

# Statelessness in Iran

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*This document provides information on the profiles of stateless individuals and persons who may be at risk of statelessness due to nationality or civil documentation problems in Iran. The information presented here is based on an analysis of nationality law and desk review conducted in March-May 2019 complemented with consultations with experts on issues of nationality and civil registration in Iran. The main source of data is secondary sources. A full bibliography of the resources used can be found at the end of this document. Considering the limited up to date figures regarding the stateless population in the country, the information presented should not be understood to be fully comprehensive of all nationality and statelessness problems in Iran. There may be other situations in which statelessness arises in the country, or other specificities, that differ from the information given here. Iranian policies towards the various stateless communities have changed over time and continue to evolve; therefore, it is challenging to provide general information that accurately encapsulates all situations faced by individuals who are stateless or at risk of statelessness in the country.*



## 1. SUMMARY OF MAIN ISSUES

- Comprehensive data about the problem of statelessness and the size of the stateless populations residing in Iran is not available.
- Iran has a very weak human rights framework for stateless and undocumented persons, resulting in numerous protection risks. Iran's stateless populations cannot easily access social services, health care and education.
- Iran does not allow women to confer nationality to their children on the same terms as men, putting some children born of an Iranian mother and a stateless or foreign national father who is unable to pass on his nationality, at risk of statelessness.
- Iranian nationality is granted to both foundlings and children born in Iran to foreign parents if one of their parents was also born in the country. While the law therefore contains some safeguards against statelessness, gaps exist both in the law and its operation in practice that mean that not all stateless children born in Iran can obtain a nationality, nor can children born outside Iran to an Iranian mother and a foreign father.
- Legal, administrative, financial and cultural barriers prevent the birth registration of children of undocumented and/or stateless parents, which leads to inter-generational lack of documentation and increases the risk of statelessness.
- Iran's stateless population face protection issues and have limited access to social services, including education and health.
- Two identified stateless populations are the Faili Kurds and Khavari. Additionally, a group of Baluch residing close to the border of Afghanistan do not have any proof of citizenship and are at risk of statelessness. Afghan refugees are also at risk of statelessness. If an Afghan refugee is born inside Iran and one of their parents was also born inside Iran, they are theoretically entitled to Iranian citizenship at birth, but lack of civil registration and documentation impedes the operation of this rule.



## 2. RELEVANT POPULATION DATA

Official Language:	<b>Persian (Farsi)</b>
Estimated Population:	<b>82.1 million<sup>1</sup></b>
Estimated number of stateless people:	<b>Unknown<sup>2</sup></b>
Estimated number of IDPs:	<b>74,000<sup>3</sup></b>
Estimated number of refugees hosted by Iran:	<b>979,435 registered, around 1.5-2 mil undocumented (mainly from Afghanistan)<sup>4</sup></b>
Estimated number of refugees from Iran:	<b>129,940<sup>5</sup></b>

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<sup>1</sup> Trading Economics (2018) Iran Population, retrieved from from <https://tradingeconomics.com/iran/population>  
The latest census data shows that the population of Iran is 82.1 million; however, there is no accurate data on how many persons are stateless or at risk of statelessness in the country. In addition to the recognised stateless community residing in Iran, the gender discriminatory Nationality Law of Iran increases the risk of statelessness of children born to Iranian mothers and foreign national fathers who are unknown/stateless or unable to pass on their nationality to the child.

<sup>2</sup> United States Department of State. (2017). Iran 2017 Human Rights Report. Retrieved from <https://www.state.gov/wp-content/uploads/2019/01/Iran.pdf>

<sup>3</sup> Internal Displacement Monitoring Centre. (2019). Iran Country Information. Retrieved from <http://www.internal-displacement.org/countries/iran> - No official UNHCR statistics on IDP's in Iran. 74,000 new displacements in Iran due to disasters.

<sup>4</sup> UNHCR. (2019) Islamic Republic of Iran, Global Focus. Retrieved from <http://reporting.unhcr.org/node/2527?y=2019#year>. Many refugees however are expected to be unregistered. (In a context of mixed migration, the lines between refugees and migrants are blurry, particularly when there is no clear functional Refugee Status Determination procedure in place).

<sup>5</sup> UNHCR. (2017). Refugee population by country or territory of origin. Retrieved from <https://data.worldbank.org/indicator/SM.POP.REFG.OR?end=2018&locations=IR&start=1990>



### 3. IRAN'S NATIONALITY LAW

The rules regulating acquisition and loss of Iranian nationality are established in the Articles 41 and 42 of the Iranian Constitution<sup>6</sup> and the Iranian Civil Code, as can be found in Book 2 On Nationality (hereafter 'the Nationality Law').<sup>7</sup> Articles 976-991 relate to nationality and deal with the acquisition of nationality at birth (Article 976-978), naturalisation (Article 979-987) as well as renunciation of nationality (Article 988). In 2006, some exceptions to the dominant *paternal jus sanguinis* regime were introduced through the addition of a single article and two notes to *Book 7 - On Marriage and Divorce*. An attempt to further reform the law in 2019 to address gender discrimination was unsuccessful.

Iran has international obligations to prevent statelessness and protect the human rights of stateless persons on the basis of a number of conventions to which it is a party.<sup>8</sup> These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), the International Convention on the Elimination of Racial Discrimination (ICERD) and the Cairo Declaration on Human Rights in Islam. Iran is not however a signatory to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness; nor is Iran a party to the Convention on the Elimination of Discrimination Against Women (CEDAW), which protects the equal nationality rights of women and men.

The following paragraphs set out further details on the Nationality Law as relevant to (the risk of) statelessness.

#### 3.1 Gender Discrimination

Iran *mainly* uses *paternal jus sanguinis* as the means of conferral of nationality at birth. According to Article 976(2) of the Nationality Law, persons born to an Iranian father are considered Iranian citizens regardless of whether they have been born inside *or* outside of Iran: *"...those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran"* are considered to be Iranian nationals.<sup>9</sup> The Nationality Law does not explicitly require lineage to be within registered wedlock for a child born to an Iranian man to acquire nationality *jus sanguinis*. Article 1167 of the Civil Code however states that *"A child born of adultery shall not belong to the adulterer"*.<sup>10</sup> Nevertheless, the Supreme Court ruled in 1997 that *"a child born outside wedlock will be considered the child of its biological parents with the entire legal obligations that are attached to it with the exception of inheritance."*

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<sup>6</sup> The Constitution of the Islamic Republic of Iran, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>

<sup>7</sup> Iranian Civil Code: Book 2 On Nationality. Retrieved from <http://irandataportal.syr.edu/nationality-law>. Iran's current Nationality Law dates back to 1929, when it was ratified by the parliament. In 1934, the second volume of Iran's Civil Code was ratified, superseding the previous provisions and are still in force today.

<sup>8</sup> Article 9 of the Iranian Civil Code states *"Treaty stipulations which have been, in accordance with the Constitutional Law, concluded between the Iranian Government and other government, shall have the force of law."* When Iran accedes to an international treaty it therefore becomes part of Iranian national law. Iran is therefore legally bound to its human rights obligations under the ICCPR, ICESCR, ICERD and CRC.

<sup>9</sup> Iranian Nationality Law, Article 976.

<sup>10</sup> The Civil Code of the Islamic Republic of Iran, Article 1167, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>



Thus, a child born out of wedlock or in an unregistered marriage should be able to access nationality through the father<sup>11</sup>, although more research is needed to determine if this is the reality in practice.<sup>12</sup>

Women cannot *automatically* pass on their Iranian nationality to children, making Iran one of the 25 countries globally in which equality between men and women related to the conferral of nationality upon children has not yet been attained.<sup>13</sup> The law has progressively improved, with amendments passed in 2006 and 2019, although it retains elements of gender-discrimination, as set out below.

