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No. 27725



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

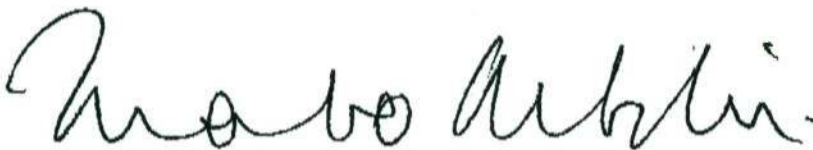
No. R. 30

27 June 2005

COMMENCEMENT OF THE IMMIGRATION AMENDMENT ACT, 2004

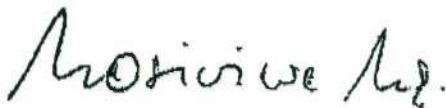
By virtue of the powers vested in me in terms of section 50 of the Immigration Amendment Act, 2004 (Act No. 19 of 2004), I hereby determine 1 July 2005 as the date upon which the Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at **Cape Town** on this the **21st** day of June Two Thousand and Five.



PRESIDENT

By order of the President-in-Cabinet:




MINISTER OF CABINET

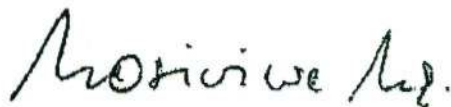
SIMEMETELO**SEMENGAMELI WERIPHABLIKI YENINGIZIMU AFRIKA****No. R. 30****27 Juni 2005****KUCALISA KUSEBENTA KWEMTSETSO WEKUGUCULA UMTSETFO
WETIFIKINAMTFWALO, 2004**

Ngaphansi kwemandla lenginiketwe wona sigaba 50 semTsetfo wekuGucula umTsetfo wetiFikinamtfwalo, 2004 (umTsetfo No. 19 wa 2004), ngibeka umhlaka 1 Julayi 2005 njengelusuku lomTsetfo lotawucalisa kusebenta ngalo.

Kuniketwe ngaphansi kweSandla sami kanye neluPhawu lweRiphabliki yeNingizimu Afrika e **Kapa** ngalolusuku lwe 21 ku Juni emnyakeni wetiNkhulungwane letimBili nakuHlanu.

**UMENGAMELI**

NgeSelayetelo seMengameli kuKhabhinethi

**INDVUNA YEKHABHINETHI**

GOVERNMENT NOTICES

DEPARTMENT OF HOME AFFAIRS

No. R. 615

27 June 2005

IMMIGRATION ACT, 2002

REGULATIONS ON FEES

The Minister of Home Affairs has, in terms of section 7(1)(h) and (i) of the Immigration Act, 2002 (Act No. 13 of 2002), after consultation with the Immigration Advisory Board and with the concurrence of the Minister of Finance, made the regulations in the Schedule.

SCHEDULE

Fees for overtime services performed by immigration officer

1. Whenever a person calls at a port of entry for the purpose of admission to or departure from the Republic outside the official hours of that port of entry, he or she shall, in terms of section 7(1)(h) of the Act, pay the following overtime fees, as the case may be, per person:

- (a) R200 for each hour or part thereof in respect of each immigration officer who has to render such overtime services to that person:
Provided that such person has beforehand, during the official hours of that port of entry, informed the immigration officer in control of that port of entry of the date and time of the intended call at that port of

entry: Provided further that he or she calls at that port of entry within the hours and on the date so arranged; or

- (b) R400 for each hour or part thereof in respect of each immigration officer who has to render overtime services in all other cases to that person.

Fees for applications

2. The following fees shall be payable in terms of section 7(1)(i) of the Act in respect of the applications specified:

| Application | Section of Act | Amount (R) |
|--|----------------|------------|
| Certificate to enter or depart from Republic at place other than port of entry | 9(3)(c)(i) | 425 |
| Visitor's visa | 10A(3) | 425 |
| Transit visa | 10B(2) | 425 |
| Renewal of visitor's permit | 11(1) | 425 |
| Study permit | 13(1) | 425 |
| Treaty permit | 14 | 425 |
| Business permit | 15 | 1520 |
| Medical treatment permit | 17 | 425 |
| Relative's permit for immediate family member other than spouse or minor child | 18 | 425 |
| Work permit | 19 | 1520 |

| | | |
|--|-------|------|
| Retired person permit | 20 | 425 |
| Corporate permit | 21 | 1520 |
| Exchange permit | 22 | 425 |
| Permanent residence permit, excluding applications by persons contemplated in sections 26(b) and (c) and 27(d) of the Act | 25 | 1520 |
| Certificate of confirmation of permanent residence | 28(c) | 100 |
| Processing fee for application for registration as immigration practitioner | 46(2) | 3000 |

Short title and commencement

3. These Regulations shall be called the Regulations on Fees and come into operation on **1 July 2005**.

No. R. 616

27 June 2005

IMMIGRATION ACT, 2002**IMMIGRATION REGULATIONS**

The Minister of Home Affairs has under section 7 of the Immigration Act, 2002 (Act No. 13 of 2002), after consultation with the Immigration Advisory Board, made the regulations in the Schedule.

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 a permit contemplated in section 23 of the Act;

“business permit” means a permit contemplated in section 15 of the Act;

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

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

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

“deposit” means a cash deposit not exceeding the cost of a single ticket for the applicant to his or her country of origin: Provided that in the case of—

- (a) an illegal foreigner contemplated in section 34(1) of the Act, an additional amount not exceeding the cost of subsistence and travel costs and allowances for an escort in the event that such a service may be necessary, may also be required; or
- (b) an illegal foreigner contemplated in section 34(1) of the Act or a person contemplated in section 29(1) or 30(1) of the Act, the additional amount contemplated in paragraph (a), as well as a further additional amount not exceeding the expected detention and related costs in the event of the applicant becoming an illegal foreigner, may also be required.

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

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

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

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

“medical report” means a report by a medical practitioner with regard to an applicant’s general state of health, detailing any medical condition he or she suffers from, which report shall not be older than six months at the time of its submission;

“medical treatment permit” means a 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 relevant applicant resided for 12 months or longer 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 supported by, where necessary, bank statements or salary advices by the hosts in the Republic accepting responsibility for the costs related to the maintenance and removal of the applicant, should this be necessary, and in the case of scholars or students, scholarships or bursaries, respectively;

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

“radiological report” means a report by a radiologist certifying that the applicant has been examined and that no signs of active pulmonary tuberculosis could be detected, which report shall not be older than six months at the time of its submission;

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

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

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

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

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

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

“visitor’s permit” means a 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;
- (e) at least one unused page when presenting the passport for purposes of endorsing a visa or a permit; and
- (f) 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, are—

- (a) the United Nations, excluding its agencies, except for the United Nations Refugee Agency;
- (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.

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) The Board shall adopt rules to govern the procedure at its meetings.
- (6) A quorum at a meeting of the Board shall be 10 members.

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 relevant person in writing in a form substantially corresponding to Form 2 contained in Annexure A.
- (3) The applications contemplated in section 8(4) and (6) of the Act shall be in the form of a written representation to the Director-General or the Minister, as the case may be.

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—

- (i) is not an illegal foreigner by producing a valid passport and visa or permit;
 - (ii) is not a prohibited person by proving that he or she is in compliance with section 29 of the Act;
 - (iii) if previously declared an undesirable person, has complied with section 30(2) of the Act; or
 - (iv) is not in contravention of the Act by producing a permit commensurate with the activities to be undertaken by him or her in the Republic;
- (b) submit a contact address or an address of intended stay within the Republic, if required to do so;
- (c) provide proof of settlement, in the form of a receipt, 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, shall 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), shall 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 submitted or mailed to—

(a) the mission of the Republic in the country of the applicant's normal residence, which includes permanent residence and long-term temporary residence;

(b) the mission of the Republic in the 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 submitted 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, in the case of an applicant already present in the Republic who has

provided proof that he or she has been unable to obtain a passport, 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 not exceeding six months; and
 - (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 Form 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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 who holds an official passport where that person—
 - (i) is a person contemplated in section 31(3)(b) of the Act; or
 - (ii) intends entering the Republic on an official visit;
- (c) a diplomatic visa to a person who holds a diplomatic passport where that person—
 - (i) is a person contemplated in section 31(3)(b) of the Act; or
 - (ii) intends entering the Republic on an official visit; 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 are—

- (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 cash payment, 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;

(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;
 - (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 or pregnant women; and
 - (f) a yellow fever vaccination certificate if that person travelled or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic.
- (4) The residence by a person who is the spouse or dependent child of the holder of a permit issued in terms of section 11, 13, 14, 15, 17, 19, or 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 resident 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 valid for a period not exceeding seven days: Provided that where that foreigner arrives at a port of

entry from his or her country of residence, the new permit may be issued for a period not exceeding the period attached to the visa exemption.

(6) Where a visa is 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 applied for by submitting a statement or documentation confirming the purpose and duration of the visit;
- (b) may be subjected to the relevant individual terms and conditions contemplated in regulation 7(8);
- (c) may, where applicable, be granted subject to a recommendation from the relevant organ of state; and
- (d) if approved, be endorsed on the visitor's permit:

Provided that in the case of a national of a country that is a member of the Southern African Development Community, the contents of paragraph (a) shall not apply.

