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IRB – Immigration and Refugee Board of Canada

Rwanda: Access to Rwandan nationality and dual citizenship with Burundi, the Democratic Republic of the Congo (DRC) and Uganda (2019–September 2021) [ZZZ200728.FE]

Research Directorate, Immigration and Refugee Board of Canada

1. Current Legislative Framework Concerning Rwandan Nationality

Article 25 of the *Constitution of the Republic of Rwanda of 2003 Revised in 2015* establishes the general framework concerning Rwandan nationality as follows:

[Rwanda English version]

Article 25: Right to a country and nationality

Every Rwandan has the right to his or her country. No Rwandan can be banished from his or her country.

Every Rwandan has the right to Rwandan nationality.

Dual nationality is permitted.

No one can be deprived of Rwandan nationality of origin.

All persons of Rwandan origin and their descendants are, upon request, entitled to Rwandan nationality.

An organic law governs Rwandan nationality. (Rwanda 2003, emphasis in original)

Articles 5 through 20 of *Organic Law No. 002/2021 of 16/07/2021.O.L. Governing Rwandan Nationality* provides the basis for the modalities related to applying for and granting nationality:

[Rwanda English version]

Article 5: Person eligible to apply for Rwandan nationality by origin

A person eligible to apply for Rwandan nationality by origin is a person of Rwandan origin as provided for by this Organic Law.

Article 6: Conditions for applying for Rwandan nationality by origin

A person who applies for Rwandan nationality by origin must fulfil the following:

1. to be born to at least one Rwandan parent who is a Rwandan not through acquisition but by virtue of Rwandan ancestry;
2. to provide at least one of the following:
 1. testimony by the applicant or by at least one person and corroborated by evidence;
 2. a relative who has Rwandan nationality by origin;
 3. any other proof demonstrating his or her Rwandan origin.

Article 7: Modalities for applying for Rwandan nationality by origin

Application for Rwandan nationality by origin is made to the organ in charge of Rwandan nationality.

An Order of the Minister provides for application modalities and conditions.

Subsection 2: Application for and granting Rwandan nationality by acquisition

Article 8: Grounds for applying for or granting Rwandan nationality by acquisition

Grounds for applying for or granting Rwandan nationality by acquisition are the following:

1. birth on the territory of Rwanda;
2. foundling;
3. marriage;
4. adoption;
5. national interest;
6. special skills or talent;
7. substantial sustainable investments or activities;
8. residence in Rwanda;
9. honour;
10. being an immigrant;
11. statelessness.

Article 9: Conditions for applying for Rwandan nationality by acquisition on grounds of birth on the territory of Rwanda

Conditions for applying for Rwandan nationality by acquisition on grounds of birth on the territory of Rwanda are the following:

1. to have been born to foreigners who were legally residing in Rwanda at the time of his or her birth;
2. to have the age of majority by the date of application;
3. be a person of integrity and good conduct;
4. to have knowledge and respect for Rwandan culture and traditions;
5. to have knowledge of civic values;
6. to demonstrate social integration;
7. to have sufficient means;
8. to not pose a threat to national security.

Article 10: Conditions for granting Rwandan nationality by acquisition to a foundling

Granting Rwandan nationality by acquisition to a foundling is done upon one of the following conditions:

1. to be found on the territory of Rwanda;
2. to be found in an area that is not subject to the sovereignty of any State;
3. to be found on board a Rwandan-registered vessel;
4. to be found on board a Rwandan-registered aircraft.

The provisions of item 3° and 4° of paragraph One of this Article only apply where refusal to grant Rwandan nationality by acquisition to the foundling would result in him or her being stateless.

Article 11: Conditions for applying for Rwandan nationality by acquisition on grounds of marriage

Conditions for applying for Rwandan nationality by acquisition on grounds of marriage are the following:

1. to be legally married to a Rwandan national;
2. to have been married for at least five (5) years on the date of application;
3. to still live in marital union with his or her spouse;
4. be a person of integrity and good conduct;
5. to have knowledge and respect for Rwandan culture and traditions;
6. to have knowledge of civic values;
7. to demonstrate social integration;
8. to not pose a threat to national security.

