
5.14.7.	<i>General Visa/Permit Observations</i>	223
5.14.7.1.	<i>Patterns identified.....</i>	223
5.14.7.2.	<i>Irregular System Users.....</i>	224
5.14.7.3.	<i>System Manipulation</i>	226
5.14.7.4.	<i>Delays in printing of visas</i>	229
5.14.7.5.	<i>Missing visa permit control number register</i>	229
5.14.7.6.	<i>Common use of cell phone numbers and email addresses</i>	230
5.14.7.7.	<i>Passport numbers used by multiple people</i>	230
5.14.7.8.	<i>Fast processing of applications</i>	230
5.14.7.9.	<i>High number of VFS applications in day</i>	231
5.14.7.10.	<i>Visa date issued way into the future.....</i>	232
5.14.7.11.	<i>VFS/DHA email address associated to an applicant</i>	232
5.14.7.12.	<i>“South Africans” applying for Visas.....</i>	233
5.14.7.13.	<i>Fraudulent documents identified but approved</i>	233
6.	<i>Recommendations</i>	235
6.1.	<i>Phase 2 Further Investigation into Trends and Patterns</i>	235
6.1.1.	<i>Establishing an Independent Multidisciplinary Investigating Task Team</i>	235
6.1.1.1.	<i>Matters Recommended for Investigation</i>	236

6.2. Integrated Technology Approach to Resolve Challenges	240
6.3. Data-driven Approach.....	242
6.4. Data Cleansing and Completeness	243
6.5. Information Verification.....	244
6.6. Security Vulnerability	244
6.7. Fraudulent applications.....	244
6.7.1. Withdrawal of fraudulently/wrongly obtained visas	245
6.7.2. PRP by virtue of citizen spouse - Fraudulent Marriages.....	246
6.7.3. Fraudulent use of Cohabitation Agreements	246
6.8. Visitor Visa	247
6.9. Retired Person Visa	248
6.10. The V-List.....	249
6.11. Supporting Documents	249
6.11.1. Storing Sensitive Information in Secure Environments.....	250
6.11.2. Information Security Policy	250
7. Conclusion	251

I. Figures and Tables

List of Figures

Figure 1: Illustration of the use of SERT	157
Figure 2: Illustration of how Entity Resolution works	158
Figure 3: Visual illustration of entity resolution	159
Figure 4: Tables added to VAS since 2014.....	162
Figure 5: Tables created in VAS and modified (used) last in VAS.....	162
Figure 6: Tables used in comparison to when created (VAS)	163
Figure 7: Tables used in comparison to when created (TnT).....	164
Figure 8: VFS vs VAS Comparison -Applications and Rejections per year Received	169
Figure 9:Country distribution of instances in VAS and not in VFS (no special visa applications).....	171
Figure 10: Applicants missing applications or applications with no status	171
Figure 11: Instances with differences between passport numbers in VFS and VAS	173
Figure 12: Distribution of applications.....	174
Figure 13: Missing Applications.....	175
Figure 14: Applications status comparison across years received	176
Figure 15: Applicants in TnT over time	177
Figure 16: Distribution of TnT Applicants since 2015	177
Figure 17: Port movements from 2010 to 2021	180
Figure 18: Movement Distribution (on APP).....	181
Figure 19: Movement on APP and not MCS	181
Figure 20: Instances of missing movements on MCS.....	182
Figure 21: Graphical overview of the number of PRP applicants 2014 to 202	186
Figure 22: PRP Applicants per type	187
Figure 23: PRP Applicants per type and status	188
Figure 24: PRP Applicants per country.....	189
Figure 25: Business and Corporate visas and permits per year.....	191
Figure 26: Business and Corporate visas and permits per year and type	192
Figure 27: Business visas and permits approved vs rejected 2014-2021	192
Figure 28: Business and corporate visas and permits per country.....	193
Figure 29: Number of applicants for critical skills.....	197
Figure 30: Number of applicants for critical skills per year	198
Figure 31: Critical skills: Approved vs Rejected	198
Figure 32: Critical skills: Top Countries	199
Figure 33: Change of worker visa to critical skills visa per year	200
Figure 34: Change from study to critical skills visa	203
Figure 35: Study visas per year.....	205
Figure 36: Study visas per year - approved vs rejected	205
Figure 37: Top countries with decisions on study visas.....	206
Figure 38: Top 10 countries with approved study visas	208
Figure 39: Retirement visas and permits per year.....	210
Figure 40: Retirement visas and permits applications per year	211
Figure 41: Retirement visas and permits: Approved vs Rejected	211
Figure 42: Retirement visas and permits per country	212
Figure 43: Top 10 countries of birth of applicants for retirement visas.....	213
Figure 44: Top 10 countries of birth of applicants for retirement permits	215

Figure 45: DHA list of Naturalisations compared to NPR Naturalisations (2003 to 2020).....	223
Figure 46: VFS applications per day	231

List of Tables

Table 1: The top 20 applicant countries detected using false documents to submit applications	22
Table 2: Data received and overall control totals.....	37
Table 3: Officials Charged with Misconduct related to Visas and Permits (Information Obtained from DHA Labour Relations).....	136
Table 4: Matters Reported to SAPS for Investigation against Officials.....	137
Table 5: Matters Reported to SAPS for Investigation against Non-Officials.....	138
Table 6: The top 20 applicant countries detected using false documents to submit applications	139
Table 7: Data received and overall control totals.....	160
Table 8: Missing primary keys in VAS data	165
Table 9: Missing primary keys ranges examples.....	166
Table 10: VAS and VFS differences.....	168
Table 11: Top 20 application types	170
Table 12: Top countries with applicants without applications	172
Table 13: Passport number differences by application status	173
Table 14: Missing Entry and Exit examples on movement data.....	174
Table 15: Applications in TnT per permit and visa type since 2015	178
Table 16: Status of applications in TnT	179
Table 17: V-List – top countries	183
Table 18: Summary of Visas and permits applied for from 2014 to 2021.....	185
Table 19: Number of applications per year per business visa and permit type	193
Table 20: Business permits applications per country and year.....	194
Table 21: Business visas approved per country and year.....	195
Table 22: Business visas and turnaround times in days	196
Table 23: Business permits: top countries and approval times	196
Table 24: Change study to critical skills visa example	203
Table 25: Study Visas linked to PRP Applications	204
Table 26: Top countries with approved study visas per year.....	207
Table 27: Study visas approved vs applied for per year.....	207
Table 28: Top Study Institutions	209
Table 29: Top Study Institutions and descriptions.	210
Table 30: Top countries for retirement visa applications.....	213
Table 31: Approved retirement visas per country.....	214
Table 32: Retirement permit (PRP) applications per country	214
Table 33: Retirement permits: Top countries where they have applied	215
Table 34: Retirement visas or permits: Before age of 55	216
Table 35: Naturalised persons in NPR since 2013.....	218
Table 36: Naturalised persons in NPR since 2003 per top 10 countries.....	218
Table 37: Naturalised prior to 5 years from PRP award	220
Table 38: PRP's rejected and then approved via the appeal process in TnT	221
Table 39: Applications rejected and then approved.....	224
Table 40: Normal VAS process flow tasks	226
Table 41: Example of a normal process flow	227
Table 42: Example of an irregular process flow.....	227
Table 43: Irregular process flow example 2	228

Table 44: Audit Trail example	228
Table 45: High number of VFS applications on specific days.....	231
Table 46: Average VFS applications per day and per year	232
Table 47: Approved but fraudulent documents detected	234
Table 48: Matters recommended for further investigation	239

II. Abbreviations and Acronyms

AGSA	Auditor General of South Africa
AI	Artificial Intelligence
APP	Advanced Passenger Processing
ASD	Assistant Director
ASP	Angolan Special Project
CD	Chief Director
CIO	Chief Information Officer
CIPC	Companies and Intellectual Property Commission
CSV	Comma-Separated Values
DDG:IMS	Deputy Director-General Immigration Services
DHA	Department of Home Affairs
DIRCO	Department of International Relations and Cooperation
DOB	Date of Birth
DPCI	Directorate for Priority Crime Investigation
DPSA	Department of Public Service and Administration
DRC	Democratic Republic of the Congo
ECSA	Engineering Council of South Africa
EU	European Union
EXCO	Executive Committee
FIFA	Federation of International Football Associations
HANIS	Home Affairs National Identification System
HDD	Hard Disk Drive
HR	Human Resources
IA	Internal Audit

ICT	Intra-Company Transfer
ID	Identity Number
IMS	Immigration Services
IO	Immigration Officer
IP	Internet Protocol
IPS	Institutional Planning and Support
IS	Information Systems
ISS	Information System Security
IT	Information Technology
LBC	Large Business Centre
LEP	Lesotho Exemption Project
LRP	Locally Recruited Personnel
LSP	Lesotho Special Permit
MB	Megabyte
MCS	Movement Control System
MIS	Management Information Services
NIIS	National Immigration Identification System
NPR	National Population Register
NQR	National Qualifications Register
ORTIA	OR Tambo International Airport
PC	Personal Computer
PDF	Portable Document Format
PERSAL	Personal and Salary System
PFMA	Public Finance Management Act
PK	Primary Key

PMO	Project Management Office
POPI	Protection of Personal Information Act No 4 of 2013
PRA	Permanent Residency Appeals
PRECCA	Prevention and Combating of Corrupt Activities Act
PRP	Permanent Residence Visa
RSA	Republic of South Africa
SAB&T	Nexia Forensic Accounting
SACAP	South African Council of Applied Psychology
SACNASP	South African Council for Natural Scientific Professions
SADC	Southern African Development Community
SAHC	South African High Commission
SAO	Senior Administration Officer
SAPS	South African Police Service
SAQA	South Africa Qualifications Authority
SARS	South African Revenue Service
SCM	Supply Chain Management
SERT	Single Entity Retrieval Tool
SITA	State Information Technology Agency
SLA	Service Level Agreement
SOP	Standard Operating Procedure
SQL	Structured Query Language
SSA	State Security Agency
TnT	Track and Trace
TRA	Temporary Residence Visa Appeal
TRP	Temporary Residence Permit

TRV	Temporary Residence Visa
TRVC	Temporary Residence Visa Change
TRVR	Temporary Residence Visa Renewal
TRW	Temporary Residence Visa Waiver
UJ	University of Johannesburg
USA	United States of America
VAS	Visa Adjudication System
VFC	Visa Facilitation Centre
VFS	Visa Facilitation Services
VIP	Very Important Person
VM	Virtual Machine
VPS	Visa Permit System
XP	Windows Ex Operating Platform
ZEP	Zimbabwe Exemption Project
ZSP	Zimbabwe Special Project

III. Acknowledgements

The Ministerial Committee (the Committee) on the Issuance of Permits and Visas, appointed by the Minister of Home Affairs, Dr Pakishe Aaron Motsoaledi, MP, wishes to thank the Minister for his vote of confidence in assigning members of the committee, individually and collectively, with so important a responsibility on a matter that has bedevilled the post-Apartheid Republic of South Africa. The committee has done everything in its power to fulfil the mandate given to it by the Minister of Home Affairs. It is the Committee's belief that the distance not covered by the work of the Committee will be covered by future runners in this crucial relay to develop a capable, developmental and ethical state.

The Committee acknowledges the unwavering support received by the Director-General (DG) of Home Affairs, Mr Tommy Makhode, and many in his top and senior management team. The Committee wishes to single out Ms Thembakazi Nthite from the Office of the DG, who headed the Secretariat, and her colleagues who helped us negotiate the complex space that is the Department of Home Affairs.

The Committee humbly acknowledges the inputs made by senior officials from other Government departments.

The Committee further pays tribute to those non-profit and private sector organisations and individuals that supported its work during the course of the review.

To the many whistle blowers who, at great risk, kept on providing the Committee with crucial hidden information, the Committee does not have the words to thank you enough for your acts of patriotism and being the shining light in uncovering deeds that were previously in the dark.

The Committee expresses its gratitude to the service providers that supported its work during the review.

IV. Members of the Ministerial Committee

The following were appointed by the Minister of Home Affairs as members of the Committee:

Dr R. Cassius Lubisi – Former Director-General in the Presidency and Secretary of the Cabinet of the Republic of South Africa was appointed Chairperson of the Ministerial Committee. Dr Lubisi has extensive experience in governance, administration, and the workings of the state, having served as Chairperson of the Forum of South African Directors-General (FOSAD) for almost ten years.

Advocate Sesi Baloyi SC – A Senior Counsel who is the Chairperson of the Johannesburg Society of Advocates. Her specialisations include Administrative Law as well as Employment and Labour Law. Adv Baloyi has previously chaired several investigation and review committees, and is called to serve on the bench of the High Court from time to time. Adv Baloyi currently also serves on the Judicial Services Commission (JSC).

Mr Peter Bishop – A forensic investigations specialist with vast experience in both the public and private sector locally and internationally, having worked for the United Nations in task teams to tackle the illicit trade in precious metals. He also previously served as an Executive Committee member and head of operations of the Special Investigating Unit and more recently as an investigator in the State Capture Commission.

Ms Kathleen Dlepu – Ms Dlepu was the Chairperson of the Legal Practice Council (LPC) at the time of her appointment to the Ministerial Committee, as is now the immediate past Chairperson of the LPC and still member of the LPC after the appointment of the new Council in November 2021. She is a lawyer with vast experience and expertise in Administrative Law and serves on the Judicial Services Commission (JSC).

Mr Warwick Meier – A forensic data analyst specialist having dealt with public and private sector analysis exercises. He is the former head of data analysis at the Special Investigating Unit (SIU).

Prof Somadoda Fikeni – A commissioner at the Public Service Commission who has vast experience as an academic. He is also a political commentator. He is now currently Acting Chairperson of the Public Services Commission, a job that is keeping him very busy.

V. Problem Statement

For immigrants, national borders constitute an insurmountable barrier. For others with criminal intentions, national borders constitute little to no barrier at all, due to the high levels of pervasive corruption in some government departments.

The Department of Home Affairs is regarded as one of South Africa's most strategic and important aspects of the national security architecture. However, it also remains one of the most vulnerable and targeted departments in government.

In recent years certain trends have emerged in the outcomes of cases and internal audit findings of the issuance of permits and visas by the Department of Home Affairs to some prominent individuals, investigated by the department's Counter-Corruption Unit. The trends seemed to point to elements of wrong-doing in the issuance of some permits and visas. The Counter-Corruption Unit reported that 66% of cases it had investigated involved permitting cases.

To further illustrate the ongoing and persistent onslaught against the department by applicants to obtain visas and permits, the Committee performed a data analysis test to determine how many applicants fraudulently applied for visas or permits. Table 1 below depicts a total figure of 36 647 applications that were made by foreign nationals as having false documentation in their applications. The Committee established that there were 35 479 of these applications that were rejected, of which 880 were approved, and 288 were in a pending status. Initial analysis indicates that 4 160 applicants, that had rejected applications, were successful in a later application, sometimes in an application for a different type of visa or permit. The Committee recommends that the approved applications, the application pending finalisation and the new visa applications that were approved require and indepth investigation to determine reason for approvals.

Country	Number of applications
Nigeria	12 177
Pakistan	5 066
Bangladesh	4 242
India	2 610
Republic of South Africa (foreign nationals whose passports were issued by their Embassies in South Africa)	1 687
Zimbabwe	1 467
Ghana	1 296
China	1 246
The Democratic Republic of the Congo	990
Ethiopia	898
Cameroon	830
Senegal	633
Egypt	562
Uganda	450
Kenya	228
Algeria	224
Malawi	206
Angola	162
The United Republic of Tanzania	122
Somalia	104
Gabon	89
Top 20 total	35 289
Total of all fraudulent applications detected	36 647

Table 1: The top 20 applicant countries detected using false documents to submit applications

In the matter of Shepherd Huxley Bushiri and his wife Mary Bushiri that has been receiving wide ranging media coverage to date, the Committee examined their records at the DHA. The analysis by the Committee identified two Visa/Permit applications that were approved on VAS. In 2015 Huxley Bushiri was awarded a holiday visa and then in 2016 he was awarded a permanent residence permit and issued with a South African identity document. The award of a residency permit in 2016 and the subsequent issue of an identity document was found to be totally irregular.

On 26 January 2015, Mary Bushiri applied for a determination of her citizenship status and included an exemption certificate which was purportedly issued to her on 1 February 1997. Based on her date of birth, 23 August 1981, and the closing date for the exemption, which was 30 September 1996, she would have been 15 years old at the closing time for applications, thus her meeting the requirements of the exemption was highly unlikely. In the exemption document, Mary is referred to as “Bushiri Mary” and single, but she only married Shepherd Bushiri on 30 July 2011.

Bushiri and his wife are currently out on bail related to fraud and corruption and have since fled the country and fighting extraditions in the Malawian courts.

This wrong-doing had to be fully understood, with the view to putting corrective measures in place to reverse such trends.

It is in this respect that a concerning development occurred in the Department of Home Affairs when fourteen (14) members of the permitting section of the department signed a petition demanding that the Counter-Corruption Unit should cease investigating “their errors”. This development highlighted the need for urgent action to bring greater transparency and accountability in the issuance of permits and visas.

Each time there is an attempt to reform immigration policy or review some of the related policies it becomes a sensitive issue that many interested parties often want to stop. No matter how well-intentioned it is and how it is based on international best practice within the framework of international laws, the voices of interested parties tend to drown any rational and well-considered reforms.

It is therefore prudent to pre-emptively outline the broader and strategic reasons for this review. The reasons include the following:

1. Improvement of the security systems for the issuance of permits and visas as a response to overwhelming evidence that from time to time these have been severely compromised.
2. Enhance national security against external threats that could use the vulnerability of permit and visa issuance. Global terrorist networks and criminal syndicates could exploit this, and anecdotal evidence suggests that they might have been doing so. This does not only threaten South African national security, but that of the SADC region and Africa as a whole, as South Africa is a regional power often used as a gateway to the rest of the continent.
3. South Africa's international reputation in many countries and institutions could be compromised if its permits/visas are seen to be easy to acquire through fraudulent means thus making mobility and access to law-abiding South African citizens or its permit holders difficult and costly.
4. Implications for development and service delivery planning and implementation if the country cannot have a clear estimation or projection of immigration and emigration.
5. Law enforcement is made more difficult when the integrity of permits and visas and all other identity documents is suspect or fraudulent.
6. There is a need to refine processes for more effective identification and incentivization of a targeted population of skilled labour and investors.
7. A response to and adoption of rapid technological changes and new global migration management systems and permit issuance has become crucial in the Fourth Industrial Revolution.
8. A need to unearth irregularities for both corrective intervention and consequence management.
9. A need to identify needed skills and competences of those tasked with permit and visa issuance in order to build their capacity through proper training and understanding of the Constitutional and legislative environment.

VI. Terms of Reference of the Ministerial Committee

TERMS OF REFERENCE FOR A MINISTERIAL COMMITTEE TO REVIEW THE ISSUANCE OF PERMANENT RESIDENCE PERMITS, BUSINESS VISAS, CORPORATE VISAS, CRITICAL AND EXCEPTIONAL SKILLS VISAS, STUDY VISAS, RETIRED PERSONS VISAS AND CITIZENSHIP BY NATURALISATION

1. INTRODUCTION

1.1. The Minister of Home Affairs seeks to establish a Ministerial Committee to review the issuance of permanent residence permits, business visas, corporate visas, critical and exceptional skills visas, study visas, retired persons visas and citizenship by naturalisation between 12 October 2004 and 31 December 2020.

2. BACKGROUND

2.1. South Africa's Immigration Act No.13 of 2002 came into effect on 31 May 2002. In 2004, there was an Amendment of the Immigration Act. The Act "provides for the regulation of admission of foreigners to, their residence in, and their departure from the Republic; and for matters connected therewith".

2.2. The Act aims and objectives are amongst others are to:

- 2.2.1. Ensure that visas and permanent residence are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, without consuming excessive administrative capacity;
- 2.2.2. Facilitating and simplifying the issuance of permanent and temporary residence to those who are entitled to them, and concentrating resources and efforts in enforcing this Act at community level and discouraging illegal foreigners;
- 2.2.3. Detecting and deporting illegal foreigners;
- 2.2.4. The South African economy may have access at all times to the full measure of needed contributions by foreigners;

- 2.2.5. Further, the Act enables the promotion of needed foreign labour, foreign investment is facilitated, the entry of exceptional skilled or qualified people is enabled, skilled human resources are increased, academic exchanges within the Southern African Development Community is facilitated and tourism promoted;
- 2.2.6. Security considerations are fully satisfied and the State retains control on the immigration of foreigners to the Republic;
- 2.2.7. Interdepartmental coordination constantly enriches the functions of immigration control; and
- 2.2.8. Immigration laws are efficiently and effectively enforced, deploying to this end significant administrative capacity of the Department of Home Affairs, thereby reducing the pull factors of illegal immigration.

3. PURPOSE OF THE REVIEW

- 3.1. The purpose of the review is to establish whether the issuance of permanent residence permits, business visas, corporate visas, critical skills visas, study visas, retired persons visas and citizenship by naturalisation was done according to legislative prescripts in particular, the Immigration Act and related legislation;
- 3.2. To determine the irregular nature and patterns in the issuance of visas and permits in extracting information from system data at DHA; and
- 3.3. To make recommendations on amongst others, instances of fraud, corruption, bribery and maladministration involving manipulation and failure of information technology systems, and procedures to promote secure, unified, coordinated digital enablement and processes across the Department of Home Affairs in the issuance of visas and permits as defined.

1. Executive Summary

1.1 Introduction

1.1.1 Establishing a Ministerial Committee

On 22 February 2021, the Minister of Home Affairs, Dr PA Motsoaledi, MP, established a Ministerial Committee to review the issuance of permanent residence permits, corporate/business visas, critical skills visas, study visas, retired persons' visas, and citizenship by naturalisation between 12 October 2004 and 31 December 2020.

1.1.2 Purpose of the Review

The purpose of the review is:

- To establish whether the issuance of permanent residence permits, business visas, corporate visas, critical skills visas, study visas, retired persons visas and citizenship by naturalisation was done according to legislative prescripts in particular, the Immigration Act and related legislation;
- To determine the irregular nature and patterns in the issuance of visas and permits in extracting information from system data at DHA; and
- To make recommendations on amongst others, instances of fraud, corruption, and maladministration involving manipulation and failure of information technology systems, and procedures to promote secure, unified, coordinated digital enablement and processes across the Department of Home Affairs in the issuance of visas and permits as defined.

1.1.3 Terms of Reference of the Ministerial Committee

The Minister of Home Affairs specified Terms of Reference mandated the Committee to review the issuance of permanent residence permits, business visas, corporate visas, critical and exceptional skills visas, study visas, retired persons

visas and citizenship by naturalisation between 12 October 2004 and 31 December 2020.

1.1.4 Scope of the Review

The scope of the review was:

- To establish whether in pursuance of the objectives of the Immigration Act, the Department of Home Affairs corporate permits issued between 12 October 2004 and 31 December 2020 were in accordance to the Immigration Act and other relevant legislative prescripts;
- Review business and corporate visas issued between 12 October and 31 December 2020 in terms of the Immigration Act and applicable legislation;
- Review permanent residence permits issued between 12 October 2004 and 31 December 2020 in terms of the Immigration Act and applicable legislation;
- Review the citizenship by naturalisation of some foreign nationals in terms of the Citizenship Act, No.88 of 1995 for the period 12 October 2004 to 31 December 2020 including those done through Ministerial discretion;
- Review the issuance of critical and exceptional skills visas issued to individuals of exceptional skills or qualifications in terms of the Immigration Act, between 12 October 2004 and 31 December 2020;
- Review the issuance of retired persons visas issued to individuals between 12 October 2004 and 31 December 2020;
- Review the issuance of study visas issued to individuals between 12 October 2004 and 31 December 2020; and

- Review matters of fraud, corruption, maladministration and/or information technology system manipulation incidental to the issuance of visas and permits as defined, with particular reference to:
 - SAB&T Forensic investigation findings and recommendations;
 - T200 firewall installations; and
 - Foreign pastors and prophets.

1.1.5 Deliverables

The Committee was tasked to:

- Table a report of the review to the Minister of Home Affairs on key findings and recommendations.
- Brief and advise the Minister as and when required on the Immigration Act.

1.1.6 Methodology

The Committee studied key legislative prescripts, including the Immigration Act, the Immigration Regulations, the South African Citizenship Act, and various Standard Operating Procedures governing the issuance of the targeted visas and permits.

The Committee also went through various documents, including Internal Audit reports, reports of the Auditor-General (AGSA), reports from independent organisations and forensic auditors, and internal Department of Home Affairs planning and investigation documents and reports.

Interviews and discussions with key stakeholders including officials from the Department of Home Affairs, non-government organisations, and some security agencies were held. Some of these individuals and groups participated on a whistle-blower basis.

The Committee studied samples of visa and permit application and adjudication documents that had been flagged by whistle blowers.

The Committee carried out a comprehensive data analytics exercise using data integrative tools with the view to link disparate data sets located in the various legacy and current IT systems of the Department of Home Affairs (DHA). The Committee could only perform data analytics for data from 2014 to 2021 as applications before 2014 were not digitised on the Visa Adjudication System (VAS).

1.2 The Legislative and Regulatory Environment

The Committee considered the regulatory framework that regulates the different categories of visas and permits. The Committee set out the provisions of the various instruments and the requirements for each category under review. Whilst the overall view of the Committee is that the legislation and regulations are largely adequate and not the source of most of the irregularities and anomalies that have been found in the review. The Committee has identified areas that could be improved upon, but which would require that a proper comparative study of the practices, legislation and regulations in comparable jurisdictions should be considered.

The issuing and administration of the visas, permits and certificates of naturalisation is regulated by legislation, regulations, policies, directives and Standard Operating Procedures of the Department.

The following applicable regulatory framework was considered:

- Immigration Act No 13 of 2002;
- Immigration Regulations, 2014;
- South African Citizenship Act 88 of 1995;
- Regulations on the South African Citizenship Act, 1995;
- Delegation of Authority – Minister;
- Delegation of Authority – Director-General;

- Standard Operating Procedure – Temporary Residence Permits; and
- Standard Operating Procedure – Permanent Residence Permits.

The Committee also considered the provisions of the Code of Discipline for the Public Service and the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA).

1.3 South African Permitting Systems and Processes

For purposes of understanding the Home Affairs operating environment within the period of review covered by the Committee, it was important to provide some background of the situation the department found itself in from 2004 to 2014 and changes and reforms the department has since undertaken, post-2014 to 2021, to stay abreast with the latest global immigration trends. This environment is further elaborated in more detail in the report.

1.4 The Situation Pre-2014

Many challenges were experienced during this period. All applications were manually processed, finalised and approved with minimal to no electronic capability. The Regional Offices of the Department of Home Affairs and the South African High Commissions and Embassies abroad were responsible for the acceptance, processing and issuance of temporary residence visas (TRV).

When an application was lodged in the RSA, such application was submitted at the Regional Office nearest to where the person intended to work, or for any purpose other than work, at the Regional Office nearest to where the person intended to reside.

In all such cases the applicants were required to produce proof of being legally resident in the RSA on a temporary residence permit.

Applications were submitted by the applicant in person, or through an attorney, advocate or an immigration practitioner holding a power of attorney.

An Immigration Practitioner is a person, other than a practising advocate or attorney who, for remuneration and by trade, represents or acts on behalf of other persons in respect of any of the Department's procedures, proceedings or activities flowing from the Immigration Act and Immigration Regulations.

While from 1996 to 2004, the DHA had witnessed a dramatic expansion in the provision of immigration services, challenges of unevenness in the provision of quality services to applicants remained. The uneven service delivery and poor public service performance in most provincial offices led to a decision to centralise the adjudication of visas and permits to Head Office.

The central adjudication hub was then established in 2009 with applications still being submitted at regional offices.

The transition and centralisation of adjudication was not smooth. Most of the officials from the regional offices were disgruntled with the process. This transfer of adjudication required pending files to be forwarded to head office, including any face value documents such as visa labels and other certificates.

As could be expected, many face value documents went unaccounted for during this period. To address this risk, a decision was taken to introduce a new set of visa labels and corporate certificates by Government Printing Works.

1.5 Post 2014 - Turnaround Strategy

The commencement of the Immigration Amendment Act in May 2014 brought huge administrative demands on the Immigration Branch of the DHA.

Firstly, in order to address the corrupt networks between immigration practitioners and permitting officials to pave the way for applicants to appear in person and only pay the standard fee for a visa – the section in the Act that recognised immigration practitioners was scrapped. Although the amendment was passed, the department had no legal powers to

outright prevent these practitioners from operating. However, these practitioners are no longer being recognised by the department.

Secondly, a business case had to be developed for the modernisation of the adjudication systems in order to fulfil the main objective of the Immigration Act.

Following the FIFA World Cup 2010 and the massive processing of visas that accompanied the event, the department made a business case for the modernisation of people, processes and systems, to enhance its visa and permit administration. This entailed the following:

- The Immigration Amendment Act 11 provided for the personal appearance by clients in lodging applications and collecting outcomes;
- Obtain the biometrics of applicants as part of the security measures;
- Introduction of a Service Provider to deal with the front-end of the application for visas and permits. All costs were to be borne by the service provider, and therefore there would be no financial implications for the DHA. VFS Global was appointed as the service provider to fulfil this function; and
- The service provider, VFS Global, had to establish eleven (11) Visa Application Centres (VACs) at its own cost in the various cities/towns in all nine provinces.

The VFS centres were to serve as the only service delivery channel for clients to:

- Submit applications;
- Capture biometrics;
- Collect outcomes;
- Inquire about the progress of their applications;
- Check quality assurance of the application processes; and
- Set-up appointments.

1.6 Internal Audit (IA) Findings

The Committee noted and further validated the findings made by Internal Audit and their root causes. It is prudent that the Committee highlight some of these important findings now, to emphasise the seriousness of the situation, which are discussed in more detail in the report:

- The dire concern of the state of the systems and the data security of such systems, which the DHA relies on to run the IS services for the department;
- The aspect of weak policy implementation has also allowed the increased risk of passwords being compromised, system weaknesses being abused by unscrupulous officials and syndicates;
- A lack of a non-comprehensive disaster recovery plan;
- Non-segregation of duties and access to the different areas within DHA, which is enhanced by the ability to overwrite or delete activity or user creation and deletion of logs by users with far reaching access;
- The IS environment require additional skilled resources to effectively manage the IS environment.;
- Deliberate acts of fraud and corruption by officials in the issuance of visa and permits;
- Acts of gross negligence involving Immigration officials, supervisors and managers related to visa and permits applications, adjudications, approvals and appeals;
- Ongoing and protracted delays in finalising the modernising of systems and the non-decommissioning of old systems has created the opportunity, due to necessity, for officials to wear multiple “hats”, involved in system integration due to versioning such as, upgrading MCS, to eMCS, to bMCS; and

- Most of the missions abroad cannot network, and visas and permits are done manually. This is cause for serious concern as processes are rendered open to abuse.

1.7 Lack of Consequence Management

The Committee was concerned by the apparent absence of consequence management resulting from the repeat findings of both Internal Audit and the AGSA year on year. However, the Committee has ascertained that consequence management is being prioritised in dealing with audit queries. Managers and supervisors must be held accountable for deliberate brushoff of audit findings and recommendations.

1.8 Criminal Typologies Targeting the Issuance of Visas and Permits

The Committee was made aware of criminal typologies being used to target the issuance of visas and permits. During the Committee's review and analysis of the department's data as highlighted later in the report, it was evident that in a number of cases, the issuance of fraudulent visas, permits, identity documents and South African passports are continuously being targeted by organised crime syndicates, with the assistance, in some cases, by corrupt department officials. A number of criminal *modi operandi* successfully applied by organised crime syndicates were brought to the attention of the Committee that are further assessed and discussed in the report.

1.9 Data Analytics from the Visa and Permitting Systems and Processes

The review further included the optimised use of digital data extraction and analysis of visa and permit data sets, in response to information and evidence that from time to time the department's security systems, processes and data used in the issuance of visas and permits had been severely compromised.

Emphasis is placed on the fact that the findings contained in the report rely solely on the electronic data provided by DHA. Specific tests were also developed from information received and interviews conducted, amongst others, to discover hidden patterns of deception evident in the data.

This was only an analytical and quantification exercise, that would require in-depth investigations to further corroborate potential anomalies and discrepancies found.

The report points to several other limitations relating to the data requested and received by the Committee that impacted on the data analysis process.

Data from the following systems were analysed:

- Visa Adjudication System (VAS);
- Track and Trace (TnT);
- Visa Facilitation System (VFS);
- Movement Control System (MCS);
- Advanced Passenger Processing (APP);
- National Population Registry (NPR);
- Visa System (South African Foreign Missions);
- V-List; and
- National Immigration Information System (NIIS).

1.10 Review of 2004 to 2014 data

The issuance of visas and permits from 2004 to April 2014 was done manually and fraught with challenges and risks. The report also outlines the challenges experienced during that period that led to the decision of embarking on a process to modernise the DHA, which commenced in May 2014.

The Committee deemed it prudent not to embark on a review of historic manual application files as it would have been cumbersome, time consuming and labour intensive, which in the end would not have added any value to the final results of the review.

Although the Committee cannot rule out that there was evidence of corrupt networks between Immigration Practitioners and Permitting Officials operating during the said 2004-May 2014 period, priority was given to focus on the current situation at the DHA involving the issuance of visas and permits.

1.11 Data Received and Collected

DHA provided the electronic data in various formats. Below is a summary of the combined information received:

Data Source	Date From	Date To	Size (MB)	No of records
VAS	2014-06-30	2021-06-17	21 804	54 498 657
TnT	1968-04-23	2021-06-14	2 637	24 328 221
MCS	2010-04-12	2021-06-16	1 194 898	1 881 372 669
PERSAL	This was received based on <i>ad hoc</i> queries and lists provided to HR			
APP	2009-11-22	2021-04-14	118 629	344 079 658
VAS attachments	2010-09-02	2021-08-05	6 783 732	2 397 912
V-List	2018-07-04	2021-08-02	1 043	457 686
Visa System (data from Missions)	2021-02-20	2021-09-28	828 608	2 053 638
NPR	N/A	N/A	259,419	118 407 257
VFS - Applicants	2014-05-25	2021-09-21	16 696	2 583 074
VFS - Applications	2014-05-25	2021-09-21	10 985	13 450 508
Visa control number list				
NIIS	2008-08-26	2021-07-28	1 720 007	241 159 773

Table 2: Data received and overall control totals

The data represented in the table above consist of all record counts and storage across all systems received by the Committee.

1.12 Single Entity Retrieval Tool (SERT)

The biggest obstacle in the analysis and identifying of patterns in the data is the lack of integration between systems and lack of a single view of an applicant or applicants information.

It is extremely important to have a single view of an applicant and an application in order for DHA officials to make informed decisions when adjudicating and issuing permits and visas. There are several factors that causes the duplication of information or multiple entries for the same individual, such as:

- Multiple systems involved for the same process;
- No unique number allocated to an individual (which biometrics might do);
- An individual can have multiple passport numbers; and
- Information not being captured correctly (the same passport number can be recorded in a few different ways).

In order to perform the analysis and to identify irregular trends, a single entity retrieval tool (SERT) was created by the analysis team to allow for a single view of an individual's information that was retrieved across all data sets and integrated into a single view.

Using these resolved entities, individuals could be linked across various different data sources, even if they had different passport numbers or slight spelling errors.

1.13 Identified Data Anomalies found in the Different Systems and Visa and Permit Types

These identified anomalies are discussed in greater detail later in the report under Findings in Chapter 5.

1.13.1 Visa Adjudication System (VAS)

The VAS system held 955 969 distinct applicants at the time of data extraction on 16 June 2021. For these applicants there is a total of 1 196 659 applications with an assigned VFS number. There are spikes in yearly applicant submissions for the period 2018 and 2020 when confining the data view to applicants between 2017 and 2021.

Additionally, there are 78 974 instances of applicants identified who do not have an application status assigned due to either having no associated application or missing a status when an application is present. The distribution of these applicants falls mostly in 2021, suggesting new applications in process. There is however a portion of applicants without an application status that was submitted prior to 2021.

From the period 2017 to 2019 the rejection rate was on average between 25% and 30%, while in 2020 there was a decrease in the average rejections indicating that more applications were approved during 2020 than expected. This could be illustrative of a comment by a whistle-blower that a supervisor instructed officials to do wholesale approvals of applications despite obviously fraudulent irregularities in the applications.

1.13.2 Track and Trace (TnT)

Track and Trace (TnT) is the pre-2014 DHA developed tracking system which was originally used to track the movement of an application from submission to finalization. It is not an adjudication system.

Applications were adjudicated manually outside of TnT and the outcomes captured on TnT. The system has been wound down and is only supposed to be used to capture pre-2014 applications, PRP applications from abroad as well as Permanent Residence Appeals.

The TnT database is considered the legacy system that has been replaced by VAS. It is expected that there should be no new applications processed through it since VAS has been implemented, or at least a decrease of applications as the migration to VAS occurred.

The issue with the retired TnT environment is that there should be no expectation for it being used in the current years. However, there are instances of application loading on TNT from 2014 (since VAS was implemented) up until 2021 when the data was extracted for analysis.

The Committee found that there were numerous applications captured in TnT since 2015. The majority of these applications were for PRPs which could be mission-based applications. These applications, if not from missions who do not have VFS available in their country, should have been processed using VFS electronic applications and adjudicated on VAS. In most cases, these applications were approved. Each of these applications will require further investigation.

1.13.3 Visa Facilitation System (VFS)

VFS data was mainly used to compare what was provided by the applicants to what was adjudicated in VAS as well as an assessment of the completeness and accuracy of the information transferred electronically between VFS and DHA. There were certain inconsistencies such as changing information, missing applications, as well as the push versus the pull process of receiving applications from VFS identified by the Committee.

1.13.4 Movement Control System (MCS)

The Committee also studied the ports of entry with the most movement between 2010 to 2021. There was a visible increase in movements in 2018 and 2019, the reason for which the Committee was not able to establish.

1.13.5 Advanced Passenger Processing (APP)

The Advanced Passenger Processing system is used by airlines to screen people before they board an airplane to ensure that they are not on any watch list or on the banned persons notification request list (V-List), so that the airline can take the appropriate action, to board the passenger, notify officials in South Africa or deny boarding to an unwanted person.

The Committee was able to establish the volume of records for each year that the APP processed for people, foreign and local, into and out of South Africa from 2009 to 2021.

The APP data in conjunction with MCS data were used to enhance and improve the single entity resolution tool by indicating approved and prohibited movements and the origins and destinations of travellers.

Additional testing was performed to verify that movement recorded on the APP was in the MCS. The APP data ranged from 2009 to 2021 while MCS ranges from 2010 to 2021. The correlation between the two systems should be in line up until a point where MCS is not related to international air travel.

The comparison between 2019 and 2020 follows an expected curve. However, the number of instances where a movement is recorded on APP and not MCS, indicates that there is loss of syncing between the two environments. The normal comparison between APP and MCS indicates that there should be a complete synchronization of information between APP and MCS.

There is a significant drop in these instances for 2020, which is expected due to the hard lockdown travel restrictions related to the Covid-19 pandemic during that period.

1.13.6 National Population Register (NPR)

The receipt of NPR data, by the Committee, was riddled with delays due to a clear push-back by officials in the IS Branch of the DHA to provide the data. The behaviour of the IS officials was viewed as suspicious. Although the IS officials gave an explanation for such delays, the Committee remains unpersuaded, as the IS was well aware of the review being conducted by the Committee and subsequent meetings held with IS of the requirements of supplying specific data fields when requested.

From the NPR data it was determined that there are 316 428 individuals that have been naturalised. It is not obvious from the NPR data which period all these naturalisations

occurred. The Committee can only deduce that the figure covers the entire period since the existence of the NPR.

1.13.7 Visa System (Foreign Missions)

There were 45 733 compressed files copied from a PC in the DHA head office in Hallmark Building used for data received from foreign missions. The files were found on a Windows XP desktop with no access control or monitoring available. After the compressed files were extracted, the file count grew to over 100 000 files resulting in 2 053 638 records. The details from these files were used to enrich the entity resolution process. The visa system (foreign missions) is operated in an *ad hoc* manner and the physical supporting documents are not readily available in the VAS system, so verification of details used cannot be readily performed.

1.13.8 V-List

The V-List is a critical instrument in the immigration process as it speaks to persons disqualified from entering or remaining in South Africa. However, the Committee has found that the V-List is fatally flawed, largely due to incomplete and missing crucial data. The latter can be construed, at worst, as a deliberate omission and at best, as gross negligence on the part of the responsible officials, as some of the missing information not captured, will not enable the DHA to determine the full identity of the person and the period of disqualification from entering or remaining in the country.

In total there were 457 686 individuals on the V-List data. Very limited information is maintained on this list. The Committee was not able to identify any official who had performed any transaction on the Vlist due to missing data logs and/or auto generated audit files. The Committee is aware that these logs and/or audit files were either deleted or deactivated on the system. This action is a serious violation of system security protocols and must be urgently investigated,

From the 457 686 listing, the following information demonstrates the incompleteness of the information:

- 5 069 listings show the country of birth as “ONBEKEND” (unknown); and
- 283 153 listings do not have a passport number populated in the passport number field.

1.14 Exceptions identified per visa and permit type

A number of exception reports have been extracted per visa and permit type using the information we received.

1.14.1 Permanent Residence Permits (PRP)

1.14.1.1 General PRP figures and trends

The Committee found that spousal, dependent and exceptional skills permits were the top PRPs applied for over the period that VAS has been operating from 2014 to 2021.

The analysis of the applications made focused on the number of approved and rejected applications to identify trends, patterns and anomalies. The analysis showed that, on average, approvals for PRPs in 2018 and 2019 were much higher than the rejections when compared with other years, with extraordinary skills permits contributing to most approvals.

The approvals and rejections were further scrutinized to determine which countries were mostly favoured. The results showed that Zimbabwean applicants received the most PRP approvals with a majority of the PRPs being for extraordinary skills or retirement permits. A number of these PRPs were as a result of a waiver process that inflated these application figures when on 21 April 2016, the then Minister of Home Affairs, Mr Malusi Gigaba acting in terms of section 31(2)(c) of the Immigration Act, granted a blanket waiver to foreign students who studied at South African tertiary institutions towards degrees in the areas of critical skills, who apply for permanent residence status contemplated in section 27(b) of the Act, from compliance with certain requirements discussed later in the report.

On 12 January 2022 the Director-General withdrew the delegation related to the waiver directive issued on 21 April 2016.

1.14.1.2 PRP approved before 5 years with no continuous period of residence

Analysis of data related to travel in and out of the country prior to the application for a PRP indicated that 9 964 persons who applied for the said permit had their permanent residency approved. Further analysis indicated that the applicants had not spent a continuous period of 5 years in the country, in that they had been out of the country for more than 90 days in a year during the qualification period. A person is entitled to be out of the country for 90 days a year and still qualify. The Committee has recommended an in depth investigation of the approval of the 9 964 PRP applications to determine whether the approvals were granted correctly or if there was evidence of impropriety.

1.14.1.3 PRPs approved but declined previously due to false documentation submitted

The Committee found a trend in applications, 304, where applicants had applied, and such applications had been declined due to fraudulent and false information in their TRVs or PRPs and yet were informed that they could reapply for another permit or visa. This reapplication request for another visa/permit would be in contravention of the Immigration Act, and as far as the non-reporting of acts of fraud and forgery to law-enforcement agencies, is concerned. The Committee has recommended an in depth investigation of these identified matters.

1.14.1.4 PRP based on known patterns

The Ministerial Committee observed common patterns of forum shopping and brute force tactics among some foreign nationals shifting from one application to another in the hope of eventually being admitted to one or the other permit or visa. In regard to PRPs, we found the following general pattern of activities or *modus operandi* by some applicants:

- Enters the country to visit;
- Applies for an asylum or a work visa;
- Later applies for a waiver in their asylum status or a change to their work visa conditions as they had a life partner living in South Africa; and
- Then applies for a permanent residence permit after the 5-year period had occurred.

During the review by the Committee of a number of such applications, it was evident that the documentation submitted in several of these applications were potentially false or tampered with, which passed scrutiny and verification processes and subsequently approved. The Committee found 275 applicants who had more than 4 applications in VAS with a common trend where majority of each applicants applications were rejected until an approval was granted. The Committee has recommended an in depth investigation into these types of anomalies.

1.14.2 Business and Corporate Visas and Permits

The Committee found a high rejection rate for business and corporate visas and permits. This seemed to illustrate a clear indication that, despite clear signs of manipulation, sections of the DHA still maintain a semblance of a genuine application of the relevant mandated laws and prescripts in applying their minds to these applications.

However, the number of business permit approvals, 1 137, were approved in the TnT system. This in itself is seen as irregular, as the majority of these applications and approvals should have been processed through VFS and VAS.

The average number of days per year between the DHA receiving an application for a business visa and approving shows that the overall average days since 2014 has dropped significantly from 566 to 31 which is very commendable and demonstrates the impact of the narrative around Operation Vulindlela. The Vulindlela effect caused different government departments to operate cohesively thus removing the long delays in requesting and receiving government information.

1.14.3 Critical and Exceptional Skills Visas and Permits

The Committee identified several under-aged applicants for critical and exceptional skills visas and permits. On closer inspection the age problem identified seemed to be due to a data capture error where the details (e.g. DOB, name and surname) of the dependent of the applicant were used instead of the actual applicant's details. A simple algorithm should be used in cases like these to ensure accurate data is used in the VAS and VFS databases.

The Committee recommended that these matters require an in-depth investigation to see determine whether there were acts of gross misconduct associated with the errors identified.

The Committee identified 63 cases in which applicants changed their applications from a worker to a critical skills visa. The analysis revealed that in the majority of the 63 applicants identified, a pattern of changing their visa from general worker to a critical skills visa and back to a PRP worker. This is indicative that it is easier to get a critical skills visa than a worker visa as the worker visa requirements are onerous. The cases identified need to be fully investigated to determine why critical skills are seen as a gateway to a PRP.

The Committee established a trend of multiple study visa applications followed by critical skills visa applications over multiple years. There is a probability that foreign nationals are using the study visa to get into the country and then constantly test the system to see if they can qualify for a critical skills visa and thereafter an exceptional skills PRP. The number of critical skills visas rejected has also increased, which supports the idea of a brute force approach being used, i.e. keep trying until you get approved. The Committee recommends that these matters be thoroughly investigated to determine impropriety.

1.14.4 Study Visas

The Committee established a trend of study visa applications taking an inordinately long time to be approved, which could in some cases render these useless as the applicant might no longer have a need to study years after the application had been made.

The list of top 10 countries, out of 177 countries listed, that had study visas approved is dominated by Zimbabwe, with 23% of all approvals, followed by Nigeria with 11% and the Democratic Republic of the Congo with 10%. These three countries account for 44% of all the approved study visas.

The top 10 institutions selected for study by applicants were found to be the top resident universities in South Africa. However, two study locations among the top 10 were rather peculiar “study locations”, being “Course: Learner” and “Course: n/a”, which clearly is a problem as these could have been used to facilitate the approval of possibly, suspicious study visas. The Committee recommended that this matter be fully investigated to determine whether or not there was impropriety.

