

DEPARTMENT OF HOME AFFAIRS

NO. 1234

20 NOVEMBER 2020

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.

AMENDED REFUGEE APPEALS AUTHORITY OF SOUTH AFRICA RULES

To amend the Refugee Appeals Authority of South Africa Rules, 2013 (hereinafter referred to as the principal Rules), so as to amend, insert and delete certain provisions and to provide for an appeal process that is fair, efficient, with integrity, adaptable and to provide for matters connected therewith.

BE IT ENACTED by the Refugee Appeals Authority of South Africa as follows: ---

Amendment of rule 1 of the principal Rules

1. Rule 1 of the principal Rules is hereby amended—
 - (a) by the substitution for the definition of “Appeal Board” of the following definition:

[“Appeal Board”] Refugee Appeals Authority of South Africa means **[Refugee Appeal Board]** “Refugee Appeals Authority” as established in terms of section **[12]** 8A(1) of the Act;
 - (b) by the substitution for the definition of “Appeal” of the following definition:

“Appeal” means any appeal directed to the **[Appeal Board]** “Refugee Appeals Authority of South Africa” in terms of section **[26(1)]** 24B(1) of the Act;
 - (c) by the substitution for the definition of “Appellant” of the following definition:

“Appellant” means an asylum seeker who has lodged an appeal in accordance with section **[26(1)]** 24B(1) of the Act;
 - (d) by the substitution for the definition of “Chairperson” of the following definition:

“Chairperson” means a member of the **[“Appeal Board”]** “Refugee Appeals Authority” designated by the Minister of Home Affairs as Chairperson of the **[Appeal Board]** Refugee Appeals Authority of South Africa;
 - (e) by the substitution for the definition of “Hearing” or “Hear” of the following definition:

[“Hearing” or “Hear”] determination means **[either]** an appeal hearing or the consideration of evidence on paper pertaining to the appeal;

- (f) by insertion of the word "Member" as a legally qualified adjudicator appointed by the Minister of Home Affairs and designated in terms of section 8B(i)(b) of the Act;
- (g) by insertion of the description of the word "Registrar" as an official designated as such by the Chairperson of the Refugee Appeals Authority of South Africa.

Amendment of rule 2 of the principal Rules

Timeframes

- 2. sub-rule 1(a) is hereby amended:
 - (a) a day means [a calendar including Saturdays, Sundays and public holidays] a working day excluding Saturdays, Sundays and public holidays; and
 - (b) Deletion of sub-rule 2(b).

Amendment of rule 3 of the principal Rules

Authority of the [Appeal Board] Refugee Appeals Authority of South Africa and General Powers

- 3. Rule 3 of the principal Rules is hereby amended--
 - (a) by the substitution for rule 3 of the following:

"3. Authority of the [Appeal Board] Refugee Appeals Authority of South Africa and General Powers."
 - (b) by the substitution for sub-rule 1 of the following sub-rule:

"1. In exercising its authority pursuant to section [14] 8C of the Act, the [Appeal Board] Refugee Appeals Authority of South Africa may";
 - (c) by the substitution for sub-rule (1b)

convene [as often as necessary] for meetings as required by the chairperson with minimum of two meetings per annum;
 - (d) by the substitution for sub-rule 1(d) of the following sub-rule:

"1(d) at any time request any party to the appeal to furnish any particulars which [appear to] may be [requisite] relevant for the determination of an appeal; thereupon that party shall direct the particulars to the [Appeal Board] Refugee Appeals Authority of South Africa within a period [determined by the Appeal Board] agreed by the parties, which may not be longer than 30 days, failing which the matter will be finalized unless agreed otherwise";
 - (e) by the substitution for sub-rule 1(e) of the following sub-rule:

"1(e) postpone the hearing for any material evidence or representations [of] for the consideration of an appeal to such date as the [Appeal Board] Refugee Appeals Authority of South Africa may determine; and"
 - (f) by the substitution for sub-rule 2 of the following sub-rule:

"2. If for any reason the Chairperson of the [Appeal Board] Refugee Appeals Authority of South Africa is unavailable to convene or attend any meeting of the [Appeal Board] Refugee Appeals Authority South Africa, the Chairperson may designate one of the members of the [Appeal Board] Refugee Appeals Authority of South Africa to act as presiding officer."
 - (g) by the substitution for sub-rule 3 of the following sub-rule:

"3. In the event of the [Appeal Board] Refugee Appeals Authority of South Africa setting aside the decision of a Refugee Status Determination Officer, the matter may be referred back to the Refugee Status Determination Officer for determination." (deletion of sub-rule 2 and 3) The decision to refer the matter

back to the RSDO shall be accompanied by reasons and the appellant shall be afforded the opportunity object, which objection must be considered.

Amendment of rule 4 of the principal Rules Lodging an Appeal

4. Rule 4 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rules:

“1. An appeal in terms of section [26] 24B of the Act shall be lodged [in person] within [30] 10 days. [of receipt by the asylum seeker of the letter of rejection by the Refugee Status Determination Officer.] Such appeal may be lodged in person with the Refugee Appeals Authority of South Africa or at the Refugee Reception Office where the letter of rejection was issued by the Refugee Status Determination Officer or by email to an email address designated by the Refugee Appeals Authority of South Africa for that purpose in the practice note.

“2. The notice of appeal shall be in the form RAA(01) as prescribed [by Form RAB(01)] in the Regulations and shall include:-

“4. The designated Appeal Clerk shall submit the notice of appeal together with copies of [relevant documentation] the relevant file to the [Appeal Board] Refugee Appeals Authority of South Africa within 10 days after the notice of appeal is lodged.

(b) by the substitution for sub-rule 5 and by the insertion of sub-rule (a), (b), and (c) of the following sub-rule:

“5(a) Where good cause is shown the [Appeal Board] Refugee Appeals Authority of South Africa may condone [any] non-compliance with the 10 day period provided in Rule 4(1). The Refugee Appeals Authority of South Africa will determine condonation together with the appeal”

“5(b) Where an appellant lodges a notice of appeal after the expiry of the period stipulated in Rule 4, the Appellant must serve an affidavit with the notice of appeal showing good cause for the delay, supported by documentary evidence where appropriate;”

“5(c) The designated Appeal Clerk must submit the documents referred in sub-rule 5(b) to the Refugee Appeals Authority of South Africa within 10 days of receipt.”

Amendment of Rule 5 of the principal Rules

Service of Documents

5. Rule 5 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rules:

“1. The [Appeal Board] Refugee Appeals Authority of South Africa may serve and accept service of any document in a manner it deems fit.”

“2. Where any party serves a document on another party, a copy of that document shall also be filed with the Registrar of the [Appeal Board] Refugee Appeals Authority of South Africa;”

“3. A party must serve all documents [on the Appeal Board] arising out or relating to an appeal on the Refugee Appeals Authority, specific details of which will be provided in the practice note as follows:

[(b) All other documents arising out or relating to an appeal must be served as follows:]

- (i) personally on the Registrar of the **[Appeal Board]** Refugees Appeals Authority of South Africa; or
- (ii) by facsimile to the Registrar of the **[Appeal Board]** Refugee Appeals Authority of South Africa; or
- (iii) by sending a copy of the document by registered post to the Registrar of the **[Appeal Board]** Refugee Appeals Authority of South Africa
- (iv) by email to the Registrar

"4. The **[Appeal Board]** Refugee Appeals Authority of South Africa may accept proof of service of any document in a manner it deems fit."

