

# WHITE PAPER & KEY DEVELOPMENTS

28 March 2018



## XPATWEB

Work Permit & Expatriate Solutions

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# PREAMBLE

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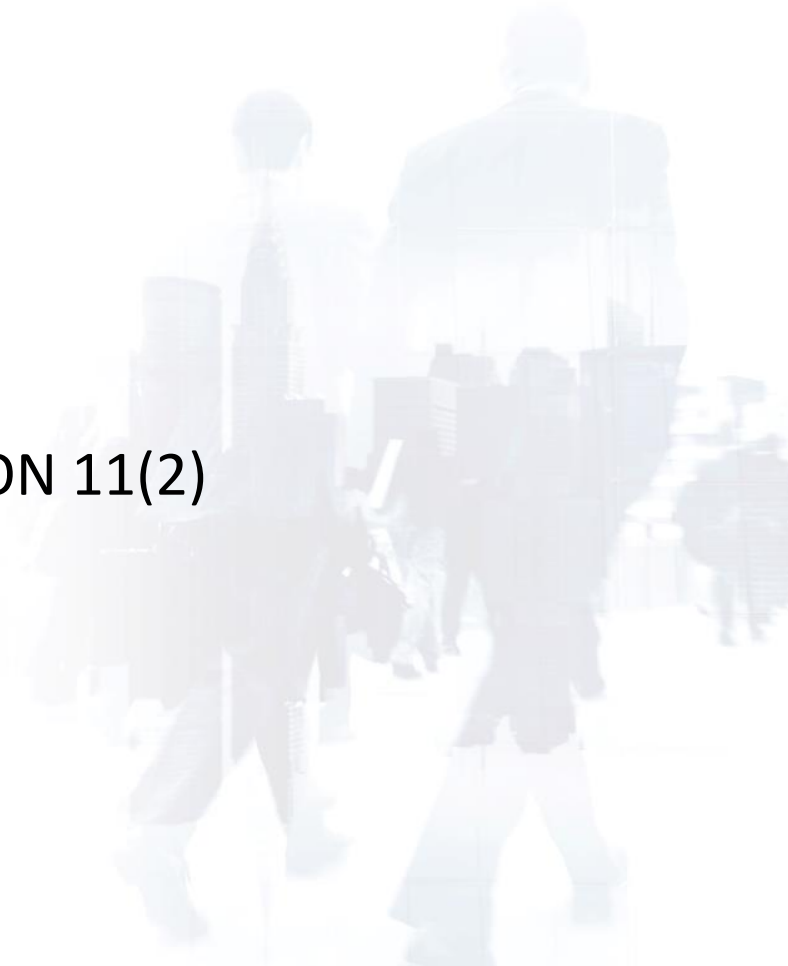
*“In providing for the regulation of admission of foreigners to, their residence in, and their departure from the Republic and for matters connected therewith, the Immigration Act aims at setting in place a new system of immigration control which ensures that-*

*(a) visas and permanent residence permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, and without consuming excessive administrative capacity”*

# AGENDA

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1. WHITE PAPER
2. CRITICAL SKILLS SURVEY RESULTS
3. SHORT TERM WORK VISA – SECTION 11(2)
4. BRICS BUSINESS VISAS
5. GWV WAIVER



# AGENDA

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6. EXPATRIATE SPOUSES
7. FOREIGN MISSIONS
8. TAX SIGNOFF
9. STREAMLINED APPLICATIONS



# 1 WHITE PAPER

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## POLICY AND STRATEGIC RECOMMENDATION

- ❖ Review of the Critical Skills list
- ❖ Relaxation of visa requirements – Skilled Expatriates
- ❖ Permanent residence permit to be replaced by long term residence visas

# FOCUS AREA

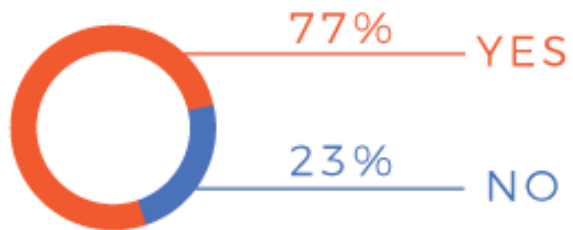
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- ❖ Now is the time to raise your consultative issues
- ❖ We will be making presentations in Parliament

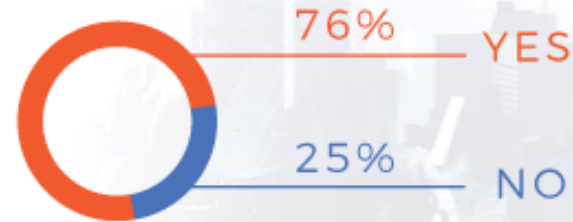


# 2 SURVEY RESULTS

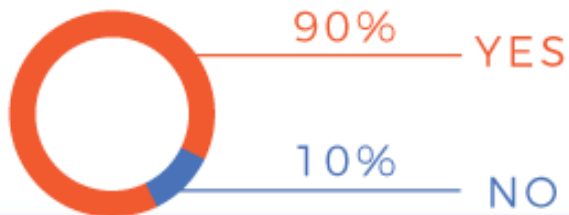
1. Do you find that your organisation struggles to recruit critically skilled individuals?



