

resulted in both examples, such cases may provide a picture of the manifestation of one form of corruption in the organisation. In another case, an Assistant Immigration Officer based at Headquarters on 7th June, 1994 issued a 'Double Entry' visa to Professor Seguri Falade, a Nigerian national, "without authority contrary to Immigration Headquarters circular no. 81 of 1993" (Officer's File, Immigration Headquarters, 2008). According to the charge given to the officer, his action was also contrary to General Orders No. 60 and 61. Due to the above circumstances, Professor Falade was upon arrival arrested and detained at Lusaka Central Prison until the 17th December, 1994 when he was sent back to Harare, Zimbabwe where he had come from. Such cases where officers deliberately go against clear regulations and directives may suggest that they are motivated by monetary gain. It is likely that such risks are only taken by officers for some monetary benefits.

Another channel through which corruption apparently manifests itself in the Immigration Department involves the theft of government funds, especially at boarder controls. This form, like the previous two, seems to affect mostly junior officers who are the most poorly remunerated. The problem of financial mismanagement/theft was revealed by the Deputy Chief Immigration Officer for Administration in an interview at Immigration Headquarters on 11th November, 2007. This "embezzlement", he indicated, goes side by side with fraud in most cases. He stated that the practice involved the use of fake receipts issued to unsuspecting members of the public, while the money paid is taken by the immigration officers. This is widely done in the "issuance of visa receipts". Some foreigners will pay for their visas "without obtaining or demanding for a receipt." All such money from fake receipts and unreceipted payments sometimes ends up "being personalized" by some immigration officers. This practice is reportedly commonly applied to people travelling in big groups like tourists and other similar delegations. In one such reported case, almost all immigration officers at Victoria Falls boarder were either dismissed from the Public Service or disciplined in 1997 over fake visa receipts involving tourist groups visiting Zambia (Immigration Department, 2008).

In another similar case, a named Immigration Assistant based at Chirundu was dismissed from work in 1999. This former officer was personally interviewed in Lusaka on 7th June, 2008. According to him, on the 25th November, 1998, while on duty at Chirundu, he charged a South African national an amount of South African R 500 for a single-entry visa to Zambia without issuing an official receipt. The dismissed officer however, endorsed this client's passport to ostensibly show that a receipt was issued when in fact not. Later, the client was intercepted at the

Customs Office before being taken to the Officer-in-Charge at Immigration. The officer was subsequently charged for that offence, and ultimately dismissed from the Public Service in 1999.

As far as fake receipts are concerned, the problem may be compounded by a poor record-keeping system in the Immigration Department. This possibly makes the accounting and auditing mechanisms difficult. In some cases, according to one immigration officer under Administration at Headquarters (interviewed on the 13th November, 2007), some remote immigration controls may go for several years without any audits of their books. Many times, officers in such formations have tended to use government funds “for personal aggrandizement”. They may allegedly do this with the intention of reimbursing the money or simply by ignoring the reality that it is not their own money. Over time, the figures accumulate into colossal amounts of money impossible to pay back even if one so intended. A good number of officers have landed in problems because of this kind of theft.

In one such instance, the Deputy Chief Immigration Officer for Administration cited a case at the Kabwe Regional Immigration Office where an officer misappropriated K80 million government revenue. In the same vein, Immigration Headquarters Registry (2008) revealed that an Immigration Officer who was stationed at Kipushi Boarder Control, North Western Province, allegedly misappropriated US \$ 2,575 government revenue. This came out following an audit in November, 2007. Although it was discovered that this named officer had actually reimbursed that money at a later stage, disciplinary action was taken by management to that effect (Officer’s File, Immigration Headquarters, 2008). The Deputy Chief Immigration Officer for Administration attributed this kind of problem mostly to “poor salaries” for officers and the “lack of loans” to empower staff. However, he revealed some measures to counter this problem. These included the authorization given to Regional Immigration Officers to carry out audits within their regions; frequent audits of any given immigration stations by the top command, usually led by the Deputy Chief Immigration Officer in charge of Administration, accompanied by another senior officer from headquarters; and, the introduction of one receipt book for every officer at boarder controls for easier accountability. There are also plans to “improve staff salaries” and “introduce other incentives”.

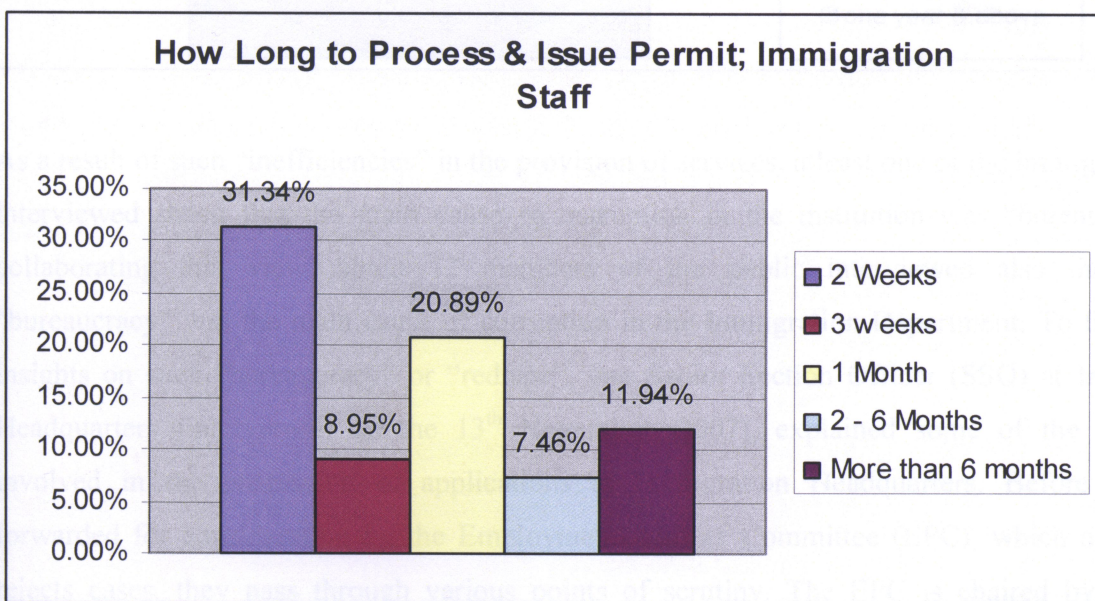
Besides the dimensions discussed above, there are also some reported cases where immigration officers have used extortion to obtain money from some foreigners. In one such instance, a Registry Clerk from Immigration Headquarters was arrested and detained by Police officers from Kulima Tower Police Post in the year 2002 (Kulima Tower Police Post Occurrence

Book, 2007). This was after the named officer, whilst acting with another, allegedly solicited for K 800, 000 from the Managing Director (MD) of a named company in Lusaka. The money, K 200, 000 of which was allegedly paid, was meant for the officers to “protect” that MD after complaints against him of workers’ ill-treatment and racism were submitted to the Immigration Department by employees at this company.

Client Anxieties and Desperation

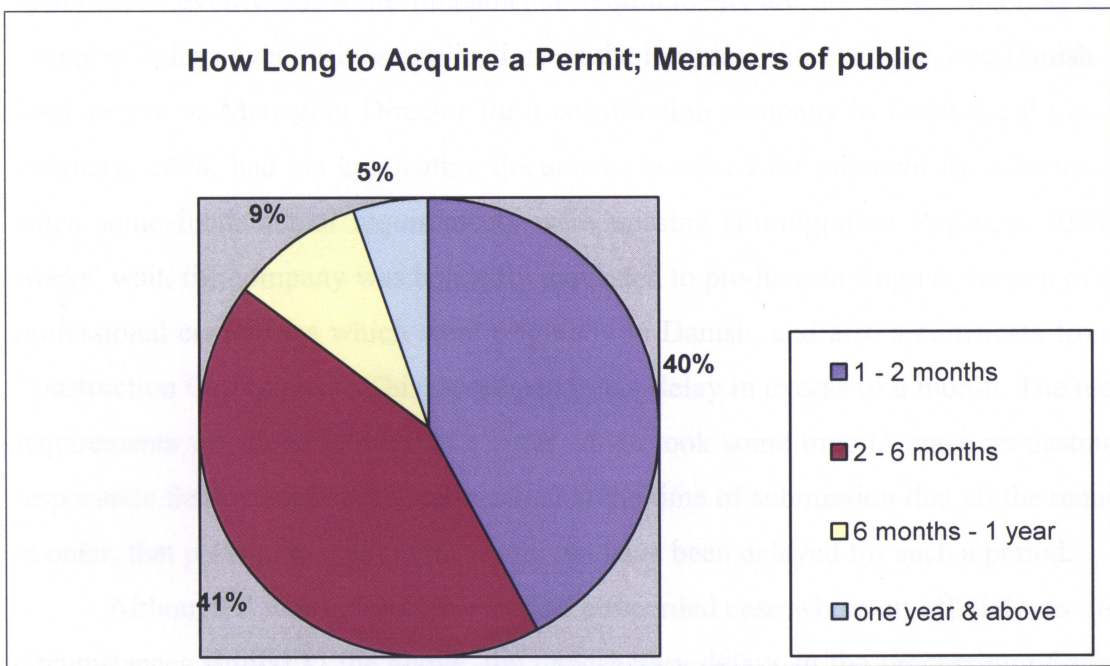
This section focuses on those factors which possibly motivate members of the public to engage in corruption as they seek services from the Immigration Department. Prominent among these factors is the issue of delays in the processing of various applications at Headquarters where most permits are issued. This service-provision seems to be characterized by delays due to redtape. For example, although according to both the Deputy Chief Immigration Officer for Administration and the Public Relations Officer the official period within which a work permit application should be processed and the permit issued is two weeks, most of the immigration personnel interviewed stated that the process exceeds three weeks. Of the 67 immigration officials asked on how long it took to process and issue a work permit, 31.34% said it took two weeks; 20.89% said it lasted up to a month; 11.94% stated that it exceeded six months; 8.95% of all those interviewed said it took three weeks, while about 7.46% stated that the task took two to six months (See diagram 3.6).

Diagram 3.6



Some members of the public interviewed also suggested that delays in processing of various applications by the Immigration Department were common. Asked on how long it takes to acquire a permit from the Immigration Department, 40% of those interviewed said it “takes one-two months”; 41% said it “takes 2-6 months”; 9% said it took 6months to one year, 5% placed it above one year (See diagram 3.7 below).

Diagram 3.7



As a result of such “inefficiencies” in the provision of services, atleast one of the immigration staff interviewed stated that the main cause of corruption in the institution was “bureaucracy”. In collaborating that view, about 12 members of the public interviewed also thought that “bureaucracy” was the main cause of corruption in the Immigration Department. To further give insights on such “bureaucracy” or “redtape”, one Senior Section Officer (SSO) at Immigration Headquarters (interviewed on the 13th November, 2007), explained some of the formalities involved in the processing of applications at Immigration Headquarters. Before cases are forwarded for consideration by the Employment Permits Committee (EPC), which approves or rejects cases, they pass through various points of scrutiny. The EPC is chaired by the Chief Immigration Officer (CIO) or any delegated senior subordinate. According to the Immigration

Public Relations Unit (2007), the committee comprises officers from the Immigration Department, Zambia Police, the Drug Enforcement Commission (DEC), the Anti-Corruption Commission (ACC), Labour Department and Office of the President (Special Division). The whole process of application commences with an applicant or their representative presenting their application papers to a Senior Section Officer (SSO). This officer examines the application before certifying it for payment of the relevant fees. Ideally, the Senior Section Officer must “not authorize” an application for payment if there are some requirements missing from the documents presented by the applicant. Once the application is certified, payment normally follows. The applicant obtains a receipt and is advised to make a follow up after a given period, usually a fortnight or so.

The problem identified at that early stage is that some Senior Section Officers will “accept” applications even when some fundamental requirements are not there. This may turn out to be a source of delays over various applications in the long run. For example, one Danish applicant for a work permit as Managing Director for a construction company in Lusaka, J.P Courts Limited, in February, 2008, had his application documents accepted for payment by a senior section officer when some fundamental requirements were missing (Immigration Registry, 2008). After some weeks’ wait, the company was belatedly requested to produce an English version of the applicant’s professional certificates which were originally in Danish, and also a certificate from the National Construction Commission. This developed into a delay in excess of a month. The request for these requirements was done by way of a letter which took some time to reach its destination. Had the responsible Senior Section Officer ensured at the time of submission that all the requirements were in order, that particular application would not have been delayed for such a period.

Although it was not possible to find a recorded case where an official was disciplined over circumstances similar to the above, the unnecessary delays in the processing of applications may create anxiety and uncertainty on the part of the applicants. This may subsequently lead to desperation for clients, possibly forcing them to resort to offering bribes to the officers involved in order to speed up the process. Otherwise, a simple application may take months or beyond a year to be exhausted. In the example of the Danish applicant above, the application was delayed for over two months. The official period for such process is only two weeks. For those applying from outside Lusaka or Zambia, the delay can be more.

The Senior Section Officer at Immigration Headquarters continued to explain that after payment, an application is taken to the registry where a file is opened. The file is then forwarded to a Section Officer who is supposed to study the case and make a recommendation to a Senior

Section Officer. This recommendation should be either in support of the applicant or against. The Section Officer is supposed to advance reasons for whatever recommendation they make to their Senior Section Officer. The Senior Section Officer then makes the final recommendation to the chairperson of the Employment Permits committee. This is the basic procedure for all applications for Employment permits, Self-employment permits and Entry permits, and their renewals (Immigration Department, 2008). Before cases are presented to the Employment Permits Committee, they are typed on what is termed a 'schedule'. This is simply a document which carries a summary of an applicant's particulars, what they are applying for, and the recommendation by the Senior Section Officer. The Employment Permits Committee will analyse the recommendation of the Senior Section Officer and make a decision whether to approve or reject the application, or defer it for the submission of further documents. This decision is communicated back to the Senior Section Officers and their subordinates to inform the applicants accordingly. This is usually done by writing letters to the various applicants. However, most applicants interviewed stated that they preferred making physical follow-ups over their cases otherwise cases "may be delayed."

