

Critical Skills Work Visa

Direct Hire up to 5 years.

Preface

All visa categories are regulated under the South African Immigration Act No. 13 of 2002 (as amended) (“the Act”) and its associated Regulations, as published in Government Gazette No. 37679 (22 May 2014), No. 42071 (29 November 2018), and No. 50675 (20 May 2024).

Overview

Pursuant to Section 19(4) of the Immigration Act No. 13 of 2002 (as amended), the Skills Work Visa, hereinafter referred to as the Critical Skills Work Visa (CSWV), shall authorise foreign nationals possessing qualifications and expertise in occupations designated as critical to South Africa’s economic and developmental objectives to reside and undertake employment within the Republic. Eligibility is strictly limited to occupations enumerated in the [Critical Skills List](#), as published in Government Gazette No. 49402 on 3 October 2023.

Eligibility Criteria

1. **Occupational Requirement:** The applicant’s intended occupation or professional category must appear on the official Critical Skills List.
2. **Recognised Qualifications:** The applicant is required to possess qualifications (degree, diploma, or equivalent) appropriate to the critical occupation. All foreign qualifications must be evaluated and verified by the South African Qualifications Authority ([SAQA](#)) to confirm the NQF ([National Qualifications Framework](#)) level and authenticity.
3. **Proof of Skills or Experience:** Applicants must demonstrate a minimum of five (5) years’ professional experience in the relevant critical occupation. Supporting documentation shall include, but is not limited to:
 - a. A comprehensive curriculum vitae and reference letters;
 - b. Records of professional work experience;
 - c. Evidence of projects, publications, or other relevant professional achievements.
4. **Registration with a Professional Body or Council:** For occupations requiring statutory or professional registration in South Africa (e.g., [ECSA](#), [IBASA](#), [SACNASP](#), [SAICA](#)), the applicant must:
 - a. Provide proof of membership or provisional registration; and
 - b. Submit a formal confirmation from the relevant statutory or professional body verifying eligibility to practice within South Africa.
5. **Employment Offer (if applicable):** While a formal offer of employment from a South African entity is not mandatory for initial CSWV applications, it is strongly recommended. Renewal, extension, or application for permanent residence shall require confirmed employment within the designated critical occupation.
6. **Valid Passport and Supporting Documentation:** The visa holder must maintain a valid passport with a minimum of thirty (30) days’ validity beyond the intended stay, a medical certificate, police clearance certificates from all countries of residence within the preceding five (5) years, and proof of sufficient financial means to support themselves and any dependents.

7. **Duration of Visa:** The Critical Skills Work Visa is granted for up to five (5) years when accompanied by a permanent employment offer. If no offer is presented, it may be issued for up to twelve (12) months to allow the applicant to seek employment in the designated field.
8. **Pathway to Permanent Residence:** Following five (5) years of continuous employment in the designated critical occupation, visa holders may qualify for permanent residence under Section 27(b) of the Immigration Act, provided that all statutory criteria are met.
9. **Employer Compliance:** Employers engaging foreign nationals under the Critical Skills Work Visa category are obligated to:
 - a. Verify the authenticity of qualifications and professional registrations;
 - b. Retain comprehensive copies of all immigration documentation;
 - c. Ensure that the employment role aligns with the designated critical occupation; and notify the Department of Home Affairs (DHA) immediately in the event of termination or any material change in employment status.

Advantages

1. **Pathway to Permanent Residence:** Pursuant to Section 27(b) of the Immigration Act, holders of the Critical Skills Work Visa shall be eligible to apply for permanent residence following five (5) years of uninterrupted employment in the designated critical occupation, subject to full compliance with qualification, registration, and regulatory requirements.
2. **Employment Flexibility:** Formal employment offer is not required for initial issuance of the Critical Skills Work Visa; however, confirmed employment is mandated for purposes of visa renewal, extension, or application for permanent residence. This provision facilitates the lawful placement of qualified individuals within suitable South African employment upon arrival.
3. **Family Inclusion:** Visa holders can bring dependents (spouse and children) to South Africa.
4. **Promotion of High-Skilled Migration:** The Critical Skills Work Visa is strategically designed to attract foreign professionals in occupations deemed scarce or critical to South Africa's economic and developmental priorities. This measure supports national objectives for workforce development, innovation, and the enhancement of strategic sectors.
5. **Extended Validity Period:** Where accompanied by confirmed employment in the designated critical occupation, the visa may be issued for a period of up to five (5) years, thereby reducing administrative burdens and the frequency of renewal processes.
6. **Professional Recognition:** Registration with the relevant statutory or professional body or council validates the applicant's expertise and ensures alignment with South African professional standards. Such recognition enhances compliance with regulatory requirements and facilitates professional integration within the Republic.

