

Immigration Insights

by CDH Employment Law

ALERT

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KIETI LAW LLP, KENYA

IN THIS ISSUE

Cancel your flights: Foreign nationals with pending visa and waiver applications don't need to leave South Africa just yet

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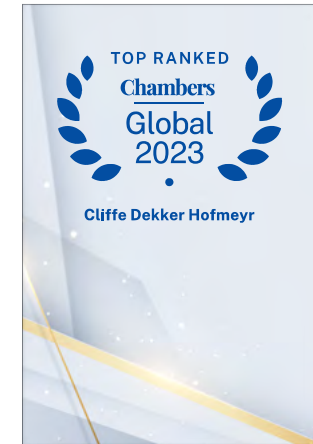
Cancel your flights: Foreign nationals with pending visa and waiver applications don't need to leave South Africa just yet

A mere two days before the expiry of the previous temporary blanket extension that was granted by the Department of Home Affairs (DHA) to foreign nationals with pending visa and waiver applications, the DHA announced in a circular dated 29 March 2023 (March Circular) that a further blanket extension will be granted to long-term visa holders until 31 December 2023.

In terms of the March Circular, the DHA approved temporary measures similar to those that were introduced in its previous circulars on 1 April 2022 and 7 September 2022. This further extension is intended to address not only the DHA's severe backlog, but the impact the backlog is having on foreign nationals with pending visa and waiver applications.

The March Circular only applies to foreign nationals who have been legally admitted into South Africa and who submitted visa or waiver applications on or before 31 March 2023 as follows:

- A blanket temporary extension of their current visa status has been granted to long-term visa holders (foreign nationals in possession of either a work visa, business visa, study visa or accompanying spousal visa) who have pending waiver and/or visa applications as at 31 March 2023 until 31 December 2023.
- The temporary blanket extension will allow foreign nationals with pending waiver applications time to collect their waiver outcomes and apply for appropriate visas.
- Foreign nationals who decide to abandon their pending visa or waiver applications and depart from South Africa, will be allowed to exit at a port of entry on or before 31 December 2023 without being declared undesirable.
- While waiting for the outcome of their visa applications, foreign nationals are prohibited from engaging in any activity, other than those activities that are specifically provided for as part of their current visa conditions.
- Foreign nationals who originate from visa restricted countries, must apply for a visitor's visa before being re-entering South Africa, including foreign nationals who departed from South Africa with a receipt from the Visa Facilitation Services (VFS), and must present their visitor's visa and VFS receipt when they re-enter South Africa, in order to wait for the outcome of their applications.



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In addition to the above, foreign nationals who were issued with short-term visas for less than 90 days and who have not received the outcome of their visa extensions by 31 March 2023, must depart South Africa on or before 30 April 2023 in order to avoid being declared undesirable.

Despite the late publication of the March Circular, foreign nationals with pending visa and waiver applications will be relieved that they won't need to leave South Africa this week in order to avoid being declared undesirable.

Hopefully this additional extension will give the DHA sufficient time to clear its backlog, and foreign nationals (who are long-term visa holders) won't be left questioning their legal status in South Africa just days before the expiry of the current extension (i.e. 31 December 2023). On the other hand, short-term visa holders are encouraged to check the status of their visa applications by 31 March 2023, and to make the necessary arrangements to leave South Africa by 30 April 2023, if they do not receive the outcomes of their applications by 31 March 2023.

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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.

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