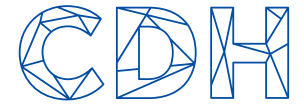


Immigration Law

ALERT | 1 December 2025



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IMMIGRATION LAW
ALERT

New developments regarding the Immigration Amendment Bill

The Department of Home Affairs (DHA) has introduced the Immigration Amendment Bill, 2024 (Bill), to address constitutional deficiencies identified by the Constitutional Court in sections 34(1)(b) and (d) of the Immigration Act 13 of 2002. The Bill is currently at the public participation phase, with Parliament considering comments and submissions made by interested parties.

For a more detailed analysis of the Bill's background and the relevant Constitutional Court judgments that led to the Bill being introduced, see our previous [alert](#) on the issue.

Key comments and submissions received

On 12 November 2025, Parliament's Select Committee on Security and Justice held a public hearing on the Bill. Among the issues raised during the public participation process were the following:

- The Law Society of South Africa and the Helen Suzman Foundation expressed concern that the requirement in the Bill to bring a detained individual before a court within 48 hours may overburden the lower courts, especially in high-volume areas such as Musina and Lindela. Therefore, these organisations suggested the establishment of specialised immigration courts or the appointment of designated magistrates to manage immigration-related cases.
- Some submissions raised concerns that the Bill's amendments do not go far enough and called for broader reforms to the immigration system, including in relation to digitalisation and modernisation.
- Other stakeholders emphasised the need for clear procedural safeguards for detainees and for the Bill to ensure compliance with constitutional rights.

- Lastly, concerns were raised that the term "*interest of justice*" is not clearly defined in the Bill and that this would need to be addressed to allow for clarity and enforceability.

In response, the DHA noted that several submissions extended beyond the scope of the Bill and that some of the broader issues raised by the public are among those being considered in the forthcoming White Paper on Citizenship, Immigration and Refugee Protection.

However, the DHA confirmed that in alignment with the Constitutional Court's directives, individuals arrested for deportation would retain their full constitutional rights, including the right to legal representation and interpretation services.

In addition, the Parliamentary Legal Advisor clarified that the term "*interest of justice*" was a legal standard that would be assessed via regulations in a manner that was consistent with constitutional jurisprudence.

Next steps

Parliament and the DHA will consider the comments and submissions received and may then propose further amendments to the Bill. The Bill's final text and explanatory memoranda will be published once the legislative process is complete.

Employers and affected stakeholders should review their current immigration compliance processes in preparation for potential changes.

Further details and practical guidance will be provided as soon as the final Bill and official responses to public submissions become available.

Lee Masuku, Taryn York, Mapaseka Nketu and Shanley Webb

Application for Work Permit

PERSONAL INFORMATION	
Name*	State*
Address*	ZIP/PIN Code*
Phone*	Date of Birth*
Email Address*	
☐ Yes ☐ No	

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