



Jordan and Hungary: The right to Jordanian nationality of a person born in Hungary to a Jordanian father; procedure to recognize Jordanian nationality (2014-May 2016) [ZZZ105513.FE]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation Governing the Right to Jordanian Nationality for a Person Born Abroad to a Jordanian Father

Sources state that regardless of their place of birth, any person born to a Jordanian father is considered Jordanian (Lawyer 10 May 2016; Adaleh 9 May 2016; ARDD-Legal Aid 9 May 2016). Sources state that the right to Jordanian nationality for a person born abroad to a Jordanian father is set out in the Jordanian Law of 1954 on Nationality (*ibid.*; Associate Lawyer 5 May 2016; Lawyer 3 May 2016).

Article 3.3 of the Jordanian Law No. 6 of 1954 on Nationality, as amended in 1987, states the following: “The following shall be deemed to be Jordanian nationals: ... (3) Any person whose father holds Jordanian nationality” (Jordan 1954). Article 9 of that law states that “[t]he children of a Jordanian man shall be Jordanian wherever they are born” (*ibid.*).

In addition, the legislation on nationality states that “[a] minor child whose father has acquired a foreign nationality shall retain his Jordanian nationality” (*ibid.*, Art. 10). In correspondence with the Research Directorate, a representative of the Adaleh Center for Human Rights Studies, a human rights NGO in Amman (Phenix Center and FES n.d.), stated the same (Adaleh 9 May 2016).

The Embassy of the United States in Amman states on its website that the acquisition of other nationalities by a child born abroad to a Jordanian father has no impact on their right to Jordanian citizenship (US n.d.). Sources note that Jordanians have the right to dual nationality (*ibid.*; Lawyer 3 May 2016; Jordan 1954, Art. 17a). The news agency Al Jazeera states however that dual nationality in another Arab country is not permitted (Al Jazeera 5 May 2015). For information on dual nationality in Jordan, see Response to Information Request ZZZ104985.

In correspondence with the Research Directorate, a representative of the legal aid team at Arab Renaissance for Democracy and Development - Legal Aid (ARDD-Legal Aid), a Jordanian NGO working in legal aid (ARDD-Legal Aid n.d.), stated that a child of a Jordanian father receives Jordanian nationality unless they renounce it “by their own will” according to the law (*ibid.* 9 May 2016). The legislation on nationality states that a person who wishes to renounce their Jordanian nationality must obtain approval from the Council of Ministers, unless they wish to renounce their nationality to acquire the nationality of another Arab state (Jordan 1954, Art. 15-16).

1.1 Failure to Obtain or Loss of Jordanian Nationality

The ARDD-Legal Aid representative states that a person may be refused Jordanian nationality if they have committed a crime against “Jordan[ian] security,” worked for an “enemy” or engaged in a foreign army without the prior approval from the Jordanian government and they refused to give up that service (ARDD-Legal Aid 9 May 2016). Article 18 of the legislation on nationality states the conditions by which a Jordanian national could lose their nationality (Jordan 1954). For further information on Article 18, see Response to Information Request ZZZ104985.

2. Procedure to Recognize the Jordanian Nationality of a Child Born Abroad to a Jordanian Father

Sources state that, according to the legislation, children born abroad to a Jordanian father are “automatically” granted Jordanian nationality (Lawyer 10 May 2016; Associate Lawyer 5 May 2016; ARDD-Legal Aid 9 May 2016). Some sources note that Jordanian nationality is obtained by registering the birth with the Jordanian authorities (Adaleh 9 May 2016; Associate Lawyer 5 May 2016). Sources state that births are registered in a consulate, when abroad, or with the Civil Status Department when in Jordan (ibid.; Lawyer 10 May 2016; Lawyer 3 May 2016).

According to sources, the requirements for recognizing Jordanian nationality are set out in the Jordanian Civil Status Law of 2001 (ibid.; Associate Lawyer 5 May 2016). According to Article 13 of that law,

[translation]

[a]ll births must be registered at a [civil status] office within 30 days of the date of birth by completing the appropriate forms, prepared by the Department for this purpose. ... If the birth occurs outside the Kingdom, it must be registered within 90 days of the date of birth. ... The penalty for failing to declare a birth within the time frame ... is a fine of 10 dinars [JOD] [about C\$18] (Jordan 2001).

In correspondence with the Research Directorate, an associate lawyer from a law office in Amman that practices various types of law, in particular with respect to nationality, explained after following up with the Civil Status and Passports Department that a fine of about US\$20 will be imposed if the birth of a child of a Jordanian father who normally lives in Jordan occurs abroad, but that, in the case of a Jordanian father living abroad, no fine is imposed and the birth certificate from the foreign country acts as a registration of birth (Associate Lawyer 8 May 2016). Similarly, in correspondence with the Research Directorate, a lawyer working for a law office in Amman and who practices various types of law stated that the civil status legislation states the following:

... documentation of birth depends on where the birth takes place. For instance, if the birth takes place and is validly documented in another country, the documentation will be deemed valid in Jordan to the extent that the said documentation does not violate any laws in Jordan. (Lawyer 3 May 2016)

The Associate Lawyer added that [in the case of people normally living in Jordan], the birth certificate issued by the foreign country must be replaced by a birth certificate issued by Jordan’s

Civil Status and Passports Department but that it must first be authenticated by an embassy of Jordan and translated into Arabic (Associate Lawyer 5 May 2016).

