

IMMIGRATION TO SOUTH AFRICA

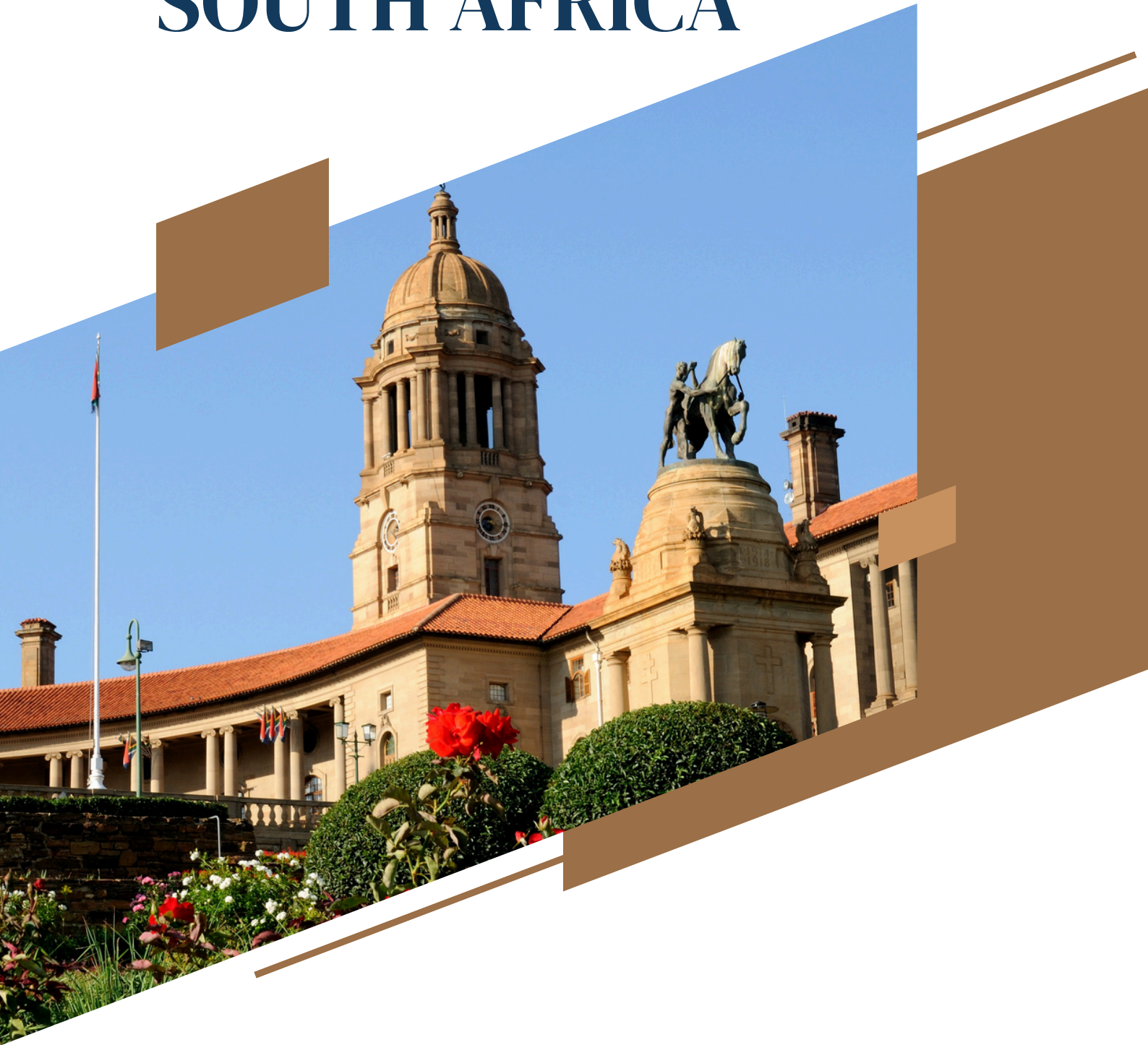


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SYSTEM OF IMMIGRATION

The immigration policy places emphasis on the broadening of the economic base of South Africa by concentrating especially on the obtaining of those immigrants who are in a position to render a meaningful contribution in this regard.