In cases where an application is turned down, the applicant is "normally advised of this outcome, with the reasons given for such rejection." On the other hand, if an application is approved, the process continues furthermore. After approval, the respective files are taken to the EPC secretary who issues the new permits. The cases are then referred to either the Deputy Chief Immigration Officer (DCIO) or Assistant Chief Immigration Officer (ACIO) for signatures on the permits. Beyond this, the files containing these permits are forwarded to the collection centre where the owners are able to collect them. For some nationalities like Indians and those from Francophone countries however, the applicant still needs to acquire an entry visa before entering the country, and subsequently collecting their permits. Obtaining such visa is another full process which may cost some extra days. All applications for work permits are processed while the applicants are out of the country, unlike other permits.

The procedure explained by the Senior Section Officer above - from the point of submission of an application to the collection of the permit (if approved) - may frustratingly last too long on the part of the applicant. Just to move from one stage to another, it can take a file some days. For example, for a file to be opened in the registry and forwarded to the section for processing, it can take up to a week in some cases. One application for a work permit under a charitable organisation, Zambia National Volunteers Association, submitted in September, 2008

by a Rwandese refugee in Zambia and monitored by this research, took eight (8) days for the file to be opened and taken for action. If such lengthy delays manifest themselves in the rest of the whole process, the aggregate delay can be so exponential.

Besides the long procedure in the processing and issuance of work permits, another possible problem established is the centralization of permit-issuance at Immigration Headquarters. The Transparency International Zambia Deputy Project Coordinator (ALAC) attributed the problem of corruption in the Immigration Department partly to the “centralized system of issuing permits” at Immigration Headquarters. He argued that this created too much work at Immigration Headquarters, resulting in too many clients competing for “limited services”. This would then breed corruption among the clients in order to beat the “competition”.

Another possible problem regarding permit-issuance may be found in the approval of other types of permits which are not handled by the Employment Permits Committee. These permits, which include visiting permits, study permits, temporary permits and entry visas, are granted unilaterally by senior officers at Immigration Headquarters, Regional Offices and Border Controls (Immigration Headquarters, 2008). However, the style of submission of such applications is similar to that explained under work permits. The ‘unilateral’ decision-making approach under this second category of permits may be open to corrupt practices, especially that the approving authority is not necessarily obliged to give reasons for whatever decision they make over a given application. This literally implies that an application, even when deserving approval, may be rejected without the rejecting officer giving any reason at all, or just advancing some flimsy grounds. For instance, Mr. Frank Diba, a Congolese applicant for a Study permit as a “student of English as a foreign Language” at Evelyn Hone College, in February, 2006 had his application rejected at Immigration Headquarters without any reasons given (Immigration Registry, 2007). After the rejection, the applicant claims that he had to “use someone to give something to the boss” and the permit was “subsequently granted”. Such kind of a situation may put the applicant at the ‘mercy’ of the approving officer without sufficient recourse. It lacks of some transparency as opposed to the Employment Permits Committee arrangement. The lack of transparency and obligation to indicate the reason for rejecting an application may ultimately lead to corruption. However, no reported case of corruption could be found in this particular regard.

Furthermore, the investigation also established that delays in the processing of various applications may be common because the periods within which the various permits should be processed and issued are not standardized. Although the official duration for the processing and

issuance of a work permit, for example, is two weeks (Immigration Public Relations Unit, 2007), the actual period in most cases exceeds that limit. The real period seems to depend on various factors such as the merit of documents submitted, efficiency with which the immigration staff process the application, the competence of the handling officers, and so on. In terms of cases being delayed, the Immigration Public Relations Officer observed that there is also a tendency by some officers to “deliberately delay cases” over flimsy grounds in order to create room for an “atmosphere appropriate for bribes from their clients.” The apparent redtape seems to be inherent in the work culture of the institution hence, to some extent, accepted as a norm.

The apparent lack of clarity in terms of the duration within which a given permit should be processed and issued also appears to contribute to corruption. In that regard, one respondent from the members of the public believed that corruption in the Immigration Department was mainly due to “unclear procedures, policies and laws”. He argued that if members of the public were well informed and sensitized about the various procedures, policies and requirements of the Department of Immigration, more of them would probably avoid any corrupt practices in their quests to obtain services from the institution. The lack of clear policies and regulations may be the reason why many people seeking services from the institution opt to use some agents. It is possible that unclear procedures compounded by delays in service-provision have created reluctance on many clients to directly deal with immigration staff. This, in turn, may have opened room for middle-men to operate between immigration staff and their clientele. In the meantime, the primary motive for most of these agents seems to be making some quick money. One immigration consultant, Mr. Stephen Lyamba of Lusaka (interviewed on 5th January, 2009) clearly stated that his immigration consultancy business was primarily meant “to make money” before any other preference is considered. According to him, that is the more reason why he asks his “foreign clients to pay a non-refundable deposit fee” before he begins to process anything. However, he also indicated that he tries as much as possible to satisfy his clients. Refusing to state how much he charges his clients, he further stated that he usually pays some money to immigration staff to ensure “positive results and efficient services.” Another Lusaka-based immigration consultant, who is a foreigner and declined to be named (interviewed on the 5th January, 2009) also stated that his consultancy business was premised on “making money” as that is how he partly supports his family. He added that immigration services were difficult to access for people who “do not have connections with some immigration personnel.” Due to such kind of background, immigration consultants have also been identified as a possible cause of corruption in this organisation. At least one of the

immigration officers interviewed was of the view that “immigration consultants” were the main cause of corruption in the organisation.

To support the above argument, the Immigration Department Public Relations Officer (interviewed on the 13th November, 2007) also identified immigration consultants as one of the “sources of corruption in the institution.” Without giving any specific reported cases, she explained that these agents act as middle-men between immigration officers and foreigners seeking to acquire various services from Immigration. Her views were also raised by the Deputy Chief Immigration Officer on the 11th November, 2007 and the Assistant Chief Immigration Officer for Operations at Headquarters (interviewed on the 13th November, 2007). It was argued that these agents “portray” a general picture that it is “very difficult” or “almost impossible” to obtain any service from Immigration without giving a bribe or inducement to the handling officers. Most of these consultants “obtain money from foreigners purporting that immigration officers have demanded for it when infact not.” Advancing the same argument, Transparency International Zambia (TIZ) Deputy Project Coordinator (ALAC) stated that their investigations had established that the above practice takes place “even in cases where the services rendered are supposed to be for free.”

Although there may not be any concrete recorded examples of such cases, two named immigration agents have since been “banned” by management from conducting any business at Immigration Headquarters after it was discovered that the two agents had been “collecting huge amounts of money” from unsuspecting people who required various services from the institution (Immigration Public Relations Unit, 2007). These two were one named Zambian of Indian origin and another Zambian. According to the Immigration Public Relations Officer, this followed many “swindling complaints” received from “several victims” against these two agents. In the final analysis, according to the informants mentioned above, these agents enhance the prevalence of corruption at Immigration Headquarters and other stations by creating a picture to the public in general, and foreigners in particular that one has to use corrupt means to get whatever services required from the Immigration Department. The agents also “promote” high corruption perception of the institution by members of the public (Immigration Headquarters, 2008).

The above discussion may clearly show that there is some lack of efficiency in the way the Department of Immigration offers its services to clients. The delays identified, in whatever form, may be sources of corruption as suggested by both immigration officials and members of the public interviewed. That is possibly so because they can create desperation and anxiety on the part

of the applicants, who in the process may even start losing hope of ever acquiring the various documents they may require. Their last resort could be to employ corrupt strategies in order to reduce difficulties in obtaining the services needed. Possibly due to the rigidities obtaining in the acquisition of permits, many corruption cases have been recorded in this regard as exemplified in the cases discussed below.

First there was a case of a Senior Immigration Officer in Livingstone who was arrested by the Anti-Corruption Commission (ACC) in February, 2008 over corruption charges (Officer's File, Immigration Headquarters, 2008). The named officer was alleged to have, on unknown dates but between 1st January, 2006 and 30th June, 2006, solicited for K 800,000 from a South African national, Mr. Andre Jan Fritz, and received the K 800, 000 cash gratification as inducement or reward for him to facilitate the issuance of a Self-employment permit. In similar circumstances, on the 6th May, 2004, the Anti-Corruption Commission arrested a named Assistant Registry Officer based at Immigration Headquarters on one count of corrupt practices by public officer (Immigration Department, 2008). Particulars of the case were that on dates unknown but between 1st April, 2004 and 6th May, 2004, the accused did corruptly solicit and receive K 200, 000 cash gratification from Mr. Igor Tregubov, a Russian citizen, as inducement or reward for him to facilitate the issuance of a self-employment permit. Court proceedings over this case concluded on the 5th January, 2007, resulting in the conviction of the accused who was subsequently sentenced to 6 months imprisonment with hard labour effective 4th January, 2007.

In another reported case, according to the Ministry of Home affairs (2007), an Immigration Officer based at Immigration Headquarters was suspended from work on the 19th June, 2007 over a report that he, acting together with a named registry officer, allegedly obtained total sums of K 1 million, US \$ 280, and K 800, 000. 00 in cash from Nigerian nationals named Christopher Nwosu and Coleman Emejuru. The money was allegedly an inducement for the two officers to process a self-employment permit for Mr. Nwosu whose passport had allegedly been confiscated by the officers. However, the suspension for the Immigration Officer was later lifted after it was discovered that he did not play any part in that alleged case (Immigration Headquarters, 2008).

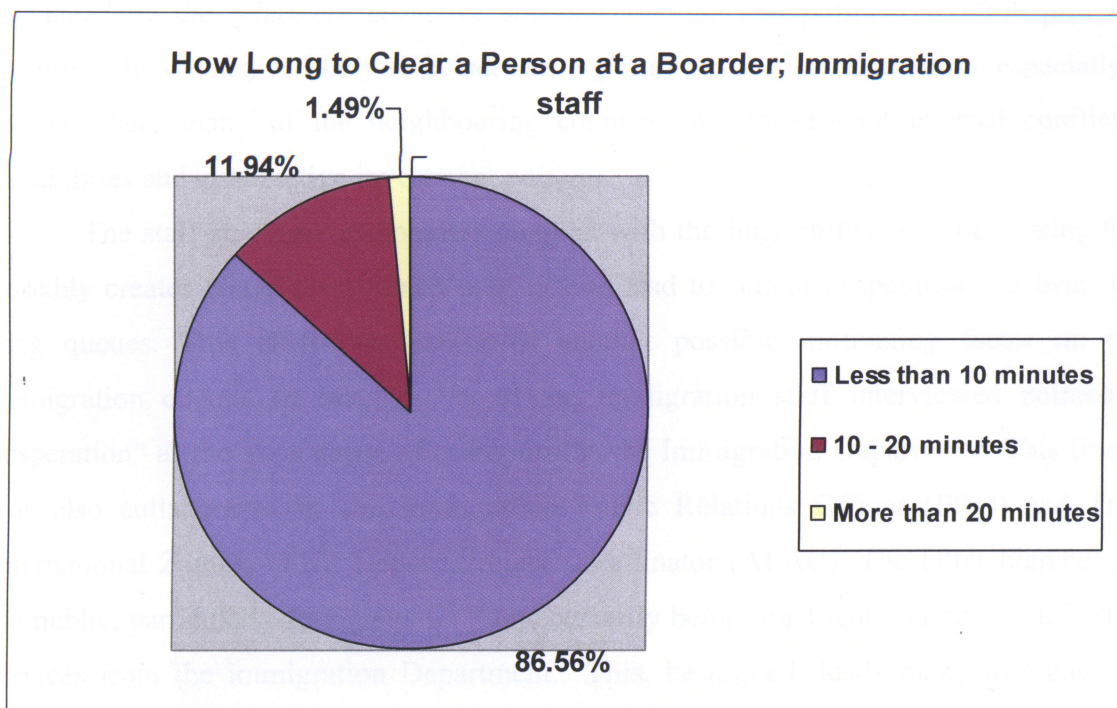
The problem of delays in processing applications for permits is possibly compounded by the apparent failure by the Department of Immigration to cope with the increased numbers of immigrants (clients) to Zambia. Firstly, this problem may be observed from congestions at the borders. Among the three border controls covered by this investigation, only Lusaka International Airport seemed to have a relatively efficient clearing system which is devoid of

congestions. Chirundu and Kasumbalesa boarders were found to be frequently characterized by queues of people waiting to be cleared. The probable reason for this difference in efficiency is the recent computerization of the Lusaka International Airport office while the other two controls (and the rest of them) remain uncomputerized. The possible problem which was discovered at Chirundu and Kasumbalesa boarders is that of shortages of officers. The whole of Chirundu Immigration Office had a total number of only fourteen (14) officers despite arguably being the busiest boarder control in the country. Kasumbalesa boarder had only nine officers. The workload at both stations was apparently quite big. Although the overall average number of clients cleared by an officer in a given day for all immigration officers covered by this research is about one hundred and fifty one (151), the average for Chirundu alone stood at 260 clients per officer per day. For Kasumbalesa, it was an average of 300 clients per officer per shift. This is according to total figures resulting from this research. At both stations, the Officer-in-Charges, who are normally supposed to operate from their offices, were found at the counters (by this researcher) reinforcing their subordinates due to overwhelming work.

