

**THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY**  
*Policy and Criteria for Evaluating Foreign Qualifications  
within the South African NQF (as amended) March 2017*

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

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# Contents

<b>Foreword .....</b>	<b>2</b>
<b>Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended.....</b>	<b>5</b>
Glossary of Terms.....	6
Purpose.....	8
Context.....	8
Principles .....	10
Criteria for evaluating foreign qualifications.....	12
Transitional arrangements.....	13
List of acronyms and names .....	14
Members of the Foreign Qualifications Evaluation Reference Group.....	14
<b>Foreign Qualifications Evaluation and Advisory Services: APPEAL POLICY.....</b>	<b>15</b>
Preamble.....	16
Definitions .....	16
Purpose.....	17
Scope.....	17
Right to appeal.....	17
Grounds for appeal against the recognition decision.....	17
Appeal stages.....	18
Appeal structures.....	18
Lodging an appeal.....	19
Monitoring of appeals.....	20
<b>Foreign Qualifications Evaluation and Advisory Services: REVOCATION POLICY.....</b>	<b>21</b>
Preamble.....	22
Definitions .....	22
Purpose.....	23
Context.....	23
Scope.....	23
Grounds for revocation.....	23
Process for and principles guiding revocation .....	24

# Foreword

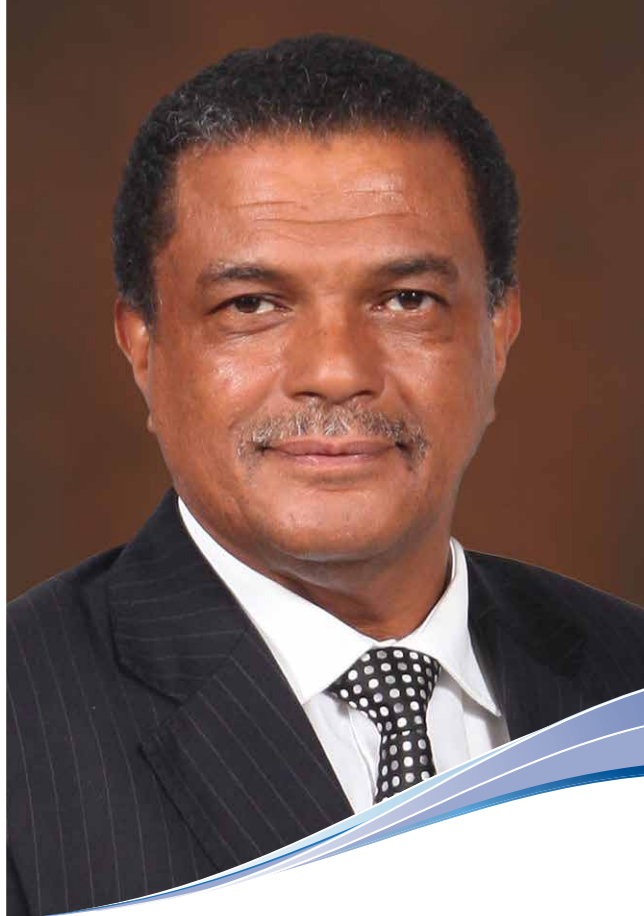
The South African Qualifications Authority (SAQA) is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and to co-ordinate the Sub-Frameworks. One of the objectives of the NQF is to facilitate access to, and mobility and progression within education, training, development and work. In this regard, Section 13(1) (m) requires SAQA to provide an evaluation and advisory service in respect of foreign qualifications, consistent with the NQF Act.

This document contains a suite of three policies regarding the evaluation of foreign qualifications, namely:

- I. *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended in March 2017;*
- II. *SAQA Foreign Qualifications Evaluation Appeal Policy; and*
- III. *SAQA Foreign Qualifications Evaluation Revocation Policy.*

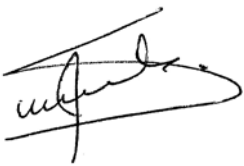
These three policies have been developed to enable SAQA to provide an evaluation and advisory service in respect of foreign qualifications, consistent with the NQF Act.

