

(26 May 2014 – to date)

IMMIGRATION ACT 13 OF 2002

(Gazette No. 23478, Notice No. 766, dated 31 May 2002. Commencement date: 12 March 2003, unless otherwise indicated. [Proc. No. R13, Gazette No. 24951, dated 20 February 2003])

IMMIGRATION REGULATIONS, 2014

Government Notice R413 in Government Gazette 37679 dated 22 May 2014. Commencement date: 26 May 2014

The Minister of Home Affairs has, in terms of section 7 of the Immigration Act, 2002 (Act No. 13 of 2002), after consultation with the Immigration Advisory Board, made the Regulations in the Schedule.

SCHEDULE

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1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates -

“**biometrics**” means fingerprints and a photograph;

“**learning institution**” means -

- (a) an institution of higher education established in terms of the Higher Education Act, 1997 (Act No. 101 of 1997); or
- (b) a college established in terms of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), but does not include -
 - (i) a school offering further education and training programmes under the South African Schools Act, 1996 (Act No. 84 of 1996); or
 - (ii) a college under the authority of a government department other than the Department of Higher Education and Training; or

(c) a school contemplated in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);

“medical report” means a report by a registered medical practitioner with regard to the applicant's general state of health, detailing any medical condition he or she suffers from, which report shall not be older than six months at the time of its submission;

“Medical Schemes Act” means the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“National Qualifications Framework Act” means the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

“police clearance certificate” means a certificate issued by the police or security authority in each country where the relevant applicant resided for 12 months or longer after attaining the age of 18 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: Provided that the certificate shall not be required from a foreign country in the case of renewal or extension of a visa but from the Republic;

“proof of sufficient financial means” means proof by means of -

(a) a three months bank statement;

(b) cash available to the applicant,

Provided that the amount shall not be less than the amount determined annually by the Minister by notice in the *Gazette*;

(c) travellers' cheques;

(d) an undertaking, supported by a bank statement or salary advice, by a South African citizen or permanent resident that he or she will be hosting the applicant and accepting responsibility for the costs related to the maintenance and removal of the applicant from the Republic; or

(e) in the case of learners or students, an undertaking to the learning institution for payment of all fees and accommodation from a bursary scheme or scholarship or parents, as the case may be;

“radiological report” means a report by a registered radiologist certifying that the applicant has been examined and that no signs of active pulmonary tuberculosis could be detected, which report shall not be older than six months at the time of its submission;

“SAQA” means the South African Qualifications Authority established in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

“**the Act**” means the Immigration Act, 2002 (Act No.13 of 2002); and

“**unaccompanied minor**” means a child under the age of 18 years who travels alone.

2. Passports

(1) A passport shall -

(a) be machine readable;

(b) contain the following information relating to the holder:

(i) full names and surname;

(ii) date and place of birth;

(iii) a photograph clearly and correctly depicting his or her facial features;

(iv) gender; and

(v) nationality;

(c) contain the following information relating to the passport itself:

(i) travel document type;

(ii) travel document number;

(iii) name of the issuing authority;

(iv) place of issue;

(v) date on which it was issued; and

(vi) expiry date thereof; and

(d) have at least two unused pages when presented for purposes of endorsing a port of entry visa, visa, permanent residence permit or entry or departure stamp.

(2) Notwithstanding the provisions of subregulation (1)(a), a foreigner may be admitted into or depart from the Republic with a non-machine readable passport: Provided that -

- (a) he or she is from a foreign state that is issuing machine readable passports and has not completely phased out the non-machine readable passports; and
 - (b) his or her passport was issued after 24 November 2005 and its date of expiry is before 24 November 2015.
- (3) The period of validity of a passport contemplated in section 9(4)(a) of the Act shall not be less than 30 days after the foreigner's intended date of departure from the Republic.
- (4) The international, regional or sub-regional organisations contemplated in the definition of passport in section 1(1) of the Act, are -
- (a) the United Nations, excluding its agencies, except for the United Nations High Commissioner for Refugees;
 - (b) the African Union;
 - (c) the European Union;
 - (d) the Southern African Development Community; and
 - (e) the African Development Bank.

3. Permanent homosexual or heterosexual relationship

- (1) An applicant for a visa or permanent residence permit in terms of the Act who asserts in his or her application to be a spouse, as defined in section 1 of the Act, must prove to the satisfaction of the Director-General that he or she is a spouse to a citizen or permanent residence permit holder in the manner set out in subregulation (2).
- (2) An applicant contemplated in subregulation (1) must submit -
- (a) a notarial agreement signed by both parties attesting that -
 - (i) the permanent homosexual or heterosexual relationship has existed for at least two years before the date of application for a relevant visa or permanent residence permit and that the relationship still exists to the exclusion of any other person; and
 - (ii) neither of the parties is a spouse in an existing marriage or a permanent homosexual or heterosexual relationship;

- (b) an affidavit on Part A of Form 12 illustrated in Annexure A, confirming the continued existence of the relationship;
 - (c) in the case where such a party was a spouse in a previous marriage, any official documents that prove the dissolution of such marriage either by divorce or the death of the other spouse;
 - (d) documentation to prove -
 - (i) the financial support to each other; and
 - (ii) the extent to which the related responsibilities are shared by the applicant and his or her spouse; and
 - (e) in the case of a relationship concluded between two foreigners in a foreign country, an official recognition of the relationship issued by the relevant authorities of the country concerned, if available.
- (3) Both partners to a homosexual or heterosexual relationship must be interviewed separately, on the same date and time, to determine the authenticity of the existence of their relationship.
- (4) An applicant contemplated in subregulation (1) who has been issued with a visa or permanent residence permit must, after a period of two years from the date of issuing of that visa or permanent residence permit, inform the Director-General whether or not the spousal relationship still exists by submitting to the Director-General an affidavit on Part B of Form 12 illustrated in Annexure A.
- (5) An applicant contemplated in subregulation (1) who has been granted a visa or permanent residence permit on the basis of the relationship must immediately inform the Director-General when his or her relationship ceases to exist.
- (6) The Director-General may, upon receipt of the information contemplated in subregulation (5), withdraw the visa or permanent residence permit issued on the basis of the existence of a permanent homosexual or heterosexual relationship.
- (7) Whenever it appears to the Director-General that a visa or permanent residence permit was acquired through error, misrepresentation or fraud, he or she shall withdraw the visa or permanent residence permit and, where applicable, cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.

4. Appointment of individual persons to Board by Minister

- (1) The Minister shall invite members of the public to nominate persons contemplated in section 4(2)(a)(v) of the Act for appointment to the Board.

- (2) The invitation contemplated in subregulation (1) shall be advertised nationally.
- (3) Nominations shall be submitted in writing and shall include -
 - (a) the full names, surname and contact details of the persons being nominated;
 - (b) a brief curriculum vitae of the persons being nominated; and
 - (c) a signed statement of acceptance of such nomination by the person being nominated.
- (4) The Minister shall consider all nominations received and appoint five suitable persons to the Board within 30 days after the closing date for the submission of nominations.

5. Operations of Board

- (1) The Chairperson of the Board shall convene the meetings of the Board.
- (2) The Board shall adopt rules to govern the procedure at its meetings.

6. Admission and departure

- (1) An application for exemption contemplated in section 9(3)(b) of the Act shall be made on Form 3 illustrated in Annexure A.
- (2) An examination contemplated in section 9(3)(d) of the Act shall take place when a person presents himself or herself to an immigration officer.
- (3) A person contemplated in subregulation (2) shall -
 - (a) satisfy the immigration officer that he or she -
 - (i) is not an illegal foreigner by producing a valid passport and port of entry visa, if applicable;
 - (ii) is not a prohibited person by proving that he or she complies with the provisions of section 29 of the Act;
 - (iii) if previously declared an undesirable person, has complied with section 30(2) of the Act; and

- (iv) is not in contravention of the Act by producing a visa commensurate with the activities to be undertaken by him or her in the Republic;
 - (b) if entering the Republic for purposes of a visa contemplated in section 11(1)(a) of the Act, provide a residential address of the intended place of stay within the Republic and the business, residential or physical address of his or her host in the Republic, and undertake to report any change of his or her address, and that of his or her host in the Republic, at the nearest Office of the Department within 48 hours of any change of such address or addresses;
 - (c) provide proof of settlement, in the form of a receipt, of any outstanding administrative fine imposed under section 50(1) of the Act prior to its amendment by section 25(a) of the Immigration Amendment Act, 2011 (Act No. 13 of 2011);
 - (d) submit to the immigration officer Form 4 illustrated in Annexure A; and
 - (e) subject himself or herself to biometric verification prior to admission into the Republic and upon departure from the Republic.
- (4) If an immigration officer is not satisfied with the information submitted in accordance with subregulation (3)(d), he or she may require of that person to either complete the form once again, or to make a declaration on Form 5 illustrated in Annexure A.
- (5) If a person is unable to complete the form contemplated in subregulation 3(d) or the declaration contemplated in subregulation (4), the immigration officer shall, if necessary -
- (a) question him or her with the assistance of an interpreter;
 - (b) complete the mentioned form or declaration or cause it to be completed; and
 - (c) require that person to sign that form or declaration or to affix his or her left thumb print thereto.
- (6) An immigration officer who has not been satisfied as contemplated in subregulation (3)(a), may interview that person and shall record the general contents of that interview on Form 6 illustrated in Annexure A.
- (7) An immigration officer may, if there is reason to suspect that any person is infected with or is the carrier of any of the diseases or viruses contemplated in regulation 26(1), refer such person seeking admission into the Republic to a port health officer at the port of entry and, after consultation with the port health officer, decide whether or not to admit such person seeking admission or hold him or her in quarantine.

