IN THE SABWIL HUMAN RIGHTS COURT

(AFSA CHAMBERS, SANDTON)

Case no: 1112/19

In the matter between:

PERSON, Donald	First Applicant
PERSON, Mila	Second Applicant

and

Minister of Home Affairs	Respondent

and

***UBUNTU* NOW**	*Amicus Curiae*

FILING NOTICE: THE FIRST AND SECOND APPLICANT'S HEADS OF ARGUMENTS

DOCUMENT FILED: FIRST AND SECOND APPLICANT'S HEADS OF ARGUMENTS

DATED AT JOHANNESBURG THIS 19th DAY OF NOVEMBER 2019

COUNSEL FOR THE SECOND AND THIRD RESPONDENT

BOITUMELO SEKGALA SC

NOKWANDA HLONGWA

SHIKO MONYEBODI

NATASHA CHISWA

TO: THE REGISTRAR OF THE ABOVEMENTIONED HONOURABLE COURT, SANDTON

AND TO: THE STATE ATTORNEY

AND TO: COUNSEL FOR THE *AMICUS CURIAE*

IN THE SABWIL HUMAN RIGHTS COURT

(AFSA CHAMBERS, SANDTON)

Case no: 1112/19

In the matter between:

PERSON, Donald	First Applicant
PERSON, Mila	Second Applicant
and	
Minister of Home Affairs	Respondent
and	
***UBUNTU* NOW**	*Amicus Curiae*

THE FIRST AND SECOND APPLICANT'S HEADS OF ARGUMENTS

BACKGROUND FACTS

SECTION 6(1) DOES NOT APPLY IN THIS MATTER

1. The Applicant submits that section 6(1) of the Citizenship Act does not apply in this matter. This submission is premised on the fact that (i) NAR is not a country because conquest violates the *jus cogens* prohibition of the use of force,[1] thus the region was acquired contrary to international law; (ii) there was no formal and voluntary act to acquire citizenship of a foreign country; and (iii) Rachel was a minor at the time of allegedly acquiring citizenship of NAR. Consequently, section 6(1) does not apply as Rachel did not acquire citizenship of a foreign country, thus Rachel did not cease being a South African citizen.

i. NAR IS NOT A COUNTRY AS THE REGION WAS ACQUIRED CONTRARY TO INTERNATIONAL LAW

2. Conquest operates as a cause of loss of territorial sovereignty when a State is engaged in war and by reason of the defeat of the State, its territorial sovereignty passes to the victor.[2] It is common cause that NAR was acquired the region through conquest.[3]
3. Article 2(4) of the UN Charter enjoins all states to refrain from the use of force. The article bears a customary law status and, therefore binds non-State parties.[4] It is considered to be comprehensive enough to outlaw war, not in its traditional sense alone, but also all forms of use of force, be it formally declared hostilities or not.[5]
4. The inclusion of a general prohibition of the use of force in international relations by the UN Charter has had a considerable impact on the regulation of territorial change.[6] It is commonplace that international law does not recognise military conquest as a source of title.[7]

---

[1] Charter of the United Nations, Article 2(4).
[2] *Legal Status of Eastern Greenland (Denmark v Norway)*, Judgement, I.C.J Reports 1933, p. 22 at p. 47.
[3] SHRC Case Scenario, at para 3.
[4] I Brownlie *International law and the use of force by States* (1963) 1t 113.
[5] L Henkin *How nations behave: Law and foreign policy* (1979) at 139-140.
[6] Kohen MG, Hebie M. (2011). Territory, Acquisition. In Max Planck Encyclopaedias of International Law. Hereafter Kohen and Hebie.
[7] *South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)*, Second Phase, Judgement, I.C.J. Reports 1966, p. 6, at 418.

