



THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY

*Policy and Criteria for Evaluating Foreign Qualifications
within the South African NQF (As Amended) March 2024*

**Compiled and produced by:
The South African Qualifications Authority (SAQA)**

The content contained in this publication is protected in terms of the Copyright Act 98 of 1978. The content may be reproduced for teaching and studying purposes only but may not be sold under any circumstances. Whenever any content from this publication is reproduced, adapted and/or quoted for teaching or studying purposes, the South African Qualifications Authority must be cited prominently as the author and copyright owner wherever any such reproduction and/or adaptation and/or quote appears.

Publication date: March 2024
ISBN: 978-0-7961-6022-5

Postnet Suite 248
Private Bag X06
Waterkloof
0145

Helpdesk: +27 (12) 431 5000
Website: www.saqqa.org.za
E-mail: saqainfo@saqqa.org.za

Contents

Foreword.....	1
Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (As Amended) 2024	
Glossary of Terms.....	3
List of Acronyms and Names.....	7
Purpose.....	7
Context.....	7
Principles.....	8
Criteria for Evaluating Foreign Qualifications.....	10
Transitional Arrangements.....	12
Criteria for Appeals.....	12
Right to Appeal.....	12
Grounds for Appeals against the Recognition Decision.....	13
Appeals Stages.....	13
Appeals Structures.....	13
Lodging an Appeal.....	14
Monitoring of Appeals.....	15
Criteria for Revocation.....	15

Foreword

The South African Qualifications Authority (SAQA) is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, as Amended, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and co-ordinate the Sub-Frameworks.

This mandate aligns with SAQA's responsibility to promote the objectives of the NQF; one of which focuses explicitly on access to, and mobility and progression within, education and training and career paths. It also strengthens and advances our obligations in respect of the Addis Convention and the ensuing strategic imperative of the organisation to support and direct the national and international mobility of lifelong learners, including workers, by facilitating the recognition of their learning achievements, for cross-border mobility.



The recent amendment to the NQF Act (Act 12 of 2019) continues SAQA's mandate in relation to the verification for authenticity and the comparison of foreign qualifications and provides an opportunity to align and enhance the Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (as Amended). The amended Act underscores the importance of fostering and enhancing international collaboration and recognising the value of diverse qualifications within our national framework.

This Policy outlines the principles and criteria that SAQA uses to evaluate foreign qualifications. Furthermore, the Policy makes provision for appeals against recognition decisions and outlines the processes followed that would provide a resolution to an appeal. Thirdly, the Policy makes provision for SAQA to revoke Certificates of Evaluation issued by SAQA and stipulates the rights and obligations of qualification holders in the event of such revocation.

I trust that this policy will benefit legitimate foreign qualification holders aspiring to study or work in South Africa and I encourage all stakeholders to familiarise themselves with the NQF policies in South Africa, as they reflect our continuous efforts to enhance the education and training landscape of South Africa.

Nadia Starr

Chief Executive Officer

South African Qualification Authority



Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (As Amended) 2024

Glossary of Terms

The purpose of this glossary is to define the terminology used in this Policy and Criteria document. .

“Accreditation” means the process followed by a competent recognition authority or quality assurance body to recognise a legally established institution as having the capacity to offer a qualification or part-qualification at the required standard; and/or to approve a learning programme as meeting the required standard.

“Addis Convention” means the revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees, and Other Academic Qualifications in Higher Education in African States.

“Advisory service” means the practice of offering advice in relation to the National Qualifications Framework (NQF).

“Appeal” means the formal petitioning by an appellant against an evaluation outcome, or an appeal decision taken by the Appeals Panel in Stage 1.

“Appeals Committee” means individuals made up of selected SAQA Board members, the CEO, and SAQA’s Legal Manager, to review a decision in the foreign qualification evaluation process.

“Appeals Decision” means the decision taken by the Appeals Panel (Stage 1), or the Appeal Committee (Stage 2) on whether to dismiss or uphold an appeal.

