NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO. 122

**DATE OF PUBLICATION: 28 JUNE 2019**

## INTERNAL QUESTION PAPER 2 OF 2019

**122. Mr J J Mcgluwa (DA) to ask the Minister of Home Affairs:**

1. Whether any persons whose asylum application was rejected due to fraudulent documents were arrested in each of the past five years; if not, what is the position in this regard; if so, what are the relevant details;
2. whether any of the specified persons were assisted by his department to reapply for asylum; if not, what is the position in this regard; if so, what are the relevant details?

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**REPLY:**

1. There is no person whose asylum application was rejected due to fraudulent documents was ever arrested in each of the past five years. In terms of Section 24 (3) of the Refugees Act 1998 **(**Act 108 of 1998) the Refugee Status Determination Officer (RSDO) must at the conclusion of the hearing either grant asylum, or reject the application as manifestly unfounded, abusive or fraudulent or reject such application as unfounded.

Section 1(xi) of the Refugees Act 1998 defines a fraudulent application for asylum as meaning an application for asylum based without reasonable cause on facts, information, documents or representations which the applicant knows to be false and which facts, information, documents or representations are intended to materially affect the outcome of the application.

Therefore decisions are taken on the basis of the adjudication of the asylum claim which may contain documents which the applicant knows to be false and which documents are intended to materially affect the outcome of the application. Fraudulent decisions like manifestly unfounded or abusive are referred to Standing Committee for Refugee Affairs (SCRA) for automatically review. In the event such decision are upheld by SCRA, such applicant is then referred to Inspectorate for deportation.

1. It must be noted that any of the specified persons are finally rejected by SCRA, they are still at liberty to approach the courts for a judicial review if they so wish to do so.

**END**