



Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 31 August 2011

Information regarding acquiring DRC citizenship by virtue of marriage to a DRC citizen. Whether a child has an entitlement to DRC citizenship by descent. Whether a child born outside the DRC is entitled to citizenship.

The entry for the Democratic Republic of the Congo (DRC) in *Citizenship Laws of the World* states:

“CITIZENSHIP: Citizenship is based upon the Congolese Civil Code and the Special Law on Congolese Nationality (date unknown).

- BY BIRTH: Birth within the territory of Congo does not automatically confer citizenship.
- BY DESCENT: Child of a Congolese parent, regardless of the child's country of birth.
- REGISTRATION: Citizenship may be granted by registration for the following persons:
 - Foreign woman who has been, or is, married to a citizen of Congo.
 - Foreign child adopted by citizens of Congo.

BY NATURALIZATION: Congolese citizenship may be acquired upon fulfillment of the following condition: Person has legally resided in the country for at least five years.” (United States Office of Personnel Management Investigations Service (March 2001) *Citizenship Laws of the World*, p.55)

A document published on the *Africa for Women's Rights* website, in a paragraph headed “The Nationality Law”, states:

“Although article 5 of this law (Law No004/24 of 2004) permits women to pass on their Congolese nationality to their descendants, in the same way as men, article 30 states that women may not retain their Congolese nationality if they marry a foreigner.” (Africa for Women's Rights (undated) *Democratic Republic of Congo (DRC)*)

A UK Home Office COI report, in a section titled “Marriage to a Foreigner and Residence Status in the DRC” (paragraph 33.15), refers to information translated from a Landinfo fact-finding mission report as follows:

“The source stated above noted ‘Ilaka Kampusu reported that any foreigner has the right to get residence in the DRC on the basis of marriage with a Congolese national, regardless of the fact that the foreigner is a man or woman’. If this marriage has taken place in a foreign country, it has then to be legalised in the DRC. This kind of legalisation is called *exequateur* which is a process that is used for legalisation of foreign documents in the DRC. All relevant documentation issued in a foreign country regarding the marriage

has to be legalised in the DRC. All these documents have to be presented to the foreign ministry which in case of marriages will refer to the *Tribunal de Paix*. Llaka Kampusu pointed out that foreign marriages should be legalised in the country of marriage first before presenting it to the Congolese foreign ministry.” (UK Home Office Border Agency (27 January 2009) *Country of Origin Information Report: Democratic Republic of the Congo*, p.153)

In a section titled “Citizenship and Nationality” (paragraph 33.02) this report states:

“UNHCR stated on 27 April 2005 that:

‘The law n. 81/012 of 29 June 1981, modified by Decree-Law n.197 of 29 January 1999, is no longer applicable in DRC, as it is superseded by the new Nationality Law: the Law n. 04/024 of 12 November 2004 on Congolese nationality. These are the main points of this new law:

1. There are two categories of nationality: recognized nationality (by origin, by birth or by presumption of law) and acquired nationality (by naturalization, by option or by adoption).
2. The time required for naturalization is 7 years residence in RDC [DRC].
3. The double nationality is prohibited without exception. Congolese nationality is exclusive.
4. The procedure for the obtention or renunciation of Congolese nationality is an administrative procedure; the courts do not intervene in this procedure.
5. The return to the country is not a pre-condition to acquire the Congolese nationality.” (ibid, p.148)

Paragraph 33.03 of this report states:

“In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR stated that “in addition 7 years of marriage can also lead to acquiring the nationality through the nationality of the spouse (being a man or a woman)” (ibid, p.148)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Africa for Women’s Rights (undated) *Democratic Republic of Congo (DRC)*
http://www.africa4womensrights.org/public/Dossier_of_Claims/DRCENG.pdf
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<http://www.unhcr.org/refworld/pdfid/498166df2.pdf>
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<http://www.opm.gov/EXTRA/INVESTIGATE/is-01.PDF>
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European Country of Origin Information Network
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Immigration and Refugee Board of Canada
Landinfo
Refugee Documentation Centre Query Database
Refugee Review Tribunal
UK Home Office
UNHCR Refworld
United States Office of Personnel Management