

ZIMBABWEAN EXEMPTION PERMITS AND CHILDREN'S RIGHTS

WHAT YOU SHOULD KNOW



CENTRE FOR
CHILD LAW

LAWYERS FOR
HUMAN RIGHTS

1 INTRODUCTION

Are you a child of a Zimbabwean Exemption Permit (ZEP) permit holder living in South Africa?

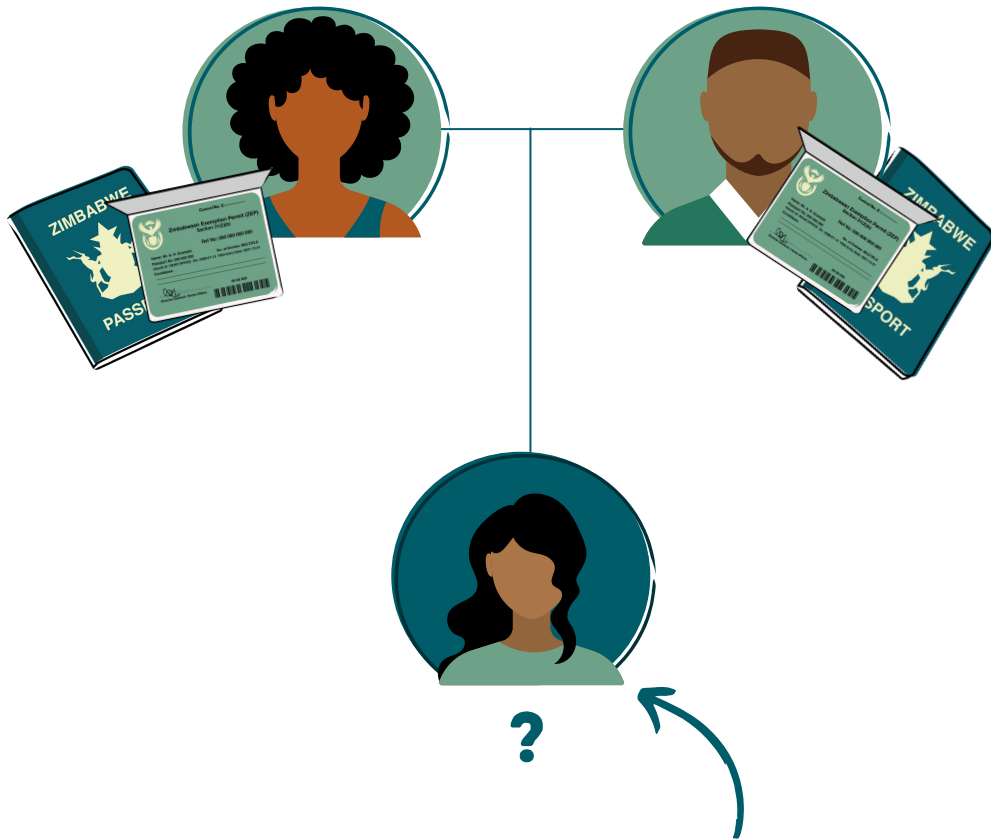
If you are, you may have questions about your documents and your rights. This pamphlet relates to Zimbabweans, and so, it will answer some of your questions. For more general information on documents for children, see the guide 'How to get documented: A step-by-step guide to getting birth certificates, citizenship documents & immigration visas for children in South Africa.' (If you Google the title of this guide, you will find it online).

2 WHAT IS ZEP?

The ZEP is short for the Zimbabwean Exemption Permit. It is a permit that allows a Zimbabwean citizen to live and work, or study in South Africa. It was first granted to Zimbabwean citizens, living in South Africa, who applied in 2010. Since then it has been extended four times. The latest extension is until 31 December 2023.

This means that ZEP holders must apply for a different permit **before** the end of December 2023 if they want to stay in South Africa in 2024.





3 IF MY PARENTS ARE ZEP HOLDERS, WHICH DOCUMENTS DO I NEED IN SOUTH AFRICA?

You need to have a birth certificate.

All children must have a birth certificate. It is the very first step to documentation.

The country where you are born must give you a birth certificate.

A birth certificate proves where you were born, and who your parents are. This is important to maintain your identity.

It is important to know that a birth certificate is not proof of citizenship.



