

**THE IMMIGRATION SELECTION BOARD (ISB)
IN THE MINISTRY OF HOME AFFAIRS AND
IMMIGRATION: NAMIBIAN CASE STUDY**

**A Research Paper submitted in partial fulfillment of the
requirements for the degree of Master of Public Policy and
Administration**

OF

**THE UNIVERSITY OF NAMIBIA (UNAM)
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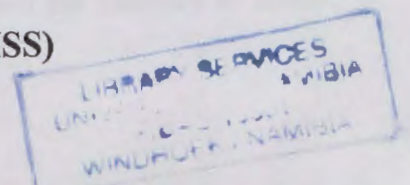
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ABSTRACT

The Ministry of Home Affairs and Immigration is the first Institution met by any foreigner who wishes to enter Namibia for investment, work or other purposes. To a large extent the public image of Namibia depends on the professional manner in which domestic and immigration affairs such as visas and permits are handled. This includes the roles that Embassies and High Commissions play where applications for visas and permits originate. The Ministry of Home Affairs and Immigration has taken note of the concerns of the public about the perceived professional conduct on the part of the Ministry that is believed to scare off investors with its perceived inefficient and cumbersome processing of visas and permits.

Given the situation as stated above, the study looks into the problems and potential solutions. This process uses research, case studies of other countries in the Southern African Development Community (SADC) and relevant literature. It looks into the experiences of other countries that have grappled with similar problems, such as Botswana, Mauritius and South Africa. These countries have gone through some of the throes that Namibia experiences currently.

This study investigates the Immigration Control Act that deals with the limitation of entry into, and residence in Namibia, the Immigration Selection Board (ISB), applications for permanent residence and employment permits. The central questions guiding the investigation are: How do stake holders and applicants perceive the performance of the ISB and what do they identify as problem areas? And how do other affected countries deal with similar problems? Do they have any success stories to discuss?

The study uses findings from secondary and primary data collection through interview campaigns and secondary data through desk research. The primary data compilation generates qualitative and quantitative data while the secondary data obtains an insight into the interaction and relations between the Ministry of Home

Affairs and Immigration and various stakeholders regarding services in the issuance of visas and permits.

In-house document analysis forms an important part of data collection. Reports, minutes and memoranda of meetings, policy documents, contractual agreements and agreements that record processes and procedures that are useful in ascertaining inclusive decision-making and participation in the processes of governance and management.

Complementary to the method of modes, approaches and service delivery in issuing visas and permits is the detailed literature review that focuses on findings in comparing the countries mentioned above. In addition, literature review gained an overview on approaches to service delivery.

The study develops scenarios that address possible conflict resolution that may redefine the relationship between ministerial service delivery, public perception and appreciation of service.

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Last but not the least, I dedicate my greatest appreciation to my beloved niece Lucia Radovanovic for her support and sincere love. During the preparation of my thesis she was always there when I needed her most.

May God continue to guide and bless you.

DEDICATION

I dedicate this major achievement to my entire family for their support, love and understanding.

DECLARATIONS

I, Lydia Tjihimise Kandetu, do hereby declare that this study is a true reflection of my own research, and that this work or part thereof has to the best of my knowledge, not been submitted for a degree in any other institution of higher education.

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Lydia Tjihimise Kandetu

Date:

16	03	07
Day	Month	Year

ABBREVIATIONS

EP	-	Employment Permit
EPZ'S	-	Export – Processing Zones
EU	-	European Union
FDI	-	Foreign Direct Investment
ILO	-	International Labour Organization
IOM	-	International Organization
ISB	-	Immigration Selection Board
MHA& I	-	Ministry of Home Affairs and Immigration
NAMDEB	-	Namibia Diamonds
NGO'S	-	Non Governmental Organizations
NIPS	-	National Immigration Policy Survey
OPM	-	Office of Prime Minister
PRP	-	Permanent Residence Permit
SADC	-	Southern African Development Communities
SAMP	-	South African Migration Programs
UK	-	United Kingdom
UN	-	United Nations
US	-	United States
USAID	-	United States Agencies for International Development
SWAPO	-	South West Africa People's Organization

DEFINITIONS OF TERMS

It is necessary to explain the meaning of the terms that will be used in this study.

Immigration is the act of moving to or settling in another country or region, temporarily or permanently. An immigrant is someone who intends to reside permanently and not a casual visitor or traveler. Immigration means “in-migration” into a country, and is the reverse of emigration, or “out-migration.” The long term and/or permanent movement of human population in general, whether into, out of, or within countries is regarded as migration (google.com 2006).

Migrant for employment means a person who migrates from one country to another with a view to being employed otherwise than on his own account and this includes any person regularly admitted as a migrant for employment (ILO Convention on Migration for Employment 1949, No.97 in its Article 11).

International labour migration is the movement of people across the national border related to employment (Wickramasekera 2002).

It is increasingly noted that international migration is, by definition, a transnational phenomenon that presents major policy and management challenges and opportunities for governments and other stakeholders in all regions of the world. The world has come to realize that nearly all states are simultaneously countries of origin,

transit and destination and that in order to manage migration to the benefit of all, they need to shift from an isolated and uni-sectoral focus to more comprehensive approaches. Against this background, migration has been making its way steadily to the top of the international affairs agenda and now calls insistently and urgently for the attention of all governments, whatever the involvement or interest in the management of migratory processes (Gnesa 2005).

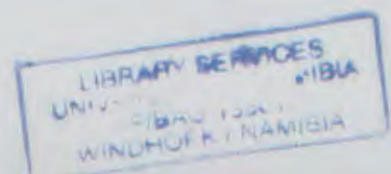
Brikerhoff and Crosby (2002) defined a stakeholder as an individual or group that makes a difference, or that can affect or be affected by the achievement of the organization's objectives, while Dunn (2004) defines a stakeholder as a representative or spokesperson of an individual or a group that is affected by or affects a policy. Stakeholders include the president of a legislative assembly or parliament, legislative committees, organized interest and advocacy groups such as the National Association of manufacturers, the Sierra Club, or Human rights Watch, and policy analysts themselves. The client who commissions a policy analyst is also a stakeholder (Dunn 1994).

In this study stakeholders are individual persons, groups or institutions with vested interest in an intervention. Key stakeholders are those of primary and secondary stakeholders who can significantly affect or influence an intervention either negatively or positively during its course, and who will share responsibility, quality and sustainability of subsequent effects and impact (Dunn 1994).

The stakeholders in this study include the following: the Investors, International Organizations, Non Governmental Organizations, Private Sectors, line Ministries, Tourism Industry, Business Community, Members of Parliament and the public at large.

Line Ministries in this study include the Ministry of Home Affairs and Immigration; Ministry of Justice because of their expertise with law issues; Namibia Intelligence Security because of the security issues; Ministry of Labour and the Ministry of Education because of labour market share in the country; Ministry of Trade and Industry: Investment Center because of their expertise in investment matters; Namibia Public Workers Union to represent the interest of workers; Ministry of Mines and Energy to represent the Mining Industry; Ministry of Tourism to represent the Tourism Industry.

Qualitative research is a flexible approach of building an in-depth picture of a situation, community and other sectors in development, often combining a variety of methods, observations, discussions, open ended and semi-structured interviews and other participatory approaches and tools. Qualitative research is used to collect data, which can be analyzed in a numerical form (Creswell 1994).



CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

Colonized by Germany in 1884, Namibia was administered by South Africa from 1917 to 1990. Between 1966 and 1989, the liberation movement, South West Africa People's Organization (SWAPO) fought a bitter-armed struggle against South Africa, which finally led to the implementation of United Nations Security Council Resolution 435 of 1978. Namibia, one of Africa's youngest nations, became independent on 21 March 1990. Situated along the southwestern coast of the African continent, Namibia is truly a land of remarkable contrast. With the land surface of 824 269 square kilometers, it is nearly four times the size of Great Britain. Despite its size, it is one of the most sparsely populated countries in Africa, with an estimated population of about 1, 83 million people. Namibia is a democratic state, its governance structure is based on a three ties state model consisting of the legislature with a bi-cameral house, the executive, composed of an executive president and a Cabinet of ministers and, the judiciary which assumes independent legal oversight of the affairs of the state.

The Namibian regime structured a new political order as provided for by the Constitution of the new state. The Ministry of Home Affairs was created in 1990, with the purpose of regulating the business of inland governance such as immigration

matters, police functions, civic affairs, refugee administration, forensic services and related issues. The Ministry's head office is situated in Windhoek, the capital city of Namibia.

The Ministry of Home Affairs consisted of two Departments: the Department of Civic Affairs and that of Police. In March 2004, the government separated the Department of Civic Affairs from the Department of Police and renamed it the Ministry of Home Affairs and Immigration. At the Independence of Namibia, there was no policy on immigration and the Ministry used the South African Laws. Consequently, an Act of Parliament called the Immigration Control Act No. 7 of 1993 was approved by Parliament, Gazetted on 19 August 1993 and implemented the same month. The Immigration Control Act together with the Visa Manual is the legal instrument governing the Immigration Selection Board (ISB) on the issuance of visas and permits in Namibia.

The Ministry is guided by the Sectoral Sub-Vision of Vision 2030 in the mandated task of facilitating business flow and economic growth and at the same time control of immigration influx into Namibia: "Internal security and stability in the country are ensured by the combined efforts of the Police, the Justice System and Civic Affairs, among others. Civic responsibilities include the management of the national population registers (which entails, among others, registration of births, deaths and marriages, issuing national identification cards, passports and the granting of citizenship); the regulation and control of immigration and emigration and; the recognition and control of refugees in Namibia. In addition, civic duties include the

provision of professional forensic services with the view to aid the criminal justice system in the country”(Vision 2030: 125).

The ISB and its Secretariat were established in terms of the Immigration Control Act and operate under the Division of Alien Control, which used to operate under the Directorate of Immigration and Border Control. The Minister of Home Affairs and Immigration appoints the members of the Board. The Board considers, scrutinizes and approves or rejects applications for visas and permits as prepared by the Secretariat. The Board is composed of Permanent Secretaries of line ministries as decided by the Minister of Home Affairs and Immigration. These are the Ministry of Home Affairs that chairs the proceedings, Office of the President: Intelligence Security Services, Ministry of Labour, Ministry of Justice, Ministry of Education, Ministry of Trade and Industry and the Namibia Public Workers Union, a labour advocacy group that is recognized by the Government to represent the workers of the state, affiliated to the union (Immigration Control Act 1993).

