

Annexure A

The Benefits of the Trusted Employer Scheme (TES)

South Africa's work visa system has historically experienced a number of administrative and processing challenges. In response, the Department of Home Affairs introduced the **Trusted Employer Scheme (TES)** in 2023.

The purpose of the scheme is to **simplify and accelerate visa processes** for qualifying employers who demonstrate a strong commitment to compliance, skills development, and the growth of South Africa's local workforce.

Through this initiative, the Department of Home Affairs aims to create a **more efficient, predictable, and business-friendly immigration framework**, enabling companies to access critical foreign skills while still prioritising local talent development.

Points-Based Selection System

To qualify for the Trusted Employer Scheme, employers must score a **minimum of 80 points** under the following evaluation criteria:

<u>Criteria</u>	<u>Points</u>
Pledges / Proven Investment	30
Employment	25
Sector	15
Skills Transfer / Development	20
Equity Equivalence	10
Total Possible Points	100

This scoring system ensures that employers participating in the scheme demonstrate **responsible corporate citizenship and measurable contributions to South Africa's economy and workforce development.**

Key Benefits of the Trusted Employer Scheme

1. Critical Skills Work Visa

Under the TES framework, the Department of Home Affairs now allows Critical Skills Work Visa applications to be submitted without the immediate requirement for SAQA verification or Professional Body registration.

This significantly reduces processing delays and allows highly skilled professionals to begin the application process much sooner.

Important:

Although these documents are no longer required at the time of submission, applicants must still obtain them and keep them available should the Department of Home Affairs request them during the adjudication process or after the visa has been granted.

2. General Work Visa

Applicants submitting General Work Visa applications through a Trusted Employer are now exempt from the Points-Based System (PBS).

This means applicants no longer need to calculate or meet PBS threshold scores, which greatly simplifies the application process.

The result is a faster, more predictable visa pathway for employers who need to mobilise foreign expertise efficiently.

3. Intra-Company Transfer Work Visa

For Intra-Company Transfer Work Visa applications, the requirement to submit a Skills Transfer Plan has been waived.

While this may appear to be a small change, it significantly reduces the administrative burden and documentation requirements for employers and applicants.

This exemption applies where the company already has a Graduate Development Programme or similar structured skills development initiative, ensuring that local skills development still takes place.

4. Family Members

The improved processing efficiencies introduced under TES also extend to the family members of primary work visa applicants.

This means dependents can benefit from:

- Faster visa processing
- Simplified documentation requirements

These improvements make it much easier for skilled professionals and their families to relocate to South Africa together.

5. Significantly Faster Processing Times

One of the most valuable benefits of the TES is the dramatically reduced visa processing timeframe.

Applications submitted:

- Directly at the Department of Home Affairs Head Office, or
- Through South African foreign missions abroad

are expected to be finalised within 5 to 20 business days.

This accelerated turnaround significantly improves the overall visa experience for employers and foreign professionals alike.

6. Permanent Residence Applications

Permanent Residence applications that meet all required documentation standards will now be processed within an expected timeframe of approximately 8 months.

This creates a far more predictable and efficient pathway for skilled professionals seeking long-term residence in South Africa.

Trusted Employer Scheme – Round 2

Expected Expanded Benefits

The Department of Home Affairs is currently enhancing the TES framework through additional improvements expected in the **second phase of the scheme**.

1. Centralised Adjudication

TES applications will no longer be submitted or adjudicated through various foreign missions abroad.

Instead, all applications will be processed centrally through the Department of Home Affairs Head Office using the newly introduced Digital TES Platform.

This centralised process will:

- Reduce inconsistent decisions between embassies
- Improve processing efficiency
- Deliver faster and more predictable outcomes

2. New Digital TES Platform

A fully digital end-to-end TES management system is being introduced.

This platform will allow both employers and applicants to manage submissions digitally, resulting in:

- Reduced manual processing delays
- Improved application tracking
- Greater accuracy in adjudication
- A modern and streamlined user experience

Frequently Asked Questions About the TES

1. What is the Trusted Employer Scheme?

The Trusted Employer Scheme (TES) is a strategic immigration facilitation programme introduced by the Department of Home Affairs (DHA) to improve and modernise South Africa's work visa system.

The primary objective of the scheme is to enable reputable and compliant employers to recruit foreign talent more efficiently, particularly in sectors where there are identified shortages of specialised skills.

Under the TES framework, employers who demonstrate a strong compliance record and a commitment to workforce development are granted trusted status by the Department of Home Affairs. This status allows them to benefit from simplified visa procedures, reduced administrative requirements, and significantly faster processing times when applying for work visas for foreign employees.

The scheme therefore plays a dual role by:

- Supporting economic growth and business continuity
- Ensuring that South Africa remains competitive in attracting global talent
- Encouraging companies to invest in local skills development and knowledge transfer

2. Who qualifies as a Trusted Employer?

To qualify as a Trusted Employer, organisations must meet a number of strict eligibility criteria set by the Department of Home Affairs. These criteria are designed to ensure that only legitimate, responsible, and compliant employers are able to participate in the scheme.

