

Legislation: Bill gazetted on rights of detained illegal immigrants

Comment is sought by 23 July on a [draft](#) Immigration Amendment Bill seeking to align the principal statute with sections [12\(1\)](#) and [35\(2\)\(d\)](#) of the Constitution – in keeping with the requirements of a June 2017 Constitutional Court [judgment](#) focusing on the rights of detained illegal immigrants, reports Pam Saxby for **Legalbrief Policy Watch**. According to a memorandum on the draft Bill's objects, this is noting that sections 34(1)(b) and (d) of the principal statute (deportation and detention of illegal foreigners) 'do not allow for automatic judicial intervention when an illegal foreigner is detained for purposes of deportation'. Neither do they allow for a detained illegal foreigner to challenge the lawfulness of his/her detention 'in person in court'.

Against that backdrop, the proposed new statute seeks to ensure that an illegal foreigner appears in court within 30 calendar days of being detained. It also provides: guidance to immigration officers on circumstances in which an illegal foreigner may be arrested and detained 'for purposes of deportation'; and for a court to grant 'further extensions' to the maximum period of detention 'in certain circumstances'. The draft Bill was prepared by the National Assembly's Home Affairs Committee, as **Legalbrief Today** has already reported.