

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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No. 39234

THE PRESIDENCY

No. 893

25 September 2015

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 10 of 2015: Refugees Amendment Act, 2015

DIE PRESIDENSIE

No. 893

25 September 2015

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No 10 van 2015: Wysigingswet op Vlugtelinge, 2015



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the President)
(Assented to 23 September 2015)*

ACT

To amend the Refugees Act, 1998, so as to confer a discretion upon the Refugee Appeals Authority to allow the public and the media access to its proceedings in appropriate cases; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 21 of Act 130 of 1998, as amended by section 13 of Act 33 of 2008

1. Section 21 of the Refugees Act, 1998 (Act No. 130 of 1998), (hereinafter referred to as “the principal Act”), is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The confidentiality of asylum applications and the information contained therein must be ensured at all times, except that the Refugee Appeals Authority may, on application and on conditions it deems fit, allow any person or the media to attend or report on its hearing if—

(a) the asylum seeker gives consent; or

(b) the Refugee Appeals Authority concludes that it is in the public interest to allow any person or the media to attend or report on its hearing, after taking into account all relevant factors, including

(i) the interests of the asylum seeker in retaining confidentiality;

(ii) the need to protect the integrity of the asylum process;

(iii) the need to protect the identity and dignity of the asylum seeker;

(iv) whether the information is already in the public domain;

(v) the likely impact of the disclosure on the fairness of the proceedings and the rights of the asylum seeker; and

(vi) whether allowing any person or the media access to its proceedings or allowing the media to report thereon would pose a credible risk to the life or safety of the asylum seeker or of his or her family, friends or associates.”

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Transitional provision

2. The reference to “Refugee Appeals Authority” in section 21(5) of the principal Act as amended by section 1 of this Act must be construed as a reference to the “Refugee Appeal Board” as provided for in the principal Act until such time that section 11 of the Refugees Amendment Act, 2008 (Act No. 33 of 2008), comes into operation. 5

Short title and commencement

3. This Act is called the Refugees Amendment Act, 2015, and comes into operation on 27 September 2015.