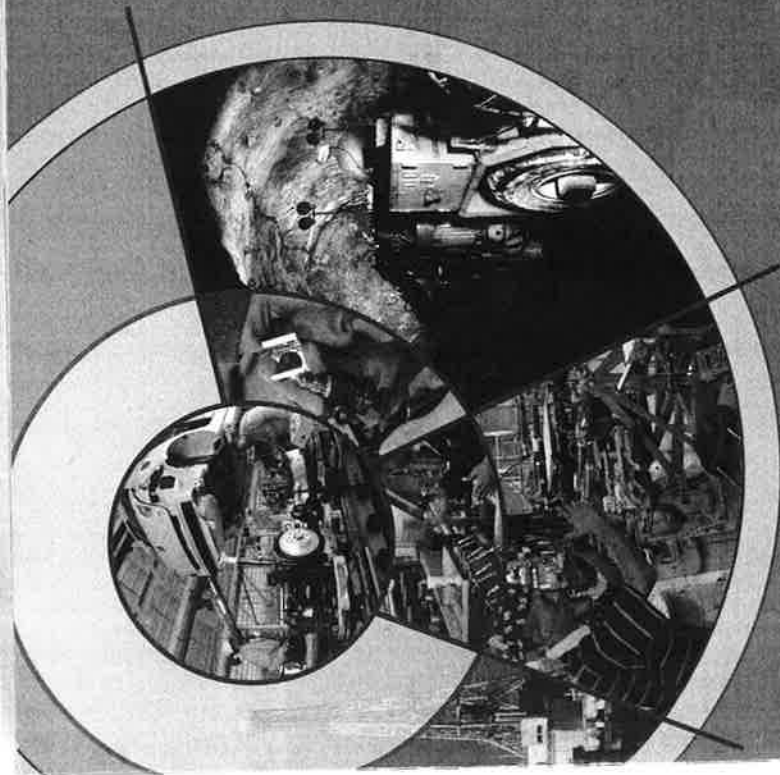


# Critical Skills Work Visa

An adjudicator's handbook



*Ma Care!*



**home affairs**  
Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

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# INTRODUCTION

In providing for the regulation of admission of foreigners to, their residence in, and their departure from the Republic and for matters connected therewith, the Immigration Act aims at setting in place a new system of immigration control which ensures that:

- a) visas and permanent residence permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, and without consuming excessive administrative capacity;
- b) 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 are facilitated and tourism is promoted;
- c) the South African economy may have access at all times to the full measure of needed contributions by foreigners.

The Department of Home Affairs (DHA) is entrusted with a dual mandate by the country's Constitution of 1996. The first mandate deals with the secure determination of the identity and status of citizens and the provision of related enabling documents.

The second mandate is to effectively manage immigration in the interest of security, economic, social and cultural development. With regard to the second mandate, the top government priority is to grow the economy and create meaningful jobs.

A major obstacle to achieving this goal is critical gaps in the skills required in key sectors of the economy. The country needs to recruit skilled international migrants in order to close this gap while accelerating the training of our workforce.

In 2014 the Minister of Home Affairs published the Critical Skills List in the Government Gazette. This list also informs the Department of Home Affairs' strategy for the admission of migrants to South Africa on the basis of their skills as required by the Government's decision to import critical skills as well as by the Immigration Act of 2002 as amended.

## Purpose of this handbook

The purpose of this handbook is to provide the standard operating procedures for Immigration Officials, Critical Skills Visa Adjudicators and South African Consular Officials to follow when receiving, handling, processing and finalising work visa applications for a Critical Skills Visa.

# TEMPORARY RESIDENCE VISA

## 1. GENERAL REQUIREMENTS AND CRITERIA PERTAINING TO ALL TEMPORARY RESIDENCE VISAS

### 1.1 REQUIREMENTS FOR FIRST TIME APPLICANTS OUTSIDE SOUTH AFRICA

1.1.1 An application for any visa referred to in section 11 up to and including Sections 20 and 22 of the Act shall be made on Form 8 illustrated in Annexure A of the Immigration Regulations, together with all supporting documents and accompanied by:

- a) A valid passport in respect of each applicant;
- b) 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;
- c) a medical and radiological report in respect of each applicant, excluding applicants for the visa contemplated in section 11(1)(a) of the Act: (Provided that a radiological report shall not be required in respect of children under the age of 12 years or pregnant women);

- d) In respect of dependent children accompanying the applicant or joining the applicant in the Republic, proof of parental responsibilities and rights or written consent in the form of an affidavit from the other parent or legal guardian, as the case may be;
- e) In respect of a spouse accompanying the applicant or joining the applicant in the Republic, a copy of a marriage certificate or proof of a relationship as contemplated in Regulation 3; and
- f) payment of the applicable application fee.

1.1.2 Any applicant for any visa referred to in Regulation 9(1) must submit his or her application in person to:

- a) any foreign mission of the Republic where the applicant is ordinarily resident or holds citizenship; or
- b) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of any country in which a mission of the Republic has not been established.

1.1.3 Any applicant for a visa may be requested to be interviewed at the relevant South African mission whenever it appears to any official processing his or her application that it is necessary to do so.

1.1.4 The documents contemplated in Regulation 9(1) shall be:

- a) originals or copies authenticated by the issuing authority of the country of origin; and
- b) translated into one of the official languages of the Republic, where applicable, and certified as a correct translation by a sworn translator at the expense of the applicant.

## 1.2 REQUIREMENTS FOR CHANGE OF CONDITIONS, EXTENSIONS AND RENEWAL OF APPLICATIONS WITHIN SOUTH AFRICA

### 1.2.1 Application for Change of Status

1.2.1.1 A foreigner who is in the Republic and applies for a change of status or terms and conditions relating to his or her visa shall-

- (a) submit his or her application, on Form 9 illustrated in Annexure A of the Immigration Regulations, no less than 60 days prior to the expiry date of his or her visa; and
- (b) provide proof that he or she has been admitted lawfully into the Republic,

**NB:** Provided that no person holding a visitor's or medical treatment visa may apply for a change of status to his or her visa while in the Republic, unless exceptional circumstances set out in sub-regulation (9) exist.

### 1.2.2 Application for Extension/Renewal of a Current Valid Visa

1.2.2.1 An application for an extension contemplated in section 10(7) of the Act shall be:

- (a) made on Form 10 illustrated in Annexure A, as the case may be;
- (b) accompanied by an affidavit by the applicant attesting to having complied with his or her existing visa, the terms and conditions attached thereto and the laws of the Republic;
- (c) submitted in person at any office of the Department no less than 60 days prior to the expiry date of his or her visa; and

- (d) made if the visa was issued for less than 30 days, not later than seven working days before the expiry of the visa.

## 1.3 INDIVIDUAL TERMS AND CONDITIONS ON VISAS

1.3.1 The individual terms and conditions contemplated in section 10(5) of the Act with regard to a visa shall relate to, but not be limited to:

- (a) limitations on the type of activities that may be undertaken in the Republic;
- (b) the places where the activities contemplated in paragraph (a) may be undertaken;
- (c) the types of commercial activity that may be practised;
- (d) the submission of proof of sufficient financial means;
- (e) limitations on the period of the visit or the validity of the visa; or
- (f) cancellation of the visa in the event the holder has been convicted of any offence under the Act or any other law.

## 1.4 ADDITIONAL REQUIREMENTS PERTAINING TO A CRITICAL SKILLS WORK VISA

1.4.1 An applicant for a critical skills work visa shall submit:

- (a) a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary; and
- (b) a police clearance certificate.

1.4.2 The employer shall ensure that the passport of his or her employee is valid at all times for the duration of his or her employment.

