

DEPARTMENT OF HOME AFFAIRS

NO. 644

29 JUNE 2018

REFUGEES ACT, 1998 (ACT NO. 130 OF 1998)

PUBLICATION OF THE DRAFT REFUGEES REGULATIONS, 2018 AND DRAFT RULES
OF THE STANDING COMMITTEE

The Department of Home Affairs ("DHA") invites public comments on the draft Refugees Regulations, 2018 and the draft Rules of the Standing Committee for Refugee Affairs.

Written submissions should reach the DHA **on or before 17 July 2018**. Submissions should be addressed to the Chief Director: Legal Services and may be forwarded to the DHA in any of the following manners:

- (a) delivered by hand to the Department of Home Affairs, 230 Johannes Ramokhoase (Proes) Street, Hallmark Building (c/o J Ramokhoase and Thabo Sehume Street), Pretoria, 0001, for **attention** Adv Tsietsi Sebelemetja;
- (b) mailed to the DHA at Private Bag X114, Pretoria, 0001;
- (c) faxed to 0865 144 267; or
- (d) e-mailed to Tsietsi.Sebelemetja@dha.gov.za and Moses.Malakate@dha.gov.za

Any enquiries should be directed to **Adv Tsietsi Sebelemetja** at **(012) 406 4271 / 4023** or **Adv Moses Malakate** at **(012) 406 4273**.

GOVERNMENT NOTICE
DEPARTMENT OF HOME AFFAIRS

No. R. _____

2018

REFUGEES ACT, 1998
REFUGEES REGULATIONS

The Minister of Home Affairs intends, under sections 1, 5, 8, 9A, 9C, 20A, 21, 21A, 21B, 22, 24, 24A, 24B, 27, 28, 27A, 30, 34, 36 and 38 of the Refugees Act, 1998 (Act No. 130 of 1998), to make the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and unless the context otherwise indicates—

“**abandoned application**” means an application for asylum in which an applicant fails to present himself or herself at the Refugee Reception Office where his or her visa was issued within a period of 30 calendar days from the date of expiry of his or her visa;

“**determination hearing**” in relation to regulation 12, means one or more informal, non-adversarial interview with a Refugee Status Determination Officer, intended to establish the basis of the asylum seeker’s claim for refugee status;

“**appeal hearing**” means a hearing by the Refugee Appeals Authority in accordance with section 8C(2) of the Act, either based on oral evidence following an inquisitorial process, or determined on the papers comprising the application for appeal, or both;

“**appellant**” means a person who, within the stipulated period referred to in regulation 14(1)(a), lodges an appeal to the Refugee Appeals Authority in terms of section 24B(1), based on the outcome of the determination hearing;

“**foreign country**” means a country other than the Republic;

“**foreigner**” means any person who is not a citizen of the Republic;

“**health establishment**” means the health establishment contemplated in section 5 of the Mental Health Care Act, 2002 (Act No. 17 of 2002);

“**Identification Act**” means the Identification Act, 1997 (Act No. 68 of 1997);

“**Immigration Act**” means the Immigration Act, 2002 (Act No. 13 of 2002);

“**permanent resident**” means a refugee who is the holder of a permanent residence permit issued in terms of section 27(d) of the Immigration Act;

“**person with mental disability**” means a person who suffers from mental illness as defined in the Mental Health Care Act, 2002 (Act No. 17 of 2002);

“**South African Passport and Travel Documents Act**” means the South African Passport and Travel Documents Act, 1994 (Act No. 4 of 1994); and

“**the Act**” means the Refugees Act, 1998 (Act No. 130 of 1998).

Verification of marriage

2.(1) For purposes of determining the authenticity of the existence of a marriage declared at the time of making an application for asylum or concluded while in the Republic after submission of an application for asylum, the Refugee Status Determination Officer or any other authorised official of the Department must, amongst others—

- (a) authenticate the marriage certificate; and
- (b) conduct an interview with both the parties to the marriage separately on the same date to ascertain the existence of a marital relationship.

(2) Where a marriage was concluded outside of the Republic and the applicant cannot produce a marriage certificate as proof thereof, a Refugee Status Determination Officer may accept an affidavit as proof of marriage, and must subject such applicant to the interview contemplated in subregulation (1)(b).

(3) Any person, declared as a spouse by the applicant in his or her application for asylum, who at a later date claims asylum on the basis of marriage or claims to be a dependant on the basis of marriage, must submit proof of the existence of the marriage.

(4) A Refugee Status Determination Officer may require any person who has furnished any particulars in terms of the Act to furnish him or her with proof of the correctness of such particulars.

Permanent homosexual or heterosexual relationship

3.(1) The existence of a permanent homosexual or heterosexual relationship contemplated in paragraph (b) of the definition of “spouse” in section 1 of the Act must be proved, to the satisfaction of the Director-General, by a party to that relationship in the manner set out in subregulation (2).

(2) In the absence of an official marriage certificate, a party to a permanent homosexual or heterosexual relationship must—

- (a) submit a notarial agreement signed by both parties attesting that—
 - (i) a permanent homosexual or heterosexual relationship has existed prior to the application for asylum in terms of section 22 of the Act or being granted refugee status

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- in terms of section 24 of the Act and still exists to the exclusion of any other person to the relationship; and
- (ii) neither of the parties is a spouse to an existing marriage or permanent homosexual or heterosexual relationship with any other person;
- (b) in the case where such a party was a spouse in a previous marriage, submit official documents that proves the dissolution of such previous marriage, either by divorce from or the death of, the other spouse; and
- (c) submit documentary evidence to prove—
- (i) that cohabitation has been in existence for a period of not less than two years prior to the application for asylum; and
 - (ii) the extent to which the financial and other related responsibilities are shared by the parties.
- (3) Both partners to a homosexual or heterosexual relationship must be interviewed separately, on the same date, to determine the authenticity of the permanence of their relationship, and the outcome of such interviews shall be regarded as final.
- (4) Both parties to a homosexual or heterosexual relationship contemplated in subregulations (1) and (2) who have been issued with an asylum seeker visa or granted refugee status in terms of the Act must, at the renewal of his or her asylum seeker visa or refugee status, as the case may be, inform the Refugee Status Determination Officer whether or not the good faith relationship still exists by submitting to the Refugee Status Determination Officer an affidavit on a form substantially corresponding to Form 1 (DHA-XXX) contained in the Annexure.
- (5) Both partners to a homosexual or heterosexual relationship must inform the Refugee Status Determination Officer when the relationship ceases to exist after having been issued with an asylum seeker visa or granted refugee status in terms of the Act.
- (6) The Director-General or Standing Committee, as the case may be, may, upon the Refugee Status Determination Officer having been informed as contemplated in subregulation (5), withdraw any visa issued or refugee status granted on the basis of the existence of a permanent homosexual or heterosexual relationship, and require any affected party to either apply or re-apply for refugee status or leave the Republic within seven working days following such withdrawal, failing which such person shall be dealt with in terms of the provisions of the Immigration Act.

Cessation of refugee status

4.(1) The circumstances contemplated in section 5(1)(a) of the Act in terms of which a person may be deemed to have re-availed himself or herself of the protection of the country of his or her nationality shall, amongst others, relate to where such person, after having submitted an application for or being granted asylum—

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- (a) seeks consular services at any diplomatic mission representing his or her country of nationality;
 - (b) applies for any assistance or official document, such as a travel document or citizenship related document, at any diplomatic mission representing his or her country of nationality whether in the Republic or any other country;
 - (c) avails himself or herself of any assistance of any State official or State institution associated with or in his or her country of nationality;
 - (d) voluntarily presents himself or herself on the premises of any diplomatic mission representing his or her country of nationality in the Republic or in any other territory;
 - (e) uses any official document previously issued by his or her country of nationality;
 - (f) applies for or receives citizenship or any benefits afforded to citizens of his or her country of nationality;
 - (g) participates in the political life or stands for political office or votes in any election of his or her country of nationality;
 - (h) travels through a port of entry or irregularly enters his or her country of nationality or takes measures or prepares to do so;
 - (i) assists to further the political aims of his or her country of nationality or any political party or interest of a person in his or her country of nationality; or
 - (j) departs from the Republic without the consent of the Minister.
- (2) Any existing political structure, at the commencement of the Refugees Amendment Act, 2017 (Act No. 11 of 2017), must apply to the Minister for approval of such structure's campaigns in the Republic, within a period of three calendar months from the date of commencement, failing which any member of such structure will have his or her asylum seeker visa or refugee status withdrawn.
- (3) The Director-General must issue a notice of intention to deport a person who ceases to qualify for refugee status in terms of section 5 of the Act, to the UNHCR which may resettle such person within 14 calendar days of receipt of the notice, failing which the Director-General must deport such person.

Cessation of refugee status in terms of section 5(1)(h)

5.(1) Following a resolution by Cabinet to cease recognition of a refugee or categories of refugees, the Minister shall issue an order in terms of section 5(1)(h) of the Act to the Standing Committee, after which the Standing Committee shall cause a notice to be published in the *Gazette* calling on the concerned refugees to make representations as to why such refugees should not be removed from the Republic within the period indicated in the said notice.

(2) Upon receipt of any representations mentioned in subregulation (1), the Standing Committee may waive the withdrawal of the refugee status based on humanitarian grounds related to such refugee—

- (a) being an orphan, has no relative or extended family in his or her country of origin; or

(b) is receiving life-saving medical treatment in the Republic which is unavailable in the relevant country of origin.

(3) If a refugee fails to make representations within the period mentioned in subregulation (1), his or her refugee status shall automatically lapse and he or she will be regarded as an illegal foreigner and be dealt with in terms of the provisions of the Immigration Act.

Standing Committee for Refugee Affairs

6.(1) The Standing Committee may determine its own procedure and make its own rules which may not be in conflict with the provisions of the Act.

(2) Rules made under subregulation (1) must be published in the *Gazette*.

