

**Summary of Changes to the Immigration Regulations, 2014 under Government Gazette no 37679 in terms of section 7 of the Immigration Act no 13 of 2002, published on 26 May 2014**

**Note: In the new regulations the word “Permit” is replaced by the word “Visa”. Permanent Residence permit will remain the same. This distinction is made to make a clear distinction between short-stay visas and long-stay permanent residence permits.**

Applying for a Visitor's Visa				
Regulation 11(1)	Documents Required	Who will qualify for a Visitor's Visa?	DHA fee R	VFS fee R
<p>A <b>Visitor's Visa</b> is applied for at the South African Embassy or Mission abroad. An applicant can apply for a renewal or change of conditions on an existing visa subject to the decision by the Department of Home Affairs to grant the visa or permit at a Visa &amp; Permit Facilitation Centre close to the applicant's residence.</p> <p>A Visitor's Visa is a document that gives travellers permission to enter South Africa on a temporary basis</p>	<ul style="list-style-type: none"> <li>Duly completed online form. Applicants are requested to get original documents for verification while submitting photocopies for any visa / permit category.</li> <li>Original passport.</li> <li>Copies of passport and previous visas.</li> <li>Original Bank payment / Electronic Fund Transfer receipt for each applicant.</li> <li>Appointment letter.</li> <li>Passport valid for no fewer than 30 calendar days after the end of the intended visit. A passport copy is required while submitting the application.</li> <li>A medical report.</li> <li>A radiological report.</li> <li>Unabridged birth certificate in respect of each dependent child.</li> <li>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).</li> <li>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.</li> <li>Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Actno. 120 of 1998), where applicable.</li> <li>Divorce decree, where applicable.</li> <li>Death certificate, in respect of late spouse, where applicable.</li> <li>Legal separation order, where applicable.</li> <li>Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where person resided one year or longer.</li> <li>A vaccination certificate, if required by the Act.</li> <li>An employment offer, where applicable.</li> <li>Proof of registration of the business with CIPC and proof of registration with SARS, where applicable.</li> <li>Proof of provisional acceptance from an Educational Institution, where applicable.</li> </ul>	<ul style="list-style-type: none"> <li>Visit to family or friends and Tourism purposes</li> <li>Business purpose</li> <li>Spouse to join a spouse who is in South Africa on a work or study visa</li> <li>Children to join parents who are in South Africa on work or study visas</li> <li>Fiancée/ fiancé to join his or her partner with the intention of marrying within 90 days</li> <li>Study purposes (max stay 3-months)</li> <li>Research <i>Postdocs may apply for a Critical Skills visas; or for a visitor's visa endorsed for research up until a period no longer than three years.</i></li> <li>Life Partner</li> <li>Conferences</li> <li>Work in the production of a movie or show (i.e. in the entertainment industry)</li> <li>Medical purpose</li> <li>Sports Events</li> <li>Elective students</li> <li>Visiting students</li> <li>Block students</li> </ul>	425.00	1 350.00

