



AFRICA

Right this way, please

Immigration - Southern Africa
Zambia, Namibia & Mozambique



Andreas Krensel, LLM
Managing Director
Email: krensel@ibn.co.za

IBN Business & Immigration Solutions

100 New Church Street
Tamboerskloof, Cape Town



Hans Kroll
Johannesburg Branch Manager
Email: hans@ibn.co.za

IBN Business & Immigration Solutions

3rd floor, West Wing
158 Jan Smuts Ave
Rosebank, Johannesburg

1 INTRODUCTION

2 NAMIBIA New Business Visa for South Africa

3 ZAMBIA Reliability/ Approachable

4 MOZAMBIQUE Out of Quota is complex

5 How does SOUTH AFRICA compare?

6 QUESTION and ANSWERS

THE CORPORATE IMMIGRATION GUIDE FOR **SOUTHERN AFRICA**

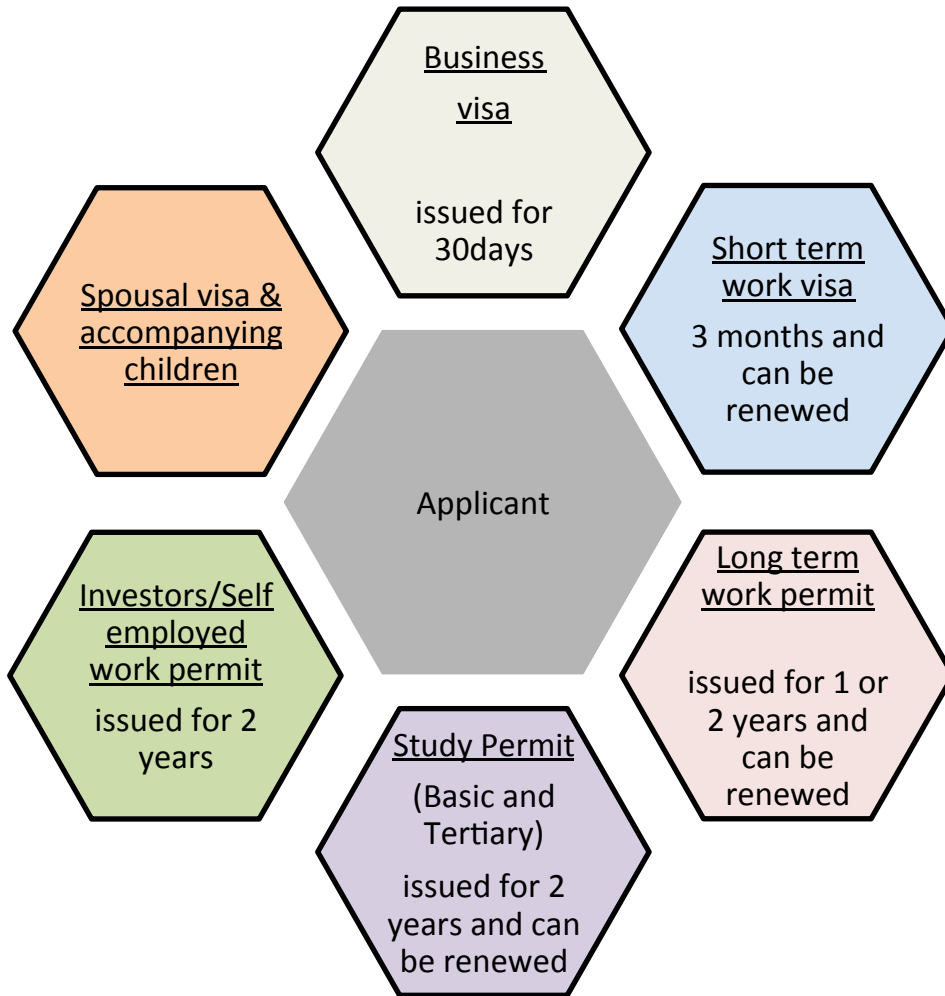
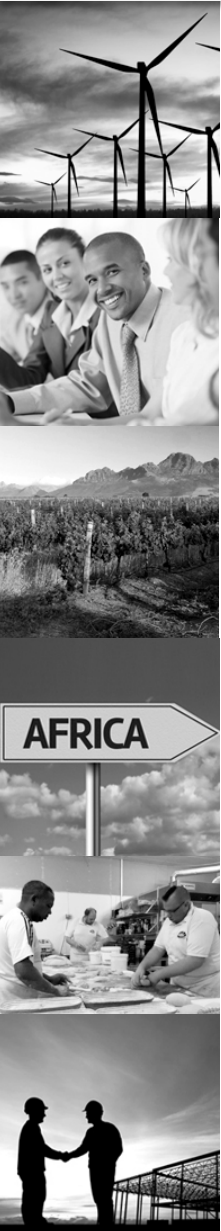


