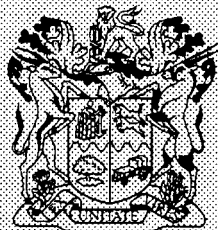


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# Government Gazette Staatskoerant

*Regulation Gazette*

No. 6794

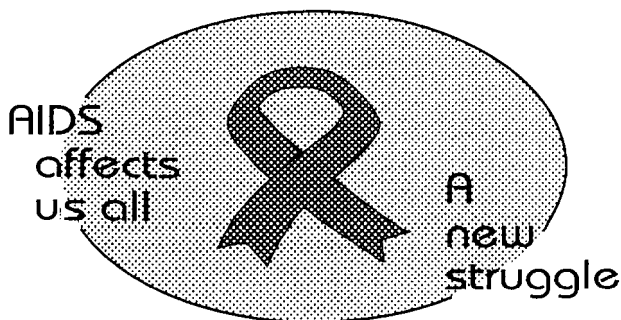
*Regulasiekoerant*

Vol. 418

PRETORIA, 25 APRIL 2000

No. 21130

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**10800012322**

DEPARTMENT OF HEALTH

## G O V E R N M E N T N O T I C E

## DEPARTMENT OF HOME AFFAIRS

No. R. 424

25 April 2000

## REGULATIONS RELATING TO THE EXEMPTION OF LIFE PARTNERS FROM THE PROVISIONS OF SECTION 23 OF THE ALIENS CONTROL ACT, 1991

The Minister of Home Affairs has, in terms of section 56, read with section 28 (2) of the Aliens Control Act, 1991 (Act No. 96 of 1991), made the regulations in the Schedule.



Mangosuthu Buthelezi, MP  
Minister of Home Affairs

Date: 19 April 2000

## SCHEDULE

## Definitions

1. In these regulations -
  - 1.1 "Act" means the Aliens Control Act, 1991 (Act No. 96 of 1991), and any expression to which a meaning has been assigned in the Act, shall bear such meaning:
  - 1.2 "life partner" means any person who is a party to a heterosexual or homosexual relationship with a person who is permanently and lawfully resident in the Republic or an alien to whom a temporary residence permit has been issued: Provided that such relationship must be intended to be permanent, exclude any other person and involve cohabitation, an obligation of mutual emotional support between the parties and a reciprocal obligation to support one another financially in circumstances where the one has the means to do so and the other requires such support in order to maintain, without recourse to public funds, his or her financial and social standing and standard of living: Provided further that "life partner" shall not include any person who:
    - (a) for the purposes of section 25 (5) of the Act, is the spouse of a person who is permanently and lawfully resident in the Republic; or
    - (b) for the purposes of section 26 (5) of the Act, is the spouse of an alien to whom a temporary residence permit has been issued, and"Life partnership" has an corresponding meaning:
  - 1.3 "Form" means the Form attached to this Schedule.

## Exemption of life partners from section 23 of this Act

2. Subject to the provisions of regulations 3 and the provisions of the Act regarding prohibited persons, from the date of commencement of these regulations all life partners shall be exempt from the provisions of section 23 of the Act.

## Conditions of exemption

3. The exemption of life partners from the provisions of section 23 of the Act shall be subject to the following conditions:
  - 3.1 A life partner who on the date of the commencement of these regulations is inside the Republic shall, within six months after the date of commencement, submit to

the Director-General a completed Form prescribed for an application by a spouse for permission to immigrate to the Republic or an application for the relevant temporary residence permit, as the case may be, together with proof by way of an affidavit in accordance with Part 1 of the Form, in lieu of a marriage certificate, that he or she is a party to a life partnership, and should a life partner fail timeously to submit the requisite proof to the Director-General his or her exemption from the provisions of section 23 of the Act shall lapse, provided that for good reason the Director-General may excuse the failure to submit such proof within such time.

