



cutting through complexity

Changes in South African Immigration Law

SARA IMG Event Johannesburg

10 April 2014





1. Overview of the South African Immigration system
2. General changes
3. Temporary Residence Permit applications
4. Proposed sanctions for overstays
5. Questions?

Overview of the South Africa Immigration system



In today's already-complex business environment, the regulatory requirements for companies employing foreign nationals are constantly changing. The Government is enforcing regulatory compliance more aggressively, making it critical for employers take the necessary steps and comply with all aspects of immigration laws and regulations.

How will this affect expatriates and employers?





The South African Immigration Legislation

- Immigration Act no 13 of 2002:
- Immigration Regulations of 2014

New Immigration Regulations – General changes



New labor market testing requirements for some of the core permits and which is expected to intensify the application process.

All temporary residence permits will be called visas

Repeal of section 46 of the Act and applicants to submit in person

Appointment of Visa Facilitation Services “VFS”

Biometrics to be required for in-country visa applications

Changing status in-country will not be permitted

New requirements for Temporary Residence Permits



Secondment of employees into South Africa:

Section 11(2) Visitor's visas:

- More detailed information required
- Plans to have authorizations issued by SA Missions Abroad

Intra-company transfer work permits:

- Undertaking by employer (Deportation costs)
- New 4 year duration





General work permits:

- Labour search and recommendation
- Stringent requirement on undertaking for deportation
- Notifications for change of capacity
- Notification for change of address



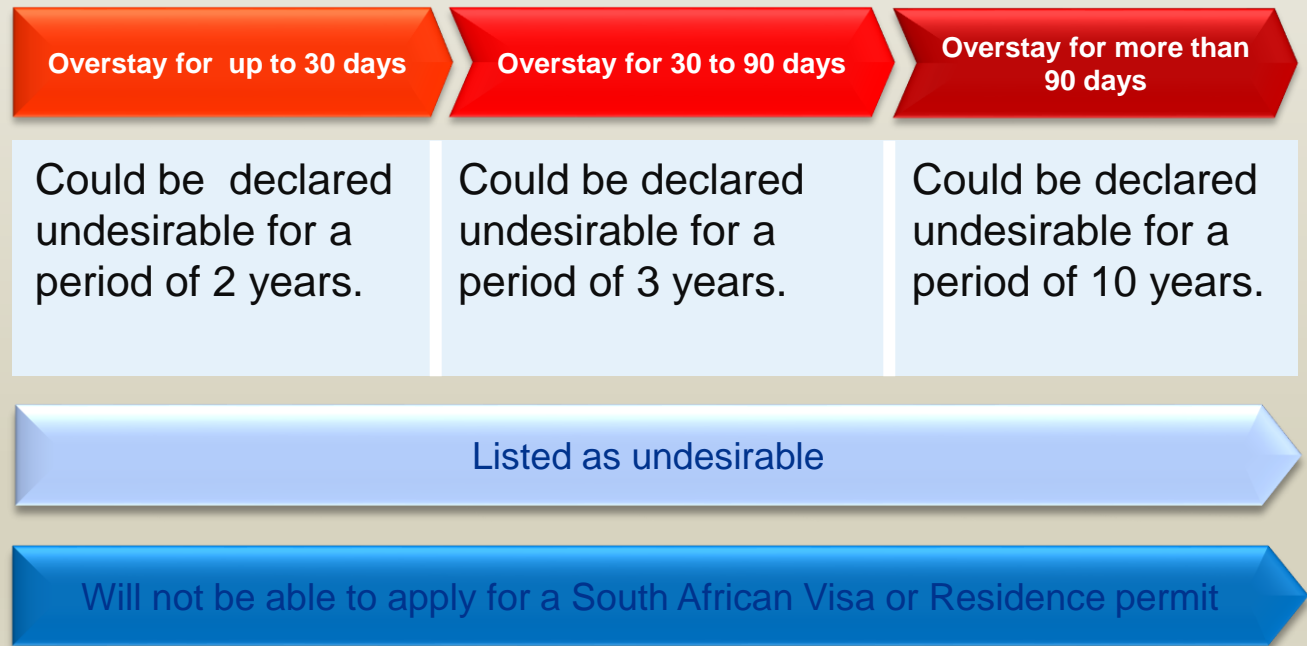
Corporate Visa:

- Labour recommendation (strict search)
- Salary survey to be conducted by the Department of Labour
- Requirement for a 60% SA Citizens and Residents workforce
- Proposed 3 year duration
- Foreign employment contracts to be attested
- SAQA evaluation requirement for Mining and Construction sectors
- Proof of registration with a Professional Body or Board for Mining and Construction sectors

Proposed sanctions for overstays



- The Department of Home Affairs has also proposed eliminating the current fine system for overstay.
- Foreign nationals who overstay will be declared undesirable. Under the new Regulations, a foreign national who overstays his or her visa as follows will be declared undesirable



A blurred city street scene with two people walking in the distance. The image is overlaid with a white diagonal shape in the bottom-left corner containing the text "Questions?".

Questions?



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Thank you

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