

South Africa

Disaster Management Act, 2002

## Temporary measures in respect of entry into or exit out of the Republic in order to prevent and combat the spread of the COVID-19 Government Notice 416 of 2020

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# Temporary measures in respect of entry into or exit out of the Republic in order to prevent and combat the spread of the COVID-19

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## South Africa

### Disaster Management Act, 2002

# Temporary measures in respect of entry into or exit out of the Republic in order to prevent and combat the spread of the COVID-19

## Government Notice 416 of 2020

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**Commenced on 26 March 2020**

*[This is the version of this document as it was from 26 March 2020 to 8 May 2020.]*

I, Dr P A Motsoaledi, MP, the Minister of Home Affairs, in terms of regulation 10(8) of the Regulations issued in terms of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) hereby issue the directions set out in the Schedule hereto regarding temporary measures in respect of entry into or exit out of the Republic in order to prevent and combat the spread of the COVID-19

### 1. Definitions

In these directions, a word or expression bears the meaning assigned to it in the Immigration Act, 2002 and regulations published on 18 March 2020 by the Minister of Cooperative Governments and Traditional Affairs in terms section 27(2) of the Disaster Management Act, 2002 (Disaster Management Regulations, 2020), unless the context otherwise indicates—

### 2. Purpose

The purpose of these directions is to—

- (a) prescribe temporary measures or steps currently necessary to manage COVID-19 in order to reduce its impact in the Republic, by preventing the importation of, and minimising the local transmission of, the virus; and
- (b) provide directions to officials of the Department of Home Affairs and other organs of State, responsible for the implementation of the Immigration Act, 2002, and to the extent possible, disseminate information to all affected persons, on applicable measures as set out in the directions.

### 3. Authority

- 3.1 The COVID-19 was classified as a pandemic by the World Health Organisation ("WHO"), and following related developments within the Republic, the Government of the Republic declared a national state of disaster relating to COVID-19 in terms of the Disaster Management Act, 2002.
- 3.2 Section 26(2)(b) of the Disaster Management Act, 2002 provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements as augmented by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act, 2002.
- 3.3 These directions are issued pursuant to regulation 10(8) of the Disaster Management Regulations 2020 to provide for measures necessary to manage COVID-19, and are valid for the duration of the declared national state of disaster.

#### **4. Application**

These directions apply to citizens, permanent residents and other foreign nationals to whom the Immigration Act, 2002 applies during the national state of disaster, except that during the National Lockdown paragraph 17 will apply.

#### **5. Withdrawal of visas**

- 5.1 With the exception of foreigners who on or before 15 March 2020 were already in the Republic, all temporary residence visas issued to foreigners residing in high risk countries are subject to section 10(9) and (10) of the Immigration Act, 2002 withdrawn with effect from the date of publication of these directions.
- 5.2 A foreigner who departed from a high risk country or, transited through a high risk country or having been issued with a relevant visa, and who entered the Republic on or after 15 February 2020 is required to immediately notify a medical practitioner in accordance with the procedure for a suspected COVID-19 case.

#### **6. Suspension of visa exemptions**

- 6.1 The visa exemptions granted in terms of section 10A(4)(a) of the Immigration Act, 2002, allowing visa free movement for foreigners who are nationals of a high risk country are with effect from the date of publication of these directions withdrawn: Provided that a person entitled to such exemption had not been admitted into the Republic as of 15 March 2020.
- 6.2 A foreigner entitled to a visa exemption referred to in paragraph 6.1 who departed from a high risk country or transited through a high risk country and who entered the Republic on or after 15 February 2020 is required to immediately notify a medical practitioner in accordance with the procedure for a suspected COVID-19 case.

#### **7. Refusal of visas**

- 7.1 A foreigner who has been in, or departed from, or transited through, a high risk country since 15 February 2020 may not be granted a visa and is, for the purposes of eligibility for a visa, deemed to be a prohibited person as provided for in section 29 of the Immigration Act, 2002.
- 7.2 During the period of the national state of disaster which was declared in the Republic on 15 March 2020, no visa application may be considered from a national of, or person residing in, a high risk country Provided that an application from a national of a high risk country may be considered if such national is not ordinarily residing in that country, and had not been in that country or any other high risk country since 15 February 2020, and such application may be considered if it is made from a country not classified a high risk country.

