

قانون مدنی ایران با انگلیسی

(23) IRANIAN CIVIL CODE

SUB - SECTION 4

ON THE INHERITANCE OF HUSBAND AND WIFE (2)

Article 966. Possession, ownership and other rights exercised over movable or immovable property follow the laws of the country where the things exist or are situated ; nevertheless, the transfer of moveable property from one country to another cannot affect or limit the rights which persons may have acquired over those things in accordance with the laws of the country in which the things were first situated .

Article 967. The movable or immovable property of deceased foreign nationals in Persia will be dealt with under the laws of the country of the deceased person only in the case of essential laws such as the laws concerning the nomination of the heirs, the determination of the extent of their respective shares in the inheritance and of the proportion of the assets which the deceased person could have disposed of by virtue of a will.

Article 968. Liabilities arising out of transactions (Aqd) are subject to the laws of the place of the performance of the transaction (Aqd) except in cases where the parties to the transaction are both foreign nationals and have explicitly or by implication declared the transaction to be subject to the laws of another country.

- Article 969.** The method of drawing up a document follows the laws of the place where that document is drawn up.
- Article 970.** Foreign diplomatic or consular officers in Iran can carry out marriage formalities only in cases where the parties to the marriage are both nationals of their country and also where the laws of that country allow them to do so. The marriage must in any case be registered at the Civil Status Office.
- Article 971.** Claims and Law-suits follow, in matters of competency of the courts and of laws of procedure, the laws of the place where they are preferred. The fact that the same case or claim is already being decided by a foreign court cannot nullify the competency of the Iranian court.
- Article 972.** Effect cannot be given in Iran to Judgements issued by foreign courts and official documents recognised as being enforceable by law in a foreign country unless an order to do so is issued in accordance with Iranian Laws.
- Article 973.** If, in accordance with the Article 7 of Volume I of this law or the foregoing Articles, the law of the foreign country which is to be enforced has transferred the enforcement to another law, the court (meaning the Iranian court—translator) is not bound to observe this transfer of jurisdiction unless the transfer was originally made in favour of Iranian Jurisdiction.
- Article 974.** The stipulation of Article 7 and of Article 962 to 964 of this law will only be enforced insofar as the enforcement is not incompatible with the international treaties signed by the Iranian Government or with the provisions of special laws.
- Article 975.** The court cannot enforce foreign laws or private agreements which may be considered by virtue of injuring the feelings of society or for other reasons, as contrary to public order, notwithstanding the fact that

the enforcement of such laws is permissible in principle.

BOOK 2 CONCERNING NATIONALITY

Article 976. The following persons are considered to be Iranian subjects:

1. All persons residing in Iran except those whose foreign nationality is established: the foreign nationality of such persons is considered to be established if their documents of nationality have not been objected to by the Iranian government.
2. Those born in Iran or outside whose fathers are Iranian.
3. Those born in Iran of Unknown parentage.
4. Persons born in Iran of foreign parents, one of whom was also born in Iran.
5. Persons born in Iran of a father of foreign nationality who have resided at least one more year in Iran immediately after reaching the full age of 18; in other cases their naturalisation as Iranian subjects will be subject to the stipulations for Iranian naturalisation laid down by the law.
6. Every woman of foreign nationality who marries an Iranian husband.
7. Every foreign national who has obtained Iranian nationality.

Note:- Children born of foreign diplomatic and consular representatives are not affected by items 4 and 5 this Article.

Article 977. Persons mentioned in items 4 and 5 of the foregoing Article have the right, till one year after reaching the full age of 18, to accept the nationality of their fathers provided that, during the period above mentioned, they submit a written declaration to the Ministry of Foreign Affairs to which they should annex a cer-

tificate issued by the government of their fathers to the effect that they would be recognised eventually as nationals of that government.

Article 978. Reciprocal treatment will be observed in the case of children born in Iran of nationals of countries where children born of Iranian subjects are considered as nationals of that country and the return of such children to Iranian nationality is made dependent on permission.

Article 979. Persons can obtain Iranian nationality if they:

1. Have reached the full age of 18;
2. Have resided five years, whether continuously or intermittently, in Iran;
3. Are not deserters from military service;
4. Have not been convicted in any country of non political misdemeanours or crimes of importance.

In the case of category 2 of this Article, the period of residence in foreign countries in the service of the Iranian government will be considered as residence in Iran.

Article 980. Those opting for Iranian nationality who have rendered services or notable assistance to public interest in Iran, or who have Iranian wives by whom children, or who have attained high intellectual distinction or who have specialised in affairs of public interest, can be accepted as Iranian nationals without the observance of the requirement of residence, subject to the sanction of the Council Ministers and provided that government considers their naturalisation to Iranian nationality to be advisable.

Article 981. If within a period of five years from the date of issue of the document of nationality, it is found out that the person naturalised as an Iranian national has been a deserter from military service and also if, before the expiry of the period fixed by Iranian laws

for the prescripition of prosecution in the case of offences or of imposition of consequent punishments, it is found that the person accepted as an Iranian national was previously convicted of important offences or public crimes, the Council of Ministers will issue a decision debarring that person from Iranian nationality

Note.

Foreign nationals accepted as Iranian nationals who reside in foreign countries and who commit the following offences will be excluded by decision of the Council of Ministers from Iranian nationality besides being subjected to the punishments laid down by laws:

- (a). Those who commit acts against the internal and external security of Iran or who oppose or work against the national constitutional regime and the liberty of the country;
- (b). Those who do not fulfil the obligattons of conscription according to Iranian Law.

