
REPUBLIC OF SOUTH AFRICA

IMMIGRATION ACT

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**UMTSETFO
WETIFIKINAMTFWALO**

No. 13, 2002

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To provide for the regulation of *admission* of persons to, their residence in, and their *departure* from the *Republic*; and for matters connected therewith.

PREAMBLE

In providing for the regulation of *admission* of foreigners to, their residence in, and their *departure* from the *Republic* and for matters connected therewith, the Immigration Act aims at setting in place a new system of immigration control which ensures that—

- (a) temporary and permanent residence permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, without consuming excessive administrative capacity;
- (b) security considerations are fully satisfied and the State retains control on the immigration of foreigners to the *Republic*;
- (c) interdepartmental coordination constantly enriches the functions of immigration control and that a constant flow of public inputs is present in further stages of policy formulation, including regulation making;
- (d) the needs and aspirations of the age of globalization are respected and the provisions and the spirit of the General Agreement on Trade in Services is complied with;
- (e) *border* monitoring is strengthened to ensure that the *borders* of the *Republic* do not remain porous and illegal immigration through them may be effectively detected, reduced and deterred;
- (f) ports of entry are efficiently administered and managed;
- (g) immigration laws are efficiently and effectively enforced, deploying to this end significant administrative capacity of the *Department* of Home Affairs, thereby reducing the pull factors of illegal immigration;
- (h) the South African economy may have access at all times to the full measure of needed contributions by foreigners;

- (i) the contribution of foreigners in the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African *workers*;
- (j) a policy connection is maintained between foreigners *working* in South Africa and the training of our nationals;
- (k) push factors of illegal immigration may be addressed in cooperation with other *Departments* and the *foreign states* concerned;
- (l) immigration control is performed within the highest applicable standards of human rights protection, and
- (m) xenophobia is prevented and countered both within Government and civil society.

BE IT ENACTED by the Parliament of the *Republic* of South Africa, as follows:—

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Definitions and interpretation

1. (1) In *this Act*, unless the context indicates otherwise—
- (i) “*admission*” means entering the *Republic* at a *port of entry* on the basis of the authority to do so validly granted by *this Act* or by an immigration officer in terms of *this Act*, and the verb “to admit” has a corresponding meaning; 5
 - (ii) “*application*” means a request in the *prescribed* form which complies with the requirements and provides the information and documentation which may be *prescribed*;
 - (iii) “*Board*” means the Immigration Advisory *Board* contemplated in section 4 of *this Act*; 10
 - (iv) “*border*” means the national *borders* of the *Republic* and includes ports of entry, coastlines and the outer margin of territorial waters;
 - (v) “*chartered accountant*” means a person referred to in section 1 of the Chartered Accountants Designation (Private) Act, 1993 (Act No. 67 of 1993) and includes an accountant, other than a *chartered accountant*, who is recognised as such under any law and who has been specifically or generally delegated by a *chartered accountant* to perform any or all activities contemplated in *this Act*; 15
 - (vi) “*citizen*” has the meaning assigned thereto in the South African Citizenship Act, 1995 and “*citizenship*” has a corresponding meaning; 20
 - (vii) “*corporate applicant*” means a juristic person established under the laws of the *Republic* or of a *foreign country* which conducts business, not-for-gain, agricultural or commercial activities within the *Republic* and which applies for a corporate permit referred to in section 21 of *this Act*;
 - (viii) “*Court*” means an Immigration *Court* established in terms of section 37 of *this Act*; 25
 - (ix) “*customary union*” means a conjugal *relationship* according to indigenous law and custom and which is recognised and documented as *prescribed*;
 - (x) “*Department*” means the *Department* of Home Affairs;
 - (xi) “*departure*” means exiting the *Republic* from a *port of entry* in compliance with *this Act* and the verb “to depart” has a corresponding meaning; 30
 - (xii) “*deportation*” means the action or procedure aimed at causing an *illegal foreigner* to leave the *Republic* involuntarily, or under detention in terms of *this Act* and the verb “to deport” has a corresponding meaning;
 - (xiii) “*Director-General*” means the *Director-General* of the *Department*; 35
 - (xiv) “*employer*” includes the person contractually bound by the applicable employment contract as an *employer* or, in the case of a juristic person, its chief executive officer or the person to whom such officer has delegated the final responsibility in respect of personnel matters;
 - (xv) “*foreign country*” means a country other than the *Republic*; 40
 - (xvi) “*foreign state*” means the juristic entity governing a *foreign country*;
 - (xvii) “*foreigner*” means an individual who is neither a *citizen* nor a *resident*, but is not an *illegal foreigner*;
 - (xviii) “*illegal foreigner*” means an *foreigner* who is in the *Republic* in contravention of *this Act* and includes a *prohibited person*; 45
 - (xix) “*immediate family*” means persons within the second step of *kinship*, where *marriage* or a spousal *relationship* is counted as one of such steps, but any common antecedent is not so counted;

- (xx) “*immigration officer*” means an officer of the *Department*, or another person having the *prescribed* requirements, appointed as such from time to time by the *Department* and, for purposes of *this Act*, includes a person employed in, or contracted by, the *Department* who has been authorised by the *Department* to exercise certain powers and perform certain functions in the name of and on behalf of the *Department*; 5
- (xxi) “*marriage*” means a legally sanctioned conjugal *relationship* intended to be permanent and concluded under the laws of the *Republic*, or under the laws of a *foreign country* as *prescribed* from time to time, and includes a *customary union*; 10
- (xxii) “*master*” means the *master* of a *ship* and refers to the person who at any given time is in charge or command of a *ship*;
- (xxiii) “*Minister*” means the *Minister* of Home Affairs;
- (xxiv) “*organ of State*” has the meaning defined in section 239 of the Constitution;
- (xxv) “*owner*” means the *owner* of record and, in the case of a *ship*, it includes the charterer of the *ship* and any agent within the *Republic* of the *owner* or the charterer; 15
- (xxvi) “*passport*” means any *passport* or travel document containing the *prescribed* information and characteristics issued—
 (a) under the South African Passport and Travel Document Act, 1994; 20
 (b) on behalf of a *foreign state* recognised by the Government of the *Republic* to a person who is not a *citizen*;
 (c) on behalf of any international organisation *prescribed* from time to time, including regional or sub-regional ones, to a person who is not a *citizen*; and 25
 (d) any other document approved by the *Director-General* after consultation with the *Minister* and issued under special circumstances to a person who cannot obtain a document referred to in paragraphs (a) to (c);
- (xxvii) “*port of entry*” means a place *prescribed* from time to time where a *foreigner* has to report before he or she may move, sojourn or remain within, or enter the *Republic*; 30
- (xxviii) “*premises*” means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance, or *ship*; 35
- (xxix) “*prescribed*” means provided for by regulation, the verb “to prescribe” has a corresponding meaning and “*prescribed* from time to time” refers to section 7(2);
- (xxx) “*prohibited person*” means any person referred to in section 29 of *this Act*;
- (xxxi) “*publish*” means *publish* by notice in the *Government Gazette* and, to the extent possible and feasible under the circumstances, convey by mail or e-mail to parties or stakeholders who have requested their inclusion or have been included in mailing lists to be maintained by the *Department* in respect of subject matters in respect of which public input is called for by *this Act*, *prescribed*, advisable or expedient; 45
- (xxxii) “*regulations*” means general rules adopted by the *Minister* after consultation with the *Board* in terms of *this Act* and *published*;
- (xxxiii) “*Republic*” means the *Republic* of South Africa and its territory;

- (xxxiv) “*resident*” means the holder of a permanent residence permit referred to in section 25 of *this Act*;
- (xxxv) “*ship*” includes any vessel, boat, aircraft or other *prescribed* conveyance;
- (xxxvi) “*spouse*” means a person who is party to a *marriage*, or a *customary union*, or to a permanent homosexual or heterosexual *relationship* which calls for cohabitation and mutual financial and emotional support, and is proven by a *prescribed* affidavit substantiated by a notarial contract and “*spousal relationship*” has a corresponding meaning; 5
- (xxxvii) “*status*” means the permanent or *temporary residence issued to a person in terms of this Act* and includes the rights and obligations flowing therefrom, including any term and condition of residence imposed by the *Department* when issuing any such permits; 10
- (xxxviii) “*temporary residence*” means a permit referred to in section 10 of *this Act*;
- (ixl) “*this Act*” means *this Act*, including its schedules, and includes the *regulations* made pursuant thereto; 15
- (xl) “*training fund*” means the public record referred to in section 2(2)(g)(i) of *this Act*;
- (xli) “*undesirable person*” means a person referred to in section 30 of *this Act*;
- (xlii) “*visa*” means the *prescribed* endorsement issued upon *application* on the valid *passport* of a *foreigner* granting such *foreigner* the authority to proceed to the *Republic* to report for a *prescribed* examination to an immigration officer at the *port of entry* with a view to *admission* on a specified *temporary residence*, which at any time before *admission* may be withdrawn by the *Department*; 20
- (xliii) “*work*” means business, commercial or remunerative activities within the *Republic*, excluding *work* on the basis of a permit referred to in sections 12 or 14, or *work* for a foreign *employer* pursuant to a contract which only partially calls for activities in the *Republic*, or *work* as a business or profession mainly based outside the *Republic* but requiring activities within the *Republic*. 25
- (2) In sections 15, 18, 19, 21, 26 and 27, whenever a certificate by a *chartered accountant* is called for, the applicant may instead elect that such certificate be furnished by another person to whom the facts contained in the certificate are known, but in every case where the certificate is issued to a person other than a *chartered accountant*, it shall be necessary for the *Department* to verify the facts itself. 30

OBJECTIVES AND STRUCTURES OF IMMIGRATION CONTROL 35

Objectives and functions of immigration control

2. (1) In the administration of *this Act*, the *Department* shall pursue the following objectives:
- (a) Promoting a human-rights based culture in both government and civil society in respect of immigration control; 40
- (b) facilitating and simplifying the issuance of permanent and *temporary residences to those who are entitled to them*, and *concentrating resources and efforts in enforcing this Act* at community level and discouraging *illegal foreigners*;
- (c) detecting and deporting *illegal foreigners*; 45

- (d) creating a climate of cooperation with other organs of State to encourage them to take responsibility in implementing *this Act* within the ambit of their respective powers and functions;
 - (e) preventing and deterring xenophobia within the *Department*, any sphere of government or *organ of State* and at community level; 5
 - (f) creating a climate of cooperation with communities and organs of civil society, including trade unions, to encourage them to cooperate with the *Department* to implement *this Act*;
 - (g) promoting a climate within the *Republic* which encourages *illegal foreigners* to depart voluntarily; 10
 - (h) ensuring that, subject to *this Act*, migration to and from the *Republic* takes place only at ports of entry and illegal crossing of the *borders* is deterred, detected and punished;
 - (i) promoting integration of functions, harmonisation and cooperative relations among all organs of State with responsibilities in respect of controlling the *borders* and activities at ports of entry; 15
 - (j) regulating the influx of *foreigners* and *residents* in the *Republic* to—
 - (i) promote economic growth, *inter alia*, by—
 - (aa) ensuring that businesses in the *Republic* may employ *foreigners* who are needed; 20
 - (bb) facilitating foreign investments, tourism and industries in the *Republic* which are reliant on international exchanges of people and personnel;
 - (cc) enabling exceptionally skilled or qualified people to sojourn in the *Republic*; 25
 - (dd) increasing skilled human resources in the *Republic*;
 - (ee) facilitating the movement of students and academic staff within the Southern African Development Community for study, teaching and research; and
 - (ff) promoting tourism; 30
 - (ii) where applicable, encouraging the training of *citizens* and *residents* by *employers* to reduce *employers*'s dependence on *foreigners*' labour and promote the transfer of skills from *foreigners* to *citizens* and *residents*;
 - (iii) enable family reunification;
 - (k) administering the *prescribed* fees, fines and other payments it exacts or receives in such a fashion as to defray the overall cost of its operation 35
 - (l) administering refugee protection and related legislation;
 - (m) administering *citizenship* by naturalisation and incidental matters relating thereto; and
 - (n) facilitating compliance with the *Republic*'s international obligations. 40
- (2) In order to achieve the objectives set out in subsection (1), the *Department* shall—
- (a) inspect *workplaces* in the *prescribed* manner to ensure that no *illegal foreigner* is employed and that *foreigners*, if any, are employed in the job description and at the terms and conditions set out in their *temporary residences*, and that the *relevant training fees*, if any, are paid; 45
 - (b) inspect institutions of learning to ensure that *illegal foreigners* are not enrolled therein;
 - (c) liaise with the South Africa Police Service to—

- (i) ensure that the identity of people who are arrested, detained or convicted is checked for purposes of *this Act*; and
- (ii) educate and instruct law-enforcing agencies to detect *illegal foreigners* and report them to the *Department*;
- (d) liaise with the South African Revenue Service to ensure that the identity of people who contravene the provisions of the laws administered by the Commissioner for the South African Revenue Services is checked for purposes of *this Act*; 5
- (e) educate communities and organs of civil society on the rights of *foreigners*, *illegal foreigners* and refugees, and conduct other activities to prevent xenophobia; 10
- (f) in cooperation with the *Department of Foreign Affairs*—
 - (i) promote programmes in foreign countries with the aim of deterring people from becoming *illegal foreigners*; and
 - (ii) table the need for cooperation in preventing migration towards the *Republic* on the agenda of relations with *foreign states*, negotiating appropriate measures and agreements with such *foreign states*; 15
- (g) maintain public records showing funds received or collected—
 - (i) under *this Act* from *employers* as training fees or fines, which, in the *prescribed* percentage, shall be known as the *training fund*; 20
 - (ii) from *foreign states* to defray the cost of repatriating *illegal foreigners* originating from their country, as determined through international relations and agreements;
 - (iii) from donors or other sources; and
 - (iv) from other fees and fines imposed or exacted by the *Department* in terms of *this Act* which, in the percentage *prescribed* from time to time, shall be known as the judicial assistance fund; 25
- (h) monitor and exact compliance from any person or entity exercising responsibilities or bearing duties or obligations in terms of *this Act*;
- (i) deport *illegal foreigners* who are unwilling to leave the *Republic* voluntarily; 30
- (j) train its investigative unit to detect *illegal foreigners*, monitor compliance with the terms and conditions of permits, control *borders*, and perform any other function under *this Act* or which may be delegated to it;
- (k) be empowered to contract through public tender with private persons to perform under its control any of its functions, including but not limited to detaining and escorting *illegal foreigners* for *deportation* purposes and manning ports of entry; 35
- (l) administer ports of entry and monitor *borders* in terms of section 36 of *this Act*; and
- (m) conduct any other activity called for by *this Act* or necessary for or conducive to its implementation. 40

Powers of *Department*

3. (1) Subject to, and for the purposes of, *this Act*, through its duly authorised officers, the *Department* may—

- (a) enter *workplaces* and inspect employment records for the purposes of *this Act*;
 - (b) enter and inspect for purposes of *this Act* any place open to the public;
 - (c) exercise any powers relevant to, or necessary for, the functions set out in section 2(2);
 - (d) request any sphere of government or *organ of State* to— 5
 - (i) take actions or adopt procedures to ensure that the recipients of their services are identified as *citizens* and *residents* or *foreigners*; and
 - (ii) request that *prescribed* services, or licenses, or concessions or other actions be subject to proof of *status* or *citizenship*,
provided that such requirements shall not prevent the rendering of such 10
services to *illegal foreigners* when so required by the Constitution or a law;
 - (e) request anyone in the *Republic*, who is reasonably suspected of being an *illegal foreigner*, to identify himself or herself as a *citizen* or *resident*, or to produce a permit to be in the *Republic*;
 - (f) organise and participate in community fora or other community-based 15
organisation to deter xenophobia and involve the *citizenry* in the *application* and implementation of *this Act*, and educate the *citizenry* in migration issues;
 - (g) apprehend, detain and deport any *illegal foreigner*;
 - (h) despite any other law, represent the State in any proceedings in a *Court* in respect of any matter arising out of *this Act*; 20
 - (i) assist the public prosecution of any offence under *this Act*;
 - (j) enter into an agreement with any person, including any department of State, in terms of which the *Department* will be authorised to make use of any of the facilities, equipment or personnel belonging to, or under the control, or in the employment of such person or department; 25
 - (k) exercise any other power called for by *this Act*, or necessary for or conducive to its implementation; and
 - (l) delegate any of its powers and functions, provided that—
 - (i) the terms and conditions of such delegations are approved by the *Minister* after consultation with the *Board*; and 30
 - (ii) such delegation is performance audited by the *Director-General* and reviewed by the *Board* every twelve months to express a recommendation to the *Minister*, failing which it shall lapse.
- (2) Subject to *this Act*, the powers and functions vested in the *Department* and the *Director-General* in terms of *this Act* shall be exercised and performed as directed by the 35
Minister.
- (3) The *Minister* may delegate to the *Director-General* any of the powers and functions vested in him or her in terms of *this Act*.

Immigration Advisory Board

4. (1) The Immigration Advisory *Board* is hereby established. 40
- (2) The *Board* shall be chaired by a designee of the *Minister* and consist of—
- (a) one representative of the *Department* of Trade and Industry;
 - (b) one representative of the *Department* of Labour;

- (c) one representative of the *Department* of Tourism;
 - (d) one representative of the *Department* of Finance;
 - (e) one representative of the *Department* of Safety and Security;
 - (f) one representative of the South African Revenue Service;
 - (g) one representative of the *Department* of Education; 5
 - (h) one representative of the *Department* of Foreign Affairs;
 - (i) one representative of the *Department* of Defence;
 - (j) the *Director-General*;
 - (k) up to five persons from civil society, including one representing organised labour and one representing organised business, appointed by the *Minister* after the *Minister* has given notice in the *Gazette* soliciting public nominations of such persons; and 10
 - (l) up to four individuals appointed by the *Minister* on grounds of their expertise in administration, regulatory matters or immigration law, control, adjudication or enforcement. 15
- (3) The *Board* shall meet when called by the Chairperson and—
- (a) shall meet regularly;
 - (b) may determine its procedures at meetings;
 - (c) may invite immigration officers and other employees of the *Department* to attend or participate in its meetings; and 20
 - (d) may appoint committees from its members to assist in the performance of its functions.
- (4) A member of the *Board* referred to in subsection (2)(k) and (l) shall—
- (a) serve for a four-year-term, at the expiry of which they shall be eligible for one or more re-appointments, provided that the *Minister* may elect to fill any vacancy which may occur by appointing a person for the unexpired portion of the term of the member in whose place such person is appointed; 25
 - (b) at no time—
 - (i) be or become an unrehabilitated insolvent;
 - (ii) be or have been judicially declared of unsound mind; 30
 - (iii) suffer an infirmity of mind or body preventing him or her from the proper discharge of the duties of his or her office;
 - (iv) be convicted by final conviction or sentence of an offence without the option of a fine;
 - (v) be or become a political office bearer; or 35
 - (vi) be or have been removed from an office of trust on account of misconduct involving theft or fraud;
 - (c) cease to be a member—
 - (i) on resignation;
 - (ii) if requested by the *Minister* to resign for good cause; 40
 - (iii) if he or she fails to attend two consecutive meetings of the *Board*, unless his or her apology has been accepted by the *Board*; or
 - (iv) if he or she becomes disqualified in terms of *this Act*; and
 - (d) be paid such remuneration and be entitled to such benefits and allowances as determined from time to time by the *Minister* after consultation with the *Director-General* and with the approval of the *Minister* of Finance. 45

(5) The *Board* may request the *Department* to provide it with the necessary administrative capacity and assistance.

(6) The *Board* may establish and operate through committees to carry out its functions.

(7) The *Minister* may dissolve the *Board* on such terms and conditions as he or she sees fit, provided that a new *Board* shall be convened within 90 calendar days. 5

(8) The members of the *Board* who are not public servants shall be entitled to such remuneration and reimbursements as the *Minister* may determine from time to time in consultation with the *Minister* of Finance.

(9) Subject to *this Act*, the *Board* shall operate and meet as *prescribed*. 10

Functions of *Board*

5. The *Board* shall advise the *Minister* in respect of—

- (a) the contents of *regulations* made in terms of *this Act*;
- (b) the formulation of policy pertaining to immigration matters;
- (c) the implementation of immigration policy by the *Department*; 15
- (d) the reviewing of a decision of the *Department* in terms of section 8 if and when requested by *Minister*;
- (e) such other matters relating to *this Act* on which the *Minister* may request advice.

Inter-departmental co-operation 20

6. (1) The *Director-General* or his or her delegatee shall chair a liaison committee made up of senior employees representing the various departments which have functions relating to ports of entry.

(2) The liaison committee shall meet whenever necessary to discuss and agree on co-operation and co-ordination with regard to matters relating to the administration of ports of entry and the movement of goods and persons through ports of entry. 25

Regulation making

7. (1) The *Minister* shall have the power to make *regulations* called for, or conducive to, the implementation of *this Act* and in making *regulations* in terms of *this Act*, the *Minister* shall— 30

- (a) *publish* and table in Parliament his or her intention of adopting *regulations* specifying their subject matter and soliciting public comments during a period not shorter than 21 calendar days;
- (b) having considered public comments received, *publish* and table in Parliament draft *regulations* soliciting further comments during a period not shorter than 21 calendar days; and 35
- (c) *publish* the final *regulations* together with a summary of comments which have not been accommodated and the reasons for their rejection.

(2) Only subsection (1)(b) and (c) shall apply in respect of any *regulations* which *this Act* requires to be *prescribed* from time to time. 40

(3) The *Board* may request the *Minister* to—

- (a) reconsider any intended *regulations* prior to their promulgation; or
- (b) consider the need to adopt, repeal or amend *regulations*.

(4) Regulations shall be consistent with *this Act*, and shall not disregard the advice of the *Board* and public comments in an arbitrary or capricious manner: Provided that any regulation made in terms of this section shall be tabled within 30 days after its promulgation if Parliament is in session and if Parliament is in recess when the regulation is published, within 12 days after the resumption of the session. 45

Adjudication and review procedures

8. (1) Before making a determination adversely affecting a person, the *Department* shall notify the contemplated decision and related motivation to such affected person and give such person at least 10 calendar days to make representations, after which the *Department* shall notify such person that either such decision has been withdrawn or modified, or that it shall become effective, subject to subsection (2). 5

(2) Within 20 calendar days of its notification, the person aggrieved by an effective decision of the *Department* may appeal against it—

(a) to the *Director-General*, who may reverse or modify it within 10 calendar days, failing which the decision shall be deemed to have been confirmed; or 10

(b) within 20 calendar days of modification or confirmation by the *Director-General*, if any, to the *Minister*, who may reverse or modify it within 20 calendar days, failing which the decision shall be deemed to have been confirmed, and be final, provided that in exceptional circumstances or when such person stands to be deported as a consequence of such decision— 15

(i) the *Minister* may extend such deadline; and

(ii) at the request of the *Department*, the *Minister* may request such person to post a bond to defray his or her *deportation* costs, if applicable; or

(c) within 20 calendar days of modification or confirmation by the *Minister*, if any, to a *Court*, which may suspend, reverse or modify it in accordance with its rules. 20

(3) If not appealed in terms of subsection (2), a decision of the *Department* is final, subject to section 37 of *this Act*.

(4) Any person adversely affected by a decision of the *Department* shall be notified in writing of his or her rights under this section and other *prescribed* matters, and may not be deported before the relevant decision is final. 25

(5) Notwithstanding subsection (1), as soon as notified to the person concerned in terms of subsection (4), the decision of an immigration officer refusing entry into the *Republic* shall be effective for the purpose of subsection (1), and final for purposes of *deportation*, but subject to subsections (2) and (3). 30

ADMISSION AND DEPARTURE

Admission and *departure*

9. (1) Subject to *this Act*, no person shall enter the *Republic* at a place other than a *port of entry*.

(2) Subject to *this Act*, a *citizen* or a *resident* shall be admitted, provided that he or she identifies himself or herself as such in the *prescribed* manner and, in the case of a *resident*, the immigration officer records his or her entrance. 35

(3) No person shall leave the *Republic*—

(a) unless in possession of a *passport*, or a certificate issued by the *Department* upon *application* in lieu thereof; 40

(b) unless, if he or she is a person under the age of 16 years who does not hold a *passport*, he or she is accompanied by his or her parent who holds a *passport* in which his or her name was entered in terms of the provisions of the South African Passports and Travel Documents Act, 1994 or on behalf of any government or international organisation recognised by the Government of the *Republic*; and 45

(c) except at a *port of entry*, unless—

- (i) in possession of a certificate by the *Department* granting permission upon *application* to leave the *Republic* at a place other than a *port of entry* within a certain period not exceeding six months at a time, provided that for good cause an immigration officer may withdraw such permission; or 5
 - (ii) exempted by the *Minister*, as he or she deems fit, on recommendation of the *Director-General*, which exemption may be withdrawn by the *Director-General* at any time; and
 - (d) unless, in the case of a *resident*, the *departure* is recorded by an immigration officer. 10
- (4) A *foreigner* may only enter the *Republic*—
- (a) by producing to an immigration officer his or her *passport* to be valid for no less than 30 days after the expiry of the intended stay, and
 - (b) if issued with a valid *temporary residence*, as set out in *this Act*, and may only depart as set out in *this Act*. 15

TEMPORARY RESIDENCE

Temporary residence permits

- 10.** (1) Upon *admission*, a *foreigner* may enter and sojourn in the *Republic* only if in possession of a *temporary residence*. 20
- (2) Subject to *this Act*, upon *application* and upon *prescribed* examination at the *port of entry*, one of the *temporary residences* set out in *sections 11 to 23* may be issued to a *foreigner*.
- (3) If issued outside the *Republic*, a *temporary residence* is deemed to be of force and effect only after an *admission*. 25
- (4) A *temporary residence* is to be issued on condition that the holder is not or does not become a prohibited or an undesirable person.
- (5) For good cause, as *prescribed*, the *Department* may attach reasonable individual terms and conditions to a *temporary residence*.
- (6) Subject to *this Act*, a *foreigner* may change his or her *status* while in the *Republic*.

Visitor's Permit

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- 11.** (1) A visitor's permit may be issued by the *Department* in respect of a *foreigner* who—
- (a) holds a *visa*; or
 - (b) is a *citizen* of a *foreign state* *prescribed* from time to time and provides the financial or other guarantees *prescribed* from time to time in respect of his or her *departure*, 35
- provided that such permit—
- (i) cannot exceed three months and upon *application* may be renewed by the *Department*, or
 - (ii) may be issued by the *Department* upon *application* for any period not to exceed three years to a *foreigner* who has satisfied the *Department* that he or she controls sufficient available financial resources, which may be *prescribed* from time to time, and is engaged in the *Republic* in— 40
 - (aa) academic sabbaticals;
 - (bb) voluntary or charitable activities; 45
 - (cc) research; or
 - (dd) other *prescribed* activities and cases.
- (2) The holder of a visitor's permit may not conduct *work*.

(3) An *illegal foreigner* receiving a visitor's permit shall comply with any terms and conditions which may be *prescribed* from time to time and provide the *prescribed* deposit to be forfeited to the *Department* in case of his or her non-compliance with *this Act*.

(4) A visitor's permit may be issued for more than one entry if multiple entries into the *Republic* over a period not exceeding three months are requested by the person concerned. 5

(5) Special financial and other guarantees may be *prescribed* in respect of the issuance of a visitor's permit to certain classes of *foreigners prescribed* from time to time.

Diplomatic permit 10

12. (1) A diplomatic permit may be issued by the *Department*, or by the *Department* of Foreign Affairs under delegation and in the *prescribed* manner and form and as directed by the *Department*, to—

- (a) an ambassador, a minister of a *foreign state*, a career diplomat or consular officer of a foreign government recognized de jure by the South African Government, or a representative of an international organisation *prescribed* from time to time, who is accepted by the *Minister* of Foreign Affairs; 15
- (b) upon a basis of reciprocity, other officials or employees of a foreign government or international organisation contemplated in paragraph (a);
- (c) a member of the *immediate family* of the *foreigners* contemplated in paragraphs (a) and (b); 20
- (d) upon a basis of reciprocity, attendants, servants and personal employees of the *foreigners* contemplated in paragraphs (a) to (c); and
- (e) other *prescribed foreigners* who are dignitaries of a *foreign state*.

(2) The holder of a diplomatic permit may not conduct *work*, provided that the *foreigners* referred to in subsection (1)(c) may combine such permit with a separately issued *work* permit. 25

Study permit

13. (1) A study permit may be issued to a *foreigner* intending to study in the *Republic* for longer than three months by— 30

- (a) the *Department*, as *prescribed*, or, at the option of the applicant,
- (b) the *Department* through the registrars office or a designated official of an institution of learning where the *foreigner* intends to study, provided that such institution—
 - (i) has been approved by and is in good standing with the *Department*; 35
 - (ii) certifies that it has received guarantees to its satisfaction that such *foreigner's* tuition fees will be paid;
 - (iii) has received the *prescribed* guarantees that such *foreigner* will have sufficient means to support himself or herself while in the *Republic*;
 - (iv) in the case of a minor, provides the name of a person present in South Africa who is, or has accepted to act, as such minor's guardian while in the *Republic*; 40
 - (v) undertakes to provide a *prescribed* periodic certification that such *foreigner* is satisfactorily performing his or her curriculum of study; and
 - (vi) undertakes to notify the *Department* when such *foreigner* has completed his or her studies, or is no longer performing them satisfactorily. 45

- (2) When so requested by, and after consultation with, the *Department of Education*, the *Department* shall determine an ad hoc fee for the issuance of study permits in respect of institutions publicly funded or subsidised.
- (3) A study permit does not entitle the holder to conduct *work*, provided that—
- (a) a study permit holder may undertake part-time *work* for a period not exceeding the *prescribed* period, if the permit holder is attending a higher education institution; 5
 - (b) the *work* referred to in paragraph (a) may include temporary or full time *work* during the academic vacation periods.
 - (c) the *Department* may, in appropriate cases, authorise the holder of a study permit to conduct *work* as practical training in a field related to that of his or her studies. 10

Treaty permit

14. (1) A treaty permit may be issued to a *foreigner* conducting activities in the *Republic* in terms of an international agreement to which the *Republic* is a party. 15
- (2) The treaty permit may be issued by—
- (a) the *Department*, as *prescribed*; or
 - (b) the *Department of Foreign Affairs* or the other *organ of State* responsible for the implementation of the treaty concerned under a delegation from the *Department*, provided that— 20
 - (i) information relating to the failure of such *foreigner* to comply with the terms and conditions of the permit and *to depart* when required is conveyed to the *Department*;
 - (ii) the *organ of State* concerned satisfies the *Department* that, under the circumstances, it has the capacity to perform this function; and 25
 - (iii) the requirements, procedures and forms for the issuance of such permit are *prescribed*.

Business permit

15. (1) A business permit may be issued by the *Department* to a *foreigner* intending to establish, or invest in, a business in the *Republic* in which he or she may be employed, and to the members of such *foreigner's immediate family* provided that— 30
- (a) such *foreigner* invests the *prescribed* financial or capital contribution in such business;
 - (b) the contribution referred to in paragraph (a) be part of the intended book value of such business; 35
 - (c) a *chartered accountant* certifies compliance with the provisions of *this Act*, and
 - (d) such *foreigner* has undertaken to comply with any relevant registration requirement set out in any law administered by the South African Revenue Service. 40
- (2) The holder of a business permit may conduct *work*.
- (3) The *Department* may reduce or waive the capitalization requirements referred to in subsection (1)(a) for businesses which are *prescribed* from time to time to be in the national interest or when so requested by the *Department of Trade and Industry*.
- (4) The holder of a business permit shall cause the certification referred to in subsection (1)(c) to be renewed within 24 months of the issuance of the permit, and within every two years thereafter. 45
- (5) A business permit may be issued for more than one entry to a person if multiple entries into the *Republic* by that person over a period of time are necessary for that person to conduct the business in question effectively. 50

Crew permit

16. (1) A crew permit may be issued to a *foreigner* who is a member of the crew of a *ship* by—
- (a) the *Department*; as *prescribed*, or
 - (b) the *Department* through the *owner* of the *ship* carrying such member of the crew, provided that such *owner*—
 - (i) is in good standing with the *Department*;
 - (ii) has provided the *prescribed* financial guarantees to the *Department* to ensure compliance of such *foreigner* with the provisions of *this Act* and of his or her permit; and
 - (iii) accepts to be responsible for a *prescribed* fine, should the *foreigner* fail to honour the terms of such permit.
- (2) A crew permit may be issued on condition that the holder agrees to refrain from moving beyond a predetermined area.
- (3) The holder of a crew permit may not conduct *work*.

Medical treatment permit

17. (1) A medical treatment permit may be issued to a *foreigner* intending to receive medical treatment in the *Republic* for longer than three months by—
- (a) the *Department*, as *prescribed*, or
 - (b) the *Department* through the registrars office or a designated official of an institution where the *foreigner* intends to receive treatment, provided that such institution—
 - (i) has been approved by and is in good standing with the *Department*;
 - (ii) certifies that it has received guarantees to its satisfaction that such *foreigner's* treatment costs will be paid;
 - (iii) in the case of a minor, provides the name of a person present in South Africa who is, or has accepted to act, as such minor's guardian while in the *Republic* or certifies that such minor will be accompanied by a parent or guardian to the *Republic*;
 - (iv) undertakes to provide a *prescribed* periodic certification that such *foreigner* is under treatment; and
 - (v) undertakes to notify the *Department* when such *foreigner* has completed his or her treatment.
- (2) When so requested by, and after consultation with, the *Department* of Health, the *Department* shall determine an ad hoc fee for the issuance of medical treatment permits in respect of institutions publicly funded or subsidised.
- (3) A medical treatment permit does not entitle the holder to conduct *work*.

Relative's permit

18. (1) A relative's permit may be issued by the *Department* to a *foreigner* who is a member of the *immediate family* of a *citizen* or a *resident*, provided that such *citizen* or *resident* provides the *prescribed* financial assurance,
- (a) certified by a *chartered accountant*, or, at the applicant's option,
 - (b) to be corroborated by relevant documentation to be evaluated by the *Department* that he or she has the means available to support such *foreigner* for the requested duration of such permit, either personally or through the contribution of such *foreigner*.
- (2) The holder of a relative's permit may not conduct *work*.

Work permit

19. (1) A quota *work* permit may be issued by the *Department* as *prescribed* to a *foreigner* if the *foreigner* falls within a category determined by the *Minister* at least annually by notice in the *Gazette* after consultation with the *Ministers* of Labour and

Trade and Industry and as long as the number of *work* permits so issued for such category does not exceed the quota determined in the notice.

(2) A general *work* permit may be issued by the *Department* to a *foreigner* not falling within a category contemplated in subsection (1) if the prospective *employer*—

- (a) satisfies the *Department* in the manner *prescribed* that despite diligent search he or she has been unable to employ a person in the *Republic* with qualifications equivalent to those of the applicant; 5
- (b) produces certification from a *chartered accountant* that the terms and conditions under which he or she intends to employ such *foreigner*, including salary and benefits, are not inferior to those prevailing in the relevant market segment for *citizens* and *residents*, taking into account applicable collective bargaining agreements and other applicable standards, as recorded by the *Department of Labour*, if any, provided that— 10
 - (i) a copy of such certification shall be conveyed to a *prescribed* office of the *Department of Labour*; and 15
 - (ii) such certification shall lapse if objected to for good cause by such office of the *Department of Labour* within 15 calendar days of its receipt;
- (c) has committed to notify the *Department* when such *foreigner* is no longer employed or is employed in a different capacity or role; and
- (d) has submitted a certification from a *chartered accountant* of the job description and that the position exists and is intended to be filled by such *foreigner*. 20

(3) A general *work* permit contemplated in subsection (2) shall lapse if, within six months of its issuance, and within every year thereafter, its holder fails to submit to the *Department* certification from his or her *employer's chartered accountant* that he or she is still employed and of the terms and conditions of his or her employment, including the job description. 25

(4) Subject to any *prescribed* requirements, an exceptional skills *work* permit may be issued by the *Department* to an individual of exceptional skills or qualifications and to those members of his or her *immediate family* determined by the *Department* under the circumstances or by regulation. 30

(5) An intra-company transfer *work* permit may be issued by the *Department* to a *foreigner* who is employed abroad by a business operating in the *Republic* in a branch, subsidiary or affiliate *relationship* and who by reason of his or her employment is required to conduct *work* in the *Republic* for a period not exceeding two years, provided that— 35

- (a) a *chartered accountant* acting on behalf of the *employer* of such *foreigner* certifies that the *employer* needs to employ such *foreigner* within the *Republic* and such *foreigner's* job description;
- (b) the *employer* undertakes that it will take adequate or *prescribed* measures to ensure that such *foreigner* will at all times comply with the provisions of *this Act*, and will immediately notify the *Department* if it has reason to believe otherwise; and 40
- (c) the *employer* furnishes the *prescribed* financial guarantees to defray *deportation* and other costs should such *foreigner* fail to *depart* when no longer allowed to sojourn in the *Republic*. 45

(6) The holder of an intra-company transfer *work* permit may conduct *work* only for the *employer* referred to in subsection (5) and in accordance with the job description and other elements contemplated in the certification referred to in subsection (5) or set out in his or her permit. 50

Retired person permit

20. (1) A retired person permit may be issued for a period exceeding three months to a *foreigner* who intends to retire in the *Republic*, provided that the *foreigner* provides proof that such *foreigner* has—
- (a) the right to a pension or an irrevocable annuity or retirement account which will give such *foreigner* a *prescribed* minimum payment for the rest of his or her life from the country of his or her origin; or
 - (b) a minimum *prescribed* net worth.
- (2) The *Department* may authorise the holder of a retired person permit to conduct work under terms and conditions as the *Department* may deem fit to determine under the circumstances.
- (3) A retired person permit may—
- (a) allow its holder to sojourn in the *Republic* on a seasonal or continuous basis; and
 - (b) not exceed a four-year period, at the expiry of which it may be renewed one or more times, subject to subsection (1).

Corporate permit

21. (1) A corporate permit may be issued by the *Department* to a *corporate applicant* to employ *foreigners* who may conduct work for such *corporate applicant*.
- (2) After consultation with the *Departments* of Labour and of Trade and Industry, the *Department* shall determine the maximum number of *foreigners* to be employed in terms of a corporate permit by a *corporate applicant*, after having considered—
- (a) the certification prepared by a *chartered accountant* on the basis of the relevant prescription or information of the *Department* of Labour, if any, that at any given time the relevant *foreigners* are employed on terms and conditions not inferior to those offered to *citizens* and *residents* or prevailing in the relevant market segment, taking into account collective bargaining agreements and other standards, if any;
 - (b) the undertaking by the *corporate applicant* that it will—
 - (i) take adequate or *prescribed* measures to ensure that any *foreigner* employed in terms of the corporate permit will at any time comply with the provisions of *this Act* and the corporate permit; and
 - (ii) immediately notify the *Department* if it has reason to believe that such *foreigner* is no longer in compliance with subparagraph (i) above;
 - (c) the financial guarantees posted in the *prescribed* amount and form by the *corporate applicant* to defray *deportation* and other costs should the corporate permit be withdrawn, or certain *foreigners* fail to leave the *Republic* when no longer subject to the corporate permit; and
 - (d) corroborated representations made by the *corporate applicant* in respect of the need to employ *foreigners*, their job descriptions, the number of *citizens* or *residents* employed and their positions, and other *prescribed* matters.
- (3) The *Department* may withdraw or modify the corporate permit for good and reasonable cause.
- (4) In consultation with the *Minister* of Trade and Industry or Minerals and Energy or Agriculture, as the case may be, the *Minister* of Labour may designate certain industries, or segments thereof, in respect of which the Government may—

- (a) reduce or waive the requirements of subsection (2) (d); or
 - (b) enter into agreements with one or more *foreign states* and set as a condition of a corporate permit that its holder—
 - (i) employs *foreigners* partially, mainly or wholly from such foreign countries; and
 - (ii) remits a portion of the salaries of such *foreigners* to such foreign countries;
 - (c) apply this subsection in respect of *foreigners* required for seasonal or temporary peak period employment; or
 - (d) waive or reduce the requirement of subsection (2)(c) under special conditions.
- (5) The holder of a corporate permit may also employ *foreigners* in terms of section 19.

Exchange permit

22. An exchange permit may be issued by the *Department* to a *foreigner*—
- (a) participating in a programme of cultural, economic or social exchange, organised or administered by an *organ of State*, or a public higher education institution, in conjunction with an organ of a *foreign state*, provided that—
 - (i) after consultation with the *Board*, the *Minister* may delegate the authority to issue such permits to such *organ of State* if such *organ of State* has satisfied the *Minister* that it can ensure the compliance of such *foreigner* with *this Act* and report to the *Department* on the stages and the completion of the relevant programme together with other *prescribed* information;
 - (ii) it may be *prescribed* that, in respect of certain programmes, upon expiration of such permit such *foreigner* may not qualify for a *status* until he or she has complied with the requirement of a *prescribed* period of physical presence in his or her *foreign country* or of domicile outside the *Republic*; or
 - (b) who is under 25 years of age and has received an offer to conduct *work* for no longer than one year, provided that—
 - (i) the prospective *employer* certifies that the position exists, and has committed himself or herself to—
 - (aa) pay such *foreigner* remuneration which complies with applicable legal requirements;
 - (bb) provide for the welfare and the needs of such *foreigner* while in the *Republic* under the aforesaid permit; and
 - (cc) report to the *Department* the failure of the *foreigner* to comply with the terms of his or her permit or *to depart* when so required;
 - (ii) such *foreigner* may not conduct *work* other than *work* for which the permit is issued; and
 - (iii) such *foreigner* may not qualify for a temporary or permanent residence permit until he or she has spent two years outside the *Republic*, which requirement may be waived by the *Department* in extraordinary circumstances.

Asylum

23. The *Department* may issue an asylum permit to an asylum seeker subject to the Refugees Act, 1998 (Act No. 130 of 1998), on any *prescribed* terms and conditions.

Cross-border and transit passes

24. (1) The *Department* may issue a cross-border pass with the same effect as a multiple *admission* visitor's permit to a *foreigner* who is a *citizen* of a *prescribed foreign country* with which the *Republic* shares a *border* and who does not hold a *passport* but has received a *prescribed* identity document by the *Department* and is registered with the *Department*. 5

(2) The *Department* may issue a transit *visa* authorising a *foreigner* travelling to a *foreign country* to make use of the transit facilities at a *port of entry*.

PERMANENT RESIDENCE**Permanent residence** 10

25. (1) The holder of a permanent residence permit has all the rights, privileges, duties and obligations of a *citizen*, save for those rights, privileges, duties and obligations which a law or the Constitution explicitly ascribes to *citizenship*.

(2) Subject to *this Act*, upon *application*, one of the permanent residence permits set out in sections 26 and 27 may be issued to a *foreigner*. 15

(3) A permanent residence permit is to be issued on condition that the holder is not a *prohibited person*, and subject to section 28 of *this Act*.

(4) For good cause, as *prescribed*, the *Department* may attach reasonable individual terms and conditions to a permanent residence permit.

Direct residence 20

26. Subject to section 25, the *Department* shall issue a permanent residence permit to a *foreigner* who—

(a) has been the holder of a *work* permit, including one issued under a corporate permit, in terms of *this Act* for five years and has received an offer for permanent employment, provided that— 25

(i) such *foreigner* submitted a certification from his or her prospective permanent *employer's chartered accountant* of the job description and that the position exists and is intended to be filled by such *foreigner*; and
 (ii) the *Department* of Labour certifies that the terms and conditions of such offer, including salary and benefits, are not inferior to those prevailing in the relevant market segment for *citizens* and *residents*, taking into account applicable collective bargaining agreements and other standards; 30

(b) is the *spouse* of a *citizen* or *resident*, provided that—
 (i) the *Department* is satisfied that a good faith spousal *relationship* exists; and 35

(ii) such permit is issued on condition that it shall lapse if at any time within three years from its *application* the good faith spousal *relationship* no longer subsists, save for the case of death;

(c) is a child of a *citizen* or *resident* under the age of 21, provided that such permit shall lapse if such *foreigner* does not submit an *application* for its confirmation within two years of his or her having turned 21 years of age; or 40

(d) is a child of a *citizen*.

Residence on other grounds

27. The *Department* may issue a permanent residence permit to a *foreigner* of good and sound character who— 45

- (a) has received an offer for permanent employment, provided that—
- (i) such *foreigner* submitted a certification from a *chartered accountant* acting on behalf of such *foreigner's* prospective permanent *employer* that the position exists and that the position and related job description was advertised in the *prescribed* form and no suitably qualified *citizen* or *resident* was available to fill it; 5
 - (ii) the *Department* of Labour certifies that the terms and conditions of such offer, including salary and benefits, are not inferior to those prevailing in the relevant market segment for *citizens* or *residents*, taking into account applicable collective bargaining agreements and other standards, if any; 10
 - (iii) the *application* falls within the yearly limits of available permits *prescribed* from time to time for each sector of industry, trade and commerce, after consultation with the *Departments* of Trade and Industry, Labour and Education; and
 - (iv) the permit may be extended to such *foreigner's spouse* and children younger than 21 years of age; 15
- (b) taking into account any *prescribed* requirement, has demonstrated to the satisfaction of the *Department* extraordinary skills or qualifications, and to those members of such *foreigner's immediate family* determined by the *Department* under the circumstances or by regulation; 20
- (c) intends to establish a business in the *Republic* investing in it the *prescribed* financial contribution to be part of the intended book value as certified by a *chartered accountant*, and to the members of such *foreigner's immediate family*, provided that—
- (i) the *Department* may waive or reduce such capitalisation requirements for businesses *prescribed* from time to time to be in the national interest or when so requested by the *Department* of Trade and Industry; and 25
 - (ii) the permit shall lapse if the holder fails to renew such certification within two years of the issuance of the permit, and three years thereafter;
- (d) is a refugee referred to in section 27(c) of the Refugees Act, 1998 (Act No. 130 of 1998), subject to any *prescribed* requirement; 30
- (e) intends to retire in the *Republic*, provided that a *chartered accountant* acting on behalf of such *foreigner* certifies that such *foreigner*—
- (i) has the right to a pension or an irrevocable annuity or retirement account which will give such *foreigner* a *prescribed* minimum payment for the rest of his or her life; or 35
 - (ii) has a minimum *prescribed* net worth;
- (f) has provided a certification by a *chartered accountant* that he or she has a *prescribed* minimum net worth and has paid a *prescribed* amount to the *Department*; or 40
- (g) is the relative of a *citizen* or *resident* within the first step of kinship.

