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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HOME AFFAIRS**NO. R. 815****24 JULY 2020****SOUTH AFRICAN CITIZENSHIP ACT, 1995 (ACT NO. 88 OF 1995)****PUBLICATION OF THE DRAFT REGULATIONS ON THE CITIZENSHIP ACT, 1995
FOR COMMENTS**

The Department of Home Affairs (“DHA”) invites public comments on the draft Amendment Regulations on the South African Citizenship Act, 1995.

Written submissions should reach the DHA **on or before 30 August 2020**. Submissions should be addressed to the Acting Chief Director: Legal Services and may be forwarded to Tsietsi.Sebelemetja@dha.gov.za

Any enquiries should be directed to **Adv Tsietsi Sebelemetja** at **(012) 406 4271** or through the abovementioned e-mail.

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. _____

_____ July 2020

SOUTH AFRICAN CITIZENSHIP ACT, 1995**FIRST AMENDMENT OF THE REGULATIONS ON THE SOUTH AFRICAN CITIZENSHIP
ACT, 1995**

The Minister of Home Affairs intends to, under section 23 of the South African Citizenship Act, 1995 (Act No. 88 of 1995), make the Regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule “Regulations” means the Regulations made under section 23 of the South African Citizenship Act, 1995 (Act No. 88 of 1995) and published in Government Notice No. R.1122 of 28 December 2012.

Amendment of regulation 1 of Regulations

2. The following regulation is hereby substituted for regulation 1 of the Regulations:

“Definitions

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—

“asylum seeker” means any person who is seeking recognition as refugee in the Republic and has been issued with an asylum seeker visa in terms of section 22 of the Refugees Act;

“biometrics” means the measurable physiological or behavioural characteristics, and may include the use of photographs, fingerprints (including palm prints), hand

measurements, signature verification, facial patterns and retina patterns, that may be used to verify the identity of individuals or dependant, in relation to an asylum seeker or a refugee or applicant;

“**Births and Deaths Registration Act**” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), read with the Regulations made thereunder;

“**Director-General**” means the Director-General of the Department of Home Affairs;

“**hearing**” means a hearing contemplated in regulation 3B;

“**parent**” in relation to a child, includes the adoptive parent of a child, but excludes—

- (a) the biological father of a child conceived through the rape of or incest with the child’s mother;
- (b) any person who is biologically related to a child by reason only of being a gamete donor for purposes of artificial fertilization; and
- (c) a parent whose parental responsibilities and rights in respect of a child have been terminated;

“**permanent residence**” means permanent residence status granted in the Republic, in terms of section 25 of the Immigration Act, to a person who is a citizen of another country;

“**refugee**” means any person who has been granted refugee status in terms of section 24 of the Refugees Act;

“**Refugees Act**” means the Refugees Act, 1998 (Act No. 130 of 1998); and

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

Amendment of regulation 3 of Regulations

2. Regulation 3 of the Regulations is hereby amended by—

- (a) the substitution for the heading of the following heading:

“Certificate of naturalisation in terms of section 5 of Act”

- (b) the substitution in subregulation (1) for paragraphs (d) and (e) of the following paragraphs:

“(d) if the marital status has changed, the marriage or death certificate;

(e) the original identity document, or, in the case of a child, an original birth certificate;”;

- (c) the addition after paragraph (e) of the following paragraphs:

“(f) proof of knowledge of one of the South African official languages;

(g) copy of identity document for permanent residents;

(h) proof of employment and duration thereof; and

(i) proof of fixed property, if any.”;

- (d) the substitution in subregulation (2) for paragraph (a) of the following paragraph:
“(a) The period of ordinary residence referred to in section 5(1)(c) of the Act is five years immediately preceding the date of application for naturalisation.”;
- (e) the substitution for subregulations (5) and (6) of the following subregulations:
“(5) The applicant must, on approval of his or her application for naturalisation and before being issued with a certificate of naturalisation, sign the declaration of allegiance in a form containing substantially the information indicated in Annexure 2A (DHA-75).
(6) A certificate of naturalisation as a South African citizen in terms of section 5 of the Act must be in a form containing substantially the information indicated in Annexure 2 (DHA-64E).”; and
- (f) the addition after subregulation (6) of the following subregulation:
“(7) A South African citizen by naturalisation may be deprived of his or her citizenship in terms of section 8 of the Act.”.

