

Comments on  
Department of Home Affairs  
**'Draft Revised White Paper on Citizenship, Immigration and Refugee Protection'**  
Published 12 December 2025, Government Gazette Vol 12 No. 53853

Alan Hirsch, New South Institute and UCT

The recent 'Draft Revised White Paper on Citizenship, Immigration and Refugee Protection' was South Africa's fourth White Paper on immigration matters issued by the government since the advent of democracy. The first White Paper provided the policy basis for the Immigration Act of 2002 which removed much of the old regime's racial bias.

The second sought to address some of the deficiencies of the 2002 white paper and the legislation which followed it, proposing among other things the modernisation of South Africa's relationships with its neighbours and the introduction of a points system to replace a 'Critical Skills List' to facilitate the immigration of skilled people. The 2017 White Paper was never acted upon and was quickly forgotten. Some senior government officials I spoke to a few years later believed, erroneously, that it had never passed through the cabinet.

Late in 2023 another white paper, with a similar name to the current one, was published and endorsed by the cabinet. This one reflected the pre-election period during which it was published. It proposed withdrawing from international conventions and taking a tougher line on immigration, citizenship and especially asylum seekers.

While the current white paper is presented as a revised version of the paper published two years previously, there is a huge gulf between them. Not much of the previous policy remains. Unlike the nationalistic posturing of the earlier draft, the 'revised' paper represents a genuine and impressive attempt to produce 'a balanced, structured and constitutionally sound approach to the overhaul of migration governance.

Developing a balanced, efficient, rational and humane immigration and citizenship policy is very difficult. This white paper largely achieves all that, and more, though finalising some of the policies will require much time and considerable resources, and there remain some gaps in the broader policy framework. Most innovative in the report is the commitment to enabling policy implementation through the radical modernisation of the information systems supporting the population register and the civil registration system.

At the centre of the information system will be an Intelligent Population Register (IPR)—a modern, digitised system to manage and utilize comprehensive population data. Another policy paper will be prepared on the design and implementation of the IPR.

Populating the IPR requires ‘Universal Civil Registration’: ‘mandatory birth and death registration for citizens and foreigners who reside in the country’, whether the latter are regular or undocumented residents. This could provide data that enables far more effective social and economic policies than the current incomplete population register. Its digitisation, including biometric data, will make the IPR much greater integrity than the existing population registration system. Not only will irregular foreigners be counted, but they will also be allowed to use the banking system irrespective of their status, and they will be expected to pay tax.

The inclusion of biometric data both in the IPR and in the electronic visa application process will make it more difficult for unethical immigrants to game the system, and it will make it easier to keep track of refugees and asylum seekers. It should also make identity theft more difficult.

Some will object to the privacy implications of the wide usage of biometric data. It is also quite likely that some irregular migrants will resist the advantages of inclusion in the population register and banking system if they fear that they will not ultimately be eligible for naturalisation or citizenship.

It is proposed that there will be one, merit-based path to naturalisation. This is contrasted with the existing ‘mechanical and compliance-based’ pathway. Merit is preferred to years served. After five years of permanent residence, naturalisation will be acquired according to a yet to be detailed set of accomplishments. This will be available to immigrants who have come in through the points-based system as well as to current citizens of Zimbabwe, Lesotho and Angola holding exemption permits.

The path will entail a points-based system considering skills, economic contribution and social impact. A Citizenship Advisory Panel will advise the Minister of Home Affairs on the criteria for citizenship, ‘balancing such considerations a national security, economic sustainability and social cohesion.’ (p.18)

Several new paths to temporary and long-term immigration are reflected and elaborated in the white paper. The general work visa and the critical skills visa will be folded into a single skilled visa. A point-based system will be introduced to encourage the immigration of people with desired skills who can contribute to social and economic development—eligible people will also qualify for permanent residence. The recently introduced Trusted Employer Scheme and Trusted Tour Operator Scheme and remote work visa are endorsed in the white paper.

A new visa proposed is a 'start-up visa' or 'innovation visa' as a subset of an 'investment visa' which would replace the existing business visa. The rules around retirement visas will be tightened regarding minimum age (there were applicants younger than 16) and minimum annuity income.

Refugee law reform is also proposed. The 2023 white paper proposed that South Africa withdraw from and re-enter global treaties on refugees with reservations about certain commitments. The 2025 white paper abandons this for two reasons—firstly there is no point in doing so as the rights and obligations in the treaties are also enshrined in the South African Constitution. Secondly, it would be a messy process to withdraw and re-enter, and it would look bad, especially considering South Africa's very public commitment to global multilateral agreements.

At the centre of the new refugee policy is the notion of First Safe Country Principle. Where asylum seekers have passed through countries deemed as safe on their way to South Africa, if they are deemed to be refugees they will be returned to the first safe country they passed through.

South Africa's ability to implement this policy depends on the conclusion of bilateral agreements with the countries which may be deemed safe countries. This will not be at all easy as demonstrated by the struggles faced by other countries attempting to implement this policy. There will, most likely, be some inducement offered to the 'safe countries' which may be financial or some sort of burden sharing agreement. Finally, some argue that South Africa's treaty obligations and its Constitution make it difficult to avoid strong legal challenges in the implementation of the first safe country approach.

