

Nationality, Documentation, and Statelessness in Syria

This section of the toolkit contains information about issues of statelessness, civil registration and nationality in Syria. It informs the user about the mechanisms for acquiring nationality and accessing civil registration inside Syria. It also presents key information about the various profiles of stateless refugee that may be found among the refugees.

This background knowledge is essential for those working on addressing or preventing cases of statelessness among refugees displaced from Syria in the host countries. It may also be useful for advocacy with authorities, where an understanding of the full situation of the displaced that come from Syria, their profiles and what documents they may have, will be needed.

The section contains:

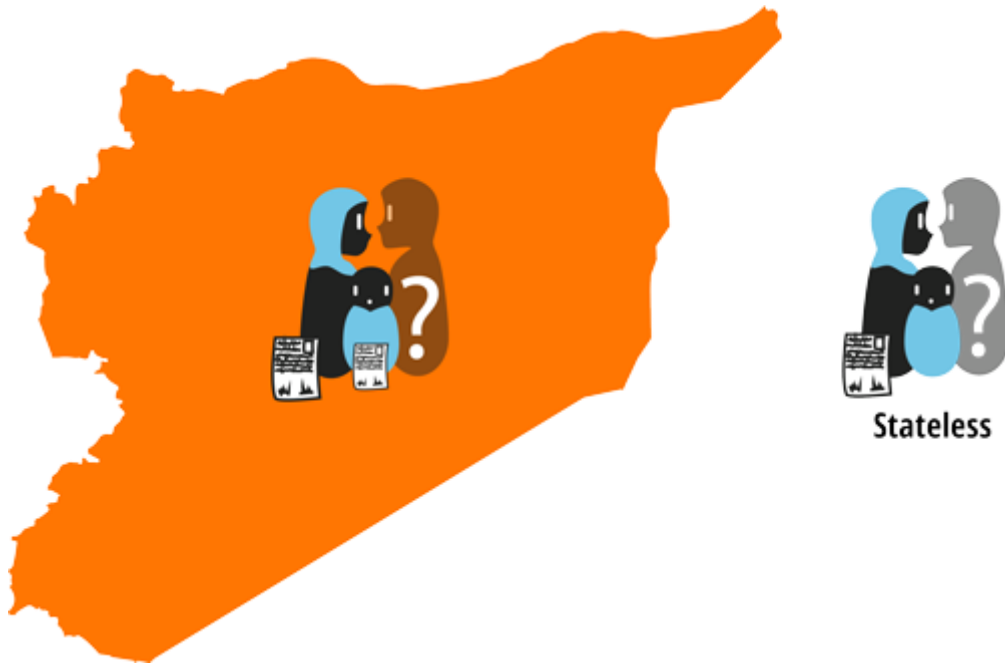
- **Syrian nationality law:** providing details on some of the most important components of Syrian nationality law, explaining how an individual can acquire or lose Syrian nationality.
- **Stateless populations in Syria:** explains what stateless populations already exist in Syria that may be found among the displaced populations, why they are stateless, their situation in Syria before the conflict, and any recent developments regarding their status.
- **Syria's civil registration system:** focuses on the most relevant civil registration systems (birth, marriage and divorce procedures), giving information on the different steps and the requirements that have to be fulfilled.
- **Documents issued in Syria:** gives information on the different documents that a Syrian or stateless person from Syria may possess, who can acquire the specific document and what legal standing they have in Syria.
- **Non-state actor issued documents:** provides basic information about the emerging challenge of dealing with documentation issued in Syria by non-state actors.

Syrian nationality law

The Syrian Nationality Law was enacted in 1969, through Legislative Decree 276. The full text of the law in English can be found online [here](#). Below is a summary of the main rules relating to acquisition and loss of Syrian nationality which are relevant to understanding the potential nationality problems of Syrian refugees.

How can a person acquire Syrian nationality?

Through parents: The law is predominantly based on paternal *jus sanguinis*: This means a person will become Syrian, wherever they are born, if they have a Syrian father. Birth to a Syrian mother does not automatically confer nationality, however the law does allow transmission of nationality from the mother if the child is born in Syria and the father is unknown. However, this provision is not always implemented in practice. When born abroad an individual will only be Syrian if their father is Syrian.



