

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 32323/22

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

and

CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA

Applicant as Intervening Party

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state anonymously under oath as follows:

- 1 I am a 46-year-old male residing in [REDACTED]
South Africa.
- 2 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.

am expected to explain to the Minister what contribution I make to the South African economy, however, this is speculation as there is no indication from the Minister of exactly what he wants to know. My contribution to the economy might be significant in my view, but in reality, it could be insignificant from the Minister's point of view.

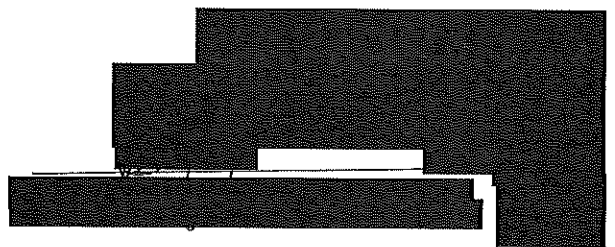
- 12 The Director-General tells us that the individual representations must be submitted via email to ZEPenquiries@dha.gov.za. The Director-General then says that these representations will be processed and submitted to the Minister for consideration, who will then decide whether he would extend each individual ZEP.
- 13 This informal process is unlike the previous processes that were followed to extend DZPs and ZSPs in the past. This attempt to have our voices heard is also in contradiction to what has been communicated by the Minister, as he indicated on numerous occasions that the ZEPs would not be extended and that the only way for ZEP holders to lawfully remain in the country would be to migrate to other visas in terms of the Immigration Act.
- 14 The call for representations and the process that we are instructed to follow is vague. We are now told, without any guidance, to make representations via email to ZEPenquiries@dha.gov.za. We are not told what our representations should contain and how they would be considered.
- 15 As I know it, the extension process is not facilitated by VFS Global or a similar institution, as was done in the past. We are not guided through a formal

application process, we are not asked to submit any forms or to make any form of payment, as was done in the past. This is very strange and we cannot be expected to trust a process that is as informal as the present one. Especially given how serious and formal the government's previous approaches to extensions were.

- 16 Despite this, now that the Director General claims that the Minister's decision is not final, and there is room to persuade him, I will make use of the opportunity to make representations to the Minister, providing the same information that I set out in my supporting affidavit.
- 17 Even though the Director General tells me that I should make representations, I have no reason to believe that this will give me any protection. Even though I have set out my circumstances in detail in my previous affidavit, the Director General does not say that my circumstances would qualify me for an exemption. The Director General also does not explain what process will be followed in deciding on individual exemptions, when decisions will be made, and how the Department will process all of our applications before 31 December 2022.
- 18 As I previously indicated, I do not believe that I would qualify for any other visa or waiver provided for in the Immigration Act to regularise my stay in the country.

CONCLUSION

- 19 The Director-General's statements have come as a complete surprise to me. Since the Minister announced his decision to terminate the ZEPs, no one has ever said that there may be a further extension of ZEPs.
- 20 The suggestion that ZEP holders now have an opportunity to persuade the Minister to change his mind, cannot be taken seriously. I say this because of the lack of clarity and formality in the process of making representations to the Minister. I do not believe that any engagement with the Minister at this stage, would be fruitful.
- 21 However, as I desperately want to regularise my stay in South Africa, by any legitimate means possible, I will make representations to the Minister, albeit cautiously and without any real hope of receiving a decision by 31 December 2022.

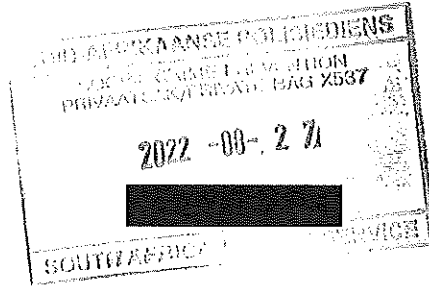


Signed and sworn before me at [REDACTED] on this the 27 day of August **2022**, the deponent having acknowledged that he knows and understands the contents of the affidavit, that he has no objection to taking the prescribed oath and that he considers such oath to be binding on his conscience.

[Handwritten signature] 2855502886
[Handwritten name]

COMMISSIONER OF OATHS

TITLE / OFFICE: *consulable*
FULL NAMES: *Isabella Gray*
ADDRESS: *[Redacted]*



B. J. N

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CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA

Applicant as Intervening Party

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am a 52-year-old male residing in [REDACTED] South Africa.
- 2 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.
- 3 Where I make submissions on the applicable law I do so on the advice of the applicant's legal representatives.

M.G

EWS

- 4 I deposed to an affidavit in support of the application that was attached to the founding affidavit of the HSF. I have since read the answering affidavit of the Respondents in this matter deposed to by Livhuwani Tommy Makhode, the Director-General of the Department of Home Affairs.
- 5 The purpose of this affidavit is to address the submissions made by the Director General in his answering affidavit relating to the call for representations, via email to ZEPenquiries@dha.gov.za, regarding the non-extension of my ZEP and the 12 months grace period afforded to us by the Minister of Home Affairs. In particular, I make my submissions as a ZEP holder directly implicated by the Minister's decision and the Director General's averment that I apparently, all along, have had an opportunity to make representations to the Minister to possibly extend my ZEP.
- 6 I persist with the request that my details be anonymised to protect me and my family. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.

MY INITIAL IMPRESSION OF THE MINISTER'S DECISIONS

- 7 Despite the Director-General's claim that the Department of Home Affairs contacted ZEP holders personally, I did not receive any email correspondence regarding the Minister's decision nor any supposed process of consultation. This, despite the fact that my email address is the same today as it was when I originally applied for my ZEP.

- 8 Instead, I received the Department of Home Affairs' notification of the Minister's decisions from a friend of mine via email on 1 January 2022. I have attached my friend's email to this affidavit as "EWS 1" and the Minister's own email correspondence is contained therein.
- 9 Upon reading the Minister's email, I noticed first that in paragraph 2 he had communicated to ZEP holders personally that he had decided "not to extend the exemption granted to you in terms of section 31(2)(b) in 2019." I assume that this is a typo and that the Minister meant 2017.
- 10 The only inference that I could draw from paragraph 2 of the Minister's email was that he had made up his mind to terminate the ZEP programme and would not grant any further extensions of exemptions.
- 11 So, when I noticed the Minister's call for "representations" via, ZEPenquiries@dha.gov.za in paragraph 9 of the Minister's email, it did not even cross my mind that representations would have any prospect of influencing the Minister's decision.
- 12 In fact, it struck me that I could only use the ZEPenquiries@dha.gov.za email address to enquire about the *effect* of losing the ZEP on my life – not to challenge the loss of my ZEP, which to my mind was the subject of a final decision by the Minister.
- 13 In this regard, I emailed ZEPenquiries@dha.gov.za on 7 June 2022 to enquire about the fact that banks were refusing to open a bank account for my business

M.G

EWS.

based on my ZEP. After receiving no response, I followed up with an email on 17 June 2022.

- 14 I have attached this correspondence to this affidavit as "EWS 2".
- 15 It bears mentioning that nobody at the Department of Home Affairs responded to me, despite me following up. No-one took the time to confirm receipt of my email or correct me that I had used the email address for the incorrect purpose. Indeed, I am curious about whether the Director-General has included my emails in the 6000 representations that he claims to have received on ZEPenquiries@dha.gov.za.

THE DIRECTOR-GENERAL'S "FAIR PROCESS" HAS COME AS A COMPLETE SURPRISE

- 16 In the past, extending the previous iterations of the ZEP required a formal process of application via the VFS Global online platform. This process was communicated to me fully beforehand, the criteria for its adjudication were clear and it was strictly formalised in at least the following ways –
- 16.1 It required a formal interaction with VFS officials;
- 16.2 I had to fill in various forms that were explicit in their expression of the information that was required to process my application;
- 16.3 I had to submit supporting documentation; and
- 16.4 I had to pay a significant fee for my application to be processed.

