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The Impact of Legal Immigration on the Nationality of the Immigrant

The Importance of the study

The importance of this study is due to the fact that there is no law in Iraq that deals with the issue of immigration and the nationality of immigrants as well as the Iraqi citizens who live legally and permanently in foreign countries. Moreover, cancelled Iraqi Nationality Laws as well as Iraqi Nationality Law no. 1 of 2006 did not contain any legal text pertaining to legal and illegal immigration and to what extent it effects the nationality of Iraqi individual. That was reflected on the Iraqi Jurisprudence which did not consider that issue.

As for the Egyptian legislators, they were pioneers in dealing with the impact of the legal immigration on the Egyptian nationality through issuing Law no. 111 of 1983 pertaining on Immigration and Egyptian Expatriates Affairs. In article 8, the law defines the term of “permanent immigrant” as “Every Egyptian who resides permanently outside the country and obtained the nationality of a foreign country, has a permission to reside permanently in it, resided in it for a period not less than ten years or obtained a permission of immigration from one of the Countries of Diaspora set by the competent immigration minister”. However, fulfilling any of the abovementioned cases does not mean considering the individual a permanent immigrant by law, as the latter should obtain the official permission and approval from the competent authority in Egypt; namely, the ministry of interior, as stipulated in article nine of the Egyptian immigration law.

Reasons of choice the study

The most important reasons of the study is to illustrate the areas of failure, weaknesses and defect in Iraqi legislation comparing to other legislations considered in the study; namely, Egyptian and Polish legislations. Moreover, the study aims to present the appropriate recommendations for both the national and international

levels in order to find a better legal status for Iraqis who are legally immigrated permanently to foreign countries¹.

Methodology of the study

Researchers in this study used the comparative study methodology, as Iraqi legislation represented by the Iraqi Nationality Law no. 26 of 2006 was compared to both the Egyptian legislation represented by the Immigration and Egyptian Expatriates Affairs Law no. 111 of 1983, and Polish Legislation represented by the Nationality Law no. 2 of 2009.

Structure of the study

Based upon the above stated, the research shall be divided into two sections as follows:

- 1. The impact of legal immigration on the nationality of the immigrant**
 - 1.1. Immigrant keeps their nationality**
 - 1.2. Immigrant loses their nationality**
- 2. The impact of the legal immigration on the nationality of the Country of Diaspor**
 - 2.1. Immigrant obtains the nationality of the Country of Diaspora**
 - 2.2. Immigrant has multi-nationalities**

The Impact of Legal Immigration on the Nationality of the Immigrant

Introduction

Legal immigration has important impacts on the nationality of the immigrant and represented in two important impacts, firstly; immigrant may keep their nationality without any impact as long as they did not willingly abandon it. The other one is that immigrant loses their nationality due to immigration and abandoning their nationality intending not to return to their homeland and to settle in the Country of Diaspora and obtain its nationality².

Based upon that, this section shall be divided into two divisions as follows:

- 1.1. Immigrant keeps their nationality**
 - 1.2. Immigrant loses their nationality**
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- 1.1. Immigrant keeps their nationality**

¹ See for example: Case C-200/02 Zhu [2004] ECR I-9925. The Court of Justice.

² P.C. Meilaender, *Toward a Theory of Immigration*, New York 2001, p. 106.

As there is no explicit legal statement in the Iraqi Nationality Law no. 26 of 2006 pertaining to the nationality of the immigrant, this may be interpreted as that legal immigration does not impact the nationality of the Iraqi immigrant. In other words, Iraqi immigrant may keep their Iraqi nationality although they left Iraq intending not to return and their immigration to a foreign country was to settle their in order to obtain its nationality.

As for the impact of the legal immigration on the Egyptian nationality of the immigrant, article ten of Law no. 111 of 1983 stipulated that permanent immigrant may obtain the nationality of the Country of Diaspora while keeping the Egyptian nationality. This right applies on their immigrant spouse and minor children. The foreign wife may obtain Egyptian nationality if applied for it. All the above stated shall be in accordance to the stipulated provisions and procedures as per Egyptian Nationality Law.