“Appeals Panel” means a group of selected individuals appointed by SAQA’s Chief Executive Officer to review a decision in the Foreign Qualification evaluation process.

“Appellant” means the holder of a foreign qualification evaluated by SAQA, who appeals in terms of this Policy.

“Asylum seeker” means a person who is seeking recognition as a refugee in the Republic .of South Africa.

“Authenticity” in relation to a foreign qualification, means a qualification or part-qualification that is lawfully obtained from a foreign country and is evaluated by SAQA in terms of the NQF Act.

“Certification” means formal attestation/ documentation of successful achievement of a qualification or part-qualification by a learner.

“Comparison” means the process of comparing foreign qualifications with registered South African qualifications, considering the structure and outcomes of foreign qualifications, and locating them within the South African NQF.

“Credit” means a measure of the volume of learning required for a qualification or part-qualification, quantified as the number of notional study hours required for achieving the learning outcomes specified for the qualification or part-qualification. In the South African education and training system one credit is equated to ten (10) notional hours of learning.

“Evaluate” means the process followed by SAQA to verify the authenticity of a foreign qualification and compare it with a South African qualification for placement within the South African NQF, and evaluation has a corresponding meaning.

“Foreign Institution” means a foreign juristic person offering or issuing an authentic qualification or part-qualification in a country outside South Africa.

“Foreign qualification” means a qualification that either: (1) forms an intrinsic part of an education and training system other than South Africa and is awarded by an institution that is accredited or recognised in that system, in accordance with the relevant laws, policies or generally accepted practice; or (2) meets other specific criteria as determined and published by SAQA.

“Foreign Qualification Recognition Value Chain” means the various recognition responsibilities, undertaken by competent South African authorities, to recognise a foreign qualification for specific purposes.

“Learning outcomes” means the contextually demonstrated end-products of specific learning processes, which include knowledge, skills, and values.

“Misrepresentation” means an intentional or unintentional incorrect statement of fact or law, or a perversion or distortion of the truth, made by a person (natural or juristic) in writing, or orally, which relates to an application for the evaluation of a foreign qualification, including any false representation contained on the foreign qualification certificate.

“National Qualifications Framework (NQF)” means the comprehensive system approved by the Minister of Higher Education, Science, and Innovation for the classification, registration, publication and articulation of quality-assured national qualifications and part-qualifications. The South African NQF is a single integrated system comprising three coordinated Qualifications Sub-Frameworks, for General and Further Education and Training, Higher Education, and Trades and Occupations.

“NQF Level” means one of the series of levels of learning achievement, according to which an NQF or other form of education and training system is organised, and to which qualification types are linked. The South African NQF levels are arranged in ascending order from one to ten, as contemplated in the NQF Act, 2008 (Act No.67 of 2008, as Amended).

“Partial Studies” [Addis] means education for which duration or content is incomplete according to the regulations and rules of the institution, and which, not having resulted in the conferral of a qualification, has been subjected to an evaluation and a validation, in accordance with the regulations and rules of the institution concerned.

“Professional body” means a body of expert practitioners in an occupational field; this includes an occupational body and statutory council.

“Professional designation” means a title or status conferred by a professional body in recognition of a person’s expertise and/or right to practice in an occupational field.

“Qualification” (See “Foreign qualification”)

“Qualification award” means the formal acknowledgement, by the relevant authority, of achievement of the stated learning outcomes for a qualification.

“Qualifications frameworks” means systems for the classification, registration, publication, and articulation, of quality-assured qualifications.

“Qualification holder” means the person whose qualifications were evaluated by SAQA and whose name and birth date appear on the SAQA Certificate of Evaluation.

“Quality assurance” means the processes of ensuring that specified standards or requirements for teaching, learning, education administration, assessment and the recording of learning achievements, have been met.

