



**Query**  
I am British born and Muslim, but my wife is Bangladeshi. Two years ago we got married in the UK (civil and sharia marriage). Later on we decided to live in Bangladesh and that's where the trouble started:

Firstly I do not get a permanent visa to live with my wife in Bangladesh because I'm a foreign man. Every person in the world has the right to live with his/her spouse. However, the law in Bangladesh does not allow a foreign man to stay with his Bangladeshi wife on a permanent basis. Every year I have to apply for a visa for Bangladesh if I like to live with my wife in the country!

However, if a Bangladeshi man marries a foreign woman, automatically she gets a permanent visa for Bangladesh and has not to apply for a visa on a yearly basis.

Secondly, as a foreigner I'm not allowed to open a bank account in Bangladesh or have a signature on the account of my Bangladeshi wife.

**My question:** Is there a possibility for me to get a permanent visa to stay with my wife in Bangladesh? It was told to me that the Government of Bangladesh is planning to review this extremely discriminatory law (because the foreign wife of a Bangladeshi man has more rights than the foreign husband of a Bangladeshi woman). Is this correct? And is it correct that I can not open a bank account in my name or have a second signature on the account of my wife?

Probably I'm not the only foreign man facing this shameful discrimination in your country.

Can we expect a solution for our problem soon?

Yours sincerely  
**Vikram Khan**

**Response**

Thank you very much for your queries. I understand that you are British born husband of a Bangladeshi woman and have been renewing visa in order to stay in Bangladesh for almost the last two years. Moreover you also stated that as a foreigner you are not allowed to open bank account in Bangladesh or have a signature on the account of your Bangladeshi wife. I will answer your queries in turn.

Firstly, you are correct about the fact that, a foreigner wife of a Bangladeshi man can apply for Bangladeshi citizenship, provided she has been living in Bangladesh for two years as per the Bangladesh Citizenship (Temporary Provisions) Rules 1978. Unfortunately, there is no similar provision in the Rules whereby a foreigner husband of a Bangladeshi woman can get the citizenship of Bangladesh by staying in Bangladesh for a certain period of time. You are also correct that the Government of Bangladesh is planning to review these provisions, but till date this issue has not seen the light of any



**YOUR ADVOCATE**

*This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies. Our civil and criminal law experts from reputed law chambers will provide the legal summary advice.*

enactment i.e. any Act of Parliament or Order or Rules as such. It is difficult to predict with precision when such legislative change may be brought.

However, if not under the ground of a spouse, you can still apply for Bangladeshi citizenship and/or permanent residency on general grounds under the Bangladesh Citizenship (Temporary Provisions) Rules 1978 (herein after referred to as the 'BC(TP) Rules 1978') and the Bangladesh Citizenship (Temporary Provisions) Order 1972 (herein after referred to as the 'BC(TP) Order 1972'). The options are given below in details.

Option 1: Rule 3(1) of the BC(TP) Rules 1978 provides that if someone wants to apply for Bangladeshi citizenship within the ambit of Order 2B, Clause (2) of the BC(TP) Order 1972, s/he has to submit Form 'A' and do the following:

·If the applicant is residing temporarily in Bangladesh, the application shall be submitted directly to the Government and if the applicant is residing outside Bangladesh then it shall be submitted to the Government through the Bangladesh Diplomatic Mission or Consulate in that country or where there is no Bangladesh Mission or Consulate in that country to a Bangladesh Mission or Consulate in the country nearest to that country.

·The application shall be accompanied by an affidavit affirming the truth of the statements made before a Magistrate of the 1st Class or a Notary Public and four copies of Passport size photographs duly attested by a Class-1 Gazetted Officer or a Magistrate of the 1st Class or a Notary Public.

·The application shall be accompanied by Treasury Chalan of Tk. 200 or equivalent in Foreign Exchange under the head "65-Misc.-Non-Tax Revenue-Citizenship and Passport."

·The application shall also be accompanied by documentary evidence, if any, regarding remittances of Bangladesh.

·It shall also be accompanied by a copy of foreign citizenship or birth certificate.

Moreover the concerned Government or the Bangladesh Diplomatic Mission or Consulate may, if need be, call for the submission of other documents related to, for example, when the applicant got current nationality, special qualification of the applicant, present occupation or trade, income and its

source, any relative living in Bangladesh, knowledge about Bengali language, etc.

