



eiINFO

COVID-19 Directives on Visa

Immigration Act of 2002

Immigration Amendment Act of 2013

Immigration Regulations of 2014

Immigration Directive 3 of 2020

Immigration Directive 7 of 2020

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by

intoSA
— SOUTH AFRICA —

Zambezi Estate

Montana

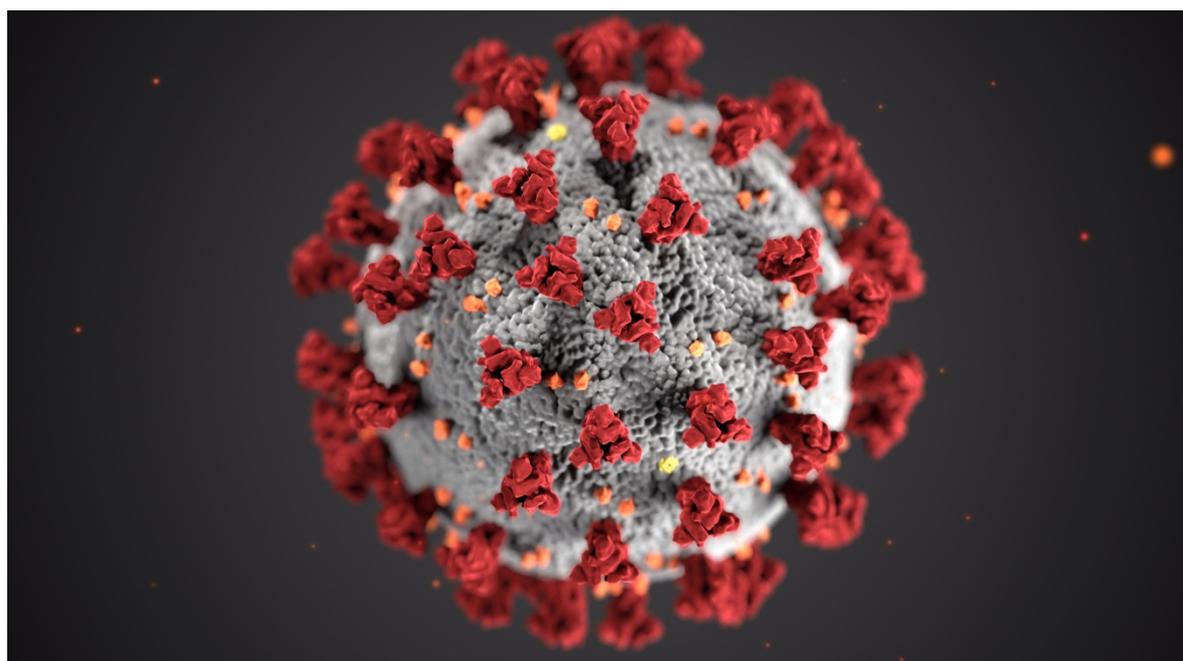
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1. COVID-19 TRAVEL BAN TO SOUTH AFRICA

Following the first cases of acute respiratory syndrome in the Chinese municipality of Wuhan at the end of 2019, a novel strain of the coronavirus has been identified as the cause and is been dubbed “COVID-19”.

Cases have been spreading from China across the globe and only three months later almost 200 000 people are infected and more than 11 000 have died world-wide while in South Africa no deaths have been reported and just over 200 cases of infection have been reported, mainly due to import of the virus from abroad.

Based on the Address of President Ramaphosa to the nation on 15 March 2020 to curb the spreading of the disease, DIRCO and the Department of Home Affairs have implemented a travel ban to South Africa, which affects mainly visa holders and applicants, while citizens and permanent residents are still allowed to travel, but depending on their origin would have to undergo up to 14 days quarantine on arrival.

To regulate the visa affairs, the Department of Home Affairs has issued on 17 March 2020 the Immigration Directive No.3 dealing with Visa Concessions for Chinese Visitors, while Immigration Directive No.7, issued on 19 March 2019, deals with all other foreign nationals.

2. CHINESE NATIONALS

The following directives have been issued with regard to Chinese Nationals, who entered South Africa legally through a registered port of entry only and they supersede the general directives pertaining to all other Foreign nationals¹. The directive is for now applicable until 31 July 2020, but may be extended if circumstances dictate so:

2.1 Intra-Company Transfer Work Visa (ICT)

Those Chinese Nationals, who currently reside in South Africa based on an ICT Work Visa in terms of s18(1),(8) of the Immigration Regulations 2014 as amended (the “Regulations”), which will expire by latest 31 July 2020, are allowed to apply for a s11(2) Visa, which is a Visitor’s Visa with the permission to conduct work. This Visa will then be issued for 180 days instead the normal 90 days.

A change of status / change over to another type of work visa is not allowed.

¹ See later Chapter 3

2.2 Visitor's Visa

Those Chinese Nationals who came to visit South Africa and were issued with a Visitor's Visa in terms of s11(1) of the Regulations may re-apply for another 90-day Visitor's Visa even though the maximum validity period of 180 days has been reached and the Visa is technically unrenovable, s11(1)(a).

