

Nationality of Children Born Through Artificial Insemination in Iranian Law, Which is Based on Islamic Sharia

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ABSTRACT

The artificial Insemination is one of modern achievements in medicine to treat infertility. Infertility scientifically means the lack of fertility of the wife after one year continuous intercourse between the couple without use of contraceptive tools there are many issues and problems arising out of the legal status of the children born through Artificial Insemination.

This Situation exists while there is the only one statute for this action; namely, the Law of Donation of Fetus to unfertilized Couple, consisting of five articles which leave many questions unanswered.

One of the legal issues concerning such children is their nationality. The legislator has not provided any special rule on it; As a result, their nationalities should be determined by those rules governing nationality. As a result, the nationality of such children is governed by the general rules to determine the nationality if the child, the situation of such children with respect to each used method which has been accepted under the Iranian laws. It is possible to see some cases in which the nationality of the child is different from that of the donated Couple. This difference faces the society, child and the donated couple with problems. To meet this goal, it is required that laws, must be passed in order to keep this relation confidential forever: To meet this goals, it is required to grant The Iranian nationality so that the child may enjoy all rights and privilege of Iranian nationals. Finally it is suggested that the Iranian legislator with Islamic sharia, grant such children the Iranian nationality by virtue of the freedom of States in recognition of their subjects.

KEYWORDS: infertility, artificial insemination, nationality, donation of fetus, unfertilized Couple.

1. INTRODUCTION

One of the main purposes of the marriage is to reproduce and to continue existing generations. This purpose is such an important case that those couples being unfertilized refer to various ways to reach this natural inclination existing in humans. In case this desire is not met, the institution of family becomes weak and fragile one in some cases.

Under normal conditions, nearly 10 to 15 percentages of young couples lack the bodily ability to reproduce. [1] Medical experts and scientists have tried many years to solve this problem. Finally these efforts have led to discover various methods of artificial insemination, helping many unfertilized couples see their wish materialized. Under such situation and in line with the achievement of various sciences and emergence of new social issues, the law has gone outside the traditional borders of this branch of science, regulating issues facing the societies.

Concerning the children born through artificial insemination, a lot of legal issue may be discussed:

Kinship, inheritance, custodian's ship and so on. One of the issues related to such children is their nationality which should be studied. This article studies various methods of such insemination, discusses the nationality of the children, and proposes some appropriate solutions using the means of the artificial insemination.

2. Artificial Insemination and its types

Insemination Lexicologically means to fertilize and inseminate means getting fertilized.

Respect to terminological aspects, the artificial insemination has a meaning close to its lexicological meaning: "The combination of male sperm with female one without sexual intercourse inside or outside womb Using medical equipment". [2] The artificial Insemination is one of modern achievements in medicine to treat infertility. Infertility scientifically means the lack of fertility of the wife after one year continuous intercourse between the couple without use of contraceptive tools. For fertility, some condition must be met by the couples:

A) If the man has a healthy sperm and it reaches the reproduction system of the woman

B) The woman must have two conditions: to have healthy sexual cell "ovule" and to have ability to keep the fetus in the womb.

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Due to various diseases, some persons may lose the requirements for fertility; as a result, they could not have any child. In witness where off, the barriers that the couple faces many result from is one of two following factors:

A) The man has no healthy sperm

B) The man has healthy sperm, but has no ability to reach it to the woman's sexual cell or the sperm may not penetrate to the woman's sexual cell.

C) The woman has no healthy woman's sexual cell.

D) The woman is not able for keeping the fetus in the womb, resulting from various causes including lack of womb or other disease. This article does not have any opportunity to study them. [3]

Any of such barriers is enough for fertility even though all of these barriers or some may be seemed in a couple collectively. For this purpose we can refer to the lack of healthy sexual cell in the both woman and man. Having discovered the barriers, medical scientists have taken many endeavors to remove such barriers, hoping to provide unfertilized couple with ways to have healthy children. Their endeavors during the recent century have let to provide appropriate treatment for each disease resulting in infertility of the couple. The suggested methods of modern medicine include:

A) The lab. Experts take the semen of a man and enter it to the womb after preparation in case the man is not able to reach his sperm to the woman's sexual cell.

B) Where the sperm is not able to penetrate the woman's sexual cell, the sexual cells of the woman and man are taken, the Insemination is done in the lab by the experts and resulted fetus is entered to the womb using different methods.