1.4.3 An application for a critical skills work visa shall be

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accompanied by proof that the applicant falls within the critical skills category in the form of:

- (a) a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(f) of the National Qualifications Framework Act, or any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience;
- (b) 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
- (c) proof of evaluation of the foreign qualifications by SAQA and translated by a sworn translator into one of the official languages of the Republic.

1.1.4 A critical skills work visa shall be issued for a period not exceeding five years.

#### **1.4 SPOUSE AND DEPENDENT CHILDREN OF AN APPLICANT/HOLDER OF A CRITICAL SKILLS WORK VISA**

1.5.1 A spouse and dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa.

#### **1.5 UNDERTAKING BY THE EMPLOYER OF A CRITICAL SKILLS WORK VISA APPLICANT/HOLDER**

1.6.1 In terms of section 19(5) of the Act, the relevant employer shall ensure that:

- (a) a foreigner is only employed in the specific position for which the visa has been issued;
- (b) the foreign employee will at all times comply with the provisions of the Act and conditions of his or her visa and undertakes to immediately notify the Director-General if the employee refuses to comply with the provisions of the Act or conditions of the visa.

# SOUTH AFRICAN MISSIONS

## 2. APPLICATION MANAGEMENT: SOUTH AFRICAN MISSION

- 2.1 Any applicant for a critical skills work visa must submit his or her application in person to:
- (a) any mission of the Republic in the country of the applicant's normal residence, which includes permanent residence and long-term temporary residence; or
  - (b) any mission of the Republic in the country of which the applicant holds a valid passport; or
  - (c) any mission of the Republic that may from time to time be designated by the Director-General to receive applications in respect of any country in which a mission of the Republic has not been established.

**NB:** Provided that when good cause exists, any mission other than a mission referred to in Regulation 10(2)(a) or (b) may accept that application, in which case that mission may refer the application to the mission contemplated in Regulation 10(2)(a) or (b) for comment or processing.

- 2.2 If entering the Republic for purposes of a visa contemplated in section 11(1)(a) of the Act,
- a) provide a residential address of the intended place of stay within the Republic and the business, residential or physical address of his or her host in the Republic; and
  - b) undertake to report any change of his or her address, and that of his or her host in the Republic, at the nearest Office of the Department within 48 hours of

- c) any change of such address or addresses; provide proof of settlement, in the form of a receipt, of any outstanding administrative fine imposed under section 50(1) of the Act prior to its amendment by section 25(a) of the Immigration Amendment Act, 2011 (Act No. 13 of 2011);
- d) submit to the immigration officer Form 4 illustrated in Annexure A; and
- e) subject himself or herself to biometric verification prior to admission into the Republic and upon departure from the Republic.

## 3. RECEIVING OF APPLICATIONS: SOUTH AFRICAN MISSION

### 3.1 Before Accepting and Considering an Application:

Ensure that everything as mentioned in paragraph 1 and 4 was received. Do the following preliminary check on the passport:

- a) Scrutinize the passport, for the following:
  - i. Acceptability of the passport/ travel document;
  - ii. Validity of the passport/ travel document;
  - iii. Authenticity of the passport/ travel document;
  - iv. The nationality of the passport/ travel document to determine if a person is visa exempted or not;
  - v. Is the nationality subject to the visa fee or not;
  - vi. Applicant's previous travels;
  - vii. Any previous to current visas for South Africa endorsed in the passport – are they authentic;
  - viii. Ensure that the applicant did not overstay on their previous visit to South Africa. If they did overstay then the applicant would consequently be subject to an administrative fine in terms of the Regulations before amendment. Fines are no longer accepted;
  - ix. In case of outstanding fines, establish if there



- is proof of settlement, in the form of a receipt, of any outstanding administrative fine imposed under section 50(1) of the Act prior to its amendment by section 25(a) of the Immigration Amendment Act, 2011 (Act No. 13 of 2011).
- b) Ensure that if the applicant was previously declared an undesirable person, has complied with section 30(2) of the Act;
  - c) Ensure that the supporting documents as per the checklist on Annexure A are submitted;
  - d) Check the applicant's name against the visa and entry stop list. The visa system automatically checks the person's name against the list, in the evaluation field;
  - e) Where computers are down or if application is being made at a Mission which is not yet computerised, applicant's names should be forwarded to a computerised mission for checking if no other means are available.
  - f) Write the word "BLOK" which means "Black List OK" on the application if the name does not appear on the list.
  - g) Ensure that the supporting documentation submitted is authentic. If any **fraudulent documentation** is detected the full personal details of the applicant must be referred to Head Office to consider the placement of the person's name on the visa and entry stop list for monitoring purposes.

#### 4. ADJUDICATION PROCEDURES AT THE SOUTH AFRICAN MISSIONS

- 4.1 There are two methods according to which visas are issued:
  - 4.1.1 on the visa system (computer issued visa); and
  - 4.1.2 manually issued visa (handwritten label).

#### 1.1.1 ADJUDICATION ON THE ELECTRONIC VISA SYSTEM (COMPUTER ISSUED VISA)

##### Step 1: Register Field (done by local staff (LRP))

- After initial scrutiny of the documentation, accept the application. If incomplete documentation was received by mail, it must be returned with a notice of why it was not accepted.
- Affix bar-coded sticker to the:
  - Cover page of the passport
  - Application form
  - Receipt
- Register the application on the system.

##### Step 2: Capture Screen (done by local staff (LRP))

- Capture the applicant's personal details from the passport/ travel document, and crucial information on the application form, on the visa system.

##### Step 3: Consideration of the application (Transferred DHA/DIRCO official)

- Visa applications may only be considered / approved / refused by the **transferred Home Affairs official, Foreign Affairs Assistant or Head Office's visa section.**
- Visa and entry stop list and problematic cases must be referred to Home Affairs Sub-directorate: Visas Control for consideration. Referrals and recommendations to Head Office must be complete and accompanied by the supporting documentation.
- If a person is not a resident in the country in which he/she is applying, refer the application to the Mission in his/her country of residence for a recommendation. Where the applicant has been on a long-term temporary residence permit in the country the application need not be referred.

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- If South Africa is not represented in the country where the application must be referred to, the application must be considered locally unless the Mission requires Head Office to investigate.
- The **validity of the visa [expiry date]** is to enable the foreigner to have sufficient time to enter the RSA. The conditions on the visa will then regulate his stay in the country. Therefore **visas must be endorsed with the period of the intended stay**, e.g.: "To secure employment in the category of Life & Earth Sciences as a Paleontological Specialist" within 12 months".
- Kindly note that Missions must, as a rule, issue **multiple entry visas** and ensure that single entry visas are only issued in exceptional cases, when the foreigner must be restricted to one entry into the RSA, e.g. deportees.
- Determine if a deposit must be levied and request it.

#### Step 4: Evaluation Field

- Note that **only the transferred Home Affairs official or Foreign Affairs Assistant (authorised officer) may have access to this field** on the visa system.
- This screen includes an automatic search against two control lists namely the visa and entry stop list and the Mission's internal control list.
- The Mission must keep the latter updated.
- Capture the decision on the visa system: Approve / Refer / Deny / Complete / Pending.
- Indicate if a deposit was levied or not.

#### Step 5: Printing the visa

- Print approved visa and insert the complete control number e.g. A0123456 in the required field. Note that each visa must be endorsed at conditions with the period the foreigner may reside in the RSA, e.g.: "To

*secure employment in the category of Life and Earth Sciences as a Bio-informatician within 12 months* .

- Authorized officers must confirm that data on the passport, application form and visa label correlates.
- Sign the visa label.
- Affix the visa label on a clean page as provided for in the passport. (Note that no office stamps to be endorsed on or next to the label).

**Note:** Visas cannot be amended or removed once affixed. A new visa must be issued if a mistake was made and the incorrect label must be endorsed with "**endorsed in error**".