- i. The *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended* outlines the principles and criteria that SAQA uses to evaluate foreign qualifications within the context of the NQF. The purpose of the amended policy is to promote consistency and transparency in the evaluation of foreign qualifications. The policy was revisited in order to amend the criteria guiding evaluation of foreign qualifications to be more inclusive of recognising qualifications that address certain types of international qualifications, without compromising the integrity of its evaluation function. Various stakeholders including the Department of Higher Education and Training (DHET), Department of Home Affairs (DHA), Quality Councils (QCs), learning and related institutions (universities, Universities South Africa (USAf)), professional bodies and employers were consulted during the process of amending the policy to maintain SAQA's democratic participation practices.
- ii. Linked to the *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended* is the *SAQA Foreign Qualifications Evaluation Appeal Policy*. The purpose of this policy is to outline the principles and processes upon which SAQA receives and deals with appeals. The policy makes provision for appeals against recognition decisions and Stage 1 appeal decisions. It also outlines the processes followed and the investigation that would provide a resolution to the appeal. The policy gives meaning to the *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended*, 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.



iii. Similarly, the *SAQA Foreign Qualifications Evaluation Revocation Policy* makes provision for SAQA to revoke Certificates of Evaluation issued by SAQA. In other words, it outlines the principles upon which SAQA revokes Certificates of Evaluation that it has issued and hence annul decisions made regarding the recognition of a foreign qualification. Furthermore it stipulates the rights and obligations of qualification holders in the event of such revocation. The Policy gives meaning to the *SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended*, which states that Certificates of Evaluation remain the property of SAQA and may be revoked when information comes to light that compromises their integrity. This means that 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.

This suite of policies will benefit legitimate qualification holders hoping to study or work in South Africa. SAQA looks forward to working with all stakeholders involved in international mobility of knowledge and skills through recognition of foreign qualifications.

A handwritten signature in black ink, appearing to read 'Joe Samuels', with a stylized flourish at the end.

**Joe Samuels**

**Chief Executive Officer**

**South African Qualification Authority**





Policy and Criteria for Evaluating Foreign Qualifications  
within the South African NQF (as amended)

**March 2017**

# Glossary of Terms

The purpose of this glossary is to define the evaluation terminology as used to develop 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.

**“Appeal”** means the formal petitioning, by an appellant, either to the Foreign Qualifications Appeal Panel against a recognition decision; or to the Foreign Qualifications Appeal Committee, against an appeal decision taken by the FQ Appeal Panel in Stage 1 of the appeal process.

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

**“Certification”** means formal recognition of a qualification or part-qualification awarded to a successful learner.

**“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.

**“Evaluation of foreign qualifications”** means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications registered on the NQF.

**“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 key SA role players, 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.

**“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, contemplated in the NQF Act, 2008 (Act No.67 of 2008).

**“National Qualifications Framework (NQF)”** means the comprehensive system approved by the Minister of Higher Education and Training 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 co-ordinated Qualifications Sub-Frameworks namely for: General and Further Education and Training; Higher Education; and Trades and Occupations.

**“Professional body”** means any 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 practise in an occupational field.

**“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 classification, registration, publication and articulation of quality-assured qualifications.

**“Quality assurance”** means the processes of ensuring that specified standards or requirements for teaching, learning, education administration, assessment and the recording of 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 framework as compliant with 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 to mutually 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*; on whether or not to recognise that qualification.

**“Recognition of a foreign qualification”** means the formal acceptance of the appropriateness of a foreign qualification for a specific purpose.

**“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 certificate to have no legal status and effect.

**“SAQA Certificate of Evaluation”** means a certificate issued by SAQA indicating the authenticity of the foreign qualification and its location on the NQF.

