

## Immigration Regulations, 2014

### Published under

GN R413 in GG 37679 of 22 May 2014  
[with effect from 26 May 2014]

### as amended by

GN R1328 in GG 42071 of 29 November 2018  
[with effect from 1 December 2018]

The Minister of Home Affairs has, in terms of section 7 of the Immigration Act, 2002 (Act 13 of 2002), after consultation with the Immigration Advisory Board, made the regulations in the Schedule.

## SCHEDULE

### 1 Definitions

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 and a photograph;

**'birth certificate'** means any birth record of a child issued by the relevant authority indicating the full names, surname and the date of birth, including the names and surname(s) of the parent(s) of such a child;

[Definition of 'birth certificate' inserted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

**'learning institution'** means-

- (a) an institution of higher education established in terms of the Higher Education Act, 1997 (Act 101 of 1997); or
- (b) a college established in terms of the Further Education and Training Colleges Act, 2006 (Act 16 of 2006), but does not include-
  - (i) a school offering further education and training programmes under the South African Schools Act, 1996 (Act 84 of 1996); or
  - (ii) a college under the authority of a government department other than the Department of Higher Education and Training; or
- (c) a school contemplated in section 1 of the South African Schools Act, 1996 (Act 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;

**'Medical Schemes Act'** means the Medical Schemes Act, 1998 (Act 131 of 1998);

**'National Qualifications Framework Act'** means the National Qualifications Framework Act, 2008 (Act 67 of 2008);

**'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: Provided that the certificate shall not be required from a foreign country in the case of renewal or extension of a visa but from the Republic;

**'proof of sufficient financial means'** means proof by means of-

- (a) a three month's bank statement;
- (b) cash available to the applicant,

Provided that the amount shall not be less than the amount determined annually by the Minister by notice in the *Gazette*;

- (c) travellers' cheques;
- (d) an undertaking, supported by a bank statement or salary advice, 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 from the Republic; or
- (e) in the case of learners or students, an undertaking to the learning institution for payment of all fees and accommodation from a bursary scheme or scholarship or parents, 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 National Qualifications Framework Act, 2008 (Act 67 of 2008);

**'the Act'** means the Immigration Act, 2002 (Act 13 of 2002); and

[Definition of 'the Act' substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

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

## 2 Passports

(1) A passport 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; and
  - (vi) expiry date thereof; and

- (d) have at least two unused pages when presented for purposes of endorsing a port of entry visa, visa, permanent residence permit or entry or departure stamp.
- (2) Notwithstanding the provisions of subregulation (1)(a), a foreigner may be admitted into or depart from the Republic with a non-machine readable passport: Provided that-
- (a) he or she is from a foreign state that is issuing machine readable passports and has not completely phased out the non-machine readable passports; and
  - (b) his or her passport was issued after 24 November 2005 and its date of expiry is before 24 November 2015.
- (3) 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.
- (4) The international, regional or sub-regional organisations contemplated in 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.

### **3 Permanent homosexual or heterosexual relationship**

- (1) An applicant for a visa in terms of the Act who asserts in his or her application to be a spouse, as defined in paragraph (b) of the definition of spouse in section 1 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) a notarial agreement signed by both parties attesting that-
    - (i) the permanent homosexual or heterosexual relationship has existed for at least two years before the date of application for a relevant visa and that the relationship still exists to the exclusion of any other person; and
    - (ii) neither of the parties is a spouse in an existing marriage or a permanent homosexual or heterosexual relationship with any other person;
  - (b) an affidavit on Part A of Form 12 illustrated in Annexure A, confirming the continued existence of the permanent homosexual or heterosexual relationship;
  - (c) 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;
  - (d) documentation to prove-
    - (i) the financial support the partners provide to each other; and
    - (ii) the extent to which the financial and other related responsibilities are shared by the applicant and his or her spouse; and
  - (e) where applicable, in the case of a permanent homosexual or heterosexual relationship concluded between two foreigners in a foreign country, an official

recognition of the relationship issued by the relevant authorities of the country concerned.

(3) Both partners to a permanent homosexual or heterosexual relationship may 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 must, after a period of two years from the date of issuing of that visa, inform the Director-General whether or not the permanent homosexual or heterosexual 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 on the basis of the permanent homosexual or heterosexual relationship must immediately inform the Director-General when his or her relationship ceases to exist.

(6) The Director-General may, upon receipt of the information contemplated in subregulation (5), withdraw the visa 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 was acquired through error, misrepresentation or fraud, he or she shall withdraw the visa and, where applicable, cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.

[Reg. 3 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

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

(1) The Minister shall invite members of the public to nominate 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, surname 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 persons to the Board within 30 days after the closing date for the submission of nominations.

#### **5 Operations of Board**

(1) The Chairperson of the Board shall convene the meetings of the Board.

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

#### **6 Admission and departure**

(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 complies with the provisions of section 29 of the Act;
  - (iii) if previously declared an undesirable person, has complied with section 30(2) of the Act; and
  - (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) if entering the Republic for purposes of a visa contemplated in section 11(1)(a) of the Act, 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, and that of his or her host in the Republic, at the nearest Office of the Department within 48 hours of any change of such address or 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 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 form contemplated in subregulation (3)(d) or the declaration contemplated in subregulation (4), the immigration officer shall, if necessary-

- (a) question him or her with the assistance of an interpreter;
- (b) complete the mentioned form or declaration or cause it to be completed; and
- (c) require that person to sign that form or declaration or to affix his or her left thumbprint 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 26(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 or citizens of the Republic.

(9) When examining a person before his or her departure from the Republic, an immigration officer shall ensure that 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 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) .....

[Subreg. (12) omitted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

(12A) For the purposes of subregulation (12B)(a), (c) and (d), where a child presents a passport which contains the details of his or her parent or parents, an immigration officer shall not require such child to produce a birth certificate.

[Subreg. (12A), previously subreg. (12), substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

(12B)(a) Where a parent or parents, legal guardian or any other person is travelling with a child who is a South African citizen, such person must, upon departure from or entry into the Republic, produce-

- (i) a copy of a birth certificate or passport containing the details of the parent or parents of the child;
- (ii) where applicable, a copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian, as the case may be, of the child authorising such person to depart from or enter into the Republic with the child he or she is travelling with;
- (iv) a copy of the passport, or identity card in the case of South African citizens, of the parent or parents or legal guardian of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(b) Where a parent or parents, legal guardian or any other person from a visa required country intends to travel with a child, he or she must, when applying for a visa for such child, submit-

- (i) a copy of a birth certificate of the child;
- (ii) where applicable, copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, 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;
- (iv) a copy of the passport of the parent or parents, or legal guardian, of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;

- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(c)(i) Where one parent, legal guardian or any other person is travelling with a child, he or she may be required by an immigration officer to produce a copy of a birth certificate of the child in order to establish the relationship with such child, unless the child is from a visa required country, upon admission into or departure from the Republic and the immigration officer must, in examining such child for admission into or departure from the Republic request and consider, where applicable-

- (aa) the reasons for the absence of the other parent or parents of the child;
- (bb) a letter of consent from the other parent or parents or 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;
- (cc) a copy of the passport of the absent parent or parents or legal guardian of the child;
- (dd) the contact details of the absent parent or parents or legal guardian of the child;
- (ee) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (ff) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child: Provided that the Director-General may, where the parent or parents are deceased and the child is travelling with a person related to him or her, approve such a person to enter into or depart from the Republic with such a child.

(ii) Where an immigration officer requests a traveller to produce a birth certificate of a child or the documentation referred to in subparagraphs (aa) to (ff), and such is not provided within 24 hours, he or she may refuse admission into or departure from the Republic of such a child.

(iii) Any person travelling with a child as contemplated in paragraph (c)(i) is strongly advised to be in possession of the documentation referred to in subparagraph (i) when seeking admission into or departure from the Republic.

(d) Any unaccompanied child shall produce to the immigration officer-

- (i) a copy of his or her birth certificate;
- (ii) where applicable, a copy of an adoption order;
- (iii) a letter of consent from one or both his or her parents or legal guardian, as the case may be, for the child to travel into or depart from the Republic;
- (iv) a copy of the passport of the parent or parents or legal guardian of the child;
- (v) the contact details of the parent or parents or legal guardian of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child;

- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child;
- (viii) a letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing; and
- (ix) a copy of the identity card or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic.

[Subreg. (12B), previously subreg. (12), substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

(13) Any person who destroyed a passport, 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) cause such person to be returned to his or her point of embarkation.

(14) The passport confiscated as contemplated in subregulation (13)(b) 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 incorrect or false shall be refused entry by the immigration officer.

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

(1) The form contemplated in section 8(1) of the Act shall be 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, addressed to the Director-General or the Minister, as the case may be.

## **8 Place of entry or exit**

(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*.

## **9 Visas to temporarily sojourn in Republic**

(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 transiting 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;
- (c) a medical and radiological report in respect of each applicant, excluding applicants for the visa contemplated in section 11(1)(a) of the Act: 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 dependant children accompanying the applicant or joining the applicant in the Republic, proof of parental responsibilities and rights or written consent in the form of an affidavit 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, 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) Any applicant for a visa may be requested 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.

(4) The documents contemplated in subregulation (1) 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.

(5) A foreigner who is in the Republic and applies for a change of status or terms and conditions relating to his or her visa shall-

- (a) submit his or her application, on Form 9 illustrated in Annexure A, no less than 60 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 to his or her visa while in the Republic, unless exceptional circumstances set out in subregulation (9) exist.

(6) 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.
- (7) The individual terms and conditions contemplated in section 10(5) of the Act with regard to a visa shall relate to, but not be 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; or
  - (f) cancellation of the visa in the event the holder has been convicted of any offence under the Act or any other law.
- (8) An application for an extension contemplated in section 10(7) of the Act shall-
- (a) be made on Form 10 illustrated in Annexure A, as the case may be;
  - (b) be accompanied by an affidavit by the applicant attesting to having complied with his or her existing visa, the terms and conditions attached thereto and the laws of the Republic; and
  - (c) be submitted in person at any office of the Department no less than 60 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.
- (9) The exceptional circumstances contemplated in section 10(6)(b) of the Act shall-
- (a) in respect of a holder of a visitor's visa, be that the applicant-
    - (i) is in need of emergency life saving medical treatment for longer than three months;
    - (ii) is an accompanying spouse or child of a holder of the business or work visa, who wishes to apply for a study or work visa; or
  - (b) in respect of a holder of a medical treatment visa, be that the holder's continued stay in the Republic is required for any purpose related to a criminal trial in the Republic: Provided that such application shall be initiated by the relevant Deputy Director of Public Prosecutions and addressed to the Director-General.