Withdrawal of permanent residence

28. The *Department* may withdraw a permanent residence permit if its holder—

- (a) within four years of the issuance of such permit, has been convicted of any of the offences listed in Schedule 1;
- (b) has been convicted three times of any of the offences listed in Schedules 1 and 2;
- (c) has been absent from the *Republic* for more than three years, provided that— 5
 - (i) upon showing good cause and upon prior *application* the *Department* may extend this period in specific cases;
 - (ii) the time when such holder—
 - (aa) was residing abroad while in the service of the State;
 - (bb) was residing abroad while a representative or employee of a person 10 or association of persons *resident* or established in the *Republic*;
 - (cc) was residing abroad while in the service of an international organisation of which the State is a member;
 - (dd) in the case of the *spouse* or dependent child of a person referred to in subitem (aa), (bb) or (cc), such *spouse* or child was residing with 15 such person; or
 - (ee) in the case of the *spouse* or dependent child of a person who is a South African *citizen*, such *spouse* or child was residing with such person, 20
 - (iii) shall not be computed within such period; 20
 - (iii) the *Minister*, on recommendation of the *Director-General*, may grant an exemption from the requirement of residence in respect of certain *residents* or class of *residents*;
 - (iv) the period of absence may only be interrupted by an *admission* and sojourn in the *Republic*; and 25
 - (v) the requirement of residence in the *Republic* shall not affect any *foreigner* to whom exemption has been granted under section 31(2)(b) as a member of a category of persons, unless such *foreigner* previously entered the *Republic* or sojourned therein for the purpose of permanent residence under the authority of such exemption; or 30
- (d) has not taken up residence in the *Republic* within one year of the issuance of such permit.

EXCLUSIONS AND EXEMPTIONS

Prohibited persons

- 29.** (1) The following *foreigners* do not qualify for a temporary or a permanent 35 residence permit:
- (a) those infected with infectious diseases as *prescribed* from time to time;
 - (b) anyone against whom a warrant is outstanding or a conviction has been secured in the *Republic* or a *foreign country* with which the *Republic* has regular diplomatic relations in respect of genocide, terrorism, murder, torture, 40 drug trafficking, money laundering or kidnapping;
 - (c) anyone previously deported and not rehabilitated by the *Department* in the *prescribed* manner;
 - (d) a member of or adherent to an association or organisation advocating the practice of racial hatred or social violence; and 45
 - (e) anyone who is or has been a member of or adherent to an organisation or association utilising crime or terrorism to pursue its ends.

(2) After consultation with the *Director-General*, for good cause the *Minister* may declare a person referred to in subsection (1) not to be a *prohibited person*.

Undesirable persons

30. (1) The following *foreigners* may be declared undesirable by the *Department* as prescribed: 5

- (a) anyone who is or is likely to become a public charge;
- (b) anyone identified as such by the *Minister* after consultation with the *Board*, or in the case of urgency, by the *Minister* who, in such cases, shall inform the *Board* as soon as practicable;
- (c) anyone who has been judicially declared incompetent; 10
- (d) an unrehabilitated insolvent;
- (e) anyone who has been ordered *to depart* in terms of *this Act*;
- (f) anyone who is a fugitive from justice; and
- (g) anyone with previous criminal convictions without the option of a fine for conduct which would be an offence in the *Republic*, with the exclusion of 15 certain *prescribed* offences.

(2) Upon *application* from the affected person, the *Department* may waive any of the grounds of undesirability provided that it reports such decisions to the *Minister* and the *Board*, with reasons.

Exemptions 20

31. (1) The following persons or categories of persons are not *illegal foreigners*:

- (a) a member of a military force of a *foreign state* which has been granted consent by the Government of the *Republic* to enter the *Republic*, while such consent subsists; and
- (b) the officers and crew of an official *ship* of a *foreign state*, while such *ship* is in 25 port.

(2) Upon *application*, the *Minister*, as he or she deems fit, after consultation with the *Board*, may under terms and conditions determined by him or her—

- (a) allow a distinguished visitor and certain members of his or her *immediate family* and members in his or her employ or of his or her household to be 30 admitted and sojourn in the *Republic* for a period not exceeding six months, provided that such *foreigners* do not intend to reside in the *Republic* permanently;
- (b) grant a *foreigner* or a category of *foreigners* the rights of permanent residence for a specified or unspecified period when special circumstances exist which 35 justify such a decision; provided that the *Minister* may—
 - (i) exclude one or more identified *foreigners* from such categories; and
 - (ii) for good cause, withdraw such right from a *foreigner* or a category of *foreigners*;
- (c) authorise any person or category of persons to enter the *Republic* at a place 40 other than a *port of entry*, in which case the *Department* shall issue to such person(s) the *prescribed* written permission or *passport* endorsement, provided that such authorisation may be withdrawn at any time by the *Minister*; and

(d) for good cause, waive any *prescribed* requirement or form, provided that if such consultation requirement would unduly delay an urgent action, the *Minister* may inform the *Board* after the fact of any action taken under this subsection and of the reasons for the urgency.

ENFORCEMENT AND MONITORING

5

Illegal foreigners

32. (1) Any *illegal foreigner* shall depart, unless authorised by the *Department* to remain in the *Republic* pending his or her *application* for a *status*.

(2) Any *illegal foreigner* shall be deported.

Inspectorate

10

33. (1) An inspectorate shall be established through *regulations* and shall consist of such persons, including immigration officers, as may be determined by the *Minister*.

(2) On the recommendation of the *Director-General*, the *Minister* shall appoint the head of the inspectorate.

(3) The inspectorate shall investigate any matter falling within the scope of *this Act*, subject to the directions of the *Minister*, and shall in the performance of its functions follow such procedure as may be *prescribed*. 15

(4) An immigration officer may, for the purposes of *this Act*—

(a) at any time before the commencement or in the course of an investigation conduct an inspection *in loco*; 20

(b) by notice in writing call upon any person who is in possession of or has the custody of or control over any thing which in the opinion of the *Department* is relevant to the investigation to produce such thing, and the *Department* may inspect and retain any thing so produced for a reasonable time; and

(c) by notice in writing call upon any person to appear before the *Department* and to give evidence or to answer questions relevant to the subject matter of the investigation, 25

provided that any of such notices shall specify the time when and the place where the person to whom it is directed shall appear, be signed by an immigration officer, be served by an immigration officer or by a sheriff by delivering a copy thereof to the person concerned or by leaving it at such person's last known place of residence or business, and shall specify the reason why the article is to be produced or the evidence is to be given. 30

(5) In the pursuance of *this Act*, an immigration officer may obtain a warrant to—

(a) enter or search any *premises* for a person or thing or to make inquiries, including the power to— 35

(i) examine any thing found in or upon such *premises*;

(ii) request from the person who is in control of such *premises* or in whose possession or under whose control any thing is when it is found, or who is upon reasonable grounds believed to have information with regard to such thing, an explanation or information; and 40

(iii) make copies of or extracts from any such thing found upon or in such *premises*;

(b) apprehend an *illegal foreigner*, subject to section 34(1); or

- (c) after having issued a receipt in respect thereof, seize and remove documentation or any other thing which—
- (i) is concerned with or is upon reasonable grounds suspected of being concerned with any matter which is the subject of any investigation in terms of *this Act*; or
 - (ii) contains, or is on reasonable grounds suspected to contain, information with regard to any such matter,
- provided that—
- (aa) any thing so seized shall be returned in good order as soon as possible after the purpose of its seizure has been accomplished; and
 - (bb) a person from whom a book or document has been taken shall be allowed reasonable access, including the right to make copies at his or her expense.
- (6) A warrant referred to in subsection (5) shall be issued by a magistrate of a *Court* which has jurisdiction in the area where the *premises* in question are situated, and only if it appears to the magistrate from information on oath that there are reasonable grounds for believing that a thing mentioned in subsection (5) is upon or in such *premises*, and shall specify which of the acts mentioned in subsection (5) may be performed thereunder by the person to whom it is issued.
- (7) A warrant issued in terms of this section shall be executed by day unless the magistrate who issues the warrant authorises its execution by night at times which shall be reasonable, and any entry upon or search of any *premises* in terms of this section shall be conducted with strict regard to decency and order, including—
- (a) a person's right to, respect for, and the protection of, his or her dignity;
 - (b) the right of a person to freedom and security; and
 - (c) the right of a person to his or her personal privacy.
- (8) A person executing a warrant in terms of this section shall immediately before commencing with the execution—
- (a) identify himself or herself to the person in control of the *premises*, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the *premises*; and
 - (b) supply such person at his or her request with particulars regarding his or her authority to execute such a warrant.
- (9) (a) An immigration officer may, without a warrant, enter upon any *premises*, other than a private dwelling, and exercise the powers referred to in subsection (5)(a) and (c)—
- (i) if the person who is competent to do so consents to such entry, search, seizure and removal; or
 - (ii) if he or she upon reasonable grounds believes that—
 - (aa) the required warrant will be issued to him or her in terms of subsection (5) if he or she were to apply for such warrant; and
 - (bb) the delay caused by the obtaining of any such warrant would defeat the object of the entry, search, seizure and removal.
- (b) Any entry and search in terms of paragraph (a) shall be executed by day, unless the execution thereof by night is justifiable and necessary.
- (10) (a) Any person who may on the authority of a warrant issued in terms of subsection (5), or under the provisions of subsection (9), enter upon and search any *premises*, may use such force as may be reasonably necessary to overcome resistance to such entry or search; and
- (b) No person may enter upon or search any *premises* unless he or she has audibly demanded access to the *premises* and has notified the purpose of his or her entry, unless such person is upon reasonable grounds of the opinion that any thing may be destroyed

or a person put at risk of bodily harm if such access is first demanded and such purpose is first notified.

(11) If, during the execution of a warrant or the conducting of a search in terms of this section, a person claims that a thing found on or in the *premises* concerned contains privileged information and refuses its inspection or removal, the person executing the warrant or conducting the search shall, if he or she is of the opinion that the thing contains information which is relevant to the investigation and that such information is necessary for the investigation, request a person designated by a *Court* which has jurisdiction to seize and remove that thing for safe custody until a *Court* has made a ruling on the question whether the information concerned is privileged or not.

(12) A warrant issued in terms of this section may be issued on any day and shall be in force until—

- (a) it is executed;
- (b) it is cancelled by the person who issued it or, if such person is not available, by a person with similar authority;
- (c) the expiry of one month from the day of its issue; or
- (d) the purpose for the issuing of the warrant has lapsed,

whichever may occur first.

(13) In consultation with the *Minister* and through diplomatic channels, the *Department* may obtain permission from the relevant authority of a *foreign country* to receive evidence or gather information in or from that country.

(14) When exercising powers under this section, an immigration officer shall clearly identify him or herself as such by means of adequate identification.

Deportation and detention of *illegal foreigners*

34. (1) Without need for a warrant, an immigration officer may arrest an *illegal foreigner* or cause him or her to be arrested, and shall, irrespective of whether such *foreigner* is arrested, deport him or her or cause him or her to be deported and may, pending his or her *deportation*, detain him or her or cause him or her to be detained in a manner and at the place under the control or administration of the *Department* determined by the *Director-General*, provided that the *foreigner* concerned—

- (a) shall be notified in writing of the decision *to deport* him or her and of his or her right to appeal such decision in terms of *this Act*;
- (b) may at any time request any officer attending to him or her that his or her detention for the purpose of *deportation* be confirmed by warrant of a *Court*, which, if not issued within 48 hours of such request, shall cause the immediate release of such *foreigner*;
- (c) shall be informed upon arrest or immediately thereafter of the rights set out in the preceding two paragraphs, when possible, practicable and available in a language that he or she understands;
- (d) may not be held in detention for longer than 30 calendar days without a warrant of a *Court* which on good and reasonable grounds may extend such detention for an adequate period not exceeding 90 calendar days, and
- (e) shall be held in detention in compliance with minimum *prescribed* standards protecting his or her dignity and relevant human rights.

(2) The detention of a person in terms of *this Act* elsewhere than on a *ship* and for purposes other than his or her *deportation* shall not exceed 48 hours from his or her arrest or the time at which such person was taken into custody for examination or other purposes, provided that if such period expires on a non-court day it shall be extended to four p.m. of the first following court day. 5

(3) The *Department* may order a *foreigner* subject to *deportation* to deposit a sum sufficient to cover in whole or in part the expenses related to his or her *deportation*, detention, maintenance and custody and an officer may in the *prescribed* manner enforce payment of such deposit.

(4) Any person who fails to comply with an order made in terms of subsection (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment not exceeding 12 months. 10

(5) Any person other than a *citizen* or a *resident* who having been—

(a) removed from the *Republic* or while being subject to an order issued under a law to leave the *Republic*, returns thereto without lawful authority or fails to comply with such order; or 15

(b) refused *admission*, whether before or after the commencement of *this Act*, has entered the *Republic*,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months and may, if not already in detention, be arrested without warrant and deported under a warrant issued by a *Court* and, pending his or her removal, be detained in the manner and at the place determined by the *Director-General*. 20

(6) Any *illegal foreigner* convicted and sentenced under *this Act* may be deported before the expiration of his or her sentence and his or her imprisonment shall terminate at that time. 25

(7) On the basis of a warrant for the removal or release of a detained *illegal foreigner*, the person in charge of the prison concerned shall deliver such *foreigner* to that immigration officer or police officer bearing such warrant, and if such *foreigner* is not released he or she shall be deemed to be in lawful custody while in the custody of the immigration officer or police officer bearing such warrant. 30

(8) A person at a *port of entry* who has been notified by an immigration officer that he or she is an *illegal foreigner* or in respect of whom the immigration officer has made a declaration to the *master* of the *ship* on which such *foreigner* arrived that such person is an *illegal foreigner* shall be detained by the *master* on such *ship* and, unless such *master* is informed by an immigration officer that such person has been found not to be an *illegal foreigner*, such *master* shall remove such person from the *Republic*, provided that an immigration officer may cause such person to be detained elsewhere than on such *ship*, or be removed in custody from such *ship* and detain him or her or cause him or her to be detained in the manner and at a place determined by the *Director-General*. 35

(9) The person referred to in the preceding subsection shall, pending removal and while detained as contemplated in that subsection, be deemed to be in the custody of the *master* of such *ship* and not of the immigration officer or the *Department*, and such *master* shall be liable to pay the costs of the detention and maintenance of such person while so detained if the *master* knew or should reasonably have known that such person was an *illegal foreigner*, provided that— 40 45

- (a) if such *master* fails to comply with the provisions of that subsection, or if required to pay such costs, such *master* or the *owner* of such *ship* shall forfeit in respect of every person concerned a sum fixed by the immigration officer, not exceeding an amount *prescribed* from time to time;
 - (b) the immigration officer may, before such person is removed from such *ship*, require the *master* or the *owner* of such *ship* to deposit a sum sufficient to cover any expenses that may be incurred by the *Department* in connection with the *deportation*, detention, maintenance and custody of such person, if there are grounds to believe that the *master* knew or should reasonably have known that such person was an *illegal foreigner*;
 - (c) if such person is not removed from the *Republic* on the *ship* on which he or she was conveyed to the *Republic*, except by reason of not being an *illegal foreigner*, and if the *master* knew or should have known that such person was an *illegal foreigner*, the *owner* of that *ship* shall at the request of an immigration officer convey that person, or have him or her conveyed, free of charge to the State to a place outside the *Republic*, and any person, other than an immigration officer, charged by the *Department* with the duty of escorting that person to such place, shall be deemed to be an immigration officer while performing such duty; and
 - (d) if the *owner* of such *ship* fails to comply with the provisions of this section, he or she shall forfeit in respect of each such person a sum fixed by the immigration officer, not exceeding an amount *prescribed* from time to time.
- (10) A person who escapes or attempts to escape from detention imposed under *this Act* shall be guilty of an offence and may be arrested without a warrant.

Ships

- 35.** (1) Save for extraordinary circumstances necessitating otherwise, no *master* shall cause his or her *ship* to enter the *Republic* by landing or shoring at any place other than a *port of entry*.
- (2) An immigration officer or other authorised person employed by the *Department* may—
- (a) board any *ship* which is entering or has entered into any port and for good cause prohibit or regulate disembarkation from, or the offloading of, such *ship* in order to ascertain the *status* or *citizenship* of its passengers; and
 - (b) request the person in control of a *port of entry* or any person acting under his or her authority to order the *master* to moor or anchor his or her *ship* in such port at such distance from the shore or landing place or in such position as he or she may direct.
- (3) The *master* of a *ship* entering a *port of entry* upon demand shall deliver to an immigration officer—
- (a) a list stating—
 - (i) the names of all passengers on board the *ship*, classified according to their respective destinations; and
 - (ii) such other details *prescribed* from time to time;
 - (b) a list of stowaways, if any have been found;

- (c) a list of the crew and all other persons, other than passengers and stowaways, employed, carried or present on the *ship*; and
- (d) a return, under the hand of the medical officer of that *ship* or, if there is no such medical officer, under the hand of the *master* himself or herself, stating—
- (i) any cases of disease, whether infectious or otherwise, which have occurred or are suspected to have occurred upon the voyage; 5
 - (ii) the names of the persons who have suffered or are suffering from such disease;
 - (iii) details of any birth or death which occurred upon the voyage between such port and a previous port; and 10
 - (iv) any other *prescribed* matter or event,
- provided that such immigration officer may—
- (aa) exempt from the requirements of this subsection the *master* of a *ship* destined for any other port in the *Republic*, subject to compliance with the duty to deliver such lists or return at such port and with any directive such immigration officer may issue to the *master*; and 15
 - (bb) if satisfied that a name should be added to or deleted from any of such lists, authorise such addition or deletion.
- (4) If a *ship* arrives at a *port of entry* with a passenger on board bound for a destination outside the *Republic* who is not on board when the *ship* leaves such port and has not been admitted, the *master* or the *owner* of that *ship* shall forfeit a sum fixed by the immigration officer within a *prescribed* limit. 20
- (5) An immigration officer may require the *master* of a *ship* to muster the crew of such *ship* on the arrival of such *ship* in any *port of entry* and again before it leaves such port.
- (6) The competent officer of customs at any harbour may refuse to give to the *master* of any *ship* clearance papers to leave that harbour unless he or she has complied with the provisions of *this Act* and produced a certificate of an immigration officer to that effect. 25
- (7) A *master* shall ensure that any *foreigner* conveyed to a *port of entry* for purposes of travelling to a *foreign country* holds a transit *visa*, if required.

Monitoring entries in *Republic* and exits 30

36. (1) The *Department* shall control the entry and exit of people through the *borders* of the *Republic* in order to ensure compliance with *this Act*, and may do so with the assistance of other organs of State.

(2) The *Department* may receive a delegation from the South African Revenue Service or the Commissioner therefor, the *Department* of Safety and Security, the *Department* of Defence or the *Department* of Finance enabling and mandating it to exercise powers and perform functions exercised or performed under any law by any of such *Departments* relating to the control of movement of people or goods across the *borders*, including ports of entry. 35

(3) By proclamation, the *President* may order that certain assets and human resources of the *Department* allocated to the control of entry and exit be placed under the control of the *Minister* of Defence to be deployed as determined by the *President* in terms of section 201 of the Constitution. 40

IMMIGRATION COURTS

Immigration Courts

37. (1) Every magistrates' court is an Immigration *Court* for the purposes of *this Act* and shall have jurisdiction on any matter arising from the *application* of *this Act*, including, but not limited to— 5

- (a) the review of decisions of the *Department*;
- (b) any legal proceedings against the *Department*; and
- (c) any matter concerning *status*.

(2) Any legal proceedings arising from the *application* of *this Act* shall be dealt with as soon as is reasonably possible and the *Courts* must ensure that such proceedings are finalised without any unavoidable delay. 10

The Rules *Board* for *Courts* of Law established in terms of the Rules *Board* of *Courts* of Law Act, 1985(Act No. 107 of 1985), shall as soon as reasonably possible after the commencement of *this Act* make rules aimed at facilitating the adjudication of any matter arising from *this Act* in a simplified and expeditious manner. 15

DUTIES AND OBLIGATIONS

Employment

38. (1) No person shall employ—

- (a) an *illegal foreigner*;
- (b) a *foreigner* whose *status* does not authorise him or her to be employed by such person; or 20
- (c) a *foreigner* on terms, conditions or in a capacity different from those contemplated in such *foreigner's status*.

(2) An *employer* shall make a good faith effort to ascertain that no *illegal foreigner* is employed by him or her or to ascertain the *status* or *citizenship* of those whom he or she employs. 25

(3) If it is proven, other than by means of the presumption referred to in subsection (5), that a person was employed in violation of subsection (1), it shall be presumed that the *employer* knew at the time of the employment that such person was among those referred to in subsection (1), unless such *employer* proves that he or she— 30

- (a) employed such person in good faith; and
- (b) complied with subsection (2), provided that a stricter compliance shall be required of any *employer* who employs more than five employees or has been found guilty of a prior offence under *this Act* related to this section.

(4) An *employer* employing a *foreigner* shall— 35

- (a) for two years after the termination of such *foreigner's* employment, keep the *prescribed* records relating thereto; and
- (b) report to the *Department*— 40
 - (i) the termination of such *foreigner's* employment; and
 - (ii) any breach on the side of the *foreigner* of his or her *status*.

(5) If an *illegal foreigner* is found on any *premises* where a business is conducted, it shall be presumed that such *foreigner* was employed by the person who has control over such *premises*, unless prima facie evidence to the contrary is adduced.

Learning institutions

- 39.** (1) No learning institution shall knowingly provide training or instruction to—
- (a) an *illegal foreigner*;
 - (b) a *foreigner* whose *status* does not authorise him or her to receive such training or instruction by such person; or
 - (c) a *foreigner* on terms or conditions or in a capacity different from those contemplated in such *foreigner's status*.
- (2) If an *illegal foreigner* is found on any *premises* where instruction or training is provided, it shall be presumed that such *foreigner* was receiving instruction or training from, or allowed to receive instruction or training by, the person who has control over such *premises*, unless prima facie evidence to the contrary is adduced.

Accommodation

- 40.** (1) Any business offering overnight accommodation shall make a good faith effort to identify its customers as *citizens* or *status* holders and shall report in the *prescribed* form to the *Department* any failure to effect such identification.
- (2) When subsection (1) is not complied with and an *illegal foreigner* is found on any *premises* referred to in that subsection, it shall be presumed that such *illegal foreigner* was harboured by the person who has control over such *premises*, unless prima facie evidence to the contrary is adduced.

Identification

- 41.** When so requested by an immigration officer or a police officer any person shall identify himself or herself as a *citizen*, *resident* or *foreigner* when so requested by an immigration officer or a police officer, and if on reasonable grounds such immigration officer or a police officer is not satisfied that such person is entitled to be in the *Republic*, such immigration officer or a police officer may take such person into custody without a warrant and if necessary detain him or her in a *prescribed* manner and place until such person's prima facie *status* or *citizenship* is ascertained.

Aiding and abetting *illegal foreigners*

- 42.** (1) Subject to *this Act*, and save for necessary humanitarian assistance, no person, shall aid, abet, assist, enable or in any manner help—
- (a) an *illegal foreigner*; or
 - (b) a *foreigner* in respect of any matter, conduct or transaction which violates such *foreigner's status*, when applicable,
- including but not limited to—
- (i) providing instruction or training to him or her, or allowing him or her to receive instruction or training;
 - (ii) issuing to him or her a licence or other authorisation to conduct any business or to carry on any profession or occupation;
 - (iii) entering into an agreement with him or her for the conduct of any business or the carrying on of any profession or occupation;
 - (iv) conducting any business or carrying on any profession or occupation in cooperation with him or her;

- (v) assisting, enabling or in any manner helping him or her to conduct any business or carry on any profession or occupation;
- (vi) obtaining a licence or other authority for him or her or on his or her behalf to conduct any business or to carry on any profession or occupation;
- (vii) doing anything for him or her or on his or her behalf in connection with his or her business or profession or occupation; 5
- (viii) harbouring him or her, which includes providing accommodation; or
- (ix) letting or selling or in any manner making available any immoveable property in the *Republic* to him or her.

(2) In any criminal proceedings arising out of this section, it is no defence to aver that the *status* of the *foreigner* concerned, or whether he or she was an *illegal foreigner*, was unknown to the accused if it is proved that the accused ought reasonably to have known the *status* of the *foreigner*, or whether he or she was an *illegal foreigner*. 10

Obligation of *foreigners*

43. A *foreigner* shall— 15
- (a) abide by the terms and conditions of his or her *status*, including any terms and conditions attached to the relevant permit by the *Department* upon its issuance, extension or renewal; and
 - (b) depart upon expiry of his or her *status*.

Organs of State 20

44. When possible, any *organ of State* shall endeavour to ascertain the *status* or *citizenship* of the persons receiving its services and shall report to the *Department* any *illegal foreigner*, or any person whose *status* or *citizenship* could not be ascertained, advising through public notices or directly the person concerned of such reporting practice, provided that such requirement shall not prevent the rendering of services to which *illegal foreigners* and *foreigners* are entitled under the Constitution or any law, including the law of contract. 25

Other institutions

45. Prescribed institutions or persons other than organs of State may be required by regulation to endeavour to ascertain the *status* or *citizenship* of the persons with whom they enter into commercial transactions, as *prescribed*, and shall report to the *Department* any *illegal foreigner*, or any person whose *status* or *citizenship* could not be ascertained, provided that such requirement shall not prevent the rendering of services or performance to which *illegal foreigners* and *foreigners* are entitled under the Constitution or any law, including the law of contract. 30
35

MISCELLANEOUS

Immigration practitioners

46. (1) No one, other than an attorney, advocate or immigration practitioner, may conduct the trade of representing another person in the proceedings or procedures flowing from *this Act*. 5

(2) In order to be registered on a roll of immigration practitioners to be maintained by the *Department*, an immigration practitioner shall apply in the *prescribed* manner, producing evidence of the *prescribed* qualifications and paying any *prescribed* registration fee.

(3) After affording him or her a fair opportunity to be heard, the *Department* may withdraw the registration of an immigration practitioner who has contravened *this Act* or any *prescribed* duty. 10

Internal monitoring and controls

47. (1) The *Department* shall set up an internal anti- corruption unit charged with the task of preventing, deterring, detecting and exposing any instance of corruption, abuse of power, xenophobia and dereliction of duty by a person employed in the *Department*, provided that such unit shall— 15

(a) not oust the jurisdiction or the investigative authority of any other *organ of State*; and

(b) comprise specialized members seconded from time to time and on a rotating basis by the National Commissioner of the South African Police Service. 20

(2) The *Director-General* shall report to the *Minister* and inform the *Board* annually on—

(a) measures and proposals aimed at increasing the efficacy, efficiency and cost-effectiveness of the *Department*; and 25

(b) statistical data relating to the implementation of *this Act* and the *Department*.

(3) The *Board* shall utilise the information referred to in subsection (2) in its annual report to Parliament.

Foreigners erroneously allowed to enter *Republic*

48. No *illegal foreigner* shall be exempt from a provision of *this Act* or be allowed to sojourn in the *Republic* on the grounds that he or she was not informed that he or she could not enter or sojourn in the *Republic* or that he or she was admitted or allowed to remain in the *Republic* through error or misrepresentation, or because his or her being an *illegal foreigner* was undiscovered. 30

OFFENCES 35

Offences

49. (1) (a) Anyone who enters or remains in the *Republic* in contravention of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding three months.

(b) Any illegal foreigner who fails to depart when so ordered by the *Department*, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding nine months. 40

(2) Anyone who knowingly assists a person to enter the *Republic* in contravention of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year. 45

(3) Anyone who knowingly employs an illegal foreigner or a foreigner in violation of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year, provided that such person's second conviction of such an offence shall be punishable by imprisonment not exceeding two years or a fine, and the third or subsequent convictions of such offences by imprisonment not exceeding three 5 years without the option of a fine.

(4) Anyone who intentionally facilitates an illegal foreigner to receive public services to which such illegal foreigner is not entitled shall be guilty of an offence and liable on conviction to a fine.

(5) Any civil servant who provides false or intentionally inaccurate or unauthorised 10 documentation or benefit to an illegal foreigner, or otherwise facilitates such illegal foreigner to disguise his or her identity or status, or accepts any undue financial or other consideration to perform an act or to exercise his or her discretion in terms of this Act, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years, provided that if such civil servant is employed by the Department 15 such offence shall be punishable by imprisonment not exceeding three years without the option of a fine.

(6) Anyone failing to comply with one of the duties or obligations set out under sections 42 to 46 of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding 18 months. 20

(7) Anyone participating in a conspiracy of two or more persons to conduct an activity intended to violate this Act repeatedly shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding four years, provided that if part of such activity is conducted or intended to be conducted in a foreign country the offence shall be punishable by imprisonment not exceeding four years without the option of a 25 fine.

(8) Anyone who wilfully or through gross negligence produces a false certification contemplated by this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year, and shall be suspended from the relevant professional association for a period not exceeding two years. 30

(9) Anyone, other than a civil servant, who produces a document purporting to be a document issued or administered by the Department shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years.

(10) Anyone who through offers of financial or other consideration or threats, compels or induces an officer to contravene this Act or to breach such officer's duties shall be 35 guilty of an offence and liable on conviction—

(a) to a fine or to imprisonment not exceeding 18 months; or

(b) if subsequently such officer in fact contravenes this Act or breaches his or her duties, to a fine or to imprisonment not exceeding three years.

(11) Anyone guilty of the offence contemplated in section 37(10) shall be liable on 40 conviction to a fine or to imprisonment not exceeding six months.

(12) A Court may make an order as to costs in favour of the Department to the extent necessary to defray the costs referred to in section 37(3) against—

- (a) any illegal foreigner referred to in subsection 37(3);
- (b) any person who contravened section 45;
- (c) any person who conveyed into the Republic a foreigner without the required transit visa; or
- (d) any person who committed an offence contemplated in subsections (5), (7), (8) or (10),

which order shall have the effect of a civil judgment of that court.

Administrative offences

50. (1) Any *foreigner* who leaves the *Republic* after the expiry of his or her permit shall be liable to an administrative fine of a *prescribed* amount not exceeding R3000, which fine shall be imposed by the *Department* on detection of the overstay and exacted when such *foreigner* is admitted or makes an *application* with the *Department*.

(2) Anyone who through negligence produces an incorrect certification contemplated by *this Act* shall be liable to an administrative fine of a *prescribed* amount not exceeding R8000, which fine shall be imposed by the *Department*.

(3) Any *owner* or *master* of a *ship* who through negligence contravenes the provisions of section 35 shall be liable to an administrative fine of a *prescribed* amount not exceeding R10 000, which fine shall be imposed by the *Department*.

TRANSITIONAL PROVISIONS

Transitional definitions

51. In respect of sections 52 and 53 the following additional or different definitions shall apply, unless the context requires otherwise:

- (i) “prescribe” means to provide through *regulations* and “*prescribed*” has a correspondent meaning;
- (ii) “previous Act” means the Aliens Control Act, 1991 (Act No. 96 of 1991);
- (iii) “*published*” means *published* in the *Government Gazette*; and
- (iv) “*regulations*” means both general and specific rules adopted by the *Minister* and *published*.

Functions of *Department* and *Board*

52. (1) Until the *Board* is duly constituted and operational, any regulation required in terms of *this Act* shall be *prescribed*.

(2) Subject to *this Act*, any *regulations* adopted under the previous Act shall remain in force and effect until repealed or amended.

(3) The *Board* shall be convened within 90 days of the coming into force of *this Act*.

Existing Permits

53. (1) Any permanent residence permit validly issued in terms of the previous Act shall be deemed to have been issued in terms of, and in compliance with, *this Act*.

(2) Any permit issued in terms of the previous Act for a determined period shall continue in force and effect in accordance with the terms and conditions under which it was issued, but may only be renewed in terms of *this Act*, provided that—

- (i) the *Department* may waive the requirement to submit a new *application*, and
- (ii) for good cause the *Department* may authorise a permit to be renewed in terms of the previous Act.

(3) Any exemptions for an undetermined period granted in terms of section 28(2) of the previous Act shall be deemed a permanent residence permit for the purposes of *this Act*, and any exemption granted for a determined period shall continue in force and effect in accordance with the terms and conditions under which it was issued.

(4) Permits issued under section 41 of the previous Act shall continue in force and effect in accordance with the terms and conditions under which they were issued, but may not be renewed. 5

Repeal of laws

54. (1) The laws mentioned in Schedule 3 are hereby repealed or amended to the extent set out in its third column. 10

(2) Anything done under the provisions of a law repealed by subsection (1) and which could have been done under *this Act* shall be deemed to have been done under *this Act*.

Short title and commencement

55. (1) This Act shall be referred to as the Immigration Act, 2002, and shall come into force and effect on a date determined by the *President* by proclamation in the *Government Gazette*. 15

(2) The date of coming into force and effect of section 37 shall be determined in consultation with the *Minister* for Justice and Constitutional Development.

Schedule 1

Offences referred to in section 28(a) and (b) of *this Act*

Treason against the *Republic*
Murder
Rape, other than statutory rape
Indecent Assault
Robbery
Kidnapping
Assault when a dangerous wound is inflicted
Arson
Any conspiracy, incitement or attempt to commit an offence referred to in this
Schedule

Schedule 2

Offences referred to in section 28(b) of this Act

Corruption
Sedition
Public violence
Culpable Homicide
Bestiality
Malicious injury to property
Breaking and entering any *premises*
Theft
Receiving stolen property knowing it to have been stolen
Fraud
Forgery or uttering a forged document knowing it to have been forged
Offences relating to coinage
Any offence relating to the illicit possession, conveyance or supply of dependence-producing drugs
Any conspiracy, incitement or attempt to commit an offence referred to in this Schedule
Any offence the punishment of which may be a period of imprisonment exceeding six months without the option of a fine

Schedule 3

Laws repealed or amended

No and year of law	Short Title	Extent of the repeal or amendment
Act No. 96 of 1991	Aliens Control Act, 1991	The whole repealed
Act No. 75 of 1995	Aliens Control Amendment Act, 1995	The whole repealed
Act No. 88 of 1995	South African Citizenship Act, 1995	<p>1. Amendment of section 1 Section 1 of the South African Citizenship Act, 1995 (hereinafter referred to as "<i>the principal Act</i>") is hereby amended by the addition of the following definition: - "<i>prescribed</i>", as used in <u>section 5 of this Act</u>, has the meaning assigned thereto in <u>the Immigration Act of 2002;</u>"</p> <p>2. Amendment of section 26 The following subsection is hereby added to the end of section 26 of <i>the principal Act</i>: “(5) In case of an inconsistency between this Act and <u>the Immigration Act of 2002</u>, the latter shall prevail.”</p> <p>3. Implementation The amendments to <i>the principal Act</i> shall come into force and effect at a date <i>prescribed</i> by the <i>Minister</i>, provided that the <i>Minister</i> may determine different dates for different provisions thereof.</p>

No and year of law	Short Title	Extent of the repeal or amendment
Act No. 130 of 1998	Refugees Act, 1998	<p>1. Amendment of section 1 Section 1 of the Refugees Act, 1998 (hereinafter referred to as "<i>the principal Act</i>"), is hereby amended by—</p> <p>(a) the addition or substitution of the following definitions: - "<i>Board</i>" has the meaning assigned thereto in the <u>Immigration Act of 2002</u> - "<i>Court</i>" has the meaning assigned thereto in the <u>Immigration Act of 2002</u> - "<i>prescribed</i>" has the meaning assigned thereto in the <u>Immigration Act of 2002;</u>"</p> <p>(b) the deletion of the following definitions: - "<i>Aliens Control Act</i>"; - "<i>Appeal Board</i>".</p> <p>2. Amendments to <i>principal Act</i> (1) <i>The principal Act</i> is hereby amended by substituting— (a) the word "<i>Minister</i>" with the words "<i>Minister, acting after consultation with the Board</i>", where such word occurs in sections 7[1] and 10; (b) the word "<i>Minister</i>" with the word "<i>Department</i>" where such word occurs in sections 22 and 23; (2) <i>The principal Act</i> is hereby amended by deleting—</p>

No and year of law	Short Title	Extent of the repeal or amendment
		<p>(a) the words “and Appeal Board” and the word “both” where they occur in sections 15, 16, 19 and 20; and</p> <p>(b) the words “or Appeal Board” where they occur in sections 17 and 18.</p> <p>(3) <i>The principal Act</i> is hereby amended by deleting sections 12, 13 and 14 and by substituting section 26 with the following section:</p> <p>“Appeals</p> <p>26. [(1) Any asylum seeker may lodge an appeal with the Appeal Board in the manner and within the period provided for in the rules if the Refugee Status Determination Officer has rejected the application in terms of section 24(3)(c).</p> <p>(2) The Appeal Board may after hearing an appeal confirm, set aside or substitute any decision taken by a Refugees Status Determination Officer in terms of section 24(3)(c).</p> <p>(3) Before reaching a decision, the Appeal Board may—]</p> <p><u>An Asylum seeker may lodge an appeal with a Court in the manner and within the period provided for in the rules, and such Court shall hear and determine any relevant question of law or fact in terms of this Act provided that, before reaching a decision, such court may—</u></p>

No and year of law	Short Title	Extent of the repeal or amendment
		<p>(a) invite the UNHCR representative to make oral or written representations;</p> <p>(b) refer the matter back to the Standing Committee for further inquiry and investigation;</p> <p>(c) request the attendance of any person who, in its opinion, is in a position to provide the [Appeal Board] Court with relevant information;</p> <p>(d) of its own accord make further inquiry or investigation;</p> <p>(e) request the applicant to appear before it and to provide any such other information as it may deem necessary.</p> <p>[(4) The Appeal Board must allow legal representation upon the request of the applicant.]”</p> <p>3. Implementation</p> <p>The amendments to <i>the principal Act</i> shall come into force and effect at a date <i>prescribed</i> by the <i>Minister</i>, provided that the <i>Minister</i> may determine different dates for different provisions thereof ensuring that the relevant provisions come into force only after the <i>Courts</i> have been partially or fully established.</p>

DEPARTMENT OF HOME AFFAIRS
Immigration Act, 2002 (Act No. 13 of 2002)

Immigration Regulations

The Minister of Home Affairs has, in terms of section 52 read with section 51 of the Immigration Act, 2002 (Act No. 13 of 2002), made the Regulations hereunder.

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Regulation 1

Definitions

- (1) In these Regulations, unless the context indicates otherwise,
- (a) the definitions set out in section 1 of the Act shall apply within these Regulations;
 - (b) "days", means calendar days;
 - (c) "Department" means the Department as defined in the Act, taking into account, where applicable, sub-regulation 14(3) and (4) in respect of the functioning and structure of the Department for purposes of the Act and these Regulations;
 - (d) "examination" means an investigation as contemplated in sub-regulation 10(3);
 - (e) "good cause" means a balanced relation between the circumstances of the case and the action to be taken, in which the action is justified, equitable and consonant with the objectives of the Act;
 - (f) "mission" means a representative office of the Republic outside the Republic;
 - (g) "Region" means a structure of the Department referred to in sub-regulation 14(3);
 - (h) "Regional Director" means the person appointed by the Minister to be in charge of a Region;
 - (i) "the Act" means the Immigration Act, 2002 (Act 13 of 2002); and

- (j) “these Regulations” means these regulations and includes the Schedules and Annexure thereto, provided that in case of any inconsistency, these regulations and its Schedules shall prevail over its Annexure.
- (2) These Regulations and the definitions set out herein, inter alia, regulate the implementation of the Act.

Regulation 2

Applications

- (1) The application referred to in section 1(1)(ii) of the Act shall, in respect of each category listed in column 2 of Schedule A, be in the form of and substantially contain the information set out in the corresponding Annexure listed in column 3 of Schedule A.
- (2) The documentation and information referred to in section 1(1)(ii) of the Act shall, in respect of each category listed in column 2 of Schedule A, be set out in column 4 of Schedule A, provided that in addition the Department may require any applicant to submit a full set of fingerprints.
- (3) A permit, or other document applied for, referred to in column 2 of Schedule A, shall be in the form of and substantially contain the information set out in the corresponding Annexure contemplated in column 5 of Schedule A.
- (4) The terms and conditions that may be imposed in respect of each permit or document listed in column 2 of Schedule A are those set out in column 6 of Schedule A.
- (5) An application listed in column 2 of Schedule A shall be lodged at the corresponding place listed in column 7 of Schedule A.
- (6) Any source document that accompanies an application shall be an original or a copy authenticated by the issuing authority or a certifying authority or entity of the country of origin, and shall, if applicable, be translated into one of the Republic’s official languages, which translation shall be certified as a correct translation by a sworn translator, provided that in the case of a visa this requirement may be waived.
- (7) Where an application is to be submitted in a foreign country, it shall be handed or mailed to:
 - (a) the mission in the foreign country of the applicant’s normal residence, which includes permanent residence and long-term temporary residence, or that in a foreign country of which the applicant validly holds a valid passport; or
 - (b) such mission as may from time to time be designated by the Director-General to receive applications in respect of an adjoining or nearby foreign country in which a mission is not presentprovided that when submitted to a mission other than the one referred to in paragraphs (a) and (b), such mission may prior to consideration, refer the application to the mission envisaged in paragraph (a) or (b) for comment.
- (8) An application to be lodged within the Republic, shall be handed or mailed to the Regional Director in the area in which the applicant intends to work or study or, in respect of any permit for purposes other than work or study, where he or she sojourns.
- (9) An application for status does not provide a status and does not entitle the applicant to benefits under the Act nor to sojourn in the Republic pending the Department’s decision in respect thereof.
- (10) The Department shall endeavour to finalise a decision flowing from a change of status within thirty days of its receiving a complete application, except when the applicant requests the Department to verify facts which, in terms of the Act or these Regulations, could form the object of a chartered account’s certification.

- (11) When an applicant submits to the Department that a document required by his or her application is not available or could only be acquired or produced with undue hardship, the requirement of such document may be waived by the Regional Director concerned when
 - (a) the information to be supplied by means of such document is proven by the applicant by means of his or her affidavit and the aforesaid non-availability or hardship in respect of such document is corroborated and explained by a representative of the foreign state concerned or by the foreign state where the applicant resides; or
 - (b) the relevant Regional Director is satisfied that there is good cause to waive it.
- (12) The Department may not impose any additional requirement of documentation, information, reports or consultative steps with other *organs of State* or entities or person or other application requirements beyond what is provided for in the Act and these Regulations.
- (13) *Applications* in writing must be signed by the relevant applicant, and may be submitted through and handled by an immigration practitioner.
- (14) Without undue delay, the *Department* shall
 - (a) process an application; *or*
 - (b) inform the applicant when it cannot do so or when additional information or action is required on the side of the applicant.
- (15) An applicant does not need to submit documentation which is already in the possession of the *Department* and may be retrieved and/or copied from the *Department's* records, provided that when the *Department* is required to retrieve information in its possession, any deadline set out in these *Regulations* may be reasonably postponed.
- (16) The Department may issue a permit on condition that documentation required by the Act or these Regulations be supplied after the issuance of such permit as determined by the Department or as contemplated in these Regulations, in which case such permit shall lapse if the permit holder fails to produce such documentation within the applicable deadline and after the Department has given such permit holder 10 days to correct such failure.

Regulation 3

Customary union

For purposes of section 1(1)(ix) of the Act, a customary union shall only be recognised and documented,

- (1) in terms of the provisions of the Recognition of Customary Marriages Act, 1998 (Act No 120 of 1998);
- (2) in the case of a relationship established in a foreign country, where it is substantiated by an official certificate issued, or endorsed for authenticity by the consular officer of that foreign country in the Republic, failing which by the issuing authority, stating that
 - (a) a customary union is legally recognised in that foreign country and has the characteristics of an intended permanent relationship which calls for cohabitation and mutual financial and emotional support;
 - (b) the relationship of the persons concerned falls within the scope of jurisdiction of that foreign country; and
 - (c) having satisfied all relevant legal or factual requirements, the persons concerned are in a customary union; or
- (3) in the case of relationships established in the foreign countries listed in part 1 of Schedule H, the relationships cited in the corresponding second column shall be proven as stated therein, provided that for good cause a party to a relationship

contemplated in this sub-regulation may invoke the procedure set out under sub-regulation(2).