#### Step 6: Refusing an application

- The authorized officer may refuse an application that does not meet the requirements of the Regulations.
- Visa fees are not refundable as it is a processing fee.
- Applicants may appeal in writing within 10 days. A new application and applicable fee must be submitted.
- When the application has been refused, the official must endorse the passport accordingly: "**Visa applied for**" along with the official's initials and the Mission stamp.
- Inform the applicant in writing of the reasons for the refusal of the application.

#### Step 7: Dispatch Field

- Scan the barcode on the application form using the despatch option to finalize records.

#### Step 8: Transfer

- At the end of each day the information should be transferred electronically to Head Office, for onward transmission to the South African ports of entry. This is very important as the security of the visa label is built into the system.

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**Step 9: Handing over the passport/ travel document and filing**

- Ensure that the applicant / travel agent checked that the visa was correctly issued and understands it, especially the visa expiry date and conditions under which he / she will be admitted to the RSA.
- File the application according to office procedure.

**Note:** Should you experience any technical problem with the visa system or with the transmission of information, kindly contact the following sub-directorate: Information & Deportation Co-ordination Unit for assistance. Alternatively please contact the Foreign Office Co-ordination (FOC) official allocated to your region at Home Affairs Head Office.

- Fill in the visa label at the open spaces provided. Note that each visa must be endorsed at "conditions" with the period the foreigner may reside in the RSA, e.g.: "To secure employment in the category of Life and Earth Sciences as a Bio-informatician within 12 months".
- Authorized officers must confirm that the data on the passport, application form and visa label correlates.
- Sign the visa label
- Affix the visa label on a clean page as provided for in the passport. Note that no office stamps are to be endorsed on or next to the label.
- Furthermore, a visa cannot be amended or removed once affixed. A new visa must be issued if a mistake was made and the label must be endorsed "endorsed in error."

**1.1.2 MANUAL ADJUDICATION (HANDWRITTEN-MANUALLY ISSUED VISA)**

**Step 1: Register**

- After initial scrutiny of the documentation accept the application. If incomplete documentation was received by mail, it must be returned with a notice of why the application was not accepted.
- Record the information manually in a register.

**Step 2: Consideration of the application**

- Please refer to step 3 under 4.1.1.

**Step 3: Issuing of the handwritten label**

- Note that only the transferred Home Affairs official or Foreign Affairs Assistant (authorised officer) may issue the visa.

**Step 4: Handing over the passport/ travel document and filing**

- Ensure that the applicant / travel agent checked that the visa was correctly issued and understands it, especially the visa expiry date and conditions under which he / she will be admitted to the RSA.
- File the application and passport according to office procedure.

**Note:** Computerised missions must inform Head Office and local airlines when hand written visas are issued to prevent innocent applicants from being refused boarding or entry into the RSA.

# HOME AFFAIRS PRETORIA

## 5. APPLICATION PROCEDURES WITHIN SOUTH AFRICA

**Note:** Within South Africa, applications are received and accepted through Visa Facilitation Services (VFS) centres and forwarded to the adjudication hub at Home Affairs Headquarters.

- 5.1 Any applicant for a critical skills work visa must submit his or her application in person to:
- any Visa Application Centre in the Republic that may from time to time be designated by the Director-General to receive applications in respect of extensions, renewals, rectification, visa transfer, appeals, and change of conditions.

- 5.2 The application process at the Visa Facilitation Centre is as follows:

### Step 1:

- a) The applicant should visit the Department of Home Affairs website ([www.dha.gov.za](http://www.dha.gov.za)) for more information.
- b) After obtaining the required information, the applicant should apply for a visa or permit online on the VFS Website ([www.vfsglobal.com/dha/southafrica](http://www.vfsglobal.com/dha/southafrica)).
- c) The applicant should follow the steps below to apply for a visa or permit at the Centre:
  - i. Fill and complete the correct online form.
  - ii. Schedule an appointment after completing the application form.
  - iii. Pay relevant fees by EFT.

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- iv. Prepayment can be done using the VFS banking details that are online or by Credit / Debit card at the VFS centre.
- v. No payments will be collected in cash at the Visa Facilitation Centre.
- vi. The applicant should check that all the required documents for the critical skills work visa are available as per the Immigration Regulations.

### Step 2:

- a) On the day of his/her appointment, the applicant should arrive at the Visa Facilitation Centre at least 15 minutes before the allocated time. The applicant must bring his/her appointment letter and original supporting documents, along with a valid passport or travel document.
- b) On arrival at the Visa Facilitation Centre, the applicant should collect a token and wait until his/her token is called to submit his/her application.
- c) Once the visa application process is completed, the applicant will be issued with an acknowledgment receipt. It is very important that the applicant keeps the receipt safe as it will be required later to collect the outcome of their application. The Home Affairs outcome/decision will only be handed over on submission of this receipt.

### Step 3:

- a) The applicant's fingerprints and digital photograph will be taken at the Visa Facilitation Centre. This includes a digital finger scan (all 10 digits) and a digital photograph. The finger scan procedure uses an electronic scanner. No ink, liquid or chemical.

- b) The applicants should ensure that their fingertips are free from any forms of decoration (for example, henna, cuts, abrasions or other markings) as these may affect their ability to provide acceptable finger scans. The digital photograph should be taken with full face and without sunglasses or tinted spectacles, or head covering unless it is worn for religious or medical reasons.
- c) The applicant's face should be clearly visible with no hair across the eyes. VFS will not be able to accept the application if the applicant does not submit the required biometric information. Where applicable, all children and infants will also provide their biometric data as required by the Department of Home Affairs.
6. **RESPONSIBILITIES OF THE APPLICANT**
- On submission of an application, the applicant must satisfy the Consular Official or Visa Application Centre Official that he or she:
- i. is not an illegal foreigner by producing a valid passport and port of entry visa, if applicable;
  - ii. is not a prohibited person by proving that he or she complies with the provisions of section 29 of the Act;
  - iii. if previously declared an undesirable person, has complied with section 30(2) of the Act; and
  - iv. is not in contravention of the Act by producing a visa commensurate with the activities to be undertaken by him or her in the Republic.

**Important note:** Applications are scanned and transmitted electronically via a secure server from VFS to DHA. The applicant will not be able to submit further documents once the application has been submitted to DHA. The documents that the applicant submitted at the time of application at VFS will be the only documents that are considered during adjudication.

**Step 4:**

- a) The applicant should choose whether they would prefer to collect their application outcome/decision in person at the Visa Facilitation Centre or have a representative collect the decision on their behalf. Original passport is required to collect the decision. In the event that the original passport is not available at the time of collection, VFS Global shall not handover the decision to the applicant or representative.
- b) A representative needs to carry an authorization letter with the name of the applicant and the applicant's passport number followed by name and ID number of the representative collecting the application. The representative is required to carry a copy of the ID along with authority letter which will be retained by VFS Global.
- c)

## ADJUDICATION PROCEDURES AT THE VISA & PERMIT HUB: DHA HEAD OFFICE, PRETORIA

### 7. ADJUDICATIONS PROCESS: HOME AFFAIRS HEAD OFFICE

- Within South Africa, applications are received and accepted through Visa Facilitation Services (VFS) centres and forwarded to the adjudication hub at Home Affairs Headquarters.
- At the adjudication hub the applications are received electronically through a secure server.
- The applications are then distributed into the inbox of each adjudicator by the supervisor via a system known as Visa Adjudication System (VAS)
- There are two functional roles on VAS, namely, Supervisor and Adjudicator.