C) in case the woman is not able to keep the fetus in her womb, the fetus resulted from out- of- the womb Insemination of the sperm of the man and woman in lab is entered to the womb of another woman by artificial tools in order that she keeps the fetus and delivers the child to the couple after the birth. Under this method, a contract is usually made by and between the couple and the woman, whose womb is used, known as Rental womb.

The woman whose womb is used is called the substitute Mother.

D) When the man and the woman lack healthy cells for reproduction, two methods are offered:

1. Donation of GAMET

Under this method, the cell taken from the party whose cell is healthy and is the mixed with the third party cell and the resulted fetus is put in the womb of the woman. For example when the wife is not of healthy cell, the sperm of the husband is taken and mixed with the woman's sexual cell of another woman in the lab is and the fetus is put in the womb of the wife.

2. Donation of the fetus: Under this method, a couple may want to donate their fetus to another. This means that the couple gives their own sexual cells so that these cells are mixed in the lab and the fetus resulted from the operation in the lab donated to the candidate unfertilized couple having legal requirements.

These methods have been provided as practical solutions for treatment of infertility so that the couple may enjoy the beauty of having healthy children.

3. Jurisprudential and legal studies of infertility treatment Methods.

Following legal and jurisprudential study of new methods of treating infertility, the position of Iranian legal system concerning such methods is clarified.

3-1. Jurisprudential study

Concerning the Jurisprudential study of said methods, and whereas these issues are new there is no clear order in the Holy Book of Quran and the tradition. During the era of older scholars, these issues were not in existence so the study of such issues is on the shoulder of contemporary scholars. The contemporary scholars have no common opinions about the various methods of artificial insemination, providing us with no consensus on them.

Most of scholars have recognized the artificial insemination from the couples sexual cells inside or outside the womb. On the insemination with cell of someone else, most of scholars consider it impermissible. There is opinion divergence among the scholars about the donation of fetus, some of which consider it permissible and other considers it impermissible. Opinions of contemporary scholars on the various methods are:

A) Artificial Insemination of the husband and the wife's cells inside or outside the womb and putting it in the womb of the wife:

Khomeini, Khamenei, Fazel Lankarani, Sannei, Sistani: it is not problem and is permissible

B) Artificial insemination with the sperm of another man inside the womb of the woman:

Khomeini, Makarem Shirazi, Fazel Lankarani, Sannei, Khamenei and Yazdi, permissible but Sistani said: not permissible.

C) Insemination of the woman's sperm with her husband one in the lab and putting it in another woman's womb (transfer of fetus) Khamenei, Makarem Shirazi, Safi, Sannaei, Yazdi, No problem; Fazel lankarani, Behjat, Tabrizi, not permissible.

D) Insemination a woman's sperm with another man then transfer sperm to the womb of other women: Khomeini, Khoie, Fazel lankarani, Sistani, Makarem Shirazi and Tabrizi do not consider it a permitted method. Khamenei, Yazdi, Saneei consider it acceptable [see no impediment for implanting it]. [4]

3-2. Legal study of the subject

Following the implementation of final tests (experiments) and as a result of calling the said treatment methods as effective ones, the Iranian legislator passed a law affecting the new methods for fertilizing treatment and artificial insemination in 2003. The related law is the law regulating the donation of fetus to unfertilized couple, including 5 articles. The ministry of Health was required to draft the executive by-law for the law with collaboration of the ministry of justice, which was approved by the Cabinet of minister in year 2004. Article one of the said law provides: "On strength of this law, all of competent specialized in fertility treatment center are authorized to transfer fetuses formed as a result of out-of-womb belonging to legally and religiously married couple, upon their written agreement, to womb of the women whose infertilities have been established after their marriage and medical tests (either one of the couple or the both), with observance of religious norms and the requirements stipulated in the law." Taking the existence of various methods for artificial insemination and opinion differences among higher religious scholars (foghaha) concerning some of the said methods, the legislator authorizes only the transfer or donation of fetus by legally and religiously married couples under the law concerning the donation of fetus, rejecting the donation of GAMET. The said law contains no explicit provision for other artificial insemination methods (rented womb and out-of womb insemination), leaving room for applying legal rules and jurisprudential opinions to specify appropriate positions concerning ambiguous aspects. The law concerning the donation of fetus is silent on artificial insemination of sperm of the wife and the husband inside or outside the womb. By virtue the provision of the Iranian constitution and with respect to the opinion of the majority of contemporary higher religious scholars (Foghaha) accepting the such action, and on strength of innocence principle (presumption of innocence), we can deduct that the Iranian system of law should accept the method. The scholars of *usul al-fiqh* believe that the principle of innocence applies where we have no material precedent and there is doubt about the permission for daily administration of affairs rules. [5]

