



Commission for Gender Equality
A society free from gender oppression and inequality

SUBMISSION: DRAFT REVISED WHITE PAPER ON CITIZENSHIP, IMMIGRATION, AND REFUGEE PROTECTION

Commission for Gender Equality Written Representations

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1. Introduction

The Commission for Gender Equality (CGE) wishes to express its gratitude for the opportunity to make written representations regarding the 2025 **Draft Revised** White Paper on Citizenship, Immigration and Refugee Protection.

The CGE, as an independent statutory body created in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 (the Constitution), is mandated to promote and protect gender equality in government, civil society, and the private sector.

The Commission for Gender Equality Act 39 of 1996 ('the CGE Act'), gives the Commission the power to:

- Monitor and evaluate policies and practices of organs of the State at any level.
- Monitor and evaluate statutory bodies and functionaries.
- Monitor public bodies and authorities and private businesses, enterprises, and institutions to promote gender equality.
- Make any recommendations that the CGE deems necessary.



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2. **Background**

In February 2024, the CGE made a submission titled “*Submission on the white paper on Citizenship, Immigration and Refugee Protection.*” The copy of the said submission is attached hereto, marked past Submission 2024 White Paper on Citizenship, Immigration, and Refugee Protection.

The CGE noted the Draft Revised White Paper on Citizenship, Immigration and Refugee Protection published on 12 December 2025. However, the CGE’s submissions were not reflected in the revised document. Consequently, the CGE resolved to resubmit its previous submission, together with an additional submission addressing the revised and newly introduced provisions published on 12 December 2025.

3. **CGE’s Submission December 2025**

The CGE reiterates its appreciation for the opportunity to comment on the Draft Revised White Paper on Citizenship, Immigration and Refugee Protection, published for public comment in December 2025.

In light of the revised White Paper’s focus on enhanced border management, merit-based citizenship, refugee management reforms, and digital civil registration, the CGE emphasizes that gender equality, women’s rights, and the protection of children must be mainstreamed throughout all proposed reforms. Migration policies are not gender-



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neutral in their impact, and women, children, and gender-diverse persons experience migration, displacement, and documentation processes differently and often more precariously.

The CGE notes that the Draft Revised White Paper seeks to modernise and harmonise South Africa's migration framework, historical and current failures in implementation have disproportionately affected women and children, particularly migrant and refugee women who are exposed to: gender-based violence (GBV), human trafficking and exploitation, forced or fraudulent marriages, barriers to documentation for themselves and their children; and limited access to health care and social protection.

Any consolidation of legislation into a single statute must embed gender-responsive safeguards, consistent with the Constitution, the Children's Act 38 of 2005, and South Africa's international obligations relating to women's and children's rights.

3.1 Refugee Management Reforms and the "First Safe Country Principle."

The CGE notes the refinement and implementation of the First Safe Country Principle and cautions that its application may have unintended and harmful consequences for women and children, particularly survivors of sexual violence, trafficking, and intimate partner violence.



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Women asylum seekers may pass through so-called “safe third countries” where:

sexual and gender-based violence is prevalent;

access to reproductive health care is limited;

asylum systems are inaccessible to women travelling with children; or

cultural and legal barriers prevent women from seeking protection.

The CGE therefore recommends that:

gender-based violence, trafficking, and reproductive health risks be explicitly recognised as exceptions when assessing the applicability of the First Safe Country Principle;

women and girls be individually assessed, rather than assumed to have had meaningful protection in transit countries; and

bilateral agreements with safe third countries include gender-specific protection guarantees.

3.2 Citizenship Reforms and Merit-Based Naturalisation



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The CGE acknowledges the introduction of merit-based criteria for naturalisation, the establishment of a Citizenship Advisory Panel (CAP), and the move away from time-based qualification alone.

However, the CGE reiterates its concern that fraudulent and exploitative marriages remain a serious gendered problem. Women are frequently:

declared married without consent;

coerced into marriages due to economic vulnerability; or

used as instruments for immigration fraud.

The CGE recommends that:

citizenship and naturalisation assessments include gender-sensitive screening mechanisms;

harsh penalties be imposed for fraudulent marriages that exploit women;

women who are victims of such abuse not be penalised or disadvantaged in citizenship or immigration processes; and the CAP include expertise on gender, trafficking, and GBV.

3.3 Immigration Reforms, Digital Systems, and Women's Access



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While the CGE supports the digital transformation agenda, including biometrics and the Electronic Travel Authorisation (ETA), it cautions that digital systems can entrench exclusion if not designed with vulnerable users in mind.

Migrant and refugee women often face:

limited digital literacy;

language barriers;

lack of access to technology; and

fear of engaging state systems due to abuse or trafficking.

The CGE recommends that:

digital immigration and visa systems incorporate assisted, in-person, and multilingual access points;

safeguards be implemented to protect women who are victims of trafficking or domestic violence from data misuse; and

immigration officials receive training on gender-responsive and trauma-informed service delivery.



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3.4 Civil Registration Reforms, Digital ID, and Children's Rights

The CGE strongly supports reforms to civil registration, including the transition from the NPR to an Intelligent Population Register (IPR) and the introduction of mandatory birth registration through digital channels.

However, the CGE emphasizes that women and children are most affected by failures in civil registration, particularly where children are born to South African mothers and undocumented foreign national fathers, or vice versa.

The CGE recommends that:

no child be rendered stateless or undocumented due to a parent's migration status;

birth registration systems explicitly safeguard the best interests of the child, as required by Section 28 of the Constitution;

women caregivers not be denied access to registration processes due to dependency on undocumented partners; and

civil registration reforms be aligned with the Children's Act and international child-rights standards.

3.5 Provision of Health Care Services



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The CGE reiterates its concern that the Draft Revised White Paper lacks clarity on the scope and accessibility of health care services available to asylum seekers and refugees.

Given South Africa's high burden of HIV and AIDS, particularly among women, the CGE stresses that migration policy must explicitly address:

maternal and neonatal health;

prevention of mother-to-child transmission of HIV;

access to sexual and reproductive health services, including termination of pregnancy as provided by law;

care for survivors of sexual violence and trafficking.

The CGE recommends that:

health care entitlements for migrant and refugee women be clearly defined;

gender-responsive health services be available at designated processing and reception centres; and

denial of health care based on migration status be expressly prohibited.



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4. Conclusion

While the Draft Revised White Paper proposes far-reaching reforms aimed at improving efficiency, security, and service delivery, the CGE emphasizes that gender equality must be a foundational principle of the new migration framework.

Failure to explicitly address the lived realities of women and children risks perpetuating exclusion, abuse, and constitutional violations. The CGE therefore calls on the Department of Home Affairs to ensure that all reforms, including refugee management, citizenship, immigration, and civil registration, are gender-responsive, child-centred, and compliant with constitutional and human rights obligations.