

BACKGROUND

In March 2017 Cabinet approved the Business Case for repositioning the Department of Home Affairs (DHA) as a modern, secure, department located within the security system of the state. In May 2017 a Discussion Paper on the repositioning of DHA was gazetted for public comments; and after largely positive feedback a White Paper was drafted.

In December 2018 Cabinet approved the publication of the White Paper for public comments. The White Paper was gazetted for public comments on 18 January 2019. The public was given until 18th February 2019 to submit comments.

Few but comprehensive comments were received from various stakeholders by the closing date; some comments have been incorporated to the revised White Paper.

The then Minister of Home Affairs, Dr S Cwele, approved the revised White Paper for further consultation within government. The new Minister, Dr A. Motsoaledi, has also been briefed on the White Paper and the repositioning programme as a whole.

On 28 May 2019, the White Paper was presented to the NEDLAC Development Chamber meeting. The Chamber welcomed the White Paper and decided to establish a task team that will consider the White Paper implementation plan.

On 3 June 2019 the Presidency approved the SEIAS report for the White Paper.

CURRENT STATUS

The DHA is unable to fully deliver its Constitutional mandate as required in a sovereign, democratic state. This could be attributed to various factors, including:

- The DHA operates like a department that delivers routine administrative functions that are not strategic or mandatory and do not require modern and secure systems.
- The DHA's legacy model (policy, legislation, systems, org, ops, funding) is outdated.
- 60% of the DHA staff don't have post-matric qualifications and the majority is at level 6.
- So far, the DHA's transformation trajectory has been limited to improving our legacy model (modernization of front offices), which enables us to deliver only a part of our mandate. The back office (processes and systems are outdated and fragmented).

Both modernized IT systems (integrated front-end and back-end systems) and stable networks are critical in order for the DHA to enable e-government and e-commerce.



Given the centrality of data in the 4thIR, the DHA must be repositioned as a highly strategic national resource. If the DHA (offices, systems, data and personnel) is not secure, the security of all other institutions and every person in South Africa is at risk. DHA does not have an anchor legislation that provides for a coherent legal framework for its mandate, competence and appropriate institutional instruments for a department that is a critical element of the national security system. Thus, the DHA must reposition from an outdated model to a new model that can deliver its full mandate.

The exclusive mandate of the DHA is:

- Management of citizenship and civic status
- Management of international migration
- Management of refugee protection
- Responsibility for the Population Register

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

- being an efficient and secure custodian of citizenship and civic status
- securely and strategically managing international migration
- humanely and efficiently managing the asylum and refugees system
- efficiently determining and safeguarding the official identity and status of persons

PROPOSALS

1. A future-fit Department of Home Affairs
2. New Operating Model
3. New Population Register (NIS)
4. New Organisational Model and future-fit employees
5. Home Affairs College
6. New Funding Model
7. Home Affairs as a critical enabler of e-government and e-commerce
8. Home Affairs as a critical element of the national security system
9. Phased implementation of the repositioning programme

BUSINESS POSITION

BUSINESS KEY PRINCIPLES

1. Support the need for the State to invest in modern and secure systems, with realistic planning based on funding available/ proposed access to funding.



2. Confirmation of the inter-ministerial support of the proposed single integrated digital platform for government, to ensure harmonisation between legislation, policy and practice. Well planned budgeting process with phased approach and scenario planning based on limitation of resources (financial and human resources).
3. Introduction of user pay principle to be well considered in order not to hamper socio-economic growth – balanced and appropriate. Evidence based research to support decision-making such as “user pay” for passports, to avoid consequences such as the visa regulations, (which remain unaddressed).
4. Public private partnerships strongly supported to maximise use of shared resources and valuable resources (e.g. current banking pilot project).
5. Recognition of the need to capacitate current employees for the new work environment.
6. Recognition of the importance of skills migration to support economic growth:
 - There is a lack of alignment between the White Paper on Home Affairs which recognizes Skills Migration as an economic imperative and Employment Services Board “Draft Regulations on the Employment of Foreign Nationals” which are onerous.
 - There needs to be a balance between managing migration to support development and the protection of jobs.
 - Harmonisation including standardization of definitions across legislation and policy is critical.
 - Work permits may be required for different categories of workers – specialists, vocational skills (shut-downs) and low skills (seasonal workers)
The need may vary in time – short, medium and long
The need may be urgent (attrition), once-off (commissioning a new machine) and strategic (turnaround).
The recognition that there is a skills gap/ deficit and the reality is economically South Africa will be left behind if it cannot compete.
The combination of these factors calls for flexibility and fit for purpose.
7. Analysis of International best practices.
8. Support the need for better management for illegal migration which drains state resources and impacts on local jobs

