

Dependent Resident Visas

Preface

All visa categories are regulated under the South African Immigration Act No. 13 of 2002 (as amended) (“**the Act**”) and its associated Regulations, as published in Government Gazette No. 37679 (22 May 2014), No. 42071 (29 November 2018), and No. 50675 (20 May 2024).

Overview

Intended for accompanying family members of a holder of a visa issued in terms of Sections 11, 13, 14, 15, 17, 18, 19, 20, or 22 of the Act.

- **Spouses:** May apply for a Dependent’s Visa, classified as a Visitor’s Visa in terms of Section 11(1)(b)(iv) of the Act.
- **Minor Children (not of school-going age):** May likewise apply under the same visa classification.
- **Minor Children (school-going age):** May apply for a Study Visa in terms of Section 13 of the Act to accompany their parents.

Eligibility Criteria (Spouse)

- **Legal Marriage:** A legal marriage is defined as a union that is formally recognised by law in the country where it was solemnized and deemed acceptable under South African law.
- **Key Requirements:** Valid Marriage Certificate issued by a competent authority in the country of marriage. Such a certificate must be duly certified or authenticated (apostilled or legalised) for official use in South Africa.
- **Marriage Types Recognised in South Africa:** Civil marriages (solemnised under the Marriage Act, 1961). Customary marriages (recognised under the Recognition of Customary Marriages Act, 1998). Marriages under foreign law, provided such marriages are valid in the country of origin and not prohibited under South African law.
- **Monogamy Requirement:** Only one spouse shall be recognised for immigration purposes, except in instances of customary polygamous marriages, which are acknowledged if valid in accordance with South African customary law.
- **Prohibited Marriages:** Marriages that are prohibited under South African law (for example, between close blood relatives) shall not be recognised, even if deemed valid in another jurisdiction.
- **Recognised Life Partnership / Cohabitation:** For immigration purposes, the Republic of South Africa may, under specific and limited circumstances, recognise long-term partnerships existing outside the bounds of formal marriage.

Key Considerations for recognition of Life Partnership:

- **Definition:** A recognised partnership is a stable, long-term, and committed relationship that functions in substance akin to a marriage. Such a partnership must be monogamous and exclusive in nature.

- **Evidence Required:** Proof of joint residence (e.g., lease agreements, utility accounts). Demonstrated financial interdependence (e.g., shared bank accounts or assets). Sworn affidavits affirming the relationship. Proof of relationship duration (typically several years).
- **Departmental Discretion:** Immigration authorities exercise case-by-case discretion in assessing the validity of such partnerships. Not all long-term cohabitations qualify; the relationship must demonstrate clear permanence and exclusivity.
- **Children:** The presence of children born from the relationship may serve as corroborative evidence in support of the partnership's legitimacy.

Practical Implications for Immigration: Only spouses in legally recognised marriages or partners in duly substantiated long-term relationships shall be eligible to accompany a work visa holder as dependents. Marriage or partnership documentation must be authenticated as true copies of the originals by registered Commissioners of Oaths or Notary Publics. The Department of Home Affairs (DHA) reserves the right for further verification, if needed. Any fraudulent or unsubstantiated declaration of marriage or partnership will result in the refusal or revocation of the visa concerned.

Advantages & Disadvantages (Spouse)

Advantages

- **Legal Right to Reside in South Africa:** The spouse is lawfully permitted to reside in the Republic of South Africa for the duration of the principal applicant's visa.
- **Family Unity:** Facilitates the preservation of family cohesion, thereby mitigating the emotional and logistical strain associated with relocation and separation.
- **Access to Education:** Dependent spouses and children may enrol in recognised educational or tertiary institutions; however, a prior application for a study visa is required in accordance with immigration regulations.
- **Pathway to Permanent Residence:** Accompanying spouses may, in due course, qualify for permanent residence should the principal visa holder apply under an eligible permanent residence category.
- **Healthcare and Social Services:** Spouses are entitled to access healthcare and other relevant social services within the republic, whether through private or public systems, subject to applicable coverage and compliance with national legislation.

