

PRESS RELEASE

EDUSA

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## English language centre association initiates court action to resolve "unconstitutional rejection of study visas"



(Cape Town, 23<sup>rd</sup> August 2016) EduSA has submitted court papers challenging the South African government and policy makers about their failure to make proper allowance for visas for international students wishing to enter South Africa to study English as a foreign language.

EduSA is the national association of English language schools in South Africa. Its 24 members are English language schools that teach English as a foreign language to foreign nationals, who come to South Africa for weeks or months at a time. According to chairperson Johannes Kraus, this brings hundreds of millions of Rands in foreign investment to South Africa.

"Globally the industry is worth billions of dollars. In South Africa, though, potential foreign students are being prevented from studying here by the Department of Home Affairs through its refusal to issue the necessary visas. While South Africa currently only accounts for about 1% of the global English Foreign Language market, the country's favourable exchange rate, climate, cost of living and quality of life make it a potential market leader. "

The latest figures from the UK travel periodical Study Travel Magazine state that, in 2014, the global language travel market in eight of the main English-speaking destinations worldwide grew in value to nearly \$13-billion. "If South Africa could corner even 10% of that market, the foreign investment would translate to more than R18.7-billion. But we need to remove the unconstitutional restrictions to the industry's growth by forcing a review of the prevailing legislation."

According to Kraus, at the core of the dispute are the incompatible views held by the Department of Home Affairs and the Department of Higher Education and Training on the requirements of the regulations, and more specifically what type of accreditation the EduSA institutions need in order to obtain study visas.

"There is a fundamental issue at stake in terms of the regulations' failure to make proper provisions for educational institutions such as those forming part of EduSA. We have made repeated, concerted efforts to resolve these difficulties through dialogue with the respective departments, but no answers have been forthcoming. The industry is floundering: institutions are closing, jobs are being lost, the country's international reputation is taking a knock and we are losing hundreds of millions of Rands."

Commencement of the court case is imminent. Kraus and his legal team hope to have Regulations issued in terms of section 13 of the Immigration Act of 2002 reviewed or set aside. "Currently, the regulations make provisions for visas for "learning institutions", but they do not make allowance for EduSA institutions to be considered as such. The case hopes to bring a change to the regulations that

would see EduSA institutions legally declared as "learning institutions" and allow our students to enter South Africa and commence their studies. We hope to urgently resolve this matter and allow our members, their staff and the international students to return to normal operations. The social and economic implications of any further delay in the process are too awful to consider."

For more information about EduSA, please visit [www.edusouthafrica.com](http://www.edusouthafrica.com)

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