



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 475 Pretoria 31 January 2005 No. 27228



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GENERAL NOTICE

NOTICE 123 OF 2005

IMMIGRATION REGULATIONS FINAL DRAFT

DEPARTMENT OF HOME AFFAIRS

IMMIGRATION ACT, 2002

IMMIGRATION REGULATIONS

The Minister of Home Affairs intends, in terms of section 7 of the Immigration Act, 2002 (Act No. 13 of 2002), as amended by the Immigration Amendment Act, 2004 (Act No. 19 of 2004), and after consultation with the immigration Advisory Board, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General: Home Affairs, Private Bag X114, Pretoria, 0001, within 21 days of the date of publication of this notice.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

"asylum transit permit" means the permit contemplated in section 23 of the Act;

"business permit" means the permit contemplated in section 15 of the Act;

“corporate permit” means the permit contemplated in section 21 of the Act;

“crew permit” means the permit contemplated in section 16 of the Act;

“cross-border permit” means the permit contemplated in section 24(1) of the Act;

“deposit” means a cash deposit not exceeding the total of the following amounts:

- (a) The cost of a single ticket for the applicant to his or her country of origin in the event that he or she may have to be deported;
- (b) the cost of a return ticket to the country of origin, subsistence and travel costs and allowances for an escort in the event that such a service may be required; and
- (c) the detention and related costs in the event of the applicant becoming an illegal foreigner;

“exchange permit” means the permit contemplated in section 22 of the Act;

“exceptional skills work permit” means the permit contemplated in section 19(4) of the Act;

“general work permit” means the permit contemplated in section 19(2) of the Act;

“intra-company transfer work permit” means the permit contemplated in section 19(5) of the Act;

“medical report” means a report by a medical practitioner, which report shall not be older than six months at the time of submission of an application;

“medical treatment permit” means the permit contemplated in section 17 of the Act;

“police clearance certificate” means a certificate issued by the police or security authority in each country where the applicant resided since having attained the

age of 18 years, in respect of criminal records or the character of that applicant, which certificate shall not be older than six months at the time of its submission;

“proof of sufficient financial means” means proof by means of bank statements of or cash available to the applicant, including travellers’ cheques, or an undertaking by the hosts in the Republic accepting responsibility for the costs related to the maintenance and removal of the applicant, should this be necessary;

“quota work permit” means the permit contemplated in section 19(1) of the Act;

“radiological report” means a report by a radiologist, which report shall not be older than six months at the time of submission of an application;

“relative’s permit” means the permit contemplated in section 18 of the Act;

“retired person permit” means the permit contemplated in section 20 of the Act;

“study permit” means the permit contemplated in section 13 of the Act;

“the Act” means the Immigration Act, 2002 (Act No.13 of 2002);

“transit permit” means the permit contemplated in section 24(2) of the Act;

“treaty permit” means the permit contemplated in section 14 of the Act;

“visitor’s permit” means the permit contemplated in section 11 of the Act;

“work permit” means the relevant permit contemplated in section 19 of the Act.

Passports

2. (1) A passport shall contain—

(a) the full name, date and place of birth of the holder;

- (b) a photograph clearly and correctly depicting the facial features of that holder;
 - (c) the name of the issuing authority;
 - (d) the date upon which and place where it was issued; and
 - (e) the expiry date thereof.
- (2) The international, regional and sub-regional organisations contemplated in paragraph (c) of the definition of “passport” in section 1(1) of the Act, shall be?
- (a) the United Nations, excluding its agencies;
 - (b) the African Union, or its predecessor the Organisation for African Unity;
 - (c) the European Union;
 - (d) the Southern African Development Community; and
 - (e) the African Development Bank.
- (3) The approval by the Minister of the document issued under special circumstances contemplated in the definition of “passport” in section 1(1) of the Act shall be obtained prior to proceeding to a port of entry.

Permanent homosexual or heterosexual relationship

3. A permanent homosexual or heterosexual relationship contemplated in paragraph (b) of the definition of “spouse” in section 1(1) of the Act shall be a relationship proved by the parties?

- (a) in the case of a relationship between a foreigner and a citizen or permanent resident, irrespective of where the relationship was

concluded, or between two foreigners where the relationship was concluded inside the Republic?

- (i) by submitting an affidavit signed by both parties attesting?
 - (aa) to the exclusion of any other person to the spousal relationship; and
 - (bb) that neither of the parties is at the relevant time a partner to a marriage;
 - (ii) by proving a legal divorce or the death of a spouse in the event of a preceding marriage; and
 - (iii) by submitting documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties; or
- (b) in the case of a relationship concluded between two foreigners in a foreign country, by submitting an official recognition thereof issued by the authorities of the relevant country, in addition to the documentation contemplated in paragraph (a)(i), (ii) and (iii).

Operations of Board

4. (1) The Board may appoint from its members *ad hoc* task teams to perform specific tasks for the Board.
- (2) The task teams contemplated in subregulation (1) shall report to the Board.

- (3) The Board shall meet at least quarterly or when the Minister or the Director-General so requests.
- (4) The Chairperson shall convene the Board.
- (5) Subject to these Regulations, the Board shall adopt rules to govern the procedure at its meetings.
- (6) A quorum at a meeting of the Board shall be when two thirds of the members are present.
- (7) Advice of the Board to the Minister shall be arrived at by consensus.

Representations to Director-General or Minister

- 5. (1) The form contemplated in section 8(1) of the Act shall substantially correspond to **Form 1** contained in Annexure A.
- (2) A decision contemplated in section 8(3) of the Act shall be communicated to the person in writing in a form substantially corresponding to **Form 2** contained in Annexure A.

Admission and departure

- 6. (1) An application for a certificate contemplated in section 9(3)(c)(i) of the Act shall be on a form substantially corresponding to **Form 3** contained in Annexure A.
- (2) An examination contemplated in section 9(3)(e) of the Act shall take place when a person presents himself or herself to an immigration officer.
- (3) A person contemplated in subregulation (2) shall?

- (a) satisfy the immigration officer that he or she is not an illegal foreigner, a prohibited or an undesirable person or in contravention of the Act;
 - (b) submit a contact address or an address of intended stay within the Republic, if required to do so;
 - (c) provide proof of settlement of any outstanding administrative fine imposed under section 50(1) of the Act; and
 - (d) submit to the immigration officer, if required to do so, a form containing the information which substantially corresponds to **Form 4 or 5**, as the case may be, contained in Annexure A.
- (4) Notwithstanding the fact that a form contemplated in subregulation (3)(d) has been completed by a person prior to his or her reporting to an immigration officer, the immigration officer concerned may require of that person to either complete the form once again, or to make a declaration containing the information substantially corresponding to **Form 6** contained in Annexure A.
- (5) If a person is unable to complete the forms or declaration contemplated in subregulations (3) and (4) respectively, the immigration officer shall, if necessary, question him or her with the assistance of an interpreter, complete the form or declaration or cause it to be completed, and require that person to sign that form or declaration or to affix his or her left thumb print thereto.
- (6) An immigration officer who has not been satisfied as contemplated in subregulation (3)(a), may interview that person and shall record the general

contents of that interview on a form that substantially corresponds to **Form 7** contained in Annexure A.

(7) An immigration officer may require a foreigner seeking admission into the Republic to submit to an examination by a medical practitioner designated by the Director-General if there is reason to suspect that such person is infected with or the carrier of any of the diseases or viruses contemplated in regulation 24(1).

(8) The medical examination contemplated in subregulation (7) of a person who has arrived in the Republic on a conveyance, must take place as soon as possible after the arrival of the conveyance, either on that conveyance, or at a place determined by an immigration officer.

(9) When examining a person before his or her departure from the Republic, an immigration officer shall ensure that that person is not?

(a) a fugitive from justice; or

(b) the subject of a court order that orders the Department to prevent his or her departure.

(10) An immigration officer who finds a person to be a person contemplated in subregulation (9)(a) or (b), may refuse that person to depart.

Temporary residence permits

7. (1) An application for any temporary resident permit contemplated in sections 11 to 23 of the Act shall, subject to these Regulations, comply with the following general requirements:

- (a) Submission of a duly completed application form substantially corresponding to **Form 8** contained in Annexure A by?
 - (i) the applicant; or
 - (ii) an attorney, advocate or immigration practitioner holding a power of attorney,which form shall be signed by the relevant applicant who shall, where necessary, be assisted by a legal guardian or curator;
 - (b) submission of a valid passport in respect of each applicant; and
 - (c) payment of the applicable application fee as determined in the regulations made under section 7(1)(i) of the Act.
- (2) The documents contemplated in subregulation (1) shall be original or copies authenticated by the issuing authority of the country of origin and, if applicable, translated into one of the official languages of the Republic, which translation shall be certified as a correct translation by a sworn translator.
- (3) An application made in a foreign country shall be handed or mailed to?
- (a) the mission of the Republic in the foreign country of the applicant's normal residence, which includes permanent residence and long-term temporary residence;
 - (b) the mission of the Republic in a foreign country of which the applicant holds a valid passport; or
 - (c) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in

respect of an adjoining or nearby foreign country in which a mission of the Republic is not present.

(4) An application made within the Republic shall be handed or mailed to the designated office of the Department in the area in which the applicant intends to work or study or, in respect of any permit for purposes other than work or study, where he or she sojourns.

(5) An applicant is not required to submit documentation that is already in the possession of the Department and which can be retrieved or copied from the records of the Department.

(6) A foreigner who is in the Republic and applies for a change of status or conditions relating to his or her temporary residence permit, or for an extension of the period for which the permit was issued, shall submit his or her application at least 30 days prior to the date of expiry of that permit: Provided that?

(a) in the case of a permit issued for less than 30 days ; or

(b) where such foreigner failed to comply with this subregulation,

the application shall only be accepted within the validity period of the permit and upon the foreigner having demonstrated to the satisfaction of the Director-General that good cause exists for acceptance of the late application.

(7) Any temporary residence permit contemplated in section 10 of the Act shall?

(a) be entered in or affixed to the passport of the applicant or on a document on which at least the applicant's full names, date of birth and passport number shall appear; and

- (b) only be valid if an entry stamp has been affixed thereto at the port of entry or, in the case of a permit issued at an office of the Department within the Republic, the stamp of that office.
- (8) The individual terms and conditions contemplated in section 10(5) of the Act with regard to a temporary residence permit shall relate to—
 - (a) limitations on the type of activities that may be undertaken in the Republic;
 - (b) the places where the activities contemplated in paragraph (a) may be undertaken;
 - (c) the submission of?
 - (i) outstanding documents, which had to accompany the application, within a specified period;
 - (ii) proof of sufficient financial means;
 - (d) payment of a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists; and
 - (e) limitations on the period of the visit or the validity of the permit.
- (9) An application contemplated in section 10(6) or (7) of the Act shall?

- (a) comply with subregulation (1), as well as the specific requirements applicable to the relevant temporary residence permit as determined in regulations 9 to 19;
- (b) be made in the manner contemplated in subregulations (4), (5) and (6); and
- (c) substantially correspond to **Forms 9 or 10**, as the case may be, contained in Annexure A.

Visas and transit visas

8. (1) An application for a visa or transit visa shall substantially correspond to **Form 11** contained in Annexure A and shall?

- (a) include a statement or documentation confirming the purpose and duration of the visit;
- (b) be accompanied by?
 - (i) a valid passport in respect of each applicant; and
 - (ii) the applicable application fee as determined in the regulations made under section 7(1)(i) of the Act;
- (c) include a yellow fever vaccination certificate if that person travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;

(d) in respect of minor dependent children accompanying the applicant to or joining the applicant in the Republic, be accompanied by?

(i) in the case of a minor subject to guardianship or custody, proof of such guardianship and custody; or

(ii) in the case of an unaccompanied minor, consent from the guardian;

(e) be accompanied by proof of sufficient financial means; and

(f) in the case of sojourn not exceeding 12 months, submission of proof of a valid return air ticket.

(2) A person who is unable to comply with the requirement in subregulation (1)(f) may be required to make a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists.

(3) In order to ensure that a person adheres to the conditions of his or her permit, the Minister may require that person to comply with subregulation (2), in addition to complying with subregulation (1)(e).

(4) An application contemplated in subregulation (1) shall be made in the manner contemplated in regulation 7(3): Provided that when good cause exists, a mission other than a mission referred to in regulation 7(3)(a) or (b) may accept that application, in which case that mission may, prior to consideration, refer the application to the mission contemplated in regulation 7(3)(a) or (b) for comment.

(5) The following types of visas may be issued in terms of section 10A of the Act:

- (a) A visitor's visa to a person who intends to visit the Republic for the purpose of obtaining a visitor's permit;
- (b) an official visa to a person contemplated in section 31(3)(b) of the Act who holds an official passport;
- (c) a diplomatic visa to a person contemplated in section 31(3)(b) of the Act who holds a diplomatic passport; and
- (d) a courtesy visa to a person contemplated in section 31(2)(a) of the Act.

Visitor's permit

9. (1) The financial or other guarantees contemplated in section 11(1)(b) of the Act in respect of departure shall be?

- (a) proof of sufficient financial means; and
- (b) a deposit or a valid return air ticket or both the deposit and the return air ticket: Provided that in the case of a deposit, such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists.

(2) An applicant for a visitor's permit not exceeding a period of three months shall comply with the requirements contemplated in subregulation (1) and shall submit a statement or documentation confirming the purpose and duration of the visit.

(3) An applicant for a visitor's permit exceeding a period of three months shall, in addition to complying with subregulation (2), submit?

(a) either?

- (i) a marriage certificate in the case of a married applicant;
- (ii) proof of a relationship as contemplated in regulation 3;
- (iii) a death certificate in the case of a widowed applicant;
- (iv) a decree of divorce in the case of a divorced applicant; or
- (v) proof of legal separation in the case of a separated applicant;

(b) an affidavit, substantially corresponding to **Form 12** contained in Annexure A, confirming any spousal relationship of the applicant and the particulars of any children born of such relationship; and

(c) in respect of a minor dependent child accompanying him or her to or joining him or her in the Republic?

- (i) an unabridged birth certificate;
- (ii) in the case of an adopted minor, proof of that adoption;
- (iii) in the case of a minor subject to guardianship or custody, proof of such guardianship and custody; or

- (iv) in the case of an unaccompanied minor, consent from the guardian.

(4) The residence by a person who is the spouse or dependent child of the holder of a permit issued in terms of sections 13, 14, 15, 17, 19, 20, 21 and 22 with that permit holder shall, for the purposes of section 11(1) of the Act, be an activity contemplated in that provision.

(5) A person, other than a citizen from a country with which the Republic shares a border, who is in possession of a permit issued on the basis of an exemption contemplated in section 10A(4) of the Act, shall upon his or her re-admission to the Republic be admitted on the same permit, and where such a permit has expired, may be admitted on a new permit, the validity of which may not exceed seven days and which may only be renewed by virtue of an application as contemplated in regulation 7: Provided that where the person concerned arrives at a port of entry from his or her country of normal residence, this subregulation shall not apply.

(6) Where a visa was issued outside the Republic, that visa shall, upon admission, be considered to be a permit for the purposes of section 11 of the Act and the period of validity of that permit shall be calculated from the date of admission.

(7) The authorisation contemplated in section 11(2) of the Act?

- (a) shall be endorsed on the visitor's permit, subject to the submission of a statement or documentation confirming the purpose and duration of the visit; and

- (b) may be subjected to the relevant individual terms and conditions contemplated in regulation 7(8).

Study permit

- 10.** (1) An applicant for a study permit shall submit?
- (a) an official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course;
 - (b) in the case of a person under the age of 21 years, the particulars of the person in the Republic who will act as that learner's guardian and a confirmatory letter from that intended guardian;
 - (c) proof of consent for the intended stay from both parents or from the custodian parent, along with proof of sole custody in the latter case;
 - (d) a police clearance certificate;
 - (e) medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
 - (f) the documents relating to his or her marital status contemplated in regulation 9(3)(a) and (b);
 - (g) a yellow fever vaccination certificate if that person travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;

- (h) in the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking in respect of the departure of the applicant;
 - (i) proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998), or other medical insurance cover recognised in the Republic;.
 - (j) the documents relating to minor dependent children accompanying the applicant to or joining the applicant in the Republic contemplated in regulation 9(3)(c);
 - (k) proof of sufficient financial means; and
 - (l) payment of a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists.
- (2) In the case of students from Africa, the payment of the deposit contemplated in subregulation (1)(l) shall not be required: Provided that the Government of the relevant African country submits a written undertaking to pay all costs relating to the deportation of the student, should this become necessary.
- (3) Subject to section 13(1) of the Act?

- (a) permits issued for studies at higher education and training institutions shall not be valid for a longer period than the minimum duration of the course;
 - (b) permits issued for studies at schools shall not be valid for a period exceeding three years; and
 - (c) permits issued for studies at other recognised institutions of learning shall not be valid for a longer period than the duration of the course: Provided that it shall not exceed two years.
- (4) The holder of a study permit for studies at a higher educational institution may conduct part-time work for a period not exceeding 20 hours per week.

Treaty permit

11. An applicant for a treaty permit shall?

- (a) submit a letter from the relevant organ of state involved in the agreement attesting to the?
 - (i) nature of the programme and the treaty under which it is conducted;
 - (ii) participation of the foreigner in the mentioned programme; and
 - (iii) type of activities the foreigner is expected to perform under the agreement and the duration of the project;
- (b) submit a police clearance certificate;

- (c) submit medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
- (d) submit a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary;
- (e) in the case of an applicant whose spouse and dependent children accompany him or her, submit the documents relating to marital status, the spousal affidavit or minor dependent children contemplated in regulation 9(3), as the case may be; and
- (f) submit a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic.

Business permit

12. (1) Subject to subregulation (2), an application for a business permit shall be accompanied by a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that?

- (a) at least R2,5 million in cash;
- (b) a capital contribution of at least R2,5 million; or
- (c) at least R2 million in cash and a capital contribution of at least R500 000,

originating from abroad, is available to be invested as part of the book value of the business.

(2) In addition to subregulation (1), an applicant for a business permit shall submit?

- (a) a business plan outlining the feasibility of the business, both in the short and long term;
- (b) proof of entrepreneurial skills;
- (c) proof that the business shall contribute to the geographical spread of economic activity;
- (d) proof or an undertaking that at least five citizens or permanent residents shall be permanently employed;
- (e) proof of the export potential of the business, if applicable;
- (f) an undertaking to register with the South African Revenue Service;

- (g) proof of registration with the relevant body, board or council, if applicable;
 - (h) a police clearance certificate;
 - (i) a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
 - (j) a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;
 - (k) in the case of a spouse accompanying him or her to or joining him or her in the Republic, the documentation contemplated in regulation 9(3)(a) and (b); and
 - (l) in the case of a minor child accompanying him or her or joining him or her in the Republic, the documentation contemplated in regulation 9(3)(c).
- (3) For the purposes of section 15(3) of the Act, a business in one of the following sectors is a business in the national interest:
- (a) Information & Communication Technology;
 - (b) clothing and textile manufacturing;

- (c) chemicals and bio-technology industry;
- (d) agro-processing industry;
- (e) metals and minerals refinement industry;
- (f) automotive manufacturing industry;
- (g) tourism industry; or
- (h) crafts.

(4) A foreigner who invests or has invested in an existing business shall, in addition to complying with subregulations (1), (2) and (3), submit audited financial statements of the business in respect of the preceding financial year.

(5) A foreigner who invests or has invested in an existing business as a partner shall, in addition to complying with subregulations (1), (2) and (3), submit?

- (a) audited financial statements in respect of the preceding financial year; and
- (b) a partnership agreement.

(6) In order to ensure compliance with section 15(4) of the Act, the period of validity of a business permit may be restricted to two years.

Crew permit

13. (1) A crew permit may be issued for a maximum period of three months at a time.

(2) An applicant for a crew permit for officers or members of the crew of a public conveyance in transit in the Republic *en route* to or from that conveyance, shall submit?

- (a) a valid passport;
- (b) a letter of request from the owner, which shall include an undertaking of responsibility for such person's compliance with the Act; and
- (c) proof of settlement of any outstanding fine incurred by the conveyor under the Act.

(3) An applicant for a crew permit for the crew of a foreign private or foreign chartered conveyance while such conveyance is temporarily at a port of entry, shall?

- (a) submit a valid passport;
- (b) submit proof of sufficient financial means of the owner of that conveyance to cover day-to-day needs and medical expenses;
- (c) pay a deposit if deemed necessary by the Director-General in order to ensure compliance with the terms and conditions of the crew permit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists; and

- (d) submit proof of settlement of any outstanding fine incurred by the conveyor under the Act.

Medical treatment permit

- 14.** (1) An applicant for a medical treatment permit shall?
- (a) submit a letter from his or her medical practitioner or medical institution indicating the reasons for and the period and particulars of the treatment in the Republic;
 - (b) provide the details of the person or institution responsible for the medical expenses and hospital fees: Provided that in a case where his or her medical scheme or employer is not liable for expenses incurred, proof of financial means or medical cover shall be submitted;
 - (c) provide the particulars of persons accompanying him or her;
 - (d) submit a valid return air ticket or deposit: Provided that in the case of a deposit, such deposit shall be refunded to the depositor after the final departure of the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;
 - (e) submit proof of sufficient financial means; and
 - (f) submit a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the

certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic.