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

- (1) An application for a port of entry visa or transit visa shall be made on Form 11 illustrated in Annexure A, together with 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 fee;
    - (iii) proof of sufficient financial means; and
    - (iv) proof of a valid return or onward ticket or purchase thereof;

- (c) in respect of dependant 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 the applicant 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 permanent residence permit of the person who is to receive the child in the Republic; and
    - (v) the contact details of the parents or legal guardian;
  - (d) 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) any mission of the Republic in the country of the applicant's normal residence, which includes permanent residence and long-term temporary residence; or
  - (b) any mission of the Republic in the country of which the applicant holds a valid passport,

Provided that when good cause exists, any mission other than a mission referred to in paragraph (a) or (b) may accept that application, in which case that mission may refer the application to the mission contemplated in subregulation (3)(a) or (b) for comment or processing.

- (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.

## **11 Visitor's visa**

- (1) An application for a visitor's visa not exceeding a period of three months shall be accompanied by-
- (a) a statement or documentation detailing the purpose and duration of the visit;
  - (b) a valid return air flight ticket or proof of reservation thereof; and
  - (c) proof of sufficient financial means contemplated in subregulation (3).
- (2) An application for a visitor's visa exceeding a period of three months shall, in addition to complying with the requirements of subregulation (1), be accompanied by a police clearance certificate.
- (3) The proof of sufficient available financial resources contemplated in section 11(1)(b) of the Act shall be in the form of a recently bank certified statement [sic], for the last three months.
- (4) An activity contemplated in section 11(1)(b)(iv) of the Act shall be-

- (a) work conducted for a foreign employer pursuant to a contract which partially requires conducting of certain activities in the Republic and relates to-
    - (i) teaching at an international school;
    - (ii) in respect of films and advertisements produced in South Africa, including, but not limited to, an actor, cameraman, hairstylist, make-up artist or lighting and sound engineer;
    - (iii) a foreign journalist seconded to the Republic by a foreign news agency;
    - (iv) visiting professor or lecturer or an academic researcher;
    - [(v)] an artist who wishes to write, paint or sculpt: Provided that he or she submits a portfolio of his or her previous work;
    - [(vi)] a person involved in the entertainment industry, travelling through the Republic to perform;
    - [(vii)] a tour leader or host of such a tour; or
    - [(viii)] a religious leader of a recognised religious organisation or denomination;
  - (b) to accompany the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22: Provided that such a foreigner must be the spouse or child of the holder of such visa; or
  - (c) to testify as a state witness in a criminal court case: Provided that the application shall be initiated by the relevant Deputy Director of Public Prosecutions, stating the reasons for such a foreigner to stay in the Republic.
- [Subreg. (4) substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

(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 only upon admission of the holder by an immigration officer 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; or
- (b) visa, other than a port of entry visa, is issued at a mission of the Republic, that visa shall only upon admission of the holder by an immigration officer be considered to be valid and allow the holder thereof to temporarily sojourn in the Republic for the purposes specified 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 of the work;
  - (ii) nature of the work;
  - (iii) qualification and skills required for the work;

- (iv) duration of the work;
- (v) place of work;
- (vi) duration of the visit;
- (vii) proof of remuneration or stipend that the foreigner will receive from the employer; and
- (viii) 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 9(7);
- (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.

## **12 Study visa**

(1) An applicant for a study visa to study at a learning institution shall, in addition to submission of Form 8 illustrated in Annexure A, submit-

- (a) an official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course;
- (b) an undertaking by the Registrar or Principal of the learning institution to-
  - (i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or
  - (ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;
  - (iii) within 30 days of de-registration, notify the Director-General that the applicant is no longer registered with such institution; and
  - (iv) within 30 days of completion of studies, 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 his or her identity document, if applicable;
  - (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 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 renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act;
- (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 a learning institution, other than a school contemplated in section 1 of the South African Schools Act, 1996 (Act 84 of 1996), shall be issued for the duration of the course for which the applicant has registered;
- (b) visas issued for studies at a learning institution, which is a school contemplated in section 1 of the South African Schools Act, 1996 (Act 84 of 1996), shall be valid for the duration of the period of study: Provided that the study visa issued for studies at a primary school shall not exceed eight years and for a secondary school shall not exceed six years.

(3) The holder of a study visa at a learning institution as defined in section 1 of the Higher Education Act, 1997 (Act 101 of 1997) and section 1 of the Further Education and Training Colleges Act, 2006 (Act 16 of 2006), 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 with or is de-registered from the learning institution at any time during the period for which his or her visa has been issued or if any of the undertakings referred to in subregulation (1)(b) are not met.

### **13 Treaty visa**

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; and
- (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 dependant family members, should it become necessary.

### **14 Business visa**

(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 or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business 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 complement to be 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 the 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), where legally required; and
  - (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable,

Provided that upon registration, all certificates shall be submitted to the Director-General;

- (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 or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that-
  - (i) 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 already invested in the Republic; 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 or already invested in the Republic;
  - (b) proof that at least 60% of the total staff complement 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), where legally required; and
    - (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable;
  - (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 in a business to be established 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; and
  - (b) proof of the investment.
- (4) The applicant must, within 12 months of the visa being issued, submit to the Director-General a letter from the Department of Labour confirming that a report regarding the undertaking referred to in section 15(1)(c)(ii) of the Act that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.
- (5) A business visa may be issued for a period not exceeding three years at a time.  
[Reg. 14 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

## 15 Crew visa

- (1) 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.



(2) 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 conveyer under the Act.

(3) 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.

## **16 Medical treatment visa**

(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 treatable or 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 the medical costs shall be submitted;
- (c) the particulars of persons accompanying the applicant;
- (d) valid return air flight 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.

## **17 Relative's visa**

(1) An applicant for a relative's visa shall submit-

- (a) a police clearance certificate; and
- (b) proof of kinship, within the second step, between the applicant and the citizen or permanent resident as contemplated in section 18(1) of the Act in the form of-
  - (i) an unabridged birth certificate; and
  - (ii) where necessary, paternity test results.

(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 Minister 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 not be required where the South African citizen or permanent resident is a dependant child.

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

## 18 Work visa

(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 dependant 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 letter issued to the prospective employer by the Department of Labour to the effect that a certificate has been issued to the Department 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; and
  - (iv) the contract of employment stipulating the conditions of employment, signed by both the employer and the applicant, is in line with the labour standards in the Republic and is issued on condition that the general work visa is approved;

[Para. (a) substituted by GN R1328 of 29 November 2018 (wef 1 December 2018). <sup>1</sup>]

- (b) proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic;
- (c) full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC);
- (d) an undertaking by the employer to inform the Director-General should the applicant not comply with the provisions of the Act or conditions of the visa; and
- (e) 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.

(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 in the form of-

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<sup>1</sup> Editorial note: The instruction in the *Government Gazette* is to substitute subsection (3), but the Department has informed us that the intention was to substitute paragraph (a) only.

- (a) a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience;
  - (b) if required by law, proof of application for a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act; and
  - (c) proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.
- (6) A critical skills work visa shall be issued for a period not exceeding five years.
- (7) A spouse and dependant 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 valid for a period of not less than six months; and
  - (b) a letter from-
    - (i) the company abroad confirming that the foreigner shall be transferred to a branch, subsidiary or an affiliate of that company in the Republic; and
    - (ii) the branch, subsidiary or an affiliate in the Republic confirming the transfer of the foreigner and 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;
  - (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 or conditions of the visa; and
  - (c) a plan is developed for the transfer of skills to a South African citizen or permanent resident.
- (10) An intra-company transfer work visa shall be issued for a period not exceeding four years and is not renewable.
- (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 holder of an intra-company transfer work visa and any of his or her dependant family members.

## **19 Retired person visa**

- (1) An application for a retired person visa shall be accompanied by 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 Minister 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 Minister by notice in the *Gazette*.

## **20 Corporate visa**

(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 letter issued to the corporate applicant by the Department of Labour to the effect that a certificate has been issued to the Department confirming-
  - (i) that despite diligent search, the corporate applicant was unable to find 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 corporation with the-
  - (i) South African Revenue Service;
  - (ii) Unemployment Insurance Fund;
  - (iii) Compensation Fund for Occupational Injuries and Diseases; and
  - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required;
- (d) an undertaking by the employer to inform the Director-General should any foreign employee not comply with the provisions of the Act or visa conditions or no longer be in the employ of such employer or be employed in a different capacity or role; and
- (e) a written undertaking by the corporate applicant to pay the deportation costs of any foreign employee accepting responsibility for the return costs related to the deportation of the foreign employee, should it be necessary.

[Subreg. (1) substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

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

(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 complement that are employed in the operations of the business are citizens or permanent residents employed permanently in various positions.

(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 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; and
  - (ii) terms and conditions of the corporate visa and of the 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.

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

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

(8) The Director-General may issue to the corporate applicant-

- (a) a corporate visa for a period not exceeding three years on Form 14 illustrated in Annexure A; and
- (b) authorisation certificates to employ corporate workers, in terms of the corporate visa contemplated in paragraph (a), for a period not exceeding the validity period of the corporate visa.

(9) An application for a corporate worker certificate shall be accompanied by-

- (a) a valid passport of the applicant;
- (b) biometrics of the applicant;
- (c) the certificate contemplated in subregulation (8)(b);
- (d) a valid employment contract;
- (e) a written undertaking by the corporate applicant to ensure that the foreigner departs from the Republic upon termination of his or her contract of employment or accepting responsibility for the return or costs related to the deportation of the foreigner should it become necessary;
- (f) the documentation contemplated in regulation 9(1)(b), (c) and (f);
- (g) proof of qualifications evaluated by SAQA, and translated by a sworn translator into one of the official languages of the Republic, or skills and experience in line with the job offer; and

- (h) a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.

(10) The Director-General may issue to the corporate worker employed by the holder of a corporate visa contemplated in subregulation (8) a corporate worker certificate for a period not exceeding the validity period of the corporate visa.

(11) A corporate worker may not renew his or her corporate worker certificate or apply for a change of status in the Republic.

## **21 Exchange visa**

(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 education and training 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 education and training institution confirming the particulars of the applicant, the applicant's enrolment with the foreign education and training institution, and the date on which the programme shall commence;
- (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 foreign education and training institution or a foreign state institution, submit a letter from-
  - (i) the organ of state or foreign education and training institution confirming the existence of the exchange programme; or
  - (ii) the foreign education and training 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 flight 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.

(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.

## **22 Asylum transit visa**

(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.

## **23 Permanent residence**

(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 applicable application fee;
- (b) a copy of a birth certificate in respect of the applicant;
- (c) biometrics in respect of any applicant over the age of 16 years;
- (d) 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;
- (e) a police clearance certificate;
- (f) 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;
- (g) the documentation contemplated in regulation 9(1)(d) relating to dependent children accompanying the applicant to or joining the applicant in the Republic;
- (h) the documents relating to the applicant's marital status or spousal relationship contemplated in regulation 3(2);
- (i) a birth certificate in respect of each dependent child;
- (j) a deed poll in the case of an applicant who has changed his or her name, surname or sex; and
- (k) 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), (e), (g), (h), (i) and (j) shall be original or copies apostilled 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 or 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.

