



home affairs

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA



*Building a secure Home Affairs*

# Ministerial Briefing on Illegal Mining – Department of Home Affairs

## 11 August 2022



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*We Care!*

# MANDATE, MISSION, VALUES AND VISION

## Mission

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

- Being an efficient and secure custodian of citizenship and civil registration
- **Securely and strategically managing international migration**
  - **Efficiently managing asylum seekers and refugees**
- Efficiently determining and safeguarding the official identity and status of persons

## Mandate

The DHA's services are divided into two broad categories: civic services and immigration services.

Mandate 1: Management of citizenship and civil registration

Mandate 2: **Management of international migration**

Mandate 3: Management of refugee protection

## Vision

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

## Values

The Department of Home Affairs is committed to being:

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

## Outcomes

- **Secure management of international migration resulting in South Africa's interests being served and fulfilling international commitments**
- Secure and efficient management of citizenship and civil registration to fulfil constitutional and international obligations
- **Efficient asylum seeker and refugee system in compliance with domestic and international obligations**
- Secure population register to empower citizens, enable inclusivity, economic development and national security
- DHA positioned to contribute positively to a capable and developmental state

# APP TARGETS IN RELATION TO OUR IMMIGRATION MANDATE

<b>Outcome:</b>	Secure management of international migration resulting in South Africa's interest being served as fulfilling international commitments				
<b>Output:</b>	Law enforcement operations/ inspections conducted to ensure compliance with immigration legislation				
<b>Output Indicator</b>	<b>Estimated Performance 2021/22</b>	<b>Annual Target 2022/23</b>	<b>Annual Target 2023/24</b>	<b>Annual Target 2024/25</b>	
Number of law enforcement operations/inspections conducted for targeted areas per year to ensure compliance with immigration legislation	220	540	560	580	
<b>Output Indicator</b>	<b>Annual Target for 2022/23</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Number of law enforcement operations/inspections conducted for targeted areas per year to ensure compliance with immigration legislation	540	135	135	135	135

# PLAN FOR TARGETED AREAS RELATING TO VARIOUS SECTORS EMPLOYING ILLEGAL FOREIGNERS

HO / PROVINCE	INSPECTIONS	FARMS	ROADBLOCKS / OPERATIONS	TRANSPORT / LOGISTIC COMPANIES	MANUFACTURE S / WHOLESALERS	HOSPITALITY	MINING	CONSTRUCTION
HEAD OFFICE	240	5	35	50	50	50	25	25
PROVINCES	300							
EC	33	5	13	5	0	5	0	5
FS	33	2	10	5	4	4	7	1
GP	36	0	10	10	8	4	0	4
KZN	33	0	10	8	5	5	0	5
LP	33	5	5	5	5	5	3	5
MP	33	1	9	3	9	9	1	1
NW	33	4	8	1	8	7	2	3
NC	33	5	5	5	3	5	5	5
WC	33	5	5	0	10	10	0	3
<b>TOTAL</b>	<b>540</b>	<b>32</b>	<b>110</b>	<b>92</b>	<b>102</b>	<b>104</b>	<b>43</b>	<b>57</b>

**NB: The number of 25 inspectorate operations relating to Mining relates to Gauteng and is conducted by a team from Head Office. The other figures are for other provinces as stated.**

# PROGRESS TO DATE ON APP QUARTER 1 TARGETS

<b>TOTAL BUSINESS INSPECTIONS</b>	<b>182</b>
Retail / chain stores/ Furnisher	31
General dealers/ Hardware	25
Supermarkets/ Butchery/ Liquor	23
Tuck shops	18
Electronics/Internet/ Gambling	17
Manufacturers/ Wholesalers	14
Salons/ beauty shop	12
Restaurants	8
Roadblocks/ operations	4
Private dwellings/ business	3
Farms	2
Education Establishment	2
Car dealership/ towing/scrap	2
Tour operators	1
Hotels/ Lodges	1
Mining	4
<b>Western Cape</b>	<b>11</b>
<b>Northern Cape</b>	<b>3</b>
<b>North West</b>	<b>1</b>

- Operation Okae Molao:** **Okae Molao** is an ongoing joint operation between DHA, SAPS and Metro Police (Tshwane and Jhb Metro to deal with the challenge of illegal migration).
- During the period 01 April 2022 to date 1476 foreign nationals were found to be illegal in the country and deportation processes were followed.
- The top four nationalities were from: Zimbabwe, Malawi, Lesotho and Mozambican.
- The inspectorate conducted operations at the following mines: Primrose, Westonaria, Wedela – Merafong and Mogale City.
- Operation Siyasebenta:** This is a national initiative by DHA Inspectorate to tackle the challenge of employers who employ illegal foreigners throughout the country.
- During the period 01 April 2022 to date 215 illegal foreign nationals employed were found to be illegal in the country and deportation processes were followed. There were 45 employers that were charged in terms of the Immigration Act.
- The top four nationalities were from: Zimbabwe, Mozambique, Lesotho and Malawi.

