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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF HOME AFFAIRS**

NO. R. 1328

29 NOVEMBER 2018

**IMMIGRATION ACT, 2002****DRAFT FIRST AMENDMENT OF THE IMMIGRATION REGULATIONS, 2014 MADE  
UNDER THE IMMIGRATION ACT**

The Minister of Home Affairs has, in terms of 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****Definition**

1. In this Schedule “the Regulations” means the Regulations made under the Immigration Act, 2002 (Act No. 13 of 2002), published under Government Notice No. R.413 of 22 May 2014.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by—

(a) the substitution for the following definition of “**the Act**” of the following definition:

“**the Act**” means the Immigration Act, 2002 (Act No. 13 of 2002); and

(b) the insertion of the following definition:

“**birth certificate**” means any birth record of a child issued by the relevant authority indicating the full names, surname and the date of birth, including the names and surname(s) of the parent(s) of such a child; and”.

**Substitution of regulation 3 of the Regulations**

3. The following regulation is hereby substituted for regulation 3 of the Regulations:

**“Permanent homosexual or heterosexual relationship**

3.(1) An applicant for a visa in terms of the Act who asserts in his or her application to be a spouse, as defined in paragraph (b) of the definition of spouse in section 1 of the Act, must prove to the satisfaction of the Director-General that he or she is a spouse to a citizen or permanent residence permit holder in the manner set out in subregulation (2).

- (2) An applicant contemplated in subregulation (1) must submit—
- (a) a notarial agreement signed by both parties attesting that—
    - (i) the permanent homosexual or heterosexual relationship has existed for at least two years before the date of application for a relevant visa and that the relationship still exists to the exclusion of any other person; and
    - (ii) neither of the parties is a spouse in an existing marriage or a permanent homosexual or heterosexual relationship with any other person;
  - (b) an affidavit on Part A of Form 12 illustrated in Annexure A, confirming the continued existence of the permanent homosexual or heterosexual relationship;
  - (c) in the case where such a party was a spouse in a previous marriage, any official documents that prove the dissolution of such marriage either by divorce or the death of the other spouse;
  - (d) documentation to prove—
    - (i) the financial support the partners provide to each other; and
    - (ii) the extent to which the financial and other related responsibilities are shared by the applicant and his or her spouse; and
  - (e) where applicable, in the case of a permanent homosexual or heterosexual relationship concluded between two foreigners in a foreign country, an official recognition of the relationship issued by the relevant authorities of the country concerned.
- (3) Both partners to a permanent homosexual or heterosexual relationship may be interviewed separately, on the same date and time, to determine the authenticity of the existence of their relationship.
- (4) An applicant contemplated in subregulation (1) who has been issued with a visa must, after a period of two years from the date of issuing of that visa, inform the Director-General whether or not the permanent homosexual or heterosexual relationship still exists by submitting to the Director-General an affidavit on Part B of Form 12 illustrated in Annexure A.
- (5) An applicant contemplated in subregulation (1) who has been granted a visa on the basis of the permanent homosexual or heterosexual relationship must immediately inform the Director-General when his or her relationship ceases to exist.

(6) The Director-General may, upon receipt of the information contemplated in subregulation (5), withdraw the visa issued on the basis of the existence of a permanent homosexual or heterosexual relationship.

(7) Whenever it appears to the Director-General that a visa was acquired through error, misrepresentation or fraud, he or she shall withdraw the visa and, where applicable, cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.”.

#### **Amendment of regulation 6 of the Regulations**

4. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (12) of the following subregulation:

“(12A) For the purposes of subregulation (12B)(a), (c) and (d), where a child presents a passport which contains the details of his or her parent or parents, an immigration officer shall not require such child to produce a birth certificate.

