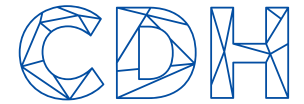


Immigration Law

ALERT | 3 March 2025



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**IMMIGRATION LAW
ALERT**

Impact of the 2024 blitz inspections on workplaces: Employment of illegal foreigners

In 2024, the Department of Employment and Labour (DEL), the Department of Home Affairs and the South African Police Service ramped up workplace inspections to clamp down on the employment of illegal foreigners and ensure compliance with the Immigration Act 13 of 2002 (Immigration Act).

In mid-February 2025 the DEL Minister indicated that:

- 68 employers were arrested across South Africa, all of whom paid a R10,000 admission of guilt fine in lieu of fines in terms of the Immigration Act, with the highest number of employer arrests having occurred in the Eastern Cape and Mpumalanga.
- Accordingly, the total amount paid in lieu of fines was R680,000.
- 322 employees were arrested and further processed under the Immigration Act.

The DEL continues to spearhead compliance inspections and to clamp down on contraventions of the Immigration Act in 2025.

Employers are reminded of their obligation to ensure that they are not employing any illegal foreigners, and to determine the status of any foreigner who is employed. Where an illegal foreigner is employed, employers need to be aware that this constitutes a breach of the Immigration Act.

In managing the employment relationship with any foreign employees, its therefore important to be proactive and mitigate against any risks associated with such employment. Regular audits have become a necessity. Where illegal foreigners are identified, employers should take caution to manage the situation appropriately to avoid being on the wrong side of dismissals and having to defend claims in the Commission for Conciliation, Mediation and Arbitration.

Imraan Mahomed, Taryn York and Mapaseka Nketu



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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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