

# UNIVERSITY OF THE WITWATERSRAND



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Department of Home Affairs  
White Paper on Citizenship, Immigration and Refugee Protection

Ref: AR/White Paper Submissions

Date: 15 February 2026

Sirs

## **WHITE PAPER ON CITIZENSHIP, IMMIGRATION AND REFUGEE PROTECTION (“WHITE PAPER”) SUBMISSIONS MADE BY ACADEMICS FROM THE UNIVERSITY OF THE WITWATERSRAND**

We appreciate this opportunity to comment on the draft revised White Paper. We are an informal group of academics from different disciplines at the University of the Witwatersrand who gathered together and discussed the White Paper in order to prepare this set of comments. Each of us has practised within administrative forums of the Department of Home Affairs (“Department”), engaged in policy discussion in the field of migration and citizenship studies, and/or conducted disciplinary research relating to the topics of the White Paper.

We would be happy to discuss these comments with the Department in an appropriate manner and can be contacted through the details we have provided.

We have six specific comments on the draft revised White Paper, which we set out below.

### **COMMENT ONE: A GOOD START OF A REVISION, BUT MORE DATA NEEDS TO BE PROVIDED**

1. There are, in our view, some real positives to this revised draft White Paper:
  - 1.1. It is a clear movement away from the previous policy positioning, Department of Home Affairs, within the government’s security policy and implementation cluster.
  - 1.2. It aims to initiate a genuine policy discussion.

- 1.3. It helpfully distils principles in some areas of policy that it covers that can serve as the basis for debate.
  - 1.4. It has a focus on how digital technology can assist the Department in working more efficiently and effectively for all those resident in South Africa.
2. That said, there are some aspects to this White Paper as a policy document that can and should be improved:
- 2.1. While the draft revised White Paper is moving towards evidence-based policy making, this version is not yet there. The Department could and should make available the four reports upon which this White Paper draws.
  - 2.2. Most importantly, the White Paper could and should do much better at making the data available upon which policy discussion can happen.
  - 2.3. In one instance, the White Paper does present data with respect to the number of asylum applications granted (page 50). However, that table does not disclose data regarding the grounds of asylum, information that is critical for informed policy-making. Similar data, for e.g. the number of naturalisations and a range of other administrative processes, is necessary to be made available before South Africans can be assured that this policy-making process is underpinned by evidence.
  - 2.4. Another place where data is important for an informed debate is with respect to the movement of refugee reception offices to the border. Here, the costs and benefits need to be available for this policy move to be considered properly.

## **COMMENT TWO: A POSITIVE IDEA WITH THE INTELLIGENT POPULATION REGISTER**

3. The concept and the planning for the Intelligent Population Register can be much more clearly specified, especially in relation to South Africa's current interest in supporting Digital Public Infrastructure, particularly at the Presidency, the Reserve Bank, and the Department of Communications and Information Technologies. South Africa and the



Department have long been interested in machine learning, and biometric capturing can assist with governance, so the IPR proposal comes very much out of this tradition.

4. What we find arguably distinctively new in the White Paper is the ambition to capture biometric and demographic information comprehensively – e.g. for all temporary residents as well as permanent residents and citizens.
5. One aspect that we support is the greater alignment that the White Paper suggests among the policy domain of registration policy and implementation with the policies of citizenship, immigration, and refugee protection.
6. As recommendations regarding the IPR, we call for:
  - 6.1. Better integration with SARS, in particular as a way of measuring and determining claims to contribute to the national well-being, especially if the immigration status of tax-payers and bank account holders is to be required in the future (1.1.4) and if there is to be drawing upon such verified data for PBS immigration and citizenship status determination.
  - 6.2. Attention to the provision of logging and permissioning access to or change of private records in the PR, along the lines of the tokenisation used by Aadhaar and discussed in the Roadmap on the Digital Transformation of the South African government.
    - 6.2.1. This is especially important if, as the White Paper suggests, pure digital ID is to be the main credential of citizenship.
  - 6.3. The privacy protections of the data exchange layers of DPI are more robustly developed in the Roadmap and its implementation by comparison with here, e.g. the consideration of keeping confidential health data.



