

Acquisition of Foreigners in Iran

Alireza Hasani¹ Fatemeh Zahmati Sarab^{2*}

1. Department of International Trade, Damghan Branch, Islamic Azad University, Damghan, Iran

2. Master of Real Estate Registration I, Damghan Branch, Islamic Azad University, Damghan, Iran

*Corresponding author E-mail: fatemeh.zahmati.2013@gmail.com

Abstract

In this article we will be looking for it, the question is whether aliens can immovable property in their possession in Iran? constitution of the prevention of foreign economic domination over the country's economy is stressed. prediction limits and conditions for the acquisition of real property by foreign domination and influence one way of preventing them from seizing the land of a country. foreigners may purchase multiple properties in a region of a country's territory and the area of the territory allocated to the analysis. Iran, as part of the international community, to make rules and regulations pertaining to citizenship, to embark on the border between Iran and the alien is a citizen. Iranian civil code, in its article 976, paragraphs seven, people with the Iranian government, and the country's citizens are sovereign function relationship, and ultimately determine how the acquisition will foreigners in Iran.

Keywords: Acquisition ; Foreigners in Iran ; Ownership; Immovable property; Foreign rights; Naturalization.

1. Introduction

Is required before the first brief on the issue of Iranian nationals who refers, provide a brief description. The opposite of the concept of alien or foreign national set-ups. Iranian civil code, in article 976, in paragraphs seven, those with the Iranian government and the Iranian people are the respective function relationship, has set. according to the first paragraph of this Article, the population of Iran is a citizen of Iran. foreign nationals and foreign nationals granted unless the person who is granted citizenship documents to be approved by the government. with refine in this paragraph, we find that fixed the citizens of Iran until the situation in the foregoing paragraph, the aura of uncertainty, or at least for Iranian legislator (due to the lack of accurate statistics of the population) was very difficult to determine its national is. (Synchronization and symmetry nationality law, registration law and property law are new and important documents, and it is noteworthy), the legislator is bound to reason, given the cross (= citizen of Iranian inhabitants), an Iranian citizen to recognize and profile them (or Iranian identity card) is granted, and if the period of a foreigner, foreign claims as he must citizenship documents to the government (Department of State) submitted and, if Alsdrv certain of his foreign citizenship documents, the award of Iranian birth certificate to the person mentioned (in terms of its foreign and confirmed that foreign nationals) was prevented. the issue of foreign law is not new. some thinkers consider the human personality and to rely on the extensive rights for foreigners are allowed. the theories that places great value on democracy in the country and say, each country has a political organization and an independent sovereignty and the sovereignty and independence of all its citizens is dependent on. If the alien is a right of way easement's purpose. political interests of any country as a citizen or legal alien demands to be placed close to that. In order to determine the law requires foreigners to see what the legal citizens of the interior, and then identify each of these rights in. One of these rights, the right of ownership of immovable property is intended for internal nationals and property of any amount can be. In this study, we acquired the status of nationals and foreign governments with a new bill in the comparative study.

2. Acquisition of foreigners residing in Iran

The lack of regulations on the acquisition of foreign nationals and the need for state regulation in this regard to be felt more intensely. Acquisition Regulations Foreigners only for residence, business or industry may In a statement that the person applying to register the location of the property The property must be explicitly or his family if he has another property in Iran must be explicitly stated in the declaration In addition to the acquisition of immovable property for residential, industrial and strangers shall obtain permanent residence permit in these regulations shall be And even then, if he wants to be a commitment that their permanent residence abroad transfer Acquisition of ownership must be requested up to six months from the date of departure of one of the nationals or foreigners who have studied the regulations allow for acquisition of transport Otherwise, the registration office with the permission of the registered office, in accordance with the provisions of Florida real estate conditional sale by auction sells. Real case studies that allow the regulations to allow foreign nationals or companies or institutions have been transferred The registered office is prepared for the Office of Registration and the profile of the applicant and the characteristics of the property listed on the State Department announced. To the office of the ministry dedicated to this purpose than to record.

