



Zimbabwe Exemption Permits – A Ruse or a Reversal?

“Migration offers a convenient language for wider frustration about unemployment, weak services, porous enforcement and urban disorder. That is why the issue has also drawn attacks from other parties. ZEP has become a vessel for broader anxieties about state failure.”¹

1. Introduction

In an interview on 14th April, the Deputy Minister of Home Affairs, Njabulo Nzuza, disclosed what sounded, to all intents and purposes, like his department's intention to invite Zimbabwe Exemption Permit (ZEP) holders to apply for permanent residence in South Africa.² These applications would then be judged on a case-by-case basis. This was immediately understood as a *de facto* invitation to all ZEP holders to at least make the application in the hope of a favourable outcome. Every news channel, commentator³ and radio station, all the social media platforms dealing with immigration issues,⁵ and spokespersons for Zimbabwean organisations⁶ began assessing the Deputy Minister's comments, which were hailed in all quarters as a reversal of policy.

A more cautious approach would have noted that nothing more than an intention had been mentioned; besides the Deputy Minister's words, there was nothing in writing to add further authority or weight to the statement. Up till now the situation with regard to permanent residence for ZEP holders has been that set out in a press statement of the DHA in January 2021, which said categorically (in section 10.4(b)) that “the ZEP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in the RSA.”⁷ In the same interview the Deputy Minister also emphasised that the ZEP was always seen as a temporary solution.⁸ He noted that individuals who wish to remain in South Africa should pursue alternative legal routes, including other visa categories already available under immigration law, including business and other mainstream

visa types.⁹ The general reading of his words was that these applications would now serve as stepping stones toward long-term residency for eligible applicants. This last sentence has been the traditional response over many years.

In this sense, despite the hype, Mr Nzuza was saying nothing particularly new. It should also be noted that he was clear that any transition into permanent residence would be done case by case; there was no suggestion of an automatic, blanket movement from ZEP to permanent residence. Nevertheless, the comments seemed to open the door for a more direct process of application for permanent residence, and it was notable that in the first twenty-four hours after the announcement there was no public statement from the DHA denying, nuancing or rebuking the Deputy Minister's comments. This was interpreted as a positive indication of the reversal of policy.

On the other hand, it is instructive that the VFS Global portal, which is the only platform for engaging with any changes related to a ZEP change in status, was not adjusted to accommodate this new development. This gave rise to doubts about what exactly Mr Nzuza was trying to convey. The Deputy Minister's comments have thus been a potential cause for optimism but also a bit disturbing, because there has been very little other than his words to give substance to the optimism.

2. Background

It is opportune to recall the nature and origins of the ZEPs. The Zimbabwean Exemption Permit (ZEP) is a special legal status for

Zimbabweans in South Africa, evolving from the 2009 Dispensation of Zimbabweans Project (DZP), which was designed to manage migration following economic instability.¹⁰ It was implemented to regularize the stay of undocumented Zimbabweans, offering amnesty and reducing pressure on the refugee system, with over 240 000 applications approved. It was succeeded by the Zimbabwean Special Permit (ZSP) in 2014 and the ZEP in 2017. These permits, covering roughly 180 000 holders, allow working, studying, and business, but faced termination in 2021, leading to legal challenges and extensions. The ostensible reason for the drop in numbers is mainly due to some returning to Zimbabwe, and others having died. Still others had migrated to other countries or had found other ways of remaining in South Africa. Post-2009 there were no further opportunities to apply for the permit, thus the previous extensions, and now this new possibility, are only available for those who made application in 2009. The most recent extension of validity of the ZEP is due to expire on 28th May, 2027.¹³

3. Immigration Policy

Whichever way events turn out with regard to a possible policy reversal, it is worth noting some of the contours of our immigration landscape, so as to appreciate any change of policy. Immigration policy in South Africa has long been shaped by a complex balancing of economic needs, regional relationships, and domestic pressures.¹⁴ Domestic pressures include the prevalent anti foreign sentiment expressed in almost daily occurrences of xenophobia and Afrophobia. The ZEP system, it is fair to say, sits directly at that intersection – created as a temporary response to migration flows, but evolving into a complex, contentious long-term social and legal question. “Government recognises that to bolster economic development, including much-needed foreign direct investment in labour-intensive industries, businesses need to have smooth access to the skills they require. To this end, the Department of Home Affairs (DHA) has introduced several reforms, including digitalisation, to speed things up. New visa regimes also seek to fast-track legitimate applications for critical and scarce skills, including acknowledging the various challenges.”¹⁵

