

AMENDED IMMIGRATION¹ REGULATIONS EFFECTIVE 1 DECEMBER 2018

The updated regulations in respect of foreign minors (all children under 18 years of age) travelling to and from South Africa have been gazetted and published and came into effect on 1 December 2018.

South African Minors

Relatively minor changes will be brought into effect by the amended regulations in respect of South African child travellers entering or leaving South Africa. New South African child passports are being issued containing details of the parents as a standard feature. Children travelling with both parents and in possession of such a passport need no other documentation, whilst children travelling with both parents and on a passport that does not have those details will still be required to carry a birth certificate (unabridged) with the details of their parent(s).

South African children not travelling with both parents will still be required to produce additional documentation, including consent letters, adoption orders, custody or guardianship papers and death certificates, as the case may be. However, the consent letter no longer has to be on a Department of Home Affairs (DHA) template or be an affidavit, and copies of documents are sufficient and need not be certified.

Where a parent or parents, legal guardian or any other person is travelling with a child who is a South African citizen, such person must, upon departure from or entry into the Republic, produce—

- (i) a copy of a birth certificate or passport containing the details of the parent or parents of the child;
 - (ii) where applicable, a copy of an adoption order;
 - (iii) a letter of consent from the other parent or parents, or legal guardian, as the case may be, of the child authorising such person to depart from or enter into the Republic with the child he or she is travelling with;
 - (iv) a copy of the passport, or identity card in the case of South African citizens, of the parent or parents or legal guardian of the child;
 - (v) the contact details of the parent or parents, or legal guardian, of the child;
 - (vi) a copy of 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
 - (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.
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Foreign Minors from Visa Exempt Countries

In terms of foreign minors, the following are the salient changes which now apply:

- Copies of original documents are sufficient and need not be certified;
- Consent and authorization is simply in the form of a letter and need not be notarized or be an affidavit;
- Children travelling with both parents need no extra documentation, however if there is a situation where the surname is different, carrying proof of parental relationship is advised;
- In the event of a minor **not** travelling with both parents, but travelling with an adult, other documentation may be requested and it is strongly advised that such documentation be carried, being a birth certificate and other supporting documents such as a letter of consent, court orders or death certificate(s) as appropriate. A period of 24 hours is provided for to acquire such documents on arrival if they are requested and are not in the traveller's possession;
- In the event of a minor travelling alone, additional documentation must be carried;
- A birth certificate (copy) to satisfy the immigration processes should contain details of the parent(s).

Foreign Minors from Visa Required Countries such as Taiwan:

- The requirements for children traveling with only one parent or another adult from visa requiring countries have been retained. This means that you have to **produce the documentation on application for a visa**, and a copy of a birth certificate (in English) will be required when applying for any child visa;
- Should the adult(s) travelling with a child on a visa change from what was stated on the visa application due to unavoidable short term circumstances, the travelling adult(s) are also advised to carry the same documentation as above (for visa exempt travellers).

Where a parent or parents, legal guardian or any other person from a visa required country intends to travel with a child, he or she **must, when applying for a visa for such child, submit—**

- (i) a copy of a birth certificate of the child (translated into English);
- (ii) where applicable, copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (iv) a copy of the passport of the parent or parents, or legal guardian, of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of 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

(vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

Important:

1. Where one parent, legal guardian or any other person is travelling with a South African child or a child from visa exempted country, he or she may be required by an immigration officer to produce a copy of a birth certificate of the child in order to establish the relationship with such child, upon admission into or departure from the Republic and the immigration officer must, in examining such child for admission into or departure from the Republic request and consider, where applicable—

- (i) the reasons for the absence of the other parent or parents of the child;
- (ii) a letter of consent from the other parent or parents or guardian 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 copy of the passport of the absent parent or parents or legal guardian of the child;
- (iv) the contact details of the absent parent or parents or legal guardian of the child;
- (v) a copy of 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
- (vi) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child: Provided that the Director-General may, where the parent or parents are deceased and the child is travelling with a person related to him or her, approve such a person to enter into or depart from the Republic with such a child.

2. Any unaccompanied child shall produce to the immigration officer—

- (i) a copy of his or her birth certificate;
- (ii) where applicable, a copy of an adoption order;
- (iii) a letter of consent from one or both his or her parents or legal guardian, as the case may be, for the child to travel into or depart from the Republic;
- (iv) a copy of the passport of the parent or parents or legal guardian of the child;
- (v) the contact details of the parent or parents or legal guardian of the child;
- (vi) a copy of 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;

(vii) where applicable, a copy of a death certificate of the deceased parent, parents_or legal guardian of the child;

(viii) 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;
and

(ix) a copy of the identity card or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic.

3. Where an immigration officer requests a traveller to produce a birth certificate of a child or the documentation and such is not provided within 24 hours, he or she may refuse admission into or departure from the Republic of such a child.

4. Child travellers and accompanying adults will only be stopped and asked questions, and possibly be required to provide additional documentation in exceptional cases where there may be grounds for suspicion or in “high risk situations”.