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

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Government Notice 416 of 2020

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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 county 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 October 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.

[paragraph 12.3 amended by section 2.1 of Government Notice 843 of 2020]

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 contemplated in regulation 41(2)(d) of the Regulations who, at own cost and subject to the capacity available on international flights permitted for evacuation and repatriation, intends to travel to his or her place of employment, study or residence outside of the Republic must provide the Department of Home Affairs, at least five working days in advance of the intended date of travel, with—

(a) a copy of his or her valid South African passport;

(b) a letter of confirmation of admissibility or the validity of the visa or permit, issued by the relevant diplomatic or consular mission or authority of the receiving country;

(c) where transiting through another country, proof of permission to transit through such country; and

(d) proof of the means of travel and the intended date of departure,

which information may be authenticated by the Department when considering the request to leave the Republic.

15.3 A South African citizen or a permanent resident who, for any reason, has been outside the Republic during the period of the national state of disaster must for purposes of admission, upon his or her return to the Republic, be subjected to such 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.

[paragraph 15 substituted by section 2 of Government Notice 664 of 2020]

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.

17A. Entry into or exit from Republic for emergency medical attention for life-threatening condition

17A.1 A person who wishes to enter into, or exit from, the Republic for emergency medical attention for a life-threatening condition as contemplated in regulation 4(8) of the Regulations, must apply to an immigration officer at a port of entry, which immigration officer must inform the Minister of Home Affairs of the application and obtain approval for the intended travel.

17A.2 When a person referred to in paragraph 17A.1 requires assistance with physical movement or care, the person providing assistance must be screened and, where applicable, be subjected to mandatory quarantine.

17A.3 An application referred to in paragraph 17A.1 must be supported by—

(a) documentary proof of the applicant’s life-threatening condition; and

(b) a copy of the applicant’s valid passport.

[paragraph 17 substituted with paragraphs 17A to 17D by section 2 of Government Notice R518 of 2020]

17B. Entry by South African citizens or permament residents and exit by foreigners to be repatriated to countries of nationality or permanent residence

17B.1 A South African citizen or permanent resident, who wishes to enter into the Republic during the period of the national state of disaster must apply, 72 hours prior to the intended entry into the Republic, to the South African Mission in the country in which he or she is, or where there is no South African Mission, the Consular Services at the Department of International Relations and Cooperation, which Mission or the latter Department, must inform the Minister of Home Affairs of the application and obtain prior approval for the intended entry.

17B.2 An application referred to in paragraph 17B.1 must be supported by—

(a) a copy of the applicant’s passport or identity card or document;

(b) a copy of the applicant’s permanent residence permit, if applicable; and

(c) details regarding the applicant's travel itinerary in the last two months.

17B.3 A South African citizen or permanent resident referred to in paragraph 17B.1 who is permitted to enter the Republic must, upon arrival at the port of entry, be referred for a mandatory quarantine.

17B.4 A foreigner who is to be repatriated to his or her country of nationality or permanent residence during the period of the national state of disaster, must apply to the relevant diplomatic or consular

mission in the Republic responsible for consular services pertaining to his or her country, 72 hours prior to the intended date of departure.

17B.5 The diplomatic or consular mission referred to in paragraph 17B.4 must, through the diplomatic channel, and in accordance with guidelines issued by the Department of International Relations and Cooperation and the Department of Transport, notify the Minister of Home Affairs, or a person designated by him or her in writing, of the application and obtain prior approval for the intended exit.

17B.6 An application referred to in paragraph 17B.4 must be supported by—

(a) a copy of the applicant's valid passport;

(b) a copy of the applicant's temporary residence visa or permanent residence permit; and

(c) proof of the applicant's means of travel.

[paragraph 17 substituted with paragraphs 17A to 17D by section 2 of Government Notice R518 of 2020]

17C. Officials of international organisations

17C.1 The application of parargraph 14 of the Directions is hereby extended to officials of international organisations accredited to the Republic and their families.

17C.2 Subject to the applicable COVID-19 quarantine and isolation requirements determined by the Department of Health, the movement of resident diplomats, including movement for the purposes of providing consular support to foreign nationals and officials of international organisations accredited to the Republic, will be determined by the guidelines issued by the Department of International Relations and Cooperation through the diplomatic channel.

[paragraph 17 substituted with paragraphs 17A to 17D by section 2 of Government Notice R518 of 2020]

17D. Services to be rendered by Department of Home Affairs

The following services will be rendered by the Department of Home Affairs during Alert Level 4 of the period of the national state of disaster:

(a) Re-issue of birth and death certificates;

(b) issuance of temporary identity certificates;

(c) registration of deaths;

(d) registration of birth, excluding late registration of birth;

(e) collection of identity cards or documents; and

(f) application for, and collection of, passports for persons engaged in the delivery of essential goods across the borders of the Republic and those travelling outside of the Republic for receiving medical services.

