



STATELESSNESS IN IRAQ

OVERVIEW

Iraq has a population of 40.4 million people, and is home to an estimated [47,515 stateless people](#). However, it is unclear whether this estimate accounts for all of the different groups affected by statelessness in Iraq and separate data for the number of Bidoon, Faili Kurds and Dom affected by statelessness is not available. It is possible that the true figure for the number of stateless persons in Iraq is considerably higher.

In addition to these stateless populations, there are approximately [1,774,980 Internally Displaced Persons](#) (IDPs) in Iraq, many of whom reside in areas formerly under control of Daesh. There are approximately 259,000 Iraqi refugees hosted in the Middle East and North Africa Region (MENA), many of whom are either stateless or at risk of statelessness as a result of the gender discriminatory nature of Article 4 of Iraq's Nationality Law of 2006. In addition to the gaps in Iraq's Nationality Law, a lack of access and barriers to registering vital civil status events has increased the risk of statelessness within and outside Iraq.

Explore the main issues below or [download the detailed Country Position Paper](#) (with bibliography).

IRAQI NATIONALITY LAW AND STATELESSNESS

[The Nationality Law of 2006](#) regulates the acquisition and withdrawal of nationality in Iraq. There are a number of flaws associated with the Nationality Law, which can lead to statelessness. For example, while the Iraqi Constitution of 2005 does not contain any gender discriminatory provisions regarding the acquisition of Iraqi nationality, Article 4 of the 2006 Nationality Law does for cases where a child is born outside Iraq to an Iraqi mother and an unknown or stateless father. In such cases, the Minister for Interior has sole discretion to decide whether the child is eligible for Iraqi nationality and a number of conditions must be met, including that an application for nationality must be made while residing in Iraq, within a year of the person turning 18 (unless unable to due to difficult circumstances).

DEPRIVATION OF NATIONALITY

The Iraqi Constitution states that an Iraqi national by birth may not have their nationality withdrawn for any reason. However, the Iraqi authorities have significant discretion to deprive a naturalised Iraqi of their nationality, including in situations where the person [planned or committed an act against State security or safety](#). In addition, the Nationality Law states that naturalised Iraqis may have their nationality revoked if they provided "wrong information" about themselves or their family in their application for nationality. The Nationality Law does not define the meaning of "wrong information" nor provide any examples of what this means in practice. Such a broad provision likely increases the risk of statelessness for many individuals, particularly those with absent fathers. Recent attempts to reform the Nationality Law were rejected by Parliament in March 2019.



CIVIL DOCUMENTATION

A substantial number of Iraqis lack registration of vital civil status events, such as marriages and births, while the identity documentation of many others has been lost or destroyed as a result of conflict and displacement.

It was recently estimated that [45,000 children displaced in camps](#) do not have birth certificates issued by the Iraqi authorities. A lack of civil documentation leads to children being unable to access essential services, with the UN estimating that in 2019 [2.1 million children](#) may have difficulty accessing these services due to a lack of civil documentation. There are also many who possess documents that are no longer valid or not recognised, as they were issued in areas controlled by Daesh.

Civil documentation is vital to enable freedom of movement, enrol in school, access essential services and to reduce the risk of statelessness. A legal identity brings with it access to the civil, social and political rights enjoyed by all Iraqis.

FAILI KURDS

There are approximately 1.5 million Faili Kurds in Iraq. They are considered a cross-border population between Iraq and Iran. Pursuant to Decree No. 666 of 1980 hundreds of thousands of Faili Kurds were denaturalised, arbitrarily arrested and deported (mostly to Iran). In Iran, many Faili Kurds were unable to acquire nationality and returned to Iraq following the fall of Saddam Hussein's regime in 2003.

Iraq's Nationality Law of 2006 contained a provision specifically designed to allow Faili Kurds to re-acquire Iraqi nationality. However, critics of the reform argue that the [process of re-acquiring nationality is "long and cumbersome"](#), including requirements to: travel to Baghdad, provide significant documentary evidence, pay high fees to make an application, and prove that Iraqi nationality was held prior to 1980. Given these difficulties, many Faili Kurds have not been able to re-acquire Iraqi nationality and resultantly remain stateless if they never acquired another nationality. There are no accurate figures on the number of stateless Faili Kurds in Iraq, as the Iraqi authorities have not released any data on how many benefitted from the 2006 Law.

