

## **DIRECT RESIDENCE (SECTION 26)**

Subject to section 25 of the Immigration Act as amended, the Director-General of the Department of Home Affairs may issue a permanent residence permit to a foreigner who:

**a) has been the holder of a work permit, including one issued under a corporate permit, in terms of the Immigration Act for five (5) years and has proven to the satisfaction of the Director-General that he or she has received an offer of permanent employment;**

**b) has been the spouse\* of a South African citizen or permanent resident for five (5) years and the Director-General is satisfied that a good faith spousal relationship exists, provided that such permit shall lapse if at any time within two (2) years from the issuing of that permit, the good faith spousal relationship no longer subsists, save for the case of death;**

\*A spouse means a person who is a party to:

1. a marriage, or a customary union; or
2. a permanent homosexual or heterosexual relationship, as prescribed.

*Please note that the holder of a permanent residence permit issued under this category shall, after a period of two (2) years since the issuing of that permit, inform the Director-General whether or not the good faith spousal relationship still exists by submitting to the Director-General an affidavit in the prescribed manner.*

**c) is a child under the age of 21 of a South African citizen or permanent resident, provided that such permit shall lapse if such foreigner does not submit an application for its confirmation within two (2) years of his or her having turned 21 age; or**

*Please note that in the case of an application under this category, the South African citizen or permanent resident shall satisfy the Director-General that he or she is able and willing to support and maintain the foreign applicant.*

**d) is a child of a South African citizen**

*Please note that in the case of an application under this category, the South African citizen or permanent resident shall satisfy the Director-General that he or she is able and willing to support and maintain the foreign applicant.*