INHLAWULO YOKUVUMA ICALA

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LAW SOCIETY OF SOUTH AFRICA

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UMMELI WAKHO - UMELULEKI WAKHO ONGAMETHEMBA

Inhloso yalencwajana ukuchaza kabanzi ngemiphumela yokukhokha inhlawulo yokuvuma icala nokunika amasu ezomthetho ebantwini ababoshwayo qede banikwe ithuba lokukhokha inhlawulo.

Iyini inhlawulo yokuvuma icala na?

Uphiko lwamaphoyisa i-South African Police Service iyamnika umuntu oboshwe ngezinsolo zokwenza ubugebengwana obungatheni ithuba lokukhetha ukukhokha inhlawulo yokuvuma icala. Lenhlawulo iyingxenye yohlelo lwezomthetho. Loluhlelo luyamvumela umuntu ukuthi alivume icala lokwephula umthetho ngobugebengwana abenzile ngaphandle kokuthi aze ayovela enkantolo. Loluhlelo lwenzelwe ukwehlisa umthwalo osemahlombe ezinkantolo okuqulwa kwamacala. Lwenzelwe ukuxazulula amacala amancane ngokushesha, uma ummngalelwa evuma ukuthi wephule umthetho.

Baningi abantu abakhokha lenhlawulo ukuze badedelwe masinyane. Imvamisa ukuthi nanxa beyikhokha lenhlawulo, abazi ukuthi isho ukuthini, abawazi futhi nomthelela ozolethwa ukukhokhwa kwayo ezimpilweni zabo. Okubi ukuthi kunemiphumela engemihle yokukhokha inhlawulo yecala. nokuthi izoba nomthelela muni kubo. ngoba befuna ukudedelwa masinyane ezitokisini.

Kuhle ukuthi lowo onikwa lelithuba lokukhokha inhlawulo yokuvuma icala abonisane nommeli wakhe kuqala ngaphambi kokuyikhokha.

Udaba luka-Mnumzane Tong

Eminyakeni engemingaki eyedlule, izinkantolo zisingathe amacala amaningi aphathelene nokuvunywa ngephutha ukukhokha izinhlawulo zamacala. INkantolo ePhakeme: iWestern Cape Division yabuyekeza kabusha udaba lukaMnumzane Tong owabanjwa ngamaphoyisa nomthunzi wezinkukhu. Akazange aboshwe ngoba ubaba wakhe wamkhokhela inhlawulo yokuvuma icala. Ubaba wakhe wasayina amadokhumenti aqinisekisa ukukhululwa kwakhe. UMnumzane Tong akazange anikezwe ithuba lokuthola ummeli, namaphoyisa awazange amchazele ngezinqubo zasenkantolo. Ngakho-ke yena wacabanga ukuthi ukhululwe ngebheyili, usazobuya ngosuku oluzonqunywa azoquliswa icala, ngoba wayengazi ukuthi ubaba wakhe umkhokhele inhlawulo yokuvuma icala. Nembala wahlala ekhaya elindele usuku lokuqulwa kwecala olungazange lufike.

Kwathi ngemuva kweminyaka emithathu wathola umsebenzi wokufundisa isiNgisi e-Ningizimu Korea. Uma eya eMnyango wezaseKhaya eyokwenza isicelo se-visa, wathola ukuthi unerekhodi lobugebengu elenza ukuthi angakwazi ukuthi aphume aye kwelinye izwe. UMnyango wezaseKhaya wamenqabela ukumnika i-visa. Irekhodi lakhe lobugebengu lenza ukuthi angaphinde athole umsebenzi wokufundisa.

Inhlawulo yokuvuma icala ayikhokhelwa nguyise yaba nomthelela omubi kakhulu empilweni yakhe. Ebona imvalela amathuba okuzithuthukisa empilweni, waqonda enkantolo wayinxusa ukuthi ibuyekeze isigwebo sakhe, esagcina ngokuthi iNkantolo ePhezulu isibeke eceleni.

Izinto okufanele uzazi

Uma kwenzeka wena noma ilungu lomndeni liboshwa besenikwa ithuba lokukhokha inhlawulo yokuvuma icala, nazi izinto ezilandelayo okufanele uziqaphele:

1. Uma uboshiwe unelungelo

- lokuthula ungasho lutho,
- lokutshelwa ngelungelo lakho lokuthula ungasho lutho,
- lokukhululwa esitokisini uma buvuma ubulungiswa, uma uboshwe ngezinsolo zokwephula umthetho,
- lokutshelwa ukuthi awuphoqelekile ukuthi ulivume icala ngoba lokho kuzosetshenziswa njengobufakazi enkantolo,
- lokutshelwa isizathu sokuboshwa kwakho,
- lokukhetha ukuxhumana nommeli wakho noma lokucela ukuthi uMbuso ukuhlinzeke ngommeli ukugwema ukuphathwa ngendlela engenabo ubulungiswa,
- lokuxhumana nokuvakashelwa ngoganene naye noma uphathina, umndeni, umeluleki wezenkolo omkhethile kanye nodokotela.

