



**MINISTER
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

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LEGAL RESOURCES CENTRE

CAPE TOWN,
8001

By Hand

Dear Mr Kerfoot


**APPLICATION IN TERMS OF SECTION 31(2)(b) OF THE IMMIGRATION
ACT, 2002 (ACT NO. 13 OF 2002): EXEMPTION APPLICATIONS**

1. I refer to the applications for exemption delivered by your client Messrs Scalabrini, to the Department of Home Affairs (“the Department”) during 2016 and the court order granted on 17 November 2016 under case no: 5628/16 in relation thereto, as well as the applications for exemption delivered to the Department on 15, 16 and 17 February 2017 pursuant to the aforementioned order. As you are aware, the Department received a total of 1702 of such applications for exemption.
2. As you may well appreciate, the said applicants - all former Angolan refugees who have been issued with Angolan Cessation Project Temporary Permits (“ACP permits”) and do not wish to return to their country of origin - would in the ordinary course, not qualify for mainstream temporary residence visas or permanent residence permits.
3. As is evident from the individual applications, the applicants variously contend that they have established a home in South Africa and are either a businessman,

businesswoman, an employee or student in South Africa or an accompanying child or spouse.

4. I have considered all of the aforementioned applications, and have decided to grant conditional exemption as contemplated in section 31(2)(b) of the Immigration Act, 2002 (Act No. 13 of 2002) to the applicants as per annexure "A" hereto for a period of 4 (four) years, subject to them complying with the following conditions:
 - 4.1 Submitting the online VFS application form required to register their biometrics and photographs;
 - 4.2 in the case of minors, be accompanied by their parents or legal guardians; and
 - 4.3 submitting all outstanding supporting documents described in Annexure "A" attached hereto.
5. I have decided, in collaboration with the VFS, to waive the processing fee which will normally be required to be paid, in this particular matter.
6. Should the applicants fail to comply with the abovementioned conditions by no later than 30 September 2017, their exemptions will lapse, after which they will be illegal in South Africa and liable for deportation.
7. I have furthermore, not granted exemption as contemplated in section 31(2)(b) of the Immigration Act, 2002 (Act No. 13 of 2002) to the applicants referred to in categories 1 and 12 of annexure "A" hereto, for the reasons stated therein.

Yours Sincerely,


PROF HLENGIWE MKHIZE, MP
MINISTER OF HOME AFFAIRS
DATE: 1/7/2017



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

ANNEXURE "A"

CATEGORY	OCCUPATION	COMPLIANCE OR NOT WITH REQUIREMENTS	DECISION	NUMBER OF PERSONS
1	Mixed (Business, Worker or Study)	These applicants have all criminal records (i.e. Negative Police Clearance Certificate).	Authority is hereby granted to the Deputy Director-General (DDG) to consider and evaluate these applications after which he will decide which application shall be granted and which not. To the extent that the DDG may not be able to decide any one or more of the applications in this category on or before 30 June 2017, he is authorised to approach the Western Cape High Court for an order granting him a reasonable extension within which to do so or by a date agreed to between the Parties.	106 As per annexure "A.1" hereto.
2	Worker	These applicants meet all the requirements.	Conditional approval is granted, provided that the applicants comply with paragraph 4.1 of my letter.	643 As per annexure "A.2" hereto.
3	Worker	These applicants have not submitted proof of employment.	Conditional approval is granted provided all outstanding documents as per annexure "A.3" are submitted.	111 As per annexure "A.3" hereto.
4	Study	These applicants meet all the requirements.	Conditional approval is granted, provided that the applicants comply with paragraph 4.1 of my letter.	208 As per annexure "A.4" hereto.
5	Study	These applicants have not submitted proof of study.	Conditional approval is granted provided all outstanding documents as per annexure "A.5" hereto are submitted.	225 As per annexure "A.5" hereto.
6	Business	These applicants meet all the requirements.	Conditional approval is granted, provided that the applicants comply with	100

			paragraph 4.1 of my letter.	As per annexure "A.6" hereto.
7	Business	These applicants have not submitted proof of business.	Conditional approval is granted provided all outstanding documents as per annexure "A.7" are submitted.	59 As per annexure "A.7" hereto.
8	Retired	These applicants meet all the requirements.	Conditional approval is granted, provided that the applicants comply with paragraph 4.1 of my letter.	2 As per annexure "A.8" hereto.
9	Relative	These applicants meet all the requirements.	Conditional approval is granted, provided that the applicants comply with paragraph 4.1 of my letter.	7 As per annexure "A.9" hereto.
10	Relative	These applicants have not submitted proof of their relationship.	Conditional approval is granted provided all outstanding documents as per annexure "A.10" hereto are submitted.	8 As per annexure "A.10" hereto.
11	Orphan	This applicant meets all the requirements.	Conditional approval is granted, provided that the applicant complies with paragraph 4.1 of my letter.	1 As per annexure "A.11" hereto.
12	Mixed (Business, worker or study)	These applicants have not submitted a South African Police Service clearance report.	I have not taken a decision in this regard as there are pending proceedings before the Western Cape High Court under case number 4089/17 and also in view of the fact that I am precluded from doing so in terms of a court order.	232 As per annexure "A.12" hereto.
		TOTAL APPLICATIONS		1702