According to legislation passed in 2006 'Article 1060 (Single Article)', only children born *inside* Iran to Iranian mothers and foreign fathers could apply for Iranian nationality and only *once they reached 18 years of age*.<sup>14</sup> This was problematic as it resulted in the risk of statelessness throughout childhood and adolescence if the child was unable to secure another nationality at birth.

As of 2 October 2019, children born *inside* and *outside* Iran to an Iranian mother and non-Iranian father are able to obtain nationality from their mother, according to a Bill passed by the Guardian Council.<sup>15</sup> The Bill allows Iranian women to request Iranian nationality for their children under the age of 18.<sup>16</sup> If the child has already turned 18, they may themselves directly apply for Iranian nationality.<sup>17</sup> The Bill further allows a stateless person to apply for nationality if they and at least one of their parents were born in Iran. In these circumstances, however, they are only eligible to claim Iranian nationality if they are 18 years or older.<sup>18</sup>

The Bill may reportedly allow children of an Iranian mother to access nationality even if their parents' marriage is not officially registered in Iran under the Iranian Civil Code, so long as they are married under Sharia Law.<sup>19</sup> If fully implemented, this amendment to the nationality rules could provide a pathway to Iranian nationality for children born from unregistered marriages between, for example, Iranian women and Afghan men. However, generally a marriage will only be recognised by the Iranian consular authorities or the courts if it complies with the non-derogable rules of articles 1059 and 1060 of the Civil Code (prohibiting a Muslim woman from marrying a non-Muslim man and requiring permission from the government for a marriage between an Iranian woman and a foreign

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<sup>11</sup> According to an expert on Iranian law consulted in October 2019, the implementation of this in practice is very controversial.

'Fornication' is a serious crime and 'adulterers' are punished according to Islamic Criminal Law. Fear of reprisals for committing such a crime presents barriers to requesting birth certificates for children born from 'adultery'.

<sup>12</sup> Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research [online] available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850)

<sup>13</sup> UNHCR. (2019). Background Note on Gender Equality, Nationality Laws and Statelessness. Retrieved from The <https://www.refworld.org/docid/5c8120847.html>, also See: Nikou, S. (2015). Iran: Discrimination Through Citizenship. *Human Rights Brief*. Available at: <http://hrbrief.org/wp-content/uploads/2015/01/Nikou-Iran-Final.pdf>.

<sup>14</sup> Civil Code of the Islamic Republic of Iran, Article 1080 (Single Article). See: Iran Data Portal, *Nationality Law – Single Article*, BOOK 7 - On Marriage and Divorce - CHAPTER 3 – ON IMPEDIMENTS TO MARRIAGE, available at: <http://irandataportal.syr.edu/nationality-law>.

<sup>15</sup> For Article 1 of the new Bill please see IRNA (2019) The Law on Citizenship of Iranian Women was Announced', available at: <https://www.irna.ir/news/83506911/>. The full text of the Bill in its original language is available at: <https://dotic.ir/news/5938> (no English translation was available at the time of publication).

<sup>16</sup> Human Rights Watch (2019) Iran: Parliament Okes Nationality Law Reform, available at: <https://www.hrw.org/news/2019/05/14/iran-parliament-okes-nationality-law-reform>

<sup>17</sup> Centre for Human Rights in Iran (2019) New Legislation, If Approved, Will Give Citizenship Rights To Children Born to Iranian Women, available at: <https://iranhumanrights.org/2019/05/new-legislation-if-approved-will-give-citizenship-rights-to-children-born-to-iranian-women/>

<sup>18</sup> As reported by expert consultant on Iran, October 2019.

<sup>19</sup> Centre for Human Rights in Iran (2019) New Legislation, If Approved, Will Give Citizenship Rights To Children Born to Iranian Women, available at: <https://iranhumanrights.org/2019/05/new-legislation-if-approved-will-give-citizenship-rights-to-children-born-to-iranian-women/>



man).<sup>20</sup> How the new rules will be applied in practice was not yet clear at the time of writing. Under the new law, the father also need not be a legal resident of Iran for the child to be eligible for Iranian nationality: the mother can still file for nationality of her child.<sup>21</sup> In cases where both parents are deceased, the Bill allows the courts to approve the nationality of the child as long as proof that the mother was an Iranian national can be provided.<sup>22</sup> Most importantly, the Bill does not require the consent of the husband, meaning an Iranian woman is able to confer her nationality to her child without this decision being either blocked or contested by her husband.<sup>23</sup>

The new Bill, like the 2006 Law it amended, still does not afford children born out of wedlock to an Iranian mother and foreign father access to nationality. Nor is it clear whether the difficulties previously reported in relation to the requirement to prove the father's identity in the form of documentation when registering the birth of a child will be fully addressed by the law and the law is currently silent on the required documentation needed, as well as the administrative procedures on how to apply.<sup>24</sup> This will become apparent only in its implementation. The Bill also continues to make the conferral of nationality under this application procedure subject to security checks.<sup>25</sup> Iranian woman married to a foreign man can only confer her nationality provided the family are cleared by the Ministry of Intelligence or the Organisation of the Islamic Revolutionary Guard Corps (IRGC), who must certify that there are no security issues before nationality can be approved.<sup>26</sup> As a result, this leaves children and their families open to increased scrutiny from intelligence agencies in Iran for simply seeking access to a basic right. The same is not true for the conferral of nationality from an Iranian man to his children, which happens automatically and without further conditions.<sup>27</sup> As stated above, an individual born to an Iranian mother and a foreign father who has reached the age of 18 years is allowed to directly apply for nationality, however, this is also subject to security clearance from the intelligence agencies.<sup>28</sup>

### 3.2 Stateless Children Born in Iran

Iranian law does not fully meet international standards on preventing children from being born stateless on its territory.<sup>29</sup> Article 976(3) of the Nationality Law provides for the acquisition of Iranian nationality by children "*born in Iran of unknown parentage*", allowing nationality to be acquired by

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<sup>20</sup> The Civil Code of the Islamic Republic of Iran, Article 1059-1060, [online] available at:

<https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>. As reported by expert consultant on Iran, October 2019.

<sup>21</sup> Centre for Human Rights in Iran (2019) New Legislation, If Approved, Will Give Citizenship Rights To Children Born to Iranian Women, available at: <https://iranhumanrights.org/2019/05/new-legislation-if-approved-will-give-citizenship-rights-to-children-born-to-iranian-women/>

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> As reported by expert consultant on Iran, October 2019.

