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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 32323/2022

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL OF HOME AFFAIRS

Second Respondent

APPLICANT'S NOTICE IN TERMS OF RULE 35(12); *ALTERNATIVELY* RULE 35
(14)

KINDLY TAKE NOTICE THAT the Applicant hereby requests, in terms of Rule 35(12), *alternatively* Rule 35(14) of the Uniform Rules of Court, that the Respondents produce, within 5 (five) days of this notice, for inspection the following documents referred to in the Respondents' answering affidavit and/or which are relevant to the reasonably

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anticipated issues in the application and are required for the purposes of preparing a replying affidavit, and to allow for copies of such documents to be made:

- 1 All documents relating to the representations that have allegedly been made by the 6 000 ZEP holders to the First Respondent regarding the 12-month extension period, as referred to in paragraphs 33, 34, 54, 159, 172 and 208 of the answering affidavit. Which consists of:
 - 1.1 the representations made by the 6000 ZEP holders; and
 - 1.2 all correspondence exchanged between the Department of Home Affairs (DHA) and these ZEP holders regarding their representations.

- 2 The applications made to the DHA, by the 4 000 ZEP holders, to waive the Department of Labour requirements contained in Regulation 18(3) of the Immigration Regulations promulgated in terms of the Immigration Act, 2002, as referred to in paragraphs 71 and 172 of the answering affidavit, including documents showing:
 - 2.1 how many of these waivers have been granted by the Minister;
 - 2.2 how many have been refused; and
 - 2.3 how many waiver applications are still being considered.

- 3 Documents relating to any representations made by the Zimbabwean Diaspora Association in South Africa NPC and/or African Amity NPC following the letters addressed to both organisations, as referred to in paragraphs 160.6, 160.7 and 176.2 of the answering affidavit.


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- 4 Any documents, including minutes, of the deliberations of the Department and the Minister on the question of the impact on children and families, as referred to in paragraph 255 of the answering affidavit.

DATED at JOHANNESBURG on this the 18th day of AUGUST 2022.

Mabila
DLA PIPER SOUTH AFRICA (RF) INC.

Attorneys for the Applicant

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c/o MACINTOSH CROSS &

FARQUHARSON

834 Pretorius Street

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Pretoria

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Ref: A Lotter

TO: THE REGISTRAR OF THE ABOVE COURT
PRETORIA

AND TO: SIGOGO ATTORNEYS
Attorneys for the Respondents
416 Kirkeness Street

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Loftus Office Park
Building B, 3rd Floor
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Tel: (012) 346 0822 / (081) 556 8287
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Ref: K Swuhana/TM/DHA0001

BY EMAIL

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 32323/2022

In the matter between:

HELEN SUZMAN FOUNDATION

Applicant

And

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR-GENERAL OF THE DEPARTMENT OF
HOME AFFAIRS

Second Respondent

RESPONDENTS' REPLY TO THE APPLICANT'S NOTICE IN TERMS OF RULE
35(12) AND 35(14)

KINDLY TO TAKE NOTICE THAT the respondents object to providing the documents referred to in paragraphs 1 to 4 of the applicant's notice in terms of Rule 35(14) on the basis that Rule 35(14) does not apply in these proceedings, absent an order in terms of Rule 35(13).

TAKE FURTHER NOTICE THAT the respondents hereby comply with paragraph 1.1 and paragraph 2 of the applicants' notice in terms of Rule 35(12) by providing copies of the following documents:

1. The approximately 6 000 redacted representations made by ZEP holders and replies and approximately 4 000 redacted first and last pages of waiver

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applications made to the Department of Home Affairs ('the Department') by ZEP holders.

2. The basis for redacting the documents referred to in paragraph 1 above is that they contain confidential and personal information of the affected Zimbabwean nationals.
3. The respondents will require a period of at least seven days to redact the required documents.

TAKE FURTHER NOTICE THAT the respondents object to providing the remaining documents referred to in paragraphs 1 to 4 of the applicant's notice in terms of Rule 35(12) and (14) on the following basis:

Ad paragraph 1.2

4. The request does not fall within the purview of Rule 35(12) in that paragraph 54 of the answering affidavit does not make reference to a specific document or documents.
5. The request does not fall within the purview of Rule 35(12) in that paragraph 33; 34; 54; 159; 172; and 208 of the answering affidavit make no reference to correspondence exchanged between the Department and ZEP holders regarding their representations.



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Ad paragraphs 2.1 – 2.3

6. The documents requested in these paragraphs do not fall within the purview of Rule 35(12) in that:

6.1. Paragraphs 71 and 172 of the answering affidavit make no reference to any documents in respect of how many waivers have been granted, or refused by the first respondent ('the Minister') or how many waiver applications are still to be considered.

6.2. In any event, the Minister has not as yet taken any decision on the waiver applications.

Ad paragraph 3

7. The request does not fall within the purview of Rule 35(12) in that paragraphs 160.6; 160.7 and 176.2 of the answering affidavit make no reference to documents relating to representations made by the Zimbabwean Diaspora Association in South Africa NPC and/or African Amity NPC.

Ad paragraph 4

8. The request does not fall within the purview of Rule 35(12) in that paragraph 255 of the answering affidavit makes no reference to documents relating to deliberations of the Department and the Minister on the question of the impact on children and families.

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SIGOGO ATTORNEYS

Attorneys for the first and second respondents

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Email: khethani@sigogoinc.co.za

Ref: k Swuhana//DHA006

**AND TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
GAUTENG DIVISION, PRETORIA**

AND TO: DLA PIPER SOUTH AFRICA(RF) INC

Attorneys for the applicant

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REF: W Makadam/ N v Onselen/M Thulare

C/O MACINTOSH CROSS & FARQUHARSON

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Email to: al@macintoshcross.co.za

Ref: Anneke Lotter

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"RA3"

From: Waseeqah Makadam
Sent: Wednesday, August 24, 2022 2:43 PM
To: Mudzuli; Neil van Onselen; Manyaku Thulare; al@macintoshcross.co.za; Chigo Mabila; khethani@sigogoinc.co.za
Subject: RE: CASE NO: 32323/22 - HELEN SUZMAN FOUNDATION // MINISTER OF HOME AFFAIRS & DIRECTOR GENERAL OF THE DEPARTMENT OF HOME AFFAIRS

Dear Khethani

1. We refer to your response to our client's Rule 35(12) and(14) notice, attached to your email below.
2. Our client accepts the need for redaction of sensitive personal information of ZEP-holders. However, we require a clear deadline for the delivery of these documents, bearing in mind that our client's replying affidavit is due on 29 August 2022.
3. Our client is willing to afford your client a further seven (7) days, until Wednesday 31 August 2022, to deliver the redacted documents, on the condition that your clients consent to our client delivering a supplementary affidavit addressing these further documents. Kindly confirm your agreement with this proposal.
4. Lastly, we do not accept that your clients have any valid basis for the refusal of the further documents, as reflected in paragraphs 4 – 8 of your response. Our client will address this refusal in its replying affidavit.

We look forward to hearing from you.

Regards

Waseeqah Makadam
Director

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waseeqah.makadam@dlapiper.com

DLA Piper South Africa (RF) Incorporated
www.dlapiper.com



From: Mudzuli <Mudzuli@sigogoinc.co.za>
Sent: Wednesday, August 24, 2022 1:13 PM
To: Waseeqah Makadam <Waseeqah.Makadam@dlapiper.com>; neil.vanonselan@dlapiper.com; Manyaku Thulare <Manyaku.Thulare@dlapiper.com>; al@macintoshcross.co.za; Chigo Mabila <Chigo.Mabila@dlapiper.com>
Cc: khethani@sigogoinc.co.za
Subject: RE: CASE NO: 32323/22 - HELEN SUZMAN FOUNDATION // MINISTER OF HOME AFFAIRS & DIRECTOR GENERAL OF THE DEPARTMENT OF HOME AFFAIRS

****EXTERNAL****

Dear All

The first and second respondents' hereby serve their reply to the applicant's notice in terms of rule 35(12) and 35(14).

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Same will be uploaded on CaseLines.

Kind regards
Mudzuli

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 51735/2021

In the matter between:

AFRICAN AMITY

Applicants

(Registration Number 2021/8377798/06)

ZIMBABWE EXEMPTION PERMIT HOLDERS

ASSOCIATION AND OTHERS

and

MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL HOME AFFAIRS

Second Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Third Respondent

MINISTER IN THE SOUTH AFRICAN EXECUTIVE

Fourth Respondent

GOVERNMENT (CABINET)

FIRST AND SECOND RESPONDENDTS' ANSWERING AFFIDAVIT

I, the undersigned,

LIVHUWANI TOMMY MAKHODE

declare under oath as follows:

1. I am the Director-General of the Department of Home Affairs ("DHA"). I am the Accounting Officer of the DHA. The Minister of Home Affairs ("Minister"), who is cited as the first respondent in this matter is the political and executive head of the DHA.
2. By virtue of my position, I am competent to depose to this affidavit on behalf of the first and second respondents ("respondents"). I have access to all past records of the DHA.
3. Save where otherwise indicated, the facts to which I depose are based on my personal knowledge and are to the best of my belief, both true and correct. To the extent that I rely on the facts which are not within my personal knowledge, I verily believe them to be true and correct. To the extent that I make submissions in respect of law, I am guided by the advice of my legal representatives in this matter and make submissions in reliance on such advice.

Citation of third and fourth respondents

4. The third and fourth respondents were wrongly cited by the applicants, who erroneously believed that the decision not to extend the exemptions granted to

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the Zimbabwean nationals was taken by the fourth respondent. This is simply incorrect. I will demonstrate below that the decision was taken by the Minister.

Plethora of litigation

5. The applicants launched spurious applications IN October, December 2021 and March 2022. I annex hereto a copy of the initial notice of motion marked "AA1"
The applicants served and filed an amended notice of motion on 8 December 2021. I annex hereto a copy of the amended notice of motion marked "AA2".
6. When the respondents were preparing to serve and file the answering affidavit in the initial application, the applicants through, Casper Ngwenya ("Mr Ngwenya") and Simba Chitando ("Mr Chitando") circulated messages on social media insulting the Minister and also indicated that the ZANU PF Sandton Branch will convene a meeting in which the decision of the Minister not to extend the exemptions granted to the Zimbabwean nationals would be discussed. I annex hereto copies of the twitter messages marked "AA3" and "AA4".
7. As a result of the disinformation by Mr Chitando, regarding the meeting of the ZANU PF Sandton Branch, the Zimbabwean Ambassador to South Africa distanced ZANU PF and the Government of Zimbabwe from such a meeting. I annex hereto a copy of the Press Statement marked "AA5".

8. In a strange twist of events, Mr Chitando circulated another message to the effect that the applicants have lodged and filed amended court papers and served them on the Minister. I annex hereto a copy of the message marked "AA6". As the attorneys of record representing the respondents had no access to the previous court papers and caselines, they requested Ms Mpho Seotlela: Director Litigation of the DHA (Ms Seotlela") and requested her to contact the State Attorney to check if the alleged court papers were served on the State Attorney's office. The State Attorney indicated on several occasions that it had not received the alleged amended court papers.
9. The attorneys of record contacted the respondents and requested them to carefully check if indeed, they had received the alleged amended court papers. The feedback was that such papers were not served on the respondents.
10. Mr Chitando circulated another message on social media to the effect that the respondents have not filed the notice to oppose. This message was circulated on a Sunday and the attorneys of record again contacted Ms Seotlela who again checked with the State Attorney and confirmed that such papers were not received. She further indicated that she even contacted the junior counsel involved in the initial application, who confirmed that the new alleged court papers were not uploaded on caselines. I annex hereto a copy of the message marked "AA7"

11. On 4 April 2022, Ms Seotlela contacted the attorney of record and informed him that the files have been located in the State Attorney's office and that same will be forwarded to him. A confirmatory attorney of Ms Seotlela is filed herewith.
12. Once the attorneys of record received the court papers from the State Attorney, a notice to oppose was electronically served on the applicants' attorneys. A request for access to caselines was also made to the applicants' attorneys, who duly provided same.

Second amended notice of motion

13. The applicants have filed the second amended notice of motion annexed hereto marked "AA8". It will be seen from the second notice of motion, that the previous prayer 2 has been replaced the new prayer 2 which reads:

"That respondents 5 January 2022 decision to extend the ZEP for 12 months together with reasons provided is reviewed, set aside, declared unlawful, unconstitutional and invalid".

Failure to comply with Rule 53 of the Uniform Rules of Court

14. Both amended notices of motion did not comply with Rule 53(1)(b) Uniform Rules of Court in that the respondents are not called upon to file the record of the impugned decisions. This is highly prejudicial to the respondents in that the timeframes within which to file the answering papers is unduly truncated. Yet

Mr Chitando had the audacity to issue a misleading message on social media in that it creates the impression that holidays are counted as court days. The message is annexed hereto marked "AA9". In fact, Mr Chitando is nothing but an imposter pretending to represent all the Zimbabwean nationals. The attorneys of record received representations from Ms Lauren Maliwa (an exemption holder) who stated that "we did not ask Simba Chitando to represent us. We don't want PR we just want 4 or 5 years. He is representing a few people not many of us. We don't even know what he is doing. Please forgive." I annex hereto a copy of the representations marked "AA10" and the attorneys of record response marked "AA11". As a courtesy to Mr Chitando, the attorney of record sent the correspondence from Ms Maliwa, together with his response annexed hereto marked "AA12".

15. I am advised that there are authorities to the effect that the court may proceed to hear the application as a review application without a record filed in terms of Rule 53 of the Uniform Rules of Court. However, in this instance, the applicants were obliged to call for filing of the record in order for the court to ventilate the matter on full facts.

16. In **Helen Suzman Foundation v Judicial Service Commission**¹ the Constitutional Court said:

"The purpose of rule 53 is to facilitate and regulate applications for review". The requirements in rule 53(1)(b) that the decision-maker file the record of decision

¹ [2018] ZACC 8; 2018 (4) SA 1 (CC).

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is primarily Intended to operate in favour of an applicant in review proceedings. It helps ensure that review proceedings are not launched in the dark. The record enables the applicant and the court fully and properly to assess the lawfulness of the decision-making process. It allows an applicant to Interrogate the decision and, if necessary to amend its notice of motion and supplement its grounds for review".

This also goes towards upholding section 34 of the Constitution, and the Court held that Rule 53 Record process requires that all the parties have identical copies of the relevant documents on which to draft their affidavits and that they and the court have identical papers before them when the matter comes to court
(Underlining supplied)

Genesis of exemptions

17. It is apposite to trace the genesis of the exemptions which dates back to the colonial era.
18. Exemptions for various purposes have been in existence since 1913 and were regulated in terms of the Immigration Regulation Act². This Act was amended several times and later replaced by the Admission of Persons to the Republic Act³. The power of exemption with widest effect was under the 1937 Aliens Act⁴ prior to the said legislation

² Act 22 of 1913
³ Act 1 of 1972
⁴ Act 59 of 1937

19. The purpose of the 1937 Aliens Act was enacted with the purpose of, *inter alia*, to regulate the admission, residential status of those citizens from Commonwealth countries, who previously had unrestricted right of entry into and residence in the country when the then Union was still a member of the Commonwealth.
20. The Aliens Act of 1937 also provided exemptions which were granted in terms of section 7bis and also provided for exclusion from or withdrawal of exemptions. These exclusions and withdrawals could be done individually or per category. By way of an example, on 21 August 1962, the Minister exempted the following category of persons in terms of section 7bis (1) of the Aliens Act of 1937:
- 20.1 All former Union nationals of South African citizens who were born in South Africa or South West Africa after 1 February 1937; and
- 20.2 All former Union nationals or South African citizens who previously obtained citizenship by naturalization/domicile and who did not obtain a legal domicile in South Africa before 1 February 1937 or have not entered the country legally before that date with a view to take up permanent residence.

Portuguese refugees

- 20.3 Section 7bis (1) exemption power was used to exempt Portuguese refugees

individually or per family unit from Mozambique in 1974 and Angola in 1975, who wanted to settle in South Africa but who did not possess the standard of education required by the Immigrants Selection Board.

Continuation of the exemption regime

Aliens Controls Act 96 of 1991

21. Section 28 reads as follows:

- "(1) *If the Minister is satisfied that any alien who desires to enter the Republic, as a distinguished visitor who has no intention to reside permanently in the Republic, he may permit the said alien, his wife, a dependent child of his and any alien who is in his employ and a member of his household to enter the Republic without holding any temporary residence permit under this Act.*
- (2) *Notwithstanding the provisions of this Act, the Minister may exempt any person or category of persons from all or any of the provisions of this Chapter, and for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose, and may do so also with retrospective effect.*
- (3) *The Minister may exclude from any exemption granted to a category of persons under subsection (2) any person belonging to that category.*

(4) The Minister may withdraw any exemption granted under subsection (2) to any category of persons or to any person, and, in the case of a person, whether he was exempted as an individual or as a member of a category of persons.

(5) The Minister may issue to any person whose exemption is withdrawn under subsection (4), a temporary residence permit referred to in section 26 to sojourn in the Republic or any particular part of the Republic."

(Underlining supplied) I annex hereto copies of the first page of the Aliens Control Act and section 28 marked "AA13". I further annex hereto a copy of the certificate issued in terms of section 28(2) of the Aliens Control Act, 1991 marked "AA14".

22. It will be seen from the "AA14" that the certificate of exemption was issued without any condition.
23. In terms of section 28, persons who are acceptable as immigrants but did not comply with the standard of education or trade competency set as a norm by the Immigrants Selection Board can be exempted unconditionally for specified or unspecified period from the provisions of section 23(a) of the Aliens Control Act, 1937. This group included illiterate persons.
24. It is clear from the provisions of section 28(2) that the Minister may exempt a category of persons from all or any provisions of this Chapter for a specified or

unspecified period either conditionally or subject to such conditions as the Minister may impose.

25. It is also clear from the provisions of section 28(4) that the Minister may withdraw any exemption granted to any category of persons. A person whose exemption has been withdrawn, could be granted a temporary residence permit to sojourn in the Republic.

Aliens Control Amendment Act 76 of 1995

26. The power of exemption by the Minister is provided for in section 15 of the Aliens Control Amendment Act with a slight amendment to the effect that the Minister must be satisfied that there are "*special circumstances which justify his or her decision*". I annex hereto a copy of the first page of the Aliens Control Amendment Act and section 15 marked "AA15".

Return of exiles

27. In 1990, after the unbanning of the liberation movements such as, the African National Congress ("ANC"), Pan Africanist Congress ("PAC"), the South African Communist Party ("SACP") and others, a way had to be found by the DHA to facilitate the return of exiles to the Republic.
28. This was done by way of issuing extraordinary travel certificates. I annex hereto a copy of the Media Statement issued by the then Minister of Home Affairs

marked "AA16". This was in response to a media speculation published on 17 October 1990 that the ANC may be forced to hold its consultative conference outside South Africa. I annex hereto a copy of the Media Statement marked "AA17". Subsequently in 1997, the DHA withdrew the extraordinary travel certificates to the exiles on the basis that those who failed to apply would have to prove exceptional circumstances to justify their failure to make use of the opportunity granted to them to return to the Republic.

29. In 1996, a Media Statement was issued by the then Minister of Home Affairs in which he invited citizens of Southern African Development Community ("SADC"), who qualified and met certain conditions may apply for exemption to be granted permanent residence. I annex hereto a copy of the Press Statement marked "AA18".
30. Effectively, the then Minister of Home Affairs exercised the powers bestowed upon him in terms of section 5(3) and 4(a) of the Aliens Control Act, 1991.

Section 31 of the Immigration Act 13 of 2002

31. Section 31 reads as follows:

"(1) The following persons or categories of persons are not illegal foreigners:

- (a) A member of a military force of a foreigner state which has been granted consent by the Government of the Republic to enter the*

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Republic, while such consent subsists: and

(b) *the officers and crew of a public conveyance of a foreign state, while such conveyance is in the port of entry.*

(2) *Upon application, the Minister may under terms and conditions determined by him or her) –*

(a) *allow a distinguished visitor and certain members of his or her immediate family and members of his or her immediate family and members in his or her employ or of his or her household to be admitted to and sojourn in the Republic, provided that such foreigners do not intend to reside in the Republic permanently;*

(b) *grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision: provided that the Minister may-*

(i) *exclude one or more identified foreigners from such categories; and*

(ii) *for good cause, withdraw such rights from a foreigner or a category of foreigner;*

- (c) *for good cause, waive any prescribed requirement or form: and*
- (d) *for good cause, withdraw and exemption granted by him or her in terms of this section.*

(3)(a) *The provisions of section 10 and 25 shall not apply to a foreigner – who prior to 1 February 1937 lawfully entered the Republic for the purpose of permanent residence therein;*

(b) *Who by virtue of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), enjoys any immunities and privileges in the Republic; or*

(c) *to whom a written authority or permission to enter the Republic has been issued in terms of section 1 or 3 of the Immigration Quota Act, 1930 (Act No. 8 of 1930), and who entered the Republic within the period stated in that authority or visa within that period as lawfully extended."*
(Underlining supplied)

32. It is clear from the current provisions of the Immigration Act and prior legislation since 1937 that the Minister always had discretionary powers to grant exemptions. The only addition to the current provisions is that the withdrawal of the exemption has to pass the "good cause" test.

Accession to international agreements

33. South Africa acceded to various international agreements such as, United Nations Convention on Refugees ("the 1951 Convention"), the 1967 Protocol Relating to the Status of Refugees⁵ ("the 1967 Protocol"), the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa ("the 1969 OAU Convention") and other international instruments.
34. Both the 1951 Convention and the 1967 Protocol provide for reservations. In terms of the 1951 Convention, any State may make reservations to articles of the Convention other than articles 1, 3, 4, 16(1), 33, 36-46 inclusive.
35. Article VII of the 1967 Protocol provides that any State may make reservations in respect of articles IV and 1 other than articles 1, 3, 4, 16(1) and 33.
36. Many countries made reservation in respect of both the 1951 Convention and 1967 Protocol.
37. The Refugees Act was passed in 1998 and came into operation on 20 November 1998.
38. The Refugees Act provides for certain administrative structures and officials to deal with applications for asylum.

⁵ Ratified on 12 January 1996.

Influx of asylum seekers

39. Immediately after South Africa acceded to the 1951 Convention, the 1967 Protocol and the OAU Convention, a number of asylum seekers started arriving in South Africa.
40. The issue of exemptions granted to Zimbabwean and other nationals has a long history. It all started in 2008, when South Africa experienced an influx of asylum seekers from Southern African Development Community ("SADC"). The majority of them were Zimbabwean nationals. The Department of Home Affairs ("DHA") Asylum Seeker Management Unit ("ASMU") was unable to cope with the numbers. By way of an example, the Musina Refugee Reception Office was receiving in excess of 1000 asylum seeker applications daily. It had neither the staff compliment and financial resources to deal with the influx.
41. This led to the DHA approaching National Treasury requesting financial assistance to start the process of granting exemptions to the SADC nationals, including Zimbabwean nationals in terms of section 31(2)(b) Immigration Act, 2002.
42. The DHA requested National Treasury to make available an amount of R145 803 928.00 available to start a special project of granting exemptions by the Minister of Home Affairs.

