




STUDYING THE CONDITIONS FOR ACQUISITION OF IRANIAN CITIZENSHIP BY THE CHILDREN FROM THE MARRIAGE OF IRANIAN WOMEN TO FOREIGN MEN

ALI HADDADZADEH SHAKIBA¹

¹ Ph. D. in Private Law, Faculty of Law, University of Qom, Qom, Iran

E-mail: Haddadzadeh_ali@yahoo.com

Article Info	ABSTRACT
<p>Article type: State Practice</p> <p>Article history: Received 2022-01-31</p> <p>Received in revised form 2022-07-16</p> <p>Accepted 2022-07-17</p> <p>Published online 2023-02-18</p>  https://ijicl.qom.ac.ir/article_2239.html	<p>The conception of nationality is about the place someone is born—in reality the place of his/her birth land. Hence Nationality is relating to the place of birth and can often be regarded as ethnic or racial matter. The right of nationality is the most important and cardinal title of human right. Therefore, International law assigns that States provisions to the persons nationalities is not arbitrary and they have to observe their human rights obligations relating the grant and loss of people nationality. Hence, lack of nationality for someone, make him/her have no chance for school, doctor appointment, job, bank account, or even marriage right_ all the most necessary rights_ . Nevertheless, Millions of people all over the world are out of nationality and are regarded stateless ! The conception of stateless is about one who is considered as a nationless, without any legal and political support and protection by a Sovereignty. For more explication of nationality importance, there is a number of regional and international human rights concerning the right to a nationality. Article 15 of the Universal Declaration of Human Rights indicate “[e]veryone has the right to a nationality” and that “[n]o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.</p>
<p>Keywords: Iranian nationality Iranian citizenship children born of Iranian mother nationality children born of Iranian mother citizenship Stateless condition.</p>	

Cite this article: Haddadzadeh Shakiba, A. (2023). Studying the Conditions for Acquisition of Iranian Citizenship by the Children from the Marriage of Iranian Women to Foreign Men, *Iranian Journal of International and Comparative Law* ,1(1), pp: [183-193](#).



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 10.22091/IJICL.2022.7863.1012

Publisher: University of Qom

Nationality is the legal bond between a person and a state. It denotes membership and gives rise to both rights and duties on the part of the individual and the state concerned at the same time. Each state's municipal law dictates on whom nationality shall be conferred. The two principal doctrines for the attribution of nationality (at birth) are *jus soli* (nationality based on birth on state soil) and *jus sanguinis* (nationality based on descent from a national). International law recognizes, in principle, the freedom of states to regulate access to nationality as an exercise of sovereignty. However, some limits to this freedom may be imposed under international customary and treaty law.

It should be noted that there is another term as regards the legal bond between a person and a state namely "citizenship" which differs from nationality in some respects. Citizenship is a narrower concept than nationality. It can be said that citizenship is about giving a person a legal status in relation to the sovereignty, while nationality is about the natural identity of individuals. To put it another way, nationality is linked to one's family roots, religion, language, tradition, culture etc. Therefore, nationality is concerned with the individual's birthplace, whereas citizenship is granted to a person through special legal requirements. However, generally speaking, nowadays they are used interchangeably and issues such as the residence of individuals falls within the scope of both nationality and citizenship simultaneously. Accordingly, both of them are employed in the same meaning in this piece.

Closely linked to the legal identity of the individual and his/her enjoyment of other human rights, right to a nationality is recognized in a series of international legal instruments. According to art. 15 of the *Universal Declaration of Human Rights* (1948), "everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". Art 24(3) of *International Covenant on Civil and Political Rights* (1966) states that "every child has the right to acquire a nationality". In addition, art. 9 of *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) states that "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless



or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children". Furthermore, in art. 7(1) of the *Convention on the Rights of the Child* (1989) the right of the child to acquire a nationality is recognized. Also, in accordance with art. 29 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (1990), each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality. Under art. 18(2)) of the *Convention on the Rights of Persons with Disabilities* (2006), children have the right to acquire a nationality.

Owing to the significance of having nationality for members of a society in the contemporary era, the 1979 Iranian Constitution (as amended on 28 July 1989) has recognized the right to nationality and has declared that foreign nationals may acquire Iranian citizenship. In this regard, Article 41 of the Constitution states that: "Iranian citizenship is the indisputable right of every Iranian, and the government cannot withdraw citizenship from any Iranian unless he himself requests it or acquires the citizenship of another country". Also, article 42 declares that: "Foreign nationals may acquire Iranian citizenship within the framework of the laws. Citizenship may be withdrawn from such persons if another State accepts them as its citizens or if they request it".