- (8) An immigration officer shall not admit into the Republic any person unless he or she is satisfied that such person poses no risk or intends no harm to the Republic or citizens of the Republic.
- (9) When examining a person before his or her departure from the Republic, an immigration officer shall ensure that that person is not -
- (a) a fugitive from justice; or
 - (b) the subject of a court order that orders the Department to prevent his or her departure.
- (10) Any child who is in alternative care as defined in the Children's Act, 2005 (Act No. 38 of 2005) shall, before departing from the Republic, produce a certified copy of an authorisation letter from the Provincial Head of the Department of Social Development where the child resides as contemplated in section 169 of the Children's Act.
- (11) An immigration officer shall refuse any person contemplated in subregulation (9) or who does not comply with subregulation (10), to depart from the Republic.
- (12)
- (a) Where parents are travelling with a child, such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child.
 - (b) In the case of one parent travelling with a child, he or she must produce an unabridged birth certificate and -
 - (i) 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;
 - (ii) 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; or
 - (iii) where applicable, a death certificate of the other parent registered as a parent of the child on the birth certificate;

Provided that the Director-General may, 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, approve such a person to enter into or depart from the Republic with such a child.

- (c) 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,

Provided that the Director-General may, 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, approve such a person to enter into or depart from the Republic with such a child.

- (d) Any unaccompanied minor shall produce to the immigration officer -
 - (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: 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;
 - (ii) 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;
 - (iii) 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
 - (iv) the contact details of the parents or legal guardian of the child.

(13) Any person who destroyed a passport, or presented a passport that is confirmed to be false or fraudulently altered, shall be refused entry and an immigration officer shall -

- (a) confirm such refusal on Form 7A illustrated in Annexure A;
- (b) confiscate such passport; and
- (c) cause such person to be returned to his or her point of embarkation.

(14) The passport confiscated as contemplated in subregulation (13)(b) shall, together with Form 7B illustrated in Annexure A, be handed to the purported issuing authority's embassy, high commission or representative in the Republic.

- (15) Any person found in the Republic in possession of a fraudulent, false or counterfeit passport shall be referred for detention or prosecution on Form 7C illustrated in Annexure A.
- (16) The recording of the entry or departure contemplated in section 9(3)(c) of the Act shall be by means of scanning the passport and Form 4, and by endorsing the entry or departure in the passport of the person.
- (17) Any person who provides the immigration officer with incorrect or false information knowing it to be incorrect or false shall be refused entry by the immigration officer.

7. Representations to Director-General or Minister

- (1) The form contemplated in section 8(1) of the Act shall be Form 1 illustrated in Annexure A.
- (2) A decision contemplated in section 8(3) of the Act shall be communicated to the relevant person in writing on Form 2 illustrated in Annexure A.
- (3) The applications contemplated in section 8(4) and (6) of the Act shall be on Form 49 illustrated in Annexure A, addressed to the Director-General or the Minister, as the case may be.

8. Place of entry or exit

- (1) The designation of any place as a port of entry in terms of section 9A of the Act shall be made by the Minister in writing.
- (2) A designation of any place as a port of entry shall be published in the *Gazette*.

9. Visas to temporarily sojourn in Republic

- (1) An application for any visa referred to in section 11 up to and including sections 20 and 22 of the Act shall be made on Form 8 illustrated in Annexure A together with all supporting documents and accompanied by -
 - (a) a valid passport in respect of each applicant;
 - (b) a yellow fever vaccination certificate if that person travelled or intends travelling from or transiting through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area;

- (c) a medical and radiological report in respect of each applicant, excluding applicants for the visa contemplated in section 11(1)(a) of the Act: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
 - (d) in respect of dependent children accompanying the applicant or joining the applicant in the Republic, proof of parental responsibilities and rights or written consent in the form of an affidavit from the other parent or legal guardian, as the case may be;
 - (e) in respect of a spouse accompanying the applicant or joining the applicant in the Republic, a copy of a marriage certificate or proof of a relationship as contemplated in regulation 3; and
 - (f) payment of the applicable application fee.
- (2) Any applicant for any visa referred to in subregulation (1) must submit his or her application in person to -
- (a) any foreign mission of the Republic where the applicant is ordinarily resident or holds citizenship; or
 - (b) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of any country in which a mission of the Republic has not been established.
- (3) Any applicant for a visa may be requested to be interviewed at the relevant South African mission whenever it appears to any official processing his or her application that it is necessary to do so.
- (4) The documents contemplated in subregulation (1) shall be -
- (a) originals or copies authenticated by the issuing authority of the country of origin; and
 - (b) translated into one of the official languages of the Republic, where applicable, and certified as a correct translation by a sworn translator at the expense of the applicant.
- (5) A foreigner who is in the Republic and applies for a change of status or terms and conditions relating to his or her visa shall -
- (a) submit his or her application, on Form 9 illustrated in Annexure A, no less than 60 days prior to the expiry date of his or her visa; and
 - (b) provide proof that he or she has been admitted lawfully into the Republic,

Provided that no person holding a visitor's or medical treatment visa may apply for a change of status to his or her visa while in the Republic, unless exceptional circumstances set out in subregulation (9) exist.

- (6) Any visa contemplated in section 10 of the Act issued at a foreign mission of the Republic, shall -
 - (a) be affixed to the passport of the applicant; and
 - (b) only be valid if an entry stamp has been affixed thereto at the port of entry and the date of such entry stamp shall be the effective date.

- (7) The individual terms and conditions contemplated in section 10(5) of the Act with regard to a visa shall relate to, but not be limited to -
 - (a) limitations on the type of activities that may be undertaken in the Republic;
 - (b) the places where the activities contemplated in paragraph (a) may be undertaken;
 - (c) the types of commercial activity that may be practised;
 - (d) the submission of proof of sufficient financial means;
 - (e) limitations on the period of the visit or the validity of the visa; or
 - (f) cancellation of the visa in the event the holder has been convicted of any offence under the Act or any other law.

- (8) An application for an extension contemplated in section 10(7) of the Act shall -
 - (a) be made on Form 10 illustrated in Annexure A, as the case may be;
 - (b) be accompanied by an affidavit by the applicant attesting to having complied with his or her existing visa, the terms and conditions attached thereto and the laws of the Republic; and
 - (c) be submitted in person at any office of the Department no less than 60 days prior to the expiry date of his or her visa and if the visa was issued for less than 30 days, not later than seven working days before the expiry of the visa.

- (9) The exceptional circumstances contemplated in section 10(6)(b) of the Act shall -
 - (a) in respect of a holder of a visitor's visa, be that the applicant -

- (i) is in need of emergency life saving medical treatment for longer than three months;
 - (ii) is an accompanying spouse or child of a holder of the business or work visa, who wishes to apply for a study or work visa; or
- (b) in respect of a holder of a medical treatment visa, be that the holder's continued stay in the Republic is required for any purpose related to a criminal trial in the Republic: Provided that such application shall be initiated by the relevant Deputy Director of Public Prosecutions and addressed to the Director-General.

10. Port of entry visas and transit visas

- (1) An application for a port of entry visa or transit visa shall be made on Form 11 illustrated in Annexure A, together with supporting documents, and shall -
- (a) include a statement or documentation confirming the purpose and duration of the visit;
 - (b) be accompanied by -
 - (i) a valid passport in respect of each applicant; and
 - (ii) the applicable fee;
 - (iii) proof of sufficient financial means; and
 - (iv) proof of a valid return or onward ticket or purchase thereof;
 - (c) in respect of dependent children accompanying the applicant to or joining the applicant in the Republic, be accompanied by -
 - (i) proof of consent from one or both parents or legal guardian, as the case may be, in the form of a letter or affidavit;
 - (ii) where applicable, a copy of a court order granting the applicant 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 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;

(d) where the application is for the attendance of an activity or event, include a letter from the organisation under whose control the activity or event will take place, confirming such attendance and whether or not the foreigner will be remunerated, and if remunerated, the amount of the remuneration.