(12B)(a) Where a parent or parents, legal guardian or any other person is travelling with a child who is a South African citizen, such person must, upon departure from or entry into the Republic, produce—

- (i) a copy of a birth certificate or passport containing the details of the parent or parents of the child;
- (ii) where applicable, a copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian, as the case may be, of the child authorising such person to depart from or enter into the Republic with the child he or she is travelling with;
- (iv) a copy of the passport, or identity card in the case of South African citizens, of the parent or parents or legal guardian of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(b) Where a parent or parents, legal guardian or any other person from a visa required country intends to travel with a child, he or she must, when applying for a visa for such child, submit—

- (i) a copy of a birth certificate of the child;
- (ii) where applicable, copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (iv) a copy of the passport of the parent or parents, or legal guardian, of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(c)(i) Where one parent, legal guardian or any other person is travelling with a child, he or she may be required by an immigration officer to produce a copy of a birth certificate of the child in order to establish the relationship with such child, unless the child is from a visa required country, upon admission into or departure from the Republic and the immigration officer must, in examining such child for admission into or departure from the Republic request and consider, where applicable—

- (aa) the reasons for the absence of the other parent or parents of the child;
- (bb) a letter of consent from the other parent or parents or guardian of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (cc) a copy of the passport of the absent parent or parents or legal guardian of the child;
- (dd) the contact details of the absent parent or parents or legal guardian of the child;
- (ee) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (ff) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child: Provided that the Director-General may, where

the parent or parents are deceased and the child is travelling with a person related to him or her, approve such a person to enter into or depart from the Republic with such a child.

- (ii) Where an immigration officer requests a traveller to produce a birth certificate of a child or the documentation referred to in subparagraphs (aa) to (ff), and such is not provided within 24 hours, he or she may refuse admission into or departure from the Republic of such a child.
  - (iii) Any person travelling with a child as contemplated in paragraph (c)(i) is strongly advised to be in possession of the documentation referred to in subparagraph (i) when seeking admission into or departure from the Republic.
- (d) Any unaccompanied child shall produce to the immigration officer—
- (i) a copy of his or her birth certificate;
  - (ii) where applicable, a copy of an adoption order;
  - (iii) a letter of consent from one or both his or her parents or legal guardian, as the case may be, for the child to travel into or depart from the Republic;
  - (iv) a copy of the passport of the parent or parents or legal guardian of the child;
  - (v) the contact details of the parent or parents or legal guardian of the child;
  - (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child;
  - (vii) where applicable, a copy of a death certificate of the deceased parent, parents\_or legal guardian of the child;
  - (viii) a letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing; and
  - (ix) a copy of the identity card or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic.

#### **Amendment of regulation 11 of the Regulations**

5. Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

“(4) An activity contemplated in section 11(1)(b)(iv) of the Act shall be—

- (a) work conducted for a foreign employer pursuant to a contract which partially requires conducting of certain activities in the Republic and relates to—
  - (i) teaching at an international school;
  - (ii) in respect of films and advertisements produced in South Africa, including, but not limited to, an actor, cameraman, hairstylist, make-up artist or lighting and sound engineer;
  - (iii) a foreign journalist seconded to the Republic by a foreign news agency;
  - (iv) a visiting professor or lecturer or an academic researcher;
  - (iii) an artist who wishes to write, paint or sculpt: Provided that he or she submits a portfolio of his or her previous work;
  - (iv) a person involved in the entertainment industry, travelling through the Republic to perform;
  - (v) a tour leader or host of such a tour; or
  - (vi) a religious leader of a recognised religious organisation or denomination;
- (b) to accompany the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22: Provided that such a foreigner must be the spouse or child of the holder of such visa; or
- (c) to testify as a state witness in a criminal court case: Provided that the application shall be initiated by the relevant Deputy Director of Public Prosecutions, stating the reasons for such a foreigner to stay in the Republic.”.

### **Substitution of regulation 14 of the Regulations**

6. The following regulation is hereby substituted for regulation 14 of the Regulations:

#### **“Business visa**

14.(1) An application for a business visa by a foreigner who intends to establish a business or invest in a business that is not yet established in the Republic, shall be accompanied by—

- (a) a certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant

registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that—

- (i) at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or
  - (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available;
- (b) an undertaking by the applicant that at least 60% of the total staff complement to be employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of the issuance of the visa;
- (c) an undertaking to register with the—
- (i) South African Revenue Service;
  - (ii) Unemployment Insurance Fund;
  - (iii) Compensation Fund for Occupational Injuries and Diseases;
  - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required; and
  - (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(f) of the National Qualifications Framework Act, where applicable, Provided that upon registration, all certificates shall be submitted to the Director-General;
- (d) a police clearance certificate; and
- (e) a letter of recommendation from the Department of Trade and Industry regarding—
- (i) the feasibility of the business; and
  - (ii) the contribution to the national interest of the Republic.
- (2) An application for a business visa by a foreigner who has established a business or invested in an existing business in the Republic, shall be accompanied by—
- (a) a certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business

accountant registered with the South African Institute for Business Accountants to the effect that—