Part V of the Act refers to the limitation of entry into and residence in Namibia, permanent residence permits, employment permits student permits and visitor's entry permits. Sections prohibit foreigners from entering or residing in Namibia without resident permits, employment permits or permanent residence permits (Immigration Control Act 1993).

The responsibilities of the ISB are outlined in Section 25 of the Immigration Control Act No. 7 of 1993 as follows:

“The Board shall consider applications for employment permits or permanent residence permits and approves or rejects them. Study permits; work visas, holiday or tourist visas, transit visas and re-entry visas are considered by the Sub-Committees”.

1.1.1 The Immigration Control Act: 1993 - 2006

During the period under review the Act was never revised or amended. The ISB was identified by the Ministry as one of the problem areas within the Ministry of Home Affairs and Immigration that could justify research, if one looks at the number of complaints reported with the Ministry. Reports targeted the ISB and not the Act per se. It is necessary to look at both the Act and the ISB. Research is necessary, particularly on the issuance of Visas and Permits that are always under attack from the stakeholders and also as reported negatively in the local media and other reports (Ministry of Home Affairs and Immigration, Annual Report 2005).

Since 2000, the demand for visas and permits became very high as the country grew rapidly into a tourist attraction. Because of the peace and stability that prevail in Namibia, investors, potential donors and entrepreneurs visited Namibia to explore business opportunities. Large multinational companies decided to invest and signed agreements in Namibia, for example Ramatex, a textile company that employs about 10 000 formally unemployed youths.

The ISB meets once a week, even when the demand for visas and permits has become high. The Alien Control Division receives about 300 applications for visas

and permits weekly and the ISB still consider 70-90 applications per sitting. The system is still centralized in Windhoek. The backlog of visas and permits started to accumulate and stakeholders complaining through the Ministry itself, newspapers, different reports and meetings with the Prime Minister's Office. (Ministry of Home Affairs and Immigration, Annual Report 2005).

1.1.2 Employment Permits

Employment permits are issued to foreigners with professional skills or qualifications that may not be available in the local labour market. These could be issued for a period of twelve months renewable or, in conformity with the contract. Section 27 (2) says that the Board shall not authorize the issuance of an employment permit unless the applicant satisfies the Board that:

- (a) The applicant with such qualification, education, training and experience to render efficient employment, business, profession or occupation concerned;
- (b) The employment, business, profession or occupation concerned is not to be any employment, business, profession or occupation in which a sufficient number of persons are already engaged in Namibia to meet the requirements of inhabitants of Namibia (The Immigration Control Act 1993).

1.1.3 Permanent Resident Permits

Section 26 of the Act considers applications for permanent residence permits and looks at the following characteristics when it comes to the issuance of permanent residence permits to foreigners:

- (a) People of good character who choose Namibia as their permanent home after being on a temporary residence permit or employment permit for a period of five years continuously or longer in the country.
- (b) Foreigners married to Namibian Citizens but preferring to accompany their spouses permanently in Namibia.
- (c) To investors who after investing money in Namibia, choose to reside in the country. The Investment Center in the Ministry of Trade and Industry will examine the applications and recommend to the ISB after checking the viability of the investment/ business (Immigration Control Act 1993).

1.1.4 Labour Migration in Namibia

Namibia has a population of about 1.8 million (Population and Housing Census, 2001). The population has increased rapidly since independence. Namibia is a country of natural beauty; its features make it a tourist destination. After independence, Namibia invited investors to invest in the country. As a result many people started to migrate to Namibia, either to invest, open up new businesses or coming in the country by contractual agreements with the Government. The Act does not refer to labour migration and how the Board should deal with it (Investment Centre Report 2005).

According to the Investment Centre Report of 2005, most companies that are opening new businesses in Namibia come with their own technical staff members. However, the Act is not clear on the numbers of expatriates per company on the basis

of the amount invested. As a result stakeholders complain when the Board rejects applications. The ISB tends to feel that there are too many immigrants in the country and that Namibians are losing jobs to foreigners. Foreign citizens are transferring money out of the country with Chinese topping the list. Because the Act does not have a provision of investors in any category, some foreigners misuse the system by applying to invest money in a manufacturing company but then some found opening only a small retail shop (Chinese and Lebanese).

McKenley (2004) in his the Director General of International Organization for Migration said that today, all States are affected by migratory flows and are challenged to address the implications and opportunities of migration for their national economies, security and development, in particular, in view of demographic trends and development needs. Debates regarding whether to have immigration or not are being replaced by debates on how to manage migration to maximize the positive effects that migration – skilled and unskilled, temporary and permanent – can have. Regulated migration can help ensure the availability of labour when the host country requires it. It can permit family reunion with minimum delay and disruption to migrant households and relevant communities. Regular migration can provide opportunities for education, training, skill acquisition and employment, and employment, and result in substantial flows of remittances to individual households, and of capital, investment and skills to support developments in home countries. A key element to achieve a more humane and orderly movement of people is a systematic, managed approach to migration, including consideration of different categories of migration (McKinley 2004).

1.2 PROBLEM STATEMENT AND RESEARCH OBJECTIVES

The researcher is a civil servant who is daily involved in maintaining the high quality of service expected from customers, requesting necessary documents such as visas and permits, the issuance of which fall under the auspices of the Ministry of Home Affairs and Immigration (MHA&I). Unfortunately, the quality of services has been repeatedly challenged by customers, alleging that the MHA&I has been scaring off investors with inefficient and cumbersome ways of handling visas and permits applications.

It seems rather unfair to search for a scapegoat for the blame aired in public, pointing into the direction of the Immigration Control Act as well as the Immigration Selection Board (ISB) only. The researcher examines whether this assumptions is true and if yes, to what extent and under which condition.

The central question guiding the search for the truthfulness of apparently stakeholders and applicants negative experiences unfolds perceptions relating to the performance of the ISB in order to crystallize major areas of concern.

Consequently, this investigation will consider the relevance of existing modes of granting visas and permits, questioning their efficiency and possible review. This rather technical matter is linked with human factor, since work attitudes, stress syndromes and general office conditions influence the institutional image and

performance of the ISB. The problem formation invites the comparative presentation of studies conducted in Botswana, Mauritius and South Africa.

At this point the writer hopes to present findings that might assist politicians and users in implementing applicable legislation to the benefit of all visas and permits applicants.

1.3 CONCEPTUAL FRAMEWORK

In pursuing the study's objectives, the author related the research to principles inherent in the management concept such as goals, structures and processes, human and financial resources, interpersonal relations and other administrative phenomena, (Terreberry 1973). This theory stipulates that the failure of a policy is due to poor management of government bureaucracy. Subsequently, organizational aspects revealing that public administration is plagued by poorly designed administrative structures; acute shortage of trained managers; practices and attitudes of managers; poor supervision; faulty procedures; financial mismanagement and collapse; lack of initiatives; departmentalism and over-centralization; lack of co-ordination and co-operation at various levels.

This study selected an approach of forecasting by using the Delphi Technique. The study also conducted a stakeholder analysis by using the problem-structuring method. The Delphi technique seeks to generate the strongest possible opposing

views on the potential solution of a major policy issue. A policy issue is one for which there are no experts, only informed advocates and referees. Since the technique is a major research undertaking, it involves a large number of technical questions, including sampling, questionnaire design, reliability and validity, and data analysis and interpretation (Turoff 1970).

The Delphi technique is relevant because the study looked into an existing policy, and referred to the ineffectiveness of committees, in this case the ISB. The technique also looked into the principles of judgment of individuals; all experts or knowledgeable respondents as physically separated individuals whose anonymity is strictly preserved and the controlled feedback that allows communication of aggregated judgments in the form of summary measures of responses to questionnaires and expert consensus that, with few exceptions, is to create conditions under which a consensus among experts is likely to emerge as the final and most important product (Turoff 1970). The study looked into an existing policy (Immigration Control Act 1993) and its purpose is to evaluate, review and recommend.

The problem-solving image holds that the work of policy begins with articulated and self-evident problems. Supposedly, policy begins when recognizable problems appear problems about for which one can hypothesize possible courses of action and in relation to which one can articulate goals. It is not clear problems, but diffuse worries, that appear. Stakeholder groups become unusually active, or their activities become more telling; formal and informal social indicators give signs of

unfavourable trends, or of trends that may be interpreted as unfavourable. There are signals of a problem but no one knows yet what the problem is. In other words, the situation is such that the problem itself is problematic (Dunn, 1994). It is true that the policy problems are partly in the eye of the beholder.

Problem structuring is the process of generation and testing alternative conceptualizations of a problem situation. The method of problem structuring that is going to be used is brainstorming. Brainstorming is a method for generating ideas, goals and strategies that help identify and conceptualize problem situations. Originally designed by Alex Osborn as a means to entrance creativity, brainstorming may be used to generate a large number of suggestions about potential solutions for problems (Osborn 1948).

Problem structuring according to Newell, Shaw and Simon (1974) is creative to the extent that one or more of the following conditions are satisfied:

- The process of analysis is sufficiently unconventional that it involves the modification or rejection of previously accepted ideas.
- The process of analysis requires sufficiently high motivation and persistence that analysis takes place with high intensity or over long periods of time.
- The product of analysis is regarded as valuable by analysis, policy makers and other stakeholders, since it provides an appropriate solution for the problem.
- The problem as initially posed is so ambiguous, vague and ill defined that part of the task is to formulate the problem it self.

The recognition of the key role played by stakeholders in a process of termination of a policy, its implementation and outcomes has made the stakeholder analysis a vital tool for policy managers. Stakeholder analysis is designed to assist policy managers in identifying those interests that should be taken into account when making a decision. To that end, stakeholder analysis is directed at assessing the nature of a policy's constituents, their interests, their expectations, the strength or intensity of their interest in the issue, and the resource that they can bring to bear on the outcomes of a policy change (Brinkerhoff and Crosby 2002).

