



REPUBLIC OF SOUTH AFRICA



# GOVERNMENT GAZETTE

## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1547.

6 October 1995

No. 1547.

6 Oktober 1995

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 88 of 1995: South African Citizenship Act, 1995.

No. 88 van 1995: Wet op Suid-Afrikaanse Burgerskap, 1995.

# ACT

To provide for the acquisition, loss and resumption of South African citizenship;  
and for matters incidental thereto.

(Afrikaans text signed by the President.)  
(Assented to 28 September 1995.)

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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# WET

Om voorsiening te maak vir die verkryging, verlies en herneming van Suid-Afrikaanse burgerskap; en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)  
(Goedgekeur op 28 September 1995.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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**CHAPTER 1***Interpretation and Application of Act***Definitions**

1. (1) In this Act, unless the context otherwise indicates—
- (i) "alien" means a person who is not a South African citizen; (xviii) 25
  - (ii) "customary union" means the association of a man and a woman in a conjugal relationship according to indigenous law and custom, where neither the man nor the woman is party to a subsisting marriage, which is recognised by the Minister in terms of section 1(4) of this Act; (v) 30
  - (iii) "Department" means the Department of Home Affairs; (i)
  - (iv) "former states" means—
    - (a) the former Republic of Transkei as referred to in the Status of Transkei Act, 1976 (Act No. 100 of 1976);
    - (b) the former Republic of Bophuthatswana as referred to in the Status of Bophuthatswana Act, 1977 (Act No. 89 of 1977); 35
    - (c) the former Republic of Venda as referred to in the Status of Venda Act, 1979 (Act No. 107 of 1979); and
    - (d) the former Republic of Ciskei as referred to in the Status of Ciskei Act, 1981 (Act No. 110 of 1981); (xvi) 40
  - (v) "husband" includes a husband in a customary union; (ii)
  - (vi) "major" means any person who has attained the age of 21 years or who has under the provisions of section 2 of the Age of Majority Act, 1972 (Act No. 57 of 1972), been declared to be a major, and includes a person under the age of 21 years who has contracted a legal marriage; (viii) 45
  - (vii) "marriage" includes a customary union; (vii) 45
  - (viii) "Minister" means the Minister of Home Affairs; (x)
  - (ix) "minor" or "minor child" means any person who is not a major; (ix)
  - (x) "prescribed" means prescribed by regulation; (xv) 50
  - (xi) "prior law" means any law repealed by section 26; (xvii)
  - (xii) "regulation" means a regulation made under section 23; (xi)
  - (xiii) "Republic" means the Republic of South Africa as referred to in section 1 of the Constitution; (xii)
  - (xiv) "responsible parent" means a parent as contemplated in section 1 of the Guardianship Act, 1993 (Act No. 192 of 1993); (xiv) 55



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**HOOFSTUK 1*****Uitleg en Toepassing van Wet*****Woordomskrywing**

- 25 **1.** (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - (i) "Departement" die Departement van Binnelandse Sake; (iii)
  - (ii) "eggenoot" ook 'n eggenoot in 'n gebruikelike verbinding; (v)
  - (iii) "eggenote" ook 'n eggenote in 'n gebruikelike verbinding; (xviii)
  - (iv) "gade" ook 'n gade in 'n gebruikelike verbinding; (xvi)
  - 30 (v) "gebruikelike verbinding" die sameleef van 'n man en 'n vrou in 'n egtelike verhouding ooreenkomstig inheemse reg en gebruik, waar nóg die man nóg die vrou 'n party is by 'n bestaande huwelik, wat deur die Minister ingevolge artikel 1(4) van hierdie Wet erken word; (ii)
  - 35 (vi) "hierdie Wet" ook die Bylaes by die Wet en die regulasies; (xvii)
  - (vii) "huwelik" ook 'n gebruikelike verbinding; (vii)
  - (viii) "meerderjarige" 'n persoon wat die ouderdom van 21 jaar bereik het of wat ingevolge die bepaling van artikel 2 van die Wet op Meerderjarigheidsouderdom, 1972 (Wet No. 57 van 1972), meerderjarig verklaar is, en ook 'n persoon wat 'n wettige huwelik sluit terwyl hy of sy onder die ouderdom van 21 jaar is; (vi)
  - 40 (ix) "minderjarige" of "minderjarige kind" 'n persoon wat nie 'n meerderjarige is nie; (ix)
  - (x) "Minister" die Minister van Binnelandse Sake; (viii)
  - 45 (xi) "regulasie" 'n regulasie wat kragtens artikel 23 uitgevaardig is; (xii)
  - (xii) "Republiek" die Republiek van Suid-Afrika soos bedoel in artikel 1 van die Grondwet; (xiii)
  - (xiii) "Suid-Afrikaanse burgerskap deur registrasie" Suid-Afrikaanse burgerskap deur registrasie wat verleen is kragtens enige wet van krag in die Republiek soos dit bestaan het onmiddellik voor die inwerkingtreding van die Grondwet; (xv)
  - 50 (xiv) "verantwoordelike ouer" 'n ouer soos beoog in artikel 1 van die Wet op Voogdy, 1993 (Wet No. 192 van 1993); (xiv)
  - 55 (xv) "voorgeskryf" by regulasie voorgeskryf; (x)

- (xv) "South African citizenship by registration" means South African citizenship by registration granted under any law in force in the Republic as it had existed immediately prior to the commencement of the Constitution; (xiii)
- (xvi) "spouse" includes a spouse in a customary union; (iv) 5
- (xvii) "this Act" includes the Schedules to the Act and the regulations; (vi)
- (xviii) "wife" includes a wife in a customary union. (iii)
- (2) For the purposes of this Act, unless clearly inconsistent with the provisions of this Act— 10
- (a) any reference in this Act to entrance into the Republic, to permanent residence in the Republic, to any period of residence or ordinary residence in the Republic or to any period of absence from the Republic, shall be construed to include any entrance into, residence in or absence from the Republic of South Africa or any of the former states as they had existed immediately prior to the commencement of the Constitution; 15
- (b) the expressions "in the Republic" and "outside the Republic" shall be construed as if the former states were part of the former Republic of South Africa, whenever it has to be determined whether any event or action which occurred or took place prior to the commencement of the Constitution, occurred or took place in or outside the Republic; 20
- (c) the expression "Government of the Republic" shall be construed to include the governments of the former states whenever it has to be determined if a person was in the service of the Government of the Republic prior to the commencement of the Constitution. 25
- (3) For the purposes of this Act—
- (a) a person born aboard a registered ship or aircraft shall be deemed to have been born at the place where the ship or aircraft is registered, and a person born aboard an unregistered ship or aircraft belonging to the Government of any country shall be deemed to have been born in that country; 30
- (b) a person—
- (i) to whom an exemption from the prohibition mentioned in section 23(a) of the Aliens Control Act, 1991 (Act No. 96 of 1991), has been granted unconditionally and for an unspecified period in terms of section 28(2) of that Act, whether as an individual or as a member of a category of persons; or 35
- (ii) to whom the said prohibition is not applicable by virtue of section 29(1)(a) or (c) of that Act, and who entered the Republic or is in the Republic for purposes of permanent residence, shall be deemed to be or have been lawfully admitted to the Republic for permanent residence therein, or permanently and lawfully residing in the Republic. 40
- (4) (a) A customary union shall be recognised by the Minister for the purposes of this Act, if the Minister is satisfied upon information submitted to him or her in the prescribed form by the applicant and such other person alleged to be the applicant's spouse in the customary union, that the applicant is in fact a spouse in the customary union in question. 45
- (b) The Minister may, in addition to any information submitted in terms of paragraph (a) or to clarify any information so submitted, call for further information to be submitted to him or her, or may call upon any person to appear before him or her and require or allow such person to give such oral information or produce such other information as in the opinion of the Minister may assist him or her in deciding the matter in question. 50



