



International liaison, dialogue and research

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Policy Dialogue Report

02 March 2023

Zoom Platform

# Public Civil Society Briefing on the Zimbabwean Exemption Permit

## SALO CIVIL SOCIETY BRIEFING: THE ZIMBABWEAN EXEMPTION PERMIT

THURSDAY 02 MARCH  
11:00- 13:00 (CAT)  
VENUE: ZOOM

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JESTINA MUKOKO  
ZIMBABWE PEACE  
PROJECT



LUCIAN SEGAMI  
NEHAWU &  
SALO BOARD



JAMES CHAPMAN  
SCALABRINI



THOBEKILE SIBINDI  
ZEP HOLDER



PROF BRIAN  
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## Executive Summary

On the 2nd of March 2023, the Southern African Liaison Office (SALO) in partnership with the Norwegian People's Aid, hosted a public dialogue on Zoom titled: *“Public Civil Society Briefing on the Zimbabwe Exemption Permit”*. The public dialogue was co-chaired by SALO members Fowzia Davids and Munjodzi Mutandiri and the opening remarks were done by Professor Brian Raftopoulos from the SALO Board. The speakers were James Chapman from the Scalabrini Centre; Lucian Segami from NEHAW and, a SALO Board member and Thobekile Sibindi, a Zimbabwe Exemption Permit (ZEP) holder. SALO also thanked the organisation’s developmental partner, the Norwegian People’s Aid for allowing and playing a crucial role in facilitating the vital discussion.

In his opening remarks, Prof. Brian Raftopoulos contextualised and gave introductory remarks on the political context in Zimbabwe, of which the ZEP issue was the most prominent. He contextualised the upcoming elections that will be taking place; against a context whereby *“laws such as the Private Voluntary Organisations Amendment Act [and] the so-called Patriotic Act, which will effectively make it illegal for civil society activists to speak out against the state”*. In relating to the ZEP, he noted that what has been missing is *“labour solidarity across the region, particularly from South Africa”*, highlighting the domestic challenges that South African trade unions are facing. As a result, *“the kind of labour solidarity which we saw in earlier decades around the crisis in Zimbabwe is simply not as open [and effective] as it used to be”*.

However, Professor Brian Raftopoulos noted positive progress and strides made on the Motlanthe Commission and human rights questions, coming both from the African Development Bank and the European Union. He also noted the possibility of drawing SADC into this debate before the next election. Further, he stated that *“for civil society groups, this is the context in which the ZEP issue must be placed and the context in which the possibility of dialogue beyond the ZEP question into the problems of Zimbabwe politics might take on a more fruitful role”*.

## Summary of Presentations

**Lucian Segami, NEHAWU and SALO board**

Segami acknowledged the progress of the Congress of South African Trade Unions (COSATU) in combating issues of xenophobia and racism. He also noted that the union has contributed to international awareness of Zimbabwe and the political crisis since the late 1990s. The issue of migratory labour in the Southern African region dates back to the early 19th century with the creation of colonial states in Africa. According to him, gold mining relied on a cheap migrant labour system. He stresses that it is incorrect to assume

that migrants, whether Zimbabweans, Malawians, or from other African, countries took over this occupation.

### *The National Congress Conference*

The 14<sup>th</sup> National Congress Conference was held in September 2022. He argued that from the conference, several debates arose centering around the Zimbabwean issue. Segami argues that authoritarianism, massive political corruption, and a lack of freedoms for opposition parties, trade unions and civil society are major issues currently facing Zimbabwe. Segami emphasised that, principally, the conference reaffirmed the historic position on the Zimbabwean crisis. In other words, there was a general agreement that the crisis in Zimbabwe has only changed in form, not in content.

Furthermore, he reported that NEHAWU pledged support to the workers, and the Zimbabwe Congress of Trade Unions (ZCTU) called for free political activity. Additionally, it has appealed against the draconian laws and the rule of law issue. Finally, he mentions another resolution was co-sponsored by NEHAWU, including others like the National Union of Mineworkers. There remains a concern about what will be contained in the final document as far as the resolutions are concerned since the conference did not address all the issues that were listed.