43. National Treasury decided only to approve an amount of R15 million to deal with the exemptions process for SADC nationals. I annex hereto a copy of the letter from Treasury marked "AA19".
44. It is clear from the approval by National Treasury that the project for granting exemptions to the SADC nationals was financially unsustainable.
45. The majority of Zimbabwean nationals who came seeking asylum were in fact economic migrants and most of them were unskilled workers. As most of the economic migrants coming from Zimbabwe came illegally in the country. The Immigration Services of the DHA deported many Zimbabwean nationals. On 17 June 2010, a bilateral meeting between the Ministers of Home Affairs from South Africa and Zimbabwe was held and it was agreed that there should be a moratorium on deportations. Further that, officials from both countries should come with proposals to deal with the migration crisis.
46. Furthermore, the then Minister of Home Affairs announced an amnesty for those persons who obtained identity documents fraudulently to surrender them so that they could be issued with the exemption permits. Approximately more than 8000 fraudulent identity documents were surrendered. The majority of whom were Zimbabwean nationals. However, some of them did not. The Immigration services keeps on encountering Zimbabwean nationals with fraudulent identity documents. They are being deported and some of them have challenged their deportations in courts.

47. In 2009, the Minister with support from the National Executive announced that she would exercise her powers in terms section 31(2)(b) of the Immigration Act to grant exemptions to Zimbabwean nationals. At that time, the exemptions were colloquially referred to as the Dispensation for Zimbabwe Permit ("DZP") and were later in 2014 colloquially referred to as Zimbabwe Special Permit ("ZSP"). Lastly, they were colloquially referred to as Zimbabwe Exemption Permit ("ZEP"). Nothing turns on these names, as all were exemptions granted by successive Ministers of Home Affairs in terms of section 31(2)(b) of the Immigration Act.

48. The 2017 exemptions contained the following conditions:

48.1 *ZEP permit entitles the holder to conduct work/employment;*

48.2 *ZEP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in the RSA;*

48.3 *ZEP permits will not be renewable / extended; and*

48.4 *ZEP permit holder cannot change conditions of his/her permit in South Africa.*

49. All the exemptions without exception had a condition that the holder could not apply for permanent residence irrespective of the period of stay in the RSA. This is in stark contrast with the exemption announced by the then Minister of Home Affairs in 1996 inviting citizens of SADC states to apply for permanent

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residence in South Africa. The exemption regime made it possible for persons who would otherwise not qualify for general work visa and other visas provided for in the Immigration Act to be able to sojourn in the Republic, work and be able to be employed in the Republic.

50. It will be seen from the above conditions that the exemption holders were not granted business rights in South Africa.
51. The "*rights of permanent residence*" referred to in section 31 (2)(b) does not mean permanent residence permit as contemplated in section 25 of the Immigration Act nor direct residence as contemplated in section 26 of the Immigration Act. Simply put, "*rights of permanent residence*" means the right to sojourn in the Republic.

Initial application launched in October 2021

52. It is surprising that in the initial application, there were thirty applicants. In the amended notices of motion, the third applicant to the thirtieth applicant are now referred to as others. It is not surprising because, the third to thirtieth applicants never filed confirmatory affidavits.

Founding affidavit of Emma Dimairho

53. PARAGRAPH 1

53.1 I deny that Emma Dimairho ("Ms Dimairho") is duly authorised to depose to the affidavit on behalf of the first applicant. I say so because, there is no resolution of African Amity NPC attached to the application.

53.2 I am advised that as a matter of law, failure to attach the resolution is fatal to the application as the deponent lacks *locus standi* to represent the Non Profit Corporation ("NPC").

PARAGRAPH 2

54. I deny that the allegations contained in the founding affidavit are true and correct.

55. **PARAGRAPHS 3,4 AND 5**

The allegations contained in these paragraphs are denied. The applicants who are alleged to be seeking relief in their personal capacities have failed to annex confirmatory affidavits to this effect.

56 **PARAGRAPH 6**

The allegations contained in this paragraph are not in dispute.

57. **PARAGRAPHS 7 AND 8**

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- 57.1 The allegations contained in these paragraphs are denied.
- 57.2 The applicants have not only failed to prove membership by the members they claim to represent but the deponent to the affidavit lacks *locus standi* to bring these proceedings.
- 57.3 It is significant that the applicants do not allege that they are acting in terms of section 38(d) of the Constitution.

58. **PARAGRAPH 9**

- 58.1 I note the Press Statement issued by the then Minister of Home Affairs. As stated above, the exemption granted in terms of section 32(1)(b) was colloquially known as DZP at the time. I reiterate nothing turns on this colloquial name. The issue is about exemptions.
- 58.2 I note that the then Minister of Home Affairs was advised by the communication division of the DHA to refer to the Cabinet having "*approved*". This is clearly incorrect. The statement ought to have mentioned that the Minister consulted the Cabinet which supported his decision.
- 58.3 I will deal further with this aspect when I deal with the so-called "*amended founding affidavit*".

59. **PARAGRAPH 10**

59.1 I note the report of the PMG Monitoring Parliamentary Group, which is nothing but a report of the meeting of the Portfolio Committee on Home Affairs that took place on 4 November 2014.

59.2 The applicants have annexed in their papers the report which is illegible. I annex hereto a copy of the legible report marked "AA20". It will be seen from the report that Mr Stoltz wrongly spelt "Stols", who was the Acting Deputy Director: Immigration Services of the DHA at the time clearly spelt out the intention for granting exemptions to the Zimbabwean nationals which, *inter alia*, included:

- (a) Regularising the stay of Zimbabwean nationals in the Republic;
- (b) Introduction of biometrics to minimise the cheating of the system;
- (c) Most of the Zimbabwean nationals were in fact economic migrants; and
- (d) The exemptions would enable the Zimbabwean holders to access services such banking and health.

59.3 It is clear from the PMG report which recorded the meeting of the Portfolio Committee on Home Affairs that there was never an intention by the DHA to grant permanent residence to the Zimbabwean nationals, which the applicants are now claiming and I must add that, this application is nothing but a total

waste of judicial resources.

60. PARAGRAPH 11

60.1 I note the statement made by the then Minister of Home Affairs, when he extended the exemptions and was advised to colloquially referred to them as Zimbabwean Exemption Permits ("ZEP"). As indicated above, nothing turns on the name.

60.2 I am astounded that the applicants' place reliance on this Press Statement in that, it clearly outlines the conditions for the exemptions and states "*does not entitle the holder to apply for permanent residence irrespective of the period of stay in the Republic of South Africa*". I annex hereto a redacted permit with the expiry date of 31 December 2021 marked "AA21".

60.3 The conditions contained in the 2017 exemptions have in fact replaced the previous exemptions. The applicants' case therefore, must either stand or fall on the conditions of the 2017 exemptions.

60.4 In any event, the amended notice of motion recently served and filed on 22 March 2022 does not seek to challenge any of the conditions.

60.5 The applicants have enjoyed the rights and privileges arising from the granting of exemptions, without challenging the conditions imposed by successive Ministers. They now wish to cry foul.

61. PARAGRAPH 12

61.1 I note the paraphrasing of section 31(2)(b) (ii) of the Immigration Act

61.2 The applicants' are aware that the Minister in as much as he is empowered in terms of the Immigration Act to grant exemptions with conditions and that he may for good cause decide to withdraw such a right. This is exactly what happened when the Minister decided in September 2021 not to extend the exemptions granted to the Zimbabwean nationals.

62. PARAGRAPHS 13 AND 14

62.1 The allegations contained in these paragraphs are strongly denied.

62.2 The applicants have not even attempted to explain to this Court as to which provisions of the Immigration Act automatically changes an exemption granted in terms of section 31(2)(b) of the Immigration Act to a permanent residence.

62.3 This is simply a figment of his own imagination and speculation. The duty of this Court is to interpret the law and not deal with speculative allegations not supported by objective facts and the law.

62.4 The exemption entitled him or her to sojourn and reside in South Africa as long as the permit is valid. I am unable to understand why the second applicant

makes a statement that, -"the Zimbabwe exemption permit is not a temporary residents' permit provided for in the Immigration Act". It is simply an exemption and not any of the visas provided for in the Immigration Act.

63. PARAGRAPH 15

- 63.1 It is denied that the exemption holders are permanent residents.
- 63.2 Any person issued with the permanent residence permit and direct residence in terms of section 25 and 26 of the Immigration Act are entitled to and identification document. The exemption holders use the permit as an identification document which can be used for employment, opening of bank accounts, access to certain services and to apply for study visas for their dependents.
- 63.3 The contention and the prayers in the two amended notices of motion requesting a declaratory order that the second applicant be issued with identity documents is based on a misreading of the relevant provisions of the Immigration Act.
- 63.4 The respondents do not have to provide any reasons why the exemption holders cannot be issued with identity documents as they simply do not qualify.
- 63.5 The second applicant has not made out a case of a declarator. I am advised that the issuing of a declarator is entirely in the discretion of this Court.

64. PARAGRAPH 16

64.1 The allegations contained in this paragraph are denied.

64.2 The DHA never created any legitimate expectation for the renewal of the exemption permits and for permanent residence and the right to apply for citizenship. The exemptions were granted with conditions, which were never challenged and there is no single supporting documentation that the applicants rely on to prove the alleged legitimate expectation.

64.3 The authorities on legitimate expectations are clear in that certain objective facts must be proved in order to rely on the doctrine of legitimate expectation.

64.4 In any event, the alleged legitimate expectation does not pass the test set out in **Traub**⁶ and other authorities.

65. PARAGRAPH 17

65.1 The allegations contained in this paragraph are denied.

65.2 The applicants knew that the exemptions were not permanent and I have demonstrated above that since 1937 exemptions were granted for a limited period.

⁶ Administrator, Transvaal v Traub 1989 (4) SA 731 (A).

65.3 When the successive Minister of Home Affairs decided to grant exemptions, they had no duty to consult with the exemption holders as they were dealing with refugee, economic, fraudulent documentation and effectively enforcing immigration laws.

65.4 The Minister has clearly set out the reasons for not extending the reasons in the Press Statement published on 7 January 2022 as including, *inter alia*,

- (a) The exemptions granted to the Zimbabwean nationals was and has always been a temporary measure, pending improvement of the political and economic situation in Zimbabwe.
- (b) The DHA has now limited capacity to deal with the extensions of the exemptions by virtue of its constrained budget. The outbreak of Covid-19 and other economic factors facing South Africa resulted in the budget of the DHA being cut twice in the amount of R1, 8 billion in 2020/21 and 2021/2022 financial years. In fact, the baseline was cut by R969 million and R671 million was for Compensation of Employees. This resulted in the insufficient funds to cover the existing staff complement. A decision had to be taken, to prioritise the budget to allocate more resources to Civic Services, which deals with the rights of South African citizens.
- (c) It is documented that South Africa's unemployment rate increased by 1.8% bringing the overall rate to 34%. This rate is the largest since the start of Quarterly Labour Force Survey in 2008.

- (d) Approximately 1 900 Zimbabwean nationals' exemptions holders applied for waivers in terms of the Immigrations Act and their applications were rejected. These applications were in violation of the conditions of the exemptions which are:
- (i) *"ZEP permit entitles the holder to conduct work/employment;*
 - (ii) *ZEP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in RSA;*
 - (iii) *ZEP permits will not be renewable/ extendable; and*
 - (iv) *ZEP permit holder cannot change conditions of his/her permit in South Africa".*
- (e) According to the records of the DHA, some of the Zimbabwean nationals' exemptions holders have already migrated to one or other visas provided for in the Immigration Act.

Alleged procedural unfairness

65.5 The Minister took several steps, including issuing a Press Statement to clear the confusion which was existing at the time. I annex hereto the Press Statement marked "AA22".

65.6 I addressed individual letters to 178 142 affected Zimbabweans, including the first applicant and Zimbabwean Diaspora Association requesting them to make representations (if any). I annex hereto copies of the letters marked "AA23(A)", "AA23(B)" and "AA23(C)". I also issued a public notice to all Zimbabwean nationals' exemptions holders, which was published in the Star, Sunday World, Sunday Time and City Press. I annex here a copy of the notice published in one of the newspapers marked "AA24".

Principle of *ubuntu*

65.7 I am advised that the principle of *ubuntu* is an indigenous African concept and refers to a practical humanist disposition towards the world and denotes compassion, tolerance and fairness.

65.6 The concept of *ubuntu* was endorsed and applied by the Constitutional Court in **S v Makwanyane and Another**⁷.

65.7 The exemptions granted to the Zimbabwean nationals though informed by the empowering legislation, it also encompassed the principle of *ubuntu* and Pan-Africanism.

65.8 However, even in the traditional concept, the principle of *ubuntu* is not without limits. There may be circumstances which may lead to the concept not being

⁷ 1995(3) SA 391 (CC), para 308

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adhered to.

65.4 The decision of the Minister is neither irrational, unreasonable, procedurally unfair, inconsistent with the principle of *ubuntu* or unconstitutional.

66. It is clear that the Minister's reasons for not extending the executives pass the test for good cause.

67. PARAGRAPH 18

67.1 The allegations contained in this paragraph are denied.

67.2 No legitimate expectation was created to the exemption holders that it would be a path to citizenship in South Africa.

67.3 As for the right to life and dignity, these do not arise in this case, in that the Zimbabwean nationals' exemption holders have been given an opportunity to apply for one or other visas. Until such time that the outcome of the applications are known, the alleged violation of the rights to life and dignity remains speculative.

"AMENDED FOUNDING AFFIDAVIT"

AFFIDAVIT OF DARLINGTON CHIUTA

68. I am advised that the "*amended founding affidavit*" is not properly before Court for the following reasons:

68.1 The affidavit is filed three months after the initial application was launched;

68.2 The deponent to the affidavit is a different person from the one who deposed to the initial founding affidavit;

68.3 He purports to represent the second applicant. Simply put, the first applicant is no longer a party to the facts deposed in this affidavit. There is no application for condonation for the late filing of the "*amended founding affidavit*".

68.4 The deponent does not even seek leave of the Court to file the "*amended founding affidavit*".

69. PARAGRAPH 1

69.1 I deny that Darlington Chiuta ("Mr Chiuta") is duly authorised to depose to the affidavit on behalf of the second applicant. I say so because, there is no resolution of the Zimbabwe Exemption Permit Holder Association attached to the application.

69.2 I am advised that as a matter of law, failure to attach the resolution is fatal to the application as the deponent lacks *locus standi* to represent the Zimbabwe Exemption Permit Holders Association.

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70. PARAGRAPH 2

I deny that the allegations contained in this paragraph are true and correct.

71. PARAGRAPH 3

71.1 I deny that the affidavit is deposed on behalf of the applicants as the deponent to the initial application is Ms Dimairho.

71.2 I have already dealt with the issue of the alleged legitimate expectation.

72. PARAGRAPH 4

72.1 Save to admit that opposing papers were not filed in the initial application and the initial amended notice of motion was not objected to, the rest of the allegations contained in this paragraph are denied.

72.2 I have already indicated that failure to comply with Rule 53 resulted in timeframes for the respondents to file the answering affidavit being truncated.

73. PARAGRAPH 5

I deny that the parties to the amended notice of motion are the same as in the initial application. It is clear from annexure "AA1" that the third to the thirtieth

applicants were mysteriously removed with no explanation whatsoever.

74. PARAGRAPH 6

74.1 I deny that the fourth respondent took any decision. I will deal with this aspect more fully below.

74.2 When the second applicant filed its second amended papers, it was fully aware that the decision was not taken by the Cabinet but by the Minister. On 7 January 2022, the Minister issued a Press Statement in which he indicated that he is the one who took the decision and only tabled it before the National Executive in order to seek support of his decision and also addressed a letter to the first applicant to that effect. The letter to the first applicant was not responded to.

75. PARAGRAPH 7

The allegations contained in this paragraph are not in dispute.

76. PARAGRAPHS 8 AND 9

76.1 The allegations contained in these paragraphs are denied.

76.2 The deponent has no *locus standi* to seek the relief.

76.2 Furthermore, it is misleading to say that there are individuals who filed affidavits. I have already indicated that the individuals were removed and even in the initial application, there were no confirmatory affidavits from them.

77. PARAGRAPH 10

77.1 The allegations contained in this paragraph are denied.

77.2 The exemption holders do not qualify for permanent residence and direct residence provided for in sections 25 and 26 of the Immigration Act.

78. PARAGRAPH 11

78.1 I note the constitutional rights mentioned in this paragraph.

78.2 I am advised that the second applicant bears the onus to prove that the rights referred to in this paragraph have been violated.

78.3 In any event, any right in the Bill of Rights is subject to the limitation clause in terms of section 36. The reasons provided by the Minister showing budgetary constraints and its allocation serve as a justification for limitation of constitutional rights (if any).

78.4 In any event, the principle of separation of powers enjoins this Court that it cannot dictate to the Executive on the allocation of the resources and limiting

its programmes due to budgetary constraints.

79. PARAGRAPHS 12 AND 13

I have already dealt with the allegations contained in these paragraphs.

80. PARAGRAPHS 14 AND 15

80.1 The allegations contained in these paragraphs are denied.

80.2 In any event the allegations referred to in these paragraphs are misplaced.

80.3 There was no condition attached to the exemption that the exemption holder may qualify for permanent residence.

81. PARAGRAPH 16

81.1 I deny that annexure "A" is a DZP.

81.2 Annexure "A" has expired and the respondents will apply for it to be struck out.

82. PARAGRAPHS 17 TO 20

82.1 I deny that any of the exemptions referred to in these paragraphs entitled the holder to permanent residence. In any event, those exemptions have since

expired.

82.2 The respondents will apply for the striking out of annexure "B" as it has expired.

83. PARAGRAPHS 21 TO 25

83.1 I have already dealt with similar allegations fully above.

83.2 I challenge the second applicant to prove that they had permission from the holder of annexures "A", "B" and "C" to use them in their spurious application. I say so because, the DHA has identified the holder of these annexures and she has recently communicated with the DHA directly inquiring about the status of her application.

83.3 In any event, there is no confirmatory affidavit from this individual.

84. PARAGRAPH 26

84.1 The Minister is empowered when issuing exemptions to impose conditions he may deem fit. As he is dealing with a category of foreigners, there is no duty imposed upon him to consult with the persons to whom the exemptions are issued. More particularly in that none of the Zimbabwean nationals applied to be granted these exemptions.

84.2 In any event, these allegations have become academic in that the second

amended notice of motion is no longer challenging the conditions.

85. **PARAGRAPHS 28 AND 27**

85.1 The allegations contained in these paragraphs are denied.

85.2 If the intention was to grant permanent residence permit, the exemptions would have referred to sections 25 and 25 of the Immigration Act.

86. **PARAGRAPHS 29 TO 31**

86.1 I confirm that the email correspondences referred to in these paragraphs were indeed written to the DHA requesting a meeting with the Minister.

86.2 The email correspondence did not expressly indicate the purpose of the meeting.

87. **PARAGRAPH 32**

8.1 The allegations contained in this paragraph are not in dispute.

87.2 In a letter dated 28 April 2021 addressed to Mr Million, the Minister clearly indicated that the DHA was busy with various consultations on the exemptions expiring on 31 December 2022 and that once the decision has been taken, he would be advised accordingly

88. PARAGRAPH 33

88.1 The allegations contained in this paragraph are not in dispute.

88.2 The Minister saw no need to respond to this email correspondence, as he had already undertaken that he would revert once the decision has been taken.

89. PARAGRAPHS 34 AND 35

89.1 The allegations contained in these paragraphs are not in dispute.

89.2 At that time, the Minister was busy preparing a submission to the Cabinet in order to obtain its support.

89.3 I must also add that between the period June and July 2021, various affected units within the DHA started discussing the feasibility of recommending to the Minister whether the exemptions should be extended or not.

90. PARAGRAPHS 36 AND 37

90.1 I deny that the decision was taken by the Cabinet.

90.2 After the internal discussions of various affected units, including the Ministers' Management Meeting ("MMM") within the DHA on the issue of whether or not

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to extend the exemptions were finalised, I decided to make a submission to the Minister in September 2021, recommending that the exemptions granted to the Zimbabwean nationals should not be extended anymore. I annex hereto a copy of the submission marked "AA25".

90.3 It will be seen from the submission ("AA25") that I signed the submission on 20 September 2021 and the Minister signed on the same day. He approved my recommendation and added the words "12 months". The 12 months written on the document was meant to be the period within which the affected Zimbabwean nationals would be afforded a opportunity to apply for one or other visas provided for in the Immigration Act.

90.4 I also recommended that once the Minister has taken the decision and an announcement made, he should consider communicating the decision to the Ambassador of Zimbabwe through the Minister of International Relations and Cooperation. This was indeed done. I annex hereto a copy of the letter addressed to the Minister of Internal Relations and Cooperation marked "AA26".

90.5 I also recommended to the Minister that since the decision not to extend the exemptions impacts on security, international relations, economic and financial matters, successive ministers of home affairs have submitted their decisions on exemptions and extensions to the Cabinet on its support and as such, the Minister should follow the established practice and seek support of Cabinet. I undertook to prepare a submission to the Cabinet for the Minister's approval.

Submission to the Cabinet

- 90.6 A submission to the Cabinet was prepared and approved by the Minister. Unfortunately the submission to the Cabinet is classified and cannot be disclosed. It followed the normal process that it should first be submitted to the security cluster sub-committee for endorsement.
- 90.7 The sub-committee considered the submission and endorsed it. It was then tabled to the Cabinet on 24 November 2021 which was supported.

Press Statement issued by the Minister in the Presidency

- 90.8 It has become an established practice that any matter discussed by the Cabinet should be communicated to the public by the Minister in the Presidency. I annex hereto a copy of the Press Statement marked "AA27". It will be seen that the Press Statement contains a heading which refers to the "Cabinet Decisions". Under that various items appear which some of them are simply noting reports given by various ministers.
- 90.9 Paragraph 2.1 of the Press Statement refers to "Cabinet approved the extension of the National State of Disaster to 15 December 2021". The Minister who is empowered to extend the National State of Disaster is the Minister of Corporative Governance and Traditional Affairs ("COGTA").

90.10 It will be seen from the Press Statement issued by the Minister in the Presidency that, it refers to approval of certain items discussed by the Cabinet. The word approval in the context of the decision of the Cabinet is wrongly used in the sense that in reality, the Cabinet endorsed the submission by the Minister. Another example is that the Cabinet approved appointments of the Board of Directors of the Compensation Fund and Board of Directors of South African Weather Service, Board of Directors of Property Practitioners Regulatory Authority and other board of directors of certain entities.

90.11 A simple and uninformed reading of that Press Statement may be interpreted to mean that the Cabinet took a decision and has the power to appoint those boards. By way of example, the Board of Directors of the Compensation Fund is appointed by the Minister of Employment and Labour in terms of section 11 of the Compensation for Occupational Injuries and Diseases Act 130 of 1993. In other words, after the Cabinet has endorsed the recommendation for the appointment of the Board of Directors made by the relevant Minister, such a Minister will then have to give legal effect by issuing appointment letters to the Board Directors endorsed by the Cabinet.

90.12 In the case of the Board of Directors of the South African Weather Service, once the Cabinet endorsed the submission made by the relevant Minister, the Minister of Environmental Affairs will have to give legal effect by issuing appointment letters to the identified Board of Directors.

90.13 In the case of the Board of Directors of the Property Practitioners Regulatory

Authority, the Minister Human Settlements appoints such the Board in terms of section 7 the Property Practitioners Act 22 of 2019.

90.14 In the event there is a challenge of the appointment of the Board of Directors referred to above, the Minister responsible will have to be cited and not the Cabinet.

