



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 29 September 2017
STATUS Immediate

Scalabrini Centre, Cape Town v The Minister of Home Affairs [2017] ZASCA 126

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.

The SCA today upheld an appeal and set aside a decision in 2012 by the Director-General (DG) of the Department of Home Affairs (the Department) to close the Cape Town Refugee Reception Office (RRO). The effect of that decision was that new asylum seekers were forced to apply to the Refugee Reception Office at Durban, Pretoria and Musina, for asylum and s 22 permits in terms of the Refugees Act 130 of 1998 (the Act), which entitles them to live and work in this country

The appellants, asylum seekers and organisations representing refugees and asylum seekers, challenged the decision in the Western Cape Division of the High Court on the basis that it was irrational, because the RRO was necessary for purposes of the Act as contemplated in s 8(1) thereof, and should not have been closed.

The SCA found that the RRO in Cape Town was necessary for purposes of the Act. It was the second busiest in the country prior to its closure and the remaining offices were inadequate to deal with applications for asylum and related matters. After the Cape Town RRO had been closed, the Department did not look for alternative premises since 2011 and the DG's reasons for closing the RRO, ie to control the asylum application process because refugee services

were being abused by economic migrants and the vast majority of asylum seekers entered the country through its northern borders, did not withstand scrutiny.

The DG was directed to reopen the Cape Town RRO by 31 March 2018.

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