

Immigration Law

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SOUTH AFRICA

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Extension of temporary concession for foreign nationals due to processing delays of waiver and appeals applications

On 30 September 2025, the Department of Home Affairs (DHA) issued Immigration Directive No. 22 of 2025 (Directive) in terms of which certain protections were granted to foreign nationals with pending waiver and appeal applications. The Directive, which was effective 1 October 2025, states that while the DHA has eradicated the backlog in respect of its visa and permit applications, there remains a backlog in its waiver and appeal applications that would have not been finalised prior to the original deadline of the concession being 30 September 2025. As a result, a further temporary concession now applies.

Applicants whose waiver application outcomes are still pending

Visa holders who have applied for a waiver, and whose waiver application remains pending as at the issuance of the Directive, have been granted a further temporary extension until 31 March 2026 to enable the DHA to process applications, as well as to allow applicants to collect their outcomes and submit visa applications.

Visa holders who need to travel while awaiting the outcome of their waiver application are also allowed to depart and re-enter South Africa at a port of entry up to (and including) 31 March 2026, without being declared an *“undesirable person”* in terms of section 30(1)(h) of the Immigration Act 13 of 2002 (Act).

However, it is important to note that non-visa-exempt waiver applicants who travel out of South Africa with a waiver application receipt are still required to apply for a port of entry visa that would allow them to re-enter South Africa.

Applicants whose long-term visa appeal applications are still pending

Long-term visa applicants who have appealed a negative decision on an application for a long-term visa in terms of the relevant provisions of the Act are granted a temporary extension of their current visa status until 31 March 2026. However, such appellants may not engage in any activity other than what the conditions of their current visas provide for.

Any appellants who need to travel while awaiting the outcome of their appeal application for a long-term visa are allowed to depart from and re-enter South Africa up to (and including) 31 March 2026 without being declared an undesirable person.

It is important to note that **all visa appellants** (regardless of category) are required to produce a copy of their rejection letter, together with a receipt and/or confirmation indicating that they have submitted an appeal application, on departure from and re-entry into South Africa. In addition, non-visa-exempt appellants who travel out of South Africa with an appeal application receipt and/or confirmation are required to apply for a port of entry visa that would allow them re-entry into South Africa.

Qualification

Importantly, the temporary concession set out in the Directive only applies to:

- foreigners who have been legally admitted into the South Africa; and
- applicants who have submitted an application via VFS Global and who can produce a verifiable receipt for such application against the VFS Global tracking system.

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Implementation of the Electronic Travel Authorisation

On 18 September 2025, the Minister of Home Affairs (Minister), Dr Leon Schreiber, presented the Electronic Travel Authorisation (ETA) to the Tourism Business Council of South Africa's Leadership Conference.

In his presentation, the Minister highlighted that the ETA is among the initiatives planned to transform the Department of Home Affairs (DHA) through advanced machine learning, digitalisation and the streamlining of visa processing to ensure a secure and user-friendly experience. The Minister also emphasised that the ETA would replace manual processing, making South Africa's immigration system modern, innovative and globally competitive.

So, what is the ETA? It is a system that allows online applications, biometric capture and instant approvals, aimed at replacing paper-based systems and visa applications. The ETA will be integrated with the Electronic Movement Control System that will be based on facial recognition at ports of entry, with piloting taking place at OR Tambo and Cape Town International Airports. The ETA is further aimed at ensuring quick, automated arrivals and improved national security.

In his address, the Minister stated that testing for the ETA was to start at the end of September, with phase one opening in mid-October 2025, just in time for the arrival of G20 delegates from China, India, Indonesia and Mexico. Phase two will commence after the conclusion of the G20 leaders meeting in November 2025, and then tourists from the same four countries involved in phase one will also become eligible to use the ETA. Following these phases, there are plans to expand ETA access to more nations so that the ETA becomes the single entry point for tourist visas from all countries that require visas to visit South Africa. In addition, there are plans to extend the ETA to more visa categories over time.

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