Key Principles for Engagement:

1. A future-fit Department of Home Affairs

BUSA supports the Department of Home Affairs mandate for a fully modernized and secure department with professional staff and appropriate operating, organizational and funding models. Clarity is required on the scope of the mandate as case studies provided extend to inter-departmental areas such as, education and health. It is queried if the national population register and all related data will be managed through the Department of Home Affairs (DHA).



There is support for a single integrated digital data platform for Government. The SADC positioning relating to migration requires clarity to ensure incorporation.

2. New Operating Model

There is a need to clarify strategy and the phased approach before a structure can be concluded.

There is a need for harmonization and enhancement of existing policies to protect South African jobs and create barriers to illegal migration (marriage).

Optimizing secure automation to enhance productivity, e.g. e-VISAs.

Due to funding constraints, shared resources are advocated (e.g. the banking pilot project).

Recognition of the need to capacitate current employees for the new work environment and utilize RPL to assess Workplace Based Learning.

The recognition that due to the impact of the 4IR there is a skills gap/ deficit and the reality is, economically, South Africa will be left behind if it cannot compete.

Cognisance needs to be taken of the gap between the reality on the ground and the envisaged future and the dependency on effective inspection, monitoring and enforcement of compliant practices.

3. New Population Register (NIS)

BUSA supports the need for a secure, current population register.

Proposed maintaining existing ID until a well-established system is in place and the financial implications for all stakeholders are understood.

Due to the dependency of existing policy, gender differentiation must be retained.

4. New Organisational Model and future-fit employees

The repositioning of DHA will create new jobs and some roles will become obsolete therefore there is a need for immediate capacitation of employees with jobs under threat to minimize job losses.

This should be inter-governmental working with, amongst others, the Department of Higher Education & Training.

BUSA agrees with DHA that the transitioning and change management process could extend for the long-term (7 – 10 years).

It is premature to identify specific roles before the work has been evaluated and responsibility and accountability assessed.

5. Home Affairs College

Existing resources should be used including, the school of Government, local institutions of learning (during down time) and e-learning facilities.

High cost delivery models such as residential training should be balanced with low-cost impactful delivery with economies of scale.

Limited resources must be effectively utilized to achieve impact - not every employee is entitled to training annually.

The value of good workplace-based learning should not be underestimated.

6. New Funding Model



BUSIA supports the need for the state to invest in modern and secure systems, with realistic planning based on available funding and proposed access to new funding models.

The introduction of a user-pay principle to be well considered in order not to hamper socio-economic growth – balanced and appropriate.

Evidence based research to support decision-making such as “user pay” for passports, to avoid consequences such as the visa regulations, (which remain unaddressed).

Future scenario planning must consider the impact of newly introduced charges on uptake. The charges should not be punitive – lost passports can arise from being a victim of crime.

7. Home Affairs as a critical enabler of e-government and e-commerce

It is critical to ensure harmonization between legislation, policy and practices across all of Government.

Business supports the principle of shared services.

A critical success factor of the model is the integration of the repositioning programme into other Government programmes. We propose a collective model integrated across Government and not driven by one department.

Will a regulatory body have the authority to impose service charges to Government departments?

8. Home Affairs as a critical element of the national security system

National security is a key concern and the department must be able to contribute to the protection of its people, systems and data. The control and management of migration is central to this. There needs to be a balance between managing skills migration to support development and the protection of jobs.

If uncontrolled, the impact of illegal migration can be even further detrimental to our socio-economic development including the draining of state resources.

9. Phased implementation of the repositioning programme

A well planned project to implement the programme must consider limited resources and the current economic climate.

International best practice analysis should guide operationalizing of the repositioning.

Implementation must consider key priorities, one of which Business believes is the issue of illegal migration.

A phased approach allows for recognition of obsolete roles and capacitation of employees to minimize the risk of job losses.