Insertion of regulation 3A, 3B and 3C into Regulations

3. The following regulations are hereby inserted into the Regulations after regulation 3:

“Certificate of naturalisation in terms of section 4(3) of Act

3A. (1) An application for naturalisation as a South African citizen in terms of section 4(3) of the Act must be in a form containing substantially the information indicated in Annexure 1A (DHA-63A), and must be accompanied by the following supporting documents:

- (a) in the case of an applicant born of asylum seekers or refugees—
- (i) the original DHA-19 Form issued to the applicant upon registration of his or her birth in terms of the Births and Deaths Registration Act;
 - (ii) a copy of proof of birth issued by the health facility in which the applicant was born;
 - (iii) the original copies of the applicant’s parents’ asylum seeker visa or refugee status issued in terms of the Refugees Act;
 - (iv) where applicable, the refugee identity documents of the applicant’s parents;
 - (v) where applicable, the original refugee travel documents of the applicant’s parents;

- (vi) where applicable, the original copies of the death certificates, and citizenship at the time of death, of the applicant's parents;
 - (vii) the applicant's asylum seeker visa or refugee status issued in terms of the Refugees Act;
 - (viii) where applicable, the original of the applicant's travel document;
 - (ix) a school report, or a letter from the principal with any extract of the school register, of the primary school in which the applicant was registered for Grade 1;
 - (x) proof of residence of the applicant from the date of birth to the date of application as contemplated in section 4(3) of the Act;
 - (xi) proof of knowledge of one of the South African official languages; and
 - (xii) biometrics of the applicant.
- (b) in the case of an applicant born of foreigners not admitted for permanent residence—
- (i) the original DHA-19 Form issued to the applicant upon registration of his or her birth in terms of the Births and Deaths Registration Act;
 - (ii) a copy of proof of birth issued by the health facility in which the applicant was born;
 - (iii) the original copies of the applicant's parents' temporary residence visas issued in terms of section 10(2) of the Immigration Act;
 - (iv) a valid passport or travel documents of the applicant's parents;
 - (v) where applicable, the original copies of the death certificates, and citizenship at the time of death, of the applicant's parents;
 - (vi) the original copy of the applicant's temporary residence visa issued in terms of section 10(2) of the Immigration Act;
 - (vii) where applicable, the original passport or travel document of the applicant;
 - (viii) a school report, or a letter from the principal with any extract of the school register, of the primary school in which the applicant was registered for Grade 1;
 - (ix) proof of residence of the applicant from the date of birth to the date of application as contemplated in section 4(3) of the Act;

- (x) proof of knowledge of one of the South African official languages;
and
 - (xi) biometrics of the applicant.
- (2) The applications referred to in subregulation (1) shall, subject to the requirements set out in this regulation, be made by persons—
- (a) born in the Republic between 6 October 1995 and the date of having attained the age of 18 years;
 - (b) born of asylum seekers, refugees or foreigners not admitted for permanent residence; and
 - (c) have lived in the Republic and have no citizenship, residency or connection, in any manner whatsoever, of any other country.
- (3) For the purposes of this regulation, registration of birth in terms of the Births and Deaths Registration Act means that the birth of the child was registered within 30 days of the date of birth in terms of section 9 of the Births and Deaths Registration Act, read with regulation 7(2)(b) or 8 of the Regulations on the Registration of Births and Deaths, as the case may be.
- (4) The applicant must, on approval of his or her application for naturalisation and before being issued with a certificate of naturalisation, sign the declaration of allegiance in a form containing substantially the information indicated in Annexure 2A (DHA-75).
- (5) A certificate of naturalisation as a South African citizen in terms of section 4(3) of the Act must be in a form containing substantially the information indicated in Annexure 2 (DHA-64E).
- (6) The citizenship acquired in terms of section 4(3) of the Act is not transferrable to, and shall not be used to obtain any immigration status in terms of the Immigration Act, by any of the parents, siblings or relatives of the person so naturalised.
- (7) A South African citizen by naturalisation may be deprived of his or her citizenship in terms of section 8 of the Act.

