

EXPLANATORY MEMORANDUM TO
THE BRITISH NATIONALITY (RWANDA) ORDER 2010

2010 No. 246

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This Order amends the British Nationality Act 1981 so that Rwanda is added to Schedule 3 to that Act, which is a list of “Countries whose citizens are Commonwealth citizens”.

3. **Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Context**

- 4.1 Schedule 3 to the British Nationality Act 1981 lists all those countries whose citizens are regarded as Commonwealth citizens. This instrument is being made in order to amend the list in Schedule 3 to allow citizens of Rwanda to be regarded as Commonwealth citizens under United Kingdom law. Rwanda was admitted to the Commonwealth on 29 November 2009. .

5. **Territorial Extent and Application**

- 5.1 This instrument applies to all of the United Kingdom.

- 5.2 It additionally applies to the Islands and all of the British overseas territories (the legislatures of which have not been consulted since they have no competence in matters relating to nationality and citizenship).

6. **European Convention on Human Rights**

The Minister of State for Borders and Immigration has made the following statement regarding Human Rights:

In my view the provisions of the British Nationality (Rwanda) Order 2010 are compatible with the Convention rights.

7. Policy background

7.1 The Commonwealth Heads of Government voted unanimously to allow Rwanda to join the Commonwealth and Rwanda was admitted on 29th November 2009.

7.2 Once Rwanda is added to the list of Commonwealth countries in Schedule 3 to the British Nationality Act 1981, its citizens will be regarded as Commonwealth citizens for the purpose of United Kingdom law. This means that Rwandan citizens in the UK will, if qualified, have the right to vote in Parliamentary, local and European elections, to stand for election to Parliament and sit in the House of Lords as a peer or bishop. They will also be eligible to hold certain posts, such as judge, magistrate, minister, police constable, member of the armed forces, or civil servant. As Commonwealth citizens they will also be able to enter the United Kingdom under the Immigration Rules on an ancestry visa or as a working holiday maker.

- Consolidation

7.3 There are no plans to consolidate Schedule 3 to the British Nationality Act 1981.

8. Consultation outcome

8.1 This change has not been the subject of consultation: it is a consequential amendment following the decision of the Commonwealth Heads of Government Meeting to allow Rwanda's entry to the Commonwealth..

9. Guidance

9.1 UKBA guidance will be amended to take account of this change. The change itself will be publicised on the UKBA website.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This change is not subject to review.

13. Contact

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instrument.