**“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), which oversees the further development and implementation of the NQF, the achievement of the objectives of the NQF, and the co-ordination of the three Sub-Frameworks.

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

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

**“Verification of a foreign qualification”** means the process followed by SAQA to check 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.

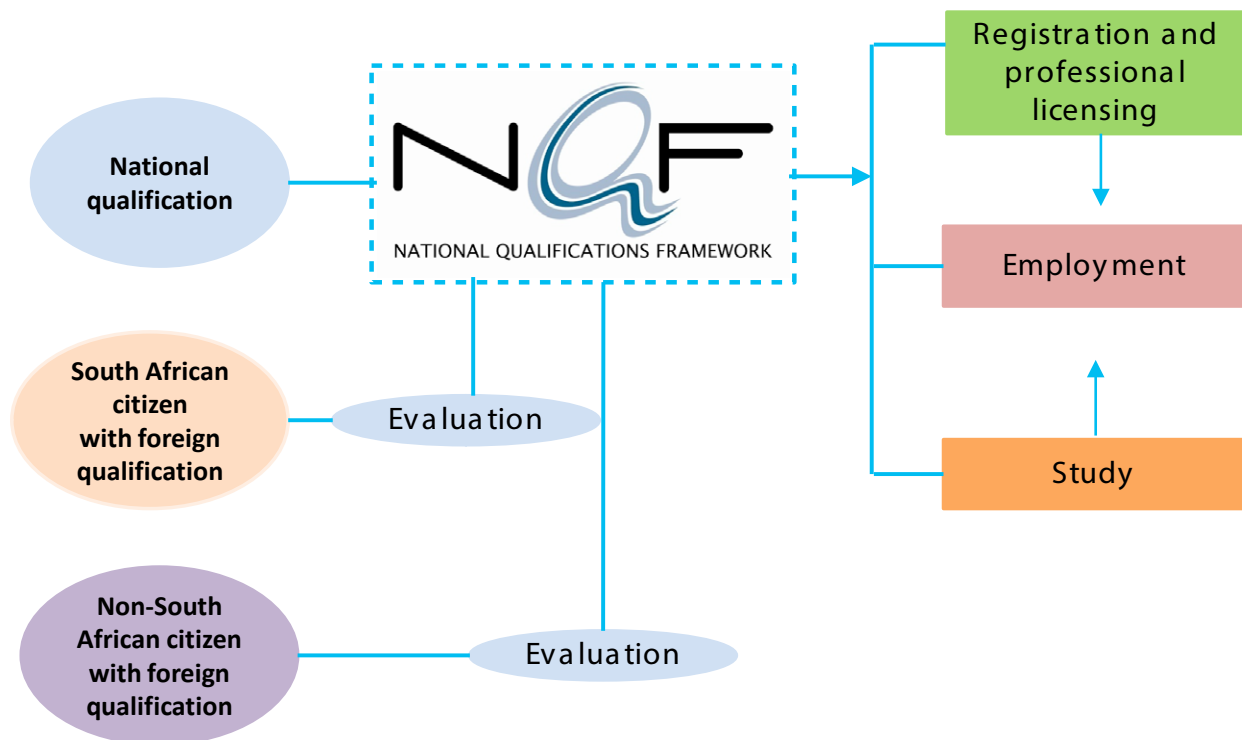
## Purpose

1. This document outlines the principles and criteria constituting the policy by which the South African Qualifications Authority (SAQA) evaluates foreign qualifications within the context of the South African National Qualifications Framework (NQF).
2. Its purpose is to promote consistency and transparency in the evaluation of foreign qualifications towards recognition and mobility and to make the information publicly available.