- 3.2 A life partner who wishes to enter the Republic after the date of commencement of these regulations shall, prior to entering the Republic, submit to the Director-General a completed form prescribed for an application by a spouse for permission to immigrate to the Republic or an application for the relevant temporary residence permits; as the case may be, together with the fee prescribed for such application and proof by way of an affidavit in accordance with Part 1 of the Form, in lieu of a marriage certificate, that he or she is a party to a life partnership
- 3.3 Any life partner in the Republic shall, within three months after the expiry of a period of two years after the date of commencement of these regulations or the date upon which he or she was permitted to enter the Republic in terms of these regulations, whichever is the later, submit to the Director-General proof by way of an affidavit in accordance with part 2 of the Form that he or she remains a party to the life partnership and that the other party to the life partnership is permanently and lawfully resident in the Republic or an alien to whom a valid temporary residence permit has been issued, as the case may be, and should a life partner fail timeously to submit the requisite proof to the Director-General, the exemption shall lapse.
- 3.4 The Director-General may require from any party to a life partnership who has deposed to an affidavit submitted in terms of regulations 3.1, 3.2 and 3.3, any information relating to the life partnership described therein or to the provisions of the Act relating to prohibited persons, whether by way of additional affidavits, interviews or otherwise: Provided that in the case of any life partner who has deposed to an affidavit submitted in terms of regulation 3.2, the Director-General may require that such information be furnished prior to such life partner being permitted to enter the Republic.
- 3.5 If at any stage the Director-General is not satisfied that any person who has deposed to an affidavit submitted in terms of regulations 3.1, 3.2 and 3.3 is a life partner, the Director-General shall submit to the Minister the affidavit, together with any information relating to the life partnership described therein which the Director-General may have obtained and any further information which the Minister may require in connection with the matter, whereafter the Minister may decide in terms of section 28 (2) of the Act to grant or terminate, as the case may be, the exemption of that person from the provisions of section 23 of the Act.

#### **Delegation of powers**

4. The Director-General may delegate to any officer in the Department, either generally or in a particular case, any power conferred on the Director-General by these regulations

#### **Title and commencement**

5. These regulations shall be called the Aliens Control Act Exemption of Life Partners Regulations, and shall come into effect on publication in the *Government Gazette*

FORM

PART 1: AFFIDAVIT BY LIFE PARTNERS

We, the undersigned,

... .. being

a person who is not a South African citizen, hereinafter referred to as the "life partner", and

... .. being

a person who is permanently and lawfully resident in the Republic/an alien to whom a temporary residence permit has been issued,

(DELETE WHICHEVER IS NOT APPLICABLE)

hereinafter referred to as "the resident"

do hereby make oath and say/hereby solemnly affirm

(DELETE WHICHEVER IS NOT APPLICABLE)

1. We are the unmarried parties to a life partnership which is intended to be a permanent, excludes any other person and involves cohabitation, an obligation of mutual emotional support between us and a reciprocal obligation to support one another financially in circumstances where the one has the means to do so and the other requires such support in order to maintain, without recourse to public funds, his or her financial and social standing and standard of living.
2. We understand that within three months after the expiry of a period of two years after the date of this affidavit we must depose to the affidavit in Part 2 of this Form and submit it to the Director-General: Department of Home Affairs, and that should we fail timeously to do so, any exemption enjoyed by the life partner from the provisions of the Aliens Control Act, 1991 (Act No. 96 of 1991), shall lapse.

THE LIFE PARTNER

THE RESIDENT

Thus signed and sworn/solemnly affirmed

(DELETE WHICHEVER IS NOT APPLICABLE)

before me on the date and at the place set out below, in accordance with the regulations governing the administration of an oath or an affirmation in GN 1258 of 21 July 1972, as amended.

COMMISSIONER OF OATHS

full names:

capacity

**PART 2: SUPPLEMENTARY AFFIDAVIT BY LIFE PARTNERS**

We, the undersigned,

..... being

a person who is not a South African citizen, hereinafter referred to as the "life partner", and

..... being

a person who is not permanently and lawfully resident in the Republic/an alien to whom a temporary residence permit has been issued;

(DELETE WHICHEVER IS NOT APPLICABLE)  
hereinafter referred to as "the resident",

do hereby make oath and say/hereby solemnly affirm

(DELETE WHICHEVER IS NOT APPLICABLE)

1. On ..... (FILL IN THE DATE) we deposed to an affidavit in terms of part 1 of this form,
2. We are not married and the life partnership referred to in paragraph 1 of that affidavit still subsists with all the characteristics set out in that paragraph.

..... THE LIFE PARTNER ..... THE RESIDENT .....

Thus signed and sworn/solemnly affirmed  
(DELETE WHICHEVER IS NOT APPLICABLE)

before me on the date and at the place set out below, in accordance with the regulations governing the administration of an oath or an affirmation in GN 1258 of 21 July 1972, as amended.

COMMISSIONER OF OATHS

FULL NAMES:

CAPACITY:

