

Zimbabwe Exemption Permits and multiple passports

Zimbabwe Exemption Permits (ZEP) exemption has been extended and advice regarding multiple passports.

In terms of the new Zimbabwe Exemption Permit “ZEP” applications had to be brought between 15 October 2017 and the end of November 2017.

In a previous article on the topic, I mentioned that it was inconceivable that this could be finalised within the window period referred to, and it is therefore welcome that the Minister of Home Affairs announced that the closing date for applications for the “new” ZEP would now be extended to the end of February 2018.

I must repeat that what was stated in the previous article is that only holders of the prior Zimbabwe Special Permit “ZSP” qualify to apply for the new ZEP.

The other most important innovation was that persons holding the prior ZSP could now elect whether to apply for a ZEP or to apply for a mainstream Visa.

The concern which flowed was that very little time in the original window period of 15 October 2017 to the end of November 2017 would be practical for a ZSP Permit holder to apply for any mainstream Visa.

This new announcement of the extension of the deadline is, therefore, welcome for those persons.

Zimbabwe Special Permit Conditions

A vexing question which has been asked of me several times relates to whether the holder of a Zimbabwe Special Permit “ZSP”, which expires on 31 December 2017 but who has applied for and qualifies for a ZEP Visa, may continue working, studying or carrying on business or even residing in the Republic of South Africa.

The answer to this question could have gone either way.

I experienced various employers stating that they would terminate the services of anyone who was not possessed of an appropriate Visa if they could not produce proof of their new Visa at the beginning of 2018.

The situation has now been clarified in that the Director General has just issued a Departmental Directive stating that the holder of a ZSP who has indeed applied timeously for a ZEP (remembering that the deadline is now 31 February 2018), and who is possessed firstly of their original ZSP together with a receipt proving that they have lodged with VFS an application for the new exemption “ZEP” and paid the administrative fee in respect thereof, can continue working, studying or carrying on business or residing, pending the outcome of the application.

It would be incumbent on that individual to carry with them their ZEP receipt and proof of payment together with their passport.

Do you have more than one passport?

Previous articles in this column have referred to

the situation of South African Citizens obtaining citizenship of another country.

Second passports

Whilst I have dealt with various aspects of the technicality surrounding the acquisition of a second (2nd) or more passports, and the implications thereof in terms of the South African Citizenship Act 88 of 1995, the one item which was not particularly covered and rears its head from time to time relates to the process of traveling in and out of South Africa from another country of citizenship when you are a South African Citizen.

In terms of the South African Citizenship Act 88 of 1995 (as amended), it is directed that a South African Citizen must at all relevant times travel in and out of South Africa on their South African passport. This is in line with international best practice in this regard where countries have the same requirement.

Some of the far reaching effects of a South African who has entered South Africa on their foreign and not their South African passport are that they technically could be turned back, and very often this does happen upon arrival in South Africa, notwithstanding the fact that they are South African Citizens. Alternatively, a fine may be imposed in this regard. It is therefore important to always adhere to this rule.

Practical situations can occur, as recently happened with a South African born Canadian family who had to come to South Africa for a family event, and whose South African passports had expired and upon enquiring at the South African High Commission in Canada, were advised that it could take up to one (1) year to get a new passport, and they indeed needed to be in the country within a few weeks.

In such instances representations can be made to the Department of Home Affairs through the Principal Immigration Officer at the Port of Entry in order to provide adequate explanation and proof of their situation.

Therefore, to avoid any inconvenience and upset, the golden rule remains that a South African Citizen must at all times, enter and leave South Africa on their South African passport.

The question of Dual Nationality and the legal and technical processes which have to be followed in order to preserve South African Citizenship status will be dealt with in a later article. ■

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