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Analytical and Comparative Examination of Acquired Nationality in the Legal Systems of Iran, the United Kingdom, and France

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One of the topics discussed in international law is acquired nationality, which features different characteristics across various legal systems. Generally, acquired nationality is obtained through two methods: voluntary and involuntary. A comparative examination of this research topic enables a more precise understanding of the legal challenges within one's own system by identifying the advantages and disadvantages of contemporary international legal systems in utilizing modern principles aligned with legal necessities. Accordingly, this study, based on the hypothesis of the necessity of legal reforms in the legislation and implementation of acquired nationality, examines the legal systems of Iran, France, and the United Kingdom. Nationality serves as the primary link between an individual and the state. Since an individual does not have an established position in international law, the state acts as the instrument for establishing this position. Additionally, nationality ensures the protection of the individual by the state and entails specific rights and obligations for them. Nationality and citizenship have become subjects of interest to many political theorists, legal scholars, and sociologists in recent decades.

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1. Introduction

One of the topics discussed in international law is acquired nationality, which exhibits different characteristics across various legal systems. Generally, acquired nationality is obtained through two methods: voluntary and involuntary. A comparative examination of this research topic enables a more precise understanding of the legal challenges within one's own system by identifying the advantages and disadvantages of contemporary international legal systems in utilizing modern principles aligned with legal necessities. Accordingly, this study, based on the hypothesis of the necessity of legal reforms in the legislation and implementation of acquired nationality, examines the legal systems of Iran, France, and the United Kingdom. Nationality serves as the primary link between an individual and the state. Since an individual does not have an established position in international law, the state acts as the instrument for establishing this position. Additionally, nationality ensures the protection of the individual by the state and entails specific rights and obligations for them. Nationality and citizenship have become subjects of interest to many political theorists, legal scholars, and sociologists in recent decades.

Most individuals acquire nationality through the principle of jus sanguinis or jus soli. However, with the increase in migrations in the 19th century, and particularly in the 20th century, we have witnessed a growing prevalence of the legal process for acquiring the nationality of another state. In such cases, nationality may be acquired through application, marriage, adoption, or territorial transfer. On the other hand, since nationality is a matter concerning state sovereignty, each country independently establishes rules and regulations for determining its citizens. In this case, if someone is not considered a citizen under the laws of a country, they are regarded as a foreigner, even if they hold the nationality of another country or are stateless. The focus of this research is to explain the concept, conditions, and effects of acquiring nationality.

In its 1995 report on the Nottebohm case, the International Court of Justice described nationality as a legal bond based on a genuine social connection, an effective relationship, interests, and sentiments, accompanied by mutual rights and duties.

Paragraph (a) of Article 2 of the European Convention on Nationality defines nationality as a legal relationship between an individual and the state and emphasizes that it does not reflect the individual's ethnic or racial origin.

2. Elements of Nationality

2.1. Existence of the State

"A state or country is a political community that, within a defined territory, is composed of a reciprocal society of the governed (subjects) and the governing (sovereign). This political community, on the one hand, possesses a set of mutual rights and obligations internally, and on the other hand, has an independent identity and reciprocal rights and duties with respect to similar political communities".

A state is a legal entity recognized in the international community and international public law as representing a group of individuals (the nation) and has also been endorsed by the international community. States that are protectorates on the international stage are recognized as political units similar to other independent countries but, under a protectorate agreement, delegate some of their affairs to other states to manage for them. The relationship of nationality between the individual and the state cannot fall within the jurisdiction of the protecting state's sovereignty, even though the protecting state is obliged to provide political protection to the citizens of that country (Al Kajbaf, 2011).

2.2. Existence of a Relationship or Bond

For an individual to be considered a national, there must be an effective bond between that person and a state. This bond or relationship represents the commonality and contact between the people and the state. As stated in the definition of nationality, this bond can be established in various forms, including political, legal, and spiritual connections. The existence of the nationality relationship between an individual and a particular state is based on that state's legislation, including constitutional law, ordinary law, and relevant regulations.

Although the determination of nationality primarily falls under the domestic laws of a state, a state's authority in this regard may be restricted through treaties.

States, in establishing rules and granting nationality, are committed to adhering to certain established customary principles in this area (such as the principle of the existence of a genuine bond in granting nationality). Therefore, if a state grants its nationality to individuals who neither reside in the country nor have any connection with it, that state has acted beyond the limits established by international law.

3. Comparative Examination of the Concept and Conditions of Voluntary Acquired Nationality

Acquired nationality refers to the type of nationality that an individual obtains during their lifetime, after birth, due to various reasons, such as residence. The acquisition of this nationality can be either voluntary or involuntary. Article 6, Paragraph 3, of the European Convention on Nationality also refers to acquired nationality, stating that "each member state shall provide in its domestic law the possibility for individuals who have legally and habitually resided in its territory to acquire its nationality."

4. General Principles and Rules Governing Voluntary Acquired Nationality

The procedures for acquisition exist in all countries, and each country has established domestic regulations for granting its nationality. Today, most countries have reached a certain level of common principles through treaties, conventions, and other agreements, and by committing themselves to implementing these principles, they have limited their broad discretion in granting nationality. Some of these principles include:

5. Prohibition of Discrimination in Granting Nationality

The issue of discrimination in matters of nationality was generally addressed in Article 9 of the 1961 Convention on the Reduction of Statelessness, which prohibits depriving individuals of nationality due to differences in race, skin color, ethnicity, or religion. Articles 14 and 16 of this Convention also prohibit any form of discriminatory practices. Notably, these articles do not specify discriminatory criteria to broaden the scope of addressing discrimination.

The European Convention on Nationality, in addition to completely prohibiting discrimination, also prohibits member states from discriminating among their own citizens. The Universal Declaration of Human Rights, which protects the rights of all human beings regardless of color, race, nationality, ethnicity, gender, religion, belief, social status, and so on, at all times and under all circumstances, in all places, underpins this principle. In general, human rights are a set of international rules and regulations that protect the dignity and human rights of all individuals or groups against states at all times and places simply because they are human. Therefore, regarding non-discrimination in granting nationality, even though it is not explicitly mentioned in the Declaration, it can be referenced.