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EWS

- 17 This is fundamentally different from the process that the Director General now envisages: the Minister possibly extending my ZEP by sending an email to ZEPenquiries@dha.gov.za, without any guidance on what information should be included in that email or any idea about the criteria against which my representations would be judged.
- 18 Even now that the Director-General has claimed in his answering affidavit that I may use ZEPenquiries@dha.gov.za to extend my ZEP, I still cannot be certain about the sort of information and supporting documents that I may need to include into those representations. Given my past experience of the Department of Home Affairs' slow communications and delays, I cannot be certain that any submissions would be considered by 31 December 2022.
- 19 Moreover, my understanding has always been that the legal basis for my prior applications to extend my permit was section 31(2)(b) of the Immigration Act. In this regard, I expected that future extensions be made by the Minister under the same legal authority.
- 20 However, as I have emphasized above, in communication with ZEP holders the Minister expressly said that he would "not extend the exemption granted to you in terms of section 31(2)(b) in 2019." To me, this meant that the only legal route to extending my ZEP had been closed down.
- 21 Indeed, I still find it difficult to understand how a "representation" made by email to ZEPenquiries@dha.gov.za can either count as, or somehow be the start of,

an application under section 31(2)(b) of the Immigration Act to extend a permit that the Minister has expressly told me that he has decided not to extend.

22 I am, therefore, quite shocked that the Director-General now says that the Minister means to have left open this avenue of extension all along and by the unprecedented informal process of an email sent to ZEPenquiries@dha.gov.za.

23 I am further surprised that the Director General seeks to blame me for not making representations seeking a further extension. How could any ZEP holder possibly have known that they were being called on to make such representations?

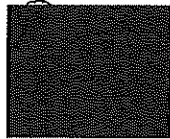
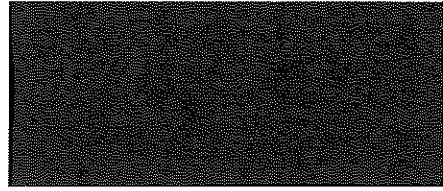
CONCLUSION

24 My initial impression of the Minister's mention of representations via ZEPenquiries@dha.gov.za was that they could in no way count as a fair process which I could reasonably have used to change the Minister's mind.

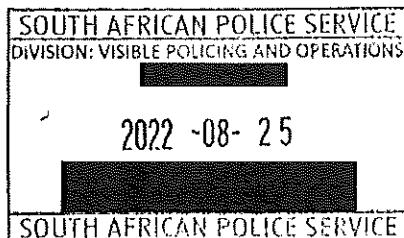
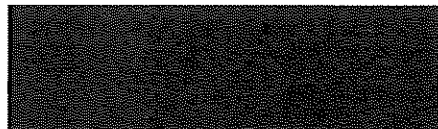
25 I based this belief on the very clear language in which the Minister presented his decision in paragraph 2 of his email.

26 Even now that the DG has raised, for the first time in his affidavit, the possibility that I may change the Minister's mind via ZEPenquiries@dha.gov.za, I remain uncertain about what I need to include in these representations given their sharp difference from the past procedure for extending my ZEP.

27 Indeed, I am uncertain about whether this process can even count as a lawful extension of my permit, given that the way I have historically extended my permit was in terms of a formal application in terms of section 31(2)(b) of the Immigration Act.

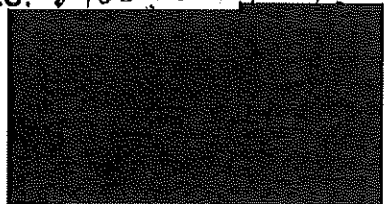


Signed and sworn before me at _____ on this the 25 day of August 2022, the deponent having acknowledged that he knows and understands the contents of the affidavit, that he has no objection to taking the prescribed oath and that he considers such oath to be binding on their conscience.



COMMISSIONER OF OATHS

TITLE / OFFICE: SERGEANT
FULL NAMES: MOBOLE GIBBER
ADDRESS: _____



M.G

EWS

1 1

FW: Letter to ZEP holders

1 message

To: [REDACTED]@hotmail.co.za
[REDACTED]@gmail.com

Sat, 01 Jan 2022, 09:57

FYI

From: DHASA-ZEP5 <No-reply5.dhasa@vfshelpline.com>
Sent: Saturday, 01 January 2022 04:50
To: [REDACTED]@hotmail.co.za
Subject: Letter to ZEP holders

Please do not reply to this message , If you wish to contact us, Please email to ZEPenquiries@dha.gov.za



home affairs
Department
Home Affairs
REPUBLIC OF SOUTH AFRICA

230 Johannes Ramokhoase Street, Pretoria, Private Bag X114, Pretoria, 0001,Parliamentary Office, 120 Plein Street, Private Bag X 9048, Cape Town, 8000

To,

[REDACTED]
Email : [REDACTED]

M.G

EWSI

Ref.No. : ZEP [REDACTED]

Dear Sir/Madam

**RE: NON EXTENSION OF THE EXEMPTIONS IN TERMS OF SECTION 1(2)(d)
OF THE IMMIGRATION ACT 13 OF 2002 ISSUED TO ZIMBABWEAN NATIONALS**

1. By the direction of the Minister of Home Affairs, I address this letter to you on his behalf.
2. Kindly note that the Minister of Home Affairs has exercised his powers in terms of section 31(2)(d) of the Immigration Act 13 of 2002 not to extend the exemption granted to you in terms of section 31(2)(b) in 2019.
3. In order to avoid unnecessary prejudice, the Minister has also imposed a condition giving you a period of 12 months in order to apply for one or more of the visas provided for in the Immigration Act. In other words, your permit which is due to expire on 31 December 2021 will be regarded as valid until 31 December 2022.
4. The Minister has issued a directive to the immigration services and all officials to the effect that no action should be taken against the Zimbabwean exemptions' holders in terms of sections 29, 30 and 32 of the Immigration Act.
5. You are therefore required to make use of the 12 months' period to apply for one or more of the visas set out in the Immigration Act.
6. The Minister has also directed that a special team be set up to deal with the anticipated applications for various visas by Zimbabwean nationals.
7. The decision of the Minister was taken due to, inter alia, the following reasons:
 7. ◦ The exemptions granted to the Zimbabwean nationals was and has always been a temporary measure, pending improvement of the economic situation in Zimbabwe. In 2008 approximately 200 000 people arrived in South Africa seeking asylum, the majority of them were Zimbabwean nationals. Again in 2009 another 207 000 arrived also seeking asylum. Similarly, the majority of them were Zimbabwean nationals. The extensive nature of asylum applications by Zimbabwean nationals between 2008-2009 overwhelmed the administrative capacity of the Department's Asylum Seeker Management Unit, and resources were over-stretched. This status has been exacerbated in prevailing years with an accumulation of appeals within the statutory bodies responsible for rejected or failed asylum applications.
 7. ◦ The Department of Home Affairs ("DHA") has encountered limited capacity to respond to such capacity constraints by virtue of its constrained budget. This was more pronounced in 2020 with the


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outbreak of Covid-19 and other economic factors in South Africa. This resulted in the budget of the DHA being significantly reduced. First, in the 2020/21 financial year, R562 million was cut during the Special Adjustment Budget and a further R301 million during the Medium-Term Expenditure Framework. Second, in the financial year 2021/22 the DHA baseline was cut by R969 million, the bulk of which was for Compensation of Employees (R671 million). The Compensation of Employees ("COE") ceiling for 2021/22 was set at R3,4 billion. The DHA had to prioritise the budget, as the COE ceiling is insufficient to cover the existing staff compliment. As matters stand, the DHA is unable to employ more staff members in the immigration services. Therefore, it had to prioritise the budget and allocate more resources to civic services, which in essence deals with the rights of South African citizens.