(3) The Standing Committee must determine—

(a) the period and conditions contemplated in section 9C(1)(b) of the Act in terms of which an asylum seeker may work or study in the Republic; and

(b) the sectors within which an asylum seeker is not permitted to work or study in the Republic, whilst awaiting the outcome of his or her application for asylum and in addition publish general rules pertaining to these matters in the form of Notices in the *Gazette*

Integrity measures

7.(1) All members and administrative staff of the Standing Committee, Refugee Appeals Authority and all members of staff at any Refugee Reception Office, including persons who are not members of staff, but who perform any function in such Office, must—

(a) at the request of the Director-General, submit himself or herself to—

(i) any interview relating to instilling or establishing integrity; or

(ii) an interview arising from a reasonable suspicion of undue gratification;

(b) complete any disclosure form required, which disclosure shall be updated from time to time; and

(c) from time to time, as determined by the Director-General, submit to a polygraph test.

(2) When gathering information contemplated in section 20A(2)(a) of the Act in order to establish the honesty or deception of a member as contemplated in section 20A(1) of the Act, a member will be required to disclose, to a duly authorised person, information regarding his or her—

(a) interview with, conduct towards association or consultation with any person during the course of his or her tenure with the Department;

(b) assets, liabilities, gifts, donations or any other benefits received or derived during such tenure;

- (c) involvement with or implication in any criminal act, matter or investigation or criminal judgment; and
 - (d) involvement with any civil judgment or being the subject of such judgment.
- (3) Any information on personal finances, gifts or health records and history related to members of staff, and their family in relation to terminal health, at any Refugee Reception Office or members of the Standing Committee and Refugee Appeals Authority, shall be held at secured premises and may only be accessed by authorised members of the Department, police officers investigating any crime or any authorised law enforcement officer.
- (4) The Director-General must—
- (a) take the necessary steps to ensure that any information gathered in accordance with this regulation, including the information contemplated in section 20A(2) of the Act, is stored in such a secure manner as would preclude access to such information by a person or authority other than those referred to in section 20A(3)(b) of the Act, read with subregulation (3); and
 - (b) keep, maintain and safeguard the information obtained in accordance with this regulation.
- (5) The records contemplated in this regulation, read with section 20A of the Act, shall be stored for the duration of employment of any concerned member of staff at any Refugee Reception Office or members of the Standing Committee and Refugee Appeals Authority and shall be archived within 5 years of the member leaving the employ of the Refugee Reception Office, Standing Committee or Refugee Appeals Authority.
- (6) Any member of staff at any Refugee Reception Office or members of the Standing Committee and Refugee Appeals Authority whose records are kept as contemplated in this regulation, shall be entitled to copies of such records so held, except where such records are required during civil or criminal proceedings in which case the rules of discovery shall apply.

Application for asylum

8.(1) An application for asylum in terms of section 21 of the Act must—

- (a) be made in person by the applicant, on a date determined by the officer designated to receive asylum seekers as contemplated in section 21(1)(a) of the Act or upon reporting to a Refugee Reception Office;
- (b) be made in a form substantially corresponding with Form 2 (DHA-1590) contained in the Annexure;
- (c) be submitted together with—
 - (i) proof of declaration of the intention to apply for asylum in the form of a valid asylum transit visa issued at a port of entry in terms of section 23 of the Immigration Act, unless the applicant holds permanent residency or is a national or citizen of a

country neighbouring the Republic and he or she, without delay, shows good cause for his or her illegal entry into and presence in the Republic, as contemplated in Article 31(1) of the 1951 United Nations Convention Relating to the Status of Refugees;

- (ii) proof of any form of a valid identification document: Provided that if the applicant does not have proof of a valid identification document, a declaration of identity must be made in writing before an immigration officer; and
- (iii) the biometrics of all asylum seekers, including their dependants and spouses, which biometrics must be taken by an officer of the Department.

(2) An applicant must indicate his or her language of proficiency on Form DHA-1590, which language will be presumed to be the language which the applicant understands.

(3) All information contained on Form DHA-1590 or any documentation submitted together with, or in support of, the application for asylum, is deemed to be binding on the applicant and may not be amended.

(4) A Refugee Status Determination Officer may require any person who made an assertion in his or her application for asylum, to furnish him or her with proof of the correctness of the assertion so made in the application.

(5) Whenever it appears to the Director-General or Standing Committee, as the case may be, that an asylum seeker visa or refugee status was acquired through error, misrepresentation or fraud, the Director-General or Standing Committee shall forthwith withdraw that visa or status and, where applicable, the Director-General shall cause criminal charges to be laid against all parties implicated in the misrepresentation or fraud.

(6) No asylum seeker or refugee may participate in any political activity or campaign in furtherance of any political party or interests in his or her country of origin whilst in the Republic.

Abandoned application

9.(1) The endorsement by the Standing Committee of an application as an abandoned application as contemplated in section 22(12) of the Act must be made on Form 3 (DHA-??) contained in the Annexure.

(2) A Refugee Status Determination Officer must, following an endorsement by the Standing Committee as contemplated in subregulation (1), prepare and forward a recommendation on a Form substantially corresponding Form 3 (DHA-??) contained in the Annexure to an immigration officer to deal with the concerned asylum seeker as contemplated in section 22(13) of the Act.

(3) Any asylum seeker who is found to have abandoned his or her application, shall be dealt with by an immigration officer in terms of the provisions of the Immigration Act.

Spouses and dependants of refugees

10.(1) The dependant of an asylum seeker contemplated in section 21B(3A) of the Act, who wishes to continue to remain within the Republic, must apply to the Refugee Status Determination Officer, on a Form substantially corresponding to Form 4 (DHA-XXX), contained in the Annexure, to be recognised as a refugee in his or her own right: Provided that in the event such dependant is not granted refugee status, he or she shall be dealt with in terms of the provisions of the Immigration Act.

(2) The dependant of a recognised refugee contemplated in section 21B(3) or (4) of the Act, who wishes to continue to remain within the Republic, must apply to the Refugee Status Determination Officer, in a Form substantially corresponding to Form 4 (DHA-XXX) contained in the Annexure, to be recognised as a refugee in his or her own right: Provided that in the event such dependant is not granted refugee status he or she shall be dealt with in terms of the provisions of the Immigration Act.

Asylum seeker visa

11. (1) A visa issued in terms of section 22 of the Act must be issued—

- (a) to an asylum seeker individually, including his or her spouse and dependants, in their respective names and surnames; and
- (b) contain the vital information of the holder, pending the finalisation of the asylum application by the Refugee Status Determination Officer.

(2) A visa contemplated in subregulation (1) shall contain—

- (a) any conditions;
- (b) a requirement for the applicant to appear in person for each scheduled appointment; and
- (c) the consequences of failure to comply with any of the conditions of the visa or instructions issued by the Refugee Status Determination Officer or any other authorised official of the Refugee Reception Office.

(3) An asylum seeker must at all times be in possession of the original visa as proof of his or her legal status in the Republic should such proof be required.

(4) Prior to issuing any right to work to any asylum seeker, an assessment must be done on a Form substantially corresponding to parts A3 and B3 of Form DHA-1590 contained in the Annexure, in addition to the interview that must be conducted by the Refugee Status Determination Officer.

(5) The Director-General must before withdrawing an asylum seeker visa as contemplated in section 22(5) of the Act—

- (a) notify the asylum seeker in question, in writing, of his or her intention to withdraw such visa;
- (b) provide the asylum seeker with reasons, in writing, for such withdrawal; and
- (c) notify the asylum seeker of his or her right to make written representations to the Director-General, within seven working days of receipt of the notification contemplated in paragraph (a) as to why his or her asylum seeker visa must not be withdrawn.

(6) The Director-General must, after consideration of the representations referred to in subregulation 3(c), in writing, furnish the asylum seeker with the final decision regarding the withdrawal of the asylum seeker visa.

(7) Notwithstanding the provisions of subregulation (5), the Director-General must forthwith withdraw an asylum seeker visa following an order by the Minister contemplated in section 28(2) of the Act and further facilitate the removal of such asylum seeker as soon as possible.

(8) The letter of employment contemplated in section 22(9) of the Act shall be in a Form substantially corresponding to Form 5 (DHA-XXX) contained in the Annexure.

(9) The letter of enrolment at a School contemplated in section 22(9) of the Act shall be on a Form substantially corresponding to Form 6 (DHA-XXX) contained in the Annexure.

(10) Satisfactory reasons to the Standing Committee as contemplated in section 22(12) of the Act shall relate to—

- (a) institutionalisation;
- (b) entry into a Witness Protection Programme;
- (c) quarantine; and
- (d) arrest without bail,

and shall be supported by documentary evidence.

Determination hearing

12.(1) With the exception of cases decided under section 35(1) of the Act, the application for asylum submitted in accordance with Form 1590 by the applicant shall be brought before the Refugee Status Determination Officer to conduct an interview with the applicant for the determination of the claim for asylum.

(2) The applicant must, on the specified date and time, report to a Refugee Status Determination Officer where his or her application for asylum was lodged for the hearing of his or her application as contemplated in section 24(3) of the Act.

(3) The Refugee Status Determination Officer must, before the commencement of the adjudication hearing, inform the asylum seeker of—

- (a) the procedure to be followed in considering his or her application for asylum; and
- (b) his or her rights and responsibilities in respect of the application for asylum, as contemplated in section 27A of the Act.

(4) The proceedings of the determination hearing must be recorded.

(5) In determining the application for asylum, the Refugee Status Determination Officer may—

- (a) require further information, evidence or clarification from the asylum seeker; and
- (b) refer any question of law to the Standing Committee for advice prior to the finalisation of the determination of the application for asylum,

and must—

- (c) test the claim by ascertaining the veracity, plausibility and consistency of evidence or testimony provided by the asylum seeker; and
- (d) consider information or country conditions from reputable sources.

(6) The record of the determination hearing and a copy of reasons referred to in section 24(4)(a) of the Act must be submitted to the Standing Committee for review in terms of section 24A of the Act, within 10 working days of the date of rejection.

(7) Any extension of an asylum seeker visa, pending the outcome of a decision on an application, must be made at the Refugee Reception Office where the application was made: Provided that the Refugee Status Determination Officer has established the status of the application of the holder of such visa prior to extension thereof.

