

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: _____

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS


Second Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,



state under oath as follows:

1 I am a 50-year-old female residing in  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 applicants' legal representatives.
- 4 I have read the founding affidavit in this matter and I support the application made by the Helen Suzman Foundation and the relief that the application seeks.
- 5 The purpose of my affidavit is to tell my story to the Court, as one among many thousands of Zimbabwean Exemption Permit (ZEP) holders in South Africa whose life will be irrevocably prejudiced by the Minister of Home Affairs' decision to terminate the ZEP.
- 6 Due to the recent spate of xenophobic violence and intimidation, I have requested 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.

PERSONAL BACKGROUND

- 7 I grew up in the rural areas of Zimbabwe. I studied to be a teacher at the [REDACTED] and I graduated with a diploma in education in [REDACTED].




- 8 I worked as a foundation phase school teacher in the Zimbabwean civil service for roughly one year.
- 9 When campaigning began for the [REDACTED] elections, violence erupted between the various parties seeking [REDACTED] [REDACTED] those elections. After the votes came in, the members of my community who were not satisfied with the results began to turn on their political opponents. Fearing for my safety, I ran away to stay with family who lived in [REDACTED].
- 10 While staying with my family, I received word that some of my fellow teachers were raped. This filled me with so much fear that I decided to abandon my job as a teacher. I tried to look for a job where I was staying but the Zimbabwean economy was collapsing around me and my prospects for surviving there were non-existent. So, I gathered what money I could and took a bus to South Africa.

MY LIFE IN SOUTH AFRICA

- 11 I arrived in South Africa in [REDACTED] and stayed with my cousins in [REDACTED]. My cousins remained my sole source of support until I applied for asylum. I received my asylum permit three months after my arrival in South Africa.
- 12 At first, I tried to get a job as a teacher in South Africa, but I was unsuccessful, because I was not qualified in terms of the requirements to be a teacher in South Africa.

Cree [Signature]

- 13 So, I remained on an asylum permit and I renewed it regularly up until [REDACTED], when the South African government issued me a permit under the Dispensation for Zimbabweans Project (DZP). As a condition of the DZP, I gave up on all other attempts to achieve legal status in South Africa.
- 14 As the South African government extended the DZP and created the ZSP and ZEP, I duly applied for and was granted those permits as well.
- 15 Between [REDACTED] I worked mostly as a domestic worker. For a short time in [REDACTED] I worked as a teacher in [REDACTED] but I was unable to stay there on a permanent basis, because my Zimbabwean qualifications still did not meet the requirements to be a teacher in South Africa.
- 16 In [REDACTED], while working as a domestic worker, my boss discovered that I was qualified as a teacher in Zimbabwe and then assisted me to convert my qualifications to a South African equivalent teaching qualification.
- 17 In [REDACTED] I started sending out my CV for teaching jobs and I my life changed when I received a position as a foundation phase teacher in early [REDACTED]. This is a position that I hold to this day, where I teach a class of thirty-nine children, aged between eight and nine, in the [REDACTED]. Half of my students are South African citizens.
- 18 Since I began teaching in [REDACTED], I have developed a great deal of experience in teaching foundation phase students and I have learned my way around the

Cree 

school where I work. As a result, I now hold the [REDACTED]
[REDACTED]

- 19 I am very concerned that if I lose my job, I will leave behind students and other teachers who have come to depend on me. While my skills are not deemed to be critical by the Minister, it will take my school a long time to find an appropriate replacement for me. This means that my departure will set my students back in their learning and development at a critical age. It will also create a burden on the school as a whole, as they try to find a new teacher to fill my role.
- 20 Teaching children is my passion and I am so grateful that I was able to get back on my feet after nearly seven years as a domestic worker, so that I can once again contribute once again to the lives of children as a teacher.

THE EFFECT OF LOSING MY ZEP

- 21 If I lose my ZEP permit, I will have to leave my job and return home to Zimbabwe.
- 22 This would mean that I leave behind nearly fifteen years of hard work in building my life in South Africa, only to face a crumbling Zimbabwean economy.
- 23 As a former Zimbabwean teacher, I keep up to date with developments regarding my main prospective employer there, the [REDACTED] and I am sure that getting a job as a teacher in the Zimbabwean civil service is a near impossibility. This means that if I return to Zimbabwe, I will have to face the very real possibility of being dependant on the Zimbabwean state for my survival.

