# Global Immigration Newsletter December 2014





### Introduction

As we approach the final weeks of 2014, we bring you the latest global immigration updates from across our global network in this final edition of our newsletter for this calendar year. There have been many changes from across the globe over the past year and we have seen a global trend of countries putting measures in place to protect their local workforce, such as in Singapore earlier in the year, in a response to challenging economic environments in many jurisdictions.

The Ebola crisis that has swept across West Africa is the topic of our 'Quarterly Focus' section as we provide an overview on how this has impacted travel in the region. Whilst this newsletter provides you with an overview of all updates around the globe, please do see page 14 for a snapshot of the various regional newsletters that are in circulation across the network and the relevant contacts should you wish to sign up to any of these.

We hope, as always, you enjoy reading through the various updates and please do not hesitate to get in contact should you have any queries at all or require further information on any of the matters raised.

We look forward to 2015 with our next update in the New Year - and we wish a very happy New Year to all of you

Regards,

PwC Legal Global Immigration Team

## **Contacts**



Julia Onslow-Cole
Partner and Head of Global Immigration
+44 (0)20 7804 7252
julia.onslow-cole@pwclegal.co.uk



Frédérique Montalti Senior Manager +44 (0)20 7212 4340 frederique.montalti@pwclegal.co.uk



Stephan Judge
Senior Manager
+44 (0)20 7212 1094
stephan.judge@pwclegal.co.uk



Nicola Schofield
Manager
+44 (0)20 7804 7463
nicola.s.schofield@pwclegal.co.uk



Claire Pepper
Manager
+44 (0)20 7212 5762
claire.pepper@pwclegal.co.uk



Stephanie Odumosu
Senior Associate
+44 (0)20 7212 7916
stephanie.odumosu@pwclegal.co.uk

# Quarterly focus

# The impact of the Ebola virus outbreak on global immigration

It is not often that a public health incident affects the lives of those not directly affected in such a large way, but then it is also not often that we see as wide reaching a public health incident as the Ebola virus outbreak which began earlier this year in West Africa.

This quarter, we specifically turn to the impact of this virus on global immigration as many countries rush to put special measures in place to restrict and limit travel of those that may have been affected.

Though the risk of contracting the Ebola virus during air travel remains low, please see an overview of these measures that have been put in place by various countries across the world in light of the outbreak.

We would expect any clients who have assignees that have recently travelled through the affected areas to expect to face increased travel measures when these individuals travel to a majority of countries. Should any of these assignees hold passports from the affected countries or have immediate family members from these countries, please note that this may also delay visa and permit applications and it may even mean a possible chance of refusal on public health grounds.

We would advise that all clients plan well ahead for any assignments where this may pose a challenge.

#### Canada

Canada have implemented a broad ban on temporary visas and permanent residence applications for foreign nationals who have visited or travelled through Ebola-affected countries. The restrictions may prevent those who have travelled to or through those countries from entering or leaving Canada.

#### Singapore

The authorities have announced that 5 November onwards nationals of Guinea, Liberia and Sierra Leone will require visas to enter the country. The government also said that nationals of the three countries, as well as citizens of Congo (DRC) and Mali, will be screened for fever at all entry points. Other travellers who have visited these countries recently will also be screened.

#### Saudi Arabia

Saudi Arabia authorities have stopped issuing visas to workers from Ebola-Stricken nations

#### South Africa

South Africa have advised that non-citizens from Ebola-affected areas of West Africa will not be allowed into the country, with borders closed to people from Guinea, Liberia and Sierra Leone. South African nationals will be allowed to re-enter the country when returning from high-risk countries, but will undergo strict screening.

#### Australia

Australia has suspended the issuance of visas to travellers from Guinea, Liberia and Sierra Leone. Travellers from these countries who hold permanent visas can enter Australia if they have been quarantined for 21 days prior to arrival, while those who have received non-permanent visas and who have not departed for Australia will have their visas cancelled.

