9 June 2026

**Joint press statement: Court case against Home Affairs on backlog in birth registrations to be heard in Western Cape High Court on 10 June 2026**

Tomorrow, Wednesday 10 June 2026, the Children's Institute (University of Cape Town) and a group of South African parents, represented by the Legal Resources Centre, will be in the Western Cape High Court for the hearing of our birth registration case. This legal action is due to the severe delays in the processing of applications for birth registration, and the significant consequences this has on the constitutional rights of children.

On 19 May 2023, the then-Minister of Home Affairs, Dr Aaron Motsoaledi, acknowledged to Parliament that between 2018 and 2022, a backlog of undecided late registration of birth (LRB) applications had accumulated. LRB applications are applications for birth registration that are lodged after the child is 30 days old. In December 2022, Home Affairs had 258 000 undecided LRB applications, primarily for children under the age of 18 years. The applicants had lodged their applications, had receipts and were all waiting for Home Affairs to decide their applications and issue their birth certificates. Most had been waiting for years.

During 2023 and 2024 the Children's Institute and the Legal Resources Centre sent three letters to the Minister and Department of Home Affairs (DHA) detailing cases of children whose LRB applications were stuck in the backlog and requested urgent intervention for these children and others also stuck in the backlog. No response was received to any of the letters.

In December 2024, the Children's Institute and a group of parents, represented by the Legal Resources Centre, launched litigation in the Western Cape High Court. The litigation is aimed at compelling Home Affairs to:

(a) decide the applications of the 15 children and two adults involved in the court case and issue their birth certificates if approved;
(b) diagnose the systemic inefficiencies that resulted in the applicants and their children, and over a quarter of a million other children, waiting many years for decisions on their applications; and
(c) draft a plan to address these systemic inefficiencies so that present and future LRB applications are decided without long delays.

After an initial five-month long delay by Home Affairs in responding to the litigation, all papers have been filed, and the case is set down for a hearing on Wednesday 10 June 2026.

This press statement provides details of the litigation to date and the key debates emerging from the court papers.

**The parents and children involved in the court case**

The parents involved in the case are primarily mothers, while others are fathers, relatives, foster parents and prospective adoptive parents. They had all submitted applications to Home Affairs for the late registration of their children's births (and in two instances for their own births).

Despite submitting all the necessary documents and complying with the provisions of the Births and Deaths Registration Act and its Regulations, they were forced to wait for between two and

seven years for Home Affairs to decide their applications. They followed up multiple times over the years, paying high transport costs and repeatedly providing their contact details – only to be told to go home and wait for a call for an interview.

In June 2025, when national Home Affairs belatedly became aware of the High Court case, the local offices started processing the applications of the parents and children directly involved in the case. After officials had assessed and verified the applications, they held interviews for each family. Concerningly, many of the interviews focussed on coercing mothers, in the presence of their children, to admit to being negligent because they applied late for their child's birth registration. By September 2025, all 15 of the children's birth certificates had been issued and one of the adults had also received theirs. Only one adult remained without her birth certificate.

In the meantime, we were contacted by a growing list of parents and their children who were also stuck in the backlog. We collated lists of these families and submitted the lists to the State Attorney managing the case in the hope that this would result in Home Affairs deciding the children's applications. We have not yet received a formal response to these lists but have seen that some of these children have since started receiving attention at the local offices.

**Severe consequences for the constitutional rights of children**

The detailed affidavits of parents in our court case highlight the real consequences of the unreasonable delays caused by inefficiencies within Home Affairs.

These include children being:

- denied public healthcare services and private medical aid,
- refused enrolment in early learning programmes and school,
- asked to leave their schools,
- forced to attend schools far from home incurring high transport costs,
- excluded from participating in school and club sporting matches, and
- excluded from school outings.

Parents and caregivers also reported:

- being refused social grants for their children's basic needs, or if they did manage to get a grant it was often suspended or cancelled by SASSA due to the child not having a birth certificate;
- that their child's adoption could not be finalised; and
- being refused assistance from the Maintenance Court to claim financial support from the child's other parent.

**Why services for late registration of birth should be improved**

The Births and Deaths Registration Act requires parents to register their child's birth within 30 days of the baby being born. For babies not registered within 30 days, the Act allows for late registration of birth by parents, relatives or social workers, with additional proof being required for children aged one year and older. Registrations before the baby is one year old are generally easier – however for children older than one year of age, the process can be difficult to navigate and likely to take a long time.

Besides additional proof being required, LRB applications are generally discouraged by Home Affairs and not prioritised at a political level.

However, there are many valid reasons why some parents do not register their babies early:

- Some parents do not know about the 30-day registration requirement;

- Some parents in rural areas cannot afford the high cost of transport to a Home Affairs office;
- Cultural practices of some families require mothers and babies to stay home for up to three months following birth and/or to name the baby only after consultations with extended family;
- If a mother passes away during or immediately after childbirth, the child cannot be registered until the mother's death certificate has been finalised. If the father is not married to the deceased mother, he is generally not allowed to register the baby;
- Newborn babies and mothers who are transferred to tertiary healthcare facilities due to health complications may spend their first 30 days in a hospital without a Home Affairs desk;
- Mothers suffering post-natal depression can struggle to meet their parental responsibilities, including birth registration;
- Mothers with blocked IDs were not allowed to register their babies until 2024, when a High Court order prohibited DHA from preventing birth registration in such cases;
- Newborn babies abandoned by their mothers need social worker investigations and Children's Court orders to be registered, which takes at least 90 days;
- Older children without birth certificates, who were abandoned by their mothers, also need court orders to be registered. The relatives caring for them are dependent on social workers to obtain the court orders.

