

## Late birth registration

- If you are not able to register your child's birth **within 30 days**, you will need to apply for late birth registration.
- In terms of the law, only citizens, permanent residents and refugees can register their child's birth after 30 days. However, if you are an asylum seeker or you are undocumented, it is important that you still try and register your child's birth.
- If you apply for late birth registration, you will need to take the following documents with you:
  - Proof of birth.
  - Clinic card.
  - Certified copies of your passport, visa or permit (either the mother or father, or both parents).
  - If you are married, a certified copy of your marriage certificate.
  - If your spouse or partner is deceased, a certified copy of the death certificate.
  - Affidavit explaining why you are registering your child's birth late.
  - Two recent ID photos of your child, if older than 7 years of age
  - Payment of a fee.

## Difficulties you may face when registering your child's birth

- If your or your child's details are not correctly recorded on the clinic card, or proof of birth, Home Affairs may refuse to register your child's birth or refuse to re-issue a birth certificate with the correct details.
- If your or your partner's documents are expired or one or both of you are undocumented, Home Affairs may refuse to register your child's birth.
- Home Affairs may want to verify your documentation before registering your child's birth and this may take very long.
- Registering your child's birth will be delayed if the father is required to do a paternity (DNA) test.

## If you have any difficulties with registering your child's birth, please contact ProBono.Org

**JOHANNESBURG:** 1st Floor West Wing,  
Women's Gaol, 1 Kotze Street, Braamfontein 2017  
**telephone:** 011 339 6080 **fax:** 086 512 2222  
**email:** info@probono.org.za

**DURBAN:** Unit 310, 3rd Floor, Cowey Park, 91-123  
Problem Mkhize Rd, Morningside, Durban 4001  
**telephone:** 031 301 6178 **fax:** 031 301 6941  
**email:** dbninfo@probono.org.za

**CAPE TOWN:** Unit 1021, 2nd Floor, Westminster House,  
122 Longmarket St. (Cnr. Adderley St.), Cape Town 8001  
**telephone:** 087 470 0721 **fax:** 086 665 6740  
**email:** infocpt@probono.org.za

# BIRTH REGISTRATION

## For Asylum seekers, Refugees & Foreign Nationals



Cover Image by Pieter from Pixabay

Prepared by:   
CLIFFE DEKKER HOFMEYR

INCORPORATING  
KIETI LAW LLP, KENYA

For:  ProBono.Org

## The importance of registering your child's birth

- All children born in South Africa must have their birth registered **within 30 days** of the child being born.
- If you do not register your child's birth, it will have a negative impact on their lives. They may experience difficulties in accessing the following:
  - **Healthcare:** Hospitals may refuse to vaccinate or admit your child without a birth certificate.
  - **Education:** even though it is unlawful to deny a child access to education, certain schools will not allow the child to enroll in the school if they do not have a birth certificate.
  - **Citizenship:** a child born in South Africa to foreign nationals may apply for citizenship when they turn 18 years of age, if their birth has been registered in South Africa, they have stayed here all their lives and their parents have not been admitted as permanent residents or citizens. If your child's birth has not been registered, they cannot apply for this right.
- Every child has a constitutional right to have their birth registered – section 28 of the Constitution.
- It is unlawful for the Department of Home Affairs to deny your child's right to birth registration because you are a foreign national.

**NOTE: If you have difficulties registering your child's birth, please contact ProBono.Org.**

1

## How to register your child's birth at the Department of Home Affairs

### STEP 1

After giving birth, the medical practitioner who attended to you during birth or who examined you after giving birth, will issue you with proof of birth.

Proof of birth is an important document as it contains the parent(s) information, details of the child and medical practitioner.

**NOTE: If you do not receive proof of birth or the hospital refuses to give you your proof of birth, please contact ProBono.Org.**

**If you did not give birth in a hospital, you will need someone who witnessed the birth to complete and sign an affidavit. This will be regarded as the proof of birth.**

### STEP 2

**Within 30 days of giving birth,** take the proof of birth and clinic card to the Department of Home Affairs.

You will need to take the following documents with you:

- Certified copies of your passport, visa or permit (either the mother or father, or both parents).
- If you are married, a certified copy of your marriage certificate.
- If your spouse or partner is deceased, a certified copy of the death certificate.

2

If both parents are deceased, and you are the next of kin or legal guardian, you will need to register the child's birth. You will need to take the following documents to the Department of Home Affairs:

- Proof of birth.
- Clinic card.
- Certified copy of your ID, passport or permit.

**NOTE: If the father of the child wants to register his child's birth, he will need to get a DNA test done.**

### STEP 3

Once you are at Home Affairs, you will complete a Notice of Birth form (BI-24) and submit the form, with your supporting documents, to an official.

Your fingerprints will be taken, and the official will note your relationship to the child. Your child's palm, foot or fingerprints will also be taken.

### STEP 4

When your child's birth has been registered, the Department of Home Affairs will issue you with an unabridged birth certificate (generally hand-written).

There is no payment required if you register your child's birth within 30 days. However, there is a fee if your child's birth is registered after 30 days.

3