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FORM 28
WARRANT OF DETENTION OF ILLEGAL FOREIGNER

(DHA-1725) **Form 28**



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
WARRANT OF DETENTION OF ILLEGAL FOREIGNER
[Section 7(1)(g) read with section 34(1); Regulation 33(1)]

To: ***Station Commissioner/Head of Correctional Services or Detention Facility**

As (indicate full names and surname of illegal foreigner), with date of birth / / (dd/mm/yyyy) and Travel Document No. (e.g. passport), issued by (indicate issuing authority) has made *himself/herself liable to *deportation/removal from the Republic and for detention pending such *deportation/removal in terms of section *34(1) or 34(5)/34(8) of the Act, you are hereby ordered to detain him or her until such time *he/she is *deported/removed from the Republic.

.....
Signature of immigration officer

.....
Date

Official stamp

IMMIGRATION OFFICER'S PARTICULARS

Name and surname:.....
Appointment number:.....
Rank/position.....
Office..... Province.....

SUPERVISOR'S PARTICULARS

Name and surname:.....
Rank/position.....
Contact No.: Tel:.....

NB: No release may be effected without the written authority of an immigration officer by means of a warrant of release referred to in section 34(7) of the Act.

***Delete which is not applicable**

FORM 29
NOTIFICATION OF DETENTION FOR PURPOSES OF DEPORTATION

(DHA-1724) **Form 29**



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
NOTIFICATION OF DETENTION FOR PURPOSES OF DEPORTATION
[Section 7(1)(g) read with section 34(1)(a); Regulation 33(2)]

To: (indicate full names and surname of illegal foreigner)
Date of Birth/...../..... (dd/mm/yyyy)
Travel Document Type: Travel Document No.
Date of issue/...../..... Expiry date/...../.....
Issuing Authority

As you are an illegal foreigner, as determined following an investigation into your immigration status in the Republic and after considering whether the interests of justice permit your release subject to reasonable conditions, you are hereby notified that you are to be deported to your country of origin, namely..... as soon as the necessary deportation arrangements have been made.

In terms of section 34(1) of the Act, you have the right to—

- (a) appeal the decision to the Director-General in terms of section 8(4) of the Act within 10 working days from date of receipt of this notice; or
- (b) make representations to the Magistrate Court, at the time of your appearance for confirmation of your further detention, within 48 hours of your arrest and detention or any subsequent further detention thereof, for a period not exceeding 30 calendar days.

ACKNOWLEDGEMENT OF RECEIPT OF NOTIFICATION OF DETENTION FOR PURPOSES OF DEPORTATION

I hereby acknowledge receipt of the original notification of detention for purposes of deportation in which my rights in terms of section 34(1) of the Act were explained to me.

After due consideration, I have decided to—

Await my deportation at the first reasonable opportunity, whilst remaining in custody.

Yes ☐ No ☐

Appeal the decision to deport me.

Yes ☐ No ☐

.....
Signature of detainee

.....
Date

Place:.....

.....
Signature of immigration officer

.....
Date

IMMIGRATION OFFICER'S PARTICULARS

Name and surname:.....

Appointment number:.....

Rank/position.....
Office:..... Province:.....

SUPERVISOR'S PARTICULARS

Name and surname:.....
Rank/position.....
Contact No.: Tel:

CERTIFICATE BY INTERPRETER

I,..... (*name(s) and surname*) of
..... (**business/residential address*) and telephone
number..... and cell phone number hereby confirm that I
have mastered..... (*state language*) and that I have explained
to..... (*name(s) and surname of detainee*) the contents of this notice in the said
language and that I am satisfied that the said foreigner fully understands it.

.....
Signature of interpreter
***Delete which is not applicable**

.....
Place **Date**

FORM 29A
CONDITIONAL RELEASE
FROM DETENTION FOR PURPOSES OF DEPORTATION

(DHA-1724) Form 29A



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
CONDITIONAL RELEASE FROM DETENTION FOR PURPOSES OF DEPORTATION
[Section 7(1)(g) read with section 34(1)]

To: (indicate full names and surname of illegal foreigner)
Date of Birth// (dd/mm/yyyy)
Travel Document Type: Travel Document No.
Date of issue// Expiry date//
Issuing Authority

You are hereby **conditionally** released from detention for purposes of deportation, following an *interview held on// or the attached Court Order issued by the Magistrates Court and dated// in which it was concluded that there exists reasons justifying your release in the interests of justice, subject to the following conditions:

1.
2.
3.
4.
5.

