

Minister's response on Immigration issues

The Immigration Act was amended in 2004 and was implemented, together with new Regulations on 1 July 2005, almost exactly a year ago. We recognise that although the overall policy framework is sound, there have been some problems with the implementation of the amended Act, particularly in relation to the attraction of skills and foreign investment.

I have received representations from a number of Chambers of Commerce, stakeholders from business community, and on Tuesday, 27 June 2006 I had an opportunity of engaging with a number of their member companies, multinationals and South African company's representatives. The extent to which our immigration policy serves the countries' interests in attracting scarce skills and investment was discussed at a joint meeting of Cabinet Committees last month, where a number of proposals were considered.

I have therefore decided to make following announcements that I believe have become necessary as a result of these engagements.

Intra-company transfer work permits

After consultation with business, particularly multinational companies based in South Africa, and after discussions with my Cabinet colleagues, I have agreed that the two-year limit for intra-company transfer work permits is too short for their needs. An amendment to section 19(5) of the Immigration Act is necessary in order for us to extend this period. Although an Immigration Amendment Bill is not on the Department's legislative programme for this year, and as this is a minor amendment, we will ask Cabinet and Parliament to deal with this matter before the end of the year. In the meantime, interim measures will be put in place to assist multinational companies until such time that the amendment has come through.

Since the law provides that intra-company transfer work permits cannot be extended, holders of these permits will be entitled to apply for general work permits once the intra-company transfer work permit expires. Exemptions from some of the requirements for these permits, such as the advertisement of the post in national newspapers, will be considered as a matter of urgency. An obstacle in this regard has been the high level of delegation of the power to decide on applications for exemptions, and the delegation has been amended. A number of experienced officials have been identified to deal with all outstanding applications for exemptions.

Transit visas

Transit visas are used as a tool to protect the integrity of the borders of a country. I am also aware, however, that the re-introduction of transit visas for citizens of certain countries in December 2005 has had an impact on the profit margins of airlines operating in South Africa. I've also received several representations from different stakeholders, including the diplomatic corps in this regard. I have therefore decided to suspend the requirement for transit visa for all countries, and in the meantime I will commission a study into international best practices relating to transit visas. This study, which I hope will be completed by the end of September 2006, will look at the International Civil Aviation Authority Standards and Recommended Practices, as well as the impact of transit visas on the economy and on our security.

Quota Permits

The quotas in terms of section 19(1) were published in February this year, after a long process of consultation with the Departments of Trade and Industry and Labour. Shortly after this date, JIPSA was launched, and it was decided to review the quotas to align them with the skills identified by this new initiative. The Immigration Act allows me to publish quotas of professional categories and occupational classes at least annually.

The process of drawing up new Quotas aligned with skills identified by JIPSA is proceeding well. A special skills focus workshop will be held on the 5 July 2006, at which the Department of Trade and Industry and the Department of Labour will present a draft list of scarce and critical skills for discussion with the Department of Home Affairs. It is envisaged that I will be able to publish the next list of quotas in September 2006.

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