

## GENERAL NOTICE

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### NOTICE 97 OF 2014

#### DEPARTMENT OF HOME AFFAIRS IMMIGRATION ACT, 2002 (ACT NO. 13 OF 2002)

#### PUBLICATION OF THE DRAFT IMMIGRATION REGULATIONS, 2014

The Department of Home Affairs ("DHA") invites public comments on the draft Immigration Regulations, 2014

Written submissions should reach the DHA **on or before 28 February 2014**. Submissions should be addressed to the Chief Director: Legal Services and may be forwarded to the DHA in any of the following manners:

- (a) delivered by hand to the Department of Home Affairs, 230 Johannes Ramokhoase (Proes) Street, Hallmark Building (c/o J Ramokhoase and Thabo Sehume Street), Pretoria, 0001, for **attention Adv Tsietsi Sebelemetja (Office 1027)** ;
- (b) mailed to the DHA at Private Bag X114, Pretoria, 0001;
- (c) faxed to 0865 144 267; or
- (d) e-mailed to Tsietsi.Sebelemetja@dha.gov.za and Moses.Malakate@dha.gov.za

Any enquiries should be directed to **Adv Tsietsi Sebelemetja** at **(012) 406 4271** or **082 907 1831** or **Adv Moses Malakate** at **(012) 406 4273**.

**GOVERNMENT NOTICE****DEPARTMENT OF HOME AFFAIRS**

No. R. \_\_\_\_\_ 2014

**IMMIGRATION ACT, 2002  
DRAFT IMMIGRATION REGULATIONS**

The Minister of Home Affairs intends, in terms of section 7 of the Immigration Act, 2002 (Act No. 13 of 2002), after consultation with the Immigration Advisory Board, to make the Regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

“biometrics” means fingerprints or identity size photo;

“custodian parent” means a parent who has been granted full or specific parental responsibilities and rights in respect of a child by a court of law;

“learning institution” means—

(a) an institution of higher education established in terms of the Higher Education Act, 1997 (Act No. 101 of 1997); or

(b) a college established in terms of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), but does not include—

(i) a school offering further education and training programmes under the South African Schools Act, 1996 (Act No. 84 of 1996); or

(ii) a college under the authority of a government department other than the Department of Education; or

- (c) a school contemplated in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);

“**medical report**” means a report by a registered medical practitioner with regard to the applicant’s general state of health, detailing any medical condition he or she suffers from, which report shall not be older than six months at the time of its submission;

“**police clearance certificate**” means a certificate issued by the police or security authority in each country where the relevant applicant resided for 12 months or longer after attaining the age of 18 years, in respect of criminal records or the character of that applicant, which certificate shall not be older than six months at the time of its submission;

“**proof of sufficient financial means**” means proof by means of—

- (a) a three months bank statement;
- (b) cash available to the applicant to an amount not less than the amount determined annually by the Director-General;
- (c) travellers’ cheques;
- (d) an undertaking by a South African citizen or permanent resident that he or she will be hosting the applicant and accepting responsibility for the costs related to the maintenance and removal of the applicant, supported by bank statement or salary advices; or
- (e) in the case of learners or students, scholarships, bursaries, loans or parents’ or legal guardian’s undertaking to the learning institution for payment of all fees and accommodation, as the case may be;

“**radiological report**” means a report by a registered radiologist certifying that the applicant has been examined and that no signs of active pulmonary tuberculosis could be detected, which report shall not be older than six months at the time of its submission;

“**SAQA**” means the South African Qualifications Authority established in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), as repealed by the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

“**the Act**” means the Immigration Act, 2002 (Act No. 13 of 2002); and

“**unaccompanied minor**” means a child under the age of 18 years who travels alone.

**Passports**

2.(1) A valid passport as contemplated in section 9(3)(a) of the Act is a passport which has not expired and which shall—

- (a) be machine readable;
- (b) contain the following information relating to the holder:
  - (i) full names and surname;
  - (ii) date and place of birth;
  - (iii) a photograph clearly and correctly depicting his or her facial features;
  - (iv) gender; and
  - (v) nationality;
- (c) contain the following information relating to the passport itself:
  - (i) travel document type;
  - (ii) travel document number;
  - (iii) name of the issuing authority;
  - (iv) place of issue;
  - (v) date on which it was issued;
  - (vi) expiry date thereof; and
- (d) have at least two unused pages when presented for purposes of endorsing a port of entry visa, visa, permit or entry stamp.

(2) The period of validity of a passport contemplated in section 9(4)(a) of the Act shall not be less than 30 days after the foreigner's intended date of departure from the Republic.

(3) The international, regional or sub-regional organisations contemplated in paragraph (c) of the definition of passport in section 1(1) of the Act, are—

- (a) the United Nations, excluding its agencies, except for the United Nations High Commissioner for Refugees;
- (b) the African Union;
- (c) the European Union;
- (d) the Southern African Development Community; and
- (e) the African Development Bank.

**Permanent homosexual or heterosexual relationship**

3.(1) An applicant for a visa or permit in terms of the Act who asserts in his or her application to be a spouse, as defined in section 1(1)(b) of the Act, must prove to the satisfaction of the Director-General that he or she is a spouse to a citizen or permanent residence permit holder in the manner set out in subregulation (2).

(2) An applicant contemplated in subregulation (1) must submit—

- (a) an affidavit on Part A of Form 12 illustrated in Annexure A or a notarial agreement signed by both parties attesting—
  - (i) that the permanent homosexual or heterosexual relationship has existed for at least five years before the date of application for a relevant visa or permit and that the relationship still exists to the exclusion of any other person ; and
  - (ii) that neither of the parties is a spouse in an existing marriage or a permanent homosexual or heterosexual relationship;
- (b) in the case where such a party was a spouse in a previous marriage, any official documents that prove the dissolution of such marriage either by divorce or the death of the other spouse;
- (c) documentation to prove—
  - (i) that cohabitation has been in existence for a period of not less than five years prior to the application for a visa or permit; and
  - (ii) the extent to which the related responsibilities are shared by the applicant and his or her spouse; and
- (d) in the case of a relationship concluded between two foreigners in a foreign country, an official recognition of the relationship issued by the authorities of the relevant country.

(3) Both partners to a homosexual or heterosexual relationship must<sup>#</sup> be interviewed separately, on the same date and time, to determine the authenticity of the existence of their relationship.

(4) An applicant contemplated in subregulation (1) who has been issued with a visa or permit must, after a period of two years from the date of issuing of that visa or permit, inform the Director-General whether or not the spousal relationship still exists by submitting to the Director-General an affidavit on Part B of Form 12 illustrated in Annexure A.

(5) An applicant contemplated in subregulation (1) who has been granted a visa or permit on the basis of the relationship must immediately inform the Director-General when his or her relationship ceases to exist.

(6) The Director-General may, upon receipt of information contemplated in subregulation (5), withdraw the visa or permit issued on the basis of the existence of a permanent homosexual or heterosexual relationship.

(7) Whenever it appears to the Director-General that a visa or permit was acquired through error, misrepresentation, or fraud, the Director-General shall immediately withdraw the visa or permit and, where applicable, cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.

#### **Appointment of individual persons to Board by Minister**

4.(1) The Minister shall invite members of the public to nominate individual persons contemplated in section 4(2)(a)(v) of the Act for appointment to the Board.

(2) The invitation contemplated in subregulation (1) shall be advertised nationally.

(3) Nominations shall be submitted in writing and shall include—

- (a) the full names and contact details of the persons being nominated;
- (b) a brief curriculum vitae of the persons being nominated; and
- (c) a signed statement of acceptance of such nomination by the person being nominated.

(4) The Minister shall consider all nominations received and appoint five suitable individual persons to the Board within 30 days after the closing date for the submission of nominations.

#### **Operations of Board**

5.(1) The Chairperson of the Board contemplated in section 4(2)(b) of the Act shall convene the meetings of the Board.

(2) The Board shall adopt rules to govern the procedure at its meetings.

#### **Admission and departure**

6. (1) An application for exemption contemplated in section 9(3)(b) of the Act shall be made on Form 3 illustrated in Annexure A.

(2) An examination contemplated in section 9(3)(d) of the Act shall take place when a person presents himself or herself to an immigration officer.

(3) A person contemplated in subregulation (2) shall—

- (a) satisfy the immigration officer that he or she—
  - (i) is not an illegal foreigner by producing a valid passport and port of entry visa, if applicable;

- (ii) is not a prohibited person by proving that he or she is in compliance with section 29 of the Act;
  - (iii) if previously declared an undesirable person, has complied with section 30(2) of the Act; or
  - (iv) is not in contravention of the Act by producing a visa commensurate with the activities to be undertaken by him or her in the Republic;
- (b) provide a residential address of the intended place of stay within the Republic and the business, residential or physical address of his or her host in the Republic, and undertake to report any change of his or her address, that of his or her host in the Republic, at the nearest Office of the Department within 48 hours of any change of such addresses;
- (c) provide proof of settlement, in the form of a receipt, of any outstanding administrative fine imposed under section 50(1) of the Act prior to its amendment by section 25(a) of the Immigration Amendment Act, 2011 (Act No. 13 of 2011);
- (d) submit to the immigration officer Form 4 illustrated in Annexure A; and
- (e) subject himself or herself to biometric verification prior to admission into the Republic and upon departure from the Republic.
- (4) If an immigration officer is not satisfied with the information submitted in accordance with subregulation (3)(d), he or she may require of that person to either complete the form once again, or to make a declaration on Form 5 illustrated in Annexure A.
- (5) If a person is unable to complete the forms or declaration contemplated in subregulations (3) and (4) respectively, the immigration officer shall, if necessary, question him or her with the assistance of an interpreter, complete the form or declaration or cause it to be completed, and require that person to sign that form or declaration or to affix his or her left thumb print thereto.
- (6) An immigration officer who has not been satisfied as contemplated in subregulation (3)(a), may interview that person and shall record the general contents of that interview on Form 6 illustrated in Annexure A.
- (7) An immigration officer may, if there is reason to suspect that any person is infected with or is the carrier of any of the diseases or viruses contemplated in regulation 24(1), refer such person seeking admission into the Republic to a port health officer at the port of entry and, after consultation with the port health officer, decide whether or not to admit such person seeking admission or hold him or her in quarantine.
- (8) An immigration officer shall not admit into the Republic any person unless he or she is satisfied that such person poses no risk or intends no harm to the Republic.

(9) When examining a person before his or her departure from the Republic, an immigration officer shall ensure that person is not—

- (a) a fugitive from justice; or
- (b) the subject of a court order that orders the Department to prevent his or her departure.

(10) Any child who is in alternative care as defined in the Children's Act, 2005 (Act No. 38 of 2005) shall, before departing from the Republic, produce a certified copy of an authorisation letter from the Provincial Head of the Department of Social Development where the child resides as contemplated in section 169 of the Children's Act.

(11) An immigration officer shall refuse any person contemplated in subregulation (9) or who does not comply with subregulation (10), to depart from the Republic.

(12)(a) Where parents are travelling with a child, such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child;

(b) In the case of one parent travelling with a child, he or she must produce—

- (i) an unabridged birth certificate; and
- (ii) consent in the form of a letter or affidavit from the other parent registered as the parent on the birth certificate of the child; or
- (iii) a court order with full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the custodian parent or legal guardian of the child,

authorising him or her to enter into or depart from the Republic with the child he or she is travelling with.

(c) Where a person travelling with a child that is not his or her biological child, he or she must produce—

- (i) a copy of the unabridged birth certificate of the child;
- (ii) an affidavit from the parents of the child confirming that he or she has been given permission to travel with the child;
- (iii) copies of the identity documents or passports of the parents; and
- (iv) contact details of the parents.

(d) Any unaccompanied minor shall produce, to the immigration officer—

- (i) proof of consent from one or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for the child to travel into or depart from the Republic;

- (ii) in the case where only one parent provides proof of consent, a copy of a court order issued to the custodian parent or legal guardian granting full or specific parental responsibilities and rights in respect of the child;
- (iii) proof of consent by the custodian parent in the case of parents who share parental responsibilities and rights of the child;
- (iv) a letter from the person who is to receive the child in the Republic, containing his or her residential address in the Republic where the child will be residing;
- (v) a copy of the identity document or valid passport and visa or permit of the person who is to receive the child in the Republic; and
- (vi) contact details of the parents.

(13) Any person who destroyed or presented a passport that is confirmed to be false or fraudulently altered shall be refused entry and an immigration officer shall—

- (a) confirm such refusal on Form 7A illustrated in Annexure A;
- (b) confiscate such passport; and
- (c) detain the person.

(14) The passport confiscated as contemplated in subregulation (13) shall, together with Form 7B illustrated in Annexure A, be handed to the purported issuing authority's embassy, high commission or representative in the Republic.

(15) Any person found in the Republic in possession of a fraudulent, false or counterfeit passport shall be referred for detention or prosecution on Form 7C illustrated in Annexure A.

(16) The recording of the entry or departure contemplated in section 9(3)(c) of the Act shall be by means of scanning the passport and Form 4, and by endorsing the entry or departure in the passport of the person.

(17) Any person who provides the immigration officer with incorrect or false information knowing it to be false shall be refused entry by the immigration officer.

#### **Representations to Director-General or Minister**

7(1) The form contemplated in section 8(1) of the Act shall be on Form 1 illustrated in Annexure A.

(2) A decision contemplated in section 8(3) of the Act shall be communicated to the relevant person in writing on Form 2 illustrated in Annexure A.

(3) The applications contemplated in section 8(4) and (6) of the Act shall be on Form 49 illustrated in Annexure A, to the Director-General or the Minister, as the case may be.

**Place of entry or exit**

- 8.(1) The designation of any place as a port of entry in terms of section 9A of the Act shall be made by the Minister in writing.
- (2) A designation of any place as a port of entry shall be published in the *Gazette*.

**Visas to temporarily sojourn in Republic**

9.(1) An application for any visa referred to in section 11 up to and including sections 20 and 22 of the Act shall be made on Form 8 illustrated in Annexure A together with all supporting documents and accompanied by—

- (a) a valid passport in respect of each applicant;
- (b) a yellow fever vaccination certificate if that person travelled or intends travelling from or transit through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
- (c) a medical and radiological report in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
- (d) in respect of dependent children accompanying the applicant or joining the applicant in the Republic, by—
  - (i) in the case of a child subject to parental responsibilities and rights, proof of such parental responsibilities and rights; or
  - (ii) in the case of a child accompanied by one parent or legal guardian, written consent from the other parent or legal guardian, as the case may be;
- (e) in respect of a spouse accompanying the applicant or joining the applicant in the Republic, by a copy of a marriage certificate or proof of a relationship as contemplated in regulation 3; and
- (f) payment of the applicable application fee.

(2) Any applicant for any visa referred to in subregulation (1) must submit his or her application in person to—

- (a) any foreign mission of the Republic where the applicant is ordinarily resident or holds citizenship; or
- (b) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of any country in which a mission of the Republic has not been established.

(3) Wherever a visa facilitation service for South African visas is established, an applicant for any visa referred to in subregulation (1) must submit such application in person to such visa facilitation service.

(4) Any applicant for a visa may be invited to be interviewed at the relevant South African mission whenever it appears to any official processing his or her application that it is necessary to do so.

(5) The documents contemplated in subregulation (1)(a) shall be—

- (a) originals or copies authenticated by the issuing authority of the country of origin; and
- (b) translated into one of the official languages of the Republic, where applicable, and certified as a correct translation by a sworn translator at the expense of the applicant.

(6) A foreigner who is in the Republic and applies for a change of status or conditions relating to his or her visa, , or for an extension of the period for which the visa was issued, shall—

- (a) submit his or her application, on Form 9 illustrated in Annexure A, 30 days prior to the expiry date of his or her visa; and
- (b) provide proof that he or she has been admitted lawfully into the Republic, Provided that no person holding a visitor's or medical treatment visa may apply for a change of status or conditions relating to his or her visa.

(7) Any visa contemplated in section 10 of the Act issued at a foreign mission of the Republic, shall—

- (a) be affixed to the passport of the applicant; and
- (b) only be valid if an entry stamp has been affixed thereto at the port of entry and the date of such entry stamp shall be the effective date.

(8) The individual terms and conditions contemplated in section 10(5) of the Act with regard to a visa shall relate to, but not limited to—

- (a) limitations on the type of activities that may be undertaken in the Republic;
- (b) the places where the activities contemplated in paragraph (a) may be undertaken;
- (c) the types of commercial activity that may be practised;
- (d) the submission of proof of sufficient financial means;
- (e) limitations on the period of the visit or the validity of the visa;
- (f) where the visa may be renewed or any combination of the above; or
- (g) cancellation of a visa in the event the holder has been convicted of any offence under the Act or any other law.

(9) An application contemplated in section 10(6)(a) or (7) of the Act shall—

- (a) be made on Form 9 or 10 illustrated in Annexure A, as the case may be.

- (b) comply with subregulation (1), as well as the specific requirements applicable to the relevant visa;
  - (c) be submitted in person at any designated office of the Department 30 days prior to the expiry date of his or her visa and if the visa was issued for less than 30 days, not later than seven working days before the expiry of the visa;
- (10) The exceptional circumstances contemplated in section 10(6)(b) shall in respect to the holder of a visitor's visa, be relating to—
- (a) medical treatment for longer than three months; or
  - (b) spouses and children of a holder of a business or work visa, who wish to change to study and work visas; or
  - (c) on application, any other circumstances that the Minister may deem reasonable; or
  - (d) a visitor who is a material witness to a crime and who is required to testify in a court of law: Provided that the extension is supported by a request from any relevant Deputy Director of Public Prosecutions.

#### **Port of entry visas and transit visas**

- 10.(1) An application for a port of entry visa or transit visa shall made on Form 11 illustrated in Annexure A, together with any supporting documents, and shall—
- (a) include a statement or documentation confirming the purpose and duration of the visit;
  - (b) be accompanied by—
    - (i) a valid passport in respect of each applicant; and
    - (ii) the applicable application fee;
  - (c) in respect of dependent children accompanying the applicant to or joining the applicant in the Republic, be accompanied by—
    - (i) proof of consent from one or both parents or legal guardian, as the case may be, in the form of a letter or affidavit;
    - (ii) where applicable, a copy of a court order granting full or specific parental responsibilities and rights in respect of the child;
    - (iii) a letter from the person who is to receive the child in the Republic, containing his or her residential address in the Republic where the child will be residing.;
    - (iv) a copy of the identity document or valid passport and visa or permit of the person who is to receive the child in the Republic; and
    - (v) contact details of the parents.
  - (d) be accompanied by—

- (i) proof of sufficient financial means; and
  - (ii) proof of a valid return or onward ticket or purchase thereof;
- (e) where the application is for the attendance of an activity or event, include a letter from the organisation under whose control the activity or event will take place, confirming such attendance and whether or not the foreigner will be remunerated, and if remunerated, the amount of the remuneration.
- (2) An application contemplated in subregulation (1) shall be made in person at—
- (a) the foreign mission of the Republic in the country of the applicant's normal residence, which includes permanent residence and long-term temporary residence; or
  - (b) the mission of the Republic in the country of which the applicant holds a valid passport:
- Provided that when good cause exists, a mission other than a mission referred to in subregulation (3)(a) or (b) may accept that application, in which case that mission may, prior to consideration, refer the application to the mission contemplated in subregulation (3)(a) or (b) for comment.
- (3) A transit visa shall—
- (a) in the case of air transit, be issued for a period not exceeding 24 hours; and
  - (b) in the case of land transit, be issued for a period not exceeding 48 hours.

#### **Visitor's visa**

- 11.(1) An applicant for a visitor's visa not exceeding a period of three months shall submit—
- (a) a statement or documentation detailing the purpose and duration of the visit;
  - (b) a valid return air flight ticket or purchase thereof; and
  - (c) proof of sufficient financial means contemplated in subregulation (3) below.
- (2) An applicant for a visitor's visa exceeding a period of three months shall, in addition to complying with the requirements of subregulation (1), submit a police clearance certificate.
- (3) The financial or other guarantees contemplated in section 11(1)(b) of the Act shall be proof of sufficient financial means, in the form of a Bank certified statement, of not less than three (3) months.
- (4) An activity contemplated in section 11(1)(b)(iv) of the Act shall be work conducted for a foreign employer pursuant to a contract which partially requires conducting of certain activities in the Republic and relates to—
- (a) the temporary residence by a person who is the spouse or dependent child of the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22;
  - (b) a teacher at international schools;

- (c) in respect of films and advertisements produced in South Africa, including, but not limited to, an actor, cameraman, hairstylist, make-up artist, lighting and sound engineer;
  - (d) a foreign journalist seconded to South Africa by foreign news agencies;
  - (e) a visiting professor or lecturer;
  - (f) an artist who wishes to write, paint or sculpt;
  - (g) a person involved in the entertainment industry, travelling through South Africa to perform;
  - (h) a tour leader or host of such a tour;
  - (i) a foreigner who is required to stay in the Republic in order to testify as a state witness in a criminal court case; or
  - (j) any activity that the Director-General considers to be for the general benefit of a section of society and which is not inconsistent with the provisions of the Act.
- (5) A person, other than a resident from a country with which the Republic shares a border, who is in possession of a visa issued on the basis of an exemption contemplated in section 10A(4) of the Act, shall upon his or her readmission to the Republic be admitted on the same visa, and where such a visa has expired, may be admitted on a new visa valid for a period not exceeding seven days: Provided that where that foreigner arrives at a port of entry from his or her country of residence, the new visa may be issued for a period not exceeding the period attached to the visa exemption.
- (6) Where a—
- (a) port of entry visa is issued at a mission of the Republic, that port of entry visa shall, upon admission of the holder, be considered to be a visa for the purposes of section 11 of the Act and the period of validity of that visa shall not exceed three months; and
  - (b) visa, other than a port of entry visa is issued at a mission of the Republic, that visa shall, upon admission of the holder, be considered to be valid and allow the holder thereof to temporarily sojourn in the Republic for the purposes of the specific section of the Act under which it was issued and the period of validity of that visa shall be calculated from the date of admission of the holder into the Republic.

(7) The authorisation contemplated in section 11(2) of the Act—

- (a) shall be applied for by submitting a statement or documentation confirming the—
  - (i) purpose or necessity for the work;
  - (ii) nature of the work;
  - (iii) qualification required for the work;

- (iv) duration of the work;
  - (v) place of work;
  - (vi) duration of the visit;
  - (vi) proof of remuneration or stipend that the foreigner will receive from the employer; and
  - (vii) identity and contact details of the prospective employer or relevant contact person from the host institution;
- (b) may be subjected to the relevant individual terms and conditions contemplated in regulation 8(5);
  - (c) may, where applicable, be granted subject to a recommendation from any relevant organ of state;
  - (d) if approved, be endorsed on the visitor's visa; and
  - (e) shall not be extended beyond the validity period of the visa issued in terms of section 11(1)(a) of the Act.

#### **Study visa**

12.(1) An applicant for a study visa to study at a learning institution shall, in addition to the submitted Form 8 illustrated in Annexure A, submit—

- (a) an official letter confirming provisional acceptance at that learning institution and the duration of the course;
- (b) an undertaking by the Registrar of the learning institution to—
  - (i) provide proof of registration as contemplated in the relevant legislation within 30 days of registration; or
  - (ii) in the event of failure to register by the closing date, forthwith provide the Director-General with a notification of failure to register;
  - (iii) immediately notify the Director-General that the applicant is no longer registered with such institution; and
  - (iv) notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study;
- (c) in the case of a learner under the age of 18 years—
  - (i) an unabridged birth certificate;
  - (ii) a copy of the identity document or valid passport and visa or permit, as the case may be;

- (iii) proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and
  - (iv) proof of consent for the intended stay from both parents or, where applicable, from the custodian parent or legal guardian, who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner;
- (d) a police clearance certificate;
  - (e) in the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant;
  - (f) proof of medical cover for the period of study with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998);
  - (g) an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study; and
  - (h) proof of sufficient financial means available to the learner whilst resident in the Republic.
- (2) Subject to section 13(1) of the Act—
- (a) visas issued for studies at higher education and training institutions shall be issued for the duration of the course, but not exceeding four years;
  - (b) visas issued for studies at schools shall be valid for the duration of the studies: Provided that the duration for studies at a primary school shall not exceed eight years and for secondary school shall not exceed five years.
- (3) The holder of a study visa at a higher education learning institution learning as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997) may conduct part-time work for a period not exceeding 20 hours per week.
- (4) A study visa issued in terms of the Act shall automatically lapse if the holder thereof fails to register or is de-registered with the learning institution at any time during the period for which his or her visa is issued or, if any of the undertakings referred to in subregulation (1)(b) are not met.

#### Treaty visa

13. An applicant for a treaty visa shall submit—

- (a) a letter from the relevant organ of state which is party to the treaty attesting to the—
  - (i) nature and duration of the programme;

- (ii) participation of the foreigner in the specified programme;
  - (iii) type of activities the foreigner is expected to perform and the duration thereof;
  - (iv) accommodation of the foreigner; and
  - (v) any other relevant details pertaining to the foreigner's stay in the Republic;
- (b) a police clearance certificate;
  - (c) a written undertaking by the sending or receiving organ of state accepting responsibility for the costs related to the deportation of the applicant and his or her accompanying dependent family members, should it become necessary.

### **Business visa**

**14.(1)** An application for a business visa by a foreigner who intends to establish a business or invest in a business that is not yet established in the Republic, shall be accompanied by—

- (a) a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that—
  - (i) at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or
  - (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available;
- (b) an undertaking by the applicant that at least 60% of the total staff compliment employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the visa;
- (c) an undertaking to register with the—
  - (i) South African Revenue Service;
  - (ii) Unemployment Insurance Fund;
  - (iii) Compensation Fund for Occupational Injuries and Diseases;
  - (iv) Companies and Intellectual Properties Commission (CIPC); and
  - (v) relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), where applicable,

and such registration certificate shall be submitted to the Director-General upon registration;

- (d) a police clearance certificate; and
- (e) a letter of recommendation from the Department of Trade and Industry regarding—
  - (i) the feasibility of the business; and
  - (ii) the contribution to the national interest of the Republic.

