



# Official Gazette of Iraq

## Iraqi Nationality Law

No. (26) Of 2006

قانون الجنسية العراقية

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### **In the name of the people Presidency Council**

In view of the expiration of the legal period stipulated in Article (37) of the Transitional Administration Law of the Iraqi State, and based on the provisions of paragraphs (a-b) of Article (33) of the State Administration Law, the following law was issued:

### **No. (26) Of 2006 Iraqi Nationality Law**

#### **Article 1**

For the purposes of this law, the following expressions have the meanings indicated next to them:

- a. Minister: Minister of Interior.
- b. Iraqi person: The person who enjoys Iraqi nationality.
- c. Age of adulthood: Full Eighteen years calculating in accordance with the Gregorian calendar.



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### Article 2

It shall be considered an Iraqi national who obtains Iraqi nationality under the provisions of the repealed Iraqi Nationality Law No. (42) of 1924, the Iraqi Nationality Law No. (43) of 1963, the Law on Granting Iraqi Nationality to Arabs No. (5) Of 1975 and the decisions of the dissolved Revolution Command Council (regarding granting the Iraqi nationality).

### Article 3

Provisions related to the Article

It shall be considered an Iraqi national:

- a. Whoever born to an Iraqi father or an Iraqi mother.
- b. Whoever was born in Iraq to unknown parents and a foundling found in Iraq shall be considered born in Iraq, unless evidence to the contrary is provided.

### Article 4

The Minister may consider a person born outside Iraq to an Iraqi mother and an unknown or stateless father as a Iraqi national if he/ she chooses it within a year from the date of reaching the age of adulthood, unless difficult circumstances prevented so, provided that he/ she is residing in Iraq at the time of submitting the application for Iraqi nationality.



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### Article 5

The Minister may be considered an Iraqi national who was born in Iraq and reached the age of adulthood therein from a non-Iraqi father who was also born in it and was a habitual resident at the birth of his/ her child, provided that the child submits a request for granting him/ her Iraqi nationality.

### Article 6

First: The Minister may accept the naturalization of a non-Iraqi when the following conditions are met:

- a. He/ she should be of the age of adulthood.
- b. He/ she should enter Iraq legally and resides in Iraq upon submitting the application for naturalization, with the exception of those born in and residing in Iraq and those who have a civil status record and have not obtained a nationality certificate.
- c. He/ she should reside in Iraq legally for a period of not less than ten consecutive years prior to submitting the application.
- d. He/ she should be of good conduct and reputation and have not been convicted of a dishonorable felony or misdemeanor.
- e. He/ she should have a clear way to live.
- f. He/ she should be free from communicable diseases.

Second: It is not permissible to grant Iraqi nationality to the Palestinians as a guarantee of their right to return to their homeland.



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Third: Iraqi nationality shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Fourth: All decisions to grant Iraqi nationality issued by the previous regime to achieve its objectives shall be reviewed.

### Article 7

The Minister may accept the naturalization of a non-Iraqi married to an Iraqi woman if he meets the conditions mentioned in Article (6) of this law. Provided that the period of stay stipulated in Paragraph (c) of Item (First) of Article (6) of this Law is not less than five years with marital bond remaining.

### Article 8

Every non-Iraqi person granted Iraqi nationality shall take the oath of loyalty to Iraq before the competent director of nationality within ninety days from the date of his/her notification, and the person shall be considered an Iraqi national from the date of taking the following oath:

(I swear by almighty Allah I will protect Iraq and its sovereignty, and adhere to the conditions of good nationality, and adhere to the provisions of the constitution and the laws in force, and Allah is the best to witness what I'm saying herein).

### Article 9

First: A non-Iraqi person who obtains Iraqi nationality by way of naturalization in accordance with the provisions of Articles (4, 5, 6, 7, and 11) of this law shall



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enjoy the rights that an Iraqi person enjoys, except for what is exempted from them by a special law.

Second: It is not permissible for a non-Iraqi person who obtains Iraqi nationality by way of naturalization in accordance with the provisions of Articles (4, 6, 7, and 11) of this law to be a minister or a member of a parliamentary body before ten years have passed since the date of his/ her obtaining Iraqi nationality.

Third: It is not permissible for a non-Iraqi person who obtains Iraqi nationality in accordance with the provisions of Articles (4, 6, 7, and 11) of this law to occupy the position of President and Vice President of the Republic of Iraq.

