

Home Affairs to enforce legal immigrant employment

By [Tasia Brummer](#)

26 Apr 2018

Companies may expect "a knock on the door" from the Department of Home Affairs (DHA) to conduct required audits and investigations on their employment practices of immigrant workers, Director from the DHA's Corporate Account Unit, Ben Makhalemele has warned.



© mrdoomits – [123RF.com](#)

He made this statement while [presenting](#) at a recent event, alongside Moeketsi Seboko, Immigration Manager of Xpatweb, to highlight the latest updates and expected changes within the DHA, as well as the expectations of South African companies employing foreign nationals.

This follows the DHA having picked up several incidents of companies employing foreign nationals without proper vetting of the required work visas.

Makhalemele also urged employers to keep a copy of the [Immigration Act](#), no 19 of 2002, as amended (the Act) on their premises to ensure that they are adhering and complying with the stipulated regulations when employing foreign nationals.

The Act evidently states that an employer may under no circumstances employ a foreign national without the correct visa. Although employers may never be certain on the validity of their foreign employees' visas, it is recommendable to do an immigration audit to ensure they are currently compliant and that the necessary policies are put in place so that correct processes are followed with new foreign national employees.

Closing the gap

Makhalemele further noted that the immigration system in South Africa is no longer purely dictated by the DHA and appealed to employers to give their input and cooperation to enable continuous improvement and thereby position the

country to reach its economic goals.

After all, foreign nationals play an important part of the country's success by bringing in the necessary skills required for high-demand projects. It is therefore imperative that employers understand the importance of their role within the South African Immigration law.

Employer duties and obligations

Makhalemele placed emphasis on the 'Duties and Obligations' of employers, reiterating that entities employing foreign nationals without the required valid work visa are viewed by the Department as knowingly "aiding and abetting" the illegal foreigner on their premises and will, therefore, be liable to certain penalties.

Presumably, the person whom will be deemed responsible for the aforesaid implications will be the human resource manager and/or the person responsible for the company.

ABOUT THE AUTHOR

Tasia Brummer is an immigration specialist at Xpatweb.

For more, visit: <https://www.bizcommunity.com>