(2) An application contemplated in subregulation (1) shall be made in person at -

(a) any mission of the Republic in the country of the applicant's normal residence, which includes permanent residence and long-term temporary residence; or

(b) any mission of the Republic in the country of which the applicant holds a valid passport,

Provided that when good cause exists, any mission other than a mission referred to in paragraph (a) or (b) may accept that application, in which case that mission may refer the application to the mission contemplated in subregulation (3)(a) or (b) for comment or processing.

(3) A transit visa shall -

(a) in the case of air transit, be issued for a period not exceeding 24 hours; and

(b) in the case of land transit, be issued for a period not exceeding 48 hours.

11. Visitor's visa

(1) An application for a visitor's visa not exceeding a period of three months shall be accompanied by -

(a) a statement or documentation detailing the purpose and duration of the visit;

(b) a valid return air flight ticket or proof of reservation thereof; and

(c) proof of sufficient financial means contemplated in subregulation (3).

(2) An application for a visitor's visa exceeding a period of three months shall, in addition to complying with the requirements of subregulation (1), be accompanied by a police clearance certificate.

(3) The proof of sufficient available financial resources contemplated in section 11(1)(b) of the Act shall be in the form of a recently bank certified statement, for the last three months.

- (4) An activity contemplated in section 11(1)(b)(iv) of the Act shall be work conducted for a foreign employer pursuant to a contract which partially requires conducting of certain activities in the Republic and relates to -
- (a) the spouse or dependent child of the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22;
 - (b) teaching at an international school;
 - (c) in respect of films and advertisements produced in South Africa, including, but not limited to, an actor, cameraman, hairstylist, make-up artist or lighting and sound engineer;
 - (d) a foreign journalist seconded to the Republic by a foreign news agency;
 - (e) a visiting professor or lecturer or an academic researcher;
 - (f) an artist who wishes to write, paint or sculpt: Provided that he or she submits a portfolio of his or her previous work;
 - (g) a person involved in the entertainment industry, travelling through the Republic to perform;
 - (h) a tour leader or host of such a tour; or
 - (i) a foreigner who is required to stay in the Republic in order to testify as a state witness in a criminal court case: Provided that in such a matter, the application shall be initiated by the relevant Deputy Director of Public Prosecutions.
- (5) A person, other than a resident from a country with which the Republic shares a border, who is in possession of a visa issued on the basis of an exemption contemplated in section 10A(4) of the Act, shall upon his or her readmission to the Republic be admitted on the same visa, and where such a visa has expired, may be admitted on a new visa valid for a period not exceeding seven days: Provided that where that foreigner arrives at a port of entry from his or her country of residence, the new visa may be issued for a period not exceeding the period attached to the visa exemption.
- (6) Where a -
- (a) port of entry visa is issued at a mission of the Republic, that port of entry visa shall only upon admission of the holder by an immigration officer be considered to be a visa for the purposes of section 11 of the Act and the period of validity of that visa shall not exceed three months; or
 - (b) visa, other than a port of entry visa, is issued at a mission of the Republic, that visa shall only upon admission of the holder by an immigration officer be considered to be valid and allow the

holder thereof to temporarily sojourn in the Republic for the purposes specified and the period of validity of that visa shall be calculated from the date of admission of the holder into the Republic.

- (7) The authorisation contemplated in section 11(2) of the Act -
- (a) shall be applied for by submitting a statement or documentation confirming the -
 - (i) purpose or necessity of the work;
 - (ii) nature of the work;
 - (iii) qualification and skills required for the work;
 - (iv) duration of the work;
 - (v) place of work;
 - (vi) duration of the visit;
 - (vii) proof of remuneration or stipend that the foreigner will receive from the employer; and
 - (viii) identity and contact details of the prospective employer or relevant contact person from the host institution;
 - (b) may be subjected to the relevant individual terms and conditions contemplated in regulation 9(7);
 - (c) may, where applicable, be granted subject to a recommendation from any relevant organ of state;
 - (d) if approved, be endorsed on the visitor's visa; and
 - (e) shall not be extended beyond the validity period of the visa issued in terms of section 11 (1)(a) of the Act.

12. Study visa

- (1) An applicant for a study visa to study at a learning institution shall, in addition to submission of Form 8 illustrated in Annexure A, submit -

- (a) an official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course;
- (b) an undertaking by the Registrar or Principal of the learning institution to -
 - (i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or
 - (ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;
 - (iii) within 30 days of de-registration, notify the Director-General that the applicant is no longer registered with such institution; and
 - (iv) within 30 days of completion of studies, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study;
- (c) in the case of a learner under the age of 18 years -
 - (i) an unabridged birth certificate;
 - (ii) a copy of his or her identity document, if applicable;
 - (iii) proof of physical address and contact number of the adult person residing in the Republic, who is acting or has accepted to act as such learner's guardian, including a confirmatory letter from that guardian; and
 - (iv) proof of consent for the intended stay from both parents or, where applicable, from the parent or legal guardian who has been issued with a court order granting full or specific parental responsibilities and rights or legal guardianship of the learner;
- (d) a police clearance certificate;
- (e) in the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure of the applicant;
- (f) proof of medical cover renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act;
- (g) an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study; and

- (h) proof of sufficient financial means available to the learner whilst resident in the Republic.
- (2) Subject to section 13(1) of the Act -
- (a) visas issued for studies at a learning institution, other than a school contemplated in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996), shall be issued for the duration of the course for which the applicant has registered;
 - (b) visas issued for studies at a learning institution, which is a school contemplated in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996), 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 years and for a secondary school shall not exceed six years.
- (3) The holder of a study visa at a learning institution as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997) and section 1 of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), may conduct part-time work for a period not exceeding 20 hours per week.
- (4) A study visa issued in terms of the Act shall automatically lapse if the holder thereof fails to register with or is de-registered 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 subregulation (1)(b) are not met.

13. Treaty visa

An applicant for a treaty visa shall submit -

- (a) a letter from the relevant organ of state which is party to the treaty attesting to the -
 - (i) nature and duration of the programme;
 - (ii) participation of the foreigner in the specified programme;
 - (iii) type of activities the foreigner is expected to perform and the duration thereof;
 - (iv) accommodation of the foreigner; and
 - (v) any other relevant details pertaining to the foreigner's stay in the Republic;
- (b) a police clearance certificate; and

- (c) a written undertaking by the sending or receiving organ of state accepting responsibility for the costs related to the deportation of the applicant and his or her accompanying dependent family members, should it become necessary.

14. Business visa

- (1) An application for a business visa by a foreigner who intends to establish a business or invest in a business that is not yet established in the Republic, shall be accompanied by -

- (a) a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that -

- (i) at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or
- (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available;

- (b) an undertaking by the applicant that at least 60% of the total staff complement to be employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the visa;

- (c) an undertaking to register with the -

- (i) South African Revenue Service;
- (ii) Unemployment Insurance Fund;
- (iii) Compensation Fund for Occupational Injuries and Diseases;
- (iv) Companies and Intellectual Properties Commission (CIPC), where legally required; and
- (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable,

Provided that upon registration, all certificates shall be submitted to the Director-General;

- (d) a police clearance certificate; and

- (e) a letter of recommendation from the Department of Trade and Industry regarding -
 - (i) the feasibility of the business; and
 - (ii) the contribution to the national interest of the Republic.

- (2) An application for a business visa by a foreigner who has established a business or invested in an existing business in the Republic, shall be accompanied by -
 - (a) a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that -
 - (i) at least an amount in cash to be invested or to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available or already invested; or
 - (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available or already invested;
 - (b) proof that at least 60% of the total staff complement employed in the operations of the business are South African citizens or permanent residents employed permanently in various positions;
 - (c) proof of registration with the -
 - (i) South African Revenue Service;
 - (ii) Unemployment Insurance Fund;
 - (iii) Compensation Fund for Occupational Injuries and Diseases;
 - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required; and
 - (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable;
 - (d) a police clearance certificate; and
 - (e) a letter of recommendation from the Department of Trade and Industry regarding -

- (i) the feasibility of the business; and
 - (ii) the contribution to the national interest of the Republic.
- (3) A foreigner who invests or has invested in an existing business shall, in addition to complying with subregulation (2), submit -
- (a) financial statements in respect of the preceding financial year; and
 - (b) proof of investment.
- (4) The applicant must, within 12 months of the visa being issued, submit to the Director-General a letter of confirmation from the Department of Labour that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.
- (5) A business visa may be issued for a period not exceeding three years at a time.