#### **8. Refusal of admission for foreigners**

- 8.1 A foreigner who has been in, or departed from, or transited through, a high risk country since 15 February 2020, may not be admitted into the Republic.
- 8.2 A foreigner contemplated in paragraph 8.1 is, for the purposes of the state of national disaster deemed to be a prohibited person as contemplated in section 29 of the Immigration Act, 2002, and may not be admitted into the Republic.

#### **9. Admission of citizens and permanent residents**

- 9.1 A South African citizen or a permanent resident who departed from or transited through, a high risk country since 15 February 2020 must upon arrival at a port of entry be processed for admission in accordance with the procedure for a suspected COVID-19 case as determined by a port health official or medical practitioner.

- 9.2 A South African citizen or a permanent resident who departed from or transited through, a high risk country since 15 February 2020 must, for purposes of admission, upon return to the Republic, be subjected to prescribed screening or examination procedure as the immigration officer, in consultation with a port health official or medical practitioner may determine, and must be referred for isolation or quarantine, as the case may be.

## **10. Transit of foreigners through the Republic**

- 10.1 Subject to paragraph 10.2, any foreigner having been in, or who departed from, or transited through, a high risk country since 15 February 2020 must be denied a transit visa, or must be denied authority to transit through the Republic.
- 10.2 A foreigner who is resident in a neighbouring country to the Republic who departed from or transited through, a high risk country since 15 February 2020 must, prior to his or her transit through the Republic, be subjected to prescribed screening or examination procedure as the immigration officer, in consultation with a port health official or medical practitioner may determine, and may be referred for isolation or quarantine, as the case may be.

## **11. Departure of foreigners from the Republic**

- 11.1 A foreigner who is inside the Republic during the period of national state of disaster, and who entered the Republic since 15 February 2020, or having transited through, a high risk country may, prior to his or her departure from the Republic, be subjected to examination as a port health official or a medical practitioner may determine.
- 11.2 A foreigner referred to in paragraph 11.1 must, when departing from the Republic, or on application for such departure, comply with any other applicable regulations or directives relating to the declared national state of disaster.
- 11.3 A foreigner referred to in paragraph 11.1 who leaves the Republic, may not during the subsistence of the national state of disaster be re-admitted into the Republic, if he or she travelled to or through a high risk country and paragraph 7 must apply in relation to such foreigner.

## **12. Visa concessions for foreigners inside the Republic**

- 12.1 A foreigner who is inside the Republic, during the period of a national state of disaster, and who entered the Republic since 15 February 2020, or before that date, and who originates from a high risk country, and who, for reasons related to the pandemic, may not be able to return to his or her country of origin during this period, is entitled to visa concessions that may be determined by the Minister in order to enable such a foreigner to remain in the country for such period as may be determined by the Minister having regard to the existing state of affairs relating to the pandemic.
- 12.2 The visa concessions contemplated in paragraph 12.1 are applicable to the foreigners referred to in paragraph 12.1 who hold valid temporary residence visas that are due to expire, and must include those whose visas have expired during this period. The foreigners contemplated herein must be allowed to re-apply for their respective visas or a relevant visa exemption without the need to first obtain authorisation in terms of the Immigration Act, 2002 to remain in the country.
- 12.3 The applicants referred to in paragraph 12.2 may be issued with visas valid until 31 July 2020 and where the applicant is unable to meet one or more of the prescribed requirements for any temporary residence visa, he or she may, in terms of section 31(2)(c) of the Immigration Act, 2002 apply to the Minister, in the manner prescribed in the Immigration Regulations, 2014 to waive such requirement.
- 12.4 A person whose visitor's visa, issued in terms of [section 11\(1\)](#) of the Immigration Act, 2002 has reached its maximum validity period and is technically not renewable will be allowed to apply for the same visa with the same terms and conditions for a period not exceeding 90 days. No Change of status or conditions will be allowed.