Disadvantages

1. **Registration and Qualification Requirements:** Applicants for the Critical Skills Work Visa shall obtain registration with the relevant statutory or professional body, as mandated for the designated occupation. All foreign qualifications must be formally evaluated by the South African Qualifications Authority (SAQA) to confirm authenticity and National Qualifications Framework (NQF) level. Compliance with these requirements is mandatory and forms a condition of both visa issuance and continuation.
2. **Limited to Listed Occupations:** The Visa shall be issued exclusively for occupations enumerated on the official critical skills list. Occupations not listed are ineligible for consideration, irrespective of sectoral demand or scarcity.

3. **Compliance and Renewal Obligations:** Renewal or extension of the critical skills work visa is contingent upon:
 - a. Continued employment in the designated critical occupation;
 - b. Maintenance of active registration with the relevant professional bodies, where applicable; and ongoing adherence to all applicable South African laws and regulatory requirements.
 - c. Non-compliance with these obligations may result in cancellation of the visa or refusal of any renewal or extension application.
4. **Dependents' Employment Rights:** Dependents accompanying the visa holder shall not be permitted to undertake employment unless separately authorised under an appropriate work visa, in strict accordance with the Immigration Act.
5. **Administrative Requirements:** Applicants must submit comprehensive supporting documentation, including but not limited to:
 - a. South African Qualifications Authority (SAQA) evaluation of foreign qualifications;
 - b. Police clearance certificates from all countries of residence within the preceding five (5) years;
 - c. Medical reports as required; and proof of qualifications and relevant professional experience.
6. **Limited Flexibility in Job Changes:** Visa holders must remain in employment aligned with the critical occupation. Changing roles to a non-listed occupation may require visa conversion or exit/re-entry, creating potential disruption.

Visa Validity and Renewal Process

May be granted for up to **60 months (5 years)** and is renewable, subject to compliance with all visa conditions. Renewal applications must be submitted at least **60 days before expiry**.

Accompanying Family Members

Spouses may apply for a Dependent's Visa (known as a Visitor's Visa in terms of Section 11(1)(b)(iv) of the Act) to accompany a business visa holder.

- **Purpose:** Spouses shall sojourn in South Africa as accompanying dependents of a business visa holder. They are not permitted to undertake employment or study under the conditions of a Visitor's Visa.
- **Validity:** The visa shall be granted for a period not exceeding three (3) years and may be renewed subject to full compliance with visa conditions.

Minor Children (not school-going-age) may apply for a Dependent's Visa (known as a Visitor's Visa in terms of Section 11(1)(b)(iv) of the Act) to accompany parents and the holder of a business visa.

- **Purpose:** Minor children shall sojourn in South Africa as accompanying dependents of a business visa holder. They are not permitted to study or attend schooling under the Visitor's Visa.
- **Validity:** The visa may be granted for a period not exceeding three (3) years and may be renewed subject to full compliance with visa conditions.

Minor Children (school-going-age) may apply for a [Study Visa](#) (in terms of Section 13 of the Act) to accompany parents and the holder of a business visa.

- **Purpose:** Minor children shall sojourn in South Africa as accompanying dependents of a business visa holder and are authorised to attend regular schooling on a Study Visa.
- **Eligibility:** Pre-enrolment with a recognised South African school is required. The applicant shall maintain valid medical cover, renewed annually, for the period of study with a medical scheme registered in terms of the Medical Scheme Act.