Concerning the status of the rented womb, the approval of this method by the Iranian legislator may be assumed. Even though the legislator has not provided us with any explicit provision. The reasons for such treatment are as follows:

Firstly: the subject on which scholars have different opinions is the legitimacy of putting a fetus in womb of unfamiliar women; however the Iranian legislator has authorized this method in the law effecting the donation of fetus. So, what is difference between the return of the child after the birth or the case in which the women whose womb was used keeps the child. On the other hand, where the law authorizes the putting of a fetus in another woman for the purpose of donation. It logical on stronger argument basis to accept the putting of an fetus in the womb of another woman when the child is going to be returned to the original parents.

Secondly: article 10 of the Iranian civil code stipulates that: "the private contracts are binding for the parties if the contract explicitly is not contrary to the code".

On the other hand, the contracts being contrary to public policy and good morality may not be enforced as article 975 provides. Article 975 was said: "courts may not enforce foreign laws or private contracts which contrary to good morality or considered as matters contrary to public policy as a result of disturbing society's peace even though such laws are principally enforceable." The womb lease contracts may be treated as a relief to save the life of fetus; if it is the case, the said contract is not incompatible with public policy or good morality. Based on article 10 of the civil code and by virtue of non-rejection of this relief by the code on tacit manner, the womb lease contract should be considered a permissive and binding. [6] The permission principle doctrine also confirms this conclusion [Article 223 of the civil code: "Each made deal or contract is treated (assumed) Valid unless its corruption (invalidity) is proved].

Taking the said facts into consideration, we can suggest that the problem of unfertilized couples facing artificial insemination may be solved, under the Iranian law, only by these three solutions:

- A) Artificial insemination of sperm of the wife and the husband inside and outside the womb
- B) Rental womb
- C) Donation of fetus

Concerning the legal status of the children born through artificial insemination poses many issues and ideas for discussion. The situation becomes worse when there is only one law passed by the Iranian legislator; namely, the Law of Donation of Fetus to the unfertilized couple, consisting of five articles and leaving many questions unanswered.

One of the legal issues concerning such children is their nationality.

The legislator has not provided any clear rule on it, practically making many problems. In the next part, we study the nationality of the children born through artificial insemination.

4. Nationality

Nationality refers to the political and spiritual relation which links a person to a given state. [7] It should be noted that nationality is not of theoretical nature imposes the nationals of a State duties and rights distinguishing them from aliens.

Nationality is categorized into types of nationality of origin and Acquired Nationality. Nationality arising from the birth is called the Nationality of Origin and that arising from marriage or request of a person and approval by the government it is called Acquired Nationality.

The focus of this article is the nationality of origin.

In spite of the freedom and the discretion the states have chosen some rules to recognize their nationals from aliens. When these requirements are met, States arbitrarily impose their nationality on persons. These criteria are as follows:

A) Jus sanguine is: where the child is born to the parents being the nationals of a State,

The nationality of that State is given to that child.

On this system it should be understood that some states have recognized the absolute jus sanguine is and some have recognized relative system.

B) Jus According to this system, each child is born in the territory of a state and other conditions are met, she or he is the national of that state whether his or her parents are of the nationals of the country or not.

C) Mixed system: some states taking the features of two systems into consideration have chosen the third systems and their nationality is granted to the both children born under the territory and those born to their own subject.

The Iranian legislator has stipulated the general Regulation, governing the nationality in the second

Book of the third volume of the civil code, Reading the various clauses of the Article 976 of the civil code, we see the mixed system has been chosen not absolutely, however. The article was said: The following persons are considered to be Iranian subjects:

1-All persons residing in Iran except those whose foreign nationality is established if their documents of nationality have not been objected to by the Iranian Government.

2-Those born Iran or outside whose fathers are Iranian.

3-Those born in Iran of unknown parentage.

4-persons born in Iran of foreign parents, one whom was also born in Iran.

5-Persons born in Iran of a father foreign nationality who have resided at least one more year Iran immediately after reaching the full age of 18; in other cases their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.