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—

- (i) the particulars of the person in the Republic who will act as that learner's guardian and a confirmatory letter from that intended guardian; and
 - (ii) 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;
- (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 or pregnant women;
- (e) the documents relating to his or her marital status contemplated in regulation 9(3)(a) and (b);
- (f) a yellow fever vaccination certificate if that person travelled or intends travelling from or through a yellow fever endemic area:
Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
- (g) 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;
- (h) 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;

- (i) the documents relating to minor dependent children accompanying the applicant to or joining the applicant in the Republic contemplated in regulation 9(3)(c);
 - (j) proof of sufficient financial means; and
 - (k) 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)(k) 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 or 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: Provided that where the employer is a Government Department of the Republic and is unable to submit the mentioned written undertaking, the sending State may submit that undertaking;

- (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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or an undertaking that at least five citizens or permanent residents shall be permanently employed;
- (c) an undertaking to register with the South African Revenue Service;
- (d) proof of registration with the relevant body, board or council, if applicable;
- (e) a police clearance certificate;
- (f) a yellow fever vaccination certificate if he or she travelled or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
- (g) 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;
- (h) 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 or pregnant women;

(i) 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

(j) 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, the capitalisation requirement may be reduced or waived in respect of the following businesses:

(a) Information and 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; and

(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 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) financial statements in respect of the preceding financial year; and

(b) a partnership agreement.

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 details 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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or 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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or 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 confirmation of having secured employment within the category or class contemplated in section 19(1) of the Act and, within every

12 months thereafter, confirmation of continued employment within that category or class.

(4) An application for a general work permit shall be accompanied by—

- (a) a contract of employment stipulating the conditions of employment and 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) full particulars of the employer, including, if applicable, proof of registration of the 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 stipulating 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, which period shall be calculated from the closing date for applications.

(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) a letter of motivation indicating that the exceptional skill possessed by the applicant will be to the benefit of the South African environment in which he or she 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 of that company or an affiliated company situated in South Africa; 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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or pregnant women.
- (2) The minimum payment to a foreigner 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) a job description and proposed remuneration in respect of each foreigner.

(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 contained 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 upon 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 are, at the discretion of the Director-General—

- (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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or 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 or intends travelling from or through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling 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 or 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) 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 or intends travelling from or through a yellow fever endemic area:
Provided that the certificate shall not be required where that person travelled or intends travelling 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 or 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 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, which period shall be calculated from the closing date for applications.

(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 extraordinary 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) a letter of motivation indicating that the exceptional skill possessed by the applicant will be to the benefit of 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 or an undertaking that at least five citizens or permanent residents shall be permanently employed;
- (c) an undertaking to register with the South African Revenue Service;
- (d) proof of registration with the relevant body, board or council, if applicable;
- (e) 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
- (f) 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 and 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; and
- (h) crafts.

(7) A foreigner who invests or has invested in an existing business shall, subject to this regulation, submit 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) 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 the certification contemplated in 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) the submission of the documentation contemplated in regulation 22(3)(b), (f), (g), (h) and (i): 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 R20 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 (8)

24. (1) The diseases or viruses contemplated in section 29(1)(a) of the Act are 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 are 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 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 are 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 a 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 R10 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.

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 or certificate of earnings and job description, respectively.

Keeping of registers of lodgers by certain persons

31. (1) The classes of premises contemplated in section 40(1) of the Act are—

- (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 or police 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) with a view to satisfying itself that, on the face of it, the passport or identity document, as the case may be, belongs to the person presenting it and, in the case of a foreigner, he or she is legally in the Republic.

(3) The commercial transactions contemplated in section 45 of the Act are—

- (a) in respect of subregulation (1)(a), the securing of loans and bonds, whether a housing loan secured by a mortgage bond over property or a loan secured by a special notarial bond over movable property, 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;
 - (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 contemplated in Annexure C to be maintained by the Director-General; and
 - (g) submit a police clearance certificate.
- (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 within 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, R10 000 per person; and
 - (b) in respect of a conveyance used for any purpose other than the one contemplated in paragraph (a), R5 000 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 are hereby repealed.

Short title and commencement

37. These Regulations shall be called the Immigration Regulations and come into operation on 1 July 2005.

ANNEXURE A

| FORM NO. | DESCRIPTION |
|----------|--|
| 1 | Notification regarding right to request review by Minister |
| 2 | Notice of decision adversely affecting right of 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 | Interview by immigration officer of person not having satisfied Immigration Officer that he or she is not inadmissible foreigner |
| 8 | Application for temporary residence permit |
| 9 | Application for change of conditions on existing permit or change of status |
| 10 | Application for renewal of existing 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 regarding exchange programme |
| 17 | Application for asylum transit permit |

(BI-1756) 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 shall 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:**

To:

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**ACKNOWLEDGEMENT OF RECEIPT**

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 A or B, whichever is not applicable**

****Delete whichever is not applicable**

CERTIFICATE BY INTERPRETER

I (first name(s)
and surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I have
explained to[first 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

(BI-1714A) Form 2

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

NOTICE OF DECISION ADVERSELY AFFECTING RIGHT OF 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**

CERTIFICATE BY INTERPRETER

I (first name(s)
and surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I have
explained to[first 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

(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 to an immigration officer | | | | | |
| Where entry/exit is required | | | | | |

| | | | |
|--|--|---------------------------------|--|
| Motive 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 shall 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 for the better execution of the Act.

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.

If the exemption is granted, the exemption, your passport and/or any other document relevant to entry or residence in respect of the Republic, shall 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 shall 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(3)(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(3)(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 | M | M | D | D |
| Purpose of departure: | Holiday | Business | Study | | Emigration | | Other (specify) | | | |

| | | | |
|--|-----------------|--------|--------|
| 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(4)]

Surname

First name(s):

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.

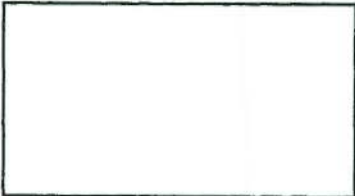
.....

Signature of deponent

Place

Date

LEFT THUMB PRINT



CERTIFICATE BY INTERPRETER

I (first name(s)
and surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I have
explained to[first 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

(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)]**

..... (first 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 (first

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:

CERTIFICATE BY INTERPRETER

I (first name(s)

and surname) of

(*business/residential address) hereby confirm that I have mastered

..... (state language) and that I have

explained to[first 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

(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 |

PHOTOGRAPH

| 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 | | | | Widowed | | Customary |
| | | Divorced | | Legally | | union |
| | | Separated | | recognised | | |
| | | | | spousal | | |
| Never married | | | | relationship | | |
| Married | | | | | | |

If separated state:

Whether divorce proceedings have been instituted.....

and when final decree is expected.....

If divorced, provide:

Date of divorce.....

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 ☐

If so, of which country, plus details.....

PASSPORT DETAILS

| | |
|--|-------------------------|
| Passport number: | Country of issue: |
| Date of issue / / | Valid until / / |
| If you have any other document required by your government, provide details: | |
| Type of document..... Number..... | |
| Expiry date:...../...../..... | |

ADDRESSES

| | |
|--|---------------------------------|
| Residential address: | Postal address: |
| | |
| | |
| | |
| | |
| | |
| | |
| Postal code..... | Postal code..... |
| 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 ☐ No ☐

If no, specify period and present status.....
.....

Have you ever applied for asylum or refugee status in SA or any other country?

Yes ☐ No ☐

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 REPUBLIC

| | | |
|--|-------|----------------------------|
| Proposed date and place of departure for South Africa: | / / | |
| Anticipated date and place of arrival in South Africa: | / / | |
| Travelling by Air | Road | Rail |
| | | Sea |
| | | Carrier |
| If you intend staying in South Africa 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? Yes <input type="checkbox"/> No <input type="checkbox"/> | If so, have you submitted an application for a permanent residence permit? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| If yes and the outcome is still awaited, application submitted on To foreign/domestic office at | <div style="text-align: right;">/ / (Date)</div> <div style="text-align: right;">under reference no</div> |

| |
|--|
| Outline your proposed activities whilst in the Republic |
|--|

MAINTENANCE/DEPORTATION

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:

| | |
|---|--|
| Available funds (foreign currency): Type: | Amount: |
| South African Rand equivalent | Attach bank statement as proof of funds held |
| Valid return or onward ticket no: | Expiry date / / |

| | |
|---|-----------|
| Cash deposit in the amount of | lodged at |
| office | on / / |
| Receipt no | |
|South African Rand equivalent..... | |
| Other | |
| | |
| | |

PARTICULARS OF ANY FAMILY/DEPENDANTS ACCOMPANYING YOU

| 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 or | | | | | | | | | | | | | |
| temporary | No | Yes | Holder | | | | | | | | | | |
| residence | | | | | | | | | | | | | |
| permit? | | | | | | | | | | | | | |

| | | | | | |
|-----------------|--|------|--|----------------------|------------|
| Office of issue | | Type | | Date of expiry | / |
|-----------------|--|------|--|----------------------|------------|

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

| | | | |
|-----|--------------------------|-------------------|----------------------|
| Yes | <input type="checkbox"/> | On (date) | <input type="text"/> |
| No | <input type="checkbox"/> | 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 | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
|----|--------------------------|-----|--------------------------|

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/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 case 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 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

Part A

In respect of all permit applications, except medical treatment permits:

| | Attached | |
|---|----------|---|
| | Y | N |
| Passport valid for no less than 30 days after expiry of the intended visit. | | |
| A medical report. | | |
| A radiological report. | | |
| Full birth certificate in respect of each dependent child. | | |

| | Attached | | |
|---|----------|---|--|
| | Y | N | |
| Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable). | | | |
| The affidavit 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. | | | |
| 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. | | | |

| | Attached | |
|---|----------|---|
| | Y | N |
| Part B | | |
| In respect of a study permit: | | |
| An official letter from the relevant institution confirming provisional acceptance at that institution and the duration of 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. | | |
| 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. | | |
| Proof of medical cover recognised in the Republic. | | |
| Proof of sufficient funds to cover tuition fees, subsistence and incidental costs. | | |
| | | |
| Part C | | |
| 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 a combination of cash and a capital contribution amounting to R2,5 million is available. | | |
| A business plan outlining the feasibility of the business. | | |

| | Attached | | |
|--|----------|---|--|
| | Y | N | |
| 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. | | | |
| 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, financial statements proving viability of the business. | | | |
| An undertaking to register with the South African Revenue Services. | | | |
| | | | |
| Part D | | | |
| In respect of a medical treatment permit: | | | |
| | | | |
| 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, or travellers' cheques. | | | |

| | Attached | |
|--|----------|---|
| | Y | N |
| A letter from the applicant's medical practitioner or medical institution, indicating the reasons for treatment, the period of treatment and particulars of the treatment in the Republic. | | |
| A passport valid for no less than 30 days after expiry of the intended visit. | | |
| Particulars of persons accompanying such permit holder, if any. | | |
| Part E | | |
| 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. | | |
| Part F | | |
| In respect of a general work permit: | | |
| 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 or resident. | | |
| Particulars of unsuccessful candidates. | | |

| | Attached | |
|--|----------|---|
| | Y | N |
| Proof of qualifications evaluated by the South African Qualifications Authority. | | |
| Proof of registration with the professional body or 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. | | |
| Part G | | |
| 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. | | |

| | Attached | | |
|--|----------|---|--|
| | Y | N | |
| A letter of motivation indicating that the exceptional skills possessed by the applicant will be to the benefit of the South African environment in which he or she intends to operate. | | | |
| Part H | | | |
| In respect of an intra-company transfer work permit: | | | |
| | | | |
| Foreigner's contract of employment with company abroad. | | | |
| Letter from the company abroad that the applicant shall be transferred to a branch of that company or an affiliated company situated in South Africa. | | | |
| South African company confirming the transfer from the parent or affiliated company abroad, as well as specifying the occupation and capacity in which the foreigner shall be employed, and that the maximum duration will not exceed two years. | | | |
| Part I | | | |
| In respect of a work permit issued in terms of a corporate permit: | | | |
| | | | |
| A corporate worker authorisation certificate from the employer. | | | |
| A valid employment contract. | | | |

| | | | |
|---|--|----------|---|
| | | Attached | |
| | | Y | N |
| Part J | | | |
| In respect of a retired person permit: | | | |
| | | | |
| Proof of a pension fund or an irrevocable retirement annuity or a net worth or a combination of assets realising a minimum amount of R20 000 per month per retired person. | | | |
| Part K | | | |
| In respect 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 shall commence. | | | |

| | | | |
|---|--|----------|---|
| | | Attached | |
| | | Y | N |
| Part L | | | |
| In respect of an organ of state in conjunction with a foreign learning institution or an organ of a foreign state organising or administering the exchange programme: | | | |
| | | | |
| 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. | | | |
| Part M | | | |
| In respect of an exchange 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. | | | |

Part N**In respect of a treaty permit:**

A letter from the relevant organ of state attesting to—

- the nature of the programme and the treaty under which it is conducted;
- the fact that the relevant foreigner participates in such programme;
- the type of activities which the foreigner is expected to perform under such programme; and
- the duration of the programme.

Part O**In respect of a relative's permit:**

Proof that foreigner is a member of the immediate family of the sponsoring citizen or permanent 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 or permanent resident.

Part P**In respect of an application for a work permit:**

This Part must be completed by the employer and submitted by the applicant with all other required documents.

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

Offer of employment for all work permits:

| Name 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) |
| South African citizens | | | | | | |
| Permanent residents | | | | | | |
| Holders of temporary work permits | | | | | | |
| The position offered has been vacant since: | | | | | | |
| If a newly created position, provide 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:

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

Full details of the outcome of the above and reasons as to why a suitably qualified citizen or permanent resident has not been appointed:

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

Does the applicant possess any special qualifications or skills distinguishing him or her as 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:

Description of occupation to be followed:

.....

Nature of offer:

.....
.....

Contract period of employment: 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, (first 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 should this become necessary. I declare that I am authorised to make this
offer of employment on behalf of the aforementioned company/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 in
terms thereof and to notify the Department if the applicant is no longer employed
by the mentioned company/organisation or if he or she is employed in another
position.

.....

Signature of employer

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

(BI-1740) Form 9

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

APPLICATION FOR CHANGE OF CONDITIONS ON EXISTING PERMIT OR
CHANGE OF STATUS

[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 Permitting Office: |
| Fee (currency and amount): | Recommended by: |
| Fee received by on: | Approved/rejected by: Rank: |
| Receipt no.: | Decision conveyed on |

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 shall exist necessitating a change of status. Applicants will not be allowed to change status or sojourn in the Republic through misrepresentation.
- Applying for a change of status does not provide you with a status in terms of the Act.
- If the validity of your permit has already expired, you are in contravention of the Act and guilty of an offence and, on conviction, liable to a fine or to imprisonment. In terms of sections 32 and 43 of the Act, you are obliged to depart from the Republic. In the provided space on this Form you may give reasons why criminal charges should not be brought against you.
- All relevant documents specified in this Form shall accompany the application, unless they have already been submitted with the original application.
- The Department may request you to re-submit any of the documentation or certification on which the issuance of your original permit was based.
- An application for change of status shall comply with the requirements for the relevant permit.

PARTICULARS OF APPLICANT:

| | | |
|--------------------------------------|-----------------------------|-------------------------|
| Surname/Family name: | First name(s): | Date of birth: |
| Residential address in the Republic: | | |
| Home telephone no: | (code) (number) | |

PASSPORT DETAILS:

| | |
|---|------------------|
| Passport number: | Issuing country: |
| 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 SUBSEQUENT PERMIT ISSUED TO YOU OR THE MOST
RECENT RENEWAL THEREOF:

| | |
|--------------------------------------|-----------------------|
| Type of permit: | |
| Issued at: (Permitting office) | Reference number: |
| Date of issue/renewal: | Date of expiry: |

I HEREBY APPLY TO:

***Delete whichever is not applicable**

| |
|---|
| <p>*Change the status of my existing permit:</p> <p>.....</p> <p>.....</p> |
| <p>*Change the conditions on my existing permit as follows:</p> <p>.....</p> <p>.....</p> |

SECURITY AND HEALTH QUESTIONNAIRE

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

Is there 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 of, or adherent to, an association or organisation utilising or advocating the practice of racial hatred or social violence, crime or terrorism to pursue its goals? Yes No

Furnish full particulars if your 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

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

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

| | 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 spousal relationship 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, 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 or proof of legal separation. | | | |
| Proof of court order awarding custody or guardianship. | | | |
| Death certificate, in respect of deceased spouse. | | | |
| Written consent from parent(s) or guardian(s), or in the case of one parent having sole custody, proof thereof. | | | |
| Proof of legal adoption. | | | |
| Police clearance certificate. | | | |
| A yellow fever certificate. | | | |

Part B

In respect of a study permit:

| | | | |
|--|--|--|--|
| An official letter of provisional acceptance and the duration of the course. | | | |
| In the case of a person under the age of 21 years, proof of consent for the intended stay from both parents or custodian parent, along with proof of sole custody in the latter case. | | | |
| In the case of a person under the age of 21 years, the particulars of the person(s) in the Republic who will act as that learner's guardian and a confirmatory letter from that intended guardian. | | | |
| Proof of South African medical cover. | | | |

Part C

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 or a capital contribution of at least R2,5 million or a combination of cash and a capital contribution amounting to R2,5 million is available. | | |
| A business plan outlining the feasibility of the business. | | |
| Proof or an undertaking that at least 5 citizens or permanent residents shall be permanently employed. | | |
| Where the application is in respect of an investment in an existing business; written partnership agreements containing full details of the partners/directors and their status in the Republic, as well as financial statements for the preceding financial year. | | |
| Undertaking to register with the relevant body, board or council, if applicable. | | |
| An undertaking to register with the South African Revenue Service. | | |

Part D**In respect of a medical treatment permit:**

| | | | |
|--|--|--|--|
| 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, or travellers' cheques. | | | |
| A letter from the applicant's medical practitioner or medical institution, indicating the reasons 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. | | | |

Part E**In respect 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. | | | |

Part F**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. | | | |

Part G**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. | | | |
| Part H | | | |
| 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. | | | |

| | | | |
|--|--|--|--|
| A letter of motivation indicating that the exceptional skill possessed by the applicant will be to the benefit of the South African environment in which he or she intends to operate. | | | |
|--|--|--|--|

Part I**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 that foreigner shall be transferred to a branch of that company or an affiliated company situated in South Africa. | | | |
| 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. | | | |

Part J**In respect of a work permit issued in terms of a corporate permit:**

| | | | |
|---|--|--|--|
| A corporate worker authorisation certificate from the employer. | | | |
| A valid employment contract. | | | |

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

| | | | |
|--|--|--|--|
| A duly completed corporate worker authorisation certificate submitted by the employer. | | | |
|--|--|--|--|

| | | | |
|---|--|--|--|
| A valid employment contract, which has been entered into and attested to by the authorities in the contract workers' country of origin, for the maximum period stipulated in the Bilateral Agreement. | | | |
| A full set of fingerprints. | | | |

Part L

In respect of a retired person permit:

| | | | |
|---|--|--|--|
| Proof of a pension or an irrevocable retirement annuity or a net worth or a combination of assets realising a minimum amount of R20 000 per month per retired person. | | | |
|---|--|--|--|

Part M

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 shall commence. | | | |
|---|--|--|--|

Part N

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 programme:

| | | | |
|--|--|--|--|
| 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. | | | |
|--|--|--|--|

Part O

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. | | | |
|--|--|--|--|

Part P**In respect of a treaty permit:**

| | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> - A letter from the relevant organ of state attesting to— - the nature of the programme and the treaty under which it is conducted; - the fact that the relevant foreigner participates in such programme; - the type of activities which the foreigner is expected to perform under such programme; and - the duration of the programme. | | | |
|---|--|--|--|

Part Q**In respect of a relative's permit:**

| | | | |
|--|--|--|--|
| Proof that foreigner is a member of the immediate family of the sponsoring citizen or permanent 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 dependent child of the citizen or permanent resident. | | | |

Part R

In respect of an application for a work permit:

This Part must be completed by the employer and submitted by the applicant with all other required documents.

