



eINFO

**The New South African
Immigration Law**

*Immigration Act 2002
Immigration Amendment Act 2013
Immigration Regulations 2014*

by

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1. INTRODUCTION

Immigration in or rather into South Africa has not just lately occupied the newspapers, magazines and blogs. It was and remains one of the most unpleasant aspects of doing business in South Africa. Based on the original Immigration Act, No.13 of 2002, and its most recent amendments by the Immigration Amendment Act, No.13 of 2013, as well as the latest Immigration Regulations published in 2014, South Africa offers a variety of options and conditions under which temporary residence Visas or Permanent Residence Permits may be obtained. Unfortunately the Department of Home Affairs, or rather its employees, are still either lacking the skills to implement the Act and its Regulations, display an unhealthy extent of ignorance or seem to excel daily in showing that service delivery is for others.

It requires utmost diligence in preparing an application as well as perseverance to be successful. Any rejection of an application complicates not only the business concerned, but it also requires an appeal, which is highly time and cost intensive. This eINFO shall offer a sufficient overview over the current Immigration Law and summarise as well as explain important issues, chances and pitfalls. It does, however, not replace a detailed individual consultation in any of the Into SA offices.

2. GENERAL

The recent introduction of new Immigration regulations must be taken with a pinch of salt as the current version had been drafted under the previous Minister of Home Affairs, Mrs. Naledi Pandor and – after an unusual short public participation time frame – came into force in the eleventh hour before the elections. Her successor Malusi Gigaba not only failed to review the new Immigration Regulations in order to have a workable enactment and subsequent application, he did not allow for a transition period, neither was a proper training of the Home Affairs staff organised, instead he reacted almost defiant to the criticism of all stakeholders as well as applications to the courts to overrule certain decisions made under the new Regulations.

It took the combined effort and influence as well as a lot of perseverance of organisations like Business Unity South Africa (BUSAs), IATA, FEDHASA and the bilateral Chambers of Commerce as well as private organisations like Into SA to constantly lobby and appeal and mid September the Minister finally relented. He envisaged the appointment of a task team to review the Regulations together with the stakeholders and suspended the highly controversial rules and regulations for children travelling (see chapter 2.2 below).

For now, the rest of the new Immigration Regulations apply and we have to live with them as good as we can. Into SA will advise based on experience and the constant dialogue with Home Affairs, VFS and the relevant government departments. If changes or amendments will transpire, Into SA will inform on www.into-sa.com as well as through the Social Media.

2.1 Submissions and Application Fees

While in the past, any submission under the Immigration Act and its Regulations had to be made directly to the Department of Home Affairs by the applicants' representatives and Immigration Practitioners, the new Immigration Regulations have established a few privately operated Visa Facilitation Centres (VFS) across the country, which – instead of all the Department of Home Affairs offices – are the only points of submission for any application.

Submissions can only be done by appointment and the applicant has to appear for an interview at VFS, but still can be accompanied by an Immigration Advisor such as Into SA, but please note that most of the applications can only be submitted from outside the country and only a very few applications based on local kinship as well as amendments and extensions can still be submitted in South Africa. All other applications must be handed in at the Embassy, High Commission or Consulate in the country of nationality or current residence.

If an application is made to VFS, the fees of the Department of Home Affairs of between ZAR 425 and ZAR 1 520 apply, but in addition processing fees of ZAR 1 350 are payable to VFS in advance when making the appointment. The fees at the Embassies, High Commissions and Consulates differ from country due to the different exchange rate calculations, but are generally close to the Home Affairs Fees without the processing fees of VFS.

Applications based on spousal relationship and direct kinship do not attract any governmental application fees.

2.2 Traveling Children

In an attempt to curb child trafficking the new Immigration Regulations impose a variety of requirements for children to travel.

Those are currently:

- ✓ Both parents travelling with children under the age of 18 years have to produce a full/unabridged birth certificate for the child (both parents' details must be on the birth certificate)

- ✓ One parent travelling with child must, in addition to the unabridged birth certificate, provide a letter of consent from other parent in the form of an affidavit or custody agreement confirming permission to travel with child
- ✓ One parent travelling with child and other parent passed away must, in addition to the unabridged birth certificate, produce death certificate of deceased parent
- ✓ Guardians travelling with child must, in addition to the unabridged birth certificate, provide a letter of consent provide affidavits from parents giving permission for child to travel
- ✓ Only original unabridged birth certificates will be accepted (no copies or certified copies)

The publication of these regulations was followed by an outcry of the travel and hospitality industry as these regulations are highly impractical and will lead to a serious decline in tourism. The Minister relented in September 2014 and suspended these new regulations until 1 June 2015 by stating that the regulations will be reviewed in the meantime.

2.3 Overstay

A persons who leaves South Africa after his or her Visa has expired will be no longer just subject to a fine but will be declared under s27(3) of the new Immigration Regulations as 'undesirable' and is thereafter prevented from re-entering the country for a period of between 12 months and five years. This regulation also applies to those persons, who have a constitutional right to stay in South Africa, i.e. to stay with their children or spouse, whose temporary Visa has expired while the application for Permanent Residence has not been finalised.

Although there is a way to reverse this decision in an appeal from outside the country, it is advisable rather to extend the temporary Visa first, before exiting the country in order to avoid to be declared 'undesirable'.