<sup>25</sup> Human Rights Watch (2019) Iran: Parliament Ok's Nationality Law Reform, available at:

<https://www.hrw.org/news/2019/05/14/iran-parliament-oks-nationality-law-reform>

<sup>26</sup> Inter Press Service (2019) Reforms Will Grant Nationality to Children of Iranian Women, available at:

<http://www.ipsnews.net/2019/10/reforms-will-grant-nationality-children-iranian-women/>

<sup>27</sup> Ibid. See also Centre for Human Rights in Iran (2019) Children Born to Non-Iranian Fathers Win Right to File for Citizenship With A Catch, available at: <https://www.iranhumanrights.org/2019/10/children-born-to-non-iranian-fathers-win-right-to-file-for-citizenship-with-a-catch/>

<sup>28</sup> Inter Press Service (2019) Reforms Will Grant Nationality to Children of Iranian Women, available at:

<http://www.ipsnews.net/2019/10/reforms-will-grant-nationality-children-iranian-women/>

<sup>29</sup> "No measures have been adopted by Iranian Registry Law to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless." UNICEF. (2005). Birth Registration in Iran: An Analysis of Relevant Laws in Iran Transnational Marriages, Gendered Citizenship, and the Dilemma of Iranian Women Married to Afghan Men. Available at:

[http://www.unicef.org/iran/IRN\\_resources\\_BR\\_eng-word.pdf](http://www.unicef.org/iran/IRN_resources_BR_eng-word.pdf), pp. 7-8



foundlings. Moreover, Article 976(4) allows children born *inside* Iran to foreign parents to acquire Iranian nationality even if neither parent has Iranian nationality, provided that one parent was also born *inside* Iran and that both child and parent born in Iran have registered births - a rule known as "*double jus soli*". It is not evident, however, whether this provision includes children born *inside* Iran to *stateless* parents, because the Nationality Law "*refers to those with foreign nationality or foreign nationals, thus not including the stateless.*"<sup>30</sup> A child born in Iran to stateless or foreign parents who are not, themselves, also born in Iran is not able to acquire Iranian nationality, even if the child would otherwise be stateless. This is, for example, the main barrier to second generation Afghan refugee children acquiring Iranian nationality. Moreover, the application in practice of the *double jus soli* rule may be problematic due to lack of access to civil registration and therefore the absence of proof of birth in Iran of both the child and the parents.

### 3.3 Acquisition of Nationality Through Naturalisation or Marriage

According to Article 979 of the Nationality Law, a person can obtain Iranian nationality if they have reached the age of 18 and have resided in Iran for at least five years (whether continuously or intermittently).<sup>31</sup> In addition, they must not have deserted military service or have been "*convicted of non-political major misdemeanours or felonies in any country.*" In order to apply for naturalisation, applications "*must be submitted to the Ministry of Foreign Affairs directly or through the Governors or Governors-General*", according to Article 983.<sup>32</sup> The application must be accompanied by the following documents: i) "*certified copies of identity documents of the applicant, his wife and children*", ii) "*a certificate from the police stating the period of residence of the applicant in Iran, his clean record, and possession of sufficient property or of employment, which ensures a livelihood.*" The acceptance of the application remains at the discretion of the Council of Ministers and the Government, who, if the application is approved, will then issue a document certifying nationality to the applicant.

Article 976(6) states that a *woman* of foreign nationality, who marries an Iranian man, will be granted Iranian nationality.<sup>33</sup> Thus, an Iranian man can confer his nationality to his foreign spouse through marriage, without recourse to the regular provisions for naturalisation, even when there are no children involved. In contrast, according to Article 980, Iranian women *might* be able to pass on their nationality to their foreign spouse if they have children together.<sup>34</sup> However, Article 980 clearly states that conferral of nationality in these circumstances is strictly at the discretion of the Council of Ministers and "*provided that the Government considers their naturalization to Iranian nationality to be advisable*". It is not clear how this rule is implemented in practice.<sup>35</sup> The new Bill amending the Nationality Law for children of Iranian women married to foreign men states that once nationality

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<sup>30</sup> Dr Jason Tucker, Exploring Statelessness in Iran, 2014, at 1.3.1, available at: [https://www.academia.edu/7156718/Exploring\\_Statelessness\\_and\\_Nationality\\_in\\_Iran](https://www.academia.edu/7156718/Exploring_Statelessness_and_Nationality_in_Iran).

<sup>31</sup> Iran Nationality Law, Article 979.

<sup>32</sup> Iran Nationality Law, Article 983

<sup>33</sup> Iranian Nationality Law, Article 976 (6).

<sup>34</sup> Iranian nationality law, Article 980: "*Those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran, or who have Iranian wives by whom they have children, or who have attained high intellectual distinctions or who have specialised in affairs of public interest may be accepted as nationals of the Islamic Republic of Iran without the observance of the requirement of residence, subject to the sanction of the Council of Ministers and provided that the Government considers their naturalisation to Iranian nationality to be advisable.*"

<sup>35</sup> Note that an Iranian woman married to a foreign national maintains her Iranian nationality unless her husband's nationality is imposed on her by marriage under the laws of the husband's country of nationality. According to Article 987, she will re-acquire her original nationality after the death of her husband or after divorce. Iranian Civil Code, Book 2 On Nationality, Article 987.



has been successfully secured for the child born in such circumstances, the husband is then entitled to apply for *residency* of Iran.<sup>36</sup>

Facilitated naturalisation is also possible for those who have rendered exceptional services to the state. According to Article 980, *“those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran..., or who have attained high intellectual distinctions or who have specialised in affairs of public interest may be accepted as nationals of the Islamic Republic of Iran, without the observance of the requirement of residence.”* Pursuant to Article 980, for example, there have been discussions in the Iranian Parliament about granting Iranian nationality to Afghan recruited soldiers who fought in Syria and Iraq,<sup>37</sup> however no law has been implemented yet.

### 3.4 Deprivation of Nationality

The Iranian Constitution states that, *“Iranian citizenship is the indisputable right of every Iranian, and the government cannot withdraw citizenship from any Iranian unless he himself requests it, or acquires the citizenship of another country.”*<sup>38</sup> Article 988 of the Nationality Law states that renunciation of nationality is only allowed if: the person is at least 25 years old; completed military service and the Council of Ministers agrees to the application for renunciation<sup>39</sup> Additionally, the individual has to agree to renounce all rights to land or land through inheritance.<sup>40</sup> According to Article 988(3), the Iranian nationality of the wife and children of the person who renounces his nationality will not be affected. This article does not provide safeguards against people rendering themselves stateless, as proof of another nationality is not required before the acceptance of the renunciation application. It is very common in countries that retain gender discriminatory laws for it to be assumed that it is a male who will renounce his nationality and therefore his wife who would need protection from this loss. The Iranian Nationality Law is no exception, and it is not clear how the law would be applied if a female decided to renounce her nationality.

## 4. CIVIL REGISTRATION AND DOCUMENTATION PRACTICES

### 4.1 Marriage Registration

Iranian women married to non-Iranian men residing in Iran face significant barriers to marriage registration. There are two main barriers to marriage registration: the requirement to seek special permission from the Government for an Iranian woman to marry a foreign national, and the requirement of both spouses to present legal documents, including passports, visas and birth certificates. According to Article 1060 of the Civil Code, the marriage of an Iranian woman to a foreign national is only possible, *“even in cases where there is no legal impediment, upon special permission of the Government”*.<sup>41</sup> The foreign husband must have a valid passport and visa and the Iranian woman must submit required legal documents to the Ministry of Interior in order to seek the Government’s

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<sup>36</sup> Centre for Human Rights in Iran (2019) New Legislation, If Approved, Will Give Citizenship Rights To Children Born to Iranian Women available at: <https://iranhumanrights.org/2019/05/new-legislation-if-approved-will-give-citizenship-rights-to-children-born-to-iranian-women/>

<sup>37</sup> Tasnim News (2008) Conditions for Granting Citizenship to Families of Martyrs and Afghan Victims / Gulzar Martyrs is not a Personal Property to be Abused by Martyrs, available at: <https://www.tasnimnews.com/fa/news/1395/11/19/1321318/>

<sup>38</sup> Iranian Constitution, Article 41.

<sup>39</sup> Iranian Nationality Law, Article 988(1), (2), (4).

<sup>40</sup> Iranian Nationality Law, Article 988(3).

