



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 2026-191497

(1) REPORTABLE: YES/NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED.

02/09/2026

SIGNATURE

DATE

In the appeal of:

MISGANU S. ASFAW

Applicant

(PTAETH000140826)

and

THE MINISTER OF HOME AFFAIRS

First Respondent

**THE DIRECTOR GENERAL: DEPARTMENT OF
HOME AFFAIRS**

Second Respondent

JUDGMENT

LABUSCHAGNE J:

- [1] The applicant applied in the urgent court for the following relief:
1. That the application be heard on the basis of urgency.
 2. That the Respondents issue the applicant with an asylum permit on the date of service of the order;
 3. That the respondents extend the applicant's asylum permit when it expires, until his refugee status has been finally and lawfully determined;
 4. That the respondents be ordered to pay the costs of this application on an attorney and own client scale.
- [2] The applicant is an Ethiopian national who entered South Africa in 2025 and who was arrested while working in a shop. He is incarcerated and faces prosecution for breaching the immigration laws.
- [3] He applied for an asylum permit which was turned down, and he thereafter submitted a review to the Standing Committee for Refugee Affairs (SCRA) in terms of sec 24A of the Refugees Act, 130 of 1998.
- [4] He was interviewed by a Refugee Determination Officer before his application was turned down as manifestly unjustified. The grounds on which his application for asylum was refused included the finding that he did not fear going back to Ethiopia but that he preferred living in South Africa due to better economic opportunities. It is therefore apparent that he is not truly an asylum seeker but an economic refugee. Nevertheless, he applies for asylum.

- [5] Based on the aforesaid pending review before SCRA he may be entitled to interim protection pending the decision by SCRA, but the outcome appears to be bleak for the applicant. This judgment does not remove any interim protections he is entitled to in law.
- [6] The applicant faces a more fundamental difficulty affecting the urgency of the matter. He has been arrested and detained for violation of immigration laws which are unrelated to his application for asylum and his representations before SCRA. Recently he brought an application on the same facts which on 19 August 2026 was struck from the roll by Kekana AJ for lack of urgency. The applicant then proceeded to re-issue the same papers and set it down before this court without disclosing the aforesaid. His case for urgency is self-created in these circumstances.
- [7] On the facts he disclosed during his interview at the Refugee Reception Office, the applicant is not a bona fide asylum seeker who seeks protection in the interim while exhausting internal remedies, reviews and appeals. The fact that he is incarcerated has nothing to do with his application for asylum. I am not satisfied that there are grounds to intervene on an urgent basis.

Order

- [8] In the premises the application is struck from the roll for lack of urgency with costs on Scale B.



LABUSCHAGNE J

JUDGE OF THE HIGH COURT

DATE OF HEARING: 27 AUGUST 2026

DATE OF JUDGMENT: SEPTEMBER 2026

APPEARANCE

FOR THE APPLICANT: ADV V SEKGOTLHE

FOR THE RESPONDENT: ADV H LEGOABE