



SOUTH AFRICAN EMBASSY - EMBAJADA DE SUDAFRICA

CONSULAR SERVICES - SERVICIOS CONSULARES

M. T. de Alvear 590 – C1058AAF Buenos Aires, Argentina

Tel.: +54+11+4317-2932 / Fax: +54+11+4311-8991

E-mail: consular.argentina@dirco.gov.za; Hours: Tues-Thurs 9 to 12

APPLICATION FOR A BUSINESS VISA

In terms of Section 15(1) of the Immigration Act No 13 of 2002 a person who intends investing in the South African economy by establishing a business or by investing in an existing business in the country must apply for a business visa. As an applicant, you will be required to invest a prescribed financial capital contribution.

Provided that –

- a) such foreigner invests the prescribed financial or capital contribution in such business;
- b) the capital contribution forms part of the intended book value of the business; and
- c) such foreigner has undertaken to
 - i. comply with any relevant registration requirement set out in any law administered by the South African Revenue Service; and
 - ii. employ the prescribed percentage or number of South African citizens or permanent residents within a period of 12 months from the date of issue of the visa

In terms of section 15(3) of the Immigration Act, as amended, the Director-General may reduce or waive the financial or capital contribution for businesses which are prescribed to be in the national interest, or when so requested by the Department of Trade and Industry. Applicants should contact the Department of Trade and Industry directly to enquire about obtaining such capitalisation reduction or waiver: vrecom@thedti.gov.za.

The capital requirements above may be reduced or waived in respect of the following types of industries / businesses:

- Information and Communication Technology
- Clothing and textile manufacturing
- Chemicals and bio-technology
- Agro-processing
- Metals and minerals refinement
- Automotive manufacturing
- Tourism
- Crafts

NOTES:

1. No business visa may be issued or renewed in respect of any business undertaking which is listed as undesirable by the Minister from time to time in the gazette after consultation with the Minister responsible for Trade and Industry.
 - a. In terms of subsection (1A) of the Immigration Act, as amended, no business visa may be issued or renewed in respect of the following business undertaking:
 - i. Businesses that import secondhand motor vehicles into the Republic of South Africa for the purpose of exporting to other markets outside the Republic of South Africa;
 - ii. The exotic entertainment industry;
 - iii. Security Industry.
2. A business visa may be issued for a period **not exceeding three (3) years** at a time
3. The holder of a business visa may not conduct work other than work related to the business in respect of which the visa has been issued.
4. The holder of a business visa shall submit proof to the satisfaction of the Director-General of the Department of Home Affairs that he or she has invested the prescribed financial or capital contribution in such business within twenty-four (24) months of the issuance of the visa, and within every two (2) years thereafter.



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5. Spouses' and dependent children of the applicant may apply for appropriate visas for the duration of the business visa (*refer to Visitors Visa-Section 11(1)(B)(IV) (3 Months-3 Years) or Study Visa for application requirements*)
6. Investors may obtain further information and guidance about the dynamics and principles involved in the South African business environment by contacting the Investment Promotion and Facilitation of the Department of Trade and Industry (the DTI):
http://www.thedti.gov.za/trade_investment/how_todo_business_insa.jsp.

VISA FEES

- Visa fees are subject to change annually.
- Consult with the Embassy the corresponding tariff according to the type of visa

RENEWAL AND EXTENSION OF VISAS

The Embassy does not renew or extend visas therefore each application will be treated as a new application and all supporting documentation must be submitted.

