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Home Affairs
REPUBLIC OF SOUTH AFRICA

**PRESENTATION TO
THE WESTERN CAPE PROVINCIAL PARLIAMENTS'
STANDING COMMITTEE ON FINANCE, ECONOMIC
OPPORTUNITIES AND TOURISM (SCFEOT)**

22 SEPTEMBER 2023

- MANDATE
- MOVEMENTS THROUGH PORTS OF ENTRY (2022/23 FINANCIAL YEAR)
- TOURISM STATS FROM STATSSA
- E-VISA
- VISA EXEMPTIONS
- OPERATION VULINDLELA



MANDATE

To facilitate and regulate the secure movement of people through the ports of entry into and out of the Republic of South Africa, determine the status of asylum seekers and regulate refugee affairs, confirm and provide enabling documents to foreign visitors legally residing within the Republic, enforce immigration legislation and effect deportations.

The core immigration mandate is to:

- **Facilitate** and **regulate** the secure movement of people through the ports of entry into and out of the Republic of South Africa;
- **Confirm** and provide enabling documents to foreign visitors legally residing within RSA;
- **Enforce** immigration legislation and effect deportations;
- **Determine** the status of asylum seekers and regulate refugee affairs; and
- **Contribute** towards realising a positive skills migration trend into the RSA.

Legal Framework

IMMIGRATION ACT No. 13 of 2002

The *Immigration Amendment Act 13 of 2002 (as amended 2004, 2007 and 2011)* as well as Regulations promulgated in terms thereof which came into effect on 26 May 2014.

REFUGEES ACT No. 130 of 1998

Determination of refugee status and the issuance of refugee enabling documents

BORDER MANAGEMENT AUTHORITY ACT, No 2 of 2020

Strengthen Border Control and give the Authority effective control at Ports of Entry



ALL MOVEMENTS THROUGH ALL PORTS OF ENTRY PER MONTH FOR THE 2022/2023 FINANCIAL YEAR

Month	2022						2022 Total	2023					2023 Total	Grand Total	
	Citizens		Citizens Total	Foreigners		Foreigners Total		Citizens		Citizens Total	Foreigners				Foreigners Total
	Arrivals	Departures		Arrivals	Departures			Arrivals	Departures		Arrivals	Departures			
January							446 147	311 872	758 019	1 161 308	819 548	1 980 856	2 738 875	2 738 875	
February							250 068	264 734	514 802	847 232	727 583	1 574 815	2 089 617	2 089 617	
March							302 608	336 889	639 497	908 376	816 808	1 725 184	2 364 681	2 364 681	
April	265 659	289 844	555 503	593 183	529 186	1 122 369	1 677 872							1 677 872	
May	250 101	260 150	510 251	595 493	528 688	1 124 181	1 634 432							1 634 432	
June	245 556	306 986	552 542	603 352	529 380	1 132 732	1 685 274							1 685 274	
July	355 664	310 450	666 114	767 365	619 840	1 387 205	2 053 319							2 053 319	
August	291 271	313 649	604 920	848 881	723 339	1 572 220	2 177 140							2 177 140	
September	294 553	325 957	620 510	820 433	693 235	1 513 668	2 134 178							2 134 178	
October	326 641	304 031	630 672	846 702	726 093	1 572 795	2 203 467							2 203 467	
November	263 703	264 128	527 831	840 265	698 442	1 538 707	2 066 538							2 066 538	
December	383 591	518 636	902 227	1 003 378	969 901	1 973 279	2 875 506							2 875 506	
Grand Total	2 676 739	2 893 831	5 570 570	6 919 052	6 018 104	12 937 156	18 507 726	998 823	913 495	1 912 318	2 916 916	2 363 939	5 280 855	7 193 173	25 700 899



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TOURIST ARRIVALS MAY 2018 – MAY 2023



	May-18	May-19	May-20	May-21	May-22	May-23
Tourist arrivals	767 330	753 517	0	183 347	407 262	630 100
Diff	271	(13813)	(753517)	183 347	223 915	222 838
% Diff	0,0%	-1,8%	-100,0%	*1/	122,1%	54,7%

- Tourist arrivals recorded during May 2023 (630 100) were less than those seen during the pre- COVID period (753 517), which were at -16.4% level of tourist arrivals seen in May 2019.

