

- (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 27(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.
- (24) The offices of the Department of Labour to be approached in respect of section 27(a)(ii) of the Act shall be those contemplated in regulation 28(12).

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 be deemed not exempted from visa requirements 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 39(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 39(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 personprovided 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 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) Subject to these regulations, anything done or purported to be done under, or in terms of, the Immigration Regulations published in General Notice 487 of 2003 (Government Gazette No. 24952) of February 21, 2003 shall be deemed having done under these regulations and any actual or purported legal effect flowing from such Regulations shall be deemed to flow from these regulations as if these regulations came into force and effect at 18h00 of April 7, 2003
- [(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 card facility contemplated in regulations 10(2)(a) and 19(3) and the provisions of regulations 10(2)(a) and 10(2)(b) shall become effective only eight months after the commencement of **[these]** the Immigration Regulations published in General Notice 487 of 2003 (Government Gazette No. 24952) of February 21, 2003.
- (3) The Immigration Regulations published in General Notice 487 of 2003 (Government Gazette No. 24952) of February 21, 2003 are hereby repealed

[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 Regulations 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]** on the date of their publication in the Government Gazette.
- (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 Item No.	Column 2 Application type and relevant section of the Act or regulation Visa - 1(xliii)	Column 3 Form's Annexure No.	Column 4 Documents and other information required in respect of application	Column 5 Annexure No. of permit or other document to be issued	Column 6 Conditions that may be imposed on a permit or endorsed on other document	Column 7 Place of application
1		2	<p>(a) Passport valid for no less than 30 days after the expiry of intended visit</p> <p>(b) Payment of the prescribed fee, if applicable</p> <p>(c) A vaccination certificate, if required by the Act</p> <p>(d) Proof of financial means in the form of -</p> <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 <p>to cover envisaged living expenses during the sojourn in the Republic</p> <p>(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</p> <p>(f) Statement and/or documentation confirming purpose and duration of visit</p>	3	<p>(a) For good cause, limits on the type of activities which may be undertaken</p> <p>(b) Submission of additional relevant documents within a specified period</p> <p>(c) Submission of financial guarantees prescribed in these Regulations or the Act</p> <p>(d) Submission of proof of means of the non-transferable onward or return travel referred in column 4, or</p> <p>(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</p>	Mission
2	Certificate in lieu of a passport on departure—9(3)(a)	10	<p>(a) Proof of identity</p> <p>(b) Reasons for the application</p> <p>(c) Country of destination's guarantee of admission without a passport, unless</p> <p>(d) Citation of bilateral or multilateral agreements provide for such readmission without a passport or with such a document</p>	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	<p>(a) Passport valid for duration of intended period of stay</p> <p>(b) Payment of any prescribed processing fee</p> <p>(c) Must be in possession of proof of status or be a citizen</p>	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	<p>(a) All the requirements under Item 1</p> <p>(b) Valid visa, if required, in the case of port of entry</p> <p>(c) Valid permit, in the case of Regional Office, subject to regulation 18(6)</p> <p>(d) Where a visa is not required, documentation detailing the purpose of the visit and institutions or persons in the Republic involved, if any</p> <p>(e) Where a visa is not required, proof of fixed employment or other commitments abroad</p> <p>(f) Compliance with regulation 19(3), if required</p>	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	<p>(a) All the requirements under Item 1</p> <p>(b) Valid permit</p> <p>(c) A letter motivating the reasons for the request</p>	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	Extended Visitor's permit for other activities and cases— 11(1)(ii)(dd) -	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 unbridged 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
(1)	In respect of the spouse					

<p>(2)</p> <p>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</p>	<p>(g) Proof of a spousal relationship in terms of the Act and these Regulations</p> <p>(h) Divorce decree, where applicable</p> <p>(i) Proof of custody, where applicable</p> <p>(j) Death certificate, in respect of late spouse, where applicable</p> <p>(k) Consent from parent(s), where applicable</p> <p>(l) Proof of adoption, where applicable</p> <p>(m) Proof of legal separation, where applicable</p> <p>(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</p> <p>(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</p>	<p>(a) All the applicable requirements under Item 9(1)</p> <p>(b) Documentation detailing the activity to be conducted and institutions or persons in the Republic involved, if any</p> <p>(c) Proof of sufficient financial available means within the Republic to conduct the intended activity and meet living expenses calculated at R15 000.00 a month per person, to be provided in the form of a certification of a chartered accountant, which, <i>inter alia</i>, may take into account up to 10 000 of the value of available housing.</p>	<p>(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</p> <p>(b) To report to the Department as and when required</p>	<p>Port of entry, or Regional Office in respect of change of status or conditions</p>
<p>(3)</p> <p>In respect of a foreigner</p>	<p>(a) All the applicable requirements under Item 1</p> <p>(b) Valid permit, in the case of Regional Office,</p>	<p>(a) The same as for Item 1</p> <p>(b) To report to the</p>	<p>(a) The same as for Item 1</p> <p>(b) To report to the</p>	<p>Regional Office in</p>

