

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO.: 6534/15

Friday, 3 June 2016 at CAPE TOWN

Before the Honourable Mr Acting Justice Riley

In the matter between:

NTUMBA GUELLA NBAYA & OTHERS

and

**THE DIRECTOR-GENERAL OF THE
DEPARTMENT OF HOME AFFAIRS**

Applicants
First Respondent

THE MINISTER OF HOME AFFAIRS

Second Respondent

**THE ACTING MANAGER OF THE CAPE TOWN
REFUGEE OFFICE**

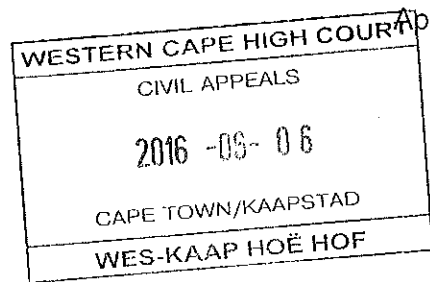
Third Respondent

THE REFUGEE APPEAL BOARD

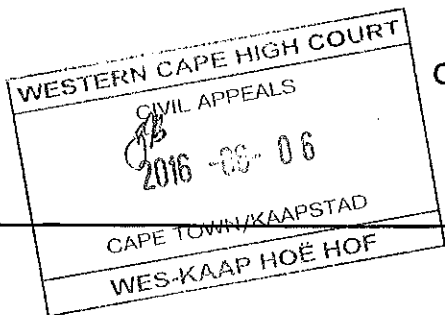
Fourth Respondent

STANDING COMMITTEE FOR REFUGEE AFFAIRS

Fifth Respondent



ORDER

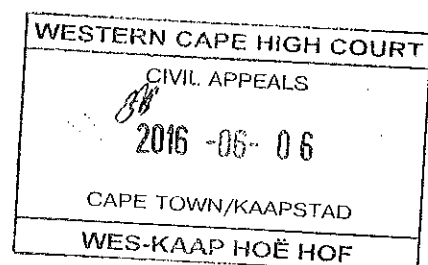


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1. The Respondents are directed to extend and/or renew forthwith at the Cape Town Temporary Refugee Facility (previously known as the Cape Town Refugee Office (CTRRO)) the asylum seeker permits of the individual asylum seekers listed in the schedule marked "A" and of all similarly situated asylum seekers living in the Western Cape whose asylum seeker permits were originally obtained in terms of section 22 of the Refugees Act, 130 of 1998 for a period of no less than three (3) months, which permits are:-
 - 1.1. To be re-extended and/or renewed by the Respondents as necessary for periods of no less than three (3) months;
 - 1.2. Not to be denied or refused an extension and/or renewal because of the Applicants or members of the same group or class of asylum seekers, originally applied for asylum at a Refugee Reception Office other than Cape Town;
 - 1.3. Not to be endorsed with the condition that the Applicant or asylum seeker in question has to report to a Refugee Reception Office other than Cape Town;
and
 - 1.4. Not to be denied or refused an extension and/or renewal due to the absence of an asylum seekers file from the CTRRO.

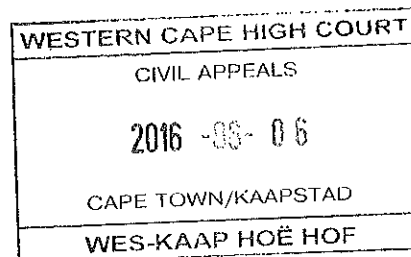
2. The Order above is to remain valid until the resolution of each asylum seeker application for asylum, including any internal appeals in terms of the Act or PAJA, or any legal disputes challenging the closure of the CTRRO have been finally resolved, whichever occurs first.



3. In the Order, the CTRRO is to be understood as the offices of the Department of Home Affairs in Cape Town (currently situated at Customs House) which are currently carrying out refugee related functions in terms of the Act, regardless of whether those offices are considered to be a Refugee Reception Office in terms of section 8 of the Act or a temporary facility.
4. The Respondents who opposed this application are directed to pay the Applicants' costs of suit, jointly and severally, the one paying the other to be absolved.
5. Written reasons for this Order will be furnished in due course.

BY ORDER OF THE COURT


COURT REGISTRAR



W R Kerfoot
c/o 84 Legal Resources Centre, CAPE TOWN

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