

Addressing statelessness in the Syria refugee context

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The overwhelming majority of these refugees hold Syrian nationality and face no immediate risk of statelessness. Moreover, children born in exile inherit Syrian nationality automatically, by operation of the law, if their father is a Syrian citizen. However, a small proportion of the refugees are already stateless (i.e. are not considered as a national by any State under the operation of its law). Others, particularly children born in exile, are at risk of statelessness due to the operation of Syria's nationality law or difficulties documenting their connection to Syria and right to nationality.

Statelessness is a driver of insecurity and injustice, including in situations of conflict and displacement. It is important for humanitarian actors to understand the challenges of protecting Syrian refugees' right to a nationality and ensuring effective protection for stateless refugees. This is relevant not only to the current refugee response, but also to mitigate problems that could arise in finding durable solutions for refugees from Syria, including voluntary return to Syria when circumstances in the country allow.

This section of the toolkit provides a summary, drawn from the research report [Understanding statelessness in the Syria refugee context](#), of the issues affecting three different sub-sets of the refugee population from Syria: 1) members of the general refugee population from Syria facing challenges in obtaining civil documentation; 2) individuals who are at heightened risk of becoming stateless in displacement; and 3) individuals who are both stateless and refugees. It then offers an overview of the

stakeholders which have a role to play in identifying and addressing (the risk of) statelessness among refugees from Syria, followed by a selection of awareness raising tools and techniques, a discussion of important advocacy messages and talking points, and a number of case study examples from the region.

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Further reading

To find out more about all of these issues,

[download](#) the full research report



Roles and responsibilities

A wide diversity of stakeholders are involved in various ways in the Syria refugee response in Lebanon, Jordan, Iraq, Egypt and Turkey. Many have roles and responsibilities that are relevant to the issue of statelessness and / or access to civil registration and documentation. The table below highlights some of the most significant stakeholders in the region and provides a brief description of their role. Further details of organisations engaged in relevant activities in **Lebanon, Jordan** and **Iraq** – including national NGOs – can be found in each of the country sections. The level of understanding of statelessness and of engagement in relevant activities varies between stakeholders, but may also differ from one country to the next, and may also change over time.

HOST STATE	UN Agencies	(I)NGOs
The host state is responsible, under international law, for protecting the basic human rights of refugees on its territory. It	Several UN agencies are present in all of the countries of the Syria regional refugee response, where they work with and alongside the host states in providing adequate support and	A number of large INGOs provide assistance to refugees from Syria across multiple countries in the region. They work

is also responsible for civil registration and vital statistics, including fulfilling the right to be registered immediately after birth for every child born in the country. The following are some of the key state actors:

Civil status department

Records vital events such as births, deaths, marriages and divorces; and issues related documents and certificates.

Mokhtars (local mayors)

Play a key part in the chain process of birth registration, which often starts with approaching this local-level official. For instance, in Lebanon, a birth notification obtained from a hospital or certified midwife must be presented by the parents to the local Mokhtar, who issues a certificate which then needs to be processed by the Personal Status Department.

Shari'a Courts

Preside over a wide range of legal affairs, including family and personal status law. Conduct marriage ceremonies and issue certificates which form the basis for official marriage registration.

Ministry of Interior

Processes residence permits and issues related ID cards, including for refugees.

Health service providers

Hospitals and health clinics are responsible for issuing a birth attestation for babies born within their facilities; where the birth takes place outside a healthcare facility, the attending official mid-wife is responsible for issuing the attestation. This document

protection to refugees from Syria. Their activities, and those of other actors in the refugee response, are coordinated under the [3RP Regional Refugee & Resilience Plan](#).

United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA is the part of the UN Secretariat responsible for bringing together humanitarian actors to ensure a coherent response to emergencies. The [Regional Office for the Syria Crisis](#) supports the Regional Humanitarian Coordinator (RHC) with the Whole-of-Syria (WoS) approach for more effective and accountable humanitarian action inside Syria.

United Nations High Commissioner for Refugees (UNHCR)

UNHCR is mandated to protect and assist refugees. It is also the UN agency mandated to assist states in addressing statelessness and is currently spearheading the [#ibelong campaign](#) which aims to end statelessness globally by 2024. In 2016, UNHCR published a [report on statelessness in the Middle East and North Africa](#), which deals extensively with the issues emerging in the Syria context. UNHCR also hosts the [Syria Regional Refugee Response Inter-Agency Information Sharing Portal](#).

