



The South African Institute of Chartered Accountants

CIRCULAR 4/2003

**GUIDANCE FOR THE
CHARTERED ACCOUNTANTS
REPORTING IN TERMS OF

THE IMMIGRATION ACT**

Issued September 2003

In conjunction with the Department of Home Affairs

Background

When individuals or organisations make application for a permit in terms of the Immigration Act (the Act), it is incumbent on that individual or organisation to obtain a report from a chartered accountant. .01

The Act defines a chartered accountant as any person referred to in the Chartered Accountants Designations (Private) Act, 1993 or an accountant other than a chartered accountant, who is recognised as such under any law and who has been specifically or generally delegated by a chartered accountant to perform any or all activities contemplated in this Act. .02

The chartered accountant report should accompany the application forms to be submitted to the Department of Home Affairs for the following permits: .03

- (a) Business permit
- (b) General quota work permit
- (c) Annual report for the general quota work permit
- (d) First application for the general work permit
- (e) Annual report for the general work permit
- (f) Application for an intra-company transfer work permit
- (g) Corporate permit
- (h) Direct residence
- (i) Residence due to a permanent work offer
- (j) Residence due to own business
- (k) Residence due to retirement
- (l) Residence due to financially independent status
- (m) Relatives permit
- (n) Visitors permit.

The purpose of this Circular is to provide guidance for those chartered accountants who are engaged to produce a report in terms of the Act. In cases where a chartered accountant has delegated the performance of the activities contemplated in this Act, the chartered accountant should be aware that the responsibility for the accuracy of the report remains with the chartered accountant. The guidance contained below, which has been prepared in conjunction with the officials of the .04

Department of Home Affairs, contains the agreed-upon procedures that the chartered accountant should perform and the factual findings report that should be issued in accordance with the requirements of the Act.

Engagement Acceptance

- .05 Prior to accepting appointment to produce a report in terms of the Act, the chartered accountant should ensure that he or she has adequate knowledge of the Immigration Act and the Regulations thereto.

General

- .06 In cases where an affidavit is requested from an individual employed by the organisation requesting the report e.g. (Human Resources Manager, the CEO, etc), the chartered accountant may request only one affidavit including all the information necessary for the purpose of a particular application for a permit.

A. BUSINESS PERMIT**REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS ON APPLICATION FOR BUSINESS PERMIT IN TERMS OF SECTION 15 OF THE IMMIGRATION ACT****Scope**

In terms of the provisions of Section 15 of the Immigration Act and Regulation 24(4) of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for a business permits for *(the name of applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for business permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings***In case of a company and a close corporation***

1. We inspected the certificate of incorporation/founding statement of *(insert company or close corporation name)* or have performed a search of the Registrar of Companies/Close Corporations for *(insert company/close corporation name)* and checked that the registration of the legal entity has occurred.

We found that the business was/was not registered as at *(insert date)* in terms of the Companies Act or Close Corporations Act. *(Attach a copy of certificate of incorporation or a copy of the founding statement and association agreement (if applicable))*

In case of partnership, a sole trader and a trust

2. We inspected the partnership agreement, **or** lease of a business premises clearly indicating the purpose of the business/title deed from the deeds office in case of owned property, **or** a trust deed for a duly registered trust and have inspected proof of registration with the Local Council or Municipality for the business licence.

We found that the business was/was not brought into being by means of a partnership agreement between (*name the parties*). (*Attached is a copy of the partnership agreement*)

OR

We found that (*insert name of the individual*) has leased/owned business premises at (*give physical address on lease/owned property*) for the purpose of establishing a sole trader and the principle business activity that may be conducted at the premises is indicated as (*insert description*) in the lease agreement/ business licence. (*Attach a copy of the lease agreement / the title deed and the business licence, where applicable*)

OR

We found that the applicant (*insert name of applicant quote from trust documents*) has/has not established a trust named (*insert name of the trust*) in whose name business may be conducted. (*Attach a copy of the trust deed and the business licence (where applicable)*)

3. We inspected documentation issued by the South African Revenue Services (SARS) that provide the tax registration details of (*name of business/individual/trust*), or documentation that indicates that such registration has been applied for.

