

Per email: Ella.Mokgalane@sace.org.za

7 December 2022

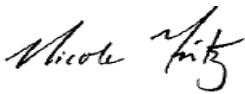
Dear Ms Mokgalane

Re: Registration of Educators Holding the Zimbabwean Exemption Permit.

1. We write to you on behalf of educators who hold the Zimbabwean Exemption Permit (“ZEP”) and who are struggling to register themselves in terms section 22(3) of the South African Council for Educators Act No. 31 of 2000 (“SACE Act”).
2. We understand that the South African Council for Educators (“SACE”) is, in some cases, refusing to accept applications from educators who hold the ZEP, because it is set to expire on 30 June 2023.
3. Further, we understand that SACE officials who are refusing the applications believe that they need a directive from the Minister of Education, before they can register educators who hold the ZEP.
4. We take note of this with great concern, because SACE is obliged to accept applications from educators who hold the ZEP and do not need any direction from the Minister. We say this for three reasons:
 - 4.1. First, according to section 22(3) of the SACE Act, if an applicant satisfies SACE’s registration requirements, the applicant *must* be registered and issued with a registration certificate;
 - 4.2. Second, SACE’s registration requirements for foreign applications for professionally qualified teachers and for foreign student teachers, at item 6.2, expressly states that “[a]ll permits must be valid for a period of six months and above at the time of submission...” in order to meet the requirements referred to in section 22(3) of the SACE Act; and
 - 4.3. Third, in terms of Directive No 2 of 2022 issued on 2 September 2022, the Minister of Home Affairs “decided to extend the [ZEP] for a further period of 6 months” until 30 June 2023, which means that the ZEP is a valid permit at the time of writing – and will remain valid for 7 more months from today.
5. As such, there is nothing in the SACE Act or in SACE’s registration requirements that prevents educators who hold the ZEP from applying to register for the 2023 academic year. No directive from the Minister of Education is required.
6. If educators who hold the ZEP are unlawfully prevented from registering for the 2023 academic year, this will have dire consequences for not only the educators themselves but the schools and learners who depend upon them. SACE, as the statutory custodian of the teaching profession, has a duty to act in the best interests of learners and to respect and protect their right to a basic education in the exercise of its registration functions.

7. In the event that your understanding of SACE's registration obligations in terms of the SACE Act differ from the above, we respectfully request that you provide us with clarity as soon as possible.
8. If your position does not differ, we request that you urgently communicate to SACE officials that they are obliged to accept applications from educators who hold the ZEP and wish to register for the 2023 academic year – and please notify us when you have done so.
9. We look forward to hearing from you.

Yours sincerely,



Nicole Fritz
Director,
Helen Suzman Foundation.



Tshegofatso Phala
Executive Director,
Equal Education Law Centre.



Sharon S Ekambaram
Manager Refugee and Migrant Rights Program,
Lawyers for Human Rights.