

30 September, 2016

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

For attention: Mr Sihle Mthiyane, Director Policy Development

Dear Mr. Mthiyane,

**Response to Green Paper on International Migration in South Africa**

On behalf of Permits Foundation, I am pleased to submit our response to your Green Paper on International Migration, in particular the aspects related to family members. We hope it reaches you well and will contribute to the successful development and implementation of a revised international migration policy for South Africa.

***Introducing Permits Foundation***

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. Our research on best practice regulations and dual career mobility has been used by a number of countries when developing business-related migration policy and work permit regulations. The foundation is supported by more than forty international companies and organisations. I refer to our website [www.permitsfoundation.com](http://www.permitsfoundation.com) for more information about us and our sponsors.

***Migration as an opportunity***

It is with great admiration that we take note of your Green Paper, with its thorough analysis and acknowledgment of the advantages of migration to the development of South Africa.

At Permits Foundation, we have conducted several global surveys showing that countries that allow family members to work are more attractive to the global highly-skilled talent pool that goes hand-in-hand with international investment and development, and helps the economy to grow.

This is very much in line with one of the proposals of the Green Paper, which states on p 44:

*“Migrants with the needed skills, investment and business interests must be allowed access to a long-term visa that will allow easy access to permanent residence. This must be a special visa that is fast-tracked and enables the applicant and its immediate family to apply as one unit. The family-members must be able to work and study using the long term visa without the need to apply for other appropriate visas, as currently required.”*

Immediate access to the employment market without any further bureaucracy is exactly what Permits Foundation promotes globally and we strongly support such a policy in South Africa.

We urge you, when defining the categories of qualifying principal visas, to include those covered by the current intra-company transfer work visa, along with the critical skills visa. In terms of relevant skills and benefit to the country, there is a large degree of overlap between the type of people who relocate to South Africa on these visas. We understand that the only significant difference is the employment relationship and that there is minimal differentiation in skills possessed and value delivered within the South African environment. And while the intra-company employees may not settle permanently in the country, the skills and experience that they bring, and the regular refreshment by new people, is also an important contributor to skills development and skills transfer in South Africa.

## **Integration**

Permits Foundation's international surveys have also identified several social benefits of allowing family members to work, including a positive impact of working on integration, health and well-being and family relationships.

The importance of integration policies has been acknowledged in the Green Paper (p.69-72), and we are encouraged to see that this also plays a role in your proposals to address family-based visas for holders of business and critical skills visas (p 71). Here, too, we request that you also include the family members of intra-corporate transferees.

## ***Recent changes for Family-members of expat-staff***

We were very interested to read in the Green Paper (p 43) that within the limits of the current policy framework, the DHA has amended legislation, regulations and processes. For example, we note that *"the immediate family of a visa -holder is now granted work and study visas without undue delays."*

Permits Foundation applauds this development as a first step towards full work and study authorisation. However, we have not been able to find any other reference to this and wonder whether it is a regulation or process change and how it works in practice. For it to be effective, we feel it needs to be more easily accessible to employers and visa holders via the DHA website.

## **Small numbers**

According to the statistics on p 27-29 of the Green Paper, the total number of temporary work visa applications is about 30,000 per annum, and intra-company visa make up only 18% of those. Spouses account for 24-33% of applications. The number of partners who will be looking for work is even smaller, probably around 50% across all age groups, based on our experience in other countries. So granting employment authorisation to family members linked to critical skills and intra-company transfer visas will have negligible effect on your internal labour market.

## **International comparisons**

Granting family visas with employment authorisation to your highly skilled and intra-company transfers visas would bring South Africa in line with at least thirty other countries that have adopted this approach as part of a managed migration policy and attracting the highly skilled talent and trade and investment. South African families abroad benefit from these regulations. Further information is available on our website.

In conclusion, Permits Foundation proposes that if South Africa adopt the best practice of allowing family members to work, it will create a 'triple win' that is good for families, good for employers and good for South Africa.

We would be pleased to meet you for further discussions and kindly offer our support to gather more information on family members of highly skilled staff relocated to South Africa as your review progresses.

We also wish to add that while the Green 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