

- (7) The financial guarantees required under section 21(2)(c) of the Act shall be those referred to in regulation 20.
- (8) Mindful of the objectives of the Act, the Department shall determine the maximum number of foreigners to be employed in terms of a corporate permit by a corporate applicant and, in general, their type of positions, after having considered the requirements set out in section 19(2) of the Act and
- (a) the training programme provided by the corporate applicant for citizens and residents aimed, to the satisfaction of the Department, at reducing the corporate applicant's dependency on foreign labour and/or at transferring skills from foreigners to residents and citizens, if any; and/or
 - (b) the aggregate fee which shall be paid by the corporate applicant as determined by the Department, which shall
 - (i) not exceed the approximate sum of the fees such corporate applicant would be liable to if permits were to be issued in terms of section 19(1) of the Act read with regulation 28(3);
 - (ii) be reduced in consideration of the training programme referred to in paragraph (a), if any; and
 - (iii) be reduced or waived when so requested by the Minister of Trade and Industry, or Minerals and Energy, or Agriculture, as the case may be, especially to facilitate foreign investments, or accommodate industries or businesses, such as mining, when special economic circumstances exist, or for good cause, especially in respect of meritorious not-for-gain corporate applicants;
 - (iv) be capable of being increased in respect of a work permit issued under such corporate permit only after five years and six months from when such work permit was first issued, provided that subsequent work permits issued to the same foreigner shall be deemed one for purposes of this item; andprovided that after consultation with the Department, the corporate applicant may elect to pay such fee without providing the training programme contemplated in paragraph (a), or may seek agreement with the Department for a combination of such a fee reduced in terms of item (ii) and a less than optimal measure of such training programme.
- (9) The holder of a corporate permit shall supervise the completion of the application of each person who is to receive a work permit under such corporate permit and transmit each of such applications to the Department together with its certification that to the best of its knowledge such application is consistent with the terms and conditions of such corporate permit, the Act and these Regulation, in which case, within fifteen days the Department shall
- (a) issue to such person a work permit under such corporate permit, subject to such person being admitted, and agreeing to the terms and conditions of such corporate permit; or
 - (b) notify such holder of a corporate permit of any defect in the application or of its determination that the application is inconsistent with the terms and conditions of such corporate permit, the Act or these Regulations, including any identified security consideration.
- (10) (a) The validity of work permits issued in terms of a corporate permit shall be as follows
- (i) not exceeding six months, in respect of foreigners employed as seasonal workers or for the purpose of peak period employment;
 - (ii) not exceeding eighteen months in respect of foreigners employed in terms of agreements with foreign states; and
 - (iii) not exceeding three years for all other categories

- after which subsequent applications may be lodged in respect of item (iii) on condition that the corporate permit holder certifies that the foreigner is still employed under the same conditions of employment and job description, and in compliance with these Regulations and the Act.
- (b) A corporate permit shall lapse if, within three years of its issuance, and within three years thereafter, its holder fails to renew its chartered accountants certification contemplated in section 21(2)(a) of the Act, or at any time there is a material failure to make the payments and/or conduct the training programme referred to in sub-regulation (8) as the case may be, when such failure is not remedied within thirty days of the receipt of a request from the Department to correct it.
- (11) (a) The following circumstances shall constitute good cause for the Department to withdraw or modify the corporate permit
- (i) a change in the material aspect taken into consideration at the time of issuing of the permit;
 - (ii) incorrect or false information submitted by the corporate applicant on application or at any time thereafter;
 - (iii) failure to comply with the Act or permit conditions.
- (b) In addition to other grounds set out in the Act or in these Regulations, the following circumstances shall constitute good cause for the Department to withdraw or modify a work permit issued in terms of a corporate permit
- (i) notification from the corporate applicant that the relevant foreigner is no longer in compliance with the Act or the conditions of his permit or is no longer employed; and
 - (ii) notification from the corporate applicant regarding changes in the internal structuring of the company or position of the foreigner within the company.
- (12) For the purposes of sections 21(4)(a), (c) and (d) of the Act, the Government shall be represented by the Department.
- (13) Permits issued under a corporate permit do not fall within the limits of, and shall not be deducted from, the quotas contemplated in section 19(1) of the Act.
- (14) At the request of a corporate permit holder, the Department shall issue a number of certificates, substantially containing the information set out in Annexure 53, equal to the number of foreigner authorised in terms of the corporate permit, so as to facilitate the application for work permits under such corporate permit and for record keeping. The provisions of this sub-regulation do not constitute an application requirement or other requirement for the permit holder or an applicant.

Regulation 31

Exchange Permit

- (1) The application for and other aspects relevant to the application for and the issuance of an exchange permit as envisaged in section 22(a) of the Act, are as set out under items 29 and 30 of Schedule A.
- (2) The programmes in respect of which the holder may not qualify for a subsequent status, as envisaged in section 22(a)(ii) of the Act, shall be those in respect of which such holder cannot obtain a no-objection letter from the organ of State responsible for such programme or with responsibility in the field in which the non-governmental institution responsible for such programme operates. The period of physical presence abroad contemplated in section 22(a)(ii) of the Act shall be two years.
- (3) The application for and other aspects relevant to the application for and the issuance of an exchange permit as envisaged in section 22(b) of the Act, are as set out under item 31 of Schedule A.

- (4) A permit envisaged in section 22(b) of the Act shall only be considered if the prospective employer guarantees the applicant's repatriation and undertakes to report to the Department the earlier termination of employment, provided that when an exchange is sponsored by an organization which, upon application to the Director-General, has received accreditation with the Department, such guarantees may be waived.

Regulation 32

Asylum Permit

- (1) All aspects relevant to the issuance of an asylum permit as envisaged in section 23 of the Act are as set out under item 32 of Schedule A.
- (2) An immigration officer may issue an asylum permit in terms of section 23 of the Act to a bona fide asylum seeker at a port of entry, to enable such an asylum seeker to report to a Refugee Reception Office in terms of the Refugees Act, 1998 (Act No. 130 of 1998) within a period of 14 days for the purpose of section 2(1)(a) of the said Act.
- (3) The validity of the asylum permit issued to an asylum seeker may not be renewed and shall lapse upon the issuance of a permit in terms of section 22 of the Refugees Act, 1998 (Act No. 130 of 1998), or when its holder leaves the Republic. A subsequent permit shall not be issued to such a person.

Regulation 33

Permanent Residence

- (1) The application for a permanent residence permit envisaged in section 25(2) of the Act and other aspects relevant to the application and the issuance thereof envisaged in sections 26 and 27 of the Act are set out under items 34 to 48 of Schedule A.
- (2) Any resident who loses his or her residence for whatever reason shall relinquish and surrender to the Department his or her non-citizen South African identity documents issued in terms of the Identification Act, 1997 (Act No 68 of 1997).
- (3) Any permanent residence permit issued in terms of sections 26 and 27 of the Act shall lapse and the holder of the relevant permit shall be deemed to be an illegal foreigner if the holder of such a permit materially contravenes any terms and/or conditions attached thereto in terms of section 25(4) of the Act or has made any material misrepresentations in order to obtain such a permit.
- (4) A good faith spousal relationship shall be a relationship that was not entered into primarily for the purpose of gaining benefits under the Act and shall be confined to a relationship of two persons calling for cohabitation and intended to be permanent.
- (5) The Department may at any time satisfy itself as envisaged in section 26(b)(i) of the Act whether a good faith spousal relationship exists by
- (a) interviewing the applicant and spouse separately;
 - (b) contacting family members and verifying other references;
 - (c) requesting proof of actual or intended co-habitation; and/or
 - (d) inspection in loco of the applicant's place of residence.
- (6) In order to determine whether a good faith spousal relationship subsists, the Department may, by means of a condition attached to the permit, require the permit holder and the spouse to
- (a) arrange a date for an appointment with the Department within the three year period following the date of issuance of the permit, but before applying for a certificate of naturalisation in terms of the South African Citizenship Act, 1995 (Act No 88 of 1995);
 - (b) submit to the Department the confirmation prescribed in Annexure 1 when arranging the appointment referred to in paragraph (a);