Article 12: Conditions for granting Rwandan nationality by acquisition on grounds of adoption

Conditions for granting Rwandan nationality by acquisition on grounds of adoption are the following:

1. the adoption of a foreign child by a Rwandan;

2. an adoptee is not a threat to national security.

Article 13: Conditions for applying for Rwandan nationality by acquisition on the grounds of national interest

Conditions for applying for Rwandan nationality by acquisition on national interest grounds are the following:

1. existence of a national interest in connection with the applicant;
2. existence of a document that the relevant organ addresses to the organ in charge of Rwandan nationality, describing the national interest that would justify granting Rwandan nationality by acquisition to the applicant.
3. an applicant is not a threat to national security.

Article 14: Conditions for applying for Rwandan nationality by acquisition on special skills or talent grounds

Conditions for applying for Rwandan nationality by acquisition on special skills or talent grounds are the following:

1. the applicant possesses special skills or talent that are needed in Rwanda;
2. existence of a document that the relevant organ addresses to the organ in charge of Rwandan nationality, describing why the applicant's special skills or talent are needed in Rwanda and that this would justify granting Rwandan nationality by acquisition to the applicant;
3. be a person of integrity and good conduct;
4. to not pose a threat to national security.

Article 15: Conditions for applying for Rwandan nationality by acquisition on grounds of substantial sustainable investment or activities

Conditions for applying for Rwandan nationality by acquisition on grounds of substantial and sustainable investment or activities are the following:

1. to have substantial sustainable investment or activities in Rwanda;
2. a document that a relevant organ addresses to the organ in charge of Rwandan nationality describing the applicant's substantial sustainable investment or activities in Rwanda that would justify granting Rwandan nationality by acquisition;
3. be a person of integrity and good conduct;
4. to not pose a threat to national security.

Article 16: Conditions for applying for Rwandan nationality by acquisition on grounds of residence in Rwanda

Conditions for applying for Rwandan nationality by acquisition on grounds of residing in Rwanda are the following:

1. to have legally resided and physically lived on the territory of Rwanda for at least fifteen (15) years on the date of application;
2. be a person of integrity and good conduct;
3. to have knowledge and respect for Rwandan culture and traditions;
4. to have knowledge of civic values;
5. demonstrate good social relations within the Rwandan society;
6. to have sufficient means;
7. to not pose a threat to national security.

The way of calculating the period referred to in item 1° of Paragraph One of this Article is determined by the organ in charge of Rwandan nationality.

Article 17: Conditions for granting Rwandan nationality by acquisition on grounds of honour

Conditions for granting Rwandan nationality by acquisition on grounds of honour are one of the following:

1. recognition of one's distinguished character;
2. recognition of one's distinguished achievements;
3. such other condition as may be determined.

Article 18: Conditions for applying for Rwandan nationality by acquisition on grounds of being an immigrant

Conditions for applying for Rwandan nationality by acquisition on grounds of being an immigrant are the following:

1. to have immigrated to Rwanda for social, political or economic reasons;
2. to be a descendent of a person who migrated to Rwanda for social, economic or political reasons;
3. to have been residing and physically living on the territory of Rwanda at least for twenty-five (25) years and have lost connection to his or her country of origin;
4. be a person of integrity and good conduct;
5. to have knowledge and respect for Rwandan culture and traditions;
6. to have knowledge of civic values;
7. to demonstrate social integration;
8. to have sufficient means;
9. to not pose a threat to national security.

The way of calculating the period referred to in item 3° of Paragraph One of this Article is determined by the organ in charge of Rwandan nationality.

Article 19: Conditions for personal or third-party application for Rwandan nationality by acquisition on grounds of statelessness

Conditions for personal or third-party applying for Rwandan nationality by acquisition on grounds of statelessness are the following:

1. the applicant or the beneficiary is stateless person on the territory of Rwanda on the date of application;
2. to not pose a threat to national security.

