

Examining the Conditions for Granting Citizenship to Children Resulting from Marriage to Foreign Men and its Challenges

Abstract

The present study aims to investigate the conditions for granting citizenship to children resulting from marriage to foreign men and its challenges. The research approach is descriptive-analytical, and it is conducted with the use of library resources. According to studies, citizenship determination is based on the rule of soil and blood, the effectiveness of the father's citizenship over the child's citizenship, and the lack of influence of the Iranian mother's citizenship on the child married to foreign men under Article 976 of the Civil Code have been introduced as legal discrimination against civil and human rights. This crucial issue prompted the Islamic Consultative Assembly to endorse a plan to get out of this position in 2012, which was later pronounced unlawful for a variety of reasons, including the Guardian Council's financial burden. Following that, the Islamic Consultative Assembly of the period, in the position of accepting the mother citizenship plan and eradicating the aforementioned legal discrimination, came to the view of its designers in 2015. The acceptance of the single article, on the other hand, has alleviated some of the existing concerns of children emerging from Iranian women's marriages to foreign males. However, this legislative leap has not yet liberated the government from the issues of such children's citizenship. Providing an Iranian mother with original territorial citizenship, at the very least for children born in Iran, can go a long way toward resolving the concerns of such children. However, whether the kid is born in Iran or abroad, the child's bond with the Iranian government will be strengthened and grown, and the child's spiritual dependency on the Iranian government will be no less than if the child is born in Iran to a foreign woman.

Keywords: *Citizenship, Marriage to a Stranger, Foreign Men, Constitution*

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Introduction

According to data, Iranian women are married to people from 14 other countries, with over 30,000 weddings taking place by 2017. Sixty percent of Iranian women have Afghan spouses, 12% have Iraqi wives, and the rest have wives from other countries. Each woman's average fertility is three. Other studies were carried out in 2009 and 2008. The fact that 35,000 Iranian women married foreign nationals indicates that if the average fertility of each of the three women is calculated, the total number of children born to Iranian women married to foreign nationals will be about 100,000. It should be emphasized that no official figures on Iranian women's marriages to foreign nationals and their offspring have been agreed upon by all authorities, and each institution gives different statistics. This disparity has widened to the point that some of the children born to Iranian women marry foreign nationals, with one million marrying Iranian women and 100,000 marrying foreign nationals. Regardless of the numbers' authenticity or inaccuracy, the fact remains that Iran's society is confronted with a huge number of these children.

In 2006, the Iranian legislature approved the option of awarding these children Iranian citizenship by enacting a single article with stipulations. Some of these children will not be granted Iranian citizenship, and children born after these years will be denied Iranian citizenship due to flaws in this single article, such as the regulation on the time limit of birth in 2016 or a maximum of one year after the adoption of this

law, and also the lack of unity of procedure between the executive bodies. As a result of erroneous laws, the number of children lacking Iranian citizenship and identity has grown year after year.

As a result, the legislature re-examined the question of providing citizenship to the children of Iranian mothers and foreign dads in 2012 and presented a plan. The Islamic Consultative Assembly adopted the law, but the Guardian Council judged it to violate Article 75 of the Constitution since the three-point note to the bill would raise government spending with no compensation. Different ideas to change some of the citizenship rules were offered in the following years, but none of them were ultimately accepted for various reasons. Finally, in 1397, a bill titled "Amendment of the Law on Determining the Obligation of Citizenship of Children Arranged by Iranian Women Married to Foreign Men" was approved by the Council of Ministers and sent to the Islamic Consultative Assembly for legal procedures after much controversy and many experts called for a fundamental amendment from the government. Accordingly, the present study aims to investigate the conditions for granting citizenship to children resulting from marriage to foreign men and its challenges.