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- 24 More than this, given that I initially left Zimbabwe after my fellow teachers were raped in the wake of political violence, Zimbabwe remains a place of fear for me.
- 25 I intend to exhaust all the possibilities available to me under the Immigration Act to remain in South Africa legally.
- 25.1 I have considered the possibility of a general workers visa in terms of section 19 of the Immigration Act.
- 25.2 However, I have no assurance that my application will be successful, because I have no critical skills in terms of the Minister's current regulations and my job can, in principle, be done by a South African.
- 25.3 If I am unsuccessful, I will have no choice but to I once again apply for asylum in South Africa, as I fear for my life and safety if I were to be forcibly returned to Zimbabwe.
- 25.4 However, I know the difficulties that the Department of Home Affairs is having in processing applications for asylum very well and I am concerned that my application will simply mean that I will become a part of a very dysfunctional system.

CONCLUSION

- 26 I stand to lose everything if the ZEP is terminated. And there are many thousands more ZEP holders like me.
- 27 So, I humbly place my story before the Court to inform its decision.

Cree 

[REDACTED]

[REDACTED]

Signed and sworn before me at [REDACTED] on this the 14 day of JUNE 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.



[Handwritten Signature]

COMMISSIONER OF OATHS

TITLE / OFFICE: *USP*

FULL NAMES: *Siyhokunle G. G. G. G.*

ADDRESS: [REDACTED]

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: _____

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,

████████████████████

state under oath as follows:

- 1 I am a 52-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 applicants' legal representatives.

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- 4 I have read the founding affidavit in this matter and I support the application made by the Helen Suzman Foundation and the relief that the application seeks.
- 5 The purpose of my affidavit is to tell my story to the Court, as one among many thousands of Zimbabwean Exemption Permit (ZEP) holders in South Africa whose life will be irrevocably prejudiced by the Minister of Home Affairs' decision to terminate the ZEP.
- 6 Due to the recent spate of xenophobic violence and intimidation, I have requested 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.

PERSONAL BACKGROUND

- 7 I am an industrial engineering graduate from the [REDACTED]
[REDACTED]. I graduated in [REDACTED].
- 8 I am married with five children. Four of my children are attending school in Zimbabwe. My wife and children are dependent on the income that I earn from my life in South Africa.
- 9 I hold the ZEP and I am a beneficiary of the South African government's special dispensation for Zimbabwean nationals living in South Africa that began in 2009.
- 10 I left Zimbabwe after many years of economic and political hardship.

EWS

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10.1 In [REDACTED], I was the victim of political violence as a [REDACTED] [REDACTED] and the [REDACTED]. In order to escape threats to my life, I spent two weeks sleeping in the wilderness as members of the [REDACTED] tried to hunt me down.

10.2 In [REDACTED] I was the [REDACTED] [REDACTED]. After the union organised a strike, I was threatened and harassed by members of Zimbabwe's state security forces and members of the [REDACTED]. This ultimately led to me losing my job as a lecturer.

10.3 I challenged my dismissal but at every turn, Zimbabwean institutions failed to protect me – especially the courts.

10.4 I remained unemployed in Zimbabwe until [REDACTED], when I found a job on a gold mine. However, I was once again dismissed from that job under highly suspicious circumstances. When I challenged my dismissal, I was once again let down by the Zimbabwean courts.

11 I am certain that the Zimbabwe that I left has not changed at all and that I will have no choice but to return to South Africa once again and try seek asylum, if I lose my ZEP. I am fully aware that violence is still very much a part of Zimbabwean political life. The violence that occurred during the 2018 national elections only reminded me of what I went through in [REDACTED]. The fact that no one has been prosecuted for that violence has shown me that I still cannot trust Zimbabwean institutions.

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- 12 For as long as Zimbabwe is a politically unstable country, I cannot make a life for myself there. This is because the history of my home country has shown me consistently that the economy cannot support its people thanks to political violence.