- (xvi) "voormalige state"—
- (a) die voormalige Republiek van Transkei soos bedoel in die Wet op die Status van die Transkei, 1976 (Wet No. 100 van 1976);
- 5 (b) die voormalige Republiek van Bophuthatswana soos bedoel in die Wet op die Status van Bophuthatswana, 1977 (Wet No. 89 van 1977);
- (c) die voormalige Republiek van Venda soos bedoel in die Wet op die Status van Venda, 1979 (Wet No. 107 van 1979); en
- 10 (d) die voormalige Republiek van Ciskei soos bedoel in die Wet op die Status van Ciskei, 1981 (Wet No. 110 van 1981); (iv)
- (xvii) "vorige wet" 'n wet herroep deur artikel 26; (xi)
- (xviii) "vreemdeling" 'n persoon wat nie 'n Suid-Afrikaanse burger is nie. (i)
- 15 (2) By die toepassing van hierdie Wet, tensy duidelik onbestaanbaar met die bepalings van hierdie Wet—
- (a) moet enige verwysing in hierdie Wet na binnekoms in die Republiek, na permanente verblyf in die Republiek, na enige tydperk van verblyf of gewone verblyf in die Republiek of na enige tydperk van afwesigheid uit die Republiek, uitgelê word om 'n binnekoms in, verblyf in of afwesigheid uit die Republiek van Suid-Afrika of enige van die voormalige state soos wat dit bestaan het onmiddellik voor die inwerkingtreding van die Grondwet, in te sluit;
- 20 (b) word die uitdrukkings "in die Republiek" en "buite die Republiek" uitgelê asof die voormalige state deel was van die voormalige Republiek van Suid-Afrika, wanneer dit bepaal moet word of enige gebeurtenis of handeling wat plaasgevind of gebeur het voor die inwerkingtreding van die Grondwet, plaasgevind of gebeur het binne of buite die Republiek;
- 30 (c) word die uitdrukking "Regering van die Republiek" uitgelê om die regerings van die voormalige state in te sluit, wanneer dit bepaal moet word of 'n persoon in diens van die Regering van die Republiek was voor die inwerkingtreding van die Grondwet.
- (3) By die toepassing van hierdie Wet—
- 35 (a) word 'n persoon wat aan boord van 'n geregistreerde skip of lugvaartuig gebore word, geag op die plek waar die skip of lugvaartuig geregistreer is, gebore te gewees het, en word 'n persoon wat aan boord van 'n ongeregistreerde skip of lugvaartuig van die Regering van een of ander land gebore word, geag in daardie land gebore te gewees het;
- 40 (b) word 'n persoon—
- (i) aan wie 'n vrystelling van die verbod in artikel 23(a) van die Wet op Vreemdelinge-beheer, 1991 (Wet No. 96 van 1991), vermeld, hetsy as 'n individu of as 'n lid van 'n kategorie persone, onvoorwaardelik en vir 'n onbepaalde tydperk ingevolge artikel 28(2) van daardie Wet verleen is; of
- 45 (ii) op wie bedoelde verbod uit hoofde van artikel 29(1)(a) of (c) van daardie Wet nie van toepassing is nie, en wat die Republiek binnegekom het of in die Republiek is met die doel om hom of haar blywend daarin te vestig, geag wettig vir permanente verblyf tot die Republiek toegelaat, of permanent en wettig in die Republiek woonagtig, te wees of te gewees het.
- 50 (4) (a) 'n Gebruiklike verbinding word vir die doeleindes van hierdie Wet deur die Minister erken indien die Minister op inligting wat aan hom of haar in die voorgeskrewe vorm voorgelê is deur die aansoeker en sodanige ander persoon
- 55 wat na bewering die aansoeker se gade in die gebruiklike verbinding is, oortuig is dat die aansoeker inderdaad 'n gade in die betrokke gebruiklike verbinding is.
- (b) Die Minister kan, bykomstig tot enige inligting wat ingevolge paragraaf (a) voorgelê is of om enige inligting wat aldus voorgelê is op te klaar, vereis dat verdere inligting aan hom of haar voorgelê word, of kan enige persoon versoek
- 60 om voor hom of haar te verskyn en sodanige persoon vereis of toelaat om sodanige mondelinge getuienis te lewer of om sodanige ander inligting aan te voer as wat na die oordeel van die Minister vir hom of haar van hulp kan wees om die betrokke aangeleentheid te besleg.

## CHAPTER 2

*Acquisition of South African Citizenship***Citizenship by birth**

2. (1) Any person—
- (a) who immediately prior to the date of commencement of this Act, was a South African citizen by birth; or
  - (b) who is born in the Republic on or after the date of commencement of this Act; or
  - (c) who is by virtue of section 3(1)(b) a South African citizen, and one of his or her parents or his or her mother if he or she was born out of wedlock, was at the time of such person's birth—
    - (i) in the service of the Government of the Republic; or
    - (ii) the representative or the employee of a person or an association of persons resident or established in the Republic; or
    - (iii) in the service of an international organisation of which the Government of the Republic was then a member,
- shall, subject to the provisions of subsections (2) and (3), be a South African citizen by birth.
- (2) No person shall be a South African citizen by virtue of subsection (1)(b) if, at the time of his or her birth, one of his or her parents—
- (a) was a person enjoying diplomatic immunity in the Republic in terms of any law relating to diplomatic privileges, or was a career representative of the government of another country, or was a person employed in the embassy or legation of such a government or in the office of such a career representative, or was a member of the household or an employee of any such person; or
  - (b) had not been lawfully admitted to the Republic for permanent residence therein,
- and his or her other parent was not a South African citizen.
- (3) No person who, after having ceased to be a South African citizen, at any time thereafter acquires South African citizenship by naturalisation in the Republic, shall be a South African citizen by birth.
- (4) Any person born in the Republic and who is not a South African citizen by virtue of the provisions of subsection (2), shall be a South African citizen by birth, if—
- (a) he or she is adopted by a South African citizen in accordance with the Child Care Act, 1983 (Act No. 74 of 1983); or
  - (b) (i) he or she does not have the citizenship or nationality of any other country, or has no right to such citizenship or nationality; and
  - (ii) his or her birth is registered in the Republic in accordance with the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992).

**Citizenship by descent**

3. (1) Any person—
- (a) who, immediately prior to the date of commencement of this Act, was a South African citizen by descent; or
  - (b) who is born outside the Republic on or after the date of commencement of this Act, and—
    - (i) one of whose parents was, at the time of his or her birth, a South African citizen and whose birth is registered in terms of the provisions of section 13 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); or
    - (ii) to whose responsible parent a certificate of the resumption of previous South African citizenship has, in terms of section 13(3), been issued, and who has entered the Republic for permanent residence therein before becoming a major, and whose birth is within one year after the



## HOOFSTUK 2

*Verkryging van Suid-Afrikaanse Burgerskap***Burgerskap deur geboorte**

2. (1) 'n Persoon—
- 5 (a) wat, onmiddellik voor die datum van die inwerkingtreding van hierdie Wet, 'n Suid-Afrikaanse burger deur geboorte was; of
- (b) wat in die Republiek op of na die datum van die inwerkingtreding van hierdie Wet gebore word; of
- 10 (c) wat uit hoofde van artikel 3(1)(b) 'n Suid-Afrikaanse burger is, en een van sy of haar ouers of sy of haar moeder indien hy of sy buite-egtelik gebore is, by die geboorte van so 'n persoon—
- (i) in die diens van die Regering van die Republiek was; of
- (ii) die verteenwoordiger of die werknemer was van 'n persoon of
- 15 vereniging van persone wat in die Republiek woonagtig of ingestel was; of
- (iii) in die diens was van 'n internasionale organisasie waarvan die Regering van die Republiek toe 'n lid was,
- is, behoudens die bepalings van subartikels (2) en (3), 'n Suid-Afrikaanse burger deur geboorte.
- 20 (2) Geen persoon is uit hoofde van subartikel (1)(b) 'n Suid-Afrikaanse burger nie indien, by sy of haar geboorte, een van sy of haar ouers—
- (a) 'n persoon was wat in die Republiek diplomatieke immunititeit geniet het ingevolge 'n wetsbepaling op diplomatieke voorregte, of 'n beroepsverteenvoorder van die regering van 'n ander land was, of 'n
- 25 persoon in diens in die ambassade of gesantskap van so 'n regering of die kantoor van so 'n beroepsverteenvoorder was, of 'n lid van die huisgesin of 'n werknemer van enige sodanige persoon was; of
- (b) nie wettig tot die Republiek vir permanente verblyf daarin toegelaat was nie,
- 30 en sy of haar ander ouer nie 'n Suid-Afrikaanse burger was nie.
- (3) Geen persoon wat, nadat hy of sy opgehou het om 'n Suid-Afrikaanse burger te wees, weer te eniger tyd Suid-Afrikaanse burgerskap deur naturalisasie in die Republiek verkry, is 'n Suid-Afrikaanse burger deur geboorte nie.
- (4) 'n Persoon wat in die Republiek gebore is en wat uit hoofde van die
- 35 bepalings van subartikel (2) nie 'n Suid-Afrikaanse burger is nie, is 'n Suid-Afrikaanse burger deur geboorte, indien—
- (a) hy of sy deur 'n Suid-Afrikaanse burger ooreenkomstig die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), aangeneem word; of
- (b) (i) hy of sy nie die burgerskap of nasionaliteit van 'n ander land het
- 40 nie, of nie op sodanige burgerskap of nasionaliteit geregtig is nie; en
- (ii) sy of haar geboorte ooreenkomstig die bepalings van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet No. 51 van 1992), in die Republiek geregistreer is.
- 45 **Burgerskap deur afkoms**
3. (1) 'n Persoon—
- (a) wat, onmiddellik voor die datum van die inwerkingtreding van hierdie Wet, 'n Suid-Afrikaanse burger deur afkoms was; of
- (b) wat buite die Republiek op of na die datum van die inwerkingtreding
- 50 van hierdie Wet gebore word en—
- (i) van wie enige ouer, by sy of haar geboorte, 'n Suid-Afrikaanse burger was en wie se geboorte kragtens die bepalings van artikel 13 van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet No. 51 van 1992), geregistreer word; of
- 55 (ii) aan wie se verantwoordelike ouer 'n sertifikaat van herneming van vorige Suid-Afrikaanse burgerskap uitgereik is ingevolge artikel 13(3), en wat die Republiek vir permanente verblyf daarin binnegekom het voor die bereiking van meerderjarigheid, en wie se geboorte binne 'n jaar ná die datum van uitreiking van sodanige

