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## **2025.73 Passing Iraqi citizenship to a child born abroad**

**European Migration Network  
Ad-hoc query**

**January, 2026**

# AD-HOC QUERY ON 2025.73 PASSING IRAQI CITIZENSHIP TO A CHILD BORN ABROAD

REQUESTED BY EMN NCP FINLAND ON 3 DECEMBER 2025

**Exported for:** Unrestricted Dissemination

**Responses from:** EMN NCP Austria, EMN NCP Belgium, EMN NCP Croatia, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Slovakia, EMN NCP Spain, EMN NCP Sweden, EMN NCP Ukraine **(20 in total)**

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## BACKGROUND INFORMATION

Finnish nationality law may observe the ius soli principle in cases, where the citizenship of the parent cannot be passed to a child for some reason, or is unknown. A child acquires Finnish citizenship by birth if the child is born in Finland and does not acquire the citizenship of any foreign state at birth, and does not even have a secondary right to acquire the citizenship of any other foreign state.

According to the Nationality Act of Finland (359/2003), Finnish Immigration Service decides on determination of citizenship status. The Finnish Immigration Service determines citizenship status of a child born in Finland to foreign parents to make sure that the child does not remain stateless after birth.

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The Finnish Immigration Service has recently had cases where it has been unclear, what are the conditions under which Iraqi citizenship is passed to children as per current Iraqi law.

According to the Nationality Law of Iraq (Iraqi Official Gazette Issue 4019 dated March 7, 2006, No. 26):

*Article 1: For the purposes of this law, the following terms shall have the meaning as follows:*

- a. The Minister : the Minister of Interior;*
- b. An Iraqi: a persons enjoys Iraqi nationality; and*
- c. Age of maturity: the age of eighteen full calendar year.*

*Article 3: A person shall be considered Iraqi if:*

- a. he/ she is born to an Iraqi father or an Iraqi mother;*
- b. he/ she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof to the contrary, be considered to have been born therein.*

*Article 4: The Minister may consider Iraqi any person born outside Iraq to an Iraqi mother and an unknown or stateless father, if he chooses the Iraqi nationality, within one year from coming of age (reaching the age of maturity), unless he fails to do so, due to difficult circumstances, provided that he is residing within Iraq at the time of application for the Iraqi nationality.*

The Finnish Immigration Service Nationality Process asks for information from other Member States of their experience and knowledge on how they deal with cases where a citizenship from an Iraqi citizen mother to a child is uncertain.

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### WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **24 December 2025**.

- 1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.**
- 2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?**
- 3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?**

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### RESPONSES

		Unrestricted Dissemination?	
	<b>EMN NCP</b> <b>Austria</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>One of the basic principles of Austrian citizenship law is that Austrian citizenship is acquired by descent from an Austrian parent (ius sanguinis). As a general rule, the “country-of-birth principle” (ius soli) is not applicable in Austria. The only exception to this rule is that foundlings up to the age of six months are considered as Austrian citizens if they are found on Austrian territory (until the proof to the contrary).</p> <p>Therefore, the question asked by Finland does not arise in Austria, because of the different legal context.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>The same rules apply to these children as to all third-country nationals (see also comments on question 3).</p> <p>---</p> <p>Source: Ministry of the Interior</p>

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### 3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?

In Austria, there are no provisions that would result in an immediate change of the child's nationality in such cases. In principle, stateless children born in Austria have the same opportunities to acquire Austrian citizenship as all third-country nationals; for example, Austrian citizenship can be acquired following birth in Austria after six years of lawful residence in Austria and fulfillment of the general naturalization requirements, or the child can be granted Austrian citizenship without a minimum period of residence in Austria at the same time as a parent (extension of the grant).


In addition to the opportunities for acquisition generally available to all third-country nationals and stateless persons, Art. 14 Citizenship Act 1985 contains a special provision for the facilitated acquisition of Austrian citizenship, which is available exclusively to stateless persons born in Austria. Art. 14 of the Citizenship Act 1985 stipulates that Austrian citizenship may be granted to a foreign national if certain conditions are met. These are:

- Birth on the territory of the Republic of Austria and statelessness since birth;
- Primary residence on the territory of the Republic of Austria for a total of at least ten years, with at least five years immediately prior to the granting of citizenship being uninterrupted;
- No final conviction by a domestic court for certain criminal offenses;
- No final conviction by a domestic or foreign court to a prison sentence of five or more years;
- Application for citizenship after reaching the age of 18 and no later than three years after reaching full legal age.


