STATEMENT BY HOME AFFAIRS DIRECTOR-GENERAL MKUSELI APLENI AT THE MEDIA BRIEFING ON NEW REQUIREMENTS FOR TRAVELLING WITH CHILDREN COMING INTO EFFECT ON 1 JUNE 2015

Details

Published: 29 May 2015

Ladies and gentlemen, welcome to this special briefing ahead of the 1st June implementation of new requirements for travelling with children. We called this briefing because we needed to clarify a few issues.

By now you know that the requirements for children travelling to or from the Republic of South Africa take effect next Monday, 1 June 2015. The requirements are aimed at establishing the principle that all children must have the consent of their parents when travelling into or out of the Republic.

The new requirements will apply to South African children, under 18, upon leaving the Republic, and children who are foreign nationals and who are visa exempt when travelling through a port of entry of the Republic.

Children who apply for a South African visa at any mission or VFS service-point will have to submit the required additional documents, such as unabridged birth certificates.

I said on Tuesday, 26 May, that the Department has a backlog of around 4,000 applications for unabridged birth certificates. For smooth implementation, we are pullingout all the stops and are now left with only 800 applications to clear.

The 800 applications include where supporting documents are not available. We will continue sending reminders through text messages. Since people change their numbers from time to time, we have explored other mechanisms for reaching them.

Accordingly, we now have dedicated numbers for people to call for assistance in the event they have not received their documents and need to travel. Here are the numbers they should to call: 072 634 0589; 072 634 0614; 073 567 6208; and 073 567 5968.

Those who have applied for unabridged birth certificates and are planning to travel, and had not received documents, are advised to visit any office of Home Affairs to request a document that will allow them to travel with children through our ports of entry.

I must reiterate that where both parents are travelling with valid passports and visas the unabridged birth certificate is not a requirement since these additional documents would have been provided when applications were made for passports and visas.

It is where one parent or another person is travelling with somebody else’s child that we require valid passports, an unabridged birth certificate, and parental consent affidavits.

Travellers who are from countries that are not visa-exempt do not have to bring along unabridged birth certificates for the child/children travelling with. The Visa Exemption List is on the Home Affairs website.

We do not understand the claims that our requirements are unique, not applicable elsewhere, and would have consequences for tourism and the economy in general. Our regulations were benchmarked even with countries attracting more tourists. SA citizens are also required to have these documents when going to some countries of the world.

It was also due to requirements expected of our citizens by other countries that we decided to move towards issuing the unabridged birth certificate with the child's and parent(s) particulars in it.

A number of countries ask for additional documents for travelling with children, including, the United Kingdom, Canada, Australia and Schengen countries like France, Germany, Italy and Spain. The United States recommends where a child is not travelling with both parents that the travelling parent or guardian should have a note showing parental consent.

Through DIRCO we requested countries to provide a specimen of their unabridged birth certificates or equivalent documents and they have responded to our request, including from both visa-exempt countries and those requiring visas.

One other issue that was raised for clarity has been that of language in which documents would have been issued by other countries. Based on the specimen of unabridged birth certificates or equivalent documents we have received from countries, we are not requiring any translations from travellers, as we are able to verify their documents through the received documents, among other things.

Immigration Officers will have specimen at the ports of entry for verification.

In addition, where translation is required, we do this at no cost at South African foreign embassies abroad. We will limit delays at ports of entry.

We are looking forward to a smooth process with only limited glitches as would be expected of any new endeavour or project. At South Africa's ports of entry, there will be Immigration Officers who will focus on checking the required documents when travellers reach the Home Affairs security zone.

We have also posted on our website the formats that people and countries should refer to for the Parental Consent Affidavit and the Equivalent Document in lieu of the unabridged birth certificate, as well as a detailed immigration advisory on new requirements for travelling with children through South Africa's ports of entry.

Though this is a matter for another day, we need to remember that South Africa is not the only country in the world asking people to apply for visas in person, for the purpose of biometrics. Those going to the US, Sweden and the UK also apply in person. For Sweden, all applications are made only in Pretoria, in person.

