



Australian Government
Refugee Review Tribunal

Country Advice
Jordan

Jordan – JOR37995 – Nationality – Dual
nationality with Israel
20 January 2011

1. Please advise whether there are any impediments in the law of Jordan or Israel to being a dual national of Jordan and Israel.

There are no impediments in the law of Jordan and Israel to being a national of both countries. Both Jordan and Israel allow dual nationality with some exceptions. These exceptions include acquiring nationality through naturalisation, long term residence in the country and holding a seat in the national parliament. Under these circumstances the existing nationality must first be renounced.

Jordan

The current *Jordanian Nationality Law 1954* sets out the requirements for Jordanian nationality. Article 17 of the *Jordanian Nationality Law 1954* states that any Jordanian ‘who acquires the nationality of a foreign State may retain his Jordanian nationality’. Impediments to dual nationality are listed in Articles 4, 5 and 13. These Articles stipulate that ‘[a]ny Arab who has resided continuously in the Hashemite Kingdom of Jordan for not less than 15 years’ and ‘any emigrant who submits a written declaration of option’ may acquire Jordanian nationality only if they renounce their existing nationality.¹ The Articles further state that ‘[a] certificate of Jordanian naturalization shall not be granted to any person unless he loses by such naturalization the nationality he possessed at the date thereof’.² Thus dual nationality is permitted if Jordanian nationality is held first.

Israel

Israel’s *Nationality Law 5712-1952* (also known as *Citizenship Law 5712-1952*) sets out the criteria for acquisition and loss of Israeli nationality.³ Israeli nationality may be acquired through: the rule of return; residence in Israel; birth; or naturalisation.⁴ Article 14 states that a person does not need to renounce their existing nationality in order to acquire

¹ *Jordanian Nationality Law 1954* (Jordan), <http://www.unhcr.org/refworld/docid/3ae6b4ea13.html> – Accessed 12 January 2011 – Attachment 1.

² *Jordanian Nationality Law 1954* (Jordan), <http://www.unhcr.org/refworld/docid/3ae6b4ea13.html> – Accessed 12 January 2011 – Attachment 1.

³ Immigration and Refugee Board of Canada 2008, *ISR102749.E - Israel: Citizenship Law*, 6 March http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451766 – Accessed 17 January 2011 – Attachment 2.

⁴ Note: The ‘rule of return’ is an Israeli law that allows any Jewish person who wishes to migrate to Israel to become an Israeli national. See: *Law of Return 5710-1950* (Israel), http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950 – Accessed 17 January 2011 – Attachment 3. *Nationality Law 5712-1952* (Israel), <http://www.israelawresourcecenter.org/israelaws/fulltext/nationalitylaw.htm> – Accessed 13 January 2011 – Attachment 4.

Israeli nationality, except in one of two circumstances: those who acquire Israeli nationality through naturalisation and those people who wish to become members of the Knesset (Israel's parliament).⁵ Article 14 further states that any Israeli national who also holds a foreign nationality is considered an Israeli national under Israeli law.⁶

It may be of note that Israel makes a distinction between the concepts of 'nationality' (in Hebrew, *le'um*) and 'citizenship' (*ezrahut*).⁷ While all Israelis are considered citizens of Israel, the state itself is defined as belonging to the Jewish nation.⁸ This means that any Israeli person who is not Jewish can be a citizen of Israel, but cannot hold Israeli nationality.⁹ The result of this distinction is that there is a legal separation between the rights afforded to the citizens of Israel and those of Israeli nationals. One report located states that there are '[s]ome 30 laws in Israel [that] specifically privilege Jews, including in the areas of immigration rights, naturalization, access to land and employment'.¹⁰ This could mean that a person may be a citizen of Israel, and hold an Israeli passport, but not be a national of Israel. This distinction is only observed within Israel.

2. Please confirm that in Jordan if a person's father is a Jordanian national, and the person is born in Jordan, that person would have a right to Jordanian nationality.

The *Jordanian Nationality Law 1954* sets out the requirements for obtaining Jordanian nationality. Article 3 Paragraph 3 stipulates that any person whose father is a Jordanian national also holds Jordanian nationality. The Article is set out in full below:

Article 3

The following shall be deemed to be Jordanian nationals:

⁵ *Basic Law: The Knesset (Amendment No. 10)* (Israel), http://www.knesset.gov.il/laws/special/eng/basic2_eng.htm – Accessed 17 January 2011 – Attachment 5; *Nationality Law 5712-1952* (Israel), <http://www.israelawresourcecenter.org/israelaws/fulltext/nationalitylaw.htm> – Accessed 13 January 2011 – Attachment 4.

