



**MINISTER OF
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

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**REPORT TO THE PORTFOLIO COMMITTEE ON HOME AFFAIRS ON THE
DESIGNATION OF BULEMBU AIRPORT (BHISHO) AS A PLACE OF PORT OF
ENTRY AND EXIT**

Introduction

1. The designation of Bulembu Airport in Bhisho as a place of port of entry and exit generated intense public debate. In the process, innuendos and unfounded allegations were paraded in the public domain.
2. The visit by the President of the United Arab Emirates (UAE) and ruler of Abu Dhabi involved international protocols and security considerations governing visits to South Africa by any Head of State. In this instance, the investment benefit to the Eastern Cape Province was also at play.

Designation of Bulembu Airport

3. On 7 April 2023, the Minister of Home Affairs (“Minister”) received an application/request from the Premier of the Eastern Cape Province, Mr Oscar Mabuyane. The application/request contained supporting documentation, including diplomatic communication between South Africa and the United Arab Emirates (UAE). The application/request, *inter alia*, states:

“The Eastern Cape Province has received a request from the United Arab Emirates Embassy dated 28 March 2023 for Diplomatic Overflight and Landing Rights Permit for the Abu Dhabi Presidential Flight scheduled to arrive at Bulembu Airport in Bhisho on 12 April 2023 and depart on 12 May 2023.

... I may add that the Convention on International Civil Aviation (Chicago Convention) exempts state aircrafts from international standards as provided for in Article 3 of the Chicago Convention.

The Eastern Cape Provincial Government held consultations with His Excellency Ambassador Mahash Salem Alhameli since December 2022. The said consultations were aimed at the promotion of investment, trade and tourism between the Eastern Cape Province and the Abu Dhabi Emirate.

The cooperation between the parties, culminated in my invitation by the President of the United Arab Emirates (“UAE”) and ruler of Abu Dhabi, His Highness Sheik Mohammed bin Zayed Al Nahyan to visit the UAE in my

official capacity. The visit took place on 31 March 2023 to 4 April 2023. During the Eastern Cape Province delegation's visit in Abu Dhabi, a firm commitment was made for a multi-billion investment portfolio in oil, gas, energy, tourism, agriculture and economic infrastructure towards the Eastern Cape Province.

During the visit, the Eastern Cape delegation was informed of the hosting of the COP28 climate conference by the UAE later this year.

The President of the UAE and ruler of Abu Dhabi will be undertaking a private visit to the Eastern Cape Province in April 2023. Although the visit would be private, His Highness intends to bring along a large entourage who will continue to assess, the investment opportunities in the Eastern Cape Province.

I am advised that the Minister of Home Affairs has the necessary statutory powers to designate Bulembu Airport as a place of port of entry and exit. I therefore apply to have the said airport designated as such.

In the event the application/request is successful, the Department of Home Affairs is requested to provide the immigration services during the arrival and departure of His Highness and the entire entourage"

Section 9A of the Immigration Act 13 of 2002

4. The Minister considered section 9A of the Immigration Act 13 of 2002:

(1) The Minister may, in the prescribed manner, designate any place in the Republic, which complies with the prescribed requirements, where all persons have to report before they enter, sojourn or remain within, or depart from, the Republic.

(2) The Minister may, on good cause shown, withdraw the designation in subsection (1) at any time”

5. The Minister also had regard to section 30 of Border Management Act 2 of 2020 BMA Act and particularly section 30 (3) of the BMA Act which provides for publication of a notice in the *Gazette* for public comments for a period of not less than 30 days.
6. The Minister was convinced that the applicable and relevant provisions were section 9A of the Immigration Act , read with Regulation 8 of the Immigration Regulations, 2014 and not section 30 of the BMA Act.
7. After the Minister duly applied his mind to all the facts before him and on 12 April 2023, he issued a notice of designation of Bulembu Airport in Bhisho as a place of port of entry and exit as contemplated in section 9A, read with Regulation 8 of the Immigration Regulations, 2014. The notice of designation is annexed hereto marked “A”.
8. The said notice (with a covering letter) dated 12 April 2023 was sent to the Premier of the Eastern Cape Province.

Arrival of His Highness and entourage

9. Upon arrival of the entourage, immigration, port health and agricultural services were rendered through Border Management Authority (BMA) and all the visitors, including His Highness were in possession of the required travel documents including visas. Some of the visitors only produced valid passports as they came from countries of which visas are not required in South Africa.
10. As the visit involved international protocols and security matters, members of the South African Police Service (SAPS) and Custom officials from the South African Revenue Services (SARS) performed their respective statutory duties upon the arrival of the entourage. A total number of 680 visitors were processed in accordance with all requisite laws of the Republic. All goods were duly processed by Customs officials in line with applicable laws.
11. For the exit out of the Republic, the same procedures are repeated.
12. It is clear from the above that most of the speculations and assumptions which dominated the public discourse are simply devoid of any truth. The mere fact that the private visit of the his Highness was not made public, does not entitle anyone to malign the Government without any facts. As a matter of fact, there are many Heads of States who have privately visited South Africa unannounced over the years. It is unfortunate that this visit of His Highness, the President of the UAE and entourage is likened to the infamous Gupta family Waterkloof landing.

