



NEW IMMIGRATION REGULATIONS

Requirements made easy!

Effective
1 June 2015



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

We Care!



TRAVELLING ABROAD WITH CHILDREN

Familiarise yourself with SA's new requirements for travelling with children. SA now has new immigration laws to protect citizens and to improve lives:

- Parliament amended the Immigration Act, 2002 in 2007 and 2011.
- This gave us the Immigration Amendment Acts of 2007 and 2011.
- The amended acts came into force with the Immigration Regulations, 2014.
- They came into operation on 26 May 2014.
- These new laws changed how we handle movement in and out of SA

NEW IMMIGRATION REGULATIONS

1. Where parents are travelling with a child.

Requirements:

- (i) Such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child.
- (ii) Adopted children to provide proof of adoption by means of an adoption certificate

Explanatory Note:

These regulations apply to all travellers, foreign as well as South African; on departure as well as arrival.

In the case of foreign countries that do not issue unabridged birth certificates, a letter to this effect issued by the competent authority of the foreign country should be produced.

All documents must be original or copies certified as a true copy of the original by a commissioner of oaths or the equivalent commissioning authority, should commissioners of oath not be a practice in the country concerned;

2. Where one parent is travelling with a child.

Requirements:

- (i) Such parent must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child
- (ii) Consent in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with
- (iii) A court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or





(iv) Where applicable, a death certificate of the other parent registered as a parent of the child on the birth certificate;

(v) Legally separated parents should also provide a court order when the other parent does not give consent.

Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

Explanatory Note:

The affidavit may not be older than 3 months, dating from the date of travel.

3. Where a person is travelling with a child who is not his or her biological child, he or she must produce.

Requirements:

- (i) A copy of the unabridged birth certificate of the child;
- (ii) An affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;
- (iii) Copies of the identity documents or passports of the parents or legal guardian of the child; and
- (iv) The contact details of the parents or legal guardian of the child

Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

4. Any unaccompanied minor shall produce to the immigration officer

Requirements:

- (i) Proof of consent from one of or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for the child to travel into or depart from the Republic: Provided that in the case where one parent provides proof of consent, that parent must also provide a copy of a court order issued to him or her in terms of which he or she has been granted full parental responsibilities and rights in respect of the child;
- (ii) A letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing;
- (iii) A copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; and
- (iv) The contact details of the parents or legal guardian of the child.



5 Any child who is in alternative care as defined in the Children's Act, 2005 (Act No. 38 of 2005)

Requirements:

shall, before departing from the Republic, produce a certified copy of an authorisation letter from the Provincial Head of the Department of Social Development where the child resides as contemplated in section 169 of the Children's Act.

Explanatory Note:

This Regulation has entered into force on 26 May 2014.

Together we can move South Africa forward.

APPLY TODAY! Travelling or not travelling! It is the right thing to do! Visit at your leisure the Home Affairs website – www.dha.gov.za – for documents and more information on the new immigration acts and regulations.

For civic services, including application for unabridged birth certificates and other documents, speak to our Civics Branch. Contact details are on our Home Page, at www.dha.gov.za.

We Care!

South African Immigration Act, 2002 (Act No. 13 of 2002)

Under 18s travelling to and from South Africa

The [new requirements](#), being introduced by the South African Department of Home Affairs, for additional documentation needed by persons under the age of 18 years for travel to and from South Africa will be implemented on 01 June 2015.

Such travellers will be asked to produce the required documentation at check-in for each flight.

For further information and assistance please contact:

1. the [South African Department of Home Affairs](#), 0800 60 11 90 (toll free from South Africa); or
2. your [local South African Embassy](#)

Frequently Asked Questions

A) What do the regulations say about parents travelling with children?

Regulation 6 (12)(a):

Where parents are travelling with a child, such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child.

1. What is an unabridged birth certificate?

It is a birth certificate reflecting the particulars of both parents.

2. Is this applicable to all children?

Yes, the South African Regulations regards a child as any person under the age of 18 years. It is applicable to all nationalities departing from and arriving in South Africa. It is not required for passengers remaining in transit, unless s/he requires a transit visa. The unabridged certificate should be submitted during the transit visa application process and both the certificate and visa should be carried on person whilst travelling.

3. What about unabridged birth certificates or equivalent documents that are not issued in English?

Documents issued in a language other than English would be accepted.

4. What about countries that do not issue unabridged birth certificates?

In the case of foreign countries that do not issue unabridged birth certificates, an equivalent document containing the particulars of the child and his or her parents issued by the competent authority of the foreign country should be produced.

5. Must I travel with the original document?

A certified copy is sufficient as per the regulations. It must be certified as a true copy of the original by a Commissioner of Oaths (or the equivalent, should Commissioners of Oaths not be a practice in the country concerned).

6. Can the document be scanned and e-mailed?

Yes

B) What do the regulations say about children travelling with one parent?

