



home affairs

Department:
Home Affairs

REPUBLIC OF SOUTH AFRICA

WHITE PAPER ON HOME AFFAIRS

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ACRONYMS

Abis	Automated Biometric Identification System
APP	Advance Passenger Processing
AU	African Union
AI	Artificial intelligence
BMA	Border Management Authority
CIPC	Companies and Intellectual Property Commission
DHA	Department of Home Affairs
Dirco	Department of International Relations and Cooperation
DPME	Department of Planning, Monitoring and Evaluation
DSD	Department of Social Development
DTI	Department of Trade and Industry
DTPS	Department of Telecommunications and Postal Services
GCIS	Government Communication and Information Systems
G2G	Government to government
G2B	Government to business
G2C	Government to citizens
Hanis	Home Affairs National Identification System
IDs	Identity documents
IoT	Internet of things
NDP	National Development Plan
NIS	National Identity System

NPR	National population register
PMO	Programme Management Office
PoEs	Ports of entry
Popi	Protection of Personal Information
RSA	Republic of South Africa
Sabric	South African Banking Risk Association
SANDF	South African National Defence Force
SAPS	South African Police Services
Saqa	South African Qualifications Authority
Sars	South African Revenue Service
UN	United Nations

FOREWORD BY THE MINISTER OF HOME AFFAIRS

This white paper presents, for the first time, a document that sets out the Department of Home Affairs' exclusive mandate and its central role in the state and society. A policy framework is provided that is firmly rooted in the Constitution. The framework begins with the mandate of the Department of Home Affairs (DHA), which is broken into four sub-mandate statements:

Mandate One: Management of citizenship and civic status

Mandate Two: Management of international migration

Mandate Three: Management of refugee protection

Mandate Four: Responsibility for the population register

The first mandate is to provide the nation with the means of knowing the identity and civic status of every citizen globally. This will enable the DHA to provide them with efficient civic services wherever they reside and provide the nation with the accurate statistics we need for planning and providing for the nation. Civic services includes issuing passports and other enabling documents that can be trusted locally and internationally. The freedom to travel is not only a constitutional right, in a globalised world, it is an economic necessity.

Mandates two and three are aligned to the 2017 White Paper on International Migration, which Cabinet approved in March 2017. This is fully integrated into the policy framework presented in this white paper. The aim in mandate two is to manage international migration efficiently and securely in the social, economic and cultural interests of all citizens.

It is in all our interests to regulate immigration to maximise its benefits and minimise its risks. This white paper provides the vision of a DHA that has the capacity to implement the policy and manage international migration effectively.

Mandate three applies specifically to the protection of persons who have been granted refugee status in accordance with the Refugees Act. This Act is directly based on our country's ratification of the Geneva Conventions, which define a refugee as someone who has a well-founded fear of persecution. The DHA that we are building has officials and systems that can manage the adjudication of asylum seekers humanely and securely, in collaboration with relevant stakeholders. The policy framework includes establishing a national commission to lead and coordinate this work, with the DHA remaining fully responsible for administering the Refugees Act.

Mandate four gives the DHA the responsibility for a modern and fully inclusive population register that incorporates cleaned up data from the current population register. The population register will store selected records produced in real time by modernised civic registration and immigration systems. Given the rapid advance of the fourth industrial revolution the population register must be digital, integrated and operate in the cyber environment using e-identity.

The population register will be a critical enabler of access to efficient services and inclusive economic growth. Policy and legislation will specify the data that must be reflected in the population register, and govern its use. The population register will be supported by a National Identification System (NIS) that will use a multi-modal Automated Biometric Identification System (Abis). Abis will replace the outdated Home Affairs National Identification System (Hanis) system.

A number of departments and institutions such as banks verify identity using the current system, which has reduced fraud and improved services. The new population register will achieve much more, enabling all persons to access modernised government services by securely verifying their identity. The statistics generated will mean better planned and responsive services. It will also enable us to expand our digital economy, creating a trusted environment for thousands of small and medium businesses.

The basic problem confronted in this white paper is that the DHA's legacy model is preventing it from delivering on its full mandate as required in a sovereign, democratic state. The only viable option in the longer term is to replace the current model by repositioning the DHA as a modern, secure department, managed strategically by professionals. Such officials must be technically competent, citizen-centred and actively involved in national security within their mandate.

The strategic importance of repositioning to a modern, secure DHA was advocated strongly by the Department of Planning, Monitoring and Evaluation (DPME), which stated in its mandate paper that the population register and the NIS in particular must be accorded the highest priority as it will be central to efforts to modernisation efforts across all departments and will realise large gains in efficiency, while reducing costs.

Another compelling reason to support repositioning the DHA is the importance of its systems and data in the fourth industrial revolution. The emerging global economy is knowledge-driven, highly connected and highly distributed. The same e-government services that will empower marginalised citizens and connect them to the economy will also attract and retain talented migrants from around the world.

The last section of this white paper provides an overview of how we will reposition the DHA and ensure that it can deliver on its full mandate. The internal strategy adopted builds on the gains made by the department through interventions to improve service delivery. After a preparatory phase, a repositioning programme will be launched, with staff mobilised to build the new model while undergoing retraining. The staff will continue to improve their services to citizens and other clients by applying their new skills.

The strategy has an external component that recognises another critical success factor: integrating the repositioning programme into other government programmes to build a state that can give all citizens access to efficient services and economic opportunities.

To conclude, realising the vision of a modern, secure DHA that strategically delivers its full constitutional mandate must be regarded as a national project that will be a victory for all South Africans.

SECTION A: POLICY FOUNDATIONS OF THE DEPARTMENT OF HOME AFFAIRS

Introduction to section A

Chapter one: The importance of the Department of Home Affairs

Chapter two: Current status and problem statement

Chapter three: A coherent Department of Home Affairs policy framework

Summary of the key points of section A

INTRODUCTION TO SECTION A

Section A primarily discusses the policy foundations of the DHA based on the Constitution. Chapter one explains the mandate, policies and legislation of the DHA, which are rooted in the Constitution of a sovereign, democratic state. It provides an in-depth account of the strategic importance of the DHA to addressing the country's constitutional, developmental and security challenges.

Chapter two provides an overview of the DHA's operations and its core business. While its basic services have improved, the DHA cannot deliver its full mandate because it is constrained by an outdated model that cannot be modernised or meet the complex challenges faced by South Africa.

The root problem is that most people perceive the DHA as delivering routine administrative functions that are not strategic and do not require modern systems or specialists. The reality is that the DHA is a critical enabler of citizen empowerment, inclusive development, efficient administration and national security. To address this gap in perception needs a shift of understanding, with the DHA repositioning itself to fulfil its vision of being a fully modernised and secure department, with professional staff and appropriate operating, organisational and funding models.

Chapter three sets out a policy framework that will be used to draft coherent legislation and will be a guide to strategy and implementation. The policy framework is aligned to the DHA's newly formulated mandate and its role in addressing challenges of inclusivity, development and inequality, and building a capable state. The framework incorporates elements of existing policy, including the 2017 White Paper on International Migration.

CHAPTER ONE: THE IMPORTANCE OF THE DEPARTMENT OF HOME AFFAIRS

- 1.1 The centrality of the DHA mandate
- 1.2 The DHA's constitutional roots
- 1.3 Defining the DHA mandate
- 1.4 The strategic importance of the DHA

1.1 The centrality of the DHA mandate

This white paper does not intend to change the DHA's mandate but to clarify it and provide a policy foundation.

The DHA's core functions are a fundamental part of all human societies. Throughout history, managing identity and status has been essential for societies to organise work, distribute resources and ensure that people's rights and identities are protected.

Identity refers to the unique set of identifiers that distinguishes an individual from all other individuals. In modern states the key identifier is typically a unique number allocated soon after birth, and can be linked to that person by biometrics and other means.

Status is the assigned category of persons based on shared criteria, such as being citizens of a country, married, a child, a voter or a mother. Civic status refers to criteria attributed to citizens by a state, typically including a record of vital life events such as marriage.

Managing migration is also an essential part of human development. All current societies are a product of historical migrations of individuals and groups. Relations between states are regulated to allow for these flows of people, skills and trade. Decisions have to be made about migrants who cross the border, such as those looking for economic opportunities and those who claim asylum. States that manage these flows to minimise risks and maximise benefits have generally thrived because they realise the advantages of migration in terms of knowledge, productivity and trade.

Since the earliest states, keeping official records and registers of the population gave people a legal identity and status, and made it possible for them to sign official contracts, pay their taxes and access legal systems. No social

organisation can function without knowing the identity and status of the individuals it interacts with. Knowledge of identity and civil status is essential to production, administration and personal and collective security. Civil registration provides an official affirmation of identity and aspects of status such as nationality. In modern states, this identity is essential to taking part in democratic elections and it is the main source of the vital statistics essential for the state to effectively provide services.

1.2 The DHA's constitutional roots

The policy framework and laws that enable the state to establish the legal status of every individual in South Africa is the foundation of our sovereignty and the legitimate exercise of state power. Affirming the identity and status of every citizen at birth is indispensable for the state, which must respect, protect, promote and fulfil their constitutional rights.

The third clause of the founding provisions in chapter 1 of the Constitution of the Republic of South Africa (1996) states, "National legislation must provide for the acquisition, loss and restoration of citizenship." Without a national register of citizens, this obligation cannot be fulfilled and there cannot be "Universal adult suffrage and a national common voter's roll..." as prescribed in the first clause.

Civil registration is defined as the continuous/permanent, compulsory, universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements in each country, with full respect of rules regulating the protection and privacy of individual information. ... every person has the right to an identity as bestowed through civil registration. *Handbook on Civil Registration and Vital Statistics Systems (United Nations Statistics Division, 2017), p. 8.*

This means the state must record all the events in an individual's life that could affect their legal status, such as birth, marriage or death. This must be done in line with the laws of the country. There is also a need to respect the privacy of this information and protect it.

The Constitution has four basic elements that are closely related and rely on the DHA performing its core functions efficiently and effectively.

The first element is national sovereignty and self-determination. The sovereignty of any state is at risk if it does not know who its citizens are. The DHA is central to providing the state with information on the identity and status of all the people within the country. Without this information the integrity, security and sovereignty of the state itself cannot be guaranteed. As a state institution, the DHA is constitutionally bound to work closely with the security services and other institutions to protect the state's sovereignty and the rights of citizens to safety and security.

The second element is to access the rights set out in the Bill of Rights. The Constitution states that the Bill of Rights is a cornerstone of South Africa's constitutional democracy. Section 7(2) of the Constitution obliges all state institutions to respect, protect, promote and fulfil the Bill of Rights.

The Bill of Rights is in chapter 2 of the Constitution. It protects the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

The DHA is mandated to develop and manage an identification system that serves the Constitution. This includes the Bill of Rights, all constitutional rights and obligations that depend on our functions, and a just and efficient administration as defined in chapter 10: Public Administration of the Constitution. We have the sole mandate to affirm and regulate official identity and South African citizenship. Specifically, according to the Constitution:

- “No citizen may be deprived of citizenship” *section 20*
- “Every child has the right to a name and a nationality from birth” *section 28(1)(a)*
- “Everyone has the right to leave the Republic” *section 21(2)*
- “Every citizen has the right to a passport” *section 21(4)*.

By affirming citizenship, we essentially build a single national identity and enable the state to provide access to, and administer, services efficiently and securely. This key role ensures that individuals are able to access all the rights set out in the Bill of Rights. Citizens who cannot affirm their official identity cannot access social services, participate in an election, legally cross a border, open a bank account, travel by plane or sign a contract. They are also not added to the official statistics used to plan and provide services, and future generations will not know they existed as they are not recorded on the civil register.

The third element is national security. Section 12 of the Constitution guarantees people freedom and security. In chapter 11 of the Constitution, national security is linked to preserving and enhancing social justice and rights. As made clear in the Constitution, this is grounded on the sovereignty, integrity (territorial and institutional) and values of our nation, the Constitution repeatedly upholds the principle that national security is the responsibility of every citizen, Parliament and every organ of state.

National security can be broadly defined as a nation defending its sovereignty and the integrity of its state and institutions; ensuring safety and security; and providing for its people.

The DHA clearly plays a key role in national security on two levels. On the first level, we enable and empower all citizens and institutions to access their rights and exercise their responsibilities, including in relation to national security. By providing enabling documents and an identity system you can prove, for example, that you are eligible to vote. The same system enables individuals and institutions to manage their security effectively, such as checking on the identity of persons they hire.

On the second level the DHA actively assists national security as a key element of the security architecture and systems of the state; for example, the DHA's Movement Control System detects persons who are wanted by Interpol and may be a threat. To deliver against this mandate, the DHA must operate in a highly secure environment. No country trusts a passport that is not secure. Protecting the integrity of the population register enables the state to

use it to secure the nation. An attack on the integrity of the population register strikes at the heart of any nation and the sovereignty of any state.

The fourth element is managing international migration. This mandate plays a key role in determining how South Africa relates to the rest of humanity, globally and regionally. The world is politically and geographically divided into more than 200 states that are interconnected. South Africa is signatory to many agreements and conventions governing the movement of persons, such as visa agreements and the UN and AU protocols on asylum seekers and refugees.

The DHA is responsible for the identification and immigration status of all foreign nationals in South Africa. Only DHA immigration officers can lawfully permit persons to leave or enter the country or specify conditions. The 2017 White Paper on International Migration sets out the principles and policies for managing these functions within the framework of the Constitution and in the context of South Africa being a developmental African state in a complex, globalised world. International migration that is poorly managed, with laws that are not enforced, results in increased corruption, human rights abuse and risks and threats that impact on citizens and migrants. International migration that is well managed is essential to development in a globalised economy that is knowledge and skills based. This is why the 2017 White Paper on International Migration includes managing emigration, which refers to South Africans who live and work in other countries.

1.3 Defining the DHA's mandate

The DHA's mandate, as set out in its policy framework (discussed in chapter three), is to have sole authority for the following functions of the state.

- Mandate One: Management of citizenship and civic status
- Mandate Two: Management of international migration
- Mandate Three: Management of refugee protection
- Mandate Four: Responsibility for the population register

The legislation that we administer is based on these mandates. Only the DHA can affirm a person's identity, issue a South African identity document or passport, or register a birth, death or marriage. No other department can affirm or grant citizenship. Only an immigration officer appointed by the DHA has the authority to allow you to enter or leave South Africa or issue a visa or a permit. Only the DHA can grant asylum seeker or refugee status.

The term "management" in our mandate is a two-step process. The first is to allocate responsibility for specific functions of the state, typically to a minister who delegates this authority, but also to legally designated officials. The second is to be held accountable for capably managing and developing these functions within the scope of the mandate. The 2017 White Paper on International Migration states that the whole of society must take responsibility for managing the international migration function. However, at the national level, the general principle is that one

executive authority must be accountable for ensuring that the function is monitored, effectively administered and strategically managed.

Mandate one requires the provision of civic services, which currently covers the administration of citizenship, identification and the registration of vital life events that change your civil status, such as birth, marriage and death. Foreign nationals have access to these services, either directly through civic service legislation; or indirectly via immigration legislation. A foreign resident, who gives birth, marries or dies in South Africa, must be registered here and their country informed so that their state can update its civil register.

The acquisition of dual citizenship by a South African has the potential to affect both their civil and immigration status. For example, areas such as marriage and the nationality and custody of children often give rise to complex issues of status that have international aspects.

1.4 The strategic importance of the DHA

The socio-economic importance of the DHA's mandated functions is evident in all our lives and in the National Development Plan (NDP). Social justice for all citizens is impossible without an efficient state and economic restructuring, redistribution and growth. Our core functions are essential for inclusive development and enable the state to establish conditions that empower citizens.

The NDP aims to eliminate poverty and reduce inequality by 2030, by uniting South Africans of all races and classes around a common programme.

In addition, all South Africans share an identity with other Africans, and the nation's future depends on African states achieving collective goals, such as set out in Vision 2063. Underlying this vision is a common imperative: to replace economic systems rooted in colonialism with industrialisation, free trade, and the free movement of people and goods. This vision will be realised if African states have reliable population registers, and harmonise and manage efficient and secure migration and borders. The DHA has been actively involved in driving this agenda, with South Africa having hosted two conferences of African ministers responsible for civic registration.

Our role and functions are highly strategic as they enable South Africa, as a sovereign nation and an African state, to confront two unprecedented global challenges facing humanity. The first challenge is climate change and threats such as the mass extinction of species, and water and food crises. Instability, wars, environmental disasters and mass migration are already real-time trends. The second challenge is the fourth industrial revolution, which is rapidly transforming economies and societies globally, and offers solutions to environmental and developmental problems. The emerging digital economy and society is dependent on the data required to create, manage and distribute value such as goods, services and knowledge.

The **fourth industrial revolution (4IR)** is a new industrial era, with economic activity driven by technological change and organised through the internet of things, smart software and data.

The DHA's mandate is essential for building a state that can harness the fourth industrial revolution to:

- manage its resources, such as water, and protect its environment
- achieve very large gains in efficiency and a radical improvement in access
- have the ability to deliver services according to local and individual needs
- use learning and learner management platforms to retrain the workforce
- take other steps necessary to manage the change from a centralised economy to a networked and distributed economy.

All these goals require real-time “big data” that is current and reliable, linked to accurate population statistics, verified identities and the status of persons. This has led to the DHA initiating the building of a new population register to replace the current population register. The new population register will generate the critical data needed by an e-government and e-commerce to function, and will be the backbone of all platforms requiring the e-identity of persons, linked to their identity as natural person and to their civic and immigration status. This will apply to all government, commercial and administrative platforms and to most production and logistical processes.

In a dynamic and unpredictable world, managing identity and migration is central to security at all levels. If your identity is stolen, your personal well-being, security, rights and dignity is compromised. The security of the organisations and community you belong to is also compromised; and so is the national security of South Africa and other countries.

The same system allows the rapid facilitation of global travel by legitimate travellers, as stated in the 2017 White Paper on International Migration. The DHA is an integral and active part of:

- building a capable state
- the national security systems of the state
- citizen empowerment by enabling access to rights and services
- inclusive economic development.

These four roles are interdependent: the NDP is premised on inclusive development taking place in an enabling and stable environment.

CHAPTER TWO: CURRENT STATUS AND PROBLEM STATEMENT

2.1 The DHA's current status

2.2 Problem statement

2.3 The DHA's current status

The current DHA operating model

An operating model includes all the elements that need to work together for an organisation to deliver against its mandate: the values, governance, policies, legislation, people, systems and organisation. We currently operate on a **mixed model** consisting of legacy elements such as an outdated organisational model and document management systems, and modernised elements such as fully digital systems for providing smart ID cards and passports.

Our basic operating model evolved after 1994, when 11 racially and ethnically fragmented departments were combined to form the DHA. It was vital at that stage, both practically and symbolically, for the new state to have an accessible identity and civil status system in every town for all citizens. The first population register was the basis of the voters' role used in the first democratic elections. A fleet of mobile offices was later added that partially addressed the lack of access to services in underserved areas, where most citizens still live due to colonialism and apartheid. However, our resources have never been sufficient to reproduce paper-based offices in every large community, or that conform to a standard design. Technological developments can now provide solutions such as online applications and service points that are located in banks or shopping malls.

The 2007-09 turnaround programme saw a significant investment in governance, systems, service culture, security and training. The key strategy was to update the operating model and, through better management of processes, to give citizens predictable and acceptable turnaround times for identity documents (IDs) and passports. These strategies produced positive results that restored confidence in the DHA and greatly improved staff values, morale and skills. Establishing a call centre (now an in-house client services centre) and an SMS system spared millions of South Africans from waiting in queues and saved them time and money. Changes to technology, culture and management reduced systemic corruption, assisted by the establishment of a Counter Corruption and Security unit that works closely with law enforcement agencies.

Table 2.1: Operating profile of the Department of Home Affairs as at March 2018

Element of the current operating model	Quantity/ status	Notes
National department with operations in all nine provinces and abroad Provinces are headed by provincial managers (chief directors)		
Front line offices, visited by clients who are served at counters and at booths for digital services	214 Non-digital	Provincial, large, medium and small offices within municipal boundaries. Almost all offices are rented and many cannot be digitised because broadband is not available. Digital services will soon include registering births, marriages and deaths
	198 Partly digital	
Bank branches hosting DHA service points using an online e-Home Affairs	14	Clients of banks apply, pay and make bookings online for IDs and passports
Health facilities connected for birth and death registration	391	Served mainly by part-time staff based in front line offices
Old mobile units, used to extend our footprint and for outreach programmes	57	All are being converted into digital mobile units or small offices
New and refurbished mobile units with digital systems	79	During 2018-19 16 mobile units procured and equipped with IT equipment. All mobile units awaiting connectivity from SITA
Designated ports of entry (PoEs)	72	Air, land and sea
DHA represented abroad at South African missions	30	In other missions the work is delegated to Department of International Relations and Cooperation (Dirco) officials
Refugee Reception Centres	4	Mostly process asylum seekers, over 90% of whom are economic migrants
	18 354	Asylum seekers registered January to December 2018
Premium visa and permit centres	4	One-stop centres aimed at businesspeople, in partnership with development corporations and a visa facilitation company
Lindela Repatriation Centre	1	For persons awaiting deportation
	24 266	Deportations in 2018-19 financial year
Total staff complement end of 2018-19 financial year	9 049	About 60% at levels 6-8; with matric as the highest qualification
Total volume of old green ID books issued IDs (2018-19)	241 309 1 st issue & re-issue	New issues plus replacements. The highest priority for services and security is the complete replacement of the old green ID book with smart ID cards
Smart ID cards issued to end March 2019	12 648 868	The aim is to replace all old cards with the much more secure smart ID cards
Total volume - passports (2018-19)	740 259	All issues of machine-readable passports
Total births registered (2018-19)	816 698	Births of citizens within 30 days, as legally required
Critical skills visas	5 935	Adjudicated within 4 weeks
Business and general work visas	1 572	Adjudicated within 8 weeks
Permanent residence permits	7 810	Adjudicated within 8 months

Element of the current operating model	Quantity/ status	Notes
Total border crossings (2018-19)	42 100 000	All persons crossing through PoEs (movement of travellers)
Annual budget (2018-19), including transfers to the IEC and RPPF	9 047 439 Billion rand	R1, 965 billion transferred to the IEC and R149 394 000 to Represented Political Parties Fund(RPPF)
2014-15	70%	Audited performance of the DHA against annual targets achieved in the plans voted for in Parliament
2015-16	81%	
2016-17	84%	
2017-18	86%	
Annual revenue (2018-19)	R1.140 BILLION	Agreement with Treasury to use to defray specified costs
Proportion of budget spent (2018-19)	100%	
Audit outcome (2017-18)	Unqualified	Signifies that basic standards were met in financial governance, management and controls

Current limitations of identity and status management systems

The current population register largely consists of a register of the civic records of citizens and the same system is used to process applications. It records biometric and biographic data specified in the Identification Act and in other legislation or regulations relating to birth, marriage, death, citizenship, travel documents and change of sex. Family connections are captured, as in the case of birth and marriage. Each of the Acts is administered by systems that feed decisions and data into the population register, which in the current system is done directly by front office clerks.

