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Introduction

The following note describes the marriage registration procedure and the issuance of Iranian marriage certificates. In doing so, the note will include a description of the legislative framework related to the issuance of civil status documents as well as a brief description of corruption and registration routines.

The note is based on information obtained during fact-finding missions to Tehran in September-October 2018 and March 2022 and open source information.

The legislative framework for marriage registration

Iranian family law is regulated by the Civil Registration Law (Civil Code).¹ Iranian marriages are legal and valid only if entered in accordance with the religious procedures of a state-recognised religion and registered by religious authorities. In Article 13 of the 1979 constitution, Christian, Jewish and Zoroastrian Iranians are recognised as religious minorities allowed to perform their own religious rites and ceremonies. Marriages contracted by religious authorities within these minorities are the only non-Muslim marriages that can be considered legal and valid in Iran.²

The Civil Registration Law defines the responsibility of The National Organization for Civil Registration (NOCR) (in Persian: Sabt-e-Ahwaal) under the Ministry of Interior in registering vital events for Iranian citizens. The law describes the role of NOCR as being in charge of registering vital events such as birth, death, marriage and divorce and correcting mistakes regarding registrations of vital events and annulling or eliminating documents related to civil registrations when necessary.³ NOCR is administratively placed within the Ministry of Interior and has approximately 1,000 offices across Iran.⁴

¹ Landinfo, 6 March 2012, p. 35.

² Constitution of the Islamic Republic of Iran, 24 October 1979, Article 13; McGlinn 2001, p. 18.

³ Civil Registration Law of Iran, 1986.

⁴ Landinfo, 5 January 2021, p. 8.

Civil and religious marriage in Iran

Civil marriages are not recognised by the Islamic Republic of Iran and thus have no legal validity in Iran. Marriages are only legal and valid if they have been entered in accordance with the religious procedures of a state-recognised religion and registered by religious authorities.⁵ For the majority of Iranians, this means that their marriage must be contracted according to Muslim religious procedures. As the majority of Iranians profess to Shia Islam (officially approximately 90-95 %), the following section will focus on marriage according to Shia Islamic rules and procedures unless otherwise is explicitly stated.⁶

It should be noted that although all marriages between Shia Muslims should take place in accordance with the same religious procedures, regional variations in the ritual exist. It is also notable that the wedding celebration typically takes place between 6 to 12 months after the religious marriage contract has been signed and registered with the civil authorities.⁷

Conditions for marriage

According to the Iranian Ministry of Foreign Affairs, rules and obligations in relation to marriage differs according to the bride and groom's religious affiliations.⁸ Iranian marriage legislation further distinguishes between permanent and temporary marriages. While the permanent marriages last until death, divorce or annulment, the temporary marriages will only last for a fixed period.⁹ It is legally acceptable in Iran for a man to have as many as four permanent wives and as many temporary marriages as he wishes.¹⁰

An important difference between the conditions for permanent and temporary marriages is that it is not necessary to have witnesses present to enter into a temporary marriage. Secret temporary marriages may therefore be legal and valid.¹¹

The following conditions should be met in order for a permanent marriage to have legal validity in Iran:

Both parties should preferably be of the minimum age for marriage, and give their consent to the marriage.¹² According to the newest legislation in 2003, the minimum age for marriage is currently set at 15 years for boys and 13 years for girls.¹³

⁵ Immigration and Refugee Board of Canada, 5 December 2001.

⁶ CIA World Factbook, 17 August 2022.

⁷ Immigration and Refugee Board of Canada, 5 December 2001.

⁸ MFA representative, Tehran, September 2018 and March 2022.

⁹ McGlinn, 2001, p. 24; Iranian Ministry of Foreign Affairs, Tehran, March 2022.

¹⁰ McGlinn, 2001, pp. 58-59.

¹¹ McGlinn, 2001, p. 39-40.

¹² McGlinn, 2001, p. 38.

¹³ Landinfo, 5 August 2022, p. 20.

On condition of having obtained permission from their guardian it is, however, possible for parties to enter into a marriage when they are younger than 15 and 13 respectively.¹⁴

If a woman has never been married or has not reached the legal age of marriage, it is necessary for her to obtain permission to marry from either her father or her paternal grandfather. The father's or paternal grandfather's decision regarding marriage can be challenged by the woman through a special civil court.¹⁵

Marriage registration and issuance of marriage certificates

Most marriages are contracted before a mullah or religious figure. Marriages must be registered at separate registration offices under the Ministry of Justice called Deeds and Properties Registration Organization (in Persian: *Saazmaan Sabt-e-Asnaad va Amlaak*) to be legally valid. The notary public at these offices registers, signs, and confirms (seal) marriages/divorces and issues certificates.¹⁶ This is also the case for Christians, Jews and Zoroastrians. The registration offices are obligated to send the updated civil status information to NOCR twice every month.¹⁷

The marriage should be registered by the couple themselves but it is preferable to have the father of the bride present. Registration by proxy is legal in cases where one party is abroad and unable to be present in Iran for the registration. The marriage is registered based on the religious contract.¹⁸

There is no fee for registering marriages and the civil registration law stipulates no penalty or fine for late registration.¹⁹

Marriage is recorded in the individual's Shenاسnameh (birth certificate/family book).

