



home affairs

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

## WHITE PAPER ON HOME AFFAIRS

I, **Dr. Siyabonga Cyprian Cwele**, Minister of Home Affairs, intend in terms of section 85 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) to publish the White Paper on Home Affairs for public comment.

Interested persons and organisations are invited to submit any substantiated comments or representations by no later than 18 February 2019. Written submissions can be sent to the following address.

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DATE: 14 January 2019

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## ACRONYMS

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

|               |  |
|---------------|--|
| <b>NPR</b>    | National population register           |
| <b>PMO</b>    | Programme Management Office            |
| <b>PoEs</b>   | Ports of entry                         |
| <b>Popi</b>   | Protection of Personal Information     |
| <b>RSA</b>    | Republic of South Africa               |
| <b>Sabric</b> | South African Banking Risk Association |
| <b>SANDF</b>  | South African National Defence Force   |
| <b>SAPS</b>   | South African Police Services          |
| <b>Saqa</b>   | South African Qualifications Authority |
| <b>Sars</b>   | South African Revenue Service          |
| <b>UN</b>     | 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, which is to manage:

Mandate One: Manage the official identity and status of persons

Mandate Two: Manage international migration

Mandate Three: Manage asylum seekers and refugees.

The first mandate is to provide the nation with the means of knowing the unique identity and civic and immigration status of every citizen globally and every person who has been on our territory. The National Identity System (NIS) will replace the current national population register and will draw data, in real time, from the civic registration and immigration systems. Given the rapid advance of the fourth industrial revolution the National Identity System must be digital, integrated and operate in the cyber environment using e-identity. The system will be a critical enabler of access to efficient services and inclusive economic growth.

Legislation will specify the data that must be reflected in the NIS, and govern its use. The NIS will be supported by a multi-modal Automated Biometric Identification System (Abis). ABIS has been installed and 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 NIS will achieve much more, enabling all citizens to access modernised government services. 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 wherever the internet is available.

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 is to manage international migration efficiently and securely in the social, economic and cultural interests of all citizens. The freedom of citizens to travel abroad is a constitutional right that depends on the Department of Home Affairs issuing passports that other countries can trust.

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 Department of Home Affairs that could implement this policy's principle of policies, people, systems and processes.

Mandate three applies specifically to managing asylum seekers who apply for refugee status; and to 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 defines a refugee as someone who has a well-founded fear of persecution. It is in our interest to grant such people refugee status, provided we manage the process. A world that offers no protection to the persecuted will not be a safe or humane place to live in.

The Department of Home Affairs that we are building has officials and systems that can manage the adjudication of asylum seekers fairly and securely, in collaboration with relevant stakeholders. The policy framework includes establishing a National Commission to lead and coordinate this work, with the Department of Home Affairs remaining fully responsible for the administration of the Refugees Act.

The basic problem confronted in this white paper is that the Department of Home Affairs' 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 Department of Home Affairs 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 investing in a modern, secure Department of Home Affairs was advocated strongly by the Department of Planning, Monitoring and Evaluation, which stated in its Mandate Paper that the National Identity System 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 Department of Home Affairs 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 workers from around the world.

The last section of this white paper provides an overview of how we will reposition the Department of Home Affairs 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: the integration of 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 Department of Home Affairs that strategically delivers its full constitutional mandate 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 framework based on the Constitution. Chapter one analyses this framework as a requirement for drafting clear legislation and as a guide to consistent strategy and implementation.

Chapter one explains the mandate, policies and legislation of the Department of Home Affairs (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 in the country's constitutional, developmental and security obligations and priorities.

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 is aligned to the newly formulated mandate of the DHA 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, from those looking for economic opportunities to 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.

**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. It also cannot provide adequate protection to foreign nationals as prescribed in domestic law and international commitments if it does not know the identity and purpose of other nationals entering and leaving the country.

The DHA is at the core of 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, we must 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 central to developing 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. 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. 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 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 institutions to manage their security effectively.

On the second level we actively assist national security as a key element of the security architecture and systems of the state; for example, our Movement Control System detects persons who are a threat to the country or wanted by Interpol. To deliver against our mandate the DHA must operate in a highly secure environment. No country recognises a passport that is not secure. Protecting the integrity of the national population register (NPR)

enables the state to use it for national security purposes, whether that is checking fingerprints or identifying bodies. An attack on the integrity of the NPR strikes at the heart of any nation and the sovereignty of any state.

**The fourth element is managing international migration.** This relates to our mandate, which 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 nations 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 our immigration officers can lawfully permit persons to leave or enter the country. 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.

### 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 1: Manage the official identity and status of persons
- Mandate 2: Manage international migration
- Mandate 3: Manage asylum seekers and refugees.

The legislation that we administer is based on this mandate. Only the DHA can affirm a person's identity and 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 "manage" 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 such as the Public Protector or a commissioner. The second is to be accountable for those responsible capably managing and developing these functions, without reducing their own responsibility for their allocated function. The 2017 White Paper on International Migration states that the whole of the society must take responsibility for the management of 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. That executive authority is the DHA.

Mandate 1 uses the term "persons" to include all persons, citizens and foreign nationals, who use our civic services. A foreign resident who gives birth or dies in South Africa must be registered here and their embassy

informed so that their state can update its civil register. The acquisition of dual citizenship by a South African has the potential to impact on both their civil and immigration status. Marriage and the custody of children are areas where often complex issues of status have international aspects and must be managed.

## 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. We have 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 extremely 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 key to 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, and linked to accurate population statistics, verified identities and the status of persons. This has led to the DHA building the National Identity System (NIS) to replace the current NPR. The NIS 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 back 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:

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

These three 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

### 2.1 The DHA's current status

#### 2.1.1 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, 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 NPR 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 were forced to 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 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 (management and processes), systems, service culture, security and training. The key strategy was to update the operating model to revise the DHA's operating profile, which would give citizens predictable and acceptable turnaround times for identity documents (IDs), and later passports, and restore confidence in the DHA. 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 our technology, culture and management reduced systemic corruption, assisted by the establishment of a Counter Corruption and Security unit that worked closely with law enforcement agencies. This brought the DHA to its current operating profile, detailed in Table 2.1.

