**Minister Malusi Gigaba on Gupta naturalisation inquiry**

9 Oct 2018

**Response to the committee’s “interim report on state capture”**

Opening Statement

1. Firstly, I would like to thank the Portfolio Committee on Home Affairs (“the Committee”) for the opportunity to assist the Committee on its oversight work on the Department of Home Affairs (“the Department”).

2. I am confident that this process will assist Parliament and the country, at large, to establish, beyond any shadow of doubt, that the various allegations underpinning the request for the Committee to investigate my involvement in state capture through the granting of citizenship to the Guptas are without basis, whatsoever.

3. As part of this ongoing investigation, I have been furnished with a report titled “INTERIM REPORT ON STATE CAPTURE”, dated 15 August 2018, containing a list of 26 questions which the Department has been asked to respond to.

4. The Department has submitted a comprehensive response to these questions.

5. I shall refer to this response when necessary.

6. From the onset, I wish to record that I was only appointed as Minister of Home Affairs, the first time around, after the 2014 National Elections.

7. It will appear hereunder that I, at no stage during my tenure assisted the Gupta family, or any other private interest group, to capture the State.

8. The objective reality is that, out of 62 persons with the surname Gupta who are recorded on the Department’s systems, only 5 were dealt with by me – that is Mr Ajay Kumar Gupta; his mother, Mrs Angoori Gupta; his wife, Mrs Shivani Gupta; and their two sons, Messrs Surya Kant Singhala and Kamal Kant Singhala.

9. Mr Atul Gupta and his family were not processed during my tenure. Mr Atul Gupta is recorded as having entered the country on 11 January 1994 and was naturalized in 2002.

10. Mr Rajesh Kumar Gupta and his family were also not processed during my tenure. Mr Rajesh Gupta is recorded as having entered the country on 22 April 1998 and was naturalised in 2006.

11. What is noteworthy is that even Mr Ajay Kumar Gupta, the only Gupta brother whose naturalisation application was processed during my tenure, is recorded as having entered the country on 08 May 1999 and was granted permanent residence in 2008.

12. Honourable members, I was not the Executive Authority of the Department during the various relevant periods.

13. Yet, in spite of all of this, a narrative has arisen among certain sections of the media and the opposition that I am responsible for naturalizing the Gupta family through irregular means, thus unjustifiably labelling me as one of the key “state capture” enablers.

14. Now, let us turn our attention back to the 5 members of the broader Gupta family who were processed during my tenure.

15. According to the records of the Department, the application for Naturalisation by Mr Ajay Gupta was first received in 2013 before I became the Minister of Home Affairs. I’ve been advised that this application was not processed during this period.

16.  I am further advised that later in 2014 Mr Ajay Gupta and his family – his mother, Mrs Angoori Gupta; his wife, Mrs Shivani Gupta; and his two sons, Messrs Sutya Kant Singhala and Kamal Kant Singhala further submitted 2 separate applications for Naturalization each.

17. Although the initial application of Mr Ajay Gupta was submitted before I became the Minister of home affairs, the subsequent applications of Mr Ajay Gupta and his family were received during my tenure in 2014. Accordingly the rejection of the applications which took place on 23 December 2014 occurred at a time when I was the Minister of Home Affairs, on the basis that both Mr Ajay Gupta’s mother and wife did not satisfy the requirements for Naturalization in respect of the time frames contemplated in section 5(1)(c) of the Citizenship Act, read with regulation 3(2)(a) of the Regulations made under the Act.

18. At all times due process was followed within the department relating to the rejection of the application by officials of the department without any suggestion of improper interference by me. The perception therefore that I acted in bad faith in relation to the Naturalization process of the Gupta family is false and without any basis.

19. To the extent that it is necessary to state that, applications of this nature are only referred to the Minister by the department in circumstances where my discretion is sought in terms of Section 5(9)(a).

20. Had the application for Naturalization in terms of section 5(1) not been rejected and section 5(9)(a) early Naturalization not been invoked a submission would not have been presented to me nor would the matter have been brought to my attention.

21. My involvement in the matter was as a result of section 5(9)(a), request for early Naturalization being invoked. It should be born in mind that this request was submitted directly to the department and not submitted to me at the first instance. I only became aware of this request through a formal submission by the department, signed by all the line managers responsible.

22. I subsequently received a submission from the department duly signed by all the relevant line function managers, recommending that I approve the request by Mr Ajay Gupta and family for early naturalization.

23. In exercising my discretion, I duly applied my mind to the submission presented to me by the Department and approved their recommendation, as is the norm in similar applications.