3. VISITOR'S VISA

3.1 Tourist Visa

The general Visitor's Visa is issued for all nationals from Visa Exempt Countries upon entry into South Africa for up to 30 days¹ or up to 90 days² and does not allow any kind of commercial activity. The extension of this Visitor's Visa is possible for a further three months against a fee and based on good reasons for the extended stay. In this context, a return ticket and/or deposit of funds for such a ticket as well as proof of sufficient funds to sustain oneself during this stay

¹ For the list of countries, see Annexure B

² For the list of countries, see Annexure A

³ Notice 453, published in Government Gazette No. 37716 (3 June 2014)

are required in terms of s7 of the Act. As proof of “sufficient” funds the following means are generally accepted: three month's bank statements of the South African host, cash, traveler's cheques or alternatively an undertaking by the South African host, but no clear definition of the term “sufficient” was given in the Act or the Regulations, and was until recently in the discretion of Home Affairs. This discretion has been eliminated by a recent Government Notice³ that sets the amount at a minimum of ZAR 3 000.

PLEASE NOTE: Applications for Visa extensions must be submitted at least 60 days instead of the previous 30 days prior to the expiry date of the Visa!

3.2 Visitor's Visa and Authority to Work

The new Immigration Regulations have kept the exception in s11(2) for holders of Visitor's Visa to apply for the authority to work. Those Visa – often incorrectly referred to as Business Visa – cannot be issued at the point of entry of South Africa any more, but have to be applied for at the South African Embassy, High Commission or Consulate in the home country of the visitor.

They are especially suitable for specialised workers, such as welders, technicians and engineers, who need to attend to work in South Africa only for a short period of time.

3.3 Spousal Visa and Authority to Work

For spouses or life partners of South African Citizens or holders of a Permanent Residence Permit a Visitor's Visa to reside with their spouses or life partners is generally granted, but may – on application under s11(6) – also contain the exception to allow for taking up employment. Further note that these “Relatives' Visa” require the financial assurance by the resident spouse or life partner per month in an amount of ZAR 8 500 and that the Visa can be issued up to maximum period of two years.

3.4 Extended Visitor's Visa

If the necessity to visit South Africa requires more than 90 days, the application for an extended Visitor Visa should be contemplated. This Visa in terms of S 11(1)(b)(ii) is only granted in connection with academic research or sabbaticals and voluntary or charitable work.

³ Notice 453, published in Government Gazette No. 37716 (3 June 2014)

4. WORK VISA

4.1 General Work Visa

The most general Visa – and hence the name – is the General Work Visa in terms of s19(2) of the Act. While the confirmation of any conditions by a Chartered Accountant is no longer required, all positions, including positions for key personnel on management level, qualified chefs, medical doctors, qualified practitioners as well as those in the film industry must be advertised in a national paper for at least 30 days.

Additionally, every employer is obliged to submit a detailed list of job candidates, which have applied for the advertised position, explaining why none of them is as suitable for the position as the foreigner.

In a letter the employer has furthermore to motivate why no South African Citizens or holders of a Permanent Residence Permit are available for such position.

Further, it is required to supply an ‘Evaluation Certificate for Foreign Qualifications’ of the certificate for the highest level of education obtained by an applicant. Such a certificate is issued by SAQA (South African Qualifications Authority) and is to help to compare foreign qualifications with South African qualifications.

Further, a benchmarking procedure has to be completed, which is to confirm that an applicant’s salary and conditions of employment are not inferior to that of employees in South Africa within the same industry. A separate certificate confirming the above is required by every applicant, which formerly could be obtained either from the Department of Labour or registered organisations offering benchmarking services; with the introduction of the new Immigration Regulations only a certificate from the Department of Labour is accepted.

The number of documents to be obtained – especially in light of the Certificate from the Department of Labour - leads to a considerable amount of additional administrative work and preparation time for an application. The process should therefore be initiated at least six months prior to the anticipated commencement of employment.

The General Work Visa is issued for a period not exceeding five years.

4.2 Quota Work Permit

The Quota Work Permit, which used to grant a limited number of applicants per year a Work Visa, who qualify in certain industry sectors with proven specified knowledge, qualifications and work experience has been abolished under the new Immigration Regulations. Extensions of this Permit will have to qualify under the Critical Skills Visa (chapter 3.4).

4.3 Exceptional Skills Work Permit

The same applies to persons with Exceptional Skills or Qualifications (independent from the work categories), which used to be able to obtain a Work Permit solely based on such abilities and qualifications, without any proof of an employment offer. This permit type has also been abolished and extensions need to qualify under the new Critical Skills Visa (chapter 3.4).

4.4 Critical Skills Work Visa

As indicated in chapters 3.2 and 3.3 a new Work Visa has been codified in the recent Amendment Act and its requirement specified in s18(5) of the new Immigration Regulations. The Critical Skills Work Visa is a hybrid of the recently abolished Quota and Exceptional Skills Permits under which the applicant's expertise and experience have to be regarded as critical⁴ in terms of Notice 459, which was published on 3 June 2014, in order for such an application to be successful. Beside documented proof of qualifications and experience as certified by SAQA, the applicant must also become a member of the professional body in the industry of his or her skills and said body needs to confirm the skills and expertise of the applicant. This condition cannot be waived and often poses either a stress on the preparation time for the application, or because the industry of the critical skill in question does not have a SAQA-accredited professional body.

Due to the often-lengthy membership and confirmation processes around the professional body, extended preparation time for this application should be allowed for, at least 6 – 8 weeks.

Once granted, the Critical Skills Work Visa will be granted for a maximum period of five years.