Citizenship in Iran is classified into two original and acquired types. The original citizenship can be granted only through lineage while the acquired citizenship can be result of marriage or volunteer measures of someone to acquire Iranian citizenship. The citizenship of newborns is merely the original not the acquired citizenship, except for newborns of Iranian women married to foreign men. In this case, it is essential to acquire Iranian citizenship according to the law which will be addressed bellow.

In the Iranian legal system, the original citizenship is assigned to newborns through blood and soil system. That is to say, by the blood system, newborns citizenship depends on the birth of newborn to an Iranian father or mother. This means that the child acquires the parents' citizenship once being born. However, in the soil system, the citizenship of the newborn is determined in accordance with his/her birth place. In other words, according to the soil system, each person acquires the citizenship of his/her country and place of birth. For every person born within the territorial boundaries of a state, a spiritual political relationship is established between that nation-state and that person is known as a citizen of the related state. Therefore, paragraph 3 of Article 976 of Iranian Civil Code recognizes the granting of citizenship to newborns who are born in Iran with unknown parents. Moreover, according to paragraph 4 of mentioned article, only those persons are considered as Iranians that are born of foreign parents who one of them is born in Iran's territory. In this regard, the Constitution of the Islamic Republic of Iran recognizes the citizenship of Iran as an absolute right of every Iranian through Articles 41 and 42. In addition, the government cannot revoke the citizenship of any Iranian, unless by the person's request, or when the individual becomes a citizen of another country.

As was previously mentioned, Article 41 of the Constitution of the Islamic Republic of Iran considers Iranian citizenship as the inalienable right of every Iranian. Consequently, being Iranian should be assessed and examined in accordance with this Article. In this regard, people, in any case, are either Iranians or non-Iranians who can acquire Iranian citizenship if they tend



and Iranian authorities also accept to confer them the Iranian citizenship. After this process, the child/children of whom that can acquire Iran citizenship, acquire Iran nationality and citizenship automatically without any measure taken by parents or children. While, the foreigners who do not have Iranian nationality or citizenship, neither themselves nor their children are regarded as Iranians automatically and becoming an Iranian requires their request through a predetermined legal and administrative process. In this respect, Article 42 of the Constitution specifies that foreign nationals may become citizens of Iran within the existing laws, and their citizenship is withdrawn when another government accepts their citizenship or they themselves apply to relinquish their Iranian citizenship.

Articles 976 to 991 of the Civil Code of the Islamic Republic of Iran stipulate more detailed provisions in this regard. These provisions confer nationality through both principles of *jus soli* and *jus sanguinis*. Children born to Iranian fathers always are granted Iranian nationality regardless of being born inside or outside the country; but for decades, the Iranian nationality law prevented women from passing on their nationality to their children. Iranian law grants nationality *jure sanguinis* but only by paternal line which means that Iranian mothers do not possess the same rights as Iranian fathers to confer nationality to their children. This could be very problematic, in particular, in cases where the father is a non-Iranian, unknown or stateless person. In 2005, among a number of amendments which were proposed to Parliament on women's citizenship rights, an amendment to Article 976 was approved by Parliament. This led to a Constitutional Amendment by adding a Single Article and two Notes to Article 1060 of the Civil Code in 2006, allowing children born to Iranian mothers and foreign fathers in Iran to apply for Iranian nationality after reaching the full age of 18. The Amendment was ratified during the open meeting of the Islamic Consultative Assembly (Parliament), and approved by the Guardian Council on 21 September 2006.

Despite the positive aspect of the law, it was still difficult -if not impossible- for women to pass on their nationality down to their children. Providing documents such as proof of the child's birth in Iran, proof of renouncement of the child's foreign nationality, marriage certificate, and proof of legal residency of the foreign father in the country, presented difficult eligibility requirements which excluded children born to stateless/illegal fathers or those born out of wedlock from this law. Finally, and above all, naturalization under this law was only possible upon reaching the full age of 18 and, therefore, could not tackle the issue of childhood statelessness. In other words, this would put the children concerned at risk of deprivation of their rights to education, health care, etc., prior to being recognized as Iranian citizens at the age of 18. Furthermore, this Amendment caused a confusion for the Family Courts regarding the applicability of the appropriate law.