1.14.5 Retired Persons Visas

The Ministerial Committee found a high rejection rate of approximately 50% of all retirement visas and permits.

The Committee established that Chinese applicants made up the majority of the retired visa and permit applications, however, they also had the highest rejection rate.

The Committee also observed a trend of young applicants applying for a retirement visa or permit with 65% being younger than 55 years. In 2018, 79% of the applicants for retired person visas were younger than 55 years. There are notable categories of applicants younger than 16 and between 16 and 25 years old.

Our analysis also indicated that several applicants gained entry into South Africa using a Retired Persons Visa, which were issued in VAS from 2014 to 2021. Through a reported change in conditions, in certain instances a change request was submitted for a work or a spousal relationship visa to entitle the applicants to work in South Africa. This could be irregular in certain instances based on the age groups of certain applicants using the retirement visa route as a guise to enter South Africa under false pretext. This trend needs to be further investigated to ensure that all retirement visa and permit applications are in accordance with the Immigration Act.

Section 20 of the Immigration Act regulates the granting of a retired person visa. It does not stipulate an age limit for the visa. A retired person may, with the permission of the Director-General, conduct work. The regulations further determine the minimum amounts as payments per month from a pension or irrevocable annuity or retirement account of R 37 000 minimum payment per month or minimum net worth of R 37 000.

These amounts were determined by the Minister in 2014 and have not kept up with increases in the cost of living in the country. In this regard, the Committee recommends that certain aspects of the Act will need to be reviewed and the financial requirements for certain applications adjusted to match current thresholds. In the case of Shepherd Bushiri, the R12 million required to be shown to be invested in the country in order to obtain his PR was easily met, even though the funds he was putting forward as an investment in South Africa was generated from the church he was running in South Africa.

The monthly income and monthly net asset value required of an applicant are very low, and easy to satisfy for many applicants from jurisdictions whose currencies are stronger than the South African Rand.

The scope for possible abuse of this visa is significant given the low threshold for qualification.

1.14.6 Citizenship by Naturalisation

The Committee performed analytical tests on foreigners applying for naturalisation and the preceding permanent residence permits. Based on the NPR data received from the department, the Committee identified 316 428 people that had been naturalised

To determine if there were any trends or patterns in the naturalisation process that could be flagged as suspicious, the committee assessed matters of naturalisation that occurred prior to a prescribed 5-year period of having had a PRP in South Africa having been completed. The Committee found 145 such applicants. Section 5(9) states that:

“(a) Notwithstanding anything to the contrary contained in subsection (1)(c), the Minister may under exceptional circumstances grant a certificate of naturalisation as South African citizen to an applicant who does not comply with the requirements of subsection (1)(c) relating to residence or ordinary residence in the Republic”.

(b) The Minister shall within 14 days after the commencement of the sittings of Parliament in each year table in Parliament the names of any persons to whom certificates of naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate”.

The Committee had sight of the lists with names published in Parliament as contemplated in the Act and found limited evidence of the names identified amongst the 145 certificates that were issued on such published list. Amongst the 145 matters analysed, the Committee also identified 11 people with irregular dates in the “Date of Naturalisation” field and a further 25 people who were naturalised before they were issued a PRP. Each of the 145 matters identified must be urgently investigated.

1.14.7 PRPs with missing documentation or application forms

The Committee was informed that suspicious applications had been processed and the files vanished once the permit was approved. If an application file attachment was in the file database but there was no application, is indicative that the application was deleted from TnT, VAS or VFS.

The Committee identified 123 698 visa and permit application files that had no application visible in VAS, VFS and TnT. 8 455 were linked to PRP application files without a supporting application. A summary of the 8 455 application files per type of permit and how many were found is listed below:

- Waivers – 115 (Where a waiver to the conditions of their permit was requested so that the applicant could apply for a different permit);

- Exemptions – 88 (Where a blanket exemption was granted to certain applicants to allow them to apply for certain permits);
- Appeals - 6 455 (Where the applicant appeals the decision to reject their PRP application);
- Permit applications - 894 (Normal permit applications);
- Renewals – 244 (Where the permit applied for was renewed); and
- Proof of permit - 659 (Issued to applicants with a permit to prove they have a PRP).

The Committee identified 309 599 applications that had no attachments for visas and permits, 56 672 were linked to PRP applications. A summary of these per type of permit and where they were found (VFS,TnT or VAS) are listed below:

- Waivers - 485 (Found in VFS);
- Exemptions - 675 (Found in VFS);
- Appeals - 4 145 (Found in VFS and TnT);
- Permit applications - 49 268 (Found in VFS, VAS and TnT);
- Renewals - 861 (Found in VFS); and
- Proof of permit - 1 238 (Found in VFS).

All these matters will require an in depth investigation to ascertain if there were instances of impropriety due to the anomalies found.

1.14.8 Naturalised people identified in NPR compared to DHA list of Naturalised People (July 2003 to June 2019)

During meetings with the DHA Civics team a request was made for a list of all naturalised persons. A test was performed to determine what the differences were between the DHA list of 16 515 people, and the Committee's extract from NPR data of 83 555 people. The results of the test indicated that 5 100 (31%) of the DHA naturalised people were found on

both lists, 11 115 (67.5%) of the DHA list was found on NPR but had no naturalisation information populated in the NPR data received. Further, 78 455 of the naturalisations found in the NPR were not found on the DHA list.

A further finding was that 106 people on the DHA list were not found on the NPR data that the Committee was provided with. These naturalisations will need to be investigated to determine why they were not on the NPR provided to the Committee.

The Committee identified 139 duplicated records in the DHA list that also had 32 people with different naturalisation dates. In some cases there were 14.5 years between the dates of naturalisation. These will need further investigation and explanation for the discrepancy.

1.15 General Visa/Permit Observations

1.15.1 Patterns identified

The Committee found evidence of a pattern of suspicious behaviour by applicants applying for asylum/general work visa/holiday visa and then changing it either by waiver or a change of visa type to a spousal visa and then applying for PRP once they have been in SA for 5 years.

There is also a pattern of brute force applications. The applicants keep applying until they succeed with a visa application. Alternatively, some applicants were advised at the VFS centre that their applications would be rejected by DHA, but the applicants insisted that their applications be submitted notwithstanding. Allegations received by the Committee that the purpose for such insistence to VFS that the faulty application be submitted to DHA, is to have it purposefully rejected in VAS so that the applicant could appeal the rejection, which would in many a case then be approved.

The Committee identified numerous instances where an applicant had an application rejected in VAS and then a second application approved. However, this requires a thorough investigation to determine whether there were acts of impropriety associated with each application. Analysis and whistle blowers have identified those complicit and an

investigation now necessitates building an evidence trail to assist with disciplinary action and where necessary, criminal prosecutions.

The Committee also identified a number of alleged unauthorised “users” that were introduced into the MCS system to process transactions. These “users” had ranks of cleaner, driver/messenger and mobile (motor vehicle) drivers. These users processed multiple movements on MCS from 2014 to 2020.

The Committee found no evidence to confirm that these drivers, messengers and cleaners had any lawful authority and or instruction to be processing MCS transactions on the system of DHA. One cleaner that was interviewed had no knowledge of being a user on the departments systems and no training on computers. It is evident that this type of activity requires training to know what to do on the system and some previous computer exposure to complete the work that was executed.

Currently, an official’s Persal number is used to create a user login on the DHA systems. The Committee is of the view that department needs to explore other options to create user logins. It is the Committees understanding that Persal numbers and a matching password are currently being utilised in VAS. The department must consider the use of a Biometric Access Control Management (BACM) system to further enhance the logging of who physically logged into the systems and made any system changes.

The Committee identified 16 158 visas or permits applications that had been made by the foreign nationals linked to the above movements. 12 496 applications constituting a majority, were linked to the Special project visas, such as the ZEP project. However, 3 662 were linked to normal visa and permit applications.

Each movement processed in MCS by the said cleaners, drivers and messengers requires an in depth investigation to determine complicity by such cleaners, drivers, messengers and others and any associated activity that assisted in facilitating the entire process.

Users were also identified performing transactions on VAS outside office hours, on weekends and during public holidays.

1.15.2 System Manipulation

The Committee found that transactions appear to have been inserted into VAS, as the process workflow sequences and stage code orders in some cases do not make sense when sorted numerically or in date order. The Committee found stage codes that were out of sequence for numerous applications. For ease of reference, a normal and correct process flow in VAS, as can be seen in table 40 later in the report, the stage codes follow in a numerical order from 2 to 10.

The Committee also found that there are extra fields in the work-flow table that the system never uses, which are always null/empty. However, the extra fields for the registered records of some of these applications have information populated. This is indicative of records being inserted into the back-end of the database to populate an adjudication decision for an application. This is not an action that can be done by an average user on the system and would need a highly skilled IT user with administrator rights to execute.

The abnormal process flows referred to above do not have an audit trail. The system ordinarily creates an audit trail automatically for normal processes. Inserted data avoids triggering the automatic creation of an audit trail.

This finding was corroborated by the forensic report issued by Nexia SAB&T in October 2021. All the applications associated with these findings need to be fully investigated.

1.15.3 Delays in the printing of visas

The Committee identified anomalies in the dates related to approvals and the printing of visas.

In a number of cases, the printing date was before the visa approval date. The Committee was unable to determine the reasons for this anomaly.

The Committee identified lengthy delays in the printing of visas after approval between 2014 and 2021. These delays could result from a number of legitimate operational reasons. The

Committee can also not rule out some nefarious activities by officials, as highlighted by whistle-blowers, who alerted the Committee of officials who are deliberately delaying the printing of visas for purposes of charging a so called “ransom”.

The Committee has recommended an in depth investigation into these printing delays and associated activities.

1.15.4 Missing control number register

A control number relates to a sequential number on various forms of visas stickers received in batches from the Government Printing Works (GPW). The Committee requested a register of all control numbers of all visas issued to approved applicants as well as any that had been cancelled.

The Committee, after numerous exhausting attempts, was not able to locate any form of register or mechanism to control and monitor the issuance of visas stickers. The lack of such a control mechanism creates the opportunity of visas stickers being illegally removed from the printed batches for the fraudulent issuing of visas. The Committee found fraudulent visas that have no supporting application documentation. Internal audit also reported similar findings.

The Committee has recommended that the department urgently investigate the mentioned missing control numbers and urgently review the entire policy and procedure of visa control mechanisms.

1.15.5 Common use of cell phone numbers and email addresses

Certain cell phone numbers and e-mail addresses were repeatedly used in applications. A majority of these cellular phone numbers and email addresses appear to belong to immigration agencies or agents. In 2014 the department took appropriate steps to no longer recognise immigration agencies. However, the agencies are still being used. The Committee is of the view that the department must review its policy and procedure relating to the aspect

of the non-supply of proper and verified contact details associated with an applicant. A common address or contact detail that does not belong to the applicant but to an immigration agent should not be permitted as the use of agencies is no longer recognised by the department.

1.15.6 Fast processing of applications

The Committee found that some applications were processed between 0 and 1 day. These applications would need further investigation to determine their authenticity and if due diligence was performed.

1.15.7 Visa date issued way into the future

By using the MCS data, the Committee identified numerous instances where the visa expiry date is past the year 2031. All visas with incorrect expiry dates would need further investigation.

1.15.8 VFS/DHA email address associated to an applicant

Many applicants were identified that used a VFS/DHA e-mail address as their contact e-mail address. It would be expected that applicants would use their own email or a family member's email address to receive notifications and status updates, and not a VFS employees email address. The use of generic email addresses such as *info.dhasa@vfshelpline.com* which is the standard email address on VFS for help on their website is problematic. An explanation given by VFS was that when an applicant applies but does not have an email address, VFS populates the application with a *donotreply@vfsglobal.com* email address. The reason for specific employees' emails being used for applications that were not related to their own applications was still unanswered at the time of writing of this report.

1.15.9 “South Africans” applying for Visas (Asylum Cases)

The Committee identified numerous “South African” applicants applying for visas and being approved. The explanation provided was that VFS had seen the source of the document (where the passport was issued from) as the country of origin but after discussions with the DHA, VFS had agreed to change this process.

However, in a number of such applications this is still occurring. The DHA should ensure that VFS complies with the earlier agreement and refrain from using South Africa as a default country and state the country of origin of such applicant.

1.16 Key Recommendations

Based on the findings of the review, the Committee has made numerous recommendations for consideration, which are discussed in more detail later in this report.

However, the Committee considers the following interventions as key essential corrective measures that would require immediate consideration by the Minister:

1.16.1 Phase 2 - Appointment of a Multidisciplinary Investigating Task Team

- The immediate appointment and mandating of an independent multidisciplinary task team of a legal firm of attorneys, forensic investigators, specialist analysts, and system experts to fully investigate all the anomalies, fraudulent applications, corrupt activities, systemic irregularities and maladministration as identified in the report and to make appropriate recommendation for criminal prosecution, disciplinary action, removal from the system, system improvements, recalling of visas, and the tracing of offending foreign nationals for deportation. The multidisciplinary team is seen as being instrumental in conducting such in depth investigations into the findings and subsequent recommendations that have been made by the Committee.

1.16.2 Technology Approaches to Resolve System and Data Security Challenges

- Key observations from the AS-IS Assessment by the DHA of the current department's technology landscape include the following:
 - There is a fragmented technology architecture which does not promote unified, coordinated digital enablement across Civics, Immigration and Border processes;
 - There are disparate systems posing a challenge to high levels of interoperability and integration required to enhance system and data security, accuracy and efficiency across Civics, Immigration and Border processes driven by artificial intelligence and machine learning; and
 - The DHA must examine the reason for the slow process of rolling out of IT infrastructure and related upgrades, not finalising the rollout of system modernisation and discontinuation of legacy systems, the appointing of additional skilled resources, and lack of adequate deployment of IT security, that will allow for all siloed data sources across the DHA to be optimized with artificial intelligence (AI) and machine learning capability, when rolled out and finalized.
- The Committee also references the significant findings of the 2016 Digital Strategy document that should be considered to further guide the department in implementing its integrated digital platform.

1.16.3 Digitisation of all manual files

- The Committee is of the view that it would be in the interest of the DHA to consider embarking on a process of digitising all manual files. This would assist with further analysis and possible findings. Without these files being digitised, it is completely impossible to link the data contained in them and to establish the kinds of patterns the Committee was able to discover using advanced data analytic tools.

1.17 Concluding Remarks

All the irregularities and system weaknesses exposed in this report notwithstanding, the Ministerial Committee is firmly of the view that by and large the South African permitting environment remains functional.

2. Methodology

As part of its review, the Ministerial Committee looked into applications for the issuance of the permits and visas listed in the Terms of Reference for the period 12 October 2004 and 31 December 2020.

In order to fully understand the basis for the issuance of visas and permits, the Ministerial Committee studied key legislative prescripts, including the Immigration Act, the Immigration Regulations, the South African Citizenship Act, and various Standard Operating Procedures governing the issuance of the targeted visas and permits.

The Committee went through various documents, including Internal Audit reports, reports of the Auditor-General (AGSA), reports from independent organisations and forensic auditors, and internal Department of Home Affairs planning and investigation documents and reports.

Interviews and discussions with key stakeholders including officials from the DHA, non-government organisations, and some security agencies have been held. Some of these individuals and groups have participated on a whistle-blower basis and would not have their identities revealed.

The Committee studied samples of visa and permit application and adjudication documents that had been flagged by whistle blowers.

The Committee carried out a comprehensive data analytics exercise using data integrative tools with the view to link disparate data sets located in the various legacy and current IT systems of the DHA. This process was considerably slowed down by difficulties in accessing data from the Information Systems (IS) Branch of the DHA.

The Committee could only perform data analytics using available data from 2014 to 2021, as applications before 2014 were not digitised on the Visa Adjudication System (VAS).

3. Legislative and Regulatory Environment

In this section we consider the regulatory framework that regulates the different categories of visas and permits, including naturalisation certificates, which are under review. Whilst overall our view is that the legislation and regulations are largely adequate and not the source of most of the irregularities and anomalies that we have found in the review, we have identified areas that we consider could be improved upon but which would require that a proper comparative study of the practices, legislation and regulations in comparable jurisdictions should be considered.

Under this heading, the Committee set out the provisions of the various instruments and the requirements for each category under review. In respect of each visa, permit and naturalisation certificate, we will evaluate the validity thereof against compliance with the requirements of the regulatory instruments.

The issuing and administration of the visas, permits and certificates of naturalisation is regulated by legislation, regulations, policies, directives and Standard Operating Procedures of the Department.

The following is the applicable regulatory framework:

- Immigration Act No 13 of 2002;
- Immigration Regulations, 2014;
- South African Citizenship Act 88 of 1995;
- Regulations on the South African Citizenship Act, 1995;
- Delegation of Authority – Minister;
- Delegation of Authority – Director-General;
- Standard Operating Procedure – Temporary Residence Permits; and
- Standard Operating Procedure – Permanent Residence Permits.

The Committee has also considered the provisions of the Code of Discipline for the Public Service and the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA). We do so because our findings on the visas and permits we are required to review, may require that we make prima facie findings against persons and to make recommendations in respect of such persons.

3.1 Visas and Permits

The issuing and administration of visas and permits is governed by the Immigration Act, Immigration Regulations, Directives, Departmental Standard Operating Procedures.

3.1.1 Immigration Act 13 of 2002

The admission of persons to their residence and departure from the Republic is regulated by the Act. It sets out the powers to issue visas and permits and the requirements for the different categories of visas and permits.

The object of the Act is aimed at ensuring the following which are relevant to our Terms of Reference¹:

- That visas and permanent residence permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, and without consuming excessive administrative capacity;
- That security considerations are fully satisfied and the State retains control over the immigration of foreigners to the Republic;
- That interdepartmental coordination and public consultations enrich the management of immigration;

¹ Preamble

- That economic growth is promoted through the employment of needed foreign labour, foreign investment is facilitated, the entry of exceptionally skilled or qualified people is enabled, skilled human resources are increased, academic exchanges within the Southern African Development Community is facilitated and tourism is promoted;
- That the role of the Republic in the continent and the region is recognised;
- That the entry and departure of all persons at ports of entry are efficiently facilitated, administered and managed;
- That immigration laws are efficiently and effectively enforced, deploying to this end significant administrative capacity of the Department of Home Affairs, thereby reducing the pull factors of illegal immigration;
- That the South African economy may have access at all times to the full measure of needed contributions by foreigners;
- That the contribution of foreigners in the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African workers;
- That a policy connection is maintained between foreigners working in South Africa and the training of our citizens;
- That immigration control is performed within the highest applicable standards of human rights protection;
- That a human rights-based culture of enforcement is promoted; and
- That the international obligations of the Republic are complied with.

Section 71 gives the Minister the power to make regulations relating to “a port of entry visa, visas, permanent residence permits and the certificates which may be issued under this Act, the requirements for the issuing of a port of entry visa, visas, permanent residence permits

and certificates and terms and conditions to which such port of entry visa, visas, permanent residence permits or certificates may be subjected, and the circumstances under which such a port of entry visa, visas, permanent residence permits or certificates may be cancelled or withdrawn". The Minister has made regulations, the Immigration Regulations, 2014.

Section 8 provides for the review or appeal to the Director-General and the Minister against a decision taken in terms of the Act, which powers may be delegated to an officer or employee in the Public Service. A review or appeal against a decision must first be submitted to the Director-General for decision and if the person is not satisfied with the decision of the Director-General, may seek a review by or appeal to the Minister. The Minister has delegated the following powers in terms of section 3²:

- Review of decision of Immigration Officer in terms of section 8(1)(a). The power is delegated to Chief Director: Port Control;
- Review of decision of Immigration Officer in terms of section 8(1)(b). The power is delegated to Chief Director: Port Control; and
- Confirm, reverse or modify any application for review or appeal to decision of the Director-General in respect of authorisation to remain in the Republic in terms of section 8(7). The power is delegated to the Deputy Director-General: Immigration Services. The Minister's Delegation is annexed hereto as "A".

Section 10 gives the Director-General the power to issue a visa for temporary sojourn. The following visas relevant to the Terms of Reference are authorised by section 10(2):

- Study Visa;
- Business Visa;
- Critical Skills Visa;
- Corporate Visa;
- Permanent Residence Permit; and

² Delegation of Authority dated 28 October 2020

- Retired Persons Visa.

Section 10(6)(a) permits a foreigner, other than the holder of a visitor's or medical treatment visa, to apply to the Director-General to change his or her status and or terms and conditions attached to his or her visa, while in the Republic. Section 10(6)(b) permits an application for a change of status attached to a visitor's or medical treatment visa while in the Republic, only in exceptional circumstances as prescribed.

The Director-General may in terms of section 3(2) delegate his powers to an officer or category of officers or persons in the Public Service. The Director-General has delegated his powers relevant to the Terms of Reference as follows³:

Immigration Officer (IO), Level 6

- Activation of visa at port of entry in terms of section 10(1). IO: Port of Entry.

Senior Administration Officer (SAO), Level 8

- Granting and renewal of visitor's visa for a period not exceeding 3 months (sec 11(1)(a));
- Approval that financial resources are sufficient before granting a visitor's visa (sec 11(1)). The Minister approved minimum amounts of R3000.00 as follows – (i) 3 months bank statement; and (ii) cash available to the applicant;
- Granting of a study visa for a period exceeding 3 months (sec 13(1)); and
- Authorising holder of a study visa to conduct practical training in field related to their studies (sec 13(2)).

³ Delegation of Authority dated 22 October 2020 (Acting Director-General)

Chief Director: Permitting, Level 14

- Issuing of temporary residence visa upon application at mission (sec 10(2), except the power in sec 11(1)(a));
- Issuing a temporary residence visa on application in the Republic (sec 10(2));
- Attaching of conditions and terms to a temporary residence visa (sec 10(5));
- Approval of change of status or conditions of a temporary residence visa (sec 10(6));
- Approval of duration of temporary residence visa (sec 10(7));
- Notice to cancel a temporary residence visa (sec 10(9));
- Review of decision to cancel a temporary residence visa (sec 10(10));
- Granting of a temporary residence visa for a period exceeding 3 months to a person who complies with sec 10A (sec 11(1)(b));
- Approval to work whilst holding a visitor's visa – Mission and Head Office (sec 11(2));
- Granting a visitor's visa to a spouse of a citizen or permanent resident who does not qualify for a section 13 to 22 visa (sec 11(6));
- Issuing of a business visa (sec 15(1));
- Reducing or waiving capitalisation requirements on request of Department of Trade and Industry or when business is considered of national interest (sec 15(3));
- Issuing of a relatives visa to a family member of a citizen or a permanent resident (sec 18(1));
- Issuing of a critical skills work visa (sec 19(4));
- Issuing of a retired persons visa (sec 20(1));
- Authorising and determining conditions for a holder of a retired persons visa to conduct work (sec 20(2));
- Issuing corporate visa to a corporate applicant to employ foreigners (sec 21(1)) and

- Determining the maximum number of foreign employees to be employed in terms of a corporate visa (sec 21(20)).

Deputy Director-General: Immigration Services (DDG:IMS), Level 15

- Issuing of Permanent Residence Permit – secs 26(a), (c) and (d); 27(a) to (f), excluding sec 27(c)(i).

The Minister and the Director-General may waive compliance with the requirements for each visa. This is permitted by section 31(2)(b) and (c) which provides that the Minister may:

- Grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision (s31(2)(b); and
- For good cause, waive any prescribed requirement or form (s31(2)(l)).

3.2 Study Visa

Section 13 authorises the issuing of a student visa to a foreigner who intends to study in the country and permits the holder to perform certain work. The holder of a study visa may conduct part-time work for a period not exceeding 20 hours per week⁴.

Regulation 12 prescribes the following requirements and conditions for a study visa, in addition to application Form 8:

- An official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course;
- An undertaking by the Registrar or Principal of the learning institution to –

⁴ Regulation 12(3)

- provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or
- in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;
- within 30 days of de-registration, notify the Director-General that the applicant is no longer registered with such institution; and
- within 30 days of completion of studies, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study;
- In the case of a learner under the age of 18 years:
 - an unabridged birth certificate;
 - a copy of his or her identity document, if applicable;
 - proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and
 - proof of consent for the intended stay from both parents or, where applicable, from the parent or legal guardian who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner;
- A police clearance certificate;
- In the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant;

- Proof of medical cover renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act;
- An undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study; and
- Proof of sufficient financial means available to the learner whilst resident in the Republic.

3.3 Business Visa

Section 15(1) authorises the issuing of a business visa to a foreigner intending to establish or invest in, or who has established or invested in, a business in the Republic in which he or she may be employed, and an appropriate visa for the duration of the business visa to the members of such foreigner's immediate family, provided that:

- Such foreigner invests the prescribed financial or capital contribution in such business;
- The contribution forms part of the intended book value of such business; and
- Such foreigner has undertaken to, inter alia, employ the prescribed percentage or number of citizens or permanent residents within a period of 12 months from the date of issue of the visa.

A holder of a business visa is prohibited from conducting work other than work related to the business in respect of which the visa has been issued⁵

Regulation 14 prescribes the following requirements and conditions for a business visa⁶:

- (i) *a business to be established or an investment in a business not yet established*

⁵ Section 15(2)

⁶ To accompany application Form BI-1738

- A certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that:
 - (i) *at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available; or*
 - (ii) *at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available;*
- An undertaking by the applicant that at least 60% of the total staff complement to be employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of the issuance of the visa;
- An undertaking to register with the South African Revenue Service; Unemployment Insurance Fund; Compensation Fund for Occupational Injuries and Diseases; Companies and Intellectual Property Commission (CIPC), where legally required; and relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable;
- A police clearance certificate; and
- A letter of recommendation from the Department of Trade and Industry regarding:
 - (2) *the feasibility of the business;*
 - (ii) *the contribution to the national interest of the Republic;*

(3) An established business of the foreigner or an existing business in which the foreigner has invested

- A certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that:
 - at least an amount in cash as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available or already invested in the Republic; or
 - at least an amount in cash and a capital contribution as determined from time-to-time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available or already invested in the Republic;
 - proof that at least 60% of the total staff complement employed in the operations of the business are South African citizens or permanent residents employed permanently in various positions;
 - proof of registration with the South African Revenue Service; Unemployment Insurance Fund; Compensation Fund for Occupational Injuries and Diseases; Companies and Intellectual Properties Commission (CIPC), where legally required; and relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable;
 - a police clearance certificate; and
 - a letter of recommendation from the Department of Trade and Industry regarding the feasibility of the business; and the contribution to the national interest of the Republic.

- A foreigner who invests in a business to be established or has invested in an existing business shall, in addition, submit financial statements in respect of the preceding financial year; and proof of the investment;
- An applicant must, within 12 months of the visa being issued, submit to the Director-General a letter from the Department of Labour confirming that a report regarding the undertaking referred to in section 15(1)(ii) of the Act that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions;⁷ and
- A business visa may be issued for a period not exceeding three years at a time.⁸

3.4 Critical Skills Visa

Section 19 authorises the issuing of work visas. Section 19(4) in particular authorises the issuing, subject to prescribed requirements, a critical skills work visa to an individual possessing such skills or qualifications determined to be critical for the Republic from time to time by the Minister by notice in the Gazette and to those members of his or her immediate family determined by the Director-General under the circumstances or as may be prescribed. The Minister has determined the critical skills for the purposes of section 19(4).⁹

Regulation 18 prescribes the following requirements and conditions for a critical skills visa:

- A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependant family members, should it become necessary;

⁷ Regulation 14(4)

⁸ Regulation 14(5)

⁹ Government Gazette No. 37716, 3 June 2014

- A police clearance certificate.
- Proof that the applicant falls within the critical skills category in the form of:
 - A confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience;
 - If required by law, proof of application for a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act; and
 - Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.

A critical skills visa shall be issued for a period not exceeding 5 years¹⁰, and a spouse and dependent children of a holder of a critical skills visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills visa.¹¹

Regulation 18(9) imposes a duty on the employer of a holder of a critical skills visa to ensure:

- The holder of the visa is only employed in the specific position for which the visa has been issued;
- The foreign employee will at all times comply with the provisions of the Act and conditions of his or her visa and undertakes to immediately notify the Director-General if the employee refuses to comply with the provisions of the Act or conditions of the visa; and

¹⁰ Regulation 18(6)

¹¹ Regulation 18(7)

- A plan is developed for the transfer of skills to a South African citizen or permanent resident.

3.5 Retired Persons Visa

Section 20(1) authorises the issuing of a retired persons visa for a period exceeding 3 months to a person who intends to retire in the Republic provided that the foreigner provides proof that such foreigner has:

- The right to a pension or an irrevocable annuity or retirement account which will give such foreigner a prescribed minimum payment for the rest of his or her life from the country of his or her origin; or
- A minimum prescribed net worth.

The holder of a retired person visa may, in terms of section 20(2), be authorised to conduct work on terms and conditions determined by the Department, and may, in terms of section 20(3)(a) be allowed to sojourn in the Republic on a seasonal or continuous basis (ss3(a)).

A retired person visa may not exceed a period of 4 years and may, on expiry, be renewed subject to the requirement in subsection 1.¹²

Regulation 19 prescribes the following requirements and conditions for a retired persons permit:

- A police clearance certificate;
- A minimum payment per month as determined by the Minister from time to time. The Minister determined the amount of R37 000 per month.¹³; and

¹² Section 20(3)(b)

¹³ Government Gazette No. 37716, 3 June 2014

- A net worth which is a combination of assets realising, per month, the amount determined by the Minister from time to time. The Minister has determined the amount of R37 000.¹⁴

3.6 Corporate Visa

Section 21(1) authorises the issuing of a corporate visa to a corporate applicant to employ foreigners to work for the corporate applicant in the Republic. Section 21(2) empowers the Director-General, in consultation with the prescribed departments, to determine the maximum number of foreigners to be employed in terms of a corporate visa by a corporate applicant, taking into account, inter alia, corroborated representations made by the corporate applicant in respect of the need to employ foreigners, their job descriptions, the number of citizens or permanent residents employed and their positions, and other prescribed matters.

Section 21(6) prescribes that a foreigner employed in terms of a corporate visa shall work only for the holder of that corporate visa.

Regulation 20 prescribes the following requirements and conditions for the issuing of a corporate visa:

- Proof of the need to employ the requested number of foreigners;
- Letter issued to the corporate applicant by the Department of Labour to the effect that a certificate has been issued to the Department confirming:
 - that despite diligent search, the corporate applicant was unable to find suitable citizens or permanent residents to occupy the position available in the corporate entity;
 - the job description and proposed remuneration in respect of each foreigner;

¹⁴ Government Gazette No. 37716, 3 June 2014

- that the salary and benefits of any foreigner employed by the corporate applicant shall not be inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic;
- Proof of registration of the corporation with the South African Revenue Service; Unemployment Insurance Fund; Compensation Fund for Occupational Injuries and Diseases; and Companies and Intellectual Properties Commission (CIPC), where legally required; and
- An undertaking by the employer to inform the Director-General should any foreign employee not comply with the provisions of the Act or visa conditions or no longer be in the employ of such employer or be employed in a different capacity or role.

An applicant for a corporate visa must provide proof that at least 60% of the total staff complement that are employed in the operations of the business are citizens or permanent residents employed permanently in various positions, and must, during the duration of the visa, provide proof that at least 60% of the total staff complement that are employed in the operations of the business are citizens or permanent residents employed permanently in various positions.

The Director-General, or her/his delegate, may issue to a corporate applicant, authorisation certificates to employ corporate workers, in terms of the corporate visa contemplated in paragraph (a), for a period not exceeding the validity period of the corporate visa.

An application for a corporate worker certificate shall be accompanied by:

- A valid passport of the applicant and biometrics of the applicant;
- The authorisation certificate to employ to employ corporate workers issued to the corporate applicant in terms of regulation (8)(b);
- A valid employment contract;

- A written undertaking by the corporate applicant to ensure that the foreigner departs from the Republic upon termination of his or her contract of employment or accepting responsibility for the return or costs related to the deportation of the foreigner should it become necessary;
- The documentation contemplated in regulation 9(1)(b), (c) and (f);
- Proof of qualifications evaluated by SAQA, and translated by a sworn translator into one of the official languages of the Republic, or skills and experience in line with the job offer; and
- A certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.

A corporate permit may not exceed 3 years¹⁵, and a corporate worker employed in terms thereof may not renew his or her corporate worker certificate or apply for a change of status in the Republic.¹⁶

3.7 Permanent Residence Permit

Section 25 authorises the issuing of a permanent residence permit of either – (i) direct residence permit;¹⁷ or (ii) residence on other grounds.¹⁸

The holder of a permanent residence permit has all the rights, privileges, duties and obligations of a citizen, save for those rights, privileges, duties and obligations which a law or the Constitution explicitly ascribes to citizenship.¹⁹

A direct permanent residence permit is issued in terms of section 26 to a foreigner who is:

¹⁵ Regulation 20(8)(a). Immigration Directive 10 of 2014 dated 30 June 2014 withdrew all open-ended (indefinite) corporate visas and directed that holders of such visas apply afresh in terms of Amended Regulations which prescribe that corporate visas shall not exceed 3 years

¹⁶ Regulation 20(11)

¹⁷ Section 26

¹⁸ Section 27

¹⁹ Section 25(1)

- A holder of a work visa in terms of the Act for five years and has proven to the satisfaction of the Director-General that he or she has received an offer for permanent employment;
- A spouse of a citizen or permanent resident for five years and the Director-General is satisfied that a good faith spousal relationship exists, provided that such permanent residence permit shall lapse if at any time within two years from the issuing of that permanent residence permit the good faith spousal relationship no longer subsists, save for the case of death;
- A child under the age of 21 of a citizen or permanent resident, provided that such visa shall lapse if such foreigner does not submit an application for its confirmation within two years of his or her having turned 18 years of age; or
- A dependent of a citizen.

Section 27 authorises the issuing of a permanent residence permit to a foreigner on other grounds who:

- Has received an offer for permanent employment, provided that-
 - such foreigner has proven to the satisfaction of the Director-General that the position exists and that the position and related job description was advertised in the prescribed form and no suitably qualified citizen or permanent resident was available to fill it;
 - the application falls within the specific professional category or within the specific occupational class contemplated in section 19 (1); and
 - the visa may be extended to such foreigner's spouse and children younger than 18 years of age;
- Taking into account any prescribed requirement, has demonstrated to the satisfaction of the Director-General that he or she possesses extraordinary skills or

qualifications, and to those members of such foreigner's immediate family determined by the Director-General under the circumstances or as may be prescribed;

- Intends to establish or has established a business in the Republic, as contemplated in section 15, and investing in it or in an established business, as contemplated in section 15, the prescribed financial contribution to be part of the intended book value, and to the members of such foreigner's immediate family: Provided that –
 - the Director-General may waive or reduce such financial or capital contribution for businesses prescribed to be in the national interest or when so requested by the Department of Trade and Industry; and
 - the permanent residence permit shall lapse if the holder fails to prove within two years of the issuance of the permanent residence permit and three years thereafter, to the satisfaction of the Director-General, that the prescribed financial contribution to be part of the intended book value is still invested as contemplated in this paragraph;
- is a refugee referred to in section 27 I of the Refugees Act, 1998, subject to any prescribed requirements;
- intends to retire in the Republic, provided that such foreigner proves to the satisfaction of the Director-General that he or she-
 - has the right to a pension or an irrevocable annuity or retirement account which will give such foreigner a prescribed minimum payment for the rest of his or her life; or

- has a minimum prescribed net worth. The Minister approved a minimum net worth of R12 million, R120 000 of which must be paid to the Director-General on approval of application;²⁰
- Has proven to the satisfaction of the Director-General that he or she has a prescribed minimum net worth and has paid a prescribed amount to the Director-General; or
- Is the relative (biologically or judicially) of a citizen or permanent resident.

Regulation 23 prescribes the following requirements and conditions for a permanent residence permit together with application Form 18:

- Copy of the applicant's birth certificate;
- Biometrics of an applicant over 16 years of age;
- A yellow fever vaccination certificate if that person travelled or intends travelling from or transits through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
- Police clearance certificate;
- Medical and radiological reports (provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women);
- The documents contemplated in regulation 9(1)(d) relating to dependent children accompanying the applicant to or joining the applicant in the Republic;
- The documents relating to the applicant's marital status or spousal relationship contemplated in regulation 3(2);
- An unabridged birth certificate in respect of each dependent child;

²⁰Government Gazette No. 37716, 3 June 2014

- A deed poll in the case of an applicant who has changed his or her name, surname or sex; and
- Where the application is made in the Republic, a valid visa for temporary sojourn at the time of application, in respect of each applicant.

The Director-General has the power to withdraw a permanent residence permit. This is authorised by section 27.

The Director-General may withdraw a permanent residence permit if its holder –

- Is convicted of any offences;
 - in Schedules 1 and 2 of the Act; or
 - in terms of the Act.
- Failed to comply with the terms and conditions of the permit;
- Has been out of the country for more than 3 years unless such absence is condoned in terms of the Act; and
- Has not taken residence in the country within 1 year of the issuance of the permit.

Section 29 prohibits the entry and issuing of a port of entry visa, a permanent residence permit to persons listed in the section. Of direct relevance to our mandate are the following:

- Section 29(1)(b) which reads, “anyone against whom a warrant is outstanding or a conviction has been secured in the Republic or a foreign country in respect of genocide, terrorism, human smuggling, trafficking in persons, murder, torture, drug-related charges, money laundering or kidnapping”;
- Section 29(1)(l) “anyone previously deported and not rehabilitated by the Director-General in the prescribed manner”; and

- Section 29(1)(f) “anyone found in possession of a fraudulent visa, passport, permanent residence permit or identification document”.

Section 29(2) gives the Director-General the power, on good cause, to declare a person not a prohibited person.

Section 48 provides that “No illegal foreigner shall be exempt from a provision of this Act or be allowed to sojourn in the Republic on the grounds that he or she was not informed that he or she could not enter or sojourn in the Republic or that he or she was admitted or allowed to remain in the Republic through error or misrepresentation, or because his or her being an illegal foreigner was undiscovered.”

Sections 49 and 50 set out conducts which constitutes a contravention of the Act and is an offence. Section 49 prescribes the following offences, inter alia:

- Entering or remaining in or departing from the Republic in contravention of the Act;
- Participating in a conspiracy of two or more persons to conduct an activity intended to contravene the Act; and
- Committing any fraudulent act or making any false representation by conduct, statement or otherwise for the purpose of entering or remaining in, or departing from, or of facilitating or assisting the entrance into, residence in or departure from, the Republic, whether in contravention of the Act or not (ss14(f)).

3.8 Standard Operating Procedure – Permitting Processes (Temporary Residence Visas) (“SOP TRV”)²¹

The processing of visas and permits is handled by 3 sub-directorates of the department:

²¹ The document is unsigned

- Corporate Accounts Directorate deals with the work permit applications of large companies. It processes priority visas such as corporate visas, critical skills, business and work visas;
- Central Adjudication Directorate (TRV). The Directorate deals with Temporary Residence Visas and processes all temporary residence visas; and
- Central Adjudication Directorate (PRP). The Directorate deals with Permanent Residence Permits and processes PRP applications in all the 17 categories listed later in this report.

All the directorates are staffed by Directors, Deputy Directors, Assistant Directors; Adjudicators and Administration clerks, and report to a Chief Director.

The Standard Operating Procedures (SOPs) assign roles and ranks for the processing of visas and permits.

The Standard Operating Procedure (Permitting Process – Temporary Residence Visas) (“SOP TRV”) sets out the processes for temporary residence visas.²² It applies to the processing of the visas and permits under review.

The stated objective of the SOP TRV is to provide guidelines for officials involved with the processing of the various categories of temporary residence visas.²³ It sets out the process as follows in order of sequence:

- Completion of the application form online; submission to Visa Facilitation Services (VFS) of application and supporting documents; verification by VFS and electronic and physical dispatch of the file for adjudication. This is a VFS function;
- Adjudication of the application by designated adjudicator who checks for compliance with legislation; investigates and verifies supporting documents and may refer

²² The SOP is dated August 2015 and is unsigned

²³ Paragraph 4

supporting documents for further verification. The adjudicator approves or rejects the application and the decision is conveyed to the dispatch hub by the supervisor of the adjudication hub. This is a Departmental function which involves a supervisor, manager, Chief Director: Permitting; Deputy Director-General: IMS; senior managers;

- The dispatch hub conducts a quality check and “out-scan(s) the outcome with a tamper proof envelope”, generates a dispatch list for record purposes and dispatches the outcome to VFS. This is a function in the Department; and
- Upon receipt of the outcome, VFS scans the outcome to update the scan cycle, dispatches it to the Visa Facilitation Centre (“VFC”) of each province from where it is handed to the applicant or their representative and the scan cycle updated accordingly. This VFC function completes the process.

The SOP TRV sets out the requirements for each visa and permit category as prescribed in the Regulations, and in some cases sets out additional requirements not included in the Regulations.²⁴

The SOP TRV does not list the positions of officials of the Department who are authorised to be involved with the different stages of processing of applications and their role in the process. This information is critical to assess whether each visa or permit under review was processed, approved or disapproved by the authorised person.

²⁴ Pages 19-24; 52-54; 55-59; 59-67; 67-70; 72-75

3.9 Standard Operating Procedure – Permitting Processes (Permanent Residence Permits) 25 (“SOP PRP”)

The unsigned SOP PRP sets out the processes for application for Permanent Residence Permits (“PRPs”) made in terms of sections 26 and 27 of the Act, read with Regulation 33.²⁶

As with the SOP TRV, the stated objective of the SOP PRP is to provide guidelines to officials involved with the processing of PRPs.

The SOP PRP states in paragraph 1 that a prohibited or undesirable person must, before submitting an application for a permanent residence permit, submit representation to the Minister motivating why they should be declared not a prohibited or undesirable person. Accordingly, this is the first requirement to be complied with by such an applicant.

Clause 4 sets out persons who qualify for permits as provided in the Regulations and includes exclusions not specified in the Regulations, e.g. persons on Zimbabwean Special Projects visas.

The application, adjudication and notification process is as described for TRV, save that the Director-General determines applications in terms of section 26(b) and 27(g).

3.10 Citizenship

Citizenship is regulated by the South African Citizenship Act 88 of 1995 and the Regulations on the South Citizenship Act 1995, made by the Minister in terms of section 23 of the Act.

The Act regulates acquisition, loss and resumption of South African citizenship and matters incidental thereto.

²⁵ Dated August 2015

²⁶ Regulation 33 deals with the arrest, detention and deportation of illegal foreigners

3.10.1 Citizenship by Naturalisation

We set out only the provisions relevant to the Terms of Reference.

Section 4 provides for citizenship by naturalisation. Section 4(1) reads,

“any person who –

immediately prior to the date of the commencement of the South African Citizenship Amendment Act, 2010, was a South African citizen by naturalisation; or

in terms of this Act is granted a certificate of naturalisation as a South African citizen in terms of section 5,

shall be a South African citizen by naturalisation.”

Section 5 authorises the Minister, on application, to grant a certificate of naturalisation as a South African citizen to any foreigner who (satisfies the Minister that he or she) –

- Is not a minor;
- Has been admitted to the Republic for permanent residence;
- Is ordinarily resident in the Republic and has been so resident for a continuous period of not less than five years immediately preceding the date of application;
- Is of good character;
- Intends to continue to reside in the Republic or to enter or continue in the service of the Government of the Republic or of an international organisation of which the Government of the Republic is a member or of a person or association of persons resident or established in the Republic;
- Is able to communicate in any one of the official languages of the Republic to the satisfaction of the Minister;

- Has adequate knowledge of the responsibilities and privileges of South African citizenship; and
- Is a citizen of a country that allows dual citizenship, provided that in the case where dual citizenship is not allowed by his or her country, such a person renounces the citizenship of that country and furnishes the Minister with the prescribed proof of such renunciation.

Regulation 3 sets out the requirements and conditions for a certificate of naturalisation. They are:

- The application must be accompanied by the applicant's permanent residence permit; a police report not older than six months from the date of issue; the applicant's foreign passport; if the marital status has changed, the marriage or death certificate; and the original identity document, or, in the case of a child, an original birth certificate;
- A period of ordinary residence of 10 years immediately preceding the date of application for naturalisation;
- The applicant must, at the time of application, not have been absent from the Republic for a period of more than 90 days in any year during the five-year period of ordinary residence immediately preceding the date of application for naturalisation; and
- All members of the family of the applicant included in the application for naturalisation, including the applicant, must qualify to be issued with a certificate of naturalisation.

Regulation 4 prescribes the form of renunciation of citizenship of a country of origin. It prescribes as follows:

“4 Proof of renunciation of citizenship of country of origin

(1) The proof of renunciation of citizenship of the country of origin in terms of section 5(1)(h) of the Act, must be in the form of an official letter by that country, confirming that the applicant renounced his or her citizenship of that country, and indicating the date when the applicant ceased to be a citizen of such country.

(2) The proof of renunciation, referred to in sub regulation (1), must be submitted within a period of six months from the date of receipt of a letter of conditional approval of South African citizenship”.

Section 4(2)(a) provides that any period during which an applicant for naturalisation has been employed outside the Republic in the service of the Government of the Republic (otherwise than as a person engaged locally) or on a ship or aircraft or a public means of transport registered or licensed in and operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the spouse was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence or ordinary residence in the Republic.

Section 4(2)(b) gives the Minister the discretion, for the purposes of section 4(1), to regard as a period of residence or ordinary residence in the Republic any period during which an applicant for naturalisation has been employed outside the Republic on a ship, aircraft or public means of transport operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the spouse was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Republic.

Section 5(4) gives the Minister the discretion, notwithstanding the provisions of section 4(1), on application in the prescribed manner, to grant a certificate of naturalisation as a South African citizen to a foreigner who satisfies the Minister that he or she is the spouse or surviving spouse of a South African citizen and that he or she has been :

- Admitted to the Republic for permanent residence;
- Ordinarily resident in the Republic for a prescribed period; and
- Married to such citizen during the period contemplated in section 5(4)(b).

In terms of section 5(8), if the Minister has refused an application for a certificate of naturalisation by or on behalf of any person, the Minister shall not be obliged to reconsider such application at any time, but shall not consider another application for a certificate of naturalisation by or on behalf of such person until the expiration of a period of at least one year from the date upon which the person in question was advised of the Minister's decision: Provided that the Minister shall at any time reconsider an application if he or she receives any new information regarding the applicant which may influence his or her original decision.

Section 5(9)(a) gives the Minister the discretion, under exceptional circumstances, notwithstanding anything to the contrary contained in section 5(1)(c), to grant a Certificate of Naturalisation as South African citizen to an applicant who does not comply with the requirements of subsection (1)(c) relating to residence or ordinary residence in the Republic. Where the Minister has exercised his discretion in terms of section 5(9)(a), he is obliged, within 14 days after the commencement of the sittings of Parliament in each year, to table in Parliament the names of any persons to whom Certificates of Naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate.

Section 6(2) gives the Minister the power to, by order, deprive a South African citizen who also has the citizenship or nationality of any other country of South African citizenship if :

- Such citizen has at any time been sentenced in any country to a period of imprisonment of not less than 12 months for any offence which, if it was committed outside the Republic, would also have constituted an offence in the Republic; or
- The Minister is satisfied that it is in the public interest that such citizen shall cease to be a South African citizen.

