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Statelessness

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# "YOUR CREDIBILITY IS UNDERMINED"

CHALLENGES IN DETERMINING COUNTRY OF ORIGIN  
FOR STATELESS ASYLUM SEEKERS:  
KURDS FROM SYRIA IN THE UK

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Cover photo: Syrian Kurd showing his statelessness document, Simon Etnan, 2011.

## EXECUTIVE SUMMARY

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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).<sup>1</sup>

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).<sup>2</sup>

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<sup>1</sup> 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>

<sup>2</sup> See e.g. European Network on Statelessness's Stateless Journeys tools and resources: [www.statelessjourneys.org](http://www.statelessjourneys.org).

## INTRODUCTION

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It has often been commented that the process for a stateless person to establish their legal status (or lack thereof) can be particularly challenging because it amounts to proving a negative. In order to meet the definition of being stateless, it is necessary to demonstrate that the individual in question is 'not considered as a national by any State under the operation of its law'.<sup>3</sup> This report explores the experiences of stateless claimants within the UK asylum procedures. It considers whether and where they may face additional challenges and disadvantages in that process beyond those faced by asylum seekers who are more easily able to establish their nationality. Within the asylum process, a stateless person may be confronted with the challenge of having to prove multiple negatives: she may be required to present documentary evidence that she lacks nationality documents. Such documents – if acquirable and given sufficient consideration – might help to establish that she is not a citizen of that country (although this may not constitute proof of being a citizen of no country at all). Proving one's Country of Origin, for a stateless asylum seeker can, therefore, become a complex process.

Acknowledging that little literature exists on the practical treatment and experiences of stateless individuals within the asylum procedure, this report constitutes scoping research into the issue. This is achieved by focusing on the case study of stateless Kurds from Syria in the UK context. Previous research on stateless refugees has established that stateless Syrians often 'perceive their statelessness as a factor that has increased their vulnerability at different stages of their journey to, as well as their reception in, their settled country.'<sup>4</sup> While the already published research highlights challenges across wide-ranging contexts (including cross-border mobility, registration, access to family reunification and naturalisation etc), this report focuses more narrowly on the hurdles stateless applicants may face in establishing their country of origin within asylum procedures.

The report takes, therefore, as its focus so-called 'disputed nationality cases' relating to asylum seekers claiming to be stateless Kurds from Syria within the UK asylum process.<sup>5</sup> Three elements of the process of determining Country of Origin are explored with a view to considering the unique or heightened implications for stateless individuals: i) presentation of civil documentation ii) demonstration of local contextual awareness and iii) language analysis. Across these three areas, the report highlights the persistence of structural disadvantages stateless asylum seekers face in a system premised on prevalent norms associated with holding national citizenship. In other words, these processes tend - implicitly or explicitly - to assume that the applicant has a nationality and certain characteristics that adhere to having a formal legal relationship of belonging to a particular state.

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<sup>3</sup> Article 1, 1954 Convention.

<sup>4</sup> Thomas McGee (2019) From Syria to Europe: Experiences of Stateless Kurds and Palestinians Refugees from Syria Seeking Protection in Europe, Institute on Statelessness and Inclusion, ASKV and European Network on Statelessness: <https://www.statelessness.eu/updates/publication/syria-europe-experiences-stateless-kurds-and-palestinian-refugees-syria-seeking>.

<sup>5</sup> While these are typically treated as 'disputed nationality cases', UK Home Office policy technically makes a distinction with regard to 'disputed statelessness cases'. This point is discussed further on page 13.

As part of the process of trying to convince UK decision-makers that she is from a particular country, the stateless asylum seeker often finds herself compelled to demonstrate that she conforms to the expectations associated with being a 'national' - or nationality-holder - of the country in question. The explanation of being 'from but not a citizen of ...' is liable to confusion and misinterpretation, especially when interpreters, solicitors, state officials and judges may be unfamiliar with the concept of statelessness, as well as the particular implications in the given context. Indeed, recent UK-based consultations by the specialist research organisation Asylos found an "absence of relevant Country of Origin Information (COI) about stateless persons and simultaneously, the low awareness of statelessness issues in the immigration and asylum legal sector."<sup>6</sup> The present report concludes by considering ways in which processes of determining Country of Origin could be more sensitive to the realities of life as a stateless person, where daily experiences may deviate significantly from those of the citizen norm.