(2) An application for a business visa by a foreigner who has established a business or invested in an existing business in the Republic, shall be accompanied by—

- (a) a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that—
    - (i) at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or
    - (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available;
  - (b) proof that at least 60% of the total staff compliment employed in the operations of the business are South African citizens or permanent residents employed permanently in various positions;
  - (c) proof of registration with the—
    - (i) South African Revenue Service;
    - (ii) Unemployment Insurance Fund;
    - (iii) Compensation Fund for Occupational Injuries and Diseases;
    - (iv) Companies and Intellectual Properties Commission (CIPC);
    - (v) relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), where applicable,
- and such registration certificate shall be submitted to the Director-General upon registration;
- (d) a police clearance certificate; and
  - (e) a letter of recommendation from the Department of Trade and Industry regarding—
    - (i) the feasibility of the business; and
    - (ii) the contribution to the national interest of the Republic.

(3) A foreigner who invests or has invested in an existing business shall, in addition to complying with subregulation (2), submit—

- (a) financial statements in respect of the preceding financial year;
- (b) where applicable, a partnership agreement; and
- (c) within 12 months of the visa being issued, a letter of confirmation from the Department of Labour that 60% of the staff compliment employed in the operations of the business are South African citizens or permanent residents who are employed permanently.

(4) A business visa may be issued for a period not exceeding five years at a time.

#### **Crew visa**

**15.(1)** A crew visa may be issued for a maximum period of three months at a time: Provided the crew member's stay does not exceed the departure date of the conveyance.

(2) An applicant for a crew visa for officers or members of the crew of a public conveyance in transit in the Republic *en route* to or from that conveyance, shall submit—

- (a) a valid passport;
- (b) a letter of request from the owner of the conveyance, which shall include an undertaking of responsibility for such person's compliance with the Act and all laws of the Republic; and
- (c) proof of settlement of any outstanding fine incurred by the conveyor under the Act.

(3) An applicant for a crew visa for the crew of a foreign private conveyance or chartered conveyance while such conveyance is at a port of entry, shall submit—

- (a) a valid passport;
- (b) proof of sufficient financial means of the owner of that conveyance to cover day-to-day needs and medical expenses of the crew while sojourning in the Republic; and
- (c) proof of settlement of any outstanding fine incurred by the conveyor under the Act.

#### **Medical treatment visa**

**16.(1)** An applicant for a medical treatment visa shall submit—

- (a) a letter from his or her registered medical practitioner or medical institution within the Republic confirming—
  - (i) that space is available at the medical institution;
  - (ii) the estimated costs of the treatment;
  - (iii) whether or not the disease or ailment is curable;

- (iv) the treatment schedule; and
  - (v) the period of intended treatment in the Republic;
- (b) the details of, and confirmation by, the person or institution responsible for the medical expenses and hospital fees: Provided that in a case where the applicant's medical scheme or employer is not liable for expenses incurred, proof of financial means to cover medical costs shall be submitted;
- (c) the particulars of persons accompanying the applicant;
- (d) valid return tickets, where applicable; and
- (e) proof of sufficient financial means or provision for the costs indirectly related to the treatment.
- (2) A medical treatment visa may be issued for a maximum period of six months at a time.

#### **Relative's visa**

**17.(1)** An applicant for a relative's visa shall submit—

- (a) a police clearance certificate;
- (b) proof of kinship between the applicant and the citizen or permanent resident as contemplated in section 18(1) of the Act by submitting an unabridged birth certificate;
- (c) a marriage certificate, if the applicant is a spouse of a citizen or permanent resident; or
- (d) proof of paternity, if the applicant is a dependent child of a citizen or permanent resident.

(2) The financial assurance contemplated in section 18(1) of the Act shall be an amount, per person and per month, as determined from time to time by the Director-General by notice in the *Gazette*, to be proven by means of a current salary advice or a certified bank statement not older than three months at the time of application: Provided that the financial assurance shall be given by the South African citizen or permanent resident where the applicant is a dependent spouse or dependent child.

(3) A relative's visa may be issued for a maximum period of two years at a time.

#### **Work visa**

**18.(1)** An applicant for a general work visa, critical skills work visa or intra-company transfer work visa shall submit—

- (a) a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary; and
  - (b) a police clearance certificate.
- (2) The employer shall ensure that the passport of his or her employee is valid at all times for the duration of his or her employment.
- (3) An application for a general work visa shall be accompanied by—
- (a) a certificate from the Department of Labour confirming that—
    - (i) despite a diligent search, the prospective employer has been unable to find a suitable citizen or permanent resident with qualifications or skills and experience equivalent to those of the applicant;
    - (ii) the applicant has qualifications or proven skills and experience in line with the job offer;
    - (iii) the salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic;
    - (iv) the contract of employment stipulating the conditions of employment and signed by both the employer and the applicant is in line with the labour standards and is made conditional upon the general work visa being approved;
    - (v) where applicable, proof of qualifications evaluated by the SAQA and translated by a sworn translator into one of the official languages of the Republic was obtained, where applicable;
    - (vi) full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC);
  - (b) an undertaking by the employer to inform the Director-General should the applicant not comply with the Act or conditions of the visa;
  - (c) an undertaking by the employer to inform the Director-General upon the employee no longer being in the employ of such employer or when he or she is employed in a different capacity or role; and
  - (d) an undertaking by the employer to pay any deportation costs incurred by the Department in relation to the applicant.
- (4) A general work visa shall be issued for a period not exceeding five years.

(5) An application for a critical skills work visa shall be accompanied by proof that the applicant falls within the critical skills category as published from time to time by the Minister by notice in the *Gazette* in the form of—

- (a) a confirmation, in writing, from the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience; and
- (b) if required by law, proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008); and
- (c) proof of evaluation of the foreign qualification by SAQA.

(6) A critical skills work visa shall be issued for a period not exceeding five years.

(7) A spouse and dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa.

(8) An application for an intra-company transfer work visa shall be accompanied by—

- (a) the foreigner's contract of employment with the company abroad;  
and
- (b) a letter from—
  - (i) the company abroad confirming that the foreigner shall be transferred to a branch of that company or an affiliated company situated in South Africa; and
  - (ii) the South African company confirming the transfer of the foreigner, as well as specifying the occupation and capacity in which that foreigner shall be employed.

(9) In terms of section 19(5) of the Act, the relevant employer shall ensure that—

- (a) a foreigner is only employed in the specific position for which the visa has been issued; and
- (b) the foreign employee will at all times comply with the provisions of the Act and conditions of his or her visa and undertakes to immediately notify the Director-General if the employee refuses to comply with the provisions of the Act and conditions of the visa.

(10) An intra-company transfer work visa shall be issued for a period not exceeding four years.

(11) The company referred to in subregulation 8(b)(ii) shall undertake to reimburse the Department any costs incurred in relation to the deportation of the foreigner referred to in section 19(5)(a) of the Act and any of his or her dependent family members, as the case may be.

#### **Retired person visa**

- 19.(1) An applicant for a retired person visa shall submit a police clearance certificate.
- (2) The minimum payment to a foreigner contemplated in section 20(1)(a) of the Act shall be, per month, the amount determined from time to time by the Director-General by notice in the *Gazette*.
- (3) The net worth contemplated in section 20(1)(b) of the Act shall be a combination of assets realising, per month, the amount determined from time to time by the Director-General by notice in the *Gazette*.

#### **Corporate visa**

- 20.(1) An application for a corporate visa shall be made on Form 13 illustrated in Annexure A and accompanied by—
- (a) proof of the need to employ the requested number of foreigners;
  - (b) a certificate by the Department of Labour confirming—
    - (i) that despite a diligent search, the corporate applicant was unable to find a suitable citizens or permanent residents to occupy the position available in the corporate entity;
    - (ii) the job description and proposed remuneration in respect of each foreigner;
    - (iii) that the salary and benefits of any foreigner employed by the corporate applicant shall not be inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic;
  - (c) proof of registration of the applicant corporation with the—
    - (i) South African Revenue Service;
    - (ii) Unemployment Insurance Fund;
    - (iii) Compensation Fund for Occupational Injuries and Diseases;
    - (iv) Companies and Intellectual Properties Commission (CIPC);
  - (d) an undertaking by the employer to inform the Director-General should any foreign employee not comply with the Act or visa conditions or is no longer in the employ of such employer or is employed in a different capacity or role; and(e) a written undertaking by the corporate applicant to pay deportation costs of any foreign

employee accepting responsibility for the return costs related to the deportation of the foreign employee, should it be necessary.

(2) The applicant for a corporate visa must provide proof that at least 60% of the total staff compliment that are employed in the operations of the business are citizens or permanent residents employed permanently

(3) At any time during the duration of the visa, the holder of a corporate visa must provide proof that at least 60% of the total staff compliment that are employed in the operations of the business are citizens or permanent residents employed permanently.

(4) The departments contemplated in section 21(2) of the Act are—

- (a) the Department of Trade and Industry; and
- (b) the Department of Labour.

(5) The Director-General may issue—

- (a) a corporate visa for a period not exceeding three years to a corporate applicant on Form 14 illustrated in Annexure A: Provided that the validity period for seasonal work shall not exceed six months at a time; and
- (b) an authorisation certificate to a corporate worker, for a period not exceeding the validity period of the corporate visa under which it is issued as contemplated in paragraph (a), on Form 15 illustrated in Annexure A in respect of each corporate worker to be recruited by the holder of that visa.

(6) The relevant corporate applicant shall, as contemplated in section 21(2)(a)(i) of the Act, ensure that—

- (a) the passport of the foreigner is valid at all times;
- (b) the foreigner is employed by the corporate applicant to conduct work for the corporate applicant only in the specific position for which the visa has been issued;
- (c) such foreigner departs from the Republic upon completion of his or her contract of employment;
- (d) any foreigner employed in terms of the corporate visa at all times complies with the
  - (i) provisions of the Act;
  - (ii) terms and conditions of the corporate visa and corporate work certificate;
- (e) the Director-General is immediately notified if there is reason to believe that the foreigner is no longer in compliance with the provisions of the Act; and
- (f) the financial guarantees by the corporate applicant to defray deportation and other costs should the corporate visa be withdrawn, or certain foreigners fail to leave the Republic when no longer subject to the corporate visa, are complied with.

(7) In order to comply with subregulation (5)(c), the corporate applicant shall return the completed certificate contemplated in subregulation (5)(b) to the Director-General, within a period of 30 days before the termination date of the corporate worker's employment contract.

(8) The financial guarantees contemplated in section 21(2)(b) of the Act shall be as determined from time to time by the Director-General by notice in the *Gazette*.

(9) An application for a corporate worker certificate for a seasonal worker or a worker employed in terms of a bilateral agreement, as the case may be, shall be accompanied by—

- (a) a valid passport of the applicant;
- (b) biometrics of the applicant;
- (c) the certificate contemplated in subregulation (4)(b);
- (d) a valid employment contract which has been entered into and, in the case of a bilateral agreement, attested to by the authorities in the corporate workers country of origin; and
- (e) a written undertaking by the corporate applicant accepting responsibility for the return or costs related to the deportation of the foreigner and his or her dependent family members, as the case may be, should it become necessary;

(10) An application for a corporate worker certificate in the mining or construction sector, as the case may be, shall be accompanied by—

- (a) a valid passport of the applicant;
- (b) biometrics of the applicant;
- (c) the certificate contemplated in subregulation (4)(b);
- (d) a police clearance certificate
- (e) a valid employment contract;
- (f) proof of qualifications evaluated by the SAQA, and translated by a sworn translator into one official languages of the Republic, or skills and experience in line with the job offer;
- (g) a certificate of registration with the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008); and
- (h) a written undertaking by the corporate applicant accepting responsibility for the return or costs related to the deportation of the foreigner and his or her dependent family members, as they case may be, should it become necessary.

(11) A corporate worker certificate issued to a person employed by the corporate applicant shall, in the case of a—

- (a) corporate worker employed in terms of a bilateral agreement, be subject to the terms and conditions determined by labour laws applicable in the Republic and valid for a period not exceeding the validity period of a corporate visa;
  - (b) seasonal worker, be limited to a period not exceeding six months; and
  - (c) corporate worker employed in the mining or construction sector, be valid for a period not exceeding the validity period of a corporate visa.
- (12) A corporate worker employed in terms of a bilateral agreement or for seasonal work may not renew his or her corporate worker certificate or apply for a change of status in the Republic.

#### **Exchange visa**

21.(1) An applicant for an exchange visa in terms of section 22(a) of the Act shall—

- (a) in the case of a learning institution in the Republic, in conjunction with a foreign learning institution or a foreign state institution organising or administering the programme, submit a letter from—
    - (i) the Department of Basic Education or Higher Education and Training or a learning institution in the Republic confirming that it is responsible for organising or administering the existence of the programme, outlining the activities, terms and conditions and duration thereof and accepting full responsibility for the student while he or she is in the Republic; and
    - (ii) the foreign state institution or learning institution of the foreign state confirming the particulars of the applicant, the applicant's enrolment with the learning institution abroad, and the date on which the study shall commence; and
  - (b) in the case of a programme of cultural, economic or social exchange, organised or administered by an organ of state or a learning institution, in conjunction with a learning institution or a foreign state institution, submit a letter from—
    - (i) the organ of state or learning institution confirming the existence of the exchange programme; or
    - (ii) the foreign learning institution confirming the enrolment of the applicant or the foreign state institution conducting the programme, as the case may be.
- (2) An applicant for an exchange visa in terms of section 22(a) or (b) of the Act, shall submit—
- (a) proof of a valid return air ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the return or deportation costs of the applicant, as the case may be;
  - (b) a police clearance certificate from country of ordinary residence; and

- (c) proof of medical cover for the duration of the exchange period with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).
- (3) An organ of state or a learning institution shall report to the Director-General as contemplated in section 22(a) of the Act and provide information on Form 16 illustrated in Annexure A.
- (4) The period contemplated in section 22(a)(ii) of the Act that a person should stay out of the Republic before making an application for a different type of visa to return to the Republic shall be one year.
- (5) An exchange visa may be issued for a period not exceeding the period of the exchange programme.

### **Asylum transit visa**

**22.** (1) A person claiming to be an asylum seeker contemplated in section 23(1) of the Act shall apply, in person at a port of entry, for an asylum transit visa on Form 17 illustrated in Annexure A and have his or her biometrics taken.

- (2) An asylum transit visa may not be issued to a person who—
- (a) has not completed Form 17 as contemplated in subregulation (1);
  - (b) already has refugee status in another country; or
  - (c) is a fugitive from justice.

### **Permanent residence**

**23.** (1) An application for a permanent residence permit contemplated in section 25(2) of the Act shall be made on Form 18 illustrated in Annexure A and shall be submitted by the applicant in person.

- (2) The application contemplated in subregulation (1) shall be accompanied by—
- (a) the application fee as determined in the regulations made under section 7(1)(i) of the Act;
  - (b) biometrics in respect of each applicant over the age of 16 years;
  - (c) a yellow fever vaccination certificate if that person travelled or intends travelling from or transits through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
  - (d) a police clearance certificate;

- (e) medical and radiological reports: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
- (f) the documentation contemplated in regulation 9(1)(c) relating to dependent children accompanying the applicant to or joining the applicant in the Republic;
- (g) the documents relating to his or her marital status or spousal relationship contemplated in regulation 3(2);
- (h) an unabridged birth certificate in respect of each dependent child;
- (i) a deed poll in the case of an applicant who has changed his or her name, surname or gender; and
- (j) where the application is made in the Republic, a valid visa for temporary sojourn at the time of application, in respect of each applicant.

(3) The documents contemplated in subregulation (2)(b), (c), (d), (e), (f), (g), (h), and (i) shall be original or copies apostled by the issuing authority of the country of origin and, where applicable, translated into one of the official languages of the Republic, which translation shall be certified as a correct translation by a sworn translator.

(4) An application made in a foreign country shall be submitted to—

- (a) the mission of the Republic in the foreign country of the applicant's usual residence, which includes country of origin, permanent residence and long term temporary residence;
- (b) the mission of the Republic in a foreign country of which the applicant holds a valid passport; or
- (c) any mission of the Republic that 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 of the Republic is not present.

(5) An applicant who applies for a permanent residence permit in terms of section 26(a) of the Act shall submit proof of a work visa contemplated in section 19 of the Act, for a continuous period of five years.

(6) A foreigner contemplated in section 26(b) of the Act who has been issued with a permanent residence permit shall, within the last six months of the second year following the issuing of that permit, avail himself or herself for an interview at any office of the Department.

(7) In the case of an application contemplated in section 25(2) of the Act in respect of a permit contemplated in sections 26(c) and (d) and 27(g) of the Act, the citizen or permanent resident shall satisfy the Director-General that he or she is able and willing to support and maintain the foreign relative making the application.

**Residence on other grounds**

24.(1) The advertisement contemplated in section 27(a)(i) of the Act shall be an original clipping from the national printed media and shall—

- (a) reflect the full particulars of the relevant newspaper or magazine, as well as the dates on which the advertisement was published;
- (b) stipulate the minimum qualifications and experience required to fill the position;
- (c) clearly define the position offered and the responsibilities to be performed;
- (d) measure at least 60 millimetres by 60 millimetres;
- (e) state the closing date for the application in the advertisement; and
- (f) not be older than four months at the time of application, which period shall be calculated from the closing date for applications.

(2) The permanent residence permit contemplated in section 27(a) of the Act shall be issued on condition that the holder of that permit shall remain employed for a period of five years in the field in respect of which the original offer of employment was made.

(3) The requirement contemplated in section 27(b) of the Act shall be the submission of—

- (a) proof that the applicant falls within the critical skills category as published from time to time by the Minister by notice in the *Gazette* in the form of—
  - (i) a certificate from the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) or the relevant Department confirming the skills or qualifications of the applicant and appropriate post qualification experience; and
  - (ii) if required by law, a certificate of registration with the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);
- (b) proof of post qualification experience of at least five years;
- (c) testimonials from previous employers and a comprehensive *curriculum vitae*; and
- (d) a letter of motivation indicating that the critical skills possessed by the applicant will be to the benefit of the South African environment in which the person intends to operate and which relates to the critical skill in question.

(4) An application for a permit contemplated in section 27(c) of the Act shall be accompanied by a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that—

(a) at least an amount in cash as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or

(b) at least an amount in cash and capital contribution as determined by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette* published annually, is available.

(5) In addition to subregulation (4), an application for a permit contemplated in section 27(c) of the Act by an applicant who intends to establish a business in the Republic shall be accompanied by—

(a) a business plan outlining the feasibility of the business, both in the short and long term;

(b) an undertaking by the applicant that at least 60% of the total staff compliment employed in the operations of the business shall be citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the visa;

(c) an undertaking to register with the South African Revenue Service; and

(d) proof of registration with the relevant body, board or council, where applicable.

(6) In addition to subregulation (4), an application for a permit contemplated in section 27(c) of the Act by an applicant who has established a business in the Republic shall be accompanied by—

(a) proof that at least 60% citizens or permanent residents are permanently employed directly in the operations of the business;

(b) proof of registration with the South African Revenue Service; and

(c) proof of registration with the relevant body, board or council, where applicable.

(7) For the purposes of section 27(c)(i) of the Act, a business in one of the sectors determined from time to time by the Director-General by notice in the *Gazette* is a business in the national interest.

(8) A foreigner who invests or has invested in an existing business shall, subject to this regulation, submit certified proof of investment in the business in respect of the preceding financial year.

(9) A foreigner who invests or has invested in an existing business as a partner shall submit—

(a) certified proof of investment in the business in respect of the preceding financial year; and

(b) the partnership agreement.

- (10) The requirements contemplated in section 27(d) of the Act shall be—
- (a) the submission of the certification contemplated in section 27(c) of the Refugees Act, 1998 (Act No. 130 of 1998);
  - (b) where applicable, the submission of affidavits with regard to aliases used by the applicant and family members; and
  - (c) the submission of the documentation contemplated in regulation 23(2)(b), (f), (g), (h) and (i): Provided that in the case of documents issued by the country from which he or she fled not being available, a sworn affidavit shall be submitted.
- (11) The payment contemplated in section 27(e)(i) of the Act shall be, per month, the amount determined from time to time by the Director-General by notice in the *Gazette* and the net worth contemplated in section 27(e)(ii) of the Act shall be a combination of assets realising, per month, the amount so determined by the Director-General by notice in the *Gazette*.
- (12) The net worth contemplated in section 27(f) of the Act shall be an amount determined from time to time by the Director-General by notice in the *Gazette* and the amount to be paid to the Director-General shall be an amount so determined by the Director-General, which amount has to be paid upon approval of the application.

**Application for proof of permanent residence status and exemption status**

25. An application for proof of permanent residence status or exemption status shall be made on Form 46 illustrated in Annexure A.

**Prohibited persons**

26. (1) The diseases or viruses contemplated in section 29(1)(a) of the Act are those referred to in the regulations promulgated under the International Health Regulations Act, 1974 (Act No. 28 of 1974), and any other disease or virus rendering a person inadmissible as determined by the Department of Health from time to time.
- (2) An immigration officer who has reasonable suspicion that a person reporting to him or her at a port of entry is infected with a disease or virus contemplated in subregulation (1), shall refer that person to the port health officer and after consultation with that officer determine his or her admissibility.
- (3) Where a port health officer is not present at a port of entry, a person contemplated in subregulation (2) shall be refused admission, unless a registered medical practitioner certifies that such person is not infected with a disease contemplated in subregulation (1).
- (4) If a prohibited person contemplated in section 29(1)(c) of the Act—

- (a) has deposed to an affidavit illustrating to the satisfaction of the Director-General that he or she shall comply with the Act; and
  - (b) has been absent from the Republic for a minimum period of four years, the Director-General may rehabilitate that person by granting him or her a status after having considered his or her application for a status.
- (5) A person rehabilitated as contemplated in subregulation (4) shall not be exempt from port of entry visa requirements.
- (6) The Director-General shall, in declaring a person not to be a prohibited person, consider the following factors:
- (a) The reasons for the prohibition;
  - (b) the seriousness of the offence committed; and
  - (c) representations made by the prohibited person.
- (7) The Director-General shall, upon making a decision as contemplated in section 29(2) of the Act, provide written reasons for such decision.

### **Undesirable persons**

- 27.(1) For the purposes of subregulation (2), a time is calculated as a 24-hour day during the period of overstay.
- (2) The Director-General may declare a foreigner who falls within a category listed in section 30(1) of the Act as undesirable on Form 19 illustrated in Annexure A.
- (3) A person who overstayed after the expiry of his or her visa, as contemplated in section 30(1)(h) of the Act, may be—
- (a) in the case of a person who overstayed for up to 30 days, declared undesirable for a period of two years;
  - (b) in the case of a person who overstayed for longer than 30 days up to 90 days, declared undesirable for a period of three years; and
  - (c) in the case of a person who overstayed for more than 90 days, declared undesirable for a period of ten years.

### **Exemption**

28. An application to the Minister as contemplated in section 31(2) of the Act shall be made on Form 50 illustrated in Annexure A, supported by reasons for the application.

**Waiver of prescribed requirements**

**29.** An application to the Minister as contemplated in section 31(2)(c) of the Act shall be made on Form 51 illustrated in Annexure A, supported by reasons for the application.

**Illegal foreigners**

**30.(1)** Upon requesting authorisation as contemplated in section 32(1) of the Act, an illegal foreigner who has neither been arrested for the purpose of deportation nor ordered to depart and who wishes to apply for a status after the date of expiry of his or her visa, shall—

- (a) demonstrate, in writing, to the satisfaction of the Director-General that he or she was unable to apply for such status for reasons beyond his or her control; and
- (b) submit proof to the Director-General that he or she is in a position to immediately submit his or her application for a status.

(2) Authorisation to remain in the Republic as contemplated in section 32(1) of the Act shall be granted on Form 20 illustrated in Annexure A.

(3) As soon as the final decision in respect of the application for status has been made, the authorisation contemplated in this regulation shall lapse automatically.

(4) An illegal foreigner who has satisfied an immigration officer that he or she will depart from the Republic as required in section 32(1) of the Act, shall be ordered by that immigration officer on Form 21 illustrated in Annexure A to depart from the Republic within a period of 14 days of having so been ordered: Provided that such period may, for good cause, be extended.

**Immigration Officers**

**31.** (1) In appointing immigration officers, the Director-General may from time to time designate any immigration official as an official tasked with permitting, ports of entry or Inspectorate functions, as the case may be, and issue an appropriate appointment certificate.

(2) The Director-General may, for good cause, withdraw an appointment contemplated in subregulation (1).

**Inspectorate**

**32.(1)** An immigration officer and any other person appointed to perform the functions of the Inspectorate shall—

- (a) in addition to the generic training of immigration officers, receive the relevant training required to perform the functions of the Inspectorate; and

- (b) have successfully completed an examination following the training contemplated in paragraph (a).
- (2) The notice contemplated in section 33(4)(b) of the Act shall be on Form 22 illustrated in Annexure A.
- (3) The notice contemplated in section 33(4)(c) of the Act shall be on Form 23 illustrated in Annexure A.
- (4) The warrants contemplated in section 33(5)(a) and (b), respectively, of the Act, shall be on Form 24 or 25 illustrated in Annexure A.
- (5) The receipt contemplated in section 33(5)(c) of the Act shall be on Form 26 illustrated in Annexure A, and the warrant contemplated in that section shall be on Form 27 illustrated in Annexure A.