It is illustrated from the above legal statement that Egyptian legislator allowed the permanent immigrant to keep their Egyptian nationality in case of obtaining the nationality of the Country of Diaspora without any approval authority from the competent authority in Egypt to approve granting them that right or not. Moreover, the law granted the right of keeping the Egyptian nationality to the wife of the Egyptian immigrant and his minor children in case of obtaining the nationality of the Country of Diaspora. Furthermore, the Egyptian legislator granted the foreigner wife of the Egyptian immigrant the right to keep the Egyptian nationality if she submitted a written application for it despite the fact that she had the nationality of the Country of Diaspora³.

Returning to the stand of the Iraqi legislator, it is observed that article 10. 1 of the applied Iraqi Nationality Law no. 26 of 2006 stipulated that “Iraqi citizen who obtains a foreign nationality may keep their Iraqi nationality unless declares in written their abandoning the Iraqi nationality”⁴.

From the above legal text, it may be observed indirectly that the applied Iraqi Nationality Law allows the Iraqi immigrant who obtained the nationality of a foreign country to keep their Iraqi nationality and not losing it unless if they are willingly to.

It is observed that Iraqi immigrant may keep their Iraqi nationality as stipulated in article 10.1 of the applied Nationality Law only under the following conditions:

First condition: immigrant should possess the Iraqi nationality either the nationality was original by virtue of the Iraqi Nationality Laws based upon article 2 of the applied Iraqi Nationality Law or it was obtained based upon the provisions of article three of the Iraqi Nationality Law; or nationality was acquired and Iraqi

³ M. Al Sayed Arafat, *The Legal Status of the Immigrant in the Egyptian and Comparative Private International Law*, 1995, p. 138. And afterwards Fouad Riyadh, *The Basics of Nationality in both the International Law and Comparative Egyptian Law*, 1995, p. 282.

⁴ Article 11.1 of the Cancelled Iraqi Nationality Law no. 43 of 1963 stipulates that “Any Iraqi citizen who obtains willingly the nationality of a foreign country loses the Iraqi nationality”.

immigrant obtained it by virtue of the provision of articles four, five, six, seven or eleven of the Iraqi Nationality Law.

Second condition: it is proved that the Iraqi citizen obtained willingly the nationality of the Country of Diaspora. Immigrant may prove that with all available methods that are legally stipulated and judicially accepted. Needless to say that obtaining the nationality of the Country of Diaspora is required⁵.

Third condition: Iraqi immigrant who obtained the nationality of the Country of Diaspora does not declare their will to abandon their Iraqi nationality. This condition may be understood from the concept of violation in the sentence "...unless declares in written their abandoning the Iraqi nationality" stated in article 10.1 of the applicable Iraqi Nationality Law.

It is obvious that Iraqi legislator did not handle the status of the legal Iraqi immigrants and did not pay any attention to deal with the impact of this immigration on the Iraqi nationality. This is considered as a failure from legislation point of view and Iraqi legislator should fix especially after the economic crisis that the country faces under the decrease in the international oil prices and the lack of other recourses upon which the country's economy depends. That urged a great sector of youth to immigrate to countries of European Union in particular.

It is suggested that the Iraqi legislator to follow the steps of the Egyptian legislator in setting a especial legislation for the legal immigration and dealing with the nationality of Iraqi immigrants and subjects living abroad as well as their other legal statuses. It is suggested that the legislation should include that legally Iraqi immigrant may keep their Iraqi nationality for five years after obtaining the nationality of the Country of Diaspora. By that, they will have the chance to return to Iraq during that period in case they wanted to. Then, that period may be extended to two additional years upon a written application submitted by the immigrant attached with the approval of the ministry of interior in order to give them the chance to fulfill their liabilities, to obtain their rights, to liquidate their belongings and to finish all their other works in the Country of Diaspora.

1.1. Immigrant loses their citizens

There is no direct impact of legal immigration on the nationality of Iraqi immigrant, as they do not lose their Iraqi nationality for just leaving Iraq intending to settle in a foreign country to obtain its nationality. Instead, they keep their Iraqi nationality no matter who long their stay in the Country of Diaspora. This is shown clearly in the generalized texts of the applicable Iraqi Nationality Law.