Section 6(3) prescribes that whenever the Minister deprives a person of his or her South African citizenship under this section or section 10, that person shall cease to be a South African citizen with effect from such date as the Minister may direct and thereupon the certificate of naturalisation or any other certificate issued under this Act in relation to the status of the person concerned, shall be surrendered to the Minister and cancelled, and any person who refuses or fails on demand to surrender any such certificate which he or she has in his or her possession, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

Section 8 gives the Minister the power to deprive a South African citizen by naturalisation of his or her citizenship if the Minister is satisfied that:

- The certificate of naturalisation was obtained by means of fraud, false representation or the concealment of a material fact; or
- Such certificate was granted in conflict with the provisions of this Act or any prior law.

Section 10 provides that whenever the responsible parent of a minor has in terms of the provisions of section 6 or 8 ceased to be a South African citizen, the Minister may, with due regard to the provisions of the Children's Act, order that such minor, if he or she was born outside the Republic and is under the age of 18 years, shall cease to be a South African citizen.

Section 22 provides that the Minister may, subject to such conditions as the Minister may deem necessary, delegate any power conferred on the Minister by the Act, excluding a power referred to in section 5(9) (discussed above) or 25, to an officer in the service of the Department. Section 5(9) states that

“(a) Notwithstanding anything to the contrary contained in subsection (1)(c), the Minister may under exceptional circumstances grant a certificate of naturalisation as South African citizen to an applicant who does not comply with the requirements of subsection (1)(c) relating to residence or ordinary residence in the Republic”.

(b) The Minister shall within 14 days after the commencement of the sittings of Parliament in each year table in Parliament the names of any persons to whom certificates of naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate”.

Section 25 pertains to the review of the Minister’s decision by a court and so far as is relevant to section 22, states that the court may call on the Minister to furnish reasons for his decision and to provide such information as the court may determine.

The Minister has delegated his powers to the Director-General in terms of and in accordance with section 22.

3.11 Prevention and Combatting of Corrupt Activities Act 12 of 2004

The object of the Act is

“(t)o provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences relating to corrupt activities; to provide for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; to place a duty on certain persons holding a position of authority to report certain corrupt transactions; to provide for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities; and to provide for matters connected therewith”.

Section 3 makes it an offence of corruption for any person to, directly or indirectly, accept or agree or offer to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or to give, agree or offer to give any other person any gratification, whether for the benefit of that other person or for the

benefit of another person, in order to act, personally or by influencing another person so to act, in a manner that amounts to the illegal, dishonest, unauthorised, incomplete, or biased; or misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation; that amounts to – (i) the abuse of a position of authority; (ii) a breach of trust; or (iii) the violation of a legal duty or a set of rules; designed to achieve an unjustified result; or that amounts to any other unauthorised or improper inducement to do or not to do anything.

Section 4(1) makes it an offence for a public officer (which includes an employee in the public service)²⁷ to act in as provided in section 3. Acting in a corrupt manner as contemplated in section 4(1) includes, inter alia – (i) performing or not adequately performing any official function (sec 4(2)(b)); (ii) expediting, delaying, hindering or preventing the performance of an official act (sec 4(2)(c)); (iii) aiding, assisting or favouring any particular person in the transaction of any business with a public body (sec4(2)(d)); (iv) aiding or assisting in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person in relation to the transaction of any business with a public body (sec 4(2)(e)) and (v) showing any favour or disfavour to any person in performing a function as a public officer (sec 4(2)(f)).

In terms of section 10, it is an offence for any person in an employment relationship to receive or offer gratification for performance of official duties.

In terms of section 20, a person who takes part in dealing with property they know to be the part of gratification is guilty of an offence as an accessory, and section 21 makes it an offence to attempt, conspire or induce another person to commit an offence.

Section 34 imposes a duty upon a person who holds a position of authority to report and who knows or ought reasonably to have known or suspected that any other person has committed an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2; or the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more to report or cause

²⁷ Section 1

to be reported such knowledge to the police in the Directorate of Priority Crime Investigation (DPCI).

Accordingly, any official who is found, in the course of the review, to have acted in a manner described in the Act must be reported to the DPCI. Further, it must be determined whether any reports of such conduct was made as directed by section 34.

PSCBC Resolution 2 of 1999, Disciplinary Code and Procedures (“the Code”) regulates discipline in the public service. Annexure A to the Code sets out acts of misconduct. The following are relevant to the Terms of Reference:

- Failure to comply with, or contravention of an Act, regulation or legal obligation;
- Causing prejudice to the administration, discipline or efficiency of a department, office or institution of the State;
- Misuses his or her position in the public service to promote or to prejudice the interest of any political party;
- Accepting any compensation in cash or otherwise from a member of the public or another employee for performing her or his duties without written approval from the department;
- Contravening any prescribed Code of Conduct for the public service;
- Inciting other employees to engage in unprocedural and unlawful conduct;
- Falsifying records or any other documentation; and
- Paragraph 5 sets out the different disciplinary sanction for misconduct that does not warrant a disciplinary hearing, with the most serious sanction being a final written warning. Paragraph 7 authorises the conduct of a disciplinary hearing for serious misconduct and paragraph 7.4 stipulates different sanction, with dismissal as the most serious sanction.

Accordingly, any employee that is found to have acted as set out above must be referred for disciplinary action.

4. South African Permitting Systems and Processes

4.1 Background

This section of the report by the Ministerial Committee (the Committee) deals with the findings of the investigation and review of the issuance of permanent residence permits, corporate visas, critical skills visas, study visas, retired persons visas and citizenship by naturalization for the period 12 October 2004 to 31 December 2020.

These findings were made prior to the Committee conducting a comprehensive data analytics exercise into the DHA data. It shall later be evident that most of the high level findings were confirmed by the data analytics exercise.

The Committee embarked on an approach to:

- Understand the operating environment of the Immigration Services Branch;
- Obtain information of allegations of irregular issuance of visas and permits from multiple sources to get clarity on the How/What/Where/When/Who;
- Determine the irregular nature and patterns in the issuance of visas and permits in extracting information from system data at DHA; and
- Characterise the nature of such irregular issuance, of the drivers, and enablers.

The Committee relied on the following sources of information:

- Presentations and one-on-one briefings by senior and executive management and officials of the Immigration Services, Internal Audit Services, Counter -Corruption Services, IT Services, ORT Immigration Services, and Corruption Watch, amongst others;

- Review of internal audit findings for the reporting period 2018/2019/2020;
- Management reports from the Auditor-General South Africa (AGSA) for the reporting period 2018/2019 and 2019/2020;
- Interviews with whistle-blowers who wish to remain anonymous for fear of reprisals if identified;
- Review of the Immigration Act, 2002 (Act No. 13 of 2002) and its Regulations;
- Review of Process Maps and Operating Procedures dealing with:
 - Postal Receipt Temporary Residence Permit (TRP)
 - Postal Dispatch
 - TRP Adjudication process
 - TRP Appeal process
 - Postal Receipt Permanent Residence Permit (PRP)
 - PRP Postal Dispatch
 - PRP Adjudication process
 - PRP Appeal process
 - Enquiry Management
 - TRP Adjudication Sub Process
 - PRP Adjudication Sub Process
- Review of Process Maps and Standard Operating Procedures (SOPs) for Port Control;
- Review of Process Maps and Standard Operating Procedures for Inspectorate in the Directorate: Deportation, dealing with:
 - Placement of foreign nationals particulars on the V-List cases from permits (Section 29 and 30)
 - Placement of foreign nationals particulars on the V-List (Section 29 and 30)

- Removal of foreign nationals particulars whose undesirable period has lapsed in terms of Section 30(1)(h)
- Removal of foreign nationals particulars from V-List (section 29 and 30)
- Appeal process for undesirable persons in terms of section 30(2) of the Immigration Act, read with Regulation 27(3)a (Annexure E)
- Review of a sample of alleged irregular Permitting Appeal files;
- Review of twelve (12) investigation reports;
- Review of a sample of alleged irregular Temporary Residency appeal files; and
- Review of a sample of irregular Temporary Residency Visa application files.

To assist the Committee with testing the veracity of evidence of irregularities found in the files reviewed above and further allegations of irregular issuances of visas and permits, it was necessary to interrogate and analyse the DHA data and the effectiveness of its IT architecture, security and systems to obtain actual insight of the extent of the problem.

For such purposes, a Digital Data Analytics service provider had been approved by the Director-General for the duration of the review process. The service provider was required to deliver optimised digital evidence extraction, provide data analysis of information captured on the department's operating systems and identifying systemic gaps in the data. These services were in line with the execution of the Committee's data-driven approach for purposes of documenting its findings.

A data analytics specialist was also approved and was appointed as a member of the Committee. The member provided guidance to the Committee and the data analysis service provider, to ensure that the results that were provided were accurate to assist the Committee in formulating concise and meaningful findings and recommendations on the status of the issuance of the visas and permits under review. These findings are documented in Chapter 11 of the report.

4.2 Home Affairs Services Operating Environment 2004-2021

For purposes of understanding the Home Affairs operating environment within the period of review covered by the Committee, it is important to provide some background of the situation the department found in the period from 2004 to 2014 and changes and reforms the department has since undertaken, post-2014 to 2021, to stay abreast with the latest global immigration trends.

4.2.1 The Situation Pre-2014

The Regional Offices of the Department of Home Affairs and the South African High Commissions and Embassies abroad were responsible for the acceptance, processing and issuance of temporary residence visas (TRV).

Where the Department of Home Affairs was not represented in a foreign country, an application could be submitted at the designated South African diplomatic or consular representative.

Applications for permanent residence permits were also lodged in the Republic of South Africa (RSA) at a regional office of the Department of Home Affairs or at a South African mission abroad.

When an application was lodged in the RSA, such application was submitted at the Regional Office nearest to where the person intended to work, or for any purpose other than work, at the Regional Office nearest to where the person intended to reside. The application was processed and finalised at the office of submission. In all such cases the applicants were required to produce proof of legal residence in the RSA on a temporary residence permit.

Applications were submitted by the applicant in person, or through an attorney, advocate or an immigration practitioner holding a power of attorney. (An Immigration Practitioner is a person, other than a practising advocate or attorney who, for remuneration and by trade, represents or acts on behalf of other persons in respect of any of the Department's

procedures, proceedings or activities flowing from the Immigration Act and Immigration Regulations).

While from 1996 to 2004, Home Affairs saw a dramatic expansion in the provision of immigration services, challenges of unevenness in the provision of quality services to applicants remained. The uneven service delivery and poor public service performance in most provincial offices led to a decision to centralise the adjudication of visas and permits to Head Office.

The central adjudication hub was then established in 2009 with applications still being submitted at regional offices. As an interim measure on 28th May 2010, officials from the provinces were temporarily placed at the Head Office to assist with the elimination of a national backlog.

The transition and centralisation of adjudication was not smooth. Most of the officials from the regional offices were disgruntled with the process. This transfer of adjudication required pending files to be forwarded to head office, including any face value documents such as visa labels and other certificates.

As could be expected, many face value documents went unaccounted for during this period. To address this risk, a decision was taken at Permitting to introduce a new set of visa labels and corporate certificates by Government Printing Works.

Many challenges were experienced during this period, including inter alia, the following:

- There were 43 regional offices collecting applications and handing over permits;
- Staff capacity varied per office from 22 in Cape Town to 6 in Rustenburg;
- There were few officials appointed for permitting matters. Most staff members were 'borrowed' from the civic and inspectorate units;
- The Inspectorate was thin on the ground and this borrowing negatively affected enforcement; and

- There were no standardised working procedures in all 43 offices.

Other challenges in the value chain included the following:

4.2.1.1 Application delivery methods

- Applications were delivered to Head Office using a courier service; and
- The courier service only served as a delivery tool without total applications management.

4.2.1.2 No requirement for applicants to appear in person

- Application processes did not require applicants to appear in person;
- Most applicants were represented by Immigration Practitioners who charged fees from R10 000 for submission of a temporary visa application to R25 000 for permanent residence permit application. This created a negative reputation on Home Affairs services as applicants associated those costs with Home Affairs leading to reports that a visa to reside in South Africa was amongst the most costly in the world;
- The flow of huge amounts of money gave birth to a culture where officials were induced to only attend to applications submitted by immigration practitioners. Some offices had dedicated queues for immigration practitioners only;
- The manual processes also involved human interference and corruption where officials would only attend to applications of certain practitioners and ignore ordinary applicants;
- Application processes were manual and, as a result, documents got lost or misplaced, leading to litigation arising out of unduly delayed applications; and

- The manual receiving of paper files, manual adjudication of paper files, and the manual distribution of files presented further problems. (e.g., copies of passports got misplaced from the original files).

4.2.1.3 Regional Office Receipt of Applications

- Acceptance of incomplete applications;
- Delay in capturing applications within turn-around time; and
- Lack of capacity to process volumes of applications.

4.2.1.4 Postal Receipts

- Acceptance of incomplete applications;
- Delay in capturing applications within turn-around times; and
- Lack of capacity to process volumes of applications.

4.2.1.5 Adjudication

- Supporting documents were lost in transit to the hub (manual files);
- Incomplete applications were rejected when in fact documents could have been lost within DHA; and
- The number of adjudicators was not equal to the volume of applications received.

4.2.1.6 Filing Challenges

- The department did not have sufficient filing spaces to keep the records of adjudicated permits; and
- Files could not be found or retrieved in the event of an Appeal.

4.2.1.7 Issuing of Visas

- The visas were handwritten;
- There were lots of errors in spelling names;
- Some of the handwriting on the visas was not legible; and
- Wrong passport number/category of visa and incorrect expiry dates were often written on the visas.

4.2.1.8 Capturing and Dispatch

- Dispatching staff were not adequate to handle volumes from adjudicators;
- There was a shortage of dedicated staff to do capturing on the Movement Control System (MCS) and the Track and Trace system (TnT); and
- The risk of the theft and losses of manual stickers (visas) was very heightened.

4.2.1.9 Regional Office Receipt of Application Outcomes

- The regional offices did not have enough staff to receive outcomes;
- Visa labels got misplaced/stolen/cloned in the regional offices; and
- Some offices were high volume offices, but had less staff to manage the visas and permits.

4.3 Post 2014 – Turnaround Strategy

The commencement of the Immigration Amendment Act in May 2014 brought huge administrative demands on the Immigration Branch of the DHA.

Firstly, in order to address the corrupt networks between immigration practitioners and permitting officials to pave the way for applicants to appear in person and only pay the

standard fee for a visa – the section in the Act that recognised immigration practitioners was scrapped. Although the amendment was passed, the department had no legal powers to outright prevent these practitioners from operating. However, these practitioners are no longer being recognised by the department.

Secondly, the Chief Directorate: Permits had to make a business case for the modernisation of the adjudication systems in order to fulfil the main objective of the Immigration Act, which is to ensure that:

“visas and permanent residence permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, and without consuming excessive administrative capacity.”

4.3.1 People, Processes and Systems

Following the FIFA World Cup 2010 and the massive processing of visas that accompanied the event, the department made a business case for the modernization of people, processes and systems, to enhance its visa and permit administration.

The Department requested additional funding from the fiscus to address the following:

- **People:** To finance the recruitment efforts as well as retention tools to assist Permitting to have access to skills. A recruitment budget was made available which enabled Permitting to employ an additional 30 administration clerks to work in the newly established central adjudication hub;
- **Processes:** The idea was to get rid of archaic processes which were in place in regional offices where on a daily basis the offices were filled to capacity with queues of applicants. Permitting presented a business case to move visa application services to separate offices thereby making space available for South Africans to have full access to civic services; and

- **Systems:** This had been an ongoing challenge to replace or integrate legacy systems with modernised systems due to budgetary constraints, lack of recruiting and retaining experienced resources and cumbersome SCM processes.

4.3.2 Immigration Amendment Act, 2011

- The Amendment Act provided for the personal appearance by clients in lodging applications and collect outcomes; and
- DHA had to obtain the biometrics of applicants as part of the security measures.

These changes brought about its own challenges. The challenges included the following:

- Regional offices were not coping with clients who personally presented themselves;
- This presented a business case to establish centres suited for clients, including VIP facilities; and
- Abroad, applications would still be made in the country of origin.

4.3.3 Cost Benefit Analysis

The department opted to appoint a service provider to deal with the front-end of the application for visas and permits.

All costs were to be borne by the service provider, and therefore there would be no financial implications for the DHA.

The service provider would collect revenue due to the state and provide daily reconciliation.

There would be less administration on the DHA side as the service provider would do the reconciliations.

The DHA and the service provider would agree on a handling fee charged to clients.

4.3.3.1 VFS Business Solution – Establishment of Visa Facilitation Centres

The service provider, VFS Global, had to establish eleven (11) Visa Application Centres (VACs) at its own cost in the following cities/towns:

- Pretoria;
- Johannesburg;
- Cape Town;
- George;
- Port Elizabeth (now Gqeberha);
- Durban;
- Nelspruit (now Mbombela);
- Rustenburg;
- Kimberley;
- Bloemfontein; and
- Polokwane.

The centres were to serve as the only service delivery channel for clients to:

- Submit applications;
- Capture biometrics;
- Collect outcomes;
- Inquire about the progress of their applications;
- Check quality assurance of the application processes; and
- Set-up appointments.

The centres would not necessarily differ with the ones operating in the foreign missions, although they would have full technological roll-out.

4.3.3.2 VFS Business Solution – Cost Implications

The business case for partnering was approved subject to the following conditions:

- Government would not pay for this visa facilitation service;
- The service provider would invest capital into the project by:
 - Establishing Visa Applications Centres (VACs);
 - Appointing staff;
 - Partnering with local companies; and
 - Deploying technology.
- The service provider would recover its investments through a handling fee paid by clients;
- The handling fee was set at R1 350 for all applications lodged and all other services (temporary residence, permanent residence, appeals, waivers and exemptions); and
- This agreed fee as per the bid document could not be increased/decreased without mutual concern of the service provider and the department.

4.3.3.3 Modernised Online Visa Application Process at VFS

- Applications would be done on-line at VFS Centres;
- The dispatch process would be simplified (from Adjudication – MCS-VFS dispatch hub- Out Scans – Brooklyn Operations Centre – Clients collect outcomes); and
- Handover of outcomes (Any visa contemplated in section 10 of the Act to be affixed to the passport of the applicant).

4.3.3.4 Functionary Roles Per Directorate

Corporate Accounts: Established in 2008 through a publication in the government gazette, the specialised unit was created to deal with the work permit applications of large companies.

The objective of this unit is to help alleviate the pressure of skills shortage in a growing economy. Between 2008 and 2011 the Department ran a pilot project in order to test the feasibility of such a unit in the longer term. After a successful run in facilitating the efficient recruitment of necessary skills, the Large Account Unit, similar to the Large Business Centre (LBC) operated by the South African Revenue Service, was permanently established to remove red-tape in processing priority visas such as corporate visas, critical skills, business and work visas to support economic growth.

The unit processes visas that are linked to the Annual Performance Target of the Department. These targets also included in the Presidential Vulindlela Project as well as part of the commitments to the Presidential Jobs Summit and the Economic Reconstruction and Recovery Plan. The turnaround time is between 1 – 20 days for critical skills and 1- 40 days for work visas.

Whilst performance targets, are important, care should be exercised so that they are not prioritised at the expense of compromising on quality during adjudication. These targets should be periodically revised based on trends and patterns evident in relevant data.

Central Adjudication (TRV): Established in 2010, the directorate was created as part of the department's efforts to centralise adjudication of visas and permits. Prior to this period applications were processed and finalised at regional offices.

The unit processes all temporary residence visas with a team of 15 adjudicators who are required to finalise 20-25 applications each per day. The output of outcomes is below the input received from VFS. On average VFS sends 365 applications to Home Affairs on a daily basis. Unable to match the input from VFS the section is always beleaguered with backlogs resulting in costly litigation.

Central Adjudication (PRP): The unit processes PRP applications in all the 17 categories discussed in the report with a team of 45 staff reporting to 3 Assistant Directors (ASD). The span of control is 15 officials reporting to 1 ASD. PRP applications take between 8 months to 4 years to finalise due to the number of adjudicators being far below than the daily applications received. The risk associated with PRP adjudication means that thorough investigations on each application has to be done as approval usually leads to citizenship. An inadequate number of adjudicators affects risk management.

4.3.3.5 Challenges: People, Processes and Systems

People: In Permitting and in TRV adjudication, each ASD supervises 14 officials. Each adjudicator processes between 20 to 30 applications per day. There are 5 adjudicators per ASD, meaning each ASD has to go through 150 visa decisions daily to quality check. This is a near impossible task due to a lack of sufficient resources.

This is also exacerbated by high staff turnover, lack of the requisite skills, and inconsistent interpretation and application of the law by adjudicators.

Budget constraints have also meant that whenever a post of an adjudicator becomes vacant it cannot be filled as it is not considered as part of the critical posts. This results in a lot of vacant unfunded posts and leaves the Department with a number of adjudicators which is disproportionate to the number of visa applications received on a daily basis.

Processes: The adjudication is done in accordance with standard operating procedures and in line with the roles assigned to each rank. The SOPs are reviewed from time to time to be in line with the latest developments that may impact the work, such as court orders and rulings as well as Ministerial Directives.

The greatest challenge remains the inability of the officials to verify supporting documents as some institutions are unwilling to share such information with the department, e.g. banks, medical scheme, and some family doctors.

The referral system within the process also results in delays especially where a decision can only be taken once the Inspectorate has investigated the referred case.

Systems: Visa Adjudication System (VAS): The adjudication on the VAS system is done in line with the following principles:

- *Policies and Procedures:*
 - Adequacy of policies and procedures that govern and support the Visa Adjudication; and
 - Confirmation that the Visa Adjudication processes are in line with the Immigration Act and Regulations.
- *Completeness of information:*
 - Supporting documents on visa applications are as required by the regulations.
- *Validity of Visa Adjudication”*
 - Adjudicating only visa and permit applications that were applied through VFS;
 - Validation of submitted supporting documents; and
 - Allocation of applications to adjudicators is done by the supervisor.
- *Authorisation of Visa Adjudication:*
 - The adjudication of visa applications is as per requirements of the Immigration Act;
 - Visa applications are only adjudicated by authorised personnel;
 - Visa applications are adjudicated within the stipulated time frames;
 - Printing of visas are done by adjudicators; and
 - Visa applications are adjudicated within the stipulated time frames.
- *Accuracy of information captured on the system:*
 - The accuracy of visa adjudication outcome captured on systems is critical
 - The accuracy of visa information captured on the system is also key

- *System security control:*
 - Access control to the system; and
 - Validity of users.
- *Processing controls:*
 - Segregation of duties.
- *Input controls:*
 - Only applications from VFS interface into VAS.
- *Output controls:*
 - Reconciliation and reports.
- *Assigning of Visa to Adjudicators:*
 - Visa applications are assigned to adjudicators by the supervisors online and the outcome is printed on VAS (either visa or rejection letter).

The following visa applications are not done online: waivers and exemptions, proof of permanent residence, appeals and corporate visas.

Systems: Track and Trace (TnT): Track and Trace (TnT) is the pre-2014 DHA developed tracking system which was originally used to track the movement of an application from submission to finalization. It is not an adjudication system.

Applications were adjudicated manually outside of TnT and the outcomes captured on TnT. The system is supposed to have been wound-down and only used to capture pre-2014 applications as well as PRP applications from abroad and PRA appeals. As will be shown later in this report, the data analytics has found cases of the continued use of TnT.

Systems: Movement Control System (MCS): This is the admissions and departure system of DHA. It captures the movement of persons in and out of South Africa's ports of entry. It is also used to capture finalised visas and permits printed from VAS. Generally, an outcome is considered to be valid and authentic if a record is captured on MCS.

The Committee found instances of unauthorised access to both TnT and MCS from remote locations by unknown people.

4.3.3.6 General Operational Challenges in Adjudication

SQL:

- Structured Query Language, commonly known as SQL, is a standard programming language for relational databases in use at the DHA;
- Not every adjudicator has access to SQL;
- SQL is very time consuming and it can take a long time to verify one application. Using SQL and VAS simultaneously is nearly impossible as it keeps shutting down VAS; and
- Unfortunately, SQL can verify movement of an applicant, but is not a fool- proof way of verifying the validity of a visa.

MCS:

- The Movement Control System's (MCS) only drawback is the fact that information on the system can be compromised in case of fraudulent or incorrect entries of data; and
- The loss of data, that occurred some time ago, due to a server problem, is unfortunately difficult to measure, as an adjudicator who cannot find the details of an applicant on MCS will not be able to tell the real reason why there is no data of the person.

4.3.3.7 Access to other departmental systems

- Some officials still do not have access to the National Population Register (NPR) to verify marriages etc, despite forms being completed on more than one occasion;
- Access to Track and Trace to verify previous locally issued visas was also only assigned to certain officials;
- The issuance of good cause letters can only properly be verified, if issued in Gauteng Province, due to the implementation of a database by the said province. Emails are sent for verification to other provinces, but response from these offices takes a very long time;
- Applicants appearing as V-listed on MCS but carry a letter that V- listing has been removed; and
- Verification of visas issued abroad:
 - The verification of visas issued abroad remains a difficult challenge which has an effect on the turnaround times of visas;
 - Foreign Office Coordination really assists with this task. However, due to the high number of verifications requested it causes delays; and
 - The missions abroad unfortunately also delay applications and very often have to be reminded of outstanding cases.

4.3.3.8 Access to other organisations/third parties

- *Medical aids;*
 - Only Momentum can be properly verified by way of a database
 - Other medical aids are contacted with the requested verification, but very often without success or response
 - Discovery refuses to divulge any information to a third party.

- *Learning institutions;*
 - Access to databases at different learning institutions to verify enrolment is very difficult – the universities take too long to verify qualifications if at all
 - Only the University of Johannesburg (UJ) and Fort Hare respond to every request, due to officials there having a long professional relationship with adjudicators
 - Adjudicators require full resources to perform their duties, e.g. online verification of students. It will do justice to adjudicators if all education institutions have online verification
 - Adjudicators do not have access to the National Qualifications Register (NQR).
- *Professional bodies;*
 - Professional bodies (e.g. ECSA, SACNASP and SACAP have online verification)
 - Access to all others will greatly assist in proper decision making.

4.3.3.9 Verification of Good Cause letter

Currently the department only has a spreadsheet from Gauteng Province, which assists with the verification of good cause letters. The Permitting Section struggles with verification of Good Cause Letters.

The Chief Director (CD): Inspectorate is designing a system where all good cause letters can be stored and retrieved electronically.

4.3.3.10 Visas and Permits Issued Since 2004 Prescribed Requirements for Visas and Permits

- **Temporary Residence Visas (TRV):** Each category of temporary residence visas has a checklist to guide the applicants with regard to the required supporting documents. Below are the types of temporary residence visas that are under review:

- Critical Skills work visa (previously Quota work permit, before 2014)
- Business visa
- Corporate visa
- Retired Person visa
- Study visa
- **Permanent Residence Permits (PRP):** Each category of permanent residence permits also has a checklist to guide the applicants with regard to the required supporting documents. The following are the seventeen (17) categories of PRPs:
 - Section 26(a) Worker;
 - Section 26(b) Spouse;
 - Section 26I Dependent (<18);
 - Section 26(d) Dependent (>18);
 - Section 27(a) Worker;
 - Section 27(a) Worker – Dependent;
 - Section 27(a) Worker – Spouse;
 - Section 27(b) Extra Ordinary Skills;
 - Section 27(b) Extra Ordinary – Spouse;
 - Section 27(b) Extra Ordinary – Dependent;
 - Section 27I Business;
 - Section 27I Business – Dependent;
 - Section 27I Business – Spouse;
 - Section 27(d) Refugee;
 - Section 27I Retired Person;
 - Section 27(f) Financially Independent; and
 - Section 27(g) Relative.

4.3.3.11 Internal Audit (IA) Findings 2018/2019 and 2019/2020

The Committee received detailed briefings from the Chief Directorate: Internal Audit Services and were provided with copies of their reports for the reporting periods 2018/2019 and 2019/2020, to consider. For purposes of providing a concise view of the workings of the Chief Directorate: Internal Audit Services, it is prudent that the Committee provide some background information about the Internal Audit Services.

The purpose of the Chief Directorate: Internal Audit Services is to provide independent, objective assurance and consulting services designed to add value and improve the Department's operations. It helps the Department accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The Chief Directorate: Internal Audit Services obtains its mandate from the Public Finance Management Act (PFMA), Act No. 1 of 1999 as amended and its Treasury Regulations, as amended.

The Internal Audit Function is required in terms of paragraph 3.2.7 of the Treasury Regulations, to prepare, in consultation with and for approval by the audit committee a rolling three-year strategic internal audit plan based on its assessment of key areas of risk for the institution, having regard to its current operations, those proposed in its strategic plan and its risk management strategy.

The standard for the professional practice of Internal Auditing of the Institute of Internal Auditors requires that the purpose, authority, and responsibility of the Internal Audit Activity be defined in a formal written document ("Internal Audit Charter") and it has been approved by Audit Committee of the Department of Home Affairs.

Once Internal Audit has made findings and management has been given an opportunity to respond to the findings, the findings are recorded on the findings tracking register and follow-ups are made on the monthly basis. A finding register has the following elements:

- Summary of finding;

- Audit recommendation;
- Action plan and due date;
- Accountable branch and responsible person; and
- Status of progress made.

4.3.3.12 Internal Audits Performed in the Past Six (6) Years

Internal Audit conducted the following audits in the Visa and Permitting space in the past six years:

2014–2015 financial year;

- Visa and Permitting at the following missions:
 - Shanghai in China
 - Toronto in Canada
 - Canberra in Australia
 - Windhoek in Namibia

2015 – 2016 financial year;

- Processing of applications at VFS Visa Processing SA (Pty) Ltd;
- Application controls within the V-Assist system utilized and managed by VFS Global; and
- Application controls within VAS utilized and managed by Department.

2016 – 2017 financial year;

- Adequacy and effectiveness of internal controls related to processing of visa applications.

2017 – 2018 financial year;

- Visa and permitting at the following South African Missions:
 - Abuja in Nigeria;
 - Bangkok in Thailand;
 - Chicago in the USA;
 - The Hague in Netherlands;
 - Berlin in Germany;
 - Dar Es Salaam in Tanzania;
 - Kampala in Uganda; and
 - Wellington in New Zealand.
- The design and operation of the application controls within the V-Assist system utilized and managed by VFS Global; and
- Review the implementation of the Lesotho Special Permit (LSP) project and evaluate whether the project objectives were met.

2018 – 2019 financial year;

- The design and operation of the application controls on the Visa Adjudication System (VAS); and
- e-Permitting system project governance (System Development Life Cycle processes).

2019 – 2020 financial year;

- Visa and Permitting at the following missions:
 - Lubumbashi in Congo;
 - Abuja in Nigeria;

- Beijing in China; and
- New Delhi in India.
- Investigation in Lubumbashi;
- Permitting appeals a consulting assignment; and
- Investigation in Namibia in collaboration with Counter Corruption and Security Branch.

2020 – 2021 financial year;

- Application controls on the Visa Adjudication System (VAS); and
- Request to investigate alleged unauthorised access to and unlawful activities on VAS.

4.3.3.13 Summary of Key IA Findings and Root Causes

The following key findings made by Internal Audit and their root causes have been noted and were investigated by the Committee if applicable to the scope:

4.3.3.13.1 Visa Adjudication System (VAS) 2020 – 2021

The following key findings were made by Internal Audit:

- Medical treatment visa holders were allowed to change the status of their visas while they were still in the Republic;
- Visitors' visa holders were allowed to change the status of their visas while they were still in the Republic. A number of critical skills visas were issued to applicants who were holders of visitors' visas;

- Relative and visitors' visas were issued to applicants who were holders of port of entry visas; and
- Relative and study visas were issued to applicants who were holders of holiday visas.

In almost all the cases, lack of quality review by supervisors to ensure compliance with the Immigration Regulations in the issuing of visas was found to be the root cause.

4.3.3.13.2 Alleged unauthorised access and unlawful activities on VAS

Internal Audit was requested by the Branch: Information Systems to facilitate the appointment of a service provider to investigate allegations of unauthorised access to and suspicious activities on VAS.

In December 2020, suspicious activities were reported, and an internal investigation was instituted to establish whether indeed these were fictitious transactions or a system bug. It was concluded that these did not amount to a system bug and that there is a possible breach on the system.

The user unit within the Immigration Branch sent an email to the Information Systems Branch listing transactions that were not consistent with workflow for investigation. There was no clear conclusion on this matter.

At the end of January 2021, the user unit within the Immigration Branch again reported more suspicious transactions on the system and requested an explanation from the Branch: Information Systems (Application and maintenance support unit). Approximately 30 transactions, which were not consistent with VAS workflow process, were flagged. The Information Systems Management were apprised of the developments.

Nexia SAB&T was appointed to investigate the matter.

4.3.3.13.3 Four (4) Mission Audit in 2019 – 2020

The main findings in the internal audit of the Lubumbashi, Abuja, Beijing and New Delhi Missions are the following:

- There were applications that were received, processed and approved without all the supporting documentation;
- Finalised visa application documents were not properly safeguarded, which could result in loss of documents due to fire, floods or other reasons; and
- The mismanagement of visa labels and receipt books could not be followed to its logical conclusion as there is no audit trail of received, issued and used visa labels and receipt books.

The following root causes for the above were identified, especially in Lubumbashi:

- The consulate and VFS do not make use of the checklists to ensure that the applications received meet all the requirements prior to the issuing of visas;
- There is no filing system in place due to lack of infrastructure in the mission for filing and archiving;
- Management did not maintain proper records of the face-value register in a timely manner to ensure that complete, relevant and accurate information is accessible and available; and
- The mission does not have the infrastructure to handle the number of applications received.

According to Internal Audit, the above-mentioned challenges in Lubumbashi can be addressed through the provision of DHA human resource(s) to assist with the adjudication of visas; installation of the Visa Permit System; verification of supporting documents with institutions e.g. banks, universities, hospitals, etc.; clear guidelines in terms of the huge

volume of finalised visa application as the mission is running out of storage space; and improvements on the design of the visa adjudication office.

According to IA, the process around the management of visas and the collection of revenue is considered unsatisfactory, based on the evidence obtained.

4.3.3.13.4 Investigations in Lubumbashi and Abuja 2019-2020

The Auditor-General (AGSA) visited Lubumbashi and Abuja as part of their 2018- 2019 regularity audit. During this visit the AG identified the risk of the possible fraudulent issuance of visas. The then Acting Director-General then directed Internal Audit to conduct a review on the risk of the possible fraudulent issuance of visas.

Based on the background given by the AG, there are matters relating to fraudulent visas that are prevalent in Lubumbashi which requires urgent intervention.

The results of the review showed a number of control deficiencies on the processing and finalisation of visas. One major contributing factor is that the mission does not make use of the Visa Permit System (VPS) and issues handwritten visas.

There has been a limitation of scope in that there are visa application documents that were not provided due to poor filing of visa application form which resulted in the difficulty by the mission to retrieve the visa application forms.

IA were also unable to confirm, based on the contract documents provided, whether VFS is or was operating as a different entity called Euro World or that Euro World is a subsidiary in terms of paragraph 4.3 of the Services Agreement and whether provision has been made for VFS or its subsidiary to receive applications from protocol officers and agencies.

According to Internal Audit:

- There is prima facie evidence that VFS might be perpetrating visa irregularities, non-compliance with the SLA and non-compliance with the Immigration Act;

- There is prima facie evidence of certain agencies being given privilege and preference, and other agencies being discredited; and
- The office of the SSA had conducted an investigation and reported rampant irregularities taking place in the mission. There is prima facie evidence of visa fraud and irregularities taking place at the mission, such as abuse of power, conflict of interest and improper conduct perpetrated by consular officials and locally recruited personnel (LRPs).

4.3.3.13.5 Permitting Appeals 2019-2020

A review of the current state of independence of the visa appeal process in the Department of Home Affairs has revealed the following gaps:

- It was found that the visa appeal process is not independent as the visa appeals are lodged through the DDG: Immigration Services and the Chief Director: Permitting who were involved in the initial decision-making on visa application, which creates a conflict of interest;
- There is a lack of separation of powers and function. The Directorate: Appeals is housed under Deputy Director-General: Immigration Services and reports to the Chief Director: Permitting;
- The department is not complying with the Immigration Act. Section 8(4) of the Act states that an appeal or review of a visa decision should be made to the Director-General. It was noted that the appeal section is not delegated by the Director-General;
- At the moment a large number of appeal cases that are dealt with under section 8(4) are reviews of supporting documents that are incomplete, invalid or fraudulent which are not appeals that deal with the interpretation of the law; and

- There is a lack of quality checks at the application and adjudication levels, which is the source that largely gives rise to appeals.

According to IA, to address the gaps identified, the following actions, which the Ministerial Committee concurs with, should be considered:

- A formal proposal should be made to EXCO that Directorate: Appeals should report to DDG: IPS under CD: Legal Services;
- Moving the appeals section to Legal Services will assist to deal with litigation that emanates from incorrect decision taken by the Appeal Section;
- It is also recommended that the quality checks of the supporting documents should be strengthened at the source of the application as this will eliminate the large number of applications that come to DHA with errors and subsequently lead to appeals;
- Quality assurance should be enhanced at adjudication level as well; and
- The appeal or review of decisions must be delegated by the Director-General.

4.3.3.13.6 Investigation in Namibia in collaboration with Counter-Corruption and Security Branch 2019-2020

Allegations of corruption, misconduct, unlawful and unprocedural processing and issuance of visas by officials at the South African High Commission (SAHC) in Namibia were made. The lead investigator was the Counter-Corruption Branch, assisted by Internal Audit.

It is alleged that visas were received and processed without the applicants being present in Namibia and the following were some of the findings made:

- Visas were issued at SAHC Windhoek in Namibia without the owners being in possession of a Permanent Residence Permit or Domicile in Namibia;

- Intra-Company Transfer (ICT), General Work and Visitors' Visas were issued without supporting documentation; and
- It was found that Pakistani, Bangladeshi, Ethiopian and Somali nationals were issued with South African visas in Windhoek despite them never having entered the Republic of Namibia.

4.3.3.13.7 Visa Adjudication System (VAS) 2018 – 2019

The internal audit of VAS in the 2018-2019 financial year yielded the following findings:

- VAS had not incorporated or integrated the process of checking against the V-List;
- VAS had not incorporated any visa/permit type (e.g. PRP, TRV, corporate visa);
- The application waiver/exemption and appeals functionalities were not utilized on VAS;
- The system allowed the issuing of permits whilst the applicant's intended date of departure is after the passport expiry date;
- Applications were re-assigned multiple times;
- VAS did not have a function to cancel stickers resulting in wrong status maintained on the system which could affect reporting data;
- Collected biometrics data was not used against the risk engines such as HANIS to check for hits;
- There were user account management issues;
- Applications were parked by adjudicators for long periods of time; and
- VAS allowed the sharing of supporting documents via PDF Cloud services.

Internal Audit identified the following as the root causes for this state of affairs:

- Capacity challenges in the IS Branch accompanied by time constraints in the VAS project led to the non-development of relevant modules;
- The service provider did not sign off some modules into production;
- Business rules were not incorporated into system specifications;
- VAS does not have a limit on the number of times an application can be re- assigned by a supervisor to a different adjudicator;
- Specifications were not created in line with manual business processes for face value documents; and
- There is ineffective monitoring of transactions.

4.3.3.13.8 e-Permitting System Project Governance 2018 – 2019

The e-Permitting system is being developed to ensure a streamlined, secure, end-to-end automated process for the visas and permits applications in order to remove the manual processes and manual paper forms.

Internal Audit found numerous weaknesses with regard to the project governance and practices relating to the e-permitting project.

In this regard, the following findings were made:

- The project is behind schedule and thus the timelines had been moved to the 2019/2020 financial year. In addition, it was established that the project was initially planned to be delivered in 2016/2017 but due to delays produced by system bugs in the several releases of the Live Capture System, the implementation of the e-Permitting system was also affected. To date the system has not been completed;

- The e-Permitting project charter had not been developed. Furthermore, while the Terms of Reference (ToRs) for the Modernisation Committee were developed, these were still in draft and did not cover governance structures together with roles and responsibilities for the e-Permitting project;
- Infrastructure assessment readiness had not been conducted;
- The test plans for the system testing and user acceptance had not been documented; and
- A change management plan had not been documented to ensure that users, clients and all other key stakeholders are sensitised of the anticipated change.

The following root causes were identified by Internal Audit:

- Delays in implementing the Garnet and Hematite release;
- Contractual challenges with SARS, who were assisting DHA with the implementation of the project;
- Insufficient IS capacity as officials have to attend to both operational and project matters at the same time;
- Inadequate human resources capacity within the Project Management Office (PMO);
- There are no clear delegated responsibilities for this action;
- There are DIRCO dependencies when it comes to South African missions abroad;
- The Terms of Reference had not been formalised; and
- There was poor application of governance practices.

4.3.3.13.9 VFS V-Assist System 2017 -2018

Internal Audit made the following findings in its review of the VFS V-Assist System, which is the system on which front-end data for the visa applications is captured:

- Data integrity exceptions were identified due to the lack of input validation controls and mandatory fields within the V-Assist system, such as “Null” or “0” on passport number, nationality, date of birth field, etc.;
- There were instances where a V-Assist data-set could not be found in the VAS data-set; and
- VFS Global and the Immigration Services Branch were unable to measure the performance of VFS against the SLA, because permit application data was not date-stamped on the V-Assist database when permit applications were sent to DHA.

The root causes for the above findings on the VFS V-Assist System were identified by Internal Audit as the following:

- The quality assurance process at VFS did not operate effectively, as data input errors were not corrected when applicants visit the offices, as evident in the application forms; and
- Detailed reconciliations on the CSV and PDF files received by DHA were not done for the full period under review.

4.3.3.13.10 Eight (8) Mission Audit in 2017 – 2018

As indicated above, Internal Audit conducted audits in the following missions: Abuja in Nigeria; Bangkok in Thailand; Chicago in the USA; The Hague in the Netherlands; Berlin in Germany; Dar Es Salaam in Tanzania; Kampala in Uganda; and Wellington in New Zealand.

The general findings made in this regard were as follows:

- There was no evidence of the review and approval of the visa application forms;
- Visas were issued with fraudulent supporting documents;
- Processed applications did not meet all visa requirements;
- There was lack of control in place for detecting undesirable persons in the country;
- Visa conditions were not properly endorsed;
- Rejected visa applications were not properly managed;
- There was no list of specimen signatures of officials responsible for approving visas;
- Many visa applications were not provided for audit purposes, thus limiting the scope of the audit;
- The visa system was not fully utilised;
- There was inaccurate reporting of issued visas to Head Office;
- The control numbers for approved visas were not reflected on the visa system;
- There were incorrect manual recordings of visa control numbers issued on the system;
- There was poor management of visa labels;
- Cancelled visa labels were not accounted for; and
- Incorrect tariffs were charged for services rendered:
 - In some instances, there was no evidence of payment for visas issued.

The following root causes which led to the above findings were identified:

- Lack of proper process in place to communicate the latest developments introduced at Head Office to South African missions abroad;
- Lack of proper planning in place and late decisions taken regarding the new applicable tariffs for the financial year;

- Head Office oversight on the importance of providing missions with regular communication, training and updates relating to visa processing;
- Proper vetting of the supporting documentation was not done;
- The visa permit system does not allow the delegated officials to transmit the data on a daily basis;
- The delegated official did not forward the list of applicants to Head office for checking.; and
- Lack of systems in place in the missions to detect undesirable persons.

According to IA, the mission in Abuja had processed a significant number of applications a day. However only one official was transferred to the mission to adjudicate the applications. IA further observed that the skills and techniques applied to detect fraudulent documents by the transferred official were sufficient, but the high number of fraudulent documentation forwarded to the mission for processing requires additional staff.

During the period, the missions processed 11 695 applications and approximately 4003 were rejected for not meeting the criteria.

A total 3 624 were rejected for submitting fraudulent and invalid documentation and poses a high risk to the country as whole.

From the sample selected, visas were approved with:

- Fake bank statements;
- Fraudulent Yellow Fever cards; and
- Copies of outdated bank statements submitted.

4.3.3.13.11 Permitting Adjudication 2016 -2017

Internal Audit found, among others, the following in regard to permitting adjudication in 2016-2017:

- A visa was issued on an expired passport;
- Applications for change of condition or status on existing visa were approved even when the applications were not submitted within the stipulated period;
- A visitor's visa was issued to an applicant who was a holder of a medical treatment visa;
- Change of status or condition for existing visas were approved and issued to applicants whose visas had expired without the letter of good cause approved by the Provincial Manager;
- Permit stickers were not accounted for;
- Approved applications and issued permit stickers were granted more than the required validity period; and
- Visas were issued to applicants that did not submit all the mandatory supporting documents.

The findings were attributed to the following root causes:

- Supporting documents were not properly scrutinised by the adjudicators;
- Immigration regulations were disregarded by adjudicators;
- The good cause letter was not clearly regulated to serve as guidance for the adjudicators as well as the Immigration Officers;
- There was lack of review by the supervisors;
- There was lack of consequence management;

- There was inconsistent application of the Immigration Services' prescripts and SOPs; and
- There was non-compliance with the requirements of the Immigration Regulations with regard to the issuing of visas.

4.3.3.13.12 VFS Application Review 2015 – 2016

In regard to the review of the application process at VFS in 2015-2016, the following were the IA findings:

- VFS utilised the "V-Assist" and "Bio-Lite" systems to capture and process visa and permit applications, supporting documents and biometric information. Data and supporting documents were electronically submitted from VFS to DHA IS for import into VAS;
- A number of control weaknesses were identified as well as improvement opportunities within the management of the V-Assist application system, with issues such as:
 - The validation controls on the system were inadequate and a number of data quality issues were identified.
 - Biometric data collected by VFS was not transferred to DHA for utilization in other immigration processes.
 - The completeness and accuracy of the data obtained from V-Assist could not be verified and therefore could not be relied on during the audit.
 - The date sequence of permit applications between V-Assist and VAS differed.

The root causes were identified by IA as follows:

- DHA Immigration Services and VFS Global had not adequately designed and implemented data validation controls on the web application.
- The interface between V-Assist and VAS had not been developed and implemented.
- VFS was not providing a raw data extract from the V-Assist database, but applying logic to the data extracted from the database, resulting in data not being correctly extracted.

4.3.3.13.13 VAS Application Review 2015 – 2016

The findings by IA on the review of the VAS application system in 2015- 2016 are the following:

- A manual process is in place to reconcile the data submitted from VFS Global and received by DHA. In addition, through data analysis, IA identified a number of differences between the data on V-Assist and VAS
- A significant number of gaps were found in pre-printed permit stationary control numbers on VAS;
- Permit information on VAS, V-Assist and e-MCS impacting immigration control at borders was manually captured by different parties and no checks were performed to validate the accuracy;
- Data irregularities were found on the amount and date fields that could lead to incorrect adjudication decisions and management information (MIS); and
- Users no longer eligible accessing the VAS application were not disabled timely.