- (2) A medical treatment permit may be issued for a maximum period of six months at a time.

Relative's permit

- 15.** (1) An applicant for a relative's permit shall?
- (a) submit a police clearance certificate;
 - (b) submit medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
 - (c) where the applicant is the spouse of a citizen or permanent resident, comply with regulation 9(3)(a) and (b);
 - (d) make a deposit, except in the case of a spouse or dependent minor child: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists; and

- (e) prove kinship between the applicant and the citizen or permanent resident contemplated in section 18(1) of the Act by submitting unabridged birth certificates.
- (2) A relative's permit may be issued for a maximum period of two years.
- (3) The financial assurance required in terms of section 18(1) of the Act shall be an amount of R5 000 per person per month to be proven by means of a salary advice or bank statement: Provided that the financial assurance shall not be applicable where the applicant is a spouse or dependent minor child.

Work permit

- 16.** (1) An applicant for a quota work permit, general work permit, exceptional skills permit and intra-company transfer work permit shall submit?
- (a) at the discretion of the Director-General, proof of a valid return air ticket, a deposit or a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary, respectively: Provided that in the case of a deposit, such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;

- (b) a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
 - (c) a police clearance certificate;
 - (d) medical and radiological reports in respect of each applicant: Provided a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
 - (e) the documentation relating to minor dependent children accompanying the applicant to or joining the applicant in the Republic contemplated in regulation 9(3)(c); and
 - (f) the documents relating to his or her marital status or spousal relationship contemplated in regulation 9(3)(a) and (b).
- (2) An application for a quota work permit shall be accompanied by?
- (a) confirmation that the foreigner possesses the necessary qualifications, as certified by the South African Qualifications Authority, and experience for the occupation; and
 - (b) proof that the applicant complies with the registration requirements of the relevant professional body, board or council.
- (3) Within 90 days of admission, the holder of a quota work permit shall submit to the Director-General?
- (a) confirmation of having taken up employment; and

- (b) an undertaking from the employer that the Director-General shall be notified within seven working days of termination of employment of the permit holder.
- (4) An application for a general work permit shall be accompanied by?
 - (a) a contract of employment signed by both the employer and the applicant;
 - (b) proof of qualifications evaluated by the South African Qualifications Authority and translated by a sworn translator into one of the official languages of the Republic;
 - (c) proof of experience and skills in line with the job offer;
 - (d) a letter from the employer motivating why a citizen or permanent resident could not fill the position, as well as proof of efforts made to obtain the services of a citizen or resident, together with particulars of the unsuccessful candidates;
 - (e) proof of publication of an advertisement in the national printed media;
 - (f) an undertaking by the employer to inform the Director-General should the applicant not comply with the Act or leave the employer;
 - (g) if required by law, proof of registration with the relevant professional body, council or board;
 - (h) in the case of a business, proof of registration of that business with the Registrar of Companies; and

- (i) a certificate from the Department of Labour or an extract from the database of a salary benchmarking organisation detailing the average salary earned by employees occupying similar positions in the Republic.
- (5) The advertisement contemplated in subregulation (4)(e) shall be an original clipping from the national printed media and shall?
- (a) reflect the full particulars of the relevant newspaper or magazine, as well as the dates on which the advertisement was published;
 - (b) stipulate the minimum qualifications and experience required to fill the position;
 - (c) clearly define the position offered and the duties to be performed;
 - (d) measure at least 60 millimetres by 60 millimetres;
 - (e) state the closing date for the application in the advertisement; and
 - (f) not be older than three months at the time of application.
- (6) An application for an exceptional skills work permit shall be accompanied by?
- (a) a letter from a foreign or South African organ of state or from an established South African academic, cultural or business body, confirming the exceptional skills or qualifications of the applicant;
 - (b) testimonials from previous employers and a comprehensive *curriculum vitae*;
 - (c) other proof to substantiate exceptional skills or qualifications, such as publications and testimonials; and

- (d) proof that the exceptional skill demonstrated by the applicant would add value to the South African environment in which the person intends to operate.
- (7) An exceptional skills work permit may be issued for a period not exceeding three years at a time.
- (8) An application for an intra-company transfer work permit shall be accompanied by?
 - (a) the foreigner's contract of employment with the company abroad; and
 - (b) a letter from?
 - (i) the company abroad confirming that that foreigner shall be transferred to a branch or affiliated South African company; and
 - (ii) the South African company confirming the transfer of the foreigner contemplated in subparagraph (i), as well as specifying the occupation and capacity in which that foreigner shall be employed.
- (9) In terms of section 19(5)(a) of the Act, the relevant employer shall ensure that?
 - (a) the passport of the foreigner is valid at all times;
 - (b) the foreigner is only employed in the specific position for which the permit has been issued; and

- (c) the foreigner departs from the Republic on completion of his or her tour of duty.

Retired person permit

- 17.** (1) An applicant for a retired person permit shall?
- (a) pay a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;
 - (b) submit a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic; and
 - (c) submit a police clearance certificate and medical and radiological reports: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women.
- (2) The minimum payment to a foreigner as contemplated in section 20(1)(a) of the Act shall be R20 000 per month.
- (3) The net worth contemplated in section 20(1)(b) of the Act shall be a combination of assets realising R20 000 per month.

Corporate permit

18. (1) An applicant for a corporate permit shall submit?
- (a) an application on a form substantially corresponding to **Form 13** contained in Annexure A;
 - (b) proof of the need to employ the requested number of foreigners; and
 - (c) the job descriptions of the foreigners.
- (2) The Director-General may issue?
- (a) a corporate permit to a corporate applicant on a form substantially corresponding to **Form 14** contained in Annexure A; and
 - (b) an authorisation certificate to a corporate permit holder on a form substantially corresponding to **Form 15** in Annexure A in respect of each corporate worker to be recruited by the holder of that permit.
- (3) In terms of section 21(2)(a)(i) of the Act, the relevant corporate applicant shall ensure that?
- (a) the passport of the foreigner is valid at all times;
 - (b) the foreigner is employed only in the specific position for which the permit has been issued; and
 - (c) such foreigner departs from the Republic on completion of his or her tour of duty.
- (4) In order to comply with subregulation (3)(c), a corporate applicant shall return the certificate contemplated in subregulation (2)(b) to the Director-General on completion of the corporate worker's tour of duty.

(5) The financial guarantees contemplated in section 21(2)(b) of the Act shall, at the discretion of the Director-General, be—

- (a) a deposit in respect of each corporate worker: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists; or
- (b) a written undertaking *in lieu* of the deposit contemplated in paragraph (a).

(6) An application for a work permit to be issued to a person employed by the holder of a corporate permit shall comply with the following requirements:

- (a) In the case of a seasonal worker or a worker employed in terms of a bilateral agreement, as the case may be, or a seasonal worker not employed in terms of a bilateral agreement, the submission of?
 - (i) a valid passport in respect of each applicant;
 - (ii) a valid employment contract which has been entered into and, in the case of a bilateral agreement, attested to by the authorities in the applicant's country of origin;
 - (iii) a full set of fingerprints; and
 - (iv) the certificate contemplated in subregulation (2)(b); and
- (b) in all other cases, the submission of?

- (i) a valid employment contract;
- (ii) the certificate contemplated in subregulation (2)(b);
- (iii) at the discretion of the Director-General, proof of a valid return air ticket, a deposit or a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary, respectively: Provided that in the case of a deposit, such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;
- (iv) a yellow fever vaccination certificate if that person travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
- (v) a police clearance certificate;
- (vi) medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in

respect of children under the age of 12 years and pregnant women;

(vii) the documentation relating to minor dependent children accompanying the applicant to or joining the applicant in the Republic contemplated in regulation 9(3)(c); and

(viii) the documents relating to his or her marital status or spousal relationship contemplated in regulation 9(3)(a) and (b).

(7) A work permit issued to a person employed by the holder of a corporate permit shall—

(a) in the case of a worker employed in terms of a bilateral agreement, be subject to the terms and conditions determined by the relevant agreement; and

(b) in the case of a seasonal worker, be limited to a maximum period of 12 months.

Exchange permit

19. (1) An applicant applying for an exchange permit in terms of section 22(a) of the Act shall ?

(a) in the case of a learning institution in the Republic in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the programme, submit a letter from—

(i) the Department of Education or a learning institution in the Republic confirming that it is responsible for organising or

administering the existence of the programme, outlining the activities and duration thereof and accepting full responsibility for the student while he or she is in the Republic; and

(ii) the organ or learning institution of the foreign state confirming the particulars of the student, the student's enrolment with a learning institution abroad, and the date on which the study shall commence; and

(b) in the case of an organ of state in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the programme, submit a letter from—

(i) the organ of state confirming the existence of the exchange programme; or

(ii) the foreign learning institution confirming the enrolment of the applicant or a letter from the organ of the foreign state conducting the programme, as the case may be.

(2) An applicant who applies for an exchange permit in terms of section 22(a) or (b) of the Act, shall submit?

(a) at the discretion of the Director-General, proof of a valid return air ticket, a deposit or written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary, respectively: Provided that in the case of a deposit,

such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;

- (b) a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
 - (c) a police clearance certificate;
 - (d) medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
 - (e) the documentation relating to minor dependent children accompanying the applicant to or joining the applicant in the Republic contemplated in regulation 9(3)(c); and
 - (f) the documents relating to his or her marital status or spousal relationship contemplated in regulation 9(3)(a) and (b).
- (3) An organ of state or a learning institution shall report to the Director-General as contemplated in section 22(a) of the Act on a form substantially corresponding to **Form 16** contained in Annexure A and shall provide the information requested in that form.

(4) The period contemplated in section 22(a)(ii) of the Act shall be one year and shall apply to all cultural, economic and social exchange programmes.

Asylum transit permit

20. A person claiming to be an asylum seeker contemplated in section 23(1) of the Act shall apply for an asylum transit permit by completing a form substantially corresponding to **Form 17** contained in Annexure A.

Cross-border permit

21. (1) If the Director-General has issued a cross-border permit as contemplated in section 24(1) of the Act to a person who regularly crosses the border at a port of entry, that person shall only be required to report to an immigration officer for examination upon the expiry of such permit.

(2) The period of validity of a cross-border permit shall not exceed six months at a time.

(3) An application for a cross-border permit shall be made in person to an immigration officer at the port of entry where the permit is required on a form substantially corresponding to **Form 3** contained in Annexure A.

(4) An applicant for a cross-border permit shall submit?

(a) a valid passport; and

(b) in the case of a foreigner?

(i) a valid visa, if required;

- (ii) a valid permit as contemplated in section 10 or 25 of the Act;
and
- (iii) proof of the required status contemplated in section 24(1)(b) of the Act in Botswana, Lesotho, Mozambique, Namibia, Swaziland or Zimbabwe.

(5) An immigration officer may at any time during a crossing require the holder of a cross-border permit to produce that permit.

(6) An immigration officer may, for good cause, withdraw a cross-border permit.

Permanent residence

22. (1) An application for a permanent residence permit contemplated in section 25(2) of the Act shall substantially correspond to **Form 18** contained in Annexure A and shall be submitted by?

- (a) the applicant; or
- (b) an attorney, advocate or immigration practitioner holding a power of attorney,

which form shall be signed by the relevant applicant who shall, where necessary, be assisted by a legal guardian or curator.

(2) Where an applicant is represented as contemplated in subregulation (1)(b), that applicant shall avail himself or herself to be interviewed upon application.

(3) The application contemplated in subregulation (1) shall be accompanied by?

- (a) the application fee as determined in the regulations made under section 7(1)(i) of the Act;
- (b) a full set of fingerprints in respect of each applicant over the age of 18 years;
- (c) a yellow fever vaccination certificate if that person travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
- (d) a police clearance certificate;
- (e) medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years and pregnant women;
- (f) the documentation contemplated in regulation 9(3)(c) relating to minor dependent children accompanying the applicant or joining the applicant in the Republic;
- (g) the documents relating to his or her marital status or spousal relationship contemplated in regulation 9(3)(a) and (b) respectively;
- (h) an unabridged birth certificate in respect of each applicant;
- (i) a deed poll in the case of an applicant who has changed his or her name, surname or gender; and

- (j) where the application is made in the Republic, a valid temporary residence permit in respect of each applicant.
- (4) The documents contemplated in subregulation (3)(b), (c), (d), (e), (f), (g), (h), (i) and (j) shall be original or copies authenticated by the issuing authority of the country of origin and, if applicable, translated into one of the official languages of the Republic, which translation shall be certified as a correct translation by a sworn translator.
- (5) An application made in a foreign country shall be submitted or mailed to?
 - (a) the mission of the Republic in the foreign country of the applicant's normal residence, which includes permanent residence and long-term temporary residence;
 - (b) the mission of the Republic in a foreign country of which the applicant holds a valid passport; or
 - (c) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of an adjoining or nearby foreign country in which a mission of the Republic is not present.
- (6) An application made within the Republic shall be submitted or mailed to the designated office of the Department in the area in which the applicant intends to work or, in respect of any permit for purposes other than work, where he or she intends to reside.

(7) An applicant is not required to submit documentation that is already in the possession of the Department and which can be retrieved or copied from the records of the Department.

(8) A foreigner contemplated in section 26(b) of the Act who has been issued with a permanent residence permit shall, after a period of two years has lapsed since the issuing of that permit, inform the Director-General whether or not the good faith spousal relationship still exists by submitting to the Director-General an affidavit on a form substantially corresponding to **Form 12** contained in Annexure A.

(9) In the case of an application contemplated in section 25(2) of the Act in respect of a permit contemplated in sections 26(c) and (d) and 27(g) of the Act, the citizen or permanent resident shall satisfy the Director-General that he or she is able and willing to support and maintain the foreign relative making the application.

Residence on other grounds

23. (1) The advertisement contemplated in section 27(a)(i) of the Act shall be an original clipping from the national printed media and shall?

- (a) reflect the full particulars of the relevant newspaper or magazine, as well as the dates on which the advertisement was published;
- (b) stipulate the minimum qualifications and experience required to fill the position;

- (c) clearly define the position offered and the responsibilities to be performed;
 - (d) measure at least 60 millimetres by 60 millimetres;
 - (e) state the closing date for the application in the advertisement; and
 - (f) not be older than three months at the time of application.
- (2) The permanent residence permit contemplated in section 27(a) of the Act shall be issued on condition that the holder of that permit shall remain employed for a period of five years in the field in respect of which the offer of employment was made.
- (3) The requirement contemplated in section 27(b) of the Act shall be the submission of?
- (a) a letter from a foreign or South African organ of state or from an established South African academic, cultural or business body, confirming the exceptional skills or qualifications of the applicant;
 - (b) testimonials from previous employers and a comprehensive *curriculum vitae*;
 - (c) other proof to substantiate exceptional skills or qualifications, such as publications and testimonials; and
 - (d) proof that the exceptional skill demonstrated by the applicant would add value to the South African environment in which the person intends to operate.

(4) An application for a permit contemplated in section 27(c) of the Act shall be accompanied by a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that?

- (a) at least R2,5 million in cash;
- (b) a capital contribution of at least R2,5 million; or
- (c) at least R2 million in cash and a capital contribution of at least R500 000,

originating from abroad, is available to be invested as part of the book value of the business.

(5) In addition to subregulation (4), an application for a permit contemplated in section 27(c) of the Act shall be accompanied by—

- (a) a business plan outlining the feasibility of the business, both in the short and long term;
- (b) proof of entrepreneurial skills;
- (c) proof that the business shall contribute to the geographical spread of economic activity;
- (d) proof or an undertaking that at least five citizens or permanent residents shall be permanently employed;
- (e) proof of the export potential of the business, if applicable;
- (f) an undertaking to register with the South African Revenue Service;
- (g) proof of registration with the relevant body, board or council, if applicable;
- (h) a police clearance certificate;

- (i) a yellow fever vaccination certificate if he or she travelled from or through a yellow fever belt area: Provided that the certificate shall not be required where that person travelled in direct transit through such area or where an application is made in the Republic;
 - (j) a deposit: Provided that such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists;
 - (k) in the case of a spouse accompanying him or her to or joining him or her in the Republic, the documentation contemplated in regulation 9(3)(a) and (b); and
 - (l) in the case of a minor child accompanying him or her or joining him or her in the Republic, the documentation contemplated in regulation 9(3)(c).
- (6) For the purposes of section 27(c)(i) of the Act, a business in one of the following sectors is a business in the national interest:
- (a) Information & Communication Technology;
 - (b) clothing and textile manufacturing;
 - (c) chemicals and bio-technology industry;
 - (d) agro-processing industry;
 - (e) metals and minerals refinement industry;

- (f) automotive manufacturing industry;
- (g) tourism industry; or
- (h) crafts.

(7) A foreigner who invests or has invested in an existing business shall, subject to this regulation, submit audited financial statements of the business in respect of the preceding financial year.

(8) A foreigner who invests or has invested in an existing business as a partner shall, subject to this regulation, submit?

- (a) audited financial statements in respect of the preceding financial year; and
- (b) a partnership agreement.

(9) The requirements contemplated in section 27(d) of the Act shall be?

- (a) the submission of proof of compliance with section 27(c) of the Refugees Act, 1998 (Act No. 130 of 1998);
- (b) where applicable, the submission of affidavits with regard to aliases used by the applicant and family members; and
- (c) compliance with the requirement contemplated in regulation 22(3)(a) and submission of the documentation contemplated in regulation 22(3)(b), (c), (d), (e), (f), (g) and (h): Provided that in the case of documents issued by the country from which he or she fled not being available, a sworn affidavit shall be submitted.

(10) The payment contemplated in section 27(e)(i) of the Act shall be R15 000 per month and the net worth contemplated in section 27(e)(ii) of the Act shall be a combination of assets realising R20 000 per month.

(11) The net worth contemplated in section 27(f) of the Act shall be R7,5 million, and the amount to be paid to the Director-General shall be R75 000, which amount has to be paid upon approval of the application.

(12) For the purposes of this regulation, relative means biological or judicially adopted children or adoptive parents and step parents.

Prohibited persons

24. (1) The diseases or viruses contemplated in section 29(1)(a) of the Act shall be those referred to in the regulations promulgated under the International Health Regulations Act, 1974 (Act No. 28 of 1974), and any other disease or virus rendering a person inadmissible as determined by the Department of Health by notice in the *Government Gazette*.

(2) An immigration officer who suspects a person reporting to him or her at a port of entry of being infected with a disease or virus contemplated in subregulation (1), shall refer that person to the port health officer to determine his or her admissibility.

(3) Where a port health officer is not present at a port of entry, a person contemplated in subregulation (2) shall be refused admission, unless a qualified medical practitioner certifies that such person is not infected with a disease contemplated in subregulation (1).

- (4) If a prohibited person contemplated in section 29(1)(c) of the Act?
- (a) has deposed to an affidavit illustrating to the satisfaction of the Director-General that he or she shall comply with the Act; and
 - (b) has been absent from the Republic for a minimum period of four years,

the Director-General may rehabilitate that person by granting him or her a status after having considered his or her application for a status.

- (5) A person rehabilitated as contemplated in subregulation (4) shall not be exempt from visa requirements.

Undesirable persons

25. The Director-General may declare a foreigner who falls within a category listed in section 30(1) of the Act as undesirable on a form substantially corresponding to **Form 19** contained in Annexure A.

Illegal foreigners

26. (1) Upon requesting authorisation as contemplated in section 32(1) of the Act, an illegal foreigner who has neither been arrested for the purpose of deportation nor ordered to depart and who wishes to apply for a status after the date of expiry of his or her permit, shall?

- (a) demonstrate to the satisfaction of the Director-General that he or she was unable to apply for such status for reasons beyond his or her control;

- (b) submit proof to the Director-General that he or she is in a position to submit his or her application for a status; and
 - (c) if required to do so by the Director-General, pay a deposit: Provided such deposit shall be refunded to the depositor after the final departure of the applicant or after a permit contemplated in section 25 of the Act has been issued to the applicant: Provided further that the payment of the deposit may be effected by means of a bank guaranteed cheque or credit card at places where such facility exists.
- (2) Authorisation to remain in the Republic **as** contemplated in section 32(1) of the Act shall be granted in a form substantially corresponding to **Form 20** contained in Annexure A.
- (3) As soon as the final decision in respect of the application for a status has been made, the authorisation contemplated in this regulation shall lapse.
- (4) An illegal foreigner who has satisfied an immigration officer that he or she will depart from the Republic as required in section 32(1) of the Act, shall be ordered by that immigration officer on a form substantially corresponding to **Form 21** contained in Annexure A to depart from the Republic within a period of 14 days of having so been ordered: Provided that such period may, for good cause, be extended.

Inspectorate

27. (1) In appointing immigration officers, the Director-General shall?

