

LAW OF CITIZENSHIP

IN AFGHANISTAN

16 AQRAH 1315

**CHAPTER ONE: ORIGINAL CITIZENSHIP,
NATURALIZATION, CITIZENSHIP RIGHTS**

- ARTICLE 1:** All residents of Afghanistan are Afghans and are citizens of Afghanistan, except those who hold other valid citizenship documents, provided the Afghan Government has no claim against such documents.
- ARTICLE 2:** All persons born of Afghan mothers and fathers, whether inside or outside Afghan territory shall be considered Afghans and shall hold Afghan citizenship.
- ARTICLE 3:** All persons born as foundlings in Afghanistan shall be considered Afghan citizens.
- ARTICLE 4:** Persons born of foreign parents in Afghanistan, provided that one of their parents was born and has continuously lived in Afghanistan, shall be considered as Afghan citizens.
- ARTICLE 5:** Persons born in Afghanistan of a foreign mother or father or two foreign parents, and who continue to live in Afghanistan until their coming of age, shall be considered citizens of Afghanistan.
- NOTE:** (a) Children of foreign ambassadors, ministers, members of the diplomatic corps, consular officers, and other official representatives shall not be subject to the provisions of Articles 4 and 5 above.
- (b) "Coming of age" for nationality purposes in Afghanistan shall be the age of 18.
- (c) Persons who are subject to Articles 4 and 5 above can take the nationality of their fathers within one year of their coming of age, provided that they enclose with their application a certificate from the Government of their father's state, saying that they have been accepted as citizens of that state.
- ARTICLE 6:** Persons who entered Afghanistan from foreign countries, who concealed their original citizenship, who have been treated as Afghan citizens, who have purchased property in Afghanistan reserved for Afghan citizens, who own herds, or who have been engaged in trade or agriculture in Afghanistan shall be considered citizens of Afghanistan.
- ARTICLE 7:** Foreign nationals who have been in the service of the Afghan Government abroad for five years, or those who have rendered considerable service to the cause of Afghanistan, shall be accepted as Afghan citizens provided that they make the necessary application and meet the residence requirements defined in Article 9 herein.

- b. On letters and official papers of State organizations and military establishments.
- c. On State decrees.
- d. On official publications such as laws, pamphlets, manuals, etc.
- e. On medals, in bas relief, of metal, stone, and other materials and on the doors of major State organizations, and in the walls of halls and buildings, and as small metal medallions which are pinned on garments.
- f. On official stamps of State organizations.
- g. On industrial products of Afghanistan.
- h. On the top of cases and encasements of industrial productions made in Afghanistan.
- i. On security documents, coinage and paper money.
- j. On military and police garments in accordance with special respective regulations.
- k. On the furniture, and utensils of official halls.
- l. In other instances approved by the Government.

ARTICLE 3: The State emblem of the Republic of Afghanistan, which stands on the national flag of Afghanistan, has a light yellow and coffee color. The ground of the emblem is yellow and outstanding parts are in coffee color.

The dimension of the emblem is relative to the proportions of the flag, which is ascertained in the flag law.

ARTICLE 4: Installation of the emblem of Afghanistan on unfinished and deserted buildings, stables, and kitchens is not permissible.

ARTICLE 5: The State emblem of the Republic of Afghanistan, household effects and other things that bear the emblem of the Republic of Afghanistan shall not be left under feet.

ARTICLE 6: The State emblem of the Republic of Afghanistan, when old and worn out, shall be buried.

ARTICLE 7: In illustrated or bas relief forms of the State emblems of the Republic of Afghanistan, all dimensions and proportions of the ears of wheat, mehreb and monbar, eagle and rising sun should be preserved. No change or tampering is permissible with these proportions.

ARTICLE 8: Foreign nationals who do not meet the residence provisions required by Article 9 can be accepted as Afghan nationals provided that the Afghan Government accepts their citizenship.

ARTICLE 9: Persons who reside in Afghanistan for five continuous or alternate years shall be considered as Afghan citizens provided that they have reached adulthood, have made the application for citizenship, and have not been involved in any major misdemeanor or crime.

ARTICLE 10: Wives and children of persons who are admitted to Afghan citizenship shall become Afghan citizens. Should the minor children of such persons submit a request to the Ministry of Foreign Affairs within one year of their coming of age, declaring their intention to retain the original citizenship of their fathers, they shall not be considered Afghan citizens.

NOTE: Adult children of a father who applies for Afghan citizenship shall not be considered Afghan citizens.

ARTICLE 11: A female citizen of Afghanistan, who legally marries a foreign national, shall lose her Afghan citizenship. She shall, however, regain her Afghan citizenship upon presentation of a divorce certificate or a certificate of her husband's death.

NOTE: A female citizen of Afghanistan who marries a foreign national cannot retain property in Afghanistan. Such a woman shall be required to sell any immovable property she may have in Afghanistan to an Afghan national and receive cash for it.