[Reg. 23 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

## **24 Residence on other grounds**

(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 in size;
- (e) state the closing date for the application; 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)(i) 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 in the form of-
  - (i) a certificate from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant; and
  - (ii) if required by law, a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act;
- (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 permanent residence permit contemplated in section 27(c) of the Act shall be accompanied by a certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business 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*, is available.

(5) An application for a permanent residence permit contemplated in section 27(c) of the Act by an applicant who intends to establish a business in the Republic shall, in addition to the requirements in subregulation (4), 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 complement to be 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 permanent residence permit;
- (c) an undertaking to register with the South African Revenue Service; and
- (d) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.

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

- (a) proof that at least 60% of the total staff complement are citizens or permanent residents who are permanently employed in various positions in the operations of the business;
- (b) proof of registration with the South African Revenue Service; and
- (c) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, 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 Minister 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; 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 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 information and 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.

(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 Minister 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 determined by the Minister 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 Minister by notice in the *Gazette* and the amount to be paid to the Director-General shall be an amount determined by the Minister by notice in the *Gazette*, which amount has to be paid upon approval of the application.

[Reg. 24 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

## **25 Application for proof of permanent residence status or exemption status**

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

## **26 Prohibited persons**

(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 28 of 1974), and any other disease or virus rendering a person inadmissible as may be determined by the Department of Health from time to time in terms of the applicable legislation.

(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 provisions of the Act;

- (b) has been absent from the Republic for a minimum period of four years; and
- (c) has provided a police clearance certificate,

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 the requirements of a port of entry visa.

(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, which should include a police clearance certificate.

(7) The Director-General shall, upon making a decision as contemplated in section 29(2) of the Act, provide written reasons for such decision.

## **27 Undesirable persons**

(1) For the purposes of subregulation (3), a time is calculated as days during a year for which the period of overstay is calculated from the date of expiry of the last valid visa.

(2) The Director-General may declare a foreigner who falls within a category listed in section 30(1) of the Act as undesirable on Part A of Form 19 illustrated in Annexure A.

(3) A person who overstays after the expiry of his or her visa, as contemplated in section 30(1)(h) of the Act, may-

- (a) in the case of a person who overstays for a period not exceeding 30 days, be declared undesirable for a period of 12 months;
- (b) in the case of a person who overstays for the second time within a period of 24 months, be declared undesirable for a period of two years; and
- (c) in the case of a person who overstays for more than 30 days, be declared undesirable for a period of five years.

## **28 Exemption**

An application contemplated in section 31(2)(b) of the Act shall be made to the Minister on Form 47 illustrated in Annexure A, supported by reasons for the application.

## **29 Waiver of prescribed requirements**

An application contemplated in section 31(2)(c) of the Act shall be made to the Minister on Form 48 illustrated in Annexure A, supported by reasons for the application.

## **30 Illegal foreigners**

(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 been ordered to depart and who wishes to apply for 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 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 subregulation (2) shall lapse.

(4) An illegal foreigner who has satisfied an immigration officer that he or she will depart from the Republic as required by 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.

### **31 Immigration officers**

(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).

### **32 Inspectorate**

(1) The requirements for the appointment of immigration officers as contemplated in section 33(2)(c)(ii) are that-

- (a) the person has undergone the relevant training; and
- (b) in the case of individual appointments, the person has 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), (b) and (c) of the Act, shall be on Forms 24, 25 and 27 illustrated in Annexure A, respectively.

(5) The receipt contemplated in section 33(5)(c) of the Act shall be on Form 26 illustrated in Annexure A.

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

(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 in the form of 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 be-

- (a) in respect of the removal of a detained illegal foreigner, in the form of Form 35 illustrated in Annexure A; or
- (b) in respect of the release of a detained illegal foreigner, 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 on 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 Minister by notice in the *Gazette*.

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

(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 determined by the Director-General from time to time by notice in the *Gazette*,

carrying persons or goods for commercial purposes arriving from or departing to a foreign state.

(2) The information contemplated in section 35(2)(b) 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 with regard to such persons:

- (a) family and given names;
- (b) date of birth;
- (c) sex;
- (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) port of departure or arrival port in the Republic;
- (m) date of departure from or arrival in the Republic; and
- (n) time of departure from or arrival in the Republic.

(3) The owner or person in charge of the conveyance contemplated in subregulation (1) is required to have the means to electronically submit the information contemplated in subregulation (2) 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, immediately before departure;
- (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; and
- (c) any other conveyance contemplated in subregulation 1 (c), before departure.

(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 shall include-

- (a) the date of reservation;
- (b) the dates of intended travel;
- (c) the first name 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) whether the tickets are one-way tickets;
- (y) any information collected as contemplated in subregulation (2);
- (z) standby; and
- (aa) names of passengers who have been taken off the flight.

(6) The owner or person in charge of the conveyance is required to employ the means to electronically transmit the information contemplated in subregulation (5) to the passenger name record system.

(7) The period contemplated in section 35(3)(b) of the Act shall be at the close of the flight.

(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, 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, crew or medical return contemplated in section 35(5)(a), (c) or (d) of the Act 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 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 Minister 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 on 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 that transported such foreigner to the Republic and responsible for his or her removal from the Republic.

(16) The person in charge of a conveyance responsible for the removal 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.

### **35 Employment**

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 or was employed; and
- (d) a copy of the foreigner's IRP5 form or certificate of earnings and job description, respectively.

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

- (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.

### **37 Identification**

An immigration officer or police officer shall take the following steps in order to verify the identity or status of the person contemplated in section 41(1) of the Act:

- (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;
- (c) access Departmental records in this regard; or
- (d) provide the necessary means for the person to obtain the documents that may confirm his or her identity and status.

### **38 Other institutions**

- (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 recognised through a process of the National Qualifications Framework Act; 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 (f), when admitting or registering a student.

### 39 Administrative offences

(1) A foreigner who overstays as contemplated in section 50(1) of the Act shall be informed of his or her undesirability on Form 19 illustrated in Annexure A.

(2)(a) The administrative fine contemplated in section 50(2) of the Act shall be an amount not exceeding R8000 determined by the Minister by notice in the *Gazette* from time to time.

(b) The person contemplated in section 50(2) of the Act 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 be an amount, per person, determined by the Minister by notice in the *Gazette* from time to time.

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

(5) The administrative fine contemplated in section 50(4) of the Act shall be an amount determined from time to time by the Minister by notice in the *Gazette* and be 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 per person determined from time to time by the Minister by notice in the *Gazette*; and
- (b) section 50(4)(b) of the Act shall be an amount per person determined from time to time by the Minister by notice in the *Gazette*.

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

(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 Minister 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) or (b) of the Act shall be an amount per person determined from time to time by the Minister by notice in the *Gazette*.

#### 40 Change of address

The holder of a visa or permanent residence 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 on Form 50 illustrated in Annexure A.

#### 41 Repeal

The Immigration Regulations published in Government Notice 616 of 27 June 2005 are hereby repealed.

#### 42 Short title and commencement

These Regulations shall be called the Immigration Regulations, 2014 and shall come into operation on 26 May 2014.

### ANNEXURE A FORMS

NO.	DESCRIPTION	
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 exemption to enter or depart at place other than port of entry
4	Form 4 (DHA-CTC 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 illegal foreigner
7	Form 7A (DHA-)	Return of illegal foreigner (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 for detention or prosecution relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters or suspected illegal foreigners
10	Form 8 (DHA-1738)	Application for visa temporarily sojourn in the Republic
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-1718)	Corporate visa
17	Form 15 (DHA-1733)	Corporate worker authorisation certificate
18	Form 16 (DHA-1758)	Progress report by organ of state or learning institution regarding exchange programme
19	Form 17 (DHA-1732)	Asylum transit visa
20	Form 18 (DHA-947)	Application for permanent residence permit
21	Form 19 (DHA-46)	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 any thing 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 for 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 a foreigner of the intention to apply to court for the extension of his/her detention
34	Form 32 (DHA-1727)	Application to court for extension of detention and authorisation by court for that extension
35	Form 33 (DHA-1710)	Warrant of detention of person suspected of being an 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 a person at a port of entry that he or she is an 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 from customs
45	Form 43 (DHA-1747)	Notice of administrative fine incurred for incorrect certification
46	Form 44 (DHA-1751)	Notice of administrative fine incurred by owner or person in charge of conveyance
47	Form 45 (DHA-1775)	Notice of administrative fine incurred by owner or person in charge of conveyance
48	Form 46 (DHA-)	Application for the issue of proof of permanent residence or exemption status
49	Form 47 (DHA-)	Application for exemption
50	Form 48 (DHA-)	Application for waiver of prescribed requirements
51	Form 49 (DHA-)	Notice of appeal
52	Form 50 (DHA-)	Change of Address

## FORM 1 NOTIFICATION REGARDING RIGHT TO REQUEST REVIEW BY MINISTER

(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 ..... Age ..... Gender.....

In accordance with 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.....

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

..... <b>Signature of immigration officer</b>	..... <b>Place</b>	..... <b>Date</b>
--	-----------------------	----------------------

**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.

..... <b>Signature of affected person</b>	..... <b>Place</b>	..... <b>Date</b>
--	-----------------------	----------------------

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

CERTIFICATE BY INTERPRETER

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

**FORM 2**  
**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**

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



**DEPARTMENT OF HOME AFFAIRS**  
**REPUBLIC OF SOUTH AFRICA**  
**NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF PERSON**  
**[Section 9, read with section 8(3); Regulation 6]**

**\*Part A:**

**In relation to port of entry**

To: .....

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

With reference to..... you are, in  
accordance with 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 through the South African Embassy in the country of your residence or citizenship  
to review this decision.

It is your responsibility to enquire about the outcome of your representations.

.....  
**Signature**

.....  
**Place**

.....  
**Date**

.....  
**Appointment number**

**IMMIGRATION OFFICER'S PARTICULARS**

Name and surname: .....

Appointment number: .....

Rank/position .....

Port of entry: ..... 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 name and*  
*address*) and ..... (*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 10, read with section 8(3); Regulation 7(2)]**

**\*Part B:**

**In relation to permitting**

Ref No.

To: .....

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

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

**REFUSED**

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**

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**





**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**

**FORM 3**  
**APPLICATION FOR EXEMPTION TO ENTER OR DEPART AT PLACE OTHER THAN**  
**PORT OF ENTRY**

(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					
Motive why exemption is required					
Period of			From		

exemption required		To	
Purpose of exemption			
I have taken note of the conditions on the reverse side hereof			
Date		Signature	

<b>FOR OFFICIAL USE ONLY</b>			
APPLICATION FOR APPROVED/REFUSED			
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.

### FORM 4 TRAVELLER CARD

**Traveller Card - Republic of South Africa****DHA-CTC 01**

This declaration must be completed by all travellers who enter or leave 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 & Excise Act No.91 of 1964. Please retain your completed declaration, unless instructed otherwise by Immigration.