We found that the business/individual/trust was/was not registered for Income Tax had/had not applied for registration for income tax. (*Attached a copy of supporting documentation*)

4. We inspected the proof of registration for relevant taxes and levies, applicable to businesses operating in South Africa.

We found that the business/individual/trust was/ was not registered or had/had not applied for registration for the following relevant taxes and levies: *(List taxes or levies registered with, as well those not registered with)*

5. We inspected the proof of registration with the relevant industry governing bodies *(insert industry name)* (in this case a governing body means a regulatory authority e.g. Financial Services Board or an Association that a business may be required to register with if carrying on a particular trade within a specific industry).

We found that the business/individual/trust was/was not registered with the following governing bodies *(list those governing bodies)* **or** We found that the business/individual/trust was not registered with any governing body since there is no governing body for a business of this nature.

6. We inspected documentation relating to the availability of funds for transfer from abroad (e.g. a letter from the bank), and the valuation certificates received from the South African Council of Valuers or an equivalent body in the country where the assets are located, for all assets, including the intangible assets to be invested in the business. We have perused the relevant government gazette stating the minimum prescribed amount to be invested in a business to obtain a business permit. We have converted the foreign currency amount to a Rand value using the applicable exchange rate at *(give date)*.

We found that the value of financial or capital contribution of at least *(insert amount in Rands, foreign currency value and exchange rate if required)*, including intangibles generally accepted in terms of the Statement of Generally Accepted Accounting Practice on Intangible Assets (AC 129) was invested as part of the prescribed financial or capital contribution for the establishment of a business.

OR

We found that the requirements for investment have been waived or reduced by the Department of Home Affairs in terms

of Section 15(3) of the Act. *(Attach a copy of a Section 15 (3) waiver from the Department of Home Affairs)*

7. We obtained a written representation from the management/owners/obtained a business plan clearly stating the nature of the business to be conducted. *(Attach a copy of the representation or business plan)*

We found that the following statement was contained therein, which satisfies at least one of the qualifying criteria contained with the Act:

- 7.1 The investors have a business track record which testifies to their entrepreneurial skill *(Obtain guidance from Department of Home Affairs as to whether the specific statement within the representation or business plan is adequate)*
- 7.2 The business contributes to the geographical spread of the country *(Obtain guidance from the Department of Home Affairs)*
- 7.3 At least five citizens or residents shall be employed by the business
- 7.4 The business in question operates within an economic sector as specified in Regulation 24(2)(e)
- 7.5 The business displays export potential
- 7.6 The business requires or involves a transfer of technology not previously generally available in the Republic of South Africa.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountants and Auditors (*if applicable*)

Chartered Accountant (SA)

Date

Address

B. GENERAL QUOTA WORK PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS ON FIRST APPLICATION FOR A GENERAL QUOTA WORK PERMIT IN TERMS OF SECTION 19(1) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 19(1) of the Immigration Act and Regulation 28(4) of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for a general quota work permit for (*insert name of the applicant*) dated (*insert date*).

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the first application for a general quota work permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We reviewed a signed offer of employment/employment contract from (*insert name of the employer*) addressed to (*insert name of the applicant*), who has accepted such offer/contract. We have furthermore reviewed an extraction from the database of (*insert name of the organisation*), a salary-benchmarking organisation, detailing the average salary earned by employees fulfilling similar positions within the same market segment in South Africa.

We found that, based on the extraction from the database of a salary-benchmarking organisation, the salary is not inferior to that paid to South African citizens and residents employed in South Africa in the same market segment. (*Attach a copy of the*

extract from the database initialled for identification purposes and employment contract),

OR

We reviewed a signed offer of employment / employment contract from *(insert the name of the employer)* addressed to *(insert the name of the applicant)* who has accepted such offer / contract. We have furthermore reviewed the collective bargaining agreements for the industry and/or other applicable standards from the Department of Labour and obtained written confirmation from the Department of Labour confirming the appropriate salary for the South African citizens and residents in the same market segment.

