



# ATTENTION!

## KNOW YOUR RIGHTS IF YOU HAVE BEEN ARRESTED OR DETAINED BECAUSE OF YOUR DOCUMENTATION STATUS

**If you have been arrested or detained due to your documentation status, you have:**

1

**The right** to know the offence for which you are being charged.

2

**The right** to appear in court within 2 working days of your arrest, if the police do not release you.

3

**The right** to legal representation at court, and to ask for a Legal Aid lawyer to help you free of charge - they will already be at court.

4

**The right** to be released within 2 working days if your documents have been submitted to Home Affairs for verification, but there has been no response.

**If you are arrested due to your documentation status in South Africa, and you are an asylum seeker or a refugee with valid documents:**

Show your asylum or refugee permit to the police. If you do not have it with you, ask to have someone bring it for you, so that you may show it to the police. Explain that you fled your country of origin and are seeking refuge in South Africa.

Show your expired asylum or refugee permit to the police and explain what steps you have taken to renew it. If you have applied online to renew your permit, show them the application that you sent to Home Affairs for renewal. Explain that you fled your country of origin and are seeking refuge in South Africa and your claim for asylum is still pending.

## If you are a **newcomer asylum seeker**, and **you have no documents**:

Explain to the police that you fled your country of origin and want to apply for asylum in South Africa. Explain to them the application process for asylum is in-person and you have already applied, or that you are going to apply.

Show your passport and ZEP permit to the police. If you do not have it with you, ask to have someone bring it for you so that you may show it to the police. Explain that the validity of all ZEP permits have been extended.



## If you are a migrant with an expired passport / visa / no documents:

Ask the police or the court for permission to be released and be given 14 days to leave the country voluntarily, instead of being sent to Lindela for deportation.

Show your passport and visa to the police. If you do not have it with you, ask to have someone bring it for you so that you may show it to the police. Explain that you entered South Africa legally, and are staying in the country legally.





# THINGS TO REMEMBER

1

Always **make sure that you are carrying your documentation / permit / visa / passport with you** in case you get stopped. If you do not want to carry around the original, make a copy and have it certified at the police station or a commissioner of oaths.

2

If you are a newcomer asylum seeker, try to **make sure that you have an asylum transit visa** with you that you obtained at the border entry into South Africa.

3

**Only a police officer or an immigration official is allowed to stop you** to ask for verification of your documentation / permit / visa / passport - no one else!