Fourth: It is not permissible for an Iraqi person who holds another obtained nationality to assume a high security or sovereign position unless he/ she renounces that nationality.

### Article 10

First: An Iraqi person who obtains a foreign nationality shall retain his/ her Iraqi nationality, unless he/ she declares in writing renouncing his/ her Iraqi nationality.

Second: Iraqi courts shall apply Iraqi law against whoever holds Iraqi nationality and the nationality of a foreign country.

Third: An Iraqi person who gives up his/ her Iraqi nationality may regain it if he/ she returns to Iraq in a legal manner and resides there for at least one year. And the minister may, after the nationality's expiration, deem him/ her to have obtained the Iraqi nationality from the date of his/ her return. If he/ she



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submits a request to recover the Iraqi nationality before the said period expires, he/ she shall not benefit from this right only once.

### Article 11

A non-Iraqi woman married to an Iraqi may obtain Iraqi nationality under the following conditions:

- a. Submitting a request to the Minister.
- b. A period of five years has passed since her marriage and residence in Iraq.
- c. The continuation of the marital bond until the date of submitting the request, with the exception of a woman who is divorced or her husband died and she has a child from her ex-husband or deceased husband.

### Article 12

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

### Article 13

If an Iraqi woman renounces her Iraqi nationality in accordance with the provisions of Item (third) of Article (10) of this law, she may recover her Iraqi nationality under the following condition:





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First: If her non-Iraqi husband granted Iraqi nationality, or if she marries a person who has Iraqi nationality, her nationality shall be returned to her from the date of submitting an application to do so.

Second: If her husband dies, divorces her or annuls the marriage contract, the nationality shall be returned to her from the date of her application for that, provided that she is present in Iraq when submitting the application.

### Article 14

First: If a non-Iraqi person obtains Iraqi nationality, person's children who are not of adulthood shall become Iraqis, provided that they reside with him/ her in Iraq.

Second: If an Iraqi person loses Iraqi nationality, his/ her children who are not of adulthood shall lose it accordingly, and they may regain the Iraqi nationality upon their request if they return to Iraq and reside there for one year. And they are considered Iraqis from the date of their return. Children of Iraqis who lose their Iraqi nationality under the provision of Law No. (1) of 1950 and Law No. (12) of 1951 shall not benefit from the provision of this Item.

### Article 15

The Minister may withdraw the Iraqi nationality from a non-Iraqi person who has obtained it if it is proven that he has performed or tried to perform an act considered a danger to the security and safety of the state, or he/ she provides false information about him/ her or his/ her family when submitting the application following issuance of a court ruling against him/ her with a final degree.





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### Article 16

An Iraqi person whose Iraqi nationality is withdrawn shall not be acquitted of the financial obligations incurred by him/ her before the withdrawal of the Iraqi nationality.

### Article 17

Resolution of the (dissolved) Revolutionary Command Council No. (666) of 1980 shall be repealed and the Iraqi nationality shall be reinstated to every Iraqi whose Iraqi nationality was revoked in accordance to the aforementioned decision and all unfair decisions issued by the (dissolved) Revolutionary Command Council in this regard.

### Article 18

First: Every Iraqi person whose Iraqi nationality is forfeited for political, racial or sectarian reasons may recover it by submitting a request to do so, and in the event of his/ her death, his/ her children who lose the Iraqi nationality in accordance with their father or mother shall be entitled to apply for the restoration of Iraqi nationality.

Second: The Iraqi person who loses his/ her nationality in accordance with the provisions of Law No. (1) Of 1950 and Law No. (12) Of 1951 shall not benefit from the provision of Item (First) of this Article.



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### Article 19

Administrative courts shall have jurisdiction in cases arising from the application of the provisions of this law.

### Article 20

Both the naturalization applicants and the minister, in addition to his/ her position, may appeal the decision issued by the administrative courts to the Federal Court.

### Article 21

First: The Iraqi Nationality Law No. (43) of 1963 shall be repealed, and the instructions issued pursuant to it shall remain in force in a manner that does not contradict the provisions of this law, until the issuance of what replaces or repeals them.

Second: Law of granting Iraqi nationality to Arabs No. (5) of 1975 shall be repealed, with retroactive effect, unless this leads to a state of statelessness.

Third: The Nationality and Civil Information Law No. (46) of 1990 (not in force) shall be repealed.

Fourth: Any text that contradicts the provisions of this law shall be repealed.



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### Article 22

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