#### **Arrest, detention and deportation of illegal foreigners**

- 33.(1) If the arrest, detention and deportation of an illegal foreigner in terms of section 34(1) of the Act is effected by means of a warrant, such warrant shall be issued by an immigration officer to such illegal foreigner, which warrant shall be in the form of Form 28 illustrated in Annexure A.
- (2) The notification of the deportation of an illegal foreigner contemplated in section 34(1)(a) of the Act shall be on Form 29 illustrated in Annexure A.
- (3) The confirmation of detention for purposes of deportation contemplated in section 34(1)(b) of the Act shall be on Form 30 illustrated in Annexure A.
- (4) 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) within 20 days following the arrest of the detainee, serve on that detainee a notification of his or her aforesaid intention on Form 31 illustrated in Annexure A;
  - (b) afford the detainee the opportunity to make written representations in this regard within three days of the notification contemplated in paragraph (a) having been served on him or her; and
  - (c) within 25 days following the arrest of the detainee, submit with the clerk of the court an application for the extension of the period of detention on Form 32 illustrated in Annexure A, together with any written representations that may have been submitted by the detainee in terms of paragraph (b).
- (5) The minimum standards with regard to detention as contemplated in section 34(1)(e) of the Act are as set out in Annexure B.

(6) A court may authorise the extension contemplated in subregulation (4) on Form 32 illustrated in Annexure A.

(7) The extension of the detention contemplated in section 34(2) of the Act shall be made on Form 33 illustrated in Annexure A.

(8) An immigration officer, when enforcing payment of a deposit in terms of section 34(3) of the Act shall—

(a) serve an order on Form 34 illustrated in Annexure A on the illegal foreigner concerned to deposit the required amount; and

(b) if that deposit has not been paid, endorse the order contemplated in paragraph (a) to the effect that the deposit has not been paid and file a copy of that order with the clerk of the court of the district in which such illegal foreigner is detained pending his or her removal from the Republic.

(9) The warrants contemplated in section 34(7) of the Act shall—

(a) in respect of the removal of a detained illegal foreigner, be made on Form 35 illustrated in Annexure A; or

(b) in respect of the release of a detained illegal foreigner, be in the form of Form 36 illustrated in Annexure A.

(10) A person contemplated in section 34(8) of the Act shall be notified that he or she is an illegal foreigner on Form 37 illustrated in Annexure A, and the declaration to the master of the ship contemplated in that section shall be in the form of Form 38 illustrated in Annexure A: Provided that in the case where the person conveyed himself or herself to the port of entry, he or she shall be handed over to the authority of the country where he or she commenced the journey to the Republic or the authorities of his or her country of nationality.

(11) The amount which the owner of a ship shall forfeit in terms of section 34(9)(a) and (d) of the Act shall not exceed the amount as determined annually by the Director-General by notice in the *Gazette*.

### **Duties with regard to conveyances**

34.(1) The conveyances contemplated in section 35(2)(a) of the Act are—

- (a) any aircraft;
- (b) any maritime vessel, and
- (c) any other conveyance prescribed by the Director-General from time to time, carrying persons or goods for commercial purposes arriving from or departing to a foreign state.

(2) The information contemplated in section 35(2)(a) of the Act is required in respect of all persons, including passengers, crew and any other person, intending to enter into, depart from or transit through the Republic, and shall include the following:

- (a) Family and given names;
- (b) date of birth;
- (c) gender;
- (d) travel document type;
- (e) nationality;
- (f) travel document number;
- (g) issuing state;
- (h) expiry date;
- (i) passenger or crew indicator;
- (j) flight/vessel identification;
- (k) direction, whether inbound or outbound;
- (l) departure or arrival port in the Republic;
- (m) departure or arrival date from or in the Republic; and
- (n) departure or arrival time from or in the Republic..

(3) The owner or person in charge of the conveyance contemplated in subregulation (1) is required to have the means to submit the information contemplated in regulation (2) electronically to the Director-General through the communication channel provided by the Director-General.

(4) The period contemplated in section 35(2)(b) of the Act shall be, in respect of—

- (a) conveyances by air, before departure; and
- (b) conveyances by sea, 72 hours to 30 days prior to boarding persons onto the conveyance or if the complete voyage is less than 72 hours, prior to departure from the last international port prior to arriving in the Republic.

(5) The owner or person in charge of the conveyance contemplated in section 35(3)(a) of the Act shall have the means to electronically transmit the passenger name record information from the passenger reservation and ticket, which includes—

- (a) the date of reservation;
- (b) the dates of intended travel;
- (c) the name, first and surname;
- (d) other names on the passenger name record;
- (e) all forms of payment information;

- (f) the billing address;
  - (g) the contact telephone numbers;
  - (h) all travel itinerary for that specific passenger name record;
  - (i) the frequent flyer information, limited to miles flown and addresses;
  - (j) the travel agency;
  - (k) the travel agent;
  - (l) the split or divided passenger name record information;
  - (m) the ticketing field information;
  - (n) the ticket number;
  - (o) the seat number;
  - (p) the date of ticket issuance;
  - (q) no show history;
  - (r) the bag tag numbers;
  - (s) the number of bags;
  - (t) the record locator;
  - (u) the weight of the bags;
  - (v) the go show information;
  - (w) the seat information;
  - (x) one-way tickets;
  - (y) any information collected as contemplated in subregulation (2);
  - (z) standby; and
  - (aa) bumping.
- (6) The owner or person in charge of the conveyance is required to employ the means to transmit the information contemplated in subregulation (5) electronically to the passenger name record system, failing which the Director-General would take steps to retrieve the information from the owner or person in charge of the conveyance.
- (7) The period contemplated in section 35(3)(b) of the Act shall be at flight close.
- (8) In safeguarding the protection of the information as contemplated in section 35(3)(c) of the Act, the Director-General shall—
- (a) apply the necessary security measures to ensure the integrity of personal information and take appropriate, reasonable technical and organisational measures to prevent the—
    - (i) loss of, or damage to, or unauthorised destruction of personal information; and
    - (ii) unlawful access to or processing of personal information;
  - (b) treat such personal information as confidential and not disclose it, unless required by

- law;
- (c) ensure that any person who processes such personal information establishes and maintains the security measures referred to in paragraph (a); and
  - (d) where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, refer such matter to the relevant law enforcement agency to deal with such person.
- (9) The list of passengers and the list of crew contemplated in section 35(5)(a) and (c) of the Act, respectively, the medical return contemplated in section 35(5)(d) of the Act and the exemption contemplated in the proviso to section 35(5) of the Act in the form of a list, shall be on Form 39 illustrated in Annexure A and not be required where subregulation (2) has been complied with.
- (10) The list of stowaways contemplated in section 35(5)(b) of the Act shall be indicated on Form 40 illustrated in Annexure A.
- (11) The limit contemplated in section 35(6) of the Act shall not exceed the total of the following amounts:
- (a) The cost of a single ticket for the deportation of the passenger to his or her country of origin;
  - (b) the cost of a return ticket to the country of origin, subsistence and travel costs and allowances for an escort in the event that such a service may be required upon deportation; and
  - (c) the detention and related costs pending the deportation of the passenger: Provided that if a passenger contemplated in that section is a stowaway and is not declared on the list contemplated in section 35(5)(b) of the Act, an additional amount as determined annually by the Director-General by notice in the *Gazette* shall be forfeited to the State.
- (12) The master or owner of a ship or an agent representing that master or owner shall, prior to departure of that ship, complete and submit Form 41 illustrated in Annexure A.
- (13) The certificate contemplated in section 35(8) of the Act shall be in the form of Form 42 illustrated in Annexure A.
- (14) A person conveyed as contemplated in section 35(10) of the Act shall be informed of his or her refusal of admission on Form 37 illustrated in Annexure A, and the person in charge of the conveyance shall be informed of his or her obligations in terms of that section on Form 38 illustrated in Annexure A.

(15) Any deportation order issued to an illegal foreigner shall also be provided to the owner or person in charge of a conveyance charged with his or her deportation from the Republic.

(16) The person in charge of a conveyance charged with the deportation of a person contemplated in subregulation (15) shall provide to the immigration officer a receipt as proof of having conveyed the illegal foreigner back to his or her country of embarkation.

### **Employment**

**35.** An employer contemplated in section 38(4)(a) of the Act shall keep on record—

- (a) a certified copy of the passport of the foreigner reflecting his or her personal particulars;
- (b) a copy of the relevant visa or permanent residence permit of that foreigner;
- (c) proof of the capacity in which the foreigner is employed; and
- (d) a copy of his or her IRP 5 form or certificate of earnings and job description, respectively.

### **Keeping of registers of lodgers by certain persons**

**36.** (1) The classes of premises contemplated in section 40(1) of the Act are—

- (a) hotels and motels;
- (b) boarding houses and lodges;
- (c) guest houses; and
- (d) apartment buildings.

(2) The register contemplated in section 40(1) of the Act shall—

- (a) be safeguarded by a duly authorised person for a period of two years; and
- (b) in respect of a lodger, contain—
  - (i) his or her full names and surname;
  - (ii) a copy of his or her identification document or passport;
  - (iii) his or her residence status in the Republic;
  - (iv) his or her normal residential address; and
  - (v) his or her signature.

### **Identification**

**37.** An immigration officer or police officer contemplated in section 41(1) of the Act shall take the following steps in order to assist the person in verifying his or her identity or status:

- (a) Access relevant documents that may be readily available in this regard;

- (b) contact relatives or other persons who could prove such identity and status; or
- (c) access departmental records in this regard.

### **Other institutions**

- 38.** (1) The institutions or persons contemplated in section 45 of the Act are—
- (a) banking and other financial institutions, including micro financiers;
  - (b) estate agents and insurance companies and brokers;
  - (c) private hospitals and clinics;
  - (d) employment agencies;
  - (e) institutions accredited through a process of the National Qualification Framework Act, 2008 (Act No. 67 of 2008); and
  - (f) learning institutions.
- (2) In ascertaining status or citizenship as contemplated in section 45 of the Act, the passport or identity document of the person shall be scrutinised by the institution or person referred to in subregulation (1) with a view to satisfying itself, himself or herself that, on the face of it, the passport or identity document, as the case may be, belongs to the person presenting it and, in the case of a foreigner, he or she is legally in the Republic.
- (3) The commercial transactions contemplated in section 45 of the Act are—
- (a) in respect of subregulation (1)(a), the securing of loans and bonds, whether a housing loan secured by a mortgage bond over property or a loan secured by a special notarial bond over movable property, money transfers and the opening of bank accounts, excluding investment accounts;
  - (b) in respect of subregulation (1)(b), facilitation of the purchase, sale or leasing of fixed property or the facilitation of the purchase of insurance policies of any nature;
  - (c) in respect of subregulation (1)(c), when admitting or registering a patient;
  - (d) in respect of subregulation (1)(d), when assisting a foreign workseeker; and
  - (e) in respect of subregulation 1(e) and subregulation 1(f), when admitting or registering a student .

### **Administrative fines**

- 39.** (1) A foreigner contemplated in section 50(1) of the Act shall be informed of his or her undesirability on Form 19 illustrated in Annexure A.
- (2) The administrative fine contemplated in section 50(2) of the Act shall be an amount determined by the Director-General by notice in the *Gazette* from time to time and the person shall be informed of the fine incurred on Form 43 illustrated in Annexure A.

(3) The administrative fine contemplated in section 50(3) of the Act shall, in respect of a conveyance used in the course of business to convey persons, be an amount, per person, determined by the Director-General by notice in the *Gazette*.

(4) The owner or person contemplated in section 50(3) of the Act shall be informed of the fine contemplated in subregulation (3) issued on Form 44 illustrated in Annexure A.

(5) The administrative fine contemplated in section 50(4) of the Act shall be an amount determined by the Director-General by notice in the *Gazette* from time to time and issued on Form 45 illustrated in Annexure A.

(6) The administrative fine contemplated in—

(a) section 50(4)(a) of the Act shall be an amount determined from time to time by the Director-General by notice in the *Gazette*, per person.

(b) section 50(4)(b) of the Act shall be an amount determined from time to time by the Director-General by notice in the *Gazette*, per person.

(7) A conveyor who does not adhere to the boarding directive issued based on submitted information, shall be liable to a fine as determined from time to time by the Director-General by notice in the *Gazette*, per person

(8) A conveyor who transmits inaccurate information contemplated in section 35(2)(b) or 35(3)(b) of the Act shall be liable to a fine as determined by the Director-General from time to time by notice in the *Gazette*, per each incorrect transmission.

(9) The administrative fine for the owner or person in charge of a conveyance who fails to comply with the provisions of section 50(4)(a) and (b) of the Act shall be an amount determined from time to time by the Director-General by notice in the *Gazette*, per person.

### **Change of address**

**40.** The holder of a visa or permit who changes his or her address or other contact details must inform the Director-General within 14 days of such changes and provide the latest address or contact details.

### **Repeal**

**41.** The Immigration Regulations published in Government Notice No. 616 of 27 June 2005 are hereby repealed.

**Short title and commencement**

**42.** These Regulations shall be called the Immigration Regulations, 2014 and shall come into operation on 1 April 2014.

**ANNEXURE A****FORMS**

<b>FORM NO.</b>	<b>DESCRIPTION</b>	
1.	Form 1 (DHA-1756)	Notification regarding right to request review by Minister
2.	Form 2 (DHA-1714A)	Notice of decision adversely affecting right of person
3.	Form 3 (DHA-26)	Application for permission to enter or depart at place other than port of entry
4.	Form 4 (DHA-TC 01)	Traveller card
5.	Form 5 (DHA-1565)	Declaration by foreigner seeking admission
6.	Form 6 (DHA-1746)	Interview by immigration officer of person not having satisfied Immigration Officer that he or she is not inadmissible foreigner
7.	Form 7A (DHA-)	Attestation relating to lost or destroyed travel documents
8.	Form 7B (DHA-)	Letter relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters
9.	Form 7C (DHA-)	Referral letter relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters – INSPECTORATE
10.	Form 8 (DHA-1738)	Application for temporary residence visa
11.	Form 9 (DHA-1740)	Application for change of conditions on existing visa or change of status
12.	Form 10 (DHA-1739)	Application for renewal of existing visa
13.	Form 11 (DHA-84)	Application for port of entry visa or transit visa
14.	Form 12 (DHA-1712A)	Affidavit in respect of parties to permanent homosexual or heterosexual relationship
15.	Form 13 (DHA-1743)	Application for corporate visa
16.	Form 14 (DHA-17418)	Corporate visa
17.	Form 15 (DHA-1733)	Corporate worker authorization certificate
18.	Form 16 (DHA-1758)	Progress report by organ of state or learning institution regarding exchange programme
19.	Form 17 (DHA-1732)	Application for asylum transit visa

20.	Form 18 (DHA-947)	Application for permanent residence permit
21.	Form 19 (DHA-146)	Declaration of foreigner as undesirable person
22.	Form 20 (DHA-1759)	Authorisation for illegal foreigner to remain in Republic pending application for status
23.	Form 21 (DHA-1684)	Order to illegal foreigner to depart from Republic
24.	Form 22 (DHA-1720)	Notice by Immigration Officer to person to produce anything in his or her possession or in his or her custody or under his or her control
25.	Form 23 (DHA-1721)	Notice by immigration officer to person to appear before Director-General
26.	Form 24 (DHA-1722)	Entry and search warrant
27.	Form 25 (DHA-1760)	Warrant of arrest
28.	Form 26 (DHA-1723)	Receipt of items seized
29.	Form 27 (DHA-1761)	Warrant of seizure and removal
30.	Form 28 (DHA-1725)	Warrant of detention of illegal foreigner
31.	Form 29 (DHA-1724)	Notification of deportation
32.	Form 30 (DHA-1725)	Confirmation by court of detention for purposes of deportation
33.	Form 31 (DHA-1726)	Notice to foreigner of intention to apply to court for extension of detention
34.	Form 32 (DHA-1727)	Application to court for extension of detention and authorization by court for that extension
35.	Form 33 (DHA-1710)	Warrant of detention of person suspected of being illegal foreigner
36.	Form 34 (DHA-1728)	Order to illegal foreigner to deposit a sum to cover expenses relating to deportation, detention, maintenance and custody
37.	Form 35 (DHA-515)	Warrant for removal of detained illegal foreigner
38.	Form 36 (DHA-557)	Warrant for release of detained illegal foreigner
39.	Form 37 (DHA-1694)	Notification to person at port of entry that he or she is illegal foreigner and is refused admission
40.	Form 38 (DHA-96)	Declaration to master of ship or person in charge of conveyance that person conveyed is illegal foreigner and notice to master of ship or person in charge of conveyance regarding his or her obligations where person conveyed is refused admission
41.	Form 39 (DHA-128)	List of passengers and crew, medical return and coastal advice
42.	Form 40 (DHA-1567)	List of stowaways

43.	Form 41 (DHA-86)	Application by master or owner of ship or agent representing master or owner of ship for certificate to leave harbour
44.	Form 42 (DHA-92)	Certificate of compliance to obtain clearance form customs
45.	Form 43 (DHA-1747)	Notice of administrative fine incurred for incorrect certification
46.	Form 44 (DHA-1751)	Notice of administrative fine uncured by owner or person in charge of conveyance
47.	Form 45 (DHA-1775)	Notice of administrative fine uncured by owner or person in charge of conveyance
48.	Form 46 (DHA-)	Application for proof of permanent residence status or exemption status
49.	Form 47 (DHA-)	Application for exemption
50.	Form 48 (DHA-1743)	Application for waiver of prescribed requirements
51.	Form 49 (DHA-)	Notice of appeal

**ANNEXURE B**  
**MINIMUM STANDARDS OF DETENTION**  
[Section 34(1)(e); Regulation 28(5)]

**1. Accommodation**

- (a) Detainees shall be provided accommodation with adequate space, lighting, ventilation, sanitary installations and general health conditions and access to basic health facilities.
- (b) Every detainee shall be provided with a bed, mattress and at least one blanket.
- (c) Male and female detainees shall be kept separate from each other: Provided that this does not apply to spouses.
- (d) Detained minors shall be kept separate from adults and in accommodation appropriate to their age: Provided that minors shall not be kept separate from their parents or guardians: Provided further that unaccompanied minors shall not be detained.
- (e) Detainees of a specific age, or falling in separate health categories or security risk categories, shall be kept separate.
- (f) There may be a deviation from the above standards if so approved by the Director-General at a particular detention centre: Provided that such a deviation is for purposes of support services or medical treatment: Provided further that there shall not be any deviation in respect of sleeping accommodation.

**2. Nutrition**

- (a) Each detainee shall be provided with an adequate balanced diet.
- (b) The diet shall make provision for nutritional requirements of children, pregnant women and any other category of detainees whose physical condition requires a special diet.
- (c) The medical officer may order a variation in the prescribed diet for a detainee and the intervals at which the food is served, when such variation is required for medical reasons.
- (d) Food shall be well prepared and served at intervals not less than four and a half hours and not more than 14 hours between the evening meal and breakfast during a 24 hour period.
- (e) Clean drinking water shall be available at all times to every detainee.

**3. Hygiene**

- (a) Every detainee shall keep his or her person, clothing, bedding and room clean and tidy.
- (b) The Department shall provide the means to comply with item 3(a).

(DHA-1756) **Form 1**



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

**NOTIFICATION REGARDING RIGHT TO REQUEST REVIEW BY MINISTER**

**[Section 8(1); Regulation 7(1)]**

**\*Part A:**

**In respect of a person refused admission at a port of entry**

To:..... (*name(s)* and  
*surname*).

Passport No.:..... Nationality:.....

Date of birth:.....

In terms of section 8(1) of the Act, you are hereby notified that you may request the Minister to review the decision. However, if the conveyance you arrived on is on the point of departing, you shall lodge a request for review immediately and depart and await the outcome thereof outside the Republic.

The conveyor responsible for your conveyance to the Republic, namely  
..... (*name and Flight No. / Vessel Registration No.*) is liable for the costs of your detention, maintenance and removal from the Republic.

**\* Part B****In respect of a person found to be an illegal foreigner**

To:..... (*name(s) and surname*).

Passport No.:..... Nationality:.....

Date of birth:..... Age:..... Gender:.....

In terms of section 8(1) of the Act, you are hereby notified that you may, within three days from date of this notice, request the Minister to review the decision to deport you.

.....  
.....  
**Signature of immigration officer**      **Place**      **Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

**ACKNOWLEDGEMENT OF RECEIPT**

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

I \*\*intend / do not intend to request a review of this decision.

My written request \*is attached / will be submitted within three days.

.....  
.....  
**Signature of affected person**      **Place**      **Date**

**\*Delete Part A or B, which is not applicable**

**\*\*Delete which is not applicable**

## CERTIFICATE BY INTERPRETER

I, ..... (*name(s) and surname*)  
of

.....  
. (\**business/residential address*) with telephone number .....  
and cell number ..... hereby confirm that I have mastered  
..... (*state language*) and that I have explained to  
..... (*name(s) and surname of foreigner*) the contents of this notice in  
the said language and that I am satisfied that the said foreigner fully understands it.

.....  
.....  
**Signature of interpreter**

.....  
.....  
**Place**

.....  
.....  
**Date**

(DHA-1714A) **Form 2**

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

**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**  
**[Section 7(1)(g) read with section 8(3); Regulation 7(2)]**

**\*Part A:**

**In relation to port of entry**

To:.....

.....  
Passport No.: ..... Visa No. (*where applicable*):.....

With reference to ..... you are, in terms of the provisions of section 8(3) of the Act, hereby, notified that the decision is as follows:

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

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

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

.....  
...

You may, within 10 working days from date of receipt of this notice, make written representations to the Director-General to review the decision.

Should you fail to make representations, or fail to keep the Department informed of your whereabouts, the decision set out above shall remain effective. It is your responsibility to enquire about the outcome of your representations within 14 days after submission thereof.

.....  
**Signature**

.....  
**Place**

.....  
**Date**

.....  
**Appointment number**  
(in the case of an immigration officer)

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**ACKNOWLEDGEMENT OF RECEIPT**

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

I \*intend /do not intend to make representations to the Department in terms of section 8(4) of the Act to review the decision.

Written representations \*are attached / will be submitted within 10 working days.

.....  
**Signature of recipient of notice**

.....  
**Date**

**\*Delete which is not applicable**

**CERTIFICATE BY INTERPRETER**

I, ..... (*name(s) and surname*)  
of ..... (\**business/residential address*) with telephone number ..... and cell number ..... hereby confirm that I have mastered ..... (*state language*) and that I have explained to ..... (*name(s) and surname of foreigner*) the contents of this notice in the said language and that I am satisfied that the said foreigner fully understands it.

.....  
**Signature of interpreter**

.....  
**Place**

.....  
**Date**

(DHA-1714A) Form 2



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

**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**

**[Section 7(1)(g) read with section 8(3); Regulation 7(2)]**

**\*Part B:**

**In relation to permitting**

To: .....

At: .....

With reference to you are, in terms of the provisions of section 8(3) of the Act, hereby, notified that the decision is as follows:

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

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

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

You may, within 10 working days from date of receipt of this notice, make written representations to the Director-General to review the decision.

Should you fail to make representations, or fail to keep the Department informed of your whereabouts, the decision set out above shall remain effective. It is your responsibility to enquire about the outcome of your representations within 30 days after submission thereof.

.....  
**Signature**

.....  
**Appointment number** (in the case of  
an immigration officer)

.....  
**Place**

.....  
**Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number:  
.....

Rank/position.....

Office:.....

Province:.....

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

I \*intend /do not intend to make representations to the Department in terms of section 8(2) of the Act to review the decision.

Written representations \*are attached / will be submitted within 10 working days.

.....  
**Signature of recipient of notice**

\*Delete which is not applicable

.....  
**Date**

**CERTIFICATE BY INTERPRETER**

I ..... (first name(s) and  
surname)  
..... (\*business/residential  
address) hereby confirm that I have mastered ..... (state language)  
and that I have explained to ..... 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**

(DHA-1714A) **Form 2**

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

**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**

**[Section 7(1)(g) read with section 8(3); Regulation 7(2)]**

**\*Part B:**

**In relation to permitting**

To: .....

At: .....

With reference to ..... you are, in terms of the provisions of section 8(3) of the Act, hereby, notified that the decision is as follows:

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

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

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

You may, within 10 working days from date of receipt of this notice, make written representations to the Director-General to review the decision.

Should you fail to make representations, or fail to keep the Department informed of your whereabouts, the decision set out above shall remain effective. It is your responsibility to enquire about the outcome of your representations within 30 days after submission thereof.

.....  
**Signature**

.....  
**Appointment number** (in the case of  
an immigration officer)

.....  
**Place**

.....  
**Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

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

I \*intend /do not intend to make representations to the Department in terms of section 8(2) of the Act to review the decision.

Written representations \*are attached / will be submitted within 10 working days.

.....  
**Signature of recipient of notice**  
**\*Delete which is not applicable**

.....  
**Date**

**CERTIFICATE BY INTERPRETER**

I ..... (*first name(s) and surname*)  
of ..... (\**business  
/residential address*) hereby confirm that I have mastered ..... (*state  
language*) and that I have explained to ..... 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**

(DHA-1714A) **Form 2**



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

**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**

**[Section 7(1)(g) read with section 8(3); Regulation 7(2)]**

**\*Part C:**

**In relation to Inspectorate**

To: .....

At: .....

With reference to ..... you are, in terms of the provisions of section 8(3) of the Act, hereby, notified that the decision is as follows:

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

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

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

You may, within 10 working days from date of receipt of this notice, make written representations to the Director-General to review the decision.

.....  
**Signature**

.....  
**Appointment number** (in the case of  
an immigration officer)

.....  
**Place**

.....  
**Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname:

.....  
Appointment number:

.....  
Rank/position.....