⁴ For a list of skills regarded as critical see ANNEXURE C

4.5 Intra-Company Transfer Work Visa

The Department of Home Affairs will continue to grant Work Visas on the grounds of Secondment or Intra-Company Transfers of employees under the new Immigration Regulations. Here the mother company abroad is able to transfer an employee to their subsidiary or branch in South Africa for a maximum time period of four years, which is not renewable. The employee seconded must have been employed at the mother company for at least six months before being able to be seconded and the local branch or subsidiary needs to accept the secondment. Under very special circumstances the Director General may allow for waving the six months prior employment as condition, but one should not rely on obtaining such rare waiver.

For holders of an Intra-Company Transfer Work Permit under the old Regulations and whose two year term was not renewable, those holders may apply for the difference to the newly introduced four years duration under the same Visa category as an exception, but need to do so at their Embassy, High Commission or Consulate of South Africa in their home country.

4.6 Corporate Work Visa

An often overlooked and unusual Work Visa is the Corporate Visa. This type of Visa gives companies the option to apply for the authorisation to employ a certain contingent of foreigners of specific skills and training without knowing their identity and length of stay yet. The company needs to justify the necessity for such foreign employees. The permission for the actual workers employed under a Corporate Visa, the Corporate Worker Visa, is then attainable for any employee without great effort and within a rather short period of time as it requires just the completion of the Corporate Workers Certificate and submission of same together with the passport. Unfortunately the new Immigration Regulations have added to the list of requirements, so that the preparation of the Corporate Work Visa itself can now easily take up to nine months in order to obtain a variety of confirmations and certificates from various government departments such as the Department of Labour and the Department of Trade and Industry. It must further be noted that the Minister has by Notice⁵ declared the following industries as undesirable in terms of considering any application for a Corporate Visa:

1. Exotic Entertainment;
2. Hospitality Industry (sic!);
3. Fast-food Outlets and Franchises; and
4. Cosmetic and Beauty Industry.

⁵ Notice 563, published in Government Gazette No. 37837 (15 July 2014)

The Corporate Skills Permit is being granted for a maximum period of three years.

4.7 Business Visa

Investors or entrepreneurs mostly need to apply for a Business Visa. The business Visa will be issued for up to three years at a time and can only be applied for businesses that have not been declared undesirable⁶ by the Minister of Home Affairs.

Those types of business are:

1. Businesses that import second hand motor vehicles into the Republic of South Africa for the purpose of exporting to other markets outside the Republic of South Africa;
2. Exotic entertainment industry; and
3. Security industry.

The new Immigration Regulations still require a chartered accountant to confirm a minimum cash amount to be invested or actually having been invested already, which used to be ZAR 2.5 million but by Notice⁷ of the Minister has been increased to ZAR 5 million. Capital contributions in this regard only qualify if in form of new machinery or equipment. Certain businesses in terms of s15(3) of the Act do qualify for a reduction or a waiver of this minimum amount if applied for a business as contained in notice 562.⁸

While previously an undertaking had to be furnished to employ any five previously unemployed employees within 24 months, the new regulations stipulate no minimum number of employees, but require the chartered accountant also to confirm that 60% of the employees of the business are South African Citizens or at least holders of a Permanent Residence Permit. They cannot be domestics, gardeners or equally low qualified employees anymore.

Furthermore, the Department of Trade and Industry (DTI) has to confirm that the business is feasible and in the national interest, which requires a detailed description of the business as well as a business plan to be submitted to the DTI prior to their decision.

Finally the business has to be registered with the Companies and Intellectual Property Commission (CIPC), the South African Revenue Services (SARS) for Income Tax and Unemployment Insurance Fund as well as with the Department of Labour for Workmen Compensation and – where applicable – with the relevant professional body.

⁶ Notice 561, published in Government Gazette No. 37837 (15 July 2014)

⁷ Notice 560, published in Government Gazette No. 37837 (15 July 2014)

⁸ An overview over those businesses in the national interest can be found in ANNEXURE D

The time frame in which to organise the required documents to prepare and submit the application is not to be underestimated and can take between 3 and 6 months. Once granted, the Business Visa is issued for a maximum period of three years.

4.8 Retired Person Visa

The Retired Person Visa is typically issued for pensioners and retired persons as well as persons seasonally residing in South Africa. A minimum stay within South Africa of 183 days per year does not apply and the Visa is issued independent from the age of the applicant.

The holder of a Retired Person Visa may be permitted to work if he or she can prove that no South African citizen or permanent resident is prepared, willing or able to fill the position.

In order to qualify the applicant must provide proof of financial resources such as:-

- Pension, retirement annuity or retirement policies or fund memberships generating a monthly income with a minimum of ZAR 37 000 (ZAR 20 000 under the old Regulations); or
- Assets, regardless of the value, which generate a monthly income with a minimum of ZAR 37 000 (ZAR 20 000 under the old Regulations).

Unfortunately, the Department of Home Affairs does currently not apply the above-mentioned funds as income/assets for both partners together. Thus each partner has to meet the financial threshold individually.

The Retired Person Visa is not only quick to prepare but also quickly to obtain and is issued for a maximum period of four years.

PLEASE NOTE: Extensions and Change of Conditions of Temporary Residence Visas must be submitted at least 60 days prior to the expiry of such Visa!

5. OTHER VISA

5.1 Study Visa

Under the new Immigration Regulations the Study Visa can now only be applied for studies, which are taken up with a Learning Institution that either falls under the Schools Act, No. 84 of 1996, the Higher Education Act, No. 101 of 1997, or the Further Education and Training Colleges

Act, No. 16 of 2006. Not necessary understandable, Language Schools and other learning facilities do not qualify anymore. The Study Visa is issued for Studies at a Primary School for a maximum period of eight years, while for studies at a Secondary School it will not exceed six years, which is refreshingly longer than under the previous Immigration Regulations.