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

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

| | |
|---|---|
| Name of company or 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 |
|---|------------------|------------|--------------|----------|-----------|---------------|
| South African citizens | | | | | | |
| Permanent residents | | | | | | |
| Holders of temporary work permits | | | | | | |
| The position offered has been vacant since: | | | | | | |
| If a newly created position, provide 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:

| | | | |
|---|-----|----|---------------|
| The Department of Labour was approached: | Yes | No | Branch: |
| Salary benchmarking organisation was approached | Yes | No | Organisation: |
| Employment agencies were approached: | Yes | No | Agencies: |

Media advertisement in: (name of publication)
on (date)

Full details of the outcome of the above and reasons as to why a suitably
qualified citizen or permanent resident has not been appointed:

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

Does the applicant possess any special qualifications or skills distinguishing him
or her as the most suitable candidate for that position:

Yes No

Details:

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

Additional motivation to support the selection of a foreign candidate:

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

Details of offer made to applicant:

| |
|---|
| Description of occupation to be followed: |
| Nature of offer: |
| Contract period of employment: 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, (first
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 should this
become necessary. I declare that I am authorised to make this offer of
employment on behalf of the aforementioned company/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 in terms thereof and
to notify the Department if the applicant is no longer employed by the mentioned
company/organization or if he or she is employed in another position.

.....

Signature of employer

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

| | | | | |
|--|-----------------------|-----------|-------|--|
| | on per | | | |
| Receipt No: | Letter | Facsimile | Other | |
| Reason(s) for decision: | | | | |

IMPORTANT:

- The representatives of employers or heads of educational institutions shall complete this Form in support of applications for continued employment or study in the Republic.
- The required documents as specified in the application shall 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 re-submit any of the documentation or certification on which the issuance of your original permit was based.

PARTICULARS OF APPLICANT:

| | | |
|--------------------------------------|-----------------------------|----------------|
| Surname/Family name: | First name(s): | Date of birth: |
| | | |
| Residential address in the Republic: | | |
| Home telephone no: | (code) (number) | |

PASSPORT DETAILS:

| | |
|---|------------------|
| Passport number: | Issuing country: |
| Date of issue: | Valid until: |
| <p>If you have any other identity document issued by your government, provide details:</p> <p>Type of document: Number:</p> <p>Expiry date:</p> | |

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 SUBSEQUENT PERMIT ISSUED TO YOU, OR THE MOST
RECENT RENEWAL THEREOF:

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

A permit is required until (date) 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

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

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

I.....
(first name(s) 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 and
number), fax number:..... (code and number),
hereby solemnly declare that:

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. Yes No

.....
Signature of the representative of the employer or head of Institution

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

*** Delete whichever is not applicable**

| | | | |
|---|------|---|--|
| Country of birth | | | |
| Gender | Male | Female | |
| Nationality: | | If acquired by naturalisation, state original nationality: | |
| Where and when was present nationality obtained | | | |
| Passport/Travel Document Number: | | Issuing authority: | |
| Type of document: Diplomatic/Official/Ordinary Passport/Travel Document/other (specify): | | Date of expiry: | |
| Permanent residential address: | | | |
| Period resident at this address: | | Telephone number: (code) (number) | |
| Country of permanent residence: | | Period resident in that country: | |
| Occupation or profession: | | | |

Name, address and telephone no of employer, university, organisation, etc. to which you are attached, or that you attend or which you represent:

If self-employed, state name, address, telephone no and nature of business:

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

First name(s) of spouse

Maiden name

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|--|
| | Y | Y | Y | Y | M | M | D | D | |
|--|---|---|---|---|---|---|---|---|--|

Date of birth

Nationality

NB: 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 endorsed on your passport accompanying you:

| | | | |
|---------|---------------|---------------|----------------|
| Surname | First name(s) | Date of birth | Place of birth |
|---------|---------------|---------------|----------------|

| | | | |
|-----|-------|-------|-------|
| (1) | ..... | ..... | ..... |
| (2) | ..... | ..... | ..... |
| (3) | ..... | ..... | ..... |
| (4) | ..... | ..... | ..... |

VISIT TO SOUTH AFRICA

Expected date of arrival in the Republic: Y..... M.....D.....

Place of arrival:.....

Purpose of visit:

Duration of stay (months, weeks or days)

.....

Number of entries required:

| | |
|----------|--|
| Single | |
| Multiple | |

Proposed residential address (physical) in the Republic, including the full name(s) of your host or hotel:

.....

.....

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 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 a member of, or adherent to an association or organization advocating the practice of social violence or racial hatred or are you or have you been a member of an organisation or association utilizing crime or terrorism to pursue its ends?

yes

no

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

To be completed by applicants applying for visitor's permits exceeding three months:

In the case of a spouse or dependant minor child of the holder of a permit issued in terms of section 11, 13, 14, 15, 17, 19 or 22, submission of a marriage certificate or an unabridged birth certificate.

| |
|---|
| Proof of academic sabbatical, if applicable. |
| Proof of non-remunerative voluntary or charitable activities to be undertaken, if applicable. |
| Proof of research to be undertaken, if applicable. |
| Proof of funds available for subsistence during period of visit. |

| |
|---|
| To be completed by applicants applying for diplomatic, official or courtesy visas: |
| |
| In the case of an official visit, submission of a note verbale. |
| In the case of a diplomatic placing in the Republic, proof of such placing. |

| |
|--|
| To be completed only by passengers in transit to another 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) |

.....

To be completed by persons wishing to work in the Republic: Yes ... No ...

If the answer is yes, please provide details:

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.

.....

Signature of applicant

.....

Date

FOR OFFICIAL USE

| | | |
|--------------------------------|--------------|----------------------|
| Approved/not approved by | Type of visa | Reasons for decision |
| on | | |

(BI-1712A) Form 12

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT SPOUSAL
RELATIONSHIP**

[Section 7(1)(g) read with sections 11(6) and 26(b); Regulations 9(3)(b),
11(e), 22(3)(g) and 22(8)]

PART A: TO BE COMPLETED IN THE CASE OF INITIAL APPLICATION:

Particulars of citizen / permanent resident / foreigner on a temporary residence permit*

| | | | | | |
|--|----------------------|----------------------|--------------------------|----------------------|--------------------------|
| Surname | Gender: | Male | <input type="checkbox"/> | Female | <input type="checkbox"/> |
| First name(s) | | | | | |
| Residential address: | | | | | |
| Identity No. | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | or |
| Passport No. Nationality Date of birth Date of first entry into the Republic Type of permit Date of expiry of permit: | | | | | |

| |
|--------------------------|
| Particulars of foreigner |
|--------------------------|

| | | | | | |
|---|--------|------|--|--------|--|
| Surname | Gender | Male | | Female | |
| First name(s) | | | | | |
| Residential address: | | | | | |
| Passport No | | | | | |
| Date of birth Place of birth | | | | | |
| Nationality Date of first entry into South Africa | | | | | |
| Type of permit held | | | | | |
| Date of expiry | | | | | |

I, (first name(s) and surname)
being an *unmarried/divorced/widowed person and
(first name(s) and surname) being an *unmarried/divorced/widowed person do
hereby *make oath and say/hereby solemnly affirm that 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 emotionally and financially. Neither
of us are party to a marriage or 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 | Date of birth | 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 of20...

.....

OFFICE STAMP

Commissioner of Oaths

First name(s):

Surname:

Capacity:



Place:

***Delete whichever is not applicable**

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

Particulars of *citizen/permanent resident/foreigner on a temporary residence permit

| | | | | | | |
|--|--|--------|------|--|--------|----|
| Surname | | Gender | Male | | Female | |
| First name(s): | | | | | | |
| Residential address: | | | | | | |
| Identity No | | | | | | or |
| Passport No Nationality Date of birth | | | | | | |
| Date of first entry into the Republic Type of permit | | | | | | |
| Date of expiry | | | | | | |

| |
|--------------------------|
| Particulars of foreigner |
|--------------------------|

| | | | | | |
|---------------|--------|------|--|--------|--|
| Surname | Gender | Male | | Female | |
|---------------|--------|------|--|--------|--|

First name(s)

Residential address :

Passport No

Date of BirthPlace of Birth

Nationality Date of first entry into South Africa

Type of permit held

Date of expiry

I, (first name(s) and surname)
 being an *unmarried/divorced/widowed person and
 (first name(s) and surname) being an *unmarried/divorced/widowed person do
 hereby *make oath and say/hereby solemnly affirm that 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 | Date of birth | Name of mother of child | Name of father of child |
|---------------|---------------|-------------------------|-------------------------|
| | | | |
| | | | |

.....

Signature of spouse

.....

Signature of spouse

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

.....

