

Iraqi Official Gazette Issue 4019 dated March 7, 2006, No.26

In the name of the people,

The Council of Presidency,

In view of the expiry of the legal term stipulated in Article 37 of the Transitional State administration Law and pursuant to the provisions of paragraphs A-B of Article 33 of the State Administration Law, the following law is hereby issued:

Article 1:

For the purposes of this law, the following terms shall have the meaning as follows:

- a. The Minister : the Minister of Interior;
- b. An Iraqi: a persons enjoys Iraqi nationality; and
- c. Age of maturity: the age of eighteen full calendar years.

Article 2:

Anyone who has acquired Iraqi nationality by virtue of the provisions of the repealed Iraqi Nationality Law No. 42 of 1924, the Iraqi Nationality Law No. 43 of 1963 and No. 5 of 1975 on granting Iraqi nationality to Arabs, and the decisions by the defunct Revolutionary Command Council granting Iraqi nationality shall be considered Iraqi.

Article 3:

A person shall be considered Iraqi if:

- a. he/ she is born to an Iraqi father or an Iraqi mother;
- b. he/ she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof to the contrary, be considered to have been born therein.

Article 4:

The Minister may consider Iraqi any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses the Iraqi nationality, within one year from coming of age (reaching the age of maturity), unless he fails to do so, due to difficult circumstances, provided that he is residing within Iraq at the time of application for the Iraqi nationality.

Article 5:

The Minister may consider Iraqi anyone who was born within Iraq to a non-Iraqi father, who was also born in Iraq, had come of age and had

been habitually residing therein at the time of child's birth, provided the child will apply for the Iraqi nationality.

Article 6:

I-The Minister may approve naturalization of non-Iraqis subject to the following conditions:

- a. That the person concerned has come of age;
- b. That the person concerned has legitimately entered Iraq into and has residing within Iraq at the time of applying for naturalization;
- c. That the person concerned has been legitimately residing within Iraq for ten consecutive years prior to applying for naturalization;
- d. That the person concerned is of good conduct and reputation and was not convicted on an offense or dishonorable misdemeanor;
- e. That the person concerned has conspicuous means of livelihood; and
- f. That the person concerned is free of communicable diseases.

II- Iraqi nationality shall not be granted to Palestinians as a guarantee to their right to return to their homeland.

III- Iraqi nationality shall not be granted for the purposes of population settlement policy prejudicial to demographic composition.

IV- All decisions granting Iraqi nationality, issued by the passing regime to meet its purposes, shall be reconsidered.

Article 7:

I-The Minister may approve naturalization of a non-Iraqi married to an Iraqi woman subject to the conditions set forth in Article 6 hereof, provided the period of residence stipulated in Paragraph c of item I of Article 6 hereof shall be no less than five years and on condition of continued wedlock.

Article 8:

A non-Iraqi who is granted Iraqi nationality by naturalization shall take an oath of allegiance before the national director concerned within ninety (90) days of the date of being so notified. A person shall be considered Iraqi effective the date of taking the following oath:

"I swear by Allah almighty to preserve Iraq and its sovereignty, to abide by the conditions of good citizenship and adhere to the provisions of the Constitution and applicable laws. May Allah be my witness."

Article 9:

I- A non-Iraqi who is granted Iraqi nationality by naturalization pursuant to Articles 4, 5, 6, 7 and 11) hereof shall enjoy the same rights of an Iraqi, unless those excluded by a special law.

II- A non-Iraqi who is granted Iraqi nationality by naturalization pursuant to Articles 4, 6, 7 and 11) hereof shall not be a minister or member of a parliamentary body before the lapse of ten years of the date of acquiring Iraqi nationality.

III- A non-Iraqi who is granted Iraqi nationality pursuant to Articles 4, 6, 7 and 11) hereof shall not occupy the post of president or vice-president of Iraq.

IV- An Iraqi who holds another acquired nationality shall not assume a top level sovereign or security position, unless he/ she has renounced that nationality.

Article 10:

- I- An Iraqi who acquires a foreign nationality shall retain his Iraqi nationality, unless he has declared in writing renunciation of his Iraqi nationality.
- II- Iraqi courts shall apply Iraqi laws on holders of Iraqi nationality together with that of a foreign state.
- III- An Iraqi who has renounced his Iraqi nationality shall have the right to restore it if he/ she return to Iraq and stayed there for at least one year. The Minister may consider this person Iraqi as of the date of his return if he/she has submitted an application for restoring Iraqi nationality before the expiry of said period. This right is availed only once and for all.

