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**GEO**

GUARDIAN EMPLOYERS ORGANISATION

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Assisting Employers in Labour Law

NEWSLETTER

EMPLOYING FOREIGN NATIONALS

Immigration

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GEO members are advised to subscribe to the CIRIS internet labour law advice site. It provides valuable information on all matters related to Labour Law. Contact Andre Rabe on 0824910708 or email him on [andrerr@geo.org.za](mailto:andrerr@geo.org.za)

**EMPLOYING FOREIGN LABOUR**

Throughout 2016, American citizens – and the world at large – were regaled with **anti-immigrant** diatribe on a regular basis by president Donald Trump, with particular emphasis on the H- 1B visas. The much-vaunted wall across the US/Mexican border seems still to be an option. Even more alarming is a recent interview where he pledged to extend the tightening of immigration restrictions to European nations, as reported by **CNN**.

While Donald Trump has been proven as much of an opportunist as many other politicians (see **'Report: Trump Actively Sought Out Illegal Immigrants to Work on Trump Tower'** by Alex Griswold August 25th, 2016), his speeches have highlighted the role played by the migrant worker in a country's economy.

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South Africa has had its fair share of migrant labour problems, with xenophobic attacks within communities and on individuals making international headlines. Such attacks negatively affected the **South African economy.**

The 2011 census found the African continent provided **71% of the 2 199 871** of the foreign nationals living in South Africa. Since then, the figure of **5 million Zimbabweans** alone – legally or otherwise – has been mooted, but has also been disputed. In an effort to control the situation, the Immigration Department recently invited Zimbabweans to apply for legal residence and **extended permits** for 250 000.



Employing foreign nationals without adhering to the proper procedures can be costly! The Ministry of Home Affairs is spending 118 million rand over a period of three years to recruit immigration inspectors who will **conduct raids on companies to ensure compliance with the law.** The protection of immigrant labour is one of the reasons for this move, as it is an accepted fact that they work for less and are willing to work longer hours than the local labour. Companies exploiting immigrant labour will be fined or prosecuted.

It is therefore vital that any company employing foreign labour complies with all the legalities required by the Immigration Act at all times – failure to do so will invite severe repercussions.

## Did you know?

The Immigration Regulations 2014 repealed the Regulations made in 2005. If not, and you are employing foreign nationals, then you had better give us a call!

[‘Overview of the new immigration laws and regulations and their implications’](#) by Home Affairs Director-General Mkuseli Apleni before Parliament in April 2015.