A Study Visa at a Secondary Learning Institution allows the holder to part-time work not exceeding 20 hours a week without having to be applied for.

5.2 Medical Treatment Visa

The “Medical” Visa is in essence a Visitor’s Visa as it is issued for tourists but for the purpose of undergoing medical treatment. In addition to the requirements for a Tourist Visa, a letter of a medical practitioner is required, which explains the needs for medical treatment, the nature and the necessary length of such treatment. The Visa is issued for up to 90 days and can be extended once for the same period.

5.3 Exchange Visa

The Exchange Visa in terms of s22(a) and (b) of the Act enables students in student exchange programmes between Learning Institutions as well as other persons forming part of cultural, economic or social exchange programmes to stay in the country for the duration of their exchange. This Visa also covers isolated cases of Work Exchange Programmes between employers, who exchange employees, who are also paid by the receiving employer.

Please note, that after the expiry of an Exchange Visa, the applicant needs to stay outside South Africa for at least one year before he or she can apply for any other Visa.

6. PERMANENT RESIDENCE PERMITS

6.1 For Spouse or Life Partner

A direct Permanent Residence Permit will be granted to the spouses or life partners of South African citizens or holders of Permanent Residence Permits, if and when their relationship (spouse or life partner) has existed for a minimum of five years. This is what the Act prescribes, but the new Immigration regulations refer to a period of two years only.

While the Act would be the superseding law, it seems to be an oversight that the Immigration Amendment Act did not amend this time period. Therefore we assume that an application can be made already after two years of proven cohabitation.

Proof of a life partnership will have to be provided by means of an affidavit and proof of cohabitation as well as sharing of financial responsibilities, while a spousal relationship is deemed to have existed uninterrupted from the date of the marriage.

A life partnership is only recognised by law, if it is a relationship between a South African citizen or Permanent Residence Permit holder and a foreigner. Alternatively, in case of a relationship between two foreigners, if the relationship was concluded within the Republic or is officially recognised in the foreigners' home country. A life partnership is recognised for both, homosexual as well as heterosexual couples.

6.2 For Parents and Children

Children of South African Citizens and of Permanent Residence Permit holders qualify for a Permanent Residence Permit directly as long as they are not yet 21 years of age. The same applies for the parents as they are also immediate relatives. Over 21 year old children may still qualify under a separate category, if they are not yet independent.

Whether this rule applies for siblings and grand parents as well is currently unclear.

6.3 After Five Years Work Permit

A Permanent Residence Permit may be granted to any applicant, who has been a holder of a Work Visa⁹ or a combination of a General Work Visa, previous Quota Work Permit and Exceptional Skills Work Permit, for a period of at least five years and has been offered permanent employment. This Permit is extended to the spouse or life partner and children under the age of 21 years. Those family members can generally apply for Permanent Residence after the main applicant has been granted his or her Permanent Residence Permit, but practice has shown that in some instances it can already be applied for together with the main applicant.

⁹ General Work Visa and Critical Skills Visa only, not Study, Corporate or Intra-Company Transfer Visa

6.4 Based on Skills

Any applicant with exceptional (old Regulations) or critical skills (new Regulations) can apply for a Permanent Residence Permit immediately after he or she has obtained the temporary Work Visa without having to wait for a period of five years.

6.5 Based on Business

An applicant, who is:-

- planning to establish a business,
- holding a temporary Business Visa issued under the new Regulations,
- holding a temporary Own Business Permit issued under the old Regulations, or
- wishing to invest in an existing business,

may be granted Permanent Residence provided a minimum of ZAR 5 million is invested into the book value of the business. The minimum investment amount may be reduced by the Department on recommendation of the Department of Trade and Industry or may be reduced or even waived, if the business conducted falls within a sector of industry, which is in the national interest.¹⁰ This amount can be produced in form of a financial investment as well as capital assets and the conditions for the temporary residence as per chapter 3.5 apply *mutatis mutandi*.

6.6 Based on Retirement

An applicant wishing to retire in South Africa may be granted a Permanent Residence Permit upon proof of financial resources such as:-

- Pension, retirement annuity, retirement policies or fund memberships generating a monthly income equivalent to a minimum of ZAR 37 000; or
- Assets, regardless of the value, which generate a monthly income equivalent to a minimum of ZAR 37 000.

For the balance of the requirements the same applies *mutatis mutandi* as for the temporary Visa.

¹⁰ see ANNEXURE D for a complete list of businesses in the national interest

6.7 Based on Investment

An applicant, who is able to provide proof of personal assets worth a minimum of ZAR 12 million and pays a once-off fee of ZAR 120 000 to the Department of Home Affairs may be granted a Permanent Residence Permit under the category of financially independent investors in terms of s27(f) of the Act. The fee is only payable upon the Permit being granted and is NOT an application fee.

PLEASE NOTE: All Permanent Residence Permits will be extended to the applicant's spouse or life partner as well as children under the age of 21 years as the abovementioned conditions apply to the family unit as a whole.

7. EXISTING PERMITS

All Permanent Residence Permits issued under former legislation as far back as to the Aliens Control Act shall remain valid and be deemed to have been issued in terms of the current Immigration Act as amended.

All temporary Permits and Visas can only be renewed or extended, if at the time of the renewal or extension all criteria under the new Immigration Regulations are being met. For those types of Permits, which do not exist anymore under the new Regulations, the applicant needs to fulfil the requirements of an alternative Visa, otherwise he or she would have to leave the country.