MY LIFE IN SOUTH AFRICA

- 13 After I lost my job at the gold mine, it was clear to me that Zimbabwe's institutions were crumbling around me. This, together with the dire economic situation and my experience with political violence, forced me to seek a life outside of Zimbabwe.
- 14 In [REDACTED], I travelled to South Africa in order to apply for a work permit in terms the Immigration Act No. 13 of 2002 (Immigration Act). I then travelled back to Zimbabwe while I waited for an acknowledgment that my application had been received.
- 15 When I received acknowledgment that my application had been received in [REDACTED], I travelled back to South Africa while I waited for it to be finalised.
- 16 I arrived in South Africa in [REDACTED] and while I waited for my work permit to be processed, I applied for asylum in [REDACTED]. The rights to live and work afforded to asylum seekers are temporary in nature, pending the determination of an asylum application. This means that even with an asylum-seeker permit, the search for a permanent job was very difficult for me. Even starting a meaningful business would not have been an option as an asylum seeker,

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because that status did not give me the sort of stability in South Africa that financial institutions and potential clients required of me.

17 However, my efforts to acquire legal status in South Africa coincided with the implementation of the Dispensation of Zimbabweans Project (DZP) in [REDACTED]. So, I decided that I would no longer pursue my application for asylum for two reasons. First, because the DZP permit would give me the sort of legal status that would allow me to properly run a business in South Africa. Second, because I was forced to give up on other attempts to regularise my status in South Africa as a condition of the DZP permit.

18 I successfully applied for the DZP permit and it was issued to me in [REDACTED].

19 Whenever the South African government offered extensions of the initial DZP, I duly applied for and I was issued with the subsequent ZSP and thereafter the ZEP.

20 Between [REDACTED], I undertook various jobs in my field of expertise – industrial engineering.

21 In [REDACTED], I registered a company that offered [REDACTED] and [REDACTED] services. This company remains in operation to this day.

22 In [REDACTED], along with three South African business partners, I registered a separate company that operates in two lines of business.

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22.1 The first line of business provides [REDACTED]
[REDACTED]
[REDACTED]

22.2 The second line of business [REDACTED]
[REDACTED]
[REDACTED]

22.2.1 This aspect of our business was formed after my business partners and I noticed that many enterprising South Africans have the skills and energy to do [REDACTED] but lack the financial means to do so.

22.2.2 It is my hope that I will grow this company for the benefit of South Africans who need its services, if I am allowed to stay in the country.

22.2.3 In one instance, our company was able to [REDACTED]
[REDACTED] in [REDACTED]. Our financing allowed the [REDACTED] a South African company, to complete the project – which has considerably improved the lives of those living in [REDACTED]. In fact, without the financing provided by our company, the [REDACTED]
[REDACTED] would have not been able to complete their work.

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THE EFFECT OF LOSING MY ZEP

23 When I heard that the Minister decided to terminate the ZEP, I was completely shocked. This is because no effort was made to engage with the ZEP community in South Africa on the effect of doing so.

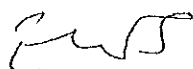
24 If I lose the ZEP, I will try my best to exhaust all possibilities of staying in South Africa in terms of the visas offered by the Immigration Act.

25 I am almost certain, however, that this process will eventually end in me becoming an undocumented migrant in South Africa. This is because the path towards other visas in terms of the Immigration Act will be long and full of uncertainty.

25.1 It is a condition of the ZEP, as it was for the ZSP before it, that I could not apply for permanent residence. So, that option is closed to me now.

25.2 While my skills are recognised on the Minister's latest critical skills list, I have been an entrepreneur for so long that I will be of little value to prospective employers. This is because I am now 52-years-old but also because my skills now lie, after roughly a decade in business, at the level of strategic business management rather than in the technical skill of industrial engineering.

25.3 I am also a director on the companies detailed above. This means that I cannot seek an offer of employment at my existing companies, because my status there is one of employer and not prospective employee.



- 25.4 I have considered the possibility of hiring the services of an immigration lawyer to fight my case before the Department of Home Affairs. However, the legal fees are far and away too much for me to afford. So, even if I technically have a route to remain in South Africa, I cannot afford to pursue it.
- 25.5 Therefore, my best chance at remaining in South Africa legally is through a business visa in terms of section 15 of the Immigration Act. I will do my best to get a business visa, however, I am doubtful of my chances.
- 25.6 This is because the asset value of my companies falls far short of the R 5 million in capital investment that is required for a business visa – and the process of applying to the Minister of Home Affairs for a waiver is full of uncertainty.
- 25.7 Added to all this, my long-standing experience with the Department of Home Affairs is that there is an incredible backlog in processing any application made to them. Therefore, even if I could somehow afford to work my way through the visa application system, I am very concerned that the system is so dysfunctional that I could be left in the lurch for many years.
- 26 Nevertheless, I will exhaust all my available options under the Immigration Act to apply for and secure an alternative visa.