“Quality assurance body” means a body that is either legally mandated to undertake quality assurance within a national education and training system or officially recognised within a regional framework as the authority on agreed quality assurance standards in a geographical area.

“Recognition agreement” means a formal arrangement, signed between two or more countries at a designated political level, confirming the intent mutually to recognise each other’s qualifications and outlining the agreed mechanisms and responsibilities.

“Recognition decision (regarding a foreign qualification)” means the outcome of the evaluation of a foreign qualification conducted in terms of the SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as Amended; on whether or not to recognise that a qualification is authentic.

“Recognition of a foreign qualification” means the formal acceptance of a foreign qualification that meets the requirements as set out in the SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as Amended.

“Refugee” means any person who has been granted asylum status in terms of the Refugees Act No. 130 of 1998, as Amended (hereafter referred to as the Refugees Act).

“Revocation” means the withdrawal of a prior decision by SAQA to recognise a foreign qualification and the action taken to invalidate, annul, cancel, or rescind a SAQA Certificate of Evaluation, to render such a certificate to have no legal status and effect.

SAQA Certificate of Evaluation (SCoE) means a certificate issued by SAQA indicating the authenticity of a foreign qualification and its placement on the South African NQF (hereafter referred to as SCoE).

South African Qualifications Authority (SAQA)” means the statutory authority established in terms of the SAQA Act (Act 58 of 1995) and continuing in terms of the NQF Act (Act 67 of 2008, as Amended), which oversees the further development and implementation of the NQF, the achievement of the objectives of the NQF, and the coordination of the three NQF Sub-Frameworks.

“Stage 1 Appeals decision” means the decision taken in relation to an appeal against the original recognition decision.

“Stage 2 Appeals decision” means the decision taken in relation to an appeal against the decision of the Appeals Panel.

“Sub-Framework of the NQF” means one of three coordinated Qualifications Sub-Frameworks which make up the South African NQF as a single integrated system namely the General and Further Education and Training Qualifications Sub-Framework (GFETQSF), Higher Education Qualifications Sub-Framework (HEQSF), and the Occupational Qualifications Sub-Framework (OQSF).

“The United Nations System” means the System consisting of the United Nations (UN), its subsidiary organs, specialised agencies, and affiliated organisations.

“Verification of a foreign qualification” means the process followed by SAQA to determine the authenticity of a foreign qualification. Verification includes authenticating the status of institutions and the qualifications offered by them, investigating the authenticity of qualification documentation, and verifying that the qualification was awarded to the individual in question.

List of Acronyms and Names

CHE	Council on Higher Education
DHA	Department of Home Affairs
FQ	Foreign Qualification
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
HEQSF	Higher Education Qualifications Sub-Framework
IAU	International Association of Universities
NQF	National Qualifications Framework
OQSF	Occupational Qualifications Sub-Framework
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
RPL	Recognition of Prior Learning
RSA	Republic of South Africa
SAQA	South African Qualifications Authority
SCoE	SAQA Certificate of Evaluation
Umalusi	Council for Quality Assurance in General and Further Education and Training
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

Purpose

1. The purposes of the Policy and Criteria are to:
 - a. Promote consistency and transparency in the evaluation of foreign qualifications towards recognizing learning, and mobility in learning and work, and making the related information publicly available,
 - b. Outline the principles and processes according to which SAQA receives and deals with appeals as well as the structures for that purpose, and
 - c. Outline the principles according to which SAQA revokes Certificates of Evaluation that it issues, as well as the rights and obligations of qualification holders in the event of such revocation.