2. Would international search help you to find these skills?



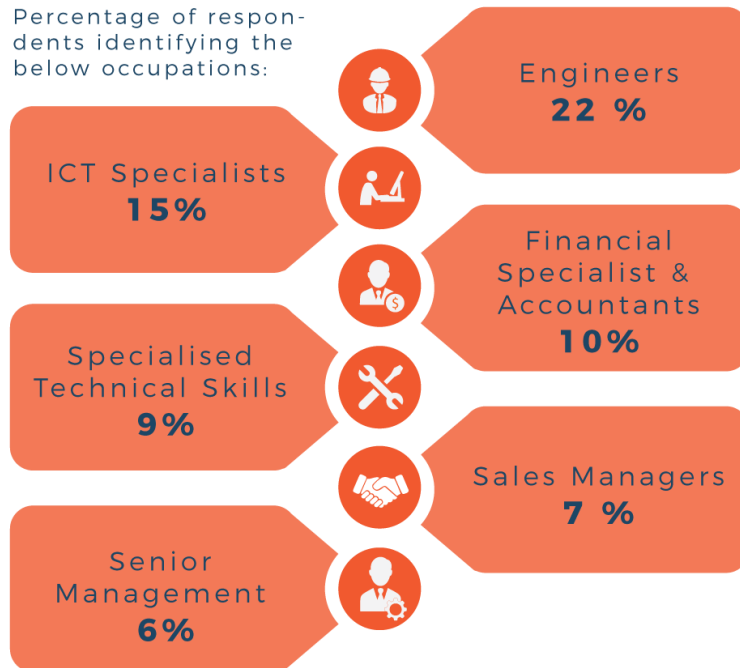
3. Do you perceive the work visa process as a prohibitor to recruit internationally?



# SURVEY RESULTS

## 4. What are the critical skill areas you find difficult to recruit?

Percentage of respondents identifying the below occupations:



- Other popular occupations include:

Medical Specialist Fields, Artisans, Media and Production, Mining, Experienced Retail Buyers and General Managers, Marketing Managers, Machine Setters/Operators, Generalist HR skills, Actuary, Research & Education, Marine, Project/Programme Manager and Business Professionals.