date of issue of such certificate, or such longer period as the Minister in the special circumstances of the case may approve, registered in the Republic in the prescribed manner; or

- (iii) who is adopted in terms of the provisions of the Child Care Act, 1983 (Act No. 74 of 1983), by a South African citizen and whose birth is registered in accordance with the provisions of subparagraph (i),

shall, subject to the provisions of subsection (2), be a South African citizen by descent.

(2) No person who, after having ceased to be a South African citizen, at any time thereafter acquires South African citizenship by naturalisation in the Republic, shall be a South African citizen by descent.

#### Citizenship by naturalisation

4. (1) Any person—

- (a) who, immediately prior to the date of commencement of this Act—  
 (i) was a South African citizen by naturalisation; or  
 (ii) was or was deemed to be a South African citizen by registration; or  
 (iii) was a citizen by naturalisation of any of the former states; or

(b) who, on or after the date of commencement of this Act, is granted a certificate of naturalisation as a South African citizen in terms of section 5, shall be a South African citizen by naturalisation.

(2) Any person referred to in subsection (1)(b) shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalisation.

#### Certificate of naturalisation

5. (1) The Minister may, upon application in the prescribed form, grant a certificate of naturalisation as a South African citizen to any alien who satisfies the Minister that—

- (a) he or she is not a minor; and  
 (b) he or she has been lawfully admitted to the Republic for permanent residence therein; and  
 (c) he or she is ordinarily resident in the Republic and that he or she has been so resident for a continuous period of not less than one year immediately preceding the date of his or her application, and that he or she has, in addition, been resident in the Republic for a further period of not less than four years during the eight years immediately preceding the date of his or her application; and  
 (d) he or she is of good character; and  
 (e) he or she intends to continue to reside in the Republic or to enter or continue in the service of the Government of the Republic or of an international organisation of which the Government of the Republic is a member or of a person or association of persons resident or established in the Republic; and  
 (f) he or she is able to communicate in any one of the official languages of the Republic to the satisfaction of the Minister; and  
 (g) he or she has an adequate knowledge of the responsibilities and privileges of South African citizenship.

(2) (a) Any period during which an applicant for naturalisation has been employed outside the Republic in the service of the Government of the Republic (otherwise than as a person engaged locally) or on a ship or aircraft or a public means of transport registered or licensed in and operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence or ordinary residence in the Republic.

(b) For the purposes of subsection (1) the Minister may, in his or her discretion, regard as a period of residence or ordinary residence in the Republic any period

- sertifikaat of die langer tydperk wat die Minister in die besondere omstandighede van die geval mag goedkeur, in die Republiek op die voorgeskrewe wyse geregistreer word; of
- 5 (iii) wat kragtens die bepalings van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), deur 'n Suid-Afrikaanse burger aangeneem is en wie se geboorte geregistreer is ooreenkomstig die bepalings van subparagraaf (i),
- is, behoudens die bepalings van subartikel (2), 'n Suid-Afrikaanse burger deur afkoms.
- 10 (2) Geen persoon wat, nadat hy of sy opgehou het om 'n Suid-Afrikaanse burger te wees, te eniger tyd daarna Suid-Afrikaanse burgerskap deur naturalisasie in die Republiek verkry, is 'n Suid-Afrikaanse burger deur afkoms nie.

#### Burgerskap deur naturalisasie

- 15 4. (1) 'n Persoon—
- (a) wat, onmiddellik voor die datum van die inwerkingtreding van hierdie Wet—
- (i) 'n Suid-Afrikaanse burger deur naturalisasie was; of
- (ii) 'n Suid-Afrikaanse burger deur registrasie was of so geag was; of
- 20 (iii) 'n burger deur naturalisasie van enigen van die voormalige state was; of
- (b) aan wie, op of na die datum van die inwerkingtreding van hierdie Wet, 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger ingevolge artikel 5 toegeken word,
- is 'n Suid-Afrikaanse burger deur naturalisasie.
- 25 (2) 'n Persoon bedoel in subartikel (1)(b) is vanaf die datum van die uitreiking van die sertifikaat 'n Suid-Afrikaanse burger deur naturalisasie.

#### Sertifikaat van naturalisasie

5. (1) Die Minister kan, op aansoek in die voorgeskrewe vorm, 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger toeken aan 'n vreemdeling wat die
- 30 Minister oortuig dat—
- (a) hy of sy nie 'n minderjarige is nie; en
- (b) hy of sy wettig tot die Republiek vir permanente verblyf daarin toegelaat is; en
- (c) hy of sy gewone verblyf in die Republiek het en dat hy of sy, sy of haar verblyf aldus gehad het vir 'n ononderbroke tydperk van minstens een
- 35 jaar onmiddellik voor die datum van sy of haar aansoek en dat hy of sy daarbenewens vir 'n verdere tydperk van minstens vier jaar gedurende die agt jaar onmiddellik voor die datum van sy of haar aansoek, sy of haar verblyf in die Republiek gehad het; en
- 40 (d) hy of sy van goeie inbors is; en
- (e) hy of sy voornemens is om in die Republiek te bly woon of in die diens van die Regering van die Republiek of van 'n internasionale organisasie waarvan die Regering van die Republiek 'n lid is of van 'n persoon of vereniging van persone wat in die Republiek woonagtig of
- 45 ingestel is, te tree of daarin aan te bly; en
- (f) hy of sy in staat is om in enige van die amptelike tale van die Republiek tot bevrediging van die Minister te kommunikeer; en
- (g) hy of sy 'n toereikende kennis van die verantwoordelikhede en voorregte van Suid-Afrikaanse burgerskap het.
- 50 (2) (a) Enige tydperk waarin 'n aansoeker om naturalisasie buite die Republiek in die diens was van die Regering van die Republiek (behalwe as 'n persoon wat plaaslik in diens geneem is) of op 'n skip of lugvaartuig of 'n openbare vervoermiddel wat in die Republiek geregistreer of gelisensieer is en vandaar bestuur word, en enige tydperk waarin 'n aansoeker om naturalisasie
- 55 buite die Republiek saam met sy of haar gade woonagtig was terwyl laasgenoemde aldus in diens was, word by die toepassing van subartikel (1) as 'n tydperk van verblyf of gewone verblyf in die Republiek geag.
- (b) By die toepassing van subartikel (1) kan die Minister na goedgevoelinge enige tydperk waarin 'n aansoeker om naturalisasie buite die Republiek in diens was



during which an applicant for naturalisation has been employed outside the Republic on a ship, aircraft or public means of transport operating from the Republic, and any period during which an applicant for naturalisation has been resident outside the Republic with his or her spouse while the latter was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Republic. 5

(3) Any period during which an applicant for naturalisation—

(a) is or was confined in a prison or other place of detention in the Republic after being convicted; or  
 (b) has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic, shall for the purposes of subsection (1), not be regarded as a period of residence or ordinary residence in the Republic. 10

(4) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form by the responsible parent or the guardian of a minor who is permanently and lawfully resident in the Republic, grant to that minor a certificate of naturalisation as a South African citizen. 15

(5) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of naturalisation as a South African citizen to a person who is an alien and who satisfies the Minister that— 20