Article 11:

A non-Iraqi woman married to an Iraqi shall have the right to acquire Iraqi nationality subject to the following conditions:

1. That he has submitted an application to the Minister;
2. That she has been married and resident within Iraq for five years; and
3. That she has been engaged in wedlock up to the date of application. Exempted from this condition shall be any divorced or widowed woman, who has a child from her divorcee or deceased husband.

Article 12:

If an Iraqi woman marries a non-Iraqi and acquires the nationality of her husband, she shall not lose her Iraqi nationality, unless she has declared in writing renunciation of her Iraqi nationality.

Article 13:

If an Iraqi woman renounces her Iraqi nationality in accordance with item (III) of Article 10 hereof, she shall have the right to restore her Iraqi nationality subject to the following conditions:

- I- if her non-Iraqi husband is granted Iraqi nationality, or if she remarries a man enjoying Iraqi nationality; in which case, she shall regain her Iraqi nationality effective the date of application to this effect.
- II- if her husband passes away, divorces her or terminates their marriage contract, in which case she shall regain her Iraqi nationality effective the date of application to this effect, provided she has been resident in Iraq at the time of application to this effect.

Article 14:

- I- If a non-Iraqi acquires Iraqi nationality, his minor children shall be Iraqis, provided that they are residing with him in Iraq.
- II- If an Iraqi loses Iraqi nationality, his minor children shall consequently lose that nationality. Notwithstanding, they may restore Iraqi nationality upon their request if they return to and reside in Iraq. They shall be considered Iraqis for one year effective the date of return. Excluded from the benefit of this provision shall be the children of Iraqis denaturalized by virtue of the provisions of Law No. (1) of 1950 and Law No. (12) of 1952.

Article 15:

The Minister may, following a final court judgment, withdraw Iraqi nationality from a naturalized non-Iraqi if he is proved to have perpetrated or attempted to perpetrate an act considered to jeopardize State security or safety or has provided wrong information of himself or his family upon submitting the application.

Article 16:

An Iraqi who loses his Iraqi nationality shall not be released of any such financial obligations incurred thereby prior to loss of nationality.

Article 17

Decision No. 666 of 1980 issued by the (defunct) Revolutionary Command Council shall be repealed and Iraqi nationality shall be restored to all Iraqis deprived of their Iraqi nationality under the said as well as all other unfair decisions issued by the (defunct) Revolutionary Command Council in this respect.

Article 18

I- Any Iraqi, who was denaturalized on political, religious, racist or sectarian grounds, shall have the right to restore his Iraqi nationality, subject to submission of an application to this effect. In the case of his death, his children, who have lost their Iraqi nationality consequent to his father's loss of nationality, shall have the right to submit an application to restore Iraqi nationality.

II- Excluded from the benefit item I of this Article shall be those Iraqis who had lost their nationality pursuant to Law No. (1) Of 1950 and Law No. (12) Of 1952.

Article 19:

Administrative courts shall have the competence to hear lawsuits arising from the application of the provisions of this law.

Article 20:

Both applicants for naturalization and the minister, in addition to their respective capacities, shall have the right to contest a decision passed by administrative courts before the Federal Court.

Article 21:

I- The Iraqi Nationality Law No. 43 of 1963 shall be repealed. However, the instructions issued under this law shall remain in effect as far as they do not conflict with the provisions of this present law, pending the issuance of instructions that will replace or repeal them.

II- Law No 5 of 1975 on granting Iraqi nationality to Arabs shall be retroactively repealed, unless it will lead to statelessness.

III- The (inactive) Nationality and Civil Information Law No. 46 of 1990 shall be repealed.

Article 21:

Any text contradictory to the provisions of this law shall be repealed.

Article 22:

The Minister shall issue instructions to facilitate the enforcement of the provisions of this law.

Justifications

This law is enacted to

- ✓ Standardize provisions of Iraqi nationality;
- ✓ Repeal texts relating to the deprivation of an Iraqi who had acquired a foreign nationality;
- ✓ Enable an Iraqi who had been arbitrarily deprived of his nationality to duly restore it;
- ✓ Attach an Iraqi wherever he lived in the world to his homeland and urge him to belong to Iraqi soil even though he has acquired another nationality.