Article 20: Nationality arising from acquisition of nationality by parents

A child meeting the following requirements becomes automatically Rwandan like his or her parents:

1. having born to a parent having been granted Rwandan nationality by acquisition, or having been adopted by a parent having been granted Rwandan nationality by acquisition;
2. be under age of majority. (Rwanda 2021, emphasis in original)

Articles 30 and 31 of the same law set out the modalities concerning the revocation of Rwandan nationality:

[Rwanda English version]

Article 30: Revocation of Rwandan nationality by acquisition

Rwandan nationality by acquisition may be revoked on any of the following grounds:

1. if the holder acquired it through fraud, false statements, falsified or erroneous documents, or any other fraudulent act;
2. if the holder applied for Rwandan nationality by acquisition with the intention of committing treason against the Republic of Rwanda;
3. if the holder’s behaviour threatens national security or other national interests;
4. for a person granted Rwandan nationality by acquisition on grounds of marriage, if the organ in charge of Rwandan nationality establishes that the marriage was concluded in order to acquire or to facilitate the person to acquire Rwandan nationality.

However, the revocation of Rwandan nationality by acquisition is not allowed where it may result into its holder being stateless.

An Order of the Minister determines the procedure for revoking Rwandan nationality by acquisition. However, the modalities for revocation of the Rwandan nationality by acquisition on grounds of honour are determined by the President of the Republic.

Article 31: Effect of revocation of Rwandan nationality by acquisition

A person whose Rwandan nationality by acquisition has been revoked cannot recover it. However, a person whose Rwandan nationality by acquisition on grounds of honour has been revoked may recover it.

The effect of revocation of Rwandan nationality by acquisition is extended to dependents. However, the effect of revocation of the Rwandan nationality by acquisition on grounds of honour is determined by the President of the Republic. (Rwanda 2021, emphasis in original)

Articles 45 to 48 of the same law define the modalities related to dual nationality:

[Rwanda English version]

Article 45: Definition of dual nationality

Dual nationality means a status in which a person concurrently holds Rwandan nationality and the nationality of one or multiple States.

Article 46: Declaration of dual nationality

A Rwandan national with dual nationality declares that dual nationality within three (3) months as of the date on which he or she acquired another nationality.

Article 47: Procedure for declaring dual nationality

An Order of the Minister determines the procedure for declaring dual nationality.

Article 48: Precedence of nationality

In case a Rwandan national holds dual nationality, only Rwandan nationality is considered in cases involving compliance with the Laws of Rwanda.

For a holder of Rwandan nationality by acquisition on grounds of honour, determining precedence of nationality in cases involving compliance with Laws of Rwanda depends on the rights and obligations granted at the time of acquisition. (Rwanda 2021, emphasis in original)

Lastly, articles 55 and 56 address the modalities of repealing and the commencement of this law:

[Rwanda English version]

Article 55: Repealing provision

Organic Law n° 30/2008 of 25/07/2008 relating to Rwandan nationality and all other prior provisions contrary to this Organic Law are repealed.

Article 56: Commencement

This Organic Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda. (Rwanda 2021, emphasis in original)

The order of the minister providing for application modalities and conditions regarding the acquisition of citizenship, including fees, had not been published at the time of conducting the research for this Response to Information Request.

2. Access to Rwandan Nationality for Persons Holding Burundian, DRC or Ugandan Nationality

The Rwandan general news publication *The New Times* reports that between 2009 and October 2020, the government of Rwanda granted Rwandan nationality to 935 foreign nationals and that 159 new applications were being processed while approximately 100 applications had been rejected (*The New Times* 5 Oct. 2020). Information concerning the origin of the persons who had applied for and been granted or denied Rwandan nationality could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Citizenship Rights in Africa Initiative website, which is hosted by the International Refugee Rights Initiative (IRRI) (Citizenship Rights in Africa Initiative n.d.a), a non-profit organization with offices in the US, the UK and Uganda and whose mission is to promote and protect human rights in situations of conflict and displacement (IRRI n.d.), reports that Kinyarwanda [one of Rwanda's official languages (L'aménagement linguistique dans le monde 15 Apr. 2019)] speakers outside of Rwanda:

are perceived as "Rwandan" as a result of their language and ancestry, often to the detriment of their rights. The perception of these people might lead one to believe that they could easily naturalize in Rwanda, a view supported by the relatively generous provisions on naturalization in Rwanda. However, refugees in Rwanda have reported that they felt that in practice this option was not open to them and that they felt excluded in Rwanda. (Citizenship Rights in Africa Initiative n.d.b)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Access to Burundian Nationality for Persons Holding Rwandan Nationality

The legislative instrument governing citizenship in Burundi is Law No. 1/013 of 18 July 2000 on the Reform of the Nationality Code (*Loi No 1/013 du 18 juillet 2000 portant réforme du code de la nationalité*), the following provisions of which set out the modalities concerning dual nationality and the conditions for divestiture of nationality:

[translation]

Article 21

Any Burundian, to whom the law confers this status as a native, is entitled to have dual nationality.