Due to these challenges and difficulties, finally, the Parliament signed a new law in 2019 which allows Iranian mothers to file an application for their children from the moment of birth, regardless of being borne in Iran or abroad. Those who are 18 or above are also able to apply for Iranian nationality independently. A security check by the Intelligence Ministry and the Intelligence Organization of the Islamic Revolutionary Guard Corps is required in both cases. The response to this security check will be made within a maximum of three months. The police



are also required to issue a residence permit for a non-Iranian father in the absence of a security problem. This means that children of Iranian mothers can now apply for Iranian citizenship. It may well be argued that the 2019 law takes a fundamental step towards eliminating the gap between men and women in the law. The most significant advantage of the new law is that it includes children born to Iranian mothers abroad- a crucial matter which was neglected in the 2006 Amendment. Although the new law is implemented fully and retroactively, the gap is still remaining. The Civil Code grants nationality to children born to Iranian fathers automatically, but that is not the same for Iranian mothers as they are still required to file an application for their children. Moreover, it still puts children of those Iranian women who are married to undocumented migrants or refugees at risk of statelessness.

The Administrative Action issued by the Cabinet on 2 June 2020 on this new law clarifies that the law applies to every Iranian woman who is married to a non-Iranian man and has a child below the age of 18. Under this regulation, an Iranian woman is a woman who has been an Iranian citizen, according to Iranian laws and regulations, before the birth of her child. Article 3 of the Action states that the criterion for an Iranian mother's legal marriage with the foreign father of the child covered by this law is an official marriage contract or any valid legal document demonstrating the occurrence of marriage or the issuance of a judicial decision (domestic or foreign) indicating marriage and the existence of a marital relationship. The issuance and enforcement of a final divorce decree or the annulment of a marriage does not preclude the consideration of an application for the declaration of Iranian citizenship for the children of a marriage resulting in a divorce decree.

It's worth noting that UNICEF has confirmed and welcomed this measure in the following terms: "UNICEF welcomes the adoption and implementation of the new Iranian Nationality Law which enables children born to Iranian mothers and non-Iranian fathers to obtain Iranian nationality. According to official figures, 28,000 children below the age of 18 years have filed applications to receive birth certificates and a nationality. The first group obtained their Iranian nationality and Iranian identity booklet (*shenāsnāme*). The implementation of this Law is a milestone for the protection of the rights of stateless persons in Iran, including children. Statelessness can hinder a child's access to basic social services such including healthcare and education. UNICEF welcomes this important development for children on the 31st anniversary of the adoption of the Convention on the Rights of the Child which recognizes the child's right to acquire a nationality in Article 7. UNICEF remains committed to continue supporting the Government of Iran and partners for promoting child wellbeing in the Islamic Republic of Iran".¹

Previously, in accordance with the Iranian Civil Code, children of an Iranian mother and a non-Iranian father who were born in Iran could only apply for citizenship after reaching the age of 18. This has led children of Iranian mothers to face various problems, for example as the most important one, to encounter of lacking identification documents. Hence, the legal status of the citizenship of these persons were unclear until the age of 18. Thus, the Iranian Cabinet passed a bill in 2021 to adopt the citizenship of children of Iranian mothers and foreign fathers, at the request of the mother before the age of 18 and at the request of the person, after the age of 18. Thus,

1 . See <https://www.unicef.org/iran/en/press-releases/unicef-welcomes-irans>.

Iranian women with foreign spouses whether inside the country or abroad can now obtain Iranian citizenship for their children. It is worth mentioning that before the adoption of the Single Article of the law determining the citizenship of children born of Iranian women married to foreign men, some Iranian jurists and lawyer, invoking paragraph 4 of Article 976, stated the possibility of granting primary citizenship to the child via mother. Because paragraph 4 of Article 976 of the Civil Code indicates that “foreign parents provided one of them is born in Iran”. However, some other jurists rejected this argument and considered the non-transfer of citizenship to the child through the mother. Fortunately, this disagreement was ended by passing the law determining the citizenship status of children born to Iranian women married to foreign men, and this issue was solved. According to this law, even if children born to Iranian women married to foreign men were born in Iran, do not obtain the original citizenship, rather they can only obtain the acquired one.