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	<p><b>EMN NCP</b> <b>Belgium</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>With respect to the international legal principle of sovereignty in matters of nationality and citizenship, it's the prerogative of each country to determine who possesses its nationality, and how this nationality can be obtained or lost. With this in mind, authorities will consider the applicable legislation and any provided documents in their ascertainment of whether a child born in Belgium from foreign parents obtains their nationality. In the particular case of inheriting the Iraqi nationality from an Iraqi mother and an unknown or stateless father, no concrete data exists on how this situation is handled by authorities.</p> <p>Source: Ministry of Justice.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>With reference to our answer under Q3, authorities will try to rule out statelessness and ascertain to the best extent possible (with the caveat under Q1 in mind) whether a person born in Belgium to foreign parents inherits their parents' nationality or not. Attributing the Belgian nationality to prevent statelessness is the ultimate remedy in these situations.</p> <p>Source: Ministry of Justice.</p>


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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>A child born in Belgium who, at any time before the age of 18 or emancipation prior to that age, does not possess any other nationality, is Belgian (Article 10 of the Belgian Nationality Code). In other words, if when the child is born he/she does not have any other nationality, he/she will be considered to be Belgian. The child keeps the Belgian nationality until it has been proven, before he/she turns 18 or becomes emancipated, that he/she has another nationality.</p> <p>Source: Belgian Nationality Code.</p>
	<p><b>EMN NCP Croatia</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>No, in the procedures for acquiring Croatian citizenship, the child's citizenship is determined based on their travel document or certificate of citizenship that is attached to the application.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>So far we haven't faced aforementioned issue, since a small number of applications for acquiring Croatian citizenship from Iraqi children were received and they had valid travel documents.</p>

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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>According to Article 7 of the Croatian Citizenship Act ("Official Gazette", No. 53/91, 28/92, 113/93, 130/11, 110/15, 102/19 and 138/21), Croatian citizenship is acquired by a child who was born or found in the territory of the Republic of Croatia, if both parents are unknown or of unknown citizenship or are stateless. A child's Croatian citizenship will cease if, by the time he or she reaches the age of 14, it is determined that both parents are foreign citizens.</p>
	<p><b>EMN NCP Czech Republic</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>YES. In the case of submitting a residence application for a child born in the territory of the Czech Republic, we rely on the nationality stated in the residence permit application form. If the nationality declared for the child corresponds to the mother's nationality, we do not further verify this information.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>In cases of doubt or where the nationality is not stated in the application form, the child is registered as a person of unknown or undeclared nationality. In such cases, the child could theoretically be granted the status of a stateless person in separate proceedings; however, in practice, this situation does not occur.</p>


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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>If the above approach were not applied, Czech law provides a safeguard against statelessness. Under Section 5 of the Act on Czech Citizenship, a child acquires Czech citizenship by birth if the child is born in the territory of the Czech Republic and would otherwise become stateless, provided that both parents are stateless and at least one of them holds a residence permit in the Czech Republic for a period longer than 90 days at the time of the child's birth.</p>
	<p><b>EMN NCP Estonia</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>Yes, upon registration of birth, a child of a foreign parent (including an Iraqi parent) is considered a citizen of the parent's country. If the parents have different nationalities, they must choose which nationality their child will be given at the time of birth registration. If the child later acquires the nationality of another country, the parents may submit documentary proof to change the child's nationality in the population register.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>At the time of birth registration, the parents' nationality (or both nationalities, if the parents have different nationalities) as recorded in the population register is taken as the basis for the child's nationality. During the birth registration process, no assessment is made as to whether the child actually acquires that nationality under the law of the parent's country of nationality.</p>

