

# ORGANIC LAW NO 29/2004 OF 03/12/2004 ON RWANDAN NATIONALITY CODE

We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE

FOLLOWING LAW AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL

GAZETTE OF THE REPUBLIC OF RWANDA.

The Parliament:

The Chamber of Deputies, in its session of June 21, 2004;

The Senate, in its session of October 5, 2004;

Given the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date especially in its Articles 7, 62, 88, 90, 92, 93, 108, 118-70 and 201;

Revisited the law of September 28, 1963 on Rwandan nationality code, as modified to date;

ADOPTS:

## TITLE I: GENERAL PROVISIONS

Article 1:

A Rwandan national is anyone who holds the Rwandan nationality under the provisions of this

organic law or whoever acquired it under earlier laws on Rwandan nationality.

Article 2:

Dual Nationality is permitted.

Article 3:

Under this organic law, the majority age is fixed at eighteen (18) complete

years of age.

## TITLE II: RWANDAN NATIONALITY BY ORIGIN

### CHAPTER I : RWANDAN NATIONALITY BY DESCENT

#### Article 4:

Any child whose one of his or her parents is a Rwandan, is a Rwandan.

#### Article 5:

Parental descent is effective in matters of granting nationality only where it has been provided for by laws in force in Rwanda.

### CHAPTER II: RWANDAN NATIONALITY BY BIRTH IN RWANDA

#### Article 6:

A child born in Rwanda from unknown or stateless parents or to whom at least one of his or her

parents' nationality cannot be granted is a Rwandan. New born babies found on the Rwandan

territory are considered as born in Rwanda at their birth in case of default of proof to the contrary.

#### Article 7:

Every foreigner born from alien parents on Rwandan territory residing in Rwanda can, from the age of eighteen (18) years acquire the Rwandan nationality provided he or she applies for it to the

Registrar of civil status in his or her area of residence in accordance with procedures provided for by the Minister having civil status in his or her attributions.

#### Article 8:

In this organic law, Rwandan territory means such area of land, water, marshland and airspace within the borders of the Republic of Rwanda.

In determining the Rwandan territory, consideration is given to Rwanda boundaries as indicated by public deeds of the Rwandan Administration or by

International treaties signed by Rwanda.

### TITLE III: ACQUIRED RWANDAN NATIONALITY

#### CHAPTER I: RWANDAN NATIONALITY BY MARRIAGE

##### Article 9:

A foreigner or stateless person married to a Rwandan after two (2) years from the date of civil

marriage celebration, can acquire the Rwandan nationality upon his or her request made before the

Registrar of civil status in accordance with procedure determined by the order of the Minister having civil status in his or her attributions and should have continued to stay together with his or her spouse until the day of his or her request. The marriage however, can not grant one nationality if not found recorded in a Rwandan Registry of civil status.

The Government of Rwanda can within a period of one year from the day the request of Rwandan

nationality was accepted, reject the alien or stateless person married to a Rwandan from acquiring the Rwandan nationality if it deems it unworthy.

When the Rwandan Government rejects to grant the foreigner a Rwandan nationality, he or she is

considered to have never acquired it. However, such deeds made within the time of the request and the rejection by the Rwandan Government can not be invalid for the reason that he or she could not acquire the Rwandan nationality.

Dissolution of marriage after acquisition of Rwanda nationality cannot have adverse effects on the

Nationality acquired by the spouse and his or her children in good faith.

##### Article 10:

A foreigner or a stateless person married to a Rwandan acquires Rwandan Nationality from the day the Registrar of civil status registers him or her in a relevant register as a Rwandan in accordance with provisions of article 9 of this Organic law.

## CHAPTER II: RWANDAN NATIONALITY BY BIRTH OR ADOPTION

### Article 11:

A child who possesses a foreign nationality or who is stateless, who has not yet attained the majority age or who has never been emancipated, is automatically a Rwandan if he or she is adopted by a Rwandan.