Born stateless in Syria: Syrian nationality law contains a safeguard against statelessness at birth whereby a foundling (an abandoned infant), a child born in Syria to stateless parents, or a child born in Syria who does not acquire another nationality should be considered Syrian (Articles 3(C) and 3(D) of Legislative Decree 276). However, these safeguards against statelessness at birth are not systematically implemented. Moreover, this provision only applies to children born in Syria and so clearly does not apply to the children of refugees from Syria who are born in host countries.

Through Naturalisation: The other way to acquire Syrian nationality is through naturalisation. Non-nationals who have resided in the country for over 5 years and fulfil a number of other requirements, (different requirements exist if the individual is from another Arab country), such as being able to speak and read Arabic fluently, can apply for naturalisation. A non-national woman who marries a Syrian man can naturalise on the basis of that marriage. Citizens of other Arab countries benefit from facilitated naturalisation (i.e. a waiver of some of the criteria for naturalisation). The legislation allows dual nationality, so a person can be a citizen of both Syria and another country.

How can a person lose Syrian nationality?

Syrian nationality law allows a citizen to renounce their Syrian nationality voluntarily, but only following acquisition of a different nationality. The law also sets out seven criteria under which a person may be stripped of their nationality. For example, joining the military service of another State or residing in a State that is at war with Syria. As such, the Syrian State enjoys significant discretionary powers to denationalise a citizen and these powers may be exercised even when this leaves the individual stateless.

What implications does the Syrian nationality law have in the displacement context?

With so many Syrians now displaced, there are many situations in which it cannot be established that the father of a child is Syrian: the marriage may not have been registered; marriage documents may have been lost; fathers may be dead, lost or have moved on to third countries; or their whereabouts or identity may be unknown. A combination of one or more of these factors can mean that there is no legal or physical proof that a child's father is Syrian. In some neighbouring countries a child cannot be registered without legal proof of the father's identity. In all countries, when a refugee mother cannot prove that the father of her child is Syrian, discrimination in Syrian nationality laws puts her child at risk of statelessness.

Stateless populations in Syria

Statelessness is not a new problem for Syria. Before the current crisis there were stateless individuals in Syria due to gaps in the application of the nationality law or individual loss or deprivation of nationality. As of the end of 2015, [UNHCR estimated that there were 160,000 stateless persons in Syria](#). However this figure does not include the Palestinians in the country (of whom there are approximately half a million). This section explores the profiles of the main groups of stateless persons in Syria:

Stateless Kurds (Ajanib and Maktoum)



How many: There is no exact data on how many stateless Kurds lived in Syria prior to the conflict, but the number was estimated to be between **160,000** and **300,000**.

Why are they stateless: **The presence of a stateless Kurdish population in Syria dates back to Jazira census in 1962.** This government census required those who lived in the northern area of Alhassaka to register and provide documentary evidence that they had been living in the area since the 1920s. As a result of this census the Kurds who lived in this area were split into three:

- Those who managed to fulfil the registration requirements and remained citizens
- Those who tried to register, but did not fulfil the registration requirements and therefore lost their citizenship. These were labelled the Ajanib Kurds and given a foreigner's residence permit
- Those who never tried to register and were removed from the Syrian registry system. This group are known as the Maktoum Kurds.

This status was hereditary, so the descendants of the Ajanib and Makoum Kurds inherit their statelessness. However, stateless Kurds are a minority of the Kurdish population in Syria. The stateless Kurds had, before the conflict, taken part in many protests calling for recognition of their right to nationality.

What was their human rights situation in Syria: Due to the persistent discrimination, stateless Kurds are likely to be **more impoverished than the average Syrian**. Access to education was widely reported to be problematic for this community, particularly Maktoum Kurds, which is likely to have resulted in substantially lower education levels.

Other information: The **adoption of Decree 49 in 2011** gave thousands of stateless Kurds the possibility of acquiring nationality. According to UNHCR, by mid-2013, some **104,000 stateless individuals had acquired nationality**. However the current conflict has made the process of applying for nationality difficult and has therefore made it hard to map the impact of this decree on the number of stateless Kurds in Syria. Furthermore, there are no clear figures on how many stateless Kurds have fled to other countries due to the current conflict.

Palestinian Refugees from Syria (PRS)

How many: Before the conflict there were **over half a million Palestinians registered with UNRWA** in Syria (UNRWA is the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which is mandated to provide assistance and protection for Palestinian refugees). Many more Palestinians lived in Syria but were not registered or eligible for registration with UNRWA. So the exact number of Palestinians living in Syria was not clear.