Regulation 4

Appointment of immigration officers

- (1) An officer of the Department shall be an “immigration officer” if appointed as such by the Director-General or a Regional Director subject to the power of the Director General to revoke with immediate effect any appointment made by a Regional Director.
- (2) An appointment envisaged in sub-regulation (1)
 - (a) may be for all or for some of the powers or functions vested in an officer or an immigration officer in terms of the Act and subject to the person concerned having been successfully tested on his or her knowledge of the Act and these Regulations; and
 - (b) may be of an individual or a category; provided that in the case of an individual the appointment shall be confirmed by an appointment certificate.
- (3) Persons or categories of persons who are not officers of the Department shall only be appointed as immigration officers if their appointment is necessary for the execution of the Act, provided that such appointments shall comply with sub-regulation (2) supra.
- (4) Any legal person appointed as an immigration officer shall be duly contracted through public tender and held accountable to one or more Regional Directors and/or the Director General and shall be subject to any contract and other conditions which the Department may determine from time to time.

Regulation 5

Marriage

The legally sanctioned conjugal relationship under the law of a foreign country referred to in section 1(1)(xxi) of the Act, other than a customary union, shall be deemed to be a marriage only if

- (1) proven by the documentation of the relevant foreign country as set out in part 2 of Schedule H showing that such relationship subsisted as per 6 months prior to its submission to the Department; or
- (2) in respect of countries other than those listed in part 2 of Schedule H, substantiated by an official certificate issued, or endorsed for authenticity, by the consular officer of that foreign country in the Republic, failing which by the issuing authority, showing that such relationship subsists as per 6 months prior to its submission to the Department

provided that the benefits in terms of the Act of such spousal relationship shall be extended to one spouse only.

Regulation 6

Passports

- (1) A “passport” shall include a valid passport, emergency passport, emergency travel certificate, temporary passport, document for travel purposes, travel document and laissez-passer, including the laissez-passer issued to refugees in terms of the United Nations 1951 Convention Relating to the Status of Refugees.
- (2) The passport or other document referred to in sub-regulation (1) shall contain the following information and characteristics:
 - (a) the full name, date and place of birth of the bearer;
 - (b) a photograph clearly depicting his or her facial features;
 - (c) the name of the issuing authority;
 - (d) the date and place of issuance and the date of expiry;

- (e) at least one unused page when presenting the passport for endorsements; and
 - (f) if issued to a non-citizen of the issuing country, the document may not in any manner limit the holder's re-admission to the country of issuance.
- (3) Valid documents issued by the following international, regional and sub-regional organisations recognised by the Government of the Republic shall be regarded as passports for the purpose of the Act when issued to a person who is not a citizen:
- (a) the main laissez-passer of the United Nations, excluding the travel documents issued by the agencies of the United Nations;
 - (b) the laissez-passer of the African Union, or its predecessor, the Organisation for African Unity;
 - (c) the laissez-passer of the European Union issued to its officers on official duty;
 - (d) the laissez-passer of the Southern African Development Community; and
 - (e) the laissez-passer of the African Development Bank.
- (4) A person seeking admission by means of the document envisaged in section 1(1)(xxvi)(d) of the Act shall not proceed to a port of entry before having obtained approval to report there from the Director-General under such conditions as may be relevant for the implementation of the Act.

Regulation 7

Ports of Entry

- (1) The ports of entry referred to in section 1(1)(xxvii) of the Act are the areas dedicated to the clearance of people or goods accompanying people entering and exiting the Republic within a place listed in Schedule B to these Regulations.
- (2) The Director-General shall determine the hours of attendance of immigration officers at these ports of entry, provided that different times may be determined for different ports of entry.
- (3) A notice stating the hours determined in sub-regulation (2) shall be posted at each port of entry in a place visible to the public.
- (4) When a person calls at a port of entry for the purpose of admission to or departure from the Republic outside the official hours determined in terms of sub-regulation (2) he or she shall be liable to pay an overtime fee calculated at the following rate:
- (a) R100-00 per each hour or part thereof for each immigration officer who has to render such overtime services, when such person informed the immigration officer in control of the port of entry concerned, beforehand during the official hours of that port of entry, of the date and time of the intended call at that port of entry, and call at the port of entry concerned within the hours and the date so arranged; or
 - (b) R200-00 per each hour or part thereof in respect of each immigration officer who has to render such overtime services in all other cases.

Regulation 8

Other conveyance

The prescribed conveyance envisaged in section 1(1)(xxxv) of the Act shall to the reasonable and practical extent, be all other conveyances in respect of persons entering, seeking to enter or who have entered the Republic by means of such conveyances or on foot.

Regulation 9

Spousal affidavit

The affidavit required in section 1(1)(xxxvi) of the Act for a spouse who is a party to a permanent homosexual or heterosexual relationship shall prove a relationship with the features stated in such section of the Act and shall

- (a) show the exclusion of any other person from the spousal relationship; and
- (b) state that both parties have never been married; or
- (c) having been married, submit proof of legal divorce or decease of spouse and shall be in the form of and contain the information set out in Annexure 1.

Regulation 10

Visa and Examination

- (1) A visa or a transit visa, as the case may be, contemplated in sections 1(1)(xlii) and 24(2) of the Act shall
 - (a) be in the form and substantially contain the information set out in Annexure 3; and
 - (b) comply with the requirements set out under items 1 and 33 of Schedule A, provided that the fee referred to in paragraph (b) of column 4 shall only be applicable to the nationals of countries listed in Schedule D.
- (2) The provisions set out in Schedule C shall determine the foreigners who do not require a visa in order to report for an examination at a port of entry and the conditions of such exemption, provided that
 - (a) a foreigner who, in terms of these Regulations, would require a visa may report for an examination and, upon successful examination and the payment of a R800 fee, may be admitted without a visa if he or she makes a deposit of R14 000-00 in cash or by charge on a major credit card, which deposit shall be returned upon his or her departure or forfeited in case of his or her failure to depart on time or breach of the terms and conditions of his or her status; and
 - (b) the foreigner referred to in paragraph (a) may not avail himself or herself of the option set out in paragraph (a) whenever the Department or the relevant immigration officer has reason to believe that his or her entry without a visa may not be in the interest of the Republic or conducive to the proper administration of the Act and the fulfilment of its objectives.
- (3) The examination of a foreigner in terms of sections 1(1)(xlii) and 10(2) of the Act shall include identification in terms of sub-regulation 17(1) and may include interrogation and fingerprinting, and such foreigner shall
 - (a) present himself or herself to an immigration officer at a port of entry;
 - (b) satisfy such immigration officer that he or she is not, nor is he or she likely to become
 - (i) an illegal foreigner;
 - (ii) an undesirable person;
 - (iii) a prohibited person; or
 - (iv) a foreigner with financial resources insufficient to maintain him- or herself and his or her dependants during the intended stay in the Republic and to undertake the return or onward journey;
 - (c) provide proof of settlement of any outstanding administrative fine imposed under section 50(1) of the Act;
 - (d) hand to the immigration officer, if required to do so, a form containing substantially the information prescribed in Annexure 4, provided that
 - (i) notwithstanding the fact that such form has been completed prior to reporting to an immigration officer, the immigration officer concerned may require of such person either to complete such form once again, or to make a declaration containing substantially the information prescribed in Annexure 5; and
 - (ii) if a person is unable to fill in or understand such form or declaration, the immigration officer must question him or her, if necessary with the help of an interpreter, and thereafter the

- immigration officer must fill in the form or declaration or cause it to be filled in and thereupon require such person to sign such form or declaration or to affix his or her left thumb print thereto; and
- (e) when seeking admission into the Republic, submit, if so required by an immigration officer, to an examination by a medical practitioner designated by the Director-General if it is suspected that such person is afflicted with any infectious disease, which under this Act would render him or her a prohibited person, provided that the medical examination of such a person who has arrived in the Republic on a ship must take place either on such ship, or at such other convenient place as determined by an immigration officer, as soon as possible after the arrival of the ship.
- (4) Failure on the part of a foreigner seeking admission into the Republic to comply with the examination procedures contained in sub-regulations (a) to (e) supra or to answer any legitimate and pertinent question shall cause such foreigner to be dealt with in terms of section 34(8) of the Act.
 - (5) The issuance of a visa to a person who qualifies for a temporary or permanent residence permit in terms of the Act and these Regulations may be refused only for good cause.
 - (6) In the case of a person found to be inadmissible by an immigration officer after an interview, such immigration officer shall record the general contents of such interview substantially as set out in Annexure 5A.

Regulation 11

Certification by a person other than a chartered accountant

- (1) Whenever, in terms of section 1(2) of the Act, an applicant elects to furnish a certification by a person other than a chartered accountant, the full names, date of birth, status, identity document or passport number, position, capacity and qualifications of such person to whom the facts are known shall be made known and proven to the Department.
- (2) Pursuant to section 2(1)(k) of the Act, when the Department is required to verify such facts as envisaged in section 1(2) of the Act,
 - (a) an additional fee of R10 000-00 in respect of sections 15, 19, 21, 26 and 27 of the Act or
 - (b) an additional fee of R6 000-00 in respect of section 18 of the Act shall be payable on application, provided that where the costs incurred by the Department exceed this amount, such additional amount shall be paid by the applicant prior to the final consideration of the application; and
 - (c) all documentation required by the Act and necessary for verification shall be submitted to the Department together with the certification.

Regulation 12

Objectives and Structures of Immigration Control

- (1) In pursuance of sections 2(1)(n) and 2(2)(f) of the Act, the Department may
 - (a) place airline liaison officers at selected ports in foreign countries from which illegal foreigners regularly depart to the Republic; and
 - (b) establish and maintain liaison officers in foreign countries from which large numbers of illegal foreigners originate in order to liaise with the relevant authorities of the foreign states concerned to seek their cooperation to conduct programmes which deter illegal immigration towards the Republic and facilitate the return and resettlement of deported illegal foreigners.
- (2) In order to inspect workplaces as envisaged in section 2(2)(a) of the Act, an immigration officer may, after having appropriately identified him- or herself, enter

workplaces without the need for a warrant to exercise the powers and perform the functions set out in the Act, and may inspect and make copies of employment and other relevant records.

- (3) (a) The figure to be reported to Parliament and the Board and to be known as the training fund envisaged in section 2(2)(g)(i) of the Act shall include 60% of all funds received or collected from employers in the form of the training fees set out in regulations 28(3) and 30(8), and of fines levied against employers for violation of the Act.
- (b) The figure to be reported to Parliament and the Board and to be known as the judicial assistance fund envisaged in section 2(2)(g)(iv) of the Act shall include 60% of all funds received or collected from fines, except those referred to in sub-regulation 3(a) above, and forfeited deposits and financial guarantees.

Regulation 13

Administering the Ports of Entry

- (1) In order to administer the ports of entry as envisaged in section 2(2)(l) of the Act, the Department shall appoint an official of the Department as the port manager at each port of entry, provided that the Department may appoint as such port manager an official employed by the South African Revenue Service or the South African Police Service in consultation, as the case may be, with the Commissioner of Revenue Services or the Provincial Commissioner of Police of the Province where the port of entry concerned is located.
- (2) The port manager shall perform all duties and functions necessary for the proper administration of the port of entry and the coordination of all the organs of State carrying out functions or exercising powers at the port of entry or in respect thereof, including, but not limited to ensuring the
 - (a) maintenance of communal facilities within the port of entry, excluding roads, but including perimeter fencing, water and sewerage services;
 - (b) maintenance of security within the port of entry perimeter;
 - (c) provision and maintenance of communal information technology equipment and accommodation;
 - (d) provision and reticulation of electric power within the port of entry, including the provision and maintenance of emergency back-up power;
 - (e) promotion and maintenance of conditions facilitating the flow and processing of persons, goods and vehicles through the port of entry;
 - (f) provision of access control;
 - (g) any budgetary requirements related to the functions and responsibilities listed or referred to in this sub-regulation,
 - (h) interdepartmental and intergovernmental liaison at the port of entry; andprovided that
 - (i) the office heads of all the other organs of State represented or operating at the port of entry shall report to the port manager for the purpose of the functions and responsibilities listed or referred to in this sub-regulation; and
 - (j) the Department may relieve a port manager of any of the functions and responsibilities listed or referred to in this sub-regulation when appointing him or her or at any time thereafter.
- (3) A port manager shall have no power in respect of the functional responsibilities and decision making of the officials employed by other organs of State represented or operating at the port of entry.
- (4) Unless otherwise determined by the Director-General, at ports of entry that are seaports, rail ports and airports, the owner of the premises shall fulfil any aspect of

the responsibilities related to the functions listed in sub-regulations 2(a) to (g) supra as directed by the port manager.

- (5) In administering the ports of entry the Department shall give due regard to the recommendations of the committee contemplated in section 6 of the Act.

Regulation 14

Powers of the Department

- (1) The services envisaged in section 3(1)(d)(ii) of the Act are those services referred to in section 42(1)(b)(i) and (ii) of the Act.
- (2) Subject to sub-regulations (3) and (4) the Director-General may delegate any of the powers and functions vested in him or her, in terms of the Act or received through delegation from the Minister, to an appropriate officer of the Department.
- (3) For purposes of the Act and these Regulations, the Department shall be structured into Regions to be determined by the Minister after consultation with the Board and presided over by a Regional Director appointed by the Minister.
- (4) A Regional Director shall
- (a) carry the primary responsibility of administering and applying the Act and these Regulations in respect of cases and applications in the Region, and may delegate his or her functions to other officials in writing and as he or she may decide from time to time, subject to ratification by the Director-General;
 - (b) subject to the Act and these Regulations, express the decision-making power of the Department in respect of cases and applications, and, in this respect, in his or her capacity, sue and be sued in the name and on behalf of the Department;
 - (c) when requested, personally or through his or her appointed officials, give reasons for a decision of the Department before the Minister or the Board; and
 - (d) through his or her appointed officials, represent the Department before a Court
- provided that the Director-General shall
- (e) ensure the uniform application of the Act and these Regulations;
 - (f) ensure the efficient and effective operation of the Department;
 - (g) liaise or interface with organs of foreign states or international institutions dealing with migration or law enforcement; and
 - (h) exercise and perform the other powers and functions set out in the Act and these Regulations.
- (5) The Department may have immigration officers in missions to exercise the functions of the Department.

Regulation 15

Immigration Advisory Board

- (1) The Board may establish and operate standing committees, which shall report to the Board, to carry out its functions on
- (a) border control and administration of ports of entry;
 - (b) investigations and enforcement;
 - (c) xenophobia and human rights protection;
 - (d) work and corporate permits and labour matters;
 - (e) temporary and permanent residence;
 - (f) international relations;
 - (g) security and liaison with law enforcement agencies; and
 - (h) general matters.
- (2) (a) Subject to these Regulations, the Board may adopt rules governing its meetings.

- (b) (i) The Board shall be validly constituted when two thirds of its members have been appointed;
- (ii) A meeting of the Board shall be validly constituted when half of its members are present; and
- (iii) A decision of the Board must be adopted with the support of half of its members present, with the Chairperson having a casting vote in the case of a tie, provided that a decision relating to the advice contemplated in regulation 28(3) shall be supported by two thirds of its members present.
- (c) The Chairperson shall convene the Board or a standing committee when so requested by the Minister or the Director-General and place on the agenda of such meeting or that of a standing committee, inter alia, any relevant matter requested by the Minister or the Director-General.
- (d) The Minister may attend and address any meeting of the Board or any of its committees.
- (e) The Minister may appoint the Chairperson of the Board on a full time basis if deemed necessary, and may determine the duration of his or her full time or part time appointment, which in any case, shall not exceed four years, subject to any renewal the Minister deems fit.

Regulation 16

Adjudication and Review Procedures

- (1) The notification of a contemplated decision envisaged in section 8(1) of the Act, shall be in the form of and substantially contain the information set out in Annexure 6.
- (2) The notification of an effective decision envisaged in sections 8(2) and 84) of the Act, shall be in the form of and substantially contain the information set out in Annexure 7.
- (3) Subject to the provisions of sub-regulation 19(6), a person at a port of entry who has been notified in terms of section 34(8) of the Act by an immigration officer that he or she is an illegal foreigner, shall depart forthwith and, unless subsequently admitted, shall only have access to the review procedure in terms of sections 8(2) and 8(3) of the Act from a foreign country.

Regulation 17

Admission and Departure

- (1) (a) In order to identify himself or herself in terms of section 9(2) of the Act, a citizen shall
 - (i) present himself or herself to an immigration officer at a port of entry; and
 - (ii) produce a passport or identity document issued in terms of the Identification Act, 1997 (Act No 68 of 1997), confirming his or her citizenship.
- (b) In order to identify himself or herself in terms of section 9(2) of the Act, a resident shall
 - (i) present himself or herself to an immigration officer at a port of entry, and
 - (ii) identify himself or herself as such by means of a valid passport, as well as proof of his or her status contemplated in sections 25(2) or 31(2)(b) of the Act.
- (c) The admission or departure of a resident shall be endorsed in his or her passport and recorded, except where bilateral agreements between the Republic and another country provide for the waiving thereof. The entry or

departure of a citizen shall not be recorded, provided that the Department may conduct any relevant investigation, including passport scanning, in respect of such citizen's request to depart from or enter the Republic and, for good cause, may deny a citizen the right to depart from, but not the right to enter the Republic.

- (d) When a foreigner enters the Republic as envisaged in section 9(4)(a) of the Act, his or her admission shall be recorded.
 - (e) A foreigner may only depart from the Republic if his or her departure has been recorded and his or her passport has been endorsed accordingly.
- (2) Any person who regularly crosses the border at a port of entry and in whose passport an immigration officer has, upon application, endorsed an exemption from the requirements of sub-regulations 10(3) or 17(1), shall only be required to report to an immigration officer upon the expiry of such exemption.
The application for and all matters pertaining to the application for and the issuance of such an exemption are contained in item 50 of Schedule A, provided that
- (a) an immigration officer may at any time during a crossing require a person to whom such an exemption was issued, to produce his or her passport; and
 - (b) an exemption granted in terms of this regulation may at any time be withdrawn by an immigration officer.
- (3) The application for and all matters pertaining to the application for and the issuance of the certificate referred to in section 9(3)(a) of the Act in lieu of a passport shall be in the form of and contain substantially the information prescribed and be subject to the conditions set out in item 2 of Schedule A, provided that, in respect of a deportee, the application provided for in column 3 of item 2 shall not be required.
- (4) The application for and all matters pertaining to the application for and the issuance of an exemption certificate referred to in section 9(3)(c)(i) of the Act and the written permission or passport endorsement referred to in 31(2)(c) of the Act are contained in item 3 of Schedule A.
- (5) Those foreigners who, in terms of these Regulations, may report to an immigration officer without a visa shall be deemed to hold a transit visa contemplated in section 24(2) of the Act when in transit at a port of entry.

Regulation 18

Temporary Residence Permits

- (1) The application for and other matters relevant to the application for and issuance of a temporary residence permit referred to in section 10(2) of the Act shall be as set out under the relevant items of Schedule A.
- (2) A foreigner who wishes to enter the Republic for a purpose for which a permit which cannot be issued at a port of entry in terms of Schedule A is required, may be admitted on a visitor's permit valid for a period of up to three months, provided that he or she qualifies for such permit and on condition that he or she shall report within 14 days of entry to an office of the Department to apply, on the form substantially containing the information set out in Annexure 14, for the required permit.
- (3) The extension or renewal of a temporary residence permit may be refused only for good cause when the foreigner concerned would qualify for such permit in terms of the Act and these Regulations.
- (4) A temporary or permanent residence permit, except a permit issued in terms of section 23 of the Act, shall be valid for multiple entries within its validity period, provided that this sub-regulation shall not apply to any permits issued in terms of section 22 of the Refugees Act, 1998 (Act No. 130 of 1998).

- (5) (a) A foreigner who wishes to apply for a change of status or conditions relating to his or her temporary residence permit, or to renew the validity of a permit issued in terms of section 11 of the Act, or to apply for a subsequent permit issued in terms of sections 12 to 20 and 22 of the Act whilst inside the Republic, must submit his or her application at least thirty days prior to the date of expiry of his or her permit.
- (b) In the case of a foreigner who does not apply at least thirty days prior to the date of expiry of the permit, but applies within the validity period of his or her permit, a visitor's permit not exceeding thirty days may be granted on application in order to allow such foreigner to await the outcome of the renewal or change of status or conditions application.
- (6) (a) In the case of an illegal foreigner who has not been arrested for the purpose of deportation or ordered to depart and who applies after the date of expiry of his or her permit, a visitor's permit may be issued or renewed on application, provided that such foreigner demonstrates, to the satisfaction of the Department, that he or she was unable to apply for the renewal or subsequent permit within the period specified in sub-regulation (5).
- (b) In the case of an illegal foreigner, excluding a prohibited person, who is the spouse or dependant, no older than 25 years of age, of a citizen or resident, who applies for a permit, a visitor's permit may be granted for a period not exceeding six months to enable such illegal foreigner to apply for any other temporary residence permit or permanent residence permit, within such period.
- (c) The applications for the subsequent permits referred to in paragraph (a), which shall be in the form of and substantially contain the information set out in Annexure 15, shall only be required to comply with the requirements under item 1 of Schedule A, and, if applicable, produce a certification by the relevant institution or person who vouched for the applicant's purpose of stay in the Republic showing that such purpose has not changed since the issuing of the initial permit.
- (7) The application for the change of status or conditions envisaged in sub-regulation (5) shall be in the form of and substantially contain the information set out in Annexure 16, and the renewal of a permit or a subsequent permit envisaged in sub-regulation 6(a) shall be in the form of and substantially contain the information set out in Annexure 17.
- (8) The Department shall, when approving an application for which more than one permit may be required, issue the relevant permit for the primary purpose of the applicant's stay and endorse such permit valid for any secondary purpose(s) as may be approved, subject to the provisions of the Act.
- (9) During the period of its validity, a temporary residence permit shall entitle its holder to report to an immigration officer at a port of entry for multiple admissions in the Republic, except a visitor's permit, subject to section 11(4) of the Act and regulation 19(8).

Regulation 19

Visitor's Permit

- (1) (a) The visitor's permit envisaged in section 11 of the Act shall be in respect of stays for all temporary purposes, not including work, other than those purposes for which the Act contemplates a different permit, and shall include but not be limited to tourism, business, education shorter than three months, medical treatment shorter than three months, visit of a relative shorter than three months, and working activities shorter than three months conducted in pursuance of

an employment contract concluded abroad, remunerated abroad and partially calling for performance abroad.

(b) The visitor's permit envisaged in section 11 of the Act shall be in the form of and substantially contain the information set out in Annexure 18, provided that where a visa was issued outside the Republic, upon admission such visa shall be considered to be a permit for the purpose of section 11 of the Act and the period of validity of such a permit shall, for the purpose of Schedule A, item 1, column 6(e), be calculated from the date of admission. The application for and all matters relevant to the application for and the issuance of a visitor's permit are as set out under items 4 to 9 of Schedule A.

- (2) The foreign countries envisaged in section 11(1)(b) of the Act shall be those listed in Schedule C, provided that the Department may, for good cause, exclude any person or category of persons from the provisions of section 11(1)(b) of the Act and such person or category of persons shall be subject to the provisions of section 11(1)(a) of the Act.
- (3) The financial guarantee envisaged in sections 11(1)(b) and 11(5) of the Act shall be required if the person concerned is considered by the immigration officer likely to become a public charge and shall be in the form of a return or onward ticket, or proof of sufficient funds to purchase such a ticket, or a cash deposit or major credit card refundable charge equal to the cost of such a ticket and/or an amount not exceeding R10 000-00, to be returned upon his or her departure or forfeited in case of his or her failure to depart on time or breach of the terms and conditions of his or her status.
- (4) The activities and cases envisaged in section 11(1)(ii)(dd) are those listed in item 9 of Schedule A and shall be dealt with in accordance with sub-regulation (1) supra.
- (5) A visitor's permit issued to a spouse in terms of section 11(1)(ii)(dd) shall lapse upon the dissolution of the spousal relationship, and the Department may at any time satisfy itself that a good faith spousal relationship exists and/or continues to exist as prescribed in regulation 33.
- (6) (a) An immigration officer at the port of entry concerned may, after having dealt with an illegal foreigner in terms of section 34(8) of the Act, afford such illegal foreigner the opportunity to be further examined, upon which the illegal foreigner shall
 - (i) submit to such immigration officer a duly completed form substantially containing the information in Annexure 19;
 - (ii) pay the processing fee prescribed in Schedule G; and
 - (iii) submit to any examination contemplated in these Regulations, as well as further examination by means of an interview, calling for
 - (aa) supporting documentation;
 - (bb) particulars of the illegal foreigner's contact person(s) in the Republic;
 - (cc) any other information to establish the bona fides of the illegal foreigner and his or her purpose of visit; and
 - (dd) any other information that may be relevant under the circumstances.
- (b) Following the examination contemplated in paragraph (a), the immigration officer may maintain the refusal of the illegal foreigner's admission, if for good cause such examination failed to satisfy the immigration officer that such person is not or is not likely to become an illegal foreigner, or if the immigration officer is satisfied that good cause exists why such person, albeit an illegal foreigner, should nevertheless be admitted.
- (c) Failure on the part of the illegal foreigner to satisfy the immigration officer as contemplated in sub-regulation (b) shall result in a decision of the immigration

officer in terms of section 34(8) of the Act, which decision shall be final in accordance with section 8(5) of the Act.

- (d) Following the examination contemplated in paragraph (a), if the relevant immigration officer has found the person concerned not to be or not likely to become an illegal foreigner, such immigration officer may admit such person.
 - (e) Following the examination contemplated in paragraph (a), if the relevant immigration officer is satisfied that good cause exists for the person concerned to be admitted despite being an illegal foreigner, such immigration officer shall communicate the application to a designated official of the Department for final consideration.
 - (f) If the designated official referred to in sub-regulation (e) approves the illegal foreigner's request for admission, the immigration officer concerned shall determine a deposit in accordance with the provisions of regulation 20 and the admission of the illegal foreigner shall be subject to such deposit having been paid.
 - (g) If an illegal foreigner is admitted in terms of sub-regulation (f), such illegal foreigner shall be issued with a visitor's permit for the purpose and period and under the conditions listed in item 4 of Schedule A.
- (7) Any non-citizen or non-resident, who does not otherwise have a status, shall be deemed to hold a visitor's permit while in detention or imprisoned for reasons other than being an illegal foreigner, which permit shall be deemed to have lapsed twenty four hours prior to such person's release for any reason or cause.
- (8) Unless otherwise specified therein or in a valid visa, a visitor's permit does not allow the bearer to be admitted more than once, provided that when a visa is not required in terms of these Regulations, and in the absence of any indication that the visitor's permit is for a single entry only, the visitor's permit shall allow multiple admissions.

Regulation 20

Deposit and Financial Guarantee

- (1) The amounts and guarantees envisaged in regulations 19(6)(f), 28(10) and 30(7) shall be determined by the immigration officer for good cause and under the circumstances but shall not exceed the sum of the following amounts
 - (a) the cost of a single ticket to the country of origin concerned;
 - (b) the cost of a return ticket to the country of origin of the foreigner for an escort;
 - (c) the detention and related costs of the illegal foreigner; and
 - (d) subsistence and travel costs and allowances for escort(s)
- (2) Any deposit or financial guarantee contemplated in these Regulations or in the Act shall be forfeited upon a material failure to meet the relevant condition, provided that when such condition is tied to a deadline a ten day grace period shall apply.

Regulation 21

Diplomatic Permit

- (1) A diplomatic permit envisaged in section 12 of the Act shall be in the form of, contain such information, and be subject to such conditions as set out in item 10 of Schedule A.
- (2) The international organisations referred to in section 12(1)(a) of the Act shall be those referred to in regulation 6(3).
- (3) The dignitaries of a foreign state envisaged in section 12(1)(e) of the Act, shall be those whom the Department of Foreign Affairs from time to time identified as such and notifies to the Director-General.
- (4) The Department of Foreign Affairs shall

- (a) inform the Department of any failure of a diplomatic permit holder to comply with the terms and conditions of his or her permit and to depart when required;
 - (b) inform the Department if under the circumstances at any time it lacks the capacity to perform satisfactorily the function contemplated in this regulation; and
 - (c) ensure that the requirements, procedures and forms for the issuance of a diplomatic permit are complied with, including the processing of the relevant application on behalf of the Department, provided that
 - (i) copies of all processed applications shall be sent to the Department; and
 - (ii) at any time the Department may elect to process an application or issue a diplomatic permit.
- (5) The application forms, the permit specimen or other document to be issued by the Department of Foreign Affairs in respect of a diplomatic permit shall, upon their publication in the Government Gazette, be deemed to be part of these Regulations, may be amended on the same basis as these Regulations are amended, and may be used by the Department when processing and/or issuing diplomatic permits.
- (6) In issuing a diplomatic permit in terms of section 12(1) of the Act, the Department may use the application forms, permit specimen or other document contemplated in sub-regulation (5), or may use those approved by the Minister or the Director General under the circumstances.

Regulation 22

Study Permit

- (1) (a) A study permit shall be issued by the Department in terms of section 13(1)(a) of the Act by means of an endorsement in the passport of the applicant as stipulated in column 5 of item 11(1) of Schedule A.
 - (b) A study permit shall be issued by the Department in terms of section 13(1)(b) of the Act by means of an endorsement in the passport of the applicant as stipulated in column 5 of item 11(2) of Schedule A.
- (2) For the purposes of the Act, study shall mean study at a primary, secondary or tertiary educational institution or any other bona fide institution of learning, including but not limited to professional, training, cultural, technical, research, vocational, sportive, language and entertainment institutions of learning.
- (3) The guarantees required in section 13(1)(b)(iii) of the Act shall mutatis mutandis be the proof of financial means referred to in item 1, column 4(d) of Schedule A, provided that the Department may waive this requirement in respect of nationals of specific countries.
- (4) The periodic certification required in terms of section 13(1)(b)(v) of the Act shall be in the form of and substantially contain the information prescribed in Annexure 20.
- (5) Validity of the study permit
- (a) Permits for tertiary education may be validated for the duration of the course.
 - (b) Permits for primary and secondary education may be validated for the period for which the student has been accepted.
 - (c) Permits for other institutions of learning may be validated for the duration of the course.
- (6) The holder of a study permit may conduct work as envisaged in section 13(3)(a) of the Act, provided that the period that such person may undertake part-time work shall not exceed 20 hours per week, and provided further that this limitation shall not apply during academic vacation periods and that the registrar of the institution concerned consents to it in writing.

- (7) The holder of a study permit may be granted permission as envisaged in section 13(3)(c) of the Act, on application, to conduct work in the form of practical training in a field related to his/her studies, on submission of the following documentation:
 - (a) a letter from the educational institution confirming that practical training is required or advantageous to complete the intended study experience; and
 - (b) a letter from the prospective employer, offering practical training.
- (8) When a permit is to be issued in terms of section 13(1)(b) of the Act, the registrar's office or the designated official as envisaged in section 13(1)(b) of the Act may be authorized to submit an application for a study permit complying with the requirements of column 4 of item 11(2) of Schedule A on behalf of a prospective student. The educational institution may apply for such authorisation by submission of a written request that includes, when applicable, proof of registration with the Department of Education, or other relevant body.
- (9) The authorisation envisaged in sub-regulation (8) may be withdrawn upon non-compliance with the Act or unsatisfactory performance in fulfilling the obligations arising out of section 13(1)(b) of the Act.
- (10) Pursuant to section 2(1)(k) of the Act, where the applicant opts to apply for a study permit in terms of section 13(1)(a) of the Act in respect of a learning institution in respect of which a study permit in terms of section 13(1)(b) of the Act can be applied for, an additional fee of R6 000-00 shall be payable on application.

Regulation 23

Treaty Permit

- (1) A treaty permit shall be issued in terms of section 14(2)(a) of the Act by means of an endorsement in the passport of the applicant as prescribed in column 5 of item 12 of Schedule A.
- (2) The treaty permit may be issued by
 - (a) the Department;
 - (i) after having verified that such foreigner falls within the specifically intended class of persons covered by such agreement or treaty;
 - (ii) subject to terms and conditions which reflect the provisions and purposes of such treaty or agreement and of such foreigner's sojourn or activities in the Republic; and
 - (iii) in such a manner that such foreigner's compliance with the immigration laws and permit's terms and conditions may be monitored, or
 - (b) the Department of Foreign Affairs or the other organ of State responsible for the implementation of the treaty concerned under a delegation from the Department, provided that
 - (i) information relating to the failure of such foreigner to comply with the terms and conditions of the permit and to depart when required, is conveyed to the Department;
 - (ii) the organ of State concerned satisfies the Department that, under the circumstances, it has the capacity to perform this function; and
 - (iii) such organ of State ensures that the requirements, procedures and forms for the issuance of such permit are complied with, including the processing of the relevant application on behalf of the Department, provided that
 - (aa) copies of all processed applications shall be sent to the Department; and
 - (bb) at any time the Department may elect to process an application.

Regulation 24

Business Permit

- (1) A business permit envisaged in section 15 of the Act shall be in respect of qualifying investors and self-employed foreigners and the application for such permit shall be submitted in accordance with items 13 and 14 of Schedule A.
- (2) An application referred to in sub-regulation (1) shall include a certification by a chartered accountant to the effect that at least two of the following criteria are met, one of which shall be the one contemplated in paragraph (a),
 - (a) at least R2 500 000-00 value invested as part of the book value of the business;
 - (b) business track record to prove entrepreneurial skill;
 - (c) proof that the business contributes to the geographical spread of economic activity;
 - (d) proof that at least five citizens or residents shall be employed;
 - (e) proof that the business in question is in one of the following sectors
 - (i) information & communication technology;
 - (ii) clothing & textiles;
 - (iii) chemicals & biotechnology;
 - (iv) agro-processing;
 - (v) metals & minerals;
 - (vi) automotives & transport;
 - (vii) tourism; or
 - (viii) crafts.
 - (f) the export potential of the business; or
 - (g) calls for or involves a transfer of technology not previously generally available in the Republic.
- (3) The financial or capital contribution envisaged in section 15(1)(a) of the Act for the establishment of a business shall originate from abroad and may include intangibles generally accepted in terms of accounting principles as business assets, and shall be in the form of foreign capital.
- (4) The certificate envisaged in section 15(1)(c) of the Act shall certify compliance with the criteria set out in sub-regulation 24(2) and must be submitted in support of each application, as well as each application for a renewal of the permit.
- (5) Business permits may be issued as valid for 24 months at a time.
- (6) The work referred to in section 15(2) of the Act that may be conducted by the holder of a business permit shall be limited to any work related to the relevant business activities.
- (7) A business permit may be withdrawn if the business no longer maintains the capitalisation set out in sub-regulation (2)(a).
- (8) On application, the Department shall reduce the capitalisation set out in sub-regulation (2)(a) on the basis of a recommendation of either the Department of Trade and Industry or the Department of Science and Technology, or may do so on the basis of a recommendation of another competent organ of State.

Regulation 25

Crew Permit

- (1) The crew permit referred to in section 16 of the Act shall be in the form of and contain such information and be subject to such conditions as set out in items 15 and 16 of Schedule A.
- (2) Crew members who are on board or who have joined a ship open to the public of a foreign country in a port of entry and who have been entered into the articles of the ship shall be deemed to be in possession of crew permits envisaged in section 16 of

the Act and, if required, of a visa, provided the owner or master of the ship has complied with the financial guarantees stipulated in this regulation in respect of such crew and has paid any outstanding fine.

- (3) The financial guarantees referred to in sections 16(1)(b)(ii) and (iii) of the Act respectively shall be in the form of an agreement with the owner of such ship whereby the owner undertakes or it is undertaken on behalf of the owner represented by an agent at the port of entry, that all crew who are entered in the articles of the ship shall be on board when the ship leaves such port of entry, failing which the owner shall forfeit an amount of R5 000-00 to the Department in respect of each such crew member, as well as all costs related to the tracing, detention and removal of such crew member.
- (4) The predetermined area referred to in section 16(2) of the Act shall be the environs of the port city or the shortest route between the ship and the port of entry or the area where the permit holder indicates to the immigration officer he or she has planned to dwell while the ship is ashore or landed.

Regulation 26

Medical Treatment Permit

- (1)
 - (a) A medical treatment permit shall be issued by the Department in terms of section 17(1)(a) of the Act by means of an endorsement in the passport of the applicant as stipulated in column 5 of item 17(1) of Schedule A.
 - (b) A medical treatment permit shall be issued by the Department in terms of section 17(1)(b) of the Act by means of an endorsement in the passport of the applicant as stipulated in column 5 of item 17(2) of Schedule A.
- (2) For the purposes of the Act, medical treatment shall mean treatment at a private or public hospital or health facility or any other bona fide institution of treatment, including but not limited to health farms, sanatoria, old age homes, physiotherapy or rehabilitation centres and detoxification centres.
- (3) The periodic certification required in terms of section 17(1)(b)(iv) of the Act shall be in the form of and substantially contain the information prescribed in Annexure 20A.
- (4) When a permit is to be issued in terms of section 17(1)(b) of the Act, the admissions office or the designated official as envisaged in section 17(1)(b) of the Act may be authorized to submit an application for a medical treatment permit complying with the requirements of column 4 of item 17(2) of Schedule A on behalf of a prospective patient. The medical treatment institution may apply for such authorisation by submission of a written request that includes, when applicable, proof of registration with the Department of Health, or other relevant body.
- (5) The authorisation envisaged in sub-regulation (4) may be withdrawn upon non-compliance with the Act or unsatisfactory performance in fulfilling the obligations arising out of section 17(1)(b) of the Act.

Regulation 27

Relative's Permit

- (1) The application for and other aspects relevant to the application for and the issuance of a relative's permit as envisaged in section 18 of the Act, are as set out under item 18 of Schedule A.
- (2) The financial assurance required by section 18(1) of the Act shall consist of the following documentation
 - (a) certification by a chartered accountant confirming the sponsor's and/or the joint means of support of the applicant and the sponsor, for the requested duration of the permit;

- (b) the minimum amount required in respect of sub-regulation (a) shall be R5 000-00 per month per person, which shall not apply in the case of a spouse or a dependent minor child.
- (3) The period of validity of the permit shall be determined by the financial assurance provided, but will not exceed a period of 24 months at a time.
- (4) A relative's permit issued to a spouse shall lapse upon the dissolution of the spousal relationship and the Department may at any time satisfy itself that a good faith spousal relationship exists and / or continues to exist as prescribed in regulation 33.

Regulation 28

Work Permit

- (1) A quota work permit envisaged in section 19(1) of the Act shall be issued by the Department by means of an endorsement in the passport of the applicant.
- (2) The application for and other matters relating to the application for and the issuance of a quota work permit are set out under item 19 Schedule A.
- (3) The employer of a foreigner who is issued with a quota permit as envisaged in section 19(1) of the Act shall pay a training fee in respect of each such employee, amounting to two percent of such foreigner's taxable remuneration to be paid quarterly and in advance, provided that, within fourteen months of the commencement of these Regulations, this amount may be changed in general or in respect of one or more identified categories of workers by public notice in the Government Gazette issued by the Minister acting in consultation with the Board. By public notice in the Government Gazette the Minister shall determine how such training fee is to be collected by the Department or by other organ of State or other entity of behalf of the Department.
- (4) (a) A quota work permit may be issued to a foreigner provided that such foreigner's prospective employer has submitted to the Department
 - (i) the certification from a chartered accountant as set out in section 21(2)(a) of the Act, provided that a copy of such certification shall be conveyed to the relevant office of the Department of Labour, and if objected to for good cause by such office of the Department of Labour within fifteen days of its receipt, such permit shall lapse;
 - (ii) a certification from a chartered accountant
 - (aa) describing in general terms the job description;
 - (bb) certifying that the job position falls within a relevant category determined by the Minister in terms of section 19(1) of the Act;
 - (cc) certifying that the position exists and is intended to be filled by such foreigner; and
 - (dd) certifying that such *foreigner* possesses the legal qualifications required for the performance of the tasks called for by the job position, taking into account any applicable requirement of the South African Qualification Authority
 provided that, when rendering such statements, such *chartered accountant* may indicate that he or she has reasonably relied on an affidavit of a person with knowledge or expertise on the matter; and
 - (iii) an undertaking to notify the Department when such foreigner is no longer employed or is employed in a different capacity or role.
- (b) A quota work permit shall lapse if, within nine months of its issuance, and within every year thereafter, its holder fails to submit to the Department certification from his or her employer's chartered accountant that he or she is still employed, of the terms and conditions of his or her employment,

- including the job description, and that such employer has made the payments referred to in sub-regulation (3).
- (c) The fees envisaged in sub-regulation (3) shall be determined as the applicable fee at the time of issuance of the permit and shall not be increased in respect of that permit for five years and six months from the date of issuance of such permit, provided that subsequent quota work permits issued to the same worker in respect of substantially the same type of work shall be deemed one for purposes of this paragraph.
 - (d) The Department may reduce or waive the payment referred to in sub-regulation (3)
 - (i) when so requested by the employer, after consultation with the Departments of Labour and Trade and Industry, if and for as long as it is satisfied that the employer concerned has in place a training programme for citizens and residents aimed at transferring skills from foreigners to nationals and/or reducing such employer's dependence on foreign labour;
 - (ii) when so requested by the Department of Trade and Industry in respect of foreign investments; or
 - (iii) when so requested by the foreigner concerned, provided that in such case the Department shall evaluate and verify the description and the requirements of the job position, the skills and qualifications of such foreigner as they relate to such job description, and efforts made by the employer, including those set out in sub-regulations (5) and (6), to hire a resident or citizen and determine that no resident or citizen is willing, ready and able to take up such position, and satisfy itself that no such resident or citizen exists.
 - (e) The Department may also issue a quota work permit to a foreigner who has skills or qualifications which fall within a category determined by the Minister by public notice in the Government Gazette on recommendation of the Board and after consultation with the Ministers of Labour and Trade and Industry, provided that
 - (i) the number of quota work permits issued in terms of this sub-regulation may not exceed the quota set out in such notice for each category set out in such notice;
 - (ii) in making its recommendation, the Board shall give due consideration to the objectives of the Act, and satisfy itself that certain intense needs of the economy require resorting to quota work permits in terms of this paragraph rather than in terms of the other provisions of this regulation; and
 - (iii) the foreigner issued with a quota work permit in terms of this paragraph shall be authorised to conduct work
 - (aa) even when at the time the permit is issued he or she does not have a prospective employer;
 - (bb) outside of such category, unless the Minister determines otherwise in such Notice;
 - (cc) without complying with the requirements set out in this regulation, save that within thirty calendar days of such foreigner becoming employed, sub-regulations (4)(a)(i), (4)(a)(iii) and (4) (b) shall be complied with.
 - (f) Subject to sub-regulation (4)(d)(iii), in the absence of extraordinary circumstances, compliance on the side of the relevant foreigner and his or her employer with their relevant respective obligations set out in sub-regulations (1) to (4) shall satisfy the Department that such foreigner's skills

or qualifications match those required by the job position without need for further evaluations or assessment.

- (g) In determining categories and quotas in terms of section 19(1) of the Act, the Minister shall endeavour to provide for access to all foreigners potentially needed by the Republic's economy both at the lower and higher ends of the skills or qualifications spectrum, taking into account that often certain needed skills, such as entrepreneurship, craftsmanship or management, are not shown through qualifications, and, mindful of section 2(1)(b) and (j) of the Act, shall ensure that he or she determines quotas sufficiently large to ensure that in the absence of unforeseen circumstances the Department may issue work permits in terms of sub regulation (1) to (4) rather than (5) and (6).
 - (h) The unutilised portion of an annual quota for each category determined by the Minister shall carry over into the following year's quota for the same category, or for one determined by the Minister if the same category no longer exists, and quota work permits shall be issued against such carried over balance from previous years, if any, before being issued against the current annual quota.
- (5) The manner in which the employer shall satisfy the Department as required under section 19(2)(a) of the Act shall be in the form of a letter, accompanied by documentary proof of the efforts made to obtain the services of a citizen or resident, including the original advertisement in the national print media, details of citizens and /or residents who applied and the reasons why they did not qualify.
- (6) (a) The application for a general work permit envisaged in section 19(2) shall be dealt with in accordance with item 20 of Schedule A.
- (b) The advertisement required in sub-regulation 28(5) shall be an original clipping from the national print media and shall comply with the following
- (i) the specimen must reflect the full particulars of the relevant newspaper/specialised magazine, as well as the dates on which the advertisement was published;
 - (ii) such advertisement must stipulate the minimum qualifications and experience required to fill the position as well as the remuneration and benefits offered;
 - (iii) the position offered and the responsibilities to be performed must be clearly defined;
 - (iv) such advertisement should measure at least 150 millimetres by 90 millimetres;
 - (v) the closing date for the application must be stated in the advertisement; and
 - (vi) the advertisement may not be older than 3 months at the time of application.
- (c) Occupations not requiring advertising are set out in Schedule E.
- (d) An employment contract referred to in column 4(c) of item 20 of Schedule A shall contain the signatures of both the employer and the employee and the applicable terms and conditions of employment.
- (e) The employer shall submit the certification by a chartered accountant as required in section 19(2)(b) of the Act to the Department in support of the application, as well as to the relevant office of the Department of Labour.
- (f) The employer shall produce independent and reliable certification of the foreigner's relevant skills, qualifications or experience and a statement explaining the correlation between the qualifications and requirements of the position and such foreigner's relevant skills, qualifications or experience, which certification may be included in the certification contemplated in section 19(1)(2)(b) of the Act.