The following root causes were posited by Internal Audit for these findings:

- Incomplete or incorrect data in V-Assist was uploaded to VAS;
- Input validation controls had not been implemented in VAS;

- Information from V-Assist was uploaded to VAS through a manual process; and
- Incorrect or corrupt data could lead to incorrect adjudication decisions and management information (MIS).

4.3.3.13.14 IT Networks and Systems 2016 Digital Strategy Document

The 2016 Digital Strategy document contextualised DHA's required revision of its business and technical model, including its process and policies that were then seen as outdated. The strategy required a dedicated focus on digital innovation and constant evolution of the department's front and back-office services, to ensure the DHA became the chief provider of 'people-centric' offerings for government and private sector institutions.

Once the DHA has fully adopted its digital approach, it will be:

- An essential security agent – one that is the sole verifier of identity for anyone within SA borders and those wishing to visit;
- A catalyst for new products and services that create a more connected and contextualised SA, in addition to generating additional revenue streams for the department;
- SA's key proponent to true eGovernment services that are based on outcomes that benefit the individual through the collation of services across the public and private space; and
- A global example on how data, collaboration and digital back-office processes come together to make the department mission-driven.

According to the 2016 Digital Strategy document, a majority of Governments have moved to issue biometric passports to citizens. At the basic level, these passports contain chips with biographic data and a facial image. The differentiation is offered on how biometric details are integrated into border departure and arrival processes.

The Digital Strategy document makes the following key observations:

- South Africa is on par with a majority of leading governments. However, the country has the ability to scale its biometric footprint across facial features;
- Regional agreements allow for fast-tracking of clearance at borders (e.g. EU) – this would be ideal for South Africa and its trusted traveller programmes. However, this requires a policy, technology and process review with partner countries;
- Increasing reliance on biometrics will see less reliance on passport documents, and further reliance on technology to clear individuals. If relevant biographic and biometric data can be securely captured, encrypted and transmitted across borders in advance of travel, then the risk of identity fraud in border control can be mitigated more effectively and efficiently;
- Integration between national identity consolidation and travel documentation remains a key focus across the globe, with increasing participation across other government departments for authentication;
- Leading countries are developing multiple border strategies by delivering more effective and efficient visa systems in advance of travel;
- Second generation ePassports offer an increased capacity to capture traveller history data within the chip, thus removing the requirement for passport stamps to calculate stay (in use within the Smart Borders program in the EU); and
- Personal interaction between the applicant and officer still remains critical for pre- and post-border clearance.

Immigration control initiatives achieving the most success are those that have worked hard to build very strong mutual trust between the government and the supplier, in pursuit of a common goal – to build a more effective, efficient safe and secure immigration system and process that facilitates the legitimate movement of lawful travellers across the globe, whilst intercepting those who are seeking to circumvent immigration laws.

5. Findings

5.1. Background

The Committee has made some daunting discoveries, in which it has noted evidence of irregular and fraudulent conduct by department officials and external parties, who exploit loopholes in DHA systems and thereby circumventing South Africa's immigration laws. This is further exacerbated by officials and service providers who circumvent or disregard policy and procedures from the stage of capturing applications to the process of adjudication and appeal that forms part of the issuance process of visas and permits.

The DHA has created its own fertile ground for organised crime syndicates and corrupt individuals to flourish with impunity. Weak system security has created vulnerability in the DHA, which is readily exploited by corrupt officials and organised crime syndicates, to cover their tracks. There is little to no integration of legacy and modernised electronic systems - this further exacerbates the immigration application environment for further exploitation by corrupt elements. The deliberate bypassing of electronic capturing systems in favour of manual processing and manipulation of documents is widely practised, which normally goes undetected by inconsistent to no supervision and management. Electronic systems in foreign missions are practically non-existent, thus favouring manual processes to assist with the processing of often fraudulent visas and permits.

Based on the Committee's discussions with whistle-blowers, counter-corruption officials, internal audit, heads of directorates and analysis conducted, it is evident that numerous visas and permits are either fraudulently issued by immigration officials or in some cases, blank visas and permit stickers are stolen from batches that have been issued to immigration officers. The stolen visa and permit stickers are subsequently handed to syndicates who fraudulently complete the visas and permits and provide it at a cost to persons wanting to enter South Africa illegally. These fraudulently issued or stolen visas and permits are often difficult to identify because, on the face of it, the visas or permits seem valid.

The Committee was concerned by the apparent absence of consequence management resulting from the repeat findings of both Internal Audit and the AGSA year on year.

However, the Committee has ascertained that consequence management is being prioritised in dealing with audit queries. Managers and supervisors must be held accountable for any deliberate brushoff of audit findings and recommendations.

Counter Corruption has been investigating matters of fraud and corruption targeting visas and permits since 2014. Counter Corruption has informed the Committee that they are reliant in the main on other units within the department to provide supporting evidence to investigate matters brought to their attention. The supporting evidence, which in all cases consist of digital information from systems and hard copy documentation, is not always readily forthcoming, as it is either missing, misplaced or delays experienced in the department being provided with the information. The fact that Counter Corruption has to request supporting information also severely compromises the confidentiality of their work, which in most cases involve officials and organised crime syndicates from the same unit they are requesting supporting information from.

Observations by the Committee further confirms that in most, if not all matters, the Counter Corruption investigations are reactive in nature. It is the Committee’s view that Counter Corruption needs to be equipped to meaningfully mine data and to have its own capacity to extract information proactively from the Home Affairs systems rather than being reliant on other units and officials to provide same, which might compromise investigations.

The following table depicts a summary of statistics of officials that have been or are being investigated and charged in recent years:

Financial Year	Officials Charged	Position	Sanctions
2013/2014	6	Immigration Officers	Dismissed
2014/2015	1	Immigration Officer	Dismissed
	4	Administration Clerk	(4) Dismissed 2 Suspended without pay (1 and 3 months respectively)
	1	Refugee Status Determination Officer	Dismissed
2015/2016	1	Assistant Director	Final written warning
2016/2017	1	Adjudicator	Suspension without pay
2017/2018	1	Administration Clerk	Suspension without pay
2019/2020	1	Immigration Officer	In progress
	1	Secretary	In progress
	1	Adjudicator	Dismissed
	1	Adjudicator	Awaits sanction
	1	First Secretary (Namibia)	Dismissed
2020/2021	1	Immigration Officer	Dismissed
	1	Adjudicator	Dismissed
	2	Chief Adjudicator	Pending
	2	Assistant Directors	Pending
	1	Chief Director	Pending

Table 3: Officials Charged with Misconduct related to Visas and Permits (Information Obtained from DHA Labour Relations)

Matters Reported to SAPS for Investigation against Officials

Since the inception of Operation Bvisa Masina in 2015, 239 arrests have been effected:

- 144 Home Affairs Officials;
- 87 Non-Officials; and
- 8 SAPS members.

However, the department's database did not, at the time of writing, capture the offences which are being addressed currently. The following information which implicated 9 officials and 14 non-officials directly with visas and permits offences was obtained from having to scrutinise old and current investigation files.

Officials	Charges	Position Held
9	<ul style="list-style-type: none">• Irregular issuance of section 22 permits.• Impersonation of an Immigration Officers and solicited bribes from foreigners who cannot produce permits.• Aiding and abetting irregular visa and permit issuance.• Irregular issuing of permit to non-qualifying applicants.• Bribing an Immigration Officer to discontinue investigation into issuance of a permit.	<ul style="list-style-type: none">• Refugee Reception Officers• Immigration Officers

Table 4: Matters Reported to SAPS for Investigation against Officials

Matters Reported to SAPS for Investigation against Non-Officials

Non-Officials	Charges
14	<ul style="list-style-type: none">• Possession of a fraudulent permit.• Promised foreign nationals that their permits will be approved if they pay a fee.• Issuance of fraudulent permits to non-qualifying suspects.• Impersonation of an Immigration Officer and issuing of fraudulent permits.• Facilitation of fake permits.• Issuing fraudulent Refugee Permits.• Possible collusion with DHA officials to secure approval of permits.

Table 5: Matters Reported to SAPS for Investigation against Non-Officials

Cases referred to the SAPS for criminal investigation become the responsibility of SAPS. DHA only gets involved at the request of the SAPS and they also determine if prosecution is warranted.

To further illustrate the ongoing and persistent onslaught against the department by applicants to obtain visas and permits, the Committee performed a data analysis test to determine how many applicants fraudulently applied for visas or permits. Table 6 below depicts a number of applications made by foreign nationals that had false documentation detected by DHA in their applications. Of the 36 647 applications, 35 479 were rejected, 880 were approved and 288 had an in progress status. This is a positive and important finding taking into account how many other fraudulent applications were approved.

Initial analysis indicates that 4 160 of the applicants linked to the 35 479 fraudulent applications were successful in a later application, sometimes in an application for a different type of visa or permit.

Country	Number of applications
Nigeria	12 177
Pakistan	5 066
Bangladesh	4 242
India	2 610
Republic of South Africa	1 687
Zimbabwe	1 467
Ghana	1 296
China	1 246
The Democratic Republic of the Congo	990
Ethiopia	898
Cameroon	830
Senegal	633
Egypt	562
Uganda	450
Kenya	228
Algeria	224
Malawi	206
Angola	162
The United Republic of Tanzania	122
Somalia	104
Gabon	89
Top 20 total	36 289
Total of all fraudulent applications detected	36 647

Table 6: The top 20 applicant countries detected using false documents to submit applications

5.2. Lack of adequate systems communication and integration

Budgetary constraints and a shortage of staff are negatively impacting service delivery.

The disjointed and complex system databases or data structures are a major security concern as this not only causes many data integrity challenges, but also makes it near impossible to implement proper risk controls and consequently extremely difficult to detect any security breaches as well as recover from them.

The list containing unwanted persons, called the “V-List data”, is not properly integrated with the relevant systems and does not contain all the relevant information needed.

The V-List data is not sufficient to ensure proper blocking of unwanted persons as there is no logging date, no fixed field specifying how long people are “banned” from entering South Africa and is continuously over-written, therefore making it difficult to identify whether someone has been removed from the V-List. A permanent record of persons who have been v-listed needs to be kept as this will be an indicator for the adjudicators to extra vigilant when assessing persons who have previously been v-listed.

Passport numbers change when a new passport is issued, therefore, an integrated approach to this data is required to ensure all linked passports are considered when allowing entry into South Africa or granting a visa or permit.

The lack of integration has created issues in the following areas:

- The Visa system that deals with foreign mission applications is housed in a legacy system and is not integrated into the VAS system to allow the adjudicators to see what was previously applied for and approved or denied outside of the VAS system;
- The MCS system gets delayed updates on the approvals and “V-List” data;
- Applications in VFS are only received by VAS when VFS decides to send the data to DHA – accounting for some of the misalignment of applications at VFS *vis-à-vis* VAS;
- Changes in one system can be made that does not necessarily support the requirement in other systems; and
- Delays in the review of applications for naturalisation are caused by the civic services team waiting on the immigration team for verification of permanent residence details.

5.3. People/Silos

In addition to the lack of systems integration, is the existence of silo operations. The different business units operate separately, therefore decisions are based on available information in their area rather than the full set of information encompassing applications, movements, V-Listing, waivers, etc.

During important steps of the visa and permit process, information needs to be requested from different business units - a notable cause for delay in the granting of naturalisation was because officials in one section were waiting for officials in another section to issue them with permanent residence (PR) verifications (1070 as at 20/08/2021).

5.4. Outdated systems and methodologies used

During one of the data collection processes at the DHA, the analysis team were directed to a standalone Windows XP machine to collect the data requested. This machine was located in a general working area with 10 linked workstations and had the standard Windows XP login. This could constitute an IT security risk as important information regarding the missions' visa details (Visa System) was found stored on this machine which Microsoft no longer supports. The standard login also allows multiple people access to this information. Most of the causes of Windows XP vulnerabilities are that machines are no longer protected from viruses, worms and other malicious elements. As such, computers running on Windows XP have become more susceptible to security attacks and will also become increasingly vulnerable over time. By keeping machines running Windows XP on the network in an open plan environment, exposes the rest of the DHA network to multiple risks.

5.5. Information security risks

The review by the Committee of the 2019 and 2020 AGSA reports, as well as some internal audit reports as reported above, discussions with Branch: IS senior management and officials has highlighted the dire concern of the state of the systems and the data security of such systems, which the department relies on to run the IS services for the department. The following shortcomings were identified:

- The lack of critical appointments over years;

- Poorly updated policies and procedures;
- Lack of security patches and updated software;
- Poor review or availability of security logs to alert DHA of possible attacks;
- Weak policy security settings increase the risk of passwords being compromised over time;
- Poor user rights assignments;
- Inadequate user access termination upon leaving the department;
- Lack of user access rights and system controller activity reviews;
- Some legacy systems do not have the functionality to extract logs of activity;
- System administrators with access to all systems; and
- Lack of a comprehensive disaster recovery plan.

Inconsistently implemented and outdated policies and procedures combined with lack of communication between legacy and newer developed and still being developed platforms and the slow appointment of key personnel, have created an environment where systems are susceptible to fraud and corruption. This was also evidenced during the analysis of data as highlighted in this report.

In 2021, a new Chief Information Officer (CIO) was appointed, after this crucial post had been vacant for four (4) years.

The weak policy implementation has also allowed the increased risk of passwords being compromised and system weaknesses being abused by unscrupulous officials and syndicates. This, combined with a non-comprehensive disaster recovery plan, may affect the availability, integrity and confidentiality of information maintained by the systems.

Non-segregation of duties and access to the different areas within DHA, which is enhanced by the ability to overwrite or delete activity or user creation and deletion of logs by users with far reaching access, has in the opinion of the persons interviewed and reports reviewed

by the Committee, opened the DHA to the huge risk of being captured by syndicated behaviour.

The IS Branch has also raised concerns about the inability to recruit and/or retain skilled staff members, due to DPSA regulations and tariffs coupled with departmental budget constraints.

Further, and indicated earlier, the branch has a number of legacy systems still operating in the organisation that have to be replaced.

Taking these concerns/constraints into account, the IS Branch indicated that they believe that although there are suggestions that compromises to the system are being directed from outside the department, this is not the case and that all system manipulations are being directed by officials from within the DHA. The Ministerial Committee concurs with the latter view.

The problems caused by a lack of staff, ongoing protracted modernising of systems and the non-decommissioning of old systems has created the opportunity, due to necessity, to have staff operate with multiple hats, and weaknesses involved in system integration due to versioning (e.g. MCS, through eMCS, to Biometric Movement Control Systems (bMCS)).

The integration of the bMCS is in progress with some sites currently testing the system. However, the system is only estimated to be fully operational by the end of the 2021/2022 financial year. The BMCS is operational in the 4 airports with limited PCs. The intention as per the APP plan for the last financial year was to rollout to 23 ports of entry. Unfortunately, the target was not met due to delays in procurement and certain system bugs raised by Port Control. The plan for the 2022/2023 financial year is to utilise the first two quarters to stabilise the system, then once Port Control/IMS signs off, rollout will take place to 34 ports of entry by the 31 March 2023.

Another constraint is that most of the missions abroad cannot network, and visas and permits are processed manually. This is cause for serious concern as processes are rendered open to abuse, as can clearly be seen in the cases uncovered by the AG and IA in Lubumbashi and Windhoek.

Also, facial recognition software development for the department is another very big initiative that is lagging behind. The software should have been finalised and integrated into the systems in 2018. This is currently being held up by investigations against the service provider who was dealing with the software development.

5.6. Nexia SAB&T Cyber Investigation

The Committee was provided with the forensic investigation report compiled by Nexia SAB&T as part of the review process of the issuance of visas and permits. After reviewing the findings of the investigation report, the Committee is of the view that the anomalies identified during the data analysis have a clear correlation with the findings found by SAB&T. The matter must be referred for further investigation.

During November 2020, IS discovered a software key logger on one of their DC01 Server hosted at Hallmark Building.

Nexia SAB&T was appointed by the Director-General in March 2021 to conduct a cyber forensic investigation into the alleged security breach and into irregularities in the VAS System.

When performing an analytics exercise on the VAS server to verify if the DC01 server had been compromised. Nexia SAB&T found evidence of the particular key logger (scvhost.exe) on the VAS Server, which had been created on Tuesday 24 November 2020 at 01:17:34 PM, during working hours.

Nexia SAB&T also found the software key logger application of the following computers/servers:

- Link files pointing to the key logger file which was installed on the DC01 Server at Hallmark which was de-commissioned;
- The key logger was still resident/active as at 9 March 2021 on the Desktop computer of a DHA official which was installed under the Windows start Menu on 17 July 2019 at 02:43 AM;

- They also found that the key logger was resident on the DC01 Server hosted at SITA but was deleted, with no date and time stamp being available to determine when it was installed or deleted;
- They found residue of the key logger application on the laptop computer of a DHA official which indicated that the key logger was installed on the said computer. No metadata could be retrieved to identify when the key logger was installed or uninstalled/deleted as the computer was re-installed with Windows 10 on 17 February 2021;
- They discovered another server with IP address 10.130.66.14 based in Hallmark, which was also infected with the same keylogger application since 06 April 2020 until 22 April 2021 when they alerted the Assistant Director (administrator) of such; and
- They also discovered another virtual machine (VM) server hosted at SITA with IP address: 10.123.69.163, whereby certain suspicious user IDs were recorded on this jump box after hours. At the time of writing their report on 21 October 2021, Nexia SAB&T had not yet obtained a forensic image of the server in question to verify if it was also compromised by the same key logger or merely a server which was used to connect and access another server.

With the information at hand, Nexia SAB&T discovered several user accounts that were compromised with the keylogger.

Further evidence found was that the VAS server's Windows Security Event logs and Remote Desktop Services Event logs were cleared by the user account of a DHA official on 10 February 2021 at 21:48:38 PM and 21:50:18 PM respectively.

Further analyses of the computer of a IS official confirmed that the first activity available was on 17 February 2021. This is when the official's computer hard disk drive (HDD) had been replaced. This is also 7 days after the above-mentioned event logs were cleared.

From the review of the limited Information System Security (ISS) documentation provided to Nexia SAB&T, as well as their data analytics of the received data, the following inferences could be made:

- There does not seem to be a holistic approach to the IS environment. This runs the risk of causing many security risks of a critical nature. There needs to be an overarching information security policy relating to systems, employees and data. This must drive and dictate the policies and procedures of actions to be taken to protect the integrity, confidentiality and availability of the DHA environment; and
- Given the lack of a holistic security policy, there are many basic, but critical controls missing. A clear example of this is an archaic system connected to the network which can lead to the compromise of all the network devices and servers.

5.7. T200 firewall installations

The Ministerial Committee received further information about highly questionable conduct of subcontractors and DHA ISS officials during the installation of the firewall boxes in certain provinces. There is reason to believe that the security at these sites where the installations were done could have been compromised, which could seriously compromise the DHA and Sita IT environments.

Due to time constraints for the Committee to finalise its review, the T200 firewall installations could not be adequately addressed by the Committee. However, due to the extreme sensitivity of this matter and the possible compromise of the IT environment and operating systems of the DHA, the matter will have to be thoroughly investigated with urgency.

5.8. Foreign Pastors and Prophets

The Committee has recently been provided with names and supporting information that a number of foreign pastors and prophets who are resident and working in the country with allegedly fraudulently obtained South African visas and permits.

In some of the matters, family members have also been issued with fraudulent visas and permits. In certain of these matters, there has been extensive media coverage.

The DHA Counter Corruption Unit has confirmed that it is currently busy with investigations against certain of these identified pastors and/or prophets and the corrupt DHA officials who assisted with the fraudulent issuing of such visas and/or permits.

A sample review was conducted by the Committee, based on data in its possession, which has revealed instances of fraud, corruption and syndication in the issuance of visas and permits to applicants who had arrived in the country originally as either tourists or volunteer workers in some churches or related companies created by the pastors under review or known associates.

Based on the preliminary assessment of the information, discussions held with the Counter Corruption investigators and further data analysed, the Committee is of the view that all the names provided to the Committee would require an in-depth investigation.

5.9. Interviews with Whistle-Blowers

Interviews were conducted with whistle-blowers who wished to remain anonymous. A number of file reference numbers were also provided of allegedly suspicious and fraudulent applications and appeals.

The following information was provided and formed part of the data analytics process and review by the Ministerial Committee:

- The appeals process in relation to certain PRPs is flawed, as fraudulent applications that were previously rejected were approved;

- Certain files sent for the appeal process have no application documents on record and have also not followed the adjudication process;
- Certain PRPs are approved in one (1) day, whereas the normal process from start to final approval usually takes about 8 months to be finalised;
- There are innumerable and consistent inaccuracies in the issuances of visas and permits related to passport numbers, names, dates of birth, and ID numbers which are returned for amendment. In many instances these inaccuracies relate to possible fraudulent visa and permit applications;
- There is evidence of unauthorised data manipulation and deletion of data;
- Capturing of applications that were not processed by VFS were done afterhours, on public holidays and over weekends;
- Only IS Branch officials are issued with laptop computers. All other adjudicating officials work on desktop computers;
- User numbers of deceased officials are still on the system. In some instances, such deceased user numbers are being used to access the systems. The Committee did not find any evidence to support this allegation;
- Supporting documents obtained from applicants are not adequately verified, causing fraudulent applications to be approved as a result;
- A number of fraudulent visas/permits are approved by a process of deliberate waivers of certain information and/or requirements; (e.g. a refusal of a clearance from the Department of Employment and Labour because that department only issues certificates for specialist skills, which is sent to the Functional Services Section of the Department of Home Affairs for a waiver). The Functional Services Section only deals with waivers and will hardly decline a matter based on a waiver. This section is allegedly one of the most corrupt sections at DHA. The Committee

can confirm that the waiver request process could be open to abuse, as the Committee found evidence of fake waiver approvals being submitted. However, the Committee cannot express a view on the statement that the Functional Services business unit is the most corrupt section at DHA;

- Syndicates in many a case, fraudulently create Specialist Skill Certificates on a Department of Employment and Labour letterhead which then passes scrutiny because of little to no due diligence and verification being done;
- Fraudulent asylum seeker visas are a big problem and need investigation;
- Fraudulent asylum seeker certificates that have been issued won't be reflected on the National Immigration Information System (NIIS). The NIIS should be utilised to verify asylum seekers;
- It is alleged that certain officials (no names were provided) from the Counter-Corruption Branch are colluding with syndicates targeting DHA;
- Visa Control Scanners at land, sea and air entry ports operate in isolation and are not linked to central DHA databases to assist with verification of information. As a result, fraudulently issued visas/permits will go undetected during entry and/or exit from the Republic;
- Rejected visas/permits on the system are at times overwritten by an administration clerk by issuing handwritten visas/permits;
- There are no lifestyle audits done on DHA officials who openly flaunt wealth on Facebook and in their daily lifestyles;
- The Visa Electronic Permit System at foreign missions are at times not used. Visa applications are done manually in most cases, as indicated earlier in this report;
- User log-on details of persons who have left the department are often not removed from DHA systems;

- IT systems of the DHA have been comprised, as exemplified by the following:
 - Key loggers have been installed on to the DHA information systems, which compromises user access information; and
 - Event logs have been found to have been deleted from the information systems.
- External immigration agents are controlling the permitting system, despite the fact that that they are no longer recognised by the department;
- Some persons are V-listed on the system, but through some IT channels, this is removed, or their status changed. The MCS is not linked to the VAS therefore the V-listed person can return after the IT intervention;
- There is a need to assess the average number of adjudications per adjudicator per day as one person who was normally doing 30 matters a day, then suddenly did 60 cases in a day. For example, the adjudicator selects the cases they want to adjudicate based on lists of people that have been provided to them by the black market, agents or corrupt officials. They therefore process current applications more readily; and
- It is alleged that a large number of DHA records have been duplicated and made available to the illegal market. This assists agents with the remote applications of ID cards, passports, visas/permits, birth certificates, death certificates, unabridged birth certificates, which data is then inserted into the DHA system with the assistance of DHA officials to be officially processed and issued at a DHA office.

5.10. Criminal Typologies Targeting the Issuance of Visas and Permits

The Ministerial Committee has been made aware of criminal typologies being used to allegedly target the issuance of visas and permits. During the Committee's review and analysis of the department's data as highlighted later in the report, it was evident that in a number of cases, the issuance of fraudulent visas, permits, identity documents and

passports are continuously being targeted by organised crime syndicates, with the assistance of corrupt department officials.

Scenario 1: Forgery and Uttering (Forged Documents)

Unauthorised alteration is made to an authentic or genuine document after it has been lawfully issued. A photo is substituted or data alterations are made to the visa and stamps.

Modus Operandi

A vagrant or unemployed person is paid a fee for his official document (ID/Passport). An official document is officially issued with the assistance of corrupt officials, containing the vagrant's/unemployed person's details and fingerprints. But the photo of the substitute is inserted.

The foreigner who is then in possession of a fraudulently yet official SA ID or Passport is able to travel as a SA citizen.

Scenario 2: Theft and Fraud (Blank Documents Stolen)

Modus Operandi

Authentic blank documents (visa or permit) are stolen and personalised by corrupt officials or agents. Once the person has entered the country, a new visa/permit application is made using fraudulent documents, like false bank accounts, medical records and/or employment letters. Current systems at DHA are not integrated and such persons can enter through an international port of entry in SA without detection.

Scenario 3: Corruption

Modus Operandi

The applicant approaches agents for assistance and pays a small fee. The agents then prepare the paperwork for the applicant and get the application processed by VFS. The application is then sent to DHA for adjudication where the adjudicator is informed by agents

which applications need to be processed. Certain conditions are then waived and/or the application is approved by the adjudicators without the necessary documentation or proof, and fast tracked. Some processes are supposed to take months to conclude but are completed within days.

Scenario 4: Fraud and Corruption

Modus Operandi

The applicant purposefully submits an application for a visa or a permit with either insufficient information or non-compliant documentation so that his application can be rejected. The rejection allows the applicant to appeal the decision which in turn allows an adjudicator to adjudicate the entire appeal manually and approve the appeal quickly. The normal process of an application is processed through multiple officials and on the VAS system. It must be noted that the appeal process was converted back to be electronically conducted on the VAS system from December 2020. However manual appeals are still being done.

Scenario 5: Fraud and Corruption

Modus Operandi

Super users on the DHA IT system are said to create ghost users to allow for the easy approval of a visa or permit application. Once the approvals have been completed, the super user then deletes the user and the activity logs in the system.

Scenario 6: Fraud and Corruption

Modus Operandi

Indications of weekend, public holiday and after-hours processing of applications being performed on the DHA systems was reported. This is seen as abnormal as the adjudicators do not have laptops to perform these tasks from home and they are not entitled to do so.

The fact that processing might be happening at the weekend would speak to the opening up of some security protocols, by some IT officials, to allow the processing. Additionally, it was reported that applications are manually loaded into the VAS system that have never been processed by VFS. Applications are received for appeals without trace of the original applications.

Scenario 7: Fraud and Corruption

Modus Operandi

People with a V-Listing (undesirable person in South Africa) approach a syndicate to have their V-listing fraudulently removed at DHA. An agent contacts the complicit IT official who then deletes the person from the V-list.

5.11. Data Analytics from the Visa and Permitting Systems and Processes

5.11.1. Background of the Analytical Review

The review included the optimised use of digital data extraction and analysis of visa and permit data sets, in response to overwhelming evidence that from time to time the department's security systems, processes and data used in the issuance of visas and permits had been severely compromised.

The key strategic objectives and deliverables of the analytical review included the following:

- Source and secure all information and data;
- Conduct high quality digital data analytics services relevant to the terms of reference;
- Provide insights in terms of data integrity, vulnerability, abuse, challenges; and
- Document findings and recommendations.

5.11.2. Purpose the Analytical Review

The purpose of the analytical review was to document a summary of high-level findings and details of the following:

- The procedures performed;
- Limitations to the analysis;
- The data analysed; and
- Findings in respect of potential irregularities and trends, as evidenced from the electronic data provided by the DHA.

The findings contained herein, rely solely on the electronic data provided by DHA. This was only an analytical and quantification exercise, that would require in-depth investigations to further corroborate potential anomalies and discrepancies found.

5.11.3. Limitations of the data received

The team relied exclusively on the electronic data provided by DHA to conduct these procedures. However, specific tests were also developed from information received and interviews conducted, amongst others, to discover hidden patterns of deception evident in the data.

Below are some additional limitations relating to the data requested and received by the Committee, that impacted on the data analysis process:

- Information was received piecemeal during the duration of the project and not as one complete data set from the onset of the review;
- Various different data sources representing the same information were received;
- The information also included information from old legacy systems;
- The initial analysis could only rely on the Visa Adjudication System (VAS) database, since this was the only information available at the onset, which made initial results incomplete; and

- The Committee faced some resistance from many in the Branch: IS to provide data from the National Population Register (NPR). Data was eventually received and analysed, which augmented additional findings.

Due to the above-mentioned limitations in the data received, there is no assurance that the data analysis procedures applied, detected all potential anomalies or irregularities in the data.

Data from the following systems was analysed:

- Visa Adjudication System (VAS);
- Track and Trace (TnT);
- Visa Facilitation Services (VFS) System;
- Movement Control System (MCS);
- Advanced Passenger Processing (APP);
- National Population Register (NPR);
- Visa System (Missions);
- V-List; and
- National Immigration Information System (NIIS).

5.12. Review of 2004 to 2014 data

The issuance of visas and permits from 2004 to April 2014 was done manually and fraught with challenges and risks. The report also outlines the challenges experienced during that period that led to the decision of embarking on a process to modernise the DHA, which commenced in May 2014.

The Committee deemed it prudent not to embark on a review of historic manual application files as it would have been cumbersome, time consuming and labour intensive, which in the end would not have added any value to the final results of the review.

Although the Committee cannot rule out that there was evidence of corrupt networks between Immigration Practitioners and Permitting Officials operating during the said 2004-April 2014 period, priority was given to focus on the current situation at the DHA involving the issuance of visas and permits.

5.12.1. Digitization of manual files

The Committee is of the view that it would be in the interest of the DHA to consider embarking on a process of digitising all manual files from 2004 to May 2014 and that this would assist with further analysis and possible findings. Without these files being digitised, it is completely impossible to link the data contained in them and to establish the kinds of patterns the Committee was able to discover using advanced data analytic tools.

5.13. Summary of information received and analysed

Below are various summaries of the information received and analysed from the different data sources. It also includes a methodology followed to combine all of the information into a single entity retrieval tool.

5.13.1. Single Entity Retrieval Tool (SERT)

The biggest obstacle in the analysis and identifying of patterns in the data is the lack of integration between systems and lack of a single view of an applicant or applicants.

It is extremely important to have a single view of an applicant and an application in order for DHA officials to make informed decisions when issuing permits and visas. There are several factors that causes the duplication of information or multiple entries for the same individual, such as:

- Multiple systems involved for the same process;
- No unique number allocated to an individual (which biometrics might do); and
- An individual can have multiple passport numbers.

Information not being captured correctly (the same passport number can be recorded in a few different ways).

In order to perform the analysis and to identify irregular trends, a single entity retrieval tool (SERT) was created by the analysis team to allow for a single view of an individual's information that was retrieved across all data sets and integrated into a single view. This process involved the following:

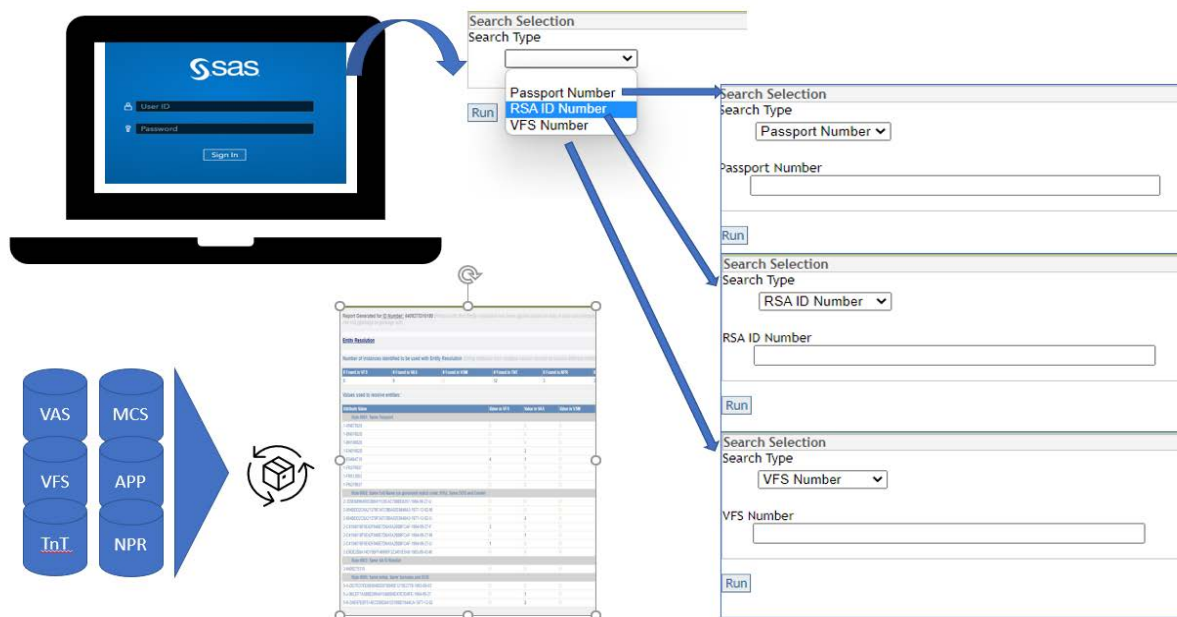


Figure 1: Illustration of the use of SERT

Data primary variables were determined for the unique identification of records within the multiple data sources utilised. Each primary entity was analysed to determine the associated data attributes available to use as information to match across the different data sources. This process is called entity resolution which can be explained as the resolution of entities using different combinations of rules to determine if different data line items are linked to the same entity.

The illustration below demonstrates how an individual can be displayed as 6 different entries and then be resolved into a single entity, using the different attributes:



Figure 2: Illustration of how Entity Resolution works

These following attributes were used to resolve individuals into single entities:

1. Same Passport
2. Same ID Number
3. Name, date of birth and gender
4. Same First Initial, Surname, Date of Birth and gender

Using these resolved entities, individuals could be linked across various data sources, even if they had different passport numbers or slight spelling errors. The results have been demonstrated to the DHA and is viewable in a web-based interface.

A visual representation on how and why entities from the different sources are resolved as the same entity (Networks) was developed. This also illustrates the complexity of resolving an entity, however through advance analytics and dynamic entity resolution rule processing the complexity is removed from the user and handled through processing:

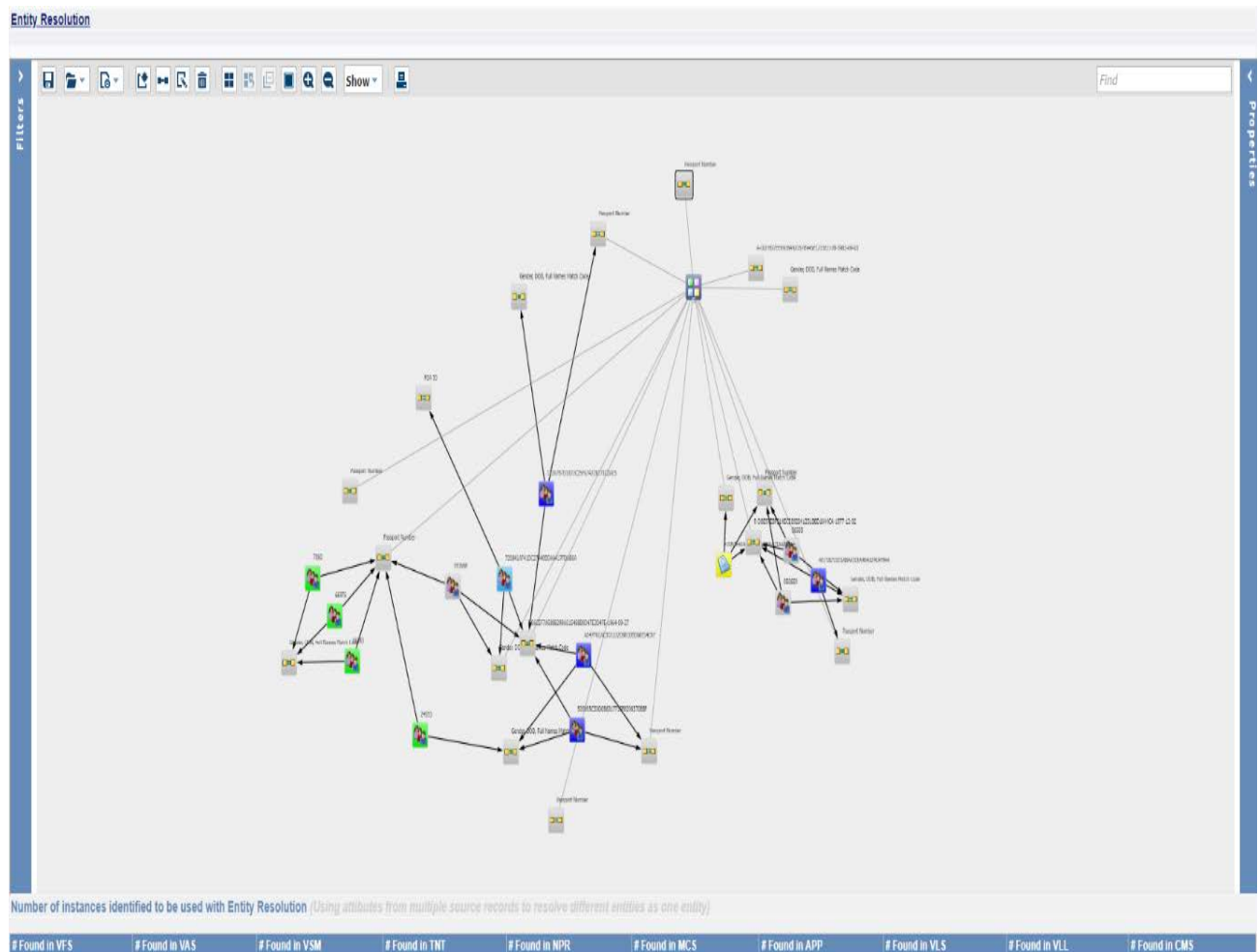


Figure 3: Visual illustration of entity resolution

Visual representation of the data timeline only shows the comparison between different applications over time. However, the principle can be expanded to include movements or other occurrences during the lifespan of the applications.

Links are displayed on the interface and are further linked to the specific application document. The associated document can be selected to view the content of the applicant's application and then reviewed.

5.13.2. Data Received and Collected

DHA provided the electronic data in various formats. Below is a summary of the combined information received:

Data Source	Date From	Date To	Size (MB)	No of records
VAS	2014-06-30	2021-06-17	21 804	54 498 657
TnT	1968-04-23	2021-06-14	2 637	24 328 221
MCS	2010-04-12	2021-06-16	1 194 898	1 881 372 669
PERSAL	This was received based on <i>ad hoc</i> queries and lists provided to HR			
APP	2009-11-22	2021-04-14	118 629	344 079 658
VAS attachments	2010-09-02	2021-08-05	6 783 732	2 397 912
V-List	2018-07-04	2021-08-02	1 043	457 686
Visa System	2021-02-20	2021-09-28	828 608	2 053 638
NPR	N/A	N/A	259,419	118 407 257
VFS - Applicants	2014-05-25	2021-09-21	16 696	2 583 074
VFS - Applications	2014-05-25	2021-09-21	10 985	13 450 508
Visa control number list				
NIIS	2008-08-26	2021-07-28	1 720 007	241 159 773

Table 7: Data received and overall control totals

The data represented in the table above consists of all record counts and storage across all systems.

5.13.3. Data Quality and Completeness Findings

Data quality and completeness greatly depends on controlled environments that have sufficient process monitoring in order to apply effective checks and balances. With data moving from one environment to the other, there are significant risks in data changing or changes made by officials due to act of manipulation, or the malicious intent of deleting data.

The data quality and completeness can be split into areas of monitoring that are required to safeguard the data eco-system.

Although it is difficult to comment on the completeness of the information received, it is important to note evidence of missing information, such as, dates of birth or passport numbers, which are important in the context of visas and permit issuance was identified.

5.13.4. The “Hands -Off” Production Environment Principle

It is standard practice to treat development, test, and production systems differently, at least from a compliance and risk-management standpoint, mostly because they have differing security, data, and privacy controls.

Production data must be reliable and accurate, and as such, the integrity of the setup of the systems should eliminate the opportunity for the data to be corrupted or manipulated. Production data such as confidential or personal data is also likely to contain information that can only be shared with authorised users and must be protected by production-level authentication and authorization and according to the Protection of Personal Information Act (POPIA).

Several exceptions were found in the data that indicated that changes and testing were being done in the department’s production environment. This can create the opportunity for unauthorised changes for purposes of manipulation. The Committee also found evidence in the VFS data set that testing had been conducted in their production environment.

Some of these exceptions include:

- Temporary tables being created within the production environment; and
- Missing primary keys (gaps found in the sequencing of primary keys).

5.13.4.1. Temporary tables created within the production environment

The Adjudication (VAS) source database contains 293 tables that have been created since the start of the database in 2014. Within this database there are 125 tables that were created in 2014 and then the number of tables created, reduces per year as the database matures, which was to be expected. This is illustrated in the figure below:

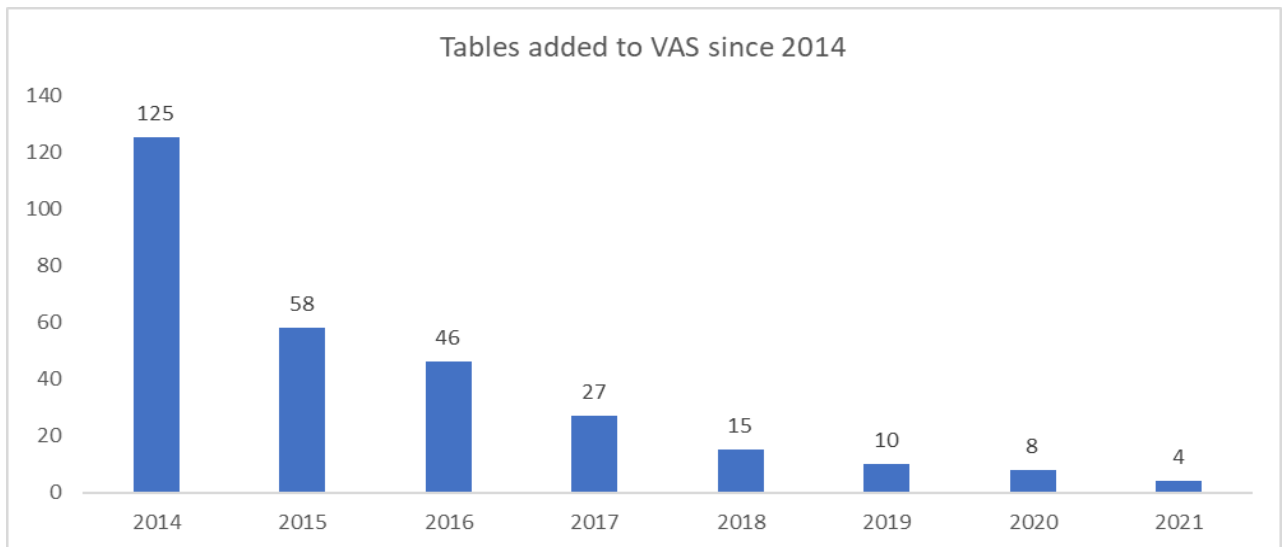


Figure 4: Tables added to VAS since 2014

What is noted is that a number of tables created were only used once, suggesting that they were temporary tables:

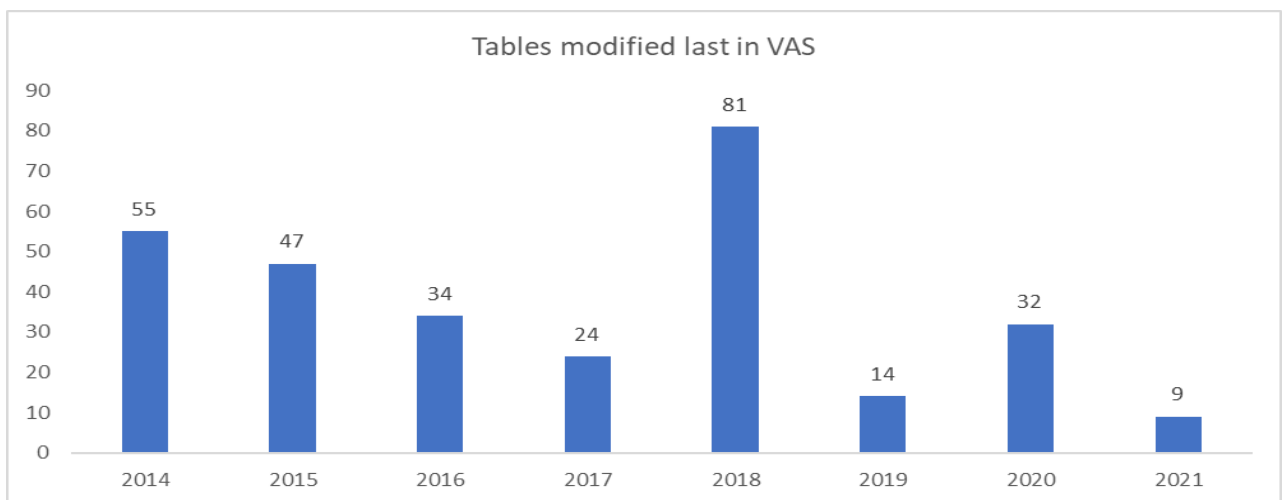


Figure 5: Tables created in VAS and modified (used) last in VAS

Within the tables that were created, the last modified date was analysed in relation to when it was created. The analysis indicated that new tables were created throughout the database life cycle and only used once in some instances, which is indicative of tables being created for the purpose of a “quick” extract. This is not expected in a production environment, as this can create different versions that may be updated inconsistently and may be unauthorised, which could lead to accuracy problems in the database and possible data leaks.

The chart in the figure below illustrates the tables created for multiple (blue) and single use tables (orange).