91. Another example is my appointment as the DG of DHA which was endorsed by the Cabinet. However, the appointment is made by the President in terms of section 12 of the Public Service Act 103 of 1994. I annex hereto a copy of the Press Statement issued after the Cabinet meeting held on 21 October 2020 marked "AA28A".

92. **PARAGRAHS 38 TO 44**

92.1 The issue of Immigration Directive No.10 of 2021 has become academic in that it was later withdrawn in terms of Directive No. 11 of 2021.

92.2 The issue of the urgent application launched on 31 December 2021 has become academic. In that the matter was removed from the roll and costs were reserved.

93. **PARAGRAPHS 45 TO 47**

93.1 I have already dealt extensively with Directive No.1 of 2021. There is no

typographical error on it. It is not Directive No. 1 of 2022. Directive No. 1 of 2021 was issued on 29 December 2021 and widely circulated to the relevant officials and posted on the website of the DHA. The Directive was only gazetted for the public benefit on 7 January 2022 and again posted on the website of the DHA annexed hereto marked.

93.2 The Minister issued a Press Statement on 7 January 2022 in order to deal with the confusion and disinformation circulated both print and social media.

94. PARAGRAPH 48

94.1 The allegations contained in in this paragraph are denied.

94.2 The DHA received representations from the affected Zimbabwean nationals, who welcomed the Press Statement dated 7 January 2022. The year 2021 was clearly a typographical error.

95. PARAGRAPH 49

95.1 The allegations contained in this paragraph are denied.

95.2 The second applicant is confused. The Minister is empowered by law to issue a Directive extending the validity of the exemptions.

95.3 The respondents will apply that the words "*cannibalised Cabinet's 24 November*

2021 decision" be struck out on the basis that they are scandalous.

95.4 The allegation that there was a vacuum for few weeks between 31 January 2021 and 1 January 2022 when the exemption holders had no valid permits in their passport is without merit. I have indicated that on 29 December 2021 the Minister had already issued a directive extending the validity of the exemptions until 31 December 2022.

95.5 The fact that the second applicant was not able to see the Directive widely circulated and posted on the DHA website shows that it has no interest of the people it claims to represent. This misleading contention is a complete distortion of true state of affairs.

95.6 I have already indicated and it is also clear from annexure "AA25" that the decision of the Minister was made in September 2021. The decision could not be made public until such time that Cabinet had endorsed the decision of the Minister due to the economic, security and international relations factors.

95.7 The allegations that the 12 month validity period allowing the exemption holders to apply for one or other visas provided for in the Immigration Act will be sufficient. The Minister has set up a special team to deal with the applications of the Zimbabwean nationals. The allegation that the DHA is "dysfunctional" is without any merit whatsoever.

98.8 The second applicant has failed to produce evidence of the alleged

dysfunctionality. The Press Statement is correct to state that the exemptions over the years have always been a temporary measure to address a particular situation. They were never meant to be permanent. The exemption holders are not entitled to apply for permanent residence and have accepted this condition which in any event they have now abandoned in their amended notice of motion.

98.9 The unemployment rate which is the highest since 2008 is a relevant factor to take into consideration. Recently, the country has witnessed violent clashes between foreign nationals and citizens. This is as a result of the scarce resources in the country. I annex hereto newspaper articles marked "AA29A" and "AA29B". Indeed, the Minister received a number of support from seasoned journalists and individuals about the decision. I annex hereto copies of the newspaper articles and social media messages marked "AA30A – AA30E" respectively.

98.10 The alleged support by human rights organisations have since been withdrawn after the Minister issued the Directive and the Press Statement. In fact, the Minister has met with a number of human rights organisations, who have indicated that they would not challenge the decision of the Minister and opted for engagement in order to assist the affected Zimbabwean nationals.

98.11 The second applicant is living in the dream world or he has decided to deliberately distort the support that the Minister received.

98.12 Paragraph 4 of the Public Statement issued by the Embassy of the Republic of Zimbabwe states *"the Government of the Republic of Zimbabwe urges and encourages all its nationals, beneficiaries of the Special Dispensation, to comply with this decision and to cooperate with its implementation"*.

98.13 If the Embassy of the Republic of Zimbabwe was not supportive of the decision, it would not have inserted paragraph 4 in the Public Press Statement referred to above. In fact, the Zimbabwean Ambassador has recently met with the Minister of Home Affairs to discuss the implementation of the decision. The allegation that the Zimbabwean Government said that it was surprised by the decision to terminate the ZEP and that it was kept in the dark by the Minister of Affairs cannot be true.

98.14 I have already attached a letter written to the Ambassador of Zimbabwe through the Minister of International Relations and Cooperation. The alleged minutes of the meeting are not attached to the court papers, as annexure "U" is the Free Trade Agreement.

98.15 It is surprising that the second applicant now says *"even if the Minister had the Zimbabwean support which he does not, the Zimbabwean government cannot acquiesce the violations of exemption holders' human rights or dictate the migration status in a foreign state"*. This statement is in stark contrast to the denial that the Zimbabwean Government supported the decision of the Minister. The second applicant is clearly blowing hot and cold when it suits its hidden agenda.

99. PARAGRAPH 50

99.1 Save to admit that the Critical List has been issued, the rest of the allegations contained in this paragraph are denied.

99.2 Zimbabwean nationals like any other foreign nationals can apply for Critical Work Visa if they so qualify.

100. PARAGRAPH 51

100.1 I deny the current Critical Skills List has prejudiced exemption holders who applied for other visas between 24 November 2021 and 2 February 2022.

100.2 I issued transitional mechanisms in terms of which all applications received before 2 February 2022 would be considered in terms of the 2014 Critical Skills List. I annex hereto a copy of Directive No. 1 of 2022 marked "AA31".

101. PARAGRAPH 52

101.1 The alleged prejudice is strongly denied.

101.2 The prejudice is based on speculation in that at this stage, the outcome of the various applications is still unknown.

101.3 The alleged forfeiture of UIF does not arise, as those who are employed continue to do so in terms of the Directive. The UIF can only be claimed by someone who is unemployed.

101.4 The second applicant alleges financial investments without specifying which financial investments are those and by whom. I challenge the deponent to produce evidence of the financial investments that he made and property that he owns. I cannot be expected to deal with broad statements with no supporting documentation.

101.5 I strongly deny that the exemption holders have been denied an administrative action that is lawful, reasonable and procedurally fair.

101.6 I have dealt with these allegations fully above. There is no decision that has been made to prevent any Zimbabwean national the lawful path to residency in the Republic in that if they apply and are successful in one or the visas provided for in the Immigration Act, they will ultimately qualify for permanent residence.

101.7 I have dealt with the issue of permanent residence and I deny that the Zimbabwean nationals are specifically targeted. By way of example, exemptions have been granted to Lesotho nationals which, will expire on 31 December 2022 and the Minister will still have to take a decision about those exemptions.

101.8 I deny that the decision by the Minister caused panic, anxiety and trauma to the

Zimbabwean nationals and their families. The extension of the validity of their permits without them paying any administrative fee is meant to prevent any prejudice. The fact that they have been given an opportunity to apply and some of them are already doing so, indicate that the intention is not to harass the Zimbabwean nationals exemption holders but to assist them to make their stay in the Republic lawful and ultimately acquire the right to permanent residence. I am sure that most of the affected Zimbabwean nationals welcome this opportunity. The second applicant representing faceless persons is the only who sees a red light when none exists.

102. PARAGRAPH 53

102.1 The allegations contained in this paragraph are denied.

102.2 The exemption holders knew that the exemptions are for a specified period. The Minister is clothed with powers to issue exemptions taking into consideration certain factors. At the same time, if the factors that led to that decision do not exist anymore, he has the power to withdraw the exemptions. There was no public participation when the exemptions were granted. The Minister cannot be expected to engage in public participation apart from consulting with the affected individuals, which he has been done by writing individual letters to all affected Zimbabwean nationals.

103. PARAGRAPH 54

103.1 The allegations contained in this paragraph are denied.

103.2 The decision of the Minister cannot cause South African economy prejudice.

103.3 The migrations from one or other visas provided for in the Immigration Act is meant to contribute to the South African economy. The allegation that the exemption holders have an estimated several billions of rands presumably in investments in South Africa cannot be correct.

103.4 There are many foreign nationals who have invested several billions of rands and they continue to do so. There is even one foreign national or company who has invested billions of rands in the South African economy.

103.5 The second applicant fails to disclose to this Court who are the Zimbabwean nationals who have invested billions of rands. The Court cannot be expected to decide this matter based on conjecture and speculation.

103.6 The damage to the South African economy postulated by the second applicant exists in the mind of the deponent of the affidavit.

103.7 As a matter of fact, most of the Zimbabwean nationals in fact are unskilled workers working on the farms, restaurants and hospitality industry. Some of them are working as car guards in many malls and shopping centres in South Africa.

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103.8 I have already indicated that I am unable to deal with speculative argument.

103.9 The critical skills shortage is not a matter involving Zimbabwean nationals only. There are many other nationals who have other skills and I am certain that the Zimbabwean economy will benefit from skills that the Zimbabwean nationals possess.

103.10 The principle of Pan-Africanism requires that members of the African Union ("AU") must all have striving economies in order to support each other.

103.11 I am not aware of any condemnation by human rights institutions all over the world about the decision of the Minister.

102.12 In any event, the second applicant has not produced an aorta of evidence to that effect.

103. PARAGRAPH 55

I have already dealt with the issue of public participation.

104. PARAGRAPH 56

I have already dealt extensively with the issue of legitimate expectation. The same applies to the exemptions extended over the years.

105. PARAGRAPH 57

105.1 The allegations contained in this paragraph are denied.

105.2 The deponent to the affidavit has failed to indicate the alleged investments and by whom such investments were made.

106. PARAGRAPHS 58 AND 59

I have dealt with the allegations contained in these paragraphs.

107. PARAGRAPHS 60 AND 61

While South African acceded to various international conventions that in itself, does not mean that it cannot enforce its migration policies and laws. The Africa Free Trade Agreement is between member states and does not extend to individuals, who would like to migrate to any of the member states. The respondents will apply for the striking out of annexure "V" as irrelevant.

108. PARAGRAPH 62

108.1 The Bilateral Investment Treaty concluded between Zimbabwe and South Africa has nothing to do with migration.

108.2 The Bilateral Investment Treaty provides for mechanism to claim for

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compensation through international arbitral process.

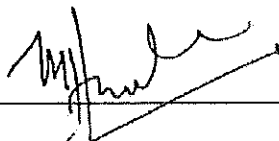
108.3 If any of the exemption holders is of the view that the decision of the Minister violates the Bilateral Investment Treaty between the two governments, he/she must follow the procedure set out in the Treaty.

CONCLUSION

109. The applicants have not only dismally failed to prove their case but have launched spurious applications with no merit whatsoever.

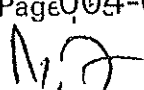


110. I therefore ask that –

110.1 the application be dismissed with punitive costs, which must include duplication of annexures.



DEPONENT

SIGNED AND SWORN BEFORE ME AT ROODEPOORT ON THIS THE 2nd DAY OF MAY 2022 BY THE DEPONENT WHO HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT; THAT HE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND THAT HE CONSIDERS THE PRESCRIBED OATH TO BE BINDING ON HIS CONSCIENCE.

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COMMISSIONER OF OATH

NAME: NHLANHLA F. BUTHELEZI
Commissioner of Oaths, Ex-Officio
Practising Attorney R.S.A.
1063 Fiver Street

CAPACITY: Wigeheuwel, Roodepoort
Tel: +27 010 023 4522

ADDRESS: _____

AREA: _____

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"AA 26"

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"RA5"



MINISTER OF
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

Private Bag X741, Pretoria, 0001, Tel: (012) 432 6635 Fax: (012) 432 6675
Private Bag X9102, Cape Town, 8000, Tel: (021) 469 6607, Fax: (021) 461 4191

Dr Naledi Pandor, MP
Minister of International Relations and Cooperation
Private Bag x 152
Pretoria
0001

E-mail:
humae@dirco.gov.za
Marabaa@dirco.gov.za

Dear Honourable Minister

**RE: NON-EXTENSION OF EXEMPTIONS IN TERMS OF SECTION 31(2)(d) OF
THE IMMIGRATION ACT 13 OF 2002**

1. I address this letter to the Honourable Minister in order for you to convey to the Honourable Ambassador of the Republic of Zimbabwe, the decision I have taken not to extend the exemptions granted to approximately 178 412 Zimbabwean nationals.
2. As you are aware, my decision was subsequently supported by the National Executive led by President Mr Cyril Ramaphosa in November 2021.
3. Kindly convey to the Honourable Ambassador of the Republic of Zimbabwe that I have imposed a condition, giving the exemption holders 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, the permits which are due to expire on 31 December 2021 will be regarded as valid until 31 December 2022.

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4. I have 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, 32 and 34 of the Immigration Act. I annex hereto a copy of the Directive issued marked "A".
5. The Department of Home Affairs ("DHA") has also addressed individual letters to the affected Zimbabwean nationals and other interest groups urging them to make use of the 12 months' period to apply for one or more visas provided for in the Immigration Act.
6. I have also directed that a special team within the DHA be set up to deal with the anticipated applications for various visas by the Zimbabwean nationals.

Sincerely



DR PA MOTSOALEDI, MP
MINISTER OF HOME AFFAIRS

DATE: 4/1/2022

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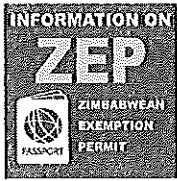


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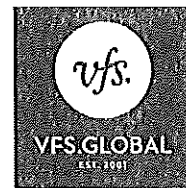
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(<https://www.vfsglobal.com/dha/southafrica/>)



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(<https://eho>)

Statement of Home Affairs Minister Dr Aaron Motsoaledi on court action launched by The Helen Suzman Foundation on the decision not to extend exemptions granted to Zimbabwean Nationals

Details

Published: 28 June 2022

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- In an open and transparent democracy, organs of civil society have an important role to play.
- Most of the times, they do so in the national interest. However, at times, some of them can be a stumbling block in the implementation of Government's rational and lawful decisions, which are in the national interest.
- The recent surprising court action launched by the Helen Suzman Foundation (HSF) is a perfect example of the destructive role that some non-governmental organisations (NGO) are capable of.
- The Minister of Home Affairs has always engaged the HSF regarding some of the challenges faced by the Department in the past. The Minister has engaged with HSF on several occasions with positive outcomes.
- Since the announcement of the decision of the Minister not to extend the exemption granted to Zimbabwean nationals, he has engaged with several members of civil society with a view to manage the consequences of his decision collectively.
- This time around, the HSF was conspicuous by its silence. Little did the Minister know that the HSF was behind the scenes planning the so called "public interest" court action.
- There's a disturbing and growing trend by some NGOs to sabotage the polycentric and policy laden decisions taken by Government by using the courts. This development must be nipped in the bud as soon as possible.
- South Africa is now under the dictatorship of some of the NGOs with some having faceless and dubious funders. Their ultimate aim is to assist in the dislodgement of government of the day from power by all means available.
- The decision of the Minister not to extend the exemptions granted to Zimbabwean nationals has been widely supported by South African citizens. The HSF, in its desperate bid to blackmail the nation, is twisting the support for the Minister's decision by the majority of South African citizens as being "xenophobic". Nothing could be further from the truth.
- The HSF access to the courts is guaranteed in the Constitution. However, this should not be a licence to abuse the Bill of Rights by some armchair critics, who have no idea of the sacrifices and deaths of many freedom fighters, while they sat in the comfort of their homes because of the colour of their skin. They now claim to be champions of the human rights of the African people in whole continent.
- The HSF is now conveniently playing the victim card by alleging that it is being threatened. We have no evidence of the alleged threat. If it is true, the Minister does not condone and strongly condemns such threats. On the contrary, it is public knowledge that the Minister was openly threatened after taking the decision. Death threats were issued against him publicly.
- The Minister and the Department of Home Affairs will vigorously defend the lawful, reasonable and rational decision of the Minister. We cannot be expected to throw up our hands in despair and fail the people of South Africa.
- Having said that, the Minister's door is always open for constructive engagement, rather than waste the ever shrinking Government resources to defend unnecessary court challenges.
- The Minister hopes that sense will prevail and that the HSF will opt for engagement than embark on a spurious court action, which can only lead to further tensions between citizens and foreign nationals.
- If HSF has the interests of Africans in the continent at heart, the Minister expects it to play its constructive role in assisting the affected Zimbabwean nationals to apply for one or the other visas provided for in the Immigration Act.
- The Minister calls upon all affected Zimbabwean nationals to ignore the false hope created by the HSF and adhere to the procedures outlined by the Department in various public notices and communication.
- Additional information on the Minister's decision are available on the Department's website via this link: <http://www.dha.gov.za/index.php/immigration-services/gazetted-extension-of-zep> ([/index.php/immigration-services/gazetted-extension-of-zep](https://index.php/immigration-services/gazetted-extension-of-zep))
- Affected Zimbabwean nationals who still need guidance can send their queries to: ZEPenquiries@dha.gov.za (<mailto:ZEPenquiries@dha.gov.za>)

NLF

MEDIA INQUIRIES:

Siya Qoza, 082 898 1657 (spokesperson for the Minister of Home Affairs)

David Hlabane, 071 342 4284 (media manager for the Department of Home Affairs)

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Page 1 of 1

"RA7"

Zep Enquiries - ZEP inquiry

From: Lauren Maliwa <Lauren.maliwa@outlook.com>
To: "ZEPenquiries@dha.gov.za" <ZEPenquiries@dha.gov.za>
Date: 2022/01/02 11:30 AM
Subject: ZEP inquiry

Hello,

Please consider giving us another 4 years. We have nowhere to stay in Zim and no work.

We did not ask Simba Chitando to represent us. We don't want PR we just want 4 or 5 years. He is representing a few people not many of us . We don't even know what he is doing. Please forgive

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"AA" 004-85

khethani@sigogoinc.co.za

From: Khethani Swuhana <khethani@sigogoinc.co.za>
Sent: Sunday, 30 January 2022 17:14
To: 'lauren.maliwa@outlook.com'
Subject: RE: Representation: Lauren Maliwa

Dear Lauren Maliwa,

We act on behalf of the Minister and the Department of Home Affairs ("DHA").

We acknowledge receipt of your representations contained in your e-mail correspondence dated 02 January 2022 the contents of which are noted.

Due to the circumstances and reasons advanced in the letter that you have received, the Minister is unable to reverse the decision.

Kindly note that the Minister has issued a Directive in terms of which the validity of the exemptions issued to Zimbabwean nationals has been extended to 31 December 2022. We annex hereto a copy of the Government Gazette dated 7 January 2022.

As requested in the letter, kindly proceed to apply for one or other visa provided for in the Immigration Act.

For further information on the category and requirements of the one or other visas kindly visit the VFS Global website www.vfsglobal.com.

We also note that you disassociate yourself from the court action in which Advocate Simba Chitando is involved.

Kind Regards



Sigogo

Khethani Swuhana
Director

Sigogo Inc.
A : 416 Kirkenes Street | Loftus Office Park | Block B,
3rd Floor | Arcadia | 0028

N.A

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home affairs
Department:
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RA8

The DHA and its officials do not render services outside of DHA offices or via Social Media



eVisa
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eVisa - Online VISA applications open for Nationals from KENYA, CAMEROON, IRAN, EGYPT, PHILIPPINES, SAUDI ARABIA, ETHIOPIA, PAKISTAN, DRC, MEXICO, INDIA, CHINA, NIGERIA and UGANDA who will land at OR Tambo International airport



(<https://ehome.dha.gov.za/epermit>)



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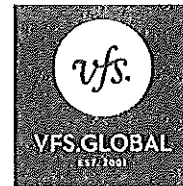
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MEDIA STATEMENT ON THE ESTABLISHMENT OF A TASK TEAM TO REVIEW CERTAIN PERMITS ISSUED BY THE DEPARTMENT

Details

Published: 03 March 2021

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MEDIA STATEMENT ON THE ESTABLISHMENT OF A TASK TEAM TO REVIEW CERTAIN PERMITS ISSUED BY THE DEPARTMENT OVER THE YEARS AND A COMMITTEE TO ADVISE ON THE AMENDMENT OF THE ELECTORAL ACT 73 OF 1998 BY THE MINISTER OF HOME AFFAIRS DR AARON MOTSOALEDI.

03 March 2021

My colleague, Deputy Minister, Mr Njabulo Nzuza

The Director-General of the Department of Home Affairs, Mr Tommy Makhode.

Members of the public listening through various platforms.

Members of the media.

Ladies and gentlemen,

Good day.

Thank you for honouring our invitation to update you on the work the Department of Home Affairs is doing to ensure a more rigorous and consistent implementation of our immigration laws as we pursue our national interests, guided by our Constitution and international commitments.

Three weeks ago, in a meeting of the Portfolio Committee on Home Affairs, I announced my intention to set up a task team to review some permits that were issued by the Department over the years. I identified the need to review the permits after realising a trend emerging from the outcomes of cases involving prominent people investigated by the Department's Counter Corruption Unit, which investigates wrongdoing by departmental officials.

Over the years, the Counter Corruption unit has established that 66 percent, or nearly two out of every three reported cases, involved permitting. The allegations are reported by different whistle-blowers using different avenues to reach the Counter Corruption unit.

In November 2020, during a high powered investigation, I was alarmed when 14 members of the permitting section signed a petition demanding that the Counter Corruption unit should stop investigating their errors. This admission strengthened my resolve to have a more transparent permit issuance regime.

As I announced last week, I hereby wish to inform the country that a Ministerial Committee has been established to review all permits and visas issued since 2004, in the following categories;

- Permanent Residence Permits (PRP), which are just a step away from citizenship
- Corporate visas, especially in the mining sector
- Business visa
- (Professional) Critical skills visa
- Retired persons visa
- Citizenship by naturalisation
- Study visa

We chose 2004 as the cut-off date because that is the year the Immigration Act, Act number 13 of 2002, came into operation.

MF

This Committee is expected to present an interim report in three months. The three months period is not an indication of the lifespan of this Committee but this target communicates our desire for a speedy conclusion of the review because most of the information to be reviewed is already held within the Home Affairs Department.

We are undertaking this review to ensure that each permit has been issued to a qualifying person because our immigration laws have to be implemented in a manner that facilitates economic development and encourages social stability. The expeditious and accurate issuance of these permits can contribute to growing the economy as we emerge from the impact of Covid-19. The Committee will also identify loopholes in our system and recommend improvements.

We have already met the Committee, which has already started its work. We have agreed that the Committee will indicate to us how much time it will need to complete this task after taking into account various considerations.

Members of the Committee are;

- Dr Cassuis Lubisi – Chairperson, with extensive experience in governance as a Director General in Government
- Advocate Sesi Baloyi – A Senior Counsel who is the Chairperson of the Johannesburg Society of Advocates. Her specialisations include Administrative Law as well as Employment and Labour Law.
- Mr Peter Bishop – A forensic investigations specialist with vast experience in both the public and private sector locally and internationally. Also formerly with the Special Investigating Unit.
- Ms Kathleen Dlepu – Is the Chairperson of the Legal Services Council, formerly Law Society. She's a lawyer with vast experience and expertise in Administrative Law.
- Prof Somadoda Fikeni – An academic with extensive experience at University level and a Commissioner at the Public Service Commission

Appointment of an advisory committee to advise on the Electoral Act, 73 of 1998 amendment

In July 2020, the Constitutional Court, in the application brought by New National Movement NPC in 2019, ruled that the Electoral Act (Act 73 of 1998) is unconstitutional to the extent that it requires that adult citizens may be elected to the National Assembly and Provincial Legislatures only through their political parties.