- (7) The application for and all aspects related to the application for and the issuance of an exceptional skills work permit as envisaged in section 19(4) of the Act shall be dealt with according to item 21 of Schedule A.
- (8) Unless otherwise determined by the Department under the circumstances of the case, the immediate family members of the holder of an exceptional skills work permit referred to in section 19(4) of the Act shall be those who are dependent on such permit holder, provided that the Department may issue an extended visitor's permit to other members of such immediate family.
- (9) The application for an intra-company transfer work permit referred to in section 19(5) of the Act shall be dealt with according to item 22 of Schedule A, provided that the requirement of being employed abroad shall be satisfied also when a foreigner, upon being transferred to the Republic, becomes employed by a person in the Republic on the basis of an intra-company transfer.
- (10) The financial guarantee described in section 19(5)(c) of the Act shall be in the form of a deposit as stipulated in regulation 20, or an undertaking to the effect that the amounts envisaged in regulation 20 shall be paid to the Department in the event of the foreigner's deportation from the Republic.
- (11) The measures required under sections 19(5)(b) and 21(2)(b)(i) of the Act shall be the following
 - to ensure that the passport(s) of the foreigner/s are valid for no less than 30 days after the expiry date of the intended stay;
 - to ensure that foreigners are only employed in the specific positions as authorised by the corporate permit; and
 - to ensure the forthwith departure of such foreigners from the Republic on completion of their tour of duty.

Regulation 29

Retired Person Permit

- (1) The application for and other aspects relevant to the application for and the issuance of a retired person permit as referred to in section 20(1) of the Act, are set out under item 26 of Schedule A.
- (2) The minimum payment required in section 20(1)(a) of the Act shall be a pension with a minimum value of R20 000-00 per month, or an irrevocable retirement annuity or retirement account to the equivalent amount.
- (3) The net worth envisaged in section 20(1)(b) of the Act shall be no less than R12 000 000-00 providing an income of at least R15 000-00 per month.
- (4) The application for and other aspects relevant to the application for and issue of a retired person permit referred to in section 20(2) of the Act to enable such person to work, are as set out under item 27 of Schedule A.
- (5) The authorisation to conduct work envisaged in section 20(2) of the Act may be granted for a period of three years but shall not exceed the validity of the permit.
- (6) A retired person permit may be issued also when the applicant intends to stay in the Republic only for limited or seasonal periods during the validity of the permit.

Regulation 30

Corporate Permit

- (1) The application for and other aspects relevant to the application for and the issuing of a corporate permit as envisaged in section 21(1) of the Act are as set out under item 28 of Schedule A.
- (2) When processing an application for a corporate permit, the Department shall consult with the corporate permit applicant to discuss
 - (i) the best modalities under the specific circumstances which may ensure the success of the corporate permit;

- (ii) the capacity of the corporate employer to manage the administrative requirements of the programme and any desirable improvements thereof; and
 - (iii) how the Department may best fulfill the objectives of the Act in the specific case.
- (3) The application for and other aspects relevant to the employment of a foreigner in terms of the corporate permit envisaged in section 21(1) of the Act are as set out under item 23 of Schedule A.
 - (4) The application for and other aspects relevant to a foreigner employed in terms of a corporate permit issued in pursuance of an agreement with a foreign state are as set out under item 24 of Schedule A.
 - (5) The application for and other aspects relevant to a foreigner employed in terms of the corporate permit, in respect of seasonal or temporary peak employment are as set out under item 25 of Schedule A.
 - (6) The measures required under section 21(2)(b)(i) of the Act shall be those set out under sub-regulation 28(11).
 - (7) The financial guarantees required under section 21(2)(c) of the Act shall be those referred to in regulation 20.
 - (8) Mindful of the objectives of the Act, the Department shall determine the maximum number of foreigners to be employed in terms of a corporate permit by a corporate applicant and, in general, their type of positions, after having considered the requirements set out in section 19(2) of the Act and
 - (a) the training programme provided by the corporate applicant for citizens and residents aimed, to the satisfaction of the Department, at reducing the corporate applicant's dependency on foreign labour and/or at transferring skills from foreigners to residents and citizens, if any; and/or
 - (b) the aggregate fee which shall be paid by the corporate applicant as determined by the Department, which shall
 - (i) not exceed the approximate sum of the fees such corporate applicant would be liable to if permits were to be issued in terms of section 19(1) of the Act read with regulation 28(3);
 - (ii) be reduced in consideration of the training programme referred to in paragraph (a), if any; and
 - (iii) be reduced or waived when so requested by the Minister of Trade and Industry, or Minerals and Energy, or Agriculture, as the case may be, especially to facilitate foreign investments, or accommodate industries or businesses, such as mining, when special economic circumstances exist, or for good cause, especially in respect of meritorious not-for-gain corporate applicants;
 - (iv) be capable of being increased in respect of a work permit issued under such corporate permit only after five years and six months from when such work permit was first issued, provided that subsequent work permits issued to the same foreigner shall be deemed one for purposes of this item; and

provided that after consultation with the Department, the corporate applicant may elect to pay such fee without providing the training programme contemplated in paragraph (a), or may seek agreement with the Department for a combination of such a fee reduced in terms of item (ii) and a less than optimal measure of such training programme.
 - (9) The holder of a corporate permit shall supervise the completion of the application of each person who is to receive a work permit under such corporate permit and transmit each of such applications to the Department together with its certification that to the best of its knowledge such application is consistent with the terms and

- conditions of such corporate permit, the Act and these Regulation, in which case, within fifteen days the Department shall
- (a) issue to such person a work permit under such corporate permit, subject to such person being admitted, and agreeing to the terms and conditions of such corporate permit; or
 - (b) notify such holder of a corporate permit of any defect in the application or of its determination that the application is inconsistent with the terms and conditions of such corporate permit, the Act or these Regulations, including any identified security consideration.
- (10) (a) The validity of work permits issued in terms of a corporate permit shall be as follows
- (i) not exceeding six months, in respect of foreigners employed as seasonal workers or for the purpose of peak period employment;
 - (ii) not exceeding eighteen months in respect of foreigners employed in terms of agreements with foreign states; and
 - (iii) not exceeding three years for all other categories after which subsequent applications may be lodged in respect of item (iii) on condition that the corporate permit holder certifies that the foreigner is still employed under the same conditions of employment and job description, and in compliance with these Regulations and the Act.
- (b) A corporate permit shall lapse if, within three years of its issuance, and within three years thereafter, its holder fails to renew its chartered accountants certification contemplated in section 21(2)(a) of the Act, or at any time there is a material failure to make the payments and/or conduct the training programme referred to in sub-regulation (8) as the case may be, when such failure is not remedied within thirty days of the receipt of a request from the Department to correct it.
- (11) (a) The following circumstances shall constitute good cause for the Department to withdraw or modify the corporate permit
- (i) a change in the material aspect taken into consideration at the time of issuing of the permit;
 - (ii) incorrect or false information submitted by the corporate applicant on application or at any time thereafter;
 - (iii) failure to comply with the Act or permit conditions.
- (b) In addition to other grounds set out in the Act or in these Regulations, the following circumstances shall constitute good cause for the Department to withdraw or modify a work permit issued in terms of a corporate permit
- (i) notification from the corporate applicant that the relevant foreigner is no longer in compliance with the Act or the conditions of his permit or is no longer employed; and
 - (ii) notification from the corporate applicant regarding changes in the internal structuring of the company or position of the foreigner within the company.
- (12) For the purposes of sections 21(4)(a), (c) and (d) of the Act, the Government shall be represented by the Department.
- (13) Permits issued under a corporate permit do not fall within the limits of, and shall not be deducted from, the quotas contemplated in section 19(1) of the Act.
- (14) At the request of a corporate permit holder, the Department shall issue a number of certificates, substantially containing the information set out in Annexure 53, equal to the number of foreigner authorised in terms of the corporate permit, so as to facilitate the application for work permits under such corporate permit and for record keeping. The provisions of this sub-regulation do not constitute an application requirement or other requirement for the permit holder or an applicant.

Regulation 31

Exchange Permit

- (1) The application for and other aspects relevant to the application for and the issuance of an exchange permit as envisaged in section 22(a) of the Act, are as set out under items 29 and 30 of Schedule A.
- (2) The programmes in respect of which the holder may not qualify for a subsequent status, as envisaged in section 22(a)(ii) of the Act, shall be those in respect of which such holder cannot obtain a no-objection letter from the organ of State responsible for such programme or with responsibility in the field in which the non-governmental institution responsible for such programme operates. The period of physical presence abroad contemplated in section 22(a)(ii) of the Act shall be two years.
- (3) The application for and other aspects relevant to the application for and the issuance of an exchange permit as envisaged in section 22(b) of the Act, are as set out under item 31 of Schedule A.
- (4) A permit envisaged in section 22(b) of the Act shall only be considered if the prospective employer guarantees the applicant's repatriation and undertakes to report to the Department the earlier termination of employment, provided that when an exchange is sponsored by an organization which, upon application to the Director-General, has received accreditation with the Department, such guarantees may be waived.

Regulation 32

Asylum Permit

- (1) All aspects relevant to the issuance of an asylum permit as envisaged in section 23 of the Act are as set out under item 32 of Schedule A.
- (2) An immigration officer may issue an asylum permit in terms of section 23 of the Act to a bona fide asylum seeker at a port of entry, to enable such an asylum seeker to report to a Refugee Reception Office in terms of the Refugees Act, 1998 (Act No. 130 of 1998) within a period of 14 days for the purpose of section 21(1) of such Act.
- (3) The validity of the asylum permit issued to an asylum seeker may not be renewed and shall lapse upon the issuance of a permit in terms of section 22 of the Refugees Act, 1998 (Act No. 130 of 1998), or when its holder leaves the Republic. A subsequent permit shall not be issued to such a person.

Regulation 33

Permanent Residence

- (1) The application for a permanent residence permit envisaged in section 25(2) of the Act and other aspects relevant to the application and the issuance thereof envisaged in sections 26 and 27 of the Act are set out under items 34 to 48 of Schedule A.
- (2) Any resident who loses his or her residence for whatever reason shall relinquish and surrender to the Department his or her non-citizen South African identity documents issued in terms of the Identification Act, 1997 (Act No 68 of 1997).
- (3) Any permanent residence permit issued in terms of sections 26 and 27 of the Act shall lapse and the holder of the relevant permit shall be deemed to be an illegal foreigner if the holder of such a permit materially contravenes any terms and/or conditions attached thereto in terms of section 25(4) of the Act or has made any material misrepresentations in order to obtain such a permit.
- (4) A good faith spousal relationship shall be a relationship that was not entered into primarily for the purpose of gaining benefits under the Act and shall be confined to a relationship of two persons calling for cohabitation and intended to be permanent.

- (5) The Department may at any time satisfy itself as envisaged in section 26(b)(i) of the Act whether a good faith spousal relationship exists by
- (a) interviewing the applicant and spouse separately;
 - (b) contacting family members and verifying other references;
 - (c) requesting proof of actual or intended co-habitation; and/or
 - (d) inspection in loco of the applicant's place of residence.
- (6) In order to determine whether a good faith spousal relationship subsists, the Department may, by means of a condition attached to the permit, require the permit holder and the spouse to
- (a) arrange a date for an appointment with the Department within the three year period following the date of issuance of the permit, but before applying for a certificate of naturalisation in terms of the South African Citizenship Act, 1995 (Act No 88 of 1995);
 - (b) submit to the Department the confirmation prescribed in Annexure 1 when arranging the appointment referred to in paragraph (a);
 - (c) present themselves at the agreed upon office of the Department, unless the Department decides in the specific case that an appointment is not required; and
 - (d) identify themselves by means of an identity document or a passport and present any relevant documents the Department has previously requested them to produce.
- (7) The Department shall endeavour to issue a permanent residence permit within thirty days of its having received a complete application, except when the applicant requests the Department to verify facts which could form the object of a chartered accountant's certification.
- (8) In verifying whether an applicant is of good and sound character as envisaged in section 27 of the Act, the Department shall take into account any information the applicant may adduce in that respect and other objective and corroborated information, provided that the Department
- (a) may make enquiries only into matters relevant to whether the applicant is
 - (i) law abiding; and
 - (ii) in the habit of fulfilling his or her legal obligations;
 - (b) may not inquire into, or take into account, any matter falling within the sphere of preferences or activities which the law allows to be decided by means of a personal choice, including but not limited to any of grounds referred in section 9(3) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
 - (c) shall convey any relevant adverse information it has to the applicant and offer him or her the opportunity to respond or counter it;
 - (d) may request the applicant to provide any further relevant information;
 - (e) shall deem an undesirable person not to be of good and sound character, unless the Minister directs otherwise and subject to section 30(2) of the Act;
 - (f) subject to paragraphs (d) and (e), shall consider the applicant to be of good and sound character on the basis of the applicant's written assertion that he or she satisfies the test set out in sub-regulations (a)(i) and (ii) in the absence of information to the contrary; and
 - (g) subject to paragraphs (a) to (c), may take into account information received via official channels, interdepartmental enquiries and official records.

- (9) The certification required in section 27(a)(i) of the Act in relation to the advertisement shall confirm compliance with the requirements of sub-regulations 28(5) and 28(6).
- (10) The yearly limits contemplated in section 27(a)(iii) of the Act shall be as follows
 - (a) 5 000 in respect of the clothing and textile industry professions;
 - (b) 10 000 in respect of chemicals and biotechnology professions;
 - (c) 10 000 in respect of information and communication technology professions;
 - (d) 10 000 in respect of tourism professions;
 - (e) 15 000 in respect of academic research professions;
 - (f) 10 000 in respect of teaching professions;
 - (g) 50 000 in respect of other professions; and
 - (h) 100 000 in respect of other activities which considering the nature of the qualification, training and experience required cannot be regarded as a profession.
- (11) The requirements envisaged under section 27(b) of the Act shall be those stipulated under item 41, column 4 of Schedule A.
- (12) The immediate family of the foreigner envisaged in section 27(b) of the Act shall be those referred to in regulation 28(8).
- (13) The financial contribution envisaged in section 27(c) of the Act shall be the amount specified in sub-regulation 24(2)(a).
- (14) The requirements stipulated under section 27(c) of the Act shall apply mutatis mutandis to the categories listed in items 42, 43 and 44 of Schedule A and the applications for and other aspects pertaining thereto shall be as set out in the relevant items.
- (15) The requirements envisaged under section 27(d) of the Act shall be those stipulated under item 45, column 4 of Schedule A.
- (16) The certification envisaged under section 27(e) of the Act shall show compliance with the criteria and requirements set out in regulation 29(2) and (3).
- (17) The extension of a permit to an applicant's spouse and children as envisaged in section 27(a)(iv) of the Act shall apply mutatis mutandis to applications under sections 26 and 27(d) to (f) of the Act.
- (18) The application for, all matters pertaining to the application for and the issuance of a permit, as well as the minimum net worth and amount envisaged in section 27(f) of the Act shall be as set out in item 47 of Schedule A.
- (19) The application for, and all matters pertaining to the application for and the issuance of a permit envisaged in section 27(g) of the Act shall be as set out in item 48 of Schedule A.
- (20) The provisions of section 27(g) of the Act shall not apply to a relative of a citizen or a resident who himself or herself obtained residence in terms of that section of the Act.
- (21) The relatives of a citizen or resident envisaged in section 27(g) of the Act shall be confined to biological or judicially adoptive parents, biological or judicially adopted children or a spouse.
- (22) When a foreigner envisaged in section 27(g) of the Act is the parent of a minor citizen or resident, a permanent residence permit may be issued
 - (a) notwithstanding a lack of good and sound character; and
 - (b) under the condition that it shall automatically lapse one year after such minor turns 21 years of age, permanently departs from the Republic, is legally adopted or dies, provided that such foreigner may at any time prior to such lapsing apply for a permit in terms of section 27(g) or another applicable section of the Act.
- (23) The application envisaged in section 27(c)(i) of the Act shall be in the form of a written request, fully motivating the reasons for such a request and the

Department shall decide on it after consultation with the Department of Trade and Industry.

Regulation 34

Prohibited Persons

- (1)
 - (a) The infectious diseases envisaged in section 29(1)(a) of the Act shall be those diseases referred to in the regulations promulgated in terms of the International Health Regulations Act, no 28 of 1974 and any other disease as determined by the Department of Health from time to time by public notice in the Government Gazette to be issued in terms of this regulation.
 - (b) A person who has, within the preceding 6 days, been in or transited through a yellow fever endemic area as identified by the World Health Organisation, shall be deemed to be infected with yellow fever unless in possession of a valid yellow fever vaccination certificate.
 - (c) A person infected with a disease contemplated in sub-regulation (a) or a person contemplated in sub-regulation (b) shall be referred to the port health officer to determine admissibility.
 - (d) Where a port health officer is not present at the port of entry, a person contemplated in item (c) shall be refused admission, unless, except when yellow fever is concerned, a qualified medical practitioner certifies that such person is not infected with a disease contemplated in item (a).
- (2) The rehabilitation, envisaged in section 29(1)(c) of the Act, of anyone previously deported shall take place by means of and after
 - (a) the person concerned swearing or making a solemn affirmation that he or she will comply with the Act;
 - (b) the Department having no good cause to believe that such person is inclined to violate the Act again; and
 - (c) four years absence from the Republic; or
 - (d) a forfeiture to the State of R50 000-00 to be reduced to R 2 000-00 when such person previously paid for the cost of his or her deportation as well as all costs related thereto and provided that any person so rehabilitated shall be deemed not exempted from visa requirements to enter the Republic.
- (3) When a person envisaged in section 29(1) of the Act is outside the Republic and wishes to be declared not to be a prohibited person as envisaged in section 29(2) of the Act, such person shall submit a request to this effect from abroad and await its outcome before proceeding to the Republic.

Regulation 35

Undesirable Persons

- (1) The Department may declare any of the persons listed under sections 30(1)(a) to (g) of the Act undesirable as envisaged in section 30(1) of the Act by means of a form substantially containing the information contained in Annexure 26, provided that, where such declaration will adversely affect the foreigner concerned, the Department shall notify such foreigner
 - (a) that it intends to declare him or her an undesirable person;
 - (b) of the reason or information on which it relies; and
 - (c) of his or her rights in terms of section 8 of the Act.
- (2) The Department will have discharged its responsibility in terms of sub-regulation (1)(a), (b) and (c) by forwarding such notification to the last known address of the person referred to in sub-regulation (a), unless such person requested to receive communication at a different address or care of a given person, in which case notification to such address and/or person shall apply.

- (3) The offences envisaged in section 30(1)(g) of the Act shall be any offence, except those listed in Schedules 1 and 2 of the Act, in respect of which a sentence was served more than seven years prior to the date on which the application is lodged as well as traffic offences or offences based on strict or vicarious liability.
- (4) The application envisaged in section 30(2) of the Act shall be in the form of a written request, fully motivating the reasons for such a request.
- (5) When, in exercising the power contemplated in section 30(1)(b) of the Act, the Minister identifies the persons mentioned in such section as a category or as the citizens or nationals of a foreign country, the Minister may make provisions for the granting on an individual basis of exceptions from such classification as the Minister sees fit.

Regulation 36

Exemptions

- (1) The application envisaged in section 31(2)(a) of the Act shall be in the form of a motivated written or verbal request.
- (2) The application envisaged in section 31(2)(b) of the Act shall be in the form of a written request fully motivating the reasons for and the special circumstances that gave rise to the request.
- (3) The application for and all aspects related to the application for and the issuing of the authorisation envisaged in section 31(2)(c) of the Act are set out in item 3 of Schedule A.
- (4) For good cause the Director-General may condone the failure on the side of an applicant to meet a deadline set forth in the Act or in these Regulations.

Regulation 37

Illegal Foreigners

- (1) Any illegal foreigner to be deported from the Republic as envisaged in section 32(2) of the Act, shall
 - (a) if he or she is the holder of a passport issued by any foreign country or territory be deported to the country or territory of which he or she is a citizen; or
 - (b) if he or she is not the holder of such a passport, or is stateless, be deported to the country or territory where he or she has a right of domicile or residence.
- (2) The Department shall endeavour to record the identity and fingerprints of those who are deported, provided that when an illegal foreigner arrested in terms of section 34(1) of the Act elects to leave the Republic in terms of regulation 39(17), such illegal foreigner shall not be recorded as having been deported unless he or she was previously deported, dealt with in terms of regulation 39(17), or otherwise violated the Act.

Regulation 38

Inspectorate

- (1) The Inspectorate envisaged in section 33 of the Act is hereby established as the Immigration Inspectorate and will consist of the divisions and subdivisions as determined by the Minister.
- (2) The Inspectorate shall investigate any matter falling within the scope of the Act, and these Regulations including the enforcement of, and any actual or planned violation of, the Act and these Regulations,
- (3) The procedures envisaged in section 33(3) of the Act shall be as determined in the relevant sections of this Act and the Criminal Procedure Act, 1977 (Act No 51 of 1977).

- (4) The notices referred to in sections 33(4)(b) and (c) of the Act shall be in the form of and substantially contain the information set out in Annexure 27 and 28 respectively.
- (5) The warrant referred to in section 33(5) of the Act shall be in the form of and substantially contain the information set out in Annexure 29.
- (6) The receipt referred to in section 33(5)(c) of the Act shall be in the form of and substantially contain the information set out in Annexure 30.
- (7) The identification contemplated in section 33(14) of the Act shall be the appointment certificate specified in sub-regulation 4(2)(b).

Regulation 39

Deportation and Detention of Illegal Foreigners

- (1) The notification referred to in section 34(1)(a) of the Act shall be in the form of and substantially contain the information set out in Annexure 31.
- (2) The Court warrant contemplated in sections 34(1) and 34(5) of the Act shall be in the form of and substantially contain the information set out in Annexure 32. When, in terms of sections 34(1), 34(5), 34(8) or 41 of the Act, an illegal foreigner is detained without a Court warrant, such illegal foreigner shall be detained pursuant to an administrative warrant in the form of and substantially containing the information set out in Annexure 32A.
- (3) On arrest, an illegal foreigner shall be informed of his or her rights in terms of section 35 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996).
- (4) In cases where the 30-day period referred to in section 34(1)(d) of the Act expires on a day which is not a court day, such period shall be deemed to expire on the first court day thereafter.
- (5) An immigration officer intending to apply for the extension of the detention period in terms of section 34(1)(d) of the Act shall
 - (a) serve on the detainee the notification of his or her intention as contained in Annexure 33, not later than the 23rd day after the arrest;
 - (b) afford the detainee the opportunity to make representations in this regard within 3 days of the notification envisaged in sub-regulation (a); and
 - (c) lodge an application substantially as set out in Annexure 34 for the extension of the period of detention with the clerk of the Court not later than the 28th day after arrest.
- (6) The magistrate shall make his or her decision known to the Department not later than the 30th day after arrest, or in cases where the 30th day is not a court day, on the first subsequent court day.
- (7) The minimum prescribed standards envisaged in section 34(1)(e) of the Act shall conform to those prescribed in the Correctional Services Act, 1998 (Act No 111 of 1998).
- (8) The detention of a person referred to in section 34(1)(e) read with section 41 of the Act shall be pursuant to an administrative warrant in the form of and substantially containing the information set out in Annexure 32A or in terms of a Court warrant to be in the form of and substantially contain the information set out in Annexure 35.
- (9) An immigration officer, when enforcing payment of the deposit envisaged in section 34(3) of the Act, shall
 - (a) serve an order on the illegal foreigner concerned to deposit the required amount. Such order shall be in the form of and substantially contain the information set out in Annexure 36; and
 - (b) after having endorsed the order to the effect that the deposit has not been paid, file a copy of the order at the office of the clerk of the Court of the district in which such illegal foreigner is detained pending his or her removal

and thereafter such order shall have the effect of a civil judgment of the Court and the immigration officer shall have all the powers of a judgment creditor.

- (10) The lawful authority envisaged in section 34(5)(a) of the Act shall be applied for after compliance with the stipulations of sub-regulation 34(2) and the application for and other matters related to the application for and issuing of this authority shall comply with the stipulations of item 49 of Schedule A. The lawful authority envisaged in section 34(5)(a) of the Act shall be in the form of a visa as envisaged in section 11(1)(a) of the Act.
- (11) The provisions of section 34(5)(b) of the Act shall not apply to a foreigner who has been admitted to the Republic in terms of this Act subsequent to the refusal of his or her admission.
- (12) The warrants of removal or release contemplated in section 34(7) of the Act shall be in the forms that substantially contain the information reflected in Annexure 37 and 38 respectively.
- (13) The notification to the illegal foreigner and the declaration to the master of a ship respectively referred to in section 34(8) of the Act shall be in the form of and substantially contain the information reflected in Annexure 39 and 40.
- (14) The amount which the owner of a ship shall forfeit in terms of the provisions of sections 34(9)(a) and (d) of the Act in respect of each person shall be determined by the highest ranking immigration official at the port of entry at the time and shall not exceed R10 000-00.
- (15) The deposit envisaged in section 34(9)(b) of the Act and the limit envisaged in section 35(4) of the Act shall be calculated in accordance with the provisions of regulation 20, provided that, if the deposit is in respect of a stowaway, the master or owner shall pay an additional handling fee of R2 500-00 to the Department in respect of each stowaway.
- (16) The certificate by an immigration officer envisaged in section 35(6) of the Act shall be in the form of and substantially contain the information set out in Annexure 41.
- (17) If an illegal foreigner who is to be deported, undertakes to leave the Republic as required in section 32(1) of the Act, an immigration officer may instruct such illegal foreigner to depart from the Republic on a date specified, which shall not be more than 14 days after the date of issue of the instruction, provided that such date may, for good cause shown, be extended, provided that such immigration officer may elect not to detain such an illegal foreigner pending his or her deportation. Such instruction shall be in the form of and substantially contain the information set out in Annexure 42. A departure in terms of this sub-regulation shall not be deemed to be a deportation, unless the illegal foreigner was previously deported, made a departure in terms of this subsection, or otherwise violated the Act.

Regulation 40

Ships

The lists required under sections 35(3)(a) to (c) of the Act and the return required under section 35(3)(d) of the Act shall be in the form of and substantially contain the information set out in Annexure 43, 44, 45 and 46 and these lists shall also be delivered upon demand to an immigration officer by the master of a ship departing from a port of entry.

Regulation 41

Duties and Obligations

The records envisaged in section 38(4) of the Act shall be the following

- (a) a certified copy of the foreigner's passport reflecting his or her personal particulars;
- (b) a copy of the foreigner's status; and

- (c) proof of the capacity in which the foreigner is or was employed and, inter alia, his or her job description.

Regulation 42

Accommodation

- (1) The identification of customers as citizens or status holders envisaged in section 40(1) of the Act shall be by perusal of either their identity documents or passports of such customers.
- (2) The report referred to in section 40(1) of the Act shall be in the form of and substantially contain the information set out in Annexure 47 and shall be submitted at an office of the Department nearest to the physical address of the overnight accommodation on the first working day after the day on which the person whose status could not be ascertained received such accommodation.

Regulation 43

Identification

- (1) (a) An immigration officer may subject a person envisaged in section 41 of the Act to an examination, which may include interrogation, photographing and fingerprinting, aimed at satisfying the immigration officer of
- (i) the nationality or status of such a person;
 - (ii) the person's identity and right to enter and sojourn in the Republic;
 - (iii) the person's compliance with the Act and these Regulations; and
 - (iv) whether such a person is, has become or is likely to become
 - (aa) an illegal foreigner;
 - (bb) a prohibited person; or
 - (cc) an undesirable person

provided that failure on the part of such a person to subject himself or herself to the above examination, may, for good cause, cause such person to be dealt with as an illegal foreigner.

- (b) An immigration officer may require a foreigner suspected of being afflicted with a disease contemplated in regulation 34(1)(a) to submit to an examination by a medical practitioner designated by the Director-General, which examination shall take place as soon as possible at a place determined by the immigration officer.
- (2) Where a person envisaged in section 41 of the Act is detained by a police officer, such police officer shall within 12 hours bring such person before an immigration officer. The immigration officer shall comply with the provisions of section 34(2), provided that the maximum period of detention envisaged in that section shall commence at the time of the first arrest. Where the warrant referred to in sub-regulation 39(8), accompanied by the affidavit included therein, is not provided, or does not substantiate reasonable grounds for detention, the immigration officer shall not accept such a person into his or her custody.

Regulation 44

Organs of State

The report referred to in section 44 of the Act shall be in the form of and substantially contain the information contained in Annexure 48.

Regulation 45

Other Institutions

- (1) The institutions and persons envisaged under section 45 of the Act shall be the following
- (a) Banking and other financial institutions, including micro financiers;
 - (b) estate agents and insurance brokers;

- (c) private hospitals and clinics; and
 - (d) employment agencies.
- (2) The commercial transactions envisaged in section 45 of the Act shall be
- (a) in respect of sub-regulation 1(a) loans and bonds, money transfers and the opening of accounts, excluding investment accounts;
 - (b) in respect of sub-regulation 1(b), facilitation of the purchase, sale, leasing or renting of fixed property or the facilitation of the purchase of insurance policies of any nature;
 - (c) in respect of sub-regulation 1(c), when admitting or registering a patient except in emergencies; and
 - (d) in respect of sub-regulation 1(d), when approached by, or referring, a work seeker.
- (3) When reporting any illegal foreigner as envisaged in section 45 of the Act, the institution or person envisaged in sub-regulations (1) and (2) shall do so in writing, provided that if the time required to prepare such written report would defeat the purpose of the Act, such illegal foreigner may in the interim be reported to the Department verbally.

Regulation 46

Immigration Practitioners

- (1) The application for registration as an immigration practitioner, the required qualifications and registration fee and duty envisaged in section 46 of the Act are contained in Schedule F.
- (2) Travel agents in the Republic and abroad, and persons conducting trade abroad which only incidentally and partially involves the trade referred to in section 46(1) of the Act, shall be deemed not to be conducting the trade referred to in section 46(1) of the Act.
- (3) The Department shall not take steps or adopt or allow any procedure which may encourage or discourage one or more persons to use the service of an immigration practitioner or discourage them from dealing with the Department directly or personally.

Regulation 47

Administrative Offences

- (1) The administrative fine envisaged in section 50(1) of the Act shall be the following and shall also apply to a person referred to in section 26(7) of the previous Act
- (a) in respect of a foreigner who leaves the Republic more than 5 days but less than 30 days after the expiry of his/her permit, an amount of R1 000-00
 - (b) in respect of a foreigner who leaves the Republic more than 30 days after the expiry of his or her permit, but less than 3 months after such expiry, an amount of R1 500-00; and
 - (c) in respect of a foreigner who leaves the Republic after the expiry of his or her permit, but more than 3 months after such expiry, an amount of R3 000-00.
- (2) The administrative fine envisaged in section 50(2) of the Act shall be R7 000-00.
- (3) The administrative fine envisaged in section 50(3) of the Act shall be R10 000-00.
- (4) When enforcing payment of the administrative fines envisaged in sections 50(1), (2) and (3) of the Act
- (a) the Department shall notify the transgressor of the fine imposed on a form which will substantially contain the information set out in Annexure 49, 50 and 51 respectively;

- (b) in the event of the fine referred to in sub-regulation (1) not being paid, the foreigner shall not be admitted to the Republic, or issued with a visa or permit, or, if already admitted, a permit shall not be issued or renewed nor a subsequent permit issued;
- (c) in the event of an administrative fine referred to in sub-regulation (2) not being paid, the Department shall file a copy of the notice at the office of the clerk of the Court of the district in which the debtor is based, where- after such notice shall have the effect of a civil judgment of the Court and the Department shall have all the powers of a judgment creditor; and
- (d) in the event of a fine imposed in terms of sub-regulation (3) not being paid, the immigration officer may elect not to issue the certificate envisaged in section 35(6) of the Act.

Regulation 48

Transitional Provisions

- (1) The Regulations promulgated under the Aliens Control Act, 1991 (Act no 96 of 1991) are hereby repealed, except for sub-regulations (1)(a), (b)(i) and (2) of regulation 30.
- (2) The credit card facility contemplated in regulations 10(2)(a) and 19(3) and the provisions of regulations 10(2)(a) and 10(2)(b) shall become effective only eight months after the commencement of these Regulations.

Regulation 49

Existing Permits

- (1) Any application made for any permit in terms of the previous Act which has not been finalised at the commencement of these Regulations shall be deemed to have been lodged in terms of the Act and these Regulations and shall be decided on in terms of the Act and these Regulations, provided that
 - (a) an application lodged under the previous Act may either be withdrawn if resubmitted within seven days, or supplemented and/or modified by the applicant without prejudice so as to adjust it to the relevant requirements or different permit grounds of the Act and these Regulations prior to its consideration; or
 - (b) the applicant may request that the application be dealt with under the previous Act, provided that where the applicant has not made such a request, the Department shall approve such application under the previous Act when it can be so approved without violating the Act; and
 - (c) where an application has not been supplemented or modified or dealt with as envisaged in sub-regulation (a), the Department shall not reject such application, if such application would have complied with the previous Act and the regulations and prescripts made there-under, until the applicant has been notified of the provisions of sub-regulation (a) and given a period of 30 days to elect to resort to such provisions. If the applicant does not supplement or modify the application within the given period, the application shall be considered as if it was an application made under the Act.
- (2) Any pending appeal lodged with the Central Committee of the Immigrants Selection Board under the previous Act, shall be decided on by the Department in terms of the previous Act, and the Department's decision shall be deemed to be a decision of the Immigrants Selection Board but shall be subject to section 8 of the Act.

Regulation 50

Miscellaneous

- (1) Any visa or temporary or permanent residence permit issued on the basis of false material information or an omission to provide required or reasonably expected material information shall be deemed to be null and void, provided that the Department shall
 - (a) notify the person concerned of its findings and the related consequences including, if applicable, the loss of status; and
 - (b) give the person concerned a reasonable opportunity to rectify the matter, if the matter can be easily rectified and the Department is satisfied that no fraud or fraudulent intent was involved, failing which paragraph (a) shall apply; or
 - (c) declare such consequences as having occurred and notify the person concerned of the rights set out in section 8 of the Act.
- (2) In the case of a permanent residence permit, sub-regulation (1) shall apply only if the notification referred to in sub-regulation (1)(a) is sent to the last known address of the person concerned or his or her chosen representative of record within seven years of the issuance of such permit.
- (3) In order to fulfil its responsibility of controlling the borders as set out in section 36(1) of the Act, the head of the Inspectorate or the Director-General may request other organs of State, inter alia the South African National Defence Force and the South African Police Service, to provide the assistance contemplated in such section of the Act, by, inter alia,
 - (a) conducting activities under the direction of the Department, including but not limited to border patrolling or investigations anywhere in the Republic; or
 - (b) seconding facilities, personnel or suitable equipment to the Department, provided that
 - (c) any activity related to the enforcement of the Act and these Regulations shall be conducted in the presence of, under the direction of, or be immediately reported to an immigration officer appointed by the head of the Inspectorate to be in charge thereof; and
 - (d) any person arrested shall be brought and surrendered to an immigration officer as soon as possible.
- (4) When possible and available and subject to available resources, the Department shall endeavour to inform any person held in detention in terms of the Act and who does not understand one of the official languages of the Republic of his or her rights in a language he or she understands by means of an interpreter who shall depose to an affidavit substantially containing the information set out in Annexure 57.
- (5) The delegation from a chartered accountant to an accountant other than chartered accountant referred to in section 1(1)(v) of the Act shall be substantially in the form and contain the information set out in Annexure 58.
- (6) No requirement in addition to, or exceeding those set out in these Regulations may be imposed on any person in respect of any matter or procedure dealt with or contemplated in these Regulations or in the Act.

Regulation 51

Short Title and Commencement

- (1) These Regulations shall be referred to as the Immigration Regulations.
- (2) These Regulations shall come into force and effect on March 12, 2003
- (3) The commencement dates referred to in Schedule 3 of the Act for the coming into force and effect of the provisions of that Schedule shall be March 12, 2003 except in respect of item 2(2) of the amendments to the Refugees Act, 1998, which item 2(2) shall come into force and effect at a time to be determined by the Minister by public notice in the Government Gazette.
- (4) Until section 37 of the Act comes into force, a reference to a Court or an Immigration Court shall be construed as a reference to a Magistrate's Court.

SCHEDULE A - APPLICATIONS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item No.	Application type and relevant section of the Act or regulation	Form's Annexure No.	Documents and other information required in respect of application	Annexure No. of permit or other document to be issued	Conditions that may be imposed on a permit or endorsed on other document	Place of application
1	Visa - 1(xlii)	2	<p>(a) Passport valid for no less than 30 days after the expiry of intended visit</p> <p>(b) Payment of the prescribed fee, if applicable</p> <p>(c) A vaccination certificate, if required by the Act</p> <p>(d) Proof of financial means in the form of -</p> <ul style="list-style-type: none"> • bank statements, • salary advices, • undertaking(s) by the host(s) in the Republic, • bursaries, • medical cover, or • cash available, including credit cards or travellers' cheques <p>to cover envisaged living expenses during the sojourn in the Republic</p> <p>(e) Applicants travelling by air must be in possession of a return or onward ticket or proof of sufficient funds, or lodge a cash deposit of equivalent value to such a ticket</p> <p>(f) Statement and/or documentation confirming purpose and duration of visit</p>	3	<p>(a) For good cause, limits on the type of activities which may be undertaken</p> <p>(b) Submission of additional relevant documents within a specified period</p> <p>(c) Submission of financial guarantees prescribed in these Regulations or the Act</p> <p>(d) Submission of proof of means of the non-transferable onward or return travel referred in column 4, or</p> <p>(e) Limits on the period of the visit or permit or validity of other document, provided that, in the absence of a determination of period, the period shall be 90 days</p>	Mission
2	Certificate in lieu of a passport on departure—9(3)(a)	10	<p>(a) Proof of identity</p> <p>(b) Reasons for the application</p> <p>(c) Country of destination's guarantee of admission without a passport, unless</p> <p>(d) Citation of bilateral or multilateral agreements provide for such readmission without a passport or with such a document</p>	11	The same as for Item 1	Regional Office

3	To enter or leave the Republic at a place other than a port of entry – section 9(3)(c)(i) and the written permission or passport endorsement referred to in section 31(2)(c)	8	(a) Passport valid for duration of intended period of stay (b) Payment of any prescribed processing fee (c) Must be in possession of proof of status or be a citizen	9	The same as for Item 1	Port of entry, Regional Office
4.	Visitors permit – 11(1) in respect of a bona fide visit which exclude work or activities in respect of which a permit in terms of any other section of the Act is required	14 OR 16	(a) All the requirements under Item 1 (b) Valid visa, if required, in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Where a visa is not required, documentation detailing the purpose of the visit and institutions or persons in the Republic involved, if any (e) Where a visa is not required, proof of fixed employment or other commitments abroad (f) Compliance with regulation 19(3), if required	18	The same as for Item 1, with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry in respect of 11(1)(a) & (b), and 11(1)(ii); or Regional Office in respect of change of status or conditions
5	Renewal of a visitors permit – 11(1)(b)(i)	15	(a) All the requirements under Item 1 (b) Valid permit (c) A letter motivating the reasons for the request	17	The same as for Item 1	Regional Office

6	Visitors permit 3 months to 3 years– 11(1)(b)(ii)(aa) In respect of sabbatical	14 OR 16	(a) All the requirements under Item 1 (b) Valid visa, if required in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Additional for sabbatical:- <ul style="list-style-type: none"> • A letter from the foreign academic institution, confirming enrolment abroad • A letter from the host organisation or institution in the Republic 	18	The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in the case of change of status or conditions
7	Visitors permit 3 months to 3 years– 11(1)(b)(ii)(bb) in respect of voluntary or charitable activities	14 OR 16	(a) All the requirements under Item 9(1) (b) A letter from the organisation where the services will be rendered, confirming the nature and period of the services (c) A letter of confirmation that it is not a paid post.	18	The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in respect of change of status or conditions
8	Visitors permit 3 months to 3 years– 11(1)(b)(ii)(cc) in respect of research	14 OR 16	(a) All the requirements under Item 9(1) (b) A letter from the educational institution concerned, confirming the nature and period of the research (c) Confirmation of available funds to cover accommodation, living and medical expenses for the duration of the research	18	As for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in respect of change of status or conditions
9 (1)	Extended Visitor's permit for other activities and cases– 11(1)(ii)(dd) - In respect of the spouse	14 OR 16	(a) All the applicable requirements under Item 1 (b) Valid visa, if required in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Medical certificate in respect of the applicant and all members accompanying the applicant (e) Birth certificate, to be unabridged where relevant to prove parenthood (f) Marriage certificate where applicable	18	(a) The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable (b) To report to the Department as and when required	Port of entry, or Regional Office in respect of change of status or conditions

	and dependent children under the age of 25 of a holder of a valid permit issued in terms of section 13 to 15, 17, 19, 21 except 21(4)(b), and 22		<ul style="list-style-type: none"> (g) Proof of a spousal relationship in terms of the Act and these Regulations (h) Divorce decree, where applicable (i) Proof of custody, where applicable (j) Death certificate, in respect of late spouse, where applicable (k) Consent from parent(s), where applicable (l) Proof of adoption, where applicable (m) Proof of legal separation, where applicable (n) Police clearance certificates in respect of all applicants 21 years or older, in respect of all countries where person(s) resided one year or longer, to be submitted within twelve months of the application if not immediately available (o) Additional information which the Department may request to satisfy itself of the existence of a good faith spousal relationship as set out in regulation 33(5), where applicable 			
(2)	In respect of bona fide activities excluding work or activities in respect of which a permit in terms of any other section of the Act is required		<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Documentation detailing the activity to be conducted and institutions or persons in the Republic involved, if any (c) Proof of sufficient financial available means within the Republic to conduct the intended activity and meet living expenses calculated at R15 000.00 a month per person, to be provided in the form of a certification of a chartered accountant, which, <i>inter alia</i>, may take into account the value of available housing. 		<ul style="list-style-type: none"> (a) The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable (b) To report to the Department as and when required 	Port of entry, or Regional Office in respect of change of status or conditions
(3)	In respect of a foreigner waiting for the		<ul style="list-style-type: none"> (a) All the applicable requirements under Item 1 (b) Valid permit, in the case of Regional Office, subject to regulation 18(6) 		<ul style="list-style-type: none"> (a) The same as for Item 1 (b) To report to the Department as and when required 	Regional Office in respect of

	outcome of (a) a good faith application for a change of status or (b) a good faith appeal contemplated in Section 8		(c) Letter stating the reasons for remaining in the Republic and any hardship in departing, if any (d) Proof of sufficient financial available means within the Republic to meet living expenses calculated at R10 000.00 a month per person, to be provided in the form of a certification of a chartered accountant			change of status or conditions
10	Diplomatic permit – 12(1)	As determined by Foreign Affairs	(a) Valid passport (b) Accreditation or proof of diplomatic status from the relevant foreign state (c) Certification of diplomatic status, or relevant qualification or position, and reciprocity from the embassy of the relevant foreign state in the Republic in respect of the foreigners mentioned in section 12(1)(b) to (e) of the Act.	As determined by Foreign Affairs	As determined by Foreign Affairs	Mission, Regional Office, or Dept. of Foreign Affairs within the Republic
11(1)	Study permit – 13(1)(a)	14 OR 16	(a) All the requirements under Item 1 (b) An official letter of provisional enrolment from the institution of learning concerned (c) Details regarding arranged accommodation, if any (d) Proof of sufficient funds to cover tuition fees, maintenance and incidental costs (e) In the case of a minor, the particulars of the person in the Republic who will act as the learner's guardian and confirmatory letter from such person, and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody. (f) An outline of the course or academic programme for which the applicant has been accepted and proof of the required qualifications to attend it, if any (g) A police clearance certificate if required in	13	(a) As for Item 1 (b) The applicant must provide periodic reports of satisfactory performance in his or her studies by means of his or her letter, which reports, unless otherwise determined by the Department under the circumstances, shall be due every six months	Mission, or Regional Office

			<p>respect of all applicants of 23 years of age or older, in respect of all previous countries of residence for periods exceeding one year, to be submitted within twelve months of the application if not immediately available</p> <p>(h) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>			
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(2)	Study permit – 13(1)(b)	14 OR 16	<p>(a) All the requirements under Item 1</p> <p>(b) An official letter of provisional enrolment from the educational institution concerned stating:</p> <ul style="list-style-type: none"> (i) details regarding arranged accommodation, if any (ii) that the applicant has sufficient funds to cover tuition fees, maintenance and incidental costs (iii) In the case of a minor, the particulars of the person in the Republic who will act as the learner's guardian and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody. (iv) the course or academic programme for which the applicant has been accepted and that the applicant has the required qualifications to attend it, including any applicable language proficiency requirement (v) the undertaking to notify the Department when the learner has completed his/her studies or is no longer performing satisfactorily and to comply with the other applicable provisions of the Act (vi) the undertaking to notify the Department at least every eight months that the learner is no longer performing satisfactorily. <p>(c) A police clearance certificate if required in respect of all applicants of 23 years of age or older, in respect of all previous countries of residence for periods exceeding one year, to be submitted within twelve months of the application if not immediately available.</p> <p>(d) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>	13	As for Item 1	Mission, or Regional Office
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12	Treaty permit – 14(1)	14 OR 16	(a) Letter from the relevant organ of State attesting to <ul style="list-style-type: none"> the nature of the programme and the treaty under which it is conducted the fact that the relevant foreigner participates in such programme the type of activities which the foreigner is expected to perform under such programme and the duration thereof and whether he or she is expected to conduct work (b) As for Items 1 and 9, where applicable	13	(a) As for Item 1, where applicable (b) Reflecting the nature and purpose of the programme, as determined by Foreign Affairs or other organ of State	Mission, Dept. of Foreign Affairs, or other organ of State within the Republic
13	Business permit – 15(1)	14 OR 16	(a) All the requirements under Items 1 and 9(1), as applicable (b) Proof of availability of funds for transfer from abroad (c) Undertaking to register with the appropriate statutory body, if required by the nature of the business (d) Proof of compliance with regulation 24	13	The same as for Item 1	Mission, or Regional Office
14	Business permit – 15(1) In respect of an investment in an existing business	14 OR 16	(a) All the requirements under Item 13 (b) Documentation proving the investment, such as shareholders' or partnership agreements (c) Details of the partners/directors (d) Proof of compliance with regulation 24	13	As for Item 1	Mission, or Regional Office
15	Crew permit - 16(1) Crew of a public ship of a foreign state, transiting the Republic en route to or from such ship		(a) Valid passport or Seaman's Identification Certificate (b) Letter of request from the owner, including an undertaking of responsibility for such person's compliance with the Act			

