



Track: Undesirable effects

Dialogue: Policy responses to irregular migration and human smuggling

Title: Measures proven most effective in addressing irregular migration and closer cooperation between states helping combat people smuggling – a south african perspective

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KEY ISSUES: (300 WORDS)

Measures proven most effective in addressing irregular migration

Although various programmes are implemented to counter-act irregular immigration, some measures have proven more effective than others. South Africa has a computerised travellers' database operating at all its ports of entry, which verifies the authenticity of visas, issued at our missions abroad. A central database is also kept where movements of persons into, sojourn in and departure from the RSA are available for enquiry, investigative and statistical purposes.

Following the introduction by South Africa of penalties against conveyors that transport improperly documented persons to our ports of entry, there has been a marked decrease in the numbers of persons so conveyed.

The South African Department of Home Affairs has a large pool of fingerprints of citizens, permanent residents, asylum seekers and deportees which facilitates the detection of multiple identities, fraudulently obtained documentation and unauthorised movement into the country by prohibited and undesirable persons.

The greater emphasis that has been placed on the inspection of premises and service providers known to accommodate undocumented migrants and the increased rate of the prosecution of employers of undocumented migrants have shown greater results than the traditional form of irregular movement control which relied on individual pursuit, arrest and deportation.

Proactive engagement with neighbouring sending countries from which the largest proportion of illegal foreigners come, on how to stem the flow of irregular movement is proving to be a successful approach.



Closer cooperation between states helping combat people smuggling

Bi-lateral meetings with neighbouring countries on immigration issues, where strategies and programmes can be discussed and developed are critical when attempting to deal with people smuggling, particularly in a regional context. When desiring to deal with the issue at hand on a broader basis, participation in regional and international forums that focus on people smuggling must be actively pursued as these forums provide the foundation for the bringing to life, through the mutual consent of a vast number of role players, activities focused on dealing with the phenomenon of people smuggling.

CONTENT (1200 WORDS)

Measures proven most effective in addressing irregular migration

South Africa has been for many years a receiving and transit country of irregular migration, and is experiencing an increase in the illicit movement of persons, people smuggling and human trafficking. South Africa's prosperity and stability in recent years, and the cosmopolitan identity that the country has achieved, has resulted in many viewing South Africa as the greener pasture and a gateway to the developed world.

Intra- and extra- regional irregular migration to South Africa is motivated by the same factors that contribute to irregular flows of people all over the world, such as, poverty, political instability, persecution, natural disasters, ecological pressures, internationalisation of labour markets, etc.

Various measures and approaches, focused on stemming this irregular movement, have been developed, implemented, adapted and re-designed over the years.

South Africa is one of few countries in the world that has a computerised travellers' database operating at all its ports of entry and which is linked to the country's visa issuing offices worldwide. The effectiveness of the system lies in its ability to verify the authenticity of visa information at the port of entry, thereby making it impossible to successfully forge the South African computerised visa.

The system also contains lists of undesirable and prohibited persons as well as the numbers / particulars of lost and stolen passports reported by other states, which once again makes it difficult for a person using such documents, usually with criminal intentions, to enter the country undetected. The system is also being utilised by various security agencies such as the South African Police Services where wanted persons and stolen vehicles can be detected upon entering or leaving the RSA.

In order to further enhance the visa system, we are currently investigating the possibility of implementing API (Advanced Passenger Information) and APP (Advance Passenger Processing) in conjunction with our other border control stakeholders. These processes will enable the Department to access lists of passengers prior to their arrival in the RSA and allow for the clearance or non-clearance of inadmissible, prohibited and undesirable persons prior to their



departure to the RSA. These systems have proven effective in countries where it is already being applied such as Australia.

The Department also keeps a central database where movements of persons into, sojourn in and departure from the RSA are available for enquiry, investigative and statistical purposes. This database is essential in the profiling and monitoring of movements of persons.

The number of inadmissible passengers, due to lack of proper documentation, at international airports is of concern.

Since the introduction by South Africa of penalties against conveyors that transport improperly documented persons to our ports of entry, there has been a marked decrease in the numbers of persons so conveyed.

The penalising of carriers however requires a balanced approach, namely to provide them with assistance in the form of training and support in the partnership against illegal migration.