ARTICLE 12: A foreign woman who marries an Afghan citizen shall be considered an Afghan citizen. Should a foreign woman marrying an Afghan citizen have children from any previous marriage with a foreign national, her children shall become Afghan citizens. Such children can, however, apply for the citizenship of their father within six months of their coming of age. In such case, they shall lose their Afghan citizenship.

Such a foreign woman can regain her original citizenship after the death of her husband or after divorce by applying to the Ministry of Foreign Affairs. Children of the Afghan father shall remain Afghan citizens until they come of age. Should such a woman own or inherit immovable property, she shall sell it to Afghan nationals. Should she be unable to sell her property within one year of the order to leave the country, the Government shall sell the property for her and shall remit the money to her.

NOTE: The provisions of Articles 11 and 12 of these regulations shall be applicable to the citizens of the countries who make similar provisions for the citizens of Afghanistan.

ARTICLE 13: When Afghan citizens or their fathers have changed their citizenship under some legitimate unavoidable circumstances, they can regain their Afghan nationality by applying for the same.

ARTICLE 14: Persons applying for Afghan citizenship should make their applications on special forms and should forward them to Afghan embassies, consulates, other foreign agencies, local governorates, or directly to the Afghan Ministry of Foreign Affairs. The applications shall contain the following information:

- a. Full name of the applicant, the name of his father, and information on his family;
- b. Names of his wife and children and of other persons under his patronage.

- c. Reasons for giving up his former citizenship and residence and his plans;
- d. Any documents in support of his identification;
- e. Details of his possessions and the profession by which he will earn his living;
- f. His photograph, if possible, or some details of his features;
- g. A declaration or certificate stating that he did not commit any crime during his former citizenship.

NOTE: (a) The Ministry of Foreign Affairs, foreign agencies, or the local governors shall issue a receipt to the applicant as soon as they receive his application. Persons who are fulfilling their residence requirement as per Article 9 above shall notify the local police at the place of their residence of their application and shall obtain extension of their residence permits.

- (b) Applicants for citizenship under the provisions of Article 8, above shall be subject to special provisions and they shall not be subject to the payment of fees for permanent residence.

ARTICLE 15: Persons who have become or shall become Afghan citizens in accordance with the provisions of these regulations shall benefit from the rights enjoyed by all Afghan citizens; but they can occupy high positions after having resided in Afghanistan for 10 years and having rendered distinguished services that have been recognized by the Council of Ministers and have been brought to the notice of the President.

CHAPTER TWO: RENOUNCING CITIZENSHIP. DEPRIVATION OF CITIZENSHIP

ARTICLE 16: No Afghan national can renounce his citizenship until he has reached the adult age and the Council of Ministers has approved his renunciation. He should also have undertaken to sell within one year of his renunciation all the immovable property that he may own or inherit.

NOTE: Minor and adult children of such a person shall remain citizens of Afghanistan unless otherwise authorized by the Council of Ministers.

ARTICLE 17: An Afghan national who has accepted the citizenship of another state without observing the provisions of Article 16, above, shall not be considered a non-Afghan, but he shall be barred from all service in the Afghan Government.

ARTICLE 18: The Afghan Government shall be authorized to deprive the following persons of their Afghan citizenship as and if it deems it necessary:

- a. Persons who are serving in the armed forces or civil service of foreign states;
- b. Persons who are conducting their business in Afghanistan and fail to meet with their social and public obligations;

- c. Persons residing abroad when they have severed all their relationships with the Afghan authorities and have no contact with the Afghan embassies or consulates;
- d. Persons who fled the country after committing crimes or a crime of national consequence;
- e. Persons who spread propaganda which is against the general and national interests of Afghanistan.

ARTICLE 19: When a person is admitted to citizenship, his citizenship can be annulled within five years of his residence in accordance with Article 9, above, if it is proven that he has committed a major misdemeanor or a crime abroad or if he commits a major misdemeanor or crime while he is completing his residence term.

CHAPTER THREE: ADMINISTRATIVE REMARKS

ARTICLE 20: All matters concerning certification and acceptance of citizenship, permission to leave the country and deprivation of citizenship shall rest with the authority of the Council of Ministers.

NOTE: The Ministry of Foreign Affairs shall organize a committee whenever necessary to study matters concerning applications for citizenship and renunciation of citizenship and deprivation of the same. The committee shall then submit its report to the Council of Ministers for final decision and approval.

ARTICLE 21: All preliminary steps concerning citizenship problems shall be conducted by the Ministry of Foreign Affairs in accordance with the provisions of Article 20 above. The Ministry of Interior shall, however, be responsible for the verification of certificates and documents pertaining to internal affairs.

ARTICLE 22: All provisions concerning the rules of citizenship in force before the publication of the present law shall be void.

ARTICLE 23: The present law shall be in force from the date of its publication.