*Changes from zero in the preceding period cannot be calculated as a percentage
 Source: Stats SA Tourism and Migration report, May 2023 and tourist arrivals data cuts

TOTAL TOURIST ARRIVALS BY REGION: JANUARY-MAY 2023 VS. JANUARY-MAY 2022

	Jan - May 2022	Jan - May 2023	Diff	% Diff
Europe	319045	545494	226449	71.0%
North America	87671	162285	74614	85.1%
Central South America	8862	16213	7351	82.9%
Australasia	16656	42460	25804	154.9%
Middle East	9934	17109	7175	72.2%
Asia	37305	77184	39879	106.9%
Total overseas	479473	860745	381272	79.5%
Total Africa	1403470	2599277	1195807	85.2%
Unspecified	3253	5359	2106	64.7%
Grand Total	1886196	3465381	1579185	83.7%

- Tourist arrivals from Africa increased by 85.2% (+1 195 807) and this region remained the main source of tourist arrivals to the country, accounting for 75.0% (2 599 277) of total arrivals during January-May 2023.

*Source: Stats SA Tourism and Migration report, May 2023 and tourist arrivals data cuts

SOUTH AFRICA'S TOP 10 SOURCE MARKETS: JAN – MAY 2023 VS JAN – MAY 2022: AFRICA

Country	Rank January - May 2023	Tourist arrivals January - May 2023	Rank January - May 2022	Tourist Arrivals January - May 2022	% Change
Zimbabwe	1	852069	2	348437	144.5%
Mozambique	2	553678	1	348928	58.7%
Lesotho	3	521518	3	299019	74.4%
Eswatini	4	277132	4	129345	114.3%
Botswana	5	131121	5	80479	62.9%
Namibia	6	62676	6	50743	23.5%
Zambia	7	54141	7	42111	28.6%
Malawi	8	47739	8	37416	27.6%
Angola	9	17146	9	11363	50.9%
Kenya	10	16251	11	7372	120.4%

- The above table provides the rankings of the top 10 source markets for Jan – May 2023 and January – May 2022
- 7 of the top 10 markets remained the same
- Zimbabwe moved up from number 2 to number 1

Source: Stats SA Tourism and Migration report, May 2023 and tourist arrivals data cuts

SOUTH AFRICA'S TOP 10 SOURCE MARKETS: JAN – MAY 2023 VS JAN – MAY 2022: EUROPE

	Rank January - May 2023	Tourist arrivals January - May 2023	Rank January - May 2022	Tourist Arrivals January - May 2022	% Change
UK	1	164 232	1	109 372	50.2%
USA	2	138 371	2	76 994	79.7%
Germany	3	116 902	3	63 048	85.4%
France	4	50 963	5	25 901	96.8%
The Netharlands	5	50 052	4	28 823	73.7%
Australia	6	34 694	7	14 403	140.9%
India	7	33 173	6	17 267	92.1%
Canada	8	23 914	10	10 677	124.0%
Switzerland	9	18 674	8	12 574	48.5%
Belgium	10	17 606	9	10 719	64.3%

- More than half of the top ten overseas markets moved positions except for UK, USA and Germany remained 1st, 2nd and 3rd position respectively
- UK remained the main overseas source market with regards to volume, and reported a growth of 50.2%.

Source: Stats SA Tourism and Migration report, May 2023 and tourist arrivals data cuts

E-VISA

- The rollout out of the eVisa system is also part of Government's plans to streamline and modernize the visa application process to make it easier to travel to South Africa for tourism, business and work.
- The South Africa e-visa application is aimed at making the immigration process more fluid and to amplify the border security checks. It allows eligible foreigners with a trusted traveler history to enter the country without going to an embassy.
- The e-Visa enables the prospective visitor to apply for a Visa from his/her home country online without visiting the Mission. It also allows for the online and secure payment of the visa fee.