3. Acquisition of non-resident foreigners

Whereas the large number of foreign tourist to come to Iran And those in temporary accommodation Iranian lawmakers to attract tourists and facilitate their affairs in accordance with the decree, the government allowed the acquisition of foreign nationals After consideration and approval of a special commission to those without a permanent residence permit in order to explore and use the summer to Iran Regular trips seasonal several consecutive years are also allowed to purchase immovable property for a private house in areas that the government considers suitable with respect to give proportions of Provided that the purchase of immovable property the value of which is officially transmitted to the country by one of the authorized banks use. The decree-law was repealed And the implementing regulations other than those approved Which the applicants have their application containing your full name and location of the Governor or the Governor-General is requested and submit presidential office in Tehran. Governors or governors of the case within one month of the request received from the Security Council to deal with and the results are sent to the presidency. The demands of a commission composed of representatives of the Presidency, Ministry of Interior, Ministry of Justice and Ministry of Foreign Affairs addressed to the President and Cabinet for final approval to be submitted. The Commission's decision is final on demand. If the demand is far to the applicant and the General Register Office and the local registry office will be notified. Since facilitate tourists in the country is to provide foreign currency income. According to Article 4 of the Regulations of the buyer (the foreigners) is required to order the transfer or exchange text by one of the authorized banks of the study. Bank certificate authorized the transaction will be charged by notaries and far will be listed in the document characteristics.

4. Legal Protection of Foreign Properties

Basically, in every country of the foreign assets such as property, local citizens protected by law . But the immovable property at the moment is to prevent the penetration of foreign states in the country, restrictions on foreign ownership of immovable property files are. Thereby able to control it and only considering the specific criteria to alien It is necessary to pay qualified acquisition of immovable property. Because otherwise there is a possibility of abuse by strangers. Thus it is possible after many property buyers in the region of the country after a while it will become part of the soil analysis and to allocate tempered. But if the state allows the acquisition of such other foreign property is protected by law It is important to note that the support is prevented in certain exceptional cases, if the interests of the community calls, according to the expropriation of the foreign regulations be. As in the case of local nationals may arise such expedient. But to be fair compensation in such cases must be done.

5. Cash on lease and acquisition bill nationals and foreign governments and international organizations

they are operating in the country. Bill "Rent and acquisition of national and foreign governments and international organizations in the Islamic Republic of Iran" by the Council of Ministers adopted and sent it for review to the Assembly. This bill must be in accordance with existing rules and regulations and to be able to cover the gaps and fix bugs prior to the decree. It is necessary for the bill to a more complete and facilitate the leasing and acquisition of foreign nationals be permitted. Some of the points that are raised about this bill include:

A. justify the introduction of this bill, the issue of the lack of

comprehensive legislation in this regard that failure and problems are pointed out and send the bill to eliminate these defects are mentioned. However, this bill again have this defect is not comprehensive enough. Legislation in this area should be comprehensive enough to always be able to rely on clear and transparent so that law enforcement can not fit their perceptions, to implement that law. However, most of the bill to the Committee to investigate the acquisition of foreign nationals has been detected. However, the issue of transparency and the need criterion is more accurate, but the bill is very general points.

B. Need to do a review and comparative law in the matter of rental and owned by nationals and foreign governments .For example, the Persian Gulf states, European countries, the citizens of Afghanistan, and Asian countries, and it can not be a single law for all countries extended.

C. Talk leasing and ownership, free from any security or investment perspective, the social and cultural perspective is very important and necessary. In this section we also need a separate review.a. Therefore, the cultural and social dimensions of these issues will also be addressed in the bill.

D. The residence of foreign nationals to the units, and the area should be proportionate to the number of family members, social, cultural, financial, political and industrial, as well as the type of business that people have to be acquired for residential units.

