

Angolan Cessation Permit Exemption Applications: Guidelines

Note: The Scalabrini Centre will continue to update this document as new information becomes available. We request you please keep checking our website for updated information on a regular basis. This application can only be made by those holding an Angolan Cessation Permit (the two-year permit issued upon the Angolan Cessation of 2013). These permits look like this:



The Department of Home Affairs has begun a permanent residency process for every Angolan with an Angolan Cessation Permit – this process will allow all Angolans with expired Angolan Cessation Permits to apply for permanent residence in terms of Section 31(2)(b) of the Immigration Act. The Scalabrini Centre has been requested to receive these applications. The Scalabrini Centre has no decision-making authority. Decisions on these applications will be made by the office of the Minister of Home Affairs only.

To apply, applicants must bring completed applications & required forms to **ONLY** the following location:

- Scalabrini Centre of Cape Town, 47 Commercial Street, Cape Town

For individuals in Gauteng, applications can be submitted through the following partner organisations:

- Lawyers for Human Rights (LHR), 4th Floor Heerengracht Building, 87 De Korte Street corner Melle Street, Braamfontein, Johannesburg. LHR will be **receiving applications** until 8 December and again from 9 January to 20 January. Individuals may go to their office from 8:30-1:30, Monday to Thursday.
- Legal Resource Centre (LRC), 15th and 16th Floor, Bram Fischer Towers, 20 Albert Street, Marshalltown, Johannesburg

IMPORTANT: You cannot submit completed applications through the Angolan Embassy/Consulate or Department of Home Affairs.

Important Dates

INFORMATION SESSIONS

For those in Cape Town: Scalabrini Centre is conducting information sessions on the following dates/times:

2 December: 09.00 – 15.00

3 December: 10.00 – 13.00

The information sessions explain everything that is contained in these guidelines and allow individuals to ask questions about the process and its requirements. These sessions are not mandatory. These guidelines have been written to guide all Angolan Cessation Permit holders through the process in detail.

For those in Gauteng: Please read these guidelines carefully along with the other documents on our website including the Form 47 Guide. You can submit your completed applications to either LRC or LHR's offices in Johannesburg who will then courier those applications to our office in Cape Town for submission to the Department of Home Affairs.

The Angolan Consulate General is assisting Angolans in Gauteng with information and advice at the Angolan until **15 December**. Individuals can go to the Consulate **Monday to Friday from 9:30 to 3:30** until the 15th for assistance. The address is: Waterside Place, 15 Zulberg Close – Bruma, Johannesburg.

APPLICATION FOR SAPS POLICE CLEARANCE CERTIFICATES

You must apply for your Police Clearance Certificate at SAPS before **15 December 2016 and keep the receipt** given to you by the police. Your SAPS Police Clearance Certificate must be submitted along with your application by **20 January 2017**. You can make an early submission of your application along with all accompanying documents if you have a receipt or proof of application for a SAPS Police Clearance Certificate; however, your application will be incomplete. You must deliver your original SAPS Police Clearance Certificate to the Scalabrini Centre by **20 January 2017** to have a complete application. If your SAPS Police Clearance Certificate arrives late, submit it to the Scalabrini Centre immediately when you receive it.

SUBMISSION OF COMPLETED APPLICATIONS

We encourage all Angolans to submit their applications as early as possible! You can submit your application and all other documents early with a receipt of application for a SAPS Police Clearance Certificate but remember your application will be incomplete until the original SAPS police clearance certificate is received.

Reminder: You **MUST** deliver your original SAPS Police Clearance Certificate to the Scalabrini Centre by **20 January 2017** in order to have a complete application.

For those in Cape Town, once the application is completed, Scalabrini Centre will be receiving the completed applications on weekdays between the following dates:

From **8 December 2016** until **15 December 2016**: 09:00 to 15:00

Last updated: 2 December 2016

We close for the festive period and in 2017 we will accept completed applications on these dates:

The 4th and 5th of January and from 9 January to 20 January 2017: 09:00 to 15:00.

Note: The Scalabrini Centre will receive applications on weekdays ONLY.

You must prepare the following application and submit it to the Scalabrini Centre before 20 January 2017. If you do not receive the SAPS clearance certificate by the application date, you can submit your application along with your receipt.

For individuals in Gauteng: you can submit your applications to either LRC or LHR who will send the applications to Cape Town. More information will be provided on this process once arrangements have been finalised.

COLLECTION OF DECISIONS

Written decisions for each individual permit holder will be received by Scalabrini Centre no later than 15 May 2017. The Scalabrini Centre will then send an SMS to applicants as soon as the decision is ready for collection.

