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Afghanistan

*Forvaltning, administration
og statsborgerskab*



Afghanistan – Forvaltning, administration og statsborgerskab

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Udlændingestyrelsen
Farimagsgade 51A
4700 Næstved
Danmark

Tlf.: 35 36 66 00
us.dk

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Sammenfatning

Siden Talebans magtovertagelse i 2021 har administrationen og forvaltningen af loven i Afghanistan ændret sig markant. Taliban har tilsidesat forfatningen fra den republikanske periode (2001-2021) og indført et islamisk emirat baseret på dekretter fra emiren. Taliban har desuden nedsat en kommission, der har til formål at revidere al lovgivning i overensstemmelse med sharia. Der er dog ingen klar juridisk ramme eller håndhævelsesmekanisme, og afgørelser sker primært via emirens dekretter, hvis efterlevelse varierer fra region til region.

Talebans retssystem har erstattet de republikanske domstole, og dommere er ofte Taliban-medlemmer uden klassiske juridiske kompetencer. Traditionelle strukturer som *ulema shuras* (traditionelle lokalråd) spiller en vigtig rolle i det lokale retsvæsen, men det er uklart, hvordan disse samarbejder med den centrale ledelse. Det afghanske bureaukrati er præget af ineffektivitet, fejlregistreringer og klientelisme.

Det er uklart, i hvilket omfang der er én gældende statsborgerskabslov i Afghanistan.

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1. Introduktion

Formålet med denne temarapport er at samle opdaterede baggrundsoplysninger til brug i behandlingen af opholdssager vedrørende personer, der oplyser at have afghansk statsborgerskab. Temarapportens kommissorium blev udarbejdet i samarbejde med Flygtningenævnet.

Det var intentionen, at oplysningerne skulle indsamles gennem et desk study og online interviews med juridiske eksperter i Afghanistan. Kilderne blev orienteret om formålet med interviewet og informeret om, at deres udtalelser ville blive inkluderet i en offentligt tilgængelig temarapport. Interviewnoterne blev sendt til kilderne til godkendelse med mulighed for at ændre, kommentere og rette deres udtalelser. Kilderne blev konsulteret om, hvordan de helst ville refereres i temarapporten.

Det har imidlertid vist sig særdeles vanskeligt at identificere ekspertkilder med viden om juridiske forhold i Afghanistan, og kilder har oplyst, at de administrative og forvaltningsmæssige forhold i landet er meget uklare. Flere kilder med ekspertise i juridiske forhold, der tidligere har været anvendt bredt i europæiske COI-rapporter, har over for Landedokumentation tilkendegivet, at de ikke har haft tilstrækkelig opdateret viden om statsborgerskabsforhold i Afghanistan. Grundet emnets uklare omstændigheder har Landedokumentation prioriteret at interviewe ekspertkilder, der alle har indsigt i juridiske forhold i Afghanistan samt opholder sig eller jævnligt rejser til landet.

Efter at have gennemgået det eksisterende skriftlige kildemateriale på området og gennemført tre online interviews med relevante kilder, kan det konstateres, at det er vanskeligt at indsamle opdaterede og troværdige oplysninger om det juridiske system i Afghanistan. Det skyldes den uigennemsigtige natur af det nuværende retssystem i Afghanistan, samt regionale forskelle i juridiske fortolkninger. Nærværende temarapport afspejler denne uigennemsigthed.