Stakeholder analysis is useful both when policies are being formulated and when they are being implemented. At the formulation stage it helps to ensure that policies are shaped in ways that improve their prospects for adoption and implementation. And during the implementation stage the tool helps to build an appreciation of the relative importance of different groups and roles each might play in the implementation process (Brinkerhoff and Crosby 2002).

Stakeholders are very powerful economically; they are generally in a position to weaken political authority should they actively oppose the policy reform. Policies are made for people with certain interests and within them are the stakeholders. (Brinkerhoff and Crosby 2002).

Here the discussions of policy problems are informal and largely spontaneous, involving the interaction of generalists and specialists from several scientific disciplines or fields (Dunn 1994).

1.4 METHODS AND TECHNIQUES

1.4.1 Introduction

The study covers the period between the implementation of the Immigration Control Act in 1993 to the present. This study made use of a qualitative research design in order to address the research question. Qualitative interviews in this study focused on documentary cases reported and scenarios. In this study key stakeholders will be interviewed. Key stakeholders are those of primary and secondary stakeholders who can significantly affect or influence an intervention either negatively or positively during its course, and who shared responsibility, quality and sustainability of subsequent effects and impact (Dunn 1994).

The qualitative and the quantitative approaches were used in this study. The following methods uncovered the interaction and relations between the Ministry of Home Affairs and Immigration and various stakeholders regarding services in the issuance of visas and permits.

In order to achieve the objectives of this study, secondary data were collected. A list of respondents was compiled and international reference materials were reviewed. Concurrent with these processes, questionnaires were administered to relevant stakeholders and meetings were arranged. Resulting from the collection of data, a detailed program was prepared, outlining the actions to be taken and proposals developed for dealing with various issues.

Semi-structured interviews schedules have guided the interviews for different categories of respondents. This allowed the interviewer to rephrase questions to elicit relevant information required, whilst analyzing information drawing on the informant's experience, knowledge and opinions. Each category of respondents was questioned, using a different semi-structured interview guide due to the varied nature of involvement in the provision of service delivery in the Division of Alien Control. Respondents identified included the following:

- Key ISB Secretariat in the Division of Alien Control to find out what hampers the processes of service delivery in the issuance of visas and permits.
- ISB members to find out the reasons for the delay in handling the applications of visas and permits.
- Key Stakeholders based in Namibia were interviewed to express their frustrations when it comes to the issuance of visas and permits. The stakeholders in question were divided into three categories, namely: Permit Consultants/Agents, Business Partners, Private Companies, Government Institutions.

1.4.2 The Data Generation

The researcher opted for open questions, which allowed the participants to comfortably express their understanding about the topic in their own way.

Both qualitative and quantitative approaches were used in this study. The following methods sought to uncover the interaction and relations between the MHA&I and various stakeholders regarding service delivery in issuance of visas and permits:

Interviews with the stakeholders identified as partners in the issuance of visas and passports were interviewed. Semi-structured interviews were scheduled and guided the interviews for different categories of respondents. This allowed the interviewer to rephrase questions to elicit relevant information required whilst analyzing and synthesizing information drawing on the informant's experiences, knowledge and opinions. Each category of respondents was questioned using a different semi-structured interview guide due to the varied nature of involvement in the issuance of visas and permits.

The study focused on three different groups and designed interview questions in conformity with their sectors:

- The first group included all the ten staff members of the MHA&I, who are responsible for ISB Secretariat. The ISB Secretariat is responsible for receiving and preparing all application forms for visas and permits for the Board.
- The second group focused on ten old and new selected ISB members. Of the nine serving members, seven were selected while three were selected from the nine selected retired members.
- The last group consisted of key secondary stakeholders: key secondary stakeholders are those of primary and secondary stakeholders who can significantly affect or influence an intervention either positively or negatively during the course, and who will share responsibilities for quality and sustainability of subsequent effects and impact (Dunn 1994).

In the category of stakeholders the following companies and institutions were identified:

- A number of ten visas and permits consultants/agents from the Non Governmental Organizations (NGO's) such as Express Passports, GK Consultants, Maritha Bouwer Consultant and others that are dealing with visas and permits on behalf of their foreign clients. These consultants/agents are handling applications for visas and permits on behalf of their foreign clients. The applications are received through E-mails, faxes or couriers and submitted to the MHA&I.
- A number of ten selected key business partners, private companies and government institutions that employed foreigners were given questionnaires to answer because of their experience with the MHA&I with regard to issuance of visas and permits. They are as follows:
 - Namibia Diamonds (NAMDEB) because they employ foreign expertise with rare professional skills and high qualifications that are not available in the local market; key individuals who are dealing with visas and permits; key individuals of the Namibia Tourism and Information Center, who handle applications for visas and permits of tourists visiting Namibia; key individuals of the Ministry of Mines and Energy and the Chamber of Mines in Namibia responsible for applications for visas and permits with regard to their foreign expatriates; key individuals of the Ministry of Health and Social Services dealing with applications of foreign doctors, nurses and other technical skills not available in Namibia; key individuals from the

Ministry of foreign Affairs dealing with visas and permits and because of their experience with Courtesy visas to Diplomats, different Agreements signed with different countries as well as the applications received from the Namibian Embassies and High Commissioners through out the world; key individuals from the Ministry of Trade and Industry: Department of Investment Center dealing with applications for visas and permits of investors and key individuals from Ramatex, a textile company which employs about 10 000 unemployed youths and school leavers.

- Key individuals are people who have particular insight into or opinions about the topic under study. They are ordinary people and not necessarily professionals or those in power, but those experts dealing with applications for visas and permits in the different institutions.
- A number of ten individual's random interviews are undertaken with a purpose to hear from those clients bringing in their applications through the counter at head office in Windhoek in order to obtain representative information with regard to visas and permits.

According to Brinkerhoff and Grosby (2002), interviewing a number of different people on the same topic will quickly reveal a range of opinions, attitudes and strategies. The wide range of informants will allow the researcher to cross-check data and identify common perceptions, that will increase confidence in the accuracy of the information collected (Brinkerhoff and Grosby 2002). The researcher probed

questions and asked direct questions that lead to key issues with regard to the issuance of visas and permits, with the necessary clarity. This approach is expected to make the interview much more dynamic.

1.4.3 Document Analysis

Reports of donor agencies to the Office of Prime Minister (OPM) and minutes of meetings held between ministries and stakeholders were examined. These enabled the researcher to draw on the level of participation of all stakeholders in strategic decisions.

This forms an important part of data collection as records, minutes and memoranda of meetings, policy documents, contractual documents and agreements that record processes and procedures, will be useful in ascertaining participation in the processes of issuance of visas and permits. These will include reports of donor agencies and reports from the investors through the Namibia Investment Roadmap (2005).

1.4.4 Scope and Limitations of the Study

The study mainly focused on the operations of the head quarters in Windhoek and selected clients of the Ministry of Home Affairs and Immigration also based in Windhoek were interviewed and it covered what was possible in the limited time allocated for the research. Questionnaire 2 consists of ten Immigration Selection Board (ISB) members. Seven of them were taken from the current ISB members and three were taken from the retired ISB members.

The interview and questionnaires sampling for this category was not successful. Out of ten Board Members 6 (60%) were not in town for the interview or to answer questionnaires, while those who were in the country constituted 40% and all of them were not available for the interview nor did they have time to answer the questionnaires. After several reminders the researcher decided to go ahead with the other categories that were available for the interviews and who have completed their questionnaires.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

Detailed literature review of modes and approaches and service delivery in the issuance of visas and permits were compared as well as the approaches on how other countries are doing it, nationally, regionally and internationally. Approaches on the migration of human resources in South Africa, Botswana, Mauritius and others were also compared to the Namibian experience. Findings were compared to the Namibian context, attempting to discover the most suitable approaches for service delivery in the issuance of visas and permits, drawing from experiences within similar contexts, were assessed and recommendations were made.

2.2 EFFICIENT IMMIGRATION POLICY: THE CHARACTERISTICS

The efficiency of Public Service as referred to by the Pocket Guide: 'Being a Public Servant in Namibia,' published by the Office of the Prime Minister (OPM) is defined as integral to a country's economic, social and ecological progress. It further says that equal participation by all citizens, economic stability, effectively fighting against poverty, an independent and just judicial system, and excellent performance in educational and health sectors can only become a reality if all public servants fulfill their duties according to the principles of good governance. The Guide referred to

'equal participation by all citizens' that means that the beliefs, values and needs of all stakeholders should be accommodated when policies are evaluated (Office of the Prime Minister: The Pocket Guide 2003).

Gerber, Nel and van Dyk (1997) explain that the efficiency of the organization depends on group performance. Organizations consist of groups of employees, and employees are grouped on the basis of joint activities at work. For that reason organizations have different departments such as production, marketing and personnel, based on a functional approach. This implies that groups produce the organization's product or render its service according to the demand. That is true, because organizations effectiveness depends on the group performance. Currently, the demand for visas and permits has become so high, and the effectiveness of the ISB will depend on the collective participation of the Board and its Secretariat.

In terms of the South African Immigration Amendment Bill 2006, which was released in August, it appears that the Department of Home Affairs is welcoming the retired foreign nationals back into South Africa. The Ministry made it easier for investors and persons who wish to retire in South Africa to qualify for a permit of five years. As a result they should demonstrate that what is brought into the country is sufficient to cover their standard of living (moneyweb.co.za/business/2006). South Africa has amended its Immigration Act in 2002 and again in 2006 to fit their needs. As a result they came up with new ideas. The biggest focus on the South African Immigration Act as amended is to target the investors and to welcome retired foreign nationals (South Africa Immigration Amendment Bill, 2006). The Immigration

Control Act in Namibia was never evaluated nor amended. That is a positive move in the right direction by the South African Government. Namibia could also follow that example by evaluating and possibly modifying its policies.