Existing research has highlighted flaws in asylum processes, including problematic credibility assessments, and the ways that the system impels applicants to perform to expected narratives.<sup>7</sup> While the situation of stateless asylum seekers has been considered from a global jurisprudential perspective,<sup>8</sup> little academic and policy attention has been paid to relevant procedural matters and the ways in which asylum experiences may differ for those who are simultaneous stateless and refugees. This report probes the need for decision-makers to be sensitive to special considerations when conducting Country of Origin determination for stateless asylum seekers. Given that 75% of stateless people are reported to belong to minority groups,<sup>9</sup> it considers how the demographic differences of stateless people, in addition to the idiosyncrasies of their irregular legal status, and lack of verifiable paperwork, adversely affect their ability to convince asylum decision makers of their claims.

## Context of Statelessness in the United Kingdom

While the UK has ratified both international Statelessness Conventions,<sup>10</sup> it maintains certain reservations.<sup>11</sup> Following the publication of the 'Mapping Statelessness in the UK' report and further advocacy,<sup>12</sup> a Statelessness Determination Procedure (SDP) was established in 2013. While the UK is therefore one of a minority of countries worldwide with an operational SDP, a number of deficiencies exist in practice, including: inconsistent and late decision-making, lack of appeal rights, exclusion from legal aid provisions for cases within the SDP in the jurisdictions of

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<sup>6</sup> Asylos (2023) Principles for Conducting Country of Origin Information Research on Statelessness, 2: <https://www.asylos.eu/Handlers/Download.ashx?IDMF=c259abef-cc25-45cd-a8fc-ae1e0484da4>.

<sup>7</sup> For examples focused on the UK see: John Campbell (2020) Examining Procedural Unfairness and Credibility Findings in the UK Asylum System, *Refugee Survey Quarterly* 39 (1); Anthony Good (2009) Witness Statements and Credibility Assessments in the British Asylum Courts, *Irish Journal of Anthropology* 12 (3).

<sup>8</sup> Michelle Foster and Hélène Lambert (2019) *International Refugee Law and the Protection of Stateless Persons* (Oxford University Press). On the USA context, see also: Maryellen Fullerton (2018) The Intersection of Statelessness and Refugee Protection in US Asylum Policy, *Journal on Migration and Human Security* 2(3).

<sup>9</sup> UNHCR (November 2017) "This is Our Home": Stateless Minorities and their Search for Citizenship: [www.unhcr.org/ibelong/wp-content/uploads/UNHCR\\_EN2\\_2017IBELONG\\_Report\\_ePub.pdf](http://www.unhcr.org/ibelong/wp-content/uploads/UNHCR_EN2_2017IBELONG_Report_ePub.pdf).

<sup>10</sup> These are the *1954 Convention Relating to the Status of Stateless Persons*: [https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf) and the *1961 Convention on the Reduction of Statelessness*: [https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf).

<sup>11</sup> Statelessness Index Country Profile: <https://index.statelessness.eu/country/united-kingdom>.

<sup>12</sup> Asylum Aid and UNHCR, Mapping Statelessness in the UK (2011): <https://asylumaid.org.uk/node/63>.

England and Wales.<sup>13</sup> Thus, much of the literature on statelessness in the UK context since 2013 has been preoccupied with the performance and effectiveness of the SDP as a mechanism of protection. Early commentary on the procedure has highlighted concerns about the remarkably low success rate of statelessness applications (approximately 5.2% by April 2016),<sup>14</sup> and advocates have campaigned for the Home Office to undertake its obligations towards assisting applicants, and sharing the burden of proof to establish their statelessness/citizenship status.<sup>15</sup>

After five years of the SDP being in place, in 2018 UNHCR initiated a joint audit of the procedure with the Home Office, focusing particularly on the quality of SDP decision making. This exercise was undertaken under the Quality Protection Partnership between UNHCR and the Home Office.<sup>16</sup> The audit review highlighted the need for fundamental changes in decision-making approaches.<sup>17</sup> It resulted in the publication of a 70-page report, with sections dedicated to the burden and standard of proof, credibility assessment and procedural considerations.<sup>18</sup> The report further includes 40 recommendations to the UK government.

Prior to conducting the audit, 'there had been no independent oversight of the procedure (which has no right of appeal, and currently no routinely published statistics), and very little understanding of the government's approach to decision making beyond what a handful of specialist pro-bono lawyers could deduce from their client's refusal and grant letters.'<sup>19</sup> One such legal service provider to have consistently issued its own assessments of the procedure is the Liverpool Law Clinic, which – together with Asylum Aid – has itself responded to the audit, notably highlighting a number of ongoing lengthy delays to specific cases under consideration.<sup>20</sup>

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<sup>13</sup> Johanna Bezzano and Judith Carter, *Statelessness in Practice: Implementation of the UK Statelessness Application Procedure* (July 2018) University of Liverpool Law Clinic. See also: Statelessness Index Country Profile/Survey: <https://index.statelessness.eu/country/united-kingdom>.

