Comparative Study of Nationality Transfer by Marriage in the Legal Systems of Iran and France

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Abstract

The aim of this study is to conduct a comparative analysis of the transfer of nationality through marriage in the legal systems of Iran and France. Given that nationality and its governing laws are inherently tied to the economic, social, and political conditions of societies, nationality laws exhibit a dynamic and evolving nature according to these conditions. Member states of the European Union, especially due to shifts in immigration policies, have consistently revised and amended their nationality laws. In contrast, Iran's nationality laws have not undergone significant transformation since their enactment nearly a century ago. European countries have developed and implemented various models of the jus soli system, which have successfully met the needs of migrant foreigners while enhancing their social integration and adaptation to national social norms. A comparison of the jus soli provisions stipulated in Article 976 of the Iranian Civil Code with those of European Union member states reveals that making the acquisition of Iranian nationality by children born in Iran to foreign parents contingent on the unknown status of the parents' nationality (Clause 3) may, in some cases, lead to statelessness. In contrast, it is preferable—following the model of European countries—to grant Iranian nationality in all cases where the denial of such nationality would result in statelessness.

Keywords: Nationality transfer, marriage, Islamic legal system, European Union legal system, France

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1. Introduction

Marriage and nationality are categorized under personal status matters, and depending on the legal systems of various countries, the political and utilitarian dimensions of nationality receive more attention in national laws. With the advancement of international interactions, communications, and the increase in cross-national migrations, the rising number of marriages

between individuals with different nationalities brings significant legal implications and consequences. Such marriages between nationals of different countries often give rise to conflicts of laws and the issue of dual nationality. In this regard, various countries, within the framework of their domestic legal systems and based on the nature of their international relations, have enacted specific nationality laws. These laws determine the rights and obligations of their nationals and individuals affected by changes in nationality, acquisition, transfer, or loss of nationality. Through this legal delineation, they aim to distinguish between the rights of nationals and foreigners, thereby maintaining public order in society (Daneshpajouh, 2020).

Countries have adopted different systems depending on whether a foreign woman marries a national man or a national woman marries a foreign man. Some have adopted a unified nationality system, while others endorse systems of (partial or full) independence of nationality, managing the influence of marriage on nationality according to national interests. The effect of marriage on nationality in different legal systems can be considered under two assumptions: the impact of such marriages on the nationality of the spouses themselves and the impact on the nationality of children born from such unions (Rashidi & Pourmohammad, 2021).

Regarding the effects of such marriages on the nationality of the spouses, it can be stated that personal status—an important subject in private international law—is influenced by the nationality of individuals. As mentioned earlier, different countries have various legal provisions for acquiring and losing nationality. The automatic result of nationality's effect on personal status is the emergence of conflicts between multiple national laws, particularly concerning marriage. The influence of nationality on marriage (in the formation of the marital bond) and the influence of marriage on nationality (in the stage of legal effects or international implications of marriage) are significant in countries where personal status is subject to the law of the individual's nationality. The reason nationality affects marriage is that in the private international law of certain countries like Iran, marriage is governed by the law of the individual's national state. Therefore, to determine the conditions and impediments to marriage, one must first establish the nationality of each individual. Moreover, mixed marriages are subject to the national laws of both parties, but they also impact the woman's nationality, potentially altering or transferring it. Thus, legal conflicts in marriage result from discrepancies in the nationality laws of countries, often manifesting as dual or mismatched nationalities in personal and family relationships. Comparative private international law reveals that such conflicts are addressed through various solutions. In cases of differing nationalities in personal and family relations, some countries apply the law of the place of residence (lex domicilii), while others apply the individual's national law (lex patriae) (Asadi et al., 2015).

As for the impact of international marriages on the nationality of children, in Iranian law, the status of children born to Iranian mothers and foreign fathers is examined in two distinct periods: before and after the enactment of the "Law on Determining the Nationality of Children Born to Iranian Women and Foreign Men" in 2006. In EU member states, the development of legal principles and varying practices across different time periods is also observable. Given the complexity and time-consuming nature of examining this issue across countries, this study focuses specifically on the comparative analysis of nationality transfer by marriage in the legal systems of Iran and France.

