

IMMIGRATION LAW

LAW N° 17/99 OF 16/8/1999 ON IMMIGRATION AND EMIGRATION

We, Pasteur BIZIMUNGU
President of the Republic

THE TRANSITIONAL NATIONAL ASSEMBLY HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND WE ORDER THAT IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The Transition National Assembly meeting in its session of January 28, 1999;

Given the fundamental Law, in particular the Constitution of June 10, 1991 in its Articles 21 and 69 and the Arusha Protocol of Agreement on Power-sharing, in Articles 40, 72 and 73;

Given again the Law of October 15, 1963 on the policy of Immigration and Emigration and conditions on entering and staying in the Republic of Rwanda for foreigners;

Given again the Law of October 15, 1963 relating to foreigners' registration;

Given again the Law of October 15, 1963 relating to national passports,

ADOPTS:

CHAPTER 1: GENERAL PROVISIONS

Article 1:

In this law, a foreigner is anybody who is not Rwandan or who has an unknown nationality.

Article 2:

On his/her entry or his/her residence into Rwanda, any foreigner must observe this law, except those on whom international conventions or particular laws confer the right.

Article 3:

This law does not concern people who represent their countries, the United Nations Organisation officials and those from the Organisation of African Unity, and even members of their families if necessary, to whom an identity card is issued free of charge.

A decree of the Minister having immigration and emigration within his remit defines how this card is issued.

CHAPTER II: FOREIGNERS' ENTRY AND RESIDENCE IN RWANDA**Article 4:**

To enter Rwanda, any foreigner must be holding documents with a visa required by international conventions and regulations in force, and must necessarily present the following:

- a) his/her passport stamped with a visa issued by the Rwandan Embassy or the Consular in the jurisdiction of origin. If there is no representation of the Republic of Rwanda in that country, the visa is applied for from the Minister having immigration and emigration within his remit or from his delegate who can themselves give the visa;
- b) the person who wants to have an entry visa for Rwanda fills in a form made in this regard, which is found in Rwanda Embassies and Consulates of the jurisdiction where that person is living or at the post through which he wants to enter. The way this form is made is determined by the Minister having immigration and emigration within his remit;
- c) a vaccination certificate provided by international conventions and filled in following the example given by the World Health Organisation, or following instructions from the minister having Health in his remit.
- d) If the Minister having immigration and emigration within his remit finds it necessary, he can authorise a derogation to the content of the present Article and issue particular instructions on residence in Rwanda:
 - i) for precise categories of persons;

- ii) for aircraft crew

Article 5:

As mentioned in point 1 of article 4 of this law, there are five kinds of visas stamped in passports:

1. a transit visa issued to persons holding a travelling document for other countries, but who must go through Rwanda on a return ticket;
2. a living permit for 15 days (for those without visa) authorizing to stay in the country from one to fifteen days;
3. a visit visa authorizing to stay in the country for a period not exceeding three months
4. a living visa for Rwanda authorizing to stay in the country from six to twenty-four months;
5. a residence permit authorizing to stay in Rwanda for an indeterminate duration.

The Minister having immigration and emigration within his remit or his delegates can issue to persons who enter in Rwanda a transit visa or a visa not exceeding one month as mentioned in Article 19 of this law.

They can also authorize people holding a transit visa to stay in Rwanda for a period not exceeding three months.

A decree of the Minister having immigration and emigration within his remit determines fees to be paid for visas and other documents provided by the clauses regarding immigration and conditions of leaving or entering into the republic of Rwanda.

Article 6:

People who are exempted from a transit visa, but who must be holding a valid national passport, are the following:

- a) passengers transiting through a Rwandan airport, but who must continue the journey on the same aircraft;
- b) passengers who must wait for one or many days, at a Rwandan airport, for the first airplane that must carry them to their destination.

However, this authorization will not be given to travellers who are deliberately delayed for their own reasons, this nor being due to the flight schedule or to bad atmospheric conditions; it is exclusively given to travellers who have no direct flight, and who must wait, near the airport, for the first airplane that must carry them.

The instructions given in points a) and b) are also observed for other means of persons' transport.

Article 7:

A visa for a duration not exceeding three months is delivered to tourists and other persons coming into the country for their own business and more generally, it is especially delivered to all foreigners who come to Rwanda for a visit of a duration not exceeding that provided in paragraph 3 of Article 5 of this law.

Article 8:

A living visa for Rwanda for a period of 6 to 24 months is issued to foreigners who come to assist Rwanda, in whatever field it may be, after the consent of the Minister having immigration and emigration within his remit.

Article 9:

A residence visa for Rwanda is equivalent to a residence permit. The person who applies for a residence permit must explain what he/she is intending to do, where he/she is going to live, the kind and the quantity of properties he/she will have in possession that will cater for his sustenance.

Article 10:

A person who is holding a visa with a validity not exceeding three months can, according to the provisions of article 8 and 9 of the present law, get a living visa for Rwanda for a duration of 6 to 24 months or a residence visa, if the person requests for it from the Minister having immigration and emigration within his remit.

Article 11:

To get a living visa for a duration of duration of 6 to 24 months or a residence visa as stipulated by Article 8 and 9 of the present, a foreign must pay a deposit for caution and guarantee, so that the state can help him/her later to go back to his country of origin in case he/she will be in need.

The amount of this deposit, the way it is to be collected, cashed, used and refund are provided for by a decree of the Ministry and emigration within his remit.

The Minister having immigration and emigration can also give instructions exempting certain categories of foreigners from paying that deposit.

The Minister having immigration and emigration can also appoint associations, organizations, establishments and co-operatives, that can certify that they will pay travel expenses, subsistence allowance, hospital expenses and fees for repatriation back to their country of origin for some categories of foreigners, without the Rwandan Government Department in charge of public finance being accountable for anything.

Article 12:

Persons' transport companies are accountable to the Rwandan Administration for the return and maintenance of the persons transported to Rwanda, when these persons can not produce a certificate proving that before coming to Rwanda they were fulfilling the conditions provided by this law.

Article 13:

A person undesirable in Rwanda, who can neither enter nor stay there, is a person who is not Rwandan as described in the following points:

1. anyone who not is in possession of papers mentioned in this law as regards documents and formalities for entry and living in Rwanda;
2. anyone who cannot prove that he has permanent and sufficient means of support;
3. any person who fosters or visibly spreads ideas about any kind of discrimination;
4. anyone who is dependent on one of the cases mentioned in the previous points;
5. anyone who would be sued or subjected to a penalty abroad, for a breach of one of the Extradition Conventions, except when this penalty is equal or less than two months of imprisonment;
6. anyone who is mentally sick, but this being proved by approved doctors, and who has nobody to look after him/her;
7. anyone who, before his entry into Rwanda, has caught one of the diseases defined by the decree of the Minister having Health within his/her remit;
8. anyone who would engage in spying or in other acts likely to disturb the security of Rwanda within the country or broad;
9. anyone who would disturb the security of the country;
10. anyone who engages in commerce of persons with the aim of throwing them into prostitution or drug abuse.

Furthermore, can also be called undesirable in Rwanda:

- a) any person who has come to establish himself/herself in Rwanda or has attempted to do so without authorization as provided by this law;
- b) anyone who would be in possession of a pass, but who cannot prove that his country's authorities would undertake to deliver him/her a new pass or to extend the validity of the pass in his/her possession;
- c) anyone who has come to Rwanda holding a temporary permit or visa, either a transit, a travel or a living visa for Rwanda for a duration of 6 to 24 months, and who does not leave Rwanda after the expiry of the said permit or visa;
- d) anyone who is authorized to stay in Rwanda following the provisions of this law, and who carries out activities contrary to those for which he/she has received the living permit, without prior authorization of the Minister having immigration and emigration within his/her remit.

CHAPTER III: CONTROL OF ENTRY IN THE COUNTRY

Article 14:

On returning to Rwanda, wherever they are coming from, Rwandans and members of their families must be in possession of a passport or another document replacing the passport.

