

**[AS INTRODUCED IN THE SENATE]**

**A**

**BILL**

further to amend the Pakistan Citizenship Act, 1951

**WHEREAS** it is expedient further to amend the Pakistan Citizenship Act, 1951 (II of 1951), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Pakistan Citizenship (Amendment) Act, 2017.

(2) It shall come into force at once.

**2. Insertion of new sections 10A, 10B and 10C, Act II of 1951.-** In the Pakistan Citizenship Act, 1951 (II of 1951), after section 10, the following new sections 10A, 10B and 10C shall be inserted, namely:-

**"10A. Married men.-** (1) Notwithstanding anything to the contrary contained in this Act, a man, who is not citizen of Pakistan and, who is married to a woman who is citizen of Pakistan, shall be entitled for registration as citizen of Pakistan, on making application in the prescribed manner to the Federal Government, by virtue of his marriage with a Pakistani woman:

Provided that a man, who is not citizen of Pakistan and, who has entered into a sham marriage with a Pakistani woman shall not be entitled for registration as citizen of Pakistan under this Act.

(2) Every man applying for registration as citizen of Pakistan under this section shall fulfil the conditions that,-

- (a) he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the ten year immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than seven years;
- (b) at least five years have passed since the man married Pakistani woman and the marriage has not been dissolved or vanished as yet;
- (c) the woman has not relinquished her Pakistani citizenship in favour of her husband's citizenship or citizenship of any other country;
- (d) he is of good character having no criminal record and, has not been convicted by a court of competent jurisdiction for any offence involving moral turpitude and, has not acted in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan; and

- (e) he is not citizen of any State of which a citizen of Pakistan is prevented by or under any law from becoming a citizen of that State:

Provided that a man shall not be entitled for registration as citizen of Pakistan under this section if he possessed such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Pakistan:

Provided further that the Federal Government may register such man as citizen of Pakistan if he has quitted his duties as envoy of external sovereign and a period of three years has passed over and above the period mentioned in paragraphs (a) and (b).

**10B. Probation period.-** (1) Every man registered under section 10A shall undergo a probation period of three years in which the person shall have to stay in Pakistan for thirty three months in aggregate, and for all purposes the probation period shall be considered valid stay in Pakistan.

(2) The Federal Government shall by rules prescribe the rights of citizenship and conditions for those rights to be exercised by the man during the probation period.

(3) On successful completion of the probation period, if the marriage has not been terminated, the Federal Government shall confer citizenship on the man.

(4) Every man, upon whom citizenship has been conferred under the preceding sub-section, shall take oath of allegiance, in the prescribed manner and within the prescribed time, in the form set out in the Schedule to this Act.

(5) The Federal Government may relax any or all of the conditions mentioned in this section and section 10A in such cases and in such manner as the Federal Government deems fit.

**10C. Sham Marriage.-** (1) Sham marriage shall be an offence and, for the purpose of section 10A, a man and woman shall be considered to have entered into a sham Marriage if,-

- (a) they do not intend to fulfil their rights and obligations to each other arising from their marriage contract;

- (b) they do not intend to live within the boundaries prescribed by relevant family laws of Pakistan; and
- (c) they entered into marriage contract only for financial benefits or, immigration advantages or, for creating convenience in acquiring citizenship or for any other purpose not in conformity with the objectives of marriage contract and relevant family laws of Pakistan.

(2) Any person who committed the offence of sham marriage shall be punished with imprisonment of either description for a term, which may extend to three years, or with fine, or with both, and may also be liable to withdrawal of citizenship conferred upon him by virtue of marriage.

(3) The offence of sham marriage shall be non-cognizable and bailable.

### **STATEMENT OF OBJECTS AND REASONS**

Right to marriage is fundamental right of every adult citizen of Pakistan. Every person of adult age and of sound mind can choose to marry with a person not prohibited by the law of the land or his personal law. The Constitution of the Islamic Republic of Pakistan in its Article 25 has guaranteed the equality of citizens and equal protection without any discrimination on the basis of sex. Article 35 of the Constitution requires from the State to ensure protection of marriage, family, mother and child. Islam has given the right to Muslim men and women to marry each other within the boundaries of Shariah anywhere in the world. Different International Instruments to which Pakistan is a party require; the abolition of gender biased laws, protection of family and right to adoption of nationality.

The Pakistan Citizenship Act, 1951 contains provisions repugnant to the Constitution, injunctions of Islam and against the International law and international commitments Pakistan has made under different instruments. This Act does not grant right of citizenship to those men who married Pakistani women and intend to live in Pakistan as citizens of this country. Due to this discriminatory nature of the Act, women or children having husband or father with foreign nationality cannot be protected in accordance with the spirit of Article 35 of the Constitution. Through this amendment, the right to acquire citizenship by virtue of marriage will be extended to foreign nationals who have married Pakistani women.

The Bill has been designed to achieve the aforesaid objectives.

**SENATOR MOHAMMAD AZAM KHAN SWATI**  
**Member-in-Charge**