The population register also contains databases of foreign nationals granted permanent residence under the Immigration Act (2002) and refugee status under the Refugees Act (1998). These foreign nationals can apply for enabling documents that clearly show that they are not South African nationals.

The integrity of a population register depends on the security and reliability of all systems that make changes to its data. A fraudulent registration of birth identifying a person as a South African, gives someone South African citizenship fraudulently. They will then illegally access constitutional rights, such as the right to vote and access state resources. If it is the late registration of an adult, that adult presents a security risk for any institution they work for and for the country. For example, they might use a false identity to license a firearm or sign a contract.

As currently positioned, none of the systems that support the population register are adequately secured and operated by suitably trained staff within the kind of security system found in organisations such as Sars, Dirco or banks. The same gaps explain why the processes are prone to errors and are not fully reliable. Most of the systems are

Biometric data is based on distinctive, measurable characteristics used to describe individuals, such as fingerprints and photos.

Biographic data in this context derives from the registration of vital events such as birth or marriage plus information required such as an address.

outdated and not integrated, and there are loopholes in policies and legislation. The population register depends on inclusivity. All births, deaths and marriages should be registered as prescribed, but currently the DHA has little capacity to enforce its legislation. Early birth registration is globally considered essential for a secure population register, which explains the Act stipulating a 30-day deadline for new birth registrations. About 30% of South African citizens fail to register births within 30 days.

The DHA's services, systems and information have a high value. Systemic and security weaknesses are exploited by opportunistic officials, and by local and transnational criminal syndicates who recruit them. Serious consequences include large losses by the public and private sectors due to fraud, the imposition of visa restrictions by other countries and the loss of public confidence in the system and the organisation.

From 2007, the DHA has made significant efforts address the challenges described above, as outlined in annexure A. Core systems are now more secure and efficient through the use of biometrics, among other measures. The dominant culture, drawn from DHA values, is one of service to citizens and protection of the population register. However, while these efforts have resulted in most citizens having a positive experience when applying for an ID or passport, and banks can rely on biometric checks against the population register, a large number of persons experience difficulties when accessing DHA services. **This is because any undertaking to transform our identity and status management functions is constrained by the following structural factors:**

- The current DHA model derives from that used by the apartheid-era Home Affairs that served persons classified as white. This model presupposed a relatively small number of clients being served by low-level clerks who had access to all required documents. The skewed development and extreme inequalities that is the legacy of apartheid South African society means that large areas of the country and large segments of the population remain without sufficient access to services because of a lack of infrastructure, networks or the records required.
- People who were attached to “bantustans” during apartheid were denied South African citizenship. As a result, they were denied access to the national system for birth certificates, which is the foundation of the population register. Many South African families thus face complex problems with trying to determine their identity and status. These problems require expert front line officials and modern back office systems and specialists to resolve. This is the vision of a repositioned DHA.
- The current model of the DHA is generally perceived as being a routine administrative department that is less strategically important than departments such as Dirco, the National Treasury, or the major service delivery departments such as Health or Education.
- This perception has led to insufficient investment in building a modern DHA with the following elements –
 - A secure, efficient system for document and records storage and retrieval
 - An adequate footprint and dedicated offices
 - A modern staffing structure with well-trained staff and key specialists such as business process analysts and statisticians
 - Integrated, reliable fully digital systems and networks

- A security system within which staff, systems, data and infrastructure are adequately monitored and protected.

The consequences of being constrained by an outdated model are serious. For individuals and families, it means the standards set for many services are not reliable. To amend or rectify data on the population register often depends on retrieving an original record that can take hours or months to find. Some countries require a vault copy of a birth or marriage certificate before issuing a work or residence permit. An inheritance, a scholarship or a job may be at stake and it is the poor and marginalised who are most at risk.

The consequences are also serious for the economy and government administration. Some people are blocked from accessing rights and services while others find opportunities to defraud the systems. The direct cost to the insurance industry and other sectors, and to the fiscus through social grants and pension fraud, is far greater than investing in a modern, secure DHA staffed by well-trained officials.

Managing international migration and refugees

As pointed out in the 2017 White Paper on International Migration, it is costly not to invest in secure and efficient systems. The model of international immigration adopted in the 1999 White Paper was mechanical and compliance-based rather than risk-based to address serious policy and strategic issues. For example, there was no mention of the historical labour flows in Southern Africa, and specifically into South Africa. These flows resulted in the small asylum system being overwhelmed by economic migrants claiming asylum.

Compared to several other African countries, South Africa hosts relatively few migrants that have been granted refugee status based on the conventions ratified and established in the Refugees Act (1998). South Africa has adopted a non-encampment policy for sound reasons: refugee camps can attract major risks in terms of humanitarian, cost and security considerations. The main problem is the lack of adequate administrative machinery for processing asylum seekers efficiently, humanely and securely. The DHA has been addressing these gaps. The existing process has improved over the last five years, but a large backlog remains, and funding is currently not available to implement the remedial measures set out in the 2017 White Paper on International Migration.

One factor is that the courts have granted asylum seekers the right to work because no provision is made for their basic sustenance. This has led to the asylum system providing irregular migrants with access to *de facto* work permits, although they do not qualify under the Immigration Act. In weakening South Africa's ability to manage migration, these and other policy and capacity gaps have contributed to xenophobic attacks, high rates of document fraud, and inefficient and vulnerable immigration systems that hold back development and expose the country to risks such as transnational crime.

At the level of policy, the DHA began to close these gaps in the 2017 White Paper on International Migration. The white paper follows best practice globally by adopting a risk-based, collaborative and strategic approach to managing international migration. It proposes establishing processing centres where different categories of asylum

seekers can be provided for while being processed, through coordinating the work of government and non-government role players. This would remove the need to allow asylum seekers to work.

Other examples of the principle of a managed approach to migration include:

- The 2010 Soccer World Cup being successfully managed, which subsequently helped South Africa to become a premier destination for global events.
- The special dispensation for Zimbabweans working or studying in South Africa, which is an interim measure that applies these principles to managing migration strategically. It has resulted in a large number of irregular migrants being regularised, with Zimbabwean passports issued and their details and biometrics captured onto the South African system.
- Clients applying for visas at the offices of visa facilitation partners in 12 centres in other countries and in 12 centres in South African cities, two of which are one-stop business centres run with a local development agency. The DHA adjudicates all applications taken in by this company at a central hub, reducing inefficiency and the risk of corruption.

The new DHA operating model will be based on these principles, which are being implemented as funds and other enablers become available. The next phase will see an end-to-end DHA process for all visas and permit transactions, including those initiated at missions. A related development is our capturing travellers' biometrics of at PoEs.

Interdepartmental cooperation is essential to effectively manage international migration and achieve security and economic objectives. The Border Management Authority (BMA), which is being established, will enable the relevant departments in the border environment to coordinate the delivery of their mandates. These departments include Health, Agriculture, Sars, the DHA, the SAPS, and the SANDF. The BMA will implement their respective mandates as a single, integrated organisation covering both the border and PoEs.

Effective border management globally is intelligence led. Sharing and analysing data, and coordinated operations, are essential for securing borders and for efficiently and securely moving people, vehicles and goods through designated PoEs. As stated in the 2017 White Paper on International Migration, managing migration is a state-wide responsibility that is shared with other countries. A critical role for the BMA, supported by Dirco, is to continue to build cooperation through bilateral and multilateral agreements, especially at a regional level. An example is harmonising systems and developing one-stop border posts with neighbouring countries.

The modernisation programme and systems development

By 2012 it was evident that while incremental improvements continue to be made, transforming the DHA in line with its constitutional mandate requires a modernisation of its functions in terms of people, systems, organisation and infrastructure.

The vision for the department is to build one integrated digital platform with a single population register at its centre that serves both civic and immigration functions. Such a platform requires a new operating model, with highly-trained officials guided by appropriate values and legislation within a secure environment. Details of this model are provided in section B of this white paper.

Guided by this vision, the programme to modernise our systems and technology accelerated after 2012, and has already improved both civic and immigration services. The use of online to biometrics verify identity has enabled the DHA to develop systems for the end-to-end digital processing of smart ID cards and passports. Similar processes for birth, death and marriage registration are currently being phased in.

2.1 Problem statement

Defining the problem and the challenge

By 2016 it had become increasingly evident that the DHA's existing operational, organisational and funding models were constraining the modernisation process, with negative consequences for its sustainability and effectiveness. The problem was rooted in South Africa's history and in the structural features of the post-1994 South African society and state.

It was also clear that, to complete the modernisation process and deliver against our full mandate, three significant shifts had to happen.

- Firstly, how the DHA is perceived must shift towards an understanding that its full mandate is a key enabler of citizen empowerment, economic development, efficient administration and broadly-defined national security.
- Secondly, the DHA must be positioned as being central to building a capable state that can confront extreme inequality, climate change and the impact of the fourth industrial revolution.
- Thirdly, the DHA must realise its vision of becoming a fully modernised, secure department with professional staff (in the broad sense of the term) and appropriate operating, organisational and funding models.

Repositioning the DHA, refers to a process of changing the way people understand our mandate; making the DHA a strategic state resource; establishing a new model DHA; and operating to incorporate all three of these changes

So far, the DHA's transformation trajectory (summarised in figure 2.1), has been limited to improving our legacy model, which enables us to deliver only a part of our mandate. So, while service delivery improved for many citizens, we could not meet all our constitutional obligations and contribute effectively to achieving critical national goals.

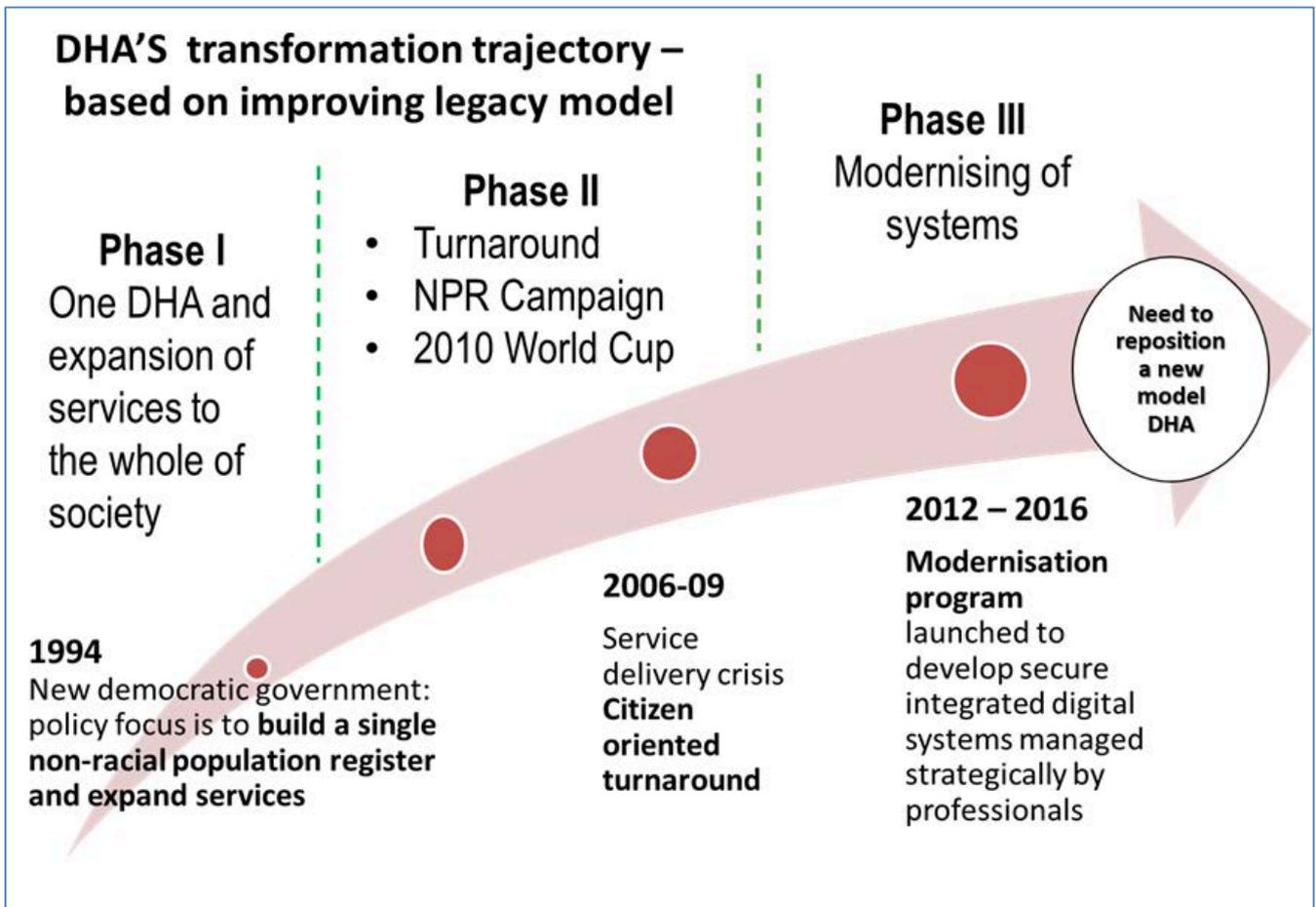


Figure 2.1: Phases of the transformation trajectory of the DHA

Problem statement

For historical reasons related to the nature of the apartheid state, South Africa as a nation has a limited understanding of the mandate and importance of the DHA. This has contributed to the DHA not being positioned to deliver against its sole mandate:

- To manage official identity and civic and immigration status
- To be the sole custodian of a secure population register
- To manage international migration in the interest of South Africa
- To manage protection of refugees in line with constitutional and international obligations
- To contribute actively within its mandate to broadly-defined national security.

Had the DHA been positioned as a secure, modern department, it could have been a strategic enabler of empowered citizens, economic development, efficient administration and national security. Instead, it has generally been thought of as a routine administrative department of little strategic importance that produces IDs and passports and issues visas and permits. The DHA does not have the legislation, budget, staff or organisation required to complete its modernisation programme; to maintain and protect its systems; or to enforce its legislation.

Given the centrality of data in the fourth industrial revolution, the DHA has begun building a population register that will be the backbone of e-government and e-commerce. This will close the digital divide and enable all citizens to access information and efficient services. The population register will process data critical for integrated planning, efficient administration, effective accountability and fraud prevention.

In 2017, Cabinet announced that it had approved the business case for repositioning the DHA as a secure, modern department to fulfil its full mandate as a key enabler of empowerment, development and national security.

The primary purpose of the White Paper on Home Affairs is to address this problem by providing a solid policy foundation; present a vision of the future model; and show how we can implement the policy and make the vision a reality.

CHAPTER THREE: A COHERENT HOME AFFAIRS POLICY FRAMEWORK

OVERVIEW OF CHAPTER THREE

A policy framework for Home Affairs is set out below that, for the first time, covers the DHA's full mandate. It should be noted that no new mandate is introduced and the policy framework is firmly grounded in the constitutional obligations that were summarised in chapter one of this white paper. The DHA's new outcomes statements are derived from the broader interpretation of its mandate; and each DHA outcome is supported by a set of policy goals and principles.

The term "management" is used in each of the mandate statements and is explained in section A, 1.3. Management is used as a key concept for two reasons: to define responsibility for a function of the state; and to define the scope of that responsibility in terms of the strategic, inclusive and developmental administration of that function. In this sense, management includes ensuring that we have an enabling environment and structures to achieve our mandate such as legislation, a national strategy aligned with national goals and established programmes that are monitored. The concept of management was also used as a key principle in replacing the compliance-based 1999 White Paper on International Migration with the 2017 White Paper on International Migration, which is incorporated in this policy framework.

Annexure B to this white paper provides the reader with an opportunity to compare the previous vision, mission, values, objectives and outcomes statements with the policy framework presented below. The statements are taken from the DHA 2017-2018 Annual Performance Plan that was approved by Parliament together with the budget.

The previous vision statement was "A safe, secure South Africa where all of its people are proud of, and value, their identity and citizenship". The vision statement set out below is more directly aligned to the DHA's mandate and its importance in achieving national goals that are also constitutional imperatives. In other respects, there is a strong continuity between the two documents, as in the case of the previous value and mission statements.

Another significant difference is the separation of the management of civic registration (mandate one) from the management of an inclusive population register of selected data drawn from civic and international migration systems (mandate four). The identification function will, in future, reside under mandate four and not under civic services. There are policy, administrative and strategic reasons for separating these two mandates. In a digital age the management of identity and the processing and access to data become central and need to be protected and administered within a robust policy framework.

The reasons for separating the general management of international migration (mandate two) from managing a system that administers asylum and refugees is based on the two functions having different policy foundations, as well as administrative needs, as explained in this chapter.

3.1 A coherent Home Affairs policy framework

Vision

A South Africa where identity, status and citizenship are key enablers of citizen empowerment and inclusivity, economic development and national security.

Mandate:

Mandate One: Management of citizenship and civic status

Mandate Two: Management of international migration

Mandate Three: Management of refugee protection

Mandate Four: Responsibility for the population register

Mission:

The DHA carries out its mission in line with its commitment to citizen empowerment and inclusivity, economic development and national security, by:

- Being an efficient and secure custodian of citizenship and civic status
- Securely and strategically managing international migration
- Humanely and efficiently managing refugee protection
- Efficiently determining and safeguarding the official identity and status of persons

Values:

The Department of Home Affairs is committed to being:

- Patriotic
- People-centred and caring
- Security conscious
- Development orientated
- Ethical and having integrity
- Professional and showing leadership
- Effective, efficient and innovative

DHA outcomes:

Outcome 1:

Citizenship and civic status are efficiently and securely managed to fulfil constitutional and international obligations.

Outcome 2:

International migration is securely managed in South Africa's interests and to fulfil international commitments.

Outcome 3:

Asylum and refugee system is efficiently and humanely managed in compliance with domestic and international obligations.

Outcome 4:

The population register is securely and efficiently managed to empower citizens and enable inclusivity, economic development and national security

Cross-cutting outcomes applying to all four mandates

Outcome 5:

The DHA plays an active part in national security, within its mandate and as part of the security system of the state.

Outcome 6:

A DHA that enables a capable and developmental state and inclusive development through the efficient and secure delivery of its mandate.

The outcomes related to each mandate will be realised if the following policy goals are achieved and the policy principles followed:

Mandate One: Management of citizenship and civic status

Outcome 1: Citizenship and civic status are efficiently and securely managed to fulfil constitutional and international obligations.

Policy goal 1: The DHA will ensure that the citizenship and civic status of all South Africans is affirmed and secure, and will provide civic status services to foreign nationals in South Africa.

Policy principle (a)

No citizen shall be deprived of citizenship.

Policy principle (b)

Citizenship shall be highly valued and naturalisation shall be granted where this advances national interests and values.

Policy principle (c)

The DHA will provide South Africans, domestically and abroad, with access to secure and efficient citizenship and civic status services.

Policy principle (d)

Foreign nationals will have access to civic services to record vital events and make the data available to their states as prescribed.

Mandate Two: Management of international migration

Outcome 2: International migration is securely managed in South Africa's interests and to fulfil international commitments.

Policy goal 2: The DHA ensures that international migration is managed securely to advance economic, social and cultural development.

Policy principle (a):

The DHA efficiently facilitates the admissions and departures of citizens and foreign nationals.

Policy principle (b):

The DHA manages permitting processes based on security considerations and national priorities.

Policy principle (c):

The DHA contributes to integrating migrants into South African society according to its mandate and the location of this responsibility within the state.

Policy principle (d):

The DHA facilitates positioning international migration within the African development agenda and in line with the African Union Agenda 2063.

Policy principle (d):

The DHA facilitates maintaining relationships with South African expatriates according to its mandate and the location of this responsibility within the state

Mandate Three: Management of refugee protection

Outcome 3: Asylum and refugee system is efficiently and humanely managed in compliance with domestic and international obligations.

Policy goal 3: The DHA ensures the secure and humane management of refugee protection.

Policy principle (a):

The DHA ensures that the protection of asylum seekers and refugees is effectively managed by the state in partnership with relevant responsible parties.

Policy principle (b):

The DHA ensures that administrative arrangements are in place to provide access to basic services and to the means of subsistence for asylum seekers in need.

Policy principle (c):

The DHA manages the process of finding durable solutions regarding the future of migrants who were granted refugee status by South Africa.

Mandate Four: Responsibility for the population register

Outcome 4: The population register is securely and efficiently managed to empower citizens and enable inclusivity, economic development and national security.

Policy goal 4: The DHA establishes and maintains a population register in accordance with the Constitution, legislation and the needs of a sovereign, democratic and developmental nation.

Policy principle (a):

The DHA compiles and maintains an inclusive, digital population register that is secure, accurate and confidential.

Policy principle (b):

The DHA is the sole provider of official documentation relating to the identity of civic and international migration status of citizens and foreign nationals in South Africa.

Policy principle (c):

The DHA is the sole provider of official identity and civic status verification services.

Policy principle (d):

The DHA manages the population register data it is responsible for, in compliance with applicable prescripts governing its processing and use.

Cross-cutting outcomes related to all four mandates of the DHA

Outcome 5: The DHA plays an active part in national security, within its mandate and as part of the security system of the state.

Policy goal 5: The DHA actively contributes to national security by managing risks, enforcing compliance with relevant prescripts and actively participating in security-related structures and processes.

Policy principle (a):

The DHA establishes and maintains an appropriate security culture and system within which it operates.

Policy principle (b):

The DHA actively participates in relevant structures responsible for national security in accordance with its mandate.

Policy principle (c):

The DHA provides the state with early warnings and responsive reports of risks and threats to national security within the scope of its mandate.

Outcome 6: A DHA that enables a capable and developmental state and inclusive development through the efficient and secure delivery of its mandate.

Policy goal 6: The DHA actively uses its mandate to enable efficient, accountable administration and inclusive development.

Policy principle (a):

The prescripts, organisation and funding of the DHA are aligned with enabling a state that has efficient administration at individual, local and national levels.

Policy principle (b):

The prescripts, organisation and funding of the DHA are aligned with enabling inclusive development at individual, local and national levels.

Policy principle (c):

The DHA is staffed by professionals who have the values and skills required deliver its mandate efficiently, strategically and responsively.

SUMMARY OF THE KEY POINTS OF SECTION A

Section A is intended to provide a better understanding of the important of the DHA's mandate. Building on that understanding, it provides a picture of the DHA's current operating model and the extent to which it can fulfil its mandate in the context of a sovereign democratic state facing severe challenges. The section goes into the systemic reasons for the DHA not being able to deliver against its full mandate, despite launching large-scale initiatives that have improved service delivery.

The conclusion reached in chapter two is that the DHA must move to a new operating model to deliver its full mandate and enable citizen empowerment, inclusive development, efficient administration and national security. A vision is presented of a DHA that is fully modernised, secure and staffed by professionals, broadly defined. For this to happen, the importance of the DHA must be recognised and it must be repositioned as central to the building of a capable, development-orientated state confronted by critical local and global challenges.

