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**NOTICE TO ALL ZIMBABWEAN NATIONALS GRANTED EXEMPTIONS IN
TERMS OF SECTION 31(2)(b) OF THE IMMIGRATION ACT 13 OF 2002**

**REFLECTIONS ON THE DISCONTINUED ZIMBABWE
EXEMPTION PERMIT (ZEP) IN SOUTH AFRICA**

A Reflection from Refugees in Towns

Makhanda, South Africa

Barnabas Ticha Muvhuti

1. By the direction of the Minister of Home Affairs, I address this notice to all Zimbabwean nationals' exemptions holders of the country.
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 in terms of section 31(2)(b) of the Immigration Act 13 of 2002 from 31 December 2021 to 31 December 2022.
3. The Minister has also imposed a condition giving the exemption holders 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 dated 29 December 2021 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, 32 and 34 of the Immigration Act.
5. The exemption holders are 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

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South Africa is a part of the sixteen-member Southern African Development Community. Compared to its neighbours, South Africa is the wealthiest, and has the largest population (approximately 60 million). Migrants and refugees come from most of the African continent, both war-torn countries like Somalia and the Democratic Republic of Congo, and stable countries like Lesotho and Rwanda, where individuals are persecuted because they belong to particular ethnic groups and regions. Migrants also come from politically volatile countries like Eritrea and Ethiopia, as well as neighbouring Zimbabwe, Malawi, Mozambique, and Eswatini.



Figure 2. Zimbabweans are concentrated in Gauteng Province (Pretoria-Johannesburg) and Cape Town, but a few also live in smaller cities throughout the country. Source: GoogleMyMaps

Zimbabweans, like all migrants, live throughout South Africa, including small towns like Pringle Bay in the Western Cape and Kenton-on-Sea in the Eastern Cape (see purple flags in Figure 2). In Cape Town they mostly live along the Voortrekker Corridor, and in Johannesburg, mostly in Hillbrow and Yeoville (see blue flags in Figure 2). They are service workers in the hospitality sector (i.e., waiters, cleaners, etc.) in places like Mall of Africa in Johannesburg and along the West Coast in Cape Town. Many Zimbabwean migrants are farm workers in the vineyards of De Doorns in the Western Cape, and in the Limpopo area, or sell vegetables and other merchandise on busy traffic intersections, for example, in Cape Town at Bayside Mall in Tableview and on Delarey Road in Parow.

A History of Special Permits in South Africa

Zimbabweans are not the only Africans to be granted special permits in South Africa. In August 2015, the Lesotho Special Permit was introduced (90,314 permits issued).² It was replaced in 2019, by the Lesotho Exemption Permit which will expire at the end of 2023. In August 2021, about 5,000 Angolan refugees and asylum seekers were granted Angolan Exemption Permits which replaced Section 24 and Section 22 permits granted before 31 August 2013 (the end of the Angolan civil war).³

On September 20, 2010, South Africa's Department of Home Affairs (DHA) implemented the Dispensation of Zimbabwe Project (DZP). The main motive was to help alleviate pressure on the DHA which was failing to cope with high volumes of applications for asylum, especially from Zimbabweans. The DZP also recognized the dire situation in Zimbabwe where the polarised and toxic political environment was driving people from the country. Most crossed the Limpopo River into neighbouring South Africa. While some were fleeing a heated political situation, most were in search of greener economic pastures.

Each applicant paid a fee of ZAR870 (in 2010, this amounted to about USD \$87), the DHA received 294,511 applications, of which 242,731 were granted permits while 51,780 were either rejected or not finalised.⁴ Of the latter, 6,211 were rejected as the applicants were alleged to have contravened the Immigration Act, drug legislation or traffic legislation. Some were accused of theft, robbery, assault, fraud, and dangerous drug dependency. The requirements for an application were a valid passport, proof of employment or business registration and, for students, proof of registration from a learning institution. The government granted amnesty to those who possessed fraudulent documents. Preferring a longer-term permit, 45,255 applicants chose not to pursue their asylum and refugee claims. Obtaining the permit meant they would no longer have to go to the DHA offices to renew asylum documents every 3-6 months.

