INFORMATION SESSION:

THE MANAGEMENT OF IMMIGRATION FOR INTERNATIONAL STUDENTS & WORKERS

ROYAL ELEPHANT

DATE: 22 – 24 AUGUST 2018
IMMIGRATION ACT, No. 13 OF 2002

IMPLICATIONS FOR INSTITUTIONS OF HIGHER LEARNING
International Education

International education can mean many different things and its definition is debated. Some have defined two general meanings according to its involvement of students.

The first refers to education that transcends national borders by the exchange of people, for example, by students travelling to study at an international branch campus, as part of a study abroad program or as part of a student exchange program.

The second is a comprehensive approach to education that intentionally prepares students to be active and engaged participants in an interconnected world.
International Education

The International Baccalaureate defines the term according to criteria such as the development of citizens of the world in accordance to culture, language, and social cohesion, building a sense of identity and cultural awareness, encrypting recognition and development of universal human values, encourage discovery and enjoyment of learning, equip students with collectivist or individualistic skills and knowledge that can be applied broadly, encourage global thinking when responding to local situations, encourage diversity and flexibility in teaching pedagogies and supply appropriate forms of assessment and international benchmarking.
FUN FACTS
QS WORLD UNIVERSITY RANKINGS

Universities continue to be evaluated according to the following six metrics:

1. Academic Reputation (40%)
2. Employer Reputation (10%)
3. Faculty/Student Ratio (20%)
4. Citations per faculty (20%)
5. International Faculty Ratio (5%)
6. International Student Ratio (5%)
1000 of the world’s top universities in 85 countries

1. Massachusetts Institute of Technology (MIT)
2. Stanford University
3. Harvard University
4. California Institute of Technology (Caltech)
5. University of Cambridge
6. University of Oxford
7. UCL (University College London)
8. Imperial College London
9. University of Chicago
10. ETH Zurich (Swiss Federal Institute of Technology)
## BRICS COUNTRIES

1. China: Tsinghua University – ranked 25\textsuperscript{th}

2. Russia: Lomonosov Moscow State University – 95th

3. Brazil: Universidade de Sao Paulo USP – 121\textsuperscript{st}

4. India: Indian Institute of Technology Delhi (IITD) – 172nd

5. South Africa: University of Cape Town – 191st
A total of 17 African universities are featured in the QS World University Rankings® 2019, with the majority (nine) of these found in South Africa.
<table>
<thead>
<tr>
<th>Rank</th>
<th>University Name</th>
<th>Country</th>
<th>World Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>University of Cape Town</td>
<td></td>
<td>joint 200th</td>
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<tr>
<td>2</td>
<td>University of the Witwatersrand</td>
<td></td>
<td>joint 381st</td>
</tr>
<tr>
<td>3</td>
<td>Stellenbosch University</td>
<td></td>
<td>joint 405th</td>
</tr>
<tr>
<td>4</td>
<td>The American University in Cairo: Egypt</td>
<td>Egypt</td>
<td>joint 420th</td>
</tr>
<tr>
<td>5</td>
<td>Cairo University: Egypt</td>
<td>Egypt</td>
<td>521-530</td>
</tr>
<tr>
<td>6</td>
<td>University of Johannesburg</td>
<td></td>
<td>Up from 601-650 to 551-560</td>
</tr>
<tr>
<td>7</td>
<td>University of Pretoria</td>
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<td>Ranked 561-570</td>
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<tr>
<td>8</td>
<td>Ain Shams University: Egypt</td>
<td>Egypt</td>
<td>701-750</td>
</tr>
<tr>
<td>9</td>
<td>University of Kwazulu Natal</td>
<td></td>
<td>751-800</td>
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<tr>
<td>10</td>
<td>Al Akhawayn University Ifrane: Morocco</td>
<td>Morocco</td>
<td>801-1000</td>
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<tr>
<td>10</td>
<td>University of Nairobi</td>
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<td>not ranked</td>
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<td>10</td>
<td>Assuit University</td>
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<td>not ranked</td>
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<tr>
<td>10</td>
<td>Alexandria University</td>
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<td>not ranked</td>
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<td>10</td>
<td>Al-Azhar University</td>
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<td>not ranked</td>
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<tr>
<td>10</td>
<td>North West university</td>
<td></td>
<td>not ranked</td>
</tr>
<tr>
<td>10</td>
<td>Rhodes University</td>
<td></td>
<td>not ranked</td>
</tr>
<tr>
<td>10</td>
<td>University of the Western Cape</td>
<td></td>
<td>not ranked</td>
</tr>
</tbody>
</table>
In 2012, similar to enrolments (65.5%), South Africans of all races constituted 66.5% (1,249) of all doctoral graduates, while international students constituted a 33.5% (630) share.

