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GENERAL NOTICE

NOTICE 399 OF 2012

DEPARTMENT OF HOME AFFAIRS SOUTH AFRICAN CITIZENSHIP ACT, 1995 (ACT NO. 88 OF 1995)

PUBLICATION OF THE DRAFT REGULATIONS ON THE SOUTH AFRICAN CITIZENSHIP, 1995

The Department of Home Affairs ("DHA") invites public comments on the draft Regulations on the South African Citizenship, 2012.

Written submissions should reach the DHA **on or before 31 May 2012**. Submissions should be addressed to the Chief Director: Legal Services and may be forwarded to the DHA in any of the following manners:

- (a) delivered by hand to the Department of Home Affairs, 230 Proes Street, Hallmark Building (c/o Proes and Andries Street), Pretoria, 0001, for **attention** Adv Tsietsi Sebelemetja (Office 1027) ;
- (b) mailed to the DHA at Private Bag X114, Pretoria, 0001;
- (c) faxed to 0865 144 267; or
- (d) e-mailed to Tsietsi.Sebelemetja@dha.gov.za and Moses.Malakate@dha.gov.za

Any enquiries should be directed to **Adv Tsietsi Sebelemetja** at **082 907 1831** or **Mr Thomas Sigama** at **082 809 7732**.

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. _____ 2012

SOUTH AFRICAN CITIZENSHIP ACT, 1995**REGULATIONS ON THE SOUTH AFRICAN CITIZENSHIP ACT, 1995**

The Minister of Home Affairs intends, in consultation with the Minister of Finance, under section 23 of the South African Citizenship Act, 1995 (Act No. 88 of 1995), hereinafter referred to as "the Act", to make the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule, a word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it, and unless the context otherwise indicates—

"**Director-General**" means the Director-General of the Department of Home Affairs; and

"**the Act**" means the South African Citizenship Act, 1995 (Act No. 88 of 1995).

Registration of birth that occurred abroad

2.(1) An application for the registration of the birth of a child born outside the Republic shall be submitted to the office of a South African Diplomatic or Consular Mission or to any office of the Department within 30 days after the birth of such child.

(2) When a birth is registered in terms of section 13 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), the Director-General shall, upon application, issue a certificate of

acknowledgement of South African citizenship in terms of regulation 12(4), and mail or hand it to the parent or guardian of the child concerned.

Children born of parents who have been admitted into Republic for permanent residence

3. The requirement of having lived in the Republic from the date of birth of a born of parents who have been admitted into Republic for permanent residence to the date of becoming a major, as contemplated in section 2(3)(a) of the Act should not be construed as restricting a child from leaving the Republic temporarily for visiting any other country for a particular purpose.

Certificate of naturalisation

4.(1) An application for a certificate of naturalisation as a South African citizen in terms of section 5 of the Act shall be in the form and contain substantially the information indicated in Annexure 1 (DHA-63), and be accompanied by the following supporting documents:

- (a) The applicant's permanent residence permit;
- (b) a police clearance certificate, not older than six months from the date of submission;
- (c) the applicant's foreign passport;
- (d) if the marital status has changed, the marriage or death certificate; and
- (e) the original Identity Document, or birth certificate in the case of a child.

(2)(a) An applicant who lodges an application for a certificate of naturalisation referred to in section 5(1)(c) of the Act shall, at the time of his or her application, not have spent more than 90 days outside the Republic in each year during the five-year period of residence.

(b) The 90 days period contemplated in paragraph (a) shall not accumulate if the applicant did not leave the Republic in a particular year during the five year period.

(3) An application for a certificate of naturalisation as a South African citizen with regard to a minor child in terms of section 5(4) of the Act shall be made by completing Part II of Annexure 1, as part of an application for a family.

(4) All members of the family of the applicant included in the application for a certificate of naturalisation must also qualify to be granted with a certificate for naturalisation.

(5) A certificate of naturalisation as a South African citizen in terms of section 5 of the Act shall be in the form and contain substantially the information indicated in Annexure 2 (DHA-64E).

Proof of renunciation of citizenship of country of origin

5. Proof of renunciation of citizenship of country of origin in terms of section 5(1)(h) of the Act shall be in the form of an official letter by the country concerned confirming that the applicant renounced his or her citizenship of that country, and indicating the date when the applicant ceased to be a citizen of such country.

