

Immigration Law

ALERT | 10 November 2025



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SOUTH AFRICA

2025 Overview:
Developments in South
African Immigration Law



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2025 Overview: Developments in South African Immigration Law

Policy Reform

Cabinet approved the National Labour Migration Policy (NLMP) 2025 White Paper and the Employment Services Amendment Bill (ESAB) for implementation and submission to Parliament. The ESAB is designed to regulate the employment of foreign nationals more closely and empowers the Minister of Employment and Labour to, amongst other things, set maximum quotas for the employment of foreign nationals. These quotas may be sector-specific, occupational, or geographical. The ESAB is currently at the public participation stage.

The Immigration Amendment Bill, 2024, has been introduced to amend provisions of the Immigration Act 13 of 2002 (Immigration Act) relating to the arrest and detention of illegal foreigners. The Bill incorporates Constitutional Court rulings that require a detained person to be brought before a court within 48 hours and mandates that the court apply the “*interests of justice*” criterion when authorising further detention.

Digitalisation and administrative changes

Electronic Travel Authorisation

The Department of Home Affairs (DHA) prioritised digital reforms with the launch of the Electronic Travel Authorisation (ETA), a comprehensive digital visa system, intended to modernise the immigration framework by replacing manual processes and streamlining visa applications.

In his responses to the National Assembly on 6 November 2025, President Cyril Ramaphosa confirmed that phase one of the ETA went live in October 2025, with more than 200 G20-related applications having been processed at the time. Once phase one involving the G20 has stabilised, the ETA will be rolled out for tourist visas and other visa categories with the aim of automating entry and exit processes across South Africa’s borders.

To support the rollout of the ETA, the DHA has announced two new digital visa initiatives. The Screen Talent and Global Entertainment Scheme (STAGES) aimed at the film and television industry, while the Meetings, Events and Exhibitions Tourism Scheme (MEETS) designed for the music, events and sports sectors. Both schemes are intended to simplify visa access and provide faster turnaround times.

ID verifications

Effective 1 July 2025, the cost for real-time ID verifications increased significantly from R0.15 to R10 per transaction, with non-live batch verifications set at R1 per transaction. This increase was intended to support the rollout of an upgraded National Population Register verification service and to address abuses of the previously low pricing.

Compliance initiatives

Compliance and enforcement have remained a critical focus over the year. The Department of Employment and Labour (DEL), the DHA, and the South African Police Service (SAPS) intensified compliance inspections to

Application for Work P

PERSONAL INFORMATION

Name*	State*	ZIP/PIN Code*
Address*	Date of Birth*	
Phone*	Email Address*	

OPTION

☐ Yes ☐ No

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address the employment of illegal foreigners. In early 2025, the Minister of Employment and Labour reported that 68 employers had been arrested and paid admission of guilt fines of R10,000 each, while 322 employees had been arrested and processed under the Immigration Act.

On 6 November 2025, President Ramaphosa addressed immigration related matters in his question-and-answer session in the National Assembly. In his responses, he stated that Government is strengthening border control and law enforcement measures to address the approximately 15% of undocumented foreign nationals in South Africa. He went further to state that the government is acting to “detect, apprehend and deport” illegal foreigners in joint operations with the DHA. President Ramaphosa also confirmed that over 51,000 illegal foreigners have been deported over the past financial year.

President Ramaphosa emphasised that employers who employ undocumented illegal foreigners are breaking the law and can be fined and imprisoned in terms of the Immigration Act.

With the above in mind, employers should get ahead of any ongoing enforcement initiatives by auditing their businesses and ensuring that they are not employing any foreign nationals without a valid work visa/permit.

On 12 November 2019, a joint operation led by the DEL, SAPS, the Hawks and the DHA raided an unregistered garment factory, Beautiful City Pty Ltd, located in Village Deep, Johannesburg. The raid uncovered over 100 illegal

immigrants, including 37 children, subjected to forced labour under inhumane conditions. Seven Chinese nationals were arrested and later convicted. The accused were found guilty on 160 counts, including:

- Human trafficking
- Child labour
- Kidnapping and bondage
- Immigration Act violations

Labour law breaches, including:

- Operating without registration
- Unsafe working conditions
- Non-compliance with Unemployment Insurance Fund and Compensation Fund requirements

Imprisonment sentences of 20 years were imposed.

Judicial developments

The Labour Court in *Muyulenu v Global Telesales t/a Lufthansa Intouch and Others* (C342/2024) [2025] ZALCCT 68 (4 September 2025) found that Muyulenu’s continued employment (based on an expired refugee permit) was unlawful under section 38(1) of the Immigration Act. This section prohibits employers from employing illegal foreigners, foreigners whose status does not authorise them to be employed, and foreigners on any terms and conditions not provided contrary to those provided on their status. The court upheld his dismissal as it related to Muyulenu’s status as an illegal foreigner. You can read more on this case in our alert [here](#).