13. Finally, I will await the investigation by the Public Protector in which I will make available all the information that formed the basis of the decision.



DR P.A. MOTSOLEDI, MP

MINISTER OF HOME AFFAIRS

DATE: 5 MAY 2023

Attachments

- a) Notice of designation of a place as place of entry and exit.
- b) Extract of Section 9 (A) of the Immigration Act, 2002.
- c) Extract of Section 33 of the Border Management Act 1, 2020.

ANNEXURE A



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**REPUBLIC OF SOUTH AFRICA
IMMIGRATION ACT 13 OF 2002 (AS AMENDED)**

NOTICE OF DESIGNATION OF A PLACE AS PORT OF ENTRY AND EXIT

I, Dr Aaron Pakishe Motsoaledi, by virtue of the powers bestowed upon me in terms of section 9A, read with Regulation 8 of the Regulations, 2014 hereby designate Bulembu Airport (Bhisho) as a place of entry and exit.

The designation is valid for a period between 12 April 2023 and 12 May 2023. The designation will lapse at 24h00 (Midnight) on 12 May 2023.

Duly signed at Pretoria on this the 12th day of April 2023.


**DR PA MOTSOALEDI, MP
MINISTER OF HOME AFFAIRS**
DATE: 12/4/2023

- (2) Subject to this Act, a citizen shall be admitted, provided that he or she identifies himself or herself as such and the immigration officer records his or her entrance
- (3) No person shall enter or depart from the Republic-
 - (a) unless he or she is in possession of a valid passport, and in the case of a minor, has his or her own valid passport;
 - (b) except at a port of entry, unless exempted in the prescribed manner by the Minister, which exemption may be withdrawn by the Minister;
 - (c) unless the entry or departure is recorded by an immigration officer in the prescribed manner; and
 - (d) unless his or her relevant admission documents have been examined in the prescribed manner and he or she has been interviewed in the prescribed manner by an immigration officer: Provided that, in the case of a child, such examination and interview shall be conducted in the presence of the parent or relative or, if the minor is not accompanied by the parent or relative, any person of the same gender as the minor.

(Section 9(3) substituted by section 5(a) of Act 13 of 2011)

- (4) A foreigner who is not the holder of a permanent residence permit contemplated in section 25 may only enter the Republic as contemplated in this section if-
 - (a) his or her passport is valid for a prescribed period; and
 - (b) issued with a valid visa, as set out in this Act.

(Section 9(4) substituted by section 5(b) of Act 13 of 2011)

(Section 9 substituted by section 10 of Act 19 of 2004)

9A. Place of entry or exit

- (1) The Minister may, in the prescribed manner, designate any place in the Republic, which complies with the prescribed requirements, where all persons have to report before they may enter, sojourn or remain within, or depart from, the Republic.
- (2) The Minister may, on good cause shown, withdraw the designation contemplated in subsection (1) at any time.

(Section 9A inserted by section 6 of Act 13 of 2011)

(2) Any person aggrieved by a decision referred to in subsection (1) may, within the prescribed period, make an application in the prescribed manner to the Commissioner for the review or appeal of that decision.

(3) The Commissioner must consider the application referred to in subsection (2), whereafter the Commissioner must confirm, set aside or modify that decision and communicate his or her decision in writing to the aggrieved person within the prescribed period. 5

(4) Any person aggrieved by the decision of the Commissioner referred to in subsection (3) may, within the prescribed period, make an application in the prescribed manner to the Minister for the review or appeal of that decision. 10

(5) The Minister must consider the application referred to in subsection (4), whereafter the Minister must confirm, set aside or modify the Commissioner's decision and communicate his or her decision in writing to the aggrieved person within the prescribed period.

Ports, points or places of entry or exit with approval of Minister 15

30. (1) Notwithstanding any other legislation, the power to designate, determine, appoint or prescribe any port, point or place of entry or exit for—

(a) the movement of goods; or

(b) the movement of persons,

in and out of the Republic may only be made with the approval of the Minister. 20

(2) Any withdrawal or cancellation of a designation, determination, appointment or prescription referred to in subsection (1) of any port, point or place of entry or exit, may only be done with the approval of the Minister.

(3) The Minister must, prior to an approval in terms of subsection (1) or (2), publish a notice in the *Gazette* for public comments for a period of not less than 30 days. 25

Annual report

31. Subject to the Public Finance Management Act—

(a) the Commissioner must prepare and submit an annual report, financial statements and the report of the auditors on those statements to the Minister; and 30

(b) the Minister must table the reports and statements referred to in paragraph (a) in Parliament.

Exemption from payment of fees or tolls

32. When performing any function or exercising any power in terms of this Act, an officer, including the vehicle in which the officer is being transported and any person accompanying the officer, is exempted from the payment of any fee or toll to enter or use any public or private premises, thoroughfare or ferry. 35

Confidentiality

33. Subject to the Protected Disclosures Act, 2000 (Act No. 26 of 2000), an official may not disclose any confidential or personal information acquired in the performance of the Authority's functions to any person, except— 40

(a) to an authorised official;

(b) to a person designated by the Commissioner or the Minister to receive such information;

(c) to a person authorised to receive such information in terms of the relevant legislation; or 45

(d) when required or authorised to do so by a court or any law.