### Article 12:

A minor who is not emancipated as well as his or her parents whose birth was accepted by Rwandan laws is automatically a Rwandan if his or her father or mother acquired Rwandan nationality.

### Article 13:

Without prejudice to Government's right of rejection, every emancipated person adopted by a

Rwandan in accordance with law acquires the Rwandan nationality if he or she fulfils the following conditions:

1. demonstration of the will of being a Rwandan;
2. he or she should have resided in Rwanda at least for the past five (5) years;
3. he or she should be of good morals, characterised by patriotism and not to have been finally convicted to a sentence of imprisonment equal to or above five (5) years for any offence committed and has never been rehabilitated.

He or she is considered as a resident in Rwanda, where he or she is outside Rwanda either on a state mission or on studies with the direct or indirect permission from the Rwandan Authorities.

## CHAPTER III: RWANDAN NATIONALITY BY NATURALISATION

### Article 14:

Rwandan nationality is granted through an order of the Minister having civil status in his or her

attributions and published in the Official Gazette of the Republic of Rwanda.

#### Article 15:

Every applicant for nationality by naturalisation is required to fulfill the following conditions:

1. be of at least eighteen (18) years of age and a resident in Rwanda for at least the past five (5) years

at the time of submission of his or her application, including time spent abroad either on state

mission or on studies with the direct or indirect permission from the Rwandan Authorities. Such a

period of five (5) years is reduced to two (2) years if the applicant performed outstanding services to Rwanda;

2. be of good behaviour and morals and not to have been finally convicted to a sentence of a non

deferred imprisonment of above six (6) months or there existed no rehabilitation. Sentences made

abroad may not be considered;

3. not to have been subjected to a definitive decision of expelling him or her from the country;

4. not to be a burden to the nation and the people;

5. must know Kinyarwanda. However, this may not be considered due to the national interest;

6. present a receipt of payment to the Public Treasury of a non-refundable fee

7. determined by an Order of the Minister having civil status in his or her attributions.

#### Article 16:

Every applicant for nationality writes a letter to the Minister having civil status in his or her

attributions with a copy to the Prefect of Province or the Mayor of the City of Kigali depending on

the applicant's residence. The application shall be accompanied by all the necessary documents to

ascertain the applicant's legal status together with justifying reasons for the acceptance of his or her request.

The Prefect of Province or Mayor of City of Kigali, upon receiving the copy of the application for

nationality, forwards without delay to the Public Prosecutor the file containing the documents

mentioned above together with his or her opinion and the general conduct of the applicant.

After the Prosecutor of the Province or that of the City of Kigali receives the file of the applicant of nationality, he or she makes a brief statement which is published in Official Gazette of the Republic

of Rwanda and it is displayed in an appropriate place. Thereafter he or she shall conduct an inquiry on the acceptance of the request and seek the advice of the National Security Service on the application. Within two (2) months following the reception of the file, the Public Prosecutor of the Province or that of the City of Kigali forwards to the Minister having the registry of civil status in his or her attributions a complete file of application containing letters of the applicant and the following documents:-

1. report of the inquiry on the admission of the file of the applicant;
2. opinion from the National Security Service;
3. his or her own legal opinion on the admission of the applicant and the appropriate action.

The Minister verifies whether the legal requirements are satisfied. If not, he or she declares the

application unsuccessful and informs the applicant by a legally decisive letter indicating the reasons of rejection. Where the application is accepted, the Minister following a complimentary inquiry if deemed necessary, decides whether the nationality may be granted or not. Where in his or her opinion,

there is cause not to grant nationality, he or she rejects the application and informs the applicant. And when he or she deems it necessary that nationality may be granted, he or she makes an order to grant it.

The order to grant nationality is recorded in the Registry of civil status of the area where he or she

wishes to reside upon request of the applicant and after payment of charges mentioned in article 18 of this organic law. Its effectiveness starts from the day of its transcription.

Article 17:

Every person, upon acquiring the Rwandan nationality, as provided by law, enjoys as from such a

date on which he or she acquired it all rights there to attached, except where otherwise provided for by particular laws.