Denne temarapport indeholder ikke anbefalinger om policy og kan derfor ikke tages til indtægt for et bestemt syn på, hvad praksis skal være. Terminologi anvendt i temarapporten bør ikke ses som et udtryk for et bestemt juridisk standpunkt. Temarapporten er udarbejdet i overensstemmelse med EUAA's retningslinjer for udarbejdelse af COI produkter.¹

¹ EUAA, *COI Report Methodology*, februar 2023, [url](#)

2. Opbygning af Talebans retssystem

I perioden fra Talebans fald i 2001 og til de genvandt magten i 2021, genopbyggede gruppen gradvist deres tilstedeværelse i landsbyerne på trods af begrænsede ressourcer. Taleban var i stand til at etablere domstole i de fleste landdistrikter, og dermed blev det for lokale beboere muligt at få adgang til juridiske afgørelser. Set fra nogle lokale befolkningsgruppers perspektiv har Taleban altså været med til at skabe domstole, som er til at regne med - selv under krigsforhold. Derfor fik Talebans domstole relativt stor opbakning blandt lokalbefolkning frem for republikkens retsinstitution, der havde mistet sin troværdighed blandt mange afghanere pga. udbredt korruption. Ifølge det østrigske Staatendokumentation var det netop de lokales adgang til domstole, der var med til at bidrage til Talebans sejr i Afghanistan i 2021.²

Siden 2001 har Talebans retssystem været med til at tiltrække folks tillid og opmærksomhed pga. dets praktiske tilgang, hvor Taleban-medlemmer både har ageret som dommere på det juridiske område og som lærde (*ulema*) på det religiøse område. Dommere tilknyttet Taleban har typisk studeret deobandi-islam, som hovedsageligt er baseret på hanafi-retspraksis, i Pakistan eller Afghanistan.³

² Staatendokumentation, *Afghanistan: Afghan legal system under the Taliban*, version 2, 9. april 2024, [url](#), s. 3

³ Staatendokumentation, *Afghanistan: Afghan legal system under the Taliban*, version 2, 9. april 2024, [url](#), s. 4

3. Administration og forvaltning af loven i Afghanistan

Efter magtovertagelsen i 2021 bekendtgjorde Taleban, at alle sharia-stridige love, der blev anvendt under Afghanistans republikanske æra (2001-2021), ikke længere er gældende ret. Taleban annoncerede desuden, at kun lovartikler, som ikke er i konflikt med islam, vil være gældende.⁴ Indtil videre har Taleban ikke afklaret, hvilke love der ikke strider mod islam og dermed fortsat gælder i Afghanistan, særligt hvad angår straffeloven, national sikkerhed og domstolene.⁵ Ifølge en afghansk analytiker er statsborgerskabslovene også ved at blive gennemgået af justitsministeriet.⁶

Taleban har efter eget udsagn etableret et islamisk emirat, hvori hanafi-retspraksis danner grundlaget for Afghanistans retssystem.⁷ Ifølge det amerikanske udenrigsministerium og EUAA har Afghanistan hverken et sammenhængende lovgrundlag, et retssystem eller en håndhævelsesmekanisme, der muliggør en transparent og homogen opretholdelse af retsstatslige principper på tværs af landet.⁸

3.1 Retspraksis under Taleban

I tillæg til at have tilsidesat den afghanske forfatning af 2004 afskedigede Taleban alle dommere og administrative ansatte ved domstolene. Disse stillinger blev derefter besat af personer fra Talebans egne rækker, hvoraf de fleste, ifølge det østrigske Staatendokumentation, ikke havde tilstrækkelig juridisk viden eller erfaring med at arbejde ved domstolene.⁹

I fraværet af en national forfatning følger Taleban emirens dekretter til at vejlede de administrative, politiske og statslige spørgsmål.¹⁰ Disse dekretter mangler dog ofte konkrete mekanismer, der er nødvendige for en effektiv implementering.¹¹ Når nye direktiver og dekretter bekendtgøres, gælder de på national plan. Graden af implementering og tidspunktet for udførelsen af dekretter varierer dog fra region til region.¹² Der er forskel på de afghanske provinsernes etniske, kulturelle og sproglige sammensætninger, og i tråd med afghansk tradition løses uenigheder og

⁴ Staatendokumentation, *Afghanistan: Afghan legal system under the Taliban*, version 2, 9. april 2024, [url](#), s. 4

⁵ Staatendokumentation, *Afghanistan: Afghan legal system under the Taliban*, version 2, 9. april 2024, [url](#), s. 4

