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10 November 2005

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Djibouti/Somalia: Citizenship of children born in Somalia 1960 - 1976 to Djibouti nationals (January 1960 - December 1976)
Research Directorate, Immigration and Refugee Board, Ottawa

In a 9 November 2005 telephone interview with the Research Directorate, the First Counsellor of the Embassy of the Republic of Djibouti in Washington, DC indicated that all those born in Djibouti before its independence from France [on 27 June 1977 (Djibouti 24 Oct. 1981)] were French (Djibouti 9 Nov. 2005). Children born of Djiboutian (and thus French) parents were also French, even if they were born outside Djibouti (*ibid.*). French citizenship would have been conferred upon children even if only one of their parents (the father or the mother) was a French citizen as a result of his or her Djiboutian origin (*ibid.*).

According to Articles 5 and 6 of the Djiboutian Nationality Code of 24 October 1981 (*Loi No. 200/A.N./1981 portant code de la nationalité djiboutienne*), a person who, prior to 27 June 1977, had French citizenship, either because he had been born in Djibouti or because he was of Djiboutian origin but lived in a country neighbouring Djibouti, on 27 June 1977 became a Djiboutian citizen (Djibouti 24 Oct. 1981). The same set of conditions applied to minor children of French citizens of Djibouti birth or origin (*ibid.*). For further details on this law in its original language, please see the document attached.

On 9 November 2005, the Executive Director of the Somali Center for Family Services, a charitable organization founded in 1992 and funded by the governments of Canada, Ontario, and Ottawa with the aim of helping Somalis settle in Canada, provided the following information to the Research Directorate:

Children born in Somalia between 1960 and 1976 to Djiboutian nationals would not be Somali citizens, even if they were ethnically Somali. In the years 1960 to 1976, Somalia did not recognize dual citizenship, nor did it allow for naturalization (i.e. one could not apply to become a Somali citizen).

On 10 November 2005, the Executive Director of the Somali Center for Family Services further stated that between 1960 and 1976, the child of a Somali man and a non-Somali woman was automatically eligible to be a Somali citizen, but the child of a Somali woman and a non-Somali man could not be a Somali citizen under any circumstances. Since the child of a Djiboutian parent was entitled to French citizenship even if the child was born outside Djibouti, as soon as a child was born to a Somali man and a Djiboutian (and thus French) woman they would have to have decided on the citizenship of that child. If they decided

to give the child French citizenship, the child could not be a Somali citizen. If they decided to give the child Somali citizenship, the child could not have any other citizenship nor carry a foreign passport. However, when such a child reached the age of 18, he could decide whether to keep or renounce his Somali citizenship.

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.

References

Djibouti. 9 November 2005. Embassy of the Republic of Djibouti in Washington, DC. Telephone interview with the First Counsellor.

_____. 24 October 1981. *Loi No. 200/A.N./1981 portant code de la nationalité djiboutienne*. (United Nations High Commissioner for Refugees (UNHCR) Refworld 2004) <<http://www.unhcr.ch>> [Accessed 9 Nov. 2005]

Somali Center for Family Services, Ottawa. 10 November 2005. Telephone interview with the Executive Director.

_____. 9 November 2005. Telephone interview with the Executive Director.

Attachment

Djibouti. 24 October 1981. "Titre II de la nationalité djiboutienne d'origine." *Loi No. 200/A.N./1981 portant code de la nationalité djiboutienne*. (UNHCR Refworld 2004) <<http://www.unhcr.ch>> [Accessed 9 Nov. 2005]

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