8. TIME FRAMES AND DOCUMENTS

Due to a number of corruption and bribery cases, the Department of Home Affairs has centralised the processing of all applications submitted to the Visa Facilitation Centre (VFS). While the embassies are still not adhering to this policy and process most temporary applications themselves, all offices in South Africa submit their applications to the Head Office in Pretoria. This has caused and is still causing quite a delay, backlogs and irresponsible processing times.

Officially Pretoria assures to process and finalise applications for any kind of Visa within 4 to 6 weeks of receipt, provided the application documentation is complete.

With temporary Visas, in most cases this can be achieved if no complications occur and applications are mostly finalised within 4-6 weeks. There are two exceptions: General Work Visas currently take three to four months and Permanent Residence Permits up to two years.

Please also note that the preparation of the applications may take far more time than expected as undertakings to provide certain documents at a later stage are not allowed anymore. Especially Police Clearance certificates from a variety of countries can take some to obtain as well as certificates or letters of confirmation from various government departments.

For all documents required to accompany an application the following rules apply and have to be considered carefully:

- Documents have in principle to be presented in original;
- Where copies are allowed, those copies need to be certified;
- Police Clearance Certificates, Medical Certificates and Radiological Reports expire after six months;
- Medical Certificates and Radiological Reports must be issued by a registered medical practitioner in the country, where the application will be submitted;
- Documents that are not in English need to be translated into English and certified by a sworn translator;
- Home Affairs does not keep any originals;
- Passports need to be valid for the period for which the Visa will be granted;
- Permanent Residence Permits are no longer recorded with stickers in the passport, therefore the Permanent Residence Certificate (as well as the South African ID Book) have to be carried with when travelling cross-border.

9. SUMMARY

South Africa is immigration country number one in Africa and rules and regulations are necessary to limit the flood of immigrants. Due to the South African Constitution all applicants are in general equal, hence the detailed documentary requirements for specific applications and subsequently the more than diligent scrutiny by the Department of Home Affairs. The new Immigration regulations had been designed to curb child trafficking and to limit the number of illegal immigrants into South Africa.

Unfortunately it was a hasty and ill-received attempt that will need extensive review and amendment in order to become practical and workable without any adverse effects on economy and investments. However, a wrong or incomplete application has always and will also in future

quickly lead to a rejection with the usual consequence of having to leave the country within ten days while a possible appeal will be reviewed.

For any company it is paramount to determine first, which application has at all the outlook of success and if the documentation obtainable for the applicant is sufficient. It is thus strongly advised to seek INTO SA's professional assistance when considering any type of Immigration Visa into South Africa. We gladly assist in planning any immigration strategy and are confident that for almost any valid reason there will be a type of Visa that serves the intended purpose and will enable the foreigner to come, visit and most probably work for the desired period of time.

10. SERVICES RENDERED BY INTO SA

In this regard and for any advice regarding your type of Visa or Permit to be applied for, assistance with application documentation, submission of the application or the follow-up procedure of the application, dialogue with the authorities and practical guidance, INTO SA is the experienced partner for any business and our team of international and multi-lingual immigration specialists offers the following services:

- Consultation in respect of the appropriate Visa or Permit type
- Professional guidance with the necessary documentation and information
- Tight control of time frames and deadlines
- Completion of application forms
- Facilitation of translation and certification of documents
- Drafting of business plans where needed
- Obtaining recommendations and confirmation letters from the DTI
- Facilitating Benchmarking Reports and Certifications from DoL
- Facilitating Certifications from SAQA
- Facilitation of a variety of Police Clearance Certificates
- Draft and placement of newspaper adverts
- Drafts of relevant correspondence and supporting documentation
- Efficient follow-up during the application process
- Dialogue with authorities

Further services by INTO SA can be found on our website: www.into-sa.com

11. CONTACTS FOR INTO SAGeneral

Phone: 0800 INTOSA (468672)
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ANNEXURE A

The citizen who is a holder of a national passport (diplomatic, official or ordinary) of the following countries / territories / international organisations is not required to hold a Visa in respect of purposes for which a visitor's Permit may be issued or by virtue of being a person contemplated in section 31(3)(b) [accredited in SA] for an intended stay of 90 days or less and when in transit:

- | | |
|--|-----------------|
| ✚ Andorra | ✚ Israel |
| ✚ Argentina | ✚ Italy |
| ✚ Australia | ✚ Jamaica |
| ✚ Austria | ✚ Japan |
| ✚ Belgium | ✚ Liechtenstein |
| ✚ Botswana | ✚ Luxemburg |
| ✚ Brazil | ✚ Malta |
| ✚ Canada | ✚ Monaco |
| ✚ Chile | ✚ Namibia |
| ✚ Czech Republic | ✚ Netherlands |
| ✚ Denmark | ✚ New Zealand |
| ✚ Ecuador | ✚ Norway |
| ✚ Finland | ✚ Panama |
| ✚ France | ✚ Paraguay |
| ✚ Germany | ✚ Portugal |
| ✚ Greece | ✚ San Marino |
| ✚ Iceland | ✚ Singapore |
| ✚ Ireland | ✚ Spain |
| | |
| ✚ St. Vincent & the Grenadines | |
| ✚ Sweden | |
| ✚ Switzerland | |
| ✚ Tanzania ¹¹ | |
| ✚ Trinidad & Tobago | |
| ✚ United Kingdom of Great Britain and Northern Ireland | |
| ✚ British Channel Islands | |
| ✚ British Overseas Territories ¹² | |
| ✚ United States of America | |
| ✚ Uruguay | |
| ✚ Venezuela | |
| ✚ Zambia ¹³ | |
| ✚ Zimbabwe | |

