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## SALO Position Paper on the June 30 'Deadline':

### *Upholding Constitutional Values, Human Dignity and Regional Solidarity*

Southern African Liaison Office (SALO) | 30 June 2026

The Southern African Liaison Office (SALO) expresses its deep concern at the escalating climate of intimidation, uncertainty and growing displacement surrounding the mobilisation of 30 June 2026. While today has become the immediate focus, it is increasingly clear that this is not a one-day event. Public indications that mobilisation may continue beyond 30 June, underline the need for a sustained response that protects communities, safeguards constitutional democracy and prevents a deepening humanitarian crisis.

SALO welcomes the South African Government's repeated assurances that there is **no lawful 30 June deadline**, that violence and intimidation will not be tolerated, and that private individuals have no authority to conduct so-called citizens' arrests or demand identity documents. These assurances are important and deserve recognition. The challenge now is to ensure that the state's immediate priority is to reduce uncertainty, protect vulnerable communities and continue to uphold the rule of law (amidst allegations of an insurrectionary agenda).

SALO acknowledges that many South Africans face serious and legitimate socio-economic pressures, including unemployment, inequality and pressure on public services. These concerns deserve serious policy responses. However, the burden of these challenges cannot be placed on foreign nationals, many of whom are themselves in vulnerable situations, and many of whom are in irregular status not through unlawful intent but as a result of significant dysfunction within the immigration system itself. Home Affairs has itself confirmed a backlog of approximately 161,000 asylum appeal cases. In recognition of this, the Department issued a directive in March 2026 extending the legal status of all foreign nationals with pending permit applications until 30 June 2027. This means there are currently people in South Africa whose permits may *appear* expired, but who are residing here entirely lawfully. They cannot be required to leave, and they cannot lawfully be arrested.

SALO is equally concerned that unlawful document checks and profiling place *everyone* at risk, including South Africans. People are frequently judged on the basis of language, accent, appearance, skin tone or perceived nationality. Millions of South Africans remain undocumented through no fault of their own, or do not carry their identity documents on them because that is not required by law in post-apartheid South Africa! **No person should ever be placed in the position of having to prove their identity or nationality to another civilian.** That responsibility belongs exclusively to authorised state institutions acting under the Constitution and the law.

Frustrations should not give rise to hostility towards migrants themselves, nor should they justify measures that undermine constitutional rights or human dignity. Democratic South

Africa was founded on a conscious rejection of discrimination, arbitrary state power and the dehumanisation of vulnerable people. Our Constitution instead affirms human dignity, equality, freedom and the rule of law as the principles that must guide the exercise of public power. The true test of our democracy is not how it responds when circumstances are easy, but whether it remains faithful to these values when confronted with difficult and politically contentious challenges.

SALO welcomes and strongly endorses the Open Letter published on 28 June in the Daily Maverick by a broad coalition of respected South African civil society organisations, academics and child-rights advocates, calling on government to halt mass arrests targeting suspected undocumented migrants and to ensure that immigration enforcement fully respects the Constitutional rights of children and families.

The concerns raised in this Open Letter deserve urgent attention. The signatories ask critical questions about the welfare of children whose parents or caregivers are arrested during immigration operations; the safeguards in place to prevent family separation; the treatment of children who may find themselves in detention or repatriation facilities; and whether these operations comply with South Africa's Constitution, the Children's Act and our international obligations. These are not abstract legal questions. They concern the safety of children, the integrity of families and the values that define South Africa as a constitutional democracy. SALO associates itself with these concerns.

The events surrounding 30 June also carry implications far beyond South Africa's borders. Southern Africa is bound together by deep historical, economic and social ties, and South Africa's prosperity has been built in close partnership with the wider region. Our neighbours are not simply sources of migration; they are among South Africa's most important trading and investment partners, and markets for South African goods and services. According to the *2025 African Trade Report*, almost one quarter of South Africa's total exports are destined for African markets, with more than 90% of these exports going to SADC countries. Beyond the compelling moral, constitutional and human rights imperatives, there is therefore also an important economic consideration: South Africa's long-term prosperity, jobs and growth depend on strong regional relationships, open markets and mutual trust. The manner in which South Africa treats citizens of neighbouring countries inevitably shapes regional trust, economic cooperation and South Africa's standing across the continent.

At a time when the region faces shared challenges - including economic hardship, unemployment, climate-related displacement and increasing geopolitical uncertainty - South Africa's leadership should continue to reflect the values of solidarity, constitutionalism and human security that have long underpinned its role in Africa. Actions by anti-immigrant groups that fuel hostility towards foreign nationals risk undermining not only social cohesion within South Africa but also the regional relationships upon which our own economic prosperity and long-term security depend.

