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Anfragebeantwortung zu Jordanien: Erlangung der jordanischen Staatsangehörigkeit; Möglichkeit der Ableitung von der Mutter [a-12214-1]

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Erlangung der jordanischen Staatsangehörigkeit

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Frost, Lillian: Report on Citizenship Law: Jordan, RSC/GLOBALCIT-CR 2022/2, GLOBALCIT & Robert Schuman Centre for Advanced Studies (Hg.), Februar 2022

https://cadmus.eui.eu/bitstream/handle/1814/74189/RSC_GLOBALCIT_CR_2022_2.pdf?sequence=1

„3.3 Primary modes of acquisition and loss of nationality

3.3.1 Jus sanguinis a patre

The primary mode of nationality acquisition in Jordan is through paternal descent. Article 3 [of the nationality law] stipulates that those born to a father enjoying Jordanian nationality are considered Jordanian, and Article 9 affirms that this is true wherever they are born. Until 1987, if a Jordanian father changed their nationality, their children would also automatically acquire the new nationality. Jordanian law explicitly ensures that the children of Jordanian men are Jordanian. The only exceptions to jus sanguinis a patre are when a child's parents are unknown (and the child is presumed to have been born in Jordan), or when the child has a Jordanian mother and a father who is of unknown nationality, has no nationality, or whose affiliation has not been legally established. The first exception is the only provision that permits jus soli. This means that a foundling can access Jordanian nationality, but the child of a Jordanian mother and a known father with a non-Jordanian nationality cannot.

In addition, if a father is Palestinian, the Jordanian government does not recognize that father as stateless, even if he does not have the nationality of any sovereign state. As Jordan's High Court of Justice ruled in 1983, 'the brutal occupation does not change his [the Palestinian father's] nationality, just as the father is not considered to be of unknown nationality or stateless, but rather his nationality is known'. It is unclear if the government applies this provision for other stateless fathers. However, officials do allow women to confer their nationality when the father is unknown or unregistered, including when the child is a result of sibling relations, in which case the father cannot be registered." (Frost, Februar 2022, S. 36-37)

Jordanien, Außenministerium: Jordanian nationality, how to acquire, relinquish and the relevant instructions, ohne Datum

https://portal.jordan.gov.jo/wps/wcm/connect/gov/egov/government+ministries+_+entities/ministry+of+foreign+affairs/services/jordanian+nationality%2C+how+to+acquire%2C+relinquish+and+the+relevant+instructions

„Every Arab dwelling in the Hashemite Kingdom of Jordan for not less than unceasing 15 years, reserves the right to get the Jordanian nationality with resolution of the Cabinet pursuant to Minister of interior recommendations once he abandons his original nationality, and his country's regulations allows him to.

Procedures

To acquire Jordanian nationality

Any person, other than Jordanian, not incapacitated, with the following conditions, may apply direct to the Cabinet for acquisition of citizenship certificate. The Cabinet reserves the right to accept or reject the request:

His normal stay in the Hashemite Kingdom of Jordan for four years before the request for citizenship (Cabinet with His Majesty the King's approval, may do without this condition once the person is an Arab, with certain circumstances and achieves public interests.

Has the intension to stay in the Kingdom

Non conviction case

To speak and read Arabic

A person with good conduct

He enjoys sense, good not mentally retarded or with disabilities so he is not a burden to the society.

He has a legal business for living, he does not emulate Jordanians where they work

Note: His Majesty the King according to the Cabinet's recommendations may grant the Jordanian citizenship to every immigrant (every Arab born in the Hashemite Kingdom of Jordan or in the occupied part of Palestine and then evacuated to Jordan, the same is applicable to his sons), this immigrant applies to get the citizenship provided that he leaves out his original nationality.

Wives of Jordanians:

Foreign wives: in case date of marriage after 1/10/1987, she reserves the right to apply for the citizenship acquisition according to Minister of interior approval after 5 years of marriage, she reserves the right to maintain her nationality by her own volition.

Arab wives: just like the previous case except for period of marriage which is here 3 years. She may leave out her Jordanian nationality obtained by marriage whenever she expresses her desire to.

The Jordanian wife, whether foreigner or an Arab, with marriage date before 1/10/1987, she is considered Jordanian without any conditions or approvals once her marriage contract was legal. [...]

General Rules:

Jordanian woman married to non-Jordanian and received his nationality, may maintain her original nationality unless otherwise advised.

She reserves the right to restore her nationality once the marriage contract terminated for a reason or so.

Sons of Jordanians are Jordanians wherever born

Majority son, whose father received a foreign nationality, maintains his Jordanian nationality.

Once a person captured a Jordanian nationality, he shall within 90 days of having that citizenship refer to the concerned office to register his family records for civil family records purposes

If a Jordanian loses or relinquishes his nationality, he, within 60 days shall surrender his family book and ID, his own, and members of the family losing the nationality, to the concerned

office or consulate abroad.

The Jordanian who relinquished his nationality (unless obtained this nationality by acquisition of citizenship and left out previously) may restore Jordanian nationality by Cabinet's approval."
(Jordanien, Außenministerium, ohne Datum)

The Jordan Times ist eine englischsprachige Tageszeitung mit Sitz in Amman.

Jordan Times (The): Women's movement celebrates amendments to Nationality Law, 28. Jänner 2023
<https://jordantimes.com/news/local/womens-movement-celebrates-amendments-nationality-law>

„The women's movement in Jordan welcomed a recent parliamentary decision approving amendments to the Nationality Law that allows Jordanian women married to non-Jordanians to retain their nationality.