### **COMMENT THREE: PROPER DEFINITION OF CIRCUMSTANTIAL EVIDENCE AND ACCESS TO DNA TESTING**

7. We support universal registration of births and understand the need for paternity tests. However, as highlighted in the White Paper, there are a multitude of barriers to birth registration; thus, circumstantial evidence needs to be properly defined.
8. In addition, the White Paper acknowledges that paternity tests can be a barrier to universal birth registration and establishes that no child shall be denied birth registration based on discriminatory factors, one such factor would be a parent's financial status. Thus, there should be free DNA tests for those who cannot afford them.

### **COMMENT FOUR: THE SCOPE OF THE WHITE PAPER MUST BE SPECIFIED FOR IMPLEMENTATION**

9. The draft revised paper does not indicate the scope of legislation that is intended to be amended. We note surprisingly that there is no mention of the Identification Act. Further, the White Paper expressly excludes the marriages( in 3.2.1). Caution should be taken around marriages and their inclusion, and this should be featured in the White Paper because it intersects with immigration and citizenship.
10. Civil Registration should extend beyond birth certificates, and there needs to be clarity around the document issued to a person as a citizen or permanent resident, which is the current position under the Identification Act 68 of 1997.
11. The White Paper does not treat in any real detail the non-economic pathways to citizenship and immigration, although they are apparently understood to continue to be provided. There are a number of questions that become relevant. The current jurisprudence ensures that families are not separated, protected by section 10 of the

Constitution of the Republic of South Africa, 1996. The policy reforms around families are still connected to sponsorship and financial considerations. Will there be the same level of transparency and consistency around humanitarian grounds? Currently, the Refugees Act 130 of 1998 lists humanitarian grounds under the regulations, but they are not defined and thus have no application.

## COMMENT FIVE: REGARDING CITIZENSHIP

12. The Citizenship Advisory Board appears to be thought of as exercising real policy powers, but its composition and functions or powers are unclear.
13. The PBS system may not solve all the problems. As it is currently worded, the White Paper (in 3.1 and 3.1.1) implies that the PBS can help to adjudicate disputes over the criteria for jus soli or jus sanguinis. PBS can only apply to adults, which will leave the claims of children unresolved and unresolvable. Further, in order to function well, a merit-based system for citizenship, including PBS during permanent residency, requires a much more functional state than we have – and of course, one operating without discrimination or bigotry.
14. Regarding citizenship, the existing residential “mechanical” route potentially serves thousands of persons, but has been reported to have nearly ground to a halt. Pizzocri, Claudia. ‘Hidden Struggles of Citizenship and How Home Affairs Bureaucracy Obstructs Legal Belonging’. Daily Maverick, 13 November 2025. <https://www.dailymaverick.co.za/opinionista/2025-11-13-hidden-struggles-of-citizenship-and-how-home-affairs-bureaucracy-obstructs-legal-belonging/>. The existing “mechanical” route requires evidence-based policy-making and bureaucratic maintenance.

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## COMMENT SIX: DEATH REGISTRATION

15. Regarding the death registration policy, this white paper may represent a missed opportunity to support even better functioning of the existing ecosystem of intermediaries dealing with death registration.

16. This ecosystem includes undertakers, as recent research conducted by some of us shows. In some instances, the work conducted by intermediaries towards the provision of a death certificate includes work towards the provision of a birth certificate, as the latter is required for the provision of the former. The White Paper appears to be pushing off responsibility for death registration to the Department of Health.

We trust that the above is in order and kindly request acknowledgment of receipt for the submissions

Yours faithfully

A handwritten signature in black ink, appearing to read 'Raymond'.

**UNIVERSITY OF THE WITWATERSRAND**

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