

All You Need To Know About Unabridged Birth Certificates

Since 2015 travellers have been scratching their head with regards to South Africa's new Immigration Act, particularly in reference to the Unabridged Birth Certificate. With multiple changes, conflicting public announcements and just a general lack of clear guidelines, parents are often left in the dark and agents have to clear the mess. With this handy guideline you'll be ready and able to advise your clients with confidence!

Initially introduced in 2014 by former Minister of Home Affairs, Malusi Gigaba to counter child trafficking; the Immigration Act has been in effect since 1 June 2015. It references the dreaded Unabridged Birth Certificate (UBC) but also put into place a whole host of additional requirements for children crossing the SA border depending on who is accompanying them.

Before we unpack this act, let's get some basics out of the way.

Frequently Asked Questions

Who is considered a child (minor)?

In South Africa, anyone under the age of 18 years is considered a minor.

Who is considered a parent?

When the act refers to a parent, they refer to a person as recognised as such on the Unabridged Birth Certificate and not necessarily the biological parent.

What is an Unabridged Birth Certificate?

It is different than a regular birth certificate in that it contains parental details. To eliminate confusion they now refer to a Birth Certificate Containing Parental Details in the act to demonstrate the difference.

When do you need an Unabridged Birth Certificate?

When you want a minor to cross the South African border, whether entering or leaving the country, border officials can request to see this document along with a whole host of other documents mentioned in the Immigration Act. This document is not required for domestic travel.

How long does it take to get an Unabridged Birth Certificate?

Whilst the DHA cautions that this document can take up to 8 weeks to be processed, we have had recent reports of the document being printed and handed over upon application at a Department of Home Affairs. In order to be on the safe side, always advise passengers to acquire this document well in advance, but should an emergency arise passengers can still attempt to get the document on the same day.

What about printing parental details in a minor's passport?

Confusion around this subject is understandable as Gigaba initially announced this initiative in 2016, which would eliminate the need for an Unabridged Birth Certificate. Shortly before the cabinet reshuffle he however announced that this was no longer planned. Whether this is something that could happen in the future is unclear.

Immigration Act (Regulation 6)

In addition to a passport and possibly a visa (depending on travel destination), the act now requires minors to travel with the following documents:

Both birth certificate parents are travelling with the child

The minor only needs an **Unabridged Birth Certificate**. (Regulation 6(12)(a))

Only one parent travelling with the child

In addition to the **Unabridged Birth Certificate**, they will also require one of the following:

- **Affidavit giving consent from other parent.** (Regulation 6(12)(b)(i)); or
- **A court order granting full parental responsibilities and rights or legal guardianship** in respect of the child (consent was refused or not possible) (Regulation 6(12)(b)(ii)); or
- **A death certificate** if one of the parents is deceased. (Regulation 6(12)(b)(iii))

Both parents are deceased

The **Director-General** may approve the entrance or departure of such a child from the Republic as long as they are in the care of a family member or another person related to him or the parents. (Regulation 6(12)).

Travelling with an unrelated child

In addition to the **Unabridged Birth Certificate**, they will also require:

- An **affidavit from the parents or legal guardian** giving permission; and
- **Copies of the ID's or Passports** of the parents/legal guardians of the child; and
- The **contact details of both parents or the legal guardian** of the child.

Unaccompanied Minor

Proof of consent from both of the child's parents or legal guardians is required.

-If only one parent gives consent he or she need to provide a copy of a **court order** issued to him or her in terms of which he or she has been granted full parental responsibilities and rights in respect of the child. In addition to this you'll also require:

A **letter from the person that is to receive the child** from the Republic he is travelling to with his contact details and the address where the child will be residing.

A copy of the **person who is to receive the child** in the Republic's **ID or valid Passport and Visa or permanent residence permit**.

The contact details of the parent or legal guardian.

Please note that where the law specifically stipulates that copies are acceptable they refer to certified copies. Only when they specifically refer to a copy do you not require the original document.

We will endeavour to keep this document up to date, but agents should keep an eye on the Department of Home Affairs website for official updates. Now you can advise all parents on exactly what they require in accordance with the act.