

## Foreigner laws and origins of its formation in Iran

Mohammad Zeinali Baravati<sup>1</sup>, Nasser Soltani Ph.D<sup>2</sup>

Islamic Azad University Science and Research Branch, Hormozgan. Iran

**Abstract:** The present research considers the concept of foreigner and its basis. To this end we tried to specify the place and meaning of foreigners including refugees, apartheid, and dual nationalities. Also this study categorizes different political, general and private types of foreigner laws. The main purpose of the present study is to find the origins of foreigner law in Iran. So the role of historical factors like wars, business, Rome rights and etc. has been identified. Also the role of Islam and France revolution in forming the foreigner laws in Iran are shown in Iran. It became clear that how the France revolution and entrance of some concepts like freedom and respecting the human worth and dominance of Islamic dialect revolutionized the rights of foreigners.

[Mohammad Zeinali Baravati, Nasser Soltani. **Foreigner laws and origins of its formation in Iran.** *J Am Sci* 2013;9(5s): 41-48]. (ISSN: 1545-1003). <http://www.jofamericanscience.org>.

**Key words:** foreigner, Apartheid, refugee, public law, private law, Islamic rights

### 1. Introduction

In the past that human relations were limited to primitive levels and special areas and people and citizens of countries communicated rarely and economical, social and cultural transactions haven't been developed considerably, almost any government didn't accept a foreigner as a person having rights. A foreigner didn't have the expectation to have any rights.

Along with the advancement of international relations and the increase of affairs among governments which caused the relationship among people and foreign governments, the countries were made to accept the least rights of foreigners. Social and instinctive motives of human beside issues like war and trading, providing daily needs and inclination to updating the costumes and habits gradually added to transactions among governments. At the present time it is impossible for every nation to remain in its own territories and continue its life without communicating with other nations.

Development of inter-government relationships caused citizens of these countries to develop productive, industrial, financial and other relations which lead to the boost of goods import and export. The variety of relations of different countries dwellers necessitates having the minimum level of foreigner laws. It raised the question of how treating with these individuals.

What rights should be considered for them and do foreigners have all the rights and prerogatives of native dwellers? The codes of different countries have predicted special methods influencing with cultural, social and economical factors of those countries. International institutions have intermediated in this issue differently regarding the necessity of making unity and providing the least rights of foreigners.

Global declaration of human rights and declaration of Islamic human rights and formation of extensive conventions are some examples. It is obvious that present world tries to decrease the differences between natives and foreigners in possessing human rights. Iran has attended this issue and paid attention to different aspects of foreigner laws. Especially in Islamic revolution time, the problems and issues emanating from war and political changes of the area, migrations and collective refuge to Iran has emphasized the importance of this issue, so that in some cases the government of Islamic republic of Iran has completed its human and Islamic duties in dealing with foreigners without expecting them show mutual behaviors.

The main purpose of the study is finding the basis of foreigner concept, its rights and considering the origin of its formation in Iran. It should be noted that different issues like private law, public law and political law of foreigners are included in the rights of foreigner laws. In addition to public law, some different types of their rights like invention, literal and artistic proprietorship and ownership have been regarded in their rights. The main hypothesis of this study supposes that the rights of foreigners have emanated from historical factors, France revolution and Islamic codes. First we try to clarify the concept of foreigner. Then foreigners' laws are regarded.

### 2. Who is a foreigner?

The present paper studies the concept of foreigner and its rights in Iran. The first step in identifying the rights of foreigners is to gain an understanding about this concept in language. In language some words like foreign, foreigners, alien and etc. are included in the concept of foreigner. English words mean foreigner, stranger or alien. In

law terminology foreigner is a person who hasn't the citizenship of a country and is a foreigner to that government and is considered as blacks. (Langrudi, J.1993.14). The dictionary definition of foreigner is an outsider which belongs to another country or is under authority of another country.( Black, 1968;646)

So a foreigner is a person who due to having the citizenship of another country or not having the citizenship of any other country is not a citizen of the government which governs a country (Arfaenia.2003:182). Foreigner is a relative concept because being a foreigner is related to the kind of that person's relationship with a special country. In other words it is not having the citizenship of a country which makes a person foreigner. For example if an Iranian citizen who goes to France for doing research or continuing his education he becomes a foreigner in France. Since there is a close relationship between citizenship and having the rights we consider the foreigners more exactly.

