

Global Immigration alert

January 2026

South Africa

Proposed amendments to South Africa's immigration laws and policies

Executive summary

On 12 December 2025, the Department of Home Affairs (DHA) published the Draft Revised White Paper on Citizenship, Immigration and Refugee Protection (CIRP) and extended the public comment period to 15 February 2026. The white paper proposes changes to modernize South Africa's immigration framework to align it with constitutional principles, enhance digital systems, attract foreign talent and investment, streamline mobility, improve civil registration and uphold a humane, constitutional refugee system.

Key developments

The paper positions immigration as a strategic driver of economic growth while strengthening public interest and security safeguards. It introduces a comprehensive reform package that includes:

- **Citizenship reform:** A new points-based citizenship framework overseen by a Citizenship Advisory Panel would be set up, with ministerial discretion restricted to exceptional cases. Non-economic routes (such as those for spouses and refugees) would remain but be subject to tighter safeguards. Dual citizenship would continue to be allowed where statutory conditions are met.
- **Visa and residence modernization:** A redesigned visa framework would introduce a skilled worker visa (replacing general and critical skills categories) assessed through a points-based process, allowing renewals tied to ongoing employment and offering a pathway to permanent residence independent of employer sponsorship. Additional proposed reforms include a start-up visa, a redefined investment visa with updated capital and employment-quota requirements, revised retirement visa thresholds, broadened spousal and dependent work permissions, and a dedicated sports

and arts visa. Renewable visitor visas would continue to restrict work, study or business unless expressly authorized.

- **Permanent residence admissions:** Permanent residence would be managed through annual quotas and designated application windows, ensuring alignment with labor-market needs and state capacity.
- **Family and dependents:** Spouses and dependents would be eligible to obtain work authorization through streamlined points-based processes, while spouses on relative visas would be eligible to work, conduct business and pursue studies.
- **Governance and adjudication reforms:** The new framework would establish an Immigration Advisory Board, reinstate regulated immigration practitioners, create a unified DHA Reviews and Appeals Authority and set up Specialized Immigration Courts to expedite dispute resolution.
- **Enforcement and digital identity:** Blanket bans for overstays would be eliminated. To address overstays, foreign nationals would be required to register with the Intelligent Population Register and they would face administrative fines for overstays.

Impact on employers

Employers may continue to monitor these developments to determine the impact on their business and people. Employers may anticipate enhanced verification requirements, updated documentary standards, and potential changes to renewal and retention pathways for foreign talent.



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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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