⁶ Interview med en afghansk analytiker: 1

⁷ Landinfo, *Afghanistan; Utviklingen av det islamske emirate*, 23. januar 2024, [url](#), s. 14

⁸ USDOS, *2023 Report on International Religious Freedom: Afghanistan*, 2024, [url](#); EUAA, *Afghanistan - Country Focus*, November 2024, [url](#), s. 27

⁹ Staatendokumentation, *Afghanistan: Afghan legal system under the Taliban*, version 2, 9. april 2024, [url](#), s. 5

¹⁰ EUAA, *Afghanistan - Country Focus*, november 2024, [url](#), s. 26

¹¹ Heinrich-Böll-Stiftung, *Afghanistan: Ruling by Decree*, april 2024, [url](#), s. 3

¹² Landinfo, *Afghanistan; Utviklingen av det islamske emirate*, 23. januar 2024, [url](#), s. 13

forhandlinger ofte gennem personlige netværk og forbindelser. Derfor bliver traditionelle strukturer på lokalt niveau brugt til at løse konflikter.¹³

Internt i Taleban er der også en række forskellige skillelinjer, der påvirker fortolkning og forvaltningen af emirens dekret. Således er der stor forskel på det urbane Taleban og det landlige Taleban - og mellem menige medlemmer af Taleban og den uddannede og skriftlærde del af befolkningen. Videre er der forskel på verdensopfattelsen blandt de pragmatisk anlagte politiske figurer og de religiøse kommandanter, der førte modstandskampen an. Disse forskellige livserfaringer og verdensanskuelser internt i Taleban bidrager således også til den ujævne fortolkning og implementering af emirens dekret.¹⁴

Siden oktober 2022 er der via dekret blevet etableret *ulema shuras* (traditionelle lokalråd) i samtlige 34 provinser, og disse råd kontrollerer bl.a. udnævnelsen af lokale dommere.¹⁵ Rådene rapporterer direkte til emiren, men det er uklart, i hvilken grad de lokale råd samarbejder og koordinerer med emiren, justitschefen, Talebans regering i Kabul eller de øvrige myndigheder.¹⁶

3.2 Talebans bureaukrati og registrering af borgerne

Ifølge en afghansk analytiker blev der før Talebans magtovertagelse i 2021 begået mange fejl i registreringen af borgere i landet. Ofte stammede fejlene fra dårlige læsefærdigheder blandt embedsmænd eller beskadigede dokumenter pga. krige, brande etc.

Ud over fejlregistreringerne i de offentlige kontorer har det både før og efter 2021 været kulturen, at en afghansk borger skal kende nogen for at få gennemført sit bureaukratiske gøremål - eller at borgeren skal betale nogen for at få den service. Det kan fx være en *commission-kar* (en person, der har gode kontakter og kan hjælpe en med at navigere i systemet mod et gebyr). Den afghanske analytiker tilføjede, at Afghanistans bureaukrati generelt ligner de fleste udviklingslandes; hvem, man kender, er det vigtigste, og derigennem er man i stand til at interagere effektivt med systemet.¹⁷

¹³ Landinfo, *Afghanistan; Udviklingen av det islamske emirate*, 23. januar 2024, [url](#), s. 12

¹⁴ Landinfo, *Afghanistan; Udviklingen av det islamske emirate*, 23. januar 2024, [url](#), s. 9

¹⁵ Landinfo, *Afghanistan; Udviklingen av det islamske emirate*, 23. januar 2024, [url](#), s. 9

¹⁶ Heinrich-Böll-Stiftung, *Afghanistan: Ruling by Decree*, april 2024, [url](#), s. 4-5