- (a) in the case of individual appointments?
 - (i) satisfy himself or herself that there is a need for such appointment;
 - (ii) upon having satisfied himself or herself as to the need contemplated in subparagraph (i), furthermore satisfy himself or herself that the requirements contemplated in subregulation (2) have been complied with;
 - (iii) determine the scope of the functions to be performed; and
 - (iv) upon approval of the appointment, issue the appointment certificate; and
 - (b) in the case of the appointment of categories of immigration officers, comply with the procedures contemplated in paragraph (a)(i) and (iii) and the requirement contemplated in subregulation (2)(a).
- (2) The requirements for the appointment of immigration officers as contemplated in section 33(2)(c)(ii) of the Act shall be that—
- (a) the person has undergone the relevant training; and
 - (b) in the case of individual appointments, the person has successfully completed an examination following on the training contemplated in paragraph (a).
- (3) The functions contemplated in section 33(2)(c)(iii) of the Act shall be ?
- (a) in the case of an immigration officer employed at a port of entry, the functions contemplated in sections 9, 34(8), (9) and (11) and 35 of the Act; and

(b) in the case of an immigration officer employed in the Inspectorate, the functions contemplated in sections 33 and 34(1), (2), (3), (4), (5), (6) and (7) of the Act, and shall be reflected in the appointment certificate contemplated in subregulation (1)(a)(iv).

(4) The Director-General may authorise an immigration officer contemplated in—

- (a) subregulation (3)(a) to perform the functions of an immigration officer contemplated in subregulation (3)(b); or
- (b) subregulation (3)(b) to perform the functions of an immigration officer contemplated in subregulation (3)(a).

(5) The Director-General may withdraw an appointment contemplated in subregulation (1) once the need for such appointment, as contemplated in paragraph (a)(i) of that subregulation, ceases to exist.

(6) The notice contemplated in section 33(4)(b) of the Act shall be in a form substantially corresponding to **Form 22** contained in Annexure A.

(7) The notice contemplated in section 33(4)(c) of the Act shall be in a form substantially corresponding to **Form 23** contained in Annexure A.

(8) The warrants contemplated in section 33(5)(a) and (b), respectively, of the Act, shall be in a form substantially corresponding to **Form 24 or 25** contained in Annexure A.

(9) The receipt contemplated in section 33(5)(c) of the Act shall be in a form substantially corresponding to **Form 26** contained in Annexure A, and the warrant

contemplated in that section shall be in a form substantially corresponding to **Form 27** contained in Annexure A.

Deportation and detention of illegal foreigners

28. (1) The detention and deportation of an illegal foreigner contemplated in section 34(1) of the Act shall be by means of a warrant issued by an immigration officer, which warrant shall substantially correspond to **Form 28** contained in Annexure A.

(2) The notification of the deportation of an illegal foreigner contemplated in section 34(1)(a) of the Act shall be in a form substantially corresponding to **Form 29** contained in Annexure A.

(3) The confirmation of deportation contemplated in section 34(1)(b) of the Act shall be on a form substantially corresponding to **Form 30** contained in Annexure A.

(4) 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) within 20 days following the arrest of the detainee, serve on that detainee a notification of his or her intention on a form substantially corresponding to **Form 31** contained in Annexure A;
- (b) afford the detainee the opportunity to make representations in this regard within three days of the notification contemplated in paragraph (a) having been served on him or her; and

- (c) within 25 days following the arrest of the detainee, submit with the clerk of the court an application for the extension of the period of detention on a form substantially corresponding to **Form 32** contained in Annexure A.
- (5) The minimum standards with regard to detention as contemplated in section 34(1)(e) of the Act shall be as determined in Annexure B.
- (6) A court may authorise the extension contemplated in subregulation (4)(c) on a form substantially corresponding to **Form 32** contained in Annexure A.
- (7) The detention contemplated in section 34(2) of the Act shall be in a form substantially corresponding to **Form 33** contained in Annexure A.
- (8) An immigration officer, when enforcing payment in terms of section 34(3) of the Act of a deposit, shall?
 - (a) serve an order substantially corresponding to **Form 34** contained in Annexure A on the illegal foreigner concerned to deposit the required amount; and
 - (b) if that deposit has not been paid, endorse the order contemplated in paragraph (a) to the effect that the deposit has not been paid and file a copy of that order with the clerk of the court of the district in which such illegal foreigner is detained pending his or her removal from the Republic.
- (9) The warrants contemplated in section 34(7) of the Act shall?
 - (a) in respect of the removal of an illegal foreigner, be in a form substantially corresponding to **Form 35** contained in Annexure A; or

- (b) in respect of the release of an illegal foreigner, be in a form substantially corresponding to **Form 36** contained in Annexure A.
- (10) A person contemplated in section 34(8) of the Act shall be notified that he or she is an illegal foreigner on a form substantially corresponding to **Form 37** contained in Annexure A, and the declaration to the master of the ship contemplated in that section shall be on a form substantially corresponding to **Form 38** contained in Annexure A.
- (11) The amount which the owner of a ship shall forfeit in terms of section 34(9)(a) and (d) of the Act shall not exceed R10 000.

Duties with regard to conveyances

- 29.** (1) The list of passengers and the list of crew contemplated in section 35(3)(a) and (c) of the Act respectively, the medical return contemplated in section 35(3)(d) of the Act and the exemption contemplated in the proviso to section 35(3) of the Act in the form of a coastal advice, shall be in a form substantially corresponding to **Form 39** contained in Annexure A.
- (2) The list of stowaways contemplated in section 35(3)(b) of the Act shall be in a form substantially corresponding to **Form 40** contained in Annexure A.
- (3) The limit contemplated in section 35(4) of the Act shall not exceed the total of the following amounts:
- (a) The cost of a single ticket for the deportation of the passenger to his or her country of origin;

- (b) the cost of a return ticket to the country of origin, subsistence and travel costs and allowances for an escort in the event that such a service may be required upon deportation; and
- (c) the detention and related costs pending the deportation of the passenger:

Provided that if the passenger contemplated in that section is a stowaway not declared on the list contemplated in section 35(3)(b) of the Act, an additional amount of R5 000 shall be forfeited to the State.

(4) The master or owner of a ship or an agent representing that master or owner, shall, prior to departure of that ship, complete and submit a form substantially corresponding to **Form 41** contained in Annexure A.

(5) The certificate contemplated in section 35(6) of the Act shall be in a form substantially corresponding to **Form 42** contained in Annexure A.

(6) A person conveyed as contemplated in section 35(8) of the Act shall be informed of his or her refusal of admission on a form substantially corresponding to **Form 37** contained in Annexure A, and the person in charge of the conveyance shall be informed of his or her obligations in terms of that section on a form substantially corresponding to **Form 38** contained in Annexure A.

(7) In order to facilitate the clearance of a ship?

- (a) habitually calling at any or more of the various ports; or
- (b) whose owner or master is duly represented by an agent at the port of call,

the Director-General may enter into an agreement with the owner or master of that ship or the agent of that owner or master whereby the owner or master undertakes, or it is undertaken on behalf of the owner or master so represented, that sections 34 and 35 of the Act shall be complied with insofar as they relate to that owner or master.

Employment

30. An employer contemplated in section 38(4)(a) of the Act shall keep on record?

- (a) a certified copy of the passport of the foreigner reflecting his or her personal particulars;
- (b) a copy of the temporary or permanent residence permit of that foreigner;
- (c) proof of the capacity in which the foreigner was employed; and
- (d) a copy of his or her IRP 5 form and job description, respectively.

Keeping of registers of lodgers by certain persons

31. (1) The class of premises contemplated in section 40(1) of the Act shall be?

- (a) hotels and motels;
- (b) boarding houses and lodges;
- (c) guest houses; and
- (d) apartment buildings.

- (2) The register contemplated in section 40(1) of the Act shall?
- (a) be safeguarded by a duly authorised person for a period of six months; and
 - (b) in respect of a lodger, contain?
 - (i) his or her full names and surname;
 - (ii) the number of his or her identification document or passport;
 - (iii) his or her residence status in the Republic;
 - (iv) his or her normal residential address; and
 - (v) his or her signature.

Identification

32. An immigration officer shall take the following steps in order to verify the identity and status of the person contemplated in section 41(1) of the Act:

- (a) Access relevant documents that may be readily available in this regard; or
- (b) contact relatives or other persons who could prove such identity and status; and
- (c) access departmental records in this regard.

Other institutions

33. (1) The institutions or persons contemplated in section 45 of the Act are?

- (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) In ascertaining status or citizenship as contemplated in section 45 of the Act, the passport or identity document of the person shall be scrutinised by the institution or person referred to in subregulation (1).

(3) The commercial transactions contemplated in section 45 of the Act shall be?

- (a) in respect of subregulation (1)(a), the securing of loans and bonds, money transfers and the opening of bank accounts, excluding investment accounts;
- (b) in respect of subregulation (1)(b), facilitation of the purchase, sale or leasing of fixed property or the facilitation of the purchase of insurance policies of any nature;
- (c) in respect of subregulation (1)(c), when admitting or registering a patient; and
- (d) in respect of subregulation (1)(d), when assisting a foreign work-seeker.

Immigration practitioners

34. (1) An attorney, advocate or immigration practitioner representing a person as contemplated in section 46(1) of the Act shall submit to the Director-

General or the Minister, as the case may be, a power of attorney on a form substantially corresponding to **Form 43** contained in Annexure A.

(2) The application for registration contemplated in section 46(2) of the Act shall be on a form substantially corresponding to **Form 44** contained in Annexure A.

(3) In order to qualify for registration on the roll of immigration practitioners maintained by the Director-General, a person shall?

- (a) be over the age of 21 years, unless legally married;
- (b) provide proof to the Director-General of his or her South African citizenship;
- (c) submit to the Director-General an affidavit to the effect that he or she is not a member of the immediate family of an official employed by the Department;
- (d) demonstrate to the Director-General his or her knowledge of the Act and these Regulations by successfully completing the examinations required by the Director-General;
- (e) pay the relevant registration fee to the Department; and
- (f) commit himself or herself in writing to the Director-General that he or she shall comply with the code of conduct for immigration practitioners maintained by the Director-General.

(4) The fee contemplated in subregulation (3)(e) shall be the fee as determined in the regulations made under section 7(1)(i) of the Act.

Administrative fines

35. (1) The administrative fine contemplated in section 50(1) of the Act shall be—

- (a) R1 000 in respect of a foreigner who leaves the Republic more than five days, but less than 30 days, after the expiry of his or her permit;
- (b) R1 500 in respect of a foreigner who leaves the Republic more than 30 days, but less than three months, after the expiry of his or her permit; and
- (c) R3 000 in respect of a foreigner who leaves the Republic more than three months after the expiry of his or her permit.

(2) A foreigner contemplated in section 50(1) of the Act shall be informed of the fine incurred on a form substantially corresponding to **Form 45** contained in Annexure A.

(3) The administrative fine contemplated in section 50(2) of the Act shall be R5 000 and the person shall be informed of the fine incurred on a form substantially corresponding to **Form 46** contained in Annexure A.

(4) The administrative fine contemplated in section 50(3) of the Act shall be?

- (a) in respect of a conveyance used in the course of a business to convey persons, R5 000 per person; and
- (b) in respect of a conveyance used for any purpose other than the one contemplated in paragraph (a), R500 per person.

(5) The owner or person contemplated in section 50(3) of the Act shall be informed of the fine contemplated in subregulation (3) on a form substantially corresponding to **Form 47** contained in Annexure A.

Repeal

36. The Immigration Regulations published in Government Notice No. 487 of 21 February 2003 is hereby repealed.

ANNEXURE A

FORM NO.	DESCRIPTION
1	Notification regarding right to request review by Minister
2	Notice of decision adversely affecting person
3	Application for permission to enter or depart at place other than port of entry and application for cross-border permit
4	Arrival form
5	Departure form
6	Declaration by foreigner seeking admission
7	Affidavit of immigration officer regarding inadmissible foreigner
8	Application for temporary residence permit
9	Application for a change of conditions or status
10	Application for renewal of existing temporary resident permit
11	Application for visa or transit visa
12	Affidavit in respect of parties to permanent spousal relationship
13	Application for corporate permit
14	Corporate permit
15	Corporate worker authorisation certificate
16	Progress report by organ of state or learning institution
17	Application for asylum transit permit
18	Application for permanent residence permit

19	Declaration of foreigner as undesirable person
20	Authorisation for illegal foreigner to remain in Republic pending application for status
21	Order to illegal foreigner to depart from Republic
22	Notice to person to produce evidence
23	Notice by immigration officer to person to appear before Director-General
24	Entry and search warrant
25	Warrant of arrest
26	Receipt of items seized
27	Warrant for seizure and removal
28	Warrant of detention of illegal foreigner
29	Notification of deportation
30	Confirmation by court of detention for purposes of deportation
31	Notice to foreigner of intention to apply to court for extension of detention
32	Application to court for extension of detention and authorisation by court for that extension
33	Warrant of detention of person suspected of being illegal foreigner
34	Order to illegal foreigner to deposit a sum to cover expenses relating to deportation, detention, maintenance and custody
35	Warrant for removal of detained illegal foreigner
36	Warrant for release of detained illegal foreigner
37	Notice to person at port of entry that he or she is illegal foreigner and refusal of admission

38	Declaration to master of ship that person conveyed is illegal foreigner and notice to person in charge of conveyance regarding his or her obligations where person conveyed is refused admission
39	Passenger list, crew list, medical return and coastal advice
40	List of stowaways
41	Application by master or owner of ship or agent representing master or owner of ship for certificate to leave harbour
42	Certificate of compliance to obtain clearance from customs
43	Power of attorney
44	Application for registration of immigration practitioner
45	Notice of administrative fine incurred by foreigner
46	Notice of administrative fine incurred for incorrect certification
47	Notice of administrative fine incurred by owner or person in charge of conveyance

(BI-1694) **Form 1**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

NOTIFICATION REGARDING RIGHT TO REQUEST REVIEW BY MINISTER

[Section 8(1); Regulation 5(1)]

A: In respect of a person refused admission at a port of entry:

To

In terms of section 8(1) of the Act, you are hereby notified that you may request the Minister to review the decision. However, if the conveyance you arrived on is on the point of departing, you must lodge a request for review immediately and depart and await the outcome thereof outside the Republic.

The conveyor responsible for your conveyance to the Republic, namely is liable for the costs of your detention, maintenance and removal from the Republic.

B: In respect of a person found to be an illegal foreigner:

In terms of section 8(1) of the Act, you are hereby notified that you may, within three days from date of this notice, request the Minister to review the decision to deport you.

.....

IMMIGRATION OFFICER

.....

APPOINTMENT NO

.....

PLACE

.....

DATE

I acknowledge receipt of the original of this notice and understand the content thereof.

I *intend / do not intend to request a review of this decision.

My written request *is attached / will be submitted within three days.

SIGNATURE OF AFFECTED PERSON

DATE

***Delete whichever is not applicable**

(BI-1714A) **Form 2**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

NOTICE OF DECISION ADVERSELY AFFECTING PERSON

[Section 7(1)(g) read with section 8(3); Regulation 5(2)]

To:

At:

With reference to

you are, in terms of the provisions of section 8(3) of the Act, hereby, notified that
the decision is as follows:

.....
.....

The reason(s) for the decision is/are the following:

.....
.....

You may, within 10 working days from date of receipt of this notice, make written
representations to the Director-General to review the decision.

Should you fail to make representations, or fail to keep the Department informed of your whereabouts, the decision set out above shall remain effective. It is your responsibility to enquire about the outcome of your representations within 14 days after submission thereof.

.....

Signature

.....

Appointment number (in the case of an immigration officer)

.....

Place

.....

Date

I acknowledge receipt of the original of this notice and declare that I understand its content.

I *intend /do not intend to make representations to the Department in terms of section 8(2) of the Act to review the decision.

Written representations *are attached / will be submitted within 10 working days.

.....

Signature of recipient of notice

.....

Date

***Delete whichever is not applicable**

(BI-26) **Form 3****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR PERMISSION TO ENTER OR DEPART AT PLACE
OTHER THAN PORT OF ENTRY AND APPLICATION FOR CROSS BORDER
PERMIT**

**[Section 7(1)(g) read with sections 9(3)(c)(i) and 24(1); Regulations 6(1) and
21(3)]**

See reverse side for conditions

Nationality of passport				Passport or travel document No	
Surname				First name(s) in full	
Date of birth	Year	Month	Day	Country of normal residence	
Permanent Residence Permit No (if applicable)*				Date issued	
Temporary Residence Permit (if applicable) valid until*				For purposes of	
Application is hereby made to enter/exit the Republic at a port of entry but without reporting officer					
Where entry/exit is required					

Motivate why exemption is required			
Period of cross border visit		From To	
Purpose of visit			
I have taken note of the conditions on the reverse side hereof			
Date		Signature	
FOR OFFICIAL USE ONLY			
APPLICATION FOR EXEMPTION APPROVED/REFUSED			
Valid until (Not to exceed 6 months)			
Reasons for decision			
File No		Exemption granted i.t.o section	
Place		Immigration Officer	
Date		Appointment/Service No.	
TRP Label/No.			

***Delete whichever is not applicable.**

(REVERSE OF FORM 3)**EXEMPTION CONDITIONS**

An exemption may only be issued to South African citizens or permanent residents or to citizens or permanent residents of a foreign country sharing a common border with the Republic of South Africa who regularly cross the border at a specified port of entry.

The foreign applicant must in addition to the exemption applied for, hold a relevant and current temporary residence permit commensurate with the purpose of visit indicated on this application and, if issued, on the exemption label. Foreigners who are not in possession of a relevant South African temporary residence permit do not qualify for an exemption.

The exemption is a privilege and not a right and can therefore be withdrawn by the Officer-in-Charge for the better execution of the Immigration Act, 2002 (Act 13 of 2002)

The exemption is specifically for the purpose applied for and does not exempt the holder from other entry requirements of the Republic, e.g. valid passport, visa control, sufficient funds, etc.

The exemption, if granted, your passport and/or any other document relevant to entry or residence in respect of the Republic, must be produced on demand by an immigration officer or any security officer employed at the border post or in the execution of border control duties.

Only the holder of the exemption is exempt as indicated thereon and all persons accompanying him or her must comply with entry requirements in their own right.

The exemption is only valid for short visits and for the purpose indicated thereon and the holder is not entitled to reside inside the Republic unless already in possession of a permit to that effect.

The “purpose of visit”, mentioned in the application for exemption, may not be changed while the holder is in the Republic.

The exemption does not exempt the holder from any requirement of another country involved when crossing the common border of the Republic with such country.

Proof of right to return to country of nationality and / or residence may be required from an applicant who is a foreigner.

(BI 55) Form 4**DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****ARRIVAL FORM****[Section 7(1)(g) read with section 9(3)(e); Regulation 6(2)(d)]**

Mode of travel	Flight No	Vehicle Registration No		Train No	Name of ship	Other			
Nationality		Passport No							
Country of ordinary residence									
Surname					Gender:	Male	Female		
Full Forenames									
Date of birth	Year	Month	Day	Intended departure date	Year	Month	Day		
Purpose of visit (use X to specify)									
A Vacation	B Non-remunerative business activities	C Study	D Work or manage a business	E Transit	F Immigrating	G Diplomatic placing	H Crew Member	I Medical treatment	J Investment
Occupation (use X to specify)									

A	B	C	D	E	F	G	H	I
Diplomatic	Charitable	Civil Service Military/Police	Student	Professional	Educational	Trade Business	Artist	Other

For official use

TRP number

Entry stamp

(BI 1538) **Form 5****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****DEPARTURE FORM****[Section 7(1)(g) read with section 9(3)(e); Regulation 6(2)(d)]****(Only to be completed by citizens and permanent residents)**

Flight No.	Train No.	Ship's name	Vehicle Reg. No.
Surname			
Forenames			
Date of birth	Y	Y	Y
	Y	Y	Y
	M	M	M
	D	D	D

Purpose of departure:	Holiday	Business	Study	Emigration
Occupation:		Gender:	Male	Female
Nationality:				
Country of final destination:				
Children included in passport accompanying traveller	M	Number	Age	
	F			
I declare that the abovementioned information is correct to the best of my knowledge		Departure Stamp		
Signature				

(BI-1565) **Form 6**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

DECLARATION BY FOREIGNER SEEKING ADMISSION

[Section 7(1)(g) read with section 9(3)(e); Regulation 6(3)]

Surname

Name(s) (in full)

Date of birth...../...../.....

Place of birth (town/city).....

Country of birth

Marital status

Nationality.....

Country of permanent residence.....

Country which issued passport / travel document

.....

Passport / travel document no issued at (place)

..... on (date) and valid until

..... (date).

Place and date of arrival in the Republic:

Occupation / profession (describe in full)

.....

Purpose of visit (must be described in full and in the case of commercial activities, the nature thereof must also be described)

.....

Duration of intended stay in the Republic (intended date of departure)

.....

Address in Republic

.....

Have you ever been refused a visa for or admission to, deported from or instructed to leave the Republic? (Yes/No)

If yes, furnish details

.....

I declare that the information I have furnished above is true and correct and that if I am admitted to the Republic, I will comply with the purpose and conditions of my permit.

.....

Signature of deponent

.....

Place

.....