According to the Lawyer, the following information must be provided with the birth registration:

- details of the birth place, date, hour and minute
- name [and gender] of the new[born]
- full name of each parent, along with his/her national number, religion, nationality, place of residence, and the civil status office [to] which ... the parent is registered. (Lawyer 3 May 2016)

The Lawyer added that, according to her understanding of the civil status legislation, the documents to support the application “need to be effected in person, by any of the parents, or relatives until the 4th degree” (ibid.).

2.1 Fees Related to the Identity Documents Required to Recognize Jordanian Citizenship

Sources stated that obtaining a Jordanian birth certificate costs 1 JOD [about C\$2] (Associate Lawyer 5 May 2016; Adaleh 9 May 2016). The representative from the Adaleh Center for Human Rights Studies stated that the fees for obtaining a Jordanian birth certificate abroad vary depending on the embassy or consulate (ibid.). The Associate Lawyer added that the national identification card costs about US\$3 (Associate Lawyer 5 May 2016).

2.2 Processing Time

Sources reported that the processing time for an application submitted properly was about one to three working days (ibid.; Lawyer 3 May 2016). However, the representative of Adaleh stated that there was no fixed system with an official processing time for recognizing the citizenship of a person born abroad to a Jordanian father (Adaleh 9 May 2016). In correspondence with the Research Directorate, a lawyer practising various types of law in Amman stated that the processing time can vary depending on the embassy and that, in his opinion, it was “likely to be shorter” in Jordan; he noted, for example, that an embassy may have to verify the applicant’s status with the Jordanian authorities (Lawyer 10 May 2016).

3. Jordanian Status of a Person Born Abroad to a Jordanian Father

According to the Embassy of the United States in Amman, Jordanian legislation does not require a Jordanian citizen to enter and exit Jordan with a Jordanian passport (US n.d.). According to the ARDD-Legal Aid representative, a person born to a Jordanian father may go to an embassy of Jordan in their country of residence to obtain a passport or permission to enter Jordan (ARDD-Legal Aid 9 May 2016). Similarly, the Lawyer stated that Jordanian parents of a child born abroad may obtain for the child a Jordanian passport or proof of Jordanian nationality from the appropriate Jordanian consulate (Lawyer 6 May 2016). According to the Associate Lawyer, a person born abroad to a Jordanian father can be added to the family registration book by presenting their certificate of birth abroad; in this way, they can enter Jordan at any time without restrictions (Associate Lawyer 5 May 2016). In subsequent correspondence, the Associate Lawyer added the following clarifications:

... any child born with a Jordanian father anywhere outside Jordan can automatically enter Jordan with no visa by his father's identity (either by birth certificate or adding the child to the father's passport depending on the age of the child). If that child decides to move to Jordan or live in Jordan or just obtain the Jordanian nationality, he can obtain a Jordanian national number and passport so he can obtain all the privileges and benefits of being a Jordan[ian] citizen. (ibid. 8 May 2016)

In addition, the Associate Lawyer stated that the procedure to add a child to the family book

depend[s] on the country the child was born in[,] and the requirements will vary from one embassy to another but in general, the person can provide the Jordanian embassy with the birth certificate, his father's identification card and any other requirements that the embassy will request. (ibid.)

Article 44 of the civil status legislation provides the following: [translation] "Jordanian citizens living outside the Kingdom must present their applications for identity cards, family books and renewal or replacement to the Kingdom's consulates or the Department" (Jordan 2001).

In correspondence with the Research Directorate, the Lawyer stated that if a Jordanian man has a child abroad, they may show their passport, identity number and family book to establish their Jordanian citizenship; he can also show his marriage certificate and the birth certificate of his child to prove it is his child, and this is how a child establishes their citizenship (Lawyer 10 May 2016). As an example, he gave the story of a child born in London to a Jordanian father:

The child is certainly a Jordanian. Normally, the practice is that his father would go to the Jordanian Embassy in London and ask for adding the name of the new child to his passport. His request would be supported by a birth certificate to be issued by the hospital. The father can also request the Embassy to issue his child with an independent passport. Based on these two alternatives the child will be able to enter Jordan like any Jordanian. At all times the child is a Jordanian and not a foreigner. (ibid.)

In subsequent correspondence, the Lawyer stated that when an adult is not added to their Jordanian father's passport, it "does not ... jeopardize his status," because "[h]is right to citizenship is guaranteed by blood ties" (ibid. 11 May 2016).

