

Amendment of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (12) of the following subregulation:

“(12A) For the purposes of subregulation (12B)(a), (c) and (d), where a child presents a passport which contains the details of his or her parent or parents, an immigration officer shall not require such child to produce a birth certificate.

(12B)(a) Where a parent or parents, legal guardian or any other person is travelling with a child who is a South African citizen, such person must, upon departure from or entry into the Republic, produce—

- (i) a copy of a birth certificate or passport containing the details of the parent or parents of the child;
- (ii) where applicable, a copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian, as the case may be, of the child authorising such person to depart from or enter into the Republic with the child he or she is travelling with;
- (iv) a copy of the passport, or identity card in the case of South African citizens, of the parent or parents or legal guardian of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(b) Where a parent or parents, legal guardian or any other person from a visa required country intends to travel with a child, he or she must, when applying for a visa for such child, submit—

- (i) a copy of a birth certificate of the child;
- (ii) where applicable, copy of an adoption order;
- (iii) a letter of consent from the other parent or parents, or legal guardian of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (iv) a copy of the passport of the parent or parents, or legal guardian, of the child;
- (v) the contact details of the parent or parents, or legal guardian, of the child;
- (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child.

(c)(i) Where one parent, legal guardian or any other person is travelling with a child, he or she may be required by an immigration officer to produce a copy of a birth certificate of the child in order to establish the relationship with such child, unless the child is from a visa required country, upon admission into or departure from the Republic and the immigration officer must, in examining such child for admission into or departure from the Republic request and consider, where applicable—

- (aa) the reasons for the absence of the other parent or parents of the child;
- (bb) a letter of consent from the other parent or parents or guardian of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;
- (cc) a copy of the passport of the absent parent or parents or legal guardian of the child;
- (dd) the contact details of the absent parent or parents or legal guardian of the child;
- (ee) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or
- (ff) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child: Provided that the Director-General may, where

the parent or parents are deceased and the child is travelling with a person related to him or her, approve such a person to enter into or depart from the Republic with such a child.

- (ii) Where an immigration officer requests a traveller to produce a birth certificate of a child or the documentation referred to in subparagraphs (aa) to (ff), and such is not provided within 24 hours, he or she may refuse admission into or departure from the Republic of such a child.
 - (iii) Any person travelling with a child as contemplated in paragraph (c)(i) is strongly advised to be in possession of the documentation referred to in subparagraph (i) when seeking admission into or departure from the Republic.
- (d) Any unaccompanied child shall produce to the immigration officer—
- (i) a copy of his or her birth certificate;
 - (ii) where applicable, a copy of an adoption order;
 - (iii) a letter of consent from one or both his or her parents or legal guardian, as the case may be, for the child to travel into or depart from the Republic;
 - (iv) a copy of the passport of the parent or parents or legal guardian of the child;
 - (v) the contact details of the parent or parents or legal guardian of the child;
 - (vi) a copy of a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child;
 - (vii) where applicable, a copy of a death certificate of the deceased parent, parents or legal guardian of the child;
 - (viii) a letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing; and
 - (ix) a copy of the identity card or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic.