



REQUIREMENTS FOR PERMANENT RESIDENCE

VISA

REQUIREMENTS: (all forms to be completed in black ink)

- MACHINE READABLE VALID PASSPORT WITH MINIMUM TWO UNUSED VISA LABEL PAGES. PASSPORT MUST BE VALID FOR MINIMUM 30 DAYS AFTER THE INTENDED DATE OF DEPARTURE FROM SOUTH AFRICA.
- **NON-REFUNDABLE** APPLICATION FEE (IF APPLICABLE) IN THE FORM OF MONEY ORDER / CASHIERS CHECK **\$127.00**
- **COMPLETED DHA-1738** SIGNED BY APPLICANT.
- TWO PASSPORT PHOTOS.
- CERTIFIED/NOTARIZED COPY BIO PAGE OF PASSPORT.
- CERTIFIED COPY OF VALID PROOF OF RESIDENCE IN US (Green Card/H1 B/ J1/ L1 etc) (Proof of residence must be valid for duration of stay in South Africa) **(B1/B2 US VISA HOLDERS NOT ELIGIBLE TO APPLY – MUST APPLY IN COUNTRY OF ORIGIN).**
- PROOF OF TENTATIVE TRAVEL ITINERARY OF ROUND-TRIP AIR TICKETS. **DO NOT PURCHASE AIR TICKETS PRIOR TO OBTAINING SOUTH AFRICAN VISA.**
- PROOF OF FINANCIAL MEANS IN THE FORM OF THREE (3) MONTHS OF THE MOST RECENT BANK STATEMENTS, **STAMPED** BY THE BANKING INSTITUTION (NO NOTARY STAMPS) OR WRITTEN CONFIRMATION FROM BANKING INSTITUTION-ONLINE BANKS.
- PROOF OF TENTATIVE ACCOMMODATION.
- IF HOSTED BY SOUTH AFRICAN CITIZEN OR PERMENANT RESIDENT: LETTER OF INVITATION, COPY OF CERTIFIED RSA ID DOCUMENT, PROOF OF RESIDENCE OF HOST (UTILITY BILL).

- IF HOSTED BY NON-SOUTH AFRICAN: LETTER OF INVITATION, COPY OF CERTIFIED VALID BIO PAGE OF PASSPORT AND VISA, PROOF OF RESIDENCE OF HOST (UTILITY BILL).
- YELLOW FEVER CERTIFICATE IS REQUIRED FOR APPLICANTS TRAVELING THROUGH YELLOW FEVER BELT AREAS EN ROUTE TO SOUTH AFRICA.
- MEDICAL REPORT ON PRESCRIBED FORM – **DHA-811** (PHYSICAL). THE CERTIFICATE MUST NOT BE OLDER THAN SIX (6) MONTHS AT THE TIME THE APPLICANT SUBMITS AN APPLICATION.
- **ORIGINAL FBI CERTIFICATE** (FULL CRIMINAL BACKGROUND CHECK REPORT) AND **ORIGINAL POLICE CLEARANCE CERTIFICATE** FROM EACH COUNTRY WHERE THE RELEVANT APPLICANT RESIDED FOR 12 MONTHS OR LONGER AFTER ATTAINING THE AGE OF 18 YEARS (FOR THE LAST 5 YEARS) IN RESPECT OF CRIMINAL RECORDS OR THE CHARACTER OF THAT APPLICANT, WHICH CERTIFICATE SHALL NOT BE OLDER THAN SIX MONTHS AT THE TIME OF ITS SUBMISSION.

OBJECTIVES AND STRUCTURES OF IMMIGRATION CONTROL

THE OBJECTIVES AND FUNCTIONS OF IMMIGRATION CONTROL ARE AS FOLLOWS (WITH SPECIAL REFERENCE TO SECTION 2 OF THE IMMIGRATION ACT, 2002 (ACT 13 OF 2002):

SECTION 2(1)

IN THE ADMINISTRATION OF THIS ACT, THE DEPARTMENT SHALL PURSUE THE FOLLOWING OBJECTIVES:

- FACILITATING AND SIMPLIFYING THE ISSUANCE OF PERMANENT AND TEMPORARY RESIDENCE TO THOSE WHO ARE ENTITLED TO THEM, AND CONCENTRATING RESOURCES AND EFFORTS IN ENFORCING THIS ACT AT COMMUNITY LEVEL AND DISCOURAGING ILLEGAL FOREIGNERS;
- FACILITATING FOREIGN INVESTMENTS, TOURISM AND INDUSTRIES IN THE REPUBLIC WHICH ARE RELIANT ON INTERNATIONAL EXCHANGES OF PEOPLE AND PERSONNEL
- ENABLING EXCEPTIONALLY SKILLED OR QUALIFIED PEOPLE TO SOJOURN IN THE REPUBLIC
- ADMINISTERING THE PRESCRIBED FEES, FINES AND OTHER PAYMENTS IT EXACTS OR RECEIVES IN SUCH A FASHION AS TO DEFRAY THE OVERALL COST OF ITS OPERATION.

SECTION 2(2)

IN ORDER TO ACHIEVE THE OBJECTIVES SET OUT IN SUBSECTION (1), THE DEPARTMENT SHALL MONITOR AND EXACT COMPLIANCE FROM ANY PERSON OR ENTITY EXERCISING RESPONSIBILITIES OR BEARING DUTIES OR OBLIGATIONS IN TERMS OF THIS ACT.

IMMIGRATION CATEGORIES ARE DIVIDED INTO 2 MAJOR CATEGORIES. SECTION 26 AND SECTION 27.

SECTION 26 - DIRECT RESIDENCE

WHICH SUBJECT TO SECTION 25 OF THE IMMIGRATION ACT (2002), THE DEPARTMENT SHALL ISSUE PERMANENT RESIDENCE PERMITS TO FOUR CATEGORIES OF FOREIGNERS WHO ARE DEALT WITH IN SECTION 26(A-D)

26 (A) REFERS TO A FOREIGNER

- WHO HAS BEEN IN SA ON A WORK PERMIT FOR 5 YEARS
- WHO HAS RECEIVED A PERMANENT OFFER OF EMPLOYMENT
- WHOSE EMPLOYER'S CHARTERED ACCOUNTANT SUBMITTED A CERTIFICATION THAT THE POST EXIST AND IS INTENDED TO BE FILLED BY SUCH FOREIGNER
- IN RESPECT OF WHOM THE DEPT. OF LABOR CERTIFIED THAT THE TERMS AND CONDITIONS OF THE PERSON'S EMPLOYMENT ARE NOT INFERIOR TO THOSE APPLICABLE TO SOUTH AFRICAN CITIZENS/PERMANENT RESIDENTS IN THE SAME FIELD.

SHOULD A FOREIGNER MEET THE ABOVE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 YEARS WILL LIKEWISE QUALIFY FOR PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27 G)

26(B) REFERS TO A SPOUSE OF A SA CITIZEN/PERMANENT RESIDENT PROVIDED THAT:

- A GOOD FAITH RELATIONSHIP EXIST
- A PERMANENT RESIDENCE PERMIT SHALL LAPSE IF, WITHIN 3 YEARS AFTER THE DATE OF APPLICATION, THE RELATIONSHIP NO LONGER EXISTS, EXCEPT IN THE CASE OF DEATH.

26(C) REFERS TO A CHILD OF A CITIZEN OR PERMANENT RESIDENCE UNDER THE AGE OF 21 PROVIDED THAT:

- A PERMIT SHALL LAPSE IF THE CHILD DOES NOT SUBMIT AN APPLICATION TO THE DEPARTMENT WITHIN 2 YEARS OF HIS/HER 21ST BIRTHDAY FOR CONFIRMATION OF HIS/HER RESIDENTIAL STATUS.

26(D) REFERS TO A CHILD OF A CITIZEN ABOVE THE AGE OF 21.

SECTION 27: RESIDENCE ON OTHER GROUNDS

THE DEPARTMENT MAY ISSUE A PERMANENT RESIDENCE PERMIT TO FOREIGNERS OF GOOD CHARACTER WHO QUALIFY FOR PERMANENT RESIDENCE STATUS IN TERMS OF ONE OF THE CATEGORIES IN SECTION 27 (A-G) OF THE ACT.