The South African immigration policy is embodied in the Immigration Act (No 13 of 2002) which prescribes certain requirements which are to be met by an applicant who wishes to immigrate permanently to South Africa. It would take 30 - 40 days for processing a South African Visa as per the Act.



The requirements are:

- The applicant must be of good character.
- The applicant must be a desirable inhabitant.
- The applicant must not be likely to be harmful to the welfare of the Republic of South Africa.
- The applicant must not follow an occupation in which there is already a sufficient number of persons available to meet the requirements of the country.
- Choose the category and check its eligibility.
- The Applicant is eligible for the visa, fill out the application form.
- Submit all the required documents needed for the visa.
- Complete the payment process for the visa and biometrics.
- Apply and wait for processing.
- Schedule biometrics and visa interview.

Receive visa and plan Applicant's travel. The travel has to be planned as per the requirements that have been mentioned above in compliance with the local law.

These requirements are aimed at the individual selection and all applications for permanent residence are considered on merit by an autonomous statutory body, the Immigrants Selection Board.

Those eligible to apply for permanent residence must fall into one of the categories listed in the Immigration Act. The South African Immigration Act, of 2002 makes provision for various categories of Permanent Residence as per sections 25, 26, and 27 of the Act.

The different categories are as follows:

1. Is the worker who has held a work permit for five years;
2. Is the spouse of a permanent resident or citizen of South Africa;
3. A child under the age of 21 is related to one of these individuals.
4. The recipient of an employment offer;
5. When a person possesses exceptional abilities;
6. Starting a business;
7. Is the refugee;
8. Is the retired individual;
9. Is the relative of a South African citizen or permanent resident (limited to parents, children, or siblings)



PURPOSE FOR IMMIGRATION

Citizens choose South Africa as their home country for a variety of reasons, including the following:

- The nation presents a wealth of business options attributable to a growing and varied economy, which includes sectors like banking, tourism, and technology.
- South Africa boasts a high standard of living, with modern infrastructure, and world-class healthcare, and a vibrant cultural scene. South Africa is known for its natural beauty and biodiversity, which attracts nature enthusiasts from all over the world.
- The country is home to a wealth of wildlife, including the famous “Big Five” animals, as well as breathtaking landscapes and outdoor activities such as surfing, hiking and safaris.
- South Africa is also a multicultural society with a rich history and diverse ethnic groups, making it a fascinating place to learn about and experience different cultures. This diversity is reflected in the country’s cuisine, music, and arts, which offer a unique blend of African, European, and Asian influences.



- Overall, South Africa is a country that offers a unique blend of economic opportunities, lifestyle benefits, natural beauty, and cultural diversity, making it an attractive destination for people looking to immigrate. Immigrating to South Africa depends on several factors, including your education, work experience or whether you are in a relationship/married to a South African citizen or permanent resident and other personal circumstances.