A change of status / change over to another type of work visa is not allowed.

2.3 Other Temporary Visa

If the Chinese National is in the possession of a temporary residence visa other than contemplated above in Chapters 2.1 and 2.2 and such Visa expired between 1 December 2019 and 29 February 2020, the submission for a renewal of the expired Visa is now allowed without the need to first obtain the authorisation for an illegal foreigner to remain in the country pending an application for status, also known as Form 20.

3. OTHER FOREIGN NATIONALS

Following Directive No.3 and also in light of President Ramaphosa's Address of the Nation on 15 March 2020, Directive No.7 was issued by the Minister of Home Affairs, Aaron Motsoaledi, and gazetted on 19 March 2020, which deals with all other Foreign nationals currently either inside the country or abroad with the intention to enter South Africa. The Directive is valid until further notice is given:

3.1 Foreign Nationals Abroad

The general Visitor's Visa exemption in terms of s10A(4)(a) of the Immigration Act² for nationals of countries, which have now been classified either as "high risk" countries³ with regard to get infected with COVID-19 or "medium risk" countries⁴ has been withdrawn with effect of 18 March 2020. This means that those nationals cannot enter South Africa as they now require a Visa, which will currently not be issued by any South African authority or representation. The same applies for any national not from any of the high-risk countries, who arrives in South Africa but departed from any of the listed high-risk countries on 15 March 2020 or thereafter.

² Act 13 of 2002 as amended

³ Germany, Iran, Italy, South Korea, Spain, the United Kingdom (UK) and the United States of America (USA)

⁴ Hong Kong, Portugal and Singapore

Effective same date no Visa will be issued by any South African Embassy, Consulate or High Commission world-wide for any of the listed nationals from a high risk country, but a Visa may be issued on application for Nationals from a medium risk country if they provide a medical report attesting to the fact that he or she has not been tested positive with regard to an infection with COVID-19.

As far as any Visa for Nationals from China or Iran are concerned und which had been issued on or before 15 March 2020, those are now cancelled in terms of s10A(3)(c) of the Immigration Act and since 17 March 2020 null and void.

3.2 Foreign Nationals within South Africa

Any foreign national currently residing inside the border of South Africa and originating from a country, which is by now affected by COVID-19, or intends to travel but has to transit such a country, may extend any expiring Visa until 31 July 2020 provided the terms and conditions as stipulated in the Act and its Regulations are met.

If the Foreign National is unable to meet any of the Visa requirements, he or she may apply to the Minister off Home Affairs for a waiver of the requirements not met.

If the Foreign National as defined above is in the possession of a temporary residence visa which already expired since 1 December 2019, the submission for a renewal of the expired Visa is now allowed without the need to first obtain the authorisation for an illegal foreigner to remain in the country pending an application for status, also known as Form 20.

A change of status / change over to another type of work visa is not allowed.

4. Visa during National Lockdown

All Lockdown Rules, Regulations and Notices are based on the President's Address of the Nation on the Coronavirus on 23 March 2020. The National Lockdown commences on midnight of 27th March 2020 and will – for now – last until midnight on 16 April 2020.

During Lockdown no visa applications, extension applications or appeals will be accepted by VFS or the missions of South Africa abroad.

Should a visa of a foreigner temporarily residing in South Africa expire during this time, the applicant may after the lockdown apply for an extension and will not have to supply a letter of Good Course (Form 20) first.

All visa appointments at VFS for the period 26th March to the 16th April are going to be re-scheduled to the next available date after the lock down.

Clients will not be required to submit a **Letter of Good Cause** if they could not renew/extend or apply for a visa as a result of the lock down. A letter of good cause (*FORM20*) is an additional supporting document required when an applicant applies with an already expired visa. VFS will accept such applications once the Visa Application Centres (VAC) are open for submissions and collections.



home affairs
Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

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5. Directives for Download

The original Directives can be downloaded from the Into SA Law Server free of charge here:

Directive No.3: bit.ly/2Qx7ufa

Directive No.7: bit.ly/2Ubt5vT

6. Services rendered by INTO SA

INTO SA South Africa is your experienced partner for any business and our teams of international and multi-lingual immigration specialists offers the following services⁵:

- Consultation in respect of the appropriate Visa or Permit type
- Professional guidance with the necessary documentation and information
- Tight control of time frames and deadlines
- Completion of Visa and Permit applications
- Drafting and Submission of appeals and waivers
- Facilitation of translation and certification of documents
- Drafting of business plans where needed
- Obtaining recommendations and confirmation letters from the DTI
- Facilitating Benchmarking Reports and Certifications from DoL
- Facilitating Certifications from SAQA
- Facilitation of a variety of Police Clearance Certificates
- Facilitation of Registration with Professional Bodies
- Draft and placement of newspaper adverts
- Drafts of relevant correspondence and supporting documentation
- Efficient follow-up during the application process
- Dialogue with authorities

7. CONTACTS FOR INTO SA South Africa

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Into SA South Africa

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⁵ Further services by INTO SA can be found on our website: www.into-sa.com