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Immigration to South Africa

With the brain drain from the Republic of South Africa, the country has a great need to import skilled staff. To that end, the Immigration Act implemented on 7 April 2003 is an attempt to simplify the issuance of permits, to attract skilled and qualified foreigners to the Republic and to promote tourism in the RSA.



This guide provides a general overview of South African work permits.

Please [contact our London Office](#) for further details.

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Introduction

Work permits applications for South Africa are dealt with by the Department of Home Affairs. However, the South African authorities have delegated intra company transfer applications (where the worker is moving within the same international group) and secondment (where a foreign firm sends an employee to a client's site in South African in accordance with a service contract) to their High Commissions and Embassies. It is with these applications that workpermit.com can assist.

How long will it take to get a candidate on-site with a South African Work Permit?

Properly presented applications can be processed very quickly, in just over a week. Once the application is approved, the candidate may travel immediately to South Africa to start work.

Can My Company Apply for a Work Permit to Second an employee to South Africa?

There are two types of permit that can be issued by the High Commission:

1. Intra Company Transfer

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The company will need to fulfil the following criteria:

- Have an established presence in the UK.
- Have an established presence in South Africa.
- These two companies must be part of the same international group.
- The candidate moves from employment in the UK office to be employed in the South African office.

2. Secondments

A UK company may send a consultant to it's South African client to install a product or as part of a contract to provide services to them. Please note the contractor sent to South Africa must genuinely be part of a wider service agreement, for example installing propriety software.

Does the Candidate Qualify to be Seconded to South Africa?

There are no explicit criteria relating to the candidate, however the following items are good rules of thumb by which to judge whether a candidate would be suitable:

- They must be able to do the job
- They should have worked for the company for at least six months.

This is necessary as most applications are made on the premise of the candidate having specialist knowledge of the companies operations.

How do I apply for a South African Work Permit?

A work permit application is actually an application for a temporary residence permit. They should be submitted in the South African High Commission in the country where the candidate is normally resident.

These applications are quite extensive and will involve producing original signed documents form both the South African and UK offices, the time needed to do this should be factored into plans.

South African Work Permits Frequently asked Questions.

Can my company apply for all types of work permit through the High Commission?

No. It is only possible to make applications for work permits for employees who are being seconded within an international group, (an intra-company transfer)

Can the candidate be accompanied by his/her family?

Yes. However additional documentation will be required.

Can a candidate apply for a work permit?

No. The employer must make a work permit application, and the resulting permit will be employer-specific.

Is it necessary to apply for the visa separately?

No for South Africa the visa is included in the work permit application.

What is the difference between "body shopping" and providing a service?

It is not possible to obtain a work permit for a candidate who is being body shopped, but it is possible for a candidate under a contract to provide services. The key differences are:

- The sponsor may not be a recruitment agency.
- The staff remain on the payroll and line management of the service provider.
- The services are above and beyond that of just a contractor – e.g. consultants assisting in the installation of a propriety product sold to a client.
- The services provided must be shown to be in the normal run of operations for the service provider.

What elements should be included in a service contract to ensure that it is suitable for a work permit application?

A provision of service contract should include the following elements:

- The day to day line management of the consultants remains with the service provider
- It should include warranted deliverables.
- It should cover the entire period for which the permit is required.
- It should be signed by both parties, and on the client headed paper.

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