

## Evaluation of dual citizenship rights in Iran

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**Abstract:** The first issue that arises is that the public, who knows the people of other countries belonging to separate the geographical division of the clearest embodiment, the subject is a citizen. Essentially a political subdivision of citizenship - not geographical, legal and citizenship among individuals and can be the subject of private international law is one of the basic issues in accordance with the Hague Convention of 1930, the principles of citizenship, national compliance are: The importance of citizenship, the principle of single citizenship and naturalization of variability. Despite efforts at domestic level and international level for violations of these principles has been we are faced with people who are without citizenship or have more than one nationality. In the opinion of some French jurists such as Henry Boatful no conflict of nationality is a citizen of both countries has dual citizenship, he is and when one person at a time is more than double the national association, it refers to the status of a nationality.

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### 1. Introduction

Today, it is not possible for any nation to remain confined in the four walls of their national territory Curiosity, of husbandry, gratification, daily needs and a desire to renew the habits and customs, creating a fusion of international and global trade flows creates a The effect of this flow on the global stage private relationships seem to be living together international, domestic life is a special case And private international law to meet the same purpose, namely, to regulate the legal relationship resulting from these transactions will occur worldwide. Relationship between the state of internal territorial boundaries beyond which the relationships between people in all countries are introduced something called natural or political boundaries because the rules are adopted within a country's borders. The answer is not outside of private international law to ensure the correct and logical. The definition of private international law, we can say that: A string of private international law concerning the rights of the individual's relationships with each other and their relations with states outside the domestic sphere and in the international arena will be discussed and so-called private international law, which was first proposed by story citizenship is a realm of private international law. The word citizenship civil law was discussed, but the legislature has not provided any definition but some experts, like profiled - Chandra - Oppenheim definitions have been defined according to Aupnham, is a condition in which a person and a citizen of a certain state to

function. According to the definition of private international law and the concept of citizenship was taken as the term dual citizenship frequency implies that there is a problem because adding attributes such as double dual citizenship so the word does not make a difference in the nature of a particular situation, it's just a show.

Dual citizenship means that a person's nationality is the sum of two or more people at the same time that the state functions are other government considers them the same rights and benefits of the two states can damage to the national interests of their respective governments, on the other hand, it is very difficult for a person to be able to play all of its obligations with respect to the two governments. Dual citizenship may be deceptive at first glance because it allows people to get visas and passports from several countries to choose but the reality is quite different, because citizens have the same rights and privileges, duties and obligations to the load.

#### First speech: the origin of Citizenship

That in the citizenship is a legal term past two centuries, the Iranian legal system has been and about that time, specific rules and regulations adopted citizenship issue will be raised when there are many independent states and went on to form the government, nationalism and nationality were raised, however, some believe the rule indicates the citizenship of the individual relationship with the government, the rule of law is considered. If citizenship is examined from a historical point of view,

sometimes being a native person in a particular city, was one of citizenship, sometimes based on factors such as nationality, religion, nationality, domicile depends, but we can say that the origin of the origin of international law.

### **Section I: Definition of Citizenship**

Naturalization is basically a political divisions - geographical, legal and not between individuals but also communicates with the geography and residence life. Citizenship is one of the main topics of discussion in private international law is according to this statement, we can say that citizenship is the relationship between political, legal, moral or legal person or an object with a given state, so that the rights and obligations arising from the same relationship. Defined as one of the Iranian Court decisions (national and meanwhile describe a particular legal relationship a person associated with the notion of a political community makes creating elements and attributes In other words, the legal status of a person or place in society).

### **The second section features naturalized**

Due to the different definitions of citizenship of the different properties that can be pointed out:

1) the person's citizenship is a political relationship

That bind to the government, and in the shadow of the graft, the right political support is given to nationals of other words this is due to the state's power and its national sovereignty, knows. That's why some have mentioned the issue of citizenship in the constitution.

2) the relationship of citizenship is an international association, the international system of protection of the citizens of a country outside the all rules are accepted as well as support between government and other governments (such as treaties and conventions) are present.

3) the relationship between local citizens because "the system of national civil and political rights such as the right to vote is also significant."

In other words, "It is the government that determines who will be his subjects."

4) Citizenship is a legal relationship, because the relationship between the domestic and the international system are causing legal effects. But citizenship is not only a legal and political relationship, but the relationship is complex and meet legal and political aspects.