16	Crew permit - 16(1) crew of a foreign private or chartered ship while such ship is temporarily in a South African port of entry		<p>(a) Valid passport</p> <p>(b) Proof of financial means of the owner, <i>inter alia</i>, in the form of –</p> <ul style="list-style-type: none"> • bank statements, • salary advices, • cash available, and/or • travellers' cheques <p>to cover day to day needs and medical cover</p> <p>(c) Cash deposit, should the immigration officer deem it necessary.</p>	18	<p>(a) The same as for Item 1</p> <p>(b) As per section 16(2) of the Act read with regulation 25(4)</p>	Port of entry
17(1)	Medical permit - 17(1)(a)	14 OR 16	<p>(a) Valid passport</p> <p>(b) Payment of the prescribed processing fee</p> <p>(c) Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of -</p> <ul style="list-style-type: none"> • bank statements, • salary advices, • cash available, and/or • travellers' cheques <p>(d) A letter from the applicant's medical practitioner or medical institution, indicating the reasons/necessity for treatment, the period of treatment and particulars of the treatment plans in the Republic</p> <p>(e) Details of the person or institution responsible for the medical expenses and hospital fees, if any. Should the applicant's medical scheme or employer not be liable for expenses incurred, proof of financial means or medical cover must be submitted</p> <p>(f) Particulars of persons accompanying such permit holder</p> <p>(g) Copy of a return ticket or a repatriation guarantee in the form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>	13	<p>(a) The same as for Item 1 as well as :-</p> <p>(b) For the period as indicated by the medical practitioner / medical institution</p> <p>(c) For the type of institution - publicly funded, subsidised or private</p>	Mission, or Regional Office

(2)	Medical permit - 17(1)(b)	14 OR 16	<p>(a) All the requirements under Item 1</p> <p>(b) An official letter of provisional enrolment from the treating institution concerned stating:</p> <ul style="list-style-type: none"> (i) details regarding arranged accommodation (ii) that the applicant has sufficient funds to cover his or her medical costs, maintenance and incidental costs (iii) in the case of a minor, the particulars of the person in the Republic who will act as the patient's guardian, and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody. (iv) the medical treatment for which the applicant has been accepted and the duration thereof (v) the undertaking to notify the Department when the applicant has completed his/her treatment and to comply with the other applicable provisions of the Act (vi) the undertaking to notify the Department at least every eight months that the applicant is still under treatment. <p>(c) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>	13	<p>(a) The same as for Item 1 as well as :-</p> <p>(b) For the period as indicated by the medical practitioner / medical institution</p> <p>(c) For the type of institution - publicly funded, subsidised or private</p>	Mission, or Regional Office
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18	Relatives permit - 18(1)	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) Compliance with regulation 27(2)	13	(a) The same as for Item 1 (b) To report to the Department as and when required	Mission, or Regional Office
19(1)	Work permit – (General Quota) 19(1)	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) An offer of employment (c) Certification by a chartered accountant regarding terms & conditions of employment as set out in Regulation 28(4)(a)(i) (d) Commitment by employer to comply with Regulation 28(3) (e) Certification by a chartered accountant containing job details as set out in regulation 28(4)(a)(ii)	13	The same as for Item 1	Mission, or Regional Office
(2)	Work permit – (Extraordinary Quota) regulation 19(4)(e)		(a) All the applicable requirements under Item 9(1) (b) Proof of the relevant skills and/or qualifications			

20	Work permit (General) – 19(2)	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Submission of the original advertisement in the national printed media, which must comply with regulations 28(5) and (6)(b), except for the categories listed in Schedule E (c) An employment contract containing the information set out in regulation 28(6)(d) (d) Proof that all short-listed candidates have been interviewed (e) A letter of motivation from the employer as required in regulation 28(5) (f) Certifications by a chartered accountant in terms of sections 19(2)(b) and (d) (g) In the case of senior positions, reasons for not filling the position by the promotion of existing personnel (h) Undertaking to register with the professional body, board or council in the Republic, where applicable (i) The documentation and statement contemplated in regulation 28(6)(f) (j) Letter of approval, where required by a law, from - <ul style="list-style-type: none"> (i) the relevant professional body/ board/ council; (ii) the Department of Labour; and /or (iii) the relevant organ of State 	13	<ul style="list-style-type: none"> (a) The same as for Item 1 (b) The period for which a work permit is granted, not exceeding three (3) years (c) The position or capacity of the applicant (d) The name of the employer, and Province, where applicable (e) Any financial guarantees that have been posted, where applicable (f) Validity of permit subject to the submission of a certificate in terms of section 19(3) within 6 months from the date of issuance of this permit and within every year thereafter (g) That a chartered accountant certifies periodically in terms of section 19(3) 	Mission, or Regional Office
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21	Work permit (Exceptional skills) – 19(4)	14 OR 16	<ul style="list-style-type: none"> (a) All the requirements under Item 9(1), where applicable (b) A letter from a foreign or South African organ of State, or from an established South African academic, cultural or business body, confirming the applicant's exceptional skills or qualifications (c) Testimonials from previous employers, if applicable, and a comprehensive curriculum vitae (d) Other proof to substantiate exceptional skills or qualifications, such as publications, and testimonials 	13	The same as for Item 1	Mission, or Regional Office
22	Work permit (Intra Company Transfer) – 19(5)	14 OR 16	<ul style="list-style-type: none"> (a) All the requirements under Item 9(1), where applicable (b) A letter from the international concern confirming that the foreigner will be transferred to a branch/affiliated South African company (c) A letter from the South African company confirming the transfer of such foreigner from the parent/affiliated company abroad, as well as specifying the occupation and capacity in which the foreigner will be employed, and that the maximum duration will not exceed two years (d) A certification by a chartered accountant acting on behalf of the employer that the employer needs to employ such foreigner within the Republic and outlining the foreigner's job description (e) An undertaking from the employer as required in section 19(5)(b) (f) The financial guarantees required under section 19(5)(c) and regulation 28(10). 	13	The same as for Item 1	Mission, or Regional Office

23	Work permit (Corporate worker) – 21(1)	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration (c) Corporate permit holder's certification contemplated in regulation 30(9) 	13	The same as for Item 1	Mission, or Regional Office
24	Work permit (Corporate worker) – 21(4)(b) - In respect of an agreement with a foreign state	14	<ul style="list-style-type: none"> (a) A passport valid for no less than 30 days after the expiry date of the intended stay (b) A full set of fingerprints (c) A valid employment contract entered into and attested in the worker's country of origin, for a maximum period of 18 months (d) Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry (e) An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract (f) Corporate permit holder's certification contemplated in regulation 30(9) 	13	The same as for Item 1	Port of entry

25	Work permit (Corporate worker) – 21(4)(c) - In respect of seasonal labour	14 OR 16	(a) A passport valid for not less than 30 days after the expiry date of the intended stay (b) A full set of fingerprints (c) A valid employment contract, which has been entered into and attested in the worker's country of origin, for a maximum period of 6 months (d) An undertaking by the proposed employer, that he/she will remove that worker to his/her country of residence on completion or expiry of the contract (e) Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement either in terms of the relevant international agreement or by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry (f) Corporate permit holder's certification contemplated in regulation 30(9)	13	The same as for Item 1	Port of entry
26	Retired person permit – 20(1) Non - worker	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) Proof of the net worth envisaged in sections 20(1)(a) and 20(1)(b), and regulation 29	13	The same as for Item 1	Mission, or Regional Office
27	Retired person permit – 20(1) Worker	14 OR 16	(a) All the requirements under Item 26 (b) Proof that a citizen or resident is not ready, willing and able to take up the relevant employment	13	The same as for Item 1	Mission, or Regional Office

28	Corporate permit (Corporate applicant)– 21(1)	21	<ul style="list-style-type: none"> (a) The certification of a chartered accountant as contemplated in section 21(2)(a), containing an organisational diagram of the relevant productive unit, including the staff's residential status and job's descriptions (b) The undertaking by the corporate applicant described in section 21(2)(b) and regulation 28(11) (c) Training fee and/or an undertaking to implement the training programme contemplated in regulation 30(8)(a) and (b), (d) An undertaking by the corporate applicant, that he/she will be responsible for the removal of foreigners employed in terms of this permit to their respective countries of residence on expiry of the contract, (e) The representations required under section 21(2)(d), and (f) An undertaking to comply with the provisions of Regulation 30(8) 	22	<ul style="list-style-type: none"> (a) The number of foreigners that may be employed (b) The positions they may occupy or (c) The centres where they may be employed 	Mission, or Regional Office
29	Exchange permit – section 22(a) Higher educational institutions	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) A letter from the Department of Education or a public higher educational institution in the Republic, confirming that it is responsible for organising or administering the programme, outlining the activities and duration thereof, as well as confirming that it will take full responsibility for the student whilst he or she is in the Republic (c) A letter from an organ of the foreign State, confirming the particulars of the student, including confirmation of the student's registration with a tertiary educational institution abroad, as well as the date on which study will commence 	13	The same as for Item 1	Mission, or Regional Office

30	Exchange programme permit – section 22(a) – cultural, economic / social exchange	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 1 (b) A letter from the organ of the State confirming the status/existence of the exchange programme (c) A letter from the educational institution in the Republic confirming that the permit holder, if a student, has been accepted to register, if applicable, or a letter from the entity, organisation or family where the foreigner intends to conduct his or her programme. (d) A letter from an organ of the foreign State confirming awareness of the exchange programme (e) A letter from the sponsoring body responsible for the organising or administering of the programme, confirming that it will take responsibility for the permit holder whilst he or she is in the Republic (f) Annual reports from the sponsoring body, outlining progress of the programme. In the absence of a sponsoring body, the educational institution or organ of State must submit the reports, as well as the confirmation mentioned in (e) 	13	The same as for Item 1	Mission, or Regional Office
31	Exchange permit – section 22(b) – Exchange work programmes	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 1 (b) A letter from a prospective employer certifying compliance with, and providing the undertaking contemplated in section 22(b) and regulation 31(4) (c) Copy of the job offer detailing the terms, conditions and duration of the intended employment. 	13	The same as for Item 1	Mission, or Regional Office

32	Asylum permit – section 23 asylum seeker	52		23	(a) The permit is only valid for travel between the port of entry and the Refugee Reception Office (b) The permit is only valid for fourteen (14) days (c) Any other condition that may be necessary for the better execution of the Act and these Regulations and which is relevant to the circumstances of the asylum seeker	Port of Entry
33	Transit visa – 24	2	(a) As in Item 1, except (d) to (f) (b) Where applicable onward air or sea transport ticket (c) Proof of admissibility in the foreign country of onward travel	3	(a) As in Item 1, where applicable (b) To restrict the holder to remain in the transit area of the port of entry concerned	Mission
34	Permanent residence permit – 26 & 27	24	(a) Application for a permanent residence permit (b) Permanent residence questionnaire (c) Radiological report (excluding pregnant women & children under the age of 16) (d) Medical report (e) All the applicable requirements under Item 9(1)	25		Mission, or Regional Office
35	Permanent residence permit - 26(a) – in respect of a worker who held a work permit for 5 years	24	(a) All the applicable requirements under Items 34 and 20(h) (b) Proof of five years continuous work permit status (c) Offer of permanent employment (d) Certification by the employer's chartered accountant contemplated in section 26(a)(i) (e) Certification by the Department of Labour contemplated in section 26(a)(ii)	25		Mission, or Regional Office closest to relevant employer or business
36	Permanent residence permit -	24	(a) All the applicable requirements under Item 34	25		Mission, or Regional

	26(b) – in respect of a spouse of a citizen / resident		(b) Identity document or permanent residence permit of spouse (c) Declaration of support for the application by the spouse who is the citizen or resident			Office
37	Permanent residence permit - 26(c) – in respect of a child under the age of 21 of a citizen / resident	24	(a) All the applicable requirements under Item 34 (b) Undertaking by parents with regard to financial support	25		Mission, or Regional Office
38	Application for confirmation of residence in respect of a child of a citizen/resident under the age of 21 – section 26(c)	48	(a) Permanent residence permit (b) Application			Mission, or Regional Office
39	Permanent residence permit - 26(d) – in respect of a child over the age of 21 of a citizen	24	(a) All the applicable requirements under Item 34 (b) Undertaking by parents with regard to financial support may be required	25		Mission, or Regional Office
40	Permanent residence permit – 27(a) – on the ground of permanent employment offer	24	(a) All the applicable requirements under Item 34 (b) Offer for permanent employment (c) Certification by the (prospective) employer's chartered accountant as required by section 27(a)(i) (d) Certification by the Department of Labour as required in section 27(a)(ii)	25	To remain employed in the field in respect of which the employment offer was made for two years	Regional Office closest to relevant employer or business

41	Permanent residence permit – section 27(b)-on the grounds of extraordinary skills or qualifications	24	(a) All the applicable requirements under Item 34 (b) All the requirements under Item 21	25		
42	Permanent residence permit – section 27(c)-on the ground of establishing a business	24	(a) All the applicable requirements under Item 34 (b) All the applicable requirements listed under Item 13(b)(c) and (d)	25		Mission, or Regional Office
43	Permanent residence permit – section 27(c)-for person holding a business permit	24	(a) All the applicable requirements under Item 34 (b) Proof of status in terms of section 15 (c) Certification by a chartered accountant as prescribed in regulation 33(12) reflecting the book value of the investment	25		Regional Office
44	Permanent residence permit – section 27(c)-on the ground of investing in a business	24	(a) All the applicable requirements under Item 34 (b) All the applicable requirements listed under Item 14(b)(c) and (d)	25		Mission, or Regional Office
45	Permanent residence permit – section 27(d)-in respect of a refugee	24	(a) All the requirements under Item 34 (b) All the requirements under Item 9(1), as applicable, provided that, if the original is not available, a sworn affidavit will be acceptable in respect of (g), (g) in the case of a foreign marriage, (h) to (m), and (n) in respect of the country fled from only (c) Proof of compliance with section 27(c) of the Refugees Act, 1998 (Act 130 of 1998) (d) Affidavit with regard to aliases used by the applicant and/or family members, if applicable	25		Regional Office

46	Permanent residence permit – section 27(e)- on ground of retiring in the Republic	24	(a) All the applicable requirements under Item 34 (b) Certification by a chartered accountant as required in section 27(e) and regulation 33(16)	25		Mission, or Regional Office
47	Permanent residence permit – section 27(f)- on the ground of a minimum net worth	24	(a) All the applicable requirements under Item 34 (b) Certification by a chartered accountant as required in section 27(f), reflecting proof of a minimum net worth of R20 million and having tendered R100 000 to the Department as the fee referred to section 27(f) in the Act	25		Mission, or Regional Office
48	Permanent residence permit – section 27(g)- in respect of relatives of a citizen / resident within the first step of kinship	24	(a) All applicable requirements under Item 34 (b) Proof of citizen / resident's annual income except where the relative is the parent of a minor child (c) Undertaking by the resident / citizen with regard to financial, medical and physical responsibility for the applicant, except where the relative is the parent of a minor child	25	The permit shall lapse upon the child becoming 21	Mission, or Regional Office
49	Lawful Authority to previously deported person – sec 34(5)(a)	2	(a) Proof of compliance with regulation 34(2) (b) Deposit may be required (c) All the requirements under Item 1	3	As per Item 1	
50	Exemption – regulation 17(2)(a)	8	(a) Valid passport (b) Valid visa, if required (c) Valid temporary or permanent residence permit, in the case of a foreigner (d) Proof of right to return to country of nationality and/or residence may be required in the case of a foreigner	9	As in Item 1, except (c) and (d)	Port of entry, or Regional Office

SCHEDULE B
PORTS OF ENTRY

- (a) Airports:
Bloemfontein International Airport
Cape Town International Airport
Durban International Airport
Johannesburg International Airport
Lanseria International Airport
Nelspruit International Airport
Pilanesberg International Airport
Polokwane International Airport (Gateway)
Port Elizabeth International Airport
Upington International Airport
- (b) Sea ports:
Cape Town Harbour
Durban Harbour
East London Harbour
Mossel Bay (crew only)
Port Elizabeth Harbour
Richards Bay Harbour
Saldanha Harbour (crew only)
- (c) Land border posts:
Alexander Bay
Beit Bridge
Boshoeck
Bothashoop
Bray
Bushmansneck
Caledonspoort
Derdepoort
Emahlatini
Ficksburg Bridge
Gemsbok
Golela
Groblersbrug
Jeppes Reef
Josefsdal
Kopfontein
Kosi Bay
Lebombo
Mahamba
Makgobistad
Makhaleens Bridge
Makopong
Mananga
Maseru Bridge
McCarthy's Rest
Middelputs
Monantsa Pass

Nakop
Nerston
Noenieput
Ongeluksnek
Onseepkans
Onverwacht
Oshoek
Pafuri
Peka Bridge
Platjan
Pontdrift
Ramatlabama
Ramatseliso
Rietfontein
Sani Pass
Sepapus Gate
Skilpadshek
Stockpoort
Swartkopfontein
Telle Bridge
Twee Rivieren
Van Rooyens Gate
Violsdrift
Waverly
Quacha's Neck
Zanzibar

- (d) Other locations designated from time to time by the Director-General as a port of entry for a special purpose and for a given time only, provided that the Director- General shall require those who benefit from such an arrangement to pay a fee of R1 000-00 each to defray the cost of specially manning such ports of entry.

SCHEDULE C
COUNTRIES WHOSE NATIONALS ARE EXEMPT FROM VISAS

1. The citizens of the foreign countries listed in the relevant items of this Schedule are not required to hold a visa in order to report for an examination to a port of entry, subject to the terms and conditions set out in this Schedule, including *inter alia* the intended period of stay in the Republic.
2. The holder of a South African passport, travel document and document for travel purposes are not required to hold a visa to enter the Republic.
3. (a) The holder of passports of
 - Australia
 - the United Kingdom of Great Britain and Northern Ireland,
 - the British Islands Bailiwick of Guernsey and Jersey, Isle of Man and Virgin Islands,
 - the Republic of Ireland, and
 - British Overseas Territoriesdoes not require a visa.
- (b) A national of the British Dependent Territories, including Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Cucie and Oeno Islands, the Sovereign Base Area of Akrotiri and Dhekelia and the Turks and Caicos Islands is required to hold a visa
4. The holder of a passport of the following countries is not required to hold a visa in respect of purposes for which a visitor's permit may be issued for an intended stay of 90 days or less and when in transit:

Andorra
Argentina
Austria
Belgium
Botswana
Brazil
Bulgaria
Canada
Chile
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Iceland
Israel
Italy
Jamaica
Japan

Liechtenstein
Luxemburg
Malta
Mexico
Monaco
Netherlands
New Zealand
Norway
Paraguay
Portugal
San Marino
Singapore
Spain
St Vincent & the Grenadines
Sweden
Switzerland
Taiwan (Republic of China)
Uruguay
Venezuela
United States of America

5. The holder of a passport of the following countries is not required to hold a visa in respect of purposes for which a visitor's permit may be issued for an intended stay of 30 days or less and when in transit:

Antigua and Barbuda
Barbados
Belize
Benin
Bolivia
Cape Verde
Costa Rica
Cyprus: provided that diplomatic and official passport holders are exempt for an up to 90 day stay
Gabon
Guyana
Hong Kong: only with regard to holders of Hong Kong British National-Overseas passports and Hong Kong Special Administrative Region passports
Hungary: provided that diplomatic and official passport holders are exempt for an up to 120 day stay
Jordan
Lesotho
Macau: only with regard to holders of Macau Special Administrative Region passports (MSAR)
Malaysia
Malawi
Maldives
Mauritius
Namibia
Poland

Peru
Seychelles
Slovak Republic
South Korea
Swaziland
Thailand
Turkey
Zambia
Zimbabwe: only in respect of government Officials, including police on cross border investigation

6. Holders of diplomatic and official passports of the following countries do not require visas in respect of purposes for which a visitor's permit may be issued for an intended stay of 90 days or less and transit:

Egypt
Malta
Morocco
Poland
Romania
Slovenia
Tunisia

7. Notwithstanding this Schedule, a foreigner whose visa exemptions have been withdrawn shall comply with visa requirement until notified by the Department that his or her visa exemption has been re-instituted by the Department on petition or of its own accord.
8. Visas are not required by passport holders of Lesotho, Swaziland, Botswana, Namibia, Zambia and Malawi who are entering the Republic as commercial heavy-duty vehicle drivers provided their visits do not exceed 15 days and on condition that they can produce a letter confirming their employment with a transport company on entry.
9. Staff members of the Southern African Development Community (SADC) who travel on SADC laissez-passers are exempt from visa requirements for bona fide official business visits of up to 90 days and transit.
10. Holders of United Nations (UN) laissez-passers are exempt from visa requirements when visiting the Republic for periods not exceeding 90 days for purposes for which a visitor's permit may be issued, and for official business purposes and transits and when accredited for placement at a UN mission in the Republic for the duration of their accreditation. Volunteers attached to UN agencies and travelling on ordinary passports are exempt from visa requirements, provided that they are in possession of the relevant letters or identification documents to identify themselves at ports of entry as personnel of a UN agency.

SCHEDULE D
COUNTRIES WHOSE NATIONALS ARE SUBJECT TO VISA FEES

Fees for the issuance of a visa shall be collected in respect of passport holders of the following foreign countries:

Aden
Afghanistan
Albania
American Samoa
Andorra
Angola
Anguilla
Armenia
Aruba
Ascension
Azerbaijan
Australia
Austria
Bahamas
Bahrain
Belarus
Belau (Palau)
Belgium
Belize*
Byelorussia
Benin (Dahomey)*
Bhutan
Bosnia/Herzegovina
Bouvet Islands
Brunei
Bulgaria
Burkina Faso
Burma (Myanmar)
Burundi
Cambodia (Kampuchea)
Cameroon
Canada
Central African Republic
Chad
China (People's Republic)
Comoros
Cote D'Ivoire (Ivory Coast)
Croatia
Cuba
Denmark
Dahomey (Benin)
Democratic Republic of the Congo
Diego Garcia

Djibouti
Dominican Republic
Eastern Caribbean
El Salvador
Ellice Island (Tuvalu)
Equatorial Guinea*
Eritrea
Estonia
Ethiopia
Falkland Islands
Fiji
Finland
France
French Guiana
French Polynesia
Gabon*
Gambia
Georgia
Germany
Ghana
Gibraltar
Gilbert Island(Kiribati)
Greece
Greenland
Grenada
Guadeloupe
Guam
Guatemala
Guinea-Bissau
Haiti
Honduras
Hong Kong*
Iceland
Indonesia
Iran (Persia)
Iraq
Italy
Ivory Coast (Côte d'Ivoire)
Jamaica
Japan
Kampuchea (Cambodia)
Kazakhstan
Kenya
Kirghizstan
Kiribati (Gilbert Island)
Korea (People's Republic/North)
Korea (Republic of/South)*
Laos
Latvia

Lebanon
Liberia
Libya
Lithuania
Luxemburg
Macedonia
Madagascar
Malaysia*
Mali
Martinique
Marshall Island
Mauritania
Mexico
Micronesia
Moldavia
Monaco
Mongolia
Morocco
Mozambique
Myanmar (Burma)
Nauru
Nepal
Netherlands (Kingdom of)
Netherlands Antilles
New Guinea
New Zealand
Nicaragua
Niger
Nigeria
Northern Marianas
Norway
Oman
Pakistan
Palaci
Palau (Belau)
Panama
Papua New Guinea
Persia (Iran)
Philippines*
Pitcairn Islands
Poland
Portugal
Puerto Rico
Reunion
Romania
Russian Federation
Rwanda
San Marino
Sao Tome & Principe

Saudi Arabia
Sicily
Sierra Leone
Singapore
Slovenia
Somalia
Spain
Sri Lanka
St Kitts-Nevis-Anguilla
St Lucia
Sudan
Suriname
Syria
Tajikistan
Tanzania
Thailand*
Tibet
Togo
Trinidad and Tobago
Tristan da Cunha
Tunisia
Turkey*
Turkmenistan
Turks & Caicos Islands
Tuvalu (Ellice Islands)
Uganda
Ukraine
United Arab Emirates
United States of America
Uzbekistan
Vanuatu
Vatican City
Venezuela
Vietnam
Western Sahara
Yemen (Arab Republic of)
Yemen (People's Republic of)
Yugoslavia (Federal Republic of)

*** In respect of visits intended to exceed thirty days.**

SCHEDULE E
OCCUPATIONS IN RESPECT OF WHICH ADVERTISEMENT IS NOT
REQUIRED

The following categories of employment do not require advertisements

1. Religious workers
2. Key personnel at management level
3. Teachers at international schools
4. Aerospace Satellite Industry professionals
5. Chefs who are qualified by a specialized institute or with at least 4 years experience in preparation of traditional food
6. Models
7. Maritime industry professionals and qualified or skilled personnel
8. Sports professionals
9. Seasonal photographers and cameramen
10. Medical doctors and qualified practitioners
11. Seasonal hair stylists and make-up artists
12. Lighting or sound personnel in respect of special effects
13. Foreign spouses of citizens and residents, in respect of any category of employment

SCHEDULE F
REGULATIONS ON IMMIGRATION PRACTITIONERS

PART "A"

1. Definitions

As used in this Schedule

- (1) "Association" means an Association of Immigration Practitioners, established in terms of item 2;
- (2) "Code of Conduct" means the Code of Conduct set out in Part "B" of this Schedule; and
- (3) "Immigration Practitioner" means a person, other than a practising advocate or attorney or a person referred to in regulation 46(2), who, for remuneration and by trade, represents or acts on behalf of other persons in respect of any of the Department's procedures, proceedings or activities flowing from the Act or these Regulations.

2. Requirements and conditions for compliance by immigration practitioners

- (1) An Association of Immigration Practitioners is hereby established and shall be presided over by three practitioners, one member of the Regional Law Society and one member from the Bar Council appointed by the Minister, and shall be chaired by a President elected by such persons, who are to be remunerated by such Association as determined by such Association. As soon as possible such Association shall constitute itself into a company established in terms of Chapter 21 of the Company Act.
- (2) Upon a petition of at least 50 persons who are or would qualify to be immigration practitioners, the Minister shall establish another Association as set out in paragraph (1), in respect of which paragraph (1) shall apply mutatis mutandis, provided that for good cause and in consultation with the Board, the Minister may refuse to establish another Association when he or she deems that too many Associations already exist for the effective regulation of the profession.
- (3) The Minister may disestablish an Association on account of its failure to perform its functions satisfactorily, provided that before doing so he or she shall give at least 60 days notice to its President and shall give the Association at least 30 days to remedy its shortcomings if they are of such a nature that they can be remedied.
- (4) All immigration practitioners shall belong to an Association. An Association shall not refuse membership to a qualifying applicant or a member of another Association unless there is good cause to do so. An Association shall determine Membership fees after consultation with the Director General.
- (5) An Association may advise the Department and the Board on matters relating to immigration practitioners and shall monitor the conduct of its members to ensure and promote their professionalism and integrity and to protect the interests of their clients.
- (6) Without derogating from or limiting any other right available under any law, any aggrieved person may lodge a complaint against an immigration practitioner with the Association to which such practitioner belongs and such Association shall investigate all such complaints and, when warranted, shall adopt appropriate disciplinary action, in accordance with its rules, including expulsion. The Director-General may request copies of any documentation relating to any of such investigations or disciplinary proceedings.
- (7) An Association shall formulate proposals for the consideration of the Minister in

- respect of the test referred to in item (10)(c), and shall administer to its members any test approved by the Minister, provided that any test approved by the Minister shall apply in respect of any and all Associations and there shall be only one test in force at any given time.
- (8) When making an application under the Act or these Regulations, or otherwise acting on behalf of another person, an immigration practitioner shall
 - (a) supply a written power of attorney containing substantially the information set out in Annexure 56;
 - (b) lodge the application of a person who is outside the Republic at a mission;
 - (c) lodge the application of a person who is in the Republic at a Regional Office of the Department situated nearest to the home or business address of the applicant;
 - (d) certify that the application has been signed by the applicant personally;
 - (e) sign personally; and
 - (f) provide his or her full address.
 - (9) Any immigration practitioner shall not continue or commence such business unless he or she is registered as a practitioner in terms of these Regulations.
 - (10) No person shall be registered as a practitioner unless he or she has reached the age of 21 years and-
 - (a) is a citizen or resident and has been such for a period of not less than three years;
 - (b) has submitted an oath or solemn affirmation that he or she is not a member of the immediate family of an official employed by the Department;
 - (c) has knowledge of the Act and these Regulations and has passed a written examination administered by an Association at least once every two years and has been found to be suitably competent;
 - (d) provides a police clearance certificate not older than six months;
 - (e) pays the processing fees set out in Schedule G;
 - (f) applies for registration with an Association on a form which contains substantially the information set out in Annexure 54; and
 - (g) commits himself or herself in writing to comply with the Code of Conduct.
 - (11) Upon receipt of the information that a person is a member of an Association together with a copy of such person's application referred to in item 10(f), the Director-General shall register the applicant as a practitioner unless
 - (a) the information contained in the application is in any material respect false or misleading; or
 - (b) the applicant has been convicted of any offence under the Act or contemplated in Schedule I or II of the Act; or
 - (c) the applicant has in the three years immediately preceding been a public servant who was dismissed for misconduct or resigned from the public service while facing disciplinary proceedings instituted by his or her employer.
 - (12) An applicant shall be informed in writing by the relevant Association or the Director General, as the case may be, if his or her application is refused, and of reasons for such refusal.
 - (13) Any immigration practitioner registered in terms of this item must, within 14 days, inform the Director-General of any change in business address and return the certificate of registration referred to in item 4, upon receipt of which the Director-General shall issue a new certificate reflecting the new address.
 - (14) After consultation with the relevant Association, the Director-General shall cancel the registration of an immigration practitioner who

- (a) materially fails to comply with the provisions of the Act or these Regulations;
- (b) is convicted of any offence under the Act or Schedule I or II thereto;
- (c) has been registered on the basis of having provided information materially false or misleading; or
- (d) does not comply with the provisions of the Code of Conduct.

3. Register of Immigration Practitioners

- (1) An Association shall keep a register in which it shall be record the names and addresses of all persons who have been registered as immigration practitioners or whose registration has been cancelled and shall make such register available to the Director-General.
- (2) The register shall be updated on a monthly basis and a copy of the updated version of the register shall be open for public inspection during office hours once a week at the headquarters of an Association and shall be made available on the Internet by such Association.

4. Certificate of Registration

- (1) Upon registration of an immigration practitioner, the Director-General shall issue a certificate, which contains substantially the information prescribed in Annexure 55.
- (2) A certificate issued under sub-item (1) must, within 14 days after an immigration practitioner's registration is cancelled, be handed over to the Director-General.
- (3) Any person failing to comply with the provisions of sub-item (2) shall be guilty of an offence and be liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.
- (4) A certificate issued in terms of sub-item (1) shall be valid for a period of two years from the date of issue.
- (5) Failure to submit a complete application for an extension of such a certificate within the validity period shall cause the registration to become null and void.

5. Transitional and Final arrangements

- (1) An immigration practitioner shall carry professional liability insurance with a minimum cover of R500 000 from a registered insurance company. Proof of such indemnity shall be submitted to the relevant Association and the Director-General within three days of registration.
- (2) Any person who on the date of commencement of these Regulations is registered as an immigration practitioner in terms of the Regulations made in Terms of the Aliens Control Act, 1997 (Act no.96 of 1991) as amended, shall be deemed to be registered as such under these Regulations, provided that such registration shall be cancelled if the immigration practitioner concerned
 - (a) fails to notify the Director-General in writing within 30 days of the commencement of these Regulations that he or she commits himself or herself to the Code of Conduct
 - (b) becomes a member of an Association within 60 days; and
 - (c) successfully takes the test referred to in item 2(5)(c).

Part "B"

CODE OF CONDUCT FOR IMMIGRATION PRACTITIONERS

1. The Code is intended to regulate the conduct of immigration practitioners. The provisions of the Code are not intended to substitute any duty or obligation an immigration practitioner may have under common law or statutory law. This Code must be construed as a standard which should inspire ethical conduct rather than merely a collection of provisions .
2. By subscribing to this Code an immigration practitioner pledges
 - (a) to uphold high standards in his or her business;
 - (b) to abide by minimum requirements in order to act as a registered immigration practitioner including
 - (i) being of good character;
 - (ii) being knowledgeable of the provisions of the Immigration Act and its Regulations and related forms and procedures, so as to offer sound, competent and comprehensive advice to client;
 - (iii) being able to perform diligently and honestly;
 - (iv) being able and willing to deal fairly with clients;
 - (v) abiding by standard criteria governing professional fees and disbursements;
 - (vi) abiding by the standard of prudent office administration; and
 - (vii) being accountable to client.
3. The Code does not intend to list all possible requirements for a competent and responsible immigration practitioner, but intends to set standards from which, if necessary, other requirements and criteria may be deducted under the different circumstances.
4. A practitioner shall act at all times to pursue with zeal and competence the lawful interests of his or her client, and any conduct falling short of this standard may render him or her liable to de-registration or professional liability.
5. On all occasions an immigration practitioner must act in accordance with the Constitution, the law and the legitimate interests of his or her client.
6. A practitioner's professionalism should be reflected in sound working knowledge of the Immigration Act and Regulations, and a capacity to provide accurate and timely advice. A practitioner must treat his or her client fairly and be mindful of a client's dependence on the practitioner's knowledge and experience.
7. Taking into account the objective and true facts of the case, which the practitioner shall investigate to his or her satisfaction, a practitioner shall be candid and honest as to the prospects of success when assessing a client's request for assistance, in preparing a case or making an application under the Act or the Regulations.
8. A practitioner shall
 - (a) within a reasonable time after agreeing to represent a client, confirm the client's instructions in writing;
 - (b) act in accordance with the client's instructions;
 - (c) keep the client fully and regularly informed in writing of the progress of each case or application he or she undertakes for the client; and

- (d) within a reasonable time after the case or application is decided, inform the client in writing of the outcome of the client's case or application.
9. A practitioner shall complete the work as instructed by a client unless
 - (a) the practitioner and client agree otherwise; or
 - (b) the client terminates the practitioner's instructions; or
 - (c) the practitioner terminates the agreement for just cause and gives reasonable written notice to the client; or
 - (d) the client fails to pay the practitioner's fees which are due and payable, after the practitioner has given such client written notice of his or her intention of suspending his or her services and at least seven days to make such payment.
 10. Whilst a practitioner cannot be responsible for inaccurate or false information provided by a client, a practitioner must not make statements in support of an application under the Immigration Act or its Regulations or encourage the making of statements, which he or she knows or believes to be misleading, inaccurate or false.
 11. A practitioner must not engage in false or misleading advertising, including advertising which guarantees the success of an application.
 12. A practitioner must not, when advertising, imply the existence of a relationship with the Department of Home Affairs, for example, by using terms such as
 - (a) "Home Affairs Consultants"; or
 - (b) "Home Affairs registered Immigration Practitioner".
 13. A practitioner must not intimidate or coerce any person. For example, a practitioner must not engage in
 - (a) undue pressure;
 - (b) physical threats;
 - (c) manipulation of cultural or ethnic anxieties;
 - (d) threats to family members in the Republic or overseas; or
 - (e) unwarranted claims of Departmental sanctions.
 14. A practitioner must not unreasonably withhold from a client documents belonging to the client, and, when requested by client, must return to client all documentation relevant to the client's case or application, or copies thereof.
 15. A practitioner should not encourage the lodging of applications under the Act or Regulations which have no likelihood to succeed.
 16. A practitioner may indicate that he or she is registered, and may describe what the registration process involves. However, a practitioner shall not portray such registration as involving a special or privileged relationship with the Minister or officers of the Department of Home Affairs.
 17. A practitioner shall preserve the confidentiality of any information acquired from his or her client or because of his relationship with such client.

18. Subject to a client's instructions, a practitioner has the duty to provide sufficient relevant information to the Department of Home Affairs to allow a full assessment of all the facts against the relevant criteria.
19. A practitioner shall ascertain the correct fee for an application under the Act or Regulations and inform the client accordingly.
20. A practitioner should not submit applications under the Act or Regulations without the required supporting documentation.
21. A practitioner shall not charge fees beyond the criteria established by the Association of Immigration Practitioners to which he or she belongs, or, beyond those which are reasonable under the circumstances of the case. An immigration practitioner must provide his or her client with a statement or estimate of fees and any applicable disbursement at the commencement of his or her activity for such a client.
22. A practitioner shall advise clients of the method of payment of fees, including Departmental fees. Any disbursement made by a practitioner, including but not limited to translation or expert's fees, shall be authorized by the client prior to their being incurred.
23. A practitioner shall inform clients that they are entitled to receive copies of the application and any related documents. A practitioner may charge a reasonable fee for any copies provided.
24. A practitioner shall ensure that clients have access to an interpreter where necessary.
25. A practitioner must respond to a request for information from the Department of Home Affairs within such reasonable time as specified by the Department.

THIS CODE OF CONDUCT SHOULD BE DISPLAYED PROMINENTLY IN THE PRACTITIONER'S OFFICE.

IF A CLIENT HAS REASON TO BELIEVE THAT AN IMMIGRATION PRACTITIONER HAS ACTED IN BREACH OF THIS CODE OF CONDUCT, A COMPLAINT CAN BE MADE IN WRITING TO:

**ASSOCIATION OF IMMIGRATION PRACTITIONERS
[of which the specific practitioner is a member]
Address**

OR

**THE DIRECTOR-GENERAL
DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG X114
PRETORIA
0001**

SCHEDULE G
FEES

1. The Department may levy fees in respect of the applications for permits, certificates, visas or other services in terms of the provisions of the Act, as set out in the following table. Fee exacted outside the Republic shall be paid in the legal tender of the foreign country concerned.

SERVICES RENDERED	FEES	
	R	US \$
1. Confirmation of permanent residence status	63,00	5
2. Application for a visa in terms of section 11(1)(a), or for a visitor's permit in terms of section 11(1)(b)(ii) of the Act	425,00	37
3. Application for a transit visa in terms of section 24(2) of the Act	425,00	37
4. Application for a visitor's permit by an illegal foreigner in terms of section 11(3) of the Act	800,00	-
5. Extension of a visitor's permit granted to an illegal foreigner in terms of section 11(3) of the Act	425,00	37
6. Granting of a visitor's permit in terms of section 11(1)(b)(i) of the Act	Free	-
7. Application for a renewal of a visitor's permit in terms of section 11(1)(i) of the Act	425,00	37
8. First application for a study permit in terms of section 13 of the Act	425,00	37
9. Subsequent application for a study permit in terms of section 13 of the Act	425,00	37
10. First application for a business permit in terms of section 15 of the Act	1520,00	132
11. Subsequent application for a business permit in terms of section 15 of the Act	1520,00	132
12. First application for a medical treatment permit for medical treatment in terms of section 17 of the Act	425,00	37
13. Subsequent application for a medical treatment permit in terms of section 17 of the Act	425,00	37
14. First application for a work permit in terms of section 19 of the Act	1520,00	132

15. Subsequent application for a work permit in terms of section 19 of the Act	1520,00	132
16. First application for a corporate permit in terms of section 21 of the Act	1520,00	132
17. Subsequent application for a corporate permit in terms of section 21 of the Act	1520,00	132
18. First application for an exchange permit in terms of section 22 of the Act; provided that the fee is not payable where a reciprocal exchange agreement grants exemption from payment of fees	425,00	37
19. Subsequent application for an exchange permit subject to the proviso in item 19	425,00	37
20. First application for a diplomatic permit in terms of section 12 of the Act; provided that the fee is not payable where a reciprocal diplomatic agreement grants exemption from payment of fees	425,00	37
21. Subsequent application for a diplomatic permit, subject to the proviso in item 21	425,00	37
22. First application for a treaty permit in terms of section 14 of Act; provided that the fee is not payable where a reciprocal treaty agreements grants exemption from payment of fees	425,00	37
23. Subsequent application for a treaty permit subject to the provision in item 23	425,00	37
24. Application for a certificate in terms of section 9(3)(c)(i) and 31(2)(c).	425,00	37
25. Application for a permanent residence permit(s) in terms of sections 26 and 27 of the Act, per individual or per family. Provided that this fee is waived in respect of an applicant who is the spouse, a partner in a spousal relationship, or a dependant child of a person permanently and lawfully resident in the Republic	1520,00	132
26. Application for the extension of a period of absence from the Republic exceeding three years in terms of section 28(c) of the Act	63	5
27. Application for permission to a permanent resident in terms of section 27(a) and (c) of the Act to change occupation	1012,00	88
28. Application for the extension of validity of a permanent residence permit in terms of section 28(d) of the Act	1012,00	88

29. Processing fee for a first application to be registered as an immigration practitioner in terms of Schedule F of these Regulations to be paid to the relevant Association	3 000,00	-
30. Processing fee for a subsequent application to be registered as an immigration practitioner in terms of Schedule F of these regulations to be paid to the relevant Association	500,00	-

* For purposes of these Regulations, the Rand /US dollar exchange rate is stipulated

SCHEDULE H : FOREIGN CUSTOMARY UNIONS AND MARRIAGES

I. FOREIGN CUSTOMARY UNIONS

Foreign country	Type of customary union and supporting documentation
Canada	<i>De facto</i> common-law relationships registered in Nova Scotia and Quebec only, proven by a sworn affidavit that the unmarried couple has lived together in a conjugal relationship for at least one year
Costa Rica	<i>De facto</i> unions proven by a sworn declaration made to a Family Judge
Democratic Republic of Congo	Customary unions where the woman has freely consented in the presence of both families and witnesses, the man or his representative has paid <i>lobola</i> to the parents or representatives of the woman, and both have reported to the legal authority, proven by a certificate of such authority endorsed for validity by a consular officer of that foreign country in the Republic
Finland	Same sex partnerships proven by a Registered Partnership Certificate and an extract from the National Population Information System issued no later than 90 days from its submission to the Department
France	Life partnership and same sex life partnership proven by an affidavit of the couple concerned endorsed for validity and effectiveness by a consular officer of that foreign country in the Republic
Iceland	Registered cohabitation of a couple of the opposite sex proven by certificate issued by the National Registry upon declaration and registration Same sex registered partnership, proven by a certificate of registration with a Magistrate or his or her deputy
Indonesia	Polygamous marriages under Islamic Syari'ah Law only proven by a Marriage Certificate Quotation issued by the Office of Religion Affairs, or a letter stating the number of the Marriage Certificate Quotation accompanied by a letter from Police reporting the loss of the

	Quotation
Hashemite Kingdom of Jordan	Polygamous marriages (up to four) proven by a marriage certificate for each marriage
Kuwait	Polygamous marriages proven by a marriage certificate for each wife
Lebanon	<p>Polygamous marriages proven by the status of "polygamous" recorded in the man's Family Record</p> <p>In case of a marriage contracted under another citizenship, if the person concerned has multiple citizenship, proven by proof of a contracted marriage issued by Ministry of Interior.</p>
Malaysia	Polygamous marriages, among Muslims only, conducted with judicial consent proven by evidence of such judicial consent and endorsed for validity by a consular officer of that foreign country in the Republic
Mali	Polygamous marriages proven by a marriage certificate issued for each wife
Morocco	Polygamous marriages under Islamic Sharia Law proven by documentation issued for each wife
San Marino	<i>More uxorio</i> cohabitation documented by the Office of Vital Statistics by virtue of family status records
Saudi Arabia	Polygamous marriages based on Sharia Law proven by a marriage contract issued for each marriage
USA	Affidavit of a lawyer in good standing in the State concerned, stating that the State concerned recognizes common law marriages, the couple concerned resides in such State and that he or she has direct and personal knowledge that the couple concerned is in a common law marriage having satisfied all the relevant legal and factual requirements
Venezuela	Non-marriage union between the opposite sex proven by a certificate of legal recognition if declared before the relevant authorities and endorsed for validity by a consular officer of that foreign country in the Republic

II. FOREIGN MARRIAGE CERTIFICATES

Foreign country	Documentation
Argentina	Marriage Certificate issued by the Registrar of the Civil Status and People's Capacity (divorce will be noted in the margins)
Austria	Marriage Certificate
Belarus	Marriage Certificate
Bulgaria	Certificate of Marriage issued by the local Municipal Council
Canada	Marriage Certificate issued by provincial/territorial ministry
People's Republic of China	Marriage Certificate
Costa Rica	Marriage Certificate issued by the Civil Registrar
Democratic Republic of Congo	Marriage Certificate
Finland	Marriage Certificate or an extract from the National Population Information System (divorce is registered in NPIS)
France	Marriage certificate or a notation on the birth certificate (divorce will be noted on both certificates)
Germany	Marriage Certificate "Heiratsurkunde"
Iceland	Certificate of Marriage issued by the National Registry
Indonesia	Marriage Decree Quotation issued by the Civil Registrar's Office or a letter quoting the number of the Marriage Decree Quotation accompanied by a letter from Police reporting the loss of the Quotation
Ireland	Marriage Certificate
Italy	Marriage Certificate
Hashemite Kingdom of Jordan	Marriage Certificate issued by the Department of Civil Status or an official Family Document

Korea	Copy of the Family Register issued by the relevant provincial government office
Kuwait	Marriage Certificate
Lebanon	Marriage Certificate issued by Ministry of Interior, and registered in the husband's Family Record . Wife's passport will show the full name of her husband.
Malaysia	Marriage Certificate - a divorce decree is endorsed on the Marriage Certificate
Mali	Acte de mariage/Marriage Certificate
Morocco	Contract issued by two Adults (officially recognized religious Clerks), authenticated and registered at a regional court
Nepal	Marriage Registration Certificate issued by the Local Government Office or the Court
Russia	Marriage Certificate and/or stamp in passport of citizen
San Marino	Certificate of Marriage and abstract of the Act of Marriage and/or a Certified Copy of the Act of Marriage issued by the Office of Vital Statistics. Marriage and divorce are annotated on the Birth Certificate.
Saudi Arabia	Marriage contracts
Spain	Certificate of Civil Register or the Family Book
Thailand	Marriage Certificate
Tunisia	Contract of Marriage
Turkey	Marriage Certificate and entry in personal registry at Ministry of Internal Affairs
United Kingdom	Certified copy of the entry in the marriage register
USA	Marriage Certificate from the State concerned

Venezuela	Marriage Certificate issued by the relevant municipal authority
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REPUBLIC OF SOUTH AFRICA
PART 1
AFFIDAVIT IN RESPECT OF PARTIES
TO A PERMANENT SPOUSAL RELATIONSHIP
[Section 1(1)(xxxvi) of Act No 13 of 2002 : Regulation 9]

We, the undersigned,
Particulars of South African citizen / permanent resident/foreigner on temporary residence permit.

