



DEMOCRATIC REPUBLIC OF CONGO (DRC)



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INTRODUCTION

Located in the center of (Southern) Africa is the Democratic Republic of Congo – in the following DRC. Its capital and largest city is Kinshasha, located on the Congo River.

The current population of the DRC is about 80 Million people, based on the latest United Nations estimates. The country home to a vast number of natural resources and mineral wealth. The Democratic Republic of Congo is widely considered to be one of the richest countries in the world regarding natural resources; its untapped deposits of raw minerals are estimated to be worth in excess of US\$24 trillion.

The country holds 70% of the world's Coltan, a third of its Cobalt, more than 30% of its diamond reserves, and a tenth of the Copper available globally. The country spans an area of 2.3 million square kilometers, the equivalent of two-thirds of the European Union. DRC's economy relies heavily on mining.

Due to the abundance of natural resources available, especially in the extractive sector, many foreign investors are active in the DRC. The country's potential remains largely untapped, the political situation over recent decades was unstable and the huge surface of the country is not equipped yet with reliable infrastructure.

Additionally, the country's large mine operations attract migrant workers from Africa and beyond and there is considerable migration for commercial activities from other African countries and the rest of the world

This writing offers a brief, comprehensive overview of the immigration landscape of the DRC.

ABOUT IBN

IBN Business & Immigration Solutions provides a full range of immigration services for Southern Africa. With our professional and trusted network of handpicked partners on the ground, we are familiar with the practical reality governed by immigration rules & regulations.

IBN has been in the industry for nearly 2 decades. The company holds its headquarters in Cape Town and boasts 3 offices; in Johannesburg, Stellenbosch and Windhoek (Namibia). Its team consists of over 20 caring and dedicated immigration professionals prepared to go the extra mile to find the best immigration solution for you.

OUR SERVICES FOR DRC

Our team of immigration specialists will facilitate your immigration into the DRC. We provide first class service and comprehensive, expert advice – to global corporations as well as individuals. The IBN immigration team will offer tailored solutions for all your immigration needs for the DRC with the assistance of our professional and trustworthy team on the ground.

DRC'S IMMIGRATION LANDSCAPE

DRC's legal immigration framework is rather basic. Specific provisions for a short term work permit (less than 1 year) do not exist and the local immigration officials have a wide discretion. These officials can strongly influence practice. Because of the vastness of the land, many places of possible entry and the remote areas in which many foreigners involved in mining find themselves, there are many ways in which they can exercise their authority, having the appropriate documents available is thus rather important.

WHAT IS A VISA

A visa is an official endorsement in a passport, which allows the bearer to proceed to the relevant country's territory provided that such bearer complies with the terms and conditions stipulated on the obtained visa.

TYPES OF VISAS AND PERMITS OFFERED IN DRC

Business visa

Work permit:

- *Short term work permit (de facto);*
- *Long term work permit*

Residence Permits – Etablissement de Travail

(BUSINESS) VISITOR'S VISA- ENTRY VISA

Obtaining a business visa is done at the relevant DRC mission, in the home country of the applicant. The service is extremely swift – processing takes 2 working days in Pretoria. The essential documents required are a sending letter and a notarized receiving letter, drafted by a DRC legal entity which is inviting the foreigner.

A clear distinction between tourist visas and visa for professional purposes is not in place. The requirements to obtain such entry visa are very similar, one can enter the DRC and explore the country or engage in business meetings. Performing actual work however is not permitted.

WORK AUTHORIZATION

The acceptance of expatriates who want to work in the DRC is dependent on holding of a valid work permit.

Applications for work authorization are submitted with the relevant authorities in the DRC. In practice a foreigner enters the DRC holding the abovementioned entry visa. After entry the submission of the work permit application is arranged.

It is important to note that foreigners wanting to work and reside in the DRC need not only obtain work authorization – additional residence permits to establish oneself in the country are also a must.

TYPES OF WORK PERMITS

There are two kinds of work permits that can be granted to non-DRC citizens. These two types of visas are; *Visa d'établissement de travail* (the "General Work Permit" VET) and the *Visa d'établissement de travail - catégorie spécifique*, (Special Skills Work Permit VETS).

VISA D'ÉTABLISSEMENT DE TRAVAIL

The general work permit is the type of work permit that is delivered to foreign employees of a company incorporated in the DRC. It requires an employment contract between the foreign

employee and a legal entity incorporated in the DRC, stringent motivation requirements for the hiring of a foreigner are not in place at present.