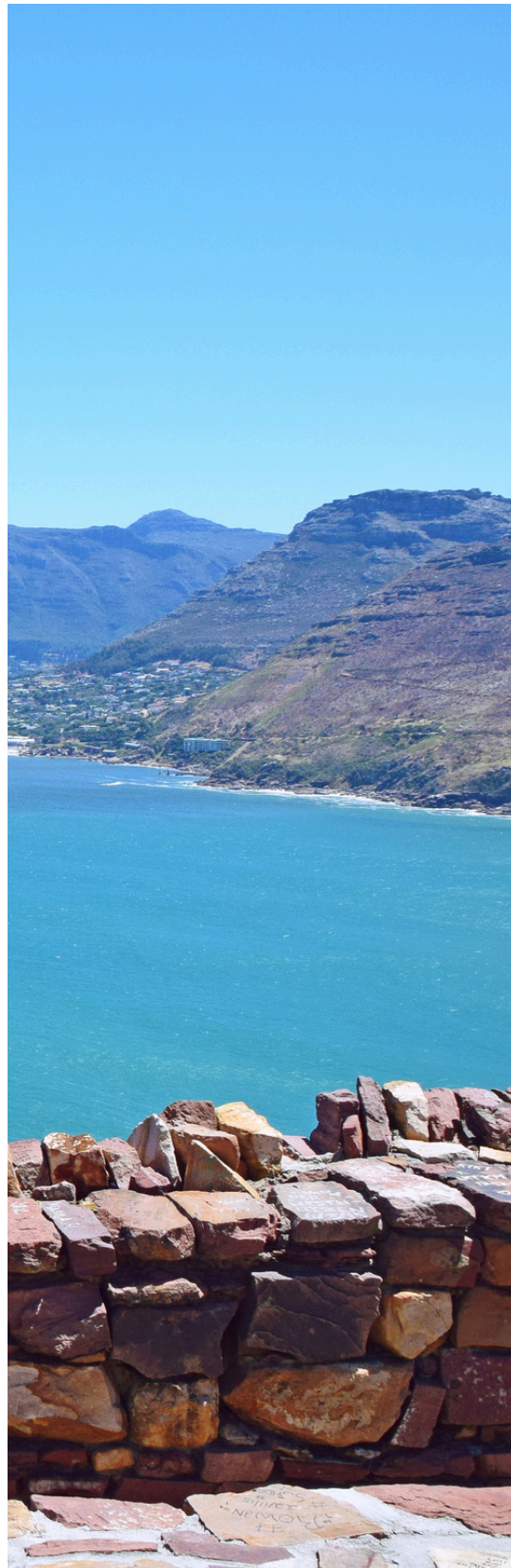
- South Africa has different visa categories, each with its eligibility criteria and requirements. Some of the most common visa categories for South Africa include work visas, business visas, and study visas.

Non-direct and other routes for immigration

Over the past 20 years, migration from South Africa has been steadily increasing. A 30-percent increase from 2010 led to the record number of African migrants, and it is anticipated that this trend would continue till 2023. The steady rise in global temperature due to climate change is making certain regions in Africa uninhabitable, causing a rise in migration.

Climate change is accelerating the pattern of rural-to-urban migration into Africa's metropolises. Between 2020 and 2030, Africa's seven largest coastal cities Lagos, Luanda, Dares Salaam, Alexandria, Abidjan, Cape Town, and Casablanca are projected to grow by 40 percent.

The dual strain of population growth and rising seas on infrastructure, agriculture, and access to water for African citizens in coastal cities will heighten the risk of governance and security crises. According to regular statistics gathered by immigration officers of the Department of Home Affairs (DHA) at the ports of entry into and exit from South Africa, there were 2 1,06,923 travelers (arrivals, departures, and transits) who traveled through these ports in February 2023.



Types of visas

Temporary Residence Visas (TRV): The fact that approval dates for visas in this category can differ, they normally take up to 60 business days starting from the date of submission.

However, it can take up to 10 days to process the Visitor's Visa and Holiday Visa.

When applying for a Temporary Residence Visa, you must meet the following criteria:

- Hold a valid passport with at least two blank pages, which only expires a month after your intended departure date from South Africa
- Ensure your temporary residence permit remains valid.
- Submit the online application and required documentation at any Visa Facilitation Service Global ("VFS Global") visa facilitation center or at the South African embassy in your country of residence or citizenship.
- Provide a yellow fever vaccination certificate (when applicable)

The following supporting documents are not required for the Visitor's Visa but all other Temporary Residence Visas:

- Radiological and medical reports.
- Biometrics.
- Criminal clearance certificates (not older than six months)
- A completed BI-1738 form (not applicable for a Visitor's Visa)