Regulation 6 (12)(b):

In the case of one parent travelling with a child, he or she must produce an unabridged birth certificate and:

- i. Consent, in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child, authorizing him or her to enter into or depart from the Republic of South Africa with the child he or she is travelling with;*
- ii. A court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or*
- iii. Where applicable, a death certificate of the other parent registered as a parent of the child on the birth certificate,*

provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her his or her parents, approve such a person to enter or depart the Republic with such a child.

6. What is the time line for the affidavit?

The affidavit must be no older than 4 months, dating from the time of travel.

7. My country does not issue affidavits. Which alternative do I have?

A South African Embassy in the traveller's country of residence may be approached to commission the oath or solemn declaration free of charge.

C) What do the regulations say about persons travelling with a child who is not their biological child?

Regulation 6 (12)(c):

Where a person is travelling with a child who is not his or her biological child, he or she must produce:

- i. A copy of the unabridged birth certificate of the child;*
- ii. An affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;*
- iii. Copies of the identity documents or passports of the parents or legal guardian of the child; and*
- iv. The contact details of the parents or legal guardian of the child,*

provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her his or her parents, approve such a person to enter or depart the Republic with such a child.

Questions and answers 1 - 7 also apply.

8. Does this include children travelling with school groups and grandparents?

Yes, any child under the age of 18 travelling with a person other than his / her parents must be in possession of the above documentation.

9. Is a copy of the unabridged birth certificate sufficient or must it be the original?

A copy is sufficient as per the regulations. It must be certified as a true copy of the original by a Commissioner of Oaths (or the equivalent, should Commissioners of Oaths not be a practice in the country concerned).

10. Must the copies of the parents' passports / ID's be certified?

They must be certified as a true copy of the original by a Commissioner of Oaths (or the equivalent, should Commissioners of Oaths not be a practice in the country concerned).

11. In what format must the contact details of the parents be?

A Parental Consent Affidavit (suggested format attached) with the parents' name and surname, physical address, telephone and cell phone numbers would be sufficient.

12. How do you obtain approval from the Director General when you do not reside in South Africa?

Through the nearest [South African diplomatic or consular representative](#) abroad.

D) What do the regulations say about children travelling as unaccompanied minors?

Regulation 6 (12)(d):

Any unaccompanied minor shall produce to the immigration officer:

- i. *Proof of consent from one or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for the child to travel into or depart from the Republic: Provided that in the case where one parent provides proof of consent, that parent must also provide a copy of a court order issued to him or her in terms of which he or she has been granted full parental responsibilities and rights in respect of the child;*
- ii. *A letter from the person which is to receive the child in the Republic, containing his or her residential address and contact details where the child will be residing;*
- iii. *A copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; and*
- iv. *The contact details of the parents or legal guardian of the child.*

Questions and answers 1 - 12 also apply.

13. What is the age for an Unaccompanied Minor in this case?

Any child under 18 travelling by themselves will be seen as an unaccompanied minor by Immigration. This does not affect the airline's Unaccompanied Minor policy and procedure.

14. In Regulation 6 (12)(d), points (i) and (ii) refer to a letter. Must this letter be certified?

It must be certified as the original or as a true copy of the original by a Commissioner of Oaths (or the equivalent, should Commissioners of Oaths not be a practice in the country concerned).

15. Must the consent be from one parent or both?

It must be from both parents as per the regulations.

E) What do the regulations say about two unused pages in the passport?

Regulation 2 (1) (d):

*Passengers travelling to South Africa must be in possession of a passport with **two** unused pages required for endorsements. The two unused pages when presented for purposes of endorsing a port of entry visa, visa, permanent residence permit or entry of departure stamp.*

16. Is this for all passengers travelling to South Africa?

- The two unused passport pages specifically pertain to foreign passports (non-South African).
- These must be visa pages.
- The requirement does not apply to foreigners who are in possession of valid permanent residence permits in South Africa.
- The first unused page in a foreigner's passport is used for the issuing of a visa, if required, by a South African mission abroad or by the Department's Head Office in South Africa (the latter in the case of an extended stay).
- The second page is used by Immigration at the South African port of entry for endorsing the arrival or departure stamp and, in the case of foreigners not requiring a visa, a port of entry visa (one page required for both arrival and departure stamps and port of entry visa).

F) What will happen to a passenger not in possession of these documents?

Regulation 6 (9):

When examining a person before his or her departure from the Republic, an immigration officer shall ensure that the person is not:

- i. a fugitive from justice; or*
- ii. the subject of a court order that orders the Department to prevent his or her departure.*

Regulation 6 (10):

Any child who is in alternative care as defined in the Children's Act, 2005 (Act No. 38 of 2005) shall, before departing from the Republic, produce a certified copy of an authorization letter from the Provincial Head of the Department of Social Development where the child resides as contemplated in section 169 of the Children's Act.

