

Global Immigration alert

May 2024



South Africa

South Africa approves amendments to immigration regulations

Executive summary

On 20 May 2024, the Department of Home Affairs (DHA) published amendments to the current immigration regulations, which went into effect as of that date.

Key developments

The new amendments introduce the following changes:

- ▶ For all immigration applications (or categories), applicants must submit a police clearance certificate for every country in which they have resided for longer than 12 months (after turning 18) in the five years prior to filing their applications.
- ▶ Applicants are no longer required to submit radiological reports with any visa or permit application.
- ▶ Visitor's Visas
 - ▶ *Section 11(2) Visas*: This category will include three subtypes: (i) Short-term work (authorization for conducting work in South Africa); (ii) Short-term remote work (valid for stays of six months or less in a 36-month period); (iii) Long-term remote work (valid for stays exceeding six months in a 36-month period).
 - ▶ Individuals who earn a minimum of R 1,000,000 (approx. USD 52,000) per year from a foreign employer are eligible to apply for a remote work visa that enables them to work remotely from within South Africa for their foreign employer.
 - ▶ Individuals who reside in South Africa for a period exceeding six months in a 36-month period on a remote work visa must register with the South Africa Revenue Services (SARS). Short-term remote work visa holders are exempt from this requirement.
- ▶ The visa subtype "religious leaders" has been added to Section 11(i)(b)(iv) Visas under the "short-term work" subtype.
- ▶ Dependents of South African nationals and permanent residents (i.e., spouses, children and parents) can switch from within South Africa from a Visitor Visa to a mainstream visa. Previously, only dependents of foreign nationals could do so.
- ▶ Work Visas
 - ▶ *General Work Visas*: A points-based system has been introduced for adjudicating General Work Visa applications. Applicants will be assessed and assigned points (as determined by the Home Affairs Minister) based on their age, educational qualifications, work experience, knowledge of South African languages, terms of their job offer, salary and other relevant factors, as applicable. Further details about the new points-based system are expected to be released in the coming months.
 - ▶ *Business Visas*: Individuals who apply for Long-term Business Visas (which enable holders to set up a business in South Africa) and seek to engage in trade or conduct business in regulated sectors must register with an accredited relevant professional body, council or board recognized by the South Africa Qualification Authority (the SAQA).
 - ▶ *Registration*: (i) Business Visa and Critical Skills Work Visa applicants who provide proof that they have applied to register with a relevant professional body, council or board recognized by the SAQA will be issued

a visa that is valid for no longer than 12 months. Once these individuals obtain proof of registration, they can request an extension of up to four additional years; (ii) Business Visa and Critical Skills Work Visa applicants who provide proof that they have registered with a relevant professional body, council or board recognized by the SAQA will be eligible to receive a visa that is valid for the maximum permissible period of five years.

Impact on employers

The recent amendments are expected to benefit employers in South Africa by enabling them to further attract and retain skilled individuals. Foreign employers may also consider South Africa as a potential destination for employees who seek to work remotely. The introduction of a remote work visa is expected to provide flexibility to foreign nationals who wish to reside in the country while retaining their overseas employment.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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EYG no. 004949-24Gbl
2101-3682263
ED None

ey.com

Michelle Kotze
Partner - People Advisory Services, Global Immigration
Tel: +27 82 870 4870
Email: michelle.kotze@za.ey.com

Chantelle Mulligan
Associate Director - People Advisory Services, Global Immigration
Tel: +27 71 200 9022
Email: chantelle.mulligan@za.ey.com

Valerie Chigodora
Senior Manager - People Advisory Services, Global Immigration
Tel: +27 11 772 4010
Email: valerie.c.chigodora@za.ey.com

Ben Willis
Partner - People Advisory Services, EMEA Immigration Leader
Tel: +44 20 7951 9589
Email: ben.willis@uk.ey.com

Seema Farazi
Partner - People Advisory Services, EMEA Immigration Leader
Tel: +44 20 7951 7122
Email: seema.farazi@uk.ey.com