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- 27 I will also consider once again applying for asylum, as the political situation in Zimbabwe is still very volatile. This was revealed in the recent 2018 elections and I fear that it will turn against me as it has done in the past.
- 28 My very recent experiences of Zimbabwe have led me to believe that not much has changed. Between [REDACTED] I visited Zimbabwe to attend my cousin's funeral, who died [REDACTED]
[REDACTED]
- 29 From what I saw in Zimbabwe, I could not help but conclude that the Zimbabwean state is still riddled with political interference – just as it was when I was forced to leave.
- 30 This leads me to be gravely concerned about what will happen the next time the ruling party receives an election result that displeases it.
- 31 However, as I have explained above, an asylum-seeker permit would not give me the sort of stability required by financial institutions and potential clients as I carry out my business. This means that, even if I once again apply for asylum, the reality is that I will eventually lose the ability to [REDACTED]
[REDACTED] If this happens, I will lose my only source of income and my children will be forced to leave school, because I am their sole provider.
- 32 Without any legal means of staying in South Africa, I would have to return to Zimbabwe. But in Zimbabwe, I have no chance at being economically active.

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32.1 I am 52-years-old and I would be unlikely to find formal employment in Zimbabwe.

32.2 The Zimbabwean economy is still in crisis and I see no way of building a business there that could support me and my family.

32.3 These concerns were all confirmed by my direct experience of the state of Zimbabwe during my recent trip there between [REDACTED] [REDACTED]. When I was there, I saw deepening poverty and no opportunity for person my age to find a formal employment or to start a business that could support my family.

33 I am afraid that I will be dependent on the Zimbabwean state for my well-being, if I lose the ZEP and am forced to return home.

CONCLUSION

34 My family and I stand to lose everything if the ZEP is terminated. And there are many thousands more ZEP holders like me.

35 So, I humbly place my story before the Court to inform its decision.

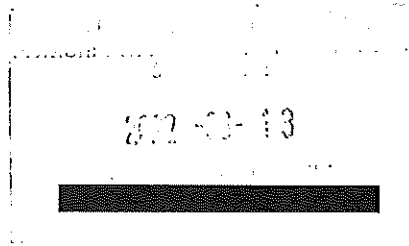
[REDACTED]

[REDACTED]

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Signed and sworn before me at [REDACTED] on this the 13 day of JUNE 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.



7010712-6
Sgt
Stephen H. Gwani

COMMISSIONER OF OATHS

TITLE / OFFICE: SERGEANT
FULL NAMES: STEPHEN H. GWANI
ADDRESS: [REDACTED]

EWS

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: _____

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,

[REDACTED]

state under oath as follows:

- 1 I am a 46-year-old male residing in [REDACTED]
South Africa.

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- 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 applicants' legal representatives.
- 4 I have read the founding affidavit in this matter and I support the application made by the Helen Suzman Foundation and the relief that the application seeks.
- 5 The purpose of my affidavit is to tell my story to the Court, as one among many thousands of Zimbabwean Exemption Permit (ZEP) holders in South Africa, whose life will be irrevocably prejudiced by the Minister of Home Affairs' decision to terminate the ZEP.
- 6 Due to the recent spate of xenophobic violence and intimidation experienced by foreign nationals in South Africa, I have requested 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.

PERSONAL BACKGROUND AND MY LIFE IN SOUTH AFRICA

- 7 I am a self-employed timber merchant. I am married with [REDACTED] children. My wife and children live in [REDACTED] Zimbabwe. My wife is unemployed and [REDACTED] of my children attend school in Zimbabwe. My [REDACTED] child is a student at the [REDACTED]

C.N B. J

██████████ My wife and children are, and have always been, dependent on me.