.....  
Office:.....

Province:.....

#### **SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel :

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

I \*intend /do not intend to make representations to the Department in terms of section 8(2) of the Act to review the decision.

Written representations \*are attached / will be submitted within 10 working days.

.....  
**Signature of recipient of notice**

\*Delete which is not applicable

.....  
**Date**

**CERTIFICATE BY INTERPRETER**

I ..... (*first name(s) and surname*)  
of ..... (\**business/residential  
address*) hereby confirm that I have mastered ..... (*state language*) and  
that I have explained to ..... 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**

(DHA-26) Form 3



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

**APPLICATION FOR EXEMPTION TO ENTER OR DEPART AT PLACE OTHER THAN  
PORT OF ENTRY**

[Section 7(1)(g) read with section 9(3)(b); Regulation 6(1)]

See reverse side for conditions

Nationality of passport		Passport or travel document No		
Surname		First name(s) in full		
Date of birth	Year	Month	Day	Country of normal residence
Permanent Residence Permit No (where applicable)*				Date issued
Visa for Temporary Sojourn (where applicable) valid until*				For purposes of
<b>Application is hereby made for exemption to enter/exit the Republic at a place other than a port of entry</b>				
Where entry/exit is required				
Motivate why exemption is required				
Period of exemption required		From To		
Purpose of exemption				
I have taken note of the conditions on the reverse side hereof				
Date			Signature	

<b>FOR OFFICIAL USE ONLY</b>			
<b>APPLICATION APPROVED / REFUSED</b>			
Valid until			
Reasons for decision:			
File No		Permission granted i.t.o section	
Place		Immigration Officer	
Date		Appointment/Service No.	

### **CONDITIONS**

Exemption to enter/depart the Republic at a place other than a port of entry may only be issued to South African citizens, foreigners exempt in terms of section 31 or foreigners in possession of a relevant and valid visa for temporary or permanent sojourn commensurate with the purpose of visit indicated on this application.

This exemption is a privilege and not a right and can therefore be withdrawn at any time.

The exemption is specifically for the purpose applied for and does not exempt the holder from other entry requirements of the Republic, e.g. valid passport, visa, sufficient funds, etc. If the exemption is granted, it shall be produced on demand by an immigration officer, police officer, Customs officer or a member of the South African National Defence Force in the execution of border control duties, together with your passport and/or any other document relevant to entry or residence in respect of the Republic.

Only the holder of the exemption is authorised as indicated thereon and all persons accompanying him or her shall comply with the normal entry requirements in their own right.

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.

Proof of right to return to country of nationality and / or residence may be required from an applicant who is a foreigner.

**Traveller Card – Republic of South Africa**

DHA-TC-01

This declaration must be completed by all travellers who enter the Republic of South Africa in terms of the Immigration Act No. 13, Sections 7(1)(g) read with Section 9(3)(e); Regulation 6(3)(d), and the Customs and Excise Act No. 91 of 1964. Please retain your completed declaration, unless instructed otherwise by Immigration.

Passport No. Flight No. / Ship No. /  
Vehicle Reg No. **Reason for Visit:**

<input type="checkbox"/> Resident	<input type="checkbox"/> Immigrant	<input type="checkbox"/> Study	<input type="checkbox"/> Business	<input type="checkbox"/> Transit	<input type="checkbox"/> Holiday
<input type="checkbox"/> Diplomat	<input type="checkbox"/> Employment	<input type="checkbox"/> Crew	Other (specify) <input type="text"/>	<input type="text"/>	<input type="text"/>

**Occupation:**

<input type="checkbox"/> Civil Service	<input type="checkbox"/> Diplomat	<input type="checkbox"/> Military / Police	<input type="checkbox"/> Media	<input type="checkbox"/> Artist	<input type="checkbox"/> Charity	<input type="checkbox"/> Student
<input type="checkbox"/> Education	<input type="checkbox"/> Professional	<input type="checkbox"/> Trade / Business	Other (specify) <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Are you in Possession of:**

Any prohibited or restricted goods? <input type="checkbox"/> Y <input type="checkbox"/> N	Any goods in excess of Duty Free Allowances (DFA)? <input type="checkbox"/> Y <input type="checkbox"/> N
Any goods intended for trade? <input type="checkbox"/> Y <input type="checkbox"/> N	Foreign or ZAR Currency exceeding limits? <input type="checkbox"/> Y <input type="checkbox"/> N
Any valuable goods that you need to register for temporary importation / exportation? <input type="checkbox"/> Y <input type="checkbox"/> N	

How much money are you bringing into South Africa? 

ZAR / USD

**Physical Address in South Africa:**Unit No.  Complex (if applicable) Street No.  Street / Name of Farm Suburb / District City / Town  Postal Code Intended Date of Departure (CCYYMMDD) Contact Person in RSA Contact No. in RSA **Declaration:**

I \_\_\_\_\_, hereby declare  
that the particulars herein are true and correct.

SIGNATURE For Office Use Date  
(CCYYMMDD)

**Upon arrival or departure in / from South Africa ALL goods must be declared**

- This declaration must be completed with a black / blue pen in English using capital letters
- Parents or guardians should assist minors to complete the Traveller Card
- Each traveller (or legal guardian in the case of minors) must sign the Traveller Card
- Only the original Traveller Card may be submitted to the Immigration Officer
- After Immigration proceed to either the RED or GREEN channel

**Import of the following goods into South Africa is strictly PROHIBITED:**

	Narcotics and habit-forming drugs		Cigarettes of which the mass exceeds 2kg per 1 000
	Fully automatic, military and unnumbered weapons		Trade description or trademark in contravention of any legislative requirements
	Explosives and fireworks		Unlawful reproductions of any work subject to copyright
	Poison and toxic substances		Penitentiary or prison-made goods

**RESTRICTED goods may be imported if you are in possession of the necessary authority or permit.  
Examples include:**

	Firearms		Animals, plants and their products
	All gold coins or RSA banknotes or bearer instruments in excess of R10 000 or foreign currency exceeding US\$10 000 or equivalent		Medicine
	Unprocessed minerals		Herbal products

**The following goods may be imported in terms of duty- and tax-free ALLOWANCES to a maximum of:**

	Wine – 2 litres		Pipe or cigarette tobacco – 250 grams
	Other alcoholic beverages – 1 litre		Cigarettes – 200
	Accompanied baggage – new or used goods up to R5 000		Cigars – 20

- A traveller is entitled to these allowances once per person during a period of 30 days after an absence of 48 hours from South Africa
- The tobacco and alcohol allowance is not applicable to persons under the age of 18 years
- Crew members are not entitled to any consumable allowances

- Personal effects and/or sporting and recreational equipment are duty and tax free if brought in by:
  - Visitors for own use and if goods do not remain in South Africa
  - Returning residents where such goods can be identified as the same goods that were taken abroad
- Goods in excess of allowances may attract Customs duty and/or VAT
- Failure to declare any goods, the under-declaration of value or the production of false receipts can lead to seizure of goods, criminal prosecution and imposition of severe penalties

(DHA—1746) **Form 6**

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

**INTERVIEW BY IMMIGRATION OFFICER OF PERSON NOT HAVING SATISFIED  
IMMIGRATION OFFICER THAT HE OR SHE IS NOT ILLEGAL FOREIGNER**  
**[Section 7(1)(g) read with section 9(3)(d); Regulation 6(6)]**

..... (*first name(s) and surname of passenger*) presented \*himself/herself to me in terms of section 9(3)(d), read with section 34(8) of the Act and could not satisfy me that \*he/she is not an illegal foreigner. Hereunder is a written account of the interview I conducted in terms of regulation 6(6).

\*Delete whichever is not applicable

**PRIOR TO THE INTERVIEW**

Do you understand English? Yes  No

Are you fit, well and willing to be interviewed? Yes  No

Do you require an interpreter? Yes  No

Is there anything important that you wish to raise before the interview starts?

Yes  No

**CONTENT OF THE INTERVIEW** (*use additional pages if space is insufficient*)  
.....  
.....  
.....  
.....**STATEMENT OF PERSON INTERVIEWED**

I ..... (*name(s) and surname*) hereby acknowledge that the above is a true account of the interview that took place.

.....  
**Signature of foreigner  
(interviewed person)**

.....  
**Date**

*Left thumbprint*

**DECISION OF IMMIGRATION OFFICER**  
.....  
.....  
....**REASON(S) FOR DECISION** (*use additional pages if space is insufficient*)  
.....  
.....  
.....  
....

.....  
**Signature of immigration officer**

.....  
**Place**

.....  
**Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and surname: .....

Appointment number: ..... Rank:.....

Port of Entry: .....

**CERTIFICATE BY INTERPRETER**

I, ..... (*name(s) and surname*)  
of .....  
(*\*business/residential address*) with telephone number ..... and cell number ..... hereby confirm that I have mastered ..... (*state language*) and that I have explained to ..... (*name(s) and surname of foreigner*) the contents of this notice in the said language and that I am satisfied that the said foreigner fully understands it.

.....  
**Signature of interpreter**.....  
**Place**.....  
**Date**

(DHA-) **Form 7A**

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

**RETURN OF ILLEGAL FOREIGNER**

**[Section 7(1)(g) read with section 9(3)(d); Regulation 6(13)]**

**(ATTESTATION RELATING TO LOST OR DESTROYED TRAVEL DOCUMENTS)**

From: **Immigration Services**

Port of Entry: ..... (*Name*)

Telephone:.....

Facsimile:.....

To:      Immigration      or      other      appropriate      authority:  
..... (*Name*)

Port of Entry: .....

Country: .....

The person for whom this document is issued arrived on ...../...../.....  
(*date*) at ..... (*name of*) airport  
on flight number ..... from .....  
(*City and Country*).

This person, who was found to be inadmissible, has lost or destroyed his / her travel documents and claims to be/is understood to be (*strike out whichever is not applicable and add any appropriate supporting information*).

Names and surname:.....

Date of birth:..... Place of birth:.....

Nationality:.....

Place of residence:.....

*Photograph*

The conveyor (where applicable) was instructed to remove the passenger from the territory of this State on flight ..... (*flight number*) departing on ...../...../..... (*date*) at ..... (*time*) from ..... (*name of airport*).

Pursuant to Annex 9 to the Convention on International Civil Aviation, the last State in which a passenger previously stayed and most recently travelled from is invited to accept him or her for re-examination when he or she has been refused admission to another State.

.....  
**Signature of immigration officer**

.....  
**Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Port of entry: .....

(DHA-) **Form 7B**

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

**[Section 7(1)(g) read with section 9(3)(d); Regulation 6(14)]**

**(LETTER RELATING TO FRAUDULENT, FALSIFIED OR COUNTERFEIT TRAVEL  
DOCUMENTS OR GENUINE DOCUMENTS PRESENTED BY IMPOSTERS)**

**From: Immigration Services**

Port of Entry: ..... (Name)

Telephone:..... Facsimile:.....

To: Immigration or appropriate authority: (Name)

Port of Entry: ..... (Name)

Country: ..... (Name)

Enclosed herewith is a photocopy of a fraudulent/falsified/counterfeit passport/identity document/genuine document presented by an imposter, with number:.....

Country in whose name this document was issued:.....

The above-mentioned document was used by a person claiming to be:

Names and surname:.....

Date of birth:..... Place of birth:.....

Nationality:.....

*Photograph*

Place of residence:.....

This person arrived on..... (date) at ..... (name of Port of Entry) on ..... (Conveyance) from (City and Country).

The holder was refused entry into the Republic and the conveyor (where applicable) has been instructed to remove the passenger from the territory of the Republic on ..... (conveyance) departing at .....(time) and .....(date) from .....(name of port of entry).

The above-mentioned document will be required as evidence in the holder's prosecution and has been impounded. As this document is the property of the State in whose name it was issued, it will be returned, following prosecution, to the appropriate authorities.

According to Annex 9 to the Convention on International Civil Aviation, the last State in which a passenger previously stayed and most recently travelled from is invited to accept him or her for re-examination when he or she has been refused admission to another State.

.....  
.....

Signature of immigration officer

Place

Date

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

(DHA-) Form 7C



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

**[Section 7(1)(g) read with section 9(3)(d); Regulation 6(14)]**

**(REFERRAL LETTER FOR DETENTION OR PROSECUTION RELATING TO  
FRAUDULENT, FALSIFIED OR COUNTERFEIT TRAVEL DOCUMENTS OR GENUINE  
DOCUMENTS PRESENTED BY IMPOSTERS OR SUSPECTED ILLEGAL FOREIGNERS)**

From: **Station Commissioner / Head of Place of detention**

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

Case No. ....

Enclosed herewith is a photocopy of a fraudulent/falsified/counterfeit passport/identity document/genuine document presented by an imposter or suspected illegal foreigner, with number:.....

Country in whose name this document was issued: .....

The above-mentioned document was used by a person claiming to be:

Names and surname:.....

Date of birth:..... Place of birth:.....

Nationality:.....

Place of residence:.....

*Photograph*

The holder produced the abovementioned document upon request for his/her identification or was found in possession of the abovementioned document during an investigation.

The above-mentioned document will be required as evidence in the holder's prosecution and has been impounded. As this document is the property of the State in whose name it was issued, it will be returned, following prosecution, to the appropriate authorities.

Reason why prosecution is not proceeding:

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

.....  
**Signature of immigration officer**

.....  
**Place**

.....  
**Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office ..... Province .....

#### **SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

(DHA-1738) Form 8



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

**APPLICATION FOR VISA TO TEMPORARILY SOJOURN IN THE REPUBLIC**

[Section 10(2)(c) to (k); Regulation 9(1)]

<b>CATEGORY OF PERMIT BEING APPLIED FOR</b>		
	Exchange Visa	
Study Visa (> 3 months)	Business Visa	
Treaty Visa	Work Visa: Critical Skills	
Relative's Visa	Work Visa: General	
Medical Treatment Visa	Work Visa: Intra-company transfer	
Retired Person's Visa		

**Biometric**  
*(Attach Fingerprint Form,  
with Photograph)*

<b>FOR OFFICIAL USE ONLY</b>		
Office of application:	BLOK:	Track & Trace Ref No
Date received:	Date forwarded to Head Office:	
Application quality checked by/on:	Date received at Head Office	Remarks:
Passport seen/returned by/on:	Decision and date:	
Fee: Currency and amount		
Fee received by/on: Receipt no:		

**Conditions of permit / Reason for refusal**

## **1. PERSONAL DETAILS**

Title:	Mr	Ms	Other (specify)			
Surname/Family name:				Given names:		
Maiden name:				Stage name:		
Previous/alternative name(s)/aliases, including details:						
Date of birth:						
Year..... Month..... Day.....						
Place of birth:		Town/City		Country		
Marital status:	Never married		Separated		Legally recognised spousal relationship	
	Married		Widowed			
	Divorced		Customary union			
If separated state:						
Whether divorce proceedings have been instituted and when final decree is expected ..... .....						
If divorced, provide:						
Date of divorce: .....						
Divorce order must be attached.						
If part to a spousal relationship with a citizen or permanent resident, a certified copy of the marriage certificate or a spousal affidavit must be attached.						

## 2. CITIZENSHIP DETAILS

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

## 3. PASSPORT DETAILS

Passport number:	Country of issue:
Date of issue:...../...../.....	Expiry date:...../...../.....
If you have any other document required by your government, provide details: Type of document:..... Number:..... Expiry date:...../...../.....	

## 4. ADDRESSES

Residential address: ..... ..... .....	Postal address: ..... ..... .....
Postal code.....	Postal code.....
Country of usual residence if other than country of origin or above address:	
Telephone No.: Work: (incl. area code) ..... Home: (incl. area code) .....	

Other addresses where you have lived during the last ten years other than your current address:

Address:	Period:	Country:

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.....

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

Yes  No  If yes, specify the country.....

Contact person:

Relationship: Friend		Business Associate		Relative		Other	
----------------------	--	--------------------	--	----------	--	-------	--

Name: .....

Address: .....

.....

Telephone No.: Work: (incl. area code) ..... Home: (incl. area code) .....

Details regarding relatives and/or friends in the Republic, if any.

Name	Address	Relationship	Identity No

**5. INTENTIONS/PROPOSED DURATION OF STAY IN THE REPUBLIC**

Proposed date and place of departure for the Republic:	/	/		
Anticipated date and place of arrival in the Republic:	/	/		
Travelling by: Air	Road	Rail	Sea	Carrier
What is your intended duration of stay in the Republic:				
Days/weeks/months/or	Years	Intended date of departure	/	/

Outline your proposed activities whilst in the Republic:

.....  
.....

**6. MAINTENANCE/DEPORTATION**

State what funds you have available for maintenance during your stay in the Republic and whether you have a return ticket or other arrangements made for maintenance and return passage:

Available funds (foreign currency): Type: .....	Amount: .....
South African Rand equivalent: ..... ( <i>attach bank statement as proof of funds held</i> ).	
Valid return or onward ticket no:	Expiry date: / /
Other: .....	

**7. PARTICULARS OF ANY FAMILY/DEPENDANTS ACCOMPANYING YOU** (*attach page if space is not enough*):

Full names	Date of birth	Relationship	Passport No.	Expiry date	Nationality	Occupation

If your spouse and/or other dependants are not accompanying you, do they intend to enter the country at a later stage?

Yes

On (date)

 / 

No

Details/reason(s):  
.....  
.....

Have you ever been refused entry into or deported from the Republic: If so, please provide details: .....

#### 8. SECURITY/HEALTH QUESTIONNAIRE

Have you or any of your dependants accompanying you ever been convicted of any crime in any country?  Yes  No

Is a criminal/civil case pending against you or any of your dependants accompanying you in any country?  Yes  No

Are you or any of your dependants suffering from tuberculosis, any other infectious or contagious disease or any mental or physical deficiency?  Yes  No

Are you an unrehabilitated insolvent?  Yes  No

Have you ever been judicially declared incompetent?  Yes  No

Are you a member of or adherent to an association or organisation advocating the practice of social violence, or racial hatred?  Yes  No

Furnish full particulars if the reply to any of these questions is in the affirmative:

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

**9. ANY ADDITIONAL INFORMATION YOU WISH TO BRING TO THE DEPARTMENT'S  
ATTENTION:**

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

**10. DECLARATION BY APPLICANT**

I acknowledge that I understand the contents and implications of this application and solemnly declare that the above particulars given by me as well as all particulars in the attached supporting documentation are true and correct.

---

Signature of applicant

---

Date

**THE FOLLOWING ORIGINAL SUPPORTING DOCUMENTS MUST ACCOMPANY THE APPLICATION**

**In respect of all temporary residence visa applications, except medical treatment visas:**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
A yellow fever vaccination certificate, where applicable.		
A medical report.		
A radiological report.		
Unabridged birth certificate.		
Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable).		
The affidavit where a spousal relationship to a South African citizen or resident is applicable, as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.		
Divorce decree, where applicable.		
Court order granting full or specific parental responsibilities and rights, where applicable.		
Death certificate, in respect of late spouse, where applicable.		
Written consent from both parents and full parental responsibilities and rights parent, where applicable.		
Proof of adoption where applicable.		
Legal separation order, where applicable.		
Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where person resided one year or longer since having attained the age of 18.		

**Additional supporting documents in respect of a study visa:**

	Attached	
	Yes	No
An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course.		
An undertaking by the registrar of the learning institution to provide proof of registration of the learning institution as contemplated in the relevant legislation, within 30 days of registration.		
An undertaking by the registrar of the learning institution to submit to the Director-General— (a) a report on students who are no longer registered with such institution. (b) a notification when the student has completed his or her studies or wishes to extend such studies. (c) notification of failure to register, in the event of failure by any student to register by the closing date.		

In the case of a minor (i.e. a person under 18):		
(a) the particulars of the person, including a juristic person, residing in the Republic, who is, or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and		
(b) written consent for the intended stay from both parents or from the custodian parent, along with a court order granting full parental responsibilities and rights in the latter case.		
(c) an unabridged birth certificate.		
(d) a copy of the identity document or valid passport and visa or permit, as the case may be.		
(e) proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and		
(f) proof of consent for the intended stay from both parents or, where applicable, from the custodian parent or legal guardian, who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner.		
In the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant.		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998).		
an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study		
Proof of sufficient financial means.		
Police clearance		

**Additional supporting documents in respect of a treaty visa:**

	Attached	
	Yes	No
A letter from the relevant organ of state which is party to the treaty attesting to—  (a) the nature of the programme;  (b) participation of the foreigner in the specified programme; and  (c) the type of activities the foreigner is expected to perform and the duration thereof.  (d) Accommodation of the foreigner.  (e) Any other relevant details pertaining to the foreigner's stay in the Republic.		
A written undertaking by the sending or receiving organ of state accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		

**Additional supporting documents in support of a business visa  
In respect of a business visa by a foreigner who intends to establish a business or invest in a business that is not established in the Republic**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that:—  (a) at least an amount in cash to be invested in the Republic.  (b) at least an amount in cash and a capital contribution as determined is available.  (c) Undertaking by the applicant that at least 60% of the total staff compliment employed in the operations of the business are or shall be citizens or permanent residents employed permanently in various positions.		

	Attached	
	Yes	No
An undertaking to register with the— (a) South African Revenue Service; (b) Unemployment Insurance Fund; (c) Compensation Fund for Occupational Injuries and Diseases; (d) Companies and Intellectual Properties Commission (CPIC); and (e) Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), where applicable.		
A letter of recommendation from the Department of Trade and Industry regarding— (a) The feasibility of the business; and (b) The contribution to the national interest of the Republic		
Police clearance		

**Additional supporting documents in respect of a business visa****In respect of a business visa by a foreigner who has established a business or invested in an existing business in the Republic**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that: (a) at least an amount in cash to be invested in the Republic; (b) proof that at least 60% of the total staff compliment employed in the operations of the business are or shall be citizens or permanent residents employed permanently in various positions.		

	Attached	
	Yes	No
Proof of registration with the— (a) South African Revenue Service; (b) Unemployment Insurance Fund; (c) Compensation Fund for Occupational Injuries and Diseases; (d) Companies and Intellectual Properties Commission (CIPC); and (e) Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), where applicable.		
A letter of recommendation from the Department of Trade and Industry regarding— (a) The feasibility of the business; and (b) The contribution to the national interest of the Republic.		
Financial statement in respect of the preceding financial year		
A partnership agreement		
A letter of confirmation from the Department of Labour, within 6 months of being issued with a visa, that 60% of the staff compliment employed in the operations of the business are citizens or permanent residents who are employed permanently		

**Additional supporting documents in respect of a medical treatment visa:**

	Attached	
	Yes	No
A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming— (a) That space is available at the medical institution; (b) The estimated costs of the treatment; (c) Whether or not the disease or ailment is curable; (d) Treatment schedule; and (e) The period and details of the treatment in the Republic.		

	Attached	
	Yes	No
Details of the person or institution responsible for the medical expenses and hospital fees. In the case where a medical scheme or employer is not liable for expenses incurred, proof of financial means to cover medical costs.		
The particulars of the persons accompanying the applicant		
A valid return ticket, where applicable		
Proof of sufficient financial means for the costs not related to the treatment.		

**Additional supporting documents in respect of a relative's visa:**

	Attached	
	Yes	No
Proof of kinship between the applicant and the citizen or permanent resident in the form of—  (a) Unabridged birth certificates; (b) A marriage certificate, if the applicant is the spouse of a citizen or permanent resident; or  (c) Proof of paternity, if the applicant is a dependent child of a citizen or permanent resident		
The financial assurance contemplated in section 18(1) of the Act: Provided that the financial assurance shall not be applicable where the applicant is a spouse or dependent child.		
Police clearance		

**Additional supporting documents in respect of a general work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		

	Attached	
	Yes	No
A certificate by the Department of Labour confirming that— (a) Despite diligent search, the prospective employer has been unable to find a suitable candidate with qualifications or skills and experience equivalent to those of the applicant; (b) The applicant has qualifications or proven skills and experience in line with the job offer; (c) The salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or employees occupying similar positions in the Republic; (d) A contract of employment stipulating the conditions of employment and signed by both the employer and the applicant in line with the labour standards, which is conditional upon approval of a general work visa; (e) Proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic was submitted, if required; and (f) Full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC).		
An undertaking by the employer to inform the Director-General should the applicant fail to comply with the Act, or is no longer in the employ of such employer, or is employed in a different capacity or role.		
If required by law, proof of registration with the relevant accredited professional body, council or board		

**Additional supporting documents in respect of a critical skills work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
Proof that the applicant falls within the critical skills category.		
A written confirmation from the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience.		
If required by law, proof of application for a certificate of registration with the relevant accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008).		
Proof of evaluation of the foreign qualifications by SAQA.		

**Additional supporting documents in respect of an intra-company transfer work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
Foreigner's contract of employment with company abroad.		
Letter from the company abroad confirming that the applicant shall be transferred to a branch of that company or an affiliated company situated in the Republic.		

	Attached	
	Yes	No
A letter from South African company confirming the transfer of the foreigner, as well as specifying the occupation and capacity in which the foreigner shall be employed.		
An undertaking from the employer that— (a) The foreigner shall only be employed in the specific position for which the visa has been issued; and (b) The foreigner will, at all times, comply with the provisions of the Act and that the Director-General will be informed immediately if there is reason to believe otherwise.		
Police clearance		

**Additional supporting documents in respect of a retired person visa:**

	Attached	
	Yes	No
Proof of a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the minimum amount per month.		
Police clearance		

**Additional supporting documents in respect of an exchange visa:**

**In respect of a learning institution in the Republic in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange programme:**

	Attached	
	Yes	No
Proof of a valid return air ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the deportation costs of the applicant, as the case may be		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998)		

	Attached	
	Yes	No
A letter from the Department of Basic Education, or Higher Education and Training, or the learning institution in the Republic confirming that it is responsible for organising or administering the existence of the programme, outlining the activities, terms and conditions and duration thereof, and accepting full responsibility for the student whilst he or she is in the Republic.		
A letter from the foreign state institution or learning institution of the foreign state confirming the particulars of the applicant, the applicant's enrolment with a learning institution abroad, and the date on which study shall commence.		
Police clearance		

**Additional supporting documents in respect of an exchange visa:**

**In respect of a programme of cultural, economic or social exchange, organised or administered by an organ of state or a learning institution, in conjunction with a learning institution or a foreign state institution:**

	Attached	
	Yes	No
Proof of a valid return air ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the deportation costs of the applicant, as the case may be.		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998)		
A letter from the organ of state or learning institution confirming the existence of the exchange programme; or		
A letter from the foreign institution confirming the enrolment of the applicant or the foreign state institution conducting the programme, as the case may be.		
Police clearance.		

