

# GMS Flash Alert

## Immigration Edition

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# South Africa - Immigration Concession Extended: Temporary Measures Due to Backlog

With the continued visa application backlog challenges facing the South African Department of Home Affairs and the need to address the impact of the pending visas, waivers, and appeal applications, the Minister of the Department of Home Affairs has approved the extension of the temporary concession of affected foreign nationals until 30 June 2024.<sup>1</sup>

## WHY THIS MATTERS

The South African Department of Home Affairs is still experiencing severe visa application backlogs which has caused a degree of anxiety amongst employers and foreign nationals who are unable to extend their current work visas or apply for new visas. Employers are also experiencing severe challenges impacting business due to the lack of valid work visas. (For related coverage, see [GMS Flash Alert 2023-100](#), 16 May 2023.)

This temporary concession, effective December 2023, allows foreign nationals who have pending long-term visas, waivers, and appeal applications to continue to reside and work in South Africa on their current visa conditions pending the decision of their applications. Any reference to the Immigration Act refers to the Immigration Act No13 of 2002, as amended.

## Pending Waivers

- Visa holders who have applied for a waiver application and which is still pending as of 30 November 2023, are to be granted a further temporary extension until 30 June 2024.
- Those who wish to abandon their waiver applications and depart from South Africa, should be allowed to exit at the port of entry before or on 30 June 2024, without being declared “undesirable.”

- Those who need to travel but are still awaiting the outcome of the waiver application, should be allowed to exit and re-enter at the port of entry without being declared undesirable. Applicants from visa-exempt countries are allowed to enter the Republic of South Africa through their visa-exemptions; however, non-visa-exempt applicants who travel out of the country will be required to apply for a “port of entry” visa. Upon departure, applicants with pending waiver applications submitted on or before 30 November 2023, must present the “proof of submission” receipt of their waiver applications from the Visa Facilitation Services (VFS) Global office to the immigration officials.

## Pending Long-Term Visas

- Visa holders who have applied for long-term visas (Visitor’s visas in terms of Section 11(1)(b) and Section 11(6) of the Immigration Act, business visas, study visas, relative’s visas and work visas) and to the extent the visa is still pending as at 30 November 2023, these visa holders are granted a further temporary extension until 30 June 2024.
- Applicants are not allowed to engage in any activity other than what their visa conditions provide for. Applicants who wish to abandon their visa applications, should be allowed to exit at the port of entry on or before 30 June 2024, without being declared undesirable and those who need to travel but are still awaiting their outcome should be allowed to exit and re-enter up to and including 30 June 2024, without being declared undesirable.
- Applicants from visa-exempt countries are allowed to enter the Republic of South Africa through their visa exemptions; however, non-visa-exempt applicants who travel out of the country will be required to apply for a port of entry visa. Visa holders who have submitted long-term visa applications and still pending as at 30 November 2023, must present their proof of submission receipt of their long-term visa applications from the Visa Facilitation Services (VFS) Global office to the immigration officials upon their departure from the Republic of South Africa.

## Pending Appeal Applications

- Visa holders who have appealed a negative decision in relation to an application for a long-term visa (Visitor’s visas in terms of Section 11(1)(b) and Section 11(6) of the Immigration Act, business visas, study visas, relatives visas, and work visas) are also granted a temporary extension until 30 June 2024.
- Applicants are not allowed to engage in any activity other than what their visa conditions provide for and applicants who wish to abandon their visa appeal applications, should be allowed to exit at the port of entry on or before 30 June 2024, without being declared undesirable.
- Visa appeal applicants who need to travel, but are still awaiting the outcome of their appeal applications for their long-term visas, should be allowed to exit and re-enter the Republic of South Africa up to and including 30 June 2024, without being declared undesirable. Applicants from visa-exempt countries are allowed to re-enter the Republic of South Africa based on their countries’ visa exemptions; however, non-visa-exempt applicants who travel out of the country will be required to apply for a port of entry visa to be allowed re-entry into the country.
- All appeal applicants are required to produce a copy of the rejection letter with a receipt from the VFS Global offices for their appeal applications upon departure and re-entry.

## Pending Short-Term Visas

- Short-term visa holders issued in terms of Section 11(1)(a) of the Immigration Act for 90 days or less, up to and including 30 November 2023, who applied for a renewal but have not yet received their visa renewal outcome by 23 February 2024, must make arrangements to depart from South Africa on or before 29 February 2024.

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## KPMG INSIGHTS

With the ongoing visa processing and resource challenges facing the South African immigration authorities, temporary solutions, largely in the form of concessions (e.g., waivers) and extensions, are being implemented.

Given the state of flux and the various ways the authorities are attempting to handle the delays and backlogs – which have caused much concern for companies wishing to bring foreign nationals into the country for work (and those that are currently in the country on expiring visas) – it is advisable that mobile employees and/or their employers consult with their qualified immigration adviser or a member of the KPMG Immigration team with KPMG in South Africa (see the Contacts section).

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## FOOTNOTE:

1 See the announcements on the Department of Home Affairs [website](#):

[http://www.dha.gov.za/images/PDFs/Concession\\_Document\\_2023.pdf](http://www.dha.gov.za/images/PDFs/Concession_Document_2023.pdf) .

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## Contact us

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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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