<sup>41</sup> Civil Code of the Islamic Republic of Iran. Retrieved from <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>.



permission for the marriage. Upon review of the required documents, the Ministry will decide whether to grant or deny permission for the union.<sup>42</sup>

Barriers to accessing marriage registration are likely to have impacted on the acquisition of Iranian nationality by children born to Iranian mothers and non-Iranian fathers. This may have generated a risk of statelessness, with reports that *“without an official marriage certificate, children born from such marriages have little hope of ever acquiring Iranian citizenship under existing laws”*.<sup>43</sup> If the father is absent, the ability to obtain all of the required civil registration documents (including a marriage certificate or affidavit proving the marriage of the parents and the child’s birth certificate) made it even more challenging for the child in such circumstances to apply for Iranian nationality upon reaching 18 years of age – the age at which the application for nationality could be lodged, prior to the change of law adopted in October 2019. Under the amended legislation, official marriage registration is reportedly no longer required for an Iranian mother to confer her nationality, but how the application procedure will work in practice and what proof of marriage is required in place of official marriage registration is unknown.

There is some evidence that administrative, financial or cultural barriers may also pose barriers to some ethnic groups in Iran to registering a marriage. For example, there may be a lack of awareness about civil registration among some groups in Iran, including within the Baluch ethnic group. Anecdotal evidence suggests the Baluch may practice traditional marriages, which may not be registered with the state authorities.<sup>44</sup> A kind of ‘secret marriage’ (*Suka Mahryie*) is also practiced in some cases in Iran, whereby a father consents to the marriage of his daughter but there is no formal registration. Such marriages have reportedly become more common in the border districts since 2010 as a result of changes to the rules relating to energy and food subsidies for low income households and where a child born from such a union is refused recognition by the father, this can create problems with access to nationality.<sup>45</sup>

## 4.2 Birth Registration

Children born to foreign national parents in Iran can face barriers to birth registration, which in turn impacts on their ability to acquire Iranian nationality. Under Article 976 of the Nationality Law, for children born to foreign national parents in Iran to acquire Iranian nationality, they must have proof of birth in Iran. Article 12 of the Personal Status Registration Act stipulates that the birth of every child born inside Iran shall be reported to the Civil Birth Registration Organisation, regardless of the parents’ nationalities.<sup>46</sup> While in theory it is possible for non-Iranian nationals to register their child’s birth, in practice, this is not usually the case (as will be explained below). Considering the crucial role of birth registration in determining a child’s nationality, lack of registration can significantly heighten the risk of statelessness.<sup>47</sup>

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<sup>42</sup> Zahedi, A. (2007). Transnational Marriages, Gendered Citizenship, and the Dilemma of Iranian Women Married to Afghan Men, *Iranian Studies*, Volume 40, Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/00210860701269568>.

<sup>43</sup> Semira N. Nikou, Iran: Discrimination Through Citizenship, Human Rights Brief, 2015, at 1, available at: <http://hrbrief.org/wp-content/uploads/2015/01/Nikou-Iran-Final.pdf>.

<sup>44</sup> As reported by INGO staff in Iran in 2018.

<sup>45</sup> As reported by expert consultant on Iran, October 2019.

<sup>46</sup> Institute on Statelessness and Inclusion and the Global Campaign for Equal National Rights (March 2019) Joint Submission to the Human Rights Council, available at: [https://files.institutesi.org/UPR34\\_Iran.pdf](https://files.institutesi.org/UPR34_Iran.pdf)

<sup>47</sup> Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850)



The total number of children born to an Iranian mother and foreign national father is not clear, but in 2012 the Guardian Council estimated the number to be around one million.<sup>48</sup> In one survey conducted by the Iranian Ministry of Welfare, women married to foreign men who have children born in Iran, were asked to text their national code to the Ministry in order to gather data on the registration status of their children. In response, 1,800 women texted into the Ministry revealing 3,000 children with no birth certificates.<sup>49</sup> Although this census does not provide the full picture of rates of birth registration to children born of Iranian women and foreign men in Iran, as the participants were made up of only those women texting the Ministry and who hold birth certificates themselves, the survey does indicate that access to birth registration for children born to Iranian women and foreign fathers is problematic and can result in the risk of, or actual, statelessness.

The hospital where a child is born is responsible for issuing a notification of birth to the Civil Birth Registration Organisation within 15 days of the birth so that registration can take place.<sup>50</sup> However, INGOs working in Iran report that many hospitals do not issue the birth notification when one of the parents lacks documentation,<sup>51</sup> which means that birth registration cannot take place, and the child may remain without proof of their birth in Iran. This in turn impacts on the determination of the child's nationality status.

Furthermore, there are various other hurdles that may prevent some parents from registering the births of their children. Due to financial barriers, many people residing in Iran without documentation give birth at home,<sup>52</sup> especially in rural areas, which creates additional barriers to birth registration, as there is no notification of birth issued by a hospital. There are other barriers including time-consuming and over-complicated administrative hurdles, and the general lack of awareness surrounding the importance of birth registration (especially for girls, children with disabilities and children before school age) often results in children not being registered,<sup>53</sup> thus perpetuating the issue.

If a person reaches the age of majority (18 years-old) and their birth in Iran has not been registered, there is a procedure for late birth registration through which the individual may file a request to the National Organisation of Civil Status (NOCS) to register their birth. However, the burden of proof is on the individual to substantiate their claim through witnesses and other means: in practice, the process is often time-consuming and complex, and many people face barriers to proving their birth in Iran.<sup>54</sup>

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<sup>48</sup> As reported in Semira N. Nikou, Iran: Discrimination Through Citizenship, Human Rights Brief, 2015, at page 4, available at: <http://hrbrief.org/wp-content/uploads/2015/01/Nikou-Iran-Final.pdf>.

<sup>49</sup> ISNA (2018) The winding road to "Granting Citizenship to Children with Iranian Mothers and Foreign Fathers", available at: <https://www.isna.ir/news/97081407048>

<sup>50</sup> National Organization for Civil Registration. Retrieved from <https://www.sabteahval.ir/en>

<sup>51</sup> As reported by INGO staff in Iran in 2018.

<sup>52</sup> Refugees Deeply (2017) *Pregnant Afghans Grapple with Iran's 'Exemplary' Refugee Healthcare*, 27 July 2017, available at: <https://www.newsdeeply.com/refugees/articles/2017/07/27/pregnant-afghans-grapple-with-irans-exemplary-refugee-healthcare>:

<sup>53</sup> Institute on Statelessness and Inclusion and the Global Campaign for Equal National Rights (March 2019) Joint Submission to the Human Rights Council, available at: [https://files.institutesi.org/UPR34\\_Iran.pdf](https://files.institutesi.org/UPR34_Iran.pdf)

<sup>54</sup> As reported by expert on civil registration practices in Iran in May 2019 based on experience on-the-ground in 2018.



## 5. POPULATIONS AFFECTED BY OR AT RISK OF STATELESSNESS

Two populations in particular are identified as being affected by statelessness in Iran in the existing literature: Faili Kurds and Khavari Afghans.<sup>55</sup> However, there are other groups that might be at risk of statelessness, including undocumented Baluch people residing in the Sistan and Baluchestan province. Statistics provided in this section are not comprehensive, due to the limited information available on the populations of concern and lack of any mapping of statelessness in Iran. There are also information gaps regarding the rights of stateless people in Iran, their access to social services and protection concerns, which require further research.