- (c) present themselves at the agreed upon office of the Department, unless the Department decides in the specific case that an appointment is not required; and
 - (d) identify themselves by means of an identity document or a passport and present any relevant documents the Department has previously requested them to produce.
- (7) The Department shall endeavour to issue a permanent residence permit within thirty days of its having received a complete application, except when the applicant requests the Department to verify facts which could form the object of a chartered accountant's certification.
- (8) In verifying whether an applicant is of good and sound character as envisaged in section 27 of the Act, the Department shall take into account any information the applicant may adduce in that respect and other objective and corroborated information, provided that the Department
 - (a) may make enquiries only into matters relevant to whether the applicant is
 - (i) law abiding; and
 - (ii) in the habit of fulfilling his or her legal obligations;
 - (b) may not inquire into, or take into account, any matter falling within the sphere of preferences or activities which the law allows to be decided by means of a personal choice, including but not limited to any of grounds referred in section 9(3) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
 - (c) shall convey any relevant adverse information it has to the applicant and offer him or her the opportunity to respond or counter it;
 - (d) may request the applicant to provide any further relevant information;
 - (e) shall deem an undesirable person not to be of good and sound character, unless the Minister directs otherwise and subject to section 30(2) of the Act;
 - (f) subject to paragraphs (d) and (e), shall consider the applicant to be of good and sound character on the basis of the applicant's written assertion that he or she satisfies the test set out in sub-regulations (a)(i) and (ii) in the absence of information to the contrary; and
 - (g) subject to paragraphs (a) to (c), may take into account information received via official channels, interdepartmental enquiries and official records.
- (9) The certification required in section 27(a)(i) of the Act in relation to the advertisement shall confirm compliance with the requirements of sub-regulations 28(5) and 28(6).
- (10) The yearly limits contemplated in section 27(a)(iii) of the Act shall be as follows
 - (a) 5 000 in respect of the clothing and textile industry professions;
 - (b) 10 000 in respect of chemicals and biotechnology professions;
 - (c) 10 000 in respect of information and communication technology professions;
 - (d) 10 000 in respect of tourism professions;
 - (e) 15 000 in respect of academic research professions;
 - (f) 10 000 in respect of teaching professions;
 - (g) 50 000 in respect of other professions; and
 - (h) 100 000 in respect of other activities which considering the nature of the qualification, training and experience required cannot be regarded as a profession.
- (11) The requirements envisaged under section 27(b) of the Act shall be those stipulated under item 41, column 4 of Schedule A.

- (12) The immediate family of the foreigner envisaged in section 27(b) of the Act shall be those referred to in regulation 28(8).
- (13) The financial contribution envisaged in section 27(c) of the Act shall be the amount specified in sub-regulation 24(2)(a).
- (14) The requirements stipulated under section 27(c) of the Act shall apply mutatis mutandis to the categories listed in items 42, 43 and 44 of Schedule A and the applications for and other aspects pertaining thereto shall be as set out in the relevant items.
- (15) The requirements envisaged under section 27(d) of the Act shall be those stipulated under item 45, column 4 of Schedule A.
- (16) The certification envisaged under section 27(e) of the Act shall show compliance with the criteria and requirements set out in regulation 29(2) and (3).
- (17) The extension of a permit to an applicant's spouse and children as envisaged in section 27(a)(iv) of the Act shall apply mutatis mutandis to applications under sections 26 and 27(d) to (f) of the Act.
- (18) The application for, all matters pertaining to the application for and the issuance of a permit, as well as the minimum net worth and amount envisaged in section 27(f) of the Act shall be as set out in item 47 of Schedule A.
- (19) The application for, and all matters pertaining to the application for and the issuance of a permit envisaged in section 27(g) of the Act shall be as set out in item 48 of Schedule A.
- (20) The provisions of section 27(g) of the Act shall not apply to a relative of a citizen or a resident who himself or herself obtained residence in terms of that section of the Act.
- (21) The relatives of a citizen or resident envisaged in section 27(g) of the Act shall be confined to biological or judicially adoptive parents, biological or judicially adopted children or a spouse.
- (22) When a foreigner envisaged in section 27(g) of the Act is the parent of a minor citizen or resident, a permanent residence permit may be issued
 - (a) notwithstanding a lack of good and sound character; and
 - (b) under the condition that it shall automatically lapse one year after such minor turns 21 years of age, permanently departs from the Republic, is legally adopted or dies, provided that such foreigner may at any time prior to such lapsing apply for a permit in terms of section 27(g) or another applicable section of the Act.
- (23) The application envisaged in section 28(1)(c)(i) of the Act shall be in the form of a written request, fully motivating the reasons for such a request and the Department shall decide on it after consultation with the Department of Trade and Industry.

Regulation 34

Prohibited Persons

- (1)
 - (a) The infectious diseases envisaged in section 29(1)(a) of the Act shall be those diseases referred to in the regulations promulgated in terms of the International Health Regulations Act, no 28 of 1974 and any other disease as determined by the Department of Health from time to time by public notice in the Government Gazette to be issued in terms of this regulation.
 - (b) A person who has, within the preceding 6 days, been in or transited through a yellow fever endemic area as identified by the World Health Organisation, shall be deemed to be infected with yellow fever unless in possession of a valid yellow fever vaccination certificate.
 - (c) A person infected with a disease contemplated in sub-regulation (a) or a person contemplated in sub-regulation (b) shall be referred to the port health officer to determine admissibility.

- (d) Where a port health officer is not present at the port of entry, a person contemplated in item (c) shall be refused admission, unless, except when yellow fever is concerned, a qualified medical practitioner certifies that such person is not infected with a disease contemplated in item (a).
- (2) The rehabilitation, envisaged in section 29(1)(c) of the Act, of anyone previously deported shall take place by means of and after
- (a) the person concerned swearing or making a solemn affirmation that he or she will comply with the Act;
 - (b) the Department having no good cause to believe that such person is inclined to violate the Act again; and
 - (c) four years absence from the Republic; or
 - (d) a forfeiture to the State of R50 000-00 to be reduced to R 2 000-00 when such person previously paid for the cost of his or her deportation as well as all costs related thereto and
- provided that any person so rehabilitated shall need a visa to enter the Republic.
- (3) When a person envisaged in section 29(1) of the Act is outside the Republic and wishes to be declared not to be a prohibited person as envisaged in section 29(2) of the Act, such person shall submit a request to this effect from abroad and await its outcome before proceeding to the Republic.