<sup>14</sup> Asylum Aid, 'The UK's Approach to Statelessness: Need for Fair and Timely Decisions' (Policy Briefing, September 2016): <https://www.refworld.org/docid/583461154.html>.

<sup>15</sup> This was according to the Home Office's own Statelessness Policy Instruction. See, Cynthia Orchard, *An Update on Statelessness Determination and Status in the UK – "Need for Fair and Timely Decisions"* (Blog Post, European Network on Statelessness, 30 September 2016): [www.statelessness.eu/updates/blog/update-statelessness-determination-and-status-uk-need-fair-and-timely-decisions](http://www.statelessness.eu/updates/blog/update-statelessness-determination-and-status-uk-need-fair-and-timely-decisions). Subsequently, further policy guidance has been issued, including in December 2019.

<sup>16</sup> Prior to 2019, this was known as the Quality Integration Project.

<sup>17</sup> Sarah Elliott, 'Statelessness Determination in the UK: UNHCR audit reveals the need for fundamental changes in approaches taken to decision making' (Blog Post, European Network on Statelessness, 18 February 2021): <https://www.statelessness.eu/updates/blog/statelessness-determination-uk-unhcr-audit-reveals-need-fundamental-changes-approaches?fbclid=IwAR0z16WV02yjjvTRt9rpChfAJkrldptOgv6bSD03oF5A7d0j1xVyvff3ZF>.

<sup>18</sup> UNHCR 'Statelessness Determination Procedure in the UK: A UNHCR audit of the Home Office approach to decision-making in the Statelessness Determination Procedure' (2020): <https://www.unhcr.org/uk/publications/legal/5fd893304/stateless-determination-in-the-uk.html?query=statelessness%20determination>.

<sup>19</sup> Sarah Elliott, 'Statelessness Determination in the UK: UNHCR audit reveals the need for fundamental changes in approaches taken to decision making' (Blog Post, European Network on Statelessness, 18 February 2021): <https://www.statelessness.eu/updates/blog/statelessness-determination-uk-unhcr-audit-reveals-need-fundamental-changes-approaches?fbclid=IwAR0z16WV02yjjvTRt9rpChfAJkrldptOgv6bSD03oF5A7d0j1xVyvff3ZF>.

<sup>20</sup> Liverpool Law Clinic and Asylum Aid, 'Ongoing challenges in accessing leave to remain in the UK as a stateless person': <https://www.liverpool.ac.uk/media/livacuk/law/4-liverpool-law-clinic/LLC-AA.statelessness.briefing.-Ongoing.challenges.-.Dec.20.pdf>.

In contrast to the growing literature on the SDP, there remains a paucity of published research that gives consideration to treatment of statelessness within the UK asylum procedure – an entirely separate process to the SDP. For instance, the work published by Bianchini on the identification of statelessness and its nexus with detention is primarily focused on an examination of the SDP in practice, and her sample of 11 interviewed stateless individuals includes only one person who had been granted refugee status.<sup>21</sup>

While many of the questions addressed in the above-mentioned literature on the SDP (including around credibly determining statelessness status) arguably also apply within the asylum context, it is striking that the same level of scrutiny has not been given to decision-making within asylum procedures for stateless claimants. This is perhaps somewhat surprising when we consider that statistically stateless asylum seekers appear to far outnumber non-asylum seeking stateless claimants (or at least this is the case when considering successful claims). Indeed, according to Home Office figures, only 161 individuals had been granted 'statelessness leave' through the SDP from 2013 until the end of 2019,<sup>22</sup> while in 2015 alone 502 stateless individuals were granted refugee status (through the asylum system), in addition to 413 in 2016, 184 in 2017 and 116 in 2018.<sup>23</sup> It is further expected that these figures are under-estimates as many stateless refugees are likely to have been otherwise recorded in the statistics (e.g. under the nationality of their Country of Origin). Indeed, the UK entry of the Statelessness Index developed by the European Network on Statelessness notes that 'statelessness is not always adequately assessed in the asylum context.'<sup>24</sup>

Anecdotally, it is known that many stateless asylum seekers in the UK struggle to have their statelessness recognised, and as such may feel incentivised to conceal their statelessness within the process. When it is declared, there are often issues around proving their statelessness in the processes employed by the Home Office to determine the Country of Origin (CoO). This report, therefore, seeks to complement the existing research on decision-making and credibility assessment processes within the UK's SDP by studying the experiences of stateless asylum seekers in the UK in order to fill the gap in knowledge about how the asylum procedures treat statelessness.