Therefore, newborns of Iranian mothers are initially considered foreigners and they can only apply for Iranian citizenship through the legal process. Thus, obtaining an Iranian identity card for a newborn child in Iran, depending on the foreign citizenship of the child at birth requires the subsequent acquisition of Iranian citizenship by the mother or her/himself. These individuals will be accepted as Iranian citizens if they do not have a criminal or security background and declare the denial of non-Iranian citizenship. Also, when applying for Iranian citizenship, they must provide special permission for their mothers’ marriage to a foreign father. This permission is issued by the government of Iran at the time of marriage following Article 1060 of the Civil Code. However, the issuance of special permission by the government requires its compliance with Article 1059 of the Civil Code stating that marriage of a Muslim woman to a non-Muslim man is not permissible. Therefore, in the case of an Iranian Muslim woman married to a foreign non-Muslim man, the government will not issue the special permission which deprives the newborn’s citizenship. However, the child of a non-Muslim Iranian woman married to a non-Muslim or Muslim foreign man can apply for Iranian citizenship under other legal conditions. It should be noted that the provision of Article 1060 of the Civil Code, based on the need to acquire a special permission from the government, has a political aspect and it tries to protect the interests of Iran before protection of the Iranian women’s rights. In this way, the Iranian legislature forces women to be more careful and contemplative when marrying foreigners. However, in case of meeting all legal conditions, finally, when an Iranian Muslim woman insists on marrying a foreign Muslim or non-Muslim man, the government must issue marriage license if the woman is also a non-Muslim. Though, it seems that if an Iranian woman legally marries a foreign man without obtaining the marriage license, their newborn child should still be eligible for Iranian citizenship at the request of the mother or her/his own. Because obtaining a marriage license is the only approval of their correct marriage, which is not effective in concluding the contract correctly while depriving the newborn of citizenship.

Thus, according to the above conditions, children born to Iranian mothers married to a foreign must pass the following process to acquire Iranian citizenship:

1. First, the applicant must make a case at the orthopedic residence of the applicant (Office of Foreign Citizens and Immigrants Affairs) or at the Office of Citizenship, Refugees, and Immigrants throughout the country.



2. Then, he/ she must apply for a request in the Article 3 Commission of the Citizenship Regulations.
3. Passing the first and second stages of the process, the inquiry from NAJA police and acquiring the certificate should be performed.
4. The citizenship application is then considered by the Delegation of ministers.
5. If approved, the applicant must show her/his commitment to the Constitution of the Islamic Republic of Iran by participating in the constitutional test and taking the oath.
6. In case of acceptance, the person should submit his/her foreign documents to the Ministry of Foreign Affairs.
7. Ultimately, the person should obtain the identity card by referring to the civil registry.

It should be noted that according to the Iranian Civil Code and the Civil Registration Law, a person born in Iran must be registered up to 15 days after birth, regardless of the nationality of the parents, and the birth certificate is issued. Parents registering the birth date later than this date are found guilty and will be dealt with according to the law.

To conclude, it appears that by allowing Iranian women to pass their nationality down to their children, the new law marks a ground-breaking step towards reducing the gap between men and women in Iran where nationality is mainly transmitted *jus sanguinis* by the father. While the law still does not put mothers and fathers on a fully equal footing with respect to their ability to confer nationality, it represents a significant incremental improvement. Furthermore, although Iran is not party to the conventions on statelessness, the Government of Iran is taking concrete steps towards the prevention and reduction of statelessness in the country.

Appendix

Provisions related to Nationality and Citizenship in Law of Iran

The Constitution of Islamic Republic of Iran (1979 as of amended in 1989)

Article 41:

Iranian citizenship is the indisputable right of every Iranian, and the government cannot withdraw citizenship from any Iranian unless he himself requests it or acquires the citizenship of another country.

Article 42:

Foreign nationals may acquire Iranian citizenship within the framework of the laws. Citizenship may be withdrawn from such persons if another State accepts them as its citizens or if they request it.

Iranian Civil Code (1928)

Article 976 – The following persons are considered to be Iranian subjects:

1. All persons residing in Iran except those whose foreign nationality is established; the foreign nationality of such persons is considered to be established if their documents of nationality have not been objected to by the Iranian Government.
2. Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran;



3. Those born in Iran of unknown parentage;
4. Persons born in Iran of foreign parents, one of whom was also born in Iran.
5. Persons born in Iran of a father of foreign nationality and have resided at least one more year in Iran immediately after reaching the full age of 18; otherwise, their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.
6. Every woman of foreign nationality who marries an Iranian husband.
7. Every foreign national who has obtained Iranian nationality

Note – Children born of foreign diplomatic and consular representatives are not affected by Clauses 4 and 5 of this Article.