<b>Applying for a <i>Renewal or change of conditions of a Visitor's Visa</i></b>				
<b>Regulation 11 Section 11(6)</b>	<b>Document Required</b>	<b>Who will qualify for <i>renewal or change of conditions</i> on a Visitor's Visa?</b>	<b>DHA fee R</b>	<b>VFS fee R</b>
<p>An applicant can apply for a renewal or change of conditions on an existing visa subject to the decision by the Department of Home Affairs to grant the visa or permit at a Visa &amp; Permit Facilitation Centre close to the applicant's residence.</p>	<p>In respect of the renewal of a visitor's visa for a period not exceeding three months:</p> <ul style="list-style-type: none"> <li>• Passport valid for no less than 30 days after expiry of the intended visit.</li> <li>• A statement or documentation detailing the purpose and duration of the visit.</li> <li>• Proof of a valid return or onward ticket or sufficient financial means to purchase such ticket or to facilitate the return of the applicant.</li> <li>• Proof of sufficient financial means.</li> </ul> <p>In respect of the renewal of a visitor's visa for a period exceeding three months:</p> <ul style="list-style-type: none"> <li>• Passport valid for no less than 30 days after expiry of the intended visit.</li> <li>• A medical report.</li> <li>• A radiological report.</li> <li>• Proof of a valid return or onward ticket or sufficient financial means to purchase such ticket or to facilitate the return of the applicant.</li> <li>• Proof of sufficient financial means.</li> </ul> <p>In respect of an application by a person who is the spouse or dependent child of the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22 of the Act, a certified copy of such holder's visa and a written undertaking of financial responsibility for the applicant:</p> <ul style="list-style-type: none"> <li>• In respect of 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.</li> <li>• In respect of a person involved in the production of a film or advertisement in South Africa, documentation confirming such production and the duration thereof.</li> <li>• In respect of a foreign journalist seconded to South Africa by a foreign news agency, documentation confirming such secondment and the duration thereof.</li> <li>• In respect of a visiting professor or lecturer, an invitation from the host in South Africa.</li> <li>• In respect of artists who wish to write, paint or sculpt, documentation confirming the activity to be undertaken and the duration thereof.</li> <li>• In respect of a person involved in the entertainment industry who are travelling through South Africa to perform, confirmation thereof by the host in South Africa.</li> <li>• 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.</li> <li>• In respect of a foreigner who is required to stay in the Republic in order to testify as a state witness in a criminal court case, a written request signed by the Provincial Police Commissioner.</li> </ul>	<p><b><u>Please note:</u></b> <b>No change of status or renewal</b> of an individual's status will be done in South Africa.</p> <ul style="list-style-type: none"> <li>• <b>Only if</b> there is a life-saving need; or if</li> <li>• <b>An accompanying spouse</b> wants to study or work.</li> </ul>	0	1 350.00



Applying for a Critical Skills Visa				
Regulation 18	Documents Required	Who will qualify for a Critical Skills Visa?	DHA fee R	VFS fee R
<p><b>Critical Skills Visa</b> applications can be made at any Visa Facilitation Centre in South Africa.</p>	<ul style="list-style-type: none"> <li>Duly completed online form. Handwritten forms will not be accepted by the Department of Home Affairs.</li> <li>Applicants are requested to get original documents for verification while submitting photocopies for any visa / permit category.</li> <li>Original passport.</li> <li>Copies of passport and previous visas.</li> <li>Original Bank payment / Electronic Fund Transfer receipt for each applicant.</li> <li>Appointment letter.</li> <li>Passport valid for no less than 30 calendar days after expiry of the intended visit.</li> <li>A medical report.</li> <li>A radiological report.</li> <li>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).</li> <li>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.</li> <li>Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.</li> <li>Divorce decree, where applicable.</li> <li>Proof of court order awarding custody, where applicable.</li> <li>Death certificate, in respect of late spouse, where applicable.</li> <li>Written consent from both parents or sole custody parent, where applicable, with proof of sole custody.</li> <li>Proof of legal adoption where applicable.</li> <li>Legal separation order, where applicable.</li> <li>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.</li> <li>A vaccination certificate, if required by the Act.</li> <li>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.</li> </ul>	<p>Please note that an applicant must ensure he/ she falls under the Critical Skills category before applying for a visa or permit.</p> <p>Students who have block weeks, come to campus occasionally and are research students</p>	1 520.00	1 350.00

<b>Applying for a Critical Skills Visa (continued)</b>				
	<b>Documents Required</b>	<b>Who will qualify for a Critical Skills Visa?</b>	<b>DHA fee R</b>	<b>VFS fee R</b>
<b>Critical Skills Visa (continued)</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Proof that the applicant falls within the critical skills category.</li> <li>• A written confirmation from the accredited professional body, council or board recognised by the South African Qualifications Authority (SAQA) in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008), or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience.</li> <li>• If required by law, proof of application for a certificate of registration with the relevant accredited professional body, council or board recognised by SAQA in terms of section 13(2)(i) of the National Qualifications Framework Act, 2008 (Act No 67 of 2008).</li> <li>• Proof of evaluation of the foreign qualifications by SAQA.</li> </ul>		1 520.00	1 350.00

<b>Applying for a Work Visa</b>				
<b>Regulation 18</b>	<b>Documents Required</b>	<b>Who will qualify for a Work Visa?</b>	<b>DHA fee R</b>	<b>VFS fee R</b>
<b>Work Visa</b>  General work visas are valid for the duration of the contract of employment. A general work visa shall lapse if within six months of issuance and if every year thereafter the holder fails to submit satisfactory proof to the Director-General that he/ she is still employed along with proof of the terms and	<ul style="list-style-type: none"> <li>• Duly completed online form. Handwritten forms will not be accepted by the Department of Home Affairs.</li> <li>• Applicants are requested to get original documents for verification while submitting photocopies for any visa / permit category.</li> <li>• Original passport.</li> <li>• Copies of passport and previous visas.</li> <li>• Original Bank payment / Electronic Fund Transfer receipt for each applicant.</li> <li>• Appointment Letter.</li> <li>• Passport valid for no less than 30 calendar days after expiry of the intended visit. A passport copy is required while submitting the application.</li> <li>• A medical report.</li> <li>• A radiological report.</li> <li>• 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).</li> <li>• The affidavit where a spousal relationship to a South African citizen or resident is applicable as well as</li> </ul>	<p>Individuals seeking employment in South Africa.</p> <p>Students who have block weeks, come to campus occasionally and are research students</p>	1520.00	1 350.00



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<p>conditions of the job, and the job description.</p>	<p>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.</p> <ul style="list-style-type: none"> <li>• Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.</li> <li>• Divorce decree, where applicable.</li> <li>• Proof of court order awarding custody, where applicable.</li> <li>• Death certificate, in respect of late spouse, where applicable.</li> <li>• Written consent from both parents or sole custody parent, where applicable, with proof of sole custody.</li> <li>• Proof of legal adoption where applicable.</li> <li>• Legal separation order, where applicable.</li> <li>• 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.</li> <li>• A vaccination certificate, if required by the Act.</li> <li>• 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.</li> </ul>			
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Applying for a Work Visa				
Regulation 18	Documents Required	Who will qualify for a <i>Work Visa</i> ?	DHA fee R	VFS fee R
<p><b>Work Visa (continued)</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A certificate by the Department of Labour confirming that               <ul style="list-style-type: none"> <li>- Despite diligent search, the prospective employer has been unable to find a suitable candidate with qualifications or skills and experience equivalent to those of the applicant;</li> <li>- The applicant has experience and skills in line with the job offer;</li> <li>- The salary and benefits of the applicant is not inferior to the average salary and benefits of citizens or employees occupying similar positions in the Republic;</li> <li>- A contract of employment stipulating the conditions of employment and signed by both the employer and the applicant in line with the labour standards was submitted;</li> <li>- Proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic was submitted, if required; and</li> <li>- Full particulars of the employer, including, if applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC) was provided.</li> </ul> </li> <li>• 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</li> </ul>		<p>1 520.00</p>	<p>1 350.00</p>

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	<p>role.</p> <ul style="list-style-type: none"> <li>If required by law, proof of registration with the relevant accredited professional body, council or board</li> </ul>			
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### General remarks

#### Regulation 18

Application for a work visa must be done at the South African mission where the applicant formally resides. Renewals of work visas may however still be done in South Africa and employees do not have to leave South Africa to do so.

#### Regulation 18(1)

Now provides that an applicant for a general work visa, critical skills work visa or intra-company transfer work visa shall submit, a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his/ her dependent family members, should it become necessary.

#### Regulation 18(2)

Further provides that the University must ensure that the passport of the employee is valid at all times for the duration of his/ her employment. The obligation is therefore on the University to ensure that all foreign employees' legal documents remain valid at all times.

#### Regulation 18(5)

Provides that an application for a critical skills work visa shall be accompanied by proof that the applicant falls within the critical skills category. It remains to be seen which of the UP employees will remain on the critical skills list.