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

| Element of the current operating model  | Quantity/<br>status                                     | Notes   |
|---|---|---|
| <b>National department with operations in all nine provinces and abroad</b><br><b>Provinces are headed by provincial managers (chief directors)</b> |   |   |
| <b>Front line offices, visited by clients who are served at counters</b> and at booths for digital services   | 214<br>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<br>Partly-digital                                   |   |
| <b>Bank branches hosting DHA service points using an online e-Home Affairs</b>  | 14  | Clients of banks apply, pay and make bookings online for IDs and passports  |
| <b>Health facilities connected for birth and death registration</b>   | 391   | Served mainly by part-time staff based in front line offices  |
| <b>Old mobile units, have been used to extend our footprint and for outreach programmes</b>   | 57  | All are being converted into digital mobile units or small offices  |
| <b>New and refurbished mobile units with digital systems</b>  | 79  | Acquisition in batches to be complete by March 2019   |
| <b>Designated ports of entry (PoEs)</b>   | 72  | Air, land and sea   |
| <b>DHA represented abroad at South African missions</b>   | 30  | In other missions the work is delegated to Department of International Relations and Cooperation (Dirco) officials  |
| <b>Refugee Reception Centres</b>  | 3   | Mostly process asylum seekers, over 90% of whom are economic migrants   |
|   | 35 377  | Asylum seekers registered January to December 2016  |
| <b>Premium visa and permit centres</b>  | 4   | One-stop centres aimed at business people; in partnership with development corporations and a visa facilitation company   |
| <b>Lindela Repatriation Centre</b>  | 1<br>23 004   | For persons awaiting deportation<br>Deportations in 2016/17 financial year  |
| <b>Total staff complement 2016/17 financial year</b>  | 9 623   | About 63% at levels 6-8%; with matric as the highest qualification  |
| <b>Total volume of old green ID books issued IDs (2016/17)</b>  | 185 916<br>1 <sup>st</sup> issue<br>142 318<br>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   |
| <b>Smart ID cards issued to end March 2018</b>  | 9 646 763   | The aim is to replace all old cards with the much more secure smart ID cards  |
| <b>Total volume - passports (2016/17)</b>   | 775 806   | All issues of machine-readable passports  |
| <b>Total births registered (2016/17)</b>  | 745 204   | Births of citizens within 30 days, as legally required  |
| <b>Critical Skills visas</b>  | 5 935   | Adjudicated within 4 weeks  |
| <b>Business and general work visas</b>  | 1 572   | Adjudicated within 8 weeks  |
| <b>Permanent residence permits</b>  | 7 810   | Adjudicated within 8 months   |

| Element of the current operating model                         | Quantity/<br>status | Notes   |
|--|---------------------|---|
| <b>Total border crossings (2016/17)</b>                        | 41 269 039          | All persons crossing through PoEs (movement of travellers)  |
| <b>Annual budget (2016/17), including transfers to the IEC</b> | 8 155,8 million     | R 1 586 561 000 transferred to the IEC and 134 480 000 to RPPF leaving the DHA R6 434 759 000       |
| <b>2014 – 2015</b>   | 70%                 | Audited performance of the DHA against annual targets achieved in the plans voted for in Parliament |
| <b>2015 – 2016</b>   | 81%                 |   |
| <b>2016 – 2017</b>   | 84%                 |   |
| <b>Annual revenue (2016/17)</b>                                | 1 099 5 000         | Agreement with Treasury to use to defray specified costs  |
| <b>Proportion of budget spent (2016/17)</b>                    | 99,85%              | Underspending the allocated budget by 0,15%   |
| <b>Audit outcome: (2016/17)</b>                                | Unqualified         | Signifies that basic standards were met in respect of financial governance, management and controls |

### 2.1.2 Current limitations of identity and status management systems

The current NPR is largely a civic register of citizens. It records biometric and biographic data specified in the Identity Act and other legislation and 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 applicable Acts is administered by systems that feed specific decisions and data into the NPR.

The NPR 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 show that they are not citizens. The legislation is administered by systems that have an impact on the NPR, such as those providing permits, controlling movement (at PoEs), conducting deportations and determining refugee status.

**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.

The integrity of an NPR depends on all systems that feed into, and require changes to, its data being secure, accurate and reliable. However, all the legislation noted above is administered by, or connected to, systems that are not adequately secure, are prone to errors and are not fully reliable. The systems are also not integrated, leaving gaps and loopholes in the policies and legislation. The NPR depends on inclusivity: all births, deaths and marriages must be registered. Early birth registration is globally considered essential for a secure NPR, 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, or by officials who are recruited by local and transnational criminal syndicates. 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, we have tried hard to address the challenges described above (see annexure A). Core systems are now more secure and efficient as we use biometrics, among other measures. The dominant culture, drawn from our values, is one of service to citizens and protection of the NPR. We amended laws; established a Counter Corruption and Security branch; and collaborate closely with stakeholders at a local, provincial and national level. 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 NPR, a large number of persons experience difficulties when accessing identity or status services. **This is because any undertaking to transform our identity and status management functions is constrained by these structural factors:**

- The current DHA model is based on a model used by an apartheid-era Home Affairs. 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 of apartheid South African society means that large areas of the country and large segments of the population remain without the networks or access to the records needed to effectively use this model.
- People who were attached to “bantustans” during apartheid were denied South African citizenship. As a result, they were not provided with a national system for birth certificates, which is the foundation of the NPR. 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.
- However, the DHA is generally perceived as responsible for routine administrative functions and therefore less strategically important than “sovereign” departments such as Dirco, the National Treasury, the security services or major service delivery departments such as Health or Education.
- This perception has led to insufficient investment in these major elements of our current operational and organisational models:
  - 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 these negative structural factors are serious. For individuals and families it means the standards set for many services are not reliable. To amend or rectify data on the NPR 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.

### 2.1.3 Managing international migration and refugees

As pointed out in the 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).

#### Definition of a refugee according to the Refugees Act, 1998

3. Subject to chapter 3, a person qualifies for refugee status for the purposes of this Act if that person:

- (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).

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. The establishment of processing centres is proposed, where different categories of asylum seekers can be provided for while being processed through coordinating the work of government and non-government role players. They would then not have to be allowed 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 a visa facilitation partner in 12 centres in other countries and at 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 same 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 Ports of Entry (PoEs).

Interdepartmental cooperation is essential to effectively manage international migration to achieve security and economic objectives. The Border Management Authority (BMA), which is in the process of 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 line and PoEs.

Effective border management globally is intelligence led. Sharing and analysing data, and coordinated operations, are essential for securing border lines 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.

#### 2.1.4 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 complete modernisation of its functions in terms of people, systems, organisation and infrastructure.

Our vision for our systems is to build one integrated digital platform with a single NIS 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 biometrics live capture to verify identity, and digitally printing passports, has evolved into end-to-end paperless application and production processes for smart ID cards and passports. Similar processes for birth, death and marriage registration – and for immigration systems – are currently being phased in.

