

**GUIDELINES FOR FORMULATING QUESTIONS TO INTERVIEW  
APPLICANTS OF IDENTITY DOCUMENTS**

by

**CHRISTOPHER MABASA**

Research proposal in part fulfillment of the requirements for the degree of

**MAGISTER TECHNOLOGIAE**

in the subject

**FORENSIC INVESTIGATION**

at the

**UNIVERSITY OF OF SOUTH AFRICA**

**SUPERVISOR: DR JS HORNE  
CO-SUPERVISOR: DR NJC OLIVIER**

**FEBRUARY 2016**

## DECLARATION

**STUDENT NO.:36796174**

I, Christopher Mabasa, declare that “Guidelines for formulating questions to interview applicants of identity documents” is my own work and that all the sources that I have used or quoted have been indicated and acknowledge of complete references.

*Mabasa C*

2016-06-30

**C MABASA**  
**Signature**

**DATE**

## **ACKNOWLEDGEMENTS**

My honour goes to God the Almighty, who showed me the way and never let go of my hand.

I sincerely also want to acknowledge and thank the following people for their contribution towards this research project:

- My supervisors, Dr. J Horne and Dr. NJC Olivier, for their devoted guidance and support in this research project.
- Mrs. Marlette Van der Merwe for her guidance and support in editing this dissertation.
- Mrs. Jenny Seagreen, for the formatting, layout and technical editing of this research document
- My late mother Mamaila Hobyane Mabasa who passed away in 2011, my father Hlengani Wilson Mabasa, my wife Tsakani Sylvia Rhangani Mabasa, and all my children, for their love, support, patience, and for being there for me during difficult times of this project.
- The Department of Home Affairs, for authorising and giving me written permission to conduct this research.
- Mr. Mkhize (Director Home Affairs) and Mrs. Bella Silulwana (Chief Director Department of Tourism) for the role in approval of my letter to conduct research at Home Affairs.
- All participants from Department of Home Affairs for taking the time to participate in this research project in a positive manner.
- UNISA, for affording me an opportunity to develop my knowledge and experience through this research.

## **ABSTRACT**

The aim of this research is to investigate guidelines for formulating questions to interview applicants of identity documents, for the use of the Department of Home Affairs (DHA) officials during the interviewing of applicants of identity documents.

The research further intends to share and introduce a number of important concepts, namely: Interviewing, Crime Investigation, Information, Identity Document, Immigration Officer, Department, and Case File.

The research will explain the objectives of investigation and guidelines for developing proper questions for use by officials of the DHA, to test information on new applicants of identity documents. The object of the investigation is to obtain information to prove the correct techniques on how to interview applicants of identity documents.

It further explains that criminal investigation can be defined as the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible. Interviewing is defined as the process of gathering testimonial evidence through interviewing, and it has a predetermined objective, namely discovering the truth about the matter under investigation.

It is also explained that during guidelines for formulating relevant questions to use to enable the official or immigration officer to formulate test questions that are clearly understood better by DHA. The relevant questions should be formulated by DHA officials, so that the questions get to the heart of the issue. This can enable the official to avoid applicants submitting fraudulent documents which could later result in litigation. The research will assist in decreasing the high rate of corruption, and also litigation, as these represent the main problem of the research.

## **KEY CONCEPTS**

Interviewing, crime investigation, information, identity document, questions, questioning, application, fraud, immigration officer, department, crime and case files.

## LANGUAGE EDITOR

18 November 2015

I, Marlette van der Merwe, 4802060118085, hereby certify that I have edited the text and list of references of the master's dissertation, "Guidelines for formulating questions to interview applicants of identity documents", by Christopher Mabasa, according to the version of the Harvard reference method that was used by the Unisa School of Criminal Justice between 2004 and 2014.

A handwritten signature in black ink, appearing to read 'Marlette van der Merwe'. The signature is cursive and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

Marlette van der Merwe

BA (English), HDipLib (UCT)

## **LIST OF ABBREVIATIONS**

ID	Identity Document
DHA	Department of Home Affairs
SASA	South African Security Agency
UNISA	University of South Africa
SAPS	South African Police Service
SADF	South African National Defence Force
SA	South Africa

## **LEGISLATION RELATING TO DEPARTMENT OF HOME AFFAIRS ACTS**

- South African Immigration Act 13 of 2002 (as amended in 2004)
- Regulations made in terms of Immigration Act 13 of 2002
- South African Identification Act 68 of 1997 (as amended in 2013)
- Regulations made in terms of Identification Act 68 of 1997
- South African Marriage Act 25 of 1961 (as amended in 2015)
- Regulations made under Marriage Act 25 of 1961
- South African Citizenship Act 88 of 1995 (as amended in 2013)
- Regulations made in terms of South African Citizenship Act 88 of 1995
- South African Passport and Travel Documents Act 4 of 1994 (as amended in 2013)
- Regulations made in terms of the South African Passports and Travel Documents Act 4 of 1994
- South African Criminal Procedure Act 51 of 1977
- Constitution of the Republic of South Africa Act 108 of 1996
- South African Births and Deaths Registration Act 51 of 1992 (as amended in 2014)
- Regulations made in terms of the Births and Death Registration Act 51 of 1992
- The National Archives and Records Service Act 43 of 1996 (as amended in 1997)

## CONTENTS

DECLARATION.....	ii
ACKNOWLEDGEMENTS .....	iii
ABSTRACT .....	iv
KEY CONCEPTS .....	v
LANGUAGE EDITOR.....	vi
LIST OF ABBREVIATIONS.....	vii
LEGISLATION RELATING TO DEPARTMENT OF HOME AFFAIRS ACTS .....	viii
LIST OF TABLES.....	xiii
<b>CHAPTER 1: GENERAL ORIENTATION.....</b>	<b>1</b>
1.1 INTRODUCTION .....	1
1.2 RESEARCH PROBLEM .....	1
1.3 RESEARCH AIMS .....	2
1.4 PURPOSE OF THE RESEARCH .....	3
1.5 RESEARCH QUESTIONS.....	3
1.6 KEY CONCEPTS .....	4
1.6.1 “Interviewing” .....	4
1.6.2 “Crime investigation” .....	4
1.6.3 “Information” .....	4
1.6.4 “Identity Document” .....	4
1.6.5 “Questions” .....	4
1.6.6 “Fraud” .....	4
1.6.7 “Questioning” .....	5
1.6.8 “Crime” .....	5
1.6.9 “Applicant” .....	5
1.6.10 “Application” .....	5
1.6.11 “Immigration officer” .....	5
1.6.12 “Department” .....	5
1.6.13 “Case file” .....	6
1.7 RESEARCH DESIGN AND APPROACH .....	6
1.7.1 Research design .....	6
1.7.2 Research approach.....	7
1.8 TARGET POPULATION AND SAMPLING .....	8
1.8.1 Population .....	8

1.8.2	Sampling.....	9
	1.8.2.1 <i>Simple random sampling</i> .....	10
	1.8.2.2 <i>Purposive sampling</i> .....	11
1.8.3	Selection of case files .....	12
1.9	DATA COLLECTION .....	12
1.9.1	Literature.....	13
1.9.2	Interviews.....	14
	1.9.2.1 <i>Plan the questions in advance</i> .....	14
	1.9.2.2 <i>Make sure the interviews are representative of group</i> .....	15
	1.9.2.3 <i>Find a suitable location</i> .....	15
	1.9.2.4 <i>Obtain permission</i> .....	16
	1.9.2.5 <i>Focus on the actual rather than on the abstract or hypothetical</i> .....	16
	1.9.2.6 <i>Avoiding putting words in people’s mouths</i> .....	17
	1.9.2.7 <i>Record responses verbatim</i> .....	17
	1.9.2.8 <i>Keep your reactions to yourself</i> .....	17
	1.9.2.9 <i>Remember that you are not necessarily getting the facts</i> .....	17
1.9.3	Case file analysis .....	18
1.10	DATA ANALYSIS .....	18
1.11	SUMMARY OF BACKGROUND INFORMATION FROM PARTICIPANTS .....	19
	1.11.1 The backgrounds of samples “A1” and “A2” .....	20
	1.11.2 The backgrounds of samples “B1”, “B2” and “B3” .....	20
1.12	METHODS TAKEN TO ENSURE VALIDITY .....	21
	1.12.1 Validity of data generation methods.....	21
	1.12.2 Validity of interpretation .....	22
1.13	METHODS USED TO ENSURE RELIABILITY.....	23
1.14	ETHICAL CONSIDERATIONS .....	24
	1.14.1 Protection from harm .....	25
	1.14.2 Informed consent .....	25
	1.14.3 Right to privacy .....	26
	1.14.4 Honesty with professional colleagues .....	26
1.15	CHAPTER LAYOUT .....	26
	1.15.1 Chapter 1: General orientation.....	27
	1.15.2 Chapter 2: Objectives of investigation.....	27
	1.15.3 Chapter 3: Guidelines for developing proper questions .....	27
	1.15.4 Chapter 4: Findings and recommendations .....	27
	<b>CHAPTER 2: OBJECTIVES OF INVESTIGATION .....</b>	<b>28</b>
2.1	INTRODUCTION .....	28
2.2	CRIMINAL INVESTIGATION.....	29

2.3	OBJECTIVES OF INVESTIGATION .....	30
2.4	FUNCTIONS OF IMMIGRATION OFFICERS .....	35
2.5	THE MEANING OF CASE FILE .....	37
2.6	CRIMES NORMALLY COMMITTED BY APPLICANTS OF IDENTITY DOCUMENTS .....	39
2.7	IDENTITY DOCUMENTS .....	40
2.8	INTERVIEWING .....	42
2.9	PURPOSE OF INTERVIEWING .....	44
2.10	PROCESS AFTER IDENTIFYING A CRIMINAL ACTIVITY .....	46
2.11	POWERS OF ARREST .....	49
2.12	FRAUD .....	51
2.13	THE ELEMENTS OF FRAUD .....	53
2.14	SUMMARY .....	55
 <b>CHAPTER 3: GUIDELINES TO DEVELOP QUESTIONS .....</b>		<b>57</b>
3.1	INTRODUCTION .....	56
3.2	QUESTIONING .....	56
3.3	BASIC RULES FOR QUESTIONING .....	59
3.4	REQUIREMENTS FOR FORMULATING A GOOD QUESTION .....	61
3.5	RIGHT TO INTERVIEW AN APPLICANT .....	63
3.6	DIFFERENT TYPES OF QUESTIONS .....	64
3.7	GUIDELINES FOR FORMULATING RELEVANT QUESTIONS TO USE WHEN INTERVIEWING APPLICANTS FOR IDENTITY DOCUMENTS .....	68
3.8	EFFECTIVE QUESTIONS .....	73
3.9	SUMMARY .....	74
 <b>CHAPTER 4: FINDINGS AND RECOMMENDATIONS .....</b>		<b>76</b>
4.1	INTRODUCTION .....	76
4.2	FINDINGS .....	76
4.2.1	Primary findings on Research Question 1: Objectives of investigation .....	76
4.2.2	Primary findings on Research Question 2: Guidelines for developing proper questions for applicants of identity documents .....	77
4.3	SECONDARY FINDINGS .....	78
4.3.1	Functions of immigration officers .....	78
4.3.2	Criminal investigation .....	78
4.3.3	Crimes normally committed by applicants for identity documents .....	79
4.3.4	Identity documents .....	79
4.3.5	Interviewing .....	79
4.3.6	Purpose of interviewing .....	80
4.3.7	Process to follow after identifying a criminal activity .....	80

4.3.8	Powers of arrest.....	81
4.3.9	Fraud .....	81
4.3.10	Elements of fraud.....	81
4.3.11	Questioning.....	82
4.3.12	Basics rules for questioning .....	82
4.3.13	Requirements for good questions .....	82
4.3.14	Right to interview an applicant .....	83
4.3.15	Types of questions that could be asked of applicants.....	84
4.3.16	Effective questions.....	84
4.4	RECOMMENDATIONS .....	85
4.4.1	Training.....	85
4.5	CONCLUSIONS .....	86
LIST OF REFERENCES .....		87
ANNEXURE A: INTERVIEW SCHEDULE: IMMIGRATION OFFICERS .....		97
ANNEXURE B: PURPOSIVE INTERVIEW SCHEDULE: COUNTER-CORRUPTION OFFICERS .....		101
ANNEXURE C: REQUEST LETTER TO THE DEPARTMENT OF HOME AFFAIRS.....		104
ANNEXURE D: APPROVAL LETTER FROM DEPARTMENT OF HOME AFFAIRS.....		106

## LIST OF TABLES

Table 2.1: Comparison of objectives of crime investigation and Immigration Act .....	37
Table 3.1: Types of questions: definitions and examples.....	66

## **CHAPTER 1**

### **GENERAL ORIENTATION**

#### **1.1 INTRODUCTION**

The Department of Home Affairs (DHA) is the custodian of identity of all South African citizens, critical to which is the issuing of birth, marriage and death certificates, identity documents (ID) and passports, as well as citizenship, naturalisation and permanent residency certificates. This extends beyond merely issuing documents, and encompasses the safe maintenance and archiving of biometric and demographic records of citizens and residents of the country. The DHA is also responsible for the effective, secure and human management of immigration (South Africa ..., 2012a). Giese and Smith (2007:7) add that the DHA has two core responsibilities, namely to facilitate the movement of people in and out of the country (immigration services), to administer citizenship, and to provide enabling documents to South African citizens (civic services). The statistics (South Africa ..., 2012a) show that immigration officers from the DHA do not understand anything about 'guidelines for formulating questions' to pose to applicants during interviews for IDs. This is based on litigation instituted by those applicants who have resorted to legal action on several counts. Section 2(1) of the Immigration Act 13 of 2002 gives the power to immigration officers to interview applicants of IDs before finalisation of application, if the front office clerks detect any form of criminal activity.

The immigration officers represent the law enforcement of the DHA, appointed in terms of Section 33(1) of the Act, which includes immigration officers, determined by the Minister. Further, according to Section 33(4)(b), an immigration officer may, for the purpose of this Act, by notice in writing, call upon any person who is in possession of, or has the custody of, or control over, anything which, in the opinion of the Department is relevant to the investigation, to produce such thing within a reasonable time.

#### **1.2 RESEARCH PROBLEM**

The researcher observed, from perusing the DHA statistics (South Africa ..., 2012b), that the Department loses a great deal of money in lawsuits. The

researcher also noted that lawsuits to the value of R46,3 million have emanated from the applications for IDs, wherein duplicate IDs have been produced, leading to individual or legitimate holders ending up issuing a complaint or filing a lawsuit, upon realising that another individual is sharing an ID number with them (South Africa Government News Agency, 2012).

One such example can be found in the case of *Nonceba Grace Mantshongo v Minister of Home Affairs* 943/11 in the Eastern Cape High Court, Port Elizabeth. In this case, the applicant filed a lawsuit because of a duplicate ID which she found she was sharing with a foreigner. It has been observed that immigration officers, as investigators for the Department, when interviewing applications from the front office clerk, do not value the importance of guidelines for formulating questions if criminal activity is suspected.

In the abovementioned case, because the right questions were not asked, the immigration officer failed to notice that the applicant was not South African, but a foreigner. The researcher surmises that some of this litigation could be the result of immigration officers not being careful enough in questioning applicants who apply for IDs.

The importance of this study lies in formulating guidelines for officials to use when interviewing to avoid lawsuits. This could relieve the Department of the problem of civil claims or litigation. The researcher perused the current DHA training manual for law enforcement in immigration certificates, in order to establish what training was being given in interviewing skills. He established that no training was being given either in interviewing or in the developing of relevant questions.

### **1.3 RESEARCH AIMS**

According to Hofstee (2006:86), a researcher needs to make it clear from the outset what is to be achieved by the research. The aim of this study is to research guidelines for formulating questions to interview applicants for identity documents, for use by DHA officials during the interviewing of applicants for identity documents.

## **1.4 PURPOSE OF THE RESEARCH**

Denscombe (2002:27) states that there are several purposes for conducting research – one of them being the desire to solve a practical problem or to improve procedures.

The first purpose of this research was to evaluate the questioning skills of immigration officers, to identify their strengths and weaknesses, and consider how these should be improved when conducting interviews and questioning applicants of IDs.

The second purpose of the research was to consult national and international literature, and search for guidelines for developing proper questions, and find new information which could be used by immigration officers of the DHA, to test information on new applications for IDs, and assist in converting their current weaknesses into strengths.

The third purpose was to make recommendations to the DHA, to include guidelines for formulating questions to interview applicants of identity documents, in the DHA's training material, based on new information found in the literature.

The fourth purpose was to ultimately empower DHA officials in their capacity as interviewers. The researcher would therefore make an application for the information to be published and placed in the DHA library, and also present the study both to the officials and to stakeholders such as the South African Social Security Agency (SASSA), Unisa, and the community.

## **1.5 RESEARCH QUESTIONS**

Research questions are used to state, as precisely as possible, what the study will attempt to determine (Hofstee, 2006:85; Flick, 2009:90). The researcher formulated the following questions, in order to address the research problem:

- i) What are the objectives of investigation?
- ii) What are the guidelines for developing proper questions for use by officials of the DHA, to test information in new applications for identity documents?

## **1.6 KEY CONCEPTS**

Key concepts are “*identifier words that capture the essence of what the report is all about*” (Denscombe, 2002:324). The key concepts of this study are defined as follows:

### **1.6.1 “Interviewing”**

Yeschke (1997:173) defines this concept as a process of gathering testimonial evidence through interviewing, and it has a predetermined objective, namely discovery of the truth about the matter under investigation.

### **1.6.2 “Crime investigation”**

Crime investigation can be defined as the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible? (Bennett & Hess, 2013:8).

### **1.6.3 “Information”**

According to O’Hara and O’Hara (2003:7), information is knowledge which the investigator gathers from other persons.

### **1.6.4 “Identity Document”**

An identity document (ID) (also called a piece of identification, or ID, or, colloquially, one’s ‘papers’) is any document which may be used to verify aspects of a person’s personal identity (Giese & Smith, 2007:18).

### **1.6.5 “Questions”**

According to *The Free Dictionary* (2014), a question is “*a sentence, phrase or gesture that seeks information through a reply*”.

### **1.6.6 “Fraud”**

Fraud is the unlawful and intentional making of a misrepresentation, with fraudulent intent, which causes actual prejudice, or which is potentially prejudicial to another (Joubert, 2012:158).

### **1.6.7 “Questioning”**

Questioning, as it is used in a research interview, is defined as a direct or implied request for the interviewee to think about a particular matter (Yeschke, 1997:174).

### **1.6.8 “Crime”**

Crime can be defined as unlawful and blameworthy conduct for which punishment is prescribed (Joubert, 2012:44).

### **1.6.9 “Applicant”**

According to *Collins English Dictionary* (2014:85), an applicant is a person who applies for or requests something, or a candidate, or an applicant for a position.

### **1.6.10 “Application”**

In terms of Section 1(1)(ii) of Immigration Act 13 of 2002, as amended by Immigration Amendment Act (2004) an “*application*” refers to a request in the *prescribed* form which complies with the requirements and provides the information and documentation which may *prescribe* (South Africa, 2002).

### **1.6.11 “Immigration officer”**

In terms of Section 1(1)(xx) of the Immigration Act, an “*Immigration officer*” means an officer of the Department, or person having the prescribed requirements, appointed as such from time to time by the Department, and, for the purposes of this Act, includes a person employed in, or contracted by, the Department, who has been authorised by the Department to exercise certain powers and perform certain functions in the name of, and on behalf of, the Department.

### **1.6.12 “Department”**

In terms of Section 1(1)(x) of the Immigration Act, “*Department*” means the Department of Home Affairs.

### **1.6.13 “Case file”**

A file that contains documents that relate to a specific, time-limited entity, such as a person, event, project or organisation (*The Free Dictionary*, 2014).

