

Immigration

1. Understanding Immigration

1.1 Introduction to immigration

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
1.1.1 What is the organisational structure of immigration control				Department of Home Affairs website Immigration control hierarchy
1.1.2 The sources of immigration law				
1.1.3 Recent changes to immigration law and policy				

1.2. Immigration practice

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
1.2.1 How to complete an immigration assessment		Checklist of documents required for immigration assessment		Immigration assessments questions

2. General principles

2.1 Sponsorship

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.1.1 Sponsorship as a legal entity				
2.1.2 Sponsorship as a South African citizen or permanent resident				
2.1.3 Sponsorship as a foreign national				

2.2 Admission to South Africa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.2.1 Procedure for admission to South Africa				Countries exempt from South African visas

2. General principles

2.3 Maintaining immigration status in South Africa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.3.1 Obtaining immigration status as an illegal foreign national	Form 20 - Authorisation for illegal foreigner to remain in republic pending application for status Form 21 - Order to illegal foreigner to depart from the republic			
2.3.2 Obtaining immigration status as a newborn	Form 11- Application for port of entry or transit visa			
2.3.3 Renewing immigration status	Form 8 - Application for temporary residence visa Form 11- Application for port of entry or transit visa BI-811 Form - Medical certificate BI-806 Form - Radiological report SA Police Clearance certificate			VFS Global application and service fees
2.3.4 Changing immigration status				
2.3.5 Bridging provisions				

2.4 Exclusions and exemptions

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.4.1 Prohibited persons				
2.4.2 Undesirable persons	Form 19 – Declaration of foreigner as undesirable person		Johnson and others v Minister of Home Affairs and others; [2015] JOL 33096 (WCC)	
2.4.3 Exemptions and waivers	Form 47 – Application for exemption Form 48 – Application for waiver			

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2. General principles

2.5 Enforcement and monitoring

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.5.1 Illegal foreigners	Form 20 - Authorisation for illegal foreigner to remain in republic pending application for status Form 21 - Order to illegal foreigner to depart from the republic			
2.5.2 Inspectorate				
2.5.3 Deportation and detention of illegal foreign nationals	Form 23 - Notice by immigration officer to person to appear before Director-General Form 31 - Notice to a foreigner of the intention to apply to court for the extension of his/her detention		Rahim and others v Minister of Home Affairs [2015] JOL 33310 (SCA). Samotse and Another v Minister of Home Affairs and Others	
2.5.4 Duties of conveyance				South African ports of entry

2.6 Reviews and appeals

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
2.6.1 Challenging an immigration decision	Form 19 - Declaration of foreigner as undesirable person Form 2 - Notice of decision adversely affecting right of person Form 1 - Notification regarding right to request review by Minister			

3. Visitors visas

3.1. Introduction to visas

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.1.1 Definition of a visa and its requirements				South African visa details
3.1.2. When does a visa commence				
3.1.3. When does a visa expire				
3.1.4 Visa nationals vs visa exempt nationals				www.home-affairs.gov.za

3.2. Transit visas

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.2.1 What is a transit visa				Gazette Notice No. 453 of 3 June 2014
3.2.2 Application process for a transit visas				Countries exempt from South African visas VFS online application process
3.2.3 Required documents for a transit visa	Form 11- Application for port of entry or transit visa			Passport and ID photograph specifications Yellow fever endemic countries Gazette Notice No. 453 of 3 June 2014 International Health Regulations (2005) (web)
3.2.4 FAQs for a transit visa				Countries exempt from South African visas

3.3 General visitor visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.3.1 What is a general visitor visa				Gazette Notice No. 453 of 3 June 2014
3.3.2 Application process for a general visitor visa				Countries exempt from South African visas

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3. Visitors visas

3.3 General visitor visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.3.3 Required documents for a general visitor visa	Form 8 - Application for temporary residence visa			Yellow fever endemic countries Passport and ID photograph specifications Gazette Notice 453 of 3 June 2014 International Health Regulations (2005) (web)
3.3.4 FAQs for a general visitor visa				Countries exempt from South African visas

3.4 Crew visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.4.1 What is a crew visa				Gazette Notice No. 453 of 3 June 2014
3.4.2 Application process for a crew visa				
3.4.3 Required documents for a crew visa	BI-806 Form - Radiological report BI-811 Form - Medical certificate Form 8 - Application for temporary residence visa			Yellow fever endemic countries Passport and ID photograph specifications International Health Regulations (2005) (web)
3.4.4 FAQs for a crew visa				

3.5 Medical treatment visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.5.1 What is a medical treatment visa				
3.5.2 Application process for medical treatment visa				Countries exempt from South African visas VFS online application process