¹⁷ Interview med en afghansk analytiker: 19

4. Statsborgerskabslovgivning

Det er uklart, hvilken statsborgerskabslov der er gældende i Afghanistan.¹⁸ To ekspertkilder har oplyst, at det fortsat er statsborgerskabsloven af 1986, der gælder.¹⁹ Derimod oplyste en tredje ekspertkilde, samt en kilde interviewet af det østrigske Staatendokumentation, at Taleban siden magtovertagelsen i 2021 har genintroduceret den afghanske statsborgerskabslov fra år 2000, der var gældende, da Taleban sidst var ved magten.²⁰ Ydermere oplyste én kilde til det nederlandske udenrigsministerium i juni 2023, at statsborgerskabslovgivning i Afghanistan var tilside-sat.²¹

I kølvandet på magtovertagelsen i august 2021 afskaffede Taleban den afghanske forfatning af 2004.²² Taleban-regeringen har videre tilkendegivet, at de har nedsat en kommission, der har til opgave at revidere al eksisterende lovgivning for at afdække, om der i Afghanistan forvaltes efter love, som strider mod sharia. Senest har Talebans myndigheder udtalt, at kommissionen nu var 95 % færdig og vurderede, at ca. 5 % af afghanske love er i modstrid med sharia. Iblandt de love, som strider mod sharia, var dele af straffeloven samt en lov, som forbød vold mod kvinder.²³

¹⁸ Staatendokumentation, *Afghanistan Country Report (EN)*, 10. april 2024, version 11, login påkrævet; Interview med en afghansk analytiker, 8. maj 2024; Interview med en humanitær organisation, 29. maj 2024; Interview med en juridisk ekspert i Afghanistan, 14. januar 2024

¹⁹ Interview med en afghansk analytiker: 1; Lifos, *Afghanistan: Medborgarskap, folkbokføring och identitetshandlingar*, 22. september 2020, [url](#), s. 6

²⁰ Interview med en juridisk ekspert i Afghanistan: 1; Staatendokumentation, *Afghanistan Country Report (EN)*, 10. april 2024, version 11, login påkrævet

²¹ The Netherlands Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, juni 2023, [url](#), s. 117

²² UN Human Rights Council, *Situation of women and girls in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls*, 20. juni 2023, [url](#), s. 4

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Online interviews

Interview med en afghansk analytiker, 8. maj 2024

About the source

The Afghan analyst has an insight on Taliban as a political entity, a governmental body and as an implementing authority in Afghanistan.

Citizenship law and practise

1. The citizenship laws have not changed and remain the same as in the Republican era. As you know, all the laws of the Republican era are currently under review. The citizenship laws are being reviewed by the Ministry of Justice (MoJ). I am not sure if the MoJ is proposing any significant changes to these laws.
2. If someone is coming to Afghanistan, using a non-Afghan passport, then they can enter the country without a visa if their passport states their place of birth as Afghanistan. However, they then cannot leave the country (if they entered without a visa) unless they have officially become a citizen by acquiring a tazkira. That is because anyone born in Afghanistan to Afghan parents automatically is considered as an Afghan citizen.
3. If you are born outside Afghanistan, then you are not automatically considered an Afghan citizen for entry purposes and might either need a visa or an Afghan passport to enter the country. Conversely, if someone is born inside Afghanistan to foreign nationals, they are not considered Afghans by virtue of birth. Instead, they are required to obtain a visa for travel into and out of the country. This information was provided by several government officials.
4. Afghanistan's citizenship is lineage based from the paternal side. Basically, they need to attach your file to your father's file, whose file is attached to his father and so forth. Essentially every Afghan has a family paternal family tree linking them to one another. They are not linked to the maternal side however. In theory (and practice) this means that one can generally only become an Afghan citizen if their father is an Afghan citizen. However, I was told by NSIA (National Statistics and Information Authority) officials that you can make a special application if only your mother is an Afghan and the current laws allow authorities to grant you citizenship based on that as well. Exactly how they link this to the family tree, I am not sure.
5. If someone is born outside Afghanistan, they need to prove that one of their parents is an Afghan citizen. If they can prove that one or both of their parents are from Afghanistan, they are generally eligible for Afghan citizenship. Again, if only the mother is Afghan then they

need to obtain a special permit from NSIA officials whereas it is more straightforward if only the father is Afghan or if both parents are Afghans.