Article 982. Those who have obtained or who obtain Iranian nationality will enjoy all rights recognised for Iranians withe the exception of the right to attain to the position of cabinet rank or of acting Minister or any kind of diplomatic position abroad.

They cannot, however, attain the following position until ten years after the document of nationality:-

1. Membership of Legislative Assemblies;
2. Membership of provincial or District Councils or Municipal councils;
3. Entry into the service of the Ministry of Foreign Affairs.

Article 983. An application for naturalisation must be submitted to the Ministry of Foreign Affairs direct or through the governoes or goveneres General, and be accompanied by the following documents,

1. Certified copy of the identity papers of the applic-

ant, his wife and children;

2. Certificate from the police stating the period of residence in Iran of the applicant, his freedom from evil records, possession of sufficient property or of employment which ensures a livelihood The Ministry of Foreign Affairs will complete. if necessary, the particulars concerning the applicant and will send the papers to the Council of for an appropriate decision rejecting or acceting the application, If the appropriate is accepted a document of nationality will be delivered to the applicant.

Article 984. The wife and minor children of those who obtain Iranian nationality in accordance with this law will be recognised as Iranian nationals; but the wife can submit, within one year of the date of issue of nationality papers to her husband. and the minor children can submit, within one year after reaching the full age of 18, a written declaration to the Ministry of Foreign Affairs acceptance the former nationality of her husband or the father as the case may be' provided, however, that the certificate mentioned in Article 977 is attached to the declaration of the children whether male or female.

Article 985. Adoption of Iranian nationality by the father in no way affects the nationality of his children who may have attained the full age of 18 at the date of his application for naturalisation.

Article 986. A non-Iranian wife who may have acquired Iranian nationality by marriage, can revert to her from nationality after divorce or the death of her husband, provided that she informs the Ministry of Foreign Affairs in Writing of the fact; but a widow who has children from her former husband cannot take advantage of this right so long as her children have not attained the full age of 18.

In any case, a woman who may acquire foreign nationality according to this Article cannot possess properties except within the limits fixed for foreign nationals. If she possesses landed properties more than those allowed in the case of foreign nationals, or if subsequently she comes into possession by inheritance of land properties exceeding that limit, she must transfer by some way or other to Iranian nationals the surplus amount of landed properties within one year from the date of her renunciation of Iranian nationality or within one year from the date of her acquiring the inherited property. Failing this, the properties in question will be sold under the supervision of the local public prosecutor and the proceeds will be paid to her after the deduction of expenses of sale.

Article 987. An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the husband the latter's nationality is imposed by marriage upon the wife.

But in any case, after the death of the husband or after divorce or separation, she will re-acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation.

Note: (1). If the Law of nationality of the country of the husband leaves the wife free to preserve her former nationality or to acquire the nationality of her husband, the Iranian wife who opts to acquire the nationality of her husband and who has proper reasons for doing so can apply in writing to the Ministry of Foreign Affairs and the Ministry can accord her request.

- (2). Iranian woman who acquire foreign nationality by marriage have not the right to possess landed properties except those which they possessed at the time of their marriage. This right, however, cannot be transferred to foreign heirs.

The stipulations of Article 988 so far as they concern going out of Iran do not apply to the woman above-mentioned.

Article 988. Iranian nationals cannot abandon their nationality except on the following conditions:—

1. That they have reached the full age of 25.
2. That the Council of Ministers has allowed their renunciation of their Iranian nationality.
3. That they have previously undertaken to transfer, by some means or other, to Iranian nationals, within one year from the date of the renunciation of their Iranian nationality, all the rights that they possess on landed properties in Iran or which they may acquire by inheritance although Iranian laws may have allowed the possession of the same properties in the case of foreign nationals. The wife and children of the person who renounces his nationality according to this Article do not lose their Iranian nationality, whether the children are minors or of age, unless the permission of the Council of Ministers allows them to renounce their nationality:
4. That they have terminated active military service.

Remarks: Those who may venture to apply for the renunciation of their Iranian nationality according to this article in favour of a foreign nationality must, besides carrying out the stipulations of item 3 of this Article, leave Iran within one year. If they fail to do so, the proper authorities will issue orders for their expulsion and the sale of their properties.

Such persons must obtain special permission from

the Council of Ministers if they wish to come to Iran in future and the permission will be only issued once and for a specified duration of time.

Article 989. In case any Iranian subject acquired foreign nationality after the solar year 1280 (1901-1902) without the observance of legal stipulations, his foreign nationality will be considered null and void and he will be regarded as an Iran subject. Nevertheless, all his landed properties will be sold under the supervision of the local public prosecutor and the proceeds will be paid to him after the deduction of the expenses of sale. He is, furthermore, debarred from attaining the position of Cabinet Minister or Assistant Minister or of membership of the Legislative Assemblies, Provincial and District Councils and Municipal Councils, or any other Governmental positions.

Article 990. Iranian subjects who may have personally, or whose fathers may have, renounced Iranian nationality in accordance with the legal stipulations and who may wish to re-acquire their original nationality can be reinstated in their Iranian nationality by mere application unless the Government may deem the grant of their application to be inadvisable.

Article 991. Particulars and instruction concerning the enforcement of the Nationality Law and the exaction of the 'Chancellerie' fees in the case of those who may apply for naturalization as Iranian nationals, or renunciation of Iranian or retention of original nationality, will be specified in regulations which will have to be sanctioned by the Council of Ministers.