## 2.2 Problem statement

### 2.2.1 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 – the colonial nature of the apartheid state – and 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 alter 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 central to building a capable, development-orientated state confronted by social injustice, extreme inequality, climate change and a rapid industrial revolution.

**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

- 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.

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. Our developments to date are analysed in Annexure A: An analysis of Home Affairs from 1910-2017.

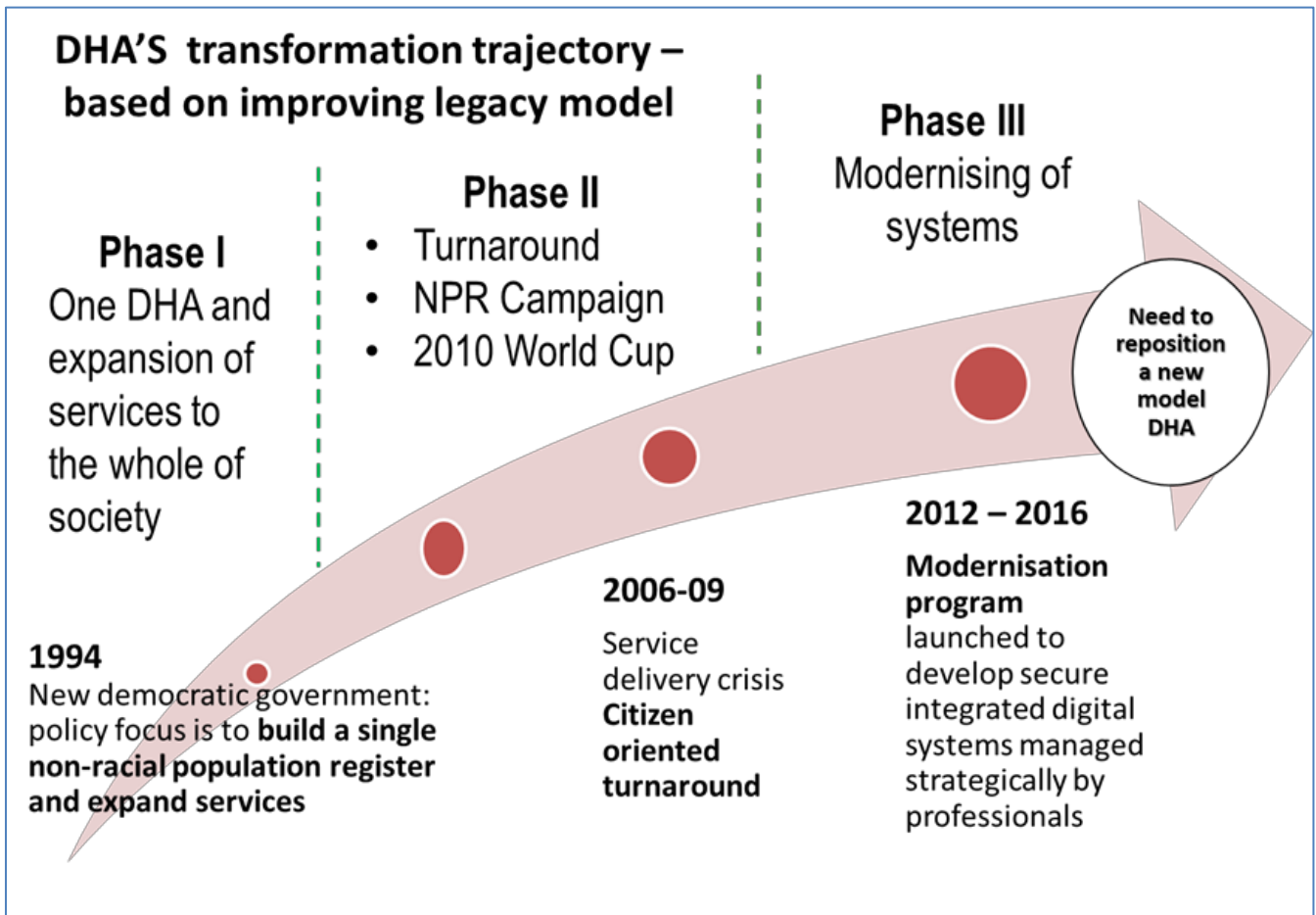


Figure 2.1: Phases of the transformation trajectory of the DHA

## 2.2.2 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 NPR
- To manage international migration in the interest of South Africa
- To manage asylum seekers and 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; maintain and protect its systems; or enforce its legislation.

Given the centrality of data in the fourth industrial revolution, the DHA has begun building an NIS 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 NIS will generate data that will be 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 that should be protected to deliver 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 and a new model of Home Affairs; and show how we can implement the policy and make the vision a reality.

## **CHAPTER THREE: A COHERENT DEPARTMENT OF HOME AFFAIRS POLICY FRAMEWORK**

### 3.1 Introduction

### 3.2 Policy framework for the Department of Home Affairs

#### **3.1 Introduction**

A policy framework for Home Affairs is set out below that, for the first time, covers its full mandate. It should be noted that no new mandate is introduced and the policy framework is firmly grounded on the constitutional obligations that were summarised in chapter one of this white paper.

The term “manage” 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 of 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.

However, 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.

## 3.2 Policy framework for the Department of Home Affairs

### Vision

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

### Mandate:

Mandate 1: Manage the official identity and status of persons

Mandate 2: Manage international migration

Mandate 3: Manage asylum seekers and refugees

### Mission:

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

- efficiently determining, providing and safeguarding the official identity and status of citizens and foreign nationals
- securely and strategically managing international migration
- humanely and efficiently managing asylum seekers and refugees

### 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:**

Official identity and status securely managed to empower citizens and enable inclusivity, economic development and national security

### **Outcome 2:**

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

### **Outcome 3:**

Asylum seekers and refugees efficiently and humanely managed in compliance with domestic and international obligations

## **Cross-cutting outcomes applying to all three mandates**

### **Outcome 4:**

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

### **Outcome 5:**

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 1: Manage the official identity and status of persons**

**Outcome 1:** Official identity and status securely managed to empower citizens and enable inclusivity, economic development and national security

|   |   |  |  |
|---|---|--|--|
| <p><b>Policy goal 1:</b></p> <p><b>The DHA has the sole mandate to affirm, provide and protect the official identity and civic status of all citizens and foreign nationals in South Africa and manage a secure and efficient register of related records</b></p> |   |  |  |
| <p>Policy principle (a):</p> <p>The DHA compiles and maintains an inclusive, digital population register that is secure, accurate and confidential</p>  | <p>Policy principle (b):</p> <p>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</p> | <p>Policy principle (c):</p> <p>The DHA is the sole provider of official identity and civic status verification services</p> | <p>Policy principle (d):</p> <p>The DHA manages the data it is responsible for in compliance with applicable prescripts governing its processing and use</p> |