South Africa is in the process of launching an Airline Liaison Officer network at problematic airports abroad to further assist carriers in this endeavour.

Undocumented migrants are not always poor and uneducated but often in possession of high levels of education and training and with some means, using sophisticated measures to enter the country. Once inside, and having obtained a fraudulent South African document, high paying positions in government as well as private institutions are acquired - this again at the expense of the country's citizens and often South Africa's national security.

South Africa implemented the Immigration Act, 2002 in April 2003. It provides inter alia for the following to be dealt with as offences:

- Entering and / or remaining in the country illegally;
- Aiding and abetting someone in order to do the above;
- Employing or boarding an illegal foreigner;
- Using a document purporting to be an official document issued by the Department;

Of special interest are the following offences:

- Anyone who successfully entices an officer of the Department to act in contravention of the Act, is liable on conviction to a fine or imprisonment for up to 3 years;
- Anyone participating in a conspiracy to violate the Act, and where such activity is conducted partly in another country, is punishable with imprisonment for a period of up to 4 years without the option of a fine.

The South African Department of Home Affairs has a large pool of fingerprints at its disposal. Fingerprints of citizens, permanent residents, asylum seekers and deportees are recorded. This is a valuable tool in the detection of multiple identities, fraudulently obtained documentation and entry or attempted entry into the country by prohibited and undesirable persons.



Since 2001 to date South Africa has deported approximately 529 000 undocumented migrants from the country. As the majority of these foreigners are escorted back to their countries of origin, the financial implications are astronomical.

In order to compensate for the inadequacies of the processes currently followed to secure borders from illegal crossings and the effects thereof, the Department of Home Affairs has had to adjust its strategies when dealing with undocumented migrants. Greater emphasis has been placed on the inspection of premises, institutions and service providers that are known to be frequented by and even inhabited by undocumented migrants. There has been an increase in the pursuit of employers of undocumented migrants and the prosecution thereof. The screening processes of foreigners, and their documents, wishing to enter the country, applying for late registration of births, identity documents, naturalisation certificates, etc, have become more sophisticated than ever before.

Regular communication and collaboration with neighbouring sending countries, whose nationals contribute to the greater part of the undocumented migrant population in South Africa, are interactions evincing positive results. Commitments from these countries to participate in joint ventures with the return and resettlement of deportees, information campaigns, etc allow for energies to focus on preventative objectives. Agreement on the principle that greater facilitation of movement is accorded to populations not contributing negatively to receiving countries encourages continued cooperation.

Taking cognisance of the escalated rate of human mobility, and that these movements do not necessarily result in permanent settlement in the receiving countries, states should be exploring ways of facilitating temporary movement through legal channels, thus shifting the guiding principle of movement control from *defence*, which requires a huge concentration of human and financial resources, to *facilitation*, which, in view of the transparency of legal movement, should allow for better control, with the utilisation of fewer resources.

Closer cooperation between states helping combat people smuggling

In recent years earnest attempts have and continue to be made for intra-and extra-regional cooperation in the development and harmonisation of migration management. These efforts are a direct result of the ever-increasing rate of transnational organised crimes such as the smuggling of people.

Bi-lateral meetings on migration issues are held regularly with all of our neighbouring countries. Strategies and programmes are discussed, developed and implemented in our efforts to deal with people smuggling, as one aspect of irregular migration. Sharing of information and experiences are vital tools in this process, as without them the cooperation element of the collaboration required to curb the illicit activity would have no focal point.

South Africa participates in regional and international forums that focus specifically on the harmonisation of immigration policies and procedures that relate to movement by land, air and sea, as required by regional and international instruments calling on member states to address the



issues of people smuggling, trafficking, and even terrorism (in view of its activities being facilitated by transnational movement).

The stationing of Airline Liaison Officers in sending countries is one of the foremost examples of country cooperation when dealing with people smuggling. The successes of this cooperation continue, not only in South Africa, but wherever this collaboration has been initiated.

As the smuggling of people advances to a higher level of sophistication, and in view of the increase of the financial benefits for those facilitating this movement, countries need to engage more regularly in well-structured forums, that are goal orientated and are guided by agreed upon principles, thus ensuring the development and implementation of effective activities dealing with the phenomenon at hand.