(a) in the case of a man, he is the husband or widower, or in the case of a woman, she is the wife or widow, of a South African citizen and he or she has been lawfully admitted to the Republic for permanent residence therein and has resided in the Republic for a period of not less than two years immediately preceding the date of his or her application and after the date of his or her marriage to such citizen; or 25

(b) he or she is the spouse of a South African citizen, and he or she has in terms of any law relating to the control of the admission of aliens obtained permission to enter the Republic for permanent residence therein and he or she has resided with his or her spouse in the Republic or, while he or she was employed in the service of the Government of the Republic, outside the Republic for a period of not less than two years. 30

(6) A certificate of naturalisation shall not be issued to any person over the age of 18 years before that person has made the declaration of allegiance set forth in Schedule 1. 35

(7) The Minister may in respect of any person who has applied for a certificate of naturalisation make such enquiries as the Minister may deem fit, and require such person to appear personally before him or her or a person designated by him or her. 40

(8) If the Minister has refused an application for a certificate of naturalisation by or on behalf of any person, the Minister shall not be obliged to reconsider such application at any time, but shall not consider another application for a certificate of naturalisation by or on behalf of such person until the expiration of a period of at least one year from the date upon which the person in question was advised of the Minister's decision: Provided that the Minister shall at any time reconsider an application if he or she receives any new information regarding the applicant which may influence his or her original decision. 45

### CHAPTER 3

#### *Loss of South African Citizenship*

#### **Loss of citizenship** 50

6. (1) Subject to the provisions of subsection (2), a South African citizen shall cease to be a South African citizen if—

(a) he or she, whilst not being a minor, by some voluntary and formal act



op 'n skip, lugvaartuig of openbare vervoermiddel wat vanuit die Republiek bestuur is, en enige tydperk waarin 'n aansoeker om naturalisasie buite die Republiek saam met sy of haar gade woonagtig was terwyl laasgenoemde aldus in diens was, as 'n tydperk van verblyf of gewone verblyf in die Republiek

5 beskou, ondanks die feit dat sodanige skip, lugvaartuig of openbare vervoermiddel nie in die Republiek geregistreer of gelisensieer was nie.

(3) Enige tydperk waarin 'n aansoeker om naturalisasie—

(a) in 'n gevangenis of 'n ander plek van aanhouding in die Republiek aangehou word of was na skuldigbevinding; of

10 (b) voorwaardelik, tydelik of in stryd met enige wet wat in die Republiek van krag is, in die Republiek vertoef het,

word nie vir die doeleindes van subartikel (1) as 'n tydperk van verblyf of gewone verblyf in die Republiek beskou nie.

(4) Die Minister kan, ondanks die bepalings van subartikel (1), op aansoek in

15 die voorgeskrewe vorm deur die verantwoordelike ouer of voog van 'n minderjarige wat permanent en wettig in die Republiek woonagtig is, aan daardie minderjarige 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger toeken.

(5) Die Minister kan, ondanks die bepalings van subartikel (1), op aansoek in

20 die voorgeskrewe vorm, 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger aan 'n persoon toeken wat 'n vreemdeling is en die Minister oortuig dat—

(a) in die geval van 'n man, hy die eggenoot of wewenaar, of in die geval van 'n vrou, sy die eggenote of weduwee, van 'n Suid-Afrikaanse burger is en hy of sy wettig tot die Republiek vir permanente verblyf daarin toegelaat is en vir 'n tydperk van minstens twee jaar onmiddellik

25 voor die datum van sy of haar aansoek en ná die datum van sy of haar huwelik met dié burger in die Republiek gewoon het; of

(b) hy of sy die gade van 'n Suid-Afrikaanse burger is, en hy of sy ingevolge 'n wetsbepaling op die beheer oor die toelating van vreemdelinge toestemming verkry het om die Republiek vir permanente verblyf daarin binne te kom en hy of sy saam met sy of haar gade in die Republiek of, terwyl hy of sy in die diens van die Regering van die Republiek was, buite die Republiek gewoon het vir 'n tydperk van

30 minstens twee jaar.

(6) 'n Sertifikaat van naturalisasie word nie aan 'n persoon bo die ouderdom van 18 jaar uitgereik voordat daardie persoon die verklaring van getrouheid in Bylae 1 uiteengesit, afgelê het nie.

35

(7) Die Minister kan ten opsigte van enige persoon wat om 'n sertifikaat van naturalisasie aansoek gedoen het, die navrae instel wat die Minister wenslik ag, en so 'n persoon vereis om persoonlik voor hom of haar of 'n deur hom of haar aangewese persoon te verskyn.

40

(8) Indien die Minister 'n aansoek om 'n sertifikaat van naturalisasie deur of namens 'n persoon van die hand gewys het, is die Minister nie verplig om daardie aansoek te eniger tyd te heroorweeg nie, maar oorweeg hy of sy nie 'n ander aansoek om 'n sertifikaat van naturalisasie deur of namens daardie persoon voor die verstryking van 'n tydperk van minstens een jaar vanaf die datum waarop die betrokke persoon van die Minister se beslissing in kennis gestel is nie: Met dien verstande dat die Minister te eniger tyd 'n aansoek moet heroorweeg indien hy of sy nuwe inligting aangaande die aansoeker wat sy of haar oorspronklike

45 50 besluit kan beïnvloed, ontvang.

### HOOFSTUK 3

#### *Verlies van Suid-Afrikaanse Burgerskap*

##### **Verlies van burgerskap**

6. (1) Behoudens die bepalings van subartikel (2) hou 'n Suid-Afrikaanse

55 burger op om 'n Suid-Afrikaanse burger te wees indien—

(a) hy of sy, terwyl hy of sy nie 'n minderjarige is nie, die burgerskap of

- other than marriage, acquires the citizenship or nationality of a country other than the Republic; or
- (b) he or she in terms of the laws of any other country also has the citizenship or nationality of that country, and serves in the armed forces of such country while that country is at war with the Republic. 5
- (2) Any person referred to in subsection (1) may, prior to his or her loss of South African citizenship in terms of this section, apply to the Minister to retain his or her South African citizenship, and the Minister may, if he or she deems it fit, order such retention. 10

#### Renunciation of citizenship 10

7. (1) A South African citizen who intends to accept the citizenship or nationality of another country, or who also has the citizenship or nationality of a country other than the Republic, may make a declaration in the prescribed form renouncing his or her South African citizenship. 15
- (2) The Minister shall upon receipt of a declaration made under this section cause such declaration to be registered in the manner prescribed, and thereupon the person who made the declaration shall cease to be a South African citizen. 15
- (3) Whenever a person ceases under subsection (2) to be a South African citizen, his or her minor children who are under the age of 18 years shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen. 20

#### Deprivation of citizenship 20

8. (1) The Minister may by order deprive any South African citizen by naturalisation of his or her South African citizenship if he or she is satisfied that— 25
- (a) the certificate of naturalisation was obtained by means of fraud, false representation or the concealment of a material fact; or 25
- (b) such certificate was granted in conflict with the provisions of this Act or any prior law. 25
- (2) The Minister may by order deprive a South African citizen who also has the citizenship or nationality of any other country of his or her South African citizenship if— 30
- (a) such citizen has at any time been sentenced in any country to a period of imprisonment of not less than 12 months for any offence which, if it was committed outside the Republic, would also have constituted an offence in the Republic; or 35
- (b) the Minister is satisfied that it is in the public interest that such citizen shall cease to be a South African citizen. 35
- (3) Whenever the Minister deprives a person of his or her South African citizenship under this section or section 9 or 10, that person shall cease to be a South African citizen with effect from such date as the Minister may direct and thereupon the certificate of naturalisation or any other certificate issued under this Act in relation to the status of the person concerned, shall be surrendered to the Minister and cancelled, and any person who refuses or fails on demand to surrender any such certificate which he or she has in his or her possession, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. 40 45

#### Deprivation of citizenship on grounds of using citizenship of another country 40

9. The Minister may by order deprive a South African citizen of his or her South African citizenship if he or she also has the citizenship or nationality of another country, and has at any time made use of the franchise or the passport facilities of that country or performed such other voluntary act which, to the satisfaction of the Minister, indicates that such citizen has made use of the citizenship or nationality of that other country. 50

nasionaliteit van 'n ander land as die Republiek deur een of ander  
vrywillige en formele handeling, behalwe 'n huwelik, verkry; of

(b) hy of sy ingevolge die wette van 'n ander land ook die burgerskap of  
nasionaliteit van daardie land besit, en in die weermag van daardie land  
diens doen terwyl daardie land in 'n staat van oorlog met die Republiek  
verkeer.