South Africa has both the constitutional framework and the institutional capacity to address migration challenges through lawful means. It must do so in a manner that protects public safety while preserving the dignity, Constitutional rights and humanity of every person. We commend the efforts of Government to date to assist displaced migrants, and its repeated public assurances that there is **no lawful 30 June deadline**, that violence and intimidation

will not be tolerated, and that private individuals have no authority to conduct so-called citizens' arrests or demand identity documents.

Today should demonstrate not the triumph of fear, but the strength of our Constitution - a Constitution founded upon values that have earned our democracy respect across Africa and the world. In moments of tension, it is precisely those values - human dignity, equality, justice and the rule of law - that deserve our strongest protection.

### **SALO's Recommendations:**

#### **Immediate actions:**

- **Make the protection of people the immediate priority.** Shift the immediate focus towards reducing uncertainty, protecting vulnerable communities, preventing further displacement and restoring public confidence.
- **Clarify the legal position publicly and unambiguously.** Government should issue a clear public statement confirming that the March and March deadline carries no legal force; that private citizens have no authority to demand documents, conduct searches, or attempt arrests of foreign nationals; and that all persons within South Africa's borders are entitled to constitutional protection regardless of nationality or documentation status.
- **Correct the misinformation about employer liability.** Government and relevant authorities should publicly clarify that no new fines are in force, that the proposed R100,000 penalty is not yet law, and that employers should seek verified legal advice rather than act on circulating rumours.
- **Ensure law enforcement protects those facing intimidation.** Police must act impartially to prevent violence and intimidation, and to protect individuals and families who have been displaced or threatened -and must arrest those who unlawfully attempt to detain or search foreign nationals.
- **Protect children.** Immediately halt and review any state actions that risk separating children from parents or caregivers or exposing children to harm, and ensure that the best interests of every child remain paramount.
- **Provide urgent humanitarian support.** Provincial and local government should work with faith-based organisations, humanitarian agencies and civil society to support people displaced through intimidation and ensure that poor and vulnerable families are not left without shelter, livelihoods or essential services during the winter months.
- **Use the language of rights consistently.** Officials and public communicators should use the term *irregular migrants* rather than "illegal foreigners," which criminalises administrative status rather than conduct. Where violence is directed specifically at Africans, it should be identified as *Afrophobia*: a term the President himself used on 7 June 2026.

#### **Structural and medium-term actions:**

- **Prioritise regularisation over deportation.** Government should open accessible pathways for irregular migrants to regularise their status, recognising that many are

irregular due to systemic failures rather than unlawful intent. Often there are no other pathways for the poor to live and work in South Africa.

- **Urgently address Home Affairs backlogs and dysfunction.** Processing delays, including at Refugee Reception Offices, and application backlogs must be treated as a governance priority. A system that cannot process applications in reasonable time, while simultaneously treating those with pending applications as a problem to be removed, is not functioning in accordance with the rule of law.
- **Implement the Prevention and Combating of Hate Crimes and Hate Speech Act.** This legislation exists to address precisely this kind of organised incitement and should be applied without further delay.
- **End the detention of immigration law offenders in the criminal justice system.** The vast majority of foreign nationals arrested for immigration matters have either committed no other criminal offence, or minor offences only. In addition roughly 80% of foreign nationals in South African prisons in 2025 had been sentenced for immigration offences only, or immigration offences and other crimes – this obviously referred to minor crimes, because the statistics for serious crimes were broken down separate from this making up the remaining 20% of foreign nationals in South African prisons.<sup>1</sup> Similarly, in 2022 only 18 000 of the 544 000 inmates in South Africans were foreign nationals, according to the then-Police Minister.<sup>2</sup> Detention in overcrowded prisons is neither proportionate, effective, nor consistent with a rights-based approach; it is neither in the interest of foreign nationals, nor South Africans.

#### **Regional and long-term actions:**

- **Champion a SADC Labour Mobility and Regularisation Framework.** South Africa should lead the development of a regional framework that creates lawful pathways for movement, protects workers, strengthens labour standards and addresses migration as a human security and regional development issue rather than solely a border-management challenge.
- **Address the structural drivers of migration.** Poverty, unemployment, debt, governance challenges and climate vulnerability across the region are the underlying forces shaping human mobility. Durable solutions require regional cooperation and sustained investment in the conditions that allow people to live with dignity in their own countries.

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<sup>1</sup>04 February 2025, Briefing to the Parliamentary Portfolio Committee on Correctional Services: <https://share.google/DvvUtKMhT5MwCRvIb>

<sup>2</sup>09 September 2022, Then-Police Minister addressing SALGA's Council of Mayors Conference in East London: <https://www.news24.com/southafrica/news/foreign-nationals-are-not-a-problem-its-south-africans-celes-reality-check-on-crime-in-sa-20220909>