On the 12th of August 2014, the Zimbabwe Special Dispensation Permit (ZSP) was introduced as an extension of the DZP. No new applicants were allowed as the ZSP was only intended for DZP holders. As the DHA's Chief Director for Permits Jack Monedi stated, the permits were for those who "took pains to trust the South African government to offer them protection, to continue to stay in South Africa at the initial stages." It's notable that the South African mainstream media speculates that there are "millions" of Zimbabweans residing in South Africa, yet only slightly over a quarter of a million people applied for the permits. The ZSP was only valid for 3 years.

After the ZSP came the Zimbabwean Exemption Permit, introduced on 15th September 2017 by then Minister of Home Affairs, Prof. Hlengiwe Buhle Mkhize. The permit expired on 31st December 2021. About 180,000 Zimbabwean nationals are in possession of a ZEP, compared with 242,731 people who

² The Lesotho Special Permit. See [For information, Applicants \(LSP holders\) should call VFS at: 087 230 0411](#)

³ The Angolan Special Permits. See [Qualifying Angolans invited to apply for exemption permit](#)

⁴ The revenue created in 2010 alone was ZAR244 million. In 2010, the South Africa rand was much stronger: ZAR7 to the dollar (today it is ZAR17 to the dollar), and this revenue translated into about US\$35 million. The application fee went up over the years. In 2017 it was pegged at R1090 (US\$84 at rate of ZAR13 to the dollar) per applicant.

were granted the DZP in 2010. It seems clear that some Zimbabweans opted to go back home over the years, and of course, some were repatriated back across the Limpopo River in coffins.

For each of these permit extensions, in the times between applying for renewal and being issued a permit, one could travel, operate a bank account, keep one's job, continue with studies, etc. – by producing a receipt as proof that one had applied to renew it. These Zimbabweans were not considered undesirables. I travelled to Zimbabwe for my PhD fieldwork research in October 2018 while I was waiting for my permit, which I had applied for in October 2017. People could wait a long time for their permits—a year in my case—it was a sign that the DHA had no capacity to process them in a timely way.

Reflections on the Reactions of ZEP Holders

Kusagadzikana nekukatyamadzwa (Anxiety and Shock)

Given the history of these regular extensions, with the announcements made around August-September, Zimbabweans with ZEPs became anxious when the DHA remained quiet for almost three months in 2021. Only on 29th November did the Director General of Home Affairs confirm the Cabinet's decision and grant a 12-month grace period during which ZEP holders had to obtain alternative permits provided for in the Immigration Act 13 of 2002, or risk being arrested and deported. The DHA Immigration Directive 10 also stated that,

“All companies, employers, learning institutes and banks are to kindly note that applicants who are in possession of a ZEP expiring on 31 December 2021 must be allowed to continue with their services, provided that they submit proof of application for a mainstream visa in terms of the Immigration Act and Immigration Regulations. Proof of application must be a VFS receipt.”

This directive caused a lot of panic. Faced with complaints and threats of legal action, the Minister of Home Affairs, Aaron Motsoaledi, withdrew Directive 10 and issued Immigration Directive No. 11 of 2021.

Tarisiro (Hope and anticipation)

Most ZEP holders work in the hospitality industry and low-skill menial jobs and are unlikely to qualify for the critical skills list published on 2nd February 2022 by the DHA.⁵ This list falls under the Immigration Act, and sets out the qualifications and skills needed when people apply for visas and permanent residence permits. However, the conditions required for these permits are virtually unattainable for most

⁵ Gazetted Critical Skills List (No. 45860, Government Gazette, 02 February 2022). See [Critical-skills-list.pdf \(businesstech.co.za\)](#)

ZEP holders—few of them have degrees or diplomas in the so-called critical sectors. None of them has the ZAR 5 million (USD \$300,000) required to start a business. Moreover, an employer is required to advertise a low-skill post at least three times and doing so will surely find a ‘qualified’ South African employee. Faced with these difficulties, some Zimbabweans are pinning their hopes on the possibility of the DHA considering a waiver one can apply for to disregard some of these requirements. However, some applications have been rejected already.⁶