(2) 'n Persoon bedoel in subartikel (1) kan, voor die verlies van sy of haar  
burgerskap ingevolge hierdie artikel, by die Minister aansoek doen om sy of haar  
Suid-Afrikaanse burgerskap te behou en die Minister kan, indien hy of sy dit  
dienlik ag, sodanige behoud beveel.

#### Afstandoening van burgerskap

7. (1) 'n Suid-Afrikaanse burger wat voornemens is om die burgerskap of  
nasionaliteit van 'n ander land te aanvaar, of wat ook die burgerskap of  
nasionaliteit van 'n ander land as die Republiek besit, kan 'n verklaring in die  
voorgeskrewe vorm aflê waarin hy of sy afstand doen van sy of haar Suid-  
Afrikaanse burgerskap.

(2) Die Minister laat by ontvangs van 'n verklaring wat kragtens hierdie artikel  
afgelê word sodanige verklaring op die voorgeskrewe wyse registreer, en daarop  
hou die persoon wat die verklaring afgelê het op om 'n Suid-Afrikaanse burger te  
wees.

(3) Wanneer 'n persoon kragtens subartikel (2) ophou om 'n Suid-Afrikaanse  
burger te wees, hou sy of haar minderjarige kinders wat onder die ouderdom van  
18 jaar is ook op om Suid-Afrikaanse burgers te wees indien die ander ouer van  
sodanige kinders nie 'n Suid-Afrikaanse burger is of bly nie.

#### 25 Ontneming van burgerskap

8. (1) Die Minister kan 'n Suid-Afrikaanse burger deur naturalisasie sy of haar  
Suid-Afrikaanse burgerskap deur bevel ontnem indien hy of sy oortuig is dat—

(a) die sertifikaat van naturalisasie deur middel van bedrog, valse voor-  
wendels of die verswyging van 'n wesenlike feit verkry is; of  
(b) sodanige sertifikaat in stryd met die bepalings van hierdie Wet of 'n  
vorige wet toegeken is.

(2) Die Minister kan 'n Suid-Afrikaanse burger wat ook die burgerskap of  
nasionaliteit van 'n ander land het deur bevel van sy of haar Suid-Afrikaanse  
burgerskap ontnem indien—

(a) sodanige burger te eniger tyd in enige land gevonnissen is tot 'n tydperk  
van gevangenisstraf van nie minder as 12 maande nie weens 'n misdryf  
wat, indien dit buite die Republiek gepleeg was, ook 'n misdryf in die  
Republiek sou uitgemaak het; of

(b) die Minister oortuig is dat dit in die openbare belang is dat sodanige  
burger ophou om 'n Suid-Afrikaanse burger te wees.

(3) Wanneer die Minister 'n persoon sy of haar Suid-Afrikaanse burgerskap  
ingevolge hierdie artikel of artikel 9 of 10 ontnem, hou daardie persoon met  
ingang van die datum wat die Minister gelas, op om 'n Suid-Afrikaanse burger  
te wees en daarop word die sertifikaat van naturalisasie of enige ander kragtens  
hierdie Wet uitgereikte sertifikaat met betrekking tot die status van die betrokke  
persoon aan die Minister teruggegee en gekanselleer, en 'n persoon wat weier of  
in gebreke bly om op versoek enige sodanige sertifikaat wat hy of sy in sy of haar  
besit het terug te gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar  
met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

#### 50 Ontneming van burgerskap op grond van gebruik van burgerskap van ander land

9. Die Minister kan deur bevel 'n Suid-Afrikaanse burger van sy of haar  
Suid-Afrikaanse burgerskap ontnem indien hy of sy ook die burgerskap of  
nasionaliteit van 'n ander land het, en te eniger tyd gebruik gemaak het van die  
stemreg of die paspoortgeriewe van daardie land of sodanige ander vrywillige  
handeling verrig het wat tot oortuiging van die Minister aandui dat sodanige  
burger van sy of haar burgerskap of nasionaliteit van daardie ander land gebruik  
gemaak het.



**Deprivation of citizenship in case of children**

**10.** Whenever the responsible parent of a minor has in terms of the provisions of section 6, 8 or 9 ceased to be a South African citizen, the Minister may, with due regard to the provisions of the Guardianship Act, 1993 (Act No. 192 of 1993), order that such minor, if he or she was born outside the Republic and is under the age of 18 years, shall cease to be a South African citizen. 5

**CHAPTER 4*****Consequences of Loss of South African Citizenship*****Status of persons who cease to be South African citizens**

**11.** (1) Whenever a person, under the provisions of section 8, ceases to be a South African citizen, he or she shall be regarded as having the citizenship or nationality which he or she had before he or she became a South African citizen. 10

(2) Whenever a person, under the provisions of section 10, ceases to be a South African citizen, he or she shall be regarded as having the citizenship or nationality which he or she had before he or she became a South African citizen, and, if he or she had no other citizenship or nationality, he or she shall be regarded as having the citizenship or nationality of his or her responsible parent. 15

(3) Whenever a South African citizen by naturalisation, under the provisions of section 6, 7, 8, 9 or 10, ceases to be a South African citizen, he or she shall for the purposes of the Aliens Control Act, 1991 (Act No. 96 of 1991), but subject to the provisions of subsection (4), be deemed to be an alien who is not— 20

(i) in possession or is not deemed to be in possession of a permit referred to in section 25 or 26 of that Act; or

(ii) in terms of section 28(2) of the said Act exempted or deemed to be exempted from the prohibition in section 23(a) of that Act. 25

(4) The Minister may at any time, unconditionally or subject to such conditions as he or she may deem fit, exempt any person for a definite or an indefinite period from the provisions of subsection (3). 30

**Saving of obligations incurred before loss of citizenship**

**12.** Whenever a person ceases to be a South African citizen he or she shall not thereby be discharged from any obligation, duty or liability in respect of any act done or committed before he or she ceased to be a South African citizen. 30

**CHAPTER 5*****Resumption of South African Citizenship*****Resumption of South African citizenship**

**13.** (1) The Minister may, in such cases as he or she deems fit, withdraw any order made under section 9 and thereupon the person concerned shall, with effect from such date as the Minister may direct, resume the form of South African citizenship of which he or she was deprived by that order. 35

(2) A minor who has in terms of section 10 or a provision in any of the laws referred to in Schedule 2 ceased to be a South African citizen and who is resident in the Republic or has returned to the Republic for permanent residence therein, may at any time after attaining the age of 18 years make a declaration in the prescribed form stating that he or she wishes to resume South African citizenship, and if the Minister deems it fit, he or she may order that such a declaration be registered, and upon registration thereof, such person shall resume his or her former South African citizenship. 40 45



**Ontneming van burgerskap in geval van kinders**

10. Wanneer die verantwoordelike ouer van 'n minderjarige ingevolge die bepalings van artikel 6, 8 of 9 opgehou het om 'n Suid-Afrikaanse burger te wees, kan die Minister, met behoorlike inagneming van die bepalings van die Wet op Voogdy, 1993 (Wet No. 192 van 1993), gelas dat daardie minderjarige, indien hy of sy buite die Republiek gebore is en wat onder die ouderdom van 18 jaar is, ophou om 'n Suid-Afrikaanse burger te wees.

**HOOFSTUK 4*****Gevolge van Verlies van Suid-Afrikaanse Burgerskap*****10 Status van persone wat ophou om Suid-Afrikaanse burgers te wees**

11. (1) Wanneer 'n persoon kragtens die bepalings van artikel 8 ophou om 'n Suid-Afrikaanse burger te wees, word hy of sy geag die burgerskap of nasionaliteit te besit wat hy of sy gehad het voordat hy of sy 'n Suid-Afrikaanse burger geword het.

- 15 (2) Wanneer 'n persoon kragtens die bepalings van artikel 10 ophou om 'n Suid-Afrikaanse burger te wees, word hy of sy geag die burgerskap of nasionaliteit te besit wat hy of sy gehad het voordat hy of sy 'n Suid-Afrikaanse burger geword het, en indien hy of sy nie 'n ander burgerskap of nasionaliteit besit het nie, word hy of sy geag die burgerskap of nasionaliteit van sy of haar
- 20 verantwoordelike ouer te besit.

