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Republic of the Congo/Senegal: Whether a person who was born in Brazzaville of a Senegalese father and a Congolese mother and who obtained citizenship from the Republic of the Congo at birth can obtain Senegalese citizenship; if so, the steps that this person must take to do so; whether obtaining citizenship is a mere formality; whether the person must give up his or her Congolese citizenship; the procedure for obtaining Senegalese documents

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 5, paragraph 1 of Law No. 61-10 of 7 March 1961 Determining Senegalese Nationality (*Loi n° 61-10 du 7 March 1961 déterminant la nationalité senegalaise*) stipulates that [translation] "the legitimate child of a Senegalese man" is a Senegalese citizen (Senegal 7 Mar. 1961). During a 28 November 2006 telephone interview, the official responsible for consular affairs at the Embassy of Senegal in Ottawa stated that a person who was born in Brazzaville of a Senegalese father and a Congolese mother and who obtained citizenship from the Republic of the Congo at birth automatically obtains Senegalese citizenship.

To claim Senegalese citizenship, the father's certificate of nationality or identity card and the child's birth certificate, re-transcribed in the register of the Senegalese embassy in the country of origin [the Congo-Brazzaville territory falls under the jurisdiction of the Embassy of Senegal in Gabon (Senegal 30 Nov. 2006)], must be submitted, along with the child's application for a certificate of nationality (*ibid.* 28 Nov. 2006). All of those documents must be submitted to the departmental tribunal in Dakar or to any other departmental tribunal in Senegal (*ibid.*), in accordance with Article 22 of Law No. 61-10 of 7 March 1961 Determining Senegalese Nationality, which gives the departmental tribunal the authority to [translation] "issue a certificate of Senegalese nationality to any person who proves that nationality" (Senegal 7 Mar. 1961).

When acquiring Senegalese citizenship, such a person does not have to give up his or her Congolese citizenship (*ibid.* 28 Nov. 2006).

Once the person has obtained a Senegalese certificate of nationality, he or she can apply for an identity card, passport and other Senegalese documents (*ibid.*). The steps for obtaining a Senegalese passport are described as follows on the website of the Senegalese Department of Foreign Affairs:

[translation]

A regular Senegalese passport is valid for four years. Its validity can be

extended for an additional four years, at the end of which the passport can be renewed.

First and foremost, the passport is a travel document. It is issued to any Senegalese who submits an application to the Department of Internal Affairs or to a Senegalese embassy or consulate general.

In the case of minors under the age of 20 years, additional material is required in order for a passport to be issued. For people aged 15 years and over, legal authorization from a parent and the national identity card are required.

A passport is issued to a Senegalese citizen upon presentation and submission of the following documents:

- Three copies of the application, one of which will be kept by the honorary consulate
- Three copies of an identity document
- One national identity document (passport, national identity card or certificate of nationality)
- A money order of 15,000 FCFA (10,000 FCFA if the applicant is a student)

The passport can be revoked or refused if the applicant has served time in prison or has been involved in crimes and/or offences including drug trafficking, drug abuse, or making false statements on his or her passport application.

The Department of Internal Affairs is therefore responsible for all applications to obtain, renew or extend passports. (Senegal n.d.)

The new constitution of the Republic of the Congo, approved on 20 January 2002, recognizes dual citizenship under Article 13, according to which [translation] "any Congolese citizen has the right to change nationality or to acquire a second nationality" (Republic of the Congo 20 Jan. 2002). During a telephone interview, the government attaché at the Embassy of the Republic of the Congo in Washington, DC confirmed that the Republic of the Congo accepts dual citizenship and that a person of Congolese nationality who wants to obtain Senegalese nationality is not required to give up his or her Congolese citizenship (28 Nov. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Republic of the Congo. 28 November 2006. Embassy of the Republic of the Congo in Washington, DC. Telephone interview with a government attaché.

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Senegal. 30 November 2006. Embassy of Senegal in Ottawa. Telephone interview with the person responsible for consular affairs.

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Additional Sources Consulted

Publications: *Citizenship Laws of the World*; Loi n° 35-1961 du 20 juin 1961 portant le Code de la nationalité congolaise.

Oral sources: The honorary consul of the Congolese consulate in Toronto could not provide any information within the time constraints for this Response.

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