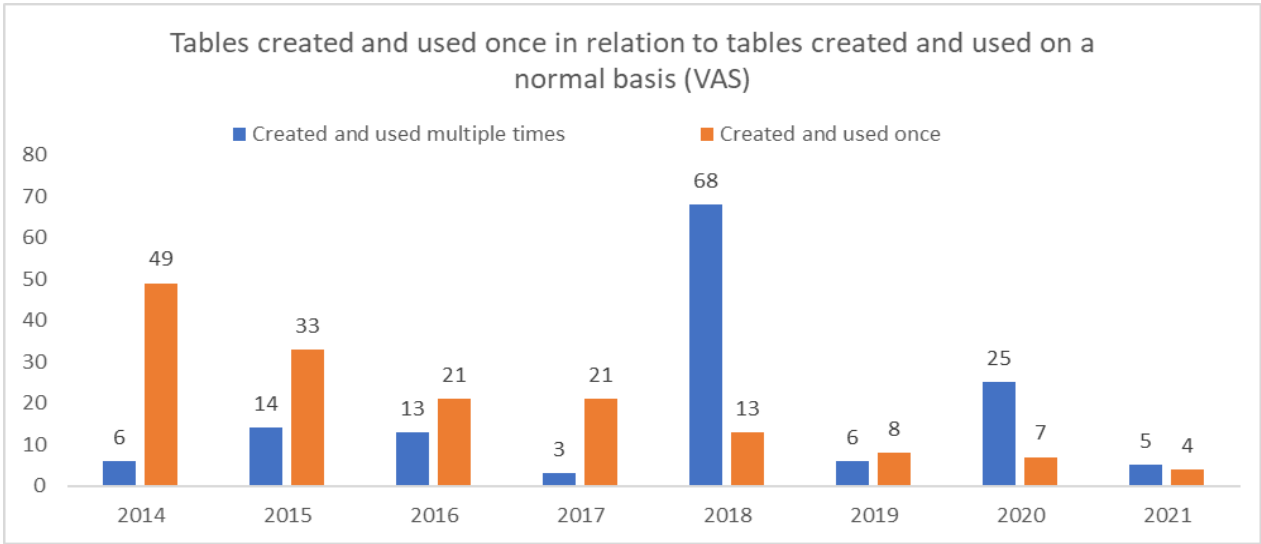


Figure 6: Tables used in comparison to when created (VAS)

The chart in the figure below illustrates a similar principle as seen in VAS, of tables also being created in the production system of TnT. This suggests that there could be a lack of database controls and checks that ensure that there is consistency in the database. This practice should be verified in terms of the documented processes followed for the creation and maintenance of systems.

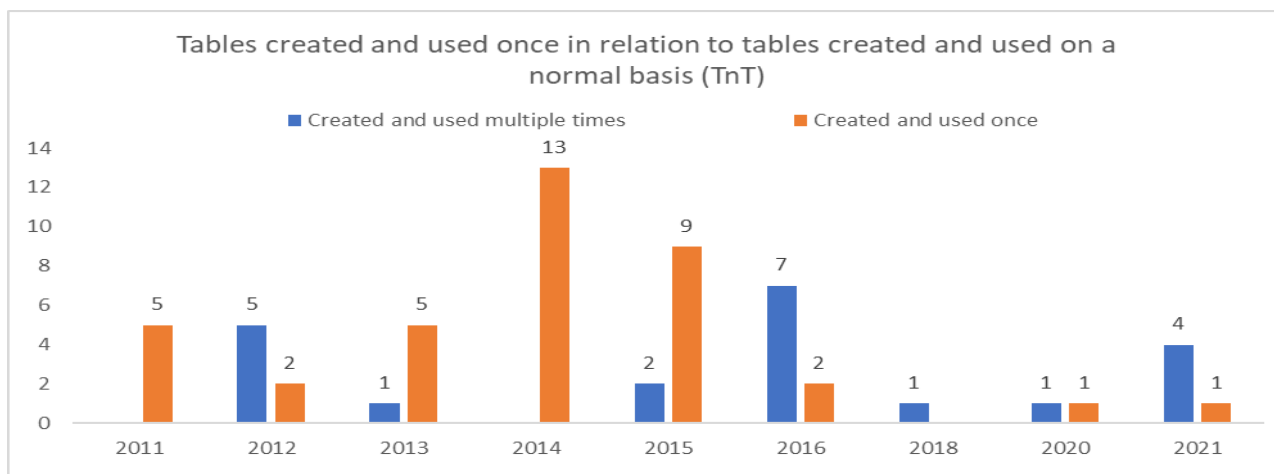


Figure 7: Tables used in comparison to when created (TnT)

5.13.4.2. Missing primary keys (gaps in sequence)

In database design, a Primary Key (PKs) is important because it serves as a unique identifier for a row of data in a database table. A PK makes it convenient for a user to add, sort, modify or delete data in a database. One of the critical steps in database programming is the inclusion of a PK to a database table. The Committee analysed the various databases received and identified numerous instances with missing numbers in the PKs, which might indicate the deletion of records from these tables. If logs of changes/deletions and additions were active, the review would have been able to determine the reasons for the deletions and the user(s) responsible for the deletions.

Below is a summary of missing PKs in the VAS database (range of numbers missing).

Table Name	Primary Key Column Name	Total Missing PKs
Applicant.tblApplicant ²⁸	ApplicantID	49,173,591
Application.tblReferralDocuments ²⁹	documentid	4,059,333
Application.Transaction_Audit_Trail_Loggin	Transaction_ID	1,069,099
Application.Transaction_Audit_Trail_WorkFlow	Transaction_ID	946,121
Application.Transaction_Audit_Trail_Assigned	Transaction_ID	317,725
Application.tblControlNumbers	Control_PK	169,033
Application.tblPrintedPermit	ID ³⁰	79,406
Application.tblOfficeNote	NoteID	77,309
Application.tblWorkflow	WorkflowID	68,725
Application.tblApplicationCondition	ID	57,910
Application.tblManualPDFsearchHistory	ID	40,998
Application.tblAssigned	ID	33,151
Application.tblReview_RejectionReason	reasonID	30,270
Application.tblParkedApplications	ID	17,956
Application.tblDispatch	DispatchID	14,499
Application.tblPrintedReviewedPermit	ID	13,183
Application.tblWorkflow_Reviews	ReviewWorkflowID	12,513
Application.tblAssigned_Reviews	ID	9,034
Application.tblAppsMarkedForCorrections	ID	8,979
Dropdown.tblCategory	CategoryCode	7,331
Dropdown.tblCategory_BackUp	CategoryCode	3,920
Dropdown.tblReAssignControlNumberReason	ReasonCode	995
Dropdown.tblCountry	CountryCode	14
Application.tblReportTypes	ID	8
Dropdown.tblSpecialProjects	id	1

Table 8: Missing primary keys in VAS data

²⁸ Applicant is a schema (grouping of data within a database) and tblApplicant is a table that contains the Applicant data

²⁹ Application is a schema and tbl Referral Documents is a table containing all the information regarding the Documents of an application

³⁰ This ID does not relate to a south African ID, it is just a system identity primary key

Below is an example of the missing PK ranges on “Applicant ID”

Primary Key Column Name	Current Primary Key Value	Previous Primary Key Value	Missing PKs	Trigger Message
ApplicantID	4647	4344	302	There are 302 missing primary keys between 4344 and 4647
ApplicantID	299631	5860	293770	There are 293770 missing primary keys between 5860 and 299631
ApplicantID	1695840	299631	1396208	There are 1396208 missing primary keys between 299631 and 1695840
ApplicantID	1700770	1700038	731	There are 731 missing primary keys between 1700038 and 1700770
ApplicantID	1702583	1702581	1	There is 1 missing primary key between 1702581 and 1702583

Table 9: Missing primary keys ranges examples

5.13.5. Proper data transfer methodology

There are several IT-related functions that inherently have a rather high degree of risk. Custom application development, logical access (especially where the Internet is involved) and data transfers are examples of this. The latter has been growing in volume and risk recently, worldwide.

Most companies and organisations do not have a centralised methodology for tracking and managing data transfers, which puts them at risk, (for example in the compliance with POPIA), for both data security and/or error problems and the lack of documentation and audit trails according to relevant government regulations.

Due to the complexity of the issuance of visas and permits, there are several different systems involved. During the process, data is transferred from one system to the next. The transfer process and the completeness and accuracy of the data being transferred need to be reliable. Therefore, controls have to be implemented with the objective of ensuring that the data residing on the system sending, is exactly the same data that is recorded on the system receiving said data.

The most basic control of performing a reconciliation of the information between the two systems on a weekly or monthly basis did not exist after the file transfers were agreed.

Below are some of the findings potentially caused by not following the correct procedures:

- Mismatches between different sources;
- Data being excluded due to data reading issues caused by special characters; and
- Significant differences between VFS and VAS data.

5.13.6. Differences between VFS and VAS

Two major sources of information for the visa and permit process are the VFS and VAS data. In theory, there should not be a misalignment between these systems. Several issues were identified in the process and data between the two systems:

- The VFS system is synced to the VAS system by uploading applications to the database with text/csv/pdf files. This is not an automated process where DHA pulls the completed applications from VFS. These files are potentially not secured as analysis has found changes in data in VAS in comparison to VFS. There is also a risk that automatic changes can occur within the upload to the database's designated tables;
- Additionally, "special characters" have been identified during the data analysis that resulted in data read difficulties. This would also be the case when loading data between VFS and VAS causing possible data rejections in the process which could cause possible delays in the processing of the applications due to pending data rejection clarification; and
- The number of differences in applicants and applications data in the actual content has been identified in the table below:
 - a) information which is in VAS and not in VFS;

b) information which is in VFS and not in VAS, that indicates that there are some instances where the data is potentially manipulated, which is clarified later in the report. There is also a high risk of data being changed to benefit individuals who are involved in nefarious acts. This includes instances where specific characters were changed between the two systems. For example, the number “0” on VFS is changed to the character/alphabet “O” on VAS.

Description	Number of Applicants	Number of Applications
In VFS and not VAS	461 643	461 622
In VAS and not in VFS	618 634	703 625

Table 10: VAS and VFS differences

5.13.6.1. In VAS but not in VFS

Based on the application data in VAS, not all applications in VAS are reflected in the VFS data. The primary principle is that in order to have an application on VAS an application must have been made through VFS. These applications are mainly for the period during the special projects for Lesotho, Zimbabwe and Angola. This discrepancy reflected in VAS and VFS data diminishes as they are processed (which can be expected as the legacy systems such as TnT are phased out). There is however a concerning spike in approvals of applications on VAS in 2020, which is not expected. This is illustrated in the table below.

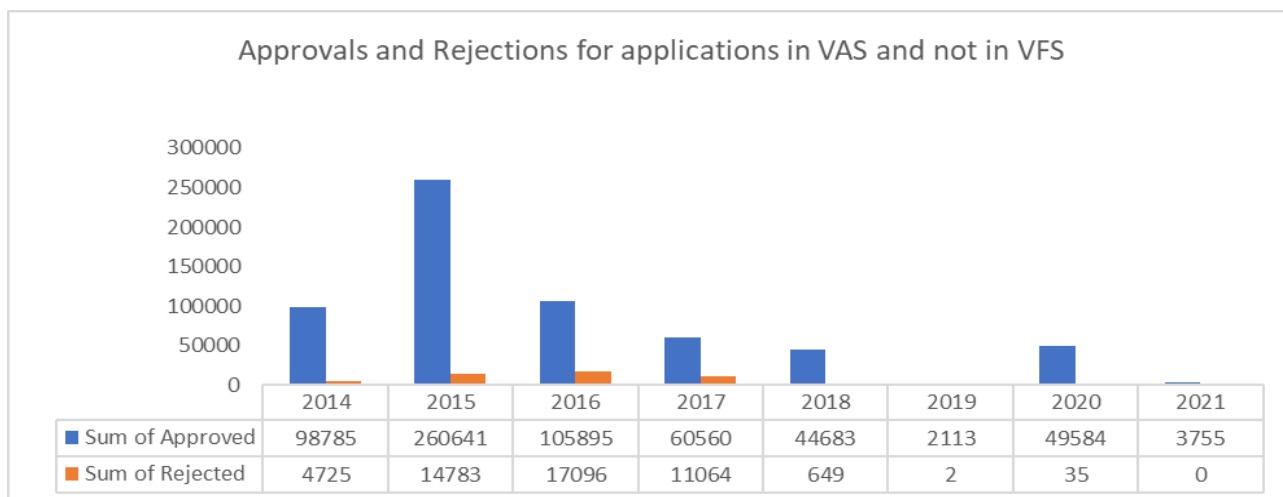


Figure 8: VFS vs VAS Comparison -Applications and Rejections per year Received

The typical application type can be categorised as a work visa or permit. The Zimbabwe Special Project, Zimbabwe Exemption Project, Lesotho Special Project and Lesotho Exemption Project visas represent 71% of the applications on VAS but not in VFS. The table below depicts the top (20) application types.

Application Category	PRP ³¹	TRV ³² (LEP)	TRV (LSP)	TRV	TRVC ³³	TRVR ³⁴	TRV (ZEP)	TRV (ZSP)	TRVR	Total
Work Visa (ZSP ³⁵)								187,162		187,162
Work Visa (ZEP ³⁶)		3					170,668			170,671
Work Visa (LSP ³⁷)			85,656							85,656
Work Visa (LEP ³⁸)		55,193								55,193
Relative's Visa (Spouse)				2,227	4,488	23,549			2	30,266
Visitor's Visa Sec 11(6)				1,795	11,827	7,515				21,137
Study Visa Sec 13				1,348	7,865	10,575			1	19,789
Visitor's Visa Section 11(1)				300	277	16,644			2	17,223
Visitor's Visa Sec 11(1)(b)(iv)				3,436	2,941	9,473				15,850
Critical Skills Visa Sec 19(1)				1,857	6,472	2,430				10,759
26(a)Worker	8,187									8,187
Own Business Visa (ZEP)		8					6,329			6,337
Business Visa (ZSP)								6,141		6,141
Relative's Visa (minor child) Sec 18				2,459	1,598	1,870				5,927
Study Visa (ZSP)								4,788		4,788
27(b)Extra Ordinary Skills	4,644									4,644
Study Visa (LSP)			4,403							4,403
Own Business Visa (LSP)			4,106							4,106
26(b)Spouse	4,043									4,043
Visitor's Visa Sec 11(1)(b)(ii)				837	1,589	1,570				3,996
Total	16,874	55,204	94,165	14,259	37,057	73,626	176,997	198,091	5	666,278

Table 11: Top 20 application types

³¹ Permanent Residence Permit

³² Temporary Residence Visa

³³ Temporary Residence Visa Change

³⁴ Temporary Residence Visa Renewal

³⁵ Zimbabwe Special Project

³⁶ Zimbabwe Exemption Project

³⁷ Lesotho Special Project

³⁸ Lesotho Exemption Project

The special project visa applications were removed from the above result. However, Zimbabwe is still at the top of the countries that have applications in VAS but no entry in VFS.

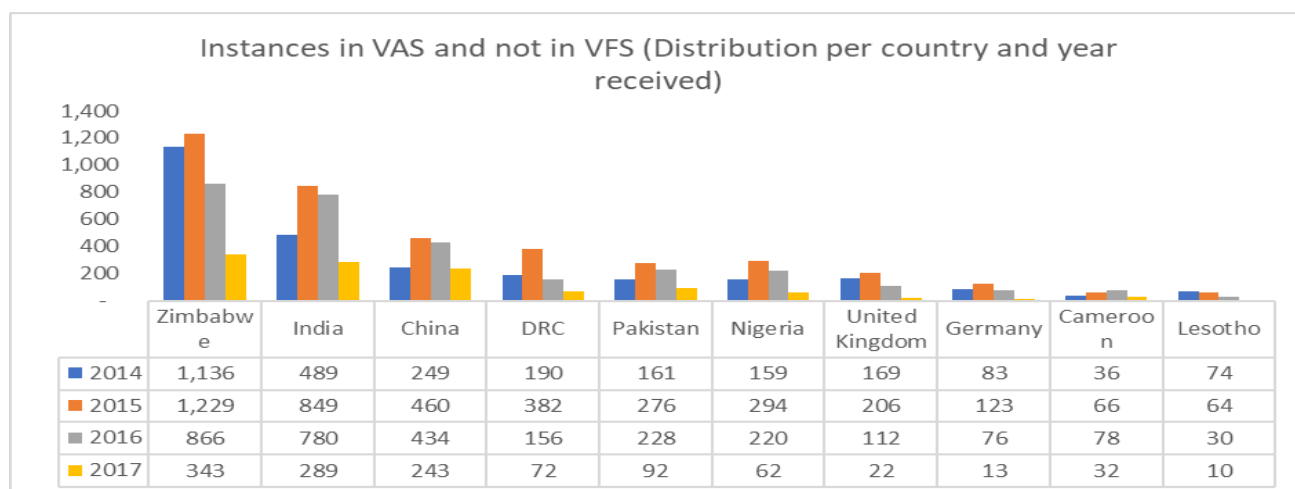


Figure 9:Country distribution of instances in VAS and not in VFS (no special visa applications)

5.13.6.2. In VAS applicants database but no associated application

Applicants are loaded onto VAS, but with no associated application. It seems irregular to have an applicant with no associated application. There are 78 974 applicants with no application status and 60 163 of these have no associated application.

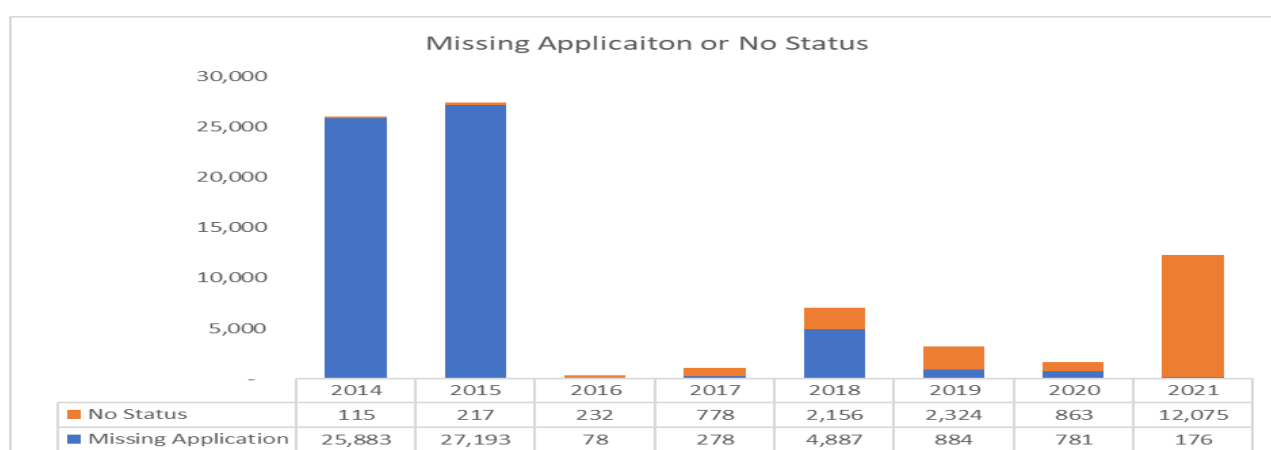


Figure 10: Applicants missing applications or applications with no status

This data needs further clarification and possible investigation. Table 12 below illustrates that Zimbabwe is the top country that has applicants without applications but the impact of possible ZEP and ZSP applications needs to be considered.

Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
Zimbabwe	4,168	12,723	4	5	4,129	639	122	21	21,811
Nigeria	2,840	2,278		2	14	6	61	11	5,212
India	1,804	1,213	6	1	30	35	94	17	3,200
Pakistan	1,539	1,309			3	2	36	6	2,895
Bangladesh	1,075	1,011			1	3	17	2	2,109
China	1,276	666			63	18	63	6	2,092
DRC	1,052	662	8	13	29	25	94	40	1,923
United Kingdom	758	657	2	11	43	2	20	8	1,501
Angola	839	476			86	70	1		1,472
Cameroon	464	200	42	90	371	22	11	2	1,202
Total for top 10 countries	15,815	21,195	62	122	4,769	822	519	113	43,417
% of full population	61.10%	77.90%	79.50%	43.90%	97.50%	93.00%	66.50%	64.20%	72.20%
Total for all other countries	10,068	5,998	16	156	121	62	262	63	16,746
Grand Total	25,883	27,193	78	278	4,890	884	781	176	60,163

Table 12: Top countries with applicants without applications

5.13.6.3. Passport number differences between VAS and VFS for same applicant

Figure 11 below illustrates instances where a difference was picked up between the Passport Number captured in VFS and the Passport Number loaded in VAS. There was a definite increase in these instances during the period 2018 to 2021. This is indicative of a process of possible data manipulation as the data should be consistent between the two systems. The reason for these changes is not evident in the data analysis as there are no change logs available to verify this anomaly. These differences need to be clarified and investigated.

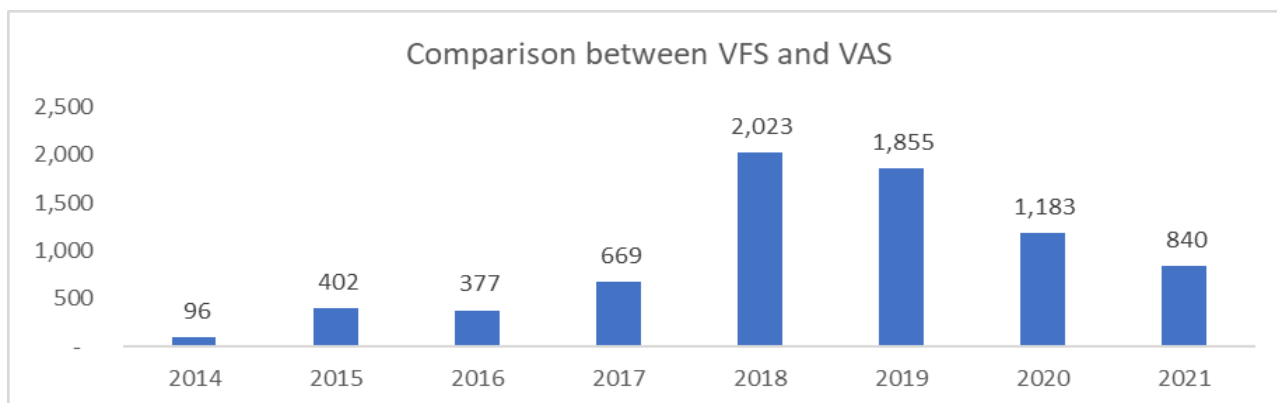


Figure 11: Instances with differences between passport numbers in VFS and VAS

Below is a summary table of the passport number differences by the application status:

Status of Application	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
Pending						2	100	223	325
Refer					3	3	22	13	41
Park Application				1		1	5	3	10
Recommend Approve			16	23	66	174	107		386
Recommend Rejection			16	27	49	53	34		179
Approved	45	252	262	362	1,371	1,166	708	198	4,364
Rejected	51	148	82	243	534	456	207	97	1,818
Grand Total	96	400	376	656	2,023	1,855	1,183	534	7,123

Table 13: Passport number differences by application status

5.13.7. Loss in data prevention controls

Apart from sequences being missing from primary keys in various tables, some of the tables also do not appear to be complete. The MCS needs to keep a complete record of people moving in and out of South Africa. Various examples have been identified where there is an entry record at a specific date and then another entry record at a following date, with no exiting records in between. Below is an example of missing entry or exit records:

Movement Direction	Passport Number	Movement Date
Departed	13CI38680	20JAN2019:22:43:04.160
Departed	13CI38680	25JAN2019:10:39:03.187
Departed	13CI38680	30JAN2019:09:29:18.903
Arrived	15AH17479	17FEB2018:09:10:41.233
Arrived	15AH17479	16MAR2018:23:28:41.427
Arrived	15AH17479	08MAY2018:22:58:24.337
Arrived	15AH17479	23JUN2018:14:04:36.320
Departed	15AH17479	16DEC2018:06:34:39.823
Departed	15AH17479	21DEC2018:05:10:14.640
Arrived	15AH92038	04JAN2018:20:00:57.547
Arrived	15AH92038	26APR2018:21:14:12.027
Arrived	15AH92038	03MAY2018:21:27:47.773
Arrived	15AH92038	03MAY2018:21:37:16.137

Table 14: Missing Entry and Exit examples on movement data

5.13.8. Visa Adjudication System (VAS)

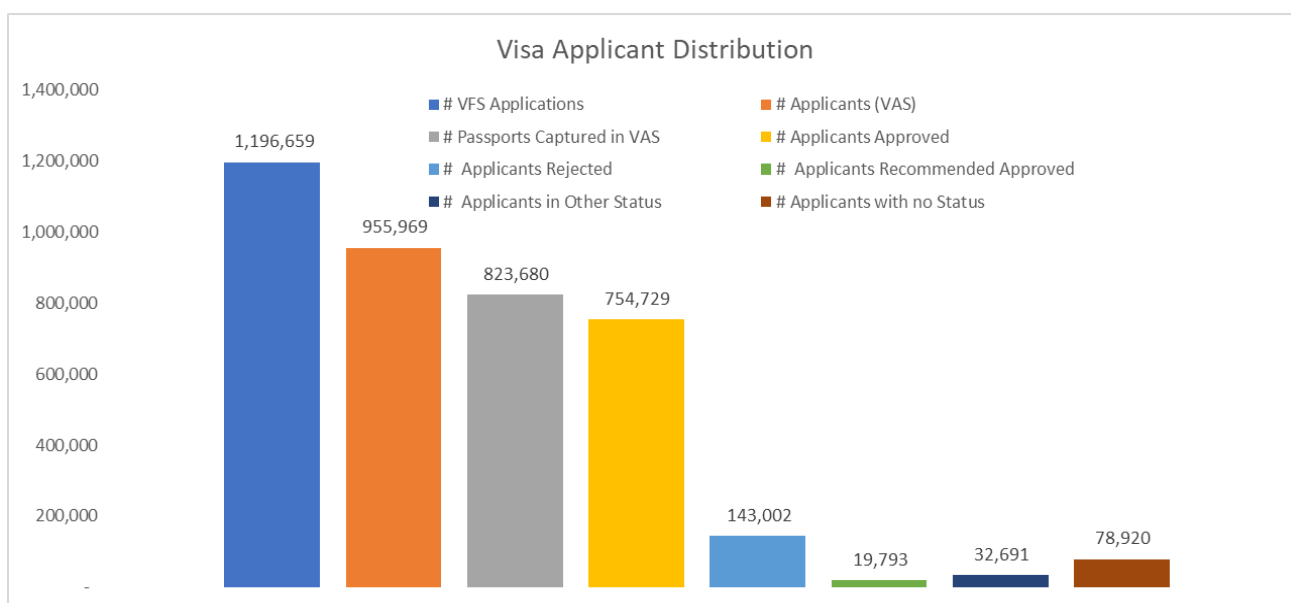


Figure 12: Distribution of applications

The VAS system held 955 969 distinct applicants at the time of data extraction on 16 June 2021. For these applicants there is a total of 1 196 659 applications with an assigned VFS number.

Additionally, there are 77 989 instances of applicants identified who do not have an application status assigned due to either having no associated application or missing a status when an application is present. The distribution of these applicants falls mostly in 2021, suggesting new applications in process. There is however a portion of applicants without an application status that was submitted prior to 2021.

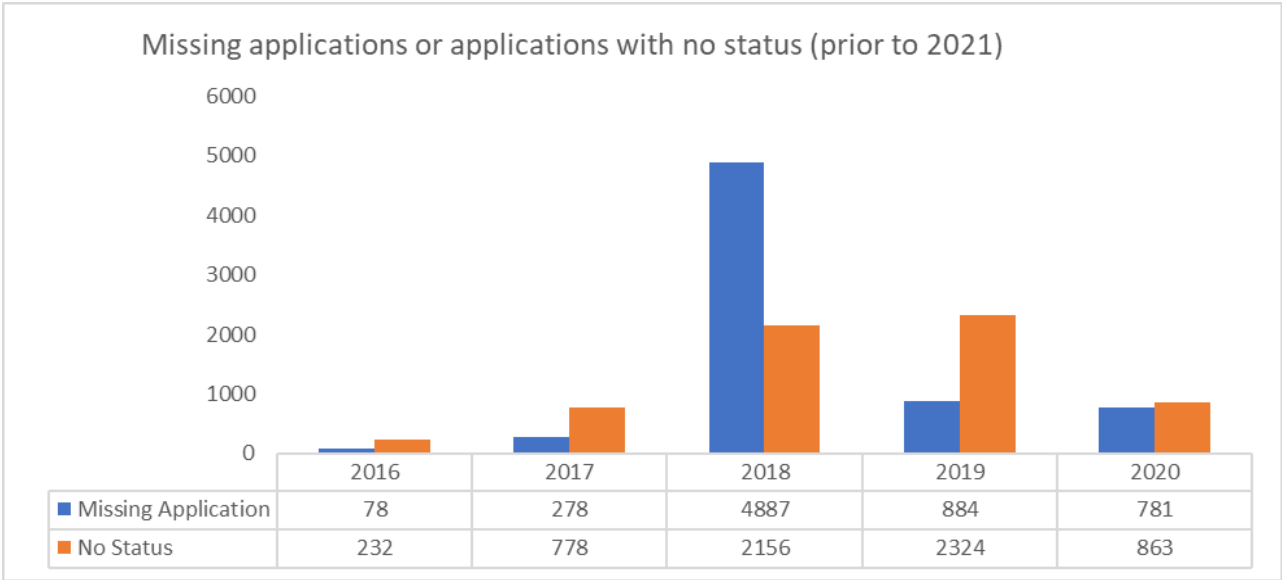


Figure 13: Missing Applications

There are spikes in yearly applicant submissions for the period 2018 and 2020 when confining the data view to applicants between 2017 and 2021.

From the period 2017 to 2019 the rejection rate was on average between 25% and 30%, while in 2020 there was a decrease in the average rejections indicating that more applications were approved during 2020 than on average. This could be illustrative of a comment by a whistle-blower that a supervisor instructed officials to do wholesale approvals of applications despite obviously fraudulent irregularities in the applications.

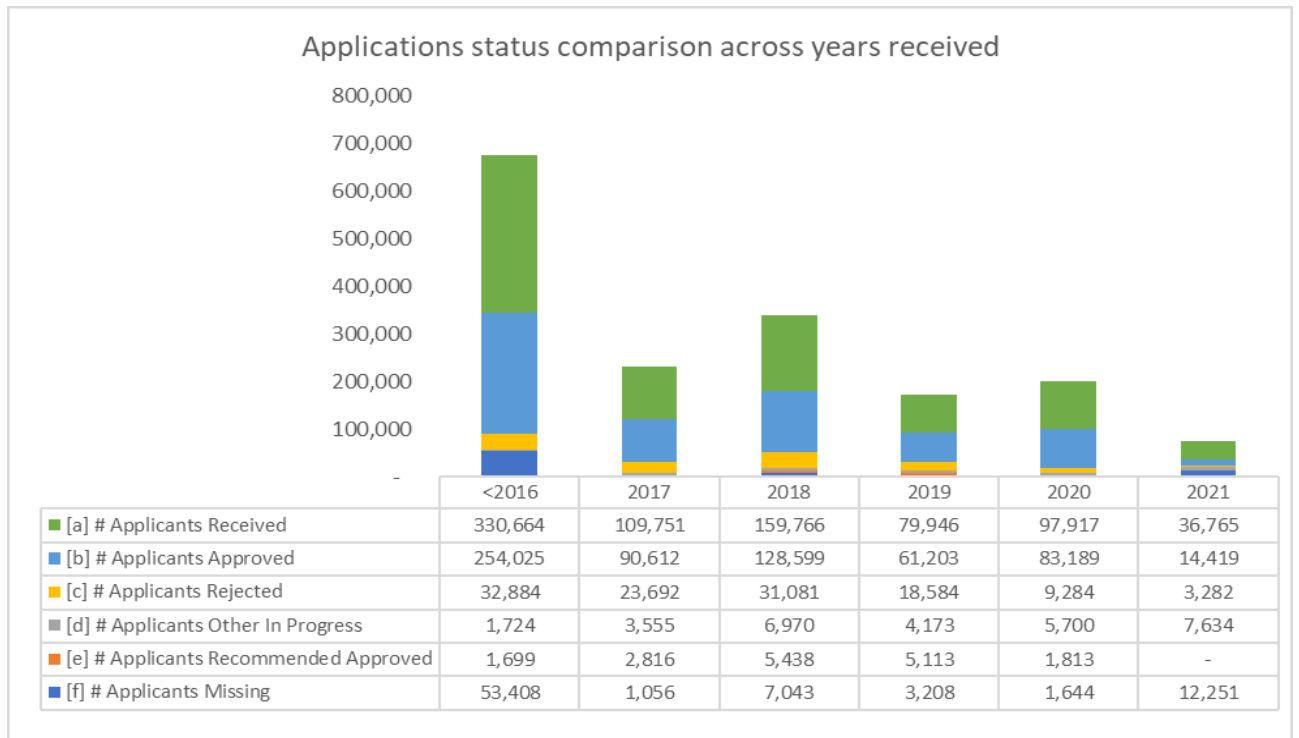


Figure 14: Applications status comparison across years received

5.13.9. Track and Trace (TnT)

Track and Trace (TnT) is the pre-2014 DHA developed tracking system which was originally used to track the movement of an application from submission to finalization. It is not an adjudication system.

Applications were adjudicated manually outside of TnT and the outcomes captured on TnT. The system has been wound down and is only supposed to be used to capture pre-2014 applications, PRP applications from abroad as well as Permanent Residence Appeals.

The TnT database is considered the legacy system that has been replaced by VAS. It is expected that there should be no new applications since VAS has been implemented, or at least a decrease of applications as the migration to VAS occurred. This is noted in the graph below:

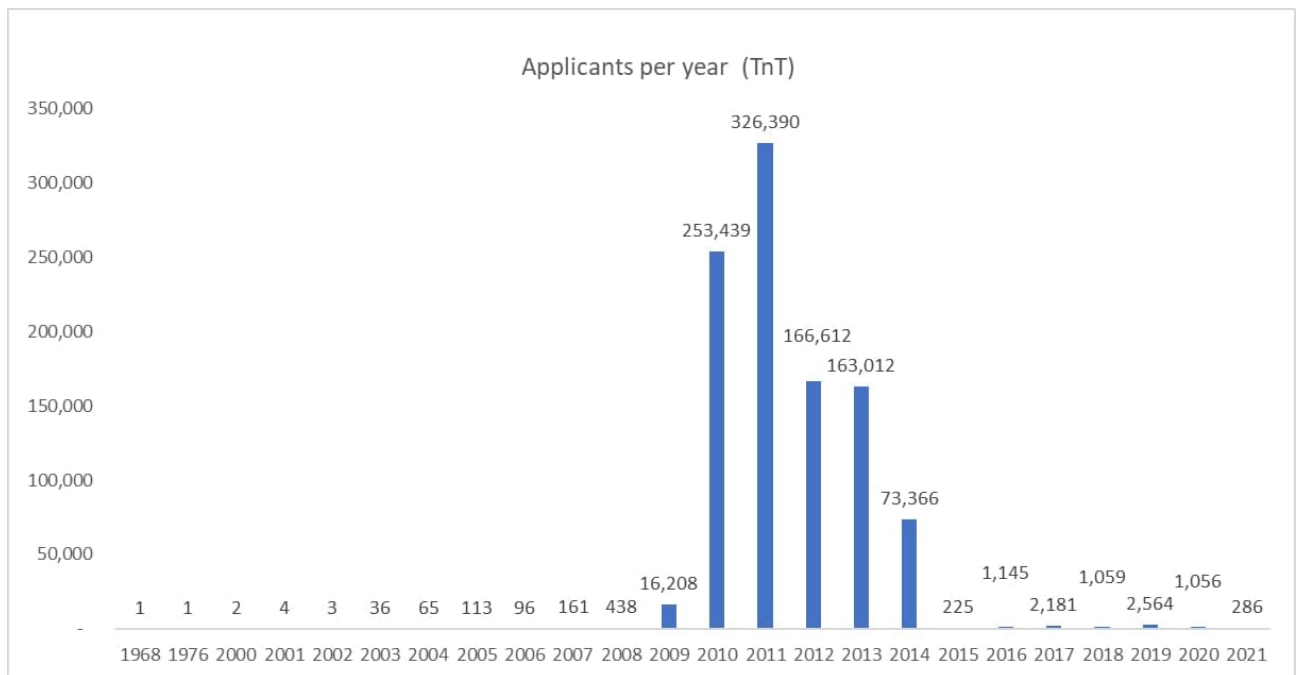


Figure 15: Applicants in TnT over time

The issue with the retired TnT environment is that there should be no expectation for it being used in the current years. However, there are instances of application loading on TNT from 2015 (since VAS was implemented) up until 2021 when the data was extracted:

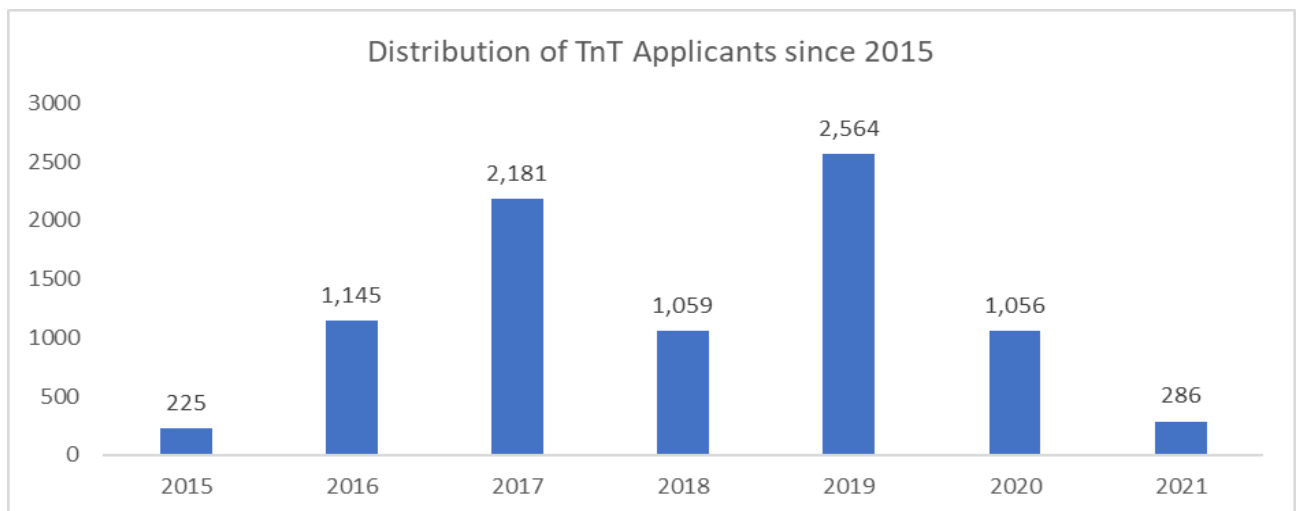


Figure 16: Distribution of TnT Applicants since 2015

The 8 516 applicants in Figure 15 made 12 330 applications as shown in Table 15 below. The majority of the applications processed in TnT since 2015 are for PRPs as shown in the

table below. These applications should have been processed from VFS application to a VAS adjudication and will require further investigation.

Application Category	2015	2016	2017	2018	2019	2020	2021	Grand Total
26(a)Worker	183	1332	1893	602	474	296	40	4820
26(b)Spouse	74	269	652	408	921	360	79	2763
26(c)Dependent(<21)	87	176	203	122	194	49	14	845
26(d)Dependent(>21)	8	35	41	10	35	5	3	137
27(a)Worker	16	42	44	14	14	9		139
27(b)Extra Ordinary Skills	32	176	199	113	370	164	15	1069
27(c)Own Business	19	340	428	121	138	80	12	1138
27(d)Refugee	15	41	27	18	87	41	10	239
27(e)Retired	6	64	108	97	154	112	13	554
27(f)Financially Independent	7	12	21	12	20	9	2	83
27(g)Relative	18	59	119	59	133	45	8	441
Appeal section 8	1	5						6
Appeal Section 84		1						1
Business Visa Section 15	1							1
Business Visa Section 15(CAU)		1						1
Corporate Visa Section 21(CAU)	1							1
Exceptional Work Visa Section 19(4)		1						1
General Work Visa Section 19(2)	10	3						13
Quota Work Visa Section 19(1)	6	2						8
Relative Visa (Spouse)	6	2	1					9
Relatives Visa Section 18	1	3	1					5
Study	1							1
Study Visa Section 13	7	5	1					13
Visa (Transfer)	1	1						2
Visitors Visa (SA Parent)	2	1						3
Visitors Visa (Spouse)	1	2						3
Visitors Visa Section 11	16	4	1					21
Visitors Visa Section 11(6)	5	5	1			1		12
Work Visa Section 19(5)		1						1
Grand Total	524	2583	3740	1576	2540	1171	196	12330

Table 15: Applications in TnT per permit and visa type since 2015

Most of the applications were approved, as shown in Table 16 below:

Year of approval	Approved	Closed	Pending	Rejected	Grand Total
2015	492	2	24	6	524
2016	2,523	14	35	11	2,583
2017	3,683	23	24	10	3740
2018	1,550	5	14	7	1,576
2019	2,510	3	20	7	2540
2020	1,153		15	3	1,171
2021	182		14		196
Grand Total	12,093	47	146	44	12,330

Table 16: Status of applications in TnT

5.13.10. Visa Facilitation Services (VFS) System

VFS data was mainly used to compare what was provided by the applicants to what was adjudicated in VAS as well as an assessment of the completeness and accuracy of the information transferred. The Committee has referred in this report to certain inconsistencies such as changing information, missing applications, as well as the push versus the pull process of receiving applications from VFS.

5.13.11. Movement Control System (MCS)

Figure 17 below illustrates the ports of entry with the most movement between 2010 to 2021 with the highest traffic being denoted by the red bar for each port of entry. Based on this information there is a visible increase in movements in 2018 and 2019.





















Port Description	Total Movements	From 2010 - 2021
OR/Oliver Tambo International Airport	90,606,321	
Beit Bridge (Zimbabwe)	64,222,728	
Lebombo (Mozambique)	48,130,939	
Maseru Bridge (Lesotho)	37,121,754	
Ficksburgbrug (Lesotho)	32,742,938	
Oshoek (Swaziland)	21,110,092	
Cape Town International Airport	20,144,322	
Kopfontein (Botswana)	12,556,729	
Ramatlabama/Ramathlabama (Botswana)	8,265,700	
Golela (Swaziland)	7,919,915	
Groblers Bridge (Botswana)	7,501,827	
Caledonspoort (Lesotho)	7,195,999	
Jeppes Reef (Swaziland)	6,511,142	
Mahamba (Swaziland)	5,961,073	
Van Rooyens Gate (Lesotho)	5,771,711	
Skilpadshek/Schilpad Gate (Botswana)	5,657,484	
Mananga (Swaziland)	4,834,128	
Vioolsdrift (Namibia)	3,515,059	
King Shaka International Airport/Durban Internatio	3,195,232	
Emahlathini/Emahlatini (Swaziland)	2,714,884	

Figure 17: Port movements from 2010 to 2021

5.13.12. Advanced Passenger Processing (APP)

The Advanced Passenger Processing system is used by airlines to screen people before they board an airplane to ensure they are not on any watch list or on the banned persons notification request list (V-List), so that the airline can take the appropriate action - to board the passenger, notify officials in South Africa or deny boarding to an unwanted person.

The chart below illustrates the volume of records for each year that the APP processed for people, foreign and local, into and out of South Africa.

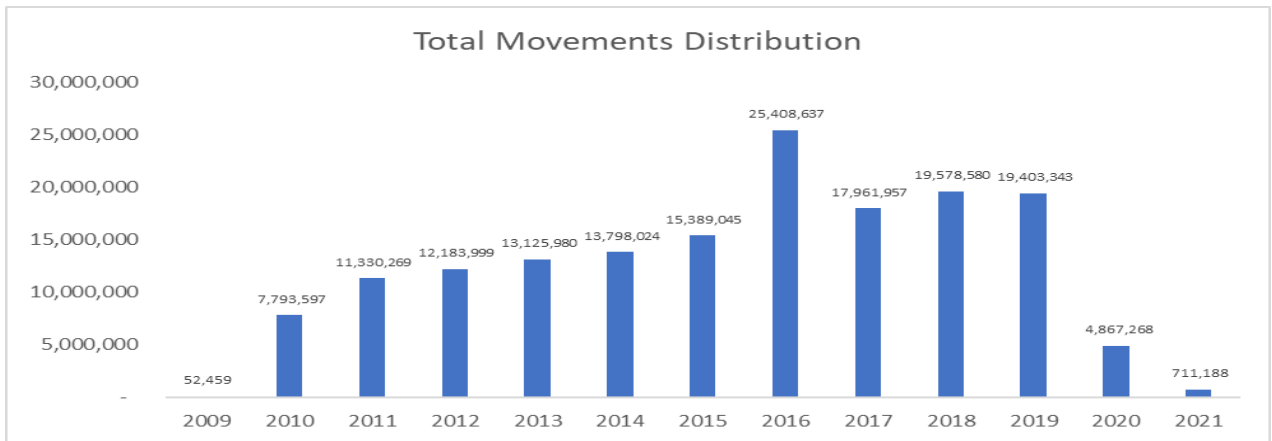


Figure 18: Movement Distribution (on APP)

The APP data in conjunction with MCS data was used to enhance and improve the single entity resolution tool (SERT) by indicating allowed and disallowed movements and origins and destinations of travellers.

Additional testing was performed to verify that movement recorded on the APP was in MCS. The APP data ranges from 2009 to 2021 while MCS ranges from 2010 to 2021. The correlation between the two systems should be in line up until a point where the MCS is not related to international air travel. Due to the size of the data, the extraction was limited to compare movements between 2019 and 2020.

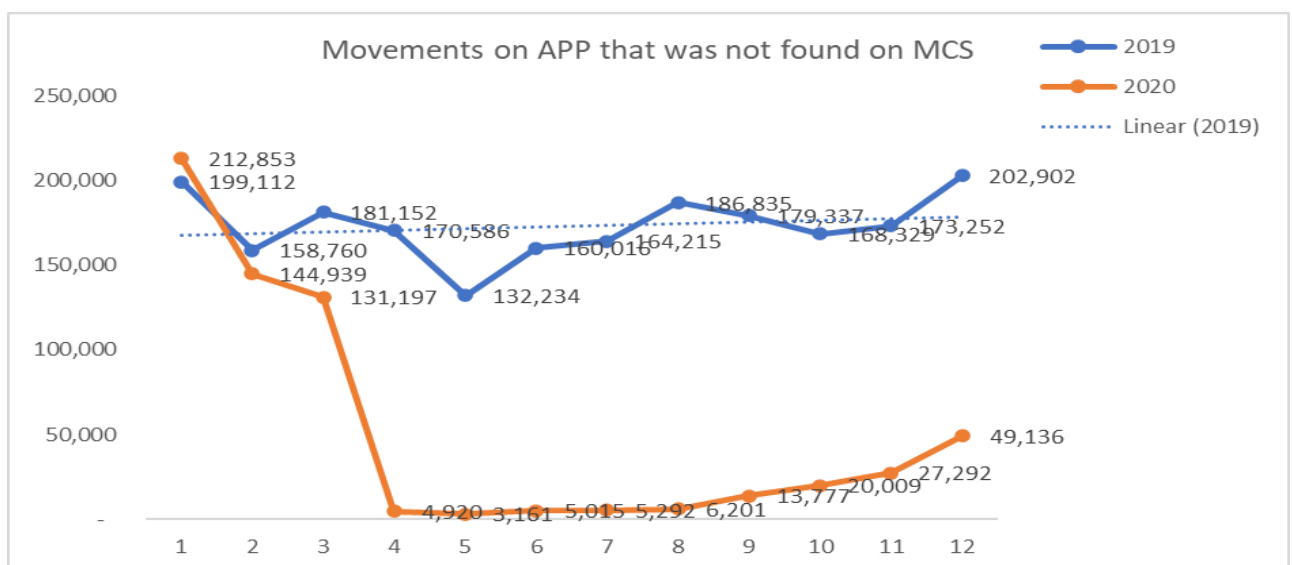


Figure 19: Movement on APP and not MCS

The comparison between 2019 and 2020 follows an expected curve. However, the number of instances where a movement is recorded on APP and not MCS, indicates that there is loss of syncing between the two environments. The normal comparison between APP and MCS indicates that there should be a complete sync between APP and MCS, however there are several instances where a passport is identified on APP for a movement on a specific date and missing on MCS for that same passport and date.