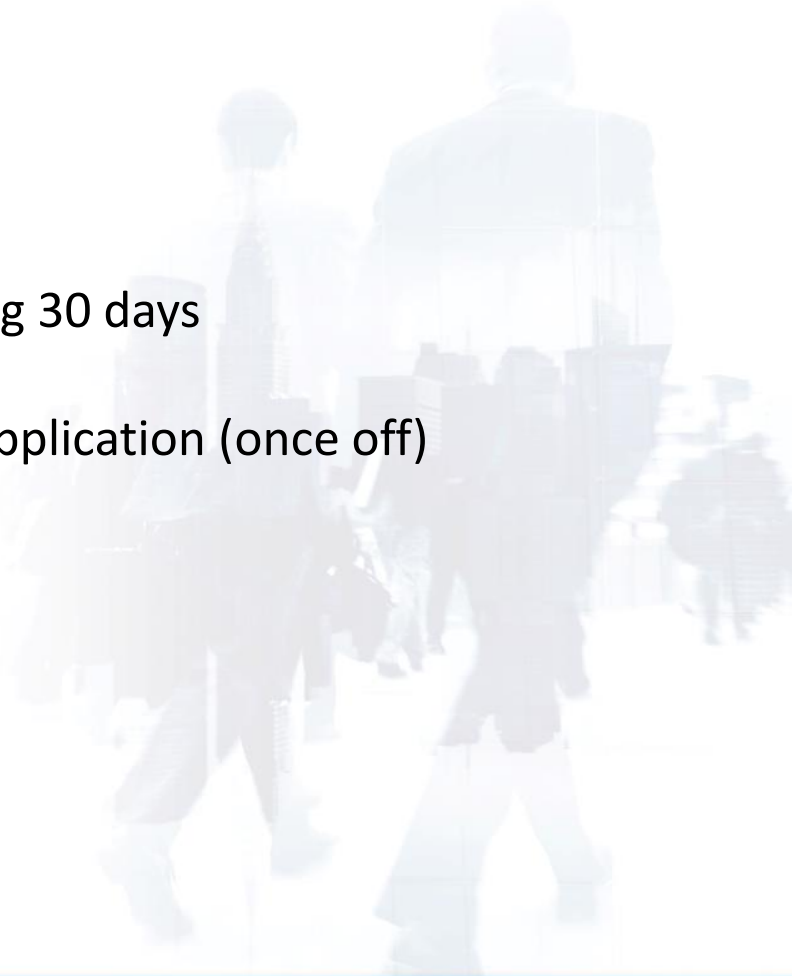


# 3 BUSINESS VS WORK?

- When does someone come for “business” vs “work” in South Africa?
- The Immigration Act defines “work” as including -
  - “(a) conducting any activity normally associated with the running of a specific business; or*
  - (b) being employed or conducting activities consistent with being employed or consistent with the profession of a person, with or without remuneration or reward, within the Republic.”*
- We have seen various arrests in this regards
- In cases of doubt, apply for a section 11(2) visitors visa

# 4 BRICS BUSINESS VISA

- Issued to frequent business travellers
- Up to 10 years with each visit not exceeding 30 days
- Turnaround time of 5 working days upon application (once off)
- Not a work visa (may still need 11(2) visas)



# 5 GENERAL WORK VISA

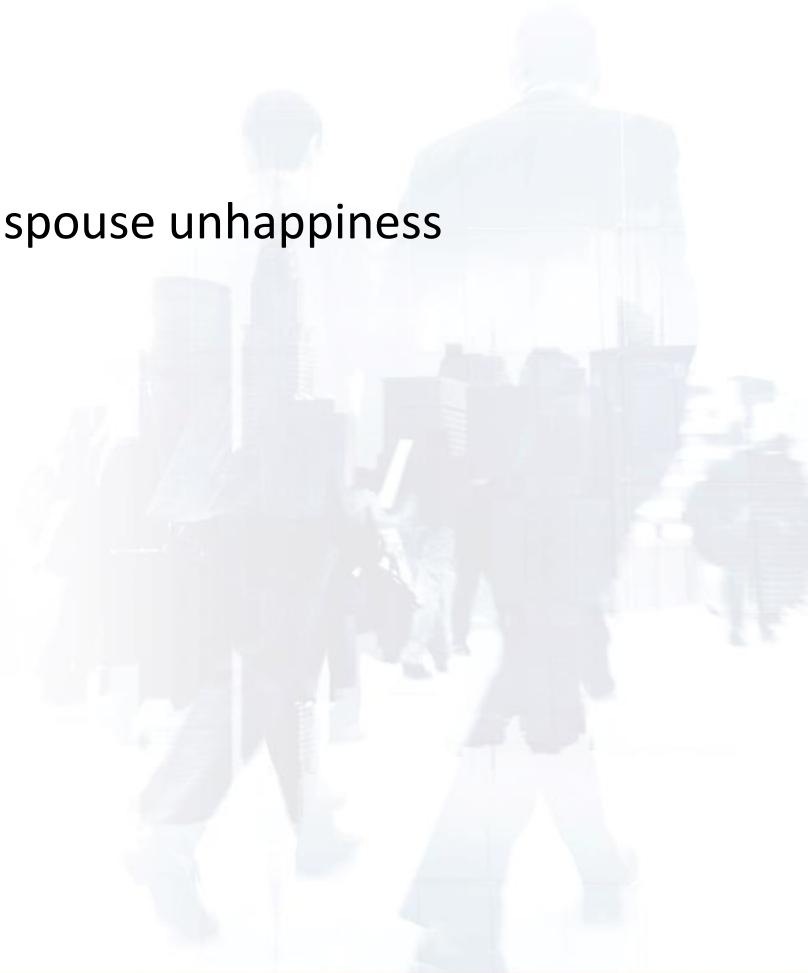
- Department of Labour Certificate
- Waivers