5) citizenship is a spiritual relationship and does not affect the time and place where each country nationals, nationals of other countries to open their country and the benefits fall.

### **Article IV: Citizenship fulfill the conditions**

To fulfill the conditions of citizenship is that these conditions are:

A) there is a public

State (STATE) is the legal entity that is recognized by other countries and the UN recognizes it and the relationship between the individual citizen and the sovereign state can not be pro-government supporters, although the government is obligated to protect its citizens politically.

B) persons as nationals exist

Government - the country will be achieved only when the country has a national and state population and no population or foreign entity will not nationals and citizens of a country without a government form. And this is the state that determines what the people under him have citizenship or who can acquire citizenship of the state.

C) certain lands are

The geographical boundaries of the land is more or less stable, has been specified. The land consists of areas of earth, water and air of a country. When can a country in the international arena as a state - a country that has a certain territory is being considered.

### **Chapter Two: Principles governing citizenship**

The general principles of international governing citizenship there, that these three principles accepted by all states and many countries have their own citizenship laws based on these principles have been formulated:

First Principle: Each person should have a nationality (negation without nationality)

As previously mentioned, this international principle that every person should have a nationality. Creation mode citizenship, according to the plan resulting Laggard (exclusively national character of the legislation on nationality) is If one is found, there is no citizenship rights and duties, he is not clear on many issues such as cross border and stay in the land of married, and be the difficulty probable the rights to him are not aggressions can the government help conditioners may claim damages, Despite the above principle and interest remaining states that persons remain stateless persons without citizenship are found in a large collection that nevertheless have as Aspirated. Where persons without citizenship, such as:

1) punishment: sometimes deported nationality as the principal penalty or punishment may be incidental to its laws, and entitled to withdraw citizenship from people while condemning the citizenship of another country has not won. Iran's constitution prohibits deprivation of citizenship as punishment and to stateless persons, are blocked.

2) migration when changing the status of mass communication in the country so that they do not comply with the new regime with a new government before being transplanted remain stateless.

The actual situation of Palestinian citizens before the Zionists came to Palestine have occupied unlawfully and with force and dominance.

3) Special rules may state certain conditions If they predict that the situation came to a citizen lose citizenship. For example, if national law provides for more than 5 years in the pot to stay away is the nationality of such person if the citizen has no citizenship will make the residence.

The second principle is: no one should have more than one citizenship (naturalization double negation)

As a condition of abnormally located Apatryd person, someone who has more than one nationality, the situation is unusual, Citizenship is the source of rights and duties, and then, on the one hand, citizens' rights and privileges of proved abuses governments on the other hand it is very difficult for all of its obligations towards the person the two governments will play.

The person who holds dual or multiple citizenship is against their respective governments will also have additional assignments. Tasks such as: Perform military service, tax payments and lack of political support for the individual states against each other.

The third principle is: people have the right to change nationality

Naturalization based on the principle of providing the individual based on their free will and choice of citizens could be citizens of their respective governments to leave the principle of citizenship of another country Article 15 of the Universal Declaration dried vials reads) the person is to nationality must b) can not be arbitrarily deprived of nationality.

## **Chapter II:**

### **Dual citizenship and its effects**

#### **Speech I: Definition**

When a person is capable of simultaneous dual citizenship, dual citizenship is and at a time when the person is a citizen of two countries in relation to the status of dual citizenship, therefore, used the multi-nationality, It is true that when a person has two or more States of nationality and citizenship, since the essence and nature of the relationship between the permanent and exclusive of a person means a person can not simultaneously claim an exclusive relationship with two or more countries are permanent and practical. Main disadvantage of dual citizenship, not only in terms of rights and duties of citizens, but also in terms of international relations between states are impaired in most naturalized citizen of the ring is the source of rights and obligations between the state and the individual, and the individual has more than one nationality, not all of its obligations with respect to two or more countries to play.

#### **Section I: Types of double nationality**

**Dual citizenship is acquired by one of the following two ways:**

**A dual citizen of:**

Everyone should have the same nationality and that children born to rule, he must inevitably be determined all states have adopted the same state citizenship in either the birth took him to the land of make:

1 - the blood: the blood system, it is called partial system means whereby the child's citizenship by descent, and belongs to the family because of his imposing.

2 - soil system: In this system everyone will have the same place where born citizen and applied to the prevention of this system because of their nationality.

