

IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL LOCAL DIVISION, DURBAN

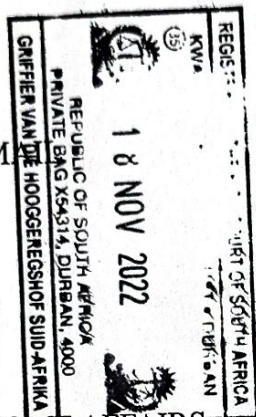
Case No D 12006 / 2022

In the matter between: -

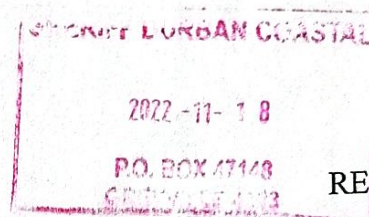
YUSUF IBRAHIM ISMAIL  
HASINA PHILI

And

THE MINISTER OF HOME AFFAIRS



1<sup>ST</sup> APPLICANT  
2<sup>ND</sup> APPLICANT



RESPONDENT

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**NOTICE IN TERMS OF RULE 16A**

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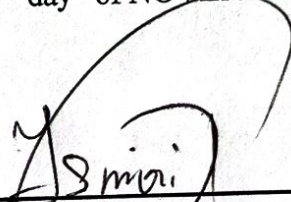
**BE PLEASED TO TAKE NOTICE** that the abovementioned applicants have raised the following constitutional issues in this application: -

1. Whether the temporary residency permit issued by the respondent to first applicant under reference number TRV3362768 in terms of Section 18(2) of the Immigration Act, No. 13 of 2002 ("the Act") unlawfully infringes and/or violates the first applicant's right in particular the right to:
  - 1.1. Section 10 of the Constitution – right to human dignity;
  - 1.2. Section 22 of the Constitution – right to freedom of trade and profession;
  - 1.3. Section 29 of the Constitution – right to education; and
  - 1.4. Section 33 of the Constitution – right to just administrative action
  
2. Whether, and to the extent necessary, the following texts appearing in Section 18(2) of the Immigration Act, No. 13 of 2002 should be reviewed and/or set aside and replaced with the following texts: "18(2) *the holder of a relative's visa may conduct work and study*" would be the appropriate constitutional remedy to rectify the respondent's breaches of its statutory duties and obligations towards the first applicant.

**TAKE FURTHER NOTICE** that any interested party may, with the written consent of all the parties to the proceedings, given not later than 20 days after this notice has been filed, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by and between the parties.

**KINDLY PLACE THIS NOTICE** on a notice board designated for the purpose recorded in Rule 16A (1)(c), and place your date stamp upon the notice to indicate the date upon which it is placed on the notice board in accordance with Rule 16A(1)(d).

Signed and dated at **DURBAN** on this the **18<sup>TH</sup>** day of **NOVEMBER 2022**



**APPLICANT'S SIGNATURE**  
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Durban 4051  
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To: **The Registrar of High Court**  
Durban

And to: **State Attorney - KZN**  
Respondent's attorneys  
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391 Anton Lembede Street