6. In terms of acquiring an Afghan tazkira, you need to visit the tazkira office where you need to bring your original paper-based tazkira with you. If you do not have the paper-based tazkira, you need to bring two Afghan witnesses to testify and confirm your identity. You also need to bring copies of paper-based tazkiras of a close relative like a father, uncle, brother and so forth. The tazkira office workers then use the paper-based tazkira to cross-check their archives to find the paper-based tazkira in their archives. If they manage to find it, they then initiate the process for your citizenship. If they do not, then you need to provide an alternative paper-based tazkira that is also present in their records. If for some reason, you cannot produce this (because the tazkira office does not have the records due to loss etc.), then you need to get a special exemption from the head of the National Statistic and Information Authority (which runs the tazkira offices).
7. Afghanistan's embassies overseas do not issue tazkiras currently to Afghans residing overseas but they have done so in the past and I was told by an official from dfA's MoFA that they are working to establish this ability as well.

Taliban's understanding of a valid marriage

8. Generally speaking, the courts and authorities will not ask for proof of marriage (for example marriage certificates) unless the marriage itself is in dispute. They take the claims prima facie. For example, if you go to the tazkira office to register your family, naming your wife and children, they will register that without requiring proof of marriage etc. Only time they ask for proof of marriage is if it is disputed. For example, if a spouse is claiming that there is no marriage, then the one claiming marriage (like husband) will need to furnish evidence to prove marriage (either marriage certificate or witness testimonies).
9. To the question on the event that the Taliban does not recognize a marriage to be valid, would the children then lose their right to Afghan citizenship and in principle become stateless, the source replied: I checked with a Taliban judiciary official (from the supreme court) here in Kabul and he told me that as of now, they haven't had such a case appear before their courts. In the absence of that, he could only speculate. Not sure what else I can add to this but I will keep checking for more info on this.
10. To the question on whether Afghan women can still pass on Afghan citizenship to their children, the source replied: Not automatically but officials told me it is possible but requires special permissions from NSIA officials who run the tazkira centres.

11. To the question on whether it makes a difference if only one of the parents is permanently resided in Afghanistan, the source replied: No. Residing in different countries does not make a difference.
12. To the question on whether it matters if the child is born in Afghanistan or abroad, the source replied: Not in principle. In Afghanistan, if you don't have a birth certificate and want to register your child's age, they officially make a guess about your child's age and register that as his/her official age. If you have overseas documents and want the child's details (English spelling of name and DOB etc.) recorded per those documents, there is usually a separate process where you pay a fee (around \$200 USD) and they register the details per the foreign documents.

Mixed marriages

13. If both parents are Shia, or Hindu, or Sikh etc. their marriage is generally legally recognised and does not impact their citizenship. In Afghanistan, Sunni-Shia intermarriage can create social strife. There have been cases in the past where these marriages have created social strife. A few years ago, in Takhar province, a Sunni and Shia married and the local community rose up to protest it. At the time, the local imam of the grand mosque delivered a sermon claiming that a Sunni man can marry a Shia woman but not vice versa.
14. I asked a Taliban supreme court official who told me that in his personal belief, the courts would likely invalidate a Sunni-Shia marriage and would also invalidate a Christian-Muslim marriage based on some later Deobandi literature which is more critical of these other religions and sects compared to the classical Hanafi jurisprudence. However, he also was not sure because he recognised that such a ruling would have major implications for the children (who would then be considered illegitimate and deprived of inheritance, citizenship and many other rights).
15. In the tazkira, there is a question asking for your religion. In that section, you answer Islam, Christianity, Hinduism etc. without specifying sects (Sunni, Shia, Catholic, Orthodox, Protestant). Non-Muslims can also acquire tazkiras and state their religion. However, a Muslim who leaves Islam and converts to another religion (like Christianity) is not recognised as such, instead being recognised as an apostate (Murtad) which has its own set of rulings. As for pre-existing non-Muslims, they are treated as dhimmi ذمّی and have normal rights of property, citizenship etc.