## RESPONSE BY DEPARTMENT AFTER THE KRUGERSDORP INCIDENT – OPERATIONAL BACKGROUND

- The department has been participating in multi-disciplinary operations in the West Rand area to identify persons (Zama-Zama's) who are illegally in the country.
- The operation and inspections are aimed at combating illegal migration and contributing to national stability.
- The Team also are also focusing on the other acts of illegal migration in the areas that are saturated by so called Zamas-Zama's.
- The mandate of the inspectorate is to enforce and ensure compliance within the South Africa in terms of all the legislations administered by the department.
- A multi-disciplinary integrated operation to target Zama-Zama's commenced on 29 July 2022 and will run until the 11 September 2022. The stakeholders comprise the following key departments (DHA, SAPS, DEL, DMRE, Mogale Municipal Traffic Department).

# RESPONSE BY THE DEPARTMENT AFTER THE KRUGERSDORP INCIDENT

- Since the unfortunate incidents to sexual assault that took place in Krugersdorp on the 28 July 2022
- Government has undertaken a programme of engaging communities affected by Zama-Zama's as well as embarking on law enforcement
- Since the 29 July 2022 and since law enforcement have conducted operations in the West Rand area
- The arrests conducted in the Krugersdorp for alleged illegal mining and other crimes have included the adding of charges under the Immigration Act, 2002.
- These operations have included immigration inspectorate officials.
- The number of arrests in the area between **29 July 2022 and 3 August 2022** :

**Arrested = 78**

Lesotho – 22

Malawi - 2

Mozambique - 52

Zimbabwe – 2



## 6 to 7 August 2022

Arrested = 61

Indian – 1

Lesotho – 12

Mozambique – 42

Zimbabwe – 6

## 9 August 2022

Arrested = 50

Lesotho – 19

Mozambique – 26

Malawi - 3

# OPERATIONAL PROGRAMME OF ACTION GOING FORWARD

- Period :09 August 2022 to 11 September 2022, Beyond this DHA's operation Siyasebenta as well as Okae Molao will be intensified.
- Time :08h00 to 20h00 daily.
- Deployment :Total of 60 immigration officers to be deployed daily

COMPONENT	COMMANDER
<b>Overall Commanders</b>	CD: M Matthews (HO) CD: A Matsaung (Provincial)
<b>Operations Overseer</b>	DD: Tebogo Phokanoka
<b>Operational coordinators</b>	ASD: Joe Swartland ASD: Brendan Adams
<b>Operational Support</b>	DMOs and Inspectorate Heads
<b>Conveyance Commanders</b>	A/DD: Marubini Malaka ASD: Estell Bok ASD Peter Ndwandwe

- Operations are divided into five segments of seven days in each district to cover all areas of concern.

# OPERATIONAL AREAS

DATES	DISTRICTS	AREAS OF OPERATION	PROCESSING CENTRES
8-14 Aug	West Rand	Carletonville; Bekkersdal; Westonaria; Khutsong; Fochville; Krugersdorp; Mohlakeng; Kagiso; Randfontein; Magaliesberg; Kromdraai; West Village; Tshepiso; Cooke Mine Shaft 9.	Krugersdorp SAPS
15-21 Aug	Johannesburg	Langlaagte; Riverlea; Selby; Dobsonville; Honeydew; Roodepoort; Florida; Cleveland	JHB SAPS
11-12 Aug	West Rand	Sedibeng, Heidelberg	Heidelberg SAPS
22-28 Aug	Ekurhuleni	Springs; Brakpan; Germiston; Crystal park; Benoni; Daveyton; Primrose	Springs SAPS
05-11 Sept	JHB & Ekurhuleni	Nigel	JHB SAPS