Article 22

Any person having held Burundian nationality as a native and having lost it by acquiring a foreign nationality may regain Burundian nationality, on condition of applying for it, and keep his or her second nationality.

Article 23

An adopted child can, on reaching the age of majority, apply to recover Burundian nationality without losing the nationality of the adoptive parent.

Article 24

The recovery in question must comply with the rules of procedure provided in Chapter V of this Law.

Article 25

A minor child is a dual national as of right when the father or, if paternal filiation is not established, the mother acquires a dual nationality.

Article 26

The dual national cannot use his or her status as foreigner in Burundi to avoid fulfilling his or her civic obligations.

...

Article 33

Any person may be divested of Burundian nationality who:

1. became Burundian pursuant to articles 4, 5 or 6, if it was acquired by deceit, fraud, corruption of a public officer or by any other illegal means;
2. enlists in a foreign army of a state declared at war against Burundi.

Article 34

The divestiture is ordered by the high court in the place of residence of the person concerned, which will render its judgment on the action brought by the Public Prosecutor or by any person concerned. (Burundi 2000, Art. 21–26, 33–34, emphasis in original)

In an interview with the Research Directorate, a lawyer from the Rwanda Bar Association and the East Africa Law Society practising immigration law in the Great Lakes region stated that Rwandans born in Burundi to at least one parent of Burundian origin can acquire dual nationality if they apply following the prescribed procedure and added that new acquisition through marriage or naturalization is [translation] "quite rare" for persons of Rwandan origin (Lawyer 26 July 2021). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Access to Congolese Nationality for Persons Holding Rwandan Nationality

Law No. 04/024 of 12 November 2004 on Congolese Nationality (*Loi no 04/024 du 12 novembre 2004 relative à la nationalité congolaise*) establishes the following regarding access to nationality, dual nationality and loss of nationality:

[translation]

Article 1:

Congolese nationality is one and exclusive.

It may not be held concurrently with any other.

It is either of origin or acquired through naturalization, choice, adoption, marriage or birth and residence in the Democratic Republic of the Congo.

...

Article 4:

All ethnic groups and nationalities whose persons and territory constitute what on independence became the Congo (now the Democratic Republic of the Congo) should benefit from equality of rights and protection under the law as citizens.

As such, they are subject to the same obligations.

...

Article 22:

The acquisition of Congolese nationality is subject to the following conditions:

1. reaching the age of majority;
2. formally submitting an individual declaration;
3. submitting a statement of commitment to renounce any other nationality;
4. speaking one of the Congolese languages;
5. being of good character;
6. having had a permanent address in the Democratic Republic of the Congo for at least 7 years on the date of the application;
7. having never carried out, for the benefit of a foreign state, acts that are incompatible with being a Congolese national or harmful to the interests of the Democratic Republic of the Congo;
8. having never been handed a final conviction by a national or foreign authority on one of the following charges:
 1. high treason;
 2. endangering national security;
 3. war crimes, crimes of genocide, crimes against humanity, crimes of assault;
 4. crimes of terrorism, assassination, murder, rape, child rape and pedophilia;
 5. white-collar crimes, money laundering, infringement, tax evasion, corruption, weapons trafficking, drug trafficking.

...

Article 26:

Any person of Congolese nationality who acquires foreign nationality loses Congolese nationality under the provisions of article 1 of this law.

Section 2

On divestiture of Congolese nationality

Article 27:

Without prejudice to article 29 of this law, the Government orders, within one year from discovery of the failure, the divestiture of nationality if the acquirer obtained it in violation of the provisions of article 22.

Upon this divestiture, the person in question is deemed to never have held Congolese nationality.