7.
 - According to Statistics South Africa ("Stats SA") Quarterly Labour Force (QLFS) quarter 2 of 2021, South Africa's unemployment rate increased by 1,8% bringing the overall rate to 34%. This is the largest recorded since the start of the QLFS in 2008.
 - The DHA came to realise that some of the Zimbabwean exemptions' holders were violating the conditions in that about 1 900 were somehow able to apply for waivers in terms of the Immigration Act. Their applications were rejected.
8. It goes without saying that a combination of factors led to the lawful, rational and reasonable decision of the Minister.
9. Should you have any representations to make regarding the non-extension of your exemption and the 12 months period, you may forward such representations to Mr Jackson McKay: Deputy Director-General: Immigration Services, E-mail ZEPenquiries@dha.gov.za

Sincerely



L.T. MAKHODE
 DIRECTOR-GENERAL
 DEPARTMENT OF HOME AFFAIRS
 DATE : 31 DEC 2021

65 CLIENT GOVERNMENTS

143 COUNTRIES OF OPERATION

OVER 243 MILLION APPLICATIONS PROCESSED

Cares

Your Safety Our Priority

Stop Coronavirus, stay healthy.

As a company, we continue to take measures to prevent the spread of the Coronavirus, and to protect our employees and customers - Practice social distancing, follow hygiene and safety rules, use video conferencing and remote communication channels. Thank you for your continued support.

This message contains information that may be privileged or confidential and is the property of the VFS Global Group. It is intended only for the person to whom it is addressed. Any unauthorised printing, copying, disclosure, distribution or use of this message or any part thereof is strictly forbidden. If you are not the intended recipient, you are not authorised to read, print, retain, copy, disseminate, distribute, or use this message or any part thereof. If you receive this message in error, please notify the sender immediately and delete all copies of this message. VFS Global Group has taken reasonable precaution to ensure that any attachment to this e-mail has been swept for viruses. However, we do not accept liability for any direct or indirect damage sustained as a result of software viruses and would advise that you conduct your own virus checks before opening any attachment. VFS Global Group does not guarantee the security of any information transmitted electronically and is not liable for the proper, timely and complete transmission thereof. Statistics as on 30th June 2020.

M 09

ZWS

Re:Opening Business Bank Accounts pursuant to DHA directive No. 1/2021

1 message

[REDACTED]@gmail.com>
To: [REDACTED]@gmail.com>

Fri, 17 Jun 2022, 18:29

Mr. Mackay.

My email of 7 June 2022 refers.

May you kindly advise. If I fail to open a business account, I stand to lose out on a business deal.

Awaiting your kind and considered reply.

Cell: [REDACTED]

WhatsApp [REDACTED]

----- Original message -----

From: [REDACTED]@gmail.com>

Date: Tue, 07 Jun 2022, 22:41

To: ZEPenquiries@dha.gov.za

Subject: Opening Business Bank Accounts pursuant to DHA directive No. 1/2021

Att. Mr. Jackson Mackay

May you kindly assist. I am the Director and sole shareholder in the company called [REDACTED] (Pty) Ltd Reg. No. [REDACTED]/07.

I have submitted the particulars of [REDACTED] (Pty) Ltd for registration with the Treasury's Central Supplier Database. My application is pending because when the Central Supplier Database tried to validate the bank details for the company, it failed.

I have tried to open a new bank account for the company and banks I have approached are refusing to open the account.

They say they want me to produce a valid business permit.

Kindly clarify if the ZEP that we currently have is not a valid permit, for the purposes of opening bank accounts

[REDACTED] | Permit No [REDACTED]

Cell: [REDACTED]

WhatsApp [REDACTED]

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**CONSORTIUM FOR REFUGEES AND
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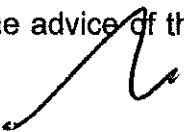

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am an adult female [REDACTED] practising from, [REDACTED]
[REDACTED]
- 2 The facts contained in this affidavit are within my own knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.
- 3 Where I make submissions on the applicable law, I do so on the advice of the Applicant's legal representatives.


4 The purpose of this affidavit is to respond to statements made by the Director General in his answering affidavit in this matter, in which he suggests that waivers and temporary visas provide a remedy for ZEP-holders to regularise their status before 31 December 2022. In particular, the Director General claims that *"ZEP holders have been given a meaningful opportunity extending over a year, to regularise their status and a special task team has been set up to deal with their applications"*.

5 I became aware of the Director General's statements after seeing media reports on the contents of this answering affidavit. I made contact with the Helen Suzman Foundation and offered to share my experience in this regard.

6 I have first-hand experience of the waiver and visa application process as I assisted [REDACTED] (hereafter referred to as my employee) a ZEP holder, to apply for a waiver, to regularise her status following the First Respondent's decision to terminate the ZEPs. After much time and effort, we gave up on this application, due to the insurmountable, irrational and unfair process that ZEP-holders have to follow.

7 Attached to this affidavit, marked as annexure "FW1" is a confirmatory affidavit deposed to by my employee in which she confirms our experience with the visa and waiver application process.

8 Due to the recent spate of xenophobic violence and intimidation experienced by foreign nationals - including ZEP holders - in South Africa, I have requested that my details and my employee's detail be anonymised to protect us and our



families. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.

OUR EXPERIENCE WITH THE UNFAIR ONLINE APPLICATION PROCESS THROUGH THE VFS GLOBAL PLATFORM

- 9 I have employed my employee as a domestic worker since 2018. In May 2022, after I learnt of the first Respondent's decision to terminate the ZEPs and the grace period afforded to ZEP holders to migrate to other visas, my employee and I commenced the process to ensure that her status after 31 December 2022 would be regularised.
- 10 My employee was advised by other Zimbabwean nationals that visa and waiver applications for ZEP holders have to be made through VFS Global.
- 11 I called the VFS Global helpline, on my employee's behalf. After explaining my employee's situation, I was advised that she should apply electronically under the subcategory of TRV Waivers for an appointment with an official. On 21 May 2022, I assisted my employee with the process of this online application as she does not have internet access nor is she familiar with online applications.
- 12 Although I have much experience with online applications of different sorts, I found this an extremely tedious and time-consuming process as the system kept



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on timing out and I had to return to the home page and re-enter the required details.

- 13 On 22 May 2022, on behalf of my employee, I paid an amount of R1550.00 (one thousand five hundred and fifty rand) with the application to secure an interview as she was not able to pay this amount. On 22 May 2022, on receipt of the online application and payment, my employee was sent a list of documents that she was required to take with her to the appointment. Amongst these documents were:

13.1 *A duly completed application online form (handwritten forms would not be accepted by the Department);*

This requirement unfairly excludes many applicants who would not have access to online services.

13.2 *A letter signed by the employer citing the requirements to be waived and a comprehensive motivation for each requirement.*

- 14 On 25 May 2022, I contacted the VFS Global Helpline to enquire what the aforementioned requirements were. I was told that the TRV Waiver Subcategory (that my employee had been previously advised to apply for) was incorrect.

- 15 I was then told that my employee should cancel the scheduled appointment, apply for a refund, and then reapply online under the Subcategory of Temporary Residence Visa and submit R1735.00 (one thousand seven hundred and thirty-five rand) in payment.

- 16 On 25 May 2022 my employee requested that I submit a second application online on her behalf, in the subcategory of Temporary Residence Visa. I again assisted with the payment of the amount of R1735.00. On 25 May 2022, I also assisted my employee with this online application as she is unfamiliar with online processes and does not have internet access.
- 17 When I enquired, on her behalf, on 25 May 2022, about a refund of the previous amount paid, R1550.00 for the first application, the VFS Global helpline, advised me that an application for this refund could only be submitted after the new application and payment and the confirmation of the appointment was received by VFS Global.
- 18 On 26 May 2022, I duly submitted, on my employee's behalf, an application to VFS Global for a refund of the amount of R1550.00. I then received a Refund Initiation Confirmation on 26 May 2022 recording a total refund amount of R1300.00. The VFS Refund Feedback states the following:
- 18.1 *All amounts reflecting as the amount to be refunded is not final amount, it is an approximate figure.*
- 18.2 *VFS Global has the right to regulate the final amount based on scrutiny/analysis by our authorities;*
- 18.3 *Also note that every refund request will carry an admin fee of R250 or a penalty fee of R850 unless falling into the categories of Death, Hospitalization.*



- 19 To date, no refund of this particular application has been received. More concerning is that the cancellation of my employee's first interview was due to incorrect advice that we received from the VFS Global helpline.
- 20 On 25 May 2022, my employee received confirmation of her appointment and a list of documents, that were required for a General Work Visa, which she had to bring with her the appointment for her application to be considered. Among these documents were the following:

20.1 *A duly completed online form (handwritten forms would not be accepted by the Department of Home Affairs);*

This requirement again excludes the many applicants who would not have online access.