BIDOON

Bidoon communities in Iraq are concentrated in Basrah, Dhi Qar, Wassit and Qadisiyah Governorates. There is a lack of accurate data on the number of Bidoon in Iraq and whether some have been able to obtain Iraqi nationality. The most recent figures from 2006 estimated that [54,000 Bidoon resided in Iraq](#), mainly living as nomads in desert areas or Governates in the south of the country. Most fled Kuwait following the Gulf War and live on the margins of society, many remaining stateless, with limited access to essential services and unable to obtain civil documentation.



THE DOM (ROMA)

While there are no accurate figures for the number of Dom in Iraq, estimates suggest the population totals 60,000 people primarily residing on the outskirts of Baghdad, Mosul and Basra. Other estimates suggest the figure is between 50,000 and 200,000. The human rights situation for the Dom in Iraq is dire, with many internally displaced or forcibly removed from their settlements.

The Dom lack state protection and are subjected to abuse, stigmatisation and marginalisation, particularly affecting women and children. The treatment of the Dom deteriorated significantly after 2003, due in part to a perception that they supported former President, Saddam Hussein. With a lack of civil documentation many Dom are stateless or at risk of statelessness.

PALESTINIAN REFUGEES FROM IRAQ

Iraq is outside the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) mandate and therefore protection of Palestinian refugees from Iraq falls under the jurisdiction of the Iraqi Government and UNHCR. According to the 2006 Nationality Law, Palestinian Refugees from Iraq are excluded from naturalisation in Iraq and therefore even those who have been in the country for generations do not have the right to acquire Iraqi nationality. As of 31 March 2019, there were [8,119 Palestinian Refugees from Iraq](#) registered with UNHCR in Iraq.

STATELESS REFUGEES FROM SYRIA

There are approximately 253,672 Syrian refugees in Iraq predominantly within the Kurdistan Region of Iraq (KRI). Many are Kurds from Syria who share close cultural and linguistic ties with this region.

The stateless Kurds of Syria fall broadly into two sub-groups: Ajanib ('foreigner') and Maktumeen ('concealed'), both of whom have faced restrictions of rights and freedoms, with the situation of the Maktumeen especially precarious. Despite the passage of Decree 49 in Syria in 2011, which created a pathway to Syrian nationality for the Ajanib, many Kurds from Syria in KR-I continue to be stateless due to the difficulties in the implementation of procedures for acquisition of nationality.

OTHER POPULATIONS AFFECTED BY OR AT RISK OF STATELESSNESS

Children of Iraqi mothers, including Yazidi women held captive by ISIS, whose fathers were members of Daesh are at risk of statelessness. Children born to mothers associated with ISIS through marriage to an ISI member or through direct engagement, and children simply born under ISIS control may also be at risk of statelessness due to ISIS issued documentation often not being recognised.

An amendment to Iraq's Nationality Law in 2015 stated that a child born to a non-Muslim mother and a Muslim father are to be considered as Muslim regardless of the mother's religion, circumstances or choices. This is another clear example of gender discrimination in Iraq's Nationality Law impacting on women's equality and can result in the abandonment of infants leaving them without parents, identification, a clear country or birth or settled nationality.



Iraqis of African descent (sometimes referred to as “Black Iraqis”) are considered nationals of Iraq. However, they may be at risk of statelessness, as they are among the most marginalised and disadvantaged populations in Iraq, and many lack civil status documentation, such as birth certificates, marriage certificates or nationality documentation. Given the widespread poverty and exclusion from education and employment, many Iraqis of African descent struggle to access basic services, have high illiteracy rates, lack civil documentation for vital civil status events, and have unregistered marriages



Statelessness is often overlooked in asylum and migration debates. It is a hidden but very real issue affecting many refugees and migrants in Europe.

#StatelessJourneys is a joint project between the European Network on Statelessness and the Institute on Statelessness and Inclusion. It was designed to expose gaps, identify solutions and deliver evidence-based advocacy to secure the protection of stateless refugees and migrants, and to prevent new cases of statelessness arising in Europe.

For more information about the issue and the project please visit <https://statelessjourneys.org>



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