## Countries → Israel → Australia → Canada → Italy → China → Netherlands → Cyprus → Romania → Czech Republic → Russia → Denmark → Singapore → Estonia → South Africa → Finland → Turkey → Ireland → Uruguay

## Your country information

#### **Australia**

Following reviews of the current legislation, a new visa category has been announced called the Premium Investor Visa (PIV). This visa will be targeted at those wishing to invest significantly in Australia.

The PIV is expected to come into force in July 2015 and the key elements that have been announced to date are that they will require a minimum investment of A\$15m into a complying investment. PIV holders will also be offered a reduced 12 month pathway to permanent residence, with no residence requirements.

The existing Significant Investor Visa subclass (SIV) will also be subject to amendments including a new 180 day residence requirement for secondary visa holders, the addition of Austrade as a nominating body and a faster, streamlined processing.

There will be flexibility for provisional primary and secondary visa holders to 'swap' their status based on who is better equipped to satisfy the relevant residence requirements at the permanent visa stage. Please note that existing applicants and SIV holders will not be impacted by these changes.

There will be a number of recommendations that will be adopted from the Robust New Foundations Report. There will be streamlined processing of sponsorship, nomination and 457 visa applications for low risk applicants. Compliance and monitoring activities will be refocused towards high risk applicants.

The sponsorship approval period for startup businesses will be increased from 12 months to 18 months.

Furthermore, the English language and skills requirements will be amended to provide greater flexibility, whilst also ensuring the minimum standards match those required by the relevant industry or occupation the 457 visa holder would be employed in.

Full details of these changes are still to be released and the time frame for implementation has not been confirmed. We are continuing to monitor this closely and will provide further updates as we are made aware of them.

There has been the introduction of fees for dependant 457 visa holders attending public schools in Western Australia. From January 2015, fees of A\$4000 per family will become payable on enrolment of the first child in the public schooling system, with no fee payable for subsequent children from the same family. The implementation will be managed by the school principal for those with children already enrolled in a public school.

Where a 457 visa holder is granted permanent residence during a school year, they would become eligible to seek a pro-rated refund on any fees paid on commencement of the school year. Further, for those who have an annual income of less than A\$75,000 it will be possible for them to obtain a waiver of these fees, with additional waivers considered on a case by case basis under certain criteria.

The maximum entry and stay periods permitted under the Subclass 400 Short Stay (activity visa) have also been extended to six months as of November 2014. The amended legislation and policy indicates a three month-stay period would be the usual stay period applied to visas granted under the Highly Specialised Work stream, pursuant to the criteria that the work must relate to a non-ongoing position in Australia.

While this change will be welcomed by business, it is important to note that any permission to work beyond three months on this visa will still be subject to a high level of scrutiny during processing.

A higher level of scrutiny will also be applied where employers are requesting a number of workers at the same time or are regularly requesting subclass 400 visas exceeding the three month period.

From 23 November 2014, the Pearson Test of English Academic (PTE Academic) and TOEFL internet-based test (TOEFL iBT) will be accepted as alternative tests for prescribed visa subclasses. These tests will be accepted in addition to the IELTS and OET and the score required for each band will depend on the level of English an applicant is seeking to establish. The changes will apply to most skilled visa types including General Skilled Migration, the Employer Nomination and Regional Sponsored Migration Schemes, the Business Migration programme and the Graduate Temporary Subclass 485 visa. These changes do not apply to the subclass 457 visa.

New work and holiday visa arrangements with Spain and Portugal came into effect in November, allowing reciprocity for up to 500 young adults from Spain/Australia and up to 200 young adults from Portugal/



Australia to holiday in each other's countries for up to 12 months. The visa also includes permission to undertake short term work or study during this period. A similar arrangement with Israel has also been agreed but not yet finalised.

#### Canada

There have been significant changes to the Canadian immigration landscape in regards to both temporary residence and permanent residence.

In June 2014, Citizenship & Immigration Canada (CIC) announced a comprehensive overhaul of Canada's Temporary Foreign Worker Program (TFWP), with a focus on employer compliance.