3. Visitors visas

3.5 Medical treatment visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
3.5.3 Required documents for a medical treatment visa	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa			Passport and ID photograph specifications VFS Global application and service fees (web)
3.5.4 FAQs for a medical treatment visa				

4. Work visas

4.1 Visitor visa with short term work authorisation

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.1.1 What is a visitor visa with short term work authorisation				Gazette Notice No. 453 of 3 June 2014
4.1.2 Application process				Visitors visa with short term work authorisation flowchart
4.1.3 Documentary requirements	Form 11- Application for port of entry or transit visa			Passport and ID photograph specifications Yellow fever endemic countries
4.1.4 FAQs for a visitor visa with short term work authorisation				Countries exempt from South African visas

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4. Work visas

4.2 Visitor visa with long term work authorisation

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.2.1 What is a visitor visa with a long term work authorisation				
4.2.2 Application process for a visitor visa with long term work authorisation				Visitors visa with long term work authorisation flowchart
4.2.3 Required documents for a visitor visa with long term work authorisation	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa BI-811 Form - Medical certificate BI-806 Form - Radiological report			Passport and ID photograph specifications Yellow fever endemic countries Police Clearance Certificates
4.2.4 FAQs - visitor visa with long term work authorisation				Countries exempt from South African visas

4.3 Intra-company transfer work visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.3.1 What is an intra-company transfer work visa				
4.3.2 Application process for intra-company transfer work visa				Immigration Directive No 19 of 2014 Intra-company transfer work visa flowchart

4. Work visas

4.3 Intra-company transfer work visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.3.3 Intra-company transfer work visa documents	Form 8 - Application for temporary residence visa Form 10 - Application for renewal of existing visa BI-811 Form - Medical certificate BI-806 Form - Radiological report	Intra-company transfer document checklist		Passport and ID photograph specifications Yellow fever endemic countries
4.3.4 FAQs for an intra-company transfer work visa				

4.4 Critical skills work visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.4.1 What is a critical skills work visa				Gazette Notice No. 459 of 3 June 2014
4.4.2 Application process for a critical skills work visa	Sample letter Application for critical skills work visa Sample Letter – Letter of motivation critical skills visa application			Online registration and application steps (web) Visa application centres (word doc for web) http://www.vfsglobal.com/dha/southafrica/ Immigration Directive No 22 of 2014 South African Mission abroad (web) VFS online application process Immigration Directive No 36 of 2014 Critical skills work visa flowchart

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4. Work visas

4.4 Critical skills work visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.4.3 Required documents for a critical skills work visa	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa BI-811 Form - Medical certificate BI-806 Form - Radiological report	Critical skills document checklist		Passport and ID photograph specifications Yellow fever endemic countries
4.4.4 FAQs for critical skills work visa				

4.5 General work visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.5.1 What is a general work visa				Gazette Notice No 459 of 3 June 2014 (2).pdf
4.5.2 Application process for general work visa	Sample Letter – General work visa without a waiver			General work visa flowchart
4.5.3 Required documents for a general work visa	Form 8 - Application for temporary residence visa Form 10 - Application for renewal of existing visa Form 9 - Application for change of status BI-811 Form - Medical certificate BI-806 Form - Radiological report	General work visa document checklist		Passport and ID photograph specifications Yellow fever endemic countries
4.5.4 FAQs for a general work visa				

4. Work visas

4.6 Corporate visa for a company application

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.6.1 Definition of a company application corporate visa				
4.6.2 Companies applying for a corporate visa				Gazette Notice No. 563 of 15 July 2014
4.6.3 Required documents	Application for a certificate from the department of labour Form 13 - Application for corporate visa Letter of undertaking			
4.6.4 FAQs				

4.7 Visa based on corporate worker visa certificate

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.7.1 Definition and qualifying criteria				
4.7.2 Application process				Application to register as user on SAQA website Online registration and application steps Visa application based on corporate worker certificate flowchart
4.7.3 Document requirements	Form 8 - Application for temporary residence visa BI-811 Form - Medical certificate BI-806 Form - Radiological report			Passport and ID photograph specifications Yellow fever endemic countries
4.7.4 FAQs for visa applications based on corporate worker certificates				

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4. Work visas

4.8 Treaty visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.8.1 What is a treaty visa				
4.8.2 Application process for treaty visa				VFS online application process
4.8.3 Document requirements for a treaty visa	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa BI-811 Form - Medical certificate BI-806 Form - Radiological report			Passport and ID photograph specifications Gazette Notice No. 453 of 3 June 2014 Yellow fever endemic countries International Health Regulations (2005) (web)
4.8.4 FAQs for treaty visa				