Reporting date:// at the Office

The reasons justifying your conditional release are as follows:

.....
.....
.....
.....
.....

NOTE: You are hereby warned—

- (a) that should you breach any of the conditions for your release, you shall be detained pending your deportation;
- (b) to report to an immigration officer named below on the abovementioned specified date(s);
- (c); and
- (d)

ACKNOWLEDGEMENT OF RECEIPT OF CONDITIONAL RELEASE FROM DETENTION FOR PURPOSES

OF DEPORTATION

I hereby acknowledge receipt of the original notification of my conditional release from detention for purposes of deportation and that the contents hereof were explained to me.

.....
Signature of detainee

.....
Date

Place:.....

.....
Signature of immigration officer

.....
Date

IMMIGRATION OFFICER'S PARTICULARS

Name and surname:.....

Appointment number:.....

Rank/position.....

Office:..... Province:.....

SUPERVISOR'S PARTICULARS

Name and surname:.....

Rank/position.....

Contact No.: Tel:

CERTIFICATE BY INTERPRETER

I,..... (*name(s) and surname*) of
..... (**business/residential address*) and telephone
number..... and cell phone number hereby confirm that I
have mastered..... (*state language*) and that I have explained
to..... (*name(s) and surname of detainee*) the contents of this
notice in the said language and that I am satisfied that the said foreigner fully understands it.

.....
Signature of interpreter

.....
Place

.....
Date

***Delete which is not applicable**

FORM 30
CONFIRMATION BY COURT OF FURTHER DETENTION FOR PURPOSES OF
DEPORTATION

(DHA-1725) **Form 30**



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

CONFIRMATION BY COURT OF FURTHER DETENTION FOR PURPOSES OF DEPORTATION
[Section 7(1)(g) read with section 34(1); Regulation 33(3)]

To: ***Station Commissioner/Head of Prison or Detention facility**

.....
.....
.....

CC: Immigration Officer: Office (Department of Home Affairs)

As(indicate full names and surname of illegal foreigner), with date of birth / /(dd/mm/yyyy) and Travel Document No. (e.g. passport), issued by (indicate issuing authority) (name and surname) has made *himself/herself liable to *deportation/removal from the Republic and having concluded that the interests of justice do not permit his/her release pending such *deportation/removal, in terms of section *34(1)/34(5)/34(8) of the Act, you are hereby ordered to further detain him/her until such time * he/she is *deported/removed from the Republic.

The further detention is extended up to and including/ / (dd/mm/yyyy).

Given under my hand at..... on this day of.....20.....

Magistrates Court

.....
Signature

Designation:

Official stamp

NB: No release may be effected without a warrant of release contemplated in section 34(7) of the Act.

***Delete which is not applicable**

FORM 31
NOTICE TO A FOREIGNER OF THE INTENTION TO APPLY TO COURT FOR THE
EXTENSION OF HIS/HER FURTHER DETENTION

[Section 7(1)(g) read with section 34(1); Regulation 33(4)(a)]

(DHA—1726) **Form 31**



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

To: (name and surname of detainee) with date of birth / / (dd/mm/yyyy) and Travel Document No. (e.g. passport), issued by (indicate issuing authority), detained at (name of detention facility).

You are hereby notified that in view of the fact that your detention pending the execution of the warrant for your deportation to (destination) issued on/...../..... (date – dd/mm/yyyy) is likely to exceed 30 calendar days on/...../.... (date – dd/mm/yyyy) for the reasons mentioned in the affidavit on the reverse side of this notice, I am, in terms of section 34(1) of the Act, submitting the matter for consideration to the Magistrate at (place) on or before/...../..... (date).

You are entitled to make a written or oral representation to a magistrate of the court who will consider and decide on the application for your extended further detention and you are requested to provide me with such representations on or before/...../..... (date). If you require assistance, you may approach the head of the institution where you are being detained.