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Extension of temporary concession

Due to a continuing backlog in waiver and appeal applications, a temporary concession was implemented with effect from 1 October 2025 until 31 March 2026. This extension allows legally admitted foreign nationals with pending waiver or long-term visa appeal applications to remain in South Africa until 31 March 2026 pending the finalisation of their applications, and to travel without being declared "undesirable persons".

Zimbabwean and Lesotho Exemption Permits

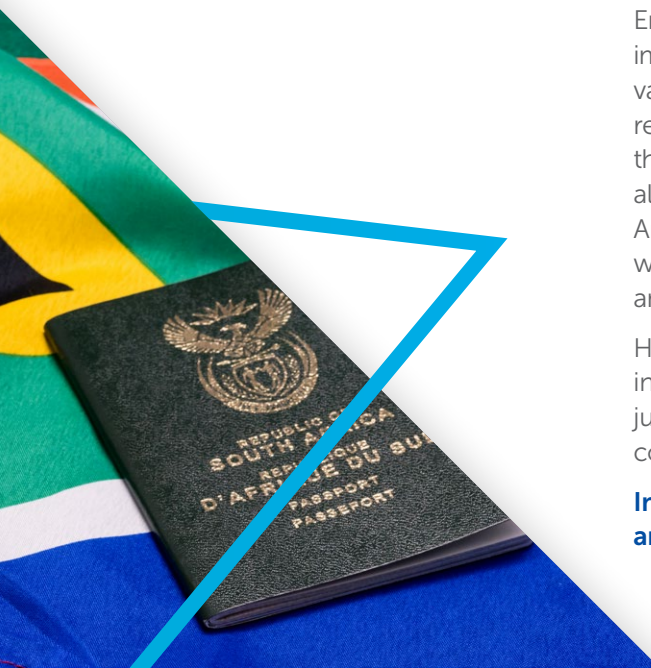
On 7 October 2025, the Minister of Home Affairs issued a notice extending the validity of Zimbabwean Exemption Permits (ZEP) and Lesotho Exemption Permits (LEP) until 28 May 2027. This extension grants ZEP and LEP holders certain protections for an additional period of 18 months after the current expiry date of 28 November 2025.

Next steps for employers

Employers should review their existing compliance with immigration laws. Foreign national employees must hold valid work visas/permits and employers should ensure that recruitment and onboarding procedures are aligned with the latest legislative requirements. Organisations should also monitor the progress of the ESAB and the Immigration Amendment Bill, participate in the public participation processes where appropriate, and prepare for the transition to digital visa and verification systems.

HR, legal and compliance teams should be briefed on the increased enforcement activity and the implications of recent judicial decisions which assist to guide internal disciplinary, compliance and inspection processes.

**Imraan Mahomed, Taryn York, Lee Masuku
and Mapaseka Nketu**



OUR TEAM

For more information about our Immigration Law sector and services in South Africa, Kenya and Namibia, please contact:



Sammy Ndolo

Managing Partner | Kenya

T +254 731 086 649

+254 204 409 918

+254 710 560 114

E sammy.ndolo@cdhlegal.com



Imraan Mahomed

Director:

Employment Law

T +27 (0)11 562 1459

E imraan.mahomed@cdhlegal.com



Alex Muchira

Partner | Kenya

T +254 731 086 649

+254 204 409 918

+254 710 560 114

E alex.muchira@cdhlegal.com



Lee Masuku

Senior Associate:

Employment Law

T +27 (0)11 562 1213

E lee.masuku@cdhlegal.com



Abednego Mutie

Senior Associate | Kenya

T +254 731 086 649

+254 204 409 918

+254 710 560 114

E abednego.mutie@cdhlegal.com



Taryn York

Senior Associate:

Employment Law

T +27 (0)11 562 1732

E taryn.york@cdhlegal.com



Mapaseka Nketu

Paralegal:

Employment Law

T +27 (0)11 562 1178

E mapaseka.nketu@cdhlegal.com

BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa.

Dx 154 Randburg and Dx 42 Johannesburg.

T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.

T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.

T +254 731 086 649 | +254 204 409 918 | +254 710 560 114

E cdhkenya@cdhlegal.com

ONGWEDIVA

Shop No A7, Oshana Regional Mall, Ongwediva, Namibia.

T +264 (0) 81 287 8330 E cdhnamibia@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.

T +27 (0)21 481 6400 E cdh Stellenbosch@cdhlegal.com

WINDHOEK

1st Floor Maerua Office Tower, Cnr Robert Mugabe Avenue and Jan Jonker Street, Windhoek 10005, Namibia.

PO Box 97115, Maerua Mall, Windhoek, Namibia, 10020

T +264 833 730 100 E cdhnamibia@cdhlegal.com

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