## **1.7 RESEARCH DESIGN AND APPROACH**

### **1.7.1 Research design**

Welman and Kruger (2001:182–183) state that a research design is the plan according to which one obtains research participants, and collects information from them to investigate the research problem. The research design consists of a clear statement, giving the research problem as well as the procedure for gathering and interpreting the observations intended to provide some resolution to the problem (Singleton & Straits, 1999:91). The researcher used an empirical research design, since it involves going into the field and focusing on the personal experience of the participants in the study (Mouton, 2001:149). The researcher further after discovers that there is no information in literature available to solve the problem, the researcher force to go to knowledgeable immigration officers to gather the applicable information. An empirical design is the production of knowledge, based on experience or observation (Maxfield & Babbie, 1995:4).

The researcher used an empirical research design, in order to obtain a study that was qualitative in nature, and which aimed at providing an in-depth description of a group of people or community (Mouton & Marais, 1990:193). The study also involved the researcher collecting his own data, and the analysis of existing data (Mouton, 2001:xiii). Denscombe (2002:6) defines an empirical design as a design or process of getting out of one’s office and chair to gather information in the field.

This type of study also involves direct contact with relevant people (Denscombe, 2007:72). There was limited information in the literature that related to both question formulation during the objectives of investigation, and guidelines for developing proper questions for use by immigration officers of the DHA, to test information on new applications for identity documents. The researcher there-

fore opted to follow an empirical design, so as to gather more information from individuals through interviews and case file analysis, in order to address the research questions and aims. Since they constituted the views of individual measurements, they could not be standardised, and the collection and analysis of data might have been time consuming (Mouton, 2001:150).

Nevertheless, the researcher intended to address these limitations through an in-depth literature review, although relevant literature on the topic was, as already pointed out, scarce. Maxfield and Babbie (1995:4) believe that empirical research is one way of discovering things about crime and criminal justice. The empirical research design for this study included a thorough literature study, as well as face-to-face interviews with immigration officers who deal with applications for IDs at the DHA, in order to investigate the problem, as described by Mouton (2001:56). The study also further use case studies as refer as studies that usually qualitative in nature and that aim to provide an in depth description of small number (less than 50) of cases, it applies on the organisations where the cases were selected for judgement sampling, where semi-structure interviewing were use as (individual and focus group) use of documentary sources and other existing data (Mouton, 2001:149-150). The researcher selected 36 case files from the DHA Head Office simple randomly, for the period 01 April 2012 to 01 April 2013; the first three (3) files of each month were selected.

### **1.7.2 Research approach**

The researcher also used a qualitative approach, as described by De Vos, Strydom, Fouché and Delport (2011:298). His decision stemmed from the fact that qualitative research is viewed as discovering a new field, or exploring areas that are new (Flick, 2009:48). Qualitative research is exploratory, and a researcher ought to listen to participants, in order to compile a complete picture based on their ideas and personal experience (Creswell, 1994:21).

By using a qualitative approach, an attempt was made to understand the value of guidelines for formulating questions for interviewing ID applications, from an immigration officer's point of view. Primary data was collected by means of an in-depth literature study (Mouton, 2001:69), in order to address the research

problem. The researcher also collected information from immigration officers by means of interviews. The researcher targeted immigration officers who deal with applications for IDs, and who interview the applicants for further investigation, after receiving them from the front office, if the front office clerk has any suspicions of fraud or any other criminal activities.

## **1.8 TARGET POPULATION AND SAMPLING**

### **1.8.1 Population**

The term 'population' is a collection of objects, events or individuals having some common characteristic that the researcher is interested in studying (Mouton, 2009:134). A population is the larger pool from which sampling elements are drawn, and to which one wants to generalise one's findings (Terre Blanche, Durrheim & Painter, 2010:133). Welman and Kruger (1999:47) indicate that the term 'population' refers to study objects, which may be individuals, groups, organisations, human products, events, or conditions to which they (the population) are exposed.

The population of this research was the DHA, consisting of all officials in the following provinces: Gauteng, KwaZulu-Natal, Mpumalanga, Eastern Cape, Northern Cape, North West Province, the Free State and Limpopo. The researcher realised, however, that the total DHA could not be studied, because it was too large. The ideal population for the research should have been all immigration officers of the DHA who work as investigators and interview applicants of IDs, before processing whether criminal activities have been identified. Moreover, measuring the population could destroy or change the units, or affect the subsequent state (Seaman, 1987:365). The size of the population, the cost in terms of time and money necessary to observe all the elements, and the difficulty of being able to observe all the subjects, made the study of the total population unfeasible. The population for the study was that group of people about whom the researcher wished to draw conclusions.

Welman and Kruger (2005:119) reveal that a target population is the population to which researchers would ideally like to generalise their results. The researcher decided to focus on Gauteng as target population, because the researcher works

in that province. In addition Gauteng is the province where the problem was identified. Good example In the case of Farah v S (A 153/2011)(2013) ZAGP JHC 216 (26 August 2013) the appellant was illegal procuring identity documents and like for foreign nationals who were not entitled to them. Gauteng was not scientifically selected but it was chosen as the problem was identified in that region. It proved to be more cost effective for the researcher, because it was not necessary to travel to all nine provinces.

Additionally, the problem was identified at both the Harrison Street and Pretoria Core offices, out of the eighty-eight (88) DHA offices in Gauteng (which are divided into five regions: Johannesburg, Soweto, Krugersdorp, Springs and Pretoria). The researcher used the simple random sampling technique to select two regions. In a simple random sample, each element has exactly the same chance of being selected, and the selection of each element is independent of the selection (Terre Blanche *et al.*, 2010:134). These authors further state that simple random sampling is an example of probability sampling.

The researcher took a hat, cut five pieces of paper, wrote down the names of the five regions, folded them, put them in the hat, shook the hat, and drew the names of two offices: Pretoria and Johannesburg. The information was therefore collected from officials of the DHA at the following regions: Johannesburg (Sample "A1") and Pretoria (Sample "A2"). Generalisability (also called external validity) is the extent to which it is possible to generalise from data and apply the research study to broader populations and settings (Terre Blanche *et al.*, 2010:91). The authors further state that generalisability is especially important when researchers either want to make universal theoretical claims, or aim to describe populations.

### **1.8.2 Sampling**

A sample comprises elements (or is a subset) of a population considered for actual inclusion in the study, or it can be viewed as a subset of measurements drawn from a population in which one is interested (Unrau, Gabor & Grinnell, 2007:279). A sample is studied in an effort to understand the population from which it has been drawn. Alternatively, a sample is a portion of a total set of ob-

jects, events or persons, from which a representative selection is made (Barker, 2003:380).

It is the researcher's understanding that a sample is studied in an effort to understand the population from which it has been drawn. Alternatively, a sample is a portion of a total set of objects, events or persons, from which a representative selection is drawn.

The Johannesburg Region (Sample "A1") consists of the following offices: DHA Harrison Street, Market Street, as well as the Alexandra, Germiston, Alberton, Nigel, Randburg and Edenvale offices.

The Pretoria Region (Sample "A2") consists of the following offices: Pretoria Core, Akasia, Mamelodi, Centurion, Temba, Mabopane, Cullinan and Pretoria BVR offices.

#### **1.8.2.1 Simple random sampling**

The researcher used simple random sampling to select the regions and offices where the study was to be conducted. Marlow (2005:139) states that simple random sampling is the easiest of the sampling methods, where each individual case in the population has, theoretically, an equal chance of being selected for the sample (Jackson, 2003:15).

The researcher took a hat, cut eight pieces of paper, and wrote down the names of all eight DHA offices which fall under the region of Johannesburg, as Sample "A1". He folded the papers, put them in the hat and shook the hat. Then he drew the name of the Harrison office. The Harrison office consisted of 25 immigration officers dealing with the interviewing and questioning of ID applicants. The researcher used the simple random sampling technique for the selection of officials for the study. He then cut 25 pieces of paper, wrote down the names of the officials, placed the pieces of paper in a hat, shook the hat, and drew 15 names to form Sample "A1".

The Pretoria region (Sample "A2") consisted of the following offices: DHA Pretoria Central Core, Mamelodi, Akasia, Centurion, Temba, Mabopane, Cullinan

and Pretoria BVR offices. The researcher used simple random sampling to select the office for the study (Marlow, 2005:139). The researcher took a hat, cut eight pieces of paper and wrote down the names of the DHA offices in the Pretoria region. He then folded the papers and put them inside a hat, shook the hat, and drew the name of Pretoria Central Core. Pretoria Central Core consists of 25 officials who deal with the interviewing and questioning of ID applicants. The researcher then used simple random sampling to select participants from the office. He took a hat, cut 25 pieces of paper, and wrote down the names of all the officials from the office. He then folded the papers, placed them in the hat, shook the hat, and drew 15 names to form Sample "A2".

### **1.8.2.2 Purposive sampling**

This technique is also called "judgmental sampling" (Rubin & Babbie, 2005:247). This type of sampling is based entirely on the judgment of the researcher, in that a sample is composed of elements that contain the most characteristic, representative or typical attributes of the population, that best serve the purpose of the study (Grinnell & Unrau, 2008:153).

The researcher used his own judgment, chose three investigators from the DHA Head Office Pretoria counter-corruption investigating unit, and used them as samples "B1", "B2" and "B3". The researcher selected "B1" and "B2" from the Johannesburg region – both of whom are responsible for investigation of all case files from the DHA Harrison Street office, and Sample "B3" from Pretoria region, who is responsible for all case files from DHA Pretoria Central Core.

### **1.8.3 Selection of case files**

A case file is a file that contains documents which relate to a specific, time-limited entity, such as a person, event, project or organisation (*The Free Dictionary*, 2014). For instance, the DHA case file is the file which contains the particulars of applicants of IDs, such as names and addresses of applicants of identity documents.

The researcher selected 36 case files from the DHA Head Office simple randomly, for the period 01 April 2012 to 01 April 2013; the first three (3) files of each month were selected.

## **1.9 DATA COLLECTION**

According to Leedy and Ormrod (2005:88), data is a manifestation of reality. There are two types of data: primary and secondary data. Primary data is often the most valid, the most illuminating, and the greatest truth manifestation (Leedy & Ormrod, 2005:89). Primary data is generated by a researcher who is responsible for the design of the study, and the collection, analysis and reporting of the data. This new data is used to answer specific research questions. Primary data is recognised by the fact that it is the outcome of direct contact between the researcher and the source (Blaikie, 2003:18). Secondary data is information collected by individuals, or agencies and institutions, other than the researcher themselves (Welman & Kruger, 2009:149). In addition, secondary data refers to newspaper articles, magazines and training manuals, personal document like diaries, autobiographies, reports and letters (Mouton, 2009:142).

The researcher collected multiple sources of information, which Leedy and Ormrod (2005:99) refer to as “triangulation”. These authors explain that triangulation of information sources is carried out in the hope that the sources will all converge in qualitative research. For instance, a researcher might engage in many informal observations in the field, conduct in-depth interviews, and then look for common themes that appear in the data gleaned from both methods. Triangulation can be used in qualitative research, in order to enhance the quality of the research.

In this research, the researcher made use of literature, interviews, case files and document reviews, as data collection techniques, in order to obtain more truthful data and avoid bias. The researcher decided on these collection techniques, as they were practical and would ensure that the researcher could distinguish clearly between what literature states and what is taking place in practice. The researcher considered these collection techniques to be the best under the circumstances, as the literature could be tested against the interviews.

### **1.9.1 Literature**

According to Terre Blanche *et al.* (2010:19), a literature study, used in the widest sense of the concept, involves the identification and analysis of information resources and/or literature relating to one's research project. An in-depth literature study was conducted by the researcher, in order to understand all the issues surrounding the topic. National and international sources in the field of civic services, migration, criminology and law, in the form of books, articles, theses and training material from the DHA, were consulted. Internet sources relating to the topic were also consulted, to obtain relevant information on what had been published on the topic.

The researcher specifically consulted Google Scholar for information on or related to his topic, but found none. The researcher then divided the topic into two variables – the first being the formulation of questions for interviewing, and the second being the application for identity documents and objectives of investigation. The researcher then searched the abovementioned variables for information that covered the topic, and that could provide answers to the research questions.

### **1.9.2 Interviews**

According to Champion (1993:146), an interview is verbal communication for the purpose of acquiring information. The researcher personally conducted individual, face-to-face interviews with participants who deal with applications for ID documents, from the DHA offices in Johannesburg and Pretoria, as these officials deal with the applications for new ID documents and have to interview the applicants. Since this is a qualitative study, data was collected by means of semi-structured interviews.

The researcher piloted the approved interview schedule with immigration officers from the two offices that were not selected as participants, as suggested by Denzin and Lincoln (1994:213), who state that a pilot study in qualitative research allows the researcher to focus on specific areas that may test certain questions. By testing the nature of questions in an interview schedule in the pilot study, it allows the qualitative researcher to test the questions for the main investigation.

Barker (2003:28) also defines a pilot study as a procedure for testing and validating an instrument by administering it to a small group of participants from the intended test population. However, Barker further warns that those who participate in the pilot study should not participate in the main inquiry.

The researcher followed the suggestions for conducting a productive interview, as proposed by Leedy and Ormrod (2005:147):

#### **1.9.2.1 *Plan the questions in advance***

The researcher made use of a semi-structured interview schedule, to gather information on questions of value, to be used in interviewing applicants for IDs. In a semi-structured interview, the researcher may follow the standard questions with one or more individually tailored questions, to obtain clarification or probe a person's reasoning (Leedy & Ormrod, 2005:184).

The researcher used various pre-planned interview questions, and also composed various other probing questions by requesting clarification of the issues under discussion, during the interview, to gather information and clarify issues of concern surrounding the research questions. The main aim was to gather first-hand, honest information about the topic. The questions were further determined by the aim and research questions of the research.

As the participants were immigration officers who were expected to understand the subject matter, the questions were put to the participants, and the researcher did not interfere with any of the responses. The questions were open-ended, in order to allow the participants to express their thoughts freely. Inbau, Reid, Buckley and Jayne (2013:50) describe an open question as one that calls for a narrative response. For example, open questions do not invite fabrication. Information volunteered during the response to an open question – for example, a subject's alibi, will probably all be truth – although perhaps incomplete.

#### **1.9.2.2 *Make sure the interviews are representative of the group***

The researcher justified the sample, by using a simple random sampling technique to choose the participants. In a random sample, each person in the universe has an equal probability of being chosen as a participant, and each

collection of the same size has an equal probability of becoming the actual participant, as long as they are members of the same universe (Mouton, 2009:36).

Probability sampling is based on randomisation, while non-probability samplings are done without randomisation (De Vos *et al.*, 2010:228). However, samples "B1", "B2" and "B3" were not representative, because they were selected by a non-probability sampling technique known as purposive sampling. Leedy and Ormrod (2005:206) state that in non-probability sampling, the researcher has no way of forecasting or guaranteeing that each element of the population will be represented in the sample. Furthermore, some members of the population will have little or no chance of being sampled. In addition, in purposive sampling, people or other units are chosen, as the name implies, for a particular purpose (Leedy & Ormrod, 2005:206). The researcher chose samples "B1", "B2" and "B3" for a particular purpose, as they were immigration investigators for the DHA.

#### **1.9.2.3 Find a suitable location**

According to the Technikon Pretoria's study guide for investigation of crime (Technikon Pretoria, 2002:45), an interview should take place at a venue away from people who are loitering, as that may disrupt the interview, and relevant information may not be provided as expected. The researcher requested a suitable, quiet place, conducive to private interviews, at both the DHA Pretoria Central Core and the Johannesburg Harrison Street offices, to conduct the interviews.

#### **1.9.2.4 Obtain permission**

The researcher obtained permission from the National Department of Home Affairs, Head Office, to do the research, and also obtained consent from each participant selected, before the interviews took place. According to Creswell (2009:89), in addition to this study, a researcher develops an informed consent form for participants to sign before they engage in the research. For instance, this form acknowledges that the participants' rights will be protected during data collection. As a standing rule, permission has to be granted by the participants before any interview is held with them. Permission is particularly required if

participants belong to an organisation, in which case the organisation grants permission for the interviews to be held.

Participants in this research consisted of 30 immigration officers who work at the DHA; therefore, all individual participants (30 participants) were willing to participate, after the purpose for the research had been explained to them. Permission was requested from, and granted by, the DHA, for immigration officers to be interviewed (see Annexures C and D). A letter granting their consent to participate in the research was discussed and signed by all participants before they took part in the interview (see Annexures A and B).

#### ***1.9.2.5 Focus on the actual rather than on the abstract or hypothetical***

The researcher posed questions which were simple and practical, linking and engaging the participants in a real situation. A list of questions was pre-planned, in the form of an interview schedule, to cover the main topic which was to direct the focus of the whole interview. Probing was undertaken where necessary, to clarify other factual information of relevance to the research questions and aims, and to allow participants to reflect further on the question of the value of interviews with applicants of IDs.

#### ***1.9.2.6 Avoiding putting words in people's mouths***

The participants were given the chance to express themselves without interruption. The researcher exercised his listening skills, in order to allow the flow of information. According to Brenner, Brown and Canter (1985:25), during probing, no suggestions or implying a particular answer to the participants is allowed; as such, the researcher used open-ended questions. Furthermore, the questions were put to the participants, and the researcher did not interfere with their responses. The researcher is a trainer for investigators, and also a former investigator himself, who understands interviewing skills. These were applied during this research, to gather facts and relevant information correctly.

#### ***1.9.2.7 Record responses verbatim***

The researcher made notes during the interviews, and used a tape recorder to record everything the participants said. Furthermore, no interpreter was used,

as there was no language barrier (Horgan, 2005:181). When the researcher was unclear about anything, follow-up questions were posed for clarity. The researcher, after gathering information by tape recorder, played it back to the participants, to confirm what was recorded or provided.

#### ***1.9.2.8 Keep your reactions to yourself***

The researcher did not show any surprise at, or disapproval of, anything mentioned by the participants during the research (Technikon Pretoria, 2002:42). Questions should be asked, no matter how embarrassing they are. This ensured that all questions were answered as clearly as possible.

#### ***1.9.2.9 Remember that you are not necessarily getting the facts***

As experienced, educated, confident and/or convincing as some of his participants were, the researcher always treated their responses as perceptions, rather than as facts. Initially, the participants' responses should be treated as perceptions, until proved by the researcher.

Based on the researcher's experience in interviewing, the researcher is aware of the fact that participants might not know the answers to the questions, and might try to change focus by giving unrelated answers. Therefore, when the participants did not know the answers, the researcher brought them back to the topic, and repeated the questions, in order to prove the responses of the participants.

### **1.9.3 Case file analysis**

According to DHA (South Africa, 2012), a case file is a file containing the individual's name, place and date of birth, physical appearance, occupation, names of, and relationships to, other family members, and also family history, which is used by immigration officers during the investigation of any incident for the Department, after a crime report has been opened. The researcher selected 36 out of 92 case files from the DHA Head Office, simple randomly, for the period 01 April 2012 to 01 April 2013. The first three (3) files of each month were then selected. The researcher discussed the interview schedule with his supervisor, to check its capabilities, and the shortcomings were addressed

accordingly. Thereafter, the schedule was tested to ensure its reliability and validity.

By analysing case files, the researcher wanted to obtain answers to the following questions:

- Do the immigration officers formulate good questions on the document?
- Were there any guidelines for formulating relevant questions to use when interview applicant of IDs attached in the file.
- Is there any indication on the paper or documents showing what types of questions were posed to the applicants?
- Was the participant able to identify criminal activity while interviewing the applicants?
- Is the case file contained the particulars of applicants of IDs?

#### **1.10 DATA ANALYSIS**

According to Hoyle, Harris and Judd (2002:245), data analysis assists and guides a researcher in detecting patterns or problems, and also explores and determines what is consistent with the topic. Creswell (1994 as quoted by Leedy & Ormrod, 2005:150–151) describes the steps of the data analysis spiral. The researcher applied these steps in analysing the data:

- i) The researcher organised the data, obtained in the form of interviews, case files and literature. He broke down large bodies of text into smaller units, in the form of sentences and individual words, and worked through all the data, to decide which portions were relevant in arguing a specific point.
- ii) The researcher perused the entire set of data several times, to get a sense of what was contained as a whole. In the process, the researcher jotted down a few names that suggested possible interpretations of categories. He also critically evaluated the entire set of data, in order to establish both relevance and irrelevance.