⁵ See details for this condition: Badr Al Deen Abdul Moneam Shawki, *Private International Relationship: Nationality, Habitat, Foreigners' Status, A Comparative Study with Islamic Jurisprudence*, Egypt, 2005, p. 238.

However, legal immigration may have an indirect impact on the nationality of the Iraqi immigrant when they obtain the nationality of the Country of Diaspora as a result of the immigration⁶. In that case, legislator allows them to lose their Iraqi nationality in case of submitting a written application of abandoning. Article 10.1 of the Iraqi Nationality Law stipulates that “Iraqi Citizen who obtains a foreign nationality may keep their Iraqi nationality unless declares in written their abandoning the Iraqi nationality”.

It is apparent from the above legal text that the immigrant loses the Iraqi nationality in case of obtaining the nationality of the Country of Diaspora only under the following conditions:

First condition: immigrant should possess the Iraqi nationality either the nationality was original by virtue of the previous Iraqi Nationality Laws based upon article two of the applied Iraqi Nationality Law or it was obtained based upon the provisions of article 3 of the Iraqi Nationality Law; or nationality was acquired and Iraqi immigrant obtained it by virtue of the provision of articles four, five, six, seven or eleven of the Iraqi Nationality Law. This is obvious in the generalized term of “Iraqi” in the 10. 1 of the abovementioned Iraqi Nationality Law.

Second condition: the Iraqi immigrant obtained already the nationality ship of the Country of Diaspora and on contrary they will not be allowed to abandon the Iraqi nationality in order to avoid being a non- citizen. It is not required to obtain the foreign nationality as the cancelled Iraqi Nationality Law required; instead Iraqi immigrant may require that nationality while in Iraqi⁷.

Third condition: obtaining the Country of Diaspora should be done willingly by the Iraqi immigrant⁸. That is apparent in the term “obtain” in paragraph (first) of article ten of the abovementioned Iraqi Nationality Law.

Fourth condition: Iraqi Immigrant who obtained the nationality of the Country of Diaspora declares their desire to abandon their Iraqi nationality in written after obtaining the nationality of the Country of Diaspora. Application should be in a written form. Whereas the cancelled Iraqi Nationality Law was depriving Iraqi immigrant from Iraqi nationality as soon as they obtain the nationality of the Country of Diaspora without putting their desire into consideration.

It is thought that article 10.1 of the applied Iraqi Nationality Law is incomplete from two sides; first, the text did not provide the entity to which the application of abandoning the nationality should be submitted. Second, the text did not state the date of depriving the Iraqi nationality in that case. Iraqi legislator should have avoided that legislative shortage.

In our point of view, and based upon all the above, Iraqi legislator should restrict will of the individual in abandoning their nationality for obtaining a foreign nationality by requiring the competent authority to issue a decree in that concern, or

⁶ The same meaning see: Case 21/74 Airola [1975] ECR 221.

⁷ See details for this condition: Badr Al Deen Abdul Moneam Shawki, *Private International Relationship...*, p.238.

⁸ See the same meaning, Jaber Jad Abdul Rahman, *Private International Law*, 1947, p. 180.

by the elapse of a certain period of time after submitting the abandoning application without issuing a decree from the competent authority. Doing that shall coordinate between the right of the individual in changing their nationality and the state's right to organize the matters of its nationalities including losing the nationality and moreover, in order to make sure that Iraqi citizen shall fulfill their legal liabilities towards the state.

Based upon the abovementioned, it is suggested that Iraqi legislator amend the text of article 10.1 of the applied Iraqi Nationality Law so that the wording after amendment shall be "Iraqi citizen who obtains a foreign nationality shall keep their Iraqi nationality unless they declared in written abandoning it via an application submitted to the minister of interior and the issuance of a decree or after the elapse of three months after submitting the application without the issuance of the decree from the minister".

We previously suggested enacting a special legislation on immigration and handling the nationality of immigrants among their other legal statuses. The legislation should include a legal text depriving the nationality of the legally Iraqi immigrant after the elapse of the five- year period granted to them after obtaining the nationality of the Country of Diaspora or after the end of the two – year extension granted after the first period for keeping the Iraqi nationality without returning to Iraq. This period in addition to the period needed to obtain the nationality of the Country of Diaspora is enough for the Iraqi immigrant to decide whether they shall return to homeland or stay permanently in the Country of Diaspora – which is their choice especially after obtaining the nationality of the Country of Diaspora. That may be interpreted as they are cutting relations with their homeland (Iraq) which justifies depriving them from the Iraqi nationality as long as they proved that they do not have the intention to return home (Iraq) and intend to settle in the Country of Diaspora after obtaining its nationality.

