

Non-Official Translation

Law on Registration of Population Records

Chapter One

General Provisions

Basis

Article One:

This law is enacted in the light of provisions of article four of the Constitution of Afghanistan.

Objectives

Article Two:

Objectives of this law are as below:

- 1- Verifying nationality of the country's citizens' through electronic national identity card (Tazkira).
- 2- Regulating affairs related to registry of population of the country.
- 3- Having information regarding the number of country's population.
- 4- Knowing the number of births, deaths, marriages and divorces of the country's citizens.

Terminologies

Article Three:

The following terms in this law shall mean:

- 1- Registration of Population Records: is a constant and regular registration of information regarding citizens of the country including biometric and all other personal status details in the information center (database) of the Registration of Population Records pursuant to the provisions of the law.

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2- Identity: is complete information of an individual including name, surname, father name, grandfather name, and date of birth indicating day, month and year of birth, place of birth, permanent residence and current residence.

3-Identity Card (Tazkira): is an official document that is printed on (Polycarbonate) cards and distributed to citizens of the country pursuant to provisions of this law.

4- Permanent Residence: is a place where a person or his/her ascendants live permanently and his/her identity is registered in population registration book of that place.

5- Change of Residence: is a change of permanent residence from one place to another.

6- Kochi: is a resident of the country that has no permanent residence; main occupation of a Kochi is livestock and relocates from one location to another due to climate conditions.

7- New comer: is a person who does not have his/her identity previously registered in the database center of registration of population records and approaches relevant population registration office for obtaining national identity card.

8- Guardian: is the father, grandfather or ascendants of a child.

9- Unknown identity: a living or dead person whose identity cannot be confirmed.

10 - Lawful relative: is a person who has genealogical or relative-in-law relation with the holder of a national identity card.

11- Biometric: is a system that stores and transfers iris scan, ten-finger print and digital photograph and signature of a person.

Implementing Authority

Article Four:

(1) Ministry of Interior Affairs is implementing authority of registration of population records in the country and shall be responsible for the implementation of the provisions of this law.

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(2) For the realization of the objectives set forth in this law, office of registration of population records and evaluation of foreigners identity affairs within the Ministry of Interior Affairs shall operate in the center, provinces, districts, border ports and airports.

Registration Authorities

Article Five:

Offices of registration of population records shall be as follows:

- 1- Central Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.
- 2- Office of Registration of Population Records in the provinces, districts, municipality districts, border ports and airports.
- 3- Mobile team of Registration of Population Records.
- 4- Political or consular missions of Afghanistan abroad the country.

Contents of National identity cards(Tazkera)

Article Six:

(1) National identity card shall contain the following information:

- 1- Afghanistan national logo located in the center of national identity card and the number of national identity card written underneath it. On the right side of it the text below shall be written in Pashto with the Dari on the left: (Islamic Republic of Afghanistan - Ministry of Interior Affairs - National identity card).
- 2- On the right side of the National identity card the following shall be written in official languages of the country:
 - Name
 - Father name
 - Grandfather name

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-Date of birth

-Place of birth

-Current residence

-Permanent residence

3- On the left side of the National identity card photograph of the citizen shall be pasted.

4- At the back of the National identity card, in the middle, following texts shall be written in English language:

Islamic Republic of Afghanistan/National Identity Card

Underneath of this the following words are written:

ID Number:

Full Name:

Date of Birth:

Place of Birth:

Gender:

Date of Issue:

On the right and in official languages of the country and English (Signature and Date of Issue) shall be written.

Left side of the national identity card shall hold electronic information that contain confidential and other personal information of the country's citizen, stated in the form in the annex 2 of this law and which shall be read by electronic machines.

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Chapter Two

Duties and Authorities of Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs

Duties and Authorities

Article Seven:

(1) Office of Registration of Population Records and Evaluation of Foreigner Identity Affairs shall have the following duties and authorities:

- 1- Registering population records and distribution of national identity cards to the citizens of the country.
- 2- Collecting, consolidating, coordinating, analyzing and concluding information related to country's registration of population records.
- 3- Assigning and dispatching mobile teams of registration of population records.
- 4- Providing information related to registration of population records to government offices when required.
- 5- Registering and regulating foreigner's related affairs upon their arrival in the country.
- 6- Overseeing regularly the executions of registration of population records offices set forth in article five of this law.
- 7- Preparing and organizing public awareness programs for obtaining and keeping national identity card.
- 8- Evaluating documents on acquiring or withdrawing citizenship and presenting it to related commission.
- 9- Performing other duties set forth in this law.