5. As a consequence, no territorial acquisition resulting from the use of force shall be recognised as legal.[8] Resort to force being illegal, there is currently no possibility of producing a territorial change of sovereignty as a result of conquest.[9] Therefore, NAR's acquisition of the region through conquest is contrary to international law, and thus the region does not constitute a country.

ii. THERE WAS NO 'FORMAL AND VOLUNTARY ACT'

6. Section 6(1) of the Citizenship Act requires that a 'formal and voluntary act' leading to the acquisition of a foreign citizenship be performed prior to the loss of South African citizenship.
7. The formal and voluntary act, other than marriage, whereby the foreign citizenship is acquired may include the making of a formal application in a foreign country for naturalisation or the making of a declaration of allegiance to a foreign country.[10] The Applicant submits that no such application or allegiance had been filed or declared by Rachel. Therefore, no formal and voluntary act had been performed by Rachel.

iii. SECTION 6(1) DOES NOT APPLY TO MINORS

8. Loss of South African citizenship on acquiring the citizenship of another country is contingent upon the majority of the South African citizen concerned, at the time of acquiring the other citizenship.
9. The Applicant submits that, at the material time of allegedly acquiring NAR citizenship, Rachel was 15 years old and had not yet attained majority. On a basic understanding of section 6(1), the provision provides that a South African citizen, who takes up a foreign citizenship, while still a minor, will not lose his or her South African citizenship.
10. Consequently, Rachel cannot be considered to have taken up NAR citizenship as a minor who acquires a foreign citizenship does not thereby lose his or her South African citizenship.

---

[8] Kohen and Hebie at p 48.
[9] Kohen G. (2015). Conquest. In Max Planck Encyclopaedias of International Law.
[10] *Ebrahim v Minister of the Interior* 1976 (1) SA 665 (AD) at 679 para F-G.

THERE WAS NO VOLUNTARY OR FORMAL ACT performed by Rachel leading to her citizenship being revoked by the Minister. The loss of citizenship is automatic. There is no notice to the affected citizen. The affected person may not be even being aware that he or she has lost their citizenship. The reference to 'formal and voluntary act is not defined in the Act and is not clear what the phrase 'other than marriage means. Section 6(1) of the citizenship act does not only deprive citizens of the right to citizenship, it does the without notice for unjustifiable reason and without any person taking a decision on the deprivation.
After a question and answer session conducted with the Department of Home Affairs: Citizenship Section an indication was given that the words *voluntary and formal act* refer to a person applying for citizenship being over the age of 18 years and [having] sign[ed] a document, like an oath or declaration". Rachel never signed a document or declaration hence there was no voluntary of formal act

SECTION 6(1) DOES NOT APPLY TO MINORS – A minor is a child under the age of 18 according to section 28 (3) of the Constitution of South Africa 1996. It is clearly stated in section 6(1)(a) that a South African citizen shall cease to be a South African citizen if he or she, whilst not being a minor, by some voluntary and formal act other than marriage, acquires the citizenship or nationality of a country other than the Republic. Rachel was 15 years old and cannot be considered to have attained citizenship of NAR thus does not cease to be recognised as a South African citizen.

THE MINISTER WAS NOT EMPOWERED TO REVOKE RACHEL AND MIKE'S CITIZENSHIP IN ACCORDANCE WITH SECTION 8(2)

11. Section 33 of the Constitution, along with PAJA, confines its operation to "administrative action".[11] To determine whether a conduct is subject to review under section 33 and/or PAJA, the threshold question is whether the conduct under consideration constitutes administrative action.[12] The enquiry thus focuses on the nature of the function that the public official performs.[13]
12. The Applicants submit that, by its very nature, the Minister's decision under section 8(2) of the Citizenship Act to deprive Rachel of her South African citizenship amounts to an administrative action.[14]
13. The applicant for judicial review does not have a choice as to the 'pathway' to review: if the impugned action is an administrative action, the application must be made in terms of section 6 of PAJA.[15] The Applicant's review application is premised on the provisions of the PAJA on the grounds that (i) the action is materially influenced by an error of law and/or fact,[16] and because (ii) it is neither rational nor reasonable.