## Context

3. SAQA is mandated by the NQF Act, 67 of 2008, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and to co-ordinate the Sub-Frameworks. SAQA executes its mandate in line with South African legislation, led by the Constitution of the Republic of South Africa, 1996.
4. The NQF is a comprehensive system approved by the Minister of Higher Education and Training for the classification, registration, publication and articulation of quality-assured national qualifications, as contemplated in Section 4 of the NQF Act, 2008.
5. One of the objectives of the NQF is to facilitate access to, and mobility and progression within, education, training, development and work. In this regard Section 13(1)(m) of the NQF Act 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, 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. As seen in Figure 1, just as the NQF is the recognition instrument for national qualifications, it is also used as the benchmark for recognition of foreign qualifications in South Africa:
  - a. Foreign qualifications, whether held by South Africans or foreign nationals, are evaluated to inform decisions regarding further study, employment, registration and professional licensing in South Africa;
  - b. Foreign nationals must comply with the visa requirements of the Department of Home Affairs (DHA); and
  - c. The evaluation of foreign qualifications by SAQA is a statutory requirement as stipulated in the South African immigration regulations.

## The South African NQF: A recognition instrument for national and foreign qualifications



**Figure 1: The South African NQF as a recognition instrument for national and foreign qualifications**

8. The evaluation and advisory service provided by SAQA forms part of a value chain for the recognition of foreign qualifications for different purposes. Figure 2 shows how SAQA partners with other bodies and entities to recognise foreign qualifications. It outlines the recognition responsibilities of partners namely:
- Evaluation (verification and comparison) of foreign qualifications to determine authenticity and locate the foreign qualification within the NQF - SAQA;
  - Permission to enter South Africa, the issuing of visas relating to study and work; and addressing the scarce and critical skills needs of the country - Department of Home Affairs (DHA);
  - Registration and professional licensing – Professional Bodies;
  - Employment, promotion and remuneration – Employers; and
  - Admission to study - Learning and related institutions.



**Figure 2: The Recognition Value Chain for foreign qualifications**

9. SAQA issues a Certificate of Evaluation (SCoE) to reflect its recognition decision on the comparability of a foreign qualification and its appropriate location on the NQF.
10. The recognition decision on the SCoE does not replace the requirements of each of the contexts of other partners in the Recognition Value Chain as described in Clause 8 above.
11. 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). South Africa notes the importance of the *Revised Convention on the Recognition of Studies, Certificates, Diplomas and Degrees and Other Academic Qualifications in Higher Education in African States* (2014).

## Principles

12. The evaluation of foreign qualifications by SAQA considers all South African NQF-related legislation, regulations and policies. In this regard, national legislation takes precedence over international legislation.
13. 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 practice.

14. In providing this service, SAQA considers all NQF policies, including:
  - 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, Act 67 of 2008*, (Notice No.585, GG No. 355547 of 27 July 2012);
  - c. *National Policy for the Implementation of the Recognition of Prior Learning*, (Notice No.779, GG No. 38075 of 10 October 2014);
  - d. *Policy for Credit Accumulation and Transfer within the National Qualifications Framework*, (Notice No.972, GG No. 38275 of 2 Dec 2014) and
  - e. Any other relevant existing or new policies.
15. SAQA evaluates the foreign qualification underlying a professional designation and not the professional designation itself.
16. It remains the responsibility of learning-related institutions, employers and professional bodies to take decisions concerning recognition of prior learning, admission, employment and licensing and registration, as applicable.
17. SAQA establishes recognition relationships and honours recognition agreements that the Republic of South Africa concludes with other States, 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 of qualification holders and foreign institutions.
19. Where 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. 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 in accordance with the *SAQA Foreign Qualifications Evaluation and Advisory Services Appeal Policy* (2016).
21. SAQA has a zero tolerance approach to fraudulent and corrupt practices.
22. The SAQA Code of Ethics and Policies relating to Fraud Prevention and Detection and Fraud Reporting apply to all members of SAQA staff and associates. Any attempts to bypass standard procedures, or influence either the process or outcome of the evaluation of foreign qualifications, must be refused and reported.
23. Members of the public are urged to:
  - a. refrain from any behaviour aimed at compromising SAQA staff or processes;

- b. immediately report any irregular behaviour by staff; and
  - c. report any suspected irregular activities related to foreign qualifications.
24. SAQA holds the copyright to its Certificate of Evaluation (SCoE).
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. Revocation takes place in accordance with the *SAQA Foreign Qualifications Evaluation and Advisory Services Revocation Policy (2016)*.
26. It is illegal to misrepresent a SCoE. Learning institutions, DHA, professional bodies and employers are encouraged to verify with SAQA the authenticity of the SCoE presented.