#### 7.1 VAS Supervisor: Procedure for allocating files for adjudication

- I. Receive the applications on the Visa Adjudication System (VAS)
- II. Check any pending applications in the adjudicator's inbox
- III. Re-assign any pending applications if necessary
- IV. Check the queue for any unprinted outcomes
- V. Assign the daily target of electronic applications per Adjudicator

#### 7.2 VAS Adjudicator: Procedure for Adjudication

- On receipt of the electronic files the Adjudicator must:
- a) Check the applicant's passport copy and verify on the Movement Control System (MCS) if there is any outstanding administrative fine(s) for overstaying in the country.
  - b) In case of outstanding fines, establish if there is proof of settlement, in the form of a receipt, of any outstanding administrative fine imposed under section 50(1) of the Act prior to its amendment by section 25(a) of the Immigration Amendment Act, 2011 (Act No. 13 of 2011) Ensure that if the applicant was previously declared an undesirable person, has complied with section 30(2) of the Act.
  - c) After the initial scrutiny of the entire application, the Adjudicator:
    - i. Must establish that the applicant has attached the necessary proof that he or she falls within the critical skills category that he or she is applying for.
    - ii. This should be done by confirming that the occupation or critical skill that the applicant is applying for is on the Critical Skills List
    - iii. Must satisfy himself or herself that the applicant has submitted the required supporting documents as per the checklists on **Annexure A and Annexure B** (whichever is applicable).
    - iv. Scrutinise the supporting documents including the information provided by the applicant with a view to satisfying himself or herself that, on

the face of it, the passport, current temporary residence visa, qualifications and other documents, as the case may be, belong to the person presenting them and that the applicant has a legal status in the Republic.  
If necessary, confirm and verify the authenticity of any supporting documents with the issuing authority or institution.  
Make a decision to Reject / Approve or Refer to Law Enforcement (Inspectorate) based on the outcome of the above process.

- v.
- vi.
- vii. **Print the outcome/decision of the application.**

### 7.3 In Case of an Approval

7.3.1 The Adjudicator must issue a visa sticker with individual terms and conditions contemplated in section 10(5) of the Act with regard to but not limited to:

- a) limitations on the type of activities that may be undertaken in the Republic;
- b) the places where the activities contemplated in paragraph (a) may be undertaken;
- c) the types of commercial activity that may be practised;
- d) **the submission of proof of sufficient financial means;**
- e) limitations on the period of the visit or the validity of the visa; or
- f) cancellation of the visa in the event the holder has been convicted of any offence under the Act or any other law.

7.4 Approval of Applicant Accompanied by Spouse or Dependent Children

- a) if the applicant is accompanied by family members, Regulation 18(7) stipulates that the spouse and

dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa.

- b) A critical skills work visa shall be issued for a period not exceeding five years.

### 7.5 In Case of a Rejection

7.5.1 The Adjudicator must issue a detailed notice of decision adversely affecting right of person (Rejection Letter) (Form 2, DHA 1714A) with the following details:

- a) Name of the applicant
- b) Address of the applicant
- c) Passport number of the applicant
- d) Category of the temporary residence visa (Critical Skills)
- e) The reason(s) for the decision
- f) The provision offering the applicant the opportunity to appeal the decision within 10 working days of the receipt of the notice
- g) The Adjudicator's details

7.5.2 Rejection on the basis of fraudulent documents or misrepresentation

- a) In case of a rejection because of fraudulent documents, the Adjudicator must in addition to the rejection letter also refer the application to central Law Enforcement (Inspectorate).
- b) As per Regulation 3(7) whenever it appears to the Director-General that a visa was acquired through error, misrepresentation or fraud, he or she shall withdraw the visa or and, where applicable, cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.

## 8. QUALITY ASSURANCE

### 8.1 Pre-Capturing of Outcomes (Approvals)

- 8.1.1 Prior to capturing the outcome on the Movement Control System (MCS) the following quality check should be carried out:
- Is the work visa category correct? (The category must be Critical Skills visa)
  - Is the name of the applicant correct? (This information is pre-captured by the applicant)
  - Is the passport of the applicant correct? (This information is pre-captured by the applicant)
  - Is the date of expiry of the visa correct? (This information is captured by the Adjudicator)
  - Is the critical skills category correct? (This information is captured by the Adjudicator)
  - Where applicable, are the employer details correct? (This information is captured by the Adjudicator)

### 8.2 Pre-capturing of outcomes (Rejections)

- 8.2.1 Prior to capturing the notice of decision adversely affecting right of person (Rejection Letter) (Form 2, DHA 1714A) on the Movement Control System (MCS) the following quality check should be carried out:
- The correctness of the name of the applicant (This information is pre-captured by the applicant)
  - The correctness of the address of the applicant (This information is pre-captured by the applicant)
  - The correctness of the passport number of the applicant (This information is pre-captured by the applicant)
  - Does the rejection letter reflect the correct category of the temporary residence visa (Critical Skills)
  - Are the reasons for the decision relevant to the critical

skills visa category? (This information is captured by the Adjudicator)

- Does the letter have the provision offering the applicant the opportunity to appeal the decision within 10 working days of the receipt of the notice at VFS? (This information is pre-loaded in the visa adjudication System)
- Is the rejection letter signed? (The signature must be of the Adjudicator)
- Does the letter show the Adjudicator's details? (This information is pre-loaded in the visa adjudication System)

### 9. CAPTURING OF OUTCOMES ON MOVEMENT CONTROL SYSTEM

- All Approvals must be captured on function 32 and 42
- All Rejections must be captured on function 42
- For all non-standard functions on MCS, please refer to the MCS User Module

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### 10. DISPATCH OF OUTCOMES TO VISA APPLICATION CENTRE

- Compare the outcome reference number with the reference number on the Visa Application Centre Tamper Proof Envelope before sealing the envelope
- Insert the outcome into the envelope and seal the envelope
- Scan the application barcode on the envelope
- Print/save the dispatch list for record and audit keeping purposes of daily dispatch statistics
- Put the envelopes in the Visa Application Centre bag, and lock the bag with a tamperproof seal before collection by courier
- Outcomes of the previous day should be ready for dispatch before 10h00am, daily



# ADJUDICATION CASE STUDIES & GUIDELINES: CRITICAL SKILLS VISA

## Critical Skills Work visa

Regulation 18.(1):

An applicant for a general work visa, **critical skills work visa** or intra-company transfer work visa shall submit-

- (a) a written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary; and
- (b) a police clearance certificate.

Regulation 18.(2):

The employer shall ensure that the passport of his or her employee is valid at all times for the duration of his or her employment.

Regulation 18.(5):

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) a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the

National Qualifications Framework Act, or any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience;

- (b) 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
- (c) 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 critical skills work visa shall be issued for a period not exceeding five years.

Regulation 18.(6):

A spouse and dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa.

Regulation 18.(7):

**Critical Skills Work Visa:** An adjudicator's handbook

**Q: IS AN EMPLOYMENT CONTRACT A REQUISITE FOR A CRITICAL SKILLS VISA?**

**A:** A Critical Skills Visa is a work visa which implies that by definition the holder must have an offer of employment and must be employed during their stay in the Republic. Where there is an offer of employment, the critical skills work visa shall be issued in line with the offer of employment but must not exceed a period of 5 years.

If an offer of employment is for two years the visa will be issued for two years. If the offer of employment is for 6 years, the visa shall be issued for 5 years. The requirement to apply 60 days before the expiry of a current work visa will still remain effective in cases of all renewals/extensions.

**Q: WHAT DO I DO WHERE THE APPLICANT DOES NOT HAVE AN OFFER OF EMPLOYMENT?**

**A:** The requirement for an offer of employment and a written undertaking by the employer is not a pre-requisite for issuance of critical skills work visa wherein an applicant does not have an employment offer. If all other supporting documents are available the visa may be issued after following the adjudication procedures. However, where there is no employment contract the validity of the visa will be shorter. (Please refer to the Critical Skills work visa validity period below).

