

Declaration of Intention to Apply for Asylum

I _____ from _____ born on _____ hereby indicate and confirm my intention to apply for asylum in terms of section 21 (1)(b) of the Refugees Act 130 of 1998.

I want to apply for asylum in South Africa. I have been advised of the court order on 13 September 2024 in the case of Scalabrini Centre of Cape Town v Minister of Home Affairs and Others 8486/2024. In the case the Western Cape High Court ordered that the Department of Home Affairs is **prevented from initiating any process to deport any foreign national in South Africa who has indicated an intention to make an application for asylum.**

Name _____

Date _____

Signature _____



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

Case No: 8486/2024

In the matter between:

SCALABRINI CENTRE OF CAPE TOWN	First Applicant
TRUSTEES OF THE SCALABRINI CENTRE OF CAPE TOWN	Second Applicant
and	
MINISTER OF HOME AFFAIRS	First Respondent
DIRECTOR-GENERAL: DEPARTMENT OF HOME AFFAIRS	Second Respondent
CHIEF DIRECTOR OF ASYLUM SEEKER MANAGEMENT: DEPARTMENT OF HOME AFFAIRS	Third Respondent
REFUGEE APPEALS AUTHORITY	Fourth Respondent
STANDING COMMITTEE FOR REFUGEE AFFAIRS	Fifth Respondent

Coram: Acting Justice B Manca

Heard: 27 August 2024

Delivered: 13 September 2024

JUDGMENT

with *Mr Börgstrum* and *Mr Nacerodien* for the respondents, readily abandoned this position at the oral hearing.

[90] In the circumstances, and even though the Scalabrini have enjoyed some degree of success, I am of the view that I should not award costs to any party at this stage and that the costs incurred in the seeking of interim relief should be costs in the cause of the main application.

[91] The parties have, at the invitation of the court, made arrangements in respect of the further conduct of the matter. Those arrangements, which include a date for hearing of the main application and a timetable for the delivery of the record, further affidavits and the heads of argument will, by agreement between the parties, be included in my order.

[92] **In the circumstances, I make the following order:**

1. The Respondents are interdicted from initiating any process to deport any foreign national present in the Republic in the event that such foreign national has indicated an intention to make an application for asylum – in terms of section 21(1)(b) of the Refugees Act 130 of 1998.
2. This interdict is to endure pending the determination by the High Court of the part B relief sought in this application.
3. The costs incurred in seeking the interim relief are to be costs in the cause of the main application.

4. The application for the relief sought in Part B of this application is to be heard on the semi-urgent roll on **THURSDAY 27 FEBRUARY 2025**.
5. The Respondents are to deliver the record in terms of Uniform Rule 53 by no later than **THURSDAY 10 OCTOBER 2024**.
6. The Applicants are to deliver their supplementary founding affidavits by no later than **THURSDAY 31 OCTOBER 2024**.
7. The Respondents are to deliver their answering affidavits by no later than **FRIDAY 13 DECEMBER 2024**.
8. The Applicants are to deliver their replying affidavits by no later than **THURSDAY 23 JANUARY 2025**.
9. The Applicants' heads of argument are to be delivered by **THURSDAY 6 FEBRUARY 2025** and the Respondents' heads of argument are to be delivered by **THURSDAY 13 FEBRUARY 2025**.



ACTING JUDGE B J MANCA

For the applicants: Adv D Simonsz, Adv G Slingers (The heads of argument were prepared by them and Adv A Katz SC)

Instructed by: Lawyers for Human Rights, Ms N Mia

For the respondents: Adv N Arendse SC, Adv D Borgström SC, Adv A Nacerodien

Instructed by: Denga Inc., Mr A Denga