



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 712

9

October
Oktober 2024

No. 51366

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ISSN 1682-5845



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HOME AFFAIRS

NO. 5398

9 October 2024

IMMIGRATION ACT, 2002**THIRD AMENDMENT OF THE IMMIGRATION REGULATIONS, 2014**

The Minister of Home Affairs has, in terms of section 7 of the Immigration Act, 2002 (Act No. 13 of 2002), and after consultation with the Immigration Advisory Board, made the Regulations in the Schedule.



DR L.A. SCHREIBER, MP
MINISTER OF HOME AFFAIRS

DATE: 8 October 2024

SCHEDULE

Definition

1. In this Schedule, “the Regulations” means the Immigration Regulations, 2014, published under Government Notice No. R. 413 of 22 May 2014, as amended by Government Notice No. R. 1328 of 29 November 2018 and Government Notice No. R. 4847 of 20 May 2024.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “**birth certificate**” of the following definition:

“**Income Tax Act, 1962**” means the Income Tax Act, 1962 (Act No. 58 of 1962);”

Amendment of regulation 11 of Regulations

3. Regulation 11 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (4) of the following paragraph:

“(b) work conducted, as contemplated in section 11(2) of the Act, for a foreign employer on a remote basis: Provided that—

- (i) such foreigner earns no less than the equivalent of R650 976,00 per annum;
- (ii) if the foreigner is a tax resident in a country that the Republic has an agreement in force with for the prevention of or relief from double taxation under section 108(2) of the Income Tax Act, 1962, such foreigner will be required to register with the South African Revenue Service if he or she is present in the Republic for longer than an aggregate period of 183 days during any 12-months period; and

- (iii) if the foreigner is not a tax resident in a country referred to in sub-paragraph (ii), such foreigner will be required to register with the South Africa Revenue Service; and”.

Amendment of regulation 18 of Regulations

4. Regulation 18 of the Regulations is hereby amended by the substitution for subregulation (12) and (13) of the following subregulation:

“(12) An application for a general work visa or critical skills work visa, contemplated in section 19(2) and (4) of the Act, must be adjudicated in accordance with the points-based system determined by Minister, from time to time, by notice in the *gazette*.

(13) The Minister may, in determining the points-based system referred to in subregulation (12), consider, but not limited to, the following—

- (a) qualifications;
- (b) language skills;
- (c) work experience;
- (d) offer of employment; and
- (e) salary.”.

Short title and commencement

5. These Regulations shall be called the Third Amendment of the Immigration Regulations, 2014 and shall come into operation on the date of publication hereof.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065