E-VISA

- ❑ The Department continues to process eVisa applications for the 14 countries to which the e-Visa platform was rolled out.
- ❑ These 14 countries to which the e-Visa platform was rolled out are.



e Visa - Online VISA applications open for Nationals from KENYA, CAMEROON, IRAN, EGYPT, PHILIPPINES, SAUDI ARABIA, ETHIOPIA, PAKISTAN, DRC, MEXICO, INDIA, CHINA, NIGERIA and UGANDA who will land at OR Tambo International airport



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ROLLOUT OF E-VISAS TO 20 ADDITIONAL COUNTRIES.

- ❑ At the end of 2022 due to system delays and backlogs the Department reviewed all the challenges and system issues and completed 34 enhancements to the eVisa system, which resulted in the system being more efficient and easily accessible.
- ❑ 18 legally qualified adjudicators have been appointed as of 01 March 2023. After training, these adjudicators were deployed to the eVisa hub on 3 April 2023 and are now processing eVisa applications.
- ❑ The envisaged eVisa hub was established during March 2023 and is fully operational.



E-VISAS STATISTICS.

- ❑ The Department reviewed the visa exemption and non visa exempted countries and took a decision to roll out the eVisa system to all non exempted countries that SA has Diplomatic relations with.
- ❑ These are the 20 countries that we have rolled out eVisa to with effect from 1 May 2023 are:-
***Albania, Algeria, Belarus, Bulgaria, Cuba, Comoros, Congo, Croatia, Ghana, Guinea
Indonesia, Ivory Coast, Lithuania, Liberia, Mali, Morocco, Niger, Romania, Senegal, Slovak
Republic***
- ❑ The top 10 countries where eVisa applications have been received are
 1. Nigeria
 2. Pakistan
 3. Mexico
 4. India
 5. China
 6. Cameroon
 7. Egypt
 8. Ethiopia
 9. Philippines
 10. Uganda

NOTE: Visa waiver agreements waiting signature from both countries for implementation of the agreements
Request received from DIRCO for the rollout of eVisa to Oman and Slovenia, this is currently in process



E-VISA PROGRESS REPORT - STATISTICS

PROJECTS	DURATION	RECEIVED	FINALISED	PENDING
E-VISA DHA	01 AUGUST 2021 TO 14 JULY 2023	32 519	31 627	892
E-VISA NIGERIA	01 AUGUST 2022 TO 14 JULY 2023	11 678	11 529	149
GRAND TOTAL		44 197	43 156	1 041

- Average applications per day: 100
- Highest applications per day for August was 352
- Capacity per Adjudicator per day: 20 applications



CURRENT DEVELOPMENTS

- ❑ The Department is in the process of expanding the eVisa platform to include Business, Intra Company and Study visa applications. The development is underway and user acceptance testing will commence once development is finalised.
 - The Pilot is envisaged for roll out by 30 November 2023.

- ❑ An online tracking system which will allow applicants to track their application at the various adjudication stages, are being developed. This will keep applicants informed on the status of their applications.
 - The roll out of this system is envisaged by end of financial year.



- ❑ The Department has a Foreign Office Coordination section that deals directly with all Missions abroad. They assist and address with all visa and permit queries.
- ❑ We conduct Bilateral Meetings with in country Foreign Embassy to discuss migration issue of mutual concern and visa agreements.
- ❑ Our website has all the latest information that is easily accessible to all applicants at www.dha.gov.za
- ❑ With regards to the eVisa countries, we have informed the Department of Internal Relations and Cooperation via a Note Verbal of the rollout of the eVisa system and for them to inform the respective countries.
- ❑ Once we have finalized the Business, Study and Intra Company processes on the eVisa platform we will inform all eVisa countries accordingly via DIRCO.



VISA EXEMPTIONS

- Exemption of visa requirements is provided for in section 10A(4)(a) of the Immigration Act, 2002 (Act No 13 of 2002) and is solely at the discretion of the Minister of Home Affairs.
- Exemption of visa requirements for diplomatic and official/service passport holders is dependent on diplomatic relations between the two countries and are initiated by the Department of International Relations and Cooperation. Once the process is concluded, a formal visa waiver agreement is signed.
- Exemption of visa requirements for ordinary passport holders is based on the principle of reciprocity, concluded by means of an exchange of notes and depends on a number of factors, such as-
 - a. the number of visitors from that country to South Africa per annum over a period of three years;
 - b. the number of asylum seekers received from that country;
 - c. whether a visa exemption will increase tourism;
 - d. the number of nationals of that country deported from South Africa; and
 - e. a security threat analysis done by SSA.
- In so far as reciprocity is concerned, most European countries and the USA do not reciprocate by exempting South African passport holders from visa requirements.