20.2 *A police clearance certificate issued by the police or security in each country where the relevant applicant resided for 12 months or longer after attaining the age of 18 years, in respect of criminal records or the character of the applicant, which certificate shall not be older than six months at the time of its submission.*

My employee would have to travel to and from Zimbabwe to obtain this certificate. My employee last travelled to Zimbabwe in 2015. This involves great cost and considerable time away from work. It is an unfair, unaffordable and onerous burden on ZEP holders, like my employee, who do not have the financial resources and employment options.

My employee would also require a South African Police Clearance Certificate which would have cost approximately R800.00.



018-256

20.3 *Medical Certificate;*

20.4 *Radiological Certificate;*

The costs of these certificates are also unaffordable to my employee and many other potential applicants.

20.5 *A written undertaking by the employer accepting responsibility for the costs related to the deportation of the applicant and his or her dependent family members, should it become necessary.*

I could not commit to this undertaking and doubt if many employers could or would do so.

20.6 *Certificate by the Department of Labour confirming that despite a diligent search, the prospective employer has been unable to find a suitable citizen or permanent resident with qualifications or skills and experience equivalent to those of the applicant.*

It was neither realistic nor practical for me to conduct an appropriate acceptable "diligent search" or to obtain a certificate from the Department of Labour.

21 In any event, it is improbable that ZEP holders could afford and obtain the certificates and documents. For this reason, *my employee* then decided to cancel this appointment and apply for a refund of the amount of R1735.00 paid online in this application process.



22 On behalf of my employee, I submitted the online application for a refund on 3 June 2022. It again was a tedious, onerous and time-consuming process in which, in addition to the online application for a refund from VFS Global, my employee and I, on her behalf, had to firstly submit the following documents online to qualify for her refund from VFS Global, and then secondly, send an email to VFS Global attaching the Refund pdf Form together with all these same documents within 24 hours:

22.1 The VFS Global confirmation letter;

22.2 The appointment letter;

22.3 The refund pdf;

22.4 The applicant must also supply the password used to log into the VFS Global online portal.

23 A refunded amount of R885.00 was received on 22 July 2022, 50 days after the application for the refund was made. This amount is substantially less than the amount that was initially paid during the application process.

24 ZEP holders who do not have access to online service would not be able to apply for a refund from VFS Global for cancelled appointments. This is yet another obstacle placed in the path of ZEP holders' success in obtaining or applying for anything on the VFS Global platform.

25 My employee has taken no further steps to engage with the Department of Home Affairs in terms of regularising her status. She feels that the requirements in

 018-258

terms of documents needed and costs incurred are impossible hurdles for her to overcome.

CONCLUSION

26 I believe, as an employer, that the Department of Home Affairs has created, an application process that is essentially impossible for most ZEP holders to successfully complete. The costs of applications, the compulsory online processes and the range and costs of documentation required for an application to be considered exclude many ZEP holders from the process.

27 Accessing the visa and waiver process is an impossibility that a great number of ZEP holders would not overcome. The resultant effect would be that these ZEP holders and their families would be undocumented at the end of December 2022 and there is, unfortunately, nothing that they can do to avoid this situation.

[Redacted signature area]

Signed and sworn before me at [Redacted] on this the 29 day of AUGUST 2022, the deponent having acknowledged that she knows and understands the contents of the affidavit, that she has no objection to taking the prescribed oath and that she considers such oath to be binding on her conscience.

NORMAN JOHN OSBURN
COMMISSIONER OF OATHS
PRACTISING ATTORNEY - R.S.A.

[Redacted address]

[Handwritten Signature]

COMMISSIONER OF OATHS
TITLE / OFFICE:
FULL NAMES:
ADDRESS:

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 32323/22

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

and

CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA

Applicant as Intervening Party

CONFIRMATORY AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am an adult female ZEP holder.
- 2 Since December 2018 I have been employed by [REDACTED] as a Domestic Worker and Carer, for her adult daughter who is a medical doctor with a significant physical and mobility disability, in [REDACTED] [REDACTED]
- 3 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.

[Handwritten Signature]

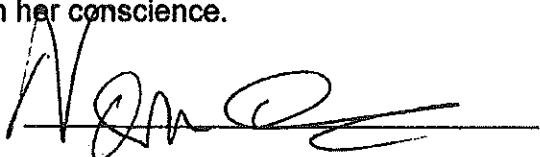
- 4 Due to the recent spate of xenophobic violence and intimidation experienced by foreign nationals - including ZEP holders - in South Africa, I have requested that my details be anonymised to protect myself and my families. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.
- 5 I have read the supporting affidavit of [REDACTED] That affidavit is true and correct insofar as it relates to me and the process that she and I attempted to follow in an attempt to regularise my stay in South Africa, following the decision of the Minister of Home Affairs to terminate the ZEPs.
- 6 I specifically confirm that I could not afford nor obtain the "police clearance certificates" nor "medical" and "radiological" certificates required to complete that application for a visa or waiver through VFS Global.
- 7 My husband is also a ZEP holder. We have lived in South Africa since [REDACTED] Both our children, a daughter aged [REDACTED] years and a son aged [REDACTED] years, were born in South Africa. Our daughter is in Grade [REDACTED]. Our son is to commence Grade [REDACTED] in 2023. The First Respondent's decision to terminate the ZEP process will have the additional consequence of disrupting our children's lives who have only lived in South Africa.



[REDACTED]

[REDACTED]

Signed and sworn before me at [REDACTED] on this the 29 day of August 2022, the deponent having acknowledged that she knows and understands the contents of the affidavit, that she has no objection to taking the prescribed oath and that she considers such oath to be binding on her conscience.



COMMISSIONER OF OATHS:
TITLE/OFFICE
FULL NAMES:
ADDRESS:

NORMAN JOHN OSBURN
COMMISSIONER OF OATHS
PRACTISING ATTORNEY

[REDACTED ADDRESS]



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 32323/22

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

and

CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA

Applicant as Intervening Party

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am a 50-year-old female residing in [REDACTED], South Africa. I have one adult child.

- 2 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.

- 3 Where I make submissions on the applicable law I do so on the advice of the applicant's legal representatives.
- 4 I deposed to an affidavit in support of the application that was attached to the founding affidavit of the HSF. I have since read the answering affidavit of the Respondents in this matter deposed to by Livhuwani Tommy Makhode, the Director-General of the Department of Home Affairs.
- 5 The purpose of this affidavit is to address the submissions made by the Director-General in his answering affidavit relating to the call for representations, via email to ZEPenquiries@dha.gov.za, regarding the non-extension of my ZEP and the 12 months grace period afforded to us by the Minister of Home Affairs. In particular, I make my submissions as a ZEP holder directly implicated by the Minister's decision and the Director General's averment that I apparently, all along, have had an opportunity to make representations to the Minister to possibly extend my ZEP.
- 6 I persist with the request that my details be anonymised to protect me and my family. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.

MY KNOWLEDGE OF THE MINISTER'S "FAIR PROCESS" BEFORE THE DG'S ANSWERING AFFIDAVIT

- 7 I did not receive an email from the Minister communicating his decision not to extend my ZEP.
- 8 Rather, I learned about the Minister's decisions via communications from the Department of Home Affairs that circulated on social media at the time.
- 9 What was clear to me in those communications was that the Minister had made a final decision to terminate my – and all other – ZEPs and that my only option to lawfully remain in South Africa was to use a so-called "grace period" of twelve months to move to a visa available under the Immigration Act No. 13 of 2002 (the "Immigration Act").
- 10 I have now been shown a copy of the letter sent to ZEP-holders in January 2022, which is headed "NON-EXTENSION OF EXEMPTIONS IN TERMS OF SECTION 31(2)(d) OF THE IMMIGRATION ACT 13 OF 2002". In that letter, the Director General told ZEP-holders that ZEPs would not be extended beyond 31 December 2022.
- 11 That letter ends by saying that "*Should you have any representations to make regarding the non-extension of the exemptions and the 12 months period, you may forward such representations to Mr Jackson McKay; Deputy Director-General: Immigration Services, E-mail ZEPenquiries@dha.gov.za*".