The most common reason we encounter for babies not being registered within 30 days is because their mother did not have an ID when giving birth.

There are multiple reasons why a mother may not have an ID when she gives birth:

- Many young women who were orphaned or abandoned cannot obtain their IDs due to Home Affairs requiring first time ID applicants to be accompanied by their parents. Women born in the late 1990s and early 2000s, at the height of the HIV pandemic when maternal orphaning was at its peak, are most affected by this challenge.
- Mothers between age 16 and 19 years, who became pregnant while still schooling, are more likely to miss opportunities provided by the school environment for ID applications.
- If a young mom is under the age of 16 when she gives birth, she is not yet eligible to apply for her ID. Some Home Affairs officials are aware that moms under 16 can use their birth certificates to register their babies if they have an adult family member with them, but many officials are not aware of this option.

**What is the size of the backlog?**

**December 2022 – the original backlog:** On 19 May 2023 the then-Minister, Motsoaledi, acknowledged to Parliament that between 2018 and 2022 a backlog of LRB applications had accumulated. It amounted to a quarter of a million children (258 000) as at December 2022. We call this figure the 'original' backlog.

**June 2025 – Deputy Minister reports the backlog as 33 000 applications*:*** On 19 June 2025 in response to media reports on our court case, the Deputy Minister of Home Affairs said in a TV news interview that the figure of "250 000 was actually an estimate" and that it was drawn from "historical data". He said the backlog was at 33 000 applications and that this was a small number in comparison to the high number of birth registrations that Home Affairs finalises every year.

**October 2025 – Home Affairs DG reports to High Court that the backlog stands at 33 386*:*** On 20 October 2025, Home Affairs filed its Answering Affidavit, and attached a presentation dated June 2025 that reported the backlog of "LRBs on hand" as 33 386 as of 31 May 2025.

**November 2025 – Children's Institute submits that the 'current' backlog is likely 240 000:** On 14 November 2025 the Children's Institute filed its Replying Affidavit which included a supporting

affidavit by a statistical expert that analysed the number of LRBs approved in 2023 and 2024 (as published by Stats SA) to test the validity of the Home Affairs backlog figure of 33 386. This analysis found that the 'original backlog' could only have been reduced to 140 000 by the end of 2024 and that due to more applications being lodged in 2023 and 2024, a further 100 000 undecided LRB applications had been added, bringing the backlog to over 240 000 undecided LRB applications at the end of 2024.

The Children's Institute also filed affidavits from staff members and clients who had visited two Home Affairs offices in the Cape Metro in late 2025 and had been informed by the officials working on the LRB applications in these offices that these two offices together had approximately 2500 LRB applications on their desks. This contradicted the Answering Affidavit of the Home Affairs DG which alleged that there we only 297 "LRBs on hand" in the whole of the Western Cape.

**February 2026 – Minister Leon Schreiber reports to Parliament that backlog is still at 33 386*:*** On 12 February 2026, the Minister answered a Parliamentary question on the LRB backlog and he repeated the same figure of 33 386 that was first reported in June 2025, nine months previously.

**What does "LRBs on hand" mean?**

It is not clear what Home Affairs is counting when it reports on its LRB backlog:

(a) Does the figure of 33 386 "LRBs on hand" refer to LRB applications that remain undecided from the original backlog of 258 000 in December 2022? If yes, why is Home Affairs not including undecided LRB applications that were lodged since January 2023 to date?
(b) Or does the figure of 33 386 refer to all undecided LRB applications currently sitting in paper folders in local DHA offices? If yes, why has the number remained the same between 31 May 2025 and 12 February 2026? Does this mean there has been no progress in reducing the backlog in these nine months? Or that Home Affairs has not done a physical stock take since 31 May 2025?
(c) Or does the figure of 33 386 "LRBs on hand" refer only to those applications that have been verified and scheduled for interviews, excluding all the other LRB applications that have been lodged by parents but not yet assessed or verified by Home Affairs officials?

**What should be counted as "in the backlog"?**

All LRB applications submitted to Home Affairs and not decided within six months should be considered to be "in the backlog". This is because Home Affairs has set its own timeframe of 180 days (six months) in its Standard Operating Procedure for deciding LRBs for individuals aged 15 and older. There appears to be no timeframe set for deciding LRBs for children aged younger than 15 years. However, because younger children are more vulnerable, it can be assumed that the timeframe would not be longer than the timeframe set for older children and adults.