Surname																	
First Name(s)																	
Nationality											Date of Birth (CCYYMMDD)						
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"/> Resident	<input type="checkbox"/> Employment	<input type="checkbox"/> Crew	Other (specify)		

Country of normal residence																
Period of intended stay																

**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)			

**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	

**Physical Address in South Africa:**

Unit No.					Street Name											
Hotel / Complex / Name of Farm																
Suburb / District																
City / Town													Postal Code			
Intended Date of Departure from address (CCYYMMDD)																
Contact No. in RSA																
Contact Person 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 R25 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                                  |
|  |  Up to 50ml Perfume and 250ml eau de toilette |

- 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

**FORM 5  
DECLARATION BY FOREIGNER SEEKING ADMISSION**



**DEPARTMENT OF HOME AFFAIR  
REPUBLIC OF SOUTH AFRICA**

**DECLARATION BY FOREIGNER SEEKING ADMISSION**

**[Section 7(1)(g) read with section 9(3)(e); Regulation 6(4)]**

Surname: .....  
First name: .....  
Date of birth: ...../...../.....  
Place of birth (town/city): .....Country of birth: .....  
Marital status: .....Nationality: .....  
Country of permanent residence: .....  
Country which issued passport / travel document: .....  
Passport/travel document no..... issued at (place).....  
on.....(date) and valid until .....(date).  
Place and date of arrival in the Republic: .....  
Occupation/profession (describe in full) .....

LEFT THUMBPRINT

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

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

Address in Republic: .....

Have you ever been refused a visa for or admission to, deported from or instructed to leave the Republic?

.....(Yes/No). If yes, furnish details.....

I declare that the information I have furnished above is true and correct and that if I am admitted to the Republic, I will comply with the purpose and conditions of my permit.

.....  
**Signature of deponent**

.....  
**Place**

.....  
**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 ..... [first name and surname of detainee] the contents of this notice in the said language and that I am satisfied that the said detainee fully understands it.

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

.....  
Signature of interpreter

**FORM 6**  
**INTERVIEW BY IMMIGRATION OFFICER OF PERSON NOT HAVING SATISFIED**  
**IMMIGRATION OFFICER THAT HE OR SHE IS NOT ILLEGAL FOREIGNER**

(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**

**FORM 7A  
RETURN OF ILLEGAL FOREIGNER**

- (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: .....

### **FORM 7B (LETTER RELATING TO FRAUDULENT, FALSIFIED OR COUNTERFEIT TRAVEL DOCUMENTS OR GENUINE DOCUMENTS PRESENTED BY IMPOSTERS)**

(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: .....

Place of residence: .....

Photograph

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: .....

### **FORM 7C** **(REFERRAL LETTER FOR DETENTION OR PROSECUTION RELATING TO** **FRAUDULENT, FALSIFIED OR COUNTERFEIT TRAVEL DOCUMENTS OR GENUINE** **DOCUMENTS PRESENTED BY IMPOSTERS OR SUSPECTED ILLEGAL FOREIGNERS)**

(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:

Name and surname: .....

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

Nationality: .....

Place of residence: .....

*Photograph*

The holder produced the above-mentioned document upon request for his/her identification or was found in possession of the above-mentioned 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: .....

**FORM 8**  
**APPLICATION FOR VISA TO TEMPORARILY SOJOURN IN THE REPUBLIC**

[Form 8 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018). <sup>2</sup>]



**(DHA-1738) Form 8**

[Section 10(2)(b) to (k); Regulations 9(1) and 20(9)]

CATEGORY OF VISA BEING APPLIED FOR			
Visitor's visa		Exchange Visa	
Study Visa (> 3 months)		Business Visa	
Treaty Visa		Work Visa: Critical Skills	
Relative's Visa		Work Visa: General	
Medical Treatment Visa (> 3 months)		Work Visa: Intra-company transfer	
		Intra-company transfer	
Retired Person's Visa		Corporate Worker Certificate	

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

FOR OFFICIAL USE ONLY		
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		

<sup>2</sup> Editorial note: GN R1328 in GG 42071 of 29 November 2018 contained an instruction to substitute Form 8, but Form 8 was not included in the *Government Gazette*. It was subsequently supplied by the Department.

**1 PERSONAL DETAILS**

Title	Mr	Mrs	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		Widow/Widower			
	Divorced					
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 married to or in a permanent homosexual or heterosexual relationship with a citizen or permanent resident, a certified copy of the marriage or civil union certificate or a notarial agreement, as well as the requisite affidavits, 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?	
(provide details .....	
.....	

**3 PASSPORT DETAILS**

Passport number:	Country of issue:
Date of issue: ...../...../.....	Expiry date: ...../...../.....
If you have any other travel 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 ordinary residence if other than country of origin or above address:
Telephone No.: Work: (incl. area code) ..... Home: (incl. area code) ..... Cellphone number (if available): ..... Email address (if available): .....

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 or country of residence if this differs?      Yes <input type="checkbox"/> No <input type="checkbox"/>
If no, specify period and present status .....

Have you ever applied for asylum or refugee status in the Republic of South Africa or any other country? Yes <input type="checkbox"/> No <input type="checkbox"/> 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) .....			
Cellphone number (if available): .....			
Email address (if available): .....			
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 from the Republic:	/	/	
Anticipated date and place of arrival in the Republic:	/	/	
Travelling by: Air	Road	Rail	Sea
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: ..... .....
--

Provide the details of your intended stay in the Republic:	
Name of place:	
Address:	
Period of stay:	
Date of departure:	

## 6 MAINTENANCE/DEPORTATION

State what funds you have available to maintain yourself 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: ..... (attach bank statement as proof of funds held).	
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 (as listed in part 7 above) 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 (as listed in part 7 above) you in any country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you or any of your dependants (as listed in part 7 above) 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? <span style="float: right;"> <input type="checkbox"/> Yes    <input type="checkbox"/> No         </span>
Are you a member of or adherent to an association or organisation advocating the practice of social violence, or racial hatred? <span style="float: right;"> <input type="checkbox"/> Yes    <input type="checkbox"/> No         </span>
Have you ever been declared undesirable by the Director-General of the Department in South Africa? Yes <input type="checkbox"/> No <input type="checkbox"/>
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.
<div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">           _____            Signature of applicant         </div> <div style="width: 45%;">           _____            Date         </div> </div>

**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		
Marriage certificate, civil union 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		



	Attached	
	Yes	No
Death certificate, where applicable		
Written consent from both parents and full parental responsibilities and rights parent, where applicable		
Adoption order or certificate, where applicable		
Legal separation order, where applicable		
Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where a person resided one year or longer since having attained the age of 18		
Notarial Agreement		

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

	Attached	
	Yes	No
An official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course		
An undertaking by the Registrar or Principal of the learning institution to- <ul style="list-style-type: none"> <li>(i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or</li> <li>(ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;</li> <li>(iii) within 30 days, notify the Director-General that the applicant is no longer registered with such institution; and</li> <li>(iv) within 30 days, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study</li> </ul>		
In the case of a learner under the age of 18 years- <ul style="list-style-type: none"> <li>(i) an unabridged birth certificate;</li> <li>(ii) a valid passport;</li> <li>(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</li> <li>(iv) proof of consent for the intended stay from both parents, or where applicable, from the 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</li> </ul>		
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 renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act		
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 available to the learner whilst resident in the Republic		

**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; (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 yet established in the Republic**

	Attached	
	Yes	No
A certificate or factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- (a) 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 <i>Gazette</i> , is available; or (b) 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 <i>Gazette</i> is available; (c) undertaking by the applicant that at least 60% of the total staff compliment to be 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		
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); where legally required, and (e) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act where applicable: Provided that upon registration, all certificates shall be submitted to the Director-General		
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		

#### **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 or factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- (a) 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 <i>Gazette</i> , is available or already invested; or (b) 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 <i>Gazette</i> , is available or already invested; (c) proof that at least 60% of the total staff complement employed in the operations of the business are South African 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 (CPIC), where legally required; and (e) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, 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.		
A foreigner who invests or has invested in an existing business shall, in addition, submit- (a) financial statement in respect of the preceding financial year; and (b) proof of investment		
The applicant must, within 12 months of the visa being issued, submit to the Director-General a letter of confirmation from the Department of Labour, that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.		

**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 treatable or curable; (d) the treatment schedule; and (e) the period of intended treatment in the Republic.		
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.		
The particulars of the persons accompanying the applicant		
A valid return air flight ticket, where applicable		
Proof of sufficient financial means or provision for the costs indirectly related to the treatment.		

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

	Attached	
	Yes	No
Proof of kinship, within the second step, between the applicant and the citizen or permanent resident in the form of- (a) an unabridged birth certificate; and (b) where necessary, paternity test results.		
The financial assurance contemplated in section 18(1) of the Act shall be an amount, per person per month, as determined from time to time by the Minister by notice in the <i>Gazette</i> , 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 not be required where the South African citizen or permanent resident is a 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		
A letter issued to the prospective employer by the Department of Labour to the effect that a certificate has been issued to the Department confirming that- (a) despite 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; (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 in the Republic and is made conditional upon the general work visa being approved.		
Proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic; and		
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 not comply with the provisions of the Act, or conditions of the visa.		
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.		

**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		
A confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, 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 professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.		
Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.		

**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		
The foreigner's contract of employment with the company abroad entered into for a period of not less than six months prior to the date of application.		
Letter from the company abroad confirming that the applicant shall be transferred to a branch, subsidiary or an affiliate of that company in the Republic.		
A letter from the branch, subsidiary or an affiliate in the Republic confirming the transfer of the foreigner and 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; (b) the foreigner 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 or conditions of the visa; and (c) a plan is developed for the transfer of skills to a South African citizen or permanent resident.		
An undertaking from the branch, subsidiary or an affiliate in the Republic to reimburse the Department any costs incurred in relation to the deportation of the holder of an intra-company transfer work visa and any of his or her family members		

**Additional supporting documents in respect of a corporate worker certificate:**

	Attached	
	Yes	No
An application for a corporate worker certificate shall be accompanied by-		
(a) a valid passport of the applicant;		
(b) biometrics of the applicant;		
(c) the certificate contemplated in subregulation (8)(b);		
(d) a valid employment contract;		
(e) a written undertaking by the corporate applicant to ensure that the foreigner departs from the Republic upon termination of his or her contract of employment or accepting responsibility for the return or costs related to the deportation of the foreigner should it become necessary;		
(f) documentation contemplated in regulation 9(1)(b), (c) and (f);		
(g) proof of qualifications evaluated by SAQA, and translated by a sworn translator into one of the official languages of the Republic, or skills and experience in line with the job offer; and		
(h) a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.		

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

	Attached	
	Yes	No
The minimum monthly payment to a foreigner from a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the amount determined from time to time by the Minister by notice in the <i>Gazette</i> .		

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

**In the case 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 return or deportation costs of the applicant, as the case may be		
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 131 of 1998)		
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 the programme shall commence.		

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

**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:**

	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 return or deportation costs of the applicant, as the case may be.		