	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		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		Department as and when required	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. (f) An outline of the course or academic programme for which the applicant has been accepted and proof of the required	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>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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<p>(2)</p>	<p>Study permit - 13(1)(b)</p>	<p>14 OR 16</p>	<p>(a) All the requirements under item 1 (b) An official letter of provisional enrolment from the educational institution concerned stating: (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 (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. (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>	<p>13</p>	<p>As for item 1</p>	<p>Mission, or Regional Office</p>
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12	Treaty permit - 14(1)	14 OR 16	(a) Letter from the relevant organ of State attesting to <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 	13	(a) As for Item 1, where applicable (b) Reflecting the nature and purpose of the programme, as determined by Foreign Affairs or other organ of State	Mission, Dept. of Foreign Affairs, or other organ of State within the Republic
13	Business permit - 15(1)	14 OR 16	(b) As for Items 1 and 9, where applicable <ul style="list-style-type: none"> All the requirements under Items 1 and 9(1), as applicable Proof of availability of funds for transfer from abroad Undertaking to register with the appropriate statutory body, if required by the nature of the business Proof of compliance with regulation 24 	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	(a) All the requirements under Item 13 (b) Documentation proving the investment, such as shareholders' or partnership agreements (c) Details of the partners/directors (d) Proof of compliance with regulation 24	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		(a) Valid passport or Seaman's Identification Certificate (b) Letter of request from the owner, including an undertaking of responsibility for such person's compliance with the Act			

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		<p>(a) Valid passport</p> <p>(b) Proof of financial means of the owner, <i>inter alia</i>, in the form of -</p> <ul style="list-style-type: none"> • bank statements, • salary advices, • cash available, and/or • travellers' cheques <p>to cover day to day needs and medical cover</p> <p>(c) Cash deposit, should the immigration officer deem it necessary</p>	18	<p>(a) The same as for item 1</p> <p>(b) As per section 16(2) of the Act read with regulation 25(4)</p>	Port of entry
17(1)	Medical permit - 17(1)(a)	14 OR 16	<p>(a) Valid passport</p> <p>(b) Payment of the prescribed processing fee</p> <p>(c) Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of -</p> <ul style="list-style-type: none"> • bank statements, • salary advices, • cash available, and/or • travellers' cheques <p>(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</p> <p>(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</p> <p>(f) Particulars of persons accompanying such permit holder</p> <p>(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</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

<p>(2) Medical permit - 17(1)(b)</p>	<p>14 OR 16</p>	<p>(a) All the requirements under item 1 (b) An official letter of provisional enrolment from the treating institution concerned stating: (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 (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>	<p>13</p>	<p>(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</p>	<p>Mission, or Regional Office</p>
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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	<p>(a) All the applicable requirements under item 9(1)</p> <p>(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</p> <p>(c) An employment contract containing the information set out in regulation 28(6)(d)</p> <p>(d) Proof that all short-listed candidates have been interviewed</p> <p>(e) A letter of motivation from the employer as required in regulation 28(5)</p> <p>(f) Certifications by a chartered accountant in terms of sections 19(2)(b) and (d)</p> <p>(g) In the case of senior positions, reasons for not filling the position by the promotion of existing personnel</p> <p>(h) Undertaking to register with the professional body, board or council in the Republic, where applicable</p> <p>(i) The documentation and statement contemplated in regulation 28(6)(f)</p> <p>(j) Letter of approval, where required by a law, from - (i) the relevant professional body/ board/ council; (ii) the Department of Labour; and /or (iii) the relevant organ of State</p>	13	<p>(a) The same as for Item 1</p> <p>(b) The period for which a work permit is granted, not exceeding three (3) years</p> <p>(c) The position or capacity of the applicant</p> <p>(d) The name of the employer, and Province, where applicable</p> <p>(e) Any financial guarantees that have been posted, where applicable</p> <p>(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</p> <p>(g) That a chartered accountant certifies periodically in terms of section 19(3)</p>	Mission, or Regional Office
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21	Work permit (Exceptional skills) – 19(4)	14 OR 16	<p>(a) All the requirements under item 9(1), where applicable</p> <p>(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</p> <p>(c) Testimonials from previous employers, if applicable, and a comprehensive curriculum vitae</p> <p>(d) Other proof to substantiate exceptional skills or qualifications, such as publications, and testimonials</p>	13	The same as for Item 1	Mission, or Regional Office
22	Work permit (Intra Company Transfer) – 19(5)	14 OR 16	<p>(a) All the requirements under item 9(1), where applicable</p> <p>(b) A letter from the international concern confirming that the foreigner will be transferred to a branch/affiliated South African company</p> <p>(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</p> <p>(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</p> <p>(e) An undertaking from the employer as required in section 19(5)(b)</p> <p>(f) The financial guarantees required under section 19(5)(c) and regulation 28(10).</p>	13	The same as for Item 1	Mission, or Regional Office