Date

LEFT THUMB PRINT



(BI-1746) **Form 7****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA**

**INTERVIEW BY IMMIGRATION OFFICER OF PERSON NOT HAVING
SATISFIED IMMIGRATION OFFICER THAT HE OR SHE IS NOT
INADMISSIBLE FOREIGNER**

[Section 7(1)(g) read with section 9(3)(e); Regulation 6(6)]

..... (name(s) and
surname of passenger) presented *himself/herself to me in terms of section
9(3)(e) read with section 34(8) of the Act and could not satisfy me that *he/she is
an admissible person. Hereunder is a written account of the interview I
conducted in terms of regulation 6(6):

*(Delete whichever is not applicable)

PRIOR TO THE INTERVIEW

Do you understand English?

Are you fit, well and willing to be interviewed?

Do you require an interpreter?

Is there anything important that you wish to raise before the interview starts?

.....

CONTENT OF THE INTERVIEW (use additional pages if space is insufficient)

.....

.....

.....

.....

STATEMENT OF PERSON INTERVIEWED

I.....

(name(s) and surname) hereby acknowledge that the above is a true account of the interview that took place.

.....

Signature of illegal foreigner

.....

Date

DECISION OF IMMIGRATION OFFICER

.....

.....

REASON(S) FOR DECISION

.....

.....
.....

.....

.....

Signature of immigration officer

Date

IMMIGRATION OFFICER'S PARTICULARS

Surname:

Name(s):

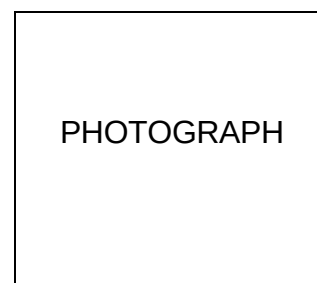
Appointment number:

Rank:

Port of entry:

(BI-1738) **Form 8****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****APPLICATION FOR TEMPORARY RESIDENCE PERMIT****[Section 10(2); Regulation 7(1)(a)]**

CATEGORY OF PERMIT BEING APPLIED FOR	
Work: Quota	Work: General
Own Business	Intra-company Transfer
Corporate worker	Exceptional / Skills
Study (< 3 months)	Medical (> 3 months)
Relative's	Retired person
Student exchange programme	Work exchange programme
Cultural/economic/ social exchange programme	Treaty



FOR OFFICIAL USE ONLY		
Office of origin:	BLOK:	Mission file no:
Date received:	Date forwarded to Regional	
	Office:	

Submission checked by/on:	Date received at Regional Office:			Remarks:
Passport seen/returned by/on:	Recommended by/on:			
Fee: Currency and amount	Approved by/on:			
Fee received by/on:	Decision conveyed by/on/per:			
Receipt no:	Letter	Facsimile	Other	
Reasons for decision:				

PERSONAL DETAILS

Title:	Mr	Ms	Other (specify)				
Surname/Family name				Given names			
Maiden name				Stage name			
Previous/alternative name(s)/aliases, including details:							
Date of birth:							
Place of birth: Town/City				Country			
Marital status		Divorced		Widowed		Customary union	
Never married		Separated		Legally recognised life partnership			
Married							

If separated state: Whether divorce proceedings have been instituted and when final decree is expected.....
If divorced, provide: Date of divorce..... and divorce order must be attached.
If married to a citizen or permanent resident, a certified copy of the marriage certificate must be attached.

CITIZENSHIP DETAILS

Present country of citizenship:	
If acquired other than by birth, date and conditions under which acquired 	
Do you hold any other citizenship?	No ☐ Yes ☐

Country of usual residence if other than country of origin or above address:
Telephone numbers: Work (area code) Home (area code)

Other addresses where you have lived during the last ten years other than your current address		
Address	Period	Country

Do you hold the right of re-entry into your country of origin and/or country of residence if this differs?				
Yes <input style="width: 40px; height: 30px; border: 1px solid black;" type="checkbox"/>	No <input style="width: 40px; height: 30px; border: 1px solid black;" type="checkbox"/>			
If	no,	specify	period	and present status
.....				

Have you ever applied for asylum or refugee status in SA or any other country?	
Yes <input style="width: 40px; height: 30px; border: 1px solid black;" type="checkbox"/>	No <input style="width: 40px; height: 30px; border: 1px solid black;" type="checkbox"/>
If yes, specify	
.....	

Contact person:							
Relationship:		Business		Relative		Other	
Friend		Associate					
Name and address							
.....							
.....							
Telephone numbers:				Work (area code)			
Home (area code)							

Details regarding relatives and/or friends in South Africa, if any.			
Name	Address	Relationship	ID No

INTENTIONS/PROPOSED DURATION OF STAY IN THE RSA

Proposed date and place of departure for SA:	/ /	
Anticipated date and place of arrival in SA:	/ /	

Travelling by Air		Road		Rail		Sea		Carrier	
If you intend staying in SA temporarily only, state your proposed duration of stay									
	Days/weeks/ months/or		Years	Intended date of departure		/ /			
Do you intend settling in South Africa on a permanent basis?					If so, have you submitted an application for a permanent residence permit?				
Yes ☐ No ☐					Yes ☐ No ☐				
If yes and the outcome is still awaited, application submitted on					/ / (Date)				
To foreign/domestic office at					under reference no				

Outline your proposed activities whilst in the RSA
.....
.....
.....
.....
.....

MAINTENANCE/REPATRIATION

State what funds you have available for maintenance during your stay in South Africa and whether you have purchased a return ticket or other arrangements made for maintenance and return passage:

Full names	Date of birth	Relationship	Passport number	Expiry date	Nationality	Occupation

Do any of the above hold either																	
a	South African identity document?				No		Yes		Holder								
Number															Or		

a permanent/temporary residence permit? Office of issue	No			Yes		Holder		
		Type					Date of expiry	/.....

If your spouse and/or other dependants are not accompanying you, do they intend to enter the country?

Yes	☐	On (date)		
No	☐	Details/reason(s)		

.....

PREVIOUS APPLICATIONS

Have you or any other person included in this application previously applied for any type of South African visa, or if exempt from visa control, obtained temporary residence permits on arrival?

No

Yes

Give details of each application:

Name	Category of temporary residence permit	Date and place of application	Granted or refused	Period authorized	Ref no
				From	
				To	
				From	
				To	
				From	
				To	
				From	
				To	

Details of any prior restrictions/repatriations/deportations/orders to depart from South Africa:

.....

.....

SECURITY/HEALTH QUESTIONNAIRE

Have you or any of your dependants accompanying you ever been convicted of any crime in any country?

☐

Yes

☐

No

Is a criminal/civil inquiry pending against you or any of your dependants accompanying you in any country?

☐

Yes

☐

No

Are you or any of your dependants suffering from tuberculosis, any other infectious or contagious disease or any mental or physical deficiency?

☐

Yes

☐

No

Are you an unrehabilitated insolvent?

☐

Yes

☐

No

Have you ever been judicially declared incompetent?

No

☐

Yes

☐

Are you a member of, or an adherent to an association or organisation advocating the practice of social violence, or racial hatred?

☐

Yes

☐

No

Furnish full particulars if the reply to any of these questions is in the affirmative:

.....

ANY ADDITIONAL INFORMATION YOU WISH TO BRING TO THE DEPARTMENT'S ATTENTION

.....
.....
.....
.....

DECLARATION BY APPLICANT

I acknowledge that I understand the contents and implications of this application and solemnly declare that the above particulars given by me as well as all particulars in the attached supporting documentation are true and correct.

.....

Signature of applicant

Date.....

THE FOLLOWING ORIGINAL SUPPORTING DOCUMENTS MUST ACCOMPANY THE APPLICATION.

In respect of all permit applications **except permits referred to in items 12.4, 12.11 and 12.12 below:**

	Attached		
	Y	N	
Passport valid for no less than 30 days after expiry of the intended visit.			

	Attached		
	Y	N	
A full medical certificate.			
A radiological report.			
Full birth certificate.			
Full marriage certificate or in the case of a foreign life partnership, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable).			
The affidavit (BI-1712A) where a spousal relationship to a South African citizen or resident is applicable as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.			
Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.			
Divorce decree, where applicable.			
Proof of court order awarding custody, where applicable.			
Death certificate, in respect of late spouse, where applicable.			

	Attached		
	Y	N	
Written consent from both parents, or sole custody parent where applicable with proof of sole custody.			
Proof of legal adoption where applicable.			
Legal separation order, where applicable.			
Police clearance certificates in respect of applicants 18 years and older, in respect of all countries where person resided one year or longer.			
A vaccination certificate, if required by the Act.			
A deed poll if applicant has changed his/her name, surname or gender			

In respect of a study permit:

An official letter of provisional enrolment from the institution of learning concerned outlining the course, or academic programme, confirming the applicant's compliance with all admission requirements, including any applicable language proficiency requirements.			
Proof of the required qualifications to attend the course.			
In the case of a minor (i.e. a person under 21), written permission by both parents, or sole custody parent provided that relevant documentation proving sole custody is produced.			

	Attached		
	Y	N	
The particulars of the person(s) in the Republic who will act as the minor learner's guardian and a confirmatory letter from the intended guardian.			
Undertaking by applicant to submit annual progress reports pertaining to his/her studies.			
Proof of medical cover recognised in the Republic.			
Details of arranged accommodation.			
Proof of sufficient funds to cover tuition fees, subsistence and incidental costs.			

In respect of a business permit to establish an own business or to invest in an existing business venture:

Certification by a chartered accountant that at least R2,5 million in cash or a capital contribution of at least R2,5 million or at least R2 million cash and a capital contribution of at least R500 000, all originating from abroad, is available to be invested as part of the book value of the business.			
A business plan outlining the feasibility of the business, both in the short and long term.			
Proof of entrepreneurial skills.			
Proof of the export potential of the business, if applicable			

	Attached		
	Y	N	
Proof that the business shall contribute to the geographical spread of economic activity.			
Proof or undertaking that at least five citizens or permanent residents will be permanently employed.			
Where the application is in respect of an investment in an existing business; written partner agreements containing full details of the partners/directors and their residential status in the Republic.			
Proof of registration as a closed corporation or a company, if an existing business.			
Documentation proving the investment by means of shareholder's or partnership agreements, if an existing business.			
Undertaking to register with the appropriate statutory body, required by the nature of the business.			
If it is an existing business, audited financial statements proving viability of the business.			
An undertaking to comply with the registration requirements of any law administered by SARS.			

In respect of a medical treatment permit:

	Attached		
	Y	N	
A valid passport			
Particulars of and proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of bank statements, salary advices, if available, and / or travellers' cheques.			
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 in the Republic.			
Details of the person or institution responsible for the medical expenses and hospital fees. Should the applicant's medical scheme or employer not be liable for expenses incurred, proof of financial means or medical cover must be submitted.			
Particulars of persons accompanying such permit holder, (if any).			

In respect of a visitor's permit (not applicable to a person requiring a visa abroad):

Proof that the applicant cohabits as a spouse with, or is the dependant minor child of the holder of a permit issued in terms of sections 13, 14, 15, 17, 19 and 22, if applicable.			
---	--	--	--

	Attached		
	Y	N	
Undertaking or proof that only bona fide holiday/tourist activities will be conducted or other non-remunerative activities such as attending a conference, meeting, sporting event as spectator, study or medical treatment not exceeding 3 months, etc.			
Proof of academic sabbatical, if applicable.			
Proof that non-remunerative voluntary or charitable activities will be undertaken, if applicable.			
Proof that research is to be undertaken, if applicable.			
Proof of sufficient own funds for subsistence during period of visit.			
Proof of marriage to/spousal relationship with a South African citizen or permanent resident together with a written application to perform an activity contemplated in sections 13 to 22 of the Act, if applicable.			

In respect of a quota work permit:

Proof of the relevant qualifications as certified by the South African Qualifications Authority including authenticated copies of academic certifications or degrees.			
Proof of registration with professional body, board or council, if applicable.			
Proof of previous experience in the occupation			

	Attached	
	Y	N

In respect of a general work permit:

Completion of and compliance with the application form.			
A contract of employment containing the signatures of both the employer and employee and the terms and conditions of employment.			
A letter of motivation from the employer why a citizen/resident could not fill the position, accompanied by documentary proof of efforts made to obtain the services of a citizen/resident.			
Particulars of unsuccessful candidates.			
Proof of qualifications evaluated by the South African Qualifications Authority.			
Proof of registration with the professional body/board, if applicable.			
Proof of experience and skills in line with the job offer.			
The employer to submit a certification from the Department of Labour or an extraction from the database of a salary benchmarking organisation detailing the average salary earned by employees fulfilling similar positions in the Republic.			

	Attached	
	Y	N

In respect of an exceptional skills work permit.

A comprehensive curriculum vitae together with testimonials from previous employers.			
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.			
Any other proof to substantiate exceptional skills or qualifications, such as publications and testimonials.			
Completion of the relevant sections of the application form by the prospective employer, if already in possession of a job offer.			
Proof that the exceptional skills shall add value to the South African situation in which the person shall operate.			

In respect of an intra-company transfer work permit:

A letter from the company abroad confirming that the foreigner will be transferred to a branch/affiliated South African company.			
--	--	--	--

	Attached		
	Y	N	
Letter from the South African company confirming the transfer 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.			
Completion of the relevant sections of the application form by the prospective employer.			

In respect of a work permit under a corporate permit:

A corporate worker authorisation certificate form BI-1733 from the employer.			
A valid employment contract.			

In respect of a work permit for a corporate worker in terms of an agreement with a foreign state:

A passport valid for not less than 30 days after the expiry date of the intended stay.			
A duly completed BI-1733 Corporate Worker Authorisation certificate submitted by the employer.			

	Attached		
	Y	N	
A valid employment contract, which has been entered into and attested to in the contract worker's country of origin, for a maximum period of 18 months.			
A full set of fingerprints, if required.			

In respect of a work permit for a corporate worker doing seasonal labour:

A passport valid for not less than 30 days after the expiry date of the intended stay.			
A duly completed BI-1733 (Corporate Worker Authorisation certificate submitted by the employer.			
A valid employment contract, which has been entered into and attested in the contract worker's country of origin, for a maximum period of 12 months.			
A full set of fingerprints, if required.			

In respect of a retired person:

	Attached	
	Y	N
Proof of a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising a minimum prescribed amount per month per retired person.		
Should the applicant wish to work he/she must comply with all the requirements of a general work permit.		

In the case of a learning institution in the Republic in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange programme:

A letter from the Department of Education or the learning 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.		
A letter from the organ or learning institution of the foreign state, confirming the particulars of the student, the student's enrolment with a learning institution abroad, as well as the date on which study will commence.		

In the case of an organ of state in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange program:

	Attached		
	Y	N	
A letter from the organ of state confirming the existence of the exchange programme.			
A letter from the foreign learning institution confirming the enrolment of the applicant or a letter from the organ of the foreign state conducting the programme, as the case may be.			

In respect of an exchange work programme permit:

Offer of employment detailing the terms, conditions and duration of the intended employment and certifying that the applicant's remuneration will comply with applicable legal requirements and the employers undertaking to provide for the welfare and needs of the applicant.			
Completion of the application form.			

In respect of a treaty permit:

	Attached		
	Y	N	
A letter from the relevant organ of State attesting to - the nature of the program and the treaty under which it is conducted; - the fact that the relevant foreigner participates in such program; - the type of activities which the foreigner is expected to perform under such program; and - the duration thereof.			

In respect of a relative's permit:

Proof of foreigner being a member of the immediate family of the sponsoring citizen or resident.			
Proof by means of salary advice or bank statement that the sponsoring citizen or permanent resident has R5 000 per month per person, which amount shall not apply in the case of a spouse or minor child of the citizen/resident.			

In respect of an application for a work permit (as specified below):
--

Separate sheets may be attached if the space provided is insufficient to include full information/ motivation.

Offer of employment for all work permits.

Name of Company/Organisation						
Physical address:			Mailing address:			
Telephone number: (code) (Number)			Facsimile number: (code) (number)			
Employer's business registration number:			Employer's tax reference number:			
If a subsidiary, give name of principal company, nature of business conducted and location.						
Number of employees:						
Category	Key personnel	Management	Professional	Clerical	Unskilled	Other (specify)
SA Citizens						
Residents						
Holders of temporary work permits						
The position offered has been vacant since:						

If a newly created position, details:
The position was brought to the attention of the applicant by the following means:

Recruitment and interviewing of citizens or permanent residents to fill the position:

The Department of Labour was approached:	No		Yes		Branch:
Salary benchmarking organisation was approached	No				Organisation:
Employment agencies were approached:	No		Yes		Agencies:
Media advertisement in:(name of publication) on (date).....					

Full details of the outcome to the above and reasons why suitable qualified local candidates were not appointed:

.....

Does the applicant possess any special skills that have been tested by you and make him or her the most suitable candidate for that position:

No ? Yes ?

Details

.....

.....

.....

.....

Additional motivation to support the selection of a foreign candidate:
--

.....

.....

.....

Details of offer made to applicant:

Title of occupation to be followed :	
.....	
Nature of offer	
.....	
.....	
For a period of	weeks/months/years
Salary offered: R	per month

Additional benefits, if any:
Summary of duties
Preferred date of commencement of employment

Declaration by employer

I, (name(s) and
 surname) (ID number) in my capacity as
 of the abovementioned company/organisation, hereby undertake
 full responsibility for the abovenamed applicant, as well as his or her deportation
 costs if and when required. I declare that I am authorised to make this offer of
 employment on behalf of the aforesaid company/organisation, that this offer is
 made in good faith and will be honoured and that the above information provided
 by me are true and correct. I, furthermore, undertake to ensure that the applicant
 will comply with the Act and the Regulations made thereunder and to notify the
 Department if the applicant is no longer employed or employed in another
 position.

.....

Signature of employer

.....

Signature of witness

Signed at (place) on this the day of
..... 20..

(B1-1740) **Form 9****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****APPLICATION FOR CHANGE OF CONDITIONS OR STATUS****OF EXISTING PERMIT****[Section 10(6); Regulation 7(9)(c)]**

FOR OFFICIAL USE ONLY	BLOK:
OFFICE OF ORIGIN	
DATE RECEIVED:	MISSION FILE NO
SUBMISSION CHECKED BY/ON:	REGIONAL FILE NO
PASSPORT SEEN/RETURNED BY/ON:	DATE RECEIVED AT REGIONAL OFFICE
FEE: CURRENCY AND AMOUNT:	RECOMMENDED BY:
FEE RECEIVED BY/ON:	APPROVED/REJECTED BY
RECEIPT NO:	DECISION CARRIED OVER

REASON/S FOR DECISION:

IMPORTANT:

- ?? Foreigners are obliged, by law, to apply for the correct status prior to arrival in the Republic and good cause must exist necessitating a change of status. Applicants will not be allowed to change status or sojourn in the Republic through misrepresentation.
- ?? If the validity of your permit has already expired, you are in contravention of the Immigration Act, 2002 and guilty of an offence and on conviction, liable to a fine or to imprisonment. In terms of section 43 of the Act, you are obliged to depart from the Republic. On the back of this form you may give reasons why criminal charges should not be brought against you.
- ?? All relevant documents specified in this application must be provided with the application unless already submitted with the original application.
- ?? Applying for a change of status does not provide you with a status in terms of the Act.
- ?? When applicable, the Department may request you to renew any of the documentation or certification on which the issuance of your original permit was based.
- ?? In the case of a foreigner changing his or her status whilst in the Republic, that foreigner shall comply with the requirements for the relevant permit as contemplated in Form 8.

PARTICULARS OF APPLICANT:

Surname/Family name	Forenames	Date of birth
Presently residing at:		
Home telephone No:	(code)	(number)

PASSPORT DETAILS:

Passport number:	Country of issue:
Date of issue:	Valid until:
If you have any other identity document issued by your government, provide details:	
Type of document:	Number: Expiry date:

DETAILS OF ORIGINAL PERMIT, AS ISSUED TO YOU PRIOR TO OR ON ARRIVAL
IN SOUTH AFRICA:

Date of entry	Permit No:
Place of entry:	Date of expiry:
Purpose of entry:	

DETAILS OF ANY PERMIT ISSUED TO YOU SUBSEQUENTLY, OR THE MOST RECENT RENEWAL THEREOF:

Type of permit:	
Issued at	Reference number
Date of issue/ renewal: / /	Date of expiry: / /

I HEREBY APPLY TO:

*Change the status of my above-mentioned permit to that of a permit;
*Change the conditions of my above-mentioned permit as follows
*Change my employer from Name of present employer/organization:..... Occupation/capacity employed in:..... To the employer and capacity set out below. A letter of release from my previous employer/organisation in the Republic is attached.
*Delete whichever is not applicable

SECURITY/HEALTH QUESTIONNAIRE

Have you or any of your dependants ever been convicted of any crime in any country? Yes ? No ?

Is a criminal action pending against you or any of your dependants in any country? Yes ? No ?

Are you or any of your dependants suffering from tuberculosis, any other infectious or contagious disease? Yes ? No ?

Have you ever been declared insolvent? Yes ? No ?

If yes, have you been rehabilitated? Yes ? No ?

Have you ever been judicially declared incompetent? Yes ? No ?

Have you been a member or an adherent to an association or organisation utilising or advocating crime or terrorism to pursue its goals? Yes ? No ?

