



12 February 2026

**CAPEXIT Party Objection to the DHA White Paper Policy on
Citizenship, Immigration and Refugee Protection:**

The Cape Independence Party (CAPEXIT) rejects the DA-run Department of Home Affairs (DHA) “White Paper on Citizenship, Immigration and Refugee Protection” as completely unacceptable.

It weakens our borders, it undermines law and order while opening the door for state corruption, and at the same time attempts to impose mass state surveillance on all South African citizens and residents.

In contrast to this, the CAPEXIT Party stands for strict immigration control, vigorous enforcement of borders, criminalisation of illegal entry and stay, deportation as the default response to unlawful presence, citizenship reserved for those who demonstrate long-term loyalty to our principles and values, and protection of the privacy and security of all South Africans, particularly the people of the Cape. This White Paper moves in the opposite direction on almost every front.

Objections:

1) Encouragement of Illegal Immigration – Violation of the Rule of Law (Section 1)(c)

This White Paper fails to treat illegal immigration as serious criminal offences requiring prosecution and deportation.

Instead it bizarrely introduces administrative fines for illegal entry and illegal over stayers – effectively destroying rule of law by making illegal immigration profitable for the government.

This new proposal would make it easier for illegal immigrants to enter and remain in the country, as the threat of a fine, as well as the ability to apply for permanent residence and citizenship while remaining in South Africa would in essence render illegal entry no longer illegal, but simply a part of the administrative cost of entering and gaining South African citizenship.

The government is then incentivised to allow and promote more illegal immigration, as once the illegal immigrant is in the country the government can then extract an income from the immigrant through the new fining system.

This perverse DA proposal benefits both illegal immigrants and government corruption.

2) Points-Based Citizenship System and Executive Overreach – Citizenship Reduced to a Bureaucratic Scorecard (Section 3 Violation)

The proposed Points-Based System (PBS) for citizenship is where the Department of Home Affairs scores applicants based on skills, investment, “social contribution” and subjectively, whether the minister believes it is of “strategic national interest”.

This is both unconstitutional and deeply concerning. Citizenship should have a clear legal basis determining an individual’s right to citizenship. While it is certainly desirable to promote immigration into South Africa based on merit, skills and investment, these should be clearly defined as qualifying criteria and not ultimately to be determined by the whims of a bureaucratic body.

This is substantiated in *Richter v Minister* (2009) where citizenship decisions should follow constitutional principles.

3) Mass Biometric Population Surveillance – Total Violation of Privacy (Section 14 & POPIA)

The “Intelligent Population Register” (IPR) proposal to forcibly collect comprehensive biometric data on every citizen and resident of South Africa, is the single most alarming feature of the White Paper. This would create a full population surveillance state far worse than anything previously proposed.

This would violate the privacy rights of every South African as protected against in Section 14 of the Constitution, it lacks judicial oversight, breaches POPIA on every level (purpose limitation, minimisation, consent, sharing restrictions), and has no constitutional justification.

The legal precedent set in the *Bernstein v Bester* (1996) case with regards to the protection of privacy against warrantless surveillance would render this entire proposal illegal and unconstitutional.

This provision alone renders the new Home Affairs White Paper unacceptable.

4) Ministerial Discretion Over Citizenship – Executive Overreach & Separation of Powers Violation

It is unconstitutional and morally absurd to grant the final determination of citizenship powers to the subjective whims of a government Minister based upon what may or may not be considered a “strategic national interest” to that Minister.

Unlimited ministerial discretion to grant citizenship on such vague grounds would be laying the foundations for even more corruption where this proposal would allow the government to override constitutional and statutory requirements. This proposal does not strengthen immigration control, it does the opposite.

Citizenship decisions should be tightly constrained by law – not left to corrupt political favour.

Conclusion

This appalling DA-run Home Affairs White Paper is not a reform that strengthens the border or restores order – it is an expansion of unconstitutional, anti-enforcement, anti-law abiding, anti-citizen rights, and pro-illegal immigration policies.

It fails to criminalise illegal entry properly, institutionalises citizenship-by-points, massively expands surveillance over South Africans themselves, and refuses to prioritise real border security.

CAPEXIT Party therefore rejects the DHA Draft White Paper in its current form. We call on all South African citizens, particularly in the Western Cape, to submit objections before 18 February 2026 and to support the only realistic long-term solution: full self-determination for the Cape so that we may implement practical strong-border policies, effective safety and security measures, protection of our resources, and protection of our citizens.

Sincerely,



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