Like citizens of a country, foreigners are divided in two main groups including real and legal persons. Real foreigners are divided into six groups including immigrants, tourists, students, businessmen, foreigners who work in other countries and those who come to another country without having a job (Almasi.2011.6). all of these groups are considered foreigners having the same rights. In addition to these two groups there are some persons not having the citizenship of any government (Apartheid) or have more than one citizenship or have the citizenship of a known government but leave their country because of the threats to properties and families. We explain these groups briefly.

2.1. Unlike those who have the citizenship of a country there are some people who lacks the citizenship meaning that they are not included in citizenship of any country leading to negative conflict. These are called apartheid( Nasiri,2009:97). Regarding the definitions of foreigners, apartheid is regarded as foreigners certainly. Among the causes of apartheid are requesting to cancel the citizenship of a country and government agreement with it, not achieving the new citizenship or invalidating the citizenship.

### 2.1. Dual nationalities

As it is necessary for every person to have a citizenship in international discipline, apartheid is placed in an unusual condition. The discipline causes every person to have the citizenship of just one country because having the citizenship brings rights and responsibility and having more than one citizenship permits the person to use the rights and

benefits of more than one country. So it is hard to do the responsibilities for two governments ( Qasemishoub,2004.140). The obvious example of dual nationalities is observed in Iran and America conflicts. After Islamic revolution and the end of Iran and America relationships, some declarations were issued from Aljazeera which were verified by Iran to solve the legal conflicts of these two countries. One of the cases which was argues many times in law courts was the issue of dual nationalities including those Iranian with American citizenship before or after Islamic revolution who complained against Iran and sought their missed rights(Safai,2009:254-255). The notable point about dual nationalities is that these persons are regarded as citizens from the viewpoint of the government which they have its citizenship and are considered as foreigners from viewpoint of other countries. When determining the citizenship of dual nationalities the governments regard their effective citizenship according to international trends. In fact such claim is against the principles and codes of public international law and general principles of common laws of civilized nations, the principle of trustworthiness, the principle of preventing right disabuse and the principle of preventing double-dealing to laws. ( Safai,2009.255).

### 2.3. Refugees

The refugee regulation( 25/9/42) defines a refugee as " a person who has left his country because of political, religious and racial motives or his membership in special social groups in fear of threats to himself and the life of his family members. Council right management of law ministry considers the refugees living in Iran as the citizens of Iran (part1.Act 976) because these people don't have a known and special citizenship and live in Iran, they and their children are citizens of this country. ( law court weekly newspaper, 414:47). However as we mentioned a foreigner is a person not having the citizenship of Iran and since the refugees don't have this citizenship, they are foreigners. In addition to mentioned cases, we can refer to the convention of refugees and its protocol sanctioned in 1977 of national parliament which has explained the rights of refugees in detail. The twelve act of this law states the rights of refugees as following:

1. The refugee follows the laws of the country where he lives in. if the refugee doesn't have a residency, he obeys the codes of the country he is from.
2. The rights that the refugee has gained previously and is related to his personal life (specially marriage) must be respected by every committed government grounding on

doing the predicted rituals of that government. It is obvious that these rights are among the laws of that government even if the person is not a refugee to that country.

### 3. Different types of foreigner laws

In a general typology, the rights of native citizens and foreigners are divided to public and private laws. Public law includes political law. Some of the writers of international private law have considered foreigners' law public law and private law (Safai,2009:255).

It seems that this typology is not enough to state the rights of foreigners because the legal identity of each of the categories is different from the others. For example, the absence of the right to be selected or select for law-making parliament is due to legislators' caution to cut the intervention of foreigners in political and interior affairs of the country. This right is specialized to natives because the precondition of having political law is having the citizenship of that country which certainly foreigners don't have it. So this special identity causes the foreigners not having political law.

Foreigners' employment right is considered one of public laws of foreigners. The necessity of respecting foreigners as human beings from public institutions' perspective is shown clearly in making this kind of right for foreigners because foreigners as human beings have the right to possess this right. On the other side, keeping natives' rights and having the discipline grounds the possession of this right for foreigners on the decision and will power of public institutions under special conditions.

There is a third kind of rights having a special identity such as marriage, bequeath, birth and death of foreigners which have a fully private aspect. Regarding the private aspects of these rights and their different principles, we study the different types of foreigner laws including political, public and private laws.

#### 3.1. Public law

Public law includes a set of rights whose application depends on legal institutions of public law and has been made to respect the personality of human beings. Like native citizens, foreigners possess these rights unless in some exceptional cases foreigners have a condition regarding the public laws that natives possess them. International law makes the countries to keep the foreigner laws. The most important rights of foreigners include:

- 1.supporting life and property
- 2.respecting house and living
- 3.the right of entering, passing, stopping, residency and leaving.

- 4.the right of taking any job, industry or business.
- 5.the right of legal acquittal and referring to Iran's law court
- 6.the right of investing in Iran
- 7.literal and artistic ownership and supporting signs and inventions.
- 8.religious freedom
- 9.general education
- 10.social security
- 10.insurance( Nasiri,2012.51).

#### 3.2. Political Law

In public law, political law includes the law for those who are members of the government and having this law needs the citizenship of that country. Political law are special of native citizens and foreigners don't possess it. Foreigners are not members of a society which make a country. Moreover legislators' perspicacity and caution to cut the intervention of foreigners in political affairs and its loss and the necessity to respect the government on behalf of foreigners have caused them not having political law. (Safai,2009.257)

The following are among the most important political laws of foreigners.

- 1.the law of selecting and being selected in law-making parliament
- 2.selection right in other communities and groups related to public law
3. employment in governmental jobs
- 4.employment in jobs attached to governmental jobs

#### 3.3. Private Law

Private law is the law which is raised in society and the relationship among private persons. Iran has adapted this codes from France civil code. The following are private laws:

- 1.individuals(name,accommodation,personal belongings, domesticity, separation, guardianship)
- 2.family( marriage, divorce, returning and bestowing the time period, relationship, alimony,guardianship)
- 3.properties and assets ( assets, ownership methods, contracts and commitments, bequeath, bestowment, will)
- 4.origins of foreigner law
- 3.the origins of foreigners' law in Iran

Unlike the present time that identifying the least level of rights for foreigners is a certain principle and is committed by all countries and international relationships, in the past the governments committed themselves less to insert rights for foreigners. In ancient times, foreigners didn't have any rights and their personality became annulled completely. (Arefaenia, 2010.186)

In the past foreigners didn't have even the most primary rights like ownership, marriage, referring to

courts and etc. and they were treated like slaves. (slavery of war captives is among the terrible marks of those times). Studying the condition of foreigners in the past, it is concluded that their status has been worse in nations managed by principles of religious policies in comparison with nations managed by trading and business. Kulanje in his historical book called ancient society attributes the lack of foreigners right to primitive religions and states that “ancient society is grounded on religion. The foreigner does not take part in it and can not have a share in its codes”. Citing from Kulanje, Butifull completes it: “hatred to all which is alien is a natural feeling” (Saljuqi,58). In countries where their policy was based on religion, the followers of official religions had the rights of citizens of those countries and followers of other religions were regarded as foreigners (Qasemishub,2004.19).

General principle of these countries was based on the idea that foreigners are polluted and najes people and they should lack human rights. On the other side, the hard condition of life in ancient times did not allow to tolerate accept the rights of foreigners officially but this problem was solved gradually. This study does not find the reasons of these principles but it can be said that the governments found mutual economical and social relationships useful and were made to accept their consecutive rights. Study of history can not identify exactly that foreigners' rights were caused by what kinds of changes but studying the remained writings of ancient Rome and Greece we can find these changes. So we can find a set of historical and jurisdictional factors in origins and entrance of foreigners' law to Iran.