Repeal of Rule 6 of the principal Rules

Late Notice of Appeal – Condonation

6. Rule 6 of the principal Rules is hereby repealed.

Amendment of Rule 7 of the principal Rules

Parties to the Appeal

7. Rule 7 of the principal Rules is hereby amended—

- (a) by the substitution for sub-rule 1 of the following sub-rule:
"1. The Appellant and the **[Department of Home Affairs]** Refugee Status Determination Officer are parties to the appeal."
- (b) by the substitution for sub-rule 2 of the following sub-rule:
"2. If any party intends submitting heads of argument, [the] they [parties] must [submit] do so [heads of argument] within [5] 3 days prior to the hearing;"
- (c) by repealing sub-rule 3 of the Rule.

Amendment of Rule 8 of the principal Rules

Change in Address

8. Rule 8 of the principal Rules is hereby amended—

- (a) by the substitution for the sub-rule:
"1. The Appellant must **[serve a notice on]** notify the Registrar of the **[Appeal Board]** Refugee Appeals Authority of South Africa of any change in his or her address or personal contact details provided in the Notice of Appeal, within 30 days of knowing such change."
- (b) by the insertion of the following sub-rule:
"2. The address and personal details contemplated in sub-rule 1 is, for the purposes of these Rules, deemed to be the address to which the service of processes or correspondence may be made."

Amendment of Rule 9 of the principal Rules**Right to Legal Representation**

9. Rule 9 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rule:

“1. The appellant is entitled to legal representation at no expense to the **[Appeal Board]** Refugee Appeals Authority of South Africa.”

(b) by repealing sub-rule 3 of the rule.

(c) by the substitution for sub-rule 4 of the following sub-rule:

“4. Representation referred to in Rule 9(2) **[and (3)]** must be duly authorized by the Appellant by way of a Power of Attorney as prescribed in Form **[RAB(02)]** RAA(02).”

Amendment of Rule 10 of the principal Rules**Notification of Appeal [Hearing] Determination**

10. Rule 10 of the principal Rules is hereby amended—

(a) by deletion of the word Appeal in the heading of Rule 10:

“1. The word appeal in the heading of Rule 10 is hereby deleted.”

(b) by the substitution for sub-rule 1 of the following sub-rule:

“2. Where the **[Appeal Board]** Refugee Appeals Authority of South Africa decides to conduct a hearing or make a determination on paper, it **[shall]** will serve written notice on the Appellant at least 30 days prior to the scheduled hearing. Such notice shall contain the date, time and venue for the hearing as prescribed in Form **[RAB(03)]** RAA(03) attached to the Rules.”

(c) by the insertion of sub-rule 3

“3. The parties may, by agreement, waive the time periods contemplated in sub-rule 10(1).”

Amendment of Rule 11 of the principal Rules**Postponement of a Hearing**

11. Rule 11 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rule:

“1. The **[Appeal Board]** Refugee Appeals Authority of South Africa may grant an application for the postponement of a hearing upon being satisfied that there is good cause for the postponement requested.”

“2. The **[Appeal Board]** Refugee Appeals Authority of South Africa may also postpone the hearing on its own accord.”

“3. Where a hearing is postponed, the **[Appeal Board]** Refugee Appeals Authority of South Africa shall **[give notice]** notify the Appellant either orally or in writing **[to the Appellant]** of such postponement [time, date and venue of the postponed hearing].”

(b) by insertion of the following sub-rules to Rule 11:

“4. Application for postponement of an appeal hearing must be done in person by the appellant and if he or she is represented, by his/her representative on the

date of the scheduled hearing before the appointed member or members concerned"

5. If the appellant or his/her representative is unable to appear on the date scheduled for the appeal hearing, the written application for postponement must be submitted to the registrar 5 days prior to the hearing date, if possible."

"6. Failure to comply with any provision of the Rules relating to postponement may result in the member or members concerned determining the appeal on paper."

Amendment of Rule 12 of the principal Rules

Non-appearance of Appellant

12. Rule 12 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rule:

"1. Where an Appellant is duly served with a Notice of Hearing in terms of Rule 10 but fails to attend the hearing and has neither notified the [Appeal Board] Refugee Appeals Authority of South Africa nor given any satisfactory explanation for such failure, the [Appeal Board] Refugee Appeals Authority of South Africa [will] may [determine] consider the appeal on paper subject to Rule 12(2)."