i. THE ACTION WAS MATERIALLY INFLUENCED BY AN ERROR OF LAW AND FACT

14. The Applicants submit that an administrative decision has to be taken on an accurate factual basis as a result of which a material mistake of fact renders an administrative decision subject to review.[17]
15. An error of law which has an impact on the decision renders the decision subject to review when it was decided that a material error of law is an error that influence the outcome of a decision.[18]

---

[11] *Bowman Gilfillan Inc v Minister of Transport In re: Minister of Transport v Mangisi George Mahlaela and Others* (15806/2016) [2018] ZANGHC (7 February 2018) at para 28. Hereafter *Bowman*.
[12] *Bowman* at para 29,
[13] *Bowman* at para 30.
[14] *Mbemba Pierre Mahinga v Minister of Home Affairs and Another* (49604/2016) [2017] ZANGHC (8 August 2017) at para 2.
[15] *Minister of Home Affairs and Another v The Public Protector* (308/2017) [2018] ZASCA 15 (15 March 2018) at para 28.
[16] Section 6(2)(d) of PAJA.
[17] *Pepcor Retirement Fund and Another v Financial Services Board* 2003 (6) SA 38 (SCA).
[18] *Hira and Another v Booysen and Another* 1992 (4) SA 69 (A).

16. The Applicants submit that deprivation of one's citizenship is contingent upon one being a citizen of another country.[19] The Applicants submit that, at present, Rachel only carries South African citizenship. Rachel merely has a claim to British citizenship. That does not entail that she is a British citizen as such citizenship has not yet been conferred. The Minister's decision fails to appreciate this fact and amounts to both an error of law and fact. Consequently the decision is subject to review and being set aside.

ii. THE DECISION IS NEITHER REASONABLE NOR RATIONAL

17. The Applicants submit that where a decision is challenged on the grounds of rationality, Courts are obliged to examine the means selected to determine whether they are rationally related to the objectives sought to be achieved.[20] The word "unreasonable" denotes partiality and inequality, manifest injustice and oppressive or uncalled for interference with rights.[21]
18. The Respondent submits that Rachel has never advocated for, whether tacitly or explicitly, the creation of "the new Zion for the Aryan race" within the Republic. Consequently it cannot be reasoned that she disavowed section 1 of the Constitution, whereas she had never opposed that South Africa belongs to all those who live in it.
19. Consequently, the Minister's decision is not rationally connected to it being in the public interest to deprive Rachel's citizenship nor there being security concerns against her admission. Therefore, the said decision is an oppressive and uncalled for interference with Rachel's citizenship rights, rendering such decision both irrational and unreasonable.

The Minister of Home Affairs was not empowered to revoke the citizenship of Rachel and Mikael in accordance with section 8(2) of the Act.

Section 8(2) does not operate automatically; it requires a considered decision by the Minister. For the above reasons the revoking of citizenship cannot take place without notice by the Minister to the affected person and is not based solely on the fact

[19] Section 8(2) of the Citizenship Act.
[20] *Albutt v Centre for Study or Violence and Reconciliation and Others* 2010 (3) SA 293 CC at para 91.
[21] *Medirite (PTY) Ltd v South African Pharmacy Council and Another* (50309/12) [2013] NGHC (20 December 2013) at para 24.

that a SA citizen acquired a second citizenship instead the dual citizen must have committed a crime or it must be in the public interest that he or she is stripped off their citizenship.

Rachel was not at any time sentenced in any country to a period of imprisonment of not less than 12 months for any offence committed at NAR or any country which was regarded as an offense in South Africa. Rachel and her three months son are not a threat to the society, and have not harmed anyone by their presence hence the Minister cannot revoke her citizenship on the basis that his decision satisfied that it is in the public interest that such citizen shall cease to be a South African citizen.

Any decision to revoke or withdraw recognition of nationality, which has such an important effect on an individual's rights, must be subject to review and appeal and respect due process of law. South Africa is a contracting state regarding universal declaration of human rights ……hence is bound by international law.