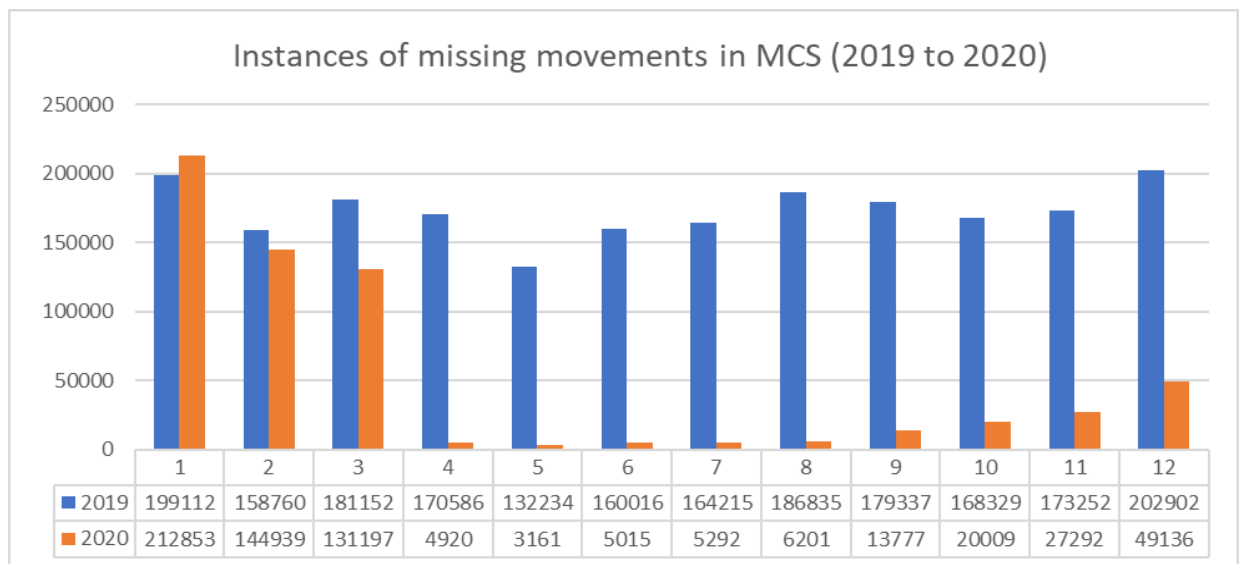


Figure 20: Instances of missing movements on MCS

There is a significant drop in these instances for 2020 which is expected due to the hard lockdown travel restrictions related to the Covid-19 pandemic during that period.

5.13.13. National Population Register (NPR)

The receipt of NPR data by the Committee, was riddled with delays in that the first set of data was promised on 11 August 2021 and only collected on 27 September 2021. After the data import processes were performed and a comparison to previous email confirmations of the number of files the Committee should have received, it indicated that not all extracted NPR data was provided to the Committee for analysis.

The second set of data collected was on 29 September 2021, which was a repeat copy of the first set, with the missing data included. A third set of data, file 70, was provided on 5

October 2021 to complete the initial data request. After the data read process was completed for the second and third sets and during content discovery of the data, it was determined that the data did not include the link to the spousal details and also did not record the marriage history of individuals.

The final and forth set of data extract was received on 5 November 2021, which included the links to related parties (parents and children).

The NPR data was added to the entity resolution process to enhance the single entity view.

5.13.14. Visa System (Foreign Missions)

There were 45 733 compressed files copied from a PC at the DHA head office in Hallmark Building. As indicated earlier, the files were found on a Windows XP desktop with no access control or monitoring available. After the compressed files were extracted, the file count grew to over 100 000 files resulting in 2 053 638 records. The details from these files were used to enrich the entity resolution process. The visa system (foreign missions) is operated in an *ad hoc* manner, and the physical supporting documents are not readily available in the VAS system, and consequently, verification of details used cannot be readily performed.

5.13.15. V-List

In total there were 457 686 individuals on the “V-List” data. Very limited information is maintained on this list. Below is a summary of the top 10 countries with the most individuals on the V-List (using the individual’s country of birth):

Country of birth	Number listed
ZIMBABWE	143,697
MALAWI	83,630
MOZAMBIQUE	72,179
LESOTHO	48,557
NIGERIA	17,391
SWAZILAND	10,023
TANZANIA, UNITED REPUBLIC OF	8,316
INDIA	7,039
GHANA	6,385
ONBEKEND (UNKNOWN)	5,069

Table 17: V-List – top countries

The V-List is a critical instrument in the immigration process as it speaks to persons disqualified from entering or remaining in South Africa. However, the Committee has found that the V-List is fatally flawed largely due to incomplete and missing crucial data that has not been captured. The latter can be construed, at worst, as a deliberate omission and at best, as gross negligence on the part of the responsible officials, as some of the missing information will not enable the DHA to determine the full identity of the person and the period of disqualification from entering or remaining in the country.

From the 457 686 listing, the following information demonstrates the incompleteness of the information:

- 5 069 listings show the country of birth as “ONBEKEND” (unknown); and
- 283 153 listings do not have a passport number populated in the passport number field.

5.14. High level exceptions found per visa and permit type

A number of exception reports have been extracted per visa and permit type using the information we received. Due to the size of the output, the exception reports could not be attached to this report. For the purpose of the report, we have only highlighted some exceptions per visa and permit type. Table 18 below gives a summary of the visas and permits which are the focus of this report from 2014 to 2021. However, where the applicants had submitted multiple applications and where trends and patterns analysed revealed some causal link to other types of visas and/or permits, these were also reviewed.

Type of Application	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
Permanent Residence Permits	14 227	22 802	21 964	20 146	27 947	15 779	4 073	4	126 942
26(a)Worker	2 261	3 549	3 180	3 857	2 623	1 026	117		16 613
26(b)Spouse	5 157	8 229	7 942	5 717	7 871	3 401	1 279	2	39 598
26(c)Dependent(<18)	2 555	4 204	3 765	2 919	4 641	3 331	685	1	22 101
26(d)Dependent(>18)	295	426	263	93	153	108	28		1 366
27(a)Worker	246	213	169	261	257	51	3	1	1 201
27(a)Worker - Dependent	1	2	7	11	23	1			45
27(a)Worker - Spouse	2	1	5	9	12	2			31
27(b)Extra Ordinary Skills	1 378	2 623	3 192	3 174	6 332	3 620	898		21 217
27(b)Extra Ordinary Skills - Dependent	16	38	96	223	542	411	97		1 423
27(b)Extra Ordinary Skills - Spouse	11	41	58	162	396	283	62		1 013
27(c)Business	307	547	713	954	424	150	42		3 137
27(c)Business - Dependent	2	6	14	35	38	20	4		119
27(c)Business - Spouse	1	6	10	44	40	16	2		119
27(d)Refugee	278	749	867	955	1 698	1 742	499		6 788
27(e)Retired	287	690	640	690	1 098	296	75		3 776
27(f)Financially Independent	49	88	89	108	103	71	19		527
27(g)Relative	1 374	1 373	953	934	1 696	1 250	263		7 843
Permanent Residence Permit Rectification	7	17	1						25
Business Visas	2 560	8 072	3 210	1 800	2 457	183	869	160	19 311
Study Visas	3 181	13 701	13 569	12 955	16 768	11 366	8 509	4 824	84 873
Retired Persons Visas	140	887	1 409	1 951	4 182	762	510	378	10 219
Critical Skills Visas	923	3 786	5 626	5 148	7 064	4 106	2 195	1 341	30 189
Grand Total	21 031	49 248	45 778	42 000	58 418	32 196	16 156	6 707	271 534

Table 18: Summary of Visas and permits applied for from 2014 to 2021

5.14.1. Permanent Residence Permits (PRP)

5.14.1.1. General PRP figures and trends

The graph in Figure 21 below illustrates the different types of PRPs that can be applied for and how many of each were applied for in each year. Spousal, dependent and exceptional skills permits were the top PRPs applied for over the period that VAS has been operating.

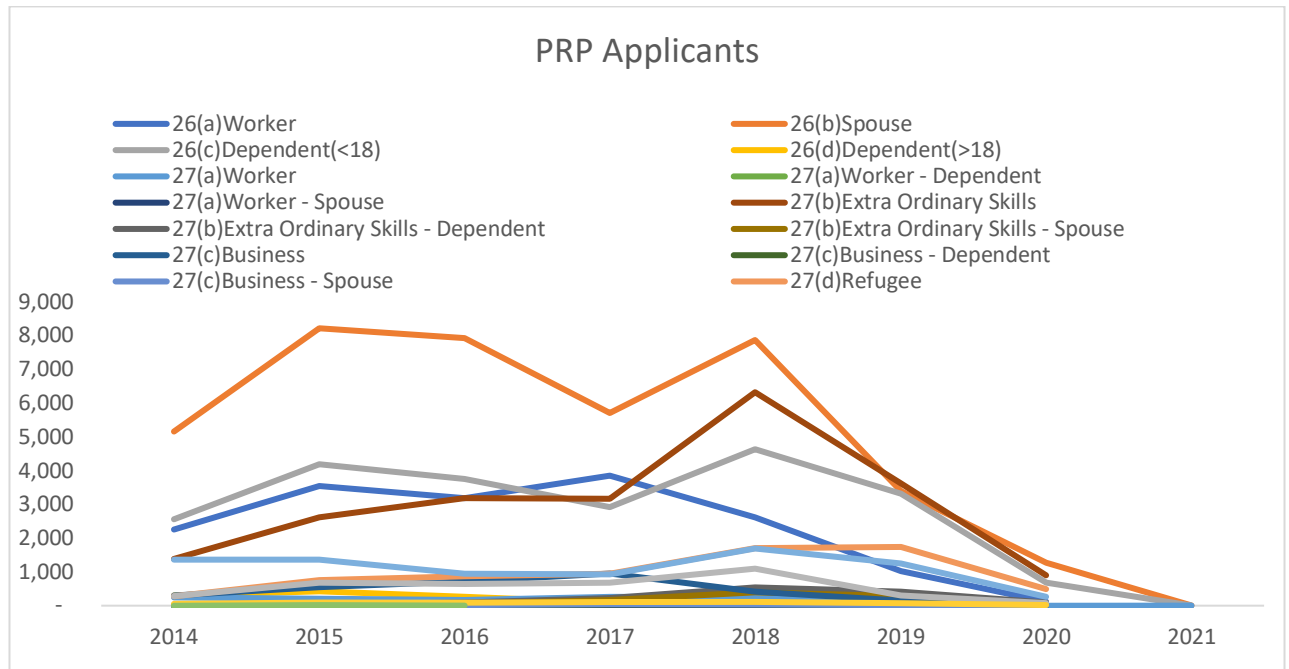


Figure 21: Graphical overview of the number of PRP applicants 2014 to 2021

Figure 22 below gives the total number of applicants per PRP type per year.

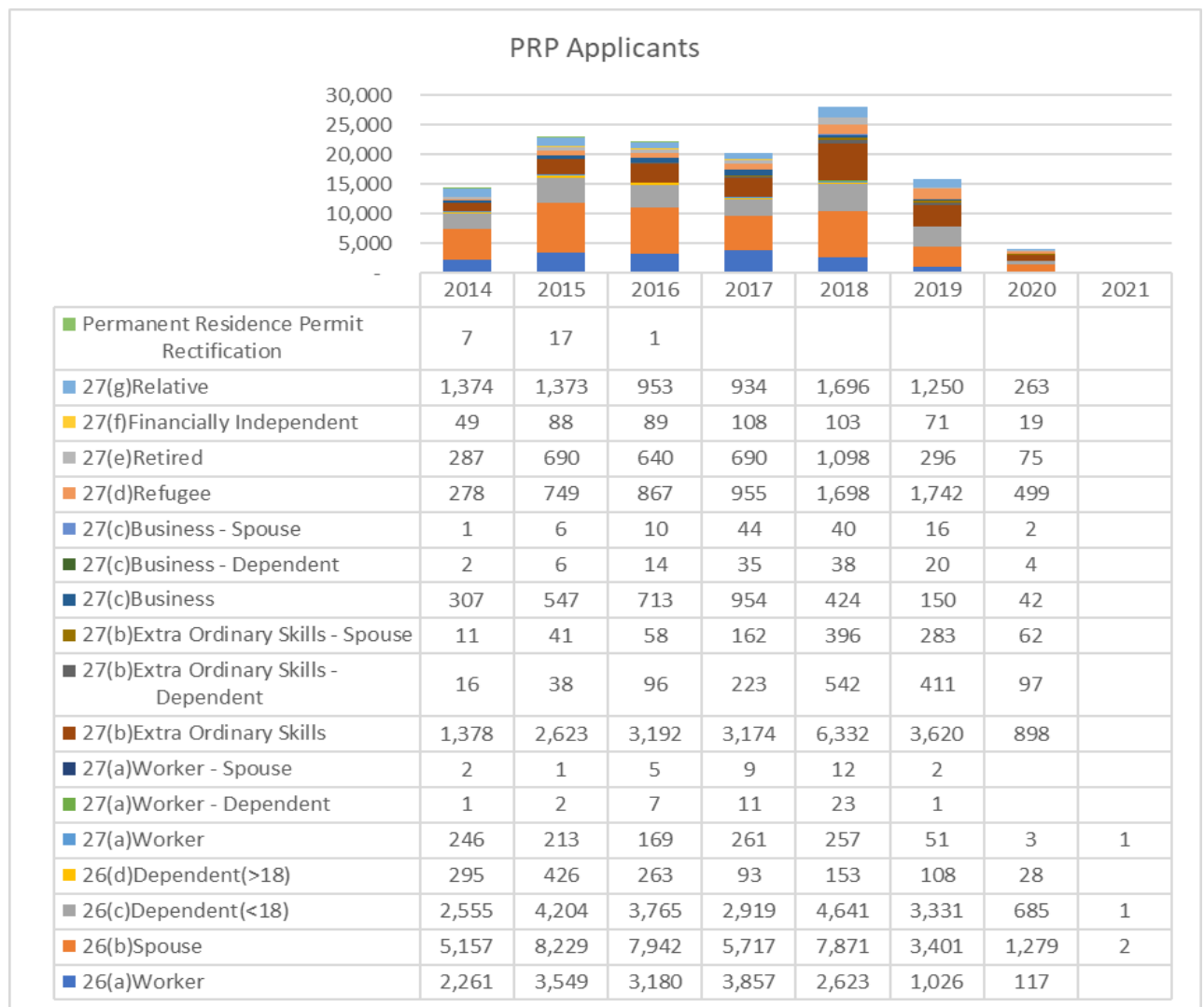


Figure 22: PRP Applicants per type

The analysis of the applications made focused on the number of approved and rejected applications to identify trends, patterns and anomalies. The chart in Figure 23 below shows that, on average, approvals for PRPs in 2018 and 2019 were much higher than the rejections when compared with other years, with extraordinary skills permits contributing the most to the approvals.

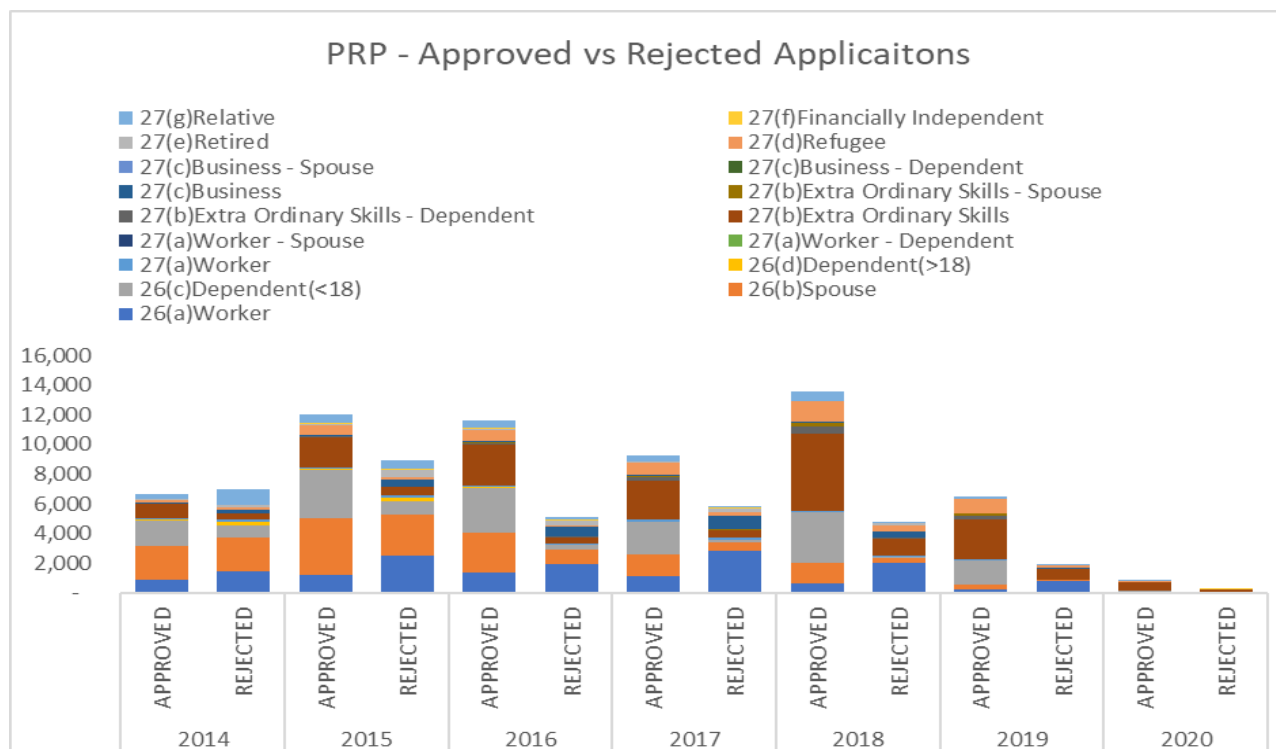


Figure 23: PRP Applicants per type and status

The approvals and rejections were further scrutinized to determine which countries received the most approvals and rejections. The chart below illustrates that Zimbabwean applicants received the most PRPs with a majority of the PRPs being for extraordinary skills and a retirement permit. A number of these PRPs were as a result of a waiver process that inflated these application figures when on 21 April 2016, the then Minister of Home Affairs, Mr Malusi Gigaba acting in terms of section 31(2)(c) of the Immigration Act, granted a blanket waiver to foreign students who studied at South African tertiary institutions towards degrees in the areas of critical skills, who apply for permanent residence status contemplated in section 27(b) of the Act, from compliance with certain requirements discussed later in the report.

On 12 January 2022 the Director-General withdrew the delegation related to the waiver directive issued on 21 April 2016.

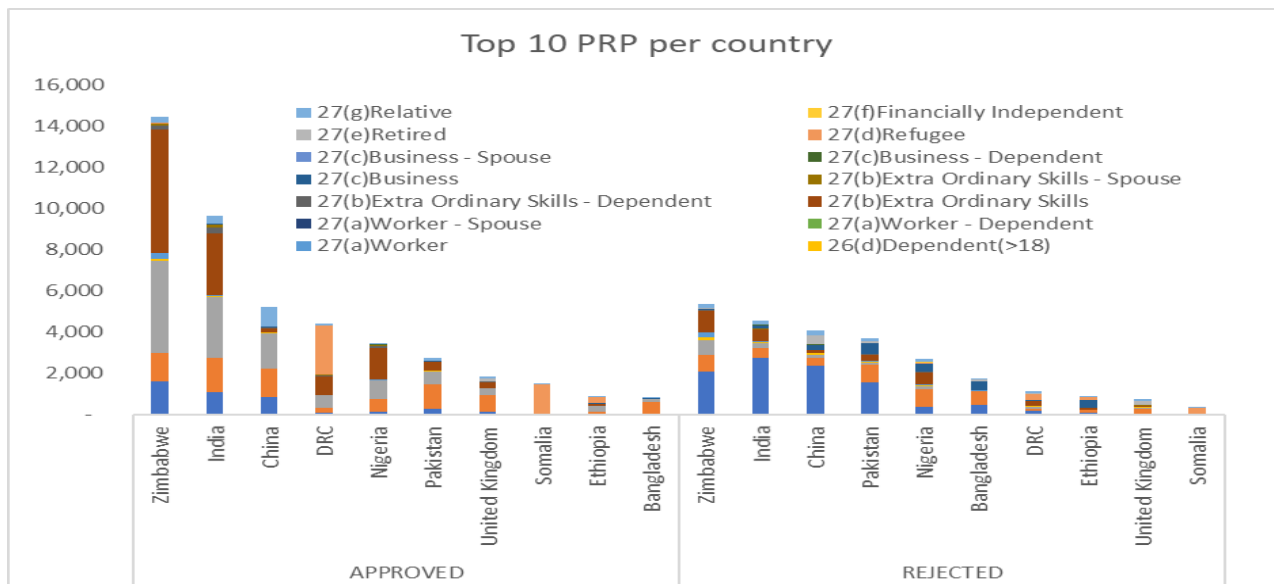


Figure 24: PRP Applicants per country

5.14.1.2. PRP approved before 5 years with no continuous period of residence

Analysis of data related to travel in and out of the country prior to the application for a PRP indicated that 9 964 persons who applied for the said application had their permanent residency approved. Further analysis indicated that the applicants had not spent a continuous period of 5 years in the country, in that they had been out of the country for more than 90 days in a year during the qualification period. A person is entitled to be out of the country for 90 days a year and still qualify. It is clear that the spousal permit is where the least compliance is to this requirement, followed by the dependent and relative permits.

The Committee has recommended the in depth investigation of the approval of the 9 964 PRP applications to determine whether the approvals were approved correctly or if there was evidence of impropriety.

5.14.1.3. PRP approved but had been declined previously due to false documentation

We found a trend in applications, 304, where applicants had applied, and such applications had been declined due to fraudulent and false information in their TRVs or PRPs and yet were informed that they could reapply for another permit or visa which would be in contravention of the Immigration Act, at least in as far as the non-reporting of acts of fraud

and forgery to law-enforcement officers is concerned. The Committee has recommended the in depth investigation of these identified matters.

5.14.1.4. PRP based on known patterns

The Committee observed common patterns of forum shopping and brute force tactics among some foreign nationals shifting from one application to another in the hope of eventually being admitted to one or the other permit or visa. In regard to PRPs, we found the following general pattern of activities or modus operandi by some applicants:

- A foreigner enters the country to visit and then applies for an asylum or a work visa.

The same applicant then applies for a waiver in their asylum status or a change to their work visa conditions as they now had a life partner living in South Africa. Later, the person applies for a permanent residence permit after the 5-year period had expired.

Concern was raised that a large amount of the documentation used in these applications was clearly false or tampered with, and disturbingly the applications are often subsequently approved.

It is important to highlight that the holder of a visitor visa may not apply for a change in status from within the country, unless the Director-General determines that there are exceptional circumstances to permit this (s10(6)). For a visitor to change their status, he/she should leave the Republic and apply for a change in status in their country of origin. This provision of the Immigration Act is repeatedly violated as a matter of course.

In 275 instances applicants had more than 4 applications in VAS where the common trend was that a majority of each applicants applications were rejected until an approval was granted. The Committee has recommended an in depth investigation into these types of anomalies that have been identified.

5.14.2. Business and Corporate Visas and Permits

The Committee found instances of facilitated business visa applications where the business visas requirements were “manufactured” by a “one stop shop”. The Committee also detected that a number of Business visas were processed using TnT rather than VAS therefore the review thereof was limited.

5.14.2.1. Common trends in business and corporate visas and permits

The infrequent application of certain business visas, primarily special and exemption projects, creates a broken chart as seen in Figure 25 below.

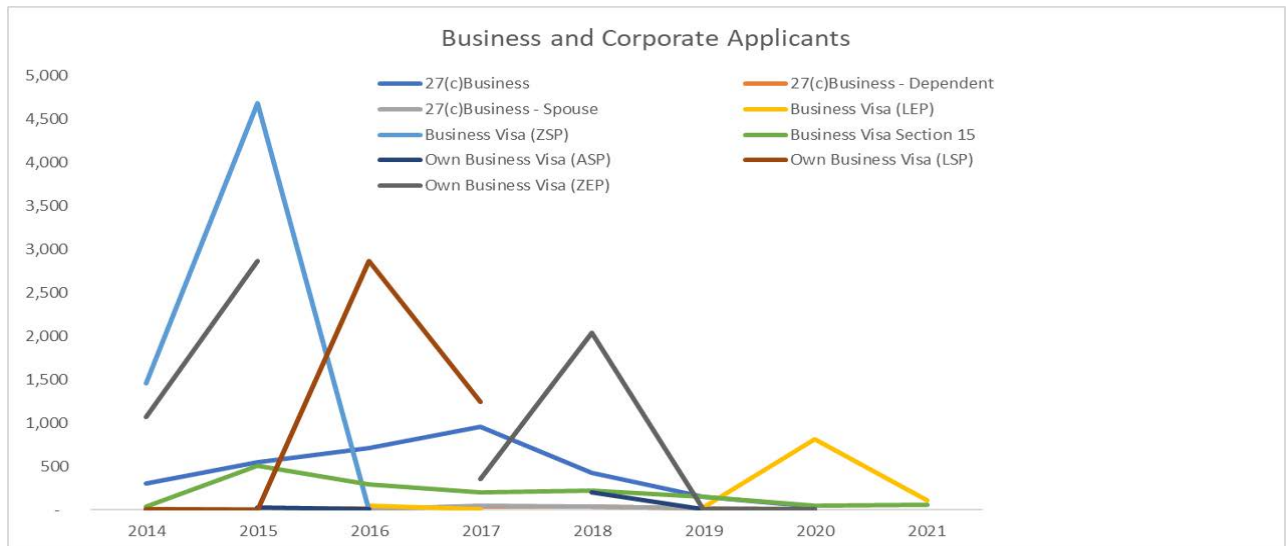


Figure 25: Business and Corporate visas and permits per year

Figure 26 below shows the cumulative number of applications for business visas and permits per year of application.

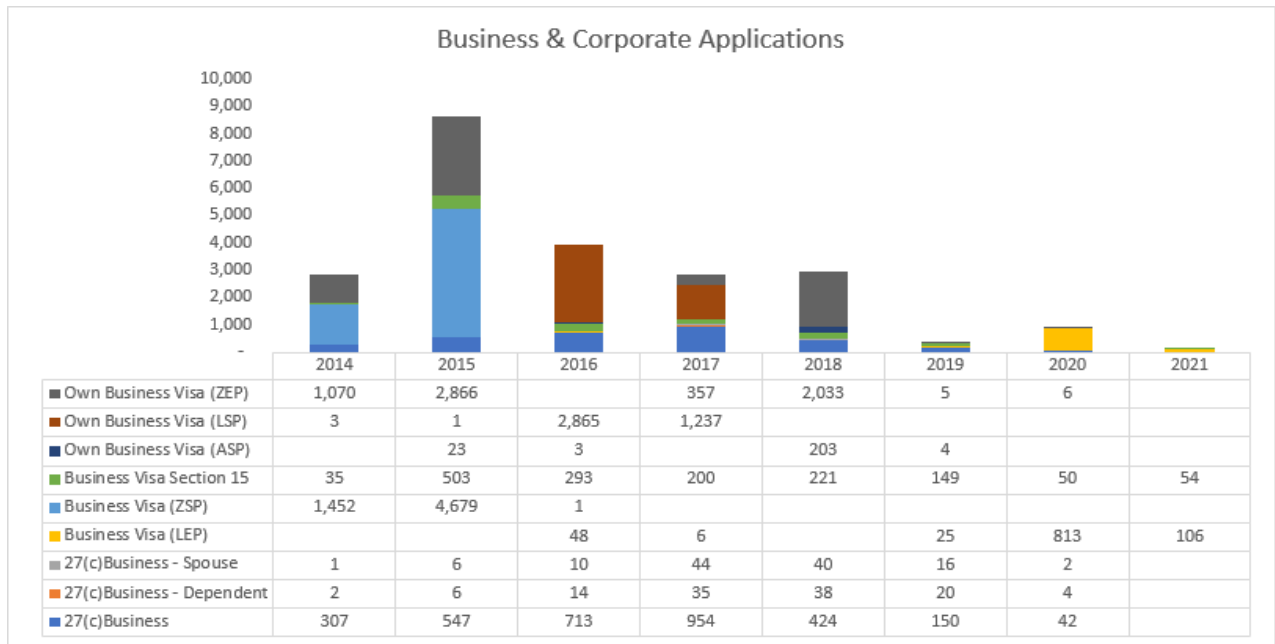


Figure 26: Business and Corporate visas and permits per year and type

The graph in Figure 27 below reflects the approvals versus rejections for business visas and permits between 2014 and 2021.

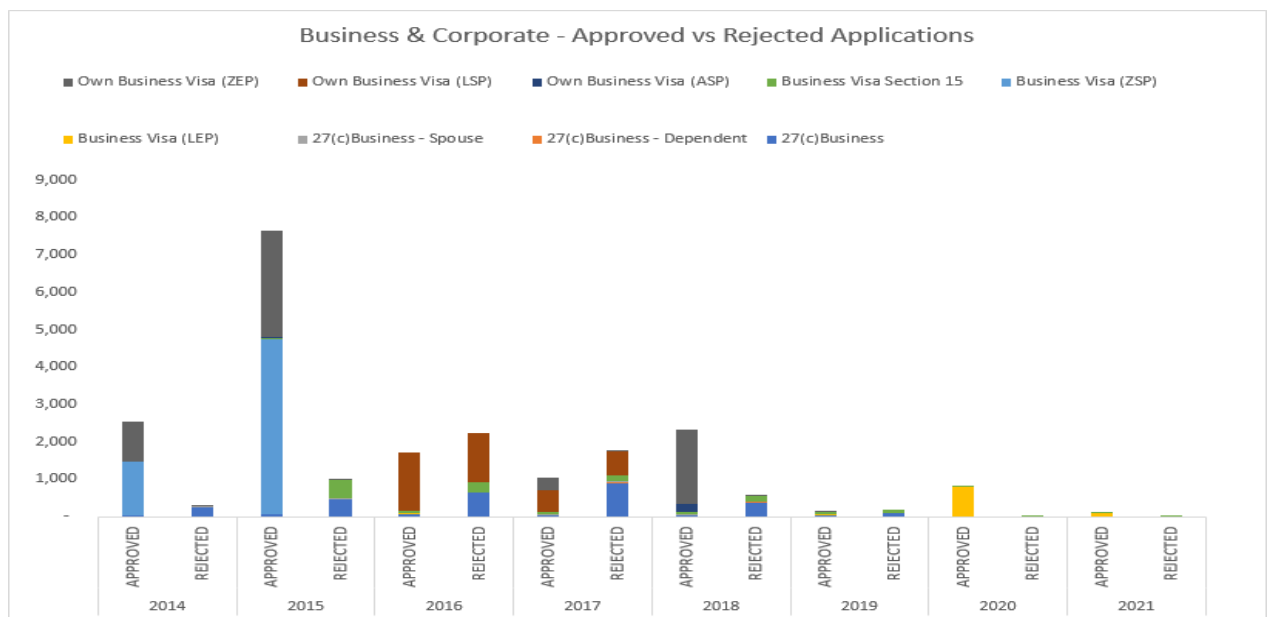


Figure 27: Business visas and permits approved vs rejected 2014-2021

Figure 28 below illustrates the high rejection rate for business and corporate visas and permits per country. This is a clear indication that, despite clear signs of manipulation,

sections of the DHA still maintain a semblance of a genuine application of the relevant mandated laws and prescripts.

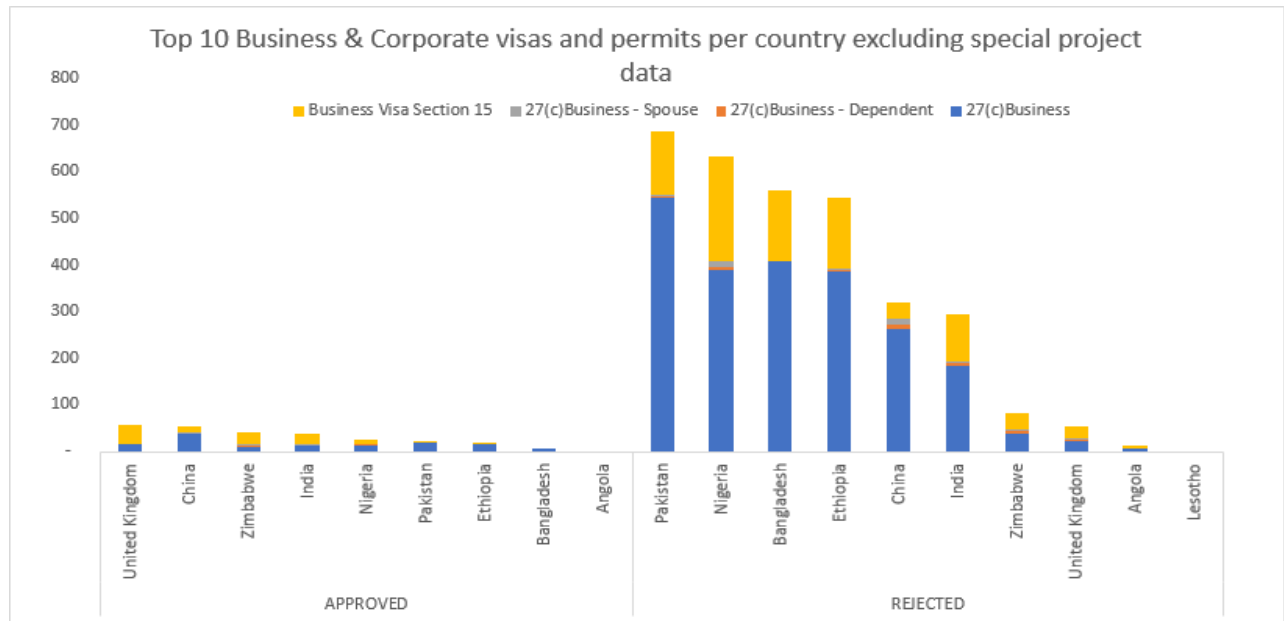


Figure 28: Business and corporate visas and permits per country

Type of visa or permit	# Applications	<2016	2017	2018	2019	2020	2021
27(c)Business	3,137	865	958	431	151	42	-
27(c)Business - Dependent	119	8	35	38	20	4	-
27(c)Business - Spouse	119	7	44	40	16	2	-
Business Visa (LEP)	998	-	6	-	25	813	106
Business Visa (ZSP)	6,132	6,140	-	-	-	-	-
Business Visa Section 15	1,493	549	209	226	152	50	54
Own Business Visa (ASP)	233	24	-	208	5	-	-
Own Business Visa (LSP)	4,106	4	1,237	-	-	-	-
Own Business Visa (ZEP)	6,337	3,936	357	2,033	5	6	-
Grand Total	22,674	11,533	2,846	2,976	374	917	160

Table 19: Number of applications per year per business visa and permit type

5.14.2.1.1. Summarised per country

The table below illustrates the number of approved Business permits issued. However, this number of approvals seems skewed as analysis indicated that 1 137 were approved over the same period in the TnT system. This in itself is irregular as the majority of these

applications and approvals should have been processed through VFS and VAS. These matters must be further investigated.

Country of birth	2014	2015	2016	2017	2018	2019	2020	Grand Total
China	4	14	15	8		3		44
Netherlands	1		6	15	7	8		37
Germany	4	4	3	3	3	3	5	25
Pakistan		10	8	4				22
Nigeria	4	6	6		4			20
Ethiopia	4	6	3	4	3			20
United Kingdom	2		2	5	6	2	1	18
Zimbabwe		1	1	2	8	6		18
India	1	4	5	2	2	2		16
Democratic Republic of the Congo	1	3		4	1	4	1	14
Top 10 top approvals	21	48	49	47	34	28	7	234
% of all approved applications	57%	63%	64%	52%	48%	51%	64%	56%
All approvals	37	76	77	90	71	55	11	417

Table 20: Business permits applications per country and year

The number of business visas approved in comparison to the number applied for, excluding special project applications, is 20%, which is a very low percentage in comparison to other visa types and their approval rates.

Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
United Kingdom	1	3	10	5	8	9	5	2	43
Netherlands	2	1	7	8	1	3		3	25
Zimbabwe		4	1	4	3	10	3		25
India		1	3	6	8	4		1	23
Germany		1	3	4	2	5	4	3	22
Belgium			3	4	5	3			15
France		1		2	3	3	1	3	13
United States		1	1	1	4	2	4		13
China			1	3	4	1	2		11
Italy		2	2		2	2		2	10
Top 10 top approvals	3	14	31	37	40	42	19	14	200
% of all approved applications	50%	58%	65%	62%	56%	64%	70%	70%	66%
All approvals	6	24	48	60	71	66	27	20	302

Table 21: Business visas approved per country and year

5.14.2.1.2. Turnaround times

In Table 22 below, the average number of days per year between the DHA receiving an application for a Business Visa and approving is depicted, with average days to approve below 4 days highlighted in yellow. The overall average days since 2014 has dropped significantly from 566 to 31 which demonstrates the impact of the narrative around Operation Vulindlela, which seeks to cut the red tape and ensure more efficient turnaround times in the issuing of government documents with the view to promoting foreign direct investment into the country. The yellow highlighted visa applications were all for renewal of previously granted Business Visas, therefore not abnormal for a short turnaround time.

Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
United Kingdom	361	196	288	6	3	33	9	22	216
Netherlands	570	211	357	164	4	4		12	208
Zimbabwe		696	41	706	8	3	85		238
India		6	331	390	152	3		26	199
Germany		1 836	87	328	1	145	8	24	193
Belgium			37	26	3	184			52
France		29		652	4	2	4	62	119
United States		9	22	1	3	6	11		8
China			15	132	7	2	10		42
Italy		975	13		9	1		34	206
Overall average	566	418	293	198	72	45	31	31	152

Table 22: Business visas and turnaround times in days

In comparison, on average, as depicted in Table 23 below, it takes 281 days or approximately 9 months to process a permanent residence business permit application. Average days to process a business permit for the top 10 countries applying and approved:

Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
China	360	132	142	222		129			172
Netherlands	221		906	278	231	201			353
Germany	445	154	384	198	289	327	263		292
Pakistan		131	128	154					134
Nigeria	538	174	453		441				384
Ethiopia	247	169	121	132	351				197
United Kingdom	415		823	105	285	353	279		316
Zimbabwe		1 799	1 007	766	319	341			497
India	281	162	121	56	421	197			180
Democratic Republic of the Congo	245	170		856	608	193	214		412
Overall average	405	217	301	264	311	252	254		281

Table 23: Business permits: top countries and approval times

5.14.2.1.3. What business types were applied for

A test to identify the business types where applications were made could not be performed due to limited information in the data sets received. This is an important aspect that will need to be adequately addressed by the DHA to allow for business information to be measured.

5.14.3. Critical Skills Visas and Exceptional Skills Permits

5.14.3.1. Common trends in critical skills visas and permits

Figure 29 below shows the number of applicants for critical skills visas and exceptional skills permits.

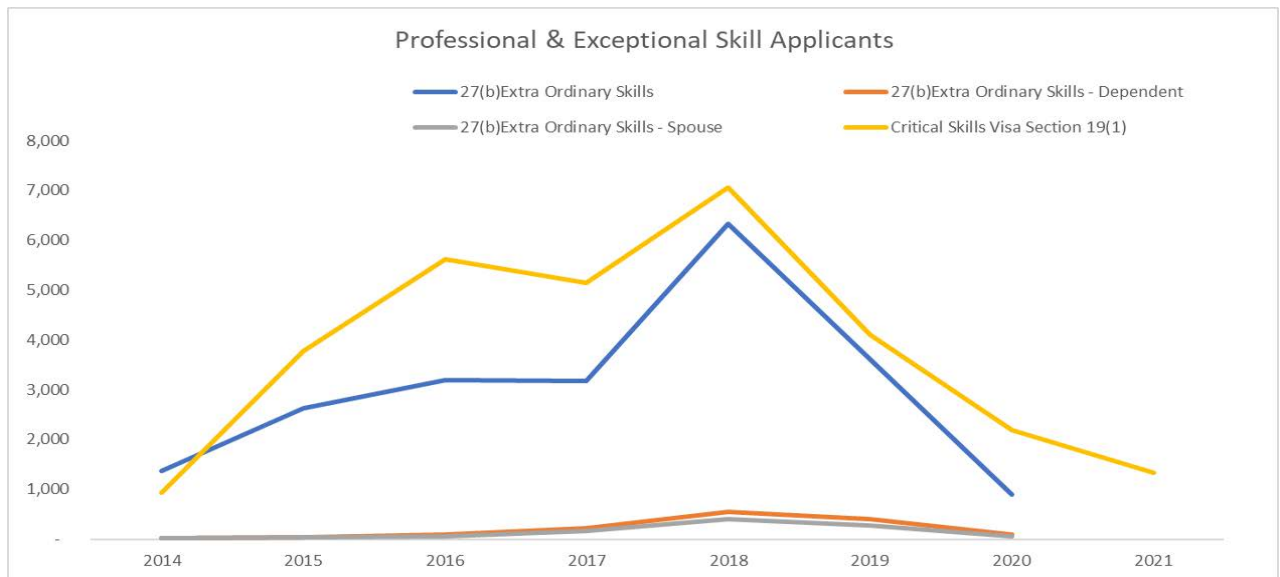


Figure 29: Number of applicants for critical skills

Figure 30 below illustrates the spike in applications for critical skills visas and permits in 2018.

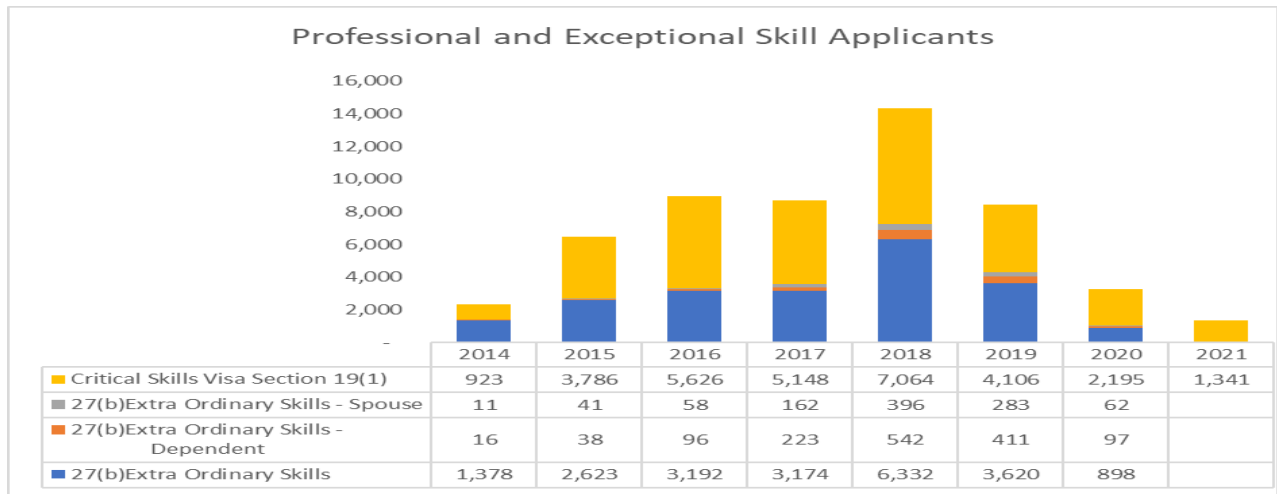


Figure 30: Number of applicants for critical skills per year

The graph in Figure 31 below shows the approval and rejection of visas and permits for critical skills. In 2018 there was a larger than average gap between approvals and rejections, with approvals approximately double to that of rejections.

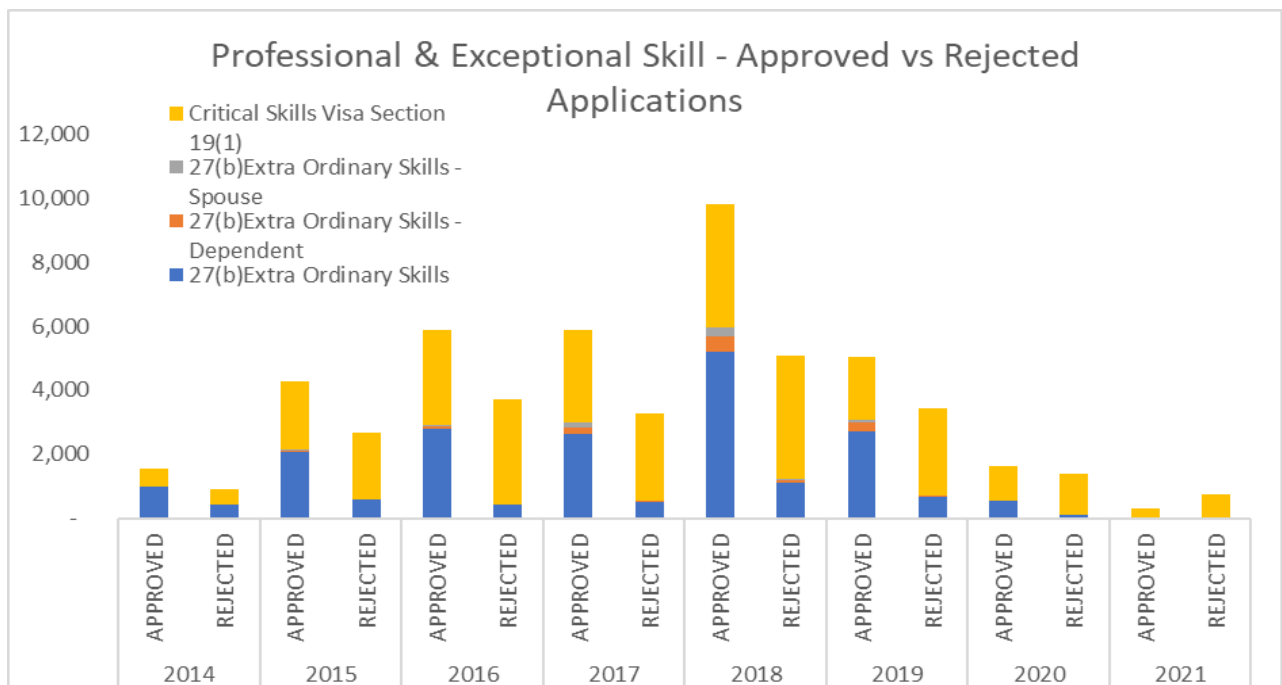


Figure 31: Critical skills: Approved vs Rejected

Figure 32 below illustrates the top 10 countries that had a decision made on the critical skills visa or extraordinary skills PRP application.