The fastest growing group of graduates were students from the rest of Africa, with an average annual growth rate of 18.3%, which was three-and-a-half times faster than the South African group.

Seven years after registration, the completion rate for all international students was 47%, compared to 45% for South African students.

In 2012, students from 59 countries around the globe obtained a PhD in South Africa. Zimbabwe (142), Nigeria (76), Kenya (43), Uganda (29) and Ethiopia (23) produced 50% of the international PhD graduates, with the United States (23) in sixth place.

In 2012, African graduates (821) for the first time in the history of South Africa exceeded white graduates (816).

MORE MILLIONAIRES COME FROM WITS THAN ANY OTHER UNIVERSITY IN AFRICA.
GO FURTHER WITH WITS.
FACTSHEET: IMMIGRATION

According to StatsSA South Africa is estimated to receive a net immigration of 1,02 million people between 2016 and 2021.

Most international migrants settle in Gauteng (47,5%) while the least are found in the Northern Cape province (0,7%). Gauteng is considered the economic hub of the country, attracting international migrants as well as domestic migrants from rural provinces such as Limpopo, KwaZulu-Natal and Eastern Cape.

People migrate for a number of reasons; these can be categorised under economic, social-political, cultural or environmental.

These categories also relate to what is known as “push” or “pull” factors. The economic strength of Gauteng relates to “pull” factors that influence its attractiveness to migrants.

Gauteng receives the highest number of in-migrants for the period 2016 to 2021. Better economic opportunities, jobs, and the promise of a better life are some of the factors that make Gauteng an attractive destination.
The Western Cape receives the second highest number of in-migrants for the period 2016 to 2021.

In this instance, the “push” factors are what may drive people from the Eastern Cape (EC) towards the Western Cape.

Poor economic activity and lack of job opportunities are strong push factors for migration.

According to the Quarterly Labour Force Survey for the first quarter of 2018, the EC had the highest unemployment rate in the country at 35.6%.
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

Language used in the Bill of Rights – *everyone and every citizen*

Preamble and section 1: *sovereignty*

Section 2 – supremacy of the Constitution – the *rule of law*

Section 21 – freedom of movement and residence *vis-à-vis* the “perceived” right of entry, to reside and move freely within the Republic

– Subsections (1) and (2) uses the term “everyone”

– Subsection (3) and (4) uses the term “every citizen”
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

Section 27 – Health care, food, water and social security – this right is available to everyone including non-South African citizens

Section 28 – best interest of the child criterion: available to all children – citizens and foreign children within the Republic

Section 29 – right to basic education: basic education and adult basic education available to everyone

Section 36 – Limitation of rights: government purpose and the principle of rationality
Section 231 deals with international agreements – binds the Republic only after it has been approved by resolution in both the NA and NCOP unless if it is a technical, administrative or executive nature or an agreement which does not require either ratification or accession...

Section 232 deals with customary international law: is law in the Republic unless if it is inconsistent with the Constitution or an Act of Parliament

Section 233 deals with application of international law

Section 239 defines an organ of state
To provide for the regulation of admission of persons to, their residence in, and their departure from the Republic; and for matters connected therewith.

Aims at setting in place a new system of immigration control which ensures that –

Security considerations are fully satisfied and the State retains control over the immigration of foreigners to the Republic.