Commissioner of Oaths

OFFICE STAMP



First name(s):

Surname:

Capacity:

Place:

***Delete whichever is not applicable**

(BI-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 received and checked for compliance on (date) by (first name(s) and surname). | |
| Application fee: R | Receipt no. |
| Application processed on (date) by (first name(s) and surname) | |
| Recommendation: | |
| Decision: | |
| Reason(s) for decision: | |
| Number of corporate worker authorisation certificates authorised: | |
| | |

| | |
|---|--|
| 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 required: |
| Type of position: | No of workers required: |
| Type of position: | No of workers required: |

| 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 | |
| <i>Pro forma</i> type of employment contract. | Yes | No | |

UNDERTAKING BY CORPORATE APPLICANT

I (first name(s) and surname) (ID number) in my capacity as of the abovementioned company or organisation, undertake to abide by the terms and conditions of the permit should it be issued to me and to comply with the provisions and objectives of the Act.

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;
- inform the Department if any such foreigner is no longer in compliance with the Act, no longer 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 origin or residence, as the case may be, on expiry of his or her contract.

I understand that the corporate permit issued to me may be terminated in case of breach of this undertaking.

Signature of corporate applicant or employer:

Signed at on this day of 20...

(BI-1718) 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 abovenamed corporate permit holder is hereby authorised to issue a total of corporate worker authorisation certificates

| FOR OFFICIAL USE ONLY | | |
|-----------------------|-----------------------------------|---|
| Period of validity | Authorisation certificate numbers | Signature and appointment number of issuing officer |
| | | |
| | | |
| | | |
| | | |

| Employment requirements | | | | | |
|-------------------------|--|-----------|--|-------------------|--|
| 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 | |

The duration of employment commences on the date of the worker's first entry into the Republic and relates to the period this permit is in force, during which period this permit may be used to employ subsequent workers in the same position. This permit may be issued for open-ended periods.

*In the case of seasonal workers, such workers may be employed from to

*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

The abovementioned worker(s) must be admitted at
port of entry.

.....

For Director-General

.....

Date

Official stamp

***Delete whichever is not applicable**

(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..... (period) as a corporate worker to be employed by, hereinafter referred to as the **CORPORATE EMPLOYER**.

Details of corporate worker

Surname:

First name(s):

Date of birth:

Nationality:

Occupation:

Details of Corporate Employer

Contact person:

Contact Tel No.: (code) (number)

Position:.....

Division:

Signature:

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

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

- (a) It entitles the corporate worker to work for the corporate employer including its affiliates, branches and subsidiaries in the abovementioned 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 period of the intended stay;
- (c) the corporate employer undertakes to immediately notify the Department if the employer has reason to believe that the corporate worker is no longer in compliance with section 21(1)(a)(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.

.....
For Director-General

Official stamp

Notification to Department upon termination of employment contract

At (name of Permitting Office)

It is hereby confirmed that the above **CORPORATE WORKER**—

- *(a) has departed from the Republic;
- *(b) has changed his or her status or is no longer in compliance with the Act because
- *(c) is unfit for duty for the remainder of the period of the employment contract;
or
- *(d) is deceased.

The Department is hereby requested to exchange this authorisation certificate for another certificate for the following corporate worker:

Surname:

First name(s):

Date of birth:

Passport number:

Nationality:

Occupation:

.....

Signature of Corporate Employer

Surname:

First Name(s):

.....

For Director-General

***Delete whichever is not applicable**

Official stamp of Corporate
Employer

Official stamp

(BI 1758) 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 (year), (number) foreigners participated in the programme in the Republic. Details regarding the name(s) and surname, date of birth and passport number of the foreigner, the type of programme

attended by the foreigner and the country from which the foreigner lodged his or her application, should be provided on a separate page.

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.**

(BI-1732) 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)

..... (first 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; and
- I *have/have not previously applied for asylum in the Republic.

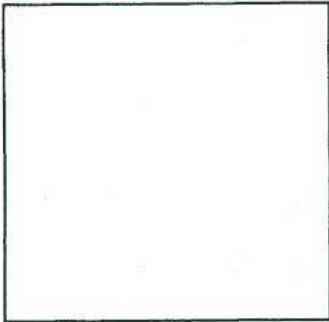
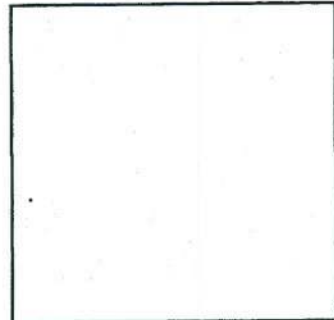
I understand that if I have made a false statement I shall be guilty of an offence and liable on conviction to a fine or imprisonment.

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 become 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

Surname:

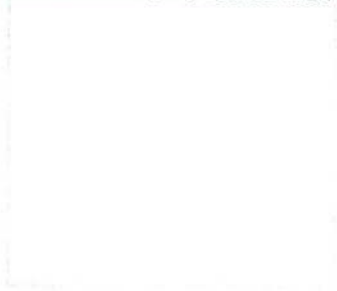
First name(s):

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 this purpose applicants should arrange for an interview with the nearest South African mission or permitting office of the Department before submitting the completed application form, together 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 | First name(s) | Date of birth | Gender | Relationship | Applicable section of Act | Permit number |
|---------|---------------|---------------|--------|--------------|---------------------------|---------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Persons interviewed: Applicant Spouse (interview report must be attached).

Date of interview and capturing:

First names(s) and surname of interviewing and capturing officer:

.....

Rank:

Application processed by (first
name(s) and surname of official)

Decision

Application *approved/rejected.

If rejected, reason(s) for decision:

.....
.....

In the case of conditional approval, state conditions:

.....
.....

Signature:

Rank:

Date:

Office:

Official stamp

Details of principal applicant:

Title:

Surname:

First 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

| |
|--|
| |
|--|

Married

| |
|--|
| |
|--|

Permanent
spousal
relationship

| |
|--|
| |
|--|

Divorced

| |
|--|
| |
|--|

Widowed

| |
|--|
| |
|--|

Legally
separated

| |
|--|
| |
|--|

Type of marriage or spousal relationship:

Civil marriage Customary marriage Permanent heterosexual/homosexual spousal
relationship

Date of conclusion of marriage or spousal relationship:

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

- Date and place of marriage/conclusion of spousal relationship:

.....

- Date and place of *divorce/separation:

.....

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

.....

.....

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:

First name(s):

Date of birth:

Place of birth:

Country:

Nationality at birth:

Mother:

Surname:

First name(s):

Maiden name:

Date of birth:

Place of birth:

Country:

Nationality at birth:

Details of applicant's spouse:

Title:

Surname:

First name(s):

Maiden name:

Any other former surname(s):

| | | | | | | | | | | |
|---------------------|--|--|--|--|-------|--|--|-----|--|--|
| 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/conclusion of spousal relationship:

.....

- Date and place of *divorce/separation:

.....

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

.....

.....

Present residential address:

.....

.....

Occupation:

Type of temporary residence permit held (if applicable):

Valid until: Issuing office:

Details of spouse's parents:

Father:

Surname:

First name(s):

Date of birth:

Place of birth:

Country:

Nationality at birth:

Mother:

Surname:

First name(s):

Date of birth:

Place of birth:

Country:

Nationality at birth:

Details regarding relatives or friends resident in South Africa:

| Name | Address | Tel No | Relationship | ID, Permanent or Temporary Residence Permit 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 most recent duties—

- of principal applicant:;
- and
- of spouse:

Occupations to be followed in the Republic—

- by principal applicant:.....;
- and
- by spouse:

Amount of funds to be transferred to the Republic—

- by principal applicant:;
- and
- by spouse:

Details of pension or private income—

- of principal applicant:;
- and
- of spouse:

Details of any other assets (e.g. property, investments, etc.)—

- of principal applicant:;
- and
- 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):

| | Speak | Read | Write |
|----------|-------|-------|-------|
| English: | | | |
| | | | |
| Other: | | | |
| | | | |

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 residential address(es) (since 18th birthday or for the last ten years):

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 previously been in South Africa?

.....

If yes, state period

Have you or any of the persons concerned ever applied for asylum in another country?

N.B. If the answer to any of the above questions is "YES", provide full details below.

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

General information:

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

Employment details of your spouse if he or she is 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 the permanent residence permit has already been issued, that permit being 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 name(s) appear on the reverse side thereof;
- the details reflected in this application, as well as the documents submitted in support of this application, are true and correct; and
- it is *my/our intention to permanently reside 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

Supporting documents required for all categories of applicants:

| Document(s) to be submitted | Person(s) to submit document | Explanatory notes |
|-----------------------------|------------------------------|-------------------|
| | | |

| | | |
|--|--|--|
| 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. (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 or gender document (i.e. Statutory Declaration, 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 shall not be older than six months at time of submission. |
| Police clearance certificate(s). | All applicants 18 years of age and older. | In respect of all countries of residence for one year or longer (only originals issued by the relevant security authority will be accepted). Certificates may not be |

| | | |
|---|--|--|
| | | older than six months at the time of submission of this application. |
| <p>Marriage certificate, or extract from marriage record.</p> <p>Proof of registration of customary marriage in terms of Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.</p> <p>Spousal affidavit.</p> <p>Documentary proof of cohabitation and extent to which the related financial responsibilities are shared by the parties.</p> | All married applicants or parties to spousal relationship. | |
| Divorce decree(s) or 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. | Both parents. | |
| Death certificate of late spouse, where applicable. | All widowed persons. | |

| | | |
|--|--|---|
| Highest educational, trade or professional certificates evaluated by the South African Qualifications Authority. | All applicants who will be employed in the Republic. | (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 item shall indicate the actual dates of training or employment and the capacity or occupation in which the applicant has been 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. | |

