

EXPATRIATE TAX

A look at the new book released by LexisNexis and Tax Consulting that deals with the complexities of tax relating to South African citizens working abroad and foreigners in South Africa.

This book deals with a very niche and increasingly relevant area of taxation and is the first publication of its kind in South Africa. This specialised work provides a comprehensive technical and practical guide to South African tax for:

- individuals with their feet in more than one country;
- anyone involved with South Africans abroad or with international interests; and
- foreigners working, relocating to or otherwise investing in South Africa.

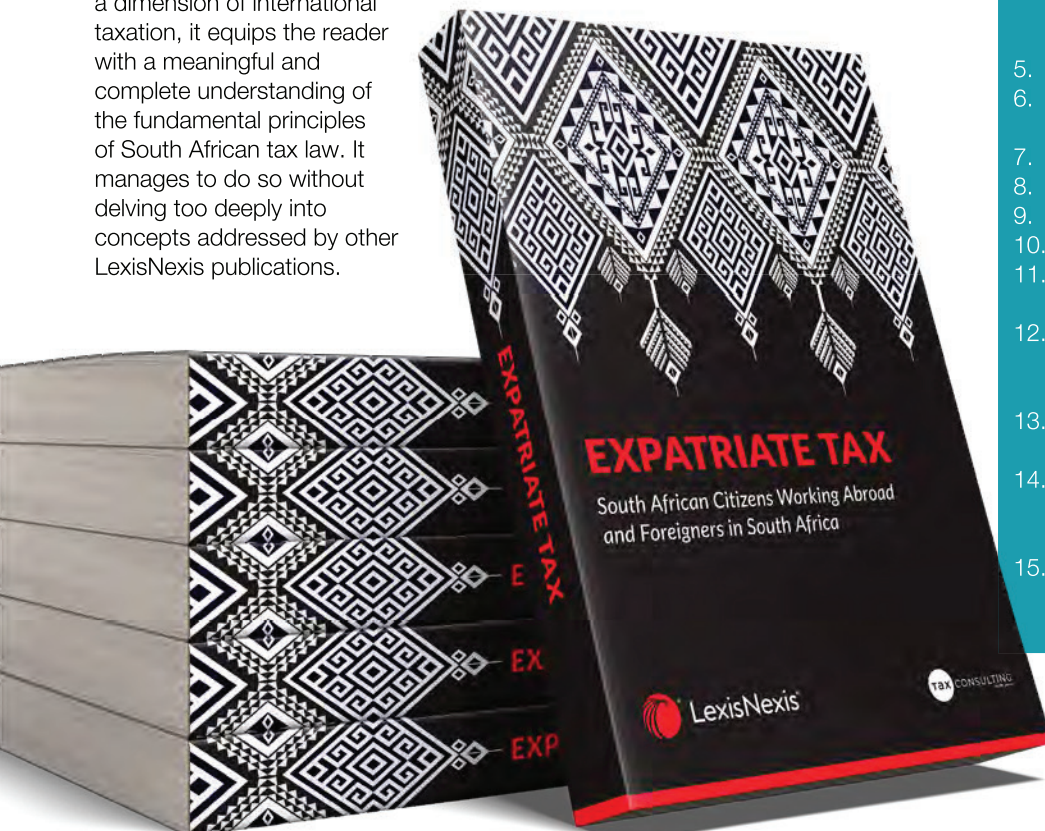
The novelty of the content extends beyond the core focus area, in that the authors focused on expanding on aspects where other academic guides have not yet ventured. These include principles of interpretation of fiscal legislation through the prism of the Constitution and extensive reference to the development of different provisions and commentary thereto. All of these form part of a more modern and purposive approach to tax law as a whole. The fresh and insightful perspective provided on payroll taxes throughout the text is also something that deserves special mention.

Whilst the core subject matter of the book deals with a dimension of international taxation, it equips the reader with a meaningful and complete understanding of the fundamental principles of South African tax law. It manages to do so without delving too deeply into concepts addressed by other LexisNexis publications.

