



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

DHA-57

230 Johannes Ramokhoase Street, Private Bag X114, PRETORIA, 0001
Parliamentary Office, 120 Plein Street, Private Bag X9048, Cape Town, 8000

DEPARTMENT OF HOME AFFAIRS:

- HEAD OFFICE**
- FOREIGN OFFICES**
- PROVINCIAL OFFICES**
- REGIONAL AND DISTRICT OFFICES**

IMMIGRATION DIRECTIVE NO 26 OF 2014

AUTHORISATION FOR ILLEGAL FOREIGNER TO REMAIN IN THE REPUBLIC PENDING AN APPLICATION FOR STATUS - REGULATION 30(2)

Take note that with effect from 26 May 2014, the Immigration Amendment Act, 2007 (Act No 3 of 2007) and the Immigration Amendment Act, 2011 (Act No 13 of 2011), as well as the Immigration Regulations, 2014 ("the Regulations") came into force.

Regulation 30(2) of the Regulations deals with the authorisation for an illegal foreigner to remain in the Republic pending an application for status. The procedure for issuance for the authorisation (on DHA-1759) – Form 20) should be as follows:

When an illegal foreigner whose visa has expired and could not apply in time as provided for in the Regulations for extension or renewal of his or her visa at the Visa Facilitation Service Centre, due to circumstances beyond his or her control, he or she should be referred to the Inspectorate (at any Home Affairs Office) to determine whether or not good cause exists as to why he or she could not apply on time.

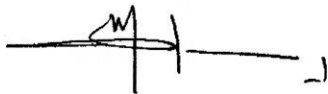
On receipt of written motivation for good cause the immigration officer will interview the illegal foreigner and obtain the necessary documentary proof corroborating good cause. The immigration office must issue to the illegal foreigner with a notice to report (DHA 1721 – Form 23) to enable the immigration officer to confirm the authenticity of the supporting documents submitted for good cause.

Once the investigation has been concluded, a report must be prepared by the immigration officer and sent to the Office Head who should then forward the report to the District Manager Operations / Director: Immigration Services to indicate if he or she supports the recommendation. Finally, the report with the recommendations of the District Manager Operations / Director: Immigration Services must be transmitted to the Provincial Manager or, if the matter is at Head Office, to the Chief Director: Inspectorate, for a decision and signing Form DHA-1759 (Form 20). The Provincial Managers are delegated with the powers to authorise the illegal foreigner to remain in the Republic pending his or her application for status and to issue DHA-1759 (Form 20).

When the Immigration officer receives a positive decision he/she will inform the illegal foreigner of the decision and hand over to the illegal foreigner the DHA 1759 (Form 20) and advise the illegal foreigner to approach the Visa Facilitation Service Centre to apply for the relevant visa.

Where the Provincial Manager did not approve the application for authorisation to remain in the Republic, the immigration officer must follow the prosecution or deportation processes for dealing with an illegal foreigner.

This Directive must be read with the attached Standard Operating Procedure.



MR J W MCKAY

DEPUTY DIRECTOR-GENERAL: IMMIGRATION SERVICES

2014/12/10

This immigration Directive follows Immigration Directive number 25 of 2014 which deals with: Suspension of access to permit track and trace system