Chapter three provides a coherent policy basis for building and operating the new DHA. The wording of the policy framework set out above can be refined, but the content reflects the kind of policy environment that is generally found in capable states. It should not be viewed in isolation, but together with other relevant policy frameworks and legislation, such as the Protection of Personal Information (Popi) Act.

SECTION B: THE SCOPE OF THE DHA MANDATE AND RELATED INTERVENTIONS

Introduction to section B

Chapter four: Management of citizenship and civic status

Chapter five: Management of international migration

Chapter six: Management of refugee protection

Chapter seven: Responsibility for the population register

Summary of the key points of section B

INTRODUCTION TO SECTION B

The main purpose of section A was to establish the importance of the constitutional obligations of the DHA; explain why the department cannot adequately meet those obligations; and set out a coherent policy framework that defines its mandate and guides its execution.

Section B was added to the white paper after the publication of first draft of the white paper in the Government Gazette for public comment on 18 January 2019. Public comments and engagements with stakeholders revealed that the respective mandates of the DHA had not been explained in sufficient detail or depth.

Another important change is that in the published draft of the white paper there were only three mandates. Mandate one was defined as “Manage the official identity and status of persons”. In the current draft, mandate one has been changed to “Management of citizenship and civic status”. The new mandate four is: Responsibility for the Population register. The need to create separate mandates became apparent in the inputs received, our stakeholder engagements and working with the team responsible for building the new population register.

In section B, each of the four mandates of the DHA is discussed in more depth. The first part of each chapter deals with the scope of the mandate. Firstly, the mandate is looked at in terms of its constitutional and legislative scope.

Secondly, it is viewed in terms of its functional scope. Thirdly, there is a discussion of the scope of the domestic and global context.

In the second part of the chapter, an overview is given of the current status of, and limitations to, delivering the mandate. The achievements and challenges differ for each mandate, but a pattern begins to emerge that confirms the analysis presented in section A of the white paper: that the DHA must reposition to a new model that will allow it to deliver its full mandate.

The third part of each chapter paints a picture of the future that indicates what Home Affairs is striving to achieve in delivering the mandate. The scenarios are necessarily brief. What they try to reveal is the policy intent of the vision and the benefits for the nation.

Each of the four chapters concludes with a high-level view of the basic enablers and capacity required to realise the vision.

Section B concludes with chapter seven. At its heart will be an inclusive population register incorporating key data from the civics register and immigration systems. The design and operations of the population register are outlined, as is its future role as the backbone of a digital South Africa.

CHAPTER FOUR: MANAGEMENT OF CITIZENSHIP AND CIVIC STATUS

- 4.1 The scope of mandate One
- 4.2 Current status and limitations
- 4.3 The envisioned future
- 4.4 The enablers and capacity required

4.1 The scope of mandate one

The **constitutional and legislative scope** of mandate one is determined by constitutional obligations interpreted by the policy framework outlined in chapter three of this white paper, read together with current policies and legislation relating to citizenship and civic status. The current legislation is listed in table 4.1 below.

Table 4.1: Civic service legislation administered by the Department of Home Affairs

<p><u>Births, marriages and deaths</u></p> <ol style="list-style-type: none"> 1. Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) 2. Regulations made under the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) 3. Marriage Act, 1961 (Act No. 25 of 1961) 4. Regulations made under the Marriage Act, 1961 5. Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) 6. Regulations made under the Recognition of Customary Marriages Act, 1998 7. Civil Union Act, 2006 (Act No. 17 of 2006) 8. Regulations made under the Civil Union Act, 2006 	<p><u>Citizenship</u></p> <ol style="list-style-type: none"> 9. South African Citizenship Act, 1995 (Act No. 88 of 1995) 10. Regulations made under the South African Citizenship Act, 1995 <p><u>Travel documents and passports</u></p> <ol style="list-style-type: none"> 11. South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994) 12. Regulations made under the South African Passports and Travel Documents Act, 1994 <p><u>Identity documents and identification</u></p> <ol style="list-style-type: none"> 13. Identification Act, 1997 (Act No. 68 of 1997) 14. Regulations made under the Identification Act, 1997 15. Alteration of Sex Description and Sex Status Act, 2003 (Act No. 49 of 2003)
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Mandate one gives direct effect to chapter 1, section 3 of the Constitution (Founding Provisions), dealing with citizenship; and chapter 2 (Bill of Rights) sections 20 and 28(1)(a). These sections respectively state: “No citizen shall be deprived of citizenship” and “Every child has a right – to a name and nationality from birth”. It follows that the scope of persons having a claim on the DHA in terms of mandate one is:

- Every person with a legal right to being affirmed as a South African citizen, globally
- Every child born on South African territory, with respect to having their name and nationality registered.

The **functional scope** of the mandate is how the mandate functions as part of the state and broader South African society. Mandate one primarily involves securely and inclusively capturing civil registration data relating to the vital events of the lives of all citizens globally, starting with the capture of details of their birth, nationality and parents; and ending with their death. This enables citizens to access fundamental rights and services. It is also the basis of the national and international statistical systems used for planning and policy development. The United Nations Statistics Office has published international guidelines on the standard data that should be captured in a civil registration system.

Key civic records such as birth, death and marriage certificates are kept on the population register along with other data specified in legislation, which in South Africa is the Identification Act, 1997. A secure and inclusive civic registration system is the foundation of a sound population register, which is used across the state and society to verify official identity and civic status, linked to a unique identity number and biometric data that currently consists of fingerprints, photographs and signatures.

A compromised identity would mean that you will be unable to vote, open an account, apply for work, enrol at a college, get married, apply for a passport or obtain any kind of licence. Tens of thousands of databases use your ID number from the DHA as a key field, from the membership of a club, to payroll systems and the electoral register. Increasingly, systems such as security and banking are interfacing directly with the DHA to enable fast, accessible services at lower costs. Given its critical functional importance in a digital age, the population register and identification have been located under a fourth mandate: Manage the population register. This mandate is discussed in detail in chapter seven.

Civic registration is based on recording biographical data of the vital events in the life-cycle of citizens and other persons who have a right to use that service according to policy and legislation. The collection of official biographical data begins at birth. If a child is the descendent of one or more South Africa citizens, the DHA must affirm the child's citizenship as South African, wherever they are born, and provide the new citizen with a unique identification number. As long as that person remains a citizen, further biographical and biometric data such as photographs and fingerprints will be added to their records. The biographical data is related to the vital events defined in birth, marriage and death legislation. If a child is a foreign national, the birth is recorded for administrative purposes; the parents are issued a birth certificate that records their details, nationality and place of birth; and the embassy of the child's country is provided with the data so that they can add the child to their civic register. The same principle is applied to the registration of marriage and death.

The data captured on the civic registrations system has biographical, biometric, relational and transactional dimensions, and is typically linked with a unique identifier such as a number and a fingerprint. Without verifying the identity of the mother of a child, its birth cannot be registered. The relationship is captured on the birth certificate along with the date, place and other details of the transaction. In South Africa, a citizen's biometrics is currently captured at age 16 and the citizen issued with their first official identity document. When the technology is available, the biometrics of newly born citizens should be captured to protect their identity.

Foreign nationals who have permanent residence and refugee status are issued with identification documents and, in the case of refugees, travel documents that specify their nationality.

As explained in chapter one of this white paper, mandatory constitutional obligations can only be met if the state establishes an efficient and inclusive system that registers the unique identities of all persons who make up the population – both citizens and non-citizens. The United Nations and the African Union are among many international bodies that stress the importance of secure, accurate and inclusive civic registers as they are essential for human rights and democracy, statistics, planning, economic development and the national security of sovereign states.

If you do not know who your citizens are, then it is not possible to manage international migration effectively or provide your citizens with trusted travel documents. Maintaining a civic register requires the population to be provided with civic services that affirm their identity and civic status and give them access to their legal rights and other services, such as education and health. The civic services provided in South Africa are listed in table 4.2.

Table 4.2: Civic registration and identification services currently provided by the DHA

<p>1. Birth registration</p> <ul style="list-style-type: none"> • Issue of full and abridged birth certificates • Late registration of birth • Registration of foreign birth • Adoption 	<p>2. Citizenship status determination and verification:</p> <ul style="list-style-type: none"> • Application for naturalisation • Application for retention of citizenship • Application for exemption from loss of citizenship • Application for resumption of citizenship • Application for renunciation of citizenship • Determination of citizenship status adjudicated • Confirmation of citizenship status letter
<p>3. Death registration</p> <ul style="list-style-type: none"> • Issue of abridged and full death certificates • Registration of foreign death 	
<p>4. Issuing of travel and citizenship documents</p> <ul style="list-style-type: none"> • Issuing of identity documents • Issuing of passports • Refugee identity document • Issuing of refugee travelling documents 	<p>5. Marriage registration</p>
	<p>6. Divorce decree</p>

The **contextual scope** of mandate one refers to the context in which the policy, legislation and functions must be administered. This will inform strategic decisions related, among others, to the resources and systems required to deliver the full mandate; the respective roles and responsibilities of state and civil society actors; and accommodation of the functions within the macro organisation of the state.

Civic registration has a very large client base and footprint. Approximately 60 million citizens currently require at least six direct transactions with civic registration services over their life-cycle, if there are no complications. In the South African context of successive colonial administrations and migrant labour there are many complications, as millions of South Africans have errors on their records that negatively affect their lives and families. Most African people born before 1994 had never had their births registered by the state and there were two years when many African males were given the same birth dates on their identity documents. Apartheid fragmentation of functions meant that some records of marriages may still be kept at a magistrate’s court, depending on your racial classification.

Citizens' data on DHA civic registers will be used many thousands of times through enabling documents or by being lodged on various systems. Examples include accessing pensions, child-support grants or funds in a bank account, or applying for permits and visas to visit or stay in other countries. For instance, China requires a vault copy from the original birth certificate before issuing certain visas. The DHA must provide civic services to every community where South Africans reside, and record the birth, marriage or death of foreign nationals if the event occurred in South Africa.

4.2 Current status and limitations

Mandate one will be delivered in full if all civic registrations of citizenship and birth, marriage and death on South African territory is delivered efficiently and securely according to coherent and relevant policies and enabling legislation that is grounded in the Constitution. However, skewed development, high levels of poverty and structural inequality mean that access to civic services and physical and social infrastructure in general remains highly unequal. Furthermore, apart from the registration of every birth, marriage and death, there are a number of subsidiary services that have to meet the same service and security standards. Examples are adoption, change of name, recording of a divorce, acquisition of dual citizenship, marriage to a foreign national, or correction of an error such as a wrong date of birth or death.

A key indicator of effective civic registration in South Africa is the percentage of citizens who are registered within 30 days of birth as required by law. This is because international experience confirms that early birth registration is essential for the integrity of the civil registration process. From 1 April 2017 to 31 March 2018, a total of 745 204 births of citizens were registered within the mandatory 30 days, or approximately 70% of the 1.1 million births that occur annually. Prior to the national population registrations campaign and other initiatives, the compliant registration rate was closer to 50%. Compliance was also improved by the connection of most health facilities (391 at March 2018) to enable the online registration of births and deaths by DHA officials. This also helps ensure that over 90% of the remaining births are recorded within 12 months as late registrations. However, during the 11-month gap, planning the operation of health and other services is compromised by a lack of documentation and statistical errors. A number of these babies have their identities stolen by syndicates working with corrupt officials, who sell them to foreign nationals who want to register their children as South Africans. Subsequent fraud and illegal access to state services will cost the fiscus hundreds of millions of rand, despite penalties for fraud being substantially increased.

The situation is made worse by the absence of a centralised electronic system for registering the birth of foreign nationals. Instead, their birth is manually recorded and a hand-written certificate is given to the parents who are reminded to register the birth at their embassies. If the record of the birth is required later, for example to settle a dispute about the child's nationality, it is likely that the manual record will not be found or will take several weeks to trace.

The gaps in the administrative process reflects gaps and loopholes in policies, laws, regulations and standard operating procedures. This is chiefly because much of the legislation dates to pre-1994 regimes and was

deracialised and then amended multiple times in an ad hoc way to deal with problems. There is no coherent framework in place as a policy foundation for the civic registration system.

Despite the DHA initiating a range of systemic improvements over the past 10 years, the situation of birth registration outlined above also applies to the registration of marriage and deaths. Outdated systems, a lack of enforcement, an absence of policy and fragmented legislation are still rife. The view of the DHA as a routine administrative department of little strategic importance contributes to the courts being very reluctant to go beyond fining those who defraud the systems, even though lengthy custodial sentences are an option.

4.3 The envisioned future

As explained in more detail in section C, the DHA is committed to repositioning from its legacy model to building a model that can make effective use of digital technology and professionalised staff. All civic registration processes, whether for citizens or foreign nationals, will be digitised and automated from end to end. The issue of smart ID cards has demonstrated that the DHA can design, establish and manage routine paperless processes that require a minimum of human interventions. The potential benefits are very substantial, as listed below. The birth registration process is used as an example, but similar benefits will accrue across all services.

From the parent's point of view, the immediate benefit would be quick access to efficient and secure services. The front-end of the birth registration process will be the health facility where the birth takes place. The mother's identity will already be on the system and details of the birth will be captured online.

Other steps in the birth registration process will involve verifying the father's identity and entering the child's name, supported by digital signatures. Multiple online options will be available to all communities that have internet access.

- Support will be available 24 hours a day from a client centre or, where necessary, from a front line official who will also investigate exceptions, irregularities or high-risk cases.
- At the back end, quality and risk checks will be undertaken by officials, supported by software tools, before the birth record is added to the population register. Authorised persons, by verifying their identity, could then access digital copies of the birth certificate online.

Clients such as the Department of Health will derive large direct benefits from the system. The availability of real-time, reliable digital records of the new citizen will enable that department to deliver coordinated services, such as vaccinations and other medical procedures, through automated processes at much lower costs. At an aggregated level, using software to analyse "big data" will allow officials to detect epidemics and other threats early, and evaluate treatments. Planning for services such as education could accurately predict the infrastructure and resources needed. Over the shorter term, the state will realise large savings by preventing fraud and through the efficiency gains made possible by smart management of digital systems using accurate data.

The indirect benefits of investing in modern, secure civic registration processes are important. All the services are mandatory, while at the same time engendering a sense of inclusion and national consciousness. However, if the state cannot provide access to secure and efficient services, people will feel discriminated against, which will create a lack of trust. The impact on economic development will be substantial. In a globalised digital economy there are expectations of fast, responsive services. Skilled workers, entrepreneurs and capital will move to countries where nobody has to queue to register a birth or a marriage.

4.4 The enablers and capacity required

To realise the benefits from effectively delivering mandate one, the DHA has to complete its modernisation programme and build new operating, organisational and funding models. Building capacity to protect the data, systems and staff of the DHA is just as critical as enablers such as relevant policies and resources for training and delivering services. End-to-end automated processes can only be secure if the governance, management and security elements of the system are designed, developed, tested and maintained.

CHAPTER FIVE: MANAGEMENT OF INTERNATIONAL MIGRATION

- 5.1 The scope of mandate two
- 5.2 Current status and limitations
- 5.3 The envisioned future
- 5.4 The enablers and capacity required

5.1 The scope of mandate two

The **constitutional and legislative scope** of mandate two is defined in four main areas: the Republic of South Africa (RSA) is a sovereign state with a defined territory; it is a constitutional, democratic state with a Bill of Rights; it must act responsibly to help ensure we have a peaceful, orderly world to live in, including the honouring international agreements; and the DHA has a responsibility to contribute to its national security.

There is no direct reference to borders or international migration in the Constitution. However, the foundational concept of sovereignty and the need to secure our people, territory, government and institutions is reinforced in many places, implying the existence of borders and other states. Indirectly, the presence of non-citizens in some provisions of the Constitution is implied because some provisions apply only to citizens and others cover all persons. The right of citizens to a passport and foreign travel implies the crossing of borders, agreements with other countries and the state having systems that will enable its passports to be trusted by other states. This specific constitutional provision requires that we fulfil both mandates one and two.

The Act and regulations administered under this mandate fall mainly under the Immigration Act, as indicated in table 5.1. Identity documents, travel documents and citizenship, including naturalisation, are required to manage international migration, and currently fall under mandate one: Management of citizenship and civic status. These areas are jointly administered.

Table 5.1: Immigration legislation currently administered by the Department of Home Affairs

Immigration Act, 2002 (Act No. 13 of 2002)
Regulations made under the Immigration Act, 2002

The Inspectorate, created under the Immigration Act, is responsible for enforcing all mandatory DHA legislation that has sanctions. For example, fraud involving the acquisition of citizenship or enabling documents such as passports can result in a sentence of eight years in prison. Inspectorate officials have been granted the status of

peace officers under the Criminal Procedures Act and can, among other powers, investigate and make arrests. The Inspectorate is responsible for deportations and repatriation.

The mandate to designate and manage ports of entry gives the DHA the sole authority to permit people to enter and exit South Africa. The daily administration of this mandate involves the legislation of a number of other departments, such as the SAPS, Sars, Health, Agriculture and Transport. The mandate involves areas such as issuing visas and permits, and deportations. These also involve working with the legislation of other departments including Dirco, Correctional Services, Social Services, Trade and Industry and Labour.

Immigration officers are based at a number of missions abroad and provide services under both mandates one and two while forming part of the staff of the mission, which is the responsibility of Dirco. In missions where the DHA is not present, Dirco officials are delegated to administer relevant DHA Acts.

The legislative environment outlined above largely evolved historically. The apartheid-era Aliens Control Act was deracialised and better aligned with the Constitution through the Aliens Control Amendment Act, 1995. The 1999 White Paper on International Migration provided a policy basis for the current Immigration Act of 2002, which has been amended several times.

A policy review was conducted to address serious gaps in the 1999 White Paper, which was largely compliance-based and poorly aligned with constitutional imperatives such as sovereignty and development. It therefore did not include emigration in its scope or respond to the realities of a post-colonial society. No provision was made to manage historical flows of migrant labour. All these issues are addressed in the 2017 White Paper on International Migration, which replaced the 1999 White Paper and is risk-based, development-orientated and aligned to the Constitution and national interests. It explicitly recognises that managing international migration requires the support of the whole of society. The 2017 White Paper on International Migration is the basis of an ongoing comprehensive review of immigration legislation.

The **functional scope** of the mandate and powers of the DHA must be defined within the broad framework described above, guided by constitutional values and principles, and enabling legislation must be enacted. The DHA has the sole authority to regulate immigration and the movement of persons into and out of South Africa. Only the DHA can authorise the entry and exit of a foreign national and prescribe conditions of stay by managing a system of visas and permits. This requires a system that maximises the benefits that foreign nationals bring and minimises risks to the nation. It also requires the functional capacity to monitor, enforce and, if necessary, detain and deport. The DHA must designate ports of entry and no person can legally enter or leave through a port of entry without the permission of an immigration officer. This requires a movement control system and immigration officers that are trained to manage risks that range from health to terrorism, in collaboration with relevant departments.

The **contextual scope** of mandate two is clearly one of the broadest and most complex in government. Immigration law is among the most complex areas of legislation and must be applied in a world divided into more than 200 states that are all bound together by trade, travel and thousands of international agreements, conventions and protocols. For example, the passport checked by an immigration officer must comply with standards set by an international body. If the migrant comes from a visa-exempt country, that is the result of a bilateral agreement in which both

countries weigh risks against benefits, informed by research and discussion typically involving departments responsible for security, trade, foreign affairs and immigration. The relaxing of a visa could lead to an émigré community being established, bringing with it valuable resources, as well as risks and needs that will require state resources.

The domestic context of managing mandate two is also complex. The entry or exit of persons into a country has an impact on the whole of society. An immigration decision can also be highly strategic. If a leading scientist in a crucial field decides to immigrate to South Africa or become a long-term resident, they could build our knowledge base, attract research and funding and potentially enable economic development that will create tens of thousands of jobs. The DHA saw that young South African professionals across a number of fields are emigrating because countries are relaxing work permit requirements when they graduate abroad. A decision was made to similarly relax conditions for foreign post-graduates in South Africa in relation to critical skills that are scarce. In Brazil, a foreigner who graduates must leave the country and apply for a work permit from abroad. In South Africa, a foreign graduate with a qualification that is listed as a critical skill can stay for several months to find appropriate employment.

Any assessment of the migration environment must include the impact of climate change, globalisation and a rapidly expanding industrial revolution. Mass forced migration is already one of the most serious problems all states have to confront, and South Africa is among the most exposed to risk. Without efficient governments using integrated digital platforms, states will not be able to deal with the risks and threats. States will also not retain, attract and retain **sufficient** skills and capital, create jobs and compete in the emerging knowledge-based global economy.

5.2 Current status and limitations

Given the scope of the mandate to regulate and strategically manage international migration, it is surprising that in South Africa the function is widely regarded as being limited to routine administration. There has been little investment in the efficient, secure and coordinated management of international migration. This is reflected in the DHA's legislation, funding, human resources, systems and position in the state. The DHA has no statistician, specialist analysts or economist and the Immigration Branch does not have a dedicated legal team. Until 2017, as discussed above, the policy platform (the 1999 White Paper) also reflected the routine administrative basis of immigration policy. This is a legacy of colonialism: in all other states – including other post-colonial states – the management of immigration is seen as risk-based and strategic, and key functions are located within the security system.

Enforcement capacity is below that of other middle-income countries, as is the capacity to safely adjudicate visas and permits. There are less than 800 inspectors to cover all functions across South Africa and about 250 dedicated staff to process permits and visas globally. The DHA has therefore had to work with a private visa facilitation company domestically, whereas other countries only use their services abroad. A major efficiency and security concern is the lack of a central adjudication centre globally that is connected securely to all missions that accept applications for visas. This prevents the full implementation of policy and strategy and the effective use of digital

systems. The global trend, driven by security, efficiency and economic imperatives, is towards online applications and a central adjudication hub.

Largely voluntary arrangements have been used to coordinate functional activities across government in areas such as enforcement, issuing work visas and permits and managing ports of entry and the border environment, including international cooperation. With respect to mandate two, the weakness of this approach has been most visible in managing ports of entry and the border environment, leading to the DHA being given the mandate to develop and lead a BMA. This would have a mandate to implement the policies of the main contributing departments at an operational level, namely the DHA, the SAPS, the SANDF, Sars, Health and Agriculture.

With respect to labour and skills-related issues, the 1999 White Paper referred to in the previous section recognises that South Africa has invested little in developing and managing the function. Other middle-income countries have established structures such as commissions that involve key state and civil society sectors and have research and planning resources.

5.3 The envisioned future

The future envisioned is one in which an integrated and efficient state has invested in the management of international migration as one of the pillars of a programme of inclusive national and regional development. Automated online systems provide access to efficient immigration services and generate the data required to manage risks and respond strategically to opportunities. This creates an environment required by a fast-changing digital economy managed by data, artificial intelligence (AI) and the internet of things (IoT). A citizen of the future expects fast, integrated immigration, tax and other official services wherever they work or invest. Regional systems are integrated and allow free movement of citizens of the region, with controls and safeguards in place.