- (i) at least an amount in cash as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available or already invested in the Republic; or
  - (ii) at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available or already invested in the Republic;
- (b) proof that at least 60% of the total staff complement employed in the operations of the business are South African citizens or permanent residents employed permanently in various positions;
- (c) proof of registration with the—
- (i) South African Revenue Service;
  - (ii) Unemployment Insurance Fund;
  - (iii) Compensation Fund for Occupational Injuries and Diseases;
  - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required; and
  - (v) relevant professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable;
- (d) a police clearance certificate; and
- (e) a letter of recommendation from the Department of Trade and Industry regarding—
- (i) the feasibility of the business; and
  - (ii) the contribution to the national interest of the Republic.
- (3) A foreigner who invests in a business to be established or has invested in an existing business shall, in addition to complying with subregulation (2), submit—
- (a) financial statements in respect of the preceding financial year; and
  - (b) proof of the investment.
- (4) The applicant must, within 12 months of the visa being issued, submit to the Director-General a letter from the Department of Labour confirming that a report regarding the undertaking referred to in section 15(1)(c)(ii) of the Act that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.
- (5) A business visa may be issued for a period not exceeding three years at a time.”.



**Amendment of regulation 18 of the Regulations**

7. Regulation 18 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

“(3) An application for a general work visa shall be accompanied by—

- (a) a letter issued to the prospective employer by the Department of Labour to the effect that a certificate has been issued to the Department confirming that—
  - (i) despite a diligent search, the prospective employer has been unable to find a suitable citizen or permanent resident with qualifications or skills and experience equivalent to those of the applicant;
  - (ii) the applicant has qualifications or proven skills and experience in line with the job offer;
  - (iii) the salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic; and
  - (iv) the contract of employment stipulating the conditions of employment, signed by both the employer and the applicant, is in line with the labour standards in the Republic and is issued on condition that the general work visa is approved;”.

**Amendment of regulation 20 of the Regulations**

8. Regulation 20 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) An application for a corporate visa shall be made on Form 13 illustrated in Annexure A and accompanied by—

- (a) proof of the need to employ the requested number of foreigners;
- (b) a letter issued to the corporate applicant by the Department of Labour to the effect that a certificate has been issued to the Department confirming—
  - (i) that despite diligent search, the corporate applicant was unable to find suitable citizens or permanent residents to occupy the position available in the corporate entity;

- (ii) the job description and proposed remuneration in respect of each foreigner;
- (iii) that the salary and benefits of any foreigner employed by the corporate applicant shall not be inferior to the average salary and benefits of citizens or permanent residents occupying similar positions in the Republic;
- (c) proof of registration of the corporation with the—
  - (i) South African Revenue Service;
  - (ii) Unemployment Insurance Fund;
  - (iii) Compensation Fund for Occupational Injuries and Diseases; and
  - (iv) Companies and Intellectual Properties Commission (CIPC), where legally required;
- (d) an undertaking by the employer to inform the Director-General should any foreign employee not comply with the provisions of the Act or visa conditions or no longer be in the employ of such employer or be employed in a different capacity or role; and
- (e) a written undertaking by the corporate applicant to pay the deportation costs of any foreign employee accepting responsibility for the return costs related to the deportation of the foreign employee, should it be necessary.”.

### **Substitution of regulation 23 of the Regulations**

9. The following regulation is hereby substituted for regulation 23 of the Regulations:

#### **“Permanent residence**

**23.** (1) An application for a permanent residence permit contemplated in section 25(2) of the Act shall be made on Form 18 illustrated in Annexure A and shall be submitted by the applicant in person.