The reforms have restricted access to the TFWP to ensure Canadians are first in line for available jobs and have mandated that there will be stronger enforcement and tougher penalties for non-compliance. The reforms are focused on an increased number and scope of employer inspections, monetary fines and criminal investigations for those employers found to be non-compliant.

The TFWP has been reorganised into two distinct programs. The first is the TFWP which now only refers to those streams under which temporary foreign workers (TFWs) enter Canada at the request of employers, following approval through a new Labour Market Impact Assessment (LMIA) (formerly known as the Labour Market Opinion (LMO) process).

The second is the new International Mobility Program (IMP), which includes those streams in which foreign nationals are not subject to an LMIA, and whose primary objective is to advance Canada's broad economic and cultural national interest, rather than filling particular jobs.

The implementation of these new reforms has restricted access to the TFWP by applying a more rigorous process for employers, including more extensive employer attestations on LMIA applications.

From January 2015, CIC will be launching a new active recruitment model for

economic Canadian permanent residence and will be managing certain economic permanent residence applications through an Express Entry electronic system. Under this new system, employers will play a key role in selecting economic immigrants. There will be a two-step application process which involves candidate registration. Once admitted into the candidate pool, the potential candidate will then be ranked against other candidates using a Comprehensive Ranking System. Following this a candidate may receive an Invitation to Apply for permanent residence if they meet the qualifying criteria.

Qualified candidates can expect faster processing times of approximately six months under this system.



#### China

Recently, China has tightened the enforcement of the requirement for residence registration to be completed in a timely fashion across the country. There has also been harsher and more strictly imposed penalties for foreign nationals and their employers, including warnings and fines, for instances of immigration non-compliance.

Based on the 'Exit-Entry Administration Law' which came into force last summer, foreign nationals, who stay at residences other than hotels or service apartments, are required to register their residence with a local police station within 24 hours of arrival in order to obtain a Temporary Residence Certificate ("TRC").

Residents who stay in hotels are also required to register with the hotel upon check-in.

In addition, the foreign nationals will need to ensure that any changes to the below documentation or information are made with the local police station:

- Travel documents
- Personal information
- Employer information

Due to the tightened enforcement, we suggest that employers and foreign nationals request clarification of the local interpretation of the requirements from the local police station.

In Shanghai, Beijing and Guangzhou, the authorities require foreign nationals to present the most recent valid TRC (with a valid passport number, China work permit / visa number, and expiry date) when applying or renewing their work permits and residence permits.

We would advise that employers and foreign nationals ensure that the registration with the local police station is completed as soon as possible and that the most updated documents are provided in order to be fully compliant in the event of a government inspection.

A new circular has been issued by the government this month with regards to short-term workers. We are closely monitoring how this develops and will provide further updates as relevant.

#### **Cyprus**

Cyprus has now implemented the Biometric Card as a replacement of the sticker that was issued in the applicant's passport for a Temporary Residence Permit for non-EU nationals.

The applicant's presence will now be required during the submission of the application in order for the relevant biometric data (photo, fingerprints, signature) to be taken.

The captured fingerprints will be used solely for the issuance of the residence permit and will be deleted from the Aliens Register 48 hours following the issuance of the residence permit.

Please note that biometric data will be taken again when the applicant is making a permit renewal application.

The immigration authorities also require that additional documents such as a bank guarantee and also employer's liability insurance will also now be required as part of the process.

Please note that delays may be experienced while the authorities implement the new procedure to the immigration system.

#### **Czech Republic**

New immigration rules have been introduced which aim to enable companies to send individuals for training and upskilling in the Czech Republic.

Under these new rules, Czech companies would be permitted to invite staff from foreign branches located outside the EU for training sessions and to improve their skills and/or qualifications without them being required to obtain a work permit. This addresses the problem faced by multinational corporations that have a rotation program in place where highly skilled individuals are seconded to several countries around the world on a short term basis for training and as a cycle of experience. Companies now have the potential to use this new route to facilitate these assignment types in the Czech Republic.