As for the impact of legal immigration on the nationality of the Egyptian immigrant, the latter loses their right to keep their Egyptian nationality which means that they lose their Egyptian nationality in case they are no longer immigrant while keeping the nationality of the Country of Diaspora unless, the permission issued to them from the minister of interior granted them the right to keep the Egyptian nationality⁹.

Egyptian individual loses the status of permanent immigrant in two cases, the first if they did not travel to the Country of Diaspora within six months from being granted the permission and approval on immigration from the competent authority in Egypt, the ministry of interior. The other case is if Egyptian immigrant returned to live in Egypt continuously for more than one year unless the residence was for reasons that are beyond their will or the nature of their work required it; then, to continue considering them immigrant they should obtain the approval of the competent immigration ministry¹⁰.

⁹ Hisham Ali Sadeq, *Lessons in Private International Law*, Alexandria 2004, p. 187.

¹⁰ Article 12 of the Immigration and Egyptian Expatriates Affairs Law stipulates that "the status of permanent immigrant shall be cancelled in two cases: If the individual did not travel to the Country of Diaspora within six months from the immigration permission If they returned

2. The impact of the legal immigration on the nationality of the Country of Diaspora

Doubtlessly legal immigration has an impact on the nationality of the Country of Diaspora. This is represented into two important impacts. The first impact is that the immigrant obtains the nationality of the Country of Diaspora in accordance to the applicable administrative laws and instructions¹¹. The second impact is the status of multi- nationality in case obtaining the nationality of the Country of Diaspora where the applicable law does not require abandoning the original nationality.

Based upon the abovementioned, this section shall be divided into two divisions as follows:

2.1. Immigrant obtains the nationality of the Country of Diaspora

Economic factors are considered to be the main reasons that lead to the legal immigration¹². After the legal permanent immigrant arrives to the Country of Diaspora their first aim shall be to establish their legal stay in that country through various steps. They shall seek obtaining a permanent residence permission in accordance to the applicable administrative procedures to obtain the nationality of the Country of Diaspora after fulfilling the necessary legal conditions which the most important of is the legally specified residence period¹³.

Based upon the Polish Nationality Law no. 2 of 2009, legal permanent immigrant to Poland may obtain the Polish nationality to enjoy the rights of a Polish citizen in accordance to general conditions specified in the introduction of article 30 of the above law in addition to the special conditions specified in the third paragraph of article 30 of the above law which shall be discussed later.

to live at homeland for a period more than continuous one year unless residence was for reason beyond their will or that the nature of their work requires that. In all cases, the approval of the competent immigration ministry should be obtained in order to be considered as an immigrant if their stay in homeland was extended after the stated period. The approval of the ministry of defense is required for immigrants those who are in the age of recruitment and did not perform military service and their stay after returning homeland is more than six months. The lost of immigrant status shall deprive the citizen from privileges that they acquired as immigrant starting from the date of losing it”.

¹¹ Austin Sarat, *Special Issue: Who Belongs? Immigration, Citizenship, And The Constitution Of Legality*, UK Emerald Group Publishing Limited, First edition 2013, p. 32.

¹² See the report made by the Egyptian ministry of Manpower and Immigration in cooperation with the International Immigration Organization and the Italian Government pertaining to the contemporary Egyptian Immigration 2003, p. 50.

¹³ This is right for the any persons. For more detail see: *The Charter of Fundamental Rights of the European Union, proclaimed at Nice by the European Parliament, the Council and the Commission on 7 December 2000*. OJ C 364, 18/12/2000.

2.2.1. The General Conditions for the Immigrant to Obtain the Polish Nationality

The general conditions to obtain the Polish nationality are represented in the introduction of article 30 of the Polish Nationality Law¹⁴. Legal permanent immigrant to Poland should fulfill those conditions first, namely;

First condition: immigrant should be a legal resident in Poland in accordance to the administrative instructions issued from the competent authority. This requires that their immigration from their original country to Poland should be a legal permanent immigration and they entered the country from one of the authorized land, air or maritime ports. Residence should be for the determined period of time should be uninterrupted by the immigrant will¹⁵.