Each sector of the economy will have a plan that indicates its short, medium and long-term priorities. These are considered when adjusting the points-based visa and permitting system. The overall priority is given to attracting and retaining the kind of talent with the generic skills needed to keep up with the demands of a knowledge-driven and globalised economy. In this regard, the strategy includes keeping South Africans who are out of the country in touch with its development needs and opportunities.

The environment for foreign nationals and their communities will be welcoming, with diversity highly valued for its economic, social and cultural benefits. An integrated state equipped with real-time data is able to ensure that it responds to needs and provides services according to policy and available resources. In a digital world there will be global systems powered by AI that enable funds, taxation and services such as medical insurance to follow persons across regions and, eventually, globally.

The immigration officer equipped to work in the kind of environment described above will be a professional with appropriate skills, values and knowledge; covering law, human rights, security and development.

5.4 The enablers and capacity required

There are models available internationally of relatively well-managed international migration with highly-trained professional staff equipped with coherent policies and laws, integrated systems and reliable data. In a fast-changing world characterised by climate change and an industrial revolution, these systems must be technology-enabled.

For these models to work effectively they need to be located within a state and a society that shares and supports their vision of managing migration to support development and minimise risks. This is reflected in legal frameworks and institutions that enable coordination across the state and civil society, with controls, monitoring mechanisms and sanctions in place. In such an environment a culture develops in which the majority of citizens trust and support the system and are aware of its benefits and obligations.

CHAPTER SIX: MANAGEMENT OF REFUGEE PROTECTION

6.1 The scope of mandate three

The **constitutional and legislative** scope of mandate three is defined by the Refugees Act and the international commitments it gives effect to, including the constitutional obligation for South Africa to honour international agreements. Section 231 of the Constitution provides guidelines on how the country enters into international agreements, including their binding nature once they become law. Even where South Africa was not a signatory to any agreements, sections 11 and 12 of the Bill of Rights entrenches the fundamental rights and freedoms of every person living in South Africa, irrespective of any form of status. Therefore, decisions would have to be made by the state in compliance with certain provisions of the Constitution, legislation and administrative instruments that are in place.

The decision has to be made each time a foreign national enters South African territory, legally or otherwise, and claims asylum on the basis that if they are not given refuge their lives would be at serious risk because their state cannot protect them from persecution or conflicts such as war, or is persecuting them. The Refugee Act defines an asylum seeker as a person who is seeking recognition as a refugee in the republic, while a refugee is defined as any person who has been granted asylum in terms of the Act.

For any person to qualify for refugee status, one or all of the following circumstances under chapter 3 will have to apply;

- (a) owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her **former habitual residence is unable or, owing to such fear, unwilling to return to it; or**
- (b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or
- (c) is a dependant of a person contemplated in paragraph (a) or (b).

The above provisions come directly from the UN Convention. In the 1951 United Nations Convention Relating to Status of Refugees, there are provisions for specific rights that can be reserved for citizens if states choose to. Article 42 provides that "At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33, 36-46 inclusive". A majority of member states have, in signing the convention, reserved specific rights; right to work, education, own and operate business or trade.

The South African government has ratified the UN Convention and the AU Protocol without any reservations and refers to them in the Refugees Act. Countries also differ in how they deal with three principles that have an

international dimension. The first is the principle of non-refoulement, which holds that a country should not forcibly return refugees or asylum seekers to a country where they are liable to be subjected to persecution. The second principle is that asylum seekers should seek refuge in the first safe country they enter. The third principle is that countries are expected to cooperate and share responsibility for providing protection to asylum seekers and refugees. In practice, one country cannot return migrants to another country without that country agreeing; and cooperation is difficult between countries at very different levels of economic development and cooperation may require some form of assistance.

With regard to the functional scope of mandate three, there is a well-developed international system for managing asylum seekers and refugees that is used by most countries in different ways, whether or not they are signatories to the Convention. The system is supported by the United Nations High Commissioner for Refugees based in Geneva. This system is reflected in the Refugees Act and follows a logical sequence.

- Once a person is given asylum seeker status, they must be afforded protection and basic rights while their claim is being efficiently and humanely adjudicated.
- If their claim is found to have no basis, and there is no legal ground for them to remain in the country, a sovereign state has the right to oblige them to leave, including by deportation.
- If they are granted refugee status, the state must afford them protection and basic rights while the situation that they fled from continues. Some states confine them to an area or to camps, which must be secure and meet international standards. Other states allow them to integrate into communities, with support provided by the state in partnership with NGOs.
- Once they can safely return to the country they fled from, a durable solution must be found by the host country, the country of origin and the United Nations. They may be granted permission to remain under another status, such as temporary or permanent residence; or they may request to settle in a third country which agrees to accept them; or they will return to their own country.

The **contextual scope** of mandate three is determined by the push-and-pull factors that result in individuals and groups of persons crossing the border of South Africa and claiming asylum from persecution. Whatever the merits of their case, the DHA is obliged by domestic law and international commitments to adjudicate each claim in a way that meets legal and constitutional standards. The fact that South Africa is stable and has a constitutional democracy and independent judiciary is itself a strong pull factor. A second pull factor is South Africa's relatively developed economy and infrastructure.

The third pull factor is decisive: the South African state is relatively weak in comparison with its level of economic development and social and political challenges. This manifests at the level of national consciousness, efficient integrated administration and a lack of investment in the machinery needed to manage international migration and enforce legislation. The weakness of the state is of grave concern, given that push factors are already driving mass forced migration due to climate change, environmental degradation and the emerging global economy. The new globalised economy demands a high level of efficiency in the regulation of migration; and given mass migration, immigration that is poorly managed is likely to result in social unrest and the rise of anti-migrant extremism.

6.2 Current status and limitations

The resources available to the DHA to manage the asylum and refugee system are as follows:

- Four Refugee Reception Centres in Musina, Pretoria, Port Elizabeth and Durban where all asylum seekers have to report.
- A National Immigration Identity System (NIIS) that electronically manages processes, records and documents. A dedicated Automated Booking Terminal is connected to the system, issues an interview date and provides the asylum seeker with a temporary permit while awaiting adjudication.
- Two statutory authorities: the Standing Committee on Refugee Affairs (SCRA) and the Refugee Appeals Board (RAB).
- The officials based in the Chief Directorate: Asylum Seeker Management, who conduct adjudications and administer the system.

One administrative limitation currently being addressed is the condition in the Refugees Act (1998) that required the two statutory authorities to conduct their work as a quorum during the internal appeals and reviews. The Refugees Amendment Act, 2017, in seeking to address such challenges, has provided for a suitably qualified member of the Committee to be able to determine a case at the discretion of the chairperson. It further provides for flexible employment of members informed by volumes of work at a given time. This move is expected to go a long way towards addressing the lack of capacity at the SCRA and RAB, with the appeal process having backlogs of more than 140 000 persons.

Turnaround times for completing the adjudication process at Refugee Reception Centres have greatly improved and most applications are dealt within one to three months, depending on the category. The blockage at the appeal stage, however, leads to many cases taking several years to finalise. The adjudicators find that the claims of over 90% of asylum seekers do not qualify for refugee protection, and the majority are job seekers and other forms of economic migrants. As most asylum seekers do not meet the requirement for a work or business visa under the Immigration Act, they claim asylum as they expect the process to be delayed. This allows them to engage in economic activities while seeking to regularise their stay by any means available.

South Africa has relatively few migrants who are granted refugee status: according to the 2018 Statistical Report South Africa is home to only 82 823 active refugees. These refugees are granted rights similar to that of a permanent resident and are allowed to access social services, integrate into communities and seek employment. Active refugees are disadvantaged by the delays caused by the large numbers of economic migrants claiming asylum. Most of our resources are expended on asylum seekers, and the status of active refugees is not well understood by the public, which confuses the different categories of migrants.

Underlying this situation are serious policy, legal and structural challenges:

- South Africa and SADC have not put in place policies and systems that regulate historic flows of labour towards South Africa, in the interests of security and development.

- The current asylum system makes no provision for providing asylum seekers with basic sustenance in the form of food and shelter. Successive courts have thus ordered the DHA to provide them with temporary permits allowing them to work, study and run businesses. This is a powerful pull factor for economic migrants from as far as Asia.
- Asylum seeker status is by definition temporary. Adjudication should be completed before asylum seekers either integrate into communities or, for those whose claim is finally rejected, leave the country. However, the administrative blockages and the severe lack of capacity at the Inspectorate, mean that most do not integrate into communities. This leads to conflict as it puts severe pressure on resources and social services used by vulnerable South African work seekers and small businesses.
- The situation is readily exploited by organised criminal syndicates who recruit vulnerable migrants, use corrupt officials and are involved in human trafficking and smuggling networks that stretch as far as Bangladesh and the Horn of Africa.

6.3 The envisioned future

The number of economic migrants claiming asylum in South Africa will be minimised with the coordinated implementation of several strategies to address the structural causes. Collaboration with neighbouring and other SADC countries will be assured by agreements reached within a SADC framework. This involves a SADC work visa and quota system linked to the needs of specified sectors. Incentives include assistance with remittances and joint development projects. Enforcement capacity has been increased through close cooperation between the DHA, the SAPS and labour inspectors supported by data analysis and intelligence.

Criminal syndicates that have facilitated human smuggling, trafficking and fraud will be disrupted by a combination of better cooperation across government, and improved cooperation with international bodies and sending and transit countries in Africa and Asia.

Sharing data between the UNHCR, IOM and SADC countries will help develop the first third-country agreements to enable certain categories of asylum seekers who have transited safely through other countries before applying for asylum to be returned to the first safe country they entered. This will be linked to support for these countries where required, to offset the burden incurred by the asylum seekers remaining. It will also help ensure that the principle of non-refoulement is observed without being abused.

Building capacity within the asylum process, and in particular the appeals authorities, will save the fiscus far more than it costs. Coordinating support for the temporary protection of asylum seekers and the integration of refugees will be managed across the state and civil society by establishing a National Commission for Asylum and Refugees, which is proposed in the 2017 White Paper on International Migration.

The needs of asylum seekers will be assessed at an Asylum Processing Centre, and those that are indigent and have no organisation or family to care for them will be provided with basic services, sustenance and shelter. The provisions to work and study will be strictly managed and none will be permitted to open a business.

The commission will also lead in establishing and protecting the status of migrants granted refugee status, both nationally and at community level, and in coordinating support for them. This will form part of finding durable solutions when they are able to return to their countries of origin.

When conditions allow refugees to return to their home country, durable solutions will be efficiently negotiated using a system guided by a policy framework. This will be supported by available and reliable data regarding the refugees, conditions in their home country and the options and support available, such as resettlement programmes and offers of relocation to willing third countries.

6.4 The enablers and capacity required

The 2017 White Paper on International Migration refers to enablers and capacity at a priority level. One priority is to establish a viable policy framework and system for managing regional flows of labour. That will largely fall under mandate two and the Immigration Act, and involve close coordination with Dirco, Labour and the Department of Trade and Industry (DTI).

Another priority is to establish, at an appropriate stage, a National Commission for Asylum and Refugees that will work closely with the DHA, other departments and stakeholders that include refugee bodies and NGOs who support asylum seekers and refugees. The commission will be involved in managing the Asylum Processing Centres, which will assess asylum seekers to provide them with assistance by the state and national and international partners. The adjudication process will be facilitated by available resources, such as translators.

Before we establish the commission, the existing system must be made more efficient, humane and secure by adding capacity, providing ongoing training and building an integrated digital platform that will modernise or replace the existing system (NIIS).

Underpinning the above interventions is a need for further policy development that includes a framework for managing the discovery of durable solutions and implementing national strategies that are linked to national development planning.

CHAPTER SEVEN: RESPONSIBILITY FOR THE POPULATION REGISTER

7.1 The scope of mandate four

Mandate four gives the DHA responsibility for the population register, which incorporates an identification function. Globally, the scope of population registers has expanded because of **contextual** changes. Underlying this growing trend is the need to build capable states, which require reliable, secure population registers for the following reasons.

- Confronted by a rapid fourth industrial revolution, states must create the conditions to modernise their societies and integrate into a digitised and highly connected global economy.
- States must meet the rising expectations of citizens who demand accessible, efficient and affordable services.
- States must confront trends such as growing inequality, rising unemployment, a shrinking tax base and higher debt levels.
- States must ensure that their citizens survive the impact of climate change and environmental crises.
- States must provide national security in an unpredictable world, characterised by rapid socio-economic changes and threats to water and food security that are driving conflicts and mass migration.

Basic indicators such as rates of growth, unemployment and inequality show that South Africa is heavily exposed to all four factors. Climate change is already having a negative impact on access to water and food production. A pillar of the NDP and one of the highest priorities of government is building a capable state that can confront deep-rooted problems and lead development.

As a result of the same contextual pressures, the scope and role of population registers and national identity systems have been under review in many countries, and by regional bodies such as the EU and sub-regions such as the Nordic Union. The African Union has established a structure to promote the development of civil registration and national population registers (NPRs); and the DHA has hosted two conferences attended by relevant African ministers and officials. The World Bank has launched a programme that promotes the development of NPRs, given its centrality in development and the global economy.

The scope of the identification function is also expanding globally. India and Nigeria have established national identity systems, linked to NPRs, as critical enablers of their national development strategies. Recently Australia launched a suite of initiatives aimed at building a digital society, among them a population register linked to a national identity system and e-identity. In states with advanced e-governments such as Estonia, Singapore and South Korea, the population register and identity systems are the backbone of their integrated digital platforms.

In South Africa the **constitutional and legislative** scope of the population register has not changed. As explained in section A of this white paper, to meet its constitutional obligations the state must establish inclusive, efficient and

secure systems for managing citizenship, official identity and the civic and immigration status of all citizens and persons in South Africa.

The current Identification Act (1997) established a population register and specifies its scope in the mandatory records that are captured on it. In terms of categories of persons, the current population register covers all South Africans, including those residing abroad; foreign nationals who are permanent residents; and persons granted refugee status. The Identification Act also covers the biometric and biographical data captured on the population register and the specifications of the identity documents that are issued. The content of other records is specified in the Acts that relate to citizenship and birth, marriage and death.

Although the content of the population register is defined by existing legislation, its **functional scope** has expanded greatly since 1997. South Africans have become highly dependent on enabling documents linked to the population register, such as birth and death certificates, IDs and passports. Over the last 10 years, a growing trend is the dependence of government and the private sector on interfaces between their systems and the population register so that they can verify identity and aspects of status online. This has enabled banking and other sectors to greatly reduce fraud and automate their systems, which reduces costs and greatly improves access and efficiency. The CIPC, by interfacing with the DHA and Sars, can now register a business online with 24 hours. This in turn reduces barriers to growing small and medium business, which is essential for creating employment. The DHA has introduced fully digital processes for smart ID cards and passports and, in collaboration with banks, has opened the first online DHA channels for applying for these services and making payments and appointments.

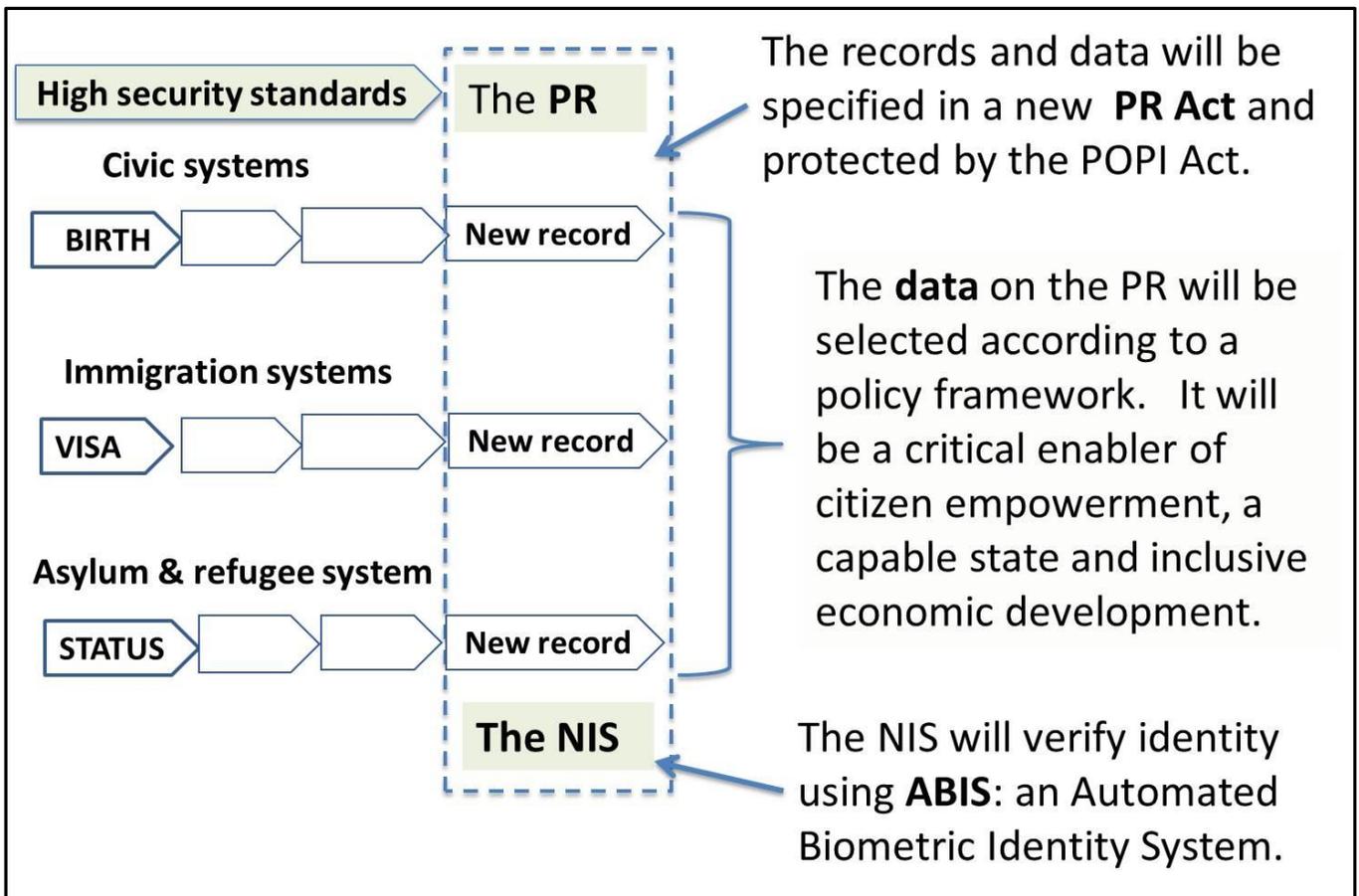
7.2 Current status and limitations

To understand the status and limitations of the population register, its basic model needs to be understood. Diagram 7.1 shows how the model works. The civic, immigration and refugee systems have outputs that result in creating a new or updated record. In the examples, these would respectively be a birth certificate; a visa such as a tourist, work or study visa; and a decision to grant or deny refugee status to an asylum seeker. The population register is part of the same digital platform and is the database where the records and data specified in a Population Register Act reside.

The integrity of the population register depends on the integrity of all the systems, which must meet high standards of security as specified in relevant Acts and produce data that is accurate and reliable. Access to, and processing, people's data must comply with the Popi Act.

All NPRs need to be linked to an NIS that uses biometrics to connect a unique individual to their ID number and records stored on the population register. The current outdated system is being modernised. An important step is the introduction of a modern Abis that is multi-modal and can use any biometric technology. The Hanis legacy system can only search fingerprints, although it captures photographs and signatures as well. As the fourth industrial revolution progresses, both legitimate users and criminals will have access to new technology and determining your identity will require a combination of methods with AI-enabled software assessing the risk.

Diagram 7.1: The new population register supported by a national identification system



All access to digital data and records will be rule-based and governed by appropriate legislation. Rules that ensure security and the rights of citizens will derive from cyber security and privacy legislation. Civic registration data access and processing rules will derive from the Acts that regulate citizenship, birth, marriage and death. The DHA rules that govern access to, and processing of, population register records and data, including verifying identity, will be based on a Population Register Act, regulations and operating procedures. The Act will replace the current Identification Act that dates back to the 1980s, although it was deracialised post-1994. The new Act will specify the mandatory records and data that must be in the population register, according to a policy and legislative framework aligned to the Constitution of a sovereign, democratic South Africa.

There is an approved policy framework for mandate two: management of international migration, which includes mandate three: management of the asylum and refugee system. This is the White Paper on International Migration that was approved in 2017. One of the limitations of the current civic registration legislation and population register, is that mandate one and mandate four do not have a dedicated policy framework. This partially explains why the current legislation relating to these mandates is outdated, fragmented and does not fully align with constitutional

obligations. One of the DHA's urgent policy priorities is to develop policy frameworks that support mandates 1 and 4, which will guide a review of existing legislation.

As discussed in more detail in section C, the limitations of the current DHA model do not allow it to deliver a population register that is secure, reliable and accurate. Nor can the current population register use new technology and the fourth industrial revolution so that it can effectively support empowerment, inclusive development, a capable state and national security. The most serious functional and operational limitations relate to security, funding, human resources, organisational structure and culture, systems and networks.

There have been many interventions to improve the population register that have resulted in better service delivery. An example is the access to birth and death registration services being improved by connecting larger health facilities to DHA systems. Measures taken to eradicate duplicate IDs have reduced fraud and prevented the problem disrupting thousands of South African lives. The SMS service has reduced the need to visit offices to find out information. The introduction of the smart ID card to replace the outdated and vulnerable green ID book is another example.

The service culture and management at front line offices have reached a standard where most citizens have a reasonably good experience when receiving basic services that involve transacting with the current population register. However, a large number of citizens and other clients travel long distances to reach an office and wait in a long queue, only to be told that the network is down. If they want a service that requires archived records to be retrieved, such as correcting a mistake made by a clerk, they may have to wait months because older records have yet to be digitised. Others are effectively denied a service because the DHA systems are not integrated, which leads to frustrated officials referring them from one office to another. The DHA does not have the resources to complete replacing all green ID books, which means that many of the benefits cannot be realised, such as replacing cards used by other departments. Most importantly, low levels of security and a reliance on outdated systems leads to errors and fraud, which continues to result in wrong data being placed on the population register.

7.3 The envisioned future

As shown in diagram 7.1, the new population register will be comprised of legally mandated records that are accurate, highly secure and linked to biometric data that relates to a unique individual. It will be the basis of a trusted official e-identity that will be the backbone of the digital platforms, state and private, that all our lives will depend on. The population register will enable all communities to access responsive and integrated digital services and information.

A new population register and identification policy framework and Act will be in place that regulates the population register and identification system. Developing the policy framework involved intense consultation and debate about the records and data that would be kept indefinitely on the population register; and the principles that would govern access to, and processing of, the data. The public realised that every decision had major policy and financial implications, such as mandating the DHA to ensure an accurate record of the main residence of every person or a

proxy if they had none. One proposal was that a cyber-address would serve, but that would have limited the state's ability to plan and provide services. Another item that will be debated is the removing the registration of the sex of persons as it was argued that its determination is only justified on medical grounds. Paying fees will be regulated by an independent body, given the central role of data in the new economy.

