

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests ([RIR](#)) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French [RIRs](#). Earlier [RIRs](#) may be found on the [UNHCR's Refworld](#) website.

30 January 2012

GIN103978.FE

Guinea: Whether a person born in the Democratic Republic of the Congo to a Guinean father can obtain Guinean nationality; if so, the process for applying for Guinean nationality

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Articles 30, 32 and 46 of the Civil Code of Guinea read as follows:

[translation]

Article 30

A person is Guinean if:

1. the person is the legitimate child born to a Guinean father;

...

Article 32

Except that a person who was not born in Guinea may renounce Guinean nationality within the 10 months immediately prior to attaining the age of majority, a person is Guinean if:

...

2. the person is an illegitimate child, when the parent in respect of whom filiation has been established in the second instance is Guinean, if the other parent is of foreign nationality.

...

Article 46

The natural child legitimized while a minor acquires Guinean nationality if the father is Guinean (Guinea 1983).

According to two sources consulted by the Research Directorate, a person born in the Democratic Republic of the Congo (DRC) to a Guinean father can obtain Guinean nationality, provided the person can prove that the father is Guinean (Guinea, 23 Jan. 2012; lawyer, 24 Jan. 2012). In a telephone interview with the Research Directorate on 24 January 2012, a lawyer and member of the Guinean bar association stated that, to prove the father's Guinean origins, the person must provide identity documents for the father issued by the Government of Guinea, such as a passport, identity card or birth certificate. Similarly, a representative of the Guinean embassy in Ottawa stated in a telephone interview with the Research Directorate on 23 January 2012 that, to prove the father's Guinean origins, the applicant must provide an identity document, such as the father's Guinean passport.

The embassy representative indicated [translation] "that, in principle, like every other person wanting to acquire Guinean nationality," a person born in the DRC to a Guinean father must prepare a file and send it to Guinea's minister of justice (Guinea, 23 Jan. 2012). The file must include, among others, the following documents:

- a birth certificate or document in lieu thereof, i.e. an official document on which the applicant's date of birth is indicated;
- three copies of the signed statement applying for nationality;
- the applicant's criminal record;
- a formal record of receipt of the statement;
- the residence certificate(s) from the country or countries in which the person has lived;
- information pertaining to good character and loyalty;
- a medical certificate;
- the fee of 1,000 Guinean francs [C\$0.15 (XE 25 Jan. 2012)] (Guinea, 25 Jan. 2012).

In another telephone interview with the Research Directorate on 25 January 2012, the Guinean embassy representative in Ottawa provided the following explanation for the required documents: before it goes to the office of Guinea's minister of justice, the nationality application file is received by the presiding judge of the court of first instance in the place where the applicant wishes to establish residence. The presiding judge draws up a formal record of receipt of the nationality application, which contains, among other things, information pertaining to good character and loyalty, which is obtained in an investigation of the applicant by the Guinean authorities, and which serves in particular to demonstrate the applicant's degree of assimilation of Guinean customs and traditions, such as knowledge of one of the country's national languages. Information in the criminal record may be used by the authorities to reject the nationality application of a person who has been convicted in Guinea or elsewhere of something that is a [translation] "serious" offence in Guinean law, such as murder or drug trafficking. Information contained in the medical certificate may be used by the authorities to reject the nationality application if, for instance, the person had an illness that has led to a pandemic with the potential to affect a large number of Guinean citizens (Guinea, 25 Jan. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate.

According to the lawyer with the Guinean bar, an applicant living abroad can hire a lawyer or family member in Guinea to carry out the procedures in his or her stead, provided a [translation] "certified power of attorney" is supplied (lawyer, 24 Jan. 2012). For his part, the embassy representative stated that an applicant living abroad can submit the certified nationality application file to the Guinean embassy or other Guinean diplomatic mission, which will forward it to the appropriate authorities in Guinea, or can send it to the country directly (23 Jan. 2012).

As for the Congolese citizenship status of a person born in the DRC to a Guinean father who wishes to obtain Guinean nationality, the Research Directorate was told in a 23 January 2012 telephone interview with a representative of the DRC embassy in Ottawa that all Congolese citizens who take another nationality automatically lose their Congolese nationality, owing to the fact that Congolese law does not allow dual nationality. The Congolese law on nationality is worded as follows: [translation] "Congolese nationality is one and exclusive. It cannot be held simultaneously with another nationality" (DRC 2004, art. 1). According to the DRC embassy representative, a person who acquires the nationality of another country does not have to do anything to renounce DRC nationality because it is automatically revoked (DRC, 23 Jan. 2012).

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 sources consulted in researching this Information Request.

References

Democratic Republic of the Congo (DRC). 23 January 2012. Embassy of the DRC Ottawa. Telephone interview with a representative.

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Lawyer with the Guinean bar association. 24 January 2012. Telephone interview with the Research Directorate.

XE. January 25, 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?language=fr&Amount=1000&From=GNF&To=CAD>> [Accessed Jan. 25, 2012]

Additional Sources Consulted

Oral sources: Unsuccessful attempts were made to contact representatives of the following organizations: Guinean embassy in Bonn, Guinean embassy in Brussels, Guinean embassy in Paris, Guinean embassy in Washington and Ernst & Young.

Internet sites, including: Africa Governance Monitoring and Advocacy Project; africaguinee.com; AfricaNews; afrik.com; Afrol News; allafrica.com; ExcelAfrica; GlobaLex; guineeconakry.info; GuinéeNews; guineeweb.org; International Commission on Civil Status; Juris International; Mémoire Online; multiplecitizenship.com; Organisation internationale de la francophonie; African Press Organization; Panapress; *Le Phare*; *Le Potentiel*; United States – Department of State.

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