



Australian Government
Refugee Review Tribunal

Country Advice

Zimbabwe

Zimbabwe – ZWE36705 – South Africa –
Citizenship – South African passports –
Zimbabweans in South Africa –
Zimbabwean identity documents

10 June 2010

1. Is the holder of a foreign (e.g. South African) passport also able to hold Zimbabwean citizenship?

It is possible for the holder of a foreign passport to have Zimbabwean citizenship. However, if they are over 18 years of age, this is only permitted if they are currently not a citizen of the foreign country from which the passport was issued. The *Zimbabwean Citizenship Act* does not allow dual citizenship for adults of “sound mind”. It requires foreigners wishing to become citizens of the country to first renounce their foreign citizenship in accordance with the law of the foreign country.^{1 2} Those under the age of 18, however, can hold dual citizenship. After turning 18 they have one year in which to denounce their foreign citizenship or they will be stripped of their Zimbabwean citizenship.¹

It is possible to have a South African passport and have citizenship of another country. This is because South Africans can, with prior approval, maintain their South African citizenship while gaining citizenship of another country.³

Some further specific issues and possibilities are worth noting. If an individual is born to parents who are not Zimbabweans then that individual must renounce their foreign citizenship by descent upon turning 18, before they can become Zimbabwean citizens. If someone is born to Zimbabwean parents in a foreign country and they become citizens by birth of that foreign country, then they are considered dual citizens.⁴ Another possibility is that foreigners may have lived in Zimbabwe under resident visas but may not have been citizens.⁵

There is also the chance that a Zimbabwean citizen may obtain a false South African passport. It was reported in December 2009 that South Africa had suspended dozens of immigration officials who were under investigation for handing out false birth certificates which could be then used to apply for South African passports. The fraud was on such a scale that the South African Home Affairs Minister had declared that it was a threat to the country’s national security.⁶

¹ ‘Citizenship Act of Zimbabwe’ 2007, *Zim Online*, 6 December – Attachment 1

² ‘Landmark ruling on citizenship case’ 2005, *Zim Online*, 16 June - Attachment 2

³ South African Department of Home Affairs (undated), ‘South African Citizenship’, South African Department of Home Affairs website http://www.home-affairs.gov.za/sa_citizenship.asp - Accessed 26 May 2010 – Attachment 3

⁴ International Organisation for Migration (IOM) 2010, *Citizenship: Zimbabwe*, 12 March – Attachment 4

⁵ Muzuwa, J. 2005, Email to RRT Research & Information ‘Re: Request for assistance from Refugee Review Tribunal, Sydney Australia (RRT ref: ZWE17181)’ 25 January – Attachment 5

⁶ ‘South Africa: Inquiry on sales of fraudulent passports’ 2009, *The New York Times*, 10 December – Attachment 6

2. Does possession of a Republic of Zimbabwe National Registration Card signify that a person is a citizen of Zimbabwe?

Possession of a Republic of Zimbabwe National Registration Card (also referred to as Zimbabwe National Identity Card) does not necessarily signify that a person is a Zimbabwean citizen. According to the Zimbabwean Ministry of Home Affairs and the Zimbabwean embassy in the US, non-citizens can also apply for National Registration Cards. This is only if they can provide the following:

- (a) Residence Permit (should be six months old from date of issuance)
- (b) Passport
- (c) Marriage Certificate (for a married couple) [Note: this is only specified in the embassy website and not the Home Affairs website]^{7 8}

The requirement for a passport does not mean a Zimbabwean Passport because to obtain a Zimbabwean passport, one would first need both a National Registration Card and Zimbabwean citizenship documents.⁷

3. What is the significance of the word "ALIEN" on the card?

A report on Zimbabwe's farm workers suggested that those considered as non-citizens of Zimbabwe would have National Registration Cards bearing the designation "Alien".⁹ Each card also contains a number, the last two digits of which indicate the district in which a person originated from. If these digits are '00' it means that a person has 'alien' status and is a non-citizen.¹⁰ However, even those people whose families had lived in Zimbabwe for generations after migrating from other countries still sometimes held cards indicating they were non-citizens.⁹ Attached is a photo of a sample card.⁸

4. Please provide up-to-date information on the treatment of Zimbabweans in South Africa.

Treatment by General Public

The estimated 1.5 million Zimbabweans¹¹ who live in South Africa continue to face hostility from the local population. The major reason for this is competition for low paid jobs in poor and rural areas. Zimbabweans and other migrants are accused of taking the jobs of locals by agreeing to work longer hours for lower wages.¹² There is a general atmosphere of xenophobia with Zimbabweans often being threatened with violence, told to go back to Zimbabwe and called derogatory names.¹³

In this climate, attacks are not uncommon, usually triggered by accusations of theft or assault levelled against Zimbabweans. While not at the peak levels reported in May 2008, there were

⁷ Embassy of Zimbabwe in United States (undated), 'Zimbabwean National Identity Card Requirements', Embassy of Zimbabwe in United States website <http://www.zimbabwe-embassy.us/subpage5.html> - Accessed 4 June 2010 – Attachment 7

⁸ Zimbabwe Ministry of Home Affairs (undated), 'National Registration Card', Zimbabwe Ministry of Home Affairs website http://www.moha.gov.zw/rg_nat_registration.php - Accessed 4 June 2010 – Attachment 8

⁹ 'Zimbabwe's Farm Workers and the New Constitution' 2000, Africa Action website, 12 February <http://apic.igc.org/rtable/ded0002.htm> - Accessed 4 June 2010 – Attachment 9

¹⁰ Immigration and Refugee Board of Canada 2006, ZWE100933.E – *Zimbabwe: Racism, discrimination against "mixed race (coloured)" and the availability of state protection (2004-2006)*, 7 February – Attachment 10

¹¹ Human Rights Watch 2010, *World Report – South Africa*, 20 January – Attachment 11

¹² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, March – Attachment 12

¹³ Bell, A. 2010 '1500 Zimbabweans remain in SA refugee camp', *SW Radio Africa*, 3 February – Attachment 13

frequent incidents of violence within the last 6 months. In November 2009 a mob chased approximately 3000 Zimbabweans out of the town of De Doorns by attacking their shacks, only dispersing when police fired rubber bullets. In December 2009 residents in Westernburg Township attacked local Zimbabweans seriously injuring 6 men. In January 2010 a Zimbabwean and a Tanzanian fell off a high rise building in Durban trying to escape a mob of 150 people allegedly led by an ANC councillor. Zimbabweans were also vulnerable to exploitation by locals. Children were reportedly trafficked for agricultural labour which often resulted in the child's deportation.¹²

Treatment by Authorities

South African law provides for “the granting of asylum and refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol”. Zimbabweans may also qualify as refugees under the broader definition contained in the 1969 Organization of African Unity's (now African Union's) Convention Governing the Specific Aspects of the Refugee Problem in Africa. While the Government generally put these laws into practice, it was reported that Zimbabweans in particular were at risk of abuse and being forcefully repatriated by police and immigration officials.¹² The International Organisation of Migration reported that between 2006 and 2009, they had assisted 314,000 Zimbabweans who had been deported.¹⁴

On May 1, 2010 the Government introduced some changes which lessened the vulnerability of Zimbabwean migrants to violence and exploitation. The Government suspended deportations of Zimbabweans, setting up a moratorium on the issue; introduced 90-day visa-free entry for Zimbabwean nationals and an associated right to work; and proposed a system of longer-term permits. The proposed permit would allow holders to remain in South Africa for six months with the right to education, work, and access to basic health care. At year's end, however, the permit system had still not been implemented.^{12 11} With regard to violence, the Government's actions displayed sympathy for the plight of Zimbabweans. During one recent attack, the South African Minister of Home Affairs had sent a delegation to assist migrants who had lost their identification documents because of the violence.¹² In December 2009 South African President, Jacob Zuma, issued a statement in which he asked his people to “embrace especially our African brothers and sisters, who usually bear the brunt of ill-treatment more than foreigners from other continents.”¹⁵

5. Deleted.

6. Deleted.

Attachments

1. ‘Citizenship Act of Zimbabwe’ 2007, *Zim Online*, 6 December. (CISNET – Zimbabwe: CX189453)
2. ‘Landmark ruling on citizenship case’ 2005, *Zim Online*, 16 June. (CISNET – Zimbabwe: CX240933)

¹⁴ ‘SA deports 7 000 Zimbabweans monthly’ 2010, *The Zimbabwean*, 9 January – Attachment 14

¹⁵ ‘Rising anger at other Africans fuels South Africa attacks’ 2009, *The New York Times*, 20 December – Attachment 15

3. South African Department of Home Affairs (undated), 'South African Citizenship', South African Department of Home Affairs website http://www.home-affairs.gov.za/sa_citizenship.asp - Accessed 26 May 2010.
4. International Organisation for Migration (IOM) 2010, *Citizenship: Zimbabwe*, 12 March. (CISNET – Zimbabwe: CX240928)
5. Muzuwa, J. 2005, Email to RRT Research & Information 'Re: Request for assistance from Refugee Review Tribunal, Sydney Australia (RRT ref: ZWE17181)' 25 January.
6. 'South Africa: Inquiry on sales of fraudulent passports' 2009, *The New York Times*, 10 December. (CISNET – Zimbabwe: CX237679)
7. Embassy of Zimbabwe in United States (undated), 'Zimbabwean National Identity Card Requirements', Embassy of Zimbabwe in United States website <http://www.zimbabwe-embassy.us/subpage5.html> - Accessed 4 June 2010.
8. Zimbabwe Ministry of Home Affairs (undated), 'National Registration Card', Zimbabwe Ministry of Home Affairs website http://www.moha.gov.zw/rg_nat_registration.php - Accessed 4 June 2010.
9. 'Zimbabwe's Farm Workers and the New Constitution' 2000, Africa Action website, 12 February <http://apic.igc.org/rtable/ded0002.htm> - Accessed 4 June 2010.
10. Immigration and Refugee Board of Canada 2006, *ZWE100933.E – Zimbabwe: Racism, discrimination against "mixed race (coloured)" and the availability of state protection (2004-2006)*, 7 February. (CISNET – Zimbabwe: ZWE100933.E)
11. Human Rights Watch 2010, *World Report – South Africa*, 20 January. (CISNET – South Africa: CX238923)
12. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, March.
13. Bell, A. 2010 '1500 Zimbabweans remain in SA refugee camp', *SW Radio Africa*, 3 February. (CISNET – South Africa: CX239336)
14. 'SA deports 7000 Zimbabweans monthly' 2010, *The Zimbabwean*, 9 January. (CISNET – South Africa: CX238590)
15. 'Rising anger at other Africans fuels South Africa attacks' 2009, *The New York Times*, 20 December. (CISNET – South Africa/Zimbabwe: CX238077)
16. Deleted.