Hearing

3B. The Minister or his or her delegated official may, in appropriate circumstances, require the applicant to appear for a hearing—

- (a) which the procedure thereof shall be determined by the Minister; and
- (b) in which the applicant shall not have a right to legal representation.

Register

3C. The details of all persons who have been naturalised in terms of sections 4(3) and 5 of the Act must be included in a register to be kept and maintained by the Director-General.”.

Short title and commencement

4. These Regulations are called the First Amendment of the Regulations on the South African Citizenship Act, 1995 and shall come into operation on ????.

Annexures

Annexure 1A Application for certificate of naturalisation (DHA—63A)

Annexure 2 Certificate of naturalisation (DHA—64E)

Annexure 2A Declaration of allegiance (DHA-75)



DEPARTMENT OF HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
APPLICATION FOR NATURALISATION
[Section 4(3) of the South African Citizenship Act, 1995]

DHA-63A

Bar Code

To be completed in full and submitted, **together with DHA-1620**, at the Department of Home Affairs' Office. The form **MUST** be completed in **BLACK INK** with **BLOCK LETTERS**. Please tick with the **CORRECT** box, where required. All questions **MUST** be answered in **FULL**. Applicants must have, at the time of application, spent five years continuous period of ordinary residence in the Republic. **Applications that are not legible shall not be accepted. Incomplete application will not be accepted.** Should the space provided not be adequate, please attach an addendum. **Kindly note that this application may take a period of (twelve) 12 months to consider and finalise.**

Date of application	Y Y Y Y M M D D	Have you ever left the RSA at any time since you were born?	Yes <input type="checkbox"/> No <input type="checkbox"/>
A. DETAILS OF THE APPLICANT			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Adv <input type="checkbox"/> Prof <input type="checkbox"/> Other _____		
Surname			Maiden Surname
Forenames in full			
Asylum Seeker / Refugee / Temp Res Visa No.			Date of birth
Travel Doc / Passport No.			Place of birth
Date of issue	Y Y Y Y M M D D	Place of issue	Expiry date
Residential address			
Street			
Town/Village			
Province			Postal code
Work address			
Street			
Town			
Province			Postal code
Postal address			
Postal code			
Tel no., incl. area code (W / H)		Cell phone no.	
E-mail address			
B. CITIZENSHIP DETAILS OF APPLICANT			
Country of birth			
Place of birth: City/Town		Province	
Citizenship at birth			
Country of present citizenship			
C. MARITAL STATUS OF APPLICANT			
<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widow/ Widower <input type="checkbox"/> Divorced			
Type of marriage	<input type="checkbox"/> Civil <input type="checkbox"/> Customary <input type="checkbox"/> Civil Union <input type="checkbox"/> Religious: Specify _____		
Date of marriage	Y Y Y Y M M D D	Place of marriage	
Country of marriage			
Surname of spouse			
Maiden Surname			
Forenames of spouse in full			
Identity No. of spouse			Date of birth
Passport No. of spouse			Permit / Visa No.
Residential address			
Street			
Town/Village			
Province			Postal code
Postal address			
Postal code			
Tel no., incl. area code (W / H)		Cell phone no.	
E-mail address			

D. PARTICULARS OF PARENTS

D1 Mother

Title Mr Mrs Miss Dr Adv Prof Other _____

Surname Maiden Surname

Forenames in full

Asylum Seeker / Refugee / Temp Res Visa No. Date of birth Y Y Y Y M M D D Sex

Travel Doc / Passport No.