Circumstances at the time of birth

16. On the question on citizenship to a child born in Afghanistan/abroad to a single mother who is not an Afghan citizen, but whose missing/deceased husband was an Afghan citizen, the source replied: That should not be a bar for the child acquiring Afghan citizenship. A person whose father is Afghan can still acquire Afghan citizenship even if their father has passed away.
17. On the question on citizenship to a child born in Afghanistan/abroad, to a single father who is not an Afghan citizen, but whose missing/deceased wife was an Afghan citizen, the source replied: That, in theory, should not be a bar, as long as the deceased mother's relatives are able to assist in acquiring the special permission from NSIA to grant the child citizenship based on the fact that the mother of the child was an Afghan.

Registration circumstances

18. There are many mistakes made in the process of name registration, paternal name and age as well. This is and has been a messy process for a long time. Also during the former government. It is however not part of the process for a bureaucratic office to ask you about your religion (Shia or Sunni) as long as you are a Muslim. Often the mistakes stem from bad literacy of bureaucrats, damaged records (from wars, fires etc.), or intentional malpractice (if they do not end up liking you or feel you disrespected them or even perhaps if you do not pay them bribes sometimes, they can intentionally make inaccurate records knowing that you will have to run circles to fix the mistake later).
19. Public service in Afghanistan is not seen as a citizen right. It is more like you-need-me and not the other way around. So one needs to know someone to get bureaucratic work done - or you have to pay someone to get that service. In general, Afghanistan's bureaucracy is similar to most developing countries' ones. As for knowing the right people, again, this is true today as it was yesterday. It matters more who you know than anything else. If you know the right people, you are able to interact with the system very effectively and get things done. If you do not then you have to run many more hoops to get the same thing done.
20. Not knowing the right people does not necessarily bar you from accessing the services but just makes it longer due to jumping through many more hoops. It might however even bar you from accessing services I suppose. Often, people can work around that by using "commissionkar" (people who know people in government and will help navigate the system for you for a fee). But again, the experience and access you have differs enormously depending on who you know.

Interview med en humanitær organisation, 29. maj 2024

About the source

This source has had a long-term presence in Afghanistan and has a good understanding of the social texture within the local communities in different parts of the country.

Citizenship law and practises

1. As far as we know and have been told, there have not been many changes in the laws since August 2021. Obviously, the old system has disappeared and been replaced with the de facto government. There is not a new constitution, and some of the old laws are still in place.
2. The Taleban would say that the de facto government is a continuation of their first era (1996-2001), but even back then, the laws were not written. Today, you cannot be sure that even contracts will hold water. Resolving conflicts comes down to the person in charge, because there are no legal texts to refer to – mainly the Ulama Shura will resolve legal conflicts.
3. Anyone who had an Afghan citizenship prior to August 2021 still has it after the Taleban takeover. If an Afghan for instance is returned from Pakistan without any documentation, he/she could get a citizenship through the tribal community in her/his province of origin. That person would first get a tazkera, then a national ID and so on.
4. However, if someone undocumented is deported from a foreign country, that person would have to go through a different channel of re-citizenship and would be treated completely different. So it does not only come down to *who* is deciding whether this individual should be granted citizenship or not – but also the circumstances surrounding the applicant in question. In other words; do you go *through* the system, or do you have connections that can lead you *around* the system for quicker and better results.
5. The source does not have any information on how the citizenship laws are practised through the embassies.
6. An official marriage requires a mullah and two witnesses – for instance from your village or district – with a tazkera or national ID. The process is easy, and inter-religious marriages (Sunni-Shia) do not cause any problems at all. A problem would though occur, if a non-Muslim would marry a Muslim Afghan.