COUNTRIES THAT SA HAS DIPLOMATIC TIES WITH AND SPECIFIC VISA EXEMPTIONS THAT WERE GRANTED

There are 7 Continents	No. of Countries
Africa	36
Asia	20
Europe	44
North America	19
South America	11
Oceania & Australia	3
Antarctica	0

- eVisa has been rolled out to 14 countries.
- eVisa system further rolled out to 20 more countries from 24 April 2023.
- This means that all countries (where RSA has diplomatic relations) that are not visa exempt will have an eVisa platform to apply for a visitors visa to enter SA.
- They don't need to go to an Embassy to apply.



OPERATION VULINDLELA

- During the February 2022 SONA, President Ramaphosa announced that South Africa will be reviewing its visa regime to make it easier for foreigners to travel to the country for tourism, business and work.
- The review of the work visa system aims to attract needed skills to enable economic growth and improve the efficiency of the process for issuing permits and visas.
- The OV Report makes a number of recommendations, broken down into two distinct categories, namely **Process Recommendations** and **Policy Recommendations**



PROGRESS REPORT AGAINST VULINDLELA RECOMMENDATIONS

<u>Recommendation</u>			
<p>1</p> <p>Streamline documentation requirements and adjudication processes</p>	<p>1(a) Remove requirement for radiological report</p>	<p>A waiver has been issued to remove this as a requirement from all visa and permit categories. Date of Implementation was 12 April 2023. This was confirmed by the OCSLA legal opinion on 10 August 2023</p>	<p>Completed</p>
	<p>1(b) Remove requirement for registration with professional body</p>	<p>Legal opinion from OCSLA supports the draft regulations pertaining to the requirement for the registration with a professional body. The submission of a proof of application for a certificate versus the actual certificate from a professional body, will determine the period of issuance of a visa.</p>	<p>In process</p>
	<p>1(c) Require police clearance certificate from each country that an applicant has lived for 12 months or more during the past five years</p>	<p>OCSLA supported the period recommended for the submission of a Police Clearance certificate.</p>	<p>Completed</p>



PROGRESS REPORT AGAINST VULINDLELA RECOMMENDATIONS

<u>Recommendation 2</u>			
Modernise IT systems and introduce automation	2(a) Develop a secure IT system with the necessary features to ensure interoperability between departments and introduce automation to categorise and triage applications according to risk	DHA has entered into a MOU with Sita on the modernisation of IT system.	In process
	2(b) Hire the necessary IT staff to maintain IT functions and modernise DHA systems	The implementation of the MOU with CSIR and will assist to ensure that the IT capacity is addressed.	
	2(c) Upgrade internet speeds within the DHA	OV team at Presidency will engage with Sita in this regard.	
	2(d) Develop a secure IT system for Trusted Employer Scheme (TES). The TES will have a database of vetted companies that use or have the potential to employ foreign workers.	This item will be attended to by the work that will be done through the MOU signed with the CSIR to modernise DHA IT Systems.	



PROGRESS REPORT AGAINST VULINDLELA RECOMMENDATIONS

<p><u>Recommendation 3</u></p> <p>Expand human resources capacity in the Immigration Services Branch</p>	<p>3(a) Conduct comprehensive human resource review based, which should be informed by tech modernisation</p> <p>3(b) Develop a new organisational structure for Trusted Employer Scheme.</p>	<p>The revised structure with the draft Business Case to Treasury has been provided to Presidency. The Operation Vulindlela team is exploring ways in which the capacitation of the Branch can be funded through various options. Presidency and National Treasury requested a one year capacity plan for the Permitting unit and it was provide to them on 11 August 2023.</p>	<p>Completed</p>
<p><u>Recommendation 4</u></p> <p>Upgrade the Employment Services of South Africa (ESSA) database</p>	<p>4(a) Internally review upgrades to be made to ESSA and provide brief to IT on the requirements to support DHA and DoEL needs</p>	<p>Presidency team has committed to engage DoEL to update the ESSA data base. COMPLETED – NO FURTHER ACTION FROM DHA REQUIRED</p>	<p>Completed</p>
<p><u>Recommendation 5</u></p> <p>Update the Critical Skills List more frequently</p>	<p>5(a) Establish regular cadence for updating the Critical Skills List</p>	<p>An updated CS list was published in August 2022. The Department received a request from the Dept of Agriculture, Land reform and Rural development for the inclusion of Veterinarian occupations. The Department is in the process of revising the CS list with the intention of publishing the revised list by the end of September 2023.</p>	<p>Completed</p>