Article 28:

Without prejudice to the provisions of article 22 of this law, divestiture is ordered if the foreign national:

- holding nationality by acquisition retained his or her nationality of origin;
- acquired Congolese nationality by means of fraud, misstatement or misrepresentation, deceit or presentation of fraudulent evidence containing any misstatement or misrepresentation;
- is found guilty of corruption or collusion in relation to any person convened to participate in the proceeding for acquiring Congolese nationality. (DRC 2004, Art. 1, 4, 22, 26–28, emphasis in original)

For further information on Law No. 04/024 of 12 November 2004 on Congolese Nationality with respect to access to Congolese nationality, see Response to Information Request COD200186 of March 2020.

Bronwen Manby, a researcher in nationality and statelessness law and visiting senior research fellow at the London School of Economics and Political Science (LSE) who worked with the UNHCR on a campaign against statelessness (LSE n.d.), states in a report published by the UNHCR that the DRC leaves the Banyarwanda people in the country's east "with doubtful status" by creating a "presumption" of nationality for members of "ethnic groups of which the

individuals and territory formed what became Congo at independence" (Manby Dec. 2020, 4). According to the same source, "in practice most Banyarwanda are considered foreigners in Congo, and also have no entitlement to Rwandan nationality" (Manby Dec. 2020, 91). Minority Rights Group International (MRG) reports that access to nationality is "easier on paper," though excluded are those who are guilty of economic crimes or have worked for the profit of a foreign state, "common accusations against the Banyarwanda," who are Hutus, Tutsis and Batwa who speak Kinyarwanda and live along the Rwandan border in Kivu province (MRG June 2018). According to MRG, the nationality of Banyarwanda is "doubted," and arguments about the membership and definition of these groups under the law are "highly subjective" (MRG June 2018). The lawyer indicated that access to Congolese nationality for Rwandans and Kinyarwanda speakers is [translation] "very difficult" even when they are able to prove that they were born in the DRC (Lawyer 26 July 2021).

5. Access to Ugandan Nationality for Persons Holding Rwandan Nationality

The Constitution of the Republic of Uganda, 1995, as amended to 2017, governs Ugandan citizenship, and articles 14 and 15 set out the modalities related to the loss of nationality and dual citizenship:

14. Loss of citizenship by registration

A person may be deprived of his or her citizenship if acquired by registration, on any of the following grounds-

1. [Repealed]
2. voluntary service in the armed forces or security forces of a country hostile to, or at war with Uganda;
3. acquisition of Uganda citizenship by fraud, deceit, bribery, or having made intentional and deliberate false statements in his or her application for citizenship; and
4. espionage against Uganda.

15. Prohibition of dual citizenship

1. A citizen of Uganda of eighteen years and above, who voluntarily acquires the citizenship of a country other than Uganda may, retain the citizenship of Uganda subject to this Constitution and any law enacted by Parliament.
2. A person who is not a citizen of Uganda may, on acquiring the citizenship of Uganda, subject to this Constitution and any law enacted by Parliament, retain the citizenship of another country.
3. [Repealed]
4. [Repealed]
5. Where the law of a country, other than Uganda, requires a person who marries a citizen of that country to renounce the citizenship of his or her own country by virtue of that marriage, a citizen of Uganda who is deprived of his or her citizenship by virtue of that marriage shall, on the dissolution of that marriage, if he or she thereby loses his or her citizenship acquired by that marriage, become a citizen of Uganda.
6. Parliament shall by law prescribe the circumstances under which-
 1. a citizen of Uganda who acquires the citizenship of another country may retain the citizenship of Uganda;
 2. a citizen of Uganda whose citizenship of origin is of another country and who holds the citizenship of another country may cease to be a citizen of Uganda;
 3. a person who is not a citizen of Uganda may, on acquiring Uganda citizenship retain the citizenship of another country.
7. Parliament shall, by law, prescribe the offices of State which a person who holds the citizenship of another country in addition to the citizenship of Uganda is not qualified to hold. (Uganda 1995, emphasis in original)

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.

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Internet sites, including: Amnesty International; Freedom House; Global Citizenship Observatory; Human Rights Watch; US – Central Intelligence Agency, Department of State.

ecoi.net summary:

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