Surname	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
First name/s (in full)			
Address:			
.....			
Identity No#	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> or
Passport No	Nationality	Date of birth	
Being a widow(er)/unmarried/divorced person*			

And
Particulars of foreigner

Surname	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
First name/s (in full)			
Address :			
.....			
Passport No .....	.....(Attach copy of passport with facial photograph)		
Date of Birth	Place of Birth		
Nationality	Date of First Entry into South Africa #.....		
Type of residence permit held #.....			
Being a widow(er)/unmarried/divorced person*			

do hereby make oath and say/hereby solemnly affirm*

1. We are parties to a spousal relationship for the past years months* which is intended to be permanent, excludes any other person and involves cohabitation, an obligation of mutual emotional support between us and a reciprocal obligation to support one another financially in circumstances where the one has the means to do so and the other requires

such support in order to maintain, without recourse to public funds, his or her financial and social standing and standard of living.

2. To substantiate our intention we attach a notarial contract required in terms of section 1(1)(xxxvi) of the Immigration Act, 2002.
3. We understand that within three years from the date of issuance of the conditional permanent residence permit, we must depose to the affidavit in Part 2 of this form and submit it to the Regional Director : Department of Home Affairs and that, should we fail timeously to do so, the conditional permanent residence permit issued to the spouse shall lapse.

.....
**THE SOUTH AFRICAN CITIZEN/
PERMANENT RESIDENT/TEMPORARY
RESIDENCE PERMIT HOLDER**

.....
FOREIGN SPOUSE

Thus signed and sworn/solely affirmed*
before me on the date and at the place set out below, in accordance with the regulations governing the administration of an oath or an affirmation in GN 1258 of 21 July 1972, as amended.

.....
COMMISSIONER OF OATHS

FULL NAMES
CAPACITY
DATE:
PLACE :

OFFICE STAMP

***Delete what is not applicable**
#If applicable

REPUBLIC OF SOUTH AFRICA
PART 2
SUPPLEMENTARY AFFIDAVIT IN RESPECT OF PARTIES
TO A SPOUSAL RELATIONSHIP

We, the undersigned,
Particulars of South African citizen / permanent resident/foreigner on temporary residence permit.

Surname	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
First name/s (in full)			
Address:			
.....			
Identity No#	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> or
Passport No	Nationality	Date of birth	
Being a widow(er)/unmarried/divorced person*			

And
Particulars of foreigner

Surname	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
First name/s (in full)			
Address :			
.....			
Passport No .....	.....(Attach copy of passport with facial photograph)		
Date of Birth	Place of Birth		
Nationality	Date of First Entry into South Africa #.....		
Type of residence permit held #.....			
Being a widow(er)/unmarried/divorced person*			

do hereby make oath and say/hereby solemnly affirm*

1. On (Fill in the date) we deposed to an affidavit in terms of part 1 of this form.

2. We are not married and the spousal relationship referred to in paragraph 1 of that affidavit still subsists with all the characteristics set out in that paragraph.

.....
**THE SOUTH AFRICAN CITIZEN/
PERMANENT RESIDENT/TEMPORARY
RESIDENCE PERMIT HOLDER**

.....
FOREIGN SPOUSE

Thus signed and sworn/solely affirmed*
before me on the date and at the place set out below, in accordance with the regulations governing the administration of an oath or an affirmation in GN 1258 of 21 July 1972, as amended.

.....
COMMISSIONER OF OATHS

FULL NAMES
CAPACITY
DATE:
PLACE :

OFFICE STAMP

***Delete what is not applicable**

#If applicable

Republic of South Africa
APPLICATION FOR A VISA
[Section 1(xlii) of Act No 13 of 2002 : Regulation 10]

IMPORTANT
INSTRUCTIONS AND INFORMATION

(Please read carefully)

PURPOSE OF A VISA

A visa only enables the holder to proceed to a port of entry before or on the expiry date of the visa, where the holder must comply with the applicable law, regulations and the following entry requirements of the Republic of South Africa. No fixed travel arrangements must be made prior to the issuing of the visa and ten (10) days must be allowed for the processing thereof.

ENTRY REQUIREMENTS

- An acceptable passport / travel document to be valid for no less than 30 days after the expiry of the intended stay and containing at least one blank page for endorsements.
- A valid visa, if required.
- Sufficient funds.
- A return / onward ticket.
- Yellow fever certificates are required if the journey starts or entails passing through the yellow fever belt of Africa or South America.

WHERE TO APPLY FOR A VISA

- At the nearest or most convenient South African diplomatic or consular representative.
- Visas **CANNOT** be applied for at South African ports of entry.

WHAT TO SUBMIT

- Passports must accompany the visa applications when submitted at a South African diplomatic or consular representative.
- Proof of booking of airline ticket.
- 2 Identity photographs.
- Prescribed visa fee, if not exempted therefrom.
- Proof of sufficient funds.
- Supporting documentation confirming the purpose of the visit
- Inoculation certificate, if required.

FEES

Nationals of certain countries are subject to visa fees. Fees are levied per application and are not refundable should the application be refused.

PERSONS IN TRANSIT

Persons applying for transit visas must submit proof that they will be admitted to their destinations and they must be in possession of onward / return tickets.

DURATION AND PURPOSE OF STAY

On entry to the RSA the visa is deemed to be a visitor's permit. The validity of the permit must be calculated from date of entry. The period for which the permit will be valid will be set out under the heading "conditions" on the visa label. Applicants must ensure that they apply for the correct visa / permit as any change in the purpose of stay or the relevant permit applied for in the Republic may be refused if the purpose of the original entry was not correctly stated.

WARNING

Any applicant allowed entry into South Africa due to any misrepresentation, or false declaration on this application form or who sojourns in the Republic in contravention of his/her visa/permit conditions shall be guilty of an offence and liable on conviction to a fine or to imprisonment as an illegal foreigner.

(Page 1 must be detached and retained by the applicant)

REPUBLIC OF SOUTH AFRICA

VISA APPLICATION

Failure to complete this application form in full may result in the visa being delayed or refused.
Please use block letters and black ink only.

PERSONAL PARTICULARS

1. Surname	[Grid for Surname]																																				
2. First names (in full)	[Grid for First Names]																																				
3. Maiden name	[Grid for Maiden Name]																																				
4. Date of birth	Y	Y	Y	Y	M	M	D	D																													
5. City of birth	[Grid for City of Birth]																																				
6. Country of birth	[Grid for Country of Birth]																																				
7. Gender	Male	Female																																			
8. Nationality	[Grid for Nationality]																																				
9. If acquired by naturalisation state original nationality and where and when present nationality was obtained	[Grid for Nationality Details]																																				
10. Details of passport	(a) Number										(b) Issuing authority										(c) Date of expiry							(d) Type of document									
11. Present address	[Grid for Present Address]																																				
12. Period resident at this address	[Grid for Period Resident]																																				
13. Telephone number	[Grid for Telephone Number]																																				
14. Country of permanent residence	[Grid for Country of Residence]																																				
15. Period resident in that country	[Grid for Period Resident in Country]																																				
16. Occupation/Profession	[Grid for Occupation]																																				
17. Name and address of employer, university, organisation etc. to which you are attached, attend or which you represent:	[Grid for Employer/Address]																																				
18. If self-employed, state name and nature of business:	[Grid for Self-employed Business]																																				
19. Marital status	Never married	Married	Widow/er	Separated	Divorced																																
NB: ITEM 20 TO 23 TO BE FILLED IN THE CASE OF ACCOMPANYING SPOUSE																																					
20. Full names of husband/wife	[Grid for Spouse Name]																																				
21. Maiden name of wife	[Grid for Maiden Name of Wife]																																				
22. Birth date of spouse	Y	Y	Y	Y	M	M	D	D																													
23. His/her nationality	[Grid for Spouse Nationality]																																				
NB: SEPARATE FORMS MUST BE COMPLETED IN RESPECT OF PERSONS OVER THE AGE OF 16 AND CHILDREN UNDER THE AGE OF 16 TRAVELLING ON THEIR OWN PASSPORTS.																																					
24. Particulars of children accompanying you and endorsed on your passport	[Grid for Children Particulars]																																				
	<i>Surname</i>	<i>First names</i>	<i>Date of birth</i>	<i>Place of birth</i>																																	
(1)	.....	.....	.....	.....																													
(2)	.....	.....	.....	.....																													
(3)	.....	.....	.....	.....																													
(4)	.....	.....	.....	.....																													

VISIT TO SOUTH AFRICA

25. Expected date of arrival 26. Port of arrival
27. Purpose of visit
28. Duration of stay (months, weeks or days)
29. Proposed residential address (not P O Box number) in RSA, including the full names of your host or hotel:

30. Names of organisations/persons you will be contacting during your stay in the RSA; if any

<i>Name</i>	<i>Address</i>	<i>Relationship</i>
.....
.....
.....

31. Identity document number/permanent residence permit number of South African host if any.....

Indicate by means of an X whichever is applicable

32. Have you at any time applied for a permit to settle permanently in South Africa?
 33. Have you ever been restricted or refused entry into South Africa?
 34. Have you ever been deported from or ordered to leave South Africa?
 35. Have you ever been convicted of any crime in any country?
 36. Is a criminal enquiry pending against you or any of your dependents in any country?
 37. Are you an unrehabilitated insolvent?
 38. Are you suffering from tuberculosis or any other infectious or contagious diseases or any mental or physical deficiency?
 39. Have you ever been judicially declared incompetent?
 40. Give particulars if reply to one or more of questions 32 to 42 is in the affirmative
41. Are you a member of, or an adherent to an association or organization advocating the practice of social violence, or racial hatred.
42. Are you or have you been a member or an adherent to an association or organization utilizing or advocating crime or terrorism to pursue its goals?
43. Is there any court order outstanding against you for failure to fulfill maintenance obligations.

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

TO BE COMPLETED ONLY BY PASSENGERS IN TRANSIT TO A FOREIGN COUNTRY

44. Destination after leaving the RSA
45. Mode of travel to destination
46. Intended date and port of departure from the RSA to that destination
47. Do you hold a visa/permit for temporary or permanent residence in the country of your destination? (Proof must be submitted)

I SOLEMNLY DECLARE THAT THE ABOVE PARTICULARS GIVEN BY ME ARE TRUE IN SUBSTANCE AND IN FACT AND THAT I FULLY UNDERSTAND THE MEANING THEREOF. I FURTHER DECLARE THAT I DO NOT CONTEMPLATE EMPLOYMENT OR PERMANENT RESIDENCE OR CHANGE OF TEMPORARY RESIDENCE STATUS IN SOUTH AFRICA.

.....
Date *Signature of applicant*

Control No :

REPUBLIC OF SOUTH AFRICA

[Section 1(xlii) of Act No 13 of 2002 : Regulation 10]

.....VISA *

Ref No

Name

Passport No

Authority to proceed to the Republic to report to an immigration officer at a port or port of entry has been granted by the Department of Home Affairs.

No of entries Visa expiry date

Issued aton

Conditions :

.....
.....
.....

.....

for : Department of Home Affairs

[*] Indicate type of permit to be issued by reference to relevant section of the Act or Regulation

Annexure 4

REPUBLIC OF SOUTH AFRICA

ARRIVAL FORM

[Section 10(2) and 35(3)(a)(ii) of Act No. 13 of 2002: Regulation 10(3)(d)(i)]

Not to be completed by a South African citizen or permanent resident.

Mode of travel	Flight No.	Vehicle Registration No.	Train No.	Name	Other

Nationality of passport

Passport No.

Surname and Initials	Gender	Male	Female
----------------------	--------	------	--------

Full Forenames

Date of birth	Year	Month	Day	Intended departure date	Year	Month	Day

Country of ordinary residence

Purpose of visit *(use X to specify)*

A Vacation, Study for less than 3 months. Medical Treatment for less than 3 months, or Work remunerated and contracted abroad for less than 3 months.	B Investment	C Study for longer than 3 months	D Work or manage a business	E Transit	F Immigrating	G Diplomatic placing	H Crew Member	I Medical treatment for longer than 3 months
---	------------------------	--	---------------------------------------	---------------------	-------------------------	--------------------------------	-------------------------	--

Occupation *(use X to specify)*

A Diplomatic	B Charitable	C Civil Service Military Police	D Student	E Educational	F Trade Business	G Professional	H Artist	I Other
------------------------	------------------------	---	---------------------	-------------------------	-------------------------------	--------------------------	--------------------	-------------------

For official use

TRP number

Entry stamp

**REPUBLIC OF SOUTH AFRICA
DECLARATION**

[Section 10(2) and 35(3)(a)(ii) of Act No 13 of 2002 : Regulation 10(3)(d)(ii)

First name/s (in full) and surname.....

Date of birth.../.../...Place of birth (town / city).....country.....

Present nationality.....Country of permanent residence.....

Marital status.....

Country which issued passport / travel document.....

Passport/travel document no.....issued at (place).....

On (date).....and valid until (date).....

Placeand dateof entry into the RSA

Occupation / profession (describe in full)

Purpose of visit (must be described in full and, in the case of commercial activities, the nature thereof must also be described)

.....

Duration of intended stay in the Republic (date of departure).....

Address in the Republic.....

Have you ever been refused a visa for or admission to the Republic, been removed or instructed to leave the country? (YES/NO)..... If YES, furnish particulars in full.....

.....

I declare that the information I have furnished above, is true and correct and that if I am admitted to the Republic, I will comply with the purpose and conditions in terms of which the admission has been authorised.

.....
Signature of deponent

.....
Date

.....
Place
Left thumb print

.....
.....
.....
.....
.....
.....

4. STATEMENT OF PERSON INTERVIEWED:

I, (name) hereby
acknowledge that the above is a true account of the interview that took place.

.....
SIGNATURE OF ILLEGAL FOREIGNER DATE

5. DECISION OF IMMIGRATION OFFICER:

.....
.....
.....

6. REASON FOR DECISION:

.....
.....
.....

.....
SIGNATURE OF IMMIGRATION OFFICER DATE

7. IMMIGRATION OFFICER'S PARTICULARS

SURNAME:

FULL NAMES:

APPOINTMENT NO:

RANK:

PORT OF ENTRY:

**DEPARTMENT OF HOME AFFAIRS
NOTICE OF CONTEMPLATED DECISION
ADVERSELY AFFECTING A PERSON
[Section 8(1) and 8(4) of Act No 13 of 2002 : Regulation 16(a)]**

To

At

.....
.....

1. With reference to your application for
you are, in terms of the provisions of sections 8(1) and 8(4) of the Immigration Act,
2002 (Act No 13 of 2002), hereby, notified that the Department is contemplating the
following decision :

The reason(s) for the contemplated decision is/are the following :

.....
.....
.....

2. In terms of section 8(4) of the Act you are, hereby, furthermore notified that you have
10 calendar days from date of this notice having been served on you, to make written
representations to the Department to reconsider its contemplated decision.

3. Should you fail to make representations, or fail to keep the Department informed of
your whereabouts, the contemplated decision set out above will become effective.
The onus is on you to inquire about the outcome of your representations within 14
days after submission thereof.

.....
DEPARTMENT OF HOME AFFAIRS
DATE:
PLACE

Appointment No
(If Immigration Officer)

1. I acknowledge receipt of the original of this notice and declare that I understand the
content thereof.

2. I wish/do not wish* to make representations to the Department in terms of section
8(1) of the Act to review the decision. Written representations are attached hereto.*

.....
SIGNATURE OF RECIPIENT OF NOTICE
DATE:

***Delete what is not applicable**

**DEPARTMENT OF HOME AFFAIRS
NOTICE OF EFFECTIVE DECISION AND
EXPLANATION OF ADJUDICATION AND REVIEW PROCEDURES
THAT MAY BE FOLLOWED
[Section 8(2) and 8(4) of Act No 13 of 2002 : Regulation 16(b)]**

To

At

.....

.....

(*Delete what is not applicable)

1. Further to the notice of my contemplated decision served on you on, and having duly considered your representations pertaining thereto I, hereby, notify you that I have –
 - *modified my contemplated decision as follows
 -
 - *confirmed my contemplated decision, i.e. which is now effective.
2. Should you still feel aggrieved by this decision you may, in terms of section 8(2) of the Act, within 20 calendar days from date of this notice having been served on you, appeal against it –
 - (a) to the Director-General, who may reverse or modify it within 10 calendar days, failing which the decision shall be deemed to have been confirmed; or
 - (b) within 20 calendar days of modification or confirmation by the Director-General, if any, to the Minister, who may reverse or modify it within 20 calendar days, failing which the decision shall be deemed to have been confirmed, and be final; or
 - (c) within 20 calendar days of modification or confirmation by the Minister, if any, to a court of law.
3. Should you not appeal as set out in paragraph 2 above, or fail to keep the Department informed of your whereabouts, the contemplated decision of the Department shall become effective and final. The onus is on you to inquire about the outcome of your representations after expiry of the time limits mentioned above.

<p>.....</p> <p>DEPARTMENT OF HOME AFFAIRS</p> <p>DATE:</p>	<p>.....</p> <p>Appointment No. (If Immigration Officer)</p> <p>PLACE:</p>
---	--

1. I acknowledge receipt of the original of this notice and declare that I understand the content thereof.
2. I wish/do not wish* to lodge an appeal against the decision to the Director-General/court* in terms of section 8(2) of the Act. Written representations are attached hereto.*

.....

SIGNATURE OF RECIPIENT OF NOTICE

DATE:

REPUBLIC OF SOUTH AFRICA
APPLICATION FOR EXEMPTION FROM THE REQUIREMENT TO REPORT TO
AN IMMIGRATION OFFICER OR TO ENTER OR LEAVE THE
REPUBLIC THROUGH A PORT OF ENTRY
[Section 9(3)(c)(i), 31(2)(c) and 31(2)(d) of Act 13 of 2002 :
Regulation 9(2)(a), 17(1)(a) and 17(2)(a)]

See reverse side for conditions

Nationality of passport				Passport/Travel document No			
Surname				First name(s) in full			
Date of birth	year	month	Date	Country of normal residence			
Permanent Residence Permit No (if applicable)				Date issued			
Temporary Residence Permit (if applicable) valid until				For purposes of			
Application is hereby made to enter/exit the Republic: At a place other than a port of entry*				Application is hereby made to enter/exit the Republic at a port of entry but without reporting to an immigration officer*			
Where entry/exit is required							
Motivate why exemption is required							
Period of cross border visit				From			
				To			
Purpose of visit							
I have taken note of the conditions on the reverse side hereof							
Date				Signature			
FOR OFFICIAL USE ONLY APPLICATION FOR EXEMPTION APPROVED/REFUSED							
Valid until (Not to exceed 6 months)							
Reasons for refusal/comments (Where applicable)							
File No				Exemption granted i.t.o section			
Place				Immigration Officer			
Date				Appointment/Service No.			
TRP Label/No.							

***Delete what is not applicable.**

REVERSE OF ANNEXURE 8

EXEMPTION CONDITIONS

1. The exemption is a privilege and not a right and can therefore be withdrawn by the Officer-in-Charge for the better execution of the Act.
2. The exemption is specifically for the purpose applied for and does not exempt the holder from other entry requirements of the RSA, e.g. valid passport, visa control, sufficient funds, etc.
3. The exemption, your passport or any other document relevant to entry or residence in respect of South Africa, must be produced on demand by an immigration officer or any security officer employed at the border post or in the execution of border control duties.
4. Only the holder of exemption is exempt as indicated thereon and all persons accompanying him/her must comply with entry requirements in their own right.
5. The exemption is only valid for short visits and for the purpose indicated thereon and the holder is not entitled to reside inside the RSA unless already in possession of a permit to that effect.
6. The "purpose of visit" mentioned in the application for exemption may not be changed while the holder is inside the Republic.
7. The exemption does not exempt the holder from any requirement of another country involved when crossing the common border of the Republic with such country.
8. Proof of right to return to country of nationality and / or residence may be required from an applicant who is a foreigner.

REPUBLIC OF SOUTH AFRICA

**EXEMPTION FROM THE REQUIREMENT TO REPORT TO AN IMMIGRATION OFFICER
AT A PORT OF ENTRY**

[Section 31(2)(c) of Act 13 of 2002 : Regulation 17(2)(a)]

Holder (name) and passport no is hereby
authorised to enter/depart from the Republic through
(place) without appearing before an immigration officer subject to the following conditions (if
any).

.....
.....
.....
.....

Date of issuance Date of expiry

Place of issuance

.....
Immigration Officer

.....
Appointment No

REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR A CERTIFICATE IN LIEU OF
A PASSPORT TO LEAVE THE REPUBLIC OF SOUTH AFRICA
(Section 9(3)(a) of Act No 13 of 2002 : Regulation 17(3))**

Note: No certificate in lieu of a passport will be issued without positive proof of identity having been submitted by the applicant.

Nationality of applicant		Identity No	Type of Identity document
Surname		First names in full	
Date of birth		Country of normal residence	
Temporary Residence Permit No (if applicable)			Valid until
Date issued		Issued for purposes of	
Motivate why a passport cannot be obtained			

Application is, hereby, made for a certificate in lieu of a passport to depart the Republic of

South Africa through Name of port of entry for country of destination on date of departure

Should this application be approved I, hereby, undertake to absolve the Department of Home Affairs from all responsibility, claims and/or costs that may be incurred if I am refused admission to my country of destination.

.....
SIGNATURE OF APPLICANT

.....
DATE:

For official/Use only		
Application approved/refused		
Reasons for refusal/comments (Where applicable)		
File No		
Place		Immigration Officer
Date		Appointment/Service No.

**REPUBLIC OF SOUTH AFRICA
CERTIFICATE IN LIEU OF A PASSPORT TO LEAVE THE
REPUBLIC OF SOUTH AFRICA
[Section 9(3)(a) of Act No 13 of 2002 : Regulation 17(3)]**

REFERENCE NO		
FULL NAME		
NATIONALITY		
DATE OF BIRTH		
PLACE OF BIRTH		
GENDER MALE FEMALE		
FATHER'S NAME		
MOTHER'S NAME		
PASSPORT NO : IDENTITY DOCUMENT (IF APPLICABLE)		
PLACE AND DATE OF ISSUE : (IF APPLICABLE)		
DATE OF DEPARTURE		
COUNTRY OF DESTINATION		
DATE OF ISSUANCE		
PLACE OF ISSUANCE		
OFFICE STAMP	LEFT THUMB PRINT	PHOTOGRAPH
<p>*I, hereby, undertake to absolve the Department at Home Affairs from all responsibility, claims and/or costs that may be incurred if I am refused admission to my country of destination.</p> <p>.....</p> <p>SIGNATURE OF HOLDER</p>		

.....
For DIRECTOR-GENERAL : HOME AFFAIRS

.....
APPOINTMENT/PERSAL NO

*Not applicable in respect of deportations.

REPUBLIC OF SOUTH AFRICA

ENTRY INTO AND DEPARTURE FROM REPUBLIC

[Section 9(3)(c)(i) and 31(2)(c) of Act 13 of 2002 : Regulation 17(4)]

AUTHORISATION IN TERMS OF SECTION 9(3)(c)(i) and 31(2)(c)
OF THE IMMIGRATION ACT, 2002 (ACT NO. 13 OF 2002)

Holder (name) and passport no : is
hereby authorised to enter/depart from the Republic through
(place) without travelling through a port of entry subject to the following conditions (if any) :

.....
.....
.....
.....

Date of issuance Date of expiry

Place of issuance

Immigration OfficerAppointment no

CODE NO

REPUBLIC OF SOUTH AFRICA

TEMPORARY RESIDENCE PERMIT

[Section 10(2) of Act No 13 of 2002 : Regulation 18]

This permit, valid until is hereby issued in terms of Section ___ of the Act for purposes of:

(Mark with x)

Study	Joining a relative	Retiring	Operating a business
Exchange Programme	Work	Medical treatment	Purpose under treaty

Subject to the following condition(s):

(1) The holder is not or does not become a prohibited or undesirable person.

(2)

.....

Note:

(1) Fees will be charged for extensions/subsequent permits which must be applied for 30 days prior to the above-mentioned validity date.

(2) Anyone who contravenes the purpose and / or conditions of this permit shall be guilty of an offence and liable on conviction to a fine or imprisonment.

For Regional Director

Issued by

Persal No.

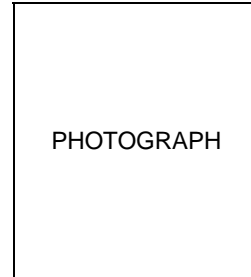
Bar Code

REPUBLIC OF SOUTH AFRICA

APPLICATION FOR TEMPORARY RESIDENCE PERMIT

[Sections 13, 14, 15, 17 to 20 and 22 of Act no 13 of 2002 : Regulations 18, 22 to 24, 26 to 29 and 31]

CATEGORY OF PERMIT BEING APPLIED FOR	
Work : Quota	Work : General
Own Business/Investor	Intra –company Transfer
Work: corporate	Exceptional / Skills
Study (> 3 months)	Medical (> 3 months)
Relative's	Retired person
Student exchange programme	Work exchange programme
Cultural/economic/social Exchange programme	Treaty


IMPORTANT:

- (i) Please complete this form in BLOCK LETTERS and tick the appropriate squares, marking any sections which do not apply "n/a", ensuring that all the questions are fully responded to. Your application will be considered on the basis of the information furnished on this form and on the documentary evidence provided. If additional space is required to answer any questions, please provide the extra details on a separate signed sheet and attach with your supporting documents.
- (ii) All the applicable supporting documents specified in item 12 must be attached to this application.
- (iii) Applicants who are found to have provided materially false or misleading information on this form will have their applications refused or their authorisation to remain in South Africa withdrawn, as will any applicants who enter the Republic prior to holding a permit commensurate with their purpose of entry, or who have permitted the validity of their permits to lapse.
- (iv) Spouse and dependant children accompanying the applicant must complete the prescribed visa application form.
- (v) Applying for a permit does not provide you with a status in terms of the Immigration Act, and if you do not have a valid permit you must await the outcome of your application outside the Republic
- (vi) In most cases and under ordinary conditions, the Department will endeavour to process this application within time frames set out in the Regulations
- (v) To facilitate the endorsement of your passport, **please indicate which office of the Department should be advised of the outcome to this application**, if other than where submitted, viz:

--

FOR OFFICIAL USE ONLY

Office of origin:	BLOK:	Mission file no.:		
Date received:	Date forwarded to Regional Office:	Regional file no:		
Submission checked by/on:	Date received at Regional Office:	Remarks:		
Passport seen/returned by/on:	Processed by/on:			
Fee: Currency and amount	Authorised by/on:			
Fee received by/on:	Decision carried over by/on/per:			
Receipt no:	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">BI-1098</td> <td style="width: 33%;">Facsimile</td> <td style="width: 33%;">Other</td> </tr> </table>		BI-1098	Facsimile
BI-1098	Facsimile	Other		

1. **PERSONAL DETAILS**

1.1	Title:	Mr				Ms		Other (specify)		
1.2	Surname/Family name						1.3	Given names		
1.4	Maiden name						1.5	Stage name		
1.6	Previous/alternative name(s)/aliases, including details:									
1.7	Date of birth: Year.....Month.....Day.....									
1.8	Place of birth: Town/City						Country			
1.9	Marital status	Never married		Divorced		Life Partner				
		Married		Separated		Widowed				
1.10	If separated state: Whether divorce proceedings have been instituted and when final decree is expected.....									
1.11	If divorced provide: Date of divorce and details of any maintenance and/or custody agreements/orders for which certified copies of substantiating legal documentation must be attached.....									
1.12	If married to a South African citizen, a certified copy of the marriage certificate must be attached.									

2. **CITIZENSHIP DETAILS**

2.1	Present country of citizenship:		
2.2	If acquired other than by birth, date and conditions under which acquired		
2.3	Do you hold any other citizenship?	No	Yes
		<input type="checkbox"/>	<input type="checkbox"/>
	If so, of which country, plus details.....		

3. **PASSPORT DETAILS**

3.1	Passport number:	3.2	Country of issue:
3.3	Date of issue / /	3.4	Valid until / /
3.5	If you have any other document required by your government, provide details: Type of document..... Number..... Expiry date:...../...../.....		

4. **ADDRESSES**

4.1	Residential address: Postal code.....	4.2	Postal address: Postal code.....
4.3	Country of usual residence if other than country of origin or above address:		
4.4	Telephone numbers: Work (area code)	Home (area code)	

4.5 Other addresses where you have lived for one year or longer during the last ten years other than your current address.		
Address	Period	Country

4.6 Do you hold the right of re-entry into your country of origin and/or country of residence if this differs?

Yes No

If no, specify period and present status

.....

4.7 Have you ever applied for asylum or refugee status in SA or any other country?

Yes No

If yes, specify.....

.....

4.8 Contact person:

Relationship	Friend	<input type="checkbox"/>	Business Associate	<input type="checkbox"/>	Relative	<input type="checkbox"/>	Other	<input type="checkbox"/>
--------------	--------	--------------------------	--------------------	--------------------------	----------	--------------------------	-------	--------------------------

Name and address

Telephone numbers: Work (area code) Home (area code)

4.9 Details regarding relatives and/or friends in South Africa; if any

Name	Address	Relationship	ID No

5. INTENTIONS/PROPOSED DURATION OF STAY IN THE RSA

5.1 Proposed date and place of departure for SA:	/ /
5.2 Anticipated date and place of arrival in SA:	/ /
5.3 Travelling by:	Air <input type="checkbox"/> Road <input type="checkbox"/> Rail <input type="checkbox"/> Sea <input type="checkbox"/> Carrier <input type="checkbox"/>
5.4 If you intend staying in SA temporarily only, state your proposed duration of stay	
Days/weeks/months/or	Years Intended date of departure / /
5.5 Do you intend settling in South Africa on a permanent basis?	5.6 If so, have you submitted an application for a permanent residence permit?
No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
5.7 If yes and the outcome is still awaited, application submitted on	/ /
To foreign/domestic office at	under reference no
5.8 Outline your proposed activities whilst in the RSA	
.....	
.....	
.....	
.....	
.....	

6. **MAINTENANCE/REPATRIATION**

State what funds you have available for maintenance during your stay in South Africa and whether you have purchased a return ticket/other arrangements made for maintenance and return passage:

6.1	Available funds (foreign currency): Type.	Amount.	SA Rand equivalent
6.2	Valid return or onward ticket no:	Expiry date	/ /
6.3	Cash deposit in the amount of	.lodged at	office
	on / /	Receipt no	SA Rand equivalent
6.4	Other		
		
		

7. **PARTICULARS OF ANY FAMILY/DEPENDANTS ACCOMPANYING YOU**

7.1	Full names	Date of birth	Relationship	Passport number	Expiry date	Nationality	Occupation

7.2	Do any of the above hold either						
7.2.1	a South African identity document?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>	Holder	
	Number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Or
7.2.2	a permanent/temporary residence permit?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>	Holder	
	Office of issue	<input type="text"/>	Type	<input type="text"/>	Date of expiry	/ /	

7.3	If your spouse and/or other dependants are not accompanying you, do they intend to enter the country?	
Yes	<input type="checkbox"/>	On (date) <input type="text"/>
No	<input type="checkbox"/>	Details/reason(s)
	

8. **PREVIOUS APPLICATIONS**

8.1	Have you or any other person included in this application previously applied for any type of south african visa, or if exempt from visa control, obtained permits on arrival?	
No	<input type="checkbox"/>	Yes <input type="checkbox"/>

8.2 Give details of each application:

Name	Category of permit	Date and place of application	Granted or refused	Period authorized	Reference number
				From	
				To	
				From	
				To	
				From	
				To	
				From	
				To	

8.3	Details of any prior restrictions/repatriations/deportations/orders to depart from South Africa :

11. DECLARATION

I acknowledge that I understand the contents and implications of this application and solemnly declare that the above particulars given by me are true and correct.

.....
Signature of applicant

.....
Date

.....
Signature of witness

.....
Date

12. THE FOLLOWING SUPPORTING DOCUMENTS MUST ACCOMPANY THE APPLICATION.

12.1 In respect of all the categories except categories 12.4, 12.11 and 12.12

	Attached	
	Yes	No
12.1.1 Passport valid for no less than 30 days after expiry of the intended visit.		
12.1.2 A medical certificate.		
12.1.3 Birth certificate.		
12.1.4 Marriage certificate (where applicable).		
12.1.5 The affidavit prescribed in regulation 9 where a spousal relationship other than a marriage is applicable with proof of co-habitation.		

12.1.6 A notarial contract, in the case of cohabitation.		
12.1.7 Proof of a customary union, where applicable.		
12.1.8 Divorce decree, where applicable.		
12.1.9 Proof of court order awarding custody, where applicable.		
12.1.10 Death certificate, in respect of late spouse, where applicable.		
12.1.11 Written consent from both parents, or sole custody parent where applicable with proof of sole custody.		
12.1.12 Proof of legal adoption, where applicable.		
12.1.13 Legal separation order, where applicable.		
12.1.14 Police clearance certificates in respect of applicants 21 years and older, in respect of all countries where person resided one year or longer to be supplied within 1 year of submission if not immediately available.		
12.1.15 A vaccination certificate, if required by the Act.		

12.2 In respect of a study permit :

12.2.1 An official letter of provisional enrolment from the institution of learning concerned stating the nature of the course, the applicant's compliance with all admission requirements, including any applicable language proficiency requirement, as well as details regarding arranged accommodation and proof of sufficient funds to cover tuition fees, maintenance and incidental costs.		
12.2.2 In the case of a minor written permission by both parents or sole custody parent, provided that relevant documentation proving sole custody is produced.		
12.2.3 The particulars of the person(s) in the Republic who will act as the learner's guardian.		
12.2.4 Undertaking by Institution to keep the Department informed if learner discontinues course or fails to qualify for re-enrolment.		

12.3 In respect of a business permit to establish an own business or to invest in an existing business venture :

12.3.1 Proof of availability of funds for transfer from abroad		
12.3.2 Undertaking to register with the appropriate statutory body, if required by the nature of the business		
12.3.3 Certification by a chartered accountant proving compliance with section 15 of the Act and Regulation 24		
12.3.4 Proof of registration as a closed corporation or a company, if applicable.		
12.3.5 Documentation proving the investment, such as shareholders' or partnership agreements for an investment in existing business		
12.3.6 Details of the partners/directors for an investment in existing business		

12.3.7	If an existing business, audited financial statements.		
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12.4 In respect of a medical treatment permit.

12.4.1	A valid passport as envisaged in paragraph 12.1.1.		
12.4.2	Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of bank statements, salary advices, if available, and/or travellers' cheques		
12.4.3	A letter from the applicant's medical practitioner or medical institution, indicating the reasons/necessity for treatment, the period of treatment and particulars of the treatment plans in the Republic		
12.4.4	Details of the person or institution responsible for the medical expenses and hospital fees, if any. Should the applicant's medical scheme or employer not be liable for expenses incurred, proof of financial means or medical cover must be submitted.		
12.4.5	Particulars of persons accompanying permit holder.		

12.5 In respect of a "General Quota" work permit :

12.5.1	Offer of employment.		
12.5.2	Certification by a chartered accountant as set out in Regulation 28(4)(a)(i) and (ii)		
12.5.3	Commitment by employer to comply with Regulation 28(3) [NB Proof of payment to be submitted within three days of receipt of permit] (a) ONLY if an exemption or reduction is sought in terms of regulation 28(4)(d)(i) or (ii), please attach request letter from the relevant Department and other relevant documentation (b) ONLY if an exemption or reduction is sought in terms of regulation 28(4)(d)(iii), please fill in and comply the requirements set out in with items 12.7.4, 12.7.5, 12.7.7, 12.7.8, 12.7.9. and 12.7.10 and with regulation 26(6)(f).		
12.5.4	Certification by a chartered accountant containing job details as set out in Regulation 28(4)(a)(ii)		
12.5.5	Proof of registration with professional body/board, if applicable		

12.6 In respect of an "Extraordinary Quota" work permit :

12.6.1	Proof of the relevant skills and/or qualifications, including authenticated copies of academic certifications or degrees, if applicable		
12.6.2	Proof of registration with professional body/board, if applicable.		
12.6.3	A comprehensive curriculum vitae		
12.6.4	Testimonials of previous employers confirming the applicant's competencies and/or skills.		

12.7 In respect of a “General” work permit:

12.7.1	Proof of registration with the professional body/board if applicable.		
12.7.2	Certification from a chartered accountant as envisaged in section 19(2)(b) and (d) of the Act, which include the certification contemplated in regulation 28(6)(f)		
12.7.3	An undertaking from the employer as required in section 19(2)(c) of the Act.		
12.7.4	Original advertisement in the national printed media, which must comply with regulations 28(5) and (6)(b), except for the categories listed in Schedule E.		
12.7.5	Copy of employment contract containing the information set out in regulation 28(6)(d).		
12.7.6	Certification contemplated in regulation 28(6)(f) if not contained in the chartered account's certification.		
12.7.7	Proof that all short-listed candidates have been interviewed.		
12.7.8	Letter of motivation from the employer as required in regulation 28(5).		
12.7.9	In the case of senior positions, employer's letter stating the reasons for not filling the position by the promotion of existing personnel		
12.7.10	Letter of approval, where required by a law, from * The relevant professional body/board/council; * The Department of Labour; * The relevant organ of state.		

12.8 In respect of an exceptional skills work permit

12.8.1	A comprehensive curriculum vitae together with testimonials from previous employers.		
12.8.2	A letter from a foreign or South African organ of State, or from an established South African academic, cultural or business body, confirming the applicant's exceptional skills or qualifications		
12.8.3	Other proof to substantiate exceptional skills or qualifications, such as publications, and testimonials		

12.9 In respect of Intra-company transfer permit:

12.9.1	A letter from the international concern confirming that the foreigner will be transferred to a branch/affiliated South African company		
12.9.2	Certification by a chartered accountant as set out in Regulation 28(4)(a)(i) and (ii)		
12.9.3	Letter from the South African company confirming the transfer from the parent/affiliated company abroad, as well as specifying the occupation and capacity in which the foreigner will be employed, and that the maximum duration will not exceed two years		
12.9.4	Certification by a chartered accountant acting on behalf of the employer that the employer needs to employ such foreigner within the Republic and outlining the foreigner's job description		
12.9.5	Proof of registration with professional body/board, if applicable		
12.9.6	An undertaking from the employer as required in section 19(5)(b)		
12.9.7	Financial guarantees required under section 19(5)(c) and regulation 28(10)		

12.10 In respect of a work permit under a corporate permit

12.10.1 Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration		
12.10.2 Corporate permit holder's certification contemplated in regulation 30(9)		

12.11 In respect of a work permit under a corporate permit in terms of an agreement with a foreign state

12.11.1 A passport valid for no less than 30 days after the expiry date of the intended stay		
12.11.2 A full set of fingerprints		
12.11.3 A valid employment contract entered into and attested to in the worker's country of origin, for a maximum period of 18 months		
12.11.4 An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract		
12.11.5 Corporate permit holder's certification contemplated in regulation 30(9)		
12.11.6 Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement		
12.11.7 Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration		

12.12 In respect of a work permit under a corporate permit for seasonal workers

12.12.1 A passport valid for not less than 30 days after the expiry date of the intended stay		
12.12.2 A valid employment contract, which has been entered into and attested to in the worker's country of origin, for a maximum period of 6 months		
12.12.3 A full set of fingerprints		
12.12.4 Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement either in terms of the relevant international agreement or by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry		
12.12.5 An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract		
12.12.6 Corporate permit holder's certification contemplated in regulation 30(9)		
12.12.7 Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration.		

12.13 In respect of a retired person:

12.13.1 Proof of the net worth envisaged in sections 20(1) (a) and 20(1)(b), and regulation 29.		
12.13.2 Should the retired person wish to work he/she must submit proof that a South African citizen or resident is not available for the occupation applied for.		
12.13.3 Contract of employment for a person wishing to work		

12.14 In respect of student exchange permit

12.14.1 A letter from the Department of Education or the public higher educational institution in the Republic, confirming that it is responsible for organising or administering the programme, outlining the activities and duration thereof, as well as confirming that it will take full responsibility for the student whilst he or she is in the Republic and that the student has been accepted to be registered.		
12.14.2 A letter from an organ of the foreign state, confirming the particulars of the student, including confirmation of the student's registration with a tertiary educational institution abroad, as well as the date on which study will commence.		

12.15 In respect of cultural/economic/social exchange:

12.15.1 A letter from the organ of the State confirming the status/existence of the exchange program.		
12.15.2 A letter from the educational institution in the Republic confirming that the permit holder, if a student, has been accepted to register, if applicable, or a letter from the entity, organisation or family where the foreigner intends to conduct his or her programme.		

12.16 In respect of an exchange work programme

12.16.1 A letter from a prospective employer certifying compliance with, and providing the undertaking contemplated in section 22(b) and regulation 31(4).		
12.16.2 Employment offer.		

12.17 In respect of a treaty permit

12.17.1 A letter from the relevant organ of State attesting to the nature of the program and the treaty under which it is conducted.		
12.17.2 A letter from the relevant organ of State attesting to the fact that the relevant foreigner participates in such program.		
12.17.3 A letter from the relevant organ of State attesting to the type of activities which the foreigner is expected to perform under such program and the duration thereof and whether he or she is expected to conduct work.		

12.18 In respect of a relative's permit

12.18.1 Proof of foreigner being a member of the immediate family of the sponsoring citizen or resident.		
12.18.2 Proof of compliance with regulation 27 (2) and section 18(1) of the Act.		

13. IN RESPECT OF APPLICATION FOR A WORK PERMIT (as specified below)**NOTE:**

The applicant is by law precluded from commencing employment, whether remunerated or otherwise, until he/she is in possession of a valid work permit for the specific purpose. Non-compliance can lead to heavy penalties being imposed on both the employer and employee.

Separate sheets may be attached if the space provided is insufficient to include full information/motivation.

13.1 A letter of release from the previous employer/organisation in the Republic, if applicable, must be attached.
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13.2 OFFER OF EMPLOYMENT FOR ALL PERMITS

13.2.1 Title of Company/Organisation:						
13.2.2 Physical address:			13.2.3 Mailing address:			
13.2.4 Telephone number: (code) (number)			13.2.5 Facsimile number: (code) (number)			
13.2.6 Employer's business registration number:			13.2.7 Employer's tax reference number:			
13.2.8 If a subsidiary, principal company:			13.2.9 and location			
13.2.10 Nature of business conducted:			13.2.11 Number of employees:			
Category	Key personnel	Management	Professional	Clerical	Unskilled	Other (specify)
13.2.12 SA citizens						
13.2.13 Residents						
13.2.14 Holders of temporary work permits						
13.2.15 The position offered has been vacant since:						
13.2.16 If a newly created position, details:						
13.2.17 The position was brought to the attention of the applicant by the following means:						

13.3 RECRUITMENT AND INTERVIEWING OF SA CITIZENS/RESIDENTS TO FILL THE POSITION (ONLY for "General" Work Permits Not applicable for "General Quota" Permits, "Extraordinary Quota" Permits --except when a waiver of the training fee is sought--, "Exceptional Skills" Permits and "Inter-company Transfers" Permits,)

13.3.1 The Department of Labour was approached:	No		Yes		13.3.2 Branch:
13.3.3 Employment agencies were approached	No		Yes		13.3.4 Agencies:
13.3.5 Media advertisement in: (name of publication)			from to		
Note: The relevant press cuttings must be affixed to an original, official letterhead (which includes details of the directors/owner members of the business) and submitted with the application. Please also attach relevant copies of replies received from the Department of Labour and employment agencies.					

