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WE DEMAND THAT:

01

The Department to be in line with its Strategic Plan 2020-25 which notes that DHA is a key contributor to priorities dealing with economic transformation and job creation (through securing the identity of citizens and foreigners and the issuance of permits and visas in support of economic growth); social cohesion and safe communities (by providing enabling documents in a secure and efficient manner in order to access rights and services).

02

The Department of Home Affairs (DHA) to speedily implement their mandate to grant access to enabling documents to all eligible people.

03

a. The Department of Home Affairs in response to suspension of services and closure of RRO's during the COVID-19 pandemic to integrate the civic service and immigration service systems to provide a timeous verification system to ensure that parents with asylum seeker and refugee permits or passports can register their child's birth.

b. To waiver any documentation related costs and related queries associated to the late registration of birth for parents with asylum seeker and refugee permit' and passports who have attempted to register their child's birth during the COVID-19 lockdown.



WE DEMAND THAT:

04

Every birth is registered to prevent statelessness. This is in line with the UNHCR's "I belong" campaign to eradicate statelessness.

05

That DHA removes the cumbersome requirements in regulation 3,4 and 5 of the Births and Deaths Registration Act listing valid passports as a requirement for birth registration without which an application cannot be accepted. This includes the requirement that only South Africans should witness the birth of a foreign child born at home.

06

Ensure that all barriers hindering stateless children from getting their birth registered are removed as birth registration is one of the requirements in order for stateless children to obtain citizenship.

07

To consider the withdrawal of the requirement of DNA tests to be done at late registration of children born to one foreign parent birth and rely on other evidence to prove paternity as this precondition discriminates against a child whose one of his/her parents is foreigner and highly hampers birth registration of these children.

08

The Department of Home Affairs recognises the various vulnerabilities, exploitations and exclusions undocumented children and children in migration face in not being documented.



WE DEMAND THAT:

09

Proposed amendments to the Regulations to Births and Deaths Registrations Act be abandoned and for all children to be granted access to birth registration—regardless of nationality and status of their parent’s documentation. More specifically we demand that the proposed “confirmation of birth” is abandoned and all children receive a birth certificate.

10

We call on the Department of Home Affairs to either dispose of the requirement for DNA test for children born outside of wedlock or out of non-national mothers or at the very least to negotiate with the Department of Health to provide a subsidised DNA testing service in proving paternity instructed by the Department of Home Affairs according to income.

11

Department of Home Affairs to implement strategies to prevent and penalise corruption and limitations in office operation capacity which are barriers for people attempting to be documented.

12

To provide Birth Registration services at all Health facilities around the country to prevent late birth registration.



WHY IS THIS IMPORTANT?

South Africa is a signatory to a number of international conventions, which give right to every child to a name, nationality and immediate birth registration. This right is further enshrined in South Africa's Constitution.

Section 28 states that 'Every child has the right to a name and nationality from birth' - regardless of nationality. As a signatory of the 1989 Convention on the Rights of the Child, South Africa is obligated to pass and implement laws for the realisation of children's interests, and also duty-bound to protect all children regardless of nationality or documentation status.

Despite this, hundreds of children are still being denied this right and has detrimental impact on their everyday lives. A birth certificate is essential for every child. There are however hundreds of children without birth certificates. According to the Department of Basic Education, there are 998 433 undocumented children enrolled in public schools - mainly of whom are without birth certificates. Of these children, the majority (880 968) are South African children whose parents, guardians or caregivers have not managed to secure birth certificates for them.



WHY IS THIS IMPORTANT?

Without these documents children are essentially not recognised by the State. This leaves them vulnerable to multiple risks, exploitations and exclusions including: accessing education, health, being excluded from the services of child protection (Social Welfare and Assistance) and are at risk of being stateless.

Due to restrictive birth registration policies (including expensive DNA tests) hundreds of children are being denied their constitutional right to birth registration and nationality. Furthermore, as a result of corruption and limited operation capacity (closure of Refugee Reception Offices, Accessibility of Home Affairs offices, long application times, and shortened permit extensions) result in difficulties in applying and extending permits often resulting in expired permits which impact on children who need to be documented.

THE FOLLOWING ORGANISATIONS ENDORSED THIS CAMPAIGN:

- a. Refugee Social Service (RSS)
- b. Nelson Mandela University Refugee Rights Centre (NNMU)
- c. Lawyers for Human Rights (LHR)
- d. Sophiatown Community Psychological Services

This initiative was made possible by



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