¹¹ 90 Days per Year

¹² Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Dependencies (Ascension Island, Gough Island and Tristan da Cunha), Pitcairn, Henderson, Ducie and Oeno Islands, the Sovereign Base Areas of Cyprus South Georgia and South Sandwich Islands and the Turks and Caicos Island

¹³ 90 Days per Year

ANNEXURE B

The citizen who is a holder of a national passport (diplomatic, official and ordinary) of the following countries / territories / international organisations is not required to hold a Visa in respect of purposes for which a visitor's Permit may be issued by virtue of being a person contemplated in section 31(3)(b) [accredited in SA] for an intended stay of 30 days or less and when in transit:

- ✚ Antigua and Barbuda
- ✚ Bahamas¹⁴
- ✚ Barbados
- ✚ Belize
- ✚ Benin
- ✚ Bolivia
- ✚ Cape Verde
- ✚ Costa Rica
- ✚ Cyprus
- ✚ Gabon
- ✚ Guyana
- ✚ Hong Kong¹⁵
- ✚ Hungary
- ✚ Jordan
- ✚ Lesotho
- ✚ Macau¹⁶
- ✚ Malaysia
- ✚ Malawi
- ✚ Maldives
- ✚ Mauritius
- ✚ Mozambique
- ✚ Peru
- ✚ Poland
- ✚ Seychelles
- ✚ Slovak Republic
- ✚ South Korea
- ✚ Swaziland
- ✚ Thailand
- ✚ Turkey

¹⁴ only ordinary passport holders

¹⁵ only with regard to holders of Hong Kong British National Overseas passports and Hong Kong Special Administrative Region passports (HKSAR)

¹⁶ only with regard to holders of Macau Special Administrative Region passports (MSAR)

ANNEXURE C

List of shortage occupations for the Critical Skills Work Permit in terms of Notice 459, which was published by the Minister of Home Affairs on 3 June 2014 in order to define, which skills are critical under s19(5) of the Immigration Regulations 2014:

Business, Economics and Management Studies

- Agricultural Engineer
- Agricultural Scientist
- Forestry Technician
- Sheep Shearer
- Architect
- Construction Project Manager
- Land Surveyor
- Quantity Surveyor
- Urban and Regional Planner
- Actuaries and Risk Assessors
- Corporate General Manager
- External Auditor
- Financial Investment Advisor

Information Communication & Technology

- CISCO Solution Specialist
- CISCO Engineers
- Solutions Architects in Telecommunications and ICT
- Integrated Developers (PHP, PERL, JAVA)
- Network Analyst
- IT Security Specialist
- System Integration Specialist
- Enterprise Architects
- Data Centre Operations
- Network Specialist (Security)
- Database Specialist
- Microsoft System Engineers
- Network Controllers
- AV Specialist (Anti-virus)
- Desktop Support Engineer

Engineering

- Energy Engineer
- Metallurgical Engineer
- Chemical Engineer
- Civil Engineer
- Electrical Engineer
- Electrical Installation Inspector
- Electronics Engineer
- Geologist
- Research and Development Manager
- Ship's Engineer
- Telecommunications Engineers
- Electrical Engineering Technologist
- Energy Engineering Technologist
- Mechanical Engineering Technologist
- Metallurgical Engineering Technologist
- Mining Engineering Technologist
- Air Conditioning and Mechanical Services Plumber
- Automotive Electrician
- Automotive Motor Mechanic
- Boiler Maker
- Industrial and Production Engineers
- Industrial Designer
- Manufacturing Managers
- Materials Engineer
- Mechanical Engineer
- Mining Engineer
- Production/Operations Manager
- Quality System Manager
- Chemical Engineering Technologist
- Civil Engineering Technologist
- Diesel Mechanic
- Electronics Engineering Technologist
- Fitter and Turner
- Materials Engineering Technologist
- Mechatronics Technician
- Metal Fabricator
- Physical and Engineering Science Technicians
- Pressure Welder
- Structural Plaster
- Toolmaker

Health Professions and Related Clinical Sciences

- Medical Superintendent/Public Health Manager
- Public Health Physician
- General and Specialist Medical Practitioner
- Hospital Pharmacist
- Nursing Professionals
- Veterinarian
- Registered Nurse (child and family health)
- Retail Pharmacist

Life and Earth Sciences

- | | |
|--|--|
| <ul style="list-style-type: none"> • Environmental Engineers • Environmental Manager • Industrial Pharmacist • Aquatic Scientist • Animal Scientist • Advanced Composites Engineering • Archaeological/Paleontological Specialist • Bioeconomist • Biochemists • Bioinformatician • Bioinformaticist • Biological Scientist • Botanical Scientist • Chemical Scientist • Computational Biologist • Environmental Scientist • Ecological Scientist • Food Scientist | <ul style="list-style-type: none"> • Engineering Geologist • Geochemist • Geohazards Specialist • Geologist • Geophysicist • Laboratory Technologist and Technician • Marine Bioscientist • Materials Scientist • Metallurgical Scientist • Metrology • Microbiological Scientist • Polymer Scientist • Protein Scientist • Seismologist • Soil Scientist • Toxicology Scientist • Water Resource Scientist |
|--|--|