We found that, based on the Department of Labour's confirmation, the salary set out in the signed employment contract/offer of employment is not inferior to that generally paid to South African citizens and residents in the same market segment. *(Attach certificate of concurrence from the Department of Labour).*

2. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating the job description for the position to be fulfilled by the work permit applicant.

We found that the job description entails....., after having reasonably relied upon an affidavit signed by *(insert name of responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit)*

3. We reviewed a copy of the qualifications provided by *(insert the name of the applicant)*, a copy of the evaluation of such qualifications by the South African Qualifications Authority (SAQA) (where appropriate), a copy of the relevant quota categories (as published in the government gazette number

XXXX dated XXX), a copy of (*insert the name of the applicant*) curriculum vitae and the affidavit.

We found that (*insert the name of the applicant*) falls within the following quota category as published in the Government Gazette number XXX dated XXX. (*insert the relevant category*). (*Attach a copy of the SAQA evaluation, the qualifications/CV*) (*For those categories where no qualification is required the SAQA evaluation can be left out.*)

4. We obtained an affidavit from a responsible individual employed by (*insert the name of the employer*) (e.g. Human Resource Manager or officer, General Manager, CEO etc) stating that the position exists and will be filled by the applicant.

We found that the position exists and will be filled by (*insert name of applicant*), after having reasonably relied upon an affidavit signed by (*insert the name of the responsible individual*) on (*insert date*), who we believe has knowledge or expertise in this matter. (*Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit*)

5. We obtained an affidavit from a responsible individual employed by (*insert the name of the employer*) (e.g. Human Resource Manager or officer, General Manager, CEO etc) stating that the individual is qualified for the position.

We found that (*insert name of the applicant*) is qualified for the position, after having reasonably relied upon an affidavit signed by (*insert the name of the responsible individual*) on (*insert date*), who we believe has knowledge or expertise in this matter. (*Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit*)

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor (*if applicable*)

Chartered Accountant (SA)

Date

Address

C. ANNUAL REPORT FOR THE GENERAL QUOTA WORK PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR THE GENERAL QUOTA WORK PERMIT 9 MONTHS AFTER THE INITIAL REPORT AND ANNUALLY THEREAFTER IN TERMS OF SECTION 19(1) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 19(1) of the Immigration Act and Regulation 28(4)(b) of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an annual report for a general quota work permit of *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the general quota work permit 9 months after the initial report and on an annual basis thereafter, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We have obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc), stating that the individual is still employed, setting out the terms and conditions of employment and job description. We have obtained deposit slips or honoured cheques for the payment of the training levy to the Department of Home Affairs.

We found that, *(insert the name of the applicant)* is still employed on at least the same terms and conditions under which he/she obtained the initial work permit and the job description

has remained the same, after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, whom we believe has knowledge or expertise in this matter, *(attach the affidavit and initial job description for identification purposes)*. In addition *(insert the name of the employer)* has made payments to the Department of Home Affairs as follows *(insert date of payment and rand amount)*. Where an applicant has obtained a waiver for the training levy, attach the copy of the waiver confirmation letter from the Department of Home Affairs.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance on the compliance by the applicant with the Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

D. FIRST APPLICATION FOR THE GENERAL WORK PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR THE FIRST APPLICATION FOR GENERAL WORK PERMIT IN TERMS OF SECTION 19(2)(b) AND (d) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 19(2)(b) and (d) of the Immigration Act and of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of first application for a general work permit of (*insert the name of the business*) dated (*insert date*).

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the first application for a general work permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We reviewed a copy of a signed offer of employment or employment contract from (*insert the name of the employer*) addressed to (*insert the name of the work permit applicant*), who has accepted such offer/contract. We have furthermore reviewed an extraction from the database of (*insert the name of the organisation*), a salary-benchmarking organisation, detailing the average salary earned by employees fulfilling similar positions in South Africa.

We found that, based on the extraction from the database of a salary-benchmarking organisation, the salary is not inferior to that paid to employees in South Africa in the same market

segment. *(Attach extraction from database and employment contract initialled by us for identification purposes)*

OR

We reviewed a copy of a signed offer of employment/employment contract from *(insert the name of the employer)* addressed to *(insert the name of the work permit applicant)*, who has accepted such offer/contract. We have furthermore reviewed the collective bargaining agreements and/or other applicable standards from the Department of Labour and/or obtained written confirmation from the Department of Labour confirming the appropriate salary for the South African citizen and residents in the same market segment.

