

Immigration Insights

by CDH Employment Law

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SOUTH AFRICA

Foreigners with pending visa applications safeguarded against adverse consequences



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Foreigners with pending visa applications safeguarded against adverse consequences

Since the beginning of the COVID-19 pandemic, the Department of Home Affairs (Department) has experienced a severe backlog in the processing of visa, appeal and waiver applications. While the Department has been working to clear the backlog, it still continues in relation to various visa and permit categories. In the circumstances, and as his first official act as the newly appointed Minister of Home Affairs (Minister), Dr Leon Schreiber extended the previous temporary blanket extension that was granted by the former Minister, which expired on 30 June 2024. The purpose of the latest extension affirms the new Minister's commitment to improve and reinvigorate the South African immigration system.

The extension applies to foreign nationals who have been legally admitted into South Africa and who have pending visa, appeal or waiver applications as follows:

- A blanket temporary extension of their current visa status has been granted to long-term visa holders (foreign nationals in possession of either a visitor's visa in terms of section 11(1)(b) of the Immigration Act 13 of 2002 (Act), work visa, business visa, study visa or accompanying spousal visa) who have pending appeal and/or waiver applications as at 30 June 2024 until 31 December 2024.
- The temporary blanket extension will allow foreign nationals with pending waiver applications time to collect their waiver outcomes and apply for appropriate visas.
- Foreign nationals who decide to abandon their pending visa, waiver or appeal applications and depart from South Africa will be allowed to exit at a port of entry on or before 31 December 2024 without being declared undesirable.
- While waiting for the outcome of their visa and appeal applications, foreign nationals are prohibited from engaging in any activity other than those activities that are specifically provided for as part of the conditions imposed on their current visas.



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- Foreign nationals with pending waiver, visa and appeal applications who need to travel will be allowed to exit and re-enter South Africa at a port of entry up to and including 31 December 2024 without being declared undesirable, however:
 - upon returning to South Africa, non-visa exempt foreigner nationals are required to apply for a port of entry visa which would allow them re-entry into South Africa; and
 - foreign nationals with pending appeal applications are required to produce a copy of the rejection letter and a receipt from the Visa Facilitation Services (VFS) as proof that the appeal application has been submitted on departure and re-entry into South Africa.

In addition to the above, foreign nationals who were issued with short-term visas for 90 days or less, with pending renewal applications, must make the necessary arrangements to depart from South Africa within 90 calendar days from the date of expiry of their principal visa, to avoid being declared undesirable. This extension limits their stay in South Africa to a period of 180 days, which is in line with the provisions of the Act.

The above concessions only apply to foreign nationals who submitted their visa, waiver and appeal applications through VFS Global, and who can produce a verifiable receipt, with a tracking number, for such application to be verified against the VFS Global tracking system.

Hopefully this additional extension will allow the Department sufficient time to clear its backlog, and come 31 December 2024, foreign nationals aren't left questioning their legal status in South Africa.

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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