23	Work permit (Corporate worker) – 21(1)	14 OR 16	<p>(a) All the applicable requirements under Item 9(1)</p> <p>(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</p> <p>(c) Corporate permit holder's certification contemplated in regulation 30(9)</p>	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	<p>(a) A passport valid for no less than 30 days after the expiry date of the intended stay</p> <p>(b) A full set of fingerprints</p> <p>(c) A valid employment contract entered into and attested in the worker's country of origin, for a maximum period of 18 months</p> <p>(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</p> <p>(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</p> <p>(f) Corporate permit holder's certification contemplated in regulation 30(9)</p>	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	<p>(a) A passport valid for not less than 30 days after the expiry date of the intended stay</p> <p>(b) A full set of fingerprints</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(f) Corporate permit holder's certification contemplated in regulation 30(9)</p>	13	The same as for Item 1	Port of entry
26	Retired person permit – 20(1) Non - worker	14 OR 16	<p>(a) All the applicable requirements under Item 9(1)</p> <p>(b) Proof of the net worth envisaged in sections 20(1)(a) and 20(1)(b), and regulation 29</p>	13	The same as for Item 1	Mission, or Regional Office
27	Retired person permit – 20(1) Worker	14 OR 16	<p>(a) All the requirements under Item 26</p> <p>(b) Proof that a citizen or resident is not ready, willing and able to take up the relevant employment</p>	13	The same as for Item 1	Mission, or Regional Office

28	Corporate permit (Corporate applicant)– 21(1)	21	<p>(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</p> <p>(b) The undertaking by the corporate applicant described in section 21(2)(b) and regulation 28(11)</p> <p>(c) Training fee and/or an undertaking to implement the training programme contemplated in regulation 30(8)(a) and (b),</p> <p>(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,</p> <p>(e) The representations required under section 21(2)(d), and</p> <p>(f) An undertaking to comply with the provisions of Regulation 30(8)</p>	22	<p>(a) The number of foreigners that may be employed</p> <p>(b) The positions they may occupy or</p> <p>(c) The centres where they may be employed</p>	Mission, or Regional Office
29	Exchange permit – section 22(a) Higher educational institutions	14 OR 16	<p>(a) All the applicable requirements under item 9(1)</p> <p>(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</p> <p>(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</p>	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), including the provision of housing, medical care and other aspects relating to the welfare and needs of such foreigner, 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	<p>(a) The permit is only valid for travel between the port of entry and the Refugee Reception Office</p> <p>(b) The permit is only valid for fourteen (14) days</p> <p>(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</p>	Port of Entry
33	Transit visa -- 24	2	<p>(a) As in item 1, except (d) to (f)</p> <p>(b) Where applicable onward air or sea transport ticket</p> <p>(c) Proof of admissibility in the foreign country of onward travel</p>	3	<p>(a) As in item 1, where applicable</p> <p>(b) To restrict the holder to remain in the transit area of the port of entry concerned</p>	Mission
34	Permanent residence permit -- 26 & 27	24	<p>(a) Application for a permanent residence permit</p> <p>(b) Permanent residence questionnaire</p> <p>(c) Radiological report (excluding pregnant women & children under the age of 16)</p> <p>(d) Medical report</p> <p>(e) All the applicable requirements under item 9(1)</p>	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	<p>(a) All the applicable requirements under items 34 and 20(h)</p> <p>(b) Proof of five years continuous work permit status</p> <p>(c) Offer of permanent employment</p> <p>(d) Certification by the employer's chartered accountant contemplated in section 26(a)(i)</p> <p>(e) Certification by the Department of Labour contemplated in section 26(a)(ii)</p>	25		Mission, or Regional Office closest to relevant employer or business
36	Permanent	24	(a) All the applicable requirements under item	25		Mission, or

37	residence permit - 26(b) - in respect of a spouse of a citizen / resident	24	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	Regional Office
38	Permanent residence permit - 26(c) - in respect of a child under the age of 21 of a citizen / resident	48	34 (a) All the applicable requirements under item (b) Undertaking by parents with regard to financial support (a) Permanent residence permit (b) Application		Mission, or Regional Office
39	Application for confirmation of residence in respect of a child of a citizen/resident under the age of 21 - section 26(c)	24	34 (a) All the applicable requirements under item (b) Undertaking by parents with regard to financial support may be required	25	Mission, or Regional Office
40	Permanent residence permit - 26(d) - in respect of a child over the age of 21 of a citizen	24	34 (a) All the applicable requirements under item (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	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 (g), (g) in the case of a foreign marriage, (h) to (m), and (n) in respect of the country filed 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	24	(a) All the applicable requirements under Item	25		Mission, or

