

# UNDERSTANDING STATELESSNESS AMONG SYRIAN REFUGEES IN THE KURDISTAN REGION OF IRAQ



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**Cover photo:** Syrian refugee families walk through the streets of Domiz 2 Camp in Dohuk governorate in the Kurdistan Region of Iraq (KRI). Photo: Caroline Zullo/NRC

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August 2022

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# Executive summary

2022 marks 60 years since many Syrian Kurds lost their citizenship in a 1962 census, and 11 years since the start of the conflict that forcibly displaced more than one million Syrian Kurds into the Kurdistan Region of Iraq (KRI). As much of the Syrian Kurdish population enters their second decade in KRI, the majority of Syrian Kurds hold renewable legal residency. For as many as eight percent of the Syrian population in the Dohuk region of KRI, this is the first government-issued documentation they have held. This is because one in twelve Syrian refugees in Dohuk is stateless, denied citizenship and basic rights in Syria such as education, property ownership, freedom of movement and the right to vote, with only informal evidence of their country of origin.

In August 2022, NRC surveyed 1,281 in-camp and out-of-camp households across Dohuk governorate to understand the scope of statelessness amongst Syrian Kurds displaced in KRI as well as the implications of statelessness for durable solutions.

While both stateless Kurds from Syria and Syrian citizens are eligible for residency under KRI law, this equal legal status belies the additional barriers faced by stateless Syrian Kurds. Both ajanib and maktoumeen Syrian Kurds in Focus Group Discussions (FGDs) expressed significant uncertainty about their future prospects. More than a quarter intend to travel onwards beyond KRI in the next year, where they are likely to face additional barriers when lodging asylum claims. Many report that the repercussions of statelessness in Syria have been replicated in displacement: maktoum and ajnabi children often lack educational documents from Syria that would allow them to pursue educational and vocational opportunities in KRI, and even for the population of Syrian Kurds who could legally apply for citizenship under a 2011 law, the practical barriers to this pathway, such as cost and the need to lodge the application in Syria, render it nearly impossible.

These findings highlight the vulnerabilities faced by stateless Syrian Kurds in KRI in displacement, the impact of statelessness on their ability to achieve durable solutions, and areas where information gaps persist.

# Background

October 2022 marks the 60th anniversary of the 1962 Al-Hasakeh Exceptional Census in northeast Syria. On October 5, 1962, the Government of Syria conducted a one-day census in al-Hasakeh governorate, a region predominantly inhabited by ethnic Kurds, in response to purported immigration from Turkey and Iraq. Families were required to present evidence of residency in Syria back to 1945. Those who presented documents but could not meet the residency requirement were registered as ajanib ('foreigners' in Arabic). Those who could not present any documents or did not participate in the census were not registered and became known as maktoumeen ('concealed' in Arabic), whose residence in Syria became illegal. An estimated 120,000 Syrian Kurds, or 20% of the Kurdish population, were stripped of citizenship during this exercise, a number that grew to an estimated 300,000 by 2010, as descendants of ajanib and maktoumeen inherited this status.<sup>1</sup>

Syrian Kurds registered as ajanib were eligible to receive government identification stating that they were foreigners in Syria and not listed in any population registry. However, maktoumeen Kurds were not eligible to receive state-issued documents, though they could obtain an informal document with prior permission from the local Syrian police known as a shahadat at-taarif from a mukhtar, or community leader that could be used to register a child for school, create an informal marriage certificate, and obtain other basic services.

In April 2011, the Government of Syria passed Decree 49 (2011), granting ajanib Syrian citizenship. While the conflict made applying for citizenship more complex by 2015, 105,000 ajanib had successfully obtained citizenship through this order. The 2011 decree did not mention to maktoumeen Syrian Kurds.<sup>2</sup>

Between early 2011 and late 2013, various sources estimate that the number of ajanib and maktoumeen Syrian Kurds inside Syria dropped from 300,000 to 160,000<sup>3</sup>, likely as a combined result the decision to grant ajanib citizenship and forced displacement outside of Syria due to the conflict. Since these 2015 population estimates, military operations in Al-Hasakeh governorate in 2019 displaced an additional 200,000 people in October 2019, though no estimates are available as to the number of stateless Syrian Kurds in this population movement. Research from 2016 suggests that very few ajanib and maktoumeen remain inside Syria, with the majority of ajanib having nationalized under the 2011 provisions, and the majority of maktoumeen having fled<sup>4</sup>. The majority of stateless Syrian Kurds are presumed to have settled in the Kurdistan Region of Iraq (KRI), with smaller numbers settling in Lebanon, Turkey and Europe.