#### **4.1. historical origins of foreigner laws**

Historically foreigners did not gain their rights immediately and easily. In other words different factors made the formation of foreigner laws throughout the history. These factors include wars, business, regulation of Rome law and isopolitic treaty.

##### **4.1.1 Wars**

the history of international relationships verifies that wars have been the starting cause of theory formations and different treaties. The wars among different nations put them in equal status in the time of wars and in the time of making peace contract. Referring to Rome as the most powerful nations clarifies the role of wars in improvement of foreigners' law (Arfaenia,2003.186).

##### **4.1.2 Business**

Different nations were made to do business with each other to provide their needs which expanded the travels and visits to the countries. The necessary condition of business was the prediction of a good situation for foreigners to provide the needed condition for travelling, staying and protecting the rights of written rights. This caused a general improvement in foreigners' law. For example, with expansion of international, business and cultural relationships and evolution of science and industry, business and trade made a considerable improvement in foreigners' law in Athena which was the center of trade and business.

##### **4.1.3 Signing ISO Politic Treaty**

In ancient Rome republics, citizens of each republic were regarded foreigner in other republics but the increase of transactions and travels created many legal relationships. Republics signed anisopolitictreaty which made them to accept all or part of the rights for citizens of other republics in their territories. Contributing factors in these contracts were cultural and language commonalities. In Athena, some of foreigners have accommodation law and private law in business not having marriage law. A special judge called Pulmark considered their complaints (Saljuqi, 2003, p. 125).

##### **4.1.4 The regulation of “nations law” in Rome**

Also there were entreaties in Rome for foreigners' law meaning that those foreigners whose state had a treaty with Rome possessed specified rights in Rome. The basic change in Rome law was initiation of nations law which didn't have any precedent. This law included private law for foreigners which show the existence of two groups of people under the codes of one authority. This caused the existence of common codes to regulate the relations of these two groups. This is the situation of law conflicts in which judge determines the territory of each law.

##### **4.2. France revolution**

France revolution in 1789 put a considerable effect in foreigners' law certainly. For the first time civil-code was made and some of the codes of law conflict which didn't have international value to that time were reflected in its third act. Since then all the countries made civil-code. Using the experiences of pioneer countries and in line with cultural power and law enrichment of the countries, the law of the countries was used in regulation of international relationships. Gradually this change differentiated legally related issues and its codes found their place in political contracts, set of codes or legal trends. Some authors consider the France revolution as the



main factor in recognition of freedom, entrance, exit or accommodation of foreigners and the principle of their least rights. Influenced by France revolution, the formation of work and business communities, promulgation of language and religion by foreigners became free and the foreigner and his assets were protected by law (Arfaenia, 2003:194). These codes paved their ways in other countries gradually and all countries followed them to some extent. So every country accepted a code. Although foreigners' law was not equal with native citizens' law, the identification of foreigners' law had gained the public face and the necessary condition for publicity of France civil-code had been paved.

#### 4.3. Governance of religious approach

The law of Iran has passed its winding way from different eras to present condition. Some eras are different from others caused by combination of Iranian native law with foreigners' law. The most significant of these eras is the coming of Islam which made a basic change in Iranian law before Islam. Islamic dominance limited Zoroaster law merely to private law of Zoroaster followers who protected their religion against Islam. After the coming of Islam and its combination with national culture and Iranians' commitment to it especially Shia religion, religious thought were basic principles in facing with foreigners. These principles were not desirable for kings and sometimes the kings were a simple game for foreigners and paved their dominance way. To gain a general understanding, historical changes of foreigners' law are studied under three sub-categories including before Islam, after Islam and capitulation time and establishment of law-making system.

