



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

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DEPARTMENT OF HOME AFFAIRS: HEAD OFFICE
FOREIGN OFFICES

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DEPARTMENT OF INTERNATIONAL: CONSULAR SERVICES
RELATIONS & COOPERATION

IMMIGRATION DIRECTIVE NO 7 OF 2019

APPLICATIONS FOR TEMPORARY RESIDENCE VISAS: FOREIGN SPOUSES AND CHILDREN OF SOUTH AFRICAN CITIZENS AND PERMANENT RESIDENTS

On 28 June 2019 judgment was delivered in the Constitutional Court of South Africa (Case No 114/18) declaring Regulation 9(9)(a) of the Immigration Regulations unconstitutional in so far as foreign spouses and children of South African citizens and permanent residents are concerned. It therefore follows that such spouses and children can with immediate effect apply to change their status or the conditions attached to their visas from within the country **without the need to first apply for a waiver.**

South African Missions abroad are kindly requested to refrain from the current practice of endorsing visitor's visas in respect of foreign spouses and children of South African citizens and permanent residents with a condition that no change of status or conditions is allowed.

This Immigration Directive must be brought to the attention of all immigration and consular officials.

J W MCKAY
DEPUTY DIRECTOR-GENERAL: IMMIGRATION SERVICES

DATE: 03/07/2019

This Immigration Directive follows Immigration Directive No 6 of 2019, which deals with: Declaration of Peace Officers in terms of section 334 of the Criminal Procedure Act, 1997: Immigration Officers appointed in terms of section 33(2)(b) of the Immigration Act, Act No 13 of 2002, as amended.