United Nations Relief and Works Agency for Palestine refugees in the near east (UNRWA)

UNRWA is mandated to provide assistance and protection for [Palestine refugees](#). UNRWA operates in the Occupied Palestinian Territories, Gaza, Syria, Lebanon and Jordan.

United Nations Children's Fund (UNICEF)

UNICEF is mandated to work on children's rights, development and protection. In addition to providing assistance to children in the Syria refugee response, UNICEF coordinates the [No Lost Generation](#) initiative.

International Organization for Migration (IOM)

IOM provides services and advice on [migration](#) to governments

on various things, i.e. legal aid, cash assistance for documentation etc. and their activities may vary between countries. Where specific activities are mentioned, these should be understood as illustrative examples only, as engagement is continuously evolving.

Norwegian Refugee Council (NRC)

Present in Iraq, Jordan, Lebanon and Turkey. Through its Information, Counselling and Legal Assistance (ICLA) programme, NRC provides legal aid in completing birth registration procedures in Lebanon and Jordan. NRC has also conducted national outreach programmes and public awareness campaigns on civil registration. It has produced reports on refugees' access to [birth](#) and [marriage](#) registration in Lebanon and an assessment of the challenges to [civil registration](#) system for refugees in Jordan.

International Rescue Committee (IRC)

Present in Iraq, Jordan, Lebanon and Turkey. IRC provides economic support, legal services, education and protection. In 2016 IRC published a report with UNHCR on [Civil Status Documentation in Non-government Areas of Northern Syria](#). In Lebanon, IRC maintains a [Service Mapping Portal](#) online which includes information about civil registration processes and actors.

plays a key part in the birth registration process in most host states.

Syrian Embassies and Consulates in the host states

Responsible for the renewal of Syrian identity documents (e.g. passports, identity cards) for Syrian nationals abroad. Also responsible for recording in the Syrian civil registry a birth or marriage that takes place abroad, based on the birth or marriage certificate issued by the host country.

IMPORTANT: In the case of refugees, approaching the Syrian Embassy or Consulate may not be advised, for protection reasons.

and migrants, including **refugees**, IDPs and **migrant workers**. IOM also facilitates resettlement programmes.

Danish Refugee Council (DRC)

Present in Iraq, Jordan, Lebanon and Turkey. In Jordan, the Danish Refugee Council has run a project offering cash-assistance to families whose only obstacle to obtaining documentation is monetary.

Oxfam

Present in Iraq, Jordan, Lebanon and Egypt. In Lebanon, Oxfam supported refugee-led initiatives to identify what the communities felt were some of the most difficult challenges they faced in their host countries, identified access to documents as a major issue.

Medecins Sans Frontiers (MSF)

Present in Iraq, Jordan, Lebanon, Turkey and Egypt. Provides medical care, including maternity care. Birth attestations may be issued by MSF mid-wives.

Terre Des Hommes

Present in Iraq, Jordan, Lebanon and Egypt. Provides emergency relief, financial support, basic necessities and child protection.

Refugee community

The refugee community is

Refugee Focal Points

Many communities or groups appoint a focal point responsible for being the main point of contact with civil society organizations and other stakeholders. They will often be at the forefront of sharing the concerns of their communities, and can play a role in public awareness campaigns that are targeting their communities. Often, different focal points are responsible for different themes, such as a gender or a children's focal point.

Syrian religious leaders

Among the refugees, there may be Sheikhs or Imams who have also fled Syria. They may continue to perform their duties in exile – in particular conducting religious marriage ceremonies. They can play an essential role in spreading information about official marriage registration procedures that families must undertake after the religious ceremony. At times, their role may pose certain challenges. One difficulty is that they not be aware that the systems in host countries are not as flexible with regards to delays in officialising marriages as that in Syria. Additionally, in Syria, everyone would know their Sheikh but now in displacement there is the challenge that in some of the camps and urban areas, anyone can claim to be a “Sheikh” and start conducting marriage ceremonies.