##### 4.3.1. the priority of Zoroaster religion in facing with foreigners before the coming of Islam to Iran

Achamenians is the only era in which relatively reliable information can be found. In this era not only Iranian made a wastegovernment but also they went out of their territories and conquered many other lands. The commands of Iranian kings after Babel conquer about the Jewish and helping them in making their praying place and permitting them to select judges among themselves and Cyrus's policies toward Babel people and their freedom and reconstructing the destructions have convinced historians that Iranians have respected other religions and gave them a freedom in holding their rituals and religious advertisements. So it can be said that in Achamenians times foreigners had legal value and the influx of refugees to Iran shows the existence of such law for foreigners of that time. (Ghirshman, 2009:143-170). After defeat of Iran's emperor from Greece, Alexandria and his successor "Solukees"

dominated themselves in Iran. In this time Alexandria used his shrewdness in controlling the management of Iran lands and encouraged the coexistence of his soldiers and Iranian ones so that two kinds of Iranian and Greek laws coexisted in Iran. There wasn't a legal unity in these times and nothing has remained from Iran and Greece relations and contracts. In fact there has been a kind of equality between native citizens and native law and foreigners' law so that this equality has penetrated legal documents. In the third era with dominance of the Part, Iranians governed the affairs themselves. The form of state-tribe governance and the law status of this time is similar to Solukees' time. Historians compare the governance of this time with feudalism of middle centuries in Europe (Ghirshman, 2009:180). However Iranians treatment with foreigners should not be compared equally with martinet treatment of European with foreigners. In Sasanian dynasty the native law is dominated to country and due to significant role of Zoroaster religion, this religion determines the law of society and individuals but followers of other religions had their rights. Their freedom was limited when damaging Zoroaster religion. Treating with Christians of that time is the obvious example (Christenson, 1967:291). Generally it can be said that before coming of Islam, foreigners' relationship has been grounded on religious, political and martial considerations. In addition to inevitable caste, religion has had a significant role in dividing the people of a country. It also has had an incising effect on foreigners' code of behavior.

##### 4.3.2. Dominance of Islamic viewpoint in facing with foreigners

With establishment of Islamic dominance, Iran's law changed basically and deeply and nothing remained of past law except that amount of law which was kept by loyal followers of Zoroaster religion permitted by Islamic law. In Islamic approach the definition of foreigner is very different from its common definition. A foreigner is a person who does not agree to become a Muslim whether he is a native citizen in Iran or a foreigner in another country. Infidles are divided in two groups including:

1. Those who live in Islamic territory
2. Those who live outside of Islamic territory and come to Islamic territory.

Now we consider each of these groups

##### 1. Infidles who live in Islamic territory

This group is divided in two groups. One group signs a contract with Islamic government called zemme (obligor) or jezye (non-Muslim tax to Islamic government) in which their law and responsibilities are specified to some extent (Saljuqi, 2010:35).

Regarding the reflected commitments of zemme it is known as obligor (zemme) and regarding the tax that non-Muslims should pay Islamic government it is known as non-Muslim tax contract ( jezye). These laws are limited to the Jewish and Christians living in Islamic territories. They include one person or group of citizens of an area or dwellers of a city. They can be in written and non-written, real or unreal forms. Non-muslim tax( jezye) is of two kinds: individual and territorial tax.in recent status it is called revenue.These two kinds of payment commitments are like taxes which were common in Sasanian times paid by low castes now paid by those who don't accept the official religion of the country. Those infidels who don't sign the obligor contract are known as fighting infidels and can not claim any rights. They don't have any law regarding their life and assets ( Amid Zanjani,241)

## 2. Conditions of obligor ( Zemme) contract

Islamic jurisprudence extracts the conditions of this contract from four-some reasons. So the basis of this contract is according to Islamic law. General conditions of this contract are six cases including:( MohaqeqHelli, 2010.330):

- 1.agreement in paying non-Muslim tax ( jezye)
2. avoiding acts which are against chastity like decision on fighting with Muslims or helping infidels
- 3.avoiding annoyance to Muslims like fornicating and homosexual act, purloin or spying against them
- 4.not showing forbidden acts like drinking wine, eating pork and illegal marriage
5. not making any praying place, not ringing churches' bells and not making buildings higher than Muslims' ones
- 6.continuance of Muslims' laws on them