Indicate whether or not the document(s) mentioned hereunder have been submitted:

Section 26(a) of the Act

| | | |
|--|-----|----|
| Proof of five years continuous work permit status. | Yes | No |
| 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. If the spouse is a permanent resident, a copy of his or her permanent residence permit must be submitted. | Yes | No |

Section 26(c) of the Act

| | | |
|--|-----|----|
| Consent of both parents or guardian, together with an undertaking to provide financial support to the applicant. | Yes | No |
|--|-----|----|

Section 26(d) of the Act

| | | |
|---|-----|----|
| An undertaking by the parents to provide the required financial support (if required) to 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 the 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 |
| A certificate from the Department of Labour or an extraction from the database 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. | Yes | No |
| A comprehensive curriculum vitae. | Yes | No |
| 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 extraordinary skills or qualifications. | Yes | No |
| Other proof to substantiate extraordinary skills or qualifications, such as publications and testimonials. | Yes | No |
| Proof that the extraordinary skill shall add value to the South African environment in which he or she intends to operate. | Yes | No |

Section 27(c) of the Act

| | | |
|--|-----|----|
| 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 |
| Business plan outlining the short and long term viability of the business. | Yes | No |
| Proof or undertaking that at least five citizens or permanent residents will be employed. | Yes | No |
| Proof that the business is or will be in one of the sectors contemplated in regulation 23(6). | Yes | No |
| Where the application is in respect of an investment in an existing business, a partnership agreement and financial statements in respect of the preceding financial year. | 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. | 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 principal 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 contemplated in regulation 23(10). | Yes | No |
|---|-----|----|

Section 27(f) of the Act

| | | |
|---|-----|----|
| Proof that the applicant has the minimum net worth contemplated in regulation 23(11). | 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 |

(BI-46) Form 19

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.

If you disagree with the aforesaid declaration, you may, in terms of section 8(3) of the Act, make written representations to the Director-General within 10 working days of receipt of this notice to review this declaration.

Alternatively, you may apply to the Minister to waive any of the grounds of undesirability in terms of section 30(2) of the Act if you are able to show good cause.

.....

For Director-General

.....

Date

Place:

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

(a) Declaration by recipient

I acknowledge receipt of the original of this notice.

be stated that

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**

CERTIFICATE BY INTERPRETER

I (first name(s)
 and surname) of
 (*business/residential address) hereby confirm that I have mastered
 (state language) and that I have
 explained to[first name(s) and surname] the contents
 of this declaration in the said language and that I am satisfied that he or she fully
 understands it.

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

.....

Signature of interpreter

(BI-1759) **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 temporarily reside in the Republic in the
Magisterial District or Municipal Area of pending
the outcome of an application for a status. The said authorisation is valid until
.....

.....

Date of issuance

.....

Place of issuance

.....

For Director-General

.....

Date

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

Barcode

(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)

..... (first 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.

Declaration by immigration officer

I (first name(s) and surname) hereby declare that I am satisfied that the holder hereof has complied with the provisions of regulation 26(4).

| | | |
|---|--------------|-------------|
| | | |
| Signature of immigration officer | Place | Date |

Appointment no.:

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

| | |
|---------------------------------------|-------------|
| | |
| Signature of illegal foreigner | Date |

CERTIFICATE BY INTERPRETER

I (first name(s) and surname) of

(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I have
explained to[first name(s) and surname] the contents
of this order in the said language and that I am satisfied that he or she fully
understands it.

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

.....

Signature of interpreter

***Delete whichever is not applicable**

Barcode

(BI-1720) 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(4)]

To: (first 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 (first name(s)
and surname of immigration officer) at
(physical address) on (date) at
..... (time).

| Article | Description | Number of articles |
|---------|-------------|--------------------|
| | | |
| | | |
| | | |

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

.....

A copy hereof was personally handed to the aforementioned on
 (date) at
 (place) and the import thereof *explained to him or her/ delivered at his/her last
 known address.

.....

Signature of *immigration officer/sheriff

Appointment no

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of this notice.

.....

Signature of recipient of this notice

.....

Date

***Delete whichever is not applicable**

(BI-1721) 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(5)]

To: (first 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)(c) of the Act to appear before (first name(s) and surname of immigration officer) at (physical address) on (date) at (time).

Reason(s) why you are called upon to appear before the Director-General:

.....

.....
Signature of immigration officer

.....
Appointment number

.....
Date

A copy hereof was personally handed to the aforementioned on
 (date) and the import thereof explained to him or her/
 delivered at his/her last known address*.

Place: Date:

.....
Signature of *immigration officer/sheriff

.....
Appointment number

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of this notice.

.....
Signature of recipient of this notice

.....
Date

***Delete whichever is not applicable**

(BI-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) and (b); Regulation 27(6)]**

TO: (first
name(s) and surname 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, | |
| (d) apprehend an illegal foreigner, subject to section 34(1). | |

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

.....

Signature

Designation:

Magistrates Court

Official stamp

***Delete whichever is not applicable**

REVERSE SIDE OF FORM 24

ACKNOWLEDGEMENT

I (first name(s) and surname) in my capacity as of the premises, hereby acknowledge that the premises referred to in the entry and search warrant was left *in the condition it was found/with the following breakages:

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

Signature

Date

Place:

*Delete whichever is not applicable

(BI-1760) 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(6)]

| | | |
|-----------------------------------|--------|----------------|
| Inspectorate office/Port of Entry | Ref no | Appointment no |
| Name | | |
| Address | | |
| Gender | | Age |

(Only the immigration officer whose particulars appear above is authorised to execute this warrant.)

To: The Magistrate, 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
..... (first 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
 presently in or on reasonable grounds suspected to be within the district of

.....

Signature of immigration officer

Date:

Appointment no.:

WARRANT OF ARREST

Whereas from written application by (first
 name(s) and surname of immigration officer) there is a reasonable suspicion that
 (first name(s) and surname of person to be
 arrested) of
 (residential 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 shall 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's Court

.....

Signature of Magistrate

Date:

Official stamp

***Delete whichever is not applicable**

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Total no of items seized:

Confirmed by: (first name(s)
and surname of person in charge of premises) in his or her capacity as
.....

.....

Signature of person in charge of premises

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

.....

Signature of Immigration officer

Appointment number:

Official stamp

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 or

.....

.....

Signature of person in charge of premises

.....

Date

(BI-1761) 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(7)]

TO:..... (first
name(s) and surname 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
situated 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..

.....

Signature of Magistrate

Designation:

Magistrates Court

| |
|------------------------------|
| <p>Official stamp</p> |
|------------------------------|

***Delete whichever is not applicable**

(BI-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 or Detention facility**

.....

.....

As (first name(s) and surname of illegal
foreigner) 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 him or her until
such time *he/she is *deported/removed from the Republic.

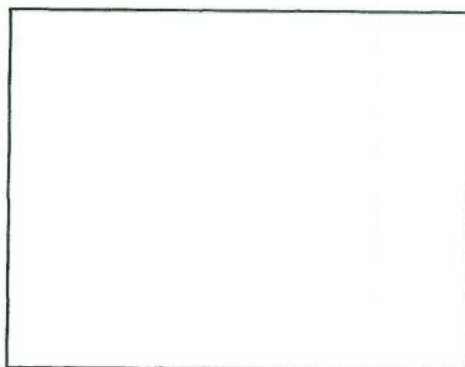
Official stamp

.....

Signature of immigration officer

.....

Date



Appointment number:

Place:

Telephone number:

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.

***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:(first 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—

- (a) appeal the 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; and
- (b) 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 shall be detained pending your deportation. Should you however choose to exercise the rights mentioned above, you shall remain in custody and may not be deported pending the outcome of the appeal or the confirmation of the warrant of detention by the court.

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. | Yes | No |
| Appeal the decision to deport me. | Yes | No |
| Have my detention confirmed by a warrant of the court. | Yes | No |

.....

Signature of detainee

.....

Date

Place:

.....
Signature of immigration officer

.....
Date

Appointment number:

Place:

CERTIFICATE BY INTERPRETER

I (first name(s)
and surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I have
explained to (first 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

***Delete whichever is not applicable**

(BI-1725) 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 or Detention facility**

As(first
name(s) and surname) 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 him or
her until such time * he/she is *deported/removed from the Republic.

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

Magistrate's Court

Official stamp

.....
Signature

.....
Designation

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.

***Delete whichever is not applicable**

(BI-1726) Form 31

**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: (first name(s) and
surname 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
(destination) issued on (date) is likely to exceed 30
calendar days on (date) for the reasons mentioned in
the affidavit on the reverse side of this notice, I am, in terms of section 34(1)(d) of
the Act, submitting the matter for consideration to the Magistrate at
..... (place) on or before
..... (date).

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 provide me with such representations on or before (date). If you require assistance, you may 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 (first name(s) and surname) of
 (*business/residential address) hereby confirm that I have mastered (state language) and that I have explained to (first 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
.....

*Delete whichever is not applicable

REVERSE SIDE OF FORM 31**AFFIDAVIT**

I (first name(s) and surname
of deponent) *state herewith under oath/solemnly declare that—

- (a) I am a duly appointed immigration officer stationed at
..... (place);
- (b) I have ordered the detention of
(first name(s) and surname of detainee) because the warrant for his or her
removal from the Republic issued by me on
..... (date) could not be executed
immediately due to
.....
..... (provide reasons);
- (c) the detention of the said detainee was considered reasonable and
necessary, as;
- (d) it is necessary that the said detainee be detained for a further period of
..... because
.....

I append hereto certified copies of the following documentation as proof of my
endeavours to expedite the deportation of the said detainee:

- (a)

- (b)
- (c)
- (d)

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

.....