Article 15:

Entry in Rwanda following the clauses of article 14 of this law is also allowed to foreign residents in Rwanda as well as members of their families.

In this law, family refers to wife and husband as well as children aged less than 21 years.

Article 16:

When any foreign person enters into the republic of Rwanda, he/she presents him/herself to an immigration officer.

At the request of the Minister having Health within his remit, that foreign person also has the obligation to have him/herself examined by a doctor approved by the state, and in case of impossibility, by another doctor approved by the competent Authority.

Article 17:

When it becomes necessary to hold investigations in order to know whether a foreign person is undesirable in Rwanda or fulfils necessary conditions allowing him/her to enter into or stay in Rwanda, the Head of Immigration Services writes to that person, indicating him/her the place where he/she must be staying meanwhile, and the period he/she will spend going to present him/herself to his office; however, this period cannot exceed eight days.

Article 18:

The Minister having immigration and emigration within his/her remit communicates in writing to any person who does not want to comply with the clauses of Articles 16 and 17 of the present law, or who is undesirable as defined in its articles 13, that he/she cannot enter into Rwanda or must leave Rwanda without exceeding the fixed deadline and through the boarder exit indicated to him/her.

Article 19:

Exceptionally and for clear reasons, the Minister having immigration and emigration within his/her remit or his/her representatives can give to some persons without documents, a transit permit for Rwanda and even give to some persons undesirable in Rwanda a living permit for a duration not exceeding one month.

CHAPTER IV: TURNING BACK, REFUSAL OF LIVING PERMIT AND IMPRISONMENT ON SIGHT

Article 20:

Will be turned back from Rwanda any undesirable foreign person as stipulated in Article 13 of this law;

Any foreign person who enters illegally into Rwanda is taken back to the boarder or to the airplane and then turned back and expelled from the territory of Rwanda;

Will be penalised with imprisonment of fifteen days to three months and a fine of ten thousand up to five hundred thousand francs or one of these penalties:

1. any person who helps another to infringe the law on immigration and emigration in Rwanda, preventing him from entering in Rwanda, being aware that he/she is undesirable in the country, or turning him/her back;
2. anyone who helps another not to comply with Article 17 and 18 of this law, being aware that it has been proved that this person is undesirable;
3. anyone who deceives or shows him/herself hypocritical before authorities, so as to get for him/herself or for another person the permit to come or to stay in Rwanda, being aware that he/she is undesirable;
4. anyone who prevents government officials in charge of respect of the regulations relating to the control of entry and exit of foreigners living in Rwanda from fulfilling their duties properly

Article 21:

Any person who does not comply or attempts not to comply with the measures taken following Articles 17 and 18 of this law is arrested and obliged to suffer the penalty that has been provided against him/her.

For that reason, he/she can be taken to court and penalized with 8 days to 3 months imprisonment, and a fine of ten thousand up to five thousand francs or with one of these

penalties.

CHAPTER V: FOREIGNERS' REGISTRATION

Article 22:

Any foreigner who enters into Rwanda must first register him/herself with the immigration and emigration office at the boarder of entry, or at the Rwandan airport where he/she has landed.

Any foreigner must make register him/herself following provisions of this law.

Any foreigner who arrives or already lives in Rwanda must write down all necessary information about him/herself on a card made for that purpose given to him/her free of charge on his/her arrival.

The decree of the Minister having immigration and emigration within his remit sets up the offices in charge of immigration and emigration as well as foreigner's registration.

Article 23:

The Minister having immigration and emigration within his remit may determine foreigners who do not have to register themselves and specify conditions they must fulfil.

Article 24:

Are exempted from registration when they enter in the Rwandan territory:

- those arriving at a Rwandan boarder, but who are not allowed to cross it, and who must not spend more than fifteen days there;
- those arriving by airplanes authorised to land in the country, who are to be accommodated in the Republic of Rwanda while waiting to continue their trip; those who are in charge of flights must make register on the cards provided for that purpose the names of ferried passengers who must continue their trip to another countries.

