

**From:** [afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com) on behalf of [Sima Alizadeh](#)  
**To:** [Chelsea Mack](#); [Kelly White](#)  
**Cc:** [Megan Elman](#); [Charlotte English](#); [afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com)  
**Subject:** Re: Afghan born in Pakistan with place of birth listed as Afghanistan on his tazkera  
**Date:** Wednesday, April 12, 2023 4:49:36 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

CAUTION: EXTERNAL

Hi,

I dealt with this issue a few times in the case I have filed. Here are some resources in my index. Hope it is helpful.

Sima

1. Evidence about lack of nationality rights of Afghan refugees born in Pakistan
  - a. UNHCR Proof of Registration Card (POR) (the card that applicant and her family had while living in Pakistan as temporary refugees)
    - i. POR is a card that enables Afghan refugees to legally remain in Pakistan.
    - ii. Gives right to reside in Pakistan
    - iii. No right to cross land border of Afghanistan and Pakistan with the card
    - iv. **“Is it still possible for Afghans holding POR cards which were issued in 2010 and carry a validity date of 31 December 2021 to benefit of any of the services described above? No, Afghans holding cards that expired on 31 December 2012 or before are no longer considered as persons of concern to the Government of Pakistan and UNHCR. They are hence no longer entitled to any assistance provided by UNHCR and its partners, including voluntary repatriation assistance.”**
    - v. <https://help.unhcr.org/pakistan/proof-of-registration-card-por/>
  - b. **Report on Citizenship Law: Pakistan, European University Institute, Country Report 2016/13, December 2016, Faryal Nazir**
    - i. Page 5: **Afghan refugees who were born in Pakistan do not have any citizenship rights in Pakistan.**
    - ii. **Administrative and Judicial claims to Citizenship by Afghan refugee born in Pakistan have been denied.**
    - iii. **One court decision stated that children of Afghan refugees cannot claim citizenship by birth as their parents have a recognized refugee status and they would be deemed foreigners and aliens under the law. The Afghan refugees were provided temporary refuge in the country and the governing law for them is the Foreigners Act, 1946.**
    - iv. **Page 6: Another case stated that Afghan refugees born in Pakistan not afforded nationality because they were given refugee cards and under the**

**terms of the Geneva Accords, their stay in the territory of Pakistan is allowed for a temporary period in which foreign troops have occupied Afghanistan.”**

v. [https://cadmus.eui.eu/bitstream/handle/1814/44544/EudoCit\\_2016\\_13Pakistan.pdf](https://cadmus.eui.eu/bitstream/handle/1814/44544/EudoCit_2016_13Pakistan.pdf)

c. **“Born and Raised in Pakistan, but Living in Legal Limbo” The New York Times, December 28, 2021**

- i. Article follows four young people born and raised in Pakistan after their parents fled war and persecution in Afghanistan.
- ii. One person can't go to medical school because no proof of legal presence
- iii. Lack of identity documents
- iv. **While Pakistani law grants citizenship to those born there, the government has long refused to recognize the claims of children of Afghans amid public pressure to stem the tide of refugees from Afghanistan.**
- v. <https://www.nytimes.com/2021/12/28/world/asia/refugees-afghanistan-pakistan.html>

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**From:** <afghanlegalassist@googlegroups.com> on behalf of Chelsea Mack  
<chelsea@vecina.org>

**Date:** Wednesday, April 12, 2023 at 1:17 PM

**To:** Kelly White <kelly@caircoalition.org>

**Cc:** Megan Elman <megan@carecenny.org>, Charlotte English  
<charlotte@empowernashville.org>, "afghanlegalassist@googlegroups.com"  
<afghanlegalassist@googlegroups.com>

**Subject:** Re: Afghan born in Pakistan with place of birth listed as Afghanistan on his tazkera

Hi Charlotte,

This European Union Agency for Asylum report, [Pakistan Situation of Afghan Refugees](#), may prove useful to support your client's explanation for the issue of his country of birth. The section most likely relevant begins on page 33 of the report stating, **"There is no legal provision that deals with the citizenship of refugees and especially, Afghan refugees in Pakistan. The status of citizenship is**

not extended to Afghan refugees in Pakistan even if a child of an Afghan refugee is born in Pakistan."

Thank you,

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**Chelsea Mack**

Mentoring Attorney - Afghan Projects



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**\*\*Please note that I work remotely in Cleveland, Ohio\*\***

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On Wed, Apr 12, 2023 at 3:55 PM 'Kelly White' via Afghan Legal Assistance

<[afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com)> wrote:

We briefed this and it should be in the bank already. If no firm resettlement offer in Pakistan, which was not possible during most time frames, i should be a legally surmountable issue.

**Kelly White | Senior Program Director- Detained Adult  
Program |She/Her/Ella/They/None ([What's this?](#))**



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*Please note, I do not expect you to reply after hours or on weekends!*

Admitted to practice only in North Carolina; local practice limited to federal immigration agencies.

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**From:** [afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com) <[afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com)> on behalf of Megan Elman <[megan@carecenny.org](mailto:megan@carecenny.org)>

**Sent:** Wednesday, April 12, 2023 3:53 PM

**To:** Charlotte English <[charlotte@empowernashville.org](mailto:charlotte@empowernashville.org)>

**Cc:** [afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com) <[afghanlegalassist@googlegroups.com](mailto:afghanlegalassist@googlegroups.com)>

**Subject:** Re: Afghan born in Pakistan with place of birth listed as Afghanistan on his tazkera

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Please copy me on any responses!

On Wed, Apr 12, 2023 at 3:52 PM Charlotte English <[charlotte@empowernashville.org](mailto:charlotte@empowernashville.org)> wrote:

Client was born in 1987 in Pakistan. His tazkera lists Afghanistan as place of birth. I am putting place of birth as Pakistan on his i589 but his tazkera states Afghanistan. I am trying to determine how to best explain the discrepancy. His parents migrated to Pakistan around 1985 and did not return to Afghanistan until 2004. Based on my research, Afghans living in Pakistan during this time were in legal limbo and the status of citizenship was not extended to Afghan refugees in Pakistan even if a child of an Afghan refugee was born in Pakistan. I am assuming his citizenship would be Afghanistan because his father is Afghan. It may be common to put place of birth as Afghanistan in this situation, but I have not encountered it before and I feel certain I need to be able to explain it. Thank you in advance.

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**Charlotte English, JD**  
Immigration Legal Support Specialist

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[www.empowernashville.org](http://www.empowernashville.org)

**\*Please note my office hours are Monday - Wednesday.**

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**Megan Elman**  
SUPERVISING ATTORNEY  
Central American Refugee Center (CARECEN)

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