Almost every household will have multiple businesses and online work that they depend on and that could fail without access to the DHA's identity system and data when transacting online or accessing services and clients globally. Citizens take access to fast, integrated services for granted, unless they exercise their right to refuse departments access to their data. For example, instead of using their biometrics, they fill in a digital form with their personal details every time they visit a new clinic or a library.

The use of biometrics to ensure accountability for decisions and actions will greatly reduce fraud and improve governance. Planning and budgeting have been transformed by the use of A, fed by accurate population register data and the capacity of the system to cost digital processes accurately. If the police ask the DHA to perform a duly authorised analysis to verify evidence, they are billed for the exact amount in time, data and skills used.

7.4 The enablers and capacity required

The population register, as conceptualised in this white paper and supported by the NIS, is an instrument that the state will use to keep and process legally specified records and data on every citizen and every person in South Africa. It will be a central feature of a digital society and globalised economy, and the backbone of e-government.

To play this role population register records and data must be digital, accurate, current and secure. This in turn depends on establishing enablers to ensure that the systems producing the records have a firm policy and legal foundation, with up-to-date technology. They must operate within an environment that is secure and well-governed. The organisation responsible for the population register and its role in the state and economy must be structured according to its mandate and have the capacity of trusted professionals with appropriate values, training and skills. None of these enablers can be accommodated within the legacy model of the DHA, which is why it must be repositioned to a new model.

The argument for South Africa to invest in the kind of population register outlined above is made in the 2017 version of the Mandate Paper, published annually by the DPME as a guide to government budgeting approaches and priorities:

Improved operational and information systems will help fight crime and corruption but also government efficiency generally. Ongoing technological change is driving down the cost of effective administrative, information and monitoring systems. A bedrock of such administrative systems is an effective identity system for citizens and visitors. It is therefore critical to ensure that the population register of the Department of Home Affairs and the electronic and card Identification system include all citizens and be of the highest integrity. Obstacles to a more rapid rollout must be investigated and a comprehensive

integrated approach developed about how this system can be integrated with other government programmes and systems. (*The views expressed above were elaborated in the 2018 Mandate Paper*).

SUMMARY OF THE KEY POINTS OF SECTION B

The term mandate is used to refer to the overall mandate of the DHA; and it is used to refer to each of the four sub-mandates that define the core responsibilities and business of the department. The order in which they are numbered reflects their relationship. Mandate one is foundational in the sense that it covers citizenship and civic registration. A sovereign nation-state requires citizens and territory with internationally recognised borders.

The new mandate four, responsibility for the population register, was created because it could not be conflated with the registration of the citizenship of South Africans and the registration of changes in official status relating to birth, marriage and death. The modernised population register and NIS will rely on the full implementation of mandates one, two and three, as it will contain the selected civil and immigration records of all persons in South African territory and all South African citizens globally.

How a sovereign state organises itself within its borders is in principle largely within their control. Mandate two: management of international migration and mandate three: management of refugee protection are about the way South Africa relates to the more than 200 other states into which the world is geo-politically divided. As explained in chapters five and six, although they both deal with international migration, the two mandates differ fundamentally.

Mandate two is about the sole authority the DHA has to regulate the movement of persons across the borders of South Africa, and the stay of foreign nationals within our borders, in the national interest. Mandate three is about protecting those persons who cross our borders and then claim protection from persecution or war because either their own state cannot protect them or is persecuting them. The Constitution of South Africa commits the state to making a decision that recognises the rights accorded to all persons in our territory, including the right to life, dignity and just administrative process. The DHA has been given the mandate to adjudicate such claims in accordance with the Constitution, a just process and any international agreement that South Africa has signed, ratified in Parliament and supports in domestic law.

The second part of each chapter indicates that the DHA is making progress in improving its delivery on all four mandates. However, the chapters also emphasise that this progress is severely limited because of the constraints of operating within a legacy model. This model is fundamentally constrained on policy, laws, security, operations, systems, staff and funding.

As discussed further in the chapters, the progress has improved the lives of the public, all of whom are serviced at some time by the DHA. This, in turn, enables the DHA to begin to reposition itself within the state, civil society and internationally, from being a colonial model routine administrative department, to becoming a modern strategic

resource central to empowerment, development and national security. Mandate four, if fully implemented, creates a strategic instrument that the state, private sector and all citizens can use to harness the fourth industrial revolution and thrive despite the impact of climate and environmental changes.

SECTION C: THE ENVISIONED DEPARTMENT OF HOME AFFAIRS

Introduction to section C

Chapter eight: An enabling legislative environment

Chapter nine: A future-fit model of the Department of Home Affairs

Chapter ten: Organisational model and human resources

Chapter eleven: A sustainable funding model

Summary of the key points of section C

INTRODUCTION TO SECTION C

Section A concluded with a policy framework that provides outcomes, objectives and principles for the DHA's four statutory mandates:

- Management of citizenship and civic status
- Management of international migration
- Management of refugee protection
- Responsibility for the population register

These are complex areas of policy and legislation, and citizens and other clients need to be served by professional officials who have modern, digital systems. The DHA has inherited an operating and organisational model with outdated systems that have increasingly frustrated its efforts to build a modern, secure department.

Over half of our current officials sit behind counters or desks performing routine tasks and do not have a higher education qualification. Under apartheid and colonialism, few Africans were issued birth certificates as they were denied citizenship and families were broken up by migrant labour tied to ethnic "homelands". Now, when a grandmother sharing her pension with four others travels 50 kilometres to reach a DHA office, even the most diligent official may find it difficult to assist her. The few records available may not be accessible, the network is unreliable and back office officials are often not responsive.

Chapter nine shows how a new DHA model will operate with automated systems accessible through many channels. Officials will be retrained to investigate and resolve the most complex cases while managing risks and protecting systems that are under threat from criminal syndicates. The same basic model will be adapted to manage international migration.

Chapter eleven discusses the funding model for a repositioned DHA. The basis of the model is its value for inclusivity, economic development and an efficient government that is largely free from fraud. In the longer term, given the nature of the fourth industrial revolution, the policy issue will not be whether South Africa could afford a modern, secure DHA, but the governance of the fees that will be charged for its services. All sectors will be highly dependent on DHA data and e-identity services, and its fees will have an impact on the cost of doing business.

Chapter eight focuses on the need to establish a coherent legislative environment for the DHA. A comprehensive review of legislation should be guided by the policy framework set out in this white paper and incorporate the 2017 White Paper on International Migration. Two new pieces of legislation will be needed for a repositioned DHA to work: anchor legislation in the form of a Home Affairs Act; and a Population Register Act and policy framework.

CHAPTER EIGHT: AN ENABLING LEGISLATIVE ENVIRONMENT

8.1 Overview of current challenges

8.2 Priorities for a review of Home Affairs legislation

8.3 The need for a Home Affairs Act

8.4 The need for a Population Register Act

8.1 Overview of current challenges

Much of the legislation currently administered by the DHA is the product of multiple amendments of laws inherited from the apartheid era. One consequence is that such legislation and regulations may not be grounded in coherent policies that are fully aligned with the Constitution, new legislation and current developments. For example, the current Identification Act (No. 68, 1997) is largely a technical description of the population register and related IDs produced by technology and processes going back to the 1960s and 1980s.

Legislation dating back to the first decade after 1994 may also lack coherence and a solid policy foundation. An example is the Refugees Act (1998) and Immigration Act (2002). As noted in the 2017 White Paper on International Migration (the second white paper), the first white paper (1999) failed to make adequate provision for historic streams of migrant workers from Southern Africa. This contributed to the system that processed asylum seekers being overwhelmed by economic migrants who do not meet the requirements of the Immigration Act.

The DHA's work involves two of the most complex areas of legislation: international migration and family law. Both involve international law, commitments, agreements and the laws of other countries and regions. The mandate of the DHA is also connected. Passports and naturalisation are administered under civics legislation and immigration inspectors have the authority to investigate fraud against civic systems. There are policy and legal issues to resolve in managing the relationship between refugee and immigration status, or naturalisation and permanent residence. For DHA legislation to be coherent is an operational and legal necessity.

8.2 Priorities for a review of Home Affairs legislation

The Immigration and Refugees Acts are being reviewed and updated as part of the implementation of the 2017 White Paper on International Migration. While there are interim measures in the form of urgently required amendments, the longer-term objective is to put in place a coherent body of legislation that enables a risk-based, strategic approach to managing immigration.

A large array of laws, amended multiple times, is used to administer civic registrations of citizenship, birth, marriage, death, changes of sex and managing identity. The process followed must be the same as in the area of international migration and refugee legislation, with the first step being to establish a solid policy base to manage identity and civic status.

One priority for review is the three marriage Acts, which need to be consolidated based on further policy research that looks at fundamental principles, international best practice and local contexts to build a single policy and legal framework.

All the Acts relating to civil registration need to be reviewed to build a population register that is a fully comprehensive register of the national population. As discussed below, there is an urgent need for new policy and legislation to regulate official identity and status in a digital age.

Responsibilities for specific functions will have to be reviewed, given that the population register is being established as an integrated function and that there is a need for a clear separation of functions between civil registration for citizens and immigration.

8.3 The need for a Home Affairs Act

The policy framework set out in chapter three requires a DHA with the capacity and authority to implement it. South Africa is a new state with a history rooted in a denial of citizenship and identity, and colonial immigration systems. This history contributes to the current narrow understanding of the DHA's mandate being largely that of a producer of enabling documents. Anchor legislation is needed in the form of a Home Affairs Act to provide a coherent legal framework for a repositioned DHA to deliver a mandate appropriate for a sovereign state that has a Constitution founded on democracy, inclusion, social justice, development, peace and security.

The current DHA model is based on staff with low qualifications undertaking routine low-level work seated at a counter. To build offices in every community based on this model is not viable, and poor and marginalised people often have to travel long distances to access the DHA. Given their history, many families have complex identity and status problems that demand the kind of officials and systems that currently cannot operate effectively or securely. The new model DHA outlined in chapter nine requires officials who understand policy, law and processes and can investigate and solve problems while securing systems under constant threat from criminal syndicates. The new model will have a document management system that meets legal standards, with historical records stored, scanned and indexed, and digital records that can be retrieved efficiently.

At an institutional level, the DHA mandate will remain primarily the responsibility of a department and not an agency or another kind of entity, although these could be used to perform specific functions and services. As argued in section A, the mandate is foundational to the Constitution and the lives of all citizens and persons in South Africa. The DHA provides mandatory services to more persons than any other department locally, regionally and globally. The four components of its mandate cover a large range of interconnected responsibilities that enable all sectors of

the state and society in general to function. As the guardian of critical data and regulatory systems, the DHA should be considered essential to sovereignty and other aspects of national security that fall within its mandate.

The overall purpose of a Home Affairs Act is to enable the DHA to deliver its statutory mandate, guided by the Home Affairs policy framework. The Act will specify the legislation required to deliver on its core mandate and enable the new DHA model envisaged in chapter nine to function. We intend to draft and publish a draft Bill for public consultation during the 2019-20 financial year. The draft Bill will contain the following main elements:

- The basic principles that will frame the legislation required to administer each DHA sub-mandate –
 - to manage citizenship and civic status
 - to manage international migration
 - to manage refugee protection
 - to manage the population register, which is inclusive of identity and status for all persons.
- The conditions of service for all officials working at the DHA, including requirements such as those relating to recruitment and training. There will be minimum standards set with respect to the values, skills and knowledge required to deliver on the mandate.
- The provisions that ensure that the DHA can deliver on its core mandate securely and efficiently by procuring and accessing resources such as expertise, technology, networks, accommodation and security services.

8.4 The need for a Population Register Act

The impact, scope and growth of the population register, and its security and technical needs, cannot be fully determined in advance. What is known is that all states will have to have national identity systems to survive factors such as global climate change and a highly dynamic and disruptive technology-led industrial revolution. E-identity is at the heart of highly successful e-governments in Estonia and South Korea, and modern NPRs are advocated as essential for inclusivity, development and access to rights by the UN, the AU and the World Bank, among others.

The internet and rapid transport are creating huge opportunities for personal and economic growth; at the same time, they are enabling transnational crime and terrorism. Global warming is having devastating consequences, most immediately on our water and food security, and a rapid, technology-led economic revolution is having a profound impact on all societies.

Nigeria and India are two of many countries that have established national identity agencies or commissions with their own policy frameworks and legislation. Over the past months, Australia launched 14 policy documents to support the work of a newly established Agency for Digital Transformation, having already established an agency to ensure that the transformation is ethical, constitutional and in the interests of the public.

While the intentions are similar, the paths taken by individual countries vary greatly. South Africa has an advantage over many post-colonial countries with regard to national infrastructure and a population register grew rapidly after

1994 to cover the great majority of citizens. Another advantage is that the civic and immigration functions reside in the same department, potentially enabling the integrated management of identity and status.

Over the medium term in South Africa, the population register will therefore be established as a programme under the current department, at the level of a branch headed by a deputy director-general. In the longer term, other options can be considered when the role of the system in harnessing the digital revolution has become clearer.

The DHA can only carry out its constitutional commitments if it is the sole custodian of the official identity of all citizens and all persons in South Africa. In a digital age, this requires building a population register that can affirm, secure and verify e-identity corresponding to the register of identity of natural persons.

The population register will incorporate the civil registration of citizens, data from the immigration system and aspects of the current population register that accommodates permanent residents, refugees and other categories such as stateless persons. Each item included in the population register must be specified in a new Population Register Act. In a digital age that is data-dependent, the data specified in the Act will have major implications for citizens, the state and the economy.

Since 1994, values, norms and approaches for managing official identity linked to status and migration have changed. Since 1997, 13 amendments to the Identification Act and regulations were made to close some of the gaps, and many more Acts relating to citizenship, birth, death, marriage and passports were amended. For example, penalties for fraud related to identity were greatly increased in recognition of the impact of such crimes on the lives of victims and on national security. The 2013 Popi Act and the Cyber Security Bill reflect changes in thinking over the past 20 years and both will have an impact on the design and governance of the new population register.

The digital smart ID card required changes to legislation such as no longer requiring the client to provide a photograph with their application. The population register may also require changes such as replacing the current ID number that includes information about the date of birth and other facts, with a numerical number that carries no additional data. This is one of many areas where new technology may result in a change in legislation at the level of an Act or regulations. Given the rapid advance in technology, any future Act must, to a large extent, leave technical specifications to regulations.

The South African population register will be among the most integrated, comprehensive and connected systems globally, with significant benefits for the state, the economy and citizens. The centrality of data in a digital world will mean enabling legislation that aligns with Acts dealing with areas that include privacy, copyright, cyber security, national statistics, archives and records. Citizens' records will eventually need to be archived indefinitely for two main reasons: to preserve a record of who constituted the nation for future generations and as a database that is a crucial resource in a digital knowledge-driven society.

Overall, the Act that replaces the current Identification Act (1997) must enable identity – including e-identity – to be efficiently, securely and strategically managed in a highly connected digital world. An important aspect of developing the Population Register Act will be to decide how it could best articulate legislation relating to birth, marriage, death and changes in sex or gender. The mandate and purpose of the DHA must be made explicit in the Act and must be

clearly set out in an Identity Management Policy that aligns to constitutional principles and other relevant policy frameworks.

CHAPTER NINE: A FUTURE-FIT MODEL OF THE DEPARTMENT OF HOME AFFAIRS

9.1 The operating model and the population register

Future Home Affairs operating model

Currently, most citizens need to transact with the DHA six or more times during their lives, which includes mandatory registrations for each person of:

- birth
- marriage
- birth of children
- death.

The DHA also provides enabling documents such as certificates, IDs and passports.

Transactions involving the DHA will increase enormously in a digital society. Economies and states globally are becoming dependent on the IoT and software using AI. The masses of data collected enables us to automate, integrate and manage complex processes and systems. For most processes involving humans the DHA's data and services are needed, particularly to verify official identity and status.

The internet of things (IoT) is the ability of devices and software – from simple sensors to computers and wearables – to connect, interact and exchange data.

Inclusive, efficient and cost-effective healthcare and education systems are essential for any country's development. Proper planning for these systems is crucial to their success. Another imperative is creating an enabling environment for micro, small and medium businesses. It is not possible to achieve these goals without establishing digital platforms connected to a secure, inclusive and accurate population register. This enables, for example:

- the Education department to plan schools and deploy teachers where they will be needed to provide effective teaching
- a clinic to maximise efficiency by accessing the results of past tests to manage and secure medicines and to analyse treatment effectiveness.

Figure 9.1 shows how the elements of the new DHA model will operate. For example, a woman may lose her passport and order a replacement online. She uploads an affidavit and a police case number as proof her passport was stolen. As the population register already has her records to issue a new passport, the woman is informed by a message when the passport is dispatched. The Client Service Centre advises her that she can opt to collect the

passport at a post office, using her biometrics. However, alerted by the back office risk engine and a report of syndicate activity, a front line official first interviews the client before authorising the transaction to ensure that the transaction is genuine. There would be appropriate checking with various security services and agencies.

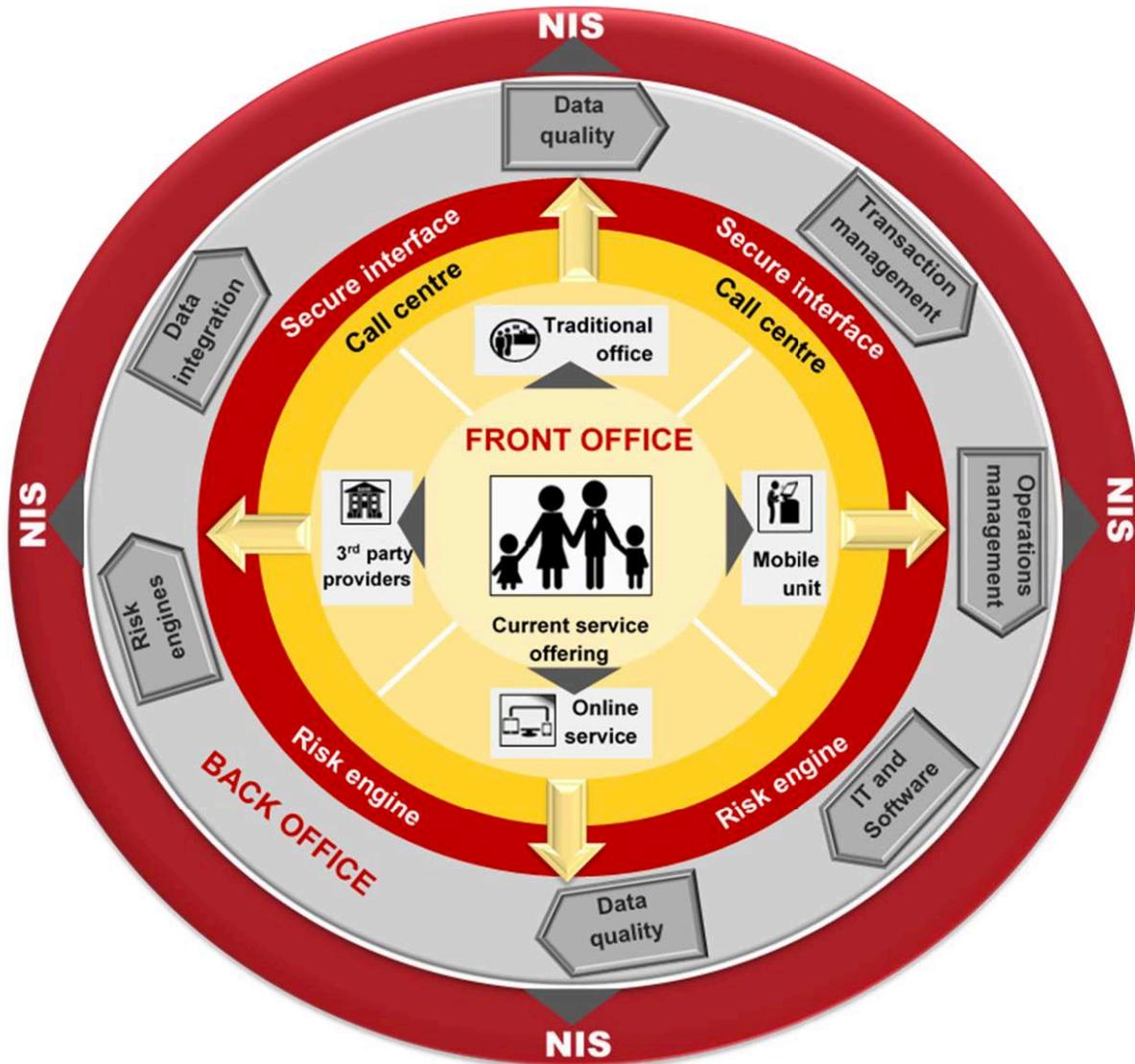


Figure 9.1: Basic elements of the new DHA operating model

This example also illustrates the role of future front and back office officials. Front office officials will assist clients, facilitate processes and manage risks. Only back office officials will have the authority to change the data on the population register. The demarcation between the front and back office is a basic principle that must be strictly observed in any secure digital service environment, as is the case with Sars or the banks.

A second operating principle is that multiple channels can be used to access services when they are secure and fully digitised. This could be a decisive factor in empowering and developing communities that are poor and marginalised, especially in rural areas. A third operating principle of such models is the advantage that they are rule-based and can enable accountability and transparency. In the example given above, the rules may be amended to discourage the loss of passports while maintaining standards that ensure all citizens can be issued a passport as stipulated in the Bill of Rights.

A fourth principle is that much of the value of digital platforms depends on integration within the DHA and across government. A child with learning difficulties can be tracked across the system and “big data” analysis reveal patterns that call for changes to content and the training of educators. There may be connections to health problems and the role of social workers. With the use of AI, programmes can be far more responsive to people’s needs.

There is no doubt that South Africa needs delivery models that embrace digital technology. However, for the model to be fully operational, a number of internal and external factors must be in place. Apart from adequate data protection and governance, highly-trained staff and reliable support systems are required.

Scenario one: A DHA future front line officer enables development

Jabu Sithole is a senior front line officer, based in a small rural town. She is on her way to a rural settlement to interview an elderly citizen, Pedro Gonzales, and confirm his civil status. Her finding could have an impact on the status of his children and grandchildren who run a thriving software company.

The chairperson of the largest software cooperative in the town had written to the minister stating that the old man had illegally acquired dual citizenship because his country of origin did not permit it. South African law only allows dual citizenship if the other country also allows it.

Jabu had asked the digital assistant to scan public information and social media for socio-economic or political reasons for conflict between the cooperative and Mr Gonzales. She also reminded one of her team to meet the deadline for a report on the status of Mr Gonzales. It was a good test for the young case officer, who was on probation. The digital assistant told her that the cooperative had filed for business rescue. It also mentioned a contract that had been lost to the Gonzales family. She asked for details and listened carefully.

Her digital assistant read out a report it had received from the young probationer. Somehow, he had managed to establish that in the 2020s, Mr Gonzales had been a refugee after a war over water had devastated his country. The dual citizenship exception was part of a legally binding cessation agreement between South Africa, the two countries at war and the UN. It had been ratified by Parliament.