Article 18:

At every time nationality is granted, the applicant pays a chancery fee determined by the order of the Minister having the Registry of Civil Status in his or her attributions.

#### TITLE IV: RENOUNCING THE RWANDAN NATIONALITY

Article 19:

Persons with the majority age having any other nationality or willing to acquire another nationality

from another country, shall be deprived of the Rwandan nationality if they demonstrate the will to

renounce it.

Article 20:

Renouncing the Rwandan Nationality must, in order not to be null and void, be recorded with the

registry of civil status of the residence or domicile of the stating person when he or she is a resident in Rwanda or at the Rwandan Embassy or Consulate

for statements made abroad. It shall also be published in the Official Gazette of the Republic of Rwanda upon request by the receiving Registrar of civil status. Renouncing the Rwandan nationality is accompanied by returning identity and travel documents he or she acquired by virtue of being a Rwandan.

## TITLE V DEPRIVATION OF THE RWANDAN NATIONALITY

Article 21:

He or she may be deprived of the Rwandan nationality by naturalisation if:

1. he or she has been sentenced by Rwandan Courts for treason or any other offence against the

State' s internal or external security;

2. he or she has been sentenced in Rwanda or abroad, for any offence punished by an

imprisonment often (10) years or more which led to an effective imprisonment of at least five (5)

years;

3. he or she, in accordance with this organic law, acquired or recovered the Rwandan nationality

but through manoeuvres, false statement, falsified document, fraud, corruption to one of the

members among those who had a role in the relevant procedures or any other fraudulent nature.

Deprivation may be declared even where the applicant satisfies the requirements of the law but

who employees fraudulent means.

With exception of provisions of item three (30) of paragraph one of this article, the deprivation of

nationality can not be declared if it may cause statelessness to the applicant.

No one shall be deprived of the Rwandan nationality by origin.

Article 22:

Deprivation of the Rwandan Nationality is prosecuted, if necessary reasons arise, by the Public

Prosecution in a period not exceeding ten (10) years in a competent court of the defendant's

residence or domicile. Decision shall be made in a period not exceeding three (3) months from the

day the case is presented.

Both the Public Prosecution and the deprived defendant have the right to appeal through procedures provided by the other laws.

Where the case of deprivation of nationality is finally determined, its terms related to decisions are

published in the Official Gazette of Republic of Rwanda and recorded with the Registry of civil

status at the place where the deprived person was recorded.

Article 23:

Deprivation of Rwandan nationality can not have adverse effects on the deprived person's children

who have not attained the majority age. Such children are entitled to the right of retaining the

Rwandan nationality in accordance with provisions of article 7 of this organic law.

## **TITLE VI: RECOVERY OF RWANDAN NATIONALITY**

Article 24:

Recovery of Rwandan Nationality may be requested for and accepted by the officer in charge of civil

status of the residence or domicile of the applicant. The, applicant for recovery of the nationality

provides the concrete evidence for his earlier status as a Rwandan.

Article 25:

He or she can not recover the Rwandan nationality if:

1. he or she was deprived of Rwandan nationality in accordance with provisions of Article 21 of this organic law unless he or she is rehabilitated of the offence that led to the deprivation of the nationality;
2. he or she is a security threat, of whom a decision to expel him or her from the country was taken or whose decisions related to his or her security were rendered.

Article 26:

Rwandans or their descendants who were deprived of their Rwandan nationality, between November 1, 1959 and December 31, 1994, due to acquisition of foreign nationalities re-acquire their Rwandan nationality, without prior application, if they return to settle in Rwanda.

All persons originating from Rwanda and their descendants are upon their request from the registrar of civil status entitled to Rwandan nationality.

## **TITLE VII: PROOF OF NATIONALITY**

Article 27:

The proof of Rwandan nationality of origin is the birth certificate. Proof of one' s acquisition or

deprivation of Rwandan nationality is indicated by producing the legal deed which led to its

acquisition or deprivation.