⁶ *Nationality Law 5712-1952* (Israel), <http://www.israelawresourcecenter.org/israelaws/fulltext/nationalitylaw.htm> – Accessed 13 January 2011 – Attachment 4.

⁷ Tekiner, R. 1990, 'Israel's Two-Tiered Citizenship Law Bars Non-Jews From 93 Percent of Its Lands', *Washington Report on Middle East Affairs*, January, <http://www.wrmea.com/backissues/0190/9001020.htm> – Accessed 14 January 2011 – Attachment 6.

⁸ Cook, J. 2010, 'Lawsuit challenges Israel's discriminatory citizenship definition', *The Electronic Intifada*, 6 April, [http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+\(Electronic+Intifada+%3A+Palestine+News\)](http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+(Electronic+Intifada+%3A+Palestine+News)) – Accessed 14 January 2011 – Attachment 7; *The Declaration Of The Establishment Of The State Of Israel May 14, 1948* (Israel), <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Declaration+of+Establishment+of+State+of+Israel.htm> – Accessed 14 January 2011 – Attachment 8.

⁹ Cook, J. 2010, 'Lawsuit challenges Israel's discriminatory citizenship definition', *The Electronic Intifada*, 6 April, [http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+\(Electronic+Intifada+%3A+Palestine+News\)](http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+(Electronic+Intifada+%3A+Palestine+News)) – Accessed 14 January 2011 – Attachment 7.

¹⁰ Cook, J. 2010, 'Lawsuit challenges Israel's discriminatory citizenship definition', *The Electronic Intifada*, 6 April, [http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+\(Electronic+Intifada+%3A+Palestine+News\)](http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+(Electronic+Intifada+%3A+Palestine+News)) – Accessed 14 January 2011 – Attachment 7.

(1)Any person who has acquired Jordanian nationality or a Jordanian passport under the Jordanian Nationality Law, 1928, as amended, Law No. 6 of 1954 or this Law;

(2)Any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954;

(3)Any person whose father holds Jordanian nationality;

(4)Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established;

(5)Any person born in the Hashemite Kingdom of Jordan of unknown parents, as a foundling in the Kingdom shall be considered born in the Kingdom pending evidence to the contrary;

(6)All members of the Bedouin tribes of the North mentioned in paragraph (j) of article 25 of the Provisional Election Law, No. 24 of 1960, who were effectively living in the territories annexed to the Kingdom in 1930.¹¹

Article 9 further stipulates that a person's country of birth is not relevant when their father holds Jordanian nationality. The Article states:

Article 9

The children of a Jordanian man shall be Jordanian wherever they are born.¹²

Attachments

1. *Jordanian Nationality Law 1954* (Jordan), <http://www.unhcr.org/refworld/docid/3ae6b4ea13.html> – Accessed 12 January 2011.
2. Immigration and Refugee Board of Canada 2008, *ISR102749.E - Israel: Citizenship Law*, 6 March http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451766 – Accessed 17 January 2011.
3. *Law of Return 5710-1950* (Israel), http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950 – Accessed 17 January 2011.
4. *Nationality Law 5712-1952* (Israel), <http://www.israelawresourcecenter.org/israelaws/fulltext/nationalitylaw.htm> – Accessed 13 January 2011.
5. *Basic Law: The Knesset (Amendment No. 10)* (Israel), http://www.knesset.gov.il/laws/special/eng/basic2_eng.htm – Accessed 17 January 2011.

¹¹ *Jordanian Nationality Law 1954* (Jordan), <http://www.unhcr.org/refworld/docid/3ae6b4ea13.html> – Accessed 12 January 2011 – Attachment 1.

¹² *Jordanian Nationality Law 1954* (Jordan), <http://www.unhcr.org/refworld/docid/3ae6b4ea13.html> – Accessed 12 January 2011 – Attachment 1.

6. Tekiner, R. 1990, 'Israel's Two-Tiered Citizenship Law Bars Non-Jews From 93 Percent of Its Lands', *Washington Report on Middle East Affairs*, January, <http://www.wrmea.com/backissues/0190/9001020.htm> – Accessed 14 January 2011.
7. Cook, J. 2010, 'Lawsuit challenges Israel's discriminatory citizenship definition', *The Electronic Intifada*, 6 April, [http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+\(Electronic+Intifada+%3A+Palestine+News\)](http://electronicintifada.net/v2/article11187.shtml?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+electronicIntifadaPalestine+(Electronic+Intifada+%3A+Palestine+News)) – Accessed 14 January 2011.
8. *The Declaration Of The Establishment Of The State Of Israel May 14, 1948* (Israel), <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Declaration+of+Establishment+of+State+of+Israel.htm> – Accessed 14 January 2011.