

RESIDENCE ON OTHER GROUNDS (SECTION 27)

The Director-General of the Department of Home Affairs may issue a permanent residence permit to a foreigner of good and sound character who:

a) has received an offer for permanent employment, provided that:

- i. such foreigner has proven to the satisfaction of the Director-General that the position exists and that the position and related job description was advertised in the prescribed form and no suitably qualified South African citizen or permanent resident was available to fill it.;
- ii. the application falls within the yearly limits of available permits prescribed for each sector of industry, trade and commerce, after consultation with the Departments of Trade and Industry, Labour and Education; and
- iii. the permit may be extended to such foreigner's spouse and children younger than 21 years of age;

Please note that the permanent residence permit under this category shall be issued on condition that the holder of that permit shall remain employed for a period of five (5) years in the field in respect of which the offer of employment was made.

b) taking into account any prescribed requirement, has demonstrated to the satisfaction of the Director-General that he or she possesses extraordinary skills and qualifications*, and to those members of such foreigner's immediate family determined by the Director-General under the circumstances or as may be prescribed;

*Extraordinary skills and qualifications shall be proven by:

- i. a letter from a foreign or South African organ of state or from an established South African academic, cultural or business body, confirming the exceptional skills or qualifications of the applicant;
- ii. testimonials from previous employers and a comprehensive *curriculum vitae*;
- iii. other proof to substantiate exceptional skills or qualifications, such as publications and testimonials;
- iv. a letter of motivation indicating that the exceptional skill possessed by the applicant will be to the benefit of the South African environment in which he or she intends to operate.

c) intends to establish or has established a business in the Republic of South Africa and investing in it or in an established business the prescribed financial contribution*, and to members of such foreigner's immediate family;

*The prescribed financial contribution shall be in the form of a certificate issued by a chartered accountant registered with the South African Institute of Chartered Accountants to the effect that:

- i. at least R2,5 million in cash;
- ii. a capital contribution of at least R2,5 million; or
- iii. at least R2 million in cash and a capital contribution of at least R500.000,-,

originating from abroad, is available to be invested as part of the book value of the business;

The Director-General may waive or reduce such capitalisation requirements in the national interest or when so requested by the Department of Trade and Industry (*Contact person: Ms*

Marianne Combrink; Tel. +49 12 394 1326; Email: marianne@thedti.gov.za) in respect of the following business:

- i. information and Communication Technology;
- ii. clothing and textile manufacturing;
- iii. chemical and bio-technology industry;
- iv. agro-processing industry;
- v. metals and minerals refinement industry;
- vi. automotive manufacturing industry;
- vii. tourism industry; and
- viii. crafts

Please note that the permanent residence permit issued under this category shall lapse if the holder fails to prove within two (2) years of the issuance of the permit and three (3) years thereafter, to the satisfaction of the Director-General, that the prescribed financial contribution to be part of the intended book value is still invested as contemplated above.

In addition to the prescribed financial contribution, an application for a permanent residence permit under this category shall be accompanied by proof or an undertaking that at least five (5) South African citizens or permanent residents shall be permanently employed.

d) is a refugee referred to in section 27(c) of the Refugees Act, 1998 (Act No 130 of 1998);

e) intends to retire in the Republic, provided that such foreigner proves to the satisfaction of the Director-General that he or she:

- i. has the right to a pension, or an irrevocable annuity, or a retirement account which will give such foreigner R20 000 per month for the rest of his or her life; or
- ii. has a combination of assets realising R20 000 per month;

f) has proven to the satisfaction of the Director-General that he or she has a minimum net worth of R7,5 million and has paid an amount of R75 000 to the Director-General upon approval of the application; or

g) is a relative* of a South Africa citizen or permanent resident within the first step of kinship.

A relative means biological or judicially adopted children or adoptive parents and step-parents.

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.