Theoretical foundations

Iranian father and children's citizenship

The adoption of the blood system in the Iranian legal system is confirmed in paragraph 2 of Article 976 AH, which states that

every kid born to an Iranian father, whether born in the nation or abroad, is deemed Iranian (Nasiri, 2002: vols. 1 and 2, p. 30). The subjects of paragraph 2 of this article, unlike other holders of major citizenships, are referred to as Iranians in paragraphs 5-4-3 of Article 976 BC since they were born to an Iranian father. According to the blood system's definition, the time of birth is the criterion for defining citizenship, i.e., the criterion of relative citizenship in Iran is the Iranian citizenship of the father at the time of the child's birth and the time of conception is not taken into account. If the father subsequently changes his citizenship, the child's citizenship will not be affected (Ibid., P. 65). As a result of Article 2, once the father's Iranian identity and citizenship have been established, the kid's citizenship is likewise Iranian, even though the child was born in another nation and possessed the citizenship of that country. Now, whether the father's Iranian citizenship is of the kind of original citizenship or acquired citizenship is a question (Saljuqi, 2006: p. 79).

Unknown parents and citizenship of children

"Those who were born in Iran and whose parents are unknown are considered Iranians," says paragraph 3 of Article 976 BC. The unknown can mean that the parents' nationality is unknown or that the child's parents are unknown. In Iran, the major condition of this ward is childbirth. As a result, this paragraph adheres to the "dirt system." The subjects of this paragraph, like the subjects of paragraph 2, are deemed to be holders of original Iranian citizenship. However, they can be dubbed holders of "primary territorial citizenship" because they gained their original Iranian citizenship through the soil.

Citizenship of illegitimate children

There is no discussion in Iranian law concerning children whose ancestry is illegitimate because illegitimate offspring cannot be viewed as belonging to the father, according to jurisprudential standards. As a result, paragraph 2 of Article 976 AH cannot be used to determine their citizenship. If these children were born or dwelled in Iran, however, the provisions of Article 976 AH might be used to grant them original Iranian citizenship through the soil system or the rule of residency. If these children were born outside of Iran and their place of residence or domicile is not Iran, but their natural father is Iranian, they can be deemed Iranians under the unanimous judgment of procedure 617 dated June 24, 1997 of the Supreme Court's General Assembly (Revised Collection of Legal Laws and Regulations, 2005: Vol. 1, p. 922). As a result, acquiring a birth certificate for a kid born via illegal relationships entails acknowledging the child's Iranian citizenship, as an Iranian birth certificate is only provided to Iranians. However, it is apparent that these children's citizenship is not acquired and is regarded as their original citizenship. It cannot, however, be regarded as relative citizenship.

Foreign parents and citizenship of children

Those born in Iran to foreign parents, one of whom was born in Iran, are considered Iranians, according to paragraph 4 of Article 976 BC. According to this material, birth in Iran follows the soil system. In Iran, the birth of a kid and one of his parents is seen as a twofold emphasis by the legislature on the need to obey the soil system. This type of citizenship is known as "primary territorial citizenship."

Although maternal citizenship is not regarded as useful in determining the citizenship of the child in the Iranian citizenship system, this provision has given legal importance to the mother's birth in Iran. This value is in terms of the role of the mother in raising the child and since the birth of the mother, like the birth of the father, in Iran naturally causes the child to tend to the civilization and culture of this land and his familiarity and interest in this culture, the legislator has considered it sufficient for Iranian citizenship, in addition to another condition, namely the birth of a person in Iran (Amir Arjomand, 2007).

The foreignness of the father and citizenship of the children

Two conditions are required for Iranian citizenship, according to paragraph 5 of Article 976 BC: first, the condition of birth, which acquires the original citizenship of Iran through the soil system; and second, the condition of birth, which acquires the original citizenship of Iran through the soil system. The second option is to spend a year in Iran, which will finish when you are 18 years old. This type of citizenship is also known as "primary territorial citizenship." Of course, at the moment of citizenship realization, there is a discrepancy between this paragraph and paragraph 4 of Article 976 BC (2017). The time of realization of the citizenship at the moment of birth in paragraph 4 and the time of reaching the age of 19 in the citizenship of the subject in paragraph 5 is complete (Behnoud, 2017).

It is important to follow Articles 987-977 BC while implementing paragraphs 5 and 4 of Article 976 BC. The following is taken from Article 977 BC: A) If the persons listed in paragraph 4 of Article 976 BC wish to accept their father's citizenship after reaching the age of 18, they must submit a written request to the Ministry of Foreign Affairs within one year, with the approval of their respective government, stating that they will recognize them as their nationals. B) If the individuals listed in paragraph 5 of Article 976 BC wish to retain their father's citizenship after reaching the age of 18, "they must submit a written request to the Ministry of Foreign Affairs within one year, accompanied by a certificate from their father's government stating that they will recognize them as their nationals." "A transaction will be reciprocated for children born in Iran to nationals who consider children born to Iranian nationals in line with the norms of their nationality in their own country and make their return to Iranian citizenship subject to approval," according to Article 978 BC.