(DHA-1740) **Form 9**

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

**APPLICATION FOR CHANGE OF CONDITIONS ON EXISTING VISA  
OR CHANGE OF STATUS  
[Section 10(6); Regulation 9(6)]**

**IMPORTANT**

I, \_\_\_\_\_ (*surname and name of applicant*), with passport number \_\_\_\_\_ declare that I understand that—

1. This application form and supporting documents must be submitted in person at a designated office of the Department;
2. Except in the case of medical treatment OR if the applicant is the spouse or dependent child of the holder of a business or work visa, the holder of a port of entry visa, visitor's visa and medical treatment visa may not apply for a change of conditions or status of an existing visa, unless he or she is in possession of a letter issued on behalf of the Minister of Home Affairs that good cause had been demonstrated for the submission of such an application;
3. An application for change of conditions or status of an existing visa will only be accepted if the application and relevant supporting documents are submitted at least 30 days before the expiry of the existing visa; and
4. An application for change of status does not grant me such status and does not entitle me to any benefits under the Immigration Act, including the right to sojourn in the Republic pending the decision in respect of the application.

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Signature of applicant

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Date

For official use only	BLOK:
Office of application:	
Date received:	Track & Trace Ref No.:
Submission quality checked by: .....	Regional file no.:
Persal number: .....	
Date: .....	
Passport checked/returned by: .....	Date received at Head Office: .....
Persal number: .....	
Date: .....	
Fee received by: .....	Approved/rejected by:.....
Persal number: .....	Persal number: .....
Receipt number: .....	Rank: .....
Date: .....	
Conditions of visa / Reason(s) for rejection: ..... ..... .....	

**PARTICULARS OF APPLICANT:**

Surname/Family name:	First name(s):	Date of birth:
Residential address in the Republic:		
Home Telephone No.:		
Work Telephone No.:		
Cellphone No.:		
E-mail address:		

**PASSPORT DETAILS:**

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

**DETAILS OF ORIGINAL VISA ISSUED TO YOU PRIOR TO OR ON ARRIVAL IN THE REPUBLIC OF SOUTH AFRICA:**

Date of entry:	Permit No:
Place of entry:	Date of expiry:
Purpose of entry:	

**DETAILS OF ANY SUBSEQUENT VISA ISSUED TO YOU OR THE MOST RECENT RENEWAL THEREOF:**

Type of visa:	
Issued at:	Reference number:
Date of issue/renewal:	
Date of expiry:	

**I HEREBY APPLY TO:**

**\*Delete which is not applicable**

- \* Change the status of my existing visa. (Provide details of the type of visa you require and the reason(s)); or
  - \* Change the conditions on my existing visa as follows. (Provide details)

Provide full details of your reason(s) for requesting the above-mentioned change of status or conditions (*attach page if space is not enough*):

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## **SECURITY AND HEALTH QUESTIONNAIRE**

Have you or any of your dependants accompanying you ever been convicted of any crime in any country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is a criminal/civil case pending against you or any of your dependants accompanying you in any country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you or any of your dependants suffering from tuberculosis, any other infectious or contagious disease or any mental or physical deficiency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you an unrehabilitated insolvent?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you ever been judicially declared incompetent?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you a member of or adherent to an association or organisation advocating the practice of social violence, or racial hatred?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Furnish full particulars if the reply to any of the above questions is in the affirmative:

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

**ADDITIONAL MATTERS YOU WISH TO BRING TO THE DEPARTMENT'S ATTENTION**

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.....  
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**DECLARATION BY APPLICANT**

1. I acknowledge that I understand the contents and implications of this application. I solemnly declare that the above particulars provided by me are true and correct.
2. All the documents in support of my application are attached.

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

.....  
Signature of applicant

**THE FOLLOWING ORIGINAL SUPPORTING DOCUMENTS MUST ACCOMPANY THE APPLICATION**

**In respect of all temporary residence visa applications, except medical treatment visas:**

	<b>Attached</b>	
	<b>Yes</b>	<b>No</b>
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
A yellow fever vaccination certificate, where applicable.		
A medical report.		
A radiological report.		
Unabridged birth certificate.		
Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable).		
The affidavit where a spousal relationship to a South African citizen or resident is applicable, as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.		
Divorce decree, where applicable.		
Court order granting full or specific parental responsibilities and rights, where applicable.		
Death certificate, in respect of late spouse, where applicable.		
Written consent from both parents and full parental responsibilities and rights parent, where applicable.		
Proof of adoption where applicable.		
Legal separation order, where applicable.		
Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where person resided one year or longer since having attained the age of 18.		

**Additional supporting documents in respect of a study visa:**

	Attached	
	Yes	No
An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course.		
An undertaking by the registrar of the learning institution to provide proof of registration of the learning institution as contemplated in the relevant legislation, within 30 days of registration.		
An undertaking by the registrar of the learning institution to submit to the Director-General— (a) a report on students who are no longer registered with such institution. (b) a notification when the student has completed his or her studies or wishes to extend such studies. (c) notification of failure to register, in the event of failure by any student to register by the closing date.		

In the case of a minor (i.e. a person under 18):		
(a) the particulars of the person, including a juristic person, residing in the Republic, who is, or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and		
(b) written consent for the intended stay from both parents or from the custodian parent, along with proof of sole custody in the latter case.		
(c) an unabridged birth certificate.		
(d) a copy of the identity document or valid passport and visa or permit, as the case may be.		
(e) proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and		
(f) proof of consent for the intended stay from both parents or, where applicable, from the custodian parent or legal guardian, who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner.		
In the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant.		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998).		
an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study		
Proof of sufficient financial means.		
Police clearance		

**Additional supporting documents in respect of a treaty visa:**

	Attached	
	Yes	No
A letter from the relevant organ of state which is party to the treaty attesting to—  (f) the nature of the programme;  (g) participation of the foreigner in the specified programme; and (h) the type of activities the foreigner is expected to perform and the duration thereof. (i) Accommodation of the foreigner. (j) Any other relevant details pertaining to the foreigner's stay in the Republic.		
A written undertaking by the sending or receiving organ of state accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		

**Additional supporting documents in support of a business visa  
In respect of a business visa by a foreigner who intends to establish a business or invest in a business that is not established in the Republic**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that:—  (d) at least an amount in cash to be invested in the Republic. (e) at least an amount in cash and a capital contribution as determined is available.  (f) Undertaking by the applicant that at least 60% of the total staff compliment employed in the operations of the business are or shall be citizens or permanent residents employed permanently in various positions.		

	Attached	
	Yes	No
An undertaking to register with the— (f) South African Revenue Service; (g) Unemployment Insurance Fund; (h) Compensation Fund for Occupational Injuries and Diseases; (i) Companies and Intellectual Properties Commission (CPIC); and (j) Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), where applicable.		
A letter of recommendation from the Department of Trade and Industry regarding— (c) The feasibility of the business; and (d) The contribution to the national interest of the Republic		
Police clearance		

**Additional supporting documents in respect of a business visa****In respect of a business visa by a foreigner who has established a business or invested in an existing business in the Republic**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that: (c) at least an amount in cash to be invested in the Republic; (d) proof that at least 60% of the total staff compliment employed in the operations of the business are or shall be citizens or permanent residents employed permanently in various positions.		

	Attached	
	Yes	No
Proof of registration with the— (f) South African Revenue Service; (g) Unemployment Insurance Fund; (h) Compensation Fund for Occupational Injuries and Diseases; (i) Companies and Intellectual Properties Commission (CIPC); and (j) Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), where applicable.		
A letter of recommendation from the Department of Trade and Industry regarding— (c) The feasibility of the business; and (d) The contribution to the national interest of the Republic.		
Financial statement in respect of the preceding financial year		
A partnership agreement		
A letter of confirmation from the Department of Labour, within 6 months of being issued with a visa, that 60% of the staff compliment employed in the operations of the business are citizens or permanent residents who are employed permanently		

**Additional supporting documents in respect of a medical treatment visa:**

	Attached	
	Yes	No
A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming— (f) That space is available at the medical institution; (g) The estimated costs of the treatment; (h) Whether or not the disease or ailment is curable; (i) Treatment schedule; and (j) The period and details of the treatment in the Republic.		

	Attached	
	Yes	No
Details of the person or institution responsible for the medical expenses and hospital fees. In the case where a medical scheme or employer is not liable for expenses incurred, proof of financial means to cover medical costs.		
The particulars of the persons accompanying the applicant		
A valid return ticket, where applicable		
Proof of sufficient financial means for the costs not related to the treatment.		

**Additional supporting documents in respect of a relative's visa:**

	Attached	
	Yes	No
Proof of kinship between the applicant and the citizen or permanent resident in the form of—		
(d) Unabridged birth certificates;		
(e) A marriage certificate, if the applicant is the spouse of a citizen or permanent resident; or		
(f) Proof of paternity, if the applicant is a dependent child of a citizen or permanent resident		
The financial assurance contemplated in section 18(1) of the Act: Provided that the financial assurance shall not be applicable where the applicant is a spouse or dependent child.		
Police clearance		

**Additional supporting documents in respect of a general work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		

	Attached	
	Yes	No
A certificate by the Department of Labour confirming that— (a) Despite diligent search, the prospective employer has been unable to find a suitable candidate with qualifications or skills and experience equivalent to those of the applicant; (b) The applicant has qualifications or proven skills and experience in line with the job offer; (c) The salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or employees occupying similar positions in the Republic; (d) A contract of employment stipulating the conditions of employment and signed by both the employer and the applicant in line with the labour standards, which is conditional upon approval of a general work visa; (e) Proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic was submitted, if required; and (f) Full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC).		
An undertaking by the employer to inform the Director-General should the applicant fail to comply with the Act, or is no longer in the employ of such employer, or is employed in a different capacity or role.		
If required by law, proof of registration with the relevant accredited professional body, council or board		

**Additional supporting documents in respect of a critical skills work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
Proof that the applicant falls within the critical skills category.		
A written confirmation from the accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience.		
If required by law, proof of application for a certificate of registration with the relevant accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008).		
Proof of evaluation of the foreign qualifications by SAQA.		

**Additional supporting documents in respect of an intra-company transfer work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
Foreigner's contract of employment with company abroad.		
Letter from the company abroad confirming that the applicant shall be transferred to a branch of that company or an affiliated company situated in the Republic.		

	Attached	
	Yes	No
A letter from South African company confirming the transfer of the foreigner, as well as specifying the occupation and capacity in which the foreigner shall be employed.		
An undertaking from the employer that— (a) The foreigner shall only be employed in the specific position for which the visa has been issued; and (b) The foreigner will, at all times, comply with the provisions of the Act and that the Director-General will be informed immediately if there is reason to believe otherwise.		
Police clearance		

**Additional supporting documents in respect of a retired person visa:**

	Attached	
	Yes	No
Proof of a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the minimum amount per month.		
Police clearance		

**Additional supporting documents in respect of an exchange visa:**

**In respect of a learning institution in the Republic in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange programme:**

	Attached	
	Yes	No
Proof of a valid return air ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the deportation costs of the applicant, as the case may be		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998)		

	Attached	
	Yes	No
A letter from the Department of Basic Education, or Higher Education and Training, or the learning institution in the Republic confirming that it is responsible for organising or administering the existence of the programme, outlining the activities, terms and conditions and duration thereof, and accepting full responsibility for the student whilst he or she is in the Republic.		
A letter from the foreign state institution or learning institution of the foreign state confirming the particulars of the applicant, the applicant's enrolment with a learning institution abroad, and the date on which study shall commence.		
Police clearance		

**Additional supporting documents in respect of an exchange visa:**

**In respect of a programme of cultural, economic or social exchange, organised or administered by an organ of state or a learning institution, in conjunction with a learning institution or a foreign state institution:**

	Attached	
	Yes	No
Proof of a valid return air ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the deportation costs of the applicant, as the case may be.		
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998)		
A letter from the organ of state or learning institution confirming the existence of the exchange programme; or		
A letter from the foreign institution confirming the enrolment of the applicant or the foreign state institution conducting the programme, as the case may be.		
Police clearance.		

(DHA-1739) Form 10



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

**APPLICATION FOR RENEWAL OF EXISTING VISA**

**[Section 10(7); Regulation 9(9)]**

For official use only	Track & Trace Ref No:	BLOK:
Office of application	File No:	
Date received:	Date forwarded to Head Office:	Remarks:
Submission quality checked by:  .....	Date received at Head Office:  .....	
Passport checked and returned by ..... Date: ..... Persal number: .....	Decision ..... Date: ..... Persal number: .....	
Receipt no for fee paid		

Conditions of visa / reason(s) for refusal:

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

**IMPORTANT:**

**An application for the renewal of a visa must be submitted in person at least 30 days prior to the expiry date of the existing visa.**

**PARTICULARS OF APPLICANT:**

Surname/Family name:	First name(s):	Date of birth:
Residential address in the Republic:	..... ..... .....	
Telephone No.:		
Home Telephone No.:		
Cellphone No.:		
E-mail address:		

**PASSPORT DETAILS:**

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

**DETAILS OF ORIGINAL VISA, AS ISSUED TO YOU PRIOR TO OR ON ARRIVAL IN SOUTH AFRICA:**

Date of entry:	Visa No:	Type of visa
Place of entry:	Date of expiry:	
Purpose of entry:		

**DETAILS OF ANY SUBSEQUENT VISA ISSUED TO YOU, OR THE MOST RECENT RENEWAL THEREOF:**

Type of visa:	Issued at:
Date of issue/renewal:	Date of expiry:

A visa is required until ..... (*date*) for purposes of ..... (*state reason(s) for request*).

The relevant documents in support of your application for the renewal of an existing visa must be attached.

**DECLARATION BY APPLICANT**

I acknowledge that I understand the content of this application and solemnly declare that the above particulars provided by me are true and correct.

.....  
Signature of applicant

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

**THE FOLLOWING DOCUMENTS MUST ACCOMPANY AN APPLICATION FOR THE RENEWAL OF AN EXISTING VISA**

**In respect of the renewal of a port of entry visa**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic.		
Proof of sufficient financial means.		
Proof of a valid return or onward ticket or purchase of ticket.		
Where the applicant is attending an activity or event, a letter from the organisation under whose control the activity or event is taking place		

**In respect of the renewal of a visitor's visa for a period not exceeding three months**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
A statement or documentation detailing the purpose and duration of the visit		
Proof of a valid return or onward ticket or purchase of ticket.		
Proof of sufficient financial means		

**In respect of the renewal of a visitor's visa for a period exceeding three months**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
A medical report.		
A radiological report.		
Proof of a valid return or onward ticket or purchase of ticket.		
Proof of sufficient financial means.		

	Attached	
	Yes	No
In respect of an application by a person who is the spouse or dependent child of the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22 of the Act, a certified copy of such holder's visa and a written undertaking of financial responsibility for the applicant.		
In respect a teacher at an international school, a contract of employment signed by the employer and the applicant and a written undertaking of financial responsibility for the applicant.		
In respect of a person involved in the production of a film or advertisement in the Republic, documentation confirming such production and the duration thereof.		
In respect of a foreign journalist seconded to the Republic by a foreign news agency, documentation confirming such secondment and the duration thereof.		
In respect of a visiting professor or lecturer, an invitation from the host in the Republic.		
In respect of artists who wish to write, paint or sculpt, documentation confirming the activity to be undertaken and the duration thereof.		
In respect of a person involved in the entertainment industry who are travelling through The Republic to perform, confirmation thereof by the host in The Republic.		
In respect of a tour leader or host of a tour, a contract of employment signed by the employer and the applicant and a written undertaking of financial responsibility for the applicant.		
In respect of a foreigner who is required to stay in the Republic in order to testify as a state witness in a criminal court case, a written request signed by the Provincial Police Commissioner.		

**In respect of the renewal of a study visa:**

An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course.
An undertaking by the registrar of the learning institution to provide proof of registration of the learning institution as contemplated in the relevant legislation, within 30 days of registration.

An undertaking by the registrar of the learning institution to submit to the Director-General— (a) a report on students who are no longer registered with such institution. (b) a notification when the student has completed his or her studies or wishes to extend such studies. (c) notification of failure to register, in the event of failure by any student to register by the closing date.
In the case of a minor (i.e. a person under 18): (a) the particulars of the person, including a juristic person, residing in the Republic, who is, or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and (b) written consent for the intended stay from both parents or from the custodian parent, along with proof of sole custody in the latter case.  (c) an unabridged birth certificate. (d) a copy of the identity document or valid passport and visa or permit, as the case may be. (e) proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and (f) proof of consent for the intended stay from both parents or, where applicable, from the custodian parent or legal guardian, who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner.
In the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant.
Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998).
an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study
Proof of sufficient financial means.
Police clearance

**In respect of the renewal of a treaty visa:**

	Attached	
	Yes	No
A letter from the organ of state which is party to the treaty attesting to— (a) the nature of the programme; (b) continued participation of the foreigner in the programme; and (c) the type of activities the foreigner is expected to continue to perform and the duration thereof.		
A written undertaking by the sending or receiving organ of state accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		

**In respect of the renewal of a business visa**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that— (a) the original cash investment into the book value of the business is still so invested; (b) proof that at least 60% of the total staff compliment employed in the operations of the business are citizens or permanent residents employed permanently in various positions.		
Proof of registration with the— (a) South African Revenue Service; (b) Unemployment Insurance Fund; (c) Compensation Fund for Occupational Injuries and Diseases; (d) Companies and Intellectual Properties Commission (CIPC); and (e) Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), where applicable.		

	Attached	
	Yes	No
A letter of recommendation from the Department of Trade and Industry regarding-		
(a) the continued feasibility of the business; and		
(b) the contribution to the national interest of the Republic		
Financial statement in respect of the preceding financial year		
A letter of confirmation from the Department of Labour that 60% of the staff compliment employed in the operations of the business are citizens or permanent residents who are employed permanently		

**In respect of the renewal of a medical treatment visa:**

	Attached	
	Yes	No
A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming-		
(a) That space is still available at the medical institution for the continued treatment of the applicant;		
(b) The estimated costs of the continued treatment; and		
(c) The period and details of the continued treatment in the Republic.		
Details of the person or institution responsible for the medical expenses and hospital fees. In the case where a medical scheme or employer is not liable for expenses incurred, proof of financial means to cover medical costs.		
The particulars of the persons accompanying the applicant		
A valid return ticket, where applicable		
Proof of sufficient financial means for the costs not related to the treatment.		

**In respect of the renewal of a relative's visa:**

	Attached	
	Yes	No
Proof of kinship between the applicant and the citizen or permanent resident in the form of-		
(a) Unabridged birth certificates;		
(b) A marriage certificate, if the applicant is the spouse of a citizen or permanent resident; or		
(c) Proof of paternity, if the applicant is a dependent child of a citizen or permanent resident		
The financial assurance contemplated in section 18(1) of the Act: Provided that the financial assurance shall not be applicable where the applicant is a spouse or dependent child.		
Police clearance		

**In respect of the renewal of a general work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
A certificate by the Department of Labour confirming that-		
(a) The applicant continues to be employed in line with the labour standards;		
(b) A contract of employment stipulating the conditions of employment and signed by both the employer and the applicant; and		
(c) Full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC) was provided.		

	Attached	
	Yes	No
An undertaking by the employer to inform the Director-General should the applicant not comply with the Act, or is no longer in the employ of such employer, or is employed in a different capacity or role.		
If required by law, proof of registration with the relevant accredited professional body, council or board		
Police clearance		

**In respect of the renewal of a critical skills work visa:**

	Attached	
	Yes	No
A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary		
A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
A copy of the existing critical skills visa as proof that the applicant still falls within the critical skills category.		
If required by law, proof of registration with the relevant accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008)		
Police clearance		

**In respect of the renewal of a retired person visa:**

	Attached	
	Yes	No
Proof of a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the minimum amount per month.		
Police clearance		

(DHA-84) Form 11



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

**APPLICATION FOR PORT OF ENTRY VISA OR TRANSIT VISA**

[Section 7(1)(g) read with section 10A and 10B; Regulation 8(1)]

**NB: A SEPARATE APPLICATION FORM MUST BE COMPLETED IN RESPECT OF EACH ACCOMPANYING FAMILY MEMBER.**

**PERSONAL PARTICULARS**

Surname:									
First names ( <i>in full</i> ):									
Maiden name:									
Previous surname(s):									
Date of birth:	Y	Y	Y		M	M	D		Country of birth:
Gender ( <i>write in full</i> )									
Nationality:					If acquired by naturalisation, state original nationality:				
Where and when was present nationality obtained:									

Passport/Travel Document Number:  _____  Type of document: Diplomatic/Official/Ordinary Passport/Travel document/other ( <i>specify</i> )  _____		Issuing authority: _____  Date of expiry: _____								
Permanent residential address in country of normal residence  _____  _____										
Period resident at this address: .....										
Country of permanent residence:  .....  .....  .....		Telephone number: (.....) .....  Home telephone No.:.....  Cellphone No.:.....  E-mail address:.....								
Period resident in that country: .....										
Occupation or profession: .....										
Name of Employer, University Organisation:.....  Address: .....										
.....  Telephone No.:..... Fax No.: .....										
If self-employed, state name, address, telephone no. and nature of business:  Name of business: .....										
Address: .....										
Telephone No.:..... Fax No.: .....										
Marital status:	Never married	<input type="checkbox"/>	Married	<input type="checkbox"/>	Widowed	<input type="checkbox"/>	Separated	<input type="checkbox"/>	Divorced	<input type="checkbox"/>

First name(s) of spouse:										
Maiden name										
Date and place of marriage										
	Y	Y	Y	Y	M	M	D	D		
Date of birth of spouse:									Nationality.....	

**VISIT TO SOUTH AFRICA**

Expected date of arrival in the Republic: YY ..... MM ..... DD.

Place of arrival: ..... Purpose of visit: .....

Duration of stay (months, weeks or days) .....

Number of entries required:

Single	
Two	
Multiple	

Proposed residential address (physical) in the Republic, including the full name(s) of your host or hotel:

Residential (physical) Address in the Republic: .....

Name of Host or Hotel: .....

Telephone of Host or Hotel: .....

Names of Organisations or persons you will be contacting during your stay in the Republic:

Name	Address	Relationship

Identity document number or permanent residence permit number of South African host, where applicable: .....			
<i>Indicate by means of an X whichever is applicable</i>			
Have you at any time applied for a permit to settle permanently in the Republic?	Yes	No	
Have you ever been restricted or refused entry into the Republic?	Yes	No	
Have you ever been deported from or ordered to leave the Republic?	Yes	No	
Have you ever been convicted of any crime in any country?	Yes	No	
Is a criminal action pending against you in any country?	Yes	No	
Are you an unrehabilitated insolvent?	Yes	No	
Are you suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency?	Yes	No	
Have you ever been judicially declared incompetent?	Yes	No	
Are you a member of, or adherent to an association or organisation advocating the practice of social violence or racial hatred or are you or have you been a member of an organisation or association utilizing crime or terrorism to pursue its ends?	Yes	No	
Give particulars if reply to any of the questions above is in the affirmative:  ..... ..... ..... ..... ..... .....			
<b>In the case of an official visit, submission of a <i>Note Verbale</i>.</b>			

**In the case of a diplomatic placed in the Republic, proof of placement.**

**To be completed only by passengers in transit to another country:**

Destination after leaving the Republic: .....

Mode of travel to destination: .....

Intended date and port of departure from the Republic to that destination: .....

Do you hold a visa or permit for temporary or permanent residence in the country of your destination? (Proof must be submitted).....

I \_\_\_\_\_ (surname and name of applicant) declare that

- the above details provided by me are true in substance and in fact and that I fully understand the meaning thereof;
- I understand that should my port of entry visa / transit visa / visitor's visa be approved, I would not be allowed to change my purpose of visit whilst in the Republic;
- I understand that if I need to extend my stay in the Republic for whatever reason, that such an application will only be accepted if it is submitted at least 30 days prior to the expiry date of my current visa; and
- I understand that if I depart from the Republic after the expiry date of my visa, that I would be declared an undesirable person and that I would not qualify for a visa or admission into the Republic for a period of at least \_\_\_\_\_.

Signature of applicant

Date

**FOR OFFICIAL USE**

Approved/not approved by ..... on .....	Type of visa: .....	Reasons for decision: .....
-----------------------------------------------	------------------------	--------------------------------

**DOCUMENTATION TO BE SUBMITTED IN SUPPORT OF A VISA NOT EXCEEDING A PERIOD OF THREE MONTHS**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
Proof of sufficient financial means		
Proof of a valid return or onward ticket or purchase of ticket.		
Documentation outlining the purpose and duration of the visit, or a written invitation by the host(s) in the Republic, as the case may be.		
Where the applicant is attending an activity or event, a letter from the organisation under whose control the activity or event is taking place		
In respect of a dependent child accompanying the applicant to or joining the applicant in the Republic—		
(a) In the case of a child subject to parental responsibilities and rights or legal guardianship, proof of such parental responsibilities and rights or legal guardianship; or		
(b) In the case of a minor accompanied by one parent or legal guardian, written consent in the form of letter or affidavit from the other parent or guardian, as the case may be.		
In respect of medical treatment for a period not exceeding three months—		
(a) A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming—		
(i) that space is available at the medical institution;		
(ii) the estimated costs of the treatment;		
(iii) whether or not the disease or ailment is curable;		
(iv) treatment schedule; and		
(v) the period and details of the treatment in the Republic.		
(b) Details of the person or institution responsible for the medical expenses and hospital fees. In the case where a medical scheme or employer is not liable for expenses incurred, proof of financial means to cover medical costs.		
(c) The particulars of the persons accompanying the applicant		
(d) A valid return ticket, where applicable		
(e) Proof of sufficient financial means for the costs not related to the treatment.		