(2) The application contemplated in subregulation (1) shall be accompanied by—

- (a) the applicable application fee;
- (b) a copy of a birth certificate in respect of the applicant;
- (c) biometrics in respect of any applicant over the age of 16 years;
- (d) a yellow fever vaccination certificate if that person travelled or intends travelling from or transits 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;

- (e) a police clearance certificate;
  - (f) medical and radiological reports: Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
  - (g) the documentation contemplated in regulation 9(1)(d) relating to dependent children accompanying the applicant to or joining the applicant in the Republic;
  - (h) the documents relating to the applicant's marital status or spousal relationship contemplated in regulation 3(2);
  - (i) an birth certificate in respect of each dependent child;
  - (j) a deed poll in the case of an applicant who has changed his or her name, surname or sex; and
  - (k) where the application is made in the Republic, a valid visa for temporary sojourn at the time of application, in respect of each applicant.
- (3) The documents contemplated in subregulation (2)(b), (e), (g), (h), (i) and (j) shall be original or copies apostilled by the issuing authority of the country of origin and, where applicable, translated into one of the official languages of the Republic, which translation shall be certified as a correct translation by a sworn translator.
- (4) An application made in a foreign country shall be submitted to—
- (a) the mission of the Republic in the foreign country of the applicant's usual residence, which includes country of origin, permanent residence or long term temporary residence;
  - (b) the mission of the Republic in a foreign country of which the applicant holds a valid passport; or
  - (c) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of an adjoining or nearby foreign country in which a mission of the Republic is not present.
- (5) An applicant who applies for a permanent residence permit in terms of section 26(a) of the Act shall submit proof of a work visa contemplated in section 19 of the Act, for a continuous period of five years.
- (6) A foreigner contemplated in section 26(b) of the Act who has been issued with a permanent residence permit shall, within the last six months of the second year following

the issuing of that permit, avail himself or herself for an interview at any office of the Department.”.

### **Substitution of regulation 24 of the Regulations**

10. The following regulation is hereby substituted for regulation 24 of the Regulations:

#### **“Residence on other grounds**

24.(1) The advertisement contemplated in section 27(a)(i) of the Act shall be an original clipping from the national printed media and shall—

- (a) reflect the full particulars of the relevant newspaper or magazine, as well as the dates on which the advertisement was published;
- (b) stipulate the minimum qualifications and experience required to fill the position;
- (c) clearly define the position offered and the responsibilities to be performed;
- (d) measure at least 60 millimetres by 60 millimetres in size;
- (e) state the closing date for the application; and
- (f) not be older than four months at the time of application, which period shall be calculated from the closing date for applications.

(2) The permanent residence permit contemplated in section 27(a)(i) of the Act shall be issued on condition that the holder of that permit shall remain employed for a period of five years in the field in respect of which the original offer of employment was made.

(3) The requirement contemplated in section 27(b) of the Act shall be the submission of—

- (a) proof that the applicant falls within the critical skills category in the form of—
  - (i) a certificate from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act or the relevant Department confirming the skills or qualifications of the applicant; and
  - (ii) if required by law, a certificate of registration with the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act;
- (b) proof of post-qualification experience of at least five years;
- (c) testimonials from previous employers and a comprehensive *curriculum vitae*; and

- (d) a letter of motivation indicating that the critical skills possessed by the applicant will be to the benefit of the South African environment in which the person intends to operate and which relates to the critical skill in question.

(4) An application for a permanent residence permit contemplated in section 27(c) of the Act shall be accompanied by a certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that—

- (a) at least an amount in cash as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available; or
- (b) at least an amount in cash and capital contribution as determined by the Minister, after consultation with the Minister of Trade and Industry, by notice in the *Gazette*, is available.

(5) An application for a permanent residence permit contemplated in section 27(c) of the Act by an applicant who intends to establish a business in the Republic shall, in addition to the requirements in subregulation (4), be accompanied by—

- (a) a business plan outlining the feasibility of the business, both in the short and long term;
- (b) an undertaking by the applicant that at least 60% of the total staff complement to be employed in the operations of the business shall be citizens or permanent residents employed permanently in various positions: Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the permanent residence permit;
- (c) an undertaking to register with the South African Revenue Service; and
- (d) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.