Employers must generally demonstrate the following:

- A strong history of compliance with South African immigration, labour, and employment legislation
- Proper registration and lawful operation within South Africa
- A proven track record of responsibly employing foreign nationals where required
- Evidence of investment in local workforce development, training, and skills transfer initiatives
- Operational and financial stability within the relevant industry sector

Employers are also assessed through a points-based evaluation system, which considers factors such as sector contribution, employment practices, investment in skills development, and transformation commitments.

Only employers who achieve the required minimum points threshold and satisfy all regulatory requirements are admitted into the Trusted Employer Scheme.

3. What are the benefits of being a Trusted Employer?

Being recognised as a Trusted Employer provides organisations with several significant operational advantages when recruiting foreign professionals.

Some of the key benefits include:

Faster visa processing times

Applications submitted under the Trusted Employer Scheme are prioritised by the Department of Home Affairs, significantly reducing waiting periods and enabling companies to onboard critical talent much faster.

Reduced documentation requirements

Certain administrative requirements and supporting documents may be simplified or waived, making the visa application process less burdensome for both employers and applicants.

Streamlined visa procedures

Trusted Employers benefit from a more predictable and efficient visa application pathway, allowing companies to plan workforce recruitment more effectively.

Improved access to scarce and critical skills

The scheme makes it easier for employers to recruit foreign professionals with specialised expertise that may not be readily available within the local labour market.

Greater operational certainty

By reducing bureaucratic delays and administrative complexities, TES helps organisations maintain operational continuity in industries where specialised expertise is essential.

4. How can an employer apply for Trusted Employer Scheme status?

Employers wishing to participate in the Trusted Employer Scheme must submit a formal application to the Department of Home Affairs.

The application process requires the employer to provide detailed information demonstrating that the organisation meets the eligibility and compliance requirements of the programme.

Typically, this includes documentation and evidence relating to:

- The legal registration and structure of the business
- Compliance with labour legislation and immigration regulations
- Current workforce composition, including both local and foreign employees
- Business operations and industry sector involvement
- Evidence of skills development initiatives, training programmes, or graduate development programmes
- The organisation's legitimate need for specialised foreign talent

The Department of Home Affairs will assess the application against the TES points-based selection criteria, and employers who meet the required standards may be granted Trusted Employer status.

5. Is the Trusted Employer Scheme limited to specific industries?

While the Trusted Employer Scheme was initially designed to support sectors experiencing significant skills shortages, it is not strictly limited to a small number of industries.

Industries commonly associated with critical skills shortages include:

- Information Technology (IT)
- Engineering and technical services
- Healthcare and medical professions
- Financial services and specialised consulting sectors

However, employers from other sectors of the economy may also apply for TES participation if they can demonstrate:

- A legitimate need for specialised foreign skills
- Compliance with immigration and labour regulations
- A commitment to local workforce development

The scheme is therefore intended to support a wide range of industries that contribute to South Africa's economic development, provided they meet the eligibility criteria.

6. Are there ongoing compliance requirements for Trusted Employers?

Yes. Employers admitted to the Trusted Employer Scheme must continue to maintain high standards of compliance with South African labour and immigration legislation.

Trusted Employers are expected to:

- Ensure that all foreign nationals employed within the organisation hold valid and appropriate immigration status
- Maintain accurate employment and immigration records for foreign workers
- Continue to comply with labour laws and employment standards
- Support skills transfer and development initiatives that benefit the local workforce
- Provide information or reports to the Department of Home Affairs when requested

Failure to maintain compliance may result in investigations, corrective measures, or the revocation of Trusted Employer status.

7. Can employees of Trusted Employers renew or extend their visas more easily?

Yes. One of the practical advantages of the Trusted Employer Scheme is that employees working for participating organisations often experience faster and more streamlined visa renewals and extensions.

Because Trusted Employers have already undergone a rigorous compliance assessment, the Department of Home Affairs is able to process related applications more efficiently and with greater confidence.

This means that:

- Visa renewals may be processed faster
- Documentation requirements may be reduced in some cases
- The risk of unnecessary administrative delays is lowered

These efficiencies help ensure continuity of employment for skilled professionals and reduce disruption to business operations.

8. What happens if a Trusted Employer violates the rules of the scheme?

The Trusted Employer Scheme operates on the principle of **trust and accountability**. As a result, employers are expected to maintain the highest levels of compliance.

If an employer fails to comply with immigration regulations or violates the rules of the scheme, the Department of Home Affairs may take enforcement action.

Possible consequences include:

- **Revocation of Trusted Employer status**, removing the company from the scheme
- **Administrative penalties or fines** for immigration non-compliance
- Increased scrutiny of future visa applications
- Potential restrictions on the organisation's ability to employ foreign nationals

Maintaining compliance is therefore essential for employers wishing to retain the benefits associated with the Trusted Employer Scheme.

