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Entry Accessibility

An analysis of the current entry requirements and the challenges facing the tourism industry

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Visitors' visas are intended for international travellers to South Africa having permanent residence outside the country and wishing to visit it on a temporary basis **for tourism and for a period not exceeding 90 days.**

This type of visa allows the visitor to travel to a South African port of entry where an immigration official will then determine whether the visitor **with purpose of tourism** is allowed to enter the country and for how long.

Visitors are restricted to the activity or reason for which their visas were issued.



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FREEDOM OF MOVEMENT

Freedom of movement -the right of individuals to travel within the territory of a country, to leave a country and return to it- is reaffirmed in several international instruments, such as the **1966 International Covenant on Civil and Political Rights (ICCPR)**. [ART. 12]

In the African framework, this right is consecrated in the **1981 African Charter on Human and Peoples' Rights (African Charter)**. [ART. 12]



Having a look to the Southern Africa Development Community (SADC) several articles of its **2005 Protocol on Facilitation of Movement of Persons** prescribe for very progressive measures of integration between member states through, for instance, “**travel facilities**” (Art. 12) and an “**harmonisation of current migrations practices.**” (Art. 13)

Yet, and this is not marginal in the context of our discourse, this Protocol, to date and according to its Article 36, **has not yet entered into force.**



Article 12 (Travel facilities)

1- States Parties agree to make travel documents readily available to their citizens and to co-operate in harmonising travel whether by air, land or water and to increase and improve travel facilities especially between their mutual borders.

2- States Parties undertake to introduce: a) machine readable passport as soon as possible and; b) technologically sensitive passports and other related facilities as circumstances allow.



SADC Protocol on the Development of Tourism (1998)

Its objectives include promoting the sub-region as **“a single but multifaceted tourism destination”** [Art. 2.9] which can be assisted by facilitating intra-SADC travel through the easing or removal of travel and visa restrictions and harmonising immigration procedures.

The Protocol calls for the complete abolition of visa requirements for SADC nationals, as well **as the introduction of a tourism unique visa for visitors from countries outside the region.** [Art. 5.1 c)]

Discussions are still taking place on the proposed unique visa.

However, security and income sharing considerations by Member States seem to have derailed the progress.



PASSPORT HOLDERS WHO ARE EXEMPT FROM VISAS FOR SOUTH AFRICA

The citizen who is a holder of a national passport (diplomatic, official or ordinary) **of 48** world countries/territories/international organisations is not required to hold a visa for an intended stay **of 90 days or less** and when in transit (**five African countries: Botswana, Namibia, Tanzania, Zambia and Zimbabwe**).

The citizen who is a holder of a national passport (diplomatic, official and ordinary) **of 28** world countries/territories/international organisations is not required to hold a visa for an intended stay **of 30 days or less** and when in transit (**nine African countries: Benin, Cape Verde, Gabon, Lesotho, Malawi, Mauritius, Mozambique, Seychelles, Swaziland**).



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ORDINARY PASSPORT / TRAVEL DOCUMENT HOLDERS WHO ARE SUBJECT TO SOUTH AFRICAN VISA FEES

A fee for the issuance of a visitor's visa in terms of **Section 11.1 of the SA Immigration Act** shall be collected in respect of passport/travel document holders of **more than 150 world countries when travelling on an ordinary passport (many of them are African, for example: Angola, Cameroon, Ethiopia, Kenya, Nigeria, Tanzania, Uganda)**



A SNAPSHOT ON THE TOURISM INDUSTRY

The **tourism industry in South Africa** plays an important role in the domestic economy.

Tourism direct GDP was R103,6 billion in 2013, rising from R93,5 billion in 2012. The industry's contribution to total GDP remained stable at 2,9% for both years.

International visitors contributed for 43% (R94,2 billion) of total tourism spend in 2013.



During 2013, 14,3 million non-resident visitors visited South Africa, increasing from 13,1 million in 2012 and 12,1 million in 2011.

Rising visitor numbers and increased spending is bound to influence employment within the industry. The number of persons employed in the tourism industry increased by 9 854, from 645 755 persons in 2012 to 655 609 persons in 2013.

The tourism industry employs about 4,4% of all employed persons in South Africa.



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Five significant developments in South Africa's visa rules (2016):

1- Ease of access for regular travellers and 10-year Multiple Entry Visitor's Visa option for African travellers

A long-term multiple entry visitor's visa for a period exceeding 3 months and up to 3 years for frequent travellers business people and academics, has already been implemented.

The aim is to implement what could represent the first step towards an equivalent to the US visa, by rewarding certain category of frequent travellers (mostly business and academics) from Africa extended multiple entry visas for a period of up to 10 years.



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2- Visa on arrival for travellers with UK, USA, Canadian visas or any other country with stringent visa control

The Department of Home Affairs (DHA) **said it would look at issuing visas on arrival** for persons travelling to South Africa having in their passports valid visas for the **UK, USA and Canada or any other country that applies stringent checks on visitors to their countries, to ease travel for tourists.**



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3- BRICS countries visa benefits through Accredited Tourism Company Programme for countries

The DHA is looking at introducing an **Accredited Tourism Company Programme for countries like China, India and Russia.**

On 29 January 2016, Minister M. Gigaba approved an Accredited Tourism Company Programme for China, with the Department of National Tourism confirming research showing that the tourism sector in China is highly regulated and therefore tourism operators are already accredited by their national Government.

