**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 3536**

**DATE OF PUBLICATION: FRIDAY 30 September, 2022**

**INTERNAL QUESTION PAPER 37 – 2022**

**3536. Mr A C Roos (DA) to ask the Minister of Home Affairs:**

(1) Whether the announcement at the meeting of the Portfolio Committee on Home Affairs on 13 September 2022 that foreign religious leaders would no longer qualify for work visas has been implemented as a regulation and/or directive; if not, what is the position in this regard; if so, what are the relevant details of such a regulation and/or directive;

(2) whether the work visa ban apply to foreign religious leaders already living and working in the Republic; if not, what is the position in this regard; if so, on which constitutional provisions does his department rely in this regard;

(3) whether foreign religious leaders are prohibited from applying for permanent residence; if not, what is the position in this regard; if so, what are the relevant details;

(4) whether his department engaged in a public participation process and/or consultations with religious organisations on how the ban would affect religious communities; if not, why not; if so, on what dates did the consultations and/or public participation processes take place? NW4351E

**REPLY:**

1. In 2018 the Department Gazetted the Immigration Regulations which allow Religious Workers to apply for a long-term section 11(1)(b)(iv) visitor’s visa for the prescribed activity of religious work. The terms and conditions of this visitor’s visa is that the holder may not apply for permanent residency using this visa, regardless of the period of continuous stay in South Africa. The statement to the Portfolio Committee is therefore supported by the 2018 Immigration regulations.
2. The introduction of Immigration Regulations is never applied or implemented retrospectively. Therefore, any Religious worker who is already living and working in the Republic, and is a holder of a validly issued work visa is not affected by the 2018 Immigration Regulations.
3. The Immigration Act stipulates various categories of visas with which the holder may apply for permanent residence. A work visa, with continuous residence for five years qualifies the holder to make an application for permanent residence. A holder of a validly issued work visa may apply for permanent residence regardless of their occupation. This also includes Religious Workers who are holders of valid work visas. Conversely, a Religious Worker who does not hold a work visa may not apply for permanent residence in terms of the Immigration Act.
4. The statement by Minister was not an announcement of a new piece of legislation, directive or regulations. It was an emphasis on what the current legislation already stipulates. There is, therefore, no need for public consultations.

**END**