



Refugee Digest 81

December 2023

Migrants, Refugees and Displaced Persons

Over the past days and weeks, the Department of Home Affairs has been at the centre of much activity with regard to mobile populations, especially in the area of documentation and in many cases the lack thereof; and indeed the lack of political will to deal timeously with issuing documents. It goes without saying that where there is no will, or an administrative tardiness, the impact on people's lives and on the economy is devastating.

<https://www.moneyweb.co.za/news/south-africa/motsoaledi-denies-work-permit-crisis/>

<https://www.xpatweb.com/news/department-of-home-affairs-confirms-visa-backlog-has-increased-to-over-74-000-but-xpatweb-says-they-see-improvement/>

<https://pmg.org.za/committee-meeting/36535/>

One area of the documentation and permit issue which remains contentious is that concerning critical skills visas, especially the periodic trimming of the list and also the extraordinary long time it takes to process such visas.

<https://businesstech.co.za/news/government/730801/south-africas-new-critical-skills-list-home-affairs-shrugs-off-cuts/>

<https://www.facebook.com/immigrationspecialistsouthafrica/videos/changes-to-the-critical-skills-list-and-the-impact-on-visa-applications/326770599227696/>

The DHA also made headlines when it released the long-awaited White Paper on Immigration, Citizenship and the Protection of Refugees.

<https://www.citizen.co.za/news/home-affairs-migration/>

<https://www.wits.ac.za/news/latest-news/opinion/2023/2023-11/sas-immigration-proposals---false-claims-and-poor-logic.html>

<https://tinyurl.com/mr27wkzx>

The White Paper is part of the overhaul that DHA envisages with regard to immigration and attendant issues.

<https://www.enca.com/top-stories-videos/watch-motsoaledi-proposes-immigration-law-shake>

<https://www.hrw.org/news/2023/11/20/south-africa-mulls-major-immigration-overhaul>

<https://www.businesslive.co.za/bd/national/2023-11-12-future-darkens-for-sas-refugees-as-motsoaledi-proposes-overhaul-of-immigration-laws/>

An area linked to the White Paper is the Minister's call to withdraw from the Refugee Convention and linked protocols in order to renegotiate some aspects, especially the socio-economic expectations, which SA now finds difficult to comply with. It is a very contentious issue.

<https://www.dailymaverick.co.za/article/2023-11-12-motsoaledi-advocates-for-review-and-temporary-withdrawal-from-two-international-agreements-on-refugee-protection/>

<https://www.fragomen.com/insights/south-africa-white-paper-on-citizenship-immigration-and-refugee-protection-published-for-comment.html>

http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S2077-49072019000100005

On 1st December the Minister of Home Affairs extended the Zimbabwe Exemption Permits and the Lesotho Exemption Permits till the end of November 2025.

<https://www.groundup.org.za/article/zimbabwean-permits-extended-till-29-november-2025/>

<https://www.iol.co.za/news/south-africa/motsoaledi-grants-two-year-exemption-for-54000-basotho-and-178000-zimbabweans-living-in-south-africa-5e58cccc-abd1-4721-a794-5297376a95d4>

On 5th December the Constitutional Court handed down a landmark judgement in which it declared sections 10(6), 11(6) and 18(2) of the Immigration Act of 2014, together with regulation 9(9)(a) of the Immigration Regulations, inconsistent with the Constitution and therefore invalid. The sections hold that when a foreigner here on a spousal visa is no longer the spouse of the South African, he or she must cease working and leave the country and apply for a new visa from outside the country.

<https://www.news24.com/news24/southafrica/news/foreign-parents-constitutional-court-declares-parts-of-immigration-act-unconstitutional-20231204>

Minister Aaron Motsoaledi waded into the murky waters of foreigners owning spaza shops. He said it was a challenge, and that people owning such shops should be known to local chiefs and checked for documentation. This is an ongoing narrative and underlines the anti-foreigner sentiment that emerges from many quarters. The Secretary-General of the ANC has endorsed such sentiments.

<https://www.sabcnews.com/sabcnews/sa-faces-challenge-of-undocumented-foreign-spaza-shop-owners/>

<https://www.iol.co.za/the-star/news/closure-of-foreign-owned-spaza-shops-imminent-says-anc-sg-fikile-mbalula-c67d6a73-a7d0-4e5a-ab14-a945fd2c92a5>

<https://ewn.co.za/0001/01/01/govt-wants-to-clamp-down-on-spaza-shops-run-by-illegal-foreign-nationals>

The issue of illegal miners, illegal both on account of the activities they are involved in and because of their mostly undocumented status in the country, continues to be contentious.

<https://ewn.co.za/2023/11/10/home-affairs-beefing-up-capacity-to-deport-illegal-miners-ntshavheni>

<https://www.thesouthafrican.com/news/illegal-miners-deployment-army-sandf-12-november-2023/>

<https://ewn.co.za/2023/11/10/modise-sends-warning-to-foreign-nationals-involved-in-illegal-mining-in-sa>

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