## Methodology

In response to anecdotal reports and the findings of broader research undertaken on the experiences of stateless asylum seekers and refugees in Europe,<sup>25</sup> this project was designed as a

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<sup>21</sup> Katia Bianchini, 'Identifying the Stateless in Statelessness Determination Procedures and Immigration Detention in the United Kingdom' *International Journal of Refugee Law* (2020) 32(3), 440-471.

<sup>22</sup> UNHCR 'Statelessness Determination Procedure in the UK: A UNHCR audit of the Home Office approach to decision-making in the Statelessness Determination Procedure' (2020): <https://www.unhcr.org/uk/publications/legal/5fd893304/stateless-determination-in-the-uk.html?query=statelessness%20determination>.

<sup>23</sup> European Network on Statelessness, Statelessness Index - Country Briefing: United Kingdom (March 2019, updated August 2020): [https://index.statelessness.eu/sites/default/files/ENS\\_Statelessness\\_Index\\_Survey-UK-2019.pdf](https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-UK-2019.pdf). For further and updated information, see: European Network on Statelessness, Statelessness Index Survey 2021: United Kingdom:

[https://index.statelessness.eu/sites/default/files/ENS\\_Statelessness\\_Index\\_Survey-UK-2021.pdf](https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-UK-2021.pdf).

<sup>24</sup> UK Country Briefing, Statelessness Index (March 2019) ENS:

[https://index.statelessness.eu/sites/default/files/ENS\\_Statelessness\\_Index\\_Survey-UK-2019.pdf](https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-UK-2019.pdf).

<sup>25</sup> See the StatelessJourneys project by the European Network on Statelessness and partners for background information: <https://statelessjourneys.org>. Also: Thomas McGee (2019) *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe*.

scoping study looking in more depth at the implications of statelessness within asylum processes and related decision-making. To this effect, and based on pragmatic reasons around sample availability, the research focused on the case study of stateless Kurds from Syria. While there are some specificities linked to this group (e.g. the high grant rate of asylum cases from Syria), it is anticipated that many of the elements under study will be of transferable relevance for other profiles of stateless asylum seekers subject to 'disputed nationality/statelessness' consideration.

Semi-structured interviews were held with stateless Kurds from Syria who had claimed asylum in the UK, as well as stakeholders (including solicitors and other professionals with legal, country and linguistic expertise) who were able to speak to the wider context and trends. In total, 15 asylum seekers who had submitted claims as stateless Kurds from Syria were interviewed for the purpose of this research. They were identified through a number of different channels, including through the researcher's existing networks among Kurds from Syria having conducted research and worked on the issue of statelessness in Syria and neighbouring countries in several capacities over the last decade. In a number of cases, stateless individuals, whom the researcher had encountered in Syria or following their displacement to the neighbouring Kurdistan Region (of Iraq) during previous research,<sup>26</sup> made referrals to stateless relatives or acquaintances who had subsequently arrived in the United Kingdom and claimed asylum there. Other interviewees were identified through snowball referrals among the Syrian Kurdish community networks in the United Kingdom. These referrals were made by i) (formerly) stateless Kurds from Syria who had arrived long before 2011; non-stateless Kurds from the Hassaka governorate affected by statelessness in Syria (including some who had travelled through the United Nations facilitated Resettlement scheme for Syrian refugees).<sup>27</sup> Finally, some referrals were made by stakeholders such as human rights advocates.

Of the 15 people interviewed, 8 consented for the researcher to review a selection of their case documentation (e.g. Decision Letter from the Home Office). This proved instrumental for better understanding the treatment and decision-making process of these stateless applicants by the Home Office officials. In addition to the interviews with asylum seekers themselves, the researcher interviewed representatives from 12 key stakeholders relevant to the asylum process.<sup>28</sup> These included asylum solicitors (both private and pro bono), members of NGOs and legal clinics working on such cases, UNHCR and linguistic experts (both Kurdish and international). These discussions were illuminating to contextualise the initial research findings within the dynamics of the current asylum landscape in the UK, as well as to highlight points of similarity and applicability of the findings to other contexts and profiles of statelessness and/or

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<sup>26</sup> This included research reflected in the following publications: Middle East and North Africa Nationality and Statelessness Research Project (2013) *The Stateless Syrians*, Tilburg University Statelessness Programme; Thomas McGee (2014) *The Stateless Kurds of Syria: Ethnic Identity and National I.D.*, *Tilburg Law Review* 19; Thomas McGee (2016) *Statelessness Displaced: Update on Syria's stateless Kurds*, Statelessness Working Paper Series.

<sup>27</sup> For more information about the Syrian Vulnerable Persons Resettlement Scheme (VPRS), see: Home Office (July 2017) *Guidance for local authorities and partners*: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/631369/170711\\_Syrian\\_Resettlement\\_Updated\\_Fact\\_Sheet\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631369/170711_Syrian_Resettlement_Updated_Fact_Sheet_final.pdf).

