

Refugee office still not opened

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THE Scalabrini Centre of Cape Town and the Somali Association of South Africa have launched a case against the Department of Home Affairs for not complying with orders of the court to open the Refugee Reception Office in Cape Town.

The new case combines two cases – the Scalabrini case and the Nbaya case – both of which found the department's policies at the reception office unlawful and issued orders requiring the department to comply.

To date, both of these orders are not being implemented, causing great hardship for asylum seekers.

Both advocacy groups have decided to bring forward contempt of proceedings against the Department of Home Affairs.

BOTH OF THESE ORDERS ARE NOT BEING IMPLEMENTED

The Scalabrini Centre launched its case in 2014 along with two other organisations and asylum seekers.

The Supreme Court of Appeal (SCA) found the department's decision to close the refugee reception office to new applications for asylum unlawful and irrational, and ordered the department to reopen and maintain a fully functional office in the Cape Town metropolitan area by March 31.

It further ordered that the department provide monthly reports on its progress in complying with the order.

The Nbaya case, launched in 2015 through the Legal Resource Centre on behalf of asylum seekers, relates to the renewal of permits of asylum seekers at the refugee reception office. This should happen even if they lodged their applications at other refugee reception offices around the country.

In this case, the Western Cape High Court found that the department's policy of refusing to renew asylum permits from other offices was unlawful and ordered the department to renew the permits of asylum seekers residing in Cape Town or to be informed of any decision relating to his or her application through the Cape Town refugee reception office.

The Department of Home Affairs maintained its defence and said it was waiting on the Department of Public Works to provide suitable office accommodation.