PLEASE NOTE: No person holding a visitor's visa may apply for a change of status to his or her visa while in the Republic, unless under exceptional circumstances set out below:

- is in need of emergency lifesaving medical treatment for longer than three months;
- is an accompanying spouse or child of a holder of the business or work visa, who wishes to apply for a study or work visa;
- be that the holder's continued stay in the Republic is required for any purpose related to a criminal trial in the Republic: Provided that such application shall be initiated by the relevant Deputy Director of Public Prosecutions and addressed to the Director-General.
- **Only** foreign spouses and children of South African citizens or permanent resident holders can apply to change their status or the conditions attached to their visas from within the Republic **without the need to first apply for a waiver.**

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THE FOLLOWING DOCUMENTATION MUST BE SUBMITTED BY EACH APPLICANT (NOTE: Please pay careful attention to the general visa information for additional information on requirements)

GENERAL REQUIREMENTS	
1.	Original machine-readable Passport or Travel Document - Valid for thirty (30) days after intended date of departure from the Republic of South Africa - Passports must have at least two (2) blank pages for endorsements - Original second passport, if the applicant holds one, should also be presented - Copies of previous visas / entry stamps of visits to the Republic of South Africa - Copies of the second passport <i>if applicable</i> - Manually or electronically extended passports will not be accepted
2.	Photographs 2 (two) 4x4 cm passport photographs, white background and applicant facing the camera
3.	Visa Application Form - Fully completed DHA-1738 Form 8 in black ink with BLOCK letters (to be downloaded from the website prior to appointment for submission) - Questions to be answered in English – questions that don't apply may be completed with N/A 'Contact person' under Part 4 refers to someone in country of origin / permanent residence - Please provide an email address under Part 4 (may be written below telephone number) - Part 5 and 6 must be completed in full; 'N/A' or 'refer to attached documents' will be rejected - Description of proposed activities under Part 5 must be completed in full - The applicant must complete his / her full name, sign and date the declaration on page 85; an undesirable person would not qualify for a visa or admission into the Republic for a period of at least 12 months
4.	Non-Argentine; Paraguay and Uruguay Nationals Proof of permanent residential status in the form of a long term residence visa / D.N.I. (original and copy)
5.	Medical report BI-811 in English (Mandatory for all applicants) - The prescribed form BI-811 must be completed, signed, stamped and dated by a registered medical practitioner with regard to the applicant's general state of health, detailing any medical condition he or she suffers from. - Must not be older than six (6) months by date of application.
6.	Original Police Clearance Certificate - Applicants older than 18 only need to submit police clearance certificates for the countries where they have resided in for 12 months or longer during the five years immediately preceding the date of application. - Original Police Clearance Certificate from country of origin must be submitted; - Foreign Nationals with permanent residence status in Argentina or Paraguay or Uruguay will require original police clearance certificates; - Applicants who resided in foreign countries for longer than 12 months can submit certificates in respect of criminal records from Embassies / Consulates in lieu of original police clearance certificates only if the signature on certificates from Embassies / Consulates is authenticated by the Foreign Ministry - Certificates must not be older than six (6) months by date of application. - The documents contemplated above shall be original documents and apostilled by the issuing authority of the country of origin and, where applicable, translated into English, which translation shall be certified as a correct translation by a sworn translator.
7.	Provisional return flight reservation or itinerary in the name of the applicant

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	The Embassy will not be held liable for costs incurred due to change of flight bookings on confirmed tickets if the visa is not finalized prior to the indicated date of departure
8.	Original yellow fever vaccination certificate • Required if the applicant travelled or intends travelling from or transiting through a yellow fever endemic area • Vaccination must be administered ten (10) days prior to date of departure
9.	Proof of payment • Must be paid ONLY by local bank transfers on the day of the appointment The Embassy reserves the right to reject any application that does not satisfy its requirements.