Background on the process

In 2013, the South African government, the UN High Commissioner for Refugees (UNCHR) and the government of Angola agreed that Angolan refugees living in South Africa no longer needed the protection of the South African government since the Angolan civil war had concluded and political stability returned to Angola. These three entities cooperated to create a special permit process for former Angolan refugees for those unwilling to return to Angola in the form of ACP permits. This category of permit allowed those who qualified to continue to live, work and study in South Africa for another two years and did not require the former Angolan refugees to meet the stringent requirements for regular permits as found under the Immigration Act.

Many Angolan refugees have lived in South Africa for decades – on average 18 years – and have started businesses, attained higher degrees and added skills to the economy of this country. *Click [here](#) to read Research Report*. An entire generation of children born to Angolan parents have grown up in South Africa and this is the only country they have ever known. The ACP process, however, only allowed these individuals and families to remain here for two more years after which point they would be required to legalise their stay under the Immigration Act – the special ACP permits were not eligible for renewal. As the inability of this group to legalise their stay became apparent, the Scalabrini Centre of Cape Town (SCCT) began discussions with the Department of Home Affairs (DHA) in May 2014 to advocate for their continued legal stay based on their strong ties to South Africa.

The SCCT strongly believes that the two year temporary permits did not constitute a durable solution to end the refugee status of this group. On behalf of these Angolans, the SCCT submitted a group exemption application for permanent residence for all former Angolan refugees whose ACP permits have expired in October 2015 in terms of section 31(2)(b) of the Immigration Act. After discussions with DHA, Honourable Justice Gamble of the Western Cape High Court issued an Order which outlines a process by which all former Angolan refugees with expired ACP permits may apply to the Minister for permanent residence on special grounds. As a part of this agreement, the SCCT has agreed to conduct the

administrative processing of the applications before submitting these applications to the Minister. The Minister has promised to decide on each of individual exemption application. **There is no guarantee of success:** The Minister may refuse exemption applications – if exemptions are refused, there will be written reasons for the refusal.

To obtain a copy of the Court Order (a necessary first step in the application process) go to: <http://scalabrini.org.za/wp-content/uploads/2016/11/Web-Court-Order.pdf>

Note: The Court Order is dated 17 November 2016. Any previous Court Orders are outdated and invalid.

According to the Court Order, ALL holders of expired ACP permits are entitled to work, study, access primary healthcare, register the births of their children, attend primary/secondary/tertiary studies, open and operate bank accounts (subject to normal bank rules) up to 15 February 2017. Holders of expired should not be arrested, detained or deported on the grounds of expired permits before 15 February 2017. **After 15 February 2017, the Court Order ONLY protects ACP Permit Holders who have applied for Permanent Residence through the Court Order. This protection is valid until the Minister of Home Affairs has made a decision on the applications by 15 May 2017.**

Preparing the application

Every person who has an Angolan Cessation Permit in their passport must submit their own separate and individual application – including every individual child and adult. This process has many steps and it is completely up to permit holders to put together all the required documents, print the forms, submit the required requests and make copies according to the following steps. The Scalabrini Centre and its partner organizations will not make copies or complete forms for you.

To apply for an exemption application for permanent residence, you must take the following steps:

1. Print the Court Order & Form 47 -- the first and last five pages of the PDF document. Make several copies of this Court Order -- you will want one copy to carry with you in case you are stopped by the police or to show your employer or the principal of the school; one copy will need to be submitted with each police clearance request. You will need one copy of Form 47 for each individual who has a Angolan Cessation Permit in their passport – adults and children. The Court order is available at: <http://scalabrini.org.za/wp-content/uploads/2016/11/Web-Court-Order.pdf>
NOTE: Only the Form 47 from the Scalabrini website can be used for this application process because it has a case number at the top. Do not download a blank Form 47 from Home Affairs' website.
2. Go to any police station and apply for a Police Clearance Certificate. You will need to bring your passport and R96.00. The police will issue you a receipt when you make the payment. You must make TWO copies of this receipt. After taking your fingerprints, the police will give you the paperwork for you to send to Pretoria. DO NOT send the documents by Registered Mail! You need to pay to send the documents by courier (DHL, PostNet, RAM hand to hand, or similar service) to Pretoria and back to your home address.

NOTE: Police Clearance Certificates are only valid for six months from the date of issue. If you have a Police Clearance Certificate that was issued before December 2016, you MUST get a new Certificate. You must apply for your police clearance certificate before **15 December 2016**.

NOTE FOR CHILDREN WITH ACP PERMITS: For children who are lodging applications, children over the age of 10 must submit police clearance certificates. For those under 10, it is advisable to enquire at your local SAPS station about a clearance certificate and if you are refused, you can write an affidavit stating that you attempted to get a clearance but were told it is not possible.

3. Collect the **required** documents for the Form 47. This includes:
 - a. A certified copy of your Angolan passport (the page with your photo on it). SAPS can certify this for you. Make two copies of the certified copy.
 - b. A certified copy of your Angolan Cessation Permit. SAPS can certify this for you. Make two copies of the certified copy.

NOTE: If the passport holding your Angolan Cessation Permit is expired, submit a certified copy the expired passport AND a certified copy of a valid passport. If you do not have a valid passport, apply for one at the Angolan embassy/consulate immediately, and include a copy of proof of application.

- c. An original police clearance certificate. You may bring the original and two copies of receipt of application for a Police Clearance Certificate with your application to Scalabrini so that we may make a file for you – but you **must** bring the original certificate, once it arrives at your address, to Scalabrini **before 20 January 2017**.
4. Fill in Form 47 – one for each holder of an ACP – honestly and accurately. (A guide has been uploaded to the Scalabrini Centre’s website to help you with the Form 47.)
5. In addition to the required documents, you can strengthen your application by documenting your connection and contribution to South Africa. Be creative! This is your opportunity to prove to the Minister of Home Affairs that your application is strong and you should be able to stay in South Africa. You must try your hardest to secure copies of the following documents (you will need the original and two copies when you submit your application):
 - d. employment contracts (self or employees),
 - e. documents proving educational activities such an enrolment in school or college, including transcripts or report cards from school/college, if applicable;
 - f. SARS clearance certificates;
 - g. bank statements;
 - h. marriage certificates;
 - i. death certificates;
 - j. birth certificates (or hospital cards);
 - k. training certificates;
 - l. letters of support from South African citizens (friends, your church pastor or imam, colleagues, the principal from your child’s school, a colleague, your boss);
 - m. deeds for properties and proof of businesses;
 - n. certificate of good health; or
 - o. any documents illustrating family, cultural, social and economic ties to South Africa. This might include documents outlining your children’s activities (such as involvement in sports or music), documents from your church or mosque, letters of support from South African friends, teachers, business associates, or photos of the family participating in cultural and social activities. There are many possibilities and each person will have different aspects of

their life to highlight. It is up to you to think about how you can demonstrate what South Africa means to you as well as what you mean to South Africa.

- p. You should write a support letter. This letter is free-form. Here are some ideas for the letter:
- When did you come to South Africa, and why?
 - Explain your links to South Africa. How have you integrated in South Africa? Through your children, languages, job, family? (if you speak Zulu, English, Afrikaans, isiXhosa, or another South African language, explain that in the letter. This is especially important in the applications for the young adults / children who may only speak South African languages and not Portuguese.)
 - Why do you want to remain in South Africa? Please provide as many reasons as possible.
 - How are you contributing to South Africa? Economic activity, community service, etc.
 - Anything else you want to write.
6. Once you have your Form 47, all three required documents and all of the supporting documents for EACH APPLICANT, make two photocopies. You will need to bring the original and TWO copies of all documents to lodge your application. Scalabrini and its partners will not make copies for you.

Lodging the application

7. You can lodge your application at the Scalabrini Centre if you have completed the application and if you have two copies of your application. For those residing in other parts of the country, you may submit your application to one of the partner organisations, Lawyers for Human Rights (LHR) and the Legal Resources Centre (LRC), whose details are listed on page 1 of this document.
8. You can lodge the application at the Scalabrini Centre from 8 December 2016 until 15 December 2016, and then we re-open on 4 January 2017 - 20 January 2017. The receiving centre will be CLOSED 16 December to 3 January and closed again on January 6. Applications will be received from 09:00 – 15:00. For those applying through our partner organisations, you must submit your application by 27 January.
9. The Scalabrini Centre will issue you a receipt when we have received all of your documents. This receipt will contain a case number. **DO NOT LOSE this receipt or there is no way to prove that you made an application.** Make a copy of the receipt and keep it in a safe place.
10. If you submitted only a receipt of application for your SAPS Police Clearance Certificate, you MUST return with the original and two copies of the Police Clearance Certificate as soon as you receive it. If you are applying with one of the partner organisations and you receive your Police Clearance Certificate after your application has been submitted, you **must courier your original** and two copies of the Police Clearance Certificate to the Scalabrini Centre.