Context

2. SAQA is mandated by the NQF Act, 67 of 2008, as Amended, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and co-ordinate the NQF Sub-Frameworks. SAQA executes its mandate in line with South African legislation, led by the Constitution of the Republic of South Africa, 1996.
3. The NQF is a comprehensive system approved by the Minister of Higher Education, Science and Innovation, for the classification, registration, publication, and articulation of quality-assured national qualifications, as contemplated in Section 4 of the NQF Act, 2008, as Amended.
4. The South African National Qualifications Framework (NQF) comprises three NQF Sub-Frameworks coordinated by SAQA:
 - General and Further Education and Training Qualifications Sub-Framework (GFETQSF) overseen by Umalusi, Council for Quality Assurance in General and Further Education and Training,

- Higher Education Qualifications Sub-Framework (HEQSF) overseen by the Council on Higher Education (CHE), and
 - Occupational Qualifications Sub-Framework overseen by the Quality Council for Trades and Occupations (QCTO).
5. The objectives of the NQF include facilitating access to, and mobility and progression within, education, training, and career paths. In this regard, Section 13(1)(m) of the NQF Act, as Amended, requires SAQA to provide an evaluation and advisory service in respect of foreign qualifications.
 6. SAQA and the Quality Councils (QCs), contemplated in section 5(3) of the NQF Act, 2008, as Amended, must seek to achieve the objectives of the NQF by:
 - a. developing, fostering, and maintaining an integrated and transparent national framework for the recognition of learning achievements,
 - b. ensuring that South African qualifications meet appropriate criteria, determined by the Minister, and are internationally comparable, and
 - c. ensuring that South African qualifications are of an acceptable quality.
 7. Just as the NQF is the recognition instrument for national qualifications, it is also used as the benchmark for the recognition of foreign qualifications in South Africa:
 - a. Foreign qualifications, whether held by South Africans or foreign nationals are evaluated against the South African NQF, to inform decisions including but not limited to further study, employment, registration, and professional licensing and/or designation in South Africa,
 - b. Foreign nationals must comply with the visa requirements of the South African Department of Home Affairs (DHA), and
 - c. The evaluation of foreign qualifications by SAQA is a statutory requirement for further learning and/or work as stipulated in the South African immigration regulations as well as in the NQF Act, as Amended.
 8. SAQA issues a Certificate of Evaluation (SCoE) to reflect its recognition decision on the authenticity and comparability of a foreign qualification and its appropriate location on the NQF.
 9. The recognition decision on the SCoE does not replace the requirements of each of the contexts of other partners in the Recognition Value Chain.
 10. Globally the recognition of foreign qualifications is guided by a number of legal instruments often led by the United Nations Educational, Scientific and Cultural Organization (UNESCO). SAQA notes the importance of the Addis Convention, to which South Africa is a signatory.
 11. SAQA recognises the importance of the implementation of the Addis Convention and in this regard, may have special projects and specific criteria that will apply to the evaluation of foreign qualifications and recognition in relation to refugees and asylum seekers.

Principles

12. The evaluation of foreign qualifications by SAQA considers all related South African legislation, regulations,

and policies, including but not limited to the following. In this regard, national legislation takes precedence over international legislation.

- a. Promotion of Administrative Justice Act (PAJA), No. 3 of 2000, as Amended.
- b. Promotion of Access to Information Act (PAIA), No. 2 of 2000, as Amended.
- c. Immigration Amendment Act, No. 8 of 2016.

13. In providing the foreign qualifications evaluation and advisory services, SAQA considers all NQF policies, including but not limited to the following.

- a. Level Descriptors for the South African National Qualifications Framework (Notice No.586, GG No. 355548 of 27 July 2012).
- b. Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the Purposes of the National Qualifications Framework Act, as Amended (Notice No. 585, GG No. 355547 of 27 July 2023) as Amended.
- c. National Policy for the Implementation of the Recognition of Prior Learning, as Amended (Notice No. 779, GG No. 38075 of 10 October 2019).
- d. Policy and Criteria for the Registration of Qualifications and Part-Qualifications on the NQF, as Amended (Notice No. 401, GG No. 43150 of 26 March 2020).
- e. Policy for Credit Accumulation and Transfer within the National Qualifications Framework, as Amended (Notice No. 972, GG No. 38275 of 2 Dec 2021), and
- f. Any other relevant existing or new legislation and policies.