15. Crew visa

- (1) An applicant for a crew visa for officers or members of the crew of a public conveyance in transit in the Republic en route to or from that conveyance, shall submit -
- (a) a valid passport;
 - (b) a letter of request from the owner of the conveyance, which shall include an undertaking of responsibility for such person's compliance with the Act and all laws of the Republic; and
 - (c) proof of settlement of any outstanding fine incurred by the conveyor under the Act.
- (2) An applicant for a crew visa for the crew of a foreign private conveyance or chartered conveyance while such conveyance is at a port of entry, shall submit -
- (a) a valid passport;
 - (b) proof of sufficient financial means of the owner of that conveyance to cover day-to-day needs and medical expenses of the crew while sojourning in the Republic; and
 - (c) proof of settlement of any outstanding fine incurred by the conveyor under the Act.
- (3) A crew visa may be issued for a maximum period of three months at a time: Provided the crew member's stay does not exceed the departure date of the conveyance.

16. Medical treatment visa

- (1) An applicant for a medical treatment visa shall submit -
 - (a) a letter from his or her registered medical practitioner or medical institution within the Republic confirming -
 - (i) that space is available at the medical institution;
 - (ii) the estimated costs of the treatment;
 - (iii) whether or not the disease or ailment is treatable or curable;
 - (iv) the treatment schedule; and
 - (v) the period of intended treatment in the Republic;
 - (b) the details of, and confirmation by, the person or institution responsible for the medical expenses and hospital fees: Provided that in a case where the applicant's medical scheme or employer is not liable for expenses incurred, proof of financial means to cover the medical costs shall be submitted;
 - (c) the particulars of persons accompanying the applicant;
 - (d) valid return air flight tickets, where applicable; and
 - (e) proof of sufficient financial means or provision for the costs indirectly related to the treatment.
- (2) A medical treatment visa may be issued for a maximum period of six months at a time.

17. Relative's visa

- (1) An applicant for a relative's visa shall submit -
 - (a) a police clearance certificate; and
 - (b) proof of kinship, within the second step, between the applicant and the citizen or permanent resident as contemplated in section 18(1) of the Act in the form of -
 - (i) an unabridged birth certificate; and

- (ii) where necessary, paternity test results.
- (2) The financial assurance contemplated in section 18(1) of the Act shall be an amount, per person and per month, as determined from time to time by the Minister by notice in the *Gazette*, to be proven by means of a current salary advice or a certified bank statement not older than three months at the time of application: Provided that the financial assurance shall not be required where the South African citizen or permanent resident is a dependent child.
- (3) A relative's visa may be issued for a maximum period of two years at a time.

18. Work visa

- (1) An applicant for a general work visa, critical skills work visa or intra-company transfer work visa shall submit -
- (a) a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary; and
 - (b) a police clearance certificate.
- (2) The employer shall ensure that the passport of his or her employee is valid at all times for the duration of his or her employment.
- (3) An application for a general work visa shall be accompanied by -
- (a) a certificate from the Department of Labour confirming that -
 - (i) despite a diligent search, the prospective employer has been unable to find a suitable citizen or permanent resident with qualifications or skills and experience equivalent to those of the applicant;
 - (ii) the applicant has qualifications or proven skills and experience in line with the job offer;
 - (iii) the salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic; and
 - (iv) the contract of employment stipulating the conditions of employment and signed by both the employer and the applicant is in line with the labour standards in the Republic and is made conditional upon the general work visa being approved;

- (b) proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic;
 - (c) full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC);
 - (d) an undertaking by the employer to inform the Director-General should the applicant not comply with the provisions of the Act or conditions of the visa; and
 - (e) an undertaking by the employer to inform the Director-General upon the employee no longer being in the employ of such employer or when he or she is employed in a different capacity or role.
- (4) A general work visa shall be issued for a period not exceeding five years.
- (5) An application for a critical skills work visa shall be accompanied by proof that the applicant falls within the critical skills category in the form of -
- (a) a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience;
 - (b) if required by law, proof of application for a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act; and
 - (c) proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.
- (6) A critical skills work visa shall be issued for a period not exceeding five years.
- (7) A spouse and dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa.
- (8) An application for an intra-company transfer work visa shall be accompanied by -
- (a) the foreigner's contract of employment with the company abroad valid for a period of not less than six months; and
 - (b) a letter from -

- (i) the company abroad confirming that the foreigner shall be transferred to a branch, subsidiary or an affiliate of that company in the Republic; and
 - (ii) the branch, subsidiary or an affiliate in the Republic confirming the transfer of the foreigner and specifying the occupation and capacity in which that foreigner shall be employed.
- (9) In terms of section 19(5) of the Act, the relevant employer shall ensure that -
- (a) a foreigner is only employed in the specific position for which the visa has been issued;
 - (b) the foreign employee will at all times comply with the provisions of the Act and conditions of his or her visa and undertakes to immediately notify the Director-General if the employee refuses to comply with the provisions of the Act or conditions of the visa; and
 - (c) a plan is developed for the transfer of skills to a South African citizen or permanent resident.
- (10) An intra-company transfer work visa shall be issued for a period not exceeding four years and is not renewable.
- (11) The company referred to in subregulation (8)(b)(ii) shall undertake to reimburse the Department any costs incurred in relation to the deportation of the holder of an intra-company transfer work visa and any of his or her dependent family members.

19. Retired person visa

- (1) An application for a retired person visa shall be accompanied by a police clearance certificate.
- (2) The minimum payment to a foreigner contemplated in section 20(1)(a) of the Act shall be, per month, the amount determined from time to time by the Minister by notice in the *Gazette*.
- (3) The net worth contemplated in section 20(1)(b) of the Act shall be a combination of assets realising, per month, the amount determined from time to time by the Minister by notice in the *Gazette*.

20. Corporate visa

- (1) An application for a corporate visa shall be made on Form 13 illustrated in Annexure A and accompanied by -
 - (a) proof of the need to employ the requested number of foreigners;

- (b) a certificate by the Department of Labour confirming -
 - (i) that despite diligent search, the corporate applicant was unable to find suitable citizens or permanent residents to occupy the position available in the corporate entity;
 - (ii) the job description and proposed remuneration in respect of each foreigner;
 - (iii) that the salary and benefits of any foreigner employed by the corporate applicant shall not be inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic;
 - (c) proof of registration of the corporation with the -
 - (i) South African Revenue Service;
 - (ii) Unemployment Insurance Fund;
 - (iii) Compensation Fund for Occupational Injuries and Diseases; and
 - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required;
 - (d) an undertaking by the employer to inform the Director-General should any foreign employee not comply with the provisions of the Act or visa conditions or is no longer in the employ of such employer or is employed in a different capacity or role; and
 - (e) a written undertaking by the corporate applicant to pay the deportation costs of any foreign employee accepting responsibility for the return costs related to the deportation of the foreign employee, should it be necessary.
- (2) The applicant for a corporate visa must provide proof that at least 60% of the total staff complement that are employed in the operations of the business are citizens or permanent residents employed permanently in various positions.
- (3) At any time during the duration of the visa, the holder of a corporate visa must provide proof that at least 60% of the total staff complement that are employed in the operations of the business are citizens or permanent residents employed permanently in various positions.
- (4) The departments contemplated in section 21(2) of the Act are -
- (a) the Department of Trade and Industry; and
 - (b) the Department of Labour.

- (5) The relevant corporate applicant shall, as contemplated in section 21(2)(a)(i) of the Act, ensure that -
- (a) the passport of the foreigner is valid at all times;
 - (b) the foreigner is employed by the corporate applicant to conduct work for the corporate applicant only in the specific position for which the visa has been issued;
 - (c) such foreigner departs from the Republic upon completion of his or her contract of employment;
 - (d) any foreigner employed in terms of the corporate visa at all times complies with the -
 - (i) provisions of the Act; and
 - (ii) terms and conditions of the corporate visa and of the corporate work certificate;
 - (e) the Director-General is immediately notified if there is reason to believe that the foreigner is no longer in compliance with the provisions of the Act; and
 - (f) the financial guarantees by the corporate applicant to defray deportation and other costs should the corporate visa be withdrawn, or certain foreigners fail to leave the Republic when no longer subject to the corporate visa, are complied with.
- (6) In order to comply with subregulation (5)(c), the corporate applicant shall return the completed certificate contemplated in subregulation (5)(d) to the Director-General, within a period of 30 days after the termination date of the corporate worker's employment contract.
- (7) The financial guarantees contemplated in section 21(2)(b) of the Act shall be as determined from time to time by the Minister by notice in the *Gazette*.
- (8) The Director-General may issue to the corporate applicant -
- (a) a corporate visa for a period not exceeding three years on Form 14 illustrated in Annexure A; and
 - (b) authorisation certificates to employ corporate workers, in terms of the corporate visa contemplated in paragraph (a), for a period not exceeding the validity period of the corporate visa.
- (9) An application for a corporate worker certificate shall be accompanied by -
- (a) a valid passport of the applicant;

- (b) biometrics of the applicant;
 - (c) the certificate contemplated in subregulation (8)(b);
 - (d) a valid employment contract;
 - (e) a written undertaking by the corporate applicant to ensure that the foreigner departs from the Republic upon termination of his or her contract of employment or accepting responsibility for the return or costs related to the deportation of the foreigner should it become necessary;
 - (f) the documentation contemplated in regulation 9(1)(b), (c) and (f);
 - (g) proof of qualifications evaluated by SAQA, and translated by a sworn translator into one of the official languages of the Republic, or skills and experience in line with the job offer; and
 - (h) a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act.
- (10) The Director-General may issue to the corporate worker employed by the holder of a corporate visa contemplated in subregulation (8) a corporate worker certificate for a period not exceeding the validity period of the corporate visa.
- (11) A corporate worker may not renew his or her corporate worker certificate or apply for a change of status in the Republic.