People in our country are also doing the same, travelling to limited centres to apply in person for their visas, and I am yet to hear of queries regarding how this will impact on tourism in countries that they have selected to visit.

To round up, these are the exemptions:

- Minors who travelled prior to 1 June 2015 will not be required to produce supporting documents should the return leg of the journey occur after 1 June.
- No supporting documents will be required in the case of minors in direct transit at an international airport.
- Minors in possession of valid SA visas shall not be required to produce additional documents when travelling through a port of entry of the Republic.
- In the case of countries that endorse the particulars of parents in children's passports, or other official identification documents, these documents shall be acceptable for the purpose of establishing the identity of parents of the travelling minor. Example: Indian passports record the parents' names on the passport. In this instance, the requirement of an unabridged birth certificate may be dispensed with.

Where any parent/s recorded in an unabridged birth certificate or equivalent document, are unable to consent to the travel by a child due to recent death, or mental or physical disability, persons acting on behalf of the child/children may apply for a special dispensation in lieu of the parental consent affidavit by directing a request and full motivation, together with all supporting documents (example, treating

medical practitioners certificate), to the Office of the Director-General of Home Affairs, at the following e-mail address: consent@dha.gov.za

I thank you for attending.

ANNEXURE:

ADVISORY: NEW REQUIREMENTS FOR CHILDREN TRAVELLING THROUGH SOUTH AFRICAN PORTS OF ENTRY

The new requirements for children travelling to or from the Republic of South Africa take effect on 1 June 2015. The requirements are aimed at establishing the principle that all minors require the consent of their parents when traveling into or out of the Republic.

1. APPLICATION OF THE NEW REQUIREMENTS

1.1. The documents listed under paragraph 4 shall upon request be produced at a port of entry by:

• South African minors upon leaving the Republic, and
• Minors who are foreign nationals and who are visa exempt when travelling through a port of entry of the Republic.

1.2. Minors who apply for a South African visa at any mission or VFS service-point shall be required to submit as part of the application, documents listed hereunder at paragraph 4, priorto such visa being issued.

2. EXEMPTIONS

• Minors who began their journey prior to 1 June 2015 shall not be required to produce the documents listed in paragraph 4 should the return leg of the journey occur after 1 June 2015.
• No supporting documents will be required in the case of minors in direct transit at an International Airport.
• Minors in possession of valid South African visas shall not be required to produce the documents listed in paragraph 4 when travelling through a port of entry of the Republic.
• In the case of countries that endorse the particulars of parents in children's passports, or other official identification documents, these documents shall be acceptable for the purpose of establishing the identity of parents of the travelling minor. Example: Indian passports record the parents' names on the passport. In this instance, the requirement of an Unabridged Birth Certificate as stated in paragraph 4 may be dispensed with.

3. DEFINITIONS

3.1. Alternative Care

• Section 167 of the Children's Act, 2005 (Act No. 38 of 2005), states that a child is in Alternative Care if the child has been placed in:
o foster care;
o the care of a child and youth care centre following an order of a court in terms of that Act or the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
o temporary safe care.

3.2. Child/Minor

• South African law regards any person younger than 18 years as a child or minor.

3.3. Equivalent Document

• Any official document (Example: identity document or passport issued by the relevant authority of any country) or letter issued by a foreign government (including a foreign embassy) or a letter issued by the Director-General of Home Affairs of the Republic of South Africa, recording the identity of the parents of a child shall be accepted in lieu of an Unabridged Birth Certificate. These instruments shall serve to identify the parents of the child intending to travel through a port of entry of the Republic.

3.4. Parent

• Unless the context indicates otherwise, the word "parent" includes adoptive parents and legal guardians.