24. Accordingly, I signed the Department’s draft letter to Mr Ajay Gupta and his family informing them of my decision to approve their request for early Naturalization based on the information before me.

25. It is important that I highlight here that the letters sent to all applicants for early Naturalisation are in a standard form and the approval of early Naturalization is subject to, amongst others, section 5(1)(h) of the Citizenship Act which, states that citizens of countries that do not permit dual citizenship must first renounce the citizenship of their country of origin before they are naturalized as a South African citizen.

26. My role in this process ends after the signing of the letters aforementioned. The department thereafter facilitates the process, without reverting to me on how matters are finalized after the submission returns to the department with the signed letters.

27. In respect of Mr Ajay Gupta, I’m advised that he did not renounce his Indian citizenship and was, therefore, not naturalized. Accordingly, as matters stand, Mr Ajay Gupta is not a South African citizen.

28. Therefore, from the submission which I approved of the Naturalization of Gupta family members only 4 of them were granted early Naturalization, namely, Mr Ajay Gupta’s mother, his wife, and his two sons.

29. These four Gupta family members are thus not the only persons who have been granted early Naturalization upon my approval based on a recommendation by the Department. The list of persons who were granted early Naturalization submitted to Parliament in terms of section 5(9)(b) of the Citizenship Act clearly demonstrates this. I am advised that this list was previously provided to this committee by the department.

**Early naturalisation and the Citizenship Act**
30. A request for early Naturalization can be submitted in the following ways:

* At one of the front offices of the Department;
* To the headquarters of the Department;
* Or to the Ministry.

In this instance I’m advised that the request for early Naturalization was received through a Junior official in the department who had been communicating via email with one Mr Chawla of Oakbay.

31. As has been explained exhaustively in the  submission dated 07 September 2018, submitted to the committee , the Citizenship Act, more specifically section 5(9)(a) thereof, provides that “[N]otwithstanding anything to the contrary contained in subsection (1)(c), the Minister may under exceptional circumstances grant a certificate of Naturalization as a South African citizen to an applicant who does not comply with the requirements of subsection (1)(c) relating to ordinary residence in the Republic. I have interpreted this to mean in the national interest and or on humanitarian grounds.

32. Accordingly, I’m called upon to consider granting early Naturalization in terms of section 5(9)(a) of the Citizenship Act when the Department recommends that an applicant will make a meaningful contribution to society. Very often this contribution is as an investor or business owner who contributes significantly to economic activity or employment in the country. In other instances, it has been for academics or sportspersons.

33. I have also in the past approved early Naturalization on humanitarian grounds. The department has already shown an example where we granted early Naturalization to an American mother on the grounds that her only family is her adult South African daughter. She motivated to the Department on this basis, her case was compelling, and her early Naturalization was granted.
It would be a pity if this Committee allowed a negative perception to accrue to this power the Minister has in terms of section 5(9)(a) of the Citizenship Act because of one high profile case.

34. I shall now proceed to deal with aspects of your “Interim Report on State Capture” which are not in question form that is already responded to by the department

**Overview of the Committee Inquiry**
35. I have been unable to identify in the report provided by the committee any evidence of wrong doing on my part. It is unfortunate that this issue of the Naturalisation of one family, has been used to cast aspersions on me as part of an ongoing narrative about my involvement with the Gupta family.

36. I will now deal with some specific points from the report.

37. Ad paragraph 1 (ii) – (iii) I have already dealt with this in my opening statement.

38. Ad paragraph 1 (iv) It appears from the report that on 03 August 2017 you received a report from OUTA which refers to leaked Gupta e-mails which are “said to implicate misconduct” on my part and other persons.

39. The reference in the  report pertaining to my advisor, Mr Thamsanqa Msomi read with an email which purports to be an instruction from me sent by an administrator in my office, Mr Siyamthanda Skota, is hardly  i substantiation for OUTA’s sweeping statements maligning me

40. I shall deal with this in detail when I get to paragraph 7 of the report.  But at this stage it suffices to state that the emails relied upon do not in any way provide evidence of any alleged wrongdoing on my part. There is not a single email produced which is addressed to me from any party associated with the Guptas.  Nor is there any evidence of email correspondence from myself to any party associated with the Guptas or any other person for that matter.

41. Ad paragraph 1 (v) Unfortunately, there was an administrative omission in the Department’s tabling of the early Naturalization list in Parliament. This is an administrative function performed by the Department for tabling by the Minister. It is clear that even in the years before I became the Minister of Home Affairs, the tabling in Parliament as required by section 5(9)(b) of the Citizenship Act was omitted.

