

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

22 August 2017

### IRN105961.E

Iran: Requirements and procedures for a former Iranian citizen by birth, who renounced their citizenship, to reacquire Iranian citizenship, including circumstances that may bar someone from re-acquiring Iranian citizenship (2015-August 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Renunciation of Iranian Citizenship

The Civil Code of the Islamic Republic of Iran provides the following:

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 of age, unless the permission of the Council of Ministers allows them to renounce their nationality, and

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 favour 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 the sale of their properties. The above - mentioned prescribed period of grace 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 of 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 for denunciation of nationality. (Iran 1985)

Articles 7 and 8 of the "Executive Protocol for Iranian Citizenship Act of 1935 With [S]ubsequent Amendments," published on the website of the Iran's Ministry of Interior in the Iranian Kurdistan region, provides the following:

Article 7: Those who apply to relinquish Iranian citizenship in accordance with Article 988 of the Civil Code, Book of Citizenship, must complete their applications on stamped papers... and upon authentication of their signature and identity by the police or Iranian diplomatic or consular officers, should send it to the Ministry of Foreign Affairs so that the necessary measures be undertaken in accordance with relevant laws and regulations

Article 8: Those who apply to relinquish their government citizenship, must state the causes and reasons that culminated in making such a request in their application.

Should the Ministry of Foreign Affairs consider the reasons stated as being justified, it would make the necessary proposal to the Council of Ministers? (sic) If approved, it would issue the License to Relinquish Citizenship... and charges 250 rials [approximately C\$0.0096] in chancellor fees and have an equal amount of coupons attached and stamped on the document. (Iran 1935)

An opinion article published by Al Jazeera America and authored by Peter Spiro, a Professor of Law at Temple University, specifies that

[i]n theory, you can renounce your citizenship under Iranian law, but in practice, it never happens. For starters, you can undertake renunciation only in Iran [...]. Even for those willing to take the trip, the Council of Ministers has complete discretion over renunciation requests. (Al Jazeera 19 Jan. 2016).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2. Reacquisition of Iranian citizenship

The Civic Code of the Islamic Republic of Iran provides the following:

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.

...

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 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 regulations which will have to be sanctioned by the Council of Ministers. (Iran 1985)

According to the website of the Ministry of Foreign Affairs, persons wishing to re-acquire Iranian citizenship based on articles 987 and 990 of the Civil Code can submit application forms to the Department of Nationality, Refugees and Immigrants, which processes these applications (Iran n.d.a.). The same source states that consular sections of Iranian embassies are also responsible for "Citizenship Affairs (Obtaining and renouncing Iranian citizenship and so on..[...])" (Iran n.d.a.).

According to another page on the website of the Ministry of Foreign Affairs, based on article 987 of the Civil Code, the following documents are required in order to reobtain Iranian citizenship :

- An application form for returning to your Original Nationality, filled out and undersigned by the applicant.
- Original copy and two photocopies of marriage documents.
- Original copy and two photocopies of divorce papers, or official death certificate of her husband.
- Photocopy of applicants Iranian Birth Certificate (Shenasname) which she held prior to marriage, including a carefully written declaration of the full personal details of the applicant.
- 12 recently taken 6x4cm ID photos of the applicant (with full hijab).
- Bank receipt indicating the transfer of the required fees for the validation and approval of the individuals application form for returning to Iranian Nationality (in local currency). (Iran n.d.b)

The same source also specifies that, in regard to applications based on article 987 of the Civil Code, that

[h]owever, after the death of the spouse or divorce, by submitting an application to the Ministry of Foreign Affairs together with the endorsed certificate of death or the document of divorce, the Iranian nationality, with all the associated rights, is restored back to them. (Iran n.d.a)

Article 9 of the Executive Protocol for Iranian Citizenship Act provides the following:

Article 9: Those person who wish to revert to Iranian citizenship in accordance with Article 990 of the Civil Code, Book of Citizenship, must prepare their application in officially stamped papers..., the value of stamp being 5 rials [approximately C\$0.00019], and following the authentication of their signature and identity by police or Iranian Diplomatic or consular officers, must submit it to the Ministry of Foreign Affairs. (Iran 1935)

Further information on the application procedure for re-acquiring Iranian citizenship could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on circumstances that may bar someone from reacquiring Iranian citizenship could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Al Jazeera. 19 January 2016. Peter Spiro. "[Stuck with Two Passports](#)." [Accessed 4 Aug. 2017].

Iran. 1985. "[The Civil Code of the Islamic Republic of Iran](#)." [Accessed 4 Aug. 2017]

Iran. 1935. "[Executive Protocol for Iranian Citizenship Act of 1935](#)." [Accessed 9 Aug. 2017]

Iran. N.d.a. [Ministry of Foreign Affairs. "\[Consular Affairs.\] Introduction."](#) [Accessed 9 Aug. 2017]

Iran. N.d.b. [Ministry of Foreign Affairs. "Citizenship"\[Consular Affairs.\] Introduction."](#) [Accessed 4 Aug. 2017]

## Additional Sources Consulted

**Oral sources:** Pakistan – Embassy of Pakistan in Washington D.C., Interest Section of the Islamic Republic of Iran; Three Law Firms in Teheran.

**Internet sites, including:** *Al-Monitor*; Australia – Department of Foreign Affairs and Trade; Columbia University – Center for Iranian Studies; Centre National de recherche scientifique — UMR Mondes iranien et indien; eoi.net.; Encyclopaedia Iranica; EUDO Observatory on Citizenship; Hague Academy of International Law; Iran – Ministry of Interior, Embassy in London; Iran Human Rights Documentation Center; Institut Français de Recherche en Iran; Norway – Landinfo; Pakistan – Embassy in Washington DC, Interests Section of the Islamic Republic of Iran; Switzerland – Swiss Refugee Council; UN – Refworld; United States – Department of State.

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