



## **Refugee Digest 68**

**August 2022**

### **Migrants, Refugees and Displaced Persons**

Towards the end of the first week of August, Home Affairs Minister Aaron Motsoaledi, acting in terms of the Immigration Act, added 39 further skills to the Critical Skills List. These are mostly in the medical area, and could be grounds for a critical skills visa or for permanent residence for foreigners who possess the designated skills. The Department of Home Affairs (DHA) went on to say: “Highly skilled foreign workers create more than one job for South African workers on average, and contribute significantly to tax revenues and spending in the economy, as well as to productivity improvements and innovation.”

<https://businesstech.co.za/news/government/615117/big-changes-proposed-for-visas-in-south-africa-including-plans-for-highly-skilled-foreign-workers/>

<https://businesstech.co.za/news/government/613361/massive-skills-shortage-in-south-africa-affecting-hospitals/>

A group of civil society organisations has written to the President to highlight criticism by government ministers and officials especially of organisations that are critical of government policy. Amongst the examples offered is that of Minister Motsoaledi and comments he has made against organisations highlighting the issue of the Zimbabwe Exemption Permits (ZEPs).

<https://www.dailymaverick.co.za/article/2022-08-04-civil-society-organisations-open-letter-to-ramaphosa-about-ongoing-attacks-against-the-sector/>

In the wake of the Krugersdorp protests against *zama-zamas* and foreign nationals, analysts have repeated the warning that South Africa cannot blame its failure in the area of crime control on foreigners alone. Meanwhile, DHA reported that it was in contact with neighbouring countries, and arranging for the deportation of undocumented foreigners engaged in illegal mining.

<https://www.news24.com/news24/southafrica/politics/anc-cannot-outsource-its-own-failings-on-illegal-immigrants-and-zama-zamas-analysts-20220804>

<https://ewn.co.za/2022/08/08/makhura-illegal-mining-an-issue-of-national-security>

Recently, the Constitutional Court handed down the keenly-awaited judgement on the Legal Practices Act. The Constitutional Court upheld the status quo that non South Africans cannot practise law in South Africa even if, as was the case, the two Lesotho citizens had studied and done articles in South Africa. It was a unanimous decision.

<https://ewn.co.za/2022/08/03/justice-minister-lamola-welcomes-concourt-ruling-on-legal-practice-act>

<https://ewn.co.za/2022/08/02/concourt-closes-door-on-foreign-nationals-being-admitted-as-lawyers>

Prior to the ANC policy conference held over the last weekend of July, issues around immigration and undocumented migrants were the subject of robust discussion. Amongst the strong suggestions were pleas for a total overhaul of the immigration system, for a streamlining of visas and permits, and for stricter border control.

<https://www.iol.co.za/the-star/news/immigration-system-lacking-needs-overhaul-says-motsoaledi-782da582-71f2-4885-bbb0-b0cb41d28537>

<https://www.sabcnews.com/sabcnews/anc-policy-conference-sa-needs-an-overhauling-of-the-immigration-system-motsoaledi/>

<https://www.citizen.co.za/news/south-africa/politics/3162981/anc-policy-conference-step-aside-rule-nationalisation-immigration-30-july-2022/>

<https://www.citizen.co.za/news/south-africa/politics/3161696/anc-to-discuss-immigration-policy-29-july-2022/>

<https://www.citizen.co.za/news/south-africa/politics/3163598/anc-laxity-on-migration-laws-1-august-2022/>

One of the strong recommendations to emerge from the policy conference with regard to migration was that reception centres be set up near SA's borders, despite the fact that there have hitherto been strong objections to this plan because of the fear that they could become camps. Another recommendation was that South Africa should withdraw from the 1951 UN Convention on Refugees.

<https://www.citizen.co.za/news/south-africa/politics/3163598/anc-laxity-on-migration-laws-1-august-2022/>

<https://www.businesslive.co.za/fm/fm-fox/2022-07-29-anc-wants-tighter-citizenship-laws-to-keep-out-undeserving-foreigners/>

The highly contested issue around the suspension of the ZEPs continues to draw comment and court action. The government seems steadfast in holding to the decision to suspend them, but there are moves to seek clarity from the courts around, for example, issues of public consultation, thereby taking the contest into the legal domain. This issue continues to be a litmus test for the SA government's attitude towards migrants, and thus the various commentaries from diverse quarters in government need to be read as part of an emerging but increasingly coherent narrative on migration.

<https://www.timeslive.co.za/ideas/2022-07-29-letter-sas-termination-of-zimbabwean-exemption-permits-a-political-play-bound-to-fail/>

<https://www.news24.com/news24/southafrica/news/zimbabwean-exemption-permit-court-battle-underway-to-stop-arrests-deportations-20220727>

The Zimbabwean Minister of Foreign Affairs has assured Zimbabweans whose ZEPs expire that they are very welcome to return to Zimbabwe

<https://www.iol.co.za/news/politics/zim-minister-says-harare-ready-to-welcome-its-citizens-as-permits-expire-in-sa-5ac9a05c-f42e-464b-979e-a18c57ec32fa>

Minister Motsoaledi has also indicated that they have hired extra lawyers to assist in the sorting out the backlog of ZEPs prior to expiry.

<https://ewn.co.za/2022/08/12/zim-exemption-permits-private-lawyers-hired-to-address-backlogs-motsoaledi>

At the fourth bi-lateral meeting between the Ministers of Foreign Affairs of Zimbabwe and South Africa, Minister Pandor thanked Minister Shava and Zimbabwe for their help in dealing with the porous borders which they share, and for assisting in curtailing the activities of illegal migrants.

<https://www.iol.co.za/news/politics/naledi-pandor-thanks-zimbabwean-government-for-support-in-curtailing-illegal-migration-d1524ba7-9f30-4354-bb7e-9ebbbf141453>

<https://www.enca.com/news/sas-porous-borders-pandor-thankful-zim-support>

Finally, in recent days Operation Dudula has again taken its activities to Cape Town.  
<https://www.timeslive.co.za/news/south-africa/2022-08-10-operation-dudula-takes-fight-to-cape-town-employers-who-hire-foreign-staff/>

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