### 5.1 Faili Kurds

In the mid-1970s, Iraq expelled around 40,000 Faili Kurds, who were largely Shia Kurds from northern Iraq to Iran, alleging they were Iranian nationals. Those Faili Kurds who arrived in Iran during the 1970s and were able to present proof of Iranian ancestry could obtain Iranian nationality.<sup>56</sup> In 1980, through Presidential Decree 666, an estimated 300,000 Faili Kurds were stripped of their Iraqi nationality by order of the then President, Saddam Hussein. After this denationalisation, the Iraqi Government seized their property and a substantial number of Faili Kurds were deported to Iran. Many of these families lived in camps in Iran and were denied access to work, education, travel documents and civil registration.

In 2006, the Iraqi Nationality Law repealed Decree 666 and provided the possibility of reacquiring Iraqi nationality to all those who had been denaturalised by the former Government. According to the Iraqi Ministry of Displacement and Migration (MODM), around 20,000 families have had their Iraqi nationality reinstated since 2003. However, people who lack the necessary documentation to prove either their own or their ancestors' registration during the 1957 Iraqi National Census, cannot benefit from this initiative. The civil records of many people were destroyed or lost during the war and many were excluded from the census.<sup>57</sup>

Recent data on the population of Faili Kurds in Iran is not available. In 2008, UNHCR stated that some 760 Kurds in Ilam province were able to obtain Iranian nationality. While the number of Kurds in Iran decreased as many were repatriated to Iraq after the fall of Saddam Hussein, it was estimated in 2008 that around 7,000 Faili Kurds remained in Iran.<sup>58</sup>

For more information on the Faili Kurds, please refer to the [Iraq Country Position Paper](#).

### 5.2 Khavaris

The Khavaris are an ethnic group of Hazara origin associated mainly with Afghanistan. Throughout the 20<sup>th</sup> Century they migrated from Afghanistan to Iran and can be predominantly in the Khorassan Province in North East Iran. Data on the size of the Khavari minority population living in Iran is not

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<sup>55</sup> For a comprehensive view on these stateless populations, see Tucker, J. (2014).

<sup>56</sup> Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850)

<sup>57</sup> Campbell, E. (2010). *The Faili Kurds of Iraq: Thirty Years Without Nationality*. Retrieved from <https://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>

<sup>58</sup> Tan, V. (2008). Faili Kurds in Iran seek way out of identity impasse. UNHCR. Retrieved from <https://www.unhcr.org/news/latest/2008/5/483d60872/feili-kurds-iran-see-way-identity-impasse.html>



available, however, reports state that around 300-400 families of Khavari descent reside in this province and are registered as Iraqi-born Afghans.<sup>59</sup> A further 125 individuals are registered as formerly holding Iraqi nationality and currently holding Afghan nationality.<sup>60</sup>

Despite their history in Iran, the Iranian Government does not recognise their Iranian nationality and instead associates their origin with Afghanistan.<sup>61</sup> If they are unable to present an ID card proving Iranian or Iraqi nationality, they will be assumed Afghan by the authorities even though many do not hold Afghan nationality.<sup>62</sup> Wrongly identifying nationality can lead to an imputed nationality, 'hiding' the individual, which in turn affects the accuracy of statistical information and can impact the treatment of the stateless individual and their ability to access social services.

Those who do hold Iranian documentation are also at risk of statelessness. In 2004 the confiscation of Khavari birth certificates was documented, and in 2005 there were reports of birth certificates being nullified.<sup>63</sup> Given the importance of birth certificates acting as proof of nationality in Iran<sup>64</sup> if those who have had their documents confiscated or nullified to not hold another nationality, they are at risk of being made stateless.

### 5.3 Baluch Population in Sistan and Baluchistan

The situation of Baluch people who lack proof of Iranian nationality is generally under-researched and the number of people affected in Iran is unclear.<sup>65</sup> The Sistan and Baluchistan province, located in the southeast of the country, shares a border with Afghanistan and Pakistan and is predominantly inhabited by the ethnic and religious minority Baluch population. The Baluch people are disproportionately affected by the lack of proof of citizenship as historically they have had little interaction with the State and its institutions resulting in birth and marriages not being registered, and the need for official identification cards not being fully realised.<sup>66</sup> The population affected also extends beyond Sistan and Baluchistan: in other border provinces, a number of residents with undetermined nationality have been identified.<sup>67</sup> Experts have claimed that many Baluch have wanted to apply for state identification cards but often face insurmountable hurdles in doing so, including accessing documentation and financial hurdles.<sup>68</sup>

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<sup>59</sup> Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850)

<sup>60</sup> Ibid.

<sup>61</sup> Tucker (2014) states that *"the Khavaris today are, by default, deemed to be Afghan by the Iranian authorities, if they fail to present ID cards showing they are of Iraqi or Iranian nationality - although many are not Afghan nationals."* See Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850).

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> UNHCR (2005) 'Birth Registration in Iran: An Analysis of the State of Relevant Laws in Iran, available at: <https://unstats.un.org/unsd/vitalstatkb/KnowledgebaseArticle50544.aspx>

<sup>65</sup> Seeking identity. (2016). The Islamic Republic News Agency (IRNA). Retrieved from <http://www.irna.ir/sb/fa/News/82431374/>

<sup>66</sup> Ceasefire Centre for Civilian Rights, Minority Rights Group International and the Centre for Supporters of Human Rights (2018) Rights Denied: Violations Against Ethnic and Religious Minorities in Iran, available at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>67</sup> About 1,110 persons are identified in Khorasan Razavi Province who are either undocumented or lack proof of citizenship. (2016). The Islamic Republic News Agency (IRNA). Retrieved from <http://www.irna.ir/fa/News/82307827>

<sup>68</sup> Ceasefire Centre for Civilian Rights, Minority Rights Group International and the Centre for Supporters of Human Rights (2018) Rights Denied: Violations Against Ethnic and Religious Minorities in Iran, available at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>



A 2018 OHCHR report on the situation of human rights in the Islamic Republic of Iran addresses the issue of the Baluch population without proof of nationality and their limited access to social assistance, including welfare payments, healthcare and education, as well as utilities such as water, electricity and phone services.<sup>69</sup> In 2013, the Governor of Sistan and Baluchistan province ordered an expedited process for applicants believed to be Iranian and subsequently, 22,000 birth certificates were issued between 2013 and 2016.<sup>70</sup> In 2017, officials reported that at least 20,000 children in the Sistan and Baluchistan province registered for schools using a special card issued to children without proof of nationality, but this figure does not include other undocumented children (or adults) who do not possess this card.<sup>71</sup><sup>72</sup> OHCHR reported in 2018 that *“still a large number of cases are pending and remain unaddressed, mostly for Baluchi families that do not possess or cannot easily access the needed documentation to get birth certificates/notification.”*<sup>73</sup>

#### 5.4 Afghans

Afghan refugees in Iran are considered one of the largest refugee populations in the world and have been present in the country for up to 40 years.<sup>74</sup> In 2002, a large-scale repatriation initiative was implemented, returning Afghan refugees back from Iran to Afghanistan, however recurrent violence and insecurity resulted in more displacement which prevented sustainable return and reintegration into Afghanistan.<sup>75</sup> In 2019, the European Commission reported that there are close to one million documented Afghan refugees residing in Iran, however this still leaves up to two million undocumented Afghan refugees in Iran who have no formal legal status or access to assistance.<sup>76</sup> High numbers of Afghans have also sought asylum in OECD countries,<sup>77</sup> and Afghan refugees were continuing to arrive in Europe in significant numbers at the time of writing.<sup>78</sup>

