



DEPARTMENT OF HEALTH
Republic of South Africa

POLICY

RECRUITMENT AND EMPLOYMENT OF FOREIGN HEALTH PROFESSIONALS IN THE REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN HEALTH SECTOR

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POLICY

RECRUITMENT AND EMPLOYMENT OF FOREIGN HEALTH PROFESSIONALS IN THE REPUBLIC OF SOUTH AFRICA

1. PURPOSE

- 1.1 To regulate the recruitment, employment, migration and support towards residency status of foreign health professionals in the Republic of South Africa (SA) by the

2. BACKGROUND

- 2.1 The recruitment and employment of foreign health professionals in the South African Health Sector is viewed within the context of recruiting suitably qualified persons with proven skills and experience.
- 2.2 Preference is given to recruitment from foreign countries where the training and education meet the minimum requirements of training and education of health professionals in South Africa. The candidature of these applicants may be endorsed for registration with a relevant health professional council in the so-called 'non-exam' (fast-track) route, where it may exist. All other applicants will be subjected to formal testing by a relevant health professions council, which may include an examination, written and/or practical, conducted by the relevant professional board / registration authority.
- 2.3 The primary aim of the Department to allow for recruitment from abroad is to deploy health professionals with the relevant skills and competencies to work in under-served / remote areas of South Africa.

3. LEGAL RIGHTS

- 3.1 Recruitment and employment remain the prerogative of an Employer.
- 3.2 This is a general principle and would direct the decision of the Department in considering any application from abroad. Foreign nationals seeking to work as health professionals in South Africa may be categorized as follows:
- (a) Permanent residents;
 - (b) Spouses of citizens or permanent residents;
 - (c) Temporary residents; and
 - (d) Spouses of temporary residents.
- 3.3 PERMANENT RESIDENTS
Permanent residents may be considered for full-time employment in permanent posting, limited to their registration status. Foreign applicants on permanent residence status who obtained their basic qualification in South Africa may apply to do:
- 3.3.1 Internship as defined in the relevant legislation, **and/or**
 - 3.3.2 Community Service as defined in the relevant legislation, **or**
 - 3.3.3 Five years of Public Service in lieu of the community service posting.

- 3.3.4 An applicant referred too in 3.2.2 may at any time during community service apply for registration and employment in the Public Service and have the part of community serve period recognised for part of Public Service; and
- 3.3.5 An applicant referred too in 3.2.3 may at any time revert to do Community Service, on condition that no part of service less than five years be recognised as community service and that he/she applies for allocation to an identified post to complete one year of community service; and
- 3.3.6 Those applicants who have qualified abroad, irrespective of where they obtained their qualification, and who have secured permanent residence, can apply for registration in the category 'Public Service' only.

3.4 SPOUSES OF CITIZENS OR PERMANENT RESIDENTS

- 3.4.1 Foreign spouses of SA citizens / permanent residents have a right of temporary residence and to earn an income by working in South Africa in order to fulfil their duty of support to their local spouses, pending the processing of an application for permanent residence. This right, however, does not constitute the right to practice a profession that is regulated or to be employed in a specific sector of the economy or to be employed in a specific post or position. Refer to 3.1 above.
- 3.4.2 Those applicants who have qualified abroad, irrespective of where they obtained their qualification, may, upon submission of written evidence that they have secured suitable residential status from Home Affairs to cohabit with their SA spouses, apply to the National Department of Health for an initial letter of endorsement to facilitate their application for registration.

3.5 TEMPORARY RESIDENTS

- 3.5.1 Temporary residents are only entitled to be in South Africa for the initial period and purpose as endorsed in their temporary residence permits with the definite understanding that he/she may not abuse the opportunity to seek employment. As a general rule, applicants who received support towards such visas must leave the country upon expiry thereof.
- 3.5.2 Applicants, who were issued an 'Asylum Seeker temporary permit' in terms of section 22 of the Refugees Act, 1998 (Act no 130 of 1998) by Home Affairs, are not eligible to be employed in a full-time basis on the fixed establishment or enrolled for the examination processes by a statutory Health Professional Council in South Africa. Job offers issued to asylum seekers will not be endorsed until the applicants have secured formal recognition of his/her refugee status in the RSA in terms of the Refugees Act, 1998 (Act No 130 of 1998).
- 3.5.3 Applicants who present documentary evidence that they have secured formal recognition of his/her refugee status in the RSA in terms of the Refugees Act, 1998 (Act No 130 of 1998), can apply to the National Department of Health for support towards enrolment and to be accepted for examination by a statutory Health Professional Council in South Africa.
- 3.5.4 Health Professional Councils may not accept applications for examination or evaluation or registration prior to documentary evidence that the applicants in this category received a letter of endorsement from the National Department of Health, a first letter to support the Council's initial evaluation/examination processes and a second letter thereafter in support of the actual issuance of an endorsed certificate based on the employment-allocation by the Department.