The guidelines released around this provision by the Czech authorities are at this stage still very general and we expect further detail to be released by the Czech government in due course. We are monitoring this closely and will keep you updated as further detail is released around this new route.

#### **Denmark**

In the coming months there will be a series of changes made to the immigration rules and process in Denmark with the provisions taking effect from 1 January 2015 and later.

A new Fast Track Scheme will be available for Danish companies and international companies with a registered branch in Denmark. This fast track route is aimed at larger companies wishing to bring in highly qualified labour. Under the scheme, applicants will be able to start working as soon as a work and residence permit has been submitted and pending approval of those applications (provided that they have right of entry into Denmark).

In order to be eligible for the fast track scheme the Danish company must be certified by the Danish Immigration authorities and PwC are able to assist with this registration process.

This change should increase the appeal of Denmark for large international companies looking to relocate individuals to start work swiftly.

#### Estonia

Estonia is to become one of the first countries to offer e-residency to those wishing to use national digital services such as banking or when registering a company.

The Estonian Police and the Border Guard office will start issuing e-resident digital ID cards over the coming months. The ID cards will not entail full legal residency, citizenship or even right of entry to Estonia, however they will provide secure access to online services and the ability to digitally sign legally binding documents or agreements as Estonian nationals are able to. This digital identification and signing process will be deemed as equivalent to face-to-face identification and handwritten signatures in the European Union.

The card is not an ID-card, but it will contain a microchip with security certificates.

In order to apply for a digital ID card, the individual must physically submit the application in Estonia and they will be required to provide biometric data. It is

hoped that by 2015, the personal presence of the applicant will no longer be required in Estonia and the application will be processed by Estonian Embassies abroad.

This e-residency will be particularly useful for entrepreneurs and others who have a corporate link or relationship with Estonia, for example, for those who do business, work, study or visit the country but have not become a resident.

It may also open up some interesting possibilities for intra-country work relations.

#### **Finland**

From 1 December 2015, foreign nationals going to work and reside in Finland will be eligible to apply for a Personal Identification Number (i.e. Social Security Number) at the same time as submitting their residence permit application.

The Finnish authorities use the ID number system as a centralised way of identifying its citizens. It is also used by employers to report the payment of wages and pension funds to the Finnish Tax Administration.

At present, the application for a Finnish ID number is required to be made separately only once the foreign national's residence

permit has been issued. Once this change comes into effect, foreign nationals will be able to receive the ID number upon receipt of their approved residence permit application.

Registration for the Finnish ID number is mandatory for stays exceeding one year. However, foreign nationals residing in Finland on shorter stays will still often apply for an ID number as it is often required when dealing with tax and social security authorities.



This change should help to streamline the immigration process for foreign nationals coming to reside in Finland and make the steps involved less burdensome.

#### **Ireland**

New Irish legislation has been introduced in October 2014 which aims to provide more clarity & flexibility to potential investors and employers than was available under the previous system for Irish employment permits. This is the most significant change to the Irish employment permits system since 2007.

Nine specific categories of employment permits have been created, each with its own particular application form and process: Critical Skills Employment Permit, Dependant/Partner/Spouse Employment Permit, General Employment Permit, Intra-Company Transfer Permit, Contract for Services Employment Permit, Reactivation Employment Permit, Exchange Agreement Employment Permit, Sports and Cultural Employment Permit and Internship Employment Permit.

An e-payments system has also now been implemented, which eliminates the previous cheque payment option for applications by employers. While seen as a progressive move, it remains to be seen how effective and efficient this new method of payment will be in practice.

The British – Irish Visa Scheme has been launched, to allow short-stay tourists and business travellers to travel freely within the UK and Ireland Common Travel Area using a single visa. China and India will be the first countries to benefit from this scheme with the hope of expanding the scheme to include other countries in due course. Ireland has agreed to share the UK's network of Visa Application Centres and arrangements are being put in place to facilitate the automated and seamless sharing & cross checking of information.