- iii) The researcher identified, and debated about, general themes and sub-themes, and then classified each piece of data accordingly. This allowed the researcher to get a general sense of patterns – a sense of what the data meant.
- iv) Finally, the researcher integrated and summarised the data by forming suggestions that explained relationships among the categories. He analysed the different themes through several perspectives, on each issue. The researcher also discussed the findings of both the case study and the literature, with colleagues, to obtain a better understanding of the research findings. This approach helped him to establish the area in which training should be focused, towards improving the applications for IDs, and also on how to conduct investigative interviews with the applicants.

### **1.11 SUMMARY OF THE BACKGROUND INFORMATION FROM PARTICIPANTS**

During the interviews, the following information was gathered from the DHA immigration officers – Sample “A”, and counter-corruption – Sample “B”:

#### **1.11.1 The backgrounds of samples “A1” and “A2”**

- All thirty (30) participants were immigration officers with more than five (5) years’ experience in the interviewing of applicants of IDs.
- Thirteen (13) of the immigration officers had more than 20 years’ experience, mostly in the ID application environment, but without any formal work-related training or interviewing courses.
- Two (2) of the participants from sample “A” were immigration officers, and had ten (10) years’ experience, seven (7) of which were spent as grounds men, without any training or qualifications.
- Five (5) of them had five (5) years’ experience, with a matric certificate (Grade 12) and no formal training in the DHA environment.
- One (1) of them had a National Diploma in Public Administration, without any formal training in the DHA environment.

- Nine (9) of them had 11 years' experience as immigration officers, with no tertiary education or matric certificate, and had previously spent nine (9) years as cleaners for the Department.
- In conclusion, only five (5) participants had matric, and one (1) had matric and a tertiary qualification (National Diploma in Public Administration). Nine (9) participants had no qualifications.

### **1.11.2 The backgrounds of samples "B1", "B2" and "B3"**

- Samples "B1", "B2" and "B3" had a matric certificate (Grade 12).
- Sample "B1" had graduated with a diploma and a degree in public management.
- Sample "B1" had 15 years' experience in investigation of case files and interviewing of applicants of IDs.
- Samples "B1" and "B3" worked as supervisors at their DHA offices in Harrison Street and Pretoria Central Core.
- Sample "B2" had 10 years' experience at the DHA –two (2) years spent as front office clerk, and eight (8) years as investigator and interviewing applicant of IDs also had matric and computer certificate.
- Sample "B3" had 20 years' experience at the DHA: four (4) years spent as front office clerk, and 16 years as an investigator for IDs, and also interviewed applicants if there was an alleged crime also had Masters degree in Public Management.

### **1.12 METHODS TAKEN TO ENSURE VALIDITY**

According to Denscombe (2002:100), validity is about the accuracy of the questions asked, the data collected, and the explanations offered. Validity refers to being able to measure what the researcher is supposed to measure (Welman & Kruger, 1999:138). The questions in this structured interview schedule were based on the researcher's questions and the aims of the research. This ensured that the methods measured what they were supposed to measure, and therefore ensured the validity of the data gathered. The use of more than one method to obtain data for a study is also known as triangulation (Mason, 2002:148).

The researcher made use of a tape recorder so that he could rewind each interview conducted. When the researcher had finished conducting the interviews, he listened to the tape and wrote everything down. The researcher began to organise the answers to each question posed. From these answers, the researcher found interrelationships for each category. Finally, he made findings, based on the responses of the analysed information.

### **1.12.1 Validity of data generation methods**

This involves asking what it is that the researcher thinks his data sources and generation methods could potentially tell him, and how well they can do this (Mason, 1996:147–148). Broadly, he asks how well matched the logic of the method is to the kind of research questions he is posing, and the kind of social explanation he intends to develop.

In ensuring the validity of sampling, the researcher employed simple random sampling, in order to have all the segments of the population represented in the sample. The researcher sought the opinions of the immigration officers of the DHA, who were asked the same questions, based on the one interview schedule. The researcher reviewed literature limited to the research questions, in order to explore the field of ID applications and investigative interviewing. The researcher also applied triangulation in data collection, wherein he reviewed the literature, interviewed the samples, and also analysed the ID applications in terms of Section 14 of the Identification Act 68 of 1997.

### **1.12.2 Validity of interpretation**

This involves asking how valid the data analysis was, and the interpretation thereof (Mason, 1996:148–149). Validity of interpretation in any form of qualitative research is contingent upon the end product, including a demonstration of how that interpretation was reached. The researcher understood what his data could reveal, and also how well it could do so. The researcher broke up the data into manageable themes, patterns, trends and relationships. He wanted to understand the various constitutive elements of the data through an inspection of the relationships between concepts and constructs, and to see whether there were

any patterns or trends that could be identified or isolated, or to establish themes in the data (Mouton, 2001:108).

Creswell (2013:250–252), and Creswell and Miller (2000:124–130) focus on 8 validation strategies that are frequently used by qualitative researchers:

- Prolonged engagement and persistent observation in the field
- Triangulation
- Peer review or debriefing
- Negative case analysis
- Clarifying
- Member checking
- Rich thick description
- External audit

Creswell further recommends that qualitative researchers use at least two of these approaches in a single study. In this research, the researcher used triangulation and member checking for validity of interpretation.

In *triangulation*, researchers make use of multiple and different sources, methods, investigators and theories, to provide corroborating evidence (Miles & Huberman, 1994; as cited in Creswell & Miller, 2000:251). Furthermore, this process typically involves corroborating evidence from different sources, to shed light on a theme or perspective. The researcher believes that the selection was valid, because the researcher used a tested sampling procedure – the simple random sampling method.

In *member checking*, the researcher solicited participants' views on the credibility of the findings and interpretations (Miles & Huberman (1994; as cited in Creswell & Miller 2000:252). The researcher conducted member checking in order to improve the accuracy, credibility, validity and transferability of the study, where 33 participants of both samples were involved at a suitable place without interruptions. He took a tape recorder and rewound the tape, listening carefully to the response from each participant. The researcher then summarised the information, and then questioned the participants in order to determine accuracy.

He also shared the findings and the comments with them. The researcher found that the participants affirmed the accuracy and completeness of the responses.

Jacques (1996:69) suggests that, along with interviewing, observing tone, body language, attitude and other communicative nuances be used while practising the concept of *bracketing* and setting biases. The *bracketing technique* helps the researcher to remain true to the participants in their freely and openly relating their lived experiences, and recording those stories with trust. The *bracketing techniques* were employed to ensure that preconceptions were held in abeyance, to avoid allowing assumptions to shape data collection, or impose an understanding and construction on the data (Crolty, 1996:70; Polit & Beck, 2008:70). In bracketing, the researcher did not influence the participants' understanding of phenomena; hence it is the participants' reality (Hamill & Sinclair, 2010:70). During the interviews, the researcher adhered to the bracketing technique, as he did not talk about his previous experience as a police officer – which could become a potentially threatening influence on the participants' answers to the questions.

### **1.13 METHODS USED TO ENSURE RELIABILITY**

Reliability generally relates to methods and techniques used to collect the data (Denscombe, 2002:100). The researcher described how the data was gathered and analysed, and how the sampling was done. He used reliable sampling techniques in obtaining participants and ID applications, to ensure reliability of the data. He also undertook to ensure that the collected data was analysed accordingly, as reflected above.

All the participants were familiar with the concepts of “value of investigative interviewing” and “developing questions” in the applications for IDs. The researcher posed the same questions to all the participants, and he avoided ambiguous or vague wording, to ensure that the participants read the questions consistently on different occasions (Greenfield, 2002:174). The researcher perused ID applications and litigation files from the archives, and focused on litigation involving ID applications. The researcher also described Pretoria and

Johannesburg as the target populations, and applied the simple random sampling technique in obtaining participants from the DHA.

Creswell (2013:254) describes that one's focus on reliability, here, will be on inter-coder agreement, based on the use of multiple coders to analyse transcribed data. What seems to be missing in the literature, excepting that of Creswell (1998:31), is a discussion about the procedure of actually conducting inter-coder agreement checks.

To the researcher, 'intercoder agreement' means that it was agreed that when he assigned a code word to the passage, the participants were all assigned the same code word to the passage. The researcher made an inter-coder agreement between participants "A1", "A2", "B1", "B2" and "B3", with regard to name, before inter-coding. After coding, the researcher examined the participants by conducting interviews. In order to ensure reliability of the study, the researcher requested another person who cross-checked (inter-coder agreement) the codes, to see to it that two or more coders agreed on codes used for the same passages in the text.

To the researcher "check transcribes" means that recording turns it into wording. Therefore the researcher took the tape recordings of all 33 participants, rewound the tape, and listened to each participant's response. He then took all the responses and put them down in writing.

#### **1.14 ETHICAL CONSIDERATIONS**

The researcher adhered to the UNISA Policy on research ethics (UNISA, 2013:9–17) as UNISA promotes the following 4 internationally recognised moral principles of ethics as bases for research:

- **Autonomy:** (research should respect the autonomy, rights and dignity of research participants)- the researcher ensures that participants were not exposed to others, regarding the way in which they responded.
- **Beneficence:** (research should make a positive contribution towards the welfare of people)- the researcher ensured transparency at all times and did not violate the privacy of the participants

- **Nonmaleficence:** (research should not cause harm to the research participant(s) in particular or to people in general)- the interviews were conducted in an office, and at no stage were lives exposed to any risk other than normal day-to day risks. Their names were not used in the interviews, with the result that they cannot be identified.
- **Justice:** (the benefits and risks of research should be fairly distributed among people)- the researcher ensured that there would be no misrepresentation of facts, to deliberately mislead others with the findings.

Leedy and Ormrod (2005:101) state that whenever human beings are the focus of research, one must look closely at the ethical implications of what one is proposing to do, and that most ethical issues in research fall into one of four categories, namely protection from harm, informed consent, right to privacy, and honesty with professional colleagues.

#### **1.14.1 Protection from harm**

The researcher interviewed the participants at their offices, in a generally safe environment, and at no stage were their lives at any greater risk than that of normal day-to-day risk. The researcher informed the participants about the ethics of the research study. Further, the researcher protected the names of the officials by giving each interviewee a number, and when referring to the interviewee, he used the number instead of the name. The researcher also adhered to ethics by not discussing the feedback received from the participants, with any other person.

#### **1.14.2 Informed consent**

The researcher obtained permission from two offices of the DHA Head Office in Pretoria, to conduct interviews with selected officials. The researcher informed the participants of the nature of the research, and gave them the choice of either participating or not participating (Leedy & Ormrod, 2005:102). He also obtained consent from each participant, after they were informed that participation in this research was entirely voluntary, and that they could expect no special reward for participation.

### **1.14.3 Right to privacy**

The researcher ensured that all information was treated with the greatest confidentiality, and that the information would be used only in this research. The researcher did not discuss the participants' responses with anyone else, or show them to any person other than the supervisor of this research. The participants were requested to take part anonymously, so each participant was given a number, and at no stage were the participants' names put on the interview schedule. Instead, the researcher referred to them as Participant 1, Participant 2, and so on (Leedy & Ormrod, 2005:105).

### **1.14.4 Honesty with professional colleagues**

The researcher reported his findings in a complete and honest fashion, without misrepresenting the findings, or intentionally misleading others about the findings. The researcher strove to maintain objectivity and honesty throughout the research. Further, all resources and people's ideas or words used were acknowledged by the researcher during the research (Leedy & Ormrod, 2005:102).

## **1.15 CHAPTER LAYOUT**

This report is divided into various chapters, as follows:

### **1.15.1 Chapter 1: General orientation**

### **1.15.2 Chapter 2: Objectives of investigation**

In this chapter, the objectives of investigation is discussed, to answer the first research question: Objectives of investigation is the process to established that a crime was committed, to identify and apprehend the suspects, recover stolen property, and assist in the prosecution of the person charged with the crime.

### **1.15.3 Chapter3: Guidelines for developing proper questions**

In this chapter, the researcher addresses the second research question by focusing on developing guidelines for proper questioning. Guidelines for formulating relevant questions to use when interviewing applicants for IDs is essential

to the official and immigration officers as they could not be able to interview applicants of IDs and also they do not have questioning skills.

#### **1.15.4 Chapter 4: Findings and recommendations**

This chapter summarises the research findings, and some recommendations are made, based on the results of those findings.

## **CHAPTER 2**

### **OBJECTIVES OF INVESTIGATION**

#### **2.1 INTRODUCTION**

According to Chapter 11 of the Constitution of the Republic of South Africa Act 108 of 1996, the South African Police Service (SAPS) has a responsibility to do the following:

- Prevent, combat and investigate crime;
- Maintain public order;
- Protect and secure the inhabitants of the Republic and their property;
- Uphold and enforce the law;
- Create a safe and secure environment for all people in South Africa;
- Prevent anything that may threaten the safety or security of any community;
- Investigate any crimes that threaten the safety or security of any community;
- Ensure that criminals are brought to justice, and
- Participate in efforts to address the causes of crime.

Furthermore, section 334 the Immigration Act 13 of 2002, as amended by Immigration Amendment Act (2004) states that immigration officers from the DHA has the responsibility to liaise with the SAPS, to ensure that the identities of people who are arrested, detained or convicted, are checked, for the purposes of this Act. They also educate and instruct law-enforcing agencies to detect foreigners and report them to the Department.

In this chapter, the researcher discusses the following topics: criminal investigation, the objectives of investigation, the functions of an immigration officer, case file, crimes normally committed by applicants of identity documents, the concept 'identity document' (ID), interviewing, the purpose of interviewing, the process to be followed after a crime has been committed, powers of arrest, fraud and its elements, and, lastly, a summary of the chapter.

## 2.2 CRIMINAL INVESTIGATION

According to Orthmann and Hess (2013:8), criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible. The term 'criminal investigation' means different things to different people (McDevitt, 2012:13). According to Orthmann and Hess (2013:8), an investigation is a patient, step-by-step inquiry or observation, a careful examination, and a recording of evidence or legal inquiry, and further, that a criminal investigation consists of police activity directed at two activities:

- Apprehension of criminals by gathering evidence leading to their arrest.
- Collection and presentation of evidence and testimony resulting in conviction of the perpetrator.

Osterburg and Ward (2010:5) further define investigation of crime as encompassing "*the collection of information and evidence for identifying, apprehending and convicting suspected offenders*". Becker (2009:23) states that criminal investigation involves the application of scientific methods to the analysis of a crime scene. Investigation of crime is also described as a systematic, organised search for the truth (Van Rooyen, 2004:6). In addition, it entails observation and enquiry for the purpose of gathering objective and subjective evidence about an alleged crime.

Samples "A1" and "A2" were asked the meaning of criminal investigation.

Sample "A1" responded as follows:

- Seven (7) participants said that criminal investigation is the process where immigration officers interview applicants for IDs, discover the crime, and report it to the police for further investigation.
- Four (4) participants said that it is to give evidence in court or at a disciplinary hearing, where one official is involved in criminal activities in the DHA.

- Four (4) participants said that they know nothing about criminal investigation; it is an SAPS matter, and not a matter for the front office of the DHA.

Sample “A2” responded as follows:

- Two (2) participants said that criminal investigation is to submit a Section 212 statement to the police.
- Seven (7) participants said that it is to give evidence in a court of law, after someone is arrested by law enforcement officers.
- Six (6) participants said that they know nothing about criminal investigation – it is a matter for the SAPS, not the front office of the DHA.

The researcher hereby established that there is disagreement between both participants and the information given in the literature, with regard to the meaning of ‘criminal investigation’. The researcher concluded that the reason for the disagreement could be the working environment of the participants, as they were not trained in a criminal investigation environment.

### **2.3 OBJECTIVES OF INVESTIGATION**

Swanson, Chamelin and Territo (2012:2) state that the objectives of an investigative process are to establish that a crime was committed, to identify and apprehend the suspects, recover stolen property, and assist in the prosecution of the persons charged with the crime. Du Preez (1996:4) states that the objectives of investigation are identification of crime, gathering of evidence, individualisation of crime, arrest of the suspect, recovery of property, and involvement in the prosecution. According to Osterburg and Ward (2014:5), the objectives of investigation are to do the following:

- Determine whether a crime has been committed;
- Discover all facts pertaining to the complaint, which involves gathering and preserving physical evidence, as well as developing and following up all clues;
- Recover stolen property;

- Identify the perpetrator, or eliminate a suspect as perpetrator;
- Locate and apprehend the perpetrator;
- Aid in the prosecution of the offender, by providing evidence of guilt, which is admissible in court, and
- Testify effectively as a witness in court.

Samples “A1” and “A2” were asked the objectives of criminal investigation.

Sample “A1” responded as follows:

- Five (5) participants said that it is to detect crime with regard to theft of identity documents.
- Three (3) participants said that they are to recover stolen property such as stolen identity documents, by foreigners.
- Seven (7) participants said that they know nothing about the objectives of investigation, and the matter of investigation has always been referred to counter-corruption officers.

Sample “A2” responded as follows:

- Ten (10) participants said that they know nothing about objectives of investigation, and the matter of investigation has always been referred to counter-corruption officers.
- Five (5) participants said that it is to be found guilty by the court after a crime.

According to Osterburg and Ward (2014:5), the meaning of each objective could be seen as the following:

- **Determine whether a crime has been committed**

Determining whether a crime has been committed necessitates an understanding of criminal law and the elements of each criminal act (Osterburg & Ward, 2013:6). Relating to the functions of the immigration officers, this is to interview applicants of IDs, and determine whether there are any fraudulent documents which could contribute to criminal activity, in

terms of the Immigration Act 13 of 2002, as amended by Immigration Amendment Act (2004).

- **Discover all facts and collect physical evidence**

The facts available to the first officer to arrive at the scene, are provided by observation and by the victim (or complainant) and any eyewitnesses – except in departments with programmes in place for managing criminal investigation, and these facts will be communicated to the detective dispatched to investigate the crime (Osterburg & Ward, 2013:7).

Section 38(2) of the Citizenship Act 88 of 1995, as amended by Immigration Amendment Act (2004) states that in ascertaining status or citizenship, as contained in Section 45 of the Act, the passport or ID of the person shall be scrutinised by the institution or person referred to in sub-regulation (1), with a view to satisfying itself, him- or herself that the passport or ID, as the case may be, belongs to the person presenting it, and, in the case of a foreigner, he or she is legally in the Republic.

- **Recover stolen property**

The description and identification of stolen property are important aspects of an investigation, and may later be critical in establishing ownership (Osterburg & Ward, 2013:8). Investigators should always attempt to recover stolen property (Dowling, 1997:4). The recovery of property could also serve both as proof that the suspect has committed the crime, and also as exhibits.

In terms of Section 5 of the Immigration Act, in the pursuance of this Act, an immigration officer may obtain a warrant to enter or search any premises for a person, or to make inquiries, including having the power to examine anything in or upon such premises.

- **Identify the perpetrator**

Identifying the perpetrator is, of course, the primary goal of a criminal investigation, but the ability to bring a suspect to justice also depends on

the evidence necessary for conviction (Osterburg & Ward, 2013:8). Section 41(1) of the Immigration Act states that when so requested by an immigration officer or a police officer, any person shall identify him- or herself as a citizen, or permanent resident, and if, on reasonable grounds, such immigration officer or police officer is not satisfied that such person is entitled to be in the Republic, such person may be interviewed by an immigration officer or a police officer about his or her status. Such immigration officer or police officer may take such person into custody, without a warrant and shall take reasonable steps, as may prescribed, to assist the person in verifying his or her identity or status, and thereafter, if necessary detain him or her in terms of section 34.

- **Locate and apprehend the perpetrator**

The purpose of arrest is to ensure the presence of the accused at the trial (Marais & Van Rooyen, 1994:20; Du Preez, 1996:7). In terms of Section 38 of the Criminal Procedure (Act 51 of 1977), an accused can also be summonsed, or, by means of a written warning, brought before the court.

