

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

5 February 2013

AFG104269.E

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Afghanistan: Citizenship, including legislation and whether dual citizenship is permitted (2008-2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

According to the UNHCR's Refworld, citizenship in Afghanistan is governed by the Law on Citizenship of the Islamic Emirate of Afghanistan of 24 June 2000, which repealed the Law of 6 November 1936 (UN n.d.). The full text of the 2000 citizenship statute is attached to this Response.

Article 4 of the Constitution of Afghanistan of 26 January 2004 states the following:

[translation]

National sovereignty in Afghanistan shall belong to the nation, manifested directly and through its elected representatives. The nation of Afghanistan is composed of all individuals who possess the citizenship of Afghanistan. The nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui and other tribes. The word Afghan shall apply to every citizen of Afghanistan. No individual of the nation of Afghanistan shall be deprived of citizenship. The citizenship and asylum related matters shall be regulated by law. (Afghanistan 2004)

2. Dual Citizenship

Article 7 of the Law on Citizenship indicates that [transation] "[a]nyone who, according to the orders of this law, is citizen of the [Islamic Emirate of Afghanistan] can not hold a double citizenship position" (ibid. 2000).

In a telephone interview with the Research Directorate, an official at the embassy of Afghanistan in Ottawa indicated that dual citizenship is allowed in the country with the Constitution of 2004 (ibid. 10 Jan. 2013). The official could not say which article of the Constitution allows for dual citizenship. Additional or corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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 sources consulted in researching this Information Request.

References

Afghanistan. 10 January 2013. Telephone interview with an official of the Embassy of Afghanistan in Ottawa.

_____. 2004. The Constitution of the Islamic Republic of Afghanistan. Unofficial translation from Dari/Pashto. <<http://www.embassyofafghanistan.org/page/constitution#1>> [Accessed 25 Jan. 2013]

_____. 2000. Law on Citizenship of the Islamic Emirate of Afghanistan. Translated from Dari. <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=404c988d4&page=search>> [Accessed 3 Jan. 2013]

United Nations (UN). N.d. UN High Commissioner for Refugees. "Law of Citizenship in Afghanistan." <<http://www.unhcr.org/refworld/country,,NATLEGBOD,,AFG,,42d63de34,0.html>> [Accessed 3 Jan. 2013]

Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organizations were unsuccessful: Afghanistan - Independent Commission for Overseeing the Implementation of Constitution of Afghanistan, Ministry of Interior Affairs, Ministry of Refugees and Repatriations.

Officials at the embassy of Canada in Pakistan could not provide information within the time constraints of this Response.

Representatives of the Afghan Research and Evaluation Unit could not provide information.

Internet sites, including: ACE Electoral Knowledge Network; *Afghan Daily*; Afghan Research and Evaluation Unit; Afghanistan – Afghan Independent Human Rights Commission, Embassy in Ottawa, Independent Commission for Overseeing the Implementation of Constitution, Ministry of Foreign Affairs, Ministry of Interior Affairs, Ministry of Refugees and Repatriations, Supreme Court; Al Jazeera; Amnesty International; Australia – Refugee Review Tribunal; BBC; Center for Strategic and International Studies; Council on Foreign Relations; Freedom House; Human Rights Watch; *Kabul Press*; Khaama Press [Afghanistan]; *The New York Times*; Radio Free Europe/Radio Liberty; United Kingdom – Border Agency; United Nations – ReliefWeb; United States – Central Intelligence Agency, Committee on International Relations, Department of State.

Attachment

Afghanistan. 2000. Law on Citizenship of the Islamic Emirate of Afghanistan. <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=404c988d4&page=search>> Translated from Dari. [Accessed 3 Jan. 2013]

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