8 I qualified as a timber merchant from the ██████████ Zimbabwe in ████████. I was thereafter employed as a supervisor at ██████████ ██████████. I resigned from this position in ████████ and started work as a supervisor at the ██████████ until I resigned in ████████.

9 In ████████, a friend of mine informed me of an employment opportunity as a carpenter in South Africa. I travelled to South Africa on my Zimbabwean passport, leaving my family behind. Upon my arrival, I was offered a position at ██████████, at the time that the South African government rolled out the Dispensation of Zimbabweans Project (DZP). I applied for and was issued a DZP permit later that year. I retained my legal status under the ZSP and the ZEP which succeeded the DZP. I have benefitted from the special dispensation for Zimbabwean nationals living in South Africa since ████████.

10 At the time that I left Zimbabwe the economy was in a dismal state and the situation was worsening by the day. I decided to explore the opportunity in South Africa with the belief that South Africa would have greener pastures. I was hoping for a better future for myself and my family.

11 I remained in the employ of ██████████ until I was retrenched in ████████. Following my retrenchment I applied for a number of other opportunities, however, all of my applications were rejected, mostly because of my nationality.

C.N. B.J.

I decided to do business as a [REDACTED] and I dream of growing my small business in South Africa.

THE EFFECT OF LOSING MY ZEP

- 12 The Minister's decision to terminate the ZEP is worrying and will have a significant effect on the lives of all of the ZEP holders and their dependents. It is more concerning that the Minister's decision came without any fair warning.
- 13 I have been living and working in the country for roughly 12 years. I have established myself and I am able to sustain myself and provide for my family with the income that I earn. My income ensures that my children receive an education and that my family in Zimbabwe has food on the table and clothes on their backs. Without my income, my family has little chance of surviving in Zimbabwe.
- 14 If the ZEP is terminated at the end of the year, I will be left without legal status to remain in the country. I do not possess exceptional skills or qualifications and it is unlikely that an employer would not be able to find a South African citizen to employ as a timber merchant. My chances of qualifying for any form of a worker's visa in terms of the Immigration Act 13 of 2002 are very slim. I also do not have the required capital to invest in my business to qualify for a business visa. Thus, I will be left with no other choice but to give up the life that I have built in South Africa and return to Zimbabwe.
- 15 The possibility that I might have to return to Zimbabwe is concerning. I visit my family in Zimbabwe [REDACTED] a year and I can say that the circumstances have not

C.N B.J

changed since I left in [REDACTED]. The economy is poor, jobs are scarce and it is nearly impossible to successfully do business in Zimbabwe. Without employment or any form of income, I will not be able to provide for my family. This means that I would not be able to afford my children's tuition and they will have to leave school and university. There is no form of social assistance that could contribute to my children's education.

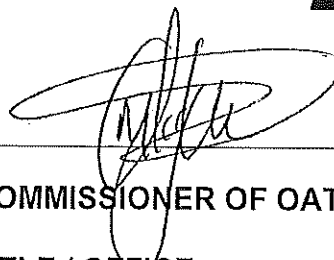
CONCLUSION

- 16 The rights and privileges that come with the ZEP enables me to make a living in South Africa. I, my wife and my children will lose our livelihood if the ZEP is terminated because there is no hope of a future for us in Zimbabwe. I imagine that most of the other ZEP holders and their families will face the same fate because of the Minister's decision.
- 17 I humbly place my story and that of my family before the Court to inform its decision.

[REDACTED]
 [REDACTED]

Signed and sworn before me at [REDACTED] on this the 13th day of JUNE 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.

C.W



COMMISSIONER OF OATHS

TITLE / OFFICE:

FULL NAMES:

ADDRESS:

COMMISSIONER OF OATHS(RSA)

Caroline Nakedi Mokgehle
Practising Attorney (SA)
Member No: 48145



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

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SUPPORTING AFFIDAVIT

I, the undersigned,



state anonymously under oath as follows:

1 I am a 40-year-old male residing in  South Africa.

J.E. [Signature]

- 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.
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- 6 Due to the recent spate of xenophobic violence and intimidation experienced by foreign nationals in South Africa, I have requested 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.

