



IMMIGRATION LAW

TAILOR-MADE SOLUTIONS FOR CORPORATE CLIENTS

At Cliffe Dekker Hofmeyr (CDH) our Immigration team assists international and South African companies with immigration requirements normally associated with the import of foreign skills.

The team consists of experienced lawyers at all levels from across our various practice areas that have specialist knowledge of the immigration laws of South Africa.

All of our immigration lawyers are trained and qualified in all aspects of employment law, which gives them the ability to offer a full corporate employee migration service involving all legal aspects in relation to recruitment, obtaining work authorisation, appointment, contracts, statutory compliance with local labour laws and dispute resolution.

Whether you wish to second an employee to a foreign entity, subsidiary or parent company or you need to import talent for a local business, our Immigration team offers tailor-made advice and assistance, at a fee appropriate to the complexity and scope of the instruction.

OUR IMMIGRATION SERVICES

We are able to assist with all immigration-related legal issues and consequent employment law matters, giving a comprehensive and insightful corporate and/or employee migration solution.

The section 21 Corporate Visa

In terms of s21 of the Immigration Act, a company may apply to the Department of Home Affairs for a Corporate Visa, which entitles the company to set out the required number of foreign workers it wishes to employ in specific categories within its business. The Director-General of Home Affairs will, after consultation with the appropriate governmental department, approve a set number of employees for the various categories a company requires.

On receipt of the corporate visa certificate from the Department of Home Affairs, the company may import skilled foreign workers who have the specific skills set out in the corporate visa application.

The s21 Corporate Visa is the most effective way of recruiting a large number of foreign employees with skills that are in short supply in South Africa, and for a specific project.

The team consists of experienced lawyers at all levels from across our various practice areas that have specialist knowledge of the immigration laws of South Africa.

We are able to:

- Advise corporate applicants on the South African income tax and exchange control laws that are likely to affect them
- Advise on own business visas, issued to foreigners:
 - Collaborate with tax experts within CDH
 - Assist in drafting business plans into the registration of a business in terms of the Companies Act and registering the business with the South African Revenue Service. In the event that an investment of less than the prescribed amount is made in the South African economy, we assist in obtaining a waiver from the Director-General of the Department of Home Affairs to reduce the prescribed capital requirement

OUR EXPERTISE

- Acquisition of work visas. The categories of work visas include:
 - General work visas: a three-to five-year employment contract, which may be extended
 - Intra-company transfers for a four-year period
 - Work visas
 - Critical skills visas
 - Exchange visas to conduct work
 - Corporate work visas
 - Drafting the necessary employment contract for the visa applications together with advising on other compliance issues such as employee social security, employee benefits, and employer's obligations in relation to foreign employees
- Application for and obtaining of all categories of visas
- Acquisition of temporary residence visas
- Acquisition of permanent residence and immigration visas
- Processes to determine status or citizenship
- Resumption of citizenship
- Acquisition of business visas to establish a new business and business visas to invest in an existing business venture
- Obtaining immigration visas based on job offer, spousal category, self-employment or own business category, categories of financially independent persons, retired persons or relatives' visas
- We assist with:
 - Passport issues
 - Restoration of permanent residence rights
 - Obtaining unabridged birth certificates and full birth certificates
 - Procuring copies of marriage certificates
 - Immigration law related applications to the High Court and Constitutional Court
 - Reconsideration applications and appeals
 - Petition and exemption applications to the Minister of Home Affairs
 - Immigration compliance audits

CDH can also assist in:

- Preparing notarial contracts of cohabitation
- Estate planning for those who emigrate
- Assistance with the structuring of employment and tax benefits when foreign employees are employed in South Africa

MARKET RECOGNITION

Our Employment Law team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2014–2023 ranked our Employment Law practice in Band 2 for employment. *The Legal 500 EMEA 2020–2023* recommended the South African practice in Tier 1, and our Kenyan practice in Tier 3 for employment.

The way we support and interact with our clients attracts significant external recognition.

Sammy Ndolo is the Kenya Managing Partner. *Chambers Global 2021–2023* ranked Sammy in Band 4 for corporate/M&A. *Chambers Global 2023* ranked him in Band 4 for banking & finance. *The Legal 500 EMEA 2022–2023* recommended him for banking, finance & capital markets. *The Legal 500 EMEA 2023* also recommended Sammy for corporate, commercial/M&A. *IFLR1000 2021–2022* ranked Sammy as a notable practitioner.



OUR TEAM

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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