Besides the 258 000 in the backlog in December 2022 that remain undecided to date, anyone who has lodged an LRB application since 1 January 2023 and who has been waiting for more than six months should be counted as falling within the LRB backlog. Based on the data supplied to Parliament by the Minister in 2023, we can see that on a yearly basis, Home Affairs accumulates on average 50 000 undecided LRB applications. Therefore, we estimate that 100 000 applications that had been lodged in 2023 and 2024 remained undecided by the end of 2024. If we add the undecided applications in the original backlog (140 000) to the undecided applications that were lodged in 2023 and 2024 (100 000), we reach the figure of 240 000 undecided LRB applications at the end of 2024. This does not include applications submitted since January 2025 and therefore underestimates the current backlog.

**Paper-based system in a time of digital transformation**

LRB applications are lodged at local offices on paper application forms and stored in paper folders. There appears to be no electronic register to enable tracking of the national or provincial numbers, and no electronic system for storing copies of the precious supporting documents that applicants have spent money and time on collecting.

These supporting documents include original copies of proof of birth forms signed and stamped by healthcare facilities where the child was born, and school letters and admission registers from the school that the child attended for Grade 1.

This paper-based system makes undecided LRB applications invisible to the national office unless a physical stock take is done at the over 300 Home Affairs offices around the country.

Paper files are also more susceptible to loss, neglect and fraud. In August 2025, the files of two of the Children's Institute's clients[1] were destroyed in the fire at the Germiston Home Affairs office.[2] One client, a mother of two unregistered children, had been waiting over a year for her own LRB application to be decided. Since the fire she has had to lodge a new application and start the wait again.

Another of our clients, *Zanele (pseudonym), a 16-year-old orphan living with her aunt, had already been waiting two and a half years since her LRB was lodged. Her interview had been conducted successfully in late 2024 and Home Affairs Germiston said in July 2025 that it was waiting on Pretoria to verify her fingerprints. After Zanele's LRB file was burnt in the fire in August 2025, she was told she will have to reapply. In April 2026, SASSA stopped paying Zanele's CSG Top-Up and her aunt's Old Age Pension. SASSA requires her aunt to provide Zanele's birth certificate before they will reinstate her Old Age Pension and CSG Top-Up. SASSA's review system is red flagging anyone without an ID or a birth certificate – including orphaned and abandoned children and the grannies caring for them who have been waiting on Home Affairs for many years.

**Causes of the backlog**

From the experiences of our clients, it appears that much of the backlog can be ascribed to:

- Applications sitting in paper piles at local offices for many years before they are opened and processed for verification.
- Unreasonably long delays by Home Affairs in verifying the supporting documents of applicants (the proof of birth form and evidence of primary school enrolment).
- The insistence by Home Affairs on conducting interviews for all applications for LRB despite this not being required by the law or by Home Affairs policy.
- Interview panels consist of five officials including several senior officials needed for day-to-day services at local offices, meaning that interview panels do not meet often enough and that when they do meet, service delivery at office level is delayed for people in the queues.
- Interviews often being focussed on compelling mothers to admit negligence for applying late, rather than on verifying the accuracy of the information provided.
- Home Affairs officials and interview committees insisting on reports from social workers, newspaper adverts for abandoned children, and/or court orders, in cases where not required by law.

[1] Client refers to parents and children who are assisted by the Children's Institute legal services project.
[2] At 14:15 into the news interview the DHA Provincial Manager explains that LRB files have been destroyed in the fire.

- Home Affairs officials requesting supporting documents that were not legally required when the application was lodged, due to the delay caused by Home Affairs resulting in the child having aged considerably since the application was lodged.
- Lack of interprovincial cooperation between Home Affairs offices to verify births that occurred in another province, or primary school enrolment in another province.

**Lack of cooperation between provincial DHA offices**

Some of the caregivers who we are assisting have been told by Western Cape Home Affairs offices that their files have been closed or thrown away, and that they must travel to the Eastern Cape where they or their child was born, to apply again. Security officers at some Western Cape Home Affairs offices screen people in the queues and instruct those with children born in another province that they cannot apply for LRB in the Western Cape.

There is no legal requirement that an application for birth registration must be lodged in the child's province of birth, and many caregivers cannot afford to return to the province of birth for this purpose alone. When this practice was brought to the Minister's attention in November 2024 via a Parliamentary Question, he responded that this was not Home Affairs policy and anyone turning an applicant away for this reason would face disciplinary action. However, more than a year later we still encounter this practice in the Western Cape, KwaZulu-Natal and Gauteng.

Other parents or caregivers are also told to go to the province where they or their child was born to get new copies of the supporting documents that they lodged – in particular proof of birth from the health facility where the child was born. This causes long delays for many children due to the family having to save money to afford the inter-provincial travel. A simple email between Home Affairs offices in the two affected provinces would easily solve this challenge. Home Affairs also has officials based in most of the busy maternity wards in health facilities, making access to birth records across provinces something that should be easy to sort out.

**Our court action seeks to compel Home Affairs to address these systemic problems**

Our legal action seeks a court order that compels Home Affairs to develop a clear and detailed diagnosis of bottlenecks in the late registration of birth process, as well as a step-by-step plan to address these bottlenecks and to prevent the reoccurrence of such severe delays for current and future applications for late registration of birth.

**ENDS**

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