

INPUTS FROM THE DEPARTMENT OF HOME AFFAIRS ON THE PROPOSED CLAUSES 1 AND 4 OF THE 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES BILL [B13—2006] AS REINTRODUCED

INTRODUCTION

1. The aim of clause 4 of the Bill is to, as far as possible, ensure that with regard to—
 - (a) visas and temporary residence permits (i.e. work permit **and business permit** in the present scenario) are issued as expeditiously as possible and that exemptions are approved for distinguished guests to facilitate admission into the Republic; and
 - (b) applications for the waiver of certain prescribed requirements, such applications are considered and finalized in order to process work permits and business permits.

PROPOSED AMENDMENT TO CLAUSE 1 OF THE BILL

2.1 It is proposed that the term “Immigration Act” be defined in clause 1 of the Bill as meaning “the Immigration Act, 2002 (Act No. 13 of 2002)”. This entails including in clause 1 of the Bill, after the definition of “final competition”, the following wording:

““Immigration Act” means the Immigration Act, 2002 (Act No. 13 of 2002).”.

2.2 An alternative suggestion in this regard is to define the term “Immigration Act” in clause 4 of the Bill itself. If this route is followed, then there will be a new subclause (1) that would read as follows:

“(1) For purposes of this section, “the Immigration Act” means the Immigration Act, 2002 (Act No. 13 of 2002).”.

PROPOSED AMENDMENTS TO CLAUSE 4 OF THE BILL**Subclause (1)**

3. It is proposed that subclause (1) should be amended to read as follows:

“(1) Subject to [sections 29 and 30 of] the provisions of the Immigration Act, [2002 (Act No. 13 of 2002),] the—

- (a) Minister of Home Affairs [**must**] may [**issue**] grant a visa in terms of section 10A(3)(a) of [**that**] the Immigration Act to a person from a country that is not exempt from complying with visa requirements to attend the 2010 FIFA World Cup South Africa [**as a spectator**] for the requested period if that person lodges an application for a visa with the Minister of Home Affairs at least 14 days before departing for the Republic; and
- (b) Director-General of Home Affairs [**must**] may issue a visitor’s permit in terms of section 11(1) of [**that**] the Immigration Act to a person from a country that is exempt from complying with visa requirements upon entry into the Republic in order to attend the 2010 FIFA World Cup South Africa [**as a spectator**] for the period which that person is exempt from complying with visa requirements.

Subclause (2)

4. It is proposed that subclause (2) be drafted as follows:

“(2) Any person [**contemplated in subsection (1)**], including team members, [who wishes] intending to conduct work in the Republic in connection with and for the duration of the 2010 FIFA World Cup South Africa [**must**] shall submit a letter to the Minister of Home Affairs from FIFA approving the work to be

conducted in order to qualify for an authorisation in terms of section 11(2) of the Immigration Act[, 2002 (Act No. 13 of 2002)]: Provided that persons who intend to conduct work for a period exceeding the period for which he or she enjoys exemption from having to comply with visa requirements, shall be required to be in possession of a valid visa for the intended period and purpose prior to proceeding to the Republic: Provided further that the period of the intended visit shall not exceed six months.

Subclause (3)

5. In view of the proposed amendments to subclause (2), subclause (3) should be deleted from the text.

Subclause (4)

6. If it is accepted that the term "Immigration Act" be defined (see our proposals in paragraphs 2.1 and 2.2 above), then the wording "(Act No. 13 of 2002)" in line 21 to 22 on page 4 of the Bill should be deleted from the text.

New subclause (5)

7. It is proposed that a new subclause (5) be inserted in clause 4 of the Bill, which subclause is to read as follows:

"(5) If any person intends to conduct work, or establish or invest in a business, in the Republic for a period exceeding six months in connection with the 2010 FIFA World Cup South Africa, FIFA and such person shall provide the Director-General of Home Affairs with—

(a) proof of the accreditation in support of each application at least 30 days prior to proceeding to the Republic;

(b) a description of the activities that will be undertaken in the Republic; and

(c) the duration of the intended stay:

Provided that should such a person want to be exempt from having to comply with certain requirements for a work permit or business permit prescribed in the Regulations made under section 7 of the Immigration Act, the Minister of Home Affairs has received an application in terms of section 31(2)(c) of the Immigration Act for the waiver of those requirements at least 60 days prior to the applicant proceeding to the Republic: Provided further that such application is approved by the Minister of Home Affairs prior to the Director-General of Home Affairs considering the application for a work permit or business permit.”