On the issue of the Zimbabwean Exemption Permits, Segami notes that they have been engaging with civil society and other organisations based in Zimbabweans on sharing information and keeping up with how far the process has gone. He is doubtful that the government has produced sufficient time to reflect correctly on this policy. He adds that on the question of undocumented Zimbabwean migrants, they proposed that the government stop threatening to terminate the ZEPs. Furthermore, he argues that *“people must be permitted to carry on with their lives until the government can provide clarity on how to regularise their stay”*. They further demanded the regularisation of all ZEP holders and applicants. Above all, NEHAWU argues that the withdrawal of the ZEP permits will have a devastating impact on the lives of many Zimbabweans. Also, he says this will also impact South Africans as well.

### *Political parties to be condemned on xenophobic sentiments*

Segami urged political parties to be condemned for fuelling xenophobic sentiments through the utterances in their manifestos. There have been emerging fringe groups operating in townships that carry the same sentiments:

*“We do not accept that working people who are foreign nationals should shoulder the burden of what is essentially a socio-economic and political crisis affecting South Africa,*

*mainly brought about by the economic point policy choices of the ruling class*". He probed participants to recognise facts from fiction. Making an example with the health sector, he says:

*"When we look at the health sector and when one of the MECs in Limpopo made the remarks that she made, we did our research and said this is incorrect because the public service is chronically understaffed."*

The interpretation of the Central Executive Committee, which was convened in February 2023, reported that all the international resolutions were adopted. Segami notes that the key differences were mainly on the political issues regarding the process of how COSATU will approach the 2024 national elections. The final document has not been published for the public yet due to its finalisation stages.

Segami recommended a revised level of engagement between COSATU, Zimbabweans, and South African organisations including the government, the ANC, the Communist Party, and the youth movement. The re-engagement will allow for clarity on what civil society is doing in Zimbabwe and enable mass mobilisation. Furthermore, the engagement will help in dealing with concerns such as crime, job losses, and ill-functioning hospitals. At the moment he notes that South Africa is unlikely to prioritise the Zimbabwean agenda due to internal issues such as load shedding and other matters of national concern.

**James Chapman-** Scalabrini Centre

*The need for ZEP extension*

James Chapman, the head of policy and a legal advisor at the Scalabrini Centre, started his remarks by echoing points made by prior speakers. He emphasised that in the medium to long term, doing away with the Zimbabwean Exemption Permits and providing a more durable long-term solution for the approximately 180,000 Zimbabwean Exemption Permit holders is a worthwhile objective or goal:

*"There is a need for an extension of the Zimbabwean Exemption Permit or a similar iteration like you had with the Zimbabwean Special Permit or the Zimbabwean Dispensation Permits before that".*

He elaborated on the Scalabrini Centre's efforts to engage in dialogue with the Department of Home Affairs and the Minister of Home Affairs. The aim was to understand the reasoning behind the decision to discontinue the ZEP and explore the feasibility of

extending or continuing the permits. He highlighted the fact that there are approximately 180,000 individuals who have been living in South Africa for over 10/11 years, and are deeply integrated into its society. He expressed optimism about the prospects of success, as there are significant procedural challenges associated with discontinuing the Zimbabwean Exemption Permits.

James Chapman concluded by highlighting the challenges that the discontinuation of the ZEP would bring. These include job retention prospects, children in schools, and the difficulties associated with accessing mainstream immigration visas, which are often not granted and are costly to apply for. He emphasised that expecting individuals within the current immigration visa regime to move on to mainstream visas would be an insurmountable burden. Therefore, he maintained his recommendation and stance on extending the ZEP and finding other solutions for longer-term reintegration into South African society.