(8) The asylum seeker must report in person to the Refugee Reception Office where his or her application for asylum was made, to receive the decision, in writing, in respect of his or her application.

Review of applications

13.(1) The Standing Committee must, in terms of section 24A(4) of the Act, inform the Refugee Reception Office concerned of its decision contemplated in section 24A(3)(b) of the Act and record such decision on the relevant system used for the management of asylum seekers and refugees on a form substantially corresponding to Form 7 (DHA-1691) contained in the Annexure.

(2) The Refugee Reception Office must, upon receipt of the decision of the Standing Committee referred to in subregulation (1), notify the asylum seeker of the said decision as soon as possible.

Appeals to Refugee Appeals Authority

14.(1) An appeal in terms of section 24(3)(c) of the Act must be lodged—

- (a) in person by the asylum seeker, at the Refugee Reception Office where his or her application for asylum was made, within 10 working days of receipt of the letter of rejection from the Refugee Status Determination Officer, stating the grounds for the appeal; and
- (b) in a form substantially corresponding to Form 8 (RAA-01) contained in the Rules of the Refugee Appeals Authority.

(2) Failure to lodge an appeal as referred to in subregulation (1) shall result in the decision of the Refugee Status Determination Officer being considered as a final decision.

(3) An asylum seeker who fails to lodge an appeal within the period referred to in subregulation (1) due to—

- (a) institutionalisation;
- (b) entry into a Witness Protection Programme;
- (c) quarantine; or

(d) arrest without bail,

must, in person at the Refugee Reception Office where an application for asylum was made, make an application, supported by documentary evidence, for condonation in accordance with the Rules of the Refugee Appeals Authority.

(4) An asylum seeker who has failed to lodge an appeal must be referred to an immigration officer to be dealt with in terms of the provisions of the Immigration Act.

Formal recognition of refugee status

15.(1) A formal recognition document referred to in section 24 of the Act must be issued to the main applicant and, where applicable, to his or her spouse and dependants individually, in their respective names, on a form substantially corresponding to Form 9 (DHA-1693) contained in the Annexure.

(2) The document contemplated in subregulation (1) will be valid for an initial period of four years from the date on which refugee status is granted, unless the refugee status is withdrawn in terms of the Act within that said period.

(3) To avoid lapses between the date of expiry and any renewal of the identity document, an individual must apply to the Standing Committee for renewal of the document at least 90 days prior to the date of expiry of the refugee identity document.

(4) When a refugee applies for renewal of his or her refugee status, the Standing Committee must consider whether or not he or she will remain a refugee indefinitely in terms of section 27(c) of the Act, if such certification has not already been issued or is subject to a withdrawal of refugee status under section 36 of the Act.

Identity document

16. (1) Any person who is 16 years or older must, within 14 working days of being granted formal recognition of refugee status, apply for an identity card or document in a form substantially corresponding to Form 10 (DHA-1687) contained in the Annexure.

(2) An application for an identity card or document must be accompanied by—

(a) a certified copy of the applicant's formal recognition of refugee status referred to in regulation 15; and

(b) the biometrics that conform to the identity and passport specifications contemplated in the Identification Act and the South African Passport and Travel Documents Act.

(3) The identity card or document contemplated in subregulation (1) must be endorsed with a validity date corresponding to the date on the document referred to in section 24 of the Act.

(4) An application for the re-issue of a lost, stolen or damaged identity card or document must, in addition to the document and biometrics mentioned in subregulation (2), also be accompanied by payment of the fee prescribed in terms of the Identification Act.

Travel documents for refugees

17.(1) An application for a travel document must be made on a form substantially corresponding to Form 11 (DHA-1705) contained in the Annexure.

(2) An application contemplated in subregulation (1) must be accompanied by—

- (a) a certified copy of the applicant's formal recognition of refugee status, referred to in regulation 15, valid for a period not less than 180 days;
- (b) a certified copy of a valid identity card or document issued to a refugee in terms of section 30 of the Act; and
- (c) the biometrics of the applicant that conform to the identity and passport specification contemplated in the Identification Act and the South African Passport and Travel Documents Act.

(3) A travel document issued to a refugee in terms of section 31 of the Act in accordance with the International Civil Aviation Organisation standards, read with the UNHCR Guidelines on Travel Documents, may contain such endorsements and conditions considered necessary.

(4) An application for a travel document by a person who is under the age of 16 years, must be made with the assistance of the applicant's parents or legal guardian and be accompanied by—

- (a) a certified copy of the birth certificate of such person that also contains the details of his or her parents;
- (b) a certified copy of the formal recognition of refugee status of such person; and
- (c) the biometrics of such person that conform to the identity and passport specifications contemplated in the Identification Act and the South African Passport and Travel Documents Act.

(5) In the case of children in alternative care as defined in the Children's Act, 2005 (Act No. 38 of 2005), an application for a travel document must, in addition to the requirements contemplated in subregulation (2), be accompanied by a certified copy of the authorisation letter from the Provincial Head of the Department of Social Development where the child resides.

Surrender of documents

18. If, for any reason, any document issued to an asylum seeker or refugee in terms of sections 22, 24, 30 or 31 of the Act is withdrawn, such document must be surrendered to the Refugee Reception Office at which it was applied for or issued from or to the Director-General.

Detention and removal of refugees and asylum seekers relating to national security threat

19.(1) The Minister may issue an order contemplated in section 28(1) of the Act requiring the Director-General to immediately detain and remove from the Republic any asylum seeker or refugee named in such order.

(2) The Director-General must forthwith withdraw any asylum seeker visa issued or refugee status granted to any person named in the Minister's order, cause the order contemplated in subregulation (1) to be published in the *Gazette* on an urgent basis and submit a copy thereof to a representative of the UNHCR.

(3) Notwithstanding the provisions of subregulations (1) and (2), the UNHCR may within 12 hours of receipt of the notification contemplated in subregulation (2), inform the Director-General of its plan to resettle or remove such person to another country, within the agreed period which shall not exceed 48 hours: Provided that such person must be held in detention until his or her repatriation from the Republic.

(4) Any application for judicial review emanating from the order contemplated in subregulation (1), withdrawal of an asylum seeker visa or refugee status, detention or repatriation, may only be lodged by or on behalf of a person while he or she is outside the territory of the Republic.

Change of address and contact details

20.(1) The notice of change of address and contact details contemplated in section 34(1)(b) of the Act shall be made on a form substantially corresponding to Form 12 (DHA-XXX) contained in the Annexure and must be submitted to a Refugee Reception Office.

Withdrawal of refugee status

21.(1) Before refugee status may be withdrawn in terms of section 36(3) of the Act, the Standing Committee must provide written notice to the refugee indicating—

- (a) the intention of the Standing Committee to withdraw the status;
- (b) the reasons for the intended withdrawal; and
- (c) that he or she has the right to make written representations to the Standing Committee within 30 calendar days of the date of receipt of the notice.

(2) Upon receipt of representations from a refugee, the Standing Committee may—

- (a) uphold the refugee status; or
- (b) withdraw the refugee status and notify the Refugee Reception Office which must refer the matter to an immigration officer for purposes of detention and deportation of the refugee concerned in terms of the provisions of the Immigration Act.

(4) If a refugee fails to make representations within the period mentioned in subregulation (1)(c), his or her refugee status shall automatically lapse and he or she will be regarded as an illegal foreigner and subject to detention and deportation in terms of the provisions of the Immigration Act.

(5) A refugee whose status has been withdrawn shall be dealt with in terms of the provisions of the Immigration Act.

Repeal of laws

22. The Refugees Regulations (Forms and Procedure), 2000 published in Government Notice No. R. 366 of 6 April 2000, are hereby repealed.

Short title and commencement

23. These Regulations are called the Refugees Regulations, 2018 and comes into operation on XXX.

ANNEXURE

Form 1	Affidavit in respect of parties to permanent homosexual or heterosexual relationship	DHA—XXX
Form 2	Application for Asylum	DHA —1590
Form 3	Notification of abandoned application	DHA—XXX
Form 4	Application for termination of dependency	DHA—XXX
Form 5	Letter of employment	DHA—XXX
Form 6	Letter of enrolment at educational School	DHA—XXX
Form 7	Decision of the Standing Committee	DHA—1691
Form 8	Notice of appeal	RAA—01
Form 9	Formal recognition of refugee status	DHA—1693
Form 10	Application for refugee Identity Document	DHA —1687
Form 11	Application for document for travel purpose for refugee	DHA—1705
Form 12	Notice of change of address	DHA—XXX

Form 1 (DHA-XXX)

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT HOMOSEXUAL OR
HETEROSEXUAL RELATIONSHIP**

Refugees Act, 1998 (Act No. 130 of 1998)
[Section 1, Regulations 3(4)]

Particulars of Asylum Seeker / Refugee:

Surname:.....	Gender	Male		Female	
First name (s)					
Residential address:					
File Number:					
Visa Number: Nationality:					
Date of Birth:..... Age					
Date of first entry into Republic: Date of visa expiry:					

Particulars of applicant:

Surname:.....	Gender	Male		Female	
First name (s)					
Residential address:					
File Number:					
Visa Number: Nationality:					
Date of Birth:..... Age					
Date of first entry into Republic: Date of visa expiry:					

I, (first name(s) and surname) being an *unmarried / divorced / widowed person and (first name(s) and surname) being an *unmarried / divorced / widowed person do hereby *make oath and say/hereby solemnly affirm that we are parties to a *homosexual / heterosexual spousal relationship for the past years months which is intended to be permanent and to the exclusion of any other person from our relationship. Our relationship involves cohabitation and a reciprocal obligation to support one another emotionally and financially. Neither of us are party to a marriage or spousal relationship with any other person.

To substantiate our relationship we attach documentation proving cohabitation and the extent to which the related financial responsibilities are shared by us.

We are the parents of the following children:

Name of Child	Date of Birth	Age	Name of Mother of Child	Name of Father of Child

We agree to submit an affidavit confirming the existence of our relationship after two years from the date of issue of the visa or permit and undertake to inform the Director-General in writing as soon as our spousal relationship cease to exist

.....