## FORM 9 APPLICATION FOR CHANGE OF CONDITIONS ON EXISTING VISA OR CHANGE OF STATUS

(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 dependant 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 60 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.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

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

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

.....
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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:**

	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.		
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[sic], 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 confirming provisional acceptance or acceptance at that learning institution and the duration of the course.		
An undertaking by the Registrar or Principal of the learning institution to- <ul style="list-style-type: none"> <li>(i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or</li> <li>(ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;</li> <li>(iii) within 30 days, notify the Director-General that the applicant is no longer registered with such institution; and</li> <li>(iv) within 30 days, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study.</li> </ul>		
In the case of a learner under the age of 18 years- <ul style="list-style-type: none"> <li>(i) an unabridged birth certificate;</li> <li>(ii) a valid passport;</li> <li>(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</li> <li>(iv) proof of consent for the intended stay from both parents, or where applicable, from the 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.</li> </ul>		
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.		

	Attached	
	Yes	No
An official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course.		
An undertaking by the Registrar or Principal of the learning institution to- <ul style="list-style-type: none"> <li>(i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or</li> <li>(ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;</li> <li>(iii) within 30 days, notify the Director-General that the applicant is no longer registered with such institution; and</li> <li>(iv) within 30 days, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study.</li> </ul>		
In the case of a learner under the age of 18 years- <ul style="list-style-type: none"> <li>(i) an unabridged birth certificate;</li> <li>(ii) a valid passport;</li> <li>(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</li> <li>(iv) proof of consent for the intended stay from both parents, or where applicable, from the 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.</li> </ul>		

Proof of medical cover renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act.		
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 available to the learner whilst resident in the Republic.		

**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; (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 dependant 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 yet established in the Republic**

	Attached	
	Yes	No
A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- (a) 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 <i>Gazette</i> , is available; or (b) 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 <i>Gazette</i> is available; (c) undertaking by the applicant that at least 60% of the total staff complement to be 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.		
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 (CIPC); where legally required; and (e) Relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act where applicable: Provided that upon registration, all certificates shall be submitted to the Director-General		

	Attached	
	Yes	No
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.		

**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 or a professional accountant registered with the South African Institute of Professional Accountants to the effect that: (a) 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 <i>Gazette</i> , is available or already invested; or (b) 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 <i>Gazette</i> , is available or already invested; (c) proof that at least 60% of the total staff complement employed in the operations of the business are South African citizens or permanent residents employed permanently in various positions.		

	Attached	
	Yes	No
Proof of registration with the- (a) South African Revenue Service; (b) <i>Unemployment</i> Insurance Fund; (c) <i>Compensation</i> Fund for Occupational Injuries and Diseases; (d) <i>Companies</i> and Intellectual Properties Commission (CIPC), where legally required; and (e) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.		
A letter of recommendation from the Department of Trade and Industry regarding- (a) the <i>feasibility</i> of the business; and (b) the <i>contribution</i> to the national interest of the Republic.		
A foreigner who invests or has invested in an existing business shall, in addition, submit- (a) <i>financial</i> statement in respect of the preceding financial year; and (b) <i>proof</i> of investment		
The applicant must, within 12 months of the visa being issued, submit to the Director-General a letter of confirmation from the Department of Labour, that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.		

**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 <i>space</i> is available at the medical institution; (b) the <i>estimated</i> costs of the treatment; (c) <i>whether</i> or not the disease or ailment is treatable or curable; (d) the <i>treatment</i> schedule; and. (e) the <i>period</i> of intended treatment in the Republic.		
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.		
The particulars of the persons accompanying the applicant.		
A valid return air flight ticket, where applicable.		
Proof of sufficient financial means or provision for the costs indirectly related to the treatment.		

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

	Attached	
	Yes	No
Proof of kinship, within the second step, between the applicant and the citizen or permanent resident in the form of- (a) An <i>unabridged</i> birth certificate; and (b) Where <i>necessary</i> , paternity test results.		
The financial assurance contemplated in section 18(1) of the Act shall be an amount, per person per month, as determined from time to time by the Minister by notice in the <i>Gazette</i> , 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 not be required where the South African citizen or permanent resident is a dependant 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 dependant 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) <i>despite</i> 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; (b) the <i>applicant</i> 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 <i>positions</i> in the Republic; (d) <i>contract</i> of employment stipulating the conditions of employment and signed by both the employer and the applicant in line with the labour standards in the Republic and is made conditional upon the		

general work visa being approved.		
Proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic; and [sic]		
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 not comply with the provisions of the Act, or conditions of the visa.		
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.		

**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 dependant 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 confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, 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 professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.		
Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.		

**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 dependant 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.		
The foreigner's contract of employment with the company abroad valid for a period of not less than six months.		
Letter from the company abroad confirming that the applicant shall be transferred to a branch, subsidiary or an affiliate of that company in the Republic.		

	Attached	
	Yes	No
A letter from the branch, subsidiary or an affiliate in the Republic confirming the transfer of the foreigner and specifying the occupation and capacity in which the foreigner shall be employed.		
An undertaking from the employer that- <ul style="list-style-type: none"> <li>(a) the foreigner shall only be employed in the specific position for which the visa <i>has</i> been issued;</li> <li>(b) the foreigner will, at all times, comply with the provisions of the Act and <i>conditions</i> of his or her visa and undertakes to immediately notify the Director-General if the employee refuses to comply with</li> </ul>		

the provisions of the Act or conditions of the visa; and (c) a plan <i>is</i> developed for the transfer of skills to a South African citizen or permanent[sic]		
An undertaking from the branch, subsidiary or an affiliate in the Republic to reimburse the Department any costs incurred in relation to the deportation of the holder of an intra-company transfer work visa and any of his or her family members.		

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

	Attached	
	Yes	No
The minimum monthly payment to a foreigner from a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the amount determined from time to time by the Minister by notice in the <i>Gazette</i> .		

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

**In the case 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 return or deportation costs of the applicant, as the case may be.		
Proof of medical cover for the duration of the exchange period with a medical scheme registered in terms of the Medical Schemes Act.		
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 education and training institution confirming the particulars of the applicant, the applicant's enrolment with the foreign education and training institution abroad, and the date on which the programme shall commence.		

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

**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 foreign education and training 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 return or deportation costs of the applicant, as the case may be.		
Proof of medical cover for the duration of the exchange period with a medical scheme registered in terms of the Medical Schemes Act.		

	Attached	
	Yes	No
A letter from the organ of state or learning institution confirming the existence of the exchange programme; or		

A letter from the foreign learning institution confirming the enrolment of the applicant or the foreign state institution conducting the programme, as the case may be.

## FORM 10 APPLICATION FOR RENEWAL OF EXISTING VISA

(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:	
Submission quality checked by:	Date received at Head Office:	Remarks:
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 60 days prior to the expiry date of the existing visa.**

#### **PARTICULARS OF APPLICANT:**

Surname/Family name:	First name(s):	Date of birth:
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Residential address in the Republic:	..... ..... .....
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, 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.		
A valid return air flight ticket or proof of reservation thereof.		

Where the applicant is attending an activity or event, a letter from the organisation under whose control the activity or event is taking place.		
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**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.		
A valid return air flight ticket or proof of reservation thereof.		
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 air flight ticket or proof of reservation thereof.		
Proof of sufficient financial means.		
A South African Police Clearance certificate where the applicant has been resident in the Republic for 12 months and longer.		

	Attached	
	Yes	No
In respect of an application by a person who is the spouse or dependant 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, a portfolio of his or her previous work.		
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 Deputy Director of Public Prosecutions.		

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

An official letter from the Registrar or Principal of the learning institution confirming that the applicant is required to extend his or her period of study and the duration of such study.
An undertaking by the Registrar or Principal of the learning institution to- <ul style="list-style-type: none"> <li>(a) In the event of failure to register by the closing date, provide the Director-General with a <i>notification</i> of failure to register within 7 days of the closing date of registration;</li> <li>(b) <i>within</i> 30 days, notify the Director-General that the applicant is no longer registered with such institution; and</li> <li>(c) <i>within</i> 30 days, notify the Director-General when the student has completed his or her studies.</li> </ul>
In the case of a minor (i.e. a person under 18): <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) proof of consent for the intended stay from both parents or, where applicable, from the 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.</li> </ul>
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 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.

**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- <ul style="list-style-type: none"> <li>(a) the <i>nature</i> of the programme;</li> <li>(b) <i>continued</i> participation of the foreigner in the programme; and</li> <li>(c) the type of activities the foreigner is expected to continue to perform and <i>the</i> duration thereof.</li> <li>(d) <i>accommodation</i> of the foreigner; and</li> <li>(e) any other relevant details pertaining to the foreigner's stay in the Republic.</li> </ul>		
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 dependant 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 or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- <ul style="list-style-type: none"> <li>(a) the original cash investment into the book value of the business is still so invested;</li> <li>(b) a <i>letter</i> of confirmation from the Department of Labour that at least 60% of the total staff complement employed in the operations of the business are citizens or permanent residents</li> </ul>		

employed permanently in various positions.		
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	Attached	
	Yes	No
<p>(a) Tax clearance certificate issued by the South African Revenue Service from the date on which the business became operational;</p> <p>(b) Proof of contributions made to the Unemployment Insurance Fund;</p> <p>(c) Proof of contributions made to the Compensation Fund for Occupational Injuries and Diseases;</p> <p>(d) Proof of registration with Companies and Intellectual Properties Commission (CIPC); and</p> <p>(e) Proof of registration with the professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.</p>		
<p>A letter of recommendation from the Department of Trade and Industry regarding-</p> <p>(a) the <i>continued</i> feasibility of the business; and</p> <p>(b) the <i>contribution</i> to the national interest of the Republic.</p>		
Financial statement in respect of the preceding financial year.		
A letter of confirmation from the Department of Labour that 60% of the staff complement employed in the operations of the business are still South African citizens or permanent residents who are employed permanently.		

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

	Attached	
	Yes	No
<p>A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming-</p> <p>(a) That <i>space</i> is still available at the medical institution for the continued treatment of the applicant;</p> <p>(b) The estimated costs of the continued treatment; and</p> <p>(c) The treatment schedule and period and details of the continued treatment in the Republic.</p>		

	Attached	
	Yes	No
Details of, and confirmation by, the person or institution responsible for the medical expenses and hospital fees: Provided that in the case where a[n] applicant's 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 air flight ticket, where applicable.		
Proof of sufficient financial means or provision for the costs indirectly related to the treatment.		

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

	Attached	
	Yes	No
Proof of kinship, within the second step, between the applicant and the citizen or permanent resident in the form of an unabridged birth certificate.		

The financial assurance per month, per person, as determined from time to time by the Minister by notice in the <i>Gazette</i> , 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 not be required where the South African citizen or permanent resident is a dependant 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 dependant family members, should it become necessary.		

