

Minister welcomes ruling on Zimbabwe Exemption Permits

Minister of Home Affairs, Dr Aaron Motsoaledi, has welcomed the decision of the High Court, Gauteng Local Division, in Pretoria to strike from the roll the urgent applications by Zimbabwe Exemption Permit (ZEP) holders.



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In a bid to overturn the decision taken by the Minister of Home Affairs, supported by Cabinet, not to renew the ZEP, various interest groups connected to the holders of ZEP took the matter to court.

“We are determined to defend any spurious court actions aimed at undermining the lawful and reasonable decision which I took in my capacity as the Minister of the department. We are doing this while we acknowledge the rights of individuals and groups to approach the courts to seek remedies if they feel aggrieved,” Motsoaledi said on Wednesday.

According to the Minister, two organisations claiming to be representing the interests of ZEP holders, one calling itself African Amity, launched urgent applications in the High Court, Gauteng Division, late on 24 December.

The other group is led by Bongani Nyathi, Gaston Ngulube and Njabulo Ncube.

At the heart of the dispute is the decision taken by the Minister of Home Affairs not to renew the ZEP and impose a condition giving a 12-month grace period during which time ZEP holders need to regularise their stay through the normal immigration laws of the country.

The Minister took the decision as he is empowered to do so in terms of the relevant provisions of the Immigration Act, 2002.

“The relief sought by these two groups was basically to be granted permanent residency and that the court should instruct the department to issue ZEP holders with visas, pending the review of the Minister’s decision by the courts,” the Minister said.

The applications of these two groups were heard in court on 28 December 2021.

The Minister and the department rigorously defended both applications and argued that the applicants in both matters failed to comply with the practice manual and directives, and lack of urgency.

The court ruled in favour of the Minister and removed African Amity’s matter from the roll. Costs were reserved. The Minister and the department intend to insist on punitive costs against African Amity.

In the matter of Bongani Nyathi, Gaston Ngulube and Njabulo Ncube, the court ordered the applicants to pay the Minister and department’s costs.

“It is common cause that there are many other groupings who are poised to take on review the decision on ZEP in the courts of law in the New Year. As a result, the department will defend the lawful, rational and reasonable decision taken in my capacity as the Minister of the department,” Motsoaledi said.

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