Interdepartmental coordination and public consultations enrich the management of immigration.

Economic growth is promoted through the employment of needed foreign labour, foreign investment is facilitated, the entry of exceptionally skilled or qualified people is enabled, skilled human resources are increased, academic exchanges within the Southern African Development Community is facilitated and tourism is promoted.

The South African economy may have access at all times to the full measure of needed contributions by foreigners.

The contribution of foreigners in the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African workers.

A policy connection is maintained between foreigners working in South Africa and the training of our citizens.
The SADC Protocol on Education and Training (1997)

The SADC Protocol on Education and Training (1997) makes a specific provision for facilitating the mobility of students and academics in the region for the purpose of study, research, teaching and any other pursuits relating to education and training. The key stipulations in this regard are:

- that higher education institutions should reserve at least 5% of admissions for students coming from SADC nations other than their own;

- that higher education institutions should treat students from the SADC countries as home students for purposes of tuition fees and accommodation

The SADC Protocol was ratified by the South African Government in 2000. It was thus an early position on the internationalisation of higher education by the South African government.
Documents to temporarily sojourn in Republic

Upon admission, a foreigner, who is not a holder of a permanent residence permit, may enter and sojourn in the Republic only if in possession of an enabling document issued by the Director-General for a prescribed period.

For the purpose of study at an Institution of Higher Learning one of the following documents is required:

- STUDY VISA
- SECTION 11(6) VISITORS VISA
- WORK VISA
- EXCHANGE VISA
- LSP – LESOTHO SPECIAL PERMIT
- ZSP – ZIMBABWE SPECIAL PERMIT
- ASP – ANGOLAN SPECIAL PERMIT
- ASYLUM SEEKERS PERMIT
- REFUGEE PERMIT
Study visa

13. (1) A study visa may be issued, in the prescribed manner, to a foreigner intending to study in the Republic for a period not less than the period of study, by the Director-General: Provided that such foreigner complies with the prescribed requirements.

(2) The holder of a study visa may conduct certain work as prescribed.

As prescribed: 12 (3) The holder of a study visa at a higher education learning institution as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997) may conduct part-time work for a period not exceeding 20 hours per week.

A study visa issued in terms of the Act shall automatically lapse if the holder thereof fails to register or is de-registered with the learning institution at any time during the period for which his or her visa has been issued or, if any of the undertakings referred to in sub-regulation (1)(b) are not met. (an undertaking by the Registrar)
# PRESCRIBED REQUIREMENTS: STUDY VISA

<table>
<thead>
<tr>
<th>Documents Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duly completed online form. Handwritten forms will not be accepted by Department of Home Affairs.</td>
</tr>
<tr>
<td>Valid passport which expires in no less than 30 days after expiry of the intended date of departure from the Republic</td>
</tr>
<tr>
<td>The application is being submitted in person, no less than 60 days prior to the expiry date of the applicant’s visa and if the visa was issued for less than 30 days, not later than seven working days before the expiry of the visa.</td>
</tr>
<tr>
<td>A yellow fever vaccination certificate if that person travelled or intends travelling from or transiting 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)</td>
</tr>
<tr>
<td>Police clearance certificate issued by the police or security authority in each country where the relevant applicant resided for 12 months or longer after attaining the age of 18 years, in respect of criminal records or the character of that applicant, which certificate <strong>shall not be older than six months</strong> at the time of its submission: (Provided that the certificate shall not be required from a foreign country in the case of renewal or extension of a visa but from the Republic)</td>
</tr>
</tbody>
</table>
# PRESCRIBED REQUIREMENTS: STUDY VISA

- A medical report not older than 6 months
- A radiological report. Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women;
- Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country of the applicant (where applicable).
- Court order granting full or specific parental responsibilities and rights, where applicable.
- Death certificate, in respect of late spouse, where applicable.
- Written consent from both parents and full parental responsibilities, where applicable.
- Proof of adoption where applicable.
- Legal separation order, where applicable.
- **An official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course.**
- **An undertaking by the Registrar or Principal of the learning institution.**
Prescribed Requirements:

A Police Clearance Certificate:

_means a certificate issued by the police or security authority in each country where the relevant applicant resided for 12 months or longer after attaining the age of 18 years, in respect of criminal records or the character of that applicant, which certificate shall not be older than six months at the time of its submission._

 Provided that the certificate shall not be required from a foreign country in the case of renewal or extension of a visa_
PREScribed REQUIREMENTS: STUDY VISA

As part of the continuous service improvement and efficiency, the Department of Home Affairs has introduced a Biometric background check service which is linked to the South African Police Service database.

