Investor's / Business Visa

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

The Investor's Visa, also referred to as the Business Visa is a term of Section 15 of the Act, provides a formal mechanism for foreign nationals to reside in South Africa for the purpose of establishing, managing, or participating in business activities. This visa category is intended to support sustainable economic growth, facilitate job creation, and advance national economic development objectives.

Internationally, investor visa programmes serve as instruments to attract capital, expertise, and innovation, thereby promoting foreign direct investment and integration into global markets. By providing clear and accessible pathways, South Africa demonstrates a commitment to a transparent, competitive, and investment-friendly economic environment.

The Investor Visa is designed to align governmental policy with national economic priorities, enabling international investors to contribute to sustainable growth, employment creation, and long-term prosperity.

This visa accommodates various investment models, including but not limited to:

- **New Business Establishment:** For investors establishing wholly new business operations within South Africa.
- **Partnership in Existing Businesses:** For investors acquiring equity in or joining existing South African businesses.
- **Passive Investment:** For investors committing capital to approved sectors or instruments that contribute to national economic development.
- **Minimum Investment Requirement:** Applicants are required to commit to a minimum investment of ZAR 5 million to be eligible for a Business Visa.
- **Employment Conditions:** At least sixty percent (60%) of the permanent workforce must comprise South African citizens or permanent residents, thereby ensuring a demonstrable contribution to local employment and skills development.

Eligibility Criteria

- **Purpose:** To provide a formal mechanism for foreign investors seeking to establish, invest in, or acquire an existing business in South Africa, thereby supporting national economic growth through the attraction of foreign investment.
- **Investment Requirement**: **Investment Requirement:** Applicants are required to commit a minimum investment of ZAR 5 million. Sector-specific thresholds may apply in designated

special economic zones or priority sectors, in accordance with guidelines issued by the Department of Trade, Industry and Competition ("the DTIC"). Refer to The Department of Trade, Industry and Competition ("the DTIC")

- **Employment Obligations**: At least sixty percent (60%) of the permanent staff complement must comprise South African citizens or permanent residents, ensuring a demonstrable contribution
    - to local employment and skills development.
- **Business Experience and Management Expertise**: Applicants may be required to provide evidence of relevant business experience and/or formal qualifications to substantiate their capacity to manage and operate the business effectively.
- **Proof of Funds**: The legal source and availability of investment capital must be independently verified by a Chartered Accountant registered with the South African Institute of Chartered Accountants (SAICA) or by a professional accountant registered with the South African Institute of Professional Accountants (SAIPA).
- **Documentation**: Submission of a positive recommendation from the DTIC via the Business Visa Recommendation System (VRS),is required, together with evidence of available investment capital, supporting business documentation, and personal documentation (including police clearance certificates, medical certificates, and other relevant records).
- **Language and Education**: While not mandatory, relevant professional expertise, formal qualifications, and proficiency in applicable languages are considered advantageous and may strengthen the application.
- **Pathway to Residency**: Applicants who fulfil all investment and employment obligations may be eligible to apply for permanent residence in accordance with the Immigration Act.
- **Validity**: The visa may be issued for a period not exceeding three (3) years and is renewable, subject to continued compliance with all visa conditions and statutory requirements.

Accompanying Family Members

For more information on the below, please refer to the Dependent Resident Visas guide

Spouses may apply for a Dependent's Visa (referred to as a Visitor's Visa in terms of Section 11(1)(b)(iv) of the Act) to accompany a holder of a Business Visa.

- **Purpose:** To reside in South Africa as an accompanying spouse of a Business Visa holder. Spouses are not permitted to undertake employment or pursue formal studies while on a Visitor's Visa.
- **Validity:** May be granted for a period not exceeding three (3) years and is renewable, subject to adherence to all compliance and visa conditions.

Minor Children (not of school-going age) may apply for a Dependent's Visa (referred to as a Visitor's Visa in terms of Section 11(1)(b)(iv) of the Act) to accompany their parents and the holder of a Business Visa.

- **Purpose:** To reside in South Africa as an accompanying minor child of a business visa holder. Attendance at school or formal study is not permitted on a Visitor's Visa.
- **Validity:** May be granted for a period not exceeding three (3) years and is renewable, subject to adherence to all compliance and visa conditions.

Minor Children (school-going age) may apply for a Study Visa (in terms of Section 13 of the Act) to accompany their parents and the holder of a Business Visa.

- **Purpose:** To reside in South Africa as an accompanying minor child of a Business Visa holder and to attend formal schooling on a Study Visa.
- **Eligibility:** Pre-enrolment at a recognised local school is required. Applicants must maintain medical cover, renewed annually, under a medical scheme registered in accordance with the Medical Schemes Act, for the duration of the study period.