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<sup>69</sup> OHCHR. (2018). Situation of human rights in the Islamic Republic of Iran. Retrieved from [https://www.ohchr.org/Documents/Countries/IR/A\\_HRC\\_37\\_24\\_EN.docx](https://www.ohchr.org/Documents/Countries/IR/A_HRC_37_24_EN.docx)

<sup>70</sup> Birth Certificates Issued for 22,000 “Stateless” People. (2017). Financial Tribune. Retrieved from <https://financialtribune.com/articles/people/60328/birth-certificates-issued-for-22000-stateless-people>

<sup>71</sup> A decree by the Iranian Supreme Leader in May 2015 indicated that all children should have access to public education regardless of their legal status. The decree facilitated access to education for many children in Iran, including children without proof of nationality. The decree states *“no Afghan child, even those who illegally live in Iran without documentation, should be deprived of education. They should all be enrolled in Iranian schools.”* However, financial barriers (both for the families and Ministry of Education), as well as physical barriers including the limited capacity of schools to enrol additional undocumented children, and limited awareness of the families and public schools about the enrolment process prevents access to education for many children. See: Norwegian Refugee Council. (2017). Afghan Children’s Access to Education in Iran: What happened after the Supreme Leader’s Decree? Retrieved from <https://d3gxp3iknbs7bs.cloudfront.net/attachments/e821bf7c-2036-470d-8ee0-9325f4cd9634.pdf> and

<sup>72</sup> About 23,000 undocumented children registered in schools in Sistan and Baluchistan province. (2017). Salamat news agency. Retrieved from [www.salamatnews.com/news/228675/23](http://www.salamatnews.com/news/228675/23)

<sup>73</sup> OHCHR. (2018). Situation of human rights in the Islamic Republic of Iran, available at: [https://www.ohchr.org/Documents/Countries/IR/A\\_HRC\\_37\\_24\\_EN.docx](https://www.ohchr.org/Documents/Countries/IR/A_HRC_37_24_EN.docx)

<sup>74</sup> <sup>74</sup> UNHCR (2018). Iran Needs Help to Support Afghan Refugees, available at: <https://www.unhcr.org/news/latest/2018/9/5b8e9f414/iran-needs-help-support-afghan-refugees-unhcr-chief.html>

<sup>75</sup> Afghan refugees now reside in more than 80 countries worldwide, with the majority (91% of those documented) in Iran and Pakistan. UNHCR (2018-2019) UNHCR’s Support Toward the Implementation of the Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence Through Greater Responsibility-Sharing, available at: <http://reporting.unhcr.org/sites/default/files/2018-2019%20Solutions%20Strategy%20for%20Afghan%20Refugees%20-%20October%202018.pdf>

<sup>76</sup> European Commission (2019) European Civil Protection and Humanitarian Aid Operations: Iran, available at: [https://ec.europa.eu/echo/where/asia-and-pacific/iran\\_en](https://ec.europa.eu/echo/where/asia-and-pacific/iran_en)

<sup>77</sup> OECD and UNHCR (2018) Safe Pathways for Refugees: OECD-UNHCR Study on Third Country Solutions for Refugees: Family Reunification, Study Programmes and Labour Mobility, available at: <https://www.oecd.org/migration/UNHCR-OECD-safe-pathways-for-refugees.pdf>

<sup>78</sup> UNHCR (2019) Refugee & Migrant Arrivals To Europe in 2019 (Mediterranean), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/69500.pdf>



### 5.4.1 Access to Afghan documents and nationality

The primary Afghan personal identification document is called the '*tazkera*' and is considered proof of national identity and nationality status.<sup>79</sup> Acquiring a *tazkera* is dependent upon relatives having a *tazkera*, meaning that the children of those without a *tazkera* face difficulties in accessing documentation.<sup>80</sup> As the rules for applying for a *tazkera* require the applicant to be in their place of origin or in Kabul, or in contact with Afghan authorities, the older generations of Afghan-born refugees in Iran are more likely to have a *tazkera*. Subsequent generations, who were born in refugee settings outside Afghanistan, will have difficulty accessing documentation to prove their links to the country.<sup>81</sup>

Further, in cases where the father is unknown, not available or has abandoned the family, and family ties are weak (which is prevalent in the border areas), proving Afghan nationality can be difficult, if not impossible, for the children. When identity cannot be established, the individual must seek verification by two Afghan nationals and the local police department in Afghanistan in order to acquire a *tazkera*. In situations where an individual cannot complete this process, a commission consisting of authorised representatives including the Supreme Court, Ministries of Foreign Affairs and Migration and Immigration, the Office of the Attorney General, the National Directorate of Security (NDS) and the Office of Registration of Population Records and Foreigners Identity Assessment shall assess the application and decide whether to issue a *tazkera*.<sup>82</sup>

As detailed above, the process to obtain a *tazkera* is complex and time-consuming and there are barriers to overcome. The key insurmountable barrier for refugees in acquiring *tazkera* is the need to return to their place of origin or to Kabul<sup>83</sup> to apply for the documentation as a *tazkera* cannot be issued outside of Afghanistan.<sup>84</sup> Acquiring Afghan citizenship for Afghan refugees in Iran is therefore not a durable solution to protect against statelessness. Afghan refugees in Iran may be at risk of statelessness due to the inability to maintain ties with and documentation of citizenship of Afghanistan, which can in particular impact the enjoyment of nationality by children born in a protracted situation of exile.

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<sup>79</sup> NRC. (2016). Access to Tazkera and other Civil Documentation in Afghanistan. Retrieved from <https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/>. Having a *tazkera* opens the door to various services in Afghanistan including education, employment, healthcare and loans. NRC, *Escaping War: Where to next? The Challenges of IDP Protection in Afghanistan*, 24 January 2018, at 3.5, available at: <https://www.nrc.no/resources/reports/escaping-war-where-to-next-the-challenges-of-idp-protection-in-Afghanistan/>

<sup>80</sup> NRC. (2016). Access to Tazkera and other Civil Documentation in Afghanistan, available at:

<https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/>

<sup>81</sup> Institute on Statelessness and Inclusion and Global Campaign for Equal Nationality Rights. (2019). Joint Submission to the Human Rights Council at the 34th Session of the Universal Periodic Review on Iran. Retrieved from [http://www.institutesi.org/UPR34\\_Iran.pdf](http://www.institutesi.org/UPR34_Iran.pdf)

<sup>82</sup> Afghanistan: Law of 2014 on Registration of Population Records [Afghanistan] Article 19, 2014, available at:

<https://www.refworld.org/docid/544a4c434.html>

<sup>83</sup> For more information please see UK Home Office, *Country Policy and Information Note Afghanistan: security and humanitarian situation*, July 2019, at 9.3, available at: [https://www.ecoi.net/en/file/local/2012825/AFG\\_CPIN\\_Security\\_situ.v6.0\\_July\\_2019\\_.pdf](https://www.ecoi.net/en/file/local/2012825/AFG_CPIN_Security_situ.v6.0_July_2019_.pdf) and NRC. (2016). Access to Tazkera and other Civil Documentation in Afghanistan, available at: <https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/>

<sup>84</sup> NRC. (2016). Access to Tazkera and other Civil Documentation in Afghanistan, available at: <https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/> at page



### 5.4.2 Access to Iranian Nationality

For an individual to apply for Iranian nationality, under Article 979 of the Nationality Law, he or she must have reached the age of 18 and have resided in Iran for at least five years (whether continuously or intermittently).<sup>85</sup> According to Article 983, the application for naturalisation must be accompanied by identity documents and a certificate *“from the police stating the period of residence of the applicant in Iran, his clean record, and possession of sufficient property or of employment, which ensures a livelihood.”* These may be difficult for Afghan refugees to provide.