First and second condition are among the necessities of obligor( zemme) contract and disobeying them causes contract nullification. Other conditions nullify the contract when they are explained clearly in the contract. However in the absence of clear explanation, non-Muslims were responsible to do it and disobeying caused them to be punished. In determining the amount of tax there has not been a similar trend depending on Islamic government idea but women, lunatics and children were reimbursed to pay it. If the child didn't accept Islam after adolescent he signed obligor contract and determine his law status. Otherwise he was regarded as a fighting infidel.

Regarding personal state, domesticity and bequeath law non-Muslims followed their own law and the will was in the favor of non-Muslim but he couldn't take anything from his Muslim relatives bequeath. ( Mohaqeq Helli,2010.11). Islam judge could consider the complaints against or for the non-Muslims. Islam judge could consider disputes of two mates from one religion and gives the vote based on their own religion inserting some modification or avoid it and give it to non-Muslim judges ( Saljuqi,2010.37)

## 3. Infidle living out of Islamic territory

These infidels can have the least of laws like non-Muslims in three cases

First when Islamic government signs the peace treaty with the country they live in. this treaty is transient and is called Mohadene ( treaty or contract) and its time is stated differently in jurisprudence books. The authorities have determined its period between four months and one year in Sarhelam'e it's been stated to ten years. In SharheLam'eIt's been stated if after ten years the treaty seems necessary a new contract is made instead of prolonging it.

Second case is protection status meaning that Islamic government ensures the infidel with every word or indication that his life and assets are protected. In this case the religion of infidel is not effective and it is not specified to followers of holy books and after the contract the life and assets of foreigners have been protected by Islamic government in Iran. If infidle returned to his homeland and left his assets, they were protected and if infidle died in his country or Islamic territory not having a Muslim relative, his assets were owned by Islamic government ( Mohaqeq Helli,2010.315)

The third case is called quasi-protection happening when the foreigner feels that his life and assets are protected in Islamic land due to making friendship with Muslims goes to Islamic territory with this supposition. In this case Islamic government protect the life and assets of the foreigner till his return to Islamic country or his own land ( Mohaqeq Helli,2008:38). These three groups which live transiently in Islamic territory are called the protected ( Mostaeman) and their reference to courts and complaints is completely similar to followers of the Holy books ( Saljuqi,2010: 35). Except for the mentioned groups the other groups are regarded infidels and they don't have any rights in Islamic law but Islamic governments have treated them with relative kindness. Iran's treatment with foreigners until capitulation time has been based on Islamic principles. However the interior relationships of Iranian society was based on Islamic law In the time of the dominance of the Mongols but the

relationships of general affairs was grounded on new government rules called Yasa. Because of a powerful government in the area, businessmen transaction between coastal cities of Italy to Iran and India began. The definition of foreigner changed from its Islamic concept and included merely those who came out of Mongol territory to Iran increasingly to make business or visit or do their missions. The government encouraged such interactions and inserted some rights for foreigners ( Saljuqi,2010:39). In Safavieh dynasty because of European coming to Iran and social changes of Iran, some governments started to gain some rights for their citizens through contracts and treaties. Sherly brothers treaty with Shah Abbas in 1600 B.C through which Christians and English citizens visited Iran freely and live is an example of such contracts. This treaty permitted Christians to do their rituals freely in public and feel security about their life, assets and religion ( Nasiri, 2012:99). Also France took gomroki reimbursement for its traders. It can be noted that in these time some law has been inserted for foreigners through treaties and contracts in order to develop business and trading.