	Attached	
	Yes	No
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- <ul style="list-style-type: none"> <li>(a) The <i>applicant</i> continues to be employed in line with the labour standards;</li> <li>(b) contract of employment stipulating the conditions of employment and <i>signed</i> by both the employer and the applicant; and</li> <li>(c) Full <i>particulars</i> of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC).</li> </ul>		
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 professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.		

**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 dependant 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 professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.		

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

	Attached	
	Yes	No
Proof of payment to the applicant from a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising the		

minimum amount per month as determined from time to time by the Minister by notice in the <i>Gazette</i> .		
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## FORM 11 APPLICATION FOR PORT OF ENTRY VISA OR TRANSIT VISA

(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):									
	Y	Y	Y	Y	M	M	D	D	
Date of birth:									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: ..... ..... ..... ..... Period resident in that country:.....	Telephone number: (.....)..... Home telephone No: ..... Cellphone No: ..... E-mail address: .....

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		Married		Widowed		Separated		Divorced	
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 utilising crime or terrorism to pursue its ends?	Yes		No	

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

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

**In the case of an official visit, submission of a *Note Verbale*.**

**In the case of a diplomat 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, confirming such attendance and whether or not the foreigner will be remunerated, and if remunerated, the amount of the remuneration.		
<p>In respect of a dependant child accompanying the applicant to or joining the applicant in the Republic-</p> <ul style="list-style-type: none"> <li>(a) proof of consent from one or both parents or legal guardian, as the case may be, in the form of a letter or affidavit;</li> <li>(b) where applicable, a copy of a court order granting the applicant parental responsibilities and rights in respect of the child;</li> <li>(c) 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;</li> <li>(d) a copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; and</li> <li>(e) the contact details of the parents or legal guardian.</li> </ul>		

	Attached	
	Yes	No
<p>In respect of medical treatment for a period not exceeding three months-</p> <ul style="list-style-type: none"> <li>(a) A letter from the applicant's registered medical practitioner or medical institution within the Republic, confirming- <ul style="list-style-type: none"> <li>(i) that space is available at the medical institution;</li> <li>(ii) the estimated costs of the treatment;</li> <li>(iii) whether or not the disease or ailment is curable;</li> <li>(iv) treatment schedule; and</li> <li>(v) the period of intended treatment in the Republic.</li> </ul> </li> <li>(b) Details of the person or institution responsible for the medical expenses and hospital fees: Provided that in the case where the applicant's medical scheme or employer is not liable for expenses incurred, proof of financial means to cover the medical costs.</li> <li>(c) The particulars of the persons accompanying the applicant;</li> <li>(d) A valid return air flight ticket, where applicable;</li> <li>(e) Proof of sufficient financial means or provision for the costs indirectly related to the treatment.</li> </ul>		
<p>In respect of studies for a period not exceeding three months-</p> <ul style="list-style-type: none"> <li>(a) An undertaking by the Registrar or Principal of the learning institution to- <ul style="list-style-type: none"> <li>(i) provide proof of registration of the learning institution as contemplated in the relevant legislation, within 60 days of registration;</li> <li>(ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing days of registration;</li> <li>(iii) within 30 days, notify the Director-General that the applicant is no longer registered with such institution; and</li> <li>(iv) within 30 days, notify the Director-General when the applicant has completed his or her studies or requires</li> </ul> </li> </ul>		

to extend such period of study.		
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	Attached	
	Yes	No
In respect of short-term work to be undertaken in the Republic, a letter from the employer stipulating- (a) the purpose or necessity of the work; (b) the nature of the work; (c) qualification and skills required for the work; (d) the duration of the work; (e) the place of work; (f) duration of the visit; (g) proof of remuneration or stipend that the foreigner will receive from the employer; and (h) identity and contact details of the prospective employer or relevant contact person from the host institution.		

**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.		
Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the country concerned, if available.		
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 [sic], where applicable		

	Attached	
	Yes	No
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, where applicable.		
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 dependant 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 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.		

**FORM 12**  
**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT HOMOSEXUAL OR**  
**HETEROSEXUAL RELATIONSHIP**

Surname:.....	Gender:	<div style="border: 1px solid black; display: inline-block; width: 40px; height: 20px; margin: 0 5px;"></div>
First name(s):..... Residential address:..... ..... .....		
Identity No.	<div style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; margin: 0 5px;"></div>	
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:	<div style="border: 1px solid black; display: inline-block; width: 40px; height: 20px; margin: 0 5px;"></div>
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[s] to exist.

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

**OFFICE STAMP**

--

(DHA-1712A) **Form 12**



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

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT HOMOSEXUAL OR HETEROSEXUAL  
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:	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>											
First name(s):.....													
Residential address:.....													
.....													
Identity No.	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												
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:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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/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/hereby 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.

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

.....  
**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**

**FORM 13  
APPLICATION FOR CORPORATE VISA**

(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...../...../.....(date) by.....(initials and surname). Persal.....	
Application fee: R	Receipt no.
Application processed on...../...../.....(date) by.....(initials and surname). 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 (not work address): .....	
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: ..... Citizens (.....) and Foreigners (.....)

**THE ABOVE-MENTIONED COMPANY OR ORGANISATION HEREBY APPLIES FOR A CORPORATE VISA TO EMPLOY FOREIGNERS**

Type of position:.....	No of workers required:.....
Type of position:.....	No of workers required:.....
Type of position:.....	No of workers required:.....

**REQUIREMENTS**

	Yes	No	Comments:
(a) Proof of the need to employ the requested number of foreigners;			..... .....
(b) A certificate by the Department of Labour			..... .....



I,.....(name(s) and surname)  
with identity number....., in my capacity as.....  
of the above-mentioned 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) ensure that the passport of the foreigner is valid at all times;
- (c) 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;
- (d) ensure that such foreigner departs from the Republic upon completion of his or her  
contract of employment.

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.....

**FORM 14  
CORPORATE VISA**

(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 above-named corporate visa holder is hereby authorised to issue  
a total of.....corporate worker authorisation certificates.



**FOR OFFICIAL USE ONLY**

Period of validity (in line with regulation 20(5)(a))	Authorisation certificate numbers	..... Signature of issuing officer
		Appointment No.....
		Date:.....

**Employment requirements**

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 above-mentioned worker(s) must be admitted at.....port of entry.

.....  
For Director-General  
\*Delete which is not applicable

.....  
Date

Official stamp

**FORM 15**  
**CORPORATE WORKER AUTHORISATION CERTIFICATE**

(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*

**FORM 16**  
**PROGRESS REPORT BY ORGAN OF STATE OR LEARNING INSTITUTION REGARDING**  
**EXCHANGE PROGRAMME**

(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)

## FORM 17 ASYLUM TRANSIT VISA

(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.									<i>(Where applicable)</i>		
Identity No.									<i>(Where applicable)</i>		
Sex <i>(write in full)</i>											
Country of birth											
Province											
Place of birth											
Current Nationality											

Previous nationality(ies) <i>(Where applicable):</i>	
Ethnic Group	



Name(s) in full												
Date of birth	C	C	Y	Y	M	M	D	D				
Passport No.									(Where applicable)			
Identity No.									(Where applicable)			
Sex (write in full)												
Country of birth												
Province												
Place of birth												

Current nationality											
<b>Dependant 3</b>											
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 (write in full)											
Country of birth											
Province											
Place of birth											
Current nationality											
<b>Dependant 4</b>											
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 (write in full)											
Country of birth											
Province											
Place of birth											
Current Nationality											

**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**

.....  
**Date**

**Left thumbprint**

**Photograph**

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

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

Surname:.....

First name(s):.....

Rank/position:.....

Date:.....

Place:.....

Appointment /Persal No.:.....

**\*Delete whichever is not applicable**

Official stamp

**FORM 18**  
**APPLICATION FOR PERMANENT RESIDENCE PERMIT**

(DHA-947) **Form 18**



**DEPARTMENT OF HOME AFFAIRS**  
**REPUBLIC OF SOUTH AFRICA**  
**APPLICATION FOR PERMANENT RESIDENCE PERMIT**  
**[Section 25(2); Regulation 23(1)]**

**IMPORTANT**

I, \_\_\_\_\_ (surname and name of main applicant),  
\_\_\_\_\_ (passport number) declare that I understand that:

- 1 This application form and supporting documents must be submitted in person.
- 2 If my spouse and/or dependant children over the age of 16 years form part of the application, they will accompany me when submitting the application for the purpose of providing their biometrics.
- 3 An application for permanent residence status does not grant me such status. I and all my family members will continue to renew our temporary residence visas until the outcome of the permanent residence application has been received.
- 4 All the documents in support of my application must be originals or copies authenticated by the issuing authority in the country of origin.
- 5 I am obliged to inform the Department of any change of address, or change in information or circumstances that could influence the outcome of the application, whilst the application is being processed.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

**REFERENCE NO.:** .....

**LIST OF APPLICANTS**

Surname	First name(s)	Date of birth	Gender	Relationship	Applicable section of Act	Reference number

Application processed by.....(*first name and surname of official*)

**Decision**

Application \*approved/rejected.

If rejected, reason(s) for decision:

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

In the case of conditional approval, state conditions:

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

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

Rank:.....

Office:.....

Official stamp

**Details of principal applicant:**

Title:..... Surname:.....

First name: .....

Maiden name: .....

Any other former surnames: .....

Date of birth:                      Year 

--	--	--	--

 Month 

--	--

 Day 

--	--

Country of birth: ..... Nationality of birth:.....

Present nationality: .....

Passport no.: ..... Expiry date: .....

Issuing authority of passport: .....

Marital status:

Never married	Married	Permanent spousal relationship	Divorced	Widowed	Legally separated
---------------	---------	--------------------------------	----------	---------	-------------------

Type of marriage or spousal relationship:

Civil marriage	Customary marriage	Religious marriage	Permanent heterosexual relationship	Permanent homosexual relationship
----------------	--------------------	--------------------	-------------------------------------	-----------------------------------

Date of conclusion of marriage or spousal relationship:

.....

Details of **previous** marriage(s) or permanent spousal relationship(s) (if any):

- Date and place of marriage/conclusion of spousal relationship:



- .....
- Date and place of \*divorce/separation.
- .....

\*Details about any parental rights and responsibilities (including maintenance obligations) in respect of children born from such marriage(s)/permanent spousal relationship(s), including legally adopted children:

.....

Present residential address:

.....

Since	Year	Month	Day
-------	------	-------	-----

Postal Address: .....

Suburb: ..... City: ..... Code: .....

Tel No: (Home) ..... (Work) .....

Cellphone: .....

E-mail address: .....

Occupation: .....

Type of temporary residence visa held (if applicable): .....

Valid until: ..... Issuing office: .....

**Details of principal applicant's parents:**

**Father:**

Surname: .....

First name: .....

Date of birth: .....

Place of birth: ..... Country: .....

**Mother:**

Surname: .....

First name: .....

Maiden name: .....

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

Country: ..... Nationality at birth: .....

**Details of applicant's spouse:**

Title: ..... Surname: .....

First name(s): .....

Maiden name: .....

