

Annexure B

Ramaphosa Signals Zero Tolerance for Non-Compliant Employers as Crackdown on Illegal Employment Intensifies

President Cyril Ramaphosa has sent a clear and uncompromising message to employers across South Africa to comply with immigration and labour laws or face the consequences.

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In his State of the Nation Address (SONA) on 12 February 2026, the President announced the appointment of an additional 10,000 labour inspectors this year to intensify enforcement against illegal employment practices.

He warned that employers who hire foreign nationals without the required visas will face the full might of the law as the South African Police Service (SAPS), Home Affairs officials and labour inspectors work together to curb illegal employment.

Multi-Agency Inspections Escalate Nationwide

The SONA announcement follows a sharp increase in unannounced inspections conducted throughout 2025 and into 2026. Officials from the Department of Employment and Labour (DoEL), Department of Home Affairs (DHA) and SAPS are continuing with these on-site inspections across multiple economic sectors nationwide.

By the end of 2025, non-compliant employers had paid approximately R680,000 in admission-of-guilt fines. This figure has since climbed to more than R770,000 following a recent operation in Rustenburg, where 11 undocumented foreign nationals and 6 employers were arrested. A total of 38 workplaces were inspected during the four-day operation.

Several employers were charged for employing undocumented foreign nationals and were taken in for processing by the DHA.

Authorities also issued multiple prohibition notices, compliance orders and contravention notices.

In KwaZulu-Natal, inspectors recently uncovered illegal workers in an industrial area, leading to the arrest of two business owners. Some textile factory owners reportedly attempted to evade inspection by locking themselves inside their premises.

President Ramaphosa stressed in his SONA that illegal immigration poses a risk to South Africa's security, stability and economic progress. He added: "As we undertake these interventions, we insist that the laws of our country must be observed by everyone."

Employers Have No Place to Hide

While the DoEL enforces the implementation of labour laws to protect workers, DHA officials participating in inspections check the validity of visas and work permits to ensure compliance.

In terms of the Immigration Act, 2002 (Act No.13 of 2002), employing undocumented foreigners or workers with expired, falsified, or incorrect permits is a punishable offence.

If undocumented workers are found on your business premises, the law presumes you to be their employer unless you can prove otherwise.

"The presence of just one undocumented foreign employee is enough to trigger substantial fines and potential criminal liability, including imprisonment. With authorities ramping up inspections in their fight against the employment of foreign nationals without valid work authorisation, employers now carry heightened criminal liability for non-compliance, even if unintentionally."

Failure to verify and continuously monitor the legal status of foreign employees is no longer a procedural oversight for employers, but a serious legal risk.

Proactive Compliance Is No Longer Optional

With the stakes this high, employers should take pre-emptive steps to ensure they are on the right side of the law.

A proper Immigration Compliance Audit, conducted by reputable immigration and legal specialists, can identify expired, invalid, or fraudulent visas, confirms that employees' roles align with their permit conditions, and detects forged or manipulated documentation.

Undertaking such an audit demonstrates due diligence and helps identify compliance gaps within an employers' foreign workforce before enforcement action occurs.

Contravention of the Immigration Act comes with serious consequences for both the employer and illegal employees. Companies who employ foreign nationals should ensure they are compliant to safeguard them against fines, operational disruption, and criminal exposure.

Top 10 Immigration Compliance Mistakes Companies Make in South Africa

Understanding common immigration compliance mistakes can help organisations avoid **serious legal, financial, and reputational risks**. The Department of Home Affairs places a legal responsibility on employers to ensure that all foreign nationals working within their organisation are **properly authorised to do so**.

Below are some of the most common mistakes employers make when managing foreign employees.

1. Allowing a Foreign National to Start Work Before the Visa is Issued

One of the most common compliance mistakes is allowing a foreign national to commence employment before their work visa has been officially approved and issued.

Even if a visa application has been submitted, the individual may not legally begin working until the visa has been granted.

Employing a foreign national without the appropriate visa can result in serious penalties for the employer, including fines and potential criminal liability.