SPECIFIC DOCUMENTS / REQUIREMENTS

1.	An application for a business visa by a foreigner who intends to establish a business or invest in a business that is <u>NOT YET</u> established in the Republic of South Africa shall be accompanied by: 1. A certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that: a. at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available; or b. at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available; PLEASE NOTE: In terms of sections 15(1)(a) and 27(c) of the Immigration Act, 2002 (Act No. 13 of 2002) and after consultation with the Minister of Trade and Industry, the amount in cash as determined, originating from outside the Republic, to be invested in a business to be established or in an existing business in the Republic, to be R5 000 000,00. 2. An undertaking that at least 60% of the total staff compliment employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions. Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the visa; 3. An undertaking to register with: a. South African Revenue Service; b. Unemployed Insurance Fund; c. Compensation Fund for Occupational Injuries and Diseases; d. Companies of Intellectual Properties and Commission (CIPC), where legally required; and e. Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable. Provided that upon registration, all certificates shall be submitted to the Director-General; 4. A letter of recommendation from the Department of Trade and Industry regarding: a. the feasibility of the business; and b. the contribution to the national interest of the Republic of South Africa. <i>(Applicants should contact the Department of Trade and Industry directly to enquire about obtaining such</i>
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	<i>recommendation: vrecom@thedti.gov.za.)</i>
2.	An application for a business visa by a foreigner who has established a business or invested in an existing business in the Republic of South Africa, shall be accompanied by: 1. A certificate or a factual finding report issued by a chartered accountant registered with the South African Institute of Chartered Accountants, a professional accountant registered with the South African Institute of Professional Accountants or a business accountant registered with the South African Institute for Business Accountants to the effect that: a. at least an amount in cash to be invested in the Republic as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available; or b. at least an amount in cash and a capital contribution as determined from time to time by the Minister, after consultation with the Minister of Trade and Industry, by notice in the Gazette, is available; PLEASE NOTE: In terms of sections 15(1)(a) and 27(c) of the Immigration Act, 2002 (Act No. 13 of 2002) and after consultation with the Minister of Trade and Industry, the amount in cash as determined, originating from outside the Republic, to be invested in a business to be established or in an existing business in the Republic, to be R5 000 000,00. 2. Proof that at least 60% of the total staff compliment employed in the operations of the business shall be South African citizens or permanent residents employed permanently in various positions. Provided that proof of compliance with this undertaking shall be submitted within 12 months of issuance of the visa; 3. Proof of registration with the: a. South African Revenue Service; b. Unemployed Insurance Fund; c. Compensation Fund for Occupational Injuries and Diseases; d. Companies of Intellectual Properties and Commission (CIPC); and e. Relevant accredited professional body, board or council recognised by SAQA in terms of section 13(1)(i) of the National Qualifications Framework Act, where applicable. Provided that upon registration, all certificates shall be submitted to the Director-General; 4. A letter or recommendation from the Department of Trade and Industry regarding: a. the feasibility of the business b. the contribution to the national interest of the Republic of South Africa. 5. A foreigner who invests in a business to be established or has invested in an existing business shall, in addition to complying with sub regulation (2), submit: a. Financial statements in respect of the preceding financial year; and b. Proof of investment
3.	Within 12 months of the visa being issued, the applicant MUST, submit to the Director-General a letter from the Department of Labour confirming that a report regarding the undertaking referred to in section 15(1)(c)(ii) of the Act that 60% of the staff complement employed in the operations of the business are South African citizens or permanent residents who are employed permanently in various positions.

**ADDITIONAL DOCUMENTATION TO BE SUBMITTED FOR ACCOMPANYING DEPENDENTS
(IF APPLICABLE)**

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1.	Documentation in respect of a spousal relationship with a South African citizen or permanent resident permit holder: • Marriage certificate or in the case of a foreign spousal relationship, proof of official recognition thereof issued by the authorities of the foreign country OR • Permanent homosexual or heterosexual relationships: (i) A notarial agreement signed by both parties; (ii) an affidavit on Part A of Form 12 where a spousal relationship to a South African citizen or permanent resident is applicable; (iii) as well as documentation proving cohabitation and the extent to which the related financial responsibilities are shared by the parties. <i>Refer to General Visa Information for further information;</i> OR • Proof of a union recognised in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), where applicable. PLEASE NOTE: All official documents must be apostilled by the issuing authorities and translated into English by a sworn translator if applicable
2.	Documentation in respect of dependents accompanying the applicant to or joining the applicant in the Republic: • Unabridged birth certificate of the child authenticated by means of an apostille and translated into English by a sworn translator; • certified copies of both parents' passports / identity document; • proof of consent from one or both parents or legal guardian, as the case may be, in the form of a signed letter and dated. Contact details of the parents or legal guardian to be stated; • a letter of confirmation from the person who is to receive the child in the Republic, containing his or her residential address in the Republic where the child will be residing; <i>if applicable</i> • a certified copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; <i>if applicable</i> Additional documents will be required on a case-to-case bases when either of the parents is unable to sign
3.	Additional documentation where applicable (<i>authenticated by means of an apostille and translated to English by a sworn translator</i>) • Divorce degree • Death certificate of late spouse • Legal separation order