Describing it as a “hasty, untransparent and ill-considered” decision, the Helen Suzman Foundation has challenged the DHA’s resolution to discontinue the ZEP, and the High Court will hear the case on in early October 2022.⁷ An irate Aaron Motsoaledi described the challenge as a “perfect example of the destructive role that some non-governmental organisations are capable of.” The Minister went on to claim that the decision has been widely supported by South Africans as it is “lawful, reasonable and rational” and would be vigorously defended. He was probably referring to the overwhelming support he got from right-wing political groups like ActionSA⁸ and South Africa First⁹, and the anti-immigrant vigilante entity Operation Dudula.¹⁰ In his previous portfolio as Minister of Health, Motsoaledi blamed African “foreigners” for “burdening” South Africa’s health care system,¹¹ so his firm position is in keeping with his animus towards other Africans.¹² Another organisation, the Zimbabwean Immigration Federation has launched an application in the Pretoria High Court seeking to defend the rights of Zimbabweans living in South Africa. ZEP holders are eagerly awaiting the outcomes of the two cases. Not all hope is lost.

Chadzimira (Confusion)

The Zimbabweans in Cape Town Facebook page indicates that some ZEP holders are already being refused service at some banks and traffic departments because of the DHA’s decision. For the rest of 2022, no ZEP holders can secure loans, furniture on credit, or mortgages. The decision is giving headaches even to those who are married to South Africans and have children attending local schools.

As the rhetoric that Zimbabweans take South Africans’ jobs gains momentum, I think of the vegetable vendors¹³ in areas with high immigrant populations along the Vootrekker Corridor (Bellville, Goodwood, Parow, Maitland), Kraaifontein and Parklands, as well as the specialist hairdressers at the Khayelitsha

⁶ Applications have either been rejected or are yet to be responded to. For more, see [As deadline approaches Zimbabweans face a stark choice: start from zero in a broken country or live undocumented in SA | GroundUp](#)

⁷ Helen Suzman Foundation challenges the scrapping of the ZEPs. See [New court challenge launched over decision to scrap Zim... \(dailymaverick.co.za\)](#)

⁸ For more on ActionSA’s stance towards African immigrants, see [Mashaba: ActionSA unapologetic about stance on border control, illegal migrants \(capetalk.co.za\)](#)

⁹ For more on South Africa First, see [We’re not xenophobic, says South African First president Mario Khumalo \(iol.co.za\)](#)

¹⁰ Unpacking Operation Dudula, see [What is Operation Dudula, South Africa’s anti-migration vigilante? | Features | Al Jazeera](#)

¹¹ Foreigners are burdening South Africa’s health care system: Motsoaledi, see [Foreign nationals are burdening SA health system: Motsoaledi - SABC News - Breaking news, special reports, world, business, sport coverage of all South African current events. Africa's news leader.](#)

¹² Minister Motsoaledi’s sentiment on foreigners straining South Africa’s health care system was recently echoed and defended by Limpopo Health MEC Phophi Ramathuba. See [“You are killing my health system”](#)

¹³ A variety of vegetables brought to South Africa by Zimbabweans. See [Zimbabweans introduce South Africans to new greens | GroundUp](#)

Metrorail Station.¹⁴ The vendors sell vegetables like covo, pumpkin leaves, okra, etc., and imported products like Shumba Maheu, Cerevita cereal, Mazoe Orange Crush, Kapenta Fish, cassava, palm oil and Mopani worms. These are staple foods of the immigrants residing in these areas. I am sure South Africans have no idea where these foods are sourced and chasing away the suppliers means taking away people's food.

Kukungura (Regrets)

When I travelled to South Africa to pursue my education in 2009, I knew the country could afford me that opportunity since it has world-class universities. To an extent, I achieved that goal, enrolling at Stellenbosch University and the University of Cape Town. I am looking forward to completing my doctoral studies at Rhodes University. Other Zimbabweans fled political violence¹⁵, abductions, and torture; not every one of us came from a safe area like I did. People were also persecuted because they were part of the LGBTQI+ community.¹⁶ We all sought refuge in South Africa since it looked like a haven for everyone. When I compare myself to peers who left for the United Kingdom, USA, New Zealand, Germany or Australia, I deeply regret that I moved to an African country that treats Africans worse than do the former colonial powers. Most of my friends are now permanent residents or citizens of these countries, while I am holding one restrictive permit after another.

