

South African Passports and Travel Documents Act 4 of 1994 (SAPTDA)

Topic: Tourism

IN A CALABASH

Introduction

In order to control the movement of people in and out of South Africa and across its borders, certain procedures and rules have been laid down by the government. This is referred to as border and/or passport control.

Countries all over the world issue to their citizens, those who have been born in that country and those who have obtained permanent residence in such country, an identity document. This document allows the holder to have access to certain rights and privileges in the issuing country.

Every person who holds an identity document has the right to receive a passport.

A passport is a formal identity document or certification issued by a national government. It identifies the holder as a national of a particular state, and requests permission, in the name of the sovereign or government of the issuing country, for the bearer to be permitted to enter and pass through other countries.

Passports contain the holder's photograph, signature, date of birth and nationality and may contain other means of individual identification.

A visa is a document issued by a country which gives a certain individual permission to request entrance to the country during a certain period of time and for certain purposes. Most countries require possession of a valid visa as a condition of entry for foreigners, though there are exemption schemes.

Visas are stamped in or attached to the recipient's passport or are sometimes issued as separate pieces of paper.

The purpose of both visas and passports is to allow people to travel to any other country.

The South African Passports and Travel Documents Act 4 of 1994 (SAPTDA) gives certain powers and duties to the government of South Africa in respect of the issue and control of South African passports and travel documents.

Objectives of the Act

The SAPTDA provides for the issuing of passports and other related travel documents to South African citizens.

A South African passport is a travel document issued to citizens of South Africa which allows the holder to travel in foreign countries in accordance with visa requirements and to facilitate the process of securing assistance from South African consular officials abroad, if necessary.

In terms of the SAPTDA, every South African citizen who holds an identity document is entitled to a South African passport.

The SAPTDA sets out the procedure to be followed when a South African citizen applies to the South African Department of Home Affairs for a passport.

Application of the Act and its implication to Tourism

The Act applies to all persons who are South African citizens and who travel from one country to another.

In order to cross between South African borders and those of other countries, a South African person must be in possession of a valid passport.

Summary of the provisions of the Act

Regular passport

These passports are issued to citizens who are 16 years of age or older and are intended for occasional travel, such as vacations and business trips. They contain 32 pages and are valid for 10 years. Regular passports are not renewable. so new passport applications have to be filed when a passport expires.

Maxi passport

The maxi passport is similar to a regular passport but contains 48 pages to cater for frequent travellers. Like regular passports, they are issued to citizens aged 16 and older, are valid for 10 years and are non-renewable

Child passport

Child passports are issued to citizens who are 15 years of age or younger. They are valid for 5 years and are non-renewable.

Official passport

Official passports are issued to officials attached to government institutions who have to travel on official business. They are valid for 5 years and are issued to officials free of charge.

Diplomatic passport

Diplomatic passports are issued to diplomats and consuls and to their accompanying dependants for work-related travel.

Application for a passport

In order to apply for a South African passport, one must approach the South African Department of Home Affairs, who will provide one with the required forms, to be completed in person.



The following must accompany any application–

- a letter from one's employer if one applies for an official passport;
- one's identity document;
- proof of permanent residence, if one applies for documents for travel purposes, as well as written confirmation from one's country of origin that they cannot issue one with a passport;
- two colour passport photos complying with the passport photograph specifications; and
- fingerprints, if one is 16 years or older.

When applying for a child under the age of 18, one must have–

- one's ID and one's child's birth certificate;
- death certificate if one parent is deceased;
- a copy of the court's appointment letter, if one is the child's guardian;
- consent of the child's parents; and
- both parents in the office, when not prevented by death.

If the child was born out of wedlock, both parents must consent if the father–

- has acknowledged paternity;
- has paid damages in terms of customary law;
- is paying maintenance for the child;
- contributes towards the upbringing of the child; and
- at the time of birth of the child was living with the mother in a permanent life-partnership.

If one's passport is lost or stolen, one must report it to the South African Police Service and complete a declaration form.

If one's passport gets full before the period of its validity ends, one will need to apply for a new passport.

Dual citizenship

According to the South African Citizenship Act 88 of 1995, as amended, South Africans may hold dual citizenship but may not use their citizenship of another country to gain advantage or avoid responsibility while in South Africa.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person who contravenes or fails to comply with a provision of the SAPTDA will be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years.

It is illegal for an adult who holds South African citizenship to enter or depart South Africa using a non-South African passport. Dual nationals travelling on a non-South African passport may be turned away from border checkpoints and could be fined or imprisoned for up to 12 months.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- Apply for passport if you intend to travel;
- Ensure your passport remains valid; and
- Apply for a visa, when required.

FURTHER INFORMATION

Regulator

Department of Home Affairs

Website

www.home-affairs.gov.za