Refugee-Led initiatives

Many refugee-led initiatives across the region work to address different issues and challenges facing their groups. In Lebanon, for example refugee-led initiatives identified what the communities felt were some of the most difficult challenges they faced in their host countries – where in fact they identified access to documents as a major issue. There are also many youth-led initiatives where teenagers and young adults create different programmes and

Coordination mechanisms

There are numerous coordination mechanisms within the regional refugee response. These include:

3RP Regional Refugee & Resilience Plan

This plan forms the foundation for the coordinated, region-wide response of more than 200 partners, including United Nations agencies, NGOs and other international and national actors, to provide assistance and capacities to over 4.8 million Syrian refugees as well as host communities in Turkey, Lebanon, Jordan, Iraq and Egypt. The [2016-2017 Regional Strategic Overview](#) recognizes that increasing access to civil status documentation is also a key element of the protection response. This is deemed “critical in addressing the risks of statelessness arising from conflict, displacement, family separation and the loss or destruction of documents”.

No Lost Generation

The No Lost Generation (NLG) initiative was launched as an initiative between UNICEF, UNHCR, Save the Children, World Vision, Mercy Corps and works on various issues challenging displaced children in the region. Access to birth registration is among the issues that this initiative seeks to promote.

In-country coordination mechanisms

Within each host country, engagement on particular issues is also coordinated through different processes and networks. These include Protection Clusters and Working Groups, for instance the Child Protection Cluster which exists in different countries, but also others such as the Statelessness Working Group in Lebanon.

projects that also seek to address some of the challenges facing their peers.	
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Raising awareness

Although the challenge of addressing statelessness within the Syria refugee response is acknowledged by various key actors in the region and is gaining wider recognition, there is still some way to go in terms of awareness raising on this issue. Both within the refugee population itself and among those working with them, statelessness and the risks of statelessness are not fully known or necessarily **correctly understood**. It is important to identify and build on existing good practice within the region in order to strengthen awareness raising efforts and impact. There are two key areas in which further opportunities lie: with respect to enhancing the refugee population’s knowledge of civil registration procedures in the host countries; and growing the general awareness of the issue of statelessness among the wide array of stakeholders who work with the Syrian refugee population. The overviews below offer an insight into good practices, tools and techniques in respect of activities to achieve these aims.

Raising awareness of the civil registration procedures among the refugee population

The following table presents a compilation of existing good practices and ideas drawn from the **research and consultations conducted under this project**. Note that different tools and techniques can be effective in reaching different audiences, so a combination of approaches is likely to have the greatest impact.

TOOLS: How to package the information for refugees	OUTREACH: How to ensure the message gets to the right refugees	MESSAGING: What refugees most need to know
BROCHURES Informational brochures and leaflets	REFUGEE COMMUNITY FOCAL POINTS Most communities have designated focal points who may be able to spread	IDENTIFYING “PROBLEM CASES” By sharing information about what

explaining civil registration procedures have been developed throughout the region by different actors. These can be disseminated broadly, such as in registration centres, hospitals, religious and community centres, schools, etc. Refugees can take a brochure away with them and refer to the information again later. Q&A explanations about procedures, such as [this one provided online by UNHCR about Lebanon](#), can provide helpful input for brochures. As various examples from the region show, the use of pictures and diagrams is also important (especially where literacy may be an issue).

INSTRUCTION VIDEOS

Videos explaining how civil registration procedures work can be screened in waiting areas at registration centres or health clinics, or in common areas and during gatherings at religious or community centres. These can also be made available online or even screened on TV. There are already numerous videos available regarding birth registration, such as this one from [Iraq](#) of from [Lebanon](#), but not on marriage registration.

OTHER TOOLS

Radio and TV adverts can also be used to convey messages about the importance of civil registration. One project created a comic strip, [Know-your-rights](#), using

awareness about registration procedures to their peers. Outreach volunteer programmes, often made up of persons from the refugee community, have for example even accompanied new mothers to hospitals and civil registration offices to assist them in the procedures.

RELEVANT SERVICE PROVIDERS

Certain key individuals, specifically midwives and Mokhtars, are often in contact with the refugee population at the time when vital events occur. They are able to reach a very targeted audience, but will often have limited resources and time to give information or advice on civil registration procedures – nor do they necessarily have a detailed understanding of the system. It is therefore important to provide them with simple, illustrative messages to pass on to those they are in contact, in a format that makes it easy for them to do so. For instance, a mid-wife could be provided with a supply of small leaflets showing a new mother what the first step to register her birth is and why it is vital she take action. This can be given together with the birth attestation which the mid-wife issues to the mother. When a couple goes to a Sheikh to be married, they can be given information after the religious ceremony about how to initiate the formal marriage registration process, for instance: “go to this Sharia Court at this address with these documents to initiate the formal registration of your marriage; if you do not, the consequences may be x, y and z”.

