

PROHIBITED AND UNDESIRABLE PERSONS

(Section 29 and 30 of the Immigration Act, 2002)

Prohibited persons

The following foreigners are prohibited persons and do not qualify for a port of entry visa, admission into the Republic of South Africa, a visa or a permanent residence permit:

- (a) Those infected with or carrying infectious, communicable or other diseases or viruses as prescribed;
- (b) anyone against whom a warrant is outstanding or a conviction has been secured in the Republic or a foreign country in respect of genocide, terrorism, human smuggling, trafficking in persons, murder, torture, drug-related charges, money laundering or kidnapping;
- (c) anyone previously deported and not rehabilitated by the Director-General in the prescribed manner;
- (d) a member of or adherent to an association or organisation advocating the practice of racial hatred or social violence;
- (e) anyone who is or has been a member of or adherent to an organisation or association utilising crime or terrorism to pursue its ends; and
- (f) anyone found in possession of a fraudulent visa, passport, permanent residence permit or identification document.

The Director-General of the Department of Home Affairs may, for good cause, declare a person referred to above not to be a prohibited person.

Undesirable persons

The following foreigners may be declared undesirable by the Director-General, as prescribed, and after such declaration do not qualify for a port of entry visa, visa, admission into the Republic of South Africa or a permanent residence permit:

- (a) Anyone who is or is likely to become a public charge;
- (b) anyone identified as such by the Minister;
- (c) anyone who has been judicially declared incompetent;
- (d) an unrehabilitated insolvent;
- (e) anyone who has been ordered to depart in terms of this Act;
- (f) anyone who is a fugitive from justice;
- (g) anyone with previous criminal convictions without the option of a fine for conduct which would be an offence in the Republic, with the exclusion of certain prescribed offences; and
- (h) any person who has overstayed the prescribed number of times.

Upon application by the affected person, the Minister of Home Affairs may, for good cause, waive any of the grounds of undesirability.