Consequently, countries are obligated to recognize the right of all individuals, and foremost, the right to nationality, without considering differences.

6. Prohibition of Arbitrary Granting of Nationality by the State (Imposition of Nationality)

Another limitation is that no state should impose its nationality on an individual without their application and consent.

Chapter Four of the Model Nationality Law, adopted by the International Law Association in 1924, provides the following conditions for acquiring nationality:

"Except in the cases mentioned in paragraph 1 (relating to the attribution of nationality at birth), paragraph 2 (the effect of legitimizing a child), and paragraph 3 (the effect of marriage), nationality of a state cannot be acquired except by naturalization and only by the request of the concerned individual or, in the case of minors, by the request of the father."

Despite this, as can be inferred from the mentioned provisions, there are exceptions to the principle of non-imposition of nationality. That is, the state may, in certain cases, impose its nationality on individuals, even if they do not reside in that country or do not meet other conditions for acquisition. These exceptions will be discussed in the section on involuntary acquisition of nationality. In some cases, bilateral or multilateral agreements may impose certain restrictions by the signatory states in granting nationality to each other's citizens, such as extradition treaties.

7. Existence of Preconditions for Granting Nationality

Today, due to the increase in migrations and the associated risks, such as population growth, economic problems, the threat of espionage, and so on, and since nationality is related to state sovereignty, the interests of states dictate that they act more cautiously in granting nationality, thereby requiring certain conditions for accepting nationality. Issues like these have led to the establishment of preconditions in the nationality laws of all countries. Most of these conditions are similar across different legal systems, including the following:

7.1. Age

In most countries, there is an age requirement for acquiring nationality. Individuals who have reached the minimum age specified in the law of each country must voluntarily and with their request accept membership in the destination community. Generally, different systems assume the age at which an individual can discern their own benefit and interest is 18 years. For instance, in countries such as the United Kingdom, Portugal, Ireland, Italy, Luxembourg, Finland, and France, the minimum age is 18 years. However, in some other countries, such as Austria, Germany, Ireland, and Spain, there is no minimum age requirement (Stewart & Mulvey, 2013).

7.2. *Residence*

This requirement can be considered one of the primary conditions for acquiring nationality. Among the laws that first mentioned the residence requirement was the French law of 1791, which allowed thousands of foreigners residing in France to acquire French nationality after a five-year period of residence (Raeisi, 2007; Sarouri Moghaddam, 2004). The European Convention on Nationality in Article 3 mentions the maximum period of residence required for acquiring nationality. Although not all European countries have signed this convention, they have adhered to it, respecting the maximum of ten years.

7.3. *Financial Capability*

Having sufficient financial means is also one of the usual conditions for acquiring nationality. This requirement is significant because, on the one hand, a wealthy applicant can contribute to the host country's economy, and on the other hand, they can support themselves and their family, avoiding becoming a burden on the host society.
On March 16, 2011, new laws announced by the United Kingdom government granted special privileges to foreign investors and entrepreneurs who intend to invest and create jobs in the UK's economic growth.
Under the new laws passed by the country's parliament, immigrants who migrate to the UK under the investor program can obtain their nationality faster if they invest higher amounts. Those who invest £5 million can obtain their nationality and that of their family within three years, while those who invest £10 million can obtain nationality within two years. The usual period for acquiring nationality for immigrants who migrate to the UK through investment is five years. Immigrants who migrate to the UK under the entrepreneurship program can obtain their nationality and that of their family within three years instead of five if they create ten new jobs or have a turnover of £5 million (Capitalimmigration.net).

7.4. *Familiarity with Language and Culture*

Most countries consider proficiency or sufficient knowledge of their official language a condition for acquiring nationality. European countries such as Germany, Austria, Spain, France, and Greece require sufficient familiarity with their language as a prerequisite for acquiring nationality. To this end, governments have implemented tests or interviews that applicants must pass with a certain score. In some countries, such as the Netherlands, a general nationality test has been designed for applicants for nationality, of which the language test is a part (Baubock et al., 2006; Kochenov, 2011).

7.5. *Lack of Criminal Record, Good Character*

The condition of a clean criminal record is explicitly mentioned in the law of some countries, and in others, it is considered an essential factor in accepting a nationality application. Therefore, individuals who have been previously convicted of a crime are viewed differently, as it is generally believed that someone who has committed a crime before is capable of doing so again.
Regarding which crimes committed by an applicant would lead to the rejection of their application, the laws of some countries are vague and only mention the absence of a criminal record or good character, which increases the discretionary power of government officials in deciding on the application. However, in most countries, specific laws have been established regarding the types of crimes, the extent, and duration of punishments. Despite this, there is an exception to this condition, which is political crimes.

7.6. *Renunciation of Previous Nationality*

Another condition is that the applicant for new nationality must have renounced or be willing to renounce their previous nationality. Countries such as Ukraine, the Czech Republic, Belarus, Denmark, Austria, and Spain require this condition for granting their nationality. In contrast, countries like the United Kingdom, France, Belgium, Finland, Ireland, and Italy do not consider this condition necessary.
Article 16 of the European Convention on Nationality expresses this condition differently, stating that "member states shall not require the renunciation or loss of nationality of another state when this renunciation or loss is impossible or unreasonable."

8. Voluntary Acquired Nationality in the Legal Systems of Iran, the United Kingdom, and France

In the Iranian legal system, similar to other legal systems, conditions are established for acquiring nationality, which can be divided into two categories. The first category includes substantive conditions that an individual must meet when applying, and the second category includes formal conditions, meaning the procedures and processes that must be followed.

9. Substantive Conditions for Acquiring Nationality in Iran, the United Kingdom, and France

These conditions are outlined in Article 979 of the Iranian Civil Code. Accordingly, a person must meet the following conditions to acquire Iranian nationality:

9.1. Legal Capacity

Paragraph 1 of Article 979 of the Civil Code specifies that one of the conditions for an applicant to acquire Iranian nationality is to be at least 18 years old. This implies that the individual must reach an age where they can discern their own benefit and interests and, based on that, apply for nationality, with the age of 18 being the standard in Iranian law. The Iranian law is silent on other aspects of legal capacity, making it unclear whether a person who is mentally incapacitated or of diminished capacity can apply for Iranian nationality.

