

2003 11 11 Dabone & Others v Minister of Home Affairs & Another (Court Order) (HC)

2008 04 18 Department Circular No 10 of 2008 confirming the 11 November 2003 Dabone Court Order

TO: DEPARTMENT OF HOME AFFAIRS:PROVINCIAL MANAGERS :REGIONAL MANAGERS: DISTRICT MANAGERS :REFUGEE RECEPTION OFFICES: REFUGEE APPEAL BOARD: STANDING COMMITTEE FOR REFUGEE AFFAIRS :FOREIGN OFFICES

18 APRIL 2008

DEPARTMENTAL CIRCULAR NO. 10 OF 2008

WITHDRAWAL OF PASSPORT CONTROL INSTRUCTION NO. 29 OF 2004

1. Passport Control Instruction No 29 of 2004 is hereby withdrawn.

2. In terms of the Court Order of the High Court of South Africa (Cape Provincial Division) in the matter of Dabone and Others v the Minister of Home Affairs and Another, case no. 7526/03, asylum seekers in possession of a permit issued in terms of section 22 of the Refugees Act, 1988 (Act No. 130 of 199) ("asylum seeker permit holders") and refugees can apply for one of the temporary residence permits contemplated in the Immigration Act, 2002 (Act No. 13 of 2002) (the Immigration Act"), as well as permanent residence in terms of section 26 or 27 of the Immigration Act

3 When applying for permanent residence in terms of section 26 or 27 of the Immigration Act, asylum seeker permit holders are no longer required to cancel their asylum seeker permits.

When applying for permanent residence in terms of section 213 or 27 of the Immigration Act, refugees are no longer required to give up their refugee status.

5. Possession of a valid passport is no longer a prerequisite for processing applications by asylum seekers in possession of asylum seeker permits or refugees for -

(a) a temporary residence permit; or

(b) an amendment to a temporary residence permit held by an asylum seeker or refugee.

6. Possession of a valid passport is no longer a prerequisite for the issuance of-

(a) temporary or permanent residence permits, as the case may be; or

(b) an amendment to a temporary residence permit held by an asylum seeker or refugee, to asylum seeker permit holders ; or refugees.

DIRECTOR-GENERAL: DATE: 18/4/08: This Circular Follows Departmental Circular No. 9 of 2008 dated, 17 April 2008: Updating of the Departmental Telephone and E-mail List

IN THE HIGH COURT OF SOUTH AFRICA (CAPE OF GOOD HOPE PROVINCIAL DIVISION)

Cape Town, Tuesday, **11 November 2003**: Before the Honourable Mr Justice Blignault

CASE NO: 7526/03

In the matter between:

MOUSTAPHA DABONE and 12 others Applicants

and

THE MINISTER OF HOME AFFAIRS First Respondent

THE DIRECTOR GENERAL, DEPARTMENT OF HOME AFFAIRS Second Respondent

ORDER OF COURT

1. The Respondents will henceforth (and in relation to pending applications) no longer require that an asylum seeker cancel his or her asylum seeker temporary permit issued in terms of Section 22 of the Refugees Act 130/1998 in order to apply for permanent residence in accordance with Section 26 and/or Section 27 of the Immigration Act 13 of 2002 ("the Immigration Act").
2. The Respondents will henceforth (and in relation to pending applications) no longer require that an asylum seeker or refugee possess a valid passport in order to be issued a temporary residence permit, or to apply for and be issued an amendment to a temporary residence permit, issued in terms of Section 26 of the immigration Act.
3. The Department of Home Affairs ("the Department") will henceforth (and in relation to pending applications) process applications by asylum seekers and refugees for permanent residence in accordance with Section 26 and 27 of the Immigration Act without requiring asylum seekers to cancel their asylum seeker temporary permits and without requiring refugees to give up their refugee status.
4. The Department will henceforth (and in relation to pending applications) process applications by asylum seekers or refugees for temporary residence permits or for the amendment thereof, without requiring the production of a valid passport by any person applying for such permit.
5. Certified copies of this Court Order to be transmitted by telefax immediately to all Managers of the registered offices of the Department throughout the Republic of South Africa.
6. The Respondents, jointly and severally, agree to pay the Applicants' costs either as taxed or agreed.

BY ORDER OF COURT: COURT REGISTRAR

The parties have agreed to settle the above matter in relation to asylum seekers and/or refugees on the following basis:

Department: Home Affairs: REPUBLIC OF SOUTH AFRICA