PERSONAL BACKGROUND

- 7 I am an aspiring businessman currently making a living as an [REDACTED] in the [REDACTED]. I was formerly an Operating Partner of a [REDACTED] in [REDACTED]. More recently, I bought into a [REDACTED] franchise based

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in [REDACTED]. Unfortunately, the [REDACTED] closed as a result of circumstances caused by the Covid pandemic.

8 I am married with [REDACTED] children. My wife and daughters ([REDACTED]) reside with me in [REDACTED].

8.1 Our daughters were born in South Africa and attend a primary school in [REDACTED].

8.2 My wife is a [REDACTED]. She is currently completing her matric and she aspires to further her studies and obtain a degree in [REDACTED].

8.3 I hold the ZEP and I have been a beneficiary of the South African government's special dispensation for Zimbabwean nationals living in South Africa that began in 2009. My wife is also a ZEP holder.

9 I left Zimbabwe in [REDACTED] because of the decay in the political, economic and social circumstances in the country.

9.1 I was born in the [REDACTED] a [REDACTED] located about [REDACTED]. My father was employed by the [REDACTED]. Growing up, we had an average life and my father was the sole provider. My father passed away in [REDACTED] and the responsibility to provide for my mother and two siblings rested on me, with the support of my uncles.

9.2 In [REDACTED] I completed my O-Level education (the equivalent of matric at the time that I came to South Africa) whereafter I left the community to work

J. E. A.

as a general worker at the [REDACTED] in [REDACTED]. In [REDACTED] I left my job in [REDACTED] and returned to work on the [REDACTED] in the community where I grew up. I continued to support my mother and siblings, who were completing their schooling at the time. I take pride in the fact that I have always managed to make an honest living, despite my personal circumstances.

9.3 Because of the unbearable political and economic situation in Zimbabwe in the early 2000's and due to the fact that my brother was imprisoned for [REDACTED], I started considering the possibility of having to begin a new life outside Zimbabwe. I had a cousin who lived in [REDACTED] and I took the decision to take the difficult but necessary steps to get a passport and the required visitors visa that would give me entry into South Africa.

9.4 In [REDACTED] after acquiring a visitors visa, I travelled by bus to [REDACTED] I stayed with my cousin in [REDACTED]

MY LIFE IN SOUTH AFRICA

10 Upon my arrival in South Africa, I applied for asylum. In [REDACTED] [REDACTED], I obtained asylum-seeker status and I had to renew my asylum-seeker permit every three months.

11 I retained the status of asylum-seeker until the time that I received formal recognition of my legal status under the Dispensation of Zimbabweans Project (DZP) in [REDACTED]. The DZP permit was offered to Zimbabwean nationals by the

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Department of Home Affairs to enable us to lawfully reside and work in South Africa. As a qualifying condition to the DZP permit, I had to surrender my claim for asylum. DZP permit holders were allowed to apply for permanent residence status, however, this position changed following the introduction of the Zimbabwean Special Permit (ZSP). My application for permanent residence was rejected but I was issued with a ZSP in [REDACTED] which followed the DZP permit. In [REDACTED] I applied for the ZEP and was issued with one in [REDACTED] following the expiry of the ZSP.

- 12 In [REDACTED] I was afforded an opportunity to work as a [REDACTED] in [REDACTED]. I saved money to travel between South Africa, Zimbabwe and [REDACTED] on a number of occasions to visit my family. During the visits to Zimbabwe, I met my wife whom I married in [REDACTED]
- 13 The management at [REDACTED] was satisfied with my work performance and I was promoted to a part-time manager and later in [REDACTED] to full-time manager. I was also offered a 20% share and the title of Operating Partner in the [REDACTED]. I held this position until [REDACTED]
- 14 In [REDACTED], together with my wife, bought into a [REDACTED]. Our plan was to become the [REDACTED]. Unfortunately, the [REDACTED] had to close its doors because of the effects of the Covid pandemic.
- 15 Losing the [REDACTED] was a setback, however, I knew that I could not give up on life, because my wife and daughters depend on me to provide. I aspire to get back into the [REDACTED] industry to empower women in business in South Africa.

JE

- 16 My inspiration is drawn from my mother, who had to work extremely hard to keep us alive after my father died. She earned an income by buying and selling produce and other products without any form of training or experience. During the time that I worked at [REDACTED] I realised that there is a lack of women who own and manage [REDACTED] When I bought into the [REDACTED] I partnered with my wife with the intent to skill her in managing and operating [REDACTED]
- 17 I am developing this business model with the hope of implementing it on bigger scale. My business plans are drawn up but I am struggling to get funding, because there is no certainty about my status in the country.

