



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.