Immigration officers have the mandate to locate and apprehend the perpetrator in terms of Section 34(1) and 33(5) of the Immigration Act 13 of 2002 as amended by Immigration Amendment Act ( 2004), in addition to enter or search any premises for a person or thing or inquiries, including power to examine any thing found in or upon such premises.

- **Aid the prosecution by providing evidence of guilt admissible in court**

Largely as a result of plea bargaining, only a few cases that are investigated and solved, eventually go to trial, but the detective must operate on the assumption that each one will be tried (Osterburg & Ward, 2014:9). The objective is to assist the public prosecutor in the prosecution process, to present the evidence, and to reconstruct the crime in court (Palm, 2000:35). Immigration officers are also responsible for providing information to the court, as a witness, in terms of Section 192 of the Criminal Procedure Act 51 of 1977 (as amended in 2007).

- **Testify effectively as a witness in court**

Investigators should collect information that allows the prosecutor to make a sound decision as to whether the case should be either prosecuted or filed (Palmiotto, 2013:247).

Immigration officers are entitled to testify in court if they witnessed the crime committed – such as submitting of fraudulent documents, falsified or counterfeit travel documents, or genuine documents presented by imposters, in their presence, in terms of Section 7(1)(g) read with Section 9(3)(d), Regulation 6(14), of the Immigration Act 13 of 2002, as amended by Immigration Amendment Act (2004). Based on the information gathered from samples “A1” and “A2”, it can be deduced that 30 participants disagreed with the literature, as they did not know the objectives of investigation well, because they did not mention all of them as they were mentioned in the literature. The reason for this could be that the objectives of investigation do not form part of an immigration officer’s training.

According to the literature, the objectives of investigation are to determine the circumstances contributing to the exposure of the event, and to evaluate the effectiveness of the law regulating the offence. Lyman (2013:12) describes the process after a crime has been identified, as the preliminary investigation – one of the primary objectives of which is to establish whether the necessary elements of the crime exist. The researcher agrees with the viewpoints of Osterburg and Ward (2014:5) regarding the objectives of criminal investigation, when compared to the other literature applicable to the study. In addition, Osterburg and Ward’s objectives (2014: 5) can be easy to use by immigration officers when they undergo training.

The following table represents the comparison between objectives of crime investigation and Immigration officer objectives, Swanson *et al.* (2013:2) state that the objectives of the investigation is to establish that a crime was committed, to identify and apprehend the suspects, recover stolen property, and assist in the prosecution of the person charged with crime. However objective of

immigration in terms of Immigration Act 13 of 2002 is to detect and deport of illegal immigrant.

## **2.4 FUNCTIONS OF IMMIGRATION OFFICERS**

According to *Merriam-Webster* (2015), the role of immigration officers is to ensure that immigration legislation is enforced. Furthermore, this can cover the rules of entry for ID applicants, and the rules for visa applicants, foreigner nationals, or those seeking asylum at the border, as well as detecting and apprehending those who have breached both immigration and criminal law.

The functions of an immigration officer, in terms of sections 2(1) and (2) of the Immigration Act 13 of 2002, as amended by Immigration Amendment Act (2004), are clearly stipulated. With reference to investigation and interviewing, the Act determines the following sections:

- “Section 1(c) and (e), read together with Section 2(f), (g) and (h)(1)(c), regarding detection and deportation of illegal foreigners; (1)(e) ensuring that, subject to this Act, migration to and from the Republic takes place only at the ports of entry, and illegal crossing of the borders is deterred, detected and punished.
- Section (2)(f), Train its investigative unit to detect illegal foreigners, monitor compliance with the terms and conditions of permits, control borders, and perform any of its functions under this Act, or which may be delegated to it.
- Section (2)(g), Interview any citizens and foreigners applying for identity documents such as a passport and smart card.
- Section 2(h), Administer and investigate application files at ports of entry, and monitor borders in terms of Section 36 of this Act”.

According to *Merriam-Webster* (2015), immigration officers control the movement of people into and out of the country by stamping their passports and making sure that they have the correct documentation. Further, they check all their details and visa information at the border posts and airports. *Merriam-Webster* adds that typical responsibilities of the immigration officer job include

the following: conducting interviews, taking fingerprints, carrying out surveillance, and writing reports.

Samples “A1” and “A2” were asked to state the functions of an immigration officer.

Sample “A1” responded as follows:

- Two (2) participants said that the function of immigration officers is to liaise with the SAPS if applicants of IDs are arrested by an immigration officer, after criminal activity.
- Five (5) participants said that it is to conduct investigation files from applications of IDs by applicants from the community.
- Three (3) participants said that it is the deportation of illegal foreigners.
- Five (5) participants said that it is to interview any officials who commit an offence with regard to DHA criminal activities – such as fraudulent applications by foreigners who intend to claim to be South African citizens.

Sample “A2” responded as follows:

- Three (3) participants said that it is to investigate all DHA activities such as misconduct by officials, and criminal activities by applicants of IDs.
- One (1) participant said that it is to detect illegal foreigners and deport them, if discovered that they do not have proper requirements, such as a passport.
- Two (2) participants said that it is to arrest and detain offenders.
- Nine (9) participants said that it is to investigate and administer all the files.

The researcher hereby established that the participants know what the functions of immigration officers are, as their responses are supported by the literature, in terms of Section 2 of the Immigration Act.

To understand the differences between the objectives of investigations and the functions of immigration officers the researcher compiles the following table:

**Table 2.1:** Comparison of objectives of crime investigation and Immigration Act 13 of 2002 (as amended by Immigration Amendment Act ( 2004)

OBJECTIVES OF CRIME INVESTIGATION	FUNCTIONS OF IMMIGRATION OFFICERS
Determine whether a crime has been committed.	“Section 1(c) and (e), read together with Section 2(f), (g) and (h)(1)(c), regarding detection and deportation of illegal foreigners; (1)(e) ensuring that, subject to this Act, migration to and from the Republic takes place only at the ports of entry, and illegal crossing of the borders is deterred, detected and punished.
Decide if the crime was committed within the investigator’s jurisdiction.	(2)(f) Train its investigative unit to detect illegal foreigners, monitor compliance with the terms and conditions of permits, control borders, and perform any of its functions under this Act, or which may be delegated to it.
Discover all facts pertaining to the complaint, which involves gathering and preserving physical evidence, as well as developing and following up all clues.	(g) Interview any citizens and foreigners applying for identity documents such as a passport and smart card.
Recover stolen property	(h) Administer and investigate application files at ports of entry, and monitor borders in terms of Section 36 of this Act.
Identify the perpetrator, or eliminate a suspect as the perpetrator.	To liaise with the South African Police Service to ensure that the identity of people, who are arrested, detained or convicted is checked for purposes of this Act.
Locate and apprehend the perpetrator.	Educate and instruct law-enforcing agencies to detect foreigners and report to the Department.
Aid in the prosecution of the offender, by providing evidence of guilt, which is admissible in court.	Prevent and deter xenophobia within the Department and sphere of the government or organ of the state and community level.
Testify effectively as a witness in court.	Testify in court.

Source:(Swanson *et al.*, 2012:2; *Merriam Webster*, 2015 Samples “A” and “B”)

## 2.5 THE MEANING OF CASE FILE

The National Archives and Records Service of South Africa 1996, as amended, defines ‘case file’ as the most detailed (or specific) division in a file plan that creates a separate file for each person, place, institution or item. According to *The Free Dictionary* (2014), a case file is a file that contains documents that

relate to a specific, time-limited entity, such as a person, event, project or organisations. Department of Home Affairs defines a case file as a file containing the individual's name, place, date of birth, physical appearance, occupation, names and relationship to other family members, and also family history, used by immigration officers during investigation of any incident for the Department, after a crime report has been open.

Samples "A1" and "A2" were asked to state the meaning of 'case file'.

- Fourteen (14) participants from both samples said that a case file is an official document used by officials of the DHA, within the department, when applicants make application for IDs.
- Ten (10) participants from both samples said that case files are the documents containing the particulars of applicants of IDs – such particulars as name, surname, age, gender and place of birth.
- Four (4) participants from both samples said case files are the documents, used by law enforcement when they register crimes, after being completed by Immigration officers.
- Two (2) participants from both samples said case files are the police dockets carried by police officers and immigration officers after crimes had been committed.
- The researcher hereby established that the participants of both samples "A" and "B" know the meaning of 'case file', as their responses are supported by the literature. The National Archives and Records Service of South Africa Act 43 of 1996, as amended, defines 'case file' as the most detailed (or specific) division in a file plan that creates a separate file for each person, place institution or item. The researcher studied 36 case files in order to establish if all case files contain the particulars of the applicants of IDs. The researcher noted that all the case files complied with the required The National Archives and Records Service of South Africa Act 43 of 1996, as amended because all selected case files contained the particulars of IDs applicants.

## **2.6 CRIMES NORMALLY COMMITTED BY APPLICANTS OF IDENTITY DOCUMENTS**

According to Joubert (2012:44), crime can be defined as unlawful and blame-worthy conduct for which punishment is prescribed. Crime consists of four elements that need to exist simultaneously, namely legality, conduct, unlawfulness and culpability. The crimes normally committed by applicants at the DHA front office are those of corruption (which includes fraudulent documents), theft of IDs, bribery, extortion, fake passports, fake birth certificates, fake death certificates, and forgery and corruption (Giese & Smith, 2007:52).

Samples "A1", "A2", "B1", "B2" and "B3" were asked which crimes, in their experience, were normally committed by applicants.

Sample "A1" responded as follows:

- Ten (10) participants said that crimes normally committed at the DHA during application for IDs, were corruption and accepting money from foreign applicants who wanted South African citizenship by means of fraud.
- Five (5) participants said that crimes normally committed by application for IDs were fraud and bribery, and theft of IDs by officials of the Department, who subsequently sold them to foreigners.

Sample "A2" responded as follows:

- Six (6) participants said that crimes normally committed by application for IDs were those of corruption.
- Three (3) participants said that the crimes were those of fake passports, fake marriages and fake IDs.
- Six (6) participants said that the crimes were those of fraudulent documents by applicants, made by stakeholders.

Samples "B1", "B2" and "B3" responded as follows:

- "B1" said that crimes normally committed by applicants of IDs are fraud and corruption, where applicants, such as foreigners, arranged with South African

citizens to obtain a South African ID through fraud – and made payment to the official clerk, who issued fake birth certificates, fake permits and fake passports.

- “B2” said that these crimes are a marriage of convenience, where a foreigner will recruit a South African woman, in order to get South African citizenship. Therefore, an applicant always bribes the official by paying a certain amount to process the marriage, and, later, the same foreigner receives status as a citizen of the country, by means of corruption.
- “B3” said that these crimes are normally committed by stakeholders of the Department – such as ward councilors, who recruit foreigners, and force the officials to give them IDs without even an interview or any legal documents for the purpose of election.

The researcher established that participants “A1”, “A2”, “B1” “B2” and “B3” have the same understanding when it comes to the crimes normally committed by “applicants” of IDs; however, the difference is that their responses are not scientific, because of their work experiences, as “A” samples were not expert, while “B” samples were experts in investigation. The viewpoints showed that the samples were familiar with the question of crimes normally committed by applicants, as spelled out in the literature. During the comparison of responses and sources of data, it became clear that the responses were in agreement with Giese and Smith (2007:52), who agree that crimes normally committed by applicants of IDs were those of corruption – which include fraud, bribery, fake IDs, theft of IDs, and fake passports.

The participants of all the samples showed good understanding and agreement, as all their responses are supported by the literature. The only difference was that each participant responded according to their own understanding regarding the environment of the mentioned crimes.

## **2.7 IDENTITY DOCUMENTS**

According to Section 17(4)(1) of the Identification Act, an identity document/identity card includes any other proof of identity issued by the state, and on which the name and photograph of the holder appear. In addition,

identity documents/identity cards may contain only the following relevant particulars in respect of the person to whom it is issued, namely:

- The particulars referred to Section 8(a), (b), (d) and (f);
- The prescribed fingerprint(s), and
- Any other particulars in the population register determined by the Minister by a notice in the Government Gazette as particulars which, subject to the conditions, exceptions or exemptions (if any) mentioned in the notice may be included in the identity card.

According to Section 17 of the Identification Act, the following Acts give the types of IDs that could be able to prove one's identity:

- Smart card – in terms of the Identification Act 68 of 1997;
- Birth and death certificates – in terms of the Births and Deaths Registration Act 51 of 1992;
- Birth and death certificates – in terms of the Births and Deaths Registration Amendment Act 67 of 1997;
- South African passports and travel documents, in terms of the Passports and Travel Documents Act 4 of 1994, and
- A marriage certificate, in terms of the Marriage Act 25 of 1961.

Samples "A1" and "A2" were asked what an identity document is, in their opinion.

Sample "A1" responded as follows:

- Ten (10) participants said that IDs are passports issued to travelers; a green identity document is issued to the applicant, and a birth certificate issued to the newborn baby.
- One (1) participant said that it is a document identifying the person – for instance, a driver's license.
- Four (4) participants said that it is a life document which recognises the person's status.

Sample “A2” responded as follows:

- Five (5) participants said that an ID is a certificate issued by the DHA.
- Six (6) participants said that it is a piece of document issued in the form of a birth certificate, passport and smart card in South Africa.
- Four (4) participants said it is a smart card issued to recognise a person’s status, with full particulars inside.

The participants showed a good understanding of what an ID is, in their opinion, based on the fact that there was no disagreement or any contradictions. According to Section 17(4) of the Identification Act, an identity document/identity card includes any other proof of identity, issued by the state, on which the name and photograph of the holder appear. The viewpoints of the participants demonstrate an understanding of IDs, as no participants differed from the literature.

From sample “A1”, ten (10) participants said a passport is a passport issued to travelers, a green identity document is issued to the applicant, and a birth certificate is issued to the new baby. Therefore, in terms of the Identification Act, a passport is one of the IDs. One (1) participant referred to an ID as a driver’s license, and four participants said it is a life document recognising the person’s status.

Five (5) participants from sample “A2” referred to IDs as certificates, and four (4) participants referred to them as smart cards issued to recognise a person’s status, with full particulars inside. Both responses are supported by the DHA and Section 17(4)(1) of the Identification Act. The participants have knowledge regarding IDs, as it falls within the scope of their job descriptions, and also as they are appointed as administrators of IDs, in terms of the Public Service Act 38 of 1994.

## **2.8 INTERVIEWING**

According to Becker (2009:179), the term ‘interview’ refers to a conversation with witnesses or victims, in order to elicit information. Zulawski and Wicklander (2002:3) define ‘interview’ as a non-accusatory, structured conversation, during

which specific behaviour-provoking questions are asked, with the purpose of eliciting interpretable behaviour that is typical of innocence or guilt. Interviewing could also be defined as the questioning process used for a victim or eyewitness who can reasonably be expected to disclose what they know (Osterburg & Ward, 2013:593). An interview can also be described as a purposeful and planned conversation between an interviewer and interviewee, to collect data pertaining to an investigation, or to substantiate physical evidence (Palmiotto, 2013:51).

Samples "A1", "A2", "B1", "B2" and "B3" were asked to give the definition of interviewing, according to their knowledge.

Sample "A1" responded as follows:

- Eight (8) participants said that interviewing is when an official questions an applicant (for an ID) for information, during the application for the ID, at the office.
- Five (5) participants said that it is the communication between the immigration officer and applicants for IDs, in order to extract information.
- Two (2) participants said that they understood interviewing as when they applied for a job and were called to compete with other candidates.

Sample "A2" responded as follows:

- Three (3) participants said that interviewing is when an immigration officer was confronted by a police officer if a crime had been committed, or an alleged crime happened at the office of the DHA.
- Seven (7) participants said that it is when an immigration officer is called by management for a post which they applied for.
- Five (5) participants said that it is the investigation of fraudulent documents, passports, IDs and birth certificates.

The participants from both samples did not all show an understanding of 'interviewing', as 13 participants were not in agreement with the literature. However, 17 participants did have a clear understanding of the meaning of 'interviewing', as their responses are supported by the literature. The term 'interview' refers to

a conversation with witnesses or victims, in order to elicit information (Becker, 2009:179).

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that interviewing is the communication between the immigration officer and the alleged suspect who committed crimes related either to the Identification Act or any crime that happened at any office of the DHA.
- “B2” said that interviewing is where a peace officer, who is appointed in terms of Section 334 of the Criminal Procedure Act, is entitled to question the applicant of an ID, after committing crimes.
- “B3” said that interviewing is the questioning of witnesses, complainants and suspects, after a crime has been committed at the office, or, in other words, interviewing is when someone is being interviewed for a job by a panel of interviewers.

The researcher established that the responses of samples “B1”, “B2” and “B3” were in agreement with the literature. The reason for this is that all the “B” samples were experts on the interview environment.

The researcher compared the responses from samples “A1” and “A2” with “B1”, “B2” and “B3”, and established the different viewpoints. The responses of samples “A1” and “A2” differed in that only “A1” participants’ responses were according to their knowledge, were not scientific, and were without the support of literature. The participants from “A2” showed their lack of understanding. The researcher further compared the differences with regard to “B1”, “B2” and “B3”, and found that their responses agreed with the literature. The reason for this could be their working environment, when compared to samples “A1” and “A2”, as those who are immigration officers were not trained in interviewing skills, in terms of the Immigration Act.

## **2.9 PURPOSE OF INTERVIEWING**

According to Inbau *et al.* (2013:4), the purpose of an interview is to gather information. Zulawski and Wicklander (2002:27) explain the interview purpose or goal as follows: “*In public law enforcement, the actual interview may be*

*designed simply to elicit an alibi or a sequence of events that can later be proved or disproved by investigation.*" The DHA falls under the scope of public law enforcement, as they interview applicants for IDs, and if there is some suspicion of the applicant, the front office clerk refers the matter to the immigration officer for further investigation (Section 5 of Act 13 of 2002, as amended by Immigration Amendment Act (2004)).

Palmiotto (2013:53) explains that the main purpose of an interview is to ascertain facts to solve a problem. For instance, through verbal and nonverbal interaction, the interviewer obtains information about a specific crime situation, or corroborative evidence towards criminal charges against a suspect. Smith, Adams, Hart and Webb (2013:155) point out that the purpose of investigative interviewing is to obtain accurate and reliable information from suspects, witnesses or victims, in order to discover the truth about matters under police investigation.

Samples "A1", "A2", "B1", "B2" and "B3" were asked the purpose of interviewing.

Sample "A1" responded as follows:

- Ten (10) participants said that it is when an applicant gets a job after interviewing.
- Five (5) participants said that it is to put the question to the applicant of IDs during application.

Sample "A2" responded as follows:

- Seven (7) participants said that it is to clarify some differences when applicants of IDs commit a crime.
- Eight (8) participants said that the purpose of interviewing is to obtain information from applicants, which could lead to the arrest of fraudulent suspects of IDs.

Based on the information gathered from both samples, the researcher established that 15 participants from both samples "A1" and "A2" did not agree with the literature. However, the other 15 participants from the same samples

were in agreement with the literature, as there were no contradictions in the participants' responses.

Samples "B1", "B2" and "B3" responded as follows:

- "B1" said that the purpose of interviewing is to prove the truth of allegations, after applicants have committed a crime in front of the front office clerk.
- "B2" said that it is to verify the applicants during application for IDs.
- "B3" said that it is when a front office clerk communicates with an applicant, in order to determine the fraudulent activities of the applicant, and reports it to the SAPS, for an arrest.

Samples "B1", "B2" and "B3", as experts, confirmed that the main purpose of an interview is to ascertain facts to solve the problem, and to obtain accurate and reliable information from suspects, witnesses or victims, in order to discover the truth about matters under police investigation, as described by Palmiotto (2013:53) and Smith *et al.* (2013:172).

The researcher established that samples "B1", "B2" and "B3", based on their experience, have a good understanding of the purpose of interviewing. This conclusion is based on the fact that when the researcher compared their responses with the experience of samples "A1" and "A2", the difference could be the working environment, as "B1", "B2" and "B3" all have experience in the purpose of interviewing, and are trained in it, while immigration officers deal with ID interviews, and are not trained.

