



# STATELESSNESS IN IRAN

## OVERVIEW

Iran has an estimated population of 82.1 million people and is home to an [unknown number of stateless people](#). Comprehensive data about the problem of statelessness and the size of the stateless population residing in Iran is not available. Populations affected by (risk of) statelessness in Iran include the Faili Kurds, the Khavari, the Baluch living close to the border of Afghanistan, and Afghan refugees. There are other groups who may be either stateless or at risk of statelessness, including, but not limited to, children born outside of Iran to Iranian mothers and a foreign or stateless father.

Gender discrimination and other gaps in Iran's Nationality Law, and a lack of access to vital civil status events, including marriage and birth registration, means that there is a significant risk of statelessness both within and outside Iran.

Explore the main issues below or [download the detailed Country Position Paper](#) (with bibliography).

## IRANIAN NATIONALITY LAW AND STATELESSNESS

According to Article 976(2) of Iran's Nationality Law, children born to an Iranian father are considered Iranian nationals regardless of whether they were born in Iran or abroad. The Nationality Law does not explicitly require parents to have a registered marriage for a child born to an Iranian man to acquire nationality by descent (*jus sanguinis*). So, a child born to unmarried parents or to parents whose marriage is unregistered, should be able to acquire nationality through their father, although more research is needed to determine if this is the reality in practice. However, the Nationality Law explicitly prevents women from automatically passing on their Iranian nationality to their children [making Iran one of the 25 countries globally in which women are denied equal rights to confer their nationality to their children](#). The law has progressively been improved, with amendments passed in 2006 and 2019, but it still retains elements of gender discrimination and therefore, a risk of statelessness remains.

Iranian nationality is granted to foundlings with unknown parentage, and children born in Iran to foreign parents, provided that one parent was born in Iran and both the child and the parent born in Iran have registered births. However, a child born in Iran to stateless or foreign parents who were not also born in Iran is unable to acquire Iranian nationality, even if the child would otherwise be stateless. Therefore, while there are some provisions in Iranian law to prevent childhood statelessness, there are also significant gaps, which mean that some children born in Iran or to an Iranian mother abroad (where the child cannot acquire a nationality from their father), are unable to acquire Iranian nationality leaving them stateless or at risk of statelessness.



## CIVIL DOCUMENTATION

Iranian women married to non-Iranian men residing in Iran face significant barriers to marriage registration including due to requirements to seek special permission from the Government to marry a foreign national, and for both spouses to present legal documents, including passports, visas and birth certificates. This is likely to impact on the acquisition of Iranian nationality by children born to Iranian mothers and non-Iranian fathers, thus putting them at risk of statelessness.

If the father is absent or does not recognise the child, 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) make it even more challenging for the child in such circumstances to acquire Iranian nationality. Following recent amendments to the Iranian Nationality Law, official marriage registration is 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 required in place of official marriage registration is unknown.

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. For children born to foreign national parents in Iran to acquire Iranian nationality, they must have proof of birth in Iran. 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](#). While in theory it is possible for non-Iranian nationals to register their child's birth, in practice, this is not usually the case. Considering the crucial role of birth registration in determining a child's nationality, lack of registration can significantly heighten the risk of statelessness. Other barriers to birth registration include the [lack of birth notification](#) by the hospital where the child is born due to the inability of parents to provide documentation or as a result of home births, often in rural areas, and over-complicated administrative hurdles and the general lack of awareness surrounding its importance.

Civil documentation is vital to enable freedom of movement, enrol in school, access essential services and to reduce the risk of statelessness. A legal identity brings with it access to the civil, social and political rights enjoyed by all Iranians.

## 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. 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.

In 2006, the Iraqi Nationality Law repealed Decree 666 and provided the possibility of reacquisition of Iraqi nationality to all those who had been denaturalised by the former Government. Around 20,000 families have had their Iraqi nationality reinstated since 2003. However, those 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](#). This has meant that unless they required another nationality, they have remained stateless. No recent data on the size of



the population of Faili Kurds in Iran is available. [In 2008 it was estimated that around 7,000 Faili Kurds remained in Iran.](#)

## KHAVARIS

The Khavaris are an ethnic group of Hazara origin associated mainly with Afghanistan. While the exact number of Khavari living in Iran is not known, a report stated that [around 300-400 families of Khavari descent](#) reside in the Khorasan province and are registered as Iraq-born Afghans.

Despite their history in Iran, the [Iranian Government does not recognise the Khavaris' Iranian nationality and instead associates their origin with Afghanistan](#). If they are unable to present an ID card proving Iranian or Iraqi nationality, they will be assumed to be Afghan by the authorities even though many do not hold Afghan nationality. 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.

## BALUCH

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](#). The Baluch people are disproportionately affected by the lack of proof of nationality as, historically, they have had little interaction with the State and its institutions, resulting in birth and marriages not being registered. The population affected also extends beyond Sistan and Baluchistan, as residents with undetermined nationality have been identified in other border provinces. Experts have reported that many Baluch people have attempted to apply for state identification cards but faced insurmountable hurdles, including lack of access to documentation and financial barriers.

## 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.](#) 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. Many live under the [constant threat of deportation and face difficulties accessing basic services](#) including healthcare, education and legal assistance.

[The primary Afghan personal identification document is called the 'tazkera' and is considered proof of national identity and nationality status in Afghanistan.](#) but the process to obtain a *tazkera* is complex and time-consuming and there are barriers to overcome, mainly the need to return to a place of origin or to Kabul to apply for the documentation as it cannot be issued outside Afghanistan. Afghan refugees in Iran may be at risk of statelessness due to the inability to maintain and prove ties with Afghanistan, which can in particular impact the enjoyment of nationality by children born in exile. It is possible to acquire Iranian nationality, but this requires various documents to be presented to the authorities including a police certificate, which may be difficult for the person to provide. Legal, administrative, economic and cultural barriers can also prevent Afghan refugee parents from registering the births of their children, increasing the risk of statelessness.



**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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