

Proposed Amendments

to South Africa's immigration laws and policies

The reforms proposed by the draft Revised White Paper on Citizenship, Immigration and Refugee Protection (White Paper) are designed to be constitutionally sound and operationally modern, using digital systems to improve both security and service efficiency.

The core objectives of the White Paper are the:



Attraction and retention of skills and investment.



Regularisation and modernisation of mobility.



Ensuring of universal and accurate civil registration of births and deaths.



Maintenance of a humane refugee regime aligned with non-refoulement and constitutional guarantees.



Key employment-related changes proposed by the White Paper:



Citizenship status

- **A points-based system (PBS)** is proposed for citizenship applications, moving away from duration of stay as the main qualifier.
- **The PBS** will assess applicants on skills, qualifications, economic (investment), and social contributions.
- **Citizenship applications** will be reviewed by a new Citizenship Advisory Panel (CAP).
- **Non-economic pathways** (e.g. spouses, refugees) will still be available, requiring five years as a permanent resident, but with stricter measures to prevent abuse.
- **Ministerial discretion** is proposed for granting citizenship in exceptional cases (e.g. national interest, exceptional economic or humanitarian grounds, security services), with CAP recommendation.
- **Dual citizenship** is affirmed for those who meet all statutory and regulatory requirements, with obligations to South African law and responsibilities.
- **The White Paper** supports the shift to an Intelligent Population Register with biometrics for all residents, forming the base for a National Digital ID and civil registration (not automatically granting citizenship).



Visa and permanent residence policy reforms

- **Visitors' visas** will be reformed to be renewable for a period set by the Minister of Home Affairs, but will not allow work, study, or business activities, except for specific work on behalf of a foreign employer under certain conditions.
- **A new start-up visa** will be introduced as a separate category, aimed at highly skilled entrepreneurs with innovative ideas to boost the South African economy.
- **The current business visa** will be converted into an investment visa, with clear quotas for citizen and foreign employment, and capital thresholds announced periodically.
- **An age requirement** will be introduced for retirement visas to prevent misuse, and the minimum annuity (income) requirement will be increased to match the cost of living.
- **Permanent residence** based on financial independence will be replaced by an investment-based residence visa, which will require in-country investment for a specified period.

Key employment-related changes proposed by the White Paper:



Processing, governance and enforcement enhancements

- **An Immigration Advisory Board** is proposed to oversee and guide immigration policy, ensuring a collaborative, multi-departmental approach to addressing migration challenges.
- The concept of **regulated immigration practitioners** is being reintroduced, allowing only authorised practitioners, attorneys and advocates to represent clients, aiming to protect against unregulated providers and reduce corruption risks.
- **A single Home Affairs authority for reviews, appeals, waivers and exemptions** is proposed, offering independent case reviews, with decisions binding on all Department of Home Affairs (DHA) officers but still subject to judicial review by courts.
- **Specialised Immigration Courts** are suggested to expedite immigration-related disputes and appeals, using integrated IT systems to reduce High Court backlogs and improve enforcement.
- **Administrative fines for overstayers** are to be reintroduced, replacing lengthy bans with the option to pay a fine upon re-entry, aiming to balance enforcement with efficiency and generate additional revenue for the DHA.