Every woman of foreign nationality who marries an Iranian husband.

Every foreign national who has obtained Iranian nationality.

Note- Children born of foreign diplomatic and consular representatives are not affected by Clause 4 and 5 of this Article.

4-1.Nationality of the child born through artificial insemination

Concerning the nationality of artificial insemination-born children there is no special rule and the law of the Donation of Fetus is silent on this matter. As a result, the nationality of such children is governed by the general rules to determine the nationality if the child, the situation of such children with respect to each used method which has been accepted under the Iranian laws is separately studied.

4-1-1.Artificial insemination of the husband and the wife cells (inside or outside the womb)

Under this method, the born child is the legal and religious child of the parents. His or her parents are known and the situation is very similar to the naturally born children The nationality of this child is determinate like natural children and according to Article 976 of the Civil Code, his or her nationality is declared.. There are no practical problems under this situation, if a child is born to an Iranian father or in Iranian territory, and the conditions of Note 4, 5 of Article 976 are met, that child is recognized as an Iranian subject.

4-1-2.Rental Womb

In case the fetus is the result of artificial insemination of the cells belonging to the husband and the wife it is put in the substitute mother's womb so that this mother carries and delivers him/her to the couple after the birth, the nationality may be different under various circumstances:

A) The father of the fetus is the Iranian subject: under this case and according to note 2 of Article 976 of the civil code, The Iranian nationality is granted to him/her

B) In case the child is born in Iran and his/her father is not the Iranian subject, some circumstance many are assumed:

First, his/her foreign father has also been born in Iran; according to note 4 article 976 of the Civil Code, the born child is one of the Iranian subjects.

Second, the foreign father of the child had not been born in this case and with respect to Iran: in the nationality of the child the Iranian nationality may be granted to the child under these two cases: either the mother is the Iranian subject, within the provisions of note 5 of Article 976 or the foreign mother of the child had been born in Iran under the provisions of note 4 of Article 976 of the Civil Code.

Under the latter cases, the only issue to be examined is the question. Who is the mother for the purpose of this article?

Does she include the woman the cell belonging to her or the substitute mother may be the said mother?

To answer the question, it should be noted that the natural and real mother of the child is the woman whose existence has been the cause the development of the child. In eyes of medicine the origin of the fetus is the sensual cells of and the substitute mother shall only carry the fetal, having no role in the formation of it. [8] This conception may be understood from the verses of the Holy Book [9] [Verily we created man from a drop of mingled sperm, in order to try him. So we gave him the gifts of Hearing and sight surate, Incan Verse 2] So, the substitute mother may not be considered the real mother of the child. Regarding this fact the body of the child has rooted in the womb of the substitute mother, she may be considered as Rezaee mother of the children. [10] If it is the case, the Rezaee relationship is not effective in determining the nationality according to article 1046 of the civil code. In addition, the term, mother is the article 910 of the civil code, refers to the natural mother of a child.

4-1-3. Donation of Fetus

The legislator has accepted the donation of a fetus to unfertilized couples under the first article of the law of Donation of Fetus. Note F of Article 2 of the law requires the Iranian nationality of the couple [Article 2. The request for receiving a donated fetus shall be made saintly by the wife and the husband before the court. After the ascertainment of the below mentioned regiments, the court shall another to for receiving the fetus. According to valid medical certificate the couple may not give birth a child and the wife is of the potentiality for the fetus.

B) The couple are morally qualified

C) The both husband and the wife is incapacitated person.

D) The both husband and the wife does not suffer from hard disease to cure.

E) The both husband and the wife are not adducted to illicit drugs

F) The couple must be the nationals of the Islamic Republic of Iran]. On the other hands the nationality requirement has not been seen for the couple donating a fetus under the said Law and the executive by-law. As a result, a foreign couple may donate a fetus to the Iranian couple. According to the said matters, we can suppose several situations in which the nationality of the child may differ. Before starting the discussion of the nationality of the child under the different Circumstance a fetus is donated, it should be reminded that:

First, under laws and regulations, (even under the law of Donation of Fetus to unfertilized couple), there is no special rule concerning the nationality of such child's; so, general regulations governing nationality should be applied.

