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Corporate Permit and other Work Permits in terms of the South African Immigration Law

Immigration Act, 2002 (No. 13 of 2002)
Immigration Amendment Act, 2004 (No. 19 of 2004)
Immigration Regulations 2005 (27. June 2005)

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Version: September 2007

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A. CORPORATE PERMIT

Companies with an ongoing proven need to employ foreigners may apply for a „Corporate Permit“. This permit is not issued to each foreign employee but to the employer him/herself. It allows a company to recruit an agreed number of foreigners for positions, which the company has applied for at the Department of Home Affairs. The company has more security to be issued with work permits for their employees within a short period of time and can therefore plan more reliably.

The company is required to proof the need to employ foreigners. After the Corporate Permit has been approved by the authorities, the company can start to recruit foreigners, who are then, after a simplified application process, each get issued with a corporate workers permit.

B. INTRA COMPANY TRANSFER WORK PERMIT

The Intra – company transfer work permit was implemented into the South African Immigration Law to transfer an employee from a foreign company to their South African branch, subsidiary or otherwise affiliated company. It allows international companies to transfer important and valuable employees to their South African branch, subsidiary or otherwise affiliated company for a period of 2 years. It must be noted that the Immigration Amendment bill stipulates the increase from 2 years to a period of 4 years which will be in accordance with the international practice.

The prearrangements and applicable documentation are relatively simple and fairly easy to compile compared to other types of work permits.

C. Quota Work Permit

A Quota Work Permit is granted to a limited number of applicants with proven knowledge, skills or experience and qualifications within determined categories, which are not sufficiently provided for in South Africa. The applicant must proof five years of experience in the particular field. It must be pointed out that, a Quota Work Permit is easier to obtain than a General Work Permit.

The employer is not required to prove that the position could not be filled by a South African Citizen or Permanent Resident holder. However, the qualifications obtained abroad must be evaluated by the South African Qualification Authority (SAQA).

D. General Work Permit

The General Work Permit may be issued to a foreigner if he/she does not qualify for another work permit. The crucial criterion is that, the employer is required to provide proof that no South African citizen can fill the position offered to the foreigner. Whilst this proof must generally include original clippings of the newspaper advertisements of the position, further proof of the average salary earned by employees occupying similar positions in the Republic must be provided as well as proof of qualifications evaluated by the South African Qualification Authority (SAQA).

E. EXCEPTIONAL SKILLS

A foreigner with special / exceptional skills or qualifications may apply for an exceptional skills permit based solely on these skills or qualifications. To prove the exceptional skills or qualifications a letter of recommendation from a South African or international organ of state or from an established South African academic, cultural or business body must be provided. The applicant is required to bring further proof to substantiate his exceptional skills or qualifications with e.g. publications or testimonials. It must be emphasized, that the term "exceptional" is not legally determined and is it therefore important to provide comprehensive information and documentation.

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