**Mandate 2: Manage international migration**

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

|  |   |  |  |   |
|--|---|--|--|---|
| <p><b>Policy goal 2:</b></p> <p><b>The DHA ensures the secure management of international migration to advance economic, social and cultural development</b></p> |   |  |  |   |
| <p>Policy principle (a):</p> <p>The DHA facilitates efficiently the admissions and departures of citizens and foreign nationals</p>                              | <p>Policy principle (b):</p> <p>The DHA manages permitting processes based on security considerations and national priorities</p> | <p>Policy principle (c):</p> <p>The DHA contributes to integrating migrants into South African society according to its mandate and the location of this responsibility within the state</p> | <p>Policy principle (d):</p> <p>The DHA facilitates positioning international migration within the African development agenda and in line with the African Union Agenda 2063</p> | <p>The DHA facilitates maintaining relationships with South African expatriates according with its mandate and the location of this responsibility within the state</p> |

**Mandate 3: Manage asylum seekers and refugees**

**Outcome 3:** Asylum seekers and refugees are efficiently and humanely managed in compliance with domestic and international obligations

| <b>Policy goal 3:<br/>The DHA ensures the secure and humane management of asylum seekers and refugees</b>  |   |   |
|--|---|---|
| <b>Policy principle (a):</b><br>The DHA ensures that the protection of asylum seekers is effectively managed by the state in partnership with relevant responsible parties | <b>Policy principle (b):</b><br>The DHA ensures that administrative arrangements are in place to provide access to basic services and to the means of subsistence for those in need | <b>Policy principle (c):</b><br>The DHA manages the process of finding durable solutions regarding the future of migrants who were granted refugee status by South Africa |

**Cross-cutting outcomes related to all three mandates of the DHA**

**Outcome 4:** The DHA plays an active part in national security, within its mandate and as part of the security system of the state

| <b>Policy goal 4:<br/>The DHA actively contributes to national security by managing risks, enforcing compliance with relevant prescripts and actively participating in security-related structures and processes</b> |   |   |
|--|---|---|
| <b>Policy principle (a):</b><br>The DHA establishes and maintains an appropriate security culture and system within which it operates  | <b>Policy principle (b):</b><br>The DHA actively participates in relevant structures responsible for national security in accordance with its mandate | <b>Policy principle (c):</b><br>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 5:** A DHA that enables a capable and developmental state and inclusive development through the efficient and secure delivery of its mandate

| <b>Policy goal 5:</b><br><b>The DHA actively uses its mandate to enable efficient, accountable administration and inclusive development</b>   |   |   |
|---|---|---|
| <b>Policy principle (a):</b><br>The prescripts, organisation and funding of the DHA is aligned with enabling a state that has efficient administration at individual, local and national levels | <b>Policy principle (b):</b><br>The prescripts, organisation and funding of the DHA is aligned with enabling inclusive development at individual, local and national levels | <b>Policy principle (c):</b><br>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 how important the DHA's mandate is. 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 ENVISIONED DEPARTMENT OF HOME AFFAIRS**

Introduction to section B

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

Chapter five: A sustainable funding model

Chapter six: An enabling legislative environment

Summary of the key points of section B

### **INTRODUCTION TO SECTION B**

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

- managing official identity and status
- managing international migration
- managing asylum seekers and refugees.

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 has increasingly frustrated its efforts to build a modern, secure department.

Over half our current officials sit behind counters 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 four 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. At its heart will be the NIS and an inclusive NPR incorporating key data from the civics register and immigration systems. The design and operations of the NIS are outlined, as is its future role as the backbone of a digital South Africa.

Chapter five 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.

Section B concludes with chapter six, focusing 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 National Identity System Act and policy framework.

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

4.1 The operating model and the NIS

4.2 New organisational model and culture

### 4.1 The operating model and the NIS

#### 4.1.1 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 internet of things (IoT) and software using artificial intelligence (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 NPR. 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 4.1 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 NIS 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.