Every child has the right to a name and a nationality from birth

Section 28

The Constitution of the Republic of South Africa



Every child has the right to have their identity preserved, including nationality, name, and family relations

Article 8

The UN Convention on the Rights of the Child

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WHAT BIRTH CERTIFICATE DO I GET IF I WAS BORN IN ZIMBABWE?

If you were born in Zimbabwe, you will be given a birth certificate by the Zimbabwean government. This is what it typically looks like:



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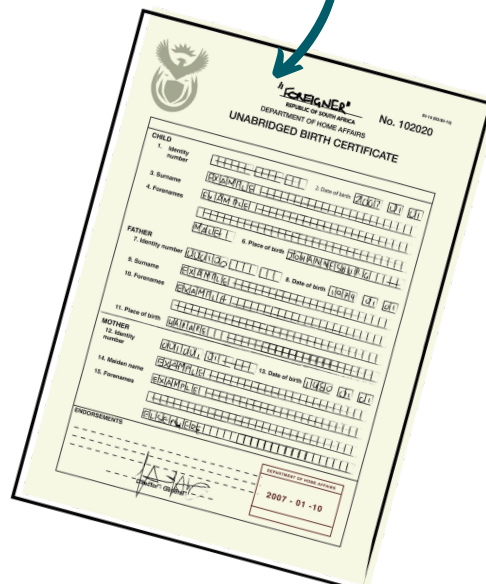
WHAT BIRTH CERTIFICATE DO I GET IF I WAS BORN IN SOUTH AFRICA TO ZIMBABWEAN PARENTS?

All children born in South Africa must receive a birth certificate from South Africa's Department of Home Affairs. Remember, getting a birth certificate in South Africa does not mean that you are a South African citizen. Children born in South Africa are given different birth certificates depending on where they have citizenship (usually, but not always, the country where they moved from).



If you are born as a **South African citizen**, you will be given a computer-generated (printed) birth certificate. It will have your South African ID number on it. This is called a DHA-5 birth certificate.

If you are a **Zimbabwean citizen born in South Africa**, you will be given a handwritten birth certificate. It will not have a South African ID number on it. This is called a DHA-19 birth certificate.



If you are given a DHA-19 handwritten birth certificate, you must go to the Zimbabwean consulate to apply for a Zimbabwean birth certificate too! This is because you are a citizen of Zimbabwe and Zimbabwe keeps a record of its citizens whether they live in the country or not. It also means that they can give you a Zimbabwean ID card and passport.



WHY IS BIRTH REGISTRATION IN SOUTH AFRICA SO IMPORTANT?

As a child, your parents must register your birth no later than 30 days after you were born. This is important to help you get a valid passport and permit.

The law in South Africa says that every person who is not a South African citizen must have a valid passport and permit which allows you to be in South Africa, whether to study, work or even to be on holiday.

Your DHA-19 handwritten birth certificate is not a permit. Your parents will still need to apply for a passport and a permit for you once they have your DHA-19 handwritten birth certificate.

If you only have a DHA-19 handwritten birth certificate, without a passport and a permit, it is likely that you will face problems when trying to access schools, hospitals or other basic services.

If your birth is not yet registered, you can ask an adult to help you to apply for a birth certificate. If you were born in South Africa, your nearest Home Affairs office will help you to apply for “late registration of birth” or “LRB”.



**A BIRTH CERTIFICATE
ENSURES YOU HAVE A NAME
AND NATIONALITY.**

**IT ENABLES YOUR ACCESS TO
OTHER RIGHTS, LIKE YOUR
RIGHT TO EDUCATION AND
HEALTH, AMONG OTHERS.**

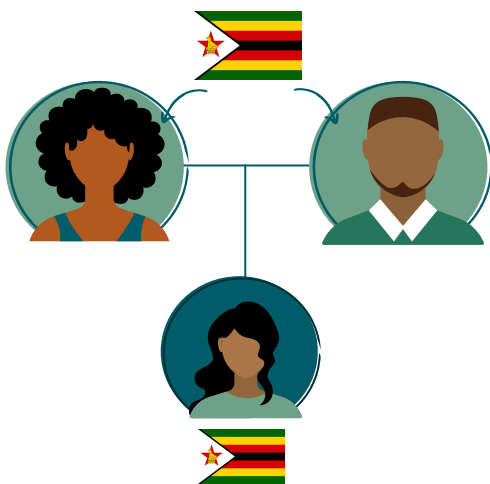


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HOW DO I KNOW IF I AM A SOUTH AFRICAN CITIZEN, A ZIMBABWEAN CITIZEN OR BOTH?