Second condition: competent Polish administrative authorities should make sure of the adaptation of the legal permanent immigrant within the Polish society. This could not be known only by staying continuously for the legally specified period in Poland prior to obtaining the Polish nationality. Moreover, immigrant should be of a good reputation in the Polish society as having negative behaviors shall make the immigrant undesired person and not safe for the community of the Country of Diaspora (Poland) which threatens its social security.

Third condition: legal permanent immigrant should be familiar with Polish language as it is the spoken language within the society and it is the Country of Diaspora. This means the ability of the immigrant to communicate and to understand the members of the society with their own language as well as the ability of writing and reading it.

Fourth condition: legal permanent immigrant should have a certain financial coverage and an appropriate place to live in Poland in order not to depend upon the Polish society and administrative authorities in the Country of Diaspora after obtaining the Polish nationality. It is not the best interest of a great country as Poland to grant its nationality to needy immigrants. Therefore, immigrant should have a financial coverage and an appropriate house to live as to have a certain craft or profession to live easily in Poland or they may have enough capital or an academic certificate to be qualified to work in organization working in Poland. This depends upon the Polish authorities.

¹⁴ Article 30 section 1 of the Polish Citizenship Act, the following persons are recognized as Polish citizens: A foreigner residing continuously on the territory of the Republic of Poland for at least 3 years, pursuant to an establishment permit, an EC residence permit for a long-term resident, or a permanent residence permit, having a stable and regular income within the Republic of Poland as well as a legal title to the occupied living premises. A foreigner residing continuously on the territory of the Republic of Poland for at least 2 years, pursuant to an establishment permit, an EC residence permit for a long-term resident, or a permanent residence permit, being for at least 3 years married to a Polish citizen, or is a stateless person. A foreigner residing continuously on the territory of the Republic of Poland for at least 2 years, pursuant to an establishment permit, obtained in relation with a refugee status, granted in the Republic of Poland.

¹⁵ Case C-456/02 Trojani [2004] ECR I-7573.

Fifth condition: legal permanent immigrant should respect the Polish legal system. They should not be sentenced with any financial fine or a imprisonment punishment for any crime committed in Poland. Immigrant should not present any threat to the Polish national security and their criminal records should be free of any criminal or terrorist records. Immigrant may prove it through submitting a certificate of clear criminal record (or the like) issued from the Polish security or judicial authorities.

2.2.2. The Special Conditions for the Immigrant to Obtain the Polish Nationality

Legal permanent immigrant should fulfill the especial conditions to obtain the Polish nationality as per the third paragraph of article 30 of the Polish Nationality Law¹⁶. Legal permanent immigrant should fulfill them after fulfilling the previously stated general conditions hereinabove, namely:

First condition: applicant for nationality should be a foreign legal permanent immigrant to Poland. Foreigner here means anyone who does not hold the Polish nationality at the time of application.

It was noted in that concern that Polish legislator did not discriminate in defining the concept of “foreigner” between an individual holds the nationality of one of the EU countries and other nationality.

Second condition: legal permanent immigrant should have residence permission for immigration issued by the competent immigration administrative authorities in Poland based upon their status as permanent immigrant to Poland. Without the residence permission, immigrant shall not be able to follow third paragraph of article 30 of the Polish Nationality Law to obtain the nationality.

Third condition: legal permanent immigrant should be living in Poland based upon special immigration resident permission for two consecutive years or more to fulfill the residence condition stipulated within the general conditions in the introduction of article 30 of the Polish Nationality Law. The two year period should precede the submission of the application to obtain the Polish nationality.

The researcher thinks that the two- year periods referred to hereinabove that is necessary to apply for Polish nationality should be successive even if it was for reasons beyond the immigrant control as it is a very short period of time and there is no reason for the immigrant to travel outside Poland especially that they intend to settle there to obtain the nationality.