Some legal scholars argue that, unlike domestic matters where a person under guardianship has legal capacity for rights but not the capacity to exercise them, such individuals do not possess either legal capacity or the capacity to exercise rights in the context of acquiring nationality. Therefore, it seems that a person under guardianship, even if over 18 years old, does not have the legal capacity to apply for Iranian nationality (Saljouqi, 2002). In the legal systems of the United Kingdom and France, only the age requirement is specified, with no mention of other aspects of legal capacity. In these two countries, the age of the applicant must also be 18 years, similar to Iran (Wikipedia.org).

9.2. Residence

Another condition for acquiring Iranian nationality is residence in Iran. In Iran, according to Paragraph 2 of Article 979 of the Civil Code, the applicant must have resided in Iran for five years, whether consecutively or intermittently.

Under this provision, the applicant may reside in Iran for five years either continuously, meaning they remain in Iran without leaving the country, or intermittently, meaning they live in Iran for a period and then abroad for another period. Notably, as mentioned in the article, if a person has resided outside Iran for a while and served the Iranian government during that period, it is considered equivalent to residing in Iran.

In the Iranian legal system, according to Article 980 of the Civil Code, several groups are exempt from the residence requirement. These individuals, provided they apply for Iranian nationality and the Iranian government deems their entry into the nationality of the Islamic Republic of Iran appropriate, can acquire Iranian nationality if they meet other conditions.

This privilege, which exists in many other legal systems, is known as the "facilitated acquisition of nationality" system (Azizi & Haji Azizi, 2011).

The law categorizes individuals eligible for this privilege into three groups:

1. Those who have rendered significant service or assistance to public welfare in Iran. This group was the only one exempted from the residence requirement in the Nationality Law of September 9, 1929. A person who has rendered public service to Iran may have resided inside or outside the country during this period and may never have seen Iran. It should also be noted that the applicant must have completed public service before applying for nationality.
2. Persons married to Iranian women. However, those married to Iranian women can only benefit from the residence exemption if they have children from their Iranian wives.

In French law, the applicant must have resided in France for five years before applying for nationality. Additionally, if the applicant is married and has children, they must reside in France with their family. Moreover, the applicant must have a primary source of income during their residence in France. In France, apart from citizens of the European Union, the European Economic Area, and Switzerland, citizens of other countries must have a residence permit. However, there are exceptions to the five-year residence requirement, which can result in either full or partial exemption from the residence condition, as follows:

The residence requirement is reduced (partial exemption) for the following individuals:

- Those who have successfully completed two years of higher education in France, meaning they have studied at one of the universities in France, reducing the residence period to two years.

The following individuals are fully exempt from the residence requirement:

- Citizens of countries where French is one of the official languages or where French is their mother tongue. Also, those who have studied at a French secondary school for at least five years.
- Refugees.
- Those who have served in the French army.
- Those who have rendered exceptional and significant services to France.
- Those who were formerly French and are no longer French but wish to regain their original nationality.

Special provisions are also made for those married to French citizens. According to the law of November 26, 2003, these individuals can acquire French nationality through a declaration two years after the date of marriage. However, this requires that the couple lives together and that the French spouse retains their nationality. This period is extended to three years if the applicant cannot prove that they have lived in France for at least one year from the date of marriage or have not lived in France at all. These regulations were amended by the law of July 24, 2006. The new regulations stipulate that the duration of cohabitation, both physically and emotionally, must be at least four years and continue to be so. If the foreign spouse cannot prove that they have continuously resided in France for at least three years from the date of marriage, or if they cannot prove that their marriage has been officially registered, and if their cohabitation has occurred outside of France, the residence period is extended to five years (Helmi, 2008).

In the United Kingdom, the required residence period is also five years. According to the law of this country, if the applicant has a British spouse or civil partner, the residence period is reduced from five years to three years. However, this is contingent on the applicant living legally in the UK, having good character and a clean record, and having sufficient knowledge of life in the UK. This is demonstrated by passing the Life in the UK test or by attending a combination of English language and citizenship classes. Applicants over the age of 65 are exempt from this requirement.

In the United Kingdom, the tests began in November 2005. The knowledge required for this test includes history, law, society, and customs of the UK. The UK government has published a book titled "Life in the UK: A Journey to Citizenship" to help applicants prepare for the test.

According to UK law, the nationality applicant must not have left the UK for more than 90 days in the last 12 months before applying, and the number of days of absence from the UK during the five-year period should not exceed 450 days. If the applicant is married to a British citizen or has a British civil partner, they must not have left the UK for more than 270 days during the three-year residence period (UK Border Agency, Guide on Naturalisation as a British Citizen). In France and the United Kingdom, one of the cases of full or partial exemption from the residence requirement is the marriage of a foreign national to citizens of these countries. As mentioned above, it is not necessary for the foreign national to be male and married to a British or French woman. A foreign woman married to a male citizen of these two countries can also acquire nationality. Moreover, it is not required to have children, but they must live together for several years. In contrast, under Iranian law, a foreign man married to an Iranian woman who has children with her can only benefit from the residence exemption. On the other hand, if an Iranian man marries a foreign woman, Iranian nationality is imposed on the woman without any conditions. Such discrimination seems neither logical nor justifiable (Manby, 2009).

9.3. Not Avoiding Military Service

Another condition for acquiring Iranian nationality is that the applicant must not be evading military service, which is a duty and obligation.

9.4. Good Character

This condition is outlined in Paragraph 4 of Article 979, stating that the applicant "must not have been convicted of a major misdemeanor or a non-political felony in any country." The Iranian legislator has excluded political crimes due to their diverse and variable nature across

different legal systems and the absence of a specific and definitive definition in domestic laws to determine these crimes. In some cases, a person may be considered a political criminal in their home country, while the country in which they seek nationality may not deny the legitimacy of their message or cause.