Several meetings and briefings were held by the Portfolio Committee on Home Affairs in regard to this issue. In the meeting of the Portfolio Committee on Home Affairs of 09 February 2021, a programme was set on how to take this matter forward.

As Minister of Home Affairs, I announced to the Portfolio Committee that I will be putting up a team of experts to advise me as we work towards complying with the Constitutional Court judgment.

This team includes lawyers, political scientists, social scientist, and architects of electoral systems who have extensive experience. We have also met this Committee and it too has started its work.

The Committee consists of;

- Mr Mohammed Valli Moosa – Chairperson. He is the former Minister of Provincial Affairs and Constitutional Development.
- Advocate Pansy Tlakula – the former Chairperson of the Independent Electoral Commission and the longest serving Chief Electoral Officer.
- Advocate Vincent Maleka – a Senior Council with extensive experience in representing several clients up to the Constitutional Court.
- Dr Mike Sutcliffe – former member of the Demarcation Board and former Elhekvini Municipal Manager.
- Dr Sibhenbete Mbete – political scientist and senior lecturer at the University of Pretoria.
- Mr Norman du Plessis – former Deputy Chief Electoral Officer with extensive experience in electoral operations and electoral systems.
- Prof Daryl Glaser – political scientist and Head of Department: Political Studies at Wits University. He has extensive international experience on electoral systems and electoral reforms.
- Dr Nomsa Masuku – Commissioner of the Independent Electoral Commission, an academic and a champion of civic and democracy education. She is a former Deputy Chief Electoral Officer responsible for Outreach.

Two more nominations, one from the Minister of Finance and another one from the SA Law Reform Commission (SALRC), through the Minister of Justice and Correctional Services, are still being awaited.

I am grateful to members of both Ministerial Committees for availing their collective skills and time as we build the South Africa we want.

Resumption of services at Home Affairs offices

Following the President's announcement that the country has moved to Alert Level 1, we have decided that more services will be resumed tomorrow, Thursday, 04 March 2021. The Citizenship service remains temporarily unavailable.

Online services through eHome Affairs and our partner banks will be resumed on Monday, 08 March 2021.

The following services were offered during Adjusted Lock Level 3;

- Births Registration
- Re-issuance of Births Certificates
- Late Registration of Birth (LRB) for learners and pensioners only;
- Death registration
- Applications temporary Identity certificate (TIC)
- Collection of Identity cards or documents
- Applications and collection of passports for those who are exempted to travel
- Applications for identity (Smart ID) Cards or documents for matriculants only

In addition to those mentioned above, we are resuming the following services during Lock Level 1;

- Re-issues of Smart ID Cards and identity documents
- Registration and Solemnization of Marriages
- Amendments and re-issues of Marriages
- Late Registration of Birth (LRB) for all categories
- Applications and collections of passports for all categories

I would like to remind South Africans that Covid-19 is still with us and we need to remain vigilant in our fight against its spread. We do not want our offices to be super spreader sites.

We urge everyone who visits our offices to observe social distancing, sanitise their hands regularly and to wear their masks properly, covering their noses and mouths.

Nobody will be allowed into our offices if they are not wearing their masks properly.

Thank you very much.

[◀ Prev \(index.php/statements-speeches/1421-media-advisory-invitation-to-the-launch-of-the-asylum-backlog-project-department-of-home-affairs-and-unhcr-the-un-refugee-agency\)](#)

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DHA- Form 47



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR EXEMPTION
[Section 31(2)(b) and regulation 28]

Reference Number:.....

PERSONAL DETAILS OF APPLICANT

1.1 Title: _____ 1.2 Surname: _____

1.3 First names (s): _____

1.4 Maiden name (if applicable): _____

1.5 Other former surnames: _____

1.6 Date of birth: _____ 1.7 Country of birth: _____

1.8 Nationality at birth _____ 1.9 Present Nationality: _____

1.10 Passport No: _____ Expiry date: _____ Issued by (Country): _____

1.11 Marital Status: _____ Date: _____

1.12 Present Residential Address: _____

1.13 Postal Address: _____

1.14 Tel. No: Home: _____ Work: _____

KWF
d

Cell: _____ E-mail Address: _____

1.15 Occupation: _____

1.16 Type of temporary permit held (if applicable): _____

1.17 Valid until: _____ Issuing office: _____

1.18 Date and place where you entered the RSA: _____

2. DETAILS OF APPLICANTS SPOUSE (If applicable):

Title: _____ Surname: _____

Maiden name: _____ First names: _____

Place of birth: _____ Country: _____

Nationality at birth: _____

Date of Birth: _____ Passport Number: _____

3. DETAILS OF CHILDREN ACCOMPANYING YOU:

Surname	First names	Date of birth	Relationship	Country and place of birth	Present nationality	Occupation

4. EMPLOYMENT RECORD OF APPLICANT (to cover full period of employment):

Name of employer	Address: Town/City	From	To	Nature of work

NKE

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5. DETAILS REGARDING APPLICANT AND (if applicable) SPOUSE AND CHILDREN:

- Have you or any of your dependants accompanying you ever been convicted of any crime? _____
- Is a criminal or civil case pending against you or any of your dependant accompanying you? _____
- Are you or any of your dependants suffering from tuberculosis or any other infectious or contagious disease or any mental or physical deficiency? _____
- Are you a member of or adherent to an association or organisation advocating the practice of social violence, or racial hatred? _____

If you replied to any of the questions above in the affirmative, please furnish full details.

6. REASONS FOR EXEMPTION REQUEST

NOTE: Any incorrect or misleading information or false documents furnished in support of this application may result in the application being rejected or if discovered after the issuing of the waiver the applicant shall not be allowed to sojourn in the Republic.

I/We the undersigned, declare that the details reflected in this application and supporting documents are true and correct and that it is my/our intention to reside/ work in the Republic. I undertake to inform the Department of any change of address whilst the application is being processed, with the understanding that in the event of failure to do so the Department will not be responsible for any breakdown in communication. I/we, furthermore, undertake to inform the Department of any change in relevant information or circumstances that could influence the outcome of this application.

NLF ✓

Signature of applicant: _____ Date: _____

FOR OFFICIAL USE;

Application checked and all supporting documents verified.

Application tracked and traced.

.....
Signature of official accepting the application
(Department of Home Affairs)

Official stamp

Surname and full forename(s): _____

Persal No: _____ Designation: _____

PLEASE READ THE FOLLOWING

In providing for the regulation of admission of foreigners to and their residence in the Republic, the Immigration Act, 2002 (Act No 13 of 2002), inter alia, aims to promote economic growth through the employment of needed foreign labour which does not adversely impact on existing labour standards and rights and expectations of South African workers.

In terms of section 31(2)(b) of the Immigration Act, 2002 (Act No 13 of 2002), Upon application, the Minister may under terms and conditions determined by him or her grant a foreigner or a category of foreigners the rights of permanent residence for a specified or unspecified period when special circumstances exist which would justify such a decision.

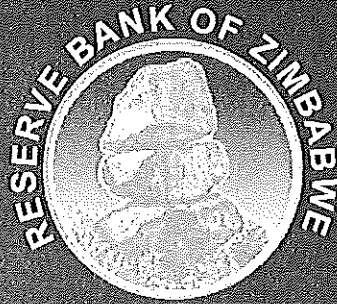
In order to satisfy the Minister that the issuing of an exemption to a foreigner would promote economic growth and would not be to the disadvantage of South African citizens or permanent residents, the following documents have to accompany this application:

- (a) A letter signed by the applicant citing reasons for the exemption and a comprehensive motivation for each reason provided.

NLF

- (b) A copy of the applicant's curriculum vitae.
- (c) A copy of the applicant's passport and all temporary residence permits affixed therein.
- (d) A copy of the employment contract signed by both the employer and the employee, if applicable.
- (e) Background on the company/institution for record purposes.
- (f) Any other information that would assist the Minister to make an informed decision when considering an exemption

NLF 21



MID-TERM MONETARY POLICY STATEMENT
RESTORING PRICE AND EXCHANGE RATE STABILITY

By
JOHN PANONETSA MANGUDYA
GOVERNOR

11 AUGUST 2022

M.F.

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SECTION ONE

INTRODUCTION AND BACKGROUND

1. This Monetary Policy Statement (MPS) is issued in terms of Section 46 of the Reserve Bank of Zimbabwe Act [Chapter 22:15] (the Act). The Act requires the Governor of the Reserve Bank of Zimbabwe (the Bank) to issue a statement that evaluates prior period monetary policy measures and outlines the monetary policy stance and policies for the subsequent six months, including the motivation for any new policies.
2. Accordingly, this Statement highlights the recent developments in monetary, external and banking sectors as well as policy measures the Bank is implementing in pursuit of price, exchange rate and financial system stability which are the key mandates of the Bank. More importantly, the Statement also outlines the monetary policy stance to be followed by the Bank in the second half of 2022.
3. Domestic economic growth has remained robust and is projected at 4.6% in 2022, down from the initial forecast of 5.5%. The downward revision was necessitated by the continued global and domestic inflationary pressures, global geopolitical tensions and the consequences of the ongoing global warming and the COVID-19 pandemic.
4. In order to address the domestic inflationary pressures mainly attributable to the movement in the parallel foreign exchange premiums, Government and the Bank implemented bold measures to deal with factors driving exchange rate volatility and inflation. The measures announced by the President on 7

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May 2022 managed to instill discipline and curb speculative behaviour, particularly on the stock market.

5. In addition, subsequent measures taken by the Bank to increase interest rates and introduce gold coins as an alternative stable investment product for store of value and mopping up excess liquidity from the economy have gone a long way in preserving the value of the local currency, reducing liquidity in the market and reducing foreign currency demand on the parallel market and thus stabilising the exchange rate and prices.
6. On its part, Government has taken steps to review its procurement approach to minimise the practice of forward exchange rate pricing that was being pursued by its suppliers of goods and services. The Bank applauds this move by Government to deal with issues affecting exchange rate stability while at the same time ensuring value for money.
7. In the period ahead, monthly inflation, which is the most felt component of price changes in the economy, is expected to continue to decelerate as measures put in place by the Bank and Government to keep inflation under check continue to bear fruit. However, annual inflation could increase in the short term as a result of the lower base effect in 2021 and subsequently decelerate in line with declining month-on-month inflation.
8. The rest of the Statement is organised as follows: Section two carries an assessment of the effectiveness of previous monetary policy measures; Section three highlights the recent economic developments; Section four focuses on financial sector developments; Section five highlights balance of

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payments developments; Section six specifies the new monetary policy stance for the next six months; Section seven provides the economic and inflation outlook; and lastly Section eight concludes the Statement.

SECTION TWO

ASSESSMENT OF PREVIOUS MONETARY POLICY

9. The first half of the year 2022 saw emerging inflationary pressures in the economy driven by external and domestic factors. Government and the Bank reacted by implementing bold fiscal and monetary policy measures to stabilise the situation. As a result of the measures, month-on-month inflation, which had increased to 30.7% in June 2022, decelerated to 25.6% in July 2022. The exchange rate has also largely stabilised during the month of July 2022 following the implementation of the tight monetary policy measures.

Temporary Suspension of Lending by Banks

10. Following the announcement by the President on 7 May 2022 to the effect that far reaching measures to stabilise the economy were adopted, the Bank temporarily suspended lending by banks in order to allow comprehensive investigations by the Financial Intelligence Unit (FIU) into abuses of commercial bank loan facilities by business entities.
11. The investigations by the FIU showed significant abuse of loan facilities by borrowers through arbitrage, multi-dipping, borrowing on behalf of third parties and diversion of foreign exchange obtained through the foreign exchange auction system to parallel market activities.

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12. The investigations exposed 15 entities as abusers of bank credit and resulted in those entities being penalised. The investigations further revealed that suppliers of goods and services to Government were also a major contributor to the depreciation of the exchange rate on the parallel market as they were using forward foreign exchange rates in the pricing of their goods and services even after being paid by Government in advance. The continued monitoring, tightening of regulations and imposition of punitive measures against offenders by the FIU is expected to go a long way in reducing speculative behaviour in the economy.

Bank Policy Rates

13. The Bank policy rates have been continuously reviewed since the beginning of the year in line with exchange rate and inflation developments. The policy rate was increased from 60% in January 2022 to 80% at the end of April 2022 and further to 200% on 24 June 2022. The increase in policy rates and its alignment to the minimum lending rate has gone a long way in reducing speculative borrowing and stabilising the exchange rate.

Medium Term Bank Accommodation (MBA) Facility

14. The Bank has maintained the Medium Term Bank Accommodation Facility since November 2019 in order to support strategic productive sectors such as grain production and SMEs. Ensuring self-sufficiency in strategic products has become more critical in the wake of global supply disruptions such as the COVID-19 pandemic, the Russia-Ukraine conflict and global warming.

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15. To curtail arbitrage, the MBA rate was reviewed from 40% in January 2022 to 50% in April 2022 and further to 100% on 24 June 2022. While the Bank is cognisant that the hike in the MBA rate may negatively affect borrowing by genuine productive entities, its alignment to the policy rate was crucial to avoid arbitrage borrowing from other lending windows. The MBA window remains active and available to support the productive sectors of the economy. A cumulative total of ZW\$8.0 billion has been disbursed under the facility, with an outstanding balance of ZW\$6.0 billion as of 22 July 2022. The MBA Facility has largely benefited the agriculture sector, especially summer and winter cropping.

Micro, Small and Medium Enterprises (MSMEs) Facility

16. The facility was introduced in June 2021 during the Covid-19 pandemic to support the working capital and capital expenditure needs of the MSMEs sector. As at 22 July 2022, a total of ZW\$986.6 million had been disbursed to various beneficiaries through banks and microfinance institutions.

Statutory Reserves

17. Statutory reserve requirements continue to play a major role in the tight monetary policy stance of the Bank by limiting the available resources for credit creation. In this regard, the statutory reserve ratio for demand and call deposits was kept at 10% whilst that of time deposits also remained unchanged at 2.5% during the first half of 2022.
18. An increase in broad money saw statutory reserve balances increasing from ZW\$20.11 billion on 31 January 2022 to ZW\$28.89 billion as of 22 July 2022.

Deposit Interest Rates

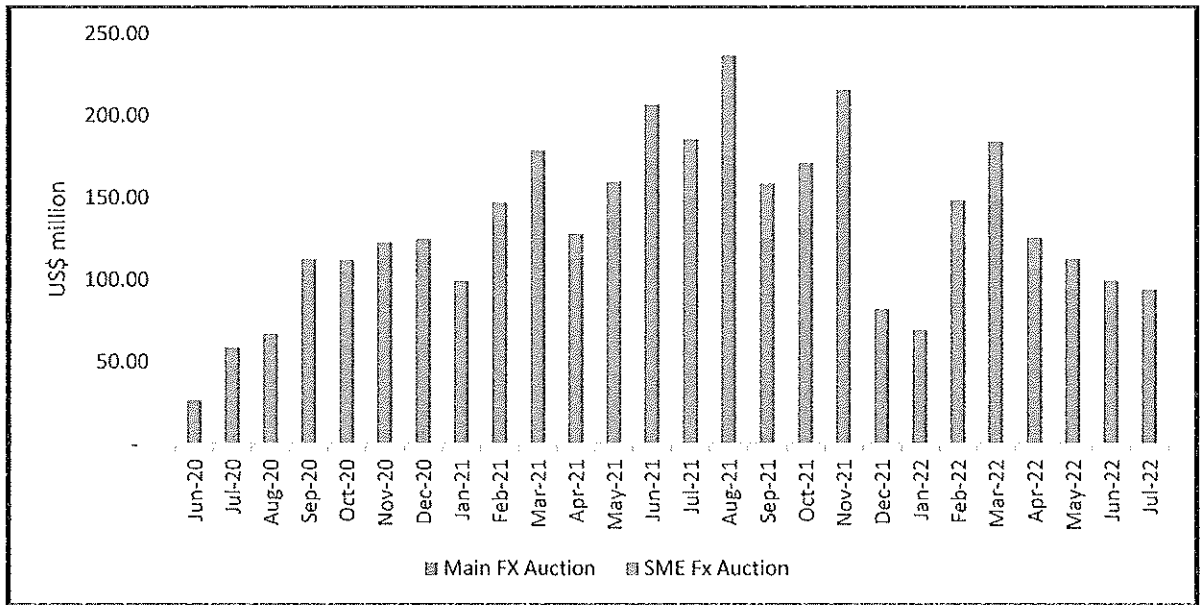
19. As part of measures to promote savings, the deposit rates for ZW\$ savings were reviewed upwards from 12.5% to 40% per annum, while time deposits rates were increased from 25% to 80% per annum, effective 1 July 2022.

Foreign Exchange Market

20. To support an efficient market for foreign exchange, the Bank has moved to eliminate the gap between the auction and the willing-buyer willing-seller exchange rates. It is the Bank's view that the willing-buyer willing-seller exchange rate is a good indicator of the foreign exchange rate in the economy. The parallel market exchange rates are to a large extent influenced by speculative sentiments and forward pricing behaviour, especially by providers of goods and services to Government.
21. Since the introduction of the auction system on 23 June 2020, the Bank has successfully held 104 Main and 98 SME auctions, as of 26 July 2022. In 2022, the Bank allotted about US\$834.7 million, representing about 91% of the total bids submitted to the auction as of 26 July 2022.
22. The SMEs sector continues to receive a considerable amount of funds from the auction system, with a share of about 17% in the first half of 2022, compared to a share of 11% in the same period in 2021 as shown in Figure 1.

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Figure 1: Foreign Exchange Auction Allotments in 2020-2022 (US\$m)



23. The average number of bids per auction was about 1 450 per week during the first half of 2022, lower than the average of 2 000 bids per week in the fourth quarter of 2021. The reduction in the number of bids is attributable to the introduction of the willing-buyer willing-seller foreign exchange trading mechanism (with some applicants who used to rely on the foreign exchange auction system now accessing foreign currency through that system) and effective monitoring by banks and Exchange Control authorities.

24. To enhance market confidence, the Bank has cleared the backlog of all allotted amounts in respect of Auctions FX94 to FX102 and is in the process of settling the ring-fenced backlog from Main auctions 83 to 93, amounting to US\$169 million, with a view to clearing it within a short space of time.

25. The amounts that have been allocated at successive auctions have increased over time for both the Main and SMEs auctions. A total amount of US\$3.43

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billion had been allotted at the auctions as at 26 July 2022, with US\$2.93 billion having been allotted at the Main auction and US\$498.07 million at the SMEs auction.

26. Details of the weekly auction allotments are shown in Table 8.

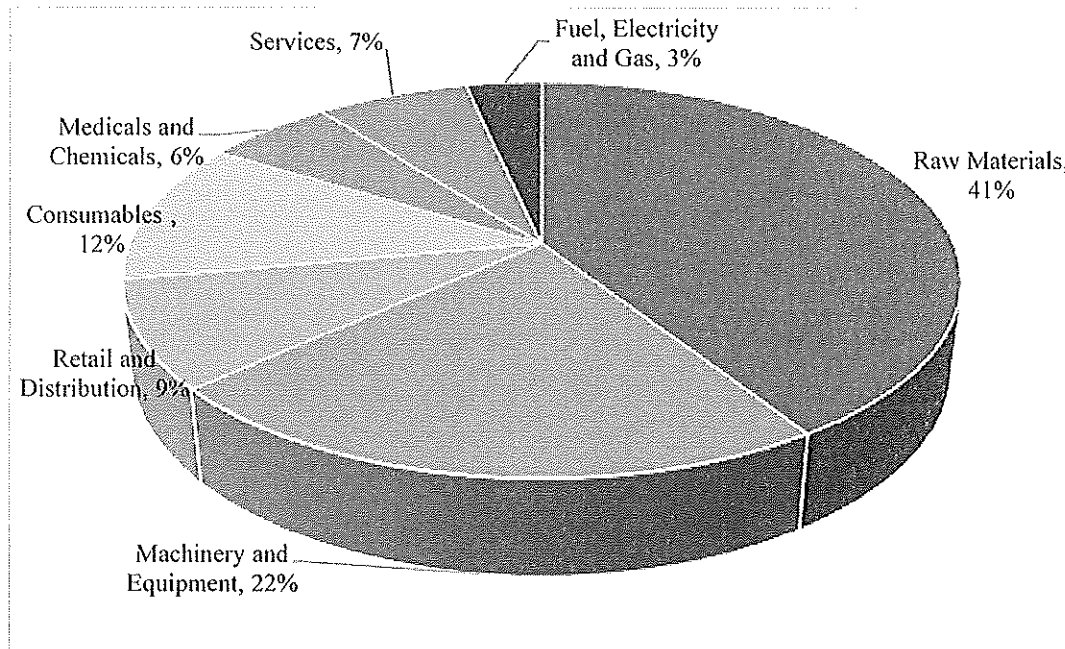
Table 1: Foreign Exchange Auction Data as of 26 July 2022

Date	FX market Week	Lowest bid (LB)	Highest bid (HB)	Weighted Auction Rate (AR)	US\$ Total Bids	US\$ Allotted
2020-21 Total					2,676,943,485.46	2,596,380,812.95
Jan-Mar 2022					420,796,325.51	402,475,532.75
April-June 2022					404,340,175.17	338,225,073.84
5-Jul-22	FX101/2022	358.0000	405.0000	379.2280	19,749,893.72	19,678,200.34
5-Jul-22	SMEFX95/2022	357.0000	405.0000	379.2280	3,747,679.66	3,714,582.77
12-Jul-22	FX102/2022	368.6400	424.0000	391.5339	19,506,514.99	19,506,514.99
12-Jul-22	SMEFX96/2022	366.0000	420.0000	391.5339	4,109,266.59	4,053,982.01
19-Jul-22	FX103/2022	382.0000	450.0000	403.4048	19,685,492.47	19,161,542.54
19-Jul-22	SMEFX97/2022	385.0000	442.0000	403.4048	3,867,264.37	3,762,731.31
26-Jul-22	FX104/2022	399.0000	490.0000	416.2890	19,865,492.03	19,787,360.03
26-Jul-22	SMEFX98/2022	398.0000	500.0000	416.2890	4,430,341.14	4,321,097.28
2022 TOTAL					920,098,445.65	834,686,617.86
GRAND TOTAL					3,597,041,931.11	3,431,067,430.81

27. The productive sectors of the economy continue to receive most of the funds allotted at foreign currency auctions, with more than 65% of the allotments going towards supporting those sectors. As at 26 July 2022, 41% of the total allotments financed raw materials, whilst 22% funded capital goods such as plant, machinery and equipment with 3% being allocated to fuel, electricity and gas.

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Figure 2: Distribution of Foreign Currency Allotments at Auctions as of 26 July 2022



Source: Reserve Bank of Zimbabwe, 2022

Willing-Buyer Willing-Seller Foreign Exchange Trading System

28. The Bank introduced the willing-buyer willing-seller foreign exchange market trading system on 12 April 2022, in line with Government policy to move towards a more liberalised exchange rate. As at 29 July 2022 the cumulative foreign exchange purchases and sales through the system stood at US\$18.7 million and US\$17.1 million respectively, resulting in cumulative banks' holdings of about US\$1.6 million, as shown in Table 2.

