

SOCIAL GRANTS FOR CHILDREN WITHOUT BIRTH CERTIFICATES AND CAREGIVERS WITHOUT IDENTITY DOCUMENTS

Did you know that children without birth certificates and caregivers without identity documents can get social grants from SASSA?

Many people do not know that the law includes an exception to the birth certificate and identity document (ID) requirement for social grants. The exception is in Regulation 13(1) of the Regulations to the Social Assistance Act of 2004.

This booklet tells you more about Regulation 13(1) and how to apply at SASSA for a social grant if you do not have an ID for yourself or a birth certificate for your child.



DID YOU KNOW THAT CHILDREN WITHOUT BIRTH CERTIFICATES AND CAREGIVERS WITHOUT IDENTITY DOCUMENTS CAN GET SOCIAL GRANTS FROM SASSA?

What the law says about social grants for people without IDs or birth certificates

Section 27(1)(c) of the Constitution says that everyone has the right to have access to social security, including, appropriate social assistance if they are unable to support themselves or their dependents.

Section 28(1)(c) of the Constitution says that **“every child has the right to basic nutrition, shelter, basic health care services and social services.”**

To give effect to the Constitution, the state provides social grants, including the Child Support Grant (CSG) for poor children under the age of 18, the CSG Top-Up for poor orphans living with relatives, the Care Dependency Grant (CDG) for children with disabilities, and the Foster Care Grant (FCG) for children in need of alternative care due to abuse or neglect. Caregivers can apply for these grants at their local South African Social Security Agency (SASSA) office.

The Social Assistance Act and its Regulations provide the rules and procedures for grants. One of the rules is that you must be a SA citizen, permanent resident or a refugee to qualify. Regulation 13(1) requires the caregiver applying for a grant for their child to submit an ID for themselves and a birth certificate for the child. This is to prove that you are either a SA citizen, a permanent resident or a refugee.

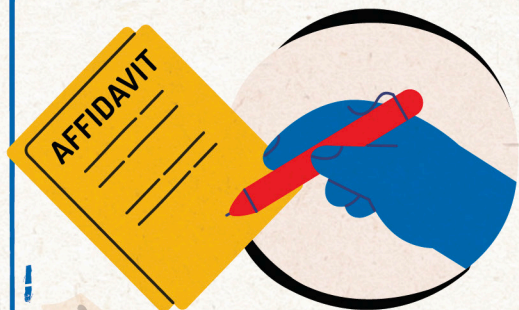




But there are some caregivers who do not have IDs and children who do not have birth certificates. To ensure that these caregivers and children are not deprived of their right to a social grant, Regulation 13(1) includes an exception to the requirement of IDs and birth certificates.

The exception says that if a caregiver does not have an ID, or the child does not have a birth certificate, SASSA must accept the application without the ID or birth certificate.

SASSA must then give the caregiver a SASSA affidavit to fill in and sign, and this will be accepted instead of the ID or the birth certificate.



THERE ARE MANY REASONS WHY SOME CHILDREN DO NOT HAVE BIRTH CERTIFICATES.

CHILDREN WHO ARE MORE LIKELY TO STRUGGLE TO GET A BIRTH CERTIFICATE INCLUDE:

- **CHILDREN BORN AT HOME IN RURAL AREAS,**
- **ORPHANED OR ABANDONED CHILDREN IN THE CARE OF RELATIVES,**
- **CHILDREN IN THE CARE OF UNMARRIED FATHERS AFTER THEIR MOTHER HAS DIED OR ABANDONED THE FAMILY, OR**
- **CHILDREN OF MOTHERS WHO DO NOT YET HAVE THEIR OWN IDs.**

All poor children have a right to receive a social grant, even if they do not have a birth certificate or their parent does not yet have an ID.

The Children's Institute at the University of Cape Town estimates that in 2017 there were about **500 000** children in South Africa who do not have birth certificates, and 80% of them are South African citizens. This number is likely to have increased by 2023 due to lockdown and budget cuts reducing Home Affairs services.

