



## Response

14<sup>th</sup> September 2021

### **The Angolan Exemption Permit, 2021**

In August 2021 the Department of Home Affairs invited Angolans with particular types of documentation to apply for the Angolan Exemption Permit. The Department estimates that about 5 000 Angolans should be eligible for this permit. The invitation has now been extended to those with the Angolan Special Permit issued in 2018, which is due to expire at the end of 2021. It is also open to those with the Angolan Cessation Permit who had not applied for the later replacement permit (ASP), and to Angolan refugees who were issued with section 24 or 22 permits before 31<sup>st</sup> August 2013. The application process began on 16<sup>th</sup> August 2021.

In the early 1990s, as South Africa was transitioning into democracy, many thousands of Angolans fled the devastating civil war in their country. Some had come from areas where the SA army had a presence and thus held a certain belief that SA would be a safe haven, while others believed that the emerging democracy would have an obvious sympathy for those who had been victims of a 'politics of violence.' At the end of the 27-year conflict it was estimated that there were some 13 000 Angolans in SA, and in 2003 this country, Angola and the UNHCR entered into a tripartite agreement to facilitate possible outcomes for them. The mood at the time was summed up by the then Minister of Foreign Affairs, Dr Nkosazana Dlamini-Zuma:

“South Africa has a responsibility in the reconstruction of Angola. It was home to many South Africans during the struggle against apartheid and the old regime was part of the destruction of Angola. We will do whatever we need to do to help.”

The Angolans were given temporary refugee status which was renewed every four years, but in 2012 the UNHCR recommended that, because political stability had returned to Angola, Angolan refugees living in South Africa no longer needed the protection of the SA government. Accordingly, during the course of 2013, the government withdrew their refugee status. However, as the Scalabrini Centre has noted, “Angolan refugees who had their status withdrawn were provided with three options: voluntary repatriation to Angola, application for continued refugee status, or application for a temporary residency visa to remain in South Africa.” Most chose the route of temporary residence, but by 2015 it was clear that any renewal was going to be very difficult due to stricter regulations to the Immigration Act. After herculean legal battles and negotiations, led by the Scalabrini Centre, an extension was agreed upon and, in July 2017, the Minister of Home Affairs decided to grant conditional rights of permanent residence to the entire class, for a period of four years. It is on the back of this decision and the renewal of these permits, that new invitation has been extended.

There are some positive aspects of this new arrangement. Firstly, the DHA has indicated that spouses and children of those making the application will also be eligible to apply once the main applicant has obtained a permit. The spouse can apply for a temporary spousal permit, and the children can apply for a temporary study visa if they are of school-going age and for a relative's visa if they are

younger. Another positive is that the applications can be made from within SA, thus doing away with the onerous task of making the application from the country of origin.

Secondly, it has allowed for a wider pool of applicants, such as those who held the initial ACP but who had not at that time received the Angolan Special Permit. Prior renewals were granted only to those with the latest documents, but the new decision encompasses those who are not strictly up to date with their documents.

Thirdly, whereas the previous permits were issued for two years in the case of the ACP, or four years in the case of the ASP, this permit is open-ended and will allow for permanent residence on a long term basis. Since holders of permanent residence can apply for identity documents, this will have the obvious advantage of providing greater certainty and easier access to various social benefits, as well as the right to work and the right to study in SA.

The timeous launch of this process, four months before the expiry date, will allow for an orderly transition to the new regime. It is to be hoped that a similar process will be followed for the Zimbabwean Exemption Permits and the Lesotho Exemption Permits, which also expire at the end of 2021. The number of people in each of these categories is considerably higher than in the Angolan case, and thus sufficient time should be granted to ensure orderly processes.

Those applying for the permit must be in possession of an Angolan passport valid for 12 months after the date of their application. They must also show a copy of their ASP or ACP, and they must show proof of their refugee or asylum-seeker permits issued before 31<sup>st</sup> August, 2013. There is also a non-negotiable Visa Facilitation Services fee of R1090. Those who intend applying for their spouses and children need to note the fees involved.

The positive features of the new dispensation have been welcomed by the Angolan expatriate community and by those in the vanguard of advocacy efforts in this domain. It follows an old theological principle that where people or groups stand to benefit from some socio-economic intervention, that intervention should be extended to the largest possible number. The extent of the benefits has been broadened, and the fact of permanent residence provides access to social benefits and the possibility of both work and studies in SA, allowing holders of the permits to enjoy stability and to contribute both to SA and to rebuilding Angola. It is hoped that similar principles will be applied when the other two 'special permits' come up for review later in the year. All of this constitutes a small step towards shaping the migration management environment along the lines offered by Pope Francis of 'welcoming, promoting, protecting and integrating'.

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