

Immigration and Refugee Board of Canada

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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](#).

14 August 2015

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Iran and Pakistan: The rights and procedures for the foreign-born spouse of an Iranian woman to obtain Iranian citizenship; rights and procedures for a child of an Iranian woman and Pakistani man, born outside Iran, to obtain Iranian citizenship

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Rights and Procedures for the Foreign-born Spouse of an Iranian Woman to Obtain Iranian Citizenship

In correspondence with the Research Directorate, an official from the Legal Affairs Unit within the Interests Section of the Islamic Republic of Iran, situated at the Embassy of Pakistan in Washington DC, indicated that the foreign-born spouse of an Iranian woman does not have the "right" to obtain Iranian citizenship (Pakistan 29 July 2015). According to the US Department of State's Country Reports on Human Rights Practices for 2014, in Iran, "[w]omen may not transmit citizenship to their children or to a noncitizen spouse" (US 25 June 2015, 32). The website of the Iranian embassy in The Hague states that a foreign man married to an Iranian woman "will not be considered an Iranian national" and he would require a visa to travel to Iran, although the Iranian woman can submit a written request so that her spouse "will have the privilege of a minimum visa wait time" (Iran n.d.).

According to an article on "The Iran Primer," a website produced by the US Institute of Peace (USIP), an independent, nonpartisan, federally funded research institute created by Congress that provides "analysis, education, and resources to those working for peace" (USIP n.d.), the most recent amendments to the Iranian citizenship law occurred in 2006 and included modifications to the categories of people who could become naturalized citizens (Nikou 4 Feb. 2015). The law recognizes "seven categories of people as Iranian citizens":

1. Anyone residing in Iran, except those whose foreign nationality is established;
2. Those whose fathers are Iranian;
3. Children [born in Iran (Iran 1928, Art. 976)] with unknown parentage;
4. Children born in Iran to foreign parents, one of whom was born in Iran;
5. Children born in Iran whose fathers are foreigners and who reside in Iran at least one year immediately after they turn eighteen years old;
6. Women of foreign nationality who marry Iranian men; and
7. Foreign nationals who obtain Iranian citizenship. (ibid.)

The same source further states that individuals who fall outside of the above categories "may still become naturalized citizens through a stringent process subject to the government's discretion" (ibid.). Articles

979, 980 and 983 of the Civil Code of the Islamic Republic of Iran, as posted on the Iran Data Portal at Princeton University under the "nationality law" section of the website, state the following:

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.

...

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. (Iran [1928])

Sources report that Iran's nationality law violates its obligations under international law relating to the International Covenant on Civil and Political Rights (Nikou 13 Jan. 2015, 1; Human Rights Watch Nov. 2013, 69). According to Human Rights Watch, "[t]he restrictions on an Iranian woman's ability to pass on her nationality to her children or to seek naturalization of her spouse, restrictions that do not apply to Iranian men, violate Iran's obligations under international law..." (ibid.).

2. Rights and Procedures for a Child Born Outside Iran to an Iranian Woman and a Foreign-born Man, to Obtain Iranian Citizenship

According to the legal affairs official of the Interests Section of the Islamic Republic of Iran, children born outside of Iran to an Iranian mother and foreign-born father do not have the right or ability to obtain Iranian citizenship (Pakistan 29 July 2015). According to an article by Semira N. Nikou, a senior research associate at the Public International Law and Policy Group (PILPG) and a Juris Doctor candidate at the American University Washington College of Law [1] (Nikou 13 Jan. 2015, 1), the law does not permit women with foreign-born spouses and children born outside of Iran "to ever pass on their Iranian citizenship to their children" (ibid., 2). Nikou explains that the 2006 amendment to Iran's nationality laws "granted naturalization rights to children with Iranian mothers and foreign fathers"; however, the source notes that this right applies to children born in Iran and "does not extend to children born to Iranian mothers outside Iran" (Nikou 4 Feb. 2015). The website of the Iranian embassy in The Hague states that the children of a foreign man are "only entitled to their father's nationality" and will require a visa to travel to Iran (Iran n.d.).