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Table 2: Willing-Buyer Willing-Seller Interbank Market Activity 2022

(US\$)

Transaction	As at 29 July 2022
Cumulative Purchases by banks	18,685,552.90
Cumulative Sales by banks	17,090,708.96
Holdings by banks	1,594,843.94

29. The average interbank exchange rate as of 28 July 2022 was US\$1:ZW\$443.88, a depreciation of about 50% from US\$1:ZW\$220.09 on 12 April 2022. During the first half of 2022, the Bank sold a total of US\$16.5 million to *bureaux de change* for onward sale to the public to cover small transaction requirements such as travel and medicines.

Mosi-oa-Tunya Gold Coin Trading

30. Following the resolution by the Monetary Policy Committee on 24 June 2022 to introduce gold coins into the Zimbabwean market as an alternative stable investment product for value preservation, the Bank released the first batch of 2000 gold coins into the market on 25 July 2022. The gold coins are being sold through authorised dealers, the Bank and its subsidiaries namely Aurex (Private) Limited and Homelink (Private) Limited. The gold coins have the following specifications: -

- i. Denomination - 1 Oz (for the time being);
- ii. Material - Gold;
- iii. Purity - 22 karats (91.67%);
- iv. Diameter - 32 mm;
- v. Weight - 33.93g;
- vi. Shape - Round;

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- vii. Edge Type – Reeded, with serial number engraved;
- viii. Quality Proof; and
- ix. Thickness - 2.63mm.

31. The gold coin, which is sold with an accompanying bearer certificate, has the following characteristics:

- i. Liquid Asset Status;
- ii. Prescribed Asset Status;
- iii. Can be used as collateral;
- iv. Tradable; and
- v. Can be bought back (after 180 days) at the instance of the holder.

32. The price of the gold coins is determined by the London Bullion Market Association (LBMA) PM Fix gold price plus a margin of 5% to cover the production and distribution costs. The price of the gold coin on the date of initial release, 25 July 2022, was US\$1,823.80 or ZW\$805,745.35 in local currency. Fluctuations will be experienced on the US\$ and ZW\$ prices as a result of the movement in the international price of gold and the exchange rate.

33. As at 10 August 2022, 4475 gold coins had been sold realising ZW\$3.7 billion of which 90% was paid in local currency and the balance in foreign currency, and evenly distributed throughout the agents.

34. The high demand for the gold coins will assist in mopping up liquidity from the market and thus strengthen the demand and enhance the value of the local currency. The Bank shall continue to release additional gold coins into the market on an ongoing basis in line with demand.

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Foreign Exchange Mobilisation

35. The Bank is working with its local and external partners to unlock offshore lines of credit to support the country's foreign currency needs. Letters of Credit (LCs) issuances under the Afreximbank US\$150 million facility, as well as bank facilities continued to bridge the balance of payments gap for the country through providing a critical liquidity lifeline to the local industry. LCs worth about US\$145 million were issued during the first seven months of 2022.
36. The Bank has also approved around US\$70 million worth of LCs which are in the pipeline for the importation of essential commodities such as raw materials, plant and equipment, wheat, fertilisers and agro-chemicals.

Foreign Currency Receipts

37. Total foreign currency receipts for the period 1 January to 30 June 2022 amounted to **US\$5.45 billion** compared to **US\$4.07 billion** received during the same period in 2021, representing a **33.6%** increase. This shows a significant growth in receipts during the first half of the year. Table 3 shows the foreign currency receipts by source.

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Table 3: Total Foreign Currency Receipts for January – June 2022 (USD Millions)

Type of Receipt		Year 2022	Year 2021	% Change
Export Proceeds		3,467.40	2,354.20	47.3%
International Remittances	Diaspora Remittances	797.27	650.50	22.6%
	NGOs	574.75	462.62	24.2%
Loan Proceeds		428.35	505.15	-15.2%
Income receipts		73.77	79.59	-7.3%
Foreign Investment		103.89	22.35	364.8%
Total		5,445.43	4,074.41	33.6%

Source: Exchange Control Records (2022)

International Remittances

38. International remittances comprise transfers by Zimbabweans in the Diaspora and International Organisations. As at 30 June 2022, total international remittances amounted to US\$1.372 billion, an increase of 23% from the US\$1.113 billion recorded during the same period in 2021. Of the total amount, diaspora remittances amounted to USD797 million, a 23% increase from US\$650 million received during the same period in 2021.
39. International remittances received through the normal banking system on behalf of International Organizations amounted to US\$575 million, an increase of 24% from US\$463 million recorded during the same period in 2021.

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Foreign Payments Performance

40. For the first half of 2022, banks processed foreign payments amounting to US\$3.78 billion. This represents a 19% increase in foreign payments from US\$3.19 billion recorded for the same period in 2021. The upward trajectory in foreign payments was largely on account of increased global prices for fuel and electricity. Table 4 shows foreign payments, by category, for the same period in 2021 and 2022.

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Table 4: Foreign Payments from January to June 2021/2022 (US\$ Millions)

Category	Year 2022	Year 2021	% Variance	Contribution 2022	Contribution 2021
Merchandise Imports (excl. energy)	2,046.9	1,848.9	11%	54%	58%
- Consumption & Manufactured Goods	607.7	895.1	-32%	16%	28%
<i>O/W Food Items</i>	125.5	179.5	-2%	3%	6%
<i>Beverages</i>	8.2	10.0	-0.1%	0.2%	0.3%
<i>Medical Goods/Pharmaceuticals</i>	51.1	61.8	-0.3%	1%	2%
<i>Manufactured Goods</i>	422.8	643.9	-7%	11%	20%
- Capital Goods	829.4	625.6	33%	22%	20%
- Intermediate Goods	609.8	328.2	86%	16%	10%
Energy (Fuel & Electricity)	738.6	410.7	80%	20%	13%
- Fuel	690.9	353.7	95%	18%	11%
- Electricity	47.7	57.1	-16%	1%	2%
Service Payments	385.3	254.3	52%	10%	8%
- Technical, Professional & consult	195.7	95.7	104%	5%	3%
- Software	39.9	33.8	18%	1%	1%
- Other (tourism, education, freight etc)	149.8	124.8	20%	4%	4%
Income Payments (Profits, Dividends)	326.7	263.7	24%	9%	8%
- Dividends	268.8	211.4	27%	7%	7%
- Interest Payments	8.5	6.6	29%	0.2%	0%
- Other (Salaries, Expatriates, Rental)	49.4	45.7	8%	1%	1%
Capital Remittances (outward)	210.2	320.5	-34%	6%	10%
- External Loan Repayments	160.8	268.2	-40%	4%	8%
- Disinvestments	17.0	30.6	-45%	0.4%	1%
- Foreign Investment	32.5	21.7	50%	0.9%	0.68%
Other Payments (International Cards & Refunds)	75.3	92.5	-19%	2.0%	2.9%
Total	3,783.1	3,190.5	19%	100%	100%

Source: Exchange Control Records (2022)

SECTION THREE


RECENT ECONOMIC AND INFLATION DEVELOPMENTS

41. Global growth prospects have remained fragile owing to geo-political tensions, rising inflation and tighter financial conditions, global warming and the COVID-19 pandemic. In its July 2022 World Economic Outlook Update, the IMF revised global growth downwards to 3.2%, from the initial estimate of 4.9% in January 2022, with prospects in the short-term remaining gloomy and highly uncertain.

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42. Global prices of commodities, for which Russia and Ukraine are key exporters, have remained significantly higher in 2022 than in the previous year. Food prices, particularly wheat, are projected to significantly increase in 2022, reaching an all-time high in nominal terms owing to the ongoing Russia-Ukraine conflict.
43. Precious metal prices rose in the first half of 2022, although at a slower pace than in the previous year, owing to uncertainties around the ongoing conflict in eastern Europe and subsequent sanctions imposed on Russia, which developments have boosted the appeal of gold as a safe-haven. Furthermore, growing concerns over high inflation have also prompted investors to shift from riskier assets to precious metals as a safe haven. However, the gains in price increases are being moderated by the U.S Federal Reserve Bank's hawkish monetary policy stance.
44. On the domestic front, growth prospects for 2022 remained robust at 4.6% compared to the initial projection of 5.5%, largely due to the underperformance of the 2021/22 agricultural season. Growth for 2022 will mainly be driven by mining and construction activities and accommodation and food services. The anticipated increase in international commodity prices is also expected to further support strong growth in the mining sector, particularly, in gold, diamond and PGMs sub-sectors.
45. In addition, anticipated growth in tourism due to recovery in international tourism following the lifting of global Covid-19 mandatory quarantine requirements and the resumption of meetings, incentives, conferences and exhibitions (MICE) is expected to spur growth in the sector in 2022.

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46. Downside risks to economic activity in 2022 remain due to the impact of the ongoing Russia –Ukraine conflict, particularly its effect on food and energy prices and their transmission to the domestic economy.

Gold Deliveries

47. Gold deliveries to Fidelity Gold Refinery (Private) limited (FGR) for the period 1 January 2022 to 30 June 2022 were 15,972.52 kgs, compared to 9,954.67 kgs delivered during the same period in 2021. This represents a year-to-year variance (increase) of 60.45% or 6,017.85 kgs. Table 5 shows the gold deliveries as at 30 June 2022.

Table 5: Gold Deliveries (Kgs) to FGR - Jan 2021 to June 2022

Month	Year 2021			Year 2022			% Change
	Primary	Small Scale	Total	Primary	Small Scale	Total	
Jan	642.11	355.52	997.62	814.28	2,053.66	2,867.94	187.48%
Feb	609.84	560.83	1,170.66	930.98	1,331.05	2,262.03	93.23%
March	1,139.42	670.07	1,809.49	1,000.91	1,563.83	2,564.75	41.74%
April	752.32	632.26	1,384.59	859.44	1,621.97	2,481.41	79.22%
May	884.20	783.81	1,668.01	1,055.68	1,935.57	2,991.25	79.33%
June	1,125.60	1,798.70	2,924.30	837.12	1,968.02	2,805.13	-4.08%
July	874.31	1,950.31	2,824.62	965.79	1,998.13	2,963.91	4.93%
August	1,034.54	1,913.49	2,948.03				
September	1,004.51	2,167.36	3,171.86				
October	1,005.12	2,046.79	3,051.91				
November	1,075.20	2,261.30	3,336.50				
December	1,011.83	3,330.18	4,342.01				
TOTAL	11,159.00	18,470.61	29,629.60	6,464.19	12,472.24	18,936.43	

48. Total deliveries during the first half of 2022 were 60.45% or 9,954.67 kgs more than what was achieved over the same period in 2021. At this rate, the Bank’s projection of delivery 35 000 tonnes is within reach. To ensure that

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the set target is achieved, there is need to maintain the incentives and complement them with increased monitoring of gold producers to reduce leakages into the parallel market.

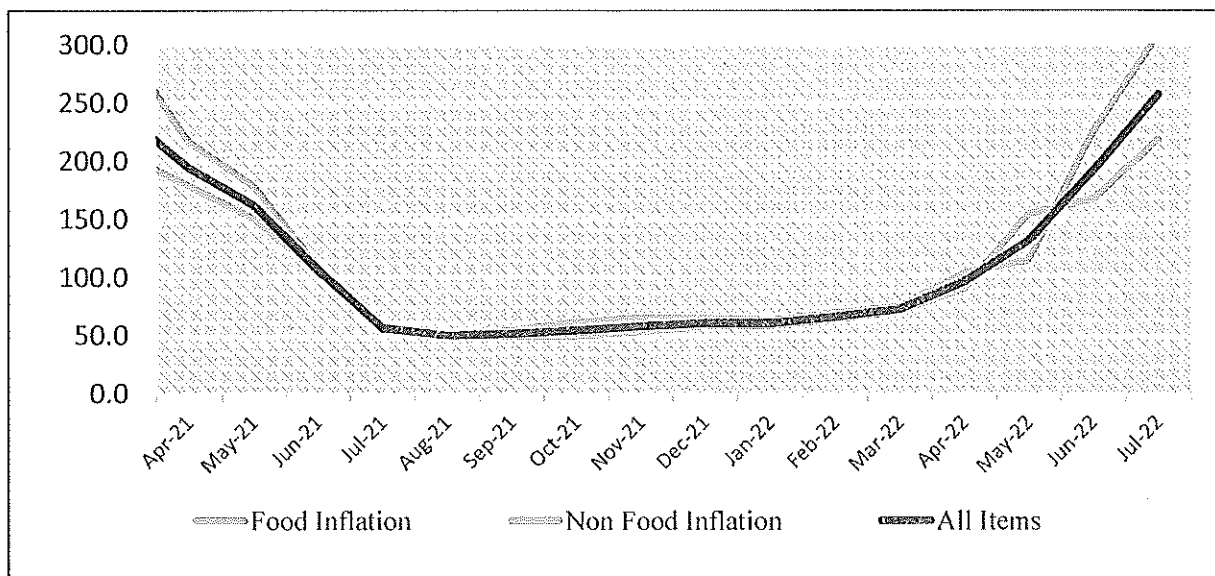
Inflation Developments

49. The economy has been experiencing inflationary pressures since the beginning of 2022. Headline inflation increased from 60.7% in January 2022 to 256.9% in July 2022. This was partly driven by external factors, particularly the Russia-Ukraine conflict, which impacted negatively on import prices of raw materials, food and liquid fuels.

50. On the domestic arena, adverse inflation expectations and exchange rate depreciation were also some of the major drivers of inflation in the first half of 2022.

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Figure 3: Annual Inflation



Source: ZIMSTAT

51. The recent stabilisation measures have, however, resulted in the slowdown in monthly inflation, from 31.7% in June to 25.6% in July 2022. In addition, the shift towards a more liberalised exchange rate, through the introduction of the willing-buyer/willing-seller foreign exchange trading system in May 2022, has significantly reduced the parallel market exchange rate premium, from about 140% to the current 60% as at the end of July 2022.

RESERVE MONEY DEVELOPMENTS

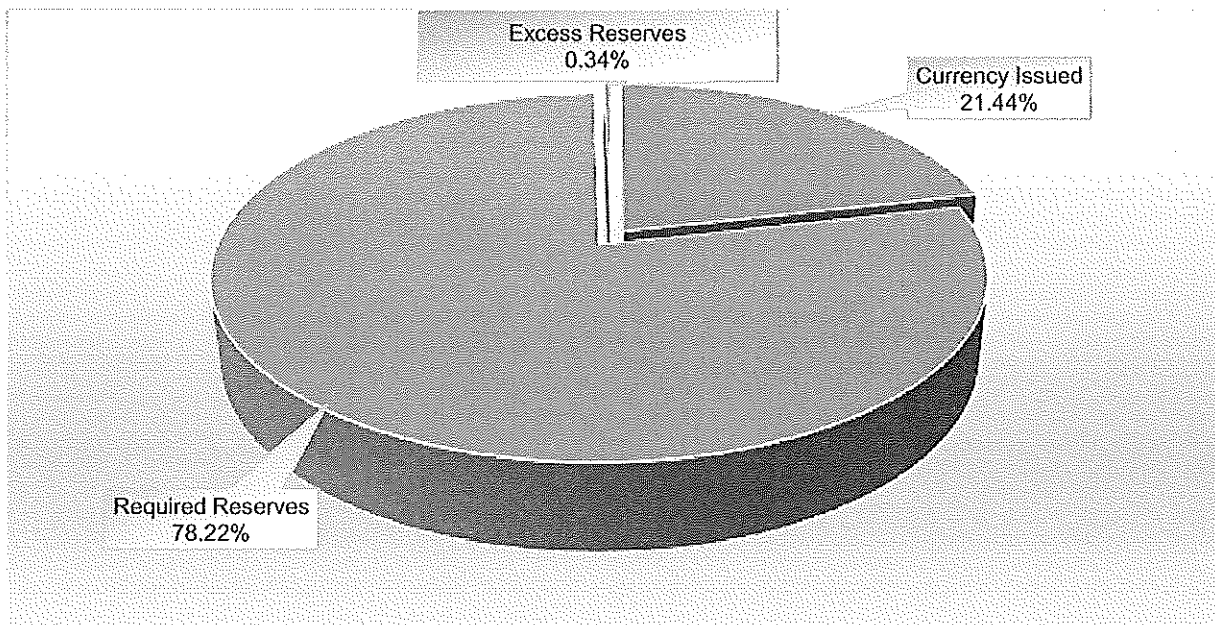
52. The Bank has maintained its tight monetary stance to control inflationary and exchange rate pressures emanating from global and domestic shocks. Reserve money stock amounted to ZW\$33.55 billion as at 30 June 2022 largely due to increases in statutory reserves. Since the beginning of the second quarter of 2022, statutory (or required) reserves have been increasing in response to significant build-up in banking sector deposits. The increase in statutory reserves is in line with the thrust of tightening monetary policy

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as the reserve balances are sterilised at the Bank and are not available for lending by banks.

53. As at end of June 2022, more than 78% of the stock of reserve money was in the form of statutory reserves, while currency issued by the Bank and banks' liquidity positions at the RBZ (RTGS balances) constituted the balance, as shown on Figure 4.

Figure 4: Components of Reserve Money as at end of June 2022



Source: RBZ

54. Excess reserves (RTGS balances at the Bank) declined from 55.06% in June 2021 to 0.34% in June 2022, largely reflecting tighter liquidity conditions as a result of mopping up operations and issuance of non-negotiable certificates of deposits (NNCDs).
55. The Bank continued to implement a conservative monetary targeting framework to contain money supply growth and avert attendant pressures on exchange rate and inflation. As a result, quarter on quarter reserve money

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growth targets for 2021 were achieved and progressively reduced from 22.5% during the first two quarters of 2021, to the current 0% growth. The downward revision was necessitated by the need to further tighten monetary policy in response to resurgence of inflationary and exchange rate pressures.

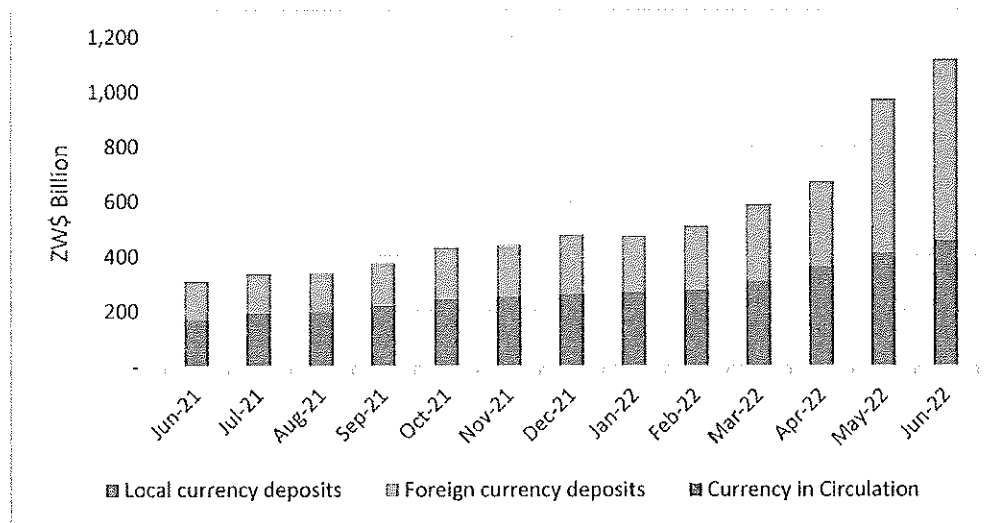
MONETARY DEVELOPMENTS

56. Broad money increased by 15.25% to ZW\$1 119.70 billion in June 2022, compared to ZW\$973.50 billion recorded in May 2022. The increase reflected an expansion of ZW\$98.75 billion and ZW\$49.40 billion in foreign currency deposits and local currency component, respectively.

57. The money stock was comprised of foreign currency deposits, 58.76%; local currency deposits, 40.93%; and currency in circulation, 0.31%.

58. Figure 5, shows monetary developments for the period June 2021 to June 2022.

Figure 5: Monetary Developments

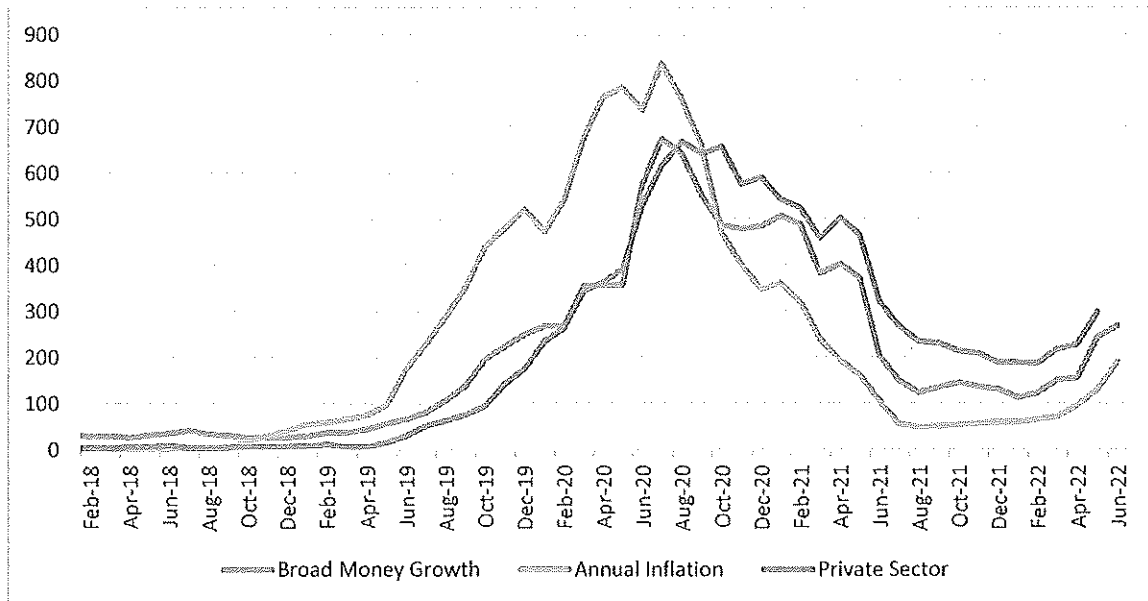


Source: Reserve Bank of Zimbabwe, 2022

59. Broad money grew by 269.62% on an annual basis, an increase from 203.48% realised in June 2021. The local currency component of broad money grew by 172.77% while foreign currency deposits increased by 392.32%, also reflecting movements in the exchange rate and increase in exports.

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Figure 6: Money Supply Growth and Inflation



Source: Reserve Bank of Zimbabwe, 2022

60. The annual growth in broad money of 269.62% was largely due to increases of 351.69% and 342.21% in credit to the private sector and net claims on Government, respectively. Net credit to Government included drawdowns of Special Drawing Rights (SDR) reserves.