#### **4.3.3. status of foreigners after the establishment of capitulation regimen and law-making system**

Legally capitulation includes the law condition of foreigners in non-Christian countries so that they don't have law-making, legal and areal qualifications and they are treated with the qualifications of their first country ( Roso,2009.39). capitulation is treaties where a government in a foreign country possesses some of authority rights among which judgment and inserting punishment so that the citizens of that government use some parts of rights and benefits in special ways ( Nasiri,2012.99). The origins of capitulation come from the time expansion of business interactions between Iran and Europe and increase of businessmen and their citizens since 17<sup>th</sup> century. However Europeans rights were agreed upon by Iran, they abused the differences between their legal and law system with Iran's system and regarding the experience they had from the acceptance of capitulation by Ottoman government, they encouraged Iran to accept capitulation. Some other contracts were signed with Russians and French which were not executed anyway. These contracts are an introduction for capitulation. Capitulation was started in 21 of Bahman 1206 through signing Torkamanchay treaty between Iran and Russia. Some countries gained the benefits of capitulation through predicting it conditions or by considering governments condition ( Arfaenia,2003: 189). The weakness of Iranian government and its continuous defeats from Russia were the main reasons in

accepting capitulation ( Saljuqi,2010:39). The other reason was wrong interpretation of Islamic jurisprudence about non-Muslims' behavior according to their own legal principles in Islamic countries. Europeans have tested this method previously in their relationship with Ottoman government. The mentioned permissions in Imam-based jurisprudence are different from capitulation method. Islamic judge can consider the complaints of non-Muslims in obligor( zemme) contract and he can give the case to a non-Muslim court which acts under Islamic government. In capitulation, interior law system is closed in favor of foreigner government.

#### **5. Conclusion and discussion**

In international law foreigner is regarded a person who doesn't have the citizenship of a known country and is regarded an outsider to government and people of that country. However regarding international law and especially human international law which is a relatively new field of law all of human beings both natives and foreigners possess the basic rights and freedom of life. International law documents determine the least criteria for a set of basic human rights including foreigners' law in political, social, economical, cultural and civil aspects promulgating common law to respect the status and value of human beings. So humanistic law has considered different political, public and private law to approximate foreigners and native citizens more. Iran has accepted this humanistic law to approximate to international standards. However many factors have been effective in the formation of this law before its acceptance and writing in constitution and civil code in Iran. Some of the contributing historical changes include wars, business, Rome's civil code and isopolitic treaty of Greece. These are effective factors in establishment of foreigners' law in all countries and are considered global criteria. France revolution and its public mottos which claimed the equality of all worlds should be noted but Islam is the most contributing factor in foreigners' law in Iran.

#### **References:**

1. Almasi. N. (2011). Law conflicts. Center of university pubs.21st . Tehran
2. Arefaenia. B. (2003). Private international law. First volume. Fifth publication. Behtab pub. Tehran
3. Safai. H. issues of private international law. Second publication. Mizan pub. Tehran
4. Saljuqi. M. (2009). Private international law. Course pamphlet, Shahid Beheshti University

5. Saljuqi. M. (2010). Basics of international private law, 1 & 2. Mizan pub. 12th publication
6. Langrudi Jaefari. M. J. (2010). History of Iran's law. No. 107
7. Langrudi Jaefari. M. J. (1993). law terminology. Ganje Daneshpubs. Tehran.
8. Amide Zanjani. A. (1997). Political jurisprudence. Third volume. First publication
9. Qasemishoub. A. (2004). A review on foreigners' status in international law. An emphasis on international documents. Law magazine of international law service of Islamic Republic of Iran. Tehran
10. Law weekly newspaper. No 47.p.414. 30/9/45
11. Grishman. R (2009). Iran: from beginning to Islam. Translated by Moin.m.moin pubs. Tehran
12. Christenson. A. (2009). Iran in Sasanian dynasty. Translated by Yasemi. R. Negah pubs
13. Roso. Sh. International public law. Translated by Hekmat. M. first volume. Tehran university pubs
14. Mokrami. M (2007). Private international law. Law science faculty. Tehran
15. Nasiri. M. (2004). Private international law. First volume. Agah pubs. Tehran
16. Black, M. A. (1968). Black's law dictionary, 4th ed