The Embassy of Jordan in Washington cites the right to Jordanian citizenship of a child born abroad to a Jordanian father (Jordan n.d.b; ibid. n.d.e) and gives the procedures to follow, including the documents to provide to add a child to the family book and to add them to a parent's passport. These two procedures are attached to this Response (attachments 1 and 2). According to that same source, the processing of these applications depends on the Civil Status and Passports Department of Jordan (ibid.; ibid. n.d.b).

The Embassy of Jordan in Washington also gives the procedures to follow to obtain a family book and passport for the first time. These two procedures are attached to this Response (attachments 3 and 4). According to that same source, the processing of these applications also depends on the Civil Status and Passports Department of Jordan (ibid. n.d.c; ibid. n.d.d).

In correspondence with the Research Directorate, a representative of the Embassy of Jordan in London stated that it takes "within five weeks" to get the decision back from the Jordanian authorities for the approval to issue a passport (ibid. 13 May 2016).

4. Particular Requirements for a Person Born in Hungary to a Jordanian Father Once They Reach Adulthood

Information on the particular circumstances that would impact the recognition of the Jordanian citizenship of a person born in Hungary to a Jordanian father could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the website of the Embassy of Jordan in London, holders of Hungarian passports are among those who are not required to obtain prior permission [from a consulate or embassy of Jordan] to receive a visa enabling them to enter Jordan; they may apply for a visa upon their arrival in Jordan (ibid. n.d.a).

The representative of the Embassy of Jordan in London stated that a person born in Europe to a Jordanian father may apply for a Jordanian passport even if they have a European passport (ibid. 13 May 2016).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Adaleh Center for Human Rights Studies. 9 May 2016. Correspondence sent to the Research Directorate by a representative.

Al Jazeera. 5 May 2015. Elisa Oddone. "Jordanian Progeny Gain Ground in Nationality Fight." <<http://www.aljazeera.com/news/2015/05/jordanian-progeny-gain-ground-nationality-fight-150504100629097.html>> [Accessed 29 Apr. 2016]

Arab Renaissance for Democracy and Development - Legal Aid (ARDD-Legal Aid). 9 May 2016. Correspondence sent to the Research Directorate by a representative of the legal aid team

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Associate Lawyer, Amman. 8 May 2016. Correspondence sent to the Research Directorate.

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Lawyer, Amman. 6 May 2016. Correspondence sent to the Research Directorate.

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Phenix Center for Economic and Informatics Studies and Friedrich-Ebert-Stiftung (FES). N.d. “Adaleh Centre for Human Rights Studies.” *Comprehensive Guide to Civil Society Organisations in Jordan*. <<http://www.civilsociety-jo.net/en/organization/83/adaleh-centre-for-human-rights-studies>> [Accessed 13 May 2016]

United States (US). N.d. Embassy in Amman. “Jordan Fact Sheets: Dual Nationality in Jordan.” <http://jordan.usembassy.gov/acs_dual_nationality.html> [Accessed 2 May 2016]

Additional Sources Consulted

Oral sources: activist of citizenship rights in Jordan; Information and Research Center – King Hussein Foundation; Jordan – Embassy in Ottawa, Embassy in Bruxelles, Honorary Consul in Budapest, Civil Status and Passports Department; two lawyers in Amman.

Internet sites, including: Ali Sharif Zu'bi Advocates and Legal Consultants; *Arabies*; Atwan & Partners Attorneys and Legal Consultants; *Boston Review*; Canada – Global Affairs Canada; Child Rights International Network; *Citizenship Laws of the World*; Les clés du Moyen-Orient; Corpus of Laws; ecoi.net; EmbassyPages.com; Factiva; France – embassy in Jordan; Hammouri & Partners Law Firm; Hashem Law Office; Haytham M. Ereifej and Associates; HeinOnline; HG.org; IRIN; Jordan – Embassy in Bruxelles, Embassy in London, ministère de l'Intérieur, official website of the Jordanian government; Law Library of Congress; Lawyers.com; Legal Consultants & Dispute Resolution Centre; Legislationonline; Lexadin; Maraqa & Co. Attorneys & Legal Consultants; Martindale-Hubbell; Megdade Law Firm; *Le Monde*; *The Muslim World*; Nabulsi & Associates; NATLEX; *The New York Times*; Oxfam Québec; Radio France international; Saad M. Naffa' Attorneys & Counselors at Law; Salah Hmoud Law Firm; United Nations – Refworld; United States – Department of State.

Attachments

1. Jordan. N.d. Embassy in Washington. "To Add a Child to the Jordanian Family Booklet."
<<http://www.jordanembassyus.org/sites/default/files/B.%20Add%20Children%20Into%20Family%20Booklet.pdf>> [Accessed 13 May 2016]
2. Jordan. N.d. Embassy in Washington. "To Add a Child to the Jordanian Permanent Passport."
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3. Jordan. N.d. Embassy in Washington. "Jordanian Family Booklet for the First Time."
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4. Jordan. N.d. Embassy in Washington. "Permanent Jordanian Passport for the First Time."
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