Any of the following acts, if committed with the intent of opposing the Islamic Republic of Iran and without involving violence, shall be considered political crimes, and the perpetrator shall be sentenced to imprisonment from six months to two years or forced to reside in a specified location or be prohibited from residing in a specified location for two to three years and deprived of social rights for five years:

1. Effective propaganda activities against illegal regimes.
2. Organizing or participating in assemblies or demonstrations.
3. Spreading false information or disturbing public opinion through public speeches, media, distributing printed materials, or data carriers.
4. Forming or managing illegal associations or effectively collaborating with them.
5. Attempting to create or exacerbate religious, cultural, or ethnic differences among the people.

Note 1: If the political crime is committed along with another offense, the perpetrator shall be sentenced to the harsher punishment.

Note 2: Mere criticism of the political system or the principles of the Constitution or protesting against the actions of state officials or executive bodies or expressing opinions on political, social, cultural, economic, and similar matters shall not be considered a crime (www.tabnak.ir).

In European countries, including the United Kingdom and France, good character and a clean criminal record are among the essential conditions for granting nationality based on residence. However, the scope of laws, as well as the discretion and criteria used in this condition, vary significantly among different countries. These criteria include crimes, legal violations, the length of imprisonment, suspended or non-suspended sentences, and crimes committed inside or outside the country, among others.

9.5. Financial Means or a Defined Job

In addition to the conditions mentioned in Article 979 of the Civil Code, Paragraph 2 of Article 983 of the Civil Code adds another requirement. According to this condition, the applicant must have sufficient financial means or a defined job to support themselves. Iranian law does not specify a minimum asset threshold above which a person would qualify for certain privileges in acquiring nationality or be exempt from some of the conditions mentioned in the law. It would be beneficial to include a provision in the Iranian nationality law similar to the nationality laws of most countries.

This matter was addressed in the regulations adopted in 1935. Article 2 of these regulations stipulated: "Sufficient financial means or a defined job for livelihood means having 10,000 rials in capital or a job with a monthly income of not less than 500 rials," and in 1961, this amount was increased to a minimum asset of 100,000 rials and a monthly income of 5,000 rials or more (Al Kajbaf, 2011).

10. Procedures or Formal Conditions for Acquiring Nationality in Iran, the United Kingdom, and France

The procedures for acquiring Iranian nationality are outlined in Article 983 of the Civil Code. This article states that the application for nationality must be submitted either directly or through governors or the Ministry of Foreign Affairs and must include the following attachments:

1. Certified copies of the identity documents of the applicant and their spouse and children.
2. A police certificate specifying the duration of the applicant's residence in Iran, a clean criminal record, and sufficient financial means or a defined job for livelihood. The Ministry of Foreign Affairs may, if necessary, complete information about the applicant and forward it to the Council of Ministers, which will then make a decision on whether to approve or reject the application. If the application is approved, a certificate of nationality will be issued to the applicant.

In addition to the formalities mentioned in the Civil Code, other procedures are specified in the Nationality Law Regulations of May 1, 1935, which the applicant is

required to follow. After the nationality certificate is issued in the applicant's name, an Iranian identification card must be issued for them. (According to Article 22 of the Civil Registration Act, every Iranian must have an identification card.) The Ministry of Foreign Affairs will issue the necessary orders to the Civil Registration Organization, and in accordance with Article 4 of the Nationality Law Regulations, the organization will "issue an identity document and record the date and number of the nationality certificate in the relevant civil registry documents" (Azizi & Haji Azizi, 2011).

In France, the application is submitted to the Ministry of Social Affairs, while in the United Kingdom, the application must be submitted to the Ministry of Foreign Affairs. In these countries, if the applicant is abroad, they can submit their application to the consulate of the country from which they seek nationality.

Applicants for British nationality are also required to answer 24 multiple-choice questions in a computerized test or attend ESOL (English for Speakers of Other Languages) classes.

In addition to the aforementioned conditions, several other conditions exist in France to integrate those seeking nationality into French society. These conditions include:

1. Proficiency in the French language.
2. Familiarity with the rights and duties of a French citizen.
3. Loyalty to French institutions.

11. Review of the Appeal Process for Rejected Nationality Applications

In some countries, if an application for nationality is rejected, the applicant cannot appeal the decision. In these countries, it is believed that nationality is related to state sovereignty, and therefore, the government's decision on the matter is not subject to appeal.

Examples of such countries include Belgium, though in some cases, Greece allows for a reapplication after one year (Fedavi Lenjvani, 2006).

In contrast, most countries grant applicants the right to appeal if their nationality application is rejected. This gives the applicant the opportunity to have the decision reviewed, and if the initial decision-making authority made a mistake, the mistake can be corrected, and nationality can be granted. It is worth noting that the appeal process varies among these countries. In some countries, the appeal is a one-stage process, and the decision of the authority is final. Examples include Ireland (High Court), Luxembourg (Civil Court), and Austria (Administrative Court). However, in most other countries, the appeal process for rejected nationality applications is multi-stage, meaning that if a lower authority issues a decision, the applicant can appeal to higher authorities. Examples include Belgium (1. Court of First Instance, 2. Court of Appeal) and Germany (1. Authorities designated by federal state laws, 2. Administrative Court, 3. Administrative Court of Appeal, 4. Federal Administrative Court). However, in most cases, appellate authorities do not have the jurisdiction to issue a final decision regarding nationality. Instead, they can refer the case back to the relevant authorities for a new decision based on the law. Therefore, in these countries, nationality cannot be granted through the appellate authorities (Fedavi, 2002; Sarouri Moghaddam, 2004).

In Iran, there is no specific provision regarding the appealability of a rejected nationality application, and based on government practice, it appears that such rejections are not subject to appeal.

The United Kingdom follows a similar practice to Iran in the granting of nationality. In the UK, the power to grant nationality to foreigners lies with the Home Office, which may grant British nationality to anyone it deems appropriate. Although the Home Office has established formal conditions for granting nationality, it may waive any of them and grant British nationality to an applicant who lacks one of these conditions. Conversely, it may also refuse to grant nationality to someone who meets all the conditions. However, applications that meet all the conditions are generally accepted. In the French legal system, the granting of nationality is also at the discretion of the government, specifically under the jurisdiction of the Ministry of Social Affairs (Al Kajbaf, 2011).

