

# Proposed **VISA** facilitation service

*Changes coming up in the way visa applications are handled.*

**By Tarryn Pokroy Rietveld**

**T**he purpose of this article is to provide some information as to the proposed Visa Facilitation Service that will be outsourced to VFS by the Department of Home Affairs in South Africa. At the time of writing this article, the Immigration Regulations had not yet been finalised and the Amendment Act not yet brought into operation. Nonetheless, the information applicable to the Visa Facilitation Service remains the way forward in respect of initial interaction on behalf of the Department of Home Affairs by foreign nationals in South Africa.

**The cities that will be opening VFS offices will be Rustenburg, Polokwane, Kimberley, Nelspruit, Pretoria, Bloemfontein, Port Elizabeth, Cape Town, George, Durban and Johannesburg.**

Regulation 9(3) of the proposed Immigration Regulations states that “wherever a Visa Facilitation Service for South African visas is established, an applicant for any visa ... must submit such

application in person to such visa facilitation service”.

This brings two new elements into place, in respect of the establishment of the Visa Facilitation Service on behalf of the Department of Home Affairs. First of all, it will mean that applications made by foreign nationals, will no longer be lodged at the Department of Home Affairs regional offices. The function of receiving and collecting applications will now only be made to the Visa Facilitation Service offices that will be opening all around South Africa. The cities that will be opening VFS offices will be Rustenburg, Polokwane, Kimberley, Nelspruit, Pretoria, Bloemfontein, Port Elizabeth, Cape Town, George, Durban and Johannesburg.

VFS already attends to certain processes on behalf of the Department of Home Affairs for our South African Embassies abroad currently operating in India, China, Nigeria, Angola, Ghana, Kenya and the Democratic Republic of Congo.

One of the unfortunate implications of VFS being brought into operation for this purpose is that, apart from the Department of Home Affairs Government fee that is payable in respect of a large majority of the temporary and permanent residence applications, VFS will now also be charging their own fee, which fee has yet to be confirmed, in respect of each and every individual application lodged. VFS offers a user pay service in this way.

Whereas the spouses of South African citizens, under our current legislation, have never been subjected to an administrative fee on the basis of their marriage to a South African citizen, they will now be charged in respect of the application process as a result of the fee charged by VFS.

VFS will have two possible options in respect of the lodgement of applications and that will be by way of walk-in applications. Alternatively, it will be possible to book an appointment online. Booking

an appointment online will carry an additional cost as this will be an additional service offered by VFS. Furthermore, their additional services, which will also come at a cost, will include a VIP waiting lounge and SMS tracking.

VFS have advised that the turnaround time from walking into their office to lodgement of an application should take no longer than 30 to 45 minutes. At present, through our local Home Affairs regional offices, it is often the case that it can take almost an entire day just to lodge an application for a temporary residence permit. Whether this promise can indeed be kept is still something to be seen.

The employees assisting at VFS offices around South Africa will only be trained in respect of the documentation checklist provided to them by the Department of Home Affairs in respect of each category of application. Accordingly, these officials will not be able to assist in respect of any advisory functions. In the case of any Immigration advice, they will refer applicants either to the Department of Home Affairs or to an Immigration Attorney. Furthermore, these officials will also have no discretionary function in respect of the documentation lodged. All discretion and decision making in respect of the application process will remain with the Department of Home Affairs. VFS will merely be acting as a delivery point for applications and a collection point once applications have been finalised.

Where an application does not contain all the required documentation mentioned on their checklists, the applicant will be advised and required to sign a disclaimer confirming that they understand that they have not met the requirements but wish to submit the application nonetheless.

At present, VFS is running under the assumption that they will be receiving around 100,000 applications per annum and are equipping their VFS offices to be able to handle this capacity. Again, you will simply have to wait and see whether they will indeed be equipped for the amount of applications that they will be processing. Based on the current backlogs that the Department of Home Affairs is currently presented with, it certainly is difficult to see a light at the end of this tunnel based on the proposed model of these VFS offices and the functions that they will serve.

The second point that is brought into issue as a result of the extract provided above from the Immigration Regulations is that an applicant must submit an application in person to such VFS office.

This is specifically as a result of the biometrics that VFS offices will be capturing onto their database on behalf of the Department of Home Affairs. Accordingly, the applicant is required to attend at the VFS office at time of lodgement of the application.

**Members of the public will no longer have direct access to Department of Home Affairs officials in respect of queries relating to applications.**

This is also in light of the repeal of Section 46 from the Immigration Act which removed the section relating to Immigration Attorneys and Immigration Practitioners being able to lodge applications on behalf of clients. While the applicant is indeed required to attend at the VFS office at time of lodgement of the application, this can still be together with their Immigration Attorney. Immigration Attorneys are still entitled to make all follow ups on the application on behalf of clients through to finality. In addition, they are still able to attend to collection of the finalised application once the process through the Department of Home Affairs has been completed.

Furthermore, it is important to note that, with VFS offices representing the Department of Home Affairs in respect of accepting applications, members of the public will no longer have direct access to Department of Home Affairs officials in respect of queries relating to the applications. As mentioned above, VFS offices will not provide any advisory services and applicants will be referred to the Department of Home Affairs or to their Immigration Attorneys, should they have one.

At the time of writing this article, the intended date as given by the Department of Home Affairs for these VFS offices coming into operation is 01 June 2014. ■

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