



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

230 Johannes Ramakhoase Street, Pretoria, Private Bag X114, Pretoria, 0001, Parliamentary Office, 120 Plein Street, Private Bag X 9048, Cape Town, 8000

AFRICAN AMITY NPC

Email: info@randalltitus.co.za

Dear Sir/Madam

**RE: NON-EXTENSION OF EXEMPTIONS IN TERMS OF SECTION 31(2)(d) OF
THE IMMIGRATION ACT 13 OF 2002**

1. By the direction of the Minister of Home Affairs, I address this letter to your organization on his behalf.
2. Kindly note that the Minister of Home Affairs has exercised his powers in terms of section 31(2)(d) of the Immigration Act 13 of 2002 not to extend the exemptions granted to Zimbabwean nationals in terms of section 31(2)(b) in 2019.
3. In order to avoid unnecessary prejudice, the Minister has also imposed a condition giving you a period of 12 months in order to apply for one or more of the visas provided for in the Immigration Act. In other words, the permits which are due to expire on 31 December 2021 will be regarded as valid until 31 December 2022.
4. The Minister has issued a directive to the immigration services and all officials to the effect that no action should be taken against the Zimbabwean exemptions' holders in terms of sections 29, 30 and 32 of the Immigration Act.

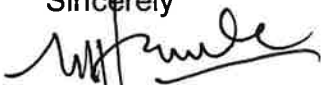
K.T.

5. You are therefore required to make use of the 12 months period to apply for one or more of the visas set out in the Immigration Act.
6. The Minister has also directed that a special team be set up to deal with the anticipated applications for various visas by Zimbabwean nationals.
7. The decision of the Minister was taken due to, *inter alia*, the following reasons:
 - 7.1 The exemptions granted to the Zimbabwean nationals was and has always been a temporary measure, pending improvement of the economic situation in Zimbabwe. In 2008 approximately 200 000 people arrived in South Africa seeking asylum, the majority of them were Zimbabwean nationals. Again in 2009 another 207 000 arrived also seeking asylum. Similarly, the majority of them were Zimbabwean nationals. The extensive nature of asylum applications by Zimbabwean nationals between 2008-2009 overwhelmed the administrative capacity of the Department's Asylum Seeker Management Unit, and resources were over-stretched. This status has been exacerbated in prevailing years with an accumulation of appeals within the statutory bodies responsible for rejected or failed asylum applications.
 - 7.2 The Department of Home Affairs ("DHA") has encountered limited capacity to respond to such capacity constraints by virtue of its constrained budget. This was more pronounced in 2020 with the outbreak of Covid-19 and other economic factors in South Africa. This resulted in the budget the DHA being significantly reduced. First, in the 2020/21 financial year, R562 million was cut during the Special Adjustment Budget and a further R301 million during the Medium-Term Expenditure Framework. Second, in the financial year 2021/22 the DHA baseline was cut by R969 million, the bulk of which was for Compensation of Employees (R671 million). The Compensation of Employees ("COE") ceiling for 2021/22 was set at R3,4 billion. The DHA had to prioritise the budget, as the COE ceiling is

insufficient to cover the existing staff compliment. As matters stand, the DHA is unable to employ more staff members in the immigration services. Therefore, it had to prioritise the budget and allocate more resources to civic services, which in essence deals with the rights of South African citizens.

- 7.3 According to Statistics South Africa (“Stats SA”) Quarterly Labour Force (QLFS) quarter 2 of 2021, South Africa’s unemployment rate increased by 1,8% bringing the overall rate to 34%. This is the largest recorded since the start of the QLFS in 2008.
- 7.4 The DHA came to realise that some of the Zimbabwean exemptions’ holders were violating the conditions in that about 1 900 were somehow able to apply for waivers in terms of the Immigration Act. Their applications were rejected.
8. It goes without saying that a combination of factors led to the lawful, rational and reasonable decision of the Minister.
9. Should you have any representations to make regarding the non-extension of the exemptions and the 12 months period, you may forward such representations to Mr Jackson McKay: Deputy Director-General: Immigration Services, E-mail ZEPenquiries@dha.gov.za

Sincerely



L.T. MAKHODE

DIRECTOR-GENERAL

DEPARTMENT OF HOME AFFAIRS

DATE: 31 December 2021.