

# Mobility: Immigration alert

April 2024



## South Africa

### Amendments to immigration regulations

#### Executive summary

On 28 March 2024, the Department of Home Affairs (DHA) announced amendments to the current immigration regulations, which went into effect as of that date.

#### Key developments

The new regulations introduce the following amendments:

- ▶ For all immigration applications (or categories), applicants must submit a police clearance certificate issued in every country in which they have resided for longer than 12 months (after turning 18) in the five years leading up to the filing of their applications.
- ▶ Applicants are no longer 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 are eligible to apply for a remote work visa that enables 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 must register with the South Africa Revenue Services (SARS).
  - ▶ The visa subtype "religious leaders" has been added to Section 11(i)(b)(iv) Visas.
  - ▶ 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

- ▶ A points-based system has been 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 South African society, and the terms of their job offer. Further details about the new points-based system are expected to be released in the coming months.
- ▶ All holders of Long-term Business Visas (which enable holders to set up a business in South Africa) and Work Visas must 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

These changes 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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[ey.com](https://ey.com)

### Michelle Kotze

Partner - People Advisory Services, Global Immigration  
Tel: +27 82 870 4870  
Email: [michelle.kotze@za.ey.com](mailto: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](mailto: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](mailto:valerie.c.chigodora@za.ey.com)

### Ben Willis

Partner - People Advisory Services, EMEIA Immigration Leader  
Tel: +44 20 7951 9589  
Email: [ben.willis@uk.ey.com](mailto:ben.willis@uk.ey.com)

### Seema Farazi

Partner - People Advisory Services, EMEIA Immigration Leader  
Tel: +44 20 7951 7122  
Email: [seema.farazi@uk.ey.com](mailto:seema.farazi@uk.ey.com)