



Commission for Gender Equality
A society free from gender oppression and inequality

DRAFT SECOND AMENDMENT OF THE IMMIGRATION REGULATIONS, 2014

Commission for Gender Equality Comments

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1. Introduction

The Commission for Gender Equality (CGE) wishes to express its gratitude for the opportunity to make written submissions on the publication of the Draft Second Amendment of the Immigration Regulations, 2014.

The CGE, as an independent statutory body created in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 (the Constitution), is mandated to promote and protect gender equality in government, civil society, and the private sector.

The Commission for Gender Equality Act 39 of 1996, as amended (the CGE Act), gives the Commission the power to:

- Monitor and evaluate policies and practices of organs of State at any level.
- Monitor and evaluate statutory bodies and functionaries.
- Monitor public bodies and authorities and private businesses, enterprises, and institutions to promote gender equality.
- Make any recommendations that the CGE deems necessary.

The CGE welcomes the opportunity to make inputs on the Draft Regulations and shall reiterate the proposed sections under review in the draft and respond thereto.



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2. Background

The Department of Home Affairs has published the Draft Second Amendment of the Immigration Regulations, 2014 which focus on two primary visa categories:

- a) the remote working visa; and
- b) the critical skills visa;

along with associated matters, inviting public feedback and comment on the Amendment.

The initiative follows persistent advocacy by the Western Cape Government since 2021, aiming to introduce a digital nomad visa and implement reforms to the visa system. The objective is to enhance South Africa's ability to draw in skilled individuals, ultimately contributing to economic development and growth.

3. The Commission for Gender Equality's Submissions on the Draft Amendment

The Commission recognises the importance of attracting skilled individuals and digital nomads to contribute to economic growth and supports the state's efforts to do same. The proposed reforms to the visa regime aimed at enabling South Africa to attract skilled individuals, align with global trends in remote work, especially post Covid19 lockdown, and the increasing significance of digital nomads.



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The introduction of a remote working visas in the Immigration Regulations, and the implicit room this creates for work-from-home arrangements, will give much needed support and relief to such individuals whose familial responsibilities require such arrangements.

Furthermore, streamlining the visa process for these individuals not only supports tourism and foreign investment but also fosters innovation and the development of new industries, which will undeniably lead to job creation. Given that the face of poverty is often female, the job creation that such process encourages will help to alleviate the poverty burden that many women in South Africa live with.

The proposed extension of exceptional circumstances regarding temporary sojourn visas in South Africa includes the spouse or child of a South African citizen or permanent resident, along with the parents of a South African citizen or permanent resident child. This expansion recognizes the diverse family situations that exist throughout the globe and demonstrates a positive step towards inclusivity within the immigration regulations. Such considerations contribute to a more compassionate and family-friendly approach to visa policies.

The Commission therefore supports the proposed changes.

4. Conclusion

The Commission looks forward to observing the outcome of this initiative and how the proposed amendments, once implemented, will shape South Africa's ability to attract and retain skilled individuals. It also appreciates the efforts



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taken to address the needs of a wider range of individuals and families seeking temporary sojourn visas under exceptional circumstances, as well as the impact on job-creation and poverty reduction such steps will hopefully have.