(B) acquired dual citizenship:

Acquired citizenship, also referred to as incidental and derivative citizenship, the individual words in his life and gets away after birth may be due to marry - and stay on.

#### **The nationality of two types:**

Voluntarily acquired citizenship (Direct determination of the nationality of the person directly involved, and it is possible in two ways:

(A) acquired citizenship by marriage

(B) acquired the nationality of the person's citizenship

Citizenship acquired involuntary or indirectly): This type of person will the citizenship of new citizenship is not involved in two forms:

1: Regression of acquired involuntary change of nationality of the person of a minor child

2: Regression of acquired involuntary separation of a portion of the land

### **Section II: Historical Background of dual citizenship**

The doctrine of double citizenship and international precedent:

The purpose of the study of the history of dual citizenship, to clarify the legal solution to the problem is adopted. Rules of international law governing the creation and growth of the national political and judicial double, rapid, uniform and coherent international policy not specified until the subject has been debated. The most important milestone in the field, the Hague Convention of 1930 on issues related to conflict of nationality laws is necessary to mention the formation rules for dual citizenship, mainly due to certain proceedings before international tribunals and the prior jurisprudence and state practice largely on how effective they have been.

#### **Chapter Two: Causes of dual citizenship**

Various factors cause a person to have more than one country are simultaneously naturalized, The main cause of double nationality can be considered inconsistent state laws relating to citizenship through education. Other factors such as: marriage, acquisition of new citizenship old citizenship, Naturalization and its impact on the nationality of the parents of minor

children, the incorporation and transfer of land, including those that may cause dual citizenship.

1) due to the different approaches adopted by governments:

Taste the difference in the mindset of the things that makes System naturalization as a citizen of two is states. If we consider that the child is born in a country of parents who are citizens of another country, the two countries can decide on the nationality of the child.

2) A new national study of ancient Turkish citizenship:

In this case, the person acquires the citizenship of his nationality and citizenship: New double appears that this procedure can be seen in some countries such as paragraph 2 of Article 25 are prescriptions German law requires. (A person who studies foreign citizenship prior written permission from the authority of the place of his birth to his German citizenship to retain their citizenship does not lose)

### 3) Marriage:

The effect of marriage between a man and woman are separate nationality dual citizenship is female Cause dual citizenship due to marriage, it is often required by national laws have (Including Iran), the woman who is a foreign national who is a citizen of another country to marry the woman is in her respective country of citizenship. If the country of origin woman to retain her original citizenship, dual citizenship is such a woman.

### Third speech: ways to prevent dual citizenship:

On solving the problems of dual citizenship, many governments have tried to make agreements to avoid double nationality, Concluded between the representative and the absence of such agreements, the ways: the preferred, or delays, non-acquisition of new citizenship without leaving the former nationality, Lack of government responsibility and effective citizenship and active discovery of the theory of customary international law and of judicial decisions and legal writings referred to, to were resorted. This section reviews some of the doctrine set forth the theory of non-responsibility possibility lies on each table, applying the first regression, the preferred or delays, or active and effective citizenship discussed.

#### - Theories of lack of state responsibility:

The political support of other words no one can be against his government supported.

This theory is based on morality and decency and mutual respect international governments, international jurisprudence has been approved.

#### - Apply the theory of nationality:

The theory, when it is necessary to choose between two or multiple citizenship, a person must be a citizen of the nationality of the person he chose.

#### - Preference Theory of Citizenship:

Citizenship in order of preference, is that the

person who wants to acquire a new nationality, citizenship, one should give preference to the other. Preference on nationality, Congress in Stockholm in 1928 AD, the majority of members of the Institute of International Law was given to a person who is a citizen And he is at liberty in the age of any nationality law that would make choices.

It seems that the choice of options granted citizenship to a person not a citizen is not correct because the nationality of a political issue to be associated with sovereignty and individuals due to the fact that their interests are considered much of anything can cause problems for their governments.

### Part Four: dual citizenship, under Iranian law.

#### Section I: Types of Citizenship Rights in Iran

**Iranian nationality can be gained in three possible means:**

1 - Blood and soil system by implementing the system at birth or after birth might result applies to matters that are related to childbirth.

2 - by marriage.

3 - Iranian nationality by adoption.

The first effect is obtained citizenship by naturalization and citizenship as a result of the last two mentioned by the nationality of the acquired call imposed.