Fourth condition: legal permanent immigrant should submit a written application to the administrative authorities to obtain the Polish nationality based upon their two- year stay in Poland upon the immigration permit issued earlier by the competent immigration authorities.

¹⁶ The introduction of article 30.3 of the Polish Nationality Law stipulates that: a foreigner residing continuously on the territory of the Republic of Poland for at least 2 years, pursuant to an establishment permit, obtained in relation with a refugee status, granted in the Republic of Poland.

Fifth condition: Competent authority in Poland should approve granting the immigrant its nationality. By obtaining the approval, immigrant shall be a Polish citizen and they and their family shall have all the legal consequences of it.

It was noted that Polish legislator did not demanded immigrants to abandon their original nationality. This means that in case of obtaining the Polish nationality and not abandoning their original nationality immigrant shall be in an abnormal legal status, namely; multi-nationality. This shall be assured especially if their country permits it and does not require abandoning the original nationality in case of obtaining the nationality of the Country of Diaspora. This is what shall be discussed herein below.

1.1. Immigrant has multi-nationalities

The Polish Nationality Law no. 2 of 2009 that does not require the immigrant to abandon their nationality after obtaining the Polish nationality shall leave the Iraqi legal permanent immigrant in an abnormal legal status that contradicts with the ideal principles with the article of nationality that states that every individual should have only one nationality. This was explicitly stated in Hague Convention of 1930 on certain questions relating to the conflict of nationality laws. The preamble of Hague Convention of 1930 on certain questions relating to the conflict of nationality laws stated that “Being convinced that it is in the general interest of the international community to secure that all its members should recognize that every person should have a nationality and should have one nationality only; recognizing accordingly that the ideal towards which the efforts of humanity should be directed in this domain is the abolition of all cases both of statelessness and of double nationality”¹⁷.

Moreover, the stand of the Iraqi Nationality Law no. 26 of 2006 leads also to the multi-nationality status of the Iraqi immigrant when it allowed them in article 10.1 to keep their Iraqi nationality in case of obtaining a nationality of a foreign country unless they declare explicitly their abandoning of their Iraqi nationality¹⁸. In addition to the explicit permission of Iraqi legislation of multi-nationality in article 18.4¹⁹.

This is the same case for the Immigration and Egyptian Expatriates Affairs Law no. 111 of 1983 that permitted the Egyptian immigrant to keep their Egyptian nationality in case of obtaining the nationality of the Country of Diaspora²⁰.

¹⁷ See details, Hossam Al Din Fathi Nassef, *Nationality Problems*, Egypt, 2007, p. 7.

¹⁸ Article 10.1 of the applicable Iraqi Nationality Law states that “Iraqi citizen who obtains a foreign nationality shall keep their Iraqi nationality unless they declared in written abandoning their Iraqi nationality”.

¹⁹ Article 18.4 Iraqi Constitution Law 2005.

²⁰ Article 10 of Law no. 111 of 1983 stated that: “permanent immigrant may obtain the nationality of the Country of Diaspora while keeping the Egyptian nationality. This right applies on their

In fact, in addition to all stated previously, the stands of Iraqi, Egyptian and Polish legislators that lead to the multi-nationalities of the legal permanent immigrant contradict to the practical reality and the social concept of nationality that is based upon the adaptation of individual in the society of the state that they hold its nationality. This is could not be done with a multi-nationality individual within more than one society at the same time²¹. Moreover, Loyalty and belonging to a certain country could not be divided into two or more countries²².

We are not here to list the disadvantages of the multi-nationality status as it was explored many times. In this humble research we tried to find national and international appropriate judicial solutions for those statuses²³.

1.1.1. On the National Level

We suggest that Iraqi legislator, represented in the parliament, should enact legislation on legal immigration and handling the nationality of immigrants and Iraqi Expatriates as well as their other legal statuses. We refer in that context the legislative dealings that we suggested in the previous two sections 1.1 and 1.2.

Moreover, we suggest that the Iraqi legislator (in case of not issuing an immigration legislation) amending article 10.1 of the applicable nationality law so it deprives the Iraqi nationality from the permanent legal immigrant in case of obtaining the nationality of the Country of Diaspora provided that immigrant should provide what prevents being a multi- nationality.

