

TR 278**Facts**

A is a South African citizen who holds a South African passport. He is a leading entrepreneur and investor on the African continent. He is the founder of the X Group.

A moved to Mauritius in January 2023 together with his wife B and his three minor children, with the intention of taking up residence in Mauritius. As part of his migration, he established his business activities in Mauritius.

A is a registered taxpayer in Mauritius and he is the holder of an Occupation Permit as Investor in Mauritius issued by the Economic Development Board in February 2023. He also qualifies for a right of residence, since he has purchased a property in Mauritius.

A is married to B, a South African citizen holding a South African passport. B is employed by a Mauritian company as a professional and she holds an Occupation Permit as Professional issued by the Economic Development Board in April 2024. She is also registered as a taxpayer in Mauritius.

A has entered into an Employment Agreement with X Group Limited in Mauritius and earns a salary of US \$8 000 per month.

A's three minor children have, since their arrival in Mauritius in January 2023, been enrolled at a private school in Mauritius.

A has purchased a property in Mauritius, and he is also renting a 6-bedroom home on a long-term lease with an option to buy in from DC Golf Estate, situated in Mauritius. A has no immovable property registered under his personal name in South Africa. Both A and B have close friends in Mauritius and are members of the DC Golf Club and local gymnasiums.

A has notified the South African authorities of his relocation and has requested to be treated as a non-resident South African taxpayer. Both A and B have taken the necessary steps to ensure that they are no longer ordinarily resident in South Africa and regard themselves as non-resident taxpayers of South Africa in respect of the 2023/2024 tax year.

Several companies of A have been registered in Mauritius which have entered significant contracts in the Democratic Republic of the Congo, Liberia, Indonesia, Ghana, Kenya and Italy.

Point at issue

Whether A is a tax resident of Mauritius and is eligible for a Tax Residence Certificate?

Ruling

On the basis of the facts mentioned above, it is ruled that by virtue of section 73(1)(a)(i) of the Income Tax Act, A will be considered as a tax resident in Mauritius for the fiscal year commencing 1 July 2023 and he will be eligible for a Tax Resident Certificate.