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		<p>If it later becomes evident that the child did not acquire the parent's nationality, the parent must submit a certificate issued by the competent authority of the respective country. Based on this documentation, the child's nationality information will be amended. If the child does not hold any other nationality, the child will be recorded as a stateless person.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>If the mother's or father's citizenship is not automatically passed to the child, the child is not automatically granted Estonian citizenship. In such cases, the child may acquire Estonian citizenship if the parent applies for Estonian citizenship together with the child, or if the child applies for Estonian citizenship independently upon reaching the age of 15 (in Estonia, a person applies for citizenship on their own from the age of 15).</p>
<p><b>+ EMN NCP Finland</b></p>	<p><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>YES. According to the Nationality Law of Iraq (Iraqi Official Gazette Issue 4019 dated March 7, 2006, No. 26) a person shall be considered Iraqi if he/ she is born to an Iraqi father or an Iraqi mother.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>Finnish Immigration Service determines the citizenship status of the child. If the child does not obtain citizenship from his/her parent and he /she was born in Finland, the child will be a Finnish citizen based on his/her birthplace.</p>


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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>The child will be Finnish citizen based on his/her birthplace.</p>
	<p><b>EMN NCP France</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>No. Under French law, the lawfulness of the stay of a third-country national is assessed exclusively on the basis of possession of a valid residence permit (Article L. 411-1 of the Code on the Entry and Stay of Foreign Nationals and the Right of Asylum - CESEDA). The continuation of the right of residence is not conditional upon the permanent possession of a valid identity or travel document issued by the country of origin, as this right is established by the residence permit itself.</p> <p>Possession of a valid passport is required upon entry into the territory, in accordance with the Schengen Borders Code, as well as in the context of the initial application for, or the renewal of, a residence permit, for the purposes of establishing identity and nationality.</p> <p>According to Annex 10 to the CESEDA, when applying for a residence permit (excluding international protection), nationality must be proven by a passport (pages relating to civil status, validity dates, entry stamps and visas) or, failing that, by other supporting documents such as a consular certificate, identity card, consular card, certificate of nationality, etc.</p> <p>In France, within a legal migration procedure, the establishment of the applicant's identity does not depend on the type of residence permit or visa applied for. The passport and civil status documents submitted by the applicant are the most useful documents. The French</p>


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			<p>authorities consider the passport to be the most reliable document for verifying an applicant's identity, provided that it is regarded as authentic.</p> <p>However, the CESEDA provides that the foreign national must submit, in support of the application, "documents justifying his or her civil status and nationality." Accordingly, the applicant has a legal possibility to produce any document capable of establishing his or her civil status (for example, a birth certificate), even though such documents are considered by prefectures to be more easily falsifiable, in particular due to the absence of the applicant's photograph.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>When an initial application for, or the renewal of, a residence permit is submitted, the identity and nationality of the person concerned are established on the basis of the available elements.</p> <p>According to Annex 10 to the CESEDA, when applying for a residence permit (excluding international protection), nationality must be proven by a passport (pages relating to civil status, validity dates, entry stamps and visas) or, failing that, by other supporting documents such as a consular certificate, identity card, consular card, certificate of nationality, etc.</p> <p>France therefore continues to regard a person as a national of the State of which he or she is recognised as having the nationality, even in the absence of any valid identity or travel document issued by that State.</p>
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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>A minor child born to parents who are third-country nationals is not required to hold a valid travel document issued by the country of nationality in order to reside lawfully in France. The lawfulness of the child's stay derives from that of the parents. Possession of a travel document becomes relevant only for travel outside France or for obtaining a travel document for a minor foreign national (DCEM). A DCEM allows foreign children under the age of 18 residing in France to return to France after travel abroad without requiring a visa. This document must be accompanied by a valid travel document (a passport in most cases) when the minor travels outside France.</p>
	<p><b>EMN NCP Germany</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>No. In order to clarify the nationality of a child, the child's nationality has to be proven. This is often times done by presenting the passport or another identity document from Iraq issued for the child.</p> <p>If no such document is submitted and also no other means of evidence of the child's nationality is presented, the child's nationality may be regarded as unclear.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>The competence for determining whether a newly born child is considered stateless usually lies with the locally competent foreigners' office if there is no asylum procedure (in the case of an asylum procedure the Federal Office for Migration and Refugees clarifies the child's</p>