In an article published in 'The Wall Street Journal' of 19 August 2006, the UN Secretary General, Kofi Annan, showcased what he saw as general benefits of worker migration, referring to them as "the motors of human progress". Annan argued that incoming migrants do essential jobs, which a country's established residents are reluctant to undertake. He further said that well managed migration could bring benefits to sending and receiving countries and contribute to the Millennium Development Goals (Global Immigration News: UN Population Commission 2006). It is true that there are essential jobs that the residents are reluctant to undertake. In Namibia for example, shop owners are making use of Zimbabweans to sell goods in the street, while Namibians are refusing to do.

On the immigrant side, the greatest numbers of immigrants are persons with less than a high school certificate. On the trade side, import-intensive industries tend to employ relatively low-skill workers, including many immigrants (Borjas and Freeman 1992). Namibia also is not an exception from what the researcher said. Namibia has an experience of Ramatex (and others), a textile company which employed low skilled workers from mostly China and the Philippines. That is what the Namibians called cheap labour.

The performance of migrants in the labour market is a matter of substantial importance for the immigration and emigration countries as well as for migration policy. It is conjectured that migrants work harder and save more because they are positively (self) selected and face a substantial pressure from their home and host countries (Merkel and Zimmermann 1992). The problems that Namibia is facing currently with a big textile company Ramatex, is the poor performance of the Namibian workforce. The small numbers of expatriates working for Ramatex, are positive and working very hard and prepared to work odd hours. As a result they are saving more money.

2.3 INTERNAL CONSTRAINTS TO EFFICIENT IMMIGRATION

Sachikonya (1998) in the book 'Labour Migration in South Africa', explained that South Africa with its unemployment rate of above 40 percent and poverty level, which embraces more than 50 percent of its population, the migrant's jobs seeking, has provided an unwelcome competition. Equally, Namibia with an unemployment rate of about 34 percent seems to have the same problems of fear of competition in the labour market. He further said that Botswana has drawn upon expatriate labour ranging from medical staff including nurses and doctors, to university teachers and skilled artisans from neighbouring states.

It is estimated that there are 2.2 million working nurses averaging 47 years old in the U.S. for example. The annual vacancy rate is approximately 9 percent and projections anticipate a shortage of 800, 000 nurses by 2050. Other estimates are

more dramatic, perhaps reaching 1 million vacancies to be filled by 2012. During past nurse's shortages, typically a few thousand foreign-trained nurses could fill all U. S. opportunities in a given year. However, 2001 saw a spike to 40,000 nurses from overseas and signs indicate this will be a sustained influx for several decades (U.S Bureau of Labour Statistic 2006).

Due to the difficulty of practicing as a nurse in the U.S., many immigrants' nurses target countries like England and Canada (U.S Bureau of Labour Statistic 2006). Namibia has a similar problem of professional nurses leaving the country to look for greener pasture, especially to England and Canada.

2.4 PROFILE AND CLASSIFICATION OF IMMIGRANTS

According to Sachikonye (1998) there has been a steady growth in unemployment in most states in Southern Africa in the 1990s resulting in an upward increase in migration by jobseekers. Migration in search of jobs and better economic opportunities to the wealthier countries in the region is a phenomenon, which was as inevitable as it is also contentious. That trend will continue as long as we have political instability in Southern Africa and elsewhere. Namibia is experiencing the same problem as all the other countries. The situation in Zimbabwe has a positive impact on the Namibian economy because many jobseekers are highly qualified and Namibia could benefit from their expertise. However, because of the cumbersome process of issuing visas and permits in Namibia, these experts go to other countries like South Africa and Botswana.

The focus on international migration in Southern Africa should not displace attention to continuities in local intra-state migration. Migration from the rural areas to urban centers, mines and plantations continues a hundred years or more since it began. Families continue to be split for purposes of wage-labour, and sometimes in order to obtain access to social services such as education for children. Compared to other categories of workers, migrants tend to constitute a vulnerable group (Sachikonye 1998).

Historically, the majority of migrant workers have been contract rather than permanent labour, and with a few exceptions, they have been confined to hazardous industries such as mining and lowly paid menial jobs like those in agriculture. In most instances, they have been viewed as an underclass in a hierarchy of national working classes: migrants from other countries often perform less desirable jobs, supplying low-paid labour to influential employers but lacking political representation themselves. Clandestine migrant workers are even more vulnerable because employers exploit 'illegal' status. This category of workers has been observed to "accept employment whatever the payment, risk, physical demand or working hours involved" and the employer's stranglehold over them prevented them from approaching authorities for the redress of their grievances (Human Rights Watch, 1998). Some of the more vulnerable segments of clandestine labor migrants include Mozambican child workers employed on South African and Zimbabwean farms (Sachikonye 1998).

Lloyd Sachikonye in his book 'Rethink about Labour Markets and Migration Policy in a New Era' said that Southern African countries are faced with the enormous challenge of addressing the consequences of labour markets and migration patterns molded over the previous 150 years. The shaping of these markets and patterns can be traced to the discovery of minerals in the Witwatersrand in South Africa in the last quarter of the 19th century. Many studies have documented the flows of migrant workers from Mozambique, Malawi and Zambia into both colonial Zimbabwe and South Africa and from the colonial Botswana, Lesotho and Swaziland into South Africa. The development of capitalist mining, agriculture and manufacturing, although uneven, left a deep imprint on the structure of labour markets and the process of migration.

Namibia has a big mining industry as a result of diamond companies in Namibia like NAMDEB, De Beers Marine and Rössing Uranium are signing different contracts with foreign companies for highly skilled expatriates to work in Namibia, to render services that cannot be done by Namibians. Normally, when these companies are resume duties, they bring along their technical staff as agreed in the Contractual Agreements with different companies. The Immigration Act in Namibia stipulates that only persons with expertise that cannot be found in Namibia could qualify for a permit. Foreign companies have the right to bring in their technical staff if they so wish and especially if that is what has been agreed upon in the contract. The ISB has to scrutinize the agreements before considering applications for any approval.

According to Tanimura (2004), cross-border migration by workers has been discouraged by post-colonial governments, while cross-border flows of capital have been actively canvassed and supported by the same governments. A principal component of economic liberalization programme have been the creation of Export-Processing Zones (EPZ), which draw up local rather than migrant labour. The conditions of EPZ have been made as attractive as possible to capital and those for labour as cheap and difficult as possible in the zones by host governments. In Namibia, those companies dealing within the Export Processing Zones signs agreements with the Government and should be issued with permits according to the agreements or permanent residence permits if they so wish. However, that has been a problem for the ISB when it comes to the approval of their permits.

In addition, challenges to national security have become more complex according to Rizza (2004). Recent efforts to combat terrorism have put state security concerns in the forefront of the discussion on international migration, one of the greatest challenges for governments in this area is to establish transparency and credibility in their ability to manage irregular flows of migrants for both migrants themselves and the host society. Namibia is also not trying to risk the security of the country, which is a challenge to many countries. However, before a permit is issued to any foreigner in Namibia, especially in the case of permanent residence permits, the information is sent to the National Security to check the applicant's character and for any criminal record from country of origin. Further more, Namibia does not have an Integrated Migration Information System but uses a Manual System.

Borjas and Freeman (1992) showed that this is in fact the case in their comparison of the 'implicit skill composition' of trade and the educational composition of immigrants. In general and according to Borjas and Freeman (1992) the greatest numbers of immigrants are persons with less than a high school degree. On the trade side, import-intensive industries tend to employ relatively low-skill workers, including many immigrants (Borjas and Freeman 1992). Namibia also is not an exception from what the Authors said. Namibia has an experience of Ramatex (and others), a textile company which employed low skilled workers mainly from China, Bangladesh and the Philippines and what they referred to as cheap labour. This has been a Government agreement, which was signed legally. However, the ISB had problems to issue permits to these low skilled workers from the above-mentioned countries.

The performance of migrants in the labour market is a matter of substantial importance for the immigration and emigration countries as well as for migration policy. It is conjectured that migrants work harder and save more because they are positively (self) selected and face a substantial pressure from their home and host countries (Merkel and Zimmermann 1992). The problem that Namibia is facing currently with a big textile company Ramatex, is the poor performance in terms of negative attitude and lack of sound work ethics towards work by the Namibian employees, thus the preference for immigrants. The small number of expatriates working for Ramatex are said to be positive, working very hard and prepared to work odd hours. As a result they are saving more money and contributing positively towards the goals and objectives of the country.

2.5 GOVERNMENT IMMIGRATION POLICIES

Migration realities are that the movement of people across borders is an important feature of today's global political, social and economic life. Since 1965, the number of international migrants has doubled. In 2000, the United Nations estimated the total number of international migrants to be 175 million (The Population Division of the Department of Economics and Social Affairs of the United Nations Secretariat, International Migration Report 2002). Thus approximately 2.9 per cent of the world's population, or one in every 35 persons, are international migrants (International Organization for Migration: World Migration 2003, Chapter 1).

In recent years migration has been making its way steadily to the top of the international agenda, and now calls insistently and urgently for the attention of all governments, regardless of their past involvement or interest in the management of the migratory process (McKinley 2004). According to McKinley, migration flows today are more diverse and complex, with more temporary and circular migrations. World demographics, economics, political and social trends mean that governments and societies will need to put more emphasis on migration management in all its dimensions. International Organization for Migration (IOM) should put strict measures for member states to amend their immigration policies to fit the need in the world.

Botswana's immigration policy for instance has been very flexible. They opened their labour market to expatriates when it comes to the issuance of visas and permits.

Similarly, Namibia has to learn from Botswana. Currently, Namibia is experiencing a brain drain in the area of registered nurses and professional teachers that are migrating to take up employment in other countries, especially to the United Kingdom (UK). Previously, there was no shortage of nurses and teachers in the country. As a result, nurses and teachers were not under the priority skills to look for elsewhere. Today, Namibia signed a Memorandum of Understanding with SADC countries and started to import nurses from countries like Kenya, Botswana, South Africa and Zimbabwe.

2.6 BENEFIT FROM AN EFFICIENT IMMIGRATION POLICY

Migration and development is a growing area of interest. There has been much debate on the negative impacts of migration on development, and vice-versa. On the one hand, it is argued that underdevelopment is a cause of migration, and on the other, that migration causes developing countries to lose their highly skilled nationals. While there is a measure of truth in each of these assertions, properly managed international migration holds enormous potential for the development of countries (IOM News: September 2004).

