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TRAVELLING WITH CHILDREN

1. TRAVELLING ABROAD WITH CHILDREN

- 1.1 Familiarise yourself with SA's new requirements for travelling with children. SA now has new immigration laws to protect citizens and to improve lives:
- 1.2 Parliament amended the Immigration Act 2002 in 2007 and 2011.
- 1.3 This gave us the Immigration Amendment Acts of 2007 and 2011.
- 1.4 The amended acts came into operation on 26 May 2014
- 1.5 These new laws changed how we handle movement in and out of SA

2. NEW IMMIGRATION REGULATIONS

2.1 WHERE PARENTS ARE TRAVELLING WITH A CHILD

Requirements:

- a. Such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child.
- b. Adopted children to provide proof of adoption by means of an adoption certificate.

Explanatory note:

These regulations apply to all travellers, foreign as well as South African; on departure as well arrival.

In the case of foreign countries that do not issue unabridged certificate, a letter to this effect issued by the competent authority of the foreign country should be produced.

All documents must be original or copies certified as a true copy of the original by a commissioner of oaths or the equivalent commissioning authority should commissioners of oaths not be a practice in the country concerned.

3. WHERE ONE PARENT IS TRAVELLING WITH A CHILD

Requirements:

- a. Such parents must produce unabridged birth certificate of the child reflecting the particulars of the parents of the child
- b. Consent in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with
- c. 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;
- d. Where applicable, a death certificate of the other parent registered as a parent of the child on the birth certificate;
- e. Legally separated parents should also provide a court order when the other parent does not give consent.
- f. Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

Explanatory note:

The affidavit may not be older than 3 months, dating from the date of travel.

4. WHERE A PERSON IS TRAVELLING WITH A CHILD WHO IS NOT HIS OR HER BIOLOGICAL CHILD, HE OR SHE MUST PRODUCE.

Requirements:

- a. A copy of the unabridged birth certificate of the child;
- b. An affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;
- c. Copies of the identity documents or passports of the parents or legal guardian of the child;
- d. The contact details of the parents or legal guardian of the child.
- e. Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

5. ANY UNACCOMPANIED MINOR SHALL PRODUCE TO THE IMMIGRATION OFFICER

Requirements:

- a. Proof of consent from one of or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for the child to travel into or depart from the Republic: Provided that in the case where one parent provides proof of consent, that parent must also 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;
- b. 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
- c. A copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic ;
- d. The contact details of the parents or legal guardian of the child.

6. ANY CHILD WHO IS IN ALTERNATIVE CARE AS DEFINED IN THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

Requirements:

- a. Shall, before departing from the Republic, produce a certified copy of an authorisation letter from the provincial Head of the Department of Social Development where the child resides as contemplated in section 169 of the children's act.

Explanatory note:

This Regulations has entered into force on 26 May 2014.