## Criteria for evaluating foreign qualifications

27. To be accepted for evaluation, applications must meet all the requirements stipulated in the published application material:
- a. Applicants must provide SAQA with a complete and credible set of documents to enable evaluation;
  - b. Education and training institutions must provide complete and credible qualification documents to qualifying learners; and
  - c. SAQA may request the relevant foreign institutions to provide additional information to conduct a fair evaluation of a foreign qualification.
28. 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.
29. SAQA will recognise a foreign qualification after it has determined that, at the time of enrolment of the qualification holder, all the following verification 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;
    - (ii) Established within the United Nations 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) If deviating from (i) or (ii) above, established on grounds that SAQA may consider on a case-by-case basis and find to be meritorious;
  - b. The qualification was:
    - (i) Part of the formal education and training system in the country of origin; or
    - (ii) In the case of (29)(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 successfully 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.
30. A qualification will proceed to the comparison phase of evaluation and qualify for the issuing of a SCoE only if all verification requirements are met.
31. 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.
32. In the absence of a recognition agreement, the foreign qualification will be located within its national system in order 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 in order 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, 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 in order 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.
33. Where a qualification is not located within a national system of education and training but meets all the verification criteria outlined in (29)(a) and (b) above, SAQA will use appropriate measures to determine comparability in terms of the NQF.
34. Policies and criteria governing qualification types in the three Qualifications Sub-Frameworks of the South African NQF will be considered when conducting comparisons of foreign qualifications with South African qualifications.

## **Transitional arrangements**

35. This Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF as amended in 2017 comes into effect on the date of its publication in the Government Gazette. It replaces the Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF published in 2015. This Policy and Criteria will be reviewed procedurally after five years, or earlier if necessary.

## List of acronyms and names

CHE	Council on Higher Education
DFQEAS	Directorate: Foreign Qualifications Evaluation and Advisory Service
DHA	Department of Home Affairs
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
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
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

## Members of the Foreign Qualifications Evaluation Reference Group

Allied Health Professions Council of South Africa	Louis Mullinder
Council on Higher Education	Amani Saidi
Department of Higher Education and Training	Shirley Lloyd
Department of Home Affairs	Amanda Ledwaba
Department: Public Service and Administration	Geeva Pillay
Durban University of Technology	Lavern Samuels
Public Relations Institute of South Africa	Adele Paulsen
Quality Council for Trades and Occupations	Annemarie Janse Van Rensburg
SAQA Foreign Qualifications Board Committee	Lavern Samuels replacing David Adler
SAQA Foreign Qualifications Board Committee	Jones Moloisane
South African Nursing Council	Sipho Mkhize
Umalusi	Liz Burroughs replacing Helen Matshoba
Universities South Africa (Formerly Higher Education South Africa)	Berene Kramer





Foreign Qualifications Evaluation and Advisory Services

## **Appeal Policy**

## 1 Preamble

The South African Qualifications Authority (SAQA) is mandated by Section 13(1)(m) of the National Qualifications Framework (NQF) Act, 67 of 2008, to **“In respect of foreign qualifications, provide an evaluation and advisory service consistent with this Act”**.

This mandate aligns with SAQA's apex 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 is a 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.

The evaluation of foreign qualifications by SAQA entails a process that is described in the Definitions section below; which is guided by criteria that are transparent, coherent, and reliable and applied consistently; and which results in a decision whether or not to recognise a qualification.