- 12 Seeing this letter, 8 months later, I still do not understand the purpose of this call for representations. The Minister had already made a decision not to extend ZEPs. So what point was there in calling on ZEP-holders to make representations, after he had already made up his mind? Even if I had known about the letter earlier, I would not have made representations, because the decision was already made.
- 13 In his affidavit, the Director General now says that the Minister has not made any final decision. This is news to me. It was only when I read the Director-General's answering affidavit that I first heard of my apparent "opportunity" to make representations that could change the Minister's mind.

THE MINISTER'S "OPPORTUNITY" TO MAKE REPRESENTATIONS HAS SHOCKED ME

- 14 Now that I have read the Director-General's answering affidavit, I can still say that I am surprised that he has claimed that the Minister has been willing, all along, to consider my story and change his mind about not extending my ZEP. I am equally surprised to be told that I can apply for an individual exemption by sending an email to the Minister.
- 15 This is because there is nothing in the letter to ZEP-holders or any of the other public communications that says "*if you want to apply for an individual exemption from the Minister, send an email to ZEPenquiries@dha.gov.za*". There is also nothing which tells ZEP-holders what information is required for an application like this.

- 16 An email address like ZEPenquiries@dha.gov.za is not at all like the process that I have usually gone through in extending my old permits.
- 17 In the past, I had to follow a very clear and strict process to have my permit extended. I had to fill in forms via the VFS Global platform, make a significant payment, provide copies of my passport and give in a letter from my employer.
- 18 Now, with just giving me an email address, I am not sure whether I need to do the same or something different in order to get the Minister to consider extending my ZEP.
- 19 I am also not told what information is required from me. I am worried that if I accidentally leave something out that the Minister will reject my representations or send me a delayed follow-up request for further information.
- 20 In the event that I need to manage various emails from the Department of Home Affairs, I am worried that there won't be time for the Minister to consider my representations before the 31 December 2022 cut-off. This is because I do not own a computer and I have to rely on an internet café to manage my emails. I cannot access my emails on my phone.
- 21 In fact, if I had to use ZEPenquiries@dha.gov.za to manage my representations to the Minister, this would be my first time interacting with the DHA by way of an email and I simply do not know what to expect and how the process will go forward.

- 22 I am also very confused about the legal principles behind the Director-General's proposed "opportunity" to make representations. My understanding has always been that the ZEP and its previous versions were granted under section 31(2)(b) of the Immigration Act. As I have explained this has always meant that I needed to follow a very strict, clear formal process of application.
- 23 Now, I am not sure how an email to the Minister, to ZEPenquiries@dha.gov.za, can have the same effect as the formal application that I am used to.

CONCLUSION

- 24 While I was not initially aware of the ZEPenquiries@dha.gov.za email address, it has made very little difference that the Director-General has, for the first time, described that email address as a way to change the Minister's mind about not extending my ZEP.
- 25 This is because I remain uncertain of the process that lies ahead of me once I make representations through ZEPenquiries@dha.gov.za and I remain confused as to how this new process can have the same effect of the old, formal process that I am used to using for extending my permits in terms of section 31(2)(b) of the Immigration Act.

[Redacted]
[Redacted]

Signed and sworn before me at [Redacted] on this the 25 day of August 2022, the deponent having acknowledged that she knows and understands the contents of the affidavit, that she has no objection to taking the prescribed oath and that she considers such oath to be binding on her conscience.

[Redacted]

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
2022 -08- 25
[Redacted]
SUID AFRIKAANSE POLISIEDIENS

COMMISSIONER OF OATHS

TITLE / OFFICE: AC
FULL NAMES: Aubrey Sedaya
ADDRESS: [Redacted]
[Redacted]

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 32323/22

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

and

CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA


Applicant as Intervening Party

SUPPORTING AFFIDAVIT

I, the undersigned,



state under oath as follows:

- 1 I am a 40-year-old male residing in  South Africa.
- 2 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.
- 3 Where I make submissions on the applicable law, I do so on the advice of the applicant's legal representatives.

- 4 I deposed to an affidavit in support of the application that was attached to the founding affidavit of the HSF. I have since read the answering affidavit of the Respondents in this matter deposed to by Livhuwani Tommy Makhode, the Director-General of the Department of Home Affairs.
- 5 The purpose of this affidavit is to respond to the Director General's statements about me in his affidavit.
- 6 I persist with the request that my details be anonymised to protect me and my family. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.

THE CALL FOR REPRESENTATIONS

- 7 In his answering affidavit, the Director General suggests I am to blame for any hardship that me, my wife and my children will suffer, because I did not make representations to the Minister. He also says that ZEP-holders should have asked the Minister to extend our ZEPs, on an individual basis.
- 8 I received the Minister's letter, in which he explained his decision not to extend the ZEPs, via email in January 2022. Despite reading the letter, I was not aware of any call for individual representations for an extension of the ZEPs, as the Minister indicated that the ZEPs would not be extended. Now that the content of the letter, particularly paragraph 9 thereof, had been explained to me I still do not

understand what we were asked to make representations on or what purpose those representations would serve.

- 9 As far as I was concerned, the Minister's decision to terminate the ZEPs was final at the time that it was announced. The various public notices and reports were clear on the fact that the Minister would not extend our stay in the country, unless we qualified for another visa.
- 10 In his answering affidavit, the Director-General now tells me that I should have sent an email to ZEPenquiries@dha.gov.za, asking the Minister to give me an individual exemption. I am left very confused by the Director General's statements, because the letter I have been shown does not say this. I am also not aware of any other public communication that invited ZEP-holders to make such applications.
- 11 The Minister has always communicated that the ZEP-holders would not be given any further exemptions in terms of section 31(2)(b) of the Immigration Act. The Minister's stance throughout this whole ordeal led me to believe that we, the ZEP holders, would not be saved by the mercy of the Minister and that our presence in the country was no longer wanted.
- 12 The Director General's suggestion that we should send an email to ZEPenquiries@dha.gov.za, asking for further exemptions is also very strange because this process differs substantially from the process that was followed when we applied for the DZP, the ZSP, and the ZEP.

- 12.1 All previous exemptions involved formal, electronic application processes facilitated by VFS Global. We were given clear guidance on how to go about applying for the extensions, which documents to submit and the fees that we had to pay.
- 12.2 After submitting our documents, we were invited to appointments with officials from the Department of Home Affairs, whereafter our exemption permits were issued. We were well guided throughout the processes and were well aware of exactly what had been expected from us.
- 12.3 By contrast, the Director General's answering affidavit does not explain the alleged new process at all.
- 12.4 We are not told what documents we should submit, what information is required, or what criteria we must satisfy. There is no possibility of knowing whether our representations are right or wrong, and there is no indication that we would be afforded an opportunity to appeal any decision taken that is based on our representations.
- 12.5 The Director General also does not explain how the Minister could possibly deal with all of these individual applications and make a decision on each individual case, within four months.
- 13 All of this leads me to believe that the Director General's claims about individual exemptions are not genuine. If the Minister really intended to grant individual exemptions, on a case-by-case basis, I would have expected a formal announcement, setting out the criteria that would be applied and laying out a formal procedure.

- 14 Out of desperation, my wife and I will now make representations to the Minister in an attempt have our ZEPs extended, but we have no trust in this process.
- 15 I also remain uncertain about the practicalities and the legality of this process. In particular, I have no assurance that my representations will be considered by 31 December 2022 nor am I assured that by sending an email to ZEPenquiries@dha.gov.za will have the equivalent effect of a formal application in terms of section 31(2)(b).
- 16 As I stated in my initial affidavit in support of the HSF's founding affidavit, I do not believe that I will qualify for any of the visas provided in the Immigration Act and I doubt that the Minister will grant a waiver in my favour, before 31 December 2022, should I apply for such waiver.

