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**IN THE NORTH GAUTENG HIGH COURT
(PRETORIA)**

~~ILHAPI~~
~~TEHAPPE J~~
BEFORE THE HONOURABLE
ON 6 JUNE 2011

Case number: 44424/09

In the matter between:

STEVEN SIKHUMBUZO MOYO

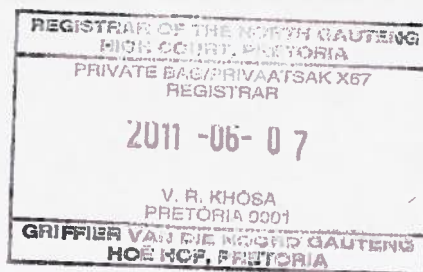
First Applicant

(duly assisted by his parent and guardian:
SIKHULULEKILE MOYO)

SIKHULULEKILE MOYO

Second Applicant

and



MINISTER OF HOME AFFAIRS

First Respondent

DIRECTOR GENERAL: HOME AFFAIRS

Second Respondent

DRAFT ORDER

Having read the papers and having heard counsel, it is hereby ordered that:

1. The First Applicant ("Steven Sikhumbuzo Moyo") is declared to be South African citizen.

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2. The Second Respondent is directed to enter Steven Sikhumbuzo Moyo's name in the Population Register and to issue him with an identity number.
3. It is declared that the name and details of the natural father of a child born out of wedlock can be entered on the notice of birth of that child, regardless of whether the father acknowledges paternity of the child.

4.

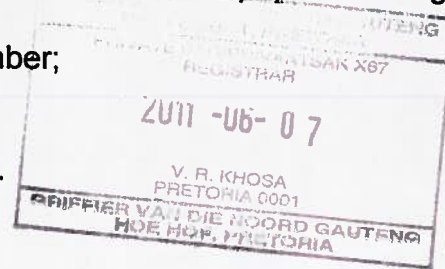
4.1. The Second Respondent's decision to refuse to:

4.1.1. amend Steven Sikhumbuzo Moyo's birth certificate by entering Sydney Kgataki Maseema's name and particulars;

4.1.2. recognise Steven Sikhumbuzo Moyo as a South African citizen; and

4.1.3. enter Steven Sikhumbuzo Moyo's name on the population register and to assign him an identity number;

is reviewed, set aside and declared invalid.



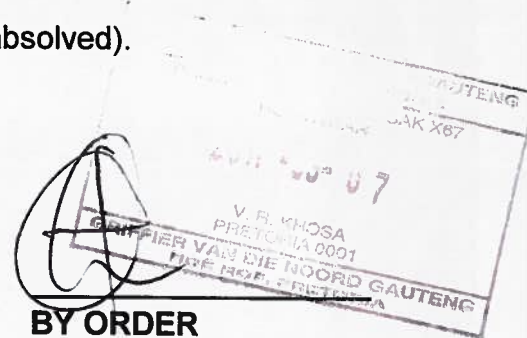
4.2. In terms of section 9(1) of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA"), the 180-day period referred to in section 7(1) of PAJA is extended until the date on which this application was launched in respect of the relief claimed in prayer 4.1 above.

4.3. The Second Respondent is ordered to enter Sydney Kgataki Maseema's name on Steven Sikhumbuzo Moyo's birth certificate.

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5. Once Steven Sikhumbuzo Moyo's name has been entered into the population register and he has been issued with an identity number, and on application by the Second Applicant, the Second Respondent is directed to issue the Second Applicant with a permanent residence permit.
6. In the event that the Second Applicant is refused asylum by the Refugee Appeal Board, the Second Respondent is directed forthwith to cause the First and Second Applicants to be issued with temporary permits (Form 20) authorising them to remain in South Africa pending the issue of an identity number to the First Applicant and a permanent residence permit to the Second Applicant, respectively.
7. The First and Second Respondents shall not deport either of the Applicants or in any way cause them to be deported, pending the issue of an identity number and permanent residence permit to them respectively.
8. The First and Second Respondents are ordered to pay the Applicants' costs on a joint and several basis (the one paying the other to be absolved).



W. Heitrich
06/06/2011