2. Not Verifying Visa Conditions Properly

Not all visas automatically allow a person to work in South Africa.

Employers sometimes assume that because a foreign national is in the country legally, they are authorised to work. However, visas may contain specific conditions or restrictions, including:

- The employer name
- The position or occupation
- The validity period of employment

HR departments must ensure that the visa specifically authorises employment with their organisation.

3. Failing to Monitor Visa Expiry Dates

Another frequent compliance issue is failing to track when an employee's visa is about to expire.

If a visa expires and the employee continues working without a valid extension or renewal, the employee becomes illegal in terms of immigration law, and the employer may also be held responsible.

Employers should maintain a visa tracking system to monitor expiry dates and begin renewal processes well in advance.

4. Poor Record Keeping of Immigration Documents

Employers are legally required to keep copies of important immigration documents for foreign employees.

These typically include:

- Passport copies
- Valid work visas
- Supporting immigration documentation

Failure to maintain proper records can create problems during Department of Home Affairs inspections or labour audits.

Proper documentation ensures that the company can quickly demonstrate compliance when required.

5. Misunderstanding the Difference Between Visa Types

Different types of visas allow for different forms of employment.

For example:

- A Visitor Visa (Holiday) generally does not allow employment.
- A Visitor Visa (Business) generally allows the visitor to conduct business meetings with a specific invitee for a specific period. (NO work-related activity in line with profession allowed)
- A Visitor Visa (Section 11(2)) generally allow work related activities for a specific invitee for a specific period in a specific role. (short term not exceeding 6 months)
- A General Work Visa allows the employment for a specific employer in a specific role for a specific period.
- A Critical Skills Work Visa allows employment within certain professional categories.
- An Intra-Company Transfer Visa is limited to specific employment arrangements within multinational companies.

Employers must ensure that the visa type matches the role being performed by the employee.

6. Employing Foreign Nationals Outside the Conditions of Their Visa

Even when a foreign national has a valid visa, they must only perform the work authorised under that visa.

Problems arise when employees are:

- Specific employer
- Promoted to different roles without visa amendments
- Transferred to another employer
- Assigned duties outside the scope of their approved position

If the employment conditions change significantly, a new visa application or amendment may be required.

7. Ignoring Skills Transfer Obligations

Many work visa categories and programmes, including the Trusted Employer Scheme, emphasise the importance of skills transfer to South African employees.

Some organisations overlook this requirement, focusing only on hiring foreign specialists without establishing programmes to develop local staff.

Demonstrating a commitment to skills transfer helps ensure long-term compliance and supports national workforce development objectives.

8. Lack of Internal Immigration Compliance Procedures

Many companies do not have formal immigration compliance procedures in place.

This can lead to inconsistent processes, especially in large organisations where multiple departments are involved in recruitment and onboarding.

Strong compliance systems typically include:

- Visa verification procedures
- Document management systems
- HR and security training
- Regular compliance audits

These systems help ensure that immigration compliance is managed proactively rather than reactively.

9. Relying Solely on Employees to Manage Their Own Visa Status

While employees are responsible for maintaining their immigration status, employers also have a legal duty to verify compliance.

Some companies assume that employees will manage their own renewals and extensions, but this approach creates risk.

Employers should take an active role in monitoring visa status and supporting renewal processes to ensure that employees remain legally authorised to work.

10. Not Seeking Professional Immigration Advice When Needed

South African immigration law can be complex and subject to frequent regulatory changes.

Employers sometimes attempt to manage complex visa applications without professional assistance, which can lead to:

- Incorrect submissions
- Delays in processing
- Rejected applications

Working with qualified immigration specialists or legal practitioners can help ensure that applications are correctly prepared and submitted, reducing the risk of costly errors.

Final Thought

Immigration compliance is not only a legal requirement—it is also an important component of good corporate governance and responsible employment practices.

By understanding common compliance risks and implementing proper internal controls, organisations can ensure that they:

- Protect their business operations
- Maintain compliance with immigration legislation
- Continue to attract and retain the specialised skills needed to remain competitive.