Regulation 35

Undesirable Persons

- (1) The Department may declare any of the persons listed under sections 30(1)(a) to (g) of the Act undesirable as envisaged in section 30(1) of the Act by means of a form substantially containing the information contained in Annexure 26, provided that, where such declaration will adversely affect the foreigner concerned, the Department shall notify such foreigner
- (a) that it intends to declare him or her an undesirable person;
 - (b) of the reason or information on which it relies; and
 - (c) of his or her rights in terms of section 8 of the Act.
- (2) The Department will have discharged its responsibility in terms of sub-regulation (1)(a), (b) and (c) by forwarding such notification to the last known address of the person referred to in sub-regulation (a), unless such person requested to receive communication at a different address or care of a given person, in which case notification to such address and/or person shall apply.
- (3) The offences envisaged in section 30(1)(g) of the Act shall be any offence, except those listed in Schedules 1 and 2 of the Act, in respect of which a sentence was served more than seven years prior to the date on which the application is lodged as well as traffic offences or offences based on strict or vicarious liability.
- (4) The application envisaged in section 30(2) of the Act shall be in the form of a written request, fully motivating the reasons for such a request.
- (5) When, in exercising the power contemplated in section 30(1)(b) of the Act, the Minister identifies the persons mentioned in such section as a category or as the citizens or nationals of a foreign country, the Minister may make provisions for the granting on an individual basis of exceptions from such classification as the Minister sees fit.

Regulation 36

Exemptions

- (1) The application envisaged in section 31(2)(a) of the Act shall be in the form of a motivated written or verbal request.
- (2) The application envisaged in section 31(2)(b) of the Act shall be in the form of a written request fully motivating the reasons for and the special circumstances that gave rise to the request.

- (3) The application for and all aspects related to the application for and the issuing of the authorisation envisaged in section 31(2)(c) of the Act are set out in item 3 of Schedule A.
- (4) For good cause the Director-General may condone the failure on the side of an applicant to meet a deadline set forth in the Act or in these Regulations.

Regulation 37

Illegal Foreigners

- (1) Any illegal foreigner to be deported from the Republic as envisaged in section 32(2) of the Act, shall
 - (a) if he or she is the holder of a passport issued by any foreign country or territory be deported to the country or territory of which he or she is a citizen; or
 - (b) if he or she is not the holder of such a passport, or is stateless, be deported to the country or territory where he or she has a right of domicile or residence.
- (2) The Department shall endeavour to record the identity and fingerprints of those who are deported, provided that when an illegal foreigner arrested in terms of section 34(1) of the Act elects to leave the Republic in terms of regulation 38(17), such illegal foreigner shall not be recorded as having been deported unless he or she was previously deported, dealt with in terms of regulation 38(17), or otherwise violated the Act.

Regulation 38

Inspectorate

- (1) The Inspectorate envisaged in section 33 of the Act is hereby established as the Immigration Inspectorate and will consist of the divisions and subdivisions as determined by the Minister.
- (2) The Inspectorate shall investigate any matter falling within the scope of the Act, and these Regulations including the enforcement of, and any actual or planned violation of, the Act and these Regulations,
- (3) The procedures envisaged in section 33(3) of the Act shall be as determined in the relevant sections of this Act and the Criminal Procedure Act, 1977 (Act No 51 of 1977).
- (4) The notices referred to in sections 33(4)(b) and (c) of the Act shall be in the form of and substantially contain the information set out in Annexure 27 and 28 respectively.
- (5) The warrant referred to in section 33(5) of the Act shall be in the form of and substantially contain the information set out in Annexure 29.
- (6) The receipt referred to in section 33(5)(c) of the Act shall be in the form of and substantially contain the information set out in Annexure 30.
- (7) The identification contemplated in section 33(14) of the Act shall be the appointment certificate specified in sub-regulation 4(2)(b).

Regulation 39

Deportation and Detention of Illegal Foreigners

- (1) The notification referred to in section 34(1)(a) of the Act shall be in the form of and substantially contain the information set out in Annexure 31.
- (2) The Court warrant contemplated in sections 34(1) and 34(5) of the Act shall be in the form of and substantially contain the information set out in Annexure 32. When, in terms of sections 34(1), 34(5), 34(8) or 41 of the Act, an illegal foreigner is detained without a Court warrant, such illegal foreigner shall be detained pursuant to an administrative warrant in the form of and substantially containing the information set out in Annexure 32A.

- (3) On arrest, an illegal foreigner shall be informed of his or her rights in terms of section 35 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996).
- (4) In cases where the 30-day period referred to in section 34(1)(d) of the Act expires on a day which is not a court day, such period shall be deemed to expire on the first court day thereafter.
- (5) 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) serve on the detainee the notification of his or her intention as contained in Annexure 33, not later than the 23rd day after the arrest;
 - (b) afford the detainee the opportunity to make representations in this regard within 3 days of the notification envisaged in sub-regulation (a); and
 - (c) lodge an application substantially as set out in Annexure 34 for the extension of the period of detention with the clerk of the Court not later than the 28th day after arrest.
- (6) The magistrate shall make his or her decision known to the Department not later than the 30th day after arrest, or in cases where the 30th day is not a court day, on the first subsequent court day.
- (7) The minimum prescribed standards envisaged in section 34(1)(e) of the Act shall conform to those prescribed in the Correctional Services Act, 1998 (Act No 111 of 1998).
- (8) The detention of a person referred to in section 34(1)(e) read with section 41 of the Act shall be pursuant to an administrative warrant in the form of and substantially containing the information set out in Annexure 32A or in terms of a Court warrant to be in the form of and substantially contain the information set out in Annexure 35.
- (9) An immigration officer, when enforcing payment of the deposit envisaged in section 34(3) of the Act, shall
 - (a) serve an order on the illegal foreigner concerned to deposit the required amount. Such order shall be in the form of and substantially contain the information set out in Annexure 36; and
 - (b) after having endorsed the order to the effect that the deposit has not been paid, file a copy of the order at the office of the clerk of the Court of the district in which such illegal foreigner is detained pending his or her removal and thereafter such order shall have the effect of a civil judgment of the Court and the immigration officer shall have all the powers of a judgment creditor.
- (10) The lawful authority envisaged in section 34(5)(a) of the Act shall be applied for after compliance with the stipulations of sub-regulation 34(2) and the application for and other matters related to the application for and issuing of this authority shall comply with the stipulations of item 49 of Schedule A. The lawful authority envisaged in section 34(5)(a) of the Act shall be in the form of a visa as envisaged in section 11(1)(a) of the Act.
- (11) The provisions of section 34(5)(b) of the Act shall not apply to a foreigner who has been admitted to the Republic in terms of this Act subsequent to the refusal of his or her admission.
- (12) The warrants of removal or release contemplated in section 34(7) of the Act shall be in the forms that substantially contain the information reflected in Annexure 37 and 38 respectively.
- (13) The notification to the illegal foreigner and the declaration to the master of a ship respectively referred to in section 34(8) of the Act shall be in the form of and substantially contain the information reflected in Annexure 39 and 40.
- (14) The amount which the owner of a ship shall forfeit in terms of the provisions of sections 34(9)(a) and (d) of the Act in respect of each person shall be determined

by the highest ranking immigration official at the port of entry at the time and shall not exceed R10 000-00.

- (15) The deposit envisaged in section 34(9)(b) of the Act and the limit envisaged in section 35(4) of the Act shall be calculated in accordance with the provisions of regulation 20, provided that, if the deposit is in respect of a stowaway, the master or owner shall pay an additional handling fee of R2 500-00 to the Department in respect of each stowaway.
- (16) The certificate by an immigration officer envisaged in section 35(6) of the Act shall be in the form of and substantially contain the information set out in Annexure 41.
- (17) If an illegal foreigner who is to be deported, undertakes to leave the Republic as required in section 32(1) of the Act, an immigration officer may instruct such illegal foreigner to depart from the Republic on a date specified, which shall not be more than 14 days after the date of issue of the instruction, provided that such date may, for good cause shown, be extended, provided that such immigration officer may elect not to detain such an illegal foreigner pending his or her deportation. Such instruction shall be in the form of and substantially contain the information set out in Annexure 42. A departure in terms of this sub-regulation shall not be deemed to be a deportation, unless the illegal foreigner was previously deported, made a departure in terms of this subsection, or otherwise violated the Act.