**PROOF THAT THE APPLICANT FALLS WITHIN THE CRITICAL SKILLS CATEGORY**

**Q:** The applicant does not have a letter of confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act

regarding his skills or qualifications. S/he has however, attached *proof of application* for a certificate of registration with the professional body, council or board recognised by SAQA. Does s/he qualify?

**A:** Regulation 18(5) refers to *proof of application* rather than the actual registration itself. This was done deliberately based on the experience that some SAQA professional bodies can actually take 6 months or more in evaluating and eventually registering an applicant as a member. In order not to delay the applicant, the Department accepts the *proof of application* as sufficient. However, this will affect the validity period of the critical skills work visa (Please see critical skills work visa validity period below).

**Q:** What about a *confirmation, in writing*, from the professional body, council or board recognised by SAQA as required by Regulation 18(5) (a)?

**A:** Where a professional body registration certificate is available, there is no need to submit an additional document from the professional body as confirmation of skills, as that would have been considered by the professional body in the process of registration of the applicant.

**Q:** The applicant does not have a professional body registration certificate; instead s/he only has *proof of application* in the form of a receipt or an email acknowledgement from the professional body. Does s/he qualify?

**A:** Regulation 18(5) refers to *proof of application* rather than the actual registration itself. In order not to delay the applicant, the Department accepts the *proof of application* as sufficient. However, this will affect

the validity period of the critical skills work visa (Please see critical skills work visa validity period below). The adjudicator will still be required to investigate whether or not the applicant has really made an application with the SAQA recognised professional body.

#### EVALUATION OF FOREIGN QUALIFICATIONS BY SAQA

**Q:** The applicant has attached proof of application to SAQA for the evaluation of the qualifications. Is this acceptable?

**A:** Regulation 18(5)(c) requires *proof of evaluation* of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic. *Proof of application* (receipt, email confirmation, etc.) to or from SAQA is not acceptable. The Department requires the actual evaluation certificate from SAQA at the time of application.

#### CRITICAL SKILLS WORK VISA VALIDITY PERIOD

**Q:** When should I issue a critical skills work visa for a maximum period of five years?

**A:** Regulation 18(6) says that a critical skills work visa shall be issued for a period not exceeding five years. The Department is not obligated to issue the maximum period.

The following scenarios should be considered:

#### Case 1: No Employment Contract

The applicant has all the supporting documents but does not have an employment contract.

**Validity:** In this case the visa may only be issued for a period of 12 months with an endorsement such as "*To secure employment in the category of Professional and Associate Professionals as a Solar*

*Physicist within 12 months*". Once the person secures employment in the Republic during this period they may submit an application for an extension for the remainder of 4 years (12 months plus 4 years = 5 years).

#### Case 2: Registration with a SAQA recognised professional body

The applicant has all the supporting documents, including a 5 year employment contract **but** does not have a membership certificate of registration with a SAQA recognised professional body. The applicant only has *proof of application* to show that they have applied.

**Validity:** In this case the visa may only be issued for a period of 12 months with an endorsement such as "*To be employed in the category of Professional and Associate Professionals as a Solar Physicist with SKA*". There is no need to put a condition to submit the certificate from a SAQA recognised professional body at a later stage. The onus will be on the applicant to provide such at the time of extension within South Africa. The 12 months is to allow the applicant to obtain the actual certificate.

**Q:** Why not issue for 5 years?

**A:** Let's say for instance an applicant claims to be a skilled engineer, his or her qualifications have been evaluated by SAQA, and s/he has an offer of employment. So far s/he also has "proof of application" to ECSA (Engineering Council of South Africa). However six months down the line, ECSA comes back with a rejection of the applicant due to the applicant's previous negligence and responsibility in collapsed buildings. The 12 month period is to ensure that when there is a renewal, the applicant's skills and qualifications are properly verified.

**Critical Skills Work Visa:** An adjudicator's handbook

In South Africa there are certain professions where a person may not practice if they are not registered with a professional body.

### Case 3: Qualifications and Skills confirmed

At the time of the application, the applicant has all the supporting documents as well as the following:

- i. A contract of employment for five years
- ii. A confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(f) of the National Qualifications Framework Act, or any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience
- iii. A certificate of registration with the professional body, council or board recognised by SAQA (Not proof of application)
- iv. Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.

**Validity:** In this case the visa may be issued for a period of 5 years with an endorsement such as "To be employed in the category of *Professional and Associate Professionals as a Solar Physicist with SKA*". (In this case SKA is the employer). **Note:** A critical skills work visa must always indicate the employer where there is an employment contract.

### EMPLOYMENT CONTRACT VS CATEGORY OF CRITICAL SKILL

The applicant must be employed in line with the occupation for which the critical skills visa was issued. For instance, if the applicant is an "Urban and Regional Planner" and yet has attached an offer of employment

for a position of a "Hotel Receptionist", such an application cannot be successful. The inability of the holder of an "Urban and Regional Planner" critical skills visa to secure employment should serve as an indicator that their skill is probably not as critical and in demand as currently deemed/thought to be.

The circumstances such as the one mentioned above will assist the Department when it does the review of the Critical Skills List by identifying those skills that become less critical as time passes and those whose demand is evidenced by applicants who are unable to successfully acquire and occupy a job in line with their critical skill.

### SKILLS VS QUALIFICATIONS

The Department is aware that for certain occupations, especially the TRADE occupations, the industry puts more emphasis on skills and years of experience rather than qualifications. Examples include critically skilled artisans sourced from abroad to perform work on ESKOM power plants and other National Infrastructure Projects. Some of these categories are Millwrights, Boilermakers (for Strategic Infrastructure Projects), Industrial Machinery Mechanic, Pipe Fitters, Double Coded Welder, Riggers and others

For this occupational category, the applicants may consider an application for a waiver of SAQA qualifications. The Department will only consider such a waiver provided the applicants have subjected themselves to a South African Trade test by INDLELA and have obtained a certificate from INDLELA confirming the skills of the applicant and appropriate experience if they are applying on the basis of their skill and experience.

**Critical Skills Work Visa:** An adjudicator's handbook

Regulation 18(5)(a) refers to "any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience."

The Institute for the National Development of Learnerships, Employment Skills and Labour Assessment (INDELELA) is a Government organisation responsible for the trade tests.

#### **WHAT ABOUT THE REQUIREMENT FOR CONFIRMATION IN WRITING AND REGISTRATION WITH A PROFESSIONAL BODY?**

Let's look at the requirements again: 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; **OR** any relevant government Department, confirming the skills or qualifications of the applicant and appropriate post qualification experience.

**If required by law** (to be registered before practicing his or her profession), the applicant requires proof of application for a certificate of registration with the professional body, council or board recognised by SAQA. The List of professions which require registration with a professional body is on the Department's website.



**Critical Skills Work Visa:** An adjudicator's handbook

**I HOLD A QUOTA WORK (PERMIT) OR AN EXCEPTIONAL SKILLS PERMIT ISSUED BEFORE 2014 BUT MY PROFESSION IS NOT ON THE NEW CRITICAL SKILLS LIST**

**Question:** Will a person holding a quota or exceptional skills permit be allowed to apply for a critical skills work visa, upon expiry of his or her current permit?

**Answer:** Yes, provided the professional category for which such person holds a quota work permit or Exceptional Skills permit is in the Critical Skills List.

**Question:** What if the skill or profession for which the quota or exceptional skills permit was issued is not on the critical skills list, what must a person apply for?

**Answer:** The applicant may apply for a general work visa, and comply with the requirements thereof.

**CAN ONE GET A CRITICAL SKILLS VISA IF I DON'T HAVE AN OFFER OF EMPLOYMENT?**

**A:** Yes. As already mentioned above, where there is no offer of employment, the critical skills work visa will be issued for a period of 12 months only. The applicant must provide proof of employment within (not after) the 12 months after obtaining a critical skills work visa in a form of an employment contract specifying the occupation and capacity in which the applicant shall be employed.

