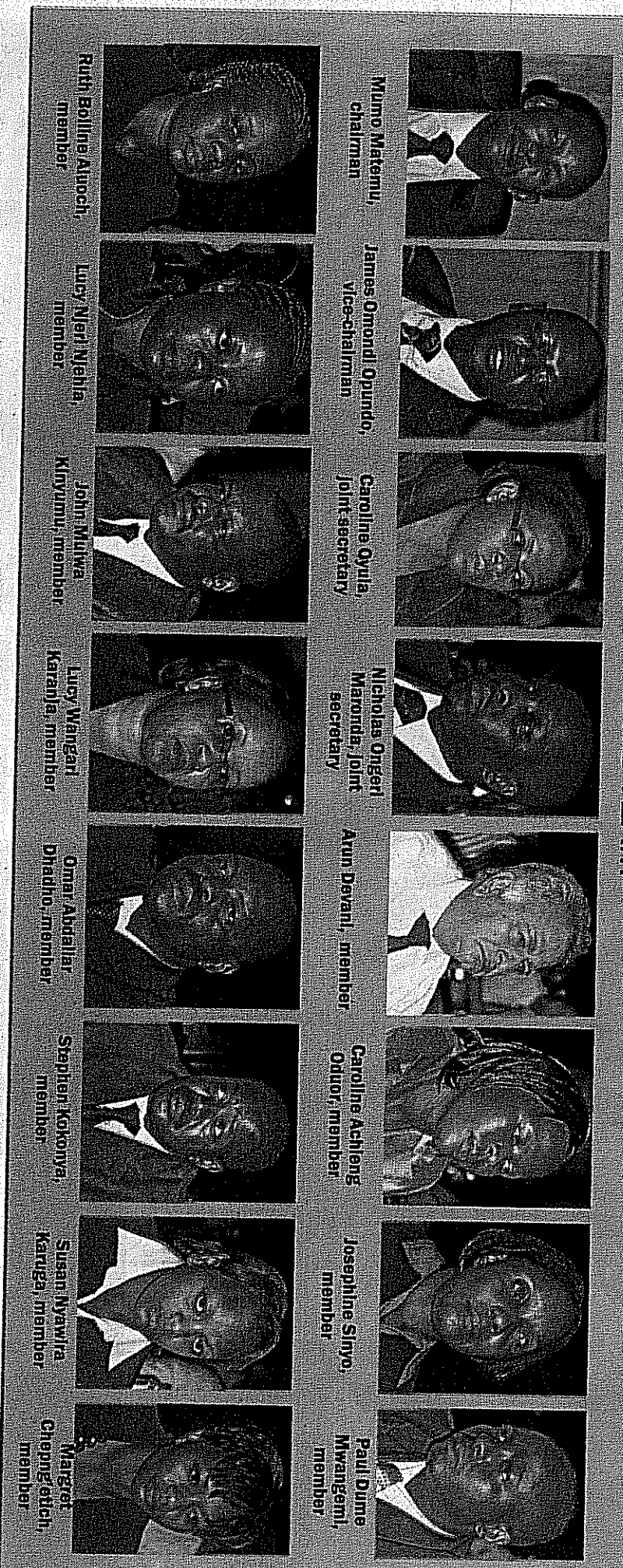


Taskforce on Dual Citizenship Launched

THE TEAM

PHOTOS: SALATON NJAU



By KIPKOECH KOMUGOR
Kenya will soon be able to tap the human resources of her former citizens, who were forced to relinquish their citizenship when they acquired citizenships of other countries.

According to the new constitution, former Kenyan citizens who had to give up their birthright to acquire foreign citizenship now have another chance to reclaim their citizenship.

Last week, a task force on citizenship and related provisions of the constitution started work to harmonise existing legislation on citizenship and registration with the provisions of the new law which, among other things, allows Kenyans to retain their citizenship when they migrate to another country.

Article 16 of the constitution passed last August provides that "a citizen by birth does not lose citizenship by acquiring the citizenship of another country."

Launching the task force last week, Immigration and Registration of Persons Minister Otieno Kajwang said the much-anticipated dual citizenship was now a reality.

"Kenya is keen on benefiting from its citizens in Diaspora without necessarily locking them out once they acquire another country's citizenship. Dual citizenship has now become a reality and the provision has been well received," said the Minister.

Previously, Kenyans automatically relinquished their citizenship by acquiring another country's citizenship. But the law now says such persons can reacquire their citizenship by application.

Article 14 (5) states: "A person who is a Kenyan citizen by birth and who has ceased to be a Kenyan citizen because the person acquired citizenship of another country, is entitled on application to regain Kenyan citizenship."

It is estimated that over one million Kenyans live abroad, either as naturalised citizens of their

host countries or as temporary immigrants. But the chairman of the Kenya Global Unity (KKGU) Mr Alex Momenyi says the number could be much higher.

"It is estimated that that over 2.5 million Kenyans live abroad, and last year alone they sent \$609 million (Sh45.7 billion) in remittances making them as the fourth biggest source of foreign exchange and contributor to growth of the national economy after horticulture, tea and tourism," said Mr Momenyi during the launch of the organisation in October last year.

KGU was formed with the objective of bringing together individual Kenyans and organisations of Kenyans in the Diaspora in order to address their social, economic and political challenges.

The new law also ensures that passports and documents of registration such as birth certificates and national identity cards become entitlements for every Kenyan citizen.