This service is provided at a value added cost of R175.00 (incl. VAT) and has replaced the requirement to submit the manual police clearance certificates obtained from SAPS.

Applicants are to note that this process only applies to the RSA Police clearance. Where the applicant is required to submit a police clearance from the country of origin the current procedure remains unchanged.

South African Police clearance will be validated upon biometric enrolment at the VFS center effective as of 01 October 2016 at a fee of R175 (Inclusive of Vat) Per Applicant.
Prescribed Requirements

- **Sponsored Students:** in the case of a foreign state accepting responsibility for the applicant in terms of a bilateral agreement, a written undertaking from such foreign state to pay for the departure or deportation/repatriation of the applicant;

- **Medical Aid Cover:** proof of medical cover renewed annually for the period of study with a medical scheme registered in terms of the Medical Schemes Act;

- **Students Accompanying Parents:** an undertaking by the parents or legal guardian that the learner will have medical cover for the full duration of the period of study;

- **Unaccompanied Student:** proof of sufficient financial means available to the learner whilst resident in the Republic.
“Proof of sufficient financial means” means proof by means of-

- a three months bank statement;
- cash available to the applicant,

Provided that the amount shall not be less than the amount determined annually by the Minister by notice in the Gazette; (Minimum R3 000.00)

- travellers' cheques;

No More Repatriation Deposits

- an undertaking, supported by a bank statement or salary advice, by a South African citizen or PR holder that he or she will be hosting the applicant and accepting responsibility for the costs related to the maintenance and removal of the applicant from the Republic; or

- in the case of learners or students, an undertaking to the learning institution for payment of all fees and accommodation from a bursary scheme or scholarship or parents
EXCHANGE VISA

STUDENT EXCHANGE PROGRAM
EXCHANGE

🎓 English definition: an act of giving one thing and receiving another (especially of the same kind) in return

🎓 In Chess: a move or short sequence of moves in which both players capture material of comparable value, or particularly the exchange in which one captures a rook in return for a knight or bishop.
An exchange visa may be issued by the Director-General to a foreigner—

Participating in a programme of cultural, economic or social exchange, organised or administered by an organ of state or a learning institution, in conjunction with a learning institution or an organ of a foreign state, provided that—

such organ of state or learning institution reports to the Director-General on the stages and the completion of the relevant programme together with other prescribed information; and

it may be prescribed that, in respect of certain programmes, upon expiration of such visa such foreigner may not qualify for a status until he or she has complied with the requirement of a prescribed period of physical presence in his or her foreign country or of domicile outside the Republic; or

who is under 25 years of age and has received an offer to conduct work for no longer than one year: Provided that—

the prospective employer certifies that the position exists, and has committed himself or herself to—
- pay such foreigner remuneration which complies with applicable legal requirements;
- provide for the welfare and the needs of such foreigner while in the Republic under the aforesaid visa
EXCHANGE VISAS & TYPES OF BI-LATERAL ACADEMIC AGREEMENTS

South African Higher education institutions face increasing numbers of requests for joint offerings of academic programmes.

The benefits for South Africans and South African higher education institutions in collaborative/partnership programmes with one or more international partner universities lie in the extent that these enhance quality and contribute to knowledge production.