13.4 Full details of the outcome to the above and reasons why suitably qualified local candidates were not appointed:

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13.5 Does the applicant possess any special skills that have been tested by you and make him/her the most suitable candidate for that position:

No Yes

Details.....

.....

.....

13.6 Additional explicit motivation to support the selection of a foreign candidate:

.....

.....

.....

.....

- 5.2.2 The extension or renewal of the permit is consistent with the admission policy of this institution of learning in respect of foreigners, including quotas, if any (in a government owned institution the relevant government policy, if any).
- 5.2.3 The candidate complies with the language requirements and this school/university/college/technikon is satisfied that the applicant has the ability to study in the Republic.
- 5.2.4 The governing body is satisfied that the candidate is able to pay the relevant fees, in the case of government owned institutions as may be determined for foreign scholars/students by the Department of Education, and documentary proof of this is attached.
- 5.2.5 A repatriation undertaking in respect of the candidate/cash deposit or bank guarantee in respect of the student has been provided (if specifically requested by the Department for good cause).
- 5.2.6 Proof of medical cover for duration of studies has been provided.

.....
Signature of the representative of the employer/Head of Institution

.....
Signature of witness

Signed at.....this.....day of.....20.....

REPUBLIC OF SOUTH AFRICA

APPLICATION FOR CHANGE OF CONDITIONS OR STATUS

OF EXISTING PERMIT

[Section 10(6) of Act No 13 of 2002 : Regulation 18(e)]

FOR OFFICIAL USE ONLY	BLOK:
OFFICE OF ORIGIN	
DATE RECEIVED:	MISSION FILE NO
SUBMISSION CHECKED BY/ON:	REGIONAL FILE NO
PASSPORT SEEN/RETURNED BY/ON:	DATE RECEIVED AT REGIONAL OFFICE
FEE: CURRENCY AND AMOUNT:	PROCESSED/AUTHORISED BY:
FEE RECEIVED BY/ON:	DECISION CARRIED OVER REMARKS
RECEIPT NO:	

IMPORTANT:

1. Foreigners are obliged, by law, to apply for the correct status permit prior to arrival in the Republic necessitating a change of status. Applicants will not be allowed to sojourn in the Republic through misrepresentation in the original application.
2. If the validity of your permit has already expired, you are in contravention of the Immigration Act, 2002 and guilty of an offence and on conviction, liable to a fine or to imprisonment. In terms of section 43 of the Act, you are obliged to depart from the Republic. On the back of this form you may give reasons why criminal charges should not be brought against you.
3. All relevant documents specified in this application must be provided with the application, except for police disclosure when not immediately available.
4. Applying for a change of status does not provide you with a status in terms of the Immigration Act, and if your permit expires prior to the Department deciding on your decision and issuing a permit, you must await the outcome of your application outside the Republic
5. In most cases and under ordinary conditions, the Department will endeavour to process this application within time frames set out in the Regulations
6. When applicable, the Department may request you to renew any of the documentation or certification on which the issuance of your original permit was based

AS SUBMITTED BY:

Surname/Family name	Given names	Date of birth
Presently residing at:	A	
Home telephone No:	(code)	(number)

PASSPORT DETAILS

Passport number:	Country of issue:
Date of issue:	Valid until:
If you have other identity document required by your government, provide details:	
Type of document:	Number: Expiry date:

1. DETAILS OF ORIGINAL PERMIT, AS ISSUED TO YOU PRIOR TO OR ON ARRIVAL IN SOUTH AFRICA:

1.1 Date of entry	1.2 Permit No:
1.3 Place of entry:	1.4 Date of expiry:
1.5 Purpose of entry:	

2. DETAILS OF ANY SUBSEQUENT PERMIT ISSUED TO YOU, OR THE MOST RECENT EXTENSION THERETO:

2.1 Type of permit:	
2.2 Issued at	2.3 Reference number

6.1.6	A notarial contract, in the case of cohabitation.		
6.1.7	Documentary proof of a customary union, where applicable.		
6.1.8	Divorce decree, where applicable.		
6.1.9	Documentary proof of custody, where applicable.		
6.1.10	Death certificate, in respect of late spouse, where applicable.		
6.1.11	Written consent from both parent(s), where applicable.		
6.1.12	Proof of legal adoption order, where applicable.		
6.1.13	Legal separation order, where applicable.		
6.1.14	Police clearance certificates in respect of applicants 21 years and older, in respect of all countries where person resided for one year or longer to be supplied within 1 year of submission if not immediately available.		
6.1.15	A vaccination certificate, if required by the Act.		

7. SECURITY/HEALTH CLEARANCES

7.1	Have you or any of your dependants ever been convicted of any crime in any country?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.2	Is a criminal action pending against you or any of your dependants in any country?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.3	Are you or any of your dependants suffering from tuberculosis, any other Infectious or contagious disease or any mental or physical deficiency?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.4	Are you an un-rehabilitated insolvent?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.5	Have you ever been judicially declared incompetent ?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.6	Are you are a member of, or an adherent to an association or organisation advocating the practice of social violence, or racial hatred.?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.7	Are you or have you been a member or an adherent to an association or organisation utilising or advocating crime or terrorism to pursue its goals?	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>
7.8	Is there any court order against you for your failure to fulfil child maintenance obligations?	No	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Yes	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7.9.	Furnish full particulars if the reply to any of these questions is in the affirmative:				
				
				
				

8. ANY ADDITIONAL MATTERS YOU WISH TO BRING TO THE DEPARTMENT'S ATTENTION

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9. DECLARATION

I acknowledge that I understand the contents and implications of this application and declare that the above particulars given by me are true and correct.

.....

Signature of applicant Date

.....

Signature of witness Date

10. THE FOLLOWING SUPPORTING DOCUMENTS MUST ACCOMPANY THE APPLICATION (unless already submitted with the original application).

10.1 In respect of all the categories except categories 10.4, 10.10 & 10.11

	Attached	
	Yes	No
10.1.1 Passport valid for no less than 30 days after expiry of the intended visit.		
10.1.2 A medical certificate.		
10.1.3 Birth certificate.		
10.1.4 Marriage certificate (where applicable).		
10.1.5 The affidavit prescribed in regulation 9 where a spousal relationship other than a marriage is applicable with proof of co-habitation.		

10.1.6	A notarial contract, in the case of cohabitation.		
10.1.7	Proof of a customary union, where applicable.		
10.1.8	Divorce decree, where applicable.		
10.1.9	Proof of court order awarding custody, where applicable.		
10.1.10	Death certificate, in respect of late spouse, where applicable.		
10.1.11	Written consent from both parents, or sole custody parent where applicable.		
10.1.12	Proof of legal adoption, where applicable.		
10.1.13	Legal separation order, where applicable.		
10.1.14	Police clearance certificates in respect of applicants 21 years and older, in respect of all countries where person resided for one year or longer to be supplied within 1 year of submission if not immediately available.		
10.1.15	A vaccination certificate, if required by the Act.		

10.2 In respect of a study permit :

10.2.1	An official letter of provisional enrolment from the institution of learning concerned stating the nature of the course, the applicant's compliance with all admission requirements, including any applicable language proficiency requirement as well as details regarding arranged accommodation and proof of sufficient funds to cover tuition fees, maintenance and incidental costs.		
10.2.2	In the case of a minor written permission by both parents or sole custody parent, provided that relevant documentation proving sole custody is produced.		
10.2.3	The particulars of the person(s) in the Republic who will act as the learner's guardian.		
10.2.4	Undertaking by Institution to keep the Department informed if learner discontinues course or fails to qualify for re-enrolment.		

10.3 In respect of a business permit to establish an own business or to invest in an existing business venture :

10.3.1	Proof of availability of funds for transfer from abroad		
10.3.2	Undertaking to register with the appropriate statutory body, if required by the nature of the business		
10.3.3	Certification by a chartered accountant proving compliance with section 15 of the Act and Regulation 24		
10.3.4	Proof of registration as a closed corporation or a company, if applicable.		
10.3.5	Documentation proving the investment, such as shareholders' or partnership agreements for an investment in existing business		
10.3.6	Details of the partners/directors for an investment in existing business		
10.3.7	If an existing business, audited financial statements.		

10.4 In respect of a medical treatment permit.

10.4.1	A valid passport as envisaged in paragraph 12.1.1.		
10.4.2	Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of bank statements, salary advices, available, and/or travellers' cheques		
10.4.3	A letter from the applicant's medical practitioner or medical institution, indicating the reasons/ necessity for treatment, the period of treatment and particulars of the treatment plans in the Republic		
10.4.4	Details of the person or institution responsible for the medical expenses and hospital fees, if any. Should the applicant's medical scheme or employer not be liable for expenses incurred, proof of financial means or medical cover must be submitted.		
10.4.5	Particulars of persons accompanying permit holder.		

10.5 In respect of a “General Quota” work permit :

10.5.1	Offer of employment.		
10.5.2	Certification by a chartered accountant as set out in Regulation 28(4)(a)(i) and (ii)		
10.5.3	Commitment by employer to comply with Regulation 28(3) [NB Proof of payment to be submitted within three days of receipt of permit] (a) ONLY if an exemption or reduction is sought in terms of regulation 28(4)(d)(i) or (ii), please attach request letter from the relevant Department and other relevant documentation (b) ONLY if an exemption or reduction is sought in terms of regulation 28(4)(d)(iii), please fill in and comply the requirements set out in with items 10.7.4, 10.7.5, 10.7.7, 10.7.8, 10.7.9. and 10.7.10 and with regulation 26(6)(f).		
10.5.4	Certification by a chartered accountant containing job details as set out in Regulation 28(4)(a)(ii)		
10.5.5	Proof of registration with professional body/board, if applicable		

10.6 In respect of an “Extraordinary Quota” work permit :

10.6.1	Proof of the relevant skills and/or qualifications, including authenticated copies of academic certifications or degrees, if applicable		
10.6.2	Proof of registration with professional body/board, if applicable.		
10.6.3	A comprehensive curriculum vitae		
10.6.4	Testimonials of previous of employers confirming the applicant's competencies and/or skills.		

10.7 In respect of a “General” work permit:

10.7.1	Proof of registration with the professional body/board if applicable.		
10.7.2	Certification from a chartered accountant as envisaged in section 19(2)(b) and (d) of the Act, which include the certification contemplated in regulation 28(6)(f)		
10.7.3	An undertaking from the employer as required in section 19(2)(c) of the Act.		
10.7.4	Original advertisement in the national printed media, which must comply with regulations 28(5) and (6)(b), except for the categories listed in Schedule E.		
10.7.5	Copy of employment contract containing the information set out in regulation 28(6)(d).		
10.7.6	Certification contemplated in regulation 28(6)(f) if not contained in the chartered account's certification.		
10.7.7	Proof that all short-listed candidates have been interviewed.		
10.7.8	Letter of motivation from the employer as required in regulation 28(5).		
10.7.9	In the case of senior positions, employer's letter stating the reasons for not filling the position by the promotion of existing personnel		
10.7.10	Letter of approval, where required by a law, from * The relevant professional body/board/council; * The Department of Labour; * The relevant organ of state.		

10.8 In respect of an exceptional skills work permit

10.8.1	A comprehensive curriculum vitae together with testimonials from previous employers.		
10.8.2	A letter from a foreign or South African organ of State, or from an established South African academic, cultural or business body, confirming the applicant's exceptional skills or qualifications		
10.8.3	Other proof to substantiate exceptional skills or qualifications, such as publications, and testimonials		

10.9 In respect of Intra-company transfer permit:

10.9.1	A letter from the international concern confirming that the foreigner will be transferred to a branch/affiliated South African company		
10.9.2	Certification by a chartered accountant as set out in Regulation 28(4)(a)(i) and (ii)		

10.9.3	Letter from the South African company confirming the transfer from the parent/affiliated company abroad, as well as specifying the occupation and capacity in which the foreigner will be employed, and that the maximum duration will not exceed two years		
10.9.4	Certification by a chartered accountant acting on behalf of the employer that the employer needs to employ such foreigner within the Republic and outlining the foreigner's job description		
10.9.5	Proof of registration with professional body/board, if applicable		
10.9.6	An undertaking from the employer as required in section 19(5)(b)		
10.9.7	Financial guarantees required under section 19(5)(c) and regulation 28(10)		

10.10 In respect of a work permit under a corporate permit

10.10.1	Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration		
10.10.2	Corporate permit holder's certification contemplated in regulation 30(9)		

10.11 In respect of a work permit under a corporate permit in terms of an agreement with a foreign state

10.11.1	A passport valid for no less than 30 days after the expiry date of the intended stay		
10.11.2	A full set of fingerprints		
10.11.3	A valid employment contract entered into and attested to in the worker's country of origin, for a maximum period of 18 months		
10.11.4	An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract		
10.11.5	Corporate permit holder's certification contemplated in regulation 30(9)		
10.11.6	Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement		
10.11.7	Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration		

10.12 In respect of a work permit under a corporate permit for seasonal workers

10.12.1	A passport valid for not less than 30 days after the expiry date of the intended stay		
10.12.2	A valid employment contract, which has been entered into and attested to in the worker's country of origin, for a maximum period of 6 months		
10.12.3	A full set of fingerprints		
10.12.4	Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement either in terms of the relevant international agreement or by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry		
10.12.5	An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract		
10.12.6	Corporate permit holder's certification contemplated in regulation 30(9)		
10.12.7	Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration.		

10.13 In respect of a retired person:

10.13.1	Proof of the net worth envisaged in sections 20(1) (a) and 20(1)(b), and regulation 29.		
10.13.2	Should the retired person wish to work he/she must submit proof that a South African citizen or resident is not available for the occupation applied for.		
10.13.3	Contract of employment for a person wishing to work		

10.14 In respect of student exchange permit

10.14.1	A letter from the Department of Education or the public higher educational institution in the Republic, confirming that it is responsible for organising or administering the programme, outlining the activities and duration thereof, as well as confirming that it will take full responsibility for the student whilst he or she is in the Republic and that the student has been accepted to be registered.		
10.14.2	A letter from an organ of the foreign state, confirming the particulars of the student, including confirmation of the student's registration with a tertiary educational institution abroad, as well as		

the date on which study will commence.		
--	--	--

10.15 In respect of cultural/economic/social exchange:

10.15.1 A letter from the organ of the State confirming the status/existence of the exchange program.		
10.15.2 A letter from the educational institution in the Republic confirming that the permit holder, if a student, has been accepted to register, if applicable, or a letter from the entity, organisation or family where the foreigner intends to conduct his or her programme..		

10.16 In respect of an exchange work programme

10.16.1 A letter from a prospective employer certifying compliance with, and providing the undertaking contemplated in section 22(b) and regulation 31(4).		
10.16.2 Employment offer.		

10.17 In respect of a treaty permit

10.17.1 A letter from the relevant organ of State attesting to the nature of the program and the treaty under which it is conducted.		
10.17.2 A letter from the relevant organ of State attesting to the fact that the relevant foreigner participates in such program.		
10.17.3 A letter from the relevant organ of State attesting to the type of activities which the foreigner is expected to perform under such program and the duration thereof and whether he or she is expected to conduct work.		

10.18 In respect of a relative's permit

10.18.1 Proof of foreigner being a member of the immediate family of the sponsoring citizen or resident.		
10.18.2 Proof of compliance with regulation 27 (2) and section 18(1) of the Act.		

11. IN RESPECT OF APPLICATIONS FOR A WORK PERMIT (as specified below)

NOTE:

The applicant is by law precluded from commencing employment, whether remunerated or otherwise, until he/she is in possession of a valid work permit for the specific purpose. Non-compliance can lead to heavy penalties being imposed on both the employer and employee.

Separate sheets may be attached if the space provided is insufficient to include full information/motivation.

11.1 A letter of release from the previous employer/organisation in the Republic, if applicable, must be attached.
--

11.2 OFFER OF EMPLOYMENT FOR FULL PERMITS

11.2.1 Title of Company/Organisation:						
11.2.2 Physical address:			11.2.3 Mailing address:			
11.2.4 Telephone number: (code) (number)			11.2.5 Facsimile number: (code) (number)			
11.2.6 Employer's business registration number:			11.2.7 Employer's tax reference number:			
11.2.8 If a subsidiary, principal company:			11.2.9 and location			
11.2.10 Nature of business conducted:			11.2.11 Number of employees:			
Category	Key personnel	Management	Professional	Clerical	Unskilled	Other (specify)
11.2.12 SA citizens						
11.2.13 Residents						
11.2.14 Holders of temporary work permits						
11.2.15 The position offered has been vacant since:						
11.2.16 If a newly created position, details:						
11.2.17 The position was brought to the attention of the applicant by the following means:						

11.3 RECRUITMENT AND INTERVIEWING OF SA CITIZENS/RESIDENTS TO FILL THE POSITION (ONLY for “General” Work Permits Not applicable for “General Quota” Permits, “Extraordinary Quota” Permits--except when a waiver of the training fee is sought--, “Exceptional Skills” Permits and “Inter-company Transfers” Permits)

11.3.1 The Department of Labour was approached:	No		Yes		11.3.2 Branch:	
11.3.3 Employment agencies were approached	No		Yes		11.3.4 Agencies:	
11.3.5 Media advertisement in: (name of publication)					from	to
Note: The relevant press cuttings must be affixed to an original, official letterhead (which includes details of the directors/owner members of the business) and submitted with the application. Please also attach relevant copies of replies received from the Department of Labour and employment agencies.						

11.4 Full details of the outcome to the above and reasons why suitably qualified local candidates were not appointed:

.....

11.5 Does the applicant possess any special skills that have been tested by you and make him/her the most suitable candidate for this position:

No Yes

Details.....

11.6 Additional explicit motivation to support the selection of a foreign candidate:

.....

11.7 DETAILS OF OFFER MADE TO APPLICANT:

11.7.1 Title of occupation to be followed:	
11.7.2 Nature of offer:	For a period of.....weeks/months/years.
11.7.3 Salary offered: R per month	11.7.4 Additional benefits, if any:
11.7.5 Summary of duties	
11.7.6 Preferred date of commencement of employment: / /	

11.8 DECLARATION BY EMPLOYER

I, (full name)..... ID Number.....in my capacity as.....of the company/organisation known as..... hereby undertake full responsibility for the above-named applicant.....and declare that I am authorised to make this offer of employment on behalf of the aforesaid company/organisation, that this offer is made in good faith and will be honoured and that the above information provided by me are true and correct.

.....
 Signature of employer

.....
 Signature of witness

Signed at.....this.....day of.....20.....

REPUBLIC OF SOUTH AFRICA

EXTENSION / RENEWAL OF PERMIT

[Section 11 Act No 13 of 2002 : Regulation 18]

The temporary residence permit no.....
on page.....is hereby extended/renewed until:

.....

And / or relevant condition(s) is/are substituted by the following conditions :

.....
.....
.....
.....
.....

issued at:.....

on.....

Issued by

for Regional Director

CODE NO

REPUBLIC OF SOUTH AFRICA

TEMPORARY RESIDENCE PERMIT
[Section 11 of Act No 13 of 2002 : Regulation 19]

A temporary residence permit of the category marked X:

Visitor's Permit | Crew Permit

valid until.....

Is hereby issued for purpose of.....
subject to the following condition(s) :

- (1) The holder is not or does not become a prohibited or undesirable person.
(2) The holder shall not conduct work.
(3)

- Note: (1) Fees will be charged for extensions/subsequent visitor's permits which must be applied for 30 days prior to the above-mentioned validity date.
(2) Anyone who contravenes the purpose and / or conditions of this permit shall be guilty of an offence and liable on conviction to a fine or imprisonment.

For the Regional Director

Issued by



Bar Code

**APPLICATION FOR A VISITOR'S PERMIT AT PORT OF ENTRY
[Section 34(8) of Act No 13 of 2002 : Regulation 18]**

1. Surname : _____
2. Full names : _____
3. Date of Birth : _____ Nationality : _____
4. Passport No : _____ valid until : _____
5. Country of residence : _____
6. Accompanied by : _____
7. Occupation : _____
8. Employer / Organisation : _____

9. Purpose and period of visit : _____

10. Name of contact person : _____

11. Proposed residential address : _____
12. Reason why you are not in possession of a visa : _____

Signature : _____ Date : _____

Official use

1. Time received : _____ Official _____
2. Port of entry _____
3. Arrived: Flight No : _____ from _____
4. Departure: Flight _____ to _____
On _____ at _____

- | | | | | | | | | | | | | |
|------------------------------|---|-----|----|-----|----|-----|----|-----|----|---------|----|--------------|
| 5. BLOK: | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr></table> | Yes | No | Yes | No | Yes | No | Yes | No | Yes | No | Code : _____ |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| 6. Funds available : | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr></table> | Yes | No | Yes | No | Yes | No | Yes | No | R _____ | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| 7. Return air ticket : | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr></table> | Yes | No | Yes | No | Yes | No | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| 8. Application Fees levied : | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr></table> | Yes | No | Yes | No | Yes | No | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| 9. Conveyer penalised : | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr><tr><td>Yes</td><td>No</td></tr></table> | Yes | No | Yes | No | Yes | No | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |
| Yes | No | | | | | | | | | | | |

Decision : _____ Made by _____
Date : _____ Reference no _____

**PERIODIC CERTIFICATE ON THE PERFORMANCE OR
CURRICULUM OF STUDY OF FOREIGN STUDENTS**

[Section 13(1)(b)(v) of Immigration Act No 13 of 2002: Regulation 22(4)]

To be completed by Institutions/Schools where foreign students/pupils are studying in South Africa, at the beginning or end of each Semester.

A. Name and Address of the Institution

.....
.....
..... Telephone and Fax No.
..... Contact person
Designation

B Name and Surname of the Pupil/student.....
Passport No.....Date of Birth
Date of Admission into the Institution..

C. This serves to certify that the above-named pupil/student has performed satisfactorily /during the last semester of June/December 20 and that he/she is eligible / not eligible for re-admission in this Institution/ School for the next Semester of 20.....

D. It is further confirmed that the pupil/student still complies with the admission conditions i.e. valid permit, accommodation arrangements, sufficient funds to cover tuition fees etc. (if still continuing).

.....
REPRESENTATIVE OF HEAD OF INSTITUTION / SCHOOL

.....
DATE

STAMP

REPUBLIC OF SOUTH AFRICA
APPLICATION FOR A CORPORATE PERMIT
[Section 21 of Act No 13 of 2002: Regulation 30]

FOR OFFICIAL USE ONLY	BLOK:
DATE RECEIVED:	FILE NO:
APPLICATION CHECKED BY:	ON:
APPLICATION FEE AMOUNT:	RECEIPT NO:
TRAINING FEE AMOUNT R (2 % OF R REMUNERATION OR)	
NO OF APPOINTMENT CERTIFICATES ISSUED:	
PROCESSED/AUTHORISED BY :	
<p>IMPORTANT:</p> <p>(a) Foreigners are by law precluded from commencing employment, whether remunerated or otherwise, until in possession of a valid work permit for the specific purpose. Non-compliance can lead to heavy penalties being imposed on both the employer and employee.</p> <p>(b) This application is to authorize a corporate entity, as defined in the Immigration Act, to employ in terms of a corporate permit a number of workers as agreed upon with the Department. In additions, in terms of the Act, foreigners working for the same employers are eligible for work permits under other provisions of the Act.</p> <p>(c) Separate sheets may be attached if the space provided is insufficient to include full information/replies.</p> <p>(d) At the time of submission of this application, the training fee in respect of the foreigner to be employed by the corporate applicant and contemplated in this application is 2% of such foreigners' taxable remuneration. If in terms of regulation 28(3) the applicable training fee has been changed and/or has been differentiated on the basis of categories of foreigners, please use a separate sheet to list the number of foreigners under each category and the corresponding applicable training fee.</p>	

1. BACKGROUND DETAILS OF CORPORATE APPLICANT

Name of Company/Organization:	
Contact person:	E-mail address:
Physical address:	Mailing address :
Telephone number : (code) (number)	Facsimile number : (code) (number)
Employer's business registration number:	Employer's tax reference number:
If a subsidiary, principal company and location:	
Nature of business conducted:	Total No of workers employed:

2. THE ABOVE-MENTIONED COMPANY/ORGANIZATION HEREBY APPLIES FOR A CORPORATE PERMIT TO EMPLOY FOREIGNERS (If more space is required provide information in a separate sheet. Please be as specific as possible in describing the job positions)

Type of position:	No of workers:
Type of position:	No of workers:
Type of position:	No of workers:
Type of position:	No of workers:
Type of position:	No of workers:

3. REQUIREMENTS

3.1 Representation demonstrating the need to employ the requested number of foreigners, in the job descriptions set out under 2 above.	Yes	No	Comments:(Add additional sheet if required)
3.2 Independent collaboration of the facts asserted under 3.1 above.	Yes	No	
3.3 Certificate of a chartered accountant as contemplated in section 21(2)(a) containing an organisational diagram of the relevant productive unit including the staff's residential status and job descriptions.	Yes	No	
3.4 An undertaking by the corporate applicant described in section 21(2)(b) and regulation 28(11).	Yes	No	
3.5 An undertaking by the corporate applicant that he/she will be responsible for the removal of foreigners employed in terms of this permit to their respective countries of residence on expiry of the contract.	Yes	No	
3.6 Financial guarantees contemplated in section 21(2)(c) and regulation 30(7).	Yes	No	
3.7 The corroborate representations on the need to employ foreigners required under section 21(2)(d).	Yes	No	
3.8 An undertaking to comply with the provisions of Regulation 30(8).	Yes	No	

4. OPTIONS

(Indicate preferred option on which Corporate Permit may be issued subject to agreement with the Department after consultation (regulation 30(8))

4.1 Payment of Training Fee	Yes	No	Comments:(Add additional sheet if required)
4.2 Training Programme aimed at reducing dependency on foreign labour and/or transferring skills from the relevant foreigners to citizens or residents.	Yes	No	
4.3 Combination of paragraphs 4.1 and 4.2 above.	Yes	No	
4.4 Do you seek a reduction or waiver of the Training Fee on the basis of a request by the Minister of Trade and Industry or Mineral and Energy, or Agriculture (if so, attach Request Letter signed by such Minister or his/her delegate) – regulation 30(8)(b)(iii).	Yes	No	
4.5 Has your industry, or segment thereof, been identified by the Department as one in respect of which the Government of the Republic has entered into an agreement with a foreign state referred to in section 21(4)(b) of the Act? If yes, attach relevant documentation.	Yes	No	
4.6 If your answer to 4.5 above is yes, do you seek a reduction or a waiver of the financial guarantees referred to in section 21(2)(c) of the Act? If yes, attach collaborating documentation to prove "special conditions" in your industry or segment thereof as well as a request from the Minister of Trade and Industry or Mineral and Energy, or Agriculture, or his/her delegate.	Yes	No	
4.7 If your Corporate Permit is for seasonal workers for a period not exceeding 6 months a year, are you seeking a Corporate Permit to be in force for longer than a year? If so, provide details on a separate sheet and collaborated information showing the need for such foreigner.	Yes	No	

5. CONSULTATION

5.1 Has the Department of Labour expressed a view or has been consulted in respect of this application (if so, attach relevant documentation).	Yes	No	Comments:(Add additional sheet if required)
5.2 Has the Department of Trade and Industry expressed a view or been consulted in respect of this application (if so, attach relevant documentation).	Yes	No	
5.3 If no consultation has taken place, or the applicant wishes to refer the Department to specific offices or officials of the Department of Labour and/or Trade and Industry, please provide the relevant indication, which shall not be binding on the Department, in a separate sheet.			

6. ADDITIONAL DOCUMENTATION

6.1 Pro forma type of employment contract	Yes	No	
6.2 Statement by the CEO or executive authority of the corporate applicant delegating the relevant office or personnel to perform the functions related to the implementation of the corporate permit.	Yes	No	
6.3 Statement indicating the expected time frame for the consideration and finalization of this application and the time and places where the contact person is available to discuss this application with officials of the Department and provide in loco verification if deemed necessary.	Yes	No	

7. UNDERTAKING BY CORPORATE APPLICANT

I, (full name)ID Number in
my capacity as of the company/organization known as

.....
understand that the implementation of a corporate permit is a partnership between the corporate applicant and the Department of Home Affairs to ensure compliance with the provisions and the objectives of the Immigration Act and that a corporate permit may be terminated in case of unsatisfactory performance on my side, and on that basis undertake for the above-named applicant and solemnly declare that I am authorized to make this application and enter in the obligations it involves, on behalf of the aforesaid company/organization and that the information contained therein is true and correct. I furthermore undertake to ensure that any foreigner employed in terms of a corporate permit issued to me completes the prescribed application fully, correctly and truly and shall be in possession of a passport valid for no less than 30 days after the expiry date of his or her intended stay and immediately inform the Department of Home Affairs if any of such foreigners is no longer in compliance or is no longer employed or is employed in a different capacity. I, furthermore, undertake responsibility for the removal of any of the foreigners employed in terms of this permit to his/her/their country/countries of residence on expiry of the contract.

.....
Signature of corporate applicant/employer

.....
Signature of witness

Signed at this day of 20.....

**REPUBLIC OF SOUTH AFRICA
CORPORATE PERMIT
[Section 21 of Act No 13 of 2002 : Regulation 30]**

NAME OF CORPORATE PERMIT HOLDER.

DEPARTMENTAL REFERENCE NO.

PHYSICAL ADDRESS (also include the affected branches, affiliated offices & subsidiaries of the corporate in South Africa).

In terms of section 21 of the Immigration Act, 2002 (Act No 13 of 2002) the above-mentioned corporate permit holder is hereby authorised to issue a total of corporate authorization certificates numbered to

Type of position:	Duration (*)	No of workers:
Type of position:	Duration (*)	No of workers:
Type of position:	Duration (*)	No of workers:
Type of position:	Duration (*)	No of workers:
Type of position:	Duration (*)	No of workers:

*Duration can be expressed in months or years. The duration of employment runs from date of the workers' first entry into the Republic and relates to the period this authorization is in force, during which time this authorization may be used to employ subsequent workers in the same position. This permit may be issued for open-ended durations.

(*) In the case of seasonal workers, workers can be employed from _____ to _____ every year / until year 20__ / for year 20__ only.

(*) In the case of workers employed in pursuance agreement with a foreign state referred to in section 21(4)(b) of the Act, workers must be citizens / residents of:

(*) The worker(s) must be introduced through the border post/port of entry of

Location of employment :

Type of position:		No of workers:
Type of position:		No of workers:

Type of position:	Location	No of workers:
Type of position:	Location	No of workers:
Type of position:	Location	No of workers:

.....
Regional Director
Department of Home Affairs

Department's wet seal/stamp

Date :

***Delete if not applicable.**

CODE NO

REPUBLIC OF SOUTH AFRICA

**PERMIT TO REPORT TO REFUGEE RECEPTION OFFICE
[Section 23 of Act No13 of 2002 : Regulations 32]**

This permit, valid for 14 days from date of admission is hereby issued solely to enable the holder to report to the Refugee Reception Office at.....

subject to the following conditions:

The holder of this permit shall not qualify for any other permit issued in terms of the Immigration Act 2002 (Act 13 of 2002).

.....
.....
.....

Note: Anyone who contravenes the purpose and / or conditions of this permit shall be guilty of an offence and liable on conviction to a fine or imprisonment.

Issued by

Persal No

Bar Code

APPLICATION FOR A PERMANENT RESIDENCE PERMIT

[Sections 26 and 27 of Act No 13 of 2002 – Regulation 33]

IMPORTANT:

- (a) To be completed in detail in English. Please print in black ink or type;
- (b) The completed form must be accompanied by the documents listed on pages 11 to 14.
- (c) For the various grounds on which permanent residence may be acquired and list of specific documents required in respect of each ground see pages 13 and 14.
- (d) Applicants are required to undergo an interview. Arrange for an interview with the nearest Regional Office of Home Affairs or South African mission before or when submitting the completed application with the prescribed fee, if applicable.
- (e) In the case of married couples or spousal partners, both the applicant and the spouse must sign and date the form and attend the interview, if the spouse is party to this application.
- (f) Applicants are advised to make and keep copies of documentation submitted.
- (g) It is the applicant's prerogative to retain an immigration practitioner to submit and attend to application of his or her behalf. However, this will not influence the outcome, as any application is considered individually and on its merits.

LIST OF APPLICANTS

SURNAME	FORENAMES	DATE OF BIRTH	GENDER	RELATIONSHIP	PERMIT NUMBER

Persons interviewed. ApplicantSpouseOther>>>.....
 Date of interviewInterviewing officer.....Rank..... Persal No.....
 Application presented by (Officer) :.....Persal No
 Application considered by.....Persal No
 Date of consideration
 Approved/rejected.....
 Reasons for rejection

 Signature:.....Rank.....
 Date : Office

OFFICE STAMP

1. **Details of applicant:**

1.1 Mr/Ms/Dr/Prof(Surname)

1.2 First Name(s)

1.3 Maiden name

1.4 Other former surnames

1.5 Date of birth: Year Month Day

1.6 Country of birth

1.7 Nationality of birth 1.8 Present nationality

1.9 Passport NoExpiry date

Issued by (Country).....

1.10 Marital status :

Never married : Married : Divorced Widowed

1.11 Date of marriage : Year Month Day

1.12 Present residential address :

Suburb/City/TownCountry.....

Since: Year Month Day

1.13 Postal Address SuburbCityCode

1.14 Tel No : Home : Work: Cell phone No

1.15 Occupation

2. Details of parents :

2.1 Father : Surname

First name(s)

Birth place: City/Town

State/Province

Country

Birth date: Year Month Day

His nationality at birth

2.2 Mother : Surname Maiden name

First name(s)

Birth place : City/town

State/Province

Country

Birth date: Year Month Day

Her nationality at birth

3. Details of spouse

3.1 Type of spousal relationship

3.2 Mr/Ms/Dr/Prof (Surname)

3.3 First Name(s).....

3.4 Maiden name.....

3.5 Other former surnames

3.6 Date of birth: Year Month Day

3.7 Birth place: City/Town3.8 State/Province.....

3.9 Country of birth

3.10 Nationality of birth3.11 Present nationality.....

3.12 Passport No/ SA Identity No

Issued by (Country).....Expiry date

3.13 Present residential address:

Suburb/City/Town Country

Since : YearMonthDay

3.14 Postal Address Suburb Code

3.15 Tel No ; HomeWorkCell phone No

3.16 Occupation

4. Details of parents of spouse, if spouse is party to this application :

4.1 Father : Surname

First name(s)

Birth place: City/Town

State/Province

Country

Birth date: Year Month Day

His nationality at birth

4.2 Mother : Surname Maiden name

First name(s)

Birth place : City/town

State/Province

Country

Birth date: Year Month Day

Her nationality at birth

5. Details of Children: unmarried children under the age of 21 of both applicant and spouse, if spouse is party to this application, including those born out of previous marriages or out of wedlock and children, if any, of unmarried dependants or persons in permanent spousal relationships.

Surname	Forename(s)	Date of Birth	Relationship to applicant and/or spouse	Country and place (town/city) of birth	Present Nationality	Occupation

6. Names of unmarried children mentioned above and who do not wish to apply for an immigration permit(s).....
.....
.....

7. Names of children over the age of 21 who are still dependent on the applicant for various reasons – please explain
.....
.....

8. Details of previous marriage/s (if any) :

Date and place of marriage date and place of divorce.....

Details about any custody/maintenance of children subsequent to such marriage/s.....
.....

9. Details regarding relatives and/or friends resident in South Africa, if any (it is not mandatory to complete this portion):

Name	Address	Relationship Acquaintanceship
1. ID No PR No.....
2. ID No PR No.....
3. ID No/PR No.....

10. Educational School Qualifications

Applicant.....Date obtained

Spouse*.....Date obtained

Higher Qualifications or Special Training:

Applicant:

Name of College, University or Educational Institution attended:.....
.....Country

Prescribed duration of course

Period attended

Major subjects.....

Degree, Diploma or certificate obtained.....

Spouse*:

Name of College, University or Educational Institution attended.....
Country
 Prescribed duration of course
 Period attended
 Major subjects
 Degree, Diploma or certificate obtained

Trade/Professional Qualifications

Applicant :

Duration of apprenticeship/training : Fromto.....
 Profession/Trade in which qualified

Spouse*.....

Duration of apprenticeship/training : From to
 Profession/Trade in which qualified

11. Employment record (to cover full period of employment):

Name of employer	Address: Town/City	From	To	Nature of work
.....
.....
.....
.....
.....
.....
.....

* if party to this application

Describe briefly your present/last duties.....

.....What occupation do you intend following in South Africa?

.....

What amount of money will you transfer to South Africa if any ?

Do you receive a pension or do you have a private income? If so, please give details:.....

.....

Do you have any other assets eg property/investments etc? please give details

.....

Do you have an offer of employment in South Africa? **[Yes/No]** If so, attach work offer.

12. Do you have any immediate family members remaining in country of origin [father, mother, sisters, brothers, husband, wife and children]
[Yes] [No]

Name	Address	Relationship/Acquaintance
.....
.....
.....
.....

13. Full details of previous and current residence (since 18th birthday or during the last ten years to date)

(Complete in detail including postal district numbers, e.g. Bromley BR68ED, United Kingdom)

From: (Month/Year)	To: (Month/Year)	Number and street	City/Town	Country
(i)
(ii)
(iii)
(iv)
(v)
(vi)
(vii)
(viii)
(ix)
(x)
(xi)
(xii)
(xiii)
(xiv)
(xv)
(xvi)
(xvii)
(xviii)
(xix)
(xx)

14. Details regarding applicant and (if applicable) spouse and children

The following questions relate to you (the applicant) as well as to any person mentioned under 3 and 5 and must be answered "YES" or "NO".

- (a) Have you or any of the persons concerned ever been –
 - (i) convicted of a criminal offence even if such conviction is no longer on record against you or the persons concerned?
.....
 - (ii) declared insolvent?
 - (iii) the subject of a civil action for failure to fulfil child maintenance obligation?
.....
- (b) Will you or any of the persons concerned leave outstanding debts behind on your departure or, if you are already in South Africa, did you leave any outstanding debts behind abroad? If so, what arrangements have you made to settle them
.....
- (c) Is there a criminal action pending against you or any of the persons concerned?
- (d) Have you or any of the persons concerned previously applied for an immigration permit?
- (e) Have you or any of the persons concerned ever been refused permanent residence in or entry to or been repatriated or deported from South Africa or any other country?
.....
- (f) Have you or any of the persons concerned ever previously been in South Africa? If yes, state period
- (g) Do you or any of the persons concerned suffer, or has any of you suffered from a disease referred to in regulation 34(1)(a) or from any physical or mental condition which may render you a public charge or a threat to others?

N.B. If the answer to any of the questions (a) to (g) above is "YES", give FULL details below. In connection with question (a) (ii) state whether or not you or the persons concerned have been rehabilitated. In respect of question (f) actual periods and addresses of residence must be furnished.

.....

.....

.....

.....

- (h) Have you or any of the persons concerned ever applied for asylum in another country? If so, please state which person(s), the countries of previous immigration, and the year in each case
.....

.....
.....
.....

15. General information

On what date did you leave your country of origin? If so please indicate –

Have you ever applied for asylum in the Republic of South Africa **[Yes/No]**.....

If yes state date of applicationdate of approvalor rejection, or cancellation, and reasons for rejection/cancellation

Postal address and telephone number at which you can be contacted in South Africa

.....
.....

Employment details of Spouse

.....

Note : Any incorrect or misleading information or false documents furnished in support of this application may result in the application not being considered.

I/We the undersigned, declare that the photograph(s) submitted in support of this application is/are a true likeness of the person(s) whose names appear on the reverse side thereof, that the details reflected in this application and supporting documents are true and correct and that it is my/our intention to reside permanently in South Africa. I undertake to inform the Department of any change of address whilst the application is being processed with the understanding that in the event of failure to do so the Department will not be responsible for any resultant breakdown in communication.

Signature of applicant

Date

Signature of legal spouse

Date

FOR OFFICIAL USE

TWO PHOTOGRAPHS IN RESPECT OF EACH APPLICANT OVER THE AGE OF

PLEASE READ THE FOLLOWING IN CONJUNCTION WITH THE ACCOMPANYING INSTRUCTIONS:

- IMPORTANT** – (a) The documents listed below must be submitted with the application by the persons indicated.
 (b) **“Applicants”** on this page includes all persons who intend to apply for a permanent residence permit.
 (c) Documents which are not in English, must be accompanied by **certified translations** into English.
 (d) The applicant and his/her spouse must sign the application. Where the applicant is a child both parents must sign.

1.	2 Passport photographs	All applicants	A recent, passport-type, full face photograph bearing the names of the applicant on the reverse side thereof. Machine-type or instant photographs are not acceptable.
2.	Birth certificate, or extract from birth record	All applicants	Only original documents or certified copies thereof are acceptable.
3.	Change of name document i.e. Statutory Declaration or Deed Poll/or Adoption Certificate	All applicants where applicable	
4.	Medical report	All applicants	Report must not be older than six months at time of submission
5.	Radiological report.	All applicants 12 years of age and older (excluding pregnant women)	The report must not be older than six months at time of submission. (“Mass X-ray” cards and separate radiological reports acceptable).
6.	Police certificate(s)	All applicants 18 years of age and older	In respect of all countries of residence in excess of 12 months (originals only)
7.	Marriage certificate, or extract from marriage record. Documentary proof of customary union where applicable, prescribed affidavit and Notarial contract where applicable	All applicants who are married or in a spousal relationships	
8.	Final divorce decree(s) and all relevant court orders regarding custody and maintenance of children. Written consent of parents where applicable	All applicants who are divorced	Required irrespective of whether or not the person concerned has since re-married
9.	Death certificate of late spouse	All widows and widowers	
10.	Highest educational, trade and/or professional certificates	All applicants who will be employed in South Africa	N.B. (a) Full details of training and experience are to be provided when relevant to confirm the applicant’s ability and/or qualifications to perform the intended occupation in South Africa. (b) Documents listed under (a) must indicate the actual dates of training and/or employment and also the capacity or occupation in which trained and/or employed. (c) Present employer’s work reference may be submitted at a later date if so desired.
11.	Work references or certificates of service (covering at least the last five years)	All applicants who apply on grounds of a job offer or work permit	

12.	<ul style="list-style-type: none"> (a) Offer for permanent employment (b) Certification by the (prospective) employer's chartered accountant as required by section 27(a)(i) (c) Certification by the Department of Labour as required in section 27(a)(ii) 	All applicants who apply on grounds of permanent employment in terms of section 27(a) of the Act	The work offer must state clearly the occupation to be followed and salary offered and must not be older than three months at time of submission.
13.	<ul style="list-style-type: none"> (a) A letter from a foreign or South African organ of State, or from an established South African academic, cultural or business body confirming the applicant's exceptional skills or qualifications (b) Testimonials from previous employers, if applicable, and a comprehensive curriculum vitae (c) Other proof to substantiate exceptional skills qualifications, such as publications and testimonials 	All applicants seeking permanent residence on grounds of exceptional skills and qualifications in terms of section 27(b) of the Act	
14.	<ul style="list-style-type: none"> (a) Proof of availability of funds for transfer from abroad (b) Proof of planned registration with the appropriate statutory body, if required by the nature of business (c) Proof of compliance with regulation 24 and section 27(c) of the Act 	All applicants who apply for permanent residence on grounds of intending to establish a business in the republic	If the applicant request the Department to reduce the prescribed capitalisation requirement in terms of section 27(c)(i) of the Act, a request from the Department of Trade and Industry or documentation supporting a claim of national interest must be attached
15.	<ul style="list-style-type: none"> (a) All the requirements under item 14 (b) Documentation proving the investment such as shareholders' or partnership agreements (c) Details of the partner/directors and (d) Proof of compliance with regulation 24 and section 27(c) of the Act 	All applicants who apply for permanent residence on grounds of intending to invest in an established business in the republic	If the applicant requests the Department to reduce the prescribed capitalisation requirement in terms of section 27(c)(i) of the Act, a request from the Department of Trade and Industry or documentation supporting a claim of national interest must be attached
16.	<ul style="list-style-type: none"> (a) Proof of compliance with sections 27(c) of the Refugees Act, 1998 (Act no 130 of 1998) (b) Affidavit with regard to aliases used by the applicant and/or family members, if applicable 	All applicants seeking permanent residence in terms of section 27(d) of the Act in respect of qualifying refugees	NB. In respect of applications on this ground the documentation requirements listed under Item 9(1) (c), (d) in the case of a foreign marriage, (h) to (m), and (n) of Schedule A of the Regulations, if the original is not available, may be replaced with a sworn affidavit in respect of the country fled from only
17.	Certification by a chartered accountant as required in section 27(e) and regulation 33(16)	All applicants who intend to retire in South Africa, or who will be self-employed/independent means or who will be entering into a business partnership	

18.	Certification by a chartered accountant as required in section 27(f), reflecting proof of a minimum net worth of R40 million and having tendered R100 000 to the Department as the fee referred to section 27(f) in the Act	All applicants of independent means seeking permanent residence in terms of section 27(g) of the Act
19.	Consent of both parents or guardian (minors as recognised by their country of origin)	All single applicants under the age of 21
20.	(a) Proof of permanent employment offer and/or proof of 5 years continuous work permit status (b) Certification by the employer's chartered accountant contemplated in section 26(a)(i) (c) Certificate by the Department of Labour contemplated in section 26(a)(ii)	All applicants who have been on work permits and seek permanent residence in terms of section 26(a) of the Act
21.	Declaration of support for the application by the spouse who is the citizen or resident	All applicants seeking permanent residence on grounds of a spousal relationship
22.	Undertaking by parents with regard to financial support	In respect of a child under the age of 21 of a citizen or resident

DEPARTMENT OF HOME AFFAIRS

PERMANENT RESIDENCE PERMIT

[Sections 26 and 27 of Act No 13 of 2002 : Regulation 33]

Reference

In terms of the provisions of section 26* or 27* of the Immigration Act, 2002, (Act No 13 of 2002), subsection; in the category of

Surname and first names	Date of birth	Gender	Occupation/capacity/ category in which holder is granted permit	Permit No

has been authorised to enter the Republic of South Africa for the purpose of taking up permanent residence, or if he/she on the date of approval of the application, already sojourns therein legally, to reside permanently.

