



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
**MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF**  
**APPEAL**

**From:** The Registrar, Supreme Court of Appeal

**Date:** 6 June 2025

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Minister of Home Affairs and Another v Vindiren Magadzire and Another* (245/2024) [2025]  
ZASCA 81 (6 June 2025)

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Today, the Supreme Court of Appeal (SCA) dismissed an appeal by the Minister of Home Affairs and the Director-General of the Department of Home Affairs (the appellants) against an interim interdict (Part A relief) granted by the Gauteng Division of the High Court, Johannesburg (the high court), in favour of Mr Vindiren Magadzire and the Zimbabwe Immigration Federation NPC (the respondents).

The background to the case lies in the Minister's decision, announced in November 2021, not to extend the Zimbabwe Exemption Permit (ZEP) regime, which had since 2009 allowed some 180 000 undocumented Zimbabwean nationals to lawfully remain in South Africa. Following the Cabinet's announcement, Immigration Directive No 1 of 2021 extended the validity of ZEPs for 12 months, allowing permit holders to apply for alternative visas.

The respondents brought a two-part application: Part B sought to review and set aside the decision not to renew the ZEP regime; Part A, the subject of this appeal, sought interim relief to prevent arrest, deportation, and other adverse consequences to ZEP holders pending the final determination of Part B.

In the high court, the Minister opposed the application and limited his answering affidavit to the Part A relief. The high court granted Part A. On the same day, the same court granted final relief in another matter – *Helen Suzman Foundation v Minister of Home Affairs (Helen Suzman)* – setting aside the same decision under review and directing the Minister to reconsider it, following a fair process.

Before the SCA, the Minister contended that the Part A relief had become redundant because the final order in *Helen Suzman* effectively granted the same substantive relief sought in the Federation's Part B application. He invoked doctrines of mootness, *res judicata*, and issue estoppel. The SCA rejected these arguments.

The Court found that, although the interim interdict did not meet the strict *Zweni* test for appealability of an interim order, it was appealable because it raised a novel and important legal issue, namely whether such interim relief could stand where overlapping final relief had already been granted in another matter. In the interests of justice, the SCA entertained the appeal but ultimately upheld the high court's decision.

The Court did not find *res judicata*, mootness or issue estoppel to be of application.

The Court cautioned however that the court below should have given consideration to the question as to the consequences of granting final relief in *Helen Suzman* case and an interim order in the case under appeal when both cases challenged the same decision of the Minister. This the court below had failed to do.

The Court held that although the Federation's original relief overlapped with the *Helen Suzman* case, the Federation's amended Part B notice of motion introduced new, distinctive grounds, including constitutional and ultra vires claims, and prayed for declaratory relief that the Minister lacked the power to terminate the ZEP regime. These issues were not determined in *Helen Suzman*. Accordingly, the Part A order was not redundant.

In the result, the appeal was dismissed with costs, including the costs of two counsel.

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