



27 JULY 2020

EMPLOYMENT ALERT

IN THIS ISSUE

The age of technology: Allowing for the easing of visa restrictions through an online e-Visa service for Kenyan and Indian nationals

Following the announcement of the level 5 lockdown by President Ramaphosa, the Ministry of Home Affairs acted accordingly and suspended all foreign national visa applications.

Expired visa due to COVID-19? Be at ease, your visa may be extended until 31 October 2020

Although there are difficulties arising from the COVID-19 lockdown, there is relief for foreign nationals with expired visas who are unable to submit visa renewal applications in the Republic of South Africa.

The age of technology: Allowing for the easing of visa restrictions through an online e-Visa service for Kenyan and Indian nationals

Indian and Kenyan nationals, who hold ordinary passports, are required to apply for a travel visa, and have the same endorsed into his or her passport, before departing for South Africa.

Following the announcement of the level 5 lockdown by President Ramaphosa, the Ministry of Home Affairs acted accordingly and suspended all foreign national visa applications. The Department of Home Affairs further suspended the adjudication of visa applications received prior to the lockdown. However, with the easing of the restrictions under level 3, the Ministry of Home Affairs has introduced a pilot project allowing for online e-Visa applications for Kenyan and Indian Nationals. This online e-Visa service is open to Kenyan and Indian citizens who will land in Lanseria and OR Tambo International airports only.

Both India and the Republic of Kenya are not considered to be visa exempt. In other words, Indian and Kenyan nationals, who hold ordinary passports, are required to apply for a travel visa, and have the same endorsed into his or her passport, before departing for South Africa.

The e-Visa serves as an alternative to visas being issued at the ports of entry or individuals visiting an embassy/consulate to obtain a traditional paper visa. e-Visas are linked electronically to the traveller's passport. The applicant is still expected to apply for the type of visa he or she qualifies for.

Steps to be taken

The following steps must be taken when applying for an e-Visa:

- Create a profile and complete the application form.
- Submit the online application.
- Upload documentation.
- Make payment.
- Upload proof of payment.

Amongst many the following documents are required:

- A valid and acceptable passport or travel document for intended stay.

RETRENCHMENT GUIDELINE



CLICK HERE for the latest thought leadership and explanation of the legal position in relation to retrenchments, temporary layoffs, short time and retrenchments in the context of business rescue.

The age of technology: Allowing for the easing of visa restrictions through an online e-Visa service for Kenyan and Indian nationals...*continued*

The applicant can also apply for people accompanying them as the e-Visa allows applications for a group of people.

- At least one blank page passport for endorsements.
- A valid visa, if required.
- Sufficient funds to pay for day-to-day expenses.
- A return or onward ticket.
- Yellow fever certificates if the journey starts or entails passing through the yellow fever belt of Africa or South America.

The applicant can also apply for people accompanying them as the e-Visa allows applications for a group of people. However, the applicant needs to indicate the visa type that is being applied for by each person in the group. When single-entry visa is used or expired, the applicant will be required to apply for another visa in order to travel to South Africa again and multiple-entry visas may be granted.

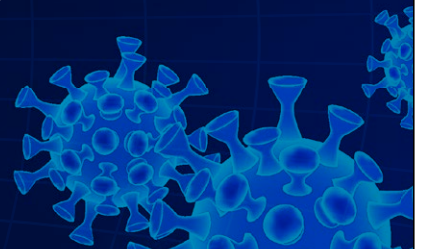
Once the e-Visa is approved, notification will be made available on the e-Visa online portal. The applicants must print a copy of the said notification to carry with their passport when they travel to South Africa. Upon arrival in South Africa, the applicant must have the e-Visa notification printout, with their original passport at all times. Validity of an e-Visa will vary by type and country and validity periods will be stated when the e-Visa is issued.

It is unclear whether international travels and airports will be operational or not, however, upon approval of the e-Visa, the notification will indicate by which date the applicant should enter South Africa. Should the applicant fail to do so, they risk forfeiting their e-Visa in which case a new application and fee will be required for them to be granted a new e-visa.

Michael Yeates and Mapaseka Nketu

CDH'S COVID-19 RESOURCE HUB

Click here for more information 



Expired visa due to COVID-19? Be at ease, your visa may be extended until 31 October 2020

Following the national lockdown implemented on 27 March 2020, to contain the spread of COVID-19, the Ministry of Home Affairs introduced temporary measures to accommodate foreign nationals with expired visas.

Although there are difficulties arising from the COVID-19 lockdown, there is relief for foreign nationals with expired visas who are unable to submit visa renewal applications in the Republic of South Africa.

Following the national lockdown implemented on 27 March 2020, to contain the spread of COVID-19, the Ministry of Home Affairs introduced temporary measures to accommodate foreign nationals with expired visas. The Ministry of Home Affairs introduced a special concession which allowed foreign nationals, whose visas expired during the lockdown, to stay legally in the country. This extension was due to expire on 31 July 2020. The temporary measures were introduced after President Cyril Ramaphosa declared a national state of disaster on 15 March 2020.