This clearly establish that the prohibition applies equally to automatic withdrawal of nationality by operation of law (known as "loss" of nationality in the 1961 Convention), as it does to situations where the withdrawal is initiated by the authorities of the State (deprivation). Additional prohibitions apply if withdrawal would result in the person becoming stateless. Thus, any decision to revoke or withdraw recognition of nationality, which has such an important effect on an individual's rights, must be subject to review and appeal and respect due process of law.

In the African context, the ruling of the independent Eritrea-Ethiopia Claims Commission stated that: International law limits States' power to deprive persons of them nationality. In this regard, the Commission attaches importance to the principle expressed in Article 15, paragraph 2, of the Universal Declaration of Human Rights, that "no one shall be arbitrarily deprived of his nationality." In assessing whether deprivation of nationality was arbitrary, the Commission considered several factors, including whether the action had a basis in law, whether it resulted in persons being rendered stateless; and whether there were legitimate reasons for it to be taken given the totality of the circumstances.

African Commission has found that the provision of Article 5 that states "[e]very individual shall have the right to the respect of the

dignity inherent in a human being and to the recognition of his legal status" applies specifically to attempts to denationalise individuals and render them stateless. In *Amnesty International v. Zambia*, the Commission considered the deportations of William Banda and John Chinula from Zambia to Malawi and found that "[b]y forcing [the complainants] to live as stateless persons under degrading conditions, the [Zambian] government … [had] deprived them of their family and [was] depriving their families of the men's support, and this constitutes a violation of the dignity of a human being, thereby violating Article 5".

Therefore, it is clear from the above that the Minister was not empowered to revoke Rachel citizenship.

3. The Constitution gives many rights to 'everyone' but keeps certain rights for citizens only. If you are a citizen of South Africa you have the right to: vote, stand as a candidate in elections, live in any area in South Africa, choose your trade, occupation or profession, be given a South African passport for travel to other countries, come into South Africa even if you have lived somewhere else for a long time. None of these rights apply to people who are not South African citizens, even if they have lived legally in this country for very many years until they become South African citizens.
Section 20 of the Constitution of the Republic of South Africa of 1996 SA Constitution-

> "No citizen may be deprived of citizenship".

The decision to revoke Rachel or Mikael's right to citizenship violates section 20 of the Constitution other constitutional rights. Section 20 of the Constitution of the Republic is not the only section in the constitution which directly or indirectly implicates the right to citizenship. Section 1(d) of the Constitution states that:

> 1.The Republic of South Africa is one, sovereign, democratic state founded on the following values:
> (d) Universal adult suffrage, a national common voter's roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

The right to citizenship enables other constitutional rights and being deprived of South African citizenship violates the following constitutional rights.

Human dignity

Section 10 - Everyone has inherent dignity and the right to have their dignity respected and protected. Depriving Rachel and Mikael of their right to citizenship deprives them of a vital element of dignity. Since the affected person is no longer a South African citizen he or she may no longer vote in general elections although he or she may permanent residence.

The importance of the right to vote was elaborated in the case of August and Another v Electoral Commission and Others 1999 (3) (SA) 1 CC when the court stated in paragraph 17 Universal adult suffrage on a common voters roll is one of the foundational values of our entire constitutional order. The achievement of the franchise has historically been important both for the acquisition of the rights of full and effective citizenship by all South Africans regardless of race, and for the accomplishment of an all-embracing nationhood. The universality of the franchise is important not only for nationhood and democracy. The vote of each citizen is a badge of dignity and of personhood. Quite literally, it says that everybody counts. In a country of great disparities of wealth and power it declares that whoever we are, whether rich or poor, exalted or disgraced, we all belong to the same democratic South African nation; that our destinies are intertwined in a single interactive polity. Rights may not be limited without justification and legislation dealing with the franchise must be interpreted in favour of enfranchisement rather than disenfranchisement.