21. Exchange visa

- (1) An applicant for an exchange visa in terms of section 22(a) of the Act shall -
- (a) in the case of a learning institution in the Republic, in conjunction with a foreign education and training institution or a foreign state institution organising or administering the programme, submit a letter from -
 - (i) the Department of Basic Education or Higher Education and Training or a learning institution in the Republic confirming that it is responsible for organising or administering the existence of the programme, outlining the activities, terms and conditions and duration thereof and accepting full responsibility for the student while he or she is in the Republic; and

- (ii) the foreign state institution or education and training institution confirming the particulars of the applicant, the applicant's enrolment with the foreign education and training institution, and the date on which the programme shall commence.
- (b) in the case of a programme of cultural, economic or social exchange, organised or administered by an organ of state or a learning institution, in conjunction with a foreign education and training institution or a foreign state institution, submit a letter from -
 - (i) the organ of state or foreign education and training institution confirming the existence of the exchange programme; or
 - (ii) the foreign education and training institution confirming the enrolment of the applicant or the foreign state institution conducting the programme, as the case may be.
- (2) An applicant for an exchange visa in terms of section 22(a) or (b) of the Act, shall submit -
 - (a) proof of a valid return air flight ticket or written undertaking by the organ of state, learning institution or employer accepting responsibility for the return or deportation costs of the applicant, as the case may be;
 - (b) a police clearance certificate from country of ordinary residence; and
 - (c) proof of medical cover for the duration of the exchange period with a medical scheme registered in terms of the Medical Schemes Act.
- (3) An organ of state or a learning institution shall report to the Director-General as contemplated in section 22(a) of the Act and provide information on Form 16 illustrated in Annexure A.
- (4) The period contemplated in section 22(a)(ii) of the Act that a person should stay out of the Republic before making an application for a different type of visa to return to the Republic shall be one year.
- (5) An exchange visa may be issued for a period not exceeding the period of the exchange programme.

22. Asylum transit visa

- (1) A person claiming to be an asylum seeker contemplated in section 23(1) of the Act shall apply, in person at a port of entry, for an asylum transit visa on Form 17 illustrated in Annexure A and have his or her biometrics taken.
- (2) An asylum transit visa may not be issued to a person who -
 - (a) has not completed Form 17 as contemplated in subregulation (1);

- (b) already has refugee status in another country; or
- (c) is a fugitive from justice.

23. Permanent residence

- (1) An application for a permanent residence permit contemplated in section 25(2) of the Act shall be made on Form 18 illustrated in Annexure A and shall be submitted by the applicant in person.
- (2) The application contemplated in subregulation (1) shall be accompanied by -
 - (a) the applicable application fee;
 - (b) a copy of a birth certificate in respect of the applicant;
 - (c) biometrics in respect of any applicant over the age of 16 years;
 - (d) a yellow fever vaccination certificate if that person travelled or intends travelling from or transits through a yellow fever endemic area: Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area or where an application is made in the Republic;
 - (e) a police clearance certificate;
 - (f) medical and radiological reports: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
 - (g) the documentation contemplated in regulation 9(1)(d) relating to dependent children accompanying the applicant to or joining the applicant in the Republic;
 - (h) the documents relating to the applicant's marital status or spousal relationship contemplated in regulation 3(2);
 - (i) an unabridged birth certificate in respect of each dependent child;
 - (j) a deed poll in the case of an applicant who has changed his or her name, surname or sex; and
 - (k) where the application is made in the Republic, a valid visa for temporary sojourn at the time of application, in respect of each applicant.

- (3) The documents contemplated in subregulation (2)(b), (e), (g), (h), (i) and (j) shall be original or copies apostled by the issuing authority of the country of origin and, where applicable, translated into one of the official languages of the Republic, which translation shall be certified as a correct translation by a sworn translator.
- (4) An application made in a foreign country shall be submitted to -
 - (a) the mission of the Republic in the foreign country of the applicant's usual residence, which includes country of origin, permanent residence and long term temporary residence;
 - (b) the mission of the Republic in a foreign country of which the applicant holds a valid passport; or
 - (c) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of an adjoining or nearby foreign country in which a mission of the Republic is not present.
- (5) An applicant who applies for a permanent residence permit in terms of section 26(a) of the Act shall submit proof of a work visa contemplated in section 19 of the Act, for a continuous period of five years.
- (6) A foreigner contemplated in section 26(b) of the Act who has been issued with a permanent residence permit shall, within the last six months of the second year following the issuing of that permit, avail himself or herself for an interview at any office of the Department.
- (7) In the case of an application contemplated in section 25(2) of the Act in respect of a permanent residence permit contemplated in sections 26(c) and (d) and 27(g) of the Act, the citizen or permanent resident shall satisfy the Director-General that he or she is able and willing to support and maintain the foreign relative making the application.

24. Residence on other grounds

- (1) The advertisement contemplated in section 27(a)(i) of the Act shall be an original clipping from the national printed media and shall -
 - (a) reflect the full particulars of the relevant newspaper or magazine, as well as the dates on which the advertisement was published;
 - (b) stipulate the minimum qualifications and experience required to fill the position;
 - (c) clearly define the position offered and the responsibilities to be performed;
 - (d) measure at least 60 millimetres by 60 millimetres;

- (e) state the closing date for the application in the advertisement; and
 - (f) not be older than four months at the time of application, which period shall be calculated from the closing date for applications.
- (2) The yearly limit of available permanent residence permits contemplated in section 27(a)(ii) of the Act shall be as determined from time to time by the Minister, after consultation with the Ministers of Trade and Industry, Labour, Basic Education and Higher Education and Training, by notice in the *Gazette*.
- (3) The permanent residence permit contemplated in section 27(a) of the Act shall be issued on condition that the holder of that permit shall remain employed for a period of five years in the field in respect of which the original offer of employment was made.
- (4) The requirement contemplated in section 27(b) of the Act shall be the submission of -
- (a) proof that the applicant falls within the critical skills category in the form of -
 - (i) a certificate from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant; and
 - (ii) if required by law, a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act;
 - (b) proof of post-qualification experience of at least five years;
 - (c) testimonials from previous employers and a comprehensive curriculum vitae; and
 - (d) a letter of motivation indicating that the critical skills possessed by the applicant will be to the benefit of the South African environment in which the person intends to operate and which relates to the critical skill in question.
- (5) An application for a permanent residence permit contemplated in section 27(c) of the Act shall be accompanied by a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants or a professional accountant registered with the South African Institute of Professional Accountants to the effect that -
- (a) at least an amount in cash as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or

- (b) at least an amount in cash and capital contribution as determined by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available.
- (6) An application for a permanent residence permit contemplated in section 27(c) of the Act by an applicant who intends to establish a business in the Republic shall, in addition to the requirements in subregulation (4), be accompanied by -
- (a) a business plan outlining the feasibility of the business, both in the short and long term;
 - (b) an undertaking by the applicant that at least 60% of the total staff complement to be employed in the operations of the business shall be citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the permanent residence permit;
 - (c) an undertaking to register with the South African Revenue Service; and
 - (d) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.
- (7) An application for a permanent residence permit contemplated in section 27(c) of the Act by an applicant who has established a business in the Republic shall, in addition to the requirements in subregulation (4), be accompanied by -
- (a) proof that at least 60% citizens or permanent residents are permanently employed in various positions directly in the operations of the business;
 - (b) proof of registration with the South African Revenue Service; and
 - (c) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.
- (8) For the purposes of section 27(c)(i) of the Act, a business in one of the sectors determined from time to time by the Minister by notice in the *Gazette* is a business in the national interest.
- (9) A foreigner who invests or has invested in an existing business shall, subject to this regulation, submit certified proof of investment in the business in respect of the preceding financial year.
- (10) A foreigner who invests or has invested in an existing business as a partner shall submit -
- (a) certified proof of investment in the business; and
 - (b) the partnership agreement.