### **Thobekile Sibindi, ZEP Holder**

Thobekile Sibindi started her input by pointing out that South Africa's treatment towards ZEP holders is perplexing and illogical, considering their long-standing presence in the country:

*“South Africa, we [have] been here for this long, why are you doing this to us? It honestly does [not] make sense at all for this to be happening. I know you can argue and say we have been here for a very long time, [but] as people always say, we should have maybe gone back. But that is not the point. The point is, [that] there is a reason why we actually got these documents in the first place. There were issues that the government [knew] about. But for some reason, we just wish things away. [The government] can just take this thing away and [tell us to] go back to where [we] came from. But you are dealing with human beings... with people with more than 15 years [here] and before that, they had other permits. They were encouraged to move over to the ZEP because of its stability. Then we thought it was stable.”*

### *Lack of Communication between the ZEP holders and the government.*

She continued to explain that for several years, ZEP holders have made consistent efforts to initiate discussions with the government, successfully accomplishing this in the past, except for the most recent instance. They have utilised email communication and arranged meetings to engage in a constructive dialogue, addressing both the government's concerns and presenting their viewpoints. Previously, the government has

exhibited a willingness to listen and consider their perspectives. However, this time, the government decided to remain completely unresponsive, not explaining their silence. The absence of a response carries significant implications - *“it implies that the government is choosing not to voice their concerns or disagreements, which holds considerable weight in this context”*.

### *Challenges faced by ZEP holders*

The challenges faced by ZEP holders are of significant magnitude. Currently, individuals are encountering the distressing situation of having their bank accounts frozen by financial institutions. Thobekile believes that what exacerbates the pain is that the banks are fully aware of the circumstances. However, they selectively decide to impose these restrictions, demanding the submission of documents proving that the individuals have applied for a waiver. It is worth noting that the Minister had previously announced a refusal to accept any waivers, but has since changed his mind. This stance has left those who had their waivers rejected still grappling with the consequences. They find themselves in a state of helplessness, as there is no recourse but to wait for the Minister to decide on his terms:

*“Some individuals attempt to apply for waivers, as banks require proof of application [to] activate their accounts. Regrettably, it has become apparent that submitting these waivers often proves futile, as there is no response forthcoming. Others have applied for waivers long ago, nearly two years now, and are left in limbo with only a receipt as evidence”*.

While the Minister may make statements urging people to apply, it is essential to remember that these are human beings being dealt with, not inanimate objects that can be arbitrarily picked up and discarded. It is crucial for proper engagement and dialogue to take place, treating individuals with the dignity and respect they deserve as human beings.

### *ZEP holders' contribution to the economy*

ZEP holders have actively contributed to the South African economy through their employment and diligent work. The ZEP permits granted individuals the opportunity to work within the country, enabling them to fulfil their professional responsibilities, pay taxes, and receive the associated benefits. However, if this permit is revoked, it will disrupt the established lives of these individuals. In such circumstances, a waiver offers limited assistance. It fails to address the myriad challenges ZEP holders now face. Many ZEP holders have children enrolled in schools and securing placements for them becomes a

daunting task. The situation is particularly challenging for universities, which often do not recognise the ZEP permit. Consequently, individuals are compelled to navigate the tedious process of applying for a regular study permit, further adding to their burdens.

### *Corruption and extortion*

She concluded that in Johannesburg, particularly in the CBD where numerous complaints have arisen, encountering law enforcement officers and individuals claiming to be Home Affairs officials is a common occurrence. Distinguishing between legitimate officials and impostors is often difficult. People are being apprehended solely based on their expired permits, even if they attempt to explain that they are within the grace period provided. Unfortunately, there is no tangible evidence of this grace period within their passports. As a result, they are coerced into paying bribes to these individuals. This corruption and extortion should not be taking place, but the Minister's actions have inadvertently created a loophole that makes ZEP holders vulnerable to such criminal exploitation:

*“It is important to recognise that being a ZEP holder does not imply financial prosperity. Many individuals are also facing struggles and financial constraints. Their limited resources must be allocated towards supporting their families, both within South Africa and in their home countries, covering expenses such as rent, food, and providing assistance to their relatives”.*

## **Questions and Contributions from Participants**

### **Savious Siziba:**

Savious Siziba asked the representative of home affairs who was present about the grace period. He expressed experiences of being a ZEP holder who is unable to open bank accounts and also having trouble when having to enrol children in schools. He also enquired about the waiver application.