The Civil Code of the Islamic Republic of Iran is provided on the Iran Data Portal website by Princeton University; Article 1060 regarding the law "on determining the nationality of children who are the result of marriage between Iranian women and foreign men," which was amended in 2006, states the following:

Single Article – 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.

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.
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. (Iran [1928], Art. 1060)

According to the article by Nikou, children born outside Iran, or those whose parents did not register their birth and cannot prove being born in Iran, "must pursue citizenship through naturalization procedures in the civil code, a difficult task" (Nikou 13 Jan. 2015, 5). Nikou explains that the Council of Ministers has the discretion to approve naturalization applications and states that "[i]t is not clear how often [the Council] approves the application of individuals born outside Iran" or those without birth registration documents (ibid.). According to the legal affairs official of the Interests Section of the Islamic Republic of Iran, it is a lengthy process to have the government consider the "advisability of naturalization to Iranian nationality" for a foreign-born husband and foreign-born children of an Iranian woman, and, to the official's knowledge, no one has had the residency requirement [under Article 980 (Iran [1928])] waived in order to obtain citizenship by naturalization (Pakistan 30 July 2015).

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.

Note

[1] PILPG is a non-profit organization "that operates as a global pro bono law firm to provide free legal advice to states and governments involved in peace negotiations, advise states on drafting post-conflict constitutions, and assist in prosecuting war criminals" (PILPG n.d.). The author's article was published on the *Human Rights Brief* website, a student-run publication at the Centre for Human Rights and Humanitarian Law at the American University Washington College of Law, which is supported by an advisory board made up of human rights and law practitioners, advocates, and academics (*Human Rights Brief* n.d.).

References

Human Rights Brief. N.d. "About." <<http://hrbrief.org/about-2/>> [Accessed 13 Aug. 2015]

Human Rights Watch. November 2013. *Unwelcome Guests: Iran's Violation of Afghan Refugee and Migrant Rights*. <http://www.ecoi.net/file_upload/1788_1385029141_iran1113-forupload.pdf> [Accessed 4 Aug. 2015]

_____. [1928 (amended 2006)]. The Civil Code of the Islamic Republic of Iran. <<http://www.princeton.edu/irandataportal/laws/institutionsgovernance/nationality-law/>> [Accessed 30 July 2015]

Iran. N.d. Embassy of the Islamic Republic of Iran, The Hague. "Marriage of an Iranian Woman to a Foreign Man." <<http://iranianembassy.nl/en/consular.php?content=2712>> [Accessed 31 July 2015]

Nikou, Semira. 4 February 2015. "Iran's Discriminatory Nationality Law." Iran Primer website, United States Institute of Peace (USIP). <<http://iranprimer.usip.org/blog/2015/feb/04/iran%E2%80%99s-discriminatory-nationality-law>> [Accessed 30 July 2015]

_____. 13 January 2015. "Iran: Discrimination Through Citizenship." *Human Rights Brief*. <<http://hrbrief.org/wp-content/uploads/2015/01/Nikou-Iran-Final.pdf>> [Accessed 30 July 2015]

Pakistan. 30 July 2015. Official in the Legal Affairs Unit within the Interests Section of the Islamic Republic of Iran, of the Embassy of Pakistan, Washington, DC. Correspondence with the Research Directorate.

_____. 29 July 2015. Embassy of Pakistan, Washington, DC., Interests Section of the Islamic Republic of Iran. Correspondence from an official in the Legal Affairs Unit to the Research Directorate.

Public International Law and Policy Group (PILPG). N.d. "About." <<http://publicinternationallawandpolicygroup.org/about/>> [Accessed 13 Aug. 2015]

United States (US). 25 June 2015. Department of State. "Iran." *Country Reports on Human Rights Practices for 2014*. <<http://www.state.gov/documents/organization/236810.pdf>> [Accessed 30 July 2015]

United States Institute of Peace (USIP). N.d. "About USIP." <<http://www.usip.org/about-usip-0>> [Accessed 30 July 2015]

Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful within the time constraints of this Response: Iran Human Rights Documentation Center; Lecturer, Iranian and Middle Eastern Studies, Rutgers University.

Internet sites, including: Amnesty International; ecoi.net; *Tehran Times*; United Kingdom – Home Office; United Nations – Refworld.

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