A pilot for a trusted partner scheme is to be introduced by the end of this year. The intention is that this scheme would offer a more streamlined process to employers registered as trusted partners. A number of clients of Enterprise Ireland & the IDA have already been selected to participate in the pilot and we are closely monitoring this to see how it develops.

We welcome this move towards a more efficient and clear immigration system in Ireland, however please note that there may be some slight delays in the processing of employment permit applications whilst the new system is being rolled out.

#### **Israel**

The 30 day short employment authorisation (SEA) visa process was implemented last year for visits and is intended for those coming to Israel for short and urgent work and also repair work.

This week, new regulations regarding this visa category were announced by the Israeli authorities.

According to these new regulations, any individual who has visited Israel under the SEA visa will not be able to apply for a

standard work permit/visa (B-1) in the 12 months following their last visit to Israel under this status.

The regulations also clarify that a new permit must be applied for each time an assignee wishes to enter Israel on an SEA visa; however the time period granted cannot exceed a 30 day maximum within a 12 month period. The previous rule was that the maximum period permitted under an SEA visa could not exceed 30 days within a calendar year.

Although the official regulations are yet to be published, these new restrictions will be enforced immediately for any future applications.



We would advise our clients to be mindful of all visa and immigration options should it seem likely that the individual being sent to Israel may be required to work in the country for more than 30 days in the next 12 months.

We will keep you updated on any further developments made around this area.

#### Italy

There is a new fast-track expedited process for Italian employers wishing to bring in non-EU nationals on an intra-company transfer.

This new process will reduce the standard processing time of 6-8 weeks to approximately 3-4 weeks. In order to be able to utilise the process, there is a pre-registration process that the Italian employer will need to be completed with the Ministry of Interior.

This is a very positive move for ICT immigration into Italy and it is hoped that it will make the ICT process far more streamlined and efficient than was previously the case. This is particularly the case in the busier cities within Italy, such as Rome.

We are closely monitoring how the new process is working in practice.

#### **Netherlands**

As outlined in earlier newsletters this year, the authorities have waived the work permit requirement for foreign employees who receive training within an international company. This exemption will apply where the training is conducted for the purpose of 'observation' and in order for the foreign employee to become familiar with the corporate culture or to receive instruction is a classroom environment under the guidance of a trainer. The exception is also applicable for the attendance of corporate meetings. The maximum duration for this exemption to be exercised has been temporarily limited to four week in a 13 week period.

We are aware that the Dutch Authorities are currently in the process of finalising this legalisation and we will provide further updates around this in due course.

#### Romania

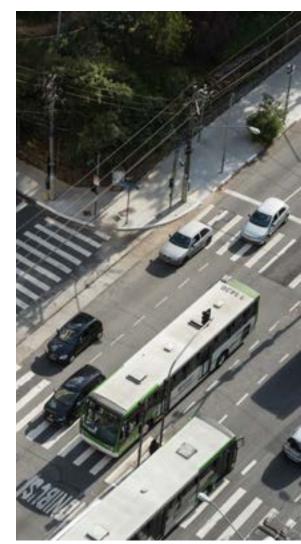
New immigration provisions in November 2014 will replace the previous work authorisation process with a written acceptance for employment (WAFE) which Romanian companies must obtain when wishing to locally hire a foreign national. A long-term visa for employment purposes and a "single permit" will also be required as part of the immigration process for third

party nationals. The single permit is an identity document issued by the Romanian immigration authority to the third country national attesting his/her right to work and stay in Romania.

For secondments, the Romanian company should obtain a written acceptance for secondment (WAFS). Based on this approval document, individuals can request a long-term visa and residence permit for a period of no longer than 12 months within a five-year period.

The approximate processing time for obtaining the written acceptance is 30 days from filing the application; however, some preliminary steps are required to be fulfilled before filing the application, therefore the time for preparation and document procurement should also be considered.