(b) by the insertion of the following sub-rules to Rule 12

"2. Where an appellant fails to attend a hearing as set out in Rule 12(1), the appellant may within 30 days of the scheduled hearing provide and serve in terms of Rule 5 the Refugee Appeals Authority of South Africa with reasons for no-appearance in writing."

"3. In exercising its discretion whether or not to grant a hearing of the appeal, the Refugee Appeals Authority of South Africa shall give due consideration to the reasons for failure to appear as scheduled."

"4. Where a member decides to make a determination on paper, the appellant must be provided with a notification of his/her decision and be given an opportunity to provide an additional affidavit within 10 days"

"5. The affidavit referred above may contain additional information for the member to consider before finalizing the matter."

Amendment of Rule 13 of the principal Rules

Conduct of Proceedings at Hearings

13. Rule 13 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rules:

"1. The [Appeal Board] Refugee Appeals Authority of South Africa shall conduct its proceedings in a manner appropriate for the purposes of determining the appeal before it and in line with the practice notes developed for this purpose."

"2. An appeal determination will take the form of a hearing in person, as part of the inquisitorial process."

"3. The [Appeal Board] Refugee Appeals Authority of South Africa will [may] require any party or any witness to give evidence [on] under oath or [under] affirmation."

"4. The Chairperson may designate one or more members of the **[Appeal Board]** Refugee Appeals Authority of South Africa to hear and determine any appeal lodged."

Insertion of Rule 13A of the principal Rules

Determination on paper

13. Rule 13A of the principal Rules is hereby inserted—

"1. A member may determine a matter on paper provided there is sufficient information on the file to make a determination."

"2. Where a member decides to conduct a paper determination the Registrar will serve a written notice on the appellant in the Form of RAA(05) to the last confirmed contact details or on the appellant's file. Within 30 days of receipt of such notice the appellant will have a right to submit a supplementary affidavit."

"3. Prior to making a final determination on paper the appellant will be afforded an opportunity to submit an affidavit explaining whether he/she objects to a determination on paper and provide reasons for such objection. In the affidavit the appellant may include additional information for a member's consideration."

Amendment of Rule 14 of the principal Rules

[Closed] Confidential Proceedings

14. Rule 14 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rule:

"1. The proceedings [hearings] of the **[Appeal Board]** Refugee Appeals Authority of South Africa are confidential and are only open to parties to the proceedings [will not be open to the public.] The **[Appeal Board]** Refugee Appeals Authority of South Africa may on application or on its own accord allow any persons to attend a hearing."

"2. Where such persons are permitted to attend the hearing in terms of Rule 14(1) above, the **[Appeal Board]** Refugee Appeals Authority of South Africa may nonetheless exclude any person behaving in a manner likely to interfere with the proper conduct of the proceedings."

(b) by insertion of the following sub-rule;

"3. Where an application is made to attend confidential proceedings in terms of section 21(5) of the Act, such an application must be heard prior to the hearing of the appeal. A decision in this regard must be rendered within 10 days of the application."

Amendment of Rule 15 of the principal Rules

Subpoena of Witnesses

15. Rule 15 of the principal Rules is hereby amended—

(a) by the substitution for sub-rule 1 of the following sub-rule:

"1. The **[Appeal Board]** Refugee Appeals Authority of South Africa may either of its own volition or on the request of any party to the appeal, subject to the approval of the **[Appeal Board]** Refugee Appeals Authority of South Africa,

subpoena any person to serve as a witness at a hearing of the **[Appeal Board]** Refugee Appeals Authority of South Africa at such time and place as may be specified in the subpoena which shall be issued in Form **[RAB(4)]** RAA(4) attached to the Rules."