	Attached	
	Yes	No
In respect of studies for a period not exceeding three months—		
(a) An undertaking by the registrar of the learning institution to provide proof of registration of the learning institution as contemplated in the relevant legislation, within 30 days of registration. (b) An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course. (c) An undertaking by the registrar of the learning institution to submit to the Director-General—  (c) A report on students who are no longer registered with such institution. (d) A notification when the student has completed his or her studies or wishes to extend such studies. (e) A notification of failure to register, in the event of failure by any student to register by the closing date.		
In respect of short-term work to be undertaken in the Republic, a letter from the employer stipulating—		
(a) the special need or urgency for the required work to be done; (b) the limited duration of the work to be done; and (c) the location of the work to be done.		

**DOCUMENTATION TO BE SUBMITTED IN SUPPORT OF A VISITOR'S VISA APPLICATION FOR A PERIOD EXCEEDING THREE MONTHS**

	Attached	
	Yes	No
Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic		
A yellow fever vaccination certificate, where applicable.		
A medical report.		
A radiological report.		
Unabridged birth certificate.		

	Attached	
	Yes	No
Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable).		
In respect of the spouse of a citizen or permanent resident who wishes to take up employment, a contract of employment signed by both the employer and the applicant.		
The affidavit where a spousal relationship to a South African citizen or resident is applicable, as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.		
Divorce decree, where applicable.		
Court order granting full or specific parental responsibilities and rights, where applicable.		
Death certificate, in respect of late spouse, where applicable.		
Written consent from both parents and court order granting full parental responsibilities and rights parent, where applicable.		
Proof of legal adoption where applicable.		
Legal separation order, where applicable.		
Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where person resided one year or longer since having attained the age of 18.		
A yellow fever vaccination certificate.		
Proof of academic sabbatical, where applicable.		
Proof of voluntary or charitable activities to be undertaken, where applicable		
Proof of research to be undertaken, where applicable		
In respect of an application by a person who is the spouse or dependent child of the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22 of the Act, a certified copy of such holder's visa and a written undertaking of financial responsibility for the applicant.		
In respect a teacher at an international school, a contract of employment signed by the employer and the applicant and a written undertaking of financial responsibility for the applicant.		
In respect of a person involved in the production of a film or advertisement in the Republic, documentation confirming such production and the duration thereof.		
In respect of a foreign journalist seconded to the Republic by a foreign news agency, documentation confirming such secondment and the duration thereof.		

	Attached	
	Yes	No
In respect of a visiting professor or lecturer, an invitation from the host in the Republic.		
In respect of artists who wish to write, paint or sculpt, documentation confirming the activity to be undertaken and the duration thereof.		
In respect of a person involved in the entertainment industry who would be travelling through the Republic to perform, confirmation thereof by the host in the Republic		
In respect of a tour leader or host of a tour, a contract of employment signed by the employer and the applicant and a written undertaking of financial responsibility for the applicant.		

(DHA-1712A) Form 12



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

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT SPOUSAL RELATIONSHIP**

[Section 7(1)(g), read with sections 11(6) and 26(b); Regulations 3(2) and (4)]

**PART A**

**TO BE COMPLETED IN THE CASE OF INITIAL APPLICATION:**

Particulars of citizen / permanent resident / foreigner\*

Surname: .....	Gender:	<input type="checkbox"/>							
First name(s):.....									
Residential address: ..... ..... .....									
Identity No.	<input type="checkbox"/>								
Or:									
Passport No.: .....	Nationality: .....	Date of birth: .....							
Date of first entry into the Republic: ..... Type of permit: .....									
Date of expiry of permit: .....									

Particulars of foreigner

Surname: .....	Gender:	<input type="checkbox"/>							
First name(s): .....									

Residential address: .....

Passport No: ..... Date of birth: ..... Place of birth: .....

Nationality: ..... Date of first entry into the Republic: .....

Type of visa / permit held: ..... Date of expiry: .....

I, ..... (first name(s) and surname) being an \*unmarried/divorced/widowed person and..... (first name(s) and surname) being an \*unmarried/divorced/widowed person do hereby \*make oath and say/hereby solemnly affirm that we are parties to a \*homosexual/heterosexual spousal relationship for the past ..... years ..... months which is intended to be permanent and to the exclusion of any other person from our relationship. Our relationship involves cohabitation and a reciprocal obligation to support one another emotionally and financially. Neither of us are party to a marriage or spousal relationship with any other person.

To substantiate our relationship we attach documentation proving cohabitation and the extent to which the related financial responsibilities are shared by us.

We are the parents of the following children:

Name of child	Date of birth	Name of mother of child	Name of father of child

We agree to submit an affidavit confirming the existence of our relationship after two years from the date of issue of the visa or permit and undertake to inform the Director-General in writing as soon as our spousal relationship cease to exist

.....  
**Signature of citizen/ permanent resident      Signature of foreign spouse  
or foreigner**

Thus signed and \*sworn/solemnly affirmed before me on this ..... day of ..... 20.....

.....  
**Commissioner of Oaths**

First name(s): .....

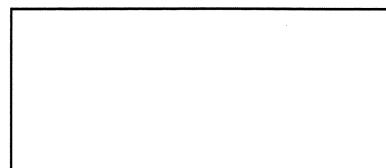
Surname: .....

Capacity: .....

Place: .....

**\*Delete which is not applicable**

**OFFICE STAMP**



DHA-1712A) **Form 12**

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

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT SPOUSAL RELATIONSHIP**

[Section 7(1)(g), read with sections 11(6) and 26(b); Regulations 3(2) and (4)]

**PART B**

**TO BE COMPLETED IN ORDER TO DEMONSTRATE THAT THE SPOUSAL  
RELATIONSHIP CONTINUES TO EXIST TWO YEARS AFTER THE ISSUANCE OF THE  
VISA OR PERMIT**

Particulars of \*citizen/permanent resident/foreigner on a temporary residence permit

Surname: .....	Gender:							
First name(s): .....								
Residential address: .....								
.....								
Identity No								
Or:								
Passport No: .....	Nationality: .....	Date of birth: .....						
Date of first entry into the Republic: .....			Type of permit: .....					
Date of expiry: .....								

## Particulars of foreigner

Surname: .....	Gender:						
First name(s): .....							
Residential address: .....							
Passport No: .....		Date of birth: .....	Place of Birth: .....				
Nationality: .....			Date of first entry into the Republic: .....			Type of permit held: .....	
Date of expiry: .....							

I, ..... (*name and surname*) being an \*unmarried/divorced/widowed person and ..... (*name and surname*) being an \*unmarried/divorced/widowed person do hereby \*make oath and say/herby solemnly affirm that on ..... (*date*) we deposed to an affidavit confirming that we are parties to a spousal relationship. We are not married and the spousal relationship mentioned in the preceding paragraph still subsists with all the characteristics mentioned in Part A of this Form.

We are the parents of the following children:

Name of child	Date of birth	Name of mother of child	Name of father of child

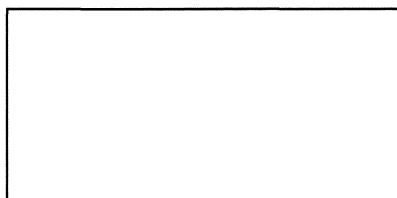
.....  
.....  
**Signature of spouse**

.....  
.....  
**Signature of spouse**

Thus signed and \*sworn/solemnly affirmed before me on this .... day of .....  
20.....

.....  
.....  
**Commissioner of Oaths**

First name(s): .....  
Surname: .....  
Capacity: .....  
Place: .....  
**\*Delete which is not applicable**



(DHA-1743) Form 13



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

**APPLICATION FOR CORPORATE VISA  
[Section 7(1)(g) read with section 21; Regulation 20(1)]**

**For official use only**

Office:	BLOK:
Date received:	File No.:
Application received and checked for compliance on ...../...../..... ( <i>date</i> ) by ..... ( <i>initials and surname</i> ). Persal .....	
Application fee: R	Receipt no.
Application processed on ...../...../.... ( <i>date</i> ) by ..... ( <i>initials and surname</i> ). Persal No.:..... Appointment no. ....	
Recommendation:	
Decision:	
Reason(s) for decision:	
Number of corporate worker authorisation certificates authorised:	

**Note: Form to be completed in full and fields marked (\*) are compulsory and should the information not be provided, the application will not be considered.**

**BACKGROUND DETAILS OF CORPORATE APPLICANT TO EMPLOY FOREIGNERS**

Name of Company: .....

*Registration No.:.....	*Tax reference number:.....		
Contact person: Name and surname.....			
Identity No. ....	Capacity:.....		
Cell phone No.:.....	Tel No.:.....		
Fax No.: .....	E-mail address:.....		
Residential address ( <i>not work address</i> ):..... .....			
Company's physical address: ..... ..... .....	Company's postal address: ..... ..... .....		
If a subsidiary, name of principal company and its physical address:..... .....			
Nature of business conducted: .....	Total no. of workers employed currently: .....		
<i>Citizens (.....) and Foreigners (.....)</i>			
<b>THE ABOVE-MENTIONED COMPANY OR ORGANISATION HEREBY APPLIES FOR A CORPORATE VISA TO EMPLOY FOREIGNERS</b>			
Type of position:.....	No of workers required:.....		
Type of position:.....	No of workers required:.....		
Type of position:.....	No of workers required:.....		
<b>REQUIREMENTS</b>			
Corroborated representation demonstrating the need to employ the requested number of foreigners in the job descriptions set out under 2 above, the number of citizens and permanent residents employed and their positions.	Yes	No	Comments: ..... ..... ..... .....

An undertaking to comply, at all times, with the provisions of the Act, the Regulations and the conditions of the visa.	Yes	No	Comments: ..... ..... ..... .....
Cash deposits or guarantees.	Yes	No	
<i>Pro forma</i> type of employment contract ( <i>to be certified for adherence to basic conditions of employment</i> ).	Yes	No	

**UNDERTAKING BY CORPORATE APPLICANT**

I, ..... (*name(s) and surname*)  
with identity number ....., in my capacity as .....  
of the abovementioned company, undertake to abide by the terms and conditions of the visa  
should it be issued to me and to comply with the provisions and objectives of the Act.

I solemnly declare that I am authorised to make this application and to accept the obligations  
it involves on behalf of the aforesaid company.

I declare that the information contained in this application is true and correct and undertake  
to—

- (a) accept full responsibility for the foreigners to be employed;
- (b) inform the Department if any such foreigner is no longer in compliance with the Act, no  
longer employed by the company or employed is in a different capacity, prior to  
occupying such different capacity;
- (c) accept responsibility for the removal of any foreigner employed in terms of this visa to his  
or her country of origin or residence, as the case may be, on expiry of his or her contract  
or cancellation of this visa or corporate worker authorisation certificate.

I declare that none of the foreigners to be employed are not presently in the Republic and  
are not prohibited persons in terms of the Act.

I understand that the corporate visa issued to me may be terminated in case of breach of this  
undertaking and any other conditions not complied with.

.....  
**Signature**

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

(DHA-1718) **Form 14**

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

**CORPORATE VISA**

**[Section 7(1)(g) read with section 21(1); Regulation 20(4)(a)]**

Departmental reference number:.....	
Name of corporate visa holder:.....	
Company's physical address: ..... ..... ..... ..... .....	Contact person: Initials and surname..... Capacity:..... Cell phone No. .... Tel No.:..... Fax No.: .....
E-mail address:.....	

In terms of section 21 of the Act, the abovenamed corporate visa holder is hereby authorised to issue a total of ..... corporate worker authorisation certificates.

<b>FOR OFFICIAL USE ONLY</b>					
Period of validity (in line with regulation 20(5)(a))	Authorisation certificate numbers				
		..... Signature of issuing officer			
		Appointment No. .... .....			
		Date: .....			

<b>Employment requirements</b>					
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	

The duration of employment commences on the date of the worker's first entry into the Republic and relates to the period this visa is in force. This visa cannot be used to employ subsequent workers after having employed the specified number. Furthermore, the period of validity of the worker authorisation certificates will be in line with the validity period of this visa.

\*In the case of seasonal workers, such workers may be employed from ..... to ..... (*date*).

\*In the case of workers employed in accordance with an agreement with a foreign state referred to in section 21(4)(b) of the Act, those workers must be citizens of the Republic of ..... (*country*)

The abovementioned worker(s) must be admitted at ..... port of entry.

.....  
**For Director-General**

.....  
**Date**

\*Delete which is not applicable

*Official stamp*

(DHA-1733) Form 15



DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA

CORPORATE WORKER AUTHORISATION CERTIFICATE  
[Section 7(1)(g); Regulation 20(4)(b)]

CERTIFICATE NO.: .....

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 corporate worker certificate valid for .....years (*period linked to validity of corporate visa*), from .....to .....as a corporate worker to be employed by ....., hereinafter referred to as the **CORPORATE EMPLOYER**.

**Details of corporate worker**

First Names: .....  
Surname: ..... Date of birth: .....  
Gender ..... Passport No.....  
Nationality:..... Country of birth.....  
Telephone No.: ..... Cell phone No.:.....  
Current occupation: .....  
Occupation with Corporate Employer:.....

**Details of Corporate Employer**

Contact person: .....

Telephone No.: ..... Cell

phone:.....

Position:.....

Division:.....

Signature:..... Date:.....

On receipt of a corporate worker certificate the **CORPORATE WORKER** shall return this authorisation certificate to the **CORPORATE EMPLOYER** for safekeeping with the **CORPORATE WORKER'S** employment records.

The validity of this authorisation certificate is subject to the following conditions:

- (a) The corporate worker is authorised to work only for the corporate employer within the company mentioned in the corporate visa and not any other corporate employer, and the corporate worker is not authorised to engage in any other form of employment or self-employment;
- (b) the corporate employer and corporate worker undertake to ensure that the corporate worker is at all times in possession of a valid passport in accordance with regulation 2, which is not less than 30 days after the period of the intended stay;
- (c) the corporate employer undertakes to immediately notify the Department if the employer has reason to believe that the corporate worker is no longer in compliance with section 21(1)(a)(i) of the Act or when the corporate worker has left its employ;
- (d) the corporate employer ensures the departure of the corporate worker from the Republic on completion of his or her tour of duty;
- (e) the corporate authorisation certificate cannot be exchanged for or used to employ another corporate worker once it is issued to a specific individual; and
- (f) the corporate worker employed in terms of an inter-governmental agreement or for seasonal labour may not renew his or her corporate worker certificate or apply for a change of status in the Republic.



*Official stamp*

**DIRECTOR-GENERAL****Notification to Department upon termination of employment contract**

To: Director-General  
Department of Home Affairs

It is hereby confirmed that the **CORPORATE WORKER**, .....

..... (*name and surname*), with passport no. ..... and authorisation certificate no. ....,

- \*(a) has departed from the Republic;
- \*(b) has changed his or her status or is no longer in compliance with the Act because .....

- ..
- \*(c) is unfit for duty for the remainder of the period of the employment contract; or
- \*(d) is deceased.

.....  
**Signature of Corporate Employer**

.....  
**Place**

.....  
**Date**

Surname: .....

Name(s):.....

Designation:.....

*Official stamp of Corporate  
Employer*

(DHA-1758) **Form 16**

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

**PROGRESS REPORT BY ORGAN OF STATE OR LEARNING INSTITUTION  
REGARDING EXCHANGE PROGRAMME**

**[Section 7(1)(g) read with section 22(a); Regulation 21(3)]**

Name of Organ of State/ Learning Institution: .....

Business address of Organ of State/Learning Institution: .....

Telephone no.: ..... Fax no.: .....

..... Contact person: .....

Designation: .....

I hereby report that the exchange programme \*has been completed/is ongoing.

During the calendar year of ..... (year), ..... (number) foreigners participated in the programme in the Republic.

**Note:** Details regarding the name(s) and surname, date of birth and passport number of the foreigner, the type of programme attended by the foreigner and the country from which the foreigner lodged his or her application, should be provided on a separate page.

**Note:** Attach proof of medical cover in the Republic.

During the year the following foreign participants failed to complete the exchange programme:

Name	Date of birth	Passport No.

The reasons for the failure to complete the exchange programme are as follows (*provide reason for each person*):

Surname and initials	Reason(s)

.....  
**Signature of designated person**

.....  
**Date**

\_\_\_\_\_  
**(Rank/Designation)**

(DHA-1732) Form 17



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

**ASYLUM TRANSIT VISA**

[Section 7(1)(g) read with section 23(1); Regulation 22]

**To be completed at a Port of Entry or any other place designated by the Director-General by a person who declares his or her intention to apply for asylum in terms of the Refugees Act, 1998. To be completed in black ink with BLOCK LETTERS**

**PART A**

**PERSONAL DETAILS OF APPLICANT**

Surname/ Family name												
Name(s) in full												
Date of Birth	C	C	Y	Y	M	M	D	D				
Passport No.									(Where applicable)			
Identity No.									(Where applicable)			
Sex ( <i>write in full</i> )												
Country of Birth												
Province												
Place of Birth												
Current Nationality												

Previous nationality(ies) <i>(Where applicable):</i>							
Ethnic Group							
Language spoken							
Level of fluency in English							
Read <i>(please tick the appropriate box)</i>		Good		Fair		Poor	
Write <i>(please tick the appropriate box)</i>		Good		Fair		Poor	
Other Languages (a)							
(b)							
Religion							
Marital status <i>(please tick the appropriate box)</i>		Single		Married		Divorced	
		Widow		Widower			
Type of Marriage: <i>(please tick the appropriate box)</i>		Civil Union		Religious		Customary	
Number of spouses							
Occupation/Profession							
Residential address during the last year							
Address in the RSA							
<b>Contact details of person in RSA</b>							
Surname/ Family name							
Name(s) in full							
Contact number							

(personal, if any)								
Contact details of person in RSA								
Details of dependants (below 18 years of age accompanying applicant)								
<b>Dependant 1</b>								
Surname/ Family name								
Name(s) in full								
Date of Birth	C	C	Y	Y	M	M	D	D
Passport No.								
Identity No.								
Sex ( <i>write in full</i> )								
Country of Birth								
Province								
Place of Birth								
Current Nationality								
<b>Dependant 2</b>								
Surname/ Family name								
Name(s) in full								
Date of Birth	C	C	Y	Y	M	M	D	D
Passport No.								
Identity No.								
Sex ( <i>write in full</i> )								
Country of Birth								
Province								
Place of Birth								



**PART B****DECLARATION BY APPLICANT**

I, the undersigned Surname/Family Name.....

(first name (s) .....

Declare that —

- I am seeking asylum in the Republic; and
- I \*have/have not previously applied for asylum in the Republic.
- 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.
- I understand that I must report to a designated Refugee Reception Office within 5 working days to submit my application for asylum, that my visa to report to a Refugee Reception Office may not be renewed and that upon expiry thereof, I shall become an illegal foreigner.

.....  
**Signature of applicant**

**Left thumb print**

.....  
**Date**

**Photograph**

Note: If the asylum seeker is accompanied by dependents, their names, surnames, gender and dates of birth must be indicated on this Form as well as the left thumb print and photograph of each person accompanying that asylum seeker.

.....  
**Signature of immigration officer**

Surname: .....

First name(s): .....

Rank/position: .....

Date: .....

Place: .....

Appointment / Persal No.: .....

Official stamp

**\*Delete whichever is not applicable**

(DHA—46) Form 19



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

**DECLARATION OF FOREIGNER AS UNDESIRABLE PERSON**

**[Section 7(1)(g) read with section 30(1); Regulations 27(1) and 39(1)]**

To: .....

Att: .....

In terms of section 30(1) of the Act, you are hereby declared an undesirable person in the Republic due to the following reason(s):

- \*(a) You are or are likely to become a public charge;
- \*(b) You have been identified as such by the Minister;
- \*(c) You have judicially been declared incompetent;
- \*(d) You are an unrepentant insolvent;
- \*(e) You have been ordered to depart in terms of the Act;
- \*(f) You are a fugitive from justice;
- \*(g) You have previous criminal convictions without the option of a fine for conduct which would be an offence in the Republic; or
- \*(h) You have overstayed by \_\_\_\_\_ days, at a time.

If you disagree with the aforesaid declaration, you may, in terms of section 8(4) of the Act, make written representations to the Director-General within 10 working days of receipt of this notice to review this declaration.

Alternatively, you may apply to the Minister to waive any of the grounds of undesirability in terms of section 30(2) of the Act if you are able to show good cause.

.....  
**Director-General**

.....  
**Place**

.....  
**Date**

**Place:** .....

### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

### **SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

### **ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

I \*wish/do not wish to make representations within 10 working days from receipt of this notice to the Director-General in terms of section 8(4) of the Act to review the declaration.

I understand that I am entitled to make representations to the Minister showing good cause for the Minister to waive the grounds of undesirability in terms of section 30(2) of the Act.

.....  
Signature of recipient of this notice

.....  
Date

**Place:** .....

*Left thumbprint*

.....  
Signature of witness

.....  
Date

**\*Delete whichever is not applicable**

#### CERTIFICATE BY INTERPRETER

I, ..... (*name(s) and surname*) of  
..... (\**business/residential address*) and  
telephone number ..... and cell phone number ..... hereby  
confirm that I have mastered ..... (*state language*) and that I  
have explained to ..... (*name(s) and surname of foreigner*) the  
contents of this notice in the said language and that I am satisfied that the said foreigner  
fully understands it.

.....  
**Signature of interpreter**

.....  
**Place**

.....  
**Date**

(DHA-1759) **Form 20**

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

**AUTHORISATION FOR ILLEGAL FOREIGNER TO REMAIN IN REPUBLIC PENDING  
APPLICATION FOR STATUS**

**[Section 7(1)(g) read with section 32(1); Regulation 30(2)]**

**Particulars of the holder of this authorisation**

Full name(s) and surname: .....

Date of birth: ..... Passport number: .....

The holder of this authorisation may temporarily reside in the Republic in the Magisterial District or Municipal Area of ..... pending the outcome of an application for a status. The authorisation is valid until .....

As an illegal foreigner you will be listed as an undesirable person in terms of section 30(1)(h) of the Act, should you depart from the Republic prior to the finalisation of your application for status.

.....  
**Director-General**

.....  
**Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

This authorisation lapses as soon as the final decision regarding the holders' status is conveyed to him or her.

(DHA-1684) Form 21



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

**ORDER TO ILLEGAL FOREIGNER TO DEPART FROM REPUBLIC  
[Section 7(1)(g); Regulation 30(4)]**

To: ..... (*name(s) and surname*)

Date of birth..... Passport No.....

Expiry date:..... Place of issue:.....

Residential address: .....

..... Nati  
onality: ..... Country of origin: .....

You are hereby notified that as an illegal foreigner in contravention of the Act, you are guilty of an offence for which you may be charged in a court of law.

However, as you have undertaken to leave the Republic voluntarily, you are hereby ordered to leave the Republic by ..... (*time*) on ...../....../20 ..... failure of which you shall be arrested and detained pending your deportation.

**Declaration by immigration officer**

..... (*name(s) and surname*) hereby declare that I am satisfied that the holder hereof has complied with the provisions of regulation 30(4).

..... **Signature of immigration officer**      **Place**      **Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname:

.....  
Appointment number:

.....  
Rank/position.....

...  
Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

.....  
.....  
**Signature of illegal foreigner**      **Place**      **Date**

**Witness:**

**Name and surname**..... **Signature:**.....

## CERTIFICATE BY INTERPRETER

I, ..... (*name(s) and surname*) of  
..... (\**business/residential address*) with  
telephone number ..... and cell number ..... hereby  
confirm that I have mastered ..... (*state language*) and  
that I have explained to ..... (*name(s) and surname of foreigner*) the  
contents of this notice in the said language and that I am satisfied that the said foreigner  
fully understands it.

.....  
.....  
**Signature of interpreter**.....  
.....  
**Place**.....  
.....  
**Date****\*Delete which is not applicable**

(DHA-1720) **Form 22**

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

**NOTICE BY IMMIGRATION OFFICER TO PERSON TO PRODUCE ANY THING IN HIS  
OR HER POSSESSION OR IN HIS OR HER CUSTODY OR UNDER HIS OR HER  
CONTROL**

**[Section 7(1)(g) read with section 33(4)(b); Regulation 32(2)]**

To: ..... (*name and surname*) with  
identity document / passport number.....

Residential address:

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

Physical work address:

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

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

CONTINUES ON PAGE 162—PART 2



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37335

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

Article	Description	No. of articles
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Reason(s)** why the said article(s) is/are to be produced:

.....

.....

.....

A copy hereof was personally handed to the aforementioned on ...../...../..... (*date*) at ..... (*place*) and the import thereof \*explained to him or her/ delivered at his/her last known address.

..... **Signature of \*immigration officer/sheriff** ..... **Appointment no** ..... **Date** .....

**\*Delete which is not applicable**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position: .....

Office:..... Province:.....

#### **SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position: .....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of this notice.