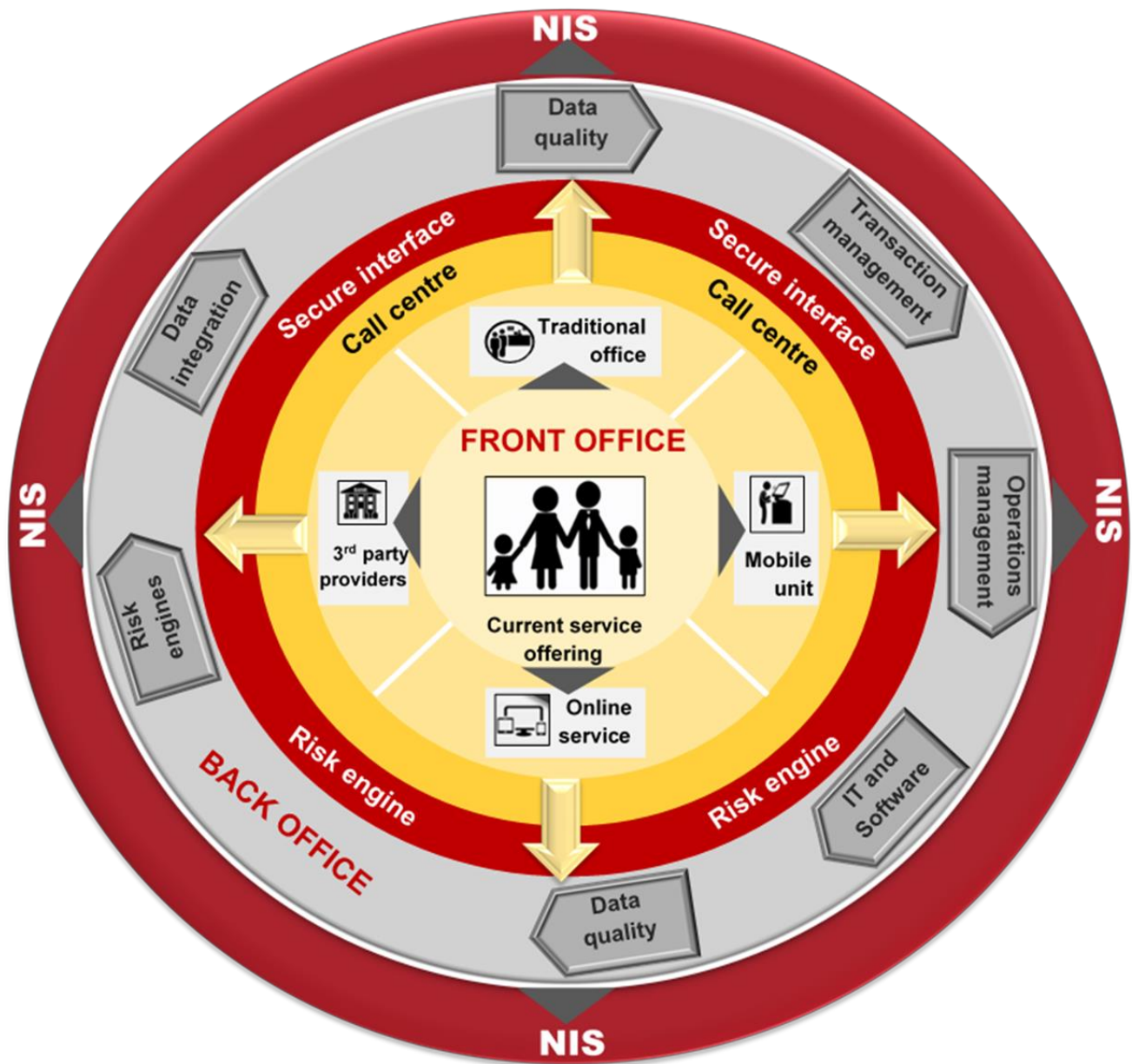


Figure 4.1: Basic elements of the new DHA operating model

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 NIS. 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.

#### 4.1.2 The National Identity System (NIS)

The NIS is the new NPR that the DHA is building, and which will be at the heart of an integrated digital platform. It is a key element of the new operating model, as shown in figure 4.2 below.

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

- the current NPR 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.

The NIS is aligned to mandate 1 in the policy framework: Manage the official identity and status of all persons. It 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 NPR resides under the Civics Branch, but in the medium term it will be located in a new branch under a deputy director-general. The NIS will be an essential national resource; had this system existed 10 years ago, it would have enabled the following:

- The data needed for budgeting for and planning services, including health and education
- Annual savings of billions of rand for the state and private sectors that is 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 the 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 or revised Identity Act based on a national Identity Management Policy will specify the data that can legally be captured from civic and immigration systems onto the NPR. 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 NIS will rapidly become crucial to administering the state, the economy and national security. Under the Cyber Security Bill would be classified as critical information and communication technology (ICT) infrastructure, and the DHA would have to put measures in place to secure its organisation systems and data.

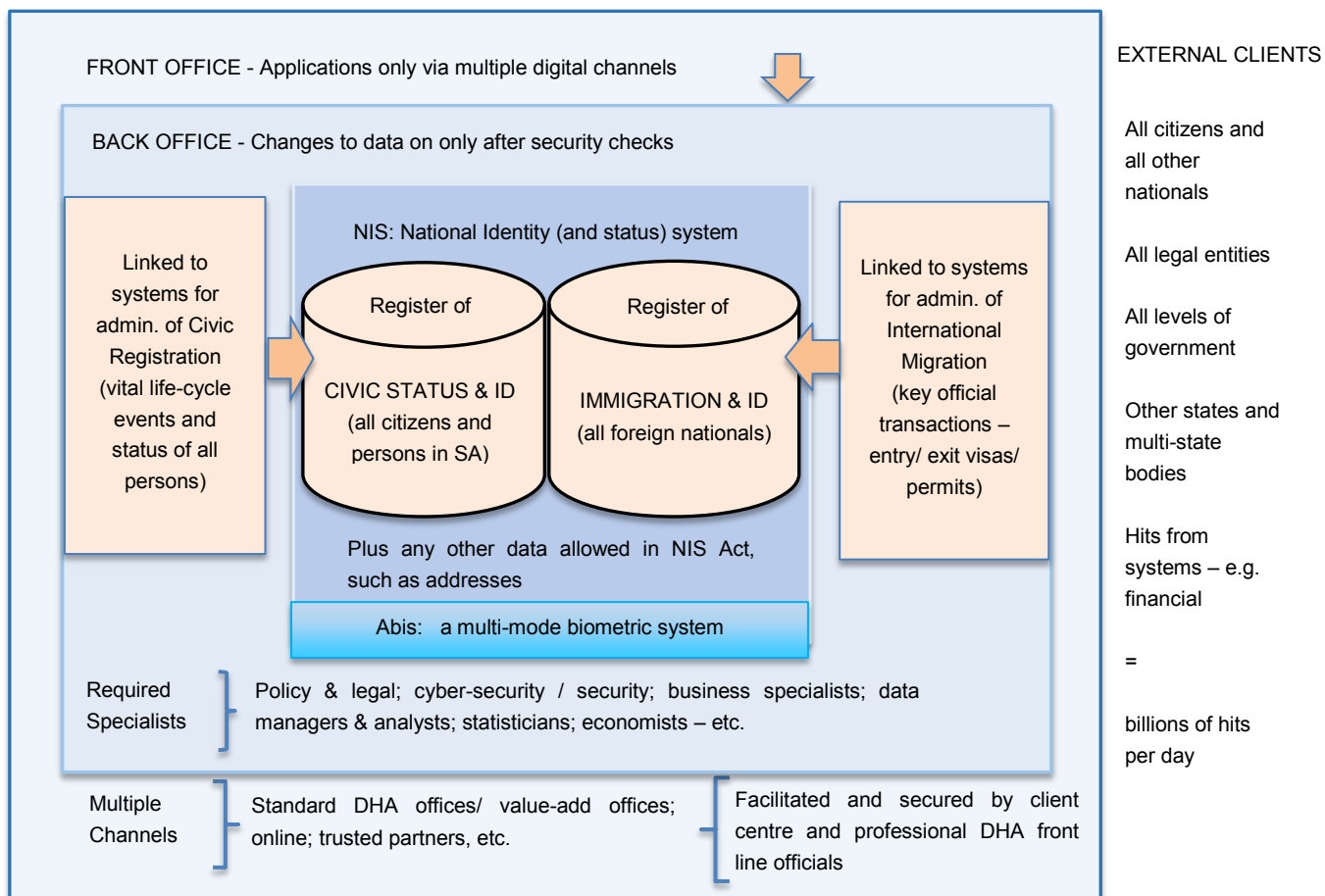


Figure 4.2 The NIS and the operating model of the DHA

Globally, countries are making large investments in developing capabilities similar to that of the NIS. 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.

### 4.1.3 The operating model adapted for Immigration Services

To manage international immigration there are three broad policy imperatives:

- Regulate immigration securely so that South Africans can safely interact with the global community. Regulation must include international collaboration and efficient and strategic domestic enforcement.
- Facilitate immigration efficiently and strategically so that South Africans, their region and continent can derive maximum economic, social and cultural benefits.

