



THE SUPREME COURT OF APPEAL REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

Minister of Home Affairs v Alex Ruta (30/2017) [2017] ZASCA

From: The Registrar, Supreme Court of Appeal

Date: 13 December 2017

Status: Immediate

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

Today, the Supreme Court of Appeal (SCA) upheld an appeal against the decision of the Gauteng Division, Pretoria (high court).

The main issue on appeal concerned the conduct that may be expected of an asylum seeker in the Republic of South Africa in order to enjoy the protection afforded under s 21 of the Refugees Act 130 of 1998.

The majority in the SCA found that on the facts, the behaviour of the respondent was not consistent with that of a person who intended to apply for asylum. It thus concluded that the respondent was not protected by the provisions of the Refugees Act. The appeal was upheld and the order of the court below dismissed with no order as to costs.

The minority in the SCA was of the view that on the strength of *Bula v Minister of Home Affairs* [2011] ZASCA 209; 2012 (4) SA 560 (SCA), once a refugee has evinced an intention to apply for asylum, the protective provisions of the Refugees Act and the associated regulations come into play and the asylum seeker is entitled to be afforded access to the application process stipulated in the Refugees Act. It thus held that the appeal ought to have been dismissed with costs.