### Applying for a Study Visa

Regulation 12	Documents Required	Who will qualify for a Study Visa?	DHA fee R	VFS fee R
<b>Study Visa</b>	<ul style="list-style-type: none"> <li>Duly completed online form. Handwritten forms will not be accepted by the Department of Home Affairs.</li> <li>Applicants are requested to get original documents for verification while submitting photocopies for any visa / permit category.</li> <li>Original passport.</li> <li>Copies of passport and previous visas.</li> <li>Original Bank payment / Electronic Fund Transfer receipt for each applicant.</li> <li>Passport valid for no less than 30 calendar days after expiry of the intended visit.</li> <li>A medical report.</li> <li>A radiological report.</li> <li>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.</li> </ul>	<p><b>Full degree seeking students and Exchange students.</b></p> <p><b>The overriding consideration in processing applications for study visas are that:</b></p> <ul style="list-style-type: none"> <li>No foreigner may displace a South African citizen/ resident at a local educational institution.</li> <li>The student must have proof of sufficient funds to pay for day-to-day living expenses, accommodation as well as tuition fees during his/ her stay in South Africa.</li> </ul>	425.00	1 350.00



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	<ul style="list-style-type: none"> <li>• A vaccination certificate, if required by the Act.</li> <li>• An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course.</li> <li>• An undertaking by the registrar of the learning institution to provide proof of registration of the learning institution as contemplated in the relevant legislation.</li> <li>• An undertaking by the registrar of the learning institution to submit to the Director-General a report on students who are no longer registered with such institution and a notification when the student has completed his or her studies or wishes to extend such studies.</li> <li>• In the case of a minor (i.e. a person under 18):             <ul style="list-style-type: none"> <li>- the particulars of the person, including a juristic person, residing in the Republic, who is, or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and</li> <li>- written consent for the intended stay from both parents or from the sole custodian parent, along with proof of sole custody in the latter case.</li> </ul> </li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The student must have adequate medical cover with a registered South African medical aid scheme.</li> </ul>		
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Applying for a Study Visa				
Regulation 12	Documents Required	Who will qualify for a Study Visa?	DHA fee R	VFS fee R
<b>Study Visa (continued)</b>	<ul style="list-style-type: none"> <li>• Proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No 131 of 1998).</li> <li>• Proof of sufficient financial means.</li> </ul> <p><b>As a holder of a study visa you may also apply for permission to work for the purposes of obtaining work experience, as part of your studies to obtain a diploma or degree by submitting:</b></p> <ul style="list-style-type: none"> <li>• an offer to do practical training</li> <li>• consent from the educational institution</li> <li>• proof that you are still a registered student</li> </ul> <p>The Department's consent to obtain practical training as part of your studies is issued free of charge provided that you are a registered student and that your study visa remains valid for the</p>		425.00	1 350.00



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	<p>duration of the training period. Alternatively, as a foreigner studying at a higher educational institution with a valid study visa, you may work part-time for no more than 20 hours per week.</p>			
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**Applying for a *Renewal of a Study Visa***

Regulation 12	Documents Required	Who will qualify for a <i>Study Visa</i> ?	DHA fee R	VFS fee R
<p><b>Study Visa Renewal</b></p>	<p>In respect of the renewal of a study visa:</p> <ul style="list-style-type: none"> <li>• Duly completed online form. Handwritten forms will not be accepted by the Department of Home Affairs.</li> <li>• Applicants are requested to get original documents for verification while submitting photocopies for any visa / permit category.</li> <li>• Original passport.</li> <li>• Copies of passport and previous visas.</li> <li>• Original Bank payment / Electronic Fund Transfer receipt for each applicant.</li> <li>• Passport valid for no less than 30 calendar days after expiry of the intended visit.</li> <li>• A medical report.</li> <li>• A radiological report.</li> <li>• 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.</li> <li>• Proof of SA medical aid cover</li>   <li>• An official letter, with the undertakings to DHA, from the relevant institution confirming continued studies at that institution and the duration of the course. (XB4 letter obtained from the relevant faculty)</li>   <li>• Proof of registration of the learning institution as contemplated in the relevant legislation.</li>   <li>• In the case of a minor (i.e. a person under 18):               <ul style="list-style-type: none"> <li>○ the particulars of the person, including a juristic person, residing in the Republic, who is, or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and</li> <li>○ written consent for the intended stay from both parents or from the sole custodian parent, along with proof of sole custody in the latter case.</li> </ul> </li> </ul>	<p><b>Full degree seeking students whose study visas have lapsed and study programmes are not yet completed.</b></p>	<p>425.00</p>	<p>1 350.00</p>