Professionals and Associate Professional

- | | |
|---|---|
| <ul style="list-style-type: none"> • Land and Engineering Surveyors • Electronic Engineering Technician • Materials Engineering Technologist • Electrical Engineering Technician • Safety, Health, Environment and Quality Practitioner • Draughtsperson • Mechanical Engineering Technician • Chemical Engineering Technician • Organisation and Methods Analyst (Incl. scheduler, estimator) • Surveying Technician • Geomatics Technician • Quantity Surveying Technician • Civil Engineering Technician • Materials Engineer Non-destructive Testing (NDT) • Materials Engineering Technician – Road materials • Materials Tester | <ul style="list-style-type: none"> • Construction Safety, Health, Environment and Quality (SHEQ) Agent/Manager/Officer • Aeronautical Engineer • Architectural Senior Technologist • Architectural Draughtsperson • Astronomer • Physicist (SKA) • Geomagnetic Physicist • Solar Physicist • Space Physicist • Plasma Physicist • Space Technologist • Space Weather Specialist • Magnetic Technology Specialist • Radar Engineering • Radio Frequency Engineering • Environmental Technologist |
|---|---|

Professionals and Associate Professional (continued)

- Industrial Engineer
- Industrial Engineering Technologist
- Industrial Engineering Technician
- Landscape Architect
- Landscape Contract Manager
- Landscape Horticulturalist
- Mining Technician

Trades

- Millwright
- Boilermaker (For Strategic Infrastructure Projects)
- Industrial Machinery Mechanic
- Pipe Fitter
- Double Coded Welder
- Rigger
- Moulder
- Raise-bore Operators
- Raise-bore Foreman

Business Process Outsourcing (BPO)

- Software Development Engineers and Managers
- Systems Architects, Engineers and Managers
- Foreign Language¹⁷ speakers for specialist language support and technical or sales support
- Business Analyst
- Quality Analyst
- Quality Assurance Specialist/Auditor
- Customer Service Manager/Team Lead

Academics and Researchers

- Doctoral Graduates (Acquired Abroad)
- Research in any of the following areas;
- Galaxy Formation and Evolution
- Galaxy Structure and Dynamics
- Pulsars and Black Holes
- Pulsars and Black Holes
- Pulsars and Gravitational Waves
- Deep Observations of the earliest Radio Galaxies
- Dynamic and Transient Burst
- VLBI Operations
- Search for CO to investigate role of Molecular Hydrogen
- Deep Surveyors of Neutral Hydrogen Gas in the Early Universe
- Cosmology and Dark Energy
- Cosmic Magnetism
- Calibration and Imaging of Radio Interferometer data
- Pulsar Research
- Pulsar and Gravitational Waves
- VLBI Operations
- Signal Processing

¹⁷ German, Swiss German, Flemish, Greek, Swedish, Danish, Italian, Dutch, Spanish, Mandarin and French

Academics and Researchers (continued)

- Observational Radio Astronomy in General
- Algorithm for Radio Astronomy
- Signal Processing for Radio Astronomy
- Supercomputing for Radio Astronomy
- Software Development for Radio Astronomy
- Data and Streaming- Real-Time Processing of Massive Data Amounts
- Green Computing- Extreme Performance at Minor Energy Cost
- Performance at Minor Energy Costs
- EMC and Spectrum Management
- Beam Modeling
- Antenna Modeling
- Feeds for Radio Astronomy Systems
- Receivers for Radio Astronomy Systems
- Signal Processing for Radio Astronomy
- High Speed Data Transport
- Nano-photonics-Data Transport Power
- Nanotechnology
- Palaeosciences
- Reduction over Short and Long Distances
- Antenna Design
- Antenna Foundation Design
- RFI Shielded Buildings and Facilities
- Advanced Manufacturing
- Space Science and Technology
- Global Change
- Energy Security
- Information Communication Technology
- Earth Observation
- Natural and Applied Sciences

ANNEXURE D

Businesses qualifying for Reduction or Waiver of Capitalisation Requirements as determined to be in the national interest in relation to a Business Visa in terms of section 15(3) of the Immigration Act, 2002 are:

(a) Agro-Processing

- (i) Fisheries and aquaculture i.e. freshwater aquaculture and marine culture
- (ii) Food processing in the milling and baking industries
- (iii) Beverages viz. fruit juices and the local beneficiation, packaging and export of indigenous teas
- (iv) High value natural fibers viz., organic cotton and downstream mohair production
- (v) High value organic food for the local and export market
- (vi) Biofuels production viz. bioethanol and biogas
- (vii) Processing of seed oils: tea extracts, including buchu, honeybush and other oil derivatives (avocado, amarula etc.)
- (viii) Diversification / beneficiation of biomass sources i.e. sugar, maize

(b) Business Process Outsourcing and IT Enabled Services

- (i) Call centres
- (ii) Back Office Processing
- (iii) Shared Corporate Services
- (iv) Enterprise solutions e.g. fleet management and asset management
- (v) Legal process outsourcing

(c) Capital / Transport Equipment, Metals and Electrical Machinery and Apparatus

- (i) Basic iron and steel
- (ii) Basic precious and non-ferrous metals
- (iii) Casting of metals
- (iv) Other fabricated metal products: metalwork service activities
- (v) General purpose machinery
- (vi) Tooling manufacturing
- (vii) Foundries
- (viii) Electric motors, generators and transformers
- (ix) Electricity distribution and control apparatus
- (x) Insulated wire and cable
- (xi) Accumulators, primary cells and primary batteries
- (xii) White goods and associated components

(d) Electro Technical

- (i) Advanced telecommunications
- (ii) Software development
- (iii) Software and mobile applications
- (iv) Smart metering
- (v) Embedded software
- (vi) Radio frequency identifications
- (vii) Process control, measurement and instrumentation
- (viii) Security and monitoring solutions
- (ix) Financial software
- (x) Manufacturing sensors
- (xi) Digital TV and Set Top Boxes due to migration to full digital television

(e) Textile, Clothing and Leather

- (i) Spinning, weaving and finishing of textiles
- (ii) Knitted and crocheted fabrics and articles
- (iii) Wearing apparel except fur apparel
- (iv) Dressing and dyeing of fur
- (v) Leather skins and hides beneficiation