In KRI, stateless Syrian Kurds are able to access legal residency and humanitarian assistance equally to the Syrian citizen refugee population, and their status as stateless is disguised by the policies

of both UNHCR and the Kurdistan Regional Government, who do not register information about statelessness when providing services to Syrian refugees. As a result, there is limited information on the number of ajanib and maktoumeen Syrians among the estimated 250,000 Syrian refugees in KRI, and how their experiences differ from those of Syrian Kurdish citizens in displacement<sup>5</sup>. While these policies have positive effect of treating all Syrian Kurds equally and offering ajanib and maktoumeen Syrian Kurds the first legal residency that many have ever received, it may also disguise long term vulnerabilities.

In August 2022, NRC conducted a representative sample of household surveys and key informant interviews with ajanib and maktoumeen Syrian Kurds currently residing in the Dohuk governorate of KRI in Domiz I, II and Bardarash camps and outside of camps in Dohuk city to gauge the number of stateless Syrian Kurds in Dohuk, as well as the impact of statelessness on quality of life and future intentions.

**- Ajanib: “Foreigner” in Arabic**

**- Ajnabi (singular), ajnaba (singular feminine), ajanib (plural)**

Syrian Kurds who are included in the Syrian Civil Registry but who were unable to present evidence of family presence in Syria back to 1945, and therefore are registered as foreigners. Individuals born to ajanib parents have inherited this status. They have significantly limited access to public services and restricted inheritance rights under Syrian law.

Ajanib are eligible for citizenship under law 49 of 2011, but they must be physically present in Government of Syria-controlled areas to apply.

Note: This report considers both ajanib who obtained citizenship through the 2011 law, and ajanib who did not. Ajanib who obtained citizenship are referred to here as “naturalised ajanib” to distinguish them from ajanib who did not obtain citizenship and remain stateless.

**Maktoum (singular) Maktoumeen (plural), maktouma (singular feminine) maktoumi al-qaid (formal, “concealed from the registry”)**

Maktoumeen are Syrian Kurds excluded from the Syrian Civil Registry because they were not recorded during the 1962 census. Their stay in Syria is considered illegal and they have no pathway to claim Syrian nationality. Prior to the Syrian conflict and the advent of the Syrian Self-Administration in northeast Syria (who do not distinguish between citizens and non-citizens), maktoumeen could not access public services and needed security permission to travel between cities in Syria.

While some maktoumeen report paying an intermediary to obtain ajanib registration with the intention to convert this into citizenship, there are no formal legal provisions to convert maktoum status to citizen.



## Constraints under Iraqi Law:

Despite favorable legal residency accommodations Syrian Kurds in KRI, there exists no legal pathway to Iraqi citizenship for Syrian Kurds who arrived during the conflict. Iraq has not signed the 1954 Convention on Stateless Persons nor the 1961 Convention on the Reduction of Statelessness. Although article 6 of the 2006 Iraqi Nationality Law allows for acquisition of Iraqi nationality for non-nationals who have resided continuously in Iraq for 10 years (five years in case of marriage to an Iraqi citizen), this only applies to persons who have arrived in Iraq legally (as opposed to under asylum-seeking conditions) and thus nearly always excludes Syrian Kurds who have sought UNHCR asylum protection—including in cases where Syrians have married Iraqi citizens. Article 5 of the Nationality Law permits the children of non-Iraqi nationals to apply for citizenship, but children of irregular arrivals are excluded. Finally, article 18 the 2005 Constitution prohibits naturalizing foreign nationals for the purpose of “disrupt[ing] the population composition of Iraq,” which the Ministry of Interior uses as justification for denying naturalisation applications from Syrian Kurds.