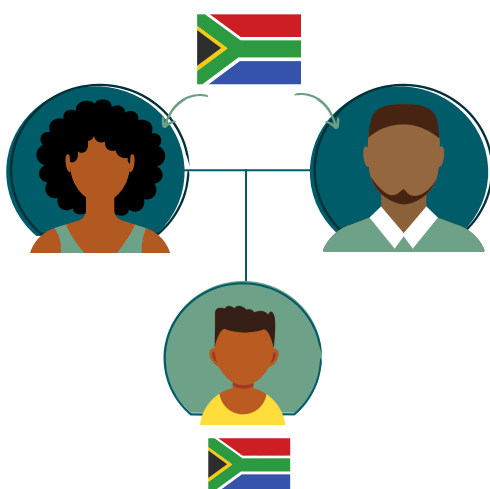
Your citizenship depends on the citizenship of your parents on the day that you were born. In South Africa and Zimbabwe citizenship is passed from parents to their children. This is a general rule, but there are other ways of getting South African and Zimbabwean citizenship. Let's take a look, below.

You are a Zimbabwean citizen if...



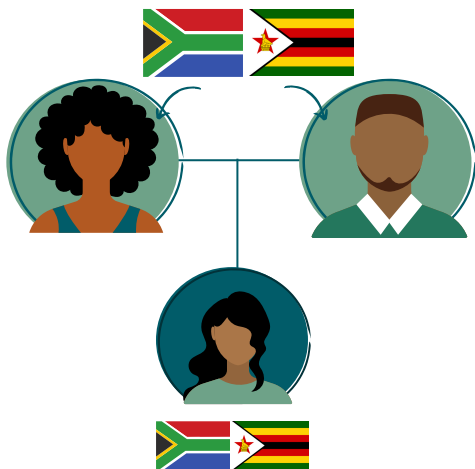
You are a Zimbabwean citizen if **one**, or **both**, of your parents was a Zimbabwean citizen on the day that you were born. This could be your mother OR your father. Zimbabwean citizenship can also be passed down to you from one of your grandparents. If this is you, then you are **automatically** a Zimbabwean citizen. It does not matter what country you were born in.

You are a South African citizen if...