It is evident that the authors carefully observed and considered all aspects that relate to international mobility. They included chapters and segments that deal with areas that perhaps fall outside the ambit of fiscal legislation but which are inextricably linked to an international individual's tax obligations. This includes chapters on work permits, expatriate remuneration methodology and exchange control, which also informs the topic of financial emigration. These chapters will be invaluable in any cross-border tax planning exercise.

The full list of 15 chapters is as follows:

1. Overview of the South African tax system
2. Residency
3. Source
4. Allowances, advances, reimbursements, employee relocation, equity instruments, repayable amounts and home office expenses
5. Fringe benefits
6. Retirement funding, lump sum payments and annuities
7. Specific exemptions
8. Specific principles on capital gains tax
9. Payment of South African tax
10. Tax administration
11. Double Tax Agreement principles and taxing rights
12. Exchange control, retirement annuity fund withdrawal and common reporting standards
13. Remuneration for international employees
14. Work visas, residency permits, passports for South Africans abroad and citizenship considerations
15. Capita selecta



WIN A COPY OF EXPATRIATE TAX!

To be 1 of 10 lucky readers to win a copy of the book, send your answer to the following question to editor@thesait.org.za with the subject line: expat tax.

Q: *This publication unpacks the complexities of expatriate taxes from which perspective?*

T&Cs apply. Competition ends on 30 June 2020.

On the whole, this publication unpacks the complexities of expatriate taxes from a South African perspective in a manner that speaks to the tax specialist as well as those who wish to obtain a meaningful grasp of the law.

Judge Dennis Davis, Judge President of the Competition Appeal Court, who wrote the foreword, provided the following overview:

"In summary, this is a carefully considered book which not only deals with all the various tax implications of immigration/emigration but even has space for a useful chapter on work permits. It is a most welcome addition to our body of tax literature and will doubtless be essential reading for anyone advising his or her client with regard to the tax consequences of migration."

This book will be invaluable to international taxpayers, expatriates, specialist tax advisors, tax managers, financial planners, SARS and National Treasury officials, tax lecturers and scholars of tax, human resource professionals, finance executives and managers, remuneration and reward specialists, payroll experts, attorneys, chartered accountants, estate agents and tax practitioners.

THE AUTHORS

Tax Consulting South Africa has since 2015 developed into the largest independent specialist tax practice in South Africa with over 100 professionals, servicing clients across the world from offices in Johannesburg and George. They are well versed in all South African taxes and their highly diverse team specialises in tax planning, tax compliance, SARS dispute resolution and generally just providing a more efficient and cost-effective alternative. Their client base includes some of the world's largest multi-nationals, South African corporates expanding internationally, family-owned businesses as well as high-net-worth families, executives and expatriates.

The firm attributes its growth to distinguishing its service offering from the approach of the traditional large providers. Also, they serve a niche where they deal with technically complex disputes that cannot always be managed by smaller tax, law or accounting practices. Having close relationships with many other tax practitioners also helps them better serve their clients.

The firm's clients are serviced by a multi-disciplinary team of admitted attorneys, chartered accountants, tax practitioners, remuneration and benefit specialists, emigration specialists, registered accountants, certified payroll professionals and work visa specialists. A holistic client service is critical, as tax planning and compliance cannot be done in isolation from other disciplines.

Jerry Botha and Maritza Botha are the founders, Mariana Stander leads the remuneration and benefits division, supported by Tanya Tosen and Janine O'Riley, who are deeply experienced in international remuneration, payroll and expatriate tax management. Marisa Jacobs heads up the largest work visa and residency permit provider for foreign nationals into South Africa. Claudia Apicella and Jonty Leon lead the expatriate tax team, unmatched for technical expertise and efficiency in dealing with South Africans abroad; supported by Thamsanqa Msiza, heading up compliance, and Lelanie Murphy who leads the accounting team.

The tax attorneys who deeply invested time in this LexisNexis publication are, in particular, Jean du Toit, Natasha Wilkinson, Darren Britz and Johnnie Kruger. Recognition is further given to Thomas Lobban, LLM (tax), and to the chartered accountants' invaluable input – holding their own in heated debates with the attorneys – Craig Rocher and Melani Du Toit.