12. Comparative Examination of Involuntary Acquired Nationality

One of the principles governing nationality is that no state has the right to impose its nationality on a foreign person. However, exceptions to this principle exist in various legal systems, under which certain groups of people may have nationality imposed on them involuntarily. These groups include:

1. The wife and minor children of a person who acquires the nationality of a state. Practices regarding spouses and children vary across different countries.
2. Women who marry foreign men; practices vary, with some states imposing their nationality, while others allow the woman to choose between her nationality or her husband's, and a third group facilitates the acquisition of nationality for such individuals.
3. Residents of territories where sovereignty has been transferred to another state, meaning the territory has been occupied by another country.
4. Children who are adopted. Some countries (such as the United Kingdom) have regulations regarding this, but the nationality law of some countries, including Iran, is silent on the matter.

13. Involuntary Acquired Nationality in the Legal Systems of Iran, the United Kingdom, and France

In the Iranian nationality law, in addition to cases where a person can freely apply for Iranian nationality under certain conditions, there are also instances where Iranian nationality is imposed on a person. The following sections provide a detailed examination of these cases:

13.1. Marriage of a Foreign Woman to an Iranian Man

Paragraph 6 of Article 976 of the Civil Code states that "any foreign woman who marries an Iranian man" is considered an Iranian national. This means that the Iranian nationality of the husband is imposed on the wife. Additionally, Article 986 of the Civil Code states that "a non-Iranian woman who becomes Iranian as a result of marriage can revert to her original nationality after the death or divorce of her Iranian husband, provided that she informs the Ministry of Foreign Affairs in writing. However, a widowed woman with children from her previous marriage cannot exercise this right as long as her children have not reached the age of eighteen."

Thus, the imposition of the Iranian husband's nationality on the foreign wife is mandatory. The issuance of an identification card for foreign women married to Iranian men is possible after completing the registration of their marriage with the Iranian representative offices. The issuance of an identification card for those subject to Paragraph 6 of Article 976 is prohibited without registering the marriage.

Until 2003, France imposed the nationality of the husband on the wife, whether a French woman married a foreign man or a foreign woman married a French man. However, in 1924, a new law was passed by the first left-wing government, allowing French women to retain their nationality upon marrying a foreigner and also to pass it on to their children. The passage of this law was motivated by the fact that France lost around 60,000 French women through marriage between 1919 and 1924. The 1973 law established complete equality in nationality rights for men, women, and their legitimate children, allowing a foreign spouse, whether male or female, to become French if they met the necessary conditions.

Since November 26, 2003, foreign nationals living in France who marry a French citizen and have remained married for two years can apply for French nationality by submitting a written declaration to the relevant authorities in France. If the couple has resided in France for one consecutive year, they can apply after one year. If the couple lives outside France, the two-year requirement is extended to three years. Additionally, under this law, a French language exam is required for the foreign spouse, as well as an assessment to determine whether the couple is genuinely living together as a married couple.

It should be noted that the French nationality law underwent changes in August 2006, which increased the three-year residence requirement for couples living outside France to five years under Paragraph 2, Article 21.

The UK legal system has also undergone significant changes in this area. According to the 1870 British Nationality Act, a British woman would lose her British nationality upon marrying a foreign man, while a foreign woman would automatically acquire British nationality upon marrying a British man. This law led to the statelessness of some British women who married foreign nationals. However, in 1984, significant changes were made to the British Nationality Act. One of the notable aspects of this law was granting rights to married women, allowing British women who married foreigners to retain their British nationality. Conversely, foreign women who married British men were given the option to either retain their foreign nationality or apply

for British nationality without meeting the residence requirement (Baubock et al., 2006).

Currently, the conditions for acquiring UK nationality differ depending on whether the applicant is married to a UK national. If the person is married to a British citizen or has a British civil partner, regardless of whether the applicant or the British citizen is male or female, they must meet several conditions. These include three years of legal residence in the UK, good character, and sufficient knowledge of life in the UK, which is assessed through tests.

13.2. Wife and Minor Children of an Iranian National

According to Article 984 of the Civil Code, "the wife and minor children of those who acquire Iranian nationality under this law shall be recognized as Iranian nationals." Iranian law does not differentiate between the children and wife of a person who acquires Iranian nationality, and in any case, nationality is imposed on them. In contrast, most countries' laws reject this idea regarding the wife and do not consider a husband's change of nationality to affect his wife's nationality. Article 10 of the Hague Convention on the Conflict of Nationality Laws states that a husband's change of nationality after marriage does not affect his wife's nationality unless the wife consents to it.

Although Article 986 of the Civil Code later states that "the wife has the right to accept the former nationality of her husband within one year from the date of the issuance of the nationality certificate," giving the wife the option to choose her nationality, this option is provided only after the nationality has been imposed on her. It would be better to grant the wife this option from the outset and remove the element of compulsion, along with conditions for granting nationality, such as knowledge of Iran, residence with her husband in Iran, and so on.

For children under 18 years old, who have Iranian nationality imposed on them without consent or request, some countries, such as Portugal and Canada, grant nationality only with their consent and request, unlike Iran.

Moreover, Iranian law provides no facilities for the adult children of individuals who acquire Iranian nationality. Article 985 of the Civil Code states that "the acquisition of Iranian nationality by the father does not in any way affect the nationality of his children who have reached the age of eighteen years at the time of the application," meaning that these children, even if they are only one day past their eighteenth birthday, must apply for Iranian nationality like any other individual, meeting the necessary conditions. This contrasts with the laws of some countries, such as France and Austria, which allow adult children to acquire nationality under facilitated conditions.

It seems that Iranian law should also provide facilities for these individuals to acquire nationality more easily, as this could prevent problems for both the individual and their family. Additionally, Iranian law is silent regarding the nationality of children who are adopted. However, according to Paragraph 3 of Article 976 of the Civil Code, "those born in Iran to unknown parents" are considered Iranian nationals. But this does not address the situation where a child is not born in Iran and their parents are unknown or where a child born in Iran is adopted by a foreign national. In such cases, it is unclear whether the adopted child will acquire the nationality of the adoptive parent. Furthermore, if an individual applying for Iranian nationality has an adopted child under 18 years old, it is unclear whether Iranian nationality will be imposed on the adopted child as it would be on a natural child.