THE ABOVE APPLICATIONS MAY BE SUBMITTED AT ANY REGIONAL OFFICE OF DHA. EXCEPT FOR PERSONS MENTIONED IN SECTIONS 27 (A) AND (C), WHO MUST SUBMIT THEIR APPLICATIONS AT A REGIONAL OFFICE IN THE PROVINCE WHERE THEY ARE EMPLOYED OR WHERE THE BUSINESS IS ESTABLISHED/INVESTED INTO.

SECTION 27(A) REFERS TO A FOREIGNER;

- WHO IS ABLE TO SUBMIT AN OFFER OF EMPLOYMENT
- WHOSE EMPLOYER'S CHARTERED ACCOUNTANT SUBMITTED A CERTIFICATION THAT THE POST EXISTS, THE POSITION AND RELATED JOB DESCRIPTION WAS ADVERTISED IN THE PRESCRIBED MANNER AND THAT NO QUALIFIED SA CITIZEN OR RESIDENT WAS AVAILABLE TO FILL THE POSITION
- IN RESPECT OF WHOM THE DEPARTMENT OF LABOR CERTIFIED THAT THE TERMS AND CONDITIONS OF SUCH OFFICER, INCLUDING SALARY AND BENEFITS, ARE NOT INFERIOR TO THOSE PREVAILING IN RELEVANT MARKET SEGMENT FOR CITIZENS/RESIDENTS, TAKING INTO ACCOUNT THE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS AND OTHER APPLICABLE STANDARDS, IF ANY
- WHOSE APPLICATION FALLS WITHIN THE YEARLY LIMITS OF AVAILABLE PERMITS PRESCRIBED FROM TIME TO TIME FOR EACH SECTOR OF INDUSTRY, TRADE AND COMMERCE, FOLLOWING CONSULTATION WITH THE DEPARTMENT OF TRADE & INDUSTRY, LABOR AND EDUCATION.

SHOULD A FOREIGNER MEET THE ABOVE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 YEARS WILL LIKEWISE QUALIFY FOR PERMANENT RESIDENCE STATUS IN THE RSA, IN TERMS OF SECTION 27(G).

SECTION 27(B) REFERS TO A FOREIGNER WHO HAS DEMONSTRATED TO THE DEPARTMENT'S SATISFACTION, HIS/HER POSSESSING EXTRAORDINARY SKILLS OR QUALIFICATIONS.

SHOULD A FOREIGNER MEET THE ABOVE REQUIREMENTS, HIS/HER IMMEDIATE FAMILY MEMBERS WILL LIKEWISE QUALIFY TO APPLY FOR PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27(G).

SECTION 27(C) REFERS TO A FOREIGNER WHO:

- INTENDS TO ESTABLISH A BUSINESS IN THE RSA; OR
- ALREADY HOLDS A BUSINESS PERMIT TO CONDUCT A BUSINESS IN RSA; OR
- INTENDS TO INVEST IN AN EXISTING BUSINESS IN THE RSA

ALL THREE OF WHICH MUST INVEST OR HAVE ALREADY INVESTED THE PRESCRIBED FINANCIAL CONTRIBUTION WHICH SHALL BE PART OF IS PART OF THE (INTENDED) BOOK VALUE OF THE BUSINESS, AS CERTIFIED BY THE CHARTERED ACCOUNTANT. THE DEPARTMENT MAY WAIVE OR REDUCE THE SPECIFIC CAPITALIZATION REQUIREMENTS FOR BUSINESS WHICH SHALL FROM TIME TO TIME BE PUBLISHED, IF SUCH A STEP WILL BE IN NATIONAL INTEREST, OR IF WHEN THE DEPARTMENT OF TRADE & INDUSTRY MAKES A REQUEST TO THIS EFFECT.

THE BUSINESS TO BE ESTABLISHED MUST BE IN LINE WITH ONE OF THE FOLLOWING SECTORS:

- INFORMATION AND COMMUNICATION TECHNOLOGY
- CLOTHING AND TEXTILES
- CHEMICALS AND BIOTECHNOLOGY
- AGRO PROCESSING
- METALS AND MINERALS
- AUTOMOTIVES AND TRANSPORT