Furnish full particulars if the reply to any of these questions is in the affirmative:

.....

ANY ADDITIONAL MATTERS YOU WISH TO BRING TO THE DEPARTMENT'S ATTENTION

.....

DECLARATION BY APPLICANT

I acknowledge that I understand the contents and implications of this application.

I solemnly declare that the above particulars provided by me are true and correct.

.....

Signature of applicant

.....

Signature of witness

Signed at (place) on this the day
of.....20..

THE FOLLOWING SUPPORTING DOCUMENTS MUST ACCOMPANY AN
APPLICATION IN RESPECT OF ALL THE CATEGORIES OF TEMPORARY
RESIDENCE PERMITS, EXCEPT MEDICAL TREATMENT PERMITS AND
CORPORATE PERMITS:

	Attached	
	Y	N

	Attached		
	Y	N	
Passport valid for no less than 30 days after expiry of the intended visit.			
Medical and radiological reports.			
Unabridged birth certificate in respect of each minor dependent child accompanying applicant.			
Marriage certificate, or in the case of life partnership concluded abroad, proof of official recognition thereof issued by the authorities concerned.			
In the case of a spousal relationship between a foreigner and a South African citizen or permanent resident, or between two foreigners having concluded the relationship in the Republic, the affidavit (BI-1712A form), as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.			
Divorce decree.			
Proof of court order awarding custody / guardianship.			
Death certificate, in respect of deceased spouse.			

	Attached		
	Y	N	
Written consent from parent(s) / guardian(s), or in the case of one parent having sole custody, proof thereof.			
Proof of legal adoption.			
Separation order.			
Police clearance certificate.			
A yellow fever certificate.			

In respect of a study permit:

An official letter of provisional enrolment from the institution of learning concerned outlining the course or academic programme, confirming the applicant's compliance with all admission requirements, including any applicable language proficiency requirements, and proof of sufficient funds to cover tuition fees, maintenance and incidental costs.			
In the case of a minor, written permission by parent(s) / guardian(s), or sole custodian, provided that relevant documentation proving sole custody is produced.			
The particulars of the person(s) in the Republic who will act as the learner's guardian and a confirmatory letter from him or her.			

Proof of South African medical cover.			
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In respect of a business permit to establish a business or to invest in an existing business venture:

Certification by a chartered accountant that at least R2,5 million in cash originating from abroad or a capital contribution of at least R2,5 million, or at least R2 million originating from abroad and a capital contribution of at least R500 000 is available to be invested as part of the book value of the business.			
A business plan outlining the feasibility of the business, both in the short and long term.			
Proof of entrepreneurial skills.			
Proof of the export potential of the business, where applicable.			
Proof that the business shall contribute to the geographical spread of economic activity.			
Proof that at least 5 citizens or residents will be permanently employed.			
Where the application is in respect of an investment in an existing business; written partner agreements containing full details of the partners/directors and their residential status in the Republic.			
Proof of registration with the Registrar of Companies, in the case of an existing business.			

Shareholder or partnership agreements.			
Undertaking to register with the appropriate statutory body, required by the nature of the business.			
In the case of an existing business, audited financial statements proving viability of the business.			
An undertaking to comply with the registration requirements of any law administered by SARS.			

In respect of a medical treatment permit:

A valid passport.			
Proof of financial means to cover day to day needs of persons accompanying medical permit holder, if any, in the form of bank statements, salary advices, if available, and / or travellers' cheques.			
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 in the Republic.			
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.			
Particulars of persons accompanying such permit holder.			

In the case of a visitor's permit

Proof of cohabitation or residence by an applicant who is the spouse or dependant child of the holder of a permit issued in terms of sections 13, 14, 15, 17, 19, 20, 21 and 22 of the Act.			
Statement or documentation confirming the purpose and duration of the visit.			
Proof of academic sabbatical.			
Proof that non-remunerative voluntary or charitable activities will be undertaken.			
Documentation in support of research to be undertaken.			
Proof of sufficient funds for subsistence during period of visit.			
Proof of marriage or spousal relationship with a South African citizen or permanent resident.			
Proof that the applicant is staying or cohabiting with a person who is the spouse or dependent child of the holder of a valid permit issued in terms of sections 13, 14, 15, 17, 19, 20, 21 and 22 of the Act.			

In respect of quota work permit:

Proof of necessary qualifications as certified by the South African Qualifications Authority, including authenticated copies of academic certifications or degrees.			
Proof of registration with professional body, board or council.			

In respect of a general work permit:

A contract of employment containing the signatures of both the employer and employee and the terms and conditions of employment.			
Original press clipping of advertisement			
Particulars of unsuccessful candidates.			
A letter of motivation from the employer accompanied by documentary proof of efforts made to obtain the services of a citizen/resident.			
Proof of qualifications evaluated by the South African Qualifications Authority.			
Proof of registration with the professional body, board or council.			
Proof of experience and skills in line with job offer.			
Certification from the Department of Labour or an extract from the database of a salary benchmarking organisation detailing the average salary earned by employees fulfilling similar positions in the Republic.			

In respect of an exceptional skills work permit:

A comprehensive curriculum vitae accompanied by testimonials from previous employers.			
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.			
Any other proof to substantiate exceptional skills or qualifications, such as publications and testimonials.			
Proof that the exceptional skills would add value to the South African environment in which the person intends to operate.			

In respect of an intra-company transfer work permit:

Foreigner's contract of employment with company abroad			
A letter from the company abroad confirming that the foreigner will be transferred to a branch or affiliated South African company.			
Letter from the South African company confirming the transfer of the foreigner from the company abroad, as well as specifying the occupation and capacity in which the foreigner shall be employed.			

In respect of a work permit under a corporate permit:

A corporate worker authorisation certificate (BI-1733 form) from the employer.			
A valid employment contract.			

In respect of a work permit for a corporate worker in terms of an agreement with a foreign state:

A passport valid for not less than 30 days after the intended date of departure.			
A duly completed Corporate Worker Authorisation certificate (BI-1733 form) submitted by the employer.			
A valid employment contract, which has been entered into and attested to in the contract worker's country of origin, for the period determined in the agreement.			
A full set of fingerprints.			

In respect of a work permit for a seasonal worker:

A passport valid for not less than 30 days after the intended date of departure.			
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A duly completed Corporate Worker Authorisation certificate (BI-1733 form) submitted by the employer.			
A valid employment contract, which has been entered into and, in the case of a bilateral agreement, attested to by the authorities in the applicant's country of origin.			
A full set of fingerprints.			

In respect of a retired person:

Proof of a pension or an irrevocable retirement annuity of R15 000 or a net worth or a combination of assets realising a minimum of the same amount per month per retired person.			
---	--	--	--

In respect of an exchange permit where the exchange is administered by an organ of state or a learning institution in the Republic in conjunction with a foreign learning institution or an organ of a foreign state:

Letter from the Department of Education or the learning 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 accept full responsibility for the student whilst he or she is in the Republic.			
A letter from the organ or learning institution of the foreign state, confirming the particulars of the student, the student's enrolment with a learning institution abroad, as well as the date on which study will commence.			

In respect of an exchange permit where the exchange is administered by an organ of state in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange program:

A letter from the organ of state confirming the existence of the exchange programme.			
A letter from the foreign learning institution confirming the enrolment of the applicant or a letter from the organ of the foreign state conducting the programme, as the case may be.			

In respect of an exchange permit to conduct work:

Offer of employment detailing the terms, conditions and duration of the intended employment, certifying that the applicant's remuneration will comply with applicable legal requirements and the employers undertaking to provide for the welfare and needs of the applicant.			
---	--	--	--

In respect of a treaty permit:

A letter from the relevant organ of State attesting to the nature of the program and the treaty under which it is conducted; - the fact that the relevant foreigner participates in such program; - the type of activities which the foreigner is expected to perform under such program; and - the duration thereof.			
--	--	--	--

In respect of a relative's permit:

Proof of kinship between foreigner and citizen or permanent resident in the form of unabridged birth certificates.			
Proof by means of salary advice or bank statement that the sponsoring citizen or permanent resident has an amount of R5 000 per month per person, which amount shall not apply in the case of a spouse or minor child of the citizen or permanent resident.			

In respect of an application for a work permit:

Offer of employment for all work permits and exchange permit to conduct work:

Title of Company/Organisation						
Physical address:			Postal address:			
Telephone number: (code) (Number)			Facsimile number: (code) (number)			
Employer's business registration number:			Employer's tax reference number:			
If a subsidiary, give name of principal company, nature of business conducted and location.						
Number of employees:						
Category	Key personnel	Management	Professional	Clerical	Unskilled	Other specify
SA Citizens						
Permanent residents						
Holders of temporary work permits						
The position offered has been vacant since:						

If a newly created position, details:
The position was brought to the attention of the applicant in the following manner:

Recruitment and interviewing of citizens or permanent residents to fill the position (only applicable in the case of a general work permit):

The Department of Labour was approached:		Yes	No	If yes, branch
Salary benchmarking organisation was approached		Yes	No	If yes, specify
Employment agencies were approached:		Yes	No	If yes, agencies:
Media advertisement in: (name of publication)				
Date of publication:				
Note: The original press clipping measuring at least 60 mm x 60 mm in size reflecting the full particulars of the relevant newspaper or specialist magazine, the dates on which the advertisement appeared, stipulating the minimum qualifications and experience required, the position offered, the duties to be performed and the closing date for the application, must be affixed to an original official letterhead (which should include details of the directors or owner members of the business) and be submitted with the application. Relevant copies of replies received from the Department of Labour or salary benchmarking organisation and employment agencies.				

Full details of the outcome to the above and reasons why suitable qualified local candidates were not appointed:

.....

Does the applicant possess any special skills that have been tested by you and which make him or her the most suitable candidate for that position:

Yes ? No ?

Details

.....

Additional explicit motivation to support the selection of a foreign candidate:

.....

Details of offer made to applicant:

Title of occupation to be followed:
Nature of offer:

For a period of weeks/months/years
Salary offered: R.....per month
Additional benefits, if any:
Summary of duties
Preferred date of commencement of employment

Declaration by employer:

I, (name(s)
and surname) (ID number) in my capacity as
..... of the abovementioned company/
organisation, hereby undertake full responsibility for the abovenamed applicant,
as well as his or her deportation costs if and when required. I declare that I am
authorised to make this offer of employment on behalf of the aforesaid company
or organisation, that this offer is made in good faith and will be honoured and that
the above information provided by me is true and correct. I furthermore
undertake to ensure that the applicant will comply with the Act and the

Regulations made thereunder, and to notify the Department if the applicant is no longer employed by me or employed in another position.

.....

Signature of employer

.....

Signature of witness

Signed at (place) on this the day of
 20..

(BI-1739) **Form 10****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****APPLICATION FOR RENEWAL OF EXISTING****TEMPORARY RESIDENCE PERMIT****[Section 10(7); Regulation 7(9)(c)]**

FOR OFFICIAL USE ONLY	Mission file no:	BLOK:
Office of origin	Regional file no:	
Date received:	Date forwarded to Regional Office:	
Submission checked by..... on	Date received at Regional Office:	Remarks:
Passport seen and returned by on	Recommended by on	
Fee: Currency and amount:	Approved by on	

Fee received by on	Decision conveyed by onper		
Receipt No:	Letter	Facsimile	Other
Reason(s) for decision			

IMPORTANT:

- ?? The representatives of employers or heads of educational institutions must complete this form in support of applications for continued employment or study in the Republic.
- ?? The required documents as specified in the application must accompany the application.
- ?? If the initial employment contract has lapsed a new contract and all documentation required from the employer under a first work permit application must be submitted.
- ?? The Department may request you to renew any of the documentation or certification on which the issuance of your original permit was based.

PARTICULARS OF APPLICANT:

Surname/Family name		First names	Date of birth
Presently residing at:			
Home telephone No:	(code)	(number)	

PASSPORT DETAILS:

Passport number:	Country of issue:
Date of issue:	Valid until:
If you have any other identity document issued by your government, provide details:	
Type of document:	Number: Expiry date:

DETAILS OF ORIGINAL PERMIT, AS ISSUED TO YOU PRIOR TO OR ON
ARRIVAL IN SOUTH AFRICA:

Date of entry	Permit No:	Type of permit
Place of entry:	Date of expiry:	
Purpose of entry:		

DETAILS OF ANY PERMIT ISSUED TO YOU SUBSEQUENTLY, OR THE MOST RECENT RENEWAL THEREOF:

Date of permit:	Issued at:
Date of issue/renewal: / /	Date of expiry: / /

A permit is required until/...../..... for purposes of (state reason(s) for request)

.....

.....

DECLARATION BY APPLICANT

I acknowledge that I understand the contents of this application and solemnly declare that the above particulars provided by me are true and correct.

.....

Signature of applicant

.....

Signature of witness

Signed at.....this.....day
of.....20.....

DECLARATION BY AUTHORISED REPRESENTATIVE OF EMPLOYER OR
HEAD OF EDUCATIONAL INSTITUTION:

I.....

(full name and surname), (ID number)

in my capacity as

for and on behalf of the company, organisation or institution known as

.....

.....

located at

.....

.....

telephone number: (code.....).....

fax number: (code.....)....., hereby solemnly

declare that:

To be completed by the relevant employer in respect of the renewal of a work
permit on an existing contract

The applicant is still in my employ and he or she is required to complete his or
her initial contract valid until..... in the capacity of

..... at a salary of

R..... per month.

His or her company employee number is and tax reference number is

To be completed by the prospective employer in respect of the renewal of a work permit on a new contract

I wish to employ the applicant in the capacity offor the period of at a salary of R..... per month.

In respect of general work permits, details of efforts made to obtain the services of a suitably qualified citizen or permanent resident to replace the applicant, as well as motivation to justify the retention of the services of the applicant, with corroborating documentation, must be affixed:

.....

To be completed by the head of the relevant institution in respect of an application for a subsequent study permit for a scholar or a student

The learner is in grade or the student is in the
..... year of his or her studies for
a.....degree/diploma/certificate.

Proof of medical cover is attached.

.....

.....

Signature of the representative of the employer or head of Institution

Signed at this

day of 20.....

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR VISA OR TRANSIT VISA

[Section 7(1)(g) read with section 10A and 10B; Regulation 8(1)]

Failure to complete this application form in full may result in the visa being delayed or refused.

Please use block letters and black ink only.

PERSONAL PARTICULARS

urname																												
st names (in full)																												
iden name																												
	Y Y Y Y M M D D																											
te of birth									City of birth																			
untry of birth																												
nder	Male				Female																							

tionality		If acquired by naturalisation, state original nationality
d where and when present nationality was obtained		
tails of passport: Number	Issuing authority	
Date of expiry		
	Type of document	
resent address		
riod resident at this address	Telephone number	
untry of permanent residence	Period resident in that country	
cupation or profession		
ne and address of employer, university, organisation, etc. to which you are attached, attend or which you resent:		
elf-employed, state name and nature of business:		

Marital status	Never married			Married			Widowed			Separated			Divorced	
----------------	---------------	--	--	---------	--	--	---------	--	--	-----------	--	--	----------	--

[illegible][illegible]

th date of spouse

--	--	--	--	--	--	--	--

Nationality of spouse.....

SEPARATE FORMS MUST BE COMPLETED IN RESPECT OF PERSONS OVER THE AGE OF 16 AND CHILDREN UNDER THE AGE OF 16 TRAVELLING ON THEIR OWN PASSPORTS.

Particulars of children accompanying you and endorsed on your passport			
Surname	First names	Date of birth	Place of birth
.....			
.....			
.....			
.....			

VISIT TO SOUTH AFRICA

Expected date of admission to or arrival in the Republic: Y..... M.....D.....
Port of arrival:.....
Purpose of visit

.....

Duration of stay (months, weeks or days)

.....

Proposed residential address (not P O Box number) in RSA, including the full names of your host or hostess

.....

.....

Names of organisations or persons you will be contacting during your stay in the Republic:

Name	Address	Relationship
.....		
.....		
.....		

Identity document number or permanent residence permit number of South African host

.....

Indicate by means of an X whichever is applicable

Have you at any time applied for a permit to settle permanently in South Africa?

YES		NO
-----	--	----

Have you ever been restricted or refused entry into South Africa?

YES		NO
-----	--	----

Have you ever been deported from or ordered to leave South Africa?

YES		NO
-----	--	----

Have you ever been convicted of any crime in any country?

YES		NO
-----	--	----

Is a criminal action pending against you or any of your dependents in any country?

YES		NO
-----	--	----

Are you an unrehabilitated insolvent?

YES		NO
-----	--	----

Are you suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency?

YES

NO

Have you ever been judicially declared incompetent?

YES

NO

Are you or have you been a member of or an adherent to an association or organization utilizing or advocating crime or terrorism to pursue its goals?

YES

NO

Give particulars if reply to one or more of the questions above is in the affirmative.....

.....

TO BE COMPLETED ONLY BY PASSENGERS IN TRANSIT TO A FOREIGN COUNTRY

Destination after leaving the Republic

.....

Mode of travel to destination

.....

Intended date and port of departure from the Republic to that destination

.....

Do you hold a visa or permit for temporary or permanent residence in the country of your destination? (Proof must be submitted)

.....

I SOLEMNLY DECLARE THAT THE ABOVE PARTICULARS PROVIDED BY ME ARE TRUE IN SUBSTANCE AND IN FACT AND THAT I FULLY UNDERSTAND THE MEANING THEREOF. I FURTHER DECLARE THAT I DO NOT CONTEMPLATE CHANGING THE PURPOSE OF MY VISIT WHILST IN THE REPUBLIC.

.....	
Date	Signature of applicant

FOR OFFICIAL USE

Recommendation by or on	Approved by or on	Type of visa
Reasons for decision		

Surname

Male	
------	--

Female	
--------	--

First name/s (in full)
.....

Address:

Identity No#

--	--	--	--	--	--	--	--

--	--	--	--

 Or

--	--	--

Passport No Nationality Date of birth
 Date of first entry into the Republic type of permit
 Being a widowed/unmarried/divorced person*

and

(particulars of foreigner)

Surname	Male 	Female
First name/s (in full)		
Address :		
Passport No(Attach copy of passport containing photograph)		
Date of BirthPlace of Birth		
NationalityDate of first entry into South Africa		
#.....Type of residence permit held #.....		
Being *a widowed/unmarried/divorced person		

do hereby *make oath and say/hereby solemnly affirm

***Delete whichever is not applicable**

#If applicable

We are parties to a *homosexual/heterosexual spousal relationship for the past years months* which is intended to be permanent and to the exclusion of any other person from our relationship. Our relationship involves cohabitation and a reciprocal obligation to support one another financially. Neither of us are partners to a marriage or in a spousal relationship with any other person.

To substantiate our relationship we attach documentation proving cohabitation and the extent to which the related financial responsibilities are shared by us.

We are the parents of the following children.

Name of Child	Age	Name of Mother of Child	Name of father of Child

.....

Signature of citizen or permanent or temporary residence permit holder

.....

Signature of foreign spouse

Thus signed and sworn/solemnly affirmed* before me on this day of
20....

.....

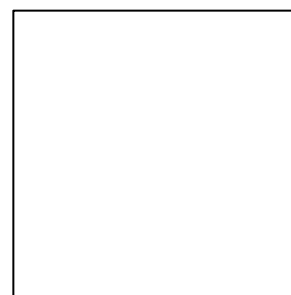
OFFICE STAMP

COMMISSIONER OF OATHS

Full names:

Capacity:

Place:



***Delete whichever is not applicable**

**PART B: TO BE COMPLETED IN ORDER TO DEMONSTRATE THAT THE
 SPOUSAL RELATIONSHIP CONTINUES TO EXIST:**

We, the undersigned,

(particulars of citizen / permanent resident / foreigner on a temporary residence
 permit*)

Surname	Male		Female	
---------------	------	--	--------	--

First name/s (in full)

.....

Address:

Identity No#

--	--	--	--	--	--	--	--

--	--	--	--

--	--	--

Or

Passport No Nationality Date of birth

.....Date of first entry into the Republic type of permit

.....Being a widowed/unmarried/divorced person*

and

(particulars of foreigner)

Surname

.....

Male

--	--

Female

--	--

First name/s (in full)

.....

Address :

Passport No(Attach copy of passport containing photograph)

Date of BirthPlace of Birth

NationalityDate of first entry into South Africa

#.....Type of residence permit held #.....

Being a widowed/unmarried/divorced person*

We hereby make oath and say / solemnly affirm

On (date) we deposed to an affidavit confirming that we are parties to a spousal relationship.

We are not married and the spousal relationship mentioned in the preceding paragraph still subsists with all the characteristics mentioned in part A of this form.

We are the parents of the following children.

Name of Child	Age	Name of Mother of Child	Name of father of Child

.....

*Signature of citizen or permanent residence holder

.....

*Signature of temporary residence permit holder

.....

Signature of foreign spouse

Thus signed and *sworn/solemnly affirmed before me on this day of
20....

.....

