

# Talent has no borders: Seconding Employees to Namibia

## Namibia's corporate immigration framework

The regulation of the employment of foreign nationals in Namibia is governed by the Immigration Act, 1993.

### Which permit is required?

A foreign employee desirous to work or do business in Namibia requires a visa.

A work permit grants individuals the right to work and specifies the length of time allocated for each specific activity and description of persons authorised to be employed. The duration of time spent in Namibia for work determines the type of visa required. There are two types of work permits namely, a short-term work visa and a long-term work visa. The short-term visa is for temporary work, which is valid for a 3-month period and can be renewed for another 3-month period. However, the short-term visa cannot be issued for more than 6 months in total. Long-term work visas are granted to individuals who are employed in Namibia for 7 months or longer and are issued for up to 2 years.

Investors permits are granted to individuals who want to establish a close corporation or to invest in a Namibian company. This process is complicated due to the volume of permits that are submitted to the Ministry of Home Affairs and Immigration.

The requirements for the business and work visas are as follows:

	Short-Term Work Visa	Long-Term Work Visa	Investors Permit
<b>Duration</b>	Valid for 3 months and can be renewed to a maximum of 6 months.	Valid for 7 months or longer and it can be allocated for either 1 year or a maximum of 2 years.	Maximum of 2 years.
<b>Application</b>	<p>You will be required to provide the following documents for the application:</p> <ul style="list-style-type: none"> <li>• visa application form;</li> <li>• passport;</li> <li>• two recent passport photos;</li> <li>• tertiary qualifications/training certificates;</li> <li>• advertisements;</li> <li>• medical and radiological certificate;</li> <li>• police clearance certificate;</li> <li>• reference letters;</li> </ul>	<p>You will be required to provide the following documents for the application:</p> <ul style="list-style-type: none"> <li>• visa application form;</li> <li>• passport;</li> <li>• two recent passport photos;</li> <li>• tertiary qualifications/training certificates;</li> <li>• advertisements;</li> <li>• medical and radiological certificate;</li> <li>• police clearance certificate;</li> <li>• reference letters;</li> </ul>	<p>The investor will be required to establish the appropriate company structure - either a company or a closed corporation. Thereafter, the investor must submit a certificate of status of investment, which is approved by the Department of Trade and Industry. In considering the investors permit, the investor will be required to provide a business plan, covering at least a 5-year period and a minimum of 2 million Namibian Dollars must be available for the investment. The investor will then be allowed to apply for a permit in which the following documents are</p>

	Short-Term Work Visa	Long-Term Work Visa	Investors Permit
	<ul style="list-style-type: none"> <li>letter of employment from the company / business cover letter / tender;</li> <li>motivation letter by the employer, including reasons for appointing the applicant and not a Namibian citizen;</li> <li>social security;</li> <li>deed of surety;</li> <li>tax registration from the company; and</li> <li>copy of a yellow fever vaccination certificate.</li> </ul> <p>There is no quota on the number of foreign employees allowed to work in Namibia.</p>	<ul style="list-style-type: none"> <li>letter of employment from the company / business cover letter / tender;</li> <li>motivation letter by the employer, including reasons for appointing the applicant and not a Namibian citizen;</li> <li>social security;</li> <li>deed of surety;</li> <li>tax registration from the company; and</li> <li>copy of a yellow fever vaccination certificate.</li> </ul> <p>There is no quota on the number of foreign employees allowed to work in Namibia.</p>	<p>required:</p> <ul style="list-style-type: none"> <li>visa application form;</li> <li>passport;</li> <li>two recent passport photos;</li> <li>tertiary qualifications/ training certificates;</li> <li>advertisements;</li> <li>medical and radiological certificate;</li> <li>police clearance certificate;</li> <li>reference letters;</li> <li>copy of Curriculum Vitae;</li> <li>letter of employment from the company / business cover letter / tender;</li> <li>motivation letter by the employer, including reasons for appointing the applicant and not a Namibian citizen;</li> <li>status of investment certificate;</li> <li>social security;</li> <li>deed of surety;</li> <li>tax registration from the company; and</li> <li>copy of a yellow fever vaccination certificate.</li> </ul>
<b>Prescribed Fee</b>	<p>N\$ 80 (Handling fee)</p> <p>N\$ 390 (If visa is granted, the applicant will be charged this fee on collection of the approved visa).</p>	<p>N\$ 80 (Handling fee)</p> <p>N\$ 390 for 3 months or N\$ 780 for 4 to 6 months (If visa is granted, the applicant will be charged this fee on collection of the approved</p>	<p>N\$ 80 (Handling fee)</p> <p>N\$ 780 (If visa is granted, the applicant will be charged this fee on collection of the approved visa).</p>

	Short-Term Work Visa	Long-Term Work Visa	Investors Permit
		visa).	
<b>Issued by</b>	All work permits must be submitted at the Ministry of Home Affairs and Immigration.	All work permits must be submitted at the Ministry of Home Affairs and Immigration.	All work permits must be submitted at the Ministry of Home Affairs and Immigration.

## Permanent Residence

Permanent residence is granted to foreign nationals who have been working in Namibia for a certain number of consecutive years.

Each application is taken on merit and the requirements will differ depending on whether the individual is working, retired, an investor or any other consideration. The individual will be required to be a holder of a work permit for a period of at least 10 years in order to make the application for permanent residency. Upon awaiting the outcome of the application, the individual may not be in Namibia. Once the application is approved, the permanent residence status will be retained permanently on condition that the holder visits Namibia at least once every 3 years.

The application is approved at the discretion of the Ministry of Home Affairs and Immigration.

## Spouses and Dependants

Spousal and dependant visas are issued to individuals who are spouses, or minor child/ren of a Namibian citizen. The spouse and dependant of a long-term permit holder can obtain a visa to enter Namibia concurrently with the long-term work permit holder. Whereas, spouse and dependant/s of a short-term work permit holder will only qualify for a tourist visa. The spouse or dependant may not take up employment or enrol for studies without additional authorisation by way of a work or study permit.

Same sex marriages are not permitted in Namibia. The spouse of a long-term work permit will have to apply for their own long-term work permit in order to reside with their spouse in Namibia. The spouse of a short-term work holder will also only qualify for tourist work permit. The same will apply for life partnerships, as Namibia does not recognize life partnerships as valid grounds for a spousal visa.

## Practical Considerations

In addition to obtaining immigration approval for the employee's assignment, employers should ensure that the requisite employment and secondment agreements are in place. Where there will be an employment agreement in existence in both the home country and in the foreign country, the employer should be careful to avoid conflict between the two agreements. Thought should also be given to the action plan should either one of the employment agreements be terminated, for whatever reason.