STOCK MARKET DEVELOPMENTS

Zimbabwe Stock Exchange (ZSE)

61. During the second quarter of 2022 bullish sentiments characterised the Zimbabwe Stock Exchange (ZSE). Trading activity was skewed towards medium to small counters associated with high trading volumes. This resulted in increases in all the major indices, with the Medium Cap, All Share, Small Cap, Top 15 and Top 10 indices increasing by 51.35%, 24.80%, 23.08%, 18.99% and 17.16%, respectively, to close at 39 627.35 points,

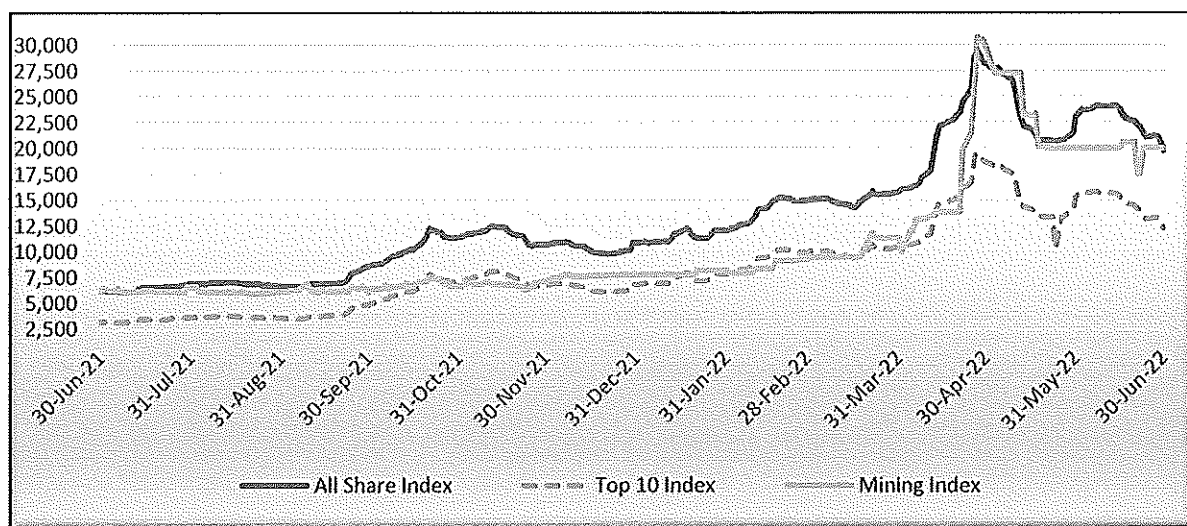
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19791.94 points, 513 602.97 points, 13 721.95 points and 12 273.75 points, respectively.

62. The resource index also gained 77.35% during the same period to close at 20 021.24 points, compared to 11 289.34 points recorded in the previous quarter. On a year-on-year basis, the Top 10, Top 15, All Share, Small Cap and Medium Cap indices increased by 289.09%, 275.03%, 219.49%, 170.13% and 129.43%, respectively, from 3 154.44 points, 3 658.89 points, 6 194.88 points, 190 131.50 points and 17 272.09 points recorded in June 2021, respectively.

63. Figure 7 shows the developments of the ZSE All Share, Top 10 and Mining Indices for the period June 2021 to June 2022.

Figure 7: ZSE All Share, Top 10 and Mining Indices



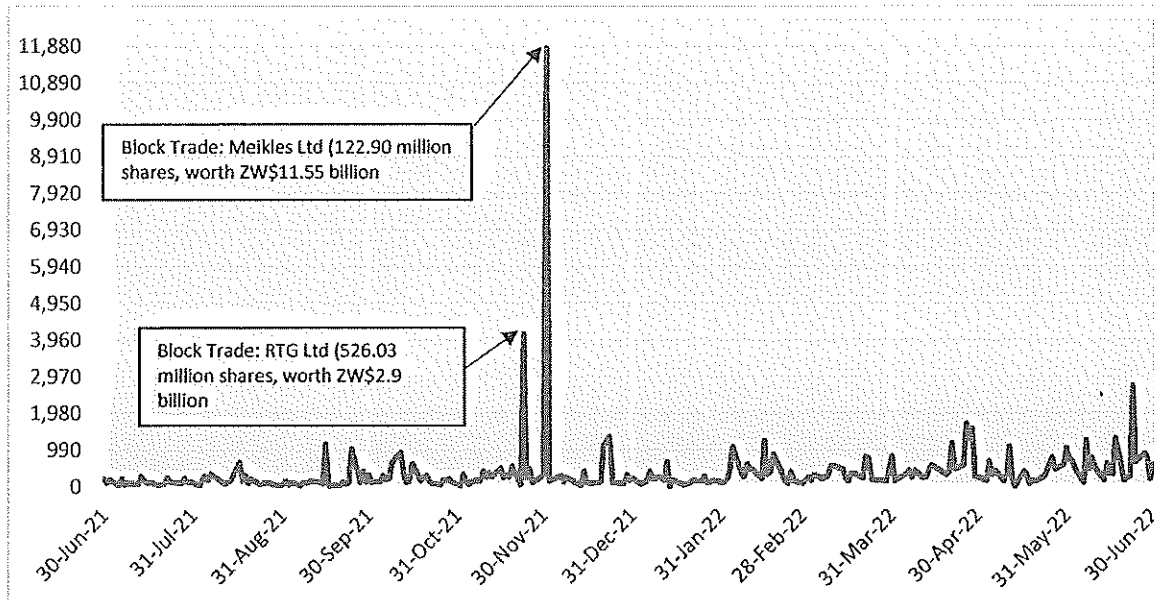
Source: Zimbabwe Stock Exchange 2022

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Market Turnover

64. Owing to limited investment options available on the money market, the cumulative volume and value of shares traded increased by 85.14% and 71.86% to 660.11 million shares and ZW\$34.15 billion, respectively.

Figure 8: ZSE Market Turnover (ZWS millions)



Source: Zimbabwe Stock Exchange, 2022

65. However, foreign investor participation, as measured by its contribution to value of shares traded, declined to 3.26%, compared to 7.51% recorded in the first quarter of 2022. Concomitantly, net foreign position worsened to negative ZW\$4 437.44 million, from negative ZW\$325.07 million recorded during the quarter ended 31 March 2022.

Market Capitalisation

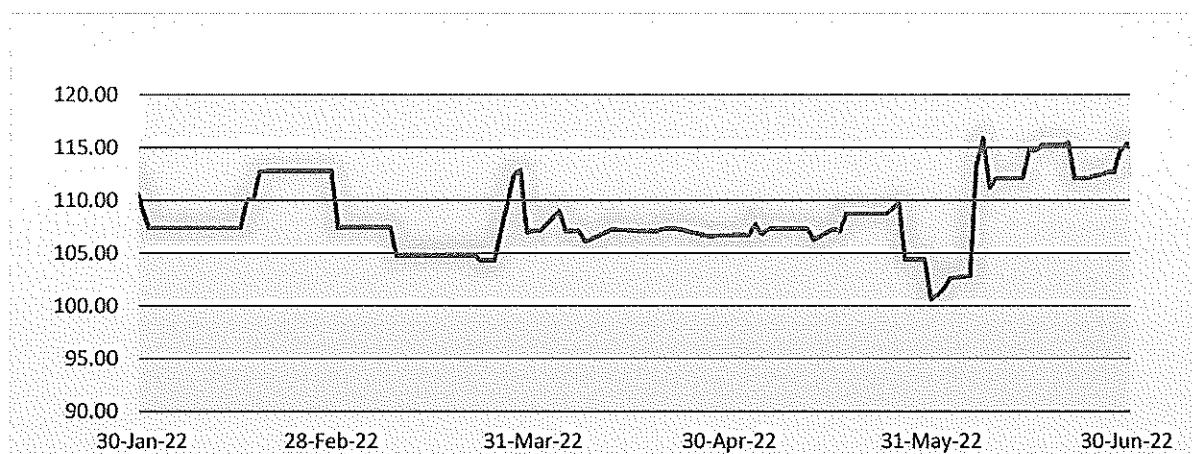
66. The positive trading exhibited on the local bourse in the second quarter of 2022 resulted in the ZSE gaining ZW\$474.43 billion, or 24.15% worth of capitalisation to close at ZW\$2 439.17 billion. On a year on year basis, market capitalisation increased by 227.33%, from ZW\$745.18 billion recorded in the quarter ending June 2021.

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Victoria Falls Stock Exchange (VFEX)

67. During the second quarter of 2022, the Victoria Falls Stock Exchange (VFEX) traded in a positive trajectory. This resulted in the VFEX All Share Index gaining 7.72%, from 107.12 points recorded in the previous quarter to 115.39 points in the second quarter ending June 2022 as shown in Figure 9.

Figure 9: Victoria Falls Stock Exchange ASI



Source: Victoria Falls Stock Exchange, 2022

Market Capitalisation

68. Reflecting the positive sentiments on the VFEX, market capitalisation increased by US\$19.59 million or 7.72% during the second quarter, from US\$0.25 billion recorded in the previous quarter to US\$0.27 billion.

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SECTION FOUR

CONDITION AND PERFORMANCE OF THE BANKING SECTOR

69. The banking sector remained safe and sound with demonstrable capacity for increased support for the recovery of the economy, notwithstanding the challenges in the operating environment.
70. As at 30 June 2022, the banking sector comprised 13 commercial banks, five (5) building societies, and one (1) savings bank. In addition, there were 183 credit-only microfinance institutions, eight (8) licensed deposit-taking microfinance institutions and four (4) development financial institutions under the purview of the Bank.

Financial Soundness Indicators

71. Key banking sector financial soundness indicators remained satisfactory as depicted in Table 6.

Table 6: Financial Soundness Indicators

Key Indicators	Benchmark	Dec – 20	Jun – 21	Dec - 21	Jun- 22
Total Assets	-	\$349.59bn	\$486.45bn	\$762.96bn	\$1.94 trillion
Total Loans & Advances	-	\$82.41bn	\$142.79bn	\$229.94bn	\$603.14bn
Net Capital Base	-	\$53.18bn	\$72.90bn	\$122.85bn	\$349.48bn
Core Capital		\$40.75bn	\$53.66bn	\$100.83bn	\$284.74bn
Total Deposits	-	\$204.13bn	\$304.95bn	\$476.35bn	\$1.12 trillion
Net Profit	-	\$34.24bn	\$15.09bn	\$59.29bn	\$181.25bn
Return on Assets	-	13.55%	4.78%	12.04%	8.67%
Return on Equity	-	45.54%	18.71%	43.16%	31.60%

Key Indicators	Benchmark	Dec – 20	Jun – 21	Dec - 21	Jun- 22
Capital Adequacy Ratio	12%	34.62%	35.32%	32.86%	33.87%
Tier 1 Ratio	8%	22.65%	25.05%	26.54%	18.84%
Loans to Deposits Ratio	70%	39.45%	45.84%	48.27%	53.69%
NPLs Ratio	5%	0.31%	0.55%	0.94%	1.50%
Liquidity Ratio	30%	73.06%	66.89%	64.37%	60.78%

Source: Reserve Bank of Zimbabwe, 2022

Banking Sector Capitalisation

72. As at 30 June 2022, the banking sector was adequately capitalised. The banking sector average capital adequacy and tier one ratios were 33.87% and 18.84%, respectively, and above the regulatory minima of 12% and 8%, respectively.
73. Aggregate banking sector core capital increased by 179.29% from \$100.83 billion as at 31 December 2021, to \$284.74 billion as at 30 June 2022. Growth in core capital was mainly attributed to capitalisation of retained earnings.
74. Banking institutions continue to implement various capitalisation initiatives to bolster their capital positions including mergers, organic growth of capital and capital injection by shareholders. The Bank is monitoring progress periodically to ensure on-going compliance with minimum capital requirements.

Banking Sector Loans and Advances

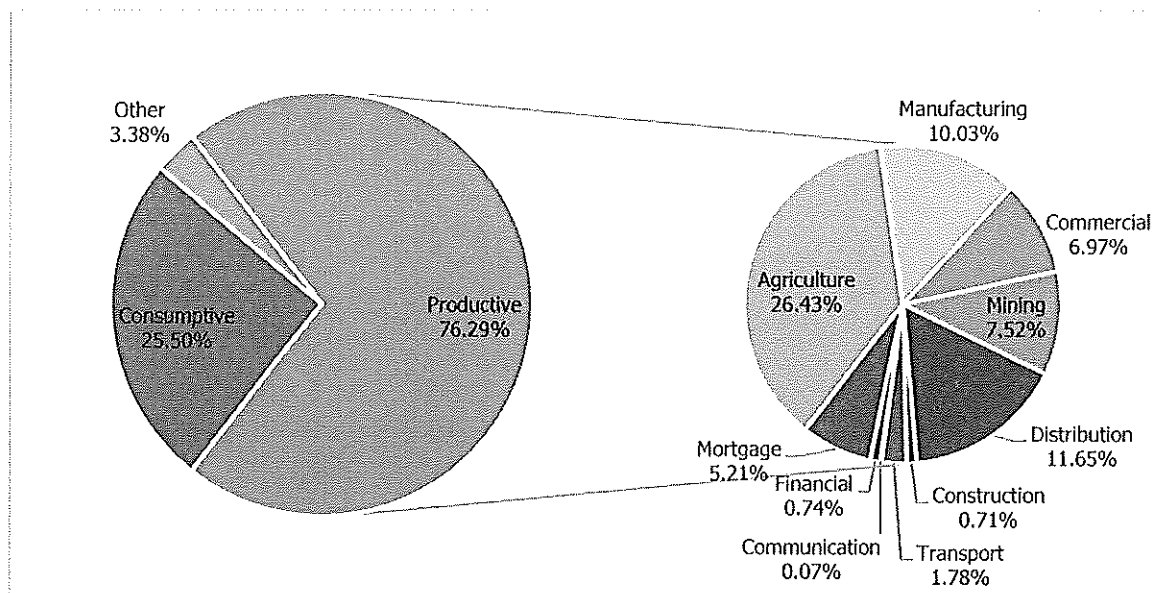
75. Aggregate banking sector loans and advances increased 2.64 times from ZW\$229.94 billion as at 31 December 2021 to ZW\$603.14 billion as at 30

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June 2022, largely attributed to the translation of foreign currency denominated loans.

- 76. As at 30 June 2022, foreign currency denominated loans constituted 65.87% of total banking sector loans, an increase from 36.87% reported as at 31 December 2021.
- 77. During the period under review, financial intermediation as measured by loans to deposit ratio, improved from 48.27% recorded as at 31 December 2021, to 53.69% as at 30 June 2022.
- 78. The banking sector continued to support the productive sectors of the economy as evidenced by loans to the productive sectors constituting 76.29% of total loans as at 30 June 2022, as shown in Figure 10.

Figure 10: Sectoral Distribution of Loans as at 30 June 2022



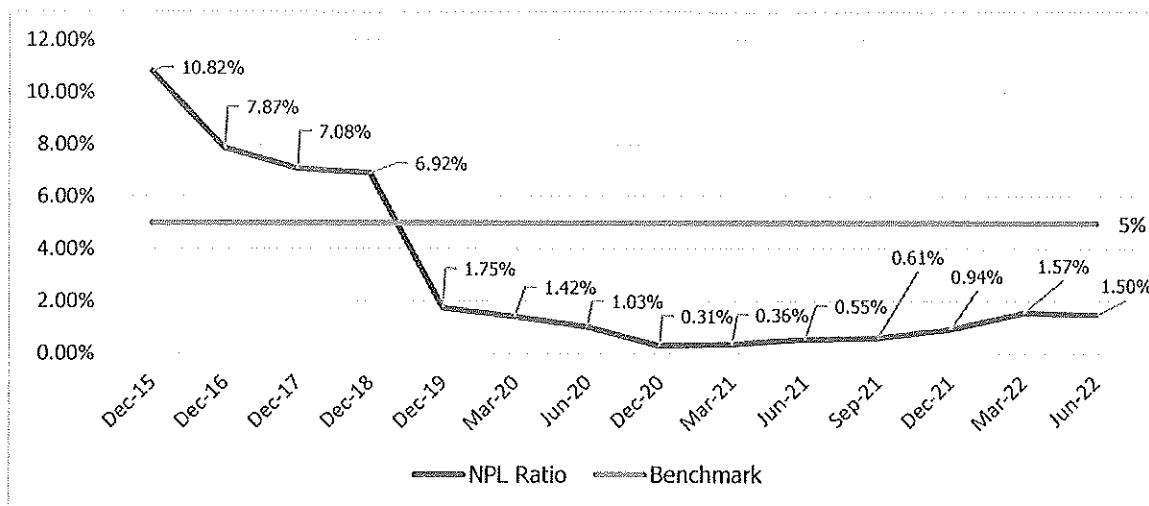
Source: Reserve Bank of Zimbabwe

Asset Quality

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79. Banking sector asset quality remained satisfactory. As at 30 June 2022, the average non-performing loans (NPLs) to total loans ratio for the banking sector was 1.50%, against the generally acceptable international threshold of 5%.
80. Figure 11 shows the declining trend in the level of non-performing loans to total loans ratio (NPLs ratio) from December 2017 to June 2022.

Figure 11: Trend in Non- Performing Loans



Source: Reserve Bank of Zimbabwe

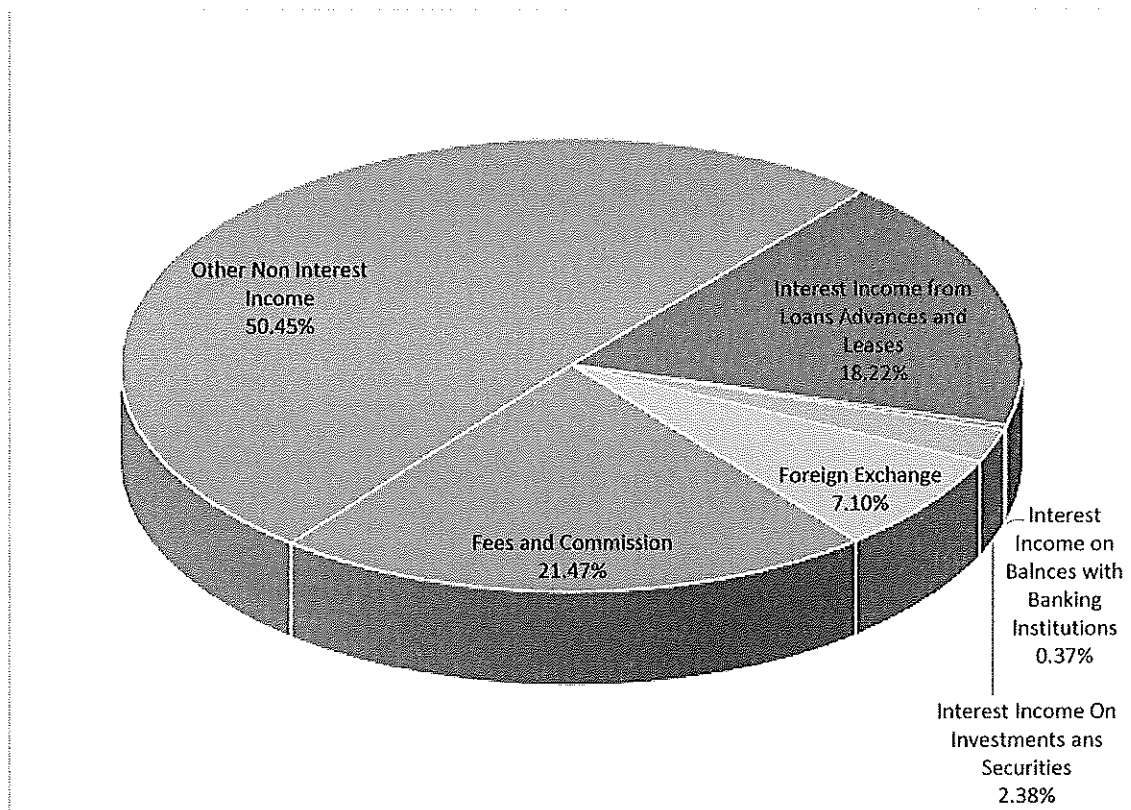
81. Banking institutions continue to enhance and adopt sound credit risk management systems and internal controls to minimise potential non-performing loans against the background of a challenging operating environment.
82. The Bank will continue monitoring asset quality on an ongoing basis to ensure healthy balance sheets of banking institutions.

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Banking Sector Profitability

83. The banking sector recorded un-audited aggregate profits of ZW\$181.25 billion for the half-year ended 30 June 2022, a 12fold increase from aggregate profits of ZW\$15.09 billion reported in the corresponding period in 2021.
84. Growth in banking sector income was largely spurred by non-interest income, which constituted 79.03% of total income [2021: 51.81%]. Non-interest income comprised mainly revaluation gains from investment properties (25.77%), fees and commissions (21.47%), as well as translation gains on foreign currency denominated assets (20.38%).
85. The income mix for the sector is depicted in Figure 12.

Figure 12: Banking Sector Income Mix as at 30 June 2022



Source: Reserve Bank of Zimbabwe

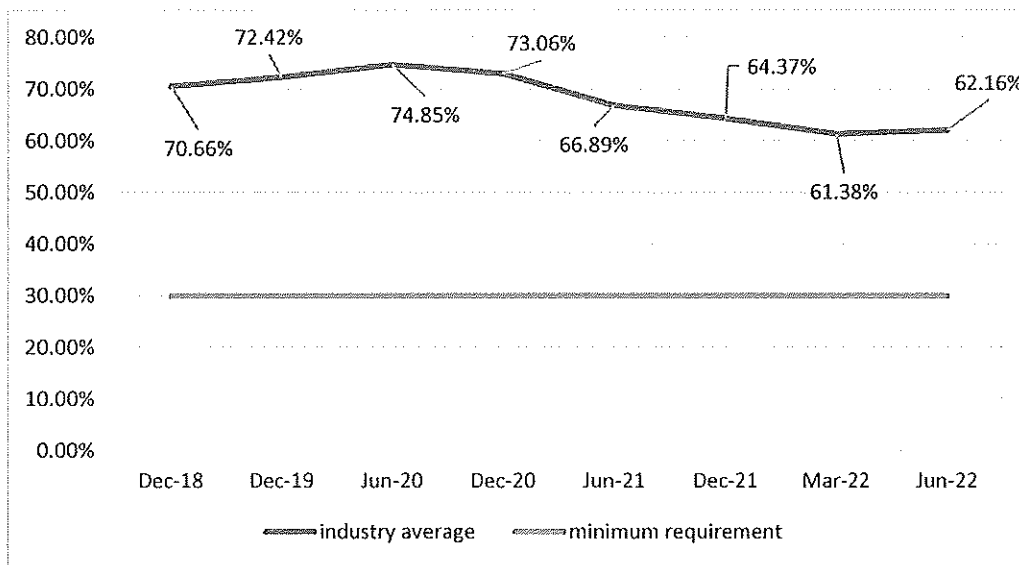
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86. During the half year period to 30 June 2022, interest income from loans and advances contributed 18.22% compared to 40.96% of the total income in June 2021.

Banking Sector Deposits and Liquidity

87. The average prudential liquidity ratio was 62.16% as at 30 June 2022, against the minimum regulatory requirement of 30%, largely reflecting high stock of liquid assets in the sector. The trend in the liquidity ratio from 31 December 2018 to 30 June 2022 is shown in Figure 13.

Figure 13: Prudential Liquidity Ratio Trend



Source: Reserve Bank of Zimbabwe

88. Total deposits increased from ZW\$476.35 billion as at 31 December 2021 to ZW\$1.12 trillion as at 30 June 2022.

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Sustainability

89. Fostering sustainability has become critical in the changing landscape for the banking sector, following a realisation that strong and resilient banking institutions contribute meaningfully to sustainable economic development and attainment of Sustainable Development Goals (SDGs) by 2030.
90. The National Development Strategy (NDS) 1 is very specific on adoption of the sustainability standards, as one of the key pillars for promoting financial sector stability in Zimbabwe and as such, banking institutions are encouraged to embrace and adopt sustainable banking practices.
91. The Bank continues to work closely with all financial institutions in the implementation of the Sustainability Standards & Certification Initiative (SSCI) being driven by the European Organisation for Sustainable Development (EOSD). The pilot participating institutions have registered significant progress in comprehending the key pillars of SSCI.

