

Home Affairs faces suit over child's rejected visa

Home Affairs is facing a legal challenge by the Legal Resource Centre for declaring a visa application by a Zimbabwean child fraudulent and banning him for five years from returning to SA. As a result, Wadzanai Bello has been separated from her 16-year-old son, Tinashe Bello, since March, reports **GroundUp**. He has missed a year of schooling. In her founding affidavit, Bello states that Tinashe has been at Zonnebloem Nest High School since 2015. In February he was selected to go to Germany to represent his school in a soccer tournament. But for Tinashe to leave and re-enter SA the German embassy insisted he get a study visa, not the visitor's visa for which Bello had initially applied for at the Visa Facilitation Centre (VFS) in Cape Town. On the advice of VFS, Bello sent Tinashe to Zimbabwe to apply for the study visa as an application can only be made outside of SA. In May, **the South African Embassy in Harare informed him that his application was 'a scam' and tore up Tinashe's passport**. Tinashe was banned from returning to SA for five years. Bello's affidavit says the action by the DG to dismiss the visa application as fraudulent was substantively and procedurally unfair. Tinashe was not given an opportunity to make representations nor was he given an opportunity to exercise his right of review or appeal in terms of the Immigration Act. According to Bello there were no reasonable grounds to conclude the application was fraudulent. Also, although it is still unclear whether Tinashe was declared a prohibited person, Bello's affidavit says a fraudulent application is not a listed ground in terms of section 29 of the Immigration Act to make such a declaration. Home Affairs will oppose the application.