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GENERAL VISA INFORMATION

1. Argentine; Uruguay and Paraguay Passport Holders are visa exempt for 90 days when travelling to South Africa in respect of purposes for which a port of entry visa may be issued. Please refer to the Visa Exempt List for the complete list of countries who are exempt from obtaining South African visas and for the period of exemption <http://www.dha.gov.za/index.php/immigration-services/exempt-countries>
2. Submission of applications are by appointment only and must be submitted **in person**.
3. **Machine readable** passports / travel documents which have been **manually / electronically** extended will **NOT** be accepted.
4. **ALL** foreign nationals (*whether you are visa exempt or not*) who intend conducting work in the Republic of South Africa for a period up to ninety (90) days, including, but not limited to, technicians, journalists and film crews, must submit a completed application for **authorisation to conduct work on a visitor's visa in terms of Section 11(2)**.
5. **Internships:** The Immigration Act, as amended, makes no provisions for foreigners to undertake internships at companies and organisations in the Republic of South Africa, **a visitor's visa issued in terms of section 11(2) may not** be issued to such foreigners, including foreign students whose studies prescribe an internship. Foreign nationals intending to undertake internships must apply for a general work permit.
6. **Birth Certificate** means any birth record of a child issued by the relevant authority indicating the full names, surname and the date of birth, including the names and surname(s) of the parent(s) of such a child.
7. **All non-South African public documents** (i.e. birth; marriage; death certificates; divorce decree; court orders, foreign police clearance certificates etc.) must be authenticated by means of an apostille by the issuing authority and officially translated into English by a sworn translator, with further legalization at the Board of Translators at the expense of the applicant.
8. **Where applicable**, please only submit certified copies of official documents (e.g. birth, marriage certificates etc).
9. **Incomplete applications will not be accepted.**

For an application to be considered complete, application forms must be fully completed (areas that are not applicable to the applicant must be indicated with N/A); all couples and families applying together must provide complete sets of required documents for **EACH** applicant. This includes copies of bank statements, flight tickets, accommodation, marriage certificate certified copies (where applicable), medical reports (where applicable), etc.

- All copies of ID/Passport/Residence permit of host in South Africa must be certified copies – that is, certified by the Police in South Africa or a Commissioner of Oaths;
- Invitation letter from host in South Africa must be signed and dated;
- All bank statements must be stamped by the bank or accompanied by a separate letter from the bank verifying the account, name and address of the client.

Applicants who submit incomplete applications risk their applications being refused!

10. **All** police clearance certificates must be dated and issued not older than six months at the time of application. Out-dated documents will strictly not be accepted
11. **Accompanying spouse and dependent children** of the main applicant who is the holder of a visa issued in terms of section 11, 13, 14, 15, 17, 18, 19, 20 or 22 of the Act may be issued with a visitor's visa exceeding 3 months; however, it is recommended that dependent children of school-going age accompanying the main applicant apply for a study visa.
12. **Proof of sufficient available financial resources** refers to funds available to the applicant in order to sustain themselves whilst in the Republic. Please note that for family's and couples the amount stipulated is for per person per month. Copies of salary slips / employer's undertaking is **not accepted** as proof of sufficient available financial resources.
The requirement is:



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- a. R3000.00 for all short stay visa applications (i.e. not exceeding three months)
- b. R8500.00 for long stay visa applications including accompanying dependents
- c. **Volunteer Visas:** R3000.00 per month for the length of stay for e.g. if the length of the visa is for 6 months the proof of available funds is R18 000. Financial undertaking by the institution is not accepted.