4.9 Exchange visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.9.1 What is an exchange visa				
4.9.2 Application process for exchange visa				VFS online application process
4.9.3 Document requirements for exchange visa	BI-806 Form - Radiological report BI-811 Form - Medical certificate Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa			International Health Regulations 2005 Names of medical schemes registered Passport and ID photograph specifications Yellow fever endemic countries

4. Work visas

4.9 Exchange visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.9.4 FAQs for an exchange visa				

4.10 Business visa				
Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
4.10.1 Establishing a business in South Africa				South Africa Investor's Handbook 2013/14
4.10.2 What is a business visa	Sample letter – application for a business visa to establish an enterprise			
4.10.3 Application process for a business visa	Application for a recommendation: business visa			VFS online application process
4.10.4 Documentary requirements for a business visa	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa BI-811 Form - Medical certificate BI-806 Form - Radiological report			Passport and ID photograph specifications Yellow fever endemic countries
4.10.5 FAQs for business visa				

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5. Studying in South Africa

5.1 Study visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
5.1.1 What is a study visa				Department of Higher Education and Training (web)
5.1.2 Application process for study visa	Sample letter – Study visa undertaking by educational institution			VFS online application process
5.1.3 Document requirements for study visa	Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa BI-806 Form - Radiological report BI-811 Form - Medical certificate			Passport and ID photograph specifications Yellow fever endemic countries International Health Regulations (2005) (web)
5.1.4 FAQs for a study visas				

6. Retiring in South Africa

6.1 Retirement visa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
6.1.1 What is a retired person visa				Gazette Notice No. 451 of 3 June 2014
6.1.2 Application process for retired person visa				VFS online application process
6.1.3 Document requirements for retired person visa	BI-806 Form - Radiological report BI-811 Form - Medical certificate Form 8 - Application for temporary residence visa Form 9 - Application for change of status Form 10 - Application for renewal of existing visa			Passport and ID photograph specifications Gazette Notice No. 451 of 3 June 2014 International Health Regulations (2005) Yellow fever endemic countries VFS Global retired person application fees (web)
6.1.4 FAQs for retired person visa				

7. Departure from South Africa

7.1 Process when departing South Africa

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
7.1.1 Departing South Africa with a valid visa	Form 4 – Traveller card			
7.1.2 Departing South Africa without a valid visa	Form 19 – Declaration of foreigner as undesirable person			

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8. Common visa issues

8.1 Passports and travel documents

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.1.1 Passport and travel document requirements	DHA 73 Form - Application for a South African passport or travel document		Johnson and others v Minister of Home Affairs and others; Delorie and others v Minister of Home Affairs and others [2015] JOL 33096 (WCC)	
8.1.2 Process if visa is lost				

8.2 Public interest criteria

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.2.1 Character requirements and applicability				
8.2.2 Waiver of character requirements	Form 19 – Declaration of foreigner as undesirable person			

8.3 Health

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.3.1 Health requirements and applicability	BI-811 Form - Medical certificate			List of countries for yellow fever vaccination requirements (web) Yellow fever key facts (web)
8.3.2 Health assessment procedure	BI-806 Form - Radiological report BI-811 Form - Medical certificate			

8.4 Finances

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.4.1 Financial requirements and applicability				
8.4.2 Undertakings	Template of an undertaking			Overview of the Immigration Regulations

8. Common visa issues

8.5 Visa conditions

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.5.1 How to read a visa				South African visa details
8.5.2 Mandatory and discretionary visa conditions				
8.5.3 Consequences of breaching a visa condition	Form 20 - Authorisation for illegal foreigner to remain in republic pending application for status			

8.6 Visa cancellation

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.6.1 Authority to cancel a valid temporary visa				
8.6.2 Process of cancelling a visa				

8.7 Errors on issued visas

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
8.7.1 Common visa errors				Diagram of temporary residence visa errors Errors on entry stamps
8.7.2 Rectification procedure				

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9. Immigration policies for families				
9.1 Types of family relationships				
Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
9.1.1 Spousal relationships and requirements	Form 12 Part A - Affidavit in respect of parties to permanent homosexual or heterosexual relationship Form 12 Part B - Affidavit in respect of parties to permanent homosexual or heterosexual relationship			
8.1.2 Process if visa is lost 9.1.2 Definition and immigration policies for children	Checklist under Form 8 - Application for Temporary Residence Visa Checklist under Form 9:- Application for Temporary Residence Visa Checklist under Form 11 - Application for Temporary Residence Visa Checklist under Form 18 - Application for Permanent Residence			South African requirements for minors travelling internationally
9.1.3 Other family relationships				
9.2 Family of South African citizens and permanent residents				
Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
9.2.1 Family of a SA citizen or permanent resident application process				VFS online application process
9.2.2 Document requirements in respect of families	Form 8 - Application for temporary residence visa BI-811 Form - Medical certificate BI-806 Form - Radiological report			Passport and ID photograph specifications Yellow fever endemic countries

