

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
REFUGEES
AMENDMENT BILL**

[B 11—2008]

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

[B 11A—2008]

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AMENDMENTS AGREED TO

REFUGEES AMENDMENT BILL

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CLAUSE 1

1. On page 3, in line 7, to omit “includes” and to substitute “may include”.
2. On page 3, in line 8, to omit “results of deoxyribonucleic acid (DNA) testing”.
3. On page 3, in line 20, to omit “[**facts**],” and substitute “(facts,)”.
4. On page 3, from line 28, to omit “[**(xii) manifestly unfounded application**]” means an application for asylum made on grounds other than those on which such an application may be made under this Act; [**xi**]” and to substitute:

“[**(xii)**] **manifestly unfounded application**” means an application for asylum made on grounds other than those on which such an application may be made under this Act; [**xi**]”
5. On page 3, in line 42, to omit “made in terms of this Act”.
6. On page 4, in line 10, after “section 3”, to insert “₂”.

CLAUSE 2

1. On page 4, in line 25, to omit “the Immigration Act” and to substitute:

“any domestic law or other relevant convention or international agreement to which the Republic is or becomes a party”.

CLAUSE 4

1. On page 4, in line 37, after “gender”, to omit “,” and to substitute “₂”.

CLAUSE 8

1. On page 5, in line 30, to omit “in the public service” and to substitute “of the Department”.
2. On page 5, in line 30, to omit “must” and to substitute “shall”.
3. On page 5, in line 35, to omit “in the public service” and to substitute “of the Department”.
4. On page 5, in line 35, to omit “must” and to substitute “shall”.

CLAUSE 10

1. On page 6, in line 8, to omit “as” and to substitute “[**as**] that”.
2. On page 6, in line 9, to omit “₂”.

3. On page 6, in line 13, to omit “may” and to substitute “must”.

CLAUSE 11

1. On page 6, in line 29, after “Authority”, to insert “: Provided that at least one of such members is legally qualified”.
2. On page 6, in line 32, after “expertise”, to insert “1”.
3. On page 6, in line 36, after “(a)”, to insert “subject to subsection (2),”.
4. On page 6, in line 37, to omit “regarding” and to substitute “on”.
5. On page 6, in line 40, to omit “the chairperson and”.
6. On page 6, in line 41, after “necessary”, to insert “: Provided that at least one of such members is legally qualified”.
7. On page 7, in line 19, to omit “and” and to substitute “or”.
8. On page 7, in line 22, to omit “at” and to substitute “in”.

CLAUSE 13

1. On page 8, in line 2, to omit “—”.
2. On page 8, in line 3, to omit “(a)”.
3. On page 8, in line 8, after “Director-General”, to insert “by notice in the Gazette”.
4. On page 8, in line 10, to omit “it” and to substitute “such application”.
5. On page 8, in line 17, to omit “; and” and to substitute “.”.
6. On page 8, from line 18, to omit paragraph (b).

CLAUSE 14

1. On page 8, in line 41, after “**of**”, to insert “**asylum seekers and**”.
2. On page 8, in line 44, after “include”, to insert “the details of”.
3. On page 8, in line 53, to omit “form” and to substitute “manner”.

CLAUSE 15

1. On page 9, in line 29, omit the “,” and to substitute “[,]”.
2. On page 9, in line 32, to omit “may” and to substitute “[**may**] must, pending the decision on the application in terms of section 21,”.
3. On page 9, in line 36, to omit “prescribed”.
4. On page 9, in line 37, to omit “;” to substitute “.”.
5. On page 9, in line 38, to omit “.” and to substitute “, and”.

6. On page 9, after line 38, insert the following paragraph:

(c) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:
 “The **[Minister]** Director-General may at any time withdraw an asylum seeker permit in the prescribed manner if—”.