- Those who come to visit Rwanda and live there for a period of less than one month; however, those persons must fill in the cards mentioned in article 22 of this law, register their place of destination, their possible exit post, the time they intend to spend in Rwanda, and keep a copy of that card stamped by the authorized official, that represents for them a proof of the number of the days they intend to spend in Rwanda, and that copy must be presented to any accountable official who is at the border at the time of exit.

Article 25:

It is not mandatory for foreigners who have already filled in foreigners' registration cards to do so again as described in this law, if on returning to Rwanda they fulfil the following conditions

1. are registered in the foreigners' register since the date fixed by the Minister having immigration and emigration within his remit;
2. have not changed marital status since his last visit to Rwanda;
3. are in possession of a registration certificate issued by an accountable official.

Article 26:

For a foreigner to visit the country and travel freely without problem, he/she must be in possession of a passport with visa or another valid document issued for that purpose.

Article 27:

Children born outside of their country or in Rwanda are registered when their parents or one of them must be also register.

A foreigner who communicates the birth of children to the official in charge of marital status must also fill in the relevant registration card issued to him/her by the immigration and emigration office in his/her Prefecture of residence.

Article 28:

Only one card is filled in at the time of registration, the content of which is determined by a decree of the Minister having immigration and emigration within his remit.

Any registration card which is not filled in properly is considered as null and void.

Any foreigner who can not state where he/she is living or where he/she usually lives, at the time of his/her registration, must communicate it to the official who has registered him/her within seven days after he/she has found accommodation.

Article 29:

The official in charge of registration checks whether information written or given on each card is correct. That is why a foreigner may be asked for his curriculum vitae, his/her passport and other personal documents.

Article 30:

A registration certificate is issued to the person who register him/herself following the example attached to the decree of the Minister having immigration and emigration within his remit.

This certificate must be presented to the accountable official in case of necessity.

It is the person him/herself who collects this certificate from the immigration and emigration office operating within the prefecture, except when the director of that office decides on it in a different way.

However, as stipulated in article 27 of this law, children's registration certificates are collected by their parents from the immigration and emigration office.

Article 31:

The registration card and the registration certificate must bear the holder's photograph for those, from the age of 14 years. This photograph must be the same size and have the same dimensions as that attached to the passport. The accountable official attaches it to

the card at the time of registration, and puts one stamp on the photograph and the card to which it is attached.

Article 32:

Any foreigner who has finished registration formalities and then changes his/her name, his/her nationality or his/her marital status, when he/she gets married, divorces or becomes widow/widower, must register him/herself again and get a certificate.

A foreigner who enters in Rwanda with a visiting or temporary visa, and then is given authorization to stay in the country, must also fill in a registration card.

This formality can be done in any immigration and emigration office. In such a case, his/her registration certificate must be changed

Article 33:

Persons mentioned in Article 32 of this law must present the new registration certificate to the official in charge of the immigration and emigration office in their prefecture of residence, so that he copies out their living or residence visa for Rwanda.

All needed documents, including the registration certificate, can be forwarded in writing to the accountable official. But the latter may request the concerned person to be present him/herself.

Article 34:

It is required from a foreigner who changes his/her residence area to present him/herself to the immigration and emigration office of the new area within a period not exceeding ten days, so that he/she register him/herself and asks the accountable official to copy out the living or residence visa on his/her registration certificate.

Article 35:

Any foreigner who has no residence in Rwanda, but who is intending to get one, later, specifies his/her reasons at the time of registration by explaining methods through which

he/she intends to go and the prefecture in which he/she is going to be put up while waiting for means of transport.

When it is confirmed that he/she must leave his/her former residence, that foreigner must give to the accountable immigration and emigration officer of that area necessary documents provided for above.

When he/she gets a definitive residence, he/she informs the head of the immigration and emigration office in the prefecture about it, as provided in article 36 of this law.

