

# Global Immigration alert

May 2025

## South Africa

Constitutional Court declares automatic loss of South African citizenship unconstitutional

### Executive summary

On 6 May 2025, the Constitutional Court of South Africa declared Section 6(1)(A) of the South African Citizenship Act of 1995 unconstitutional. This ruling removes the automatic loss of South African citizenship for individuals who acquired citizenship of another country without first applying to retain their South African citizenship.

### Background

For nearly three decades, Section 6(1)(A) of the Citizenship Act led to South Africans unknowingly losing their citizenship upon becoming citizens of another country, unless they had proactively applied to retain it. This legislation created challenges and uncertainty for many individuals.

### Key developments

The court's ruling emphasizes that South African citizenship is a fundamental right that cannot be revoked arbitrarily. It aligns South African law with international practices aimed at recognizing dual citizenship and preventing statelessness. The ruling also allows for the reinstatement of citizenship for impacted individuals, specifically for cases where citizenship was lost on or after 6 October 1995. To streamline this process, the Department of Home Affairs is developing an online portal that will allow individuals to submit their cases for citizenship reinstatement. Further details will be provided in the coming weeks.

### Impact

This decision addresses the situation of many South Africans who lost their citizenship rights, often without their knowledge. The ruling facilitates the restoration of these rights and provides a streamlined process for individuals seeking reinstatement through the upcoming online portal. The decision will also benefit employers by granting them access to a broader pool of talent.

### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.



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