

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

## Details

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The requirements for children travelling to or from the Republic of South Africa are aimed at giving effect to the Children's Act, 2005.

## 1. APPLICATION OF THE REQUIREMENTS

1.1 The documents listed under paragraph 3 shall upon request be produced at a port of entry by South African children entering and leaving the Republic, as well as all unaccompanied minors, regardless of their nationalities.

1.2 Children who are foreign nationals who are visa exempt and who are not travelling accompanied by both their parents are strongly advised to carry these documents since they may be requested to produce them when travelling through a port of entry of the Republic. When travelling with parents with different surnames, carrying proof of the parental relationship is advised. Should the documents not be available on request, travellers would be granted a 24-hour period to obtain the documents required.

1.3 Foreign children 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 3, prior to such visa being issued.

## 2. EXEMPTIONS

2.1 Children who are South African citizens travelling to South Africa with South African passports may be accepted by conveyors for travel without presenting birth certificates. Such children will be assisted by Immigration Services on arrival at South African ports of entry.

2.2 No supporting documents will be required in the case of minors in direct transit at an International Airport.

2.3 Children in possession of valid South African visas would not be required to produce the documents listed in paragraph 3 when travelling through a port of entry of the Republic.

2.4 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 the parents of the travelling minor.

2.5 In the case of school tours, the parental consent letter may be replaced with a letter from the school principal confirming that all consent letters are held by the school. Upon producing this letter, immigration officers at ports of entry and South African missions abroad would not require any additional documents from individual scholars such as parental consent, birth certificates, death certificates, court orders or copies of the passports or identity documents of the parents and of the person receiving the child in SA. This special dispensation applies to all schools registered with the Department of Basic Education in South Africa and its equivalent abroad. ***Download the suggested format for this letter here.***

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

3.1 Where both parents are travelling accompanied by one or more of their children, such children have to produce valid passports and visas, where applicable. In addition, a Birth Certificate (BC) is required for each child travelling with his/her parents if such child or children is/are South African citizens.

3.2 Where only one parent is travelling with a child, (or children), each child has to produce a valid passport, and may be required to produce a BC or equivalent document and a **Parental Consent letter** from the non-travelling parent whose details are recorded on the BC.

3.3 An unaccompanied child has to produce a valid passport, a BC, Parental Consent letter, letter from the person who is to receive the child 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. Where applicable, an adoption order, court order granting full parental responsibilities and rights or a death certificate must be produced.

3.4 When a person is travelling with a child who is not his or her biological child, such child must produce a valid passport, and may be required to produce a BC and Parental Consent letter or adoption order when requested to do so by an Immigration Officer.

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 letter referred to above:
  - A court order granting full parental responsibilities and rights or full legal guardianship of the child exclusively to the travelling parent;
  - 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
  - a death certificate of the deceased parent.
- Where only one parent's particulars appear on the BC or equivalent document, no parental consent letter 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 letter is requested by an Immigration Officer, full contact details and copies of the identity documents or passports of the parents or legal guardian/s of the child may also be requested by such Immigration Officer.
- The consent of parents recorded as such on the Birth Certificate shall be required regardless of the marital status of the parents of the child or children.

## 4. DEFINITIONS

### 4.1 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:
  - foster care;
  - 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
  - temporary safe care.

### 4.2 Birth Certificate

- In South Africa, a Birth Certificate (BC) is an extract from the Birth Register containing the particulars of a child and those of his or her parent or parents. BCs 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 BCs, regardless of the country of issue.
- In the case of countries that do not issue BCs, 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 a BC. A suggested format for such an ***Equivalent Document is available here***

#### 4.3 Child

- South African law regards any person younger than 18 years as a child.

#### 4.4 Parent

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

#### 4.5 Parental Consent letter

- A Parental Consent letter is used to provide the written consent of the non-travelling parent(s) /legal guardian(s) for the child's travel.
- The consent letter must not be older than 6 months when presented.
- The suggested format of the Parental Consent letter is available here: ***ParentalConsentLetter***

### **5. INABILITY TO CONSENT DUE TO RECENT DEATH OR MENTAL OR PHYSICAL DISABILITY:**

5.1 Where any parent/s recorded in a BC, 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 letter by directing a request and full motivation, together with all supporting documents (for 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](mailto:consent@dha.gov.za)**

#### *5.2 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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***We Care!***