



January 9 2022 - SUNDAY TIMES

**MINISTER OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

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**MINISTER OF HOME AFFAIRS' PRESS STATEMENT:
ZIMBABWEAN NATIONALS GRANTED EXEMPTIONS IN TERMS SECTION 13(2)(b)
OF THE IMMIGRATION ACT 13 OF 2002**

1 Due to the confusion and disinformation circulating in both print and social media, it has become necessary that I issue this Press Statement in order to set the record straight.

Background

2. The issue of exemptions granted to Zimbabwean and other nationals has a long history. It all started in 2008, when South Africa experienced an influx of asylum seekers from Southern African Development Community ("SADC"). The majority of them were Zimbabwean nationals. The Department of Home Affairs ("DHA") Asylum Seeker Management Unit ("ASMU") was unable to cope with the numbers. By way of an example, the Musina Refugee Reception Office was receiving in excess of 1000 asylum seeker applications daily. It had neither the staff complement and financial resources to deal with the influx.
3. This led to the DHA approaching National Treasury requesting financial assistance to start the process of granting exemptions to the SADC nationals, including Zimbabwean nationals in terms of section 31(2)(b) Immigration Act, 2002.
4. The DHA requested National Treasury to make available an amount of R145 803 928.00 available to start a special project of granting exemptions by the Minister of Home Affairs.
5. National Treasury decided only to approve an amount of R15 million to deal with the exemptions process for SADC nationals.

Granting of exemptions

6. In 2009, the then Minister with the support of National Executive (Cabinet) granted exemptions to the SADC nationals, the majority of whom were Zimbabwean nationals.
7. Between the financial years 2010 to 2020, the DHA has spent approximately an amount of R188 700 000.00 relating to the costs of processing and extensions of the exemptions granted to Zimbabwean nationals in terms of section 31(2)(b) of the Immigration Act, 2002. The above figure excludes costs involved for processing of the applications by VFS Visa Processing (SA) Pty LTD ("VFS"), printing and other administrative costs. The applications had to be considered by the Director-General and/or delegated officials. The exemptions were granted and extended three times by the erstwhile Ministers from time to time. The last extension of the exemptions was in 2017 expiring on 31 December 2021.
8. There are currently approximately 178 412 Zimbabwean nationals who were granted exemptions.

Internal inputs.

9. Between the period June and July 2021, various affected units within the DHA started discussing the feasibility of recommending to me whether the exemptions should be extended or not.

Submission by the Director-General.

10. This culminated in the Director-General making a submission to me in September 2021, recommending that the exemptions granted to the Zimbabwean nationals should not be extended anymore. I duly and carefully applied my mind to the reasons advanced by the Director-General which, inter alia, include:
 - 10.1 The exemptions granted to the Zimbabwean nationals was and has always been a temporary measure, pending improvement of the political and economic situation in Zimbabwe.
 - 10.2 The DHA has now limited capacity to deal with the extensions of the exemptions by virtue of its constrained budget. The outbreak of Covid-19 and other economic factors facing South Africa resulted in the budget of the DHA being cut twice in the amount of R1, 8 billion in 2020/21 and 2021/2022 financial years. In fact, the base line was cut by R969 million and R671 million was for Compensation of Employees. This resulted in the insufficient funds to cover the existing staff complement. A decision had to be taken, to prioritise the budget to allocate more resources to Civic Services which deals with the rights of South African citizens.
 - 10.3 It is documented that South Africa's unemployment rate increased by 1.8% bringing the overall rate to 34%. This rate is the largest since the start of Quarterly Labour Force Survey in 2008.
 - 10.4 Approximately 1 900 Zimbabwean nationals' exemptions holders applied for waivers in terms of the Immigration Act and their applications were rejected. Those applications were in violation of the conditions of the exemptions which are:
 - (a) "ZEP permit entitles the holder to conduct work/employment;
 - (b) ZEP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in RSA;
 - (c) ZEP permits will not be renewable/ extendable; and
 - (d) ZEP permit holder cannot change conditions of his/her permit in South Africa".
 - 10.5 According to the records of the DHA, some of the Zimbabwean nationals' exemptions holders have already migrated to one or other visas provided for in the Immigration Act.
11. In or about September 2021, I decided to approve the recommendation made by the Director-General not to extend the exemptions to the Zimbabwean nationals.
12. I have also imposed a condition that all the Zimbabwean nationals' exemptions holders will be given a period of 12 months to apply for one or other visas provided for in the Immigration Act. In other words, the validity of the expired permits has been extended to 31 December 2022.
13. As my decision impacts on national security, international relations, political, economic and financial matters, I decided to seek support of the National Executive (Cabinet) which support was given during November 2021. The approach to Cabinet has been the customary practice since the exemption regime was introduced in 2008.
13. I have also issued an Immigration Directive to the Border Management Authority, Immigration Officers: Port Control; Immigration Officers: Inspectorate and Permitting sections by virtue of the powers bestowed on me in terms of section 31(2)(b), read with section 31(2)(d) of the Immigration Act, 2002, that I have decided to extend the exemptions granted to Zimbabwean nationals for a period of 12 months and directed that:
 - (a) No holder of the exemption may be arrested, ordered to depart or be detained for purposes of deportation or deported in terms of section 34 of the Immigration Act;
 - (b) The holder of the exemption permit may not be dealt with in terms of sections 29, 30 and 32 of the Immigration Act.
14. The Directive has already been published in the Government Gazette.
15. I have also taken the liberty to send a communication to the Minister of International Relations and Cooperation for her to convey to the Honourable Ambassador of the Republic of Zimbabwe my decision and the steps that have been taken in order to protect the rights of the Zimbabwean exemptions' holders.
16. We take this opportunity to urge all the Zimbabwean exemptions' holders to make use of the 12 months period to apply for other visas.
17. We have also set up a special team within the DHA to deal with the expected influx of applications for various visas by the Zimbabwean nationals.
18. We are humbled by the overwhelming support of the decision by the South African citizens. These messages were widely circulated on social media. This demonstrates that the decision taken is lawful and reasonable.
19. We make use of this opportunity to extend our sincere appreciation to the Government of the Republic of Zimbabwe for supporting the decision as reported in the media.

