



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		29 April 2008
About the Board	ZZZ102740.E	
Biographies		
Organization Chart	Rwanda/Democratic Republic of Congo: Process by which Congolese nationals of Rwandan origin can obtain Rwandan nationality, including: what family ties are sufficient for entitlement to Rwandan nationality; documentary proof that is required of applicants and whether it is difficult to obtain; duration and costs of the process.	
Employment		
Legal and Policy		
References	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Publications		
Tribunal	Existing Legislation on Rwandan Nationality	
Refugee Protection Division	The Code of Rwandan Nationality of 28 September 1963 provides the basis for determining nationality as amended by the <i>Organic Law No 29/2004 on Rwandan Nationality Code</i> (Rwanda 3 Dec. 2004; <i>New Times</i> 20 June 2006), which entered into force on 3 December 2004 (<i>ibid.</i> ; Rwanda 3 Dec. 2004, Art. 40).	
Immigration Division	Correspondence received from the Embassy of the Republic of Rwanda to Canada states that a nationality law is currently in parliament and that a bill will "soon be passed" to enact it (<i>ibid.</i> 27 Feb. 2008).	
Immigration Appeal Division		
Decisions		
Forms		
Statistics	The <i>Organic Law No 29/2004 on Rwandan Nationality Code</i> states that:	
Research	A Rwandan national is anyone who holds the Rwandan nationality under the provisions of this organic law or whoever acquired it under earlier laws ... (<i>ibid.</i> 3 Dec. 2004, Art. 1).	
Research Program		
National Documentation Packages	The Law provides that nationality may be acquired by origin through descent or birth (<i>ibid.</i> , Art. 4-8), or acquired by marriage, adoption or naturalization (<i>ibid.</i> , Art. 9-18). Nationality by origin is granted to "Any child whose one of his or her parents is a Rwandan" (<i>ibid.</i> , Art. 4), but the Law stipulates that parental descent is only effective "where it has been provided for by laws in force in Rwanda" (<i>ibid.</i> , Art. 5).	
Issue Papers and Country Fact Sheets		
Responses to Information Requests		
Recent Research	All applicants for nationality by naturalization must be "resident in Rwanda for at least the past five (5) years" and must be at least eighteen years of age (<i>ibid.</i> , Art. 15). Applicants must "present a receipt of payment to the Public Treasury of a non-refundable fee" (<i>ibid.</i>) of 80,000 Rwandan francs (RWF) (Rwanda 31 Aug. 2005a), approximately 147.00 Canadian dollars [1 RWF = 0.0001837 CAD (Xe n.d.)]. A chancellery fee of 500,000 RWF (Rwanda 31 Aug. 2005b) is also required when nationality is granted (Rwanda 3 Dec. 2004, Art. 18).	
Media Centre		
News		
Information Sheets		
Media Relations		
Proactive Disclosure	The 1993 Arusha peace accord provides for the acceptance of dual nationality in practice under Article 7 of the Chapter on the "Repatriation and Resettlement of Displaced Persons" (Rwanda 6 Sept. 2001; UK Oct. 2003, Para. 5.6). Dual	

nationality was recognized by law under the Constitution (Rwanda 4 June 2003, Art. 7; *New Times* 20 June 2006) and by the *Organic Law No 29/2004 on Rwandan Nationality Code* (Rwanda 3 Dec. 2004, Art. 2).

The Constitution proclaims that:

Rwandans or their descendants who were deprived of their nationality between 1st November 1959 and 31 December 1994 by reason of acquisition of foreign nationalities automatically reacquire Rwandan nationality if they return to settle in Rwanda (Rwanda 4 June 2003, Art. 7).

Furthermore, the *Organic Law No 29/2004 on Rwandan Nationality Code* stipulates that:

Every Rwandan having dual nationality is required to declare it before the Immigration and Emigration Services while in Rwanda, or when abroad to the Rwandan Embassy or Consulate in a period not exceeding three (3) months following the coming into force of this organic law to a person who has it at this date, and not exceeding three (3) months from the period he or she acquires another nationality, in case he or she acquires it after this date (Rwanda 3 Dec. 2004, Art. 38).

According to "Title VI: Recovery of Rwandan Nationality" of the *Organic Law No 29/2004 on Rwandan Nationality Code* and the Constitution, entitlement extends to "all persons originating from Rwanda and their descendants," but a definition of "descendants" in terms of familial relationships is not provided (*ibid.*, Art. 26; Rwanda 4 June 2003, Art. 7). Article 24 of the Law stipulates that an applicant for recovery of status must provide "concrete evidence" of his or her "earlier status as a Rwandan" to the officer in charge of civil status (Rwanda 3 Dec. 2004). The Law does not refer to any required fees for recovery of nationality (*ibid.*, Art. 24-26).