**ACCOMPANY SPOUSE OF A CRITICAL SKILLS WORK VISA HOLDER**

Regulation 18(7) for Critical Skills Work Visa stipulates that "A spouse and dependent children of a holder of a critical skills work visa shall be issued with an appropriate visa valid for a period not exceeding the period of validity of the applicant's critical skills work visa". What does this mean?

- Answer:**
1. Mrs AA has a critical skills work visa.
  2. Her husband Mr. BA has a visitor's visa to allow him to accompany her to South Africa.
  3. Regulation 18(7) is intended to allow Mr. BA (the spouse) of a critical skills work visa holder to be granted permission to work on a visitor's visa.

The Department will therefore issue the spouse of a critical skills work visa holder with an "appropriate visa" only if the main critical skills work visa holder has secured employment and has a valid employment contract for a period longer than a year. This "appropriate visa" should not be issued to accompany a spouse who has not secured employment even though they may have a 12 month work visa to secure employment.

**WHAT IS THE APPROPRIATE VISA?**

**Answer:** The permission to work should be endorsed on the spouse's dependent visitor's visa issued in terms of Section 11(1)(b)(iv)) as an additional permission in addition to him to accompany his spouse for a period not longer than three years and not exceeding the validity of the critical skills work visa.

**THE ENDORSEMENT OF THE CONDITION TO WORK ON THE APPROPRIATE VISA**

**Q:** Can the permission to work be applied for without the dependent spouse having an offer of employment?

**A:** No, the accompanying spouse will have to prove that he has secured an offer of employment before they may apply for the authorization to work. The requirements will be similar to that of the visitor's visa Section 11(6)

**Q:** Can the authorization to work issued in terms of Regulation 18(7) also extend to include permission to work in relation to self-employment or running own business?

**A:** No

**Q:** Should the critical skills work visa holder become unemployed, can they change status to accompany their spouse who have an accompany spouse visitor's visa with condition to work?

**A:** No. The holder of a visitor's visa which allows them to accompany a spouse who is a critical skills work visa holder have a dependent visa, this means that the validity of their visa will always be dependent on the validity of the critical skills work visa holder. The status of the accompanying spouse follows/depends on the main visa holder and not the other way round.

**Q:** Will the accompanying spouse require a certificate from the Department of Labour in order to get an endorsement to work on the visitor's visa?

**A:** No. The requirements will be similar to those of the section 11(6) visitor's visa

## CRITICAL SKILLS WORK VISA SECTION 19(4) OF THE ACT

Documents Required	Yes	No
• Duly completed online form. Handwritten forms will not be accepted by Department of Home Affairs.		
• Passport valid for no less than 30 calendar days after expiry of the intended visit.		
• A medical report.		
• A radiological report.		
• 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).		
• The affidavit where a spousal relationship to a South African citizen or resident is applicable as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.		
• Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.		
• Divorce decree, where applicable.		
• Proof of court order awarding custody, where applicable.		
• Death certificate, in respect of late spouse, where applicable.		
• Written consent from both parents and/or sole custody parent, where applicable, with proof of sole custody.		
• Proof of legal adoption, where applicable.		
• Legal separation order, where applicable.		
• 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 shall not be older than six months at the time of its submission: <i>(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.)</i>		



<ul style="list-style-type: none"> <li>• A yellow fever vaccination certificate if that person travelled or intends travelling from or transiting through a yellow fever endemic area. <i>(Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary. <i>(Where there is no employer: proof of sufficient financial means to the value of a minimum of R3 000 in the form of three months bank statements.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment. <i>(Where there is no employer: A written undertaking by the applicant to ensure that the passport of the applicant shall be valid at all times for the duration of his or her temporary visa.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• Proof that the applicant falls within the critical skills category by specifically indicating the occupation/critical skill for which the application is being made. The occupation/critical skill must be on the Critical Skills list.</li> </ul>	
<ul style="list-style-type: none"> <li>• Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.</li> </ul>	
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	
<ul style="list-style-type: none"> <li>• a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(j) <i>(Please check)</i> of the National Qualifications Framework Act, or any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience. <i>(If not attached, VFS official to check Directive 22 of 2014.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• Proof of payment of the applicable fee.</li> </ul>	

## CRITICAL SKILL WORK VISA – RENEWAL

Documents Required		Yes	No
•	Duly completed online form. Handwritten forms will not be accepted by Department of Home Affairs.		
•	Passport valid for no less than 30 calendar days after expiry of the intended visit.		
•	A medical report.		
•	A radiological report.		
•	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.		
•	The affidavit where a spousal relationship to a South African citizen or resident is applicable as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties and setting out the particulars of children in the spousal relationship.		
•	Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable.		
•	Divorce decree, where applicable.		
•	Proof of court order awarding custody, where applicable.		
•	Death certificate, in respect of late spouse, where applicable.		
•	Written consent from both parents and/or sole custody parent, where applicable, with proof of sole custody.		
•	Proof of legal adoption where applicable.		
•	Legal separation order, where applicable.		
•	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 shall not be older than six months at the time of its submission. <i>(Provided that the certificate shall not be required from a foreign country in the case of renewal or extension of a visa within the Republic.)</i>		

<ul style="list-style-type: none"> <li>• A yellow fever vaccination certificate if that person travelled or intends travelling from or transiting through a yellow fever endemic area: <i>(Provided that the certificate shall not be required where that person travelled or intends travelling in direct transit through such area.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary (All renewals must be accompanied by an offer of employment or employer contact. No renewal without employment contract except for the occupations listed under the category of <b>Life and Earth Sciences and Academics and Researchers</b> )</li> </ul>	
<ul style="list-style-type: none"> <li>• A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment <i>(Where there is no employer: A written undertaking by the applicant to ensure that the passport of the applicant shall be valid at all times for the duration of his or her temporary visa)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• For the occupations listed under the category of <b>Life and Earth Sciences and Academics and Researchers</b>, where there is no employment contract, proof of financial means. <i>(Applicant to also submit additional proof of financial means every 12 months thereafter.)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• Proof that the applicant falls within the critical skills category by <u>specifically</u> indicating the occupation/critical skill for which the application is being made as it appears on the critical skills list.</li> </ul>	
<ul style="list-style-type: none"> <li>• Proof of evaluation of the foreign qualification by SAQA and translated by a sworn translator into one of the official languages of the Republic.</li> </ul>	
<ul style="list-style-type: none"> <li>• 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;</li> </ul>	
<ul style="list-style-type: none"> <li>• a confirmation, in writing, from the professional body, council or board recognised by SAQA in terms of section 13(1)(o) of the National Qualifications Framework Act, or any relevant government department confirming the skills or qualifications of the applicant and appropriate post qualification experience, <i>(if not attached, VFS official to check Directive 22 of 2014)</i></li> </ul>	
<ul style="list-style-type: none"> <li>• Proof of payment of the applicable fee.</li> </ul>	

## CRITICAL SKILLS WORK VISA (EXTENSION OF VISA INITIALLY ISSUED FOR 12 MONTHS) SECTION 19(4) OF THE ACT

Documents Required	Yes	No
• Duly completed online form. Handwritten forms will not be accepted by Department of Home Affairs.		
• Passport valid for no less than 30 calendar days after expiry of the intended visit.		
• Police clearance certificate ( <i>Not required if person has been in the Republic for less than 12 months at the time of extension</i> )		
• Contract of Employment or Offer of Employment signed by both applicant and the employer stating the condition that the contract will only be valid provided the applicant obtains a valid critical skills work visa)		
• A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary		
• A written undertaking by the employer to ensure that the passport of his or her employee is valid at all times for the duration of his or her employment		
• Proof that the applicant falls within the critical skills category by <u>specifically</u> indicating the occupation/critical skill for which the application is being made. The occupation/critical skill must be on the Critical Skills list.		
• Copy of the Critical Skills Work Visa recently issued to the applicant for 12 months.		
• Proof of payment of the applicable fee		

**Notes:**

- A critical skills work visa shall be issued for a period not exceeding five years. Where there is no offer of employment a critical skills visa shall be issued for a period not exceeding one year.
- Where the applicant was already issued with a Critical Skills Work Visa for 12 months, the extension shall not exceed four (4) years until the next renewal.
- Please be advised that this manual will be updated from time. The updated electronic version of this manual with the most recent additions and amendments will be available on the Intranet of the Department of Home Affairs.
- This document serves as a basic guideline and should not be substituted as a replacement for The Immigration Act, No. 13 of 2002 and its Regulations. Where there's uncertainty regarding the application of a certain requirement of the Immigration Act, adjudicators are advised to consult their immediate supervisors.

