



STATELESSNESS IN SYRIA

OVERVIEW

Syria has a population of 18.5 million people, with the latest UN estimates suggesting it is home to 160,000 stateless persons. However, this estimate has not been updated since 2013 and explicitly excludes one of the two main stateless populations, the estimated 438,000 Palestinian refugees from Syria. The other main stateless population are the Kurds from northern Syria. Prior to the outbreak of the Syrian civil war, it was estimated that there were approximately 120,000-150,000 stateless Kurds in Syria, who were stripped of citizenship in 1962 following a deeply flawed and arbitrary census. This number has since risen to approximately 300,000 due to the inherited statelessness of those born to individuals who were stripped in 1962. Although the Syrian Government introduced a decree in 2011 aiming to resolve statelessness within the Kurdish community, many Kurds, and their children, remain stateless and unable to apply for nationality. In addition, there are individual cases of statelessness that may not be reflected in this figure.

There are approximately 6.2 million Internally Displaced Persons (IDPs) in Syria, many of whom reside in areas outside of central government control. There are also approximately 6.3 million Syrian refugees abroad, and those who are affected by statelessness face additional barriers to return. Some of these IDPs and refugees are stateless or at risk of statelessness because of the gender discrimination in Syria's Nationality Law, whereby mothers cannot pass on their nationality to their children on an equal basis with fathers. In addition to the gaps in Syria's Nationality Law, the lack of access to civil registration and barriers to registering vital civil status events have increased the risk of statelessness for Syrians both within and outside Syria.

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

SYRIAN NATIONALITY LAW AND STATELESSNESS

The [Nationality Law of 1969](#) regulated acquisition and withdrawal of nationality in Syria. The Nationality Law contains various gaps and flaws that lead to individual and intergenerational statelessness, including a discriminatory provision that prohibits Syrian women from conferring nationality on their children on an equal basis with fathers.

In Syria, conferral of nationality discriminates by gender, as the law follows *paternal jus sanguinis*: nationality is transferred from father to child. Syria does not have birthright citizenship or *jus soli*. This means that a child of a stateless father will also be stateless, even if the child is born in Syria and has a Syrian mother. This increases the risk of intergenerational statelessness in Syria and for Syrians outside Syria. Similarly, a child of a Syrian mother and an unknown father, including in situations of sexual and gender-based violence, may also be stateless. While there are some safeguards in the Nationality Law that ought to recognise a child, who would otherwise be stateless, as a Syrian citizen, these are not implemented in practice.



Civil society actors within Syria have been taking steps since 2000 to reform the discriminatory nature of the Nationality Law. However, attempts to change the law have been frustrated by Parliamentarians' assertions that it would be incompatible with Sharia Law. A bill introduced to Parliament in 2011 remains under consideration by the Government, which stated that the [civil war has delayed further consideration of the bill](#).

DEPRIVATION OF NATIONALITY

The Syrian authorities have significant discretion to deprive a person of their nationality, including in situations where they deem that the deprivation would be "[in the interests of security and safety of the country](#)." Other provisions in the Nationality Law include where a person joins the military service of another state or resides in a state that is at war with Syria.

CIVIL DOCUMENTATION

Registration of vital civil status events is a [critical means of preventing statelessness](#), as it provides a legal identity to assist in the process of realising the right to a nationality. A substantial number of Syrians lack registration of vital civil status events, such as marriages and births, while others had identity documentation that has since been lost or destroyed in the conflict. There are also many who possess documents that are no longer valid or not recognised. In Syria, a birth certificate is proof of legal identity, also enabling freedom of movement, access to services, and entry into school. It is a vital document to verify a child's connection with Syria, through their father (pursuant to the gender discriminatory Nationality Law). Under Syrian law, the mother and father [must have a registered marriage in order to register the birth of their child](#), regardless of whether the birth occurs inside or outside Syria.

STATELESS KURDS

In 1962, in the context of pan-Arab nationalism, the Syrian authorities conducted a **widely criticised** census in north-eastern Syria. The Syrian authorities' rationale for justifying the census was their assertion that Kurds had crossed into Syria illegally from Turkey in the 1920s-1930s and were now being influenced by a Kurdish uprising in Iraq. As a result of the census (which took place on one day), some 120,000 Syrian Kurds (approximately 20% of the Syrian Kurdish population) were **stripped of their nationality overnight** and divided into two groups: *Ajanib* and *Maktumeen*. Both statuses are inherited, so children born into these families continue to be born stateless today. This inheritance of statelessness also discriminates on the basis of gender: if a child is born to a Syrian mother and stateless father, the child is stateless; but a child born to a Syrian father and a stateless mother will be eligible for Syrian nationality. Although Decree No. 49 of 2011 introduced reforms that allowed some *Ajanib* Kurds to reacquire Syrian nationality, these reforms only partially addressed statelessness in the country as, due to restrictions many *Ajanib*, all *Maktumeen*, all stateless persons residing outside the country and all Palestinian Refugees from Syria were excluded.

The human rights situation for *Ajanib* and *Maktumeen* in Syria is precarious, with [limited or irregular access from the Syrian government/authorities to basic rights and services](#), such as education, healthcare, travel, freedom of movement within Syria, property ownership, and registration of businesses, marriages, and births.



PALESTINIAN REFUGEES FROM SYRIA

Palestinians are widely considered the largest stateless population in the world, although recognition as such is complex and self-identification varies. In the majority of countries in the Arab world, Palestinians are excluded from obtaining nationality as a result of the interpretation of the League of Arab States 1965 Protocol for the Treatment of Palestinians in Arab States (“Casablanca Protocol”). Syria is among the countries that maintains a policy of non-naturalisation of Palestinians, meaning that statelessness has continued across generations. The rights and treatment enjoyed by Palestinians in Syria differ depending on their date of arrival in the country. In general, those who arrived before 1956 enjoy more rights than those who arrived after.

The civil war has displaced tens of thousands of Palestinian Refugees from Syria, with intense fighting in and around the Yarmouk and Dera’a refugee camps. The United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA) has stated that around 160,000 of the registered Palestinians living in Syria at the time the conflict broke out have fled Syria. The actual number of displaced stateless Palestinians is likely to be higher as those who were not registered or were ineligible for registration with UNRWA (known as ‘non-ID Palestinians’) are not accounted for. [The stateless status of Palestinian refugees from Syria has further complicated their displacement.](#) adding challenges such as refusal of entry into neighbouring countries, delays in their journey in a third country (e.g. Greece), being incorrectly registered as having “unknown” nationality or being registered by third countries as “Syrian.”



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>



European
Network on
Statelessness



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Statelessness and
Inclusion

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