

# **The legal status of children of Iranian married woman with Foreigners by Looking at the Convention on the Rights of the Child**

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**Abstract** Determining the children's nationality whom born to Iranian mothers and foreign fathers is the most important topic of the challenges of nationality. Iran has long considered that nationality goes with the father, not the mother. Children acquire nationality of Iran through their fathers, but not their mothers, thus, the children who born to mixed families, Iranian women with foreign men, in religious but illegal marriages would not be an Iranian citizen according to the rules and principles governing nationality in our country. That's reason they are deprived of many basic rights including the right to have a legal identity and nationality that the Committee on the Rights of the Child (CRC) has repeatedly emphasized, even though Iran has joined to CRC. In regard to the possibility of the child holding Iranian citizenship, under Article in 2006 of the Civil Code of Iran stated that a child born outside Iran to an Iranian mother and a foreign father would not be an Iranian citizen until the age of 18 years, at which time he/she would have the right to apply for Iranian citizenship. However, it seems that has failed to overcome the problem of these children seriously. Therefore, in order to solve this problem, it is better that the legislator determine the child's citizenship at birth not the age of eighteen. At this point, an emergency plan granting citizenship to children born to Iranian mothers was raised in Parliament in August 2019. This study investigate the legal status of children born to Iranian mothers in domestic law and eliminating the problems resulting such a marriage with a view to the Convention on the rights of children. **Key words:** Marriage, Legal Alien (Non-Citizens), Nationality, Children, the Convention on the Rights of the Child

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## on the Rights of the Child

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