



EDUSA

Press Release

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## **Landmark settlement unlocks economic, skills development potential of English foreign language schools**

*(Cape Town, xx November 2016)* Education South Africa (EduSA) has reached a landmark settlement with the Departments of Home Affairs and Higher Education and Training, easing the entry of its prospective international students into the country through the awarding of Ministerial exemptions. This follows a protracted policy impasse that EduSA says has wrought significant damage to its members, who are comprised of 22 English as a Foreign Language (EFL) schools across South Africa.

Chairman of EduSA Johannes Kraus says the organisation has come to an amicable settlement with the Departments of Home Affairs and Higher Education & Training. "The settlement includes a special dispensation for students studying at EduSA member institutes, allowing students to get visas to study in South Africa for up to 18 months. This marks a defining moment in our industry, as it allows us to grow our meagre 1% share of the multi-billion dollar global EFL market."

Current regulations make provisions for visas to study at "learning institutions", but EduSA's member schools did not meet the requirements of this definition. The new regulations were a major factor in a 37% drop in enrolments across the sector between 2014 and 2015.

In July, EduSA launched court proceedings to, amongst other things, be treated as "learning institutions" as defined in the Immigration Act of 2002. This was to ensure that foreign applicants seeking study visas to study at EduSA institutions are not refused study visas, and to clarify the visa status of foreigners learning English in South Africa.

Kraus says the new dispensation is on the provision that EduSA members apply for provisional registration as learning institutes with the aim of eventually meeting all the associated criteria. "The special dispensation is valid for the full duration of the accreditation process until such time that EduSA members meet the 'learning institute' definition requirements. The Department of Higher Education and Training has very kindly undertaken to assist us with registering an appropriate qualification that matches the way our industry works, essentially kick-starting a process of formalising the EFL industry in South Africa. This is tremendous news for our organisation as it brings us closer to one of our key objectives. We look forward to working with our partners in government over the coming months and thank them for coming to the party in such commendable fashion."

EduSA was represented by well-known immigration law specialist Stefanie de Saude. Speaking from Cape Town, de Saude says one of the more interesting outcomes is that the Director-General of Immigration has clarified in his answering affidavit that foreigners "studying" at [legitimate] institutions not falling within the definition of "learning institutions" and who accordingly do not qualify for study visas, may "study" on a visitor visa issued in terms of section 11(1) of the Immigration Act. This is the first time that clarity has been issued with regards to students studying



on visitor visas, allowing South African embassies and consulates around the world to issue the respective visas more consistently. This will significantly ease the entry of foreign students into our country, which has immense economic benefits," says de Saude.

For more information about EduSA, please visit [www.edusouthafrica.com](http://www.edusouthafrica.com) or contact Johannes Kraus or Torrique Borges at [info@edusouthafrica.com](mailto:info@edusouthafrica.com).

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