Any other former surname(s): .....

Date of birth: Year 

--	--	--	--

 Month 

--	--

 Day 

--	--

Country of birth..... Nationality at birth.....

Present nationality: .....

Passport no.: ..... Expiry date: .....

Issuing authority of passport: .....

Details of **previous** marriage(s) or permanent spousal relationship(s) (if any):

- Date and place of marriage/conclusion of spousal relationship:

.....

- Date and place of \*divorce/separation:.....

Details about any custody or maintenance obligations in respect of children born from such \*marriage(s)/permanent spousal relationship(s), including legally adopted children:

.....

.....

.....

Present residential address:

.....

.....

.....

Occupation:

.....

Type of temporary residence visa held (if applicable):

.....

Valid until:..... Issuing office:.....

**Details of spouse's parents:**

**Father:**

Surname: .....

First name(s): .....

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

Country:.....Nationality at birth: .....

Present nationality.....

**Mother:**

Surname: .....

First name(s): .....

Date of birth: .....

Place of birth: .....

Country:.....Nationality at birth: .....

Present nationality.....

**Details of biological-, step- and adopted children not included in the application:**

Surname	First name	Date of birth	Gender	Nationality

**Details of relatives or friends resident in South Africa:**

Surname	First name	Relationship	Identity number/ Permanent or Temporary residence permit number	Residential address	Telephone number

**Employment record of principal applicant (to cover full period of employment):**

Name of employer	Address	From (date)	To (date)	Nature of work

Occupations to be followed in the Republic-

- by principal applicant: .....;and
- by spouse: .....

Amount of funds to be transferred to the Republic-

- by principal applicant: .....;and
- by spouse: .....

Details of pension or private income-

- by principal applicant: .....;and
- by spouse: .....

Details of any other assets (e.g. property, investments, etc.)-

- of principal applicant: .....;and
- of spouse: .....

**Details of any family members remaining in your country of origin (spouse, children, parents, sisters, brothers):**

Surname & First Name(s)	Address	Relationship

**Full details of previous and current residential addresses (since 18th birthday or for the last ten years):****Principal applicant:**

From (month and year)	To (month and year)	Number and street name	City/Town	Country

**Spouse:**

From (month and year)	To (month and year)	Number and street name	City/Town	Country

**Details regarding applicant and (if applicable) spouse and children:**

The following questions relate to you (the applicant), as well as to your spouse and children (if any), and must be answered 'YES' or 'NO'.

Have you or any of the persons concerned ever been-

- convicted of a criminal offence, even if such conviction is no longer on record against you or the persons concerned? .....
- declared insolvent? .....If yes, have you been rehabilitated?.....
- the subject of a civil action, including failure to fulfil child maintenance obligations?  
.....
- Is there a civil or criminal enquiry pending against you or any of the persons concerned?  
.....
- Have you or any of the persons concerned ever been refused entry into or been removed or deported from the Republic? ..... if so, provide details:.....

**N.B. If the answer to any of the above questions is 'YES', provide full details below.**

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

**General information:**

Postal address and telephone number where you could be contacted in the Republic:

.....  
.....

If your spouse is a South African citizen or permanent resident, please provide his/her employment details:.....

.....

**Note:** Any incorrect or misleading information or false documents furnished in support of this application may result in the application being refused or, if the permanent residence permit has already been issued, that permit being withdrawn.

\*I/We, the undersigned, declare that-

- photograph(s) submitted in support of this application \*is/are a true reflection of the person(s) whose name(s) appear on the reverse side thereof;
- the details reflected in this application, as well as the documents submitted in support of this application, are true and correct; and
- it is \*my/our intention to permanently reside in the Republic.

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

(Parent(s) or legal guardian if main applicant is a minor child)

.....  
**Date**

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

.....  
**Date**

**ONE PASSPORT PHOTOGRAPH IN RESPECT OF EACH PARTY TO THEAPPLICATION**

**FOR OFFICIAL USE**

**Supporting documents required for all categories of applicants:**

Document(s) to be submitted	Person(s) to submit document	Explanatory notes
Passport photograph.	All applicants.	A recent, passport-type, full face photograph.
Valid passport	All applicants.	Certified copies are acceptable.
Unabridged birth certificate, or extract from birth record.	All applicants.	Only original documents or authenticated copies thereof are acceptable.
Change of name or gender document (i.e. Statutory Declaration, Deed Poll or legal Adoption Certificate).	All applicants where applicable.	

Medical report.	All applicants.	The report shall not be older than six months at the time of submission.
Radiological report.	All applicants 12 years of age and older (excluding pregnant women).	The report shall not be older than six months at time of submission.
Police clearance certificate(s).	All applicants 18 years of age and older.	In respect of all countries of residence for one year or longer since the age of 18 years, including South Africa. Certificates may not be older than six months at the time of submission of this application.
Marriage certificate, or extract from marriage record/Proof of registration of customary marriage in terms of Recognition of Customary Marriages Act, 1998 (Act 120 of 1998), where applicable/Spousal affidavit. Documentary proof of cohabitation and extent to which the related financial responsibilities are shared by the parties.	All married applicants or parties to a spousal relationship.	
Divorce decree(s) or proof of legal separation and all relevant court orders regarding custody and maintenance of children and previous spouse(s).	All applicants who are divorced or legally separated.	Required irrespective of whether or not the person concerned has since remarried.
Written consent of both parents in the case of minor children where only one of the parents is applying.	Both parents.	
Death certificate of late spouse, where applicable.	All widowed persons.	

**Indicate whether or not the document(s) mentioned hereunder have been submitted:**

**Section 26(a) of the Act**

Proof of five year's continuous work permit status.	Yes	No
Proof of registration with professional body, board or council in the Republic, if applicable.		
Offer of permanent employment.		

**Section 26(b) of the Act**

Proof that applicant has been spouse of citizen or permanent resident for five years.	Yes	No
Declaration of support for the application by the spouse who is a citizen or permanent resident.	Yes	No
Identity document of the spouse who is the citizen or permanent resident.	Yes	No
If the spouse is a permanent resident, a copy of his or her permanent residence permit must be submitted.		

**Section 26(c) of the Act**

Consent of both parents and guardians, together with an undertaking to provide financial support to the applicant.	Yes	No
--	-----	----

**Section 26(d) of the Act**

An undertaking by the South African citizen parent(s) to provide the required financial support to the applicant.	Yes	No
---	-----	----

**Section 27(a) of the Act**

An offer of permanent employment.	Yes	No
An original clipping, not older than four months at the time of application, from the national printed media- <ul style="list-style-type: none"> <li>(a) reflecting the full particulars of the relevant newspaper or magazine, as well as the date on which the advertisement was published;</li> <li>(b) stipulating the minimum qualifications and experience required to fill the position;</li> <li>(c) clearly define the position offered and the responsibilities to be performed;</li> <li>(d) measure at least 60 millimetres by 60 millimetres; and</li> <li>(e) state the closing date for the application</li> </ul>		
Proof that the application falls within the specific professional category or within the specific occupational class contemplated in section 19(1) of the Immigration Act.	Yes	No

**Section 27(b) of the Act**

Proof that the applicant falls within the critical skills category as published from time to time by the Minister by notice in the <i>Gazette</i> in the form of a certificate from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant.	Yes	No
If required by law, a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.	Yes	No
Proof of post qualification experience of at least five years.	Yes	No
Testimonials from previous employers.	Yes	No
A comprehensive <i>curriculum vitae</i> .	Yes	No
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 he/she intends to operate and which relates to the critical skill in question.		

**Section 27(c) of the Act****In respect of an application by a foreigner who intends to establish a business or invest in a business that is not established in the Republic**

A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- <ul style="list-style-type: none"> <li>(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 <i>Gazette</i>, is available; or</li> <li>(b) at least an amount in cash and capital as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the <i>Gazette</i>, is available to be invested in the Republic.</li> </ul>	Yes	No
<ul style="list-style-type: none"> <li>(a) A business plan outlining the feasibility of the business, both in the short and long term; and</li> <li>(b) an undertaking that at least 60% of the total staff complement employed in the operations of the business are or shall be citizens or permanent residents employed permanently in various positions.</li> </ul>		
An undertaking to register with the South African Revenue Service.	Yes	No

Proof of registration with the relevant professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, where applicable.		
---	--	--

**In respect of an application by a foreigner who has established a business or invested in an existing business in the Republic**

A certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that- (a) at least an amount in cash as determined from time to time by the Minister, by notice in the <i>Gazette</i> has been invested in the business; and (b) proof that at least 60% of the total staff complement employed in the operations of the business are citizens or permanent residents employed permanently in various positions.	<b>Yes</b>	<b>No</b>
---	------------	-----------

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) The relevant professional body, board or council recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act.	<b>Yes</b>	<b>No</b>
Financial statement in respect of the preceding financial year.	<b>Yes</b>	<b>No</b>
A partnership agreement, if applicable.	<b>Yes</b>	<b>No</b>

**Section 27(d) of the Act**

Proof of five year's continuous refugee status in the Republic.	Yes	No
Certification from the Standing Committee for Refugee Affairs that the applicant will remain a refugee indefinitely.	Yes	No
An affidavit regarding aliases used for refugee status application(s) by principal applicant or family members, if applicable.	Yes	No

**Section 27(e) of the Act**

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 as determined from time to time by the Minister by notice in the <i>Gazette</i> .	Yes	No
---	-----	----

**Section 27(f) of the Act**

Proof of a net worth in the amount determined from time to time by the Minister by notice in the <i>Gazette</i> .	Yes	No
Written undertaking to make payment in the amount determined from time to time by the Minister by notice in the <i>Gazette</i> to the Director-General upon approval of the application.	Yes	No

**Section 27(g) of the Act**

Proof of kinship in the first step between the applicant and the citizen or permanent resident.	Yes	No
---	-----	----

**FORM 19**  
**DECLARATION OF FOREIGNER AS UNDESIRABLE PERSON**

[Form 19 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

[Section 7(1)(g) read with section 30(1); Regulations 27(2) and 39(1)]

(DHA—46) **Form 19**



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

To: .....

Passport No: .....

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 unrehabilitated 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 at [Overstayappeals@dha.gov.za](mailto:Overstayappeals@dha.gov.za) within 10 working days of receipt of this notice to review this declaration.

Alternatively, you may apply to the Minister at [Overstayappeals@dha.gov.za](mailto:Overstayappeals@dha.gov.za) 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.

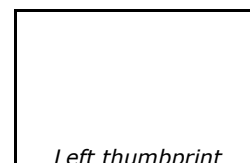
I \*wish/do not wish to make representations within 10 working days from receipt of this notice to the Director-General in terms of section 8(4) of the Act to review the declaration.

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:** .....



.....  
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**

### **FORM 20 AUTHORISATION FOR ILLEGAL FOREIGNER TO REMAIN IN REPUBLIC PENDING APPLICATION FOR STATUS**

(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.

**FORM 21  
ORDER TO ILLEGAL FOREIGNER TO DEPART FROM REPUBLIC**

(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:.....