Earlier I mentioned the 45,255 Zimbabweans who opted not to pursue their asylum and refugee claims. These people really "took pains to trust the South African government to offer them protection" as highlighted by Monedi in 2014. Today the same individuals are left in limbo, lamenting why they let go of their permits. They feel betrayed by an administration meant to protect them, and they regret falling for the ploy. That regret is not only among Zimbabwean immigrants. Officials in the ruling African National Congress sometimes say they regret having treated Zimbabwe's ruling ZANU PF with kid gloves in the name of African solidarity and brotherhood. For example, when President Thabo Mbeki capped his ill-thought out 'quiet diplomacy' policy¹⁷ by endorsing Robert Mugabe who had lost an election to Morgan Tsvangirayi.¹⁸ The political violence that ensued drove hordes of Zimbabweans across the Limpopo River into South Africa. The consequences of such a decision are only manifesting now and it is too late.

Gwinyiso/Kusimbisa (Fear and Courage)

As the grace period deadline looms, the posts I see on the Zimbabweans in Cape Town¹⁹ page show that people are becoming desperate. Most have no idea what to do next. Some are losing their savings to bogus immigration consultants who promise they can help secure the relevant permits. I consulted

¹⁴ Zimbabwean hairdressers are popular at the Khayelitsha Train Station. See [The Hairdressers of Khayelitsha Mall - INFRINGE](#)

¹⁵ Zimbabwe's post-2008 election violence drove multitudes out of the country. See [This is no election. This is a brutal war | Zimbabwe | The Guardian](#)

¹⁶ The Government of Zimbabwe has been so consistent and persistent on persecuting the LGBTQI+ community. See [Zimbabwe: End Attacks on LGBT People | Human Rights Watch \(hrw.org\)](#)

¹⁷ President Thabo Mbeki's 'Quiet Diplomacy'. See [Thabo Mbeki's quietly destructive policy on Zimbabwe - ISS Africa](#)

¹⁸ President Mbeki's stance on Zimbabwe compounded the country's problems. See Editorial: [Mbeki betrayed democracy](#)

¹⁹ The group has over 100 000 members.

one myself. It was when he explained what I would have to pay every step of the way that I realised I would not be able to foot the bill. Some Zimbabweans have thrown in the towel and are making plans to move back home. (The children of Zimbabweans here in South Africa have never learned Shona in schools, only English and Afrikaans. If they return to Zimbabwe, integration into Zimbabwean schools will be a challenge). Others are adamant that they will remain in the country regardless of whether they will be granted permits or not. They argue that they have known people who have stayed without permits for over a decade and they do not see it necessary to apply for one.

Conclusion

If the DZP was introduced because of the volatile political climate in Zimbabwe, then nothing has changed to date. The situation has been getting worse since the military takeover that ousted Mugabe in 2017. If the DZP was introduced to alleviate pressure on asylum processing at the DHA, the delays and other obstacles experienced by other immigrants still applying for asylum only substantiates that nothing has shifted regarding the way DHA operates.

There must be another reason for the sudden shift in position. The ruling ANC lost ground²⁰ in last year's local government and municipal elections in parts of Gauteng to two new political parties that are riding a wave of anti-immigrant rhetoric. The two parties are Herman Mashaba's ActionSA and Mario Khumalo's South Africa First, with the latter famous for the #PutSouthAfricaFirst slogan. Discontinuing the ZEP could be the ANC's way of pandering to those who blame immigrants for the social ills in South Africa. Thus taking action on immigration is part of the ruling party's power-retention strategy. Its desperation is seen in its endorsement of the vigilante organisation Operation Dudula,²¹ which goes door to door removing immigrants from workplaces.

The Covid-19 pandemic was also a game-changer. Vulnerable citizens expecting to get support from government were left frustrated. To make matters worse there were reports of government ministers diverting funds to their own families or issuing tenders to bogus companies. The Minister of Health, Zweli Mkhize, who was forced to step down is an example.²² There was a total shutdown of the town in Makhanda²³, where I was at the time, as protesters directed their anger at the ANC-controlled Makana Municipality for neglecting the city. More people lost jobs as some companies never opened doors again after the pandemic. Yet, the ruling party seems to view discontinuing permits for 180,000 Zimbabweans as a way of recovering jobs for the locals.

