

**DEPARTMENT OF HOME AFFAIRS**

**STANDARD OPERATING PROCEDURE:  
REFUGEE FAMILY REUNIFICATION**

**REVIEWED BY: STANDING COMMITTEE FOR REFUGEE AFFAIRS**

**DATE:** 05/04/2018

**CONSOLIDATED BY: STANDING COMMITTEE FOR REFUGEE  
AFFAIRS**

**DATE:** 05/04/2018

**APPROVED BY:** 

**DATE** 05/04/2018

**PROPOSED IMPLEMENTATION**

STANDING COMMITTEE FOR REFUGEE AFFAIRS
2018 -04- 05
RSA
CHAIRPERSON

**DATE** 05/04/2018

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## 1. BACKGROUND AND PURPOSE

Family reunification refers to the procedure which a Refugee Reception Officer must follow when a dependant as contemplated in section 3(c), read together with sections 1, 21 and 22 of the Refugees Act (no. 103 of 1998) (the Act) applies for refugee status on the basis that he or she is a dependant of a recognised refugee.

## 2. RELEVANT LEGISLATION

The Refugees Act, 1998 (Act No 130 of 1998) and all amendments thereto.

The Refugee Regulations (Forms and Procedures) 2000 and all amendments thereto.

The Immigration Act, 2002 (Act No 13 of 2002) and all amendments thereto.

The Immigration Regulations and all amendments thereto.

Relevant International Conventions.

## 3. DEFINITION/ABBREVIATIONS/ACRONYMS

“Child” means any person under the age of 18 years.

“Dependant” in relation to an asylum seeker or a refugee, means the spouse, any unmarried dependent child or any destitute, aged or infirm member of the family of such asylum seeker or refugee.

“Spouse” means any person, who is party to a marriage or same sex union, which is solemnized and registered in terms of either a civil or customary union.

“RRO” means a Refugee Reception Officer.

“RSDO” means a Refugee Status Determination Officer.

“SOP” means Standard Operating Procedure.

## 4. APPLICABILITY

This SOP applies to the Centre Managers and all staff at Refugee Reception Offices as well as to the Chief Directorate: Asylum Seeker Management. All of the aforesaid

persons are required to comply with the contents of this SOP as it provides guidance on the minimum requirements and procedures for family reunification and this SOP replaces all previous SOPs relating to family reunification.

## 5. FORMS

All forms applicable for registering an asylum seeker:

BI Official Departmental forms

BI-1590 Eligibility Determination for Asylum Seekers

BI-1693

## 6. GUIDELINES AND PROCEDURES: REFUGEE FAMILY REUNIFICATION (JOINING)

### Phase 1: RSDO Manager

If a dependant of a recognised refugee applies for refugee status in terms of section 3(c) of the Act (or the recognised refugee upon whom that person claims to be dependent applies on his or her behalf), the following process must be followed:

- 6.1 A written application for refugee status under section 3(c), read together with sections 21 and 22, of the Act, must be submitted to an RSDO Manager on Form BI 1590;
- 6.2 The application by a dependant contemplated in section 3(c), read together with sections 21 and 22, of the Act, must be accompanied by the following documents:
  - a certified copy of the section 24 permit of the recognised refugee upon whom he or she claims to be dependent;
  - as applicable, certified copies of any birth certificate of any dependant children, marriage certificate of any dependant spouse and/or other supporting documents verifying dependency (which must be translated into English);
  - certified copies of documents proving dependency if the dependant is over 18 years of age, such as a medical certificate or proof of school enrolment

or any other acceptable document proving dependency (which must be translated into English).

6.3 A dependant of a recognised refugee is entitled to refugee status and asylum in South Africa irrespective of any of the following:

- whether the recognised refugee declared the existence of such dependant when making application for refugee status and asylum;
- when such dependant applied for refugee status and asylum; or
- where such dependant was married, or born, to the recognised refugee.

#### Phase 2-RSDO

6.4 The RRO must submit the application for refugee status contemplated in section 3(c) of the Act, including the documents mentioned above, to the RSDO, who shall make a decision in terms of section 3(c) after conducting a hearing in terms of para 6.5.1 below.

6.5 The RSDO must:

- 6.5.1 conduct a hearing with the dependant asylum seeker, together with the recognised refugee;
- 6.5.2 verify the dependant's relationship using the documents submitted by the applicant and, in appropriate cases involving children, require DNA testing;
- 6.5.3 if satisfied (each case must be assessed on its merits, taking into account, *inter alia* and where applicable, the recognised refugee's explanation for his or her failure to mention a dependant on his or her DHA-1590 Form and any documents furnished to support the claim, including affidavit evidence), grant the dependant refugee status as contemplated in section 3(c) of the Act;
- 6.5.4 inform the applicant in writing of the outcome of the application;
- 6.5.5 issue a section 24 permit to a successful applicant;

6.5.6 make a copy of the section 24 permit and place the same in the file of the recognised refugee;

6.5.7 submit the file to the RSDO Manager for quality control.

6.6 The fact that a person claiming to be a dependant has made an independent application for refugee status relying upon the grounds set out in section 3(a) or 3(b) of the Act must not preclude a claim for refugee status under section 3(c) of the Act.

## 7. QUALITY CONTROL AND QUALITY ASSURANCE

The RSDO Manager will be responsible for quality control and assurance and to this end, he or she must ensure that:

- the request made by the applicant is placed in the file of the recognised refugee;
- all documents and interview notes relating to the application are placed in the file of the recognised refugee.

The RSDO will be responsible for ensuring that all documents and file contents are completed in accordance with departmental procedures.

## 8. TRAINING AND QUALIFICATIONS REQUIREMENTS FOR RSDOS

Immigration Training programmes / modules / Working Documents.

Knowledge of the Refugees Act and Regulations.

Knowledge of the Immigration Act, as amended and Regulations.

Interviewing skills.

Computer Literacy.

## 9. RISK MANAGEMENT GUIDELINES

In implementing this SOP there should be constant vigilance against human and more particularly, child trafficking.