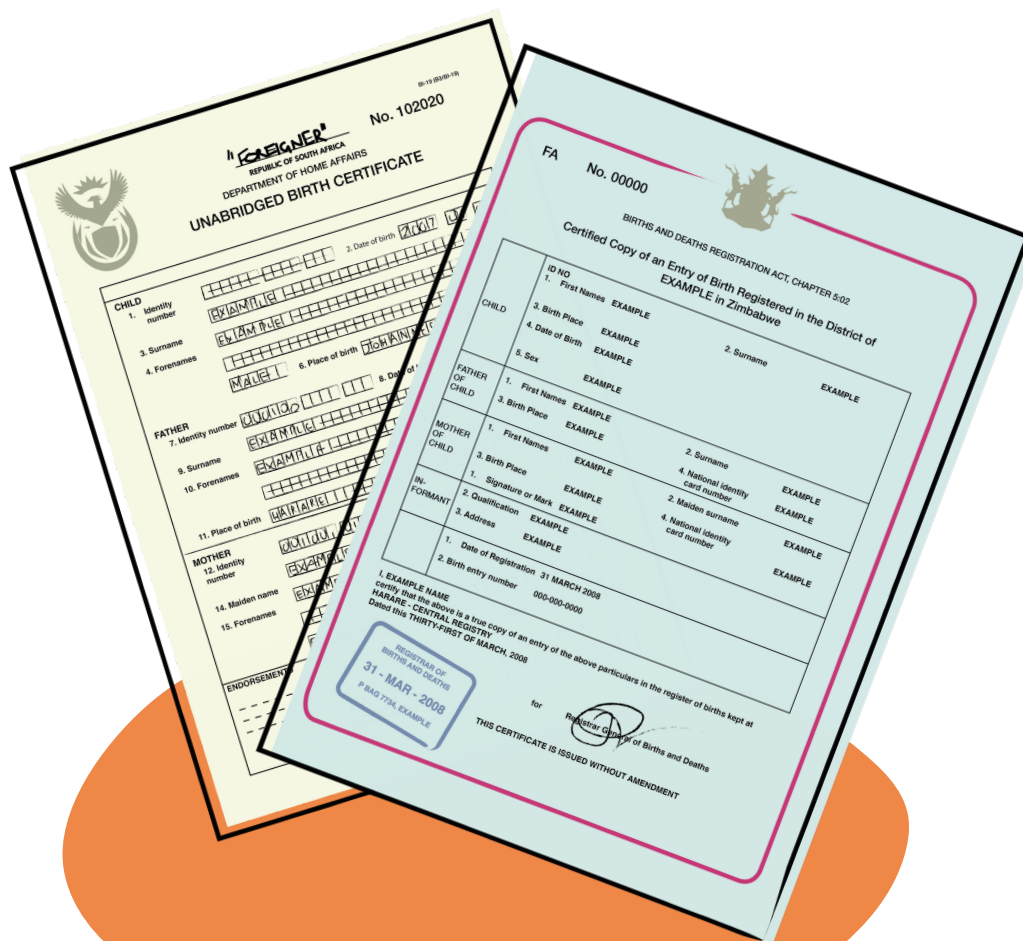


You are South African if **one**, or **both**, of your parents was a South African citizen on the day that you were born. This **automatically** makes you a South African citizen. It does not matter what country you were born in.

You are a citizen of Zimbabwe and South Africa if...



You are a citizen of both Zimbabwe and South Africa if you have one South African parent and one Zimbabwean parent or grandparent on your birth date. This means that you have dual citizenship. Dual citizenship means that you can have a birth certificate, an ID and a passport from both countries, and you do not need a permit to live in South Africa or Zimbabwe.



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ARE THERE ANY OTHER WAYS OF GETTING SOUTH AFRICAN CITIZENSHIP?

There are 5 other ways of getting South African citizenship which may apply to you as the child of a ZEP holder.

- 1** If one or more of your parents are permanent residents in South Africa and you turn 18 years old (citizenship by birth) you qualify for South African citizenship **if**:
 - You are born in South Africa,
 - You have a handwritten birth certificate,
 - Your parent (s) were permanent residents in South Africa at the time of your birth, and
 - You have lived in South Africa from the day you were born until your 18th birthday.

- 2** If you have been adopted by a South African citizen (citizenship by descent), you qualify for South African citizenship **if**:
 - Your birth is registered as such.

- 3** If you have permanent residence you are a citizen by naturalisation **if**:
 - You are a permanent resident in South Africa; and
 - You have applied for this citizenship at Home Affairs and have been granted a certificate of naturalisation.

4 If you were born to parents who are not originally from South African citizens (citizen by naturalisation), you qualify for South African citizenship **if**:

- You were born in South Africa,
- You have a handwritten birth certificate,
- Your parents were not South African citizens or permanent residents on your date of birth,
- You have lived in South Africa from your date of birth until your 18th birthday, and
- You have applied for this citizenship at Home Affairs and have been granted a certificate of naturalisation.

5 Citizenship by birth for stateless children. You are a South African citizen **automatically if**:

- You are born in South Africa,
- You have a handwritten birth certificate, and
- You are stateless (no country considers you a citizen).



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ARE THERE ANY OTHER WAYS OF GETTING SOUTH AFRICAN CITIZENSHIP?

An application for South African citizenship is made by submitting your application form at the Home Affairs office of your choice.



To start, you can get an application form and a list of supporting documents from the Department of Home Affairs.



You will then need to complete this form and take it to Home Affairs along with your supporting documents.



You can use your school records to prove that you have been living in South Africa from when you were born to 18 years old.



The Department of Home Affairs will also need copies of your parents' valid passports and permits. If they are not available for any reason, you can still apply, but you might need a lawyer to help you.



Depending on the section of the law that your citizenship application falls under, you might have to pay a R300 administration fee.



Once you have paid R300 you should get an Acknowledgement of Receipt. This receipt is proof that your application for documentation is pending. You can use this Acknowledgement of Receipt at banks, schools or places of work if needed.



Once Home Affairs has made a decision on your application, you will be notified and given a decision letter. This letter will explain your next steps. Receiving an answer on your application can take several months.



If your application is successful and you are granted citizenship, your details will be entered into the National Population Register, and you will be given an electronic DHA-5 birth certificate and, if you are 16 years or older, you will get a South African ID number and ID card.

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IF I CANNOT GET CITIZENSHIP IN SOUTH AFRICA, WHAT OTHER DOCUMENTATION OPTIONS DO I HAVE?