TV / RADIO

Talking about the procedures on local radio or popular TV channels has proven to be successful in the region, as this reaches a much broader audience – although a less targeted one.

factors can put refugees from Syria at risk of statelessness and which profiles can be considered at heightened risk, stakeholders will have a greater capacity to identify potential “problem cases”. A specific tool through which identification of issues could be undertaken is through intake forms for new beneficiaries: questions relating to nationality and documentation can be integrated and allow problems to be flagged and recorded (including through the possibility of identifying a refugee as stateless where there is clear evidence of this – such as the possession of a document issued by Syria to Ajanib Kurds).

PLOTTING OUT REFERRAL PATHWAYS

Where a situation is identified in which a stateless refugee or a refugee at heightened risk of statelessness is in need of more specialised assistance, it is important to have a clear understanding of the relevant referral pathways. In Lebanon, Jordan and Iraq, there are organisations with specialist expertise and it is important to disseminate information about how to make a referral.

pictures to show why birth and marriage registration is important for refugees, distributing this in Turkey, Lebanon and Jordan.

TRACKING CASES AND OUTCOMES

Understanding when stateless refugees encounter problems and how these are being addressed, as well as how situations in which refugees are at heightened risk of statelessness are being dealt with, can help to inform the further development of interventions and identify gaps and needs. Tracking cases and reporting on outcomes and developments can help to keep the field informed.

Help refugees to keep documents safe!



In addition to helping refugees to understand why and how to navigate civil registration procedures, it is important to help them to keep documents safe. A birth attestation from a mid-wife, for instance, could easily get lost or damaged when a family in a camp or informal settlement is unaware of its value and is busy looking after their new-born – yet this document is critical to the process of birth registration. A simple way to demonstrate the importance of a particular document and help refugees to keep it from being damaged by spills or dirt is to provide it inside a plastic zip-lock pouch. Information about the next steps in the birth registration procedure can be provided along with the document in the pouch.

Raising awareness of the issue of statelessness among stakeholders working with this population

There is a wide variety of different stakeholders involved in the Syrian refugee response. While it will be helpful for all actors to have a basic understanding of the (risk of) statelessness and how this may affect refugees from Syria, the scope and level of knowledge required by a particular stakeholder will depend on its **role and responsibilities**. The good practices and ideas compiled through the **research and consultations conducted under this project** which are set out below offer a range of different types of activity, some of which relate to external outreach and others to internal procedures within organisations where there is the interest and opportunity to strengthen engagement on the issue. More details of specific action that is being or can be undertaken at the country level in **Lebanon, Iraq and Jordan** can be found in the relevant country sections.

INFORMATION-SHARING: How to spread the word about statelessness	STRENGTHENING CAPACITY: How to ensure a more effective response	FACILITATING REFERRALS: What to do when refugees need extra help
<p>CIRCULATING BROCHURES OR LEAFLETS As with awareness raising for the refugee population, a good way to build different stakeholders base knowledge of statelessness and how it may affect the refugee population from Syria is by sharing informational brochures and leaflets. These could explain, e.g. what is statelessness, the Syrian nationality law, who is affected by statelessness in Syria, or what documents a stateless refugee may have which are distinct from those of Syria nationals. The level of detail provided can be tailored to the audience to be targeted. For instance, if seeking to raise awareness among Mokhtars about the importance of civil registration for helping refugees to document their link to Syria to encourage them to help with awareness raising among refugees who come to their offices, the content of a brochure would be different than if reaching out to legal volunteers within a community to help them to identify and respond to cases in which refugees are at heightened risk of statelessness. As with awareness raising for the refugee population, when sharing information with stakeholders it is also</p>	<p>APPOINTING A STATELESSNESS FOCAL POINT It is not necessary for everyone involved in the refugee response to develop specialised expertise on statelessness. However, for some organisations, it may be helpful to appoint a statelessness focal point with a view to facilitating awareness raising within the organisation and creating a mechanism through which for instance a front-liner who is in regular contact with refugees and may have questions on the nationality of an individual or family may seek advice. For refugee assistance organisations that are in regular contact with stateless refugees and refugees at heightened risk of statelessness, a focal point can also play the role of monitoring the needs of staff on the issue and liaising with other organisations as relevant.</p> <p>ORGANISING BRIEFINGS OR TRAINING SESSIONS This toolkit provides a number of materials which can be used as the basis for a briefing or training session – for instance a lunchtime seminar for internal staff to raise awareness of the issues</p>	<p>IDENTIFYING “PROBLEM CASES” By sharing information about what factors can put refugees from Syria at risk of statelessness and which profiles can be considered at heightened risk, stakeholders will have a greater capacity to identify potential “problem cases”. A specific tool through which identification of issues could be undertaken is through intake forms for new beneficiaries: questions relating to nationality and documentation can be integrated and allow problems to be flagged and recorded (including through the possibility of identifying a refugee as stateless where there is clear evidence of this – such as the possession of a document issued by Syria to Ajanib Kurds).</p> <p>PLOTTING OUT REFERRAL PATHWAYS Where a situation is identified in which a stateless refugee or a refugee at heightened risk of statelessness is in need of more specialised assistance, it is important to have a clear understanding of the relevant referral pathways. In Lebanon, Jordan and Iraq, there are organisations with specialist expertise and it is important to disseminate information about how to make a referral.</p>

