



# Dominican

## CONVENT SCHOOL

NPO NUMBER 031-869-NPO

10<sup>th</sup> July 2014

Dear Parents/ Guardians

### **Subject: Immigration Regulations 2014**

Below please find the latest information received from ISASA regarding Immigration Regulations 2014.

#### **WHAT IS NEW?**

The *Draft Immigration Regulations* were published for public comment in February 2014. Due to the limited time available for submission of comments, ISASA was not able to canvas responses from its member schools. Nonetheless, ISASA made a submission highlighting, among other issues, the poor turnaround time for study and work visa applications.

The new *Immigration Regulations* came into effect on 26 May 2014. Thereafter, the Department of Home Affairs (DHA) extended the date for the requirement of unabridged birth certificates to 1 October 2014 for any child entering or departing South Africa.

An unabridged birth certificate is a full-length, detailed birth certificate of the child that contains particulars of both parents, where possible, and their ID numbers. The old, abridged certificate issued prior to March 2013 did not contain these details. Application for an unabridged birth certificate may be made at the nearest Home Affairs office.

#### **WHAT DOES THIS MEAN FOR MY SCHOOL?**

1. An unabridged birth certificate will be required when a child under the age of 18 years enters or departs South Africa.
2. The unabridged birth certificate will not yet be required when children travel between 26 May 2014 and 30 September 2014. The requirement for an unabridged birth certificate comes into effect from 1 October 2014.
3. The Department of Home Affairs will also enforce additional requirements set out in the new *Immigration Regulations* when children enter or depart South Africa.
4. Under the new regulations the word 'Visa' replaces the word 'Permit'. For instance, a study permit will now be called a study visa, a work permit will be called a work visa and so on. The Permanent Residence Permit is the only category that will retain the use of the word 'permit'.
5. Study visas will be issued for the duration of the study or course. There will be no need to renew study visas every year, as long as the course of study for which the study visa was granted has not been completed. According to Section 12 of the *Immigration Regulations*:
  - *Study visas issued for studies at higher education and training institutions shall be issued for the duration of the course, but not exceeding four (4) years.*
  - *Visas issued for study at schools shall be valid for the duration of the period of study, provided that the study visa issued for studies at a primary school shall not exceed eight (8) years, and for secondary school shall not exceed six (6) years.*

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- *A study visa shall automatically lapse if the holder thereof fails to register with or is deregistered from the learning institution at any time during the period for which his or her visa has been issued or if any of the undertakings referred to in sub-regulation 12(1) (b) are not met.*

6. The Quota and Exceptional Skills Permit has been repealed and replaced with a new Critical Skills work Visa. Employers must make sure that the passport of anyone employed on a working visa (work permit) is up to date.

### **FREQUENTLY ASKED QUESTIONS ABOUT THE IMMIGRATION REGULATIONS 2014**

#### **1. What is a visa?**

A visa means the conditional authority or permission given to a person who is not a citizen of a country to enter its territory for a specific purpose and to remain therein for a limited period of time. Types of visas include a visa for medical treatment, study visa, working visa and so on.

#### **2. What is a working visa?**

A working visa is an authority or permission given to the holder which allows her or him to take employment in the issuing country where s/he does not hold citizenship.

#### **3. What is a study visa?**

A study visa is an authority or permission given to the holder which allows her or him to study at an institution of learning such as a school in the issuing country where s/he does not hold citizenship.

#### **4. What is a critical skills visa?**

A critical skills visa is an authority or permission given to a non-South African citizen who possesses a skill enlisted in the critical skills list to take up such employment in South Africa.

#### **5. What is a critical skills list?**

A critical skills list delineates skills or qualifications that have been determined by the Minister of Home Affairs to be critical for the Republic of South Africa in relation to an application for critical skills visa or permanent residence permit.

#### **6. My school employs teachers from outside the country who teach Mathematics, Science, ICT and foreign languages. Are these covered in the critical skills list?**

ICT is covered in the critical skills list from the Department of Home Affairs but Mathematics and Science are currently not covered in this list.

Please note that there are two Scarce and Critical Skills Lists available from Government:

- The first list is from the Department of Higher Education and Training (DEHT). The purpose of the list is to inform, inter alia: human resource planning and development; resource allocation and prioritisation; the development of relevant qualifications, programmes and curricula; and international recruitment strategies. This list includes Mathematics, Science and ICT teachers as part of the Top 100 Occupations in demand in South Africa.
- The second critical skills list is from the Department of Home Affairs. The Minister of Home Affairs has drawn up this critical skills list to determine the skills and/or qualifications that are considered critical for the Republic of South Africa in relation to an application for a critical skills visa or permanent residence permit. Currently this list does not include teaching as a critical or scarce skill.

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However, the Minister of Home Affairs has suggested that the Department of Home Affairs may also draw on the national (DHET) scarce skills list when compiling its own critical skills list.

### **7. What is a permit?**

A permit generally gives non-citizens clearance to enter a country and to remain there within certain specified conditions. The word permit is often used interchangeably with the word visa and these words are often understood to have a similar meaning. Under the new regulations in South Africa, a clear distinction has been made between short stay visas and long stay permanent resident permits.

As noted previously, under the new regulations the word 'Visa' replaces the word 'Permit'. A study permit will now be called a study visa, a work permit will be called a work visa, etc. The Permanent Residence Permit is the only category that will retain the use of the word 'permit'.

