

# DECLARATION OF INTENTION TO APPLY FOR ASYLUM HOW TO I SHOW THAT I WANT TO APPLY FOR ASYLUM?

## WHAT DOES THE COURT SAY?



The Western Cape High Court ordered that Home Affairs **cannot deport anyone if they say they want to apply for asylum.**

The Court order is valid until 27 February 2025 when the Scalabrini Centre returns to court.

You can prove that you want to apply for asylum by completing the “Declaration of Intention to Apply for Asylum” form, attached to this infographic.

## FILL OUT THE FORM



### STEP 1:

Print the PDF attached to this infographic  
This is a “Declaration of Intention to Apply for Asylum” form and the Court Order.



### STEP 2:

Fill in the form

- Line 1: Write your name
- Line 2: Write your country
- Line 3: Write your birthdate
- At the bottom: Write your name, today’s date, and sign your name.

THIS FORM IS  
FREE OF  
CHARGE.  
DO NOT PAY  
ANYONE FOR IT.



### STEP 3:

Staple all the pages (Declaration of Intent to Apply for Asylum and the Court Order) together and carry them with you.

This form is your way of showing that you want to apply for asylum. The court confirms that if you can show you want to apply for asylum, you cannot be deported. Do not go to the police station to stamp it. Your signature is fine and all that is needed to confirm your intention.

Don’t take this form to a Refugee Reception Office.

## PLEASE NOTE:

This form is for new asylum seekers (newcomers) only. People who are fleeing conflict, violence or persecution are new asylum seekers and should indicate an intention to apply for asylum in South Africa. This intention form cannot and must not be used by people who have already received their asylum seeker visa or permit, or have received a final rejection decision.

Please understand that this is not a permit but is a declaration of intention and a valid copy of a court order.



**EXAMPLE OF THE FORM**



**Declaration of Intention to Apply for Asylum**

I YOUR NAME from YOUR COUNTRY born on BIRTHDATE 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 YOUR NAME

Date TODAY'S DATE

Signature YOUR SIGNATURE

**FIND THE FORM AND COURT ORDER ON THE NEXT PAGE**



**THIS FORM IS  
FREE OF  
CHARGE.  
DO NOT PAY  
ANYONE FOR IT.**



### 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:

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

**Coram:** Acting Justice B Manca

**Heard:** 27 August 2024

**Delivered:** 13 September 2024

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**JUDGMENT**

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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