A study by Elahi and Torkashvand (2020), titled *Nationality in International Relations and Its Impact on the International Legal System*, was conducted using a library-based research method. The findings concluded that nationality denotes membership in a specific nation or state, indicating a person's political affiliation and loyalty. The governing principles of nationality derived from the study are: (1) every individual must possess a nationality (prohibition of statelessness), (2) individuals should not possess more than one nationality (prohibition of dual nationality), and (3) individuals must have the right to change their nationality (nationality flexibility). Furthermore, constitutional principles (domestic law) are prioritized over international law. According to general international law, birth is a determinant of nationality, marking the beginning of an individual's legal nationality status (Elahi & Torkashvand, 2020).

Another study conducted by Ahadi Parmar and Eshghpour (2019), titled *A Comparative Study of the Nationality of Children Born through Assisted Reproductive Technologies in Iranian and French Law*, found that Iranian legislation has not specifically addressed the nationality of children born through assisted reproduction. These children are treated similarly to those born via natural conception. According to Iranian law, such children are only granted Iranian nationality if one or both parents (or donors of the sperm or egg) are Iranian, or if the identity of the sperm or egg donor is unknown. If the identity and nationality of the donor are known and non-Iranian, the child is not granted Iranian nationality. In French law, children acquire French nationality

if their parents are French, or if the child has resided in France between the ages of 11 and 18 for at least five years, or if the child was born before 1994 (Ahadi Parmehr & Eshghpour, 2019).

A further study by Seyfi Zeinab and Shahmoradi Zavareh (2019), titled *A Comparative Study of the Non-Financial Rights of the Husband in Iranian and French Law*, stated that Iran's legal system, following dominant Islamic jurisprudential thought, accords the husband a position of authority over the wife. This perspective has led Iranian legislators to adopt male-dominant legal outcomes in matters such as the wife's employment, determination of residence, foreign travel, and recognition of nationality, thereby reflecting the husband's supremacy over the wife. In contrast, French law, although previously similar in such matters, has undergone reforms that have abolished the husband's unilateral authority over the family (Seifi Zeinab & Shahmoradi Zavareh, 2019). These reforms, inspired by the model of joint spousal management, have freed women from male dominance in employment, freedom of movement, nationality, and to some extent, shared family names. This comparative study aims to examine both Iranian and French legal systems' perspectives on non-financial rights of the husband, especially the legal reforms in France that transformed family management from "husband authority" to "shared collaboration," using a descriptive-analytical approach.

2. Research Method

This research employs a descriptive-analytical method. Data collection was conducted using a library-based approach, involving review and analysis of Persian and Latin legal books and scholarly journals to establish the theoretical framework. After gathering data from library sources, the content was analyzed. The research procedure involved collecting relevant information from existing sources, extracting necessary materials, organizing titles and topic lists, and compiling index cards. Extracted content was then categorized under appropriate chapters or sections. Upon completion of this process, findings, strategies, and recommendations were accurately derived. Following the referencing of books, journals, and documents related to the topic, a provisional list of necessary materials was created. Subsequently, the card-indexing phase began, and materials were organized using a scientifically grounded citation technique.

3. Findings

The issue of nationality, which falls within the realm of private international law, constitutes one of the most important legal-political subjects in human rights. It is the most fundamental link connecting an individual to their society. In fact, without the principle of nationality, the affiliation of individuals to a community—and thus the very concept of "nation" as a core element of sovereignty and statehood—becomes baseless. Nationality systems are generally based on either jus soli (law of the soil), jus sanguinis (law of blood), or a combination of both. Governments around the world, despite differences in interpretation and application, have always regarded nationality as an integral part of their sovereignty.