**Critical Skills Work Visa:** An adjudicator's handbook

## SKILLS OR QUALIFICATIONS DETERMINED TO BE CRITICAL FOR THE REPUBLIC OF SOUTH AFRICA IN RELATION TO AN APPLICATION FOR CRITICAL SKILLS VISA OR PERMANENT RESIDENCE PERMIT

I, Mr MKN Gigaba, MP, Minister of Home Affairs have, in terms of sections 19(4) and 27(a)(ii) of the Immigration Act, 2002 (Act No. 13 of 2002), determined the following skills or qualifications to be critical for the Republic of South Africa in relation to an application for a critical skills visa or permanent residence permit:

Classification of Education Subject Matter	Occupation/Critical Skill	Requirements
<ul style="list-style-type: none"> <li>• Agriculture, Agricultural Operations and Related Sciences</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Engineer</li> <li>• Agricultural Scientist</li> <li>• Forestry Technician</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>
<ul style="list-style-type: none"> <li>• Architecture and the Built Environment</li> </ul>	<ul style="list-style-type: none"> <li>• Sheep Shearer</li>   <li>• Architect</li> <li>• Construction Project Manager</li> <li>• Land Surveyor</li> <li>• Quantity Surveyor</li> <li>• Urban and Regional Planner</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of employment in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li>   <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>

<p>Business, Economics and Management Studies</p>	<ul style="list-style-type: none"> <li>Actuaries and Risk Assessors</li> <li>Corporate General Manager</li> <li>External Auditor</li> <li>Financial Investment Advisor</li> </ul>	<ul style="list-style-type: none"> <li>Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post-qualification experience</li> <li>Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>
<p>Information Communication &amp; Technology</p>	<ul style="list-style-type: none"> <li>CISCO Solution Specialist</li> <li>CISCO Engineers</li> <li>Solutions Architects in Telecommunications and ICT</li> <li>Integrated Developers (PHP, c#, Perl, Java)</li> <li>Network Analyst</li> <li>IT Security Specialist</li> <li>System Integration Specialist</li> <li>Enterprise Architecture</li> <li>Data Centre Operations</li> <li>Network Specialist ( Security)</li> <li>Database Specialists</li> <li>Microsoft System Engineers</li> <li>Network Controllers</li> <li>AV Specialists ( Anti-virus)</li> <li>Desktop support Engineer.</li> </ul>	<ul style="list-style-type: none"> <li>Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post-qualification experience</li> <li>Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>

Engineering		Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post-qualification experience Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic. Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.
• Energy Engineer		
• Metallurgical Engineer		
• Chemical Engineer		
• Civil Engineer		
• Electrical Engineer		
• Electrical Installation Inspector		
• Electronics Engineer		
• Geologist		
• Industrial and Production Engineers		
• Industrial Designer		
• Manufacturing Managers		
• Materials Engineer		
• Mechanical Engineer		
• Mining Engineer		
• Production/Operations Manager		
• Quality Systems Manager		
• Research and Development Manager		
• Ship's Engineer		
• Telecommunications Engineers		
• Electrical Engineering Technologist		
• Energy Engineering Technologist		
• Mechanical Engineering Technologist		
• Metallurgical Engineering Technologist		
• Mining Engineering Technologist		
• Air Conditioning and Mechanical Services Plumber		
• Automotive Electrician		
• Automotive Motor Mechanic		
• Boiler Maker		
• Chemical Engineering Technologist		
• Civil Engineering Technologist		
• Diesel Mechanic		
• Electronics Engineering Technologist		
• Fitter and Turner		
• Materials Engineering Technologist		
• Mechatronics Technician		
• Metal Fabricator		
• Physical and Engineering Science Technicians		
• Pressure Welder		
• Structural Plaster		
• Toolmaker		

**Health Professions and Related Clinical Sciences**

- Medical Superintendent /Public Health Manager
- Public Health Physician General and Specialist Medical Practitioner
- Hospital Pharmacist
- Nursing Professionals
- Veterinarian
- Registered Nurse (child and family health)
- Retail Pharmacist

- Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience
- Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA
- Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.
- Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.



**Life and Earth Sciences**

- Environmental Engineers
- Environmental Manager
- Industrial Pharmacist
- Aquatic Scientist
- Animal Scientist
- Advanced Composites Engineering Specialist
- Archaeological/Paleontological
- Bioeconomist
- Biochemists
- Bioinformatician
- Bioinformaticist
- Biological Scientist
- Botanical Scientist
- Chemical Scientist
- Computational Biologist
- Environmental Scientist
- Ecological Scientist
- Food Scientist
- Engineering Geologist
- Geochemist
- Geohazards Specialist
- Geologist
- Geophysicist
- Laboratory Technologist and Technician
- Marine Biologist
- Materials Scientist
- Metallurgical Scientist
- Metrology
- Microbiological Scientist
- Polymer Scientist
- Protein Scientist
- Seismologist
- Soil Scientist
- Toxicology Scientist
- Water Resource Scientist

- Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience
- Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA
- Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.
- Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.
- Where there is no employment contract, proof of financial means every 12 months for the remainder of the validity of the permit.

Professionals and Associate Professionals		
<ul style="list-style-type: none"> <li>• Land and engineering surveyors</li> <li>• Electronic Engineering Technician</li> <li>• Materials Engineering Technologist</li> <li>• Electrical Engineering Technician</li> <li>• Safety, Health, Environment and Quality Practitioner</li> <li>• Draughtsperson</li> <li>• Mechanical Engineering Technician</li> <li>• Chemical Engineering Technician</li> <li>• Organisation and Methods Analyst (incl. scheduler, estimator)</li> <li>• Surveying Technician</li> <li>• Geomatics Technician</li> <li>• Quantity Surveying Technician</li> <li>• Civil Engineering Technician</li> <li>• Materials Engineer: Non-destructive Testing (NDT)</li> <li>• Materials Engineering Technician - Road materials</li> <li>• Materials Tester</li> <li>• Construction Safety, Health, Environment and Quality (SHEQ) Agent/Manager/ Officer</li> <li>• Aeronautical engineering</li> <li>• Architectural Senior Technologist</li> <li>• Architectural Technologist</li> <li>• Architectural Draughtsperson</li> <li>• Astronomer</li> <li>• Physicist (SKA)</li> <li>• Geomagnetic Physics</li> <li>• Solar Physics</li> <li>• Space Physicist</li> <li>• Plasma Physics</li> <li>• Space Technologist</li> <li>• Space Weather Specialist</li> <li>• Magnetic Technology Specialist</li> <li>• Radar Engineering</li> <li>• Radio Frequency Engineering</li> </ul>		<ul style="list-style-type: none"> <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>

