

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION,
PRETORIA

29/7/15

CASE NO: 2015/3768

(1)	REPORTABLE: YES <u>NO</u>
(2)	OF INTEREST TO OTHER JUDGES: YES <u>NO</u>
(3)	REVISED. <u>✓</u>
..... 29.7.15 DATE SIGNATURE	

In the matter between:

ROSSY NOMSA SEMAMBO & 3 OTHERS

APPLICANTS

and

THE MINISTER OF HOME AFFAIRS
THE DIRECTOR – GENERAL OF THE
DEPARTMENT OF HOME AFFAIRS

1ST RESPONDENT2ND RESPONDENT

J U D G M E N T

WRIGHT J

1. The applicant is a South African woman married to a Ugandan man. They have children. The applicant launched an urgent application in January 2015. The application included a Part A, seeking urgent relief and a Part B seeking non-urgent relief. Part A sought relief pending the outcome of Part B. Mr

Makapan, for the applicants informs me that what is before me is only Part A. On 24 February 2015 the matter was struck from the roll. On 31 March 2015 a different attorney begun to represent the applicant. By that stage the applicant's replying affidavit had already been filed.

2. In Part B the applicant seeks an order that the first respondent's decision to bring a particular regulation into operation is inconsistent with the Constitution. The applicant does not suggest why this should be so. A second prayer is that an alleged decision to issue a directive to the second applicant is reviewable. No grounds are set out for this relief. A third prayer is that a decision to declare the second applicant to be undesirable is reviewable. The answering affidavit makes it clear that no such decision has been taken. It is also clear that the application confuses a decision to declare a person undesirable with one prohibiting that person from entering the country. The second applicant, it would appear, was refused entry to the country on the ground that he had a criminal conviction. The answering affidavit also shows that internal remedies have not been exhausted. There is a fourth prayer which I cannot decipher.

Order

1. Part A of the application is dismissed.
2. The applicant, Rossy Nomsa Semambo, is to pay the costs relating to today's hearing.
3. The question of the balance of the cost^s₁ is reserved for the court hearing Part B.



GC WRIGHT J

JUDGE OF THE HIGH COURT,
GAUTENG DIVISION,
PRETORIA

On behalf of the Applicant:	Mr Makapan
Instructed by:	Makapan Attorneys
	012 326 0245
On behalf of the Respondents:	Adv Bofilatos SC
Instructed by:	State Attorneys
	012 309 1653/1
Date of Hearing:	29 July 2015
Date of Judgment:	29 July 2015