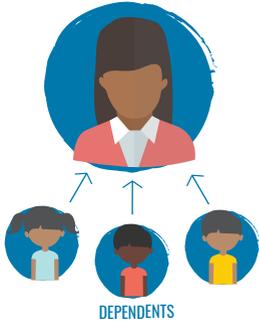


FAMILY JOINING IN SOUTH AFRICA

Visit our page to find out more about this topic:
www.genderjustice.org.za/explainers

PRINCIPAL APPLICANT



1. WHAT IS FAMILY JOINING?

Family unification – known as *family joining* – is the granting of asylum or refugee status to dependent family members of recognised asylum-seekers or refugees in South Africa (which is set out at Section 3(c) of the [Refugees Act](#)). In other words, asylum and refugee families can be documented together in one file. Family joining is important as it maintains a family unit – an important part of building stability and ensuring proper refugee protection in South Africa.

Dependents include [spouses](#), [children](#) and [destitute, aged or frail family members](#). A spouse includes those marriages registered in terms of either a civil or customary union. Children includes any person [under the age of 18 years](#).

2. WHEN DOES DEPENDENCY ARISE?

A spouse or child of a recognised refugee or asylum seeker are entitled to be documented as dependents, [regardless](#) of the following:

- whether or not the principal applicant declared them on their asylum application;
- when they applied for refugee status and asylum;
- where the spouse was married to the principle applicant; or
- where the dependent child was born to the principle applicant.

In 2019, Standard Operating Procedures for family joining were confirmed by the courts. See overleaf for more details.

3. WHICH DOCUMENTS ARE NEEDED FOR FAMILY JOINING?

The family joining process takes place at a [Refugee Reception Office](#). Accessing this service can be tricky, and often several visits to the Refugee Reception Office are needed. Nevertheless, the following documentation should be prepared for family joining processes.



SPOUSES

You must provide [proof of spousal relationship](#) if available. All documents must be translated into [English](#) by an official translator. Ideally, this would be a [marriage certificate](#). If there is no marriage certificate, other documents such as proof of [lobola payment](#), [photos](#) of the wedding, [church](#) or [mosque](#) documents, as well as an [affidavit](#), should be provided.



DEPENDENT FAMILY MEMBERS

Where children, destitute, aged or frail family members are concerned, you must provide [proof of dependency](#). All documents must be translated into [English](#) by an official translator. For children, this would ideally be a [birth certificate](#). Home Affairs may require a DNA test, but you might not have to pay for this. If your child is [over 18](#), you must provide proof of [dependency](#) (medical certificates, proof of school enrolment, etc). If you don't have these documents, you'll need an affidavit.

The principle applicant will also need a certified copy of their permit.

A NOTE ON NON-BIOLOGICAL CHILDREN

In the event that you bring child relatives with you into South Africa, that are [not](#) your [biological](#) children, you will have to apply to the Children's Court to be declared the child's legal caregiver before the child can be joined to your file. If you are caring for a child that is not your biological child, and you hold asylum seeker or refugee status, we recommend that you contact one of the organisations overleaf for further assistance.





4. WHAT IS THE FAMILY JOINING PROCEDURE?



As the principle applicant, **you** must assist your family during the application process or apply on behalf of the dependents. Please note: The procedure, below, is subject to **change** and although this is the procedure in theory, in reality it can differ. This process can take a long time, but it is very **important** that you do it.

IF YOU HOLD REFUGEE STATUS...

IF YOU HOLD AN ASYLUM SEEKER PERMIT...

STEP ONE

Collect all the necessary documentation (see question 3). If you need assistance in preparing an affidavit, seek legal or paralegal advice.

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STEP TWO

Go to the Refugee Reception Office **where your permit was first issued**. Fill out a family joining form & submit supporting documents to Refugee Status Determination Officer Manager.

Go to the Refugee Reception Office **where you usually extend your permit**. Fill out a family joining form & submit supporting documents to Refugee Status Determination Officer Manager.

STEP THREE

You will later be called for a hearing at the RRO where Home Affairs will verify your family relations. Whilst waiting for this hearing, your dependents can be documented with an asylum seeker permit.

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STEP FOUR

If satisfied, the RSDO will grant the dependent refugee status. They will provide this decision in writing, and if it is a rejection, you can appeal this decision.

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WHAT WAS THE 2019 COURT CASE ABOUT?

SCCT and Others v Minister of Home Affairs and Others (5242/16)

A court case on family joining was started in 2016 by civil society, because family joining processes were **not functioning**. Many wives, husbands and children of refugees and asylum-seekers were left **undocumented**, with no option to apply for alternative documents. This put them at risk of detention and made their lives very difficult - some children could not access school, for example. In 2019, Western Cape High Court handed down a Court Order that confirmed successful negotiations between Home Affairs and civil society. This was in the form of a document called the **Standard Operating Procedure: Refugee Family Unification**. Google it, and you will find that this document sets out the rules around family joining in South Africa.



I HAVE MORE QUESTIONS. WHO CAN I ASK?

If you want to join family members into your refugee/asylum file, we recommend you get some legal advice first. There are several organisations working on this issue. Here are the contact details of three organisations:

[The Scalabrini Centre of Cape Town](http://www.scalabrini.org.za) | info@scalabrini.org.za | Cape Town: 021 465 6433
[Lawyers for Human Rights](http://www.lhr.org.za) | Durban: 031 301 0531, Pretoria: 012 320 2943, Johannesburg: 011 339 1960
[Legal Resources Centre](http://www.lrc.org.za) | info@lrc.org.za | Johannesburg: 011 836 9831, Cape Town 021 481 3000