Remittances have become a prominent source of external funding for developing countries that surpass official development assistance. In 2003, over US\$ 100 billion were sent home in remittances by migrants, helping to sustain the economies of many developing countries. The total amount of resources remitted may even be two or three times higher, since a large number of transactions are carried out through

informed channels. Migration can thus contribute to the reduction of poverty at the local and national level, and to a reduction in the economic vulnerability of developing countries (Global Development Finance, Striving for Stability in Development Finance, The World Bank 2003).

In addition, remittances sent home by migrants could be used to sustain development. The challenge is to develop mechanisms to migrate as much as possible the negative effects of "brain drain" and to encourage the return of qualified nationals resulting in "brain gain" (IOM News: September 2004).

Labour migrants, in particular lower-skilled individuals and their families, may find themselves placed in vulnerable situations in the country of destination. Often they accept jobs that nationals do not want, or perform them at lower wages and with fewer social benefits. Efforts are needed to reduce the level of vulnerability of these migrants and to ensure that their human rights are protected (Walker 2004).

There are multiple reasons for the above-mentioned, including the collapse of long-standing political barriers to movement, the development of worldwide communication systems, the relative affordability of modern means of transport, wage and opportunity disparities between countries, and the changing need for labour and provision of services in many countries. While migration is rooted in human history, migrant flows today are more diverse and complex than in previous eras, with more temporary and circular migration. The demands of an increasingly globalized and integrated world economy and demographic forecasts for the century

to come, indicate that migration will remain an unavoidable reality (Gnesa 2005): The Berne Initiative). The Berne Initiative 2001, launched by Switzerland in June 2001 as a States-owned consultative process, has enabled Governments from all world regions to share their different policy priorities and interest in migration. It has offered to Governments and other stakeholders in migration the opportunity of developing a common orientation to migration management, based on notions of cooperation, mutual understanding, partnership, comprehensiveness, balance and predictability (Gnesa 2005).

According to Hyter (2000) migration is linked to policy in the economic, social, labour, trade, health, cultural and security domains, among others. National Migration Policy includes the following:

- Managing the entry, transit, departure and return of foreigners into and out of national territory.
- Determining who is allowed to remain on the territory, and for what time period, and for what purposes and with what rights and responsibilities.
- Facilitating the integrations of those authorized to remain to become functional members of society, ensuring that temporary migrants respect the laws and norms of the society and that their rights are respected.

Culture diversity exists within nations. In the world as a whole it has existed for thousands of years. It is to be celebrated. It has the potential to enhance human progress. The opening of borders could make the world a more harmonious and peaceful and less racist place, and make possible cooperation and democracy and

greater mutual understanding worldwide. Immigration controls should be consigned to the dustbin of history, recognized for what they are: a cruel but relatively short-lived twentieth-century aberration (Hyter 2000). One always wonders how it was in the world before the demarcation of the borders. What was the experience that time as to now? Some people said that the borders were open and people could move freely without visas or permits. However, with independent countries we have laws and regulations that govern us and we have to adhere to. Governments should abandon the cumbersome and strict way of granting visas and permits to foreigners so that the influx of people could be controlled.

CHAPTER THREE

RESEARCH DATA PRESENTATIONS

3.1 INTRODUCTION

In answering the questions of this research, the study collected and analyzed data from randomly selected staff members of the Immigration Selection Board (ISB) in the Ministry of Home Affairs and Immigration (MHA&I), members of the ISB and various stakeholders. The findings of surveys are discussed using the visas and permits data flow chart as the point of reference. The first part focuses on findings related to the respondents of the MHA&I. The second part focuses on respondents from the ISB members while the third part focused on discussions based on information presented by various stakeholders. This discussion also takes into account the outcome of document analysis. Characteristics of the respondents are discussed first, followed by a comparison of the study with studies from other countries.

3.2 IMMIGRATION SELECTION BOARD (ISB) SECRETARIAT

Table 1: Questionnaire 1

NO. OF RESP	NAMES OF RESPONDENTS	EXPERIENCE IN YEARS	CASES CONSIDERED BY ISB PER WEEK	APPLICATIONS RECEIVED PER WEEK
1	Anonymous	11	70	120 per week
2	Anonymous	14	60	120 per week
3	Anonymous	10	60	120 per week
4	Anonymous	6	70	120 per week
5	Anonymous	9	70	120 per week
6	Anonymous	7	70	120 per week
7	Anonymous	6	60	120 per week
8	Anonymous	7	70	120 per week
9	Anonymous	14	70	120 per week
10	Anonymous	7	70	120 per week

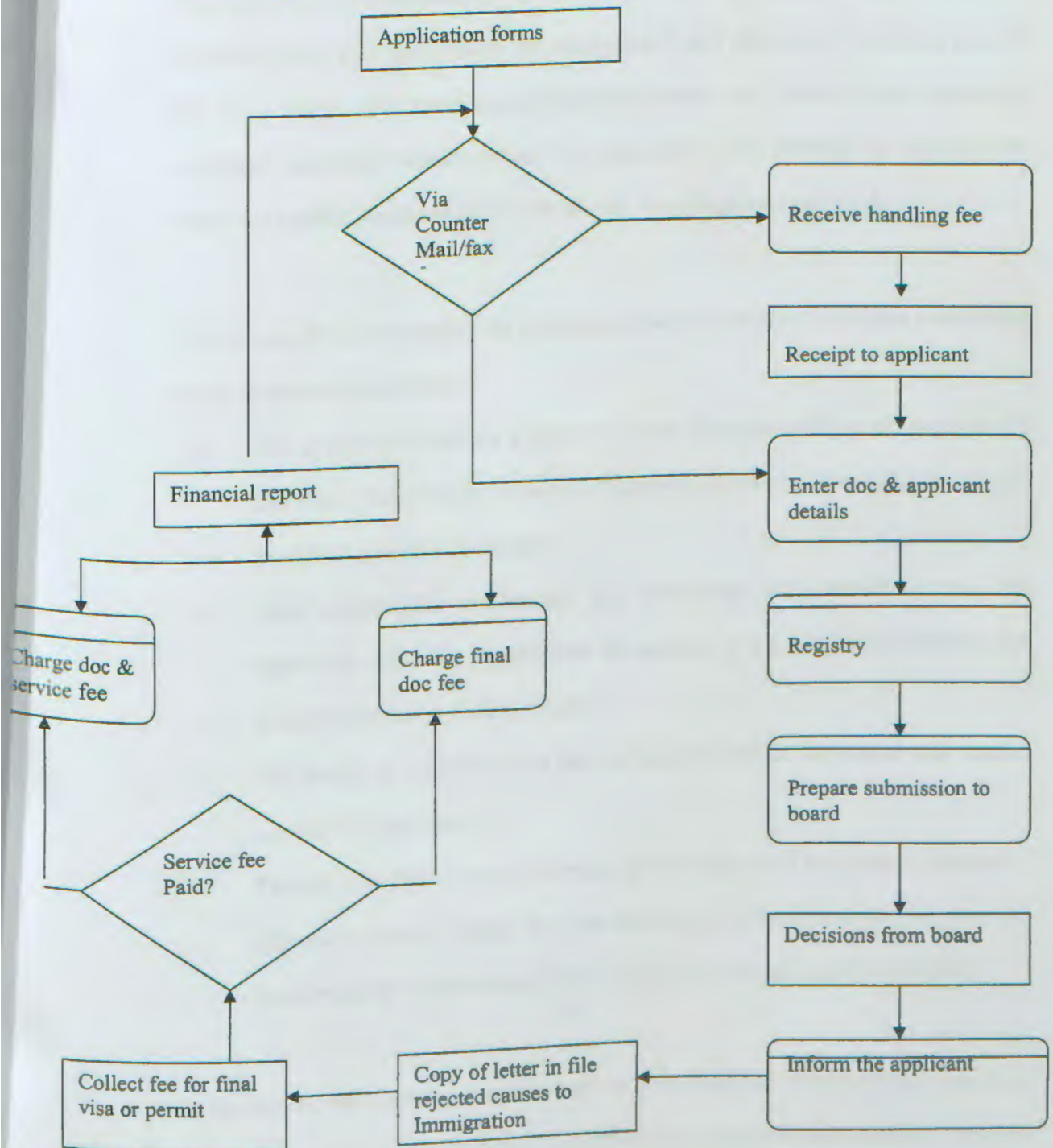
Source: L. Kandetu (November 2006).

Table 1 indicates that the sample consisted of ten staff members who fall under the Division of Alien Control, which is responsible for the issuance of visas and permits in the MHA&I. They are only ten members of the ISB Secretariat and all were willing to give responses. The ISB Secretariat, apart from their other responsibilities, is responsible for making sure that files for employment and permanent residence permits are properly prepared for the consideration of the Board, to draft notices, agendas and minutes to the Board members in good time; to present cases one by one to the Board for their considerations and to communicate the decisions taken by the Board to the applicants through letters. Their working experience ranged between six and fourteen years. Those with experience of six and nine years are in majority (60%) while those with the highest experience, ten and fourteen years are only 40%.

The Flow Chart on page 36 indicates the different processes that are taking place when applications for permits are submitted through the counter, mail or faxes. The applications for employment and permanent residence permits come through the MHA&I's counters at Head Office and from the Ministry's regional offices, Express mail and normal mail, different Ministries/ Institutions, Agents/ Consultants, legal practitioners offices, Embassies and High Commissions, E-mails and faxes.

As could be seen in Flow Chart 1, letters are written by the Secretariat to applicants to inform them about the outcome of their applications. Letters of rejected cases are referred to the Immigration Desk to inform the applicants about the Board's decision. Applicants are informed about the Board's decision in 7-10 days.

FLOW CHART 1: Chart flow of application for employment and permanent residence permit



Source: Ministry of Home Affairs and Immigration (April 2005).

On a question how regular the ISB meets, all responded once a week, on Tuesdays, depending on the availability of the Board members. The Division of Alien Control received about 120 applications for employment and permanent residence permits per week (about 100 applications for employment and about 20 for permanent residence permit per week). About 120 applications for permits are received per week and the ISB considered between 60 and 70 applications per week.

The criteria for one to qualify for permanent residence permit have been pointed out by all respondents as follow:

- The applicant should be a person of good character with no criminal record and with a valid residence permit; the person should be financially strong and be able to sustain him/herself.
- Most respondents emphasized the difficulties encountered by the ISB Secretariat regarding applications for permits as the continuous backlog due to the Board that is failing to meet.
- The Board is experiencing a lack of quorum and if they meet they cannot consider all applications.
- That the Act should define Investors so that they could be given preferences.
- The slow manual system that the Secretariat is operating on was given as hampering the effectiveness when it comes to issuing visas and permits.

In the respondent's opinion on what could be done to improve the performance of the ISB when considering applications for employment and permanent residence permits they had the following to say:

- An independent ISB Board to be appointed by the Minister of Home Affairs and Immigration.
- The ISB should have an independent Secretariat to solely serve the Board.
- The Secretariat to be trained how to properly analyze applications to avoid long discussions by the ISB.
- The ISB to meet regular as the applications are coming in, if possible to meet from Monday to Friday.

3.3 STAKEHOLDERS

The Stakeholders were divided into three categories, namely: ten permits consultants/agents from NGO's dealing with applications for visas and permits on behalf of their foreign clients were interviewed, questionnaires were sent to ten selected key business partners, private companies and other government institutions that employed highly skilled foreigners and a number of ten individuals randomly interviewed, those that are bringing their applications through the counter.

QUESTIONNAIRE 2: CHARACTERISTICS OF THE RESPONDENTS

Table 2: Permits Consultants/ Agents From NGO's

NO.	NAME OF AGENCY	EXPERIENCE WITH PERMITS	WAITING PERIOD FOR PERMIT	CUSTOMER CARE AT COUNTERS	NUMBER OF PERMITS PER DAY TO MHA&I
1.	Express	10 years	EP – 3-6 M PRP – 1-2 Y	Satisfactory	12
2.	GK	16	EP – 3-6 M PRP – 6-12 Y	Satisfactory	10
3.	Mwampole	7	EP – 3-6 M PRP – 6-12 Y	Satisfactory	5
4.	E. Horr	16	EP – 3-6 M PRP – 1-2 Y	Satisfactory	5
5.	C. Brand	10	EP – 3-8 M PRP – 1-2 Y	Fair	3
6.	Trip Travel	16	EP – 3-6 M PRP – 6-2 Y	Satisfactory	5
7.	PPC	7	EP – 3-6 M PRP – 1-2 Y	Fair	10
8.	Cansie	10	EP – 3-6 M PRP – 1-2 Y	Good	12
9.	M. Bouwer	10	EP – 3-6 M PRP – 1-2 Y	Good	10
10.	TASA	8	EP – 3-6 M PRP – 1-2 Y	Satisfactory	10

Source: L. Kandetu (November 2006).

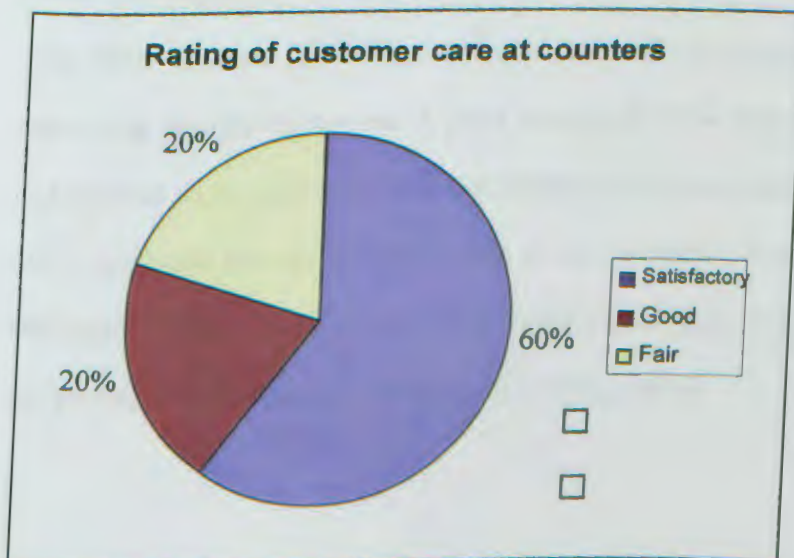
NOTE: EP- Employment Permit, PRP – Permanent Residence Permit, M – Month, Y – Year

Table 2 indicates that the sample consisted of 10 visas and permits Consultants/Agents from the NGO's dealing with visas and permits on behalf of their foreign clients. Their working experience with visas and permits ranged between 7 and 16 years. Those with 10 and 16 years are in majority (70%) while those with the

lowest experience ranged from 7 to 8 years (30%). On the waiting period of an Employment Permit after submitted at the Ministry 9 out of 10 Consultants has indicated as 3-6 months while only one said 3-8 months. On the Permanent Residence Permit 7 out of 10 (70%) have indicated one to two years while three Consultants/Agents (30%) gave the waiting period for PRP as 6-12 months.

Customer care at the counters as indicated in Graph 1 below, was rated as satisfactory by 6 (60%) out of 10 Consultants/Agents while another 2 (20% each) out of 10 rated good and fair respectively. The number of applications for permits submitted per day by the Consultants/ Agent ranged from about 3 to 12. Although the rating was from very good to poor no one of the respondents rated very good and poor, that is why it was not necessary to bring them on the graph.

Graph 1: Rating of customer care services at permits counter by the Consultant/Agents



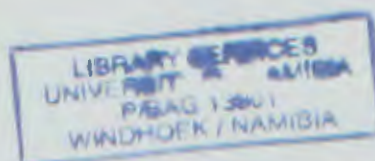
Source: L. Kandetu (November 2006).

Table 3: Key Business Partners

No.	Company, Institution, Ministry	Type of Service During Visit	Number of Application Submitted	Customer Care at Counters	Waiting Period for Permits
1.	NAMDEB	Visas & Permits	20-30 Daily	Satisfactory	3-6 Months
2.	Tourism Industry	Visas & Permits	10-20 Daily	Satisfactory	3-6 Months
3.	Mines & Energy	Visas & Permits	5-10 Weekly	Satisfactory	3-6 Months
4.	Health Ministry	Visas & Permits	10-20 Daily	Satisfactory	3-12 Months
5.	Foreign Affairs	Visas, Permits & Passports	20-30 Daily	Satisfactory	3-6 Months
6.	Investment Centre	Visas & Permits	10-20 Daily	Satisfactory	3-12 Months
7.	RAMATEX	Visas & Permits	20-30 Daily	Satisfactory	3-6 Months
8.	RÖSSING	Visas & Permits	20-30 Daily	Satisfactory	3-6 Months
9.	Building Industry	Visas & Permits	20-30 Daily	Satisfactory	3-12 Months
10.	Polytechnic of Namibia	Visas & Permits	10-20 Daily	Satisfactory	3-12 Months

Source: L. Kandetu (November 2006).

Table 3 indicates the key business partners/ Industries/Institutions who received questionnaires and all ten (100%) sent back the questionnaires in time. The majority (90%) said they visit the Ministry's office daily while a small number of 10% visit only once a week. This represents the selected companies that are hiring or employing foreign employees. A good number of 90% visit the Ministry for visas and permits while only 10% visit the Ministry for visas, permits and passports. All 100% indicated that the customer care at the counters of visas and permits were satisfactory. The waiting period for permits varied from 3-6 months representing 60% while 40% represented 3-12 months waiting period.



3.4 KEY INDIVIDUALS

All ten (100%) key individuals were randomly interviewed when they came to submit their foreign friend's applications for visas and permits at the Ministry's counter. The reason for this interview was to get different opinions from other individuals. They normally come to the Ministry only once a week on a monthly basis when they come to enquire about application submitted already. Those that were interview were submitting only one or two applications from friends over a period. All 100% were complaining about the long waiting period of 3-6 months, sometimes one has to wait for more than 6 months. All were also frustrated by the attitude of the staff members at the counter of visas and permits. They suggested customer care training to the staff members of the Ministry of Home Affairs and Immigration, those working at the front desk or counters.

On a question what they think why the applications for permits were taking that long, 90% were of the opinion that the Ministry's officials told them that the Board were not sitting regularly or no quorum experience was the order of the day.

3.5 IMMIGRATION SELECTION BOARD (ISB) MEMBER

Table 4: ISB Members

NO	INSTITUTIONS	POSITIONS	ANSWERS TO QUESTIONNAIRE	AVAILABILITY FOR INTERVIEW
1.	Ministry of Home Affairs	Permanent Secretary	No Answer	No Time
2.	Ministry of Labour	Permanent Secretary	Out of Town	Out of Town
3.	Ministry of Trade & Industry	Under Secretary	No Answer	No Time
4.	Ministry of Education	Director	No Answer	No Time
5.	Ministry of Justice	Director	No Answer	No Time
6.	Ministry of Tourism	Under Secretary	Out of Town	Out of Town
7.	Office of the Prime Minister	Director	Out of Town	Out of Town
8.	Central Security	Director	Out of Town	Out of Time
9.	Windhoek Municipality	Chief Executive Officer	Out of Town	Out of Town
10.	NAPWU	Director	Out of Town	Out of Town

Source: L. Kandetu (November 2006).

Table 4 consists of ten ISB Members. Seven of them form the current ISB and three of them were taken from the retired ISB Members. The current ISB Members consist of the following:

- Permanent Secretary: Ministry of Home Affairs and Immigration (Chairperson).
- Permanent Secretary: Ministry of Labour.
- Deputy Permanent Secretary: Ministry of Justice.
- Under Secretary: Ministry of Trade and Industry.
- Director: Ministry of Education.
- Deputy Director: Namibia Intelligence Security
- Director: Namibia Public Workers Union.

The three retired Board Members comprises of the Under Secretary in the Ministry of Environment and Tourism, Director in the Office of the Prime Minister and the Chief Executive Officer in the Windhoek Municipality.

