

BREAKING NEWS

COVID-19 PANDEMIC RAISE COMPLEX ISSUES SURROUNDING THE ISSUANCE AND EXTENSION AND WITHDRAWAL OF VISAS

The COVID-19 epidemic “Corona Virus” has wreaked havoc worldwide with the travel restrictions that have been posed by numerous countries, these restrictions having been designed to combat further transmission of the virus.

A fair amount of confusion has become apparent as to the visa technicalities thereof, and many travellers, many seeking to go back to their countries of Citizenship are sitting in limbo.

The State President of the Republic of South Africa declared the COVID-19 pandemic to be a State of National Disaster which has now been formally proclaimed on the 16th March 2020.

In his speech the State President defined the “*high risk*” countries to be Italy, Iran, Spain, Federal Republic of Germany, USA, United Kingdom, France, Swiss Confederation and China as well as the European Union. Travel is discouraged if not impossible for persons departing from those countries.

South African Citizens returning from high risk countries will be subjected to testing and self-isolation or quarantine on return to South Africa.

On the 17th March 2020 an Immigration Directive was issued by the Minister of Home Affairs which clarifies some of the technicalities, to which we confine ourselves, relating to Visas.

The Minister of Home Affairs has dealt with this under 2-headings, the first of them being **in-bound travellers** and **foreign nationals already present in South Africa**.

For convenience we therefore deal with this under the above mention categories.

In-Bound Travellers

The first provision contained in the Immigration Directive is that the Visa exemptions previously granted in terms of Section 10(A)4(a) of The Immigration Act which was granted to Citizens of Italy, Iran, South Korea, Spain, Germany, United States, United Kingdom are with immediate effect withdrawn. This means that the hitherto provision that nationals from those countries could enter South Africa for 90-days on a Visitor’s Vis without restriction, is no longer applicable until the storm surrounding COVID-19 is officially declared over. This means that any national from those countries who proceeds to any Port of Entry to South Africa will not be granted an entry Visa into South Africa.

A second provision is that those countries who are classified as “*medium risk*” such as Portugal, Hong Kong and Singapore, and who wishes to visit the Republic of South Africa is with immediate effect required to apply for an appropriate Visa. In addition to the normal supporting Visa documents such an applicant is also required to submit a Medical Report attesting to the fact that they have not tested positive for the COVID-19 virus and this document must form part of the Visa supporting documentation.

The third point raised by the Minister in the Directive relates to any Port of Entry Visa that was issued to Citizen of the Republic of China or that of Iran on or before the 15th March 2020 is with immediate effect cancelled and withdrawn.

The fourth point raised is that any foreign national whose Passport contains evidence that they have visited one of the “*high risk*” countries since the 15th March 2020 will not be issued with a Port of Entry Visa to South Africa.

Foreign nations already present in the Republic

Under this heading the situation covers foreign nationals who are in South Africa and who originate from one of the high risk countries, in order to reach their country of destination and origin needs to transit the country affected by the COVID-19 virus and who is in the invidious position of having their Visa/Temporary Residence Visa about to expiry or where it has already expired , will be allowed to re-apply for their Visa provided that they meet the requirements.

Persons in this category will be granted Visas up until the 31st July 2020 upon application.

Where a foreign national is unable to meet the requirements they can apply to the Minister of Home Affairs in terms of Section 31(2)(c) of The Act for a waiver of any of these requirements. It is important however to note that no application for change of status or conditions will be entertained by the department.

The second issue covered in the Directive relates to persons who emanating from one of the high risk countries referred to and is the holder of a Temporary Residence Visa which has already expired since the 1st December 2019, and whose Visa will be expiring in March 2020 will be allowed to re-apply for such Visa without having to first obtain an authorisation or “*legalisation*’/ form 20 pending the outcome of their application for a Visa.

Finally, it is vital to also note that all of the above will only apply to persons who arrived in South Africa legally with a proper valid and legal entry stamp or Visa on their Passports.

Should you have any further queries please do not hesitate to contact our office as we are geared to assist.

Our office is gearing up to “*social distancing*” and instead of one on one consultations will do pre-booked appointments via Skype conference.

Please feel free to complete the section on the website dealing with making an appointment on-line for a consultation.

We do understand that the scenario is confusing but appeal to our clients and potential clients not to panic but rather adhere to the guidelines of the World Health Organisation regarding hand sanitisation, “*social distancing*” and to refrain from attending any public gatherings.

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