42. This omission cannot constitute an attempt to “cover-up evidence of state capture” which I, at any rate, submit has not been established.

43. The Department deals extensively with paragraph 1 (vi) to viii) in the submission dated 07 September 2018.

44. Ad paragraph 1 (xiii) Mr Thamsanqa Msomi is my special advisor. Since this issue made the news, I have asked him about the said emails. He has informed me that he, indeed, received an email from Mr Ashu Chawla, in April 2015, requesting assistance for visas for his clients. Mr Msomi further advises me that he forwarded the said email to the department for processing in the ordinary cause.

45. The Ministry receives correspondence from the public on a regular basis and such is forwarded to the Department for further attention.

46. I must indicate that I find it rather peculiar that although the report makes mention of other Department of Home Affairs and Presidency officials, it does not go on to identify them by name. Which makes me wonder if Mr Msomi is only named to perpetuate the unfounded narrative that I am connected to the Guptas.

Ad paragraph 7 – Gupta leaked Emails related to Home Affairs

47. Paragraph 2  - No evidence of misconduct has been presented to me.

48. Paragraph 3 - The counter corruption unit in the department is undertaking investigations in this regard including other issues that arose from previous appearances before this enquiry.

49. Once the investigation has been completed and recommendations made, the department will have to implement appropriate consequence management.

50. The Department has extensively responded on the process regarding Mr Christians’ deployment to New Delhi, including his history in the Department. I’ll deal with this in detail below where I respond to OUTA’s testimony.

51. I approve all deployments of employees to foreign missions after an extensive process and recommendation by the Department.

52. The Department has extensively responded on the process regarding Mr Christians’ deployment to New Delhi, including his history in the Department.

53. In 2015 I, accompanied by the DDG Immigration Services, Mr Mckay and delegation, undertook a working visit to all the Brics countries, except Brazil.

54. When we arrived in India, as in the other countries, we had a meeting with the High Commissioner who complained about the huge backlogs at the mission and of an irreparable breakdown in the working relationship between his office and the 2 officials who were deployed at the mission.

55. Mr Mckay then confirmed the decline in service delivery at the mission. Upon our return, I called a meeting with Mr Mckay and his team to come up with a solution for the challenge at New Dehli, given that it is a Brics partner, which is one of the major tourism and investment hubs.

56. I then requested  to be advise on the performance prior to this deployment. I was informed that in the previous term, Mr Christians and Mr Mgabe were deployed at the mission and there had been no challenges experienced. These individuals were not known to me.

57. It became apparent that the Departments failure in 2013, due to budgetary constraints, to send officials to be placed abroad on practical training in the country to which they would be deployed led to our failure to qualitatively assess whether the person-to-post matching would be suitable.

58. Mr Steyn was amongst those to be deployed to New Delhi, India in July 2013. It was clear that Mr Steyn’s placement in India was a mismatch and this resulted in strained relationships with the High Commissioner and impacting negatively on service delivery.

59. I then requested that officials who would be suitable to the environment, who would hit the ground running and be able to resolve the problems immediately, be looked into for an immediate solution.

60. A submission was then submitted to me advising me in line with the meeting that was held.

The submission recommended that I approve the appointment of Mr Christians and Ms Munyandziwa, which I accordingly approved.

61. On page 17 of the report, it is mentioned that Mr Christians communicated with Mr Chawla as far back as 19 September 2011. This makes it clear that, according to the information before the Committee, Mr Christians and Mr Chawla started communicating years before I became the Minister of Home Affairs. I only met Mr Christians for the first time during these proceedings.

62. Now, this information was not at anyone’s disposal at the time and even the security clearance process done independently by the SSA approved a Top Secret clearance for Mr Christians.

63. This was not an isolated incident. I have on several occasions upon complaint being raised with me and advises from the department intervened in instances that compromised the countries integrity in foreign missions.

64. As an executive authority of the department and the mere fact that I approve these deployments after advise by the department I cannot turn a blind eye when I’m requested to intervene in the interest of efficient and effective service delivery.

65. In 2015, I was called by the High Commissioner in Zimbabwe on inefficiencies at the mission. I requested the department to advise me on the issue and redeploy the official. This was done.

66. In 2016, I also received a complaint by the High Commissioner in Kenya, I also requested the department to act swift. I similarly did the same after receiving complaints in Swaziland, Shangai and Lagos.

