

A

BILL

further to amend the Pakistan Citizenship Act, 1951

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. **Short title and commencement.**- (i) This Act may be called the Pakistan Citizenship (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 2, Act II of 1951.**- In Section 2 of the Pakistan Citizenship Act, 1951 (II of 1951) hereinafter referred to as the said Act, after the definition of 'Commonwealth citizen', the following definition shall be inserted, namely:-

"Certificate of Pakistan citizenship" means a certificate of Pakistan Citizenship granted under this Act and includes a certificate of naturalization or a certificate of registration granted under the Nationality and Citizenship Act 1951;"

3. **Substitution of Section 4, Act II of 1951.**- In the said Act, for section 4, the following new section shall be substituted, namely:-

"4. Citizenship by birth. - (1) Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth, if:

(a) any one of the parent of the person was, at the time of birth a citizen of Pakistan or a permanent resident of Pakistan; or;

(b) he has been ordinarily residing in Pakistan, for the period of ten years commencing from the date of his birth.

(2) A person shall not be a citizen of Pakistan by virtue of this section if, at the time of birth, the parents were alien enemy and such birth had taken place while such parents were under occupation of the enemy:

Provided that permanent resident does not include a reference to a person who is, for the purposes of the Migration Act 1958, an exempt non-citizen.

(3) The persons residing in Pakistan, for a continuous period of 20 years or by birth and are registered with the alien registration authority as provided in Section 14(D)(1) of The Foreigners Act, (1946, Act No. XXXI of 1946), or NADRA, or UNCHR or any other government department or authority, on their presence in

Pakistan, shall have the right to seek nationality through application submitted to the Federal Government, accompanied with affidavit to remain sincere and loyal to the country.

- (4) The Federal Government may by order either generally or with respect to particular class of foreigners or any specific class of foreigners may grant nationality to those foreigners who fulfill the criteria set out in Sub-Section (1) and (2) in pursuance of powers vested in the Federal Government under Section 8(1) read with Section 3(1) of the Foreigners Act, 1946, (No. XXXI of 1946)."

4. Substitution of Section 5, Act II of 1951.- In the said Act, for section 5, the following new section shall be substituted, namely:-

"5. Citizenship by descent.- (1) Subject to the provisions of section (3), a person born after the commencement of this Act shall be a citizen of Pakistan by descent if his father is a citizen of Pakistan at the time of his birth:

Provided that if the father of such a person is a citizen of Pakistan by descent only, that person shall not be a citizen of Pakistan by virtue of this section unless-

- (a) that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, the Federal Government has jurisdiction ; or
- (b) that person's birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at Pakistan consulate within one year of birth or with the permission of the foreign office; or
- (c) If the foreign office so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

5. Substitution of Section 10, Act II of 1951.- In the said Act, for section 10, the following new section shall be substituted , namely:-

"10. Married Women. - (1) Any woman who by reason of her marriage to a British subject before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

- (2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Pakistan who but for her death would have been a citizen of Pakistan under sections 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, and if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

- (3) Subject to as aforesaid, a man or a woman who has been married to a man or woman who, but for his/her death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether by migration as provided in the said sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if he/she is an alien, to him/her obtaining the certificate and taken the oath mentioned therein.
- (4) A person who has ceased to be a citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be registered with the prior permission of the Federal Government."

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Pakistan Citizenship Act, 1951 (II of 1951) to regulate the nationality of those persons who are living in Pakistan for twenty years or by birth due to political situation, war, civil war etc. The Government is worried about their this very condition. They are deprived of their fundamental rights as citizens. They have started business and purchased property in the country and have deep roots in the society by entering into marriages with the locals. They are unable to get CNIC, open bank accounts, share property or get job and consequently they do not pay tax to the Government. After the aforesaid amendment they will become part of Pakistan and make contribution to the economy of Pakistan. In order to achieve the aforesaid objectives it is necessary to amend the Pakistan Citizenship Act, 1951 (II of 1951).

Sd/-

MR. RIAZ FATYANA
Member National Assembly