47	residence permit – section 27(e) – on ground of retiring in the Republic			(b) Certification by a chartered accountant as required in section 27(e) and regulation 33(16)		Regional Office
	Permanent residence permit – section 27(f) – on the ground of a minimum net worth	24	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] R10 million and having tendered [R100 000] R75 000 to the Department as the fee referred to section 27(f) in the Act ¹	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	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	Mission, or Regional Office
49	Lawful Authority to previously deported person – sec 34(5)(a)	2	2	(a) Proof of compliance with regulation 34(2) (b) Deposit may be required (c) All the requirements under Item 1	3	
50	Exemption – regulation 17(2)(a)	8	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	Port of entry, or Regional Office

¹ Comments received indicated that the financial threshold and the fee were both too high. Albeit such comments either seemed to assume that such fee was payable in all cases, or failed to appreciate that this category is envisaged to be used by those who do not qualify under any other category and do not wish to invest in the Republic, the amendment nonetheless reduces the relevant figures.

SCHEDULE B
PORTS OF ENTRY

- (a) Airports:
Bloemfontein International Airport
Cape Town International Airport
Durban International Airport
Johannesburg International Airport
Lanseria International Airport
Nelspruit International Airport
Pilanesberg International Airport
Polokwane International Airport (Gateway)
Port Elizabeth International Airport
Upington International Airport
- (b) Sea ports:
Cape Town Harbour
Durban Harbour
East London Harbour
Mossel Bay (crew only)
Port Elizabeth Harbour
Richards Bay Harbour
Saldanha Harbour (crew only)
- (c) Land border posts:
Alexander Bay
Beit Bridge
Boshhoek
Bothashoop
Bray
Bushmansneck
Caledonspoor
Derdepoort
Emahlatini
Ficksburg Bridge
Gemsbok
Golela
Groblersbrug
Jeppes Reef
Josefsdal
Kopfontein
Kosi Bay
Lebombo
Mahamba
Makgobistad
Makhaleens Bridge
Makopong
Mananga
Maseru Bridge
McCarthy's Rest
Middelputs
Monantsa Pass
Nakop

Nerston
Noenieput
Ongeluksnek
Onseepkans
Onverwacht
Oshoek
Pafuri
Peka Bridge
Platjan
Pontdrift
Ramatlabama
Ramatseliso
Rietfontein
Sani Pass
Sepapus Gate
Skilpadshek
Stockpoort
Swartkopfontein
Telle Bridge
Twee Rivieren
Van Rooyens Gate
Violsdrift
Waverly
Quacha's Neck
Zanzibar

- (d) Other locations designated from time to time by the Director-General as a port of entry for a special purpose and for a given time only, provided that the Director-General shall require those who benefit from such an arrangement to pay a fee of R1 000-00 each to defray the cost of specially manning such ports of entry.

SCHEDULE C
COUNTRIES WHOSE NATIONALS ARE EXEMPT FROM VISAS

1. The citizens of the foreign countries listed in the relevant items of this Schedule are not required to hold a visa in order to report for an examination to a port of entry, subject to the terms and conditions set out in this Schedule, including *inter alia* the intended period of stay in the Republic.
2. The holder of a South African passport, travel document and document for travel purposes are not required to hold a visa to enter the Republic.
3. (a) The holder of passports of
 - Australia
 - the United Kingdom of Great Britain and Northern Ireland,
 - the British Islands Bailiwick of Guernsey and Jersey, Isle of Man and Virgin Islands,
 - the Republic of Ireland, and
 - British Overseas Territoriesdoes not require a visa.
(b) A national of the British Dependent Territories, including Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Cucie and Oeno Islands, the Sovereign Base Area of Akrotiri and Dhekelia and the Turks and Caicos Islands is required to hold a visa
4. The holder of a passport of the following countries is not required to hold a visa in respect of purposes for which a visitor's permit may be issued for an intended stay of 90 days or less and when in transit
 - Andorra
 - Argentina
 - Austria
 - Belgium
 - Botswana
 - Brazil
 - Bulgaria
 - Canada
 - Chile
 - Czech Republic
 - Denmark
 - Ecuador
 - Finland
 - France
 - Germany
 - Greece
 - Iceland
 - Israel
 - Italy
 - Jamaica
 - Japan
 - Liechtenstein
 - Luxemburg
 - Malta
 - Mexico
 - Monaco

Netherlands
New Zealand
Norway
Paraguay
Portugal
San Marino
Singapore
Spain
St Vincent & the Grenadines
Sweden
Switzerland
Taiwan (Republic of China)
Uruguay
Venezuela
United States of America

5. The holder of a passport of the following countries is not required to hold a visa in respect of purposes for which a visitor's permit may be issued for an intended stay of 30 days or less and when in transit.

