**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 285**

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**285. Mr M Waters (DA) to ask the Minister of Basic Education:**

Are principals who accept learners without the proper identification documentation liable to face prosecution and/or a fine if found guilty; if so, what agreement has been reached with the Department of Home Affairs to ensure identification documentation can indeed be verified immediately? NW303E

**RESPONSE:**

Paragraph 15 of the admission policy states the following: “*When a parent applies for admission of a learner to an ordinary public school, the parent must present an official birth certificate of the learner to the principal of the public school. If the parent is unable to submit the birth certificate, the learner may be admitted conditionally until a copy of the birth certificate is obtained from the regional office of the Department of Home Affairs. The principal must advise parents that it is an offense to make a false statement about the age of a child (see Births and Deaths Registration Act, 1992 No 51 of 1992) The parent must ensure that the admission of the learner is finalised within three months of conditional admission.”*

Section 39, (1) of the Immigration Act provides as follows:

“(1) No learning institution shall knowingly provide training or instruction to-

(a) an illegal foreigner;

(b) a foreigner whose status does not authorise him or her to receive such training

(c) a foreigner on terms or conditions or in a capacity different from those contemplated in such foreigner’s status

(2) If an illegal foreigner is found on any premises where instruction or training is provided, it shall be presumed that such foreigner was receiving instruction or training from, or allowed to receive instruction or training by, the person who has control over such premises unless prima facie evidence to the contrary is adduced.”

Section 42(I) Subject to this Act, and save for necessary humanitarian assistance, no person, shall aid, abet, assist, enable or in any manner help - (a)  an illegal foreigner; or (b) a, foreigner in respect of any matter, conduct or transaction which violates such foreigner’s status, when applicable, including but not limited to - (i) providing instruction or training to him or her…

Section 49(6) provides as follows:

Anyone failing to comply with one of the duties or obligations set out under sections 42 to 46 of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding 18 months.

In terms of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) the Department of Basic Education (DBE) and the Department of Home Affairs (DHA) signed an Intergovernmental Protocol Agreement, to establish a formal channel of information sharing and collaboration. Emanating from this formal agreement, the DBE is able to ensure the Learner Unit Record Information and Tracking System (LURITS) interfaces with data from the National Population Register (NPR) of DHA, and triangulates the data to verify learner ID numbers and learner living status. This enables the DBE to determine the true authenticity of learners in the system and therefore eliminate ghost learners. Work is underway to automate data transfer between LURITS and the NPR to streamline data verification. The DBE is also currently modernising the South African School Administration and Management System (SA-SAMS) to include integration of data/systems with DHA, to enable verification of learner ID numbers as soon as the school comes to point of contact to an online facility.