- (b) by the substitution for sub-rule 2 of the following sub-rule:

"2. The **[Appeal Board]** Refugee Appeals Authority of South Africa may require a witness to answer any questions and/or to provide and any relevant documentation related to an appeal."
- (c) by the substitution for sub-rule 3 of the following sub-rule:

"3. No person shall be required to travel more than 50 kilometres from his or her place of residence in obedience to a subpoena unless the party at the request of which the subpoena is issued, pays the reasonable expenses of such attendance as determined by the **[Appeal Board]** Refugee Appeals Authority of South Africa."
- (d) by the substitution for sub-rule 4 of the following sub-rule:

"4. Service of any such subpoena issued shall be effected by a member of the South African Police Services, the Sheriff of the Court or in a manner determined by the **[Appeal Board]** Refugee Appeals Authority of South Africa."

Amendment of Rule 16 of the principal Rules

Consolidated Proceedings [Hearings]

16. Rule 16 of the principal Rules is hereby amended—

- (a) by the substitution for the rule of the following rule:

"1. The **[Appeal Board]** Refugee Appeals Authority of South Africa may, **[after consultation with the parties, decide]** make a ruling in terms of the practice note that two or more appeals be determined **[heard]** together where it appears to the **[Appeal Board]** Refugee Appeals Authority of South Africa that-

(3) for some reason it is practical and **[appropriate]** efficient to proceed with two or more appeals under this rule.

Amendment of Rule 17 of the principal Rules

Record of Decisions and Reasons

17. Rule 17 of the principal Rules is hereby amended—

- (a) by the substitution for the rule of the following rule:

"1. The **[Appeal Board]** Refugee Appeals Authority of South Africa shall record the decision of any appeal. The Registrar is to update the system in order for the decision to be served by the Department of Home Affairs."

Amendment of Rule 18 of the principal Rules

Cancellation of Appeal

18. Rule 18 of the principal rules is hereby amended

- (a) by the substitution for the rule of the following rule:

"1. An appeal is deemed cancelled if the Appellant **[gives notice of withdrawal or cancellation of his]** gives notice in the form of an affidavit to the Refugee Appeals Authority of South Africa or to a designated Refugee Appeals Authority

of South Africa official, in writing of his/her cancellation of [his] the appeal. [to the Appeal Board and/or the designated Appeal Clerk.]

- (b) by the insertion of sub-rule 2

"2. Such notification must be accompanied by the Appellant's affidavit, together with the Appellant's asylum permit, travel ticket or travel document (passport)."

- (c) by the insertion of sub-rule 3

"3. Refugee Appeals Authority South Africa will issue the appellant with a letter signed by a member confirming the decision of the Refugee Status Determination Officer and the Registrar shall update the system accordingly"

Amendment of Rule 19 of the principal Rules

Review of Decisions

19. Rule 19 of the principal rules is hereby amended

- (a) by the substitution for the rule of the following rule:

"1. Where the [Appeal Board] Refugee Appeals Authority of South Africa has conveyed its appeal decision to the Appellant, the [Appeal Board] Refugee Appeals Authority of South Africa shall be functus officio."

- (b) by the insertion of the following sub-rule;

"2. The Refugee Appeals Authority of South Africa may on application re-hear an appeal after a decision has been issued under the following circumstances:

(i) where the party fails to appear for a scheduled hearing and complies with the provisions of Rule 12.

(ii) where judicial review has been instituted and a settlement agreement has been reached as per a decision of the High Court.

Amendment of Rule 20 of the principal Rules

Correction of Errors

20. Rule 20 of the principal rules is hereby amended

- (a) by the substitution for the rule of the following rule:

"1. Clerical errors in any decision, or errors from any omission, may at any time be corrected and any correction made hereto, or to a record of the decision, shall be deemed to be part of the decision or record and a written notice of it shall be given as soon as practicable to the parties if the [Appeal Board] Refugee Appeals Authority of South Africa deems it necessary."

Amendment of Rule 21 of the principal Rules

General

21. Rule 21 of the principal rules is hereby amended

- (a) by the substitution for the rule of the following sub-rules:

"1. An Appellant or his/her legal representative may request copies of all relevant documents, transcripts or the contents of the file on payment of a fee determined by the **[Appeal Board]** Refugee Appeals Authority of South Africa."