(6) An application for a permanent residence permit contemplated in section 27(c) of the Act by an applicant who has established a business in the Republic shall, in addition to the requirements in subregulation (4), be accompanied by—

- (a) proof that at least 60% of the total staff complement are citizens or permanent residents who are permanently employed in various positions in the operations of the business;
  - (b) proof of registration with the South African Revenue Service; and
  - (c) proof of registration with the relevant professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable.
- (7) For the purposes of section 27(c)(i) of the Act, a business in one of the sectors determined from time to time by the Minister by notice in the *Gazette* is a business in the national interest.
- (8) A foreigner who invests or has invested in an existing business shall, subject to this regulation, submit certified proof of investment in the business in respect of the preceding financial year.
- (9) A foreigner who invests or has invested in an existing business as a partner shall submit—
- (a) certified proof of investment in the business; and
  - (b) the partnership agreement.
- (10) The requirements contemplated in section 27(d) of the Act shall be—
- (a) the submission of the certification contemplated in section 27(c) of the Refugees Act, 1998 (Act No. 130 of 1998);
  - (b) where applicable, the submission of affidavits with regard to aliases used by the applicant and family members; and
  - (c) the submission of the information and documentation contemplated in regulation 23(2)(b), (f), (g), (h) and (i): Provided that in the case of documents issued by the country from which he or she fled not being available, a sworn affidavit.
- (11) The payment contemplated in section 27(e)(i) of the Act shall be, per month, the amount determined from time to time by the Minister by notice in the *Gazette* and the net worth contemplated in section 27(e)(ii) of the Act shall be a combination of assets realising, per month, the amount determined by the Minister by notice in the *Gazette*.
- (12) The net worth contemplated in section 27(f) of the Act shall be an amount determined from time to time by the Minister by notice in the *Gazette* and the amount to be paid to the

Director-General shall be an amount determined by the Minister by notice in the *Gazette*, which amount has to be paid upon approval of the application.”.

**Amendment of forms**

11. Annexure A of the Regulations is hereby amended by the substitution for Forms 8, 19, 31, and 43 contained in Annexure A to the Regulations.

**Short title**

12. These Regulations shall be called the First Amendment of the Immigration Regulations, 2014 and come into operation on 1 December 2018.

(DHA—46) Form 19



**DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**DECLARATION OF FOREIGNER AS UNDESIRABLE PERSON  
[Section 7(1)(g) read with section 30(1); Regulations 27(2) and 39(1)]**

To: .....

Passport No.: .....

In terms of section 30(1) of the Act, you are hereby declared an undesirable person in the Republic due to the following reason(s):

- \*(a) You are or are likely to become a public charge;
- \*(b) You have been identified as such by the Minister;
- \*(c) You have judicially been declared incompetent;
- \*(d) You are an unrehabilitated insolvent;
- \*(e) You have been ordered to depart in terms of the Act;
- \*(f) You are a fugitive from justice;
- \*(g) You have previous criminal convictions without the option of a fine for conduct which would be an offence in the Republic; or
- \*(h) You have overstayed by \_\_\_\_\_ days, at a time.

If you disagree with the aforesaid declaration, you may, in terms of section 8(4) of the Act, make written representations to the Director-General at [Overstayappeals@dha.gov.za](mailto:Overstayappeals@dha.gov.za) within 10 working days of receipt of this notice to review this declaration.



Alternatively, you may apply to the Minister at [Overstayappeals@dha.gov.za](mailto:Overstayappeals@dha.gov.za) to waive any of the grounds of undesirability in terms of section 30(2) of the Act if you are able to show good cause.

.....	.....	.....
<b>Director-General</b>	<b>Place</b>	<b>Date</b>

**Place:** .....

**IMMIGRATION OFFICER’S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR’S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the original of this notice.

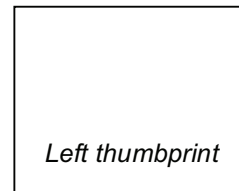
I \*wish/do not wish to make representations within 10 working days from receipt of this notice to the Director-General in terms of section 8(4) of the Act to review the declaration.

I understand that I am entitled to make representations to the Minister showing good cause for the Minister to waive the grounds of undesirability in terms of section 30(2) of the Act.

.....

Signature of recipient of this notice                      Date

**Place:** .....



.....

Signature of witness    Date

**\*Delete whichever is not applicable**

**CERTIFICATE BY INTERPRETER**

I, ..... (name(s) and surname) of  
..... (\*business/residential address) and telephone  
number ..... and cell phone number ..... hereby confirm that I have  
mastered ..... (state language) and that I have explained to  
.....(name(s) and surname of foreigner) the contents of this notice in the said  
language and that I am satisfied that the said foreigner fully understands it.