Antigua and Barbuda

Barbados

Belize

Benin

Bolivia

Cape Verde

Costa Rica

Cyprus: provided that diplomatic and official passport holders are exempt for an up to 90 day stay

Gabon

Guyana

Hong Kong: only with regard to holders of Hong Kong British National-Overseas passports and Hong Kong Special Administrative Region passports

Hungary: provided that diplomatic and official passport holders are exempt for an up to 120 day stay

Jordan

Lesotho

Macau: only with regard to holders of Macau Special Administrative Region passports (MSAR)

Malaysia

Malawi

Maldives

Mauritius

Namibia

Poland

Peru

Seychelles

Slovak Republic

South Korea

Swaziland

Thailand

Turkey

Zambia

Zimbabwe: only in respect of government Officials, including police on cross border investigation

6. Holders of diplomatic and official passports of the following countries do not require visas in respect of purposes for which a visitor's permit may be issued for an intended stay of 90 days or less and transit
Egypt
Malta
Morocco
Poland
Romania
Slovenia
Tunisia
7. Notwithstanding this Schedule, a foreigner whose visa exemptions have been withdrawn shall comply with visa requirement until notified by the Department that his or her visa exemption has been re-instituted by the Department on petition or of its own accord.
8. Visas are not required by passport holders of Lesotho, Swaziland, Botswana, Namibia, Zambia and Malawi who are entering the Republic as commercial heavy-duty vehicle drivers provided their visits do not exceed 15 days and on condition that they can produce a letter confirming their employment with a transport company on entry.
9. Staff members of the Southern African Development Community (SADC) who travel on SADC laissez-passers are exempt from visa requirements for bona fide official business visits of up to 90 days and transit.
10. Holders of United Nations (UN) laissez-passers are exempt from visa requirements when visiting the Republic for periods not exceeding 90 days for purposes for which a visitor's permit may be issued, and for official business purposes and transits and when accredited for placement at a UN mission in the Republic for the duration of their accreditation. Volunteers attached to UN agencies and travelling on ordinary passports are exempt from visa requirements, provided that they are in possession of the relevant letters or identification documents to identify themselves at ports of entry as personnel of a UN agency.

SCHEDULE D
COUNTRIES WHOSE NATIONALS ARE SUBJECT TO VISA FEES

Fees for the issuance of a visa shall be collected in respect of passport holders of the following foreign countries

Aden
Afghanistan
Albania
American Samoa
Andorra
Angola
Anguilla
Armenia
Aruba
Ascension
Azerbaijan
Australia
Austria
Bahamas
Bahrain
Belarus
Belau (Palau)
Belgium
Belize*
Byelorussia
Benin (Dahomey)*
Bhutan
Bosnia/Herzegovina
Bouvet Islands
Brunei
Bulgaria
Burkina Faso
Burma (Myanmar)
Burundi
Cambodia (Kampuchea)
Cameroon
Canada
Central African Republic
Chad
China (People's Republic)
Comoros
Cote D'Ivoire (Ivory Coast)
Croatia
Cuba
Denmark
Dahomey (Benin)
Democratic Republic of the Congo
Diego Garcia
Djibouti
Dominican Republic
Eastern Caribbean
El Salvador
Ellice Island (Tuvalu)
Equatorial Guinea*

Eritrea
Estonia
Ethiopia
Falkland Islands
Fiji
Finland
France
French Guiana
French Polynesia
Gabon*
Gambia
Georgia
Germany
Ghana
Gibraltar
Gilbert Island(Kiribati)
Greece
Greenland
Grenada
Guadeloupe
Guam
Guatemala
Guinea-Bissau
Haiti
Honduras
Hong Kong*
Iceland
Indonesia
Iran (Persia)
Iraq
Italy
Ivory Coast (Côte d'Ivoire)
Jamaica
Japan
Kampuchea (Cambodia)
Kazakhstan
Kenya
Kirghizstan
Kiribati (Gilbert Island)
Korea (People's Republic/North)
Korea (Republic of/South)*
Laos
Latvia
Lebanon
Liberia
Libya
Lithuania
Luxemburg
Macedonia
Madagascar
Malaysia*
Mali
Martinique
Marshall Island

Mauritania
Mexico
Micronesia
Moldavia
Monaco
Mongolia
Morocco
Mozambique
Myanmar (Burma)
Nauru
Nepal
Netherlands (Kingdom of)
Netherlands Antilles
New Guinea
New Zealand
Nicaragua
Niger
Nigeria
Northern Marianas
Norway
Oman
Pakistan
Palaci
Palau (Belau)
Panama
Papua New Guinea
Persia (Iran)
Philippines*
Pitcairn Islands
Poland
Portugal
Puerto Rico
Reunion
Romania
Russian Federation
Rwanda
San Marino
Sao Tome & Principe
Saudi Arabia
Siciiy
Sierra Leone
Singapore
Slovenia
Somalia
Spain
Sri Lanka
St Kitts-Nevis-Anguilla
St Lucia
Sudan
Suriname
Syna
Tajikistan
Tanzania
Thailand*