This issue is addressed in the laws of some countries. For example, in the United Kingdom, a child adopted by a British national automatically acquires British nationality if:

- The adoption order is issued by a court in the UK.
- At least one of the adoptive parents held British nationality at the time of the adoption.

In other cases where the parents are not British, it is necessary for the parents to apply for the child's registration as a British national before the child reaches the age of 18. Typically, the adoption must be conducted under the law of a specific country and recognized by the UK. It is important to note that if the adoptive relationship between a person and their adoptive parents, through which they acquired British nationality, is terminated, the person will still retain their British nationality.

If British children are adopted by foreign nationals and acquire the nationality of the foreign country, they will still be considered British nationals (Waldrauch, 2006).

13.3. Effects and Consequences of Acquired Nationality

Although nationality has significant effects both in domestic and international legal systems, in private international law, the governing law on personal status issues such as legal capacity, marriage, inheritance, and personality is determined based on the criterion of nationality, and civil status documents are valid based on the nationality relationship. Moreover, the enjoyment of all types of rights, including political, social, civil, commercial, and others, can be considered among the legal effects of nationality in domestic law.

However, when a person acquires the nationality of a country, even though they enjoy the rights and benefits like other citizens and nationals of that country, some legal systems distinguish between citizens with original nationality and those with acquired nationality in terms of the rights they can enjoy. In some cases, individuals with acquired nationality are deprived of certain rights and positions. According to Article 982 of the Iranian Civil Code, individuals who acquire Iranian nationality are entitled to all the rights granted to Iranians but cannot attain the following positions:

- President and Vice Presidents
- Membership in the Guardian Council and the Head of the Judiciary
- Minister, Deputy Minister, Governor, and District Governor
- Membership in the Islamic Consultative Assembly
- Membership in provincial, county, and city councils
- Employment in the Ministry of Foreign Affairs or holding any political post or mission
- Judgeship
- The highest ranks of command in the army, the Revolutionary Guards, and the police force
- Occupation of significant intelligence and security positions

This article indicates that, in Iranian law, distinctions exist between those with original nationality and those with acquired nationality regarding eligibility for certain positions. The legislator's rationale for some of these positions may be justified due to their sensitivity and political nature. Since individuals with acquired nationality do not possess original Iranian nationality and might not be fully loyal to the country, they may not be qualified for certain key positions.

However, because the positions listed in this article are exhaustive, and holders of acquired nationality are only deprived of these specific jobs, the article is subject to criticism. There are other positions of greater importance than some mentioned in this article, such as the Supreme Leader, the Presidency or Membership in the Assembly of Experts, the Expediency Discernment Council, etc. On the other hand, some of the positions listed, such as membership in county and city councils, are less significant, making it unreasonable for individuals with acquired nationality to be permanently barred from holding them. Furthermore, the legislator has exempted individuals with high academic or professional qualifications in public service from the residence requirement in Article 980 of the Civil Code.

Paragraph 2 of Article 5 of the European Convention on Nationality provides: "Each member state shall apply the principle of non-discrimination between its nationals, whether they have acquired nationality at birth or later." Nevertheless, it seems that the prohibition on distinguishing between original and acquired nationals' rights remains only a contractual rule among the member states of that convention. It cannot be said that a customary rule has been established in this regard, even though the Human Rights Committee, in its General Comment No. 25 on the International Covenant on Civil and Political Rights (ICCPR) (concerning participation in public affairs, the right to vote, and equal access to public services), has questioned the legitimacy of distinctions in rights and benefits between those with original and acquired nationality: "Distinctions between those whose nationality was established at birth and those who acquired it later raise questions regarding their conformity with Article 25." Believing that the above provision has not entered the realm of customary international law, one can argue that Iran is not obligated to comply with its provisions. Therefore, considering its political and security interests, Iran can impose restrictions on the enjoyment of political or social rights by holders of acquired nationality, provided that such restrictions are proportionate and do not exceed what is necessary.

14. Conclusion

One of the mechanisms for the growth and development of any country is leveraging the talents of foreign elites by granting them nationality. Today, the phenomenon of multiple nationalities is widespread. The main issue is how to attract individuals who can benefit Iranian society through the enactment of effective laws. It is clear that in the contemporary world, where all countries strive in various ways to attract the best and most useful individuals, the desirability of nationality acquisition regulations plays a significant role in attracting such persons. Specifically, regarding Iranian law, can Articles 979 and 980 of the Civil Code, which outline the conditions for acquiring Iranian nationality, and Article 982, which addresses the effects of acquiring nationality, contribute to this goal?

Considering the definitions of nationality, which are the central focus of this study, nationality is defined as the political, legal, social, and spiritual relationship that exists or is established between a natural or legal person and a state, thereby creating reciprocal rights and duties between the state and the persons concerned. The United Kingdom has accepted the jus soli system of granting nationality but has modified it with the jus sanguinis principle. Iran has adopted both principles, with a preference for jus sanguinis. Each of these systems has its advantages and disadvantages, and each country, based on its political, economic, and geographical circumstances, chooses one of these two systems for its nationality laws. Alternatively, a country may adopt a combination of these two systems, as seen in Iranian law. However, by applying the jus soli system, the rule that everyone must be a national of a particular state at birth is observed, whereas the jus sanguinis system, despite its merits, cannot be applied absolutely, leading to statelessness in some cases. Therefore, to minimize statelessness and preserve national unity amid racial diversity, most countries have adopted both the jus soli and jus sanguinis systems. This approach has also been adopted by Iranian law. It is worth noting that differing practices among countries in choosing between jus sanguinis and jus soli have created various issues, including statelessness and dual nationality, which are not easily resolved.

1. Countries, based on the principle of independence, are free to choose either the jus soli or jus sanguinis systems or both, simultaneously considering their national interests. While selecting one of these systems, countries must ensure that statelessness is rare and that measures are taken to prevent dual nationality.

Nationality law involves studying the set of rules that determine an individual's nationality status concerning a specific state.