ONCE PERMANENT RESIDENCE STATUS HAS BEEN ACQUIRED UNDER THIS SECTION OF THE ACT, THE PERSON CONCERNED HAS TO RENEW THE CERTIFICATION OF THE CHARTERED ACCOUNTANT TWO YEARS AFTER PERMANENT RESIDENCE STATUS HAS BEEN GRANTED, AND AGAIN THREE YEARS LATER. FAILURE TO DO SO SHALL RESULT IN THE PERMANENT RESIDENCE PERMIT TO LAPSE. SHOULD A FOREIGNER MEET THESE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 WILL LIKEWISE QUALIFY FOR PERMANENT RESIDENCE IN TERMS OF SECTION 27(G). SECTION 27(D) REFERS TO REFUGEES AS REFERRED TO IN SECTION 27(C) OF THE REFUGEES ACT, 1998 (ACT 130 OF 1998). SHOULD A REFUGEE MEET THESE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 WILL ALSO QUALIFY TO PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27(G).

SECTION 27(F) REFERS TO FOREIGNERS WHO INTEND TO RETIRE IN THE RSA (NO SPECIFIC AGE LIMIT) PROVIDED THAT A CHARTERED ACCOUNTANT CERTIFIES THAT THE PERSON CONCERNED HAS:

- THE RIGHT TO A PENSION OR

- AN IRREVOCABLE ANNUITY OR
- A RETIREMENT ACCOUNT
- ANY OF WHICH WILL GIVE A PERSON A MINIMUM PRESCRIBED AMOUNT FOR THE REST OF HIS/HER LIFE OR THAT PERSON HAS A MINIMUM PRESCRIBED NETWORTH OF R12M AND UP ON APPROVAL A FURTHER R120,000 SHALL BE PAID TO THE DIRECTOR-GENERAL.

SHOULD A FOREIGNER MEET THESE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 WILL LIKEWISE QUALIFY FOR PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27(G).

SHOULD A RETIRED PERSON WISH TO WORK IN THE RSA, HE/SHE MUST SUBMIT A CONTRACT OF EMPLOYMENT AND PROOF THAT A SOUTH AFRICAN CITIZEN/RESIDENT IS NOT AVAILABLE FOR THE OCCUPATION APPLIED FOR.

SHOULD A REFUGEE MEET THESE REQUIREMENTS, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 WILL ALSO QUALIFY FOR PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27(G).

SECTION 27 (F) REFERS TO A FOREIGNER WHO HAS PROVIDED A CERTIFICATION BY A CHARTERED ACCOUNTANT THAT HE/SHE HAS A PRESCRIBED MINIMUM NETWORTH OF R12M AND HAS PAID A PRESCRIBED FEE OF R120,000.00 TO THE DEPARTMENT.

SHOULD A PERSON MEET THE ABOVE REQUIREMENT, HIS/HER SPOUSE AND CHILDREN UNDER THE AGE OF 21 WILL ALSO QUALIFY TO APPLY FOR PERMANENT RESIDENCE IN THE RSA IN TERMS OF SECTION 27(G).

SECTION 27(G) REFERS TO A RELATIVE OR A CITIZEN/RESIDENT WITHIN THE FIRST STEP OF KINSHIP (PARENTS, CHILDREN AND SPOUSES). SPECIFIC REGULATIONS TO BE CONSIDERED ARE REGULATIONS 2, 33(8), 33(20) 33 (21) AND 33 (22).

INTERVIEW

A PERSONAL INTERVIEW IS REQUIRED FOR ALL APPLICANTS, 21 YEARS AND ABOVE. INTERVIEWS WILL BE CONDUCTED BY THIS OFFICE OR BY OTHER SOUTH AFRICAN MISSIONS IN NORTH AMERICA DEPENDING ON APPLICANT'S POINT OF RESIDENCE. IF A PERSONAL INTERVIEW IS NOT FEASIBLE FOR THE REASON THAT APPLICANT'S POINT OF RESIDENCE IS OF GREAT DISTANCE FROM/TO THE RESPECTIVE SOUTH AFRICAN MISSION, A TELEPHONIC INTERVIEW WILL BE CONSIDERED. INTERVIEWS WILL BE ARRANGED BY THE RESPECTIVE MISSIONS PROVIDED THAT ALL REQUIREMENTS HAVE BEEN DULY COMPLIED WITH BY THE APPLICANT.