Professionals and Associate Professionals	<ul style="list-style-type: none"> <li>• Town Planner</li> <li>• Town Planning Technician</li> <li>• Environmental Technologist</li> <li>• Industrial Engineer</li> <li>• Industrial Engineering Technologist</li> <li>• Industrial Engineering Technician</li> <li>• Landscape Architect</li> <li>• Landscape Contract Manager</li> <li>• Landscape Horticulturalist</li> <li>• Mining Technician</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>
Trades	<ul style="list-style-type: none"> <li>• Millwright</li> <li>• Boilermaker</li> <li>• Industrial Machinery Mechanic</li> <li>• Pipe Fitter</li> <li>• Double Coded Welder</li> <li>• Rigger</li> <li>• Moulder</li> <li>• Raise-bore Operators</li> <li>• Raise-bore Foreman</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>
Business Process Outsourcing (BPO)	<ul style="list-style-type: none"> <li>• Software Development Engineers and Managers</li> <li>• Systems Architects, Engineers and Managers</li> <li>• Foreign Language speakers for specialist language support and technical or sales support (German, Swiss German, Flemish, Greek, Swedish, Danish, Italian, Dutch, Spanish, Mandarin and French)</li> <li>• Business Analyst</li> <li>• Quality Analyst</li> <li>• Quality Assurance Specialist/Auditor</li> <li>• Customer Service Manager/Team Lead</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience</li> <li>• Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA</li> <li>• Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> </ul>

Academics and Researchers

- Doctoral Graduates (Acquired abroad)
- Research in any of the following areas:
- Galaxy Formation and Evolution
- Galaxy Structure and Dynamics
- Pulsars and Black Holes
- Pulsars and Gravitational Waves
- Deep Observations of the earliest Radio Galaxies
- Dynamic and Transient Bursts
- VLBI Operations
- Search for CO to investigate role of Molecular Hydrogen
- Deep Surveys of Neutral Hydrogen Gas in the Early Universe
- Cosmology and Dark Energy
- Cosmic Magnetism
- Calibration and Imaging of Radio Interferometer data
- Pulsars Research
- Pulsars and Gravitational Waves
- VLBI Operations
- Signal Processing
- Observational Radio Astronomy in General
- Algorithm for Radio Astronomy
- Signal Processing for Radio Astronomy
- Supercomputing for Radio Astronomy
- Software Development for Radio Astronomy
- Data and Streaming - Real-Time Processing of Massive Data Amounts
- Green Computing - Extreme Performance at Minor Energy Costs
- Performance at Minor Energy Costs
- EMC and Spectrum Management
- Beam Modelling
- Antenna Modelling
- Feeds for Radio Astronomy Systems
- Receivers for Radio Astronomy Systems

Confirmation in writing from the accredited professional body, council or board recognised by SAQA or any relevant government Department confirming the skills or qualifications of the applicant and appropriate post qualification experience

Proof of application for certificate of registration with the accredited professional body, council or board recognised by SAQA

Proof of evaluation of the foreign qualification by SAQA translated by a sworn translator into one of the official languages of the Republic.

-:A letter of recommendation from a South African statutory research council or public higher education institution

Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.

Where there is no employment contract, proof of financial means every 12 months for the remainder of the validity of the permit.

<p>Academics and Researchers</p>	<ul style="list-style-type: none"> <li>• Signal Processing for Radio Astronomy</li> <li>• High Speed Data Transport</li> <li>• Nano-photonics - Data Transport Power</li> <li>• Nanotechnology</li> <li>• Palaeosciences</li> <li>• Reduction over Short and Long distances</li> <li>• Antenna Design</li> <li>• Antenna Foundation Design</li> <li>• RFI Shielded Buildings and Facilities</li> <li>• Advanced Manufacturing</li> <li>• Space Science and Technology</li> <li>• Global Change</li> <li>• Energy Security</li> <li>• Information Communication Technology</li> <li>• Earth Observation</li> <li>• Natural and Applied Sciences</li> </ul>	
<p>PGWV (Post-Graduate Work Visa)</p>	<ul style="list-style-type: none"> <li>• Doctoral Graduate (Acquired in RSA)</li> </ul>	<ul style="list-style-type: none"> <li>• A letter of recommendation from a South African statutory research council or public higher education institution</li> <li>• Proof in the form of a sworn affidavit that the applicant does not have any contractual obligations to return to their country of origin.</li> <li>• Proof of employment within 12 months after obtaining Critical Skills work visa in a form of an employment contract specifying the occupation and capacity in which the foreigner shall be employed.</li> <li>• Where there is no employment contract, proof of financial means every 12 months for the remainder of the validity of the permit.</li> </ul>

## Professional Accreditation Bodies and Councils

No	Professional Accreditation Bodies and Councils	Acronym
1.	Agricultural Research Council	ARC
2.	Agriculture Sector Education and Training Authority	AgriSETA
3.	Banking Sector Education and Training Authority	BANKSETA
4.	Chamber of Engineering Technology	CET
5.	Chemical Industries Education and Training Authority	CHIETA
6.	Construction Education and Training Authority	CETA
7.	Computer Society of South Africa	CSSA
8.	Council for Geoscience	CG
9.	Council on Higher Education-HEQC	CHE-HEQC
10.	Council for Quality Assurance in General and Further Education and Training	UMALUSI
11.	Council for Scientific & Industrial Research	CSIR
12.	Culture, Arts, Tourism, Hospitality and Sports Sector Education and Training Authority	CATHSSETA
13.	Electric Contractors Association of South Africa	ECASA
14.	Energy and Sector Education and Training Authority	EWSETA
15.	Engineering Council of South Africa	ECSA
16.	Fiber Processing Manufacturing Sector Education and Training Authority	FP & MSETA
17.	Finance and Accounting Services Sector Education and Training Authority	FASSET
18.	Food and Beverages Manufacturing Industry Sector Education and Training Authority	FOODBEV
19.	Health and Welfare Sector Education and Training Authority	HWSETA
20.	Health Professions Council of South Africa	HPCSA
21.	Indlela National Artisan Moderating Body	Indlela NAMB
22.	Insurance Sector Education and Training Authority	INSETA
23.	Jewellery Council of South Africa	JCSA
24.	Local Government Sector Education and Training Authority	LGSETA
25.	Manufacturing, Engineering and Related Services Sector Education and Training Authority	MERSETA

26.	Media, Information and Communication Technologies Sector Education and Training Authority	MICT
27.	Medical Research Council	MRC
28.	Metal and Engineering Industries Bargaining Council	MEIBC
29.	Mining Qualifications Authority	MQA
30.	National Laboratory Association of South Africa	NLA
31.	National Metrology Institute of South Africa	NMISA
32.	National Regulator for Compulsory Specifications	NRCS
33.	Professional Accreditation for Health and Skincare	PAB
34.	Public Service Sector Education and Training Authority	PSETA
35.	Quality Council for Trades and Occupations	QCTO
36.	Safety and Security Sector Education and Training Authority	SASSETA
37.	Services Sector Education and Training Authority	SERVICES SETA
38.	South African Board for People Practices	SABPP
39.	South African Bureau of Standards	SABS
40.	South African Council for Natural Scientific Professions	SACNASP
41.	South African Institute of Chartered Accountants	SAICA
42.	South African Institution of Draughting	SAID
43.	South African Nursing Council	SANC
44.	South African Pharmacy Council	SAPC
45.	South African Qualifications Authority	SAQA
46.	South African Veterinary Council	SAVC
47.	Transport Education and Training Authority	TETA
48.	Wholesale and Retail Sector Education and Training Authority	W&RSETA

**Compiled by the Directorate:**  
Corporate Accounts (Immigration Services)

Department of Home Affairs, 230 Johannes Ramokhoase Street, Pretoria, 001.

*This book is a guideline for adjudicators only and should not be used as a substitute for the prescripts of the Immigration Act, No. 13 of 2002 and its Regulations. For the latest version of this handbook including recent amendments and updates please visit [www.dha.gov.za](http://www.dha.gov.za)*