9. Where can employers obtain assistance with TES applications?

Employers seeking guidance on the Trusted Employer Scheme can obtain professional assistance from immigration specialists, legal practitioners, or immigration consultants with expertise in South African immigration law.

These professionals can provide valuable support in areas such as:

- Preparing and submitting TES applications
- Ensuring full compliance with immigration regulations
- Managing visa applications for foreign employees
- Developing strategic workforce planning that aligns with immigration requirements
- Assisting with visa renewals, permanent residence applications, and compliance audits

Professional guidance can help organisations navigate the complexities of immigration regulations more effectively, ensuring that both employers and foreign employees remain fully compliant with South African law.

10. Does the Trusted Employer Scheme replace normal immigration laws?

No. The Trusted Employer Scheme does not replace or override South Africa's immigration laws. All employers and foreign nationals must still comply with the requirements of the Immigration Act and its Regulations.

The TES simply streamlines certain administrative processes for approved employers, such as reducing documentation requirements and accelerating processing times.

However, the following core requirements still apply:

- Foreign nationals must hold valid work visas before commencing employment.
- Employers must ensure that the visa conditions match the position offered.
- Immigration compliance inspections may still be conducted by authorities.

In essence, TES provides facilitated processing, but full legal compliance remains mandatory.

11. Can a company lose its Trusted Employer status?

Yes. Trusted Employer status is not permanent and may be revoked if an employer fails to comply with the conditions of the scheme.

The Department of Home Affairs may review an employer's participation if there is evidence of:

- Employment of foreign nationals without valid visas
- Misrepresentation in visa applications
- Failure to comply with labour or immigration legislation
- Failure to meet commitments relating to skills transfer or workforce development

If serious violations are identified, the Department may:

- Suspend or revoke the company's TES status
- Reject future visa applications from the employer
- Impose penalties under immigration legislation

For this reason, companies must maintain ongoing internal immigration compliance systems.

12. Are Trusted Employers allowed to hire unlimited foreign workers?

No. Being a Trusted Employer does not mean there are no limits on employing foreign nationals.

Employers must still demonstrate that:

- The foreign national possesses skills that are scarce or critical to the organisation.
- The employment of the foreign national does not unfairly displace local workers.
- The company continues to invest in skills transfer and development of South African employees.

The Department of Home Affairs evaluates applications to ensure that the scheme supports economic growth while still protecting local employment opportunities.

13. What role does skills transfer play in the Trusted Employer Scheme?

Skills transfer is a key principle of the Trusted Employer Scheme.

Employers are encouraged to use the employment of foreign specialists as an opportunity to develop local talent and transfer specialised knowledge to South African employees.

This may include:

- Mentorship programmes
- Graduate development programmes
- On-the-job training initiatives
- Structured knowledge-sharing programmes

By promoting skills transfer, the scheme helps ensure that foreign expertise strengthens the local workforce over time.

14. Can foreign employees working under TES apply for Permanent Residence?

Yes. Foreign nationals employed by Trusted Employers may still apply for Permanent Residence (PR) if they meet the eligibility requirements under South African immigration law.

For example, foreign employees may qualify for permanent residence through:

- The Critical Skills pathway
- Long-term employment in South Africa
- Other qualifying immigration categories

One of the advantages of the TES framework is that it supports faster and more efficient processing of immigration applications, which can benefit foreign professionals seeking long-term residence.

15. What should HR and Security teams check when verifying a foreign employee's status?

HR and Security teams play an important role in ensuring immigration compliance within the workplace.

When verifying foreign employees, they should ensure that:

- The individual holds a valid passport
- The employee has a valid work visa
- The visa specifically allows employment with the company
- The visa has not expired
- The job title or position aligns with the conditions of the visa

Regular checks help prevent illegal employment, which can lead to significant penalties for employers.

16. What are the risks for employers who fail to comply with immigration regulations?

Failure to comply with immigration laws can result in serious legal and financial consequences for employers.

Potential risks include:

- Significant financial penalties
- Criminal liability in serious cases
- Reputational damage to the organisation
- Revocation of Trusted Employer status
- Restrictions on employing foreign nationals in the future

For organisations operating in regulated sectors such as mining, engineering, or industrial operations, immigration compliance is also closely linked to overall corporate governance and operational risk management.

17. Why is the Trusted Employer Scheme important for South Africa's economy?

The Trusted Employer Scheme helps create a balanced and forward-looking immigration system.

It supports economic growth by:

- Allowing businesses to access specialised global talent
- Helping companies remain competitive in highly technical industries
- Supporting the development of local skills through knowledge transfer
- Improving the efficiency and reputation of South Africa's immigration system

Ultimately, the scheme aims to ensure that business growth, skills development, and regulatory compliance work together to strengthen the South African economy.