<sup>28</sup> NB: The UK Home Office was not included within these stakeholders, and only limited additional communications took place with Home Office officials during the research for this report.

'disputed nationality cases'.<sup>29</sup> Conversations with these stakeholders also helped in framing the arguments of this report.

Due to ethical considerations - including concerns to not impact any ongoing asylum/appeal cases, or subsequent naturalisation/renewal of status applications - the identity of all the asylum seekers (including those now granted refugee status) have been fully anonymised within this report. This decision was also informed by the fact that some interviewees expressed concerns about possible risks of repercussions from the Syrian government towards relatives still living in the country. Likewise, the identity of the key stakeholders has been anonymised except where interviewees gave their explicit permission to be cited by name. This was partly out of an abundance of caution that clients should not become indirectly identifiable through the naming of their legal representatives as research participants in this study.<sup>30</sup>

## Research Design and Limitations

In researching the situation of stateless asylum seekers, there are a number of challenges and limitations. Primary among these is the fact that statelessness is often not visible in statistics relating to asylum. It is challenging, therefore, to know the grant rate for cases where the applicant claims to be stateless from Syria. If such figures are held, they are generally not published in disaggregated form. Indeed, often there is no breakdown provided for the respective Country of Origin of applicants considered within the statistical category of 'stateless'. At the same time, and perhaps somewhat surprisingly, the most recent published UK case law relating to stateless Kurds from Syria is from 2009,<sup>31</sup> and predates the changing asylum and statelessness dynamics that have emerged through the conflict in Syria over the last decade and more. It is not unusual for disputed nationality claims relating to stateless Kurds to be considered at the First-Tier Tribunal, but since these decisions are not publicly reported, such cases are often difficult to access and consult for research purposes. Additionally, the latest country guidance specific to stateless Kurds is not published by the Home Office as is the case with the majority of other COI material.<sup>32</sup>

## Syrians and the U.K. Asylum Context

Due to the severity of the civil war and human rights abuses in Syria over the last decade, Syrians have received somewhat unique treatment within the UK asylum system. Recognition of the instability and ongoing risks to civilians in the country has resulted in extremely high rates of Syrians being granted asylum compared with asylum seekers from other geographic contexts. Already by early 2012, the UK government had halted all removals to Syria due to humanitarian concerns.<sup>33</sup> Country guidance from the same year went on to consider that 'in the context of the

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<sup>29</sup> In particular, similarities were highlighted for stateless Bidoon from Kuwait (disputed as Iraqi), and disputed nationality cases between Eritrea and Ethiopia. However, given the small number of stakeholder interviews conducted, it is unclear whether such observations are generalisable and representative of wider trends.

<sup>30</sup> Nonetheless, the author would like to acknowledge the contributions and inputs made by all interviewees. Without their engagement, this research would not have been possible.

<sup>31</sup> SA and IA (Undocumented Kurds) Syria CG [2009] UKAIT 00006 (02 February 2009): [www.bailii.org/uk/cases/UKIAT/2009/00006.html](http://www.bailii.org/uk/cases/UKIAT/2009/00006.html).

<sup>32</sup> While the document is not accessible within the depository of publicly accessible COI, there are a number of references made to a Country of Origin Information Service report within decision letters reviewed as part of this project: Country of Origin Information Service (COIS) - Syria: Stateless Syrian Kurds dated 28 February 2020 (reference number: 02.20.084). The author submitted a Freedom of Information Act Request to have this document shared for consultation. See Appendix 1.

<sup>33</sup> Interim Operational Instruction of the UK Border Agency, dated 6 January 2012.

extremely high level of human rights abuses currently occurring in Syria, a regime which appears increasingly concerned to crush any sign of resistance, it is likely that a failed asylum seeker or forced returnee would, in general, on arrival face a real risk of arrest and detention and of serious mistreatment during that detention as a result of imputed political opinion. That is sufficient to qualify for refugee protection.<sup>34</sup> Furthermore, the severity of the general humanitarian situation in Syria means that the UK considers return to the country as a breach of Article 3 of the European Convention on Human Rights (transposed in paragraph 339C and 339CA(iii) of the Immigration Rules).<sup>35</sup>