However, nationality in its conventional legal sense does not entirely align with the principles of divine religions, as it contradicts their universalist messages. In Islamic teachings, racial and territorial distinctions are acknowledged solely for the purpose of social identification and hold no intrinsic value. From the perspective of an Islamic monotheistic government, an individual's nationality is based on their Islamic faith rather than their race or birthplace. In contemporary times, global phenomena such as globalization, regional integration, and Islamic unity have led to a reexamination of the concept of nationality, challenging the traditional dominance of national sovereignty. Simultaneously, in the context of regional integration, nationality has acquired a unique complexity, distinguishing between economic, territorial, and religious convergences based on how nationality is treated.

The term "nationality" has been in use in the Persian language for approximately 150 years. Its French equivalent, *nationalité*, derives from *nation*, meaning "people," while in Arabic it is referred to as *tajnīs*. Nationality is a political and spiritual connection that links an individual to a specific state. In this view, the relationship between the individual and the state is political, derived from the sovereign power of the state which claims the individual as its own. However, this relationship also has a spiritual dimension, independent of the individual's place of residence. Iranian nationality, therefore, does not require physical residence in Iran. There are individuals who have never seen Iran yet possess its nationality. Iranians, wherever they reside, are legally and spiritually connected to Iran. Foreign nationals, by contrast, do not share such a connection. Even if they

reside in Iran, their physical presence does not generate a spiritual relationship of nationality, and they remain subject to foreign states.

In the Islamic Republic of Iran, the issue of nationality exists, as it does in the other 55 Muslim-majority countries, due to national borders and frontiers. In these nations, citizens are considered subjects of their respective governments. In Islam, however, such categorization does not exist. Islamic laws are based on the Qur'an and derive their authority from divine sources. These laws are not specific to any particular ethnic group, community, or geographical territory; rather, they are global in scope. Politically, all Islamic territories are considered a single entity. Islam, in principle, does not recognize non-Muslim states. The existence of a state of conflict between Islam and disbelief (kufr) is constant, although this does not contradict the freedom to convert to Islam. Non-Muslims can live in Islamic lands and practice their faith according to their own rites, but the Islamic state must actively pursue the objectives of Islam and its call to truth. As stated in the Constitution of the Islamic Republic of Iran, national policy must be based on both diversity and unity among Islamic nations and should aim to achieve political, economic, and cultural unity across the Islamic world.

To understand the history of nationality in Iran, one must examine pre-Constitutional Revolution treaties. The earliest known reference appears approximately 260 years ago in the Iran-Ottoman treaty dated Sha‘ban 1159 AH (October 1746 CE), which stipulated that if Iranian or Ottoman nationals fled to each other’s territories and sought to renounce their nationality, both governments would reject such renunciation and return them to the other state.

From that point on, treaties gradually replaced the term *subjects* (*ra‘aya*) with *nationals* (*atba‘*). The Treaty of Turkmenchay, dated 5 Sha‘ban 1243 AH (22 February 1828 CE), and a subsequent agreement concluded in four sections on 28 Jumada al-Thani 1260 AH (3 July 1844 CE) between Iran and Tsarist Russia, addressed the protection of Russian nationals in Iran and defined how Iranian officials should treat them. These treaties, however, effectively introduced *capitulations*, unilaterally granting privileges to Russian nationals while providing no means of identifying Iranian nationals.

Chapter Twelve of the Treaty of Paris, dated 1273 AH (4 March 1857 CE), concluded between Britain and Iran, also addressed nationality. It declared: "The British Government shall henceforth forgo the right to protect Iranian subjects who are not officially employed by the British embassy, provided that no other foreign government is granted or exercises such a right. Nevertheless, in this case, as in others, the British Government requires—and the Iranian Government undertakes—that privileges, exemptions, and courtesies afforded to foreign nations and their servants and subjects shall equally apply to the British Government and its agents and subjects." This treaty also reflects the continued extension of special privileges granted by Iran to foreigners.

The Treaty signed on 21 Dhu al-Qa‘da 1292 AH (December 1875 CE) in Istanbul between Iran and the Ottoman Empire addressed the issue of nationality and its consequences in Chapters Six and Nine.