Approval will not be granted if the Romanian Company has been convicted of a criminal offence under the Romanian Labour Code, or for any intentional criminal offences against the person under the Criminal Code. Furthermore, approval will not be granted if the Romanian company has received any sanctions during the three years preceding the application for not complying with the immigration process or registration process for the Romanian employment



contract in accordance with the Romanian legislation requirements. Fines will also apply in these circumstances, and Romanian companies may be banned from supporting applications for written acceptances for up to three years.

#### Russia

All Russian citizens must now notify the authorities about the holding or acquisition of foreign citizenship, residency permits or other documents enabling them to permanently reside in a foreign country. This new ruling came into force in August 2014.

The Notification must be submitted to the Federal Migration Service within 60 days from the moment of acquisition of foreign citizenship, residency permit or any other document allowing them to permanently reside in a foreign country.

The new law has outlined the types of activities which will allow foreign nationals who are investors or sole proprietors (individual entrepreneurs) to become eligible for Russian citizenship through a new streamlined naturalisation process.

They will now no longer be required to be continuously resident in Russia for a fiveyear period in order to apply for Russian citizenship. Though please note that upon obtaining Russian citizenship, the individual would be required to renounce their current citizenship, regardless of whether they were naturalised in Russia under the new streamlined procedure or the ordinary procedure. However, such individuals are not required to submit documentation confirming that they have renounced their current citizenship if the applicant is a citizen of a country with which the Russian Federation has concluded an international treaty that allows their citizens to retain other citizenship upon becoming a citizen of the Russian Federation.

Foreign nationals willing to work in Russia will be required to provide a document attesting to their command of the Russian language, as well as their knowledge of Russian history and basic legislative principles.

This requirement will come into force on 1 January 2015 and will cover all foreign nationals who intend to obtain a temporary residence permit, a permit to work in Russia or a corresponding patent.

Please note, there are exceptions for those coming to work in Russia under the Highly Qualified Specialists (HQS) process, journalists engaged in a labour activity in a mass media established for coverage news in a foreign languages, and foreign nationals following full-time professional educational programs with a state accreditation.

Work permission issued for foreign nationals before 1 January 2015 will remain in effect throughout their respective validity period or until they are cancelled.

From January 2015, representative offices of foreign companies in Russia will be able to sponsor foreign nationals under the HQS work visa process.

Under the current law only commercial and other types of Russian companies, as well as duly accredited branches of foreign legal entities were permitted to sponsor Highly Qualified Specialists.

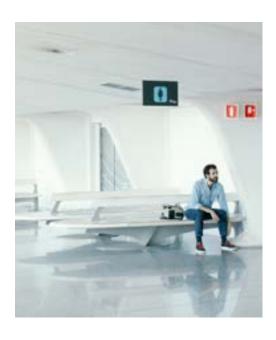
#### **Singapore**

The Singapore Government has announced that changes will be introduced to the Long Term Visit Pass (LTVP) category for non-Singaporean partners of Singapore nationals.

From January 2015, eligible couples can start the application process for a Long Term Visit Pass before their marriage takes place. The move is part of a series of policy changes in recognition of a growing number of Singaporean-foreigner unions.

Certain information, such as educational background, previous marriages and criminal convictions, will need to be disclosed in an application to the Immigration Checkpoint Authority (ICA).

Under the new process, couples are encouraged to submit a joint application for a Letter of LTVP Eligibility (LLE) before marriage. If granted, this will be valid for one year, during which time the



couple is 'expected' to marry and submit an application for an LTVP. Couples who do not apply for an LLE can still apply for an LTVP after marriage but could face a longer processing time of six months or more.

From February 2015, it will also be possible for LTVP holders under this route to be granted permission to work in Singapore and they will no longer require a separate work pass.

The Ministry of Manpower has provided clearer guidelines for Employment Pass (EP) holders posted to a subsidiary whilst on assignment in Singapore.