In December 2022, only **50 000** children without birth certificates were receiving social grants. While this number has grown over the past five years, the majority of children without birth certificates are still excluded from social grants. They need your help to access their grants.

Some parents do not yet have their own IDs. This could be because their own birth was not registered by their parents, or they have a refugee permit and are waiting for their ID, or they were orphaned or abandoned as a child, or they are a young mother who dropped out of school.

In December 2022 there were about **10 000** caregivers without IDs receiving social grants for their children.



WHAT ALTERNATIVE DOCUMENTS HELP PROVE IDENTITY?

IN ADDITION TO FILLING IN AND SIGNING THE SASSA AFFIDAVIT, YOU WILL BE ASKED TO SUBMIT ONE OF THE FOLLOWING DOCUMENTS:

- Road to Health Clinic Card;
- baptismal certificate;
- letter from a reputable person that knows the applicant and the child, such as a school principal, traditional leader, councillor, social worker or religious minister;
- latest school term report or proof of school attendance [e.g. SASSA's Annexure E Form];
- proof of application to Home Affairs for the ID or birth certificate; or
- a copy of your section 24 permit if you are a refugee.

IMPORTANT: Proof from Home Affairs that you have applied for birth registration or an ID is **NOT** required at the grant application stage. Even without proof of application to Home Affairs for a birth certificate, or ID, a caregiver can still apply for and receive the grant.

WHAT YOU NEED TO KNOW ABOUT APPLYING FOR A SOCIAL GRANT, IF YOU DON'T HAVE AN ID FOR YOURSELF OR A BIRTH CERTIFICATE FOR YOUR CHILD.

KNOW YOUR RIGHTS

I do not have an ID, but I want my child to receive a grant – what must I do?

Go to the nearest SASSA local office and explain that you do not have an ID and you want to apply for a grant in terms of Regulation 13(1) which allows for people without IDs to apply for grants if their ID is not available or has been lost.

The SASSA official must allow you to apply for the grant, using an affidavit in the place of your ID.

They may also ask you to **submit ONE** of the alternative documents listed below to prove your identity:

- your Road to Health Clinic Card;
- baptismal certificate;
- letter from a reputable person that knows you, such as a school principal, traditional leader, councillor, social worker or religious minister;
- your most recent school term report or proof that you attended school;
- proof of application to Home Affairs for your ID; or
- a copy of your section 24 permit if you are a refugee.

My child does not have a birth certificate – can I still apply for a grant?

Yes, Regulation 13(1) of the Regulations says that if your child does not yet have a birth certificate, you can still apply at SASSA for the grant.

The SASSA officials must give you a SASSA affidavit to fill in and sign in the place of the birth certificate.

They may also ask you to **submit ONE** of the alternative documents listed below to prove your child's identity:

- your child's Road to Health Clinic Card;
- baptismal certificate;
- letter from a reputable person that knows you and your child, such as a school principal, traditional leader, councillor, social worker or religious minister;
- your child's most recent school term report or proof of school attendance [e.g. SASSA's Annexure E form]; or
- proof of application to Home Affairs for your child's birth certificate.



The security guard at SASSA will not let me in the SASSA office because I do not have an ID – what must I do?

It is unlawful for anyone to prevent you from going into a SASSA office. You have a right to go into the office to apply for the grant, even if you do not have an ID or your child does not have a birth certificate.

If you or your child are being denied access to the office, request to speak to the supervisor or the office manager. Make sure to ask the name of the security guard so you can tell the supervisor which security guard is preventing you from going into the office.



You can also lodge a complaint in the complaint's box and give the name of the guard who prevented you from entering the office. If you are still unable to get help, please contact one of the organisations listed on the back cover for assistance.

The SASSA official says that I must provide proof from Home Affairs that I have applied for an ID or birth certificate before they will process my application for a grant – is this correct?

No, this is not official SASSA policy.