3.5. Parental Consent Affidavit

• Parental Consent Affidavit is an affidavit which must accompany an Unabridged Birth Certificate or Equivalent Document when any parent is not travelling with his or her child.
• A South African Embassy in the traveller's country of residence may be approached to commission the oath or solemn declaration required in the Affidavit free of charge.
• The Affidavit must not be older than 4 months when presented. The same affidavit will still be valid for the departure or return in relation to the same journey regardless of the period of the journey.
• A suggested format of the Parental Consent Affidavit is available at: http://www.dha.gov.za/files/ParentalConsentAffidavit.pdf

3.6. Unabridged Birth Certificate

• In South Africa, an Unabridged Birth Certificate (UBC) is an extract from the Birth Register containing the particulars of a minor and those of his or her parent or parents. UBCs are official documents issued

by the Department of Home Affairs in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992). All birth certificates containing the details of a child as well as the parents of the child shall be accepted for the purposes of these Requirements as UBCs , regardless of the country of issue.

• In the case of countries that do not issue UBCs, an 'Equivalent Document' containing the particulars of the child and his or her parent or parents, issued by the competent authority of that country, or an embassy of that country may be used instead of an UBC. A suggested format for such an Equivalent Document is available at:
http://www.dha.gov.za/files/EquivalentDocumentForeignGov.pdf

4. DOCUMENTS REQUIRED FOR TRAVEL THROUGH A PORT OF ENTRY OF THE REPUBLIC OF SOUTH AFRICA

4.1. Where both parents are travelling accompanied by one or more of their children, such children have to produce:

• Valid passports and an UBC or Equivalent Document for each child travelling.

4.2. Where only one parent is travelling with a child, (or children), each child has to produce:

• A valid passport, an UBC or Equivalent Document for each travelling child and the Parental Consent Affidavit from the non-travelling parent whose details are recorded on the UBC or Equivalent Document.

3.3. An unaccompanied minor has to produce:

• A valid passport; an UBC or Equivalent Document; Parental Consent Affidavit; letter from the person who is to receive the minor in the Republic containing such person's residential and work address and full contact details in the Republic, a copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the minor in the Republic.

3.4. A person who is travelling with a child who is not his or her biological child, such child must produce:

• A valid passport, an UBC or Equivalent Document and Parental Consent Affidavit.
• These requirements apply also to children travelling with school groups.

3.5. A child in alternative care shall produce:

• A valid passport and a letter from the Provincial Head of the Department of Social Development where the child resides authorising his or her departure from the Republic as contemplated in section 169 of the Children's Act (Act No. 38 of 2005).

3.6. Explanatory Notes:

• One of the following documents may be presented in the absence of a Parental Consent Affidavit referred to above:

o A court order granting full parental responsibilities and rights or full legal guardianship of the child exclusively to the travelling parent ;
o A court order granted in terms of section 18(5) of the Children's Act, 2015, (Act No. 38 of 2005) which is a court order granting permission for the child to travel in the event that there is a dispute or no consent forthcoming from the parent/s of a child; or
o a death certificate of the deceased parent.

• Where only one parent's particulars appear on the UBC or equivalent document, no parental consent affidavit is required when that parent travels with the child.
• In the case of divorce, where custody of a child/children is shared, parental consent by both parents is required.
• Where a Parental Consent Affidavit is presented, also required are full contact details and copies of the identity documents or passports of the parents or legal guardian of the child.
• The consent of parents recorded as such on the Unabridged Birth Certificate or Equivalent Document shall be required regardless of the marital status of the parents of the child.

4. INABILITY TO CONSENT DUE TO RECENT DEATH OR MENTAL OR PHYSICAL DISABILITY:

4.1. Where any parent/s recorded in an UBC, or equivalent document, are unable to consent to the travel by a child due to recent death, or mental or physical disability, persons acting on behalf of the child/children may apply for a special dispensation in lieu of the parental consent affidavit by directing a request and full motivation, together with all supporting documents (example, treating medical practitioners certificate), to the Office of the Director-General of Home Affairs, at the following e-mail address: consent@dha.gov.za

4.2. Explanatory Note:
• This dispensation only applies to incapacity, and does not apply where a parent is either unwilling to consent or unable to be located due to separation or divorce.
• Where a parent refuses to give consent, a court order in terms of section 18(5) of the Children's Act, 2005 (Act No. 38 of 2005), may be presented in lieu of such parental consent.

GET ADDITIONAL DOCUMENTS FOR TRAVELLING WITH CHILDREN TODAY!

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