- (11) The requirements contemplated in section 27(d) of the Act shall be -
- (a) the submission of the certification contemplated in section 27(c) of the Refugees Act, 1998 (Act No. 130 of 1998);
 - (b) where applicable, the submission of affidavits with regard to aliases used by the applicant and family members; and
 - (c) the submission of the information and documentation contemplated in regulation 23(2)(b), (f), (g), (h) and (i): Provided that in the case of documents issued by the country from which he or she fled not being available, a sworn affidavit.
- (12) The payment contemplated in section 27(e)(i) of the Act shall be, per month, the amount determined from time to time by the Minister by notice in the *Gazette* and the net worth contemplated in section 27(e)(ii) of the Act shall be a combination of assets realising, per month, the amount determined by the Minister by notice in the *Gazette*.
- (13) The net worth contemplated in section 27(f) of the Act shall be an amount determined from time to time by the Minister by notice in the *Gazette* and the amount to be paid to the Director-General shall be an amount determined by the Minister by notice in the *Gazette*, which amount has to be paid upon approval of the application.

25. Application for proof of permanent residence status or exemption status

An application for proof of permanent residence status or exemption status shall be made on Form 46 illustrated in Annexure A.

26. Prohibited persons

- (1) The diseases or viruses contemplated in section 29(1)(a) of the Act are those referred to in the regulations promulgated under the International Health Regulations Act, 1974 (Act No. 28 of 1974), and any other disease or virus rendering a person inadmissible as may be determined by the Department of Health from time to time in terms of the applicable legislation.
- (2) An immigration officer who has reasonable suspicion that a person reporting to him or her at a port of entry is infected with a disease or virus contemplated in subregulation (1), shall refer that person to the port health officer and after consultation with that officer determine his or her admissibility.
- (3) Where a port health officer is not present at a port of entry, a person contemplated in subregulation (2) shall be refused admission, unless a registered medical practitioner certifies that such person is not infected with a disease contemplated in subregulation (1).

- (4) If a prohibited person contemplated in section 29(1)(c) of the Act -
- (a) has deposed to an affidavit illustrating to the satisfaction of the Director-General that he or she shall comply with the provisions of the Act;
 - (b) has been absent from the Republic for a minimum period of four years; and
 - (c) has provided a police clearance certificate,

the Director-General may rehabilitate that person by granting him or her a status after having considered his or her application for a status.

- (5) A person rehabilitated as contemplated in subregulation (4) shall not be exempt from the requirements of a port of entry visa.
- (6) The Director-General shall, in declaring a person not to be a prohibited person, consider the following factors:
- (a) the reasons for the prohibition;
 - (b) the seriousness of the offence committed; and
 - (c) representations made by the prohibited person, which should include a police clearance certificate.
- (7) The Director-General shall, upon making a decision as contemplated in section 29(2) of the Act, provide written reasons for such decision.

27. Undesirable persons

- (1) For the purposes of subregulation (3), a time is calculated as days during a year for which the period of overstay is calculated from the date of expiry of the last valid visa.
- (2) The Director-General may declare a foreigner who falls within a category listed in section 30(1) of the Act as undesirable on Part A of Form 19 illustrated in Annexure A.
- (3) A person who overstays after the expiry of his or her visa, as contemplated in section 30(1)(h) of the Act, may -
- (a) in the case of a person who overstays for a period not exceeding 30 days, be declared undesirable for a period of 12 months;

- (b) in the case of a person who overstays for the second time within a period of 24 months, be declared undesirable for a period of two years; and
- (c) in the case of a person who overstays for more than 30 days, be declared undesirable for a period of five years.

28. Exemption

An application contemplated in section 31(2)(b) of the Act shall be made to the Minister on Form 47 illustrated in Annexure A, supported by reasons for the application.

29. Waiver of prescribed requirements

An application contemplated in section 31(2)(c) of the Act shall be made to the Minister on Form 48 illustrated in Annexure A, supported by reasons for the application.

30. Illegal foreigners

- (1) Upon requesting authorisation as contemplated in section 32(1) of the Act, an illegal foreigner who has neither been arrested for the purpose of deportation nor been ordered to depart and who wishes to apply for status after the date of expiry of his or her visa, shall -
 - (a) demonstrate, in writing, to the satisfaction of the Director-General that he or she was unable to apply for such status for reasons beyond his or her control; and
 - (b) submit proof to the Director-General that he or she is in a position to immediately submit his or her application for status.
- (2) Authorisation to remain in the Republic as contemplated in section 32(1) of the Act shall be granted on Form 20 illustrated in Annexure A.
- (3) As soon as the final decision in respect of the application for status has been made, the authorisation contemplated in subregulation (2) shall lapse.
- (4) An illegal foreigner who has satisfied an immigration officer that he or she will depart from the Republic as required by section 32(1) of the Act, shall be ordered by that immigration officer on Form 21 illustrated in Annexure A to depart from the Republic within a period of 14 days of having so been ordered: Provided that such period may, for good cause, be extended.

31. Immigration Officers

- (1) In appointing immigration officers, the Director-General may from time to time designate any immigration official as an official tasked with permitting, ports of entry or Inspectorate functions, as the case may be, and issue an appropriate appointment certificate.
- (2) The Director-General may, for good cause, withdraw an appointment contemplated in subregulation (1).

32. Inspectorate

- (1) The requirements for the appointment of immigration officers as contemplated in section 33(2)(c)(ii) are that -
 - (a) the person has undergone the relevant training; and
 - (b) in the case of individual appointments, the person has successfully completed an examination following the training contemplated in paragraph (a).
- (2) The notice contemplated in section 33(4)(b) of the Act shall be on Form 22 illustrated in Annexure A.
- (3) The notice contemplated in section 33(4)(c) of the Act shall be on Form 23 illustrated in Annexure A.
- (4) The warrants contemplated in section 33(5)(a), (b) and (c) of the Act, shall be on Forms 24, 25 and 27 illustrated in Annexure A, respectively.
- (5) The receipt contemplated in section 33(5)(c) of the Act shall be on Form 26 illustrated in Annexure A.

33. Arrest, detention and deportation of illegal foreigners

- (1) If the arrest, detention and deportation of an illegal foreigner in terms of section 34(1) of the Act is effected by means of a warrant, such warrant shall be issued by an immigration officer to such illegal foreigner, which warrant shall be in the form of Form 28 illustrated in Annexure A.
- (2) The notification of the deportation of an illegal foreigner contemplated in section 34(1)(a) of the Act shall be on Form 29 illustrated in Annexure A.
- (3) The confirmation of detention for purposes of deportation contemplated in section 34(1)(b) of the Act shall be on Form 30 illustrated in Annexure A.
- (4) An immigration officer intending to apply for the extension of the detention period in terms of section 34(1)(d) of the Act shall -

- (a) within 20 days following the arrest of the detainee, serve on that detainee a notification of his or her aforesaid intention on Form 31 illustrated in Annexure A;
 - (b) afford the detainee the opportunity to make written representations in this regard within three days of the notification contemplated in paragraph (a) having been served on him or her; and
 - (c) within 25 days following the arrest of the detainee, submit with the clerk of the court an application for the extension of the period of detention on Form 32 illustrated in Annexure A, together with any written representations that may have been submitted by the detainee in terms of paragraph (b).
- (5) The minimum standards with regard to detention as contemplated in section 34(1)(e) of the Act are as set out in Annexure B.
- (6) A court may authorise the extension contemplated in subregulation (4) on Form 32 illustrated in Annexure A.
- (7) The extension of the detention contemplated in section 34(2) of the Act shall be made on Form 33 illustrated in Annexure A.
- (8) An immigration officer, when enforcing payment of a deposit in terms of section 34(3) of the Act shall -
- (a) serve an order in the form of Form 34 illustrated in Annexure A on the illegal foreigner concerned to deposit the required amount; and
 - (b) if that deposit has not been paid, endorse the order contemplated in paragraph (a) to the effect that the deposit has not been paid and file a copy of that order with the clerk of the court of the district in which such illegal foreigner is detained pending his or her removal from the Republic.
- (9) The warrants contemplated in section 34(7) of the Act shall be -
- (a) in respect of the removal of a detained illegal foreigner, in the form of Form 35 illustrated in Annexure A; or
 - (b) in respect of the release of a detained illegal foreigner, in the form of Form 36 illustrated in Annexure A.
- (10) A person contemplated in section 34(8) of the Act shall be notified that he or she is an illegal foreigner on Form 37 illustrated in Annexure A, and the declaration to the master of the ship contemplated in that section shall be on Form 38 illustrated in Annexure A: Provided that in the case where the person conveyed himself or herself to the port of entry, he or she shall be handed over to the authority of the

country where he or she commenced the journey to the Republic or the authorities of his or her country of nationality.

