

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 March 2012

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Ersumo v Minister of Home Affairs

The SCA today upheld an appeal by an Ethiopian citizen who arrived in South Africa at the end of May and is at present detained in the Lindela facility outside Krugersdorp. It held that, although Mr Ersumo may have been in South Africa illegally at the time of his arrest and detention, once he indicated to the immigration authorities that he wished to apply for asylum he was entitled to receive a permit valid for 14 days to be in South Africa, during which period he would be able to apply for asylum in accordance with the Refugees Act. As he claimed to have experienced difficulties in making such an application in the past the Department of Home Affairs was ordered to give him precedence when he made his application at the Refugees Reporting Office in Port Elizabeth.