67. I wish to equivocally state that I have no personal relationship with any of the officials named.

68. I do not understand then why Mr Christians is being linked to me.

69. It is mind-boggling, to say the least, how the report still seeks to imply a link to myself by virtue of the alleged communications between these two gentlemen.

Ad paragraph 8 [page 18]

70. There is reference to an email dated 6 October 2015 sent by Mr Siyamthanda Skota of my office.

Mr Skota is an administrator in the Ministry responsible for receiving and dispatching all correspondences in the Ministry.

* In line with this paragraph, it is malicious and opportunistic to state that Mr Skota sent “a submission referring to instruction by Minister Gigaba in which he directed that one Ms Munyadziwa and Mr Christians were to be transferred to Mumbai and New Delhi respectively”.

71. I have since been provided with the email sent by Mr Skota on 06 October 2015. This is a standard email that Mr Skota sends to the Department when returning submissions to the Department. Mr Skota was merely returning to the Department, the submission approved by myself, authorizing the deployments as recommended by the department.

The email is addressed to several officials and reads:

 “Subject: request for approval for strategic deployment of officials in missions

Good afternoon

Please find attached herewith a signed submission for your attention. The original copy was sent back to the department via DG’s office this morning.

Thank you.”

He then sets out his email signature.

72. Honourable members, this is my input to your draft report accompanied by the 2 slides and the responses submitted by the Department on 07 September 2018.

I now wish to respond to Outo's testimony beforethe inquiry

* Testimony: According to your report Chawla was naturalised on 09 November 2011.

Response: I was not the Minister of Home Affairs when Chawla was naturalized.

* Response to invites to events

It is interesting that Outa only singles me out as having received invites for these events as if it was a personal thing. Many political figures and high profile persons attended these events when I was there.

It seems as if they want to prove some form of close relationship or some form of gratification to support their allegation of me having done favours for the Guptas.

As I have said, as a public representative I attend many functions and interact with many stakeholders. It does not follow that I am beholden to them.

I have done no favours for the Guptas neither have I received any gratification from them.

I attended the Diwali functions and wedding, with other cabinet members present at these functions.

* Testimony: 30 May 2015 Minister Gigaba signed official letter to grant Gupta family early naturalization

Response: Yes, I signed the draft letter prepared by the department approving Naturalization for the Mr Ajay Gupta family, as stated above.

* Testimony: September 2015 Chawla wrote to Minister regarding another motivation for an early naturalization approved by the Minister and certificate issued on 17 December 2015.

Response: The representative from OUTA stated that he did not know if the email was sent to me not, again insinuations are made with no evidence.

I have never communicated with Mr Chawla. I have never seen or been made aware of any other Naturalization applications for the Guptas except for Mr. Ajay Gupta and family that I approved as per recommendation and made mention of in my submission above.

Outa must provide proof of the said email, and prove that I approved the said naturalisations and that I signed the certificates.

I deny this with the contempt it deserves.

* Testimony: Outa makes Reference to emails showing close relationship between me and Gupta family.

Response: from the testimony before the committee OUTA states that they have no emails directly implicating me. All that they rely on are emails of other persons. This is absurd.

* Testimony: Reference made to emails showing close relationship between Minister and Gupta family.

Response: Outa itself admitted that there is nothing in their emails that involves me. There’s no proof of a close relationship, but they attempt to deceive the public into believing a false narrative unsupported by any evidence.

* Testimony: People ask Chawla to use his contacts and contact Minister

I have never been contacted by Chawla. Which people are these and where is the evidence to support this? This statement is not supported by any evidence before this Inquiry.

* Testimony: No vacancies available in New Dehli and Mumbai and Christian was nevertheless posted

Response: This is incorrect. This issue is dealt with extensively in my statement above. The submission made no reference to there being no vacancies at the Mission

* Testimony: On 1 April 2015 DHA official sent Mr Chawla an email for the requirements of early Naturalisation

Response: I have no knowledge of this communication

I wish to categorically state that I do not know Mr Chawla. I have since requested the department to provide me details of Mr Chawla. I have been advised he received permanent residence in 2003 and was naturalized in 2011.

I do not understand why this person who entered the country sometime ago, and has never communicated with me is being linked to me.

General comments on Outa

My major concern with Outa is that they have not produced any evidence whatsoever implicating me in any crime nor unethical conduct, yet this has not prevented them from tweeting on the same day of the enquiry that “Outohas produced damning evidence against Gigaba tothe inquiry", knowing very well that they did not.