## **2.10 PROCESS AFTER IDENTIFYING A CRIMINAL ACTIVITY**

According to Palmiotto (2013:6), duties and responsibilities after identifying a criminal activity include gathering all the facts that may relate to solving the crime. Palmiotto (2013:51) further discusses the activities that investigators may be required to perform, including the following:

- Identify the key components of that crime to prove that a crime was committed;
- Search the crime scene;

- Photograph and sketch the crime scene;
- Collect and process physical evidence in such a manner that the evidence integrity is not compromised;
- Interview victims and witnesses;
- Interrogate suspects;
- Maintain field notes, and write preliminary, follow-up, supplementary and arrest reports;
- Maintain surveillance over suspects and known criminals;
- Recover stolen property;
- Prepare the case for court, and
- Testify in court.

In terms of Section 41(1) of the Immigration Act, any person shall identify him- or herself as a citizen or permanent resident when so requested by an immigration officer or a police officer, and if, on reasonable grounds, such immigration officer or police officer is not satisfied that such person is entitled to be in the Republic, such immigration officer or police officer may take such person into custody without a warrant, and shall take reasonable steps, as may be prescribed, to assist the person in verifying his/her identity or status, and thereafter, if necessary, detain him or her in a prescribed manner and place until such person's *prima facie* status or citizenship is ascertained in terms of Section 34 of the Act.

The Standard Operating Procedures for Ports of Entry National Immigration Branch (South Africa ..., 2005) for the handing over of illegal foreigners who have committed a crime in front of an immigration officer, refers to the guidelines and procedures as follows:

“The immigration officer shall ensure that the following documents will be obtained from the SAPS after identifying criminal activities at the handing-over process: An attest statement in respect of each arrested person; a duly completed body receipt reflecting the number of persons handed over; a copy of notice of rights in terms of the Constitution of the Republic of South Africa; and, passports/identity documents or any other form of identity in respect of each

arrested person if available. Suspected illegal foreigners must be handed over immediately, but not later than forty-eight hours following the arrest” ... “[t]he immigration officer must sign the body receipt after ensuring that the suspected persons are free of injuries, accept the statements, open the necessary case files, and register the files in the normal way”.

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked to describe the process to be followed after identifying criminal activity.

Sample “A1” responded as follows:

- Five (5) participants said that they do not know the process followed after crime activities, as it does not fall under the scope of administration and the job description of a front office clerk.
- Seven (7) participants said that the process followed is to call out the SAPS to the DHA, to attend to the allegations.
- Three (3) participants said that the process followed is arrest.

Sample “A2” responded as follows:

- Eight (8) participants said that they do not know the process followed after crime activities, as they were appointed in terms of the Public Service Act, not the Immigration Act.
- Five (5) participants said that the process followed is to interview the ID applicants, verify whether a crime has been committed, and later arrange with the SAPS for an arrest.
- Two (2) participants said that the process followed was interviews and further investigation with counter-corruption and the SAPS.

The participants from both samples showed a difference in their responses, after the information was gathered and compared with the literature. The researcher found that only 17 participants understand the process after identifying a criminal activity, while 13 participants are not in agreement with the literature, as their responses contradict the literature, and are not supported by it.

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that the process after identifying criminal activity, as an immigration officer who is appointed by the Immigration Act 13 of 2002, is to interview the complainant, witnesses and suspect, in order to prove if crimes have really been committed.
- “B2” said that the process is to question the suspect and prove four elements of crime: legality, act, unlawfulness and culpability. In addition, it includes gathering all the facts that may relate to the investigation.
- “B3” said that the process is to make an arrest, as immigration officer, and transfer the suspect to the SAPS.

The researcher compared the responses from participants “B1”, “B2” and “B3”, and established that there is a clear understanding with regard to the process followed after identifying criminal activities, as supported by the literature. In both samples “A1” and “A2”, the responses were not in agreement with the literature. The reasons could be experience, and the environment and culture of the workplace, as samples “A1” and “A2” were administrators, opposed to samples “B1”, “B2” and “B3”, who were immigration officers, and experts trained in law enforcement with regard to investigating and interviewing any matter within the DHA. The researcher studied 36 case files from the DHA Head Office in order to establish if the participants can be able to identify criminal activity after interviewing the applicants.

The researcher established that out of 36 case files 20 case files were closed as final as criminal activity were identify correctly and 16 were still open some with litigation letter to the DHA as crime was not correctly identify.

## **2.11 POWERS OF ARREST**

An immigration officer may for the purpose of this Act 13 of 2002, as amended by Immigration Ammendment Act ( 2004) at any time before commencement or in any course of investigation conduct inspection in loco in accordance with section(5) and (9). Section (5)(b) of the Act, in the pursuance of this Act, an immigration officer may obtain a warrant to apprehend and illegal foreigner,

subject to section 34(1) (c). In addition section (9) (c) Immigration officer may without a warrant, enter upon any premises, other than a private dwelling and exercises the powers referred to in subsection (5) (a) and (c) which is to enter or search any premises for a person or thing or to make enquiries, including power to examine anything found in upon such premises and also to seized and removed the documentation or anything concerned. Section 2 states that in order to achieve the objectives set in subsection (1) the Department shall liaise with the South African Police Service to –

(1) “Ensure that identity of people who are arrested, detained or convicted is checked for the purpose of this Act, and (2) educate and instruct law enforcing agencies to detect illegal foreigners and report them to the Department.

Samples “A1” and “A2” were asked to define the powers of arrest, according to their knowledge.

Sample “A1” responded as follows:

- Seven (7) participants said that they do not understand the powers of arrest, as, in the DHA, powers of arrest are vested in the counter-corruption officers who always arrest non-compliance with the Immigration Act.
- Eight (8) participants said that powers of arrest are the methods used by the SAPS and security peace officers, because they only arrest the non-complaints within the Department of Home Affairs.

Sample “A2” responded as follows:

- Seven (7) participants said that the powers of arrest, according to their knowledge, are with the security of the country – for instance, the SAPS and the South African Defence Force.
- Three (3) participants said that the powers of arrest, according to their knowledge, are with the DHA and with immigration officers, in terms of Section 33 of the Immigration Act 13 of 2002.
- Five (5) participants said that, with regard to the powers of arrest, they do not have any knowledge, as they were appointed, but were not yet trained in law enforcement.

The researcher established that only three (3) participants from “A2” know where the power is vested. Twelve (12) participants were not clear on this, as their responses do not correspond with the literature; however, fifteen (15) from “A1” indicated that the powers of arrest are vested in the SAPS, SADF and counter-corruption. However five (5) of “A” participants indicated a problem of training as they were appointed as immigration officers, and worked without having undergone training.

In conclusion, based on the literature, an immigration officer has the powers of arrest as an appointed immigration officer in terms of Section 33 of the Immigration Act, as declared peace officer by the Minister, in terms of Section 334 of the Criminal Procedure Act, and also as a private person, according to Section 42 of the Criminal Procedure Act: “Arrest by private person without warrant”.

## **2.12 FRAUD**

Fraud is the unlawful and intentional making of a misrepresentation, with fraudulent intent, which causes actual prejudice, or which is potentially prejudicial to another (Joubert, 2012:158). Osterburg and Ward (2014:624) define fraud as an intentional misrepresentation or deception employed to deprive another of property or a legal right, or to otherwise do him or her harm. Orthmann and Hess (2013:441) further point out that fraud is an intentional deception to cause a person to give up property or some lawful right. According to Burchell (2013:723), aspects relating to specific conduct or elements in the case of fraud, are as follows: misrepresentation, prejudice or potential prejudice, unlawfulness and intention.

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked to defined ‘fraud’.

Sample “A1” responded as follows:

- Six (6) participants said that fraud is when an officer from the DHA organises with foreigners to come and apply for South African citizenship.
- Four (4) participants said that fraud is a crime which is always committed by officials in need of money by selling information to foreigners.

- Five (5) participants said that fraud is unlawful and intentional if a foreigner misrepresents a DHA fraudulent identity document.

Sample “A2” responded as follows:

- Five (5) participants said that fraud is when an individual arrives, deliberately misrepresents information to the DHA, and deceives by submitting the incorrect document to the front office clerk.
- Two (2) participants said that fraud is misrepresentation of information to the front office clerk who works with IDs.
- Eight (8) participants said that they don’t understand the meaning of fraud, as they are not officers.

Sample “B1” responded as follows:

- Fraud is a criminal deception intended by DHA officials who, as a result, manufacture the ID illegally, for personal gain.

Sample “B2” responded as follows:

- Fraud is when a DHA official accesses the database of the Department, and intercepts, or potentially prejudices it by linking it to his/her personal home computer database, and starting to manufacture fraudulent IDs such as birth and death certificates.

Sample “B3” responded as follows:

- Fraud means that a person intentionally distorts or misrepresents the facts of DHA documents, and misleads foreigners making them believe that the document issued to them is a genuine document.

The information gathered from samples “A1 and “A2” was compared with the literature. The researcher established that, from sample “A”, only 22 participants understand the definition of fraud, as defined by literature. Therefore, eight (8) participants were found not to be in agreement with the literature they did not know what the meaning of fraud is at all. However, the information gathered from samples “B1,” “B2” and “B3” were in agreement with the literature; this

could be their working environment, as they conduct investigation daily in the DHA.

Fraud is the unlawful and intentional making of a misrepresentation, with fraudulent intent, which causes actual prejudice, or which is potentially prejudicial to another (Joubert, 2012:158; Osterburg & Ward, 2014:624).

### **2.13 THE ELEMENTS OF FRAUD**

According to Burchell (2013:723), aspects relating to specific conduct or elements in the case of fraud, are as follows: misrepresentation, prejudice or potential prejudice, unlawfulness and intention.

- **Misrepresentation**

The essence of fraud is the deceiving or misleading of victims of the crime. This is done by way of a misrepresentation – i.e. an incorrect statement of fact or law made by one person to another, although the misrepresentation is usually made by conduct alone, or by words and conduct (Burchell, 2013:724). An example of this is that on Monday 13 July 2015, the SABC reported that a police officer arrested burst an immigration syndicate in Pretoria for facilitating fraudulent IDs for foreign nationals, at bribes of R23,000.

- **Prejudice or potential prejudice**

Mere lying is not punishable as fraud. The crime is committed if the lie brings about some sort of harm to another (Burchell, 2013:728). An example of this is when an SA citizen lies to the DHA official, with regard to registering a foreigner's claims to that a child is his/her child, and there is an exchange of money.

- **Unlawfulness**

Some forms of misrepresentation are not unlawful (Burchell, 2013:723). For instance, ordinary commercial advertising (puffing) is not unlawful. According to the *Minister of Police v Elwels* 1975 (3) SA 590(AD), the general rule is, however, that the unlawfulness of an act or omission is

determined according to the perceptions of society as to what is legally wrong or right at any given time. An example of this is a funeral undercover officer who submits a fake burial order, and reports the death of a person who is still alive, to the DHA. This is unlawful, according to SA law.

- **Intention**

Intent to defraud has two principal aspects: an intention to deceive and intention to defraud (Burchell, 2013:730). An example of this is when immigration officers from the DHA take SA IDs and sell them to foreigners.

Samples "A1", "A2", "B1", "B2" and "B3" were asked to name the elements of fraud.

Sample "A1" responded as follows:

- Five (5) participants said that the elements of fraud are when an applicant submits incorrect information, knowing that it is incorrect, with regard to the application of IDs.
- Four (4) participants said that it is when a foreigner submits false information to the office of the DHA.
- Six (6) participants said that it is when South African women get married to foreigners, with the aim of getting maintenance from the foreigners.

Sample "A2" responded as follows:

- Ten (10) participants said that the element of fraud is when foreigners married young South African ladies, with the aim of obtaining South African citizenship.
- Five (5) participants said that it is when an applicant submits false information to the front office clerk.

Sample "B1" responded as follows:

- The elements of fraud are misrepresentation by an official of the DHA to a foreigner for personal gain.

Sample "B2" responded as follows:

- The elements of fraud are acts or action of an official of the DHA when he tells an applicant of ID to pay R1000.00 while he knows that an ID is less than R1000, 00 – and the other money he put in his pocket.

Sample “B3” responded as follows:

- The elements of fraud are prejudice or potential prejudice and misrepresentation to the applicants of IDs.

The researcher established that both participants from sample “A1” and “A2” understands the elements of fraud, as their responses were not in agreement with the literature. This could be because of the background of the participants, as they fall under the Immigration Act, and are not well trained in the law environment, as aspects relating to specific conduct or elements, in the case of fraud, are misrepresentation, prejudice or potential prejudice, unlawfulness and intention. However, the information gathered by participants “B1” , “B2” and “B3” were in agreement with the literature; this could be based on the working environment, as experts in DHA, investigating all the alleged crimes within the DHA.

## **2.14 SUMMARY**

The primary questions regarding the objectives of investigation were posed to the participants. Objective of investigation is to establish that crime had actually been committed, to identify and apprehend suspects, to recover property, and to assist in the prosecution of the prosecution of the persons charged with crime. Furthermore it is that is a systematic, planned process, consisting of the abovementioned components, as well as the gathering and safekeeping of evidence, and evaluation.

In this chapter, the researcher focused on the objectives of investigation as the main question, the sub-questions being the function of immigration officers, criminal investigation, crimes normally committed by applicants of IDs, interviewing, the purpose of interviewing, and the process after identifying criminal activities, powers of arrest, fraud, and elements of crime.

The researcher, in short, established that when comparing the responses with the literature, immigration officers do not address the objectives of criminal investigation.

## **CHAPTER 3**

### **GUIDELINES TO DEVELOP QUESTIONS**

#### **3.1 INTRODUCTION**

It is important that the information in the guidelines for developing proper questions for use by officials in the DHA, be tested on new applications for IDs. This relates from litigation, and duplicates of identity documents, caused by DHA officials in the different offices around the country.

In this chapter, the development of proper guidelines for the formulation of effective questioning, with regard to interviewing of applicants for IDs, is discussed. The chapter covers the following: questioning, basic rules for questioning, the requirements for formulating good questions, the right to interview an applicant, different types of questions, guidelines for formulating relevant questions to use when interviewing applicants of IDs, and effective questions.

#### **3.2 QUESTIONING**

Questioning, as it is used in a research interview, is defined as a direct or implied request for the interviewee to think about a particular matter (Yeschke, 1997:174). Rutledge (1996:6) defines questioning as controlled interrogation, calculated to discover and confirm the truth from the responses of an individual, in spite of his intention and efforts to conceal it. According to Pretorius (1997:9), interrogation has always been one way of getting closer to the truth, and taking refuge in questioning is a natural instinct of man. Gilbert (2007:101) states that police questioning of individuals has been divided, by tradition, into two formal categories: interviewing and interrogation. In addition, Gilbert (2007:101) states that the interview has been associated with the questioning of those not suspected as law violators. Interrogation, on the other hand, has been used in connection with the questioning of suspected law violators. Gudjonsson (1996:16) argues that the objective of a “good” police interviewer is to obtain efficient, accurate, relevant and complete accounts from victims, witnesses,

complainants and suspects, without causing undue stress and inconvenience to the person being interviewed. In addition, the information obtained must be relevant to the particular inquiry or investigation. It must also be complete and accurate, and have evidential value.

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked what questioning is.

Samples “A1” and “A2” responded as follows:

- Eighteen (18) participants from both samples said that questioning is when an immigration officer verifies some misunderstanding, such as a fraudulent document, from the applicants of IDs.
- Ten (10) participants of both samples said it is when suspects are questioned by a peace officer about an alleged offence – a peace officer such as police, traffic officer and immigration officer.
- Two (2) participants from both samples said questioning is the skills of retrieved answers from an interviewer.

The researcher established that even though the responses were not directly scientific or according to literature, ten (10) out of 30 participants understood the concept of questioning; however, twenty (20) they do not have a clear understanding.

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that questioning is the confrontation between the interviewer and interviewee during questioning with regard to the suspicion or commission of crime in the Department of Home Affairs offices.
- “B2” said that questioning is when someone confronts someone and asks some information from him/her where an answer will be requested for solution.
- “B3” said that according to their knowledge and experience, questioning is the tools or techniques used during an interview with an official, with regard to departmental investigation.

Sample “B” participants are both counter-corruption investigators from the DHA, and have a clear understanding with regard to questioning. This is based on their responses, as there is no contradiction. In addition, twenty (20) participants from “A1” and “A2” do not have a clear understanding, based on their responses, as their answers disagree with the literature and with “B1”, “B2” and “B3”. The researcher established that there no corroboration from the samples with regard to the responses, as there is difference between their answers and the literature. The responses were identical to the literature, there no clear understanding on the part of the participants from “A” samples. The reasons could be that both participants of “B” were from an investigation environment, and were also trained in the field of investigation; furthermore, they deal with questioning on a daily basis. However on “A” samples there is no training with regard to questioning.

### **3.3 BASIC RULES FOR QUESTIONING**

According to Gilbert (2004:117), certain basic questioning techniques are applicable, regardless of the type of individual being interviewed. Schmied and Reid (2008:4) state that there are three basic types of questioning:

- Verification questions: for example, there are basic data-collecting questions which are useful in building knowledge.
- Theory questions: these require an explanation and prior knowledge.
- Experimental questions: these require explanations and prior knowledge to be tested. For example, the immigration officer of the DHA can put the following questions to the applicant of an ID: “Sir explain to us, from your knowledge, what is your understand about xenophobia in SA?”; “Sir, is your name John?”

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked what the basic rules for questioning are.

Samples "A1" and "A2" responded as follows:

- Ten (10) participants from "A1" said that basic rules for questioning is information contained in the application forms handed to the applicant to complete during application.
- Five (5) participants, also from "A1", said that they do not know the basic rules of questioning.
- Seven (7) participants from "A2" said that basic rules are when an immigration officer asks applicants particulars.
- Eight (8) participants, also from "A2", said that basic rules for questioning are the questions posed to applicants during the process of application of IDs.

Samples "B1", "B2" and "B3" responded as follows:

- "B1" said that the basic rules for questioning are as follows: With regard to the alleged immigration officer clerk who needs to be questioning about alleged misconduct or any misunderstanding at the office, the basic questions need to be crafted and put to the person, in exchange for an answer.
- "B2" said that the basic rules for questioning applied after or during the questioning of applicants who were suspected of misleading the front office clerk at the DHA office.
- "B3" said that the basic rules for questioning are the procedures used during the questioning of a witness, complainant, or victim, where there is either a misunderstanding, or where an answer is needed for verification. Good examples are where an applicant made duplicate IDs; questioning is always needed to verify the cause of the problems or such duplicates.

Sample "B" are experts in Immigration Act investigations, and were of the opinion that basic rules for questioning may be put in different ways, as all the responses of "B" participants corroborate each other, and were also supported by the literature.

In conclusion, the researcher established that there is no clear understanding, with regard to basic questioning, from thirty (30) participants of "A" samples

twenty (20) has a little knowledge however their responses could not direct to the literature. Five (5) said that they do not know the basic rules for questioning; this result could be based on the participants' working environment, as they are not experts on the subject of questioning. Sample "B1", "B2" and "B3", who are experienced counter-corruption investigators, showed a better understanding, as their responses are supported by literature.

### **3.4 REQUIREMENTS FOR FORMULATING A GOOD QUESTION**

According to Yeschke (2014:128), well-crafted questions can convince the interviewee to tell the truth. In addition, one needs to be a persuader of sorts, using properly phrased questions in a setting, and under circumstances, that persuade the interviewee to answer honestly. Lord and Cowan (2011:39) are of the opinion that the general question should be broken down into simple questions that move the interviewee in a direction that will provide a complete answer to the entire question. Inbau et al. (2013:49) explain that the manner, in which questions are phrased during an interview, can increase or decrease the value of the subject's responses to the question.

Gordon and Fleischer (2011) as quoted by Gabela (2013:72) advise on the following general rules for formulating questions:

- *"Questions must be worded so that a response is 'yes' or 'no'.*
- *They must not involve legal terminology (i.e. rape, robbery murder, etc.).*
- *Each question must be clear and unmistakable.*
- *Questions must not be accusatory.*
- *Questions must not contain an inference.*
- *Questions must refer to one offence.*
- *Questions must address one element of crime".*

Samples "A1", "A2", "B1", "B2" and "B3" were asked the requirements for good questions.