Article 977 – (a) If persons mentioned in Clause 4 of Article 976 wish to accept the nationality of their fathers, they must submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals.

(b) If persons mentioned in Clause 5 of Article 976 after reaching the full age of 18 years wish to remain of the nationality of their fathers, they must, within a period of one year, submit a written request to the Ministry of Foreign Affairs to which they should annex a certificate from their father's national Government indicating that the said Government would recognize them as its own nationals.

Article 978 – Reciprocal treatment will be observed in the case of children born in Iran of nationals of countries where children born of Iranian subjects are considered nationals of that country and the return of such children to Iranian nationality is made dependent on permission.

Article 979 – Persons can obtain Iranian nationality if they:

1. Have reached the full age of 18;
2. Have resided in Iran for five years, whether continuously or intermittently;
3. Are not deserters of the military service;
4. Have not been convicted of non – political major misdemeanors or felonies in any country;

In the case of Clause 2 of this Article, the period of residence in foreign countries in the service of the Iranian Government will be considered as residence in Iran.

Article 980 – Those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran, or who have Iranian wives by whom they have children, or who have attained high intellectual distinctions or who have specialized in affairs of public interest may be accepted as nationals of the Islamic Republic of Iran without the observance of the requirement of residence, subject to the sanction of the Council of Ministers and provided that the Government considers their naturalization to Iranian nationality to be advisable. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)

Article 983 – An application for naturalization must be submitted to the Ministry of Foreign Affairs directly or through the Governors or Governors-General, and be accompanied by the following documents:



1. Certified copies of identity documents of the applicant, his wife and children.
2. Certificate from the police stating the period of residence of the applicant in Iran, his clean record, and possession of sufficient property or of employment which ensures a livelihood. The Ministry of Foreign Affairs will complete, if necessary, the particulars concerning the applicant and will send them to the Council of Ministers in order that they make an appropriate decision in rejecting or approving the application. If the application is approved, a document of nationality will be submitted to the applicant.

Article 984 – The wife and minor children of those who obtain Iranian nationality in accordance with this Act will be recognized as Iranian nationals but the wife can submit, within one year of the date of issue of nationality documents to her husband, and the minor children can submit, within one year after reaching the full age of 18, a written request to the Ministry of Foreign Affairs thereby accepting the former nationality of her husband or the father as the case may be, provided, however, that the certificate mentioned in Article 977 is attached to the declaration of the children whether male or female.

Article 985 – Adoption of Iranian nationality by the father in no way affects the nationality of his children who may have attained the full age of 18 at the date of the father's application for naturalization.

Article 986 – A non – Iranian wife who may have acquired Iranian nationality through marriage, can revert to her former nationality after divorce or the death of her Iranian husband, provided that she informs the Ministry of Foreign Affairs in writing of the facts, but a widow who has children from her former husband cannot take advantage of this right so long as her children have not attained the full age of 18. In any case, a woman who may acquire foreign nationality according to this Article cannot possess any immovable property except within the limits fixed for foreign nationals. If she possesses immovable property more than that allowed in the case of foreign nationals, or if subsequently she comes into possession of such property through inheritance exceeding that limit, she must transfer by some means or other to Iranian nationals the surplus amount of the immovable property within one year from the date of her renunciation of Iranian nationality or within one year from the date of acquiring the inherited property. If there is Failure to fulfill the requirements, the property in question will be sold under the supervision of the local Public Prosecutor and the proceeds will be paid to her after the deduction of the expenses of the sale.

Article 987 – An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter's nationality is imposed by marriage upon the wife. But in any case, after the death of the husband or after divorce or separation, she will re – acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation.

Note 1– If the law of nationality of the country of the husband leaves the wife free to preserve her former nationality or to acquire the nationality of her husband, the Iranian wife who

opts to acquire the nationality of the husband and who has proper reasons for doing so can apply in writing to the Ministry of Foreign Affairs and the Ministry can accord her request.

Note 2 – Iranian women who acquire foreign nationality by marriage do not have the right to possess landed property if this would result in the economic dominance of a foreigner. The finding of this issue is the responsibility of a commission comprising representatives of the Ministry of Foreign Affairs, the Interior Ministry and the Intelligence Ministry.