[paragraph 17 substituted with paragraphs 17A to 17D by section 2 of Government Notice R518 of 2020]

17E. Services to be rendered by Department of Home Affairs under Alert Level 3

The following additional services will be rendered by the Department of Home Affairs during Alert Level 3 of the period of the national state of disaster, in addition to the services mentioned in paragraph 17D:

(a) late registration of births;

(b) solemnisation and registration of marriages; and

(c) applications for identity cards or documents for learners.

[paragraph 17E inserted by section 3 of Government Notice 664 of 2020 and substituted by section 2 of Government Notice 749 of 2020]

17F. Services to be rendered by Department of Home Affairs under Alert Level 2

17F.1 The following additional services will be rendered by the Department of Home Affairs during Alert Level 2 of the period of the national state of disaster, in addition to the services mentioned in paragraphs 17D and 17E:

(a) applications for first issue of Identity Card or Green Bar-coded Identity Document;

(b) applications for Identity Cards or Green Bar-coded Identity Documents by persons who have been issued with a Temporary Identity Certificate during the national state of disaster, which certificates have expired;

(c) applications for amendments of personal particulars;

(d) applications for rectification of personal particulars; and

(e) Back Officer records retrieval services.

17F.2 All Temporary Identity Certificates issued during the period of the national state of disaster that have not yet expired on the date of commencement of this Directions are hereby extended up to 31 October 2020.

[paragraph 17F inserted by section 2 of Government Notice 923 of 2020]

18. Passenger manifest

18.1 The owner or person in charge of a conveyance, authorised by the relevant Cabinet member, to enter, or depart from, the Republic, must provide to the Departments of Home Affairs and International Relations and Cooperation a list with details (manifest) of passengers and crew on that conveyance before such entry or departure..

18.2 Any changes to the list referred to in paragraph 18.1 must be provided to the Department of Home Affairs prior to the arrival or departure of such a conveyance.

18.3 The owner or person in charge of a conveyance must ensure that all passengers carried on the conveyance are admissible in the country of disembarkation.

[paragraph 18 inserted by section 4 of Government Notice 664 of 2020]

19. Extension of validity period of asylum seeker permit and refugee status

An asylum seeker permit lawfully issued in terms of section 22 of the Refugees Act, 1998 (Act No. 130 of 1998) and a refugee status granted in terms of section 24 of the Refugees Act, 1998, which expired from 15 March 2020, or is to expire or which status was to be withdrawn during the period of the national state of disaster, is deemed to have been extended up to and including 31 October 2020.

[paragraph 19 inserted by section 4 of Government Notice 664 of 2020 and amended by section 2.1 of Government Notice 843 of 2020]

20. Extension of validity period of Lesotho Special Permit

A Lesotho Special Permit lawfully issued in terms of section 31(2)(b) of the Immigration Act, 2002 (Act No. 13 of 2002) which has expired is deemed to have been extended up to and including 31 October 2020.

[paragraph 20 inserted by section 4 of Government Notice 664 of 2020 and amended by section 2.1 Government Notice 843 of 2020]

21. Declaration of undesirabilitly

21.1 A person whose visa has expired from 15 March 2020 and has remained in the Republic during the period of the national state of disaster will not be declared an undesirable person in terms of the Immigration Act, 2002 (Act No. 13 of 2002) upon leaving the Republic during the period of the national state of disaster up to and including 31 October 2020.

[paragraph 21.1 amended by section 2.1 of Government Notice 843 of 2020]

21.2 Any declaration of undesirability that has been issued to any person who departed the Republic on or after 15 March 2020 is hereby set aside.

[paragraph 21 inserted by section 4 of Government Notice 664 of 2020]

22. Visits to Lindela Holding Facilitly

Visits to Lindela Holding Facility are not allowed, except for provision of consular services by the relevant diplomatic or consular mission of the persons detained in the Facility.

[paragraph 22 inserted by section 4 of Government Notice 664 of 2020]

23. Applications for entry into South Africa

23.1 A person who falls outside of the categories allowed to enter the Republic in terms of these Directions, read with regulation 41 of the Regulations may, in writing, apply to the Minister of Home Affairs and demonstrate exceptional circumstances for his or her request to enter the Republic during the period of the national state of disaster.

23.2 An application referred to in paragraph 23.1 must be supported by—

(a) a copy of passport; and

(b) a copy of a temporary residence visa, excluding a visa referred to in paragraphs 5 and 6 of the Directions.

23.3 A person who is allowed entry into the Republic will be subjected to the prescribed screening procedures and isolation or quarantine rules, as the case may be.

[paragraph 23 added by section 3 of Government Notice 749 of 2020]

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