

## **ACQUISITION OF SOUTH AFRICAN CITIZENSHIP**

Dear Sir/Madam,

We refer to your enquiry and wish to inform you that the acquisition, loss and resumption of South African citizenship is regulated by the South African Citizenship Act, 1995 (Act 88 of 1995), hereinafter referred to as "the Act", and the Regulations issued in terms of the Act.

There are three main forms of South African citizenship, namely citizenship by birth, descent or naturalisation:

### **Birth (Section 2 of the Act)**

In terms of the Act, a child born in South Africa and of which one of the parents was a South African citizen or South African permanent residence holder at the time of the child's birth shall be a South African citizen by birth in the case of births from 6 October 1995 when the Act came into operation. The position before that was governed by the South African Citizenship Act, 1949, which contained a wide range of different requirements over the years. To determine a person's claim to South African citizenship in respect of births in that era, completion of the [form BI-529](#) (Determination of Citizenship Status) is normally required.

A foreign child born in South Africa and who is adopted in terms of the Child Care Act, 1983 by a South African citizen and whose birth has been registered in South Africa is also a South African citizen by birth.

A foreign child born in South Africa and who has no claim to another citizenship (stateless) may also acquire South African citizenship by birth. Conclusive proof that the child has no other citizenship, or claim to any other citizenship, is required in such cases.

### **Descent (Section 3 of the Act)**

A child born outside South Africa and of which at least one of the parents was a South African citizen at the time of the child's birth has a claim to South African citizenship by descent. The child's birth must, however, be registered in South Africa for the child to acquire South African citizenship.

### **Naturalisation (Section 5 of the Act)**

Foreigners wishing to acquire South African citizenship may apply for South African citizenship by naturalisation, provided the requirements of section 5 are met. The requirements for majors and minors respectively, are:

#### **Majors**

- Valid permanent residence permit or exemption.
- One year's ordinary residence in the Republic of South Africa immediately prior to the application.
- In addition 4 years of physical (actual) residence in the RSA during the eight years before the application (excluding the year of ordinary residence).
- If married to a South African spouse, two years of permanent residence and two years of marriage to the South African spouse immediately prior to the application.
- Intends to continue to reside in the Republic or falls within the further categories specified in section 5(1)(e).
- Be of good and sound character.
- Able to communicate satisfactorily in any one of the official languages of South Africa.

- Have adequate knowledge of the duties and responsibilities of a South African citizen

#### **Minors**

- The responsible parent can apply on behalf of the minor at any time provided the minor is permanently and lawfully resident in the Republic.

Kind regards  
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