As indicated already in 1.4.4 under the scope and limitation of the study the interview and questionnaires sampling for this category did not go well. The targeted category did not show interest in answering the questionnaires.

3.6 ANALYSIS OF DIFFERENT REPORTS

Different reports were written complaining about the cumbersome way the Ministry of MHA&I were dealing with the issuance of visas and permits.

The Namibia Investment Roadmap, a report by the Southern Africa Global Competitiveness Hub (the Hub) established by the United States Agencies for International Development (USAID) in August 2005 and based in Gaborone, Botswana, has complained about the difficulties cited by investors in obtaining visas and permits for themselves and for employees in Namibia, as obstacle to business efficiency and as an obstacle to Foreign Direct Investments (FDI). The Hub is a vehicle for providing technical assistance to client countries throughout the region (The Namibian Investment Roadmap 2005).

The Hub's emphasis rests primarily in promoting trade, competitiveness, and the enabling environment for private enterprise. Sound policy and regulatory systems for

attracting FDI fall squarely into the primary avenues of the Hub's interventions. The main instrument for documenting and analyzing a country's attractiveness for FDI is the Investor Roadmap. It was also reported that the Ministry of Home Affairs and Immigration was discouraging the investors to come to Namibia by the strict and inefficient way of handling visas and permits.

The study examined how the policy is implemented by the various stakeholders, embarking on contractual agreements such as the Agreement on Development Workers and Africa Group of Assistance from Sweden signed on 21 May 2003 between Namibian and Sweden; the Agreement concerning the dispatch of volunteers recruited, under the Japan Overseas Cooperation Volunteers Programme, signed on 23 December 2004 between Namibia and Japan; Agreement on Development Cooperation signed on 19 November 1990 between Namibia and Finland; Agreement on Forms and Procedures for Development Cooperation signed on 16 October 2004 between Namibia and Iceland; the Basic Agreement on Secondment of Development Workers of the German Development Service, signed on 6 May 1992 between Namibia and Germany. All these agreements were signed and agreed upon by both partners that the above-mentioned countries should bring with their own experts; however, the Agreements did not specify how many experts each country should bring to Namibia.

Donor Agencies went to see the Prime Minister on 15 November 2005 in order to forward complaint about their experiences with the MHA&I, with particular to the issuance of visas and permits. Their problems were the period it takes to finalize a

permit as well as the one-year period the Ministry is approving even if you have signed a contract of five years. Most Donor Agencies and Investors were issued with a permit for one year but when the applicant applies for an extension, it will take six months to a year while waiting for approval.

The Act does not define an investor, fails to determine the categories of investors, how much money one should have to qualify as an investor. As a result investors have to apply for employment permits and only be given a period of one-year renewable permits. That system frustrates the investors, as a result they move to the next country and Namibia loses that investment.

After the implementation of the Act in 1993, the ISB in one sitting managed to consider about 70 applications for permits per week because the demand for permits was low. The Division of Alien Control at that time received about one hundred applications for visas and permits per week. The ISB sat once a week and the system of issuance of visas and permits is centralized in Windhoek and is operating on a manual system.

In September 2005, permits stakeholders were invited to the National Assembly to attend a meeting with a Standing Committee on Administration to discuss problems they encountered when handing in their clients applications for permits at the Ministry of Home Affairs. The meeting was prompted by negative reports in the media on the cumbersome and frustrated way the Ministry of Home Affairs &

Immigration is handling applications for visas and permits as well as the ISB that is never meeting to approve application for permits.

Table 5 on the next page indicates that different Boards headed all countries permit systems. The Boards are sitting on a daily basis except for Namibia that is sitting once a week. An application for employment permit takes between 7-14 days for approval in Botswana and South Africa while in Mauritius the permit only takes 3 days. Namibia is again an exception with their applications for employment permit that takes 3-12 months for approval. The waiting period for an application for permanent residence permit in Mauritius takes 7 days, 14 days for South Africa, 30 days for Botswana and 1-2 years for Namibia. The permit systems in Botswana, South Africa and Mauritius are computerized while Namibia is still using the manual system. Mauritius and Namibia are using a free quota system while Botswana and South Africa are giving quotas out partly to companies that use foreign high skills.

3.7 THE COUNTRY BRIEFS

Table 5: Countries Comparison

NO	COUNTRY	BOARD	DECISIONS FOR EP	DECISION FOR PRP	FREQUENCY	SYSTEM	QUOTAS
1.	NAMIBIA	ISB	3-12 Months	1-2 Years	Once Weekly	Manual	Free
2.	BOTSWANA	Board	7-14 Days	30 Days	Daily	Compu	Partly
3.	RSA	Board	7-10 Days	14 Days	Daily	Compu	Partly
4.	MAURITIUS	Permanent Board	3 Days	7 Days	Daily	Compu	Free

Source: L. Kandetu (November 2006)

NOTE: EP = EMPLOYMENT PERMIT, PRP = PERMANENT RESIDENCE PERMIT

Mauritius is situated strategically in the Indian Ocean at the crossroads of Africa and Asia. Mauritius presents itself as a premier international business hub and a window of opportunities for foreigners wishing to establish viable investment projects on the Island. Attracting foreign capital has always been a major objective in the country's economic development strategy. Numerous advantages, including tax incentives are already offered to foreign investors. As a means of further encourage investors to seize business and investment opportunities in Mauritius, Government has introduced a Permanent Residence Scheme for eligible foreign businessmen (Immigration in Mauritius 2006).

Upon a minimum of investment of US\$500.000, the investor will be eligible for Permanent Residence Status. He/she will be exempted from work and residence permit. He can also apply for Permanent Residence for his family (Board of Investment 2006).

The Government of Mauritius has in June 2006, introduced a new employment Permit called Occupational Permit. The said permit allows an eligible citizen to reside and work in Mauritius for three years. An application for an Occupational Permit, if complete at the time of submission, is processed within three working days. An application can be made under an investor, self-employed and a professional. Their permits laws are revised from time following the international trends of migration (Immigration in Mauritius 2006).

Botswana for the last two decades had the reputation as the country of immigration based on the large-scale import of skilled expatriates from Africa, Asia and the West. This policy has been accompanied by a general acceptance, and even openness, on the part of Botswana towards non-citizens. In the 1990, however, these attitudes began to change, with intolerance towards non-citizens growing in a country where it was unknown only a few years earlier. Against this background, the University of Botswana mounted the SAMP National Immigration Policy Survey (NIPS) in Botswana in 2001. This survey delved into two basic areas, namely the perceptions of immigrants, migrants and refugees groups and attitudes towards Botswana's own national immigration policy (Lefko-Everret 2004).

While the actual effects of legal and unauthorized immigration on Botswana's economy and society are unknown, this does not stop Botswana people from believing that immigration has negative effects. The consistency of the responses throughout the survey indicates that Botswana people are becoming less tolerant towards in-migration and displaying an attitude profile that is increasingly in line with countries such as South Africa and Namibia, which are generally considered to be highly intolerant of outsiders. This is surprisingly for a country that has, since independence in 1966, adopted one of the most open policies in the region towards immigration. Botswana people now tend to feel that there is too may immigration in the country, that they are loosing jobs foreigners and that foreign citizens were transferring too much money out of the country. The majority opposed permanent residents for immigrants. On the other hand, immigrants who bring skills that are in short supply locally or who are willing to invest and create jobs are still very

welcome (Changing attitudes to immigration and refugee policy in Botswana, Migration Policy Series No. 28, SAMP Publication 2006). That attitude is everywhere in the world. Namibian residence also feels that the Ministry of Home Affairs and Immigration is dishing out visas and permits to foreigners and as a result take away jobs from Namibians, which is not true.

The Republic of South Africa, the southern most country on the African continent, covers five times the size of Britain, or some 1 100 000 square kilometers. South Africa has a population of approximately 44.8 million (National Census 2006). The main consideration in dealing with work permits is whether a South African citizen or permanent residence permit holder cannot perform the employment task to be undertaken. Work permit holders are, therefore, only issued to foreigners where South African citizens with the relevant skills are not available for appointment. In some instances international concerns with branches/ affiliated companies in South Africa may from time to time decide to transfer existing personnel from a foreign branch to any other branches in SADC. As these employees will be key employees, they should apply for intra-company transfer work permits (Department of Home Affairs, South Africa 2006).

New Immigration Regulations which came into effect in July 2005, are designed to attract the foreign skills and investment necessary for South Africa's economic growth, they also reflect South Africa's commitment to human rights and the security of those living within the country's borders, said Nkosan Sibuyi: spokesperson of Home Affairs in South Africa. He further said that if a foreigner wants to start a

business, he or she is expected to apply for a relevant permit and should have R2.5-million to invest (Department of Home Affairs, South Africa 2006).

The amended law will create an enabling environment for direct foreign investment in South Africa, and attract skills needed by the country's economy. It will also help the government's fight against the problem of fraudulent marriages. There are now so many permits; there will be no need for people to come to South Africa illegally (Department of Home Affairs, South Africa 2006).

Different countries on the global have and continue to develop and or enhance their survival capacities, in the face of globalization. Mauritius is a striking example, with the country's liberal policies with regard to immigration and policies and regulations governing tourism. It seems that Namibia could learn from these.

Mauritius for instance, has formulas and strategies in place to attract investment capital to the country, as an economic development strategy. These take the form of tax incentives, favourable residence concessions upon conforming to minimum investment requirements, as for example when a non-resident invests USD 500 000; they qualify for permanent residence status. The converse is that Namibia is slow in appreciating these potential gains and when they do the immigration regulations remain biased against such concessions. While Namibia used to grant a permanent resident status to expatriates who invest more than N\$1.5 million into the Namibian economy, this provision has been modified. In the past, expatriates who invest N\$1.5 million would qualify for permanent residence, current legislation has reduced this

provision to a mere temporary employment permit, an arrangement that has the potential to scares off investors completely.

The sooner Namibia comes to grips with the reality that progressive policies can promote economic advancement for the nation state, all the more better for Namibia's economic possibilities.