Legal changes in the citizenship of children

Some jurists consider that, based on the unity of the criterion of paragraph 4 of Article 976 BC, the legal worth of a foreign mother's birth in Iran is: "If the mother of a kid born in Iran is Iranian and the child was born in Iran, the child can also be called Iranian" (Saljuqi, 2016: p. 82). Children born to Iranian women married to foreign men born in Iran or children born in Iran up to one year after the introduction of this law can petition for all Iranian citizenship after attaining the age of eighteen, according to Article 1060 BC. If they do not have a criminal or security background and are denied non-Iranian citizenship, they will be admitted as Iranian citizens. The Ministry of Interior in Iran will confirm a child's birth and provide a marriage license, as required by Article 1060 BC. By notifying the Ministry of Interior, the law enforcement agency will also provide a residency permit to the foreign father indicated in this article. Children covered by this article are also permitted to remain in Iran before obtaining citizenship. "If the age of persons covered by this article is more than eighteen years old at the time of approval, they must apply for Iranian citizenship within a maximum of one year," says note 1 of the single article. "From the date of enactment of this law, those who are born in Iran as a result of the marriage of an Iranian woman and a foreign man and the marriage of their parents from the beginning in compliance with Article 1060 BC, after reaching the age of 18, they will be accepted as Iranian citizens within a maximum period of one year, without observing the residency requirement outlined in Article 979 BC", according to Note 2 of Article 1060 BC. The lawmaker outlined the requirements for obtaining Iranian citizenship in Article 979 BC. The prerequisite of "five years of residency in Iran, whether consecutive or alternating" is noted in paragraph 2 of this article. As a result, the law's main safeguard is the exemption of Iranian citizenship applicants from the residency requirement outlined in this article (Nouraei and Ghazanfari, 2018, 4).

Problems of foreign children

Even if born in Iran, children born to Iranian women married to foreign men have deemed foreigners and will only have restricted privileges. The birth of such children in Iran will only confer rights subject to a single item, the legislation governing the responsibilities of children born to Iranian women who marry foreign men. As a result, even the rights specified for children born in Iran will not be available to Iranian women and foreign dads if these children are born outside of Iran. Such children are eligible to petition for Iranian citizenship under the standard requirements for foreigners seeking citizenship.

Children born to Iranian moms who are married to foreign men will face difficulties primarily if the foreign father and the Iranian mother disagree on several aspects of family law. Examining the cases before Iranian courts can assist in

highlighting these disparities and, in turn, illustrate the issues that arise from these children acquiring foreign citizenship. In some cases, the court procedure has evolved in such a way that the children's foreign citizenship is not taken into account at all, and even though such children will follow the law of their respective government in matters relating to personal status, the Iranian court has applied Iranian rules to them (Zamani-Darmzari, 2019).

Maternal citizenship scheme

It is defined as legal discrimination against civil and human rights to determine citizenship based on the rule of soil and blood, the effectiveness of the father's citizenship over the child's citizenship, and the lack of effect of the Iranian mother's citizenship on the child born of marriage to foreign men. This crucial issue prompted the Islamic Consultative Assembly to endorse a plan to get out of this position in 1391, which was later pronounced unlawful for a variety of reasons, including the Guardian Council's financial burden. The Islamic Consultative Assembly of the time, in the position of accepting the mother citizenship plan and abolishing the aforesaid legal discrimination, came to the opinion of its creators! The objective, according to supporters of the idea, is to identify the citizenship of children born to Iranian women and non-Iranian men with foreign citizenship, as well as to issue identity cards and citizenship to the country's one million stateless persons. (Indeed, even after a few years and after the passage of the "Bill modifying the legislation on determining the citizenship of children born to Iranian women married to foreign men" in May 2009, the evidence of this statistical comprehensiveness is still uncertain...!) In addition, it has been declared necessary to safeguard them and establish the legal obligations of their identification status for them to enjoy citizenship rights! On the other side, opponents of the maternal citizenship plan have said that it "would stimulate immigration to Iran" and that "something that has been ruled unlawful is rendered legitimate via the awarding of identification and citizenship." Aside from the high financial costs imposed on the government, the country will face a flood of illegal immigration in the form of legal and informal marriages, the departure of Iranian women to neighboring countries, and the dangers to their fate and future as Iranian citizens, and the promotion of dual citizenship to children born to Iranian women with foreign spouses. As a result, "legalizing persons who have entered the nation illegally is not acceptable, and if this proposal is approved, borders will always be more hazardous, and we will confront racial, ethnic, and religious issues" (Zamani-Darmzari, 2019). This is why, unlike the current Islamic Consultative Assembly, the former Islamic Consultative Assembly opposed the general legal, political, cultural, security, and international reasons for approving the mother citizenship plan for children born to married foreign men; they prevented its approval and the