As Jabu walks towards Mr Gonzales' house, she asks her digital assistant to check whether the details of the business contract that had caused the conflict between the cooperative and Mr Gonzales were public knowledge. She knew that the contract was covered by the Popi Act and that the privacy of citizens is a basic constitutional right. Discussing the contract, if not public knowledge, would transgress the Popi Act, which is a serious offence. The assistant checked against the legal risk engine, which allowed Jabu to discuss the contract.

Later that day, social media and news feeds would report on how a conflict had been averted. Mr Gonzales' firm would sign an agreement with the software cooperative of a nearby town to expand his thriving business with his country of origin.

Jabu's advice is that the DHA operating procedures be amended to include state cessation agreements as a factor; and the DHA National College AI will add the case to material used for teaching relevant courses.

The population register

The new population register will be at the heart of an integrated digital platform. It is a key element of the new operating model, as shown in figure 9.2 below.

The DHA's current identity management function is split between:

- the current population register and the civic register
- the various systems under the Immigration Act
- the system for the Refugees Act.

These systems are not integrated, creating service delivery and security problems and risks.

Mandate four in the policy framework: Responsibility for the population register, creates a separate function to enable us to manage the official identity and status of all citizens and foreign nationals on South African territory. At present the population register resides under the Civics Branch, but it will eventually be located in a new branch under a deputy director-general. The population register will be an essential national resource and, had this system existed 10 years ago, it would have enabled the following:

- The data needed to budget and plan for services, including health and education
- Annual savings of billions of rand that the state and private sector had lost to fraud prevention and duplicated systems
- Large efficiencies from automating government and private sector processes, which would have encouraged investors
- Better access to services and information via portals in every small town for citizens, including the rural poor and marginalised
- Advanced e-government and e-commerce, creating an enabling environment for SMMEs and job creation, especially for the youth
- Advanced use of big data linked to AI to manage and confront huge social challenges, such as exclusion and poverty
- Learning platforms that could give hope to millions of school drop-outs (as in Brazil) and those threatened by automation.

A new Population Register Act based on a population register policy will specify the data that can legally be captured from civic and immigration systems onto the population register. It will adhere strictly to the Popi Act, which will provide protection for individuals. Processing and using aggregated and anonymised data will be rule-based and subject to relevant legislation and governance processes.

The population register will rapidly become crucial to administering the state, the economy and national security. Under the Cyber Security Bill, it would be classified as critical information and communication technology (ICT) infrastructure, and the DHA would have to establish measures to secure its organisation systems and data.

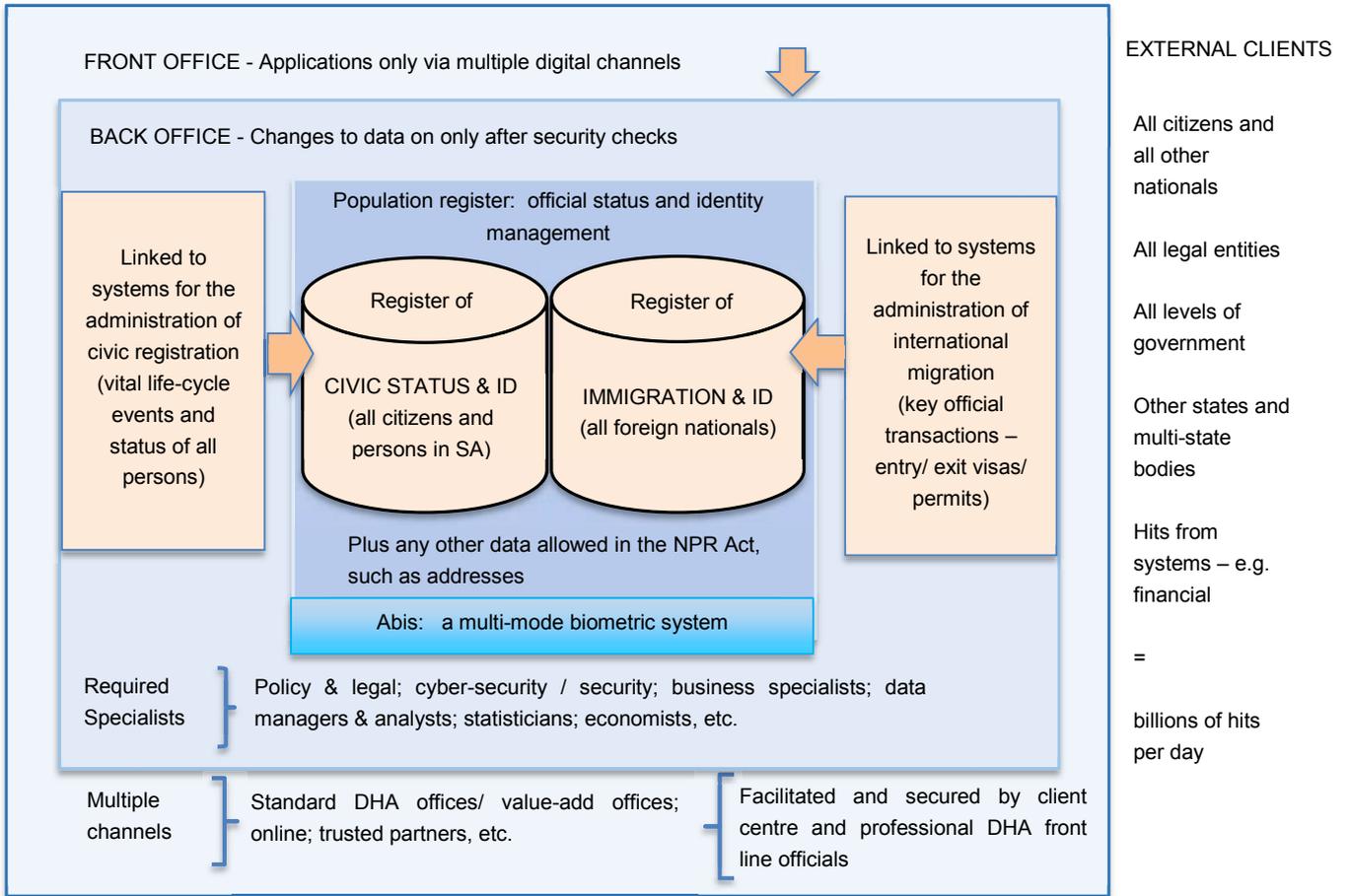


Figure 9.2: The population register and the operating model of the DHA

Globally, countries are making large investments in developing capabilities similar to that of the population register. This is part of a larger trend to rebuild states that are relevant in a digital age given rising expectations, a profound social and economic revolution and the real-time threat of climate change.

CHAPTER TEN: ORGANISATIONAL MODEL AND HUMAN RESOURCES

- 10.1 Conditions of employment
- 10.2 Aligning the operating and organisational models
- 10.3 The future DHA organisational model

10.1 Conditions of employment

Officials who work in the new model DHA will be appointed according to the provisions of a Home Affairs Act. The provisions of the Labour Relations Act and Public Service Act will still apply. The recruitment process will include vetting and security training, in addition to the other qualifications needed.

To be appointed, officials will have undertaken basic training at a learning academy or college established by the DHA and attained the required standards. Common basic elements would be acquired through a mandatory course. Among other areas, this would cover the policy, legislation, systems and structures of the DHA; security awareness and identifying and responding to risks and threats; demonstrating an internalised culture of service and understanding the role of the DHA in the state and society.

Residential courses will be necessary for the trainees to be inducted into DHA culture, values and practices. The officials that deliver mandate one will have to meet standards of knowledge, skills, training and awareness. More specialised training, for example in the registration of marriage, would involve some form of policy and data analysis, investigation and problem solving.

Specialists responsible for core business or areas such as security will undergo additional training related to their field and responsibilities. A blended learning approach will be adopted with online units, lectures, seminars and training in the field.

A learning culture will be established. All staff must attend mandatory training as required and research facilities will be available. Opportunities will be provided for staff to acquire additional qualifications in accordance with departmental policies.

10.2 Aligning the operational and organisational models

The organisational model of a department should be based on its functions and operating model, which in turn should be grounded in its mandate and purpose. Significant organisational advances have been made over the past

10 years, following the 2007-2009 turnaround. The management, culture and performance of the DHA was transformed compared to the “horror affairs” of 2006, when the an ID took an average of 147 days to deliver and passports three months or more. Service was unpredictable, staff unresponsive to the needs of citizens and corruption endemic. Now, the citizen is informed by SMS within 7-10 days to collect a smart ID card and within two weeks to collect a passport. The process is fully digitised, most clients are dealt with politely and most officials manage routine processes with reasonable efficiency.

Many other clients, however, receive very poor levels of service and are sent from one official to another without receiving what is a basic constitutional right to the dignity of an official identity. In part, this is because of an outdated operational model and processes, onto which have been grafted outdated digital systems that are not integrated. It may take months to retrieve an original document needed for an amendment or a rectification and back office units are often unresponsive. Criminal syndicates are still able to exploit weaknesses in processes and recruit corrupt officials. As argued in the previous chapter, the root cause is a legacy operational model that is poorly aligned with the mandate and purpose of a Home Affairs in a sovereign state with a Constitution founded on social justice.

Section B clearly shows that the department has to deliver against four complex mandates, yet the department is organised as a routine administrative department with almost no specialist units. For example, the DHA is responsible for the most important social statistics, but does not have a statistician or a statistical system as recommended for departments by Statistics South Africa (StatsSA). International migration must be managed to minimise risks and maximise its benefits, but there are no security analysts or economists to do the required analyses.

The low levels of training and education of about 60% of the staff and absence of an effective security system are two other organisational indicators that distinguish the DHA from other departments having the same mandates. Other middle-income and low-income countries, such as Tanzania, do have a well-developed security system and officials educated to a higher level to administer similar functions.

The current functional organisational structure

The current structure of DHA consists of eight functional branches, with representation at head office, provincial offices, local offices, PoEs, borders, mobile offices/kiosks and international missions. The various branches have a deputy director-general reporting to the director general, the deputy minister and minister. Provincial structures are headed by chief directors reporting to the deputy director-general of Civil Services. The current functional structure, the number of staff and their allocation across functions, provinces and service points are shown in the figures below.

One of the organisational advances made by the DHA was to work more closely with the rest of the state and civil society. Some provincial managers and heads of office work closely with their provincial and local government counterparts. The intention was to ensure that each of the larger municipal structures is served by an office, but this was only partially achieved due to a lack of funding.

Capacity issues:

- Mismatch between posts in the establishment and demand:** The division of this capacity between the programmes is not optimal. At 31 March 2018, the DHA had 9 813 posts on the approved establishment. In some functions, the number of posts seems proportionately higher than necessary, while other areas exhibit insufficient capacity. This is evident in the small number of immigration officers at the OR Tambo Airport to perform back office functions and the front office staff must fulfil this role at the expense of security and client service. The most senior manager is a director, which is clearly inadequate for one of Africa’s largest transport hubs. *Programme 3: Immigration services* comprises 33% of the total departmental capacity (15% of the budget). Comparing this to Australia’s Department of Immigration and Border Protection and their Department of Foreign Affairs and Trade (also responsible for citizen affairs), immigration has 79% of staff across the two functions.
- Overstretched capacity:** Civil and immigration capacity appears overstretched. The capacity required to serve a larger portion of the population in comparison to other countries (with the exception of Uganda).

Table 10.1: Capacity (number of funded posts) as a percentage of a country’s population

Country	Number of positions as a proportion of the population	
	%	Ratio
Uganda	0,001%	1: 75 015
India	0,000078%	1:1 278
Kenya	0,038%	1:2 631
Singapore	0,478%	1:209
Canada	0,058%	1:1 704
Australia	0,074%	1:1 343
United Kingdom	0,037%	1:2 674
South Africa	0,018%	1:5 470

When calculating the number of funded posts as a percentage of the population, South Africa has a smaller percentage than the UK, Singapore, Canada, Kenya and Australia. (Countries of comparison were selected based on the availability of information on the internet)

- Low skills or supervisory levels:** The DHA is very thin in terms of leadership, management and highly skilled technical competencies. The DHA does not have the traditional pyramid-shaped organisational structure. The benefit of such a structure is that employees continually build valuable, organisation-specific experience as they are promoted higher up the pyramid. While the pyramid model is strong on retained knowledge, it is also costly. The DHA’s organisation (capacity) shape has too few managers and professional levels, with the bulk of its staff at a junior or administrative level (salary level 6). A further analysis reveals varying spans of control. The current structure of the DHA shows that this shape may support the view that there could be too many foot-soldiers and not sufficient staff at supervisory levels. This has a negative impact on efficiency, service delivery and security.



Figure 10.1: Organisations' capacity shapes compared

Skills and competency

- Benchmarking ratios of critical skills and functions further illustrate the competency deficit. The IT function is grossly understaffed based on the international ratios and the IT-dependent nature of DHA functions makes this gap much larger. In the light of the DHA's digitisation strategy, this is an area of serious national concern. The DHA does not have a statistician, an economist or an expert security analyst, consistent with the prevailing view that it is not a professional department.

Table 10.2: Staff ratios – selected professional functions

Function	DHA ratio	International ratio
IT full time employees as % of total	1,27%	5,2%
Application management as a % of IT staff	18%	42%
Business analysts as a % of IT staff	0,8%	7,6% (2011 data)
Communications (based on number of staff per 1 000 employees)	3,8 (37 employees)	2,1 (20)
Human resources	1,51	1,03
Learning and development (average number of employees per learning & development Staff member)	63,7 (Directorates: Learning & Development plus Research & Information Management) 138,2 (Directorate: Learning & Development only)	374 (All organisations) 255 (Best practice organisations)

- Low education levels, lack of professionals and low competency levels mean critical complex functions suffer and the organisation will not be able to meet future demands. Using education levels as a proxy for the level of skills and competencies available to meet new, increasing and complex service demands and

security needs, a review of the 2015-16 establishment data indicates that 69% of DHA staff either only have a grade 11 or 12 level of education, with most of these staff members serving in the provinces.

Current DHA organisational challenges

All these issues were the result of systemic underfunding based on a lack of appreciation of the strategic importance of the mandate of the DHA.

10.3 The future DHA organisational model

In the 2019-20 financial year, the DHA will initiate a Vision, Design and Costing project that will use the principles in the white paper to design and cost the new model DHA. The discussion below indicates some of the factors that will be considered.

Organisational design considerations

Globalisation, digitisation, improved communication, changing organisational cultures, attitudes and work arrangements have caused a change from the traditional pyramid-shaped structure to a diamond-shaped organisational structure. Diamond-shaped organisations are characterised by:

- Transactional activities, once performed by employees, now being undertaken by agents, typically at a lower cost and increased efficiency.
- Fewer middle managers, but more subject matter experts and project leads.
- Employees at a grade and level of experience where autonomy is enabled, more complicated problems are dealt with and simpler elements automated. Their primary objectives are business and client focused rather than administrative.

Although considered an administrative department, the shape of the DHA in figure 10.1 shows that underfunding led to it not attaining the classic pyramid shape of such departments. In effect, it is more typical of colonial departments, where large populations were served by low-level staff with few supervisors and hardly any professionals. **We will adopt a strategy that takes advantage of the fourth industrial revolution to transition directly into a professional department that is diamond-shaped.**

The potential benefits of a diamond-shaped professional organisation are: lower costs; access to providers with best-of-breed skills; and greater flexibility because providers can adapt more easily to increases or decreases in service volumes. The diamond-shaped organisation for people development is hierarchically flatter, limiting the risk

of career jumps with low spans of control. **An essential requirement for such organisations is strong governance, quality assurance and coordination.**

Digital transformation will lead to the DHA becoming more diamond-shaped as greater automation and online processing reduces the need for administrative staff, if the structure and budget supports a more skilled and knowledge-orientated workforce. This will require a very significant investment in ongoing training that includes building digital learning platforms.

The future organisational model of the DHA must be fit-for-purpose and address these issues, assist in operationalising the accepted operational and service delivery models, and support building the capabilities needed to move the DHA from a routine, administrative department to a strategic and secure department at the centre of the state. The shape of the repositioned DHA will inevitably be different; and will require an extensive change management programme over seven to 10 years.

Future DHA functions and capabilities

In the light of the repositioned mandate of the DHA and the capabilities that must be built and supported by a repositioned DHA organisational model, the following considerations are pertinent:

- **Distinct strategic, support and operational functions:** To meet the requirement for improved coordination of policy and strategy, the proposed organisational model separates the policy, strategy and oversight functions from the support and operational functions. This separation offers the prospect of creating focused functional areas, forcing the organisational lattice to focus on multiple strategic priorities in parallel. In the depiction of the organisational model the recommended functions have therefore been classified in terms of: policy; strategy and oversight; support services; and operations/service delivery focus.
- **Creating an effective executive oversight function:** To ensure effective oversight, strategy, prioritisation of each strategic area, cross-functional visibility, coordination, focus, innovation and performance we propose placing the management of the organisation on the executive committee. The proposed executive committee will report to the minister of Home Affairs (executive authority).
- **Ownership of the digital strategy and its implementation:** When considering the digital strategy and its implementation, the first question is where this capability should be in the organisation and who should own it. While digital responsibility can be housed in a number of places successfully, it must be placed where it benefits from strong functional leadership. The expected advantages of configuring digital work into a dedicated function include shared learning, consistency and control, effective governance and strategic focus, as well as achieving economies of scale as the function will make specialised resources available across the organisation.

The DHA requires a centre-led approach based on the concept that the centre plays an important role in setting standards and making decisions for a small subset of high-value or high-risk decisions for the organisation. This may include technology platforms, digital guidelines and digital design. It may also include shared services for utility functions such as analytics that can be leveraged across the organisation. The operating units, which are closer to the client, are then provided with automated decision support tools with some freedom to make decisions and investments in the people, skills and work arrangements that make the most sense for them. Once a decision has been made regarding the location of the population register, the data management function may also be housed with this function.

The advantage of this model is that the organisation benefits from both strong centralised guidance where consistency pays off for the organisation, and local speed where variability is required to meet the specific needs of citizens and non-citizens. For this reason, we recommend a central Digital Office as part of the Service Delivery function. Developing, maintaining, optimising and providing a secure joint platform requires a world-class cadre of IT and security staff. The officials authorised to make any changes to the data on the system must be secured within the same system, which must also protect facilities, IT infrastructure and administrative processes.

To ensure the implementation of the digital strategy, Information Services cannot continue to be understaffed and will have to increase from its current 125 staff complement, plus the regional IT officers, to a minimum staff complement of 400 to 500 positions in the medium term.

Currently the DHA needs business analysts (it has only one person in this role). A unit of 15 specialists must be established as a matter of urgency, with plans for expansion. Other critical professionals required are digital security specialists (none in the organisation), systems analysts (none in the organisation), Testers (one employee in this role), programmers and developers (three employees in this role) and database administrators. Another priority is to establish the office of a chief statistician responsible for building and maintaining a statistic function according to the framework developed by StatsSA, which covers the whole statistical value chain.

- **Positioning the security, protection and enforcement functions:** The operating model indicated that the different functions pertaining to protection and enforcement should be clustered together if the security function of the DHA is to be prioritised.

As the DHA is a part of the security cluster, and is acknowledged as a key element in the security system of the state, there is a need to enhance its capability to mitigate risks, deal with threats and respond to national security initiatives. Most critical is the protection of its citizen and non-citizen movement data, as well as identity and status data. This requires building and maintaining a security system around its people, systems, data and infrastructure. Recruiting and training staff that are security aware is critical to establishing the kind of secure environment needed.

A separate protection and enforcement function, central to all the other functions, is also recommended. The protection and enforcement function will use data analytics and predictive data analysis as a major part of its function. This unit will be responsible for vetting and accrediting all individuals who access the system, whether working at the agencies, the DHA or the third-party service providers. They will also be responsible

for the threat and risk assessments to the system by staff, citizens and non-citizens (on national security). The relevant officials will audit process, compliance and performance, security and system integrity. The function will also be responsible for overseeing the BMA and the Refugee Management Commission.

- **Client services:** The best public sector organisations put the citizen at the centre of their thinking and services are designed around the user's needs and experience. This is not a contradiction of the security role of DHA: the formation of staff should link service and patriotism in the context of DHA's mandate. Citizen-centricity does not stop at DHA boundaries, but rather pools public sector resources from different organisations together to work around service users in ways that generate cross-sector productivity gains. The citizen/ client centric service delivery and operating models based on a digital platform were described in detail in the previous section. The digitisation of the service delivery model will also lead to the DHA adopting integrated client-orientated practices where business processes and IT infrastructure are integrated across the department to deliver on-demand services to clients, agents and partners. This will necessitate changes in the organisational model.
- **Corporate services as a shared service:** The future DHA organisational model should include the standardisation and realisation of the traditional head office functions such as Finance, HR, IT, Marketing and Strategy under a Corporate Services function. We further recommended that the Corporate Services function also operates as a shared service to the DHA and its proposed entities as a building block towards more dynamic and flexible services, consistent with the vision of an agile, responsive and integrated DHA. Technology is an important enabler of modern shared services and will entail significantly redesigning the DHA Corporate Services delivery model, based on a digital platform. If designed and implemented effectively, creating a shared services function could lead to better economies of scale, improved communication, greater collaboration and increased productivity. The DHA currently does not have an integrated Corporate Services function, and creating this function as a shared service model is recommended to ensure that the unit becomes an enabler of superior performance.
- **Economic development:** Facilitating economic growth and development is one of the four core aspects of the DHA's future vision. A Strategic and Economic Services unit is recommended to address this mandate, and will be responsible for:
 - Policy, research and strategic planning
 - Life-cycle ID management, which interfaces with the NIC to plan for future government services
 - Stakeholder engagement with core employment creation and economic development departments, to ensure that strategic and critical skills are identified to support future growth prospects for the country
 - Intergovernmental relations, and regional and international cooperation
 - Monitoring, reporting and evaluation, and knowledge management.

Transversal functions: Transversal cooperation is about working together across cultural, departmental, national and organisational barriers. In essence, it is about letting go of silos without letting go of specialised units. In the proposed DHA organisational model, the Corporate Services, Strategic and Economic Services and Protection and Enforcement functions will be working across the organisation to streamline collective functioning. The digital platform will also act as a transversal system to ensure effective cooperation.

Training, skills and people practices for a repositioned Home Affairs: The availability of a skilled and specialised workforce characterised by their agility and capacity for learning is essential to successfully and effectively function in a more secure and digitised Home Affairs. In general, the repositioned DHA will require staff with a depth of skills and expertise in their functions, while having the ability to collaborate across disciplines with experts in other areas and to apply their knowledge in areas of expertise other than their own.

In line with digitising the DHA's operations, all employees will be required to have IT skills and an adequate knowledge of the digital applications used. An ability to understand and analyse data and investigate and solve problems must be a firmly established norm at all levels. Staff with specialised knowledge and skills will be needed to design and maintain the digital platforms needed for the proposed operating models. Traditional management skills need to be updated and strengthened to deal with the impact of digitisation and a greater focus on the use of data to enhance the DHA's security mandate. Management will have to understand the role of new technology in policy making and service delivery, and have the digital skills to manage and analyse data and to deliver electronic services.