We found that, based on the Department of Labour's confirmation, the salary is not inferior to that paid to employees in South Africa in the same market segment. *(Attach certificate of concurrence from the Department of Labour)*

2. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating the job description for the position to be fulfilled by the work permit applicant.

We found that the job description for *(insert the name of the applicant)* entails...., after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit)*

3. We obtained an affidavit from a responsible individual employed by (name of the employer) (e.g. Human Resource Manager or officer, General Manager, CEO etc) stating that the position exists and will be filled by the applicant.

We found that the position exists and will be filled by *(insert the name of applicant)*, after having reasonably relied upon an affidavit signed by *(insert the name of the responsible*

individual) on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit)*

4. ***If requested by an applicant to include Regulation 28(6)f into the report the following applies:***

We obtained an independent and reliable certification of the foreigners qualifications from SAQA and a statement from *(insert the name of the employer)* explaining the correlation between the requirements of the position and such foreigner's relevant skills, qualifications or experience.

We found that *(insert the name of the individual)* is qualified for the post, after having reasonably relied upon an affidavit by *(insert name of the employer and the capacity)* setting out the correlation between the requirements of the position and such foreigner's relevant skills, qualifications or experience. A separate certification from SAQA is attached (if relevant) and initialled for identification purposes, confirming *(insert the name of the individual)*'s qualifications.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

E. ANNUAL REPORT FOR THE GENERAL WORK PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS WITHIN 6 MONTHS OF THE ISSUE OF THE FIRST PERMIT AND ANNUALLY THEREAFTER IN TERMS OF SECTION 19(3) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 19(3) of the Immigration Act, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for an annual report for a general work permit of *(insert the name of applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the general work permit 6 months after the issue of the first permit and annually thereafter. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating that the individual is still employed by *(insert the name of the employer)*, what the job description is and confirming that the original terms and conditions of employment have not changed.

We found that the original job description for *(insert the name of the applicant)* entails... and he/she is still employed by *(insert the name of the employer)* and the terms and conditions of employment have not changed/the following terms and conditions of employment have changed, after having reasonably relied upon an affidavit signed by *(insert name of the*

responsible individual) on *(insert date)*, whom we believe has knowledge or expertise in this matter. *(Attach the affidavit and initial job description for identification purposes and/or quoted below is the relevant portion of the affidavit)*

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

F. APPLICATION FOR AN INTRA-COMPANY TRANSFER WORK PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN INTRA-COMPANY TRANSFER WORK PERMIT IN TERMS OF SECTION 19(5) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 19(5) of the Immigration Act and Regulation 28(9) of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for an intra-company transfer work permit for (*inset the name of the applicant*) dated (*inset date*).

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for an intra-company transfer work permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We obtained an affidavit from a responsible individual employed by (*inset the name of the employer*) (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating the job description for the position to be fulfilled by the work permit applicant.

We found that the job description for (*inset the name of the applicant*) entails....., after having reasonably relied upon an affidavit signed by (*inset the name of the responsible individual*) on (*inset date*), who we believe has knowledge or expertise in this matter. (*Attach the affidavit and job description initialled for identification purposes and/or quoted below is the relevant portion of the affidavit*)

2. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating that *(insert the name of the employer)* needs to employ the individual within the Republic of South Africa.