consequences by opposing the plan's generalities and granting citizenship to them.

Bill amending the law on determining the citizenship of children born to Iranian women married to foreign men

The President, the Minister of Foreign Affairs, the Minister of Information, the Minister of Interior, and the Minister of Justice signed a bill amending the law on determining the citizenship of children born to Iranian women married to foreign men on August 29, 2018, and it was sent to the presidency of the Islamic Consultative Assembly for approval. Furthermore, while announcing its receipt on January 23, 2017, and its quick and early approval in the Legal and Judicial Commission of the Assembly, at the end of the same month, according to the published news and with a few usual corrections - finally, the Islamic Consultative Assembly on Sunday, 21 May approved the details with 170 votes in favor, 21 against and four abstentions from a total of 213 votes cast on May 13, 2019, with the general approval of the bill amending the law on the citizenship of children born to Iranian women married to foreign men, with 188 votes in favor against 20 votes and three abstentions. While providing legal grounds for granting Iranian citizenship through the mother, the ground for amending the legal order provided in Article 976 of the Iranian Civil Code, which allows the transfer of Iranian citizenship only through the father, will be provided if it receives final approval from the Guardian Council.

Children born to Iranian women who are lawfully married to non-Iranian men and who are born or will be born before or after the passage of this legislation, according to the authorized article, shall become Iranian citizens at the request of an Iranian mother before reaching the age of 18. If the Iranian mother does not seek citizenship before the age of 18, these children will be acknowledged as Iranian citizens if they do not have a security concern (at the discretion of the Ministry of Intelligence). If the Iranian mother does not seek citizenship before the age of 18, these children will be acknowledged as Iranian citizens if they do not have a security concern (at the discretion of the Ministry of Intelligence). If the applicant's parents are not living or available, and the applicant's lineage is ambiguous, the lineage is competent with the competent court, and stateless individuals are themselves competent with the competent court, according to Note 1 of this single article. If at least one of their parents was born in Iran, they could petition for Iranian citizenship when they reach the age of 18, and if they do not have a criminal record or a security issue, they will be approved as Iranian citizens (again at the discretion of the Ministry of Intelligence). During the open session of the Islamic Consultative Assembly to remove uncertainty and register in the Assembly's discussions, a member of the Presidium declared that this law does not preclude the execution of paragraph 4 of Article 976 of the

Civil Code, and Note 2 does not end it. Indeed, the measure that was passed modifies part of Article 1060 of the Civil Code, while paragraph 4 of Article 976 remains in effect.

Critics' opinion on the approval of the bill (as proposed)

The corrective and expert opinions of critics of the approval of the bill proposed in the Islamic Consultative Assembly to its quality, based on the emphasis on various legal, security, social, and international considerations, as well as the various consequences of its approval, are listed in the bill's order. The excessive increase of foreign immigrants in the country, the silence of the bill on the rights of Iranian women, married to foreign men, the failure to take preventive measures against violence and possible abuse by their husbands and foreign nationals, increasing departure of Iranian women with foreign spouses and risks Facing their future destiny - the increasing emergence and dynamism of dual citizenship and dual citizenship of children born to Iranian women married to foreign men (contrary to the unprofessional and false claim of statelessness to them) - prescribing citizenship to children of foreign nationals born in Iran and without a clear legal identity and formal and legal marriage - security, social and financial effects on the passage of the bill and its feedback on the national interests of the country and the like are among the reasons for opposition to the approval of the bill submitted by the government to the Islamic Consultative Assembly. Also, it emphasizes the Guardian Council's consideration of the numerous objections to the bill and the prevention of various legal, security, and social consequences, to the quality described in the bill approved by the Islamic Consultative Assembly and not to impose material, legal, political, security and international costs on the society and the country. Opinion on the amendment of the bill proposed by the government and approved by the Islamic Consultative Assembly in the current situation is typically supported by many NGOs related to civil and human rights, civil and social activists in the field of refugees and immigrants, lawyers and civil rights activists, human beings, sociologists and anthropologists and other media, legal and professional actors and experts in social harms and related psychology have been raised.

