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Pakistan: Whether a former Pakistani citizen can reacquire his/her Pakistani citizenship, including requirements and procedures (2012- November 2015)

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Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Loss of Pakistani Citizenship

The Pakistan Citizenship Act, 1951 indicates that an individual of Pakistani nationality, who, upon acquiring foreign citizenship, makes a declaration renouncing his or her Pakistani citizenship, ceases to be a citizen of Pakistan after such declarations are registered by government officials (Pakistan 1951, Sec. 14-A). The website of the Pakistani Directorate General of Immigration and Passports likewise states that

Any citizen of Pakistan residing outside Pakistan, who is not a minor and is also a citizen or national of another country or has been given by the competent authority of another country any valid document assuring him/her citizenship or nationality of that other country, shall make a declaration of renunciation of citizenship on form "X" in triplicate to the Directorate General Immigration and Passports Islamabad through Pakistan Missions abroad.

The person concerned will cease to be a citizen of Pakistan from the date of registration of his citizenship by Directorate General Immigration and Passports Islamabad. (Pakistan n.d.)

The same website reports, however, that the Government of Pakistan has dual nationality arrangements with 16 countries: the United Kingdom, France, Italy, Belgium, Iceland, Australia, New Zealand, Canada, Egypt, Jordan, Syria, Switzerland, Netherlands, the United States of America, Sweden, and Ireland (ibid.). In correspondence with the Research Directorate, an associate at Khan & Piracha Law Firm in Islamabad, who has over 35 years of experience providing legal advice on nationality issues, similarly noted that Pakistani citizenship law does not permit dual citizenship except in the case of the 16 countries that have dual citizenship agreements with the government; in these cases alone, citizens may retain their Pakistani citizenship while acquiring a second citizenship (Associate 28 Nov. 2015).

2. Resumption of Pakistani Citizenship

According to the Pakistan Citizenship Rules, 1952, individuals may declare their intentions to reacquire Pakistani citizenship (Pakistan 1952, Art. 19-B). Article 19-B of the rules indicates that

A declaration under the proviso to clause (a) of sub-section (2) of section 14A of the Act shall be made in quadruplicate in form Y'

If the person making the declaration is residing in a foreign country, to the Pakistan Mission or Consulate in that country; and

[I]n any other case, to the Director of Immigration and Passport, through the provincial Government concerned.

Such declarations shall be registered by the Director of Immigration and Passports and the person concerned shall become a citizen of Pakistan from the date of such declaration.

There shall be kept by the Director of Immigration and Passport a register in Form Y I' containing the names of persons whose declaration of intention to resume Pakistan citizenship are registered under this rule. (ibid.).

However, the associate at Khan & Piracha indicated that provisions for the resumption of citizenship apply to children whose parents renounced their Pakistani citizenship upon becoming citizens of another country while the child was still a minor (Associate 27 Nov. 2015). The website of the Pakistani Directorate General of Immigration and Passports states that any child "... may, within one year of his completing the age of 21 years, make a declaration that he wishes to resume the citizenship of Pakistan and shall upon making of such declaration become a citizen of Pakistan" (Pakistan n.d.). The associate at Khan & Piracha stated that "[u]nfortunately the 1951 Act and the 1952 Rules are silent on the issue of resumption of Pakistani citizenship by adults who voluntarily renounced their citizenship" (Associate 27 Nov. 2015). The same source, citing a Lahore High Court case entitled *Umar Ahmad Ghuman vs. Government of Pakistan* [PLD 2002 Lah.521], quotes the following statement made by the court: "for Pakistani citizens who have renounced their citizenship or origin and would like to have it resumed, the law is not explicit" (ibid.). In referring to persons who acquired US nationality prior to the Pakistani-US dual nationality agreement, the associate quoted the same court ruling as follows:

Those who had renounced their original nationality under the impression that they had no option but to do that also deserve the benefit of this new deal by facilitation of resumption of their original citizenship. It is therefore directed that till such time the law and rules are suitably amended, Rule 19 B of the Pakistan Citizenship Rules, 1952 shall be applicable mutatis mutandis and a declaration in Form Y prescribed under the said rule shall be sufficient proof of the intent of resumption of citizenship and the declarant shall be treated as a citizen of Pakistan. (ibid.)

Further information about the application of Article 19-B of Pakistan Citizenship Rules, 1952 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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

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Additional Sources Consulted

Oral sources: 5 law firms in Pakistan; Canada - High Commission to Pakistan; Pakistan - Consulate General in Toronto, Consulate General in Vancouver, Directorate General of Immigration and Passports.

Internet sites, including: Al Jazeera; Agence France Presse; Amnesty International; BBC; Canada - Department of Citizenship and Immigration; Dawn; ecoi.net; Factiva; Freedom House; The Globe and Mail; Human Rights Commission of Pakistan; Human Rights Watch; International Crisis Group; Interpol; Pakistan - Consulate General of Pakistan in Toronto, Consulate General of Pakistan in Vancouver, Embassy to the United States of America, Ministry of the Interior; Reuters; United States - Central Intelligence Agency, Department of State.

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