- Honour South Africa's international commitments and regulate immigration in a way that contributes to achieving a safer, better world. This applies to commitments that include asylum, trade, transport, health, justice and security.

The risk-based and strategic management of international migration set out in the 2017 White Paper on International Migration conforms to the same basic operational principles that informed the generic client service model design shown in Figure 4.1 above. We will process online or in-person applications at the front end and finalise them in a secure back office after putting them through rigorous quality and security checks. Any significant changes in immigration status will be reflected on the NIS, as is the case with changes in civil status. The contact centre and frontline officials will facilitate and deal with exceptions.

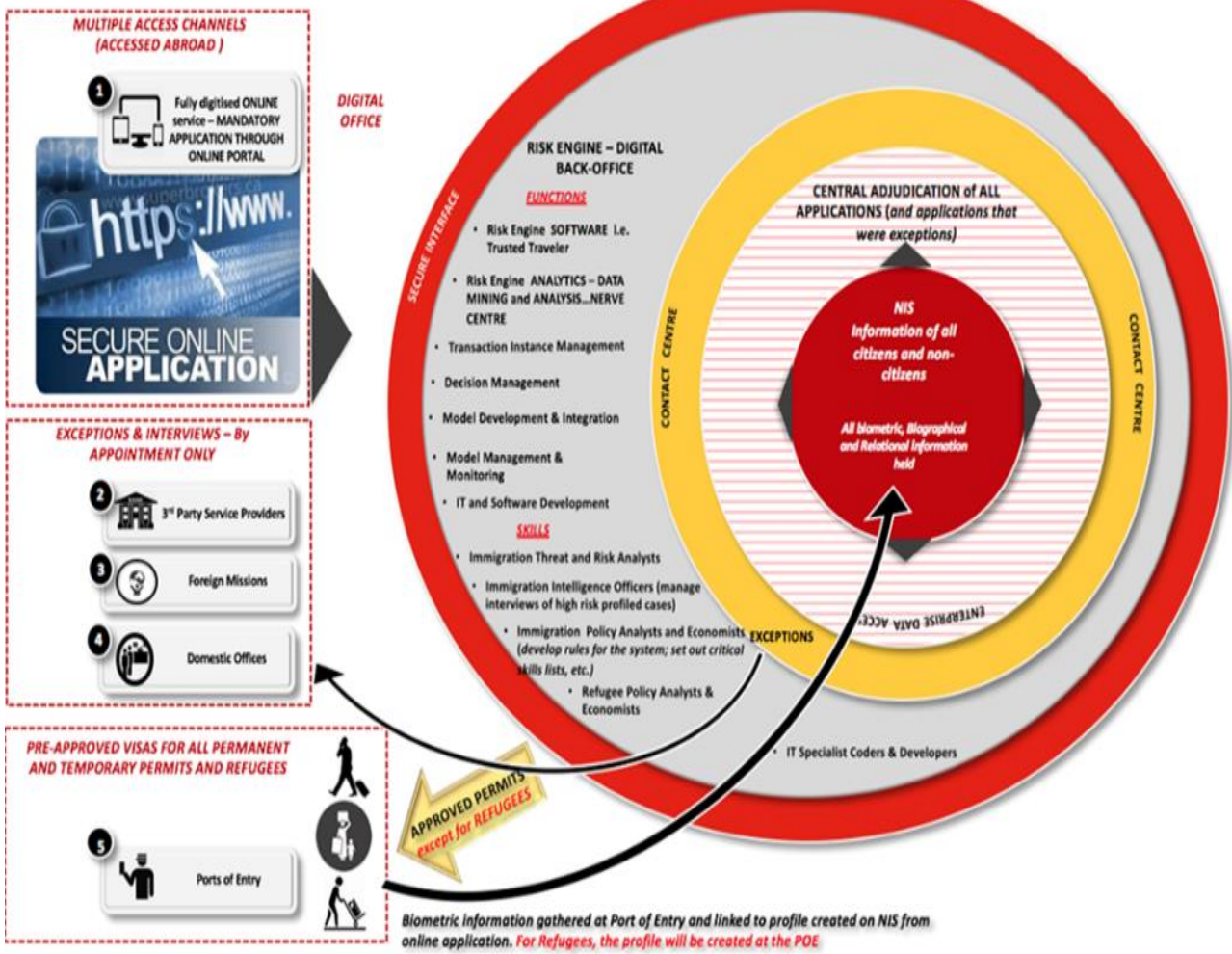
South Africa urgently needs to build capacity to manage international migration in line with the 2017 White Paper on International Migration, and the operating model must accommodate this. As shown in Figure 4.3 below, the international migration channels and processes differ from the model used domestically. A strategic imperative for all states in managing international migration is to keep risks offshore. The risk level is assessed; high-risk transactions often require complex checks involving more than one country. For instance, many countries, including South Africa, require airlines to provide them with passenger details to clear passengers for boarding.

The BMA currently being established will implement relevant departments' policies at an operational level. Effective border management in any country is intelligence led for security and efficiency. The BMA will be a key component of and integrated e-government and its design includes a centre where data is integrated to assess risks, threats and opportunities. These are identified for the benefit of the DHA, SAPS, Sars, Health, Agriculture – and indeed the whole of a connected state – as governed by legislation.

The model of immigration management shown in Figure 4.3 below is similar to that of any country that manages immigration effectively. When an effective system for managing risks is operating, travellers considered as low-risk can be fast-tracked through the system, which brings many economic and other benefits. Increasingly, such passengers are using identity systems to process themselves rather than waiting to have passports stamped. South Africa intends to establish a trusted traveller programme with neighbouring states that can provide a reliable database of citizens who can then use biometrics to enter and leave through special gates. The system will be configured to consider visa requirements and security risks.

#### **4.1.4 Using the NIS to manage civic and immigration complexities**

Any changes to civic or immigration status will reflect on the NIS, according to the specifications of the Identification Act. Exceptions will be dealt with through interviews and investigations. The twin strategies, as in other areas of migration management, are to keep risks offshore and enable low-risk transactions being speedily processed. The main instrument for accomplishing this will be the immigration system and its sub-systems; but increasingly movements of people with dual nationalities and other complexities involve both immigration and civic processes. Specified data reflected on the NIS will allow us to manage key aspects of identity and civic and immigration status to support a wide range of functions and greatly speed up processes.



Cadre of Immigration Inspectors working at Ports of Entry, visiting and interviewing potential permanent residents etc.