According to the *Organic Law No 29/2004 on Rwandan Nationality Code*, "[p]roof of one's acquisition or deprivation of Rwandan nationality is indicated by producing the legal deed which led to its acquisition or deprivation," whereas the birth certificate is sufficient proof for nationality of origin (*ibid.*, Art. 27). A Rwandan identity card, passport or temporary movement pass is also acceptable if the information corresponds with that recorded in the registers of civil status (*ibid.*, Art. 30).

The Law states that the Registrar of civil status has authority over the issuance of certificates of nationality "upon request by concerned individuals" (Rwanda 3 Dec. 2004, Art. 28). According to Article 29:

The burden of proof, in Rwandan nationality matters, rests with the person whose nationality is contested. However, this burden shall rest with the contesting person who is doubtful on an individual who possesses a Rwandan identity card, passport or temporary movement pass used as a Rwandan passport or a Rwandan Nationality certificate (*ibid.*).

Entitlement of Congolese Rwandans to Rwandan Nationality

Migrants from Rwanda have settled in the Kivu region of the Democratic Republic of Congo (DRC) during periodic waves of migration since the pre-colonial era (GSDRC 2001; International Crisis Group 24 Jan. 2003, 27). Congolese Rwandans are referred to as *Banyarwanda*, a term that includes both Hutu and Tutsi peoples (CODESRIA 6-10 Dec. 2005, 11-12; HRW Oct. 1997, 9), and are identified by their use of the language Kinyarwanda, the national language of Rwanda (*ibid.*; UN Feb. 2005, 8). The term Banyarwanda includes the Banyamulenge population (Refugees International 14 Feb. 2005), a term which refers specifically to Congolese Rwandans who are ethnic Tutsis and who settled in Mulenge in South Kivu (*ibid.*; GSDRC 2001).

In an article published in October 2007, the Kigali newspaper *New Times* declares that "'all members of the Rwandan Diaspora'" were able to return to Rwanda after July 1994 and "'automatically and unconditionally' regain Rwandan nationality if they wanted to" (*New Times* 3 Oct. 2007; see also Rwanda 24 Oct. 2005). However, a 2005 Open Society Justice Initiative (OSJI) document specifies that Banyamulenge people who have lived in the DRC for "generations" can "theoretically" obtain Rwandan nationality (OSJI 1 Feb. 2005, 25), whereas a subsequent British Broadcasting Corporation (BBC) report refers to an agreement reached between the DRC and Rwanda in November 2007 with a provision for the return of Hutus to Rwanda (BBC News 12 Nov. 2007).

Further information on entitlement to Rwandan nationality of Rwandan Congolese, including information specific to the Banyamulenge and Hutu populations of the Rwandan Diaspora in the DRC, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Required Documentary Proof

Information on the required documentary proof for the acquisition of Rwandan nationality could not be found among the sources consulted by the Research Directorate within the time constraints of this Response but the following information may be of interest.

According to Human Rights Watch (HRW), "Kinyarwanda-speakers" whose right to DRC nationality was limited by legislation enacted in 1981 were able to retain their identity cards because the legislation was "not actively enforced" (Oct. 1997, 10). However, a subsequent report by the UN Office for the Coordination of Humanitarian Affairs observed that Banyamulenge in particular may have difficulty registering births and marriages due to territorial divisions in the DRC which require people to travel distances of over 100 kilometres for registration services (UN 3 Aug. 2007).

Duration and Costs of the Process

Information on the duration of the application process for obtaining Rwandan nationality and the costs involved other than that found in the *Organic Law No 29/2004 on Rwandan Nationality Code* could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

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Additional Sources Consulted

Oral sources: The UNHCR in Rwanda and the Citizenship Rights in Africa Initiative (CRAI) did not respond to requests for information within the time constraints of this Response.

Internet sources, including: AfricaFiles.org, AllAfrica, International Centre for Migration Policy Development, Internet Law Library, *Jeune Afrique*, *Le Monde*, Newsgena, République Démocratique du Congo, Réseau documentaire international sur les régions des Grands Lacs Africains, United States Office of Personnel Management, Xinhua News Agency.

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[Top of Page](#)

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