Option 2: Further Rule 4(1) of the BC (TP) Rules 1978 provides that if someone wants to apply for Bangladeshi citizenship within the ambit of Order 4 of the BC (TP) Order 1972, s/he has to submit Form 'B' in the same manner as given in Rule 3(1) of the BC (TP) Rules 1978 above. However a condition remains that, no application will be considered under this Rule if the applicant does not declare, through affidavit, about his/her citizenship status and about leaving main country of residence.

Moreover it is mentioned in Rule 4 of the BC (TP) Rules 1978 that, application regarding acceptance of citizenship will be considered-

(a) If the applicant is a foreigner woman and married to a Bangladeshi man and is normally living in Bangladesh for two years; or

(b) If the applicant does not fall within clause (a) above, but is normally living in Bangladesh for five years.

Option 3: Other than these you can go for Rules 4A or 4B of the BC (TP) Rules 1978, which contain the provisions for application for Bangladeshi citizenship by Foreign Traders/Business persons/Investors and application for Permanent Residency by the same respectively.

If the Government is satisfied with you after considering your Form and all the documents submitted, and is satisfied that you are not incapable of getting Bangladeshi citizenship by or under any law, then Government shall give you Bangladeshi citizenship (or right to permanently live in Bangladesh) and shall issue a certificate to this effect (Rules 7 and 8 of the BC (TP) Rules 1978). Note that such an order is appealable. Therefore if you are dissatisfied with the order of the Government you can appeal within 30 days of receiving such order.

In light of the above discussion, you are advised to go to the Home Ministry, Immigration Department, and talk to the concerned officers in

details about your situation and collect the form(s) prescribed by them.

As for your opening of bank account, you have not enlightened us about your occupation or what you are currently doing for a living in Bangladesh. If you are employed in Bangladesh then you can open an account on that basis in your own name. Meanwhile if you are not employed and are currently engaged in any business or trade or investment, then you can open an account on that basis; the account can be investment account or the like.

However if you are not doing anything in Bangladesh, but are either employed or have business in the United Kingdom, or any other country you are a national of, then as a foreigner opening an account in Bangladesh will be a little difficult, but not impossible.

For the time being, you can open a Foreign Currency account in a commercial bank of your choice. You have to provide documents relating to your business/trade or employment; documents that show your ability of maintaining or opening an account, income and source of income, purpose of



opening a bank account in Bangladesh etc. Besides, you shall have to submit your Passport along with Passport size photographs, which are quite usual for opening any bank account. The problem is that banks are fairly strict when it comes to opening an account for a foreigner, and the bank may call for the submission of a Declaration of any kind, if they feel it is necessary.

In light of the above discussion, you are advised to consult a few commercial banks and find out the bank that opens an account and gives you best conditions, benefits and options.

I hope the aforesaid opinion will help you to solve a problem that, unfortunately, a considerable amount of foreigner husbands, and consequentially their families, are facing. Good luck!

For detailed query contact: [omar@legalcounselbd.com](mailto:omar@legalcounselbd.com).



**HUMAN RIGHTS WATCH**

**Bangladesh: Tightened control and broken promises**

*No justice for victims of rights abuses by security forces*

**T**HE government of Bangladesh took no significant steps to investigate and prosecute torture in custody and extrajudicial killings during 2011 and showed an increasing intolerance for criticism, Human Rights Watch said in its World Report 2012.

Although the number of Rapid Action Battalion (RAB) killings has dropped following domestic and international criticism, there was a sharp increase in enforced disappearances, leading to concerns that security agencies have replaced one form of abuse with another. The government violated the right to a fair trial when it staged mass trials for thousands being held for the 2009 massacre of army officers by troops in the Bangladesh Rifles (BDR). Human rights organizations, journalists, trade unions, and civil society activists remained at risk, with some suffering attacks.

"The government of Sheikh Hasina has made repeated promises to end abuses and ensure justice and accountability, yet the security forces remain above the law," said Brad Adams, Asia director at Human Rights Watch. "In the past year the government has moved from saying it would take action against abusive forces to denying abuses or defending the actions of the same abusive security forces that it complained about when it was in opposition."

