

Intra-Company Transfer Work Visa

International Assignments for 6 months to 4 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

The Transfer Visa, under **Section 19(5) of the Act**, referred to as the **Intra-Company Transfer Work Visa** ([ICT Work Visa](#)), permits long-term assignments or secondments from a foreign company to a local subsidiary, branch, or affiliated entity within the Republic.

Eligibility Criteria

1. **Employment Relationship Abroad:** Applicants must demonstrate continuous employment with the foreign entity for a minimum of six (6) months prior to transfer, substantiated by payslips and official employment confirmation.
2. **Transfer Between Related Entities:** The South African host entity must constitute a subsidiary, branch, or affiliate of the foreign employer. Documentation such as share certificates, company registration documents, or corporate group charts is required to verify this relationship.
3. **Transfer Letter:** A formal transfer letter must confirm the employee’s relocation, position in South Africa, transfer duration, and continued employment with the foreign entity, ensuring repatriation upon assignment completion.
4. **Contractual Requirements:** A contract or assignment letter between foreign and South African entities must define roles, responsibilities, remuneration, and reporting lines.
5. **Skills Transfer Plan:** The South African host entity is required to submit a structured skills transfer plan, illustrating the methodology for imparting specialised knowledge to South African citizens or Permanent Residents. Compliance with this requirement is essential.
6. **Qualifications and Experience:** Applicants must hold qualifications or possess experience commensurate with the position to which they are transferred.

How to draft a Skills Transfer Plan

In submitting an ICT Work Visa application, it is imperative to include a Transfer of Skills Plan as a mandatory supporting document. This plan articulates how the foreign employee’s specialised expertise will be systematically transferred to South African citizens or permanent residents during the tenure of the assignment. The objective, as mandated under Regulation 18(9)(c), is to ensure that local employees acquire equivalent or enhanced capabilities, thereby fostering sustainable skills development within the host organisation.

- **What Is a Transfer of Skills Plan?** A Transfer of Skills Plan is a formal, time-bound document outlining the process, methods, and outcomes through which a foreign assignee will impart their expertise to South African counterparts. The plan must specify the skills, knowledge, and competencies to be transferred, and identify the South African employees designated to receive this training. A structured schedule and monitoring framework must be established to ensure measurable progress over the course of the ICT assignment, which shall not exceed four years.
- **Key Components of a Compliant Transfer of Skills Plan:**
 - Details of the Foreign Employee:**
 - Full name and surname
 - Passport number (date of issue and expiry date)
 - Country of origin
 - Current position within the foreign (home) entity
 - Position and duties to be undertaken in South Africa
 - Justification for the transfer, clearly demonstrating the necessity of the foreign employee's expertise to the South African entity

Details of the South African Host Employer:

- Full legal name of the company and business registration number
- Physical address and nature of business
- Number of South African and foreign employees employed at the entity
- Statement confirming that the company is duly registered and in good standing with the Companies and Intellectual Property Commission (CIPC) and the South African Revenue Service (SARS)

This information establishes the operational capacity of the host employer and their role in facilitating effective skills development.

- **Organisational Structure and Reporting Lines:**
 - Position of the foreign employee within the South African entity's organisational chart
 - Name and designation of the reporting manager or supervisor
 - Team structure and integration of the foreign employee with local employees
 - Description of the specific project or operational area in which the skills transfer will occur

This section clarifies how the functions of the foreign employee align with the objectives of the skills transfer.

- **Assignment Scope and Skills Transfer Activities:**
 - Phases of the assignment, including indicative start and completion dates
 - Skills transfer milestones at each phase
 - Duties and deliverables contributing to the professional development of identified local employees

A phased approach with measurable milestones ensures compliance with the Act and guarantees tangible outcomes.

- **Identification of Local Employees:**
 - Full names and South African ID numbers

- Job titles and functional areas
- Qualifications and current competency levels
- Relevance of their roles to the skills being transferred

This section establishes accountability and enables evaluation of the direct benefit to South African employees.

- **Skills and Knowledge to Be Transferred:**

- Technical skills (e.g., IT systems, engineering, operations, sector-specific knowledge)
- Managerial or soft skills (e.g., leadership, project management, communication skills)
- Expected outcomes, including enhanced productivity, operational capability, or leadership development

The plan must demonstrate alignment between the skills transferred and the employer's strategic development objectives.

- **Training Methods and Schedule:**

- Training methods: one-on-one mentoring, shadowing, workshops, formal training, or on-the-job development
- Frequency and duration: weekly, monthly, or project-based sessions
- Supporting resources: materials, tools, or systems utilised during training

Where feasible, a Skills Transfer Schedule should be attached, indicating specific timelines and deliverables.