Why are they stateless: Many Palestinians had fled to Syria as refugees since 1948. Palestinian refugees are excluded from naturalising as Syrian nationals (despite their long-term residence in the country), in accordance with the **Casablanca Protocol**, in order to protect their right to return to Palestine.

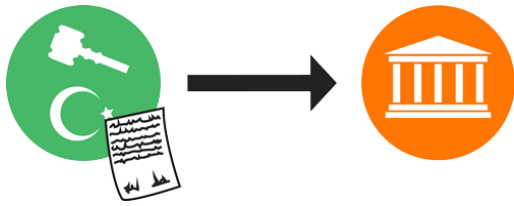
What was their human rights situation in Syria: In general, Palestinians in Syria had access to many rights, for example the rights to education and healthcare, employment, own businesses and travel freely throughout Syria. Palestinian refugees in Syria do not have the right to vote or stand for election, and there is a restriction on the amount of property and arable land they can buy. Palestinians have their own documents such as a specific ID for Palestine refugees and the Palestinian Travel Document – a document issued by Syria to Palestinians who habitually resided on the territory in lieu of a national passport, but not denoting possession of Syrian nationality. Due to the conflict many Palestinians who were habitually resident in Syria have now been displaced to neighbouring countries and beyond.

Other information: Of particular concern are the “non-ID Palestinians”. A non-ID Palestinian is the term commonly used to refer to a Palestinian who is not registered with UNRWA, UNHCR or the authorities of the country in which they reside. Although there are no figures, there are known cases of non-ID Palestinians from Syria among those displaced to neighbouring countries.

Isolated cases of stateless refugees

How many: Unknown, but the numbers are likely to be relatively low.

The isolated cases of statelessness include:



Step 3: Marriage Registration

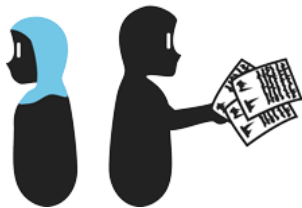
Authority: Civil status department

Requirements: Marriage certificate from Sharia court, to be sent within ten days from the marriage date.

How is a divorce registered in Syria?

Divorce is also a three-stage process involving both civil and religious authorities. The divorce certificate is an important document to have, especially for women who wish to re-marry in the future:

2 copies of the family booklet Marriage certificate



Step 1:

The husband submits a divorce application to the Sharia court with two copies of the family booklet and a copy of the marriage certificate\



Step 2:

Sharia court sends a divorce attestation to the civil registry



Step 3:



Civil registry registers the divorce in the records of both partners and issues the certificate

Syrian Documents


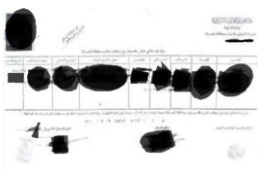
(Civil and Identity Documents)

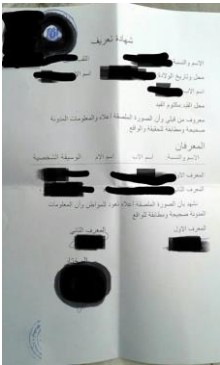
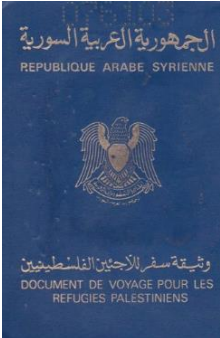
Alongside the civil registration documents as provided for in section 3, in Syria there are a various documents that attest to identification or civil registration. This section highlights some of the main documents that may be held by people from Syria, but does not provide a comprehensive list of Syrian documents. The documents are divided into those available only to Syrian nationals and those which may be acquired by non-citizens.

Civil Registration / Identity documents for citizens

Document	Purpose	Issuing authority	Requirements for acquisition
<p>National ID Card</p> 	<p>Official proof of identity (used for official purposes and everyday use) Proof of nationality One of the documents establishing right to vote when reaching the age of 18.</p>	<p>Civil registrar (Ministry of Interior)</p>	<p>Must be obtained from the age of 14 Must be obtained in person Can only be obtained in Syria</p> <p><i>Documentation required:</i></p> <p>4 coloured photos ID of the guardian Family booklet</p>
<p>Family Booklet</p> 	<p>Records all members of the family: The mother, the father and all the children When two people get married, they move from their parents' booklet and into their own</p>	<p>Civil registrar (Ministry of Interior)</p>	<p>Can only be obtained or updated in Syria Involves the transmission of the wife's records from the registry for the area in which she has been resident to that for the husband's area of residence</p> <p><i>Documentation required:</i></p> <p>A copy of the marriage certificate 2 coloured photos ID Cards Military Service Booklet</p>