- (3) Wanneer 'n Suid-Afrikaanse burger deur naturalisasie, kragtens die bepalings van artikel 6, 7, 8, 9 of 10 ophou om 'n Suid-Afrikaanse burger te wees, word hy of sy by die toepassing van die Wet op Vreemdelinge-beheer, 1991 (Wet No. 96 van 1991), maar behoudens die bepalings van subartikel (4),
- 25 geag 'n vreemdeling te wees wat nie—

- (i) in besit is of nie geag word in besit te wees van 'n permit bedoel in artikel 25 of 26 van daardie Wet nie; of
- (ii) ingevolge artikel 28(2) van genoemde Wet vrygestel is of geag word vrygestel te wees van die verbod in artikel 23(a) van daardie Wet nie.

- 30 (4) Die Minister kan te eniger tyd 'n persoon vir 'n bepaalde of onbepaalde tydperk en óf onvoorwaardelik óf op die voorwaardes wat die Minister goedvind, van die bepalings van subartikel (3) vrystel.

**Voorbehoud van verpligtinge aangegaan voor verlies van burgerskap**

12. Wanneer 'n persoon ophou om 'n Suid-Afrikaanse burger te wees, word hy of sy nie daardeur van enige verpligting, plig of aanspreeklikheid in verband met enige handeling aangegaan voordat hy of sy opgehou het om 'n Suid-Afrikaanse burger te wees, onthef nie.

**HOOFSTUK 5*****Herneming van Suid-Afrikaanse Burgerskap*****40 Herneming van Suid-Afrikaanse burgerskap**

13. (1) Die Minister kan, in die gevalle wat hy of sy goedvind, enige bevel kragtens artikel 9 uitgereik, intrek en daarop herneem die betrokke persoon die deur daardie bevel ontnemende vorm van Suid-Afrikaanse burgerskap met
- ingang van die datum wat die Minister gelas.

- 45 (2) 'n Minderjarige wat ingevolge artikel 10 of 'n bepaling in enige van die wette in Bylae 2 bedoel, opgehou het om 'n Suid-Afrikaanse burger te wees en wat in die Republiek woonagtig is of na die Republiek vir permanente verblyf daarin teruggekeer het, kan te eniger tyd nadat hy of sy die ouderdom van 18 jaar bereik het, 'n verklaring in die voorgeskrewe vorm aflê dat hy of sy verlang om
- 50 Suid-Afrikaanse burgerskap terug te neem, en indien die Minister dit goedvind, kan hy of sy gelas dat sodanige verklaring geregistreer word, en by registrasie daarvan herneem sodanige persoon sy of haar vorige Suid-Afrikaanse burgerskap.

(3) (a) Any person who in terms of the provisions of section 6, 7, 9 or 10 ceased to be a South African citizen, may—

(i) if he or she is not a person referred to in section 11(3) and returns to the Republic for permanent residence therein or intends residing permanently in the Republic, as the case may be; or

(ii) if he or she is a person referred to in section 11(3) and a permit for permanent residence referred to in section 25 of the Aliens Control Act, 1991 (Act No. 96 of 1991), is issued to him or her,

apply to the Minister in the prescribed form for the resumption of his or her former South African citizenship.

(b) The Minister may upon receipt of such an application allow such person to resume his or her former South African citizenship if the Minister is satisfied that the grounds for the loss or deprivation of his or her South African citizenship no longer exist or are of any consequence, and issue to him or her a certificate to that effect in the prescribed form.

(4) The provisions of section 5(7) shall *mutatis mutandis* apply in respect of a certificate referred to in subsection (3)(b).

## CHAPTER 6

### *Miscellaneous Provisions in respect of Citizenship*

#### **Marriage does not affect citizenship**

14. A married person shall, subject to the provisions of this Act, be capable of acquiring and losing South African citizenship in all respects as if he or she were an unmarried person, and no person shall acquire or lose South African citizenship by reason merely of a marriage contracted by him or her.

#### **Issue of certificate of citizenship in case of doubt**

15. (1) The Minister may in such cases as he or she deems fit, issue to any person in respect of whose South African citizenship there is any doubt, a certificate that he or she is a South African citizen.

(2) Before issuing any certificate under subsection (1), the Minister may require the person concerned to comply with such provisions of this Act as the Minister may direct.

(3) The Minister may in any certificate issued under subsection (1) describe the person to whom it relates as a South African citizen by birth, descent or naturalisation, as the Minister may deem fit.

(4) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or the concealment of some material fact, be conclusive evidence that the person to whom it relates was a South African citizen by birth, descent or naturalisation, as the case may be, at the date of the issue of the certificate, but shall not be deemed to imply any admission that the person to whom it has been issued was not a South African citizen previously.

#### **Certificate of South African citizenship**

16. (1) The Minister may on the application of any person cause to be issued to that person a certificate in respect of the status of any person who to his or her satisfaction is, or was, a South African citizen.

(2) A certificate issued under subsection (1) shall indicate in addition to such

(3) (a) 'n Persoon wat ingevolge die bepalings van artikel 6, 7, 9 of 10 opgehou het om 'n Suid-Afrikaanse burger te wees, kan—

(i) indien hy of sy nie 'n persoon is soos bedoel in artikel 11(3) nie en na die Republiek terugkeer vir permanente verblyf daarin of van voorneme is om permanent in die Republiek te woon, na gelang van die geval; of

(ii) indien hy of sy 'n persoon is soos bedoel in artikel 11(3) en 'n permit vir permanente verblyf soos bedoel in artikel 25 van die Wet op Vreemdelinge-beheer, 1991 (Wet No. 96 van 1991), aan hom of haar uitgereik is,

in die voorgeskrewe vorm by die Minister om die herneming van sy of haar vorige Suid-Afrikaanse burgerskap aansoek doen.

(b) Die Minister kan by ontvangs van sodanige aansoek so 'n persoon toelaat om sy of haar vorige Suid-Afrikaanse burgerskap te herneem indien die Minister oortuig is dat die gronde vir die verlies of ontneming van sy of haar Suid-Afrikaanse burgerskap nie langer bestaan of van enige belang is nie, en 'n sertifikaat te dien effekte in die voorgeskrewe vorm aan hom of haar uitreik.

(4) Die bepalings van artikel 5(7) is *mutatis mutandis* van toepassing met betrekking tot 'n sertifikaat in subartikel (3)(b) bedoel.

20

## HOOFSTUK 6

### *Diverse Bepalings ten opsigte van Burgerskap*

#### **Huwelik raak nie burgerskap nie**

14. 'n Getroude persoon is, behoudens die bepalings van hierdie Wet, bevoeg om in alle opsigte Suid-Afrikaanse burgerskap te verkry en te verbeur asof hy of sy 'n ongetroude persoon is, en geen persoon verkry of verbeur Suid-Afrikaanse burgerskap slegs ten gevolge van 'n huwelik wat deur hom of haar aangegaan word nie.

#### **Uitreiking van sertifikaat van burgerskap in geval van twyfel**

15. (1) Die Minister kan, in sodanige gevalle waar hy of sy dit goedvind, aan 'n persoon ten opsigte van wie se Suid-Afrikaanse burgerskap daar twyfel bestaan, 'n sertifikaat dat hy of sy 'n Suid-Afrikaanse burger is, uitreik.

(2) Voordat hy of sy 'n sertifikaat kragtens subartikel (1) uitreik, kan die Minister van die betrokke persoon vereis om aan die bepalings van hierdie Wet wat die Minister gelas, te voldoen.

35 (3) Die Minister kan in 'n kragtens subartikel (1) uitgereikte sertifikaat die persoon op wie dit betrekking het as 'n Suid-Afrikaanse burger deur geboorte, afkoms of naturalisasie, na gelang die Minister dit goedvind, beskryf.

40 (4) 'n Kragtens hierdie artikel uitgereikte sertifikaat is, tensy daar bewys word dat dit deur bedrog, valse voorwendsels of die verswyging van 'n wesenlike feit verkry is, afdoende bewys dat die persoon op wie dit betrekking het, op die datum van die uitreiking daarvan 'n Suid-Afrikaanse burger deur geboorte, afkoms of naturalisasie, na gelang van die geval, was, maar word nie geag 'n erkenning in te hou dat die persoon aan wie dit uitgereik is, nie voorheen 'n Suid-Afrikaanse burger was nie.

#### **45 Sertifikaat van Suid-Afrikaanse burgerskap**

16. (1) Die Minister kan op aansoek van enige persoon aan daardie persoon 'n sertifikaat laat uitreik met betrekking tot die status van enige persoon wat volgens sy of haar oortuiging 'n Suid-Afrikaanse burger is of was.