Signature of Refugee / Asylum Seeker

.....

Signature of applicant

Commissioner of Oaths

First name(s):
 Surname:
 Capacity:
 Place:

OFFICE STAMP



Residential Address/es during the last five years	
Town / City	
Country	
Current Residential Address in RSA	
Province in RSA:	
Telephone No in RSA:	Code
Cell No in RSA:	
E-mail Address:	
Alternative Contact No in RSA:	
Surname of Contact Person:	
Name of Contact Person:	
Residential Address of Contact Person:	
Relationship to Applicant:	
E-mail Address:	

(Applicant is advised by RRO to inform the Department of any change of Address within ten (10) days of such change of address)

Signature of Applicant

A2. DETAILS OF IDENTITY AND TRAVEL DOCUMENTS

A2.1 IDENTITY DOCUMENT

Are you in possession of one or more identity document from your country of origin? Yes (Attach proof) No (Please tick in the appropriate box)
 If yes, please present your identity document to the Administration Officer for verification of your personal particulars

Details of identity document

Identity Document number:		Place of issue:	
Date of issue:	Y Y Y Y M M D D		
Issuing Authority:			
Date of expiry:	Y Y Y Y M M D D		

A2.2 PASSPORT / TRAVEL DOCUMENT

Are you in possession of a passport / travel document? Yes (Attach proof) No (Please tick in the appropriate box)
 If yes, please present your passport / travel document to the Administration Officer for verification of your personal particulars

Details of passport / travel document

Travel Document number:		Place of issue:	
Date of issue:	Y Y Y Y M M D D		
Issuing Authority:			
Date of expiry:	Y Y Y Y M M D D		

If you are not in possession of a passport or travel document, state why, and describe how you travelled to RSA without a passport: _____

A2.3 PREVIOUS VISITS TO RSA

Have you visited the Republic of South Africa previously? Yes No (Please tick in the appropriate box)

if yes, when and for how long? Date of first entry: Y Y Y Y M M D D for Months Years

Which permit did you use to enter the RSA?

What was the purpose of your stay?

Have you ever overstayed or been ordered to leave / deported? Yes No *(Please tick in the appropriate box)*

What were the reasons for overstaying or deportation?

If yes, why did you return to RSA?

A3. EDUCATION AND EMPLOYMENT DETAILS

A3.1 EDUCATION

Highest qualification obtained: No School Primary High School Gr 12 (matric/Std 10) Diploma Degree Other, specify

Specify qualification:

Proof of qualifications? Yes No *(Please tick in the appropriate box)*

If yes, please attach copy of certificate.

A3.2 EMPLOYMENT – Previous Occupation (Note: If self-employed, state name of business and registration number)

Profession (occupation):

Experience in profession: *(number of years)*

Previous employment:

Address of previous employer:

Contact number of previous employer:

Duration of employment: years from Y Y Y Y M M D D to Y Y Y Y M M D D

Reasons for leaving employment:

Attach testimonials / salary slips and any documentation proving previous employment (if available).

A3.2.1 CURRENT EMPLOYMENT IN RSA

Are you currently employed in RSA? Yes No *(Please tick in the appropriate box)*

If Yes, provide details

A3.3 SKILLS

Please indicate where applicable Computer skills Financial skills Engineering skills *(Please tick in the appropriate box)*
 Medical skills Technical skills Mathematical/Science skills
 Other skills Please specify

A4. CRIMINAL RECORDS

Were you ever arrested? Yes No *(Please tick in the appropriate box)*

If yes, please answer the following questions:

Where were you arrested?

Country Town/City

Why were you arrested? (provide details of charges and events leading up to appearance in court):

When were you arrested? [Y][Y][Y][Y] [M][M] [D][D]
Were you arrested individually or as part of a group?
Who arrested you?
Did you receive assistance from lawyers or organisations during or after your arrest? [] Yes [] No (Please tick in the appropriate box)
Please provide details of circumstances of your arrest, legal representation and/or outcome of court proceedings:

Do you have any previous criminal convictions [] Yes [] No (Please tick in the appropriate box)
If yes, specify the date: [Y][Y][Y][Y] [M][M] [D][D]
Nature of crime/offence committed:
Have you served a prison term or paid a fine or appealed your conviction? [] Yes [] No (Please tick in the appropriate box)
If yes, provide details:

A5. MILITARY SERVICE

Is military service compulsory in your country of origin (home country)? [] Yes [] No (Please tick in the appropriate box)
If yes, were you ever called up for duty? [] Yes [] No (Please tick in the appropriate box)
What was the duration of service? [] years from [Y][Y][Y][Y] [M][M] [D][D] to [Y][Y][Y][Y] [M][M] [D][D]
In what arm of the military did you serve?
Rank:

A5.1 Statutory Forces

Is military service compulsory in your country of origin (home country)? [] Yes [] No (Please tick in the appropriate box)
If yes, were you ever called up for duty? [] Yes [] No (Please tick in the appropriate box)
(Please attach proof if any)
If you were called up and did not serve, please state reasons:

A5.2 Non-statutory Forces

Were you a member of a non-statutory military organisation? [] Yes [] No (Please tick in the appropriate box)
Name of the Organisation:
Position occupied in the Organisation:

Purpose of the organisation:

Training received:

Countries in which you received training:

Military operations you were involved in:

Are you still a member of the organisation? Yes No. If no, when was your membership terminated? Y Y Y Y M M D D

Were you involved in any armed forces: Y /N Yes No. (Please tick in the appropriate box)

If Yes, provide details _____

A6. MEMBERSHIP – ORGANISATION (POLITICAL, RELIGIOUS, ETHNIC OR SOCIAL)

Are you / were you a member of any organisation in your country of origin (home country)? Yes No (Please tick in the appropriate box)

Name of the Organisation:

Purpose of the organisation: _____

Position occupied in the Organisation:

Main activity of the organisation: _____

Period of membership: months years

Are you still a member of the organisation? Yes No. If no, when was your membership terminated? Y Y Y Y M M D D

A7. ENTRY INTO THE REPUBLIC OF SOUTH AFRICA

Did you enter RSA through a Port of Entry? Yes No (Please tick in the appropriate box)

If no, how and where did you enter RSA? _____

State reasons why you did not use the Port of Entry: _____

State details of assistance obtained to enter the Republic: _____

Were you travelling alone? Yes No (Please tick in the appropriate box)

If no, provide name of person(s) you travelled with: _____

Where did you meet the person(s) you were travelling with?

How did you meet?: _____

Details of Family or Friends Travelling With You

How many people did you enter RSA with?

Surname	Forenames	Date of Birth	Relationship with you	Nationality	Contact maintained / Not upon entering RSA
1					
2					
3					
4					
5					

Which Port of Entry did you enter RSA through:

When did you enter RSA?:

Y Y Y Y M M D D

Mode of travel:

Air Land Sea

When did you leave your country of origin (home country)?

Y Y Y Y M M D D

(Please attach Section 23 visa issued to you at the Port of Entry in terms of the Immigration Act, 2002)

ROUTE TAKEN TO THE REPUBLIC

Indicate in detail how you travelled from your country into the Republic

List the countries transited en route to RSA and the duration of your stay:

Country	Port of Entry Used	Mode of transport	Travel Documents Used	Duration in Transit Country	Immigration Status in the transit country	Address in transit country
1						
2						
3						
4						
5						

State reason for entry and exit in each port of entry in other country state reason for entry and exit in each country en route to RSA without applying for asylum)

Country	
1	
2	
3	
4	
5	

A7.2 Asylum History

Did you apply for asylum in any of the above listed countries?

Yes No

(Please tick in the appropriate box)

If no, give reasons?

If yes, please provide details:

Was your application for asylum granted?

Yes No

(Please tick in the appropriate box)

When did you apply?

Y Y Y Y M M D D

Type of permit issued:

Permit Number

Status validity:

Y Y Y Y M M D D to Y Y Y Y M M D D

Please provide reasons for your departure from the country where you applied for asylum:

Did you notify the Refugee Commissioner or other relevant authorities of your intended departure?

Yes No

If no, state reason:

Are you recognised as a refugee by the UNHCR?

Yes No

(Please tick in the appropriate box)

If yes, specify date:

Y Y Y Y M M D D

and UNHCR Field office in RSA:

Are you registered with an Embassy, a Consulate or any other representative authority of your home country in the Republic?

Yes No

If yes, please state details including dates of your visit to such representative authority:

B1. PARTICULARS OF FAMILY (SPOUSE OR DEPENDANTS) IN RSA

B.1.1. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Status in RSA Asylum Seeker Refugee Permit Immigration Permit

Date of marriage Y Y Y Y M M D D (Please provide marriage certificate)

Type of marriage Civil Marriage Religious Marriage Customary/Indigenous

Occupation

Residential address

Code

Tel/Cell Number

B.1.2. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Status in RSA Asylum Seeker Refugee Permit Immigration Permit

Date of marriage Y Y Y Y M M D D

Type of marriage Civil Marriage Religious Marriage Customary/Indigenous

Occupation

Residential address

Code

Tel/Cell Number

B.1.3. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.1.4. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.1.5. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.1.6. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B2. PARTICULARS OF FAMILY (SPOUSE OR DEPENDANTS) OUTSIDE RSA

B.2.1. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.2.2. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.2.3. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.2.4. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.2.5. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

B.2.6. PARTICULARS OF SPOUSE OR DEPENDANT

Surname (Family)

Maiden name

First name

Middle name

Date of birth Y Y Y Y M M D D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

NOTE:

1. If space provided is not sufficient, attach additional information.
2. Failure to disclose or state dependants who are outside of RSA may lead to such dependant refused recognition in RSA based on your claim

Did you report the incident that occurred to you to the relevant authorities / police / local leader / your organisation or party? Yes No

If No, state reasons. _____

If Yes, what did the authorities / police / local leader / your organisation or party to whom you reported the matter do about your report? _____

Did you avail yourself of the availability of friends/family who could possibly offer you refuge in any of the countries en route to RSA _____

D. WILLINGNESS TO RETURN TO YOUR COUNTRY OF ORIGIN (HOME COUNTRY)

D.1. Do you wish to return to your country of origin (home country) in the future? Yes No

If no, please give reasons for your answer provided above and explain why you are unwilling to return to your country of origin.

