

**Law Library Of Congress Global Legal Monitor: Immigration And
Nationality Law**

April 2007 – Issue 4 G.L.M. 2007

By Rubens Medina, Law Librarian of Congress

The *Global Legal Monitor*, an electronic publication of the Law Library of Congress, is intended for those who have an interest in legal developments from around the world. Globalization is a fact with far-reaching implications including an increasing number of international transactions. The Immigration and Nationality law section has been excerpted for this Feature Article.

Immigration and Nationality Law

EUROPEAN UNION – European Agency for the Management of Operational Coordination at the External Borders (FRONTEX)

FRONTEX was established in 2004 and has several tasks, including coordinating the actions of the EU Member States in the area of management of external borders, assisting Members in the training of national border guards, and carrying out risk analyses. It liaises closely with other Community institutions, such as EUROPOL and the Customs authorities. ([*European Agency for the Management of Operational Cooperation at the External Borders \(FRONTEX\)*](#), EUROPA, Mar. 26, 2007.)

The European Commissioner on Justice, Freedom and Security, in a speech on March 27, 2007, called FRONTEX “an indispensable tool for the EU in addressing the common challenge of illegal immigration.” The Commissioner urged the Member States to continue supporting FRONTEX through financial contributions. (Franco Frattini, [*European Commissioner responsible for Justice, Freedom and Security, FRONTEX: An Indispensable Tool for the EU in Addressing the Common Challenge of Illegal Immigration \(Mar. 27, 2007\)*](#) (SPEECH/07/194).) (Theresa Papademetriou)

IRAN – Nationality of Children Whose Fathers Are Foreigners

As a result of the civil war in Afghanistan and the eight-year war between Iran and Iraq, resulting in the emigration of millions of foreign citizens from Afghanistan and Iraq, many Iranian women have married foreign nationals. Thus, many children have been born whose citizenship has been in limbo. Although they were residing in Iran, these children could not apply to become citizens, because under the Citizenship Law of Iran (art. 976, §2), only a person whose father is an Iranian citizen (whether born in Iran or in a foreign country) is considered an Iranian citizen.

The Iranian legislature has now passed a law that will determine the citizenship of thousands of children born to Iranian mothers and foreign nationals. The new law, which contains a single article, states:

Children resulting from the marriage of Iranian women to foreign men, who are born in Iran or due to be born within a maximum of one year after the passage of this law, may apply to become Iranian citizens after reaching the age of 18. Acceptance of the application is subject to a security clearance and rejection of foreign citizenship.

The Ministry of Interior will inquire into the birth of such children in Iran and will issue a special permit legitimizing the marriage of the Iranian woman to the foreign national under Iranian law and the Iranian police will issue a special residence permit to the foreign father of the child. The children born of such a marriage will be allowed to reside in Iran even before



obtaining Iranian citizenship. (17962 OFFICIAL GAZETTE OF THE ISLAMIC REPUBLIC OF IRAN 3 (Oct. 23, 2006).)
(G.H. Vafai)

MOROCCO – New Citizenship Law

On February 26, 2007, the First Chamber of Morocco's Parliament unanimously approved a new draft law on citizenship. Representatives of the majority and the opposition both supported the draft legislation, emphasizing its upholding of the equality principle in granting children born to a Moroccan mother the same right to citizenship as those born to a Moroccan father. The draft law now moves to the Second Chamber for approval before a final vote in a joint session. (*New Citizenship Law*, AL-SHARQ AL-AWSAT, Feb. 28, 2007.)
(Issam Saliba)

RUSSIAN FEDERATION – New Rules for Registration of Immigrants

A number of amendments to legislative acts governing the status of foreign and stateless individuals in the Russian Federation entered into force during the winter of 2007. These amendments simplify residence in Russia for those individuals who arrived from five former Soviet republics that have signed reciprocal agreements with Russia on visa-free entry for their nationals, and enable government authorities to obtain more accurate information on foreigners staying in Russia. It is estimated that between five and 20 million illegal migrants are currently in Russia.

According to the new provisions, those who do not need visas and are in Russia legally may obtain work permits within ten business days upon their arrival in Russia. Work permits will be issued for a one-year period and may be extended; however, the issuance of work permits will be a subject of government-imposed quotas based on each region's labor needs. The law allows regional administrations to define areas where employment of foreigners is prohibited, depending on social tensions in the region.

According to the newly passed amendments, all individuals visiting Russia must be registered in the locality of their stay. They must notify the authorities of their presence in each locality they visit within three days of arrival. The law also establishes a list of personal data to be reported by foreigners. Preliminary approval by the local authorities is required for registration of visitors in restricted areas defined by law. Violation of the registration procedure may cause problems for an individual when exiting Russia or applying for a new visa. Simultaneously passed amendments to the Code of Administrative Offenses provide for harsher penalties for failure to observe the rules governing the employment of foreigners. Hiring of illegal immigrants may entail substantial fines and loss of business licenses. (Evgeny Reyzman, *Rules on Foreign Nationals Revised Under Series of Changes*, 17:2 BNA'S EASTERN EUROPE REPORTER 19 (2007).)
(Peter Roudik)



UNITED KINGDOM – New Immigration Measures

As part of a substantial overhaul of the visa system in the United Kingdom, the government has announced that it will raise the age for marriage visa applicants from 18 to 21, in an attempt to decrease forced marriages. To discourage individuals who enter the country on family-sponsored visas from overstaying, the government has announced that it will impose fines of £1,000 (approximately US\$1,700) on the visa applicants' sponsor.

In addition to these new arrangements, a new government committee, the Migration Impact Forum, has been established to look at the social impact of migration in the UK. This measure is the consequence of concerns over the strain that immigrants place on social services, such as the National Health Service and public schools, as well as concerns over community cohesion. (Press Release, Home Office, [Government to Strengthen “Off-Shore” Border](#) (Mar. 28, 2007); [Marriage Visa Age Raised to 21](#), BBC NEWS, Mar. 28, 2007.)
(Clare Feikert)

