

MINISTERIAL ORDER N° 74/11 OF 31/08/2005 DETERMINING THE PROCEDURE OF ACQUISITION AND DECLARATION OF THE RWANDAN NATIONALITY

The Minister of Justice,

Given the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, especially in its Articles 120 paragraph one, 121 paragraph one and 201;

Given Organic Law n° 29/2004 of 3rd December 2004 establishing the Rwandan nationality code, especially in its Articles 7, 9 paragraph one, 36 paragraph one and 37;

After consideration and approval by Cabinet, meeting in its session of 27 July 2005;

ORDERS:

CHAPTER ONE : The scope of application.

Article One:

This order determines the procedure of acquisition and declaration of the Rwandan nationality.

CHAPTER 2: The procedure of acquisition of the Rwandan nationality by foreigners born on the Rwandan territory to alien parents residing in Rwanda.

Article 2:

Every foreigner born on the Rwandan territory to alien parents residing in Rwanda can, from the age of eighteen (18), acquire the Rwandan nationality on condition that he/she requests for it in accordance with the procedure determined by this order.

Article 3:

The request for the Rwandan nationality is addressed to the Registrar of civil status of the District/Town in his/her area of residence.

Abroad, the request is sent to the Rwandan Embassy or Consulate.

Article 4:

Along with the application letter, the applicant will provide:

- 1° a birth certificate;
- 2° a certificate of complete identity;
- 3° a police record certificate;

- 4° a copy of passport or a registration certificate if any;
- 5° prove that his/her parents were residing in Rwanda on the date of his/her birth.

Apart from the above documents, the applicant has to fulfil the following conditions.

- 1° Attest that he/she has been registered as a foreigner by the Immigration and Emigration Service;
- 2° Attest that he/she has not been subjected to a definitive decision of expelling him/her from the Rwandan territory;
- 3° Not to be a burden to the nation and the people;
- 4° Give evidence of a Kinyarwanda command. However, this condition may not be considered due to national interest;
- 5° Prove that he/she has uninterruptedly resided in Rwanda for the past two (2) years. Included in this period is the time he/she may have stayed abroad either on State mission or on studies with the direct or indirect permission from the Rwandan Authorities.
- 6° Present a receipt of payment to the Public Treasury of a non- refundable amount of fifty thousand Rwanda francs (50,000Rwf) or the equivalent for file fee.

Article 5:

The request addressed to the authority referred to in article 3, is recorded in a document in duplicate, dated and signed by this authority and the applicant.

This document mentions:

- 1° the name and the title of the authority receiving the application;
- 2° the civil status and the exact residence of the applicant;
- 3° the subject of the application;
- 4° submitted documents referred to in article 4 of this order.

The Registrar of the civil status immediately provides the applicant with an acknowledgement of receipt.

This written proof serves as a request deed and the Registrar of civil status notifies the applicant of the application effects and the competent authority to grant the nationality.

Article 6:

The Registrar of the civil status of the District/Town transmits to the Minister having civil status in his/her attributions copies of documents mentioned under article 4 with carbon copy for advice sent to, not beyond three months as from the day documents are received:

- 1. The District/Town Mayor;
- 2. The Provincial Governor or Mayor of the City of Kigali;
- 3. The Provincial or Kigali City Prosecutor;
- 4. The Immigration and Emigration Service;
- 5. and to the Minister having foreign affairs in his/her attributions if the request was made abroad pursuant to article 3 of this order.

This transmission is effected not later than five (5) days as from the date the request was made.

The Minister having civil status in his/her attributions to whom the copies are addressed records the receipt of the latter in a relevant register.

Article 7:

If the applicant meets the conditions mentioned under articles 4, 5 and 6 of this order, the Minister having civil status in his/her attributions grants the Rwandan nationality through an order. The grant is only final as from the date of its publication in the Official Gazette of the Republic of Rwanda.

The grant of the Rwandan nationality is issued not later than three (3) months as from the day the Minister having civil status in his remit receive the complete file. Beyond this period, it will be deemed to have been accepted. The applicant willing to have his rights respected petitions the competent jurisdiction which will issue the nationality attestation.

If the concerned does not meet the required conditions, the Minister having civil status in his/her attributions does not grant, through a ministerial order, the Rwandan nationality. The concerned can then petition the competent jurisdiction which rules on whether he/she can be granted the Rwandan nationality or not.

Article 8:

The concerned who has legally acquired the Rwandan nationality enjoys, as from the date of this acquisition mentioned in the preceding article, paragraph one, all rights pertaining to the Rwandan nationality, except as otherwise stated by particular laws.

CHAPTER 3: The procedure of acquisition of the Rwandan nationality by an alien or stateless person who marries a Rwandan national

Article 9:

An alien or stateless person who marries a Rwandan national can, within two (2) years' period as from the date of the civil wedding celebration, acquire the Rwandan nationality on condition that he/she requests it in accordance with the procedure determined by this order.

Article 10:

The request is addressed to the Registrar of civil status of the District/Town in the area of the applicant's residence.

Abroad, the request is sent to the Rwandan Embassy or Consulate.

Article 11:

Along with the application, the applicant will provide:

- 1° a birth certificate;
- 2° a police record certificate;

- 3° a passport or a registration certificate if he/she has got another nationality;
- 4° a marriage certificate;
- 5° a birth certificate for children under age born before or after marrying the Rwandan national and establishing the relationship with regard to the husband and wife;
- 6° a police record certificate or an equivalent document from a country or countries other than Rwanda where he/she resided or from a country of his/her nationality;
- 7° a certificate of civil status or any other documents from the Rwandan authorities likely to prove that his/her spouse had and still have the Rwandan nationality on the date of the wedding day.