In Bangladesh, the parliament took long overdue action in November to provide for returning property seized from the minority Hindu community. The action amended a 1965 law, passed when Bangladesh was still part of Pakistan, which allowed the appropriation of property of Hindus, who were suspected of supporting enemy India.

Human Rights Watch cautioned, however, that the government should ensure that the new law is not used to target its political enemies. Belatedly, the government also took the positive step in bilateral meetings of protesting the killing of hundreds of Bangladeshi nationals by India's Border Security Force over the past 10 years.

The Awami League government has taken steps to promote women's rights, making commendable

status laws and fails to take adequate measures to protect women and girls from violence. Violence against women is rampant, with religious leaders or village elders imposing illegal punishments under the garb of "fatwas." These include orders to whip girls, blacken their faces, or otherwise humiliate them publicly for "immoral behavior." In some cases, village elders illegally accused girls who reported rape or sexual abuse of having an affair and ordered them punished.

The Bangladesh high court division ordered the government to take action against such extrajudicial punishments, but the government did not carry out court orders. The parliament passed a law in 2010 against domestic violence but has yet to introduce any rules for its implementation.

Bangladeshi human rights groups have documented nearly 1,600 extrajudicial killings since 2004. Many were disguised by law enforcement institutions as "crossfire killings." The main unit responsible is the RAB, although that same culture of violations and impunity is infecting other security forces as members rotate back to their parent units in the police or intelligence departments, Human Rights Watch said.

"Despite clear and voluminous evidence of Rapid Action Battalion responsibility, the government has not held anyone in RAB accountable for the large numbers of extrajudicial killings," Adams said. "While the government talks proudly of its democratic credentials, it seems to forget that a key component of a democracy is ensuring the safety of its citizens from state sponsored violence."



HRW.ORG

progress in reducing infant and maternal mortality rates. It introduced a policy to advance women's rights in 2011, which among other things guarantees women an equal share and opportunity in employment and full control over their earnings. The government has also committed to developing a national strategy for social security, a positive step that could help reduce the high poverty levels among female-headed households.

However, the state continues its decades' long discrimination against women under personal



**LAW WEEK**

**ICT accepts formal charges against**

**Mojaheed**

The International Crimes Tribunal accepted formal charges against Jamaat-e-Islami leader Ali Ahsan Mohammad Mojaheed on January 26 in connection with his alleged crimes against humanity during the 1971 Liberation War. The three-judge tribunal headed by its Chairman Justice Nizamul Huq fixed February 23 for hearing on framing charges against Mojaheed. The charge contains 34 incidents of crime allegedly committed by Mojaheed, secretary general of Jamaat, during the war. - *The Daily Star online edition January 26 2012.*

**Remove all illegal structures from Gulshan**

**Lake**

The High Court (HC) on January 25 directed the government to demarcate the city's Gulshan Lake and remove the illegal structures from it in the next two months. During the hearing on a rule, the court asked the government to submit a compliance report by March 30. The HC bench of Justice AHM Shamsuddin Choudhury Manik and Justice Jahangir Hossain Selim also asked the Secretary to the Ministry of Environment to declare Gulshan Lake as an "environmentally critical area" and to submit a compliance report to it by February 28. - *The Daily Star January 26 2012.*

**HC to Maintain status quo**

The High Court on January 24 directed the government to maintain status quo on construction works within the area of Bhitorgarh fort, a place with historic importance in Panchagarh. During hearing a rule, the court also directed not to dig up the ground within the fort except conducting scientific excavation for research purpose. The rule was issued in response to a writ petition filed by Human Rights and Peace for Bangladesh following newspaper reports saying two private companies Assort Plus ltd and Selilan Tea & Estate Ltd were constructing commercial buildings in the fort area ruining the site. - *The Daily Star January 25 2012.*

**Hearing in Tarique's case Feb 16**

A Dhaka court on January 25 adjourned till February 16 the hearing of a money laundering case against BNP Senior Vice Chairman Tarique Rahman and his business partner Giasuddin Al Mamun. Judge Mohammad Mozammel Haque of the Special Judge Court-3 adjourned the hearing following a prayer seeking time by the defence lawyer. - *The Daily Star*

**Dear reader,**

You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those.

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 64-65, Kazi Nazrul Islam Avenue, Dhaka-1215; Tel:

For details please visit: [www.hrw.org](http://www.hrw.org)  
Source: Human Rights Watch.