

LAWYERS FOR
HUMAN RIGHTS

HAS YOUR ID BEEN BLOCKED?



A guide to ID blocking and how to get help

#UNBLOCKMYID #UNLOCKMYLIFE

WHAT IS ID BLOCKING?

ID blocking is an “administrative tool” used by DHA to maintain the accuracy and integrity of the National Population Register. The “block” occurs when a marker is placed against an ID number in the system, indicating that it is tainted by a clerical error, or that it has been obtained through fraud or misrepresentation.

WHEN MIGHT AN ID BE BLOCKED?

IDs can be blocked under various circumstances, such as:



When one person has **multiple** ID numbers or shares an ID number with another person (duplicate or multiple IDs),

When a clerical **error** has been detected and needs to be rectified e.g. when your name, date of birth, or gender marker has been captured incorrectly or:



When an ID is obtained through **fraud** or misrepresentation (including a misrepresentation related to birth, marriage, or death registration.)

ID blocking affects South African citizens and permanent residents.

WHAT ARE THE CONSEQUENCES OF ID BLOCKING?

If your ID is blocked, it becomes unusable and you have restricted or no access to any other rights and services requiring an ID such as:



access to banking,



access to (higher) education



access to health care



access to employment



access to social assistance



registering to vote

... and access to other enabling documents such as a driver's license or passport.

If your ID is blocked, you may struggle to get a **birth certificate** for your child or a **marriage certificate** or **death certificate**.

Sometimes ID blocking can even lead to citizenship stripping and **statelessness***, especially when the reason for blocking the ID is linked to an allegation that you are not a South African citizen.



**A "stateless person" is a person who is not recognised as a citizen of any country in the world. To learn more about statelessness visit: www.unhcr.org/ibelong/about-statelessness.*

WHAT DID THE COURT SAY ABOUT ID BLOCKING?

The issue of ID blocking has been challenged in court in the recent case of *P.P.M. and others v Minister of Home Affairs and another*. This is known as the “Mazibuko case.”

The court acknowledged DHA's duty to monitor the National Population Register. However, it declared that blocking IDs without a lawful and fair administrative process is **unconstitutional**.

DHA cannot block an ID because of a mere suspicion.

DHA admitted that IDs blocked before November 2022 did not follow a lawful and fair administrative process and claimed that it had since unblocked 1,8 million IDs, but about **700,000 remained blocked** because they allegedly pose an “immense security risk” to the country.

The court ordered the following:

If you are an LHR client

If you are an LHR client, your details will be provided to the court and DHA by **13 February 2024** and DHA must unblock the IDs within **90 days of receipt**. If DHA claims that your ID poses a security risk, it must obtain a court order to keep it blocked.

FEBRUARY 2024

If you are not an LHR client

If you are not an LHR client, the court has given DHA **12 months** to review and unblock all IDs that were blocked **before November 2022**. If DHA claims your ID poses a security risk, it must obtain a court order to keep it blocked.

MARCH 2025

If you are a **child under 18 years old**, the court ordered that:

DHA must **immediately** unblock IDs belonging to children whose ID were blocked due to a pending investigation against the parent's status and report compliance to the court by **8 April 2024**.

DHA **cannot** deny a child a birth certificate or ID document due to a pending investigation against the parent's status.



WHAT HAPPENS IF DHA MISSES THE TIMEFRAMES GIVEN BY THE COURT?

If DHA cannot meet the timeframes given by the court, it can request an extension by providing valid reasons and the following information:

- 1 the **number** of IDs blocked as of 16 January 2024 (i.e. when the judgment was issued)
- 2 the **steps** taken to procure the unblocking of the IDs
- 3 the **reasons** why the remaining IDs remain blocked
- 4 the **remaining number** of blocked IDs
- 5 the proposed **steps** to be implemented to ensure the unblocking of the IDs and,
- 6 the proposed **timeframe** for the finalisation of the process.



WHAT PROCESS MUST DHA FOLLOW WHEN BLOCKING IDs GOING FORWARD?

DHA can still investigate and block IDs, BUT only if:

1 DHA acts according to the relevant **laws** (like the Identification Act, the Immigration Act, or the Citizenship Act);

2 DHA follows a **fair administrative process** that includes;



informing the affected individual that a specified irregularity with their ID has been identified and an investigation into their status that might lead to the ID being blocked has been launched,



giving the affected individual a **chance** to put their case forward or to respond to the alleged irregularity on their ID,



informing the affected individual of the **outcome** of the investigation and any final decision to block the ID, including reasons for this decision and,



providing the affected individual with **notice** of their right to appeal or review the decision to block the ID.

3 DHA obtains a **court order** authorising the block on the ID.

Please note that certain cases of fraud or misrepresentation may constitute a criminal offence which - if successfully prosecuted - could result in your status as a citizen or permanent resident being revoked, the ID or associated documents being confiscated and cancelled and being sentenced to a fine or imprisonment.

WHERE CAN I GET MORE HELP?

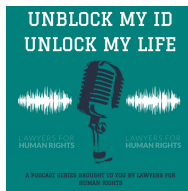
Please note that LHR is unable to open new blocked ID files due to limited capacity. If you are not already an LHR client and your ID has been blocked without a lawful or fair administrative process (whether it was blocked before or after November 2022), we encourage you to approach your nearest DHA office for help with a copy of the Mazibuko court order. You can download the court order on this website: www.saflii.org/za/cases/ZAGPPHC/2024/2.html.

If DHA refuses to help you, please consider lodging a complaint with the Public Protector, the South African Human Rights Commission, or the Public Service Commission. For cases involving children under 18 years old, please contact the Centre for Child Law (CCL) at the University of Pretoria.

WHERE CAN I LEARN MORE ABOUT ID BLOCKING?

LHR has launched a campaign to shed light on real-life stories of victims of blocked IDs. Join us in calling for an end to this unjust practice and restoring dignity to the thousands of people who have suffered. Follow the hashtag **#UnblockMyID #UnlockMyLife** on all LHR social media platforms (see overleaf for LHR social media handles).

Listen to our **#UnblockMyID #UnlockMyLife** podcast on **Spotify** and watch short documentaries on the topic on our dedicated **Youtube** channel. Details are below.



SPOTIFY: @LAWYERS-FOR-HUMAN-RIGHTS
YOUTUBE: @LAWYERSFORHUMANRIGHTS-UH2SR

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