

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT
JOHANNESBURG

CASE NO: 2012/34977

In the matter between:

ABBA MATEKU

Applicant

and

THE MINISTER OF HOME AFFAIRS

First Respondent

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

Second Respondent

**BOSASA (PTY) LTD
t/a LEADING PROSPECTS TRADING**

Third Respondent

SUMMARY

MAKUME, J:

A foreigner who enters the Republic of South Africa becomes subject to the provisions of the Immigration Act Number 13 of 2002 unless he qualifies for Refugee status under the Refugee Act Number 130 of 1998.

The Refugees Act deals with specific situations of Refugees. Such person on entering the Republic of South Africa is required to report his or her presence at the nearest Refugee reception office to be issued with a transit permit valid for 14 days whilst his further staying in the Republic is being decided upon by the relevant authorities.

Where on entry into the Republic the appellant failed to report his presence but embarked on criminal activities resulting in him being convicted of House breaking with intention to steal and theft and was sentenced to direct imprisonment for a period of Five years such a person loses the protection and privileges under the Refugee Act.

Section 30(1) of the Immigration Act such person declared an undesirable person and loses right to applying for refugee status.