

GMS Flash Alert



Immigration Edition

2020-118 | March 26, 2020

South Africa - Travel Restrictions and Lockdown Related to COVID-19

With the escalation of the number of COVID-19 cases in South Africa, the president of South Africa has declared a National State of Disaster.¹ And after further consultations with the National Coronavirus Command Council, the president announced a nationwide lockdown effectively for 21 days from midnight on Thursday, 26 March 2020 to midnight on Thursday, 16 April 2020, to curb the spread of the coronavirus (COVID-19).

Effective from 18 March 2020, the South African government implemented travel restrictions and closed some of its ports of entry to reduce the impact of the virus. During the lockdown period, however, all ports of entry will be closed to the movement of people.

WHY THIS MATTERS

Extreme measures have been enforced by the South African government to restrict travelers from high-risk countries such as the People's Republic of China, Germany, Italy, Iran, South Korea, Spain, the United Kingdom, and the United States, as well as medium-risk countries, including Hong Kong, Portugal, and Singapore, from entering into South Africa, to curb the spread of the virus. Visas issued to individuals from these countries have been cancelled and previously granted visas have been revoked with immediate effect. Furthermore, any foreign national who has visited or travelled through any of the listed high-risk countries since 15 March 2020, will be denied a port of entry visa or a temporary residence visa.

This will immensely impact employees and their families who may have received offers for international assignments to South Africa, as they will need to postpone the commencement of their assignments – or may already be on assignment in South Africa but on limited short-term visas. This could cause some anxiety, stress, and inconvenience, especially where plans for relocation are already underway or where the employees are already in South Africa on temporary visas with limited validity periods.

The changes will require employers to re-consider their personnel and work arrangements due to travel and work visa restrictions, even more so during the nationwide lockdown.

Travel Restrictions

Regardless of compliance with visa requirements, foreign nationals travelling from or transiting through high-risk and/or medium-risk countries are prohibited from entering the Republic of South Africa.

Visa applications by foreign nationals from high-risk countries will not be approved and visas already issued to foreign nationals who have not yet entered the Republic of South Africa have been revoked with immediate effect.

High- and medium-risk countries will have their visa waiver agreements suspended and dates will be advised through the Travel Alerts by the Department of International Relations and Cooperation (DIRCO).²

Strict screening and testing measures have been implemented at the main ports of entry, such as OR Tambo, Cape Town, and King Shaka International Airports. International flights to Lanseria Airport have been temporarily suspended. In addition, effective on 16 March 2020, 35 land ports and 2 sea ports have been closed.

Any foreign national affected by the travel restrictions and who needs to travel to South Africa for emergency or compelling reasons, may contact the nearest South African Mission or Consulate to apply for a visa. These visa applications will be considered on merit and on a case-by-case basis, but only *after* the period of lockdown to be implemented from midnight on 26 March 2020.

Holders of diplomatic, official/service passports and travel documents issued by international organisations (including their family members), accredited to the Republic of South Africa, will be excluded from the travel restrictions. Crew members of aircraft and cargo ships, as well as cross-border rail and road transportation workers, are also excluded from the travel restrictions. However, such travelers will be subjected to medical screenings and can be isolated or quarantined for a minimum period of 14 days, if required. Again, this will now only apply after the lockdown, applicable from 26 March 2020.

International Travellers

All international travellers, including South African citizens entering South Africa, will be required to complete and submit the prescribed Health Form and hand it to the Health officials and Immigration officers upon their arrival. South African citizens returning from high-risk countries will automatically be placed under quarantine for 14 days. Furthermore, international travellers who arrived in South Africa after 9 March 2020, from high-risk countries will be confined to their hotels until they have completed a 14-day period of quarantine.

Temporary Measures for Foreign Nationals

Any foreign national who originates from a country affected by the COVID-19 virus outbreak or who needs to transit to a country affected by COVID-19 and is already present in the Republic of South Africa, whose temporary residence visa is due to expire or has already expired, will be allowed to re-apply for such visa *after* the lockdown period comes to an end. The visa may be issued/extended until 31 July 2020.