²⁰ ANC lost seats in the Metros to emerging anti-immigrant parties. See [ANC loses hung metros as opposition 'coalition' strikes - The Mail & Guardian \(mg.co.za\)](https://www.theguardian.com/world/2021/nov/18/anc-loses-hung-metros-as-opposition-coalition-strikes)

²¹ Although the ruling ANC publicly denies any associations with the vigilante organisation Operation Dudula, indications are that they endorse it. See [Dudula vigilante group has the ANC stamp of approval - The Mail & Guardian \(mg.co.za\)](https://www.theguardian.com/world/2021/nov/18/dudula-vigilante-group-has-the-anc-stamp-of-approval)

²² The resignation of Zweli Mkhize, see [Zweli Mkhize resigns over Digital Vibes scandal \(iol.co.za\)](https://www.iol.co.za/news/politics/zweli-mkhize-resigns-over-digital-vibes-scandal-2021-11-18)

²³ Shutdown in Makhanda, 2021. See [Makhanda shutdown set to continue Tuesday – Grocott's Mail \(ru.ac.za\)](https://www.ru.ac.za/news/2021/11/18/makhanda-shutdown-set-to-continue-tuesday)

Panguva yakaoma (Between a rock and a hard place)

I often get asked by friends and potential employers why I did not shift to an alternative permit since I have been here for 11 years. The question doesn't consider the restrictive provisions of the special permit. I could have had the permit revoked the moment I applied for another. The permit also stated that I would not be entitled to applying for permanent residence in South Africa. All this, despite that I have contributed so much to this country over the years. Even though we were given a grace period to apply for permits, the two options are false choices. Firstly, it is not feasible to maintain a job for most of us, given the demands one must meet to be granted the permit. Secondly, to state that one would be deported for failure to regularise their stay under these conditions is deceitful of the Minister. He is simply attempting to drive ZEP holders out of the country *en masse*.

Given the rising unemployment levels in South Africa, the Minister of Home Affairs blames immigrants, including ZEP holders, without necessarily thinking about the long-term consequences. Employed ZEP holders have often stayed in the same job for as long as they have been here and have become specialists. Even working as a service provider in a restaurant requires skill and experience.

About the RIT Project

The **Refugees in Towns (RIT)** project promotes understanding of the migrant/refugee experience in urban settings. Our goal is to understand and promote refugee integration by drawing on the knowledge and perspective of refugees and locals to develop deeper understanding of the towns in which they live. The project was conceived and is led by Karen Jacobsen. It is based at the Leir Institute for Human Security at The Fletcher School at Tufts University.

Our goals are twofold

Our first long-term goal is to build a theory of integration from the ground up by compiling a global database of case studies and reports to help us analyze and understand the process of immigrant/refugee integration. These cases provide a range of local insights about the many different factors that enable or obstruct integration, and the ways in which migrants and hosts co-exist, adapt, and struggle in urban spaces. We draw our cases from towns in resettlement countries, transit countries, and countries of first asylum around the world.

Our second more immediate goal is to support community leaders, aid organizations, and local governments in shaping policy, practice, and interventions. We engage policymakers and community leaders through town visits, workshops, conferences, and participatory research that identifies needs in their communities, encourages dialogue on integration, and shares good practices and lessons learned.

Why now?

The United States—among many other refugee-hosting countries—is undergoing a shift in its refugee policy through travel bans and the suspension of parts of its refugee program. Towns across the U.S. are responding in different ways: some resist national policy changes by declaring themselves “sanctuary cities,” while others support travel bans and exclusionary policies. In this period of social and political change, we seek to deepen our understanding of integration and the ways in which refugees, migrants, and their hosts interact. Our RIT project draws on and gives voice to both refugees and hosts in their experiences with integration around the world.

For more on RIT

On our website, there are many more case studies and reports from other towns and urban neighborhoods around the world, and we regularly release more reports as our project develops.

www.refugeesintowns.org

About the Author



Barnabas Ticha Muvhuti is a Global Fellow for the Refugees in Towns research program. He is a PhD candidate in Art History at Rhodes University with the NRF/DST SARCHI Chair Geopolitics and the Arts of Africa, Arts of Africa and Global Souths research program. His research interests are on the marginalised Black modern art teachers in Zimbabwe, the practices of contemporary artists based on the African continent and its diasporic community, and the integration experiences of migrants in southern Africa. Muvhuti is an alumnus of Stellenbosch University, the University of Cape Town, and Midlands State University. He has worked as a Gallery Assistant at the AVA Gallery in Cape Town and the Centre for African Studies Gallery (UCT), a Research Assistant and Project Manager at the Centre for Curating the Archive (UCT), and a Research Assistant for the Curatorial Department at the Zeitz MOCAA Museum.