The SAQA Foreign Qualifications Evaluation Appeal Policy is embedded in the South African common law system; and is guided by Section 33 (Administrative Justice) of the Constitution of the Republic of South Africa, 1996, the Promotion of Administrative Justice Act (PAJA), 3 of 2000 and the Promotion of Access to Information Act (PAIA), 2 of 2000, to ensure that it is procedurally fair and valid.

The Policy further gives effect to the *SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (as amended)*, 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.

## 2 Definitions

**“Appeal”** means the formal petitioning, by an appellant, either to the FQ Appeal Panel against a recognition decision; or to the FQ Appeal Committee, against an appeal decision taken by the FQ Appeal Panel in Stage 1 of the appeal process.

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

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

**“Evaluation of foreign qualifications”** means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications registered on the NQF.

**“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.

**“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*; on whether or not to recognise that qualification.

### 3 Purpose

The purpose of this policy is to outline the principles and process according to which SAQA receives, and deals with, appeals; as well as the structures for that purpose.

### 4 Scope

This policy makes provision for appeals against recognition decisions and Stage 1 appeal decisions, the processes that follow, and the investigation that would provide a resolution to the appeal.

### 5 Right to appeal

- 5.1 Qualification holders have the right to be informed of the rationale underlying decisions to recognise their qualifications at particular levels, or not to recognise their qualifications.
- 5.2 The appeal Policy and process confers on them the right to appeal against recognition decisions and Stage 1 appeal decisions of the FQ Appeal Panel.
- 5.3 The appellant is not entitled to legal representation in the course of the appeal and must personally lodge the appeal at any of the appeal stages.
- 5.4 SAQA will make information on the procedures for appeals available to all applicants for the evaluation service, as well as specifically to appellants.

### 6 Grounds for appeal against the recognition decision

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

- 6.1 The facts underlying the decision not to recognise a qualification are incorrect. These facts can pertain to one or more of the following:
  - Issuing body not recognised as part of the national system in country of origin
  - Issuing body recognised, but not authorised to offer qualification / qualification does not have national status in the country of origin
  - Documents not authentic (inconsistencies identified)
  - Award not made to individual (as confirmed by the issuing body);
- 6.2 The evidence underlying the *level* at which a qualification is recognised is incomplete, incorrect or irrelevant; or the interpretation thereof is flawed;
- 6.3 The *evaluation process* deviated from the published principles, criteria and methodology; and
- 6.4 Other (to be considered).

## 7 Appeal stages

The appeal comprises two stages:

- 7.1 Stage 1 (appeal against the recognition decision) will be carried out by the Foreign Qualifications (FQ) Appeal Panel (Section 8.1 below).
- 7.2 Stage 2 (appeal against the decision of the FQ Appeal Panel) will be executed by the Foreign Qualifications (FQ) Appeal Committee (Section 8.2 below).

## 8 Appeal structures

### 8.1 The FQ Appeal Panel

8.1.1 The Appeal Panel will consist of the Deputy Chief Executive Officer of SAQA (chairperson), the Director of the Directorate Foreign Qualifications Evaluation and Advisory Services (DFQEAS) and two co-opted persons other than DFQEAS staff members, who will be appointed by the chairperson. Co-opted members must have relevant knowledge of the NQF landscape, particularly the processes for qualifications generation, evaluation, classification, registration and recognition.

8.1.2 The Appeal Panel will meet as and when required.

8.1.3 Once in receipt of a Stage 1 appeal, the FQ Appeal Panel will within 30 working days assess the appeal and make a decision. The response time may extend if there is a need for further external consultation. Appellants will be informed of such delays.

8.1.4 In cases where the Appeal Panel decides to uphold the original recognition decision, appellants will be notified of their right to appeal the Stage 1 appeal decision to the Appeal Committee.

