

**BIRTH REGISTRATION:**

**A GUIDE FOR SOUTH AFRICANS,**  
**PERMANENT RESIDENTS,**  
**REFUGEES, ASYLUM SEEKERS,**  
**AND FOREIGN NATIONALS**



**LRC**

Legal Resources Centre



## Introduction

All children born in South Africa have a constitutional right to be registered and must be registered within 30 days of being born.



This pamphlet explains how you can register your child's birth.

## Why is it important to register your child's birth?

The lack of a birth certificate has negative effects on many areas of a child's life. Where a child's birth is not registered, they are placed in a vulnerable situation.

You may experience the following challenges:

01

**Healthcare:** Although they are not allowed to, hospitals and clinics may refuse to vaccinate a child that has not been registered and may also make it difficult for them to access healthcare.

02

**Education:** Although they are not allowed to, schools may refuse to enrol learners who cannot provide a birth certificate or other documentation. Schools may also threaten to exclude learners from school.

03

**Documentation:** Without a birth certificate, it is difficult for children born to South African parents to get an ID. Without a birth certificate, children born to foreign national parents cannot apply for an asylum seeker visa or refugee permit. When they turn 18, they will face further issues because they need a birth certificate to apply to become a citizen of South Africa.

**Without a birth certificate, children risk being stateless and invisible because the state has no record of their lives.**

## How to register your child's birth?

### STEP 1

As the expecting mother, you should register at a clinic or hospital as soon as you find out that you are pregnant. On the visit, take any documentation that you may have, for example, ID, passport, visa, refugee permit, or asylum seeker permit.

### STEP 2

When you give birth, the medical practitioner who attended the birth or who examined you after you gave birth will give you a proof of birth. The proof of birth contains the information of the parent(s), child, and medical practitioner. When you give birth, the clinic administrator will also issue you with a clinic card (Road to Health booklet) which will be used to record your child's development until they turn 5.



**NB:** do not leave the hospital without the proof of birth AND the clinic card.



#### **What if I did not give birth at a hospital?**

A person who witnessed the birth must attest to an affidavit. You must take the affidavit with you to your nearest Department of Home Affairs when registering your child's birth.

### STEP 3

Within 30 days of giving birth, take the proof of birth and clinic card to the nearest Department of Home Affairs office to register the birth of your child.

#### **On the visit take any documentation that you may have:**

- A certified copy of your ID, passport, visa, refugee permit, or asylum seeker permit.



**If your passport, visa, or permit is expired,** you take your expired documentation with you to register your child's birth.

- If you are married, also take your spouse's documentation AND a certified copy of your marriage certificate.
- If your partner, the other parent of the child, is deceased, take a certified copy of their death certificate.



**If both the child's parents are deceased,** and you are the next of kin or legal guardian, you can register the child's birth. Make sure that you take the clinic card, proof of birth, and your own documentation with you when you go to your nearest Department of Home Affairs office.

#### STEP 4

The Home Affairs official will give you a BI-24 (Notice of Birth) form, which you must complete and submit to the officials. They will take your fingerprints, whether you are the parent(s), next of kin, or legal guardian(s). They will also take your child's palm, foot, or fingerprints.

#### STEP 5

Once the birth has been registered, an unabridged birth certificate is issued. There is no payment required to register your child within 30 days of their birth.

## What if I don't register my child's birth within 30 days?

**This is called late birth registration.**



**NB:** ONLY South Africans, permanent residents, and refugees can register their child's birth after 30 days. There is no way for foreign nationals with visas or asylum seekers to register their child's birth after 30 days.

**You must comply with the same requirements set out above, but you also have to:**

- Attest to an affidavit explaining why you are late with registering your child's birth.
- Include two recent ID photos of your child if your child is older than 7.
- Pay a fee.

## How to register an abandoned child's birth:

- Approach a social worker for assistance.
- The Children's Act requires social workers to find out who the parents or family members of the child are and to determine whether the abandoned child needs care and protection. The social worker may publish an advertisement in the newspaper asking for information about the parents or other family members.
- Once the social worker has concluded the investigation and establishes that the child is abandoned, they will assist the child in obtaining the relevant documentation. As part of this, the district surgeon will examine the child to establish their age.
- The social worker will present their findings in a report to the court who decides whether there is enough evidence to confirm the finding that the child has been abandoned.
- The court ruling can then be taken to the Department of Home Affairs to obtain a birth certificate for the child.

## Difficulties you may face when registering your child:

- If one or both parents' documentation is expired or if you are undocumented, Home Affairs may refuse to register your child's birth.
- If you are a foreign national with a visa or an asylum seeker, Home Affairs may refuse to register your child's birth after 30 days.
- If you are an asylum seeker or refugee, Home Affairs will verify your permit before registering your child's birth. This may take a long time.
- If you do not register a birth within 30 days, you may have to pay for a maternity or paternity test to prove that you are the child's biological parents. This is expensive and it takes long to get results.
- If there is an error on the clinic card and proof of birth, Home Affairs may deny registering your child's birth or refuse to record the correct information you provide. That is why it is important to make sure that the information on the clinic card and proof of birth is correct.



Although Home Affairs may refuse to register your child's birth, you should still try to do so.



If you are struggling to understand the process of registering a birth or if Home Affairs refuses to register your child's birth, please contact lawyers (like the Legal Resources Centre) for advice.

#### CONTACT THE LEGAL RESOURCES CENTRE:

<b>CAPE TOWN</b>	Aintree Office Park, Block D, Ground Floor Corner Doncaster Road and Loch Road, Kenilworth	0218792398
<b>DURBAN</b>	11th Floor, Aquasky Towers 275 Anton Lembede Street, Durban	0313017572
<b>JOHANNESBURG</b>	2nd Floor West Wing, Women's Jail, Constitution Hill 1 Kotze Street, Braamfontein	0118369831
<b>MAKHANDA</b>	116 High Street, Makhanda	0466229230



You can also email us at [info@lrc.org.za](mailto:info@lrc.org.za) with your details and someone from our offices will get back to you.