- (11) The amount which the owner of a ship shall forfeit in terms of section 34(9)(a) and (d) of the Act shall not exceed the amount as determined annually by the Minister by notice in the *Gazette*.

34. Duties with regard to conveyances

- (1) The conveyances contemplated in section 35(2)(a) of the Act are -

- (a) any aircraft;
- (b) any maritime vessel; and
- (c) any other conveyance determined by the Director-General from time to time by notice in the *Gazette*,

carrying persons or goods for commercial purposes arriving from or departing to a foreign state.

- (2) The information contemplated in section 35(2)(b) of the Act is required in respect of all persons, including passengers, crew and any other person intending to enter into, depart from or transit through the Republic, and shall include the following with regard to such persons:

- (a) family and given names;
- (b) date of birth;
- (c) sex;
- (d) travel document type;
- (e) nationality;
- (f) travel document number;
- (g) issuing state;
- (h) expiry date;
- (i) passenger or crew indicator;
- (j) flight/vessel identification;

- (k) direction, whether inbound or outbound;
 - (l) port of departure or arrival port in the Republic;
 - (m) date of departure from or arrival in the Republic; and
 - (n) time of departure from or arrival in the Republic.
- (3) The owner or person in charge of the conveyance contemplated in subregulation (1) is required to have the means to electronically submit the information contemplated in subregulation (2) to the Director-General through the communication channel provided by the Director-General.
- (4) The period contemplated in section 35(2)(b) of the Act shall be, in respect of -
- (a) conveyances by air, immediately before departure;
 - (b) conveyances by sea, 72 hours to 30 days prior to boarding persons onto the conveyance or if the complete voyage is less than 72 hours, prior to departure from the last international port prior to arriving in the Republic; and
 - (c) any other conveyance contemplated in subregulation 1 (c), before departure.
- (5) The owner or person in charge of the conveyance contemplated in section 35(3)(a) of the Act shall have the means to electronically transmit the passenger name record information from the passenger reservation and ticket, which shall include -
- (a) the date of reservation;
 - (b) the dates of intended travel;
 - (c) the first name and surname;
 - (d) other names on the passenger name record;
 - (e) all forms of payment information;
 - (f) the billing address;
 - (g) the contact telephone numbers;
 - (h) all travel itinerary for that specific passenger name record;

- (i) the frequent flyer information, limited to miles flown and addresses;
 - (j) the travel agency;
 - (k) the travel agent;
 - (l) the split or divided passenger name record information;
 - (m) the ticketing field information;
 - (n) the ticket number;
 - (o) the seat number;
 - (p) the date of ticket issuance;
 - (q) no show history;
 - (r) the bag tag numbers;
 - (s) the number of bags;
 - (t) the record locator;
 - (u) the weight of the bags;
 - (v) the go show information;
 - (w) the seat information;
 - (x) whether the tickets are one-way tickets;
 - (y) any information collected as contemplated in subregulation (2);
 - (z) standby; and
 - (aa) names of passengers who have been taken off the flight.
- (6) The owner or person in charge of the conveyance is required to employ the means to electronically transmit the information contemplated in subregulation (5) to the passenger name record system.

- (7) The period contemplated in section 35(3) (b) of the Act shall be at the close of the flight.
- (8) In safeguarding the protection of the information as contemplated in section 35(3)(c) of the Act, the Director-General shall -
- (a) apply the necessary security measures to ensure the integrity of personal information and take appropriate, reasonable, technical and organisational measures to prevent the -
 - (i) loss of, damage to or unauthorised destruction of personal information; and
 - (ii) unlawful access to or processing of personal information;
 - (b) treat such personal information as confidential and not disclose it, unless required by law;
 - (c) ensure that any person who processes such personal information establishes and maintains the security measures referred to in paragraph (a); and
 - (d) where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, refer such matter to the relevant law enforcement agency to deal with such person.
- (9) The list of passengers, crew or medical return contemplated in section 35(5)(a), (c) or (d) of the Act shall be on Form 39 illustrated in Annexure A and not be required where subregulation (2) has been complied with.
- (10) The list of stowaways contemplated in section 35(5)(b) of the Act shall be on Form 40 illustrated in Annexure A.
- (11) The limit contemplated in section 35(6) of the Act shall not exceed the total of the following amounts:
- (a) the cost of a single ticket for the deportation of the passenger to his or her country of origin;
 - (b) the cost of a return ticket to the country of origin, subsistence and travel costs and allowances for an escort in the event that such a service may be required upon deportation; and
 - (c) the detention and related costs pending the deportation of the passenger: Provided that if a passenger contemplated in that section is a stowaway and is not declared on the list contemplated in section 35(5)(b) of the Act, an additional amount as determined annually by the Minister by notice in the *Gazette* shall be forfeited to the State.
- (12) The master or owner of a ship or an agent representing that master or owner shall, prior to departure of that ship, complete and submit Form 41 illustrated in Annexure A.

- (13) The certificate contemplated in section 35(8) of the Act shall be on Form 42 illustrated in Annexure A.
- (14) A person conveyed as contemplated in section 35(10) of the Act shall be informed of his or her refusal of admission on Form 37 illustrated in Annexure A, and the person in charge of the conveyance shall be informed of his or her obligations in terms of that section on Form 38 illustrated in Annexure A.
- (15) Any deportation order issued to an illegal foreigner shall also be provided to the owner or person in charge of a conveyance that transported such foreigner to the Republic and responsible for his or her removal from the Republic.
- (16) The person in charge of a conveyance responsible for the removal of a person contemplated in subregulation (15) shall provide to the immigration officer a receipt as proof of having conveyed the illegal foreigner back to his or her country of embarkation.

35. Employment

An employer contemplated in section 38(4)(a) of the Act shall keep on record -

- (a) a certified copy of the passport of the foreigner reflecting his or her personal particulars;
- (b) a copy of the relevant visa or permanent residence permit of that foreigner;
- (c) proof of the capacity in which the foreigner is or was employed; and
- (d) a copy of the foreigner's IRP5 form or certificate of earnings and job description, respectively.

36. Keeping of registers of lodgers by certain persons

(1) The classes of premises contemplated in section 40(1) of the Act are -

- (a) hotels and motels;
- (b) boarding houses and lodges;
- (c) guest houses; and
- (d) apartment buildings.

(2) The register contemplated in section 40(1) of the Act shall -

- (a) be safeguarded by a duly authorised person for a period of two years; and

- (b) in respect of a lodger, contain -
 - (i) his or her full names and surname;
 - (ii) a copy of his or her identification document or passport;
 - (iii) his or her residence status in the Republic;
 - (iv) his or her normal residential address; and
 - (v) his or her signature.

37. Identification

An immigration officer or police officer shall take the following steps in order to verify the identity or status of the person contemplated in section 41(1) of the Act:

- (a) access relevant documents that may be readily available in this regard;
- (b) contact relatives or other persons who could prove such identity and status;
- (c) access Departmental records in this regard; or
- (d) provide the necessary means for the person to obtain the documents that may confirm his or her identity and status.

38. Other institutions

- (1) The institutions or persons contemplated in section 45 of the Act are -
 - (a) banking and other financial institutions, including micro financiers;
 - (b) estate agents and insurance companies and brokers;
 - (c) private hospitals and clinics;
 - (d) employment agencies;
 - (e) institutions recognised through a process of the National Qualifications Framework Act; and
 - (f) learning institutions.

- (2) In ascertaining status or citizenship as contemplated in section 45 of the Act, the passport or identity document of the person shall be scrutinised by the institution or person referred to in subregulation (1) with a view to satisfying itself, himself or herself that, on the face of it, the passport or identity document, as the case may be, belongs to the person presenting it and, in the case of a foreigner, he or she is legally in the Republic.
- (3) The commercial transactions contemplated in section 45 of the Act are -
- (a) in respect of subregulation (1)(a), the securing of loans and bonds, whether a housing loan secured by a mortgage bond over property or a loan secured by a special notarial bond over movable property, money transfers and the opening of bank accounts, excluding investment accounts;
 - (b) in respect of subregulation (1)(b), facilitation of the purchase, sale or leasing of fixed property or the facilitation of the purchase of insurance policies of any nature;
 - (c) in respect of subregulation (1)(c), when admitting or registering a patient;
 - (d) in respect of subregulation (1)(d), when assisting a foreign workseeker; and
 - (e) in respect of subregulation 1(e) and (f), when admitting or registering a student.