Due to the apparent staff shortages, which were confirmed by the officer-in-charges at the three borders covered by this investigation, the ratio of officers to their clients seems disproportionate. Despite this personnel shortage, most members of the public covered by this survey did not complain much about the system, however. Asked to grade the immigration clearing procedure at boarder controls on a scale of “very good” to “very poor”, twenty (21) members of the public out the total 100 interviewed stated that it was “very good”. Seventeen (17) indicated that the system was “good” while thirty-six (36) were of the view that it was just “average”. Fifteen (15) saw the system as “poor” while eleven (11) thought it was “very poor”. For the 26 who indicated that the system was either “poor” or “very poor”, they were questioned further if they thought that such state of affairs contributed to corruption. Twenty-five (25) of them said “Yes” with only one (1) disagreeing.

As for the 67 immigration officials who were interviewed for this research, they expressed a relative high degree of efficiency for immigration operations at the boarders. Asked to state how long on average it took to clear one person at a boarder control, 58 officers of the 67 interviewed said that it lasted less than ten minutes. Eight said it took between ten to twenty (10-20) minutes. Only one was of the view that the process takes more than thirty (30) minutes (See diagram 3.8 below).

Diagram 3.8



Although the Immigration Public Relations Officer could not link any corruption cases recorded at the borders directly to the problem of congestions, it may be argued that such situations may ultimately lead to corruption. Unlike clients at internal immigration offices, who mostly come from the comfort of their offices and homes, a person crossing a boarder is more likely to be tired and willing to circumvent any obstacles on the way. This means that some people may not stand the long queues at the boarders. Instead, they would prefer to use corrupt means to cross the boarders much quicker. Congestions at boarders can also make officers prone to mistakes. Besides, the problem of congestions at boarders may also make it easier for boarder jumpers to elude immigration officers. According to the Immigration Public Relations Officer, this is especially common at open-land boarders like Kasumbalesa and Nakonde which remain “porous”. The security of the southern boarders is “reinforced by the presence of the Zambezi River”.

These boarder jumpers mentioned above, in the final analysis, may contribute to the huge influx of illegal immigrants within the country. In turn, this may lead to corruption in one way or another. Once in the country, the Immigration Public Relations Officer explained, these illegal immigrants will do anything to sustain their presence. This may include unorthodox means ranging from bribing of immigration officers to let them stay illegally, to using unconventional strategies

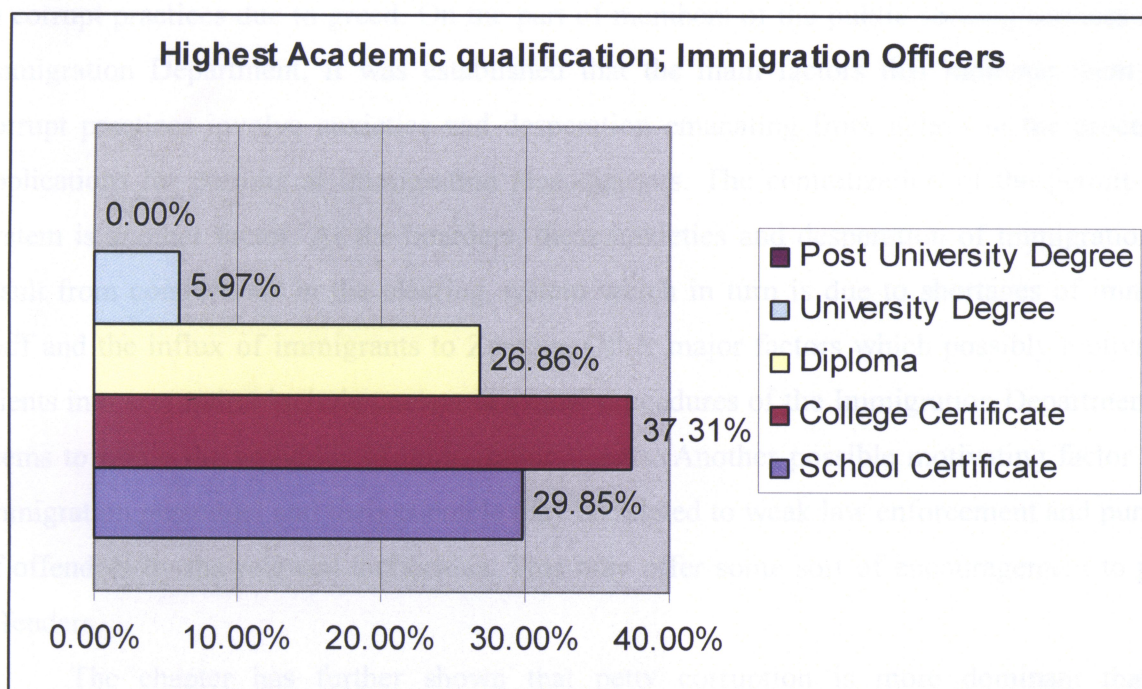
to acquire documentation. She added that tracking these illegal immigrants down and arresting them, before removal or deportation from Zambia, did not only afflict the organisation's operation levels, but also proved to be a huge drain on resources. The influx of immigrants is perhaps enhanced by the relatively attractive social, economic and political stability prevailing in the country. The country is likely to be seen as a good immigration destination, especially within the region where many of the neighbouring countries are faced with internal conflicts, political instabilities and unattractive investment policies.

The staff shortages at borders coupled with the huge influx of people using the borders possibly creates congestions which may in turn lead to "client desperation" to beat the common long queues. This client desperation is another possible motivating factor on the part of immigration clients. In fact, 1.4 % of the immigration staff interviewed pointed to "client desperation" as the main cause of corruption in the Immigration Department. This line of thought was also collaborated by the Immigration Public Relations Officer (PRO) and Transparency International Zambia (TIZ) Deputy Project Coordinator (ALAC). The latter blamed members of the public, particularly foreigners for "unnecessarily being impatient and desperate" when seeking services from the immigration Department. This, he argued, leads many foreigners into using corrupt practices. On the other hand, "client desperation" may be connected to bureaucracy in that many clients find it difficult to acquire services from the Immigration Department in good time. This may ultimately compel them to employ corrupt interventions.

Besides the factors raised above, 4 % of the members of the public interviewed attributed corruption in the Immigration Department to "incompetent immigration staff" due to "lack of proper training". The apparent argument is that ill-trained staff may be very rigid and inefficient, and therefore complicate or delay even straight-forward matters. This can be a source of frustration for the client who may ultimately resort to corruption. Although this argument may be true to some extent, it appears as though immigration officers are generally educated and trained enough to perform their work to expectations. As the Public Relations Officer argued, most of this "incompetence" may be ostensible and designed in the direction of inducing some personal gain for the officers. Incompetence may not necessarily result from the lack of proper training. It could also be due to other factors like the lack of modern office artifacts. Otherwise, the qualifications of the officers are arguably sufficient for their kind of job. For instance, in relation to the highest academic qualifications for both immigration officers and their support staff interviewed for this research, 20 out the total 67 stated that they only possessed grade 12 certificates without any

professional skills. Twenty-five (25) said they had college certificates. Those with diplomas were 18 while 4 were university-degree holders. None of the respondents had a post-graduate degree (See diagram 3.9). However, all uniformed immigration staff undergo basic training in Immigration and Police duties before they are deployed to work (Immigration Policy Document, 2005).

Diagram 3.9



Considering that the two basic entry requirements to the Immigration Department are currently a school certificate (with at least five credits including Mathematics and English), or a university degree in social sciences or law (Immigration Training Unit, 2008), the above statistic may not be sub-standard. However, raising the standards higher may be better for improvement in efficiency and effectiveness of the organisation and competency of officers. As some respondents have argued, less informed officers may be a source of rigidity and recurrent corruption in the institution.

Conclusion

This chapter has clearly shown that poor remuneration of personnel is the main motivating factor for officers in the Immigration Department to engage in corruption. Both immigration officers and members of the public interviewed for this research overwhelmingly indicated that the principal motivating factor for corruption in the Immigration Department is poor remuneration and other conditions of service for immigration employees. Among other things, it was established that 82 % of the immigration personnel covered by this research still received monthly take-home salaries below K1 million. Apart from that, it was also established that some immigration officials engage in corrupt practices due to greed. On the part of members of the public seeking services from the Immigration Department, it was established that the main factors that motivate them towards corrupt practices involve anxieties and desperation emanating from delays in the processing of applications for permits at Immigration Headquarters. The centralization of the permit-issuance system is another factor. At the borders, these anxieties and desperation of immigration clients result from congestions in the clearing system which in turn is due to shortages of immigration staff and the influx of immigrants to Zambia. Other major factors which possibly motivate these clients into corruption include unclear laws and procedures of the Immigration Department, which seems to invite the activities of immigration agents. Another possible motivating factor for both immigration personnel and their clientele may be related to weak law enforcement and punishment of offenders by the relevant authorities. This may offer some sort of encouragement to potential offenders.

The chapter has further shown that petty corruption is more dominant than grand corruption in this institution. Most of the petty corruption involves bribery committed by mostly low-ranking staff in the organisation. The majority of corruption cases reported at Immigration Headquarters, Regional Offices and boarder controls are by far more related to bribery than any other form of corruption. In this regard, lower-level immigration officials do solicit and receive inducements to facilitate the provision of various services to foreigners or their agents. Some clients, however, do apparently offer such bribes to officers without any demands being made. Therefore, it seems the problem is a two-way system. Apart from that, other reported incidents are based on the theft of government revenue by officers through fraudulent accounting and fake receipts, and the use of extortion to instill fear in foreigners. The next chapter discusses bureaucratic loopholes and opportunities for corruption in the Immigration Department.

List of References

- ACC Senior Community Education Officer (Research), interviewed on 14th December, 2007 at Anti-Corruption House, Lusaka
- Assistant Chief Immigration Officer (Operations), interviewed on the 13th November, 2007 at Immigration Headquarters
- Deputy Chief Immigration Officer (Administration), interviewed on 11th November, 2007 at Kent Building, Lusaka
- Immigration Department. 2007. *Immigration Headquarters Registry*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Immigration Headquarters Records*. Lusaka: Immigration Dept
- Immigration Department. 2005. *Immigration Policy and Guidelines*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Lusaka Regional Office Registry*. Lusaka: Immigration Dept
- Immigration Department. 2008. Regional Immigration Officers' Conference. Lusaka
- Immigration Department. 2008. *Staff Pay Slip*. Lusaka: Immigration Dept
- Immigration Public Relations Officer, interviewed on 13th November, 2007 at Immigration Headquarters, Lusaka
- Ministry of Home Affairs. 2007. *Registry Records*. Lusaka: Ministry of Home Affairs
- TIZ Deputy Project Coordinator (ALAC), interviewed on 17th November, 2007 at TIZ complex, Lusaka
- Zambia Police Service. 2002. *Kulima Tower Police Post Occurrence Book*. Lusaka: Zambia Police

CHAPTER 4

BUREAUCRATIC LOOPHOLES AND OPPORTUNITIES FOR CORRUPTION

Introduction

This chapter looks at bureaucratic and other loopholes which may provide opportunities for corrupt practices in the Department of Immigration. These loopholes may encourage people to engage in corruption. Although they do not directly motivate people into corrupt practices in the way the factors identified in chapter 3 do, these loopholes also cause corruption by providing the opportunities for people to engage in the practice. Specifically, the possible loopholes discussed include the process of inspection of business premises/companies undertaken by Regional Immigration Offices and other Internal Controls. The second probable loophole analysed involves the handling of files in the institution. Later, the chapter tackles the loophole based on the execution of field operations before discussing the extension of days of stay for non-Zambians. The last two loopholes analysed are the mounting of roadblocks by immigration officers and the culture of “appreciation”.

Inspection of Business Premises/ Companies

The first bureaucratic loophole for corrupt practices in the Immigration Department has to do with the inspections of companies or business premises by Regional Immigration Offices (RIOs), other internal controls, and sometimes Immigration Headquarters. When a foreigner holding a self-employment permit (Self-EP) applies for its renewal at Immigration headquarters, a letter is written to the Regional Immigration Office under which the applicant’s company operates or is located, instructing the Regional Immigration Office to conduct what is termed a ‘joint-inspection’ of such company (Lusaka Regional Immigration Office, 2007: 14). This joint inspection is meant to assess the viability of an applicant’s business and make a recommendation based on its findings to the Chief Immigration Officer whether to approve or reject such applications. The inspection team’s composition is a combination of officers from various strategic government institutions with particular interest in the stay and conduct of foreigners in Zambia. These basically include the main stakeholder and chair, the Immigration Department, the Zambia Police Service, Department of Labour, Office of the President (Special Division), the Drug Enforcement Commission (DEC) and the Anti-Corruption Commission (ACC). The following

section explains the inspection process, analyzing some of the points which may be open to corruption.