However, the latest remarks suggest a possible recalibration: a move away from strict

temporary classification toward more flexible, individualized assessment. However this unfolds, we can expect some push-back from xenophobic groups. Even before the Deputy Minister’s announcement, Operation Dudula had officially challenged Home Affairs Minister Leon Schreiber in court over the extension of ZEPs. On 20 March, 2026 the group served a Notice of Motion, arguing that the process and legality of extending the permits should be reviewed.¹⁶ And the political party ActionSA has also condemned the renewal of the ZEPs.¹⁷

4. Some Educated Guesswork

Even though we do not know the exact requirements for a successful application (if this is indeed a reversal of policy), we can anticipate that the key requirements will include at least five years of lawful, continuous stay, a clean criminal record, and potentially qualifying under mainstream visa routes like work, business, or spousal visas.¹⁸ Practitioners in the immigration sector have advised ZEP holders who can, to transition into mainstream work visas – facilitated by a general waiver on certain requirements for those with job offers – before applying for permanent residence.¹⁹ While it is true that specific new regulations have not yet been published, standard requirements often include valid passports, proof of residence, and supporting documentation for the specific category.

ZEP holders can apply to change to work visas, but it is a fact that the requirements attached to general work visas are extremely stringent and impossible to meet for most ZEP holders. Thousands of ZEP holders therefore applied to be exempted from those stringent requirements; they were usually approved, but often not all relevant conditions were waived. The latest general waiver exempts all ZEP holders who have received individual waivers²⁰ from the additional stringent conditions. For ZEP holders with a job offer or work contract, this significantly increases the likelihood of securing a work visa for up to five years, paving the way for potential permanent residence. In summing up the complexity of the issues attached to the ZEP regime, Nicholas Norbrook says: “It has since acquired the peculiar permanence of many temporary arrangements: too disruptive to end abruptly, too politically fraught to regularise fully, and too embedded in daily life to unwind easily.”²¹

5. Spain Offers a Bold Model for Regularisation

The day before the Deputy Minister's interview, Spain launched an extraordinary regularization process designed to grant legal residence and work permits to approximately 500 000 undocumented migrants. This measure is one of the most significant regularizations in recent Spanish history, and is expected to proceed alongside intense scrutiny of its impact on the country's immigration system.²² There should be no illusion that this is an act of altruism – the government of Spain is quite clear on the fact that immigrants fill important gaps in the labour market. It has described the move as both an 'act of justice'²³ and an economic necessity to bolster the labour market, address labour shortages in sectors like agriculture and construction, and support the social security system in an aging country.²⁴

Herein lies the crucial difference between Spain and South Africa. Spain needs the labour of the migrant community while, arguably, South Africa does not have sufficient employment for its local community and thus needs to curb the numbers of migrants granted employment. Of course, this argument needs to be nuanced somewhat. The Spanish initiative, aimed at addressing the status of around half a million people, has been strongly criticized by the opposition People's Party (PP), who claim it rewards irregular migration.

It is interesting to compare the requirements for qualifying for this regularisation with the requirements for any possible regularisation of the ZEPs. Interestingly, the Spanish process

requires applicants to have been in the country for only five continuous months prior to 1st January 2026, and to hold a clean police record. (Most of the migrants hail from Morocco, Colombia, Romania and Venezuela.²⁵) Family joining, minor children, adults with disabilities, and first degree ascendants, will be made possible on a single application.²⁶ This, by any measure, is an accommodating provision.

