

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.

28 October 2010

PAK103593.E

Pakistan: Whether the spouse of a citizen of Pakistan can acquire citizenship; if so, information requirements, procedures and documents needed

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Section 10 of the *Pakistan Citizenship Act, 1951* prescribes the conditions for granting Pakistani citizenship to foreign spouses of Pakistani men (Pakistan 1951b, Sec. 10). Specifically, the Section states that the wife of a Pakistani citizen

shall be entitled, on making application therefore to the Federal Government in the prescribed manner, [and] if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty one years of her age and is of full capacity. (ibid. para. 2)

Section 10 of the *Act* also renders eligible for citizenship the widow of a man who would have himself been eligible for citizenship (ibid., para.3).

A private member's bill, introduced in February 2010 by a member of the Pakistan National Assembly, seeks to amend Section 10 of the *Citizenship Act* because the *Act* does not allow the foreign spouses of Pakistani women to acquire citizenship (Pakistan 17 Feb. 2010). As reason for the amendment, the Bill states that the Federal Shariat Court had, in accordance with Pakistan's Constitution, required "the President of Pakistan to take suitable steps" and amend the *Act* and thereby correct the "discriminatory section of the Pakistan Citizenship Act, 1951" and that the Bill was an effort to fulfil this requirement (ibid.). According to the Internet edition of the Pakistani daily newspaper *Dawn*, it was on 19 December 2007 when the Federal Shariat Court had declared the *Citizenship Act* to be "discriminatory against women" and had "asked the president to amend it within six months" (*Dawn* 20 Dec. 2010). But, says the article, the government opposed an amendment on the grounds that "it would not only legalise the stay of a large number of illegal immigrants, but also increase their influx" (ibid.).

Information on the status of the Bill to amend the *Pakistan Citizenship Act, 1951* since being introduced could not be found among the sources consulted by the Research Directorate.

Requirements, procedures and documentation

Application Form F, "Application by a Married Woman for a Certificate of Citizenship of Pakistan by Registration," is provided in Appendix VI of the *Pakistan Citizenship Rules, 1952* (Pakistan 1951). In addition to asking for personal information about the applicant, the form requests the applicant prove her identity and her relationship with a Pakistani citizen by providing the following information:

- a. Nationality of the applicant.
- b. Marriage with person named in para 3.
- c. Pakistan Citizenship of husband mentioned in para 3 of this application.
- d. Domicile---
- e. Taking the oath of allegiance---
- f. Facts which would have entitled the person mentioned in para 3 of this application to be a citizen of Pakistan if he were alive.
- g. Certificate of preconsent of Federal Government in case of loss or deprivation of citizenship of applicant. (ibid., App.VI)

The website of the Pakistan Ministry of Information and Broadcasting provides information on the different categories of people eligible to receive Pakistani citizenship and the documents required to apply for it (Pakistan n.d.a). Among the various categories are "[f]oreign ladies married to Pakistani nationals" (ibid.). The lists of documents which they require to provide in addition to those requested in the Application Form are as follows

- Prescribed application form F (in quadruplicate)

- An affidavit on Rs.20/ [20 Pakistani Rupees = 0.238844 Canadian Dollars (XE.com 24 Sept. 2010)] - non judicial stamp paper from the applicant and her husband regarding detail facts of the case.
- A similar affidavit from the husband on Rs.20/- non judicial stamp paper.
- Photostat copies of relevant pages of applicant's foreign passport.
- Photostat copy of residential permit.
- Photocopy of marriage certificate.
- Photostat copy of domicile certificate of the applicant (in case of applicant other than [C]ommonwealth Citizen)
- List of close-relations residing in India on the prescribed form.
- Photostat copies of Pakistan Citizenship Certificate/Domicile Certificate of the applicant's husband (in case the husband has been issued such certificate).
- Six color photographs with light blue background size 2X1 1/2. One attested on front and one on back by Notary public/Oath Commissioner.
- Photostat copies of the relevant pages of the Pakistani passport and national identity card of the husband.NOTE: All of the mentioned documents may be attested by Notary public/Oath Commissioner except the photographs which have to be attested in a manner specified at sub para No.x. [sic] above.
- Bank challan of prescribed amounts Rs.40/-
- Oath of allegiance taken before 1st Class Magistrate (in case of citizen other than Commonwealth)
- Attested copy of domicile of the lady (in case of citizens other than [C]ommonwealth).
- Two certificates [from] two different Government Officers not less than B-17 confirming the date national status of the applicant's husband. Such certificates must also indicate the date and place of birth of the applicant's husband and his income. (Pakistan n.d.a)

The website also states that

[a]pplication form[s] can either be submitted to Directorate General Immigration & Passports Islamabad or its RPO [Regional Passport Offices (Pakistan n.d.b)] at Lahore & Karachi or in the offices of Deputy Commissioners of other Districts in Pakistan. (ibid. n.d.a)

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

Dawn [Karachi]. 20 December 2007. Nasir Iqbal. "Citizenship Act Discriminatory." <<http://www.dawn.com/2007/12/20/top5.htm>> [Accessed 23 Sept. 2010]

Pakistan. 17 February 2010. National Assembly of Pakistan. The Pakistan Citizenship (Amendment) Act, 2010. <http://www.na.gov.pk/private_bills/pvt_bill2010/pakistan_citizenship_amend_act2010_170210.pdf> [Accessed 22 Sept. 2010]

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XE.com. 24 September 2010. "Pakistan Rupees to Canada Dollars Rate" XE.com> [Accessed 24 Sept. 2010]

Additional Sources Consulted

Oral sources: A representative of the High Commission of Pakistan in Ottawa was unable to provide information for this Response.

Internet Sources, including: *Asia Times Online*, *Daily Mail* [Islamabad], *Daily Times* [Lahore], European Country of Origin Information Network (ecoi.net), Factiva, High Commission for Pakistan in the United Kingdom, *The Nation* [Lahore], Pakistan High Commission in Ottawa, Pakistan - Ministry of Interior and Ministry of Women Development, South Asian Media Net, United Kingdom (UK) - Home Office, United Nations (UN) - Committee on the Elimination of Discrimination Against Women (CEDAW), UN - Integrated Regional Information Networks (IRIN), UN - Universal Human Rights Index of UN Documents.

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