The provisions of Article 988 and its note on persons who have renounced Iranian nationality and must leave do not apply to the above – mentioned women. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)

Article 988 – Iranian nationals cannot abandon their nationality except on the following conditions:

1. That they have reached the full age of 25.
2. That the Council of Ministers has allowed their renunciation of their Iranian nationality.
3. That they have previously undertaken to transfer, by some means or other, to Iranian nationals, within one year from the date of the renunciation of their Iranian nationality, all the rights that they possess on landed properties in Iran or which they may acquire by inheritance although Iranian laws may have allowed the possession of the same properties in the case of foreign nationals. The wife and children of the person who renounces his nationality according to this Article do not lose their Iranian nationality, whether the children are minors or adult, unless the permission of the Council of Ministers allows them to renounce their nationality;
4. That they have completed their national military service.

Note A -Those who may venture to apply for the renunciation of their Iranian nationality according to this Article in favor of a foreign nationality must, besides carrying out the stipulations of Clause 3 of this Article, leave Iran within three months. If they fail to do so, the proper authorities will issue Deportation Orders for their expulsion and will sell their property. The above – mentioned prescribed grace period may be extended subject to the approval of the Ministry of Foreign Affairs up to a maximum period of one year.

Note B – The Council of Minister may in the course of approving the denunciation of nationality by an unmarried Iranian woman, approve the denunciation of the nationality of her children provided that they are without father or paternal grandfather and are less than 18 years of age, or otherwise lack legal capacity. Also, her children of less than 25 years of age can denounce their nationality in conformity with their mother's denunciation of nationality

Article 989 – In case any Iranian subject acquired foreign nationality after the solar year 1280 (1901 – 1902) without the observance of the provisions of law, his foreign nationality will be rendered null and void and he will be regarded as an Iranian subject. Nevertheless, all his landed property will be sold under the supervision of the local Public Prosecutor and the proceeds will be paid to him after the deduction of the expenses of sale. In addition, he will be disqualified to attain the position of Cabinet Minister or Deputy Minister or of membership in



the Legislative Assemblies, Provincial and District Councils and Municipal Councils, or any other governmental positions.

Note – The Council of Ministers may on the basis of certain considerations, upon the request of the Ministry of Foreign Affairs, recognize the foreign nationality of those persons who are subject to this Article. Such persons may be given, with the approval of the Ministry of Foreign Affairs, the permission to visit or reside in Iran.

Article 990 – Iranian subjects who may have personally, or whose fathers may have renounced Iranian nationality in accordance with the provisions of law and who may wish to re – acquire their original nationality can be reinstated in their Iranian nationality by a mere application unless the Government may deem the grant of their application to be inadvisable.

Article 991-Particulars and instructions concerning the enforcement of the law of nationality and the exaction of the administrative fees in the case of those who may apply for naturalization as nationals of the Islamic Republic of Iran, or renunciation of Iranian or retention of original nationality, will be specified in the regulations which will have to be sanctioned by the Council of Ministers. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)

Article 1060 – Marriage of an Iranian woman with a foreign national is dependent, even in cases where there is no legal impediment, upon special permission of the Government.

Law on Determining the Nationality of Children who are the Result of Marriage between Iranian Women and Foreign men

Single Article (2006)

Children who are the result of marriage between foreign men and Iranian women, who have been born in Iran, or are born in Iran within one year from the date of the ratification of this law, will be able to apply for Iranian citizenship when they reach the full age of 18. These persons will be accepted as Iranian citizens if they lack criminal records or security violation backgrounds and renounce their non-Iranian citizenship. The Interior Ministry obtains evidence of the birth of the child in Iran as well as the issuing of marriage permit as stipulated in Article 1060 of the Civil Law, and the Law Enforcement Forces after being informed by the Interior Ministry issue the residence permit of the foreign father stipulated in this article. Children concerned with this article are permitted to reside in Iran prior to obtaining citizenship.

Note 1– If persons to whom this Articles applies, are older than 18 years of age at the time of the approval of this article, they must, within a period of one year, apply for Iranian citizenship.

Note 2 – Persons who after the date of the ratification of this law are born in Iran, are the result of marriage between a foreign man and an Iranian woman, and the marriage of their parents has been registered from the inception of the marriage in compliance with Article 1060 of the Civil Law, will be accepted as Iranian citizens within one year after reaching the full age of 18 and without meeting the residence requirement stipulated in Article 979 of the Civil Law.