According to one Senior Section Officer (interviewed on 15th January, 2008) at Lusaka Regional Immigration Office, the inspection letter sent by Immigration Headquarters to the Regional Immigration Office is copied to the applicant advising him/her to make arrangements with the Regional Immigration Office for the inspection to be conducted. The applicant will then make an appointment with the Regional Immigration Office for the inspection. When the agreed date of inspection comes, the inspection team, usually headed by two delegated officers from Immigration, will be led to the applicant's place of operation by the applicant him/herself. Once there, the inspection team will firstly move around the premises to physically assess the type and magnitude of the business, and see what assets are in place. The second phase of the inspection involves a question-and-answer session. After physically inspecting a company, the inspection team will then sit down with the applicant for an interview. They inquire about, among other matters, things to do with conditions of service of workers, which is particularly the core interest of the Labour officer. Here, it is established, for instance, how much the lowest and highest paid employees get every month. It is also inquired whether the staff are entitled to any other incentives like funeral allowance, meals, transport allowances, over-time allowance, and so on. The bottom line is to ensure that the rights of the workers are respected by their foreign employer in tune with the dictates of the Labour Act. Other matters of interest to the inspection team include: what sort of assets a respective applicant has; total number of employees; the monthly turn-over for the company; and, the company's future plans. Members of the inspection team take notes of the applicant's explanations to their inquiries. They then congregate alone at a later stage and make a decision whether to make a positive recommendation to the application or not (without informing the applicant of their position). Once the inspection team is through with this interview, the third stage is the write-up of the inspection report at the Regional Immigration Office. Once the report is prepared, it is signed by the Immigration Officer responsible, before forwarding it for the signatures of the other members of the inspection team. When signed by all, the report is then dispatched to Immigration headquarters where the Employment Permits Committee (EPC) makes the final decision over the application.

The first problem identified with this exercise is that of fake inspections conducted by immigration staff. One Indian national (who requested to be anonymous) operating a wholesale shop in Kamwala (interviewed on 11th December, 2007 in Lusaka), revealed that sometimes

immigration personnel do carry out “fake inspections” of companies for the sake of “obtaining money” from the company owners. He revealed that he had personally experienced such incidents on two occasions. His claim may be confirmed by an incident that occurred on the 25th June, 1999, where a Registry Clerk from Immigration Headquarters was apprehended by Immigration Officers from the same office (Immigration Headquarters Registry, 2008). The named Registry Clerk had gone to Pioneer Techniques Limited of Lusaka where he posed as an Immigration Officer going there to conduct an inspection of the company. Suspicious, the company management made the suspect comfortable before alerting Immigration Headquarters from where officers were quickly dispatched and apprehended the Registry clerk. He was later charged administratively for “impersonating an Immigration Officer”, among other offences (Officer’s File, Immigration Records Office, 2008). The Immigration Policy and Guidelines (1995) show that a registry clerk’s duties do not include the inspection of companies. According to this document, inspections should only be carried out by immigration officers, who are the uniformed staff. Although this particular Registry Clerk did not obtain any money, it is likely that his actions were intent on dishonest or corrupt ends.

The second weakness in the inspection process was detected at the very genesis of the process. Anti-corruption Commission (ACC) Senior Community Education Officer (Research), (interviewed on Friday, 14th December, 2007 at Anti-Corruption House in Lusaka), stated that the loophole lies at the point at which the applicant or their representative establishes contact with the Immigration officer who will coordinate the whole inspection. Corruption may basically occur in “two ways” here. Firstly, this informant elaborated that at this juncture, the applicant has an opportunity to “compromise” the coordinating immigration officer in order to sway the ultimate decision of the inspection team in his/her favour. This can be done through “offering bribes” to the officer in terms of money or any other valuables. On the other hand, it is the coordinating immigration officer who may “demand for such bribes” from the applicant “either directly or indirectly.” The basis of such demands is the “promise or assurance” to the applicant by the officer of a “favourable recommendation” for the applicant’s case. He stated that both the above scenarios are likely to occur in cases where the applicant’s business does not meet the minimum standard of viability required. Once “bribes are paid”, the chances are that the inspection report will “support” someone’s application even when their businesses are unequivocally substandard. In potential compromises like this, the informant further indicated that it may be difficult to have any recorded cases because the two parties are likely to emerge satisfied at the end of their “business”. If a

favourable recommendation is obtained and the applicant's application accordingly approved, he elaborated, then there will be no chance of a complaint being registered. However, a named female immigration officer from Lusaka Regional Office was on the 18th October, 2002 reported to the ACC for allegedly soliciting and receiving K 500, 000 (ACC Complaints register, 2002). The money was allegedly meant for the officer to write a favourable inspection report in respect of a named foreigner who had applied for extension of his self-employment permit.

The third potential loophole of joint-inspections of businesses is conspiracy among the inspection team members. One Lusaka-based Pakistani investor dealing in textile(interviewed on the 20th December, 2007), who holds a self-employment permit under Moheni Kings Limited and has renewed it twice before, argued that inspections are for long periods of time conducted by the same officers from those various government institutions. He said this "allows" the inspection team members to form some "social bonds" amongst themselves which mould them into a "family". This makes it easy for the inspection team to be manipulated by applicants who clearly know that they don't deserve extensions of their self-employment permits. In essence, the implication is that "compromise" of one of the team members entails compromise of the entire inspection team. For instance, the bribery of the coordinating immigration officer (as explained in the earlier example) may translate into vulnerability of the whole team to corruption. To support this argument, there was a case reported to the Anti-Corruption Commission (ACC) in 1996 by one of the directors and shareholders of Nemchem Cleaning Services Limited in Lusaka. One former immigration officer (interviewed in Lusaka on the 11th November, 2008), revealed that the case followed an allegation that Mr. Tony Burrato, a director (foreigner) of the same company had bribed the inspection team so that they positively recommended his application for renewal of his self-employment permit. The director who made that complaint to the ACC was a Zambian. In the process, one Assistant Immigration Officer, an Immigration Assistant (both from Lusaka Regional Office) who were in that inspection team, and a Registry clerk from Immigration Headquarters had their homes searched by ACC officers over the same allegations. However, no subsequent charges were pressed against any of the accused (Immigration Headquarters Registry, 2008: 13).

The possible loophole discussed above regarding conspiracy among members of the joint-inspection team was also identified by some members of the public as a factor among members of the Employment Permits Committee (EPC). Through the EPC, Immigration Headquarters is exclusively responsible for issuing and renewing of employment permits (commonly known as work permits), entry permits and self-employment permits (Immigration Public Relations Unit,

2007: 2). The composition of the joint-inspection team analyzed earlier is a replica of that of the EPC, which is normally chaired by the Chief Immigration Officer or any delegated senior subordinate. Before more details are discussed however, it should be mentioned that this argument is anchored on a mere possibility from which no recorded case was found so far. However, one Zambian of Indian origin, a resident of Lusaka (interviewed on the 12th December, 2007 in Kamwala), who said he was a “frequent” client at Immigration Headquarters, revealed that “it was easy to obtain permits from immigration as long as one had connections to someone who sits on the EPC.” This informant claimed that he had obtained “many permits” using this channel. He further indicated that on average he paid “between K1.5million and K3million” per application approved, depending on the “kind of permit and circumstances prevailing”. He emphasized that such “arrangements” were only made where the “chances of the application being approved in the normal way are little”.

Similarly, one Burundese national, also Lusaka-based (interviewed on the 13th November, 2007 in Lusaka), said that he was granted his self-employment permit in the 2005 using a friend “who had connections to some people who sit on the employment permits committee.” He stated that he paid “K5million to some EPC members to acquire the permit”. He further said that “with money, everything is possible not only at Immigration but at every other government institution.” He also claimed that most of his friends equally acquired their various permits using this system. These allegations against members of the EPC approving undeserving applications may also be seen in the number of complaints registered by the Anti-Corruption Commission (ACC) to that effect. For instance, on the 26th September, 2002, there was a complaint to the ACC against a named immigration officer based at Immigration Headquarters (ACC Complaints Register, 2002). It was alleged that this officer had helped an Indian national named Farook to obtain a work permit when this particular applicant had no appropriate qualifications to warrant the issuance of the permit. According to the same source, another complaint was on the 20th November, 2002 made against some immigration officers at Immigration Headquarters over alleged corruption regarding the manner in which a named Indian national based in Lusaka was granted a work permit. Similarly, there was a complaint to the Anti-Corruption Commission on the 16th September, 2002 against a named foreigner. The complainant alleged that this foreigner had used corruption to obtain a work permit from the Immigration Department (ACC Complaints Register, 2002). Although these complaints were made against some immigration staff who are possibly not members of the EPC, the permits are ultimately granted by the EPC. Therefore, such allegations

may suggest that some permits are granted corruptly by the Employment Permit Committee in conspiracy with some immigration staff at Immigration Headquarters.

The fourth possible weakness of joint-inspections appears to be logistical in nature. The Anti-Corruption Corruption (ACC) Senior Community Education Officer (Research), based at the Anti-Corruption House in Lusaka, argued that applicants for extension of a self-employment permits are usually asked to provide almost all logistical things to facilitate for the inspection of their companies. This includes the “transportation of the officers” from their various offices to the inspection place and back. In some instances, even “lunch and stationery” are provided by the applicant. His argument here was that this kind of arrangement may weaken the stance or objectivity of the inspection team towards the applicant. He suggested that the officers may find it difficult to report negatively after receiving “good” treatment from the applicant. Although the officers are supposed to uphold high values and standards, according to this informant, some may not be as objective after being “exceptionally” treated by the applicants. In his opinion, this means that favourable recommendations may result even in cases where the respective companies are not doing well enough. The inspection team in this regard is considerably incapacitated by the “non-provision of logistical support for these inspections” by the government.

Inspections of business premises also seem to be characterized by delays in terms of having the inspection reports submitted to Immigration Headquarters. As far as Immigration clients are concerned, renewal of a self-employment permit is probably the most cumbersome and lengthy of all applications. In view of most investors interviewed, a big part of these delays in the renewal of self-employment permits lies in the submission of the inspection report to Immigration headquarters by the inspecting office after the inspection. According to one Senior Section Officer based at Lusaka Regional Immigration Office (interviewed on 30th October, 2007 at Pensions House, Lusaka), the actual inspection of a company takes only a few minutes or about an hour, depending on the size of the company. The delays come in at the “stage of preparation of the actual report, and especially the signing by the various officers.” She explained that the drafting of the report and its typing at the Immigration office alone may last into “weeks or even beyond a month”. When the report is typed, the inspecting Immigration officer appends his/her signature and dispatches the report to other inspection team members for their signatures. However, the Senior Section Officer stated that even this simple dispatch can take some days as there is usually “no transport”. It usually takes “more than a month” before an inspection report is signed by all signatories and submitted to Immigration Headquarters for further action. One particular applicant,

a Lusaka-based Nigerian (interviewed in Lusaka on 12th November, 2007) involved in farming under Uche Farms Limited, stated that the whole inspection process of his business by the Lusaka Regional Office and submission of the report to Immigration Headquarters in 2005 lasted up to eight months.

These delays may sometimes be due to the bureaucratic system in government institutions. However, there were suggestions by most foreigners which were collaborated by the Immigration Public Relations Officer that, to some extent, these delays may be premeditated by the processing officers in order to create an atmosphere where corruption is unavoidable by their clients. On the other hand, the Senior Section Officer at Lusaka Regional Office suggested that the delays were partly created by clients themselves because they fail to submit documents which are normally requested for attachment to the inspection reports before submission to Immigration Headquarters. This Senior Section Officer, whose duties include conducting inspections of companies, revealed that some of the applicants for extension of Self-Employment permits delay or even fail to submit the required accompanying documents. She further stated that these documents include, among others, Zambia Revenue Authority receipts, an Audit Report for the company, latest bank statement for the company, contracts of employment for staff, and company registration documents.

Related to the process of company inspection is another likely bureaucratic loophole which deals with the issuance and renewal of a document referred to as a Report Order (R/O). Since applicants submit their original self-employment permits when applying for their renewal, they are temporarily given a document called a Report Order which compels the holder to be reporting to the Immigration Office at set intervals (Immigration Department, 2008). According to the Senior Section Officer at Lusaka Regional Immigration Office, the Report Order, which “temporarily becomes one’s immigration status”, is usually issued at Immigration headquarters upon submission of an application for renewal of a self-employment permit. The problem most applicants interviewed advanced is that when their inspection reports are delayed, the officers at Headquarters or any other office will be “very reluctant” to continue renewing their Report Orders. According to the Cross-Boarder Traders Association Secretary (interviewed on 5th November, 2007), immigration officers usually blame the delays in submission of inspection reports on the applicants instead of their fellow officers conducting the inspections. He argued that once the officers refuse to renew the Report Orders for reasons including those discussed above, the applicants are forced to employ underhand methods to achieve their interests. In other words, corruption may thrive in

such a situation. The Anti-Corruption Commission Senior Community Education Officer (Research) also revealed that Report Orders are sometimes misused by some officers who tend to issue and renew them for “abnormally lengthy periods to accommodate and protect foreigners who do not deserve to be in the country”. He further observed that there is poor supervision of subordinates in the issuance of Report Orders at Immigration offices “resulting in corruption”. Besides that, he also alleged that some foreigners are made to pay for Report Orders which are formally supposed to be issued for free. In one case which occurred at Immigration Headquarters in July, 2008 (and may support his argument), an Immigration Assistant was charged for issuing Report Orders to two Pakistan nationals without authority and justification (Immigration Headquarters Registry, 2008). The two Pakistanis were apprehended by officers from Lusaka Regional Immigration Office and detained at Kamwala prison before ultimately being sent back to their country of origin.