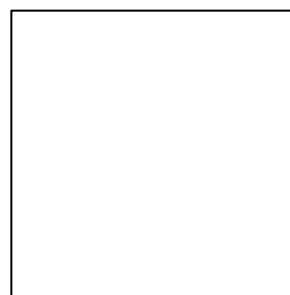
OFFICE STAMP

COMMISSIONER OF OATHS

Full names:

Capacity:

Place:



***Delete whichever is not applicable**

(B1-1743) Form 13

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

APPLICATION FOR CORPORATE PERMIT

[Section 7(1)(g) read with section 21; Regulation 18(1)(a)]

FOR OFFICIAL USE ONLY	BLOK
DATE RECEIVED	FILE NO
APPLICATION CHECKED BY	ON
APPLICATION FEE AMOUNT	RECEIPT NO
PROCESSED/AUTHORISED..... RECOMMENDATION.....DECISION:.....	
NO OF CORPORATE WORKER AUTHORISATION CERTIFICATES ISSUED:	
REASON/S FOR DECISION:.....	

BACKGROUND DETAILS OF CORPORATE APPLICANT TO EMPLOY

FOREIGNERS

Name of Company/Organization:	
Contact person:	E-mail address:
Physical address:	Postal address:
Telephone number: (code) (number)	Facsimile number: (code) (number)
Employer's business registration number:	Employer's tax reference number:
If a subsidiary, name of principal company and its location:	
Nature of business conducted:	Total no of workers employed:
THE ABOVE-MENTIONED COMPANY OR ORGANISATION HEREBY APPLIES FOR A CORPORATE PERMIT TO EMPLOY FOREIGNERS	

Type of position:	No of workers:
Type of position:	No of workers:
Type of position:	No of workers:

REQUIREMENTS

Corroborated representation demonstrating the need to employ the requested number of foreigners in the job descriptions set out under 2 above, the number of citizens and permanent residents employed and their positions.	Yes	No	Comments:
An undertaking to comply at all times with the provisions of the Act, the regulations and the conditions of the permit.	Yes	No	
Cash deposits or guarantees.	Yes	No	
Pro forma type of employment contract.	Yes	No	

CONSULTATION

Has the Department of Labour been consulted in respect of this application? (If so, attach relevant documentation).	Yes	No	Comments: (Add additional sheet if required)
Has the Department of Trade and Industry been consulted in respect of this application? (If so, attach relevant documentation).	Yes	No	
If no consultation has taken place, or the applicant wishes to refer the Department to specific offices or officials of the Department of Labour and/or Trade and Industry, please provide the relevant indication, which shall not be binding on the Department, in a separate sheet.			

UNDERTAKING BY CORPORATE APPLICANT

I (full name(s) and surname) (ID number)
 in my capacity as..... of the abovementioned company
 or organisation, understand that the implementation of a corporate permit is a
 partnership between the corporate applicant and the Department to ensure
 compliance with the provisions and objectives of the Act and that the corporate
 permit issued to me may be terminated in case of breach of this undertaking.

I solemnly declare that I am authorised to make this application and to accept
 the obligations it involves on behalf of the aforesaid company or organisation.

I certify that the information contained in this application is true and correct and
 undertake to?

- accept full responsibility for the foreigners to be employed;
- ensure that any foreigner employed in terms of a corporate permit issued to me
 duly completes the application and that he or she holds a passport valid for not
 less than 30 days after the expiry date of his or her intended stay;
- inform the Department if any such foreigner is no longer in compliance with the
 Act, employed by me or employed in a different capacity;
- accept responsibility for the removal of any foreigner employed in terms of this
 permit to his or her country of residence on expiry of his or her contract.

Signature of corporate applicant or employer:

Signature of witness:

Signed at on this day of
 20...

(B-) Form 14

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

CORPORATE PERMIT

[Section 7(1)(g) read with section 21(1); Regulation 18(2)(a)]

Name of corporate permit holder	Departmental reference number
PHYSICAL ADDRESS (also include the affected branches, affiliated offices and subsidiaries of the corporate in the Republic)	

In terms of section 21 of the Act the abovementioned corporate permit holder is hereby authorised to issue a total of corporate worker authorisation certificates attached hereto and numbered to

Duration of employment					
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	

Duration may be expressed in months or years. The duration of employment runs from date of the worker's first entry into the Republic and relates to the period this authorisation is in force, during which time this authorisation may be used to employ subsequent workers in the same position. This permit may be issued for open-ended durations.

*In the case of seasonal workers, workers may be employed from to every year, or until year 20.., or for year 20.. only.

*In the case of workers employed in accordance with an agreement with a foreign state referred to in section 21(4)(b) of the Act, those workers must be citizens of

*In the case of semi-skilled and skilled workers, general work permits must be obtained prior to proceeding to the relevant port of entry.

The abovementioned worker(s) must be admitted at the border post or port of entry.

Location of employment					
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	
Type of position		*Duration		Number of workers	

.....

Regional Director

.....

Date

***Delete whichever is not applicable**

Official stamp

(BI-1733) **Form 15****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****CORPORATE WORKER AUTHORISATION CERTIFICATE****[Section 7(1)(g); Regulation 18(2)(b)]****CERTIFICATE NO.:**

This authorisation entitles the following foreign national, hereinafter referred to as the **CORPORATE WORKER**, to approach the South African Mission/South African Department of Home Affairs with a contract of employment signed by both parties, to obtain a work permit valid for..... as a corporate worker to be employed by, hereinafter referred to as the **CORPORATE EMPLOYER**.

Surname :

Name:

Date of birth:

Nationality:

Occupation:

Contact person of Corporate Employer:

Contact Tel :

Position:.....

Division:

Signature :

On receipt of a work permit the **CORPORATE WORKER** shall return this authorisation to the **CORPORATE EMPLOYER** for safekeeping with the **CORPORATE WORKER'S** employment records.

The validity of this authorisation is subject to the following conditions:

- (a) It entitles the corporate worker to work for the corporate employer including its affiliates, branches and subsidiaries and in the above-mentioned position only, and does not entitle the corporate worker to engage in any other form of employment or self-employment;
- (b) the corporate employer and corporate worker undertake to ensure that the corporate worker is at all times in possession of a passport valid for not less than 30 days after the expiry date of the intended stay;
- (c) the corporate employer undertakes to immediately notify the Department if it has reason to believe that the corporate worker is no longer in compliance with section 21(b)(i) of the Act or when the corporate worker has left its employ;
- (d) the corporate employer ensures the departure of the corporate worker from the Republic on completion of his or her tour of duty; and

- (e) the corporate worker employed in terms of an inter-governmental agreement or for seasonal labour may not renew his or her permit or apply for a change of status in the Republic.

.....

DIRECTOR-GENERAL: HOME AFFAIRS



To the Department

At

It is hereby confirmed that the above **CORPORATE WORKER** has either?

(a)*departed from the Republic;

(b)*is no longer in compliance with the Act because

.....; or

(c)*is hospitalised or deceased.

The Department is hereby requested to exchange this authorisation certificate for another certificate for the following foreign national:

Surname:

Name:

Date of birth:

Passport number:

Nationality:

Occupation:

Official stamp of Company

.....

CORPORATE EMPLOYER

Surname:

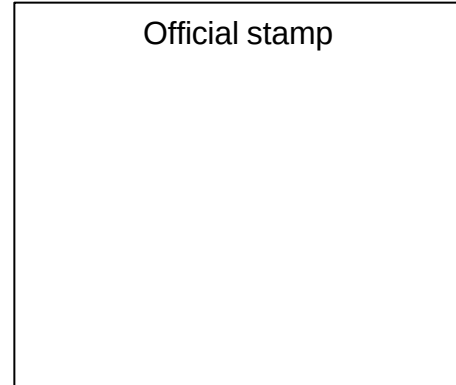
Name:

*Certificate cancelled / new worker's authorisation certificate no

..... issued.

.....

DIRECTOR-GENERAL: HOME AFFAIRS



***Delete whichever is not applicable**

(BI) Form 16**DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****PROGRESS REPORT BY ORGAN OF STATE OR LEARNING INSTITUTION****REGARDING EXCHANGE PROGRAMME****[Section 7(1)(g) read with section 22(a); Regulation 19(3)]**

Name and address of organ of state or learning institution:

.....
.....
.....

Telephone no.:

Fax no.:

Contact person:

Designation:

I hereby report that the exchange programme *has been completed/is ongoing.

During the calendar year of the following foreigners participated in the
programme in the Republic.

Type of programme	Country of origin	Number of Foreigners

During the year the following foreign participants failed to complete the exchange programme:

Name	Date of birth	Passport no

.....

Signature of designated person

.....

Date

***Delete whichever is not applicable.**

(Bl-) Form 17

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR ASYLUM TRANSIT PERMIT

[Section 7(1)(g) read with section 23(1); Regulation 20]

I, the undersigned (surname)
 (name(s))
(date of birth) (nationality)
 (gender) from (country of
 residence) (city or town)

 (previous residential address), herewith submit the following as proof of
 my identity (eg passport, identity document, travel document, birth certificate,
 school certificates, driver's license or other)

I furthermore declare that?

?? I am seeking asylum in the Republic;

?? I crossed the border(s) of the following country(ies) on
 prior to my arrival at this border post;

?? I *have/have not previously applied for asylum in the Republic.

I understand that if I have made a false statement I shall be guilty of an offence and liable on conviction to a fine or imprisonment, and in terms of section 48 of the Act not be allowed to sojourn in the Republic.

I understand that I must report to a designated Refugee Reception Office within 14 days to complete an asylum seeker's application, that my permit to report to a Refugee Reception Office may not be renewed and that upon expiry thereof, I shall be an illegal foreigner.

.....

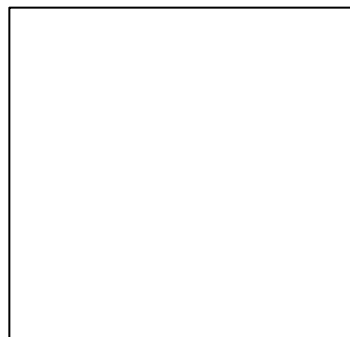
Signature of applicant

.....

Date



Left thumb print



Photograph

Note: If the asylum seeker is accompanied by dependents, their names, surnames, gender and dates of birth must be indicated on the reverse side of this

form and the left thumb print and photograph of each person accompanying that asylum seeker must also be attached.

.....

Signature of immigration officer

Name(s) and surname:

Date:

Place:

Appointment no.:

Official stamp

***Delete whichever is not applicable**

(BI-947) **Form 18****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****APPLICATION FOR PERMANENT RESIDENCE PERMIT****[Section 25(2); Regulation 22(1)]**

Applicants are required to undergo an interview and for these purposes applicants should arrange for an interview with the nearest South African mission or regional office of the Department before submitting the completed application with the prescribed fee, if applicable.

In the case of married couples or spousal partners, where the spouse is party to this application, both the applicant and the spouse must sign this form and attend the interview.

FOR OFFICIAL USE ONLY**REF NO.....**

LIST OF APPLICANTS

Surname	Forenames	Date of birth	Gender	Relationship	Applicable section of Act	Permit number

Persons interviewed: Applicant ? Spouse ?

Interview report to be attached.

Date of interview and capturing:

Interviewing and capturing officer:

Rank:

Persal no.:

Application presented by (official)

..... (persal no.).

Application considered by (official)
 (persal no.).

Date of consideration:

*Approved/rejected

If rejected, reason(s) for decision:

.....

If conditions have been attached, state conditions:

.....

Official stamp

Signature:

Rank:

Date:

Office:

Details of principal applicant

Title:

Surname:

Name(s):

Maiden name:

Any other former surnames:

Date of birth: Year

--	--	--	--

Month

--	--

Day

--	--

Country of birth:

Nationality at birth:

Present nationality:

Passport no.: Expiry date:

Issuing authority of passport:

Marital status:

Never	☐	Married	☐	Permanent	☐	Divorced	☐	Widowed	☐	Legally	☐
married				spousal						separated	
				relationship							

Type of marriage or spousal relationship:

Civil marriage ? Customary marriage ? Permanent heterosexual/homosexual
relationship ?

Date of conclusion of marriage or notarial contract:

Details of **previous** marriage(s) or permanent spousal relationship(s) (if any):

?? Date and place of *marriage/formalisation of spousal relationship:

.....

?? Date and place of *divorce/separation:

.....

*Details about any custody or maintenance obligations in respect of children from
such marriage(s)/permanent spousal relationship(s):

.....

.....

Present residential address:

Since Year _____ Month _____ Day _____

Postal Address: Suburb:

City: Code:

Tel No: (Home/Cell) (Work)

E-mail address:

Occupation:

Type of temporary residence permit held (if applicable):

Valid until: Issuing office:

Details of principal applicant's parents:

Father:

..... (surname)

..... (name(s))

..... (date of birth)

..... (place of birth)

..... (country)

..... (nationality at birth)

Mother:

..... (surname)

..... (name(s))

..... (date of birth)

..... (place of birth)

..... (country)

..... (nationality at birth)

Details of applicant's spouse:

Title:

Surname:

Name(s):

Maiden name:

Any other former surnames:

Date of birth: Year

--	--	--	--

Month

--	--

Day

--	--

Country of birth:

Nationality at birth:

Present nationality:

Passport no.: Expiry date:

Issuing authority of passport:

Details of **previous** marriage(s) or permanent spousal relationship(s) (if any):

?? Date and place of *marriage/formalisation of spousal relationship:

.....

?? Date and place of *divorce/separation:

.....

Details about any custody or maintenance obligations in respect of children from such *marriage(s)/permanent spousal relationship(s):

.....

.....

Present residential address:

.....

.....

Occupation:

Type of temporary residence permit held (if applicable):

Valid until: Issuing office:

Details of spouse's parents (if spouse is party to this application):

Father:

..... (surname)

..... (name(s))

..... (date of birth)

..... (place of birth)

..... (country)

..... (nationality at birth)

Mother:

..... (surname)

..... (name(s))

..... (date of birth)

..... (place of birth)

..... (country)

..... (nationality at birth)

Detail regarding relatives or friends resident in South Africa

Name	Address	Tel No	Relationship	ID, Permanent or Temporary Residence No

Employment record of applicant (to cover full period of employment)

Name of employer	Address	From (date)	To (date)	Nature of work

Briefly describe present or last duties—

?? of principal applicant:

?? of spouse:

Occupation to be followed in the Republic—

?? of principal applicant:

?? of spouse:

Amount of money to be transferred to the Republic—

?? by principal applicant:

?? by spouse:

Details of pension or private income—

?? of principal applicant:

?? of spouse:

Details of any other assets e.g. property or investments—

?? of principal applicant:

?? of spouse:

Language proficiency

What is your mother tongue?:

What is your proficiency in other languages? (answer “good”, “fair” or “poor”
under the different headings):

English:

Other:

.....

.....

.....

Speak	Read	Write
.....		
.....		
.....		
.....		

**Details of any family members remaining in your country of origin (spouse,
children, parents, sisters, brothers)**

Name	Address	Relationship

Full details of previous and current residence (since 18th birthday or during the last ten years to date)

Principal applicant:

From (Month/Year)	To (Month/Year)	Number and street	City/Town	Country

Spouse:

From (Month/Year)	To (Month/Year)	Number and street	City/Town	Country

Details regarding applicant and (if applicable) spouse and children

The following questions relate to you (the applicant) as well as to your spouse and children (if any) and must be answered “YES” or “NO”.

Have you or any of the persons concerned ever been—

?? convicted of a criminal offence even if such conviction is no longer on record
against you or the persons concerned?

?? declared insolvent?

If yes, have you been rehabilitated?.....

?? the subject of a civil action, including failure to fulfil child maintenance obligations?

?? Will you or any of the persons concerned leave outstanding debts behind on your departure or, if you are already in South Africa, do you have outstanding debts abroad? If so, what arrangements have you made to settle them?
.....

?? Is there a civil or criminal enquiry pending against you or any of the persons concerned?

?? Have you or any of the persons concerned previously applied for permanent residence?

?? Have you or any of the persons concerned ever been refused permanent residence, entry to or been removed or deported from the Republic or any other country?

?? Have you or any of the persons concerned ever previously been in South Africa? If yes, state period

?? Do you or any of the persons concerned suffer from any infectious disease(s) or been treated for any physical or mental condition which may render you a public charge or a threat to others?.....

?? Have you or any of the persons concerned ever applied for asylum in another country? Yes/No If yes, please provide details
.....

N.B. If the answer to any of the above questions is “YES”, give FULL details below.

.....

General information

Postal address and telephone number at which you can be contacted in the
 Republic:

Employment detail of spouse if a citizen or permanent resident:

Note: Any incorrect or misleading information or false documents furnished in support of this application may result in the application being rejected or, if already issued, the permanent residence permit may be withdrawn.

*I/We, the undersigned, declare that?

?? the photograph(s) submitted in support of this application *is/are a true reflection of the person(s) whose names appear on the reverse side thereof;

?? the details reflected in this application and supporting documents are true and correct; and

?? it is *my/our intention to reside permanently in the Republic.

I undertake to inform the Department of any change of address, or change in information or circumstances that could influence the outcome of the application, whilst the application is being processed.

.....

Signature of applicant

.....

Date

(Parent(s) or legal guardian if main applicant is a minor child)

.....

Signature of spouse

.....

Date

*** Delete whichever is not applicable**

FOR OFFICIAL USE

ONE PHOTOGRAPH IN RESPECT OF EACH APPLICANT OVER THE AGE OF ONE YEAR

PLEASE READ THE FOLLOWING IN CONJUNCTION WITH THE ACCOMPANYING INSTRUCTIONS

Supporting documents required for all categories of applicants

Passport photograph.	All applicants one year of age and older.	A recent, passport-type, full face photograph bearing the names of the applicants on the reverse side thereof.
----------------------	---	--

		applicants on the reverse side thereof. Machine-type or instant photographs are not acceptable.
Valid passport or Identity Document.	All applicants legally qualifying for such.	Only original passport(s)/identity documents or certified copies are acceptable.
Full birth certificate, or extract from birth record.	All applicants.	Only original documents or certified copies thereof are acceptable.
Change of name/gender document i.e. Statutory Declaration or Deed Poll or legal Adoption Certificate.	All applicants where applicable.	
Radiological report.	All applicants 12 years of age and older (excluding pregnant women).	The report must not be older than six months at time of submission. ("Mass X-ray" cards and separate radiological reports acceptable).
Police certificate(s).	All applicants 18 years of age and older.	In respect of all countries of residence for one year or longer (originals only) (only acceptable if issued by the relevant security authority). Certificates not to be older than six months on submission of this application.
Marriage certificate, or extract from marriage record. Proof of registration of customary marriage in	All married applicants/spousal relationships.	

terms of Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable. Prescribed spousal affidavit. Documentary proof of cohabitation and extent to which the related financial responsibilities are shared by the parties, where applicable in respect of a permanent spousal relationship.		
Divorce decree(s) and proof of legal separation and all relevant court orders regarding custody and maintenance of children and previous spouse(s).	All applicants who are divorced or legally separated.	Required irrespective of whether or not the person concerned has since re-married.
Written consent of both parents in the case of minor children where only one of the parents is immigrating.	Where applicable.	
Death certificate of late spouse, where	All widowed persons.	

spouse, where applicable.		
Highest educational, trade or professional certificates evaluated by the South African Qualifications Authority.	All applicants who will be employed in the Republic.	N.B. (a) Full details of both training and experience are essential to confirm an applicant’s ability to perform the intended occupation in the Republic. (b) Documents submitted in support of this section shall indicate the actual dates of training or employment and also the capacity or occupation in which trained or employed.
Work references or certificates of service (covering at least the last five years).	All applicants who will be employed in the Republic.	
Section 26(a) of the Act		
Proof of permanent employment offer and proof of five years continuous work permit status.	All applicants who are employed in the Republic.	
Proof of registration with professional body, board or council in the Republic, if applicable.		
Offer of permanent employment.		

Section 26(b) of the Act

Proof that applicant has been spouse of citizen or permanent resident for five years.		Yes	No
Declaration of support for the application by the spouse who is a citizen or permanent resident.		Yes	No
Identity document of the spouse who is the citizen or permanent resident.	Spouse who is permanent resident must also submit a copy of his or her permanent residence permit.	Yes	No

Section 26(c) of the Act

Consent of both parents or guardian, together with an undertaking to provide financial support, as well as proof that the parent(s) has/have the funds to support the applicant.	Yes	No
--	-----	----

Section 26(d) of the Act

An undertaking by the parents to provide the required financial support (if required), as well as proof of funds to support the applicant.	Yes	No
--	-----	----

Section 27(a) of the Act

Offer of permanent employment.	The work offer must clearly state the occupation to be followed and salary and benefits offered and may not be older than three months at time of submission. The position is subject to confirmation by the Department that the permit is accommodated within the yearly limits of available permits.	Yes	No
Proof by the employer that the position exists and that the position and related job description was advertised as contemplated in regulation 23(1) and that no suitably qualified citizen or permanent resident was available to fill that position.		Yes	No
Submission by the employer of a certificate from the Department of Labour or an extraction from the data base of a salary benchmarking organisation detailing the average salary earned by a person occupying a similar position in the Republic and that the terms and conditions of the work offer are not inferior to those prevailing in the relevant market sector for citizens or permanent residents.		Yes	No

Section 27(b) of the Act

Testimonials from previous employers, if applicable.		
A comprehensive curriculum vitae.		
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.		
Other proof to substantiate exceptional skills or qualifications, such as publications and testimonials.		
Proof that the exceptional skill shall add value to the South African environment.		