Figure 4.3: Operating model for international migration services



## 4.2 New organisational model and culture

The organisational model of a department should be based on its functions and operating model, which in turn should be grounded in its mandate. The DHA has a broad mandate that intersects the lives of all South African citizens globally, and millions of foreign nationals. We are the custodian of identity and status, which we use to empower citizens, deliver services, enable development and play an active role in national security. These commitments are reflected in the values and outcomes that are part of our policy framework, as set out in chapter three; and the organisational model must be designed to reflect this.

The details will be developed as part of the vision and design project that precedes the launch of the repositioning programme as discussed in section C, and will involve consulting relevant stakeholders and authorities. The aim of this white paper is to present the public with a vision of the future of the DHA as organisation and the nature of the officials who must deliver against its mandate.

### 4.2.1 General design considerations

Globalisation, digitisation, changing organisational cultures, attitudes and technology are changing the traditional 'pyramid' structure of many organisations, with its hierarchical foundation of many low-level workers and supervisors, specialists and general managers above them. The new state and economy requires "diamond-shaped" organisations characterised by employees that maintain high levels of technical skills and knowledge in dynamic environments; and have the ability to solve complex problems collaboratively through methods such as data analysis.

Digital transformation will lead to the DHA becoming more diamond-shaped as greater automation and online processing reduces the need for purely administrative staff. The new structure and budgets will have to support a more skilled and knowledge-orientated workforce, requiring 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, address these issues, assist in implementing the accepted operational and service delivery models, and support building the capability 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.

### 4.2.2 Essential elements of the organisational model

A brief outline of key aspects of the organisational model is given below.

**Mandatory training:** All DHA employees, without exception, would need to meet applicable minimum requirements in specified generic areas such as knowledge of the Constitution and legislation; the mandate, policies and roles of the DHA; client expectations, needs and services; security awareness and protocols; the DHA and state programmes; and the mastery of relevant systems, technology and data.



**Distinct strategic, support and operational functions:** To meet the requirement for improved policy and strategy coordination, the organisational model must separate the policy, strategy and oversight functions from the support and operational functions. Examples are: policy, research and oversight; shared support services; statistical services; security services; and functions with an operations/service delivery focus.

**Creating an effective executive oversight function:** To ensure effective oversight, strategy, strategic area prioritisation, cross-functional visibility, coordination, focus, innovation and performance management of the organisation an executive committee will report to the Minister of Home Affairs (executive authority). To support this function in a modern department, built on a digital platform, it is essential to have a management information system designed to provide real-time data on performance at every level. Among the capacities it will strengthen are governance, accountability, upholding standards, decision making, communication, and planning and managing financial and other resources.

**Ownership of the digital strategy and its implementation:** The DHA requires a centre-lead 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 will include technology platforms, digital guidelines, and digital design. It might 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. The advantage of this model is that the organisation gains the benefits of 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. Developing, maintaining, optimising and providing a secure joint platform requires a world-class team of IT and security staff. The officials authorised to make changes to the data on the system must be secured within the same system, which must also protect facilities, IT infrastructure and administrative processes.

**Positioning the security, protection and enforcement functions:** Most critical is the protection of citizen data such as official identity and status. This requires the DHA to build and maintain a security system around its people, systems, data and infrastructure. Recruiting and training a staff that is security aware is critical to establishing the kind of secure environment needed. Working with relevant agencies, this unit will be responsible for vetting and accrediting all individuals who access the system working at agencies, the DHA and the third-party service providers. They will also be responsible for threat and risk assessments; process audits; compliance and performance audits; security; and system integrity audits.

**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. "Citizen-centricity" does not stop at DHA boundaries, but pulls public sector resources from different organisations together to work around servicing users in ways that generate cross-sector productivity gains. 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. The advantages of creating a dedicated structure that will focus on front line service delivery are:

- Clarity of vision
- A focus on service delivery, creating a culture of delivery
- Empowerment of front line staff with greater accountability and openness, innovative thinking
- Tailor-made structures and systems
- Better structuring and branding of services
- A greater focus on risk management
- Flexibility to recruit and retain personnel that best fit their responsibilities.

**Corporate services as a shared service:** The future DHA organisational model could include standardised traditional head office functions such as finance, human resources, information technology, marketing and strategy under a corporate services function. Technology is an important enabler of modern shared services and will entail a significant redesign of the DHA corporate services delivery model, based on a digital platform. The corporate services function could operate as a shared service to the DHA as a building block towards more dynamic and flexible services, consistent with the vision of an agile, responsive and integrated DHA.

**Economic development:** Facilitating economic growth and development is one of the four core aspects of the DHA's future vision. We therefore recommend a Strategic and Economic Services unit to address this mandate, which will be responsible for:

- Policy, research and strategic planning
- Life-cycle ID management
- 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. It is in essence 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 work across the organisation to streamline collective functions. The digital platform will also act as a transversal system to ensure effective cooperation.

**Ongoing training, skills and people practices for a repositioned DHA:** The availability of a skilled and specialised workforce characterised by their agility and capacity for learning is essential for the successful and effective functioning of a more secure and digitised Home Affairs. In general, the repositioned DHA will require staff with the depth of skills and expertise to perform their functions while being able to collaborate across disciplines with experts in other areas and to apply knowledge in areas of expertise other than their own. The DHA's structure and culture will embrace learning, with staff having access to appropriate resources and tools.

## CHAPTER FIVE: A SUSTAINABLE FUNDING MODEL

5.1 Elements of a new funding model for the DHA

5.2 Principles that can guide the development of the funding model

### 5.1 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 C 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 such 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 Statistics South Africa 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 in improving services.

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

- **The value the DHA as an enabler of state modernisation**

In its 2017 budgeting guidelines (mandate document) the Department of Planning, Monitoring and Evaluation (DPME) included the following statement:

On-going 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 ... a comprehensive integrated approach (must be) developed about how this system can be integrated with other government programmes and systems.

This view was elaborated in the 2018 Mandate Paper (DPME).

- **The value of the NIS 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 functioning 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 NIS 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 5.2 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 C, 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 ten 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 an NIS 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.

## 5.2 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 three core mandates 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, a body should be established that is independent of the department or whatever other organ of state is established under the minister. This body will regulate the charges levied by the DHA and approve the policies, definitions, regulations and procedures used to calculate costs and justify fees.

In the legislation establishing the regulatory body, a clear distinction must be made between charges levied according to the principle of public good and charges paid by those who seek private good, such as the accumulation of private profit. This should not preclude taking other strategic imperatives into account.



## **CHAPTER SIX: AN ENABLING LEGISLATIVE ENVIRONMENT**

6.1 Overview of current challenges

6.2 Priorities for a review of Home Affairs legislation

6.3 The need for a Home Affairs Act

6.4 The need for a National Identity System (NIS) Act

### **6.1 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 NPR and related IDs that are 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 mandates of the DHA are 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.

