

REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE AMENDMENTS

TO

**IMMIGRATION
AMENDMENT BILL**

[B 8—2024]

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

[B 8A—2024]

ISBN 978-1-4850-1035-7

AMENDMENTS AGREED TO

IMMIGRATION AMENDMENT BILL

[B 8—2024]

CLAUSE 1

1. On page 2, from line 10, to omit paragraph (c), and to substitute with the following paragraph:

“(c) shall be informed upon arrest and detention or immediately thereafter of the—

 - (i) rights set out in **[the preceding two paragraphs]** paragraph (a) and subsection (1A)(g);
 - (ii) reason for the detention;
 - (iii) right to choose, and to consult with, a legal practitioner; and
 - (iv) right to have a legal practitioner assigned to him or her by the State and at State expense, if substantial injustice would otherwise result, **[when possible, practicable and available]** in a language that he or she understands, when possible, practicable and available; and”.

2. On page 2, from line 17 to omit paragraph (a) and to substitute with the following paragraph:

“(a) (i) the foreigner has been interviewed as contemplated in section 41(1); and

 - (ii) the immigration officer has considered whether the interests of justice, after taking into account the relevant factors that must be prescribed by the Minister, permit the release of such foreigner subject to reasonable conditions, and must, if he or she so concludes that the interests of justice permit the release of such foreigner, impose reasonable conditions and record the release and reasons therefor on a prescribed form.”.

3. On page 3, in line 16, after the word “make” to insert “oral or written”.