NOTE: The amounts indicated above is applicable to per person per month for the length of the visa

A financial undertaking or support by a foreigner (parents/ spouse of an applicant who is not a South African citizen) is no longer recognized in terms of the South African Immigration Regulations.

13. Permanent homosexual or heterosexual relationships:

1. An applicant for a visa in terms of the Act who asserts in his or her application to be a spouse, as defined in paragraph (b) of the definition of spouse in section 1 of the Act, must prove to the satisfaction of the Director-General that he or she is a spouse to a citizen or permanent residence permit holder in the manner set out in sub regulation (2).
2. An applicant contemplated in sub regulation (1) must submit—
 - a. notarial agreement signed by both parties attesting that—
 - i. the permanent relationship existed for at least two years before the date of application for a relevant visa and that the relationship still exists to the exclusion of any other person; and
 - ii. neither of the parties is a spouse in an existing marriage with any other person;
 - b. an affidavit on Part A of Form 12, confirming the continued existence of the permanent relationship;
 - c. in the case where such a party was a spouse in a previous marriage, any official documents that prove the dissolution of such marriage either by divorce or the death of the other spouse;
 - d. documentation to prove—
 - i. the financial support the partners provide to each other; and
 - ii. the extent to which the financial and other related responsibilities are shared by the applicant and his or her spouse; and
 - e. where applicable, in the case of a permanent relationship concluded between two foreigners in a foreign country, an official recognition of the relationship issued by the relevant authorities of the country concerned.
3. Both partners to a relationship may be interviewed separately, on the same date and time, to determine the authenticity of the existence of their relationship.
4. An applicant contemplated in sub regulation (1) who has been issued with a visa must, after a period of two years from the date of issuing of that visa, inform the Director-General whether or not the permanent relationship still exists by submitting to the Director-General an affidavit on Part B of Form 12 illustrated in Annexure A.
5. An applicant contemplated in sub regulation (1) who has been granted a visa on the basis of the permanent relationship must immediately inform the Director-General when his or her relationship ceases to exist.
6. The Director-General may, upon receipt of the information contemplated in sub regulation (5), withdraw the visa issued on the basis of the existence of a permanent relationship.
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 and, where applicable cause, criminal charges to be laid against all parties implicated in misrepresentation or fraud.

14. Provisional flight reservations:

- a. **No fixed flight arrangements** should be made until the visa has been attained.
- b. All applicants travelling to the Republic for less than twelve (12) months must hold a valid return ticket when presenting themselves to the Immigration Officer at the ports of entry.
- c. Entry will only be permitted on a one-way flight ticket, where applicants are in possession of a valid Temporary Residence Permit issued for 12 months or longer, a Permanent Residence Permit or an appropriate visa.



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15. **Yellow fever certificates** are required if the journey starts or entails passing through the yellow fever belt of Africa or South America within 14 days prior to arriving in the Republic. Yellow fever vaccinations **must** be administered **10 days** prior to date of travel, or you will run the risk of being denied boarding by the airline. As of 11 July 2016, all existing and new vaccinations validity is considered as lifelong.
16. Applicants should be aware that all decisions regarding the issuance of, number of entries and duration of a visa are at the sole discretion of the Embassy, and it is not guaranteed that the Embassy will grant your request.
17. All application forms filled by hand must be original and completed in black ink in BLOCK letters. Scanned copies of application forms will not be accepted.
18. In the case of inconsistencies and / or incomplete information, our office reserves the right to request the applicant to submit additional documentation to substantiate the visa application.
19. Applicants who are unable to collect their passports in person must provide a letter of authorisation to the Embassy to release the passport to their nominated representative. The letter must be signed; dated and accompanied by a certified copy of the collecting person's D.N.I / Passport.
20. The Embassy **does not** accept applications for the renewal or extension of an existing visa. Each visa application will be treated as a new application and as such required supporting documentation must be submitted as if applying for the first time.