



Reference: Study Visas  
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## Circular 20 of 2017: Study Visas

The Council for Medical Schemes (CMS) has been receiving an increased number of inquiries from foreigners intending to study in South Africa, foreigners studying in South Africa and wishing to renew their study visas, foreign parents intending to place their children in South African tertiary institutions, as well as from foreign providers of medical insurance whose members/clients are studying or intending to study in South Africa, regarding the possibility of the CMS giving the foreign students studying or intending to study in South Africa an exemption from having to meet the legal requirement to have a medical cover with a registered South African medical scheme on the basis that they already have medical insurance cover from various providers in their respective countries of origin.

In terms of section 8(h) of the Medical Schemes Act 131 of 1998 (MSA) which is administered by the CMS, Council has the power in exceptional cases to grant exemptions from any provision of the MSA and subject to terms and conditions as it may determine. The aim of this Circular is to clarify why the CMS is not in a position to grant exemption to foreign students studying or intending to study in South Africa from the legal requirement to have medical cover from a medical scheme registered in South Africa.

Study visas are regulated in terms of the Immigration Act 13 of 2002 (the Immigration Act) with its 2014 Immigration Regulations which are administered by the Department of Home Affairs.

Regulation 12(1)(f) of the 2014 Immigration Regulations provides that an applicant for a study visa to study at a learning institution in South Africa shall submit proof of a medical cover renewed annually with a medical scheme registered in terms of the MSA, for the period of study.

Accordingly, the requirement for foreigners studying in South Africa or intending to study in South Africa to have medical cover with a medical scheme registered in South Africa is not an MSA requirement but an Immigration Act read together with the Immigration Regulations, requirement. Therefore, the CMS has no power to grant foreign students studying or intending to study in South Africa exemptions from the Immigration Act and/or its regulations.



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