9. Immigration policies for families				
9.3 Family of foreign nationals				
Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
9.3.1 Application process for family of foreign nationals				VFS online application process
9.3.2 Document requirements for relatives of foreign nationals	Form 8 - Application for temporary residence visa BI-811 Form - Medical certificate BI-806 Form - Radiological report Form 11- Application for port of entry or transit visa			Passport and ID photograph specifications Yellow fever endemic countries

10. Permanent residency and South African citizenship				
10.1 Acquiring permanent residence				
Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
10.1.1 Permanent residence permit and qualifying criteria				
10.1.2 Application process for permanent residence				Application to register as user on SAQA website Online registration and application steps Minimum Monthly Income for Retired Person Visa - Immigration Act 2002 - 03 June 2014 Minimum Net Worth to Qualify for PR under s27(f) - Immigration Act 2002 - 3 June 2014 Minimum Monthly Income for Retired Person Visa - Immigration Act 2002 - 03 June 2014

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10. Permanent residency and South African citizenship

10.1 Acquiring permanent residence

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
10.1.3 Document requirements for a permanent residence permit	BI-806 Form - Radiological report BI-811 Form - Medical certificate Form 18 - Application for permanent residence permit			Yellow fever endemic countries Passport and ID photograph specifications

10.2 Maintaining permanent residence

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
10.2.1 Criteria to maintain permanent residence status				
10.2.2 Evidencing permanent residence status	Form 46 - Application for the issue of proof of permanent residence or exemption status			
10.2.3 Withdrawal of permanent residence status				List of criminal offences

10.3 Acquiring South African citizenship

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
10.3.1 Acquiring South African citizenship by birth				
10.3.2 Acquiring South African citizenship by descent	DHA Form 9 DHA Form 529 DHA Form 24			Passport and ID photograph specifications
10.3.3 Acquiring South African citizenship by naturalisation	DHA Form 63 DHA Form 757 SAP FORM 91			Passport and ID photograph specifications

10. Permanent residency and South African citizenship

10.4 Maintaining South African citizenship

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
10.4.1 Proof of South African citizenship	Form 66 E - Certificate of South African citizenship			
10.4.2 Dual citizenship				Passport and ID photograph specifications

11. Duties and obligations

11.1 Employers

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
11.1.1 Duties and obligations of the employer for foreign nationals				

11.2 Learning institutions

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
11.2.1 Duties of learning institutions to foreign national students				

11.3 Foreign nationals

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
11.3.1 Duties and obligations of the foreign national				

11.4 Other considerations

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
11.4.1 Register of lodgers				
11.4.2 Aiding and abetting illegal foreigners				
11.4.3 Duties and obligations of other institutions				Institutions and relevant products and services

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12. Immigration offences

12.1 Offences and penalties

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
12.1.1 Criminal offences and civil penalties for employers				
12.1.2 Criminal offences and civil penalties for learning institutions				
12.1.3 Criminal offences and civil penalties for a conveyances				
12.1.4 Criminal offences and civil penalties for illegal foreign nationals				

13. Refugees and asylum seekers

13.1 Application for refugees

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
13.1.1 Definition of asylum seekers and refugees				<p>Countries that are party to the 1951 Convention and or 1967 Protocol</p> <p>Agreement between RSA and the UNCHR governing the legal status, privileges and immunities of the UNCHR and its personnel in South Africa</p> <p>OAU Convention governing the specific aspects of refugee problems in Africa</p> <p>Handbook and guidelines on procedures and criteria for determining refugee status</p> <p>Convention and protocol relating to the status of refugees</p>

13. Refugees and asylum seekers

13.1 Application for refugees

Guidance Note	Forms & Precedents	Checklists	Case Law	Other Resources
13.1.2 Application for asylum and refugee status	<p>Form 17 - Application for asylum transit visa</p> <p>Annexure 1 form BI - 1590 - Eligibility determination form for asylum seekers</p> <p>Annexure 3 form BI - 1692 - Asylum seeker temporary permit</p>			
13.1.3 Evidentiary requirements for an application of refugee status				Handbook and guidelines on procedures and criteria for determining refugee status
13.1.4 Appeal and review process	Form RAB (01) - Notice of Appeal			