During his budget speech in the National Assembly on Wednesday 22 July 2020, Minister Aaron Motsoaledi announced a further extension of expired visas given the COVID-19 crisis.

The extension will be valid until end of October 2020. This simply means that foreign nationals whose visas expired from mid-February 2020, but could not apply for visa renewals, will not be declared illegal or prohibited persons. Persons falling within this category can consequently remain in South Africa, and work, if their initial expired visas allowed for working activities.

Those foreign nationals opted to repatriate themselves after the expiry of their visas, but before 31 July 2020, was also not to be declared undesirable upon departure. Although we have not yet seen the new regulations, we assume that the same concession will now apply with the new expiration date being 31 October 2020.

These temporary measures apply only to foreign nationals who have been legally admitted into the Republic. Seemingly, foreign nationals who hold expired work visas and whose visas expired during the lockdown, will be allowed to legally work until end of October 2020. Minister Motsoaledi said regulations providing for this extension would be announced before the end of July 2020.

Michael Yeates and Mapaseka Nketu



COVID-19 WORKPLACE HEALTH AND SAFETY ONLINE COMPLIANCE TRAINING

Information. Education. Training.

We have developed a bespoke eLearning product for use on your learning management system, that will help you strengthen your workplace health and safety measures and achieve your statutory obligations in the face of the COVID-19 pandemic.

To purchase or for more information contact OHSonlinetool@cdhlegal.com.

EMPLOYMENT

CASE LAW UPDATE 2019



CLICK HERE
to access CDH's
Employment Law
booklet to assist
you in navigating
the employment
relationship
during the current
economic
uncertainty.

CHAMBERS GLOBAL 2014 - 2020 ranked our Employment practice in Band 2: Employment.

Aadil Patel ranked by CHAMBERS GLOBAL 2015 - 2020 in Band 2: Employment.

Fiona Leppan ranked by CHAMBERS GLOBAL 2018 - 2020 in Band 2: Employment.

Gillian Lumb ranked by CHAMBERS GLOBAL 2020 in Band 3: Employment.

Hugo Pienaar ranked by CHAMBERS GLOBAL 2014 - 2020 in Band 2: Employment.

Michael Yeates ranked by CHAMBERS GLOBAL 2020 as an up and coming employment lawyer.



Our Employment practice is ranked as a Top-Tier firm in THE LEGAL 500 EMEA 2020.

Fiona Leppan is ranked as a Leading Individual in Employment in THE LEGAL 500 EMEA 2020.

Aadil Patel is recommended in Employment in THE LEGAL 500 EMEA 2020.

Gillian Lumb is recommended in Employment in THE LEGAL 500 EMEA 2020.

Hugo Pienaar is recommended in Employment in THE LEGAL 500 EMEA 2020.

Michael Yeates is recommended in Employment in THE LEGAL 500 EMEA 2020.

Jose Jorge is recommended in Employment in THE LEGAL 500 EMEA 2020.



CLIFFE DEKKER HOFMEYR

OUR TEAM

For more information about our Employment practice and services, please contact:



Aadil Patel
National Practice Head
Director
T +27 (0)11 562 1107
E aadil.patel@cdhlegal.com



Jose Jorge
Director
T +27 (0)21 481 6319
E jose.jorge@cdhlegal.com



Fiona Leppan
Director
T +27 (0)11 562 1152
E fiona.leppan@cdhlegal.com



Gillian Lumb
Director
T +27 (0)21 481 6315
E gillian.lumb@cdhlegal.com



Hugo Pienaar
Director
T +27 (0)11 562 1350
E hugo.pienaar@cdhlegal.com



Thabang Rapuleng
Director
T +27 (0)11 562 1759
E thabang.rapuleng@cdhlegal.com



Michael Yeates
Director
T +27 (0)11 562 1184
E michael.yeates@cdhlegal.com



Mohsina Chenia
Executive Consultant
T +27 (0)11 562 1299
E mohsina.chenia@cdhlegal.com



Faan Coetzee
Executive Consultant
T +27 (0)11 562 1600
E faan.coetzee@cdhlegal.com



Avinash Govindjee
Consultant
M +27 (0)83 326 5007
E avinash.govindjee@cdhlegal.com



Riola Kok
Consultant
T +27 (0)11 562 1748
E riola.kok@cdhlegal.com



Anli Bezuidenhout
Senior Associate
T +27 (0)21 481 6351
E anli.bezuidenhout@cdhlegal.com



Sean Jamieson
Senior Associate
T +27 (0)11 562 1296
E sean.jamieson@cdhlegal.com



Bheki Nhlapho
Senior Associate
T +27 (0)11 562 1568
E bheki.nhlapho@cdhlegal.com



Asma Cachalia
Associate
T +27 (0)11 562 1333
E asma.cachalia@cdhlegal.com



Jaden Cramer
Associate
T +27 (0)11 562 1260
E jaden.cramer@cdhlegal.com



Tamsanqa Mila
Associate
T +27 (0)11 562 1108
E tamsanqa.mila@cdhlegal.com

BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.
T +27 (0)21 481 6400 E cdh Stellenbosch@cdhlegal.com

©2020 9195/JULY