Sustainability and Climate Related Risks

92. In line with the Bank's February 2022 Monetary Policy Statement, banking institutions were required to embed sustainability and climate related risks in their corporate governance and risk management frameworks and systems.
93. The Bank has to date, received responses by banking institutions regarding measures taken and progress being made in incorporating sustainability and climate related risks into their operations and governance frameworks.
94. A review of the submissions by banking institutions indicates that some banks have made progress through development of sustainability frameworks and related policies, reconstitution of board committees and

amendment of terms of reference for committees charged with sustainability issues and risks.

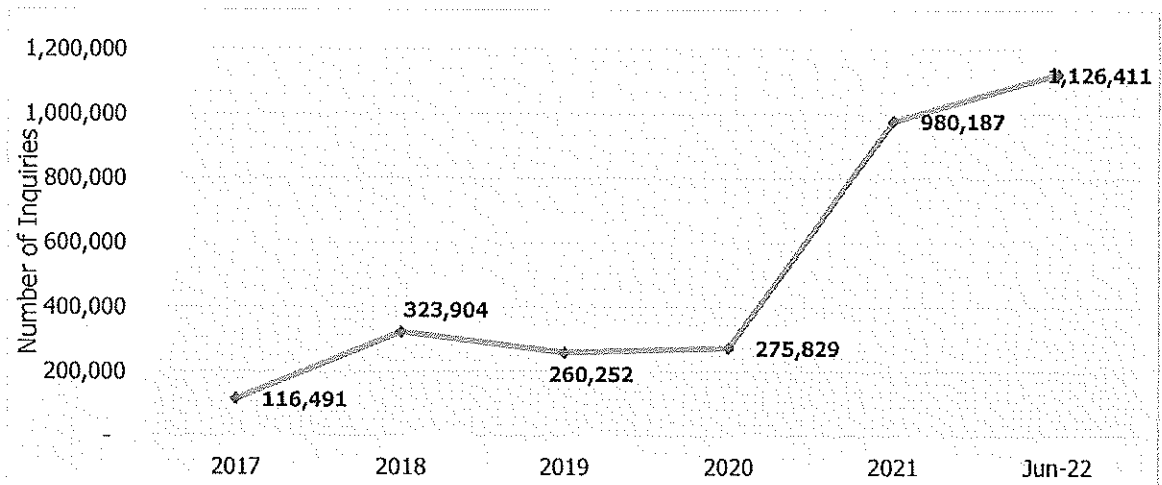
95. It was however, noted that, there is still scope to enhance the adoption of sustainability principles across the sector as some institutions still lack the perspective of a holistic approach to sustainability, only focusing on climate related issues.
96. In line with the need to enhance sustainability supervision and regulation and to keep pace with the shift towards sustainable banking practices, the Bank will continue to engage the financial institutions and provide the necessary guidance.

Credit Infrastructure

Credit Registry

97. The sustained availability and growth of the Credit Registry System continues to play a critical role in provision of credit and effective management and ongoing monitoring of credit in the sector.
98. The Credit Registry System registered a total of 1,126,411 enquiries as at 30 June 2022, up from 980,187 as at 31 December 2021 reflecting increased usage as the adoption of the Credit Registry System improves over time. The trend in inquiries from 2017 to June 2022 is shown in Figure 14.

Figure 14: Trend of Inquiries for 2017- June 2022

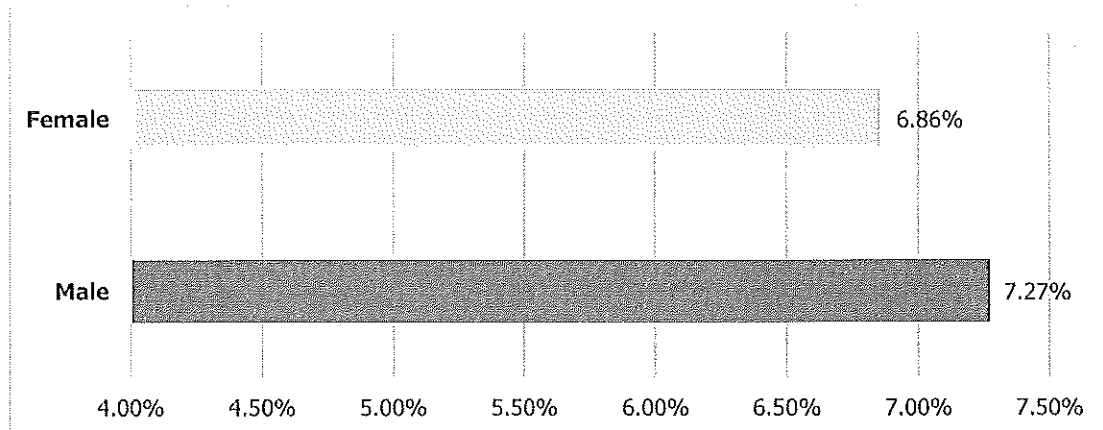


Source: Reserve Bank of Zimbabwe

99. The Credit Registry had 541,488 active loan contracts as at 30 June 2022, with individuals' records accounting for 97.93% of the records.
100. Gender distribution of loans is generally skewed towards male borrowers who constituted 68.31% while female borrowers constituted 31.69% of loan contracts in the Credit Registry.
101. The Credit Registry database indicates that only 6.86% of total loans granted to female borrowers were delinquent compared to 7.27 % for male borrowers, as shown in Figure 15.

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Figure 15: Percentage of Delinquent Loan Contracts by Gender



102. The Credit Registry has commenced engagements with microfinance institutions to bring them on board as data providers. It is anticipated that microfinance institutions data will further enrich and broaden the scope of credit registry database.

Collateral Registry

103. The Bank is targeting to conduct the final pilot testing of the Collateral Registry System with stakeholders during the month of August 2022. The Collateral Registry system is expected to centralise the database of movable assets accepted by banks and MFIs as collateral for secured loans. The new system will facilitate access to credit and encourage economic activity and contribute towards stimulating growth to the various economic sectors.

Microfinance Sector Capitalisation

104. As at 30 June 2022, all the seven (7) operating deposit taking microfinance institutions (DTMFIs) were at various stages of capital raising initiatives towards compliance the new minimum capital requirement of ZW\$ equivalent to US\$5 million.

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105. The compliance date for deposit-taking microfinance institutions was extended to 31 December 2022, and the institutions are required to submit quarterly reports on the capitalization initiatives and strategies to meet the new minimum capital requirements.

106. The aggregate core capital for the DTMFI sub-sector was \$14.31 billion as at 30 June 2022, up from \$1.43 billion as at 31 December 2021, largely driven by fresh capital injections, as well as organic growth.


DTMFI Deposits

107. The DTMFIs) registered a 53% increase in total deposits, from \$908.50 million in December 2021 to \$1.39 billion during the first half of 2022. The average prudential liquidity ratios remain high above the prudential requirement of 30%, indicating the cautious approach the sub-sector has been taking towards lending. There is therefore scope for the sub sector to enhance lending and support the financing needs of MSMEs.

Profitability and Sustainability

108. Aggregate net profit for the microfinance sector for the period ended 31 March 2022 was \$1.72 billion, up from \$596.71 million for the comparative period in 2021. The significant increase in profitability was mainly driven by interest income buoyed by a 21.70% growth in loan portfolio, as well as cost containment measures.

109. The sector remains operationally self-sufficient as reflected by the operational self-sufficiency (OSS) ratio of 220.75% as at 31 March 2022, up from 210.09% in December 2021 against the international benchmark of 100%.

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Lending in Foreign Currency by Microfinance Institutions

110. In an effort to facilitate improved access and usage of foreign currency by the low income and vulnerable but economically active communities and their micro and small enterprises, the Bank has been approving applications by microfinance institutions to lend in foreign currency.
111. Microfinance institutions have been urged to ensure that they strengthen their Know Your Customer and risk management systems to ascertain the source of foreign currency for loan repayments.
112. As at 30 June 2022 a total of 44 microfinance institutions, comprising 42 credit-only microfinance institutions, and two (2) deposit-taking microfinance institutions, were authorised to lend in foreign currency. As at 30 June 2022, the authorised institutions provided access to foreign currency loans to 31,173 borrowers, amounting to US\$5,830,471.03 for various productive projects.

Financial Inclusion Strategy

113. The MSME and the Consumer FinScope Surveys, which had been running concurrently have now been completed. The preliminary results for both surveys indicate that notable progress has been made towards closing the financial exclusion gap among the vulnerable groups, namely, women, youth, micro, small and medium enterprises, and the rural and small-scale farmers.
114. The progress and milestones achieved under the National Financial Inclusion Strategy number I (NFIS I) are largely attributed to the various strategies implemented by the Bank and are a clear demonstration of impact of collaborative efforts among the various financial inclusion implementing partners.

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115. The results of the FinScope surveys will be used to fine-tune the strategies under NFIS II whose main objective is to empower all economically active Zimbabweans and facilitate building of resilient and sustainable livelihoods through not only access to, but usage of quality, affordable and appropriate financial services on a sustainable basis.
116. In this regard, collaboration among stakeholders, including financial sector regulators, financial institutions, government departments and ministries, private sector and development partners, will be enhanced under NFIS II to ensure financial inclusion contributes to the attainment of an Upper Middle-Income economy by 2030.
117. The National Financial Inclusion Strategy II is expected to be launched in the third quarter of 2022 after incorporating the results of the two FinScope Surveys.

Cyber Resilience

118. The Bank conducted the inaugural annual cybersecurity maturity assessments in February 2022 focusing on banks' preparedness to prevent, detect, contain and respond to threats to information assets and understand the vulnerability area and the current initiatives to close any gaps.
119. The assessment noted a wide spectrum of initiatives in the sector to address cyber governance, protection and detection gaps. The review also noted the scope for banking institutions to continue to strengthen response, resumption and recovery mechanisms if a cyberattack were to occur.
120. Against this background and in view of the evolving cyber threat landscape, the Bank will enhance its Cyber Risk Management Framework during the last half of 2022 to provide clear guidance on cyber governance expectations

with emphasis on threat information sharing, testing, resolution and recovery mechanisms.

Cloud Computing

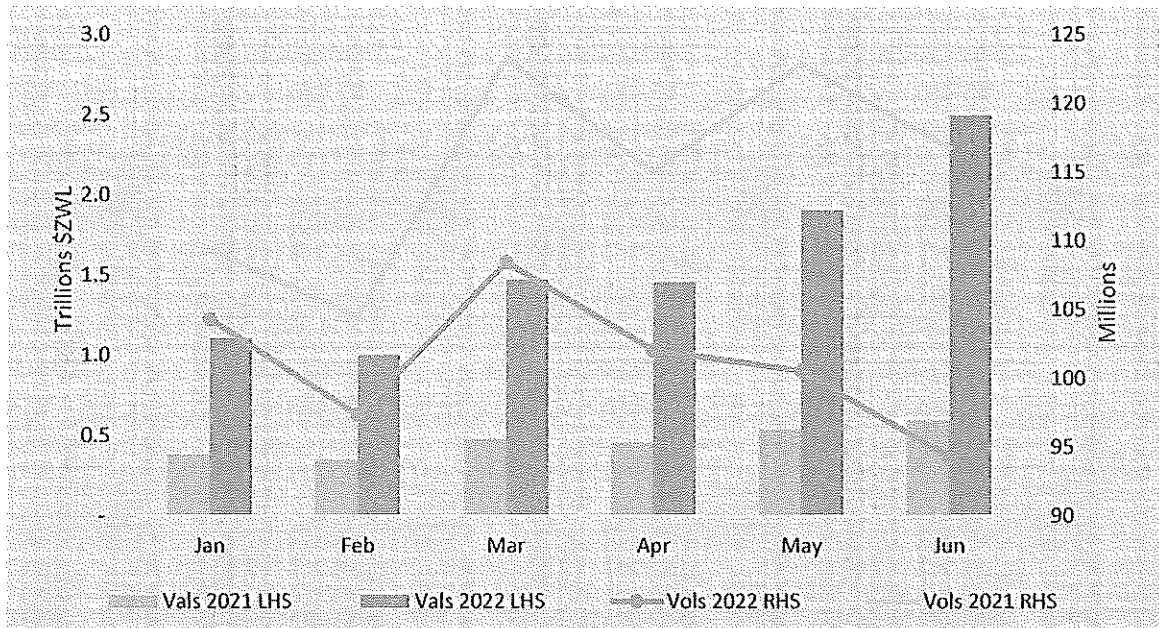
121. Over the last few years the Bank has noted the banking sector extensively using outsourcing as a means for reducing costs and achieving certain strategic objectives, particularly in the cloud banking and computing area. This position results in banks being exposed to various risks including strategic risk, reputation risk, compliance risk, operational risk and legal risk.
122. In this regard, the Bank shall develop an outsourcing prudential standard to provide guidance to banks to adopt sound risk management practices for effective oversight, due diligence and management of risks arising from such outsourcing activities.
123. At a minimum, the guidelines will emphasise the need for an outsourcing strategy, governance and risk management as well as relevant policies and procedure manuals. Institutions shall be expected to conduct thorough due diligence reviews with the assistance of qualified auditors, as applicable.
124. The guidelines shall be informed by the Data Protection Act [Chapter 11:12] and best practices and standards across the global financial system.

NATIONAL PAYMENT SYSTEMS

125. During the period under review, the value of digital payment systems grew by 233% compared to the same period of 2021, whilst volumes decreased by 13%, as shown in Figure 16.

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Figure 16: Comparative Monthly Electronic Transaction Values and Volumes for Six Months Ended June 2021/2022

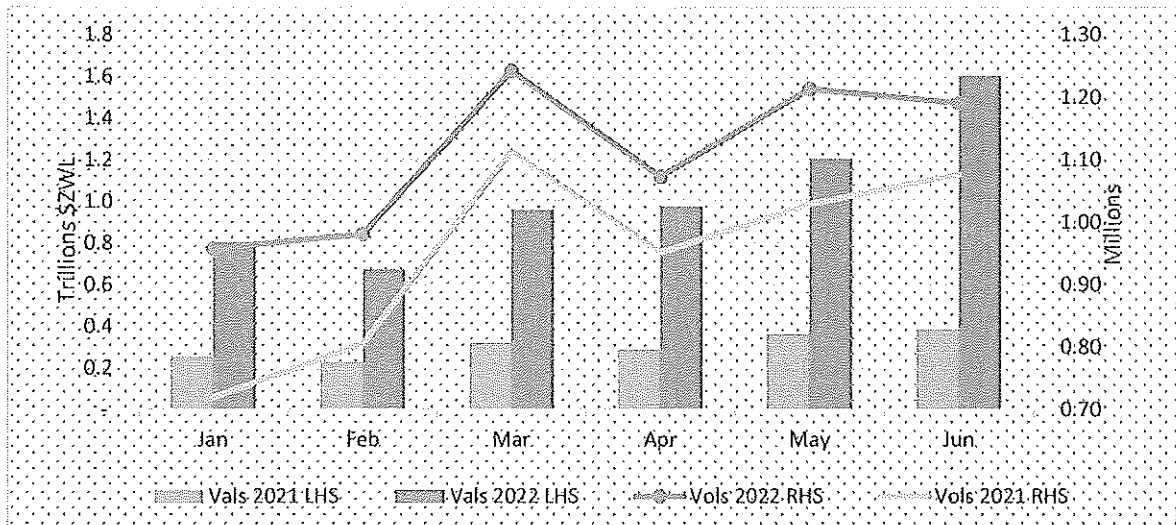


Zimbabwe Electronic Transfer and Settlement Systems (ZETSS - RTGS)

126. During the first half of 2022, the highest growth in electronic payments occurred on the high value system (RTGS) with 6.7 million transactions valued at ZW\$6.2 trillion, representing increases of 238% and 17% in value and volume, respectively, compared to the same period in 2021.

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Figure 17: RTGS Values and Volumes for the Six Months ended June 2022/2021



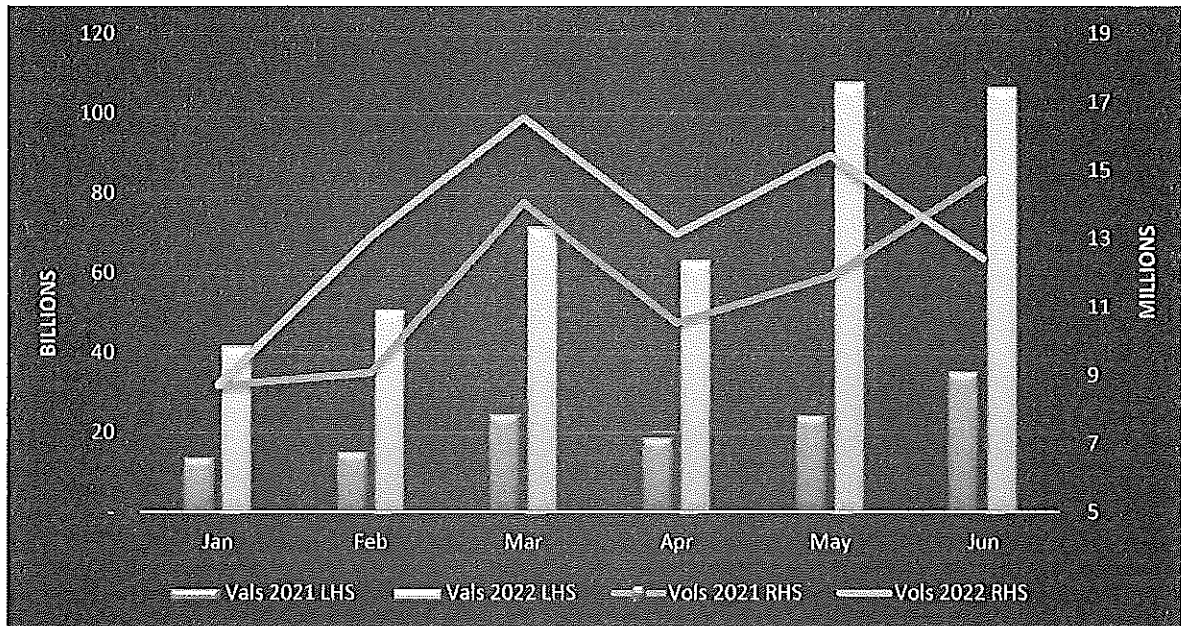
Interoperability

127. The retail payment systems interoperability focuses on the direct transfers processed through mobile, internet, POS, and ATM platforms integrated into the national switch.

128. The cumulative interoperability transactional values increased by 231% to ZW\$442 billion during the period January to June 2022 compared to the same period in 2021. Volumes, on the other hand, grew by 15% to 79 million during the period under review as shown in Figure 18.

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Figure 18: Retail Payment Systems Interoperability for January to June 2021/2022



Payment System Compliance Issues

129. In view of the heightened digitalisation and increased interconnectivity between systems and institutions, cyber risk rises and creates potential threat to domestic financial stability. In this regard, the Bank has ensured that the SWIFT Customer Security Controls Framework (CSCF) are being implemented under the Swift Customer Security Programme. Eighteen banks are already fully compliant with the CSCF while 10 are partially compliant.

130. Under the Swift ISO 20022 Migration, an international standard for replacing the payments messages by SWIFT for all banks worldwide, the local market is expected to start the migration of SWIFT cross-border transactions by 30 November 2022 with a parallel run up to November 2025, after which the current MT messages will be phased out.

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131. Compliance with the Euro Visa- Mastercard (EMV) chip technology now stands at 49% for cards, 63% for ATMs and 56% for POS machines. The Bank urges all payment systems providers and participants to work towards full EMV compliance to reduce fraud risk and increase security for the transacting public.
132. Under the Risk-Based AML-CFT Framework, the Bank continued to enforce a risk-based approach on payment system providers and participants, by ensuring that those entities and products presenting the highest risks received a proportionately higher level of oversight/supervision.
133. The Bank requires that mobile money operators fully comply and enforce anti-money laundering and counter-financing of terrorism measures. Board involvement in AML/CFT issues is critical.

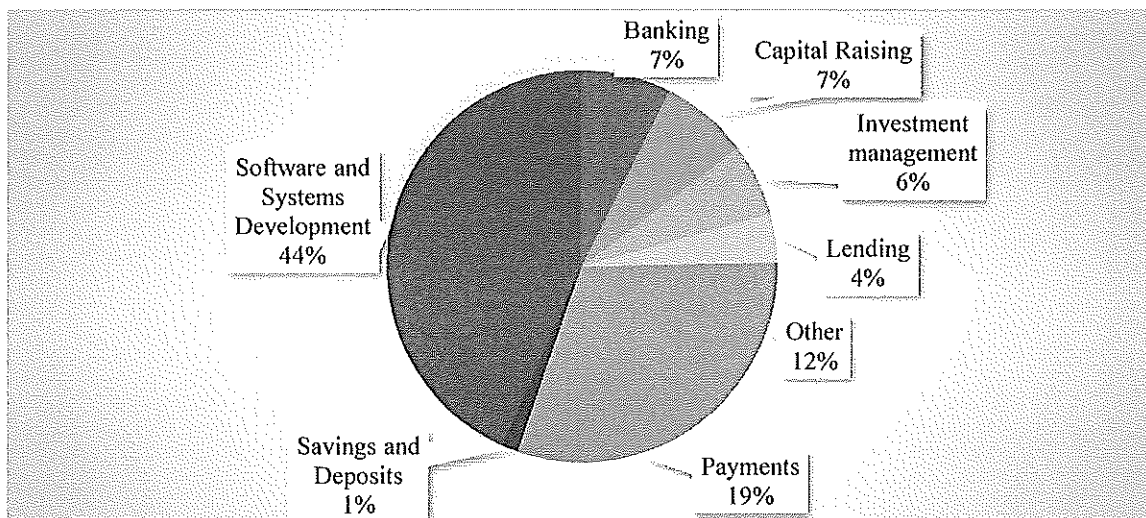
FINTECH DEVELOPMENTS

134. The Bank approved the admission of two financial technology firms into the Fintech Regulatory Sandbox (the Sandbox) namely Llyod Crowd Funding and Uhuru Innovative Solutions that are providing solutions in capital raising and money transfer, respectively. Llyod Crowd Funding has commenced its Sandbox operations and will test for a period of 12 months up to May 2023 while Uhuru Innovative Solutions will soon commence regulatory testing.
135. The initiation of regulatory testing is a signal of the Bank's commitment to promoting responsible innovation and the results are expected to provide the

Bank with critical evidence in the formation of an appropriate regulatory framework for financial technology in the country. The Bank expects to embark on regulatory testing with other promising Sandbox applications in the near future.

136. Registrations on the Fintech Regulatory Sandbox continue to be dominated by the technology sector. Meanwhile, applications to carryout sandbox testing are largely focused on financial inclusion products, retail payments and equity crowd funding which account for more than half of sandbox applications.

