

# Immigration Insights

by CDH Employment Law



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## In possession of a blocked identity document or card? Home Affairs gives affected parties an opportunity to avoid cancellation

As a way to combat the decades-old issue of fraudulent identity documents being in circulation in South Africa, Tommy Livhuwhani Makhode, the Director-General of the Department of Home Affairs (DHA) published the following notice in the Government Gazette:

*“Notice in terms of Section 3 of the Promotion of Administrative Justice Act: Intention to cancel identity documents or cards of persons whose identity numbers are blocked and call representations from affected persons (GG) 5135 (16/08/2024)” on 16 August 2024.*

In issuing this notice, the Director-General provided the following reasons for his intended decision:

- *“Identity documents or cards have been issued to persons whose names are not required in terms of section 5 of [the] Identification Act [68 of 1997] to be included in the population register;*
- *identity documents or cards do not correctly reflect the particulars of the persons to whom they were issued;*
- *identity documents or cards were fraudulently obtained in that false statements were made and false information were provided at the time of application for, and instance of, the identity documents or cards; or*

- *identity documents or cards were forged in that the identity documents or cards lawfully issued to other persons were stolen or unlawfully obtained or altered to either reflect the names or the facial image or photograph of the person whose particulars were not included in the population register.”*

In addition to the above, other reasons why identity documents have previously been blocked (as far back as 2005) include an individual’s identity document being reflected as being an identity document of a deceased person, being flagged as a duplicate, or being held by an illegal immigrant.

Through this initiative, the DHA aims to reduce the number of fraudulent identity documents in circulation.

The publication of the notice is also a means for the DHA to comply with the court order handed down in *P.P.M and Others v Minister of Home Affairs and Others* [2024] (5) BCLR 703 (GP) which required the DHA to undertake a fair administrative process in differentiating between wrongfully blocked identity documents, and identity documents that present a security risk.

Considering the above, should your identification document or card have been wrongfully blocked, you are required to provide written reasons or representations to the Director-General within 30 days (from the date of the publishing of the Gazette i.e. by 16 September 2024) regarding why your identity document or card should not be cancelled.

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**BBBEE STATUS:** LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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