We found that *(insert the name of the employer)* needs to employ *(insert the name of the applicant)*, after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and/or quoted below is the relevant portion of the affidavit)*

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

G. CORPORATE PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS ON AN APPLICATION FOR A CORPORATE PERMIT IN TERMS OF SECTION 21 OF THE IMMIGRATION ACT AS WELL AS FOR THE RENEWAL OF THE REPORT AS CONTAINED IN REGULATION 30(10)(b) OF THE IMMIGRATION REGULATIONS

(NOTE FOR RENEWALS THE PRO FORMA CONTRACTS NEED TO BE SUBSTITUTED BY COPIES OF THE SIGNED EMPLOYMENT CONTRACTS)

Scope

In terms of the provisions of Section 21(2)(a) of the Immigration Act and Regulation 30(10)(b) of the Immigration Regulations, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for corporate permit of *(insert the name of the applicant/employer)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the first application/renewal for corporate permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We reviewed an organogram/organisational diagram prepared by *(insert the name of the employer)* for the division/project/employer that includes the organisation's staff's residential status and job descriptions. We reviewed pro forma contracts for the positions that will be filled by foreigners as well as job

descriptions in respect of the positions referred to in the pro forma contracts. We reviewed a letter from a salary-benchmarking organisation confirming what the minimum salary is for the job descriptions provided. We ensured that the extraction is independent by only providing the job description to the benchmarking organisation (the request for salary review must not be accompanied by any information regarding salary e.g. if the job description is prepared in the form of an affidavit the affidavit must have no mention of salary). We compared the hours of work and leave entitlement in the employment contract to determine whether these are consistent with the Basic Conditions of Employment Act.

We found that the positions set out in the organogram/organisational diagram for *(insert the name of the employer or project as the case may be)* refer to the pro forma contracts and the job descriptions that have been presented to us. In addition, we found that the salary is not inferior to that paid to South African citizens and residents in the same market segment and that the hours of work and leave entitlement do not contravene the provisions of the Basic Condition of Employment Act. *(Attach organogram, pro-forma contracts, letter from salary benchmarking organisation initialled for identification purpose)*

OR

We have reviewed an organogram / organisational diagram prepared by *(insert the name of the employer)* for the division/project/employer that includes the staff's residential status and job descriptions. We have reviewed pro forma contracts for the positions that will be filled by foreigners as well as job descriptions for positions that relate to the pro forma contracts. We have reviewed the collective bargaining agreements for the industry and/or other applicable standards from the Department of Labour and have obtained written confirmation from the Department of Labour, confirming the appropriate salary for this category of employment. We have compared the hours of work, overtime and leave entitlement in the employment contract/offer to determine whether these are

consistent with the provisions of the Basic Conditions of Employment Act.

We found that the positions set out in the organogram/organisational diagram for *(insert the name of the employer or project as the case may be)* refer to the pro forma contracts and the job descriptions that have been presented to us. Furthermore, the salary set out in the signed employment contract/offer of employment is not inferior to that paid to South African citizens and residents in the same market segment and that the hours of work, overtime and leave entitlement contained within the employment contract do not contravene the Basic Conditions of Employment Act. *(Attach organogram, pro-forma contracts, letter from Department of Labour initialled for identification purpose)*

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

H. DIRECT RESIDENCE

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN APPLICATION FOR DIRECT RESIDENCE IN TERMS OF SECTION 26 OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 26(a)(i) of the Immigration Act we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for direct residence for *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for direct residence, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating that the position exists and will be filled by the foreigner or is currently filled by the foreigner.

We found that the position exists and will be filled or will continue to be filled by *(insert the name of the applicant)*, after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes or quoted below is the relevant portion of the affidavit)*

2. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating the job description for the position to be fulfilled by the work permit applicant.

We found that the job description for *(insert the name of the applicant)* entails....., after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes or quoted below is the relevant portion of the affidavit)*

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

I. RESIDENCE DUE TO A PERMANENT WORK OFFER

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN APPLICATION FOR RESIDENCE IN TERMS OF SECTION 27(a)(i) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 27(a)(i) of the Immigration Act have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for permanent residence due to a permanent work offer by *(insert the name of the employer)* to *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for a permanent residence permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We obtained an affidavit from a responsible individual employed by *(insert the name of the employer)* (e.g. Human Resource Manager or officer, General Manager, CEO etc) clearly stating that the position exists.

