



# home affairs

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

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**DEPARTMENT OF HOME AFFAIRS**

**:**  
**HEAD OFFICE**  
**REGIONAL OFFICES**  
**PORTS OF ENTRY**  
**OPERATIONAL CENTRE**  
**VISA APPLICATION CENTRES**

**DEPARTMENT OF INTERNATIONAL  
RELATIONS & COOPERATION**

**:**  
**CONSULAR SERVICES**

## **IMMIGRATION DIRECTIVE NO 21 OF 2015**

### **WITHDRAWAL OF CIRCULAR NO 10 OF 2008 CONFIRMING THE 11 NOVEMBER 2003 DABONE COURT ORDER**

Section 22 of The Refugees Act, No.130 of 1998 provides the conditions under which a section 22 Asylum Seeker Permit may be issued. These conditions which at all times should not be in conflict with the Constitution of the Republic of South Africa, 1996 or international law are determined and endorsed by the Standing Committee for Refugee Affairs (SCRA).

The management and issuance of asylum seeker permits is administered through the Refugees Act while the management and the regulation of admission of other foreigners, their residence in, and their departure from the Republic and for matters connected therewith is done through the Immigration Act, No. 13 of 2002.

It is the considered view of the Department that no change of condition or status should be premised on the provisions of the Immigration Act for a holder of an asylum seeker permit whose claim to asylum has not been formally recognized by SCRA.

Section 27(c) of The Refugees Act stipulates that a Refugee is entitled to apply for an immigration permit after five years' continuous residence in the Republic from the date on which he or she was granted asylum, if the Standing Committee certifies that he or she will remain a refugee indefinitely.

The immigration permit referred to in the Refugees Act is the permanent residence permit of section 27(d) of The Immigration Act. It therefore follows that a holder of an asylum seeker permit who has not been certified as a Refugee may not apply for a temporary residence visa or permanent residence permit.

In view of the above provisions I wish to advise all Immigration officials that Departmental Circular No. 10 of 2008 has fallen away since the 26<sup>th</sup> of May 2014 and is hereby officially withdrawn.

All applications for change of status from asylum seeker permit to temporary residence visa which are still pending in the system should be processed as per this directive regardless of the date of application.

**MKUSELI APLENI**   
**DIRECTOR-GENERAL: HOME AFFAIRS**  
**DATE:** 03/02/2016

This Immigration Directive follows Immigration Directive No.20 of 2015 "Implementation of port of entry and transit visas requirements for holders of Diplomatic official and service passports holders of the Republic of Slovenia".

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