A royal decree dated 1308 AH (1890 CE) from Naser al-Din Shah stipulated that all Iranian women who married foreign men must, upon the death of their husbands, be recognized as Iranian nationals. This implies that Iranian women lost their nationality upon marrying foreign nationals. In Shawwal 1317 AH (February 1900 CE), a decree titled *Nationality Law of the Sublime State of Iran* was signed by Mozaffar al-Din Shah. It consisted of 15 articles and was among the first laws to consider both *jus sanguinis* and *jus soli* principles.

On 24 Jumada al-Thani 1324 AH (August 1906 CE), a statute was drafted addressing nationality issues, including the rules for acquiring, losing, and changing Iranian nationality due to marriage. However, since Russia, the Ottoman Empire, and other European powers enjoyed capitulatory privileges in Iran, these regulations were largely ignored. The statute did recognize *jus soli* as a legal basis for nationality. In the Supplement to the Constitutional Law, the matter of nationality was discussed, and rights of nationals were distinguished from those of foreigners.

In 1925 CE (1344 AH), the Iranian cabinet introduced a draft nationality law with ten articles to the National Consultative Assembly. This draft was based on the earlier statute but did not pass through the legislative process and thus remained unratified. On 7 September 1929 (16 Shahrivar 1308 SH), the *Nationality Law*, consisting of sixteen articles, was passed by Parliament. On 21 October 1930 (29 Mehr 1309 SH), two additional articles were approved as a supplement to the law. Together, these formed the foundation of Iran's nationality framework until 1935 (1313 SH).

On 16 February 1935 (27 Bahman 1313 SH), the nationality provisions of the Civil Code—Articles 976 to 991—were ratified. The Constitution of the Islamic Republic of Iran (1979) dedicates Articles 41 and 42 to nationality, and in 1982 and again in 1991, several provisions of the Civil Code related to nationality were amended.

Currently, Article 976 of the Civil Code outlines the principles of nationality as recognized by the Islamic Republic of Iran, with other articles detailing its application.

Article 976 states that the following persons are considered Iranian nationals:

1. All residents of Iran, except those whose foreign nationality is established. A person's foreign nationality is considered established if their citizenship documents are not contested by the Iranian government.
2. Those whose father is Iranian, regardless of whether they were born in Iran or abroad.
3. Individuals born in Iran to unknown parents.
4. Individuals born in Iran to foreign parents, provided one of the parents was also born in Iran.
5. Individuals born in Iran to a foreign father who reside in Iran for at least one additional year after turning 18. Otherwise, their acquisition of Iranian nationality shall follow the legal procedures set forth for naturalization.
6. Any foreign woman who marries an Iranian man.
7. Any foreign national who has acquired Iranian nationality.

Note: "Children born to foreign diplomatic and consular representatives are not subject to paragraphs 4 and 5."

Therefore, under the current Article, Iranian nationality can be acquired in four ways:

1. Through the application of *jus sanguinis* (law of blood)
2. Through the application of *jus soli* (law of soil)
3. Through marriage
4. Through application and independent naturalization approval.

Accordingly, the issue of nationality as accepted and practiced in the modern global civilization differs from the interpretation offered by Islam. In every Islamic country, Muslims from other nations are considered foreigners because they do not possess the nationality of that country. Naturally, in terms of political rights, public rights, and private rights, there are differences between nationals and foreigners. Nationals of each country enjoy numerous rights and privileges that are denied to foreigners. Within the structured and recognized international system of today, such differences between nationals and foreigners are inevitable. In this established international order, the concept of Islamic unity or solidarity among Muslims rarely moves beyond rhetoric. There exists a vast body of discourse on nationality systems and differing theories about achieving unity.

For decades, 25 Christian European countries have made efforts toward unity—not on the basis of religion, but under the banner of democracy. The notion of "Europe" has eliminated many separatist issues through various means. Their unity rests primarily on material and economic interests, ultimately aiming to shape Europe into a global industrial and economic hub, enhancing citizens' welfare regardless of religion, race, or ethnicity. Muslim countries, however, face different conditions and cannot replicate that model for achieving unity. Despite enduring factors of division, a spiritual bond still exists among Muslims worldwide. However, after centuries of silence and the plundering of their wealth by colonial powers, Muslim nations now find themselves in a state of awakening. They must connect Islamic spirituality with the resources being looted, initiate leaps in various domains, strengthen their economic foundations, and prepare mechanisms to resist future aggressions.