In line with the repositioned DHA's role in informing national security, staff will also have to receive enhanced security training along the lines of departments such as Correctional Services. Most of the training will be mandatory for confirmation of probation and promotion purposes at all levels. For this reason, a DHA Training College, functioning as a transversal Centre of Excellence, must be part of the organisational model. There is a vast gap between the current training expenditure (R904 per employee per annum) and comparative benchmarks (R17 000 per employee per annum). Skills development is, however, crucial to master the changes required for a more digitised and secure DHA. Such skills also need to be continuously upgraded to remain up-to-date as their jobs change within the repositioned DHA.

CHAPTER ELEVEN: A SUSTAINABLE FUNDING MODEL

11.1 Elements of a new funding model for the DHA

11.2 Principles that can guide the development of the funding model

11.1 Elements of a new funding model for the DHA

The operating and organisational models outlined in the previous chapter of this section are designed to implement the new policy framework for the DHA presented in chapter three. The mandate of the DHA has not changed; however, there is a new understanding of the mandate. This amounts to a significant policy shift, the implication of which is being discussed with the National Treasury and other role players, as indicated in section D of this white paper.

The current DHA budget of under R6 billion after transfers to the IEC, is based on the historical model of the DHA. That model did not regard the DHA as a critical service such as Health; as crucial to the economy as the DTI or Treasury; or as a sovereign department such as the SAPS or Dirco.

The DHA's provision for dedicated offices accessible to all communities is therefore currently limited, with minimal provision available for specialists or ongoing training. For example, the DHA has no statistician or statistical system even though it supplies StatsSA with the basic social data used for planning.

While ad hoc large-scale initiatives and budget increases have been funded to improve services, no annual funding was provided for the maintenance and security of the systems being modernised, or to maintain high security standards across the department. There is only one professional who can analyse and design business processes in a digital environment.

When negotiating and designing the new funding model the following factors should be considered:

- **The value of the DHA in combatting fraud and related crimes**

Fraud, corruption and related crimes in South Africa, such as identity theft and bribery, harm individuals, institutions and systems and add to the costs of doing business. The perpetrators may be citizens, foreign nationals or persons working in the private and public sectors. Some of the fraud is opportunistic but is often connected to national and transnational syndicates involved in large-scale crime.

DHA identity systems linked to biometrics operate to prevent or detect fraud on several levels. Firstly, in individual transactions banks and other institutions will use fingerprints to check identities with the DHA online. Secondly, this capability can be used to build automated systems that are efficient and secure.

Thirdly, risks can be managed and fraudsters detected and convicted by analysing data and following audit trails linked to identities. Similar systems will assist to improve services.

Currently, a few dozen private and government institutions use the DHA's systems to verify identity. A fully established population register will be employed globally to verify transactions involving South African citizens and others captured on the population register, such as refugees and residents registered in South Africa.

- **The value of the population register and related systems in a digital society**

A digital society must be enabled by an integrated digital state referred to as e-government. These developments are not possible without the DHA affirming identity and generating the data essential for an e-government to function and for the private and public platforms we already depend on.

As the fourth industrial revolution redefines the nature of the contract between citizens and the state, issues such as privacy and rights of access to data become central. In this environment, the role of the DHA is above all to become the trusted guardian of South African identity and citizenship. This has huge symbolic and actual value in a digital world in which commerce depends on trust.

From the perspective of active, empowered citizens in a developmental society it is all about inclusivity, active participation and access to information, rights and services.

Scenario two: Anna Witbooi, an elderly farmworker, empowered via the DHA

Anna Witbooi, an elderly farmworker, approaches an e-government portal located in a remote, rural post office. It greets her by name in her own language, after verifying her identity through a combination of face and voice recognition. Secure data, that she has authorised the system to access, will tell the system that she is visually impaired and has only basic literacy.

Anna wants to confirm arrangements for her cataract operation and for a scholarship for Karl, a ten-year-old grandson she cares for. The boy has a remarkable aptitude in mathematics.

She asks for assistance in registering with a local cooperative, linked internationally to others that record, protect and derive value from indigenous knowledge. The cooperative is creating business opportunities in the area, and Anna has a deep knowledge of its history, culture and traditional medicine. She will eventually generate more wealth than the farmer she works for.

A local election is coming up and Anna wants to know what plans and funding are in place to build a promised water recycling plant.

The system must provide citizens with the answers to any questions that can be answered using data that is not classified.

- **The value of the DHA in a digital economy**

Whatever form the fourth industrial revolution takes, the role of government will be to create a secure, enabling environment that is efficient and meets individual and community needs in a globalised world. Talent and investment are already flowing to places where these expectations are met. The same principle will apply within the borders of South Africa.

The new economy is one in which the organisation and communication of value, and the production of energy, is distributed (Jeremy Rifkin, 2011, 2014). This creates transformative opportunities for addressing the legacy of colonial underdevelopment in urban and rural areas, as illustrated by scenario three below.

Scenario three: Drones and the DHA in a peri-urban development area

MNB (Maseko, Naidoo and Botha) have won the contract to provide drone services for a peri-urban area being developed to the West of Tshwane. They had formed the company when studying and working in one of the nearby research and development complexes.

Despite the complexities of the new economy and drone regulations, thanks to e-government enabled by the DHA, they could form the company in their second year. They operate in South Africa and with partners in Botswana and Brazil.

The peri-urban environment is complex, with many small and medium businesses combining farming, manufacturing, tourism and services. There are also human communities connected both to one another and globally. MNB participated on the development committee, along with the representatives of local residents and government. The most active representative was from the smallholders association, which consisted mostly of smallholders who had been allocated land and well-established smallholders.

The data from the drones is essential for monitoring water and land use, and pollution; for security; and for optimising logistics such as moving produce and goods efficiently and getting high-value items to restaurants, other producers or shops nearby. Together with data from the DHA and other government sources they support a request for a new school; trace the foreign owner of an automated plant polluting the river; and help apprehend members of a local syndicate stealing protected species of wild plants.

- **The revenue-generating potential of the population register and related systems**

In the medium to longer term, within five to seven years, the importance of adequate funding for a secure, efficient DHA is unlikely to be questioned as it takes its place in the new economy. Given the growing dependency of the economy and citizens on the DHA's data and services, the potential for raising revenue will be large. However, the way fees are levied will be an important factor in the cost of doing business and will have an impact on the economy. In subsection 11.2 below, some broad principles are indicated that could guide policy development in this area going forward.

- **The cost of a secure, future-proof and responsive DHA**

As outlined in section D, the project for the detailed design and cost projection of the new model DHA will be launched in the 2019-20 financial year. This will be different, but related, to the investment cost of phasing in the new model over seven to 10 years. The time frames are indications that will be dependent partly on the development trajectory of the state over the next five years and how far its modernisation is integrated. The DHA is not the only department that requires cyber security and a large-scale retraining programme.

While the future macro organisation of the modern state cannot be predicted with any certainty, the DHA will have to fulfil its functions and mandate in a way similar to that set out in the high-level model. The baseline budget must therefore accommodate:

- the capacity to serve a client base efficiently through multiple channels that includes all citizens globally and all foreign national who apply to enter or who have entered South Africa, and all institutions that make use of DHA services
- a fully integrated digital platform with a population register connected to civic, immigration and refugee subsystems
- staff that have significant generic technical skills as well as specialist competencies and who can thrive in a learning organisation
- an organisation that operates within a secure environment and meets high security standards
- technology that is world-class, secure and kept updated.

11.2 Principles that can guide the development of the funding model

Assumption

All DHA systems will be digitised with a management information system that enables services and products to be accurately costed.

Budgeting principles

1. The state must provide the funding required for the DHA to deliver against its full mandate and related policy objectives according to defined operational, organisational and security standards.
2. The state must provide any additional funding required for the DHA to help achieve national goals according to approved projects and programmes and to maintain the standards referred to in principle 1.
3. The DHA must implement the capacity and digital management systems required to support, within approved time frames, any request for funding by submitting approved policies and standards, accurate costing and detailed plans.

Revenue-raising principles

4. The DHA can recover **an amount equal to the full cost of standard services** to individual citizens, less any discount that is approved, through the mechanism referred to in principle 7. The full cost, discount and list of standard services will be determined according to approved policies, definitions, regulations and procedures.
5. The DHA can recover an amount equal to the full cost of standard and premium services to businesses, less any discount or an additional amount that is approved through the mechanisms referred to in principle 6. The full cost, categories of services and any discount or additional amount, will be determined according to approved policies, definitions, regulations and procedures.
6. The DHA will provide services to other state departments, agencies or entities at cost, provided these services are related to producing value that can be defined as for the public good. These costs can be recovered in two possible ways, individually or using a combination of the two. The first is by charges approved by the regulatory body referred to in principle 7; the second is by including in the budget allocated by National Treasury an amount that will offset the cost of the service.

Governance

7. Given the centrality of the DHA in a digital state, economy and society, the finance branch will be strengthened to collect more revenues to fund the repositioned Home Affairs. The approach for the collection and retention of revenue will be done in consultation with the National Treasury.

SUMMARY OF THE KEY POINTS OF SECTION C

Section C describes what a modern, secure DHA staffed by professional officials will look like and how it will operate a digital platform with the population register at its centre. The section also sets out some of the principles that should inform the development of a funding model; and the kind of coherent legislative environment required for the DHA to fulfil its mandate.

The background and context for repositioning the DHA is not discussed in depth, but the section emphasises the importance of the DHA in the lives of citizens. Scenarios are described to illustrate the positive impact that a future DHA will have on the lives of the marginalised, new businesses growth and environmental protection.

The officials, systems, funding and legislation envisaged in this section are currently visible in the DHA, but only as exceptions given the prevalence of the legacy model. Most systems are still outdated, and most officials do not have higher education qualifications and perform routine tasks behind counters. Only a small proportion of funds is generated from online services and most policy and legislation requires serious review and development. In section

D, a strategy and a road map illustrate how the “mixed model” can become a new model by implementing a phased change strategy.

SECTION D: IMPLEMENTATION STRATEGY AND ROAD MAP

Introduction to section D

Chapter twelve: Context, enablers and change strategy

Chapter thirteen: Implementation road map

Summary of the key points of this white paper

INTRODUCTION TO SECTION D

Section D indicates how the DHA's repositioning can be successfully implemented.

Repositioning must be implemented on several levels when viewed from an internal standpoint. At the level of policy, it means implementing the framework set out in chapter three and ensuring that specific policies and enabling legislation are in place. At the level of delivery against the mandate, as framed by the policy, it means building the new model DHA that is described in section C. This involves developing the elements required, including people, systems, organisation, infrastructure and sustainable funding.

From an external standpoint, repositioning refers to the DHA's new position and role in relation to the rest of government and society in general. Chapter twelve provides an overview of the wider context, pointing out that without a modern, secure DHA it is not possible to build a capable state that can harness the fourth industrial revolution and manage climate change. The key enablers needed for repositioning are also examined and a change strategy defined.

Section D, and this white paper, concludes with chapter thirteen, which sums up the salient issues and themes. Chapter thirteen provides an overview of implementing the change strategy, first at a macro level and then of the concrete steps that must be taken before a comprehensive repositioning programme can be launched.

CHAPTER TWELVE: CONTEXT, ENABLERS AND CHANGE STRATEGY

12.1 The repositioning context

12.2 Key enablers for repositioning

12.3 Change approach and strategy

12.1 The repositioning context

The DHA is repositioning in a local, regional and global context that is dynamic and presents risks, threats and opportunities. The threat of climate change is undeniable in terms of the environment and water and food security. The fourth industrial revolution, while still in its infancy, is rapidly advancing and changing societies globally. This change brings with it social, political and economic uncertainty and conflicts. It also brings benefits. It is becoming clear that the fourth industrial revolution gives nations and humanity the potential to ensure inclusive development, to live in more equal and sustainable societies, and to manage climate change risks.

An efficient, modernised state that uses an e-government platform to deliver services will create conditions for all citizens to benefit from the fourth industrial revolution. As reported in section B, the DPME in their 2017 budgeting guidelines stated that the DHA's population register will be a critical enabler of modernising the state.

In the emerging global economy, life-long employment in large companies is being replaced by workers in small and medium businesses who may also own businesses and do contract work. Creating value and employment are becoming highly distributed and globalised. For example, a school leaver may want to form a specialist stage lighting company she has planned with online partners in two other countries. She may already be doing part-time work with local small businesses and assist at global events. The new economy will demand, and people will expect, domestic and transnational services to be fast, reliable and secure at all times.

The creation of small businesses is critical for job creation. The Companies and Intellectual Property Commission (CIPC), an agency of the DTI, is responsible for registering companies. It has established an online platform that registers a business in 24 hours, provided that the DHA can confirm the applicant's identity and Sars can confirm their tax status based on that identity. The overall system works, but the connection with the DHA is not yet fully reliable because of the current DHA model, which still uses the old population register and related systems. The system to register businesses online can be taken to any scale and work reliably only if the DHA and Sars develop end-to-end systems that are reliable, highly secure and supported by excellent front and back office staff 24 hours a day and seven days a week. This is what the new model DHA aims to achieve, and what a modernised state in a digital world means.

The CIPC example above is one of many improvements being made to many government systems using new technology. However, without a modern, secure DHA the country cannot move to the next phase, which is large-scale integrated e-government. This will use e-identity and biometrics to enable dramatic improvements in efficiency and security in interactions across government (G2G), and between government and citizens (G2C), government and business (G2B), business and citizens (B2C) and business to business (B2B). Such a platform will connect citizens to services wherever they live, transforming communities and enabling fully inclusive development. With every transaction data will be generated, creating the “big data” sets needed to coordinate and deliver services, aided by smart software and governed by legal instruments such as the Popi Act.

12.2 Key enablers for repositioning

A number of key enablers must be in place for the DHA to reposition completely from its legacy model to a new model. This will be divided into two phases: in the first phase, the enabler will be improved or developed while the old model is still in operation; in the second phase the enabler will begin operating as part of the new DHA model.

A brief explanation of each enabler and its phase is provided below, along with some examples to illustrate the points. In all cases the examples are based on successful practices developed by DHA officials over the past 12 years under various change programmes. In almost every case the structural constraints imposed by the legacy model prevented them from being fully implemented.

Governance, leadership and coordination

The DHA is strengthening its governance, leadership and coordination, which prepares the ground for the repositioning programme. These aspects of the organisation will continue to evolve as elements of the new operating and organisational models begin to function.

Example: In the new model, governance will be greatly enhanced by real-time data generated by the Business Intelligence System, which draws from fully digital processes. In the current system this is not possible, but the use of data will improve as the capability and skill levels develop.

Policy and legislation

The systematic legislative review and improvement began under the old DHA model, with immigration and refugee legislation reviewed after the 2017 White Paper on International Migration was approved. A comprehensive review will form part of the repositioning programme, covering civic areas such as the fragmented marriages Acts. Coherent policies and laws will be fully aligned to the Constitution and other legislation, and be appropriate for use with the new DHA model.

Example: The 2017 White Paper on International Migration includes establishing a Commission on Asylum Seekers and Refugees, which will require policy development and legislation. Interim arrangements in the shorter term will see improved understanding and cooperation between stakeholders; but for the commission's operations to become established, such as fully functioning processing centres, will require the new model DHA.

Operational and organisational models

These closely-related models incorporate the DHA's core business and support, which includes the back and front office and all organisational structures, processes and systems that work together daily to deliver the DHA's mandate. There are many areas where interventions can have a positive impact on a mandatory function or service while building towards the future model.

Example: Some of the worst abuses of clients' rights, such as denying them a mandatory service, come from an official not escalating the matter. To effectively correct this, a rule that all clients must be processed could be established. The rule would include case escalation according to a legally binding operating procedure. For this to work, all current staff must be trained in the correct values, skills and operating principles of the future model's processes and operating procedures. A systemic problem would then be improved using tools such as business process analysis and data analytics, which will further train staff for the future.

Cross-cutting enablers

The following enablers are all dependent on other departments' legislation and systems that, to varying degrees, can be adapted by different organs of state. Each constitutes an essential element of the new DHA model.

Human resources

As shown in the example above, human resources is the most critical of the enablers. Developing staff towards the new model can only be done by involving them in two ways: improving existing systems and building new systems. Experience has shown that trainers from the DHA's Learning Academy play an essential role in this process, especially when they work with learners in the field. The kind of digital learning platforms and learner management systems developed by the National School of Government are an essential enabling tool to support this process, with some content developed by the DHA and other content adapted or sourced via an extended learning network.

IT systems

With IT systems it is generally bad practice to improve the old while building the new using technology. One process that must be used to improve current processes is mapping and understanding the existing system. This gives experienced staff a chance to use their knowledge and to make improvements while they are introduced to new concepts and eventually retrained on the new system. The DHA currently has very few business process specialists and must address this before launching its repositioning programme.

Infrastructure

Infrastructure is another complex area with a high degree of dependency, constraints and large capital costs. The main factors that can be managed include technology, which is evolving rapidly and may offer new possibilities in areas such as connectivity or biometrics. Another dynamic factor is partnerships with other departments or the private sector. Both partnerships and technology link to opening new channels, which is a central feature of the new operating model. Value-added offices, where additional fees are paid, could be used to fund and pilot new business processes that would eventually be rolled out to all offices.

Security

Organisations with high levels of security – such as the State Security Agency, Dirco or banks – operate within a security system that is continually monitored for breaches of any kind, among other measures. The DHA needs to build on existing elements to achieve that level, which is essential for its security and its active role within the state's security systems and structures. The first stage would be to comply with the standards set down in various pieces of legislation such as the forthcoming Cyber Security Act. Infrastructure and system designs must consider internal and external risks and threats by introducing processes such as strict access control with monitoring centres. All staff must be vetted and trained in security to maintain the integrity of the security system and be able to respond to risks or threats.

As described in the examples above, most actions will operate on two levels. The first level is to strategically improve the existing DHA model and the second level is to build the elements of the new model. In some instances these levels will work one after the other, while in others they will be done in parallel.

12.3 Change approach and strategy

The DHA's strategy for the repositioning programme's first phases is to manage its two co-existing systems to build public confidence and partnerships within the state and externally, while systematically replacing the legacy system with the new. Experience during our turnaround and other change programmes was that success depends on mobilising our staff behind the strategy while building public and stakeholder support through achievable successes.

This strategy cannot succeed without specific support and cooperation from stakeholders and partners, which include relevant clusters of departments, the Cabinet and departments with which we have bilateral relationships such as the National Treasury, DPME, DPSA, DTPS, departments of Health and Education, Cogta and others. A repositioned DHA is an essential enabler of a state that is committed to modernising and must confront a range of critical domestic and global challenges.

CHAPTER THIRTEEN: IMPLEMENTATION ROAD MAP

13.1 Implementing the repositioning strategy

13.2 Overview of the implementation road map

13.1 Implementing the repositioning strategy

The context and broad strategy for implementing the white paper by repositioning the DHA, was set out in chapter twelve. The term repositioning is defined as implementing the policy framework set out in section A by completely replacing the current DHA model with the model presented in section C. The new model requires a modern, secure department, staffed by officials with appropriate values, competencies and a professional approach.

At a policy level, the DHA will also be repositioned in the way its full mandate and role is understood by all South African citizens. The mandate statement in the policy framework is as follows.

Mandate One: Management of citizenship and civic status

Mandate Two: Management of international migration

Mandate Three: Management of refugee protection

Mandate Four: Responsibility for the population register

To give full effect to the above mandate, the DHA has started putting in place a fully integrated digital platform built around an inclusive population register. Globally, countries that have taken inclusive development paths are harnessing the fourth industrial revolution by building modern states with efficient, integrated e-government systems. This is impossible without a secure, accurate and trusted national identity system. Organisations as diverse as the AU, the UN and the World Bank advocate building national identity systems as essential to inclusive development and delivering rights-based services.

From a citizen's viewpoint, the rapidly growing expectation globally is that governments and business will deliver efficient, cost-effective and responsive services. Without creating such an environment no country can succeed in the emerging global economy or mitigate the impact of climate change. The repositioned DHA will thus be an essential national asset because of its role and its capacity to achieve the outcomes set out in its policy framework in chapter three.

13.2 Overview of the implementation road map

This high-level roadmap indicates how the change strategy outlined in chapter twelve can be implemented. This strategy is based on the following assumptions:

1. In the longer term the only viable option for the DHA is to completely replace its legacy model with a new model by putting all the critical enablers outlined in chapter twelve in place.
2. The current situation of operating with a mixed model will continue after the repositioning programme is rolled out over the short and medium terms.
3. Experience during the turnaround programme and other initiatives showed that the most effective strategy is for officials to make visible improvements in the lives of citizens by employing elements of the new model and developing themselves and the new systems in the process.
4. The above strategy will build support for the DHA as clients and partnerships realise benefits, and stakeholders work collaboratively to modernise their respective organisations. This, in turn, could generate resources to support further development using systemic improvements to cut costs, increase efficiency and reduce fraud in the public and private sectors.
5. The DHA cannot reposition in isolation. Importantly, the new model being built requires a connection to expanding e-government platforms that are secured at a national level. Thus, for the strategy to succeed the repositioning programme must be considered a national project that is integral to a broader programme of building a modern, capable development-orientated state.

Planning horizons

Implementing the repositioning programme will be planned according to the following horizons:

Three-year horizon:

The internal focus is on putting key elements of the new model in place, such as legislation and building the population register. A cohort of staff is retrained by improving and building systems using the values and skills of the new model. Externally, the priority is building partnerships with stakeholders and visibly improving services to clients.

Five-year horizon:

Internally, all core elements of the new model are fully functional, including basic administrative and core business systems, and required security standards are maintained. Externally, partnerships and contracts with external

stakeholders are in place. The population register is generating substantial revenue through large-scale verification of identity.

Ten-year horizon:

The envisioned end-state is achieved with the legacy model fully replaced, world-class standards maintained and funding assured. The DHA attracts talent because of a reputation for ongoing innovation and staff development. The DHA is a crucial enabler of integrated e-government and an inclusive economy.

The repositioning programme: preparatory steps

The priority over the next 12 to 18 months is to create the conditions required for launching a comprehensive repositioning programme. The steps outlined below are essential.

1. **Update policy and legislation:** The implementation of the 2017 White Paper on International Migration will continue and is accommodated within the overall policy framework for Home Affairs set out in this white paper. Another priority will be anchor legislation in the form of a Home Affairs Act, to enable delivery against the full mandate of the department. A third priority will be the policy framework and coherent legislation needed to enable effective management of identity and civic status, and the population register.
2. **Strengthen all aspects of governance:** Change requires the capacity to make sound decisions under pressure. An initial project is underway and will be expanded to ensure governance improvements are effective and sustained.
3. **Get buy-in from management and leadership:** Repositioning requires a strong management collective that breaks down the silo mentality, and communicates with, and effectively involves, the staff at all levels.
4. **Initiate five preparatory phase projects:** These projects will be aimed at enabling the DHA to take firmer control of five key areas before launching a comprehensive repositioning programme. These five key areas are organisation, ICT, finance, contract management and core mandate operations.
5. **Establish a Programme Management Office (PMO):** The repositioning programme will require a PMO to ensure sound programme planning and project governance, monitoring and coordination. The PMO must have the capacity to ensure that the repositioning programme is aligned to the government programmes and that necessary agreements with clusters and key stakeholder departments are in place.
6. **Initiate the first phase of a vision and design project:** Supported by the PMO, this will produce a detailed design of the new model to guide programme planning and develop a costed implementation plan. The plan and costs will be taken to Cabinet for consideration.