*“The last thing that does need to be clarified, maybe to be put on tape, is that we were not given ZEP permits for free. From the beginning, we [have] been paying over one thousand rands to obtain this permit. Now, when the Minister says we must just go back, [it seems as though he was implying that he had just given us the permits for free] but we were buying them. Why cannot we be refunded or maybe be given [an alternative that we can use]?”*

### **Clever Chikwanda:**

*“What approaches can be employed to ensure that the region is engaged on this matter so that it recognises that: one, free movement of people is a strong pillar towards this,*

*and [two], proper migration management should also be part and parcel of regional integration?”*

**Munjodzi Mutandiri :**

*“The Minister has already waived that you can apply for this permit here, even though it's not a renewal or an extension. When he did that [waiver], why did he not just expand the waiver so that all the requirements that are needed for you to move to the other permit will be waived? If you were on the ZEP, that would be taken as a waiver and you [would] just apply directly, and then they [would] respond from that. So, there are a lot of questions that I think the Minister did not engage with, or if he did, he did not give us satisfactory answers [as] to why he came to that conclusion”.*

## **Responses from the Panel**

**James Chapman answered a question about the expansion of the waiver.**

He also sought information from the audience relating to people who have already applied for mainstream visas and from those who have applied for waivers, particularly those who have been denied waivers. The data they are collecting will be used in arguing that the Department of Home Affairs introduced a non-workable solution for the ZEP holders.

**Thobekile Sibindi answered a question about deportation and violations.**

Nobody is going to be deported back to Zimbabwe and stressed her concerns with the Border Management Agency that is violating migrants' rights. She further emphasised that the government must protect and observe human rights for all.

**Lucian Segami answered a question about the issues of the border management agency.**

The Border Management Agency is a private entity that has brought forward its interest. He added that the agency is employing state resources to oppress people. *“For those of us who are ANC comrades, who are part of the alliance in the meeting, I think if we are not careful, the interests of a few will become paraded as national interest for all of us, and I think we have to prevent that”.*

**He also answered a question about the withdrawal of ZEP.**

*“If the withdrawal of the ZEP, is implemented, many of the workers, including the National Union of Mineworkers will be without jobs since the majority of migrants in the mining*



sector are COSATU members. We partly support the revocation of this decision to terminate the ZEP because they are not in the interest of workers, as people claim”.

## Conclusion

In conclusion, the public dialogue on the Zimbabwe Exemption Permit (ZEP) held on the 2nd of March 2023, organized by the Southern African Liaison Office (SALO) in partnership with the Norwegian People's Aid, provided a critical platform for discussing the complex issues surrounding the ZEP and the broader challenges facing Zimbabweans living in South Africa. The event brought together key stakeholders, including Prof. Brian Raftopoulos, Lucian Segami, James Chapman, and Thobekile Sibindi, to shed light on various aspects of the ZEP and its implications.

Throughout the dialogue, it became evident that the ZEP issue goes beyond immigration policies; it encompasses the lives and livelihoods of thousands of Zimbabweans who have made South Africa their home. These individuals have contributed to the South African economy, and their plight raises questions about fairness, dignity, and human rights.

In light of the insights shared during this dialogue, it is clear that a comprehensive and compassionate approach is needed to address the challenges facing ZEP holders and other Zimbabweans in South Africa. This includes open dialogue between stakeholders, careful consideration of the long-term implications of policy decisions, and a commitment to upholding the rights and dignity of all individuals, regardless of their immigration status. The public dialogue served as a vital step toward raising awareness and fostering understanding of these critical issues, but it also highlighted the urgent need for further action and advocacy to address the complexities of the Zimbabwe Exemption Permit and related matters.

*The analysis and recommendations included in this report do not necessarily reflect the view of SALO or any of the donors or conference participants but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.*

**About the Southern African Liaison Office:**

The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

*SALO would like to thank Norwegian People's Aid (NPA)  
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**Norwegian People's Aid**