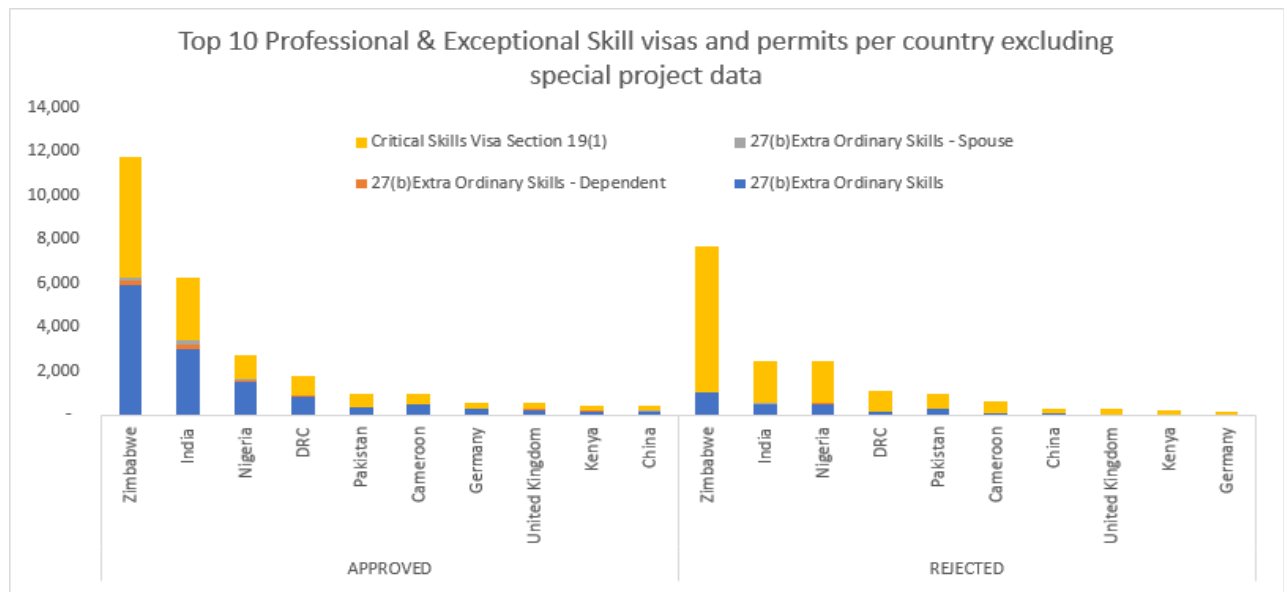


Figure 32: Critical skills: Top Countries

5.14.3.2. Ages of the applicants

We identified some under-aged applicants for critical and exceptional skills visas and permits. On closer inspection the age problem identified was due to a data capture error where the details of the dependant of the applicant (e.g. DOB, name and surname) were used instead of the actual applicant's details. A simple algorithm should be used in cases like these to ensure accurate data is used in the VAS and VFS databases. The Committee recommended that these matters require an in depth investigation to determine whether there were acts of gross misconduct associated with the errors identified.

5.14.3.3. Change in visa from general worker to critical skills

The Committee identified 63 cases in which applicants changed their applications from a worker to a critical skills visa. The analysis revealed that in the majority of the 63 applicants identified, a pattern of changing their visa from general worker to a critical skills visa and back to a PRP worker. The cases identified need to be fully investigated to determine why critical skills are seen as a gateway to a PRP.

Figure 33 below highlights the larger critical skills visa (blue) applied for as compared to the worker visa and permits (orange).

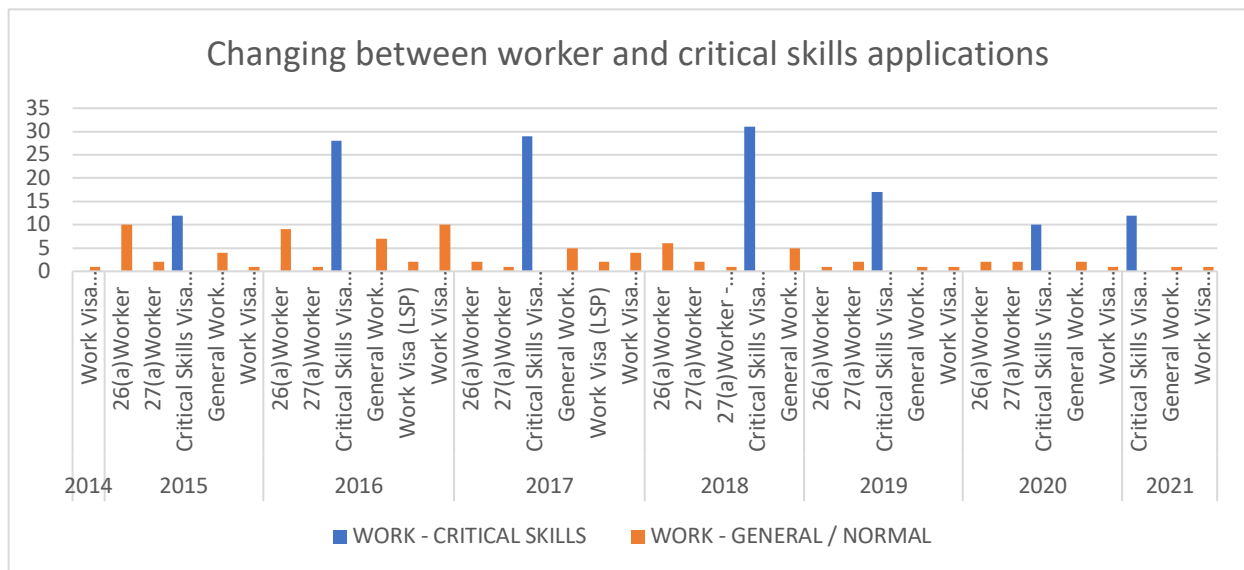


Figure 33: Change of worker visa to critical skills visa per year

5.14.3.4. Change from study to critical skills visas

Note on the Minister's discretion to waive the requirements for permanent residence

The Ministerial Committee critically examined the lawfulness of the waiver of requirements for permanent residence by then Minister Gigaba in 2016.

In a Ministerial Directive dated 21 April 2016, then Minister of Home Affairs, Mr Malusi Gigaba acting in terms of section 31(2)(c) of the Immigration Act, granted a blanket waiver to foreign students who studied at South African tertiary institutions towards degrees in the areas of critical skills, who apply for permanent residence status contemplated in section 27(b) of the Act, from compliance with the following requirements:

- Regulation 24(4)(a)(i), which requires an applicant, in compliance with section 27(b), to submit a certificate from the professional body, council or board recognised by

SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant.

- Regulation 24(4)(b), which requires an applicant, in compliance with section 27(b), to submit proof of post-qualification experience of at least five years.
- Regulation 24(4)(c), which requires an applicant, in compliance with section 27(b), to submit testimonials from previous employers and a comprehensive *curriculum vitae*".

The waiver of the above requirements was for an indefinite period and it allowed foreign graduates who studied at South African tertiary institutions towards degrees in the areas of critical skills to apply for permanent residence status without being required to:

- (i) submit a certificate from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant;
- (ii) have five (5) years post-qualification experience; and
- (iii) to submit testimonials from previous employers.

The exemption did not exempt applicants from complying with any other requirements. The power of the Minister to grant an applicant exemption from compliance with the requirements the derives from section 31(2) of the Act. It reads,

"31 Exemptions

(1)

(2) Upon application, the Minister may under terms and conditions determined by him or her-

(a) allow a distinguished visitor and certain members of his or her immediate family and members in his or her employ or of his or her household to be admitted to and sojourn in the Republic, provided that such foreigners do not intend to reside in the Republic permanently;

- (b) grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision: Provided that the Minister may-*
- (i) exclude one or more identified foreigners from such categories; and*
 - (ii) for good cause, withdraw such rights from a foreigner or a category of foreigners;*
 - (c) for good cause, waive any prescribed requirement or form”*

To exercise the power to grant an exemption in terms of section 31(2)(c), the Minister is required to have good cause for exercising his discretion. Whilst the phrase “good cause” is not defined in the Act, it contemplates that the Minister must have a lawful and rational reason to exercise this discretion. The facts on which he relies to exercise the discretion must be verifiable and must be relevant to the achievement of a legitimate purpose. The Minister cannot act arbitrarily or take into account irrelevant facts.

The waiver granted by the Minister in 2016 appears to have been for the purpose of retaining in the country persons who hold qualifications in areas of critical skills and from qualifications obtained in South African tertiary institutions. This is a legitimate purpose, in which case, the exercise of the discretion in terms of section 31(2)(c) is rational and lawful.

An applicant that benefited from the waiver when they did not meet the requirement to hold a qualification from a South African tertiary institution in an area of critical skills, will have unlawfully benefitted from the waiver.

Section 31(2)(d) gives the Minister the power, for good cause, to withdraw an exemption granted to any person in terms of section 31. Accordingly, the Minister may withdraw an exemption if it should be found that any person was granted permanent residence without a qualification from a South African tertiary institution in an area of scarce skills as defined in 2016.

Study Visa Application followed by Critical Skills Visa Applications.

The Committee have not looked at the individual cases that benefitted from the waiver and therefore offer no opinion whether any person who benefited from the waiver did so lawfully.

Figure 34 below illustrates a trend of multiple study visa applications followed by critical skills visa applications over multiple years. The graph also depicts how the study visas linked to critical skills have dropped off in approvals from 2017. The number of critical skills visas rejected has also increased, which supports the idea of a brute force approach being used, i.e. keep trying until you get approved.

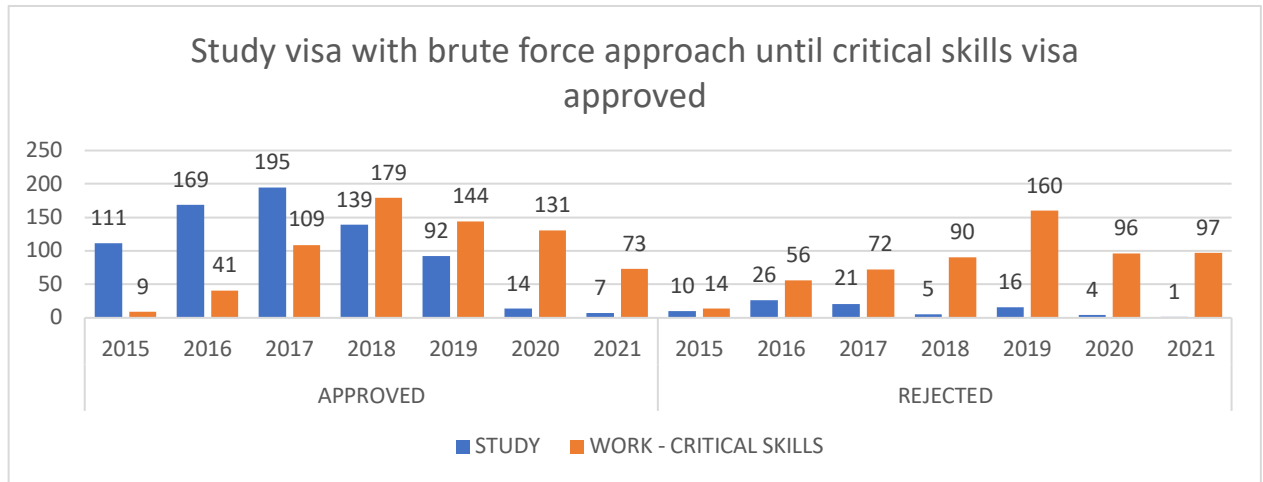


Figure 34: Change from study to critical skills visa

An example of the brute force approach used by a single applicant is demonstrated in Table 24 below.

Year decision made	Study/Work	Application Status
2018	STUDY	APPROVED
2018	WORK - CRITICAL SKILLS	REJECTED
2019	STUDY	APPROVED
2020	WORK - CRITICAL SKILLS	REJECTED
2021	WORK - CRITICAL SKILLS	APPROVED

Table 24: Change study to critical skills visa example

5.14.3.5. Study visas linked to PRP applications

The following table depicts study visas that were issued and later the students applied for PRPs. It will be necessary to investigate each individual case to ensure that each application, if approved, followed due processes and if the waiver was applicable as discussed above, entitled the student to receive such waiver during the application process.

Countries	Approved	Pending	Rejected	Grand Total
Zimbabwe	397	30	70	497
Nigeria	265	21	90	376
Congo	101	8	21	130
India	64	12	8	84
Cameroon	60	3	12	75
Kenya	26	2	8	36
Ghana	30	3	2	35
Libyan Arab Jamahiriya	24	7	3	34
United Kingdom	19	4	2	25
United States	20		3	23
Total for top 10	1006	90	219	1315
all countries				
Grand Total	1288	112	280	1680

Table 25: Study Visas linked to PRP Applications

5.14.4. Study Visas

5.14.4.1. Common trends in study visas

Figure 35 below illustrates the number of applications made per year for study visas.

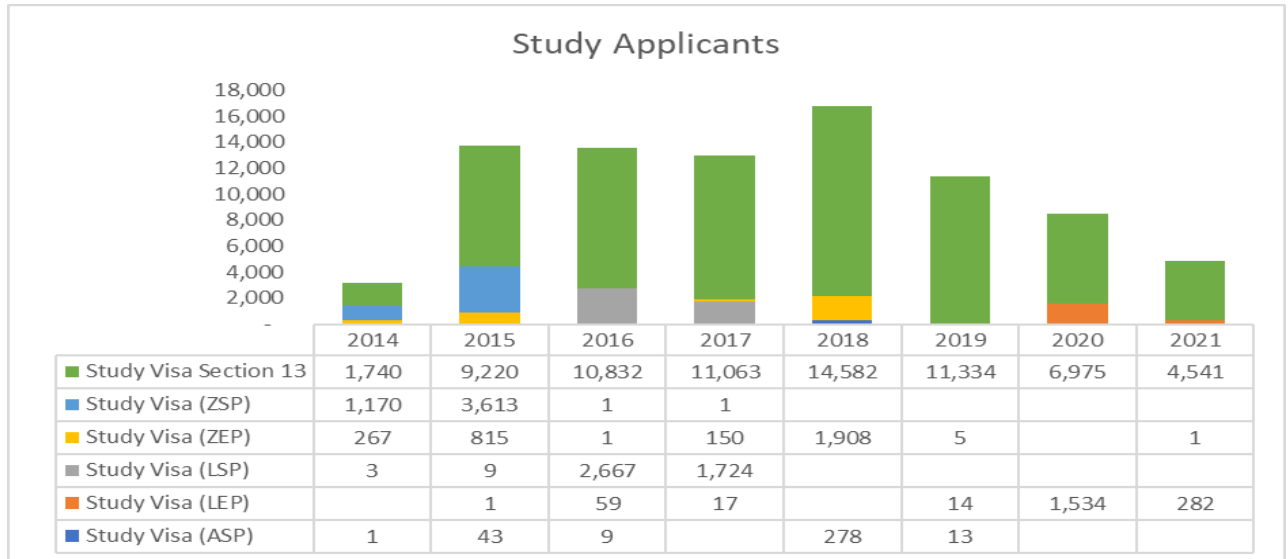


Figure 35: Study visas per year

Figure 36 shows the high acceptance rate for study visas, with 2018 being the year with the most approvals.

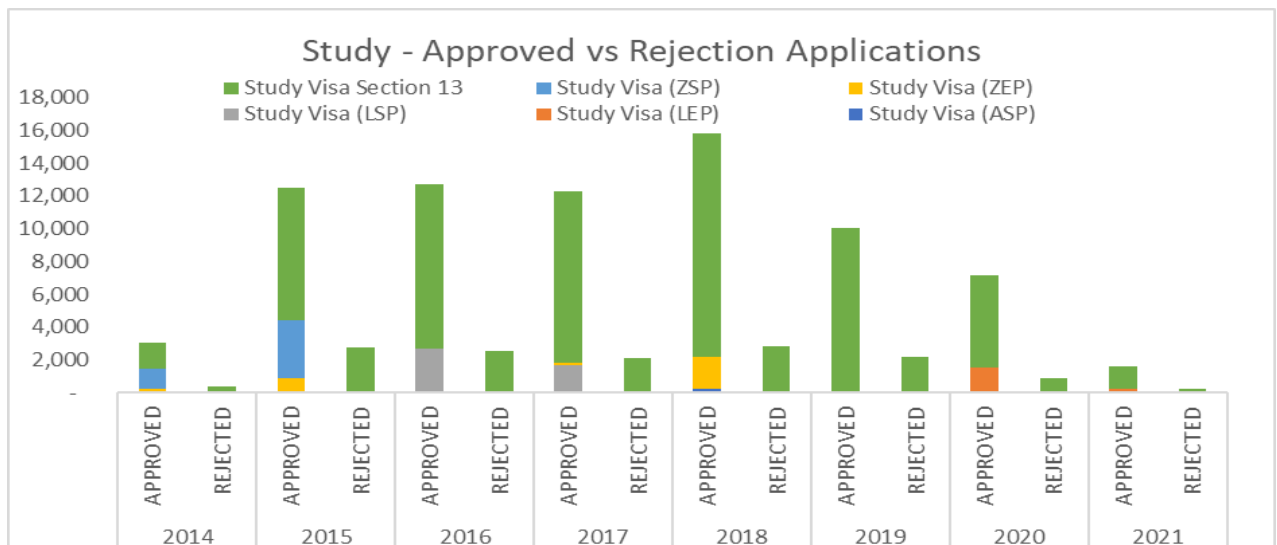


Figure 36: Study visas per year - approved vs rejected

Figure 37 below shows the distribution of the top 10 countries of applicants that had a decision made on their applications.

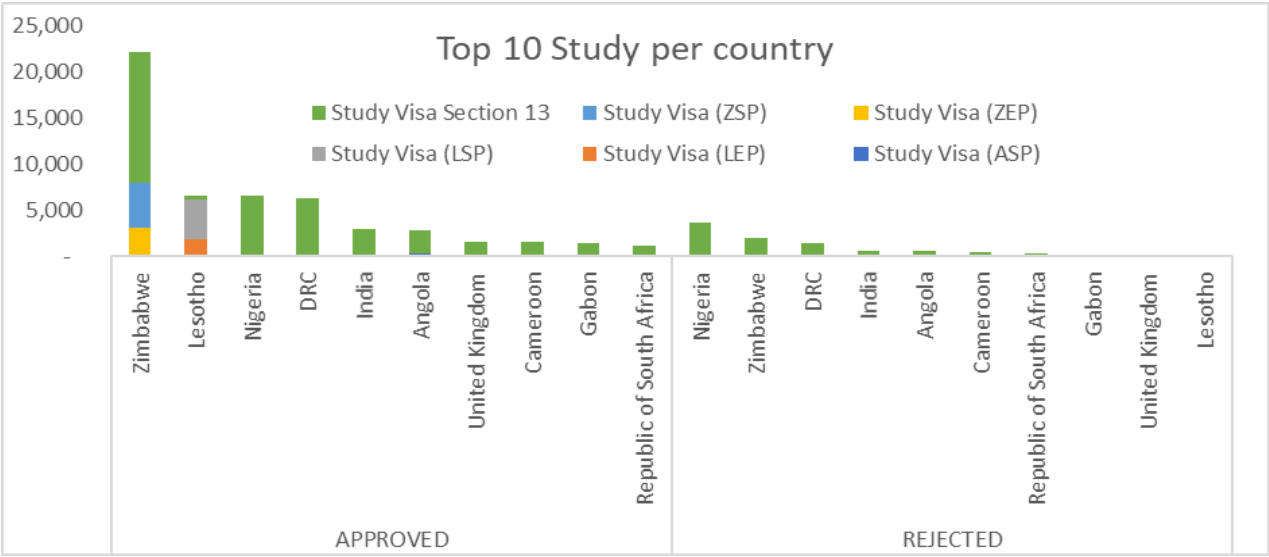


Figure 37: Top countries with decisions on study visas

Table 26 below depicts all approved study visas in the VAS system from 2014 to 2021. The top 10 countries listed account for 65% of all study visas approved. South Africa is listed as there was a processing error on the part of VFS which mistook South Africa as the country of birth and origin whereas South Africa is merely the location of the embassy where the passport was issued.

Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
Zimbabwe		909	1 991	2 992	2 713	2 766	1 633	1 455	14 459
Nigeria		497	984	1 293	1 294	1 350	717	478	6 613
DRC		395	824	1 261	1 032	1 294	879	722	6 407
India		187	410	633	617	627	292	221	2 987
Angola		196	480	512	358	496	298	224	2 564
United Kingdom		217	311	341	291	236	118	126	1 640
Cameroon		170	253	362	295	234	110	123	1 547
Gabon		81	179	281	210	308	186	145	1 390
Kenya		119	253	263	193	227	116	104	1 275
South Africa		52	122	217	244	231	144	130	1 140
Total		2 823	5 807	8 155	7 247	7 769	4 493	3 728	40 022
% of top 10 countries	0.00%	64.10%	64.80%	66.10%	65.40%	64.90%	65.30%	65.10%	65.20%
Total of all other countries	1	1 583	3 157	4 177	3 832	4 194	2 384	1 996	21 324
Total of all approved study visas	1	4 406	8 964	12 332	11 079	11 963	6 877	5 724	61 346

Table 26: Top countries with approved study visas per year

5.14.4.2. Number of study visas per year

Table 27 below is a summary of all the study visas approved through the VAS system versus the 80 175 study visas applied for:

Year of updating ↓ vs Year of application →	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
2014	1								1
2015	396	4 010							4 406
2016	608	2 123	6 233						8 964
2017	451	1 294	2 564	8 023					12 332
2018	99	359	514	962	9 145				11 079
2019	65	256	605	961	3 013	7 053			11 963
2020	26	85	211	420	839	2 207	3 089		6 877
2021	12	47	84	291	656	735	2 571	1 328	5 724
Grand Total	1 658	8 174	10 211	10 657	13 653	10 005	5 660	1 328	61 346

Table 27: Study visas approved vs applied for per year

The table is a matrix of the year of application versus the year of approval (year of updating). For instance, in 2014, 1 658 applications, that were eventually approved, 1 was approved in 2014, 396 in 2015 and eventually 12 in 2021.

This shows a rather disturbing trend of study visa applications taking an inordinately long time to be approved, which could in some cases render these useless as the applicant might no longer have a need to study, years after the application had been made.

5.14.4.3. Top ten countries of approved study visas

The list of top 10 countries, out of 177 countries listed, that had study visas approved is dominated by Zimbabwe, with 23% of all approvals, followed by Nigeria with 11% and the Democratic Republic of the Congo with 10%. These three countries account for 44% of all the approved study visas.



Figure 38: Top 10 countries with approved study visas

5.14.4.4. Speed of applications to approvals

The data analysis revealed that the average days to finalise the study visa applications from 2014 to 2021 was 174 days.

There were several applications finalised on the same day they were received by the DHA and very few rejections during this period.

5.14.4.5. Institutions of study peculiarities

The top 10 institutions selected for study are predictable being the top resident universities in South Africa. However, two study locations among the top 10 are rather peculiar “study locations”, being “Course: Learner” and “Course: n/a”:

Descript. of where to study	2015	2016	2017	2018	2019	2020	2021	Grand Total
University of Johannesburg	131	335	452	328	554	425	342	2 567
University of Cape Town	126	371	407	308	428	252	332	2 224
Course: Learner	3	198	424	746	437	75	165	2 048
Course: n/a	163	39	399	689	421	82	179	1 972
Cape Peninsula University of Technology	80	327	417	263	384	299	201	1 971
University of Pretoria	106	331	358	265	331	254	136	1 781
University of Witwatersrand	64	205	216	174	258	222	129	1 268
Tshwane University of Technology	75	214	184	140	236	186	138	1 173
University of Kwazulu-Natal	63	208	235	165	201	107	88	1 067
University of Stellenbosch	30	114	133	139	201	156	102	875
Grand Total	841	2 342	3 225	3 217	3 451	2 058	1 812	16 946

Table 28: Top Study Institutions

As Table 29 below indicates, when these descriptions were expanded to include multiple spelling variations of the generic terms, “Learner” and “n/a”, a number of variations were found as listed in the table below, which could have been used to facilitate the approval of fake study visas. The Committee recommends an in depth investigation into these identified matters.

Description of where going to study	2015	2016	2017	2018	2019	2020	2021	Grand Total
Course: L;earner					1			1
Course: Laerner				1		1		2
Course: LEARNER				8	3		1	12
Course: LEARNER.			1		4			5
Course: LEARNER				1				1
Course: LEARNE			1					1
Course: Learner	3	198	424	746	437	75	165	2 048
Course: Learner.			52	2	18	6	8	86
Course: LEARNING				1				1
Course: Lerner					1		1	2
Course: n/a			1					1
Course: n/a	163	39	399	689	421	82	179	1 972
Course: N/A.							1	1
Institution: N/A					2			2
Grand Total	166	237	878	1 448	887	164	355	4 135

Table 29: Top Study Institutions and descriptions.

5.14.5. Retired Persons Visas

5.14.5.1. Retirement trends

Figure 39 below gives the number of applications made per year for a retirement visa or permit.

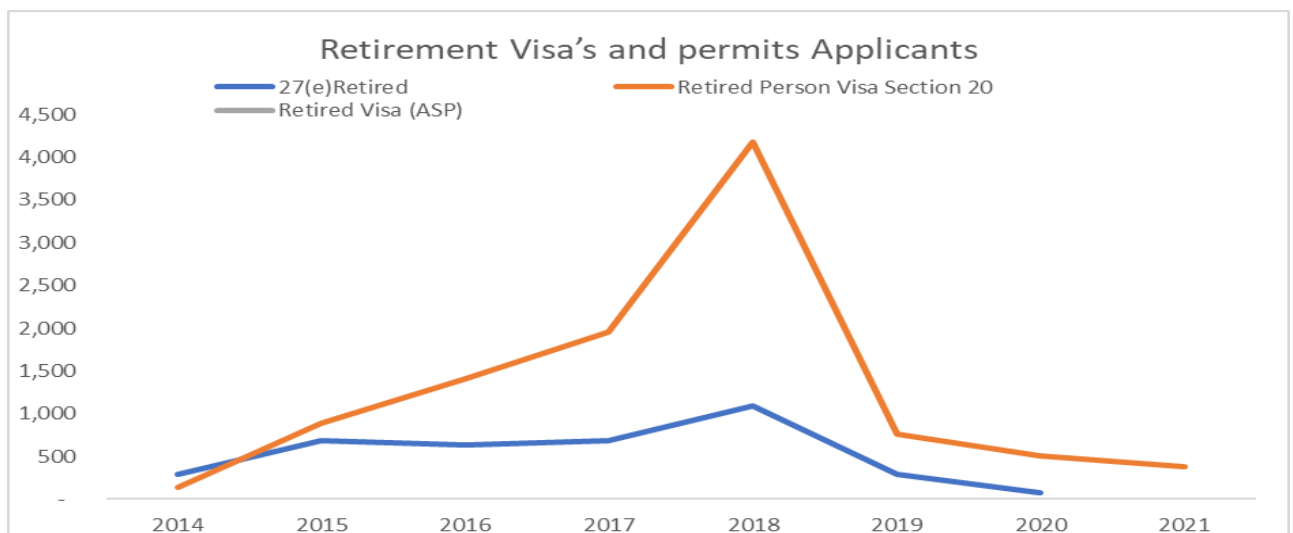


Figure 39: Retirement visas and permits per year

Figure 40 below shows a spike in applications in 2018 for retirement visas, being 100% more than 2017.

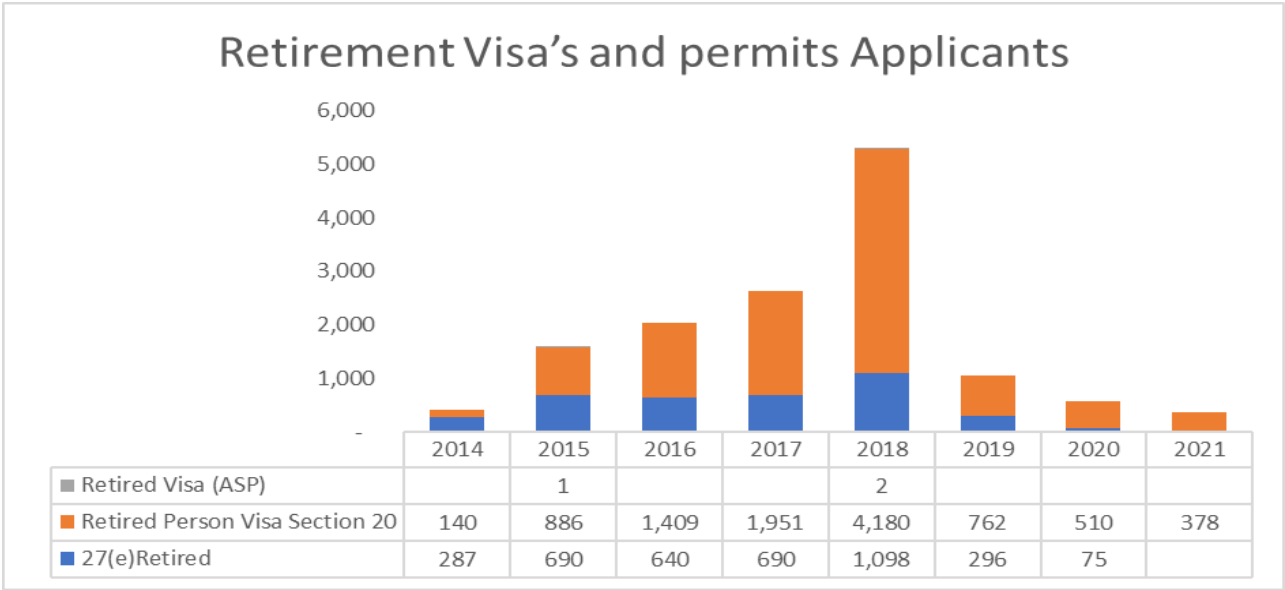


Figure 40: Retirement visas and permits applications per year

Figure 41 below shows the high rejection rate of approximately 50% of all retirement visas and permits, which could indicate that many of these applications were not genuine retirement applications in the first place.

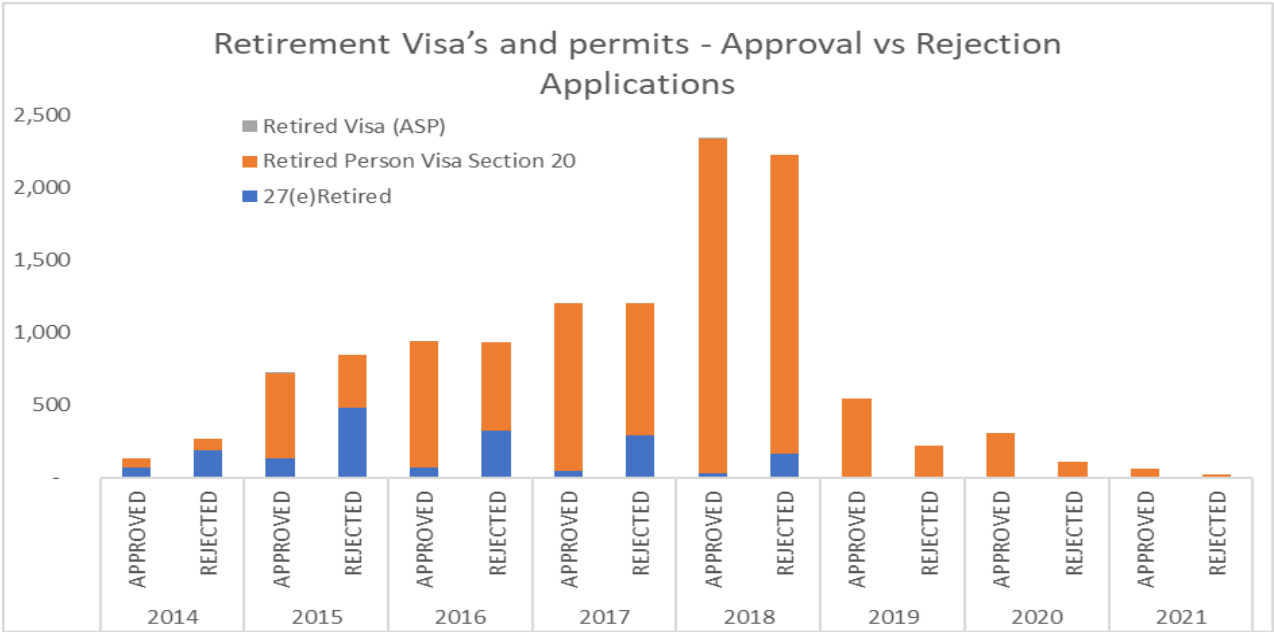


Figure 41: Retirement visas and permits: Approved vs Rejected

The top 10 countries of the applicants for retirement visas and permits from 2014 to 2021 are illustrated in the graph in Figure 42 below. From this information one can deduce that Chinese applicants made up the majority of the applications, but however also had the highest rejection rate. In orange are the visas and in blue are the permits.

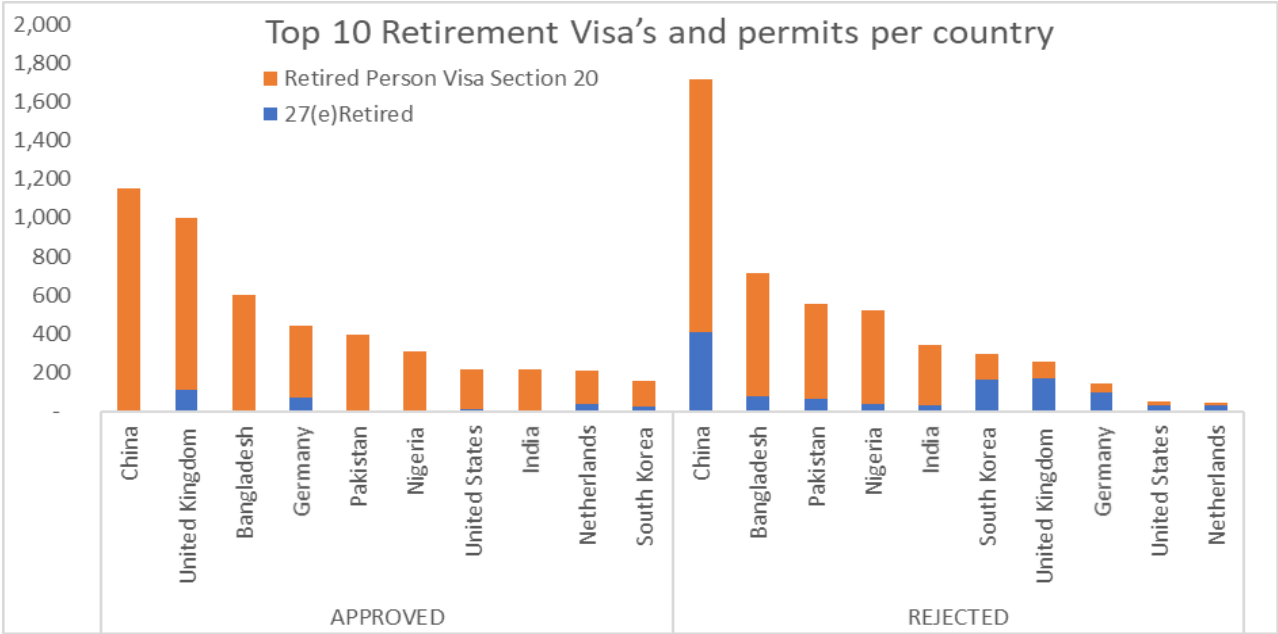


Figure 42: Retirement visas and permits per country

77% of all applications (10 275) made for retirement visas were found to have come from the top 10 countries of birth illustrated in Figure 43 below:

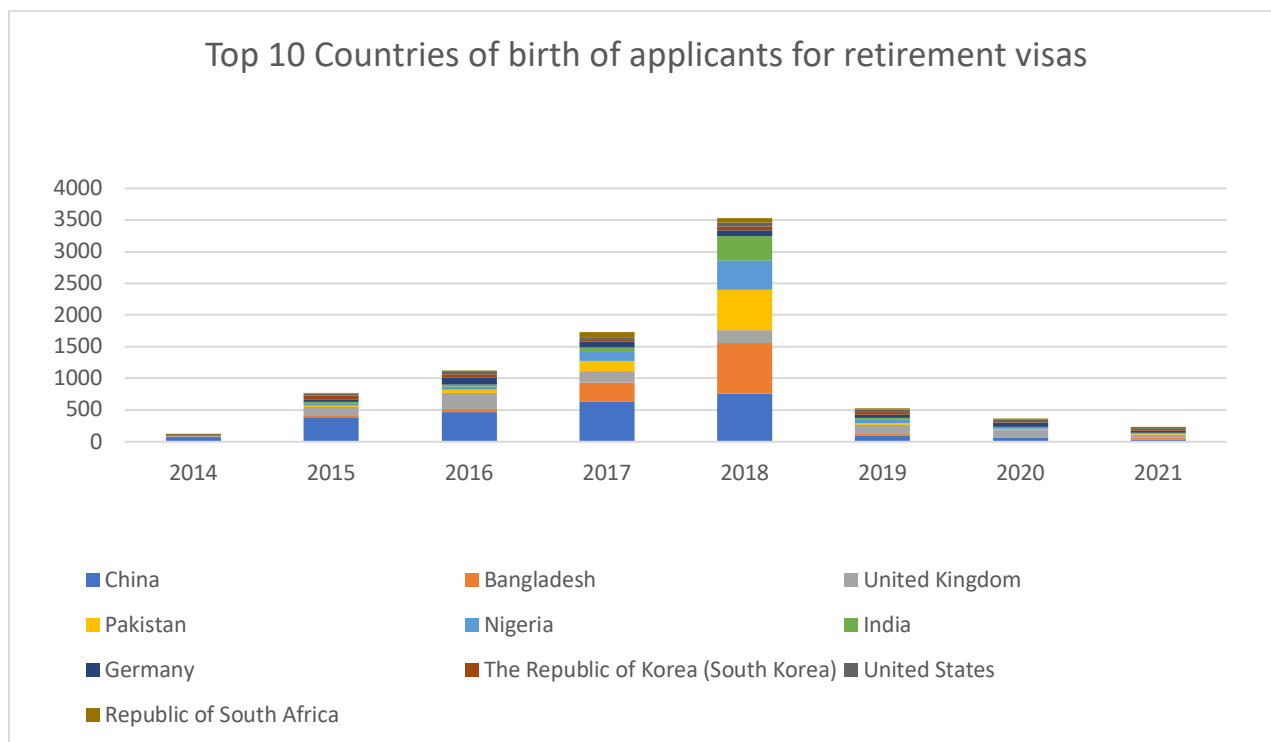


Figure 43: Top 10 countries of birth of applicants for retirement visas

Once again, noticeable is the spike in applications in 2018 (3 528 in 2018 vs 1 730 in 2017 and 531 in 2019) with a large increase in applications from Bangladesh, Pakistan, Nigeria and India which would require further in-depth investigation.

Top 10 countries where applications were made for a retirement visa - all applications									
COUNTRY OF BIRTH	2014	2015	2016	2017	2018	2019	2020	2021	Total
China	70	383	464	634	763	96	64	38	2512
Bangladesh	4	29	57	303	794	26	13	24	1250
United Kingdom	16	139	254	179	209	146	112	57	1112
Pakistan	1	18	45	160	629	33	10	6	902
Nigeria	8	45	50	147	472	50	20	15	807
India	2	15	31	64	384	24	18	4	542
Germany	3	46	111	88	90	56	58	33	485
The Republic of Korea (South Korea)	12	56	56	46	58	33	13	5	279
United States	3	30	42	31	58	43	39	31	277
Republic of South Africa	3	5	11	78	71	24	21	27	240
Total	122	766	1121	1730	3528	531	368	240	8406

Table 30: Top countries for retirement visa applications

From the tables immediately above (Table 30) and below (Table 31), the number of applications approved for retirement visas from 2014 to 2021 is 53%.

Top 10 countries where applicants have applied for a retirement visa									
Country of birth	Retired Person Visa Section 20								
	2014	2015	2016	2017	2018	2019	2020	2021	Total
China	21	163	124	255	478	56	40	16	1153
United Kingdom	11	127	223	145	180	128	74	2	890
Bangladesh		9	15	150	394	18	7	10	603
Pakistan	1	10	19	75	278	10	2		395
Germany	3	41	94	68	79	49	39	3	376
Nigeria	2	15	15	74	162	29	7	2	306
India		6	15	26	154	6	7		214
United States	3	26	39	28	47	32	30	3	208
Netherlands	1	33	62	33	36	5	9		179
Switzerland	2	9	35	24	32	33	10	3	148
Total	44	439	641	878	1840	366	225	39	4472

Table 31: Approved retirement visas per country

The review observed that there were no permit applications (section 27(e)) in the 2021 data and 48 in the 2020 data which is assumed to be related to Covid-19 travel restrictions. In total there were 3 827 applications identified of which 2 878 (75%) were represented by the top 10 countries of birth as shown in Table 32 below:

Top 10 countries where applications were made for a retirement permit - all applications									
Country of birth	2014	2015	2016	2017	2018	2019	2020	2021	Total
China	44	154	184	207	232	54	12		887
United Kingdom	55	138	114	59	80	32	9		487
Germany	36	86	52	47	40	32	6		299
Bangladesh	1	2	17	70	166	17	2		275
The Republic of Korea (South Korea)	60	81	52	21	21	7	1		243
Pakistan	3	11	19	26	107	7	9		182
Nigeria	2	14	11	25	83	11	5		151
India		6	10	30	78	14	1		139
Netherlands	7	37	20	22	20	5	1		112
Switzerland	7	18	17	16	30	13	2		103
Total	215	547	496	523	857	192	48	0	2878

Table 32: Retirement permit (PRP) applications per country

A similar trend in applications per year to that of the retirement visas can be seen in the graph in Figure 44 below for retirement permits:

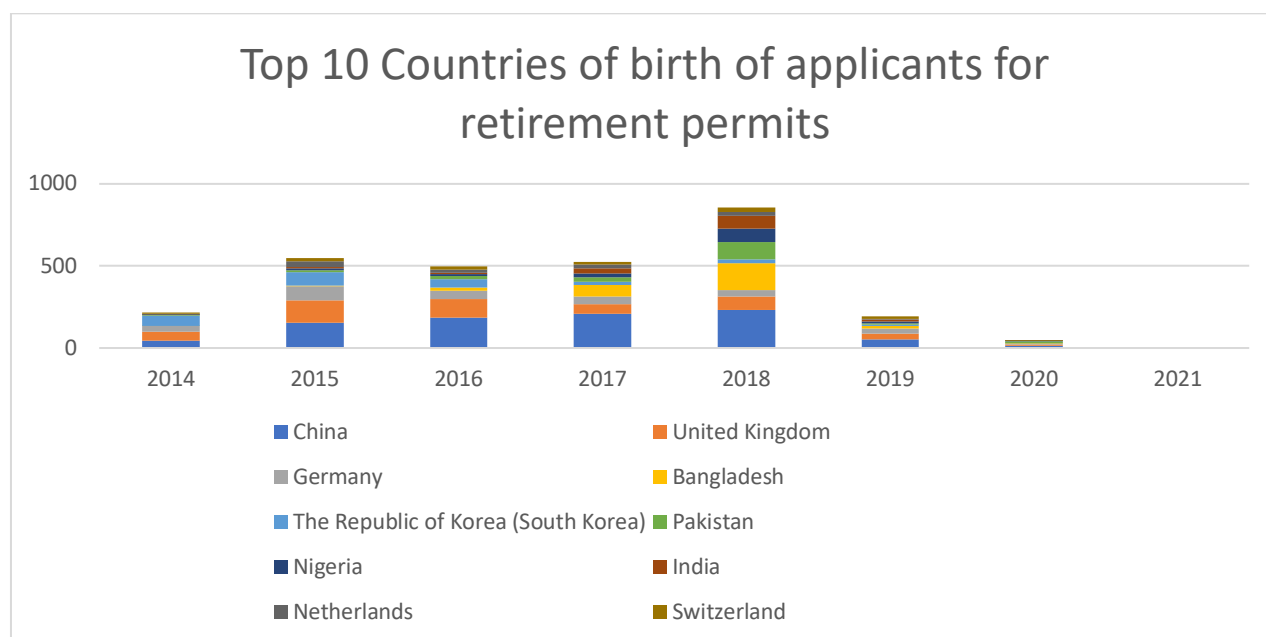


Figure 44: Top 10 countries of birth of applicants for retirement permits

Out of the 375 approved retirement permits observed in VAS, 316 belong to the top 10 countries, which represents 84% of all approved permit applications. There were no applications approved in 2020 or 2021 data on hand.

Top 10 countries where applicants have applied for a retirement permit									
Country of birth	27(e)Retired Permit								Total
	2014	2015	2016	2017	2018	2019	2020	2021	
United Kingdom	20	41	30	12	9	2			114
Germany	18	30	14	7	3	1			73
Netherlands	4	17	10	6	1				38
South Korea	4	14	4						22
Switzerland	4	8	2	6	2				22
France	3	5	3		5	2			18
United States		2	3	4	1				10
Italy		1	2	2	2				7
Belgium	2	3	1	1					7
Ireland	1	3			1				5
Total	56	124	69	38	24	5	0	0	316

Table 33: Retirement permits: Top countries where they have applied

5.14.5.2. Retired visa before the age of 55

We have observed a trend of young applicants applying for a retirement visa or permit with 65% being younger than 55. In 2018 there were 79% in the same grouping of younger than 55 applying. The notable categories are younger than 16 and between 16 and 25 years old. The table below has a grouped layout of applicant ages per year of application

Applicant age bracket	2014	2015	2016	2017	2018	2019	2020	Total
a. <=16	0	1	1					2
b. >16 and <=25	0	9	9	12	38	1		69
c. >25 and <=35	0	57	73	183	662	18	1	994
d. >35 and <=45	0	99	126	293	829	85	8	1440
e. >45 and <=55	0	62	153	211	432	156	11	1025
f. >55 and <=65	0	70	164	157	219	131	14	755
g. >65	1	88	291	216	283	219	28	1126
Total applicants	1	386	817	1072	2463	610	62	5411
Total under 55	0	228	362	699	1961	260	20	3530
% applicants younger than 55	0%	59%	44%	65%	79%	42%	32%	65%
Total over 55	1	158	455	373	502	350	42	1881

Table 34: Retirement visas or permits: Before age of 55

5.14.5.3. Entering on a retired persons visa then changing to another one

Analysis indicated that some applicants gain entry into South Africa using a Retirement Persons Visa, with 10 275 being issued in VAS from 2014 to 2021. Then through a reported change in conditions, a change request is then submitted for a work or a spousal relationship visa to entitle them to work in South Africa. The Committee found 515 such instances. These 515 could be irregular in certain instances based on the age groups of certain applicants using the retirement visa route as a guise to enter South Africa under false pretext. This trend needs to be further investigated to ensure that all retirement visa and permit applications are in accordance with the Act.

Section 20 of the Immigration Act regulates the granting of a retired person visa. It does not stipulate an age limit for the visa. A retired person may, with the permission of the Director-General, conduct work.