- **Validity:** May be granted for the full duration of study as specified in the pre-enrolment issued by the school, provided the passport remains valid. A Study Visa is renewable, subject to adherence to all compliance and visa conditions.

Application Process

1. Initial submission to the Department of Trade, Industry and Competition (DTIC) via their Business Visa Recommendation System (VRS) portal. The estimated processing time is six (6) to eight (8+) weeks from the date of submission for the initial recommendation and approval to proceed with the Business Visa application.
2. **Lodge** the Business Visa application (and associated accompanying family members' applications) at the nearest South African Foreign Mission Abroad *(referred to as "Embassy")*, or Visa Facilitation Centre, in the country of usual residence/origin.
3. The estimated **processing time** from the date of submission to the Embassy is eight (8) to twelve (12+) weeks. Processing times may vary depending on the Embassy, the volume of applications submitted, staffing capacity, and other operational considerations.
4. Applicants may be requested to **attend an interview** to verify business intentions, relevant experience, and adherence to employment obligations.
5. Depending on the country of application, the applicant may be required to provide **additional documentation** at the discretion of the counter official at the respective Embassy.

Compliance and Ongoing Obligations

- Register with the South African Revenue Service (SARS) for tax purposes and, where applicable, with the Occupational Injury Compensation Fund (OICF).
- Ensure the ongoing operation of the business aligns with the original plan submitted in support of the business visa application.
- Within twelve (12) months of visa issuance, submit to the Director-General a letter from the Department of Labour (DOL) confirming that sixty percent (60%) of the staff complement employed in the business operation comprises South African citizens or permanent residents.
- Visas must be renewed at least sixty (60) days prior to the expiry date of existing visas, with continued evidence of compliance submitted in support of the renewal application.

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.

About Relocation Africa

Your Bespoke Mobility Partner at the Heart of Africa with over 30 years of experience, Relocation Africa is a leading provider of mobility solutions across the African continent. We support organisations and individuals through every stage of the relocation journey - ensuring seamless, cost-effective transitions handled with care, efficiency, and cultural insight. Our purpose is simple: to create exceptional experiences that leave lasting, positive memories of Africa and its heart.

Services

a. International Policy Development and Cost projections
b. EOR and Payroll Services
c. Relocation Services (Home and School search)
d. Immigration Services (Visa and Work permit management)
e. In-Country Research (Housing and Cost of Living research)

Contact

- Website: https://www.relocationafrica.com/
- For expert Immigration support: immigration@relocationafrica.com
- For expert Mobility support: info@relocationafrica.com

Disclaimer: *The information contained in this guide is accurate as of the date of printing and distribution.*

FAQs

Q: What is the minimum investment amount required for a Business Visa?
A: The minimum investment amount is ZAR 5 million, although sector-specific businesses may request that the investment amount be reduced.

Q: May the ZAR 5 million investment amount be from the applicant's existing business outside South Africa?
A: No, the investment amount must be in the applicant's personal bank account outside South Africa.

Q: May the business visa holder's spouse be actively involved in the business?
A: No, unless the spouse has applied for and been issued with a business visa, in their own right.

Q: May the ZAR 5 million investment amount be a combined amount from the main applicant and their spouse?
A: No, each business visa applicant must be able to prove the availability of an investment amount of ZAR 5 million, within their own right.

Q: May one apply for a Business Visa if one intends to take over an existing business?
A: Yes, investing in or taking over an existing business qualifies, provided one can meet the investment and employment criteria, and can prove that the business is viable and benefiting the SA economy.

Q: How many South African citizens must be employed in the business?
A: At least 60% of the permanent staff complement must be South African citizens or Permanent Residents.

Q: How long is the Business Visa valid?
A: It may be issued for a period not exceeding three (3) years and may be renewed subject to compliance with visa conditions.

Q: Is there a pathway to permanent residency?
A: Yes, after fulfilling the investment and employment obligations, one may apply for permanent residency. However, a recommendation is required from the DTIC, and the DTIC will do a site visit to determine whether the business is viable and benefiting the SA economy.

Q: Is the applicant able to travel while the business visa application is being processed by the South African Foreign Mission ("Embassy") abroad?
A: Only if the applicant has a second passport, as passports are usually retained by the Embassies during the application process.

Q: May the main applicant and all family members apply for their visas simultaneously?
A: Yes.

Q: Must all applicants submit their visa applications in person?
A: Yes

Q: How can Wesgro assist with a visa application?
A: Wesgro can assist with referrals to professional service providers who provide visa application support. Wesgro, through its management of the Western Cape InvestSA One-Stop-Shop, can escalate issues to the Department of Home Affairs and/or the DTIC where visa applications have been delayed.