



AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE
REPUBLIC OF INDIA**

**ON SIMPLIFICATION OF VISA
REQUIREMENTS FOR TRAVEL OF CERTAIN
CATEGORIES OF CITIZENS**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of India (hereinafter jointly referred to as the "Parties" and separately as a "Party");

CONFIRMING their desire to enhance bilateral relations based on friendship and mutual understanding between the peoples of the two countries;

SEEKING to encourage contacts between business persons, representatives of cultural, scientific and educational institutions and to promote tourism between the two countries;

WISHING to simplify the requirements for travel by citizens of the countries of the Parties; and

NOTING that the Agreement between the Republic of South Africa and the Republic of India on mutual travel regime for holders of diplomatic and service or official passports was concluded at New Delhi on 22 February 2008;

HEREBY AGREE as follows:

ARTICLE 1

GENERAL PROVISIONS

This Agreement shall apply to –

- (1)
 - (a) citizens of the Republic of South Africa who are holders of a South African Ordinary passport; and
 - (b) citizens of the Republic of India who are holders of an Indian national Ordinary passport.
- (2) This Agreement shall not affect the domestic law of the countries of the Parties relating to foreigners' commercial or labour activities.

- (3) The domestic law of the country of the receiving Party shall apply to the matters not covered by this Agreement (including but not limited to, the refusal to issue a visa recognition of the validity of travel documents, proof of sufficient means of subsistence, refusal of entry, and the measures for expulsion).
- (4) The citizens of the countries of Parties shall, while they are in the country of the other Party, be subject to the domestic law of that country.
- (5) The Parties shall, subject to the domestic laws of the country of the receiving Party, issue visas to applicants in accordance with this Agreement.

ARTICLE 2

COMPETENT AUTHORITIES

The Competent Authorities responsible for the implementation of this Agreement shall be-

- (a) in the case of the Republic of South Africa, the Department of Home Affairs;
and
- (b) in the case of the Republic of India, the Ministry of External Affairs.

ARTICLE 3

VALID DOCUMENTS

- (1) The citizens of the sending Party shall enter, transit through, exit from and stay in the country of the receiving Party with a valid passport and visas in accordance with this Agreement unless they are exempted from visa requirements according to the domestic law of the Parties or other international agreements between the Parties.
- (2) Minor citizens of the Parties shall travel with the valid passports or when provided for, by the domestic law of the Parties with the valid documents of

their accompanying legal representatives (parents, adoptive parents custodians or trustees), if they are listed in said passports and travel with them.

- (3) The Competent Authorities of the Parties shall exchange specimens of the valid passports of their countries through the diplomatic channels not later than thirty (30) days after the signing of this Agreement.
- (4) The Competent Authorities of the Parties shall inform each other of the introduction of new valid passports or changes to the existing valid documents and convey specimens of the new or changed passports through the diplomatic channel not later than thirty (30) days prior to the introduction of the new or changed valid passports.

ARTICLE 4

DOCUMENTARY EVIDENCE REGARDING PURPOSE AND DETAILS OF TRAVEL

- (1) (a) A member of an official delegation of a Party who receives an official invitation to take part in meetings, consultations, negotiations, exchange programs or events in the country of the other Party shall produce a letter or Note Verbale issued by the Competent Authority of either Party confirming that he or she is a member of the official delegation travelling.
- (b) In the case of exchange programs, return ticket, confirmation letter from the host institutions in the countries of the Parties and a copy of the exchange programme agreement entered into by the participating institutions in the countries of the Parties shall be submitted with the application for a visa.
- (2) (a) Representatives of the national associations of business persons and manufacturers of India shall in the case of a visit to South Africa have a return ticket and a written request to visit from-
 - (i) the Department of Trade and Industry; or
 - (ii) the South African Chamber of Commerce and Industry; or