Legal objections to the passage of the bill amending the law on determining the citizenship of children born to Iranian women married to foreign men

Numerous legal objections to the parliament's decision might be submitted and pointed out as follows, which will be worthy of the Guardian Council's consideration following the constitution's legal obligations:

1- The application of citizenship to circumstances where there is a risk of security difficulties and issues is contradictory to Sharia law and Article 3, paragraph 5 of the Constitution (the first objection raised by the Guardian Council).

2- The application of providing a residency permit to the father in circumstances where there is a risk of security difficulties and problems is contradictory to Sharia rules and Article 3 paragraph 5 of the Constitution (the second objection raised by the Guardian Council).

3- Ambiguity in the status of expert attachment and classified material, recorded and procedure of sending SMS, and verification of supposed expert studies in the adoption of the bill by the Islamic Consultative Assembly.

4- In the approved bill, there is no expert attachment or social, economic, cultural, or political justification for unconditionally granting basic citizenship rights in the study of Iranian citizenship about dual citizenship marriages (legal and illegal marriages, religious and non-legal marriages, and wanted or forced). This is due to the absence of any professional, classified, scientific, or qualitative evaluation of the state of the bill's target groups (challenges, barriers, restrictions, necessities and capacities, opportunities, and solutions). It appears that when this decree is implemented in the future, the practical and implementation issues and errors will be disclosed to the government, bill executives, and everyone! It is worth noting that, according to paragraph 5 of Article 976 of that legislation, people who are born in Iran to a foreign citizen father and have remained in Iran since the age of eighteen will be acknowledged as Iranian citizens if they follow the rules needed by law to earn Iranian citizenship. This judicial order goes against the legal components of the government's law, which was passed by the Islamic Consultative Assembly. Because the assignment of Iranian citizenship to the aforementioned child in the preceding five articles is subject to conditions such as "birth in Iran" from a father with foreign citizenship and "residence for one year after attaining the age of eighteen" and is subject to the "condition of time and place of birth and residence in Iran" in which the bill has been eliminated! In this regard, Article 977 of that legislation states that after attaining the age of 18, the people described in paragraphs 4 and 5 of Article 976 of that law have the right to accept their father's citizenship. If they submit a written declaration to the Ministry of Foreign Affairs within the timeframe specified, along with an acknowledgment from their father's government stating that they will recognize them as their subjects, the government's proposed bill makes this right conditional on the mother of children born in Iran requesting it (Nourai and Ghazanfari, 2018: 12).

An Iranian woman is permitted to marry a foreign national under Article 987 of the Civil Code, and this has several legal implications for her position. If an Iranian woman marries a foreign national, her Iranian citizenship will remain in effect unless the husband's government passes legislation requiring the woman to take up citizenship in that country. However, following the husband's death or separation, the woman's first

(Iranian) citizenship with all related rights and advantages will be re-awarded by submitting to the State Department, along with confirmation of the husband's death or the separation paperwork. Several factors have been identified as contributing to this shift of female citizenship as a result of marriage to a foreign man.