(2) 'n Sertifikaat kragtens subartikel (1) uitgereik, toon aan, benewens die



other particulars as the Minister may deem fit whether the person in respect of whom it has been issued, is or was at the date or for the period mentioned therein, a South African citizen by birth, descent or naturalisation without prejudice to any evidence that he or she was at any other date or during any other period a South African citizen as mentioned therein. 5

(3) The Minister may require the production of such evidence of citizenship as he or she deems fit before authorising the issue of any certificate in terms of this section.

#### Evidence

17. Any certificate issued under this Act or any prior law, or any certified extract of an entry made in any register in pursuance of this Act or any prior law, shall in all courts of law be *prima facie* evidence of the particulars set forth therein. 10

#### Penalty for false representations or statements

18. Any person who makes for any of the purposes of this Act, any false representation or any statement which is false in any material particulars, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding eight years. 15

#### Amendment of certificates of citizenship

19. (1) Whenever the Minister is satisfied that any error has occurred in any certificate issued under this Act or any prior law, or any change has occurred in respect of the particulars recorded therein, he or she may rectify the error or alter the particulars by amending the certificate. 20

(2) Any certificate amended in pursuance of the provisions of subsection (1) shall, as from the date of the amendment thereof, have effect as so amended.

(3) The Minister may call upon any person to produce to him or her any certificate which requires to be amended in terms of subsection (1), and any person who refuses or fails on demand so to produce such a certificate which he or she has in his or her possession, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. 25

#### Determination of questions of residence

20. Whenever a question arises under this Act as to whether or not a person was resident or ordinarily resident in the Republic the question may be determined by the Minister. 30

#### Instruction in responsibilities and privileges of South African citizenship

21. The Minister may in respect of— 35

- (a) South African citizens, make such arrangements as he or she deems fit; or
- (b) applicants for certificates of naturalisation, establish such facilities as may appear necessary or desirable,

to enable such citizens or applicants to receive instruction in the responsibilities and privileges of South African citizenship. 40

## CHAPTER 7

### General Provisions

#### Delegation of powers

22. The Minister may, subject to such conditions as he or she may deem 45



ander besonderhede wat die Minister goedvind, of die persoon ten opsigte van wie dit uitgereik is, op die datum of gedurende die tydperk daarin vermeld, 'n Suid-Afrikaanse burger deur geboorte, afkoms of naturalisasie is of was sonder benadeling van enige bewys dat hy of sy op enige ander datum of gedurende enige ander tydperk 'n Suid-Afrikaanse burger soos daarin vermeld, was.

(3) Die Minister kan die oorlegging van sodanige bewys van burgerskap as wat hy of sy mag goedvind, vereis voordat hy of sy magtiging verleen vir die uitreiking van enige sertifikaat ingevolge hierdie artikel.

#### Bewys

10 17. 'n Sertifikaat uitgereik kragtens hierdie Wet of 'n vorige wet, of 'n gesertifiseerde uittreksel van 'n inskrywing gemaak in enige register ooreenkomstig hierdie Wet of 'n vorige wet, is in alle howe *prima facie*-bewys van die besonderhede daarin uiteengesit.

#### Straf vir valse bewerings of verklarings

15 18. 'n Persoon wat vir enige van die doeleindes van hierdie Wet 'n valse bewering maak of 'n verklaring wat in 'n wesenlike opsig vals is, aflê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens agt jaar.

#### Wysiging van sertifikate van burgerskap

20 19. (1) Wanneer die Minister oortuig is dat daar 'n fout in 'n sertifikaat wat kragtens hierdie Wet of 'n vorige wet uitgereik is, voorkom of dat 'n verandering met betrekking tot die besonderhede daarin vermeld, plaasgevind het, kan hy of sy die fout regstel of die besonderhede verander deur die sertifikaat te wysig.

(2) 'n Sertifikaat gewysig ooreenkomstig die bepaling van subartikel (1) geld 25 vanaf die datum van die wysiging daarvan soos aldus gewysig.

(3) Die Minister kan enige persoon aansê om 'n sertifikaat wat ingevolge subartikel (1) gewysig moet word, aan hom of haar voor te lê, en 'n persoon wat weier of in gebreke bly om op versoek so 'n sertifikaat wat hy of sy in sy of haar besit het aldus voor te lê, is aan 'n misdryf skuldig en by skuldigbevinding 30 strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

#### Beslissing van verblyfsvraagstukke

20. Wanneer 'n vraag kragtens hierdie Wet ontstaan of 'n persoon sy of haar verblyf of gewone verblyf in die Republiek gehad het al dan nie, kan die vraag 35 deur die Minister beslis word.

#### Voorligting in verantwoordelikhede en voorregte van Suid-Afrikaanse burgerskap

21. Die Minister kan betreffende—

40 (a) Suid-Afrikaanse burgers, sodanige reëlins as wat hy of sy nodig ag, tref; of

(b) aansoekers om sertifikate van naturalisasie, sodanige fasiliteite as wat nodig of wenslik blyk, skeep, ten einde sodanige burgers of aansoekers in staat te stel om voorligting in verband met die verantwoordelikhede en voorregte van Suid-Afrikaanse burgerskap te ontvang. 45

## HOOFSTUK 7

### Algemene Bepalings

#### Delegering van bevoegdhede

22. Die Minister kan, onderworpe aan die voorwaardes wat hy of sy nodig ag,

necessary, delegate any power conferred on him or her by this Act, excluding a power referred to in section 25, to an officer in the service of the Department, but shall not be divested of any power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.

### Regulations

23. The Minister may make regulations not inconsistent with this Act, with regard to—

- (a) the form of an application for a certificate of naturalisation as a South African citizen;
- (b) the form of a certificate of naturalisation as a South African citizen;
- (c) the persons before whom declarations of renunciation or resumption of South African citizenship may be made;
- (d) the issuing of certificates of acknowledgment of South African citizenship to persons born elsewhere than in the Republic;
- (e) the fees to be charged for the issuing of any certificate or approval under this Act in consultation with the Minister of Finance; and
- (f) generally, all matters which in terms of this Act are required or permitted to be prescribed or which he or she considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that this Act may be effectively administered.

### Application of Act

24. This Act and any amendment thereof shall also apply in the Prince Edward Islands.

### Review of Minister's decision by court of law

25. (1) Any provincial or local division of the Supreme Court of South Africa shall have jurisdiction to review any decision made by the Minister under this Act.
- (2) A court hearing a review in terms of subsection (1) may call upon the Minister to furnish reasons and to submit such information as the court deems fit, and the court shall have jurisdiction to—
- (a) consider the merits of the matter under review; and
  - (b) confirm, vary or set aside the decision of the Minister.

### Repeal of laws

26. (1) Subject to the provisions of subsection (2), the laws mentioned in the second column of Schedule 2 are hereby repealed to the extent set out in the third column thereof.
- (2) Anything done under a provision repealed by subsection (1) and which is capable of being done in terms of a provision of this Act shall be deemed to have been done in terms of the latter provision.
- (3) Any person who, due to passage of time after attaining majority, was disqualified by a provision repealed by subsection (1) from making a declaration with a view to obtaining South African citizenship, shall be deemed not to have been so disqualified at any time.

### Short title

27. This Act shall be called the South African Citizenship Act, 1995.

'n bevoegdheid by hierdie Wet aan hom of haar verleen, uitgesonderd 'n bevoegdheid bedoel in artikel 25, aan 'n beampte in diens van die Departement deleger, maar is nie ontdoen nie van 'n bevoegdheid aldus gedelegeer, en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van so 'n bevoegdheid, tersyde stel of wysig.

#### Regulasies

23. Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

- 10 (a) die vorm van 'n aansoek om 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger;
- (b) die vorm van 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger;
- (c) die persone voor wie verklarings van afstand of herneming van Suid-Afrikaanse burgerskap afgelê kan word;
- 15 (d) die uitreiking van sertifikate van erkenning van Suid-Afrikaanse burgerskap aan persone wat elders as in die Republiek gebore is;
- (e) die fooie wat in oorleg met die Minister van Finansies gehef staan te word word vir die uitreiking van enige sertifikaat of toestemming kragtens hierdie Wet; en
- 20 (f) in die algemeen, alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word of wat hy of sy nodig of raadsaam ag om voor te skryf vir die bereiking van die oogmerke of die doelmatige uitvoering van hierdie Wet.

#### Toepassing van Wet

- 25 24. Hierdie Wet en enige wysiging daarvan is ook in die Prince Edward-eilande van toepassing.