Samples “A1” and “A2” responded as follows:

- Both samples (30 participants of “A1” and “A2”) said that they do not know the requirements for the formulation of a good question. They added that no officials of the DHA had undergone that kind of training.

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that the requirements for good questions are as follows: The questioner needs to be aware of a need for information, and keep the questions simple.
- “B2” said that the requirements for good questions are as follows: The questioner needs to be aware of a base set of vocabulary that is relevant to the context or issue, and use closed-ended questions when appropriate, for structured questions.
- “B3” said that the requirements for good questions are as follows: The questioner needs to be able to persist in their search for answers, and editing questions is needed; also, use leading questions when attempting to assist the interviewee to rationalise or ‘save face’.

Sample “B1”, “B2” and “B3” participants, who are experience counter-corruption investigators, showed a better understanding, as their responses are supported by literature. The answers also correlate with participants’ investigation environment as investigators for the DHA, who know the requirements for good questions. Based on their responses, both samples “A1” and “A2” do not know the requirements for formulating good questions, it cannot correlate with the literature as they said they do not know and that no officials had undergone this kind of training. This could be the reason for training to be established, as no proper training for law enforcement exists in the DHA.

The researcher studied 36 case files to check if the immigration officers formulate good questions on the document. The researcher after thoroughly perused case files noted the following: out of 36 only 3 case files has a draft formulation of questions which was formulate, 33 case files there is no questions at all inside the case files.

### **3.5 RIGHT TO INTERVIEW AN APPLICANT**

In terms of Section 4(1) of the Births and Deaths Registration Act 51 of 1992, the transfer of powers and duties are as follows: (1) The Director-General may, subject to such conditions as he or she may deem necessary, in writing authorise any person, whether or not he or she is in the service of the State, or an officer or category of officers, or an employee or category of employees, or a person or category of persons in the Public Service, to exercise or perform, in general or in a particular case, in cases of a particular nature, any power or duty conferred or imposed on the Director-General by or in terms of the Act. The immigration officers have the right to interview and formulate an interview questionnaire in terms of Section 41 of the Immigration Act 13 of 2002, as amended by the Immigration Act 19 of 2004. However, the Director General, in terms of Section 4 (1) of the Births and Deaths Registration Act 51 of 1992, has the right to authorise an official to interview the applicant of IDs, if it can be done in writing.

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked what the rights they have, according to their knowledge, to interview an applicant.

Samples “A1” and “A2” responded as follows:

- Sixteen (16) participants from both samples said that they do have the right to interview applicants of IDs during the application process, and also during the process when a crime has been committed. The Immigration Act gives the right to interview.
- Five (5) participants said that counter-corruption investigators have the right to interview applicants after the commission of a crime relating to the DHA.
- Nine (9) participants said that they do not understand the rights for interviewing, as they had not yet been trained.

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that the immigration officer has the right to interview the applicant of IDs, if there is a suspicion of misrepresentation by both applicant and front office clerk.

- “B2” said that with regard to interviewing the applicant, the DHA has vested the power in any immigration officer to interview, in terms of the Immigration Act 13 of 2002.
- “B3” said that in terms of the Public Service Act, powers are always vested in any person who is performing the duties of interviewing. Such people are as follows: the chief or *indunas* at the village, administrators, a school principal, and other institutions such as banks. They have the power to interview the applicants.

Sample “B” are experience and 21 participants of “A1” and “A2” are both immigration officers, appointed in terms of Section 33 of Immigration Act 13 of 2002, read together with Regulation 27 of this Act. They have a clear understanding with regard to the one who has the right to interview an applicant. However, only nine (9) participants of Sample “A1” and “A2” do not have clear understanding, as their answers do not corroborate the literature as they do not understand the rights.

In conclusion, the researcher found that the responses of participant “B” were supported by literature as indicated in “B3”, and corroborate Section 4(1) of Birth and Deaths Registration Act, the transfer of powers and duties: (1) The Director-General may, subject to such conditions as he or she may deem necessary, in writing authorized any person, whether or not he or she is in the service of the State, or an officer or category of officers or an employee or category of employees or a person or category of person in the Public Service, to exercise or perform, in general or in a particular case in cases of a particular nature, any power or duty conferred or imposed on the Director-General by, or in terms of, the Act.

### **3.6 DIFFERENT TYPES OF QUESTIONS**

Osterburg and Ward (2014:120) point out that the investigators may secure answers to the six questions of ‘who’, ‘what’, ‘when’, ‘where’ ‘why’ and ‘how’. According to Van Rooyen (2004:201–202), there are different types of questions, ranging from questions that seek to obtain a story, those that serve

to confirm information, and others which compare, lead or check. These types are the following:

- **Open-ended questions**

They cannot be answered by 'yes' or 'no', and they require the suspect to think clearly. In addition, most questions ask 'what', 'why' or 'how' (Yeschke, 2014:131).

- **Probing questions**

An example is the following: An immigration officer, during the interview of an applicant of an ID, can ask the applicant the following question: "Sir, why are you in possession of a fraudulent ID?"

As the interviewee is describing the event, the interviewer is developing a probing strategy: how to best bring to the interviewee's conscious images the best view of relevant information, and then probe these images until all the information is exhausted (Lord & Cowan, 2011:47). An example is when an immigration officer, during an interview of an applicant of an ID, asks the applicant the following questions: "Sir, how did you arrive in South Africa, and what is the main reason you are here?"

- **Closed questions**

These questions are specific, offering a limited number of possible responses. In addition, 'yes' or 'no' questions and multiple-choice questions are types of closed questions (Yeschke, 2014:131). An example is when an immigration officer, during an interview of an applicant, asks the applicant the following question: "Sir are you an SA citizen?"

The following table represents the types of questions, definitions and examples of questions as mentioned below:

**Table 3.1:** Types of questions: definitions and examples

Questions	Definitions	Examples
Open question	A question requiring several words for an adequate response	“What happened to you this morning?”
Closed question	A question that can be answered adequately in few words.	“Is ID a smart card?”
Identification type	A question requiring the identification of person, place group, time, etc.	“What time did you see Mr Allen yesterday?”
Selection type	A closed – alternative question, where the subject has to select one from the two or more possible responses suggested by the interviewer.	“Was the assailant armed with a knife or a gun?”
‘Yes-No’ type	A question that can be answered satisfactorily with “Yes” or “No”.	“Did you take the missing money?”

Source:(Gudjonsson, 1996:11)

Orthmann and Hess (2013:186) describe the types of questions as “direct, indirect, closed-ended, open-ended and leading”. Yeschke (2003:161) states that two types of questions are generally used in interviews: closed questions and open questions. Christian (2003:142–144) explains ‘who, what, when, where, which and how’ questions as follows:

- *Who*:Asks about people (Who are you? Who likes chicken?).  
The counter-corruption investigator should ask the applicant of IDs the question such as names: Who are you? Who are your parents?
- *What*:Asks about things or activities (What is this? What sports do you like?).  
The counter-corruption investigator should put questions such as the following to the applicant of IDs: What are the requirements for application of IDs?
- *When*: Asks about general or specific times (When is the movie? When is the English class?).

The counter-corruption investigator should ask the applicant of IDs questions such as, “When are you born?”

- *Where:*Asks about places (Where is the school? Where is the restaurant?).

The counter-corruption investigator should ask the applicant of IDs questions such as, “Where is your original country of origin?” This question distinguishes a specific thing or person from a number of things or people (Which pencil is mine? Which do you like better, the dog or the cat?). The counter-corruption investigator should ask the applicant of IDs questions such as, “Which language do you understand?”

- *How:*A combination of many words to ask questions about specific characteristics, qualities, quantities etc. (How much? How long? How often?).

The counter-corruption investigator should ask the applicant of IDs questions such as “How much did you pay to obtain these fake IDs?”

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked what types of questions one can ask in the process of questioning an applicant.

Samples “A1” and “A2” responded as follows:

- Twelve (12) participants of “A1” and “A2” said that the types of questions are when you ask “participant” direct questions an applicant reply ‘yes’ and ‘no’ answers.
- Eighteen (18) participants of the same samples said that the types of questions are ‘how, when, what, which and where’.

The researcher established that only eighteen (18) of both participants know the types of questions – this is based on the fact that the responses are supported by literature. Twelve (12) participants were not clear on this issue.

Samples “B1”, “B2” and “B3” responded as follows:

- “B1” said that the types of questions are questions such as direct, indirect and open questions.

- “B2” said that types of questions are as follows: questions such as “what, when, who, where and which” can be used.
- “B3” said that the types of questions are questions always put to the applicant, and need the answer of either ‘yes’ or ‘no’ – for example: “Is this an application for an ID? Yes or no?”

The researcher established that the sample “B” participants, and eighteen (18) from “A1” and “A2”, have the knowledge, and a clear understanding, of types of questions to be put to applicants. This is also indicated by the responses of the participants, as they are in agreement with the literature. However, twelve (12) participants of “A1” and “A2” do not know the types of questions to be used. In conclusion, counter-corruption investigators are experienced (“B’ samples), as in the environment of types of questions it is based on their qualifications, training and experience.

The researcher studied 36 case files in order to determine if there is any indication on the paper or documents showing what types of questions were posed to the applicants. The researcher noted that out of 36 case files only 3 case files were indication of types of questions posed to the applicants.

### **3.7 GUIDELINES FOR FORMULATING RELEVANT QUESTIONS TO USE WHEN INTERVIEWING APPLICANTS FOR IDENTITY DOCUMENTS**

According to Matte (1998:241), the formulation of test questions is of such importance that most polygraph schools devote a distinct block of study and training to the topic, designed to enable the student forensic psychologist to formulate test questions that are clearly understood by the examinee, identify the issue succinctly, meet the requirements imposed by the techniques used, and conform to the legal or investigate objective necessitating the test.

Matte (1998:246) adds that a relevant question should be formulated so that it gets to the heart of the issue. Furthermore, it should be a direct question, having an intense and specific relationship to the crime or issue. De Vos et al. (2011:349) argue that the question(s) to be answered should be prepared and reviewed together with experts in the field – and even with selected participants. Field and Morse (1994:66) mention that it is important to minimise the gross

rate, or the amount of irrelevant information, in the interview. In addition, the best strategy for doing so is to prepare several open-ended questions before holding the interview.

Quest (2015) offers the following explanation of an effective or relevant question:

*“An effective question is that which returns the required information. To do this, it needs to contain the relevant contextual vocabulary, and the query needs to be applied to a source that contains the required information ... however, the concept of question effectiveness is of no help to the questioner at the point of trying to create a “good” question. If question effectiveness is an inadequate concept to help one formulate good questions, then there must be another concept or construct that has more value ... all systems of classifying questions are potentially flawed and real insight into questioning needs to take on board contextual factors. These contextual factors come together under the concept of question relevance”.*

Arksey and Knight (as quoted by Gray, 2010:383) state that there are also certain ways of formulating questions that must be avoided. These include questions that do the following:

- **Contain jargon**

A question phrased in a manner that tends to suggest the desired answer, such as “What do you think of the horrible effects of pollution?” (*The Free Dictionary*, 2015). Counter-corruption investigators should not put questions to the applicant of IDs, such as “Are you *kwere-kwere*?” (Foreign citizen), or “Why are you applying for an ID?”

- **Use prejudicial language**

This is confused, unintelligible, strange, outlandish or barbarous language or dialect. Counter-corruption investigators should not put questions to ID applicants, such as, “Do you think you are qualified to be in possession of a South African ID, as an illegal foreigner?”

- **Are ambiguous**

These questions are open to more than one interpretation – that is, not having one obvious meaning – e.g. clear or decided (*Oxford Advanced Learner's Dictionary*, 2015).

Counter-corruption investigators should not put questions to ID applicants, such as “Why is it so necessary to have an ID, as you are not South African?”

- **Lead the respondent**

Leading questions (i.e. those which are asked in such a manner as to suggest the answer desired – e.g. “You don't mean to tell me that you are actually denying pulling the trigger” should be avoided, unless necessary to facilitate the questioning process (Swanson, Chamelin & Territo, 1988:213).

Counter-corruption investigators should not put questions to ID applicants, such as, “What about if you can get someone to assist you in the application for the ID?”

- **Include double questions**

This is committed when someone asks a question that touches more than one issue, yet allows for only one answer. Counter-corruption investigators should not put questions to ID applicants, such as “When did you apply for this ID, and why are you applying? Explain the reasons”.

- **Contain hypothetical statements**

This is a question asked by the investigator to clarify the subject in a response. Furthermore, hypothetical questions often start with the phrase, “Is it possible ...” or “Do you think that perhaps” (Inbau et al., 2013:59).

Counter-corruption investigators should not put the question to the ID applicant, such as, “Do you think you are qualified to be in possession of this South African ID?”

- **Probe personal or sensitive issues**

“Probe” is to pose questions or conduct an investigation – e.g. the police are probing into what really happened (The Free Dictionary, 2014).

Counter-corruption investigators should not put questions to ID applicants, such as, “When did you know about your stolen ID? Because you are always drunk.”Gordon and Fleisher (2011:89) give the question formulation as comprising irrelevant, relevant and comparison questions – which can be further explained as follows:

- **Irrelevant questions** are those that have no connection whatever to the matter under investigation, and should therefore pose no threat to the suspect. The front office clerk could sometimes put an irrelevant question to the applicant, such as, “Is there any reason for you to apply for an identity document?”
- **Relevant questions** are closed-ended questions dealing directly with the matter under investigation that must be answered in the shortest fashion – usually with a “yes” or a “no”.Immigration officers have the right to put questions to the applicant, such as, “Do you have a birth certificate with you?” or, “Are you a South African citizen by birth”?

Inbau et al. (2013:58) explain that, rather, proper formulation of interview questions makes deception more apparent within the subject’s response. Gudjonsson(1996:10) concludes that the interviewer does not generally know, in advance, all the pieces of information that need to be sought, and questions may need to be developed as the interview progresses. The immigration officers formulate an interview questionnaire in terms of Section 41 of the Immigration Act (2002), as amended by Immigration Amendment Act (2004).

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked which guidelines could be suggested for formulating relevant questions to use when interviewing ID applicants.Samples “A1” and “A2” responded as follows:

- Both samples (30 participants) stated that with regard to guidelines to suggest for formulating relevant questions to use when interviewing ID

applicants, they had no idea, as the DHA does not have such guidelines or training which could include formulating of relevant questions.

The researcher established that, according to the participants' responses, they do not know the answer, and are also not supported by literature.

Samples "B1", "B2" and "B3" responded as follows:

- "B1" participants said that the guidelines for formulating relevant questions to be used in interviewing ID applicants, read as follows: Formulate the questions as simply as possible, keep the sentences short, avoid opinions, and do not expect the witness to conform to your opinion. This always applies when Section 41 of the Immigration Act is used by immigration officers.
- "B2" said that guidelines for formulating relevant questions to be used in interviewing ID applicants are always to be done when a peace officer or immigration officer has either prepared or formulated and developed questions for clarifying misunderstandings at the office.
- "B3" said that guidelines formulating relevant questions to be used in interviewing ID applicants, read as follows: The immigration officer formulates questions to ask the applicant of IDs, if there is a suspicion of fraudulent documents detected by the front office clerk.

The researcher established that all the "B" participants' responses corroborate each other. It also shows a better understanding, as it is supported by the literature. However, the participants of "A1" and "A2" are not in agreement with the literature. This could be based on the background of the participants, as all officials are being employed, and working, without formal training. The "B" participants, however, are experienced from the DHA counter-corruption.

The researcher studied 36 case files in order to determine if the guidelines for formulating relevant questions to use when interview applicant of IDs is indicated in the case file. The researcher noted from all 36 case files that only 3 case files where questions documents were attached which is related to the guidelines formulating relevant questions.

### 3.8 EFFECTIVE QUESTIONS

According to Benson (2001:1), effective questions should provide an opportunity for discussion, and if they don't encourage discussion, then they should not be used. For example, inappropriate questions for discussion would be factual types of questions that lead to only one answer, and for which responses are binary (yes/no, true/false). Orthmann and Hess (2013:186) state that effective questioning techniques have two basic requirements to obtain information: to listen and to observe.

Black and Kaplan (2013) argue that the way in which the question is stated will often determine its effectiveness; one should therefore do the following:

- *“Plan some questions as you prepare.*
- *Use vocabulary familiar to students.*
- *Ask question from all intellectual levels.*
- *Avoid ambiguous questions.*
- *Avoid “yes” and “no”.*
- *Avoid double-barreled questions.”*

Samples “A1”, “A2”, “B1”, “B2” and “B3” were asked as to when a question is effective. Samples “A1” and “A2” responded as follows:

- Thirteen (13) participants of “A1” and “A2” said that effective questions are questions asked by immigration officers of the applicants of IDs, after being referred by officials at the front office desk.
- Seventeen (17) participants of “A1” and “A2” said that effective questions are questions prepared by an employer to interview applicants for a job.

The researcher established that responses from both samples “A1” and “A2” were not supported by the literature. It is clear that both participants do not know what effective questions are; this could be as a result of a lack of training, as indicated in their backgrounds.

Samples "B1", "B2" and "B3" responded as follows:

- "B1" said that effective questions are questions used to probe information from the alleged suspect during investigation, by closed and open questions, as they are always appropriate to be used by investigators.
- "B2" said that effective questions are positive questions used by investigators in the investigation of identity document immigration officers to encourage co-operation, and also identify the challenges of deception.
- "B3" said that effective questions are when immigration officers plan some questions as preparation, and also to avoid ambiguous questions such as 'yes' and 'no' questions.

The researcher established that there was a better understanding with regard to effective questions, as all the "B" participants' responses were supported by the literature. This could be based on their environment, as the participants of "B" were experienced when it came to effective questions, were appointed in terms of Section 33 of the Immigration Act, and also declared by the Minister of Home Affairs as peace officers, in terms of Section 334 of the Criminal Procedure Act. However, in conclusion, samples "A1" and "A2" do not know about effective questions, and their responses are not supported.

### **3.9 SUMMARY**

In this chapter, the researcher focused on his first purpose: to evaluate the questioning skills of officials, in order to identify their strengths and weaknesses, and consider how they should be improved. The researcher's intention is that after this study, officials should be thoroughly trained in questioning skills. The researcher also intends to ensure that officials are able to write down potential questions on the document, in order to assist officials with regard to testing information on questions on new documents. The researcher also focuses on guidelines for formulating relevant questions to use when interviewing applicants for IDs. The main purpose is to assist officials of DHA during questioning and interviewing applicants. The last purpose with regard to this chapter is to outline information or types of questions which can be used as

guidelines to the officials and immigration officers when perform their daily routine of interviewing applicants of IDs.

## **CHAPTER 4**

### **FINDINGS AND RECOMMENDATIONS**

#### **4.1 INTRODUCTION**

This chapter presents the findings derived from the information obtained both from interviews with the immigration officers and counter-corruption officers, and from an in-depth literature case files. Recommendations are then offered towards solving the research problem. The aim of this study was to establish guidelines for formulating questions with which to interview applicants of identity documents. To address the research problem, the following research questions were asked:

- What are the objectives of investigation?
- What are the guidelines for developing proper questions for use by officials of the DHA, to test information in new applications for identity documents?

#### **4.2 FINDINGS**

The following findings emanate from the research questions, and are also based on information gathered from both national and international literature, from interviews, as well as from case file analyses.

##### **4.2.1 Primary findings on Research Question 1: Objectives of investigation**

The primary findings are based on literature and interviews conducted:

- “Objectives of investigation” refers to the processes to establish that a crime was committed, to identify and apprehend the suspects, recover stolen property, and assist in the prosecution of the person(s) charged with the crime. The responses of the participants differ as follows:
- The viewpoints of participants from samples “A1” and “A2” did not agree with the literature. For instance, seventeen (17) participants from “A1” and

“A2” said that they know nothing with regard to objectives of investigation, and they referred it to counter-corruption. Five (5) participants from “A2” said it is to be found guilty in court. The remaining eight (8) participants said that it is to recover stolen property and theft of IDs.

