

IMPORTATION OF TALENT FROM THE EAST

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➤ Safal Steel :

- ✓ Part of the Safal Group
 - The Safal Group is the leading manufacturer of flat and long steel products in Eastern & Central Africa (Horn of Africa; Great Lakes and Southern Africa and South Africa)
- ✓ Greenfields Project situated at Cato Ridge
- ✓ Commenced with construction on 8 May 2008
- ✓ Sourced machinery and equipment from overseas suppliers on a turnkey basis
- ✓ These suppliers contracted skilled labour from :
 - India
 - Japan



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- I will deal with importation of “**NON-EMPLOYEE FOREIGN LABOUR**” as well as the “**EMPLOYMENT OF FOREIGN LABOUR**”
- Foreign labour involved with assembling and commissioning of equipment and machinery - Safal Steel was responsible to arrange their Work Permits
 - ✓ 5 types of Work Permits available as per the Immigration Act:
 - Quota Work Permit
 - General Work Permit
 - Exceptional Skills Work Permit
 - Intra-Company Transfer Work Permit
 - Corporate Work Permit
 - **ALSO:** Section 11(2) Visitor’s Permit – authorisation to work for period not exceeding 6 months



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- None of the 5 Work Permit types suited our needs iro foreign labour involved with assembling and commissioning of equipment and machinery:
 - ✓ People were not employed by Safal Steel
 - ✓ Red tape associated with application process too long and cumbersome
- Having considered all options available to us – opted for **Section 11(2) Visitor's Permit**
 - ✓ Based on the scope and size of the project (number of applications) -had difficulty to convince Dept of Home Affairs of our bona fides for using Section 11(2) Visitor's Permit
 - ✓ Assistance from DHA:
 - **Some** officials can unfortunately not see the bigger picture
 - Also not very helpful – attitude of doing you a favour by assisting
 - HOWEVER – not all like that



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➤ Section 11(2) Visitor's Permit – Major Constraints

- ✓ Was limited to a maximum stay of 6 months
- ✓ CONTINUITY was a problem – installation processes on the different production lines took longer than 6 months
- ✓ Renewal of permits after completion of initial 6-month period was a problem:
 - Dept of Home Affairs not very keen to renew such permit applications – limited us to a fixed number [critical skills/supervisors] and each application was decided upon its own merits



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- Standard Immigration Act duties and responsibilities –
 - ✓ Company had to provide all the guarantees as per the Immigration Act:
 - Repatriation on expiration of 6-month period
 - Financial responsibility whilst in South Africa (provided board and lodging/spending money)
 - Had to take measures to ensure people comply with provisions of the Immigration Act at all times



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- Also recruited “foreign labour” for our Manufacturing Department
 - ✓ Employed by a Group Company, or previously employed by a Group Company
 - Employed by a Group company – INTRA-COMPANY TRANSFER
 - Previously employed by a Group company – QUOTA PERMIT
 - ✓ Mechanical Engineers with related experience
 - ✓ Quite interesting – Quota Work Permits issued with different conditions attached
 - ✓ Transfer of skills important issue
 - ✓ Issued for either 3 or 4-year period
 - ✓ Certain conditions attached – ECSA registration/Police Clearance Certificates



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➤ LEARNING POINTS:

- ✓ Ensure you are included in discussions when issues pertaining to importation of foreign labour is discussed
- ✓ Ensure you have a firm grip on :
 - Timelines, especially with the centralisation of Visa Applications/Amendments/Variations
 - Other State Department involvement
- ✓ Establish a good working relationship with Visa Section Supervisor at the Embassy/Mission where you have to apply
- ✓ Ensure paperwork is in order
- ✓ Employ the services of a professional Immigration Consultant as early as possible in the process to advise and assist



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Thank You
Questions?