If you are applying as part of a family, all applications must be made together on the same day at the same time for these to be grouped together. This does not mean that the Minister will consider family applications, only that the applications will be submitted together to Home Affairs for consideration.

According to the Court Order and the agreement with the Department of Home Affairs and the South African Police Force, if you submit an application under this process and retain proof, you will still be able to work, study, access primary healthcare, register the births of your children, attend primary/secondary/tertiary studies, open and operate bank accounts (subject to normal bank rules) up to

Last updated: 2 December 2016

15 May 2017. Holders of expired ACP permits AND proof of submission of your application should not be arrested, detained or deported on the grounds of expired permits before 15 May 2017.

For those in Gauteng, please see the first page of these guidelines for partner organisations where you can submit your applications.

Receiving a response

1. As mentioned, the Minister of Home Affairs has agreed to respond in writing to each application by the 15 May 2017.
2. We will contact you when we receive a decision from the Minister of Home Affairs.

All applicants must be prepared to receive a rejection or refusal to grant permanent residence.

Note from the Director

I would like to offer some background information about this process.

By March 2015, many ACP permit holders had attempted to renew their permits through VSF but most were unable to lodge their application because they could not gather the required supporting documents, and VSF will not accept incomplete applications. Faced with such an insurmountable barrier to gain access to Immigration processes, most ACP permits expired. These Angolans approached Scalabrini on how to confront the many blockages they encountered. The blockages stem from the Immigration Act, which sets high requirements for those wishing to obtain work permits in South Africa. Most (if not all) ACP permit holders were unable to renew their permits under the strict requirements of the Immigration Act

The Scalabrini Centre felt that the best attempt for this category of person (former Angolan Refugee on an ACP permit) to regularize their stay in South Africa was through an exemption application to the Minister. We received instruction from 82 ACP permit holders to submit this application to Department Home Affairs. We were aware of the fact that there are many more than 82 people with ACP permits and our application requested that the minister consider exemption for this entire category of people – every ACP permit holder. These Angolans are deeply integrated into South African society and have been living and working in South Africa for more than 15 years. When offered assisted repatriation from the UNHCR during the Cessation Process, only 36 former Angolan refugees chose to return to their homeland. For these reasons the Scalabrini Centre submitted an exemption application directly to Minister Gigaba on behalf of the 82 ACP clients and all ACP permit holders. To date the Minister has failed to make a determination on this application, and it is that failure that resulted in court action, and the settlement Court Order of 17 November 2016 which opens a pathway for ACP permit holders to legalize their stay in South Africa.

Last updated: 2 December 2016

While I need to stress the importance of making use of the opportunity to make application for Permanent Residency, I need to also emphasize that the outcome of each application depends on the Minister and this could result in either a positive or negative decision. If an individual receives a negative decision, the Court Order will no longer offer legal protection against arrest, detention or deportation, and each ACP permit holder refused permanent residency will immediately become 'undocumented'. We emphasize this aspect of the process as it will have serious consequences and we therefore urge everyone to carefully read these guidelines to make their applications as strong as possible.

Best

Miranda Madikane

Annex 1: Guide to Writing a Support Letter for Your Own Application

Guide: Support Letter

One of the documents needed to complete the exemption application is a letter, written by yourself, explaining why you are part of this application.

You can address this letter to the Minister of Home Affairs.

This letter can be simple.

It is your letter, to explain reasons why you want to remain in South Africa and why you cannot apply for a new work/business/study permit. You can write what you feel is important.

This letter must be your own. Feel free to express your opinions on this issue. You must write what you want.

The information here is only a guide

Today's Date

Your name

Your address

Att: Honourable Minister of Home Affairs

- Ideas for your letter:
- When did you come to South Africa, and why?
- Explain your links to South Africa. How have you integrated in South Africa? Through your children, job, family? For example you could write about
 - Your wife/husband
 - Your children – whether they feel integrated in SA
 - Other family in SA
 - Cultural, religious or community links – active in a church, sports, or in a social group; knowledge of South African languages.
 - If you have a property, a home
 - The work or job you have in SA
- Explain your refugee status being taken away / two-year permit – how do you feel about this?
- Did you try to extend at VFS?
- Have you had difficulties to apply for another permit? If so, explain.
- Why is it difficult for you to apply for a new permit?
- How do you feel about returning to Angola? If you wish to remain in South Africa, why?
- And, of course, anything else you want to write.
- Yours sincerely,

Signature

Signature and your Name

EXAMPLE ONLY

Make sure your version of Form 47 has this case number on it.