We found that the position exists, after having reasonably relied upon an affidavit signed by *(insert the name of the responsible individual)* on *(insert date)*, who we believe has knowledge or expertise in this matter. *(Attach the affidavit and job description initialled for identification purposes or quoted below is the relevant portion of the affidavit)*

2. We have obtained particulars of the application made by the unsuccessful applicants for the position, together with the

reasons why these applicants were not favourably considered for the position. Or We obtained a written confirmation from a responsible individual employed by (*insert the name of the employer*) that no South African citizens or residents applied for the position, which was appropriately advertised.

We found that no suitably qualified South African citizens or residents were available to fill the position, after having reasonably relied upon an affidavit signed by (*insert the name of the responsible individual*) on (*insert date*), who we believe has knowledge or expertise in this matter. (*Attach the affidavit and job description initialled for identification purposes or quoted below is the relevant portion of the affidavit*).

3. We have obtained the original advertisement, placed in the South African national press, setting out the job description. We have perused the advertisement to ensure that it complies with Regulation 28(6) or we have determined that Regulation 28(6)(c) applies in this case.

We found (*insert the name of the applicant*) was exempted in terms of Regulation 28(6)(c).

OR

We found that the advertisement complies with all the conditions of Regulation 28(6).

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor (*if applicable*)

Chartered Accountant (SA)

Date

Address

J. RESIDENCE DUE TO OWN BUSINESS

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN APPLICATION FOR RESIDENCE IN TERMS OF SECTION 27(c) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 27(c) of the Immigration Act, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for residence due to own business for *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for permanent residence permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

In case of a company and a close corporation

1. We inspected the certificate of incorporation/founding statement of *(insert company or close corporation name)*/have performed a search of the Registrar of Companies/Close Corporations for *(insert company or close corporation name)*, and checked that the registration of the legal entity has occurred.

We found that the business was/was not registered as at *(insert date of procedure)* in terms of the Companies Act or Close Corporation Act. *(Attach a copy of certificate of incorporation or a copy)*

In case of partnership, a sole trader and the trust

2. We inspected the partnership agreement, **or** lease of a business premises clearly indicating the purpose of the business/title deed

from the deeds office in case of owned property, **or** a trust deed for a duly registered trust and have inspected proof of registration with the Local Council or Municipality for the business licence.

We found that the business was/was not brought into being by means of a partnership agreement between *(name the parties)*. *(Attached is a copy of the partnership agreement)*

OR

We found that *(identify the individual)* has leased/owned business premises at *(give address on lease/owned property)* for the purpose of establishing a sole trader and the principle business activity that may be conducted at the premises is indicated as *(quote from the lease)* in the lease/ business licence. *(Attach a copy of the lease agreement or the title deed and the business licence)*

OR

We found that the applicant *(quote from trust documents)* has/has not established a trust named *(quote trust document)* in whose name business may be conducted. *(Attach a copy of the trust deed and the business licence (where applicable))*

3. We inspected documentation issued by the South African Revenue Services (SARS) that provide the tax registration details of *(name of business/individual/trust)* or documentation that indicates that such registration has been applied for.

We found that the business/individual/trust was/was not registered for income tax. *(Attached a copy of tax registration certificate)*

4. We inspected the proof of registration for relevant taxes and levies, applicable to businesses operating in South Africa.

We found that the business/individual/trust was/ was not registered for the following relevant taxes and levies: *(List taxes or levies registered for as well those not registered for)*

5. We inspected proof of registration with the relevant industry governing bodies (in this case governing body means a Regulatory authority e.g. Financial Services Board or an Association that a business may be required to register with if carrying on a particular trade).

We found that the business/individual/trust was/was not registered with the following governing bodies (*list those governing bodies*) **or** We have found that the business/individual/trust was not registered with any governing body since no governing body for this industry exists.

6. We inspected a letter received from (*insert name of bank*) on the availability of funds for transfer from abroad, and the valuation certificates received from the South African Council of Valuers (or equivalent body in the country where the assets are located) for all assets, including the tangible assets to be invested as part of the business. We perused the relevant government gazette stating the minimum prescribed amount to be invested in a business.

We found that the value of financial or capital contribution of at least (*state finding in Rand, state foreign currency value exchange rate if required*) including intangibles generally accepted in terms of the Statement of Generally Accepted Accounting Practice on Intangible Assets (AC 129) was invested as part of the prescribed financial or capital contribution of the business.