The shock and trauma experienced by these people learning for the first time that South Africa is not their home and place of nationality, is immense. It is a violation of their dignity.

Just administrative action

Section 33 –

Loss of citizenship has administrative implications, in that procedural fairness of administrative acts that have critical implications for a person’s constitutional rights is a mandatory requirement under the Promotion of Administrative Justice Act. This requirement certainly implies that a person who is deprived of

his or her citizenship must be given notice to that effect. An investigation should be conducted into the procedural fairness, right to written reasons and the reasonableness of the procedures followed by the Department of Home Affairs in depriving South African citizens of their South African citizenship.

In Zondi v MEC for Traditional and Local Government Affairs and Others 2005 (3) SA 589 (CC) The constitutional court at paragraph 112 emphasized the importance of the audi principle: The right to notice before an adverse decision is made is a fundamental requirement of fairness. Notice provides a person affected with the opportunity to make representations as to why an adverse decision should not be made without affording the person to be affected by the decision a reasonable opportunity representation.

It is unfair, unjust and unreasonable for to be deprived of her SA citizenship without a notice to the affected person who in this case is Ms Rachael.

Freedom of trade, occupation and profession

Section 22- Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law. South Africans also have a right of freedom and movement which includes the right to a South African Passport and the right to remain in South as stated in section 21 (3) and (4) of the Constitution.

Freedom of movement and residence

21 (3) every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.
(4) Every citizen has the right to a passport.

Ms Rachael is longer a South African citizen; she is no longer entitled to a South African identity document or a South African passport. As a permanent resident the person is only entitled to apply for and hold a non-South African citizen's identity document, which will be issued with a new identity number (i.e. Identity number of a non-South African citizen).

If a person is deprived of being a South African citizen, they are deprived of the rights which are provided to the South African citizens. Loss of citizenship is a loss of a badge of dignity and personhood. Ms Persons and Mikael political rights, freedom of movement and residence, freedom of trade, occupation, and profession will be infringed by the act of the Minister to revoke their citizenship. The minister's Act violates their constitutional rights enriched in the Bill of Rights. The right to citizenship and political rights form the cornerstone of a free and democratic South Africa.

4. Rights in the Bill of Rights are subject to the limitation's clause contained in section 36 of the Constitution. **Limitation of rights**

THE NATURE OF THE RIGHT

The right not to be deprived of citizenship is one of the important rights in the Bill of Rights applicable only to South African Citizens. The Constitution affirms every South African's entitlement to South African citizenship. A right to citizenship is not only mentioned in South African law but a universal right throughout the world. The Universal Declaration of Human Rights, states in its preamble that it is a "common standard of achievement for all peoples and all nations", proclaims that "everyone has a right to a nationality".

In Van Zyl and others v Government of RSA and others it was stated that "in a world consisting of nation states, citizenship (or nationality) creates a legal link between a state and the people who are its nationals". This epitomises the importance and the nature of the right to citizenship. It is a fundamental right in any and every society. The right to citizenship upholds and gives effect to the founding constitutional values such as universal adult suffrage, common South African citizenship, dignity and equality.

THE IMPORTANCE OF THE PURPOSE OF LIMITATION

There seems to be no logical reason why a state would not want a citizen to retain his or her citizenship if that citizen acquires a foreign citizenship by regular means. The right to citizenship is applicable to all South African citizens, including those who may no longer be South African citizens according to the Citizenship Act, hence there should certainly be a reasonable purpose for the limitation of such right. There is no purpose of the limitation of s6(1) because it does nothing than to deprive and restrict South Africans of their constitutional rights.

THE NATURE AND EXTENT OF THE LIMITATION

Under the SA Citizenship Act of 1995, the limitation of the right not to be deprived of citizenship results automatic loss of citizenship that in turn results in numerous unfair and unlawful processes in terms of South African Administrative law concerning the process followed to be informed of such loss. The extent of the limitation is total and complete. A citizen is totally deprived of their right to citizenship.