- However, the responses from samples “B1”, “B2” and “B3” agreed with the literature, and it is clear that the participants knew the objectives of investigation. The participants from “B1”, “B2” and “B3” samples know the objectives of investigation this could participants working environment and training.

#### **4.2.2 Primary findings on Research Question 2: Guidelines for developing proper questions for applicants of identity documents**

The researcher established, by means of interviews and the literature, some guidelines for developing proper questions as follows:

- The formulation of test questions is of such importance that most polygraph schools devote a distinct block of study and training to the topic, designed to enable the student forensic psychologist to formulate test questions that are clearly understood by examinee, identify the issue succinctly, meet the requirements imposed by techniques used, and conform to the legal or investigate objective necessitating the test;
- Relevant question should be formulated so that it gets to the heart of the issue;
- Question(s) to be answered should be prepared and reviewed together with experts in the field and even in the selected participants;
- “An effective question is that which returns the required information”;
- Proper formulation of interview questions makes deception more apparent within the subject’s response, and
- Interviewer does not generally know, in advance, all the pieces of information that need to be sought, and questions may need to be developed as the interview progress.

This research finds that guidelines for formulating relevant questions to use when interview applicants for IDs could be used:

- To scientifically to well-crafted questions that can convince the interviewee to tell the truth, for examples in the case of fraud of IDs.

### **4.3 SECONDARY FINDINGS**

The following findings were made in terms of certain other relevant points that the researcher came upon during the research:

#### **4.3.1 Functions of immigration officers**

According to the literature the function of immigration officers are:

- conducting interviews;
- taking fingerprints;
- carrying out surveillance, and
- writing reports;
- Deportation of illegal foreigner, and
- Investigations of fraudulent documents.

The participants of both samples had a good understanding of functions of Immigration officers; however, none of them could set out all the functions of immigration officers as set in the literature.

#### **4.3.2 Criminal investigation**

The researcher established that criminal investigation is the process of discovering, collecting, processing, identifying and presenting evidence, to determine what happened and who is responsible.

- The participants from samples “A1” and “A2” do not understand the meaning of criminal investigation; none of them could set the meaning of criminal investigation. The reason could be their working environment, as they were not trained in a criminal investigation environment.
- However “B1”, “B2” and “B3” understand the meaning of criminal investigation based on their working environment as an expert.

### **4.3.3 Crimes normally committed by applicants for identity documents**

The researcher established that crimes normally committed by applicants at the DHA front office are those of corruption (which includes fraudulent documents such as fake birth certificates, fake death certificates and fake passports), theft of IDs, bribery and forgery.

- The samples of all participants have knowledge and clear understanding of the crimes normally committed by applicants for identity documents as supported by literature.

### **4.3.4 Identity documents**

According literature Section 17(4) (1) of the Identification Act, define an identity document/identity card includes any other proof of identity issued by the state, and on which the name and photograph of the holder appear

- The sample groups both of sample “A1” and “A2” participants showed a good understanding of what an ID is, in their opinion, based on the fact that there was no disagreement or contradiction, all supported by literature.

### **4.3.5 Interviewing**

The researcher established that the term “interviewing” could also be defined as the questioning process used for victims or eyewitnesses who can reasonably be expected to disclose what they know.

- The sample groups it shows that not all participants understand how to define interviewing. For instance, the participants of samples “A1” and “A2” there are not clear about interviewing. However, the participants of “B1”, “B2” and “B3” do have knowledge of how to define interviewing.
- The researcher established that, in practice, the immigration officer interviews applicants, based on their opinion, and not in terms of guidelines for questioning designed by the DHA.

Zulawski and Wicklander (2002:3) define ‘interview’ as a non-accusatory, structured conversation, during which specific behaviour-provoking questions

are asked, with the purpose of eliciting interpretable behaviour that is typical of innocence or guilt.

#### **4.3.6 Purpose of interviewing**

According to the literature, the purpose of interviewing is to gather information, and, further, that the purpose of an interview is to ascertain facts, in order to solve the problem.

- The sample groups it shows that not all participants understand the purpose of interviewing. For instance, the participants of “A1” and “A2” are not clear about the purpose of interviewing. Only the participants of “B1”, “B2” and “B3” have knowledge about the purpose of interviewing.

#### **4.3.7 Process to follow after identifying a criminal activity**

According to literature on the standard operational procedures for handing over an illegal foreigner, or any other person, to the SAPS, the immigration officer shall ensure that the following documents are obtained from the SAPS, after identifying criminal activities, at the handing-over process:

- An attest statement in respect of each arrested person.
- A duly completed body receipt reflecting the number of persons handed over.
- Passport/identity documents or any other form of identity in respect of each arrested person, if available.
- Suspected illegal foreigners must be handed over immediately, but not later than twelve hours following the arrest.
- The immigration officer must sign the body receipt after ensuring that the suspects are free of injuries, accept the statements, open the necessary case files, and register the files in the normal way.

The researcher further finds that:

- 17 from the 30 participants from Sample “A” have a clear understanding on the process of identifying a criminal activity and 13 participants do not have a clear understanding.

- However, the researcher further compared the responses from “B1,” “B2” and “B3” and established that there is a clear understanding with regard to the process followed after identifying criminal activities.

#### **4.3.8 Powers of arrest**

The researcher established that an immigration officer has the power of arrest, in terms of Section 33(1) of the Immigration Act – which states that if the arrest, detention and deportation of an illegal foreigner, in terms of Section 34(1) of the Act, is effected by means of a warrant, such warrant shall be issued by a magistrate, and executed by an immigration officer in terms of the Immigration Act 13 of 2002, as amended by Immigration Amendment Act ( 2004).

Sample A1 and A2 do not have any knowledge with regard to the powers of arrest. However samples “B1”, “B2” and “B3” have a clear knowledge with regard to the powers of arrest based on their working environment as law enforcement.

#### **4.3.9 Fraud**

The researcher established that fraud is the unlawful and intentional making of misrepresentation, with fraudulent intent, which causes actual prejudice, or which is potentially prejudicial to another.

- The researcher finds “A1” and “A2” (8) out 30 participants do not understand how to define fraud however 22 participants understand the definition of fraud as defined by literature.
- “B1”, “B2” and “B3” clearly understood how to define fraud.

#### **4.3.10 Elements of fraud**

The researcher established that elements of fraud must be referred to as misrepresentation, prejudice, unlawfulness and intention.

- All thirty (30) participants from “A1” and “A2” are not familiar with the types of elements of fraud.
- “B1”, “B2” and “B3” clearly understood the elements of fraud.

#### **4.3.11 Questioning**

The researcher established that questioning is the putting of questions to any person in a formal or informal manner. Furthermore, questioning refers to the unlocking of a person's thoughts when an attempt is being made to obtain information.

- Not all participants understand what questioning is according to literature or scientific; only three (3) participants, referred to as "B1", "B2" and "B3", clearly understand what is questioning is. However "A" participants even though the responses were not scientific or according to the literature all the participants understood the concept questioning.

#### **4.3.12 Basic rules for questioning**

Based on information from the literature and interviews, it has been established that basic questioning techniques are applicable, regardless of the type of individual being interviewed.

The researcher established that the basic rules for questioning are the following:

- Verification of questions: for example, there are basic data-collecting questions which are useful in building knowledge.
- Theory questions: these require an explanation and prior knowledge.
- Experimental questions: these require an explanation and prior knowledge, to be tested.

The researcher finds that thirty (30) participants of sample "A" are not clear on basic rules for questioning when compared to "B" samples who have the knowledge with regard to the basic rules for questioning based on their working environment as an expert.

#### **4.3.13 Requirements for good questions**

The researcher established that the principles or requirements for good questions are as follows (Black & Yeschke, 2014):

- Avoid third-degree questioning.
- Use closed-ended questions when appropriate for structured questions.
- Used open-ended questions when appropriate for semi-structure questions.
- Keep questions simple.
- Avoid asking questions with more than one meaning.
- Dare to ask tough questions.
- Use leading questions when attempting to assist the interviewee to rationalise or save face.
- Handle trial-balloon questions cautiously.
- Assume that more information is available.

Not all participants of sample “A1” and “A2” know the requirements for good questions. Only three (3) participants referred to as “B1”, “B2” and “B3”, showed knowledge the requirements.

#### **4.3.14 Right to interview an applicant**

According to the literature immigration officers have the right to interview and formulate an interview questionnaire, in terms of Section 41 of the immigration Act (2002), as amended by the Immigration Amendment Act of 2004. However, the Director General, in terms of Section 4(1) of the Birth and Deaths Registration Act (1992), has the right to authorise a front office clerk to interview applicants of IDs, if it can be done in writing. The researcher established that:

- Twenty-one (21) participants of “A1”and “A2” are both immigration officers, appointed in terms of Section 33 of Immigration Act 13 of 2002, read together with Regulation 27 of this Act.
- They have a clear understanding with regard to the one who has the right to interview an applicant. However, only nine (9) participants of samples “A1” and “A2” do not have a clear understanding, as their answers do not corroborate the literature.

#### **4.3.15 Types of questions that could be asked of applicants**

According to literature the researcher established that types of questions are as follows:

- Open-ended questions;
- Probing questions;
- Closed questions;
- Identification type;
- Selection type, and
- Yes-no type.

The researcher finds that eighteen (18) participants “A” sample and 3 participants of “B” samples are clear with regard to the types of questions as compared to 12 participants of “A” the sample do not know types of questions to be used.

#### **4.3.16 Effective questions**

According to literature the researcher established that types of questions are as follows:

- Plan some questions as you prepare;
- Use vocabulary familiar to students;
- Ask question from all intellectual levels;
- Avoid ambiguous questions;
- Avoid “yes” and “no”, and
- Avoid double-barrelled questions.

The researcher established that effective questions should provide an opportunity for discussion. Effective questioning techniques have two basic requirements to obtain information; these are to listen and observe. The researcher finds that all participants from “A” samples do not know what is effective questions are as compare to, “B1”, “B2” and “B3” have a clear understanding also knowledge and experience with regard to the effective

questions. This could be based on their environment, as the participants of “B” are experienced when it came to effective questions skills.

#### **4.4 RECOMMENDATIONS**

This study was undertaken to uncover guidelines for formulating questions with which to interview applicants of identity documents. The questioning and formulating skills of question officials of the DHA do not understand as the results of increased in litigation. This can only be achieved if immigration officers have sufficient knowledge on how to formulate questions to interview applicants for identity documents for use by DHA officials during the interviewing of applicants for IDs. In this study, a variety of concepts, based on the research questions and aims, were discussed.

The researcher makes the following recommendations that will assist immigration officers during interviews with applicants of IDs, and also in formulating proper questions for interviewing applicants:

##### **4.4.1 Training**

The researcher recommends that when the DHA immigration officers are trained, the following should become part of their training:

- Immigration officers should understand the concept of ‘objectives of investigation’, the meaning and purpose of interviewing, guidelines for formulating questions to interviews applicants of IDs, and questioning skills.

The researcher recommends the development of training programmes that incorporate the following concepts into the DHA current training curriculum:

- Guidelines for developing proper questions for use by officials of DHA, to test information on new application for identity documents
- Criminal investigation
- Crimes normally committed by applicants for identity documents
- Interviewing
- Purpose of interviewing
- Describe the processes have to be followed after identifying a criminal activity

- Fraud
- Elements of fraud
- Questioning
- Basic rules for questioning
- Requirements for questioning
- Right to have to interview applicants of IDs
- Effective questioning

Owing to the lack of available literature which specifically deals with this topic, the researcher recommends that further research be conducted on the following:

- Guidelines for formulating questions to interview applicants of IDs.
- Basic rules for questioning

#### **4.5 CONCLUSIONS**

The establishment of effective guidelines for formulating questions to interview applicants of IDs can be achieved if guidelines for formulating questions to interview applicants of IDs can be evaluated, in order to identify their strengths and weaknesses, and thus be improved. After completing this study, the researcher would like to see the DHA immigration officers apply these new techniques in formulating guidelines on how to question applicants during new identity document applications. Furthermore, the researcher would like to see relevant, effective questions being put to the applicants. In addition, the DHA should empower immigration officers with the capacity to interview new ID applications.

Finally, the researcher is adamant that immigration officers should be clear on the objectives of investigation, together with clarity regarding guidelines for developing proper questions for use by officials of the DHA, to test the information on new applications for identity documents.

## LIST OF REFERENCES

- Barker, R.L. 2003. *The social work dictionary*. 5th edition. Washington, DC: NASW Press.
- Becker, R.F. 2009. *Criminal investigation*. 3rd edition. Belmont, CA: Wadsworth/Thomson Learning.
- Bennett, W.W. & Hess, K.M. 2013. *Criminal investigation*. Clifton Park, NY: Delmar Cengage Learning.
- Benson, R. 2001. *Ragnar's guide to interviews, investigation and interrogation: how to conduct them, how to survive them*. Boulder, CO: Paladin Press.
- Births and Deaths Registration Amendment Act see South Africa. 1992a.
- Black, B. & Kaplan, M. 2013. *Lecturing: formulating effective questions*. From: <http://www.cirtl.net/node/2575> (accessed 14 July 2015).
- Black, I.S. & Yeschke, C.L. 2014. *The art of investigative interviewing*. 3rd edition. Burlington: Butterworth-Heinemann.
- Blaikie, N. 2003. *Analysing quantitative data: from description to explanation*. London: Sage.
- Brenner, M., Brown, J. & Canter, D.V. (eds.) 1985. *The research interview: uses and approaches*. London: Academic Press.
- Burchell, J. 2013. *Principles of criminal law*. 4th edition. Cape Town: Juta.
- Champion, D.J. 1993. *Research methods for criminal justice and criminology*. Englewood Cliffs, NJ: Prentice Hall.
- Christian, D.R., Jr. 2003. *Forensic investigation of clandestine laboratories*. New York: CRC Press.
- Citizenship Act see South Africa. 1995.

Constitution see South Africa. 1996.

*Collins English Dictionary*. 12th edition. 2014. s.v. "applicant". London: HarperCollins.

Creswell, J.W. 1994. *Research design: qualitative and quantitative approaches*. Thousand Oaks, CA: Sage.

Creswell, J.W. 2009. *Research design: qualitative, quantitative, and mixed methods approaches*. 3rd edition. London: Sage.

Creswell, J.W. 2013. *Qualitative inquiry and research design: choosing among five approaches*. 3rd edition. Thousand Oaks, CA: Sage.

Creswell, J.W. & Miller, D.L. 2000. *Determining validity in qualitative inquiry*. Thousand Oaks, CA: Sage.

Criminal Procedure Act see South Africa. 1977.

Croly, M. 1996. *The foundations of social research: meaning and perspective in the research process*. London: Sage.

Denscombe, M. 2002. *Ground rules for good research*. London: Open University Press.

Denscombe, M. 2007. *The good research guide: for small-scale social research projects*. 3rd edition. Maidenhead, Berks: Open University Press.

Denzin, N.K. & Lincoln, Y.S. 1994. *Introduction: entering the field of qualitative research*. Thousand Oaks, CA: Sage.

De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, V. 2010. *Research at grass roots: for the social and human services professions*. 3rd edition. Pretoria: Van Schaik.

De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, V. 2011. *Research at grass roots: for the social and human services professions*. 3rd edition. Pretoria: Van Schaik

- Dowling, J.L. 1997. *Criminal investigation*. Houston, TX: Sam Houston State University.
- Du Preez, G. 1996. Misdaadondersoek. In Van der Westhuizen, J.(ed.) 1996. *Forensiese kriminalistiek*. Durban: Butterworths.
- Field, P.A. & Morse, J.M. 1994. *Research design and methodology for health*. London: Sage.
- Flick, U. 2009. *An introduction to qualitative research*. 4th edition. London: Sage.
- Gabela, M. 2013. *Evaluation of the questions used in a polygraph test*. MTech dissertation, University of South Africa, Pretoria.
- Giese, S. & Smith, L. 2007. *Rapid appraisal of Home Affairs policy and practice affecting children in South Africa*. Cape Town: Alliance for Children's Entitlement to Social Security.
- Gilbert, J.N. 2004. *Criminal investigation*. 6<sup>th</sup> edition. Upper Saddle River, NJ: Pearson Education.
- Gilbert, J.N. 2007. *Criminal investigation*. 7<sup>th</sup> edition. Upper Saddle River, NJ: Pearson Prentice Hall.
- Gordon, N.J. & Fleisher, W.L. 2011. *Effective interviewing and interrogation Techniques*. 3rd edition. London: Prometheus Books.
- Gray, D.E. 2010. *Doing research in the real world*. 2nd edition. London: Sage.
- Greenfield, T. 2002. *Research methods for postgraduates*. 2nd edition. London: Arnold.
- Grinnell, R.M. & Unrau, Y.A. 2008. *Social work research and evaluation foundation evidence based practice*. 2nd edition. New York: Oxford University Press.
- Gudjonsson, G. 1996. *The psychology of interrogations, confessions and testimony*. New edition. Oxford: Wiley. (Wiley series in psychology of crime, policing and law).

- Hamill, C. & Sinclair, H. 2010. *Bracketing in phenomenology*. Nova, South Eastern University.
- Hofstee, E. 2006. *Constructing a good dissertation: a practical guide to finishing a master's, MBA or PhD on schedule*. Johannesburg: EPE.
- Horgan, J.J. 2005. *Criminal investigation*. 2nd edition. Redlands, CA: University of Redlands.
- Hoyle, R.H., Harris, J.J. & Judd, C.M. 2002. *Research methods in social relations*. 7th edition. Pacific Grove, CA: Wadsworth.
- Identification Act see South Africa. 1997b.
- Immigration Act see South Africa. 2002.
- Immigration Amendment Act see South Africa. 2004.
- Inbau, F.E., Reid, J.E., Buckley, J.P. & Jayne, B.C. 2013. *Criminal interrogation and confession*. 5th edition. Sudbury, MA: Jones & Bartlett Learning.
- Jackson, S.L. 2003. *Research methods and statistics: a critical thinking approach*. London: Thomson Wadsworth.
- Jacques, H.1996. *Globalisation and the transition from state to market capitalisation*. London: Sage.
- Joubert, C. 2012. *Applied law for police officials*. 3rd edition. Cape Town: Juta.
- Leedy, P.D. & Ormrod, J.E. 2005. *Practical research: planning and design*. 8th edition. Upper Saddle River, NJ: Prentice Hall.
- Lord, V.B.& Cowan, A.D. 2011. *Interviewing in criminal justice: victims, witnesses, clients, and suspects*. Sudbury, MA: Jones & Bartlett.
- Lyman, M.D. 2013. *Criminal investigation*. Columbia, MO: Columbia College of Missouri.

- Marais, C.W. & Van Rooyen, H.J.N. 1994. *Misdaadondersoek*. Pretoria: Promedia.
- Marlow, C. 2005. *Research methods for generalist social work*. 4th edition. Belmont, CA: Brooks/Cole.
- Marriage Act see South Africa. 1961.
- Mason, J. 1996. *Qualitative researching*. Thousand Oaks, CA: Sage.
- Mason, J. 2002. *Qualitative researching*. 2nd edition. London: Sage.
- Matte, J.A. 1998. *Forensic psychophysiology using the polygraph: scientific truth verification-lie detection*. 2nd edition. Williamsville, NY: J.A.M.
- Maxfield, M.G. & Babbie, E.R. 1995. *Research methods for criminal justice and criminology*. Belmont, CA: Wadsworth.
- McDevitt, D.S. 2012. *Managing the investigative unit*. 2nd edition. Springfield, IL: Charles C. Thomas.
- Merriam-Webster*. 2014. s.v. "questioning". From: <http://www.merriam-webster.com> (accessed 6 March 2014).
- Merriam-Webster*. 2015. s.v. "functions of immigration officer." From: <http://www.merriam-webster.com> (accessed 20 July 2015).
- Miles, M.B. & Huberman, A.M. 1994. *Qualitative data analysis: an expanded sourcebook*. 2nd edition. Thousand Oaks, CA: Sage.
- Mouton, J. 2001. *How to succeed in your master's and doctoral studies: a South African guide and resource book*. Pretoria: Van Schaik.
- Mouton, J. 2009. *Understanding social research*. 6th edition. Van Schaik.
- Mouton, J. & Marais, H.C. 1990. *Basic concepts in the methodology of the social sciences*. Revised edition. Pretoria: Human Sciences Research Council.
- O'Hara, C.E. & O'Hara, G.L. 2003. *Fundamentals of criminal investigation*. 7th edition. Springfield, IL: Charles C. Thomas.