CHAPTER FOUR

DISCUSSION OF THE RESEARCH FINDINGS

This chapter presents the key findings as elaborated in the first chapter, under the research problems, objectives and research questions. The study finds that Part V of the Immigration Control Act with references to Sections 24, 25, 26, and 27 that deals with the limitation of entry into, and residence in Namibia, the Immigration Selection Board (ISB), and application for permanent residence and employment permits was never evaluated or amended since its inception.

The findings revealed that the Act under review was implemented in 1993 without any information or debate to the public. The Act as it is, is very quiet on many issues concerning the issuance of permits. Part V of the Immigration Control Act should be evaluated and amended. As could be seen from the questionnaires by the different respondents there the problem is very clear. The Ministry of Home Affairs and Immigration has to revisit their permits systems with regard to the issuance of employment and permanent residence permit. There must be clear guidelines on the duration of these permits and how long one should wait for your permit to be approved. The ISB Secretariat preferred to be anonymous; they are experienced staff members when you look at the number of years ranging from six to fourteen years that they are members of the Secretariat. Another fact that came to light from the ISB Secretariat is that the ISB does not meet regularly and if they happened to sit at all, they cannot finish the work prepared for them. That frustrates the Secretariat when they prepare 120 applications for permits and then if at all a quorum was

constituted, than only between 60 and 70 application will be considered. The rest is going to be registered as backlog.

After careful analysis of the research data from the permits stakeholders, it came out clearly that the waiting period for an employment permit is between 3 and 8 months while an application for permanent residence permit took 6 months to 2 years to be approved. The Namibia Investor Roadmap has reported last year that the Ministry of Home Affairs and Immigration was chasing away investors with the cumbersome way permits are handled. The meetings between stakeholders and various line Ministries officials complaining about their frustrations with regard to the issuance of permits in the Ministry was confirmed through the data analysis collected from different stakeholders.

The rating for customer care services at the counter of permits found that customer satisfaction needs further attention. Out of 10 respondents, 6 indicated that customer services at the permits counter was satisfactory while 2 rated the services as good and another 2 marked at poor.

According to Gerber, Nel and Van Dyk (1992) in the Human Resources Management (Third Edition), the success of an organization is the result of its efficiency and effectiveness. In simple terms the efficiency of an organization means doing things the right way and is closely related to the input-output ratios of individual employees, sections and departments. In order to determine the root of the inefficiency in the issuance of visas and permits in Namibia, one need to investigate whether the problem lies within the policies or the administration.

The following are the factors behind the success of Mauritius:

- The desire to the Mauritius membership of the home conventions to get preferential access to the EU market;
- Cultural ties played a critical role in attracting investors from Hong Kong. These investors were looking for a safe haven to invest their capital, following the British Chinese agreement to revert Hong Kong to China in 1997;
- Quota free access to the US market during the early stages;
- The existence of a flexible and supportive government, in conjunction with political and social stability (Kanyenze et.al., 1994:22).

The Immigration Selection Board of Mauritius is very effective and is based in the Prime Minister's office. The system is computerized with permanent board members under the supervision of the Prime Minister. The Mauritian population is almost the same as Namibia's, about 1,7 million and receive the same number of applications for visas and permits. Their Immigration Policy has been amended many times as need arises to fit the situation. The Immigration Board considers between 300-400 applications for visas and permits per week and deals with them all on a first come first serve basis (Immigration in Mauritius 2006). That is about the same amount of applications that Namibia also consider per week, but because of the composition of the Board and the policy that is prescribing that the Board should sit once a week, the Board cannot afford to finalize the applications since the Board members are Accounting Officers of other Ministries.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The findings suggest that on the understanding that reform is not perceived as a “make-up” but as a fundamental process of change. The immigration law, and it seems in particular the issuance of permits, needs careful scrutiny beyond amendments. The current procedures and factual practices by the ISB offer indications of inconsistency, inefficiency, and conflicting procedures in comparison to SADC countries such as Botswana, Mauritius and South Africa.

The author concludes that, at the moment lack of clear guidance apparently demotivate stakeholders to lead to air their dissatisfaction about legislation deficiency resulted obviously in some loss of credibility, questioning the efficient of the Ministry. The situation would make sense if the Ministry could acknowledge these shortcomings as major obstacles to Foreign Direct Investment. The implementation of informed policies as well as possible training the ISB Board together with relevant officials in consistently applying the laws, might improve the work environment of the Directorate.

The study reveals that, there is a need for a comprehensive and historic understanding of immigration at local to global levels. With new and informed

perceptions on migration, the Author is convinced that the different styles of communication may improve dialogue and ultimately invite cooperation in matters relating to migration between states. The thesis emphasizing the fact that State and Government would be well advised to reflect on the economy of immigration/emigration/migration, since it is inevitable that asymmetric migration condition require effective planning in all sectors of the society and economy drawing on responsibilities and of duties inherent in the philosophy of state. Migration has to be addressed in a balanced way in economic, social and development domains, and migration policies have to be accompanied by pertinent political measures, such as the training of government officials. There is also a need for more transparency of policy measures, in particular regarding legal access to the labour market, combined with enhanced information sharing among governments with the aim of providing objective, reliable and accurate information to all parties concerned.

RECOMMENDATIONS

The conclusion invites the researcher to deliberate on some valuable recommendations that might be burning interest to those who are rendering their services to all citizens and clients calling upon the issuance of visas and permits.

Any reform of the Immigration Control Act should redefine the purpose of permits within the context of the second immigration law of the Republic of Namibia, the

provision of which would have initiated perhaps by means of a national conference ensuring valuable contributions.

The purpose of the permits is poorly defined and the immigration law is unnecessarily bureaucratic and vague. It is therefore recommended that a national conference with input from all stakeholders be held so as to clearly come up with definition of what the government policy is on immigration related matters and how they should be addressed.

The approval of a permit currently takes six to twelve months because of the manual system. This is very long and the time span should be shortened to at least 30 days waiting period after submission. The work of the secretariat should be strengthened and computerized to accelerate the process. A permanent Board and Secretariat that will consider cases on daily basis should be appointed.

Quota system to be awarded to companies employs highly skilled foreigners to speed up the process.

The Ministry of Home Affairs and Immigration should disseminate to all relevant stakeholders the criteria for entry of foreign nationals with all relevant information concerning visas and immigration.

Customer care training to be provided to staff members working at the counters to become more efficient and responsive to the needs of the customers.

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QUESTIONNAIRE 1: IMMIGRATION SELECTION BOARD (ISB) SECRETARIAT

TO ISB SECRETARIAT

Please complete this questionnaire. It is for the purpose of a thesis in partial fulfillment of the requirements for the Degree of Masters of Public Policy and Administration. The information collected will be used only for academic purposes and will remain confidential.

Purpose

The purpose of this questionnaire is to collect data from the ISB Secretariat on how best the performance of the ISB could be improved when issuing permits.

1. How long have you worked as a member of ISB Secretariat?

.....
.....

2. What are your responsibilities as a member of the ISB Secretariat?

.....
.....

3. How regular does the ISB meet?

.....
.....

4. How many applications do you receive for employment and permanent residence permits per day, week and month?

.....
.....

5. How many applications are considered by the ISB per week and month?

.....
.....

6. What do you do with applications that are approved or rejected?

.....

.....

7. How long does it take for an application to be approved for employment and permanent residence permits?

.....

.....

8. How do these applications come to the Ministry?

.....

.....

9. What are the criteria for one to qualify for permanent residence permit?

.....

.....

10. What are the difficulties encountered by the ISB Secretariat regarding applications for permits?

.....

.....

11. How long does the Secretariat take to inform applicants about the decisions taken by the ISB?

.....

.....

12. What in your opinion could be done to improve the performance of the ISB when considering applications for employment and permanent residence?

.....

.....

QUESTIONNAIRE 2: STAKEHOLDERS

TO STAKEHOLDERS

I humbly request that you take time off and complete this questionnaire. The information collected will be used to help improve the system at the Ministry of Home Affairs and Immigration (MHA&I) when it comes to handling application forms for employment and permanent residence permits. It will also be part of a project towards a Degree of Masters of Public Policy and Administration qualification.

1. How frequent do you visit the Ministry of Home Affairs and Immigration?

(a) Daily	
(b) Once a week	
(c) Once a month	
(d) Once a year	
(e) Others (specify below)	

2. What services do you seek during your visits to the Ministry?

(a) Birth Certificate	
(b) Death Certificate	
(c) Marriages	
(d) Identity Documents	
(e) Passports	
(f) Visas	
(g) Permits	

3. How do you rate the treatment you receive from MHA&I officials?

(a) Very Good	
(b) Good	
(c) Satisfactory	
(d) Fair	
(e) Poor	

Please explain your answer:

.....

.....

4. How long does it take you to be served at the counters?

(a) Minutes	
(b) Hours	
(c) Days	

5. On average after what period do you receive documents applied for?

(a) Hours	
(b) Days	
(c) Months	
(d) Years	

6. What in your opinion could be done to improve the performance of the MHA&I when it comes to issuance of visas and permits?

.....

.....

.....

QUESTIONNAIRE 3: IMMIGRATION SELECTION BOARD (ISB) MEMBER

I humbly request that you take time off and complete this questionnaire. It is for the purpose of a thesis in partial fulfillment of the requirements for the Degree of Masters of Public Policy and Administration. The information collected would be used only for academic purposes and will remain confidential.

Purpose

The purpose of this questionnaire is to collect data from ISB members and how best to improve the performance of the Ministry with regard to the issuance of permits. Mark with an X where applicable.

1. How long have you been a member of the ISB?

.....
.....

2. In which Ministry/Institution are you working?

.....
.....

3. What is your current position?

.....
.....
.....

4. What are your responsibilities as a member of the ISB?

.....
.....
.....

5. How frequent do you meet as members of ISB?

.....

.....

.....

6. How many applications do you consider per sitting?

.....

.....

.....

7. How do you rate the performance of the Secretariat?

Please explain your answer below.

(a) Very Good	
(b) Good	
(c) Satisfactory	
(d) Fair	
(e) Poor	

.....

8. What difficulties do you encounter when considering the applications for employment and permanent residence permits?

.....

.....

9. What in your opinion could be done to improve the performance of the ISB when considering applications for employment and permanent residence permits?

.....

.....

.....