THE RELATION BETWEEN LIMITATION AND PURPOSE

A limitation must serve a purpose that benefits society, but there is none in this instance. It is impossible to consider any relationship between the limitation and the purpose because it neglects the right to citizenship and there is no clear purpose or rationale to section 6 (1)(a) of the Citizenship Act.

LESS RESTRICTIVE MEASURES TO ACHIEVE THE PURPOSE

In South African citizenship law, there are much better ways to achieve the same purpose if South African citizenship must be limited e.g. it would be helpful to notify prospective applicants for foreign citizenship of their rights. The most important way that the purpose could be achieved less restrictively would be to
Remove the automatic contingent loss of citizenship by reverting to the arrangement prevailing under the SA Citizenship Act of 1949. This will lead to better compliance with the Constitution in that actual loss would be eliminated.

Removal of automatic loss would take away the additional requirements of having to apply for a new identity document and a new passport, which would otherwise become effective after acquiring the foreign citizenship and losing South African citizenship, thus necessitating the issuance of new identification documents when South African citizenship is eventually regained.

From the set of facts section 6(1)(a) of the South African Citizenship 88 of 1995 fails the limitation analysis contained in 36 of the Constitution of the Republic of South Africa 1996.

5. Mikael is 3 months old and is recognised as a minor by the Children Act 38 of 2005 and section 28 (3) of the Constitution of South Africa which clearly states that “child” means a person under the age of 18 years.

Yes – the court should take a different approach in respect of M ikael.

Children - Section 28 of the South African Constitution

Mikael constitutional rights are violated and will continue to be infringed by the continuous stay in the Refugee Camp. People in Rachel's (Mikael mom) refugee camp face a serious shortage of supplies and are at high risk of contracting disease. Mikael is a minor child and falls under the provisions of section 28 of the Constitution. He is entitled to the rights set out therein, and his best interests are paramount. There is a real risk that he may die in the refugee camp thus he and his mother, Rachel, must be returned to South Africa.

Deprivation of citizenship in case of children
Section 10 - Whenever the responsible parent of a minor has in terms of the provisions of section 6, 8 or 9 ceased to be a South African citizen, the Minister may, with due regard to the provisions of the Guardianship Act, 1993 (Act No. 192 of 1993), order that such minor, if he or she was born outside the Republic and is under the age of 18 years shall cease to be a South African citizen.

The words voluntary and formal acts have not been defined by the Act. A minor who acquires a foreign citizenship does not thereby lose his or her South African citizenship, because citizenship by birth is excluded from the application of section 6(l)(a) of the SA Citizenship Act• Where the affected person has lost his or her South African citizenship and has a child while in that condition, the effect on the child is that at the time of his birth, if the parent/s do not have South African citizenship, the child therefore has no claim to South African citizenship. Citizenship by birth is contingent upon being born in/outside South Africa while the parent/s has South African citizenship.

The child's constitutional rights have been violated

i. Section 28 was not considered in respect with the child's best interest.

20.Children are precious members of our society and any law that affects them must have due regard to their vulnerability and their need for guidance[22].

21. Section 28(1) (b) of the constitution provides that every child has the right to family care or parental care, or to appropriate alternative care when removed from the family environment.

22. Section 28 requires the law to make best efforts to avoid where possible any breakdown of family life or parental care that may threaten to put children at increased risk, similarly in situations where rapture of the family becomes inevitable, the state is obliged to minimise the negative effect on children as far as it can[23].

[22] The Teddy bear case for abused Children and another v Minister of justice and constitutional development and another ,[2013] ZACC 35 para 1

[23] The Teddy bear case for abused Children and another v Minister of justice and constitutional development and another ,[2013] ZACC 35 para 1

23.[24] Nationality is one of the most important rights of man , after the right to life itself, because all other prerogative guarantees and benefits man derives from his membership in a political and social community-the State- stem from our are supported by this right.

