



Mobility: Immigration alert

March 2024

South Africa

Department of Home Affairs invites public comments on proposed amendments to immigration regulations

Executive summary

On 8 February 2024, the Department of Home Affairs (DHA) published a draft of proposed amendments to the current immigration regulations. The DHA has invited public comments on the proposals, and stakeholders can provide feedback until 29 March 2024.

Key developments

The draft proposes the following amendments:

- ▶ All foreign nationals who have resided in a country for longer than 12 months (after turning 18) in the five years prior to filing a South African immigration application will be required to submit a police clearance certificate issued in that country.
- ▶ Applicants will no longer be required to submit radiological reports with any visa or permit application.
- ▶ Visitor's Visas
 - ▶ Section 11(2) Visas: (1) Individuals who earn a minimum of R 1,000,000 (approx. USD 52,000) per year from a foreign employer will be eligible to apply for a remote work visa that will enable them to work remotely from within South Africa for their foreign employer; (2) Holders of Section 11(2) Visas who remain in South Africa for more than six months will be required to register with the South Africa Revenue Services (SARS).
 - ▶ The following visa subtypes will be added to Section 11(i)(b)(iv) Visas: (1) visas for artists with a proven artistic work portfolio; (2) visas for film and media crew; (3) visas for religious leaders.
- ▶ Research visas will be available to professors and research workers.
- ▶ Dependents of South African nationals and permanent residents will be able to switch from within South Africa from a Visitor Visa to a mainstream visa. Currently, only dependents of foreign nationals can switch from within South Africa from a Visitor Visa to a mainstream visa.
- ▶ Visa applications for state witnesses must be initiated by the Deputy Director of Prosecutions.
- ▶ Work Visas
 - ▶ A points-based system will be introduced for adjudicating 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, ability to adapt to the South African society, and the terms of their job offer.
 - ▶ All holders of Long-term Business Visas (which enable holders to set up a business in South Africa) and Work Visas will be required to register with a relevant professional body, council or board recognized by the South Africa Qualification Authority (SAQA).
 - ▶ 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.

- ▶ 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.

Impact on employers

The proposed changes, if approved, 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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