The **SA Department of Tourism** is currently researching the same group tour accreditation process for India and Russia.



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4- Biometrics roll-out and Re-examination of Transit Visa requirements

South Africa is on its way to implementing biometric data capturing at key points of entry with pilot projects put in place after the DHA developed an **electronic Movement Control System (eMCS) Biometric fingerprint capability** at ports of entry in November 2015.

The biometric pilot is in place at Cape Town, King Shaka (Durban), Lanseria, and OR Tambo (Johannesburg) airports.

From January 2016, training has been provided to immigration officials for the eMCS by the Department's Learning Academy, to ensure efficient use and management of the system. Training is on-going as additional counters/ports are enabled for biometric capturing.

The successful implementation of biometric capturing at key ports of entry has formed the basis for the review of the Transit Visa requirements.

Given this review, from 18 December 2015 travellers transiting through the abovementioned airports will not require transit visas.



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5- Travelling with minors

The DHA recently said international visitors who have gone through the process of applying for a visa in order to enter South Africa, would not be required to provide birth certificate identification provided both parents are travelling with the minor, since that country's visa security checks would include birth certificate proof.

Parents of minors from visa exempt countries are, however, strongly advised to travel with the birth certificate, should it be requested by immigration officials.

As part of reducing child trafficking, the requirement for all children travelling into or out of South Africa to travel with an “unabridged” birth certificate as well as an applicable letter of consent from absent parent/s came into effect in June 2015.



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Home Affairs Minister M. Gigaba had repeatedly insisted that **the regulations on the entrance of minors have been essential for state security and to curb child trafficking.**

Tourism Minister D. Hanekom said **the concessions balanced security and child-trafficking issues with easing the burden of visa applications.**

DHA added that in terms of the decision on the requirement for travellers to apply for visas in person in countries where there is no SA mission, the department will receive applications, including by post, and capture travellers' biometrics on arrival at ports of entry.



However, the legislation requiring foreigners to provide biometrics when applying for visas and parents to carry unabridged birth certificates when travelling with children **contributed to a drop in tourism activity**, the Tourism Business Council said.

The Tourism Business Index, which tracks performance in South Africa's tourism sector, has been running since 2010.

The tourism sector posted an index score of 83.6 in the second quarter of 2015, compared with 99.9 in the first quarter and the lowest since the third quarter 2011.

An index score of 100 is regarded as an indication of normal levels of trade.



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Statistics South Africa reported in September 2015 that a comparison between June 2014 and June 2015 shows that, with the exception of France, the number of tourists decreased for all the other nine leading overseas countries.

The regulations required foreign tourists who need a visa to visit South Africa to appear “in person” and submit biometric data when applying for a visa.

As we mentioned above, while the request for biometrics as part of a visa application is a fairly standard request around the world, **the problem with South Africa’s biometric visa legislation is that the infrastructure was not in place when the law came into effect and communication around implementation and the processes required was unclear.**



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For instance, in July 2015, the new visa policy has derailed an Indian tour group's plans to travel after a child in the group was not granted a visa because of confusion around the unabridged birth certificate requirement.

This occurred despite the fact that both parents' details appear on an Indian passport.

The visa system represents an integral part of the tourism industry, and each country has the ability to allow for free movement of visitors and also to restrict the free movement of visitors for security, political and social reasons.

The visa system is a means to limit and control the movement of visitors to a destination.

It is alleged that South Africa is the only country in Africa requiring the unabridged birth certificate as means to combat child trafficking.



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Responding to how this policy may have impacted tourism Home Affairs Minister, M. Gigaba declared that his priority is the safety of children:

“South Africa should not accept that they are children who arrive in this country without being properly identified if they are travelling with anyone but their parents. There is a lot of crime and South Africa should never relent in protecting children.”

(EWN, August 2015)



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“South Africa is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. South Africans constitute the largest number of victims within the country. South African children are recruited from poor rural areas to urban centres, such as Johannesburg, Cape Town, Durban, and Bloemfontein, where girls are subjected to sex trafficking and domestic servitude and boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. Many children, including those with disabilities, are exploited in forced begging. Non-consensual and illegal *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is practiced in some remote villages in Eastern Cape province, exposing some of these girls to forced labour and sex slavery. Local criminal rings organize child sex trafficking [...]”

[US Department of State, 2016 Trafficking in Persons Report: South Africa]



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However, it is interesting to note that, in the aforementioned Report, in its Sections dedicated to the **Recommendations** (to the South African authorities), **Prevention** (of trafficking) and **Protection** (of trafficked persons), **no mention is made** to the more severe visa regime recently undertaken by the South African Government.

To date, we do not know if this omission has been intentional (to underline the inefficacy of the new visa regime in halting child-trafficking) or if, the new South African visa regime, has been simply neglected by the American Department of State.



In the end:

“SA attracts tourists from all regions of the world because of its climate, developed infrastructure and various tourist attractions; and it has become a major venue for international events.” (p. 14)

“Tourists and skilled migrants have helped grow our economy and knowledge base.” (p. 22)

“The rationale for Border Management Authority (BMA) establishment is to create an operational balance between security, trade facilitation, tourism promotion and socio-economic development both within SA and the SADC region.” (p. 35)

(DHA, Green Paper on the International Migration, 24 June 2016)



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THANK YOU



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