

February 2016

DUAL CITIZENS – DON'T RISK LOSING YOUR SOUTH AFRICAN CITIZENSHIP!

You are a South African citizen. You decide to acquire dual citizenship. Your reasons for doing so are irrelevant – perhaps you are living/working overseas, perhaps you want a second passport just to make travelling easier, perhaps you have financial reasons. What is relevant is that **you risk losing your South African citizenship**.

You are certainly allowed to hold dual citizenship, no problem there. But our Citizenship Act provides that if “by some voluntary and formal act” you acquire citizenship or nationality of another country, you are automatically deprived of your South African citizenship.

You are exempt only if

Automatic loss of citizenship does not apply to –

1. Minors (under 18 years of age) and
2. Acquisition of another country's citizenship by marriage.

Here's how you keep your SA citizenship

The good news is that you can apply through Home Affairs for authority to retain your SA citizenship – but your application must be approved **before** you acquire your second citizenship. **Don't leave it to the last minute** – processing time is given as “3 to 6 months” and even that could be cutting it fine. If you are overseas, you should find the necessary forms and instructions on your local SA Embassy/Mission/Consulate website.

You've lost it automatically – what now?

This is very much second prize, but you can still apply to get your citizenship back –

- If you were a **citizen by birth or descent** you can apply for reinstatement only if you have returned to, or are living in, South Africa permanently (you still have permanent residence, you just aren't a citizen).
- If you were a **citizen by naturalisation**, you must re-apply for permanent residence or apply for exemption thereof, before you can be considered for resumption of citizenship.
- If all else fails, seek legal advice. There is some speculation that these provisions may not pass Constitutional muster. This is definitely third prize; there are no guarantees, and you are likely to be in for some serious legal costs.

P.S. Don't let your SA passport lapse!

Although you can travel freely around the world on your second passport, you must **enter** and **depart from** South Africa on your valid SA passport. Keep renewing it!

Miltons Matsemela Incorporated is a level 4 (100%.) B-BBEE contributor

Table View: +27 (0) 21 521 1300
Email: tvinfo@miltons.law.za

Cape Town: +27 (0) 21 419 4642
Email: ctinfo@miltons.law.za

Claremont: +27 (0) 21 671 5141
Email: clmt@miltons.law.za

Johannesburg: +27 (0) 11 483 0166
Email: jhbinfo@miltons.law.za

Tyger Valley: +27 (0) 21 914 4100
Email: bvinfo@miltons.law.za

Hout Bay: +27 (0) 21 790 0435
Email: hbinfo@miltons.law.za

Kuils River +27 (0) 21 903 3090
Email: tvinfo@miltons.law.za