What makes this more egregious is that on their own evidence during this committee’s hearing they conceded that they have been unable to identify any email linking me to any wrong-doing relating to matters concerning the Guptas.

Quoting from their response to questions put by the Chairperson, Mr Heyneke stated that: “No we have not established anything as facts…No, no evidence or email”. When pressed by the chair to substantiate their allegations by reference to any emails Mr Heyneke resorted to lamely submitting that that they have presented what they have, remarking that: “It is not our business to establish the facts, it is up to law enforcement to do”.

It is disconcerting that such allegations would be made without any attempt to corroborate same or afford me an opportunity to respond thereto.

Absent any incriminating evidence there is no basis for such allegations. Notwithstanding the lapse of over a year to provide substantiation of wrong-doing on my part, none has been identified.

The notoriety in which Outa makes allegations of this nature, demonstrates unequivocally bad faith on their part.

It is a matter for adverse comment that the OUTA representative who filed the complaint with the police and deposed to the affidavit was not the party who presented evidence before this committee, resulting in Mr Heyneke being unable to speak to the allegation. I submit this was by design so that Mr Heyneke could hide behind the absence of this person in dealing with pertinent questions put to him in this regard and instead rely on innuendo and hearsay.

This is demonstrated in their continuous peddling of these lies by even  reporting in the media that they have submitted evidence of emails tothe commission on State Capture which implicates me, where there is none.

The only reasonable explanation is that they do not have any information, but have an urge to continue their false narrative which is without foundation.

It is prudent to state that it has become apparent that there are governance and administrative glitches which we have identified from the Department of Home Affairs (DHA) side.

We have since formed a governance reforms team which is mandated to look into cause of these glitches particularly in the Civic Services and Immigration branches.

This work will also assist a great deal in supporting the repositioning of the Home Affairs.

Questions to the witnesses identified by the Portfolio Committee on Home Affairs inquiry into naturalisation

Malusi Gigaba (Mr. MH Hoosen and Ms. NA Mnisi)

* Were you at any point, given instructions to facilitate extra-ordinary DHA services in favour the Gupta family and associates? If so, by whom?

Response:  No.

* Are there any compelling reasons why the irregular activities in favour of the Gupta family and associates by the DHA should not be prosecuted in terms of the Prevention and Combatting of Corrupt Activities Act?

Response:  If any irregular and unlawful activities are found to have taken place then the law must take its course.

* Were the allegations of fraudulent misrepresentation by Mr. Chawla in his application for the business permit of Tanvi Gupta ever brought to your attention? And if so what was ever done to investigate this?

Response:  No, I have no knowledge of this matter. I for the first time heard of Tanvi from my officials as it was part of OUTA’s evidence to this Inquiry.

* The leaked Gupta e-mails suggest that visas were expedited for the Guptas, were you at any stage aware of the facilitation role that Mr Christians played in expediting visas for the Gupta family? Do you believe that such facilitation of the visas was proper, if so, please explain?

Response:  No I have no personal knowledge.  The department has informed me that they are investigating same. Once there is an outcome on their investigation, the matter will be dealt with in accordance with the findings of the investigation. The Department is better placed to give an account on how the work at the Missions unfolds.

* Posts filled by workers brought from India at ANN7 were not all vacant for the six months nor South African candidates even considered. Why was this not checked by the DHA and what, if any, disciplinary action has been taken in this regard?

Response:  The department is better placed to deal with this issue. I’m informed that Mr McKay, DDG Immigration services, has already dealt with the question.

* In 2015 when you granted the early naturalisation, the allegations of state capture against the Guptas were already around, did you at any stage consider this against the granting of naturalisation? This is particularly so if you consider that naturalisation required in terms of the Citizenship Act; “good character” is a requirement for naturalisation.

Response:  I do not understand what is meant by the statement that allegations were “around”, without some particularity of what these allegations were and further to what extent they were in the public domain.

To my knowledge, the first instance where a public institution pronounced on improprieties by the Gupta family was the Public Protector’s report State of Capture in October 2016, the year after we made our decision on Mr. Ajay Gupta and family’s early naturalisation.

* Did you have any relationship with the Guptas before the granting of this naturalisation? Have you met them before or visited their home etc?

Response: As a public representative and a politician, it is inherent in my role to interact with as many stakeholders as possible, to be accessible to them and to hear their perspectives. It does not follow that I am beholden to someone because I have interacted with them in a space where there are many other people. I have been to their home when invited to functions there in the presence of other public representatives and many other people including at their home. This is not evidence of some corrupt relationship, which I in any event deny.

