

Cape Town Refugee Reception Office still closed despite court order

A RULING by the Supreme Court of Appeal last year nullified a decision taken by the Department of Home Affairs (DHA) to close the Cape Town Refugee Reception Office (CTRRO).

The court found that the director general had ignored relevant factors when making his decision and that there is a level of demand and need for the CTRRO that must be considered, referring to, among others, the backlogs in the office.

The Department of Home Affairs was given until March 2018 to reopen and maintain a fully functional refugee office in Cape Town.

However, despite the court order, the Cape Town refugee office is still closed.

The Legal Resources Centre was one of the organisations that appealed the decision on behalf of refugees and asylum seekers in the Supreme Court of Appeal, and in this interview with NURUDEAN SSEMPA, shares the latest developments.

Why is the Cape Town Refugee Reception Office still closed despite an order by the Supreme Court of Appeal to reopen it? What has the Legal Resources Centre done about it?

The reason the LRC was given by the officials of the CTRRO is that the facility is still closed as they are waiting for a new building to be allocated to them by the Department of Public Works.

The Legal Resources Centre has launched a new case in which we challenge the CTRRO's closure despite a Supreme Court of Appeal court order. In this case, the LRC is seeking a declaratory order in which a special Master must be appointed to oversee compliance with the respective court cases that are being disregarded by the Department of Home Affairs. The matter is still pending before the Western Cape High Court.

Based on your knowledge of how court processes work, how long will it take before the refugee office is finally opened?

We, unfortunately, have no way of ascertaining a timeline as the case of the DHA failing to comply with the court order is still pending before court. Further, according to parliamentary questions and



Cape Town staff of the Legal Resources Centre (LRC). The LRC is an independent, client-based, non-profit public interest law clinic that can assist asylum seekers and refugees with a range of legal services, including impact and strategic litigation to promote the constitutional rights of asylum seekers and refugees to health, education and equality. Photo SUPPLIED

replies, the Department of Home Affairs only wrote to the Department of Public Works director general on January 22, 2018, submitting initial needs for office accommodation even though the *Scalabrini Centre v Minister of Home Affairs* case was delivered on March 19, 2013. In that same reply, the estimated date of occupation is set at October 1, 2018.

In 2011, the Port Elizabeth Refugee Reception Office was closed, severely restricting refugee services in the Eastern Cape. The Supreme Court of Appeal ordered the Department of Home Affairs to reopen the Refugee Reception Office by July 1, 2015. However, this is yet to happen.

The continued closure of the Cape Town refugee office has made it hard for asylum seekers in the Western Cape to apply for permits and be able to support themselves and their families. This is a violation of their rights, which are enshrined in the South African Constitution. What would you advise the aggrieved parties to do?

The most important step is the DHA re-opening the RRO as this

will immediately address the challenge noted here. Further, the LRC is fully committed to utilising the most appropriate legal remedies available to ensure that due process is followed.

However, we are advising clients to be patient while the judicial process is running its course. For newcomers and those who have the means to travel, we encourage them to travel to obtain asylum seeker permits at another Refugee Reception Office in Musina, Durban or Pretoria to avoid being undocumented for an extended period of time.

Why is the Legal Resources Centre interested in refugee issues?

The Legal Resources Centre is a public interest law firm with various focus areas of which one is a forced migration focus area. Asylum seekers and refugees have been identified as a vulnerable and marginalised group within South Africa that does not necessarily have access to monetary resources to pay for legal assistance.

Our work therefore focuses on ensuring that laws and policies and other implementations do not

undermine the realisation of the constitutional rights of refugees and asylum seekers.

South Africa has signed and ratified the UN Convention and Protocol Relating to the Status of Refugees. Therefore, South Africa has an international obligation to protect refugees and asylum seekers. The LRC is mandated to ensure that South Africa complies with these obligations and rights of refugees as envisaged in the Refugee Convention.

What other services does the Legal Resources Centre provide to refugees and asylum seekers?

The LRC can assist asylum seekers and refugees with a range of legal services, including impact and strategic litigation to promote the constitutional rights of asylum seekers and refugees to health, education and equality etc.

On an individual case-by-case basis, we assist with appeal hearings, submissions to SCRA, school letters etc.

The LRC is also aware of the difficulty that some asylum seekers have in obtaining their children's birth certificates. Therefore, we

can provide assistance with intervening on their behalf and request the DHA to register the birth of their children.

Why do you think World Refugee Day is important?

World Refugee day, held annually by the UN Refugee Agency, is on June 20. This day is important because it commemorates the strength, bravery and perseverance of millions of refugees worldwide who have fled their countries of origin out of fear of persecution.

Various events around the world are hosted to raise global awareness of the challenges refugees face, and for the public to show support for families forced to flee their homes.

Do you have any last comments?

'Human dignity has no nationality. It is inherent in all people – citizen and non-citizen alike simply because they are human. Such dignity entitled people within the country to work, be respected and protected by the Bill of Rights.' (Justice Nugent in *Minister of Home Affairs and Others versus Watchenuka and Other*).