PROGRESS REPORT AGAINST VULINDLELA RECOMMENDATIONS

<p><u>Recommendation 6</u></p> <p>Introduce a trusted employer scheme (TES)</p>	<p>6(a) Engage relevant ministers through IMC</p> <p>6(b) Identify key departments to support implementation of the trusted employer programme</p> <p>6(c) Determine criteria for participation in the trusted employer scheme</p>	<p>A series of consultation were conducted Corporate clients from 25 April 2023 to obtain their inputs on the proposals for the Trusted Employer scheme that is combined with the Corporate Accounts unit. A submission with the draft Gazette inviting companies to apply for TES membership has been prepared and is enroute for Minister's consideration. Publication of the Gazette expected by middle of October 2023. OCSLA legal opinion was received on 10 August 2023 and it does not support that the TES should be included in the Regulations. However, the Dept can still implement the TES within the Large Accounts Unit as part of operations. CAU has drafted a MOU for TES employers.</p>	<p>In process</p>
<p><u>Recommendation 7</u></p> <p>Introduce a points based system (PBS)</p>	<p>7(a) Determine criteria for points-based system to streamline work visa categories and introduce greater flexibility</p>	<p>The Points based system (PBS) is currently included in the draft white paper on Immigration.</p> <p>A meeting was held with the Presidency team to discuss the legal opinion received by Presidency on the PBS. The Legal opinion confirmed that the PBS could be implemented through the Regulations and the Immi Act as it is currently. The Immigration Act is broad enough to cover the PBS. The PBS will therefore be incorporated in the draft Regulations. However, extensive public consultation is required which will delay the publishing of the revised Immigration Regulations.</p>	<p>In process</p>



PROGRESS REPORT AGAINST VULINDLELA RECOMMENDATIONS

<p><u>Recommendation 8</u></p> <p>Introduce new visa categories to cater for remote workers and start-ups</p>	<p>8a) Specify visa eligibility for remote workers</p>	<p>These are 2 new visa categories. The legal opinion received from OCSLA supported the inclusion of the Remote work visa as part of section 11 of the Immigration Regulations.</p>	<p>In process</p>
	<p>8b) Specify visa eligibility for start-up founders</p>	<p>For the start-up visa category, OCSLA did not support the inclusion of this category as a separate visa category. However, OCSLA recommended that this be included as part of the current business visa category for a foreigner who intends to establish a business in the Republic.</p> <p>The Department has written to SARS during August 2023 and a follow up engagement on 20 September 2023 between the DG of DHA and the SARS Commissioner took place on the tax implications for both visa categories. The SARS Commissioner committed to formally communicate in a letter to the DHA on the SARS position.</p>	



VULINDLELA WAY FORWARD

- Legal Services has redrafted the regulations pertaining to the Vulindlela inputs made by OCSLA. It is envisaged to submit the re-drafted Immigration Regulations to OCSLA by 30 September 2023 for certification.
- Check list for the requirements have already been amended by IMS. The amendments of the forms by Legal Services will be ready by 30 September 2023 and submitted with the amended Regulation to OCSLA.
- The requirements has been drafted and is under consideration by IMS and Legal Services for the Remote Work Visa and for the Start Up Visa.
- MOU for the Trusted Employer Scheme has been drafted by IMS and will be circulated for consideration by IMS and Legal Services
- Even though OCSLA indicated that the Minister is not obliged to publish the Regulations for public comment before promulgation and that the Minister can decide if so desired, it is recommended that the Regulations be subjected to public comment because of the substantive changes therein.



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