Second, to recognize the nationality of the child under the general regulations, recognition of the parents. Is necessary to do so, it should be noted that the base for recognizing the kinship. Has for a long time been the fetus formation, and the society knows the husband and the wife whose sexual cells were used to form the fetus as the parents. The opinion of the most contemporary scholars concerning the parents of the child is based on the childhood relation between the couples donating and the child. [11]

Following the same path, the legislator considers the relation of the child and the donated Couple like duties of parents and children. As mentioned in Article 3 of the Law of donation of fetus.[Article 3: The duties and obligations of the Couple donated the fetus and the born child are the ones like duties and obligations of children and the parents with respect to such affairs as Respect, care and child support.]

Based on such terms as like in the said article it is well understood that the law does not recognize the donated couple as the parents of the child, but recognizing the donating Couple as the parents of the child. Having the above introductory issues, the nationality of the donated Fetus is studied under various conditions:

A) The Couple donating the fetus or one of them is an Iranian: If the couple or the real father of the fetus is an Iranian, the Iranian nationality is imposed on the child as a result of the recognition of the relative Jus Sanguine system under the Iranian civil Law (Note 1 of Article 976).

Under this condition, the nationalities of the child and the Couple donated the fetus are the same: The note f of Article 2 of the Law of Donation of fetus requires the Iranian nationality for the donated Fetus.

In case the real father of the father is a foreign national and the real mother is an Iranian the child is granted the nationality of Iran if the child is formed in Iran and other requirements mentioned in Note 5 of Article 976 of the Civil Code are met. Some believe the Legislator consider the formation in Iran as the birth in Iran since the date of Fetus formation any not be exactly determined. In addition, the grant of the nationality to the child has no practical effect.

On contracts it should be understood about the fetuses resulted from artificial insemination that the date of their inseminations and formation of them are known and, granting nationality to them has of practical effects.

An example, a fetus that is formed in Iran and is born during a travel of the parents in a foreign country. If the birth in Iran is the standard, that child would not be granted the Iranian nationality.

But in a case the formation is in the territory of Iran, and if other requirements, mentioned in notes, 4 and 5 of Article 976 are met that child is an Iranian.

The *prima facie* of the term “to be formed” refers to the day on which the fetus is formed. This rule is more compatible with the interests of the child and the couple receiving the fetus.

B) The both husband and the wife who donate the Fetus are not the Iranian subject:

If it is the case and according to the *Jus Sanguine* system, the child may not be recognized as the Iranian national but, regarding the place in which the fetus is formed, we can grant the nationality of Iran to the child. If the child is formed outside Iran, The child is not the Iranian national unless he/ she can acquire the nationality by virtue of the requirements of the law.

But, when the child is formed in Iran, he/ she may be granted the nationality of Iran only if at least one of the foreign parents has been born in Iran (Note 4 of Article 971 of Civil code.) it should be noted that note 3 of the article does not recognized him/her as an Iranian nationals because the donation of the fetus by the religious and legal couple is subject to the identification of the donating couple by ritual of Article 2 of the law of Donation of the Fetus; as a result, the real mother of the father of such children are known and the provision of Note 3 of Article 976 do not government them. Under this assumption, and regarding the Iranian nationality regiment for the donated couple, the nationality of the couple and that of the child are different. This difference may result in emerging undesirable social problem.

5. Critical Analysis of law-making process.

In general, the couples Donated fetus consider him/her their real children and to fulfill all their parental obligations with respect to the child, in most cases, these couples do not disclose the donation and the real mother and the father, even before the child him/herself.

The bylaw of the law has been enacted according to this regiment. Labeling the information related to the Donation of fetus Top Secret. Note of Article 6 of the said by-law the purpose of this provision is the cooperation of the government. [Article 6: Authorized infertility treatment specialized center shall be obliged to perform the following affairs:

A-To take care the donated fetus of Moslem and non Moslem donor separately and to observe concerned religious norms of the candidate couple with respect to the donated couple during the transfer of the fetus.

B- To obtain and file the final decree of the judicial authorities from the candidate

C-To issue the certificate and letter of introduction indicating the mental and physical health for the candidates of fetus under the Law and its executive by- Law

D-To receive, to take care and to transfer of the donated fetus under completely confidential.

Note, the information concerning the donated fetus is treated as Top secret.]