Citizenship by marriage

6.(1) The period of ordinary residence referred to in section 5(5) of the Act shall be two years at the time of the application for naturalisation: Provided that the applicant shall not have spent more than 30 days outside the Republic in each year during the aforesaid two years.

(2) The 30 days period contemplated in subregulation (1) shall not accumulate if the applicant did not leave the Republic in a particular year during the two year period.

Loss of South African citizenship

8. An application for retention of South African citizenship contemplated in section 6(2) of the Act shall be in the form and contain substantially the information in Annexure 3 (DHA-1664).

Declaration of renunciation of South African citizenship

7.(1) A declaration of renunciation of South African citizenship in terms of section 7(1) of the Act shall be in the form and contain substantially the information in Annexure 4 (DHA-246).

(2) The form referred to in subregulation (1) shall be completed and subsequently forwarded in duplicate to the Director-General.

(3) On receipt of the form referred to in subregulation (1) the Director-General shall confirm that it has been duly registered, and provide the person who made the declaration with a copy and file the other copy on that person's records.

Declaration of resumption of South African citizenship

11.(1) A declaration of intention of resuming South African citizenship in terms of section 13(2) of the Act shall be in the form and contain substantially the information in Annexure 5 (DHA-246).

(2) The form referred to in subregulation (1) shall be completed and forwarded in duplicate to the Director-General.

(3) On receipt of the form referred to in subregulation (1) the Director-General shall confirm by way of a certificate in the form and containing substantially the information in Annexure 6 that it has been duly registered.

Certificates with regard to South African citizenship

12.(1) A certificate of confirmation of South African citizenship issued in terms of section 13(2) of the Act shall be in the form and contain substantially the information in Annexure 6 (BI-66E).

(2) A certificate of resumption of South African citizenship granted in terms of section 13(2) shall be in the form and contain substantially the information in Annexure 7 (BI-237).

(3) A certificate of South African citizenship in terms of section 15 shall be in the form and contain substantially the information in Annexure 6.

(4) A certificate of acknowledgement of South African citizenship in terms of section 16 shall be in the form and contain substantially the information in Annexure 8 (BI-75).

Application for resumption of South African citizenship

13. An application for resumption of South African citizenship in terms of section 13(3) of the Act shall be in the form and contain substantially the information in Annexure 9 (BI-175).

Recognition of foreign customary marriages

14. An application for the recognition of foreign customary marriages shall be accompanied by—

- (a) a certified copy of the marriage certificate; and
- (b) certified copies of the identity documents or passports of the spouses.

Fees

15. The following fees are payable in the respective cases:

- (a) Issuing of a certificate of naturalization as a South African citizen in terms of section 5 of the Act.....R300-00;
- (b) Issuing of a duplicate citizenship certificateR90-00;
- (c) Issuing of a certificate or written confirmation in respect of the status of South African citizenship in terms of section 16 of the Act.....R90-00;
- (d) Application for the retention of South African citizenship in terms of section 6(2) of the Act.....R300-00;

- (e) Application for the resumption of South African citizenship, in terms of section 13 of the Act.....R300-00; and
- (f) Application for exemption from the loss of South African citizenship in terms of section 26(4) of the Act.....R300-00.

Application for exemption from the loss of South African citizenship

16.(1) An application referred to in section 26(4) of the Act shall be in the form and contain substantially the information in Annexure 10 (DHA-1666).

Repeal of Regulations and savings

17.(1) The Regulations made in terms of the Act published by Government Notice No. R.1794 of 17 November 1995 are hereby repealed.

(2) Anything done under a provision of the regulations repealed by subregulation (1) and which could have been under a provision of these regulations, is regarded as having done under the latter provision.

Short title

18. These Regulations shall be called the Regulations on the South Citizenship, 1995.

- Annexure 1 Application for a certificate of naturalization (DHA-63)
- Annexure 2 Certificate of naturalization (DHA-64E)
- Annexure 3 Application for retention of South African citizenship (DHA-1664)
- Annexure 4 Renunciation of South African citizenship (DHA-246)
- Annexure 5 Declaration of resumption of South African citizenship (DHA-246)
- Annexure 6 Certificate of South African citizenship (BI-66E)
- Annexure 7 Certificate of resumption of South African citizenship (BI-237)
- Annexure 8 Certificate of acknowledgement of South African citizenship (BI-75)
- Annexure 9 Application for the resumption of South African citizenship (BI-175)
- Annexure 10 Application for exemption in regard to the loss of South African citizenship (DHA-1666)

G.P.-S. 017-0422

DHA-63



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR A CERTIFICATE OF NATURALISATION

(Section 5: South African Citizenship Act, 1995)

WARNING: Penalty for false representations or statement.

