

# **Law on Citizenship of the Islamic Emirate of Afghanistan**

(English Translation)

## **Chapter One**

### **General Orders**

#### **Article One**

This article has been established for the regulation of the issues concerning acquiring or losing the citizenship of the IEA.

#### **Article Two**

1. Citizenship of the IEA is equal and similar for all the citizens.
2. A person holding nationality of the IEA under the rules of this law is known as Afghan.

#### **Article Three**

The expressions below in this statute have the following interpretations:

1. Citizenship of the IEA: Political and legal relations of the person with the IEA.
2. Foreign: Person who does not have the citizenship of the IEA or a person with no citizenship.
3. Securing citizenship: Securing the citizenship of the IEA by the person asking for it.
4. Losing the citizenship: Abandoning or the citizenship of the IEA being forfeited.

#### **Article Four**

Citizen of the IEA is the one who:

1. Has been citizen of the IEA prior to the establishment of this law.
2. Acquires citizenship of the IEA in accordance with the rules of this law.

#### **Article Five**

Living abroad of a citizen of the IEA does not result in his/her deprivation of the citizenship.

### **Article Six**

1. Citizen of the IEA abroad is under the support of the IEA.
2. Citizen of the IEA is not submitted to another country.

### **Article Seven**

Anyone who, according to the orders of this law, is citizens of the IEA can not hold a double citizenship position.

### **Article Eight**

A person who does not hold citizenship of the IEA and does not have strong documents proving his citizenship of another country is considered to be without citizenship.

## **Chapter Two**

### **Obtaining Citizenship of the Islamic Emirate of Afghanistan**

#### **Article Nine**

1. Obtaining citizenship of the IEA, deprivation from it or losing it can take place only if it is compatible with the tenets and principals of Islam.
2. A person born from parents holding citizenship of the IEA abroad or within the territory of the IEA is considered to be a citizen of the IEA.

#### **Article Ten**

1. If at the time of birth of the child, one of the parents holds citizenship of the IEA and the other holds the citizenship of another country, the child is considered citizen of the IEA in the following conditions:
  1. If the baby is born in the territory of the IEA.
  2. If the baby is born outside the territory of the IEA but one of his/her parents permanently resides in the IEA.
  3. If the baby is born outside the territory of the IEA and the parents too live outside of the territory of the IEA and the parents mutual consent select the citizenship of the IEA for the baby.
2. If a child who reaches the age of 18 submits request in black and white pertaining the acceptance of his/her parents' old (previous) citizenship within six months, his

Afghan citizenship would be negated from the date of the approval of the application.

#### **Article Eleven**

A child will be considered citizen of the IEA regardless of the fact that he/she was born inside or outside the territory of the IEA if one of his/her parents is the citizen of the IEA and the other is not or his/her citizenship is not established.

#### **Article Twelve**

If a child is found in the territory of the IEA and his/her parents' documents proving their citizenship are not available, the child would be considered citizen of the IEA.

#### **Article Thirteen**

A child born of foreign parents in the territory of the IEA after reaching the age of 18 and with an intention of permanently living in the IEA would be considered the citizen of the IEA unless he/she asks for the citizenship of the foreign country upto six month after the completion of 18 years of his/her age.

Children of the delegations, heads and members of the foreign diplomatic and consular missions and international organizations are exempted from this rule.

#### **Article Fourteen**

Foreigners regardless of their ethnicity, linguistic relations or sex and education can be accepted as the citizens of the IEA.

#### **Article Fifteen**

Those who do not have citizenship or citizens of other countries can obtain citizenship of the IEA as follows:

1. After completion of 18 years of age.
2. After having forwarded an application for acquiring citizenship of the IEA.
3. After having lived for somewhat more than five years in the territory of the IEA.
4. If the petitioner has not committed any crimes during his/her stay in the territory of the IEA.

#### **Article Sixteen**

Obtaining the citizenship of the IEA of one of the spouses does not affect the citizenship of the other spouse and those of their children who are above 18.

### **Article Seventeen**

1. The under 18 children of those parents who accept citizenship of the IEA would also become citizens of the IEA.
2. If one of the parents accepts citizenship of the IEA, his/her under 18 children who live with him/her are also considered citizens of the IEA.
3. The over 18 children living outside of the territory of the IEA whose parents have obtained the citizenship of the IEA can request for the citizenship of the IEA and can obtain the citizenship.
4. If children of the parents mentioned in the first and second part of this article after having 18 years of their age completed and within six months submit an application declining their citizenship of the IEA, their Afghan citizenship would be turned down.

### **Article Eighteen**

If an alien marries a citizen of the IEA in accordance with the Islamic Sharia law, after forwarding application for Afghan citizenship in black and white considering the seventh article of this statute, his/her Afghan citizenship can be approved with no consideration to the period mentioned in the third part of the fifteenth article of this statute.

### **Article Nineteen**

A person who holds no citizenship according to the testimonials and marries and Afghan citizen can be considered citizen of the IEA.

### **Article Twenty**

1. Children under 18 years of age living with their foreign widow/widower parent who marries an Afghan citizen and gets the citizenship of the IEA can be considered Afghans.
2. Children under 18 years of age living with one of their foreign separated parent in the IEA who marries an Afghan citizen and obtains an Afghan citizenship, can be considered Afghans. The under 18 children of such people who do not reside in the territory of the IEA, on the basis of the request of their parent and with the consent of their previous (separated) mother/father can obtain citizenship of the IEA.
3. If the children submit application within six months after they complete 18 years of their age declining their Afghan citizenship, their Afghan citizenship would be negated after the date of the approval of the application.