SASSA policy says that the official must accept the application for the grant, even if you do not have proof of having applied to Home Affairs for the ID or birth certificate. Proof of application to Home Affairs is one of the supporting documents you can submit if you do have it, but it is not a requirement.

What must I do after SASSA approves my grant?

After finalising your application at SASSA, you should approach Home Affairs to find out what you need to do to apply for an ID or birth certificate.

You can also ask the SASSA official to write a referral letter to Home Affairs so that Home Affairs knows you are a SASSA beneficiary. Or show the Home Affairs official your SASSA grant approval letter which contains your unique SASSA number (it will start with 7777) and tell them SASSA referred you to Home Affairs. This may help prioritise your application at Home Affairs.

IT IS IMPORTANT FOR ALL CHILDREN TO HAVE BIRTH CERTIFICATES.

This ensures that their right to a name, nationality, and identity is realised. If they do not have a birth certificate, they might be denied access to education or health care services. It is unlawful for schools or clinics to deny access for children without birth certificates – but not everyone knows about what the law says and some people may discriminate against you and your child. Children without birth certificates will struggle to get an ID when they turn 16, and this will have many negative implications for them in their lives. For example, they will not be able to open a bank account or go to college or university. They will struggle to find work or to apply for an old age pension when they reach the age of 60 years.

Before you leave Home Affairs, make sure they give you a receipt or other document (e.g. a referral letter to the social workers) to prove that you have started the application process.

Take a copy of the receipt or letter to SASSA and ask the SASSA official to accept a copy of the receipt or letter for your file and to tick the 'DHA receipt' box on the computer system. This will ensure that your grant is not at risk of being cancelled.

HOW DO I GET AN ID OR BIRTH CERTIFICATE?

We know that sometimes it is difficult to get a birth certificate or identity document from Home Affairs. Please contact us on the numbers on the back cover if you have been unable to get assistance from Home Affairs and need advice.

Child's ID No.																				
Alternative ID No.																				
Home Affairs receipt attached	Y	X	N	Receipt Date																
Surname																				
Name(s)																				
Date of Birth																				Gender

What should I do after I receive my ID or my child's birth certificate?

Make a copy of your ID or your child's birth certificate and take the copy to SASSA. Ask the SASSA official to change your profile on the computer system to include your ID or your child's birth certificate. This will ensure the grant is not cancelled.

SASSA officials are not supposed to make you do a fresh grant application at this stage but should simply 'link' your new ID number or your child's ID number to your existing profile on their computer system using the temporary SASSA number that begins with four sevens. This linking is important to prevent fraud, but many SASSA officials are not aware of how to do the linking so they may request you to do a fresh application.

The SASSA official and the grant approval letter says the grant will end after three months unless I return with the ID or birth certificate – is this correct?

SASSA used to cancel the grants for children without birth certificates or caregivers without IDs after three months if their caregivers do not bring the birth certificate or ID to SASSA in the three-month period.

This practice was unlawful because SASSA does not have legal authority to cancel the grants after three months. In June 2020 SASSA stopped this practice of cancelling grants. SASSA is not allowed to cancel the grants of children without birth certificates unless they suspect it is a fraudulent application.

Then they have to follow a review process, and this means they must inform you and give you an opportunity to explain your situation.

Some officials do not know that the three-month cancellation practice has been stopped and SASSA has not yet amended the grant approval letter to remove the three-month condition. Show the SASSA official this booklet and advise them to speak to the office manager. If the office manager is also unaware of this, ask them to contact their district or regional manager for guidance.

If the grant is cancelled after three months, go back to SASSA and insist that your grant be reinstated.

I am an adult who does not have an ID. I would like to apply for a disability grant. Does Regulation 13(1) also apply to me?

Yes, Regulation 13(1) applies to all SA citizens, permanent residents or refugees who do not have an ID or have lost their IDs, and you can use it to also apply for the disability grant or old age grant.



I tried to apply using Reg 13 (1), but the SASSA official refused to help me, what should I do?