Regulation 40

Ships

The lists required under sections 35(3)(a) to (c) of the Act and the return required under section 35(3)(d) of the Act shall be in the form of and substantially contain the information set out in Annexure 43, 44, 45 and 46 and these lists shall also be delivered upon demand to an immigration officer by the master of a ship departing from a port of entry.

Regulation 41

Duties and Obligations

The records envisaged in section 38(4) of the Act shall be the following

- (a) a certified copy of the foreigner's passport reflecting his or her personal particulars;
- (b) a copy of the foreigner's status; and
- (c) proof of the capacity in which the foreigner is or was employed and, inter alia, his or her job description.

Regulation 42

Accommodation

- (1) The identification of customers as citizens or status holders envisaged in section 40(1) of the Act shall be by perusal of either their identity documents or passports of such customers.
- (2) The report referred to in section 40(1) of the Act shall be in the form of and substantially contain the information set out in Annexure 47 and shall be submitted at an office of the Department nearest to the physical address of the overnight accommodation on the first working day after the day on which the person whose status could not be ascertained received such accommodation.

Regulation 43

Identification

- (1) (a) An immigration officer may subject a person envisaged in section 41 of the Act to an examination, which may include interrogation, photographing and fingerprinting, aimed at satisfying the immigration officer of

- (i) the nationality or status of such a person;
- (ii) the person's identity and right to enter and sojourn in the Republic;
- (iii) the person's compliance with the Act and these Regulations; and
- (iv) whether such a person is, has become or is likely to become
 - (aa) an illegal foreigner;
 - (bb) a prohibited person; or
 - (cc) an undesirable person

provided that failure on the part of such a person to subject himself or herself to the above examination, may, for good cause, cause such person to be dealt with as an illegal foreigner.

- (b) An immigration officer may require a foreigner suspected of being afflicted with a disease contemplated in regulation 34(1)(a) to submit to an examination by a medical practitioner designated by the Director-General, which examination shall take place as soon as possible at a place determined by the immigration officer.
- (2) Where a person envisaged in section 41 of the Act is detained by a police officer, such police officer shall within 12 hours bring such person before an immigration officer. The immigration officer shall comply with the provisions of section 34(2), provided that the maximum period of detention envisaged in that section shall commence at the time of the first arrest. Where the warrant referred to in sub-regulation 39(8), accompanied by the affidavit included therein, is not provided, or does not substantiate reasonable grounds for detention, the immigration officer shall not accept such a person into his or her custody.

Regulation 44

Organs of State

The report referred to in section 44 of the Act shall be in the form of and substantially contain the information contained in Annexure 48.

Regulation 45

Other Institutions

- (1) The institutions and persons envisaged under section 45 of the Act shall be the following
 - (a) Banking and other financial institutions, including micro financiers;
 - (b) estate agents and insurance brokers;
 - (c) private hospitals and clinics; and
 - (d) employment agencies.
- (2) The commercial transactions envisaged in section 45 of the Act shall be
 - (a) in respect of sub-regulation 1(a) loans and bonds, money transfers and the opening of accounts, excluding investment accounts;
 - (b) in respect of sub-regulation 1(b), facilitation of the purchase, sale, leasing or renting of fixed property or the facilitation of the purchase of insurance policies of any nature;
 - (c) in respect of sub-regulation 1(c), when admitting or registering a patient except in emergencies; and
 - (d) in respect of sub-regulation 1(d), when approached by, or referring, a work seeker.
- (3) When reporting any illegal foreigner as envisaged in section 45 of the Act, the institution or person envisaged in sub-regulations (1) and (2) shall do so in writing, provided that if the time required to prepare such written report would defeat the purpose of the Act, such illegal foreigner may in the interim be reported to the Department verbally.

Regulation 46**Immigration Practitioners**

- (1) The application for registration as an immigration practitioner, the required qualifications and registration fee and duty envisaged in section 46 of the Act are contained in Schedule F.
- (2) Travel agents in the Republic and abroad, and persons conducting trade abroad which only incidentally and partially involves the trade referred to in section 46(1) of the Act, shall be deemed not to be conducting the trade referred to in section 46(1) of the Act.
- (3) The Department shall not take steps or adopt or allow any procedure which may encourage or discourage one or more persons to use the service of an immigration practitioner or discourage them from dealing with the Department directly or personally.

Regulation 47**Administrative Offences**

- (1) The administrative fine envisaged in section 50(1) of the Act shall be the following and shall also apply to a person referred to in section 26(7) of the previous Act
 - (a) in respect of a foreigner who leaves the Republic not more than 5 days, but less than 30 days after the expiry of his /her permit, an amount of R1 000-00
 - (b) in respect of a foreigner who leaves the Republic more than 30 days after the expiry of his or her permit, but less than 3 months after such expiry, an amount of R1 500-00; and
 - (c) in respect of a foreigner who leaves the Republic after the expiry of his or her permit, but more than 3 months after such expiry, an amount of R3 000-00.
- (2) The administrative fine envisaged in section 50(2) of the Act shall be R7 000-00.
- (3) The administrative fine envisaged in section 50(3) of the Act shall be R10 000-00.
- (4) When enforcing payment of the administrative fines envisaged in sections 50(1), (2) and (3) of the Act
 - (a) the Department shall notify the transgressor of the fine imposed on a form which will substantially contain the information set out in Annexure 49, 50 and 51 respectively;
 - (b) in the event of the fine referred to in sub-regulation (1) not being paid, the foreigner shall not be admitted to the Republic, or issued with a visa or permit, or, if already admitted, a permit shall not be issued or renewed nor a subsequent permit issued;
 - (c) in the event of an administrative fine referred to in sub-regulation (2) not being paid, the Department shall file a copy of the notice at the office of the clerk of the Court of the district in which the debtor is based, whereafter such notice shall have the effect of a civil judgment of the Court and the Department shall have all the powers of a judgment creditor; and
 - (d) in the event of a fine imposed in terms of sub-regulation (3) not being paid, the immigration officer may elect not to issue the certificate envisaged in section 35(6) of the Act.

Regulation 48**Transitional Provisions**

- (1) The Regulations promulgated under the Aliens Control Act, 1991 (Act no 96 of 1991) are hereby repealed, except for sub-regulations (1)(a), (b)(i) and (2) of regulation 30.

- (2) The credit cards facility contemplated in regulations 10(2)(a) and 19(3) shall become effective only six months after the commencement of these Regulations.

Regulation 49

Existing Permits

- (1) Any application made for any permit in terms of the previous Act which has not been finalised at the commencement of these Regulations shall be deemed to have been lodged in terms of the Act and these Regulations and shall be decided on in terms of the Act and these Regulations, provided that
- (a) an application lodged under the previous Act may either be withdrawn if resubmitted within seven days, or supplemented and/or modified by the applicant without prejudice so as to adjust it to the relevant requirements or different permit grounds of the Act and these Regulation prior to its consideration; or
 - (b) the applicant may request that the application be dealt with under the previous Act, provided that where the applicant has not made such a request, the Department shall approve such application under the previous Act when it can be so approved without violating the Act; and
 - (c) where an application has not been supplemented or modified or dealt with as envisaged in sub-regulation (a), the Department shall not reject such application, if such application would have complied with the previous Act and the regulations and prescripts made there-under, until the applicant has been notified of the provisions of sub-regulation (a) and given a period of 30 days to elect to resort to such provisions. If the applicant does not supplement or modify the application within the given period, the application shall be considered as if it was an application made under the Act.
- (2) Any pending appeal lodged with the Central Committee of the Immigrants Selection Board under the previous Act, shall be decided on by the Department in terms of the previous Act, and the Department's decision shall be deemed to be a decision of the Immigrants Selection Board but shall be subject to section 8 of the Act.