D.2. Under which conditions would you agree to return to your country of origin or home country in the future / what needs to happen in your country of origin to enable you to return?

D.3. How do you intend to support yourself financially while in RSA?

E. DECLARATION BY APPLICANT

I, declare that the information provided in this form is to the best of my knowledge true, correct and binding and I was informed that:

- (a) all the information provided in this form is confidential;
- (b) all facts stated in this form will be used to reach a decision;
- (c) identity must be confirmed in other ways if proof of identification is not provided; and (d) false or incorrect information provided may lead to this application being unsuccessful.

	Applicant's thumb print if unable to sign
--	---

Signature of Applicant / Deponent

Place

Signed and sworn to me at on this day of 20..... the deponent having acknowledged that he or she knows that and understands the contents of this Affidavit, that the contents are true and correct, that he or she has no objection to take the prescribed oath / affirmation and the prescribed oath / affirmation is binding on his or her conscience.

Commissioner of oaths

F. DETAILS OF INTERPRETER

Surname:

Forenames:

Qualifications: Diploma Degree Other, specify: _____

Specify Qualification:

Telephone No:

 Cellphone No:

Institute:

Address of Institute:

E-mail Address:

G. FOR OFFICIAL USE ONLY

G.1. APPLICATION RECEIVED BY:

Surname:

Forenames in full:

Persal No:

Rank: _____

Refugee Reception Office: _____

Supporting Documents, please tick:

- Identity Document
- Marriage Certificate
- Child's unabridged birth certificate
- Section 23 Visa
- Passport / Travel Document
- Educational Qualifications
- Testimonials / Salary Slips
- No document submitted

I, declare that I have received and checked this Form and confirm that it is fully completed.

Signature of Officer

Date:

G.2. PRELIMINARY COMMENTS BY OFFICER

Date:

Y	Y	Y	Y
---	---	---	---

M	M
---	---

D	D
---	---

Signature of Officer

G.3. DECISION BY RSDO

The decision on application for asylum is as follows: Asylum Granted Manifestly unfounded Fraudulent
 Rejected as Abusive Unfounded

Reasons for decision (attach detailed reasons for decision):

Date:

Y	Y	Y	Y
---	---	---	---

M	M
---	---

D	D
---	---

Signature of RSDO

<div style="border: 1px dashed black; width: 150px; height: 100px; margin: 0 auto;"><p style="text-align: center; margin: 0;">STAMP</p></div>	Commissioner of Oaths
	Full Names _____ _____
	Business Address _____ _____ _____

Form 3 (DHA-XXX)

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
NOTIFICATION OF ABANDONED APPLICATION
Refugees Act, 1998 (Act No. 130 of 1998)
 [Section 22(12); Regulation 9(1)]

REFERRAL TO STANDING COMMITTEE

Office:	
File Ref. No.	
Details of Asylum Seeker	Name: _____ Surname: _____
Current status (stage of application)	
Date of last issue and expiry date of asylum seeker visa	Date of issue:
	Expiry date:
Date of referral to Standing Committee	
Reasons for considering the application as abandoned:	
Documentation referred to Standing Committee	<i>List all information submitted to Standing Committee:</i>

Signature: _____

Refugee Status Determination Officer

Name:

Date:

ENDORSEMENT BY STANDING COMMITTEE

<p>Representations by asylum seekers regarding inability to present himself or herself as required, if any</p>	
<p>Endorsement by the Standing Committee</p>	

Signature: _____

**Member: Standing Committee for
Refugee Affairs**

Date:

UPDATE ON NATIONAL IMMIGRATION IDENTIFICATION SYSTEM

<p>Date of receipt</p>	
<p>Date of update of endorsement on National Immigration Identification System</p>	
<p>Date of referral by Refugee Status Determination Officer to Immigration Officer</p>	

Signature: _____

Refugee Status Determination Officer

Name:

Date:

DEPORTATION BY IMMIGRATION OFFICER

Date of receipt	
Date of deportation	
Proof of deportation (attach)	

Signature: _____

Immigration Officer**Name:****Date:**

Form 4 (DHA-XXX)



**DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

APPLICATION FOR TERMINATION OF DEPENDENCY
Refugees Act, 1998 (Act No. 130 of 1998)
[Section 21B(3) and (4); Regulation 10(1) and (2)]

NOTE:

1. Any false statement or information provided on this form shall result in the application being rejected.
2. A person making a false claim with regard to any child may be charged under the provisions of the Children's Act, 2005 (Act No. 38 of 2005) or the Prevention and Combating of Trafficking in Persons Act, 2003 (Act No. 7 of 2003).
3. The applicant must provide proof, where possible.
4. Additional paper may be used, if the space provided in this Form is not sufficient.

A1. DETAILS OF PERSONS ON WHOM APPLICANT WAS DEPENDENT

Surname		Date of Birth	
Names		Age	
Asylum Seeker / Refugee Visa No.			
Nationality		Ethnic Group	
Place of Birth		Country of Birth	
Residential Address			
Cell No.			
Email address			

A2. DECLARATION OF TERMINATION OF DEPENDENCY

Relationship to person in part A1	Mother	Father	Spouse	Son	Daughter	Other (specify)

State the reason for termination of dependency (provide proof, where applicable):
Mark with X, whichever is applicable:

(a) Death of main applicant: _____ (*attach copy of death certificate*)

(b) Divorce from main applicant: _____

(c) Became a major: _____

(d) Other (*specify*): _____

I, _____, with asylum seeker visa number _____ or refugee number, declare that—

(a) I am desirous to apply for asylum in my own right; and

(b) the circumstances that applied to my spouse / parent to whom I was dependent on still applies; or

(c) other, specify _____

Date _____ Signature: _____

B1. DETAILS OF APPLICANT

Surname				
Names				
Date of Birth		Age		
Sex (<i>write in full</i>)				
Nationality		Previous nationality, if any		
Place of Birth		Country of Birth		
Ethnic Group				
Contact Details	Residential Address			
	Tel No.			
	Cell			
	Email			
Current Marital Status	Single	Married	Divorced	Widow/Widower
Name of current spouse of applicant				
Date of birth of current spouse		Age of current spouse		
Nationality of current spouse		Previous Nationality, if any		
Contact details of current spouse	Residential Address			
	Tel No.			
	Cell			
	Email			

B2. APPLICANT'S CURRENT DEPENDANTS

Name	Date of birth	Age	Relationship	Place of birth

B3. APPLICANT'S PARENTS DETAILS**B3.1 Mother's details**

Name of Mother		Date of birth	
Place of Birth		Age	
Contact Details	Residential address		
	Tel No.		
	Cell		
	Email		

B3.1 Father's details

Name of Mother		Date of birth	
Place of Birth		Age	
Contact Details	Residential address		
	Tel No.		
	Cell		
	Email		

B4. APPLICANT'S LANGUAGE PROFICIENCY

Language			Other languages	
Level of proficiency in English	Excellent			
	Good			
	Fair			

B5. IDENTIFICATION AND TRAVEL DOCUMENTS

Are you in possession of your Identification card from your country of origin?	Yes		<i>If yes, attach copy</i>
	No		
Are you in possession of passport / travel document?	Yes		<i>If yes, attach present to official</i>
	No		
Place of issue		Date of issue	
Issuing Authority		Date of expiry	
Do you have any visa issued prior to entry into RSA?	Yes		<i>If yes, indicate where was it applied for below</i>
	No		
Do you have a visa which is currently valid?	Yes		<i>If yes, indicate where was it applied for below</i>
	No		
Were any of the above documents destroyed / disposed of? If yes, provide reason			

C1. APPLICANT'S HISTORY OUTSIDE OF RSA**C1.1 Educational History**

Highest qualification obtained	No School	Primary	High School	Gr.12 (Matric)	Diploma	Degree	Other, specify
Specify qualification							
Proof of qualification	Yes		<i>If yes, attach certificate</i>				
	No						
Other skills, specify							

C1.2. Employment History

Profession (occupation)		
Experience in profession	<i>State number of years</i>	
Previous employment		
Contact details of previous employer	Work address	
	Tel No.	
	Cell	
	Email	
Duration of employment		
Reason for leaving employment		

C2. APPLICANT'S HISTORY IN RSA**C2.1 Educational History**

Highest qualification obtained	No School	Primary	High School	Gr.12 (Matric)	Diploma	Degree	Other, specify
Specify qualification							
Proof of qualification	Yes		<i>If yes, attach certificate</i>				
Other skills, specify							

C2.2. Employment History

Profession (occupation)			
Experience in profession	<i>State number of years</i>		
Previous employment			
Contact details of current employer	Work address		
	Tel No.		
	Cell		
	Email		
Duration of employment			

D. CRIMINAL RECORD

Do you have any criminal convictions?	Yes		No	
If yes, please state the following details:				
Nature of offence /crime				
Date committed				
Do you have any outstanding warrants issued against you?				
If yes. Please state the nature of crime / offence committed				

E. APPLICANT'S CLAIM

E1. Describe the reasons for seeking asylum in RSA.

E2. The applicant has been informed that(mark with an X)–

All information provided is confidential	
The claim of the principal applicant indicated in this Form, as well as the decision thereon will also apply to him or her in its entirety	
False or incorrect information may lead to prosecution or discredit the claim	

F. Declaration by the applicant

I,, have submitted to the fact that the above information is to the best of my knowledge true and correct.

Signature **Place** **Date**.....