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			<p>nationality).</p> <p>Hence there is considerable variety in the approaches towards determining statelessness. Before the status as a stateless person is clarified the child's nationality is usually regarded as unclear. In order to establish the child's statelessness, the child's representatives often times will be asked to submit negative certificates issued by the public authorities of the states whose nationality the child may have, indicating that the child is indeed not a national of that state.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>If a child's statelessness has been clarified, it can be naturalized upon application after five years of having been legally ordinarily resident in Germany.</p> <p>In order to qualify for naturalization, the application must be made before reaching the age of 21. Moreover, the person to be naturalized must not have been sentenced to a term of imprisonment or a juvenile sentence of five years or more (Article 2 of the Law on the reduction of statelessness).</p>
	<p><b>EMN NCP Hungary</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>Yes.</p>


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			<p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>If a person's nationality or statelessness cannot be justified, in the civil registration it must be indicated that they are of unknown nationality until proven otherwise.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>If a child born in Hungary does not receive automatically the citizenship of the parents, he or she has access to the statelessness procedure in Hungary. If they meet the conditions as set out in the United Nations Convention relating to the Status of Stateless. Recognized stateless persons receive a humanitarian residence permit and may be granted citizenship after 3 years of residence.</p>
	<p><b>EMN NCP</b> <b>Ireland</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>Ireland does not determine the nationality laws of another State (Correspondence with the Department of Justice, Home Affairs and Migration, January 2026).</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>The Irish Nationality and Citizenship Act 1956 (as amended in 1986, 1994, 2001 and 2004) governs the acquisition of Irish citizenship. Following the 2004 Citizenship Referendum the 27th Amendment of the Constitution of Ireland removed the automatic right to Irish citizenship of children born in Ireland to non-Irish national parents (Pathways to citizenship</p>