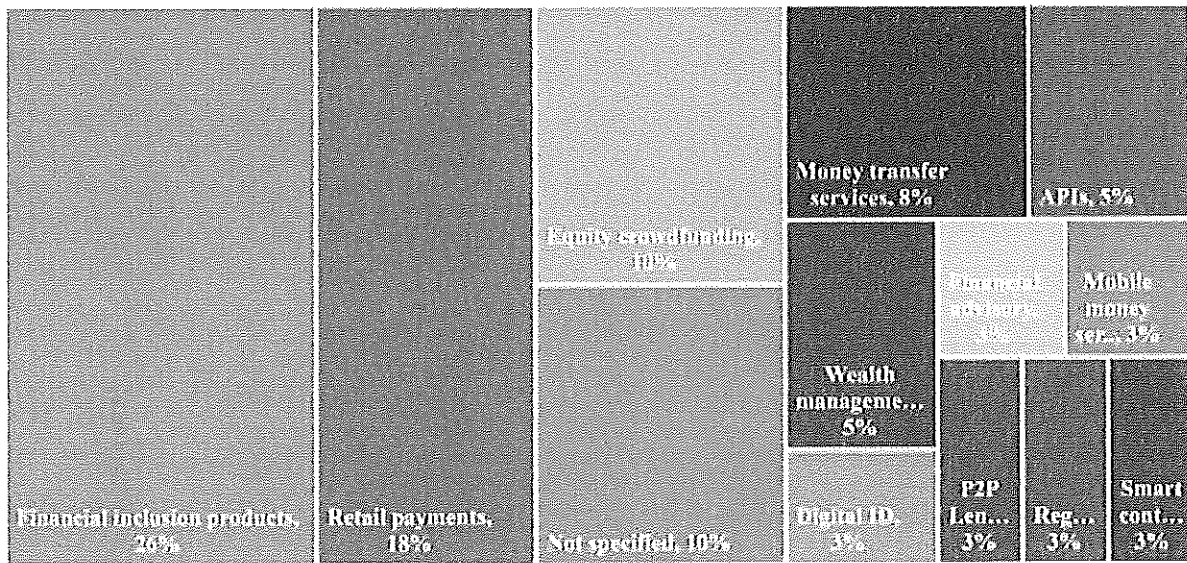
Figure 19: Sectors of Registered Fintech Portal Users



Source: Reserve Bank of Zimbabwe, 2022

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Figure 20: Distribution of Applications to Sandbox



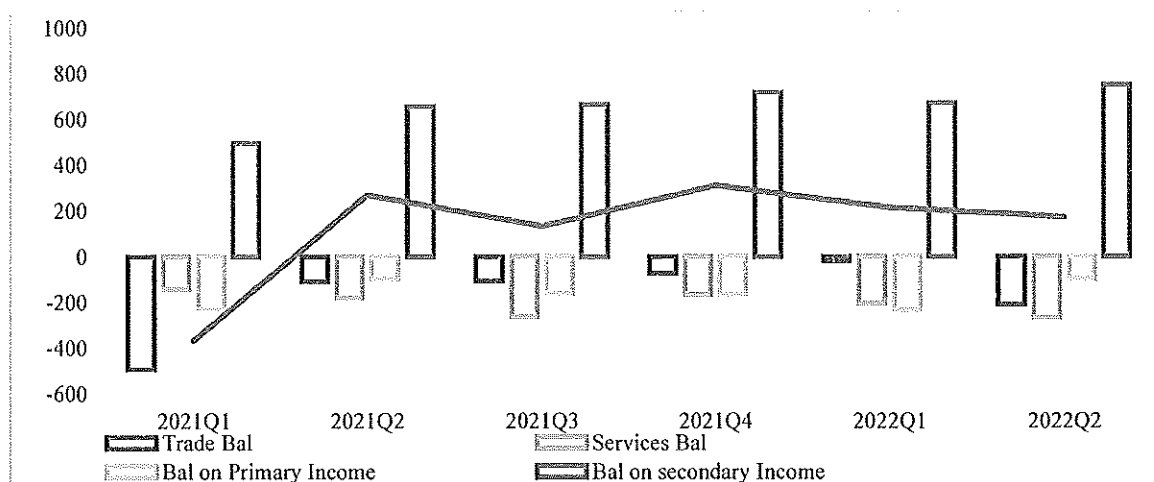
SECTION FIVE

BALANCE OF PAYMENTS DEVELOPMENTS

137. The current account balance is estimated to have widened to a surplus of US\$387.1 million in the first half of 2022, compared to a deficit of US\$97.2 million for the same period in 2021. The surplus continues to be driven by international remittance inflows coupled with merchandise exports growing faster than imports. However, deficits in the services and primary income accounts moderated the current account surplus.

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Figure 21: Current Account Developments (US\$ millions)



Source: RBZ and Zimstat estimates

Merchandise Exports

138. Preliminary estimates show that merchandise exports increased by 33% to US\$3 516.5 million in the first half of 2022, from US\$2 649.7 million for the corresponding period in 2021, spurred by increases in agriculture, mineral and manufactured goods exports.

139. Minerals underpinned merchandise exports performance in the first half of 2022, growing by 32% from US\$2 193.8 million recorded for the same period in 2021 to US\$2 899.0 million on account of higher production. Mineral export prices were also spurred by heightened geo-political tensions in eastern Europe and inflationary pressures in advanced economies as investors sought refuge in safe-haven assets. Gold exports benefitted from higher global prices amid safe-haven demand, coupled with higher production as incentives to producers continue to bear fruit.

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140. Agricultural exports increased from US\$303.2 million in the first half of 2021 to US\$434.5 million in 2022 on account of larger tobacco output amid significant carryover exports from the previous season.

141. Manufactured exports increased, albeit from a lower base, from US\$152.8 million in the first half of 2021 to US\$183.1 million in 2022, driven by rising exports of cigarettes, refined sugar and electrical products. However, low competitiveness and high market development costs continue to hamper manufactured exports.

Merchandise Imports

142. Merchandise imports increased by 15% to US\$3 746.8 million in the first half of 2022, up from US\$3 249.2 million in 2021, driven by fuel, machinery, and raw material imports. As the economy expands, so does its capacity to absorb imports that feed into the production process. Increasing fuel, edible oils and fertilizer prices on account of elevated geo-political tensions also drove the import bill higher.

Services

143. Trade in services is recovering from the Covid-19 shock, with travel, passenger transport and other vital services beginning to trend up. Services exports increased from US\$102.5 million in the first half of 2021 to US\$175.9 million in 2022. Services imports similarly rose from US\$424.5 million in 2021 to US\$674.8 million in 2022. Travel services have picked up following the relaxation of the Covid-19 containment measures, with

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people now moving freely across borders. Freight services (transport) have increased with increasing merchandise exports and imports.

CAPITAL FLOWS

144. Notwithstanding the health crisis brought about by the outbreak of the Covid-19 pandemic, foreign direct investment inflows improved, mainly reflecting efforts by Government to improve the investment climate through a raft of reforms and investments by major mining houses as the sector gears for the US\$12 billion economy target by 2030.

145. Private sector offshore loans have continued to provide a lifeline to the economy by injecting the much-needed foreign exchange for working capital and retooling the productive sectors. Notably, the agricultural sector is the primary beneficiary of approved external loan facilities accounting for more than half of the approved loan facilities in 2022.

SECTION SIX

MONETARY POLICY STANCE FOR THE NEXT SIX MONTHS

146. The Bank will continue to implement a tight monetary policy stance for the next six months in order to sustainably anchor inflation and exchange rate expectations. The tight monetary policy path will be anchored on the following measures:

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147. Minimum Capital Requirements

Minimum capital requirements for all categories of banks will be maintained at the current levels since almost all the banks are on a positive trajectory to achieve the prudential capitalisation levels by the deadline of 31 December 2022. The Bank will, on a case by case basis, engage and deal with those banks which may face difficulties in achieving the required minimum capital requirements.

148. Interest Rates

- i. The current Bank policy rate of 200% will be reviewed in line with developments in monthly inflation;
- ii. Medium Term Accommodation rate will also continue to be reviewed in line with monthly inflation developments and long-term productive sector funding needs; and
- iii. The deposit interest rates on savings and time deposits will remain at 40% and 80% per annum, respectively, and will be reviewed in line with month-on-month inflation developments.

149. Statutory Reserves

Foreign currency denominated loans now constitute more than half of the total loans in the economy. To ensure continued safety and soundness of the domestic banking sector, it is crucial for banks to hold a certain proportion of the foreign currency deposits as a liquid asset buffer. In this regard, with effect from 1 September 2022, statutory reserve requirements shall be extended to foreign currency deposits at rates of 5% for call deposits and 2.5% for time and savings deposits. The differential system is to encourage

banks to promote savings deposits that are necessary to support long term productive lending in foreign currency.

150. Foreign Exchange Retention

The foreign exchange retention thresholds shall continue at the current levels with agricultural exporters (tobacco, cotton, tea, coffee and horticulture) retaining 75% and the tourism sector retaining 100% to enable the ongoing capitalisation and recovery of the sector to continue following the adverse effects of the Covid-19 pandemic.

151. *Bureaux de Change*

In line with the need to further liberalise the foreign exchange market, the limit on foreign exchange transactions for individuals and micro, small and medium enterprises (MSMEs) processed through *bureaux de change* has, with effect from 15 August 2022, been increased from US\$500 per week to US\$5 000 per transaction per month for foreign currency payments that include medical expenses, educational expenses (including student upkeep), business and holiday travel, airfares and subscriptions. *Bureaux de change* shall also continue to operate under the basis of the willing-buyer willing-seller arrangement, where there is no cap on the amount they can purchase from the sellers of foreign currency.

152. Willing-Buyer Willing-Seller Foreign Exchange Trading Mechanism

The limit for qualifying transactions under the willing-buyer willing-seller foreign exchange trading system has, with effect from 15 August 2022, been increased from US\$10 000 to US\$20 000 per transaction per week.

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Qualifying foreign exchange payments under this mechanism will cater for transactions for goods and services such as raw materials, capital goods, medical expenses, education expenses (including student upkeep), business and holiday travel, airfares and subscriptions.

153. Mosi-oa-Tunya Gold Coins

Following the successful launch of the gold coins on 25 July 2022 and in response to public demand, the Bank shall introduce and release into the market gold coins in smaller units of a tenth ounce, quarter ounce and half ounce for sale with effect from mid-November 2022. The features, characteristics and the sale terms and conditions shall remain the same as the current trading arrangements of the gold coins in circulation.

154. Foreign Exchange Auction System

The foreign exchange auction remains a critical platform on which industry and commerce access foreign exchange. The auction bids will continue to be guided by the exchange rates obtaining on the willing-buyer willing-seller foreign exchange trading platform and by the available foreign currency. In this context, the foreign exchange auction system is no longer a price discovery mechanism but instead the most ideal allocative platform of foreign currency in the domestic economy given the geo-political constraints facing the local banking industry to establish an efficient interbank foreign exchange market.

155. Central Bank Digital Currency (CBDC)

In the Monetary Policy Statement of February 2022, the Bank advised of its intention to explore central bank digital currency (CBDC) on a phased approach pursuant to the Cabinet decision of November 2021 and taking into account global trends. Since then, the Bank has conducted study tours to countries that are advanced in CBDC endeavours and has developed a roadmap for adoption of CBDC in Zimbabwe.

156. The role of stakeholders in the CBDC journey is paramount and in that regard the Bank has developed a public consultation paper on CBDC to be released soon. The consultation paper is aimed at fostering a broad and transparent public dialogue regarding the potential benefits and risks of CBDC. The public will have a period of 90 days from the date of release to submit their comments to the Bank.

157. In addition to the consultation paper the Bank shall carry-out consumer perception surveys on CBDC. The findings of both the consultation paper and consumer survey will enable the Bank to engage in pilot programmes related to CBDC.

SECTION SEVEN

ECONOMIC AND INFLATION OUTLOOK

158. The current tight monetary policy stance, together with the favourable uptake of Mosi-oa-Tunya gold coins as an alternative stable financial product for store of value and for mopping up excess liquidity, shall continue to support the stability in the exchange rate and sustain disinflation witnessed towards the end of July 2022 and in August 2022.

159. It is essential that fiscal policy works in tandem with the monetary policy to bring down inflation. The concomitant action taken by Government to put in place value for money measures that dissuade its suppliers of goods and services from manipulating the exchange rate through forward exchange rate pricing system is therefore critical to contain inflation, especially given the significant purchasing power of Government in the economy of around 70%.
160. As such, with month-on-month inflation having declined from 30.7% in June 2022 to 25.6% in July 2022, the Bank anticipates the monthly inflation to continue to progressively decline by between 3 to 10% in the outlook period.
161. The downside risks to inflation in the outlook period include the continued geo-political tensions, global pandemics and climate change which continue to drive the surge in international food, fertiliser and oil prices.
162. On the external sector front, merchandise exports are projected to close the year 2022 at US\$7 346.5 million, a 15.5% increase from US\$6 359.1 million in 2021. On the other hand, merchandise imports are projected to end the year at US\$8 082.3 million, 13.2% up from US\$7 138.4 million in 2021, driven by increases in grain, fuel, machinery and raw material imports. International and diaspora remittance inflows are projected to continue driving the current account balance, as was the case in 2021. The current account surplus is envisaged to close at US\$366.3 million in 2022, which compares favourably to the US\$348.2 million that the country registered in 2021.

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SECTION EIGHT

CONCLUSION

163. The Bank strongly believes that the current tight monetary policy stance complemented by the strong will by Government to putting in place measures that deal with factors that destabilise the foreign exchange market will result in exchange rate and price stability in the near and short-term.
164. Thus, the decline in month-on-month inflation is expected to continue up to the end of this year and into 2023. This is essential for value preservation of the local currency and *sine qua non* to promote its use for transactional purposes.
165. The recent positive developments in the parallel market foreign exchange premiums and the decline in monthly inflation suggest that the current monetary policy stance should be maintained. The Bank will, therefore, continuously review its monetary policy toolkit in line with monthly inflation developments.

I Thank You



Dr. J.P. Mangudya

Governor

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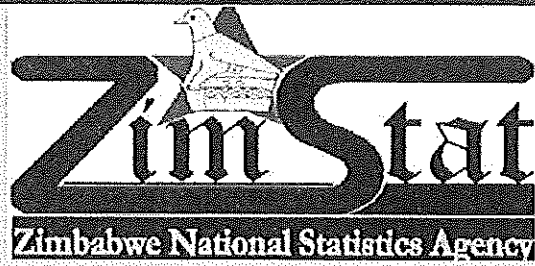


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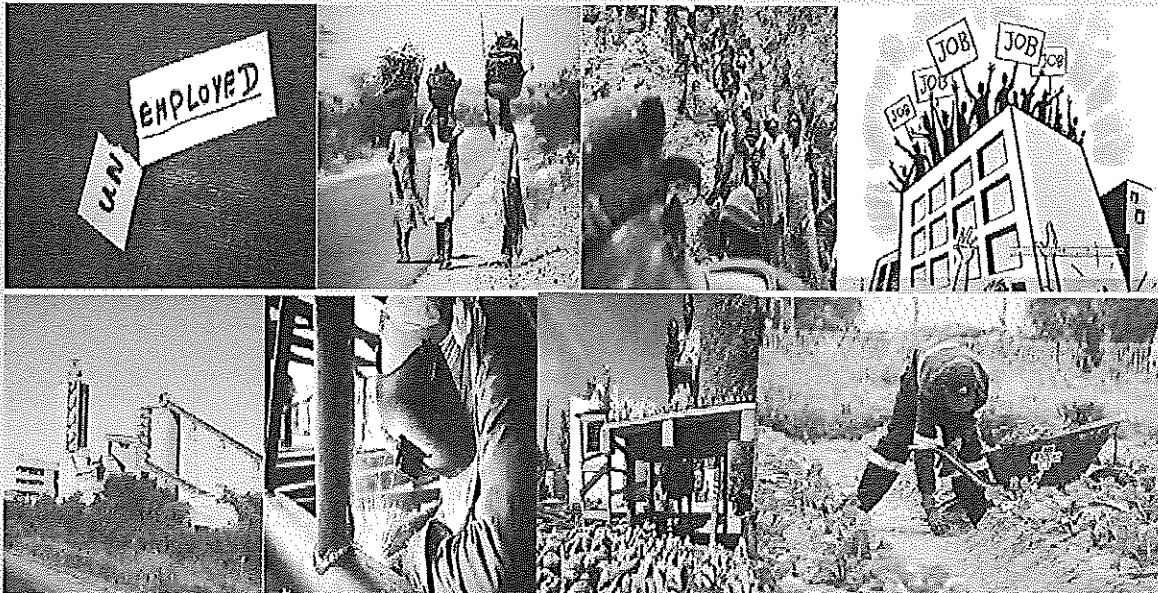


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2022 FIRST QUARTER LABOUR FORCE SURVEY RESULTS



July, 2022

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$$\text{NEET} = \frac{[\text{Number of youth} - (\text{Number of youth in employment} + \text{Number of youth not in employment but in education or training})]}{\text{Total number of youths}} \times 100$$

x) Work related income

Average income received per month per sector is computed for employed persons in their main jobs.

xi) Expanded unemployment rate

Expanded unemployment rate is basically the combined rate of unemployment and potential labour force (PLF), where potential labour force consist of working age persons who during the reference period; were without paid work and either were seeking for work but were not available to start working or were available to start working but were not seeking for work.

Computation

$$\text{Expanded unemployment rate} = \frac{(\text{Total number of unemployed persons} + \text{PLF})}{\text{Labour force} + \text{PLF}} \times 100$$

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5. 2022 First Quarter QLFS Findings

Table 1 below gives some key findings obtained from the survey in comparison with 2021 fourth quarter survey results.

Table 1: Key Findings

Indicator	4 th Quarter 2021		1 st Quarter 2022	
	Number	Percent	Number	Percent
Working Age Population (15 years and above)	8,957,612		9,282,347	
Labour Force (15 years and above)	3,787,269		4,057,096	
Labour Force Participation Rate (LFPR)		42.3		43.7
Total Employed	3,035,419		3,274,645	
Employment to Population Ratio (EPR)		33.9		35.3
Sector of Employment				
Formal (non-agriculture)	876,034	28.9	913,989	27.9
Informal (non-agriculture)	1,408,032	46.4	1,463,209	44.7
Agriculture	617,055	20.3	769,311	23.5
Household	134,298	4.4	128,136	3.9
Unemployment				
National (15 years and above)	751,850	19.9	782,451	19.3
Youth (15-24 years)	283,984	35.2	298,998	35.4
Youth (15-34 years)	520,948	27.6	533,097	27.3
Expanded/Relaxed Unemployment				
National (15 years and above)	2,714,724	47.2	2,907,330	47.0
Youth (15-24 years)	975,828	65.1	1,070,764	66.3
Youth (15-34 years)	1,749,590	56.1	1,875,841	56.9
Youth Not in Education, Employment or Training (NEET)				
Youth (15-24 years) NEET	1,331,174	46.8	1,508,148	51.8
Youth (15-34 years) NEET	2,327,221	49.4	2,518,978	52.2

Executive Summary

The working age population was estimated at 9 million constituting 59 percent of the total population. The total labour force obtained from the survey was 3.8 million giving a total Labour Force Participation Rate of 44 percent.

Around 3.2 million of the working age population were currently employed. The national Employment to Population Ratio (EPR) stood at 35 percent. Harare had the highest proportion of the employed population at around 25 percent followed by Mashonaland West at 14 percent. Matabeleland North with 3 percent had the least proportion.

Twenty-eight percent of the employed population was in the formal sector while forty-five percent were in the informal sector. Of those in employment 24 percent and 4 percent were in the agriculture and household sectors, respectively. Eighty-eight percent of the employed population were informally employed.

The wholesale trade; retail trade and repair of motor vehicles and motor cycles industry had the largest proportion of the employed population at 26 percent followed by agriculture, forestry and fishing with 24 percent.

Seventy-seven percent of the employed persons earned income of RTGS\$20,000 and below during the month of January 2022.

Nineteen percent of persons 15 years and above were unemployed. Among males the rate was 18 percent while for females it was 21 percent. Matabeleland North province had the highest unemployment rate of 37 percent. The age groups (15-19) years had the highest unemployment rate of 39 percent followed by those aged (20-24) years at 34 percent.

Youth (15-24) years had a national unemployment rate of 35 percent. The national unemployment rate for youth (15-34) years was 27 percent. Unemployment rate was highest among those who had completed upper secondary at 28 percent followed by those with lower secondary at 22 percent.

The expanded national unemployment rate for persons 15 years and above was 47 percent. It was higher for females at 52 percent than males with 43 percent. Matabeleland North had the highest expanded unemployment rate of 65 percent.

The age group (15-19) years had the highest expanded unemployment rate of 72 percent. Youths (15-24) years had a national expanded unemployment rate of 66 percent while the national expanded unemployment rate for youths (15-34) years was 57 percent.

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The expanded unemployment rate was higher among those staying in the rural areas at 53 percent than those in urban area at 40 percent.

The national proportion of youths (15-24) and (15-34) years who were Not in Employment, Education or Training (NEET) was estimated at 52 percent, respectively.

Two percent of the currently employed population reported suffering from work related injuries/illnesses or both in the last twelve months preceding the survey. Harare Province had the highest proportion, 31 percent of employed persons who reported having suffered both work related illnesses and injury. Around 55 percent of those who reported having suffered work related illnesses or injuries resided in urban areas. Most workers were injured in the manufacturing and agriculture, forestry and fishing sectors at 19 percent, respectively

The survey revealed that there were 27 thousand labour migrants of whom the majority 45 percent came from Mozambique followed by 20 percent who came from Zambia.

One percent of the employed population had at least one form of functional disability.

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Question NW72 to the Minister of Home Affairs

08 July 2019 - NW72



Pambo, Mr V to ask the Minister of Home Affairs

(a) What number of requests for asylum have been processed by his department in each of the past 10 financial years, (b) from which countries were the individuals whose asylum requests were granted and (c) what number of such requests is still outstanding?

[Source](#) [Link](#)

Reply:


a) The total number of cases processed per year for the past 10 years (First instance adjudication):

Year	Total
2009	157 204
2010	77 071
2011	43 953
2012	63 228
2013	68 241
2014	75 733
2015	60 640
2016	41 241
2017	27 980
2018	18 104

b) The cases granted for the past 10 years per country according to the Departmental system is as below:

Country	Total
Somalia	36512
DRC	25953
Ethiopia	18022
Congo	4859
Zimbabwe	3432
Burundi	2774

Angola	2365
Eritrea	2096
Rwanda	1416
Bangladesh	563
Uganda	443
Cameroon	368
Kenya	143
Sudan	134
Zambia	69
Liberia	51
Syria	47
Palestine	41
Ivory Coast	37
Tanzania	32
Pakistan	28
Sierra Leone	19
Sri Lanka	15
Iraq	15
Russia	13
Togo	12
Nigeria	11
Ghana	11
Solomon Islands	10
Malawi	9
Swaziland	7
Central African Republic	7


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Ukraine	7
Turkey	6
Egypt	6
Mali	6
India	6
Afghanistan	5
Other	5
Morocco	4
Estonia	4
Namibia	4
Yemen	3
Mozambique	3
Bulgaria	3
Myanmar (Burma)	3
Lebanon	3
Niger	3
Iran	3
Seychelles	3
China	2
Macau	2
Bahamas	2
Jordan	2
Gabon	2
Saint Kitts and Nevis	2
Comoros	2
Benin	2


NW72

Lesotho	2
Kyrgyzstan	1
Guinea Bissau	1
East Timor	1
Poland	1
Colombia	1
Brazil	1
Senegal	1
Chad	1
Oman	1
Algeria	1
Djibouti	1
Sweden	1
Cambodia	1
Libya	1
Principality of Andorra	1
Grand Total	99624

(c) As at 31 December 2018 there were 3 534 cases still to be processed by the Refugee Status Determination Officers.

END

Source file

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