



## Department of Public Service and Administration

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### TO HEADS OF ALL DEPARTMENTS/PROVINCIAL ADMINISTRATIONS/OFFICES OF PROVINCIAL SERVICE COMMISSIONS

#### APPOINTMENT OF NON-CITIZENS IN THE PUBLIC SERVICE

1. The provisions of section 10(1)(a) of the *Public Service Act*, 1994 currently stipulate that for purposes of permanent appointment in the Public Service, a person must be a South African citizen.
2. Following a recent ruling by the Constitutional Court (a copy of the judgement is attached) that a similar provision in the Regulations regarding employment in the Educator sector is unconstitutional and invalid, the condition contained in section 10(1)(a) of the *Public Service Act*, 1994 is at present being reviewed.
3. In the interim, and until such time that the Act is amended, you are thus advised to no longer apply section 10(1)(a) of the Act when considering candidatures of non-citizens *vis-à-vis* South African citizens for purposes of permanent appointment.

  
1 DIRECTOR-GENERAL  
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