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DEPARTMENT OF HOME AFFAIRS

NO. 4519 **19 March 2024**

PUBLICATION OF EXPLANATORY SUMMARY OF THE IMMIGRATION AMENDMENT BILL, 2023

The Minister of Home Affairs intends introducing the Immigration Amendment Bill, 2023 (the "Amendment Bill") in the National Assembly. The explanatory summary of the Bill is hereby published in accordance with Rule 241(1)*(c)* of the Rules of the National Assembly.

The Bill seeks to amend section 34(1)*(b)* and *(d)* of the Immigration Act, 2002 (Act No. 13 of 2002) to align it to sections 12(1) and 35(2) of the Constitution of the Republic of South Africa, 1996 (the "Constitution"), as well as the Constitutional court judgments in ***Lawyers for Human Rights v Minister of Home Affairs and Others (CCT38/16); [2017] ZACC 22; 2017 (10) BCLR 1242 (CC); 2017 (5) SA 480 (CC)***, and ***Ex parte Minister of Home Affairs and Others*** **[2022] ZACC (W):** ***In re Lawyers for Human Rights v Minister of Home Affairs and Others*** **[2017] ZACC 22** ***(CC)***, and provides for the treatment of detained foreign nationals and for matters related thereto.

Once the Amendment Bill has been tabled in Parliament, a copy can be obtained from: -

1. the Government Printers – Cape Town and Pretoria; and

2. the Chief Director: Legal Services, Department of Home Affairs, 230 Johannes Ramokhoase Street (old c/o Proes & Andries streets), Pretoria, Tel: (012) 406 4273.

DR PA MOTSOALEDI, MP
MINISTER OF HOME AFFAIRS
DATE: 15/3/2024

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