Regulation 50

Miscellaneous

- (1) Any visa or temporary or permanent residence permit issued on the basis of false material information or an omission to provide required or reasonably expected material information shall be deemed to be null and void, provided that the Department shall
- (a) notify the person concerned of its findings and the related consequences including, if applicable, the loss of status; and
 - (b) give the person concerned a reasonable opportunity to rectify the matter, if the matter can be easily rectified and the Department is satisfied that no fraud or fraudulent intent was involved, failing which paragraph (a) shall apply; or
 - (c) declare such consequences as having occurred and notify the person concerned of the rights set out in section 8 of the Act.
- (2) In the case of a permanent residence permit, sub-regulation (1) shall apply only if the notification referred to in sub-regulation (1)(a) is sent to the last known address of the person concerned or his or her chosen representative of record within seven years of the issuance of such permit.
- (3) In order to fulfil its responsibility of controlling the borders as set out in section 36(1) of the Act, the head of the Inspectorate or the Director-General may request other organs of State, inter alia the South African National Defence Force and the South African Police Service, to provide the assistance contemplated in such section of the Act, by, inter alia,

- (a) conducting activities under the direction of the Department, including but not limited to border patrolling or investigations anywhere in the Republic; or
 - (b) seconding facilities, personnel or suitable equipment to the Department, provided that
 - (c) any activity related to the enforcement of the Act and these Regulations shall be conducted in the presence of, under the direction of, or be immediately reported to an immigration officer appointed by the head of the Inspectorate to be in charge thereof; and
 - (d) any person arrested shall be brought and surrendered to an immigration officer as soon as possible.
- (4) When possible and available and subject to available resources, the Department shall endeavour to inform any person held in detention in terms of the Act and who does not understand one of the official languages of the Republic of his or her rights in a language he or she understands by means of an interpreter who shall depose to an affidavit substantially containing the information set out in Annexure 57.
- (5) The delegation from a chartered accountant to an accountant other than chartered accountant referred to in section 1(1)(v) of the Act shall be substantially in the form and contain the information set out in Annexure 58.
- (6) No requirement in addition to, or exceeding those set out in these Regulations may be imposed on any person in respect of any matter or procedure dealt with or contemplated in these Regulations or in the Act.

Regulation 51

Short Title and Commencement

- (1) These Regulations shall be referred to as the Immigration Regulations.
- (2) These Regulations shall come into force and effect on March 12, 2003
- (3) The commencement dates referred to in Schedule 3 of the Act for the coming into force and effect of the provisions of that Schedule shall be March 12, 2003 except in respect of item 2(2) of the amendments to the Refugees Act, 1998, which item 2(2) shall come into force and effect at a time to be determined by the Minister by public notice in the Government Gazette.
- (4) Until section 37 of the Act comes into force, a reference to a Court or an Immigration Court shall be construed as a reference to a Magistrate's Court.

SCHEDULE A - APPLICATIONS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item No.	Application type and relevant section of the Act or regulation	Form's Annexure No.	Documents and other information required in respect of application	Annexure No. of permit or other document to be issued	Conditions that may be imposed on a permit or endorsed on other document	Place of application
1	Visa - 1(xlii)	2	(a) Passport valid for no less than 30 days after the expiry of intended visit (b) Payment of the prescribed fee, if applicable (c) A vaccination certificate, if required by the Act (d) Proof of financial means in the form of - <ul style="list-style-type: none"> • bank statements, • salary advices, • undertaking(s) by the host(s) in the Republic, • bursaries, • medical cover, or • cash available, including credit cards or travellers' cheques to cover envisaged living expenses during the sojourn in the Republic (e) Applicants travelling by air must be in possession of a return or onward ticket or proof of sufficient funds, or lodge a cash deposit of equivalent value to such a ticket (f) Statement and/or documentation confirming purpose and duration of visit	3	(a) For good cause, limits on the type of activities which may be undertaken (b) Submission of additional relevant documents within a specified period (c) Submission of financial guarantees prescribed in these Regulations or the Act (d) Submission of proof of means of the non-transferable onward or return travel referred in column 4, or (e) Limits on the period of the visit or permit or validity of other document, provided that, in the absence of a determination of period, the period shall be 90 days	Mission
2	Certificate in lieu of a passport on departure-9(3)(a)	10	(a) Proof of identity (b) Reasons for the application (c) Country of destination's guarantee of admission without a passport, unless (d) Citation of bilateral or multilateral agreements provide for such readmission without a passport or with such a document	11	The same as for Item 1	Regional Office

3	To enter or leave the Republic at a place other than a port of entry – section 9(3)(c)(i) and the written permission or passport endorsement referred to in section 31(2)(c)	8	(a) Passport valid for duration of intended period of stay (b) Payment of any prescribed processing fee (c) Must be in possession of proof of status or be a citizen	9	The same as for Item 1	Port of entry, Regional Office
4.	Visitors permit – 11(1) in respect of a bona fide visit which exclude work or activities in respect of which a permit in terms of any other section of the Act is required	14 OR 16	(a) All the requirements under Item 1 (b) Valid visa, if required, in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Where a visa is not required, documentation detailing the purpose of the visit and institutions or persons in the Republic involved, if any (e) Where a visa is not required, proof of fixed employment or other commitments abroad (f) Compliance with regulation 19(3), if required	18	The same as for Item 1, with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry in respect of 11(1)(a) & (b), and 11(1)(ii); or Regional Office in respect of change of status or conditions
5	Renewal of a visitors permit – 11(1)(b)(i)	15	(a) All the requirements under Item 1 (b) Valid permit (c) A letter motivating the reasons for the request	17	The same as for Item 1	Regional Office

6	Visitors permit 3 months to 3 years— 11(1)(b)(ii)(aa) In respect of Sabbatical	14 OR 16	(a) All the requirements under Item 1 (b) Valid visa, if required in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Additional for sabbatical:- • A letter from the foreign academic institution, confirming enrolment abroad • A letter from the host organisation or institution in the Republic	18	The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in the case of change of status or conditions
7	Visitors permit 3 months to 3 years— 11(1)(b)(ii)(bb) In respect of Voluntary or charitable activities	14 OR 16	(a) All the requirements under Item 9(1) (b) A letter from the organisation where the services will be rendered, confirming the nature and period of the services (c) A letter of confirmation that it is not a paid post.	18	The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in respect of change of status or conditions
8	Visitors permit 3 months to 3 years— 11(1)(b)(ii)(cc) In respect of Research	14 OR 16	(a) All the requirements under Item 9(1) (b) A letter from the educational institution concerned, confirming the nature and period of the research (c) Confirmation of available funds to cover accommodation, living and medical expenses for the duration of the research	18	As for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable.	Port of entry, or Regional Office in respect of change of status or conditions
9 (1)	Extended Visitor's permit for other activities and cases— 11(1)(ii)(dd) - In respect of the spouse	14 OR 16	(a) All the applicable requirements under Item 1 (b) Valid visa, if required in the case of port of entry (c) Valid permit, in the case of Regional Office, subject to regulation 18(6) (d) Medical certificate in respect of the applicant and all members accompanying the applicant (e) Birth certificate, to be unabridged where relevant to prove parenthood (f) Marriage certificate where applicable	18	(a) The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable (b) To report to the Department as and when required	Port of entry, or Regional Office in respect of change of status or conditions