Earlier in the month, the Lower House of Parliament and the Senate Legal Committee approved the draft 2023 Citizenship Law, which aimed to facilitate procedures and address loopholes in the law.

According to the bill, Jordanian women married to non-Jordanians would be able to retain their Jordanian nationality.

The validating reasons for the draft law included achieving harmony between laws related to restoring one's nationality and allowing Jordanian women married to non-Jordanians, who renounced their Jordanian nationality and acquired their husbands' nationality, to restore their Jordanian nationality without divorce.

Before the law was passed, Jordanian women married to a non-Jordanian had to renounce their nationality, and were only able to regain it in the event of divorce or the death of the husband.

Meanwhile, Jordanian men married to non-Jordanian women had the right to keep their original nationality.“ (The Jordan Times, 28. Jänner 2023)

Möglichkeit der Ableitung der Staatsangehörigkeit von der Mutter

Human Rights Watch (HRW) ist eine international tätige Menschenrechtsorganisation.

HRW – Human Rights Watch: Human Rights Watch Submission to the United Nations Committee on the Rights of the Child; Review of Jordan, 93rd Session, April 2023
https://www.hrw.org/sites/default/files/media_2023/04/Human%20Rights%20Watch%20Submission%20to%20the%20Committee%20on%20the%20Rights%20of%20the%20Child%2093%20-%20Review%20of%20Jordan.pdf

„Discrimination Against Children of Jordanian Women [...]

Children born to Jordanian mothers and non-Jordanian fathers struggle to access basic rights and services in Jordan. Due to a law that denies Jordanian women the right to pass citizenship to their children on an equal basis with men, these children are treated as foreign nationals their whole lives, with no permanent right to live or work in the country, and with significant

barriers to accessing their rights to education and healthcare, to name a few.” (HRW, April 2023, S. 1)

Das US Department of State (USDOS) ist das US-amerikanische Außenministerium.

USDOS – US Department of State: 2022 Country Report on Human Rights Practices: Jordan, 20. März 2023

<https://www.ecoi.net/de/dokument/2089239.html>

„The country contributes to statelessness, including through discrimination against women in nationality laws and challenges obtaining birth registration.

Only fathers can transmit citizenship. Women do not have the legal right to transmit citizenship to their children, which can lead to statelessness if the child does not receive the nationality of a non-Jordanian father. Women may not petition for citizenship for noncitizen husbands, who may apply for citizenship only after maintaining continuous Jordanian residency for 15 years. Once a father has obtained citizenship, he may apply to transmit citizenship to his children. Although the nationality law stipulates the possibility of applying for citizenship after 15 years of legal residency, in practice, the government has not implemented this provision.” (USDOS, 20. März 2023, Section 1g)

HRW – Human Rights Watch: World Report 2023 – Jordan, 12. Jänner 2023

<https://www.ecoi.net/de/dokument/2085466.html>

„Article 9 of Jordan’s Nationality Law does not allow Jordanian women married to non-Jordanian spouses to pass on their nationality to their spouse and children. In 2014, authorities issued a cabinet decision purporting to ease restrictions on access to key economic and social rights for non-citizen children of Jordanian women, but the measures fell short of expectations. Non-citizen children of Jordanian women no longer require work permits for employment, but many professions in Jordan remained closed to non-Jordanians.” (HRW, 12. Jänner 2023)

Frost, Lillian: Report on Citizenship Law: Jordan, RSC/GLOBALCIT-CR 2022/2, GLOBALCIT & Robert Schuman Centre for Advanced Studies (Hg.), Februar 2022

https://cadmus.eui.eu/bitstream/handle/1814/74189/RSC_GLOBALCIT_CR_2022_2.pdf?sequence=1

„3.3.2 Discrimination toward women

Jordan has never allowed women to pass their nationality onto their children (through descent) or spouses (through facilitated naturalization). Instead, nationality can pass only through Jordanian men. As mentioned above, the sole legal exception is for children of a Jordanian mother and a father who is of unknown nationality, has no nationality, or whose affiliation has not been legally established. However, the government has ignored this policy in the case of stateless Palestinian children because Jordan does not view Palestinians as stateless, even if they do not carry any Palestinian legal documents and even if they have never been to Palestine. Previous legislation also prevented women from choosing their nationality after marrying a foreigner. However, the 1987 nationality law amendment removed this restriction, following partial efforts to mitigate this discrimination in 1961 and 1963 [...]. ” (Frost, Februar 2022, S. 37)

The New Arab (Al Araby Al Jadeed) ist ein 2014 in London gegründetes Medienunternehmen.

New Arab (The): 'Nationality is my right': Jordanian women's long struggle for equal citizenship rights, 16. März 2022

<https://www.newarab.com/analysis/jordanian-womens-long-struggle-nationality-rights>

„In-depth: In Jordan, women cannot legally pass on their nationality to their children. As a result, thousands of children are cast each year into citizenship limbo and exposed to a life of discrimination.

When Zeinab Abu Tabikh got married, she did not realise that she was about to embark on a lifelong journey to secure basic rights for her children. Zeinab is Jordanian, but her Egyptian husband never gained citizenship - even after working in Jordan for over forty years. Neither did the couple's four children, who are, in Zeinab's words, 'foreigners in their own country.'

Over 355,000 people in Jordan are children of a Jordanian mother and a foreign father. Called 'abna al urduniyat', meaning 'the children of Jordanian women', they are considered non-citizens in the eyes of the state. As a result, their rights to work, own property, travel, and access healthcare and education are all severely restricted.

Their plight stems from discriminatory laws stating that women cannot pass on the Jordanian nationality - while men can confer theirs onto four wives and an unlimited number of children.“ (The New Arab, 16. März 2022)

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