

Requirements for Minors Traveling Cross-border

Following the publication of the Immigration Amendment Act, new requirements are coming into effect on 1 June 2015 that will impact any cross-border travelling with children under the age of 18. (Note: The effective date was originally published as 1 July 2014, but has now been extended to 1 June 2015.)

In compliance with the regulations issued in terms of the Immigration Act 2002 (Act No 13 of 2002), all passengers intending to cross any of the borders of South Africa are advised as follows:

A minor child is defined in the Children's Act 2005 (Act No 38 of 2005) as a person under the age of 18 years;

Where both parents travel with any minor child into or out of South Africa the parents must produce an unabridged birth certificate (in addition to a valid passport) for the child, reflecting the particulars of the parents of the child;

Where one parent is travelling with any child, consent in the form of an affidavit from the other registered parent is required. Alternatively, either a court order granting full legal guardianship to one parent only in respect of the child (as opposed to full parental rights and responsibilities only) or a death certificate of the other parent registered on the birth certificate must be produced;

Where a person is travelling with a child who is not his or her biological child, the following must be produced:

- a copy of the child's unabridged birth certificate;
- an affidavit from the parents confirming permission to travel;
- copies of passports of the parents or legal guardian;
- copies of passports of the person(s) accompanying the minor child;
- the contact details of the parents or guardian;
- contact details of the person accompanying the minor child

An unaccompanied minor child must produce the following documents:

Proof of consent from one of or both of his parents or legal guardians in the form of a letter or affidavit for the child to travel into or depart from the Republic (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 is granted full legal guardianship (as opposed to full parental rights and responsibilities only)

A letter from the person who is to receive the child at the destination point, containing his or her residential address and contact details where the child will be residing, with proof of residency;

A letter from the person accompanying the minor child containing such person's residential address and contact details as well as proof of residency;

A copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child;

The contact details and residential address of the parents or legal guardians of the child.

Any child who is in alternative care as envisaged in the Children's Act 2005, and wants to leave the Republic, must produce a certified copy of an authorisation letter from the Provincial Head of the Department of Social Development or a court order.