Tibet
Togo
Trinidad and Tobago
Tristan da Cunha
Tunisia
Turkey*
Turkmenistan
Turks & Caicos Islands
Tuvalu (Ellice Islands)
Uganda
Ukraine
United Arab Emirates
United States of America
Uzbekistan
Vanuatu
Vatican City
Venezuela
Vietnam
Western Sahara
Yemen (Arab Republic of)
Yemen (People's Republic of)
Yugoslavia (Federal Republic of)

*** In respect of visits intended to exceed thirty days.**

SCHEDULE E
OCCUPATIONS IN RESPECT OF WHICH ADVERTISEMENT IS NOT REQUIRED

The following categories of employment do not require advertisements

1. Religious workers
2. Key personnel at management level
3. Teachers at international schools
4. Aerospace Satellite Industry professionals
5. Chefs who are qualified by a specialized institute or with at least 4 years experience in preparation of traditional food
6. Models
7. Maritime industry professionals and qualified or skilled personnel
8. Sports professionals
9. Seasonal photographers and cameramen
10. Medical doctors and qualified practitioners
11. Seasonal hair stylists and make-up artists
12. Lighting or sound personnel in respect of special effects
13. Foreign spouses of citizens and residents, in respect of any category of employment

SCHEDULE F
REGULATIONS ON IMMIGRATION PRACTITIONERS

PART "A"

1. Definitions

As used in this Schedule

- (1) "Association" means an Association of Immigration Practitioners, established in terms of item 2;
- (2) "Code of Conduct" means the Code of Conduct set out in Part "B" of this Schedule; and
- (3) "Immigration Practitioner" means a person, other than a practising advocate or attorney or a person referred to in regulation 46(2), who, for remuneration and by trade, represents or acts on behalf of other persons in respect of any of the Department's procedures, proceedings or activities flowing from the Act or these Regulations.

2. Requirements and conditions for compliance by immigration practitioners

- (1) An Association of Immigration Practitioners is hereby established and shall be presided over by three practitioners, one member of the Regional Law Society and one member from the Bar Council appointed by the Minister, and shall be chaired by a President elected by such persons, who are to be remunerated by such Association as determined by such Association. As soon as possible such Association shall constitute itself into a company established in terms of Chapter 21 of the Company Act.
- (2) Upon a petition of at least 50 persons who are or would qualify to be immigration practitioners, the Minister shall establish another Association as set out in paragraph (1), in respect of which paragraph (1) shall apply mutatis mutandis, provided that for good cause and in consultation with the Board, the Minister may refuse to establish another Association when he or she deems that too many Associations already exist for the effective regulation of the profession.
- (3) The Minister may disestablish an Association on account of its failure to perform its functions satisfactorily, provided that before doing so he or she shall give at least 60 days notice to its President and shall give the Association at least 30 days to remedy its shortcomings if they are of such a nature that they can be remedied.
- (4) All immigration practitioners shall belong to an Association. An Association shall not refuse membership to a qualifying applicant or a member of another Association unless there is good cause to do so. An Association shall determine Membership fees after consultation with the Director General.
- (5) An Association may advise the Department and the Board on matters relating to immigration practitioners and shall monitor the conduct of its members to ensure and promote their professionalism and integrity and to protect the interests of their clients.
- (6) Without derogating from or limiting any other right available under any law, any aggrieved person may lodge a complaint against an immigration practitioner with the Association to which such practitioner belongs and such Association shall investigate all such complaints and, when warranted, shall adopt appropriate disciplinary action, in accordance with its rules, including expulsion. The Director-General may request copies of any documentation relating to any of such investigations or disciplinary proceedings.
- (7) An Association shall formulate proposals for the consideration of the Minister in respect of the test referred to in item (10)(c), and shall administer to its members any test approved by the Minister, provided that any test approved by the Minister shall apply in respect of any and all Associations and there shall be only one test in