(2) Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs, for increasing the capacity of the relevant personnel, shall develop training programs.

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Cooperation of Entities

Article Eight:

Ministries, offices, independent commissions, government companies and enterprises shall be obligated to, during the general distribution of national identity cards upon the permission of the Council of Ministers, provide required personnel, assets, vehicles, equipment and services to the Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.

Chapter Three

General Distribution and Renewal of National Identity Card (Tazkera)

Distribution of National Identity Card

Article Nine:

(1) National identity cards shall be distributed, as follows, to citizens of the country for recognition of their identity and registration of population records:

- 1- Up to completion of six years of age without the photograph and biometric information of polycarbonate card.
- 2- From seven up to seventeen years of age with the photograph and without biometric information of polycarbonate card.
- 3- Starting from eighteen years of age with photograph and biometric information of polycarbonate card.

(2) Afghans citizens, inside and outside Afghanistan, shall be obligated to record their identity with offices of registration of population records and acquire national identity cards pursuant to the provisions of this law.

(3) Foreign citizen and stateless person who obtain nationality of Afghanistan based on the provisions of the law shall be obligated to obtain national identity card from the offices of the registration of population records.

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(4) Guardian or lawful relative of a child shall be bound to, from the date of birth up to maximum three months, based on the birth certificate of a health facility or at home, obtain national identity card for the child.

(5) Guardian or lawful relative of a child, set forth in paragraph 4 of this article, shall be obligated to approach relevant offices of registration of population records, to renew national identity card of the child, upon completion of six years of age of the child, and paste a photograph of the child to the national identity card.

(6) Distribution of national identity card shall take place based on the form contained in annex 2 of this law.

Renewal of National Identity Card

Article Ten:

National identity card shall be renewed in the following circumstances:

- 1- Upon the completion of six years of age.
- 2- Upon the completion of seventeen years of age
- 3- After completion of seventeen years of age in the event that facial features of a person, change in a manner that contradict the previous photograph in the database and national identity card.

Duplicate National Identity Card

Article Eleven:

(1) In case the facial features of a person resemble the photograph in database of registration of population records and national identity card, a duplicate national identity card shall be issued in the following circumstances:

- 1- In the event that national identity card is broken or becomes illegible, without an announcement in the mass media.
- 2- In the event of burning of national identity card provided that two persons holding identity card of that area confirm the incident.

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3- In the event of loss of national identity card based on the receipt of an announcement in a mass media.

(2) In areas where there is no mass media, a duplicate of the national identity card shall be issued based on the confirmation of two persons holding national identity card of the same area.

Circumstances of Non-issuance of National Identity Card

Article Twelve:

Offices of Registration of Population Records may not distribute national identity card in the absence of person.

In case the person is ill or disabled in a way that cannot appear in the office of registration of population records, an assigned employee shall be obligated to fill the identity registration form in his/her residence and issue national identity card based on that.

Distribution of National Identity Card by Mobile Team

Article Thirteen:

(1) Those Afghan citizens who are in prisons, detention centers, Juvenile rehabilitation centers, orphanages, asylums or other charitable entities, or serve in military or security units shall be issued national identity cards by the mobile team of registration of population records office in the presence of representative from the entity.

(2) The manner in which national identity cards are distributed in the circumstances set forth in article nine of this law and paragraph one of this article shall be regulated by a separate procedure.

Distribution of National Identity Card to Kochi

Article Fourteen:

National identity card shall be issued to Kochi based on his/her summer or winter living location and after verification and certification of his/her identity through lawful relative and approval of Kochi representative officially introduced by relevant authorities.

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Inhabitancy of Kochi

Article Fifteen:

If Kochi loses circumstance set forth in paragraph 6 of article 3 of this law, he/she shall be considered inhabited and shall be subject to provisions of an inhabitant registration of population records.

Chapter Four

Reporting Cases of Birth, Death, Marriage and Dissolution of Marriage

Recording Reports of Cases

Article Sixteen:

(1) Reports on instances of birth, death, marriage and dissolution of marriage shall be recorded in the database of Registration of Population Records pursuant to the provisions of this law and relevant procedures.

(2) Reports on instances of birth, death, marriage and dissolution of marriage shall be reported by guardian, lawful relative or representative of Kochi to the nearest office of registration of population records during a maximum period of three months.

(3) The manner in which reports of birth, death, marriage and dissolution of marriage and contents thereof are prepared shall be regulated by a separate procedure.