Civil Registration / Identity documents for non-citizens

Document	Purpose	Issuing authority	Requirements for acquisition
Ajanib Kurds			
<p>Red Card</p> 	<p>Official proof of identity (used for official purposes and everyday use) Records the individual as a registered foreigner Not valid for travel outside Syria</p>	<p>Civil registrar (Ministry of Interior)</p>	<p>Can only be obtained or updated in Syria</p> <p><i>Documentation required:</i></p> <p>Parents' red cards 4 coloured photos</p>
<p>Family Civil Extract</p> 	<p>Equivalent to Family Booklet for registered foreigners (document states "Family extract for those registered in the registry of foreigners of Hassaka") Records all members of the family: The mother, the father and all the children</p>	<p>Civil registrar (Ministry of Interior)</p>	<p>Can only be obtained or updated in Syria</p> <p><i>Documentation required:</i></p> <p>A copy of the marriage certificate 4 coloured photos</p>
Makotum Kurds			
<p>Identification Notification</p>	<p>Informal identification only (cannot be used for official ID purposes as contains no validation from</p>	<p>Provided by the local Mukhtar Forwarded to the local branch of the Political Security Directorate for approval</p>	<p>Can only be obtained or updated in Syria Two witnesses Make an oath of identity / identity of children</p>

	<p>higher authorities)</p>	<p>Sent to the provincial administration in Hassaka governorate, where it is validated</p>	
<p>Residency Notification</p>	<p>Informal identification only There are no rights attached to this document Not valid for travel outside Syria</p>	<p>Provided by the local Mukhtar</p>	<p>Can only be obtained or updated in Syria Two witnesses</p>
<p>Palestinians</p>			
<p>Travel Documents for Palestinians</p> 	<p>For travelling abroad</p>	<p>Ministry of Interior, Palestinian Registrar</p>	<p>Can only be obtained or updated in Syria Only available for Palestinian refugees registered with the General Authority for Palestinian Arab Refugees (i.e. those who entered in 1948 and/or 1956)</p> <p><i>Documentation required</i></p> <p>The temporary residency card for Palestinians</p>

<p>Temporary Residency Card for Palestinians</p>	<p>Official proof of identity (used for official purposes and everyday use) Confirms identity as a Palestinian refugee</p>	<p>Ministry of Interior, Palestinian Registrar</p>	<p>Can only be obtained or updated in Syria Only available for Palestinian refugees registered with the General Authority for Palestinian Arab Refugees (i.e. those who entered in 1948 and/or 1956)</p>
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Documents issued by non-State actors

What is the challenge?

An emerging challenge is the question of the legitimacy and value attributed to personal documents (including birth and marriage registrations) issued in non-government controlled areas of Syria by non-State actors. In numerous areas of Syria, these documents may be all the only ones available to people, yet the question of their legal validity is a difficult one. For children, the established principle of international law that the best interests of the child should be a primary consideration in all decisions relating to the child (Convention on the Rights of the Child, Article 3) should be taken into account when decisions on the acceptance of documents are made. The protection needs of displaced persons should be considered in determining the acceptance of documents in practice if not in law.

Which non-State actors are known to be issuing documents?

Some examples of documents that are currently being issued by the following non-State actors in Syria:

- Kurdish Self Administrated Area
- Local Councils in southern Syria
- Free Independent Judicial Council under the Interim Government
- Islamic State of Iraq and Syria

Are they being accepted?

In the refugee-hosting countries neighbouring Syria, there is a lack of consistency as to which non-State actor-issued documents are accepted. Certain Lebanese religious judges, for example, accept itilaf documents (those issued by local councils in opposition-controlled areas), whereas in other areas these documents are considered fraudulent. It is reported that some Syrian Sheikhs resident in Lebanon have even considered it within their power to issue such documents. In Jordan, there seems to be a systematic refusal to recognise documents issued by non-State actors, including itilaf

documents. In the Kurdistan Region of Iraq, there has been a surge in the use of documents produced by the Kurdish Peoples Protection Unit forces, but neither the authorities nor the international NGOs accept these as proof of identity. In Turkey there are cases of some of these documents being accepted.