### 8.2 The FQ Appeal Committee

8.2.1 The FQ Appeal Committee will consist of the Chief Executive Officer (CEO) of SAQA and three other members of the Foreign Qualifications Committee, who must be appointed by the Board.

8.2.2 The FQ Appeal Committee will meet as and when required.

8.2.3 Once in receipt of a second stage appeal, the FQ Appeal Committee will within 60 working days assess the appeal and make a decision. The response time may extend if there is a need for further external consultation. Appellants will be informed of such delays.

8.2.4 The FQ Appeal Committee will not consider any evidence over and above what has already served at the FQ Appeal Panel. Should, at the time of the Stage 1 appeal, information have been available that the appellant was unaware of that would have, had it been submitted to the Appeal Panel, altered the Stage 1 appeal decision, such new evidence will be considered by the Appeal Panel and not by the Appeal Committee. The cost of a second Stage 1 appeal will be the same as for the first.

8.2.5 In cases where the Appeal 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.

## **9 Lodging an Appeal**

### **9.1 Stage 1: Appeal before the FQ Appeal Panel**

9.1.1 The appellant (qualification holder) must lodge the appeal within ninety (90) calendar days of the date of issue of the SAQA Certificate of Evaluation, or the letter advising of the non-recognition of the qualification. The appeal must be addressed to the Director: Foreign Qualifications Evaluation and Advisory Services.

9.1.2 The appeal must be lodged:

9.1.2.1 Online, as per the relevant guidelines and links available on the SAQA website; and

9.1.2.2 Physically in the form of a paper pack.

9.1.3 All the required information must be provided online and in the paper pack.

9.1.4 In addition the appellant must include the following as part of the Stage 1 appeal submission:

9.1.4.1 If the appeal is against the level of recognition, the original SAQA Certificate of Evaluation to which the appeal refers;

9.1.4.2 Relevant substantiating documentation in addition to what was submitted before, when applicable; and

9.1.4.3 An appeal fee as determined by SAQA. If the outcome of the appeal is in favour of the appellant and leads to the amendment of the original recognition decision, then the appeal fee will be refunded.

9.1.5 No oral submissions will be entertained.

### **9.2 Stage 2: Appeal before the FQ Appeal Committee**

9.2.1 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 appeal decision.

9.2.2 The appeal must be lodged:

9.2.2.1 Online, as per the relevant guidelines and links available on the SAQA website; and

9.2.2.2 Physically in the form of a paper pack.

9.2.3 All the required information must be provided online and in the paper pack.

9.2.4 In addition the appellant must include the following as part of the appeal submission:

9.2.4.1 If a Certificate of Evaluation had been issued, that original certificate;

9.2.4.2 An appeal fee as determined by SAQA. If the outcome of the appeal is in favour of the appellant and leads to the amendment of the original recognition decision, then the appeal fees paid for both stages 1 and 2 will be refunded.

9.2.5 Notwithstanding 8.2.4 above, no new evidence may be submitted in addition to what was submitted in Stage 1.

9.2.6 No oral submissions will be entertained.

## **10. Monitoring of appeals**

10.1 SAQA will register all appeals on the Appeals Register maintained by the organisation.

10.2 Progress on the processing of appeals and appeal outcomes will be reported to the relevant Board Committee on a quarterly basis.



Foreign Qualifications Evaluation and Advisory Services

## **Revocation Policy**

## 1 Preamble

The South African Qualifications Authority (SAQA) is mandated by Section 13(1)(m) of the National Qualifications Framework (NQF) Act, 67 of 2008, to **“In respect of foreign qualifications, provide an evaluation and advisory service consistent with this Act”**.

This mandate aligns with SAQA's apex 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 is a 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.

The evaluation of foreign qualifications by SAQA entails a process that is described in the Definitions section below; which is guided by criteria that are transparent, coherent, reliable and applied consistently; and which results in a decision whether or not to recognise a qualification.

SAQA issues a Certificate of Evaluation to indicate how foreign qualifications are recognised and located within the South African NQF. Since 4 December 2013 the Certificate also 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.