14. The foreign qualifications evaluation and advisory service is provided in accordance with:

- a. The guidance and oversight provided by SAQA governance structures, as well as SAQA policies, codes, and service standards,
- b. The principles of fairness, transparency, confidentiality, and consistency, and
- c. International good practices.

15. SAQA evaluates the foreign qualification underlying a professional designation and not the professional designation itself.

16. It remains the responsibility of education and training or related institutions, employers, and professional bodies, to make decisions concerning the Recognition of Prior Learning (RPL), admission, employment, licensing, and/or designation and registration, in line with national policy.

17. SAQA establishes recognition relationships and honours recognition agreements that the Republic of South Africa concludes with other countries, as well as conventions that promote the fair recognition of qualifications and hence the worldwide mobility of learners and workers. Recognition agreements are reviewed periodically.

18. SAQA values quality information as a cornerstone of effective processes and fair recognition decisions. SAQA takes seriously its responsibility to provide true, clear, and accessible information and expects the same from qualification holders and foreign institutions.

19. Where a substantial difference exists and can be demonstrated between the foreign and local qualification/ qualification type, it remains SAQA's decision to recognise a foreign qualification at a designated NQF level.

20. SAQA reserves the right to evaluate partial studies on a case-by-case basis at its discretion.
21. In accordance with the rules of administrative justice, a qualification holder has the right to be informed of the rationale underlying a recognition decision and exercise the right to appeal.
22. SAQA has a zero-tolerance approach to fraudulent and corrupt practices. Any attempts to bypass standard procedures, or influence either the process or outcome of the evaluation of foreign qualifications, must be refused and reported to the relevant authorities.
23. Members of the public are urged to:
- refrain from any behaviour aimed at compromising SAQA staff or processes,
 - immediately report any irregular behaviour by staff, and
 - report any suspected irregular activities related to foreign qualifications.
24. SAQA holds the copyright to the SAQA Certificate of Evaluation (SCoE) issued in any format. The Certificate of Evaluation does not have a date of expiry.
25. The SCoE remains the property of SAQA. SAQA reserves the right to revoke the SCoE if any evidence comes to light that compromises its integrity and validity.
26. It is illegal to misrepresent a SCoE. Education and training or related institutions, DHA, professional bodies, employers, and the general public are encouraged to verify the authenticity of any presented SCoE, with SAQA.
27. SAQA may enforce a sunset clause with reference to recognition outcome decisions where a previous recognition outcome continues to apply to some existing qualifications, while a new recognition decision will apply to future recognition outcomes. This implements the idea of a rule not being retroactively applied.

Criteria for Evaluating Foreign Qualifications

28. The evaluation of foreign qualifications by SAQA entails a process that is guided by criteria that are transparent, coherent, reliable, and applied consistently, and results in a decision on whether to recognise a qualification, or not to recognise it.
29. To be accepted for evaluation, applications must meet all the requirements stipulated in the published application material:
- Applicants must provide SAQA with a complete and credible set of documents to enable evaluation,
 - Applicants must pay a non-refundable application fee as determined by the SAQA Board,
 - Education and training or related institutions must provide complete and credible qualification documents to qualifying learners,
 - SAQA may request the relevant foreign institution to provide additional information to conduct a fair evaluation of a foreign qualification, and
 - SAQA may, at its discretion, implement criteria regarding document evaluation in special circumstances such as those for asylum seekers and refugees.

