



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Office of the Provincial Manager: Western Cape, 4th Floor, 56 Barrack Street, Cape Town, 8000

RE: REPORT: VERIFICATION BY DHA: THE CITY OF CAPE TOWN V JP BALUS, POPY SUKAMI, SYLVIA NAHMANA, THE PROTESTORS OCCUPYING THE SECTIONS OF LONGMARKET STREET, BURG STREET, INCLUDING THE SIDEWALKS AND GREENMARKET AND THOSE PERSONS WHO ASSOCIATE THEMSELVES WITH THE AIMS AND/OR CONDUCT OF THE FOURTH RESPONDENT AS WELL AS THE FIRST AND TO THIRD RESPONDENTS AND THE NATIONAL COMMISSIONER OF SOUTH AFRICAN POLICE SERVICE: WESTERN CAPE AND THE PROVINCIAL COMMISSIONER THE SOUTH AFRICAN POLICE SERVICE, WESTERN CAPE AND THE MINISTER OF HOME AFFAIRS: CASE NO. 21616/19

1. BACKGROUND

- 1.1 On 17 February 2020, the Western Cape Division of the High Court delivered judgment and issued an Order in terms of which the Department of Home Affairs ("DHA") was required to conduct verification and other administrative processes in terms of the Refugees Act 130 of 1998 and Immigration Act 13 of 2002, that are required in relation to persons occupying the Greenmarket Square and Central Methodist Church (Cape Town) for a period of seven (7) days from the date of the Court Order.
- 1.2 The DHA was ordered to deploy officials to undertake such a process.
- 1.3 The verification was to be conducted at a suitable venue provided by the City of Cape Town with transportation of such persons to the identified venue.

2. **VERIFICATION AND IDENTIFICATION PROCESS AT SALT RIVER COMMUNITY HALL.**

2.1 In order to comply with the Court Order, the DHA deployed officials as follows:

2.1.1 Immigration and support staff from Provincial offices, namely Cape Winelands, Central Karoo and Garden Route Districts;

2.1.2 Immigration- and Asylum Seeker Management Staff from the Head Office (Pretoria);

2.1.3 Asylum Seeker Management Staff from the Refugee Reception Office in Pretoria and Cape Town;

2.1.4 The verification process commenced at 15h00 on 19 February 2020, after the Sherriff of Cape Town informed the affected persons of the contents of the Court Order;

2.1.5 The duration of the verification process was extended and included Saturday and Sunday 22 to 23 February 2020;

2.1.6 The lists provided by the two leaders (JP Balus and Papy Sukami) in January 2020, was used as control measure to allow persons to board the busses provided by the City of Cape Town. It was however discovered that other persons who were not on the lists provided, made use of the transportation to report at the verification centre. However, the DHA officials declined to conduct the verification in respect of the unknown persons as the Court Order does not apply to them.

2.2 The verification process was conducted in the following manner:

2.2.1 Immigration officers interviewed persons in terms section 41 of the Immigration Act;

2.2.2 Fingerprints were taken and submitted electronically for verification;

2.2.3 The persons' details were compared with the National Immigration Information System (NIIS) using both details provided and advanced search methods;

2.2.4 Persons were further processed in terms of the relevant legislation and required action identified accordingly.

3. Figures: Verification Process.

3.1 The total number of persons recorded in the report is 781.

3.2 The table below show the figures per country (excluding one South African child):

Country	Female	Male	Children	Total	Percentage
Angola	2	1	2	5	0,64%
Burundi	1	3		5	0,64%
Cameroon	1	3		4	0,51%
Congo		1		1	0,13%
Congo-Brazzaville	10	18	7	35	4,49%
DRC	207	226	258	691	88,59%
Ethiopia	1	2		3	0,38%
Nigeria		3		3	0,38%
Somalia	4	13	3	20	2,56%
Sudan		1		1	0,13%
Zambia		2		2	0,26%

Zimbabwe		3		3	0,38%
Mozambique		2		2	0,26%
Kenya		1		1	0,13%
Uganda		1		1	0,13%
Ivory Coast		1		1	0,13%
Malawi		1		1	0,13%
Tanzania		1		1	0,13%
Total				780	

3.3 The table below, reflects the number of persons issued with both sections 22 and Section 24 permits and documents (with others having expired):

Country	Section 22			Section 24			Grand Total
	Expired	Valid	Total	Expired	Valid	Total	
Angola			0	1		1	1
Burundi	1		1	1	1	2	3
Cameroon	2		2		1	1	3
Congo-Brazavile	7	18	25	2	3	5	30
DRC	86	218	304	16	150	166	470
Ethiopia			0	1	1	2	2
ivory coast		1	1			0	1
Kenya	1		1			0	1
Malawi	1		1			0	1
Mozambique	2		2			0	2
Nigeria	2	1	3			0	3
Somalia	3	2	5	1	8	9	14
Sudan			0		1	1	1
Tanzania		1	1			0	1
Uganda	1		1			0	1
Zambia	1	1	2			0	2
Zimbabwe	1		1		1	1	2
Grand Total	108	242	350	22	166	188	538

- 4.4 156 (One hundred and fifty-six) Asylum seekers with pending appeals were referred to the Refugee Appeal Authority (“RAA”).
- 4.5 Only 1 (one) undocumented foreigner from Democratic Republic of Congo “DRC”, was arrested for fraud after it was found that he is in possession of a fraudulent section 22 permit.
- 4.6 62 (sixty-two) Asylum Seekers were subjected to the process of appearing before a Magistrate for an administrative fine as they failed to renew their asylum seeker permits, the remainder are still under investigation. Out of the 62 (sixty-two), 3 (three) have not paid the administrative fine and were still remanded in custody.

5. **FAILURE TO REPORT FOR VERIFICATION**

Given the number of persons who presented them for verification, it is abundantly clear that some of persons whose names appear on the two lists provided did not report for verification. It should be pointed out that the leaders, namely JP Balus, Papy Sukami and Sylvia Nahmana failed to appear for interviews with the DHA officials.



ACTING DIRECTOR-GENERAL

DATE: 09 March 2020