Regulation 6 (11):

An immigration officer shall refuse any person contemplated in sub regulation (9) or who does not comply with sub regulation (10), to depart from the Republic.

17. What will happen if we don't have the required documentation at the time of check-in?

Airlines are bound by the South African Immigration regulations and must act accordingly. Travellers not in possession of the required documentation will not be allowed to travel.

18. Is this Act only applicable to persons departing the Republic?

No, the regulations are applicable to all passengers arriving or departing South Africa.

19. Is this Act applicable to persons who travelled to or from the Republic prior to 01 June 2015?

No, the regulations are applicable only from 01 June 2015. Customers who commenced travel prior to 01 June 2015 and have the necessary proof will not be requested to travel with these documents provided that the return leg of the journey which commenced before 1 June 2015

takes place within a period of 4 months.

G) What must I do if I am declared undesirable?

Persons who are declared undesirable persons in terms of Section 30(1)(h) read with 50(1) of the Immigration Act, no 13 of 2002 as amended (by Act No. 13 of 2011) are not permitted to return to South Africa for the period specified in the declaration. They may however submit written representations as indicated in the declaration.

The following documents must be submitted:

1. Written representation.
2. A copy of the declaration of undesirability (form 19) that was issued at the Port of Entry.
3. A copy of the relevant pages of the passport, including biodata page.
4. Acknowledgment of receipt (in cases where the applicant has applied for a permit and the status is still pending).
5. If the applicant overstayed due to medical reasons, a medical certificate must be submitted.

The appeal must be e-mailed to: Overstayappeals@dha.gov.za

H) Who can I speak to if I have further questions?

If you have any further questions relating to these regulations, please contact:

1. In respect of applications for unabridged birth certificates, the [South African Department of Home Affairs](#), 0800 60 11 90 (toll free from South Africa); or
2. your [local South African Embassy](#).



home affairs

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Home Affairs
REPUBLIC OF SOUTH AFRICA

SUGGESTED FORMAT: PARENTAL CONSENT AFFIDAVIT (CONSENT FOR PERSON UNDER THE AGE OF 18 TO TRAVEL TO OR FROM THE REPUBLIC OF SOUTH AFRICA)

I/We* hereby declare my/our consent that my/our daughter/son whose Unabridged Birth Certificate (UBC) or **Equivalent document is attached may travel to and from South Africa:

Surname: _____ Name: _____ Date of birth _____

Identified by Passport no: _____ is travelling from _____ to _____ for the period _____ to _____ 20_____.

The child is accompanied / will be received in South Africa by (delete appropriately):

Surname, Name	
Date of birth	
Relationship	
Identified by** <input type="checkbox"/> I.D. no. <input type="checkbox"/> Passport no.	
Residential Address	
Contact no.	

Attach copy of South African ID or if a foreign national attach passport and visa of person receiving the child in SA.

Mother:

Surname, Name	
Date of birth	
Residential Address	
Identified by** <input type="checkbox"/> I.D. no. <input type="checkbox"/> Passport no.	
Contact no.	
Signature	
Date	

Attach copy of mother's ID or passport.

Father:

Surname, Name	
Date of birth	
Residential Address	
Identified by** <input type="checkbox"/> I.D. no. <input type="checkbox"/> Passport no.	
Contact no.	
Signature	
Date	

Attach copy of father's ID or passport.

Legal Guardian:

Surname, Name	
Date of birth	
Residential Address	
Identified by** <input type="checkbox"/> I.D. no.	
<input type="checkbox"/> Passport no.	
Contact no.	
Signature	
Date	

Attach legal guardian's appointment letter or court order and ID or passport.

The following documents are attached:

- Unabridged Birth Certificate (UBC) or Equivalent Document of child travelling
- ID or Passport and Visa of person receiving child in the Republic
- Court Order
- Death Certificate (of any deceased parent reflected on the UBC or Equivalent Document)
- ID or Passport of parent(s) or legal guardian(s)

Thus signed and ****sworn/solemnly affirmed before me on this day of20...**

.....

OFFICE STAMP

Commissioner of Oaths

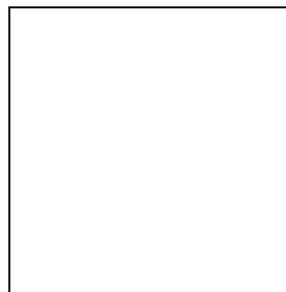
(May be attested free of charge at any embassy or mission of the Republic of South Africa)

First name(s):

Surname:

Capacity:

Place:



**Both parents whose details appear on the UBC or Equivalent Document shall consent to the child's travel. Where only one parent's details appear, only such parent's consent is required.*

***Delete whichever is not applicable.*

****An Equivalent Document is any official document or letter issued by a foreign government (including a foreign embassy) or a letter issued by the Director-General of the Department of Home Affairs in lieu of an unabridged birth certificate and which serves as a confirmation of parenthood.*