3.6 SPOUSES OF TEMPORARY RESIDENTS

- 3.6.1 Spouses of temporary residents can be granted permits to accompany the temporary resident during his or her stay in South Africa. As a general principle, spouses of temporary residents are not supported for employment opportunities. If such a spouse wishes to work as a health professional in South Africa, he/she will have to apply in his/her own right to the National Department of Health to consider, as an exceptional case, for support towards examination by a statutory Health Professional Council in South Africa.

4. GENERAL POLICY PRINCIPLES

- 4.1 As a general principle, no foreign health worker may depart to South Africa to practice his or her profession or to seek employment without a formal FWMP-letter of invitation / employability;
- 4.2 Registration with a statutory health professional council in SA is a prerequisite for employment as a health professional in South Africa;
- 4.3 Applicants may submit applications through representation, legal or other;
- 4.4 Health Professional Councils may not accept applications for examination or registration prior to documentary evidence that the application is supported by the National Department of Health;
- 4.5 The FWMP of the National Department of Health shall endorse each individual application to update the foreign workforce database and to report to Home Affairs in the prescribed manner;
- 4.6 Where there is an adequate supply of trained SA health professionals, recruitment from abroad and/or the continuous employment of foreign health professionals should be duly managed and applications for permanent residence should be well motivated, especially promotion-level posts on level 11 and higher;
- 4.7 Recruitment of *individual* applicants from identified developing countries, in particular from another SADC country, will not be endorsed by the Department;
- 4.8 Foreign applicants are employed in terms of the prerogative of the Employer may not migrate from one employer to another (public/private) or between provinces. Migration to urban areas, with less than three years of 'rural' service, will not be supported;
- 4.9 All employment relationships should be bound by a temporary employment contract, aimed at addressing a temporary and specific human resource need; and
- 4.10 Foreign health professionals who are temporary residents and who obtain suitable registration for employment in the Public Service will not be allowed to take up employment outside the scope of their registration status and employment contracts.

5. SPECIFIC PROVISIONS

- 5.1 Applications for full-time employment from qualifying foreign health professionals will be considered, subject to the applicants meeting the following criteria:-
- 5.1.1 Competing fairly for the prospective position and on condition that no qualified South African citizen or permanent resident is readily available or has applied for the position;
- 5.1.2 Obtaining a written job offer and signing a contractual agreement of employment of which the maximum term thereof is three years;

- 5.1.3 Securing of suitable registration with the relevant statutory health professional council;
- 5.1.4 Compliance with the normal statutory requirements for work permits and temporary residence in the Republic of SA;
- 5.1.5 Demonstration of professional competence, and high ethical standards;
- 5.1.6 Fluency in English, or at least one of the official languages of South Africa; and
- 5.1.7 Continuous employment with the same employer in South Africa.

6. Postgraduate training

- 6.1 Preference for postgraduate training will be given to South African citizens and permanent residents, and citizens from countries where government-to-government agreements exist. Any applicant from another country should be fully sponsored by their respective governments or an NDOH-accepted donor.
- 6.2 Sponsored post-graduate students should not receive remuneration from any source within South Africa and no job offers made to this category of temporary residents will be endorsed;
- 6.3 Health Professional Councils should not allow for this category of temporary residents to be considered for the prescribed examinations;
- 6.4 Prospective applicants for supernumerary registrar and other post-graduate student opportunities shall apply to the National Department of Health for a letter of endorsement. The following criteria must be satisfied:
 - 6.4.1 Submission of documentary evidence that they are fully sponsored by the home government or a donor, to be considered by the NDOH;
 - 6.4.2 Proof of registration or proof that the applicant is registerable with a relevant statutory health professional council in SA;
 - 6.4.3 Obtaining of a formal study permit prior to entering the training programme, endorsed to do practical exposure in a Public Service hospital only;
 - 6.4.4 Submission of proof that the applicant will, on an annual basis, lodge documentary evidence of sufficient funds to cover tuition fees, maintenance, medical and/or incidental costs whilst residing in South Africa;
 - 6.4.5 The Provincial Department of Health must endorse the practical engagement (attachment to a provincial hospital); and
 - 6.4.6 Completion of the required undertakings to be provided by the National Department of Health.

7. Exchange Registrars

- 7.1 The Department would support structured regulated exchange programmes with other countries, mainly other SADC countries.
- 7.2 A study permit for an exchange registrar will be supported for a limited period, generally one year per applicant and the applicant should apply for the study permit abroad
- 7.3 Support will be conditional, with the contractual provision that the applicant returns to her/his home country upon completion of the one-year exchange programme.

8. Academic Appointments at Tertiary Institutions

- 8.1 The employment of foreign health academic staff should be on a contractual basis for an initial period not exceeding three years;
- 8.2 Posts should be duly advertised to facilitate the drive to recruit and train SA citizens and permanent residents. The motivation must include efforts made by the university to recruit or train South African citizens and permanent residents.
- 8.3 All applicants in this category should have a valid work permit prior to assuming duty with a prospective academic institution.

9. Undergraduate Training in South Africa

- 9.1 Foreign students from SADC nations, fully sponsored by their governments, will receive preference over other foreign applicants with regards to access to universities and tertiary institutions in South Africa;
- 9.2 Undergraduate students shall be fully sponsored by their respective governments or an NDOH-accepted donor;
- 9.3 Entrance into an undergraduate training programme will be strictly conditional, with the contractual undertaking that the individual returns to her/his home country upon completion of the basic training programme;
- 9.4 Applicants must submit proof of suitable registration and on an annual basis, of sufficient funds to cover tuition fees, maintenance, medical and/or incidental costs whilst residing in South Africa; and
- 9.5 South African employers, Public and Private sector, may not make job offers to or raise the expectations of foreign citizens who are due to or who have completed their studies in SA.

10. Internship

- 10.1 Internship constitute full-time employment at full remuneration and foreign health professionals will not be allocated to internship positions in South Africa, with certain exceptions:
 - 10.1.1 Foreign applicants who are permanent residents in South Africa,
 - 10.1.2 Foreign applicants who have matriculated and subsequently graduated in South Africa and who have lodged applications for permanent residence and whose parents/guardians are citizens or permanent residents of South Africa.
 - 10.1.3 Foreign applicants from SADC countries where the home country does not have accredited academic facilities. This category should be employed on a one-year fixed-term employment contract and should return to their respective home countries upon expiry thereof.
 - 10.1.4 Applicants will not qualify for registration with the HPCSA as an intern without a letter of endorsement from the National Department of Health.

11. Community Service

- 11.1 A South African citizen who obtained a qualification in a foreign country where the relevant registration authority in SA would have allowed for registration in the non-exam route, may apply to do Community Service as defined in the relevant legislation, **or** may apply to do five years of Public Service in lieu of the community service posting.

- 11.2 Those SAC's who have qualified abroad whose qualifications are not recognised for registration by the relevant health professions council in the non-exam route, can apply for registration in the category 'Public Service' only;
- 11.3 Community Service constitute full-time employment and foreign health professionals will not be allocated to designated community service posts in South Africa, with the exception of foreign health professionals who have qualified in South Africa and who have secured permanent residence in South Africa, and
- 11.4 All applicants shall apply to the National Department of Health to consider each case on merit and to issue a letter of endorsement.

12. DOH certification towards the issuance of Work Permits / extension of work permits

- 12.1. All applicants for work permits shall, directly or through representation, apply to the NDOH for a letter of endorsement and certification in terms of section 19 of the Immigration Act; and
- 12.2. In terms of section 19 of the Immigration Act, Employers are obliged to monitor the validity of the work permits of their workforce and to compile a status report (i) at the time of employment, (ii) six months thereafter and (iii) annually thereafter for the duration of the employment engagement;

13. NDOH certification towards applications for permanent residence

- 13.1 All applicants for permanent residence status shall, directly or through representation, apply to the NDOH for certification in support towards their applications for permanent residence in terms of section 26 or 27 of the Immigration Act; and
- 13.2 The applicants will be required to submit the documents as required in the prescribed application form obtainable from the FWMP.

14. The FWMP would endorse letters of endorsement with the following:

- 14.1 Employment will be on a temporary three-year contract-basis and is limited to the Public Health Sector only. Contract should be submitted to this office within 30 days after assuming duty and should not exceed three (3) years (non-renewable);
- 14.2 Support towards employment is subject to applicants obtaining suitable registration from the HPCSA. Please note that the Department's support is at all times subject to the requirements of the HPCSA. A copy of the registration certificate should be forwarded to the FWMP for the record;
- 14.3 Employment is subject to applicants maintaining the validity of work permits / refugee status with the Department of Home Affairs (DHA). Refugees do not need to apply for a work permit in order to take up employment in South Africa. Refugees are advised to apply for an identity document;
- 14.4 Letters of endorsement serve as a recommendation for clinical duties **only**;
- 14.5 The Department will not support any request for a transfer to another Province, until such time as both Provincial Heads of Health personally sign

an agreement allowing a transfer (letter of release and letter of acceptance);
and

14.6 **Applicants may not assume duty at any other hospital**, other than the above-mentioned institution prior to obtaining the Department's support.

This Policy will at all times be subject to South African laws regulating the entry of foreigners into the Republic, their residence and employment status; (*inter alia* the Immigration Act, 2002 (Act No 13 of 2002) and the Refugees Act 1998, Act 130 of 1998).