One of the major issues in Islamic private international law is the concept of nationality and the nature of the relationship between the *individual* and the *Islamic state*—a relationship by which the individual becomes a member of the polity and acquires rights and responsibilities. In secular legal systems, nationality is based on a person's legal relationship with a specific state, determined by geographical and contractual boundaries. In contrast, Islamic legal frameworks offer a broader and more inclusive interpretation. Under Islamic law, nationality is based either on faith (i.e., embracing Islam—*faith-based nationality*) or on allegiance and contractual recognition of the Islamic government (*covenantal nationality*). Hence, from an Islamic legal perspective, nationals of the Islamic state include those who convert to Islam or those who, via agreements with Muslim authorities, accept the Islamic government and its laws. This foundational difference causes Islamic nationality to diverge significantly from that of secular legal systems.

Islamic jurisprudence recognizes three forms of nationality: 1) *Ummah-based or Islamic nationality*, grounded in the concept of a unified Islamic community; 2) *Covenantal nationality*, based on treaties like the *Dhimmi* pact; and 3) *National nationality*, based on material and legal elements in line with modern international law. Contemporary international law primarily focuses on national (state-based) nationality.

The establishment of an Islamic government in Iran and the passage of nearly two decades since its founding have dispelled misconceptions such as the belief that Islam concerns only moral and spiritual matters and is silent on governance. In practice, Islam has demonstrated its capacity to govern and its insistence on establishing an Islamic political system. Accepting the Islamic government entails embracing its components, including the structure of population and unity. Determining the connecting factor between individuals and the government—which the law terms *nationality*—must rely on a stable, universal, identifiable, and accessible basis. Otherwise, society and government risk instability and disorder. From the earliest days of Islam until today—especially within the current Islamic Republic of Iran, as indicated in Articles 41 and 42 of its Constitution—the reality proves that the Islamic theory of nationality is not strictly based on belief in Islamic law. Rather, the most appropriate method for defining nationality in Islam aligns with Islamic jurisprudence and state practice, particularly in the Islamic Republic of Iran. Accepting this approach does not contradict the universality of Islam or the unity of the Muslim *Ummah*. In a value-based and social sense, Muslims worldwide are part of the *Ummah* but not necessarily nationals of the Islamic Republic of Iran. The existence of *Dhimmi* (protected non-Muslims) within Islamic governance and their recognized nationality further validates this claim.

One legal mechanism to prevent statelessness and to determine original nationality is the application of *jus sanguinis* (nationality by descent), whereby a person's nationality is defined by that of their parents. Another method is *jus soli* (nationality by place of birth), which determines nationality based on the individual's birthplace. Nonetheless, differences exist regarding the conditions under which descent or birthplace lead to automatic nationality, and each country determines this based on its own interests.

With increasing international migration and cross-national marriages, the effects of such unions on the nationality of children and the long-term consequences have made nationality a critical issue for governments. Since nationality laws differ across countries, marriages between individuals of different nationalities result in conflict of laws and dual nationality. This article has examined the effects of marriage on the nationality of children under Iranian and French law.

Iranian nationality through descent from an Iranian father (*jus sanguinis*) is established under Article 976, Clause 2 of the Civil Code: "Individuals whose father is Iranian, whether born in Iran or abroad, are considered Iranian nationals." Likewise, Clause 5 of the same article stipulates that: "Individuals born in Iran to a foreign father, who reside in Iran for at least one additional year after turning 18, are considered Iranian nationals."

In France, after World War I, problems arising from marriages between French women and foreign men led to legislative reforms. In 1927, France adopted a mixed system of *jus soli* and *jus sanguinis*, allowing children born to French mothers to acquire French nationality—provided they were born in France. This rule lasted 17 years. In 1945, the discrimination was eliminated, and since then, French law recognizes nationality transfer through either parent, regardless of birthplace. Even children born to French mothers outside France now automatically acquire French nationality.