Following are the types of Temporary residence Visa:

Section 10 to Section 22 is dealing with the Types of Visas as per the South African Immigration Act 2002

- Visitor's Visa
- Business Visa
- Study Visa
- Exchange Visa
- Work Visa
- Relative Visa
- Medical Visa
- Retired Person's Visa

Non-Immigrant South African Visas (Short Term)

Visitor's visa (Holiday/Tour Visa):

Validity of visitor's visa: Tourists wanting to visit South Africa can apply for a Visitor's Visa, which allows them to enter the country for a maximum of 90 days. Currently, 52 nationalities can enter South Africa visa-free for up to 90 days, and another 28 nationalities are exempt from visas when visiting for a maximum of 30 days.

Cost and extension of visitor's visa: The costs include an application fee of (ZAR Zuid-Afrikaanse Rand: The symbol for ZAR is R) R425 and a service fee of R1350. Tourists can extend their Visitor's Visa while they are in South Africa at a visa facilitation center or via a licensed immigration practitioner 60 days before the visa expiration date.

Renewal: Renewal is not always possible and it might not last as long as the initial visa. Because most visitor visas are only issued for single entry, the applicant will need to file a new application to reenter after they have already left the country. They must also depart the country and apply from their home country to change their visa type.

Business Visa:

A business visa allows you to start a business in South Africa, to buy a business in South Africa, or to part-own a business in South Africa. Applicants need to invest R5 million and commit to at least 60% of their workforce being South African residents or citizens.

Applicants must apply for a business visa if they intend to launch their own company in South Africa, acquire an existing one, or make an investment there.

Some of the Proof or copies of documents are as follows:

- Certification by a chartered accountant of an amount determined by the minister or for a capital contribution;
- A recommendation from the Department of Trade, Industry, and Competition (“DTIC”) regarding the feasibility of the applicant’s business plan;
- Depending on the type of business, to register with the proper statutory entity;
- An undertaking to register with the South African Revenue Service (“SARS”)

The processing time is within 40 working days and the cost is R 1,520 for the application plus R 1,350 for the service fee. A person is allowed to enter the country for up to 90 days to work or invest in the economy.

Non-Immigrant South African Visas (Long Term)

- **Exchange Visa**

Young people aged 25 and under can apply for an Exchange Visa in order to participate in economic, cultural, and social exchange programs in South Africa.

Notably, these programs must be affiliated initiatives between a South African state body or higher education institution and an international organization or education institution.

- **Work visas**

There are four work visas provided for by the South African Immigration Act According to the Department of Home Affairs, there are three main types of South African work visas.



General work visa

The South African General Work Visa is for anyone looking to work in South Africa for a specific employer. The employer must have the job in hand before applying for the Visa.

Applicant must need a formal job offer to apply and the future employer must be able to prove that they could not find a suitable South African resident or citizen to fill the position. .

General work visa length

The validity of the General Work Visa is set to the duration of the employment contract, so be sure to discuss this with your employer. However, the maximum length of these visas is five years. After five years of living in South Africa, you are eligible for permanent residence.

Requirements for general work visa

- Completed application form
- Signed employment contract from a South African employer, if applicable
- Proven skills and qualifications to match the job offer
- Proof of qualifications translated into an official South African language and evaluated by the South African Qualifications Authority
- Bank statements to prove that you can support yourself until you receive your salary
- Salary and benefits should not be less than the average for South African employees
- Medical report
- Radiological report
- Police clearance from any place you've lived as an adult for longer than 12 months.

Critical skills work visa:

The Critical Skills Visa is for candidates trained in certain employment fields that are experiencing a labor shortage in South Africa. The employment fields are published by the Minister of Home Affairs in the Government Gazette.

How to apply for the critical skills visa?