- **Monitoring, Evaluation, and Reporting:**

- Performance indicators: measurable goals such as task completion, certification, or competence demonstration
- Evaluation frequency: monthly, quarterly, or project-based reviews
- Reporting mechanism: documentation and communication of progress to management or HR
- Feedback process: capturing input from both the foreign employee and local trainees

Ongoing monitoring ensures effective implementation and satisfies regulatory requirements for measurable skills transfer.

- **Support from the Employer:**

- Provision of additional training or development resources
- Establishment of mentorship and supervision structures
- Management support and performance review mechanisms

Active employer participation is critical to the credibility and success of the skills transfer process.

- **Declaration and Signatures:**

The plan concludes with a formal declaration of commitment, signed by both parties: *We, the undersigned, affirm our commitment to executing this Transfer of Skills Plan in full accordance with the Act.*

- Signature of the South African employer's authorised representative (full name, title, and date)
- Signature of the foreign employee (full name and date)

This formalises shared responsibility and serves as evidence of compliance during visa adjudication and subsequent inspections by the Department of Home Affairs (DHA).

Conclusion: A well-structured transfer of skills plan not only satisfies the requirements of the Act but also promotes meaningful knowledge sharing and capacity building within the South African workforce. By clearly defining responsibilities, timelines, and measurable outcomes, employers demonstrate both regulatory compliance and commitment to local talent development, aligning with South Africa's broader national objectives of skills enhancement and economic growth.

Advantages

1. **Facilitates Global Mobility within a Corporate Group:** Enables multinational corporations to deploy key personnel from foreign offices to South Africa without the requirement for local labour market testing. It streamlines the internal movement of talent for the purposes of training, project execution, and managerial alignment, thereby supporting strategic corporate objectives.
2. **No Need for a Local Employment Contract:** The employee remains on the foreign company's payroll, avoiding complex local employment arrangements or tax implications tied to permanent local employment.
3. **Streamlined Application Process:** ICT Work Visas benefit from a generally expedited and predictable adjudication process relative to other work visa categories, such as the General or Critical Skills Work Visas, thereby facilitating timely deployment of essential personnel.
4. **Fixed Validity Period (Up to 4 Years):** The visa provides a clearly defined time frame for secondments or project-based assignments, aligned with organisational objectives. The validity period, which may extend up to four (4) years, offers certainty and operational clarity for both the employer and employee.
5. **Skills Development Opportunity:** The mandatory Transfer of Skills Plan ensures that local capacity-building and skills enhancement objectives are met, reinforcing regulatory compliance while promoting sustainable localisation and workforce development initiatives.
6. **Recognised Visa Category for Corporate Transfers:** Widely accepted by South African authorities and global mobility teams as a standard mechanism for intra-group moves, making it easier for HR and legal teams to manage compliance.
7. **Dependents May Accompany:** Spouses and dependent children are eligible to apply for accompanying visas, including Visitor or Study Visas, thereby supporting family unity throughout the duration of the assignment.
8. **Enhances Business Continuity:** enables rapid deployment of experienced personnel to South Africa for new operations, training initiatives, or project oversight, ensuring the maintenance of global standards and corporate culture.

Disadvantages

1. **Fixed, Non-Renewable Duration:** Issued for a maximum period of four (4) years and is not subject to extension or renewal. This limitation establishes a definitive timeframe for assignments, which must be planned and executed accordingly.
2. **No Change of Employer Permitted:** The visa is strictly tied to the sponsoring employer and designated position. Visa holders are prohibited from accepting employment with any other South African company, including entities within the same corporate group, without returning to their country of origin and submitting a new application.

3. **No Pathway to Permanent Residence:** Time spent in South Africa on an ICT Work Visa does not count toward permanent residence eligibility. This restricts the long-term immigration prospects of transferees who wish to remain in South Africa beyond their assignment.
4. **Limited Local Employment Rights:** The employee remains employed by the foreign parent company; therefore, they may have limited protection under South African labour law, and benefits such as UIF or pension contributions may not apply.
5. **Skills Transfer Compliance Burden:** The host entity must implement and monitor a skills transfer plan, which can be administratively demanding and must be demonstrable to the Department of Home Affairs (DHA) upon inspection.
6. **Restricted In-Country Conversions:** ICT Work Visa holders cannot change their visa type (e.g., to a General or Critical Skills Work Visa) from within South Africa. A new application must be made from abroad, often resulting in assignment interruptions.
7. **Complexity of Group Relationship Proof:** Employers must provide clear and verifiable evidence of the corporate relationship between the foreign and South African entities (subsidiary, branch, or affiliate). Complex or insufficiently documented group structures may result in processing delays.
8. **Dependents' Visa Limitations:** While dependents may accompany the ICT Work Visa holder, they cannot work unless they qualify for their own valid work visa. Spouses and children may face limited visa rights linked to the main applicant's status.

