



Baghdad, 26 April 2012

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To the Swedish Migration Board

### Paternity issues in Iraqi law

The Embassy has been in contact with an Iraqi attorney-at-law, who has stated the following:<sup>1</sup>

When a child is born, the birth certificate should be collected from the Ministry of Health within 15 days after the birth of the child. Otherwise, the parents have to go to a competent court with witnesses to prove that they are the true parents of the child in question.

The birth certificate should then be presented to the personal status court with a marriage contract, indicating the marital status of the mother and the father. The court then registers the child in the family records of the father.

In case there is no valid marriage contract, the woman (if she knows who is the father) has to submit a case to the court to prove her claim by DNA test. If that is proved, the court makes a marriage contract and register the baby in the family records of the father and gives the child the name of the father.

If the father is unknown and there is no marriage contract, then according to Islamic law the child cannot be registered in the family records of the mother. This is an impediment to registration also when the father is known to the mother, but missing. In very rare

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<sup>1</sup> Note that this does not constitute a legal opinion and that the investigation is preliminary and has not been confirmed by the Iraqi authorities.

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cases, the brother or the uncle of the mother claim paternity and thus the child can be registered with the personal status court.

If the child is an orphan (unknown parents) and he lives in a state orphanage, the court will give him any first name but the father name should be "Abdullah".

In order to apply for passports and many other things, an Iraqi citizen has to present either the national ID card (which is issued by the Iraqi Ministry of the Interior, upon presentation of an extract of the record of the personal status court; the birth certificate is not enough) or an extract of the record of the personal status court, indicating the file number of the court, the family number, the page number and the number of the individual.

When applying for a coordination number ("samordningsnummer") for a child born in Iraq to a Swedish parent, the Embassy usually requires the birth certificate from the Iraqi Ministry of Health, the marriage contract of the parents and proof of identity in the form of the Swedish passports of the parents.

Office of the Ambassador