## Methodology

To assess the number of ajanib and maktoumeen Syrian Kurds who have not been able to access Syrian citizenship in Dohuk governorate of KRI, NRC surveyed 1,281 households in August 2022 in Domiz I, Domiz II, and Bardarash camps, as well as out of camp populations in Dohuk city (War City, Summel, Domiz Moaasker, Msirik). Sample sizes were determined to a 95 percent confidence interval using standard sampling software. Household surveys were in multiple choice format and coded utilizing Kobo software.

Additionally, NRC conducted five focus group discussions from April to August 2022 with 52 stateless Syrian individuals in both in camp and out of camp settings.

Photo caption: Stateless men from Al-Hasakeh, Syria described the challenges they have faced without a nationality in focus group discussions in Domiz 2 Camp. Photo: Caroline Zullo/NRC





غير صالحة كوثائق السفر وخارج القطر

بإلزامية فردية خاص بالجنود في سجلات اجانب محافظة العاصمة

التصويرية السورية  
وزارة الداخلية  
مديرية الشؤون المدنية بمحافظة العاصمة  
الرقم / ٨١٦١

الاسم: شعوان  
محل وتاريخ الولادة: ابو بكر ٢١/١٠/١٩٨٥  
محل ورقم القيد: صالحه ح ١١/٥

النسبة: حسن

اسم الاب: حسن

اسم الام: عاتق

الوضع العائلي: عازب

تاريخ التسجيل: ١١/٥



# Findings

## One in twelve Syrian refugees in Dohuk are maktoumeen or ajanib

Household surveys and key informant interviews with camp managers, community leaders, and ajanib and maktoumeen themselves suggest the number of stateless Syrians living in Dohuk governorate to be 6,865 out of 85,808, or 8 percent of the Syrian refugee population<sup>6</sup>. Of all households surveyed, 5.3 percent reported that they are maktoumeen, and 2.3 percent reported that they are ajanib who have either obtained Syrian citizenship since 2011 or still not obtained citizenship.

## Nearly three-quarters of ajanib who qualify for citizenship under the 2011 law have not applied for it

Of respondents who indicated that they are ajanib, 72 percent indicated that they had not applied for citizenship despite qualifying for it under the 2011 law. Sixty-seven percent of those who have not obtained citizenship stated that the primary reason was that they fled Syria before they were able to apply for citizenship. Fourteen percent indicated they did not feel they could safely return to initiate the process, while another 14 percent stated they did not know how to apply for citizenship. Lastly, five percent indicated that cost was the main barrier. In focus group discussions, respondents indicated that returning to Syria to acquire citizenship was not possible for a range of reasons: for men who had not completed compulsory military service, initiating an application would entail the risk of arrest when interacting with Syrian authorities in both Government of Syria and Self Administration areas and women in focus group discussions indicated that cost was a primary concern.



## Maktoumeen and ajanib are intermixed with Syrian Kurdish citizens across Dohuk Syrian refugee populations

Maktoumeen and ajanib are spread evenly across the surveyed locations in Dohuk and intermixed with the Syrian citizen population. In focus group discussions, maktoumeen, ajanib and Syrian citizen Kurds all confirmed that the Syrian Kurdish refugee population is cohesive and the communities are not segregated.

Photo caption: A stateless man in Dohuk governorate in KRI shows the informal identification documents he has from Syria on his phone. Photo: Caroline Zullo/NRC

*Ahmed, a maktoum Syrian Kurd from Qamishli, fled to KRI in 2013 with his wife and four children.*

*“Back in Syria, we couldn’t travel anywhere and everyone else in our community was very poor. We couldn’t get jobs with the government and we couldn’t go to university. We really had no money for anything. Even when you get married, you can’t get a marriage certificate.”*

*“We had no rights there and I always thought about the fact that my children would face the same issues. When we came to Dohuk, we were surprised that there were not more challenges to obtain residency. But things are still not perfect.”*

*“We are still living in camps and our children can’t properly attend school... We also don’t have many opportunities for jobs, but it is the same for Syrian citizens here too. We just want to get an ID for any country for the future of our children.”*



## Satisfaction with life in KRI versus life in Syria

While the KRI legal framework commendably grants ajanib and maktoumeen the same rights and protections as Syrian citizens, this does not eliminate future potential citizenship issues for stateless Syrian Kurds. Both maktoumeen and ajanib remarked that displacement in KRI had offered them the first opportunity to hold state-issued identification and that distinctions within the Syrian community had largely disappeared in KRI.

