

Understanding Statelessness in the Syria refugee context

Policy Brief

In the Syrian refugee crisis, many statelessness questions arise:

- ✓ What factors are complicating access to Syrian nationality and why is this a problem?
- ✓ Which children are most at risk of becoming stateless?
- ✓ What is the situation of refugees from Syria who were already stateless, prior to the conflict, and remain so in exile?

So do questions about what can be done:

- ✓ How is the regional refugee response addressing these questions?
- ✓ What more could be done to mitigate the impact of statelessness on the refugees from Syria and protect the right of refugee children to Syrian nationality?

Recommendations

Humanitarian actors working with Syrian refugees are urged to:

Address the substantial knowledge gap when it comes to statelessness issues among stakeholders that work with refugees, through training, information exchange and sharing of good practices.

Improve the identification of stateless refugees and strengthen the understanding among stakeholders that work with refugees of the implications of statelessness. For example, ensure intake forms among the INGOs interviewed provide for the possibility of recording a refugee as a stateless person.

Flag particular profiles of refugees whose situation may require further attention due to the heightened risk of statelessness, and clarify the underlying reasons for this vulnerability.

Raise awareness of civil registration procedures for refugee families, including the differences with respect to the system “back home” in Syria; as well as the importance of keeping documents safe.

Facilitate access to marriage and birth registration for refugee families who are facing obstacles in host countries, including through the development and strengthening of referral systems and exchange of good practices for complex cases.

Advocate for flexibility by host authorities with respect to requirements or procedures that are preventing families from accessing civil registration procedures.

Highlight and bring to the agenda the challenges regarding documents issued by non-state actors in Syria.

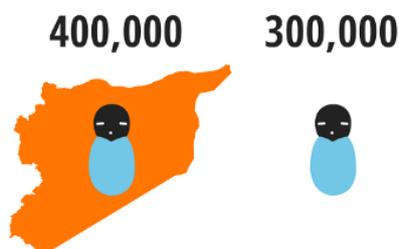
The challenges

Civil war broke out in Syria in 2011. Since then, hundreds of thousands of civilians have been killed and significant areas of the country have fallen under the control of armed non-State actors. This has caused a humanitarian disaster of colossal proportions, both inside Syria and beyond its borders. As many as 4.8 million refugees are registered in neighbouring countries and over a million have travelled to Europe.

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.

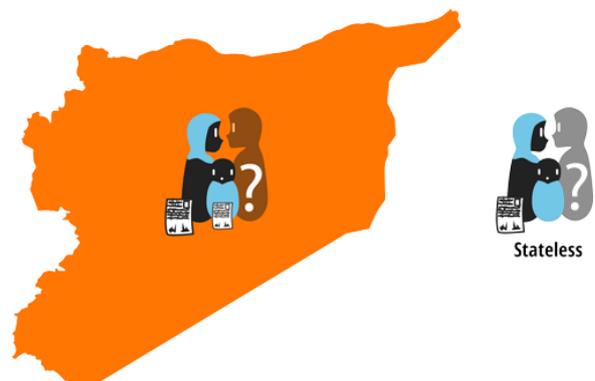


700,000 children have been born since the start of the crisis, 300,000 of them were born in exile

Women and children

Statelessness in the Syria refugee context affects Syrian mothers the most. Syrian nationality law is gender discriminatory: a Syrian woman who gives birth outside of Syria cannot give her nationality to her child. This is particularly concerning where **1 in 4 refugee households are female headed**.

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 the Syrian nationality laws puts her child at risk of statelessness.



Concerns for the future of stateless refugees

“My biggest fear is that my children will never see their country. If they cannot prove that they are Syrian, they may never be allowed back. I want them to be Syrian; I want them to be able to go back.”

Fakhriya, a refugee living in Jordan, whose husband is not present, and cannot register her child

There are many consequences that being a stateless refugee may have on durable solutions:

- ✓ Obstacles to **repatriation** where the country of origin may deny that they belong to that state and/or they cannot cross the border to re-enter
- ✓ Added obstacles to **local integration** where host states may be wary that they may demand citizenship
- ✓ Difficulties for potential **resettlement** to a third country

How this project helps

The project *Understanding Statelessness in the Refugee Context* strengthens efforts to protect Syrian refugees' right to Syrian nationality.

This research project provides an assessment of the risk of new cases of statelessness arising among Syrian refugees and their children and the particular vulnerabilities of stateless refugees from Syria. The research focused on the countries neighbouring Syria which are hosting the greatest numbers of refugees: Lebanon, Jordan, Iraq, Turkey and Egypt. The specific goal of the project was to inform the development of a “toolkit” to help organisations engaged in the refugee response to better understand the intersections between their work and statelessness, and to share good practices, innovations and practical steps that they can take to ensure the effective protection of stateless persons and contribute to the longer-term prevention and reduction of statelessness.

With this aim in mind the research considered three profiles among the Syrian refugee population:

1) Members of the general refugee population from Syria facing challenges in obtaining civil documentation

Example. Problems with accessing birth registration, problems with safeguarding documents, etc.

2) Individuals who are at heightened risk of becoming stateless in displacement

Example. Problems facing female-headed households, children born within early marriages, etc.

3) Individuals who are both stateless and refugees

Example. Problems facing stateless Kurdish refugees, stateless Palestinian refugees etc.

The toolkit makes information accessible, including in terms of: language (non-technical and with an Arabic version), functionality (short texts, supporting graphics, quick and easy to navigate) and availability (accessible online and in a mobile-friendly format). As different actors continue to implement a range of activities to facilitate, for instance, timely birth registration, it is also important to generate efficiency savings by sharing information about what works well (and what does not), so good-practice based tools will also be valuable.

Explore the toolkit and download the research report at www.syrianationality.org