

Gigaba outlines new Immigration Regulations

The newly-appointed Home Affairs Minister Malusi Gigaba has outlined the Immigration Regulations, which came into effect on Monday, 26 May.



New Minister of Home Affairs, Malusi Gigaba has outlined changes to immigration and visa regulations. Image: GCIS

"Effectively, this marks the of the Immigration Amendment Acts of 2007 and 2011 and the new Immigration Regulations, 2014.

"The Draft Regulations were published in the Government Gazette on 14 February for public comment. The closing date for submissions was 28 February but this was extended to 7 March to allow for more submissions," said the minister at a media briefing in Pretoria.

The minister said the amendments would help the country to continue to ensure the effective and efficient management of migration in the interest of security, while ensuring that it contributes to economic development and prosperity of the country.

Under the new regulations, the word "visa" replaces the word "permit", except for the permanent residence "permit".

For example, a visitor's permit will now be called a visitor's visa, a work permit will now be called a work visa and a study permit will be called a study visa.

This means that under the new regulations, there will be a clear distinction between short-stay visas and long-stay permanent residence permits. In terms of the regulations:

- The Act now requires that every child must possess his or her own passport;
 - A person who is on a visitor's or medical treatment visa may not change his or her status while in the Republic, except in exceptional circumstances;
 - Study visas will be issued for the duration of the study or course;
 - No business visa may be issued or renewed to a foreigner who intends to establish or invest in a business that is listed as undesirable business undertaking;
 - A person issued with a business visa must employ or prove that 60% of the total staff complement is made up of South African citizens or permanent residents;
 - Quota work permit and exceptional skills work permits have been repealed;
 - A critical skills work visa has been introduced into the Act;
 - An intra-company transfer work visa will be issued for a period of four years;
 - A corporate visa will be issued to South African corporate applicants to employ a number of foreigners for a period not exceeding three years, after showing the need for employment of such foreigners;
 - An exchange visa (for persons under 25 years) will not be granted to conduct work pertaining to undesirable work, as published by the Minister in the Gazette, after consultation with the Minister of Trade and Industry;
 - An asylum transit visa issued at a port of entry will be valid for a period of 5 days to enable the holder to report at the nearest Refugee Reception Office;
 - Cross-border and transit permits have been repealed;
 - Persons who overstay for a prescribed number of times will be declared as undesirable and fines will no longer be charged for overstaying;
 - Owners of or persons in charge of conveyances will be required to provide, through Advance Passenger Processing (APP), passengers' information prior to departing for South Africa;
 - Section 46, which dealt with Immigration Practitioners, has been repealed, as applicants will now be required to apply in person at the Mission in the country of origin or where they permanently reside
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- First time application for visa will be made at the Mission and only renewals or extensions can be made in the Republic (at VFS Offices).

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