Apart from these documents, the applicant has to fulfil the following conditions:

- 1° Attest that he/she has been registered as a foreigner by the Immigration and Emigration Service.
- 2° Prove, by a certificate issued by the local authorities, that he/she has been living as a husband or wife for two (2) last years;
- 3° Give evidence of a residence permit of their children who have usually resided with him/her for two (2) years;
- 4° Provide a receipt of payment to the Public Treasurer of a non-refundable amount of three thousand Rwandan francs (3.000 Rwf) or the equivalent for a file fee.

Article 12 :

The request addressed to the authority referred to in article 10 of this order, is recorded in a document in duplicate, dated and signed by this authority and the concerned.

This document mentions:

- 1° the name and the title of the authority receiving the application;
- 2° the civil status and the exact residence of the applicant;
- 3° the subject of the application;
- 4° documents referred to in article 12 of this order submitted by the applicant to the authority.

The Registrar of civil status of the District/Town immediately provides the applicant with an acknowledgement of receipt.

The written proof serves as a request deed and the registrar of civil status of the District/Town notifies the concerned of the application effects and the competent authority to grant the nationality.

Article 13:

Upon the receipt of the request, the Registrar of civil status of the District/Town registers the applicant as Rwandan and verifies whether he/she has got a document issued by local authorities proving that he/she has been living as husband or wife for two (2) last years.

Local Authorities, the Immigration and Emigration Service and the Minister having civil status in his/her attributions can, within six (6) months' period as from the registration of the application, object to the acquisition of the Rwandan nationality by the alien spouse on unworthiness' grounds.

Article 14:

The concerned who has legally acquired the Rwandan nationality enjoys, as from the date of its publication in the Official Gazette of the Republic of Rwanda, all rights pertaining to the Rwandan nationality, except as otherwise stated by particular laws.

CHAPTER 4: The procedure of declaration of the Rwandan nationality for a child born before the 1st December 2001 to a Rwandan mother and an alien father.

Article 15:

Every child born before the 1st December 2001 to a Rwandan mother and a father with a foreign nationality, acquires the Rwandan nationality if either of his/her parents or tutor if he/she is under age or himself/herself if he/she is of age or emancipated, expresses the intention thereof through a declaration in accordance with the procedure determined by this order.

Article 16:

The declaration for acquisition of the Rwandan nationality is addressed to the Registrar of civil status of the District/Town in the area of the applicant's residence.

Abroad, the request is sent to the Rwandan Embassy or Consulate.

Article 17:

Along with the declaration, the concerned provides:

- 1° a birth certificate;
- 2° a certificate of complete identity;
- 3° any document likely to prove that the mother is of Rwandan nationality;
- 4° a copy of passport or a registration certificate, if he/she has got another nationality;
- 5° Provide a receipt of payment to the Public Treasurer of a non-refundable amount of three thousand Rwandan francs (3.000Rwf) or the equivalent for a file fee.

Article 18:

The declaration addressed to the authority mentioned in article 16 of this order is recorded in a document in duplicate, dated and signed by this authority and the concerned.

This document mentions:

- 1° the name of the registrar of civil status who receives the declaration;
- 2° the civil status and the residence of the applicant;
- 3° the subject of the application;
- 4° documents mentioned in article 17 of this order.

The Registrar of civil status of the District/ Town immediately provides the applicant with an acknowledgement of receipt.

This written proof serves as a declaration deed and the Registrar of civil status of the District/ Town notifies the concerned of declaration effects.

Article 19:

As a result of the examination of the above mentioned documents, the Registrar of civil status confirms by a document the Rwandan nationality of the applicant, and informs the provincial Governor or the Mayor of the City of Kigali, the Immigration and Emigration Service and the Minister having civil status in his/her attributions.

The confirmation takes place not later than two (2) months as from the day the file is complete. Beyond this period, the positive reply will be deemed to have been issued.

In case of non-confirmation, the concerned can petition the competent jurisdiction which rules on whether the Rwandan nationality can be granted or not.

Article 20:

The concerned who has legally acquired the Rwandan nationality enjoys, as from the date of this acquisition mentioned under the preceding article of this order, all rights pertaining to the Rwandan nationality, except otherwise stated by particular laws.

CHAPTER 5: The procedure of the declaration of the Rwandan nationality for an alien man married to a Rwandan woman before the enforcement of the organic law n°29/2004 of 3rd December 2004 on the Rwandan nationality code.

Article 21:

An alien man married to a Rwandan woman before the enforcement of the organic law n° 29/2004 of 3rd December 2004 on the Rwandan nationality, can acquire the Rwandan nationality on condition that he expresses the intention thereof in accordance with the procedure determined by this order.

Article 22:

The conditions and procedure are the same as those provided for by

However, the alien man mentioned under the preceding article of this order:

1° is exempted from obligations referred to in article 12, paragraph 2-2° and 4° of this order;

2° Provide a receipt of payment to the Public Treasurer of a non- refundable amount of three thousand Rwandan francs (3.000Rwf) or the equivalent for a file fee.

3° not have divorced with his/her husband/spouse

CHAPTER 6 : General, Transitional and Final provisions

Article 23:

All persons referred to in chapter 3, 4 and 5 of this order who are provided with an indigence certificate issued by competent authorities and who are meeting all other requirements are registered as Rwandese.

Article 24:

All requests aiming at acquiring the rwandan nationality initiated before this order comes into force are deemed to have been introduced on the date this order comes into force. The applicants are requested to meet all requirements provided by this order.

Article 25:

All previous legal provisions that are contrary to this order are hereby repealed.

Article 26:

This order comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.

Done at Kigali, on 31/08/2005

The Minister of Justice
MUKABAGWIZA Edda
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)