- Orthmann, C.H. & Hess, K.M. 2013. *Criminal investigation*. 10th edition. Clifton Park, NY: Delmar Cengage Learning.
- Osterburg, J.W. & Ward, R.H. c2010. *Criminal investigation*. 6th edition. Albany, NY: LexisNexis/Anderson Pub.
- Osterburg, J.W. & Ward, H. 2013. *Criminal investigation*. 7th edition. Cincinnati, OH: Elsevier Science.
- Osterburg, J.W. & Ward, H. 2014. *Criminal investigation*. 8th edition. Oxford: Oxford University Press.
- Oxford Advanced Learner's Dictionary*. 8th edition. 2015. s.v. "ambiguous". From: <http://www.oxforddictionaries.com/definition/learner/ambiguous> (accessed 3 June 2015).
- Oxford English Dictionary*. 10th edition. 2005. s.v. "applicant". Cape Town: Oxford University Press.
- Palmiotto, M.J. 2013. *Criminal investigation*. 4th edition. New York: CRC Press.
- Passports and Travel Documents Act see South Africa. 1994a.
- Polit, D.F. & Beck, C.T. 2008. *Nursing research: generating and assessing evidence of nursing practice*. 8th edition. Philadelphia, PA: Lippincott Butterworths.Williams & Wilkins.
- Public Service Act see South Africa. 1994b.
- Quest. 2015. *Good questions*. From: [https://question-skills.wikispaces.com/Good Questions](https://question-skills.wikispaces.com/Good_Questions) (accessed 14 July 2015).
- Rubin, A. & Babbie, E. 2005. *Research methods for social work*. 5th edition. Belmont, CA: Thomson Brookes/Cole.
- Rutledge, D.1996. *Criminal investigations and evidence: constitutional principles for searches, seizures, interrogation & ID*. New York: Pearson Education.

- Schmied, J. & Reid, M. 2008. *Scientific (testable) questions*. From: <http://www.goscienceseven.com/SciMethod/sciquestions.html> (accessed 2 March 2015).
- Seaman, C.H.C. 1987. *Research methods: principles, practice, and theory for nursing*. New York: Appleton & Lange.
- Singleton, R.A. & Straits, B.C. 1999. *Approaches to social research*. 3rd edition. New York: Oxford University Press.
- Smith, J.M., Adams, T., Hart, A. & Webb, J. 2013. *Introducing forensic and criminal investigation*. Oxford: Oxford University Press.
- South Africa. 1961. Marriage Act 25 of 1961. Pretoria: Government Printer.
- South Africa. 1996. The Constitution of the Republic of South Africa 108 of 1996. Pretoria: Government Printers.
- South Africa. 1977. Criminal Procedure Act 51 of 1977. Pretoria: Government Printer.
- South Africa. 1992. Births and Deaths Registration Act 51 of 1992. Pretoria: Government Printer.
- South Africa. 1994a. Passports and Travel Documents Act 4 of 1994. Pretoria: Government Printer.
- South Africa. 1994b. Public Service Act 38 of 1994. Pretoria: Government Printer.
- South Africa. 1995. Citizenship Act 88 of 1995. Pretoria: Government Printer.
- South African. 1995. Citizenship Amendment Act 17 of 2010—Gazette No.33850,1187 dated 7 December 2010. Commencement date: 1 January 2013 { Proc.No.70, Gazette No.36054}
- South Africa. 1996. National Archives and Records Service of South Africa Act 43 of 1996, as amended by Cultural Laws Amendment Act 36 of 2001.

- Assented to 27 September 1996. Date of Commencement: 1 January 1997.  
Pretoria: Government Printer.
- South Africa. 1997a. Births and Deaths Registration Amendment Act 67 of 1997.  
Pretoria: Government Printer.
- South Africa. 1992a. Births and Deaths Registration Amendment Act 18 of 2010—Gazette No.14182, dated 7 December 2010. Commencement date: 1 March 2014 {Proc.No. R11, Gazette No.373731}
- South Africa. 1997b. Identification Act 68 of 1997. Pretoria: Government Printer.
- South African. 1997b. Identification Amendment Act 73 of 1998—Gazette No.37069 dated 26 November 2013. Commencement date: 1 January 2013 {No.913, Gazette No.36054}
- South Africa. 2002. Immigration Act 13 of 2002. Pretoria: Government Printer.
- South Africa. 2004. Immigration Amendment Act 19 of 2004. Pretoria: Government Printer.
- South Africa. Department of Home Affairs. 2012a. Annual performance plan 2013/14–2014/15. Pretoria: The Department.
- South Africa. Department of Home Affairs. 2012b. Annual report 2011/2012. Pretoria: The Department.
- South Africa. Department of Home Affairs. National Immigration Branch. 2005. *Standard operating procedures for ports of entry*. Pretoria: The Department.
- South Africa. Government News Agency. Gov.za (accessed July 12 2012).
- Standard operating procedures for Ports of Entry. See South Africa. Department of Home Affairs. National Immigration Branch. 2005.
- Swanson, C.R., Jr, Chamelin, N.C. & Territo, L. 1988. *Criminal investigation*. 4th edition. New York: McGraw-Hill.

- Swanson, C.R., Jr, Chamelin, N.C. & Territo, L. 2003. *Criminal investigation*. 8th edition. New York: McGraw-Hill.
- Swanson, C.R., Jr, Chamelin, N.C., Territo, L. & Taylor, R. 2012. *Criminal investigation*. 11th edition. New York: McGraw-Hill.
- Technikon Pretoria, 2002. *Investigation of crime II: Study guide*. Pretoria: Technikon Pretoria.
- Terre Blanche, M., Durrheim, K. & Painter, D. (eds.) 2010. *Research in practice*. 2nd edition. Cape Town: CT Press.
- The Free Dictionary*. 2009. s.v. "case file", "question". From: <http://www.thefreedictionary.com> (accessed 12 February 2014).
- The Free Dictionary*. 2009. s.v. "case file analysis", "question". From: <http://www.thefreedictionary.com> (accessed 12 February 2014).
- The Free Dictionary*. 2015. s.v. "contain jargon". From: <http://www.thefreedictionary.com> (accessed 16 January 2015).
- University of South Africa, 2013. Policy on research ethics.
- Unrau, Y.A., Gabor, P.A. & Grinnell, R.M. 2007. *Evaluation in social work: the art and science of practice*. Oxford: Oxford University Press.
- Van Rooyen, H.J.N. 2004. *Investigation: the A–Z guide for forensic, private and corporate investigators*. Crime Solve.
- Welman, J.C. & Kruger, S.J. 1999. *Research methodology*. 2nd edition. Halfway House: International Thomson Publishing (Southern Africa).
- Welman, J.C. & Kruger, S.J. 2001. *Research methodology*. 2nd edition. Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2002. *Research methodology for the business and administrative sciences*. 2nd edition. Oxford: Oxford University Press.

Welman, J.C. & Kruger, S.J. 2005. *Research methodology for the business and administrative sciences*. 3rd edition. Oxford: Oxford University Press.

Wikipedia. 2015. *Immigration officer*. From: [https://en.wikipedia.org/wiki/Immigrationofficer\\_\\_](https://en.wikipedia.org/wiki/Immigrationofficer__) (accessed 14 March 2015).

Yeschke, C.L. 1997. *The art of investigative interviewing: a human approach to testimonial evidence*. Burlington: Butterworth/Heinemann.

Yeschke, C.L. 2003. *The art of investigative interviewing: a human approach to testimonial evidence*. 2nd edition. Burlington: Butterworth-Heinemann.

Yeschke, C.L. 2014. *The art of investigative interviewing*. 3rd edition. Waltham, MA: Butterworth-Heinemann.

Zulawski, D.E. & Wicklander, D.E. 2002. *Practical aspects of interview and interrogation*. 2nd edition. Boca Raton, FL: CRC Press. (Practical aspects of criminal and forensic investigations series).

## **LAW REPORTS**

*Ofarah v S (A153/2011)[ 2013] ZAGP JHC 216 (26 August 2013)*

*Minister of Police v Elwels* 1975 (3) SA 590 (AD)

*Nonceba Grace Mantshongo v Minister of Home Affairs and another* (943/11/2012).

## **ANNEXURE A**

### **INTERVIEW SCHEDULE: IMMIGRATION OFFICERS**

#### **TOPIC: GUIDELINE FOR FORMULATING QUESTIONS TO INTERVIEW APPLICANTS OF IDENTITY DOCUMENTS**

**AIM:** The aim of this study is to research guidelines for formulating relevant and effective questions for use during interviews between Home Affairs immigration officers and ID applicants during the interviewing of applicants of identity documents.

#### **RESEARCH QUESTIONS**

The researcher formulated the following questions to address the research problems:

1. What are the objectives of investigation?
2. What are the guidelines for developing proper questions for use by immigration officers of the Department of Home Affairs, to test information in new applications for identity documents?

#### **INTRODUCTION**

You are kindly requested to answer the questions in the interview schedule. The questions, responses, and the results, will reveal the problem on how to develop proper questions for use by officials of the Department of Home Affairs, to test information in new applications for identity documents.

The researcher is bound to his assurances and guarantees by the ethics code for research, of the University of South Africa. The information you provide will be used in a research project for a Master of Technology degree registered with the Programme Group: Police Practice, at the University of South Africa. The analysed and processed data will be published in a research report.

Your answers will be noted by the interviewer himself, on paper. Should any question be unclear, please ask the researcher for clarification. Only one

answerper question is required. When answering the questions, it is very important to give your own opinion.

Written permission has been obtained from the Department of Home Affairs, in advance, for the interview to be conducted.

## **PARTICIPANT**

I hereby give permission to be interviewed and that information supplied by me can be used in this research.

YES	NO
-----	----

## **SECTION A: HISTORICAL INFORMATION**

1. According to your understanding, how do you understand the meaning of an Immigration officer?

2. Are you an immigration officer?

YES	NO
-----	----

3. How long have you been working as an immigration officer?

1–5 years	5–10 years	10 years or more
-----------	------------	------------------

4. Do you currently conduct interviews with applicants applying for new ID documents?

YES	NO
-----	----

5. For how many years have you been conducting interviews with ID applicants?

6. Did you undergo any training in interviewing people?

YES	NO
-----	----

7. Did you receive any training on how to formulate questions?

YES	NO
-----	----

8. Did you receive specific training on how to interview applicants with regard to applications for new ID documents?

YES	NO
-----	----

## **SECTION B: OBJECTIVES OF INVESTIGATION**

9. According to your knowledge, what is the meaning of Criminal Investigation?

10. What are the objectives of criminal investigation?

11. What is the function of an immigration officer?

12. According to your knowledge, what is the meaning of 'case file'?

13. According to your experience, which crimes are normally committed by applicants of identity documents?

14. According to your opinion, what is an identity document?

15. According to your knowledge, what is the definition of 'interviewing'?

16. What is the purpose of interviewing?

17. Describe the process you have to follow after you have identified a criminal activity.

18. According to your opinion, define the powers of arrest?

19. Define 'fraud'.

20. What are the elements of fraud?

## **SECTION C: GUIDELINES FOR DEVELOPING PROPER QUESTIONS**

21. What is 'questioning'?
22. What are the basic rules for questioning?
23. What are the requirements for a good question?
24. According to your knowledge, what right do you have to interview an applicant for an identity document?
25. What types of questions can you ask in the process of questioning an applicant?
26. Which guidelines could you suggest for formulating relevant questions to use when interviewing applicants for identity documents?
27. When is a question effective?

## **ANNEXURE B**

### **PURPOSIVE INTERVIEW SCHEDULE: COUNTER-CORRUPTION OFFICERS**

#### **TOPIC: GUIDELINES FOR FORMULATING QUESTIONS TO INTERVIEW APPLICANTS OF IDENTITY DOCUMENTS**

**AIM:**The aim of this study is to research guidelines for formulating relevant and effective questions for use during interviews between Home Affairs Counter Corruption Investigators and ID applicants during interviewing of applicants of identity documents.

#### **RESEARCH QUESTIONS**

The researcher formulated the following questions to address the research problems:

1. What is the objective of investigation?
2. What are the guidelines for developing proper questions for use by immigration officer of the Department of Home Affairs, to test information in new applications for identity documents

#### **INTRODUCTION**

You are kindly requested to answer the questions in the interview schedule. The questions, responses, and the results, will reveal the problem on how to develop proper questions for use by officials of the Department of Home Affairs, to test information in new applications for identity documents.

The researcher is bound to his assurances and guarantees by the ethics code for research, of the University of South Africa. The information you provide will be used in a research project for a Master of Technology degree registered with the Programme Group: Police Practice, at University of South Africa. The analysed and processed data will be published in a research report.

Your answers will be noted by the interviewer himself, on paper. Should any question be unclear, please ask the researcher for clarification. Only one answer per question is required. When answering the questions, it is very important to give own opinion.

Written permission has been obtained from the Department of Home Affairs, in advance, for the interview to be conducted.

## **PARTICIPANT**

Hereby give permission to be interviewed and information supplied by me can be used in this research.

YES	NO
-----	----

## **SECTION A: HISTORICAL INFORMATION**

1. According to your understanding, how do you understand the meaning of 'immigration officer'?
2. What is your job description?
3. How long have you been at this job?

1–5 years	5–10 years	10 years or more
-----------	------------	------------------

4. Do you currently conduct interviews with applicants applying for new ID documents?

YES	NO
-----	----

5. For how many years have you been conducting interviews with ID applicants?
6. Did you undergo any training in interviewing people?

YES	NO
-----	----

7. Did you receive any training on how to formulate questions?

YES	NO
-----	----

8. Did you receive specific training on how to interview applicants for new ID documents?

YES	NO
-----	----

### **SECTION B: OBJECTIVES OF INVESTIGATION**

9. According to your experience, which crimes are normally committed by applicants of identity documents?
10. According to your knowledge, what is the definition of interviewing?
11. What is the purpose of interviewing?
12. Describe the process you have to follow after you have identified a criminal activity?
13. Define 'fraud'.
14. What are the elements of fraud?

### **SECTION C: GUIDELINES FOR DEVELOPING PROPER QUESTIONS**

15. What is 'questioning'?
16. What are the basic rules for questioning?
17. What are the requirements for a good question?
18. According to your knowledge, what right do you have to interview an applicant for an identity document?
19. What types of questions can you ask in the process of questioning an applicant?
20. Which guidelines could you suggest for formulating relevant questions to use when interviewing applicants for identity documents?
21. When is a question effective?

## ANNEXURE C



home affairs

---

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

Enq: Christopher Mabasa

Tel: 012 406 2726

Cell: 083 530 2464

E-mail: Christopher.Mabasa@dha.gov.za

Department of Home Affairs: Att: DDG McKay

Learning Academy

Head Office

Pretoria

24 April 2013

**SUBJECT: REQUEST FOR PERMISSION TO CONDUCT INTERVIEWS WITHIN DEPARTMENT OF HOME AFFAIRS.**

I'm currently busy with my Masters of Technology Degree: Forensic Investigation with UNISA. The purpose of this letter is to seek permission from Department of Home Affairs to conduct interviews with Front office clerks and Inspectorate officers from Department of Home Affairs as part of the requirements to complete my Master's Degree in Forensic Investigation.

The research aims to examine the value of Interviewing applicants of identity Documents and to research guidelines for formulating relevant and effective questions for use during interviews between Home Affairs officials and ID applicants during interviewing applicants of identity documents.

The purpose of the research is developed guidelines for proper questioning used by officials of the Department of Home Affairs in order to test information on new application of new identity document.

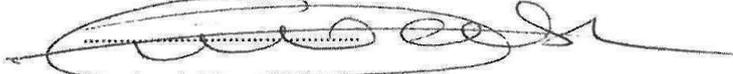
The researcher hopes to give lecture to the officials and investigations in future, publish on articles which could assist in empowering them to improve their performance.

The researcher attaches the approved proposal and interview schedule hereto. Kindly grant permission for this study to be conducted within Department of Home Affairs Gauteng Province at Johannesburg region, Department of Home Affairs Harrison street and Pretoria region, Department of Home Affairs Central Core.

I wish my request will be considered as the study will add value to the Department of Home Affairs.

Yours Faithfully

Christopher Mabasa

A handwritten signature in black ink, appearing to read 'Christopher Mabasa', written over a horizontal dotted line.

Department of Home Affairs

Learning Academy

Hallmark Building

Pretoria

Tel : 012 406 2726

Cell :083 530 2464

## ANNEXURE D



## home affairs

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

SECURITY CLASSIFICATION		PRIORITY	
Normal	X	Low	
Restricted		Standard	
Confidential		High	X
Secret		Very High	
Top Secret			

### ENQUIRIES:

Name:	Ms NFSilulwane
Designation:	Director: Research Management
Unit:	Research Management
Contact Numbers: Tel:	012 406 2712

**SUBJECT :SUBMISSION TO A/DDG: LEARNING ACADEMY: APPROVAL OF MR CHRIS MABASA'S RESEARCH REQUEST**

**TO: ACTING DDG: LEARNING ACADEMY**

### PURPOSE

1. To request Acting DDG: Learning Academy to approve Mr Chris Mabasa's research request for his Masters' degree.

### BACKGROUND

Mr Chris Mabasa is a Training Specialist within the Learning Academy Branch. He is currently registered as a Masters' student at the University of South Africa (UNISA); and in order for him to fulfil his academic requirements, he is expected to complete a research project and his research study seeks to establish the possibility of introducing interview procedures within the ID application process of the Department of Home Affairs. The aim of his study is to research guidelines for formulating relevant and effective questions for use during interviews between the Department of Home Affairs' officials and ID applicants.

## **DISCUSSION**

2. With reference to the letter addressed to the previous DDG of Learning Academy Branch, dated 24 April 2013, permission may be granted to Mr Chris Mabasa to conduct research interviews in the department for the following reasons:

- 2.1 The research aims to examine the possibility of introducing interviews in the ID application process where there are suspicious cases of trying to obtain fraudulent documents from the department. This will help reduce the number and possibility of civil claims against the department, which translate to millions of rands that are being lost by the department.

- 2.2 This proposal is based on the current civil claim case analyses in some provinces and some of such cases have not yet been finalised.

- 2.3 The research to be conducted will add a significant value in reducing fraud and corruption in identity theft and eventually undermining of our South African citizenship.

- 2.4 The research will contribute to the Civic Services branch body of knowledge and the developed thesis will be shared with the department as part of information and knowledge sharing.

- 2.5 The attached research questions to be asked during the interviews are not seen to be putting the department's ID security features in jeopardy.

## **POLICY/REGULATORY COMPLIANCE**

- 3 This submission takes into account the Research Policy of the department and all other related regulations.

## **FINANCIAL IMPLICATIONS**

- 4 Not applicable

## **SUPPLY CHAIN MANAGEMENT IMPLICATIONS**

- 5 Not applicable.

## **LEGISLATIVE FRAMEWORK**

- 6 Not applicable

Submission to A/DDG:LA: Approval of Mr Chris Mabasa's Research Request

**RECOMMENDATION(S)**

7 It is recommended that Acting DDG: Learning Academy approves Mr Chris Mabasa's research request.

**SIGNATURE:**



**DIRECTOR: RESEARCH MANAGEMENT**

**DATE: 15 July 2013**

**DECISION**

Recommendation in paragraph 8 *supra* approved, or not approved



**SIGNATURE**

**A/DDG: Learning Academy**

**DATE: 19/07/2013**