UKWENZA ISICELO SE-VISA YOKUHLALA EZWENI ISIKHASHANA NOMA UNOMPHELA

KUNGANI KUFANELE USEBENZISE UMMELI?

LOKHO OKUFANELE UKWAZI

LAW SOCIETY OF SOUTH AFRICA

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UMMELI WAKHO - UMELULEKI WAKHO ONGAMETHEMBA

Zonke izicelo zama-visa kungakhathaliseki ukuthi ezesikhashana noma ezikanomphela zingena ngaphansi koMthetho 13 Wabafuduki ka-2002 (njengoba uchitshiyelwe). Ngaphezu kwalokhu izinqumo zenqubomgomo yoMnyango Wezasekhaya njengoba ziqukethwe eSiqondisweni SoMnyango yizo ezenza lo Mthetho usebenze.

Umthetho wezokufuduka ungase ube nezingqinamba nezihibe ezicashile. Kungaba yinzuzo kubantu abavela kwamanye amazwe abakuzwelonke abenza izicelo zanoma yimaphi ama-visa ukuba baxhumane nommeli onguchwepheshe kulo mkhakha womsebenzi ukuze bazame ukunciphisa imiphumela yezihibe nezingqinamba ezicashile.

Izinhlobo zama-visa

Kukhona izinhlobo ezihlukahlukene zama-visa atholakalayo. Lawa ahlukaniswe ngalezi zigaba:

- **Ama-visa okuhlala isikhashana** avumela ukuba umuntu athathe amaholide futhi enze nokuvakasha ngezinjongo zezokwelashwa. Ngokuvamile la ma-visa asebenza izinsuku ezingu-90 ezivunyelwe ngokomthetho futhi zinganwetshwa ngezizathu ezizwakalayo ngezinye izinsuku ezingeke zeqe kwezingu-90 futhi, kodwa akuvunyelwe ukuba zeqele ngale kwalezi.
  - Abantu abavela emazweni angakhululiwe emfunekweni yama-visa kumelwe benze izicelo emazweni akubo abayizakhamuzi zawo ukuze bathole ama-visa afanele futhi balinde umphumela kulelo zwe ngaphambi kokuba babhekise amabombo eNingizimu Afrika. Abantu abasemazweni akhululiwe emfunekweni yama-visa bangamane nje beze kalula eNingizimu Afrika, futhi, kuye ngobude besikhathi sesivumelwano phakathi kwamazwe amabili esenziwe nezwe lakubo sokuhlala ngenkululeko ngaphandle kwe-visa, bangavakasha ubude baleso sikhathi njengoba sinqunywe esivumelwaneni.
  - Ezinye izinhlobo 'zemisebenzi ehlobene nokuqashwa' zingaqhutshwa ngokuvumelana nemvume yama-visa/yesivakashi yeNgxenye 11(2). Izicelo zala mavisa kumelwe zenziwe ezweni umuntu ahlala kulo.
- **Amavisa 'esikhashana'** angena ngaphansi kohlu lomsebenzi, ukufunda nebhizinisi.

  Maqondana nama-visa omsebenzi indinganiso esebenza kuwo wonke umuntu iwukuthi umqashi waseNingizimu Afrika kumelwe athathe zonke izinyathelo ezidingekile ukuze kucatshangelwe kuqala isakhamuzi noma umhlali ozinze unomphela kwelaseNingizimu Afrika njengongahlinzeka ngamasevisi ngaphambi kokuba amathuba omsebenzi avulekeke abantu abakuzwelonke abavela kwamanye amazwe. Lokhu kubandakanya ukukhangisa kumaphephandaba kazwelonke, ukuthola umbiko woMnyango Wabasebenzi, umbiko ovela kumanxusa atholela abantu umsebenzi kanye nesiqephu esicashuniwe sendinangiso yomholo.