Section 27(c) of the Act

Proof of availability of funds or the capital contribution contemplated in regulation 23(4) originating from abroad.	Yes	No
--	-----	----

A <i>curriculum vitae</i> setting out the applicant's expertise and experience in the type of business envisaged.		Yes	No
Certification of viability of the business by a chartered accountant.		Yes	No
Certification by a chartered accountant that at least the minimum monetary amount or capital contribution originating from abroad shall be invested as part of the book value of the business.		Yes	No
Undertaking to register with the appropriate statutory body, if required by the nature of business.		Yes	No
In addition to above, applicant shall submit the following:			
?? Business plan outlining the short and long term viability of the business.			
?? Proof that the business contributes to the geographical spread of economic activity.		Yes	No
?? Proof or undertaking that at least five citizens or permanent residents will be employed.			
?? Proof that the business is or will be in one of the sectors contemplated in regulation 23(5).			
?? Proof of the export potential of the business, if applicable.			
?? Proof of entrepreneurial skills.			

Where the application is in respect of an investment in an existing business, a partnership agreement and audited financial statements in respect of the preceding financial year shall be submitted.	Yes	No
Proof or undertaking of registration with the South African Revenue Service.	Yes	No

Section 27(d) of the Act

Proof of five years continuous refugee status in the Republic.	NB See regulation 23(8)(c).	Yes	No
Certification from the Standing Committee for Refugee Affairs that applicant will remain a refugee indefinitely.		Yes	No
An affidavit regarding aliases used for refugee status application(s) by main applicant or family members, if applicable.		Yes	No

Section 27(e) of the Act

Proof that applicant has the right to a pension or irrevocable retirement annuity or net worth totalling to the amount contemplated in regulation 23(9).	Yes	No
--	-----	----

Section 27(f) of the Act

Proof that the applicant has the minimum net worth contemplated in regulation 23(10).	Yes	No
---	-----	----

Payment of R75 000 to the Director-General.	Yes	No
---	-----	----

Section 27(g) of the Act

Proof of kinship or relationship	Yes	No
Undertaking by citizen or permanent resident regarding financial, medical, physical and emotional responsibility for applicant (not applicable where the relative is the parent of a minor child of a citizen or permanent resident).	Yes	No

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

DECLARATION OF FOREIGNER AS UNDESIRABLE PERSON

[Section 7(1)(g) read with section 30(1); Regulation 25]

To:

At:

In terms of section 30(1) of the Act, you are hereby declared an undesirable person in the Republic due to the following reason(s):

- *(a) You are or are likely to become a public charge;
- *(b) You have been identified as such by the Minister;
- *(c) You have judicially been declared incompetent;
- *(d) You are an unrehabilitated insolvent;
- *(e) You have been ordered to depart in terms of the Act;
- *(f) You are a fugitive from justice;
- *(g) You have previous criminal convictions without the option of a fine for conduct which would be an offence in the Republic.

In terms of section 8(3) of the Act you are entitled to make written representations to the Director-General within 10 working days of receipt of this notice to review this declaration.

Upon application, the Minister may, for good cause, waive any of the grounds of undesirability in terms of section 30(2) of the Act.

.....

pp Director-General

.....

Date

Place:

Appointment no.(in the case of immigration officer):

I acknowledge receipt of the original of this notice.

I *wish/do not wish to make representations within 10 working days from receipt of this notice to the Director-General in terms of section 8(3) of the Act to review the declaration.

I understand that I am entitled to make representations to the Minister showing good cause for the Minister to waive the grounds of undesirability in terms of section 30(2) of the Act.

.....

Signature of recipient of this notice

.....

Date

Place:

***Delete whichever is not applicable**

(B-) Form 20**DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****AUTHORISATION FOR ILLEGAL FOREIGNER TO REMAIN IN REPUBLIC****PENDING APPLICATION FOR STATUS****[Section 7(1)(g) read with section 32(1); Regulation 26(2)]**

The holder of this authorisation may reside temporarily in the Republic in the
 Magisterial District or Municipal Area of to await
 the final decision of an application for status and is valid until

.....

Date of issuance

.....

Place of issuance

.....

pp Director-General

.....

Date

This authorisation lapses as soon as the final decision regarding the holders'
 status is conveyed to him or her.

(BI-1684) **Form 21**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

ORDER TO ILLEGAL FOREIGNER TO DEPART FROM REPUBLIC

[Section 7(1)(g); Regulation 26(4)]

To: (surname)

..... (name(s))

Residential address:

.....

Nationality:

Country of origin:

Passport no.: Place of issue:

Expiry date:

You are hereby notified that as an illegal foreigner in contravention of the Act, you are guilty of an offence for which you may be charged in a court of law.

However, as you have undertaken to leave the Republic voluntarily, you are hereby ordered to leave the Republic by (time) on

..... 20, failure of which you shall be arrested and
detained pending your deportation.

.....

Immigration officer

.....

Place

Appointment no.:

I acknowledge receipt of the original of this notice.

.....

Signature of illegal foreigner

.....

Date

Barcode

(Bf..) Form 22

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

**NOTICE BY IMMIGRATION OFFICER TO PERSON TO PRODUCE ANY
THING IN HIS OR HER POSSESSION OR IN HIS OR HER CUSTODY OR
UNDER HIS OR HER CONTROL**

[Section 7(1)(g) read with section 33(4)(b); Regulation 27(6)]

To: (full name(s) and surname)

..... (identity document or passport number)

Residential address:

.....
.....
.....
.....
.....
.....

Physical work address:

.....
.....
.....
.....
.....
.....

YOU ARE HEREBY called upon in terms of section 33(4)(b) of the Act to
produce the article(s) *infra* to (name of
immigration officer) at (give

physical address) on (date) at
 (time).

Article	Description	Number of articles
.....		
.....		
.....		

REASON(s) why the said article(s) *is/are to be produced:

.....

The original hereof was today personally handed to the aforementioned and the
 import thereof explained to *him/her.

Place:

Date:

.....

.....

Signature of *immigration officer/sheriff

Date received

.....

Signature of recipient

***Delete which is not applicable**

(Bl..) Form 23

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

NOTICE BY IMMIGRATION OFFICER TO PERSON TO APPEAR BEFORE

DIRECTOR-GENERAL

[Section 7(1)(g) read with section 33(4)(c); Regulation 27(7)]

To: (full name(s) and surname)

Identity or passport number:

Residential Address:

.....
.....
.....
.....

Physical work address:

.....
.....
.....
.....

YOU ARE HEREBY called upon in terms of section 33(4)(c) of the Act to appear

before (name of immigration officer) at

..... (physical address) on

..... (date) at

..... (time).

REASON(S) why you are called upon to appear before the Director-General:

.....

.....

.....

.....

The original hereof was today personally handed to the aforementioned and the import thereof explained to *him/her.

Place:

Date:

.....

Signature of *immigration officer/sheriff Date received

.....

Signature of recipient

***Delete which is not applicable**

(B1-1722) **Form 24****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****ENTRY AND SEARCH WARRANT****[Section 7(1)(g) read with section 33(5)(a); Regulation 27(8)]****TO:**

(name of immigration officer responsible for the execution of the entry and search warrant)

Whereas it appears to me from information received under oath that there are reasonable grounds to believe that, within the Magisterial District of

..... there is in or upon the premises at

.....

.....

*(i) an illegal foreigner; or

*(ii) something which relates to the employment, training, occupation or residence on such premises of an illegal foreigner in violation of the Act,

YOU ARE THEREFORE authorised to enter the abovementioned premises during *day time/any time/night time/during the hours of to to search for and to-

(Mark with YES or NO in the applicable block)

(a) interrogate any person found in or on such premises;	
(b) examine any thing in or upon such premises;	
(c) request from the person who is in control of such premises or in whose possession or under whose control any thing is when it is found, or who is upon reasonable grounds believed to have information with regard to such thing, an explanation or information pertaining to that thing and make copies of or extracts from any such thing found upon or in such premises,	

and to deal with that person or illegal foreigner or thing according to law.

Given under my hand at on this day of

20.....

Magistrates Court

Official stamp

.....

Signature

Designation:

*** Delete whichever is not applicable**

(Bt..) Form 25

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

WARRANT OF ARREST

[Section 7(1)(g) read with section 33(5)(b) and 33(6); Regulation 27(8)]

Regional office/port of entry	Ref no	Appointment no
Name		
Address		
Gender	Age	

To *The Magistrate/Justice of the Peace, District of

**APPLICATION UNDER SECTION 33(5)(b) OF THE ACT FOR WARRANT OF
ARREST**

Application is hereby made for the issue of a warrant for the arrest of
 (name(s) and
 surname) on a charge of
 there being
 from information taken upon oath a reasonable suspicion that *he/she committed

the alleged offence on or about the day of
 20 in the district of

.....

The said is at
 present known or suspected on reasonable grounds to be within the district of

.....

.....

Signature of immigration officer

Date:

Appointment no.:

WARRANT OF ARREST

(To immigration officers authorised to execute warrants of arrest)

Whereas from written application by there is
 a reasonable suspicion that of

(address) on the day of 20..

contravened the Act by,

you are hereby directed to arrest *him/her and to bring *him/her before the court
 (viz court at
 Magisterial Court).

The accused must be informed that he/she has the right to consult with a legal
 practitioner of his or her choice, and if he or she cannot afford a legal practitioner,
 he or she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at this day of
 20..

.....

*Magistrate

Date:

*** Delete whichever is not applicable**

(BI-1723) **Form 26**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

RECEIPT OF ITEMS SEIZED

[Section 7(1)(g) read with section 33(5)(c); Regulation 27(9)]

This form is to be completed in triplicate

I, (full name(s) and surname)
..... (rank) (appointment number)
..... (office) hereby acknowledge that I have seized the following
items in terms of section 33(5)(c) of the Act from the premises of
..... in the district of
.....

Item	Description	Quantity
.....		
.....		
.....		
.....		
.....		

.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		

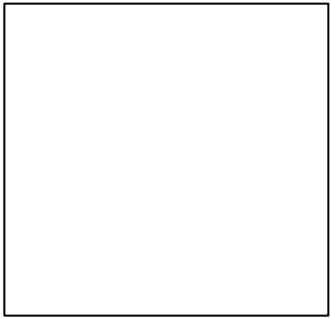
Total no of items seized:

Confirmed by: (signature of person in charge of premises)

Capacity:

Signed at on this the day of
..... 20..

Official stamp



.....

Signature of immigration officer

Appointment number:

File number:

ACKNOWLEDGEMENT OF RECEIPT OF ITEMS RETURNED

I hereby acknowledge receipt of the items that were seized and removed from

..... (premises) on

(date) and confirm that all items have been received in good order.

.....

.....

Signature of person in charge of premises Date

(B1..) Form 27

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

WARRANT FOR SEIZURE AND REMOVAL

[Section 7(1)(g) read with section 33(5)(c); Regulation 27(9)]

TO

(name of immigration officer responsible for the execution of the seizure and removal warrant)

Whereas it appears to me from information received under oath that there are reasonable grounds to believe that, within the Magisterial District of there is in or upon the premises at

.....

.....

the following documentation or thing which—

- * (i) is concerned with or is upon reasonable grounds suspected of being concerned with; or
- * (ii) contains or is on reasonable grounds suspected of containing information with regard to,

any matter which is the subject of an investigation in terms of the Act:

.....

..... (mention documentation),

YOU ARE THEREFORE authorised to enter the abovementioned premises during *day time/any time/night time/during the hours of to to seize and remove the items mentioned in the receipt to be handed to the person from which that documentation or thing is being seized and removed.

Given under my hand at on this day of
20..

Magistrates Court



.....

Signature

Designation:

*** Delete whichever is not applicable**

(B1-1725) Form 28

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

WARRANT OF DETENTION OF ILLEGAL FOREIGNER

[Section 7(1)(g) read with section 34(1); Regulation 28(1)]

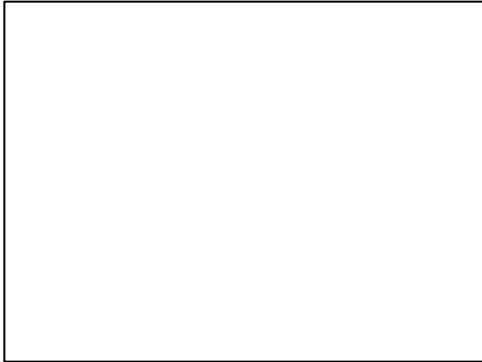
To: Station Commissioner
 Head of Prison/Detention facility

As has
 made *himself/herself liable to *deportation/removal from the Republic and for
 detention pending such *deportation/removal in terms of section
 *34(1)/34(5)/34(8) of the Act, you are hereby ordered to detain the said

 until such time *he/she is *deported/removed from the Republic.

**NB: No release may be effected without the written authority of an
 immigration officer by means of a warrant of release referred to in section
 34(7) of the Act.**

Official stamp



.....

Signature of immigration officer

.....

Date

Appointment number:

Place:

Telephone number:

***Delete whichever is not applicable**

(BI-1724) **Form 29**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

NOTIFICATION OF DEPORTATION

[Section 7(1)(g) read with section 34(1)(a); Regulation 28(2)]

To(name(s) and surname of
 illegal foreigner)

As you are an illegal foreigner, you are hereby notified that you are to be
 deported to your country of origin, namely for the
 following reason(s):

.....

In terms of section 34(1)(a) and (b) of the Act, you have the right to:

?? Appeal such decision to the Director-General in terms of section 8(4) of
 the Act within 10 working days from date of receipt of this notice.

?? At any time request any officer attending to you to have your detention for
 the purpose of deportation confirmed by a warrant of the court.

NB: Should you choose not to exercise the rights mentioned above, you will be detained pending your deportation. Should you however choose to exercise the rights mentioned above, you will remain in custody and may not be deported before the relevant decision is final.

You will not be allowed to return to the Republic, unless you have obtained the necessary lawful authority in this regard.

ACKNOWLEDGEMENT OF RECEIPT OF NOTIFICATION OF DEPORTATION

I hereby acknowledge receipt of the original notification of deportation in which my rights in terms of section 34(1)(a) and (b) of the Act were explained to me.

After due consideration, I have decided to:

- ?? Await my deportation at the first reasonable opportunity, whilst remaining in custody.
- ?? Appeal the decision to deport me.
- ?? Not appeal the decision to deport me.
- ?? Have my detention confirmed by a warrant of the court.
- ?? Not have my detention confirmed by a warrant of the court.

***Delete whichever is not applicable**

.....

Signature of detainee

.....

Date

Place:

.....

Immigration Officer

.....

Date

Appointment number:

Place:

(B-1725A) Form 30

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**CONFIRMATION BY COURT OF DETENTION FOR PURPOSES OF
DEPORTATION**

[Section 7(1)(g) read with section 34(1)(b); Regulation 28(3)]

To: Station Commissioner
Head of Prison/Detention facility
.....
.....

As has
made *himself/herself liable to *deportation/removal from the Republic and for
detention pending such *deportation/removal, in terms of section
*34(1)/34(5)/34(8) of the Act, you are hereby ordered to detain the said
.....

until such time * he/she is *deported/removed from the Republic.

NB: No release may be effected without the written authority of an immigration officer by means of a warrant of release contemplated in section 34(7) of the Act.

Given under my hand at on this
 day of 20..

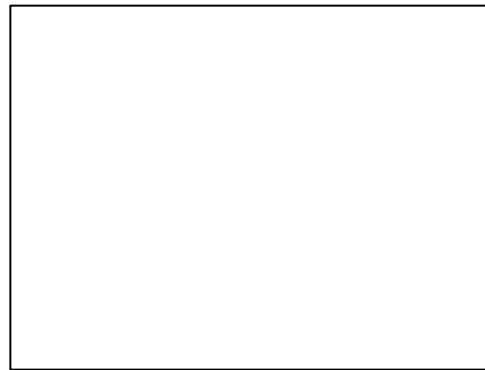
Magistrate's court

.....

Signature

.....

Designation



***Delete whichever is not applicable**

DEPARTMENT OF HOME AFFAIRS**REPUBLIC OF SOUTH AFRICA****NOTICE TO FOREIGNER OF INTENTION TO APPLY TO COURT FOR
EXTENSION OF DETENTION****[Section 7(1)(g) read with section 34(1)(d); Regulation 28(4)(a)]**

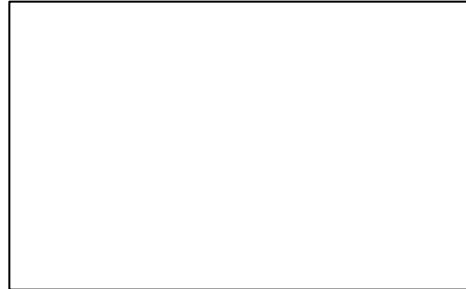
To: (full
names of detainee)

At: (name of
detention facility)

You are hereby notified that in view of the fact that your detention pending the
execution of the warrant for your deportation to
..... issued on
..... is likely to exceed 30 calendar days on
..... for the reasons mentioned in the affidavit on the
reverse side of this notice, I am, under section 34(1)(d) of the Act, submitting the
matter for consideration to the magistrate of the court at
..... on or before

You are entitled to submit in writing whatever representations you wish to be considered by the magistrate of the court who will rule on your extended detention and you are requested to hand me such representations on or before If you require assistance, you should approach the head of the institution where you are being detained.

Official stamp



.....

Signature of immigration officer

Appointment number:

Date:

Place:

CERTIFICATE BY INTERPRETER

I (full name(s)
 and surname) of
 (residential address) hereby confirm that I have mastered
 (state language) and that I have
 explained to[full name(s) and surname of detainee]
 the contents of this notice in the said language and that I am satisfied that the
 said detainee fully understands it.

Signed at on this day of
 20..

.....

Signature of interpreter

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION TO COURT FOR EXTENSION OF DETENTION AND
AUTHORISATION BY COURT FOR THAT EXTENSION

[Section 7(1)(g) read with section 34(1)(d); Regulation 28(4)(c) and (6)]

To: The clerk of the court

.....

Re: Extension of detention of (full
names of detainee) detained at

Please refer this matter for consideration to the Magistrate of the court in terms of
section 34(1)(d) of the Act and regulation 28(6).

The following documents are attached:

- ?? Certified copy of the warrant of detention of
(name(s) and surname) issued on;
- ?? notification to the detainee as contemplated in regulation 28(4)(a);
- ?? affidavit of immigration officer; and
- ?? representation by the said detainee (if any).

Signed at on this

..... day of 20..

.....

Signature of immigration officer

Appointment number:

DECISION BY MAGISTRATE

After perusing the documentation referred to above, I hereby—

?? Confirm the application for the extended detention of

..... (name(s) and surname

of detainee);

?? refuse the application for the extended detention of

..... (name(s) and surname of

detainee);

?? make the following order in addition to the confirmation or refusal above:

.....

Given under my hand at on this.....day of

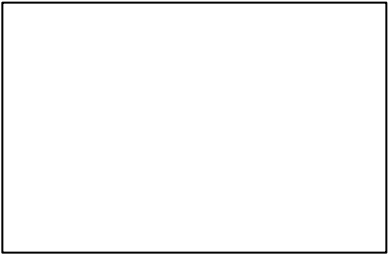
.....20..

.....

Magistrate's court

Signature

Designation:



***Delete whichever is not applicable**

(BI) **Form 33**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**WARRANT OF DETENTION OF PERSON SUSPECTED TO BE ILLEGAL
FOREIGNER**

[Section 7(1)(g) read with sections 34(2) and 41; Regulation 28(7)]

To: Station Commissioner/Head of Prison

.....

Whereas (full name(s) and
surname of person suspected to be illegal foreigner) is, for the reasons stated in
the attached affidavit, suspected to be an illegal foreigner who has failed to
satisfy me (full name(s) and
surname of *immigration officer/police officer) in terms of section 41 of the Act
that he/she is entitled to be in the Republic; and

Whereas it is deemed necessary to detain the said person for the following
reasons:

.....

.....,

You are hereby ordered to detain the said
 (name(s) and surname of person
 suspected of being an illegal foreigner) in order to ascertain his or her *prima facie*
 status or citizenship.

A copy of this detention warrant was handed to the immigration officer stationed
 at (place) on (date)
 at..... (time).

.....

Signature of *immigration officer/police officer

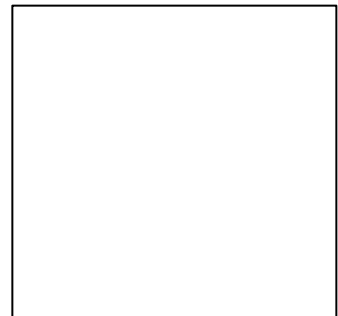
*Appointment number/force number:

Official stamp

Date:

Place:

Telephone number:



***Delete whichever is not applicable**

(B1-1728) **Form 34****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA**

**ORDER TO ILLEGAL FOREIGNER TO DEPOSIT A SUM TO COVER
EXPENSES RELATING TO DEPORTATION, DETENTION, MAINTENANCE
AND CUSTODY**

[Section 7(1)(g) read with section 34(3); Regulation 28(8)(a)]

To: (name(s) and surname of
illegal foreigner)

Whereas you are to be deported from the Republic under a warrant of
deportation as an illegal foreigner; and

Whereas the consequential expenses of your deportation are calculated as
follows:

Actual costs of deportation:

actual costs of detention:

actual costs of maintenance:

actual costs of custody:

Total:; and

Whereas section 34(3) of the Act empowers me to require from you to deposit with the Department a sum of money sufficient to cover the said expenses;

Now therefore you are hereby ordered to deposit the amount of with the Department at (place) on or before (date).