Signature of immigration officer

.....

Appointment number

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

.....

OFFICE STAMP

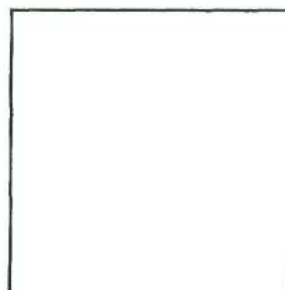
Commissioner of Oaths

First name(s):

Surname:

Capacity:

Place:



***Delete whichever is not applicable**

(BI-1727) Form 32

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 (first
name(s) and surname of detainee) detained at (place).

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

The following documents are attached:

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

Signed at on this day of
 20..

Official stamp



.....

Signature of immigration officer

Appointment number:

DECISION BY MAGISTRATE

*After perusing the documentation referred to above, I hereby—

- (a) confirm the application for the extended detention of
 (first name(s)
 and surname of detainee);
- (b) refuse the application for the extended detention of
 (first name(s)
 and surname of detainee);
- (c) 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 of Magistrate

Designation:



***Delete whichever is not applicable**

(BI 1710) Form 33

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**WARRANT OF DETENTION OF PERSON SUSPECTED OF BEING ILLEGAL
FOREIGNER**

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

To: ***Station Commissioner/Head of Prison**

.....

Whereas (first name(s) and
surname) is, for the reasons stated in the attached affidavit, suspected of being
an illegal foreigner who has failed to satisfy me
..... (first 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 person pending an investigation into his or her *prima facie* status or citizenship.

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

.....

Signature of *immigration officer/police officer

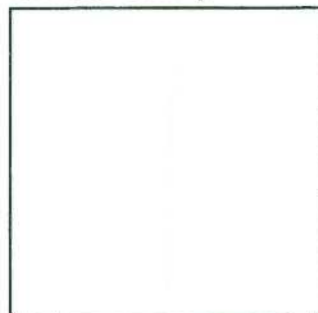
***Appointment number/force number:**

Date:

Place:

Telephone number:

Official stamp



***Delete whichever is not applicable**

(BI-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)]

A. TO: (first name(s) and
surname of illegal foreigner).

Whereas—

- (a) you are to be deported from the Republic under a warrant of
deportation as an illegal foreigner; and
- (b) the consequential expenses of your deportation are calculated as
follows:

Actual costs of deportation:

actual costs of detention:

actual costs of maintenance:

Total:; and

(c) 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,

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 in the district of, whereafter the normal procedure pertaining to civil action shall apply.

.....

Signature of immigration officer

.....

Date

Appointment no.:

B. TO THE CLERK OF THE COURT

As the illegal foreigner mentioned above has failed to comply with the order, you are hereby requested to please record this order as a judgement of the court and complete the endorsement in Part C of this Form.

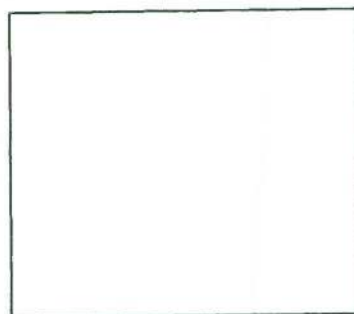
Return two completed copies to me within (days).

| | |
|---|-----------------------|
| | |
| Signature of immigration officer | Appointment No |
| | |
| Place | Date |

C. **TO:** (first name(s) and surname of immigration officer)

- (a) Order entered as a judgement of the Court on(date)
- (b) Judgement number:

Office stamp



.....
Signature of clerk of the Court

.....
Date

(BI-515) 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 or detention facility

As (first 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 (country) 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



REVERSE SIDE OF FORM 35
FINGERPRINT FORM

| NOTIFICATION OF DEPORTATION OF ILLEGAL 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. | Classification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------------|----------|--------|-----------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| R thumb | R index | R middle | R ring | R little finger | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| L thumb | L index | L middle | L ring | L little finger |
|---------|---------|----------|--------|-----------------|
| | | | | |

FOR OFFICIAL USE**FINGERPRINTS TAKEN BY:****(PLEASE PRINT)**

| |
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| |
|--|

IDENTITY NUMBER:

| |
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PCN NUMBER:

| |
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REGISTERING FINGERS**LEFT HAND**

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|--|--|

RIGHT HAND

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|--|--|

(BI-557) Form 36

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: **Person in charge of prison or detention facility**

.....
.....

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

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

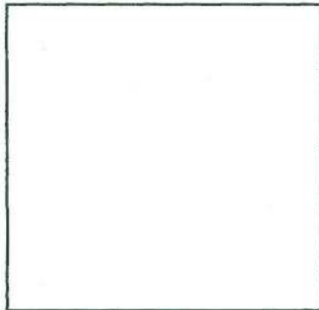
.....
Signature of *immigration officer/police officer

Appointment number:

Date:

Place:

OFFICE STAMP



***Delete whichever 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
ILLEGAL FOREIGNER AND IS REFUSED ADMISSION**

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

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

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

- * (a) you have been declared an undesirable person in terms of the provisions
of section 30(1) of the Act;
- * (b) you are a prohibited person in terms of the provisions of section 29 of the
Act by virtue of the fact that you—
 - * (i) are infected with or carrying the following *disease/virus:
..... (name of disease or virus);
 - * (ii) have a warrant outstanding or a conviction has been secured in
respect of (name of offence);

- * (iii) were previously deported and not rehabilitated by the Director-General as contemplated in regulation 24(4);
 - * (iv) are a member of or adherent to an association or organization advocating the practice of racial hatred or social violence;
 - * (v) are or have been a member of or adherent to an organization or association utilizing crime or terrorism to pursue its ends;
 - * (vi) are or have been in possession of a fraudulent residence permit, passport or identification document;
- * (c) you are an illegal foreigner for 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, your request for review must be lodged immediately and if the said request has not been finalised prior to the departure of the conveyance, you shall depart on such conveyance and await the outcome of the request 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.:

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice and understand the contents 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**

CERTIFICATE BY INTERPRETER

I (first name(s) and
surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I explained to

..... (first 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

***Delete whichever is not applicable**

(BI-96) Form 38

**DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

**DECLARATION TO MASTER OF SHIP OR PERSON IN CHARGE OF
CONVEYANCE THAT PERSON CONVEYED IS ILLEGAL FOREIGNER AND
NOTICE TO MASTER OF SHIP OR 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: *Master of ship/person in charge of conveyance
..... (name of *ship/conveyance).

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 and removed—

- *(a) in the case of a master of the ship, in terms of section 34(8) and (9) of the
 Act; or
- *(b) in the case of a person in charge of a conveyance, in terms of section
 35(8) of the Act.

| Surname | First name(s) | Reason(s) 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 of ship/person in charge of conveyance

Date:

***Delete whichever is not applicable**

(BI-128) 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:

Departing from:(place)

Arriving at:(place)

First 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):

| Surname and initial(s) | Passport/Travel document no | Nationality | Embarked at | Destination |
|------------------------|-----------------------------|-------------|-------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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: (first name(s)
and surname of immigration officer)

Date:

CREW LIST

(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:

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

Date on which conveyance entered the Republic:

Port of entry:

Date of final departure from Republic:

Next port of call:

Crew list:

| No | Rank | Surname and initial(s) | Nationality | Date of birth | Passport No. | Expiry date of passport |
|----|------|---------------------------|-------------|------------------|-----------------|----------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
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List of other persons carried (other than passengers and stowaways):

| No | Rank | Surname and initial(s) | Nationality | Date of birth | Passport No. | Expiry date of passport |
|----|------|---------------------------|-------------|------------------|-----------------|----------------------------|
| | | | | | | |
| | | | | | | |
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| | | | | | | |

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

.....

.....

Person in charge of conveyance

Date

List received by: (first name(s) and
surname of 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:

| Surname and initial(s) | Rank/ Class | Nature of illness | Remarks |
|------------------------|-------------|-------------------|---------|
| | | | |
| | | | |
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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) | Rank/Class | Birth/Death | Date | Remarks |
|--|------------|-------------|-------|---------|
| | | | | |
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|-------|-------|-------|-------|-------|
| | | | | |
| | | | | |

Certified by me (first
name(s) and surname of medical officer/person in charge of the conveyance) at
..... (port of entry) on
the day of 20..

.....
Signature of *medical officer/person in charge of conveyance

***Delete whichever is not applicable**

COASTAL ADVICE

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

TO: Immigration officer at (next port of call in the Republic)

Name of conveyance:

Ship's File No:

Number of illegal foreigners:

Number of passengers in transit:

Number of persons for final disembarkation:

Number of foreign crew:

Number of crew members who are citizens or permanent residence holders:
.....

Number of persons whose final departure must be certified:

Number of stowaways remaining on board declared by the master of the ship at
last port of call:

Remarks:

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

Dispatched from (port of entry)

.....

Signature of immigration officer

.....

Appointment number

.....

Date

(BI-1567) 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:

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

.....

Date on which conveyance entered Republic:

PERSONAL PARTICULARS OF STOWAWAYS

| Surname | First name(s) | Passport/Travel document no | Type of travel document | Nationality | Country of origin |
|---------|------------------|--------------------------------|----------------------------|-------------|----------------------|
| | | | | | |
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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

(BI-86) 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 (first name(s) and surname of
*master or owner of the ship/agent representing master or owner of the ship)
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 in custody in the Republic | Rank |
| | | | |
| | | | |
| | | | |

Passengers in transit:

| | | | |
|---------------------------|-----------------|-------------|-------------|
| Surname and initial(s) | Passport number | Nationality | Destination |
| | | | |
| | | | |

.....
Signature of person in charge of conveyance Date

Name of conveyance:

.....
Signature of immigration officer Date

Appointment number:

Place:

(BI-92) 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: 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 on
..... (date).