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			<p>through naturalisation in Ireland).</p> <p>From 1 January 2005 a person born in the island of Ireland is only entitled to be an Irish citizen at birth if one of their parents is an Irish or British citizen, has permission to remain without restriction in the State or in Northern Ireland, or has been resident in Ireland under certain categories of immigration permission for at least three years (or three years in aggregate) during the four years immediately preceding the person's birth.</p> <p>An application for naturalisation on behalf of a person born in the State who did not qualify for citizenship at birth may be made after the child has accumulated three years of residency in Ireland, to include one year's continuous residence in the State immediately before the date of the application and a further two years (continuous or aggregate) in the eight years prior to that.</p> <p>Section 6 of the Irish Nationality and Citizenship Act 1956 as amended states that a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to the citizenship of any other country (Revised 1956 Act).</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>Section 6 of the Irish Nationality and Citizenship Act 1956 as amended states that a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to the citizenship of any other country (Revised 1956 Act).</p>
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	<b>EMN NCP</b> Italy	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>In the context of the activities carried out by Civil Status Officers in Italy, no cases have been reported of children born in the national territory to a mother who is an Iraqi national for whom there were doubts regarding the acquisition of the mother's nationality.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>N/A</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>Article 1(1)(b) of Law No. 91/1992 is a safeguard provision aimed at preventing situations of statelessness from arising within the Italian territory, in compliance with the 1954 and 1961 Statelessness Conventions. In particular, the aforementioned provision provides for the attribution of Italian citizenship from birth to persons born in the territory of the Republic where both parents are unknown or stateless, or where the child does not acquire the parents' citizenship under the law of the State to which they belong. The formal requirements that parents must fulfil in order to transmit their nationality to a child born abroad do not allow for the applicability of the provision in question.</p>
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	<b>EMN NCP Latvia</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>Yes. The child is entitled to acquire the citizenship of the parents if, at the time of his birth, one of his parents is an Iraq citizen.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>According to the Citizenship Law a Latvian citizen is a person whose both parents at the time of his or her birth are Latvian citizens or one of them is a Latvian citizen. A child with a birth does not acquire Latvian citizenship if, at the time of his birth, both parents are Iraqi citizens or one of his parents is an Iraq citizen or one of them is unknown. In the case if child is not a citizen of another State ad is not guaranteed citizenship of another state, the child is entailed to become a stateless person in Latvia.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>The child is entitled to one of the parent's citizens. As it was mentioned in Q2, if child is not a citizen of another State ad is not guaranteed citizenship of another state, the child is entailed to become a stateless person in Latvia.</p>
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	<b>EMN NCP Lithuania</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>No. Lithuanian law makes a clear legal distinction between citizenship (pilietybė), which determines a person's legal bond with a state and is regulated by the Law on Citizenship, and nationality/ethnicity (tautybė), which is a civil status data element reflecting ethnic affiliation and is regulated by the Law on Civil Status Acts. These are separate legal concepts and are treated differently in birth registration and migration procedures. The answers below focus primarily on citizenship, while referring to nationality/ethnicity where relevant for clarity.</p> <p>Lithuania does not presume or determine that a child born in Lithuania to an Iraqi mother automatically acquires Iraqi citizenship. The acquisition of Iraqi citizenship is assessed exclusively under Iraqi nationality law and falls within the competence of Iraqi authorities. Lithuanian authorities do not make a declaratory determination that Iraqi citizenship has been acquired by descent, and foreign citizenship is not recorded in the birth registration. However, the child's nationality/ethnicity (tautybė), including Iraqi nationality, may be recorded in the birth record in accordance with the Law on Civil Status Acts, based on the parents' nationality and their agreement, where applicable. This recording of nationality/ethnicity has no legal effect on the determination of citizenship.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>Where it is unclear whether Iraqi citizenship is transmitted to the child under Iraqi law, Lithuanian authorities assess the child's situation for migration and citizenship purposes on the basis of available information and documentation. Lithuanian law does not provide for the automatic attribution of Lithuanian citizenship solely due to uncertainty under foreign law. In such cases, the child is treated as a third-country national whose citizenship has not yet</p>
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			<p>been established, without this implying statelessness. Any entry of nationality/ethnicity (tautybė) in the civil status register is separate from and does not affect the assessment of citizenship.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>Lithuania aims to avoid statelessness through safeguards laid down in the Law on Citizenship. Where a child is born in Lithuania and, at the time of birth, both parents are stateless or one parent is stateless and the other is unknown, the child acquires Lithuanian citizenship ex lege. In other situations where a child born in Lithuania does not acquire any citizenship from the parent(s) and is therefore stateless, Lithuanian citizenship may be granted under a facilitated naturalisation procedure for stateless persons born in Lithuania, provided that the statutory conditions are met, including lawful permanent residence in Lithuania for the required period and the absence of any other acquired citizenship.</p>
	<p><b>EMN NCP Luxembourg</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>This falls into the competence of the Iraqi authorities.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>If the Iraqi Law refuses to recognize the child born from an Iraqi mother as Iraqi citizen, article 5 (2) of the Luxembourg Nationality Law will consider the child as Luxembourgish citizen.</p>

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			<p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>Article 5 (2) of the Luxembourg nationality law states that "A person is Luxembourgish:          1° if they are a minor born in the Grand Duchy of Luxembourg who cannot obtain a foreign nationality because their parents are stateless;          2° if they are a minor born in the Grand Duchy of Luxembourg to non-Luxembourgish parents, provided that the application of no foreign law allows them to obtain the nationality of either parent, or that the granting of these foreign nationalities is only possible in the event of residence in the countries concerned.</p>
	<p><b>EMN NCP Netherlands</b></p>	<p align="center"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>YES. Normally, the acquisition of Iraqi nationality is by descent, either from the father or the mother, which is regulated in Articles 3 and 4[1]. The child of an Iraqi father derives, regardless of whether it is born in Iraq or outside Iraq, Iraqi nationality from its father (Article 3(a)). The child of an Iraqi mother derives Iraqi nationality from its mother, regardless of whether it is born in Iraq or outside Iraq (Article 3(a)). In this case, when the nationality of the mother is known (Iraqi), the child will be registered with Iraqi nationality, not with Dutch nationality.</p> <p>[1] Irak - Huidige wetgeving   OpMaat</p>

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### **2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?**

As mentioned above, the acquisition of Iraqi nationality is by descent, either from the father or the mother, which is regulated in Articles 3 and 4[1]. The child of an Iraqi father derives, regardless of whether it is born in Iraq or outside Iraq, Iraqi nationality from its father (Article 3(a)). The child of an Iraqi mother derives Iraqi nationality from its mother, regardless of whether it is born in Iraq or outside Iraq (Article 3(a)).