The signing of the Code of Good Practice for Outbound and Inbound International Students is a pre-condition for Higher education institutions enrolling international students or sending South African students on international exchange programmes.
EXCHANGE VISAS & TYPES OF BI-LATERAL ACADEMIC AGREEMENTS

Four principal types of collaborative qualifications can be distinguished, namely:

Type 1: Collaborative Qualifications, termed “co-badged degrees” by some institutions

These are collaborative/partnership programmes in terms of which a part of the curriculum is offered by a partner (or partners), but where the degree is (a) accredited at and (b) awarded by the enrolling institution only. The awarding institution recognises the contribution of one or more other institutions by a reference on the degree certificate (which may include the name(s) and/or badge(s) of the other participant(s))

Type 2: Two separate degrees completed consecutively, with the possibility of (limited) credit transfer / recognition.

This is learning that leads to two degrees usually completed consecutively, where work done at each of the two institutions involved is recognised as part, but not more than half, of the work required by the other institution.

South African higher education institutions can enter into agreements where two degrees are completed consecutively, where the work done at each of the two institutions involved is recognised as part, but not more than half, of the work required by the other institution.
Type 3: Collaborative/partnership programmes termed “joint degrees”

The offering of joint degrees at undergraduate level, or any other qualifications at any level other than the masters and doctoral levels, is not allowed. Public and private higher education institutions may offer joint degrees at masters and doctoral levels with partner institutions outside the borders of South Africa.

The offering of joint degrees is limited to collaborative/partnership programmes between South African higher education institutions and partner institutions in other countries.

Type 4: Collaborative/partnership programmes termed double or dual degrees

Double degrees are defined in the Policy Framework as the outcome of programmes of study offered collaboratively by two higher education institutions (A and B) in terms of a programme partnership agreement that may feature jointly-developed integrated curricula and agreed-upon credit recognition.

The offering of double degrees (Type 4) by South African public and private higher education institutions is not permitted.
SECTION 11(6) VISITORS VISA

Visa’s may be issued to a foreigner who is the spouse of a citizen or permanent resident and who does not qualify for any of the visas contemplated in sections 13 to 22: Provided that—

(a) such visa shall only be valid while the good faith spousal relationship exists;

(b) on application, the holder of such visa may be authorised to perform any of the activities provided for in the visas contemplated in sections 13 to 22
SPECIAL DISPENZATION PERMITS

**LSP**: LESOTHO SPECIAL PERMIT

**ZEP**: ZIMBABWE SPECIAL PERMIT

**ASP**: ANGOLAN SPECIAL PERMIT
ASYLUM SEEKERS
Section 22 Permit of the Refugees Act: Allows the applicant to sojourn in the Republic temporarily, subject to any conditions, determined by the Standing Committee, which are not in conflict with the Constitution or international law and are endorsed by the Refugee Reception Officer on the permit.

Conditions: **Work & Study**
REFUGEE PERMIT

 позволяет лицу, подавшему заявление, временно находиться в Республике, при этом соблюдаются любые условия, установленные Комитетом, которые не противоречат Конституции или международному законодательству и утверждены приемником беженцев.

 Беженцы - это лица, имеющие полное правовое обеспечение, включая права, предусмотренные Главой 2 Конституции и право остаться в Республике в соответствии с условиями, установленными настоящим Делением;

 подлежит подаче заявления на получение вида на жительство в соответствии с Законом об иммиграции, через пять лет непрерывного проживания в Республике с момента предоставления убежища, если Комитет подтверждает, что он или она останется беженцем непродолжительно.
DOCUMENTS REQUIRED FOR

@ A UNIVERSITY
INTERNATIONAL EMPLOYEES IN UNIVERSITIES
## INTERNATIONAL EMPLOYEES IN UNIVERSITIES

Upon admission, a foreigner, who is not a holder of a permanent residence permit, may enter and sojourn in the Republic only if in possession of an enabling document issued by the Director-General for a prescribed period.

