

STRENGTHENING REFUGEE LAW PRACTICE: LAUNCH OF THE REFUGEE LAW PRACTITIONERS HANDBOOK



The Law Society of South Africa (LSSA) recently hosted a webinar, *Refugee Law in South Africa: Exploring the Practitioners Handbook*, to launch the Refugee Law Practitioners Handbook. The handbook is a collaborative initiative between the LSSA and the United Nations High Commissioner for Refugees (UNHCR).

The launch is a significant step to strengthen the legal profession in South Africa and to advance access to justice for vulnerable persons in our country, particularly refugees, asylum seekers, stateless persons and forcibly displaced persons.

The LSSA has observed that refugee law is an area in which legal practitioners require skilling and development. The handbook, and the partnership between the LSSA and the UNHCR, responds directly to that need. The result is a consolidated and accessible resource on the legal framework and the issues that arise in practice, so that practitioners can represent their clients with confidence and competence.

The webinar highlighted the critical role that legal practitioners play in safeguarding constitutional rights and promoting the rule of law. For people who are often without resources, networks or familiarity with our legal system, competent legal representation can determine whether their

rights are protected. A well-equipped profession is therefore central to realising access to justice.

The Scalabrini judgment

Panellists also discussed the *Scalabrini* judgment and its significance for asylum seekers, refugees and the legal practitioners who represent them. The judgment struck down a number of provisions of the Refugee Amendment Act, with significant implications for asylum seekers and refugees and for the practitioners who represent them.

The discussion highlighted a developing dynamic specific to Gauteng. In Gauteng, two subsequent High Court judgments, the *Ered* judgment and the *Mnamo* judgment, have resulted in two different applications of the *Scalabrini* judgment. As a result of this developing jurisprudence, the Gauteng High Court has placed a moratorium on matters seeking to apply the principles established in *Scalabrini*, pending a determination by the Full Court on 29 October 2026.

This divergence is limited to Gauteng. In the rest of the country, the position remains that legal practitioners and courts should follow the principles established in *Scalabrini*. The Gauteng position and the forthcoming Full Court hearing, therefore, represent an important development

that may provide clarity on the application of *Scalabrini* in Gauteng.

The outcome of the Full Court proceedings will be of considerable interest to the profession and may provide important clarity on the legal position in Gauteng.

Looking ahead

The LSSA encourages all legal to follow developments relating to *Scalabrini*, particularly the forthcoming Full Court proceedings in Gauteng.

The LSSA also encourages legal practitioners to submit any comments, suggestions or proposed amendments relating to the **Refugee Law Practitioners' Handbook** to the LSSA at contact@lssa.org.za before 15 October 2026.

The LSSA remains committed to supporting the profession in meeting its constitutional and ethical obligations to asylum seekers, refugees and others most in need of protection.

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