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#### Asylum Transit Visa

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 and have his or her biometrics taken.

An asylum transit visa may **not be issued** to a person who:

- Has not completed Form 17 as contemplated in sub-regulation (1);
- Already has refugee status in another country; or
- Is a fugitive from justice.

#### Diplomatic Students

Department of International Relations and Cooperation (DIRCO)

*Diplomatic Immunities and Privileges (DIAP)*

##### Regularisation of Stay

##### Members of Family: Recognition

The Department recognises a member of the family of a foreign representative in terms of the Diplomatic Immunities and Privileges Act, Act No 74 of 1989, as the spouse of a foreign representative, any unmarried child under the age of 21 years, and any dependent unmarried child between the ages of 21 and 23 years who is undertaking full time studies at an education institution and forming part of the household during a term of duty in South Africa.

These members of family are regularised on diplomatic and official visas and exempted from temporary residence permit control.

Adopted children are recognised accordingly upon submission of certified copies of official adoption certificates to the Directorate: Diplomatic Immunities and Privileges (DIAP).

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## GENERAL PROCEDURE: APPLICATION FOR ASYLUM

### An Asylum Seeker

He/she is a person who has fled his or her country of origin and is seeking recognition and protection as a refugee in the Republic of South Africa, and whose application is still under consideration.

In case of a negative decision on his application, he/she has to leave the country voluntarily or will be deported.

### A Refugee

He/she is a person who has been granted asylum status and protection in terms of the section 24 of Refugee Act No 130 of 1998.

Under the 1951 United Nations Convention, a refugee can be a “convention refugee” who has left his/her home country and has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or a membership in a particular social group.

Under the same convention, a refugee can also be a person “in need of protection” whose removal to his/her home country would subject him/her personally to a danger of torture or to a risk to his/her life or a risk of cruel and unusual treatment or punishment.

### Role of the Government of the Republic of South Africa

The Government of the Republic of South Africa has an obligation to grant protection to refugees and other persons in need of protection under a number of UN Conventions such as the 1951 Convention Relating to the Status of Refugees.

However, Convention refugees and persons in need of protection based on a risk to life, or a cruel and unusual treatment must have personally faced the risk all the way through in the country in question.

### Eligibility Procedure: Asylum Seeker

- A person enters the Republic of South Africa through a port of entry (a land border post, airport or harbour), claims to be an asylum seeker and is, therefore, issued with a section 23 Permit which is a non-renewable “asylum transit permit” of the Immigration Act.
- The permit is valid for a period of 14 days only and authorises the person to report to the nearest Refugee Reception Office in order to apply for asylum in terms of section 21 of the Refugee Act.
- The asylum seeker is required to furnish:
  - A section 23 permit
  - Any proof of identification from the country of origin
  - A travel document if in possession of one
- The asylum seeker lodges in person his/her application at a designated Refugee Reception Office where an admissibility hearing takes place. The following are done:
  - Applicant's fingerprints taken in the prescribed manner
  - Interpreter if secured (if necessary)
  - First interview conducted by a Refugee Reception Officer (RRO) and BI-1590 form duly completed
  - Applicant's data and image captured in the refugee system
  - An Asylum Seeker's permit (a section 22 permit) is printed, signed, stamped and issued to the Asylum Seeker
- The section 22 permit which is valid for a period of six months legalises the asylum seeker's stay in the Republic of South Africa temporarily pending a final decision on his application. The permit can be extended by an RRO for a further six months while the process of status determination is in progress.
- The holder of a section 22 permit has the right to work and study in South Africa and is protected against deportation to his/her country of origin.