G. Interpreter

Interpretation UCID Number: <i>(If none complete details below)</i>			
Name of Interpreter		Contact Number:	
Qualification:		Institute:	

H. For office use only

Preliminary comments:

Signature _____ **Date** _____

Name: _____ **Persal:** _____

Decision by Refugee Status Determination Officer:

(Attach detailed reasons)

Signature _____ **Date** _____

Name: _____ **Persal:** _____

Form 5 (DHA-XXX)

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

LETTER OF EMPLOYMENT
Refugees Act, 1998 (Act No. 130 of 1998)
[Section 22(9); Regulation 10(8)]

The Director-General
Department of Home Affairs
Private Bag X114
PRETORIA
0001

Dear Sir/Madam

LETTER OF OFFER OF EMPLOYMENT OF ASYLUM SEEKER: NAME AND SURNAME – EMPLOYMENT NUMBER

1. This serves to confirm to the Director-General, in accordance with section 22(9) of the Refugees Act, 1998, read together with regulation 10(8) of the Refugees Regulations, 2018, that (*insert name and surname of asylum seeker*) with asylum seeker visa number (copy of visa attached) has been offered employment / has been employed by (*name of employer*) as (*mention position title*) for a period of (*mention period*) months, which period is not longer than the validity of visa attached hereto.
2. The Employer (*mention name of employer*) undertakes to comply with the conditions of the visa issued to the asylum seeker and any directives that may be issued by the Director-General from time to time regarding the employment of asylum seekers in the relevant sectors.
3. The Employer undertakes to ensure that the employee is in possession of a valid work visa for the duration of his or her employment and will keep on record copies of the relevant visa issued to the employee at all times.

4. The Employer undertakes to produce copies of the valid work visa upon request by any authorized person.

Signature: Name: Designation: Date:	Enquiries: [<i>name and surname</i>]; Cell: Tel: Fax: E-mail: Our Ref (<i>Employee number</i>); Your Ref: (<i>asylum seeker visa number</i>) Address:
--	--

Form 6 (DHA-XXX)

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

LETTER OF ENROLMENT AT SCHOOL
Refugees Act, 1998 (Act No. 130 of 1998)
[Section 22(9); Regulation 10(9)]

The Director-General
Department of Home Affairs
Private Bag X114
PRETORIA
0001

Dear Sir/Madam

**LETTER OF ENROLMENT OF ASYLUM SEEKER AT SOUTH AFRICAN SCHOOL:
NAME AND SURNAME – STUDENT NUMBER**

1. This serves to confirm to the Director-General, in accordance with section 22(9) of the Refugees Act, 1998, read together with regulation 10(9) of the Refugees Regulations, 2018, that *(insert name and surname of asylum seeker)* with asylum seeker visa number *(copy of visa to be attached to this letter)* has been enrolled at *(name of school)* in *(indicate Grade)*.
2. I undertake on behalf of *(name of school)* in my capacity as *(indicate official title)* to ensure that the learner attends School while at all times in possession of a valid visa, and to retain copies of any or all visas that may from time to time be issued to the asylum seeker.
3. I, on behalf of *(name of school)*, confirm that the School has copies of the relevant Guidelines referred to in section ??? of the Refugees Act, 1998, read together with its Regulations, relating to conditions of study of an asylum seeker and undertake to comply with the conditions of the visa and any amendments made thereto from time to time.
4. I confirm that the School acknowledges that it shall not enroll any asylum seeker without a valid asylum seeker visa or beyond the validity date of the asylum seeker visa.

2

5. The School undertakes to produce copies of a valid visa upon request by an authorized person.

Signature: Name: Designation: Date:	Enquiries: [<i>name and surname</i>]; Cell: Tel: Fax: E-mail: Our Ref (<i>student number</i>); Your Ref: (<i>asylum seeker visa number</i>) Address:
--	---

Form 7 (DHA-1691)

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
DECISION OF THE STANDING COMMITTEE FOR REFUGEE AFFAIRS
Refugees Act, 1998 (Act No. 130 of 1998)
 [Section 24A(3)(b); Regulation 13(1)]

Office:			
File Ref. No.			
Details of Refugee Status Determination Officer	Name: Surname:		
Details of asylum Seeker	Name:		
	Surname:		
	Date of birth:		
	Nationality:		
	Country of origin:		
Documents considered:		Yes	No
	DHA-1590		
	RSDO Hearing Notes		
	RSDO decision		
	Notice to Asylum Seeker		
	Representations		
Summary of Asylum Seekers Claim			
Summary of RSDO Decision and Reasons for the Decision			
The case was decided by Refugee Status Determination Officer as:	Manifestly Unfounded		
	Abusive		
	Fraudulent		
Decision of the Standing Committee for Refugee Affairs	RSDO decision referred back		
	RSDO decision confirmed		
	RSDO set aside		
	RSDO decision substituted as follows:		
	For the reasons set out in the RSDO decision, and/or		
Other / additional reasons			

Signature: _____

**Member: Standing Committee for
Refugee Affairs**

Date:



FORM RAB (01)

IN THE REFUGEE APPEAL BOARD

FILE REF NO: _____

In the matter between:

Appellant

and

Respondent

NOTICE OF APPEAL

PLEASE TAKE NOTICE that _____ (the appellant) intends to appeal the decision of the Refugee Status Determination Officer (RSDO) rejecting his/her application for refugee status for an order in the following terms:

- 1.
- 2.
- 3.

TAKE NOTICE FURTHER that the affidavit of the appellant, annexed hereto, which sets out reasons for this appeal, will be used herein.

DATED at _____ this _____ day of _____ 20_____

APPELLANT

TO: THE REGISTRAR
REFUGEE APPEAL BOARD

AND

TO: RESPONDENT



APPEAL AGAINST A DECISION BY THE REFUGEE STATUS DETERMINATION OFFICER (RSDO)

File Ref No _____

(appellant)

and

(respondent)

AFFIDAVIT

I, the undersigned,

do hereby make oath and say:

1. Background

1.1 Date of birth: _____

1.2 Gender: _____

1.3 Nationality: _____

1.4 Marital status: _____

1.5 Tel/cell no: _____

1.6 Postal and Physical address (number and street, suburb, city and province) _____

1.7 Name, address and telephone number of appellant's representative (if any) _____

BI-1693

REPUBLIC OF SOUTH AFRICA
DEPARTMENT: HOME AFFAIRS



REPUBLIC OF SOUTH AFRICA

REFUGEES ACT, 1998 (ACT 130 OF 1998)



FORMAL RECOGNITION OF REFUGEE STATUS IN THE RSA

PARTICULARS OF RECOGNISED REFUGEE IN THE RSA

NAME AND SURNAME :
GENDER :
DATE OF BIRTH :
COUNTRY OF BIRTH :
NATIONALITY :
MARITAL STATUS :

It is hereby certified that the person whose particulars appear above has, in terms of section 24 (3) (a) of the Refugees Act 1998 (Act 130 of 1998), been recognised as a refugee in the Republic of South Africa (RSA) from [] to [] on condition that this formal recognition shall become null if he/she departs permanently from the Republic. The Refugee shall within 14 days of receipt hereof apply for a Refugee Identity Document in the RSA. The holder of this certificate is entitled to Socio-economic rights as provided for in Chapter 2 of the Constitution including work and study in RSA.

Pretoria

p.p. DIRECTOR-GENERAL
DATE
DEPARTMENT OF HOME AFFAIRS

ISSUING OFFICE

PLACE: DATE: PLACE: DATE:
CAPTURED BY PRINTED BY FINGER IMPRESSION
REFUGEE RECEPTION OFFICIAL
NAME:
APPOINTMENT/FORCE NO:
DATE:
PLACE:
ORIGINALLY ISSUED IN: NUMBER OF EXTENSIONS
RSDO SIGNATURE: PERMIT HOLDER SIGNATURE:



83/DHA-1707AC



REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS

DHA-1687

FIRST/RE-ISSUE APPLICATION FOR A REFUGEE IDENTITY DOCUMENT

THIS FORM MUST BE DULY COMPLETED. TWO RECENT PHOTOS TO BE SUBMITTED

NIIS Reference No.:

FOR OFFICIAL USE ONLY. PR FUNCTIONS. (Mark appropriate function)

Demographics not on NPR [Function 36] (106) Replacement [Function 049] First Application
 Demographics on NPR (Function 005) Second Application

Identity number

APPLICANT
Supporting document:

• Surname Maiden name
 • Forename(s)
 • Date of birth Country of birth
 • Gender Country of origin
 Contact number

FOR OFFICIAL USE

 • Status of Applicant verified
 Yes No

• Refugee file number

ADDRESS

• Permanent residential address • Postal address

• Postal code • Postal code

• Province code • Office code - -

Post receiving

OFFICE STAMP

MARITAL STATUS Never married Married (Type) In community Out of community Widower/Widow Divorced

NIIS Reference No.:

MARRIAGE PARTNER Identity number Date of birth

Passport No.

Forenames
 Maiden name
 Date of marriage Country where married

Remarks

.....

.....
 Signature of Applicant Date Approved

.....
 Signature of Official checking the form Persal No. Date

.....
 Signature of Verifying Official Persal No. Date

UHA-1b6/

LEFT SMALL

LEFT RING

LEFT MIDDLE

LEFT INDEX

LEFT THUMB



REFUGEE FIRST/ RE-ISSUE APPLICATION FOR AN IDENTITY CARD

DO NOT PHOTO COPY

Fingerprints may only be taken by an official of the Department of Home Affairs. PLEASE NOTE: Should a finger be missing, deformed or so injured that the impression cannot be taken, this fact should be noted in the space provided for that impression.

FOR OFFICIAL USE:

FINGERPRINTS TAKEN BY:
(PLEASE PRINT)

Persal No.

APPLICANT
(a) IDENTITY NUMBER:

Ref No.

RIGHT SMALL

RIGHT RING

RIGHT MIDDLE

RIGHT INDEX

RIGHT THUMB

• REGISTERING FINGERS

LEFT HAND – RIGHT HAND

NO. 1 NO. 2



08002600469

STAPLE
HERE

PLAIN PRINTS LEFT HAND

LEFT THUMB	RIGHT THUMB
------------	-------------

PLAIN PRINTS RIGHT HAND

STAPLE
HERE

G.P.-S. 017-9750

DHA-1705



**DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
UMNYANGO WEZANGAPHAKATHI
DEPARTMENT OF HOME AFFAIRS**

**FIRST/RE-ISSUE APPLICATION
FOR DOCUMENT FOR TRAVEL PURPOSE
FOR REFUGEE**

FOR OFFICIAL USE ONLY	
Date of Section 24 Issue
Date of Section 24 expiry
Lost Travel Document	<input type="checkbox"/> YES <input type="checkbox"/> NO
Officer's signature
Personal Number	<input type="text"/>

The document must be collected at the Refugee Reception Office.

