

Last chance for Zim Exemption Permit holders to apply for waiver, visa

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The six-month extension period for the Zimbabwean Exemption Permits (ZEP) is concluding on 30 June 2023 and it is closer than you may think.



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The Minister of Home Affairs extended the validity of the ZEPs in a directive issued on 2 September 2022. The content of the directive can be [viewed here](#). ZEP holders who have not had the opportunity to apply for a waiver and/or visa application, as set out in the Immigration Act 13 of 2002 (Immigration Act), are encouraged to do so in the short window of opportunity remaining before 30 June 2023.

ZEP holders who fail to make such applications before the deadline will be required to depart from South Africa on or before 30 June 2023, voluntarily and lawfully. Those who remain in South Africa without complying with the current concession may face deportation. Employers who hire foreign nationals should prepare to face increasing scrutiny by the Department of Employment and Labour (DEL) and the South African Police Service (SAPS) through intensified inspections, known as 'blitzes', to crack down on non-compliance with labour and immigration laws once the extension period lapses.

Temporary concessions discussed in a recent Webber Wentzel [alert](#) may aid certain ZEP holders, however such concessions only apply to applicants in certain categories who lodged their applications before 31 March 2023 and who are still awaiting an outcome.



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The decision to discontinue the ZEP received extensive backlash and is now the subject of multiple court challenges. The first challenge was brought by the Helen Suzman Foundation together with the Consortium for Refugees and Migrants in South Africa. Legal counsel for the Minister of Home Affairs contend that ZEP holders were informed in writing with 18 months' notice that the programme would come to an end.

The review application challenging the Minister of Home Affairs' decision to terminate the ZEPs was heard by a full bench in April 2023 and judgment is currently reserved.

The ZEP allows approximately 178,000 Zimbabwean citizens to reside, work and study in South Africa, which has been in place in various forms since 2009. The reason to challenge the termination of ZEPs in court, is to determine whether the Minister of Home Affairs' decision was procedurally fair and/or rational.

The Webber Wentzel Immigration team are monitoring directives issued by the Department of Home Affairs and await the High Court's ruling to report on further developments on the status of ZEP holders in South Africa.

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