- force at any given time.
- (8) When making an application under the Act or these Regulations, or otherwise acting on behalf of another person, an immigration practitioner shall
 - (a) supply a written power of attorney containing substantially the information set out in Annexure 56;
 - (b) lodge the application of a person who is outside the Republic at a mission;
 - (c) lodge the application of a person who is in the Republic at a Regional Office of the Department situated nearest to the home or business address of the applicant;
 - (d) certify that the application has been signed by the applicant personally;
 - (e) sign personally; and
 - (f) provide his or her full address.
 - (9) Any immigration practitioner shall not continue or commence such business unless he or she is registered as a practitioner in terms of these Regulations.
 - (10) No person shall be registered as a practitioner unless he or she has reached the age of 21 years and-
 - (a) is a citizen or resident and has been such for a period of not less than three years;
 - (b) has submitted an oath or solemn affirmation that he or she is not a member of the immediate family of an official employed by the Department;
 - (c) has knowledge of the Act and these Regulations and has passed a written examination administered by an Association at least once every two years and has been found to be suitably competent;
 - (d) provides a police clearance certificate not older than six months;
 - (e) pays the processing fees set out in Schedule G;
 - (f) applies for registration with an Association on a form which contains substantially the information set out in Annexure 54; and
 - (g) commits himself or herself in writing to comply with the Code of Conduct.
 - (11) Upon receipt of the information that a person is a member of an Association together with a copy of such person's application referred to in item 10(f), the Director-General shall register the applicant as a practitioner unless
 - (a) the information contained in the application is in any material respect false or misleading; or
 - (b) the applicant has been convicted of any offence under the Act or contemplated in Schedule I or II of the Act; or
 - (c) the applicant has in the three years immediately preceding been a public servant who was dismissed for misconduct or resigned from the public service while facing disciplinary proceedings instituted by his or her employer.
 - (12) An applicant shall be informed in writing by the relevant Association or the Director General, as the case may be, if his or her application is refused, and of reasons for such refusal.
 - (13) Any immigration practitioner registered in terms of this item must, within 14 days, inform the Director-General of any change in business address and return the certificate of registration referred to in item 4, upon receipt of which the Director-General shall issue a new certificate reflecting the new address.
 - (14) After consultation with the relevant Association, the Director-General shall cancel the registration of an immigration practitioner who
 - (a) materially fails to comply with the provisions of the Act or these Regulations;
 - (b) is convicted of any offence under the Act or Schedule I or II thereto;
 - (c) has been registered on the basis of having provided information materially false or misleading; or
 - (d) does not comply with the provisions of the Code of Conduct.

3. Register of Immigration Practitioners

- (1) An Association shall keep a register in which it shall be record the names and addresses of all persons who have been registered as immigration practitioners or whose registration has been cancelled and shall make such register available to the Director-General.
- (2) The register shall be updated on a monthly basis and a copy of the updated version of the register shall be open for public inspection during office hours once a week at the headquarters of an Association and shall be made available on the Internet by such Association.

4. Certificate of Registration

- (1) Upon registration of an immigration practitioner, the Director-General shall issue a certificate, which contains substantially the information prescribed in Annexure 55.
- (2) A certificate issued under sub-item (1) must, within 14 days after an immigration practitioner's registration is cancelled, be handed over to the Director-General.
- (3) Any person failing to comply with the provisions of sub-item (2) shall be guilty of an offence and be liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.
- (4) A certificate issued in terms of sub-item (1) shall be valid for a period of two years from the date of issue.
- (5) Failure to submit a complete application for an extension of such a certificate within the validity period shall cause the registration to become null and void.

5. Transitional and Final arrangements

- (1) An immigration practitioner shall carry professional liability insurance with a minimum cover of R500 000 from a registered insurance company. Proof of such indemnity shall be submitted to the relevant Association and the Director-General within three days of registration.
- (2) Any person who on the date of commencement of these Regulations is registered as an immigration practitioner in terms of the Regulations made in Terms of the Aliens Control Act, 1997 (Act no.96 of 1991) as amended, shall be deemed to be registered as such under these Regulations, provided that such registration shall be cancelled if the immigration practitioner concerned
 - (a) fails to notify the Director-General in writing within 30 days of the commencement of these Regulations that he or she commits himself or herself to the Code of Conduct
 - (b) becomes a member of an Association within 60 days; and
 - (c) successfully takes the test referred to in item 2(5)(c).

Part "B"

CODE OF CONDUCT FOR IMMIGRATION PRACTITIONERS

1. The Code is intended to regulate the conduct of immigration practitioners. The provisions of the Code are not intended to substitute any duty or obligation an immigration practitioner may have under common law or statutory law. This Code must be construed as a standard which should inspire ethical conduct rather than merely a collection of provisions . . .
2. By subscribing to this Code an immigration practitioner pledges
 - (a) to uphold high standards in his or her business;
 - (b) to abide by minimum requirements in order to act as a registered immigration practitioner including

