



Iran : Researched and compiled by the Refugee Documentation Centre of Ireland on 9 September 2011

What are the marriage formalities for non nationals who wish to get married in Iran? The couple in question are from Afghanistan. Specifically what documents are they required to submit prior to marriage, and what are the procedures that are required to have taken place prior to the marriage being registered by the authorities in Iran. Confirmation that a marriage is valid in Iran because the State follows Islamic customs and law.

A report by the *United States Department of State* under the heading 'Women' states:

"Although a man (or boy) can marry at age 15 without parental consent, the law states that a virgin woman or girl needs the consent of her father or grandfather to wed, or the court's permission, even if she is older than 18. The country's Islamic law permits a man to have as many as four wives and an unlimited number of sigheh, based on a Shia custom in which a woman may become the wife of a Muslim man after a simple religious ceremony and a civil contract outlining the union's conditions. Sigheh wives and any resulting children were not granted rights associated with traditional marriage. The government does not recognize marriages between Muslim women and non-Muslim men or Baha'i marriages." (United States Department of State (8 April 2011) *2010 Human Rights Report: Iran**)

The *United States Department of State (Travel.State.gov)* under the heading 'Identity certificates (Shenasnameh)' states:

"Available. Identity certificates (Shenasnameh) showing the date and place of birth, parents' names, place of residence, and marital history where appropriate, are issued to Iranian nationals in urban centers by the Department of National Registration and Statistics (Edareh Sabt Ahval va Omar) and in rural regions by district (Bakhsh) offices of the Department" (United States Department of State (Travel.State.gov) (Undated) *Iran Reciprocity Schedule*)

In a section titled 'Marriage and Divorce Certificates' it states:

"Available. The Eiarech Ommor Asnad (Bureau of Affairs concerning documents) in the Ministry of Justice assigns notary publics (Daftare Asnade Rasmy) to register divorces and marriages for Moslems and communicants of recognized minority religions (Christian, Jewish, Zoroastrian).

In Tehran, each church of a minority religion has several notaries assigned to it for this purpose, while there are at least one hundred assigned to record Moslem marriages and divorces. The Bureau maintains a record of the location, name, number, specimen of signature, and seal of each notary who is expected periodically to advise the Bureau of the number of marriages and divorces that have been registered. Copies of certificates

containing the Bureau's authentication of the notary's signature can be obtained if the name and number of the notary public registering the marriage or divorce are known. Since the practice of officially registering marriages and divorces under this procedure was initiated in approximately 1930, certificates for marriages and divorces prior to that year can be obtained only from ecclesiastical authorities and are rarely available." (ibid)

The *British Embassy in Tehran* under the heading 'Getting Married in Iran' notes:

"Consular Section of the British Embassy in Tehran does not register marriages, however we can arrange for your local marriage certificate to be deposited with the General Register Office in the UK. This is not a legal obligation and has no bearing on the validity or otherwise of the marriage. It simply means that you are able to obtain a certified copy of your marriage certificate directly from the GRO, should you need to do so in the future. There is a charge for this service.

Certificate of No Impediment (CNI)

If you are a British national planning to be married in Iran to an Iranian national, you must obtain a Certificate of No Impediment (CNI) from the Consular Section of the British Embassy in Tehran. This certificate states that you are single and free to marry.

In order to apply for a CNI you must:

- be a British national or a national of an unrepresented commonwealth country;
- have lived in Iran for at least 21 days; and
- complete a notice and swear an affidavit in front of the consular officer.

You will need to give notice that you intend to marry and you will need to bring with you:

Both applicants valid passports with Iranian visas or entry stamps.

Both applicants long form birth certificates (with translation if relevant).

Original UK divorce document.

The notice of marriage is posted on the Consular section notice board for a period of 21 days. If no objections are received, a CNI may be issued." (British Embassy Tehran (13 January 2011) *How to Get Married in Iran and Registering a Birth*)

The Civil Code of the *Islamic Republic of Iran* states:

"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." (Islamic Republic of Iran (23 May 1928) *The Civil Code of the Islamic Republic of Iran* – pg. 93)

In a section titled 'BOOK 4 - Documents of Identity (sijill)' it states:

"Article 992 - The document of identity of every person will be established by record in books designated for this purpose.

Article 993 - The following events must be notified to the Census Office during the proper period and in the way stipulated by special laws and regulations

1 - All births and all abortions which may occur after the 6th month from the date of conception.

2- Marriages, whether permanent or temporary..." (ibid) (pg.97)

A response by the *Immigration and Refugee Board of Canada* states:

"The following information was provided during a 13 August 1996 telephone interview with a specialist on Iran in Ottawa.

The source stated that it is unlikely that a notary public must be a mullah in order to perform marriage ceremonies. The source added that the notary public must have a good knowledge of the Shari'a and Islamic traditions. Marriages are part of religious law, not the Civil Code. People who perform marriage ceremonies are licensed by the Iranian state." (Immigration and Refugee Board of Canada (1 August 1996) *IRN24241.E Iran: Information on whether a notary public must be a mullah in order to perform marriage ceremonies*)

It also states:

"The following information was provided during a 15 August 1996 telephone interview with a representative of the Embassy of the Islamic Republic of Iran.

The source stated that the person performing a marriage ceremony is not required to be a mullah. Marriage ceremonies must be performed by a person who has the proper legal status and authority, and the marriage contract must conform to Islamic law and traditions.

The source added that people in rural areas would probably marry before a mullah, not because they are obligated but because it is often the only legal way to do so. People who marry in cities would be able to choose between a mullah, or a notary public, for example" (ibid)

References:

British Embassy Tehran (13 January 2011) *How to Get Married in Iran and Registering a Birth*

<http://ukiniran.fco.gov.uk/en/help-for-british-nationals/living-in-iran/how-to-get-married-or-registeringbirth>

(Accessed 8 September 2011)

Immigration and Refugee Board of Canada (1 August 1996) *IRN24241.E Iran: Information on whether a notary public must be a mullah in order to perform marriage ceremonies*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=3ae6acb08c>

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Islamic Republic of Iran (23 May 1928) *The Civil Code Of The Islamic Republic of Iran*

<http://www.unhcr.org/refworld/pdfid/49997adb27.pdf>

(Accessed 8 September 2011)

United States Department of State (8 April 2011) *2010 Human Rights Report: Iran**

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154461.htm>

(Accessed 9 September 2011)

United States Department of State (Travel.State.gov) (Undated) *Iran Reciprocity Schedule*

http://travel.state.gov/visa/fees/fees_5455.html?cid=9217

(Accessed 9 September 2011)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

British Embassy Tehran

Electronic Immigration Network (EIN)

Google

Immigration and Refugee Board of Canada

Islamic Republic of Iran

Social Institutions and Gender Index

UN Committee on Economic, Social and Cultural Rights (CESCR)

UN Committee on the Elimination of Discrimination Against Women (CEDAW)

UN Committee on the Elimination of Racial Discrimination (CERD)

UN Human Rights Committee

UN Human Rights Council

United Kingdom Home Office

United States Department of State

United States Department of State (Travel.State.gov)