Visa Validity and Renewal Process

Issued for a maximum duration of four (4) years and is not subject to renewal beyond this period. In instances where the visa is initially granted for a shorter term (e.g., two years), the visa may be extended within South Africa to attain the maximum permissible duration of four (4) years. Renewal applications must be submitted no fewer than sixty (60) days prior to the expiry of the existing visa.

Accompanying Family Members

- **Spouses:** Spouses of the principal visa holder may apply for a Dependent's Visa, designated as a Visitor's Visa under Section 11(1)(b)(iv) of the Act, to accompany the business visa holder.
- **Purpose:** Authorises residence in South Africa solely for the purpose of accompanying the principal visa holder. Employment or study is explicitly prohibited under this visa category.
- **Validity:** May be granted for a period not exceeding three (3) years and is renewable, contingent upon continued compliance with all visa conditions.
- **Minor Children (not school-going age):** Dependent minor children may apply for a Dependent's Visa (Visitor's Visa in terms of Section 11(1)(b)(iv) of the Act) to accompany the principal visa holder.
- **Purpose:** Authorises residence in South Africa as an accompanying minor child. Attendance at educational institutions is prohibited under this visa category.
- **Validity:** May be granted for a period not exceeding three (3) years and is renewable, subject to 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:** Authorises residence in South Africa for the purpose of accompaniment and enrolment in formal schooling.

- **Eligibility:** Pre-enrolment at a recognised South African educational institution is required. Applicants must maintain valid medical coverage, renewed annually, under a registered medical scheme in accordance with the Medical Scheme Act.
- **Validity:** Granted for the full duration of the educational program as per pre-enrolment documentation, and contingent upon a valid passport. Renewal is permissible subject to continued compliance with visa conditions.

Application Process

1. **Lodge** the ICT 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.
2. **Processing Time:** Estimated processing duration ranges from eight (8) to twelve (12) weeks or longer, dependent upon Embassy workload, staff capacity, and application volume.
3. **Interviews:** Applicants may be required to attend an interview to verify business intentions, professional experience, and compliance with employment obligations.
4. **Additional Documentation:** Depending on the jurisdiction, applicants may be requested to submit further documentation at the discretion of the consular officer.

Compliance and Ongoing Obligations

Both the visa holder and the employing entities, including the foreign and South African organisations, are required to adhere to rigorous compliance obligations for the full duration of the ICT assignment. These obligations ensure that the visa conditions remain valid and that the intra-company transfer is fully aligned with South African immigration legislation.

1. **Maintain Valid Employment Relationship:** The ICT Work Visa is granted on the basis of continued employment with the foreign entity responsible for initiating the transfer. The visa holder is prohibited from undertaking employment with any other South African employer or performing work beyond the scope of the authorised transfer.
2. **Adherence to Skills Transfer Plan:** The South African host company is mandated to implement the approved Skills Transfer Plan submitted with the visa application. Systematic monitoring and recordkeeping must evidence the transfer of knowledge and expertise to South African employees. The Department of Home Affairs (DHA) may conduct audits or request proof of progress at any time during the visa period.
3. **Validity of Supporting Documentation:** The visa holder must maintain a valid passport, medical insurance (where applicable), and any renewable supporting documents for the full duration of their stay. Any changes in personal details (e.g., passport renewal, marital status) should be reported to the DHA. (The Department of Home Affairs)
4. **Notification of Changes:** The employer or visa holder must notify the DHA (The Department of Home Affairs) of any material changes to: The work location or role, the company structure affecting the transfer relationship, and early termination of the assignment or repatriation.
5. **No Change of Status Within South Africa:** ICT Work Visa holders cannot convert to another visa category (e.g., General or Critical Skills) while in South Africa. A new application must be lodged from outside the country if the employment arrangement changes.
6. **Record keeping and Internal Reporting:** Employers should retain copies of all immigration documentation, including: The visa and accompanying permits, proof of continued employment abroad, and skills transfer tracking records. This supports internal audits and demonstrates ongoing immigration compliance if inspected.

7. **Compliance with South African Laws:** The visa holder must abide by all South African laws, including those related to tax, customs, and residence. Employers should ensure that tax residency and withholding obligations (if applicable) are properly assessed and managed.
8. **Repatriation Obligations:** At the end of the assignment, the foreign employer is responsible for repatriating the employee to their home country. Proof of repatriation may be required for future visa applications or compliance audits.
9. **Periodic Internal Compliance Reviews:** Host companies are encouraged to perform internal immigration audits to confirm: All ICT Work Visa holders are working in accordance with visa conditions, all documentation remains current and accurate, and that the skills transfer progress is measurable and verifiable.

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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