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28 February 2005

Pakistan/Afghanistan: Whether an individual can be a citizen of both Pakistan and Afghanistan, particularly in the case of a person who was born in Pakistan to parents who are Afghan citizens (2005)

Research Directorate, Immigration and Refugee Board, Ottawa

The following information was provided in 7 February 2005 correspondence to the Research Directorate by the Embassy of Afghanistan, in Ottawa:

Afghanistan does recognize dual citizenship. However, the decision, made back three years ago, remains void of any bilateral or multilateral enforcement bearing as it has been adopted solely by the Government of Afghanistan. The decision principally aims to facilitate and ultimately pave the way for the return of expatriates including refugees abroad to Afghanistan and to get them engaged in the ongoing political and reconstruction processes. The Government has yet to establish regulatory and even statutory frameworks to define legal parameters of the issue both domestically and within the context of bilateral relations involving other States, and for that matter Pakistan. At present, laws and rights of Afghan nationals for dual Afghanistan-Pakistan citizenship remains pending. ...

Children born in countries other than the country of origin, including Pakistan, to father or mother or both, who are Afghanistan citizens are considered entitled to Afghanistan citizenship. In fact, the prevailing acts on citizenship in Afghanistan provide that citizenship is hereditary and a child born to either or both Afghan parents anywhere would automatically acquire Afghanistan citizenship.

However, according to information provided by the High Commission of Pakistan, in Ottawa, Pakistan does not recognize dual nationality with Afghanistan, and although the child of parents who are Afghan citizens may have been born in Pakistan, he/she is not entitled to Pakistani citizenship (25 Feb. 2005).

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.