

NOTICE TO SOUTH AFRICANS WHO HAVE DUAL CITIZENSHIP

Given recent developments around the issue of the Citizenship Amendment Act and in response to media enquiries on this matter, the Department of Home Affairs wishes to set out to the public a clear and comprehensive picture of the situation in this regard.

Government recently repealed section 9 of the South African Citizenship Act of 1995, which regulated the use of the citizenship or nationality of another country by a major (adult) South African who has dual citizenship.

In essence, the Act repealed the provision, which allowed the Minister of Home Affairs to deprive a citizen of his or her citizenship for having used the citizenship of a foreign country. Consequently, the previous requirement for exemptions or letters of permission from the Minister to make use of a foreign passport has now been terminated. The issue of deprivation of citizenship was inconsistent with the Constitutional right to citizenship.

In terms of the [South African Citizenship Amendment Act of 2004](#), which came into effect on 15 September 2004, it is now an offence for a major South African citizen to enter the Republic or depart making use of the passport of another country.

Furthermore, it is also now an offence for such a citizen, while in South Africa, to use his or her foreign citizenship or nationality to gain advantage or avoid a responsibility or duty.

Essentially, the Amendment Act provides that an adult South African citizen, who has dual citizenship or nationality, can freely use his or her foreign passport outside South Africa. However, they must use their South African passport to depart from or enter South Africa.

The Department has received a number of enquiries from our ports of entry on whether or not South Africans who arrive at border posts with foreign passports may be refused to enter or depart from the Republic.

The Department is obliged to implement the Citizenship Amendment Act. However, we acknowledge that many affected South Africans may not yet be aware of the amendments to the Citizenship Act and the implications for themselves.

We have therefore decided that affected South Africans departing or arriving through our ports of entry, attempting to use a foreign passport, will be issued with a warning giving them three (3) months to obtain a South African passport. They will be allowed to depart or enter South Africa.

Accordingly, we would like advise all South Africans who have a dual citizenship and do not have South African passports to apply for their South African passports at their earliest opportunity.

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Department of Home Affairs**