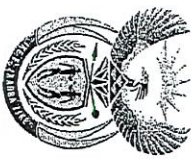
WCHC Case# 5628/16

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STAATSKOERANT, 22 MEI 2014

No. 37679 257

DHA - Form 47



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

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

Please see the "Guidelines" on the Scalabrini Centre website for more complete information on how to fill in this Form 47.

Reference Number:.....

PERSONAL DETAILS OF APPLICANT

Name, Surname & first names that appear on your Angolan Passport.
If your status or anything else states a different surname or middle name, you should state those names in 1.5 & explain in your Support Letter the changes.
If you have an expired Angolan passport or lost your passport, you MUST go to the Angolan Embassy/Consulate to apply for a new passport. Attach a copy of your receipt from the Consulate to your application.

- 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: _____
If single, leave this blank. Date of marriage to and, if applicable, death of spouse
- 1.12 Present Residential Address: _____
- 1.13 Postal Address: _____
- 1.14 Tel. No: Home: _____ Work: _____

WESTERN CAPE HIGH COURT
CIVIL APPEALS
2016-11-17
CAPE TOWN/KAAPSTAD
WES-KAAP HOË HOF

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EXAMPLE ONLY

WCHC case # 5628/16

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258 No. 37679

GOVERNMENT GAZETTE, 22 MAY 2014

Cell: _____ E-mail Address: _____

1.15 Occupation: **What is your current job?**

1.16 Type of temporary permit held (if applicable): **Angolan Cessation Permit, work, study, dependent or business**

1.17 Valid until: _____ Issuing office: **See ACP Permit**

1.18 Date and place where you entered the RSA: _____

DETAILS OF APPLICANTS SPOUSE (if applicable):

Enter the details of your spouse here. Customary marriage, civil marriage, religious marriage. Attach marriage certificate or any other documentation to prove your marriage. Also attach your spouse's ID/Passport/status.

Title: _____ Surname: _____
Maiden name: _____ First names: _____
Place of birth: _____ Country: _____
Nationality at birth: _____
Date of Birth: _____ Passport Number: _____

3. DETAILS OF CHILDREN ACCOMPANYING YOU:

Include the details of ALL of your children and children that are under your care that are in South Africa, even if they do not live with you. Include your grown children.

For "Relationship" write son, daughter, or step-child.

Attach birth certificate, passport, hospital/clinic card or any other documents for every child in this list.

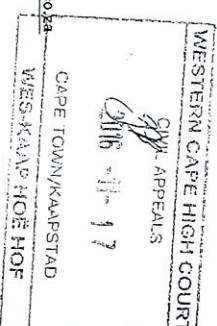
Children who have their own ACP Permit must also submit a Form 47.

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

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

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

List all of the jobs you have ever had in South Africa, including self-employment. Ask current or past bosses to write a letter of support to say something good about you. Attach any old or current employment contracts or other supporting documents to demonstrate your employment.



EXAMPLE ONLY

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5. DETAILS REGARDING APPLICANT AND (if applicable) SPOUSE AND CHILDREN: ²

Answer HONESTLY to all of these questions. If you say "yes" to any of these questions, you MUST explain the circumstances in the support letter you write for yourself.

- 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? _____

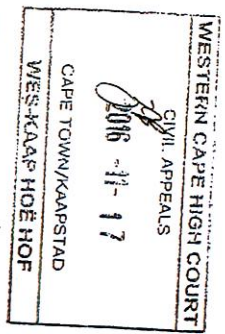
If you replied to any of the questions above in the affirmative, please furnish full details.

6. REASONS FOR EXEMPTION REQUEST

Write: See documentation attached

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.



EX AMPLÉ ONLY

WCHC Case # 5628/16 C4

Do not forget to sign!

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): _____ Designation: _____
Persal No: _____

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.

REMEMBER: You are trying to demonstrate to the Minister why you have a special circumstance - the more evidence you provide of your economic, social and cultural ties to South Africa, the better.

You must attach a letter that says why you think you should stay in South Africa & why you want to be here.

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EXAMPLE ONLY

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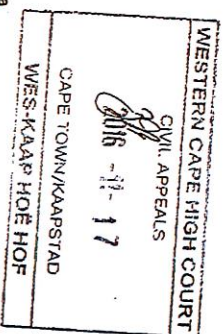
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REQUIRED: Certified copy of your Passport (photo page) & certified copy of ACP permit.

The other documents on this list are not required, but everything you can attach that shows you have strong ties to South Africa will make your application stronger.

- (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



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