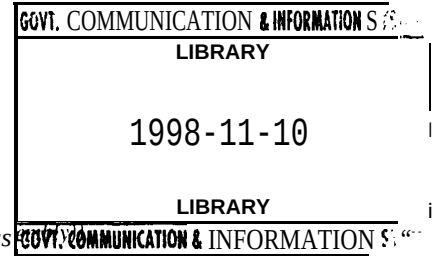


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
REFUGEES BILL**

[B 135—98]

(As agreed to by the Portfolio Committee on Home Affairs (National Assembly))



[B 135A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE - AMENDEMENTE
OP
WETSONTWERP OP
VLUGTELINGE**

[W 135—98]

*(Soos goedgekeur deur 'ie Portefeuljekomitee oor Binnelandse Sake
(Nasionale Vergadering))*

[W 135A—98]

ISBN O 62128632 X

AMENDMENTS AGREED TO

REFUGEES BILL [B 135–98]

ARRANGEMENT OF ACT

1. On page 2, in line 12, to omit “Application” and to substitute “Interpretation, application”.

CLAUSE 1

1. On page 6, in line 13, after “based” to insert “without reasonable cause”.

CLAUSE 6

1. **On** page 8, in line 42, to omit “Application” and to substitute “Interpretation, application”.
2. On page 8, in line 43, after “be” to insert “interpreted and”.

CLAUSE 8

1. On page 10, in line 9, to omit “Minister” and to substitute “Director-General”.

CLAUSE 10

1. On page 10, after line 38, to add the following subsection:
 - (4) At least one of the members of the Standing Committee must be legally qualified.

CLAUSE 12

1. **On** page 12, after line 6, to add the following subsection:
 - (3) The Appeal Board must function without any bias and must be independent.

CLAUSE 13

1. On page 12, from line 10, to omit paragraph (a).
2. On page 12, in line 15, before “One” to insert “At least”.
3. On page 12, from line 16, to omit subsection (3) and to substitute:
 - (3) A person may not be appointed as a member of the Appeal Board if he or she—
 - (a) is not a South African citizen;
 - (b) has been sentenced to imprisonment without the option of a fine during the preceding four years.

CLAUSE 21

1. On page 14, after line 39, to add the following subsection:
 - (5) The confidentiality of asylum applications and the information contained therein must be ensured at all times.

CLAUSE 24

1. On page 16, in line 31, to omit “must”.
2. On page 16, from line 32, to omit paragraphs (a) and (b).

CLAUSE 25

1. On page 18, from line 11, to omit paragraph (c).
2. On page 18, after line 14, to add the following subsection:
 - (5) After the Standing Committee has decided a question of law referred to it in terms of section 24(3)(d), the Standing Committee must refer the application back to the Refugee Status Determination Officer with such directives as are necessary and the Refugee Status Determination Officer must decide the application in terms of the directives.

CLAUSE 26

1. On page 18, from line 20, to omit paragraph (b).
2. On page 18, from line 22, to omit subsection (2).

CLAUSE 27

1. On page 18, in line 52, to omit “stateless” and to substitute “a refugee”.

CLAUSE 28

1. On page 20, from line 5, to omit subsection (1) and to substitute:
 - (1) Subject to section 2, a refugee may be removed from the Republic on grounds of national security or public order.

CLAUSE 30

1. On page 20, from line 39, to omit subsection (2) and to substitute:

(2) An identity document referred to in subsection (1) must be in the prescribed form.

CLAUSE 33

1. On page 22, after line 6, to add the following subsections:

(2) Where a dependant of a recognised refugee is within the Republic in accordance with an asylum seeker permit or has been granted asylum in terms of this Act, and ceases to be a **dependant** by reason of his or her marriage, his or her attaining the age of majority or the cessation of his or her dependence upon the recognised refugee, as the case may be, he or she may be permitted to continue to remain within the Republic in accordance with the provisions of this Act.

(3) Upon the death of a recognised refugee or upon his or her divorce, every person who, immediately before such death or divorce was within the Republic in terms of this Act as a dependant of such recognised refugee, may be permitted to continue to remain within the Republic in accordance with the provisions of this Act.

(4) Nothing contained in this Act may prevent a dependant of a recognised refugee or a person who has, in terms of subsection (2) or (3), been permitted to continue to remain in the Republic from applying for recognition as a refugee in accordance with the provisions of this Act.

CLAUSE 37

1. On page 24, from line 4, to omit all the words after “and” up to and including “Act,” where it occurs for the second time, and to substitute:

liable on conviction to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment

CLAUSE 39

1. On page 24, in line 24, to omit “proper” and to substitute “appropriate”.