A. PARTICULARS OF APPLICANT

Section 24 file number

Surname	<input type="text"/>		
Forenames in full	<input type="text"/>		
Maiden surname(s)	<input type="text"/>		
Marital status:	Unmarried <input type="checkbox"/>	Married <input type="checkbox"/>	Widower <input type="checkbox"/> Widow <input type="checkbox"/> Divorced <input type="checkbox"/>
Gender:	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
Date of birth	<input type="text"/>	Identity number	<input type="text"/>
Country of birth	<input type="text"/>		
Country of Origin	<input type="text"/>		
Postal address	<input type="text"/>	Home Tel. No. and code	<input type="text"/>
	<input type="text"/>	Work Tel. No. and code	<input type="text"/>
	<input type="text"/>	Cell No.	<input type="text"/>
	<input type="text"/>		<input type="text"/>

B. FOR OFFICIAL USE ONLY - CERTIFICATION OF PARTICULARS (PLEASE PRINT)

I, (Surname and forenames in full),
 designation (rank) hereby certify that-

(a) The applicant appeared before me and produced the following means of identity

(b) The accompanying photos are a true image of the applicant and have been endorsed by me as prescribed; and

(c) The thumbprint below has been taken by me and belongs to the applicant. (delete if not applicable—thumbprint required only if the applicant is 16 years and older)

Date Signed
 Officer of the Department of Home Affairs/Person Authorised by DHA

Address

SIGNATURE OF APPLICANT	PHOTO OF APPLICANT	LEFT THUMBPRINT OF THE APPLICANT/OR

INSTRUCTIONS AND INFORMATION

1. Important notes

- (a) South African travel facilities are granted in accordance with the South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994) and South African Passports and Travel Documents Regulations, 1996.
- (b) A Document for Travel Purposes may be issued to a person who has permanent residence status, but who cannot obtain a passport from his/her country of origin or is a stateless or refugee person lawfully residing in the country.
- (c) Husband, wife and children must complete separate application forms.
- (d) A Passport or Travel Document can only be issued to an applicant who is in possession of an identity number. Applicants must submit a certified copy of their identity documents along with their applicants for passports or travel documents. If not in possession of an identity document, an application must accompany the application for a passport or travel document.
- (e) A full set of fingerprints (or thumbprint, as the case may be) is required from all applicants 16 years and older. In addition to the applicant's left thumbprint on the front page hereof, a full set of fingerprints will be required if an applicant's fingerprints are not on the Home Affairs National Identification system yet.
- (f) A child will be issued with his/her own Travel Document. Please refer to paragraph C (page 2) regarding consent for a minor.
- (g) A recent photograph of the bearer of a child passport must be endorsed in the child passport if the photograph which currently appears in the child passport is no longer a true image of the bearer.
- (h) To ensure that the applicants receive their Travel Documents in time, they are advised to apply at least two months prior to their intended date of departure.
- (i) Applications must be lodged at Refugee Reception Officer of the Department of Home Affairs.

2. Prescribed fees

- (a) The fees for passports/travel documents are available on the Department of Home Affairs' website: www.home-affairs.gov.za or at any Home Affairs office/South African foreign office. Fees are revised annually (April).
- (b) Fees are payable in cash upon submission of the application at a Home Affairs office.
- (c) The fees for a passport/travel document lost, damaged,

or stolen are double the normal fee, provided that if the loss, damage or theft was not due to the negligence of the passport holder, only the normal fee will be payable.

- (d) Passports/Travel Documents lost or stolen in South Africa must be reported to the SAPS immediately, a case number obtained at the nearest Home Affairs office. If lost or stolen outside South Africa, it must be reported to the nearest South African foreign office.

3. Photographs

- (a) Two recent, clear, unmounted photographs of the applicant (showing head and shoulders) measuring 35mm x 45mm must accompany the application. The certifying officer shall endorse the initials and surname of the applicant in block letters on the reverse side of one of the photographs and shall affix the second photograph to the appropriate space on the application form.

4. Validity

Child passport/Travel Document: Validity of the refugee status

Document for Travel Purposes:

Not exceeding one year from date of issue, but not beyond the validity status of the refugee permit

5. Documents and information which may be required

All information in the application is subject to verification and, if no proof in support thereof has been submitted upon application, the refugee status permit or any other document may be requested in order to substantiate any statement made in the application.

6. Vaccination requirements for international travel purposes

Persons who intend travelling are advised to contact the Department of Health, Private Bag X828, Pretoria, 0001 [Tel: (012) 312 0000], or any of that Department's Domestic Offices, prior to travelling, to obtain full particulars regarding vaccination requirements.

7. Visa and other requirements

Travellers are advised to check with the countries they intend visiting/transiting their visa and other requirements and ensure that they comply.

DHA-1705

C. CERTIFICATE OF CONSENT BY BOTH PARENTS OR GUARDIAN FOR A MINOR

(a) I/We, the undersigned, consent to the issue of a Travel Document as applied for by my/our child (name of child)

(d) For purposes of passport a minor means any person who has not yet attained the age of 18 years, excluding a person under the said age who—

(i) has been declared a major under the age of Majority Act, 1972 (Act No. 57 of 1972)

(ii) has contracted a legal marriage; or

(iii) is legally emancipated.

Signature of father

ID No. _____

Signature of mother

ID No. _____

(b) In the case of competent authority:

Signature of competent authority

ID No. _____

(c) In the case of guardianship:

Signature of guardian

ID No. _____

(e) **Consent:** Subject to the exceptions below, minors require the written consent of both their parents or guardians, as the case may be, before they may be granted Travel Documents. The required written consent by the parents or guardians must be given in the prescribed manner in the space provided adjacent hereto.

(f) **Exceptions:** If one of the parents is deceased, this fact must be stated. Where the consent is given by a guardian, the circumstances of the guardianship must be stated. If as a result of special circumstances (i.e. the absence of a parent), it is not possible to complete the certificate, written consent in some other form (e.g. a letter from the absent parent) will be accepted. If a parent (or guardian) refuses to give his/her consent a competent court may order otherwise. The relevant court order must accompany the Travel Document application in such an event. If parents are divorced, both parents' consent are required unless a competent court orders otherwise. If a parent or another person has been granted sole guardianship by a competent court, the consent of the other parent or the parents will not be necessary.

D. DECLARATION

I, hereby declare that the information furnished above is to the best of my knowledge and belief correct and I concur that if I do not claim my Travel Document within three (3) months from date of issue, my Travel Document will be destroyed and I will forfeit my fee.

Date _____

.....
*Signature Place

*(Signature of the applicant except where a father, mother or guardian signs on behalf of his/her minor child under the age of 18 years.)

DHA-1705

MOTIVATION FOR TRAVEL DOCUMENT

Lined area for providing motivation for a travel document.

ENQUIRIES ON REFUGEES ISSUED WITH IDENTITY DOCUMENTS FROM

**STANDING COMMITTEE FOR REFUGEE AFFAIRS
DRAFT RULES, 2018**

[Refugees act, 1998 (Act No. 130 of 1998)]

In the exercise of the powers conferred by regulation 6(1) and (2) of the Draft Refugees Regulations, 2018, the Standing Committee for Refugee Affairs intends to make the Rules in the Schedule.

SCHEDULE

ARRANGEMENT OF RULES

RULE	SUBJECT
1	Definitions
2	Time Frames
3	Standing Committee Operating Times
4	Review & Monitoring
5	Applications – Section 27(c)
6	Withdrawals – Section 36
7	Service of Documents
8	Condonations
9	Parties to Reviews / Applications
10	Change of Address
11	Right of Representation
12	Cancellation of Application
13	Voluntary Withdrawal
14	Review of Decisions
15	Abandoned Claims
16	Correction of errors
17	General
18	Citation and Commencement

1. Definitions

- 1.1 In these Rules a word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it, and unless the context otherwise indicates:
- “**Application**” means an application for certification in terms of section 27(c) or an application for withdrawal of Refugee Status in terms of section 36 of the Act;
 - “**Applicant**” means any refugee who has made any application to Standing Committee;
 - “**Chairperson**” means a member of Standing Committee designated by the Minister of Home Affairs as Chairperson of Standing Committee in terms of section 9B(a) of the Act;
 - “**Claimant**” means an asylum seeker who has made any application to Standing Committee;
 - “**Member**” means a member of Standing Committee appointed by the Minister of Home Affairs as a member in terms of section 9B(b) of the Act;
 - “**Office Manager**” shall mean the official delegated by the Director General in terms of section xx to fulfill that function;
 - “**Representative**” means a person as contemplated in Rule 11;
 - “**Review**” means any review directed to Standing Committee in terms of section 24 of the Act;
 - “**RRO**” means the Refugee Reception Office where the asylum application was lodged; and
 - “**Serve**” or “**lodge**” has the same meaning within the context of these Rules.
- 1.2 Any reference to a rule in these Rules is a reference to a Rule contained herein.

2. Timeframes

For the purpose of calculating any period of time in terms of these Rules—

- (a) day means a calendar day excluding Saturdays, Sundays and Public Holidays; and
- (b) the first day is excluded and the last day is included.

3. STANDING COMMITTEE Operating Times

- 3.1 Standing Committee offices will open on all days except public holidays and weekends.
- 3.2 Office times: Monday – Friday; 07h45 – 15h45.
- 3.3 Standing Committee offices are only open to members of the public by appointment.
- 3.4 Any appointment with Standing Committee in terms of Rule 3.3 must be made to the appointed Office Manager or a person designated by him or her for that purpose.