Afghan women who marry an Iranian man may be able to access Iranian nationality through article 979 of the Nationality Law,<sup>86</sup> without recourse to the regular provisions for naturalisation. Again, however, lack of documentation of identity or marriage registration may form a barrier.

As per Article 12 of the Personal Status Registration Act, every child born in Iran must be reported to the Civil Birth Registration Organisation, regardless of the nationality of the parents.<sup>87</sup> Despite this, legal, administrative, economic, and cultural hurdles can prevent refugee parents from registering the birth of their children. Among the undocumented Afghan refugee demographic, the prevalence of home births creates a further barrier to registration as the process of registering a birth following a home delivery is long and arduous.<sup>88</sup> In order to access Iranian nationality under Article 976(4) of the Nationality Law, which allows children born *inside* Iran to foreign parents to acquire Iranian nationality if one parent was also born *inside* Iran may be problematic due to lack of access to civil registration and therefore the absence of proof of birth in Iran of both the child and the parents. For more information on birth registration please refer to section 2.6. In the case of Afghan refugee children seeking to acquire Iranian nationality therefore, they may not be able to acquire Iranian nationality, even if ultimately rendered stateless as a result. The Bill amending the Nationality Law that was passed in October 2019 and allows conferral by application to children of Iranian women married to foreign men should enable the children of Iranian women and Afghan men access to Iranian nationality through the mother provided they pass the security checks. At the time of writing, it was not yet clear how this change would be implemented and whether any obstacles might arise in practice with regard to the application process and documentation requirements.

### 5.4.3 Access to Services

For both documented and undocumented Afghans living in Iran, access to basic government services is difficult.<sup>89</sup> The Iranian Ministry of Interior’s Bureau for Aliens and Foreign Immigrants’ Affairs (BAFIA) is the department responsible for refugee affairs and are the authority responsible for issuing the *‘Amayesh card’* to refugees. The *Amayesh* system is a registration programme

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<sup>85</sup> Iran Nationality Law, Article 979.

<sup>86</sup> Iranian Nationality Law, Article 976 (6).

<sup>87</sup> Iranian Civil Registration Law, Article 12, available at: <https://unstats.un.org/unsd/vitalstatkb/KnowledgebaseArticle51034.aspx>

<sup>88</sup> Consultation with experts on civil registration practices in Iran, September 2019.

<sup>89</sup> Radio Farda (2018) Children of Undocumented Afghan Refugees Exploited in Iran, available at: <https://en.radiofarda.com/a/children-of-undocumented-afghan-refugees-exploited-in-iran/29596142.html>



designed to identify and track recognised refugees,<sup>90</sup> and the card enables refugees to access basic services.<sup>91</sup> The *Amayesh* card however comes at the cost of \$12 per year and this creates a financial barrier to many Afghan families who cannot afford the cost<sup>92</sup>, thus excluding those who cannot afford to pay leaving them undocumented. For those who can afford the initial cost, in light of the yearly renewal fee, many families struggle to continue their payments. Not renewing their card every year, which in itself is a complex and lengthy process, may result in deportation.<sup>93</sup>

In January 2017, BAFIA announced the ‘Headcount of the Undocumented Foreigner’ which sought to enable different categories of Afghan refugees to declare their presence with the Government. Those targeted included: holders of expired *Amayesh* cards, undocumented family members of Iranian nationals, family members of those enrolled in schools and Afghan passport holders with expired Iranian visas, among others. Those who engaged with the scheme received a slip attesting to their participation and afforded them temporary protection.<sup>94</sup> 850,000 undocumented Afghans participated in this process.<sup>95</sup> Despite this scheme, as per the figures above, there still remains nearly two million undocumented refugees in Iran who are unable to access basic services.

For undocumented Afghan refugees, they live under the constant threat of deportation and face difficulties accessing basic services including healthcare, education and legal assistance.<sup>96</sup> In May 2015, a positive step was made in the form of an official decree affording children in Iran access to education, regardless of their legal status.<sup>97</sup> It was recorded by UNHCR that in the academic year 2017-2018, 420,000 Afghan children (103,000 undocumented) registered for primary and secondary school.<sup>98</sup> Despite this step forward for access to services for Afghan refugees and the realisation of the right to safe and affordable education for Afghan children, financial and socio-economic barriers, physical barriers, and barriers within the education system are still prevalent, as well as the continued existence of legal and protection issues, which have all contributed to the prevention of the successful implementation of ensuring access to education for all Afghan refugee children.<sup>99</sup>

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<sup>90</sup> Human Rights Watch (2013) Iran: Afghan Refugees and Migrants Face Abuse, available at: <https://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>

<sup>91</sup> UNHCR (2015-2016) Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries: Islamic Republic of Iran, available at: <https://www.unhcr.org/539ab62a9.pdf>

<sup>92</sup> Radio Farda (2018) Children of Undocumented Afghan Refugees Exploited in Iran, available at: <https://en.radiofarda.com/a/children-of-undocumented-afghan-refugees-exploited-in-iran/29596142.html>

<sup>93</sup> Human Rights Watch (2013) Iran: Afghan Refugees and Migrants Face Abuse, available at: <https://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>

<sup>94</sup> UNHCR (2018-2019) UNHCR's Support Toward the Implementation of the Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence Through Greater Responsibility-Sharing, available at: <http://reporting.unhcr.org/sites/default/files/2018-2019%20Solutions%20Strategy%20for%20Afghan%20Refugees%20-%20October%202018.pdf>

<sup>95</sup> UNHCR (2018) Islamic Republic of Iran, available at: <http://reporting.unhcr.org/node/2527>

<sup>96</sup> European Commission (2019) European Civil Protection and Humanitarian Aid Operations: Iran, available at: [https://ec.europa.eu/echo/where/asia-and-pacific/iran\\_en](https://ec.europa.eu/echo/where/asia-and-pacific/iran_en)

<sup>97</sup> Tasnim News, A Leader of the Revolutionary Leader: No Afghan Students Stay Out of Education, Even Illegal, available at: <https://www.tasnimnews.com/fa/news/1394/02/27/741883>

<sup>98</sup> UNHCR (2018-2019) UNHCR's Support Toward the Implementation of the Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence Through Greater Responsibility-Sharing, available at: <http://reporting.unhcr.org/sites/default/files/2018-2019%20Solutions%20Strategy%20for%20Afghan%20Refugees%20-%20October%202018.pdf>

<sup>99</sup> Norwegian Refugee Council (2017) Afghan Children's Access to Education in Iran: What Happened After the Supreme Leader's Decree, available at: <https://d3gxp3iknbs7bs.cloudfront.net/attachments/e821bf7c-2036-470d-8ee0-9325f4cd9634.pdf>



In 2016, the Iranian Government, in an agreement with UNHCR, the BAFIA and the Iran Health Insurance Organisation (Salamat), implemented the 'Universal Public Health Insurance Scheme' (UPHI) also known as *Salamat Health Insurance*.<sup>100</sup> Through this initiative, *documented* Afghan refugees can access a health insurance package for hospitalisation similar to the what Iranian nationals have access to. *Undocumented* Afghan refugees, however, cannot apply for this scheme and have limited access to health services.<sup>101</sup> *Undocumented* refugees are therefore limited to healthcare from private health institutions with hefty fees they must pay from private funds.<sup>102</sup> There is the possibility of health care via NGOs / charities, but this is on a case by case basis.<sup>103</sup>

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<sup>100</sup> UNHCR (2015) For Refugees in Iran, Health Plan Brings Care and Comfort, available at:

<https://www.unhcr.org/uk/news/latest/2015/12/567291ae6/refugees-iran-health-plan-brings-care-comfort.html>

<sup>101</sup> Divkolaye, N and Burkle, M (2017) The Enduring Health Challenges of Afghan Immigrants and Refugees I Iran: A Systematic Review, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5554007/#ref8>

<sup>102</sup> LandInfo (2011) Report: Afghan Citizens in Iran, available at: [https://www.landinfo.no/asset/2063/1/2063\\_1.pdf](https://www.landinfo.no/asset/2063/1/2063_1.pdf)

<sup>103</sup> Ibid.