If you cannot get citizenship in South Africa, then you must have a Zimbabwean (or other) passport. Along with your passport, you will also need a permit that allows you to stay in South Africa. There are different permits that you can apply for to stay in South Africa. We explore these on the next page.



If your parents are ZEP holders, or if you yourself are a ZEP holder, you can move to temporary residence visas in terms of the Immigration Act, including:

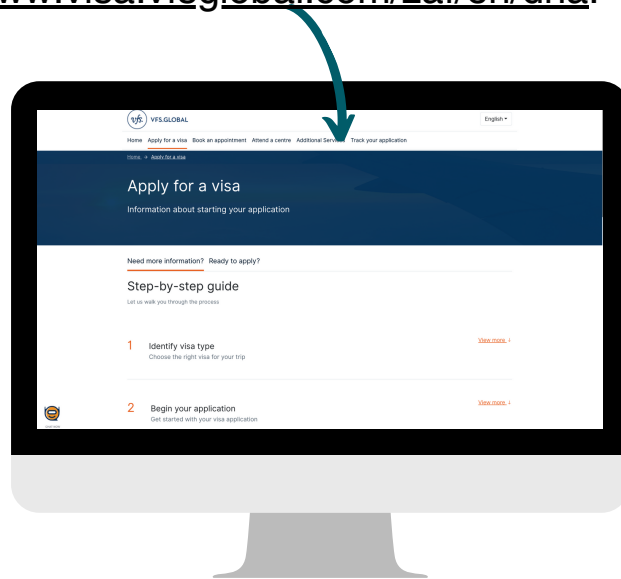
- You can apply for a section 11 visitor visa for children if you are living with parent(s) who have temporary visas.
- You can apply for a section 13 study visa if you are going to school or studying in South Africa.
- You can apply for a section 18 relatives visa for children if you have an immediate family member who is a South African citizen or a permanent residency holder.



If you fit one of these points below you can apply for a permanent residence permit:

- If you are the child (under the age of 21 years) of a South African citizen or permanent resident (Section 26(c)). This includes you if your parents became South African citizens or permanent residents after your birth).
- If you are a child (any age) of a South African citizen (Section 26(d)).
- If you are stateless, but you were not born in South Africa (Section 31(2)(b)). You may need the help of a lawyer for this application.

Applications for these permits listed above can be made online. You can do this through VFS Global. Once you have made an appointment online, they will give you a date and time for an in-person appointment. This is when you submit your photos, fingerprints and supporting documents. You can find more information about types of visas, what supporting documents you need and how much this costs on the VFS Global website at www.visa.vfsglobal.com/zaf/en/dha.



If you do not qualify for all the requirements of any of the above visas, it is possible to be granted a waiver. Section 31(2)(c) of the Immigration Act allows the Minister of Home Affairs to waive any requirement or form for justifiable reasons. A waiver application involves submitting a formal written request online to VFS Global to exempt certain prescribed requirements for a visa.





WHAT ARE MY RIGHTS LIVING IN SOUTH AFRICA?

All people and children living in South Africa are entitled to certain rights, no matter what their documentation status is.

Whether you are Zimbabwean or South African, we all have the same rights. Even if you do not have a birth certificate, a passport or a permit, you still have the right to access education, health care, and alternative care to name a few.

There are some rights which are only for South African citizens, like the right to vote.

12 WHAT ARE THE RIGHTS OF ADULTS WHO ARE ZEP HOLDERS?

Adults who are ZEP holders have the same rights as South African citizens to:

- access free primary healthcare,
- education services,
- apply for the temporary Social Relief of Distress Grant,
- and are eligible to open bank accounts in South Africa.

Depending on the specific conditions of their permits they also have the right to work and to freely conduct business.

13 WHAT OTHER PERMITS CAN AN ADULT WHO HOLDS A ZEP APPLY FOR?

You might be able to qualify for other immigration permits under the immigration act. The requirements are on the VFS Global website, at: www.visa.vfsglobal.com/zaf/en/dha.



FOR MORE INFORMATION ON CITIZENSHIP APPLICATIONS ...

Visit the Department of Home Affairs website at www.dha.gov.za

FOR MORE INFORMATION ON IMMIGRATION APPLICATIONS ...

Visit the VFS Global website at www.visa.vfsglobal.com/zaf/en/dha

FOR MORE INFORMATION ON ZIMBABWE CONSULAR SERVICES ...

Visit the Zimbabwe Consulate website at www.zimbabweconsulate.co.za.