important to explain not just what or how, but also **why** action is needed.

USING EXISTING MEETINGS AND MAILING LISTS

There are regular coordination meetings involving different stakeholders in the regional refugee response – working groups, protection clusters and others. Statelessness could be tabled as an agenda item for such a meeting, creating an opportunity to share information, clarify misunderstandings and raise key messages. Information can also be circulated through existing mailing lists and newsletters for different stakeholders working in the refugee response, and integrated into related tools (e.g. general birth registration awareness packs can incorporate an explanation of relevant statelessness issues). The **advocacy talking points** may be a helpful tool in preparing presentations or materials for these purposes.

involved. The **training videos** give people a chance to hear directly from experts what the core challenges and potential solutions are. An accompanying download with discussion questions and further reading is also provided. The **regional case studies** can also be used as a training tool, whereby participants diagnose the problems and brainstorm the possible interventions for a particular case.

SHARING KNOWLEDGE AND TOOLS

Around the region, different organisations are often engaged in similar work, for instance in different parts of the same country or even in different refugee-hosting states. Sharing knowledge, tools, tips on what has worked and what has not can help to keep the issue on the agenda and ensure an optimal impact. For caseworkers engaged in legal assistance to refugees at heightened risk of statelessness, brainstorming strategies and sharing case outcomes can be particularly useful.

TRACKING CASES AND OUTCOMES

Understanding when stateless refugees encounter problems and how these are being addressed, as well as how situations in which refugees are at heightened risk of statelessness are being dealt with, can help to inform the further development of interventions and identify gaps and needs. Tracking cases and reporting on outcomes and developments can help to keep the field informed.

Advocacy talking points

In addition to a more general **lack of awareness**, a major challenge in addressing statelessness in the Syria refugee context is that the different stakeholders involved may not fully understand the issue or the importance of taking action. Indeed, there are often misconceptions about statelessness and what measures are needed, for

instance, to protect the right of every child to a nationality. This can create confusion and obstruct the implementation of an appropriate response. When discussing statelessness with different actors – local officials, service providers, community leaders, relief workers, etc – it can therefore be useful to keep in mind certain key messages through which to advocate for a better understanding of statelessness and greater willingness to act.

The following overview of advocacy talking points is designed to help inform conversations about mitigating the risks of statelessness for Syrian refugees and their families and protecting stateless refugees from Syria. Note that these are general messages only, suitable for any audience and aimed at clarifying misconceptions as well as demonstrating the importance of paying attention to statelessness issues. It may be helpful to develop and coordinate more detailed advocacy talking points for a specific country context. For those engaged in advocacy for law or policy reform, further and distinct messages would be needed

Most refugees from Syria are Syrian nationals and are not at risk of statelessness

There can often be misunderstanding about the extent to which statelessness is a problem for refugees from Syria. While, for instance, some media reports from the region have warned of an entire stateless generation born to Syrian refugee parents in exile, in fact most refugees from Syria – and their children – are Syrian nationals and are not at risk of statelessness. The following points can help to clarify this:

- **To be a refugee is not the same as being stateless.** A refugee is a person who has fled his or her country owing to well-founded fear of being persecuted, for instance on the basis of race, religion or political opinion. He or she often holds a nationality, but is not safe in that country. However, [since statelessness can be both a cause and consequence of displacement, some refugees are also stateless](#). Stateless refugees are those who have been forcibly displaced and [no state considers them a national under the operation of their law](#). Only a relatively small segment of the refugee population from Syria is also stateless (see further below).
- **Undocumented refugee children born to Syrian fathers are not stateless at birth.** They are Syrian nationals, acquiring nationality automatically under the Syrian nationality law. Birth registration remains critical, however, to documenting their nationality as well as protecting key child rights.
- **Some refugees from Syria are “at risk of statelessness”.** This is not the same as concluding that a person is stateless - it is a term used to describe situations in which people are vulnerable to being left without a nationality. For instance, a refugee child who is born in exile and whose birth has not been registered may be at risk of statelessness because of the difficulties this can create for proving his or her entitlement to nationality. This term can help in talking about where preventative action is needed to protect people at risk of statelessness from actually being left stateless – for instance by promoting access to birth registration.

Preventing statelessness will help to ensure a better future for Syrian refugees

While most refugees from Syria are Syrian nationals, some may be at risk of statelessness due to the circumstances of their displacement. Some children born in exile to refugee parents are also at risk of statelessness. Wherever possible, it is important to take steps to mitigate the risk of statelessness for Syrian refugees and their families by helping them to maintain a documented link to Syria. This will help to ensure a better future for Syrian refugees, including because:

- **Preventing nationality disputes and avoiding statelessness can be a key tool in resolving refugee situations.** Ensuring that refugees maintain their Syrian nationality will help to enable successful voluntary repatriation and reintegration when the circumstances allow for this in the future – paving the way for a durable solution. For children born in exile, establishing their connection to Syria will help to ensure they can return with their family.
- **The right to a nationality is a fundamental human right.** Statelessness can have a deeply detrimental impact on a person's life, which is why [human rights law protects the right to a nationality](#). States have a duty to do what they can to avoid statelessness, including in a forced displacement context.
- **It is not in a state's interest to allow statelessness to arise on its territory.** Given that statelessness can pose an obstacle to the achievement of durable solutions, including voluntary return, it is in the interest of countries hosting refugees from Syria to help to avoid statelessness among this population. Taking steps to prevent statelessness now can be simpler than finding solutions to cases of statelessness further down the line, when the problem might have become entrenched.

Documents matter

Documents matter, particularly in a situation of displacement. A person's ability to establish his or her identity, family connections and nationality can be of great importance both while he or she is a refugee and in the context of durable solutions. The registration of vital events – births, marriages, deaths – which take place in exile is also critical. Access to civil registration systems and other frameworks in the host country which can help refugees to document their identity and legal status is key, but will not always be straightforward – for instance because a refugee does not have the documents usually required of a person in order to register a birth. It is important to acknowledge that:

- **Not all refugees from Syria have documentation of their identity.** Refugees may not have brought the documents that they possessed with them as they fled or these may have been destroyed prior to or during their displacement. Some may not have been able to obtain documents in Syria because of the conflict interrupting access to procedures.
- **Not all refugees from Syria possess the same documents.** In Syria, there were and are a variety of documents given to individuals depending on their legal status. It is important to understand the [different documents](#) that refugees may possess, including by recognizing that stateless refugees from Syria will not have had access to the documents which were issued by Syria to its nationals. Some refugees will only have been able to access [documents issued by non-state actors inside Syria](#).
- **There are ways to help refugees access civil registration when they do not have (certain) documents.** Several good practice precedents have been developed by countries hosting displaced populations to facilitate access to civil registration, such as accepting certificates from churches and mosques. Within the region, there are also good practice examples of host authorities accepting copies of documents or accepting witness testimony in lieu of documentation.