7. There has been one case where written acceptance was brought to Afghanistan from a local mosque in Europe, confirming and proving an individual's conversion to Islam. In cases of conversion as a non-Afghan, you can expect to be asked in Afghanistan about how you practise your religious faith. They might go easier if you are a woman and be more strict on the men, asking them to quote verses from the Quran.

Circumstances for non-Afghan mothers

8. If a single mother who is not an Afghan citizen shares a child with her missing/deceased husband, who was an Afghan citizen, that child could obtain Afghan citizenship through the paternal line. It is not central whether the child is born in Afghanistan or abroad. What matters is that it can be proven that the children had an Afghan father, or that a male relative from the missing/deceased father's side – such as an uncle or a grandfather - allows the child to bear the paternal family name, which then paves the road to citizenship.
9. That specific uncle or grandfather does not have to marry the mother, nor will he necessarily need to play a role in the child's life, just because the paternal name is passed on. In Afghanistan, one is always registered in the father's family name in the tazkera, never the mother's.

Circumstances for Afghan mothers

10. If a single father, who is not an Afghan citizen shares a child with his missing/deceased wife, who was an Afghan citizen, the possibility of obtaining Afghan citizenship is limited, because the Afghan paternal line is missing. It is not central whether the child is born in Afghanistan or abroad.
11. If the Afghan mother cannot prove an Afghan paternal line, then her children will become stateless, because there is not a paternal name to write in their tazkeras.
12. If an Afghan mother can prove that she will stay in Afghanistan as a Muslim with her children – and if she also can prove that she has cut all the ties to the non-Afghan father of the children, then she will be regarded as an “abandoned female”. Abandoned females will get a special treatment and that could allow the children to obtain Afghan citizenship.
13. The source has not heard of any paths through the National Statistics and Information Authority to achieve citizenship in cases where the Afghan paternal line is missing.

However, the source adds that many obstacles can be resolved if one has the right connections or is willing to bribe the right individuals.

Interview med en juridisk ekspert i Afghanistan, 14. januar 2024.

About the source

Based in Afghanistan, this source is a legal specialist in laws and practises in the country.

Citizenship law

1. Currently the previous citizenship law adopted in 2000 under the first Taleban Rule, *Law on Citizenship of the Islamic Emirate of Afghanistan (IEA)* is in force with minor changes.
2. Under the former government, the law was practised in Afghanistan through the judicial system, and abroad through the embassies. However, currently, there is no rule of law in Afghanistan, and the source does not have information of any new citizenship cases due to the current situation in Afghanistan.
3. To the question on whether the law differs if a child is born in a marriage that took place outside of Afghanistan, the source answered that according to IEA law, citizenship follows the *principle of jus sanguinis*. Therefore, if a marriage took place outside of Afghanistan, then the children will automatically obtain Afghan nationality. There are two options in cases where one of the parents is not an Afghan national:
 - I. It is optional for an Afghan mother to apply for citizenship for her newborn child
 - II. A child can also apply for citizenship after completing the age of 18

Note: In the two above-mentioned options, the non-Afghan father must be a Muslim (Shia or Sunni).

Taliban's understanding of a valid marriage in accordance with their understanding of Sharia jurisprudence

4. As a consequence of the fact that most Afghans are Sunni Muslims, the judicial system under the Taleban mostly implements Hanafi jurisprudence. However, there are no hindrance for other religions to be practiced, nor any coerced force to follow Hanafi jurisprudence. Afghans can follow their own religion and in case an issue, according to Taliban practice both Hanafi jurisprudence (Sunni Islam) and Jafari jurisprudence (Shia-Islam) are acceptable. The Taliban prefers Sunni Imams to perform marriage ceremonies and other sharia practices, however, if a couple is Shia Muslim or even Hindus (Sikhs), then it is also acceptable.

Bilag 1: Kommissorium

- Generel forvaltningsskik i Afghanistan
 - Regionale forskelle i håndhævelse
- Gældende statsborgerskabslovgivning i Afghanistan