  Okuwukuphela kwesigaba sama-visa esingatholakali ngokwemibandela yezimfuneko ezingenhla yileso sama-visa omsebenzi obaluleke kakhulu.' Amakhono abaluleke kakhulu achazwe ohlwini lama-visa amakhono abaluleke kakhulu afakwa kusomqulu nguNgqongqoshe Wezasekhaya (Minister of Home Affairs) njalo ngezikhathi ezithile. Lolu hlu lunamakhono, uhwebo, imisebenzi efundelwe nemisebenzi yokuqashwa ebhekwa njengeyohlobo "olubaluleke kakhulu'.
- **Ama-visa omsebenzi okushintshela kwelinye igatsha lenkampani efanayo** angena esigabeni sezinkampani ezikwezinye izingxenye zomhlaba ezinenkampani engaphansi, eyigatsha (filial), elawulwa yinkampani eyizalayo noma ehlobene nayo eseNingizimu Afrika futhi efisa ukushintshela umsebenzi esikhundleni sokuqashwa ngokuphelele ukusuka phesheya eza eNingizimu Afrika ngokunikwa isabelo sesikhashana senkathi engeke yeqe iminyaka emine. Leso sicelo kumelwe senziwe ezweni umenzi wesicelo ahlala kulo futhi alindele umphumela ekulelo zwe.
- Ama-visa eBhizinisi angase enzelwe isicelo ngumuntu ongesona isakhamuzi sakuleli ofisa ukuthenga ibhizinisi eNingizimu Afrika. Imfuneko yalawa ayibandakanyi nje kuphela ukuthi leli bhizinisi kumelwe 'lizuzise lelo zwe', kodwa kumelwe futhi liqashe okungenani u-60% wabasebenzi baseNingizimu Afrika futhi livumelane naso sonke isishayamthetho sezemisebenzi nesobuphathiswa eNingizimu Afrika. Ngaphezu kwalokhu kumelwe kufakwe utshalomali ebhizinisini lemali okungenani engengaphansi kwezigidi ezingu-5 zamaRandi (R5 million).

  UMnyango Wezohwebo Nezezimboni kumelwe futhi uhlinzeke ngencwadi yezincomo maqondana nalolu hlobo lwesicelo.
- **Ama-visa Okuthatha Umhlalaphansi** angase anikezwe abantu abavela kwamanye amazwe abafanelekayo abangase banikeze isiqinisekiso esanele sokuba nemithombo yengcebo eyanele njengoba kunqunywa nguNgqongqoshe Wezasekhaya njalo ngezikhathi ezithile ukuze bazisekele eNingizimu Afrika ngaphandle kokuba babe ngumthwalo woMbuso. Izimali kumelwe zivele kwimpesheni, umhlalaphansi noma 'i-akhawunti yotshalomali' ehlinzeka ngomholo oseqophelweni eliyenza ifaneleke.

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- **Ama-visa ezihlobo** angafakelwa isicelo lapho umuntu ovela kwelinye izwe enobuhlobo bomndeni (kinship) ngaphakathi kwamazinga amabili obuhlobo bomndeni kwisakhamuzi noma umhlali oseyisakhamuzi saseNingizimu Afrika, nalapho isiqinisekiso esingokwezimali njengoba sinqunywa njalo ngezikhathi ezithile nguNgqongqoshe Wezasekhaya kuye kwavunyelwana naso futhi kwanikezwa isiqinisekiso esidingekayo. I-visa yesihlobo ingase ikhishelwe inkathi yeminyaka emibili futhi iyavuseleleka.

Ama-visa okuhlala ezweni unomphela

Ama-visa okuhlala ezweni unomphela angawenkathi eqhubekayo. Abantu abanama-visa alandelayo bangazifaka izicelo zokuhlala ezweni unomphela:

- **Ukuba yisakhamuzi ngokuqondile (Direct residence)**, okudinga ukuba umnikazi we-visa yomsebenzi ebe esehlale eNingizimu Afrika nge-visa yomsebenzi inkathi eqhubekayo yeminyaka engu-5.
- Abanikazi bama-**visa omsebenzi amakhono abalulekile (Critical skills work visa)** ngokwesisekelo sama-visa amakhono abo abalulekile ngokushesha nje lapho sebethole ama-visa abo okuba yizakhamuzi zesikhashana kulesi sigaba.
- Ama-visa okuhlala unomphela **Esigaba sebhizinisi (Business category)** angafakelwa isicelo ngumtshalizimali noma lowo oqalisa ibhizinisi ofaneleka ngokuvumelana nemfuneko yotshalomali neyomsebenzi eNingizimu Afrika, angase abonise ukusimama nekhono lokuphumelela kwebhizinisi elikhona noma elihlosiwe, futhi azimisele ukuqasha u-60% wezakhamuzi noma abahlali asebeyizakhamuzi unomphela eNingizimu Afrika kulelo bhizinisi.
- **Izakhamuzi ezivela kwamanye amazwe ezishade izakhamuzi zaseNingizimu Afrika** inkathi engaba iminyaka engu-5 zingasifaka isicelo esigabeni 'sabashadene' (spousal). Lokhu kubandakanya abantu abahlanganiswe ngemishado engokwesiko eyamukelekayo, imishado yendabuko, noma, imishado yezitabane inkathi enqunyiwe.
- **Abathathe umhlalaphansi (Retirees)** abanikeza isiqinisekiso somholo obenza bakufaneleke ukuba kulesi sigaba.
- **'Abantu abazimele ngokwezimali'** abanganikeza isiqinisekiso sezimali ezikhona ezibenza babe abafanelekayo futhi abakulungele ukukhokha inani elinqunywa njalo ngezikhathi ezithile nguNgqongqoshe Wezasekhaya, njengenkokhelo engenakubuyiswa ekhokhwa kanye kuMqondisi Jikelele Wezasekhaya.

Izinto Ezisunguliwe Ezibalulekile

Ngokusungulwa koMthetho 13 Ochitshiyelwe Wezokufuduka Ka-2011 kanye Neziqondiso ezintsha ezashicilelwa ngomhla ka-26 Meyi 2014, kwaba okudingekile ukuba bonke abenzi bezicelo zazo zonke izinhlobo zama-visa bazifikele mathupha ekufakweni kwezicelo ukuze kuthathwe imininingwane yokuhlaziywa kwegazi nokunye (biometrical identification).

Abameli bakho bangase bahambisane nawe kuyo yonke le nqubo kuze kube yilapho isicelo sakho siphothulwa.

UMnyango Wezasekhaya unikeze i-Visa Facilitation Services (VFS) igunya elingokomthetho kuzo zonke izikhungo eziyinhloko eNingizimu Afrika lokuba basebenze njengabamukeli nabathumeli bamanxusa okufakwa nokugunyazwa kwama-visa lapho ekhishwa.

UMnyango Wabasebenzi kumelwe, ngokwemibandela yeZ-iqondiso ezintsha, wenze umsebenzi wokufakazela (certify), maqondana namaphemithi omsebenzi, ukuthi akukho zakhamuzi noma abahlali abayizakhamuzi unomphela baseNingizimu Afrika abebekhona kulesi sikhundla ngaphambi kokuba kuphothulwe iphemithi yomsebenzi yabantu abavela kwamanye amazwe.

Ngokwemibandela yama-visa ebhizinisi, igama elithi 'inzuzo kazwelonke' (national interest) selibe umgogodla wemfuneko yoMnyango Wezohwebo kanye nezitifiketi Zezohwebo.

Imfuneko eyinhloko yama-visa aphumelelayo

Enye yezimfuneko eziwumgogodla iwukuthi umenzi wesicelo sanoma yiluphi uhlobo kumelwe abe ngumuntu onedumela elihle (good character) futhi ngenxa yalokho kudingeka isitifiketi esiyisiqinisekiso sasemaphoyiseni (police clearance certificate) kunoma yiliphi izwe umenzi wesicelo abengumhlali kulo inkathi engaphezu kwezinyanga ezingu-12 eshumini leminyaka langaphambi kokwenza isicelo.

Kubalulekile futhi ukuba umenzi wesicelo abe nempilo enhle futhi abe ngumqemane. Umbiko wezokwelashwa nowokuthwetshulwa kwezithombe ze-X-ray uyadingeka.

Ngazo zonke izikhathi ezifanelekile ukuqasha izakhamuzi zaseNingizimu Afrika nokwakha imisebenzi ezozuzisa izakhamuzi zaseNingizimu Afrika kuhlala kuyimigomo yethu eyinhloko yomnotho wethu. Ngakho-ke kuyadingeka – ngaphandle kwesigabeni sama-visa amakhono abaluleke kakhulu – ukuthi abazoba ngabaqashi babonise imizamo eyenzelwe ukuvikela amasevisi ezakhamuzi zaseNingizimu Afrika noma abahlali abayizakhamuzi zakuleli ngaphambi kokuba bathembise noma ngubani oyisihambi esivela kwamanye amazwe.

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