.....  
**Signature of recipient**

.....  
**Initials and Surname**

.....  
**Date**

(DHA-1721) Form 23



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

**NOTICE BY IMMIGRATION OFFICER TO PERSON TO APPEAR BEFORE DIRECTOR-  
GENERAL**

**[Section 7(1)(g) read with section 33(4)(c); Regulation 32(3)]**

To: .....  
(name(s) and surname) with identity document / passport number.....

Residential Address:

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

Physical work address:

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

Tel No.: ..... (*work/home*)      Cell No.: .....

Alternative Contact: ..... (*next of kin, friend's name and surname*)

Tel No.: ..... (*work/home*)      Cell No.: .....

E-mail address: .....

**YOU ARE HEREBY** called upon in terms of section 33(4)(c) of the Act to appear before ..... (*name(s) and surname of immigration officer*) at .....  
..... (*physical address*) on ..... (*date*) at ..... (*time*).

**Reason(s)** why you are called upon to appear before the Director-General:

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

..... **Signature of \*immigration officer/sheriff Appointment no**

..... **Date**

#### **IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

#### **SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

A copy hereof was personally handed to the aforementioned on ..... (date)  
and the import thereof explained to him or her/ delivered at his/her last known address\*.

Place: .....

..... **Signature of \*immigration officer/sheriff** **Appointment no** ..... **Date** .....

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of this notice.

.....  
**Signature of recipient**

.....  
**Initials and Surname**

.....  
**Date**

**\*Delete which is not applicable**

(DHA-1722) Form 24



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

**ENTRY AND SEARCH WARRANT**

**[Section 7(1)(g) read with section 33(5)(a) and (b); Regulation 32(4)]**

**TO:** ..... (name(s) and surname of immigration officer responsible for the execution of the entry and search warrant).

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 or residence on such premises of an illegal foreigner in violation of the Act,

**YOU ARE THEREFORE** authorised to enter the abovementioned premises during \*day time/any time/night time/during the hours of ..... to ..... 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 pertaining to that thing and 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).	

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

Magistrates Court

.....  
**Signature**

**Designation:** .....

**\*Delete which is not applicable**

*Official stamp*

**REVERSE SIDE OF FORM 24****ACKNOWLEDGEMENT**

I ..... (*name and surname*) in my capacity as ..... of the premises, hereby acknowledge that the premises referred to in the entry and search warrant was left \*in the condition it was found/with the following breakages:

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

.....  
**Signature of recipient**

.....  
**Initials and Surname**

.....  
**Date**

(DHA1760) Form 25



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

**WARRANT OF ARREST**

**[Section 7(1)(g) read with section 33(5)(b) and 33(6); Regulation 32(4)]**

Inspectorate office/Port of Entry	Ref. no.	Appointment no.
Name		
Address		
Gender	Age	

**(Only the immigration officer whose particulars appear above is authorised to execute this warrant.)**

To: The Magistrate, District of .....

**APPLICATION UNDER SECTION 33(5)(b) OF THE ACT FOR WARRANT OF ARREST**

Application is hereby made for the issue of a warrant for the arrest of ..... (*name and surname*), with passport number ..... on a charge of ....., there being, from information taken upon oath a reasonable suspicion that \*he/she committed the alleged offence on or about the ..... day of ..... 20..... in the district of ..... The said ..... is presently suspected to be within the district of .....

.....  
**Signature of immigration officer**

.....  
**Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

---

**WARRANT OF ARREST**

Whereas from the written application made by .....  
*(name and surname of immigration officer)* there is a reasonable suspicion that  
..... *(name and surname of person to be arrested) of .....*  
*(residential address)* on the ..... day of .....20... contravened the Act by  
..... you are hereby directed to arrest \*him/her and to bring  
\*him/her before the court *(name of the court ..... at .....*  
*Magisterial Court).*

The above-mentioned person/suspect shall be informed that \*he/she has the right to consult with a legal practitioner of his or her choice, and if he or she cannot afford a legal practitioner, that he or she may apply for legal aid at the local Legal Aid Office.

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

Magistrate's Court

.....  
**Signature of Magistrate**

.....  
**Date**

*Official stamp*

**\*Delete which is not applicable**

(DHA-1723) **Form 26**

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

**RECEIPT OF ITEMS SEIZED**

[Section 7(1)(g) read with section 33(5)(c); Regulation 32(5)]

**This form is to be completed in triplicate**

I, ..... (*name and surname of immigration officer*) hereby acknowledge that I have seized the following items in terms of section 33(5)(c) of the Act from the premises of ..... in the district of .....

<b>Item</b>	<b>Description</b>	<b>Quantity</b>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Total no of items seized: .....

Confirmed by: ..... (*name(s) and surname of person in charge of premises*) in his or her capacity as .....

.....  
**Signature of person in charge of premises**

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

.....  
**Signature of immigration officer**

**Reference/File number:** .....

*Official stamp*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT OF ITEMS RETURNED**

I hereby acknowledge receipt of the items that were seized and removed from  
..... (premises)  
on .../...../.....(date) and confirm that all items have been received in good order or  
.....

.....  
**Signature of person in charge of premises**

.....  
**Date:**

(DHA-1761) Form 27

**DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****WARRANT FOR SEIZURE AND REMOVAL****[Section 7(1)(g) read with section 33(5)(c); Regulation 32(5)]**

**TO:**..... *(first name and surname of immigration officer responsible for the execution of the seizure and removal warrant).*

Whereas it appears to me from information received under oath that there are reasonable grounds to believe that, within the Magisterial District of ....., in or upon the premises situated at ....., the following documentation or thing which—

- \*(i) is concerned with or is upon reasonable grounds suspected of being concerned with; or
- \*(ii) contains or is on reasonable grounds suspected of containing information with regard to,

any matter which is the subject of an investigation in terms of the Act:

..... *(mention documentation),*

**YOU ARE THEREFORE** authorised to enter the abovementioned premises during \*day time/any time/night time/during the hours of ..... to ..... to seize

and remove the documents or items mentioned in the receipt, which receipt shall be handed to the person from whom the items mentioned above are to be seized and removed.

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

Magistrates Court

.....  
**Signature of Magistrate**

**Designation:** .....

*Official stamp*

\*Delete which is not applicable

(DHA-1725) **Form 28****DEPARTMENT: HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****WARRANT OF DETENTION OF ILLEGAL FOREIGNER****[Section 7(1)(g) read with section 34(1); Regulation 33(1)]**

To: \*Station Commissioner / Head of Correctional Services or Detention Facility

.....  
.....

As ..... (*name and surname of illegal foreigner*) has made \*himself/herself liable to \*deportation/removal from the Republic and for detention pending such \*deportation/removal in terms of section \*34(1) or 34(5)/34(8) of the Act, you are hereby ordered to detain him or her until such time \*he/she is \*deported/removed from the Republic.

.....  
**Signature of immigration officer**

.....  
**Date**

*Official stamp*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position: .....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**NB: No release may be effected without the written authority of an immigration officer  
by means of a warrant of release referred to in section 34(7) of the Act.**

**\*Delete which is not applicable**

(DHA-1724) **Form 29**

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

**NOTIFICATION OF DEPORTATION**

**[Section 7(1)(g) read with section 34(1)(a); Regulation 33(2)]**

To: ..... *(name and surname  
of illegal foreigner)*

As you are an illegal foreigner, you are hereby notified that you are to be deported to your country of origin, namely .....

In terms of section 34(1)(a) and (b) of the Act, you have the right to—

- (a) appeal the decision to the Director-General in terms of section 8(4) of the Act within 10 working days from date of receipt of this notice; or
- (b) at any time request the 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 the rights mentioned above, you shall be detained pending your deportation. You will not be allowed to return to the Republic, unless you have obtained the necessary lawful authority in this regard.**

**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 Act were explained to me.

After due consideration, I have decided to—

Await my deportation at the first reasonable opportunity, whilst Yes  No   
remaining in custody.

Appeal the decision to deport me.

Yes  No

Have my detention confirmed by a warrant of the court.

Yes  No

.....  
**Signature of detainee**

.....  
**Date**

**Place:** .....

.....  
**Signature of immigration officer**

.....  
**Date**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**CERTIFICATE BY INTERPRETER**

I, ..... (*name and surname*) of  
..... (\**business/residential address*) hereby confirm that I have mastered ..... (*state language*) and that I have explained to ..... (*name(s) and surname of detainee*) the contents of this notice in the said language and that I am satisfied that the said foreigner fully understands it.

.....  
**Signature of interpreter**.....  
**Place**.....  
**Date****\*Delete whichever is not applicable**

(DHA-1725) **Form 30****DEPARTMENT: HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****CONFIRMATION BY COURT OF DETENTION FOR PURPOSES OF DEPORTATION**

[Section 7(1)(g) read with section 34(1)(b); Regulation 33(3)]

To: \*Station Commissioner / Head of Prison or Detention facility

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

As ..... (*name and surname*) 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 Act, you are  
hereby ordered to detain him or her until such time \* he/she is \*deported/removed from the  
Republic.

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

**Magistrate's Court****Signature****Designation***Official stamp*

**NB: No release may be effected without a warrant of  
release contemplated in section 34(7) of the Act.**

**\*Delete which is not applicable**

(DHA-1726) Form 31



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

**NOTICE TO A FOREIGNER OF THE INTENTION TO APPLY TO COURT FOR THE  
EXTENSION OF HIS/HER DETENTION**

**[Section 7(1)(g) read with section 34(1)(d); Regulation 33(4)(a)]**

To: ..... (*name and surname of detainee*)  
detained 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 ..... (*destination*) issued on ...../...../..... (*date*) is likely to exceed 30 calendar days on ...../...../..... (*date*) for the reasons mentioned in the affidavit on the reverse side of this notice, I am, in terms of section 34(1)(d) of the Act, submitting the matter for consideration to the Magistrate at ..... (*place*) on or before ...../...../..... (*date*).

You are entitled to make a written representation to a magistrate of the court who will rule on your extended detention and you are requested to provide me with such representations on or before ..... (*date*). If you require assistance, you may approach the head of the institution where you are being detained.

.....  
**Signature of immigration officer**

*Official stamp*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**CERTIFICATE BY INTERPRETER**

I, ..... (*name and surname*)  
of ..... (\**business/residential address*) hereby confirm that I have mastered ..... (*state language*) and that I have explained to ..... (*name and surname of detainee*) the contents of this notice in the said language and that I am satisfied that the said foreigner fully understands it.

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

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

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

**Signature of interpreter**

**Place**

**Date**

**\*Delete which is not applicable**

**REVERSE SIDE OF FORM 31****AFFIDAVIT**

I ..... (*name and surname of deponent*) \*state herewith under oath/solemnly declare that—

- (a) I am a duly appointed immigration officer stationed at ..... (*place*);
- (b) I have ordered the detention of ..... (*name and surname of detainee*) because the warrant for his or her removal from the Republic issued by me on ...../...../.....(*date*) could not be executed immediately due to.....  
..... (*provide reasons*);
- (c) the detention of the said detainee was considered reasonable and necessary, as  
.....  
.....,
- (d) it is necessary that the said detainee be detained for a further period of  
..... because.....

I append hereto certified copies of the following documentation as proof of my endeavours to expedite the deportation of the said detainee:

- (a) .....
- (b) .....
- (c) .....

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

..... **Signature of immigration officer**

..... **Appointment number**

Thus signed and \*sworn/solemnly affirmed before me on this .... day of ..... 20.....

**\*Delete which is not applicable**

*Official stamp*

.....

**Commissioner of Oaths**

First name(s): .....

Surname: .....

Capacity: .....

Place: .....

(DHA-1727) **Form 32**

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

**APPLICATION TO COURT FOR EXTENSION OF DETENTION AND AUTHORISATION  
BY COURT FOR THAT EXTENSION**

**[Section 7(1)(g) read with section 34(1)(d); Regulation 33(4)(c) and (6)]**

To: **The clerk of the Court:**

.....  
Re: Extension of detention of .....  
(name(s) and surname of detainee) detained at ..... (place).

Please refer this matter for consideration to the Magistrate in terms of section 34(1)(d) of the Act read with Regulation 33(6).

The following documents are attached:

- (a) Certified copy of the warrant of detention of .....  
(name and surname of detainee) issued on ..... (date);
- (b) notification to the detainee as contemplated in Regulation 33(4)(a);
- (c) affidavit of the immigration officer; and
- (d) representation by the said detainee (if any).

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

**Immigration officer:**

..... **Signature**      **Appointment No**      **Place**      **Date**

*Official Stamp*

**DECISION BY MAGISTRATE**

\*After perusing the documentation referred to above, I hereby—

- (a) confirm the application for the extended detention of .....  
..... (*name and surname of detainee*);
- (b) refuse the application for the extended detention of .....  
..... (*name(s) and surname of detainee*);
- (c) make the following order in addition to the confirmation or refusal  
above:.....  
.....

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

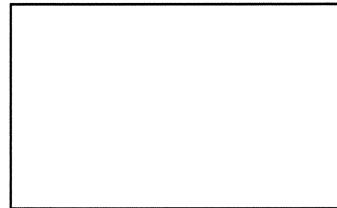
**Magistrate's court**

.....

**Signature of Magistrate**

.....

**Designation**



**\*Delete which is not applicable**

(DHA-1710) FORM 33



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

**WARRANT OF DETENTION OF PERSON SUSPECTED OF BEING AN ILLEGAL  
FOREIGNER**

**[Section 7(1)(g) read with sections 34(2) and 41(1); Regulation 33(7)]**

To: \*Station Commissioner/Head of Correctional Services Centre

.....  
.....

Whereas ..... (*name and surname*) is, for the reasons stated in the attached affidavit, suspected of being an illegal foreigner who has failed to satisfy me ..... (*name and surname of \*immigration officer/police officer*) in terms of section 41(1) of the Act that he/she is entitled to be in the Republic; and whereas it is deemed necessary to detain the said person for the following reasons:

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

The following steps were taken by an immigration officer before detention to assist the person to prove that he or she is entitled to be in the Republic:

- (a) All Departmental systems were checked: Yes  No   
(b) Visited the address given by the suspect to confirm Yes  No   
identity

You are hereby ordered to detain the said person pending an investigation to verify his or her identity or status.

A copy of this detention warrant was handed to the immigration officer stationed at ..... (*Inspectorate office*) on ...../...../..... (*date*) at ..... (*time*).

**Immigration officer:**

.....  
**Signature**

*Official stamp*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

(DHA-1728) FORM 34



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

**ORDER TO ILLEGAL FOREIGNER TO DEPOSIT A SUM TO COVER EXPENSES  
RELATING TO DEPORTATION, DETENTION, MAINTENANCE AND CUSTODY**

**[Section 7(1)(g) read with section 34(3); Regulation 33(8)(a)]**

**A. TO:** ..... (*name and surname of illegal foreigner*).

Whereas—

- (a) you are to be deported from the Republic under a warrant of deportation as an illegal foreigner; and
- (b) the consequential expenses of your deportation are calculated as follows:

Actual costs of deportation: .....

Actual costs of detention: .....

Actual costs of maintenance: .....

Total: ..... and

- (c) section 34(3) of the Act empowers me to require from you to deposit with the Department a sum of money sufficient to cover the said expenses, you are hereby ordered to deposit the amount of ..... with the Department at ..... (*place*) on or before ..... (*date*).

**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 ..... or to imprisonment not exceeding 12 months.

Furthermore, please take note that a copy of the order will be filed with the clerk of the court in the district of ..... whereafter the normal procedure pertaining to civil action shall apply.

**Immigration officer's name:**

.....  
**Signature**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....  
Appointment number: .....  
Rank/position: .....  
Office: ..... Province: .....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....  
Rank/position: .....  
Contact No.: Tel : .....

**B. TO THE CLERK OF THE COURT**

As the illegal foreigner mentioned above has failed to comply with the order, you are hereby requested to please record this order as a judgment of the court and complete the endorsement in Part C of this Form.

You are further requested to return two completed copies of Part C of this Form to me within ..... (days).

**Immigration officer:**

.....  
**Signature**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

C. TO: ..... (*name(s) and surname of immigration officer*)

(a) Order entered as a judgement of the Court on ...../...../.....(date)

(b) Judgement number: .....

.....  
**Signature of clerk of the Court**

.....  
**Date**

*Office stamp*

(DHA-515) **Form 35**

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

**WARRANT FOR REMOVAL OF DETAINED ILLEGAL FOREIGNER**

[Section 7(1)(g) read with section 34(7); Regulation 33(9)(a)]

**TO: Person in charge of correctional services or detention facility**

As .....  
(first name(s) and surname), whose fingerprints appear on the reverse side of this Form, has made \*himself/herself liable to removal from the Republic, you are hereby requested to deliver \*him/her into my custody.

Removal from the Republic shall be affected via ..... (port of entry) and the responsible immigration officer or police officer at that port of entry shall, before the removal of the detainee, impress the left and right thumb prints of the detainee in the space provided hereunder and certify that the prints were taken by him or her.

.....  
**Signature of immigration officer**

**Date**

**Reference no.:** .....

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....  
Appointment number: .....  
Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

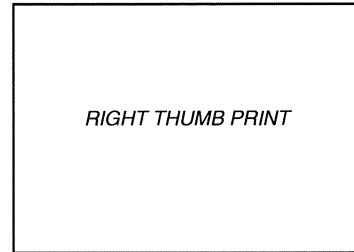
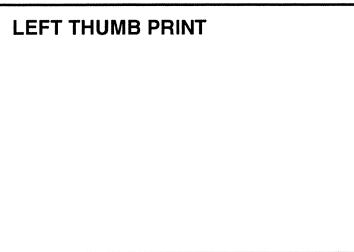
Rank/position.....

Contact No.: Tel : .....

**CERTIFICATE BY IMMIGRATION OFFICER AT PORT OF ENTRY**

I hereby confirm that the above-mentioned person was removed from the Republic on  
.../...../.... (*date*) to ..... (*country*) via .....(*port of entry*).

I also confirm that \*his/her left and right thumb prints were taken by me.

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Port of entry: .....

**HEAD OF PORT OF ENTRY / SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**REVERSE SIDE OF FORM 35**

**FOR OFFICIAL USE:**

**FINGERPRINTS TAKEN BY:  
(PLEASE PRINT)  
IDENTITY NUMBER:**

**PCN NUMBER:**


REGISTERING FINGERS	
LEFT HAND	RIGHT HAND

(DHA-557) Form 36



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

**WARRANT FOR RELEASE OF DETAINED ILLEGAL FOREIGNER**

**[Section 7(1)(g) read with section 34(7); Regulation 33(9)(b)]**

To: **PERSON IN CHARGE OF CORRECTIONAL FACILITY OR DETENTION  
FACILITY**

Name(s) and Surname .....

Name of correctional services /detention facility .....

You are hereby ordered to release the following illegal foreigner(s) presently being detained by you:

Surname	First name(s)	Passport No

Reasons for release:

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

.....  
**Signature of \*immigration officer/police officer**

*Official stamp*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**ENDORSEMENT BY SUPERVISOR SUPPORTING THE RELEASE**

**Supported / Not supported**

Signature: .....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**\*Delete which is not applicable**

(DHA-1694) **Form 37**

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

**NOTIFICATION TO A PERSON AT A PORT OF ENTRY THAT HE OR SHE IS AN  
ILLEGAL FOREIGNER AND IS REFUSED ADMISSION**

**[Section 7(1)(g) read with sections 34(8) and 35(10); Regulations 33(10) and (14)]**

To: ..... (*name and surname of illegal foreigner*)

In terms of section 8(1) of the Act, you are hereby notified that you do not qualify for admission into the Republic as—

- \*(a) you have been declared an undesirable person in terms of the provisions of section 30(1) of the Act;
- \*(b) you are a prohibited person in terms of the provisions of section 29 of the Act by virtue of the fact that you—
  - \*(i) are infected with or carrying the following \*disease/virus:  
..... (*name of disease or virus*);
  - \*(ii) have a warrant outstanding or a conviction has been secured in respect of  
..... (*name of offence*);
  - \*(iii) were previously deported and not rehabilitated by the Director-General as contemplated in Regulation 26(4);
  - \*(iv) are a member of or adherent to an association or organization advocating the practice of racial hatred or social violence;
  - \*(v) are or have been a member of or adherent to an organization or association utilizing crime or terrorism to pursue its ends;

\*(vi) are or have been in possession of a fraudulent residence visa, passport or identification document;

\*(c) you are an illegal foreigner for the following reason(s):

.....  
.....

- Should you have reason to submit that the refusal of your admission into the Republic was procedurally unfair, unreasonable or unlawful, you may, within three days from date of this notice, request the Minister to review this decision.
- However, if the conveyance you arrived on is on the point of departing, your request for review must be lodged immediately and if the said request has not been finalised prior to the departure of the conveyance, you shall depart on such conveyance and await the outcome of the request outside the Republic.

In terms of section 35(10) of the Act, the conveyor responsible for your conveyance to the Republic, namely ....., shall be responsible for the detention and removal of a person conveyed and any costs related to such detention and removal incurred by the Department.

Official stamp

.....  
**Signature of immigration officer**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice and understand the contents thereof.

I \*wish/do not wish to request a review of this decision. My written request \*is attached/will be submitted within three days.

.....  
**Signature of illegal foreigner**

.....  
**Date**

**\*Delete which is not applicable**

**CERTIFICATE BY INTERPRETER**

I, ..... (*name and surname*)  
of..... (\**business/ residential address*) hereby confirm that I have mastered .....  
..... (*state language*) and that I explained to  
..... (*name(s) and surname of illegal foreigner*) the contents of this document in the said language and that I am satisfied that the illegal foreigner fully understands the contents of this document.

.....  
**Signature of interpreter**

.....  
**Place**

.....  
**Date**

**\*Delete which is not applicable**

(DHA-96) Form 38



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

**DECLARATION TO MASTER OF SHIP OR PERSON IN CHARGE OF CONVEYANCE  
THAT PERSON CONVEYED IS ILLEGAL FOREIGNER AND NOTICE TO MASTER OF  
SHIP OR PERSON IN CHARGE OF CONVEYANCE REGARDING HIS OR HER  
OBLIGATIONS WHERE PERSON CONVEYED IS REFUSED ADMISSION**

**[Section 7(1)(g) read with sections 34(8) and 35(10); Regulations 33(10) and (14)]**

To: \*Master of ship/person in charge of conveyance..... (*name of \*ship/conveyance*).

Permission for the following person(s) to enter the Republic was refused on ...../...../..... (*date*) because he/she is an illegal foreigner. The person indicated below shall be detained and removed—

- \**(a)* in the case of a master of the ship, in terms of section 34(8) and (9) of the Act; or
- \**(b)* in the case of a person in charge of a conveyance, in terms of section 35(10) of the Act.

<u>Surname</u>	<u>First name(s)</u>	<u>Date of Birth</u>	<u>Gender</u>	<u>Nationality</u>	<u>Reason(s) for refusal</u>

Port of entry: ..... Date: .....

.....  
**Signature of immigration officer**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and Surname: .....  
Appointment number: .....  
Rank/position.....  
Office:..... Province:.....

**SUPERVISOR'S PARTICULARS**

Name and Surname: .....  
Rank/position.....  
Contact No.: Tel : .....

### **ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

.....  
**Signature of \*master of ship/person in charge of conveyance**

**Date:** .....

**\*Delete which is not applicable**

(DHA-128) **Form 39**

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

**LISTS OF PASSENGERS AND CREW, MEDICAL RETURN AND COASTAL ADVICE**

[Section 7(1)(g) read with section 35(5)(a), (c) and (d); Regulation 34(9)]

**LIST OF PASSENGERS**

The person in charge of a conveyance entering or prior to entering a port of entry of the Republic shall, on demand, deliver to an immigration officer a list of all passengers on board that conveyance, which list shall contain the following information:

Name of conveyance: .....

Departing from: .....(place)

Arriving at: .....(place)

Name and surname of person in charge of conveyance.....

\*Flight/Registration No.: .....

Date of entry: .....

**Particulars of all passengers on board classified according to their respective destinations (inbound):**

Surname and initials	Passport/Travel document no	Nationality	Embarked at	Destination


I hereby certify that this list contains the particulars of all passengers on board my conveyance.

.....  
**Signature of person in charge of conveyance**

.....  
**Date**

List received by:

Name and surname of immigration officer.....

Appointment No:.....

Signature:..... Date:.....

Place.....

**LIST OF CREW AND PERSONS CARRIED OTHER THAN PASSENGERS AND  
STOWAWAYS**

The person in charge of a conveyance which enters any port must, on demand, deliver to the immigration officer a list of all the crew and all persons (other than passengers and stowaways) employed, carried or present on that conveyance.

Name of conveyance: .....

Port of entry (at country of departure): .....

Name(s) and surname of person in charge of conveyance:.....

Date on which conveyance entered the Republic: .....

Port of entry: .....

Date of final departure from Republic: .....

Next port of call: .....

**Crew list:**

No	Rank	Surname and initial(s)	Nationality	Date of birth	Passport No.	Expiry date of passport

**List of other persons carried (other than passengers and stowaways):**

No	Rank	Surname and initial(s)	Nationality	Date of birth	Passport No.	Expiry date of passport

I certify that this list contains the names of all crew and persons other than passengers and stowaways on board the conveyance.

.....  
**Person in charge of conveyance**

.....  
**Date**

**List received by:**

Name and surname of immigration officer.....

Appointment No:.....

Signature:..... Date:.....

**MEDICAL RETURN**

Name of conveyance: .....

Port of entry: .....

**Crew, passengers and all other persons on board conveyance who, during the voyage, have suffered or are suspected of suffering from a disease, whether infectious or otherwise:**

Surname and initial(s)	Rank/ Class	Nature of illness	Remarks

**Details of any birth or death that occurred on board the conveyance between the present and previous port:**

Name (mention father and mother's name in case of birth)	Rank/Class	Birth/Death	Date	Remarks

Certified by me ..... (*name and surname*

*of medical officer/person in charge of the conveyance*) at .....

