



Companies and Intellectual  
Property Commission  
a member of the **dtic** group

## CUSTOMER NOTICE 75 OF 2024 FOREIGNER ASSURANCE COMMON CHALLENGES

The Companies and Intellectual Property Commission ("CIPC") hereby informs customers that it is receiving a high volume of poor-quality applications on the foreigner assurance process which contributes to unnecessary resubmission and enquiries.

CIPC takes note of the criticism from customers on the service and therefore would like to **highlight common challenges** experienced on the quality of applications on this service to improve the efficiency with which it is submitted by customers and assured by CIPC. The rejection rate for applications on this service during July to September 2024 was 52%.

### 1. Certification Requirements:

Customers are reminded that they need to strictly comply with the provisions of Practice Note 2 of 2022. Some key elements of this Practice Note are highlighted below (but for completeness refer to the Practice Note):

#### 1.1 Identification of the Commissioner of Oath:

The Commissioner of Oaths, Notary or person who apostilled the document **MUST** be clearly identifiable by providing his/her **FULL NAMES** (not initials), **SURNAME** and **SIGNATURE**.

The application will be rejected if the name of the Commissioner of Oaths, Notary or person apostilling the document contains initials as part of the full name or just initial/s and surname.

The application will also be rejected if the application contains multiple stamps whereby the Commissioner of Oaths, Notary or person who apostilled the document seems to be different persons – a single Commissioner of Oaths, Notary or person who apostilled the document **MUST** be identifiable.

For police officers, the full name and surname must be provided and be clearly legible.

#### 1.2 Designation of Commissioner of Oath:

The designation must be stated on the document, **without which** it cannot be confirmed that the person is authorized to assure the authenticity of the copy presented to him/her. For apostilled documents it must clearly state what capacity that person holds **AND** that that he/she has the authority to do so.

The Notary seal must be legible whether an embossed seal or electronic seal and in English.

For police officers, his/her rank must be clearly stated as well as his/her rank number. **Certification done by police may have two stamp, one stamp must have information of the police station and other stamp must have information of police officer.**

### 1.3 Traceability of the Commissioner of Oath:

The physical address (not postal address) MUST be stated. If the authenticity or validity of the document is questioned in future, the person commissioning, notarizing or apostilling the document must be traceable to question him /her on the process followed by him/her when attending to the document.

For police officers, the station stamp must be legible and the station clearly identifiable.

### 1.4 Dated:

The certification, notarized or apostilled document MUST be date stamped, and the date may not be older than 3 months.

Date stamps may not be electronically inserted post certification, notarization or apostilization.

## 2. Capturing of Detail:

If any of the captured information is incorrect, the application will be rejected. Example - misspelling of a name (including not capturing any special characters in the name or surname), unnecessary open spaces in any of the fields, incorrect capturing of the passport or foreign identity number, incorrect capturing of birth dates or expiration dates, incorrect country of origin will result in the application be rejected.

## 3. General:

If any of the information cannot be **verified** since it is incomplete or illegible, the application will be rejected.

Certification, notarization or apostilization MUST be in English. If in any other language, then translation must be provided.

If the authenticity of the document is questionable in the view of CIPC, it will be rejected.

If any part of the document is unclear e.g. the foreigner nationals face, or any of his/her detail is unclear or questionable it will be rejected.

Once an application is rejected due to assurance controls and/or security controls on the service and the assurance of the identify of foreign nationals, the application cannot be reactivated. The deficiencies must be corrected and then submitted as a new application.

Only foreign nationals who is not in possession of a South African identity document or approved asylum document (meaning that they have been assured with Department of Home Affairs) MUST follow FAV.

**Customers are also urged to strictly comply with the guidelines (especially Practice Note 2 of 2022) on how documents must be prepared, completed and / or certified since it is the responsibility of every customer who submits documents to the CIPC to ensure that they are correct, complete and compliant before being submitted.** Applications that do not comply will be rejected by the CIPC. Customers must apply reasonable due diligence in assuring the completeness and correctness of documents received from their clients before submitting to CIPC.

Customers are also reminded that submitting false or misleading information to the CIPC is a criminal offense in terms of section 214 of the Companies Act and reasonable due diligence must be followed in the assessment and preparation of documents to be submitted to the CIPC.



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Lastly, customers who engage in the business of assisting others with the registration, maintenance etc. of legal entities may be regarded as accountable institutions in terms of the Financial Intelligence Centre Act and in such instance must be registered with the Financial Intelligence Centre and comply with the Financial Intelligence Centre Act which includes reasonable due diligence in the identification of clients as part of their on-boarding process.

For more information on FAV, and Certification, kindly refer to previous notices and webinars published on such topics on the CIPC website:

- [ALL NOTICES | CIPC](#)
- [WEBINAR AND PRESENTATION | CIPC](#)

For further assistance, kindly refer to [www.cipc.co.za](http://www.cipc.co.za) / enquiries for guidance on how to refer your enquiry.

Regards,

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**Adv. Rory W Voller**

**Commissioner: CIPC**

**3 December 2024**