.....  
**Signature of interpreter**

.....  
**Place**

.....  
**Date**

(DHA-1726) **Form 31**

**DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**NOTICE TO A FOREIGNER OF THE INTENTION TO APPLY TO COURT FOR THE EXTENSION  
OF HIS/HER DETENTION**

**[Section 7(1)(g) read with section 34(1)(d); Regulation 33(4)(a)]**

To: ..... (*name and surname of detainee*) detained  
at..... (*name of detention facility*).

You are hereby notified that in view of the fact that your detention pending the execution of the warrant for your deportation to ..... (*destination*) issued on ...../...../.....(*date*) is likely to exceed 30 calendar days on ...../...../..... (*date*) for the reasons mentioned in the affidavit on the reverse side of this notice, I am, in terms of section 34(1)(d) of the Act, submitting the matter for consideration to the Magistrate at ..... (*place*) on or before ...../...../..... (*date*).

You are entitled to make a written representation to a magistrate of the court who will rule on your extended detention and you are requested to provide me with such representations on or before ..... (*date*). If you require assistance, you may approach the head of the institution where you are being detained.

.....  
**Signature of immigration officer**

Official stamp

**IMMIGRATION OFFICER’S PARTICULARS**

Name and Surname: .....

Appointment number: .....

Rank/position.....

Office:..... Province:.....

**SUPERVISOR’S PARTICULARS**

Name and Surname: .....

Rank/position.....

Contact No.: Tel : .....

**CERTIFICATE BY INTERPRETER**

I, ..... (name and surname) of  
..... (\*business/residential address)  
hereby confirm that I have mastered ..... (state language)  
and that I have explained to .....(name and surname of detainee) the  
contents of this notice in the said language and that I am satisfied that the said foreigner fully  
understands it.

.....  
**Signature of interpreter**

.....  
**Place**

.....  
**Date**

**\*Delete which is not applicable**

**REVERSE SIDE OF FORM 31**

**AFFIDAVIT**

I ..... (name and surname of deponent)

\*state herewith under oath/solemnly declare that—

- (a) I am a duly appointed immigration officer stationed at ..... (place);
- (b) I have ordered the detention of ..... (name and surname of detainee) because the warrant for his or her removal from the Republic issued by me on ...../...../.....(date) could not be executed immediately due to.....  
..... (provide reasons);
- (c) the detention of the said detainee was considered reasonable and necessary, as  
.....  
.....;
- (d) it is necessary that the said detainee be detained for a further period of .....  
because.....

I append hereto certified copies of the following documentation as proof of my endeavours to expedite the deportation of the said detainee:

- (a) .....
- (b) .....
- (c) .....

Signed at ..... on this ..... day of .....20.....

.....  
**Signature of immigration officer**                      **Appointment number**

Thus signed and \*sworn/solemnly affirmed before me on this .... day of ..... 20.....

**\*Delete which is not applicable**



**CERTIFICATE OF OATH/AFFIRMATION**

I, \_\_\_\_\_ (*name and surname of Commissioner/designation*)  
\_\_\_\_\_, hereby certify that before administering the prescribed  
\*oath/solemn declaration, u put the following questions to the deponent and noted \*his/her reply in  
his/her presence:

**QUESTIONS****ANSWER**

- |   |          |
|---|----------|
| (a) Do you know and understand the contents of the above declaration? | Yes / No |
| (b) Have you any objection to taking the prescribed oath?             | Yes / No |
| (c) Do you regard the prescribed oath as binding on your conscience?  | Yes / No |

The deponent has acknowledged that he/she knows and understands the contents of the declaration; this declaration was duly \*sworn to/solemnly affirmed before me and the deponent's signature was appended thereon in my presence.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Place: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_





DEPARTMENT OF HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA

**NOTICE OF ADMINISTRATIVE FINE INCURRED FOR INCORRECT CERTIFICATION**  
**[Section 7(1)(g) read with section 50(2); Regulation 39(2)]**

To: ..... (*name and surname of chartered accountant, professional accountant or business accountant*).

You are hereby informed that in terms of section 50(2) of the Immigration Act, 13 of 2002, you have incurred a fine to the amount of R7000.00 for negligently producing an incorrect certification in respect of .....

You are hereby required to pay the fine within seven days of the date of this notice. Should you fail to pay the said amount within the said period, you shall be liable to prosecution in terms of the provisions of section 49(16) of the Act.

.....  
**For Director-General**                      **Date**    **Place:**