Besides, the Minister said, the new constitution would make statelessness—a situation which he said was

dangerous—history.

"We should never promote statelessness. It is a state that is not good for the stateless people and not good for states. A stateless person owes no responsibility to no one... it is a dangerous state of affairs that should be eradicated," Mr Kajwang said.

At the same time, the new constitution strikes a blow for women when it comes to citizenship. Where the former constitution gave only men the privilege of having their non-citizen wives to be naturalised as Kenyan citizens, the new law has no such discrimination along gender lines.

Non-citizen spouses of whatever gender are now free to apply for citizenship after residing in the country for seven years. Women are also allowed to pass citizenship to their children.

"Provisions have been made to reinforce gender equality and ensure that men and women are equal in the ability to pass their nationality to their children. Under the repealed Constitution, mothers who begot children abroad with foreign

fathers could not pass citizenship to their children," the Minister said last Tuesday during the task force's inauguration ceremony held at the Kenya International Conference Centre, Nairobi.

The task force's mandate includes examining the Births and Deaths registration Act Cap 149, Registration of Persons Act Cap 107, Kenya citizenship Act Cap 170, Immigration Act Cap 172, Aliens Registration Act Cap 173, and Refugees Act of 2006 Laws of Kenya, and identifying the areas of conflict with the constitution of Kenya.

With less than six months to complete its work, the taskforce chaired by Mr Mumo Matemu, has also been given the task of "collecting and collating public views including views from Kenyans in Diaspora to develop consensus on proposals limiting the effect of constitutional provisions on the descendants of Kenyans Citizens who are born outside Kenya, voluntary renunciation, statelessness, citizens' entitlements and refugee management."

With wide consultation with Kenyans and relevant government ministries and agencies and with the guidance of the provisions of the new constitution, the task force is expected to examine the draft National policies on citizenship and Immigration, Registration of persons, Civil Registration and Refugee Affairs.

Besides the chairman, other members of the task force are James Omondi Opundo (Vice chairman), former nominated MP Josephine Sinyo and the former chairman of Kenya Association of Manufacturers (KAM) Ayun Devani, a nominee of the Kenya Private Sector Alliance (Kepsa).

Other members are Ruth Bolline Aluoch, Caroline Achieng Odior, Margaret Chepngetich, Lucy Njeri Njehia, Stephen Kokonya, John Mutwa Kinyumu, Omar Abdallah Dhadho, Paul Dume Mwangemi and Lucy Wangari Karania.

Article 18 of the new constitu-

tion provides that before August 27, 2011, Parliament will have passed legislation (a) prescribing procedures by which a person may become a citizen; (b) governing entry into and residence in Kenya; (c) providing for the status of permanent residents; (d) providing for voluntary renunciation of citizenship; prescribing procedures for revocation of citizenship; prescribing the duties and rights of citizens; and (g) generally giving effect to the provisions of this Chapter.

Speaking during the inauguration ceremony, Immigration PS Emanuel Kisoro urged members of the task force to consult widely in order to achieve their objective.

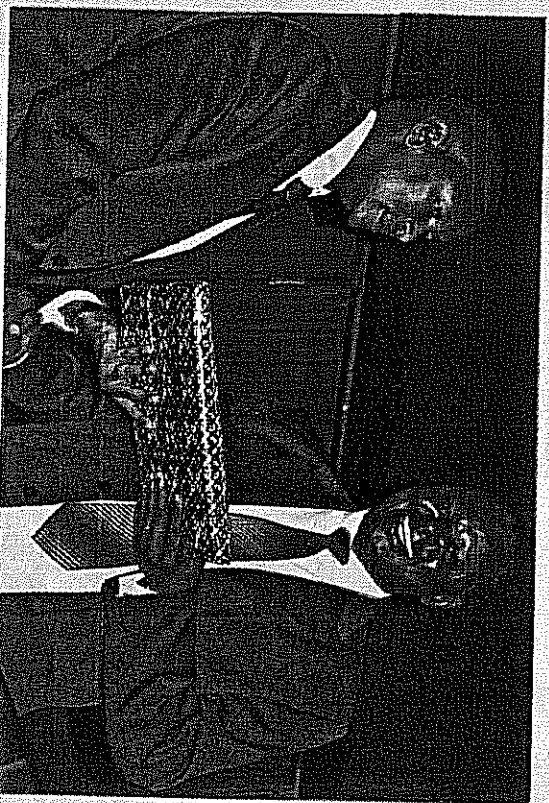
"Wide consultations through research and studies will enable the task force to achieve the desired results. The use of established communication methods such as focus groups, face to face interviews and the use of our ministerial website will go a long way to make the task ahead a success," he said.

The consultations and legislations, he added, would contribute to the attaining of the Vision 2030 which targets to drive the country into the middle income status.

Mr Kajwang said legislations on citizenship should not be in conflict with the freedoms provided for in the Bill of Rights.

"Any legislation that is enacted should be in tandem with the Bill of Rights. The constitution stresses that a right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors."

The Minister asked the task force to ensure that the harmonised legal framework frees Kenyans from the pains that they have had to go through in the past in their quest for citizenship.



The chairman of the newly established task force on citizenship, Mr Mumo Matemu, receives a document from the Minister of Immigration and Registration of Persons, Mr Otieno Kajwang shortly after the taskforce was inaugurated at the KICC, Nairobi. PHOTO: SALATON NJAU