9. Another concern with the law is the failure to consider the legal implications of the child of marriage's legal and international citizenship. The rule that marriage is subject to the couple's national law is implemented in both Iranian and international law, and as long as the spouses are subject to the same government, the above rule will be followed without problems. However, where men and women are not citizens of the same state (in the above sequence), the application of this rule will be problematic, contrary to the characteristics stated in rows one and two, because in such a scenario, there would be disagreement about the marriage's substantive circumstances and the verdict on its legitimacy or invalidity, and they will also have concerns about which court is competent. Furthermore, an Iranian woman will remain an Iranian citizen if she is not forced to take on the citizenship of a foreign nation, according to Article 978 of the Civil Code. In the case of a disagreement in Iran over their personal and financial relations (spouses), including a dispute over Articles 1102 and 1118 of the aforementioned legislation, the decision of the competition law and, as a result, the competent court to hear and decide the matter is critical. Regardless of the foregoing and disregarding the legal provisions of their father's government's citizenship law, which is typically based on acceptance of their acquired citizenship of their father's government, the bill passed by the Islamic Consultative Assembly simply requests the relevant mother or children in the order stipulated in that decree as the basis for accepting the application and assigning Iranian citizenship to them!

7. Allocating citizenship to children from Iranian women who marry foreign men without the necessary legal preconditions, without the need to prescribe the government in granting citizenship as a political and sovereignty, even with the expression of a certificate of birth and lack of birth and the lack of attention to the consequences and the numerous damage to the national interests of the country and the citizenship rights of the people, severely distorted the claims and slogans of the government of prudence and hope for the implementation of the consequences and hidden implementation of this decree such as the Charter of Citizenship.

8. Acceptance of the law, despite the necessity for Iranian women's rights and the dangers of migration or expulsion from the country, as well as their likely rejection of any aggression, Jenni's discrimination, and unacceptable actions, are incompatible with Iranian women's human dignity. Passing the bill without taking into account the need to respect Iranian

women's rights and the dangers they face as a result of forced migration or departure from the country, as well as the possibility of them experiencing violence, gender discrimination, and misconduct that is incompatible with their human dignity (As evident in the documentary film/ My disturbed hair by Majid Nisi and the like).

9. The implementation of a government decree, in terms of eliminating the legal requirement of Article 1060 of the Civil Code (the need to obtain permission from the government to marry Iranian women to foreign men) and numerous consequences on assigning citizenship to children resulting from sharia and illegal marriage, and the resulting social and cultural harms!

Granting citizenship to the children of Iranian mothers approved in 2019

At a public meeting on Wednesday, the Assembly approved an urgent proposal to "give citizenship to the offspring of Iranian mothers" (September 10, 98). The bill received 120 votes in favor, 36 votes against, and eight abstentions from the 221 deputies present in the parliament's open court.

This plan was created in response to the large number of stateless people resulting from sharia (unregistered) marriages of foreign men to Iranian women, as well as the problems and consequences of these marriages, and it outlined the task of obtaining citizenship for children with Iranian mothers and non-Iranian fathers. As a result, Iranian citizenship will be granted to qualifying immigrant elites and children of Iranian mothers. Ali Larijani ultimately issued a letter of citizenship for the offspring of Iranian women and foreign men in a letter to President Hassan Rouhani. In a meeting on Wednesday (May 21, 1999), the Council of Ministers also approved executive regulations on granting citizenship to those covered by the law, as well as the single article of the law amending the law on determining the citizenship of children born to Iranian women married to foreign men. According to the by-law, being Iranian, marrying a non-Iranian man, and having a child belonging to the mother, as well as obtaining the aforementioned marriage, is required for the governorate to declare the child citizenship, and the applicant is responsible for providing the necessary documents and explanations. Furthermore, the death of the kid's mother, father, or other family members does not preclude the youngster from applying for Iranian citizenship. If the mother dies before the kid reaches the age of 18, the prosecutor in the city where the child resides requests the governor after conducting an investigation and gathering papers and proof. It is worth noting that after completing the by-laws' process and receiving certification of his Iranian citizenship, the kid subject to the legislation and these by-laws have the rights and responsibilities of an Iranian citizen. The general provisions of the bill to amend the law on determining the citizenship of

children born to Iranian women married to non-Iranian men were approved by the Islamic Consultative Assembly on May 12, 1998, and the details of the bill were approved by the Islamic Consultative Assembly on May 13 of that year, and the amendment of the law in the parliament was approved by the Guardian Council on October 1, 2009. On October 5, the law was also declared by the Speaker of the Islamic Consultative Assembly.

