

30 March 2018

Director General Mkuseli Apleni
Department of Home Affairs
Private bag x114
Pretoria 0001
South Africa

For attention: Mr Sihle Mthiyane, Director Policy Development
Mr Jackie McKay, DDG: Immigration Services

**Response to the White Paper on International Migration in South Africa
with reference to high-value migrants and employment authorisation of their family members.**

Dear Mr. Mthiyane,

On behalf of Permits Foundation, I would like to respond and compliment you on the White Paper on International Migration. Its holistic approach, thorough analysis and acknowledgment of the advantages of migration will help the development of South Africa and be an example to other countries in the region.

As mentioned in our response to the earlier Green Paper, Permits Foundation is an independent, not-for-profit organisation campaigning globally to improve work permit regulations to make it easier for partners of expatriate staff to gain employment during an international assignment. We are supported by more than [40 international companies and organisations](#) and our research has been used by a number of countries when developing business-related migration policy and regulations.

With respect to your aim to attract and retain high-value migrants with the necessary skills, investment and business interests, we endorse the value of a long-term visa that will allow easy access to citizenship. In particular, we support the proposal for *"a special visa that could be fast-tracked and must enable the applicant and the immediate family to apply as one unit. The family members (first step of kinship) must be able to work and study using the long-term residence visa without the need to apply for other appropriate visas as currently required."* (Ref. White Paper, Chapter 9, p 46.)

Intra-Company Transfer Work Visa

At the same time, we urge you to include intra-company transfers in a category of employees whose family members will be allowed to work and study. This is important because our consultations with international and South African companies indicate that they tend to use the Intra-Company Transfer Visa when relocating highly qualified or highly skilled staff. In terms of benefit to the country, there is a large overlap between the Intra-Company Transfer visa and Critical skills Visa. There is minimum difference in skills profile and value delivered, with the main difference being only in the contractual relationship. And while intra-company employees may not settle permanently, the experience that they bring, and its regular refreshment by new people, is an important contributor to skills transfer and development in South Africa. Moreover, their numbers are small – only 2% of temporary residence visas. (Ref. White Paper, Chapter 5, Table 4, p 26, Work Visa Section 19(5).)

In 2014, your department already made a welcome change to the Intra-Corporate Transfer work visa, extending the maximum period of validity to 4 years. This longer assignment allows more time to transfer sustainable skills transfer to local staff and increasingly attracts more senior staff working on strategic initiatives, and accompanied by their family.

Family members

Underpinning your intended policy on family members, [our global surveys](#) show that countries that allow them to work are more attractive to the highly skilled talent pool that goes hand-in-hand with international investment and helps the economy to grow.

Our surveys also show that allowing family members to work impacts positively on integration into the country as well as on health and well-being, and family relationships. This would fit well with your plan to establish a concerted approach for the integration into communities of all international migrants who are in the country legally and are holders of residence visas and permits. (Ref. White Paper, Chapter 13, p 65.)

Not least, allowing family members to work directly on their dependant's visa reduces costs and any administrative burden for the authorities, as there is no need to apply for a separate work visa when a job or self-employment is found.

International comparisons

Granting family visas with employment authorisation to the highly skilled and intra-company transferees would bring South Africa in line with at least [30 other countries](#) that have adopted this best practice as part of a managed migration policy aimed at attracting highly skilled talent and trade and investment.

South African families abroad already benefit from these regulations. Further information is available on our website www.permitsfoundation.com

Permits Foundation has wide experience of how family members are treated under highly-skilled migration regulations policies in other countries and regions. We would be pleased to meet you for further discussions and share our knowledge as your policy development moves to the next stage.

I would also add that while the White Paper refers to publicly available working visas, the same interest in family member employment exists in diplomatic and international organisations, for which visas fall under the Department of International Relations and Cooperation.

I hope this reaction serves you well. If you have any further enquiries, please do not hesitate to contact us.

Yours faithfully,



Michiel van Campen
Executive Director, Permits Foundation