Birth registration is a right of every child

The right of every child to be registered, immediately after birth, is protected under international law, for example Article 7 of the Convention on the Rights of the Child and Article 7 of The Covenant on the Rights of the Child in Islam. Countries are obliged to register the birth of any child who is born on their territory, regardless of the legal status of the parents. As set out above, documents matter, and in the prevention of statelessness among children, birth registration plays a critical role. However, the connection between birth registration and nationality is often poorly understood. It is important to know that:

- **Granting access to birth registration and issuing a birth certificate to a child DOES NOT EQUAL conferring nationality.** Birth registration records the place of birth and the parents details, which are relevant factors in determining which nationality a child will acquire. However, whether a child is entitled to nationality based on

birth in the country or descent from a parent who is a national is determined by each state's own nationality law. Registering a birth and issuing a birth certificate to a baby does not mean that he or she will become a citizen of that state. It often does precisely the opposite – confirm that the child is a citizen of another State.

- **Syrian nationality is conferred by descent, so registering the birth of a child or refugee parents helps to establish their Syrian nationality.** Under Syrian nationality law, a child of a Syrian father automatically acquires Syrian nationality at birth. By registering a child's birth and recording the details of the father, host countries can help to ensure that children of Syrian men are able to establish their Syrian nationality and to protect them from statelessness.
- **Refugees may be unfamiliar with the birth registration requirements or procedures.** Birth registration systems differ from country to country, even where there are cultural or linguistic similarities between countries. Refugees are unlikely to be aware of the birth registration systems of host states, and therefore extra effort need to be taken to ensure that they are receiving correct and timely information – especially where deadlines exist.

Some refugees from Syria are stateless and may need tailored support

Most refugees from Syria are Syrian nationals, but not all. Some do not hold any nationality at all: they are stateless refugees. This population included [stateless Kurds \(two categories, Ajanib Kurds and Maktoum Kurds\), Palestinians \(PRS\) and various isolated profiles](#). Not all stakeholders are aware that there are stateless persons from Syria among those displaced, so a refugee's statelessness may not be identified, recorded or factored into their treatment. This may lead to problems because:

- **Stateless refugees can have specific needs or vulnerabilities.** Stateless refugees face heightened protection risks, which include inability to access civil registration, restricted movement and pressure to return to Syria. For example, without documentation of identity, or with documents specifically issued in Syria only to stateless persons, stateless refugees may be denied access to civil registration procedures in the host state. Stateless refugees may therefore need tailored assistance.
- **Statelessness can be an important factor in the context of durable solutions for refugees.** Statelessness may be a factor which complicates access to durable solutions for refugees from Syria, including limiting access to resettlement programmes. Identifying statelessness as a potential hindrance to durable solutions will help to ensure that a refugee is offered suitable counselling and help.

Case studies

This section presents a series of six case studies, each based on real-life situations identified in the research [undertaken for this project](#). They serve to illustrate some of the challenges faced in the region in terms of the interaction between statelessness and displacement from Syria. The case studies are designed to help you to understand how such issues may present themselves in practice, to diagnose the problem and to think about possible solutions. Guiding questions are provided to assist with either self-study or in using (a selection of) these case studies within a training session, for instance to brainstorm what concrete response might be pursued if such a case presented itself in a particular host country context.

General refugee population

Since 2011, more than 300,000 children have been born in exile. For them, access to birth registration is vital because it provides evidence of their identity, their family links and – if born to a Syrian father – their Syrian nationality. Various factors can impede access to birth registration for refugee families in the host countries. Two examples are given in the case studies below: **Khaloud** and **Yahya** are each trying to register the birth of a child, but face certain challenges.

Use the following questions as a guide to assess what the problem is in each of the cases and to think about what action could be taken:

- **What key messages are important when seeking to facilitate access to birth registration?**
- **What is the main impediment to accessing birth registration in the case?**
- **Are there any complicating factors?**
- **Which stakeholders have a role to play?**
- **What action could be explored to help solve the problem?**
- **How can such cases be prevented or mitigated more generally among the Syrian refugee population?**

Khaloud

Khaloud has been a refugee since 2012. She was registered with UNHCR and knew she was entitled to free healthcare for her pregnancy and birth, but at the time of the birth she was confused as to which hospital she should go to obtain the free healthcare. She ended up in a private hospital, where she gave birth to a healthy boy. When she was making preparations to leave, the hospital administration handed her a large bill. She did not have that money, but she was told that she was not entitled to free healthcare there and she could not see her baby until she paid. She said that she felt she had no other choice than to take her baby boy and run away from the hospital. In doing this, she never got the birth notification. When she went to the birth registration office, they advised her to go back to the hospital to obtain the notification. However, she knows that if she does, they will demand payment before they give it to her.

