

GMS Flash Alert

Immigration Edition

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South Africa – Addressing Backlog of Waiver Applications and Temporary Residence Visas

On 29 March 2023, South Africa's Department of Home Affairs ("DHA") extended the concession for pending long-term visa applications as well as waiver applications to address the existing backlog in the processing of outcomes¹. The build-up of pending applications has been ongoing since the COVID-19 pandemic which resulted in the DHA implementing temporary measures in order to accommodate those awaiting visa outcomes.

WHY THIS MATTERS

The DHA is experiencing severe backlogs, and this has resulted in significant numbers of foreign nationals being unable to extend their current work visas or apply for new visas.

The temporary relief under the concession allows them to work in South Africa on an ongoing basis, despite the lack of a valid visa.

For Applicants Awaiting Waiver Outcomes

The result of the concession is that long-term visa or waiver applicants are permitted to legally remain in the Republic until 31 December 2023, pending the finalisation of their applications. Those who wish to travel out of South Africa and return on passports issued by countries that are not visa exempted, are required to apply for a visitor's visa to return to South Africa until their applications have been finalised.

KPMG INSIGHTS

This concession is only relevant to applicants who submitted an application via VFS before or on 31 March 2023. It has been advised that those who wish to abandon their applications can depart from South Africa on or before 31 December 2023, without being declared “undesirable.”

For Applicants Awaiting Temporary Residence Visas

Holders of long-term visas, who are part of the 62,962 applications pending with the DHA, will be granted an extension until 31 December 2023. It is noteworthy to mention that applicants are not to engage in any activities outside of the conditions stipulated on their visas. An individual who wishes to travel out of South Africa and return on a passport issued by a country that is not visa exempted, is required to apply for a visitor's visa to return to South Africa until his/her application has been finalised.

KPMG INSIGHTS

Once again, should a foreign national wish to abandon his/her submission, the foreign national may depart from South Africa on or before 31 December 2023 without being declared “undesirable.”

For Applicants Awaiting Short-term Visas

All visitors who applied for short-term visa extensions whose validity was issued for less than 90 days, are excluded from this concession. Those who had not received their visa extensions by 31 March 2023, were required to depart by 30 April 2023.

KPMG INSIGHTS

Considering the above, affected individuals should take note of the 15-month timeframe (or longer) that the Department of Home Affairs has indicated it will take to clear the backlog of all pending applications.

If there is any confusion or there are any questions about next steps one should take in light of the backlog and the inability to be timely compliant, visa holders and/or their employers should contact their qualified immigration counsel or a member of the Immigration team with KPMG in South Africa (see the Contacts section).

FOOTNOTE:

1 Department of Home Affairs: <http://www.dha.gov.za/>.

Circular: Temporary Measures in respect of Foreign Nationals in Light of a Backlog Experienced in Processing Outcomes on Waiver Applications and Visa Applications.

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in South Africa:



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** Please note the KPMG International member firm in the United States does not provide immigration or labour law 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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