Among the most significant non-financial rights of the husband under Iranian law is the right to determine the family residence, where the wife must live unless otherwise stipulated in a prenuptial agreement. This reflects a patriarchal model of family governance. Granting this right solely to the husband (and not jointly to both spouses) has been criticized. Under French civil law, the family residence is to be jointly determined by mutual agreement of both spouses.

Another such right is the husband's authority to prevent the wife from obtaining a passport or leaving the country. According to Clause 3, Article 18 of the amended Passport Law (2001), the wife must obtain written permission from her husband through notarized documentation. This legal requirement reflects male authority within the family. However, in France, such restrictions were abolished by the 1972 reform law.

The husband's authority to prevent the wife from working is another non-financial right under Iranian law and represents a continuation of the male-headed household model. While Iranian law (Article 18 of the 1974 Family Protection Law) recognizes the wife's right to work to a limited extent, the extent of this right remains less than that of the husband. Notably, recent Iranian judicial practice shows increasing tolerance toward female employment, reflecting social evolution. In French law, the legal and societal path for recognizing the working rights of married women has progressed considerably. Today, French civil law guarantees women the right to work without spousal restriction.

As for surname rights, Iranian law allows the wife to use her husband's surname during the marriage with his consent, but she must obtain further consent to continue using it after divorce. The reverse—where a husband uses his wife's surname—is not addressed in Iranian law and requires special permission. In contrast, French civil law permits either spouse to use the

other's surname, either as a replacement or in conjunction with their own, as a customary or social name. Post-divorce, the default is that neither spouse may continue using the other's surname unless they can demonstrate a legitimate interest, such as child welfare.

In reviewing the relevant legal frameworks, it becomes clear that the greatest obstacle to the transmission of nationality from Iranian mothers to their children lies in Clause 5 of Article 976 of the Civil Code and the 2006 Single Article Law. These provisions create a legal disparity between the transmission rights of fathers and mothers. This inequality has no basis in Islamic or religious law and is inconsistent with established legal principles in both common law and civil law systems. Over time, those systems have corrected such inconsistencies to ensure equal rights for both parents in matters of nationality. It is therefore time for Iranian lawmakers to amend these legal disparities and eliminate discriminatory practices that most acutely harm children. Iran should, as clearly as Article 18 of the French Civil Code, recognize any child born to an Iranian parent—whether father or mother—as an Iranian national. Such reform would align Iran's domestic law with its commitments under the Convention on the Rights of the Child, especially Article 7. However, for practical and political reasons, initial reforms should focus on granting nationality to children born in Iran to Iranian mothers.

Where spouses have different nationalities, their personal relations may fall under multiple legal systems. Even in determining the validity of marriage, conflicts of law may arise. Under Iranian law, marriage is classified as a personal status matter, not as a contract subject to the law of the place of conclusion. To prevent legal conflict, the law of the husband's nationality or religious tradition is often applied to govern the relationship.

Despite legislative silence, it seems that vested rights of the spouses should be governed by the husband's national law or religious rules at the time of marriage. If the husband is stateless, the court's law applies. If he is a refugee, his personal status is governed by the law of his place of residence. This applies regardless of whether the husband is legally competent or under guardianship.

These legal rules govern all valid marriages, whether permanent or temporary. Prior to marriage, each party is governed by the personal status law of their nationality or sect. Iranian non-Shiite citizens are also subject to their own religious customs.

In cases where the husband's national law refers the matter to another legal system, such referral is valid if it materially resolves the issue. Otherwise, the decision may face challenges at the enforcement stage due to conflict of laws. The husband's national law governs substantive relations between the spouses, while procedural matters such as marriage registration fall under the jurisdiction of the location of the registry office.

This legal framework applies as long as the marital bond exists; physical presence of the husband is not required. If a missing husband returns or the couple reconciles post-divorce, the marital relationship is reinstated under the husband's national law.

Since divorce and annulment presuppose the existence of a valid marriage, their conditions and consequences are also subject to the husband's national law or religious tradition. This legal extension continues during the waiting period (*'iddah*) in revocable divorce.