The SAQA Foreign Qualifications Evaluation Revocation Policy is embedded in the South African common law system; and is guided by Section 33 (Administrative Justice) of the Constitution of the Republic of South Africa, 1996, the Promotion of Administrative Justice Act (PAJA), 3 of 2000 and the Promotion of Access to Information Act (PAIA), 2 of 2000, to ensure that it is procedurally fair and valid.

The Policy further gives effect to the *SAQA Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (as amended)*, which states that Certificates of Evaluation remain the property of SAQA and may be revoked when information comes to light that compromises their integrity.

## 2 Definitions

**“Evaluation of foreign qualifications”** means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications registered on the NQF.

**“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.

**“Misrepresentation”** means an intentional or unintentional incorrect statement of fact or law, or a perversion or distortion of the truth, made by one person (natural or juristic) to SAQA either 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.

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

**“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 certificate to have no legal status and effect.



“SAQA Certificate of Evaluation (Certificate)” means a certificate issued by SAQA indicating the authenticity of the foreign qualification and its location on the NQF.

### 3. Purpose

The purpose of this policy is to outline the principles according to which SAQA revokes Certificates that it issued and hence annul decisions made regarding the recognition of a foreign qualification; as well as the rights and obligations of qualification holders in the event of such revocation.

### 4 Context

This policy should be understood firstly in the context of the evolution of the function over time; a context which is one of changing philosophies, approaches, criteria and methodologies; as well as, ultimately, new insights. Particularly important is the adoption of the principle, in 2013, that evaluation of foreign qualifications would henceforth include the *verification of the status and authenticity* of every single qualification submitted to SAQA, whereas prior to this date verification happened on a case by case basis on suspicion of possible fraud.

Secondly, the Policy is a manifestation of SAQA's zero tolerance stance against misrepresentation and is aimed at eliminating instances of fraud.

### 5. Scope

This policy makes provision for SAQA to revoke Certificates 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, as expanded on in Section 7 below.

Applicants are informed of the right SAQA reserves to revoke Certificates both at the time of their application and when Certificates are issued.

### 6. Grounds for revocation

- 6.1 SAQA will revoke a Certificate it issued when one or more qualifications appearing on that Certificate are found to have been:
  - 6.1.1 Misrepresented by the qualification holder, or any other party, in any way;
  - 6.1.2 Issued by an institution that at the time of enrolment of the qualification holder was not recognised in the home system according to 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.
  - 6.1.3 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 with one reflecting the correct outcome.
- 6.2 SAQA cannot revoke certificates it does not issue. SAQA will, however, take the necessary action to ensure that information about valid Certificates is available and accessible to the public. Such information will be made available with the consent of applicants for evaluation.

- 6.3 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.

## **7. Process for and principles guiding revocation**

- 7.1 When new information comes to light which 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.
- 7.2 SAQA will first inform qualification holders of its intention to revoke and provide reasons for this.
- 7.3 SAQA may allow an opportunity for the qualification holder to respond and make representation as to why a Certificate 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.
- 7.4 Representation received within the stipulated period will be considered by the Foreign Qualifications Appeal Panel and a final decision will be taken whether or not to revoke. This decision will be communicated to the qualification holder or his/her representative, as may be applicable, in writing.
- 7.5 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.
- 7.6 Original Certificates must be returned to SAQA within one month of the effective date of the revocation, failing which SAQA will take further action. Loss of the original Certificate must be declared in an affidavit, which must reach SAQA within the same period of time and under the same conditions.
- 7.7 Neither the original Certificate, nor any copies of it may be used after revocation.
- 7.8 Where a Certificate is revoked on the ground contemplated in Section 6.1.1 above, SAQA will follow the proper channels to initiate legal action.
- 7.9 SAQA will maintain a register of revoked Certificates and publish the revocation information in relevant and appropriate ways.



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