

HOW DO I JOIN FAMILY MEMBERS INTO MY ASYLUM OR REFUGEE FILE?



WHERE CAN I FIND THIS IN THE LAW?

The laws on family dependents can be found at Section 21(b) of the [Refugees Amendment Act](#), and should be read together with Regulations 2, 3, 8 and 11 of the [Refugees Regulations](#).

This guide is about the Refugees Amendment Act of 2017 which was implemented from 1 January 2020.

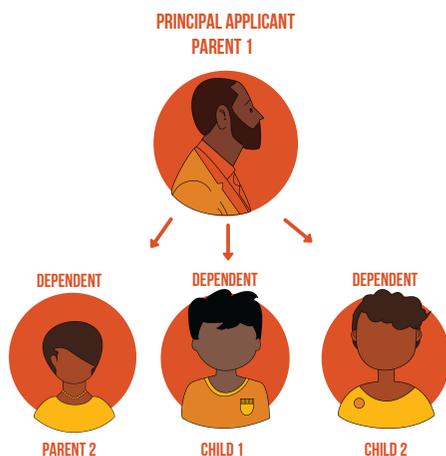
WHAT IS 'FAMILY JOINING'?

In South Africa, family unification – known informally as 'family joining' – means granting asylum or refugee documentation to dependent family members of a recognised refugee or asylum seeker in South Africa. The family unit is documented under one file. This affirms the principle of documenting a family together.

WHO IS A 'DEPENDENT'?

Dependents include spouses, unmarried children, a dependent child, (whether they are born before or after the application for asylum) and destitute, aged or infirm parents who are dependent on the main file holder. Dependents must have been included in your application for asylum, unless it is a child born to you after your application for asylum.

A 'child' means any person under the age of 18 years. A 'spouse' means any person who is party to a marriage or same sex union which is solemnised and registered as either a civil, religious or customary union. This also includes a marriage that took place in your home country. It also includes persons in a permanent heterosexual or homosexual relationship.



THE PROCESS OF 'FAMILY JOINING'

Anyone who applies for asylum in South Africa after 1 January 2020 can only join dependents in their asylum file if they declared that dependent in their original application for asylum (this is the DHA-1590 form which can be found at Form 2 in the Annexure of the Refugees Regulations). If you have a child after you have applied for asylum, must register their birth at Home Affairs and join them to your file. See the next page for more information on this.



It is very important that you include all dependents on your application for asylum, and that you write all their names and dates of birth correctly and in full. If you do not record them correctly, it might cause problems later on.

JOINING YOUR SPOUSE OR PARTNER IN YOUR ASYLUM APPLICATION

- > When you include your spouse in the application for asylum, an official from the Department of Home Affairs must 'authenticate' your marriage certificate, and interview each of you separately to prove a real marriage exists. The outcome of this interview is just as important as the certificate itself.
- > If you do not have a marriage certificate, you must complete an affidavit that includes details about your relationship, such as the date and place of the marriage and other details about the ceremony and vows. This must be written on Form 1(a) which you will find in the Annexure of the Refugees Regulations.
- > If you are in a permanent homosexual or heterosexual relationship and you are not married, you must provide evidence of your relationship to the Department of Home Affairs. This should include a notarial agreement (this has to be notarised by a South African Notary Public - an attorney who is also a notary) and each of you will be interviewed separately to 'prove' the existence of your relationship.

JOINING YOUR CHILDREN IN YOUR ASYLUM APPLICATION

- > In your application for asylum, you must write the full names and birth dates of all your children. Include all your children, even those that are not with you (for example, if any of your children remain in your country of origin). This is important if these children join you at a later date. If a Refugee Status Determination Officer reasonably suspects that a child accompanying you may have been smuggled or trafficked, they can demand a DNA test.

ADDING DEPENDENTS AT A LATER DATE

Dependents that you had before applying for asylum must be included, or declared, in your asylum application. Failure to do so will mean that they cannot be joined to your asylum file. If you have a child that is born after you apply for asylum, you can join them to your asylum file at the Department of Home Affairs. If you get married or enter a permanent relationship after you apply for asylum, you can join your spouse, or partner, as a dependent in your asylum or refugee file. You will need to show specific proof of this, as explained below.

IF YOU GET MARRIED, OR ENTER A PERMANENT RELATIONSHIP AFTER YOU HAVE APPLIED FOR ASYLUM

- > If you get married or enter a permanent relationship after you apply for asylum in South Africa, you would not have been able to include their details in your original asylum application. As such, you can choose to join your partner/spouse to your asylum or refugee file after getting married or entering a permanent relationship. You will have to apply to have them included in your asylum file by bringing a marriage certificate or notarial agreement to the Refugee Reception Office.

IF YOU HAVE A CHILD AFTER YOU HAVE APPLIED FOR ASYLUM

- > If you have a child after you have been in South Africa for a while, and after you have applied for asylum, you will not have included them in your original asylum application. As such, you must apply to include this child in your asylum file. You will need to bring your child, their South African birth certificate and a certified copy of this birth certificate, to the Refugee Reception Office along with your own documentation.

I DID NOT DECLARE ALL MY CHILDREN IN MY ASYLUM APPLICATION. WHAT DO I DO?

- > If you failed to include all your children in your asylum application, you should still try to join these children in your asylum file, at the Refugee Reception Office. This process is described in Regulation 8(9) of the Refugee Regulations and requires that you bring a DNA test to the Refugee Reception Office proving the child to be yours. If this child is not your biological child, the Department of Home Affairs will refer the child to the Department of Social Development as an accompanied minor so that they can be documented on their own (see Question 15).

I AM A DEPENDENT OF MY WIFE. MUST I GO WITH HER TO EXTEND MY ASYLUM/REFUGEE DOCUMENT?

Every dependent in a refugee or asylum file must renew their documents, together with the principal applicant. This means spouses in the same file must renew their documents together. You must submit an affidavit to confirm that you are still married. An example of this affidavit can be found at Form 1 in the Annexure of the Refugees Regulations.

DISCLAIMER

This is a guide: not a legal document. It explains what is stated in the Refugees Act, as amended, and the Refugees Regulations. It should not be used to substitute legal advice. This guide does not reflect our opinion on these laws. This information is subject to change.

GOT MORE QUESTIONS?

If you have more questions, please do not hesitate to seek legal advice right away. Turn to Question 16 for a list of organisations you can contact.