6. Conclusion

While it is true that DHA has walked back the expectation that the mere possession of a valid ZEP would give one access to the application process for permanent residence,²⁷ it remains true that the door has not quite closed. Commentators have spoken of a 'limbo situation'. There is a sense that while nothing has definitively changed, there is some room for flexibility, some hope for a reversal of policy, some extension of the space that began with the implementation of the general waiver for ZEP holders. Some argue that the Deputy Minister's remarks were a teaser, to test the waters before moving on to the possible next step of permanent residence. We cannot be sure. In a similar vein, the DHA has also clarified that the news that Lesotho citizens could now cross the border without passports, using only their national ID, was premature and that the two countries are still working on such an arrangement.²⁸ Thus, news of a loosening of rules for easier access to South Africa and for more secure, safe, and protected status in South Africa, might be tantalisingly close – but is not quite here yet. This is to be regretted.

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¹ <https://www.theafricareport.com/412659/why-zimbabwe-permits-still-haunt-south-african-politics/>

² <https://www.tiktok.com/@newzroom405/video/7628145683723439380>

³ <https://www.moneyweb.co.za/news/south-africa/home-affairs-says-zep-holders-can-apply-for-permanent-residence/>

⁵ <https://www.getaway.co.za/travel-news/zep-permanent-residence-south-africa-policy-shift/>

⁶ <https://x.com/Powerfm987/status/2044342584932250087>

⁷ <https://www.dha.gov.za/images/ZEP/Zimbabwe-Directive-No4-of-2023.pdf>

⁸ <https://www.tiktok.com/@newzroom405/video/7628145683723439380>

⁹ <https://www.tiktok.com/@newzroom405/video/7628145683723439380>

¹⁰ <https://zepexemption.co.za/the-history-behind-the-zimbabwean-exemption-permit-zep/>

- ¹³ <https://www.moneyweb.co.za/news/south-africa/zimbabwe-and-lesotho-permit-holders-get-a-reeve-until-may-2027/>
- ¹⁴ <https://www.globalbusiness.co.za/post/immigration-sa-s-balancing-act#:~:text=SA's%20new%20labour%20migration%20policy%20aims%20to,critical%20skills%20for%20growth%20and%20global%20competitiveness.>
- ¹⁵ <https://www.globalbusiness.co.za/post/immigration-sa-s-balancing-act#:~:text=SA's%20new%20labour%20migration%20policy%20aims%20to,critical%20skills%20for%20growth%20and%20global%20competitiveness.>
- ¹⁶ <https://www.moneyweb.co.za/news/south-africa/back-to-court-for-zimbabwean-permit-holders-seeking-to-stay-in-sa/>
- ¹⁷ <https://www.moneyweb.co.za/moneyweb-podcasts/moneyweb-midday/actionsa-slams-zep-extension-as-schreiber-defends-legal-process/>
- ¹⁸ <https://www.gov.za/services/services-foreign-nationals/permanent-residence/apply-permanent-residency-permit>
- ¹⁹ <https://www.polity.org.za/article/zep-holders-beware-there-is-no-shortcut-to-permanent-residence-in-south-africa-2026-04-16#:~:text=Although%20the%20extension%20of%20the,Written%20by%20Xpatweb>
- ²⁰ <https://imcosa.co.za/zep-blanket-waiver/>
- ²¹ <https://www.polity.org.za/article/zep-holders-beware-there-is-no-shortcut-to-permanent-residence-in-south-africa-2026-04-16>
- ²² <https://eiglaw.com/spanish-government-approves-extraordinary-regularization-of-immigrants-in-spain/>
- ²³ <https://www.bbc.com/news/articles/cy511nln2xvo>
- ²⁴ <https://www.visahq.com/news/2026-04-13/es/spanish-government-poised-to-approve-mass-regularisation-for-500000-migrants/>
- ²⁵ <https://www.compas.ox.ac.uk/article/stability-for-now-what-spains-approval-of-mass-regularisation-means-for-irregular-migrants>
- ²⁶ <https://eiglaw.com/spanish-government-approves-extraordinary-regularization-of-immigrants-in-spain/>
- ²⁷ <https://www.gov.za/news/media-statements/home-affairs-clarifies-policy-position-zimbabwe-exemption-permit-holders-15#:~:text=Current%20permits%20will%20remain%20valid,qualify%20for%20permanent%20residence%20permits.>
- ²⁸ <https://www.facebook.com/IOLnews/posts/home-affairs-has-clarified-that-there-is-no-passport-free-entry-for-lesotho-nati/1391733719652339/>