

## **RE: Dual Citizenship in Afghanistan**

The Afghanistan Law has gap and controversial position about the acceptance or rejection of dual citizenship and there is no clear stand to be supported by laws and government actions in reality.

The Afghanistan Citizenship Law, Official Gazette number 792, published on 2000, does not permit dual citizenship, as it states:

“Article 7:

A person, who is citizen of Islamic Emirates of Afghanistan, can't hold dual citizenships.”

But in other provisions, this law implicitly permits the dual citizenship, as in article 9, which is about obtaining Afghan citizenship it states that a child which born from Afghan parents whether inside or outside the country (nationality by blood) would obtain Afghan nationality automatically, now, if we consider such birth in a Jus soli country (nationality by soil), such Afghan national would automatically obtain two citizenships.

The Afghanistan Constitution, published on Official Gazette 818, dated January 28, 2004, in its article number 72, implicitly accepts dual citizenship and only limits the single citizenship for president its deputies and ministers if requested by parliament. As it states about the qualities of government ministers:

“Article 72:

The individual appointed as Minister shall have the following qualifications:

Shall have only the citizenship of Afghanistan; if the ministerial candidate has the citizenship of another country as well, the House of People shall have the right to approve or reject the nomination...”

Which means a dual citizenship afghan can even be a minister, but only if approved by parliament.

The Afghanistan Supreme Court which is the sole institution for interpretation of laws and Constitution, in its resolution number 20, dated April 2, 2013 published on Official Gazette number 1114, also states: that the single citizenship is only required for president and vice-presidents and for government ministers, only if requested by parliament. And all other high

and low ranking officials can be recruited without any consideration of single or dual citizenship.

Although above provisions of Afghanistan constitution and Supreme Court resolution does not explicitly constitute the right for dual citizenship, but it can be inferred that it is recognized by them.

Finally, in reality there are hundred-thousands of Afghan with dual citizenships and there is no legal discrimination against them and there is no limitation on their travels from and to the country as well.

As conclusion, there is only one article in the Afghanistan citizenship law which is neither revoked and nor supported by later laws, however the constitution provisions and Supreme Court resolution prevails it, because they are issued recently and has superiority on the citizenship law.