- **Validity:** The Study Visa shall be granted for the full length of study as per the pre-enrolment issued by the school, and for as long as the passport remains valid. The Study Visa may be renewed provided all compliance and visa conditions are fully met.

Application Process

1. **Submit all foreign qualifications** to SAQA for evaluation and to determine the equivalent NQF Level in accordance with the requirements of the Critical Skills occupation as listed in the Skills List. All documents not presented in English must be accompanied by a sworn English translation. The estimated processing time with SAQA, from the date of submission, is 3 to 4+ months. Expedited service is not available.
2. **Upon completion of the SAQA evaluation**, the next step is to obtain membership and registration with the applicable Professional Body/Board/Council. The estimated processing time, from the date of submission, is 1 to 2 months. Expedited service is not available.
3. **Lodge** the Skills Work Visa application (and associated accompanying family members' applications) at the nearest [South African Foreign Mission Abroad](#) (referred to as "Embassy"), or Visa Facilitation Centre, in the country of usual residence/origin.
4. The estimated **processing time**, from the date of submission to the Embassy, is 8 to 12+ weeks. Processing times may vary depending on the Embassy, the volume of applications submitted at the time, staff capacity, etc.
5. **Applicants may be called for an interview** to verify business intentions, professional experience, and compliance with employment obligations.
6. **Additional documentation** may be requested at the discretion of the consular officer in the country of application.

Compliance and Ongoing Obligations

- **Employment and Occupation Compliance:** The visa holder must remain employed in the designated critical occupation as listed in the Critical Skills List and as stipulated in the visa approval. Any change of employer must be notified to the Department of Home Affairs (DHA). In certain circumstances, a new visa application may be required where the role or employer deviates from the originally sanctioned arrangement. Employment must commence within twelve (12) months of visa issuance if the visa was granted based on qualification and registration rather than an extant employment offer.
- **Professional Body Registration:** The visa holder is obliged to maintain valid registration with the relevant Professional Body, Board, or Council throughout the validity of the visa. Any lapse, suspension, or cancellation of such registration may render the visa non-compliant and may result in withdrawal or refusal of extensions.
- **Reporting and Change Notifications:** Any alteration in employment status, employer, or residential address must be communicated to the DHA within a reasonable timeframe, typically within fourteen (14) days. Loss of employment must also be reported, and any subsequent re-employment under a differing capacity may necessitate a new visa or status application.
- **Tax and Statutory Compliance:** Visa holders are required to register with the South African Revenue Service (SARS) and remain fully compliant with all tax obligations. Employers shall ensure adherence to labour legislation, including UIF and PAYE contributions, in respect of foreign employees.
- **Residence and Permanent Residence Considerations:** Following five (5) years of uninterrupted employment within the critical skills category, visa holders may qualify for permanent residence in terms of Section 27(b) of the Immigration Act. Continuous lawful residence and a demonstrable compliance history are critical factors in the adjudication of such applications.

- **Employer Obligations:** Employers are required to: retain copies of employees' valid visas and professional registrations; verify the right to work prior to the commencement of employment; report any termination of employment to the DHA; and ensure compliance with the Immigration Act and Employment Services Act concerning the employment of foreign nationals.
- **Conduct and Legal Compliance:** Visa holders must comply with all applicable South African legislation. Any criminal conviction, misrepresentation, or submission of fraudulent documentation may result in visa cancellation and deportation.

Expert Assistance for Immigration Compliance

Engaging qualified professionals can help ensure that visa and immigration applications meet all regulatory requirements, minimising delays and the risk of rejection.

[Wesgro's](#) services include facilitation of visa processes for prospective investors and local businesses. Foreign applicants can also consider seeking assistance directly from a member of the **Forum of Immigration Practitioners of South Africa (FIPSA)** for guidance on compliance with procedural requirements. Attorneys and recognised Immigration Specialists may also assist with documentation and ensuring that applications meet all regulatory obligations. Obtaining professional advice can help reduce the likelihood of delays or rejections by ensuring submissions align with legislative criteria.

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