For the purpose of work at an Institution of Higher Learning one of the following documents is required:

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL WORK VISA</td>
<td></td>
</tr>
<tr>
<td>CRITICAL SKILLS WORK VISA</td>
<td></td>
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<tr>
<td>SECTION 11(6) VISITORS VISA</td>
<td></td>
</tr>
<tr>
<td>SECTION 11(1)(b) VISITORS VISA</td>
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<tr>
<td>LSP – LESOTHO SPECIAL PERMIT</td>
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<tr>
<td>REFUGEE PERMIT</td>
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</tbody>
</table>
GENERAL WORK VISA
GENERAL WORK VISA

An application for a general work visa shall be accompanied by a certificate from the Department of Labour confirming that:

- 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;

- the applicant has qualifications or proven skills and experience in line with the job offer;
CRITICAL SKILLS WORK VISA

An application for a critical skills work visa shall be accompanied by proof that the applicant falls within the critical skills category in the form of

- a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(0) of the National Qualifications Framework Act, or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience;

- if required by law, proof of application for 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; and

- proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.
A visitor’s visa may be issued to a foreigner who is the spouse of a citizen or permanent resident.
such visa shall only be valid while the good faith spousal relationship exists;

on application, the holder of such visa may be authorised to perform any of the activities provided for in the visas contemplated in sections 13 to 22
SECTION 11(1)(b) VISITORS VISA

11(1)(b): May be issued by the Director-General upon application for any period which may not exceed three years to a foreigner who has satisfied the Director-General that he or she controls sufficient available financial resources, which may be prescribed, and is engaged in the Republic in

- an academic sabbatical; (ii) voluntary or charitable activities; (iii) research; or (iv) any other prescribed activity
POST-DOCTORAL FELLOWS

\[ P_{(n=1)} + E_{(n\geq2)} + R + T - U_l^{(\infty)} \]

\[ P = \text{Point}, \quad E = \text{Evidence}, \quad R = \text{Relevance}, \quad T = \text{Unrelated Ideas}, \quad \text{and} \quad G.P. = \text{Good Paragraph} \]
LSP – ZEP & ASP PERMITS

In terms of section 31(2)(b) of the Immigration Act, 2002 (Act No 13 of 2002), Upon application, the Minister may under terms and conditions determined by him or her grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision.
LSP – ZEP & ASP PERMITS

CONDITIONS:
- Entitles the holder to conduct work/employment
- Permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in the RSA
- Is not renewable/extendable
- Permit holder cannot change conditions of his/her permit in South Africa
ASYLUM SEEKER & REFUGEE PERMITS

\..\..\..\IEASA - Asylum Seeker Permit.docx

\..\..\..\IEASA - Refugee Permit.docx
IMMIGRATION ACT NO. 13 OF 2002

Responsibilities for University Registrars
Prescribed institutions or persons other than organs of state may, in the prescribed manner, be required to endeavour to ascertain the status or citizenship of the persons with whom they enter into commercial transactions, as prescribed, and

shall report to the Director-General any illegal foreigner, or any person whose status or citizenship could not be ascertained

provided that such requirement shall not prevent the rendering of services or performance to which illegal foreigners and foreigners are entitled under the Constitution or any law.
Other Institutions

38. (1) The institutions or persons contemplated in section 45 of the Act are—

(a) banking and other financial institutions, including micro financiers;

(b) estate agents and insurance companies and brokers;

(c) private hospitals and clinics;

(d) employment agencies;

(e) institutions recognised through a process of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008); and

(f) learning institutions.
COMPLIANCE
Learning Institutions

39. (1) No learning institution shall knowingly provide training or instruction to—

   (a)   an illegal foreigner;
   (b)   a foreigner whose status does not authorise him or her to receive such training or instruction by such person; or
   (c)   a foreigner on terms or conditions or in a capacity different from those contemplated in such foreigner’s status.