	and dependent children under the age of 25 of a holder of a valid permit issued in terms of section 13 to 15, 17, 19, 21 except 21(4)(b), and 22		<ul style="list-style-type: none"> (g) Proof of a spousal relationship in terms of the Act and these Regulations (h) Divorce decree, where applicable (i) Proof of custody, where applicable (j) Death certificate, in respect of late spouse, where applicable (k) Consent from parent(s), where applicable (l) Proof of adoption, where applicable (m) Proof of legal separation, where applicable (n) Police clearance certificates in respect of all applicants 21 years or older, in respect of all countries where person(s) resided one year or longer, to be submitted within twelve months of the application if not immediately available (o) Additional information which the Department may request to satisfy itself of the existence of a good faith spousal relationship as set out in regulation 33(5), where applicable 			
(2)	In respect of bona fide activities excluding work or activities in respect of which a permit in terms of any other section of the Act is required		<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Documentation detailing the activity to be conducted and institutions or persons in the Republic involved, if any (c) Proof of sufficient financial available means within the Republic to conduct the intended activity and meet living expenses calculated at R20 000.00 a month per person, to be provided in the form of a certification of a chartered accountant 		<ul style="list-style-type: none"> (a) The same as for Item 1 with the addition of an endorsement indicating that the permit was issued in terms of regulation 18(6), if applicable (b) To report to the Department as and when required 	Port of entry, or Regional Office in respect of change of status or conditions

(3)	In respect of a foreigner waiting for the outcome of (a) a good faith application for a change of status or (b) a good faith appeal contemplated in Section 8		(a) All the applicable requirements under Item 1 (b) Valid permit, in the case of Regional Office, subject to regulation 18(6) (c) Letter stating the reasons for remaining in the Republic and any hardship in departing, if any (d) Proof of sufficient financial available means within the Republic to meet living expenses calculated at R10 000.00 a month per person, to be provided in the form of a certification of a chartered accountant		(a) The same as for Item 1 (b) To report to the Department as and when required	Regional Office in respect of change of status or conditions
10	Diplomatic permit – 12(1)	As determined by Foreign Affairs	(a) Valid passport (b) Accreditation or proof of diplomatic status from the relevant foreign state (c) Certification of diplomatic status, or relevant qualification or position, and reciprocity from the embassy of the relevant foreign state in the Republic in respect of the foreigners mentioned in section 12(1)(b) to (e) of the Act.	As determined by Foreign Affairs	As determined by Foreign Affairs	Mission, Regional Office, or Dept. of Foreign Affairs within the Republic
11(1)	Study permit – 13(1)(a)	14 OR 16	(a) All the requirements under Item 1 (b) An official letter of provisional enrolment from the institution of learning concerned (c) Details regarding arranged accommodation, if any (d) Proof of sufficient funds to cover tuition fees, maintenance and incidental costs (e) In the case of a minor, the particulars of the person in the Republic who will act as the learner's guardian and confirmatory letter from such person, and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody.	13	(a) As for Item 1 (b) The applicant must provide periodic reports of satisfactory performance in his or her studies by means of his or her letter, which reports, unless otherwise determined by the Department under the circumstances, shall be due every six months	Mission, or Regional Office

			<p>(f) An outline of the course or academic programme for which the applicant has been accepted and proof of the required qualifications to attend it, if any</p> <p>(g) A police clearance certificate if required in respect of all applicants of 23 years of age or older, in respect of all previous countries of residence for periods exceeding one year, to be submitted within twelve months of the application if not immediately available</p> <p>(h) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>			
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(2)	Study permit – 13(1)(b)	14 OR 16	<p>(a) All the requirements under Item 1</p> <p>(b) An official letter of provisional enrolment from the educational institution concerned stating:</p> <ul style="list-style-type: none"> (i) details regarding arranged accommodation, if any (ii) that the applicant has sufficient funds to cover tuition fees, maintenance and incidental costs (iii) In the case of a minor, the particulars of the person in the Republic who will act as the learner's guardian and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody. (iv) the course or academic programme for which the applicant has been accepted and that the applicant has the required qualifications to attend it, including any applicable language proficiency requirement (v) the undertaking to notify the Department when the learner has completed his/her studies or is no longer performing satisfactorily and to comply with the other applicable provisions of the Act (vi) the undertaking to notify the Department at least every eight months that the learner is no longer performing satisfactorily. <p>(c) A police clearance certificate if required in respect of all applicants of 23 years of age or older, in respect of all previous countries of residence for periods exceeding one year, to be submitted within twelve months of the application if not immediately available.</p> <p>(d) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>	13	As for Item 1	Mission, or Regional Office
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12	Treaty permit – 14(1)	14 OR 16	<p>(a) Letter from the relevant organ of State attesting to</p> <ul style="list-style-type: none"> • the nature of the programme and the treaty under which it is conducted • the fact that the relevant foreigner participates in such programme • the type of activities which the foreigner is expected to perform under such programme and the duration thereof and whether he or she is expected to conduct work <p>(b) As for Items 1 and 9, where applicable</p>	13	<p>(a) As for Item 1, where applicable</p> <p>(b) Reflecting the nature and purpose of the programme, as determined by Foreign Affairs or other organ of State</p>	Mission, Dept. of Foreign Affairs, or other organ of State within the Republic
13	Business permit – 15(1)	14 OR 16	<p>(a) All the requirements under Items 1 and 9(1), as applicable</p> <p>(b) Proof of availability of funds for transfer from abroad</p> <p>(c) Undertaking to register with the appropriate statutory body, if required by the nature of the business</p> <p>(d) Proof of compliance with regulation 24</p>	13	The same as for Item 1	Mission, or Regional Office
14	Business permit – 15(1) In respect of an investment in an existing business	14 OR 16	<p>(a) All the requirements under Item 13</p> <p>(b) Documentation proving the investment, such as shareholders' or partnership agreements</p> <p>(c) Details of the partners/directors</p> <p>(d) Proof of compliance with regulation 24</p>	13	As for Item 1	Mission, or Regional Office
15	Crew permit - 16(1) Crew of a public ship of a foreign state, transiting the Republic en route to or from such ship		<p>(a) Valid passport or Seaman's Identification Certificate and transit visa, if required</p> <p>(b) Letter of request from the owner, including an undertaking of responsibility for such person's compliance with the Act</p>			

16	Crew permit - 16(1) crew of a foreign private or chartered ship while such ship is temporarily in a South African port of entry		(a) Valid passport (b) Proof of financial means of the owner, <i>inter alia</i> , in the form of – • bank statements, • salary advices, • cash available, and/or • travellers' cheques to cover day to day needs and medical cover (c) Cash deposit, should the immigration officer deem it necessary.	18	(a) The same as for Item 1 (b) As per section 16(2) of the Act read with regulation 25(4)	Port of entry
17(1)	Medical permit - 17(1)(a)	14 OR 16	(a) Valid passport (b) Payment of the prescribed processing fee (c) Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of – • bank statements, • salary advices, • cash available, and/or • travellers' cheques (d) A letter from the applicant's medical practitioner or medical institution, indicating the reasons/necessity for treatment, the period of treatment and particulars of the treatment plans in the Republic (e) Details of the person or institution responsible for the medical expenses and hospital fees, if any. Should the applicant's medical scheme or employer not be liable for expenses incurred, proof of financial means or medical cover must be submitted (f) Particulars of persons accompanying such permit holder (g) Copy of a return ticket or a repatriation guarantee in the form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required	13	(a) The same as for Item 1 as well as :- (b) For the period as indicated by the medical practitioner / medical institution (c) For the type of institution - publicly funded, subsidised or private	Mission, or Regional Office