Any person who makes for any of the purposes of this Act, any false representation or any statement which is false in any material particulars, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding eight years.

Directions: The form must be completed in BLOCK LETTERS, and signed at the bottom of page.

PART I

PERSONAL PARTICULARS OF APPLICANT

Surname Maiden name

First names (in full)

Identity No.

Date of birth

Place of birth Nationality

Employer (name and address)

Present residential address

Postal address

Tel. No. Tel. No. (employer)

PARTICULARS OF RESIDENCE IN SOUTH AFRICA

Date of entry

Immigration Permit No. Date of issue

Periods of absence from South Africa since entry. State exact date of absence.

From	To	Reasons for absence

RECORDS OF CONVICTIONS (IF ANY)
Have you ever been convicted of any crime or offence?
If so, give particulars below.

Yes No

Nature of crime or offence	Sentence	Place	Date

IF APPLICANT IS OR HAS BEEN MARRIED PARTICULARS OF HUSBAND/WIFE

Single	Married	Widow/Widower	Divorced
Date of marriage <input type="text"/>			

Name (in full) Maiden name of wife

Identity No.

Date of birth

Place of birth Nationality

*I, hereby declare that the information furnished above is to the best of my knowledge and belief correct.

Signed Date Place

For Part II see overleaf

PART II**FOR COMPLETION BY RESPONSIBLE PARENT OR GUARDIAN ON BEHALF OF MINOR CHILD(REN) – (Under 18 years of age)**

NB: The RESPONSIBLE PARENT is a parent as contemplated in Section 1 of the Guardianship Act, 1993 (Act No. 192 of 1993). Please indicate next to your signature below on what grounds you act as responsible parent. If divorced, documentary proof of custody and control of child/children is required.

Particulars of children	1	2	3	4	5
Surname
First names (in full)
Identity number
Particulars of birth:					
(a) Date
(b) Town
(c) Country
Nationality
Occupation
Present address
Date of entry
Immigration Permit:
(a) Number
(b) Date of issue

*I, declare that, to the best of my knowledge and belief the information furnished above, is correct.

Signed *(Father/Mother/Legal Guardian). Date Place

* Delete whichever is not applicable.

C.P.S. 88 Bl 64E

DHA-64E



A0105998

Certificate of Naturalisation Republic of South Africa

(Section 5: South African Citizenship Act, 1995)

In terms of the powers conferred on him by the South African Citizenship Act, 1995 (Act 88 of 1995), the Minister of Home Affairs has been pleased to grant this certificate to

and to declare hereby that the holder of this certificate shall henceforth be a South African citizen by naturalisation.

(By Order of the Minister)

PRETORIA

Director-General: Home Affairs

Certificate number.

Reference number.

G.P.-S. 017-1327

DHA-1664



**DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

APPLICATION FOR RETENTION OF SOUTH AFRICAN CITIZENSHIP

[Section 6 (2): South African Citizenship Act, 1995]

1. Surname..... Maiden name.....
2. Forenames (in full)
3. Date of birth
4. Place of birth
5. South African Identity number.....
6. Postal address
7. Particulars of valid South African passport: (a) No.
(b) Place and date of issue.....
8. South African citizenship: A completed BI-529 questionnaire in respect of my claim to South African citizenship is attached.
9. Particulars of foreign citizenship to be acquired:
Country.....
How to be acquired?
10. Particulars in respect of any other citizenship you may have (South African citizenship excluded):
(a) Country
- (b) Date and place of acquisition
- How acquired?
11. Reason(s) for wanting to retain your South African citizenship

Date..... Signature.....

FOR OFFICIAL USE

- (1) **Retention approved/refused.**
- (2) **Date**
- (3) **Signature of authorising officer**
- (4) **Initials and surname in block letters**
- (5) **Rank**
- (6) **Persal number**

DHA-246



[Section 7 (1): South African Citizenship Act, 1995]

Please indicate next to your signature above on what grounds you act as a responsible parent. If divorced, documentary proof of custody and control and guardianship of child/children is required.

REGISTRATION OF DECLARATION

Registered with the Department of Home Affairs under registration number

It is hereby certified that
ceased to be a South African citizen in terms of section 7 (2) of the South African Citizenship Act, 1995 (Act No. 88 of 1995),

this (day) (month).....(year).....