¹⁴ Landinfo, 5 August 2022, p. 20.

¹⁵ McGlinn, 2001, p. 36.

¹⁶ Landinfo, 5 January 2021, p. 35; McGlinn, 2001, p. 43

¹⁷ Landinfo, 5 January 2021, p. 35.

¹⁸ MFA representative, Tehran, September 2018.

¹⁹ McGlinn, 2001, p. 43; Civil Registration Law of Iran, Article 31.

The marriage certificate is depicted in the below:

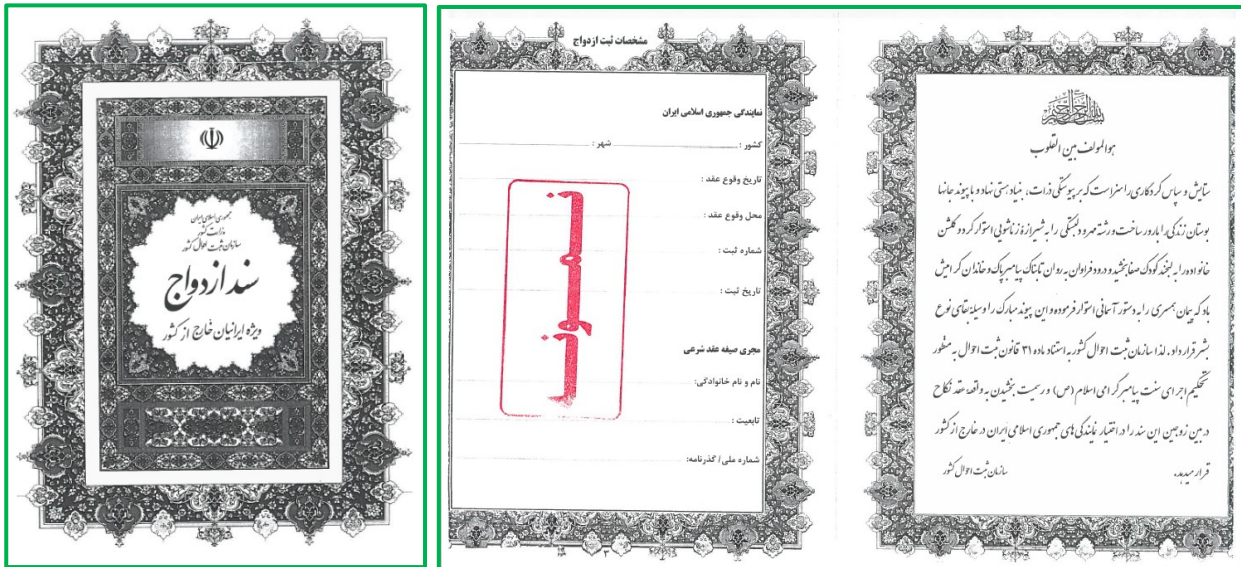


Image 1: Black and white copy of marriage certificate. The red stamp says 'specimen' (NIDC reference material).

Archives and registration routines at NOCR and embassies abroad

According to a representative from the Iranian Ministry of Foreign Affairs, NOCR will generate an archival document that is stored in hard copy at NOCR when registering a birth, death, marriage or divorce. The archival document is mainly for statistical reasons, but NOCR will refer to the archives when reissuance of a civil document is requested.

When events are registered at an Iranian embassy abroad, the embassy in question will archive a copy of the registration at the embassy while the other is sent to NOCR.²⁰

Legislation and procedures related to foreigners

In order to enter into a valid marriage in Iran, at least one of the parties must be Iranian. A foreign woman marrying an Iranian man will become an Iranian citizen, while a foreign man marrying an Iranian woman will become a permanent resident of the country, but not a citizen.²¹

Although it is not possible for a foreign couple to marry in compliance with Iranian law, it might in some cases be possible for an Afghan couple to have their marriage registered with Iranian authorities. This is possible on the condition that both parties are legal residents in Iran and obtain permission to marry from the Iranian Bureau for Aliens and Foreign Immigrants Affairs in advance. In this case, the couple

²⁰ MFA representative, Tehran, September 2018.

²¹ Landinfo, 6 March 2012, p. 37.

will receive a common family number, but it is unclear whether the couple will also be able to receive Iranian documentation for registration of the marriage.²²

It is possible for Iranian couples that have been married abroad, to have their marriage accepted and registered in Iran. The couple needs to visit the nearest Iranian diplomatic representation. The representation will send the updated information to NOCR every month.²³

Corruption and trustworthiness of civil status documents

According to Transparency International's *Corruption Perceptions Index 2021*, Iran ranked 150 out of 180 countries, with a score of 25 on a scale from 0 (highly corrupt) to 100 (very clean) – the score indicates the perceived level of public sector corruption.²⁴

According to GAN Integrity, which is an anti-corruption portal for businesses, there is a high risk of corruption and political interference when dealing with the judicial system. Executives report that bribes and irregular payments are often exchanged in return for obtaining favourable court decisions. The Iranian constitution suggests a separation of powers, but in practice, this is not upheld.²⁵

²² Landinfo, 28 September 2018 p. 3.

²³ Landinfo, 3 September 2020, p. 35.

²⁴ Transparency International, August 2022.

²⁵ GAN Integrity, August 2020.

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