

MEDIA RELEASE	PSA calls on Department of Home Affairs to address staffing needs following Constitutional Court asylum judgement
EMBARGO	None
DATE	07 October 2026
EMBARGO	None
ENQUIRIES	communication@psa.co.za

The Public Servants Association (PSA), as the Union representing the majority of employees of the Department of Home Affairs (DHA), notes the Constitutional Court's judgement in *Scalabrini Centre of Cape Town and Another v Minister of Home Affairs and Others*.

The judgement confirms that asylum seekers may not be prevented from having their claims considered on their merits solely because of procedural non-compliance relating to their immigration status, manner of entry into South Africa, or failure to report to a Refugee Reception Office within the prescribed period. The PSA respects the Constitutional Court's authority and the DHA's obligation to implement the judgement. Implementation may, however, increase the number of applications received and processed at Refugee Reception Offices, placing additional pressure on already strained operations and human resources. Employees may be required to manage substantially higher application volumes and work additional hours without a prior assessment of staffing requirements, service-delivery targets, and operational capacity.

The PSA calls on the DHA to conduct an urgent workload and capacity assessment at all affected Refugee Reception Offices. The assessment should determine anticipated application volumes, processing times, staffing requirements, infrastructure needs, and resources necessary to implement the judgement without compromising employees or service delivery. The PSA previously raised concerns about the DHA's staffing capacity. According to information available to the PSA, the DHA is currently operating at approximately 35% of its approved establishment. Government should urgently increase capacity to match operational demands and ensure that the DHA can fulfil its constitutional and service-delivery obligations.

The PSA's concerns are not directed at asylum seekers or at the enforcement of the Constitutional Court's judgement. Concerns focus on ensuring the DHA provides sufficient personnel, systems, infrastructure, and occupational support for applications to be processed lawfully, efficiently, and with dignity for applicants and employees.

The PSA has requested an urgent consultation meeting with the DHA on 9 October 2026 to discuss measures to mitigate the potential additional workload of employees at affected Refugee Reception Offices.



The DHA is responsible for ensuring that employees are adequately staffed, resourced, and supported as the judgement is implemented. The DHA must also improve working conditions, systems, and infrastructure to enable effective service delivery. Refugee Reception Officers already perform functions beyond receiving new asylum applications, including biometric enrolment, adjudication, permit extensions, and appeal-related work. Increasing these responsibilities without appropriate staffing and operational support will further strain employees and could negatively affect service delivery.

The PSA reserves the Union's right to invoke applicable labour-relations, occupational health and safety and collective-bargaining mechanisms should the DHA introduce additional workloads without adequately assessing and addressing the impact on employees.

END