Unlike several other European countries, which have considered the possibility of 'safe' return to Syria,<sup>36</sup> the UK has largely to date maintained its blanket acceptance of all asylum claimants believed to be from Syria. This somewhat unique context in the history of the UK's asylum process has a number of particular implications for those who are stateless, or facing so-called 'disputed nationality cases'. Given the exceptionally high grant rates for Syrians, and the fact that being from Syria is generally considered as *prima facie* grounds for asylum in the present climate, the stakes to demonstrate one's Syrian-ness are extremely high within the asylum process. Logically, this may consequently present an incentive for stateless Syrians not to disclose their statelessness, but instead seek recognition as Syrian nationals. Indeed, one stateless Kurd from Syria who arrived to the UK in 2013 explained that 'when I arrived, the Syrian conflict was in the headlines every day, so Syrians were getting accepted easily. My case was very straight-forward. I stated that I was stateless from Syria but this was not focused on at all. As my case was progressing smoothly, I saw no reason to bring up my statelessness again. Later when I reviewed my case after being granted asylum, I realised that I was processed as if I were a Syrian citizen and my statelessness was not even considered at all.'<sup>37</sup>

Another individual interviewed for this research reported feeling torn about wanting to be recognised as Syrian - recognising that this was an important consideration for his case - and also being recorded accurately as 'stateless'. He stated that he questioned whether it was correct that his nationality had been recorded as 'Syria' during the initial asylum interview. Within the eight case files that were reviewed for this research, it is notable that in the field of 'Claimant's nationality' within the Statement of Evidence Form (SEF) used to capture data during the initial stages of the asylum application, all eight asylum seekers claiming to be stateless Kurds had their nationality recorded as 'Syrian'. One of these interviewees stated: 'The whole thing was very confusing for me. Should I argue that my nationality is not 'Syrian' while the Home Office is trying to say that I am not from Syria. I am from Syria, it is where I lived all my life before

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<sup>34</sup> See Country Guidance case of KB (Failed asylum seekers and forced returnees) Syria CG [2012] UKUT 426 (IAC) (20 December 2012), heard 6-7 March 2012, 7 August 2012 and promulgated on 20 December 2012

<sup>35</sup> See: Home Office Guidance, Country policy and information note: returnees, Syria (Updated 30 June 2022).

<sup>36</sup> Such practices have been criticised by human rights groups as problematically premature. See: Human Rights Watch (20 October 2021) Syria: Returning Refugees Face Grave Abuse - Struggle to Survive Amid Devastation, Property Destruction: <https://www.hrw.org/news/2021/10/20/syria-returning-refugees-face-grave-abuse>. Particularly worrying are the reports that Danish authorities ruled to deport a stateless Kurd back to Syria despite both the likely risks and disenfranchisement he would face and the practical challenges in him actually undertaking travel to Syria without a Syrian passport. See: Layla Maghribi (9 June 2021) Damascus bound: Stateless Kurdish man faces deportation from Denmark to the Syrian capital, The National: [www.thenationalnews.com/world/damascus-bound-stateless-kurdish-man-faces-deportation-from-denmark-to-the-syrian-capital-1.1237994](http://www.thenationalnews.com/world/damascus-bound-stateless-kurdish-man-faces-deportation-from-denmark-to-the-syrian-capital-1.1237994).

<sup>37</sup> Author interview with stateless Kurdish refugee in the UK, November 2021.

coming here. It is not a lie to say I am Syrian, but I was deprived of my citizenship, and maybe this is important to explain too. It was part of the reason why I saw no future in Syria and maybe this government should know I am not a citizen of any country.<sup>38</sup>

**"Your claim to be a Syrian national is disputed."**

(This phrase was included in several of the Refusal Letters reviewed for asylum seekers claiming to be stateless Kurds from Syria).

Moreover, review of the casefiles indicates that often the very claim to be stateless appears to have been completely missed by the asylum officers. There is written evidence of a lack of engagement with the claimed statelessness, suggesting

confused and/or inconsistent treatment and processing of cases where applicants claim to be stateless Kurds from Syria. In all of the eight casefiles reviewed for claimants purporting to be stateless Kurds from Syria, the Home Office uses the term "Syrian national" throughout the reporting, and within the Detailed Reasons for Refusal section of the Refusal letter, it is stated: "You claim to be a Syrian national" with no reference given to the claimed statelessness. As such, the Home Office generally appears to be dealing with these applicants as 'disputed nationality' cases despite the fact that claimants explicitly or implicitly referenced their statelessness in the interviews (as evidenced in the transcripts). These references range from stating directly that they did not possess citizenship in Syria or declaring that they were *maktum* (an Arabic term used for those who are not included in the official registries in Syria).<sup>39</sup> Consequently, in unsuccessful cases, the letter went on to conclude: "Your claim to be a Syrian national is disputed". This was alternatively expressed as: "It is not accepted that you are a national of Syria", again despite the fact that the asylum seekers in question had themselves stated - with varying degrees of explicitness - their claim to be stateless. It is considered that the lack of mention of statelessness within the most up-to-date Country of Origin Information report for Syria may be a contributing factor to the lack of engagement with statelessness for Syrian Kurds among key stakeholders during the asylum process.<sup>40</sup>