However, it is still a good idea to call or visit your local embassy or consulate to find out their recommended route for applying; they can also give you a better idea of processing times for your kind of application and any pitfalls they need to watch out for. They can also advise on how best to schedule your visa appointment. At visa appointment, the Applicant must submit all of the documents and biometrics. Then, receive a reference number to track your application.



Validity of critical skills visa

If applicant has a job offer, then Critical Skills Visa lasts for the length of employment contract. If they do not have a job offer, then visa expires after one year. The idea behind the one-year validity term is that successful applicants use that year to find work and then, once they receive a job offer, the length of the contract and the visa's extension. Like General Work Visas, Critical Skills Visas are valid for a maximum of five years.

Requirements for critical skills visa

- Completed application form
 - Signed employment offer, if applicable
 - Proven skills and qualifications, including verification by any relevant professional bodies
 - Proof of qualifications translated into an official South African language and evaluated by the South African Qualifications Authority
 - Police clearance from any place you have lived as an adult for longer than 12 months
 - Medical report
 - radiological report
-
- **Corporate visa**

Suppose a business, often in the farming, mining, or engineering sector, needs to recruit a larger number of international workers due to a domestic skills shortage. In that case, it needs to apply with the number of workers required and provide specific job descriptions. The employer must also prove that they could not find employees with the relevant skills in the South African labor market. If the Corporate

Work Visa is approved, then the Department of Home Affairs (DHA) will issue each employee with a Corporate Workers Certificate. The employer will then convert this into a Corporate Workers Visa.

Validity of corporate visa

The validity of a Corporate Visa is for up to three years in South Africa.

- **Spousal and life partner visas**

Spousal and life partner visas are for husbands, wives, and life partners of South African residents or permanent residents. This includes same-sex marriages or life partnerships, as these are legal in South Africa.

- **Relative visas**

Relatives visa for immediate family members of South African residents or citizens. 'Immediate' family includes both first-kin and second-kin family members:

First-kin: Husband, wife, children, parents.

Second-kin: Brothers, sisters.

Validity of relative visa

Relative's permits are valid for a minimum period of 24 months and may be extended. Processing time for the relative Visa is up to 60 working days from the date of submission.

Cost of relative visa

For certain immediate family members - such as a spouse or dependent children - the permits are issued free of charge (except for the VFS fee). That said, there is still an additional application fee and different conditions for extended family members wishing to visit South Africa. The costs depend on the relationship between the applicant and the South African resident or citizen.

Time period of relative visa

Applications can be made at a Visa & Permit Facilitation Centre close to applicant's residence. For a spouse and/or a dependent child of a South African citizen or permanent resident the permit is issued free of charge, whilst there is a fee for other relatives wishing to join their family members in South Africa.

- **Study visas**

In this type of Visa, a person is to study on a primary, secondary, or tertiary level for the duration of the course in the Country.

These are categories of study visas:

- Study visas for dependent children of school-going age.
- Study visas for foreign students who'd like to undertake tertiary education in South Africa at a learning institution approved by the Department of Higher Education and Training. Also important is that it must be a full-time course; unfortunately, part-time courses do not cut it.
- Foreigners who want to study in South Africa, at any level, must apply for a Study Visa before they arrive in the country. This applies even if they are coming to South Africa as the dependent of someone who is coming to work there. International students applying for scholarships in South Africa may also require a study visa first.

Requirements for study visa:

- A passport valid for at least 30 days after the end of your course, with two consecutive, clear pages left.
- Payment for the South African student visa application.
- Two passport-sized photographs.
- An official letter from the South African educational institution confirming the duration of course, plus confirmation that it will inform the authorities if they fail to register, then they are de-registered or expelled or when the course is completed or extended.