### Refugee Status Determination

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**Before the permit expires, the asylum seeker reports to the Refugee Reception Office, then:**

- A second interview is conducted by a Refugee Status Determination Officer (RSDO).
- The RSDO proceeds with a fair adjudication of the application, makes a decision on claims for asylum application and provides reasons for the decisions. The RSDO must on conclusion of the status determination hearing grant asylum, reject the application as manifestly unfounded, abusive or fraudulent, or refer any question of law to the Standing Committee for Refugee Affairs (SCRA).
- When granted asylum (written recognition of refugee status), a refugee is generally issued with a section 24 permit, which allows such person to remain for a specified period of 2 years in South Africa, and it is renewable upon expiration of its validity after the review process by an RSDO. In this case, the refugee must write a letter requesting the extension of his or her refugee status.
- He/she is also allowed to work and study in South Africa whilst the permit is valid.

### **Refugee Enabling Documents**

- A refugee must apply for a refugee ID, which is free, at any Refugee Reception Office within 15 days in the prescribed manner.
- After being issued with an ID, a refugee can apply for a United Nations Convention Travel Document (UNCTD) at any Refugee Reception Office in the prescribed manner.

### **Appeal and Review Process**

- In case of rejection, an asylum seeker or refugee who believes that he has a well-founded fear of persecution but whose claim has been rejected, may decide to appeal against the rejection decision of the RSDO to the Refugee Appeal Board (RAB) in the prescribed manner within 30 days after the decision has been handed over to them.
- The Appeal Board conducts an appeal hearing during which the appellant is entitled to a fair hearing and has the right to be heard and to present his case fully. The Refugee Appeal Board is responsible for considering and deciding appeals on decisions made by RSDOs.
- The RAB may after hearing an appeal confirm or set aside or substitute the decision of the RSDO.
- In respect of manifestly unfounded applications, the Standing Committee for Refugee Affairs (SCRA) reviews or confirms or sets aside decisions taken by the RSDO and refer cases back to RSDO for determination within 14 days as well as monitors in general the decisions of the RSDO.

### **Certification**

- The applicant must have 5 full years continuous residence in the Republic of South Africa as a formally recognised refugee, not as an asylum seeker.
- Write an application letter explaining the reasons for applying for the certification.
- Go to the initial refugee reception office where application for asylum was first lodged and complete the form. The Refugee Reception Office will ensure that the applicant complies with all the requirements
- The application will be referred to the Standing Committee for Refugee Affairs, which is the body established to certify or not if the applicant will remain a refugee indefinitely.
- If successful, the applicant will then be issued with a "Certification" or Section 27© which will enable the applicant to apply at any Home Affairs office for an "Immigration Permit" or "Permanent Residence".

### **Legal Instruments**

- Refugee Act, 1998 (No 130 of 1998)
- 1951 UN Convention relating to the Status of Refugees
- 1969 OAU Convention Governing The Specific Aspects of Refugee Problems in Africa and 1967 Protocol relating to the Status of Refugees
- 1993 Basic Agreement between the Government of South Africa and the UNHCR
- The Immigration Act

### **Service Standard**

Applications may take up to six months

### **Cost**

There is no fee payable for eligibility and status determination interviews as well as issuance or renewal of section 22, section 24 and refugee ID. Service to asylum seekers and refugees is free of charge.

All asylum seekers are encouraged to report any person who exhorts money from them.

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**PREPARE YOUR APPLICATION**

Before you start, you must know whether you need a visa or permit, and which category you want to apply for. For complete details and information, please visit the [Department of Home Affairs Website](#).

VFS Global is not involved in the decision-making process and cannot influence the outcome of your visa application. The Department of Home Affairs will make the decision on your application after assessing your application form and documents.