His/her minor child(ren) of whom particulars appear in Part A hereof ceased to be (a) South African citizen(s) in terms of section 7 (3) of the aforesaid Act.

.....
Director-General: Home Affairs

Department of Home Affairs,
PRETORIA.

GP S 017 C434

BI-66 E



1631

Republic of South Africa
Department of Home Affairs

Certificate of South African Citizenship

(Section 16: South African Citizenship Act, 1995)

This certificate is issued for the sole purpose of indicating the status of the person concerned on the date of issue.

It is hereby certified that

*.....
concerning whose particulars are set out below, is a South African citizen by birth/descent/naturalisation.*

By order of the Minister

Department of Home Affairs
PRETORIA

.....
Director-General: Home Affairs

PARTICULARS RELATING TO HOLDER

Name

Place of birth

Date of birth

Identity number

Particulars

Reference number

G.P.S. 35356

BI-237 (83/BI-237)



A 0000919

File No.

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF HOME AFFAIRS

No. R

**CERTIFICATE OF RESUMPTION OF
SOUTH AFRICAN CITIZENSHIP**

[Section 13 (2) and (3): South African Citizenship Act, 1995]

WHEREAS the requirements laid down in section 13 of the South African Citizenship Act, 1995, for the granting of a Certificate of Resumption of South African citizenship, have been complied with by

NOW, THEREFORE, in pursuance of the powers conferred on him by the said Act, the Minister grants this Certificate and declares that he/she shall henceforth be a South African citizen by

BY ORDER OF THE MINISTER.

PRETORIA

Date.

.....
Director-General: Home Affairs

PARTICULARS RELATING TO HOLDER

Name (in full):

Date of birth:

Place of birth:

Address:

Occupation:

Nationality before resumption of South African citizenship:

G.P. 5 011 0040

BI-75



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

Declaration of Allegiance

[Section 5 (6): South African Citizenship Act, 1995]

I,, do hereby solemnly declare that I will be loyal to the Republic of South Africa, promote all that will advance it and oppose all that may harm it, uphold and respect its Constitution and commit myself to the furtherance of the ideals and principles contained therein.

Signed at on this day of
..... year

.....
Signature

In the presence of the following two witnesses who are South African citizens:

1. and Identity Number

2. and Identity Number



[Section 13 (3): South African Citizenship Act, 1995]

A. PERSONAL PARTICULARS OF APPLICANT

Surname Maiden name
 First names
 I am a former South African citizen by— Birth Descent Naturalisation
 Date of birth / / Identity number
 Year Month Day
 Place of birth Present nationality
 Permanent residential address
 Postal address Telephone No.
 Occupation
 Employer (name and address)
 Telephone No. (employer)
 I acquired my present citizenship on / / by virtue of
 Year Month Day

[illegible]

Indicate with an X: Unmarried Married Widow/Widower Divorced

Date of marriage / /
Year Month Day

Name Maiden name of wife,
Date of birth / / Identity number
Year Month Day

Place of birth (a) Town (b) Country,
Present nationality
Permanent residential address.....

Signed _____ Date _____ Place _____

GP 5 017 1321

DHA-1666



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR EXEMPTION IN REGARD TO THE
LOSS OF SOUTH AFRICAN CITIZENSHIP**

[Section 26 (4): South African Citizenship Act, 1995: Regulation 10A]

1 SURNAME MAIDEN NAME

2 FORENAMES (in full)

3 DATE OF BIRTH

4 PLACE OF BIRTH

5 SOUTH AFRICAN IDENTITY NUMBER

6 POSTAL ADDRESS

7 PARTICULARS OF VALID SOUTH AFRICAN PASSPORT: (a) No
(b) Place and date of issue

8 SOUTH AFRICAN CITIZENSHIP: A completed BI-529 questionnaire in respect of my claim to South African citizenship is attached

9. PARTICULARS IN RESPECT OF OTHER CITIZENSHIP
(a) Country (b) Date and place of acquisition by means of a
formal application Please include a copy of
such citizenship certificate

10. REASON(S) FOR APPLYING FOR EXEMPTION

DATE SIGNATURE

For official use

(1) Exemption approved/refused:

(2) Date

(3) Signature of authorising officer

(4) Initials and surname in block letters

(5) Rank

(6) Persal number