It will no longer be possible for the sending company to just notify the Ministry of Manpower (MOM) and the subsidiary will be required to apply for a new EP.

There will be no need to cancel the existing pass before filing the new EP application, however, approval must be obtained from the MOM before the individual is posted to the subsidiary so companies will need to plan in advance of the move to ensure a smooth transition for the assignee to the subsidiary company.

Where an EP holder will be transferred due to a business restructure, such as a merger

or takeover, this does not trigger the need to apply for a new EP but a transfer request must be submitted to the MOM. Work cannot commence with the new entity until the request has been processed and approved by the MOM.

#### **Uruguay**

A new law introduced in September 2014 impacts prospective and current residence permit applications for family members of nationals of Uruguay, Mercosur or associated countries.

The provisions aim to reduce processing time and simplify the qualifying criteria and documentary requirements for the dependant permanent residence permit application.

The permanent residence permit application can be filed at the Ministry of Foreign Affairs and upon approval the visa is obtained from the Uruguayan Consulate in the applicant's home country. Previously, applications could only be processed by the National Migration Office and it is hoped that these new rules will shorten processing times. The processing time at the Ministry of Foreign Affairs will be approximately 30 working days.

This new law is a welcome move towards a more efficient process for dependants looking to relocate to Uruguay with family members who hold Uruguay nationality.

#### Turkey

Following the new immigration law which came into effect in April 2014, Turkish residence permits are no longer required for foreign nationals who hold work permits as a work permit will automatically confer residency.

The new work permits are being issued as an ID card. These are being sent directly to the applicant's work address in within approximately 15 to 20 days following the approval of the work permit.



There is a new system for the issue of Foreign ID Numbers. The Ministry of Labour is now directly informing the Civil Registration Office once the work permit of the foreigner is approved and the foreign ID numbers are provided within 30 days. Foreign ID Numbers are used for activities such as opening bank accounts and shipping of personal items so the increased efficiency of this has had a positive effect on foreign nationals.

Please note that we have seen increasing delays with regards to the issuance of residence permits due to increasing requests for additional documentation by the Turkish Police departments (responsible for Residence Permit Issuance). We have seen requests for documents such as salary information, health insurance, earthquake insurance, criminal records and lease agreements so PwC would urge all our clients to allow long lead times for the Residence Permit Stage of the process.

#### South Africa

The Immigration Department no longer requires repatriation deposits as a condition for issuing a Temporary Residence Permit. As such, all foreign nationals who have previously paid a deposit as a guarantee of the return to his or her country of origin will now be able to a refund of such deposit.

Please note that such applications for refunds must only be made by 28 February 2015.

This must be done at a South African Diplomatic post abroad, however in exceptional circumstances, this may be granted by the Department of Home Affairs within South Africa.

Further, please note that any foreign national who has overstayed the validity of his or her permit shall not qualify for such refund.

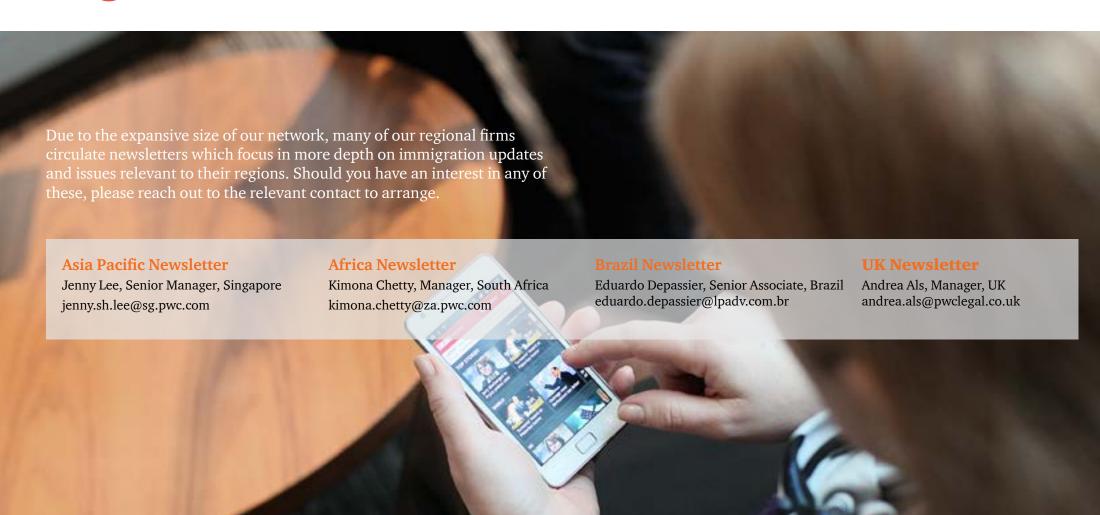
It will no longer be required for applicants of a Critical Skills Work Visa to submit a confirmation in writing from the professional body, council or board recognised by the South African Qualifications Authority confirming the skills or qualifications and appropriate post-qualification experience.