THE DIRECTOR-GENERAL'S ATTEMPT TO DISCREDIT MY STORY

- 17 In paragraphs 212 to 215 of his affidavit, the Director-General attempts to discredit me and to downplay the impact of the Minister's decision on me, my wife, and our two children.
- 18 While it is true that I did not make representations, I was not aware of the availability of this option. I also do not see the purpose of asking for representations after telling ZEP-holders that the decision is already made and is final.
- 19 The Director General further suggests that I am at fault by not making representations about the impact of the decision on my children. However, none

of the communications that I have now seen called for representations on behalf of affected children, nor has the Minister ever indicated that he is willing to grant exemptions to ZEP-holders who have young children.

20 The Director-General is also correct in saying that I have not yet applied for any other visa, nor for a waiver. But, as I explained in my previous affidavit, this is because I am still in the process of registering my business so that I can potentially apply for a business visa. I have considered my options in terms of the Immigration Act and I believe that obtaining a business visa would be the best option to regularise my status. However, the process for registering a business and the subsequent process for acquiring a business visa are not designed for marginalised individuals – and it is difficult and time consuming. I would likely have to apply for a waiver of the R5 million requirement, but even if I were eligible, there is no indication that my applications would be processed before 31 December 2022.

21 The Director-General makes the baseless accusation that my asylum application in 2005 was done in bad faith. The Director-General argues that because I travelled back to Zimbabwe in 2008, this means that I did not qualify for asylum in 2005. These travels occurred at a time when former President Mbeki facilitated the process of forming the Government of National Unity in Zimbabwe. The intervention brought temporary calm to the hostile situation in Zimbabwe, and I was but one of many Zimbabweans who risked returning to Zimbabwe. However, my experiences in Zimbabwe at that time confirmed that my future, and that of my family, would not be secure there.

22 Finally, the Director-General argues that the rights of my children are not violated by the Minister's decision. I stand by the reasons advanced in my initial supporting affidavit relating to the violation of my children's rights. As much as the Minister's decision adversely affects my life, it also adversely affects the lives of my children -- perhaps even more so.

23 I note that the Director General now says that ZEP-holders would qualify for a further exemption where their families are at risk of separation. This was never communicated to ZEP-holders before, nor did the Minister ever call for ZEP-holders to make submissions on this issue. If the Minister truly intends to make exemptions for families like mine, then we should have been afforded a meaningful opportunity to make applications on this ground. It is not good enough for such an important piece of information to be announced in an affidavit, just four months before the 31 December 2022 deadline.

CONCLUSION

24 The Minister announced, on various occasions, his decision to terminate the ZEPs. The ZEP holders were instructed to regularise their stay in South Africa by applying for other visas provided in the Immigration Act or we will have to return to Zimbabwe by 31 December 2022.

25 The Director-General's new version, claiming that we were afforded an opportunity to seek individual exemptions, is meaningless. As much as I am desperate for any opportunity to regularise my stay in the country, I doubt that

these representations would have any effect on the Minister's decision not to renew the ZEPs.

26 Additionally, I am left in the dark as to exactly what the Minister requires in these representations, how the process to consider the representations would work and whether I would have any opportunity to challenge the Minister's decision, should he refuse to accept my representations. I am highly sceptical of the representation process, as a means to possibly regularise my stay, which is suggested by the Director-General.

[Redacted signature]

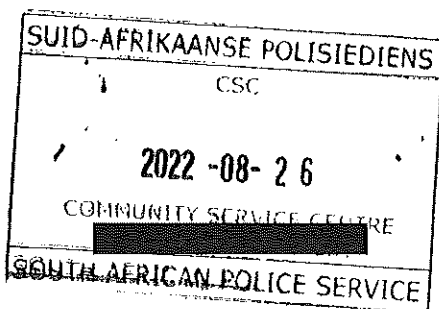
[Redacted name]

Signed and sworn before me at [Redacted] on this the 26 day of August 2022, the deponent having acknowledged that he knows and understands the contents of the affidavit, that he has no objection to taking the prescribed oath and that he considers such oath to be binding on his conscience.

[Redacted signature]

COMMISSIONER OF OATHS

TITLE / OFFICE: Sergeant
FULL NAMES: P. Z. N. N. N.
ADDRESS: [Redacted]



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 32323/22

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

and

CONSORTIUM FOR REFUGEES AND
MIGRANTS IN SOUTH AFRICA

Applicant as Intervening Party

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am a 37-year-old male residing in [REDACTED] South Africa.
- 2 I work as a salesperson in the [REDACTED] and I run a small [REDACTED] business.
- 3 The facts contained in this affidavit are within my knowledge, unless the context indicates otherwise, and are true and correct, to the best of my knowledge and belief.

SSK

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- 4 Where I make submissions on the applicable law I do so on the advice of the applicant's legal representatives.
- 5 The purpose of this affidavit is to address the submissions made by the Director General in his answering affidavit relating to the call for representations, via email to ZEPenquiries@dha.gov.za, regarding the non-extension of my ZEP and the 12 months grace period afforded to us by the Minister of Home Affairs. In particular, I make my submissions as a ZEP holder directly implicated by the Minister's decision and the Director General's averment that I apparently, all along, have had an opportunity to make representations to the Minister to possibly extend my ZEP.
- 6 I request that my details be anonymised to protect me and my family. A redacted version of this affidavit will be placed in the court file. The unredacted version will be provided to the other parties and the court, with a request for appropriate confidentiality undertakings.

MY INTERPRETATION OF THE MINISTER'S DECISION

- 7 I received a letter from the Minister in January 2022 stating that my ZEP had been terminated. The Minister's expressly said that he had decided "not to extend the exemption granted to you in terms of section 31(2)(b) in 2019." Although, I assume that the Minister meant 2017. I was shocked that such a momentous decision could be taken without any effort to consult me or any fellow ZEP holders about the impact that the decision would have on us.

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- 8 Nevertheless, I took the Minister at his word and began planning my life around his decision to cancel my ZEP.
- 9 In this regard, I noticed at the bottom of his letter that the Minister had provided an email address, ZEPenquiries@dha.gov.za, and he said that we could use it to make "representations". Given that the Minister had already clearly decided to cancel my ZEP, I did not interpret this as an opportunity to engage with him or the Department of Home Affairs in an effort to extend my ZEP.
- 10 This was confirmed by a TV interview with the Minister, screened on 22 June 2022, where he was discussing the plight of those many thousands of us ZEP holders who would not qualify for a mainstream visa. I understood the Minister to say, in that interview, that those who were worried about the possibility of regularising their stay under the Immigration Act, 13 of 2002 (the "Immigration Act") could email ZEPenquiries@dha.gov.za and ask for advice on what my options were.
- 11 In other words, the Minister said that this this email address was designed to give advice on alternative visas under the Immigration Act.
- 12 The interview can be viewed at this link: <https://www.youtube.com/watch?v=B3HgEwAM4S8> and has been viewed by more than 189 000 times.
- 13 It is, therefore, very surprising to me that the Director-General has now claimed in his answering affidavit that this email address had, all along, presented an

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opportunity for me to extend my ZEP. Especially because my ZEP was issued to me in terms of section 31(2)(b) of the Immigration Act and the Minister's letter expressly told me that he had decided to not extend that ZEP.

- 14 The wording of his letter to did not at all state that the email address could be used to overturn this decision or secure me a further exemption in terms of section 31(2)(b) of the Immigration Act.
- 15 In fact, I am very used to a strict and formal process to extend my permits under section 31(2)(b) of the Immigration Act. In the past, I have had to make a formal application via the VFS Global website, I was clearly guided as to what information and supporting documentation I needed to hand in and I had to pay a significant fee. I struggle to believe how the Director-General thinks that an email to ZEPenquiries@dha.gov.za can be a substitute for this process.
- 16 Even if I am to take the Director-General at his word and try use the ZEPenquiries@dha.gov.za email address to extend my ZEP, we are now only a few months away from the 31 December 2022 deadline and I have no trust in the department to deal with my email in time.