Foreign nationals who hold temporary residence visas that expired between 31 December 2019 and 31 March 2020, will also be allowed to re-apply for the relevant visa after lockdown comes to an end. Holders of visas that expired from 31 December 2019 will be allowed to re-apply without having to obtain a FORM 20 (Authorisation for an illegal foreigner to remain in the country pending an application for status). This will only apply to foreign nationals who were admitted legally into the Republic. This is applicable until further notice, after lockdown.

Where a foreign national is unable to meet some of the prescribed visa requirements for a temporary residence visa, the applicant may apply for a waiver of such requirements from the Minister of Home Affairs.

It is imperative to note, that applicants will not be allowed to apply for a change of status or conditions of their visa.

Other Precautionary Measures

- Effective immediately, all non-essential travel for all spheres of government outside of the Republic is prohibited.
- The government discourages all non-essential domestic travel, particularly by air, rail, taxis, and bus.
- Effective immediately, South African citizens are advised to refrain from all forms of travel to or through the European Union, United Kingdom, United States, and other identified high-risk countries such as the People's Republic of China, Iran, and South Korea.
- Gatherings of more than 100 people are prohibited.
- Mass celebrations of upcoming national days, such as Human Rights Day and other large government events have been cancelled.
- All schools have been closed from Wednesday, 18 March, 2020, until further notice.
- Visits to all correctional centres were suspended for 30 days with immediate effect.

Lockdown Measure: More Detail

The announcement, on 23 March 2020, by the president of the South Africa for a 21-day nationwide lockdown will have a wide-ranging impact on businesses, freedom of movement, and many aspects of daily life.

The nationwide lockdown entails the following measures:

- From midnight on Thursday, 26 March until midnight on Thursday 16 April, all people in South Africa will have to stay at home.
- Health workers in the public and private sectors, emergency personnel, those in security services – such as the police, traffic officers, military medical personnel, soldiers – and other persons necessary to response to the pandemic are exempted from the lockdown. This will also include those involved in the production, distribution, and supply of food and basic goods, essential banking services, the maintenance of power, water and telecommunications services, laboratory services, and the provision of medical and hygiene products.
- Individuals will not be allowed to leave their homes except under strictly controlled circumstances, such as to seek medical care, buy food, medicine and other supplies, or collect a social grant.
- Temporary shelters that meet the required hygiene standards will be identified for homeless people and sites are also being identified for quarantine and self-isolation for people who cannot self-isolate at home.
- All shops and businesses will be closed, except for pharmacies, laboratories, banks, essential financial and payment services, including the JSE, supermarkets, petrol stations, and health-care providers.
- Companies that are essential to the production and transportation of food, basic goods, and medical supplies will remain open.
- The South African National Defence Force (SANDF) has been deployed to support the South African Police Service (SAPS) in making sure that the measures are implemented. A public health management programme will be implemented which will significantly increase screening, testing, contact tracing and medical management.
- Additional restrictions and measures are being implemented daily, and this is a fluid situation – public announcements are being made every day.

FOOTNOTES:

1 For addresses, speeches, and actions undertaken by South Africa's president related to COVID-19, see: <http://www.thepresidency.gov.za/>.

Also, for additional information on measures taken by the South African government to combat COVID-19, including news of President Ramaphosa's announcement of a 21-day lockdown effective midnight on Thursday, March 26, 2020, see these webpages of the U.S. Embassy in South Africa: <https://za.usembassy.gov/message-to-american-citizens-regarding-national-lockdown-march-23-2020/> and <https://za.usembassy.gov/covid-19-information/>.

See also: Department of Health, South Africa:

<http://www.health.gov.za/index.php/outbreaks/145-corona-virus-outbreak/465->

Department of Home Affairs:

<http://www.dha.gov.za/>

2 Coronavirus-outbreak – For any inquiries related to this Travel Advisory, contact the 24 hours operations centre of the Department of International Relations and Cooperation at +27 12 351 1000. Information is also available on the website of the Department of International Relations and Cooperation at www.dirco.gov.za.

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Contact us

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* Please note that KPMG LLP (U.S.) does not provide immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

The information contained in this newsletter was submitted by the KPMG International member firm in South Africa.

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