39. Administrative offences

- (1) A foreigner who overstays as contemplated in section 50(1) of the Act shall be informed of his or her undesirability on Form 19 illustrated in Annexure A.
- (2)
- (a) The administrative fine contemplated in section 50(2) of the Act shall be an amount not exceeding R8000 determined by the Minister by notice in the *Gazette* from time to time.
 - (b) The person contemplated in section 50(2) of the Act shall be informed of the fine incurred on Form 43 illustrated in Annexure A.
- (3) The administrative fine contemplated in section 50(3) of the Act shall be an amount, per person, determined by the Minister by notice in the *Gazette* from time to time.
- (4) The owner or person in charge of a conveyance contemplated in section 50(3) of the Act shall be informed of the fine contemplated in subregulation (3) on Form 44 illustrated in Annexure A.

- (5) The administrative fine contemplated in section 50(4) of the Act shall be an amount determined from time to time by the Minister by notice in the *Gazette* and be issued on Form 45 illustrated in Annexure A.
- (6) The administrative fine contemplated in -
 - (a) section 50(4)(a) of the Act shall be an amount per person determined from time to time by the Minister by notice in the *Gazette*; and
 - (b) section 50(4)(b) of the Act shall be an amount per person determined from time to time by the Minister by notice in the *Gazette*.
- (7) A conveyer who does not adhere to the boarding directive issued based on submitted information, shall be liable to a fine per person as determined from time to time by the Minister by notice in the *Gazette*.
- (8) A conveyer who transmits inaccurate information contemplated in section 35(2)(b) or 35(3)(b) of the Act shall be liable to a fine as determined by the Minister from time to time by notice in the *Gazette*, per each incorrect transmission.
- (9) The administrative fine for the owner or person in charge of a conveyance who fails to comply with the provisions of section 50(4)(a) or (b) of the Act shall be an amount per person determined from time to time by the Minister by notice in the *Gazette*.

40. Change of address

The holder of a visa or permanent residence permit who changes his or her address or other contact details must inform the Director-General within 14 days of such changes and provide the latest address or contact details on Form 50 illustrated in Annexure A.

41. Repeal

The Immigration Regulations published in Government Notice No. 616 of 27 June 2005 are hereby repealed.

42. Short title and commencement

These Regulations shall be called the Immigration Regulations, 2014 and shall come into operation on 26 May 2014.

ANNEXURE A
FORMS

NO.	DESCRIPTION	
1.	Form 1 (DHA-1756)	Notification regarding right to request review by Minister
2.	Form 2 (DHA-1714A)	Notice of decision adversely affecting right of person
3.	Form 3 (DHA-26)	Application for exemption to enter or depart at place other than port of entry
4.	Form 4 (DHA-TC 01)	Traveller card
5.	Form 5 (DHA-1565)	Declaration by foreigner seeking admission
6.	Form 6 (DHA-1746)	Interview by immigration officer of person not having satisfied Immigration Officer that he or she is not illegal foreigner
7.	Form 7A (DHA-)	Return of illegal foreigner (Attestation relating to lost or destroyed travel documents)
8.	Form 7B (DHA-)	Letter relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters
9.	Form 7C (DHA-)	Referral letter relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters - Inspectorate
10.	Form 8 (DHA-1738)	Application for temporary residence visa
11.	Form 9 (DHA-1740)	Application for change of conditions on existing visa or change of status
12.	Form 10 (DHA-1739)	Application for renewal of existing visa
13.	Form 11 (DHA-84)	Application for port of entry visa or transit visa
14.	Form 12 (DHA-1712A)	Affidavit in respect of parties to permanent homosexual or heterosexual relationship
15.	Form 13 (DHA-1743)	Application for corporate visa
16.	Form 14 (DHA-1718)	Corporate visa
17.	Form 15 (DHA-1733)	Corporate worker authorization certificate
18.	Form 16 (DHA-1758)	Progress report by organ of state or learning institution regarding exchange programme
19.	Form 17	Application for asylum transit visa

NO.	DESCRIPTION	
	(DHA-1732)	
20.	Form 18 (DHA-947)	Application for permanent residence permit
21.	Form 19 (DHA-46)	Declaration of foreigner as undesirable person
22.	Form 20 (DHA-1759)	Authorisation for illegal foreigner to remain in Republic pending application for status
23.	Form 21 (DHA-1684)	Order to illegal foreigner to depart from Republic
24.	Form 22 (DHA-1720)	Notice by Immigration Officer to person to produce anything in his or her possession or in his or her custody or under his or her control
25.	Form 23 (DHA-1721)	Notice by immigration officer to person to appear before Director-General
26.	Form 24 (DHA-1722)	Entry and search warrant
27.	Form 25 (DHA-1760)	Warrant of arrest
28.	Form 26 (DHA-1723)	Receipt of items seized
29.	Form 27 (DHA-1761)	Warrant for seizure and removal
30.	Form 28 (DHA-1725)	Warrant of detention of illegal foreigner
31.	Form 29 (DHA-1724)	Notification of deportation
32.	Form 30 (DHA-1725)	Confirmation by court of detention for purposes of deportation
33.	Form 31 (DHA-1726)	Notice to foreigner of intention to apply to court for extension of detention
34.	Form 32 (DHA-1727)	Application to court for extension of detention and authorization by court for that extension
35.	Form 33 (DHA-1710)	Warrant of detention of person suspected of being illegal foreigner
36.	Form 34 (DHA-1728)	Order to illegal foreigner to deposit a sum to cover expenses relating to deportation, detention, maintenance and custody
37.	Form 35 (DHA-515)	Warrant for removal of detained illegal foreigner
38.	Form 36 (DHA-557)	Warrant for release of detained illegal foreigner
39.	Form 37	Notification to person at port of entry that he or she is illegal foreigner and is

NO.	DESCRIPTION	
	(DHA-1694)	refused admission
40.	Form 38 (DHA-96)	Declaration to master of ship or person in charge of conveyance that person conveyed is illegal foreigner and notice to master of ship or person in charge of conveyance regarding his or her obligations where person conveyed is refused admission
41.	Form 39 (DHA-128)	List of passengers and crew, medical return and coastal advice
42.	Form 40 (DHA-1567)	List of stowaways
43.	Form 41 (DHA-86)	Application by master or owner of ship or agent representing master or owner of ship for certificate to leave harbour
44.	Form 42 (DHA-92)	Certificate of compliance to obtain clearance form customs
45.	Form 43 (DHA-1747)	Notice of administrative fine incurred for incorrect certification
46.	Form 44 (DHA-1751)	Notice of administrative fine incurred by owner or person in charge of conveyance
47.	Form 45 (DHA-1775)	Notice of administrative fine incurred by owner or person in charge of conveyance
48.	Form 46 (DHA-)	Application for proof of permanent residence or exemption status
49.	Form 47 (DHA-)	Application for exemption
50.	Form 48 (DHA-)	Application for waiver of prescribed requirements
51.	Form 49 (DHA-)	Notice of appeal
52.	Form 50 (DHA-)	Change of Address

ANNEXURE B
MINIMUM STANDARDS OF DETENTION

[Section 34(1)(e); Regulation 33(5)]

1. Accommodation

- (a) Detainees shall be provided accommodation with adequate space, lighting, ventilation, sanitary installations and general health conditions and access to basic health facilities.
- (b) Every detainee shall be provided with a bed, mattress and at least one blanket.

- (c) Male and female detainees shall be kept separate from each other: Provided that this does not apply to spouses.
- (d) Detained minors shall be kept separate from adults and in accommodation appropriate to their age: Provided that minors shall not be kept separate from their parents or guardians: Provided further that unaccompanied minors shall not be detained.
- (e) Detainees of a specific age, or falling in separate health categories or security risk categories, shall be kept separate.
- (f) There may be a deviation from the above standards if so approved by the Director-General at a particular detention centre: Provided that such a deviation is for purposes of support services or medical treatment: Provided further that there shall not be any deviation in respect of sleeping accommodation.

2. Nutrition

- (a) Each detainee shall be provided with an adequate balanced diet.
- (b) The diet shall make provision for nutritional requirements of children, pregnant women and any other category of detainees whose physical condition requires a special diet.
- (c) The medical officer may order a variation in the prescribed diet for a detainee and the intervals at which the food is served, when such variation is required for medical reasons.
- (d) Food shall be well prepared and served at intervals not less than four and a half hours and not more than 14 hours between the evening meal and breakfast during a 24 hour period.
- (e) Clean drinking water shall be available at all times to every detainee.

3. Hygiene

- (a) Every detainee shall keep his or her person, clothing, bedding and room clean and tidy.
- (b) The Department shall provide the means to comply with item 3(a).