MY EXPERIENCE WITH THE ZEPENQUIRIES@DHA.GOV.ZA

- 17 I decided to email ZEPenquiries@dha.gov.za after I tried and failed to reach the Department of Home Affairs by email in early August of 2022.

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- 18 While searching the Department of Home Affairs website, I found the cell number of the Minister's Spokesperson, Siya Qoza. That number was listed at the end of a document entitled "MINISTER OF HOME AFFAIRS' PRESS STATEMENT: ZIMBABWEAN NATIONALS GRANTED EXEMPTIONS IN TERMS SECTION 31(2)(b) OF THE IMMIGRATION ACT 13 OF 2002".
- 19 I contacted the number and on 6 August 2022 I was directed to the ZEPenquiries@dha.gov.za email address.
- 20 I emailed ZEPenquiries@dha.gov.za on the very same day, seeking further information on the regularisation process. I did not get any response nor did I get an acknowledgement of receipt. I then followed up with an email on 22 August 2022 and once again, it was met with silence.
- 21 I attach my correspondence as "SSK 1".
- 22 Neither of my emails contained a request for extending my ZEP. This is simply because the Minister had been clear in his letter that my ZEP had been cancelled and had spoken publicly on the purpose of the ZEPenquiries@dha.gov.za email address being for regularisation enquiries only.
- 23 If I knew that the email address counted as an opportunity to state my case for an extension of my ZEP, then I would have included in detail my contribution to South Africa and the immense hardship that my family and I will endure if we become undocumented come 31 December 2022.

SSK

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- 24 The department did not even care for my situation enough to follow up with me to tell me that I had used the email address incorrectly.
- 25 Having received no response from ZEPenquiries@dha.gov.za, I continued to send WhatsApp messages to Siya Qoza pleading for more information about how I should manage my affairs going forward. I received no response despite numerous messages.
- 26 I attach screenshots of my messages as "SSK 2".

CONCLUSION

- 27 I am simply shocked that the Director-General is claiming that the Minister's initial letter to me contained an opportunity to make representations to extend my ZEP via an email to ZEPenquiries@dha.gov.za.
- 28 Even now that I am told that I have an "opportunity" to extend my ZEP via an email to ZEPenquiries@dha.gov.za, I have no confidence in the Department of Home Affairs processing my "representations" in time for the 31 December 2022 deadline.
- 29 Indeed, I am uncertain about whether this process can even count as a lawful extension of my permit, given that the way I have historically extended my permit was by a formal application in terms of section 31(2)(b) of the Immigration Act.

SSK

ML

[Redacted]

[Redacted]

Signed and sworn before me at [Redacted] on this the 29 day of August 2022, the deponent having acknowledged that he knows and understands the contents of the affidavit, that he has no objection to taking the prescribed oath and that he considers such oath to be binding on their conscience.



[Redacted]

COMMISSIONER OF OATHS
TITLE / OFFICE: *PA*
FULL NAMES: *MARGARET LEONARD*
ADDRESS: [Redacted]

[Redacted]

SSK

ML

"SSK 1"

[Redacted]

From: [Redacted]@gmail.com>
Sent: Wednesday, 24 August 2022 19:06
To: [Redacted]
Subject: Fwd: Zep

----- Forwarded message -----

From: [Redacted]@gmail.com>
Date: Mon, 22 Aug 2022, 20:17
Subject: Re: Zep
To: <ZEPenquiries@dha.gov.za>

Good day
My name is [Redacted] passport number [Redacted] I am just writing this email to you to state that I don't qualify for the other visas you have mentioned I am here in South Africa more than 15 years all my family is here I need to be documented . please can you advise with the type of the visa which I can apply I really appreciate if you can help
Thanks in advance
Regards [Redacted]

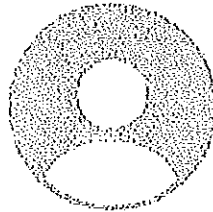
On Sat, 6 Aug 2022, 16:51 [Redacted]@gmail.com> wrote:
Good day
Please can you help me with the information for the permit I must apply I don't qualify for the skilled permit, marriage, and study if you need more information please let me know so that I can provide
I appreciate it if you can help me
Regards [Redacted]

SSK

ML

"SSK 2"

19:14 [status icons] [signal icons]



Zep Home Affairs

+27 82 898 1657

Last seen today at 19:09



Audio



Video



Search

"If you are good at making excuses, you need not be good at anything else"
27 July 2018



Mute notifications



Custom notifications



Media visibility
Off



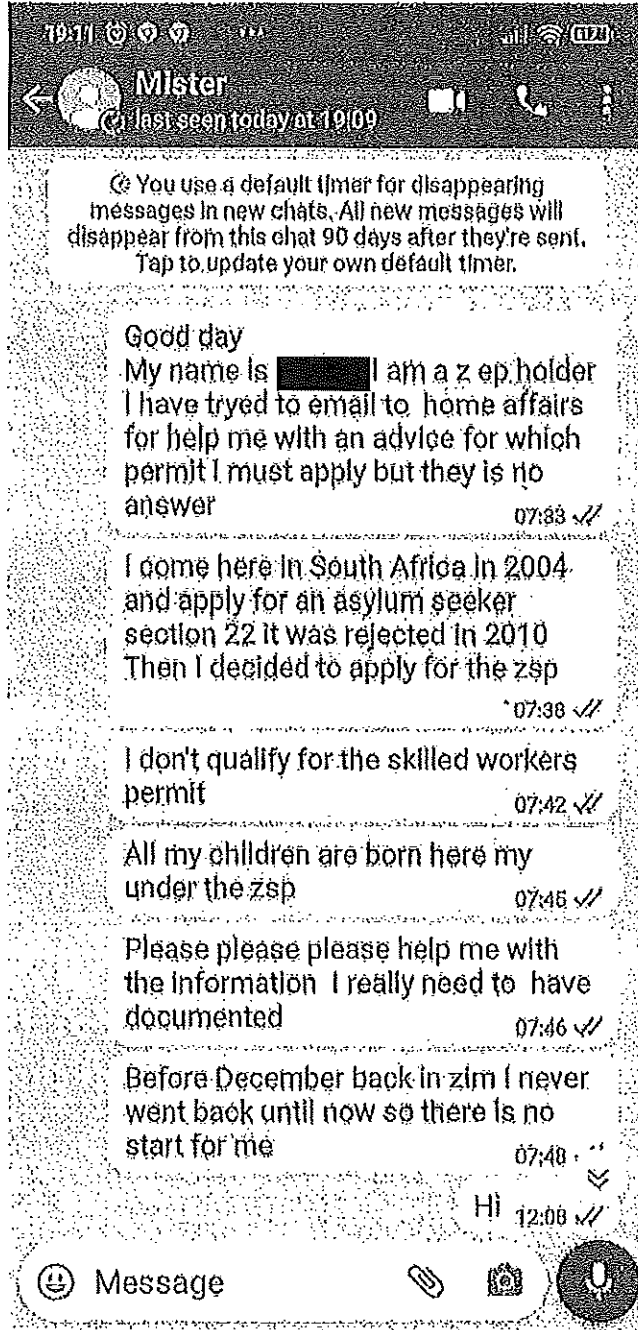
Encryption

Messages and calls are end-to-end encrypted. Tap to verify.