Many FGD participants remarked that the political and economic limitations that had defined life inside Syria for maktoumeen and ajanib as compared to Syrian citizens—the limited access to public services, and education and employment opportunities and prohibition on owning land and, for maktoumeen, the travel restrictions do not exist in KRI, where the community enjoys the same rights and faces common challenges. Ajanib survey respondents noted that their access to health and education services in KRI had improved compared to Syria; however, their ability to access employment still remained challenging in Dohuk. Maktoumeen also reported significant improvements in freedom of movement and accessing health and education services, while also noting barriers to securing income in KRI.

A maktouma Kurdish woman from Al-Hasakeh explained that the missing education documentation—a result of policies excluding maktoumeen and unregistered ajanib from the formal education system in Syria—meaning that there is little hope of improved outcomes in KRI. “Our children still don’t have a future. They can only listen in classes and can’t get credit for the work that they do. They won’t be able to do anything later in life, even if they stay in school,” she said.

Ajanib and maktoumeen emphasized the limited vocational opportunities in KRI. While this is a plight faced by both stateless and citizen Syrian Kurdish refugees, ajanib and maktoumeen, who were excluded from educational and economic opportunities in Syria, come with fewer base resources with which to establish themselves in displacement.

## The majority of stateless Syrians intend to remain in KRI, but a significant portion intend to travel onwards to a third country

The majority of stateless Syrian Kurds intend to remain in KRI for the immediate term—61 percent of maktoumeen and 86 percent of ajanib Syrian Kurds indicated they intend to remain. Respondents noted the availability of legal residency in KRI and the high degree of social and cultural integration as factors in the decision to stay.

Ninety-four percent of maktoumeen and ajanib reported that they do not intend to return to Syria in the future. Focus group discussion participants highlighted the lack of rights in Syria as a main reason for not returning, with male respondents also indicating that they feared arrest or detention for evading military service <sup>7</sup>. Respondents also explained that traveling with the informal shahadat at-taarif could pose problems, including potentially detention at checkpoints or border crossings.

“I will not return to Syria. There is no future there for us. Life can still be challenging for us here in the camp, but at least we have some rights and it is much better than what we have lived through before,” a maktoum man from Qamishli described in Domiz II Camp.

Thirty-three percent of maktoumeen and 9 percent of ajanib intend to travel onwards to third countries. For stateless Kurds that travel beyond KRI, their stateless status may complicate asylum and legal protection efforts. Stateless Syrians claiming asylum outside of the region face credibility, logistical and administrative challenges because of gaps between international refugee status determination procedures and domestic statelessness determination procedures, which many European receiving states lack or have not fully articulated <sup>8</sup>. Even in countries with articulated statelessness determination procedures, the distinction between ajanib and maktoumeen Kurds is nearly always unrecognized, although maktoumeen typically face additional barriers to proving their asylum claims because they hold only informal documentation and face greater repercussions in the event they are forced to return to Syria, where they have no options for naturalisation.

Additionally, some immigration authorities reportedly assume that the 2011 law addressed Syrian statelessness, and therefore struggle to process claims from ajanib who did not obtain citizenship although they were legally entitled to it <sup>9</sup>.

Photo caption: Shops line the streets of Domiz 2 Camp for Syrian refugees in Dohuk, KRI. Photo: Caroline Zullo/NRC



# Conclusions and Recommendations

Statelessness is a significant issue amongst Syrian Kurds in displacement in KRI. One in twelve Syrian refugees in Dohuk lacks Syrian citizenship, including 72 percent of ajanib who would be entitled to claim it under the 2011 law.

While the KRI legal framework offers legal protections to all Syrian Kurdish refugees and is the first legal residency many maktoumeen and ajanib have ever held, this does change their stateless status, nor the obstacles to durable solutions that statelessness poses. This is evident in the challenges stateless Syrian Kurds face in accessing education and livelihoods, burdens they carry with them into displacement.

