UKUFAKA ISICELO SE-VISA YOKWEXESHANA OKANYE ESISIGXINA

KUTHENI UMELE USEBENZISE IGQWETHA?

OKO UMELE UKWAZI

Law Society of South Africa · BLA · Cape Law Society · National Association of Democratic Lawyers (Equality and Justice) · The Law Society of the Northern Provinces

IGQWETHA LAKHO – UMCEBISI WAKHO ONOKUMTHEMBA

Zonke izicelo ze-visa enoba zezokuhlala ixeshana okanye ngokusisigxina ziwela phantsi koluhlu loMthetho 13 Wokufuduka ka-2002 (oye wahlaziywa). Ukongezelela izigqibo zomgaqo-nkqubo zeSebe Lemicimbi Yekhaya eziqukwe kwiziKhokelo Zesebe zizo ezenza lo Mthetho usebenze.

Umthetho yezemfuduko usengaluthotho lwemiqobo namagingx-igingxi. Kungaluncedo kakhulu kubemi bamanye amazwe uku-faka isicelo se-visa zalo nalo naluphi na uhlobo ukuba badibane negqwetha eliwenza ngokukhethekileyo lo msebenzi ukuze kuzanywe kuze kuncitshiswe la magingxigingxi nemiqobo.

Iintlobo ze-visa

Kukho iintlobo eziliqela zokhetho lwee-visa ezifumanekayo. Ezi zahlulwa zibe:

- **Zi-visa zokwexeshana** ezenzelwa iiholide kunye noku-tyelela indawo ukuze ufumane unyango. Ngokuqhelekileyo ezi visa ziye zisebenze kangangeentsuku eziyi-90 kwaye ziyakwazi ukunatyiswa kwisithuba esingamele sidlule kwiintsuku ezingama-90, kodwa lingadluli apho.
  - Abantu abasuka kumazwe asebenzisa i-visa bamele bafake isicelo kumazwe abahlala kuwo bafune ii-visa ezo bazifunayo baze balinde de bazifumane ngaphambi kokuba beze emZantsi Afrika. Abantu abasuka kumazwe angafuni visa bona bangavela beze emZantsi Afrika ku-nye, kuxhomekeka kwixesha elivunyelwa sisivumelwano sokungabi na-visa selizwe abahlala kulo kunye neli lizwe loMzantsi Afrika, bangatyelela kuphela kangangelo xesha njengokuba kuchazwe kwisivumelwano.
  - Ezinye iintlobo 'zezinto ezinokuthanani nomsebenzi' zin-gaqhutywa ngokwe-visa/ipemithi yokutyelela ka-Section 11(2). Ezi visa umntu umele azicele kwilizwe lakhe njengomhlali oqhelekileyo.
- **Uhlobo lwe-visa zexesha elithile okanye 'ezokwexesha-na' ziwela** phantsi koluhlu lomsebenzi, lwesikolo nolwesh-ishini.

  Ngokuphathelele ii-visa zomsebenzi kukho umthetho oyim-funeko wasemZantsi Afrika wokuba umqeshi umele aqale athathe onke amanyathelo abekiweyo okuba afumane ummi wasemZantsi Afrika okanye umntu ongumhlali osisigxina kweso sikhundla ngaphambi kokuba umsebenzi awunike umntu welinye ilizwe. Oku kuquka ukuba ubhengezwe kumaphepha ndaba kazwelonke, kufunyanwe ingxelo evela kwiSebe Lezemisebenzi, ingxelo evela kwiarhente zezengqesho kunye nemimiselo ebekelwe umvuzo wezimali.