7. **Launching a comprehensive repositioning programme:** When all the above processes are underway and the necessary enablers are in place, a comprehensive repositioning programme will be launched.

SUMMARY OF THE KEY POINTS OF THIS WHITE PAPER

The four sections of this white paper are logically connected. Section A explains the importance of the DHA and that it cannot deliver its full constitutional mandate because it is constrained by a legacy model. Annexure A is a historical narrative that details efforts by the DHA to improve this model, such as the 2007- 2010 Turnaround Programme.

Transformation efforts resulted in significant improvements in service delivery, but could not address deep-seated structural problems. The policy shift came when it was realised that the legacy model must be replaced, and in 2017 Cabinet approved a vision of the new DHA in the form of a business case. A summary version of the business case was published for public comment as a “Discussion Paper for repositioning the Department of Home Affairs”. Inputs at national and provincial stakeholder engagements were in general very supportive, with some concerns about the state’s capacity to implement the model.

Section A concludes with chapter three, which introduces a policy framework that defines the full scope of the DHA’s mandate. This built on aspects of the existing mission and values statements set out in annexure B. However, its vision and outcome statements have a much broader interpretation of the DHA’s mandate, and this is made clearer by defining each outcome in terms of principles and objectives.

Section B explains the mandate and four sub-mandates of the DHA.

Section C presents an explanation of the new DHA model’s operations, organisation and legislative environment. At the heart of the model is the population register, which can be the backbone of citizen empowerment, inclusive development and efficient administration in a digital world. It is also an essential element of national security, broadly defined.

The focus of section D is a high-level view of how the DHA can be repositioned by replacing the existing model with the new model in a phased approach. The section presents a change strategy based on the experience of transformation initiatives over more than ten years. The necessary enablers that must be in place are specified, with examples given and steps to be taken before a comprehensive repositioning programme is launched.

It is important to conclude by noting three related themes that recur in each of the sections and give the white paper much of its relevance and importance. The first is that the DHA’s mandatory functions are essential to realising the state’s constitutional obligations to the rights of citizens. The second is that in addressing the challenges facing citizens and the state, the nation must invest in a DHA that is modern, secure and staffed by highly competent and skilled officials with appropriate values. The third theme is that a repositioned DHA is essential for harnessing the power of the fourth industrial revolution and enabling development that will include and benefit all citizens.

ANNEXURE A

AN ANALYSIS OF HOME AFFAIRS: 1910-2017

A1. Home Affairs functions under colonialism and apartheid: 1910 – 1993

A2. Home Affairs in a democratic, sovereign state: from 1994 – 2017

A.1 Home Affairs under colonialism and apartheid: 1910 – 1993

A.1.1 South Africa as a colonial state from 1910 to 1961

In 1910 when South Africa was created as a British colony, the Home Secretary in the United Kingdom had a mandate that made him the most senior minister and placed him at the centre of the state. His core functions were and are similar to Ministers of the Interior in other countries. The Home Secretary was responsible for national security and among the departments that reported to him was the police, domestic intelligence and the prison service¹. He was also responsible for strategic administrative functions that included the management of immigration, civil registration and elections. His responsibilities in terms of general administration included statistics, government printing and public holidays.

Colonies, including South Africa, were not sovereign states and existed to serve the interests of the imperial power that created them. Larger decisions were made in London, Paris, Berlin and Lisbon and not in the colonies. The head of state was the British monarch and not the South African prime minister and the highest court of appeal was the House of Lords in London.

Colonial states in general therefore did not have the equivalent of a Home Secretary or Minister of the Interior but were established as administrative units. In South Africa in 1910, the administrative functions listed above were located in a Department of the Interior, under General Smuts who also headed the Army and Education. The administrative functions included immigration and civil registration, the licencing of newspapers and responsibility for insane asylums, leper colonies, botanical gardens and astronomic observatories. Along with official statistics, some of these institutions were a valuable source of data for British scientists and companies.

A.1.2 The functions of Home Affairs under Apartheid: 1960 - 1994

The South African state that was created in 1994 is sovereign, democratic and constitutional. The state that it replaced primarily served a minority that were classified “European” or “White”. An extreme form of colonialism

¹ From 2004 the prison service reported to a separate minister.

termed apartheid was used to subjugate and exploit the majority (defined as Native or Bantu and Coloured and Indian) by denying them citizenship and forcing racial and ethnic identities on them. This was in many ways a colonial state, although formal rule by Britain ended in 1961 when apartheid South Africa declared itself a republic.

Building on the colonial machinery created under British rule, the apartheid administration of identity, civil status and migration reflected the racial and ethnic divisions imposed upon society in general. Civil registration for South Africans classified as Indian, Coloured and African was administered by eight separate departments, with Africans further divided according to ethnicity. Birth registration for Africans was not compulsory, and in general people in this racially and ethnically defined population were considered units of cheap labour to be absorbed into a migrant labour system that stretched across Southern Africa.

Departments for persons classified as “Bantu”, Coloured and Indian used paper-based systems that were administered by poorly educated officials in ways that were notoriously complicated, callous, arbitrary and corrupt. In stark contrast, the department serving about four million white South Africans was comparable in terms of systems and service levels to middle-income countries.

The three core functions of Home Affairs, the management of identity, civil status and migration, were combined with a host of colonial laws to subjugate and exploit 40 million South Africans classified negatively as “non-white”. Five key colonial mechanisms were used: racial classification; land allocation; job reservation; movement control; and ethnic divisions.

Ethnic divisions were entrenched by establishing “homelands” or “Bantustans” in the 13 % of land allocated to indigenous African peoples termed Natives or Bantu. To perpetuate the myth that Africans were not citizens of South Africa, four of these ethnic territories were declared independent states. The “TBVC” states were Transkei, Bophuthatswana, Venda and Ciskei. No other country recognised their status, and even though they established civic registration systems and issued their own passports, any of their so-called citizens had to be issued with a South African passport to travel abroad.

Only persons classified as White or European had freedom of movement within South Africa and Africans had to carry passes that restricted their movements. Immigration was regarded as a way of strengthening the white minority and limiting the influx of those considered as especially undesirable, such as Indians and political radicals. The issue of passports to Africans was tightly controlled and their international isolation used deliberately as a means of subjugation.

When South Africa declared complete independence from Britain in 1961, it was declared unilaterally by a regime that continued to use colonial systems to deny a South African identity and citizenship to the great majority of South Africans. About 10% of the population inhabited a modern environment; and 90% lived in areas of extreme underdevelopment in terms of the economy, services and infrastructure.

The latest technology, such as computing and nuclear weapons, was at the service of a state that continued to be colonial. South Africa had one of the first computer-based population registers, introduced by the “White” Home

Affairs in 1984, but it was introduced to benefit a minority that classified itself as “European”; and to sustain a colonial system of racial classification.

A.2 Home Affairs in a sovereign, democratic, non-racial state: 1994 – 2017

A.2.1 Building the first national, non-racial Department of Home Affairs

In 1994, with the birth of a democratic South Africa, the priority was to deracialise the laws, unify the eight apartheid departments that had previously carried out civil registration and build the first truly National Population Register (PR). Officials worked around the clock to create the first national register of citizens as a basis for creating a non-racial voters’ role for the South Africa’s first democratic election on 27 April 1994.

Apartheid documentation was replaced by a single green bar-coded ID book that was issued to all South Africans. This was a process of great symbolic importance, together with all South Africans queue for services at the same Home Affairs offices flying the new flag. For black South Africans, this was the department that under apartheid robbed them of their rights, dignity and citizenship. For all South Africans, having a common official identity and citizenship was key part of building a new national identity in a society that remained – and remains - deeply fractured.

Over the next 10 years, the priority was to provide the Home Affairs services previously reserved for 4,5 million citizens previously classified as white, to all South African citizens. By the year 2000, the DHA had 170 regional and district offices, and a presence at 58 ports of entry, seven international airports and officials at 56 consulates abroad. A major achievement was the building of a national system connecting the offices of the DHA to the National Population Register. However, given the deliberate underdevelopment of large areas of South Africa under apartheid, many rural and urban communities remained without Home Affairs offices. In 2005, the DHA launched its first fleet of 67 mobile offices² with satellite links, which visited marginalised communities on a weekly or monthly basis.

The immigration function was poorly developed, and until 2002 a deracialised version of the apartheid-era Aliens Control Act (1991) was in force. The 2002 Immigration Act was based on perceived best practice and among other changes established an Inspectorate. However, until an Immigration Branch was established under a Deputy Director General in 2004, the entire system was headed by a Chief Director. The 2004 amendments to the Immigration Act provided the minister and officials with increased powers to administer immigration; but the function has to date remained severely underfunded with an operating budget of under a billion rand.

² In 2007, additional mobile offices were procured, bringing the total to 117.

A.2.2 The Turnaround programme

Following the negotiated ending of apartheid and the first democratic elections in 1994, the first two administrations were under a Government of National Unity, which ended with the elections of 2004. During this period, the DHA was consolidated into one department, it expanded its services and basic laws were deracialised. However, no significant transformation took place and the DHA was not in general regarded as strategic.

By 2006, the poor quality of services and high levels of corruption at the DHA were having a negative impact on the lives of citizens, and the majority who were poor and marginalised. Identity documents (IDs) were necessary to access services – from renewing a licence, to getting married or opening an account. Yet the average turnaround time was 140 days, with many applications taking months. Passports could take three months or longer to be delivered. South African identity and travel documents were increasingly regarded as a risk internationally because identity and related documents, such as birth certificates, could easily be acquired fraudulently.

Responding to the crisis, the Minister of Home Affairs approached Cabinet and requested the intervention of a support team drawn from the Public Service Commission, the National Treasury and the Department of Public Service and Administration. The team's summary report, presented to Parliament in early 2007, called for drastic action to address deep-seated problems of leadership, management, systems, technology, organisation and corruption.

The second strategic initiative, in response to the Support Intervention Team's report, was to launch a large-scale Turnaround programme in 2007 with four major goals: improve management; change staff culture to a client-centred approach; radically improve business processes; and gain public trust and confidence by delivering key services consistently.

By the end of 2009, all four goals had been achieved to a significant degree, with most IDs delivered consistently within 45 days and passports within six weeks of an application being received. Security, efficiency and the client experience were improved through a combination of operations management, staff training, the use of technology and the upgrading of offices. Surveys commissioned by the Government Communication and Information Systems (GCIS) and by the DHA indicated that the improvement in services was most appreciated by the poor and marginalised.

The use of SMS notifications and establishing a call centre reduced queues, as a survey had revealed that 40% of visitors to DHA offices had been going there to make enquiries. At a macro level, this meant millions of saved hours, which people could use more productively. The Turnaround programme also impacted on the organisation, with improved management, governance and administration. Skills such as project management, operations management and business process development were transferred from the consultants, in different degrees, to officials.

The introduction of the live capture of client's details directly onto the system speeded up services, together with online verification of identity through checking fingerprints, which enhanced security. The application of digital

technology made new services possible, such as printing out temporary IDs and abridged birth and death certificates at the counter, saving citizens many hours that were previously spent in repeated visits.

In 2011 an agreement was signed with the banking sector that allowed them to improve security, reduce fraud and speed up services by checking the identity of their clients using fingerprint scanners that interface with the DHA's live verification system. The DHA subsequently connected many other institutions, both public and private, to their live verification system.

A.2.3 The shift in understanding the mandate of the DHA

In 2010, two strategic initiatives were launched that in different ways built on the Turnaround programme and took the transformation of the DHA to another level. The first was the active participation and leadership shown by the DHA in meeting certain FIFA World Cup guarantees.

One outcome of meeting 2010 World Cup guarantees was better integration with the Justice, Crime Prevention and Security cluster of departments. A third outcome was the steps taken to actively manage migration risks away from the borders of the Republic of South Africa (RSA). In 2009, an Advance Passenger Processing (APP) system was put in place to obtain information from airlines on passengers before they board a plane to the RSA. The approach and systems introduced over this period have since helped to make South Africa a premier venue for international events, thus creating jobs directly; and indirectly through increased tourism and investment.

The second national strategic initiative in 2010 was the National Population Registration (PR) campaign launched by the President with three main objectives: firstly, to ensure that all births are registered within 30 days as required by law; secondly, to register the birth of citizens so that they can be recognised and access rights and services; and thirdly, to ensure all 16-year-olds apply for IDs so their biometrics can be captured and identity protected.

The PR campaign had a large impact on several levels. While the campaign is ongoing, in the first two years the identity and citizenship of over a million previously invisible citizens across all age groups were confirmed when their births were recorded. These citizens can finally access certain services and rights, including the right to vote, and more accurate statistics are available for planning and meeting the population's needs.

At a policy level, the PR campaign was initiated because of an important shift in understanding of the mandate of the DHA; from primarily being the provider of routine services to be the custodian of identity, civic status and a secure National Population Register.

A.2.4 The Modernisation programme

The existing operating model is based on that used before 1994 by "white" Home Affairs, characterised by clients queuing in front of a front office clerk to complete forms. The goal of the Modernisation Programme, initiated in 2012, is to build a Home Affairs that has completely replaced its legacy systems with multiple channels and integrated digital systems. The assumption is that these systems will be highly secure, professionally managed and appropriately funded.

The new DHA systems and operating model will be built around a new PR that will be linked to the systems for the civil registration of birth, nationality, citizenship, marriage and death. It will also be linked to the Movement Control System and other immigration systems. The PR will enable the efficient and responsive management of all functions of the DHA as it will link the identity of all citizens and other persons in a country to their civil and immigration status. Interfaces between the systems will mean that data is accurate and continually updated in real time.

The vehicle to deliver the systems of a new model DHA is the Modernisation Programme, which consists of multiple projects: short-, medium- and long-term. By 2013 there were 16 projects underway. Systems elements that are being rolled out include the smart ID card, fully digital ID and passport processes, online capture of biometrics at ports of entry and upgrades to the movement control and biometric systems. An automated system for asylum seekers to make appointments was designed and installed by the DHA at the newly opened Desmond Tutu Refugee Centre, greatly reducing fraud and human rights abuses and increasing efficiency. An in-house Contact Centre was opened in 2017, which is one of the key features of the new operational model. Service providers have been appointed to develop specifications and design the system; while work has begun on installing an Automatic Biometric Identification System (Abis³). This will fully replace the outdated Hanis, which relies on fingerprints. Abis has the capability of incorporating multiple biometric modes.

The DHA has entered into partnerships to improve access through creating new channels. An agreement with the major banks allows their clients at 14 pilot branches to access a DHA service point. They apply and pay for a Smart ID cards or passport online and make an appointment complete the process. An SMS advises them when to collect the document at the bank. A partnership with a visa facilitation service led to the company creating service points in several countries abroad and in major South African cities. Applications are sent digitally to the DHA, where adjudicators complete the process. Together with local development agencies, the DHA has extended the service to create one-stop centres for business people in major cities in partnership with government development agencies.

A.2.5 The moetapele programme

In Tswana, *moetapele* means a leader. In parallel to the modernisation programme, the moetapele programme was launched in May 2015 to challenge DHA officials to initiate improvements in their managing processes and service delivery. Through improving the lives of clients, they must demonstrate that they embody the values of the department and the Constitution.

Managers in approximately 400 frontline offices of the DHA were the first group to receive training on the use of tools such as operations management and the quality management of areas like client information and signage, client flow, business processes and management practices.

Of approximately 400 frontline offices, by March 2017, a total of 184 had fully digital processes for applying for and receiving IDs and passports. Thirty-eight digitised offices have managers and staff that have been equipped with new skills and tools, and the training is being extended to other offices. The overall goal of the programme is to

³ Automated Biometric Identification System

provide clients with an excellent service experience. Strategic objectives include building a cadre of leaders and managers that is client-centred and professional, and establishing and maintaining consistent quality standards.

A.2.6 The limitations of improving the legacy model of the DHA

The DHA must have the capability of fulfilling its mandate, in the first instance by ensuring that the vital events of lives of all citizens are recorded and the data secured and that international migration is regulated. In the second instance, the DHA must empower all citizens by providing them with access to efficient, secure services. In the third instance, it must provide South Africa with the capacity to manage international migration securely and efficiently. What citizens also need to understand is that given its functions the DHA plays an active role in the national security system of the state.

By 2015 it was clear that the DHA might improve services incrementally, but as currently positioned it would never be able to fully modernise and deliver against its constitutional mandate effectively. The DHA had to make a fundamental shift away from an outdated model and establish a new model that allows it to play a central role in a democratic, sovereign state.

After initial research conducted in 2015, a report was given to Cabinet that outlined the problem and put forward a proposal for developing a Business Case for Repositioning the Department of Home Affairs. This was approved in March 2016 and a business case was submitted to Cabinet. In March 2017 Cabinet made the following announcement.

On 1st March 17 Cabinet approved the proposed measures set out in the business case to reposition the Department of Home Affairs. The department must be positioned within the security system of the state so that it contributes to national security and is able to protect its people, systems and data. This will better enable the department to deliver against its full mandate as a critical enabler of inclusive economic development, national security, effective service delivery and efficient administration.

An immediate measure taken by Cabinet was that the DHA would be fully integrated into the Justice, Crime Prevention and Security cluster. A significant benefit was that it gave the DHA access to funds set aside for modernising the justice system. This enabled the department to stabilise the outdated Hanis system for recording biometric data, which was at risk of collapse, and to take steps to replace it.

The strategic response by the DHA has been to affect a paradigm shift in the way South Africans view the importance of the department by demonstrating large gains in the efficiency of its services through the modernisation process. This strategy has been undermined by services experienced by many clients deteriorating through a combination of factors. In the long term, the emerging “mixed” mixed model of a DHA is inherently outdated and unstable. There are also dependencies on other departments that require addressing.

It is against this background that a Discussion Paper on Repositioning Home Affairs, which summarised the business case, was Gazetted for public comment on 19 May 2017. The process was officially launched on 11 July 2017 and continued until 30 November 2017 after an extension was requested at a National Colloquium held on 29

September 2017. A series of engagements took place at national and provincial levels with government clusters and other departments; Provincial Executive and local government leaders in two provinces; the DHA staff and union representatives; and public and private entities.

The argument that the DHA must reposition as a modern, secure organisation staffed by professionals was not opposed at any of the engagements by a stakeholder. The central importance of the functions and role of a future DHA as an enabler of empowerment, development and security was also not doubted. The concern most often raised was about the capacity of the DHA and the state in general to modernise and secure its systems going forward. A more general concern was on the impact of the fourth industrial revolution on employment.

The final event was a National Colloquium that included the Gauteng MEC of Health and the North West MEC for Education; and departments and state corporate clients of the DHA that included Eskom, Telkom, Sabric, universities, Sassa, the CIPC, Saqa and Statistics South Africa. The consensus was that a modern DHA is urgently required to enable the state to roll out services that are responsive, efficient and affordable.

ANNEXURE B

PREVIOUS POLICY FRAMEWORK (2017/18)

A Draft DHA policy framework for the Department of Home Affairs (DHA) compared with the current policy framework

The Department of Home Affairs (DHA) is fully committed to repositioning itself as a secure, modern department that must play an active role in citizen empowerment, inclusive development and national security. The White Paper on Home Affairs provides a policy platform that, when finalised and approved by Cabinet, will guide the development of policy and legislation going forward.

ELEMENT	CURRENT POLICY FRAMEWORK	NEW POLICY FRAMEWORK (DECEMBER 2018)
Vision	A safe, secure South Africa where all of its people are proud of, and value, their identity and citizenship	A South Africa where identity, status and citizenship are key enablers of citizen empowerment and inclusivity, economic development and national security
Mandate	<p>The mandate of the Department of Home Affairs is derived from the Constitution and various Acts of Parliament and policy documents</p> <p>The DHA's services are divided into two broad categories: civic services and immigration services</p> <p>The primary mandate of the DHA is to secure and manage identity and international migration through the delivery of enabling services to all citizens, foreign nationals, government and the private sector</p>	<p>Mandate one: Management of citizenship and civic status</p> <p>Mandate two: Management of international migration</p> <p>Mandate three: Management of refugee protection</p> <p>Mandate four: Responsibility for the population register</p>
Mission	The efficient determination and safeguarding of the identity and status of citizens and the management of immigration to ensure security, promote development and fulfil our international obligations	<p>The DHA carries out its mission in accordance with its commitment to citizen empowerment and inclusivity, economic development and national security, through:</p> <ul style="list-style-type: none"> The efficient determination, provision and safeguarding of the official identity and status of citizens and foreign nationals

ELEMENT	CURRENT POLICY FRAMEWORK	NEW POLICY FRAMEWORK (DECEMBER 2018)
		<ul style="list-style-type: none"> • The secure and strategic management of international migration • The humane and efficient management of refugee protection • Efficiently determining and safeguarding the official identity and status of persons
Value statement	<p>The Department of Home Affairs is committed to being:</p> <ul style="list-style-type: none"> • People-centred and caring • Patriotic • Professional and having integrity • Corruption free and ethical • Efficient and innovative • Disciplined and security conscious 	<p>The Department of Home Affairs is committed to being:</p> <ul style="list-style-type: none"> • Patriotic • People-centred and caring • Security conscious • Development orientated • Ethical and having integrity • Professional and showing leadership • Effective, efficient and innovative
DHA outcomes	<p style="text-align: center;"><u>To March 2020</u></p> <p>Outcome 1: Secured South African citizenship and identity</p> <p>Outcome 2: Secured and responsive immigration system</p> <p>Outcome 3: Services to citizens and other clients that are accessible and efficient</p>	<p style="text-align: center;"><u>From April 2020</u></p> <p>Outcome 1: Official identity and status securely managed to empower citizens and enable inclusivity, economic development and national security</p> <p>Outcome 2: International migration securely managed in South Africa's interests and to fulfil international commitments</p> <p>Outcome 3: Asylum and refugee protection efficiently and humanely managed in compliance with domestic and international obligations</p> <p>Outcome 4: The population register securely and efficiently managed to empower citizens and enable inclusivity, economic development and national security</p>
		<p>CROSS-CUTTING OUTCOMES</p> <p>Outcome 5: DHA plays an active part in national security, within its mandate and as part of the security system of the state</p> <p>Outcome 6:</p>

ELEMENT	CURRENT POLICY FRAMEWORK	NEW POLICY FRAMEWORK (DECEMBER 2018)
		A DHA that enables a capable, developmental state and inclusive development through the efficient and secure delivery of its mandate
	Current policy framework ends at this point	Each of the above outcomes has objectives and principles, as set out in chapter three of this white paper