Disadvantages

- **Visa Tied to Principal Applicant:** The dependent visa remains directly linked to the validity of the principal applicant's visa. Should the principal visa expire or be revoked, the dependent visa shall automatically lapse.
- **Work Restrictions:** Unless expressly authorised, the spouse is not permitted to engage in employment within South Africa. Separate applications or official endorsements are required, which may entail procedural delays.
- **Limited Autonomy:** The spouse's immigration status is contingent upon that of the principal applicant. Circumstances such as divorce, legal separation, or cancellation of the principal visa may render the dependent visa invalid.
- **Documentary Requirements:** The application process entails extensive documentary submissions (including marriage certificate, proof of relationship, principal's visa, police clearance, and medical reports), which may present administrative challenges.
- **No Direct Path to Citizenship:** The spouse is not eligible to apply independently for permanent residence or citizenship unless such eligibility arises through the principal applicant's attainment of permanent residence or naturalisation status.

Eligibility Criteria (Study Visa)

A **Study Visa** permits a foreign national to enter and reside in the Republic of South Africa for the purpose of undertaking full-time studies at a recognised educational institution.

- **Letter of Acceptance:** The applicant must be formally accepted by a recognised South African educational institution (university, college, or school).
- **Financial Means:** The applicant must provide proof of sufficient financial resources to cover tuition fees, living expenses, return travel, and medical insurance.
- **Good Health:** Applicants may be required to undergo medical examinations. A valid and renewable Medical Aid Cover, compliant with the Medical Schemes Act, is mandatory for the full duration of study.
- **Good Character:** Applicants over the age of 18 must submit police clearance certificates to demonstrate good character.
- **Valid Passport:** The applicant must hold a passport valid for the full period of intended residence.
- **Intention to Study:** Applicants must demonstrate a bona fide intention to pursue studies and not to seek employment or permanent residence immediately.
- **Application in Time:** Applications must be submitted prior to travelling to South Africa, as study visas are not issued at the port of entry.

Advantages & Disadvantages (Study Visa)

Advantages

- **Legal Authorisation to Study:** Grants the holder lawful permission to enrol in full-time education at an accredited South African institution.
- **Potential Work Rights:** May permit limited part-time employment during the academic term (up to 20 hours per week for university students), subject to approval by the Department of Home Affairs (DHA).
- **Pathway to Temporary Residence:** A study visa may subsequently be converted to other visa categories - such as work, critical skills, or permanent residence - upon successful completion of studies.
- **Dependent Inclusion:** In certain instances, spouses and children may accompany the principal applicant as dependants under the same visa arrangement.

Disadvantages

- **Temporary Status:** The visa remains valid only for the duration of the academic programme and expires upon completion. Overstaying constitutes a contravention of immigration regulations and may result in penalties or restrictions on future visa applications.
- **Limited Work Opportunities:** Employment during the study period is restricted and subject to regulatory oversight, potentially limiting financial self-sufficiency for some students.
- **No Immediate Permanent Residence:** A study visa does not provide an automatic route to permanent residence. Graduates must apply for conversion to another visa category to remain in the Republic long-term.
- **Administrative Burden:** The application process necessitates substantial documentation, including proof of acceptance, financial means, medical reports, and police clearances, which may present procedural challenges.

Application Process

1. **Lodge the visa application** at the nearest [South African Foreign Mission Abroad](#) (referred to as “Embassy”) or at a designated Visa Facilitation Centre within the applicant’s country of habitual residence or origin.
2. The **estimated processing period**, commencing from the date of submission to the Embassy, ranges between **8 to 12 weeks or longer**. Processing times may vary subject to the specific Embassy’s operational capacity, the volume of applications received, and prevailing administrative circumstances.
3. Applicants **may be invited to attend an interview** to confirm the authenticity of their business intentions, relevant experience, and adherence to employment or investment obligations.
4. Depending on the **jurisdiction of application**, additional documentation may be requested at the discretion of the consular or visa officer on duty at the respective Embassy.

Expert Assistance for Immigration Compliance

Engaging qualified professionals can help ensure that visa and immigration applications meet all regulatory requirements, minimising delays and the risk of rejection.

[Wesgro’s](#) services include facilitation of visa processes for prospective investors and local businesses. Foreign applicants can also consider seeking assistance directly from a member of the **Forum of Immigration Practitioners of South Africa (FIPSA)** for guidance on compliance with procedural requirements. Attorneys and recognised Immigration Specialists may also assist with documentation and ensuring that applications meet all regulatory obligations. Obtaining professional advice can help reduce the likelihood of delays or rejections by ensuring submissions align with legislative criteria.

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