  Ekuphela kwenkalo yevisa apho ezi zinto zingasentla zingafuneki khona kukwi-visa yomsebenzi obaluleke gqitha (critical work visa). 'Ubuchule obubaluleke gqitha' buchazwa kuluhlu olukwi-visa olufakwa kwi-gazette nguMphathiswa Wemicimbi Yekhaya ngamaxesha athile. Olu ludwe luquka ubuchule, urhwebo, imisebenzi yobugcisa ethile, kunye ne-misebenzi yengqesho eza kuba luncedo kuzwelonke kwaye 'ebaluleke gqitha'.
- **Ii-visa zokufuduka kwinkampani enye** zibhekisela kuluhlu lweenkampani zamazwe ngamazwe ezinenkampani engaphantsi, elingenela, elihlakani okanye enxulumene nayo emZantsi Afrika zize zona zifune ukuthumela umqeshwa wazo aye kumsebenzi waphesheya kwelwandle osisigxina eze emZantsi Afrika asebenze kuwo ixesha elinokuthi lidlule kwiminyaka emine. Eso sicelo simele senziwe kwilizwe umfaki sicelo ahlala kulo aze alinde iziphumo kwelo lizwe lakhe.
- **Ii-visa zoshishino** zingacelwa ngumntu welinye ilizwe onqwenela ukuqalisa ushishino okanye ukuthenga ishishini emZantsi Afrika. Izinto ezifunekayo apha aziphelelanga nje ekubeni elo shishini kufuneka libe 'liyimfuneko kuzwelonke', kodwa kwakhona limele liqeshe ubuncinane ama-60% abasebenzi basemZantsi Afrika kwaye lithobele yonke imithetho yezabasebenzi neminye imithetho yasemZantsi Afrika emiselwe oku. Ukongezelela kumele kutyalwe imali ubuncinane ezizigidi ezi-R5.

  ISebe Lorhwebo Noshishino limele likhuphe ileta yoncomelo ephathelele nolu hlobo lwesicelo.
- **I-visa yokudla umhlala-phantsi** inganikezelwa kubemi bamanye amazwe abafanelekayo enokunikela ubungqina bokuba kukho izixhaso ezaneleyo ezibekwe nguMphathiswa Wemicimbi Yekhaya ngamaxesha athile ukuze abo-bantu bakwazi ukuzixhasa emZantsi Afrika bangabi luxanduva lweli liZwe. Ezi-mali zimele zibe ziza kuvela kwimali yomhlala-phantsi eqokelelelwe umhla-phantsi okanye 'iakhawunti yotyalo-mali' enikela ngomlinganiselo othile wengeniso ekwenza ufaneleke.
- **Ii-visa zezalamane** zona zingacelwa xa umntu welinye ilizwe ezalana ngegazi kangangedigrizi ezimbini nommi wasemZantsi Afrika okanye ummi osisigxina, nalapho izi-qinisekiso zezimali eziye zimiselwe amaxesha ngamaxesha nguMphathiswa Wemicimbi Yekhaya ziye zathotyela kwaza kwanikelwa neziqinisekiso ezifunekayo. I-visa yesalamane isenokukhutshwa kangangesithuba seminyaka emibini kwaye uyakwazi ukuyihlaziya.

UKUFAKA ISICELO SE-VISA YOBUME

OKO UMELE UKWAZI

Ii-visa zokuba ngumhlali osisigxina

Ii-visa zokuba ngumhlali osisigxina zezamaxesha angenammiselo. Abantu abanezi visa zilandelayo bangafaka isicelo se-visa zokuba ngabahlali abasisigxina:

- **Ukuba ngumhlali ngqo (Direct residence),** eye ifune ukuba umntu one visa yokusebenza abe ebesemZantsi Afrika ene visa yokusebenza kangangeminyaka emi-5 eqhubekayo.
- **Ukuba ngumntu one visa yobuchule obubaluleke gqitha** abayifumene ngenxa yobuchule babo obubaluleke gqitha ngokukhawuleza nje emva kokuba beye bafumana ivisa yokuhlala okwexeshana kolu luhlu.
- **Uluhlu lwezoshishino** lwevisa ezisisigxina ezinokuthi zicelwe ngumtyali-mali okanye usomashishini oye wafaneleka ngokuvisisana nemfuneko zokutyala imali okanye ukuqeshwa emZantsi Afrika, apho kuboniswa ukuba elishishini likhoyo okanye lifunwayo liza kuzinza kwaye liphumelele, kwaye lizimisele ukuqesha abemi basemZantsi Afrika abangama-60% okanye abangabemi abasisigxina kwelo shishini.
- **Abemi basemzini abatshate nabemi basemZantsi Afrika** kangangethuba leminyaka emi-5 bangafaka isicelo soluhlu 'lweqabane'. Oku kuquka abantu abajongwa njengabakumtshato oqhelekileyo, abamanywe ngokwesithethe okanye ngokwemithetho yasekuhlaleni kangangexesha elo abafaneleka ngalo.
- **Abadli mhlala-phantsi** abanikela ubungqina bokuba banengeniso ebenza balufanelekele oluluhlu.
- **'Abantu abazimeleyo ngokwezimali'** abakwaziyo ukunikela ubungqina bokuba banezimali ezibenza bafaneleke kwaye abazimisele ukuhlawula imali eye ibekwe amaxesha ngamaxesha nguMphathiswa Wemicimbi Yekhaya, njengemali engabuyiyo ehlawulwa kumLawuli Jikelele Wesebe Lemicimbi Yekhaya.

Izinto eziyilwayo ezibalulekileyo

Ngenxa yokubekwa koMthetho Ohlengahlengisiweyo Wemfudu-ko 13 ka 2011 kunye noMmiselo omtsha opapashwe nge 26 Meyi 2014, kuye kwabaluleka ukuba abafaki-zicelo bazo zonke iintlobo zevisa beze bona buqu ukuze bafake esi sicelo ukuze kwenziwe ufaniso lomntu siqu.

Amagqwetha enu anganikhapha xa nisenza oku aze ke aqoshelise konke oku kufakwa kwesicelo.

ISebe Lemicimbi Yekhaya liye lanika iVisa Facilitation Services (VFS) kuwo onke amaziko angundoqo emZantsi Afrika ukuba ibe yiarhenter eyamkelayo nekhupha ukufakwa nokuxhaswa kwe-visa xa ziye zanikezelwa.

ISebe Lezemisebenzi limele, ngokuvisisana nemiMiselo emitsha, liqhube umsebenzi wokwenza iziqinisekiso, ngokuvisisana nemvume zezemisebenzi, zokuba akukho mmi wasemZantsi Afrika okanye ummi osisigxina ofumanekayo kweso sigxina ngaphambi kokuba imvume yomsebenzi iqosheliswe inikwe umntu welinye ilizwe.

Ngokuphathelele ne-visa zoshishino, igama elithi 'uncedo kuzwelonke' liye laleyona nto ingundoqo kwizinto ezifunekayo ukuze iSebe Lezorhwebo Noshishino lenze isiqinisekiso.

Ezona zinto zifunekayo ukuze ufanelekele i-visa

Enye yezinto ezingundoqo ezifunekayo kukuba umfaki sicelo walo naluphi na uhlobo lwe-visa umele abe ngumntu oziphethe kakuhle kwaye ke ingxelo emkhululayo evela emapoliseni iyafuneka ivela nakweliphi na ilizwe umfaki sicelo ebehlala kulo kangangesithuba esingaphezu kwenyange ezili 12 kwiminyaka elishumi ngaphambili.

Kwakhona kubalulekile ukuba umfaki sicelo abe usempilweni kwaye ukwimeko entle emzimbeni. Ingxelo yezempilo neyoxilongo lwe-radiology iyafuneka.

Ngawo onke amaxesha ukuqesha umntu wasemZantsi Afrika kunye nokwakha amathuba omsebenzi emZantsi Afrika kuhlala kuyeyona nto ibalulekileyo kuqoqosho lwethu. Ngokuvisisana noku kufuneka – ngaphandle kwakwivisa yobuchule obukhethekileyo- abo baza kuba ngabaqeshi babonise umgudu abawenzileyo ukufumana umntu ongummi wasemZantsi Afrika okanye ummi osisigxina ngaphambi kokuba loo msebenzi bawunike umntu welinye ilizwe.

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