Yahya

Yahya did not register the birth of his daughter before the one-year deadline. He decided to falsify the birth date of his daughter in order for her to be considered younger than one year. He paid a broker a significant amount to produce a birth notification that would reduce his daughter's age by a full year. However, he was still unable to obtain a birth certificate as his marriage was not registered.

Refugees at heightened risk of statelessness

Within any given (refugee) population, some people can be identified as facing a heightened risk of statelessness due to their circumstances and the social, political or legal context. Ensuring that they are not left stateless can require tailored prevention activities. Two examples of so-called 'heightened-risk' profiles are given in the below case studies of **Fakhriya** and **Noor**.

Use the following questions as a guide to assess what the problem is in each of the cases and to think about what action could be taken:

- **What key messages are important when seeking to mitigate the risk of statelessness in cases such as these?**
- **Why is there a heightened risk of statelessness in each of the cases?**
- **Are there any complicating factors?**
- **Which stakeholders have a role to play?**
- **What action could be explored to help improve the situation?**
- **How can such cases be identified and mitigated more generally among the Syrian refugee population?**

Fakhriya

When Fakhriya asks her eldest son, now four, where he comes from, he smiles and says "Dar'a". He has never been to Dar'a before, he was born a refugee in a neighbouring country, but he believes that is where his Syrian father is, and that is where he will eventually grow up. A mother of three living in a small apartment as an urban refugee, Fakhriya is worried about her children for many reasons. They have been displaced, removed from everything they know, and they are faced with many of the problems that challenge a refugee family. In addition to these challenges, her children are not registered, they have no documents, and she has no idea where their father is. She worries her children will remain unregistered, without any documents. She worries that she will eventually be unable to prove that her children are Syrian nationals.

Noor

Dar'a was a city that was central to the civil registration process in the district which it covers, but also, since the onset of the conflict, a hotspot for fighting. For Noor, registration of her marriage in 2012 would have had to take place in Dar'a. She lived just outside the city but due to the conflict, was unable to go to the registry office to apply for the new family booklet or any other document. Because of this, her marriage to her husband, who has remained in Syria while she fled a few months ago, has not been recorded anywhere. She is pregnant.

Stateless Refugees

Some refugees are already stateless. Their lack of nationality may have been a cause of their displacement or, in a situation of generalised violence or conflict, it may simply be that the existing stateless population are displaced as well as others (perhaps even more readily due to their vulnerability and lack of alternatives in country). In the context of the Syria regional refugee response, it is important to acknowledge that there was already a stateless population in Syria prior to the conflict. The case studies of **Khalid** and **Lamia** below offer examples of the situation of *stateless* refugees from Syria.

Use the following questions as a guide to assess what the problem is in each of the cases and to think about what action could be taken:

- **Why can it be important to pay attention to whether a refugee is also stateless?**
- **What is the profile of the stateless refugee in each of these cases?**
- **What problems do the refugees in each case face, in which their statelessness is playing a part?**
- **Which stakeholders have a role to play?**
- **What action could be explored to help improve the situation?**
- **How can such cases be identified and addressed more structurally among the Syrian refugee population?**

Khalid

Khalid, a stateless Kurd now living in a refugee camp was never registered in Syria, the same as his father. When Khalid's own son was born in exile, he didn't attempt to register the birth as he believed that the family did not have the required documents needed to access the civil registration system. He had been able to obtain the birth notification from the health authority as they are registered with UNHCR and therefore the mother was able to give birth in a public hospital. However, he had not tried to take the next steps in the registration process, as some of his neighbours in the same position as him had failed to register their children. He possesses a *Taaref* document but had heard that this was not accepted by the authorities. His child was born in 2014, so the one year deadline for birth registration has now long passed.

Lamia

Lamia lives in a Palestinian camp in a neighbouring country to Syria. She is not registered with either the UN or the host state. A few months ago, Lamia witnessed her neighbour who tried to obtain employment in the capital, being caught and deported back to the Syrian border because she was Palestinian. This scared Lamia has made her hesitant to approach any organisation or government authority. Lamia's husband, who is in the same situation as her, is wanted by the government in Syria (he was seen to be affiliated to the opposition forces) and her main concern is ensuring her family can stay in Jordan. Lamia's eldest daughter is engaged and will be married soon.