OR

We found that the requirements have been waived or reduced by the Department of Home Affairs in term of Section 15(3) of the Act. (*Attach a copy of a Section 15 (3) waiver from the Department of Home Affairs*)

7. We obtained written representation from the management/owners or obtained a business plan clearly stating the nature of the business to be conducted. (*Attach copies of the representation or business plan*)

We found that the following statement was contained therein, which satisfies at least one of the qualifying criteria contained within the Act (*indicate which ones*):

- 7.1 The investors have a business track record which testifies to their entrepreneurial skill (*Obtain guidance from Department of Home Affairs as to whether the specific statement within the representation or business plan is adequate*)
- 7.2 The business contributes to the geographical spread of the country (*Obtain guidance from Department of Home Affairs*)
- 7.3 At least five citizens or residents shall be employed by the business
- 7.4 The business in question operates within an economic sector as specified in Regulation 24(2)(e)
- 7.5 The business displays export potential
- 7.6 The business requires or involves a transfer of technology not previously generally available in the Republic of South Africa.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor (*if applicable*)

Chartered Accountant (SA)

Date

Address

K. RESIDENCE DUE TO RETIREMENT**REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR A APPLICATION FOR RESIDENCE IN TERMS OF SECTION 27(e)(i) or (ii) OF THE IMMIGRATION ACT****Scope**

In terms of the provisions of Section 27(e)(i) or (ii) of the Immigration Act we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for permanent residence due to retirement permit of *(insert the name of applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for permanent residence permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We inspected an original or a certified copy of the letter confirming the applicant's pension entitlement (i.e. a policy or a letter from the pension provider) received from *(pension provider state or government)*. We have reviewed documentation relating to the duration of the pension entitlement. We have converted the foreign currency amount to a Rand value using the applicable exchange rate as at *(give date)*.

We found that *(insert the name of the applicant)* is presently entitled to a pension income of *(amount in Rand, foreign currency and exchange rate)* per annum or per month from *(insert the name of pension provider, or state or government)*. This amount is payable for life or for a minimum term of 20 years. *(Attach the correspondence on which we have based our findings)*

2. We inspected an original or a certified copy of the annuity policy underwritten by *(insert name of the financial institution)*. We have reviewed documentation relating to the duration of the annuity. We have converted the foreign currency amount to a Rand value using the applicable exchange rate at *(give date)*.

We found that *(insert the name of the applicant)* is presently entitled to an annuity income of *(amount in Rand and foreign currency)* per annum or per month from *(insert the name of the financial institution)*. The annuity is irrevocable, and is payable for life or for a minimum term of 20 years. *(Attach the documents and correspondence on which we have based our findings)*

3. We inspected documents relating to retirement account of *(name of the applicant)*. We have converted the foreign currency amount to a Rand value using the applicable exchange rate at *(give date)*.

We found that *(insert the name of the applicant)* is presently entitled to a retirement income of *(insert Rand amount, foreign currency and exchange rate)* for life or minimum of 20 years. *(Attach the documents and correspondence on which we have based our findings)*

4. We inspected original or certified copies of all title deeds for immovable assets and have determined the value of these assets by obtaining a certificate of their value from a member of the South African Council of Valuers and obtained the results of a deeds office search by an attorney in South Africa/or reviewed a certified copy of the deed of transfer. In the case of non South African assets we have inspected a valuation certificate from an equivalent body in the jurisdiction where the asset is situated. In the case of all other assets we have inspected a valuation certificates from a member of the South African Council of Valuers. We have reviewed documentation that provides information concerning the amount of income being generated by the following assets *(list assets)*.