E. Now the question arises that what is the norm? Should set criteria and standards and practices to identify precisely stated in the law. Failure to identify the criteria for determining the area of the bill to the taste of the Committee is authorized by the members.

6. Expropriation of aliens

Basically, the government is right in its territory to the expropriation of foreign nationals, provided that they pay compensation and damages and the final part of Article 7 of the Convention provides that residence between Iran and Belgium, "national ownership of the property shall not be denied or even if they are temporarily detained except in accordance with the terms and conditions of use of their property in exchange for giving the Ghramaty Local laws required for citizens received. Need legislation to set up a list of properties that foreigners were to legal education through the courts to force them to sell the property to the Iranian problem. Thus, in the current period, foreign ownership of agricultural lands and functions and its accessories are such that they are not defined in Article I of the Act. In terms of the Note: "Software cadastral functions such as springs and orchards and pastures and other agricultural property is in order."In addition, cadastral, other foreigners from owning immovable property in excess of what they need for their place of residence or business or industry are For. This exclusion includes the immovable property is not only objective but also any other rights they may lead to the acquisition of such lien.

7. Conclusion

Foreigners who have immovable property in accordance with the conventions of the acquisition is subject to the laws of Iran. Legal regime of the immovable property to foreigners in Roman law is the old rule whereby immovable Amvla place their own rules. This is another issue that all countries accepted because the property that is located in a place other than the laws of the area are the regulatory function is involving a lot of problems In addition, the principle of land rules of law with regard to the situation right now and the characteristics of racial, ethnic and national and religious traditions of the country situation and legislation areSo basically need to all government property and persons located in its territory and influence, and immovable property if the other provisions of the country in which they are located Discomfort and conflict of laws and a lack of confidence there. countries in this regard to know in addition to registration of immovable Amvla located in a country other than the one rule is also not practical.

8. Acknowledgement

With all the efforts of Mr. Ali Mohammadi in preparing this article, I would appreciate the help.

References

- [1] Schindler,D(1979),"The International committee of theRed Cross and Human Rights," InternationalReview of the Red Cross, pp. 3-14. <http://dx.doi.org/10.1017/S0020860400066353>.
- [2] Meron, Theodor (1988), "Draft Model Declaration in Internal Sterfe", International Review of, pp. 59-76.
- [3] Consistory, N (2009), property and ownership, Tehran, emission rate, the twenty-sixth edition, pp. 48 and 49.
- [4] Imam, H (2000), Civil Rights, Tehran, bookstore Fayed, Nineteenth Edition, Vol. I, pp. 34 to 35.
- [5] mmtaz, J(2002), "the protection of individual human rights and humanitar ian law in national crises." Bulletin of the Center for Inter-national Studies, Faculty of Law and Political Sciences, Tehran Uni-versity, the third year, pp. 32-31, pp. 17-16.
- [6] Brownli, Prioriple of public international law, 4 thed, axford,1991,p.533
- [7] R. Doak Bishop & W. Michael Reisman. James Crawford "Foreign investment disputes",. 2005,p.837
- [8] M.Sornarajah, The international law on foreign investment The Hague,Kluwer law international, 2000, p.402
- [9] Avanesian Aida B, Iran-united stats clams Tribunal in Action, Kluwer academic .publisher grope London.1993.p.34
- [10] American international group v. Tran,4,96,1.5 also inacoraration v.IKan 8,373, 378 in Avanesian Aipa, B. Tran-unitedstaite clems Tribunal in action, Kduweracademic publisher, grope londo, 1993, p.34
- [11] Pillips petroleum co .v. iran, 1989. 21 iran –us. Ctr 79
- [12] Thomas W. Merrill, IncompleteCompensation for Takings, II N.Y.U. Envtil. L.J. 110-115., 2002 , p.124

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:

<http://www.iiste.org>

CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

Prospective authors of journals can find the submission instruction on the following page: <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

Academic conference: <http://www.iiste.org/conference/upcoming-conferences-call-for-paper/>

IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