The above indicates that the asylum decisions include wording from the standard text relating to 'Disputed nationality cases' rather than 'Disputed statelessness cases', according to the Home Office's guidance for its asylum officers (See textbox on Disputed Nationality Cases).<sup>41</sup> Notably, not one of the asylum decision letters assessed as part of this research included the standard wording for 'disputed statelessness cases', which is: 'It is not accepted that you are stateless, as it is believed that you are in fact a national of country X [or country Y].' In several of the cases assessed within this research, this point went on to create significant confusion at later stages, especially during appeal proceedings when representatives for the applicant would make the argument that their client had never claimed to be a national of Syria, but rather to have been a stateless person from Syria. Asylum solicitors interviewed for this research explained their

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<sup>38</sup> Author interview, February 2022.

<sup>39</sup> This appears to be in contradiction to the guidance provided to Home Office asylum officers, whereby in 'disputed statelessness cases' the nationality would be recorded as 'Stateless (claims to be)'. See: Guidance published on 2 October 2017: Home Office, Nationality: disputed, unknown and other cases, 20-21.

<sup>40</sup> Thomas McGee (11 September 2019) Stateless Syrians in Europe: Navigating the "Knowledge Gap", European Network on Statelessness blog: <https://www.statelessness.eu/updates/blog/stateless-syrians-europe-navigating-knowledge-gap>.

<sup>41</sup> Ibid, 23-4.

reservations about highlighting their client's statelessness at a later stage of the process (e.g. at appeal) as they perceived it could add further confusion or negatively affect the client's credibility despite the fact that the statelessness was generally referenced by the client in the initial asylum interview, but not picked up on, or recorded under their nationality, by the Home Office asylum officers.

## “DISPUTED NATIONALITY CASES”

A 'disputed nationality case' is one where the Home Office considers the claimant to be of another nationality than that claimed.<sup>42</sup> A common case of 'disputed nationality' in the UK context involved the Home Office contesting applicants' claims to be Eritrean and instead asserting that they are in fact Ethiopian. Such cases have not only revolved around whether the appellant was a national of Eritrea or Ethiopia, but have also had implications for their possible statelessness.<sup>43</sup> In such a context of disputed nationality, it has been established that 'the first question to be considered should be: "Is the person *de jure* a national of the country concerned?"'<sup>44</sup> According to Home Office guidance, in disputed nationality cases, "the burden of proof rests with the Home Office to prove the assertion according to the balance of probabilities standard". Significantly, in statelessness cases, it is the claimant who must "establish their claimed statelessness to the balance of probabilities standard." However, the United Nations Refugee Agency (UNHCR) Handbook on Protection of Stateless Persons states that "In the case of statelessness determination, the burden of proof is in principle shared, in that both the applicant and the examiner must cooperate to obtain evidence to establish the facts. The process is a collaborative one aimed at clarifying whether an individual comes within the scope of the 1954 Convention."<sup>45</sup> Further, the Handbook advances that best practice that determining nationality or statelessness status must go beyond simply reading the letter of the law, and that ascertaining whether the competent authorities in the country recognise an individual as a citizen is "a mixed question of fact and law".<sup>46</sup>

## Background on Stateless Kurds of Syria

Statelessness has significantly impacted Kurds in Syria since a section of the community was stripped of citizenship through an exceptional census in 1962. This census was held in a single-

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<sup>42</sup> See the Home Office's guidance to asylum officers: Nationality: disputed, unknown and other cases, Version 6.0, published on 2 October 2017:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/649602/Nationality-Disputed-unknown-and-other-cases-v6\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/649602/Nationality-Disputed-unknown-and-other-cases-v6_0.pdf).

<sup>43</sup> YL (Nationality, Statelessness, Eritrea, Ethiopia) [2003] UKIAT 16.

<sup>44</sup> MA (Disputed Nationality) Ethiopia [2008] UKAIT 00032. See also: Nationality – statelessness – Eritrea – Ethiopia) Eritrea CG [2003] UKIAT 00016.

<sup>45</sup> UNHCR (2014) Handbook on Protection of Stateless Persons, para 89. For further discussion of the divergence on this point, see Michelle Foster and Hélène Lambert (2019) International Refugee Law and the Protection of Stateless Persons (Oxford University Press), 113-119; Eric Fripp (2016) Nationality and Statelessness in the International Law of Refugee Status (Hart Publishing), 188-190. See also: Adrian Berry, The Burden of Proof and Standard of Proof in Statelessness cases <https://nationalityandcitizenshiplaw.com/2019/09/17/the-burden-of-proof-and-standard-of-proof-in-statelessness-cases>.