CLAUSE 16

1. On page 9, in line 46, to omit “for the rights set out in section 33 of the Constitution” and to substitute “[**for the rights set out in section 33 of the Constitution**] to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)”.
2. On page 9, in line 47, to omit the second “,” and to substitute “[,]”.
3. On page 9, in line 55, to omit “[**manifestly unfounded,**]” and to substitute “manifestly unfounded,”.
4. On page 10, in line 10, to omit “26” and to substitute “24B”.
5. On page 10, in line 13, after “(c)”, to insert “₂”.

CLAUSE 17

1. Clause rejected.

CLAUSE 19

1. On page 10, in line 26, to omit “**section 24A**” and to substitute “**sections 24A and 24B**”.
2. On page 10, in line 27, to omit “section is” and to substitute “sections are”.
3. On page 10, after line 27, to insert the following:

“Review of applications rejected in terms of section 24(3)(b)

24A. (1) The Director-General must review any decision taken by a Refugee Status Determination Officer in terms of section 24(3)(b).

(2) Before reaching a decision, the Director-General may—

- (a) request any person who is in a position to do so to provide him or her with information relevant to the matter being dealt with;
- (b) make such further inquiries into the matter being dealt with as he or she deems appropriate; and
- (c) request the applicant to provide such other information as the Director-General may deem necessary.

(3) The Director-General may confirm or set aside a decision made in terms of section 24(3)(b).

(4) The Director-General must inform the Refugee Status Determination Officer concerned of his or her decision in the prescribed manner and within the prescribed time.”.

4. On page 10, in line 29, to omit “**24A**” and to substitute “**24B**”.
5. On page 10, in line 36, to omit “the” and to substitute “a”.

6. On page 10, in line 41, to omit “enquiry or investigation” and to substitute “inquiries”.
7. On page 10, in line 48, to omit “the Immigration Act” and to substitute “this Act”.
8. On page 10, in line 48, to omit “₂”.
9. On page 10, in line 48, after “information”, to insert “₂”.
10. On page 10, in line 49, after “application”, to insert “₂”.

CLAUSE 21

1. On page 11, in line 12, to omit “(except those rights that apply only to citizens)” and to substitute “except those rights that only apply to citizens”.

CLAUSE 23

1. On page 11, in line 38, to omit the second comma.
2. On page 11, in line 40, after “so”, to insert “₂”.

CLAUSE 24

1. On page 12, in line 3, after “days”, to insert “of detention”.

CLAUSE 25

1. On page 12, from line 11, to omit “A refugee must be issued with an identity document containing the prescribed particulars” and to substitute “A refugee must, upon application in the prescribed manner and on the prescribed form, be issued with an identity card or document similar to a South African identity card or document”.

CLAUSE 28

1. On page 12, in line 30, to omit “as required”.

CLAUSE 29

1. On page 13, in line 8, after “(1)”, to insert “₂”.
2. On page 13, in line 11, after “(1)”, to insert “₂”.
3. On page 13, in line 12, to omit “to the Minister” and to substitute “with the Refugee Appeals Authority”.

CLAUSE 30

1. On page 13, in line 19, after “inaccurate”, to omit “₂” and to substitute “or”.
2. On page 13, in line 19, after “documentation”, to insert “₂”.

3. On page 13, in line 19, after “or”, to insert “any”.
4. On page 13, in line 21, after “considerations”, to insert “₂”.

CLAUSE 31

1. On page 13, in line 28, after “manner”, to insert “in which”.
2. On page 13, in line 28, to omit “in” and to substitute “[**in**] within”.

CLAUSE 33

1. On page 13, in line 36, after “Committee”, to insert “for Refugee Affairs”.
2. On page 13, in line 43, after “Committee”, to insert “for Refugee Affairs”.
3. On page 13, after line 45, to insert the following:

“(5) Any reviews pending before the Standing Committee for Refugee Affairs immediately before this Act takes effect, must be regarded as reviews before the Director-General and must be dealt with by the Director-General in terms of the principal Act, as amended by this Act.”.
4. On page 13, in line 46, to omit “the Standing Committee and”.
5. On page 13, in line 49, after “Act”, to insert “, as amended by this Act”.
6. On page 13, in line 50, after “Committee”, to insert “for Refugee Affairs”.