- (iii) Business Unity South Africa; or
 - (iv) any recognized or registered association of commerce and industry.
- (b) Representatives of the national associations of business persons and manufacturers of South Africa shall in the case of a visit to India have a written request to visit from-
 - (i) the Federation of Indian Chambers of Commerce and Industry (FICCI); or
 - (ii) the Confederation of Indian Industry (CII); or
 - (iii) the Associated Chambers of Commerce and Industry of India (ASSOCHAM); or
 - (iv) the National Association of Software and Services Companies (NASSCOM); or
 - (v) any recognized or registered association of commerce and industry.
- (3) Individual business persons of the country of a Party shall have proof of return ticket and an invitation to visit from a registered or incorporated company in the country of the other Party.
- (4) A patient visiting the country of a Party for medical treatment, shall have proof of return ticket and a letter from a registered medical practitioner or medical institution in that country, indicating --
 - (a) the nature of the ailment;
 - (b) the reason for treatment;
 - (c) the period of treatment;
 - (d) the particulars of the consultations to be conducted;
 - (e) full details of the person or institution responsible for the medical expenses and hospital fees; and
 - (f) proof of medical cover.
- (5) Tourists shall have proof of return ticket, proof of accommodation and proof of sufficient funds to cover all expenditures for the duration of his or her stay.

ARTICLE 5
ISSUANCE OF MULTIPLE-ENTRY VISAS

- (1) Diplomatic Missions or Consular Offices of a Party in the country of the sending Party shall issue multiple entry visas with a validity of up to 5 years to-
 - (a) a member of an official delegation;
 - (b) representatives of national associations of business persons and manufacturers;
 - (c) individual business persons, beneficiaries of exchange programs; and
 - (d) tourists.
- (2) The multiple entry visas contemplated in this Article shall-
 - (a) in India be valid for a period not exceeding ninety (90) days per each period of hundred and eighty (180) days; and
 - (b) in South Africa be valid for a period not exceeding ninety (90) days in a calendar year.

ARTICLE 6
DURATION AND PROCEDURE FOR PROCESSING VISA APPLICATIONS

- (1) The diplomatic missions or consular offices of the Parties shall take a decision on a request to issue multiple entry visa within five (5) working days from the date of the receipt of the application and documents required for issuing the visa;
- (2) In rare cases, as an exception, if there is a specific scrutiny required as per the domestic laws of the Parties, the time taken will be intimated to the applicant on receipt of the application.

ARTICLE 7
SUSPENSION

- (1) A Party may suspend, either in whole or in part, the implementation of this Agreement.
- (2) The suspension shall take effect immediately after notification thereof to the other Party through the diplomatic channel.
- (3) The Party shall terminate the suspension by way of written notice to the other Party through the diplomatic channel.

ARTICLE 8
SETTLEMENT OF DISPUTES

Any dispute arising out of the interpretation, application or implementation of this Agreement shall be settled amicably through consultation or negotiation between the Parties.

ARTICLE 9
AMENDMENT

This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

ARTICLE 10
FINAL PROVISIONS

- (1) This Agreement shall enter into force thirty (30) days after the date of signature thereof by both Parties.
- (2) This Agreement shall remain in force for an indefinite period unless terminated by either Party in accordance with sub-Article (3).

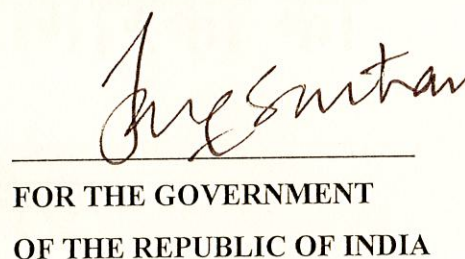
- (3) This Agreement may be terminated by either Party, by written notice in advance through the diplomatic channel to the other Party of its intention to terminate it. This Agreement shall be terminated 90 days after the date of receipt of such notification.
- (4) The termination of this Agreement shall not affect the rights of citizens who have already entered the country of the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed and sealed this Agreement in two originals in the English and Hindi languages, all texts being equally authentic. In the event of any divergence of interpretation, the English text shall prevail.

DONE AT Pretoria ON 5 DAY OF December IN
THE YEAR 2019.



FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA



FOR THE GOVERNMENT
OF THE REPUBLIC OF INDIA