### **8. What is a permanent residency permit?**

A permanent residency permit refers to the authority or permission given to a person allowing him or her or him to reside indefinitely within a country of which he or she is not a citizen. A person with such status is known as a permanent resident. A person can apply for this permit once he or she has resided in the country for five (5) years.

### **9. My study permit is due for renewal, do the new regulations affect me? How?**

The implementation of the new *Immigration Regulations* is not retrospective, which means that people who are in possession of valid visas obtained before the new *Immigration Regulations* will still be able to use these study permits and do not need to visit Home Affairs to change them.

However, once these study permits become due for renewal, application for new study visas will be in accordance with the new rules in the *Immigration Regulations* (2014).

### **10. My work permit is due for renewal, do the new regulations affect me? How?**

The implementation of the new *Immigration Regulations* is not retrospective. Therefore any work visas (permits) obtained before the effective date of the new regulations (26 May 2014) will remain valid until they lapse. Work permits due for renewal on or after 26 May 2014 will be handled in terms of the new regulations.

### **11. What is my role as the Head of School in assisting a prospective foreign learner to acquire a study visa?**

The Head of School should provide the prospective learner(s) with an official letter confirming provisional acceptance or acceptance at a learning institution (school) in South Africa and the duration of the course. The Head of School should also inform prospective learners that they must apply for their study visas while they are still in their home countries. Application may be made at the nearest South African Embassy or mission office.

### **12. What is my role as Head of School if a student de-registers before completing the course?**

Within 30 days of the de-registration, the Head of School must notify the Director-General at Home Affairs that the applicant is no longer registered at the relevant school.

### **13. What is my role as Head of School if a student completes study or if he or she wants to extend it?**

The Head of School must notify the Director-General that the applicant has completed his or her studies within 30 days of completion of studies. He or she must also inform the Director General if the student requires to extend his or her period of study.

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### **14. I'm travelling to South Africa with my minor children. My spouse is not travelling with us.**

#### **What are the immigration requirements?**

A parent travelling with children and without the other parent will be required to produce the following:

- (i) an unabridged birth certificate for each child he or she is travelling with;
- (ii) Consent in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with.

### **15. I'm a single parent travelling to South Africa with my minor children. The other parent is still alive. What are the immigration requirements?**

A single parent travelling with children where the other parent is still alive will be required to produce the following:

- (i) an unabridged birth certificate for each child;
- (ii) Consent in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (iii) A court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child.

### **16. I'm a single parent travelling to South Africa with my minor children. The other parent is deceased. What are the immigration requirements?**

A single parent travelling with children where the other parent is deceased will be required to produce the following:

- (i) an unabridged birth certificate for each child;
- (ii) A death certificate of the other parent registered as a parent of the child on the birth certificate;
- (iii) A court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child.

### **17. I'm travelling to South Africa with minors who are not my biological children and who will be attending school in the country. What are the immigration requirements?**

Where a person is travelling with a child who is not his or her biological child, he or she must produce:

- (i) A copy of the unabridged birth certificate of the child;
- (ii) An affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;
- (iii) Copies of the identity documents or passports of the parents or legal guardian of the child; and
- (iv) The contact details of the parents or legal guardian of the child.

Where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, the Director-General may approve such a person to enter into or depart from the Republic with such a child.

### **18. I'm travelling to South Africa on holiday with minors who are not my biological children. What are the immigration requirements?**

Where a person is travelling with a child who is not his or her biological child, he or she must produce:

- (i) A copy of the unabridged birth certificate of the child;
- (ii) An affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;
- (iii) Copies of the identity documents or passports of the parents or legal guardian of the child; and

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(iv) The contact details of the parents or legal guardian of the child,  
Where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, the Director-General may approve such a person to enter into or depart from the Republic with such a child.

### **19. My school often receives learners who come into South Africa from other countries as unaccompanied minors. What are the immigration requirements?**

The unaccompanied minor is a child under the age of 18 years who travels alone. The Immigration Officer will require a minor to produce the following before permitting her/him to travel unaccompanied:

- (i) Proof of consent from one of or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for the child to travel into or depart from the Republic;
- (ii) Provided that in the case where one parent provides proof of consent, that parent must also provide a copy of a court order issued to him or her in terms of which he or she has been granted full parental responsibilities and rights in respect of the child;
- (iii) A letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing;
- (iv) A copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; and
- (v) The contact details of the parents or legal guardian of the child.

### **20. What would I (receiving person) be required to produce in order to receive an unaccompanied minor at the port of entry?**

The person receiving an unaccompanied minor must produce the following documents at the port of entry:

- (i) A letter containing his or her residential address and contact details in the Republic where the child will be residing;
- (ii) A certified copy of the identity document or valid passport and visa or permanent residence permit of receiving person.

The two documents above are part of the requirements that the Immigration Officer will request from the unaccompanied minor before he or she can be allowed to travel alone.

### **21. Are certified copies of the unabridged birth certificates for children acceptable?**

Yes, they are acceptable. Parents, guardians or persons accompanying children when they travel into or depart from the Republic may produce a certified copy of the unabridged birth certificate instead of the original.

### **22. Are children who enter and depart South Africa (e.g. exchange students) who are not South African citizens required to produce the Unabridged Birth Certificate?**

Yes, as from 1 October 2014 children who are not South African citizens who enter or depart South Africa are also required to adhere to the *Immigration Regulations*. They must produce their unabridged birth certificate, alongside all other supporting documents as prescribed in the *Immigration Regulations*.

Regards,

Graham Howarth.  
HEADMASTER

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