



RESPONSE

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The Suspension of the Zimbabwean Exemption Permits

At a media briefing on 25th November, a government spokesperson revealed that Cabinet had decided to discontinue the renewal and operation of Zimbabwean Exemption Permits (ZEP), which are set to expire on 31st December this year. Rumours, which the Cabinet statement called 'fake news', were circulating that the permits would be renewed for a further five year period and also function as a threshold for granting holders permanent residence in South Africa. This new decision will deprive up to 200 000 Zimbabweans of the right to live and work here legally. Although there will be a 12 month grace period during which ZEP holders can seek to regularise their stay in SA using other appropriate permits, there are in fact very few alternative permits, especially for people not qualifying for scarce-skills visas. Those who are unsuccessful under the new regime will have to leave SA or be deported.

This system has been in place since 2009 and has been a helpful tool in responsible border management. It was extended for three years in 2014, this time known as the Zimbabwean Special Permit. It was renewed again in 2017, this time for five years and termed the Zimbabwean Exemption Permit. A similar system is in place for citizens of Angola and Lesotho. The latter will expire at the end of 2023, and affects about 90 000 people. The Angolan permit, which also expires at the end of 2021, has been open for renewal since August 2021 and covers 5 000 people. The ZEP thus affects far more people than the other two categories. It also needs to be stated that the decision flies in the face of the Minister of Home Affairs's statement in 2019 that the government would not stop the renewal process as long as the conditions that first prompted the special permits remained unresolved. It is patently clear that the situation in Zimbabwe has not improved meaningfully and that there is good reason to support a further renewal of the permit.

The original permit, introduced in 2009, aimed to assist Zimbabweans already in South Africa who had fled the grave economic and political situation in Zimbabwe at the time. Those who were applying for asylum were encouraged to apply for this permit instead, and thus extricate themselves from the severely backlogged and often dysfunctional asylum system. They had to forfeit their asylum documents in the process. Some 295 000 Zimbabweans applied and 245 000 were granted a permit. At the time the DHA reported that those who were not granted a permit lacked either an identity document, passport or some critical piece of information and were not rejected on any other grounds. At each renewal it was only the holders of permits from 2009 who were able to renew; no provision was made in succeeding years for new applications, and therefore most Zimbabwean migrants remain undocumented. It was also clear since its inception that the process would not lead to permanent residence or citizenship. In that limited sense it was understood to be a temporary assistance, but by its very nature one that would ultimately lead to a more sustainable and secure implementation in line with what the exemption provided, rather than a return to the status quo ante, which would disadvantage now established ZEP holders. It has been pointed out that this group of people have

been in the country for over a decade since they first had to show proof of being in SA before their original applications.

Even a superficial reading of this decision and its consequences shows the magnitude of the problem. For example, many have school-going children; others have married South Africans and built families, have worked here for years, paid taxes, and acquired insurance policies, pensions, mortgages and the like. All of these will be severely impacted. As a spokesperson for one Zimbabwean group said, “banks, insurance companies and other sectors are likely to start terminating contracts based on the one year lapse indicated.” Others have pointed to the fact that employers will be disinclined to renew contracts.

The following is also worth noting: A now slightly dated study by Finmark showed approximately 3.3m SADC migrants living in South Africa, about 68% of them undocumented. About 2m of this total comprises Zimbabweans. Approximately R11.2b is sent from South Africa as remittances to other SADC countries, with Zimbabwe the largest recipient. As is true across the world, where there is a regular flow of remittances there is almost always improved health, educational and economic wellbeing. These outcomes are not easily surrendered and we can thus expect that, despite the legal clamp down, the numbers of migrants will not diminish; SA remains for most Zimbabweans the most feasible destination. In May 2021 the Zimbabwean Finance Minister noted that remittances to Zimbabwe reached US\$1bn in 2020, compared to US\$636m in 2019. This was in part because, due to the lockdown, more formal – and thus monitored – routes had to be followed, but the figures still show just how important remittances are for Zimbabwe and how unlikely it is that Zimbabweans in SA will easily let go of such a vital lifeline. This decision will simply push more and more of them into shadow existences in SA, contribute to bad border management, and stoke xenophobic attitudes.

Commentators have been virtually unanimous in condemning the cabinet decision. A variety of practical responses have been suggested, including taking the government to court, and popularising the alternative visas and permits. It has been suggested that DHA re-institute the Stakeholders Forum and initiate a shared search for a better solution. Some commentators have discerned a political motive, arguing that this decision is linked to the government’s attempt to appease the xenophobic voices in some communities. Others say that the loss of power in the local elections was due in part to the government ‘not doing anything’ about migrants, and note that several parties with a xenophobic tone to their policies did reasonably well in the recent elections. Others believe that it is part of a broader scheme to open up jobs for South Africans as Zimbabweans are forced to depart.

Whatever the reasons, and they are probably mixed, this decision is a retrogressive and disruptive step in the wrong direction. The present regime is manageable and beneficial to both countries. Indeed, some commentators go as far as to suggest that the time is ideal for those who wish to, to have been invited to apply for permanent residence with or without the possibility of a later option for citizenship. It is regrettable that the decision did not bend in that direction. It would have been, and indeed still is, an ideal opportunity for SA to give expression to Pope Francis’s four verbs of ‘welcome, protect, promote and integrate’ regarding a relatively small group of people (200 000 out of a population of nearly 60m) who have lived and worked legally in this country and contributed to its wellbeing for at least a dozen years, if not longer.

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