(2)	Medical permit - 17(1)(b)	14 OR 16	<p>(a) All the requirements under Item 1</p> <p>(b) An official letter of provisional enrolment from the treating institution concerned stating:</p> <ul style="list-style-type: none"> (i) details regarding arranged accommodation (ii) that the applicant has sufficient funds to cover his or her medical costs, maintenance and incidental costs (iii) in the case of a minor, the particulars of the person in the Republic who will act as the patient's guardian, and proof of consent for the intended stay from both parents, or from the sole custody parent along with proof of sole custody. (iv) the medical treatment for which the applicant has been accepted and the duration thereof (v) the undertaking to notify the Department when the applicant has completed his/her treatment and to comply with the other applicable provisions of the Act (vi) the undertaking to notify the Department at least every eight months that the applicant is still under treatment. <p>(c) Copy of a return ticket or a repatriation guarantee in a form of a deposit equivalent to the cost of an air ticket to the country of origin or residence, if required</p>	13	<p>(a) The same as for Item 1 as well as :-</p> <p>(b) For the period as indicated by the medical practitioner / medical institution</p> <p>(c) For the type of institution - publicly funded, subsidised or private</p>	Mission, or Regional Office
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18	Relatives permit - 18(1)	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) Compliance with regulation 27(2)	13	(a) The same as for Item 1 (b) To report to the Department as and when required	Mission, or Regional Office
19(1)	Work permit – (General Quota) 19(1)	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) An offer of employment (c) Certification by a chartered accountant regarding terms & conditions of employment as set out in Regulation 28(4)(a)(i) (d) Commitment by employer to comply with Regulation 28(3) (e) Certification by a chartered accountant containing job details as set out in regulation 28(4)(a)(ii)	13	The same as for Item 1	Mission, or Regional Office
(2)	Work permit – (Extraordinary Quota) regulation 19(4)(e)		(a) All the applicable requirements under Item 9(1) (b) Proof of the relevant skills and/or qualifications			

20	Work permit (General) – 19(2)	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Submission of the original advertisement in the national printed media, which must comply with regulations 28(5) and (6)(b), except for the categories listed in Schedule E (c) An employment contract containing the information set out in regulation 28(6)(d) (d) Proof that all short-listed candidates have been interviewed (e) A letter of motivation from the employer as required in regulation 28(5) (f) Certifications by a chartered accountant in terms of sections 19(2)(b) and (d) (g) In the case of senior positions, reasons for not filling the position by the promotion of existing personnel (h) Undertaking to register with the professional body, board or council in the Republic, where applicable (i) The documentation and statement contemplated in regulation 28(6)(f) (j) Letter of approval, where required by a law, from - <ul style="list-style-type: none"> (i) the relevant professional body/ board/ council; (ii) the Department of Labour; and /or (iii) the relevant organ of State 	13	<ul style="list-style-type: none"> (a) The same as for Item 1 (b) The period for which a work permit is granted, not exceeding three (3) years (c) The position or capacity of the applicant (d) The name of the employer, and Province, where applicable (e) Any financial guarantees that have been posted, where applicable (f) Validity of permit subject to the submission of a certificate in terms of section 19(3) within 6 months from the date of issuance of this permit and within every year thereafter (g) That a chartered accountant certifies periodically in terms of section 19(3) 	Mission, or Regional Office
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21	Work permit (Exceptional skills) – 19(4)	14 OR 16	<ul style="list-style-type: none"> (a) All the requirements under Item 9(1), where applicable (b) A letter from a foreign or South African organ of State, or from an established South African academic, cultural or business body, confirming the applicant's exceptional skills or qualifications (c) Testimonials from previous employers, if applicable, and a comprehensive curriculum vitae (d) Other proof to substantiate exceptional skills or qualifications, such as publications, and testimonials 	13	The same as for Item 1	Mission, or Regional Office
22	Work permit (Intra Company Transfer) – 19(5)	14 OR 16	<ul style="list-style-type: none"> (a) All the requirements under Item 9(1), where applicable (b) A letter from the international concern confirming that the foreigner will be transferred to a branch/affiliated South African company (c) A letter from the South African company confirming the transfer of such foreigner from the parent/affiliated company abroad, as well as specifying the occupation and capacity in which the foreigner will be employed, and that the maximum duration will not exceed two years (d) A certification by a chartered accountant acting on behalf of the employer that the employer needs to employ such foreigner within the Republic and outlining the foreigner's job description (e) An undertaking from the employer as required in section 19(5)(b) (f) The financial guarantees required under section 19(5)(c) and regulation 28(10). 	13	The same as for Item 1	Mission, or Regional Office

23	Work permit (Corporate worker) – 21(1)	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) Corporate permit holder's letter specifying the reference number of the corporate permit, the fact that the person is employed under a corporate permit, the occupation and capacity in which the applicant will be employed, and his or her remuneration (c) Corporate permit holder's certification contemplated in regulation 30(9) 	13	The same as for Item 1	Mission, or Regional Office
24	Work permit (Corporate worker) – 21(4)(b) - In respect of an agreement with a foreign state	14	<ul style="list-style-type: none"> (a) A passport valid for no less than 30 days after the expiry date of the intended stay (b) A full set of fingerprints (c) A valid employment contract entered into and attested in the worker's country of origin, for a maximum period of 18 months (d) Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry (e) An undertaking by the proposed employer, that he/she will remove the worker to his/her country of residence on completion or expiry of the contract (f) Corporate permit holder's certification contemplated in regulation 30(9) 	13	The same as for Item 1	Port of entry

25	Work permit (Corporate worker) – 21(4)(c) - In respect of seasonal labour	14 OR 16	(a) A passport valid for not less than 30 days after the expiry date of the intended stay (b) A full set of fingerprints (c) A valid employment contract, which has been entered into and attested in the worker's country of origin, for a maximum period of 6 months (d) An undertaking by the proposed employer, that he/she will remove that worker to his/her country of residence on completion or expiry of the contract (e) Permission from the Department of Labour (no objection permit, BI-17), submitted by the employer or his/her agent, where applicable, unless the employer or recruiting agent is exempt from this requirement either in terms of the relevant international agreement or by the Department, the Minister of Energy, the Minister of Agriculture or the Minister of Trade and Industry (f) Corporate permit holder's certification contemplated in regulation 30(9)	13	The same as for Item 1	Port of entry
26	Retired person permit – 20(1) Non - worker	14 OR 16	(a) All the applicable requirements under Item 9(1) (b) Proof of the net worth envisaged in sections 20(1)(a) and 20(1)(b), and regulation 29	13	The same as for Item 1	Mission, or Regional Office
27	Retired person permit – 20(1) Worker	14 OR 16	(a) All the requirements under Item 26 (b) Proof that a citizen or resident is not ready, willing and able to take up the relevant employment	13	The same as for Item 1	Mission, or Regional Office

28	Corporate permit (Corporate applicant)– 21(1)	21	<ul style="list-style-type: none"> (a) The certification of a chartered accountant as contemplated in section 21(2)(a), containing an organisational diagram of the relevant productive unit, including the staff's residential status and job's descriptions (b) The undertaking by the corporate applicant described in section 21(2)(b) and regulation 28(11) (c) Training fee and/or an undertaking to implement the training programme contemplated in regulation 30(8)(a) and (b), (d) An undertaking by the corporate applicant, that he/she will be responsible for the removal of foreigners employed in terms of this permit to their respective countries of residence on expiry of the contract, (e) The representations required under section 21(2)(d), and (f) An undertaking to comply with the provisions of Regulation 30(8) 	22	<ul style="list-style-type: none"> (a) The number of foreigners that may be employed (b) The positions they may occupy or (c) The centres where they may be employed 	Mission, or Regional Office
29	Exchange permit – section 22(a) Higher educational institutions	14 OR 16	<ul style="list-style-type: none"> (a) All the applicable requirements under Item 9(1) (b) A letter from the Department of Education or a public higher educational institution in the Republic, confirming that it is responsible for organising or administering the programme, outlining the activities and duration thereof, as well as confirming that it will take full responsibility for the student whilst he or she is in the Republic (c) A letter from an organ of the foreign State, confirming the particulars of the student, including confirmation of the student's registration with a tertiary educational institution abroad, as well as the date on which study will commence 	13	The same as for Item 1	Mission, or Regional Office