### **13. Airline crew members and emergency medical rescue**

- 13.1 A crew member of an airline who has been in, or who departed from, or transited through, a high risk country since 15 February 2020 may be allowed to land in the Republic without the need for a visa, and in accordance with the directions and regulations applicable to South African International Airports, and may, where required, be subjected to medical examination as a port health official may determine.
- 13.2 All currently applicable protocols with regard to emergency medical rescue will continue to apply.

### **14. Diplomats**

- 14.1 Diplomats accredited to the Republic and their families will be allowed to travel through OR Tambo or Cape Town international airport, or any operational land port of entry: Provided that they will be subjected to extensive health risk assessment upon their return to the Republic.
- 14.2 Diplomats accredited to the neighbouring countries and their families –
- (a) will be allowed to transit the Republic through O R Tambo or Cape Town International Airports or any operational land port of entry to travel to and from their countries of origin subject to extensive health risk assessment; or
  - (b) may, if required to have a visa to enter or transit the Republic, apply for long term multiple entry visa in terms of the Immigration Act, 2002 to enter the Republic.

### **15. Travel restrictions for citizens and permanent residents**

- 15.1 South African citizens and permanent residents are advised, for the duration of the national state of disaster, and subject to further advisories, other applicable regulations or directives to—
- (a) refrain from non-essential travel to high risk countries; and
  - (b) exercise caution in relation to any other travel outside the Republic.
- 15.2 A South African citizen or a permanent resident who, for any reason, has been outside the Republic during the period of national state of disaster must for purposes of admission, upon his or her return to the Republic, be subjected to prescribed screening or examination procedure as the immigration officer, in consultation with a port health official or medical practitioner may determine, and must be referred for isolation or quarantine, as the case may be.

### **16. Closure of some ports of entry**

The ports of entry listed in Annexure "A" are closed for processing of any person who wishes to enter into, transit through or depart from, the Republic during the period of the national state of disaster.

### **17. National lock-down**

- 17.1 Notwithstanding any provision in these directions, subject to applicable regulations, contingency measures, directives or exemptions (including repatriation of foreign nationals) relating to National Lock-Down in the Republic, during the period of National Lock-Down, as declared, no foreigner may be issued with a visa for purposes of travel into the Republic, and no person will be allowed entry into, or transit through, or departure from, the Republic.
- 17.2 All ports of entry in the Republic will be closed for processing of travellers who wish to enter into, transit, or depart from the Republic, except where a specific exemption is granted.
- 17.3 The provisions of this paragraph apply for the duration of the period of National Lock-Down, and will include any period of extension thereto.



## **Annexure "A"**

### **List of closed ports of entry**

#### **1. Seaports**

Mosselbay and Saldanha.

## 2. Land ports

Neighboring country	Province in the Republic of South Africa	Name of port (Republic of South Africa)
Republic of Botswana	Limpopo	Zanzibar
	Limpopo	Platjan
	Limpopo	Pontdrift
	Limpopo	Stockpoort
	North West	Derdepoort
	North West	Swartkopfontein Gate
	North West	Bray
	North West	Makopong
	North West	Makgobistad
	Northern Cape	MC Carthys Rest
	Northern Cape	Middelputs
	Northern Cape	Gemsbok
	Northern Cape	TweeRivieren
Kingdom of Eswatini	KwaZulu-Natal	Onverwacht
	Mpumalanga	Bothashoop
	Mpumalanga	Emahlatini
	Mpumalanga	Josefsdal
	Mpumalanga	Nerston

	Mpumalanga	Waverly
Kingdom of Lesotho	Eastern Cape	Ramatsilitso Gate
	Eastern Cape	Ongeluksnek
	Eastern Cape	Telle Brige
	Free State	Makhaleng Bridge
	Free State	Peka Brige
	Free State	Monantsa Pass
	Free State	Sepapus Gate
	KwaZulu-Natal	Sani Pass
	KwaZulu-Natal	Boesmansnek
Republic of Mozambique	KwaZulu-Natal	Kosi Bay
	Limpopo	Giriyondo
	Limpopo	Pafuri
Republic of Namibia	Northern Cape	Alexander Bay
	Northern Cape	Rietfontein
	Northern Cape	Onseepkans
	Northern Cape	Sendelingsdrift