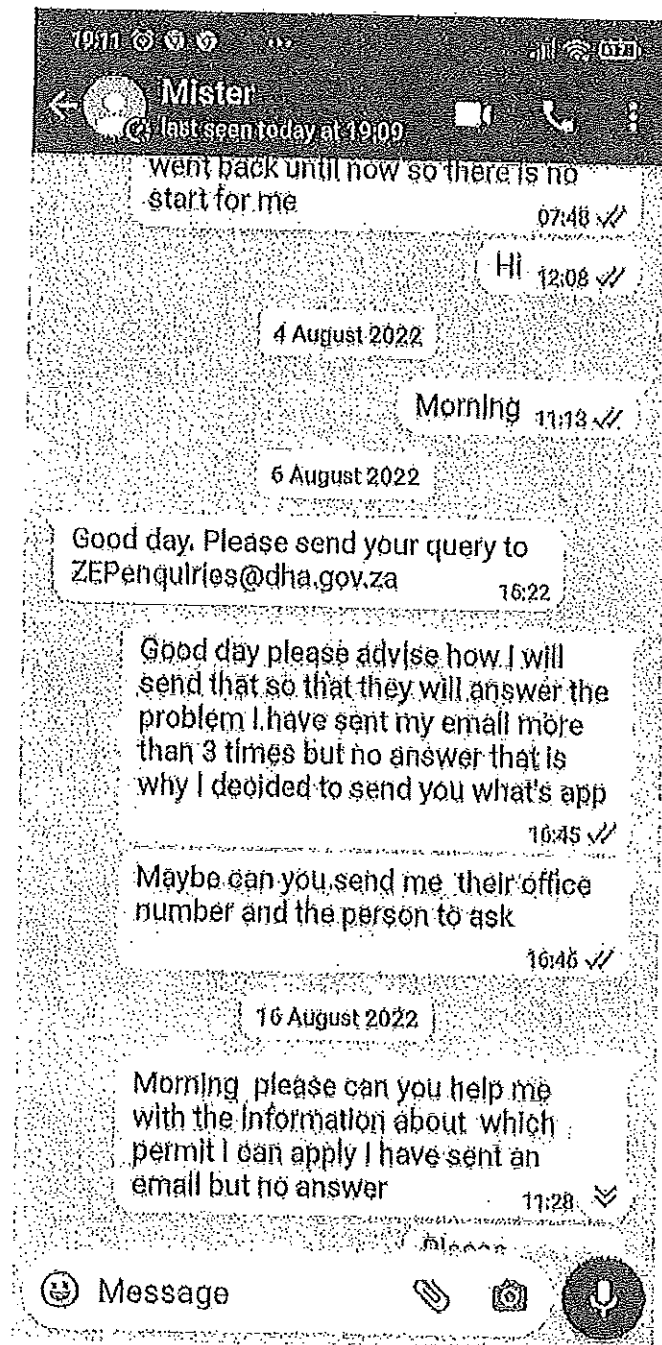
SSK

m2



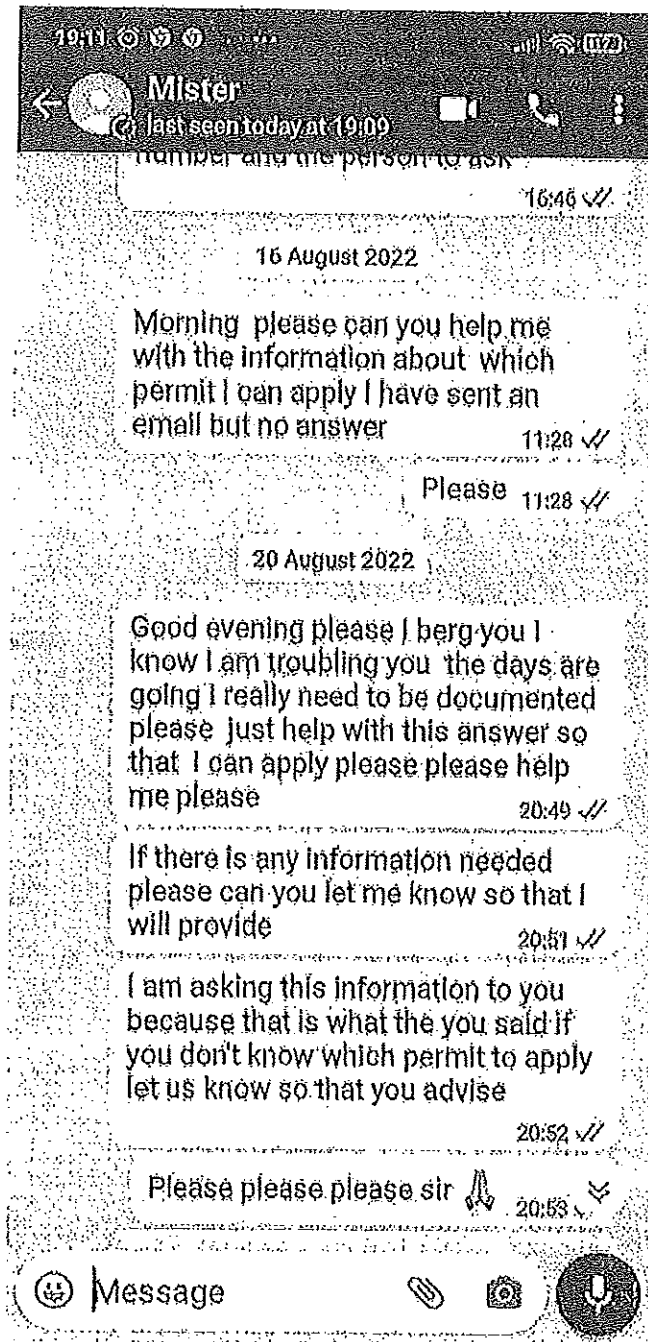
S SK

m2



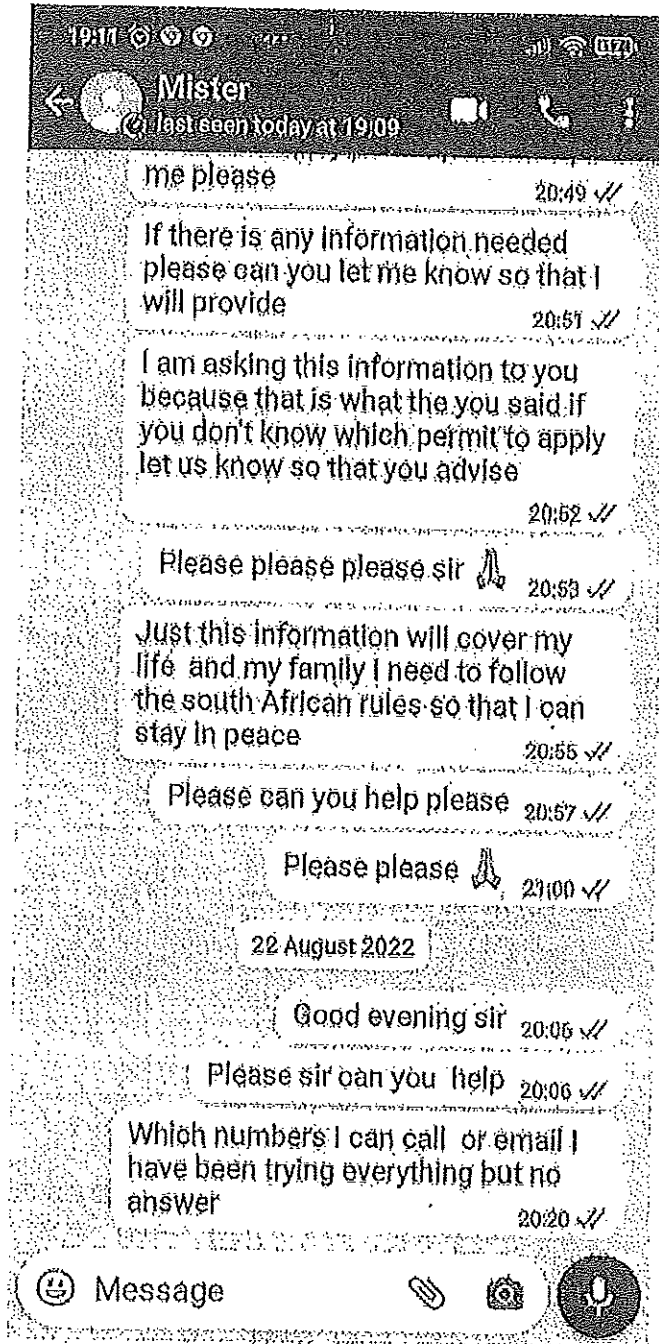
SSK

mL



SSA

ML



SSK

ML