30. Noting that education systems change, SAQA, in the evaluation of a foreign qualification will consider the historical context within which the foreign qualification was issued.
31. SAQA will recognise a foreign qualification after it has determined that at the time of enrolment of the qualification holder, the following requirements were met:
- a. The awarding institution was:
 - i. Recognised, or accredited (whichever term applies) by the relevant authority in the home system, in accordance with the relevant laws, policies or generally accepted practice in that country, or
 - ii. Established within the UN System, listed on the International Association of Universities (IAU)/ UNESCO World Higher Education Database, and authorised to operate as a higher education institution in the country of location, or
 - iii. Deviating from (i) or (ii) above, established on grounds that SAQA may consider on a case-by-case basis.
 - b. The qualification was:
 - i. Part of the formal education and training system in the country of origin, or
 - ii. In the case of (31)(a)(ii) and (iii) above, awarded on completion of a programme accredited by a quality assurance body, that meets the definition herein,
 - c. The institution was authorised to offer the qualification,
 - d. The qualification holder has completed all the requirements for the award of the qualification as confirmed by the awarding body, and
 - e. The documentation in respect of the foreign qualification submitted to SAQA is authentic, with no evidence of tampering or inconsistency.
32. A qualification will proceed to the comparison phase of evaluation and qualify for the issuing of an SCoE only if all verification requirements are met.
33. Where recognition agreements exist between South Africa and foreign countries, SAQA's recognition decision will reflect the provisions of such agreements consistent with the South African NQF.
34. In the absence of a recognition agreement, the foreign qualification will be located within its national system to understand how the foreign system compares with the South African NQF:
- a. Where the foreign national system is a qualifications framework, the foreign qualifications framework will be compared with the South African NQF to locate the foreign qualification on the South African NQF (Sub-Framework, NQF Level and Organising Field). The recognition decision will be based on learning outcomes, and both level descriptors and qualification descriptors,
 - b. Where the country does not have a qualifications framework, the foreign national system will be compared with the South African NQF to locate the foreign qualification on the South African NQF. The recognition decision will be based on qualification descriptors and the comparable level will be inferred, and

- c. Where the foreign qualifications were issued before the introduction of a qualifications framework, SAQA will ascertain whether provision was made for the inclusion of earlier qualifications into the qualifications framework and consider that in the comparison.

35. Where a qualification is not located within a national system of education and training but meets all the verification criteria outlined in Clause (31)(a)-(e) above, SAQA will use appropriate measures to determine comparability in terms of the NQF.

36. Policies and criteria governing qualification types in the three NQF Sub-Frameworks of the South African NQF will be considered when conducting comparisons of foreign qualifications with South African qualifications.

Transitional Arrangements

This Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended in 2024 comes into effect on the date of its publication on SAQA's website. It replaces the Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF published in 2017 with its Addendum for Refugees and Asylum seekers published in 2019. This Policy and Criteria will be reviewed procedurally after five years, or earlier if necessary.

Criteria for Appeals

This section of the Policy and Criteria is embedded in the South African common law system; and is guided by Section 33 of the Constitution of the Republic of South Africa, 1996, the Promotion of Administrative Justice Act (PAJA), as Amended, and the Promotion of Access to Information Act (PAIA), as Amended, to ensure that it is procedurally fair and valid. This section further gives effect to Clause 21 of the *Policy*, which states that “a qualification holder has the right to be informed of the rationale underlying a recognition decision and exercise the right to appeal”.

The criteria for appeals make provision for appeals against recognition decisions and Stage 1 Appeals decisions, and the processes and investigation that provide resolution to the appeal.

Right to Appeal

37. Qualification holders have the right to be informed of the rationale underlying decisions to recognise or not to recognise their qualifications.

38. The appeals process confers on the qualification holder, the right to appeal against recognition decisions and Stage 1 Appeals decisions of the Appeals Panel.

39. The appellant is not entitled to legal representation during the appeal and must personally lodge the appeal at any time of the appeal stages.

40. SAQA will make information on the procedures for appeals available to all applicants for the evaluation service, as well as specifically to appellants.