(b) by repealing sub-rule 2

"2. Sub-rule 2 of the principal Rules is hereby repealed

(c) by the insertion of sub-rule 3

"3. Refugee Appeals Authority of South Africa's Practice Notes issued by Refugee Appeals Authority of South Africa from time to time will fully set out the conduct of its proceedings."

Amendment of Rule 23 of the principal Rules

Citation and Commencement

22. Rule 23 of the principal rules is hereby amended

(a) by the substitution for the rule of the following rule:

"1. These Rules may be cited as the **[Refugee Appeal Board]** Refugee Appeals Authority of South Africa Rules, 2013 as amended and shall come into operation on **[6 December 2013]** publication.

FORM [RAB] RAA (01)IN THE [REFUGEE APPEAL BOARD] REFUGEE APPEALS AUTHORITY

FILE REF NO: _____

In the matter between:

Appellant

and

Respondent

NOTICE OF APPEAL

PLEASE TAKE NOTICE that _____ (the appellant) intends to appeal the decision of the Refugee Status Determination Officer (RSDO) rejecting his/her application for refugee status for an order in the following terms:

- 1.
- 2.
- 3.

TAKE NOTICE FURTHER that the affidavit of the appellant, annexed hereto, which sets out reasons for this appeal, will be used herein.

DATED at _____ this _____ day of _____ 20_____

APPELLANT

TO: THE REGISTRAR
[REFUGEE APPEAL BOARD] REFUGEE APPEALS AUTHORITY

AND

TO: RESPONDENT

**APPEAL AGAINST A DECISION BY THE REFUGEE STATUS DETERMINATION OFFICER (RSDO)**

File Ref No _____

(Appellant)

and

(Respondent)**AFFIDAVIT**

I, the undersigned,

do hereby make oath and say:

1. Background

1.1 Date of birth: _____

1.2 Gender: _____

1.3 Nationality: _____

1.4 Marital status: _____

1.5 Tel/cell no: _____

1.6 Postal and Physical address (number and street, suburb, city and province) _____

**Power of Attorney in respect of an appeal to the [Refugee Appeal Board] REFUGEE APPEALS
AUTHORITY**

POWER OF ATTORNEY

2. _____

FORM [RAB] RAA (03)

Republic of South Africa

[REFUGEE APPEAL BOARD] REFUGEE APPEALS AUTHORITY7th Floor, 266 City Centre Building, Pretorius Street, Pretoria

Private Bag X500, Pretoria. 0001

Tel: +27 12 316 9800 (International) 012 316 9800 (Local)

Fax: +27 12 323 1038 (international) 012 323 1038 (Local)

Email: rab@dha.gov.za

Address all correspondence to the Registrar

NOTICE OF HEARING

APPELLANT:**FILE NO.:**

You have lodged an appeal against the decision of the RSDO rejecting your asylum application. The **[Refugee Appeal Board]** Refugee Appeals Authority will hear your appeal as follows:

DAY:**TIME:****PLACE:**

If you are unable to speak English, you must bring a competent interpreter with you. You are also entitled to be accompanied by a legal representative of your choice. Both the interpreter and the legal representative will be at your own expense.

If you have applied for condonation for the late filing of the Notice of Appeal, the Refugee Appeals Authority may hear your condonation application.

If you fail to appear for your appeal hearing on the date and place referred to herein, the **[Refugee Appeal Board]** Refugee Appeals Authority will determine your appeal on paper in terms of Rule 12 of the **[Refugee Appeal Board]** Refugee Appeals Authority rules.

.....

For **[Refugee Appeal Board]** Refugee Appeals Authority**ACKNOWLEDGEMENT**

I, the named Appellant, hereby acknowledge that I have received and understood the above Notice. I will attend the hearing as scheduled.

Date:.....

Signature:.....

Name:.....



