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ZIMBABWE EXEMPTION PROJECT "ZEP" ANNOUNCED BY MINISTER OF HOME AFFAIRS

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BREAKING NEWS!!!!

ZIMBABWE EXEMPTION PROJECT "ZEP" ANNOUNCED BY MINISTER OF HOME AFFAIRS.

The Minister of Home Affairs on Friday the 8th September 2017 announced that an exemption dispensation for Zimbabwean citizens was being extended subject to certain conditions.

The project will be known as the "Zimbabwe Exemption Project" and will come into force at midnight on the 31st of December 2017.

Background:

Two consecutive exemption dispensations have taken place in order to document and regularise the stay of Zimbabwean citizens who qualified for the exemption permits and visas, the latest of which is set to expire on the 31st of December 2017.

There has been much apprehension in respect of Zimbabwean nationals who have been on the prior dispensation permits and visas as to whether there would be continuity or not.

The ZEP therefore comes as a welcome relief for those persons.

Context of the ZEP:

In line with the White Paper on International Migration it is the declared intention to enhance national security in the orderly management of migration subject to certain conditions and this is the background to the ZEP.

Who can apply for the ZEP visas:

Only holders of the current Zimbabwe Dispensation Permits "ZDP" qualify to apply for a ZEP exemption visa.

Certain lobby groups have been pushing for the as yet undocumented and mainly economic migrants from Zimbabwe, in South Africa, should be included in the dispensation but this has not happened.

Terms and conditions of the exemption visa dispensation:

The holder of an exemption permit may work, study and/or conduct business in South Africa and obviously this would give them a right within the validity period of the visa to reside in South Africa.

The holder of a ZEP visa does not qualify to apply for permanent residence and therefore continued stay in the country is contingent upon further dispensation visas happening in the future.

Therefore there is no guarantee of any extendibility and this question can only be answered in all probability four years down the line unless there is a development in the interim.

The holder of a ZEP visa may not change their status to another type of visa from within the country.

However, and this is a dramatic departure from the prior exemptions, the holder of a ZEP visa which is current and valid, may apply from within South Africa for any mainstream visa that they may qualify for, provided that this is done timeously. This great window of opportunity then closes.

Do not hesitate to contact our offices if you would like to explore this opportunity, by contacting us via enquiries@immigration.org.za and please put in the subject line "ZEP Change to Mainstream Visa".

When can the ZEP visas be applied for:

The opening date for applications for inclusion in the ZEP is the 15th of September 2017 and the closing date for applications is the 30th November 2017.

How long will the exemption be valid for:

The ZEP visas will run from the 1st of January 2018 and perpetuate for a period of four years from that date.

Julian Pokroy Attorneys is offering the service at a reduced rate for Zimbabweans who wish to apply for the ZEP exemption visas. Contact our office at enquiries@immigration.org.za in this regard.

LONG OUTSTANDING PERMANENT RESIDENCE VISAS

The situation still perpetuates in respect of the very long delays that are taking place with permanent residence visa applications.

Too many applications have been outstanding literally for years.

Bearing this in mind our office is doing an assessment at this time as to how many people would be interested in taking part and joining in a "group" or "class" action in the High Courts to compel the Minister and Director General of Home Affairs to finalise these long outstanding applications.

What has been of particular concern to applicants who are married to South African citizens or permanent residents is that their applications are not only taking an incredibly long time but also in many cases are refused on baseless and incorrect grounds. This flies in the face of Constitutional rights to family unity which vest in the South African spouse/partner and South African children of the foreign national applicant.

If you are interested in finding out more then please communicate with us on enquiries@immigration.org.za and include in the subject line the words "Class/Group Action RE Long Outstanding Permanent Residence Applications".

VERIFICATIONS IN RESPECT OF PERMIT COMPLIANCE

We have previously included a newsletter item regarding what we term "Immigration Audits" or "Immigration Compliance Audits".

In recent time the disturbing trend has arisen in that the amount of enquiries that we do receive on a day to day basis to do verifications for employer compliance as to the veracity of visas.

There has been a disturbing trend over the last while in that the amount of fraudulent visas has risen exponentially.

Obviously this places the holder of such a visa, who may very well be innocent in the process, in an unenviable situation of, perhaps in a routine check or even a roadblock, being detected and when a verification exercise has been done on the visa, risk being deported. This also would result in that person being declared a prohibited person and not being able to re-enter the country.

It also opens the door to prosecution of an employer who is employing a foreign national who does not have a regular and valid and proper visa.

We therefore do encourage employers, in order to ensure compliance with the Immigration Act, to follow up and contact our office to have an immigration audit or verification of a specific visa done.

If you would be interested in finding out more then please send an email to enquiries@immigration.org.za and in the subject line the words "Verification of Visas / Immigration Audit".

CERTIFICATIONS AND APOSTILLES

Our office also has for many years assisted clients to do certifications and verifications of documentation and when necessary doing a formal authentication right through to the Department of International Relations and Cooperation and where necessary Apostille certifications.

Our turn-around time on these certifications generally would be a few days once the relevant documentation has been provided.

CONCLUSION

With new immigration policy still being formulated it is anticipated, possibly not in this year but certainly in 2018 there will be a restructuring and amendments of the Immigration Act and Regulations based on the new policy.

We will keep you updated as to what transpires.

AS ALWAYS, WE ENDEAVOR TO KEEP YOU UP TO DATE ON ALL IMMIGRATION RELATED ISSUES

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THE TEAM AT JULIAN POKROY ATTORNEYS