To keep the issue confidential some psychologist believe that option should be followed without the acknowledgment of each party to other and. The child's So, it is require information up to the promotion of public information to acceptable level in order to prevent family legal social problems and to minimize the risk of identity contravene and mental disorder.[12] So, it is required that laws, must be passed in order to keep this reaction confidential forever:

To meet this goal, it is required that laws, must be passed in order to keep this relation confidential forever: To meet this goals, it is required to grant The Iranian nationality so that the child may enjoy all rights and privilege of Iranian nationals; otherwise refusal of granting nationality to the child and restricting the child to enjoy some privileges will have two under mentioned results, the both are rejected.

A. refusal to granting the nationality and rectifying the child to enjoy some rights of Iranian nationality, as an alien in fact cause to disclose the issue, destroying all of endeavors made by the government and unfertilized Couples to unrevealed the issue, resulting in possible social and emotional problems.

Under some cases, persons and courts may consider the child as an Iranian due to the nationality of the donated couple, and apply the Iranian law on the legal relations of the persons and recognize. The rights and duties of nationals for

him/he while the child is the fact an alien. [The law of Donation of fetus is silent about the surname of the donated fetus. But, considering the aim of this law and based of the similar purpose and rule mentioned in Article 14 of the law protecting custodian-less children, we can suggest to insert the surname of the donating couple as that of the child on the identity card.

B. Article 14 of the law protecting Custodian less Children, the final judgment of custodianship is notified to the civil status Registration office and the provisions of the judgment is inserted in the civil identity document of the custodian couple and the child, a new id card with the particulars of the custodian couple and the surname of the husband is issued.] This case is more possible for the person who is unaware of the case. Even if the child is aware of the reality, the possibility of fraud by him/her increases.

6. Proposed Solutions

Based on the said facts, it seems necessary to cover the relationship between the donated couple and the child, avoiding any issue the donated unfertilized couple (Note F of Article 2 of the law). It is required to grant the donated child the Iranian nationality. This happens through two ways:

A) Regarding this fact that the dates are of discretionary power to recognize their nationality, they may ratify some laws so the Iranian legislator is recommended to pass laws in order to grant such children the nationality of Iran.

B) Up to the legislative action to dose the government may restrict the donation of fetuses only to the couple in which at least the husband the father of the donated fetus is Iranian because if it is the case, the child is considered Iranian by virtue of Sanguinity system recognizer by the civil code (Note 2 of Article 976) even that child is born outside the country.

7. Conclusion

Under normal circumstances, nearly 10 to 15 percent of young couples lack the ability for reproduction.

The medical science in the recent century provided some various methods of artificial insemination as practical tremens for unfertilized couples. The Iranian legislator passed a Law in 2003 in order to help unfertilized couple receive donated fetus, explicitly recognized the possibility of fetus donation. Other new medical treatments have faced the silence of the law and there is no special position by the legislator on strength of principle 167 of the Constitution and regarding the opinions of accredited jurisprudential scholars and Resort to legal principles, we can assume that the Iranian legal system has recognized the artificial insemination of sexual cells of the husband and the wife inside and outside the womb and the rental womb, in addition to the donation of unfertilized couples. And the legislator has chosen this position as well.

Concerning the children born through children, there many issue to be discussed. One of these issues is the nationality of the children born through artificial insemination under the law of donation of of fetus and its executive by-law, there is no special son concerning the nationality of such children and their nationalities must be governed by general rules and regulations of nationality, as stipulated in the second book of the third volume to study their nationality, it should be noted that the parents of the child are the owners of the basic sexual cells under the jurisprudential and custom approaches, and the Iranian legislator has accepted it as well.

The said law has required the nationality of Iran for the donated couple. It is a condition whiled the both said law and the executive by law have not imposed such regiment on the donating couple. As a result, it is possible for foreign couple to donate a child to infantilized couples. Where the child is donated by a couple of Iranian nationality to a couple whom the husband, at least, is an Iranian, the child, on strength of the jus sanguine recognized by the Iranian law, will be an Iranian But, where the child is donated by a foreign couple to unfertilized couple, the child shall be granted the nationality of Iran only she/he is born in Iran according to the requirements of note 4 and 5 Article 976 of the civil code; otherwise, this nationality is refused. If it is the case, the conflict of conflicts between the child and the couple receiving donation may result in personal, family and social problems. Finally the government is advised to gram the Iranian nationality to such children to avoid the said problems. Up to the ratification of such legislator action, the government by ritual of the by-law restrict the donation of the fetus to the couple in which at the father of the donated fetus is an Iranian.

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