24. Every child has the right to basic nutrition, shelter, basic health care services and social services[25].

25. Article 15 of the Universal Declaration of Human Rights states that everyone that everyone has the right to a nationality, article 24 of the ICCPR protects the rights of every child to acquire a nationality, as does Article 7(1) of the Convention of the Rights of the Child.

26.[26] The African Commission also found that the deprivation of Citizenship was a violation of the Charter where the Government argued that the individual was a citizen of a different country, but without providing any evidence to that effect.

[24] Inter-American Commission on Human Rights , Third Report on the Situation of Human Rights in Chile, IACtHR Report of 11 February 1977,OEA/Ser.L/V/II/40 Doc.10, ch.IX, para 10
[25] The Constitution of the Republic of South Africa,1996 Section 28 (1)(c)
[26] Modise v Botswana , African Comm. Decision of November 2000,Comm.No 97/93 para 88

27.[27]The rights of a child that are found in Section 28(2) being their best interests which are paramount ,the right to dignity found in Section 10 ,the right to equality in Section 9 and the right to a fair trial found in Section 35(3) of the Constitution should be applicable in the Minister's decision

ii. No amount of reasonableness is evident in the Minister decision.

28. According to PAJA section 33[28] any administration that comes from the Government must be lawful, reasonable and procedurally fair, in this case the Minister did not even provide Rachel with written sufficient reasons on why her Citizenship was revoked. Rachel has the right to be provided with written reasons why her Citizenship was revoked.

[27] Centre for child law v Media24 para29
[28] Promotion of Justice of Administrative Justice Act, Section 33

29. The African Commission in [29] The Modise found that the stripping of a person's citizenship constitutes cruel, inhuman and degrading treatment, everyone has the right not to be deprives of citizenship.

30. The Minister should take the best interest of the child in to consideration ,[30]in all matters concerning the care, protection and well-being of a child the standard that the child's best interest is of paramount importance and has to be applied, which is not evident in the minister's decision.

31.[31]Court orders should be in consistent with the Chapter 9 of the Children's Act, they should consist of the Decision in question whether a child is in need of care and protection, Orders when a child is found to be in need of care protection, court orders should be aimed at securing stability in child's life

[29] John K.Modise v Botswana Communication No.97/93 [1993] ACHPR 6
[30] The Children's Act 38 of 2005,section 9
[31] SS v The presiding officer of the children's court: District of Krugersdorp para19

Prayers

We pray to the honourable court that:

1. The Minister's decision is reviewed in terms of section 25 of the citizenship act[32], confirm, vary or set aside the decision of the Minister.
2. NAR is not a country.
3. Section 6 of the Citizenship Act does not apply to the Minister's decision of deprivation.
4. The Minister's decision violates Section 28(1) of the Constitution.
5. The Minister's violates Section 20 of the Constitution.

[32] The citizenship Act 8 1995 section 25(b)

List of sources

Bowman Gilfillan Inc v Minister of Transport In re: Minister of Transport v Mangisi George Mahlaela and Others (15806/2016) [2018] ZANGHC (7 February 2018) at para 28. Hereafter *Bowman*.
Bowman at para 29,
Bowman at para 30.
Mbemba Pierre Mahinga v Minister of Home Affairs and Another (49604/2016) [2017] ZANGHC (8 August 2017) at para 2.

Minister of Home Affairs and Another v The Public Protector (308/2017) [2018] ZASCA 15 (15 March 2018) at para 28.
Section 6(2)(d) of PAJA.
Pepcor Retirement Fund and Another v Financial Services Board 2003 (6) SA 38 (SCA).
Hira and Another v Booysen and Another 1992 (4) SA 69 (A).

John K.Modise v Botswana Communication No.97/93 [1993] ACHPR 6
The Children's Act 38 of 2005,section 9
SS v the presiding officer of the children's court: District of Krugersdorp para19
The citizenship Act 8 1995 section 25(b)