The Handling of Files

In the processing of various applications and other cases, many files for clients at the Immigration Department are frequently reported “missing or misplaced”, especially at Immigration Headquarters. This is mainly perhaps because the Immigration Department still relies on a manual filing system. Although there is currently a computerization programme at Immigration Headquarters, all files are still being opened-up manually by the registry staff (Immigration Public Relations Unit, 2007). Almost all work is done manually on these files which have to be moved from one place to another in the processing of cases (Immigration Department, 2007). This arrangement makes it very possible for files to be misplaced time and again, while clients keep checking over their applications. According to the Deputy Chief Immigration Officer in charge of Administration (interviewed on the 11th November, 2007), a file “missing” may occur in three basic ways. He stated that this could happen by pure “human error” as registry staff is sometimes overwhelmed by the volume of work and therefore prone to such mistakes. In the second case, he explained that some “unscrupulous” immigration personnel “deliberately misplace files to ostensibly create difficulties” for clients in the acquisition of permits and other services. Thirdly, it is the applicant who may facilitate the process using some insiders. The Deputy Chief Immigration Officer further clarified that the third situation occurs mostly where the client’s reputation and record is “dented or questionable” before the immigration authorities.

From the applicant's perspective, however, when a file is reported "missing", nobody seems to directly bear the responsibility or obligation of "locating" it. Besides this, the movement of files from one place to another seems not to be reliably documented. Most clients indicated that the common advice they receive from officers in cases where files are "missing" is that "we are still looking for the file". Most of these clients indicated that the "indefinite" search for files can be frustrating enough to lead them into corrupt practices in order to have their files "located" and get the services they want. In such cases however, most of the foreigners interviewed stated that they prefer not to lodge in complaints against the responsible immigration staff as they (clients) believe that they are only being "assisted". It is probably due to this that there are no particular reported cases emanating from files being "misplaced". In cases where a file is never found, a Senior Section Officer at Immigration Headquarters (interviewed on the 13th November, 2007 at Kent Building) explained that a temporary jacket (TJ) is supposed to be opened to facilitate the processing of one's application. She stated further that authority to do this is "ideally supposed to come from a Senior Section Officer". However, there seems not to be a consensus among the Senior Section Officers at Immigration Headquarters on how long a search for a "missing" file should last before a temporary jacket is authorized. All this possible confusion may add to the susceptibility of the system in general, and the client in particular to corrupt practices.

Forty-three (43) % of all the members of the public interviewed stated that they had encountered some delays in acquiring permits from the Immigration Department. About 39.5% attributed those delays to the problem of files being "misplaced" or "missing" at Immigration Headquarters; 14% linked the delays to bribes demanded by officers; 12% did not give reasons for the said "delays". Out of the 100 respondents (members of the public), 36 were Zambians, 7 Nigerians, 6 Ugandans, 10 Indians, 9 Zimbabweans, 5 were Congolese while 2 Tanzanians. There were three apiece from Rwanda, Burundi, South Africa and Ethiopia. There were two each from Britain and Pakistani. Lebanon, Namibia, Kenya, Liberia, Italy, Denmark and Malawi were represented by one respondent each (See appendix F). Two respondents did not state their respective nationalities. One of the Ugandan respondents, Mr. Nicholas Okware who is a Lusaka based lawyer and proprietor of Okware and Associates, elaborated that his application for inclusion of a new business/company on his entry permit had been "delayed inordinately because of the file missing or misplaced". Another 'victim' of this problem, Dr. Mukenge, a Congolese medical doctor working under the Gynecological Department at the University Teaching Hospital in Lusaka, said his application for a work permit had a "history of missing file; instead of three

weeks, it took three months to have my permit”. Another Pakistan applicant for extension of a self-employment permit under Yokohama Motors Limited, Mr. Imran Hussain of Immigration Headquarters file no. I. 86/ 2006, by August, 2008 had his file still “missing” after months of “searching” for it, meaning that his application had to pend until his file was “located” (Immigration Headquarters Registry, 2008).

In one recorded case at Immigration Headquarters, an Immigration Assistant and a Registry Clerk were dismissed from the Public Service in the year 2004 over a case that involved, among other things, stealing files for some named immigrants from the Immigration Headquarters Registry (Ministry of Home Affairs, 2008). This case was subsequently prosecuted by the Anti-Corruption Commission and resulted in the conviction of the two suspects who received suspended sentences. The two officers had obtained an undisclosed amount of money from some Korean nationals so that they could endorse their passports at the airport, creating an impression that the immigrants still had days to stay in Zambia when infact not (Immigration Headquarters, 2008). The two officers had allegedly further intended to obtain permits for these immigrants. However, the immigrants ultimately decided to report these officers to Immigration after realizing that the alleged deal was not materializing after paying money and waiting for long. According to the complainants, the two officers had allegedly removed the files for these clients so that they could open new records which were not “dented” (Officer’s File, Immigration Headquarters, 2008). In a similar case reported to the Anti-Corruption Commission on the 16th December, 2003, a named foreigner complained against a named Registry clerk based at Immigration Headquarters (ACC Complaints Register, 2008). This European immigrant alleged that the Registry clerk had solicited for some money from him when he applied for a permit. When the complainant allegedly declined to give out any money, his file suddenly went “missing”. Sensing “foul play”, he decided to report the matter to the Anti-Corruption Commission.

Although files could be “missing” ostensibly, in some cases they could be genuinely misplaced due to the Immigration Department’s apparent inefficient working style. Due to such inefficiencies, for example, the Deputy Chief Immigration Officer for Administration stated that some corrective reforms are under way under Zambia Threshold Project which includes the newly introduced Customer Service Centre at Immigration Headquarters. The Customer Service Centre is located on the ground floor, and it adopts the design of a banking hall in a bank. The Deputy Chief Immigration Officer explained that the Customer Service Centre acts as a “one-stop shop” for almost all matters to do with the public, particularly applications for various permits and visas.

One of the objectives of this approach is to “enhance transparency in the way Immigration workers attend to their clientele.” He added that the development was a total departure from the previous arrangement where officers were operating from various isolated offices in privacy on all the four floors of Kent Building. Under this system, “clients are compelled to follow a standard queuing system which does not permit them to be served only by officers of their choice.” He emphasized that the “strategies under this new system are designed to enhance efficiency by scaling down on all identified unnecessary delays.” Although the Customer Service Centre may be well-intended, its real tangible results are probably yet to be seen. The Centre became operational towards the end of the year 2007 and its efficacy is probably still on test. For now, most of the old problems like the “misplacement of files” still persist as may be seen from the earlier examples.

In the above regard, as far as the quality of service offered by the Immigration Department is concerned, members of the public had the following to say about the service they had received from the institution; forty (40) respondents out of 100 described it as “good” while 54 said it was “poor”. Six (6) abstained. Asked further if they thought the service could improve if some inducement was offered to the immigration officials, 53 respondents said “Yes” while 46 said “No”.

Loopholes In Relation to Field Operations

Another critical duty of various Immigration offices is that of carrying out of field operations within their areas of jurisdiction (Lusaka Regional Immigration Office, 2007). These operations are principally meant to ensure that there is “general compliance with the various provisions of the Immigration and Deportation Act Cap 123 of the Laws of Zambia”. According to this source, this does not only apply to foreigners in Zambia, but to all stakeholders including citizens of Zambia. “For instance, a Zambian company like ZAMBEEF may wish to employ some expatriate staff. They have to do that in line with the requirements of the Immigration law which calls for work permits for such individuals.” Further, according to Immigration Public Relations Officer, these field operations are frequently used to arrest people contravening the law in various ways. Common targets in this case are “foreigners who choose to stay in the country without the necessary legal documents from Immigration authorities.”

However, it seems these operations are sometimes misapplied by some immigration staff as discussed below. According to the Senior Immigration Officer in charge of Operations at Lusaka Regional Office (interviewed on 16th October, 2008), field operations are normally conducted by a

team of not less than three immigration officers. The operations may be conducted “using motor vehicles or even by foot patrols.” The biggest weakness established by this research in terms of these operations is that the patrolling officers may sometimes be compromised by the very people they are supposed to apprehend. The critical factor here seems entirely to be the credibility of any given team of officers in the field, especially the team leader. If the team is easy to bribe, it is likely to let scot-free even the most serious of offenders. One Lusaka-based Kenyan, who requested to be anonymous (interviewed on the 12th November, 2007 on Katondo Street, Lusaka) stated that he had “been surviving immigration operations on the streets of Lusaka for years” because the officers knew him well and that he “pays them something”. Apparently staying without any permanent immigration status or proper occupation, he further claimed that even if he was arrested, “it is easy to be released if there is money involved”. Perhaps to give some credence to the above claim, the Anti-Corruption Commission (ACC) on the 16th September, 2002 recorded a complaint of alleged corruption against some named Immigration Officers (ACC Complaints Register, 2002). A concerned member of the public reported to the ACC that some known immigration officers had often visited his work place where there were many Lebanese workers who did not have any permits. The complainant alleged that the officers did not take any action because they used to get money from the owner of that particular company. The possible problem that may be identified in such situations is that there is no immediate watch-dog to monitor whatever takes place on the ground during these operations. The operations team, only at a later stage, reports to their superior who normally waits for reports from his office (Lusaka Regional Immigration Office, 2008). However, records at Lusaka Regional Immigration Office indicated that many illegal immigrants are apprehended each time officers carry out field operations.

Secondly, there are some instances when field operations have been reportedly abused by a few immigration officers. Some “unscrupulous” officers allegedly do mount illegal operations where they “harass foreigners” with the sole aim of eventually getting money from them. Some of these officers however, end up in substantive problems. For example, an Immigration Assistant (IA) from Lusaka Regional Immigration Office was arrested by the Anti-Corruption Commission (ACC) on the 28th July, 1992 for “violation of section 14 of the Corrupt Practices Act No. 14 of 1980” (Anti-Corruption Commission, 2008). The details of the case were that the named Immigration Assistant while acting jointly with two other immigration officers in Lusaka on 26th July, 1992 did mislead Mr. Martin Sakuhuka, an officer from the ACC by giving him false information that they were on official operation duties at the ‘Blue House’ in Matero when in fact

not. In the subsequent litigation, the Immigration Assistant (IA) was convicted by the Lusaka Subordinate Court on 16th July, 1993 and fined K 2, 000. In this particular case, the officers clearly tried to use an illegal operation to extort money from foreigners.

Similarly, the Occurrence Book at John Laing Police Post in Lusaka indicates that an Immigration Assistant was detained there in 2004 following an “illegal operation”. The named Immigration Assistant was apprehended by Police officers after allegedly harassing several foreigners in an illegal operation in that area. It was reported that the public around the compound became suspicious of that “operation” and reported that particular officer to the Police. One Congolese man, Mukandama Lusapi, who was one of the foreigners who were “victimized” in that illegal operation, said he had to part with money to “avoid my relatives being arrested”. These relatives to this man admittedly “had no legal documents to stay in the country”. However, one Rwandese respondent (interviewed on the 7th November, 2007 at COMESA market, Lusaka) suggested that most victims of such illegal operations are likely to be those “foreigners who are either ignorant of their rights or those who know that they don’t have appropriate documentation.” He said most foreigners holding legal and valid documents would probably not easily succumb to such harassment.

Extension of Days of Stay for Non-Zambians

This investigation has further uncovered some possible loopholes to corruption in the extension of days of stay for foreigners at various internal immigration offices. According to the Immigration Officer-In-Charge at Chirundu (interviewed on the 5th December, 2007 at Chirundu border), when foreign visitors come to Zambia, they are normally given a period of thirty (30) visiting days for free. For those who intend to visit for periods less than a month, she said they are usually granted whatever period of stay they desire. She explained further that if one wants to visit for a period exceeding thirty (30) days, then they are “advised to have their periods of stay extended beyond the initial 30 days at any Immigration office nearest to their place of stay within Zambia.” According to the Immigration and Deportation Act Cap 123 of the Laws of Zambia, a person is entitled to a maximum of ninety (90) days of free visiting within any given period of twelve (12) months. Beyond those 90 days, one has to acquire a relevant permit like a visiting permit or temporary permit to legalize their stay in the country (Immigration Public Relations Unit, 2007).

According to the one Senior Immigration Officer based in Operations at Immigration Headquarters (interviewed on the 13th November, 2007), the extension of stay for visitors is

normally done at Regional Immigration Offices or any Internal Immigration Controls, “dotted in most districts of the country.” She stated that the extension of days is supposed to be done “absolutely for free”. However, it seems that there is some sort of ‘payment’ that takes place during these extensions. The Senior Immigration Officer observed that there is a tendency by most foreigners, without being asked to do so, of giving money to Immigration officers for the purpose of extending their visits in Zambia. However, it appears that the immigration staff in some cases does demand for money in order to grant these extensions. For instance, the Immigration Headquarters Registry (2008) shows that “an Assistant Registry Officer was on 5th January, 2007 convicted by the Lusaka Magistrate Court and sentenced to six months imprisonment with hard labour for corruptly soliciting and receiving K 200, 000 cash gratification from Mr. Igor Tregubov as inducement or reward in order for him to facilitate the latter’s extension of days in his passport and later, issuance of a Self-employment permit.” The case was prosecuted by the Anti-Corruption Commission (ACC). Equally, one immigration officer and two immigration assistants were convicted and sentenced to two and half years of imprisonment each commencing on 17th August, 2004. The trio had been appearing before the Lusaka Subordinate Court over charges of soliciting and receiving K 5million on 24th April, 2001, from a Mr. Clifford Stagg, who was Company Manager at Carnival Furnishers in Lusaka, for them to “stamp his passport with extension of days of stay in Zambia” (Officers’ Files, Immigration Headquarters, 2008).

