

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN CITIZENSHIP AMENDMENT BILL

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No. 25420 of 1 September 2003)
(The English text is the official text of the Bill)*

(MINISTER OF HOME AFFAIRS)

[B 55—2003]

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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the South African Citizenship Act, 1995, so as to repeal a provision in terms of which a person may be deprived of citizenship by virtue of the use of the citizenship of another country; and to make provision for other penalties instead of the loss of citizenship; and to provide for matters connected therewith.

BE IT ENACTED by Parliament of the Republic of South Africa, as follows:—

Repeal of section 9 of Act 88 of 1995

1. Section 9 of the South African Citizenship Act, 1995, is hereby repealed.

Insertion of section 26B in Act 88 of 1995

2. The following section is hereby inserted in the South African Citizenship Act, 1995, after section 26A:

“Use of foreign citizenship

26B. A major citizen who—

(a) enters the Republic or departs from the Republic making use of the passport of another country; or

(b) while in the Republic, makes use of his or her citizenship or nationality of another country in order to gain an advantage or avoid a responsibility or duty,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.”.

Short title

3. This Act is called the South African Citizenship Amendment Act, 2003.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN CITIZENSHIP AMENDMENT BILL, 2003

1. OBJECT OF BILL

The South African Citizenship Amendment Bill seeks to bring the South African Citizenship Act, 1995, into line with section 20 of the Constitution as far as dual citizenship is concerned. It seeks to repeal the provision which allowed the Minister to deprive a citizen of his or her citizenship for having used the citizenship of a foreign country to enter or depart from the Republic, or to enter or depart from the country which issued such passport or any other third countries. The Bill replaces that provision with one which imposes penalties on a citizen using a foreign passport to enter or depart from the Republic or utilising his or her foreign citizenship while in the Republic to gain an advantage or avoid a responsibility or duty.

2. CONSULTATION

The Bill is the result of numerous representations from members of the public affected by the provision sought to be repealed.

3. PERSONNEL IMPLICATIONS

Administrative capacity at present employed to process applications for exemption from the provision sought to be deleted will be freed to perform other functions in the regional offices of the Department of Home Affairs.

4. FINANCIAL IMPLICATIONS FOR STATE

Revenue from the abovementioned applications will be lost.

5. PARLIAMENTARY PROCEDURE

The Department of Home Affairs and the State Law Advisers are of the opinion that this Bill should be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure established by section 74 or 76 of the Constitution applies.