Ask the official if you can speak to their supervisor.

Show them this booklet and all the documents you have brought with you to apply. If the supervisor still does not assist you, ask to see the Office Manager and show him or her this booklet and all your documents. If the Office Manager refuses to help you, ask them to call the District Manager or Regional Manager to discuss your case. If you are still not successful, contact the SASSA Regional Manager or one of the organisations on the back cover.

Remember that you also need to take the following documents with you to SASSA to comply with the standard rules for a Child Support Grant:

- **PROOF THAT YOU PASS THE MEANS TEST THRESHOLD:** this can be a 3-month bank statement, a payslip, or an affidavit written by you and signed at the police station which says you are unemployed and do not have any income.
- **BANK ACCOUNT INFORMATION:** this is so that SASSA can pay the money into your bank account. If you do not have a bank account because you do not have an ID, ask SASSA to give you a confirmation letter or an award letter to take to Postbank to open a Postbank account.
- **MARRIAGE CERTIFICATE AND SPOUSE'S ID:** If you are married, SASSA will want a copy of your marriage certificate as well as a certified copy of your spouse's ID. They will also request proof of your spouse's income.
- **PROOF YOU ARE THE PRIMARY CAREGIVER:** If you are not the biological parent of the child, SASSA will ask you to prove that you are the child's primary caregiver. They want to know that you are the person who provides the daily care for the child. This can be an affidavit written and signed by you at the police station, a letter from the school principal or a social worker, or an affidavit signed by the child's biological parent.

If you are applying for the CSG Top-Up, you will also need to take the following documents with you:

- **DEATH CERTIFICATES OF BOTH THE CHILD'S PARENTS:** If you have both death certificates, take certified copies with you.
- **DEATH CERTIFICATE OF ONE OF THE CHILD'S PARENTS:** If you only have one certificate, take a certified copy with you and you will be asked to fill in a SASSA affidavit explaining that you do not know whether the other parent is dead or alive. This may be because you do not know their name or where they are.

DO YOU NEED HELP TO GET A CHILD GRANT BECAUSE YOU DON'T HAVE AN ID OR A BIRTH CERTIFICATE?

1 Start by calling the SASSA call centre.

0800 60 1011

grantenquiries@sassa.gov.za



sassa
SOUTH AFRICAN SOCIAL SECURITY AGENCY

2 If they are not able to assist you, then call the SASSA regional manager for your province.

Eastern Cape	Ms Vuyisa Dodo	VuyisaD@sassa.gov.za	082 477 2769
Free State	Mr Rapelang Leshotho	RapelangL@sassa.gov.za	061 462 4102
Gauteng	Ms Tsebeletso Makhetha	TsebeletsoM@sassa.gov.za	082 324 8110
KwaZulu Natal	Mr Dennis Hlengwa	DennisH@sassa.gov.za	064 687 3655
Limpopo	Mr Maphuti Sethosa	MaphutiS@sassa.gov.za	060 505 9608
Mpumalanga	Ms Kedibone Mathebula	KediboneM@sassa.gov.za	082 825 1035
Northern Cape	Ms Yoliswa Matross	YoliswaMa@sassa.gov.za	073 818 8292
North West	Ms Mildred Sono	MildredSo@sassa.gov.za	066 480 6420
Western Cape	Mr Sibusiso Nhlangothi	MichaelNH@sassa.gov.za	066 243 5549

3 If the SASSA regional manager is not able to assist you, please call a SASSA national manager.

General Manager, Customer Care	Mr Sonwabo Koliti	Sonwabok@sassa.gov.za	082 971 9103
Executive Manager	Mr Brenton van Vrede	Brentonvv@sassa.gov.za	079 514 4484

4 If you are still not assisted, please contact one of the organisations below.

LRC

Legal Resources Centre



Cape Town

021 879 2398

Durban

031 301 7572

Johannesburg

011 836 9831

Makhanda

046 622 9230



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