We found that *(insert the name of the applicant)* had a net worth of *(insert amount)* and an income of *(insert amount)* per

month. *(Attach the documentation on which the findings have been based)*

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

**L. RESIDENCE DUE TO FINANCIALLY
INDEPENDENT STATUS**

**REPORT OF THE CHARTERED ACCOUNTANT TO THE
DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS
FOR AN APPLICATION FOR RESIDENCE IN TERMS OF
SECTION 27(f) OF THE IMMIGRATION ACT**

Scope

In terms of the provisions of Section 27(f) of the Immigration Act, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for a permanent residence permit of *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for permanent residence permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We have obtained an affidavit from the applicant detailing the applicant's assets and liabilities, inspected valuation certificates of the applicant's assets from a member of the South African Council of valuers and inspected confirmation letters from the applicant's bank on funds available, in order to establish minimum net worth of *(the name applicant)*.

We found that Mr/Mrs *(insert the title and name of the applicant)* has a minimum net worth of R *(insert amount)* which is greater or equal to *(insert amount)* as required in terms of Regulations.

2. We have inspected the proof of payment made to the Department of Home Affairs as required in terms of the Act and Regulations

We found that *(insert the title and name of the applicant)* has paid an amount of *(insert amount)* to the Department of Home Affairs.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor *(if applicable)*

Chartered Accountant (SA)

Date

Address

M. RELATIVES PERMIT

REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN APPLICATION FOR A RELATIVES PERMIT IN TERMS OF SECTION 18(1) OF THE IMMIGRATION ACT

Scope

In terms of the provisions of Section 18(1) of the Immigration Act, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for a relatives permit for (*insert the name of the applicant*) dated (*insert date*).

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for a relatives permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We reviewed (*at least two documents should be reviewed*), a payslip, a letter from the sponsors employer confirming the salary or three months' bank statements for sponsor and the applicant in case of joint means of support.

We found that (*insert the name of the sponsor*) had a net income of (*insert amount*) after tax, on a monthly basis or we found that (*insert the name of the sponsor and the applicant*) have joint means of support of (*insert amount*). (*Attach copies of supporting documentation*)

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor (*if applicable*)

Chartered Accountant (SA)

Date

Address

N. VISITORS PERMIT**REPORT OF THE CHARTERED ACCOUNTANT TO THE DEPARTMENT OF HOME AFFAIRS ON FACTUAL FINDINGS FOR AN APPLICATION FOR A VISITORS PERMIT IN TERMS OF SECTION – 11(1)(b)(II)(dd) OF THE IMMIGRATION ACT****Scope**

In terms of the provisions of Section 11(1)(b)(ii)(dd) of the Immigration Act, we have performed procedures agreed-upon with the Department of Home Affairs and described below in respect of an application for a visitors permit of *(insert the name of the applicant)* dated *(insert date)*.

Our engagement was undertaken in accordance with the statement of South African Auditing Standards applicable to Agreed-upon Procedures Engagements. The responsibility for determining the adequacy or otherwise of the procedures is that of the Department of Home Affairs. Our procedures were performed solely to assist the Department of Home Affairs in evaluating the application for a visitors permit, and should be used only for this purpose. The procedures are summarised as follows:

Agreed-upon procedures and findings

1. We inspected the secondment letter or assignment letter or payslip or other proof of availability of funds for *(insert name of the applicant)* and compared available funds for his/her upkeep in South Africa to a minimum amount required in terms of the Immigration Regulation.

We found that *(insert the name of the applicant)* has *(insert amount)* available for his upkeep in South Africa and that this amount exceeds the minimum amount of *(insert amount)* required in terms of the Immigration Regulations and is sufficient for his/her upkeep in South Africa.

OR

2. We have obtained proof that (*insert name of another person*) a person other than the applicant is responsible for the accommodation and living expenses of the applicant in South Africa.

We found that (*insert the name of the company*) has undertaken to provide accommodation and living expenses for (*insert the name of the applicant*) and that the alternative minimum required amount of (*insert amount*) in terms of the regulations has been met.

Because the above procedures do not constitute either an audit or review made in accordance with statements of South African Auditing Standards, we do not express any assurance that information given to us in good faith meets the requirements of the Immigration Act.

Our report is solely for the purpose set out in the first paragraph of this report and for your information, and is not to be used for any other purpose, nor to be distributed to any other parties.

Name

Registered Accountant and Auditor (*if applicable*)

Chartered Accountant (SA)

Date

Address

September 2003

Johannesburg

I Schoole

Executive President