

No. R. 616

27 June 2005

**IMMIGRATION ACT, 2002****IMMIGRATION REGULATIONS**

The Minister of Home Affairs has under 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****Definitions**

1. 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—

“asylum transit permit” means a permit contemplated in section 23 of the Act;

“business permit” means a permit contemplated in section 15 of the Act;

“corporate permit” means a permit contemplated in section 21 of the Act;

“crew permit” means a permit contemplated in section 16 of the Act;

“cross-border permit” means a permit contemplated in section 24(1) of the Act;

“deposit” means a cash deposit not exceeding the cost of a single ticket for the applicant to his or her country of origin: Provided that in the case of—

- (a) an illegal foreigner contemplated in section 34(1) of the Act, an additional amount not exceeding the cost of subsistence and travel costs and allowances for an escort in the event that such a service may be necessary, may also be required; or
- (b) an illegal foreigner contemplated in section 34(1) of the Act or a person contemplated in section 29(1) or 30(1) of the Act, the additional amount contemplated in paragraph (a), as well as a further additional amount not exceeding the expected detention and related costs in the event of the applicant becoming an illegal foreigner, may also be required.

“exchange permit” means a permit contemplated in section 22 of the Act;

“exceptional skills work permit” means a permit contemplated in section 19(4) of the Act;

“general work permit” means a permit contemplated in section 19(2) of the Act;

“intra-company transfer work permit” means a permit contemplated in section 19(5) of the Act;

“medical report” means a report by a medical practitioner with regard to an 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 treatment permit” means a permit contemplated in section 17 of the Act;

“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 since having attained the age of 18 years, in respect of criminal records or

entry from his or her country of residence, the new permit may be issued for a period not exceeding the period attached to the visa exemption.

(6) Where a visa is issued outside the Republic, that visa shall, upon admission, be considered to be a permit for the purposes of section 11 of the Act and the period of validity of that permit shall be calculated from the date of admission.

(7) The authorisation contemplated in section 11(2) of the Act—

- (a) shall be applied for by submitting a statement or documentation confirming the purpose and duration of the visit;
- (b) may be subjected to the relevant individual terms and conditions contemplated in regulation 7(8);
- (c) may, where applicable, be granted subject to a recommendation from the relevant organ of state; and
- (d) if approved, be endorsed on the visitor's permit:

Provided that in the case of a national of a country that is a member of the Southern African Development Community, the contents of paragraph (a) shall not apply.

### **Study permit**

10. (1) An applicant for a study permit shall submit—

- (a) an official letter from the relevant institution confirming provisional acceptance at that institution and the duration of the course;
- (b) in the case of a person under the age of 21 years—

- (i) the particulars of the person in the Republic who will act as that learner's guardian and a confirmatory letter from that intended guardian; and
  - (ii) proof of consent for the intended stay from both parents or from the custodian parent, along with proof of sole custody in the latter case;
- (c) a police clearance certificate;
- (d) medical and radiological reports in respect of each applicant: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
- (e) the documents relating to his or her marital status contemplated in regulation 9(3)(a) and (b);
- (f) a yellow fever vaccination certificate if that person travelled or intends travelling from or 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;
- (g) in the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking in respect of the departure of the applicant;
- (h) proof of medical cover with a medical scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998), or other medical insurance cover recognised in the Republic;