- Certificate of medical aid cover or health insurance, plus a letter confirming that it will renew annually. To check that the medical scheme is recognized by the South African Department of Home Affairs, see this list of registered medical aid schemes in South Africa. If they are a student and the dependent child of a parent holding a South African visa and medical insurance, may be covered by their parent's scheme.
- In some cases, a yellow fever vaccination certificate.
- Medical and radiological reports from within the last six months.
- Information about where the applicant will be living in South Africa.
- A police clearance certificate for every country they've lived in for more than 12 months since the age of 18.
- Birth certificates of dependent children.
- Relevant certificates if married, widowed, or divorced.



Licenses and Documents Required for Immigration

- A passport or travel document valid for no less than 30 days after the expiry of the applicant intended visit.
- Passport must have at least TWO unused page for entry / departure endorsements.
- A completed Form BI-84 (application for a visa).
- Payment of the prescribed fee.
- A yellow-fever vaccination certificate (if required).
- Statement and/or documentation confirming the purpose and duration of visit.
- Two colour passport photographs.
- A return or onward ticket if you are travelling by air.
- If Applicant have children (minors) travelling with them or joining in South Africa, then they will need to provide the following additional documents
- Proof of guardianship or custody or
- Consent from the guardian in the case of an unaccompanied minor.
- Proof of financial means to pay for your living expenses while in South Africa in the form of:
 - Bank statements
 - Salary advances
 - Undertakings by the host(s) in South Africa
 - Bursary
 - Medical cover or
 - Cash available (including credit cards and travellers'cheques)

Any recent changes that may have taken place in the immigration rules.

The Recent Changes according to the Department of Home Affairs are:

- Blanket Extension till 31st December 2023: For foreign nationals who had an unprocessed visa or waiver applications as of March 31, 2023, the government has granted a general extension through December 31, 2023. If a long-term visa or waiver application is still ongoing, the applicant may leave South Africa during the extension time without being flagged as undesirable. They may then return by presenting their application receipt (and a fresh visiting visa, if they are from a nation that requires one) upon arrival. In order to avoid being labeled undesirable, short-term visa holders whose visa validity was issued for fewer than 90 days and who have not obtained their visa extension outcome by 31 March 2023 must make plans to depart on or before 30 April 2023.
- The employment criteria will state that South African citizens or permanent residency holders must make up 80% of your workforce. This will possibly have little effect as this tends to be the case anyway.
- No business is recognized by the minister as being unfavorable will be granted a business visa (the name is changing from a permit or have one renewed).



How we can Help?

Our services for clients includes:

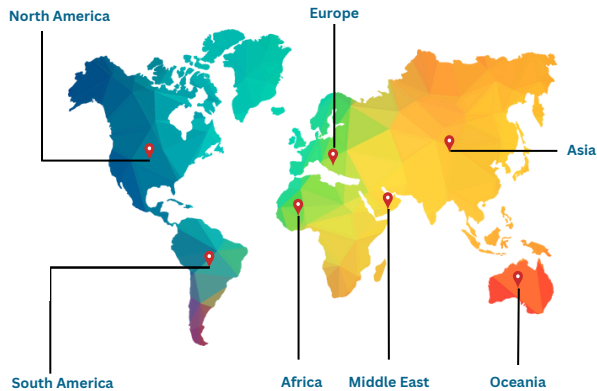
- We can create a precautionary plan for our clients to minimize or eliminate the chances of crises during their business operations.
- To recover from a crisis, we can prepare the management plan and give consultancy advice for the same for the better functioning of the corporate.
- We can help in filing for dispute resolution in the labour courts and respective tribunals for the better crisis management.
- We can assist parties in alternative dispute resolution mechanisms by serving as an arbitrator, mediator, or conciliator, as per their requirements.

We can assist our clients with the following services:

- In legal documentation for the dispute resolution through courts or tribunals.
- In ensuring compliances for the filing of disputes.
- Assist clients as a legal counsel for better management plan.
- Assisting in the preparation of the legal drafts as may be needed.
- Handling all court cases, representations, and filings before the court of law.
- Replying to the candidate's queries on legal and administrative matters



SERVING CLIENTS WORLDWIDE



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