## HOW TO APPLY

### Step 1:

Visit the [Department of Home Affairs website](#) for more information.

[Apply for a visa or permit online](#) on the VFS Website, or the Embassy, High Commission or Consulate in your home country. Follow the steps below to apply for a visa or permit at the Centre:

1. You will need to fill in the correct online form.
2. Schedule an appointment after application form filling.
3. Pay relevant fees by EFT, Prepayment at Standard Bank branches or by Credit / Debit card at the centre. No payments will be collected in cash at the Visa Facilitation Centre.
4. Check all required documents required for the application.

### Step 2:

Arrive 15 minutes early at the Visa Facilitation Centre on the day of your appointment. Bring your appointment letter and documents, **along with a valid passport or travel document**.

When you arrive at the Visa Facilitation Centre you will collect a token. Wait until your token is called to make your application. Once the visa application process is completed you will be issued with an acknowledgment receipt. Please keep your receipt safe as you will need this later to collect your documents. The decision will be handed over on submitting this receipt.

**Important note:** You will not be able to submit further documents once your application has been submitted at the Visa Facilitation Centre. The documents that you submitted at the time you made your application will be the only documents that are considered.

### Step 3:

You will need to arrange for the supporting documents for your visa or permit application. If you do not know which supporting documents to provide, the [Services](#) page will help you to find guidance for your visa category.

### Step 4:

Enrol your fingerprints and photograph at the Visa Facilitation Centre. (Your SA police clearance for a renewal of your visa, is also done through this process). This includes a digital finger scan (all 10 digits) and a digital photograph. The finger scan procedure uses an electronic scanner. No ink, liquid or chemical. You should ensure that your fingertips are free from any forms of decoration (for example, henna), cuts, abrasions or other markings as these may affect your ability to provide acceptable finger scans. Your digital photograph must be taken with full face and without sunglasses or tinted spectacles, or head covering unless it is worn for religious or medical reasons. Your face should be clearly visible with no hair across the eyes. We cannot process your visa if you do not submit your biometric information. All children and infants will also provide their biometric data as required by the Department of Home Affairs.

### Step 5:

Choose whether you would prefer to collect your documents in person at the Visa Facilitation Centre or have a representative collect the decision on your behalf. Original passport is required to collect the decision. In case original passport is not available at the time of collection, VFS Global shall not handover the decision to the applicant or representative. A representative needs to carry an authorisation letter with the name of the applicant and his



for all the information you may require passport number followed by name and ID number of the representative collecting the application. The representative is requested to carry a copy of the ID along with authority letter which will be retained by VFS Global.

## APPLICATION FEES AT GLANCE

### Temporary Resident Visa

Category	DHA Application Fee	VFS Service Fee
Treaty Visa	425	1350
Visitor Visa	425	1350
Exchange Visa	425	1350
General Work Visa	1520	1350
Retired Person Visa	425	1350
Business Visa	1520	1350
Relative's Visa	425	1350
Relative's Visa – Spouse	0	1350
Corporate Visa – Employer or Corporate Entity	1520	1350
Corporate Visa – Employee or Applicant	0	1350
Intra Company Transfer Visa	1520	1350
Critical Skills Visa	1520	1350
Medical Visa	425	1350
Study Visa (Section 13)	425	1350
Study Visa (South African Parent)	0	1350

### Permanent Resident Permit

Category	DHA Application Fee	VFS Service Fee
26(a)Worker	1520	1350
26(b)Spouse	0	1350
26(c)Dependent(<21)	0	1350
26(d)Dependent(>21)	1520	1350
27(a)Worker	1520	1350
27(b)Extra Ordinary Skills	1520	1350
27(c)Business	1520	1350
27(e)Retired	1520	1350
27(f)Financially Independent	1520	1350
27(g)Relative	1520	1350

### Waivers

Category	DHA Application Fee	VFS Service Fee
Waivers	0	1350

### Appeals

Category	DHA Application Fee	VFS Service Fee
Appeals	0	1350