

KPMG

GMS Flash Alert

Immigration

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South Africa – Minister Waives 60-Day Advance Visa Filing Requirement

South Africa's Minister of Home Affairs, Dr. L.A. Schreiber, issued Immigration Directive No. 13 of 2026, granting a waiver from the requirement to submit certain visa applications at least 60 days before the applicant's existing visa expires.[1]

The directive, signed on October 2, 2026, applies to visa-extension applications and applications to change visa status or conditions. It also addresses certain pending applications and appeals involving noncompliance with the previous 60-day filing requirement.

WHY THIS MATTERS

The waiver provides procedural relief to foreign nationals who submit an application fewer than 60 days before their existing visa expires. Under the directive, an application is not to be rejected solely because it was submitted after the former 60-day filing point. The relief is subject to an important condition: the application is to be submitted while the applicant's existing visa remains valid. The directive does not provide relief when the visa has already expired before the application is filed.

Employers and global mobility teams may therefore have additional flexibility when managing applications approaching the 60-day point. However, they may need to continue monitoring visa-expiry dates because filing before the existing visa expires remains central to the applicant's immigration position.

Background

Before the directive was issued, Regulation 9(8)(c) of the Immigration Regulations required an application to extend a visa under section 10(7) of the Immigration Act, 2002, to be submitted at least 60 days before the existing visa expired. Regulation 9(5)(a) applied the same advance-filing period to applications for a change of visa status or conditions. According to the directive, these provisions produced unintended consequences. Following representations made to the Minister, the Minister exercised the authority provided under section 31(2)(c) of the Immigration Act to waive the 60-day requirement.

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Key Highlights

Scope of the Waiver

Immigration Directive No. 13 of 2026 covers:

- pending applications for a visa extension;
- pending applications for a change of visa status or conditions;
- pending appeals involving an application that was submitted fewer than 60 days before visa expiry; and
- future applications submitted to the Department of Home Affairs while the applicant's existing visa remains valid.

The waiver relates specifically to compliance with the 60-day advance-filing requirement. Applicants remain subject to the other substantive and procedural requirements applicable to their visa category or requested change.

Filing Before Visa Expiry

The directive distinguishes between filing within 60 days of visa expiry and filing after the visa has expired.

An applicant may benefit from the waiver when the application is filed fewer than 60 days before expiry but while the existing visa is still valid. If the visa expires before the application is submitted, section 32(1) of the Immigration Act, read with Regulation 30(1) of the Immigration Regulations, may apply.

The directive therefore removes the 60-day advance-filing threshold but does not extend the validity period of an existing visa or provide relief from the provisions governing an unlawful stay.

Pending Applications and Appeals

The waiver also applies to pending applications and certain pending appeals involving failure to comply with the former 60-day requirement.

Applicants whose cases remain pending may wish to confirm whether the Department of Home Affairs has applied the directive to their applications. Those with pending appeals may wish to verify whether failure to satisfy the 60-day requirement was the sole or principal basis for the original decision.

The directive does not indicate that an application becomes approvable merely because the 60-day filing issue has been addressed. The Department of Home Affairs may still consider whether the applicant satisfies the other requirements applicable to the visa extension or requested change.

KPMG INSIGHTS

The directive changes the filing framework by removing the requirement to lodge covered applications at least 60 days before the existing visa expires. It does not remove the requirement to file while the visa remains valid. This distinction is relevant for employers and global mobility teams. Although an application submitted within the final 60 days of visa validity may now proceed without a waiver request based solely on its filing date, an application submitted after visa expiry may raise separate overstay and immigration-status considerations.

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Employers, affected individuals, and others might wish to consider the following actions:

- Employers could identify pending applications and appeals that were affected by the former 60-day requirement and confirm their current status with the relevant immigration adviser.
- Employers may review visa-expiry tracking records for foreign-national employees and dependants to identify cases approaching expiry.
- Global mobility teams could update internal filing guidance to distinguish between the waived 60-day requirement and the continuing requirement to submit the application before visa expiry.
- Applicants may verify that their existing visas remain valid on the date their applications are submitted.
- Applicants with pending appeals could review whether the appeal relates specifically to the former 60-day filing requirement or also involves other eligibility or documentation issues.
- HR and mobility teams may communicate the change to affected employees without suggesting that the directive extends an expired visa or provides automatic approval of an application.
- Employers may retain evidence of the application date, submission receipt, existing visa, and visa-expiry date in the relevant immigration records.

If assignees and/or their programme managers have any questions or concerns about the scope of the update, its application and potential impacts, and appropriate next steps, they should consult with their qualified professional or a member of the GMS team with KPMG in South Africa (see the Contacts section).

ENDNOTE:

1 Republic of South Africa Minister of Home Affairs, “Immigration Directive 13 of 2026,” dated 2 October 2026 (not yet published on the official government website).

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Contacts

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

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