One particular visitor from the Democratic Republic of Congo (DRC), Ntumba Mukendi, who resides in Lubumbashi (interviewed in Chingola on the 9th December, 2007) stated that “giving bribes to immigration officers was the norm” in his home country and therefore, does the same wherever he went to make things easy. He said it helped to “avoid unnecessary questioning and delays”. However, one immigration officer based at Lusaka Regional Office (interviewed on the 8th November, 2007) argued that clients who give money to Immigration officers for extension of days in passports do so to “hide something wrong with the passports”, and not to simply elude questions. One Ugandan respondent who works in Lusaka (interviewed on the 4th November, 2007 in Kabulonga) even went further to claim that “it is normal to give a bribe everywhere not only in Immigration”. To the immigration officers, such kind of money may be welcome considering their seemingly poor remuneration. However, the Transparency International Zambia (TIZ) Deputy Project Coordinator (ALAC) stated that in some other cases, foreign visitors are not aware that these extensions are officially for free. This, he amplified, “opens the door for manipulation by some crafty Immigration staff and other agents who act for the foreigners”. He blamed this on the

lack of information and sensitization of the public about immigration requirements and procedures by the institution. He went on to state that besides the lack of necessary information, many foreigners come from countries where there are almost no free immigration services. Therefore, he suggested, some visitors may be easily convinced to pay various amounts of money to have their days extended.

The Mounting of Road Blocks (R/Bs)

Besides the possible bureaucratic loopholes discussed so far, another channel through which corrupt practices may penetrate the functions of the Immigration Department is the mounting of roadblocks by immigration staff. Generally, roadblocks are not common in the operations of the Immigration Department. However, they are an indispensable strategy used to apprehend illegal and prohibited immigrants around the country (Immigration Public Relations Unit, 2007). They are particularly mounted on main highways leading to busy borders like Nakonde, Kasumbalesa and Chirundu. At the time of data collection around November/December, 2007, this researcher encountered four immigration roadblocks; one at Kafue, another one between Kabwe and Kapirimposhi, the third one was between Chingola and Chililabombwe, and finally between Kasumbalesa and Chililabombwe. This research has established that Immigration roadblocks, which are mostly conducted *simultaneously with Police officers, may lead to corruption - mainly demands by the officers for bribes.* In the year 2006, for example, an Immigration Assistant based at Kabwe Regional Immigration Office was charged and banned from working at roadblocks following numerous reports of his corrupt demands on various foreigners passing through the roadblock between Kabwe and Kapirimposhi (Immigration Headquarters Registry Records, 2008).

Although the main purpose of these roadblocks is to apprehend illegal and prohibited immigrants, it seems only a few of such offenders are actually apprehended and detained. Many foreigners interviewed argued that only “culprits without money” can be arrested at these roadblocks. In their views, extortion and bribery seem to characterize the nature of these roadblocks. They claim that the officers ask for cash money from their foreign victims. Sometimes, when one has no money, other items of commercial value may be “grabbed” as alternatives. Equally, some foreigners seem to have developed a tendency of placing cash money in their passports before giving them to officers at roadblocks to check. This researcher, for example, used a taxi from Chingola to Kasumbalesa with three other passengers, all Congolese nationals who were apparently going back to Congo. At the roadblock between Chililabombwe

and Kasumbalesa boarder, each of these Congolese nationals, one woman and two men, put some amounts of money in their passports before presenting them to the immigration officer there for examination. Without issuing any receipts, the officer took that money and returned the passports apparently without any proper scrutiny. When asked about the money after leaving the roadblock, the (then) suspicious Congolese passengers explained to this researcher that that was the norm if one did not want to “experience problems with the immigration officers”.

In a related incident, one Lusaka-based Congolese national, Mutombo Ilunga (interviewed on 29th October, 2007 in Kabwata, Lusaka), a resident of Chawama compound, returning from Mbala on business in the year 2005, allegedly had his six by 90 kilograms bags of dry kapenta “grabbed” by an immigration officer at a roadblock as “payment for being on a Report Order for too long” even when the document was still valid at the time of the incident. At the same roadblock, between Kabwe and Kapirimposhi, Patrick Mbeya Mulengi (interviewed on 2nd November, 2007 at Kabwata market, Lusaka), also of Congolese origin, in May, 2006 had to “surrender” his Nokia cell phone after failing to meet the immigration officers’ demands for cash money. This man, travelling from Ndola to Lusaka, was allegedly “hassled” for misplacing his original receipt for his application for an entry permit at that time (He now has the entry permit). In addition to these incidents, according to a complaint recorded on the 14th January, 2003 by the Anti-Corruption Commission, two named immigration officers solicited for an undisclosed amount of money from a Tanzanian national at a roadblock near Kapirimposhi (ACC Complaints register 2003). Most of these roadblock ‘victims’ cited above indicated that the immigration officers exhibited total rigidity clearly bent on obtaining money. They said the behaviour of those officers was one of not being ready to listen to any explanation. Mr. Ilunga particularly argued that one can only be arrested at these roadblocks if one has no money to give to the officers.

The Culture of “Appreciation”

Apart from the factors advanced as possible avenues for corruption in the Immigration Department so far, another one is the seemingly common culture of giving and receiving of “appreciation”. Many of the foreigners who were interviewed stated that they gave money and other gifts to immigration officers as “appreciation” for the “help” they gave them. Equally, one Senior Immigration Officer based in Administration at Immigration Headquarters (interviewed on the 11th November, 2007 at Kent Building), argued strongly that the corruption being talked about in the organisation was “not real”. She explained that immigration officers only received “appreciation”

from their clients and that “did not constitute any corruption”. She further added that the officers do not ask for this appreciation or gifts. She claimed that the clients give the “appreciation willingly and voluntarily”. She also stated that immigration officers and their clientele are human beings and therefore, there is nothing wrong for them to exchange gifts. This was exactly the same argument which some members of the public, particularly foreigners brought out.

One Zambian (who requested to be anonymous) (interviewed on the 7th July, 2008 in Lusaka) however argued that this kind of “gifts” or “appreciation” may just be a disguise for corruption between immigration personnel and their clients. He clarified that the danger that may exist is that once this practice of “appreciation” is tolerated, it may become a norm or part of the organisation culture. He added that in the final analysis, every person attended to by immigration staff may be expected to “appreciate”. Failure to that, he suggested, the officers may be reluctant in processing cases for such clients. His view was that the officers may deliberately frustrate such clients with intent to force them to pay something for whatever service required. He argued further that this may ultimately disadvantage some people who are not willing or able to give gifts or appreciation to immigration officers. From his analysis, this “appreciation” may be seen in the context of bribes. From that premise, therefore, the practice may be seen as a possible loophole for corruption. In addition to that, the Anti-Corruption Commission Senior Community Education Officer (Research) argued that this type of “appreciation” may either be genuine or have some “strings attached”. He observed that if it has some ill-motives attached, it is likely to “trap officers into corrupt practices”. He added that on the other hand, even if it is well-intended, the immigration officers in the long run may regard this as the “norm” for doing their job. In either case, therefore, it “may still lead to corruption.” However, this research could not identify any reported cases directly linked to this possible corruption loophole.

Conclusion

This chapter has attempted to outline some highlights of the possible bureaucratic and other loopholes that exist at various Immigration Offices with regard to corruption. These basically include the inspection of companies and the related issuance and renewal of Report Orders; the handling of files which often leads to some files being reported “missing” or “misplaced”; and, the deliberations of the Employment Permit Committee. The rest of the loopholes involve the extension of days of stay for non-Zambians; the mounting of roadblocks; field operations; and the apparent norm of clients giving “appreciation” to immigration personnel. In the final analysis, the whole style of operation of the Immigration Department is generally inefficient, creating susceptibilities to corruption through loopholes which may be manipulated by both the immigration staff and members of the public. Besides the factors discussed, there may be many other minor ways through which corruption can possibly take place at these offices. For instance, the concept of abolishing small private rooms used as offices in preference to a big and open transparent hall for all officers to operate from, as is the case at Immigration Headquarters, has not yet reached Regional and other Immigration offices. Officers at the rest of the immigration offices countrywide still operate in privacy where corruption may easily flourish without anybody noticing. Another possible problem could be the immigration staff’s negative attitude towards work.

List of References

- ACC Senior Community Education Officer (Research), interviewed on the 14th December, 2007 at Anti-Corruption House, Lusaka
- Deputy Chief Immigration Officer (Administration), interviewed on the 11th November, 2007 at Immigration Headquarters, Lusaka
- Government Republic of Zambia. 1997. *Immigration and Deportation Act Cap 123*. Lusaka: Government Printers
- Immigration Department. 2007. *Public Relations Unit Brochure*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Headquarters Registry Records*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Lusaka Regional Office Registry*. Lusaka: Immigration Dept
- Immigration Public Relations Officer, interviewed on the 13th November, 2007 at Kent Building, Lusaka
- Mbeya, Patrick. Interviewed on 2nd November, 2007 at Kabwata market, Lusaka
- Mutombo, Ilunga. Interviewed on 29th October, 2007 at Kabwata, Lusaka
- Okware, Nicholas. Interviewed on 9th November, 2007 at ZIMCO House, Lusaka
- TIZ Deputy Project Coordinator (ALAC), interviewed on the 17th November, 2007 at TIZ offices, Olympia Park, Lusaka
- USAID. 2006. *Zambia Threshold Project; Second Quarterly Report*. Lusaka: USAID

CHAPTER 5

CONCLUSIONS

This chapter is basically the conclusion of this research. It focuses on two main components; the first one deals with the findings of the investigation with regard to the main and specific objectives of this research. The main objective was to establish the main causes of corruption in the Immigration Department. The specific objectives were to identify the motivating factors that lead to corruption in the institution; to identify bureaucratic and other loopholes which allow for corrupt practices in the institution; reveal some cases of officials in the Department who have been either suspended or dismissed, reported to the Anti-Corruption Commission or charged for corruption in the courts of law and reasons for such actions; and, to establish public perception of corruption in the Department of Immigration. Secondly, the chapter briefly outlines some suggested solutions towards the mitigation of corruption in the Department of Immigration, based on the identified causes. It will also summarize the major forms of corruption which are believed to be common both in the bureaucracy in general, and the Immigration Department in particular.

The biggest motivating factor for corruption on the part of officers in the Department of Immigration was established to be poor salaries and other conditions of service. This was identified by far as the principal motivating factor for corruption in this organisation. That view was also advanced by the Deputy Chief Immigration Officer for Administration, the Immigration Public Relations Officer, the Anti-Corruption Commission (ACC) Senior Community Education Officer (Research) and Transparency International Zambia (TIZ) Deputy Project Coordinator – ALAC. In view of this, it was discovered that the majority of staff in the Immigration Department who were interviewed (82%) received a monthly take-home salary of less than K1 million. However, most of the immigration staff interviewed stated that they were being accommodated by their employer. Some of them also indicated that they do receive some monthly allowances like operations allowance, rural hardship allowance, subsistence allowance, and mealie-meal. However, it was established that the amounts for such allowances were as little as K20, 000 per month in some cases. Based on the finding that poor conditions of service and low salaries are the major cause of corruption in the Immigration Department, it may also be concluded that corruption in other public institutions is partly due to the same factor as such conditions run across the civil service. Besides poor salaries and conditions of service, it was also established that officers in this institution are sometimes motivated to engage in corrupt practices by sheer greed.

On the side of members of the public seeking services from the Immigration Department, it was established that the major motivating factor for these clients to engage in corruption involves anxieties and desperation resulting from redtape and general inefficiency in the institution's service-delivery. This problem was particularly discovered to be common in the processing of applications for work permits, self-employment permits, entry permits and other permits at Immigration Headquarters. To this effect, it was established that the official period within which an application for a work permit, for instance, should be processed and the permit issued is two (2) weeks. However, the majority of both immigration personnel and members of the public covered stated that the process exceeds two weeks. Some of the members of the public stated that the process can exceed one (1) year while some immigration officials indicated that the whole process exceeds six (6) months. It was also established that the stages involved in processing these applications are many, leading to desperation on immigration clients. However, some of these delays appear to be deliberately created by immigration staff in order to necessitate or induce bribes from desperate clients. This scenario motivates immigration clients to use corruption in order to acquire efficient services. Apart from that, the centralization of the permit-issuance at Immigration Headquarters was found to be a source of competition among clients across the whole country. This may equally motivate affected members of the public towards corrupt tendencies. At the borders, it was established that client anxieties and desperation may arise from the common congestions of people waiting to be cleared. It was further established in this regard that there were shortages of immigration staff at Chirundu, Kasumbalesa and Lusaka International Airport. This partly contributed to the congestions of clients awaiting clearance. This is possibly exacerbated by the seemingly big influx of immigrants and other people coming into and leaving the country. All these factors may ultimately be driving factors for members of the public to engage in corruption as a way of overcoming delays in receiving the required services.

In addition to the delays discussed above, it was established that immigration policies and procedures lack some clarity and publicity. This creates some confusion on the part of clients and makes services look more difficult to access from the institution than possibly is. To some extent, the unclear policies and procedures have created room and opportunity for the operation of middle men or consultants. These consultants are seen as a motivating factor for corruption in the organisation as they obtain money from their clients to bribe immigration staff. Besides that, their primary motive is to generate some quick money for themselves from foreigners and other people in need of immigration services. Immigration consultants do demand and get large amounts of

money from foreigners on the pretext that immigration officers will not work on any case without being bribed. Meanwhile, it appears some foreigners are reluctant to personally deal with immigration staff due to perceived difficulties. Other motivating factors discovered include incompetent or ill-trained immigration workers, and weak enforcement of anti-corruption laws by the respective authorities.