Article 37:

Registration certificates that have become illegible must be replaced. Certificates of persons whose faces do not look any more like that which is visible on the photograph attached to the certificate must also be replaced.

Any official in charge of foreigners' registration can replace registration certificates and burn the replaced ones.

The issuance of a registration certificate, the replacement of an old certificate, a lost or stolen certificate require the payment of fees the amount of which is fixed by the Minister having immigration and emigration within his remit.

Article 38:

Breaches to clauses relating to registration are penalized with an imprisonment of 8 days up to three months and a fine of five thousand francs, or with one of these penalties.

The judge provides the period to be spent by the law breaker, so that necessary formalities for which he/she has been penalized are finished, and must be penalised again if he/her exceeds that period.

When he does not comply with the registration once more, penalties mentioned in the first paragraph of this article are multiplied by two.

An imprisonment penalty is provided for any foreigner who does not want to register him/herself, while he/she can be called undesirable following the clauses on the foreigner who is not in possession of necessary documents provided in the Penal Code.

Article 39:

Any person who will have written false information or other information that must not appear on this document will be penalized with penalties provided in the first paragraph of Article 38 cited above, without forgetting other important penalties provided in the penal code.

CHAPTER VI: NATIONAL PASSPORTS**Article 40:**

A Rwandan who wants to go out of the Republic of Rwanda must be in possession of a passport or another document replacing the passport.

The possession of a passport or another document replacing a passport is a right for every Rwandan who wants to travel abroad. It can not be issued to him only for reasons provided by the national regulation or international conventions. Those reasons are explained to him/her in written.

Anyone who applies for a passport or another document replacing the passport gets it within a time limit not exceeding thirty days as of the day of handing over the following to the concerned authority.

- a letter of application for a passport or another document replacing the passport;
- a complete identity certificate issued by the commune;
- a good morals certificate (attestation de bonne conduite, vie et moeurs) issued by the commune;
- related fees.

Article 41:

The decree of the Minister having immigration and emigration within his remit defines

how those passports are issued, their validity and related fees.

Article 42:

Passports and other documents replacing the passports are issued by the Minister having immigration and emigration within his remit or by his delegates in the prefectures.

Article 43:

A national passport can not be lent in any case, and it must bear its holder's following distinguished features: the holder's surname and given names, date of birth, place of birth, sex, photograph, height and signature. If the person who applies for the passport can not write, his/her signature is replaced by his/her fingerprint.

Article 44:

Other documents replacing the passport can be issued by the Minister having immigration and emigration within his remit or by his delegates. It is also that the same Minister who defines documents to be filled in by foreigners who hold a residence permit in order to get those documents when they can not get a passport from their country of origin.

Article 45:

The Minister having immigration and emigration within his remit can require that a passport or another document replacing the passport be given back to the immigration and emigration department and the time when it is to be given back.

The reason for which somebody is required to return a passport or another document replacing the passport are defined by the decree of the Minister having immigration and emigration within his remit.

If the person who has returned a passport or another document replacing the passport finds himself unguilty, he goes to court.

The breaches to the decision underlined in the first paragraph of this Article will be

penalized by imprisonment up to three months with a fine not exceeding ten thousand francs or by one of these penalties.

Article 46:

Subject to article 43 of this law, each Rwandese who exists or try to exit Rwanda without passport or another document replacing the passport will be penalized by imprisonment not exceeding three months with a fine not exceeding ten thousand francs or by one of these penalties.

Article 47:

The immigration and emigration officers have the power to monitor and study breaches related to this law and the ministerial decrees that define its implementation.

Article 48:

All previous provisions contrary to this law are abrogated.

Article 49:

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali on 16/8/1999

Pasteur BIZIMUNGU,
The President of the Republic
(sé)

Pierre Célestin RWIGEMA,
The Prime Minister
(sé)

Sheikh Abdul Karim HARERIMANA,
The Minister of Internal Affairs
(sé)

Seen and sealed by the Seal of the Republic:

MUCYO jean de Dieu,
The Minister of Justice
(sé)