30	Exchange programme permit – section 22(a) – cultural, economic / social exchange	14 OR 16	<p>(a) All the applicable requirements under Item 1</p> <p>(b) A letter from the organ of the State confirming the status/existence of the exchange programme</p> <p>(c) A letter from the educational institution in the Republic confirming that the permit holder, if a student, has been accepted to register, if applicable, or a letter from the entity, organisation or family where the foreigner intends to conduct his or her programme.</p> <p>(d) A letter from an organ of the foreign State confirming awareness of the exchange programme</p> <p>(e) A letter from the sponsoring body responsible for the organising or administering of the programme, confirming that it will take responsibility for the permit holder whilst he or she is in the Republic</p> <p>(f) Annual reports from the sponsoring body, outlining progress of the programme. In the absence of a sponsoring body, the educational institution or organ of State must submit the reports, as well as the confirmation mentioned in (e)</p>	13	The same as for Item 1	Mission, or Regional Office
31	Exchange permit – section 22(b) – Exchange work programmes	14 OR 16	<p>(a) All the applicable requirements under Item 1</p> <p>(b) A letter from a prospective employer certifying compliance with, and providing the undertaking contemplated in section 22(b) and regulation 31(4)</p> <p>(c) Copy of the job offer detailing the terms, conditions and duration of the intended employment.</p>	13	The same as for Item 1	Mission, or Regional Office

32	Asylum permit – section 23 asylum seeker	52		23	(a) The permit is only valid for travel between the port of entry and the Refugee Reception Office (b) The permit is only valid for fourteen (14) days (c) Any other condition that may be necessary for the better execution of the Act and these Regulations and which is relevant to the circumstances of the asylum seeker	Port of Entry
33	Transit visa – 24	2	(a) As in Item 1, except (d) to (f) (b) Where applicable onward air or sea transport ticket (c) Proof of admissibility in the foreign country of onward travel	3	(a) As in Item 1, where applicable (b) To restrict the holder to remain in the transit area of the port of entry concerned	Mission
34	Permanent residence permit – 26 & 27	24	(a) Application for a permanent residence permit (b) Permanent residence questionnaire (c) Radiological report (excluding pregnant women & children under the age of 16) (d) Medical report (e) All the applicable requirements under Item 9(1)	25		Mission, or Regional Office
35	Permanent residence permit - 26(a) – In respect of a worker who held a work permit for 5 years	24	(a) All the applicable requirements under Items 34 and 20(h) (b) Proof of five years continuous work permit status (c) Offer of permanent employment (d) Certification by the employer's chartered accountant contemplated in section 26(a)(i) (e) Certification by the Department of Labour contemplated in section 26(a)(ii)	25		Mission, or Regional Office closest to relevant employer or business

36	Permanent residence permit - 26(b) – in respect of a spouse of a citizen / resident	24	(a) All the applicable requirements under Item 34 (b) Identity document or permanent residence permit of spouse (c) Declaration of support for the application by the spouse who is the citizen or resident	25		Mission, or Regional Office
37	Permanent residence permit - 26(c) – in respect of a child under the age of 21 of a citizen / resident	24	(a) All the applicable requirements under Item 34 (b) Undertaking by parents with regard to financial support	25		Mission, or Regional Office
38	Application for confirmation of residence in respect of a child of a citizen/resident under the age of 21 – section 26(c)	48	(a) Permanent residence permit (b) Application			Mission, or Regional Office
39	Permanent residence permit - 26(d) – in respect of a child over the age of 21 of a citizen	24	(a) All the applicable requirements under Item 34 (b) Undertaking by parents with regard to financial support may be required	25		Mission, or Regional Office
40	Permanent residence permit – 27(a) – on the ground of permanent employment offer	24	(a) All the applicable requirements under Item 34 (b) Offer for permanent employment (c) Certification by the (prospective) employer's chartered accountant as required by section 27(a)(i) (d) Certification by the Department of Labour as required in section 27(a)(ii)	25	To remain employed in the field in respect of which the employment offer was made for two years	Regional Office closest to relevant employer or business

41	Permanent residence permit – section 27(b)- on the grounds of extraordinary skills or qualifications	24	(a) All the applicable requirements under Item 34 (b) All the requirements under Item 21	25		
42	Permanent residence permit – section 27(c)- on the ground of establishing a business	24	(a) All the applicable requirements under Item 34 (b) All the applicable requirements listed under Item 13(b)(c) and (d)	25		Mission, or Regional Office
43	Permanent residence permit – section 27(c)- for person holding a business permit	24	(a) All the applicable requirements under Item 34 (b) Proof of status in terms of section 15 (c) Certification by a chartered accountant as prescribed in regulation 33(12) reflecting the book value of the investment	25		Regional Office
44	Permanent residence permit – section 27(c)- on the ground of investing in a business	24	(a) All the applicable requirements under Item 34 (b) All the applicable requirements listed under Item 14(b)(c) and (d)	25		Mission, or Regional Office
45	Permanent residence permit – section 27(d)- in respect of a refugee	24	(a) All the requirements under Item 34 (b) All the requirements under Item 9(1), as applicable, provided that, if the original is not available, a sworn affidavit will be acceptable in respect of (c), (d) in the case of a foreign marriage, (h) to (m), and (n) in respect of the country fled from only (c) Proof of compliance with section 27(c) of the Refugees Act, 1998 (Act 130 of 1998) (d) Affidavit with regard to aliases used by the applicant and/or family members, if applicable	25		Regional Office

46	Permanent residence permit – section 27(e)- on ground of retiring in the Republic	24	(a) All the applicable requirements under Item 34 (b) Certification by a chartered accountant as required in section 27(e) and regulation 33(16)	25		Mission, or Regional Office
47	Permanent residence permit – section 27(f)- on the ground of a minimum net worth	24	(a) All the applicable requirements under Item 34 (b) Certification by a chartered accountant as required in section 27(f), reflecting proof of a minimum net worth of R20 million and having tendered R100 000 to the Department as the fee referred to section 27(f) in the Act	25		Mission, or Regional Office
48	Permanent residence permit – section 27(g)- in respect of relatives of a citizen / resident within the first step of kinship	24	(a) All applicable requirements under Item 34 (b) Proof of citizen / resident's annual income except where the relative is the parent of a minor child (c) Undertaking by the resident / citizen with regard to financial, medical and physical responsibility for the applicant, except where the relative is the parent of a minor child	25	The permit shall lapse upon the child becoming 21	Mission, or Regional Office
49	Lawful Authority to previously deported person – sec 34(5)(a)	2	(a) Proof of compliance with regulation 34(2) (b) Deposit may be required (c) All the requirements under Item 1	3	As per Item 1	
50	Exemption – regulation 17(2)(a)	8	(a) Valid passport (b) Valid visa, if required (c) Valid temporary or permanent residence permit, in the case of a foreigner (d) Proof of right to return to country of nationality and/or residence may be required in the case of a foreigner	9	As in Item 1, except (c) and (d)	Port of entry, or Regional Office