If the holder of this permit fails enter the Republic of South Africa for the purpose **of permanent residence** within one year, the Department of Home Affairs may withdraw this residence permit.

Date of issue

OFFICE STAMP

Issuing officer

Rank

.....

.....

for **REGIONAL DIRECTOR**for **REGIONAL DIRECTOR****Note :**

- (i) This permit is issued once only and must be duly safeguarded.
- (ii) If both signatures do not appear above, this permit is invalid.
- (iii) The permit number must be quoted in all communications with the Department of Home Affairs.
- (iv) This permit is issued without erasure or amendment.
- (v) Permanent residents who are absent from the Republic for three years or longer may lose their right to permanent residence in the Republic. A period of absence may only be interrupted by an admission and sojourn in the Republic.

ENDORSEMENTS/CONDITIONS

.....

.....

***Delete whichever is not applicable**

Control No

REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS

CERTIFICATE OF ARRIVAL

- (i) FOR DETACHMENT BY THE IMMIGRATION OFFICER ON ARRIVAL OF THE ABOVE-MENTIONED ON ENTRY FOR THE PURPOSE OF TAKING UP PERMANENT SETTLEMENT AND TRANSMISSION TO THE DIRECTOR-GENERAL: HOME AFFAIRS (DIRECTORATE RESIDENCE), PRIVATE BAG X114, PRETORIA, 0001.**
- (ii) IF THE PURPOSE OF ENTRY IS NOT TO TAKE UP PERMANENT SETTLEMENT IMMEDIATELY, AN ENTRY STAMP SHALL NOT BE AFFIXED AND/OR A RE-ENTRY VISA BE GRANTED.**

**REPUBLIC OF SOUTH AFRICA
DECLARATION OF A FOREIGNER AS AN UNDESIRABLE PERSON
[Section 30 of Act No 13 of 2002 : Regulation 35]**

To :
At :

1. In terms of the provisions of section 30(1) of the Immigration Act, 2002, (Act No 13 of 2002), you are, hereby, declared an undesirable person because of the following reason(s)
2.
 - *(a) In terms of section 10(4) of the said Act;
 - *(b) Being an illegal foreigner in terms of section 1(1)(xviii) read with sections 10(4) and 48 of the said Act;
 - *(c) Having become an illegal foreigner in terms of section 1(1)(xviii) read with section 10(4) of the said Act;
3.
 - *(a) You do not qualify for either a temporary residence permit or for admission into the Republic of South Africa.
 - *(b) you are hereby ordered to leave the Republic by hours on, at which time the validity of any permit you may hold shall be deemed to have lapsed. Should you fail to do so on or before this date, you shall be guilty of an offence and subject to a fine or imprisonment and deportation.
4. In terms of section 8(1) of the Act you are entitled to make written representations to the Department to review this declaration within 10 days.

.....
IMMIGRATION OFFICER/DIRECTOR

.....
DATE:

.....
PLACE

.....
APPOINTMENT NO (IF AN

***Delete which is not applicable.**

IMMIGRATION OFFICER)

I acknowledge receipt of the original of this notice.

.....
SIGNATURE OF UNDESIRABLE PERSON

DATE:

1. I understand that I am entitled to make representations to the Department.
2. *I do not wish to make representations/I wish, in terms of section 8(1) of Act No 13 of 2002, to make representations to the Department to review the declaration that I am an undesirable person. Written representations are attached thereto. .

Date :

.....
Signature of person making
Representation

Place

***Delete which is not applicable.**

REPUBLIC OF SOUTH AFRICA

NOTICE TO PERSON TO PRODUCE EVIDENCE IN HIS/HER POSSESSION,
CUSTODY OR UNDER HIS/HER CONTROL WHICH IS RELEVANT TO AN
INVESTIGATION IN TERMS OF THE IMMIGRATION ACT, 2002 TO AN
IMMIGRATION OFFICER

[Section 33(4)(b) of Act No 13 of 2002: Regulation 38(3)]

To (full names)

Identity or passport number

Residential Address

.....
.....
.....

Physical Work Address

.....
.....
.....

YOU ARE HEREBY called upon in terms of section 33(4)(b) of the Immigration Act, 2002 to produce the article(s) *infra* to immigration officer (name of immigration officer)
..... at (give physical address) on
(date) at (time)

Article	Description	Number of articles
.....
.....
.....

THE REASON why the said articles(s) *is/are to be produced is specified *infra*:
.....
.....
.....

The original hereof was today handed to the aforementioned personally and the import thereof explained to *him/her.

Place:

Date:

Signature of *Immigration Officer/Sheriff

Signature of recipient

Date received:

*Delete which is not applicable

REPUBLIC OF SOUTH AFRICA

NOTICE TO PERSON TO APPEAR BEFORE AN IMMIGRATION OFFICER
RELEVANT TO AN INVESTIGATION IN TERMS OF THE IMMIGRATION ACT,
2002

[Section 33(4)(c) of Act No 13 of 2002: Regulation 38(3)]

To (full names)

Identity or passport number

Residential Address

Physical Work Address

.....
.....
.....

.....
.....
.....

YOU ARE HEREBY, called upon in terms of section 33(4)(c) of the Immigration Act, 2002 to appear before immigration officer (name of immigration officer)
..... at (give physical address) on
(date) at (time)

THE REASON why you are called upon to appear before the immigration officer is specified *infra*:

.....
.....
.....
.....

The original hereof was today handed to the aforementioned personally and the import thereof explained to *him/her.

Place:

Date:

.....
Signature of *Immigration Officer/Sheriff

.....
Signature of recipient

Date received:

*Delete which is not applicable

REPUBLIC OF SOUTH AFRICA

ENTRY AND SEARCH WARRANT

[Section 33(5) of Act No 13 of 2002: Regulation 38(4)]

TO IMMIGRATION OFFICER
 (The name of the immigration officer who will execute the entry and search warrant must be provided).

Whereas it appears to me from information received under oath that there are reasonable grounds to believe that, within the Magisterial District of there is in or upon the premises at

- * (i) an illegal foreigner or,
- * (ii) something which relates to the employment, training, occupation of, or residence on such premises of an illegal foreigner in violation of the Immigration Act, 2002

YOU ARE THEREFORE authorised to enter the identified premises *supra* during *day time/any time/night time/during the hours ofto to search for and to –

(Mark with YES or NO in the applicable block)

(a)	interrogate any person found in or on such premises	
(b)	examine any thing in or upon such premises	
(c)	request from the person who is in control of such premises or in whose possession or under whose control any thing is when it is found, or who is upon reasonable grounds believed to have information with regard to such thing, an explanation or information and against the issue or a receipt make copies of or extracts from any such thing found upon or in such premises	
(d)	apprehend an illegal foreigner, subject to section 34(1)	

and to deal with such person, illegal foreigner or thing according to law.

Given under my hand at this
 day of 20

IMMIGRATION COURT



.....
 Signature

.....
 Designation

*Delete which is not applicable

REPUBLIC OF SOUTH AFRICA

NOTICE OF DEPORTATION

[Section 34(1)(a) and (b) of Act No 13 of 2002: Regulation 39(1)]

To

- 1. As you are an illegal foreigner, you are hereby notified that you are to be deported to your country of origin, namely
2. In terms of section 34(1)(a) and (b) of the Immigration Act, 2002 (Act No 13 of 2002) you have the rights to:
2.1 Appeal such decision in terms of section 8 of the Act within 11 calendar days.
2.2 At any time request any officer attending to you to have your detention for the purpose of deportation confirmed by a warrant of the Court.

NB: - Should you choose not to exercise your rights supra you will be detained pending your deportation. Should you exercise your rights, supra you will remain in custody and may not be deported before the relevant decision is final.
- You will not be allowed to return to the Republic without the necessary legal authority as is stipulated in section 34(5)(a) of the Act.

.....
Immigration Officer Date:
Appointment number: [] Place:

ACKNOWLEDGEMENT OF RECEIPT OF NOTIFICATION OF DEPORTATION

I hereby acknowledge receipt of the original notification of deportation in which my rights in terms of section 34(1)(a) and (b) of the Immigration Act, 2002 (Act No 13 of 2002) were explained to me.

After due consideration I have decided to:

- *1. Await my deportation at the first reasonable opportunity, whilst remaining in custody.
*2. Appeal the decision to deport me.
*3. Not appeal the decision to deport me.
*4. Have my detention confirmed by a warrant of the Court.
*5. Not have my detention confirmed by a warrant of the Court.
*6. Leave the RSA within 14 days hereof which departure will be regarded as voluntary and will not be recorded by the Department as a deportation, unless I was deported or I used this option before.

*delete if not applicable

..... Date:
Signature of detainee
Place:

REPUBLIC OF SOUTH AFRICA

WARRANT OF DETENTION OF AN ILLEGAL FOREIGNER

[Sections 34(1) and 34(5) of Act No.13 of 2002: Regulation 39(2)]

To: Station Commissioner
Head of Prison

.....

As has made *himself/herself liable to *deportation/removal from the Republic and for detention pending such *deportation/removal, in terms of section *34(1) / *34(5) / *34(8) of the Immigration Act, 2002 you are hereby authorised and ordered to detain the said

..... until such time * he/she is *deported/removed from the Republic.

*The deportation of such person in terms of the Immigration Act, 2000 (Act 13 of 2002) is hereby authorized.

NB: No release may be effected without the written authority of an immigration officer by means of a warrant of release referred to in regulation 39(12) of the regulations published in terms of section 7 of the Immigration Act, 2002 (Act No 13 of 2002).

Given under my hand at this day of 20

IMMIGRATION COURT



..... Signature

..... Designation

*Delete what is not applicable

**REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS**

WARRANT OF DETENTION OF AN ILLEGAL FOREIGNER
[Sections 34(1), 34(5), 34(8) or 41 of Act No.13 of 2002: Regulation 39(2)]

To: Station Commissioner
Head of Prison
.....

As Is an illegal foreigner and has made *himself/herself liable to *deportation/removal from the Republic and for detention pending such *deportation/removal, in terms of section *34(1) / *34(5) / *34(8) of the Immigration Act, 2002 you are hereby requested to detain the said

.....
until such time * he/she is *deported/removed from the Republic.

NB: No release may be effected without the written authority of an immigration officer by means of a warrant of release referred to in regulation 39(12) of the regulations published in terms of section 7 of the Immigration Act, 2002 (Act No 13 of 2002).

.....
Immigration Officer

.....
Appointment number

Date:



Place:.....

Telephone number

*Delete what is not applicable

REPUBLIC OF SOUTH AFRICA

NOTIFICATION OF EXTENSION OF DETENTION WHILST AWAITING DEPORTATION

[Section 34(1)(d) of Act No 13 of 2002: Regulation 39(5)]

To: (full names of detainee)

At: (name of detention facility)

You are hereby notified that in view of the fact that your detention pending the execution of the warrant for your deportation to issued on is likely to exceed 30 calendar days on for the reasons mentioned in the affidavit on the reverse side of this notice. I am under section 34(1)(d) of the Immigration Act, 2002 obliged to submit the matter for consideration to the magistrate of the Court at on or before

You are entitled to submit in writing whatever representations you wish to be considered by the magistrate of the Court who will rule on your extended detention and you are requested to hand me such representations on or before If you require assistance, you should approach the head of the institution where you are being detained.

OFFICE STAMP

.....
Immigration Officer

Appointment number:

Date:

Place:



REPUBLIC OF SOUTH AFRICA

COVER SHEET: APPLICATION FOR THE EXTENSION OF THE
DETENTION OF AN ILLEGAL FOREIGNER WHILST AWAITING
HIS/HER DEPORTATION

[Section 34(1)(d) of Act No 13 of 2002: Regulation 39(5)(iii)]

To: The clerk of the Court

Re: Extension of detention of (full names of detainee)

Detained at

1. Please refer this matter for consideration of the magistrate of the court in terms of section 34(1)(d) of the Immigration Act, 2002 and regulation 39(4) to (6) made thereunder.

2. The following documents are attached:

(a) certified copy of the warrant of detention of (full names)
.....
issued on

(b) notification to the detainee as per regulation 39(1) of the
Immigration Regulations, duly completed and

(c) representation by the said detainee.

Signed at on this day of
..... 20

.....

Immigration Officer

Appointment number:

DECISION BY MAGISTRATE OF THE COURT

After perusing the documentation referred to in paragraph 2 above/* and after further investigation referred to in regulation of the regulations published in terms of section 7 of the Immigration Act, 2002, I hereby –

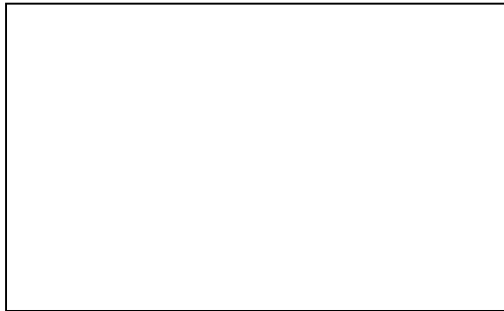
- *1. Confirm the order for detention of on good grounds as reasonable and necessary; or

- *2. Set aside the order for the detention of as unwarranted or unreasonable, and I direct that the said be released from custody immediately and/or

- *3. Make the following order in addition to the order made under paragraph 1 or 2:
.....
.....
.....

Given under my hand at this
.....
day of 20

IMMIGRATION COURT



Signature

Designation

*Delete which is not applicable

AFFIDAVIT

I, (full names of deponent)state herewith

under oath / solemnly declare:

1. I am a duly appointed immigration officer stationed at:

2. I have ordered the detention of (full names of detainee)

because the warrant for his/her deportation issued by me on

could for the following reasons not be executed immediately *
.....
.....

and his or her detention was on good grounds considered reasonable and necessary
because *

3. It is likely to be necessary that the said (full names of detainee)

be detained for longer than (state period)

because *
.....
.....

4. I append hereto certified copies of the following documentation as proof of my
endeavours to expedite the deportation of the said (full names of detainee)
.....

and or to ensure that he/she is not detained for longer than what is reasonable and necessary:

(a)

(b)

(c).....

(d).....

Signed at on this
..... day of 20.....

.....
Immigration Officer

Appointment number:

* use separate sheet(s) of paper, if necessary

REPUBLIC OF SOUTH AFRICA

WARRANT OF DETENTION OF A PERSON NOT ENTITLED TO BE IN THE REPUBLIC

[Section 34(1)(e) read with section 41 of Act No 13 of 2002: Regulation 39(8)]

To: Station Commissioner/Head of Prison

1. WHEREAS (full forenames and surname of detainee)

.....

is, for the reasons stated in the attached affidavit, suspected to be an illegal foreigner, who has failed to satisfy me (full names of immigration officer/police officer).....

.....

in terms of section 3(1)(e) read with section 41 of the Immigration Act, 2002 (Act No 13 of 2002) that he/she is entitled to be in Republic; and

WHEREAS it is deemed necessary to detain the said

.....

for the following reasons:

.....

.....

YOU ARE HEREBY ordered to detain the said

.....

UNTIL his or her *prima facie* status or citizenship is ascertained.

2. A copy of this detention warrant was handed to the immigration officer stationed at

..... on: Date: Time:

Given under my hand at this day of 20

IMMIGRATION COURT



.....
Signature

.....
Designation

*Delete which is not applicable

**REPUBLIC OF SOUTH AFRICA
ORDER TO AN ILLEGAL FOREIGNER TO DEPOSIT A SUM TO COVER
EXPENSES RELATING TO DETENTION, DEPORTATION
AND OTHER COSTS
[Section 34(3) of Act No 13 of 2002 : Regulation 39(9)]**

A. To:

WHEREAS you are to be deported from the Republic of South Africa under a warrant of deportation as an illegal foreigner; and
WHEREAS the consequential expenses of your deportation are calculated as follows:

- (a) Actual costs of deportation
 - (b) Actual costs of detention
 - (c) Actual costs of maintenance
 - (d) Actual costs of custody
- Total

WHEREAS section 34(3) of the Immigration Act, 2002 empowers me to require from you to deposit with the Department a sum of money sufficient to cover the said expenses;
NOW THEREFORE you are hereby ordered to deposit the amount of
..... at the Department of Home Affairs at *
..... on or before#.....

PLEASE TAKE NOTE that should you fail to deposit the said sum of money on or before the aforementioned date, you shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment not exceeding 12 months.

FURTHERMORE, PLEASE TAKE NOTE that a copy of this order will be filed at the office of the Clerk of the Immigration Court of the district ofand that upon such filing this order shall have the effect of a civil judgement, and that I shall then in terms of regulation 38 of the Immigration Act Regulations, have all the powers of a judgement creditor in this matter.

.....
Immigration Officer
Appointment number

Date:

20		
----	--	--

 Place.....

B. TO THE CLERK OF THE IMMIGRATION COURT

As the person supra has failed to comply with the order you are hereby requested to please record this order as a judgement of your Court and complete the endorsement in section C of this form.

Return two completed copies to me within days.

.....
Immigration Officer
Appointment number

Date:

20		
----	--	--

 Place.....

C. TO THE IMMIGRATION OFFICER

-
- (a) Order entered as judgement of the Court on
 - (b) Judgement No.

.....
Clerk of the Immigration Court **OFFICE STAMP**

Date:

20		
----	--	--

*State address of office of the Department
#State date in full

REPUBLIC OF SOUTH AFRICA
WARRANT FOR REMOVAL/RELEASE PENDING REMOVAL
[Section 34(7) of Act No 13 of 2002 : Regulation 38(12)]
WARRANT FOR REMOVAL

TO: PERSON IN CHARGE OF PRISON/DETENTION FACILITY

As (first name/s and surname)

.....
.....

whose fingerprints appear on the reverse side, has made himself/herself liable to removal from the Republic, you are, therefore, hereby, requested to deliver him/her into my custody pending such removal, in terms of section of the Act.

Removal from the Republic of South Africa shall be affected via

and the responsible immigration officer or police officer shall impress the left and right thumb prints of the above-mentioned person hereunder when he/she is removed and certify that the prints were taken by him/her.

Date

Place

Reference No.

.....

MINISTER OF HOME AFFAIRS

CERTIFICATE BY IMMIGRATION OFFICER

I hereby confirm that the above-mentioned person was removed from the Republic of South Africa on
..... to via

I also confirm that his/her left and right thumb print were taken by me.



LEFT THUMB PRINT



RIGHT THUMB PRINT

Immigration officer

Appointment number

Date

Port of entry

FINGERPRINT FORM

NOTIFICATION OF DEPORTATION OF AN ILLEGAL FOREIGNER

Fingerprints may only be taken by an official of the Department of Home Affairs. PLEASE NOTE: Should a finger be missing, deformed or so injured that the impression cannot be taken, this fact should be noted in the space provided for that impression.

Fingerprints taken by
.....

Classification

PHOTOGRAPH OF THE ILLEGAL FOREIGNER WHO IS DEPORTED

R thumb	R index	R middle	R ring	R little finger
L thumb	L index	L middle	L ring	L little finger

FOR OFFICIAL USE:

FINGERPRINTS TAKEN BY :
(PLEASE PRINT)

--

IDENTITY NUMBER :

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

PCN NUMBER:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

REGISTERING FINGERS			
LEFT HAND -		RIGHT HAND	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REPUBLIC OF SOUTH AFRICA

WARRANT OF RELEASE

[Section 34(7) of Act No 13 of 2002 : Regulation 39(12)]

To: _____

You are hereby ordered to release the following illegal foreigner(s) presently being detained by you:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

***Immigration Officer / Peace Officer**

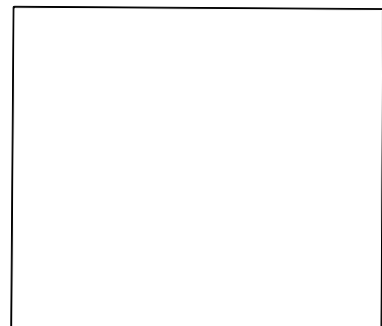
***Appointment number / Force Number**

Date :

Place:

'Delete which is not applicable

OFFICE STAMP



REPUBLIC OF SOUTH AFRICA

NOTICE OF REFUSAL OF ENTRY INTO THE REPUBLIC OF SOUTH AFRICA

[Section 34(8) of Act No 13 of 2002: Regulation 39(13)]

To

You are in terms of the provisions of section *29(1), 30(1), 34(8) of the Immigration Act, 2002 (Act No. 13 of 2002) refused admission to the Republic of South Africa as you -

- *(a) are a prohibited person; or
- *(b) are an undesirable person; or
- *(c) are an illegal foreigner as you are not in possession of a valid passport and / or a valid visa; or
- *(d) have failed to comply with the examination procedure.

In terms of section 34(9)(c) of the said Act the conveyor responsible for your conveyance to the Republic, namely will be responsible for your maintenance and removal from the Republic.

In terms of section 8(5) of the Act, this decision is effective notwithstanding any further representations from you or on your behalf, and final for purposes of your removal / return to country of origin.

After your removal / return to country of origin you may, within 20 days from date of this notice, appeal to the Director-General of Home Affairs against this decision. Such an appeal must be lodged through your representative in the Republic via the nearest or most convenient South African diplomatic or consular representative.

Date

Immigration Officer

Place

I acknowledge receipt of the original of this notice

.....

Signature of inadmissible person

Date

*Delete which is not applicable

REPUBLIC OF SOUTH AFRICA

DECLARATION TO MASTER OF SHIP REGARDING PROHIBITED PERSONS

To the Master of (name of ship).....

Permission for the following persons to enter the Republic was refused on (date).....

Because they are prohibited persons. The persons indicated below shall be detained by the master in terms of section 34(8)&(9) of the Immigration Act, 2002(Act No13 of 2002)

Surname	First Name/s	Reasons for refusal
.....
.....
.....
.....
.....

Port.....
.....

Immigration Officer

Date.....
number.....

Appointment number/Force

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

Date.....
.....

Signature of Master

REPUBLIC OF SOUTH AFRICA

**CERTIFICATE BY IMMIGRATION OFFICER FOR THE PURPOSE OF OBTAINING A
CLEARANCE PAPER FROM THE CUSTOMS OFFICER**

[Section 35(6) of Act No.13 of 2002: Regulation 39(16)]

TO THE OFFICER IN CHARGE: CUSTOMS AND EXCISE
PORT.....

I hereby certify that the master of the ship (name of ship)complied
on.....(date)
with the provisions of the Immigration Act, 2002 (Act No13 of 2002), and the regulations
made thereunder.

Date.....
.....

Immigration

Officer

Place.....

Appointment Number/Force

Number.....

REPUBLIC OF SOUTH AFRICA

ORDER TO ILLEGAL FOREIGNER TO LEAVE THE REPUBLIC

[Section 32(2) of Act No 13 of 2002 : Regulation 39(17)]

To :

At:

1. You are hereby notified that as an illegal foreigner in contravention of the provisions of the Immigration Act 2002, (Act No 13 of 2002), you are guilty of an offence for which you may be charged in a court of law.
2. However, as you have undertaken to leave the Republic voluntarily you are hereby instructed to leave the Republic by Hours on 20, failure of which a warrant for your deportation will be issued in terms of section 34 of the said Act and you will be detained and/or charged pending your removal.

DATE :

.....

IMMIGRATION OFFICER

PLACE :

Appointment No

Force No

I acknowledge receipt of the original of this notice.

.....

SIGNATURE OF ILLEGAL FOREIGNER

DATE:

LIST OF PASSENGERS**[Section 35(3)(a) of Act No 13 of 2002 : Regulation 40]****TAKE NOTE:**

In terms of section 35(3)(a) of the Immigration Act, 2002 (Act No 13 of 2002) read with Regulation 39, the master of a ship entering a port of entry of the Republic shall, on demand deliver to an immigration officer a list of all passengers containing the following information :

Name of shipPort of Entry

Full names of Master

Flight No Date of entry.....

A. The particulars of all passengers on board, classified according to their respective destinations. (Inbound)

Names of passengers as in passport or travel document		Passport/ Travel Document No	Travel class	Nationality	Embarked at	Destination
Surname	First name					

B. Details of international transit passengers arriving/departing* on the above-mentioned ship/flight (Transit)

Surname & Initials	Passport No	Nationality	Departure/ Arrival* Flight No	Departure/ Arrival* Date	Destination

C. Passengers refused onward conveyance (Outbound)

Surname & initials	Passport No	Nationality	Intended Departure Flight No	Intended Departure Date	Reason for refusing onward conveyance & Action taken

I hereby certify that this list contains the particulars of all passengers on board my ship.

.....

DATE

.....

MASTER

List received by

(Immigration Officer)

Date

***Delete what is not applicable**

REPUBLIC OF SOUTH AFRICA

LIST OF STOWAWAYS

[Section 35(3)(b) of Act No.13 of 2002: Regulation 44]

TAKE NOTE:

In terms of section 35(3)(b) of the Immigration Act, 2002 (Act No13 of 2002), the master of a ship entering a port of entry the Republic shall on demand deliver to the immigration officer a list of stowaways if any have been found:

NAME OF SHIP PORT OF ENTRY
 FULL NAMES OF MASTER.....
 DATE ON WHICH SHIP ENTERED THE REPUBLIC.....

*Names of Stoways in full

Surname	First Name	Passport/ Travel Document No.	Particulars of travel document in his or her possession	Nationality	Country of origin
.....
.....
.....
.....
.....
.....

I hereby certify that this list contains the particulars of all stowaways found on board my ship.

Date.....

Master.....

Date.....

Immigration Officer.....

REPUBLIC OF SOUTH AFRICA

**LIST OF CREW, PERSONS EMPLOYED OR CARRIED OR PRESENT
(other than passengers and stowaways)**

[Section 35(3)(c) of Act No.13 of 2002: Regulation 40]

TAKE NOTE:

In terms of section 35(3)(c) of the Immigration Act, 2002 (Act No13 of 2002), the master of a ship which enters any port must deliver to the immigration officer on demand a list of all the crew and all persons (other than passengers and stowaways) employed, carried or present on the ship.

NAME OF SHIP..... PORT OF ENTRY.....
 FULL NAMES OF MASTER.....
 DATE ON WHICH SHIP ENTERED THE REPUBLIC.....
 PLACE WHERE ENTERED.....
 PORT AND DATE OF FINAL DEPARTURE FROM THE RSA(PORT).....(DATE).....

No.	Rank and grading	Names as in passport/travel document/seaman's identity certificate	Nationality	Date of Birth	Number and seaman's identity certificate	Expiry date of passport/travel document
1.						
2.						
3.						
4.						

I certify that this list contains the names of all persons as referred to in section 35(3)(c) of Act No.13 of 2002.

Date.....

Master.....

Date.....

List Received by.....

Immigration Officer.....

**REPUBLIC OF SOUTH AFRICA
RETURN OF MASTER**

[Section 35(3)(d) of Act No.13 of 2002: Regulation 40]

MUST BE DELIVERED TO THE IMMIGRATION OFFICER WHO HAS BOARDED THE
VESSEL UNDER HAND OF THE MEDICAL OFFICER OF THE SHIP OR OF THE MASTER

NAME OF SHIP..... PORT OF ENTRY.....

A. Crew, passengers and all other persons on board who during the voyage have suffered or are suspected of suffering from a disease, infection or otherwise:

Name	Crew Member or passenger (mention rank or class)	Nature of illness	Remarks
.....
.....
.....
.....
.....

B. Details of any birth or death which occurred on board between the present and previous port:

Name (mention father and mother's name in case of birth)	Crew Member or passenger (mention rank or class)	State whether birth or death and date	Remarks
.....
.....
.....
.....
.....

Certified by me at port.....on the
day of.....20...

.....
*Medical Officer of ship, or in the absence
of a Medical Officer, Master*

REPUBLIC OF SOUTH AFRICA

REPORT ON CUSTOMERS WHO FAILED TO IDENTIFY THEMSELVES AS
CITIZENS OR STATUS HOLDERS

[Section 40(1) of Act No 13 of 2002: Regulation 42]

TO: (nearest office of) THE DEPARTMENT OF HOME AFFAIRS

.....
.....

FROM: (Name of business offering overnight accommodation)

.....
Business address:

.....
Telephone number: Fax number:

Cellphone number:

E mail address:

After having made a good faith effort to establish the identity of our customers as citizens or status holders, we failed to establish the identity of the customer(s) on the list *infra* and hereby comply with the duty imposed on us in terms of section 40(1) of the Immigration Act, 2002 (Act No 13 of 2002)

Available particulars of customer(s)*

No	Full first names	Surname	Nationality	Date of birth	Booked in on	Date of departure

*If the information is not available please indicate with N/A

I certify that the list contains the particulars of all persons referred to in section 40(1) of the Act.

.....
Signature of owner / manager

Date:

Place:

REPUBLIC OF SOUTH AFRICA

**REPORT ON PERSONS RECEIVING SERVICES
WHO FAILED TO IDENTIFY THEMSELVES TO ORGANS OF STATE
AS CITIZENS OR STATUS HOLDERS
[Section 44 of Act No 13 of 2002: Regulation 45]**

TO: (nearest office of) THE DEPARTMENT OF HOME AFFAIRS
.....

FROM: (Name of organ of the State rendering the service).....

Business address:
.....
.....

Telephone number :..... Fax number:.....

Cellphone number:

Email address:

After endeavouring to ascertain the identity of persons receiving services as citizens or status holders, we failed to establish the identity of the person(s) on the list *infra* and hereby comply with the duty imposed on us in terms of section 44 of the Immigration Act, 2002 (Act No13 of 2002)

Available particulars of person(s) receiving services

No.	Full first names	Surname	Nationality	Date of Birth	Current residential address

* If the information is not available please indicate with N/A

I certify that the list contains the particulars of all persons referred to in section 44 of the Act.

.....
Signature of responsible official

Date:

Place:

**NOTICE OF ADMINISTRATIVE FINE INCURRED
FOR OVERSTAY**

[Section 50(1) of Act No 13 of 2002 : Regulation 48]

To :

You are hereby informed that in terms of Section 50(1) of the Immigration Act, 2002, (Act No 13 of 2002), you have incurred a fine in the amount of R for overstaying the validity period of your temporary residence permit.

You are hereby required to pay the fine within three days of the date of this notice. Should you fail to pay the said amount within the said period, the fine shall be payable and recoverable as a debt against the Republic of South Africa. In such an event you will not be admitted to the Republic or issued with a visa or permit, or, if already admitted, your permit shall neither be renewed nor a subsequent permit issued.

DATE :

.....

IMMIGRATION OFFICER

PLACE :

I acknowledge receipt of the original of this notice.

.....

SIGNATURE OF OVERSTAYER

**NOTICE OF ADMINISTRATIVE FINE INCURRED
FOR INCORRECT CERTIFICATION OF A
FOREIGNER'S PARTICULARS
[Section 50(2) of Act No 13 of 2002 : Regulation 48]**

To :

You are hereby informed that in terms of Section 50(2) of the Immigration Act, 2002 (Act No 13 of 2002), you have incurred a fine in the amount of R7 000-00 for negligently or purposely producing an incorrect certification in respect of
.....
.....

You are hereby required to pay the fine within three days of the date of this notice. Should you fail to pay the said amount within the said period, the fine shall be payable and recoverable as a debt against the Republic of South Africa.

DATE :
.....
IMMIGRATION OFFICER/INSPECTORATE

PLACE :

I acknowledge receipt of the original of this notice.

.....
RECIPIENT OF THIS NOTICE

**NOTICE OF ADMINISTRATIVE FINE INCURRED
BY OWNER/MASTER/CHARTERER OF A CONVEYANCE
[Section 50(3) of Act No 13 of 2002 : Regulation 45]**

To :

You are hereby informed that in terms of Section 50(3) of the Immigration Act, 2002, (Act No 13 of 2002), you have incurred a fine in the amount of R10 000-00 for contravening the provisions of section 35 of the aforementioned Act by failing to remove passenger

On Flight No/ship bound forfrom the Republic.

You are hereby required to pay the fine within three days of the date of this notice. Should you fail to pay the said amount within the said period, the fine shall be payable and recoverable as a debt against the Republic of South Africa.

DATE :

.....

IMMIGRATION OFFICER

PLACE :

I acknowledge receipt of the original of this notice.

.....

**SIGNATURE OF MASTER, OWNER,
CHARTENER PF CONVEYANCE**

REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR A PERMIT TO REPORT TO
A REFUGEE RECEPTION OFFICE
[Section 23 of Act No 13 of 2002 : Regulation 32]**

I, the undersigned,
Surname
First Names in full
Date of Birth Nationality
Gender.....
from country of residence City/town.....
Previous residential address
hereto attach the following proof of my identification
Passport No
Identification document No
Travel document No
Birth certificate
School certificates
Driver's licence No
Cheque book, bank book/card, credit card*
Other
hereby make oath and say/solemnly affirm*

1. That I am a seeking asylum in the RSA for the following reason(s)
.....
.....
2. That I crossed the border of the following country(ies)
on prior to my arrival at this border post of
.....on..... and I was able to enter and depart through
such country's (ies') border post/s with/without* a passport or positive proof of
identification. (If without a passport, state particulars of how this was
accomplished).
.....
.....
3. That I did not apply for asylum in that country/those countries because
.....
4. That I have not applied for asylum in South Africa before.
5. I understand that if I have made a false statement I shall be guilty of an
offence and liable on conviction to a fine or imprisonment and in terms of
section 48 of the Immigration Act, 2002, (Act No 13 of 2002) not be allowed to
sojourn in the Republic.
6. I understand that I must report to a designated Refugee Reception Office
within 14 days to complete an asylum seeker's application and receive an
asylum seeker's permit, that my permit to report to a refugee reception office
is not extendable, and that upon expiry, I shall be an illegal foreigner and
guilty of an offence and liable on conviction to a fine or to imprisonment.

.....
Signature

.....
Date:

Thus signed and sworn/solemnly affirmed* before me on the date and at the place set out below, in accordance with the regulations governing the administration of an oath or an affirmation in GN1258 of 21 July 1972, as amended.

.....
Commissioner of Oaths

OFFICE STAMP

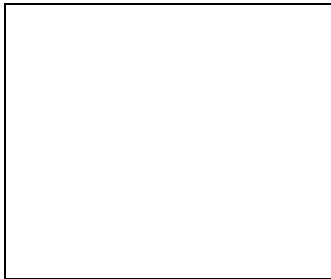
Full names :

Capacity :

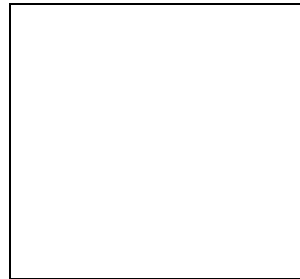
Date :

Place :

Appointment No if an Immigration officer



Left thumb print



Photograph

Note : If the asylum seeker is accompanied by dependents please indicate their Names, Surnames, Gender and dates of birth on the reverse side of this form and also attach their left thumb prints and photographs.

***Delete what is not applicable**

REPUBLIC OF SOUTH AFRICA

CORPORATE PERMIT AUTHORISATION CERTIFICATE NO

1. This authorisation entitles the following foreign national, hereinafter referred to as the **CORPORATE WORKER**, to approach the South African Mission/South African Department of Home Affairs with a contract of employment signed by both parties, to obtain a work permit valid for..... as a corporate worker to be employed by, hereinafter referred to as the **CORPORATE EMPLOYER**.

Surname :	Name:
DOB:	Passport number
Nationality	Occupation
Contact person of Corporate Employer	(Official stamp of the company to confirm the information)
Position:	Signature:
Division:	Contact Tel

2. On receipt of a work permit the **CORPORATE WORKER** shall return this authorisation to the **CORPORATE EMPLOYER** for safekeeping with the **CORPORATE WORKER'S** employment records.
3. The validity of this authorisation is subject to the following conditions –
- It entitles the corporate worker to work for the corporate employer including its affiliates, branches and subsidiaries and in the above-mentioned position only. It does not entitle the corporate worker to engage in any other form of employment or self-employment.
 - The corporate employer and corporate worker undertake to ensure that the corporate worker is at all times in possession of a passport valid for no less than 30 days after the expiry date of the intended stay.
 - The corporate employer undertakes to immediately notify the Department of Home Affairs if it has reason to believe that the corporate worker is no longer in compliance with section 21(b)(i) of the Immigration Act, 2002 (Act No 13 of 2002) or when the corporate worker has left its employ, by completing part 5 below.
 - The corporate employer ensures the forthwith departure of the corporate worker from the Republic on completion of his/her tour of duty.

- (e) The corporate employer provides the relevant certification, prepared by a chartered accountant in accordance with the legislation.
- (f) (*) The corporate worker employed in terms of an inter-governmental agreement or for seasonal labour shall not have his/her permit extended.

4. The Department of Home Affairs may withdraw or modify the Corporate Permit and/or this authorisation for good and reasonable cause.

.....

REGIONAL DIRECTOR:

DEPARTMENT OF HOME AFFAIRS

wet seal/date stamp of DOHA

5. To the Department of Home Affairs

At

(1) It is hereby confirmed that the above **CORPORATE WORKER** has either.

(a)* left South Africa; or

(b)* is no longer in compliance with the Act because

.....

or

(2)* The Department is hereby requested to exchange this authorisation certificate to issue another certificate for the following foreign national.

Surname : Name:

DOB: Passport number

Nationality Occupation

.....

CORPORATE EMPLOYER

Surname: Name:

6. Certificate cancelled / new authorisation certificate No
 Issued.*

REGIONAL DIRECTOR

(wet seal/stamp)

***Delete if not applicable**

**APPLICATION FOR REGISTRATION AS AN IMMIGRATION PRACTITIONER
[Section 46 Act 13 of 2002 : Regulation 46]**

**TO:
ASSOCIATION OF IMMIGRATION PRACTITIONERS
[of which the specific practitioner is a member]**

1. I/We hereby apply for registration as a practitioner in terms of item 2(10)(f) of Schedule F of the Immigration Regulations promulgated in terms of the Immigration Act, 2002 [‘the Act’].
2. I/We certify that the information supplied below is true and correct in all material respects and that I/we have not previously been found guilty of any offence in terms of the Act, or Schedule 1 thereto.
3. I/We commit myself/ourselves to the Code of Conduct and undertake to abide by the provisions thereof.

PERSONAL DETAILS OF APPLICANT(S)

NB: The names of all directors/partners of the business must be supplied

Please use reverse side hereof if necessary.

1. Full names and surname:.....
Identity number:.....
Full residential address:.....
.....
(postal code).....(telephone number).....
Full names and surnames.....
Identity number:
Full residential address:.....
.....
(postal code.....(telephone number).....
.....

DETAILS OF BUSINESS

1. Full name of business and trade name:.....
2. Abbreviated trade name of business (if any):.....
3. Full address where the business will be operated from:.....
.....
.....(postal code).....

Postal address of the business:

.....
.....
.....(postal code).....

- 4. Telephone number(s):.....
- 5. Facsimile number (s):.....

Documentation Attached

- 6. Copy of identity document
- 7. Original letterhead of the business
- 8. Curriculum Vitae
- 9. Police clearance no older than 6 months

Signed at..... on this day of
..... 200....

.....
(1) Signature and capacity

.....
(2) Signature and capacity

REPUBLIC OF SOUTH AFRICA
CERTIFICATE OF REGISTRATION
(Section 46 of Act 13 of 2002 : Regulation 46)

It is hereby certified that the person whose particulars appear hereunder is registered as an Immigration Practitioner or is deemed to be registered as an Immigration Practitioner in terms the Regulations made in Terms of the Immigration Act 2002 (Act 13 of 2002). The validity of this certificate expires within twenty-four months after the date of issue.

PERSONAL PARTICULARS OF PRACTITIONER

- 1. First name(s) and surname:.....
- 2. Identity number:.....
- 3. Full residential address:.....
.....
(Tel no:.....)
(Cell no:

PARTICULARS OF BUSINESS

- 1. Full name of business:.....
- 2. Abbreviated name of business (if any):.....
- 3. Full address where business is conducted:.....
.....

REGISTRATION NUMBER:

*Signed at on this day of
..... 20.....*

p.p. DIRECTOR-GENERAL

REPUBLIC OF SOUTH AFRICA

POWER OF ATTORNEY IN RESPECT OF AN APPLICATION FOR A PERMIT FOR PERMANENT OR TEMPORARY RESIDENCE IN THE REPUBLIC OF SOUTH AFRICA, OR FOR THE EXTENSION OF THE VALIDITY THEREOF, OR FOR OTHER REASON

[Section 46 of Act No 13 of 2002 : Regulation 46]

**PART A
POWER OF ATTORNEY**

I (full name and surname),

.....
.....

of (full address)

.....
.....

hereby appoint (full names and surname)

.....
.....

of (full address and his/her registration number as immigration practitioner)

.....
.....

to apply on my behalf for a residence permit referred to in sections 11 to 23 and sections 26 and 27 of the Immigration Act, 2002 (Act No 13 of 2002) / the extension of the validity of permits referred to in sections 11 to 23, at a South African foreign mission / office of the Department of Home Affairs*, or in respect of or to submit any further relevant information concerning myself, and to receive the decision of the Department in connection with the application.

I hereby confirm that-

- (a) I personally signed this power of attorney and my application for a residence permit/the extension of the validity of a permit*;
- (b) a residence permit which is issued to me or whereof the validity is extended, may be withdrawn if any particulars in my application or which is submitted by the person holding power of attorney, are incorrect;
- (c) my application for a residence permit does not grant me any rights to enter the Republic of South Africa before a residence permit has been granted to me;
- (d) I am aware that my application for a residence permit or the extension of the validity thereof shall be considered by the Department of Home Affairs and that the granting of a power of attorney to the person holding power of attorney, in no way will expedite or benefit my application; and
- (e) I shall give notice to the Department if I withdraw or amend the power of attorney before the Department has taken a final decision on my application.

(* Delete which is not applicable)

CERTIFICATE

I understand the contents of this power of attorney.

Signed at on this day of 20.....



.....
Signature of person giving power of attorney

PART B

DECLARATION BY PERSON HOLDING POWER OF ATTORNEY

I (full name and surname),
.....
.....

accept the above-mentioned appointment and confirm that the address hereunder is my business address/home address*:
.....
.....

*** (Submit business address if employed or doing business for own account, or home address in other instances)**

I hereby confirm that

- (a) I personally signed this declaration;
- (b) I ascertained and identified myself with the contents of this document and the correctness of the particulars in the application for a residence permit/the extension of the validity of a permit;
- (c) I am aware that a residence permit issued to the applicant or the extension of the validity thereof, may be withdrawn if any particulars in this document or the said application are incorrect, and that it is a contravention of section 42 of the Immigration Act, 2002, for any person to facilitate or assist the entrance to or residence in the Republic of any other person by the committing of a fraudulent act, or by conduct, statement or otherwise making any false representation;
- (e) I may not retain a residence permit issued to the applicant as a lien to enforce settlement of any debt.

(* Delete which is not applicable)

Signed at on thisday of 20.....

.....
Signature of person giving power of attorney

**PART C
CERTIFICATE BY INTERPRETER**

I (full name and surname),

.....
.....

of (full address)

.....
.....

hereby confirm that I have mastered (state language)

.....and that I explained to
(full name of applicant)

.....
.....

the contents of this document in the said language and that I am satisfied that the
applicant fully understands it.

Signed at on this day of
..... 20.....

.....
Signature of interpreter

CERTIFICATE BY INTERPRETER

(If required)

I (first name/s and surname) of (full address)

..... hereby

Confirm that I have mastered (state language) that I explained to (full names of detainee) the contents of this notice in the said language and that I am satisfied that the said detainee fully understands it.

Signed at on this day of 20.....

.....
Signature of interpreter

To be used in connection with the Notice of Deportation set out in Annexure 37

**DELEGATION FROM A CHARTERED ACCOUNTANT
TO ANOTHER ACCOUNTANT**

[Section 1(1)(v) of Act No 13 of 2002 : Regulation 50(5)]

[CHARTERED ACCOUNT'S LETTERHEAD]

I, _____, a chartered accountant within the meaning of section 1 of the Chartered Accountants Designation (Private) Act, 1993 (Act No. 67 of 1993), with offices at

hereby delegate Mr/Mrs/Ms _____, an accountant recognised as such under the law, to perform under my delegation

*(a) the following activities

*(b) all activities

which in terms of the Immigration Act 2002 (Act 13 of 2002) a chartered accountant may perform for purposes of said Act.

I am satisfied that the person whom I hereby delegate to act on my behalf has the skill and capacity to perform the delegated functions.

This delegation expires on * _____ 20__ / * or three years from date hereof.

[Chartered Account's Signature]

[Chartered Account's name]

Date _____

Witnessed by [witness' name]
[witness' signature]

* *Delete what does not apply*