PLEASE TAKE NOTE that should you fail to deposit the said sum of money on or before the aforementioned date, you shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment not exceeding 12 months.

Furthermore, please take note that a copy of the order will be filed with the clerk of the court of the district of, whereafter the normal procedure pertaining to civil action shall apply.

.....

.....

Signature of immigration officer

Date

Appointment no.:

(Bl..) Form 35

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

WARRANT FOR REMOVAL OF DETAINED ILLEGAL FOREIGNER

[Section 7(1)(g) read with section 34(7); Regulation 28(9)(a)]

TO: PERSON IN CHARGE OF PRISON/DETENTION FACILITY

As (name(s)
and surname), whose fingerprints appear on the reverse side of this form, has
made *himself/herself liable to removal from the Republic, you are hereby
requested to deliver *him/her into my custody.

Removal from the Republic shall be affected via
(port of entry) and the responsible immigration officer or police officer at that port
of entry shall, before the removal of the detainee, impress the left and right
thumb prints of the detainee in the space provided hereunder and certify that the
prints were taken by him or her.

.....

Signature of immigration officer

.....

Date

Appointment no.:

Place:

Reference no.:

CERTIFICATE BY IMMIGRATION OFFICER

I hereby confirm that the abovementioned person was removed from the Republic on (date) to via (port of entry).

I also confirm that *his/her left and right thumb prints were taken by me.



LEFT THUMB PRINT



RIGHT THUMB PRINT

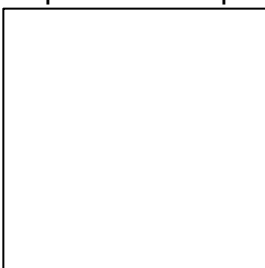
Immigration officer:

Appointment number:

Date:

Port of entry:

Departure stamp



NOTIFICATION OF
DEPORTATION OF
AN ILLEGAL

[illegible]

FOREIGNER				
Fingerprints may only be taken by an official of the Department of Home Affairs. PLEASE NOTE: Should a finger be missing, deformed or so injured that the impression cannot be taken, this fact should be noted in the space provided for that impression Fingerprints taken by				
PHOTOGRAPH OF THE ILLEGAL FOREIGNER WHO IS DEPORTED				
R thumb	R index	R middle	R ring	R little finger
L thumb	L index	L middle	L ring	L little finger

				finger

FOR OFFICIAL USE

FINGERPRINTES TAKEN BY:

(PLEASE PRINT)

IDENTITY NUMBER:

FINGERPRINTS TAKEN BY:

(PLEASE PRINT)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

IDENTITY NUMBER:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

PCN NUMBER:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

REGISTERING FINGERS

LEFT HAND		RIGHT HAND	

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

WARRANT FOR RELEASE OF DETAINED ILLEGAL FOREIGNER
[Section 7(1)(g) read with section 34(7); Regulation 28(9)(b)]

To:
.....
.....

You are hereby ordered to release the following illegal foreigner(s) presently
being detained by you:

.....
.....
.....
.....
.....
.....
.....

.....

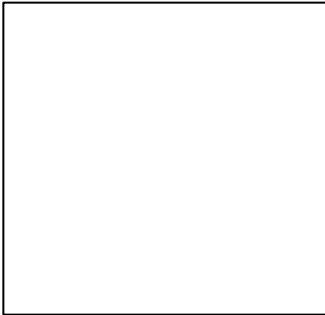
***Signature of immigration officer/police officer**

Appointment number:

Date:

Place:

OFFICE STAMP



***Delete which is not applicable**

(BI-1694) Form 37

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**NOTIFICATION TO PERSON AT PORT OF ENTRY THAT HE OR SHE IS AN
 ILLEGAL FOREIGNER**

**[Section 7(1)(g) read with sections 34(8) and 35(8); Regulations 28(10) and
 29(6)]**

To:

In terms of section 8(1) of the Act, you are hereby notified that you do not qualify
 for admission into the Republic as?

?? *you have been declared an undesirable person in terms of the provisions
 of section 30(1) of the Act, which declaration is attached for your
 information and further attention;

?? *you are a prohibited person in terms of the provisions of section 29 of the
 Act by virtue of the fact that you?

*(a) are infected with or carrying the following disease or virus i.e.
 (name of disease or virus);

*(b) have a warrant outstanding or a conviction has been secured in
 respect of (name of offence);

- *(c) were previously deported and not rehabilitated by the Director-General in the prescribed manner;
 - *(d) are a member of or adherent to an association or organization advocating the practice of
(name the practice);
 - *(e) are or have been a member of or adherent to an organization or association utilizing crime or terrorism to pursue its ends;
 - *(f) are or have been in possession of a fraudulent (name document);
 - *(g) have a previous criminal conviction without the option of a fine for (name the offence(s));
- ?? *you are an illegal foreigner by virtue of the following reason(s):
.....
.....

Should you have reason to submit that the refusal of your admission into the Republic was procedurally unfair, unreasonable or unlawful, you may, within three days from date of this notice, request the Minister to review this decision. However, if the conveyance you arrived on is on the point of departing, you must lodge a request for review immediately and depart on such conveyance and await the outcome thereof outside the Republic.

In terms of section 35(8) of the Act, the conveyor responsible for your conveyance to the Republic, namely, shall be responsible for the detention and removal of a person conveyed and any costs related to such detention and removal incurred by the Department.

.....

Signature of immigration officer Date

Appointment no.:

I acknowledge receipt of the original of this notice and understand the content thereof.

I *wish/do not wish to request a review of this decision. My written request *is attached/will be submitted within three days.

.....

Signature of inadmissible person Date

***Delete whichever is not applicable**

(BI-96) **Form 38****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA**

**DECLARATION TO MASTER OF SHIP THAT PERSON CONVEYED IS
ILLEGAL FOREIGNER AND NOTICE TO PERSON IN CHARGE OF
CONVEYANCE REGARDING HIS OR HER OBLIGATIONS WHERE PERSON
CONVEYED IS REFUSED ADMISSION**

**[Section 7(1)(g) read with sections 34(8) and 35(8); Regulations 28(10) and
29(6)]**

To the Master of (name of ship).

Permission for the following person(s) to enter the Republic was refused on
..... (date) because he/she is an illegal foreigner. The
person indicated below shall be detained by the master in terms of section 34(8)
and (9) of the Act.

Surname	First name(s)	Reasons for refusal
.....		
.....		
.....		

.....		
---	---	---

Port of entry:

Date:

.....

Signature of immigration officer

Appointment no.:

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

.....

Signature of master

.....

Date

(Bl..) Form 39

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**LISTS OF PASSENGERS AND CREW, MEDICAL RETURN AND COASTAL
 ADVICE**

[Section 7(1)(g) read with section 35(3)(a), (c) and (d); Regulation 29(1)]

LIST OF PASSENGERS

In terms of section 35(3)(a) of the Act, read with regulation 29(1), the person in charge of a conveyance entering a port of entry of the Republic shall, on demand, deliver to an immigration officer a list of all passengers on board that conveyance which list shall contain the following information:

Name of conveyance:

Port of entry:

Full name(s) and surname of person in charge of conveyance:.....

*Flight/Registration No.:

Date of entry:

Particulars of all passengers on board, classified according to their respective destinations (inbound)

Names of passengers as in passport or travel document		Passport/Travel document no	Travel class	Nationality	Embarked at	Destination
Surname	First name(s)					

Detail of international transit passengers *arriving/departing on the abovementioned conveyance (transit)

Surname & initials	Passport no	Nationality	*Departure/Arrival flight no	*Departure/Arrival date	Destination

Passengers refused onward conveyance (outbound)

Surname & initials	Passport no	Nationality	Intended departure flight no	Intended departure date	Reason for refusing onward conveyance & action taken

I hereby certify that this list contains the particulars of all passengers on board my conveyance.

.....

.....

Signature of person in charge of conveyance

Date

List received by: (immigration officer)

Date:

***Delete whichever is not applicable**

LIST OF CREW ON CONVEYANCE
(other than passengers and stowaways)

In terms of section 35(3)(c) of the Act, the person in charge of a conveyance which enters any port must, on demand, deliver to the immigration officer a list of all the crew and all persons (other than passengers and stowaways) employed, carried or present on that conveyance.

Name of conveyance:

Port of entry:

Name(s) and surname of person in charge of conveyance:

.....

Date on which conveyance entered the Republic:

Port of entry:

Port and date of final departure from Republic:

Port: Date:

No	Rank and grading	Name(s) as in passport/travel document/seaman's identity certificate	Nationality	Date of birth	Number and seaman's identity certificate	Expiry date of passport/travel document

I certify that this list contains the names of all crew and other persons on board
the conveyance.

.....

.....

Person in charge of conveyance

Date

List received by: (immigration officer) on
..... (date).

MEDICAL RETURN

Name of conveyance:

Port of entry:

Crew, passengers and all other persons on board conveyance who, during the voyage, have suffered or are suspected of suffering from a disease, whether infectious or otherwise

Name	Crew member or passenger (mention rank or class)	Nature of illness	Remarks
.....			
.....			
.....			
.....			
.....			

Details of any birth or death that occurred on board the conveyance between the present and previous port

Name (mention father and mother's name in case of birth)	Crew member or passenger (mention rank or class)	State whether birth or death and date	Remarks
.....			

.....			
.....			
.....			
.....			

Certified by me (name(s) and surname)

at (port of entry) on the

..... day of 20..

.....

Signature of medical officer or person in charge of conveyance

COASTAL ADVICE

To be completed by immigration officer for conveyance destined for more than one port in the Republic

Name of conveyance:

File No:

This advice is to be forwarded to the immigration officer at the next port of call in the Republic, namely

(a)	No of illegal foreigners/referred passengers	(d)	No of foreign crew
(b)	No of passengers in transit	(e)	No of crew members that are SA citizens/permanent residence holders

(c)	No of persons whose permits are attached for final discharge	(f)	No of persons whose final departure must be certified

Remarks

.....
.....
.....

Dispatched from (port of entry)

.....

Signature of immigration officer

.....

Date

(Bf..) Form 40

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

LISTS OF STOWAWAYS

[Section 7(1)(g) read with section 35(3)(b); Regulation 29(2)]

In terms of section 35(3)(b) of the Act, the person in charge of a conveyance entering a port of entry in the Republic shall, on demand, deliver to the immigration officer a list of stowaways.

Name of conveyance:

Port of entry:

Name(s) and surname of person in charge of conveyance:

.....

Date on which ship entered Republic:

***Names of stowaways in full**

Surname	First name	Passport/ Travel document no	Particulars of travel document in his or her possession	Nationality	Country of origin

.....					
.....					
.....					
.....					
.....					
.....					

I hereby certify that this list contains the particulars of all stowaways found on board my conveyance.

.....

Person in charge of conveyance

.....

Date

.....

Signature of immigration officer

.....

Date

(B1..) **Form 41****DEPARTMENT OF HOME AFFAIRS****REPUBLIC OF SOUTH AFRICA****APPLICATION BY MASTER OR OWNER OF SHIP OR AGENT****REPRESENTING MASTER OR OWNER OF SHIP FOR CERTIFICATE TO****LEAVE HARBOUR****[Section 7(1)(g); Regulation 29(4)]**

I (person in charge of conveyance) hereby apply for a certificate to leave the harbour and declare that the following is a complete return of changes in the crew since arrival at this port:

Crew signed off	Rank	Crew signed on	Rank
.....			
.....			
.....			
.....			
.....			
.....			
...		...	
Deserters left behind	Rank	Distressed seamen shipped	Rank

.....			
Crew left behind in hospital	Rank	Crew left in goal	Rank
.....			

Passenger in direct transit

Name and surname	Passport number	Nationality	Destination

.....

.....

Signature of person in charge of conveyance**Date**

Name of conveyance:

.....

.....

Signature of immigration officer**Date**

Appointment number:

Place:

(Bf..) **Form 42**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

CERTIFICATE OF COMPLIANCE TO OBTAIN CLEARANCE FROM
CUSTOMS

[Section 7(1)(g) read with section 35(6); Regulation 29(5)]

To the Officer in charge of Customs and Excise

Port of entry:

I hereby certify that the person in charge of (name
of conveyance) complied with the provisions of the Act and the regulations made
thereunder on (date).

.....

.....

Signature of immigration officer

Date

Appointment number:

Place:

(Bl..) Form 43

**DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

POWER OF ATTORNEY

[Section 7(1)(g) and (k) read with section 46(1); Regulations 7(1)(a)(ii),
22(1)(b) and 34(1)]

PART A

I,..... (full name(s) and surname) of
..... (residential
address) hereby appoint
(full name(s) and surname) of
(business address) (*registration number as
immigration practitioner/practice number of *attorney/advocate) to?

?? apply on my behalf for?

a temporary residence permit referred to in sections 11 to 22 of the Act;

a permanent residence permit referred to in sections 26 and 27 of the Act; or

the renewal of the validity of permits referred to in sections 11 to 22;

?? submit any further relevant information concerning myself to the
Department;

- ?? receive the decision of the Department in connection with an application;
- and
- ?? lodge reviews and appeals in terms of decisions adversely affecting me.

I hereby confirm that I personally signed this power of attorney and my application for a residence permit or the renewal of the validity of a permit and accept that?

- ?? a residence permit which has been issued to me or of which the validity has been renewed, may be withdrawn if any particulars in my application submitted by the person holding power of attorney, are incorrect;
- ?? my application for a temporary or permanent residence permit does not grant me a status;
- ?? my application for a temporary or permanent residence permit or the renewal of a temporary residence permit shall be considered by the Department and that the granting of a power of attorney to the person holding power of attorney, will in no way expedite or benefit my application; and
- ?? I have to give notice to the Department if I withdraw or amend the power of attorney before the Department has taken a final decision regarding my application.

***Delete whichever is not applicable**

CERTIFICATE

I understand the contents of this power of attorney.

Signed at on this day of
..... 20..

.....

Signature of person giving power of attorney

PART B**DECLARATION BY PERSON HOLDING POWER OF ATTORNEY**

I.....

..... (full name(s) and surname of person holding power of attorney)

accept the abovementioned appointment and confirm that the address mentioned hereunder is my business address:

.....

I hereby confirm that?

?? I personally signed this declaration;

?? I have familiarized myself with the contents of this document and the correctness of the particulars in the application for a *temporary/permanent residence permit or the renewal of a temporary residence permit; and

?? I am aware that a *temporary/permanent residence permit issued to the applicant or the renewal of the temporary residence permit may be withdrawn if any particulars in this document or the said application are incorrect, and that it is a contravention in terms of section 42 of the Act for any person to facilitate or assist the entrance to or residence in the

Republic of any other person by committing a fraudulent act by conduct,
transaction or statement or otherwise making any false representation.

***Delete whichever is not applicable**

Signed at on this day of
..... 20..

.....

Signature of person holding power of attorney

PART C**CERTIFICATE BY INTERPRETER**

I (full name(s) and surname) of (*business/residential address) hereby confirm that I have mastered (state language) and that I explained to (full name(s) and surname of applicant) the contents of this document in the said language and that I am satisfied that the applicant fully understands it.

Signed at on this day of 20..

.....

Signature of interpreter

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR REGISTRATION AS AN IMMIGRATION PRACTITIONER

[(Section 7(1)(g) read with section 46(2); Regulation 34(2)]

To: Association of Immigration Practitioners

.....
.....
.....

I hereby wish to apply for registration as an immigration practitioner in terms of section 46(2) of the Act.

I certify that the information supplied below is true and correct in all material respects and that I have not previously been found guilty of an offence in terms of the Act.

I commit myself to the Code of Conduct of Immigration Practitioners and undertake to abide by the provisions thereof.

PERSONAL DETAILS OF APPLICANT

Name(s) and surname, identity number, business address and telephone number
of all *directors/partners of the business:

.....
.....

DETAILS OF BUSINESS

Full name of business and trade name:

.....
.....

Abbreviated trade name of business (if any):

.....
.....

Address where business will be operated from:

.....
.....

Postal address of business:

.....

Telephone number(s):

Facsimile number(s):

DOCUMENTATION ATTACHED

?? Copy of identity document proving that I am a South African citizen and over the age of 21years or proof of marriage.

?? Commitment in writing that I will comply with the Code of Conduct for Immigration Practitioners.

?? An oath or solemn affirmation to the effect that I am not the member of the immediate family of an official employed by the Department.

?? Results of the written examination.

?? Proof of payment of the registration fee.

?? Police clearance certificate not older than six months at time of submission.

?? Original letterhead of the business.

Signed at on this day of
..... 20..

.....

Signature of applicant

(Bl..) **Form 45**

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

NOTICE OF ADMINISTRATIVE FINE INCURRED BY FOREIGNER

[(Section 7(1)(g) read with section 50(1); Regulation 35(2)]

To: (name(s) and surname of person having overstayed his/her temporary residence permit)

You are hereby informed that in terms of section 50(1) of the Act you have incurred a fine in the amount of R..... for having overstayed the validity period of your temporary residence permit.

You are hereby required to pay the fine within three days of the date of this notice. Should you fail to pay the said amount within the said period, the fine shall be payable and recoverable as a debt against the Republic.

.....

.....

Signature of immigration officer

Date

Place:

I acknowledge receipt of the original of this notice.

.....

Signature of overstayer

.....

Date

(B1..) **Form 46**

**NOTICE OF ADMINISTRATIVE FINE INCURRED FOR INCORRECT
CERTIFICATION**

[Section 7(1)(g) read with section 50(2); Regulation 35(3)]

To: (name(s) and
surname of person in charge of conveyance)

You are hereby informed that in terms of section 50(2) of the Act you have
incurred a fine in the amount of R5 000 for negligently or purposely producing an
incorrect certification in respect of

.....

.....

You are hereby required to pay the fine within three days of the date of this
notice. Should you fail to pay the said amount within the said period, the fine
shall be payable and recoverable as a debt against the Republic.

.....

.....

Signature of immigration officer

Date

Place:

I acknowledge receipt of the original of this notice.

.....

Signature of recipient of notice

.....

Date

(B-1696) **Form 47**

**NOTICE OF ADMINISTRATIVE FINE INCURRED BY OWNER OR PERSON IN
CHARGE OF CONVEYANCE**

[Section 7(1)(g) read with section 50(3); Regulation 35(5)]

To: (owner or person in
charge of conveyance)

*Identity Document/Passport number of owner or person in charge of
conveyance:

Residential and postal address of owner or person in charge of conveyance (in
the Republic and abroad):

.....
.....
.....
.....
.....
.....
.....
.....
.....

You are hereby informed that in terms of section 50(3) of the Act you have incurred a fine to the amount of R for contravening section 35(7) of the Act.

You are hereby required to pay the fine within three days of the date of this notice. Should you fail to pay the said amount within the said period, the fine shall be payable and recoverable as a debt against the Republic.

.....

Signature of immigration officer

.....

Date

Place:

I acknowledge receipt of the original of this notice.

.....

Signature of owner or person in charge of conveyance

***Delete whichever is not applicable**

ANNEXURE B
MINIMUM STANDARDS OF DETENTION
[Section 34(1)(e); Regulation 28(5)]

1. Accommodation

- (a) Detainees shall be provided accommodation with adequate space, lighting, ventilation, sanitary installations and general health conditions.
- (b) Every detainee shall be provided with a bed, mattress and at least one blanket.
- (c) Male and female detainees shall be kept separate from each other: Provided that this does not apply to spouses.
- (d) Detained minors shall be kept separate from adults and in accommodation appropriate to their age: Provided that minors shall not be kept separate from their parents or guardians Provided further that unaccompanied minors shall not be detained.
- (e) Detainees of a specific age, or falling in separate health categories or security risk categories, shall be kept separate.
- (f) There may be a departure from the above standards if so approved by the Chief: Immigration Service at a particular detention centre: Provided that such a departure is for purposes of support services or medical treatment: Provided further that there shall not be any departures in respect of sleeping accommodation.

2. Nutrition

- (a) Each detainee shall be provided with an adequate balanced diet.
- (b) The diet shall make provision for nutritional requirements of children, pregnant women and any other category of detainees whose physical condition requires a special diet.
- (c) The medical officer may order a variation in the prescribed diet for a detainee and the intervals at which the food is served, when such variation is required for medical reasons.
- (d) Food shall be well prepared and served at intervals not less than four and a half hours and not more than 14 hours between the evening meal and breakfast during a 24 hour period.
- (e) Clean drinking water shall be available to every detainee.

3. Hygiene

- (a) Every detainee shall keep his or her person, clothing, bedding and room clean and tidy.
- (b) The Department shall provide the means to comply with item 3(a).