The minimum amounts as payments per month from a pension or irrevocable annuity or retirement account of R 37 000 minimum payment per month or minimum net worth of R 37 000.

These amounts were determined by the Minister in 2014 and have not kept up with increases in the cost of living in the country.

The monthly income and monthly net asset value required of an applicant are very low and easy to satisfy by many applicants from jurisdictions whose currencies are stronger than the South African Rand.

The scope for possible abuse of this visa is significant given the low threshold for qualification.

5.14.6. Citizenship by Naturalisation

The Committee performed analytical tests on foreigners applying for naturalisation and the preceding permanent residence permits. Based on the NPR data received from the department, the Committee identified 316 428 people that had been naturalised.

The data in the NPR had fields with missing information regarding naturalisation. The Committee decided to refocus the analysis on naturalisations where the date of naturalisation was populated from 2003 onwards.

Original Country	Number Naturalised since 2003
Mozambique	23 200
Zimbabwe	9 705
Lesotho	8 497
Pakistan	5 143
Nigeria	5 029
India	3 942
Malawi	1 982
Ghana	1 471
Swaziland (eSwatini)	1 363
China	1 314
Sub Total	61 646
Grand Total of all	83 555

Table 35: Naturalised persons in NPR since 2013

The trend of increased Mozambiquan naturalisations in the years 2003 to 2011 as depicted in the table below, seems abnormally high and would need to be further assessed to determine if there were justifiable reasons for such high numbers.

Country of Origin	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Grand Total
Mozambique	4 298	5 933	3 353	2 920	2 018	1 705	1 317	906	384	40	83	48	30	38	54	38	31	4	23 200
Zimbabwe	1 450	1 378	1 099	1 061	1 078	920	708	625	289	78	161	125	78	93	129	112	254	67	9 705
Lesotho	1 843	1 958	1 122	730	548	626	532	374	196	34	109	56	48	47	78	61	113	22	8 497
Pakistan	215	414	1 337	544	767	617	429	268	148	27	59	49	39	38	37	25	93	37	5 143
Nigeria	162	443	1 037	662	517	558	414	359	173	44	87	63	37	52	61	76	233	51	5 029
India	426	314	643	473	360	433	343	249	143	40	87	57	34	45	78	50	118	49	3 942
Malawi	456	357	274	200	184	132	113	100	50	8	29	7	11	15	20	11	10	5	1 982
Ghana	139	101	234	200	165	111	111	87	65	22	51	35	25	8	28	20	52	17	1 471
Swaziland	270	268	173	117	99	90	93	87	40	11	28	21	10	3	26	7	17	3	1 363
China	303	181	193	145	139	135	79	49	19	8	9	21	3	3	10	4	8	5	1 314
Sub Total	9 562	11 347	9 465	7 052	5 875	5 327	4 139	3 104	1 507	312	703	482	315	342	521	404	929	260	61 646
Grand Total	12 165	13 778	12 191	9 230	7 835	7 115	5 948	4 532	2 271	570	1 315	909	642	667	850	831	2 200	506	83 555

Table 36: Naturalised persons in NPR since 2003 per top 10 countries

5.14.6.1. Naturalisation completed prior to the completion of 5 years

To determine if there were any trends or patterns in the naturalisation process that could be flagged as suspicious, the committee assessed matters of naturalisation that occurred prior to a prescribed 5-year period of having had a PRP in South Africa having been completed. The Committee found 145 such applicants that are depicted in the table below. Section 5(9) states that

“(a) Notwithstanding anything to the contrary contained in subsection (1)(c), the Minister may under exceptional circumstances grant a certificate of naturalisation as South African citizen to an applicant who does not comply with the requirements of subsection (1)(c) relating to residence or ordinary residence in the Republic”.

(b) The Minister shall within 14 days after the commencement of the sittings of Parliament in each year table in Parliament the names of any persons to whom certificates of naturalisation were granted under paragraph (a) in the immediately preceding year, including the reasons for the granting of any such certificate”.

The Committee had sight of the list with names published in Parliament as contemplated in the Act and found limited evidence of the names identified amongst the 145 certificates that were issued on such published list. Each of the 145 matters identified must be urgently investigated.

PRP Year	Year of Naturalisation									Grand Total
	2012	2013	2014	2015	2016	2017	2018	2019	2020	
2008	12									12
2009	16	46								62
2010	5	7	12							24
2011	1	1	1	2						5
2012				2						2
2013		1			1	3				5
2014						1	1			2
2015					2		3			5
2016					1	1		1		3
2017							2			2
2018							1	3	14	18
2019									5	5
Grand Total	34	55	13	4	4	5	7	4	19	145

Table 37: Naturalised prior to 5 years from PRP award

Amongst the 145 matters analysed, the Committee also identified 11 people with irregular dates in the “Date of Naturalisation” field and a further 25 people who were naturalised before they were issued a PRP. These 36 people and their associated applications and officials involved in the process would need to be investigated.

5.14.6.2. PRPs that were rejected but approved via the appeal process

This test was performed due to several applications forwarded to the Committee by whistleblowers that highlighted the fact that this was a *modus operandi* of getting falsified documentation and persons not qualifying for permits approved. The Committee identified 574 instances where this anomaly occurred and recommend that all 574 be fully investigated to determine the veracity of the information. The appeal process linked to these applications where all processed through TnT, which is a matter of serious concern. The related physical files supporting the applications have not been electronically captured and will need to be located and secured.

Country of birth	Number of applicants
China	104
India	70
Nigeria	63
Pakistan	62
Cameroon	46
Zimbabwe	34
Ethiopia	26
Bangladesh	19
Ghana	15
Netherlands	12
Sub Total	451
Grand Total of all	574

Table 38: PRP's rejected and then approved via the appeal process in TnT

5.14.6.3. PRPs with missing documentation or application forms

The Committee was informed that suspicious applications had been processed and the files vanished once the permit was approved. If an application file attachment was in the file database but there was no application, is indicative that the application was deleted from TnT, VAS or VFS.

The Committee identified 123 698 visas and permit application files that had no application visible in VAS, VFS and TnT. 8 455 were linked to PRP application files without a supporting application. A summary of the 8 455 application files per type of permit and how many were found is listed below:

- Waivers – 115 (Where a waiver to the conditions of their permit was requested so that the applicant could apply for a different permit);
- Exemptions – 88 (Where a blanket exemption was granted to certain applicants to allow them to apply for certain permits);

- Appeals - 6 455 (Where the applicant appeals the decision to reject their PRP application);
- Permit applications - 894 (Normal permit applications);
- Renewals – 244 (Where the permit applied for was renewed); and
- Proof of permit - 659 (Issued to applicants with a permit to prove they have a PRP).

The Committee identified 309 599 applications that had no attachments for visas and permits, 56 672 were linked to PRP applications. A summary of these per type of permit and where they were found (VFS, TnT or VAS) are listed below:

- Waivers - 485 (Found in VFS);
- Exemptions - 675 (Found in VFS);
- Appeals - 4 145 (Found in VFS and TnT);
- Permit applications - 49 268 (Found in VFS, VAS and TnT);
- Renewals - 861 (Found in VFS); and
- Proof of permit - 1 238 (Found in VFS).

5.14.6.4. Naturalised people identified in NPR compared to DHA list of Naturalised People (July 2003 to June 2019)

During meetings with the DHA Civics team a request was made for a list of all naturalised persons. A test was performed, once this list was received, to determine if there were any differences between the DHA list of 16 515 people and the Committee's extract from NPR data of 83 555 people. The results of the test indicated that 5 100 (31%) of the DHA naturalised people were found on both lists, 11 115 (67.5%) of the DHA list was found on NPR but had no naturalisation information populated in the NPR data received. Further, 78 455 of naturalisation found in the NPR were not found on the DHA list. These results are illustrated per year in the figure below:

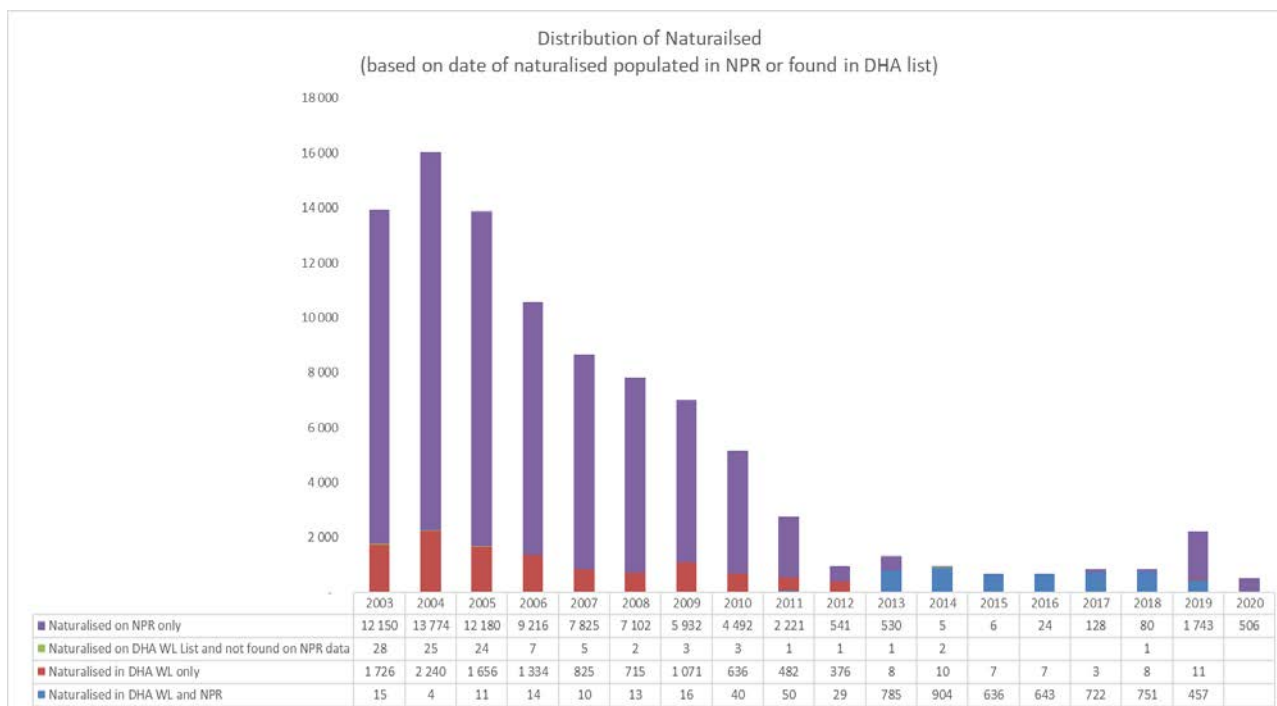


Figure 45: DHA list of Naturalisations compared to NPR Naturalisations (2003 to 2020)

A further finding was that 106 people on the DHA list were not found on the NPR data that the Committee was provided with. These naturalisations will need to be investigated to determine why they were not on the NPR provided to the committee.

The Committee identified 139 duplicated records in the DHA list that also had 32 people with different naturalisation dates, the worst example of this was 14.5 years between the dates of naturalisation. These will need further investigation and explanation for the discrepancy.

5.14.7. General Visa/Permit Observations

5.14.7.1. Patterns identified

There is a pattern in the data of people applying for asylum/general work visa/holiday visa and then changing it either by waiver or a change of visa type to a spousal visa and then applying for PRP once they have been in SA for 5 years. One particular surname was tested and several applicants with that surname had fake documents (e.g. bank statements, confirmation of birth certificates, notary agreements, asylum documents, passport documents) in their applications that were all approved.

There is also a pattern of brute force applications. The applicants keep applying until they succeed with a visa application. Alternatively, some applicants were advised at the VFS centre that their applications would be rejected by DHA, but the applicants insisted that their applications be submitted notwithstanding. The purpose for the insistence that the faulty application be submitted to DHA is to have it purposefully rejected so that the applicant could appeal the rejection. The review has identified several examples where the appeals were successful.

Numerous instances have been identified where an applicant had an application rejected and then a second application approved.

Below are four (4) examples of this pattern:

Category Description	Nationality	Status	Date
26(b)Spouse	Zimbabwe	Rejected	09/03/2017
26(b)Spouse	Zimbabwe	Approved	15/11/2017
Critical Skills Visa Section 19(1)	Republic of South Africa	Rejected	02/08/2016
Critical Skills Visa Section 19(1)	Republic of South Africa	Approved	30/08/2016
Critical Skills Visa Section 19(1)	Republic of South Africa	Approved	20/07/2017
Relative's Visa (Spouse)	Cameroon	Rejected	27/03/2017
Relative's Visa (Spouse)	Cameroon	Approved	28/03/2018
General Work Visa Section 19(2)	Zimbabwe	Rejected	26/07/2017
General Work Visa Section 19(2)	Zimbabwe	Approved	01/08/2017
General Work Visa Section 19(2)	Zimbabwe	Approved	02/11/2020

Table 39: Applications rejected and then approved

5.14.7.2. Irregular System Users

There were a number of irregular users introduced into the MCS system to supposedly process transactions. These “users” details were identified on Persal and had ranks of cleaner, driver/messenger and mobile (motor vehicle) drivers. These users processed numerous movements on MCS from 2014 to 2020.

We focused our analysis on the 2018 to 2020 movement data that had cleaners, motor vehicle drivers and driver/messenger processing several movements at the following ports

of entry. One cleaner that was interviewed had no knowledge of being a user on the departments systems. It is evident that this type of activity might be complex work for a cleaner to perform, especially without computer use knowledge. None of these employees are based near any of these ports of entry associated with MCS system movement data identified as being performed by the cleaners, drivers, and messenger:

- Beitbridge – Zimbabwe;
- Caledonspoort – Lesotho;
- Grobler’s Bridge – Botswana;
- Lebombo – Mozambique;
- Maseru Bridge – Lesotho;
- Oshoek – Swaziland; and
- Qachas Nek – Lesotho.

Currently, an official’s Persal number is used to create a user login on the DHA systems. The Committee is of the view that department needs to explore other options to create user login. It is the Committees understanding that Persal numbers and a matching password is currently being utilised in VAS. The department must consider the using a Biometric Access Control Management (BACM) system to further enhance the logging of who physically logged into the systems and made any changes.

The Committee identified 16 158 visas or permits applications that had been made by foreign nationals linked to the above movements. A majority, 12 496, were linked to Special project visas, such as the ZEP project. However, 3 662 were linked to normal visa and permit applications.

Each movement processed in MCS by the said cleaners, drivers and messengers require in depth investigation whether there was complicity on the part of such cleaners, drivers, messengers and others and any associated activity that assisted in facilitating the entire process.

Users were also identified performing transactions on VAS outside office hours, on weekends and during public holidays.

Additionally, together with the time of day, the user and the type of application had an impact on how long it takes to make a decision and what the decision would be. This was performed and illustrated using advance analytical processes to build a decision tree model whereby the focus and target variables can be set and analysed. The decision tree mapping will assist further in-depth investigations.

5.14.7.3. System Manipulation

In a normal process flow in VAS, as can be seen in table 40 below, the stage codes are in a numerical order from 2 to 10.

Stage Number	Stage
2	Receipt by Adjudicator
3	Recommendation by Adjudicator
4	Supervisor 1st Quality Assurance
5	Director 2nd Quality Assurance
6	Chief Director 3rd Quality Assurance
7	Deputy Director General 4th Quality Assurance
8	Director General
9	Minister
10	Decision

Table 40: Normal VAS process flow tasks

Below is an actual example of a normal process flow captured in VAS:

Stage	Status	Comment	Update Date
Receipt by Adjudicator	Pending	NULL	2020-07-29
Receipt by Adjudicator	Refer	Upload documents	2020-10-06
Recommendation by Adjudicator	Recommend Approve	Adjudicated to Section 27d	2020-10-06
Supervisor 1 st Quality Assurance	Recommend Approve	pg 15 refugee visa valid till 2020, pg 38 refugee...	2020-10-06
Director 2 nd Quality Assurance	Recommend Approve	Applicant is a recognised refugee. SCRA verific...	2021-02-18

Table 41: Example of a normal process flow

Records appear to have been inserted into VAS as the process workflow and stage code orders do not make sense when sorted numerically or in date order. An explanation of this is highlighted below in the flow of screenshots from VAS. The stage code is out of sequence for a number of applications.

In an irregular stage code, the process did not follow the prescribed sequential order of stage codes. See Table 42 below.

Stage	Status	Update Date
Receipt by Adjudicator	Pending	2016-06-24
Recommendation by Adjudicator	Recommend Approve	2017-08-29
Supervisor 1 st Quality Assurance	Recommend Approve	2018-02-01
Director 2 nd Quality Assurance	Recommend Approve	2019-08-12
Chief Director 3 rd Quality Assurance	Recommend Approve	2019-08-12
Minister	Approved	2019-10-22
Decision	Approved	2019-10-30
Director General	Approved	2019-10-20
Deputy Director-General 4 th Quality Assurance	Approved	2019-09-24

Table 42: Example of an irregular process flow

The process flow of some of these applications is not complete, this process in Table 43 below is missing the DDG stage.

Stage	Status	Comment	Update Date
Receipt by Adjudicator	Pending	Recommend Approval	2018-10-03
Receipt by Adjudicator	Pending	Recommend Approval	2019-01-09
Receipt by Adjudicator	Pending	Recommend Approval	2019-02-26
Recommendation by Adjudicator	Recommend Approve	Recommend Approval	2019-02-26
Supervisor 1 st Quality Assurance	Recommend Approve	Recommend Approval	2019-02-27
Director 2 nd Quality Assurance	Recommend Approve	Recommend Approval	2019-03-04
Decision	Approved	Recommend Approval	2019-03-15
Chief Director 3 rd Quality Assurance	Recommend Approve	Approved	2020-10-24

Table 43: Irregular process flow example 2

There are extra fields in the work-flow table that the system never uses, which are always null/empty. However, the extra fields for the registered records of some of these applications have information populated. This is indicative of records being inserted into the back-end of the database to populate an adjudication decision for an application. This is not a process that can be done by an average user on the system and would need a highly skilled IT user to execute.

Most of the abnormal process flows referred to above do not have an audit trail. The system ordinarily creates an audit trail automatically for normal processes. Inserted data avoids triggering the automatic creation of an audit trail.

In Table 44 below is an example of an Audit Trail of a system processed application:

Trans. Time	Status	Stage
2020-10-06 06:44:13	Refer	Receipt by Adjudicator
2020-10-06 06:45:21	Recommended Approved	Recommendation by Adjudicator
2020-10-06 11:18:06	Recommended Approved	Supervisor 1 st Quality Assurance
2021-02-18 16:06:25	Recommended Approved	Director 2 nd Quality Assurance

Table 44: Audit Trail example

5.14.7.4. Delays in printing of visas

The review identified anomalies in the dates related to approvals and the printing of visas.

In several cases the printing date was before the visa approval date. The Ministerial Committee was unable to determine the reasons for this anomaly.

Analysis indicated lengthy delays in the printing of visas after approval between 2014 and 2021. These delays could result from a number of legitimate operational reasons. The Committee cannot rule out irregular or illegal conduct responsible for undue delays in the printing of visas, based on a number of interviews conducted and information received from whistle-blowers, including that some visas and permits are held hostage until ransom is paid to corrupt DHA officials to release them.

The Committee has recommended an in depth investigation into these printing delays and associated activities.

5.14.7.5. Missing visa permit control number register

A control number relates to a sequential number on various forms of visas stickers received in batches from the Government Printing Works (GPW). The Committee requested a register of all control numbers of all visas issued to approved applicants as well as any that had been cancelled.

The Committee, after numerous exhausting attempts, was not able to locate any form of register or mechanism to control and monitor the issuance of visas stickers. The lack of such a control mechanism creates the opportunity of visas stickers being illegally removed from the printed batches for the fraudulent issuing of visas. The Committee found fraudulent visas that have no supporting application documentation. Internal audit also reported similar findings.

5.14.7.6. Common use of cell phone numbers and email addresses

Certain cell phone numbers and e-mail addresses were repeatedly used in applications. A majority of these cellular phone numbers and email addresses appear to belong to immigration agencies or agents, notwithstanding that the use of agencies are no longer recognised by the DHA.

In 2014 the department took appropriate steps to not recognise immigration agencies. However, the agencies are still being used. The Committee is of the view that the department must review its policy and procedure relating to the aspect of the non-supply of proper and verified contact details associated with an applicant. A common address or contact detail that does not belong to the applicant but to an immigration agent should not be permitted as the use of agencies is no longer recognised by the department.

5.14.7.7. Passport numbers used by multiple people

There are instances where the same passport number is being used by different uniquely identifiable people. The Committee has identified numerous such instances. In some instances, the surname appears to be the same, but the date of birth is different for the same passport number. This would require further investigation.

5.14.7.8. Fast processing of applications

The data indicates that numerous applications were adjudicated between 0 and 1 day. The fact that all the necessary steps to complete an adjudication takes time to complete, makes these adjudications seem irregular. According to the data analysed there are some cases where applications were processed before it was received in VAS. This requires further investigation to determine how this could be possible.

5.14.7.9. High number of VFS applications in day

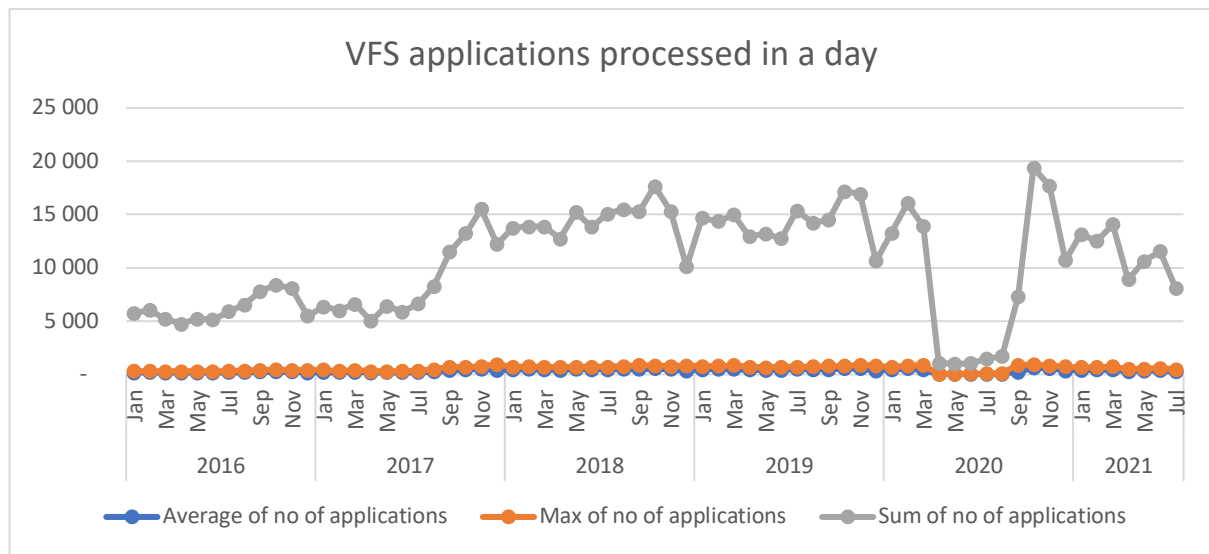


Figure 46: VFS applications per day

The average number of applications dealt with in a day across the date range of 2016 to 2021 is 346 but, has a peak of 938 applications on 11 December 2017 which was preceded and followed by extraordinarily high volumes per operating day based on the average.

Date	No of Applications in a day
06/12/2017	841
07/12/2017	808
08/12/2017	538
09/12/2017	262
10/12/2017	266
11/12/2017	938
12/12/2017	785

Table 45: High number of VFS applications on specific days

The totals and averages per year is shown in Table 46 below:

Year	Average # of applications a day	Max # of applications a day	Total applications
2016	203	449	74 278
2017	285	938	103 650
2018	472	849	172 198
2019	472	906	171 827
2020	286	915	104 601
2021	372	730	78 931
Grand Total	346	938	705 485

Table 46: Average VFS applications per day and per year

5.14.7.10. Visa date issued way into the future

By using the MCS data, the Committee identified a number of instances where the visa expiry date is past the year 2031. These visas are obviously invalid.

This is concerning, as persons who have visas with expiry dates far into the future (usually a maximum of 5 years per visa), can still travel into South Africa as the systems assess the expiry date of the visa before raising alerts to the Immigration Officers. The last step in the printing of visas is to confirm that the details printed are accurate and correct, and in these cases it appears this was not diligently done. The Committee suggests that these visas are investigated to determine the reason for the extraordinary expiry dates.

5.14.7.11. VFS/DHA email address associated to an applicant

760 applicants were identified that used a VFS/DHA e-mail address as their contact e-mail address. It would be expected that applicants would use their own email or a family member's email address to receive notifications and status updates not a VFS employees email address. The use of generic email addresses which is the standard email address on VFS for help on their website is problematic. An explanation given by VFS was that when an applicant applies but does not have an email address, VFS populates the application with a **donotreply** email address. The reason for specific employees' emails being used for

applications that were not related to their own applications is still outstanding and requires further investigation.

5.14.7.12. “South Africans” applying for Visas

As indicated earlier in the report, the Committee identified several “South African” applicants applying for visas and being approved. It was determined that where the applicants passport was issued by the respective Embassy based in South Africa, the details are captured as South African. VFS has been notified to capture the actual country the applicants originates from.

5.14.7.13. Fraudulent documents identified but approved

The Committee highlighted the determined nature of foreign nationals to obtain a visa / permit / naturalisation in South Africa in section 5.1 above. An additional test was performed to identify if any applications were approved even though fraudulent documents had been detected. The table below is of the top 10 countries of birth of applicants where the word fraud was detected in the comments of the adjudication and quality assurance teams and illustrates 880 applications met this criterion, of which 431 were Zimbabwe Special Project related.

Country of Birth	Year of last update							Grand Total
	2015	2016	2017	2018	2019	2020	2021	
Zimbabwe	430	1	6	12	17	8	1	475
Nigeria		1	5	31	42	23	4	106
India			3	8	20	7	2	40
Pakistan			3	8	14	8	1	34
The Democratic Republic of the Congo	1		5	6	11	6	3	32
Ghana		1	1	5	8	1		16
Ethiopia			2	3	7	3		15
China			1	2	5	3	3	14
Bangladesh			1	2	4	6		13
Republic of South Africa			2	4	3	1	1	11
Sub total of top 10 countries	431	3	29	81	131	66	15	756
Grand Total of all countries	432	5	38	117	183	89	16	880

Table 47: Approved but fraudulent documents detected

All applications that contained a reference to fraudulent documents needs to be investigated to determine if the approvals were justified.

6. Recommendations

Based on the above analysis and findings, the Committee makes the following recommendations to the Minister:

6.1. Phase 2 Further Investigation into Trends and Patterns

6.1.1. Establishing an Independent Multidisciplinary Investigating Task Team

Due to time constraints, the Committee could not delve deeper into identified outside and external culprits who were complicit in system and data manipulation to circumvent current processes and procedure to issue fraudulent visas and permits amongst others.

Further in-depth investigations are urgently required to expose these culprits, systemic weaknesses and anomalies identified during the data analysis exercise that suggest instances of fraud, corruption and maladministration with the DHA environment.

It is recommended that the DHA consider mandating an independent multidisciplinary task team of a firm of attorneys, forensic investigators, analysts, and system experts to fully investigate all the anomalies, fraudulent applications, corrupt activities, systemic irregularities and maladministration and to make appropriate recommendation for criminal prosecution, disciplinary action, removal from the system, recalling of visas, and the tracing of offending foreign nationals for deportation.

6.1.1.1. Matters Recommended for Investigation

The following areas of focus identified in Table 48 below should be prioritised by the multi-disciplinary investigating task team for further in-depth investigations:

No	Area of Focus	Description of matter
1.	Appeals	<ul style="list-style-type: none">• All PRPs that were previously rejected and then approved after appealing; and• Files sent for the appeal process with no application documents on record and have also not followed the adjudication process.
2.	VFS and VAS Applications	<ul style="list-style-type: none">• All applications information which is in VAS and not reflected in VFS;• All application information which is in VFS and not reflected in VAS;• All applicants loaded onto VAS, but have no associated application supporting information;• All applications with difference between the Passport Number captured in VFS and the Passport Number loaded in VAS; and• All applications with passport number differences by the application status.
3.	Nexia SAB&T cyber forensic investigation report	<ul style="list-style-type: none">• Findings into the alleged security breaches and irregularities in the VAS System.
4.	Pastors and Prophets	<ul style="list-style-type: none">• Matters flagged for investigation.
5.	Track and Trace System (TnT)	<ul style="list-style-type: none">• All applications processed in TnT since 2015 that circumvented the VFS and VAS processes.

No	Area of Focus	Description of matter
6.	PRPs	<ul style="list-style-type: none"> • All PRP applications that were approved before 5 years had expired and did comply with the continuous period of only being 90 days outside the country during this 5 year period; • All PRP applications approved but had been declined previously due to false documentation having been submitted; • All issued visitors visas status changed to PRP whilst in the country; and • PRP with common patterns of forum shopping and brute force tactics among some foreign nationals shifting from one application to another.
7.	Business Permits	<ul style="list-style-type: none"> • All business permit approvals that were found to be skewed where analysis indicated that 1 137 were approved over the same period in the TnT system. These applications and approvals should have been processed through VFS and VAS and not TnT.
8.	Under Age Visa	<ul style="list-style-type: none"> • All under-aged applicants for critical and exceptional skills visas and permits due to a data capture error involving gross misconduct.
9.	Work Visa to Critical Skills Visa	<ul style="list-style-type: none"> • All work visas approvals where applicants changed their visa from worker to a critical skills visa and back to a PRP worker.
10.	Study Visa to Critical Skills Visa	<ul style="list-style-type: none"> • All study visa applications followed by critical skills visa applications.

No	Area of Focus	Description of matter
11.	Study Visas	<ul style="list-style-type: none"> All study visas that include multiple spelling variations of the generic terms, "Learner" and "n/a" captured in VAS.
12.	Retirement Visas	<ul style="list-style-type: none"> All approved retirement visas with a significant increase of applications for the period 2016-2018; All retirement visas below the age of 55; All retirement visas where applicants have applied for another visa due to a change in status, i.e., spousal relationship or to work; and All retirement visas awarded in contravention of Section 20 of the Immigration Act regulations related to minimum amounts per month from pension or irrevocable annuity or retirement account.
13.	Irregular System Users created on MCS	<ul style="list-style-type: none"> All the MCS process transactions created by the irregular users.
14.	After hours, weekends and public holiday visas processed on VAS	<ul style="list-style-type: none"> All visa applications that were processed after hours, over weekends and public holidays on VAS by DHA officials.
15.	Irregular Process flows of stage codes	<ul style="list-style-type: none"> All applications that were processed following an irregular process flow of stage codes and those that had extra fields populated.
16.	Identified anomalies in the dates related to approvals and the printing of visas	<ul style="list-style-type: none"> All cases where the printing date was before the visa approval date.

No	Area of Focus	Description of matter
17.	Missing Visa or Permit Control Numbers.	<ul style="list-style-type: none"> All internal audit findings related to missing visa and permit printed control numbers.
18.	Same passport number used by multiple persons.	<ul style="list-style-type: none"> All passport numbers being used by multiple persons.
19.	Fast processing of applications.	<ul style="list-style-type: none"> All applications that were processed and approved between 0 and 1 day.
20.	Visa dates issued into the future.	<ul style="list-style-type: none"> All visas that were issued into the future.
21.	NPR anomalies found.	<ul style="list-style-type: none"> All anomalies found during the finalisation of the NPR work.
22.	VFS/DHA email addresses associated to an application.	<ul style="list-style-type: none"> All applicants using either VFS or DHA email addresses as their contact addresses.
23.	Visas and Permits rejected with fraudulent documents detected.	<ul style="list-style-type: none"> All applications approved containing fraudulent documentation detected during adjudication process.
24.	Applications rejected due to fraudulent documents submitted but new applications approved.	<ul style="list-style-type: none"> All applications that were rejected due to fraudulent documents submitted but applicants later applied for other visa/permit types which were approved.
25.	Firewall irregularities.	<ul style="list-style-type: none"> The potential corrupt involvement of officials in companies appointed to install firewalls in the DHA's provincial offices.

Table 48: Matters recommended for further investigation

6.2. Integrated Technology Approach to Resolve Challenges

While any of the technological approaches mentioned in the 2016 Digital Strategy document, which contextualised the DHA's required revision of its business and technical model, to resolve the challenges inherent to interdicting and mitigating the DHA's unique problems may have proved to be effective, the most efficacious future solutions will likely be those that integrate a multiplicity of technologies.

These capabilities may include a process by which multiple individual subsystems or sub-components are combined into one all-encompassing larger system, thereby allowing the subsystems to function together. These systems should be further supported by artificial intelligence (AI) and machine learning to provide the DHA, who have no current data analytic capabilities for automated pattern identification, anomaly detection, forecasting and prediction. In other words, the symbiosis created through system integration, AI and machine learning capability allows the main system to achieve the overarching functionality required by the department.

System integration facilitates communication between often disparate systems that do not normally communicate. It is common, as in the case of the DHA, for information to become inconsistent between systems if they are not integrated. For example, one system may be updated with important information relating to an applicant, but another system may not get the update. Integrating these systems eliminates the confusion that inconsistent information creates and keeps the correct information clear. Integrated information will also assist in the prevention of fraud and corruption.

The objective is to get the organization's various IT systems to communicate with each other in the background so as to avoid the time, effort and added cost spent manually sharing information with other components of the organisation including senior and top management. Through system integration, the organisation will experience an increase in information flow, accuracy in data and speed, optimised security as well as reduced operational costs.

Optimizing efficiency and allowing secure access to systems by the department's personnel and ensuring security simultaneously, is about putting sufficient safeguards in place to be

sure that the technologies and policies and procedures meet both business and security needs.

The notion of separate silos of information in government is a time-worn cliché which further hampers service delivery at the DHA, which is regarded as one of South Africa's most important and strategic national assets whose systems and processes are currently most vulnerable and often neglected by the government.

The current DHA service model has not significantly evolved post the 1994 paradigm shift to support changing customer and technology landscapes, in that:

- It has a silo-based service model (no single view of the client, no standardisation of the client experience across services);
- It has limited use of biometric identity across business processes;
- It has disparate systems and business processes;
- It does not have robust risk management systems in place;
- It is based on highly manual processes; and
- Its business processes are highly open to fraud and corruption due to lack of integration and AI and machine learning capabilities.

Key observations from the AS-IS Assessment by the DHA of the current department's technology landscape include the following:

- There is a fragmented technology architecture which does not promote unified, coordinated digital enablement across Civics, Immigration and Border processes; and
- There are disparate systems posing a challenge to high levels of inter-operability and integration required for a world leading, digital Identity, Civics, Borders, and Immigration organisation.

Budgetary constraints have hampered software maintenance. This is further complicated by the fact that the modernisation of systems, as well as hardware improvements relies on prohibitive National Treasury Regulations and the utilization of a flat-footed SITA for IT-related procurement. This has frustrated the efforts of proposing and providing a solution to ensure that the department maintains global norms and standards in IT development. As it is, the department's IT infrastructure is already lagging behind its international counterparts.

Crucially, the focus must be on dealing with challenges and creating opportunities to effectively deal with the current disparity evident at the DHA. It is about finding a balance and with that, a cadence of responsibility. The DHA must strike such a balance to provide uninterrupted delivery of its service, and sister departments in government must have the capability of providing and ensuring continuous support for internal operations.

The DHA must ensure that an appropriate system integration and technological solution that will allow for all siloed data sources across the DHA to be optimized with AI and machine learning capability is rolled out and finalized. The Committee also references the significant findings of the 2016 Digital Strategy document that should be considered to further guide the department in implementing its integrated digital platform.

6.3. Data-driven Approach

A common platform will provide a consolidated view of data between the different underlying systems within DHA. The platform should also provide the ability to make analytics an integral part of the operational processes instead of a stand-alone capability to assist all business units in the department.

To demonstrate the effectiveness of this type of capability, the Committee's investigation and analysis workstream, developed a stand-alone, Single Entity Retrieval Tool (SERT) as discussed earlier in the report that was customised for purposes of integrating, cleaning and analysing the large data sets received from the various DHA systems. This provided a single view of the data and delivered the analysis results in record time, as evident in the report. However, the SERT's capability will be exponentially enhanced to provide sustained results if operating within a totally integrated platform, with AI and machine learning capability.

6.4. Data Cleansing and Completeness

The different databases need to be assessed to ensure all mandatory data is filled in and that standardisation of what is allowed in fields is done as much as possible. Where validation on fields (e.g. date of birth) can be performed when the application is being entered into the system, it should be performed to ensure simple errors are eliminated at source.

Specific rules need to be added to prevent applicants or capturers adding “garbage data” for instance sequential numbers in a passport number: A123456 or the same pattern field content added e.g. Name: aaaaaaa Surname: bbbbbb.

Best practice database principles should be implemented to safeguard the production environment. Some of the suggestions are:

- a. Dimensional data model with change tracking (historical data store and archiving). The change tracking should either be on SCD1³⁹ (for fields that rarely change for example visa type) or SCD2⁴⁰ (for fields that change more regularly for example passport number) principles.
- b. Separation of user roles on the database. For instance, do not have one user that can make all the changes on the database. Split the duties to limit the chances of having no tracking of changes to the database.
- c. Trace log settings should be on for audit trails.

³⁹ SCD1 = Slow changing dimension type 1: This keeps only current data and does not maintain historical data.

⁴⁰ SCD2 = Slow changing dimension type 2: This keeps current as well as historical data in the table. It allows you to insert new records and changed records using a new column surrogate key by maintaining the version number in the table to track the changes. The business key and old surrogate key is recorded in the history table.

6.5. Information Verification

The department should re-emphasize the importance of verification of information, submitted by applicants to the different areas of government, such as the South African Police Service (SAPS), the Department of Higher Education and Training, the Department of Employment and Labour, and the Department of Trade, Industry and Competition, to professional bodies, SAQA, and banking institutions. Information received timeously and accurately will speed up the visa/permit process.

6.6. Security Vulnerability

All users assigned to all systems should be reviewed to ensure that they are valid and are allowed to work on the identified system. A log of all users added (with proper authority granted for system access) and removed from all systems has to be kept and frequently reviewed by management to ensure that the correct users are utilising the relevant DHA systems. This log should be backed up frequently to allow for historical searches as well. Logs need to be activated on all critical systems and reviews of said logs needs to be completed and reported on weekly, to ensure they are working, and that the exceptions are acted on immediately to remedy problems as soon as possible.

The use of outdated and unsupported software, e.g. Windows XP, must be stopped to ensure that the Department's network is not vulnerable to the threats this software exposes it to.

6.7. Fraudulent applications

Notwithstanding the following relevant sections in the Immigration Act, non-qualifying persons are still issued with visas and permits.

As indicated in our analysis of the regulatory environment, section 29(1)(f) of the Immigration Act provides that any person who is found in possession of a fraudulent permit, visa, passport or ID is a prohibited person, not eligible for entry into, residence in and not allowed

to apply for a visa. If that person presently holds a valid visa but becomes a prohibited person, that visa is supposed to be withdrawn.

Section 48 states that “no illegal foreigner shall be exempt from a provision of [the] Act or be allowed to sojourn in the Republic on the grounds that he or she was not informed that he or she could not enter or sojourn in the Republic or that he or she was admitted or allowed to remain in the Republic through error or misrepresentation, or because his or her being an illegal foreigner was undiscovered.”

Section 49(14) makes committing any act of misrepresentation to gain residence into the country a criminal offence. Such person must be reported to the SAPS immediately and flagged on the V-List when discovered.

6.7.1. Withdrawal of fraudulently/wrongly obtained visas

The Immigration Act permits the withdrawal of a visa, permit and citizenship by the Minister of Home Affairs.

However, fair administrative action requires that this must be preceded by affording the holder the opportunity to make representations on why the visa must not be withdrawn. A fair process is mandated by the Constitution of the Republic of South Africa and the Promotion of Administrative Justice Act, Number 3 of 2000 (PAJA).

In this regard, the Minister would be required to inform the person of an intention to withdraw wrongly and/or fraudulently acquired visas and permits within a certain period and afford any affected party a reasonable opportunity to make a representation in this regard.

All fraudulently or wrongly obtained visas and permits identified via this review and the further investigation recommended should, following the fair administrative action, be withdrawn and the foreign nationals vlisted and deported.

6.7.2. PRP by virtue of citizen spouse - Fraudulent Marriages

Considering that this permit is a pathway to citizenship, and in the light of the concerns about fraudulent marriages, the DHA should consider imposing a longer time, either for a PRP or before application for citizenship. However, in either case, there must be empirical evidence of abuse of the visa by fraudulent marriages to justify any legislative changes. Whilst the period prescribed in the Immigration Act for the duration of a marriage to place a foreigner on the path to a PRP compares favourably and is consistent with other jurisdictions, the extent of South Africa's experience of abuse may well justify stricter prescriptions for qualification.

The analysis of the relationship between gaining a PRP on the basis of a spousal relationship and a divorce thereafter could not be performed, due to this information not always being available on the electronic data available on the NPR system. This information would be necessary to determine how prevalent it is that such marriages end up in divorce once the prescribed period has expired to qualify for a PRP and then naturalisation. The Committee has determined that the department is busy with obtaining the details related to a couples divorce, from the Department of Justice and Constitutional Development, which would assist with further investigation that is being recommended.

6.7.3. Fraudulent use of Cohabitation Agreements

The Committee is firmly of the view that notarial agreements should be subjected to legal scrutiny with the view to putting much more stringent conditions for their acceptance as proof of genuine cohabitation between parties.

In most cases of a visitors' visa (section 11(6)) applications that we have reviewed indicated that there is an excessive use of notarially attested cohabitation agreements. These kinds of unions enjoy protection as if parties are married to each other. Such agreements qualify the applicant as if married, which enable them to qualify initially for the said visa and enable a further PRP application in the future, should the applicant conform to the criteria required for such future applications.

The DHA could consider at least the joint interview of the partners to such notarial agreements before the consideration of any such applications. A comparative study of whether and how other jurisdictions deal with similar arrangements should be considered.

6.8. Visitor Visa

According to the Immigration Act, the holder of a visitor visa may not apply for a change in status from within the country, unless the Director-General determines that there are exceptional circumstances to permit this (s10(6)).

The Committee has not seen any records of what exceptional circumstances were found to be present in the cases that we have considered to permit visitor visa holders to apply for a conversion of their visitor visa status to asylum or work visa. Neither did we become aware of what factors are considered exceptional circumstances in general. We point out however that the courts have ruled against the department in cases where refugee status was declined on the ground that the applicant for refugee status had declared themselves as visitors when they arrived at a port of entry. Such cases, if they are genuine cases of asylum-seekers therefore qualify as exceptional circumstances for the purposes of s10(6).

In the absence of a record of what is considered exceptional circumstances for the Director-General to exercise his discretion to allow a change of status from a visitor visa, it is not possible to express an opinion on whether or not the discretion was properly exercised.

The waiver of visa requirements or conditions where there is a proven life partner relationship is not precluded by the Immigration Act.

The Committee firmly recommends that:

- (i) factors that are considered exceptional circumstances should be explicitly set out for consistency of application and to hold the officials who make these decisions to be better accountable; and that
- (ii) exceptional circumstances accepted by the Director-General for the purposes of section 10(6) be recorded in the applicant's file.

6.9. Retired Person Visa

Section 20 of the Immigration Act regulates the granting of a retired person visa. The Act does not stipulate an age limit for the visa. A retired person may, with the permission of the Director-General, conduct work in the Republic.

The regulations further determine the minimum amounts as payments per month from a pension or irrevocable annuity or retirement account of R 37 000 minimum payment per month or minimum net worth of R 37 000. These amounts were determined by the Minister in 2014 and have not kept up with increases in the cost of living in the country.

The monthly income and monthly net asset value required of an applicant are very low and easy to satisfy by many applicants from jurisdictions whose currencies are stronger than the South African Rand.

The scope for possible abuse of this visa is significant given the low threshold for qualification.

In this regard, the Committee recommends consideration of the following legislative changes:

- Imposing a minimum age for the retired visa and permit;
- Prescribing a higher income threshold; and
- Prescribing what work is permitted – consideration should be given to limiting this to critical skills.

6.10. The V-List

The integration of the V-List into VAS will need to be supplemented with additional information to make the flagging process more effective and stop the manipulation of the data. The mandatory fields should be:

- Date and time added;
- Official adding the record;
- Passport of person being V-Listed;
- Country of person being V-Listed;
- Date V-Listed from (dd/mm/yyyy);
- Date V-Listing ends (dd/mm/yyyy);
- Period of V-Listing (months/years);
- What the V-List category is;
- Free text description of category;
- If deported or not; and
- If deported what date.

6.11. Supporting Documents

The review of all supporting documents and how they are assessed have to be reconsidered to ensure that the supervisors, managers and adjudicators are consistently trained and made aware of document manipulation, and the *modus operandi* used by perpetrators during the application process to obtain visas and/or permits.

A full package of valid documents and what to look out for should be made available to adjudicators as reference material and should be continuously updated as the *modus operandi* changes over time. Training on the subtle differences in the detection of fraudulent documentation needs to be introduced.

6.11.1. Storing Sensitive Information in Secure Environments

All information pertaining to the entire visa process should be stored in secure servers with proper user access controls in place. Supporting documents and information pertaining to the visa system (foreign missions) should not be stored on isolated Window XP desktops.

6.11.2. Information Security Policy

There needs to be an overarching information security policy relating to systems, employees and data. This must drive and dictate the policies and procedures of actions to be taken to protect the integrity, confidentiality and availability of the DHA environment.

The disjointed and complex system databases or data structures is also a major security concern as this not only causes many data integrity challenges, but also makes it near impossible to implement proper risk controls and consequently, extremely difficult to detect any security breaches and to recover from them.

Complete audit trails should be in place for all systems. Audit trails that chronologically catalogue events or procedures to provide support documentation and history that is used to authenticate security and operational actions or mitigate challenges. It is a general principle that well-managed audit trails are key indicators of good internal business controls. Successful audit trails demand a top-down commitment by upper management, affected business units, and IT personnel. The quicker an abnormal change or addition to information is “red-flagged,” the better the response to mitigate against negative influences such as cyber-threats, security breaches, data corruption, or misuse of information.

7. Conclusion

All the irregularities and system weaknesses exposed in this report notwithstanding, the Committee is firmly of the view that by and large the South African permitting environment remains functional.

The irregularities and system failures cannot be said to have severely compromised the credibility of South African visas and permits. However, the DHA should act with greater speed to resolve the problems identified in this report if it is to prevent our face value documents from being called into question by other jurisdictions.

This report contains a high-level review rather than an in-depth investigation into single isolated cases. It is in that regard that the Committee strongly recommends the establishment of a multi-disciplinary task team to thoroughly investigate all the suspected cases of wrong doing identified by the Committee through its interaction with officials, the data, various documents and whistle blowers. This task team should be entrusted to prepare prosecution-ready files on each of the cases of suspected wrong doing.

The Committee hereby submits its report to the Minister of Home Affairs, Dr PA Motsoaledi, MP, for his consideration.