.....
Signature of Immigration officer

Official Stamp

IMMIGRATION OFFICER'S PARTICULARS

Name and Surname:
Appointment number:
Rank/position:
Office: Province:

SUPERVISOR'S PARTICULARS

Name and Surname:
Rank/position:
Contact No: Tel:

CERTIFICATE BY INTERPRETER

I, (name and surname) of (*business/residential address) hereby confirm that I have mastered (state language) and that I have explained to (name and surname of detainee) the contents of this notice in the said language and that I am satisfied that the said foreigner fully understands it.

.....
Signature of interpreter

.....
Place

.....
Date

***Delete which is not applicable**

REVERSE SIDE OF FORM 31

AFFIDAVIT

I, (name and surname of deponent)

*state herewith under oath/solemnly declare that-

- (a) I am a duly appointed immigration officer stationed at (place);
- (b) I have ordered the detention of (name and surname of detainee) because the warrant for his or her removal from the Republic issued by me on / / (date - dd/mm/yyyy) could not be executed immediately due to (provide reasons);
- (c) the detention of the said detainee was done after considering whether the interests justice permit the release of the detainee subject to reasonable conditions and regarded as necessary as.....
- (d) it is necessary that the said detainee be detained for a further period of because

I append hereto certified copies of the following documentation as proof of my endeavours to expedite the deportation of the said detainee:

- (a)
- (b)
- (c)

Signed at on this day of 20.....

.....
Signature of Immigration officer

.....
Appointment number

Thus signed and *sworn/solemnly affirmed before me on this day of 20.....

***Delete whichever is not applicable**



CERTIFICATE OF OATH/AFFIRMATION

I, (name and surname of Commissioner/designation) hereby certify that before administering the prescribed *oath/solemn declaration, you put the following questions to the deponent and noted *his/her reply in his/her presence:

QUESTIONS

ANSWER

- | | |
|--|--------|
| (a) Do you know and understand the contents of the above declaration | Yes/No |
| (b) Have you any objection to taking the prescribed oath? | Yes/No |
| (c) Do you regard the prescribed oath as binding on your conscience? | Yes/No |

The deponent has acknowledged that he/she knows and understands the contents of the declaration; this declaration was duly *sworn to/solemnly affirmed before me and the deponent's signature was appended thereon in my presence.

Date: Signed:
Place: Address:

FORM 32
APPLICATION TO COURT FOR EXTENSION OF FURTHER DETENTION AND
AUTHORISATION BY COURT FOR THAT EXTENSION

(DHA-1727) **Form 32**



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION TO COURT FOR EXTENSION OF FURTHER DETENTION AND AUTHORIZATION BY
COURT FOR THAT EXTENSION

[Section 7(1)(g) read with section 34(1); Regulation 33(4)(c) and (6)]

To: **The clerk of the Court:**

.....
Re: Extension of further detention of.....(name(s)
and surname of detainee) detained at.....(place).

Please refer this matter for consideration to the Magistrate in terms of section 34(1) of the Act read with Regulation 33(6).

The following documents are attached:

- (a) Certified copy of the warrant of detention of
(name and surname of detainee) issued on/...../.....(date - dd/mm/yyyy);
- (b) notification to the detainee as contemplated in Regulation 33(4)(a);
- (c) affidavit of the immigration officer; and
- (d) any representations by the said detainee (if any). (This does not preclude the concerned
foreigner from making oral representations during his/her appearance in the Magistrates
Court.)

Signed at..... on this.....day of.....20.....

Immigration officer:

Official stamp

.....
Signature

.....
Appointment No

.....
Place

.....
Date

DECISION BY MAGISTRATE

*After perusing the documentation referred to above, I hereby-

- (a) confirm in the interests of justice the application for the extended further detention not
exceeding 30 calendar days of
..... (name and surname of detainee);
subject to the following reasonable conditions.....
.....
- (b) refuse in the interests of justice the application for the extended further detention of.....
..... and order the release subject to the following reasonable
conditions-----
.....
..... (name and surname of detainee);s
- (c) make the following order in addition to the confirmation or refusal above:

.....
.....
Given under my hand at..... on this day of.....20.....

Magistrates Court

.....
Signature of Magistrate

.....
Designation:

***Delete which is not applicable**