



Deloitte Africa Tax & Legal immigration management webinar COVID-19 immigration management post lockdown

Executive summary

Since the onset of COVID-19, most countries have implemented travel bans and lockdowns.

The long-term challenge, most importantly for companies, will be around how soon an employee can be expected to start working in country. There will need to be significant planning around this, due to possible extended processing periods.

It is important to consider the impending renewals for visas for the remainder of 2020 and the start of 2021. Any start dates for foreign hires or potential new assignees must be reviewed and revised appropriately. A review of end to end processes and ensuring that your mobility planning covers both home/host bases, should be done.

We anticipate that there could also be some additional specific medical requirements in response to COVID-19, especially from identified high risk countries. We are also anticipating a strain on online application processes and roll out of new systems.

Similarly, when the borders open up, there could be additional quarantine requirements after the visa issuance and post arrival, possibly dependent on the country where the person has travelled from, as well as the travel history of the person. Suffice to say, it remains a fluid and charged atmosphere that will definitely require flexibility.

Below is a summary of the discussion:

1. Africa immigration

The temporary measures put in place in most African countries are, for example, online application processes, new medical requirements, courier

applications, online payment of government fees and automatic renewals or grace periods for applications.

The minimum what all clients should currently be doing:

- Review all quotas and ensure that compliance is maintained.
- Ensure that all labour filings are up to date.
- Ensure that automatic renewals have been granted.

2. South Africa

South African embassies in various countries may have received applications before lockdown but have not yet finalised them. Effectively this meant that if a person from a high risk country did not enter South Africa before the ban, they would now require a visa to enter and if they had received a work or study visa issued by the embassy, these would be revoked.

Essentially the holders of visas which expired from mid-February 2020, and who did not renew their visas before the lockdown, irrespective if they applied within South Africa post a visa expiry or if they left South Africa to return to their country of origin or residence post lockdown, will not be declared illegal or prohibited person.

In addition, any person whose visa expired before or during the lockdown will not be arrested or detained for holding an expired visa. If an extension or re-application of the respective visa had been applied for, the individual could continue their stay and engage in the same activities. All these measures continue to be in place until 31 July 2020.

Except for cases relating to expatriation initiated by another state, all foreign nationals who are currently in South Africa cannot depart.

During the lockdown level 5 and 4, neither the Department of Home Affairs (the DHA) nor the embassies have been receiving or adjudicating applications for visas and for permanent residence permits. The DHA are looking at how they can proceed with caution back to the office. In doing so they are considering which other parts of the civic service portfolio and potentially, the immigration services portfolio can reasonably resume. At this point, Visa Facilitation Service centres still remain closed.

3. Global

The Organisation for Economic Co-operation and Development (OECD) view on whether the activities of an employee, who habitually concludes contracts and is working from home for a non-resident employer, could give rise to a dependent agent Permanent Establishment (PE), isn't in doubt. The OECD analysis focuses on the "habitual" requirement providing interpretations based on Treaty Commentary from 2014 and 2017, noting that the employee's presence in the non-resident country is not likely to be considered merely transitory and therefore, likely to be considered habitual.

The top barriers to relocation will continue to be centered around the impact on families. Especially impact on spouse/partner's careers, the impact on children's education.

The number of long term expats will remain constant and commuter assignments for management level staff will be constrained – we anticipate that PE rules will drive the construct. Short term assignments needing physical work at the host location will continue.

Read more and contact us:

To download the full presentation, [click here](#) and [here](#) to access the GoWork – COVID-19 Immigration Digital Map. [Click here](#) to listen to the webinar recording.

Need help, contact our Deloitte Africa Tax & Legal team:

Lino De Ponte

Director: Global Employer Services Manager, Deloitte Africa Tax & Legal
ldeponte@deloitte.co.za

Shivana Sewchuran

Director: Global Employer Services, Deloitte Africa Tax & Legal
ssewchuran@deloitte.co.za

Shaun Kupersamy

Senior Manager: Global Employer Services, Deloitte Africa Tax & Legal
skupersamy@deloitte.co.za

Kurt Wiehl

Manager: Global Employer Services, Deloitte Africa Tax & Legal
kwiehl@deloitte.co.za

Get in touch



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