Exploring Southern Africa's
Expat Mobility Landscape

ANDREAS KRENSEL & JOB FEENSTRA

- 1 Lack of skilled/ specialised labour
- 2 Protection of local labour market – local content/
skills development
- 3 Access to information problematic
- 4 Scientific knowledge on African human mobility is
still quite limited and data is often outdated and
incomplete
- 5 Two systems to be distinguished
 - no local registration (Namibia, Zambia, South Africa)
 - local registration (Botswana, Lesotho, Mozambique)
- 6 Not one country sees immigration as competitive
advantage





Focus on Business visa

Business visa:

- 30 days at a time and issued on arrival (for visa exempt countries).
In practice often only issued for visits up to 14 days
- For short term **business** trips to Namibia (authorized to conduct business meetings, attend seminars etc. only. - No actual work)
- South African passport holders are visa exempt and endorsement on arrival = **OLD**
- **NEW: South African business travelers to Namibia are required to apply for a visa at the Namibian High Commission or Consulate 2-4 days processing**
- Visa restricted countries apply prior to travel (process. time 4 days)

**Place of submission: Port of Entry unless non-visa exempt,
Mission in country of origin**

Focus on Short Term work visa

Short term work visa:

- Valid for 3 months at a time and can be renewed
(How many renewals exactly are available is unclear, but 1x ok)
- Allows visa holders to work and reside in Namibia
- Typically meant for short term projects
- No local contract
- No entity relationship
- Must have higher qualification than matric
- Process takes about 10 working days
- **Place of submission: Home Affairs Namibia**
- No physical presence required
- Letter of approval gets emailed to applicant and visa will be issued at the border

Focus on Long Term Work permit

Long term work permit

- Valid up to 2 years at a time and can be renewed
 - Extensive documentation required from Namibian employer
 - Background and qualifications of applicant essential, advertisement
 - Only 1 type of work permit in Namibia – South Africa has 3
- The application can be renewed/extended 60 days before expiry date
- To renew/extend an application the position must be advertised again
 - Accompanying members are not obliged to pay Govt fees unless minors need Study Permit
 - Processing time 2-4 months

Place of submission: Home Affairs Namibia

Focus on Study permit

Study permit

- Study permits in Namibia are required for all schooling levels
- Namibian children go to school for free, foreigners do not
- Registration certificate with registered institution is required as the most important document
- Applications for Study permits can only be submitted in the period between December and February
- Solution: schools allow accompanying minors to register on the premises that they will register in the next application period

Place of submission: Home Affairs Namibia

Focus on Spousal / dependent's visa

Spousal visa / dependent's visa

- Spouses of work permit holders (valid for 2 years at a time)
- Minor children of work permit holders (valid for 2 years at a time)
- Study permits are offered to foreigners who will make use of basic/tertiary education
- Just like in South Africa parents should complete the letter of undertaking to support the applicant and proof of medical cover should be submitted

Place of submission: Home Affairs Namibia

Focus on Investor's permit

Investor's permit

- First of all, ministry of home affairs does not offer a permit called “investor permit”. The investor permit came about as an initiative by Namibia Investment Centre (NIC)
- For foreign individuals who wish to establish a business in Namibia or invest in an existing company
- Duration of validity is at the discretion of the Ministry of H/A and Immigration
- Obtaining an investor's permit for Namibia is multi step process:
 1. investor must obtain investor's license registration of company & recommendation MTI (The Ministry of Trade and Industry) financial threshold (normally) at 2 Million Nam\$ - **might be increased**
 2. application will need to be made for: self employed permit