## 6. BIBLIOGRAPHY

- Athayi, A. (2017). Report on Citizenship Law Afghanistan, Global Citizenship Observatory. Retrieved from [http://cadmus.eui.eu/bitstream/handle/1814/45933/GLOALCIT\\_CR\\_2017\\_09.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/45933/GLOALCIT_CR_2017_09.pdf?sequence=1)
- Australian Department of Immigration and Citizenship. (2013). Country Guidance Note Iran. Retrieved from: [www.immi.gov.au/media/publications/pdf/cgn-iran.pdf](http://www.immi.gov.au/media/publications/pdf/cgn-iran.pdf)
- Birth Certificates Issued for 22,000 Stateless People. (2017). Financial Tribune. Retrieved from <https://financialtribune.com/articles/people/60328/birth-certificates-issued-for-22000-stateless-people>
- Campbell, E. (2010). The Faili Kurds of Iraq: Thirty Years Without Nationality. Retrieved from <https://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>
- Civil Code of the Islamic Republic of Iran. Retrieved from <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>
- Granting Iranian Nationality to the children born to Iranian mothers and Foreign National Fathers. (2019, January 20). *Islamic Consultative Assembly News Agency (ICANA)*. Retrieved from <http://www.icana.ir/Fa/News/415896>
- Hoodfar, H. (2000). Iranian Women at the Intersection of Citizenship and the Family Code. In S. Joseph (Ed), *Gender and Citizenship in the Middle East* (pp. 287–313). New York: Syracuse University Press.
- Human Rights Watch. (2013). Unwelcome Guests: Iran's Violation of Afghan Refugee and Migrant Rights. Retrieved from <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>
- Human Rights Watch. (2019). Iran: Parliament OKs Nationality Law Reform. Retrieved from <https://www.hrw.org/news/2019/05/14/iran-parliament-oks-nationality-law-reform>
- Internal Displacement Monitoring Centre. (2019). Iran Country Information. Retrieved from <http://www.internal-displacement.org/countries/iran>
- Interview with Shahindokht Molaverdi. (2015, October 4). *The Islamic Republic News Agency (IRNA)*. Retrieved from <http://www.irna.ir/fa/News/81784551/>
- Iran to grant citizenship to Afghan fighters in Syria. (2017, March 14). *DailySabah*. Retrieved from <https://www.dailysabah.com/mideast/2017/03/14/iran-to-grant-citizenship-to-afghan-fighters-in-syria>
- Nikou, S. (2015). Iran: Discrimination Through Citizenship. *Human Rights Brief*. Retrieved from <http://hrbrief.org/wp-content/uploads/2015/01/Nikou-Iran-Final.pdf>
- Norwegian Refugee Council. (2016). Access to Tazkera and other Civil Documentation in Afghanistan. Retrieved from <https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/>
- National Organization for Civil Registration. Retrieved from <https://www.sabteahval.ir/en>
- Norwegian Refugee Council. (2017). Afghan Children's Access to Education in Iran: What happened after the Supreme Leader's Decree? Retrieved from <https://bit.ly/2KSOPcu>



OHCHR. (2018). Situation of human rights in the Islamic Republic of Iran. Retrieved from [https://www.ohchr.org/Documents/Countries/IR/A\\_HRC\\_37\\_24\\_EN.docx](https://www.ohchr.org/Documents/Countries/IR/A_HRC_37_24_EN.docx)

One million and 300 stateless persons exist in Iran. (2018). Islamic Consultative Assembly News Agency (ICANA). Retrieved from <http://www.icana.ir/Fa/News/386247>

Salamat news agency (2017). About 23,000 undocumented children registered in schools in Sistan and Baluchistan province. Retrieved from [www.salamatnews.com/news/228675/23](http://www.salamatnews.com/news/228675/23)

Statistical Centre of Iran. (2016). Retrieved March 26, 2019, from <https://www.amar.org.ir/english>

Tan, V. (2008). Feili Kurds in Iran seek way out of identity impasse. UNHCR. Retrieved from <https://www.unhcr.org/news/latest/2008/5/483d60872/feili-kurds-iran-seek-way-identity-impasse.html>

Tasnim News Agency (2018, April 23). Requirements of granting Iranian ID for children born to the marriage of Iranian women and Afghan men. Retrieved from <https://www.tasnimnews.com/fa/news/1397/02/03/1708034/>

*The Islamic Republic News Agency (IRNA)* (2016). Seeking identity. Retrieved from <http://www.irna.ir/sb/fa/News/82431374/>

*The Islamic Republic News Agency (IRNA)* (2016). About 1,110 persons are identified in Khorasan Razavi Province who are either undocumented or lack proof of citizenship. Retrieved from <http://www.irna.ir/fa/News/82307827>

Tucker, J. (2014). Exploring Statelessness in Iran. Gaps in the Nationality Law, Populations of Concern and Areas for Future Research. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2441850](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441850)

UNHCR. (2019). Background Note on Gender Equality, Nationality Laws and Statelessness. Retrieved from <https://www.refworld.org/country,,UNHCR,,IRN,,5c8120847,0.html>

UNHCR. (2019). Islamic Republic of Iran, Global Focus. Retrieved from <http://reporting.unhcr.org/node/2527?y=2019#year>

UNHCR. (2017). Refugee population by country or territory of origin. Retrieved from <https://data.worldbank.org/indicator/SM.POP.REFG.OR>

UNHCR. (2018). Situation of human rights in the Islamic Republic of Iran. Retrieved from [https://www.ohchr.org/Documents/Countries/IR/A\\_HRC\\_37\\_24\\_EN.docx](https://www.ohchr.org/Documents/Countries/IR/A_HRC_37_24_EN.docx)

UNICEF. (2005). Birth Registration in Iran: An Analysis of Relevant Laws in Iran Transnational Marriages, Gendered Citizenship, and the Dilemma of Iranian Women Married to Afghan Men. Retrieved from [http://www.unicef.org/iran/IRN\\_resources\\_BR\\_eng-word.pdf](http://www.unicef.org/iran/IRN_resources_BR_eng-word.pdf)

United States Department of State. (2017). Iran 2017 Human Rights Report. Retrieved from <https://www.state.gov/documents/organization/277485.pdf>

Zahedi, A. (2007). Transnational Marriages, Gendered Citizenship, and the Dilemma of Iranian Women Married to Afghan Men, *Iranian Studies*, Volume 40, Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/00210860701269568>



**Statelessness is often overlooked in asylum and migration debates. It is a hidden but very real issue affecting many refugees and migrants in Europe.**

#StatelessJourneys is a joint project between the European Network on Statelessness and the Institute on Statelessness and Inclusion. It was designed to expose gaps, identify solutions and deliver evidence-based advocacy to secure the protection of stateless refugees and migrants, and to prevent new cases of statelessness arising in Europe.

For more information about the issue and the project please visit <https://statelessjourneys.org>



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