* DHA Response (q) It appears that Rajesh Gupta had the ability to influence the decisions taken by you, during your tenure at Home Affairs. What is the Minister’s response to these allegations?

Response:  There’s no basis at all for the insinuation that Mr Rajesh Gupta had the ability to influence my decisions. I’m dumfounded at the source of yet another unsubstantiated and malicious allegation.

* DHA Response (a) It took one month from the letter requesting for early naturalisation in April 2015 to when it was approved by the Minister in May 2015. In contrast, the DG reported to the Committee on 6 March 2018, that there were many cases where the DHA had been taken to court by other applicants, not because the decision had been rejected or an appeal was not successful, but because the DHA had delayed finalising the applications. The question to the Minister is what particular exceptional circumstances of the Gupta Family were such that their application was prioritised faster than other such early naturalisation applications?

The DHA response indicates that the application of the Ajay Gupta family was not prioritised faster than other applications and the Committee is referred to their response in the submission dated 07 September 2018. I am a Minister not involved in processing of applications.

* DHA Response (h) Is four months from application for naturalisation to approval (July to November 2002) for Atul Gupta and Family not considerably faster than the usual application time?

Response:  It is important to note that I was not in the Department in 2002. As a Minister, I do not deal with the processing of applications

* DHA Response (L) It also took 5 months for the DHA to respond to the PCHA 2017 request for confirmation of investments and employment by Gupta family businesses. The long delay could in part be attributed to the DG being on suspension during this period, however, had the DHA done the necessary due diligence in assessing the early naturalisation application, this information should have been readily available having already been verified and not only requested from the Department of Labour on 17 October 2017.

Response: the department is better placed  to respond to this issue, it is not the function of the minister to do verifications.

* DHA Response (s) Why were the procedures of the Citizenship Act (Section 5(9)(b) not followed on time for tabling in Parliament, a list of those granted early naturalisation in 2013, 2014 and 2016?

Response:  It was an administrative omission that dates back to 2013. We thank the Committee for bringing this to our attention, and have corrected this.

* DHA Response (a) According to the submission you approved the sole motivation for early naturalisation seems to be Gupta investments in the country, in what respect did you consider this investment to be exceptional?

Response: I exercised my discretion on the basis of factors I considered to be exceptional.

I also dispute the premise of this question. Mr. Ajay Gupta and the majority of his family who applied at the time, complied with the requirements of naturalisation without being exempted. Therefore, economic contribution was not the “sole motive” for naturalisation. The application of early naturalisation effectively asked me to: 1) overlook one family member’s being out of the country for 18 days longer than is allowed in one of her five years of permanent residency; and 2) allow one family member to be naturalised two years early.

The applicants asked us to weigh the main applicant’s economic contribution against the requirements to be waived for two of his family members.

I have interpreted exceptional circumstances to mean in the national interest and or on humanitarian grounds. My interpretation of the national interest, includes when an applicant makes a meaningful contribution to society. Very often this contribution is as an investor or business owner who contributes significantly to economic activity or employment in the country. In other cases, it has been for academics or sportspersons.

In the case of Mr. Ajay Gupta and his family, the motivation referred to companies with revenue or investments totalling up to R25 billion per annum, and thousands of employees. I considered that economic activity of this scale was significant and beneficial to South Africa. I concluded that it easily outweighed the extent to which two of his five family members did not fulfil the requirements.

* Does the DHA have official record of Atul and Rajesh’s family renouncing their Indian Citizenship? If so, can this be forwarded, if not why not? Is there a requirement that Naturalisation applicants are informed of the need to renounce citizenship for the relevant countries?

Response:  I was not the Minister of Home Affairs during this period. The department is better placed to respond to this issue.

* In your view, would there have been any harm either to the family or South Africa if the family had waited until December 2017 to re-apply for normal naturalisation as per the Adjudication Committee? If not, why was it necessary to grant early naturalisation?

Response:  I’m required in terms of section 5(9)(a) of the Citizenship Act to apply my mind on whether exceptional circumstances exist when requested to do so. It would have been an improper exercise of my discretion for me to have simply rejected the recommendation from the department on the basis of an absence of prejudice to the family by making them wait and apply in terms of section 5(1) of the Citizenship Act, 2 years later.

As far as I was concerned the family was entitled  as would be any other party seeking early naturalization ,to have directed a request in terms of section 5(9)(a) of the citizenship act. In considering the submission from the Department I was obliged to only take relevant considerations into account.

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