Moreover, we suggest that the Egyptian legislator to amend article ten of the Immigration and Egyptian Expatriates Affairs Law no. 111 of 1983 in order that Egyptian immigrant, his wife and minor children who immigrated with them should not keep their Egyptian nationalities in case of obtaining the nationality of the Country of Diaspora to avoid multi-nationality status.

Finally, researcher hopes that Polish legislator to reconsider granting the Polish nationality based upon immigration unless making sure that the legal permanent immigration abandoned their original nationality.

immigrant spouse and minor children. The foreign wife may obtain Egyptian nationality if applied for it. All the above stated shall be in accordance to the stipulated provisions and procedures as per Egyptian Nationality Law".

²¹ Aihwa Ong, *Buddha Is Hiding: Refugees, Citizenship, the New America*, London 2003, p.15 (cloth : alk. paper).

²² Mohammed Al Roubi, *Nationality and the Status of Foreigners in Comparative Law*, Egypt, 2005, p. 124.

²³ M. Condinanzi, A. Lang, B. Nascimbene, *Citizenship of the Union and Free Movement of Persons*, Boston 2008, p. 223.

1.1.1. On the International Level

Considering the time lag between losing the original nationality due to the legislations of their homeland and obtaining the nationality of the Country of Diaspora²⁴, we suggest that legislators in Iraq and EU in general and Polish legislator in particular to conclude an international convention in that matter that should determine the time period between obtaining the nationality of the Country of Diaspora (Poland) and losing their original nationality (Iraqi) and priority should be given to obtaining the nationality of the Country of Diaspora (Poland), then, immigrant should provide their original country (Iraq) proofs of obtaining the nationality of the Country of Diaspora (Poland) in order to be able to abandon their original nationality (Iraqi) or their homeland deprives its nationality. In order to prevent the stateless status this is more abnormal status than the multi-nationality status.

Furthermore, we suggest that legislators in both countries (Iraq and Poland) should conclude another international convention in order to settle the issues of Iraqi immigrants who have already obtained the Polish nationality provided that it should oblige them to choose one of both nationalities (Iraqi) or (Polish) as not obliging the immigrant individuals to choose shall mean that they will prefer their best interest in keeping both nationalities which means facing the problem of multi-nationality status of immigrant²⁵.

Conclusion:

Legal immigration has both positive and negative impacts on the nationality of the immigrant.

The legislators in Iraq and Europe Union in general and Polish legislator in particular, to conclude an international convention in that matter that should determine the time period between obtaining the nationality of the Country of Diaspora (Poland) and losing their original nationality (Iraqi) and priority should be given to obtaining the nationality of the Country of Diaspora (Poland), then, immigrant should provide their original country (Iraq) proofs of obtaining the nationality of the Country of Diaspora (Poland) in order to be able to abandon their original nationality (Iraqi) or their homeland deprives its nationality.

²⁴ J.C. Hathaway, *The Rights Of Refugees Under International Law*, New York 2005, p. 28.

²⁵ A. Kicinger, A. Weinar, A. Górný, *Advanced yet Uneven: the Europeanization of Polish Immigration Policy*. Edited by Thomas Faist. Andreas Ette. *The Europeanization of National Policies and Politics of Immigration Between Autonomy and the European Union*, New York 2007, p. 182.

Summary

The term immigration means and individual or a group of individuals leave their country and intending not to return and to abandon its nationality and going to another country to settle in and obtain its nationality²⁶.

Legal immigration has both positive and negative impacts on the nationality of the immigrant. As for the positive impact, the immigrant shall obtain a new nationality namely the nationality of the Country of Diaspora after staying there for a period of time stipulated by its laws in order to make sure that the immigrant does not intend to return to their country of original nationality. In addition to that, immigrant should fulfill other conditions that the Country of Diaspora has the ultimate right to set.

As for the negative impact, the immigrant loses their original nationality for obtaining the nationality of the Country of Diaspora in order to avoid the dual nationality. Legislations in some countries may stipulate that immigrant should abandon their original nationality in case of obtaining the nationality of the Country of Diaspora.

Keywords: nationality, immigration, immigrant, foreign, country

²⁶ J. Bussemaker, *Citizenship and Welfare State Reform in Europe*, New York 1999, p.4.