Grounds for Appeals Against the Recognition Decision

41. The recognition decision can be disputed on one or more of the following grounds:

- a. The facts underlying the decision not to recognise a qualification are incorrect. These facts can pertain to one or more of the following:
 - i. The issuing body is not recognised as part of the national system in the country of origin,
 - ii. The issuing body is recognised, but not authorised to offer the qualification or the qualification does not have national status in the country of origin,
 - iii. The documents are not authentic (inconsistencies identified), and/or
 - iv. The award is/was not made to the individual (as confirmed by the issuing body).
- b. The evidence underlying the NQF level at which a qualification is recognised is incomplete, incorrect, or irrelevant; or the interpretation thereof is flawed,
- c. The evaluation process deviated from the published principles, criteria, and methodology specified in these Criteria, and
- d. Other reasons to be considered.

Appeals Stages

42. The Appeals process comprises two stages:

- a. Stage 1 Appeals will be considered by the Appeals Panel (See Clause 43).
- b. Stage 2 Appeals will be considered by the Appeals Committee (See Clause 44).

Appeals Structures

43. Appeals Panel (Stage 1 Appeals)

- a. The Appeals Panel will consist of staff members internal to SAQA, from different operational units, and the chair appointed by SAQA's Chief Executive Officer (CEO) or a person delegated by the CEO. The CEO may consider appointing co-opted members with relevant knowledge of the NQF landscape, particularly the processes for qualifications generation, registration, classification, evaluation, and recognition.
- b. The Appeals Panel will meet as and when required.
- c. Once in receipt of a Stage 1 Appeal, the Appeals Panel will, within thirty (30) working days, assess the appeal, and make a decision. The response time may be extended if there is a need for further external consultation. Appellants will be informed of any delays.
- d. In cases where the Appeals Panel decides to uphold the original recognition decision, appellants will be notified of their right to appeal the Stage 1 Appeals decision to the Appeals Committee.

44. Appeals Committee (Stage 2 Appeals)

- a. The Appeals Committee will consist of SAQA's CEO, and three other SAQA Board members appointed by the Chairperson of the Board.
- b. The Appeals Committee will meet as and when required.
- c. Once in receipt of a Stage 2 Appeal, the Appeals Committee will, within sixty (60) working days, assess the application, and make a decision. The response time may be extended if there is a need for further external consultation. Appellants will be informed of such delays.
- d. The Appeals Committee will not consider any evidence over and above what has already been served at the Appeals Panel. If new information comes to light after the Stage 1 Appeals decision that neither SAQA nor the appellant had knowledge of, the application will be referred to the Appeals Panel for consideration and a final decision.
- e. In cases where the Appeals Committee is inclined to dismiss the appeal, appellants will be allowed to make written representation, after which the Appeals Committee will make a final and binding appeal decision.

Lodging an Appeal

45. Stage 1: Appeals to the Appeals Panel

- a. The appellant (qualification holder) must lodge the appeal within ninety (90) calendar days of the date of issue of the SAQA Certificate of Evaluation (SCoE), or the letter advising of the non-recognition of the qualification. The appeal must be addressed to the Senior Manager: Authentication Services.
- b. The appeal must be lodged online, as per the relevant guidelines and links available on the SAQA website.
- c. All the required information must be provided online.
- d. In addition, the appellant must include the following as part of the Stage 1 Appeals submission:
 - i. If the appeal is against the level of recognition, the SAQA Certificate of Evaluation to which the appeal refers,
 - ii. Relevant substantiating documentation in addition to what was submitted before, where applicable.
- e. No oral submissions will be entertained.

46. Stage 2: Appeals to the Appeals Committee

- a. The appeal must be addressed to the Chief Executive Officer of SAQA and be lodged within sixty (60) calendar days of the date of the letter informing the appellant of the Stage 1 Appeals decision.
- b. The appeal must be lodged online, as per the relevant guidelines and links available.
- c. All the required information must be provided online.

