

# Unabridged Birth Certificate saga

Department of Home Affairs backtracks on Unabridged Birth Certificate requirements.

By Julian Pokroy

On 26 June 2014, the Minister of Home Affairs Malusi Gigaba gazetted the Immigration Amendment Act 13 of 2014 and proclaimed it into full operation three days later.

I have dealt, in several prior articles in this publication, with many of the implications and indeed the consequences of the haste in which this was done and the lack of planning, consultation and forethought regarding the scenario spelt out.

One of the provisions, which had perhaps attracted the most media coverage, was the requirement that a minor could only travel whether accompanied or not accompanied by a parent or guardian, if they had in their possession an Unabridged Birth Certificate. The additional documentation which would have been required and the motivations for this are dealt with elsewhere in this article. What is however important as a precursor is to note that the obtaining of an Unabridged Birth Certificate has been a mammoth task in interfacing with the Department of Home Affairs.

Unlike an Abridged Birth Certificate which lists only the date, name and place of birth of the applicant and which can be obtained literally within an hour; an Unabridged Birth Certificate is a very different creature.

An Unabridged Birth Certificate, in the first instance, checks and includes not only the identity, place of birth and date of birth of the applicant but also that of the parents of that minor.

In practice and simply put, an Unabridged Birth Certificate is issued after sight of the Vault copy of the original Birth Certificate of the applicant minor.

The central archive of the Department of Home Affairs is situated in Pretoria and Rosslyn and this is

where lies part of the crunch.

The delay in getting the process outlined and completed can take upwards of six months and anecdotally the author has knowledge of applications that took more than a year to obtain an Unabridged Birth Certificate.

All of this is very little comfort to a person in the time-slot of 26 June 2014 who was about to travel or contemplated travel with their minor child. School Tours involving minor children were particularly hard hit in this regard.

Various stakeholders, predominantly the tourism industry voiced their distaste and disapproval and pointed out that there would be direct and indirect job losses as a result of the fact that many tourists who would be coming into this growing industry in our country, would be accompanied by their minor children and would simply not be able to provide Unabridged Birth Certificates in the time-slot available.

It is also important to note that the term "Unabridged Birth Certificate" appears to be unique to South Africa. Most countries issue a birth certificate including the names, dates of birth and places of birth of the parents of the minor.

Confusion however reigned for a while after the implementation of the new regulations and, if media reports are to be believed, tourism dropped quite considerably as a direct consequence of this.

The Minister of Home Affairs declared in Parliament that the rationale behind the introduction of this requirement related not only to security concerns but also was in line with the steps taken by government to combat child trafficking. This would be a wonderful move in an "Alice in Wonderland" scenario if it contributed in any way to routing out the evil of child trafficking. However it fails to take into account that our main ports of entry and exit would not necessarily be routes for child traffickers who would opt for a much easier option of crossing the many thousands of porous borders which our country has, for this nefarious purpose.

Be that as it may, the Minister of Home Affairs refused to back down and took a hard line attitude

in several TV interviews and media statements in this regard. On the side of perhaps there being some silver lining to the dark cloud, the Department of Home Affairs recently announced they are "backtracking" the requirements for an Unabridged Birth Certificate for a minor travelling. On 5 February 2016, a guideline was issued indicating that this rule was no longer going to be strictly enforced although an Unabridged Birth Certificate remained advisable, it was no longer cast in stone. A new passport dispensation was announced by the Minister in terms of which the requirement of South African minors travelling with an Unabridged Birth Certificate would be replaced in favour of an updated passport for minors which would contain the printed details of both parents. The Minister did not state when this would come into operation but it is estimated it will take three to 12 months before this is indeed implemented.

The intended issue of this new passport for minors does not mean that parents who have applied for birth certificates should simply now apply for a new

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passport in the hope that this will be implemented. They should rather stick to the requirement as it stands at the moment, that is, to travel with an Unabridged Birth Certificate together with the minor's passport and should only do an application for a new passport upon expiry of the minor's current passport.

If an individual parent has applied for an Unabridged Birth Certificate for a minor but has not yet received it and the requirement is to travel urgently, then the parent should attend on the Department of Home Affairs office where the application for an Unabridged Birth Certificate was lodged, provide a copy of the receipt proving lodgement and payment of the administrative fee

for processing and the office of lodgement will give them a letter confirming that an Unabridged Birth Certificate has been applied for and is being processed. The Department of Home Affairs has indicated that every effort will be made to speed up the processing of Unabridged Birth Certificates.

However this is not all that has to be complied with. A problem that does arise internationally is where a minor who is about to travel may be in a situation where the parents are estranged or divorced or where one parent does not wish to consent and this presents a host of other issues.

The Department of Home Affairs issued on their website a form Annexure C "Suggested Format – Parental Consent Affidavit" which can be accessed on this link: [http://www.dha.gov.za/files/ParentalConsentAffidavit\\_v8.pdf](http://www.dha.gov.za/files/ParentalConsentAffidavit_v8.pdf), and it is suggested that this be completed together with the documents referred to above when travelling with a minor.

If the parents are divorced and a Court Order of the High Court has entrusted guardianship and custody and control to a specified parent, a certified copy of the Divorce Order should be carried by the minor or accompanying parent/guardian as well.

A further problem that arose was where a child intended travelling as part of a school tour for academic or sports reasons. To this end, the Annexure D form "Suggested Format – Consent Affidavit in respect of School Tours" which can be accessed on this link :

[http://www.dha.gov.za/files/PrincipalsConsentAffidavit\\_SuggestedFormat.pdf](http://www.dha.gov.za/files/PrincipalsConsentAffidavit_SuggestedFormat.pdf), should be utilised.

It is further suggested that the parent/custodial parent or guardian of the child should also give written consent, duly signed, attaching details of the itinerary and if necessary a copy of the airline ticket, so that all of this is consolidated into the same pack of documents. None of the above steps must be seen as being definitive as, for various Immigration Officials and indeed regionally, the interpretations of the above may differ nominally.

However, it is my advice that at all relevant times, full documentation as outlined above should be carried in order to obviate difficulties.

As soon as the new passports are introduced, I will update readers accordingly. ■

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