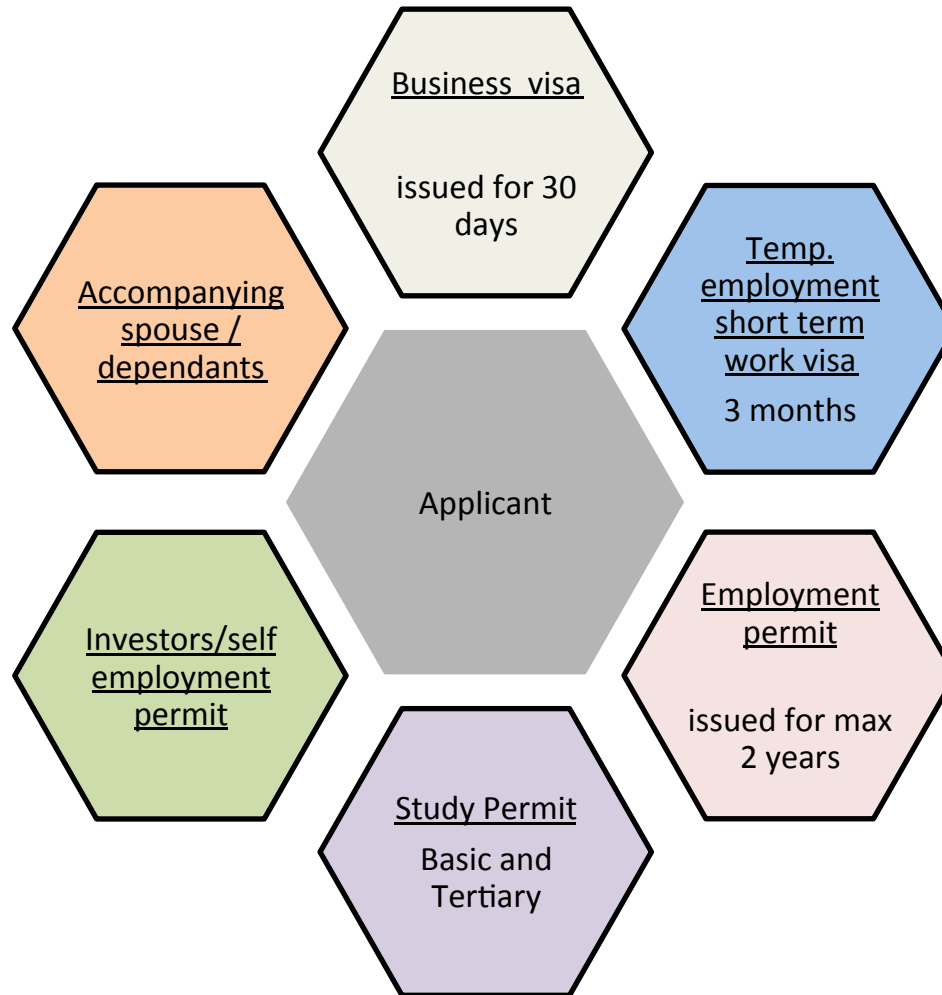
Place of submission: Namibia

IMMIGRATION SYSTEM NAMIBIA

Immigration system Namibia:

- No separate residence registration
- Same-sex marriage and life partnership are **not** recognised
- Only marriage of hetero-sexual relationships **is** recognised
- Allowed to change visas in country
- No ownership constraints for foreign shareholding





Focus on Business visa

Business visa: I/II

- Traditionally business prospecting and attending meetings
- A period of 30 days (per 12 months)
- Passport holders of visa exempt countries receive visa on arrival
- South African passport holders are visa exempt
- Visa stipulates what activities the holder is permitted to undertake

**Place of submission: Zambian Embassy in home country
(only applicable to non-visa exempt countries)**

Focus on Business visa

Business visa: II/II

Activities permitted on a business visa:

to attend meetings, conferences, arranging of business transactions and the signing of contracts and includes;

an overseas worker, who is paid by an employer abroad or a volunteer, who comes to Zambia for a short period **to work, offer a service, install, erect, repair or service foreign made machinery or equipment;**

a person who comes to Zambia **to advise on the development of new computer systems or information technology;** or the provision of any service constituting advice, training or learning by observation or in a classroom.

Focus on Temporary Employment short term permit

Temporary employment (short term) permit

- For individuals who will conduct work in Zambia on a short term basis
- Valid for 3 months and can be renewed once in Zambia
- Processing time approx. 5 working days (recent change)
- No personal documents required
- Advertisement/ Skills Transfer Plan?