.....

Nationality:..... 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 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 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**

**\*Delete which is not applicable**

**FORM 22**  
**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**

(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).....

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

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

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

.....  
**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**

**FORM 23  
NOTICE BY IMMIGRATION OFFICER TO PERSON TO APPEAR BEFORE DIRECTOR-GENERAL**

(DHA-1720) **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)(b) of the Act to produce the article(s) infra  
to.....(name 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:

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

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**

**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 the original of this notice.

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

**\*Delete which is not applicable**

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

.....  
**Date**

**FORM 24  
ENTRY AND SEARCH WARRANT**

(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 above-mentioned 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**

**FORM 25  
WARRANT OF ARREST**

(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 thye 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**

#### FORM 26 RECEIPT OF ITEMS SEIZED

(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 .....

Item	Description	Quantity
.....	.....	.....
.....	.....	.....

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

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:**

**FORM 27  
WARRANT FOR SEIZURE AND REMOVAL**

(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 above-mentioned 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**

**Designation:** .....

Official stamp

**\*Delete which is not applicable**

**FORM 28  
WARRANT OF DETENTION OF ILLEGAL FOREIGNER**

(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**

**FORM 29  
NOTIFICATION OF DEPORTATION**

(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 remaining in custody.

Yes ☐ No ☐

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(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 detainee) the contents of this notice in the said  
language and that I am satisfied that the said foreignerfully understands it.

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

.....  
**Place**

.....  
**Date**

**\*Delete which is not applicable**

**FORM 30**  
**CONFIRMATION BY COURT OF DETENTION FOR PURPOSES OF DEPORTATION**

(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.....

**Magistrates 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**

**FORM 31**  
**NOTICE TO A FOREIGNER OF THE INTENTION TO APPLY TO COURT FOR THE**  
**EXTENSION OF HIS/HER DETENTION**

[Form 31 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

[Section 7(1)(g) read with section 34(1)(d); Regulation 33(4)(a)]

(DHA—1726) **Form 31**



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

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 whichever is not applicable**



### **CERTIFICATE OF OATH/AFFIRMATION**

I, ..... (name and surname of Commissioner/designation)

....., hereby certify that before administering the prescribed \*oath/solemn declaration, you put the following questions to the deponent and noted \*his/her reply in his/her presence:

#### **QUESTIONS**

#### **ANSWER**

- (a) Do you know and understand the contents of the above declaration Yes/No
- (b) Have you any objection to taking the prescribed oath? Yes/No
- (c) Do you regard the prescribed oath as binding on your conscience? Yes/No

The deponent has acknowledged that he/she knows and understands the contents of the declaration; this declaration was duly \*sworn to/solemnly affirmed before me and the deponent's signature was appended thereon in my presence.

Date: .....  
Place: .....

Signed: .....  
Address: .....

## **FORM 32 APPLICATION TO COURT FOR EXTENSION OF DETENTION AND AUTHORISATION BY COURT FOR THAT EXTENSION**





**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:**

Official stamp

.....  
**Signature**

.....  
**Appointment No**

.....  
**Place**

.....  
**Date**

**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 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.....

**Magistrates Court**

.....  
**Signature of Magistrate**

.....  
**Designation:**

**\*Delete which is not applicable**

**FORM 33**  
**WARRANT OF DETENTION OF PERSON SUSPECTED OF BEING AN ILLEGAL FOREIGNER**

(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 identity Yes ☐ No ☐

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: .....

**FORM 34**  
**ORDER TO ILLEGAL FOREIGNER TO DEPOSIT A SUM TO COVER EXPENSES**  
**RELATING TO DEPORTATION, DETENTION, MAINTENANCE AND CUSTODY**

(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**

--

Official stamp

**FORM 35**  
**WARRANT FOR REMOVAL OF DETAINED ILLEGAL FOREIGNER**

(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 thumbprints 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 thumbprints were taken by me.

**LEFT THUMBPRINT**

*RIGHT THUMBPRINT*

**IMMIGRATION OFFICER'S PARTICULARS**

Name and surname:.....  
Appointment number:.....  
Rank/position.....  
Port of entry:.....

*Departure stamp*

**HEAD OF PORT OF ENTRY/SUPERVISOR'S PARTICULARS**

Name and surname:.....  
Rank/position.....  
Contact No.: Tel: .....

**REVERSE SIDE OF FORM 35**

**FINGERPRINT FORM/TRAVEL IDENTITY OF DEPORTEE**

**NOTIFICATION OF DEPORTATION OF  
ILLEGAL FOREIGNER**

*Fingerprints may only be taken by an  
official of the Department of Home  
Affairs.*

*PLEASE NOTE: Should a finger be  
missing, deformed or so injured that the  
impression cannot be taken, this fact  
should be noted in the space provided  
for that impression.*

**Classification**


*Identity size photo  
of illegal foreigner  
to be deported*

R thumb	R index	R middle	R ring	R little finger
L thumb	L index	L middle	L ring	L little finger

**FOR OFFICIAL USE:**

**FINGERPRINTS TAKEN BY:**

**(PLEASE PRINT)**

**IDENTITY NUMBER:**

**PCN NUMBER:**


**REGISTERING FINGERS**

**LEFT HAND**

**RIGHT HAND**


**FORM 36**

**WARRANT FOR RELEASE OF DETAINED ILLEGAL FOREIGNER**



**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**

**FORM 37**  
**NOTIFICATION TO A PERSON AT A PORT OF ENTRY THAT HE OR SHE IS AN**  
**ILLEGAL FOREIGNER AND IS REFUSED ADMISSION**

(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 organisation advocating the practice of racial hatred or social violence;

\*(v) are or have been a member of or adherent to an organisation or association utilising 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.



.....  
**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: .....

**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 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 the illegal foreigner fully understands the contents of this  
document.

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

.....  
**Place**

.....  
**Date**

**\*Delete which is not applicable**

**FORM 38**

**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**

(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.

Surname	First name(s)	Date of birth	Gender	Nationality	Reason(s) for refusal

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**

**FORM 39**  
**LISTS OF PASSENGERS AND CREW, MEDICAL RETURN AND COASTAL ADVICE**

(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, dependant 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**

### FORM 40 LIST OF STOWAWAYS

(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**

**FORM 41**  
**APPLICATION BY MASTER OR OWNER OF SHIP OR AGENT REPRESENTING MASTER**  
**OR OWNER OF SHIP FOR CERTIFICATE TO LEAVE HARBOUR**

(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 Initial(s)	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:**.....

**FORM 42**  
**CERTIFICATE OF COMPLIANCE TO OBTAIN CLEARANCE FROM CUSTOMS**

(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**

**FORM 43**  
**NOTICE OF ADMINISTRATIVE FINE INCURRED FOR INCORRECT CERTIFICATION**

[Form 43 substituted by GN R1328 of 29 November 2018 (wef 1 December 2018).]

[Section 7(1)(g) read with section 50(2); Regulation 39(2)]

(DHA-1747) Form 43



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

To: ..... (*name and surname of chartered accountant,  
professional accountant or business 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 R7 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**

**FORM 44**  
**NOTICE OF ADMINISTRATIVE FINE INCURRED BY OWNER OR PERSON IN CHARGE  
OF CONVEYANCE**

(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 THUMBPRINT

.....  
**Signature of witness**

.....  
**Date**

\*Delete whichever is not applicable

**FORM 45**  
**NOTICE OF ADMINISTRATIVE FINE INCURRED BY OWNER OR PERSON IN CHARGE**  
**OF CONVEYANCE**

(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**

**FORM 46**  
**APPLICATION FOR THE ISSUE OF PROOF OF PERMANENT RESIDENCE OR**  
**EXEMPTION STATUS**

(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>	.....	.....	.....	.....
<b>(i) Father</b>	.....	.....	.....	.....
<b>(ii) Mother:</b>	.....	.....	.....	.....

**3 DETAILS OF PREVIOUS COUNTRIES OF RESIDENCE AND EMPLOYERS. IF THE EMPLOYER WAS: (A) AFFILIATED TO AS 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**

**FORM 47  
APPLICATION FOR EXEMPTION**

(DHA-) **Form 47**



**DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA  
APPLICATION FOR EXEMPTION  
[Section 31(2)(b) and regulation 28]**

**REFERENCE NUMBER.....**

**PERSONAL DETAILS OF APPLICANT**

1.1 Title: \_\_\_\_\_ 1.2 Surname: \_\_\_\_\_  
1.3 First name(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	Relation-ship	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 dependants 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 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 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.

## **FORM 48**

### **APPLICATION FOR WAIVER OF PRESCRIBED REQUIREMENTS**

(DHA-) **Form 48**



**DEPARTMENT OF OF HOME AFFAIRS**  
**REPUBLIC OF SOUTH AFRICA**  
**APPLICATION FOR WAIVER OF PRESCRIBED REQUIREMENTS**  
**[Section 31(2)(c) and regulation 29]**

**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	Relation-ship	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[s] 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 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.

In terms of section 31(2)(c) of the Act, 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 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, if the application is made

in respect of a business being conducted in the Republic.

**FORM 49  
NOTICE OF APPEAL**

(DHA-) **Form 49**



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

**NOTICE OF 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 13 of 2002) as amended.

**FOR OFFICIAL USE**

- 1 Office of application \_\_\_\_\_
- 2 Date of Appeal application \_\_\_\_\_

**IMPORTANT: PLEASE READ CAREFULLY**

- |   |  |
|---|--|
| 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: \_\_\_\_\_

Forename(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:




Street 2	<input type="text"/>																													
Town/Village	<input type="text"/>																													
Province	<input type="text"/>																									Code <input type="text"/>				
Telephone no., incl. area code	<input type="text"/>										Cell phone no. <input type="text"/>																			
E-mail	<input type="text"/>																													

<b>B NEW ADDRESS</b>																															
Residential address Street										<input type="text"/>																					
Street 2										<input type="text"/>																					
Town/Village										<input type="text"/>																					
Province										<input type="text"/>															Code <input type="text"/>						
Period of intended [stay										<input type="text"/>																					

<b>C NEW CONTACT DETAILS:</b>																															
Telephone no., incl. area code										<input type="text"/>										Cell phone no. <input type="text"/>											
E-mail address										<input type="text"/>																					

<b>D DECLARATION/OATH/AFFIRMATION</b>																															
I, _____ (the informant), hereby declare under oath/ affirm that the information submitted in this Affidavit is true and correct, and I understand that a false statement is punishable under section 49(16) of the Immigration Act 13 of 2002.																															
_____ Signature																_____ Signature															

<b>E OFFICE USE ONLY</b>																															
<b>APPLICATION RECEIVED AND CAPTURED BY:</b>																															
Surname										<input type="text"/>																					
Initials										<input type="text"/>																					
Persal number										<input type="text"/>																					

## ANNEXURE B MINIMUM STANDARDS OF DETENTION

[Section 34(1)(e); Regulation 33(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).
-