#### Section II: The Iranian legislator about dual citizenship

According to Iranian law, dual citizenship is not accepted! Except that no Iranian citizen has the right to have Iranian nationality and citizenship of another country if his Iranian citizenship new citizenship itself is abolished!

But in practice it is not so! Thousands of citizens have dual citizenship and Iranian citizenship, but so far they have not been canceled! Perhaps the lack of defects in existing laws and regulations and is not responsible for deterrence in this area has led to thousands of cases of double nationality to form the common violations into a task be! Interestingly, there is no institution of dual citizenship, despite being illegal or device does not prevent the police or the citizens with dual citizenship to apply traveled to Iran on his Iranian identity give!

#### Section III: Legal dealing with two nationalities:

Iranians attend the citizenship of another country, without obtaining leave to another country citizenship. Irene conditions in accordance with the constitution, the government can not deprive a citizen of the Iranian people. In accordance with Article 989 of the Iranian nation, every citizen is educated foreign nationals without following legal procedures for foreign nationals and nationals of Iran, he has canceled Livestock known this is an issue concerning dual citizenship east Guest Fashioned was referring to.

**Chapter III:****Effective national system of political support****First speech: political support**

In public law, the relationship between the individual citizen causes of political support for his government, will enjoy. That a country can provide support to the person, can be beneficial to a person involved in a dispute with other countries, Interests, through international treaties, other countries, to prevent interference with a person's daily life and... Be.

**The definition of political support:**

Is the political support of the government of a state other measures to compensate and repair the damage That an unlawful act of a foreign state to one of his subjects, whether natural or juridical entered, provides.

Political support for the implementation of a State, subject to the observance and fulfillment of three conditions are essential:

- 1) The existence of a formal link between the sponsor and the claims of damaged
- 2) During the preliminary local courts claim
- 3) Manually delete the claim.

Political support of the government is known as a patent, meaning that the government exerts political support as their right, the injury to its nationals entered on the verdict of the damage to the state is considered.

The roots of this view, which was originally proposed by Vattel Swiss legal experts said anyone who would abuse a citizen indirectly can harm the government should support him, so it political support to the public interests, privately-owned originated the government, he said. There are five main conditions for the exercise of political support include:

- 1) measures the government is to defend its rights;
- 2) the relationship between the state and the individual citizen is the loser;
- 3) A rule of international law has been violated;
- 4) All internal roads are in for adjudication;
- 5) theory claiming to manually clean.

In terms of political support for natural persons, state government, meaning that the real person, the law of that state citizenship through birth, descent, naturalization applications, the succession of States, or in any other way that international law conflict, be educated.

So, if you commit an act in violation of international law, a citizen of a State of damages is the main condition for invoking the political support of the government, the relationship between the state and the individual citizen.

**Chapter Two: Effective or active citizenship**

Effective citizenship and active citizenship of a naturalized person who prefers to judge and choose the law that will prevail. Methods This is all attributable to

the person's citizenship been considered, can be calibrated how much or to what degree the fate of each person are connected and influence in his life.

Precedent on citizenship and residence of the person who has dual citizenship in the country they are citizens of the same country knows that the person is staying there. Sometimes the person's residence and the main center of activity is the official residence and even citizenship to the effectiveness of the leading pan. Implementation of a national language, the official language of the common people of his country could be another factor in determining effective citizenship.

The discovery of effective nationality determine the nationality of the person who invoked depends on him. This means that he must see the implementation of their rights and duties, which of them is more preferable. Factors affecting the determination of citizenship or permanent residence or domicile of the person can be active, language, citizenship wife, passports, important person, as determined by the center.

Therefore, effective or active citizenship is a concept whereby the actual link between a person and the state or the nationality of the person it claims exist. The actual link is a link that nationality, are not deemed realistic and effective.

Criterion of citizenship or dual nationality is different in different states. If a person naturalization citizenship dual nationality, for example, the judge handling the case to be the same nationality as a citizenship judge, according to political expediency to deal with similar cases should be the prevailing party shall be considered as citizens, otherwise the evidence and Contexts apparent if the person belongs to more than two nationalities is one of the country consider it an effective nationality.

