GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HOME AFFAIRS

NO. 3535

12 June 2023

SOUTH AFRICAN CITIZENSHIP ACT, 1995

AMENDMENT REGULATIONS ON THE SOUTH AFRICAN CITIZENSHIP ACT, 1995

The Minister of Home Affairs, in terms of section 23 of the South African Citizenship Act, 1995 (Act No. 88 of 1995), hereby makes the regulations in the Schedule.

DR P.A. MOTSOALEDI MINISTER OF HOME AFFAIRS DATE: 9

SCHEDULE

Definitions

1. In this Schedule "the 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 the 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 bears the meaning so assigned to it, and unless the context otherwise indicates—

"asylum seeker" means a person who is seeking recognition as a 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 an applicant;

"Births and Deaths Registration Act" means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

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

"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) a person who is biologically related to a child by reason only of being a gamete donor for purposes of artificial fertilisation; 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, 2002 (Act No. 13 of 2002), to a person who is a citizen of another country;

"refugee" means a 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 the Regulations

- 3. Regulation 3 of the Regulations is hereby amended by-
- (a) the deletion of the word "and" after paragraph (d) of subregulation (1).
- (b) the insertion 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.
- (c) 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.

Insertion of regulation 3A into the Regulations

4. The following regulation is hereby inserted into the Regulations after regulation 3:

"Application 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-
 - 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;
- 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 an 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---
 - 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 an 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) 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.

Insertion of Annexure 1A

5. The Form DHA-63A in Annexure 1 is hereby inserted in the Regulations as Annexure 1A after Annexure 1.

Short title and commencement

6. These Regulations are called the Amendment Regulations on the South African Citizenship Act, 1995 and come into operation on the date of publication in the Government *Gazette*.

Annexures

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

Annexure 2 Certificate of Naturalisation (DHA-64E)

Annexure 3 Declaration of Allegiance (DHA-75)

DEPARTMENT OF HOME AFFAIRS REPUBLIC OF SOUTH AFRICA Bar Code APPLICATION FOR NATURALISATION [Section 4(3) of the South African Citizenship Act, 1995] Bar Code	l in Bl	
To be completed in full and submitted, together with DHA-1620, at the Department of Home Affairs' Office. The form MUST be completed INK with BLOCK LETTERS. Please tick with 2 the CORRECT box, where required. All questions MUST be answered in FULL. Applicants have, at the time of application, spent five years continuous period of ordinary residence in the Republic. Applications that are not legible be accepted. Incomplete application will not be accepted. Should the space provided not be adequate, please attach an addendum. Kit	s mu	
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GOVERNMENT GAZETTE, 12 JUNE 2023

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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]

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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 _____