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Afghanistan: Information on citizenship since the fall of the Taliban government (1996 - 2001)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Article 4 of Afghanistan's Constitution, passed in 2004, states:

...

The word "Afghan" applies to every citizen of Afghanistan.

No citizen of the nation shall be deprived of his Afghan citizenship.

Affairs related to citizenship and asylum shall be regulated by law. (US 4 Jan. 2004)

However, sources consulted by the Research Directorate disagree over the question of which legislation is currently governing citizenship in Afghanistan.

According to the website of the Joint Electoral Management Body (JEMB) Secretariat, Afghanistan is using citizenship legislation that was passed in 1315 of the Afghan calendar (n.d.a) - a year which converts to 1936 according to the Gregorian calendar (CalendarHome n.d.). JEMB is a "legal/administrative body" composed of commissioners from the Interim Afghan Electoral Commission and five international electoral experts (JEMB n.d.b). The Office of the United Nations High Commissioner for Refugees (UNHCR) also indicates that Afghanistan's citizenship legislation is currently the aforementioned 1315 legislation (2005).

In contrast, a report produced by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) indicates that the Taliban-era citizenship legislation, passed in 2000, is still valid (Nov. 2007). The ACCORD report quotes Mohammad Aziz Rahjo, who is an associate protection officer at UNHCR Kabul, as the source providing this information (Nov. 2007).

On the other hand, *Citizenship Laws of the World* reports that citizenship legislation is based on the Official Gazette of Afghanistan's Ministry of Justice dated 19 March 1992 (US Mar. 2001).

Furthermore, in a telephone interview conducted by the Research Directorate, an official from the Embassy of the Republic of Afghanistan stated he was not aware of which legislation was currently governing citizenship in Afghanistan (Afghanistan 27 Nov. 2007). However, he indicated that laws governing dual citizenship had recently changed to allow for dual citizenship (ibid.). The Official explained that the decision intended to make it easier for expatriates and refugees to return (ibid.). However, the ACCORD report states that Afghanistan is currently working on developing new citizenship legislation, which will incorporate the concept of dual citizenship (Nov. 2007).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

### References

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### Additional Sources Consulted

**Internet sites, including:** Afgha.com, Amnesty International (AI), Center for Strategic and International Studies (CSIS), Council on Foreign Relations, Human Rights Watch (HRW), Inter Press Service (IPS), Refugee Council, Relief Web.

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