**Chapter Four****Negative and positive conflict resolution rules**

Each country has its own complete independence and autonomy requisite for this action is based on the detection of materials and legislation in the interest of all countries in the same way that no citizen should be based on a and therefore have different laws on citizenship and naturalization of foreign nationals are not any comments regarding the respective foreign and the results of multiple citizenship and nationality, and if such a case, the court may sentence persons subject to the law of their home country this doubt comes to court Which of the laws of the respective countries to put in, and if the person is Apatryd What is the task? What is the law of his country. Positive conflict rules on the nationality of the person with dual citizenship is true that the two predictable positive conflict is: Conflict between the judge and the law of the country and the conflict between the laws of two or more other foreign country, the first of which is one of the few country judge that should be banned because judge



rules that the decision is inconsistent.

In such cases, the court is obliged to obey the laws of their respective countries, and the only rule is that the court is the court of origin and the respective claims of such a proposition is presented in court, and one of the few Iranian nationality or citizenship Iranian judge his Iranian nationality criterion is based on the principle of both international acts and in Article 3 of the 1930 Hague Convention on the Conflicts of nationality has been: Keeping with the provisions of this Treaty, any person who is a citizen of two or more countries the nationals of the country of each country can be.

In fact, when one person's nationality, citizenship, country of origin can not be a judge on the issue of cognitive conflict.

#### **Chapter Two: Positive and Negative Conflict**

The differences between the various countries may establish rules for conflict resolution are two types of conflict have positive and negative conflict, positive conflict is to each of the two rules conflict, the two nations that are involved in any way in the matter of its domestic law, the competent detect. For example, if an Iranian living in Britain has his personal status according to the Iranian government's rules of conflict of law will be the whereas, pursuant to the rules of conflict resolution English law is the domicile of UK personal status law the base of each of its domestic law, the competent conflict resolution to recognize that in this case it is called a positive conflict.

Negative conflict is when two rules conflict with each other in binding the two countries, the law recognizes thus, if we assume the person is residing in Iran English personal status law of the respective state's law will be the law of England But his personal status law under the English conflict rules Iran-quarters of the party. Thus, each rule in the negative conflict conflict resolution led to another law enforcement knows that this reduction provides according to the law of the foreign competent court rule conflict resolution diagnosed Selah knew his and the third law enforcement or court prescribes. Referred to in Article 973 of the Civil Code, if the court is of the law will be respected.

#### **Discussion**

On citizenship are considered different because each of them based on their interests that supply their needs the relationship between the individual citizen and the state is attempting to have a legal relationship that may be caused by a number of members constituting the population of a country is the naturalization systems are different in different countries these differences arise from the different perspectives of social, economic and cultural factors sometimes cause dual citizenship is the same for

everyone and creates problems for governments and individuals this problem already exists and makes positive and negative conflict that resulted in multi-nationality and the nationality of the country of nationality of people. Apply the rules of conflict of laws, which causes their efforts to resolve the courts are busy, so they can enforce the law applicable Theorem to describe the kind of place it should be clear communication between the various categories and rules relating to conflict of laws applying it to that their relationship is predicted due to various factors. Therefore, when and if the choice of competent law judge, subject to determination by the court here relationship and residence of the rule should review and comment on the nationality and residence of the rule of law and good practice on stage. When a court is faced with a person who has more than one nationality but is a citizen of his citizenship court judge government considers him a citizen of their respective states because according to international law, every state in determining who are the citizens of the state with the rule of independence and governments must make efforts at the international level in the form of a convention or agreement established procedures for dealing with citizenship and nationality of the person achieve.

Dual citizenship of an international legal vacuum and lack of uniformity in different countries and no international organization is to organize the issue. In time we hope to reduce it further coordination with the various governments work together. Since the causes are almost identical, dual citizenship seems to prevent it, especially by governments and the international community not too far away.

While such dual citizenship context for the formation of many security problems provides the benefit of all governments and individuals who exercise their best efforts to eradicate this issue.

Dual citizenship laws in many countries, including Iran, have not been considered, and the concept called dual citizenship law can not be found anywhere and the legislation is silent about silence as it is not accepted. And at present no agreement on dual citizenship between countries signed the settlement has not been implemented and when the country regardless of the will of other countries, their new citizenship applicants will delegate citizenship, dual citizenship based on nationality, citizenship education will be realized. Overall, we can say nothing to prevent the creation of a special international organization does not have dual citizenship but there are a few conferences and conventions in this regard as well as domestic laws have implicitly referred to.

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