(f) Consumer Goods

- (i) White goods and associated components

(g) Boatbuilding

- (i) Boatbuilding and associated services industry
- (ii) Engines and engine systems
- (iii) Marine equipment and accessories

(h) Pulp, Paper and Furniture

- (i) Manufacture of wood and products of wood and cork
- (ii) Manufacture of articles of straw and plaiting materials
- (iii) Manufacture of paper products: publishing, printing and reproduction
- (iv) Paper and paper products and furniture

(i) Automotive and Components

- (i) Engines, radiators, filters and components thereof
- (ii) Air conditioners / climate control systems
- (iii) Alarms and Tracking devices
- (iv) Axles, transmission shafts
- (v) Body parts and panels
- (vi) Catalytic converters, silencers and exhaust systems and components
- (vii) Seats and parts thereof, seatbelts, leather covers
- (viii) Suspension and shock absorbers, springs and parts thereof
- (ix) Steering wheels, columns and boxes
- (x) Ignition, starting equipment, gauges and instrument parts
- (xi) Lighting equipment
- (xii) Wiring harnesses, instrument panels vehicle interiors, electronic drive train components, body parts

(j) Green Economy Industries

- (i) Power Generation:
 - (aa) Independent power generation, energy infrastructure and alternative energy
 - (bb) Nuclear Build Programme i.e. joint ventures, consortiums and the establishment of new companies to grow South Africa's nuclear manufacturing capability and nuclear supply industry to supply into the nuclear build programme
- (ii) Renewable Energy:
 - (aa) Onshore wind power - manufacture of turbines/blades
 - (bb) Solar PV and Concentrated Solar Power manufacture/assembly
 - (cc) Biomass
 - (dd) Small hydro
 - (ee) Energy efficiency and energy saving industries
 - (ff) Solar water heaters
 - (gg) Waste Management and Recycling
 - (hh) Reducing Landfill
 - (ii) Lowering greenhouse gas emissions from landfill sites

(k) Advanced Manufacturing

- (i) Nano-materials
- (ii) High performance materials based on natural resources (advanced bio-composites)
- (iii) Advanced materials, polymers and composites
- (iv) Medical devices, diagnostics and composites
- (v) Space e.g. satellite manufacturers etc. and astronomy e.g. SKA, telescopes, dishes etc.
- (vi) Composites (intelligent textiles used in medical, building and construction industries)
- (vii) Continuous fibre reinforced thermoform composites
- (viii) Biochemical and biologics for applications in agriculture, industry and health/medical sectors
- (ix) Electricity demand Site Management Solutions to improve electricity efficiency usage
- (x) Lasers and laser-based additive manufacturing various applications
- (xi) Advanced Robotics Mobile Intelligent Autonomous Systems
- (xii) Applications in the mining industry, data collection and analysis
- (xiii) Bio - manufacturing - Biochemical and biologics for applications in agriculture, industry and health/medical
- (xiv) Fuel Cells and Technology

(l) Tourism Infrastructure

- (i) Accommodation - hotels, boutique hotels, lodges and resorts
- (ii) Urban integrated tourism/ entertainment precincts
- (iii) Adventure, - eco-, sport-, conference- and cultural tourism
- (iv) Infrastructure developments
- (v) Leisure complexes and world class golf courses
- (vi) Harbour and waterfront developments
- (vii) Trans-frontier conservations areas
- (viii) Tourism transport - aviation, rail, cruise liners etc.
- (ix) Green building and green technologies for tourism
- (x) Attractions and activity - based tourism
- (xi) Museums and heritage

(m) Chemicals, Plastic Fabrication and Pharmaceuticals

- (i) Basic chemicals
- (ii) Water treatment chemical products
- (iii) Man-made fibres
- (iv) Plastic products: polypropylene and polyvinylchloride
- (v) Medical (drips and syringes), manufacture of active pharmaceutical ingredient
- (vi) (APIs) for key anti-retrovirals (ARVs)
- (vii) Manufacture of reagents for AIDS/HIV diagnostics
- (viii) Production of vaccines and biological medicines

(n) Creative and Design Industry

- (i) Film studios, treaty film co-production ventures, and distribution infrastructure
- (ii) Servicing of foreign productions
- (iii) Production of film and documentaries, commercials, stills photography and
- (iv) Multi-media
- (v) Post-production
- (vi) Design
- (vii) Jewellery manufacturing and design
- (viii) Fashion design

(o) Oil and Gas

- (i) Maintenance ship and rig repair
- (ii) Fabrication - equipment and specialised components
- (iii) Specialised services - training and accreditation
- (iv) Specialised services - non-descriptive testing, inspection services, SHEQ services
- (v) Exploration - technical services: seismic surveys, logging, environmental impact assessments, etc.
- (vi) Exploration - offshore
- (vii) Exploration - onshore shale gas
- (viii) Exploration - onshore coal bed methane and underground coal gasification
- (ix) Infrastructure - refineries (Oil and GTL)
- (x) Infrastructure - terminals LPG/LNG import, storage and distribution
- (xi) Infrastructure - ports and associated infrastructure
- (xii) Infrastructure - storage
- (xiii) Logistics - pipeline

(p) Mineral Beneficiation

- (i) Downstream processing and value addition

(q) Infrastructure Development

(r) ICT

- (i) ICT:
 - (aa) IT
 - (bb) Wireless and Telecom
 - (cc) Electronics
 - (dd) Geoamatics and Digital Media
 - (ee) Software Development
 - (ff) Advanced Programming

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