

Please take note of the following received from Immigration. This will apply to all vessels working exclusively in South African territorial waters with foreign crew onboard.

1. The PREAMBLE to the Immigration Act, 2002 make it clear that the contribution to foreigners in the South African labour market must not adversely impact on the rights and expectations of South African workers.
2. Where a bona fide foreign crew member signs on to a vessel in a South African harbour which is a designated Port of Entry and that vessel has a foreign destination, that crew member will be in possession of a crew permit issued in terms of section 16 of the Immigration Act,2002. These crew members are not subjected to visa control when they enter the Republic of South Africa. All vessels destined for a foreign port or which enter a South African port from a foreign port are subjected to immigration clearance with the exclusion of inter alia military vessels on official invitation of the South African government.
3. Where a foreigner wants to work on a vessel that operates exclusively in South African waters that vessel is not subjected to immigration clearance as nobody is departing from the Republic of South Africa to a foreign destination. If that foreigner is going to work on the vessel for a period less than three months he must be issued with a visitors permit in terms of section 11(2) of the Immigration Act, 2002 with an authorisation to work. This temporary residence permit is issued at the Port of Entry on entry of the foreigner and after the relevant ships agent has provided the necessary deportation guarantee. That crew member then join the vessel without presenting himself to an immigration officer, because the vessel is not being cleared by immigration and when he leaves the vessel he must depart from the Republic of South Africa before the expiry date of his temporary residence permit. If this crew member is in possession of a passport which is from a country which is visa restricted he must be in possession of a visa before he enters the Republic of South Africa.
4. Where a foreigner wants to work on a vessel that operates exclusively in South African territorial waters for a protracted period which exceeds three months he will have to apply for a work permit in terms of section 19 of the Immigration Act,2002 and this is a complex procedure which inter alia entails the advertising of the position in a national newspaper. This procedure is specifically designed to protect scarce employment opportunities for South African citizens.