Focus on Long Term Work permit

Employment Permit (long term)

- For individuals who will conduct work in Zambia on a long term basis
- Valid for 2 years and is renewable
- Spouses and accompanying children can be included in application of main applicant
- Available for foreigners > 21 years old
- Processing time approx. 6 – 8 weeks
- Range of personal documents required
- it is not necessary to have an advertisement
- it will be necessary to show that the person will be able to share their skills with Zambians or are sharing their skills with Zambians

Focus on Study permit

Study permit

- Foreigners > 7 yrs old enrolling in any form of formal education
- Acceptance letter accredited education institution required
- Processing time approx. 1 month
- Range of personal documents required

Focus on Investor / self employment permit

Investor / self employment permit

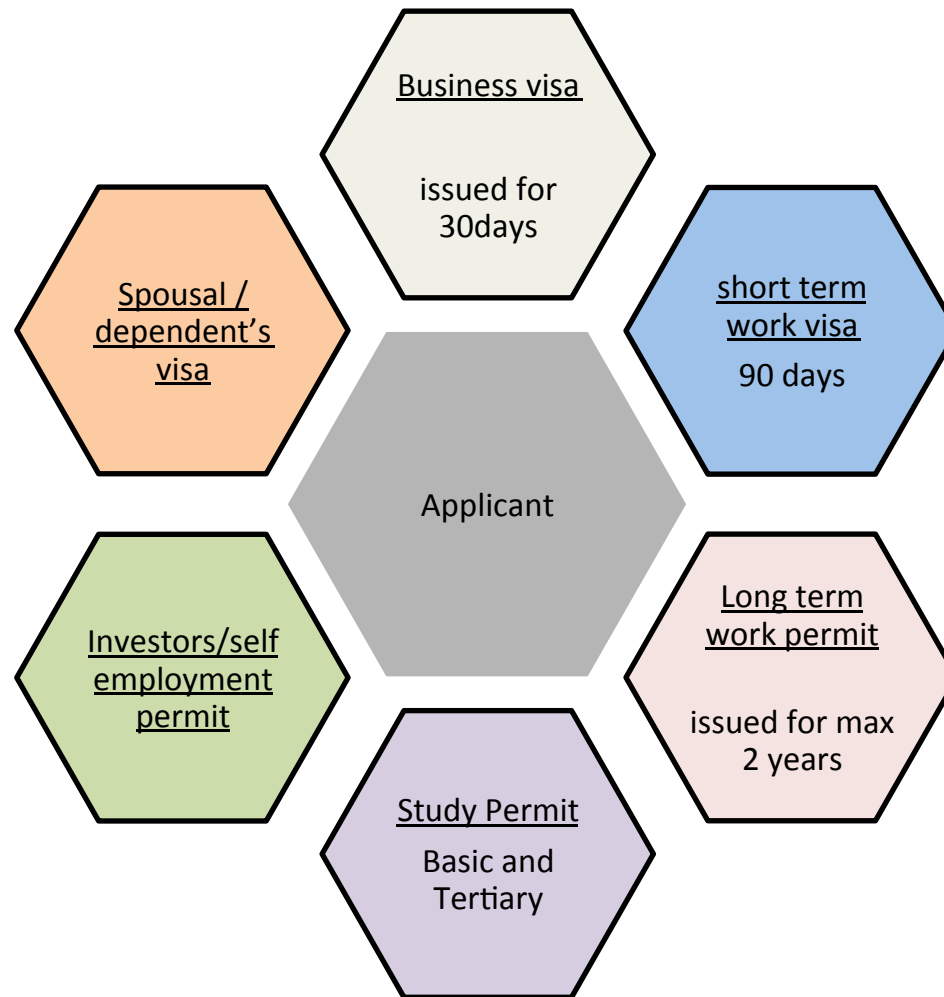
- Minimum investment from source abroad of \$ 250,000,- (new business) and \$ 150,000,- (when existing business)
- Application for Investor License from Zambia Development Agency required prior to permit application
- Spouse and minor children can be brought along
- Family members > 18 yrs old allowed to work in the business
- Range of documents regarding the business (business plan, certificate of incorporation) have to be provided

IMMIGRATION SYSTEM ZAMBIA

Immigration System Zambia

- No separate residence registration required
- South African citizens are visa exempt for short visits
- No recognition of same sex relationships / marriage
- No recognition of life partnerships – any relationships
- Allowed to change visas in country **except** when applying for a long term work permit
- No ownership constraints for foreign shareholding





A residence permit has to be obtained when staying in Mozambique beyond 30 days

Focus on Business visa

**Business
visa 30 days**

- 30 days business visa – single entry
- Application through Mozambican mission prior to travel

Mozambique is very strict and actively deports & fines offenders

Focus on Short Term Work visa

Business visa 90 days (short term work permit)