Reporting Birth of a Child

Article Seventeen:

(1) Parents or lawful relative of a child shall be obligated to report within a period of three months a new birth to the nearest registration of population records office or birth registration centers.

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(2) Afghan citizens outside the country shall be obligated to within a period of three months report child birth to Afghanistan's political or consular missions, in written.

(3) Afghanistan's political or consular missions shall be obligated to record birth reports and subsequently submit them to Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.

Information about a Child with Unknown Identity

Article Eighteen:

A person, who finds a new born child with no known identity, shall be obligated to report the matter to the police office of the area. The police office shall report the case to office of registration of population records of the area who shall jointly with a competent court assign name and identity to the child.

Issuance of National Identity Card to Persons with Unknown Identity

Article Nineteen:

(1) If a person with no known identity approaches office of registration of population records to obtain national identity card, after confirmation and guarantee by two national identity card holders and approval of the person being an Afghan national by the national security department of the area, and filling out of a registration form, he/she shall be issued national identity card.

(2) If a person with no known identity can not meet the requirements for obtaining national identity card set forth in paragraph one of this article, the issue shall be referred to the commission comprised of competent representatives from Supreme Court, Ministry of Foreign Affairs, Ministry of Refugees and Repatriation, Attorney General's Office, National Directorate of Security and Office of Registration and Population Records and Evaluation of Foreigners Identity Affairs who shall decide a manner that does not contradict with enacted legislatives documents of the country.

Reporting Death of a Person

Article Twenty:

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- (1) Heirs, executor of will or lawful relative of a dead person shall be obligated to within a period of thirty days report the death, describing date and place of death of the person to the office of registration of population records.
- (2) If a person dies in a public place, the relevant security authority of the area shall be obligated to within a period of one week after receiving the information report the death to the nearest office of registration of population records.
- (3) Political and consular missions of Afghanistan out of the country shall be obligated to register death of Afghan citizens that occurs out of Afghanistan and report it within 30 days to Office of Registration of Population Records and Foreigners Identity Affairs.
- (4) Death along with full identification of persons who are martyred during military operations shall be reported in written through their related ministries and offices to the office of registration of population records of the area within thirty days.

Reporting Cases of Marriage and Dissolution of Marriage

Article Twenty One:

- (1) Deeds and Documents Registration Office shall be obligated to report marriage or dissolution of marriage to office of registration of population records in order to be recorded in the database.
- (2) Husband and wife shall be obligated to report their marriage or dissolution of marriage to office of registration of population records. Office of registration of population records shall be obligated to take appropriate actions pursuant to the relevant procedures.
- (3) Offices of registration of population records shall be obligated to immediately report marriage and dissolution of marriage to Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.
- (4) Offices of registration of population records shall record in the database of registration of population records those cases of marriage and dissolution of marriage that were not recorded in the past, upon approach of persons and shall report to Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.

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(5) Afghan citizens that marry or dissolve their marriage outside the country shall be obligated to within a period of thirty days report such cases to the political or consular missions of Afghanistan.

(6) Afghanistan's political or consular missions shall be obligated to within a period of thirty days submit reports of marriage or dissolution of marriage of Afghan citizens residing out of Afghanistan after recording to the Office of Registration of Population Records and Evaluation of Foreigners Identity Affairs.

Reporting Birth and Death

Article Twenty Two:

Ministry of Public Health shall take appropriate measures in order to carry out regular registration of births and deaths that take place in government or private health facilities and shall require officials of these facilities to report such cases to the relevant offices of registration of population records.

Cooperation of Officials with regards to Obtaining National Identity Card

Article Twenty Three:

Governors, district governors and mayors shall be obligated to attract the support and cooperation of village elders, neighborhood representatives, imams and health care officials of their related areas with regards to obtaining national identity card and registration of births, deaths, marriages and dissolution of marriages.

Chapter Five

Change of Residence

Reporting Change of Permanent Residence

Article Twenty Four:

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(1) A person who wants to change his permanent residence shall be obligated to within a period of three months report the new place he/she has chosen as permanent residence to offices of registration of population records; the report of change of permanent residence and contents of the form shall be prepared by office of registration of population records in previous or new place of permanent residence as per the procedure.

(2) Change of permanent residence shall be recorded by the office of the registration of population records in the database and new national identity cards shall be issued to the person changing his/her permanent residence and his/her family.

(3) Identity information of the person who changes permanent residence shall be recorded in the new location and omitted from the old location as per the contents of the relocation form in the database.

Reporting Change of Place of Residence

Article Twenty Five:

If a person changes his/her place of residence temporarily exceeding more than six months, he/she shall be obligated to report the matter in written to office of registration of population records.