In Iran, the limitations on acquired nationality are more restrictive than in the United Kingdom. The effects of nationality in Iran, due to the imposition of the husband's nationality on the wife and the extension of the father's nationality to children, differ from those in the UK, which recognizes joint nationality for spouses and parents. A prominent feature of Iranian nationality laws is the application of jus sanguinis, accompanied by the national law of the individual, with residency also being a minor factor. In the UK, the jus soli principle has been accepted, leading to the application of residency laws. The main advantage of the residency factor is the prevention of statelessness.

Regarding legal entities, the method of determining nationality in Iran is based on the principal place of business or operations, whereas, in the UK, the place of incorporation is the accepted method. For someone acquiring nationality, certain rights are denied, primarily those related to key government and security positions, which are reserved for original nationals. The number of such restrictions in Iran is significantly greater than in the UK. A person may have full freedom to exercise their rights, provided that doing so does not disrupt public order. The UK interprets public order narrowly, allowing greater freedom for citizens in exercising their rights and duties, unlike Iran, which applies a broader interpretation in this area.

In Iran, personal status is governed by the individual's national law, and in some cases, by the law of the husband or father. In contrast, in the UK, the law of residence applies. For legal entities, the UK uses the place of incorporation method to determine nationality, whereas Iran uses the principal place of business or operations. In some cases, the control method, which refers to the influence of natural persons' nationality on legal entities' nationality, is also accepted.

Regarding the renunciation of nationality, the UK, unlike Iran, treats this issue like any other matter, addressing it

through the Home Office. In contrast, in Iran, the matter is handled by the Ministry of Foreign Affairs and the Council of Ministers.

The UK legislator does not impose the same strictness as the Iranian legislator regarding the formation of legal entities. In countries like the UK, simply registering a legal entity establishes its validity, without imposing additional restrictions on the founders' intentions. In contrast, the Iranian legislator takes a different approach, introducing other methods that can lead to instability and legal conflicts in this area.

Nationality establishes many rights and duties for individuals within society. As a result of this relationship, a person enjoys all civil, political, and public rights and benefits from the political protection of their national state in the international community. However, the absence of this relationship will deprive an individual of the most fundamental individual rights within the jurisdiction of a state, namely political rights. Although the principle of enjoying civil rights exists, it may be accompanied by exceptions, and the exercise of public rights may face restrictions or even be denied.

The nationality relationship between a state and an individual can be established in two ways: an individual may be considered Iranian at birth according to paragraphs 2 to 5 of Article 976 of the Civil Code, or they may be recognized as an Iranian national due to residence in Iran (if their foreign nationality is not established) according to the first paragraph of the same article. Such a relationship, established at birth or due to residence in Iran, is called original nationality. Conversely, when an individual acquires Iranian nationality after birth due to various reasons, it is called acquired nationality.

Ultimately, the state has the discretion to accept or reject nationality applications as it sees fit, without needing to provide reasons or justify its decision. Since nationality is inherently a political matter, granting or revoking it is the result of state sovereignty and authority, and states make such decisions based on political and social considerations. Therefore, the state's decision to reject or accept such a request is not subject to appeal or review by another authority. For this reason, no appeal mechanism is provided in Article 983 of the Civil Code. Acquiring Iranian nationality by foreigners is possible by fulfilling certain substantive conditions and adhering to specific formalities and procedures. The rationale behind this is that foreigners might meet certain conditions for acquiring Iranian nationality and then enter Iranian society, potentially creating a minority that could jeopardize the country's independence and political, security, social, and economic systems.

The wife and minor children of a person who acquires Iranian nationality do so involuntarily, without their consent. Thus, the legislator has provided the option for them to renounce Iranian nationality and return to their previous nationality under certain conditions. The same applies to a foreign woman who becomes Iranian due to marriage to an Iranian man (Article 984 of the Civil Code). An individual who acquires Iranian nationality can enjoy political, public, and civil rights but is deprived of certain political rights reserved exclusively for those of Iranian origin. Individuals who acquire Iranian nationality are barred from holding sensitive positions.

The increase in international interactions and the development of relationships and dependencies between countries have created new circumstances that necessitate specific changes. Renunciation of nationality, revocation of nationality, acquisition of nationality, dual nationality, the rights of foreigners, and other issues in today's world require serious changes. Since enacting nationality laws is an internal matter for each country and is highly sensitive, obligations and mandates cannot be imposed on states through legal theorizing or international recommendations. In other words, each country primarily considers its own interests and circumstances—political, economic, social, etc.—when enacting its nationality laws and then takes into account international issues and recommendations. The only factor that can limit the absolute discretion of states in this regard is bilateral or multilateral agreements, which generally affect only the states party to them.

Nevertheless, despite states' discretion to independently and freely enact their nationality laws, it is observed that the legislative frameworks of many countries are close to each other. At least, it can be said that states following either the jus soli or jus sanguinis systems have similar nationality laws, with each country legislating according to its preferences only in the details.

The term "citizen" in the Citizenship Act appears to refer to residents and includes both Iranian and non-Iranian nationals. Unlike the United Kingdom's legal system, Iran's nationality laws distinguish all individuals affiliated with Iran from non-Iranians through a single

concept—nationality. The use of terms such as citizen, resident, nation, people, etc., seen in legal enactments, aside from the newly introduced concept of citizen and citizenship in the context of human or human rights, purely refers to nationality. Nevertheless, the terms "citizen" and "citizenship" with their vague and unfamiliar meanings continue to be used in common parlance, media, and various laws. In recent years, the judiciary has drafted and approved certain regulations related to citizenship and judicial rights, thus creating a specific and extensive legal vocabulary regarding judicial citizenship rights. However, a brief review of these regulations reveals a lack of necessary systematic clarity in defining the concept of citizenship in terms of whether it applies exclusively to Iranian nationals or to the general residents of Iran and human rights in these regulations.

15. Recommendations

Given that many aspects of international law remain unfamiliar to Iranian legal scholars and that our legal literature in this field, unlike some other disciplines rooted in traditional jurisprudence, lacks sufficient depth and substance, there is a noticeable need for increased effort and commitment in this area. Considering the importance of international law and the necessity of its instruction and education in Iranian academic and scholarly circles, it is worth noting that, in the contemporary world, no nation can remain isolated within the confines of its own territory. At no point in history have the relationships between countries and their citizens been as developed and expansive as they are today.