# STAKEHOLDER ENGAGEMENT WITH AFFECTED COUNTRIES ON COOPERATION TO DEAL WITH ILLEGAL MIGRATION

- ❑ On 02 August 2022, DHA - DG and ADDG:IMS met with Permanent Secretary: Home Affairs of Lesotho to discuss illegal mining and areas of cooperation including deportation.
- ❑ Botswana Immigration Border Technical meeting, 11-12 August 2022.
- ❑ Mozambique, Immigration Technical meeting, Maputo, 22-23 August 2022.
- ❑ Zimbabwe-SA, Senior officials meeting of the mid-term review of the SA/Zim Bi-National Commission, 09 May 2022. The meeting discussed ZEP termination, conveyancers transporting illegal immigrants without document and illegal mining.
- ❑ Bus and taxi companies fined for conveyancing undocumented
- ❑ on 10 August 2022 there's was a Ministerial Session on SA/Zimbabwe Bi-National Commission.

# APPEAL AND REVIEW AGAINST IMMIGRATION ADMINISTRATIVE FINE IMPOSED AGAINST RIMBI TRAVEL AND TOURS BUS SERVICES

- It has been brought to the attention of the Minister that there are Zimbabwean Cross Border Permit holders that ferry undocumented migrants across the border at Beit Bridge port of entry.
- A case in point is Rimbi Travel and Tours Bus Services, who approached Minister through their attorneys to set aside a fine imposed by the Director-General for their contravention of the Immigration Act, 2002.
- The Department has consulted with officials of the Cross- Border Road Transport Agency (C-BRTA), who indicated that because the bus company operates under foreign issued permits there are no legal avenues for them to follow in this case. Despite the fine issued last year, the bus company still continues with the same illegal activities as other fines amounting to R 720 000.00 were issued between 03 September and 14 December 2021 as per Department's database. Other operators such as Munenzwa Bus Company, Mzansi Express, Ngobeni Coaches, Tours of Africa, Trip Trans, Devine Star Logistics, K&M Luxury Tours and Jack Transport are also serial offenders in terms of conveying illegal foreigners in and out of the Republic.
- The Minister of Transport has been requested to advise on actions including the review of the Cross Border Road Transport Agreement with the Zimbabwean Government; as well as immediate steps that would ensure the safe and orderly passage of travellers through the port of entry.
- The IMS Inspectorate will initiate the prosecutions related to these companies in terms of section 49(2) of the Immigration Act, 2002, which stipulates that "Anyone who knowingly assists a person to enter or remain in, or depart from the Republic in contravention of this Act, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding five years".

# REPORTING ON ADMINISTRATIVE FINES

During the Q1 period under review, administrative fines to conveyors were issued as follows:

- **Section 50(3): 345; Value: R5,175,000-00**
- **Section 50(4): 23; Value: R565,000-00**

Following the Rimbi bus incident in December 2021, Port Control requested the CD:I to vlist and prosecute the driver of the bus for aiding and abetting.

The Minister of Home Affairs also wrote to the Minister of Transport when a Zimbabwean illegal cross-border bus operator, driven by an undocumented Zimbabwean driver, was found ferrying undocumented Zimbabwean immigrants.

A meeting of Ministers of Home Affairs and Transport was convened to direct the Cross-Border Road Transport Agency (C-BRTA) and the Border Management Authority (BMA) to develop interventions on cross-border illegal operations to curb this illegality.

A Cross-Border Operator Intervention Plan was developed with interventions in the short (less than 6 months), medium (6-12 months) and long term (more than 12 months) terms.

This includes interventions such as new regulations, strengthening the MOU between DHA and C-BRTA, collection of outstanding fines and Cross-Border Permits as a requirement at the borders.

# BMA RECRUITMENT

- **Following the enactment of the BMA Act in July 2020, that allowed few activities:**
  - (a) Appointment of the Commissioner and the two Deputy Commissioners (Operations & Corporate Services);
  - (b) Completion of the transitional structure & finalization of processes for incubation of BMA as special Branch within the Dept. of Home Affairs;
  - (c) The BMA to be a stand alone entity on 01 April 2023.
  - (c) Processes underway for recruitment of National Commanders: Border Control, National Targeting Centre (NTC) – (73 PTC);
  - (d) Later, recruitment of the 5 Regional Commanders **(post the integration)**
  - (e) Later, we shall recruit the 73 Port Commanders, (Categorized ports) **(Post integration)**;
  - (f) Deployment of 200 Border Guards at six segments.

# RECOMMENDATION

It is recommended that the report is noted.



Ndo livhuwa

Ndiyabulela

Ke a leboga

Thank you

Dankie



Inkomu

Ngiyabonga

Ke a leboha



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