"Determining the Citizenship of Children Born to Iranian Women Married to Non-Iranian Men," according to Article One of the Act. Children of Iranian women legally married to non-Iranian men who were born or will be born before or after the passage of this law before the age of 18 and who do not have a security problem (at the discretion of the Ministry of Intelligence and the Intelligence Organization of the Islamic Revolutionary Guard Corps) become Iranian citizens at the request of an Iranian mother. As a result, if they do not apply for an Iranian mother who has accepted Iranian citizenship and they do not have a security concern, the above-mentioned children can apply for Iranian citizenship after they reach the age of 18 (at the discretion of the Ministry of Intelligence and the Islamic Revolutionary Guard Corps). The police force is required to provide a residency permit to the non-Iranian father if he does not have a security concern, and the response to the security inquiry must be completed within three months (at the discretion of the Ministry of Intelligence and the Revolutionary Guards Intelligence Organization).

Conclusion

In giving birth to citizenship, Iran is one of the nations that has adopted the blood system as a principle (paragraph 2 of Article 976 of the Civil Code). To avoid people born in their own country from becoming stateless, the soil system has been conditionally acknowledged (in paragraphs 3, 4, and 5 of Article 976 of the Civil Code). As a result, children born in Iran to parents who follow the land system (for example, English nationals) may be protected from statelessness under Article 976 of the Civil Code, paragraphs 4 and 5. However, a child born to a French parent (following the blood system) in Iran may have dual citizenship due to the same cause (paragraphs 4 and 5 of Article 976 of the Civil Code) as the materials indicated for the conditional adoption of the soil system.

Although foreign children, like other foreigners, have all of the civil rights that domestic citizens have, there are some exceptions listed in Article 961 BC, such as those listed in paragraph 1 of Article 961 BC, approved in 1974: "On the rights that the law has explicitly restricted to Iranian citizens..." This statute specifically mentions the advantage of the rights provided in it to "Iranian children and youth." This law's criminal enforcement guarantee, which requires the child's parents to give the means and means of education if they have the financial means, is only for Iranian children and

adolescents, not for children and adolescents of other nationalities. In other words, children and adolescents of foreign nationality will have the right to education, but if their parents, who have financial resources, refuse to provide the means and means of education for their children or prevent them from studying, civil enforcement mechanisms and guarantees can only be used to compel parents to provide the means and facilities for their children's education, and the criminal enforcement guarantee stipulated in this law cannot be used. Meanwhile, the bill granting citizenship to the children of Iranian mothers and foreign fathers, which has been on the agenda of the Deputy Minister of Welfare of the Ministry of Cooperatives, Labor and Social Welfare since 2016, could become a bargaining chip for the realization of Iranian women's maximum rights, reducing existing legal discrimination and determining the duties of hundreds of thousands of children resulting from local duplication, according to allegations. Many academics and civil, social, and legal activists, however, believe it was given to the Islamic Consultative Assembly for legal formalities only, with no social, economic, cultural, or political links to the unconditional giving of Iranian citizenship at weddings. Apart from the SMS call of the Deputy Minister of Welfare of the Ministry of Cooperatives and the telephone self-declaration of women who are married to foreign men, there is no qualitative study or research on the living conditions of the bill's target groups, and the results are not yet available.

- Nouraei, Forouzan, Ghazanfari, Hengameh (2018) *Conditions for granting citizenship to a child through the mother with a view to the rights of Iran, Afghanistan, and Tajikistan*, Published by: International Congress of Civil Rights

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Conflict of interest

None.

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None.

References

- Amir Arjomand, Ardeshir: (2007) "*Collection of International Human Rights Documents*", Tehran, Shahid Beheshti University Publishing Center, Ch II.
- Behnoud, Yousef (2017), *Personal Status from the Perspective of Laws Including Discussions on the Personal Status of the Christian Zoroastrian Religious Minorities* "Urmia: Anzali.
- Zamani Darmzari, Mohammad Reza (2019) *Citizenship of children born to Iranian women married to foreign men available on the site*
- Saljuqi, Mahmoud, (2016) *The Requirements of Private International Law*, "Tehran: Mizan Publishing, Fifteenth Edition.
- Saljuqi, Mahmoud: (2006) "*Essentials of Private International Law*", Tehran, Mizan Publishing, Vol.
- Nasiri, Mohammad: (2002) "*Private International Law*", Tehran, Agah Publications, Vol. 9.