There is a need to review the laws and regulations related to nationality, particularly regarding Article 976 of the Civil Code, and to add several clauses as follows:

- Those born in Iran to an Iranian mother. It is expected that the legislator will recognize the principle of jus sanguinis (nationality by blood) through the maternal line, which aligns with Articles 41 and 42 of the Constitution concerning the non-imposition of nationality.
- Those born abroad to an Iranian mother may acquire Iranian nationality until they reach the age of 18, provided that the mother retained her Iranian nationality after marrying a foreign man. In this case, upon the mother's request, the child will be granted Iranian nationality, provided the state of the child's nationality consents to the child's change of nationality.
- In cases where the marriage of the couple has not been registered, and the husband has died, divorced, or gone missing, if the mother has not lost her Iranian nationality, the child will be placed under the custody of the mother upon the decision of competent authorities. Upon the mother's request, the child will be granted Iranian nationality, whether the child was born in Iran or abroad.
- The single-article law concerning the determination of the status of children born from the marriage of Iranian women with foreign men has not resolved the issues faced by these children, as they are deprived of all social rights from birth until the age of 18. Therefore, considering international instruments, these children should be granted identity and nationality from birth until the age of 18 to benefit from social rights. Given that the primary issue with the nationality of children born from unregistered marriages between Iranian women and foreign men arises when the marriage is not legally registered, these children cannot benefit from the rights granted by the single-article law passed by the Islamic Consultative Assembly. Therefore, granting original nationality through the territorial principle, at least for children born in Iran to Iranian mothers, could help address some of the nationality issues faced by these children.
- Another recommendation is to prevent the illegal residence of foreigners in Iran and strengthen border security and border control systems. The government should seek innovative solutions for border control to prevent unregistered marriages between citizens and foreigners, particularly Iranian women. Additionally, the registration of marriages with foreign nationals should be made mandatory by all possible means.
- Determining the legal status of stateless children in Iran from birth will help eliminate and prevent social crimes (such as forgery and

misuse of Iranian identity documents), illegal employment, and illegal marriages involving stateless children.

- Amend the laws regarding the registration of vital events for foreigners and stateless persons.
- Any efforts to amend the laws and adopt international policies should aim to reduce cases of statelessness and dual nationality and address the problems arising from them. This can only be effectively achieved through participation in international efforts to harmonize nationality laws.
- The provisions of the Nationality Law of the Islamic Republic of Iran should be separated from the Civil Code and enacted as a standalone law. When nationality was discussed under the personal status section of the Civil Code, it might have been considered related to an individual's personal status. However, given current international obligations and prevailing practices, the need to separate the Nationality Law from the Civil Code is now evident.
- The Iranian legislator should not have set different ages for acquiring nationality (18 years) and renouncing nationality (25 years), as each of these matters has its own significance and validity.
- This legislative shortcoming concerning the renunciation of nationality can be largely addressed by joining regional and group conventions and treaties. Additionally, steps can be taken to reduce conflicts of law, which sometimes lead to clashes between different legal systems, especially given the increasing interactions between states and their citizens.
- The legislator has not stipulated that the Supreme Leader must be of Iranian origin, nor has it specified the requirement of holding Iranian nationality (even acquired nationality). This condition is not mentioned in Article 109 of the Constitution. The absence of this condition in the Constitution should not be interpreted as a waiver of it. If ministers and the President are required to be of Iranian origin, it follows that the Supreme Leader should also be of Iranian origin, and this requirement should be explicitly stated in the relevant article.
- The duties of an individual who acquires nationality include performing public service, which can serve as a criterion for distinguishing genuine nationality from a fabricated one. Moreover, such an individual should exhibit loyalty and gratitude to the state by adhering to and respecting the laws and maintaining commitment to them. They should also respect the national and religious dignity and norms of Iranian society.
- It is necessary to define the concept of citizenship in each law and regulation across different domains and to enact clear and modern laws and regulations. Additionally, specialized courts and mechanisms with the competence to review and address disputes and issues related to citizenship and nationality requests should be established.

Given the social and security challenges arising from the unresolved nationality status of children born to Iranian women and foreign men, the following corrective recommendations are proposed:

1. Grant birthright nationality based on the jus sanguinis system (nationality by blood) for Iranian mothers, similar to the system for paternal descent, for those who marry foreign men.
2. Grant Iranian nationality to children born in Iran before the enactment of the single-article law (before September 24, 2006) from the marriage of Iranian women with foreign men, provided their marriage is legally recognized by the government of the Islamic Republic of Iran.
3. Grant Iranian nationality to children born in Iran after the enactment of the single-article law (after September 24, 2006) from the marriage of Iranian women with foreign men, upon reaching the age of 18, and within one year after reaching that age, without the residency requirement mentioned in Article 797 of the Civil Code, and subject to compliance with Article 1060 of the Civil Code.
4. Those born abroad to an Iranian mother may acquire Iranian nationality until they reach the age of 18, provided the mother retained her Iranian nationality after marrying a foreign man.

5. In the event of the husband's death or divorce, if the Iranian mother has not lost her Iranian nationality or has regained it under Article 987 of the Civil Code, the children will be placed under the custody of the mother upon the decision of competent authorities. Upon the Iranian mother's request, the children will be granted Iranian nationality.
6. If the Guardian Council's objections are addressed and the legal gap regarding the non-transfer of an Iranian woman's nationality to a child born from the marriage with a foreign man, especially if the child is born in Iran, is resolved, the territorial principle of granting original nationality to children born in Iran to an Iranian mother could help address some of the nationality issues faced by these children. Although Article 976 of the Civil Code only recognizes original nationality through paternal descent, it does not recognize maternal descent.
7. One of the fundamental rights of every individual is nationality, which states are obliged to respect and protect. The laws of various countries around the world have established different rules for determining their nationals, and these rules are not uniform, leading to issues such as dual nationality. Given that the issue of nationality is now of great importance, it is increasingly considered a human rights issue aimed at protecting the rights of spouses (women).

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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