THE EFFECT OF LOSING MY ZEP

- 18 The Minister's decision to terminate the ZEP took me by surprise. I have been living and working in the country for nearly [REDACTED] I have established myself and my family in South Africa, where we all have been productive members of society. So, I expected fair warning before such a drastic step would be taken.
- 19 I am in the process of registering a new business in South Africa with the hope of migrating to a business visa, as we were advised to do by the Minister. However, the legal requirements to obtain a business visa are very stringent. Amongst other requirements, I would have to invest a minimum amount of R5 million in my business in terms of section 15(1)(a) of the Immigration Act 13 of 2002 read with the relevant Regulations. This amount of money is not readily available to me and I find it difficult to believe that it is available to other ZEP holders who fled the impoverished state of Zimbabwe. I am alive to the fact that

J. E. [REDACTED]

there is a great possibility that I will not be successful in the process of migrating to this visa as it is near impossible to qualify for the visa.

- 20 I also do not have any critical skills or qualifications and it is improbable that an employer in the restaurant industry would not find a South African citizen to employ, making it nearly impossible for me to get a general worker's visa.
- 21 It is not just me who will lose the rights and privileges that come with the ZEP, my wife and children will also lose their hopes and dreams of a future. We will become undocumented migrants because we do not qualify for any other visa in terms of the Immigration Act. My children will lose access to quality basic services such as education and healthcare. In Zimbabwe, the healthcare system is falling apart and the quality of the public education system is not at the same level as it is in South Africa. I will have to enrol my children in private schools in Zimbabwe, which is unaffordable. In addition, there are no social assistance services in Zimbabwe that I can rely on for financial assistance for my children.
- 22 I have considered the possibility of re-applying for an asylum-seeker permit, but I have concluded that this is not a viable solution. An asylum-seeker permit would afford me a temporary right to lawfully work, reside and operate a business in South Africa. However, it is general knowledge, that asylum seekers are treated poorly in South Africa and they have to go to the greatest of lengths to obtain services such as bank accounts, loans, licences etc. I have experienced this first hand at the time that I held an asylum-seeker permit. In the light of the fact that I want to grow my business interests, I do not consider asylum a feasible solution as I will be faced with uncontrollable systemic struggles.

J. E. A.

- 23 I am also aware of the fact that there is a crisis within the asylum unit of the Department of Home Affairs, this much is stated in the Minister's reasons for terminating the ZEP. An influx of ZEP holders who will look to migrate to asylum permits, if the ZEP is terminated, will place further pressure on the Department's infrastructure. I am concerned that the existing struggles that asylum seekers have to deal with will increase and life as an asylum-seeker permit holder would become more burdensome.
- 24 Without any legal right to live and work in South Africa, I will have to return to Zimbabwe. But I will have no chance of economic stability in Zimbabwe.
- 24.1 In [REDACTED] I visited the country to explore the possibility of establishing my business interests in the food industry in Zimbabwe.
- 24.2 During my visit, I engaged with a businessman who opened South African [REDACTED] in Zimbabwe. His businesses failed because of the failing state of the economy and the upheaval caused by political violence.
- 24.3 I realised that there is no market for [REDACTED] in Zimbabwe, because of the poor state that the economy is in. I cannot fathom that any business could succeed in a country where half of the population cannot even afford to buy maize.
- 25 There is, unfortunately, no future for me or my family in Zimbabwe.

J E K

CONCLUSION

26 My [REDACTED] lose everything that we have worked for over the past decade, if the ZEP is terminated. Our family will be devastated and I imagine that there are a great number of other ZEP holders who will face the same fate because of the Minister's decision.

27 I humbly place my story and that of my family before the Court to inform its decision.

[REDACTED]

Signed and sworn before me at [REDACTED] on this the 14 day of June 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.

Jaqueline Siegelauer CST

COMMISSIONER OF OATHS

TITLE / OFFICE: *CST*
FULL NAMES: *Jaqueline Siegelauer*
ADDRESS: [REDACTED]