Besides the main motivating factors summarized above, the research also identified some loopholes which can create opportunities for corruption in the Immigration Department. These are bureaucratic and other loopholes which can be capitalized on by both immigration staff and their clientele. In this regard, the following activities were established as some of the susceptible points: the inspection of companies/business premises by Regional Immigration Offices and other stations; the handling of files particularly at Immigration Headquarters, where many files reportedly go missing or are misplaced; and field operations meant to apprehend people suspected of contravening immigration laws and procedures. The research further identified another possible loophole in form of the extension of days for non-Zambians visiting the country. Some immigration officers have been convicted by courts of law for corrupt practices involving this particular issue. Apart from that, another possible loophole was established in the mounting of roadblocks by immigration officers. Another vulnerability established involves the apparent culture of immigration clients giving immigration officers what they termed "appreciation" or "gifts" in exchange for various services. This practice has, to some extent, developed into a norm. As a result, it plays a part in the incidence of corruption in the institution. This is because immigration staff, in the long run, treats this practice as an obligation for every client even for people who are either unwilling or unable to show such "appreciation". Finally, it was established that the issuance and renewal of Report Orders also provides a loophole for the manifestation of corruption in the institution.

This investigation has also established that the majority of suspensions, dismissals, prosecutions, convictions, and reports of immigration officers to the Anti-Corruption Commission involve immigration personnel soliciting for and receiving gratification or inducement from foreigners or their representatives in order to render various services. This is basically a consequence of poor salaries and conditions of service for the immigration personnel. As can be seen from the examples in chapters 3 and 4, such cases of bribery have mostly led to the suspensions, dismissals, prosecutions, and even court convictions of some immigration staff. It is perhaps due to this reason that it was further established that bribery is by far the most common

form of corruption in this institution. Besides bribery, other minor forms involve extortion, fraud and financial mismanagement, and forgery of immigration documents. It was further established that almost all the reported cases come in the form of petty corruption involving middle and low-level immigration employees who are the lowest remunerated. In all the examples used in this paper, for instance, only one Senior Immigration Officer was involved with none above that tier. The rest of the cases involved junior officials, both uniformed and registry staff. From that background, it may be said that grand corruption is minimal while petty corruption is high in the Immigration Department. Other findings were that public perception of corruption in public institutions, particularly the Immigration Department was high. The majority of the members of the public interviewed stated that corruption was either very high or high in the organisation.

Exclusively based on the motivating factors and loopholes identified above, this second segment of the chapter briefly proposes some corrective measures (also see appendix g). Since the biggest motivating factor for corruption in the Immigration Department has been found to be poor salaries and conditions of service for the personnel, the first suggested measure is the improvement of the remuneration of officers and introduction of other incentives like meaningful loans. This will empower immigration staff and strengthen their resistance to corruption. Besides that, in view of the client anxieties and desperation in pursuit of immigration services, it is suggested that redtape is reduced by abolishing some repetitive procedures that embrace inefficiency. For example, the process of acquiring permits can meticulously be made shorter, more efficient, and customer friendly. A proper computer system is inevitable for enhanced efficiency at all immigration offices in the country.

There is also need to formulate clear policies and procedures about all services provided by the Department of Immigration at all offices, internal and boarder controls. The general public, foreigners in particular, should then be adequately informed about all such relevant processes, and how long each should take. Some of the requirements now are outdated and retrogressive. They should be amended or in some cases discarded. Sensitization of members of the public may be achieved through, interalia, the use of brochures, pamphlets and advertisements through the media. It may equally be helpful to decentralize the processing and issuance of work permits, entry permits, study permits, self-employment permits and the various types of visas to selected Regional Immigration Offices. For a start, one would suggest Ndola and Livingstone, considering that these are busy jurisdictions with high foreign populations. This would considerably reduce

congestion and pressure at Immigration Headquarters, improve efficiency and subsequently reduce possible corrupt practices.

Beyond the above, it is important to either ban or regulate the activities of immigration agents/consultants since they are seen to be contributing to corruption in the institution. If a ban is effected, for instance, all people requiring immigration services should be encouraged to be accessing them directly from official immigration formations. Apart from that, the calibre of many immigration officers and their support staff, in some cases, is substandard. Therefore, in addition to the basic training given to the immigration personnel, there is need to provide them with further skills which are in tune with contemporary security and business management. Refresher courses, workshops and seminars are recommended in this regard.

There should also be stiffer punishment for immigration employees and clients proved to be corrupt in order to deter would-be offenders. This should be both from the perspective of the judiciary and the administrative machinery of the immigration Department. Besides that, to overcome the problem of congestion at the borders, more officers should be recruited so that such stations are manned by sufficient officers. As for the latitude given to immigration officers in their execution of duties, it should be checked by setting out strict parameters so that reasonable limits are defined to prevent corruption. A framework should be elaborately introduced within which such latitude should be exercised.

And finally, to mitigate on corruption involving conspiracy in the inspection of business premises and deliberations of the Employment permits committee, except for the chairpersons of the Employment Permits Committee, the membership of the inspection teams and the Employment Permits Committee should, as much as possible, be changed regularly to check on the possible conspiracies among members. Record-keeping in the institution should also completely be upgraded from the current manual-filing to an electronic system. Besides improving efficiency, this will also ultimately reduce opportunities for corrupt conduct.

Bibliography

- Afronet.2002. *Nchekelako; an African Reader on Corruption in Zambia*. Lusaka: Afronet
- Afronet.2002. *Southern Africa Human Rights Review*. Lusaka: Aquila Printers Limited
- Anti-Corruption Commission. 2006. *Draft National Corruption Prevention Policy*. Lusaka: Anti-Corruption Commission
- Anti-Corruption Commission. 2006. *Media Workshop*. Lusaka: Anti-corruption Commission
- Anti-Corruption Commission. 2003. *Reform Study Report*. Lusaka: Anti-corruption Commission
- Anti-Corruption Commission. 2005. *Complaints Register*. Lusaka: ACC
- Anti-Corruption Commission. 2008. *Anti-Corruption Commission Background*. Lusaka: ACC
- Ayee, J. R. A. 1997. *Ghana: the Continuing Search for Cures in the Fight against Corruption*. London: Macmillan Press Ltd
- Ayeni, V. 1997. 'Evolution of and Prospects for the ombudsman in Southern Africa', *International Review of Administrative Sciences*. London: Sterling Publishers Ltd
- Bauer, C. 2000. *Public Sector Corruption and its Control in South Africa*. Pretoria: University of Pretoria
- Bukurura, S. H. 1997. 'Judiciary and Democratic Governance in Sub-Saharan Africa: the Complexities of Regulating Competing Interests', Paper Presented at the 20th Southern African Universities Social Sciences Conference (SAUSSC). Lusaka, Zambia, 30 November- 5 December
- Burdette, M. 1988. *Zambia Between Two Worlds*. Boulder: Westview Press
- Central Statistical Office. 2004. *Report on Corruption*. Lusaka: Central Statistical Office
- Central Statistical Office. 1999. *Report on Corruption*. Lusaka: CSO
- Central Statistical Office. 2004. *Report on Corruption*. Lusaka: CSO
- Chikulo, B. 2000. 'Corruption and Accumulation in Zambia', (ed) *Corruption and Development in Africa: Lessons from Country Case Studies*. London: Macmillan Press Ltd
- Chikulo, B and O. Sichone. 1996. 'Introduction: Creation of the Third Republic: 1991-1994' in O. Sichone and B. Chikulo (eds), *Democracy in Zambia: Challenges for the Third Republic*. Harare: Sapes Books
- Doro, M. E and C. Legum. 1992. 'Republic of Zambia' in M.E. Doro and C. Legum (Eds), *Africa Contemporary Record: Annual Survey and Documents 1988-1989*. New York: Africana Publishing
- Dresang, D.L and R.A. Young. 1980. 'The Public Service' in W. Tordoff (Eds), *Administration in Zambia*. Manchester: Manchester University Press

- Erero, J. and T. Oladoyin. 2000. *Tackling the Corruption Endemic in Nigeria*. London: Macmillan Press
- Fombad, C.M. 2000. *Endemic Corruption in Cameroon: Insights on Consequences and Control*. London: Macmillan Press Ltd
- Gertz, C. 1984. *The Dynamics of the One-party State in Zambia*. Oxford: Oxford University Press
- Gould, D.J. 1997. 'Administrative Corruption: Incidence, Causes and Remedial Strategies' in M. Turner and D. Hulme (eds), *Governance, Administration, and Development: Making the State work*. London: Macmillan Press
- Government Republic of Zambia. 2000. *Public Service Reform Programme*. Lusaka: GRZ
- Government Republic of Zambia. 2004. *National Governance Baseline Report*. Lusaka: UNZA
- Government Republic of Zambia. 2000. *Auditor General's Report*. Lusaka: GRZ
- Government Republic of Zambia. 1995. *Constitutional Review Commission and Government Reaction to the Report (The Mwanakatwe Commission)*. Lusaka: Government Printers
- Government Republic of Zambia. 2006. *Draft National Corruption Prevention Policy*. Lusaka: GRZ
- Government Republic of Zambia. 2004. *National Baseline Survey Report*. Lusaka: UNZA
- Government Republic of Zambia. 1997. *Immigration and Deportation Act Cap 123*. Lusaka: Government Printers
- Grabosky, P and P. Larmour. 2000. *Public Sector Corruption and Its Control in Australia*. Canberra: Australian Institute of Criminology
- Hodd, M and Theobald, R. 1996. 'Corruption, Development and Democracy in Tanzania' in *Tanzania's Tomorrow*. Dar-es-alaam: Tema Publishers Company Ltd
- Holm, J.D. 1996. *Curbing Corruption through Democratic Accountability: Lessons from Botswana*. London: Macmillan Press Ltd
- Hope, R.K. Sr and B. Chikulo. 2000. *Corruption and Development in Africa: Lessons from Country Case studies*. London: Macmillan Press Ltd
- Hope, K. R. Sr. 1997. *African Political Economy: Contemporary Issues in Development*. London: M. E Sharpe
- Immigration Department. 2005. *Public Relations Brochure*. Lusaka. Immigration Department

- Immigration Department. 2007. *Immigration Headquarters Registry*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Immigration Headquarters Records*. Lusaka: Immigration Dept
- Immigration Department. 2005. *Immigration Policy and Guidelines*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Lusaka Regional Office Registry*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Staff Pay Slip*. Lusaka: Immigration Dept
- Immigration Department. 2007. *Public Relations Unit Brochure*. Lusaka: Immigration Dept
- Immigration Department. 2008. *Headquarters Registry Records*. Lusaka: Immigration Dept
- Klitgaard, R. 1998. *Controlling Corruption*. Berkeley: University of California Press
- Legum, C. 1982. 'Republic of Zambia' in C. Legum (ed), *Africa Contemporary Record: Annual Survey and Documents, 1981-1982*. New York: Africana Publishing
- Matenga, C.R. 1997. 'Fighting Corruption in Africa: the Lessons of Experience – A Zambia Case Study', Paper Presented at the 20th SAUSSC, Lusaka, Zambia, 30th November – 5th December
- Mauro, P. 1997. *Why Worry About Corruption?* Washington: International Monetary Fund
- Ministry of Home Affairs. 2007. *Registry Records*. Lusaka: Ministry of Home Affairs
- Momba, J. C. 1997. 'Economic Reforms, Corruption and the Crises of Governance in Zambia: the Dilemma for the Donor Community', Paper Presented at the 20th SAUSSC, Lusaka, Zambia, 30th November – 5th December
- Monteiro, J.B. 1966. *Corruption: Control of Maladministration*. Oxford: Oxford University Press
- Mphaisha, C. 1996. 'Retreat from Democracy in Post One-Party State in Zambia', *Journal of Commonwealth and Comparative Politics* 34(2): 65-84
- Mufune, P. 1988. 'The Formation of Dominant Classes in Zambia: Critical Notes', *Africa Today* 35 (2): 5-20
- Mutahaba, G. 2005. *Potential for Public Service Pay Reform to Eradicate Corruption among Civil Servants in Tanzania*
- Pei, M. 2007. *Corruption Threatens China's Future*. Washington: Carnegie Endowment Publishers
- Polhemus, J.H. 1997. 'Democracy Betrayed: Zambia's Third Republic', Paper Presented for the *Annual Meeting of the African Studies Association of Australia and the Pacific*, Caniberra, 25-27 September

- Ramseger, F. 2007. *Historical Perspectives on Corruption in Europe*. Oxford: Oxford University Press
- Riley, S.P. 2000. *Western Policies and African Realities: the New Anti-corruption agenda*. London: Macmillan Press Ltd
- Sandbrook, R. 1993. *The Politics of Africa's Economic Recovery*. Cambridge: Cambridge University Press
- Simpkins, E. and R. Wraith. 1963. *Corruption in Developing Countries*. Oxford: Oxford University Press
- Sondashi, L. 1985. Master's Degree Dissertation entitled: *The Role, Nature and Authority of the Legislature in Zambia's One-party System of Government*. Lusaka: University of Zambia Press
- Srivastava, S. 2006. *Can India Ever Be Corruption-Free?* New Delhi: Sterling Publishers Ltd
- Szeftel, M. 1982. 'Political Graft and the Spoils System in Zambia – the State as a Resource in Itself', *Review of African Political Economy* 24: 4-21
- Szeftel, M. 1982. *Review of African Political Economy; Political Graft and the Spoils System in Zambia*. Sussex: University of Sussex
- Transparency International Zambia. 2006. *Anti-Corruption Election Monitoring Tool Kit*. Lusaka: TIZ
- Transparency International Zambia. 2004. *State of Corruption Report*. Lusaka: TIZ
- Transparency International Zambia. 2006. *Show Me The Money*. Lusaka: Primus Media
- Transparency International Zambia. 2001. *State of Corruption Report*. Lusaka: TIZ
- Transparency International Zambia. 2002. *State of Corruption Report*. Lusaka: TIZ
- Transparency International Zambia. 2004. *State of Corruption Report*. Lusaka: TIZ
- Transparency International Zambia. 2005. *The Perceiver*. Lusaka: TIZ
- Transparency International Zambia. 2006. *Petty Corruption Fighters' Kit*. Lusaka: TIZ
- Transparency International Zambia. 2004. *Bulletin*. Lusaka: TIZ
- Transparency International Zambia. 2003. *How to Avoid Corruption When Acquiring Some Public Services*. Lusaka: Friedrich Ebert Stiftung
- Turok, B. 1989. *Mixed Economies in Focus: Zambia*. London: Institute for African Alternatives
- UNDP/ OECD. 1997. *World Development Report*. Oxford: Oxford University Press
- USAID. 2007. *Zambia Threshold Project; Performance Management Plan*. Lusaka: USAID

USAID. 2006. *Zambia Threshold Project; Second Quarterly Report*. Lusaka: USAID

Woldring, K. 1984. 'Survey of Recent Inquiries and their Results' in K. Woldring and C. Chibale (eds), *Beyond Political Independence: Zambia's Development Predicament in the 1980s*. Berlin: Mouton

APPENDICES

Appendix A: Questionnaire for Immigration Officials

THE UNIVERSITY OF ZAMBIA

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF POLITICAL AND ADMINISTRATIVE STUDIES

QUESTIONNAIRE for Immigration officials

Identification No.....

