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EMPLOYMENT LAW ALERT

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The Department of Home Affairs provides clarity on the Zimbabwean Exemption Permit

In 2009, a decision was taken by Cabinet to implement the Dispensation of Zimbabweans Project (DZP). The objectives of the DZP included providing amnesty to Zimbabwean nationals who were in possession of fraudulently obtained South African immigration documents and curbing their deportation. The DZP expired on 31 December 2014 and was replaced by the Zimbabwean Special Dispensation Permit (ZSP). The ZSP was valid for a period of three years, until it expired on 31 December 2017.

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The Department of Home Affairs provides clarity on the Zimbabwean Exemption Permit

A directive was issued by the Director General of the Department of Home Affairs confirming Cabinet's decision that no further extensions would be granted to Zimbabwean nationals who are holders of a ZEP.

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The ZSP was replaced by the current Zimbabwean Exemption Permit (ZEP) which expires on 31 December 2021. Approximately 180,000 Zimbabwean nationals are in possession of a ZEP.

Despite the history of these extensions, on 29 November 2021, a directive was issued by the Director General of the Department of Home Affairs confirming Cabinet's decision that no further extensions would be granted to Zimbabwean nationals who are holders of a ZEP.

A grace period of 12 months (i.e. until 31 December 2022) has, however, been granted to all ZEP holders to provide them with sufficient time to legalise their status in South Africa through the mechanisms provided for in terms of the Immigration Act 13 of 2002 (Act). ZEP holders must

therefore apply for a visa, appropriate to their circumstances, in accordance with the Act, and ensure that their applications meet the applicable requirements. All ZEP holders whose applications are unsuccessful will be required to leave South Africa or risk being deported.

While all ZEP's will expire on 31 December 2021, all organisations, including employers, must allow ZEP holders to continue rendering their services. This is, however, conditional upon the ZEP holder furnishing proof that a visa application has been submitted to Visa Facilitation Services Global (VFS), in the form of a VFS receipt.

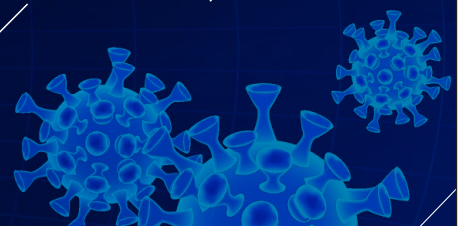
In addition, all ZEP holders must be allowed to travel to and from South Africa, without restriction, until 31 December 2022.

In light of the above decision, all ZEP holders must apply to VFS for an appropriate visa that will confirm their legal status in South Africa without delay. In addition, employers who currently employ ZEP holders should inform their employees of the implications of the directive and encourage them to apply for an appropriate work permit, failing which their capacity to remain employed in South Africa will be affected.

Michael Yeates and Taryn York

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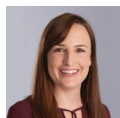
Aadil Patel
Practice Head
Director
T +27 (0)11 562 1107
E aadil.patel@cdhlegal.com



Phetheni Nkuna
Director
T +27 (0)11 562 1478
E phetheni.nkuna@cdhlegal.com



Michael Yeates
Director
T +27 (0)11 562 1184
E michael.yeates@cdhlegal.com



Anli Bezuidenhout
Director
T +27 (0)21 481 6351
E anli.bezuidenhout@cdhlegal.com



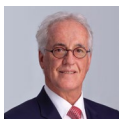
Desmond Odhiambo
Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E desmond.odhiambo@cdhlegal.com



Mohsina Chenia
Executive Consultant
T +27 (0)11 562 1299
E mohsina.chenia@cdhlegal.com



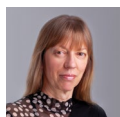
Jose Jorge
Director
T +27 (0)21 481 6319
E jose.jorge@cdhlegal.com



Hugo Pienaar
Director
T +27 (0)11 562 1350
E hugo.pienaar@cdhlegal.com



Faan Coetzee
Executive Consultant
T +27 (0)11 562 1600
E faan.coetzee@cdhlegal.com



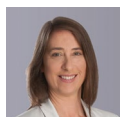
Fiona Leppan
Director
T +27 (0)11 562 1152
E fiona.leppan@cdhlegal.com



Thabang Rapuleng
Director
T +27 (0)11 562 1759
E thabang.rapuleng@cdhlegal.com



Jean Ewang
Consultant
M +27 (0)73 909 1940
E jean.ewang@cdhlegal.com



Gillian Lumb
Director
T +27 (0)21 481 6315
E gillian.lumb@cdhlegal.com



Hedda Schensema
Director
T +27 (0)11 562 1487
E hedda.schensema@cdhlegal.com



Avinash Govindjee
Consultant
M +27 (0)83 326 5007
E avinash.govindjee@cdhlegal.com



Imraan Mahomed
Director
T +27 (0)11 562 1459
E imraan.mahomed@cdhlegal.com



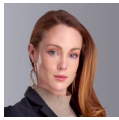
Njeri Wagacha
Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E njeri.wagacha@cdhlegal.com



Bongani Masuku
Director
T +27 (0)11 562 1498
E bongani.masuku@cdhlegal.com

OUR TEAM

For more information about our Employment Law practice and services in South Africa and Kenya, please contact:



Amy King
Professional Support Lawyer
T +27 (0)11 562 1744
E amy.king@cdhlegal.com



Asma Cachalia
Associate
T +27 (0)11 562 1333
E asma.cachalia@cdhlegal.com



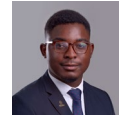
Peter Mutema
Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E peter.mutema@cdhlegal.com



Riola Kok
Professional Support Lawyer
T +27 (0)11 562 1748
E riola.kok@cdhlegal.com



Jaden Cramer
Associate
T +27 (0)11 562 1260
E jaden.cramer@cdhlegal.com



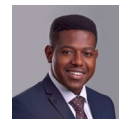
Mayson Petla
Associate
T +27 (0)11 562 1114
E mayson.petla@cdhlegal.com



Tamsanqa Mila
Senior Associate
T +27 (0)11 562 1108
E tamsanqa.mila@cdhlegal.com



Rizichi Kashero-Ondego
Associate | Kenya
T +254 731 086 649
T +254 204 409 918
T +254 710 560 114
E rizichi.kashero-ondego@cdhlegal.com



Kgodisho Phashe
Associate
T +27 (0)11 562 1086
E kgodisho.phashe@cdhlegal.com



Dylan Bouchier
Associate
T +27 (0)11 562 1045
E dylan.bouchier@cdhlegal.com



Jordyne Löser
Associate
T +27 (0)11 562 1479
E jordyne.loser@cdhlegal.com



Taryn York
Associate
T +27 (0)21 481 6314
E taryn.york@cdhlegal.com



Abigail Butcher
Associate
T +27 (0)11 562 1506
E abigail.butcher@cdhlegal.com



Christine Mugenyu
Associate | Kenya
T +254 731 086 649
T +254 204 409 918
T +254 710 560 114
E christine.mugenyu@cdhlegal.com

BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.
T +254 731 086 649 | +254 204 409 918 | +254 710 560 114 E cdhkenya@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.
T +27 (0)21 481 6400 E cdhstellenbosch@cdhlegal.com

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KIETI LAW LLP, KENYA



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