4. Review & Monitoring of RSDO Decisions

- 4.1 A review in terms of section 24(4)(b) of the Act must be forwarded to Standing Committee by a Refugee Status Determination Officer together with full contents of the file within 10 days of the Refugee Status Determination Officer making a decision in the prescribed manner and using the prescribe form.
- 4.2 Any representations made by the claimant or his or her attorneys must be submitted in person to the RRO.
- 4.3 Once a matter is referred to Standing Committee in terms of section 24(4)(b) of the Act, any representation by the claimant or his or her representative must be made to Standing Committee within 14 days of receiving the decision after expiry of which period representations received will not be considered on review unless the person has been hospitalised or institutionalised or for any other compelling reason.
- 4.4 The RRO Office shall keep a register of all reviews presented to Standing Committee and record the decisions made by Standing Committee in respect of all reviews.
- 4.5 All decisions made in terms of section 24(3)(a) and (c) of the Act must be presented to Standing Committee within 10 days for supervision and monitoring.

- 4.6 Submissions in terms of section 24(3)(a) and (c) of the Act must include the full contents of the file and must be accompanied by Form 7 (DHA-1691).

5. Applications - S27 (c) of the Act

- 5.1 All applications for certification in terms of section 27(c) of the Act must be submitted on Form DHA-1754.
- 5.2 All applications under section 27(c) of the Act shall include—
- (a) a fully completed Form DHA-1754;
 - (b) reasons why the applicant will remain a refugee indefinitely and will not in the future be able to return to his or her country of residence and also the reasons why he or she fled from his or her country of origin;
 - (c) copies of all section 24(3)(a) certificates; and
 - (d) any other supporting documentation that will assist Standing Committee in making a decision.
- 5.3 Every dependent who requires inclusion in the principal applicant's letter of certification must furnish Standing Committee with certified copies of the following documentation:
- (a) principal applicants certification letter;
 - (b) marriage certificate if married to the principal applicant;
 - (c) full birth certificate if a descendent of the principal applicant;
 - (d) all section 24(3)(c) status certificates; and
 - (e) any other documentation and/or information required by Standing Committee.

6. Withdrawals – S36 of the Act

- 6.1 The Department, Refugee Status Determination Officer, RRO or any interested party may make an application to Standing Committee for withdrawal of refugee status in terms of section 36 of the Act.
- 6.2 Standing Committee may on its own accord apply section 36 of the Act if has reasons to believe that there are grounds for withdrawal of status in terms of the Act.
- 6.3 An application for withdrawal must be accompanied by all the necessary supporting documents and evidence to support a withdrawal of refugee status.
- 6.4 All representations made by an applicant under Section 36(1)(b) of the Act must be served on Standing Committee within 30 days of receiving the notice in terms of section 36(1)(a) and shall include—
- (a) full reasons by the refugee why his or her refugee status should not be withdrawn.
 - (b) any other supporting documentation that will assist Standing Committee in making a decision.
 - (c) any other documentation or information required by Standing Committee.

7. Service of Documents

- 7.1 Standing Committee may serve and accept service of any document in a manner it deems fit.
- 7.2 A party must serve documents on Standing Committee as follows:
- (a) An asylum seeker must within 14 days of receipt of a decision in terms of section 24(3)(b) file his or her representations with the respective RRO and the RRO is obliged to receive and file the representations in the asylum seekers file prior to the review by the Standing Committee.
 - (b) An application for certification in terms of section 27(c) of the Act must be served on Standing Committee at its head office.
 - (c) An application for rebuttal in terms of section 36(1)(b) must be served on Standing Committee at its head office.
 - (d) Documents must be served on Standing Committee at its head office as follows:

- (i) personally on the Office Manager of Standing Committee at its Headquarters in Pretoria; or
- (ii) by email to the Office Manager of Standing Committee or other designated official; or
- (iii) by sending a copy of the document by registered post to the Office Manager of Standing Committee.

7.3 Standing Committee may request proof of service of any document.

8. Condonations

8.1 Where a claimant or applicant files any document outside the prescribed period, he or she must serve a written explanation showing good cause for the delay, supported by documentary evidence where appropriate.

8.2 All decisions relating to applications for condonation will be confirmed in writing by Standing Committee.

9. Parties to Reviews/Applications

The Claimant/Applicant and the Department are parties to Reviews or Applications.

10. Change in Address

The Applicant must serve a written notice on Standing Committee of any change in his or her address or personal details within 10 days of such change.

11. Right to Representation

11.1 Any Claimant/Applicant is entitled to representation at no expense to Standing Committee by an advocate or practicing attorney.

11.2 Representation referred to in this Rule 11 must be duly authorised by the Claimant/Applicant by way of a Power of Attorney.

11.3 It is the responsibility of the Claimant/Applicant to notify Standing Committee immediately if he or she changes a representative or stops being represented by a particular representative.

12. Cancellation of Application

12.1 An applicant may request the cancellation of any application he or she has made to STANDING COMMITTEE

12.2 All requests for cancellation must be made in writing.

12.3 STANDING COMMITTEE may request any additional information it may require to reach a decision.

13. Voluntary Withdrawals

13.1 An applicant may request the Withdrawal of his or her refugee status to Standing Committee

13.2 All requests for Voluntary Withdrawal must be made in writing and must include an affidavit stating that he or she voluntarily requests withdrawal of his or her refugee status.

13.3 Standing Committee may request any additional information it may require to reach a decision.

14. Review of Decisions

14.1 Standing Committee may on application or on its own accord re-open a matter under the following circumstances:

(a) where judicial review has been instituted and a settlement agreement has been reached prior to a decision of the High Court.

(b) where a jurisdictional error has occurred that results in the task of Standing Committee remaining unperformed by Standing Committee.

(c) where a representation was made to Standing Committee and it was not submitted to Standing Committee prior to Standing Committee making a decision.

14.2 Where Standing Committee rehears or re-opens any matter, it may in terms of this rule confirm, set aside or substitute its previous decision.

14.3 Applications in terms of this Rule 14 shall be directed to the Office Manager of Standing Committee in writing.

15. Abandoned claims

15.1 Where a claimant has abandoned his or her claim in terms of section 22(12) of the Act the Refugee Status Determination Officer must present the abandoned claim on the prescribed Form 3 (DHA-XXX) to the Standing Committee.

15.2 Once Standing Committee duly considers and confirms that the requirements of section 22(12) of the Act have been satisfied, it will notify the RRO that the claim has been certified abandoned in the prescribed form.

16. Correction of errors

Clerical and administrative errors in any decision, or errors arising from any omission, may at any time be corrected and any correction made thereto, or to a record of the decision, shall be deemed to be part of the decision or record and a written notice of it shall be given as soon as practicable to the parties if Standing Committee deems it necessary.

17. General

17.1 Any requests for file contents or copies of documents must be directed to the Department.

17.2 All enquiries to Standing Committee must be directed to the Office Manager of the Standing Committee.

18. Citation and commencement

These Rules replace all previous rules and directives from Standing Committee and shall be cited as Standing Committee Rules 2018 and shall come into operation on XXX.



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR CERTIFICATION

{IN TERMS OF SECTION 27(c) OF THE REFUGEES ACT, 1998, ACT 130 OF 1998(as amended)}

IMPORTANT: PLEASE REFER TO THE ATTACHED EXPLANATORY NOTES BEFORE COMPLETING THIS APPLICATION. A SEPARATE APPLICATION MUST BE SUBMITTED FOR EVERY PERSON IN RESPECT OF WHOM CERTIFICATION IS APPLIED FOR.

1. PARTICULARS OF APPLICANT

SURNAME	
NAMES OF APPLICANT	
DATE OF BIRTH	GENDER
PERMANENT ADDRESS	
	POSTAL CODE
TELEPHONE NUMBER (CODE):	CELL NUMBER:
EMAIL. ADDRESS	

2. RECOGNITION OF REFUGEE DETAILS

Date of recognition as refugee(attach copies of letter of recognition and all permits issued in terms of section 24 of the Refugees Act)

Recognised by theRefugee Reception Office

Reference number on letter of recognition:.....

Employed/ studying at.....

Address of employer/ educational institution.....

.....
.....

As a (description of employment).....

.....
.....

3. DECLARATION BY APPLICANT

Ihereby apply to the Standing Committee for Refugee Affairs for certification in terms of section 27(c) of the Refugee Act that(name of applicant) will remain a refugee indefinitely to apply for permanent residence in terms of section 27(d) of the Immigration Act.

The reasons that I will remain a refugee indefinitely and will not be able to return to my country of origin for an indefinite period are:

.....
.....
.....
.....
.....
.....
.....

(Attach additional pages if necessary)

Also attach any information or report or supporting documents that the Standing Committee should take into consideration

Please forward the response to my application to:

My postal address
.....
.....
.....

OR The following Refugee Reception Office
.....

Signature of applicant

Name in full

Signed at this day of 20.....

**EXPLANATORY NOTES FOR REFUGEES WHO WISH TO APPLY FOR
PERMANENT RESIDENCE**

1. A refugee may apply for permanent residence in terms of section 27(d) or 31(2)(b) of the Immigration Act after 10 years of continuous residence in the Republic from the date on which he or she was granted asylum, if the Standing Committee, after considering all relevant factors and within a reasonable period of time, including efforts made to secure peace and stability in the refugee's country of origin, certifies that he or she will remain a refugee indefinitely. [Section 27(c) of the Refugees Act]
2. Before lodging an application for permanent residence, the refugee must apply to the Standing Committee for Refugee Affairs for certification that he or she will remain a refugee indefinitely (for an indeterminate period).
3. Once certification mentioned in 2 above has been granted, the applicant may lodge an application for permanent residence with the Department of Home Affairs. The certification must be submitted together with the application for permanent residence.
4. The application mentioned in 2 above must be made on form BI-1754A that is obtainable from the Department of Home Affairs. The form must be fully completed and handed to the Department.
5. The Standing Committee can only grant certification if it is certain that the applicant will remain a refugee indefinitely. The Standing Committee can only consider this aspect and not the reasons why the applicant wants permanent residence. The Committee has to determine whether or not the refugee will be able to return to his or her country in the indefinite future.
6. In completing the application form the applicant must set out the reasons why he or she will not be able to return to his or her country in the indefinite future. The Standing Committee cannot take the reasons why the applicant wishes to remain in South Africa into account.
7. Parents / Legal Guardians must apply on behalf of minor applicants for certification.