APPLICATION FEES

U.S. \$127.00: ADMINISTRATIVE FEE IN RESPECT OF A FORMAL APPLICATION FOR AN IMMIGRATION PERMIT PER INDIVIDUAL OR PER FAMILY. THE FEE IS NON-REFUNDABLE IRRESPECTIVE OF WHETHER THE APPLICATION IS APPROVED OR NOT. THIS IS PAYABLE UPON SUBMISSION OF THE FORMAL IMMIGRATION APPLICATION.

ALL FEES ARE NON-REFUNDABLE AND MUST BE PAID IN MONEY ORDER OR CERTIFIED BANK CHECK PAYABLE TO THE SOUTH AFRICAN CONSULATE GENERAL-NEW YORK.

PROCESSING TIME

FORMAL APPLICATIONS: 12-18 MONTHS

ISSUANCE AND VALIDITY OF AN IMMIGRATION PERMIT

IMMIGRATION PERMITS ARE ISSUED BY THE REGIONAL OFFICES OF THE DEPARTMENT OF HOME AFFAIRS IN SOUTH AFRICA. THESE PERMITS ARE FORWARDED TO THIS OFFICE FOR ONWARD TRANSMISSION TO APPLICANTS. THE VALIDITY PERIOD OF AN IMMIGRATION PERMIT IS TWELVE (12) MONTHS. IF THE PERSON IS UNABLE TO ARRIVE IN THE REPUBLIC WITHIN THIS PERIOD, AN APPLICATION FOR EXTENSION MUST BE SUBMITTED TO THIS OFFICE PRIOR TO THE EXPIRATION DATE. EXTENSIONS ARE GRANTED FOR A MAXIMUM PERIOD OF SIX MONTHS AND REQUIRE A FEE OF US\$255.00.

WITHDRAWAL OF AN IMMIGRATION PERMIT

THE MINISTER MAY WITHDRAW AN IMMIGRATION PERMIT BY NOTICE IN WRITING AND WILL ORDER THE HOLDER OF SUCH PERMIT TO LEAVE THE REPUBLIC WITHIN THE PERIOD INDICATED IN THE NOTICE ON THE BASIS OF THE FOLLOWING:

- THE APPLICATION CONTAINS FALSE INFORMATION;
- THE HOLDER FAILS TO COMPLY WITH A CONDITION IMPOSED UNDER SECTION 25(3);
- THE HOLDER, WITHIN A PERIOD OF THREE (3) YEARS FROM DATE OF ISSUE OF SUCH PERMIT, ENGAGES IN AN OCCUPATION OTHER THAN THE OCCUPATION STATED IN THE PERMIT, WITHOUT THE CONSENT OF THE MINISTER;
- THE HOLDER OBTAINED THE PERMIT ON THE BASIS OF A MARRIAGE ENTERED INTO LESS THAN TWO (2) YEARS PRIOR TO THE DATE OF THE ISSUE OF THE PERMIT AND SUCH MARRIAGE IS JUDICIALLY ANNULLED OR TERMINATED WITHIN TWO YEARS SUBSEQUENT TO THE SAID DATE;
- THE HOLDER DID NOT ENTER THE REPUBLIC FOR THE PURPOSE OF PERMANENT RESIDENCE THEREIN, AND UPON THE EXPIRATION OF THE PERIOD MENTIONED IN SAID NOTICE, THE PERMIT SHALL BECOME NULL AND VOID.

IMPORTANT NOTICE

CHANGES RELATIVE TO POLICY MATTERS, LEGISLATION AND REGULATIONS MAY EVENTUATE AT ANY TIME SUBSEQUENT TO THE ABOVE INFORMATION. IT IS THE RESPONSIBILITY OF THE READER OF THIS DOCUMENT TO MAKE SURE AT ALL TIMES THAT THE INFORMATION CONTAINED HEREIN IS STILL RELEVANT. IT IS THEREFORE SUGGESTED THAT ENQUIRIES BE MADE AT REGULAR INTERVALS TO THIS OFFICE, THE NEAREST SOUTH AFRICAN MISSION ABROAD OR THE DEPARTMENT OF HOME AFFAIRS IN SOUTH AFRICA.

- **WHERE TO SUBMIT YOUR APPLICATION**

For residents of Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota and South Dakota, Ohio, Oklahoma, Texas, Virginia, Puerto Rico, Virgin Islands and Wisconsin:

- **The South African Embassy in Washington, DC
3051 Massachusetts Avenue NW
Washington, DC 20008**