

May/June 2013

Ms REF Ugee is a citizen of a war-ravaged country in West Africa. She fled her country of birth, moving gradually southwards and entered South Africa after a long journey. Ms REF Ugee applies for asylum at the Department of Home Affairs in terms of section 21(1) of the Refugees Act 130 of 1998. Pending the outcome her application for asylum, she was granted an asylum seeker permit in terms of the Act, which allows her to stay temporarily in South Africa. Later, however, her application for asylum is rejected by the authorized refugee status determination officer without any input by Ms REF Ugee. No reasons were given, but it later transpired that the rejection was based on the informal notes of the refugee reception officer working in the refugee reception officer responsible for issuing her with the asylum seeker permit. From these notes the impression might be granted that the decision had been influenced by certain irrelevant factors suggesting bias on the part of the administrator. The Refugees Act makes provision for review by the Standing Committee and an appeal to the Appeal Board of a decision by a refugee status determination officer.

You are a legal advisor working at a non-governmental organization (NGO) called Consortium for Refugees and Migrants in South Africa (CRMISA). Ms Ugee approaches you for assistance on ways and means on how the NGO might be able to come to her assistance.

Answer the following questions and substantiate your answers.

**Question 1**

- 1.1 Briefly explain what an administrative-law relationship is. Do you think Ms REF Ugee is a subject of an administrative-law relationship? (6)**

An administrative-law relationship is a relationship between two or more legal subjects in which one is a person or body who is clothed with state authority and is able to exercise the authority over the other. The exercise of power may affect the rights and/or interests of the person(s) in a subordinate position. It is therefore an unequal relationship. In a general administrative-law relationship the legal rules governing the relationship between the parties apply to all the subjects in a particular group. It is created by, changed and terminated by legislation. In an individual administrative-law relationship the rules apply personally and specifically between the parties. The relationship is created by individual administrative decisions.

In the set of facts, the individual administrative-law relationship is applicable since an individual relationship exists between Ms Ugee and the Department of Home Affairs.

- 1.2 Identify the administrative action in the in the set of facts. In your answer, you should give a full definition of the concept "administrative action" with reference to the provisions of the Promotion of Administrative Justice Act (PAJA) 3 of 2000. (13)**

Section 1 of PAJA defines "administrative action" as any decision taken, or any failure to take a decision, by –

(a) an organ of state, when-

May June 2013 976 answer

**Marcel A. Müller**



**May June 2013 976 answer:**

## Unveiling the Magic of Words: A Overview of "**May June2013 976answer**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**May June2013 976answer**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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