Dear Respondent,

This questionnaire is for a post-graduate research project in the Department of Political and Administrative Studies. The aim of this study is to establish the factors which contribute to corruption in the Department of Immigration, and suggest solutions to the problem. The information obtained from you will be treated with optimum confidentiality, and will be used exclusively for academic purposes.

You may write (bottom right corner) or not write your name on this document. Your co-operation will be highly appreciated.

Thank you.

Your Name (optional):

Indicate your answer by ticking in the empty box [✓]

SECTION A: PERSONAL INFORMATION

- | | |
|---|---|
| 1. What is your rank?
----- | 2. What is your station?
----- |
| 3. Level of education. <i>Pick one option only</i>
(i) School certificate []
(ii) College certificate []
(iii) Diploma []
(iv) University degree []
(v) Post-University degree [] | 4. Number of children and dependants
..... |

SECTION B: CONDITIONS OF SERVICE

- | | |
|---|--|
| 5. How much is your take-home salary?
(i) K300,000.00-K1,000,000.00 []
(ii) K1,000,000.00-K2,500,000.00 []
(iii) K2,500,000.00-K4,000,000.00 []
(iv) K4,000,000.00-above | 6. Is transport provided to and from your workplace?
YES []
NO []
Own Transport []
N/A [] |
| 7. If 'NO' in (6), do you get transport allowance?

YES []
NO [] | 8. Are you accommodated by the Department?
YES []
NO []
Own Accommodation [] |
| 9. If "NO" in (8) do you get housing allowance?
YES []
NO [] | 10. If you receive housing allowance, how much is it per month?
----- |
| 11. If the Department rents a house for you, are rentals paid in time?

YES []
NO [] | 12. How much is your house rental entitlement per month?
(i) K500,000.00-K1,000,000.00
(ii) K1,000,000.00-K2,500,000.00
(iii) K2,500,000.00-K4,000,000.00
(iv) K4,000,000.00-above |

13. Do you meet part of the rental payments from your own pocket?

YES []
NO []

14. What other allowances do you get?

- (i) -----
- (ii) -----
- (iii) -----
- (iv) -----
- (v) -----

SECTION C: IMMIGRATION OPERATIONS

15. How many clients do you attend to in a day?
.....

16. Most applicants for permits and other services from your Department want to obtain them very quickly. Have you ever been asked for a favour by a client before?
YES []
NO []

17. How long, in your opinion, does it take to process and issue a permit like an employment permit? *Choose one option.*

- (i) Two weeks []
- (ii) Three weeks []
- (iii) One month []
- (iv) Two-six months []
- (v) More than six months []

18. How long does it take to renew a self-employment permit? *One option*

- (i) 1-2 months []
- (ii) 2-4 months []
- (iii) 4-6 months []
- (iv) 6 months-one year []
- (v) More than one year []

19. There are general complaints about delays and difficulties in acquiring permits from Immigration. What do you think mostly delays applications for permits? *Choose one answer.*

- (i) Too many stages involved in approving applications (bureaucracy) []
- (ii) Shortage of staff to process applications []
- (iii) Many applicants submit insufficient documents []
- (iv) Lack of modern equipment like computers []
- (v) Other (specify)-----

20. Elaborate more on your answer in question (19)

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

Appendix B: Questionnaire for members of the public

THE UNIVERSITY OF ZAMBIA
SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF POLITICAL AND ADMINISTRATIVE STUDIES

QUESTIONNAIRE for members of the public

Identification No.....

Dear Respondent,

This questionnaire is for a post-graduate research project in the Department of Political and Administrative Studies. The aim of this study is to establish the factors which contribute to corruption in the Department of Immigration, and suggest solutions to the problem. The information obtained from you will be treated with optimum confidentiality, and will be used exclusively for academic purposes.

You may write (bottom right corner) or not write your name on this document. Your co-operation will be highly appreciated.

Thank you.

SECTION A: PERSONAL PARTICULARS

1. Full Name (*optional*).....
2. Occupation:
3. Town/City of Residence:
4. Nationality:

SECTION B: CORRUPTION AT IMMIGRATION DEPARTMENT

Choose only one answer.

5. Have you, personally, ever encountered corruption advances from any Immigration officials?
Yes [] No []
6. If 'Yes', what was demanded by the official?
.....
7. Did you meet that demand?
Yes [] No []
8. If 'No' above, what happened?
.....
9. Do you know of someone else who experienced corruption advances from immigration officials?
Yes [] No []
10. If it was about money, how much was demanded?
.....
11. Was that amount paid?
Yes [] No []
12. In your view, how long does it take to acquire a permit from the Immigration Department? *Pick one option only.*
 - (i) One –Two months []
 - (ii) Two – Six months []
 - (iii) Six months – one year []
 - (iv) One year and above []

13. Do you think it could be faster to obtain such permits or indeed any other service if one offered some money or 'gift' to the officials?

Yes [] No []

14. Have you personally experienced delays in acquiring an Immigration permit?

Yes [] No []

15. If 'Yes' above, give details.

.....
.....

16. Why, in your opinion, are these applications delayed?

.....
.....

17. How do you classify the service you received at the Immigration Department?

Good [] Poor []

18. Do you think this service can improve if you give the officers some gratification?

Yes [] No []

17. State any Immigration requirements which in your opinion lead to corruption?

.....
.....

18. How do you rate the Immigration clearing procedures at the borders?

Very good []

Good []

Average []

Poor []

Very poor []

19. If 'Poor' or 'Very Poor', do you think it contributes to corruption?

Yes [] No []

20. Have you ever heard of any corruption cases in the Department of Immigration?

Yes [] No []

21. If 'Yes' above, what in your view is the type of corruption dominant in the Department of Immigration? *Pick one answer only*

(i) Embezzlement []

(ii) Fraud []

(iii) Bribery []

(iv) Extortion []

(v) Favoritism []

22. Give reason(s) for your answer above

.....
.....

23. How do you rate the competence of Immigration officials?

Very good [] Good [] Average [] Poor [] Very poor []

24. How do you rate corruption in the whole Department of Immigration in Zambia?

Very high [] High [] Average [] Low [] Very low []

25. What do you think should be done to reduce corruption in the Department of Immigration?
Pick one option only.

- (i) Stiffen punishment for corrupt officials. []
- (ii) Increase powers of law-enforcement agencies like the ACC. []
- (iii) Improve salaries and general conditions of service for staff. []
- (iv) Reduce discretionary powers for officials. []
- (v) Other (specify).....

26. What in your view is the main factor which contributes to corruption in the Department of Immigration?

Thank you.

Appendix C: Interview Schedule - Immigration Informant

1. How many officers and non-uniformed staff have been dismissed from the Department because of corruption over the past ten years?
2. In general, can you give some insights in the various dismissal cases you have just discussed? Without giving any particular names of erring officers, give a typical example of one of these cases, giving specific amounts or figures involved in whatever transactions took place.
3. Corruption can be attributed to various causes. In the experience of your institution, what are some of the reasons why corruption persists among your officers despite several deterrent efforts from many quarters?
4. Would you give a general context of corruption in the Immigration Department from the perspective of operations at Headquarters, Regional Formations, internal controls, and its nature vis-à-vis boarder controls?
5. How big is the problem of corruption in Immigration?
6. How does it affect your operations?
7. State some of the measures you are implementing to counter corruption in your organization?
8. How successful hitherto are these measures?
9. One area where you have been accused of inefficiency is the issuance of permits. Do you know of any unnecessary bottle-necks on the part of your Department in terms of processing and issuance of various permits, for instance some of the requirements?
10. As far as your Department is concerned, who usually initiates the process of corruption between the officer and the client or member of the public?
11. State any loopholes in your general policy and operations, which allow for the manifestation of corruption.

END OF INTERVIEW, THANK YOU.

Appendix D: Interview Schedule - ACC Informant

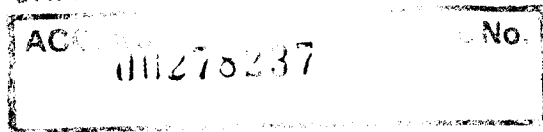
1. From the experience of your organization, what is the rate of corruption in the Department of Immigration, especially as measured against other public institutions?
2. Can you explain the nature of corruption cases the ACC encounters from the Department of Immigration? What, in the perspective of your organization, are the most frequent cases you encounter?
3. As an organization charged with the responsibility of fighting corruption in Zambia, you must have investigated some of the reasons why this problem is so worrisome in some institutions. Have you established any factors which breed corruption particularly in the Department of Immigration?
4. A lot of sensitization campaigns against corrupt practices have been carried out by many watch-dog institutions like yours and several other civil society organizations. A lot of people have also been prosecuted and convicted over corruption offences both in the public and private sectors. In addition to this, the current government has shown and exercised considerable political will towards the fight against corruption. Why do you think the problem still persists in organizations like the Immigration Department despite all these deterrent mechanisms?
5. Generally, corruption is not easy to curb or minimize, especially in cases where it is pervasive and endemic. How, as an organization, do you think corruption can be best mitigated in the Department of Immigration?
6. In most of the cases of corruption you have experienced in the Immigration Department, who between the Immigration official and the client or member of the public usually initiates the corruption process?
7. Are there any specific measures you are implementing to fight corruption in the Zambian bureaucracy in general and Immigration Department in particular?
8. The public have complained about difficulties in acquiring permits from Immigration. What do you think are some of the major unnecessary bottle-necks in acquisition of these permits?
9. What have you established as some of the major causes of corruption among Immigration officers at borders?
10. In a nutshell, can you identify some of the main Immigration procedures which mostly have loopholes for corrupt practices?
11. How many cases of corruption in the Immigration department have you as ACC investigated over the past 5 years? How many arrests, prosecutions and convictions have

you achieved during the same period vis-à-vis corruption in the Department of Immigration? What about mere complaints during that period?

END OF INTERVIEW, THANK YOU.

Appendix E: Interview Schedule – TIZ Informant

1. From the point of view of Transparency International Zambia, how do you rate corruption in the Department of Immigration, especially as measured against other public institutions?
2. TIZ has carried out substantial research and investigations over corruption matters particularly in public organizations. Would you describe the nature of corruption in the Department of Immigration in particular, and the whole bureaucracy in general? What are the most frequent forms of corruption prevailing at Immigration?
3. In the perspective of your organization, what are the main factors which contribute to corruption in the Department of Immigration?
4. A lot of sensitization campaigns against corrupt practices have been carried out by many watch-dog institutions like TIZ and many others, both from government and the civil society. The current government has comparatively shown and exercised more political will towards the fight against corruption. As a result, more people have been prosecuted and sometimes convicted over related offences both in the public and private sectors. Why, do you think, the problem of corruption still persists in institutions like the Immigration Department despite all these deterrent mechanisms?
5. Generally, corruption is not easy curb or minimize, especially in cases where it has reached pervasive and endemic levels. How as TIZ do you think corruption can be best mitigated in the Immigration Department?
6. From the experience of your organization, who between the Immigration official and the client or member of the public usually initiates the corruption process?
7. Your organization is mostly criticized for producing statistics which generally indicate that corruption in Zambia is very high e.g. through the corruption perception indexes. Are there any particular measures TIZ is implementing to help fight corruption in the Zambian bureaucracy in general and the Immigration Department in particular?
8. One area where the public have complained about inefficiency in the Department of Immigration has to do with the acquisition of various permits. Do you know of any bottle-necks in the acquisition of Immigration permits which can easily breed corruption?
9. In your opinion, what are some of the major causes of corruption among Immigration staff at the borders?



END OF INTERVIEW, THANK YOU

Appendix F: Nationalities of Respondents; Members of the Public

Nationality	No. of Respondents
Zambians	36
Nigerians	7
Ugandans	6
Indians	10
Lebanese	1
Zimbabweans	9
Tanzanians	2
Congolese	5
Rwandese	3
Burundese	3
South Africans	3
Namibians	1
Kenyans	1
Malawians	1
Pakistanis	2
British	2
Liberians	1
Italians	1
Danes	1
Ethiopians	3
Not indicated	2
Total	100

Appendix G: Measures suggested by members of the public to curb corruption in ID