Chapter Six

Determining and Correcting Age and Changing or Correcting Name

Determining and Correcting Age

Article Twenty Six:

(1) Age of a child shall be determined from the day of birth up to completion of six years of age in observation of provisions of articles nine, sixteen and seventeen of this law and in consideration of birth documents or in the absence of a birth document, as per the statement of his/her parents or the statement of at least two lawful relatives of the child.

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(2) Age of a child after completion of six years of age and in the absence of a birth document shall be determined by officials of registration of population records as per the circumstances.

(3) Correcting age of a person shall not be permissible.

Changing or Correcting Name

Article Twenty Seven:

(1) Change of name of a person shall take place only once before completion of eighteen years of age based on the request of the person, his/her parents or lawful relatives as per the related procedure and through offices of registration of population records.

(2) Correcting name or any other spelling errors in the national identity card or in the database shall take place at any time as per the related procedure and through offices of registration of population records.

Claiming Filiation

Article Twenty Eight:

In the event that a person claims filiation and the competent court issues a verdict in his/her favor, office of registration of population shall issue national identity card to him/her as per the legal deed.

Chapter Seven

Miscellaneous Provisions

Approaching Office of Registration of Population Records

Article Twenty Nine:

(1) When a person completes the age stated in the Law of Mandatory Military Service, he/she shall be obligated to approach relevant offices of registration of population records to make sure of enlistment for conscription.

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(2) List of persons qualified for conscription shall be prepared by the office of registration of population records in accordance with the related procedure.

Changing Occupation and Profession

Article Thirty:

Change of occupation and profession by national identity card holder shall be recorded in the database of office of registration of population records based on an official request.

Establishing Database in Office of Registration of Population Records

Article Thirty One:

(1) Ministry of Interior shall establish database for registration of the records of the population of the country.

(2) Ministry of Interior shall take appropriate security measures for better utilizing the database set forth in paragraph one of this article.

Keeping Documents, Offices and Database of Registration of Population Records

Article Thirty Two:

Office of Registration of Population Records shall be obligated to keep safe relevant documents, offices and database of registration of population records.

Requesting Information

Article Thirty Three:

Government offices may request required information in written or electronically from offices registration of population records.

Legal Prosecution

Article Thirty Four:

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The following acts shall be considered crime and the perpetrator shall be subject to legal prosecution as per circumstances and pursuant to provisions of the law:

- 1- Obtaining extra national identity cards with changes to particulars of the registered identity.
- 2- Incorrect reporting of births, deaths, marriages and dissolution of marriages.
- 3- Forging a national identity card.
- 4- Misuse of national identity card in one's favor or in favor of others.
- 5- Untrue certification of loss or burning of national identity card.
- 6- Recruiting persons without national identity card.
- 7- Intentional breaking or damaging of national identity card.
- 8- Overture of country's citizens information without provisions of law.
- 9- Hacking electronic systems of national identity card.
- 10- Providing incorrect information on individual and family forms.

Finding a lost national identity card

Article Thirty Five:

A person who finds a lost national identity card shall be obligated to return it to office of registration of population records or to a police station.

Price of National Identity Card and its Duplicate

Article Thirty Six:

(1) Price of an original national identity card shall be 100 Afghanis and the price of a duplicate national identity card shall be 500 Afghanis.

(2) Ministry of Interior in consultation with Ministry of Finance may increase or decrease, after approval of ministers council, the price set forth in paragraph one of this article given the total cost of the national identity card or economical fluctuations.

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Provisional Provision

Article Thirty Seven:

(1) Offices of registration of population records shall be obligated to, after enactment of this law, distribute national identity cards as per the plan.

(2) In provinces where issuance of electronic national identity cards may not take place, office of registration of population records shall issue national identity cards based on provisions of Law on Registration of Population Records published in the Official Gazette number 793 in 1421 lunar calendar.

(3) Ministry of Interior shall be obligated to take and implement appropriate with respect to distribution of electronic national identity cards and protection of confidential information of the country's citizens.

(4) Upon completion of national identity card distribution process, Law on Registration of Population Records published in the Official Gazette number 793 in 1421 lunar calendar, shall be nullified through a President Decree.

Proposing Regulation and Adopting Procedures

Article Thirty Eight:

For better implementation of provisions of this law, Ministry of Interior may propose a regulation or adopt procedures.

Enforcement

Article Thirty Nine:

This law shall be enforced from the date of endorsement and shall be published in the Official Gazette.