VISA D'ÉTABLISSEMENT DE TRAVAIL – CATEGORIE SPECIFIQUE

This type of work permit is originally created for individuals having specific skills and whom a company incorporated in the DRC is not able to recruit locally. Such individuals are often employed by another entity based outside the DRC or by subcontractors of the DRC Company requiring the skills.

Traditionally this type of permit was used by foreigners with specific skills, mostly to maintain and repair Mining equipment. Due to the often urgent need felt at DRC companies to get their operations up and running swiftly – a non-functioning mining operation loses out on revenue every minute – the applicants for such a visa were allowed to work immediately after they could proof that they have submitted their application for the VET permit. This permit would be valid for a maximum of 1 year.

PROCEDURE TO BE FOLLOWED TO OBTAIN A WORK PERMIT AND RESIDENCE PERMIT?

All applications must be submitted in the DRC. Thus, the applicant is required to hold a valid entry visa when submitting the application. Alternatively, it is possible to use a representative to get the application submitted locally on the applicant's behalf.

Long term work permit

To obtain the VET *work permit* – which is the General Work Permit, one first needs to apply at the Ministry of Employment to obtain the work card for expatriate workers. This card is the proof that the Ministry of Labour has granted permission for the foreigner to work in the DRC. For the application to be successful a number of documents is to be submitted, most importantly a contract with a local legal entity as well as information establishing the applicant's professional profile (CV, degrees etc.)

With this expatriate workers card, you apply for the VET *residence permit* at the *Direction Générale de Migration* (DRC Migration Agency, "DGM"). This is a formality, yet a step that must be taken. The applicant will receive permission to reside in the country, this will be granted for a period corresponding with the validity of the work authorization.

The applicant then has documents to establish that he / she is allowed to work in the DRC and to be legally in the country.

VET work permits are issued per classes, these classes are arranged per sector, as per the fee schedule below.

Interestingly enough another document will be required to travel in and out of the country. This is the *visa sortie-retour* (entry-return visa, *VSR*). This is the entry visa, issued to the holders of work and residence permits in the DRC. The visa is, in addition to the documents described above, required to travel in and out of the DRC. The visa is valid for a period of 7 months and can be renewed each time, as long as the applicant holds a valid work permit this is rather straightforward.

Getting the VET work and residence permit takes on average 4 months. For projects that require the swift entrance of an assignee the VETS is therefore usually applied for.

De facto Short Term Work Permit - VETS

The process of obtaining 'the Special Skills Work Permit VETS' is different and less cumbersome; the application is made directly to the DGM and upon submission one can work until the outcome is received. When approved the applicant can work for 1 year on the VETS. This enables the applicant, in case more time is needed, to apply for the VET as described here above.

The VETS allows the beneficiary to stay in the DRC for a maximum consecutive period of 6 months. The additional VSR must be obtained also for the VETS permit holder.

In practice the VETS permit is applied for by applicants doing all types of jobs, not merely the technically skilled workers for which this type of visa was initially created for.

Nowadays when an assignee needs to work in the DRC for a longer period of time, starting soonest, the most efficient way to accommodate such is by applying firstly for a normal entry visa, then the VETS after entry (or prior – we do arrange that) and after issuance of a VETS for 1 year the *real long term work permit, VET*, is applied for.

FEE SCHEDULE AND SECTOR DIVISION
1. VET

PUBLIC AND/OR PRIVATE COMPANIES CONCERNED	AMOUNT OF THE TAX (GOV. FEE)	EXPENSES OF DEPOSIT OF FILE	EXPENSES FOR BANK CHARGES
<ul style="list-style-type: none"> - Agro-industrial - Large Breedings or plantation; - Mining extraction; - Energy 	500 \$US	200 \$US	About 12 USD
<ul style="list-style-type: none"> - Building firms - Energy production - Metallurgical production and construction; - Manufacturing industries; - Transport and communication; - Service firms 	700 \$US	200 \$US	About 22 USD
<ul style="list-style-type: none"> - Company of general Trade - Companies of banking and financial institutions - Purchasing agencies 	1000 \$US	200 \$US	About 22 USD

- Purchasing agencies of the precious substances	2800 \$US	200 \$US	About 22 USD
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2. VETS

The VETS (DGM) costs are low in comparison to the General work visa: 150 USD: deposit file fees; 653 USD plus bank charges for the VETS and 183 USD including bank charges for the VSR.

It is important to note that if the VSR is not requested along with the VETS, the deposit fees will be paid twice.

HOW LONG EACH PERMIT IS VALID FOR & ARE THEY RENEWABLE?

The general work permit (VET) is valid for two years, renewable under the same conditions *ad infinitum*.

The VETS is valid for one year. It is not renewable in the same passport.

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