A child born outside Iraq to an Iraqi mother, whose father is unknown or stateless, does not immediately acquire Iraqi nationality at birth. However, this child can become an Iraqi citizen by opting for Iraqi nationality within one year of reaching the age of eighteen. The condition for acquiring nationality is that the optant resides in Iraq and does not possess any other nationality (Art. 4). Therefore, a child without (any other) nationality born to an Iraqi mother outside Iraq and without a legal father, or if this legal father is stateless, has the right to choose the Iraqi nationality.


Such a child born in the Netherlands without or with a right of residence could, if the court has determined that he or she is stateless, opt for Dutch nationality in the Netherlands (Article 6(1)(b) and (q) of the Dutch Nationality Act[2]). In that case, there is no obvious statelessness because Iraq is not included in the list of countries in the Regulation on obvious statelessness and the identification document for stateless persons (i.e. annex 2, belonging to article 2 regulation on obvious statelessness[3] (countries whose nationality is not passed on through the female line)).

[1] Irak - Huidige wetgeving | OpMaat

[2] wetten.nl - Regeling - Rijkswet op het Nederlanderschap - BWBR0003738

[3] wetten.nl - Regeling - Regeling betreffende evidente staatloosheid en het

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			<p>identificatiedocument voor staatlozen - BWBR0048651</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>If a child born in the Netherlands is not considered stateless under civil law, it will be registered in the Basic Registration of Persons (BRP) with an unknown nationality. Whether it will be possible to obtain Dutch citizenship in the future is not relevant to the assessment of statelessness; what matters is the moment of assessment.</p>
	<p><b>EMN NCP Poland</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>NO. Issues related to determining whether a child born in Poland whose mother is an Iraqi citizen acquires Iraqi citizenship remain outside the scope of the provisions of the Act of 2 April 2009 on Polish Citizenship.</p> <p>At the same time, it should be emphasized that such a child does not automatically acquire Polish citizenship.</p> <p>The basic principle of acquiring Polish citizenship is acquisition by birth, i.e. based on the principle of ius sanguinis. A child acquires Polish citizenship by birth if at least one parent is a Polish citizen.</p> <p>The principle of ius soli applies as a supplementary principle, but it applies to children born or found in Poland whose parents are unknown, who have no citizenship, or whose citizenship is undetermined.</p>

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### **2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?**

A child of foreigners whose citizenship is known, born in Poland, does not automatically acquire Polish citizenship.


In such cases, Polish law allows the child's legal guardians to apply to the President of the Republic of Poland for Polish citizenship. In this procedure, the child does not have to meet any requirements, the only formal requirement is for the guardians to submit an application.

### **3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?**


A child born or found in Poland acquires Polish citizenship by the virtue of law only if his/her parents are unknown or have no citizenship or their citizenship is undetermined (Article 14, point 2 and Article 15 of the Act on Polish Citizenship).

Therefore, the supplementary principle of territorial right (*ius soli*) effectively prevents statelessness for children born or found in Poland whose parents are unknown or who are stateless. In other cases, legal guardians may apply to the President of the Republic of Poland to grant the child Polish citizenship.


