

Immigration South Africa

Overview of South African temporary and
permanent residence permits

Andreas Krensel and Dirk Meissner

Last updated on 5 March 2016

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Temporary residence

Visitor's visa

South Africa distinguishes between visa exempt and non-exempt countries. Most European and North American countries are exempt and therefore do not need to apply for a visa before travelling. A visa is simply issued upon arrival. Most visitors receive 90 days, some only 30. Citizens of non-exempt countries need to apply for a visa in a South African mission abroad or at a service provider such as VFS.

An updated list can be found here

<http://www.home-affairs.gov.za/index.php/immigration-services/exempt-countries>

A Visitor Visa can normally be extended by a further 90 days within South Africa.

Study visas

Foreign students wishing to study in South Africa can apply for a study visa. This visa is valid for the duration of the course for which the applicant has registered. Since the amendments to the Immigration Act in May 2014, there have been a few changes to the study visa. Study visas will only be granted in cases where the learning institution has been approved by the Department of Higher Education and Training. Proof of financial cover is required, as well as an undertaking by the parents/legal guardian of the applicant that he/she will have medical cover for the full duration of the period of study. The medical cover should be registered in terms of the Medical Schemes Act, thus indicating that a local insurance is required.

It is also interesting to note that persons on a study visa are allowed to work **up to 20 hours per week**.

Work visas

Persons wishing to take up employment in South Africa can apply for a work visa in one of the following categories.

Intra-company transfer work visa allows an employee to be transferred from an overseas branch to a South African branch for a period not exceeding 4 years. The application process for this type of permit is a straightforward one, which makes it relatively easy to obtain the permit. However, an intra-company permit cannot be renewed and is therefore only applicable for those requiring 4 years or less for work abroad. Applicants who are on a current ICT issued under the old law can apply for a new ICT, but submit this application overseas. It will then be issued for 4 years. Directive 19 of 2014 has clarified this.

A **critical skills work visa** can be applied for by applicants who are in possession of critical skills that would benefit the South African environment in which one wishes to take up employment. The applicant will need to present a letter from the South African Qualifications Authority or SAQA confirming the skills or qualifications of the applicant. Proof of evaluation of foreign qualifications by SAQA will also be required. Furthermore, an application for membership in South African professional body needs to be submitted. A critical skills visa is normally issued for 5 years.

If the above are not applicable, a **general work visa** will apply. A general work visa is a temporary residence that requires that the employer of the foreigner has **made every attempt to fill the vacant position with either a South African citizen or permanent resident**. Due to the pre-requisite of consulting the Department of Labor, this GWV can take substantially longer and must be seen as a last option.

Spouses/partners are allowed to travel with the applicant of the general work visa, but will not be allowed to work themselves. General work visas are typically valid for up to 5 years.

A **corporate visa** is applicable in cases where an employer wishes to employ a large number of foreign workers in a limited time period. The application process is long and intricate, and a corporate visa should only be considered should you require many foreign employees over a certain time period.

Business visa

Foreign investors wishing to set up a business or to invest in an existing business in South Africa have the option of applying for a temporary residence visa based on own business. This type of visa is issued for up to 3 years at a time and allows the holder to establish and operate their business in the Republic.

One of the most important conditions for obtaining a business visa is proof of the availability of funds to be invested. The Department of Home Affairs currently requires a minimum investment of ZAR 5 million, but this requirement can be reduced in case the business falls into one of the prescribed categories. The business idea must be approved by the Department of Trade and Industry which will issue a positive or negative recommendation letter.

When setting up a business in South Africa, a foreigner is further required to undertake to employ a work base comprised of at least 60% South African citizens or permanent residents on a permanent basis. Proof of compliance of this undertaking is to be submitted within 12 months after issuing of the visa.

Retired person visa

Persons wishing to retire in South Africa can apply for temporary residence based on retirement. This visa is issued for up to 4 years and allows the holder to retire in the Republic and reside in South Africa on a seasonal or continuous basis.

The visa does not allow the holder to work during their retirement. An authorization to work can be applied for, but is rarely granted in practice.

The main requirement for the retired person visa is the proof of a monthly pension or a monthly income generated by assets in the minimum amount of ZAR 37,000 for the duration of the stay in South Africa, i.e. 4 years. Alternatively the proof of available funds can in some cases consist of capital assets in the form of a bank deposit in an equivalent amount.

Spousal and life partner visas/permits

Spouses of a South African citizens or permanent residents may apply for a life-partner or spousal visa/permit. In terms of the act both married and unmarried partners are considered spouses as long as they can prove the existence of a spousal relationship.

Proof of financial and emotional support must be submitted and the applicants must be interviewed separately and on the same day by the department. In case of non-married partners, proof of co-habitation as well as sharing of financial responsibilities for at least 2 years prior must be provided. After a period of 2 years on a spousal visa, applicants are required to inform the Director-General whether or not the spousal relationship still exists by means of an affidavit.

The spousal visa is normally granted for 2 – 3 years. After 5 years of a proven spousal relationship, applicant may apply for permanent residence.

Studying/working/running one's own business is only allowed on a spousal visa provided the applicant has the necessary endorsements. An applicant is free to do as he/she wishes on a spousal permit, since he/she now has permanent residence.

Permanent residence

Permanent residence in South Africa can be applied for in the following categories:

- Business
- Retirement
- Financial independence
- Five years of continuous employment in the Republic
- Spouse/child/parent/first step of kinship of a South African citizen or permanent resident

The conditions for an application for permanent residence based on **business** and **retirement** are as outlined above for temporary residence. However, in the case of retirement one must provide proof of a guaranteed monthly income of at least ZAR 37,000 for the whole period the applicant wishes to spend in South Africa, i.e. in this case indefinitely.

In order to qualify for permanent residence based on **financial independence** one must provide proof of a total net worth in excess of ZAR 12 million. On approval of the application a fee of ZAR 120,000 must be paid to Home Affairs.

Holders of a South African work permit who have been continuously **employed in the Republic for a minimum of 5 years** are also eligible to apply for permanent residence.

Furthermore, South African permanent residence can be applied for when one is the **spouse, child or parent of a citizen or permanent resident** or **within the first step of kinship**. In the case of spouses this applies to applicants who can prove that they have been in a relationship with their South African partner or permanent residence holder for 5 years or longer.

Our services

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We have been in business for over 18 years and we have offices in Cape Town, Stellenbosch and Johannesburg. We are a multilingual network and offer our services in English, German, Dutch, French and Afrikaans.

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