(*port of entry*) on the ..... day of ..... 20....

.....  
**Signature of \*medical officer/person in charge of conveyance**

\*Delete which is not applicable

**COASTAL ADVICE**

**(To be completed by immigration officer for conveyance destined for more than one port in the Republic)**

**TO: Immigration officer at .....** (*next port of call in the Republic*)

Name of conveyance: .....

Ship's File No: .....

Number of illegal foreigners ..... and reasons for their illegality:

.....  
.....

*Note: (Attach notice issued to the person in charge of ship, dependent on the reason of illegality).*

Number of passengers in transit: .....

Number of persons for final disembarkation: .....

Number of foreign crew: .....

Number of crew members who are citizens or permanent residence holders: .....

Number of persons whose final departure must be certified: .....

Number of stowaways remaining on board declared by the master of the ship at last port of call: .....

Remarks:

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

Dispatched from ..... (*port of entry*)

.....  
**Signature of immigration officer**

.....  
**Appointment number**

.....  
**Date**

(DHA-1567) **Form 40**

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

**LIST OF STOWAWAYS**

**[Section 7(1)(g) read with section 35(5)(b); Regulation 33(10)]**

The person in charge of a conveyance entering a port of entry in the Republic shall, on demand, deliver to the immigration officer a list of stowaways.

**PART A  
STOWAWAYS**

**Details of Conveyance**

Name of conveyance: .....

Registration No: .....

Name(s) and surname of person in charge of conveyance:  
.....

.....Port of entry: .....

Date of entry: .....

**PERSONAL PARTICULARS OF STOWAWAYS**

Surname	First name(s)	Passport / Travel document No	Type of travel document	Nationality

**PART B**  
**DETAILS OF STOWAWAY**  
**(To be completed in respect of each stowaway)**

**PERSONAL PARTICULARS OF STOWAWAYS**

Names(s):.....

Surname:.....

Date of birth:..... Place of birth:.....

*Photograph of  
stowaway*

Nationality:..... Country of origin:.....

First language:..... Other spoken languages:.....

Passport/travel document No.:..... Date of issue:.....

Place of issue:..... Date of expiry:.....

Issuing authority:.....

Home address/Address in country of boarding:.....

.....

Employer's name:.....

Employer's address:.....

.....

Height:..... Weight:..... Marital status:.....

Name(s) and surname of spouse:.....

Nationality of spouse:..... Address of spouse:.....

.....

Names and surname of parents:.....

Nationality of parents:.....

Address of parents:.....

.....

**STOWAWAY DETAILS**

Date found:..... / ..... / ..... Time found:.....

Place of boarding:..... Country of boarding:.....

Time spent in country of boarding:..... Intended port of destination:.....

Intended final destination (if different):.....

Stated reasons for boarding the ship:.....

.....

**OTHER DETAILS**

Method of boarding, including other persons involved (e.g. crew, port workers etc.), and whether they were secreted in cargo/container or hidden in the vessel:

.....

.....

.....

Inventory of stowaway's possessions:

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

Was the stowaway assisted in boarding the vessel, or assisted by any member of the crew?  
If so, was any payment made for the assistance?.....  
.....  
.....

Statement made by the stowaway (*attach additional page, if space is not enough*):

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

Statement made by the person in charge of the conveyance (Master), including any observations on the credibility of the information provided by the stowaway:

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

I hereby certify that this list contains the particulars of all stowaways found on board my conveyance.

Date of interview of the stowaway:..... Place:.....

..... **Signature of stowaway** ..... **Place** ..... **Date** .....

..... **Person in charge of conveyance** ..... **Place** ..... **Date** .....

## ACKNOWLEDGEMENT OF RECEIPT

I, ..... (*name of immigration officer*) hereby confirm receipt of the list of stowaways in terms of section 35(5)(b) of the Act.

.....  
**Signature of immigration officer**

.....  
**Place**

.....  
**Date**

(DHA-86) **Form 41**

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

**APPLICATION BY MASTER OR OWNER OF SHIP OR AGENT REPRESENTING  
MASTER OR OWNER OF SHIP FOR CERTIFICATE TO LEAVE HARBOUR  
[Section 7(1)(g) read with section 35(8); Regulation 34(12)]**

I, ..... (name(s) and surname of \*master or owner of the ship/agent representing master or owner of the ship) hereby apply for a certificate to leave the harbour and declare that the following is a complete return of changes in the crew, passengers and others since arrival at this port:

**CREW**

Crew signed off	Rank	Crew Visa No.	Passport No
Crew signed on	Rank	Crew Visa No.	Passport No
Deserters left behind	Rank	Crew Visa No.	Passport No

Crew left behind in hospital	Rank	Crew Visa No.	Passport No	Name of hospital

Crew in custody in the Republic	Rank	Crew Visa No.	Passport No	Name of custody

**Distressed seamen shipped**

Surname and Initials	Rank	Passport No

**Passengers in transit:**

Surname and initial(s)	Passport No.	Nationality	Destination

**List of stowaways on board:**

Surname and initial(s)	Passport No.	Nationality	Place of return (Destination)

**Signature of person in charge of conveyance****Date****Place**

Name of conveyance: .....

Registration No.....

Flag: .....

**Name and surname of immigration officer.....****Appointment No:.....****Signature:..... Date:.....****Place.....**

(DHA-92) Form 42



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

**CERTIFICATE OF COMPLIANCE TO OBTAIN CLEARANCE FROM CUSTOMS**

[Section 7(1)(g) read with section 35(8); Regulation 34(13)]

To: Officer in charge of Customs and Excise

Port of entry: .....

I hereby certify that the person in charge of .....  
(make and registration number of conveyance) complied with the provisions of the Act on  
..... (date).

Immigration officer's name: .....

.....  
**Signature**

.....  
**Appointment No**

.....  
**Place**

.....  
**Date**

(DHA-1747) **Form 43**

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

**NOTICE OF ADMINISTRATIVE FINE INCURRED FOR INCORRECT CERTIFICATION**

**[Section 7(1)(g) read with section 50(2); Regulation 39(2)]**

To: ..... (*name and surname of chartered accountant*).

You are hereby informed that in terms of section 50(2) of the Immigration Act, 13 of 2002, you have incurred a fine to the amount of R8 000.00 for negligently producing an incorrect certification in respect of .....

You are hereby required to pay the fine within seven days of the date of this notice. Should you fail to pay the said amount within the said period, you shall be liable to prosecution in terms of the provisions of section 49(16) of the Act.

.....  
**For Director-General**

.....  
**Date**

.....  
**Place:**

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

.....  
.....  
**Signature of recipient of notice**      **Date**      **Place**

(DHA-1751) **Form 44**

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

**NOTICE OF ADMINISTRATIVE FINE INCURRED BY OWNER OR PERSON  
IN CHARGE OF CONVEYANCE**

**[Section 7(1)(g) read with section 50(3); Regulation 39(4)]**

To: ..... (*owner or person in charge of conveyance*)

\*Identity Document/Passport number of owner or person in charge of conveyance:  
.....

**Person in charge of conveyance**

Name and surname: .....

Passport No. .... Identity No. ....

Residential and postal address of person in charge of conveyance:

In the Republic (*postal*):

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

In the Republic (*residential*):

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

Abroad (*postal*):

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

Abroad (*residential*):

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

**Owner/Employer's Details**

Name and surname: .....

Name of Company: .....

Registration No. of conveyance: .....

Residential and postal address of employer (*in the Republic and abroad*):

In the Republic (*postal*):

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

In the Republic (*residential*):

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

Abroad (*postal*):

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

Abroad (*residential*):

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

You are hereby informed that in terms of section 50(3) of the Act you have incurred a fine to the amount of R ..... for contravening section 35(9) of the Act, for conveying passengers listed below on conveyance number ..... on ...../...../.....

You are hereby required to pay the fine within 30 days of the date of this notice. Should you fail to pay the said amount you shall be liable to prosecution.

.....  
**Signature of immigration officer**

.....  
**Date**

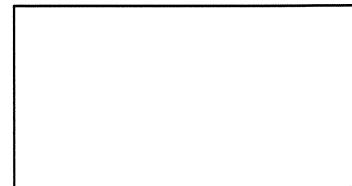
.....  
**Place:**

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

..... **Signature of \*owner/person in charge of conveyance** ..... **Date**

*LEFT THUMB PRINT*



..... **Signature of witness** ..... **Date**

\*Delete whichever is not applicable

DHA-1775 Form 45



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

**NOTICE OF ADMINISTRATIVE FINE INCURRED BY OWNER OR PERSON  
IN CHARGE OF CONVEYANCE**

**[Section 7(1)(g) read with section 50(4); Regulation 39(5)]**

To: ..... (*owner or person in charge of conveyance*)

You are hereby informed that in terms of section 50(4) of the Act you have incurred a fine to the amount of R ..... for contravening section 35(2) of the Act, for failure to—\*

- (a) Electronically transmit the information contemplated in Regulation 33(2) in respect of passengers and / or crew listed below on conveyance number ..... on ...../...../..... within the prescribed period; or
- (b) Adhere to the boarding advice issued by the Director-General in terms of section 35(2)(c); or
- (c) Transmit accurate information.

You are hereby required to pay the fine within 30 days of the date of this notice. Failure to pay the said amount will render you liable to prosecution

.....  
**Signature of Authorised official**

.....  
**Date**

.....  
**Place:**

**\*Delete whichever is not applicable**

**This fine is issued in respect of the following persons/ information**

.....  
.....

.....  
.....

**ACKNOWLEDGEMENT OF RECEIPT**

**(To be returned to the Department within a period of three days)**

I acknowledge receipt of the original of this notice.

.....  
**Signature of \*owner/person in charge of conveyance    Date**

\*Delete whichever is not applicable

(DHA-) Form 46



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

**APPLICATION FOR THE ISSUE OF PROOF OF  
PERMANENT RESIDENCE OR EXEMPTION STATUS  
[Regulation 25]**

**1. PARTICULARS OF APPLICANT**

- (a) Surname .....
- (b) Christian names/Forenames .....
- (c) Date of birth .....
- (d) Maiden surname and all other surnames by which previously known  
.....
- (e) Number and date of permit for residence (immigration permit) or, if not available, year in  
which you applied for permanent residence
- (f) Any reference number (Home Affairs/Immigration) .....
- (g) Date of first arrival in South Africa .....
- (h) Identity number .....
- (i) Passport number .....
- (j) Nationality at birth .....
- (k) Present nationality .....
- (l) Postal address .....
- (m) Telephone No : 1. Work ..... 2. Home .....
- Cellphone No..... E-mail address:.....

**2. IMPORTANT : PARTICULARS OF APPLICANT'S FAMILY MUST BE FURNISHED. IF MARRIED TO SOUTH AFRICAN CITIZEN, PROOF TO BE PROVIDED E.G. COPY OF MARRIAGE CERTIFICATE / ID**

	Surname and forename(s)	Date of birth	Immigration permit number, if available	Nationality
<b>Wife/husband</b>	.....	.....	.....	.....
<b>Parents (of applicant):</b>	.....	.....	.....	.....
(i) Father	.....	.....	.....	.....
(ii) Mother:	.....	.....	.....	.....

- 3. DETAILS OF PREVIOUS COUNTRIES OF RESIDENCE AND EMPLOYERS.**  
**IF THE EMPLOYER WAS: (A) AFFILIATED TO AN SOUTH AFRICAN COMPANY  
 (B) AN INTERNATIONAL ORGANIZATION OF WHICH THE STATE IS A MEMBER  
 (C) OR IF YOU WERE SECONDED BY THE SOUTH AFRICAN GOVERNMENT,  
 PLEASE PROVIDE PROOF.**

From – To	City / Town	Country	Employer

I declare that the information furnished on this form is correct.

.....  
**Signature of applicant**

.....  
**Date:**

**NOTE: The completed form must be signed before an official of the Department of Home Affairs, a Local Magistrate's office or the SA Police. It will be necessary for you to identify yourself to the interviewing officer by means of your passport or Identity document.**

**A separate form must be completed in respect of each person requiring proof of permanent residence. Copies of permits for Permanent Residence are NOT issued.**

**\* If this form is completed the Department's records will be consulted with a view to furnishing a certificate confirming that permanent residence has been granted. A FEE IS PAYABLE.**

**4. FOR OFFICIAL USE ONLY**

The applicant was identified from Passport/Identity Document number .....

Signed before me at ..... on ..... 20 .....

.....  
**Full names and surname**

.....  
**Signature and designation**

**OFFICIAL DATE  
STAMP**

DHA- Form 47



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

**APPLICATION FOR EXEMPTION  
(SECTION 31(2)(B) OF THE IMMIGRATION ACT, 2002 (ACT NO. 13 OF 2002)**

**Reference Number:**.....

**PERSONAL DETAILS OF APPLICANT**

1.1 Title: \_\_\_\_\_ 1.2 Surname: \_\_\_\_\_

1.3 First names (s):\_\_\_\_\_

1.4 Maiden name (*if applicable*): \_\_\_\_\_

1.5 Other former surnames: \_\_\_\_\_

1.6 Date of birth: \_\_\_\_\_ 1.7 Country of birth: \_\_\_\_\_

1.8 Nationality at birth \_\_\_\_\_ 1.9 Present Nationality: \_\_\_\_\_

1.10 Passport No: \_\_\_\_\_ Expiry date: \_\_\_\_\_ Issued by (Country): \_\_\_\_\_

1.11 Marital Status: \_\_\_\_\_ Date: \_\_\_\_\_

1.12 Present Residential Address: \_\_\_\_\_

1.13 Postal Address: \_\_\_\_\_

1.14 Tel. No: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

1.15 Occupation: \_\_\_\_\_

1.16 Type of temporary permit held (if applicable): \_\_\_\_\_

1.17 Valid until: \_\_\_\_\_ Issuing office: \_\_\_\_\_

1.18 Date and place where you entered the RSA: \_\_\_\_\_

**2. DETAILS OF APPLICANTS SPOUSE (If applicable):**

Title: \_\_\_\_\_ Surname: \_\_\_\_\_

Maiden name: \_\_\_\_\_ First names: \_\_\_\_\_

Place of birth: \_\_\_\_\_ Country: \_\_\_\_\_

Nationality at birth: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Passport Number: \_\_\_\_\_

**3. DETAILS OF CHILDREN ACCOMPANYING YOU:**

Surname	First names	Date of birth	Relationship	Country and place of birth	Present nationality	Occupation

**4. EMPLOYMENT RECORD OF APPLICANT (to cover full period of employment):**

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

**5. DETAILS REGARDING APPLICANT AND (if applicable) SPOUSE AND CHILDREN:**

- Have you or any of your dependants accompanying you ever been convicted of any crime? \_\_\_\_\_
- Is a criminal or civil case pending against you or any of your dependant accompanying you? \_\_\_\_\_
- Are you or any of your dependants suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency?  
\_\_\_\_\_
- Are you a member of or adherent to an association or organisation advocating the practice of social violence, or racial hatred? \_\_\_\_\_

If you replied to any of the questions above in the affirmative, please furnish full details.

**6. REASONS FOR EXEMPTION REQUEST**

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**NOTE: Any incorrect or misleading information or false documents furnished in support of this application may result in the application being rejected or if discovered after the issuing of the waiver the applicant shall not be allowed to sojourn in the Republic.**

I/We the undersigned, declare that the details reflected in this application and supporting documents are true and correct and that it is my/our intention to reside/ work in the Republic. 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 breakdown in communication. I/we, furthermore, undertake to inform the Department of any change in relevant information or circumstances that could influence the outcome of this application.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICIAL USE;**

Application checked and all supporting documents verified.

Application tracked and traced.

.....  
**Signature of official accepting the application**  
**(Department of Home Affairs)**

*Official stamp*

**Surname and full forename(s):** \_\_\_\_\_  
**Persal No:** \_\_\_\_\_ **Designation:** \_\_\_\_\_

**PLEASE READ THE FOLLOWING**

In providing for the regulation of admission of foreigners to and their residence in the Republic, the Immigration Act, 2002 (Act No 13 of 2002), inter alia, aims to promote economic growth through the employment of needed foreign labour which does not adversely impact on existing labour standards and rights and expectations of South African workers.

In terms of section 31(2)(b) of the Immigration Act, 2002 (Act No 13 of 2002), Upon application, the Minister may under terms and conditions determined by him or her grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision.

In order to satisfy the Minister that the issuing of an exemption to a foreigner would promote economic growth and would not be to the disadvantage of South African citizens or permanent residents, the following documents have to accompany this application:

- (a) A letter signed by the applicant citing reasons for the exemption and a comprehensive motivation for each reason provided.

- (b) A copy of the applicant's curriculum vitae.
- (c) A copy of the applicant's passport and all temporary residence permits affixed therein.
- (d) A copy of the employment contract signed by both the employer and the employee, if applicable.
- (e) Background on the company/institution for record purposes.
- (f) Any other information that would assist the Minister to make an informed decision when considering an exemption

**DHA- Form 48**

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

**APPLICATION FOR WAIVER OF PRESCRIBED  
REQUIREMENTS  
(SECTION 31(2)(C) OF THE IMMIGRATION ACT, 2002  
(ACT NO. 13 OF 2002)**

**REFERENCE NUMBER** \_\_\_\_\_

**PERSONAL DETAILS OF APPLICANT**

1.1 Title: \_\_\_\_\_ 1.2 Surname: \_\_\_\_\_

1.3 First names: \_\_\_\_\_

1.4 Maiden name (if applicable): \_\_\_\_\_

1.5 Other former surnames: \_\_\_\_\_

1.6 Date of birth: \_\_\_\_\_ 1.7 Country of birth: \_\_\_\_\_

1.8 Nationality at birth \_\_\_\_\_

1.9 Present Nationality: \_\_\_\_\_

1.10 Passport No: \_\_\_\_\_ Expiry date: \_\_\_\_\_ Issued by (Country): \_\_\_\_\_

1.11 Marital Status: \_\_\_\_\_ Date: \_\_\_\_\_

1.12 Present Residential Address: \_\_\_\_\_  
\_\_\_\_\_

1.13 Postal Address: \_\_\_\_\_  
\_\_\_\_\_

1.14 Tel. No.: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

1.15 Occupation: \_\_\_\_\_

1.16 Type of temporary permit held (if applicable): \_\_\_\_\_

1.17 Valid until: \_\_\_\_\_ Issuing office: \_\_\_\_\_

1.18 Date and place where you entered the RSA: \_\_\_\_\_

**2. DETAILS OF APPLICANTS SPOUSE (If applicable):**

Title: \_\_\_\_\_ Surname: \_\_\_\_\_  
 Maiden name: \_\_\_\_\_  
 First names: \_\_\_\_\_  
 Place of birth: \_\_\_\_\_ Country: \_\_\_\_\_  
 Nationality at birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Passport Number: \_\_\_\_\_

**3. DETAILS OF CHILDREN ACCOMPANYING YOU:**

Surname	First names	Date of birth	Relationship	Country and place of birth	Present nationality	Occupation

**4. EMPLOYMENT RECORD OF APPLICANT (to cover full period of employment):**

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

2

**5. DETAILS REGARDING APPLICANT AND (if applicable) SPOUSE AND CHILDREN:**

- Have you or any of your dependants accompanying you ever been convicted of any crime? \_\_\_\_\_
- Is a criminal or civil case pending against you or any of your dependant accompanying you? \_\_\_\_\_
- Are you or any of your dependants suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency? \_\_\_\_\_
- Are you a member of, or adherent to an association or organisation advocating the practice of social violence, or racial hatred? \_\_\_\_\_

If you replied to any of the questions above in the affirmative, please furnish full details.

**6. SECTIONS OF THE REGULATION THAT MUST BE WAIVED**

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**NOTE: Any incorrect or misleading information or false documents furnished in support of this application may result in the application being rejected or if discovered after the issuing of the waiver the applicant shall not be allowed to sojourn in the Republic.**

I/We the undersigned, declare that the details reflected in this application and supporting documents are true and correct and that it is my/our intention to reside/ work in the Republic. 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 breakdown in communication. I/we, furthermore, undertake to inform the Department of any change in relevant information or circumstances that could influence the outcome of this application.

Signature of applicant: \_\_\_\_\_ Date:\_\_\_\_\_

**FOR OFFICIAL USE;**

Application checked and all supporting documents verified.

Application tracked and traced.

.....  
**Signature of official accepting the application  
(Department of Home Affairs)**

*Official stamp*

Name and Surname: \_\_\_\_\_  
Designation: \_\_\_\_\_ Persal No: \_\_\_\_\_

**PLEASE READ THE FOLLOWING**

In providing for the regulation of admission of foreigners to and their residence in the Republic, the Immigration Act, 2002 (Act No 13 of 2002), inter alia, aims to promote economic growth through the employment of needed foreign labour which does not adversely impact on existing labour standards and rights and expectations of South African workers.

**Temporary residence permits**

In order to satisfy the Director-General that the issuing of a work permit to a foreigner would promote economic growth and would not be to the disadvantage of South African citizens or permanent residents, documentary proof must be submitted that a diligent search had been done and that the employer had been unable to employ a local candidate with qualifications or skills and experience equivalent to those of the applicant. This requirement is satisfied by means of an advertisement in the national printed media, which would afford South African citizens and permanent residents the opportunity to compete for the position.

The following requirements (documents) need to be submitted with an application for a work permit:

**Regulation 16(4)(a):** *"A contract of employment stipulating the conditions of employment and signed by both the employer and the applicant."*

**Regulation 16(4)(b):** *"Proof of qualifications evaluated by the South African Qualifications Authority and translated by a sworn translator into one of the official languages of the Republic."*

**Regulation 16(4)(c):** *"Proof of experience and skills in line with the job offer."*

**Regulation 16(4)(d):** *"A letter from the employer motivating why a citizen or permanent resident could not fill the position, as well as proof of efforts made to obtain the services of a citizen or resident, together with particulars of the unsuccessful candidates."*

**Regulation 16(4)(e):** *"Proof of publication of an advertisement in the national printed media (as prescribed in regulation 16(5) of the Immigration Regulations)."*

**Regulation 16(4)(f):** *"An undertaking by the employer to inform the Director-General should the applicant not comply with the Act or leaves the employer."*

**Regulation 16(4)(g):** *"If required by law, proof of registration with the relevant professional body, council or board."*

**Regulation 16(4)(h):** *"Full particulars of the employer, including, if applicable, proof of registration of the business with the Registrar of Companies."*

**Regulation 16(4)(i):** *"A certificate from the Department of Labour or an extract from the database of a salary benchmarking organisation stipulating the average salary earned by employees occupying similar positions in the Republic."*

In terms of section 31(2)(c) of the Immigration Act, 2002 (Act No 13 of 2002), the Minister may, for good cause, waive any prescribed requirement or form. Should a foreigner thus not be able to comply with the above requirements, he/she or the employer may request the

Minister to exempt the applicant from submitting the relevant document(s). The following documents have to accompany this application:

- (a) A letter signed by the employer, citing the requirements to be waived and a comprehensive motivation for each requirement.
- (b) A copy of the applicant's curriculum vitae.
- (c) A copy of the applicant's passport and all temporary residence permits affixed therein.
- (d) A copy of the employment contract signed by both the employer and the employee.
- (e) Background on the company/institution for record purposes.

Should the request be considered favourably, a letter will be forwarded to the applicant or his/her employer, which has to be submitted with the application and remaining requirements at the nearest Regional Office of the Department or South African foreign office if the applicant is still abroad.

#### **Permanent residence permits**

In terms of section 31(2)(c) read with section 27 of the Immigration Act, 2002 (Act No 13 of 2002), and the permanent residence application form BI-947, the Minister may, for good cause, waive any prescribed requirement or form. Should a foreigner thus not be able to comply with any of the requirements, he/she may request the Minister to exempt the applicant from submitting the relevant document(s). The following documents have to accompany this application:

- (a) A letter signed by the applicant, citing the requirements to be waived and a comprehensive motivation for each requirement.
- (b) A copy of the applicant's curriculum vitae.
- (c) A copy of the applicant's passport and all temporary residence permits affixed therein.
- (d) A copy of the employment contract signed by both the employer and the employee, if applicable.
- (e) Background on the company/institution for record purposes.
- (f) Business Plan, Bank or financial statements, if applicable
- (g) Recommendation from the Department of Trade and Industry.

**DHA- Form 49**

**DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA  
APPLICATION FOR APPEAL**  
**[Section 8(4) and (6); read with regulation 7(3)]**

**REFERENCE NUMBER:** \_\_\_\_\_

To: **The DIRECTOR-GENERAL**

I hereby wish to apply for review or appeal in terms of section 8(4) or 8(6) of the Immigration Act, 2002 (Act No 13 of 2002) as amended.

**FOR OFFICIAL USE**

1. Office of application \_\_\_\_\_
2. Date of Appeal application \_\_\_\_\_

<b>IMPORTANT: PLEASE READ CAREFULLY</b>	
1.	To be completed in detail in English. Please print in black ink.
2.	The completed form must be accompanied by the relevant documents, in support of your appeal.
3.	Applicant (s) advised to keep copies of all documentation submitted for appeal.
4.	Attach copy of the rejection letter.

**PERSONAL DETAILS OF APPLICANT**

Surname: \_\_\_\_\_

Forenames (s): \_\_\_\_\_

Date of birth: \_\_\_\_\_ Country of birth: \_\_\_\_\_

Nationality: \_\_\_\_\_

Passport number: \_\_\_\_\_

Present residential address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact details:

Tel: \_\_\_\_\_ Cell number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Date when you received the rejection letter: \_\_\_\_\_

Reason (s) for appeal:


SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE OF OFFICIAL ACCEPTING THE APPLICATION \_\_\_\_\_

NAME AND SURNAME \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

*Official stamp*







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