- d. In addition, the appellant must include the following as part of the appeal submission:
 - i. The reference number and the SAQA Certificate of Evaluation must be attached;
 - ii. A non-refundable appeals fee for Stages 1 and/or 2 as determined by SAQA. The fee will not be refundable, irrespective of the outcome of the appeal.
- e. Notwithstanding Clause 44 (d), no new evidence may be submitted in addition to what was submitted in Stage 1.
- f. No oral submissions will be entertained.

Monitoring of Appeals

- 47. SAQA will register all appeals on the Appeals Register maintained by the organisation.
- 48. Progress on the processing of appeals and appeal outcomes will be reported to the relevant SAQA Board Committee every quarter.

Criteria for Revocation

SAQA issues a Certificate of Evaluation to indicate the authenticity of a foreign qualification and its placement on the South African NQF. The Certificate confirms that SAQA verified the status of institutions and qualifications in their home systems and took all reasonable steps to ensure that the qualifications are authentic.

This section of the Policy and Criteria makes provision for SAQA to revoke Certificates of Evaluation issued. The right to revoke will apply in all cases where new information has come to light which contradicts the information on which evaluation outcomes were based. Applicants are informed of the right SAQA reserves to revoke Certificates of Evaluation both at the time of their application and when Certificates of Evaluation are issued.

- 49. SAQA will revoke a Certificate of Evaluation it issued when one or more qualifications appearing on that Certificate are found to have been:
 - a. Misrepresented by the qualification holder, or any other party, in any way,
 - b. Issued by an institution that at the time of enrolment of the qualification holder was not recognised in the home system according to the relevant laws, policy, or standard practice; or issued by an institution outside of the relevant laws, policy, or standard practice applicable in that system at the time, and/or
 - c. Incorrectly located within the NQF by SAQA due to the lack, or misinterpretation of, available information at the time of the evaluation. In the case of an erroneous evaluation outcome, and where applicable, SAQA will replace the Certificate of Evaluation with one reflecting the correct outcome.
- 50. SAQA cannot revoke Certificates of Evaluation it does not issue, however, SAQA will, take the necessary actions to ensure that information about valid Certificates of Evaluation is available and accessible to the

public. Such information will be made available with the consent of applicants for evaluation.

51. SAQA will take action against all parties who have committed or continue to commit a misrepresentation, in accordance with its standard processes and procedures for dealing with misrepresentation, including laying relevant charges with the South African Police Service.
52. When new information comes to light that contradicts the information on which the evaluation outcomes were based, SAQA will conduct a thorough investigation to validate the new evidence before a decision to revoke is taken.
53. SAQA will first inform qualification holders of its intention to revoke and provide reasons for this.
54. SAQA allows an opportunity for the qualification holder to respond and make representation as to why a Certificate of Evaluation should not be revoked. Such representation may be made by a representative on behalf of the qualification holder and must be received by SAQA within 60 days from the date of the letter of intent. In exceptional circumstances and for reasons acceptable to SAQA, SAQA may condone the late submission of representations.
55. Representation received within the stipulated period will be considered by the Appeals Panel and a final decision will be taken on whether or not to revoke. This decision will be communicated to the qualification holder or his/her representative, as may be applicable, in writing.
56. In the absence of a response and representation within 60 days of the notification of its intention to revoke, SAQA will confirm the revocation in writing.
57. Hard copies of Certificates of Evaluation must be returned to SAQA within one month of the effective date of the revocation, failing which SAQA will take further action. Any electronic certificate issued will be revoked by SAQA where applicable. Loss of the original Certificate of Evaluation must be declared in an affidavit, which must reach SAQA within the same period (60 days) and under the same conditions.
58. Neither the original Certificate nor any copies of it may be used after revocation.
59. Where a Certificate is revoked on the criteria contemplated in Clause 49(a) above, SAQA will follow the proper channels to initiate legal action.
60. SAQA will maintain a register of revoked Certificates and may publish the revocation information in relevant and appropriate ways.

