

Cabinet approves Final White Paper On Citizenship, Immigration and Refugee Protection

Cabinet has approved the Final White Paper On Citizenship, Immigration and Refugee Protection.



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This is according to Home Affairs Minister, Dr Aaron Motsoaledi, who briefed the media on Wednesday.

“The Department of Home Affairs carefully and duly considered all the oral and written submissions. This final White Paper is the product of robust engagements.

“The Cabinet of the Republic of South Africa approved this final White Paper on Wednesday, 10 April...and it has been published in the Government Gazette...today,” the Minister said.

Motsoaledi explained that the department had received an “overwhelming” response to the call for public comments.

“The responses have been overwhelming. Individuals, that is citizens, asylum seekers and refugees as well as public interest groups, companies, national and local government departments, premiers, research institutes, political parties, [international bodies]...and many others made their voices heard and made constructive comments.

“The [department’s] team and I conducted public hearings in all nine provinces. The outcome of the engagements and public comments is that the policy position adopted in the White Paper enjoys wide support.

“Only a handful of public interest groups are opposed to selected policy positions such as the withdrawal of the 1951 Refugee Convention, the 1967 Protocol and re-acceding to them with reservations, proposed repeal of Section 4 (3) of the South African Citizenship Act and the First Safe Country principle,” he said.



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International agreements

Turning to international agreements that South Africa is party to, Motsoaledi explained that the White Paper seeks to open a path for government to exercise its right to make reservations on some elements of the agreements.

“In 1996, two years after the first democratic elections, South Africa acceded to various international agreements such as the 1951 Convention, the 1967 Protocol, the 1969 OAU [Organization of African Unity] Convention and other international instruments. This was done without the government having developed a clear policy on migration, including refugee protection.

“The government did not make reservations and exceptions permitted in terms of international law. The white paper proposes that the government of the Republic of South Africa must review and/or withdraw from the 1951 Convention and the 1967 Protocol with a view to accede to them with reservations like many countries did.

“All the South African government intends achieving is to exercise its right granted in Article 42 of the 1951 Convention and Article 7 of the 1967 Protocol and make reservations accordingly,” he said.

Motsoaledi emphasised that South Africa “does not have the resources” to fulfil all of the requirements of the 1951 Convention.

“The Refugee Protection and Immigration legislation must provide for reservations and exceptions as contained in the 1951 Convention and the 1969 OAU Convention. Particularly in that South Africa does not have the resources to grant the socio-economic rights envisaged in the 1951 Convention,” he said.

The final White Paper can be accessed on the Government Gazette [here](#).