Nanxa lencwajana ingawachazi onke amalungelo ommangalelwa uma eboshwa, kepha kusobala ukuthi ummangalelwa unelungelo lokuthula angasho lutho futhi angeke aphoqwe ukuthi akhokhe inhlawulo yokuvuma icala.

2. Khuluma nommeli

Kuhle ukuthi ummangalelwa akhulume nommeli wakhe kuqala ngaphambi kokusayina inhlawulo yokuvuma icala. Akufanele akhokhe inhlawulo yokuvuma icala ngoba efuna ukudedelwa ngokushesha. Lesi yisinqumo sesikhashana esingahle sibe nomthelela ongemuhle empilweni yakhe esikhathini esizayo. Kepha zikhona izimo ezidinga ukuthi ikhokhwe inhlawulo yokuvuma icala. Nasi isexwayiso, kunoma yisiphi isimo azithola ebhekene naso ummangalelwa uma eboshwa, akazame ukuthola iseluleko somthetho ngaphambi kokunquma ukuthi uyayikhokha yini noma cha inhlawulo.

3. Thola incazelo ephelele ngokukhokhwa kwenhlawulo yokuvuma icala.

Kufanele ukuthi amaphoyisa amxwayise ummangalelwa ngemiphumela yokukhokha inhlawulo yokuvuma icala. Izinkantolo ziyaqinisekisa ukuthi ummangalelwa kufanele:

- aziswe ukuthi uma ekhokha inhlawulo yokuvuma icala kusho ukuthi inkantolo imthole enecala,
- ukulahlwa yicala kuzovela emarekhodini akhe obugebengu,
- uma ekhokha inhlawulo yokuvuma icala, udela amalungelo:
  - okuphikisa icala enkantolo ngezizathu ezithile,,
  - okubhekana nabamangali,
  - okubiza ofakazi, kanye
  - nokumelwa ngokomthetho ngummeli.
- aziswe ukuthi uma ekhokha inhlawulo yokuvuma icala kusho ukuthi inkantolo imthole enecala, ukulahlwa yicala kuzovela emarekhodini akhe obugebengu,
- uma ekhokha inhlawulo yokuvuma icala, udela amalungelo

Khumbula ukuthi akukho emthethweni ukuthi amaphoyisa afune ukuthi ummangalelwa akhokhe inhlawulo yokuvuma icala kuqala ngaphambi kokuthi akhululwe esitokisini. Umthetho uthi kufanele anikwe isikhathi sokucabanga ukuthi uzoyikhokha yini noma cha inhlawulo yokuvuma icala.

4. Ibheyili ayifani nenhlawulo yokuvuma icala

Ukukhokha inhlawulo yokuvuma icala akufani nokukhokha ibheyili. Nawu umehluko okhona phakathi kwalokhu kokubili.

Inhlawulo yokuvuma icala ayilesuli icala kunalokho yenza ukuthi ummangalelwa abe ngumuntu otholwe yinkantolo enecala. Icala alivumile ngokukhokha inhlawulo liba yirekhodi lobugebengu abenzile. Ifayili lakhe lobugebengu liyagcinwa. Ukugcinwa kwalo kunomthelela ongemuhle empilweni yakhe. Angeke ibuyiswe imali ayikhokhile, futhi angeke abizelwe enkantolo ukuthi azophendula ngokwephula kwakhe umthetho.

Ukukhokhwa kwebheyili kusho ukuthi icala asolwa ngalo ummangalelwa alikaphothulwa. Ummangalelwa umsulwa kuze kufike isikhathi sokutholwa unecala. Ukukhokha ibheyili akusho ukuthi uyalivuma icala, ngoba kusuke kungenacala atholwe enalo. Ngakho-ke akanalo irekhodi lobugebengu kuze kufike isikhathi lapho etholwa khona yinkantolo unecala. Uma ekhokhe ibheyili kusadingeka ayovela enkantolo ukuyobhekana nokwephula kwakhe umthetho, futhi izobuyiswa imali yakhe uma eyigcina yonke imibandela nemigomo yebheyili ayinikiwe.

5. Cabangisisa kahle ngaphambi kokukhokha inhlawulo yokuvuma icala

Umnumzane Tong wehluleka ukuthola i-visa yokuhambela amanye amazwe, akazange futhi esakulungela ukuthi asebenze njengothisha. Abaqashi baye bafune ukwazi ukuthi ingabe unalo yini irekhodi lobugebengu lowo abafuna ukumqasha. Uma bethola ukuthi unalo, lowo ofuna umsebenzi uzithola enamathuba amancane okuqashwa. INkantolo ePhakeme: i-Gauteng Local Division yathi: 'Irekhodi lobugebengu liyisithiyo esikuncisha amathuba okuqashwa, okuhambela amanye amazwe kanye nokwenza ezinye izinto empilweni."

Ukukhokhwa kwenhlawulo yokuvuma icala kuphazamisa inkululeko kammangalelwa yokunyakaza, ngoba iba yisithiyo esimvimbayo ukuthi angakwazi ukusebenzisa amathuba athile okuzithuthukisa ahlangabezana nawo empilweni.

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Lencwajana ikunika ulwazi nje kuphela, angeke ihunyushwe njengeseluleko somthetho.