

Immigration Law

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SOUTH AFRICA

- The Trusted Employer Scheme re-opens for Phase II

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The Trusted Employer Scheme re-opens for Phase II

After much anticipation, the Trusted Employer Scheme (TES) has re-opened for corporate employers who wish to express their interest in being included in Phase II of the scheme.

What is the TES?

The TES is an initiative that was first announced by President Cyril Ramaphosa during the South Africa Investment Conference in April 2023. The scheme was introduced as part of a broader overhaul of South Africa's work visa system, aimed at providing a more flexible and expeditious pathway for foreign nationals to obtain work visas in South Africa and attracting the critical skills required to boost foreign investment.

The TES was launched as a pilot programme in October 2023, when the Department of Home Affairs (DHA) invited corporate employers to submit expressions of interest in joining the scheme. Of the approximately 108 companies that applied, 68 were approved by the DHA's inter-departmental committee following a rigorous evaluation process. The scheme officially came into effect on 1 March 2024.

The implementation of the TES allowed South African corporate employers to more easily attract skills and manage immigration, particularly in the processing of applications for senior executives, technical and highly-skilled personnel, corporate employees, and investors.

Qualifying corporate employers that successfully obtained a TES membership benefited by receiving, among other things, priority processing of visa applications and reduced documentary requirements (including no immediate requirement for the submission of South African Qualifications Authority certificates and proof of professional body registration).

The results of Phase I of the TES have been widely regarded as a success, with some participating corporate employers receiving approvals for visa applications for highly skilled foreign professionals within days of submission. This marked a significant improvement in comparison to the experience of non-TES employers, whose visa applications for skilled foreign talent often remained pending for extended periods.



Phase II of TES

The opening of Phase II of the TES follows the success of Phase I, which provided a more flexible visa application process and reduced requirements, allowing corporate employers to recruit foreign employees more seamlessly.

The overarching objective of Phase II is to support the Government's efforts in positioning South Africa as Africa's premier investment destination. Within the TES programme, a qualifying business, investor or corporate employer will benefit from priority processing of visa applications due to reduced requirements and supporting documents. A TES membership will be accepted for both local applications and applications submitted at South African High Commissions abroad. Current corporate account clients are also encouraged to apply for a TES membership.

How will Phase II of the TES work?

Phase II of the TES expands the scheme to include infrastructure projects and corporate employers that maintain a global or regional head office in South Africa. To qualify for membership, a corporate employer, investor or business must demonstrate that it has the financial strength to employ a foreign national, that it runs training programmes for South African citizens, and that it is a good corporate citizen.

The DHA will make use of a points-based scorecard system to ensure that the TES selection process is fair, ethical and transparent. The following three pathways are available for a TES membership:

- **Pathway for South African-based operations:** Corporate employers falling within this pathway will be assessed on pledges or proven investment (30 points), employment (25 points), economic sector (25 points) and skills development (20 points).
- **Pathway for companies with existing or intended regional or head offices in South Africa:** These employers will be assessed on local presence (15 points), financial contribution (50 points), employment (20 points) and economic sector (15 points).
- **Pathway for Synthetic Financial Centres in the South African financial sector:** These employers will be assessed on South African Reserve Bank exchange control authorisation or extended Domestic Treasury Management Company framework (40 points), recognised regulatory standing (20 points), Skills Transfer Commitment (SFC) market infrastructure commitment (20 points), SFC Visa Facilitation Office certification (15 points) and skills transfer commitment (5 points).

A minimum score of 80 (out of a possible 100) points is required across any of the above pathways to register as a member of the TES.



Phase II application and selection process

Corporate employers that are registered and operational in South Africa and are interested in being considered for registration onto the TES Phase II should submit their expression of interest using the link available on the DHA's website at www.dha.gov.za.

Applications must contain all information specified in the selection criteria and be supported by the documents mentioned in the TES Phase II application form. Applicants should select only one of the available pathways to avoid disqualification.

Expressions of interest will be reviewed and validated by an inter-departmental committee comprising technical officials from the DHA, the Department of Employment and Labour, the Department of Trade, Industry and Competition, and other relevant departments. The DHA will make the final selection, and applicants will be advised of the outcome. Companies that are approved for admission to the TES Phase II will be required to enter into a memorandum of agreement with the DHA. The decision of the TES inter-departmental committee is final, and the DHA reserves the right to grant or refuse a TES Phase II membership status to any corporate employer.

The closing date for expressions of interest is 4 September 2026. Outcomes regarding the expressions of interest will be issued within 30 working days after the closing date (i.e. by 4 October 2026).

Interested parties are invited to visit the DHA's website at www.dha.gov.za for more information regarding the application process, the qualification criteria, and the determination and awarding of points.

Conclusion

Membership of the TES is especially beneficial for corporate employers who regularly recruit foreign talent and scarce skills, with a TES membership placing registered corporate employers a step ahead in the recruitment of foreign talent.

A TES membership can also be leveraged by foreign nationals seeking employment with registered corporate employers when applying for a general work visa or critical skills work visa based on the current points-based system. An offer of employment from a TES corporate employer provides applicants with 30 out of the 100 points needed to apply for either of these visa categories. Considering the benefits of the TES, membership is encouraged where a corporate employer meets the minimum requirements.

Considering the prior success of the TES, corporate employers who intend to have a seamless recruitment process for foreign employees should consider registering for the scheme. If your organisation is considering applying for TES Phase II membership, our immigration team can guide you through the expression of interest process and provide you with tailored advice to understand which pathway best suits your business.

Lee Masuku and Taryn York



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