



EXECUTIVE SUMMARY

"YOUR CREDIBILITY IS UNDERMINED" CHALLENGES IN DETERMINING COUNTRY OF ORIGIN FOR STATELESS ASYLUM SEEKERS: KURDS FROM SYRIA IN THE UK

Being stateless and being a refugee are distinct situations, yet they overlap for "stateless refugees" - those who have both fled their country due to persecution and are not considered as nationals (citizens) of that, or any other, country. The possibility of being a stateless refugee is explicitly acknowledged within the 1951 Refugee Convention. Research has considered the situation of stateless refugees under international law (including international refugee law), but little has been published on the experiences of stateless asylum seekers within asylum procedures.

This report explores the experiences of stateless Kurds from Syria within the UK asylum process. It finds that stateless asylum seekers can experience unique challenges in proving their country of origin. This poses particular challenges for stateless asylum seekers themselves, but also for decision makers considering their asylum claims.

This report highlights three areas where stateless asylum seekers may be disadvantaged in the process:

- i) civil documentation
- ii) knowledge of local contexts
- iii) language analysis

Some stateless asylum seekers are unable to present the documentation recognised by decision makers. The cultural references of stateless asylum seekers who may be from a specific minority community (as in the case of Kurds from Syria studied in this research) may be very different from the majority (citizen) community from that country. Some stateless Kurds in this research were further disbelieved because asylum decision makers relied on questionable practices of language analysis to determine their Country of Origin. It should be noted that many stateless Kurds from Syria live in border regions in close proximity to Kurds in other states, and that some have spent years living in displacement in neighbouring countries before arriving to the UK.

In large part, these disadvantages result from assumptions about nationality and how people from a particular country "should" act or present themselves, which were apparent in the system and among decision makers. These rely – implicitly or explicitly – on prevalent "citizen norms" when determining asylum seekers' Country of Origin (CoO). Indeed, sometimes the daily life experiences of stateless people differ significantly from those of citizens living in the same country. Decision-makers must be

sensitised to this and the wider implications of statelessness when considering applications made by stateless asylum seekers.

The following recommendations are intended to benefit both stateless asylum seekers and the decision-makers considering their claims:

The UK Home Office should:

- Ensure that training is provided for officials who conduct screening and substantive asylum interviews and make decisions to ensure they can properly identify and record statelessness, understand its importance, and consider it in decisions.
- Review its protocols on determining Country of Origin in claims where the applicant is stateless. The procedures for considering asylum seekers claiming to be stateless as 'disputed nationality' rather than 'disputed statelessness' cases should be clarified, and the implications of this (e.g. within statistics) should be reviewed.
- Ensure that the documents of stateless claimants are not viewed in isolation, but considered in the context of all evidence as a whole.
- Develop and make more effective use of information about cultural references particular to minority communities (and particularly those affected by statelessness).
- Ensure that the questions asked when evaluating an applicant's local contextual awareness are based on up-to-date information, and consider possible variation in responses due to statelessness, giving the applicant the benefit of the doubt where appropriate.
- Routinely consider the possible impacts of statelessness (and associated marginalisation from mainstream cultural arenas and experiences) on applicant responses in asylum claims.
- Review and test the functioning and accuracy of language analysis for cross-border communities and language communities for which linguistic mapping is limited, including such communities affected by statelessness.
- Carry out audits, including in partnership with UNHCR, focusing on the identification of and decisions about nationality and statelessness in asylum cases (including for Kurds from Syria).

The Independent Chief Inspector of Borders and Immigration (ICIBI) should:

- Conduct an inspection of credibility assessment in Home Office decisions relating to stateless claimants (including Kurds from Syria).

The Independent Advisory Group on Country Information (IAGCI) should:

- Review Home Office Country of Origin Information relating to Kurds from Syria, and other stateless communities globally.

Country of origin information providers should:

- Make explicit reference to statelessness/nationality problems for countries where statelessness is a significant issue and ensure relevant reports are updated and nuanced to reflect the internal diversity within a context like Syria (i.e. a politically and militarily divided territory with significant minority variation).¹

All relevant actors should:

- Have at least a basic understanding of statelessness and equip themselves with the resources needed to enable them to identify statelessness and understand its implications for asylum claims (including lawyers, support services, decision makers, and other frontline service providers).²

¹ As a useful tool in this regard, see: Asylos (2023) Principles for Conducting Country of Origin Information Research on Statelessness: <https://www.asylos.eu/Handlers/Download.ashx?IDMF=c259abef-cc25-45cd-a8fc-ae1e0484da4>

² See e.g. European Network on Statelessness's Stateless Journeys tools and resources: www.statelessjourneys.org.