

## Working in South Africa

Thank you for choosing Wanderlust Cape Town to assist with your immigration needs. When choosing what Work Visa is best suited for you, it's important to get an understanding of what each visa entails.

**South Africa is an emerging country and looking to attract professional knowledge and skills This is mirrored by the Immigration Law which has 5 different work visa options.**

**The first option, the so called **critical skills work visa**, is designed to attract exactly the knowledge and skill to the country which is needed at this point in time. A list of professions which are deemed to be in the national interest has been published and foreigners in possession of the relevant skills can apply for 5 year work visas.**

The applicant will need a letter confirming his or her qualifications from the South African Qualifications Authority (SAQA) and they will **have to become members of the appropriate professional body or board, which will confirm their skills.**

With this visa, the applicant will be able to move to South Africa without an employment offer for one year. If the applicant has an employment offer, the visa will be issued to him/her for a 5-year period. Foreigners qualifying in the critical skills category furthermore qualify for permanent residence, as long as they can prove 5 years of relevant work experience, which makes this the most attractive work category.

Spouses/partners are allowed to accompany the applicant of the above CS visa and can be issued long term visitors visa, they are however not allowed to work themselves.

**Foreigners not possessing critical skills that are in the national interest but are skilled and trusted within their company structure might be served well with an **Intra-company transfer work visa**, which allows an employee to be transferred from an overseas branch to a South African branch or subsidiary company for a period not exceeding 4 years. The application process for this type of visa is a straightforward one. However, an intra-company visa cannot be renewed, meaning the applicant will need to leave South Africa afterwards (unless in specific circumstances) and is therefore only applicable for those requiring 4 years or less for work abroad.**

If the above are not applicable, a **general work visa** application will apply. A general work visa requires that the employer of the foreigner has **made every attempt to fill the vacant position with either a South African citizen or permanent resident. This has to be proven to and then be confirmed by the Department of Labour which additionally needs to agree that the work conditions and salary are not inferior to those of comparable jobs, held by South Africans.** Due to the pre-requisite of consulting the Department of Labour, this GWV can take substantially longer and must be seen as a last option. A SAQA certificate is also required. General work visas are typically issued for up to 5 years and are renewable.

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**Corporate visas** are applicable in cases where an employer of a company registered in South Africa, wishes to employ a large number of foreign workers for a limited time period.

The initial process to register the company can be intricate and obtaining permission to employ foreign employees may be a lengthy process, as the company will have to provide adequate proof as to why it needs many foreign employees, but thereafter rather *simple*. A Corporate visa should only be considered should applicants require many foreign employees over a certain time period. This often applies in call-centres or the agricultural industry (seasonal workers).

Lastly the Immigration Act also acknowledges the fact that young people often seek experience abroad, be it for internships or a gap year. The **exchange visa to conduct work** allows foreigners under the age of 25 to work in South Africa for up to one year. The requirements for the visa are very few, compared to the other work visa options, however there are some South African embassies which do not issue them. Apart from the limitation to one year, holders of exchange visas are also not allowed to apply for permanent residence within 2 years of the expiry of their visa.

Should you wish to schedule an appointment to discuss the various type of work visas in more detail, please do not hesitate to contact Wanderlust Cape Town. We look forward to hearing from you!