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	<b>EMN NCP Slovakia</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>YES. As stated in Article 3(a) of the Law on Citizenship of the Republic of Iraq.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>This fact must be documented by an official confirmation from the competent state authority of the Republic of Iraq that the child did not acquire citizenship of the Republic of Iraq by birth.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>According to the Act on Citizenship of the Slovak Republic, citizenship of the Slovak Republic is acquired by birth of a child (among others) born in the territory of the Slovak Republic, whose parents are stateless, or born in the territory of the Slovak Republic, whose parents are foreign nationals and does not acquire citizenship of any of them by birth. The above facts must be documented by an official confirmation from the competent state authority of the foreign state that the child did not acquire the citizenship of a foreign state by birth after either of the parents.</p>
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	<b>EMN NCP Spain</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>According to Article 9 of the Spanish Civil Code, nationality is governed by personal law. As a general rule, the child of an Iraqi mother acquires the nationality of his/her mother (Iraq), according to the principle of ius sanguinis.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>If the personal law of the parents does not grant the newborn a nationality, Article 17.1(c) of the Civil Code establishes that those born in Spain to foreign parents are Spanish nationals by origin if both parents are stateless or if the legislation of neither parent confers a nationality on the child. For this purpose, Articles 92 and 93 of the Civil Registry Act provide for the procedure for recording nationality with the value of a simple presumption. This is an iuris tantum presumption. This prevents statelessness and ensures compliance with the Convention on the Rights of the Child of 20 November 1989.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>See answer to Q2.</p>
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 <b>EMN NCP Sweden</b>	<b>Yes</b>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>No, the child is not automatically registered as an Iraqi citizen when the mother is an Iraqi citizen. A child born in Sweden is registered as an Iraqi citizen if the parents are married to each other and the father is an Iraqi citizen. If the mother is an Iraqi citizen and the father is unknown or a citizen of another country, the child can only be registered as an Iraqi citizen once some form of proof has been presented showing that the child is an Iraqi citizen, for example an Iraqi passport, a certificate of nationality, etc. This also applies if the father is stateless.</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>The Swedish Tax Agency will conduct an inquiry whether the child can be registered with any other nationality than Iraqi. If this is not possible, the child is registered as a citizen of an unknown country or as stateless.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>The Swedish Tax Agency always conduct an inquiry whether another nationality than Iraqi can be registered in cases where Iraqi nationality cannot be registered. In cases where it is clear to the Tax Agency that the child has acquired citizenship in a country other than Iraq, the child is registered as a citizen of that country instead. The Swedish Tax Agency conducts a more thorough investigation when we see a risk that someone may be registered as stateless. In such cases, we examine more closely whether there is any other citizenship that</p>
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## Ad-Hoc Query on 2025.73 Passing Iraqi citizenship to a child born abroad

			<p>we can register instead. Sweden has ratified the UN Convention on the Reduction of Statelessness.</p>
	<p><b>EMN NCP Ukraine</b></p>	<p style="text-align: center;"><b>Yes</b></p>	<p><b>1. Does your member state consider that a child born in the territory of your Member State from an Iraqi mother, automatically acquires Iraqi nationality from its mother? YES/NO. Please explain.</b></p> <p>Yes. Iraqi law provides for the acquisition of Iraqi citizenship by right of blood (if the person was born to Iraqi citizen parents).</p> <p><b>2. What does your Member State do in a situation where Iraqi nationality law does not necessarily consider a child to be an Iraqi citizen by birth?</b></p> <p>According to Article 7, paragraph 1, of the 1989 Convention on the Rights of the Child, of which Iraq is a participating state, a child has the right to acquire citizenship from the moment of birth.</p> <p>We consider that Article 4 of the Iraqi Citizenship Law regulates the right of adults to acquire Iraqi citizenship.</p> <p><b>3. How does your Member State aim to avoid statelessness for a child born in your Member State whose mother's or father's citizenship is not passed on the child automatically?</b></p> <p>The legal meaning of Ukrainian citizenship, the grounds and procedure for acquiring and terminating it are defined by the Law of Ukraine "On Citizenship of Ukraine." The grounds for acquiring Ukrainian citizenship by birth are defined in Article 7 of the Law. According to part four of Article 7 of the Law, a person born in Ukraine to foreigners who legally reside in Ukraine and who did not acquire the citizenship of either parent by birth is a citizen of Ukraine.</p>

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			<p>According to part six of Article 7 of the Law, a person born in Ukraine to a foreigner and a stateless person who legally reside in Ukraine and who did not acquire the citizenship of the parent who is a foreigner by birth is a citizen of Ukraine.</p> <p>Moreover, part nine of Article 8 of the Law of Ukraine "On Citizenship of Ukraine" stipulates that a child born on the territory of Ukraine after August 24, 1991 and did not acquire Ukrainian citizenship by birth and is a foreigner in respect of whom an obligation to terminate foreign citizenship has been submitted, or a stateless person in respect of whom a declaration of absence of foreign citizenship has been submitted, shall be registered as a citizen of Ukraine at the request of one of his or her legal representatives.</p>
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