For asylum seekers who may be eligible for refugee rights in South Africa, the White Paper proposes, like the 2023 White Paper, the reorganisation of institutions to allow for very speedy decision-making over status and appeals processes. This includes relocating Refugee Reception Offices to ports of entry, and the digitisation of the application and adjudication processes.

Asylum seekers are required to apply within five days (of arrival?) failing which, presumably, they would be considered outlaws. This is not clear, and the constitutional implications are not spelled out.

Refugees seeking permanent residence would be able to follow a structured pathway, including meeting the requirements of the points-based system for permanent residence.

The overall impression of the White Paper is that it is a genuine and serious attempt to develop 'a structured, balanced, and constitutionally-sound roadmap for citizenship, civic registration, immigration and refugee protection reforms.'

There are several areas that require further elaboration or explanation, there are some proposals which are very ambitious and difficult to envisage in the short or medium term, and there are some gaps when considering the overall policy framework.

### **Issues needing further elaboration**

At the heart of the proposed new system is the Intelligent Population Register and Universal Civil Registration, including biometric information, complemented, it seems, biometric and other information gathered in applications in applications for visas for short term visits or longer-term immigration processes. While the plans to digitise and include biometric data in the intelligent population register and in electronic travel applications are logical steps towards citizenship and immigration systems that are efficient and have integrity, what will be the path towards implementation of these systems. Are some processes already in place? Has an implementation plan been developed? And how long are these projects expected to take?

While this system could solve many problems in administrative and planning effectiveness, two questions have not been fully addressed. Firstly, what is the likelihood that legal challenges on the grounds of privacy will stymie the system, and can they be overcome? Secondly, will the incentives to be included be outweighed by fears of being detected and ultimately deported for undocumented migrants who don't expect to succeed in a point-based system for immigration or permanent residence? The right to banking, education and health care will be an inducement for inclusion, but is it enough of an inducement since such residents might still ultimately be deported? Inclusion is fair and humane, but will the uncertainty of their existence not persuade some irregular foreign residents to slip under the radar, as inclusion would make them too visible?

A good deal of the new policy rests on various point systems and advisory bodies that will contribute to such systems. Will there be one points system or several—separate or identical ones for skilled immigrants, for various categories seeking permanent residence? What about refugees seeking permanent residence or citizenship—will they be assessed on the same criteria? Will exemption permit holders from Zimbabwe, Angola and Lesotho be assessed on the same system as refugees, or a common system, or a dedicated system? How will social contributions be measured in point systems? And how will the pathways for 'non-economic' permanent residents such as spouses, children and refugees be determined?

In abstract point-based assessment seems fair, but in practice it seems potentially quite complex to implement.

Regarding the 'first safe country' policy for refugees, how will safe countries be persuaded to accept refugees? Reciprocity will not work as the location of South

Africa makes it unlikely to be a first safe country itself in relation to other safe African countries. Will there be inducements to other countries? Will South Africa attempt to negotiate some kind of burden-sharing agreement within SADC, such as the system in the European Union? In such a system, the refugee load would be allocated according to agreed principles, within a regional grouping. Finally, how confident is the government that application of the first safe country policy will not encounter strong legal challenges?

### **Issues not covered**

One issue not covered in this white paper is the question of integration or inclusion into communities. Will South Africa have a policy to facilitate the inclusion of foreigners, including refugees, who may or may not be on a path towards naturalisation? Is there any notion of how to distribute responsibility for integration between national, provincial and local authorities, and between state organisations and nongovernmental organisations? What measures should be taken to reduce the risk of the flare-up of anti-foreigner sentiment other than assuring South Africans that borders are secure and immigration systems are tightened?

What are the consequences for prospective asylum seekers not applying for asylum within five days of arrival? This is not yet clear.

An implementation plan and timeframe are not included in the published white paper. What are the planned laws, amendments and regulations that will be prepared arising from this White Paper? Aside from a project to develop the intelligent population register, what other further investigations or policy processes will flow from this White Paper. For example, will there be a further process investigating the development of the single or multiple point-based system(s), and how the dedicated immigration courts will fit into the judicial system?

Another gap in immigration policy not covered in the new draft white paper is the question of South African citizens abroad and emigrants, and the possibilities for engagement with the diaspora. Some previous white papers have made proposals regarding how to turn the diaspora into an asset, though they were not implemented. While the current government has made important commitments on regaining citizenship for South Africans (by birth) who lost their South African citizenship for technical reasons, there is no clear strategy (in sharp contrast to several other African countries) as to how to harness the energy and resources commanded by South Africans and expatriates living abroad.

The purpose and systematic approach of this white paper is impressive and exciting. When the details are filled in and the implementation is well under way it could, it is hoped, be a generational shift in the management of the Home Affairs portfolio and a beacon of effective and meaningful reform among South African national government departments.