#### Hersiening van beslissing van Minister deur gereghof

25 (1) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika het regsbevoegdheid om enige beslissing deur die Minister kragtens hierdie Wet gemaak, te hersien.

(2) 'n Hof wat 'n hersiening ingevolge subartikel (1) aanhoor, kan die Minister versoek om redes te verstrek en om sodanige inligting as wat die hof nodig beskou, voor te lê, en die hof het regsbevoegdheid om—

- 35 (a) die meriete van die geval onder hersiening te oorweeg; en
- (b) die beslissing van die Minister te bekragtig, te wysig of ter syde te stel.

#### Herroeping van wette

26. (1) Behoudens die bepaling van subartikel (2) word die wette genoem in die tweede kolom van Bylae 2 hierby herroep in die mate in die derde kolom daarvan uiteengesit.

40 (2) Enigiets wat gedoen is kragtens 'n bepaling deur subartikel (1) herroep en wat ingevolge 'n bepaling van hierdie Wet gedoen kan word, word geag ingevolge laasgenoemde bepaling gedoen te wees.

(3) 'n Persoon wat weens die verloop van tyd na bereiking van meerderjarigheid, deur 'n bepaling wat deur subartikel (1) herroep word, gediskwalifiseer is om 'n verklaring met die doel om Suid-Afrikaanse burgerskap op te neem, af te lê, sal te eniger tyd geag word nie aldus gediskwalifiseer te wees nie.

#### Kort titel

27. Hierdie Wet heet die Wet op Suid-Afrikaanse Burgerskap, 1995.



SCHEDULE 1

(Section 5(6))

DECLARATION OF ALLEGIANCE

I, .....(AB), do hereby solemnly declare that I will be loyal to the Republic of South Africa, promote all that will advance it and oppose all that may harm it, uphold and respect its Constitution and commit myself to the furtherance of the ideals and principles contained therein.

Signed at.....on this..... day of ..... (month), 19.....

SIGNATURE

In the presence of the following two witnesses who are South African citizens.

1.....(WITNESS)

2.....(WITNESS)

BYLAE 1

(Artikel 5(6))

VERKLARING VAN GETROUHEID

Ek, ..... (AB), verklaar hiermee plegtig dat ek getrou aan die Republiek van Suid-Afrika sal wees, alles sal bevorder wat hom tot voordeel strek en alles sal bestry wat hom kan skaad, sy Grondwet sal verdedig en respekteer en myself verbind tot die bevordering van die ideale en beginsels wat daarin vervat is.

Geteken te ..... op hede ..... dag van ..... (maand), 19 .....

HANDTEKENING

In die teenwoordigheid van die volgende twee getuies wat Suid-Afrikaanse burgers is.

1. ....(GETUIE)

2. ....(GETUIE)

## SCHEDULE 2

## (Section 26)

## LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 44 of 1949	South African Citizenship Act, 1949	The whole
Act No. 64 of 1961	South African Citizenship Amendment Act, 1961	The whole
Act No. 69 of 1962	Commonwealth Relations Act, 1962	Section 13 and sections 18 to 28 inclusive
Act No. 23 of 1964	Residence in the Republic Regulation Act, 1964	The whole
Act No. 41 of 1973	South African Citizenship Amendment Act, 1973	The whole
Act No. 53 of 1978	South African Citizenship Amendment Act, 1978	The whole
Act No. 30 of 1980	South African Citizenship Amendment Act, 1980	The whole
Act No. 95 of 1981	South African Citizenship Amendment Act, 1981	The whole
Act No. 43 of 1984	South African Citizenship Amendment Act, 1984	The whole
Act No. 53 of 1986	Matters concerning Admission to and Residence in the Republic Amendment Act, 1986	The whole
Act No. 74 of 1990	South African Citizenship at Attainment of Independence by Namibia Regulation Act, 1990	The whole
Act No. 70 of 1991	South African Citizenship Amendment Act, 1991	The whole
Act No. 132 of 1993	General Law Fourth Amendment Act, 1993	Sections 5, 6, 7, 8 and 9
Act No. 196 of 1993	Restoration and Extension of South African Citizenship Act, 1993	The whole
Act No. 15 of 1976 (Transkei)	Republic of Transkei Constitution Act, 1976	Sections 57 and 58
Act No. 26 of 1976 (Transkei)	Citizenship of Transkei Act, 1976	The whole
Act No. 18 of 1977 (Bophuthatswana)	Republic of Bophuthatswana Constitution Act, 1977	Section 80
Act No. 19 of 1978 (Bophuthatswana)	Bophuthatswana Citizenship Act, 1978	The whole
Act No. 15 of 1986 (Bophuthatswana)	Bophuthatswana Citizenship Amendment Act, 1986	The whole
Act No. 9 of 1979 (Venda)	Republic of Venda Constitution Act, 1979	Sections 59 and 60
Act No. 8 of 1980 (Venda)	Citizenship of Venda Act, 1980	The whole
Act No. 20 of 1981 (Ciskei)	Republic of Ciskei Constitution Act, 1981	Section 67
Act No. 38 of 1984 (Ciskei)	Ciskeian Citizenship Act, 1984	The whole
Act No. 7 of 1987 (Ciskei)	Ciskeian Citizenship Amendment Act, 1987	The whole
Act No. 16 of 1988 (Ciskei)	Ciskeian Citizenship Amendment Act, 1988	The whole



## BYLAE 2

## (Artikel 26)

## WETTE HERROEP

No. en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 44 van 1949	Wet op Suid-Afrikaanse Burgerskap, 1949	Die geheel
Wet No. 64 van 1961	Wysigingswet op Suid-Afrikaanse Burgerskap, 1961	Die geheel
Wet No. 69 van 1962	Wet op Statebondsbetrekkings, 1962	Artikel 13 en artikels 18 tot en met 28
Wet No. 23 van 1964	Wet tot Reëling van Verblyf in die Republiek, 1964	Die geheel
Wet No. 41 van 1973	Wysigingswet op Suid-Afrikaanse Burgerskap, 1973	Die geheel
Wet No. 53 van 1978	Wysigingswet op Suid-Afrikaanse Burgerskap, 1978	Die geheel
Wet No. 30 van 1980	Wysigingswet op Suid-Afrikaanse Burgerskap, 1980	Die geheel
Wet No. 95 van 1981	Wysigingswet op Suid-Afrikaanse Burgerskap, 1981	Die geheel
Wet No. 43 van 1984	Wysigingswet op Suid-Afrikaanse Burgerskap, 1984	Die geheel
Wet No. 53 van 1986	Wysigingswet op Aangeleenthede betreffende Toelating tot en Verblyf in die Republiek, 1986	Die geheel
Wet No. 74 van 1990	Wet op Reëling van Suid-Afrikaanse Burgerskap by Onafhanklikwording van Namibië, 1990	Die geheel
Wet No. 70 van 1991	Wysigingswet op Suid-Afrikaanse Burgerskap, 1991	Die geheel
Wet No. 132 van 1993	Vierde Algemene Regswysigingswet, 1993	Artikels 5, 6, 7, 8 en 9
Wet No. 196 van 1993	Wet op die Herverlening en Uitbreiding van Suid-Afrikaanse Burgerskap, 1993	Die geheel
Wet No. 15 van 1976 (Transkei)	"Republic of Transkei Constitution Act, 1976"	Artikels 57 en 58
Wet No. 26 van 1976 (Transkei)	"Citizenship of Transkei Act, 1976"	Die geheel
Wet No. 18 van 1977 (Bophuthatswana)	Grondwet van die Republiek van Bophuthatswana, 1977	Artikel 80
Wet No. 19 van 1978 (Bophuthatswana)	Bophuthatswana Burgerskapwet, 1978	Die geheel
Wet No. 15 van 1986 (Bophuthatswana)	Bophuthatswana Burgerskapwysigingswet, 1986	Die geheel
Wet No. 9 van 1979 (Venda)	"Republic of Venda Constitution Act, 1979"	Artikels 59 en 60
Wet No. 8 van 1980 (Venda)	"Citizenship of Venda Act, 1980"	Die geheel
Wet No. 20 van 1981 (Ciskei)	"Republic of Ciskei Constitution Act, 1981"	Artikel 67
Wet No. 38 van 1984 (Ciskei)	"Ciskeian Citizenship Act, 1984"	Die geheel
Wet No. 7 van 1987 (Ciskei)	"Ciskeian Citizenship Amendment Act, 1987"	Die geheel
Wet No. 16 van 1988 (Ciskei)	"Ciskeian Citizenship Amendment Act, 1988"	Die geheel