.....

Signature of immigration officer

.....

Date

Appointment number:

Place:

(BI-29) 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, (first name(s) and surname
of applicant) of
(residential address) hereby appoint (first
name(s) and surname of *immigration practitioner/attorney/advocate) of
..... (business address)
..... (*registration number as immigration
practitioner/practice number of *attorney/advocate) to represent me in the
proceedings or procedures flowing from the Act.

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) 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;
- (b) my application for a temporary or permanent residence permit does not grant me a status; and
- (c) 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,
(first 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—

- (a) I personally signed this declaration; and
- (b) I have familiarised 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.

***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 (first name(s) and
surname) of
(*business/residential address) hereby confirm that I have mastered
..... (state language) and that I explained to
..... (first 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

(BI-1734) **Form 44**

**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: The Director-General

.....

.....

.....

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.

I commit myself to the Code of Conduct of Immigration Practitioners and undertake to abide by the provisions thereof.

PERSONAL DETAILS OF APPLICANT

First 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:

.....
.....

Address where business will be operated from:

.....
.....

Postal address of business:

.....
.....

Telephone number(s):

Facsimile number(s):

DOCUMENTATION ATTACHED

The following documentation has been attached to this application:

- (a) A copy of my identity document proving that I am a South African citizen over the age of 21 years;
- (b) if under the age of 21 years and married, proof of such marriage;
- (c) an undertaking to comply with the Code of Conduct for Immigration Practitioners;
- (d) an *affidavit/solemn affirmation to the effect that I am not a member of the immediate family of an official employed by the Department;
- (e) my examination results;
- (f) proof of payment of the registration fee; and
- (g) a police clearance certificate not older than six months at time of submission.

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

.....

Signature of applicant

***Delete whichever is not applicable**

(BI-1731) 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: (first 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 to the amount of R..... for having departed from the Republic after the expiry of the period validity of your temporary residence permit.

You are hereby required to pay the fine, failing which you shall not be *re-admitted into the Republic/permitted to make an application with the Department.

.....
Signature of immigration officer

.....
Date

.....
Place

***Delete whichever is not applicable**

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

.....
Signature of overstayer

.....
Date

ACKNOWLEDGEMENT OF RECEIPT (BI-1747) Form 46

DEPARTMENT OF HOME AFFAIRS

REPUBLIC OF SOUTH AFRICA

NOTICE OF ADMINISTRATIVE FINE INCURRED FOR INCORRECT

CERTIFICATION

[Section 7(1)(g) read with section 50(2); Regulation 35(3)]

To: (first name(s) and
surname of chartered accountant)

You are hereby informed that in terms of section 50(2) of the Act you have
incurred a fine to the amount of R5 000 for negligently producing an incorrect
certification in respect of

.....

You are hereby required to pay the fine within seven days of the date of this
notice. Should you fail to pay the said amount within the said period, you shall
be liable to prosecution in terms of the provisions of section 49(16) of the Act.

.....
For Director-General.....
Date

Place:

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

.....

Signature of recipient of notice

.....

Date

(BI-1751) Form 47

DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

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 you shall be liable to prosecution in terms of the provisions of section 49(16)(a) of the Act.

.....

Signature of immigration officer

.....

Date

Place:

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the original of this notice.

.....

Signature of *owner/person in charge of conveyance

.....

Date

***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 and access to basic health facilities.
- (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 deviation from the above standards if so approved by the Director-General at a particular detention centre: Provided that such a deviation is for purposes of support services or medical treatment: Provided further that there shall not be any deviation 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 at all times 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).

ANNEXURE C**CODE OF CONDUCT FOR IMMIGRATION PRACTITIONERS****[Section 46(1); Regulation 34(3)(f)]**

In terms of Regulation 34(3), in order to qualify for registration on the roll of immigration practitioners, a commitment shall be made in writing to the Director-General to comply with the Code of Conduct for immigration practitioners.

This Code of Conduct offers a minimum standard of ethical conduct, which should be extrapolated to guide conduct under all circumstances, and does not substitute any duty or obligation of a practitioner under common or statutory law.

Ensuring honesty and fairness

1. An immigration practitioner shall—
 - (a) be able and willing to deal fairly with clients;
 - (b) perform diligently and honestly;
 - (c) investigate the objective facts of a case to his or her satisfaction;
 - (d) refrain from making statements or encouraging the making of statements in support of an application, believing or knowing such statements to be misleading, inaccurate or false;
 - (e) be honest about the prospects of success when assessing a request for assistance, preparing a case or making an application;
 - (f) not encourage the lodging of applications which have no likelihood of success; and

- (g) ensure that a client has access to an interpreter where necessary.

Advertising

2. While an immigration practitioner may indicate registration on the roll of immigration practitioners, he or she shall ensure that his or her advertising—

- (a) is not false or misleading;
- (b) does not offer guarantees of success of an application; and
- (c) does not imply the existence of any special or privileged relationship with the Minister or officials of the Department.

Compliance with the law

3. An immigration practitioner shall—

- (a) always act in accordance with the Constitution, the law and the legitimate interests of a client;
- (b) know and understand the provisions of the Immigration Act and its Regulations; and
- (c) maintain a sound working knowledge of the relevant forms and procedures.

Upholding high business standards

4. An immigration practitioner shall—

- (a) abide by the standard of prudent office administration;
- (b) within a reasonable time after agreeing to represent a client, confirm the client's instructions in writing;

- (c) ascertain the fees charged by the Department for an application, as well as the method of payment, and inform the client accordingly;
- (d) inform the client of his or her entitlement to receive copies of the application and any related documents and provide such copies when so requested by the client;
- (e) keep the client fully and regularly informed in writing of the progress of each case or application undertaken for the client; and
- (f) within a reasonable time after the case or application has been finalised, inform the client in writing of the outcome.

Interaction with client

5. An immigration practitioner shall—

- (a) be accountable to his or her client;
- (b) always offer sound, timely, competent and comprehensive advice;
- (c) diligently and competently pursue the lawful interests of a client, failing which the practitioner may be subject to deregistration or professional liability;
- (d) be mindful of a client's dependence on the practitioner's knowledge and experience;
- (e) act in accordance with the client's instructions; and
- (f) preserve the confidentiality of any information acquired from the client due to the client-practitioner relationship.

Interaction with Department

6. An immigration practitioner shall—
- (a) respond to a request for information from the Department within such reasonable time as specified by the Department;
 - (b) subject to a client's instructions, provide sufficient relevant information to the Department to allow a full assessment of all the facts against the relevant criteria; and
 - (c) not submit applications under the Act or Regulations without the required supporting documentation.

Intimidation and coercion

7. No immigration practitioner shall—
- (a) intimidate, coerce unduly pressurise, threat or manipulate any person; or
 - (b) unreasonably withhold from any client documents belonging to him or her and, when so requested by the client, the practitioner shall return to the client all documentation relevant to the case or application.

Termination of representation

8. A practitioner shall complete the work as instructed by the client, unless the—
- (a) practitioner and client agree otherwise;
 - (b) client terminates the practitioner's instructions; or

- (c) practitioner terminates the agreement for just cause and gives reasonable written notice to the client.

Fees and disbursements

9. An immigration practitioner shall—

- (a) limit fees to what is reasonable under the circumstances of the case;
- (b) at the commencement of services, provide the client with a statement outlining the fee charged by the Department for processing an application, any cash deposit that may be required by the Department, any applicable disbursements and the fee charged by the practitioner for services to be rendered;
- (c) advise the client on the method of payment of fees and seek authorisation from the client prior to incurring disbursements, such as translation fees;
- (d) charge a reasonable fee for copies of the application and any related documents that are made available to the client, which fee may be waived; and
- (e) in the case where a client fails to pay the due and payable practitioner's fees, give the client written notice of intention to suspend services and at least seven days to make payment before suspending services.

This Code of Conduct should be displayed prominently in the practitioner's office.

If a client has reason to believe that an immigration practitioner has acted in breach of this Code of Conduct, a complaint may be made in writing to—

**THE DIRECTOR-GENERAL
DEPARTMENT OF HOME AFFAIRS
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PRETORIA
0001**

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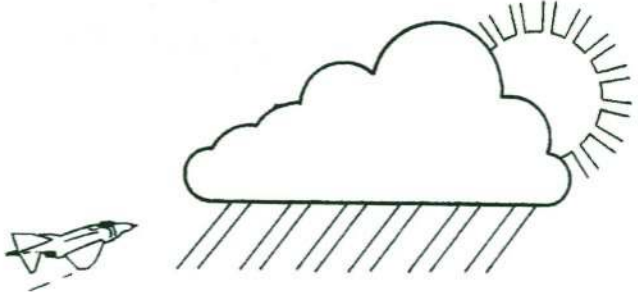
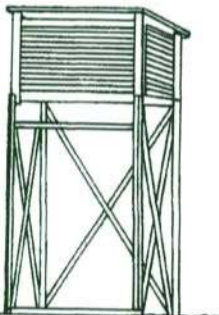
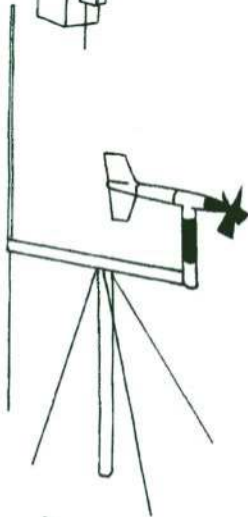
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Department of Environmental Affairs and Tourism

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