# 6 EXPATRIATE SPOUSES

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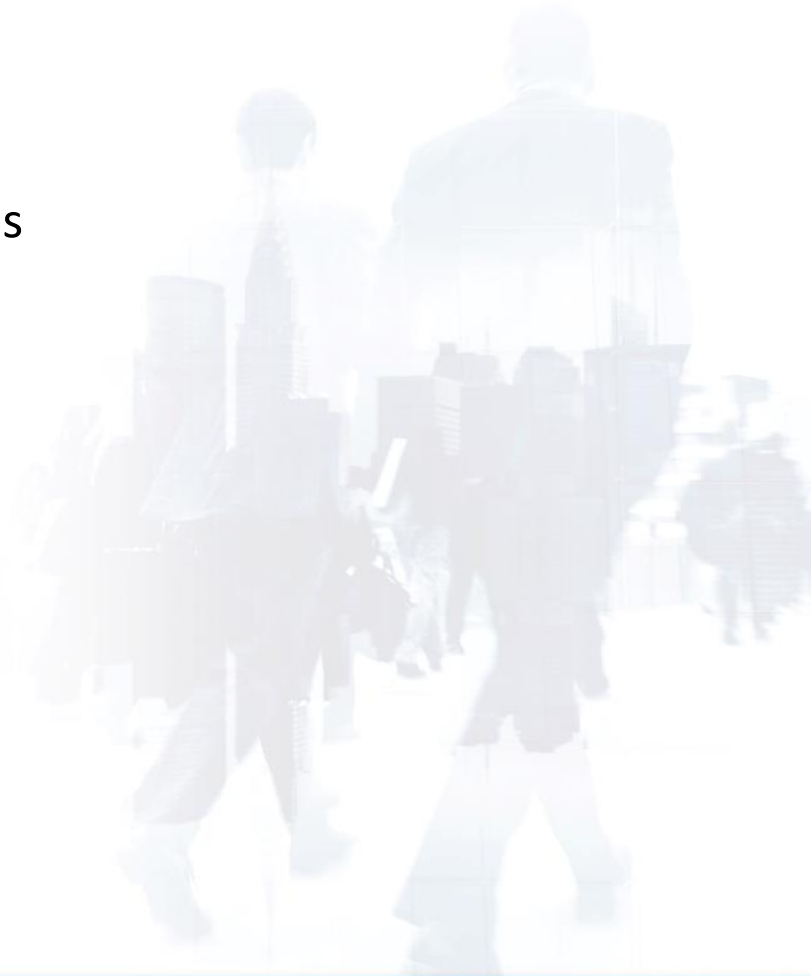
- 62% of expatriate assignments fail due to spouse unhappiness
- Critical Skills Work Visa for Spouses



# 7 FOREIGN MISSIONS

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- Arbitrary and varied requirements for visas
- Inconsistent turnaround times



# 8 TAX SIGNOFF

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- The visa category that you obtain cannot compromise the tax and exchange control treatment of expatriates
- Certain categories trigger tax and exchange control residency
- We have a “rule” that all visa applications must have a tax and exchange control signoff by one of our tax attorneys

# 9 STREAMLINED APPLICATIONS

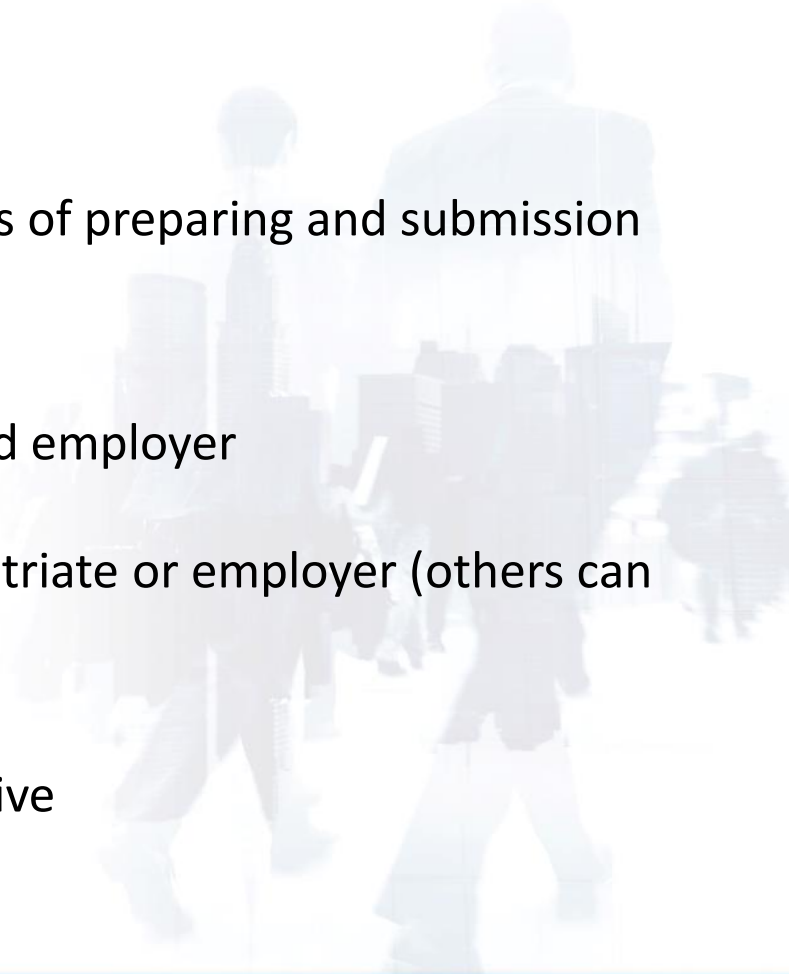
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- A work visa involves up to 50 steps in terms of preparing and submission of an application
- These steps involve both the expatriate and employer
- At least 10 steps must be done by the expatriate or employer (others can be outsourced)
- How can we make the process more effective



# THANK YOU

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