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FORM RAA (04)

Republic of South Africa

REFUGEE APPEALS AUTHORITY7th Floor, City Centre Building, 266 Pretorius Street, Pretoria

Private Bag X500, Pretoria. 0001

Tel: +27 12 316 9800 (International) 012 316 9800 (Local)

Fax: +27 12 323 1038 (international) 012 323 1038 (Local)

Email: rab@dha.gov.za

Address all correspondence to the Registrar

NOTICE OF APPEAL DETERMINATION ON PAPER**APPELLANT:****FILE NO:**

You have lodged an appeal against the decision of the Refugee Status Determination Officer (RSDO) rejecting your asylum application. This Notice serves to advise that the Refugee Appeals Authority intends making a determination on paper in respect of your appeal based on the information on your file. Prior to the Refugee Appeals Authority making a final determination on paper, you are given an opportunity to supplement your appeal by submitting an affidavit to the Refugee Appeals Authority. In the affidavit you need to explain whether you object to the determination on paper, and if you do object, you must provide full reasons for such objection. You may also include in the affidavit, additional information that you would like the Refugee Appeals Authority to take into consideration when making its final determination. The affidavit must be submitted to the Registrar of the Refugee Appeals Authority, within thirty (30) days of receipt by you of this Notice. You must serve the affidavit on the Registrar either in person at 7th Floor, City Centre Building, 266 Pretorius Street, Pretoria, or via email at rab@dha.gov.za or otherwise in accordance with the remaining provisions of Rule 5.

The last day for you to submit your affidavit to the Registrar in terms of the thirty-day period is **(DATE):**.....

If you are unable to speak English, you have the right to have a competent interpreter assist you with interpretation to complete the affidavit. If you are unable yourself to secure the services of an interpreter to assist you, you must inform the Registrar either via telephone at +27 12 3169800, or via email at rab@dha.gov.za at least ten (10) days before the expiry of the thirty (30) day period, in which instance the Registrar will assist you in finding an interpreter to assist you with the affidavit. Should you secure the services of an interpreter yourself, it will be at your own expense.

You also have the right to have a legal representative of your choice to help you with the drawing up of the affidavit, at your own expense.

If you fail to submit an affidavit within the thirty-day period, The Refugees Appeal Authority will proceed to make a determination on paper in terms of Rule 12 of the Refugee Appeals Authority Rules.

.....
REGISTRAR: For Refugee Appeals Authority

ACKNOWLEDGEMENT

I, the above-named Appellant, hereby acknowledge that I have received and understood the above Notice.

Date:.....**Signature:**.....

Name.....



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FORM [RAB] RAA (05)

Republic of South Africa

[REFUGEE APPEAL BOARD] REFUGEE APPEALS AUTHORITY7th Floor, 266 City Centre Building, Pretorius Street, Pretoria

Private Bag X500, Pretoria. 0001

Tel: +27 12 316 9800 (International) 012 316 9800 (Local)

Fax: +27 12 323 1038 (international) 012 323 1038 (Local)

Email: rab@dha.gov.za

Address all correspondence to the Registrar

WITNESS SUBPOENA**TO:**

Name:

Address

You are hereby required to appear in person before the [Refugee Appeal Board] Refugee Appeals Authority on the.....day of.....20.....at

(time).....(venue).....

to render evidence in the appeal of.....
.....and to bring with you all documents in your possession relating to this appeal.

You are required to give evidence during the appeal and to remain present until excused by the [Appeal Board] Refugee Appeals Authority.

If your above-mentioned address changes before the proceedings are finalized or before you are officially excused as a witness, you must inform the [Appeal Board] Refugee Appeals Authority thereof.

.....
REFUGEE APPEALS AUTHORITY

.....
p.p. [REFUGEE APPEAL BOARD]

I,hereby acknowledge receipt of the above subpoena.

Signature:..... Date:.....

Name:

NB: Any person who fails to comply with this subpoena will in terms of section 37 of the Refugees Act, No 130 of 1998 be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.