Media enquiries:

Siya Qoza-082 898 1657 (Spokesperson for the Minister of Home Affairs)
David Hlabane-071 342 4284 (Media Manager for the Department of Home Affairs)

Dr PA Mokoaledi, MP
Minister of Home Affairs
Date: 7 January 2021

(Electronically transmitted without a signature)



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Background

2. The issue of exemptions granted to Zimbabwean and other nationals has a long history. It all started in 2008, when South Africa experienced an influx of asylum seekers from Southern African Development Community ("SADC"). The majority of them were Zimbabwean nationals. The Department of Home Affairs ("DHA") Asylum Seeker Management Unit ("ASMU") was unable to cope with the numbers. By way of an example, the Musina Refugee Reception Office was receiving in excess of 1000 asylum seeker applications daily. It had neither the staff complement and financial resources to deal with the influx.

3. This led to the DHA approaching National Treasury requesting financial assistance to start the process of granting exemptions to the SADC nationals, including Zimbabwean nationals in terms of section 31(2)(b) Immigration Act, 2002.

4. The DHA requested National Treasury to make available an amount of R145 803 928.00 available to start a special project of granting exemptions by the Minister of Home Affairs.

5. National Treasury decided only to approve an amount of R15 million to deal with the exemptions process for SADC nationals.

Granting of exemptions

6. In 2009, the then Minister with the support of National Executive (Cabinet) granted exemptions to the SADC nationals, the majority of whom were Zimbabwean nationals.

7. Between the financial years 2010 to 2020, the DHA has spent approximately an amount of R188 700 000.00 relating to the costs of processing and extensions of the exemptions granted to Zimbabwean nationals in terms of section 31(2)(b) of the Immigration Act, 2002. The above figure excludes costs involved for processing of the applications by VFS Visa Processing (SA) Pty Ltd ("VFS"), printing and other administrative costs. The applications had to be considered by the Director-General and/or delegated officials. The exemptions were granted and extended three times by the erstwhile Ministers from time to time. The last extension of the exemptions was in 2017 expiring on 31 December 2021.

8. There are currently approximately 178 412 Zimbabwean nationals who were granted exemptions.

Internal inputs

9. Between the period June and July 2021, various affected units within the DHA started discussing the feasibility of recommending to me whether the exemptions should be extended or not.

Submission by the Director-General

10. This culminated in the Director-General making a submission to me in September 2021, recommending that the exemptions granted to the Zimbabwean nationals should not be extended anymore. I duly and carefully applied my mind to the reasons advanced by the Director-General which, *inter alia*, include:

10.1 The exemptions granted to the Zimbabwean nationals was and has always been a temporary measure, pending improvement of the political and economic situation in Zimbabwe.

10.2 The DHA has now limited capacity to deal with the extensions of the exemptions by factors facing South Africa resulted in the budget of the DHA being cut twice in the amount of R1,8 billion in 2020/21 and 2021/2022 financial years. In fact, the base line was cut by R969 million and R671 million was for Compensation of Employees. This resulted in the insufficient funds to cover the existing staff complement. A decision had to be taken, to prioritise the budget to allocate more resources to Civic Services which deals with the rights of South African citizens.

10.3 It is documented that South Africa's unemployment rate increased by 1.8% bringing the overall rate to 34%. This rate is the largest since the start of Quarterly Labour Force Survey in 2008.

10.4 Approximately 1 900 Zimbabwean nationals' exemptions holders applied for waivers in terms of the Immigrations Act and their applications were rejected. These applications were in violation of the conditions of the exemptions which are:

- (a) ZEP permit entitles the holder to conduct work/employment;
- (b) ZEP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in RSA;
- (c) ZEP permits will not be renewable/ extendable; and
- (d) ZEP permit holder cannot change conditions of his/her permit in South Africa.

10.5 According to the records of the DHA, some of the Zimbabwean nationals' exemptions holders have already migrated to one or other visas provided for in the Immigration Act.

11. In or about September 2021, I decided to approve the recommendation made by the Director-General not to extend the exemptions to the Zimbabwean nationals.

12. I have also imposed a condition that all the Zimbabwean nationals' exemptions holders will be given a period of 12 months to apply for one or other visas provided for in the Immigration Act. In other words, the validity of the expired permits has been extended to 31 December 2022.

13. As my decision impacts on national security, international relations, political, economic and financial matters, I decided to seek support of the National Executive (Cabinet) which support was given during November 2021. The approach to Cabinet has been the customary practice since the exemption regime was

introduced in 2009.

13. I have also issued an Immigration Directive to the Border Management Authority, Immigration Officers: Port Control, Immigration Officers: Inspectorate and Permitting sections by virtue of the powers bestowed on me in terms of section 31(2)(b), read with section 31(2)(d) of the Immigration Act, 2002, that I have decided to extend the exemptions granted to Zimbabwean nationals for a period of 12 months and directed that:

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