

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
REFUGEES AMENDMENT BILL**

[B 12—2016]

(As agreed to by the Portfolio Committee on Home Affairs (National Assembly))

[B 12A—2016]

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AMENDMENTS AGREED TO

REFUGEES AMENDMENT BILL
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LONG TITLE

1. On page 2, in the last line of the long title, after “penalties;”, to insert “to provide for transitional provisions;”.

CLAUSE 2

1. On page 3, in line 56, after “to”, to omit “make an application for asylum”, and to substitute with “report to the Refugee Reception Office.”.
2. On page 3, in line 59, after “reason”, to omit “of similar nature”, and to substitute with “: Provided that this provision shall not apply to a person who, while being in the Republic on a valid visa, other than a visa issued in terms of section 23 of the Immigration Act, applies for asylum.”.

CLAUSE 3

1. On page 4, in line 10, after “herself”, to omit “in any way”, and to substitute with “in the prescribed circumstances”.
2. On page 4, in line 27, after “2”, to omit “to”, and to insert “of”.
3. On page 4, in line 32, after “Minister”, to omit “resolves”, and to substitute with “may issue an order”.

CLAUSE 13

1. On page 7, after line 3, to omit subsection (2), and to substitute with the following subsection:

“(2) Any function performed by the Standing Committee in terms of this Act must be determined by a single member or, in particular matters, such number of members of the Standing Committee as the chairperson may consider necessary.”.
2. On page 7, in line 50, after “administrative”, to omit “monitoring or supervisory”.

CLAUSE 14

1. On page 8, from line 4, to omit subsection (1), and to substitute with the following subsection:

“(1) The Director-General must, as soon as possible after the commencement of this Act, and from time to time thereafter, and without probable cause, direct all members and administrative staff of the Standing Committee, Refugee Appeals Authority and all members of staff at any Refugee Reception Office, including persons who are not members of staff but who perform any function at such an Office, to be subjected to measures to test the integrity of those

persons for purposes of—

- (a) combating or preventing fraud, corruption or any crime of which dishonesty is an element; and
- (b) enhancing the integrity of, and confidence in, the asylum seeker and refugee system.”.

2. On page 8, in line 45, after “against”, to omit “a”, and to insert “any”.

CLAUSE 18

1. On page 10, in line 52, after “UNHCR”, to insert “or any other charitable organisation or person”.
2. On page 10, in line 57, after “UNHCR”, to insert “or any other charitable organisation or person”.
3. On page 11, in line 28, after “institutionalisation”, to insert “or any other compelling reason”.
4. On page 11, in line 31, after “with”, to omit “in terms of the Immigration Act”, and to substitute with “as an illegal foreigner in terms of section 32 of the Immigration Act”.

CLAUSE 20

1. On page 12, after line 8, to insert the following paragraph:
 - “(d) by the substitution in subsection (5) for paragraph (a) of the following paragraph:
 - “(a) An asylum seeker whose application for asylum has been rejected in terms of subsection (3)(b) and confirmed by the **[Director-General]** Standing Committee in terms of section 24A[(3)](2), must be dealt with as an illegal foreigner in terms of section 32 of the Immigration Act.”.
2. On page 12, in line 9, to omit “(d)”, and to substitute with “(e)”.

CLAUSE 21

1. On page 12, after line 17, to insert the following subsection:
 - “(2) A review contemplated in subsection (1) must be determined by a single member or, in particular matters, such number of members of the Standing Committee as the chairperson may consider necessary.”.
2. On page 12, in line 24, after “decision”, to insert “, whereafter the Standing Committee is *functus officio*”.

CLAUSE 27

1. On page 13, in line 43, after “must”, to insert “, in the prescribed manner,”.
2. On page 13, in line 47, after “thereto”, to insert “: Provided that no such notice is required if the withdrawal is requested by the refugee concerned”.

3. On page 13, in line 48, after “has”, to omit “resolved”, and to substitute with “issued an order”.
4. On page 13, in line 53, after “with”, to omit “in terms of the Immigration Act”, and to substitute with “as an illegal foreigner in terms of section 32 of the Immigration Act”.

NEW CLAUSE

1. The following clause is hereby inserted after clause 30:

“Transitional provisions

31. (1) The Refugee Appeal Board established by section 12 of the principal Act is hereby dissolved and the Refugee Appeals Authority assumes all the rights and obligations of the Refugee Appeal Board.

(2) Any appeal pending before the Refugee Appeal Board immediately before this Act takes effect must be regarded as an appeal to be determined by the Refugee Appeals Authority in terms of the principal Act as amended by this Act.

(3) Any instruction, agreement, resolution, decision and determination made by the Refugee Appeal Board prior to this Act coming into effect remain in force and must be regarded as legally concluded by the Refugee Appeals Authority.

(4) Any matter pending before the Standing Committee immediately before this Act takes effect must be regarded as a matter to be determined by the Standing Committee in terms of the principal Act as amended by this Act.”