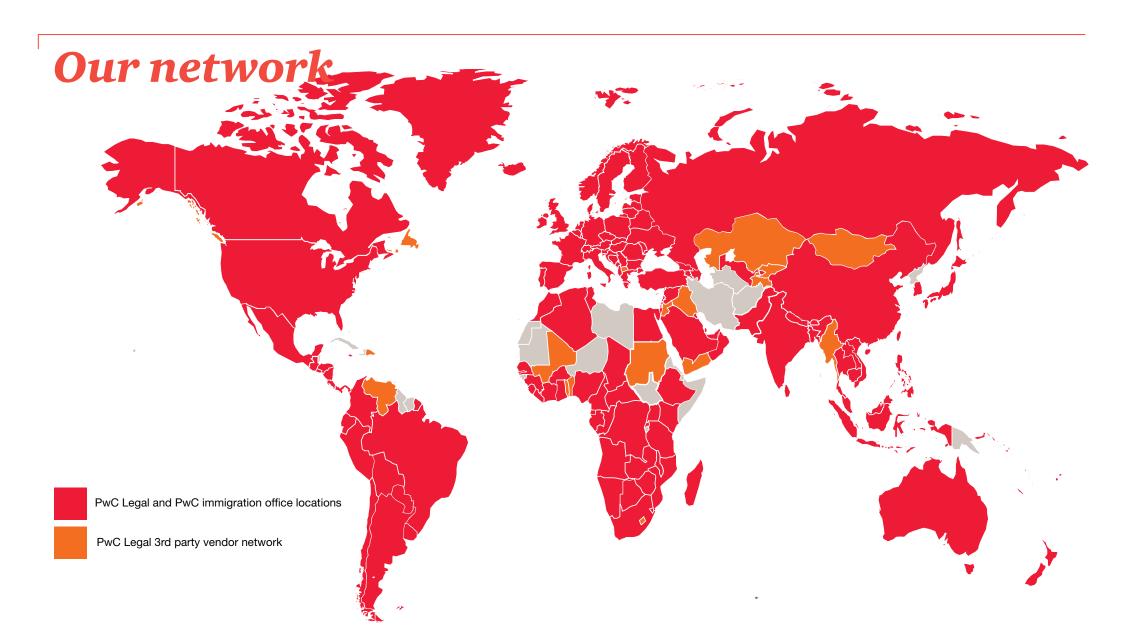
The exclusion of this requirement should ease the application process for Critical Skills Work Visas as certain regulatory bodies have been unable to comply with this Regulation to date.

Holders of existing Intra-company Transfer ("ICT") Work Visas who wish to extend their international assignment to South Africa, may now submit an application for a new ICT Work Visa to the South African Mission in the applicant's country of origin or normal residence (accordingly such applications may be submitted from outside South Africa).

The new Directive confirms that such new ICT Work Visas may be issued for a period not exceeding 4 years provided that all prescribed requirements have been fulfilled.

# Regional Newsletters







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