### **6.2 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 establishing a solid policy base to manage identity and civic status.

One priority for review is the three marriages 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 an NIS 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 NIS 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.

### **6.3 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 a low qualification staff component 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 four 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 three 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 four to function. We intend to draft and publish a draft Bill for public consultation. 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 official identity and status
  - to manage international migration
  - to manage asylum seekers and refugees.This will cover any related entities, such as the National Commission for Asylum Seekers and Refugees, outlined in the 2017 White Paper on International Migration.
- The conditions of service for all officials working at the DHA, including requirements such as relate 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.
- The conditions under which the DHA could raise revenue.

## **6.4 The need for a National Identity System (NIS) Act**

The impact, scope and growth of the NIS, 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 an NPR 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 NIS 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 an NIS that can affirm, secure and verify e-identity corresponding to the register of identity of natural persons.

The NIS will incorporate the civil registration of citizens, data from the immigration system and aspects of the current NPR that accommodates permanent residents, refugees and other categories such as stateless persons. Each item included in the NIS must be specified in a new National Identity System (NIS) Act. In a digital age that is data-dependent, the data 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 NIS.

The digital smart ID card required changes to legislation such as no longer requiring the client to provide a photograph with their application. The NIS 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 NIS 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 NIS 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.

## **SUMMARY OF THE KEY POINTS OF SECTION B**

Section B describes what a modern, secure DHA staffed by professional officials will look like and how it will operate a digital platform with the NIS 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 C, a strategy and a road map illustrate how the “mixed model” can become a new model by implementing a phased change strategy.

## **SECTION C: IMPLEMENTATION STRATEGY AND ROAD MAP**

Introduction to section C

Chapter seven: Context, enablers and change strategy

Chapter eight: Implementation road map

Summary of the key points of this white paper

### **INTRODUCTION TO SECTION C**

Section C 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 B. 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 seven 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 C, and this white paper, concludes with chapter eight, which sums up the salient issues and themes. Chapter eight 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 SEVEN: CONTEXT, ENABLERS AND CHANGE STRATEGY

7.1 The repositioning context

7.2 Key enablers for repositioning

7.3 Change approach and strategy

### 7.1 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 NIS 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 Department of Trade and Industry (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 NPR 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.

## 7.2 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. As discussed under strategy in 7.3, 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.

## **7.3 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, DTSP, 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 EIGHT: IMPLEMENTATION ROAD MAP

8.1 Implementing the repositioning strategy

8.2 Overview of the implementation road map

### 8.1 Implementing the repositioning strategy

The context and broad strategy for implementing the white paper by repositioning the DHA, was set out in chapter seven. 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 B. 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 frameworks is as follows.

Mandate 1: Manage the official identity and status of persons

Mandate 2: Manage international migration

Mandate 3: Manage asylum seekers and refugees

To give full effect to the above mandate, the DHA has started putting in place a fully integrated digital platform built around an inclusive NIS. 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 (refer to 3.2).

### 8.2 Overview of the implementation road map

This high-level roadmap indicates how the change strategy outlined in chapter seven 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 seven 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.

### **8.2.1 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 NIS. 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 NIS 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.

## 8.2.2 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 NIS.
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 three 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 presents an explanation of the new DHA model’s operations, organisation and legislative environment. At the heart of the model is the NIS, 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 C 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 amongst the departments that reported to him was the police, domestic intelligence and the prison service<sup>1</sup>. 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 termed apartheid was used to subjugate and exploit the majority (defined as Native or Bantu and Coloured and

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<sup>1</sup> From 2004 the prison service reported to a separate Minister.



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 (NPR). 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 ten 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 offices<sup>2</sup> 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 amongst 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.

### **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

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<sup>2</sup> In 2007, additional mobile offices were procured, bringing the total to 117.

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 (NPR) 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 NPR campaign had a large impact on several levels. While the campaign is on-going, 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 NPR 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 NPR that will be known as the National Identity System (NIS). It 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 NIS 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 (ABIS<sup>3</sup>). 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

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<sup>3</sup> Automated Biometric Identification System

to 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 4<sup>th</sup> 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 1:<br/>Management of the official identity and status of persons</p> <p>Mandate 2:<br/>Management of international migration</p> <p>Mandate 3:<br/>Management of asylum seekers and refugees</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"> <li>• The efficient determination, provision and safeguarding of the official identity and status of citizens and foreign nationals</li> <li>• The secure and strategic management of international migration</li> </ul> |



| ELEMENT         | CURRENT POLICY FRAMEWORK  | NEW POLICY FRAMEWORK<br>(DECEMBER 2018)   |
|-----------------|---|---|
|                 |   | <ul style="list-style-type: none"> <li>The humane and efficient management of asylum seekers and refugees</li> </ul>  |
| Value Statement | <p>The Department of Home Affairs is committed to being:</p> <ul style="list-style-type: none"> <li>People-centred and caring</li> <li>Patriotic</li> <li>Professional and having integrity</li> <li>Corruption free and ethical</li> <li>Efficient and innovative</li> <li>Disciplined and security conscious</li> </ul> | <p>The Department of Home Affairs is committed to being:</p> <ul style="list-style-type: none"> <li>Patriotic</li> <li>People-centred and caring</li> <li>Security conscious</li> <li>Development oriented</li> <li>Ethical and having integrity</li> <li>Professional and showing leadership</li> <li>Effective, efficient and innovative</li> </ul>   |
| DHA Outcomes    | <p style="text-align: center;"><b><u>To March 2020</u></b></p> <p>Outcome 1:<br/>Secured South African citizenship and identity</p> <p>Outcome 2:<br/>Secured and responsive immigration system</p> <p>Outcome 3:<br/>Services to citizens and other clients that are accessible and efficient</p>                        | <p style="text-align: center;"><b><u>From April 2020</u></b></p> <p>Outcome 1:<br/>Official identity and status securely managed to empower citizens and enable inclusivity, economic development and national security</p> <p>Outcome 2:<br/>International migration securely managed in South Africa's interests and to fulfil international commitments</p> <p>Outcome 3:<br/>Asylum seekers and refugees efficiently and humanely managed in compliance with domestic and international obligations</p> <p>CROSS-CUTTING OUTCOMES<br/>Outcome 4:<br/>DHA plays an active part in national security, within its mandate and as part of the security system of the state</p> <p>Outcome 5:<br/>A DHA that enables a capable, developmental state and inclusive development through the efficient and secure delivery of its mandate</p> |
|                 | 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.  |