- For individuals who will conduct **work** in Mozambique on a short term basis, typically for short term project work.
- Valid for 90 days and cannot be renewed
- Visits to Mozambique **only 30 days** at a time
- To apply prior to travel (processing time approx. 1 working day)
- No personal documents required
- Special visa for the Oil & Gas Industry:
-> visa valid for 180 days but limited to max. 90 days stay

Focus on Long Term Work permit

Long term work permit I/III

- For individuals who will conduct work in Mozambique on a long term basis
- Valid for 2 years and is renewable
- To apply prior to travel (processing time approx. 10 - 20 working days)
- Quota system applicable

Focus on Long Term Work permit

Long term work permit II/III

In-Quota: 5% – 8% - 10%

- No need to prove skills
- No need to advertise for the position
- Confirmation letter Dept. of Labour
- Employment documents
- Personal documents (to be translated to Portuguese)

Out-of-Quota:

- All documents as required for in-quota application
- Authorisation letter to employ out of quota from Ministry of Labour
- Authorisation letter from labour union of applicable sector
- Certificate of educational equivalence from the Ministry of Education

Focus on Long Residence Permit (DIRE)

**Long term
work permit
III/III**

- Mozambique requires foreigners to obtain a residence permit (DIRE) in order to be allowed to reside in Mozambique
- Separate process following work permit application
- DIRE has to be applied for within 30 days after arrival in Mozambique
- Applicant to apply in person (biometrical purposes) at local Immigration Department office in Mozambique

Focus on Study permit

Study permit

- Foreigners to attend or undergo any education or training
- Valid for 12 months at a time and renewable
- Acceptance letter accredited education institution required
- Application prior to entering Mozambique
- Range of personal documents required

Focus on Investor / self employment permit

**Investor / self
employment
permit**

- No specific permit for foreign investors / business owners exists
- Registered business can employ foreign owner (in-quota)
- Residence permit (DIRE) to be applied for after arrival in Mozambique

Focus on Spousal / dependent's visa

**Spousal visa /
dependent's
visa**

- Spouse / dependent to accompany main applicant and enter Mozambique on a tourist visa
- Within 30 days after arrival an application for residence (DIRE) has to be submitted

IMMIGRATION SYSTEM MOZAMBIQUE

Immigration System Mozambique

- A separate residence registration required for all types of (work) visas
- South African citizens are visa exempt for short visits
- Quota system for foreign employment
- No recognition of same sex relationships / marriage
- Recognition of life partnership
- No ownership constraints for foreign shareholding

COMPARISON TO SOUTH AFRICA

Good	Possible improvements
<ul style="list-style-type: none"> South Africa recognizes same-sex marriage and even same-sex life partnerships 	<ul style="list-style-type: none"> Countries becoming more restrictive than open to foreign labour -> considering the high unemployment rate, local content -> skills development plan
<ul style="list-style-type: none"> Only Mozambique and South Africa offer life partners (heterosexual) to accompany main applicant 	<ul style="list-style-type: none"> South Africa's processing times are among the longest, especially the general work permit, Appeals taking too long
<ul style="list-style-type: none"> Business visa (attending meetings, conferences) do not require visa prior to arrival. 	<ul style="list-style-type: none"> Adjudication abroad and locally
<ul style="list-style-type: none"> South Africa has the most missions abroad 	<ul style="list-style-type: none"> South Africa's immigration system as well Angola's are in general regarded as the most difficult ones
<ul style="list-style-type: none"> South Africa doesn't require local registration like Botswana, Lesotho and Mozambique 	<ul style="list-style-type: none"> Department of Home Affairs and DIRCO take hardly any responsibility (attitude)
<ul style="list-style-type: none"> South Africa is the clear exception regarding lack of detailed and accessible law and regulations -> directives would be nice 	
<ul style="list-style-type: none"> Detailed legislation offers detailed options -> less discretion 	

SOME OF OUR CLIENTS

IBN | IMMIGRATION
SOLUTIONS



RioTinto



THANK YOU FOR YOUR ATTENTION



CONTACT US:

Head Office

IBN Business & Immigration Solutions
100 New Church Street
Tamboerskloof, Cape Town

Tel: 021 422 2620
Email: krensel@ibn.co.za

Johannesburg Office
3rd floor, West Wing
158 Jan Smuts Ave
Rosebank, Johannesburg

Tel: 011 568 1470
Email: hans@ibn.co.za

OFFICES:

Johannesburg

Cape Town

Windhoek

www.ibn.co.za