Date of issue Y Y Y Y M M D D Place of issue Expiry date Y Y Y Y M M D D

Residential address Street

Country of citizenship

Town/Village

Province Postal code

Work address Street

Town

Province Postal code

Postal address

Postal code

Tel no., incl. area code (W / H) Cell phone no.

E-mail address

D2 Father

Title Mr Mrs Miss Dr Adv Prof Other _____

Surname Maiden Surname

Forenames in full

Asylum Seeker / Refugee / Temp res Visa No. Date of birth Y Y Y Y M M D D Sex

Travel Doc / Passport No.

Date of issue Y Y Y Y M M D D Place of issue Expiry date Y Y Y Y M M D D

Residential address Street

Country of citizenship

Town/Village

Province Postal code

Work address Street

Town

Province Postal code

Postal address

Postal code

Tel no., incl. area code (W / H) Cell phone no.

E-mail address

E. PARTICULARS OF RESIDENCE IN SOUTH AFRICA

Date of first entry into RSA Y Y Y Y M M D D Purpose of entry

Visa Ref No. Date of issue Y Y Y Y M M D D

F. CRIMINAL OR CIVIL RECORD

Have you or any member of your family (spouse and children) ever been convicted of any crime or offence? No Yes If yes, provide details below.

Name	Nature of crime or offence committed	Sentence	Place or country	Date					
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D

Have you or any member of your family ever been declared insolvent or sequestrated or have civil judgements obtained or pending against you or any member of your family? No Yes

If yes, please provide details below

Name	Nature of proceedings	Judgement	Place or country	Date					
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D
				Y	Y	M	M	D	D

G. LANGUAGE PROFICIENCY

Please indicate your language proficiency of any **two** of the official languages of the Republic of South Africa, below. (GOOD, FAIR, POOR) (if space provided is insufficient, please attach separate page)

Language	Speak			Read			Write		
	Good	Fair	Poor	Good	Fair	Poor	Good	Fair	Poor

H. EDUCATIONAL AND EMPLOYMENT BACKGROUND

Highest Qualification Primary Grade 12 Diploma Degree Other, specify _____

Specify Qualification obtained _____

Institution _____

Student Ref No. _____

Occupation (current employment) _____

Duration of employment (number of /months /years)

Previous employment _____

Duration of employment (number of /months /years)

Previous employment work address _____

Town _____

Province _____ Postal code

Postal address _____

_____ Postal code

Tel no., incl. area code (W / H) Cell phone no.

E-mail address

I. PROPERTY OWNERSHIP

Do you own any movable or immovable property or properties in RSA? If so, please provide details below.

Movable (vehicles only, and provide make, model and registration number) (if space provided is insufficient, please attach separate page containing details thereof):

Immovable (provide description) (if space provided is insufficient, please attach separate page containing details thereof):

Annexure 2

DHA-64E



REPUBLIC OF SOUTH AFRICA

Department of Home Affairs

Certificate of Naturalisation

(Sections 4(3) and 5(1) of the South African Citizenship Act, 1995)

It is hereby certified that

whose particulars are set out below, is a South African citizen by naturalisation.

By order of the Minister

PRETORIA

Director-General: Department of Home Affairs

PARTICULARS RELATING TO HOLDER

Name _____

Identity Number _____

Date of birth _____

Place of birth _____

Gender _____

Certificate Number: _____ *Applicable section: 4(3) / 5(1) of the Act

Annexure 2

DHA-64E

Reference Number: _____

Bar Code

A0105998 / Serial No

Annexure 2A

DHA-75



DEPARTMENT: HOME AFFAIRS
Republic of South Africa

Declaration of Allegiance

[Sections 4(3) and 5(1) of the South African Citizenship Act, 1995]

I, _____
swear/ solemnly affirm that I will be faithful to the Republic of South Africa and will obey and respect the Constitution and all other laws of the Republic and commit to the duties and responsibilities of citizenship.

Signature: _____

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

1. _____ and Identity Number _____

2. _____ and Identity Number _____

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