



RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		24 January 2006
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Biographies		
Organization Chart	Rwanda/ Democratic Republic of Congo: Process and conditions for obtaining Rwandan nationality by Congolese nationals of Rwandan origin (January 2006)	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References	General background	
Publications		
Tribunal		
Refugee Protection Division	During a 24 October 2005 telephone interview, the senior advisor from the Rwandan embassy reflected on Rwanda's historical context and said that Rwanda has always been a country of emigration. As a result of successive waves and various factors (establishment of new borders and forced displacement by colonizers, famines, wars, etc.), many Rwandan nationals ended up outside Rwanda, particularly in adjoining countries, such as the Democratic Republic of Congo, Burundi, Tanzania and Uganda (Rwanda 24 Oct. 2004). The senior advisor said that, in that context, many Rwandans, including Congolese nationals of Rwandan origin, acquired the nationality of a third country.	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics	An article published on the Website of the Information Office of Rwanda (Office rwandais de l'information, ORINFOR) quoted statements made by the Rwandan Minister of Foreign Affairs and Cooperation (Affaires étrangères et de la coopération internationale) at the Second Diaspora Convention in Kigali on 28 and 29 December 2005, stated that the Rwandan diaspora includes everyone who left Rwanda because of the slicing up or "[translation] sharing of Africa" during the Berlin Convention [in1885] as well as those who left afterward (<i>La Nouvelle Relève</i> n.d.).	
Research		
Research Program		
National Documentation Packages		
Issue Papers and Country Fact Sheets	Reinstatement of Rwandan nationality	
Responses to Information Requests	The following information was provided by the senior advisor at the Rwandan embassy during a 24 October 2005 telephone interview. A distinction must be made between the periods before and after July 1994. Before July 1994, when the current regime came into power, living outside Rwanda and acquiring another nationality automatically led to the loss of Rwandan nationality. That was the case for many people, including Congolese nationals of Rwandan origin. Former governments, which had been in power since the country's 1 July 1961 independence and which claimed that there was a lack of space, systematically refused to allow members of the Rwandan diaspora to return to live in their country of origin (24 Oct. 2005).	
Recent Research		
Media Centre		
News		
Information Sheets		
Media Relations		
Proactive Disclosure	After July 1994, all members of the Rwandan diaspora, including Congolese nationals of Rwandan origin, were able to return to their country of origin and	

could "[translation] automatically and unconditionally" regain Rwandan nationality if they wanted to. If a person or his or her relatives had acquired the nationality of a third country or had been out of Rwanda for a long time, that person was not prohibited from returning to Rwanda and having his or her Rwandan nationality reinstated (24 Oct. 2005).

According to the senior advisor, there are two main reasons for this situation: 1) the governing Rwandan Patriotic Front (RPF) (Front patriotique rwandais, FPR), currently in power, declared war against the former regime in October 1990, mainly in the interest of seeing the exiled Rwandans return to Rwanda and reinstate their Rwandan nationality; and 2) the post-Genocide context did not lend itself to implementing a nationality reinstatement process given the extent of the damage. Almost all the administrative documents and archives were destroyed during the war and most of the people who returned to Rwanda had been born outside the country, so any attempt to verify information was impossible.

Nevertheless, the senior advisor said that, since 3 December 2004, with the coming into force of Law No. 29/2004 on the Rwandan Nationality Code, a legal framework exists for acquiring and reinstating Rwandan nationality. According to the senior advisor, this new law replaced the 28 September 1963 law, which, although it had not been repealed, had not actually been applied since July 1994.

Article 26 of the 3 December 2004 law states that "[translation] persons of Rwandan origin and their relatives have the right to reinstate their Rwandan nationality if they request it at the vital statistics office" (Rwanda 3 Dec. 2004). Article 21 of the same law states that "[translation] Rwandan nationality cannot be withdrawn," while article 2 describes Rwanda's acceptance of dual nationality (ibid.).

During a 4 January 2006 telephone interview, the executive secretary of the League of Human Rights in the Great Lakes Region (Ligue des droits de la personne dans la région des Grands lacs, LDGL), a non-governmental organization in Kigali, Rwanda, whose mission is to "[translation] defend and promote human rights and basic freedoms in the countries of the Great Lakes region" of Africa (LDGL 3 Jan. 2006), said that there is a large community of Congolese nationals of Rwandan origin in Rwanda. She explained that many of these individuals had reintegrated into Rwandan society and that they enjoy the same rights as the other citizens (4 Jan. 2006). However, she added that some of them preferred not to reinstate their Rwandan nationality, for fear of losing their Congolese nationality, and still live in the refugee camps in Rwanda (LDGL 3 Jan. 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

Ligue des droits de la personne dans la région des Grands lacs (LDGL). 3 January 2006. Telephone interview with executive secretary.

_____. 12 June 2005. "Présentation : qu'est ce que la LDGL?" <http://www.ldgl.org/article.php3?id_article=1> [Accessed 19 Jan. 2005]

La Nouvelle relève [Kigali]. N.d. "La diaspora rwandais en avant! Au départ, améliorer l'interaction sociale des Rwanda." <<http://www.orinfor.gov.rw/Docs/LaReleve.htm>> [Accessed 4 Jan. 2006]

Rwanda. 24 October 2005. Rwandan Embassy in Ottawa. Telephone interview with the senior advisor.

_____. 3 December 2004. *Loi organique no 29/2004 du 03/12/2004 portant code de la nationalité rwandaise.*

Additional Sources Consulted

Publications: *Africa Confidential, Africa Research Bulletin, Jeune Afrique/L'Intelligent, Keesing's Record of World Events, Resource Centre country file.*

Sites Internet: AllAfrica, Amnesty International, BBC Africa, Ecoi.net, Government of Rwanda, Human Rights Watch (HRW), International Federation for Human Rights (FIDH), MISNA, ReliefWeb, United Nations High Commissioner for Refugees (UNHCR).

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