(2) If an illegal foreigner is found on any premises where instruction or training is provided, it shall be presumed that such foreigner was receiving instruction or training from, or allowed to receive instruction or training by, the person who has control over such premises, unless prima facie evidence to the contrary is adduced.
prescribed requirements:  

(a) an official letter confirming provisional acceptance or acceptance at that learning institution and the duration of the course;

(b) an undertaking by the Registrar of the learning institution to—

(i) provide proof of registration as contemplated in the relevant legislation within 60 days of registration; or

(ii) in the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration;

(iii) within 30 days, notify the Director-General that the applicant is no longer registered with such institution; and

(iv) within 30 days, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study;
UNDERTAKING BY THE REGISTRAR OR PRINCIPAL OF THE LEARNING INSTITUTION

**Regulation 12(b)(i)**
**60 Day Proof of Registration**
Provide proof of registration as contemplated in the relevant legislation within 60 days of registration

**Regulation 12(b)(ii)**
**7 Day Failure to Register Report**
In the event of failure to register by the closing date, provide the Director-General with a notification of failure to register within 7 days of the closing date of registration

**Regulation 12(b)(iii)**
**30 Day De-registration Report**
Within 30 days of de-registration, notify the Director-General that the applicant is no longer registered with such institution

**Regulation 12(b)(iv)**
**30 Day Completion of Studies Report**
Within 30 days of completion of studies, notify the Director-General when the applicant has completed his or her studies or requires to extend such period of study
UNDESIRABILITY

A person who overstays after the expiry of his or her visa, as contemplated in section 30(1)(h) of the Act, may-

- in the case of a person who overstays for a period not exceeding 30 days, be declared undesirable for a period of 12 months

- in the case of a person who overstays for the second time within a period of 24 months, be declared undesirable for a period of two years; and

- in the case of a person who overstays for more than 30 days, be declared undesirable for a period of five years.

NB: An applicant may apply to the Minister to waive any of the grounds of undesirability in terms of section 30(2) of the Act if they are able to show good cause.
COMPLIANCE MATTERS
SECTION 42: AIDING & ABETTING ILLEGAL FOREIGNERS

42. (1) Subject to this Act, and save for necessary humanitarian assistance, no person, shall aid, abet, assist, enable or in any manner help —

(a) an illegal foreigner; or

(b) a foreigner in respect of any matter, conduct or transaction which violates such foreigner’s status, when applicable, including but not limited to —
SECTION 42: AIDING & ABETTING ILLEGAL FOREIGNERS

(i) providing instruction or training to him or her, or allowing him or her to receive instruction or training;

(ii) issuing to him or her a licence or other authorisation to conduct any business or to carry on any profession or occupation;

(iii) entering into an agreement with him or her for the conduct of any business or the carrying on of any profession or occupation;

(iv) conducting any business or carrying on any profession or occupation in cooperation with him or her;
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(v) assisting, enabling or in any manner helping him or her to conduct any business or carry on any profession or occupation;
(vi) obtaining a licence or other authority for him or her or on his or her behalf to conduct any business or to carry on any profession or occupation;
(vii) doing anything for him or her or on his or her behalf in connection with his or her business or profession or occupation;
(viii) harbouring him or her, which includes providing accommodation; or
SECTION 42: AIDING & ABETTING ILLEGAL FOREIGNERS

(ix) letting or selling or in any manner making available any immovable property in the Republic to him or her.
SECTION 42(2): CRIMINAL PROCEEDINGS

(2) In any criminal proceedings arising out of this section, it is no defence to aver that the status of the foreigner concerned, or whether he or she was an illegal foreigner, was unknown to the accused if it is proved that the accused ought reasonably to have known the status of the foreigner, or whether he or she was an illegal foreigner.
(3) Anyone who knowingly employs an illegal foreigner or a foreigner in violation of this Act, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year:

Provided that such person’s second conviction of such an offence shall be punishable by imprisonment not exceeding two years or a fine, and the third or subsequent convictions of such offences by imprisonment not exceeding five years without the option of a fine.
SECTION 43: OBLIGATION OF FOREIGNERS
SECTION 43: OBLIGATION OF FOREIGNERS

A foreigner shall—

(a) abide by the terms and conditions of his or her status, including any terms and conditions attached to the relevant visa or permanent residence permit, as the case may be, by the Director-General upon its issuance, extension or renewal, and that status shall expire upon the violation of those terms and conditions; and

(b) depart upon expiry of his or her status.
THANK YOU FOR YOUR ATTENTION!!
Thank You!