Article 28:

The Registrar of civil status is the one in charge of issuance of certificates

for Rwandan nationality

upon request by concerned individuals.

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.

Article 30:

A Rwandan identity card, a passport or a temporary movement pass used as a Rwandan passport and any Rwandan Nationality certificate are considered truthful if they correspond to what is recorded in the registers of civil status in regard to nationality recorded therein.

However, there may be used any other means to indicate that it is not true if the registration of the

nationality did not occur, or if it was not recorded in the registers of civil status of the owner.

## **TITLE VIII: NATIONALITY CLAIMS**

Article 31:

Contentious matters on nationality, either in isolation or arising from appeals upon administrative

decisions are settled by competent jurisdictions. Arguments against a party based on nationality of

foreign nationality are public matters which the court examines even if the parties do not invoke

them. Such arguments based on nationality are examined before the case, which renders the court, to mean while, adjourn the case related to the subject matter.

Article 32:

Legal proceedings related to nationality matters are initiated by summoning the accused party.

Anybody seeking a statement to confirm or reject his or her Rwandan nationality sues the Public

Prosecution as the only competent authority to defend such an action without prejudice to the right

of intervention from any interested third parties to be entitled to have a say in such a case or to be

summoned.

Article 33:

The Public Prosecution is also the only competent authority to initiate legal proceedings to

demonstrate if one possesses Rwandan nationality or not. Third parties may also be allowed to

intervene in these matters.

This Public prosecution acts on its initiative or upon request by public administration or any other

person who presided over the proceedings of the nationality case before any court of law that

adjourned the proceedings.

The Public Prosecution must be summoned even if the case of nationality is not principal and the

court must listen to the submissions of the prosecution.

The Public prosecution is bound to sue upon request by the Public Administration or any other

person who presided over the case of nationality before a court of law that adjourned the case in accordance with provisions of paragraph 2 of this

Article.

## TITLE 1X: SETTLEMENT OF DISPUTES RELATING TO DUAL NATIONALITY

Article 34:

For persons holding more than one nationality including that of Rwanda, only the latter is considered if Rwandan law is to be respected.

Article 35:

In case there is a problem of knowing the nationality that should be considered for a person with

more than one nationality, the nationality of the country the person with many nationalities resides

in, is the one to be considered, in case of its absence, consideration is given to the nationality of the country with which he or she has the closest relationships.

## TITLE X: TRANSITIONAL AND FINAL PROVISIONS

Article 36:

A child born before 1st December 2001 from parents one of whom a Rwandan mother, and a father with a foreign nationality, acquires the Rwandan nationality if one of its parents or its tutor, or itself if he or she attained the majority age, upon application to the registrar of civil status of his or her residence or domicile through procedures determined by the Minister having civil status in his or her attributions.

A child born on 1st December 2001 or thereafter, from a Rwandan mother and a father with a

foreign nationality, is a Rwandan from birth.

Article 37:

A foreigner who is legally married to a Rwandan woman before this organic law comes into force,

acquires the Rwandan nationality upon his or her request to the registrar of civil status of his or her residence or domicile through procedures determined

by the Minister having the Registry of civil status in his or her attributions.

Article 38:

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.

Article 39:

Law of 28 September 1963 on Rwandan nationality as modified to date and all previous legal

provisions contrary to this organic law are hereby abrogated.

Article 40:

This organic law comes into force on the day of its publication in the Official Gazette of the

Republic of Rwanda. Kigali, on 03/12/2004

The President of the Republic

KAGAME Paul

(s é)

The Prime Minister

MAKUZA Bernard

(s é)

The Minister of Local Government, Good Governance, Community

Development and Social Affairs

MUSONI Protais

(s é)

The Minister of Internal Security

BAZIVAMO Christophe

(Se)

The Minister of Justice

MUKABAGWIZA Edda

(se)

Seen and sealed with the Seal of the Republic

The Minister of justice

MUKABAGWIZA Edda