Article 963 of the Iranian Civil Code states that in cases of differing nationalities, the couple's financial relations are subject to the husband's national law. However, inheritance and wills, being elements of personal status and triggered by the dissolution of marriage, are excluded from this and instead follow the religious rules or the deceased's national law, as applicable.

4. Conclusion

In the Islamic Republic of Iran, as in many other Islamic countries, marriage serves as the foundation for family formation (Article 10 of the Constitution of the Islamic Republic of Iran) and is considered a sacred institution essential to the strengthening of that foundation. Typically, spouses share common religious, cultural, and social roots and are, in religious terminology, considered *kufw* (compatible). However, there are instances where spouses are considered strangers to one another. In positive law, this strangeness is attributed to their nationality and citizenship status. Nationality is a political, spiritual, and legal relationship that connects an individual to a specific state. In contrast, a foreigner is one who does not possess the nationality of the host country, regardless of whether they are stateless or a national of another country (Ahadi Parmehr & Eshghpour, 2019). Each country has its own customs, traditions, and legal system, and despite these cultural differences, inter-national marriages have long existed. These differences have often resulted in legal conflicts between nations. Private international law, as a branch of legal science, addresses the regulation of private relationships, including nationality

conflicts arising from marriage. French and Iranian women both face challenges and legal issues concerning nationality in the context of marriage.

The comparison of Iran's domestic laws with those of European Union member states reveals that countries have enacted diverse laws concerning the effects of marriage on individual nationality, based on their national interests. Consequently, in cases of marital conflict, the issues of dual nationality and conflict of laws persist on the international level. The nationality status of children resulting from such marriages, particularly in countries like Iran that do not recognize maternal transmission of nationality, remains ambiguous. Meanwhile, in many cases, children of individuals who acquire nationality through marriage enjoy state-granted benefits, including political protection and the right to vote. However, most countries do not permit such naturalized individuals to hold high-ranking public positions or only allow this under special conditions. Therefore, it is essential that states work toward harmonizing nationality laws through international conventions in order to advance the development of a unified international legal system.

Moreover, given that nationality and its corresponding laws are tied to the economic, social, and political circumstances of each society, these laws are inherently dynamic and evolving. EU member states, especially due to changing immigration policies, continuously revise and adapt their nationality laws. In contrast, Iran's nationality laws have remained largely unchanged for nearly a century. European countries have developed and implemented various models of *jus soli* (law of the soil), which not only address the needs of migrant foreigners but also enhance their social integration and adaptation to national norms. A comparison of Iran's *jus soli* provisions—particularly Article 976 of the Civil Code—with those of EU countries indicates that the Iranian requirement that the nationality status of parents be unknown (Clause 3) for children born in Iran to acquire Iranian nationality often results in statelessness. A more desirable approach, as adopted in European systems, would be to grant Iranian nationality in all cases where failure to do so would result in statelessness.

Additionally, the current application of *jus soli* in Clause 4 of Article 976—which grants nationality to children born in Iran to parents where at least one was also born in Iran, regardless of the parents' residence—fails to consider social integration or familiarity with national societal conditions. In contrast, European countries not only consider the child's birth but also require at least one parent to be a legal resident of the country. Furthermore, the conditional *jus soli* system found in Clause 5 of Article 976, which imposes a 19-year residency requirement, leads to a situation where a child born in Iran to foreign parents retains the father's nationality until age 19 and may only then acquire Iranian nationality. Conversely, in many European states, parental residency prior to the child's birth is sufficient for the automatic acquisition of nationality at birth. This practice ensures that the child's nationality is determined at birth and is not deferred until the age of 19.

Therefore, it is recommended that Iranian legislators revise and modernize Article 976 of the Civil Code in light of European experiences and in alignment with current social needs. Specifically, reforms should address the acquisition of nationality through *jus soli* by children born in Iran, thereby reducing instances of statelessness and promoting integration.

Authors' Contributions

Authors contributed equally to this article.

Declaration

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

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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