### **Article Twenty-One**

1. Any foreign citizen who weds national of the IEA, gets the citizenship of the IEA and later divorces his/her spouse or his/her spouse dies, can by his/her own will get his/her previous citizenship restored considering the fourth Article of this statute.
2. Children born as a result of such marriage who are under 18 can maintain their Afghan nationality after the death of one of their parents.
3. If one of the parents who is a national of the IEA and does not agree with the nationality of his/her children in case of divorce, their children will be considered nationals of the IEA until the age of 18.

### **Article Twenty Two**

The nationality of the IEA can also be obtained according to the norms predicted in the international treaties unless they contradict the tenets of Islam.

## **Chapter Three**

### **Granting, Abandoning, Forfeiting and Restoring the Nationality of the Islamic Emirate of Afghanistan**

#### **Article Twenty-Three**

Only HE Amirul Mo'minin can grant someone the nationality of the IEA.

#### **Article Twenty-Four**

1. The Council of Ministers and later Amirul mo'minin can approve the application for abandoning the citizenship of the IEA
2. Citizenship can be forfeited after the verdict of an authoritative court.

#### **Article Twenty-Five**

Abandoning the Afghan citizenship can not be accepted in the following situations:

1. If the applicant has not fulfilled his duties and obligations towards the IEA.
2. If the applicant has financial responsibilities towards the Emirate institutions and service oriented organizations, joint corporations and other citizens and not fulfilling which would harm to above-mentioned sources.
3. Accused of and or indicted in criminal acts.

4. If his/her abandoning the nationality harms the country.

#### **Article Twenty-Six**

If one of the spouses abandons the citizenship of the IEA, it does not affect the citizenship of the other spouse and that of the children.

#### **Article Twenty-Seven**

1. If parents abandon the citizenship of the IEA, it would not affect the citizenship of their children.
2. If one of the parents abandons the citizenship of the IEA and the other maintains, their children will remain citizens of the IEA unless anticipated otherwise by the law.

#### **Article Twenty-Eight**

If an Afghan weds a foreigner, he/she maintains his/her Afghan citizenship. He/she can lose his/her citizenship only according to the orders of this law.

#### **Article Twenty-Nine**

1. Anyone abandoning the Afghan nationality is bound to sell his/her unmovable property within the country. If he fails to sell his property within one year of the approval of his request for abandoning his/her nationality, the Emirate would sell his/her property and assets and the money would be paid to him/her.
2. Orders mentioned in the first part of this article are implementable on those who lose their Afghan nationality according to the rules in the Articles seventeen, twenty and twenty one of this statute.

#### **Article Thirty**

An Afghan national who illegally gets a foreign nationality does not lose his/her Afghan nationality but can not benefit from the privilege mentioned in the first part of the Article six of this statute.

#### **Article Thirty-One**

Nationality of a person can be forfeited in the following cases:

1. If indicted in treachery to the country and to the nation.
2. Serving the army of a government busy in war with Afghanistan.

### **Article Thirty-Two**

Any foreigner who has acquired the Afghan nationality during his/her stay in exile or during the period of stay in Afghanistan mentioned in the third part of the Article Fifteen, and commits treason to the people of Afghanistan will lose his/her Afghan nationality on the basis of the verdict of an authoritative court.

### **Article Thirty-Three**

Action regarding the assets and property of the person who loses his/her Afghan nationality according to the rules of this statute will be taken on the basis of the verdict of the court.

Forfeiting the nationality of a person does not affect the nationality of his spouse or children.

### **Article Thirty-Four**

Forfeiting the nationality of a person does not affect the nationality of his spouse and of his children.

### **Article Thirty-Five**

The Afghan nationality of a person who has lost it and wants to get it restored can be restored after the approval of the Council of Ministers and later by Amirul mo'minîn.

## **Chapter Four**

### **Article Thirty-Six**

Application for securing the nationality of the IEA is forwarded by the Ministry of Foreign Affairs to the Amirul mo'minîn. A representative can forward the application of the applicant under the age of 18.

### **Article Thirty-Seven**

A person who applies to restore or acquire Afghan nationality, fills the comprehensive citizenship form (Engate) and presents all the testimonials pertaining his/her identity.

### **Article Thirty-Eight**

The Ministry of the Foreign Affairs and the Diplomatic and Consular missions of the IEA abroad have to submit a receipt to the applicant after receiving his/her application for citizenship.

### **Article Thirty-Nine**

1. An authoritative commission studies issues concerning citizenship of the IEA.
2. Members of the authoritative commission studying issues concerning citizenship of the IEA are comprised of those from the Supreme Court, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Interior Affairs and Directorate General of Intelligence.
3. The commission preliminarily studies the applications and proposals pertaining to the citizenship and later submit them to the Amirul mo'minîn for final decision.
4. Applications pertaining restoring and forfeiting citizenship are first studied by the commission and later submitted to the Council of Ministers.

### **Article Forty**

1. The decision of granting citizenship by Amirul mo'minîn is announced through a decree.
2. Amirul mo'minîn approves restoring or abandoning the citizenship of the IEA after the approval of the Council of Ministers.

## **Chapter Five**

### **Article Forty-One**

In case the rules of this statute contradict with the international norms or with mutual agreements between the IEA and the foreign country, the mutual agreement on the basis of the principals of Islam would be preferred.

This statute is issued form the date of approval in the official gazette. The rules in this statute supercede the rules issued on 29<sup>th</sup> of Hût 1370 H in the issue no. 763 of the official gazette of the Republic of Afghanistan concerning the citizenship rules.