- (i) being of good character;
 - (ii) being knowledgeable of the provisions of the Immigration Act and its Regulations and related forms and procedures, so as to offer sound, competent and comprehensive advice to client;
 - (iii) being able to perform diligently and honestly;
 - (iv) being able and willing to deal fairly with clients;
 - (v) abiding by standard criteria governing professional fees and disbursements;
 - (vi) abiding by the standard of prudent office administration; and
 - (vii) being accountable to client.
3. The Code does not intend to list all possible requirements for a competent and responsible immigration practitioner, but intends to set standards from which, if necessary, other requirements and criteria may be deducted under the different circumstances.
 4. A practitioner shall act at all times to pursue with zeal and competence the lawful interests of his or her client, and any conduct falling short of this standard may render him or her liable to de-registration or professional liability.
 5. On all occasions an immigration practitioner must act in accordance with the Constitution, the law and the legitimate interests of his or her client.
 6. A practitioner's professionalism should be reflected in sound working knowledge of the Immigration Act and Regulations, and a capacity to provide accurate and timely advice. A practitioner must treat his or her client fairly and be mindful of a client's dependence on the practitioner's knowledge and experience.
 7. Taking into account the objective and true facts of the case, which the practitioner shall investigate to his or her satisfaction, a practitioner shall be candid and honest as to the prospects of success when assessing a client's request for assistance, in preparing a case or making an application under the Act or the Regulations.
 8. A practitioner shall
 - (a) within a reasonable time after agreeing to represent a client, confirm the client's instructions in writing;
 - (b) act in accordance with the client's instructions;
 - (c) keep the client fully and regularly informed in writing of the progress of each case or application he or she undertakes for the client; and
 - (d) within a reasonable time after the case or application is decided, inform the client in writing of the outcome of the client's case or application.
 9. A practitioner shall complete the work as instructed by a client unless
 - (a) the practitioner and client agree otherwise; or
 - (b) the client terminates the practitioner's instructions; or
 - (c) the practitioner terminates the agreement for just cause and gives reasonable written notice to the client; or
 - (d) the client fails to pay the practitioner's fees which are due and payable, after the practitioner has given such client written notice of his or her intention of suspending his or her services and at least seven days to make such payment.

10. Whilst a practitioner cannot be responsible for inaccurate or false information provided by a client, a practitioner must not make statements in support of an application under the Immigration Act or its Regulations or encourage the making of statements, which he or she knows or believes to be misleading, inaccurate or false.
11. A practitioner must not engage in false or misleading advertising, including advertising which guarantees the success of an application.
12. A practitioner must not, when advertising, imply the existence of a relationship with the Department of Home Affairs, for example, by using terms such as
 - (a) "Home Affairs Consultants"; or
 - (b) "Home Affairs registered Immigration Practitioner".
13. A practitioner must not intimidate or coerce any person. For example, a practitioner must not engage in
 - (a) undue pressure;
 - (b) physical threats;
 - (c) manipulation of cultural or ethnic anxieties;
 - (d) threats to family members in the Republic or overseas; or
 - (e) unwarranted claims of Departmental sanctions.
14. A practitioner must not unreasonably withhold from a client documents belonging to the client, and, when requested by client, must return to client all documentation relevant to the client's case or application, or copies thereof.
15. A practitioner should not encourage the lodging of applications under the Act or Regulations which have no likelihood to succeed.
16. A practitioner may indicate that he or she is registered, and may describe what the registration process involves. However, a practitioner shall not portray such registration as involving a special or privileged relationship with the Minister or officers of the Department of Home Affairs.
17. A practitioner shall preserve the confidentiality of any information acquired from his or her client or because of his relationship with such client.
18. Subject to a client's instructions, a practitioner has the duty to provide sufficient relevant information to the Department of Home Affairs to allow a full assessment of all the facts against the relevant criteria.
19. A practitioner shall ascertain the correct fee for an application under the Act or Regulations and inform the client accordingly.
20. A practitioner should not submit applications under the Act or Regulations without the required supporting documentation.
21. A practitioner shall not charge fees beyond the criteria established by the Association of Immigration Practitioners to which he or she belongs, or, beyond those which are reasonable under the circumstances of the case. An immigration practitioner must provide his or her client with a statement or estimate of fees and any applicable disbursement at the commencement of his or her activity for such a client.

22. A practitioner shall advise clients of the method of payment of fees, including Departmental fees. Any disbursement made by a practitioner, including but not limited to translation or expert's fees, shall be authorized by the client prior to their being incurred.
23. A practitioner shall inform clients that they are entitled to receive copies of the application and any related documents. A practitioner may charge a reasonable fee for any copies provided.
24. A practitioner shall ensure that clients have access to an interpreter where necessary.
25. A practitioner must respond to a request for information from the Department of Home Affairs within such reasonable time as specified by the Department.

THIS CODE OF CONDUCT SHOULD BE DISPLAYED PROMINENTLY IN THE PRACTITIONER'S OFFICE.

IF A CLIENT HAS REASON TO BELIEVE THAT AN IMMIGRATION PRACTITIONER HAS ACTED IN BREACH OF THIS CODE OF CONDUCT, A COMPLAINT CAN BE MADE IN WRITING TO:

ASSOCIATION OF IMMIGRATION PRACTITIONERS
[of which the specific practitioner is a member]
Address

OR

**THE DIRECTOR-GENERAL
DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG X114
PRETORIA
0001**