Additionally, the legal status of stateless Kurds from Syria in KRI is temporary and does not protect stateless Kurds who return home or leave KRI for a third country. In Syria, maktoumeen still do not have legal pathways to citizenship. For stateless Syrians who travel onwards to other countries where they intend to seek legal protection, they are likely to face lack of recognition of the distinction between maktoumeen and ajanib and knowledge gaps around the barriers facing ajanib who are legally eligible but unwilling or unable to travel to Syria to apply.

The recommendations below focus on protections for stateless Syrian Kurds at the domestic and international levels:

## Kurdistan Regional Government:

- Clarify mechanisms for stateless Syrian Kurdish refugees to register vital events in KRI without civil documentation, such as marriage and inheritance claims.

## Government of Iraq and Government of Syria:

- Provide a safe pathway for Syrian refugees in KRI to access the Syrian Embassy in Baghdad without residency or travel authorisation in Federal Iraq or support a diplomatic visit from Embassy staff to KRI to allow Syrians to renew or obtain documentation.
- Drop the requirement of physical presence in a Government of Syria controlled area and allow ajanib residing in KRI to apply for Syrian citizenship from abroad.

## Humanitarian and Development Organizations:

- Increase awareness of the number of stateless Syrian refugees in KRI beyond Dohuk and the specific vulnerabilities they face in displacement and upon return.
- Facilitate referrals for stateless Kurdish refugees to educational and vocational services to address barriers in recognising skills or accreditation from Syria.
- Provide for the possibility of recording stateless Kurdish refugees from Syria in the identification of beneficiaries to enhance visibility of this community on both a national and international level and better understand particular needs and barriers.
- Strengthen dialogue with education stakeholders to include stateless Kurdish refugees in education programming and reintegration efforts in schools in KRI.
- Address protection risks faced by stateless refugees, including restricted movement, access to housing, land, and property (HLP) upon return to Syria.

## Asylum-Seeker and Refugee-Hosting Countries:

- Include information on stateless Syrian Kurds, including the distinction between maktoumeen and ajanib, in country of origin profiles.
- Where statelessness determination procedures do not exist, develop and implement domestic mechanisms to identify stateless individuals and enable them to apply for recognition of their status without a nationality, particularly alongside refugee status determination (RSD) processes.

## UNHCR

- Assess approaches to recognise statelessness within the RSD process that considers the consequences of this identification, namely discrimination or stigmatisation, and operational constraints.
- Review the gap between SDP and RSD processes to recognise the stateless of Syrian refugees during RSD.



# Endnotes

- 1 NRC and the Institute on Statelessness and Inclusion, Toolkit: Understanding statelessness in the Syria refugee context, <http://www.syrianationality.org>.
- 2 Id.
- 3 Institute on Statelessness and Inclusion, *The World's Stateless* (Wolf Legal Publishers, 2014), p. 52. Figures refer to UNHCR statistical reporting.
- 4 Institute on Statelessness and Inclusion, *Statelessness Displaced: Update on Syria's Stateless Kurds* (Wolf Legal Publishers, 2016).
- 5 McGee, Thomas, *Forced Migration Review 65, Recognizing Stateless Refugees* (Nov 2020).
- 6 Syria Regional Refugee Response, Mar 2022, UNHCR. Available at: <https://data2.unhcr.org/en/situations/syria/location/6>.
- 7 It is unclear whether naturalised ajanib would be compelled under Syrian law to complete military service, but respondents in all FGDs feared interacting with Syrian authorities in both Government of Syria and Self-administration areas, citing this as a reason. For additional information on this topic, see Tilberg University Statelessness Programme, *The Stateless Syrians*, p.20 (2013); available at: [52a983124.pdf \(refworld.org\)](https://refworld.org/pdf/doc/52a983124.pdf).
- 8 McGee, Thomas *From Syria to Europe: Experience of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*.
- 9 McGee, Thomas, *European Network on Statelessness, Navigating Intersecting Statelessness: Syrian Kurds in Europe* (May 2021).



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