<sup>46</sup> Ibid, para 23.

day and only in the country's most northeastern governorate of Al-Hassaka, rendering approximately 120,000 of the Kurdish population there stateless.<sup>47</sup> The census was designed to target Kurdish inhabitants of this area due to perceptions that they presented a political threat to the Syrian state.<sup>48</sup> As a consequence, Kurds in Al-Hassaka were divided into three legal statuses: those who participated on the census day and were able to provide documentation proving their presence prior to 1945 retained the status of "Syrian citizens"; those who attended but were unable to satisfy the census administrators of their pre-1945 presence were registered as "foreigners" (*ajanib* in Arabic); while those who did not participate in the census at all – perhaps due to lack of awareness that it was even happening – were left as unregistered (*maktumeen* in Arabic).<sup>49</sup>

Because statelessness was inherited across new generations, the number of Kurds affected grew over subsequent decades, with UNHCR estimating there to be approximately 300,000 stateless Kurds in the country by 2007.<sup>50</sup> This figure continued to be reported until 2011 when the shifting situation of the Arab Spring brought several changes to the situation of stateless Kurds in Syria. After decades of inaction to address the issue of Kurdish statelessness despite this being a major demand of the Kurdish community, suddenly in April 2011, Syrian President Bashar Al-Assad issued a decree to 'grant Syrian Arab citizenship to registered "foreigners" in Hassaka'.<sup>51</sup> This initiative was largely perceived to be a calculated concession to discourage Kurdish participation in the Syrian uprising,<sup>52</sup> and has been argued to be an incomplete and insensitive 'solution' to Kurdish statelessness.<sup>53</sup> Nonetheless, as the result of the naturalisation decree, the number of stateless Kurds has reduced since 2011 alongside other developments within Syria's statelessness landscape, including increased risks of childhood statelessness as a result of conflict-induced displacement.<sup>54</sup> According to figures obtained by a Syrian NGO, the vast majority of *ajanib* and some *maktumeen* who were still inside the country had been able to acquire citizenship by May 2018.<sup>55</sup> However, stateless Kurds – both *ajanib* and *maktumeen* – who had already left the country were unable to benefit from the naturalisation provisions unless they returned to Syria and stayed there while they application was considered.<sup>56</sup> The high levels

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<sup>47</sup> Human Rights Watch (1996) Syria: The Silenced Kurds; Maureen Lynch and Perveen Ali (2006) Buried Alive: Stateless Kurds in Syria (Refugees International).

<sup>48</sup> Vanly, Ismet Chériff (1968) The Kurdish Problem in Syria: Plans for the Genocide of a National Movement (Committee for the Defence of the Rights of the Kurdish People).

<sup>49</sup> Zahra Albarazi, The Stateless Syrians, 16.

<sup>50</sup> UNHCR (2007) Refugees Magazine, 147(3), Special Report: The strange, hidden world of the stateless: <https://www.unhcr.org/46d2e8dc2.pdf>.

<sup>51</sup> Decree 49 of 7 April 2011.

<sup>52</sup> For further information about the context and implications of this decree, see: Thomas McGee (2014) The Stateless Kurds of Syria: Ethnic Identity and National I.D., *Tilburg Law Review*, 19(1-2), 178.

<sup>53</sup> Haqqi Bahram (2021) Too little too late? Naturalisation of stateless Kurds and transitional justice in Syria, in eds. Tendayi Bloom and Lindsey N. Kingston, *Statelessness, governance, and the problem of citizenship* (Manchester University Press).

<sup>54</sup> Such developments, as well as other profiles affected by statelessness in Syria are documented in: European Network on Statelessness and Institute on Statelessness and Inclusion (August 2019) *Statelessness in Syria: Country Position Paper*, part of the Stateless Journeys project. Specifically on statelessness in the Syrian refugee context, see also: Institute on Statelessness and Inclusion and Norwegian Refugee Council (2016) *Understanding statelessness in the Syria refugee context*.

<sup>55</sup> Syrians for Truth and Justice (2018) *Syrian Citizenship Disappeared: How the 1962 Census destroyed stateless Kurds' lives and identities*.

<sup>56</sup> Thomas McGee (2019) *Statelessness Displaced: Update on Syria's Stateless Kurds*, *Statelessness Working Paper Series*, No. 2.

of naturalisation of stateless *ajanib* Kurds inside Syria led many to conclude that statelessness is no longer a significant issue among the Kurdish community from Syria.

Additionally, the fact that UNHCR generally does not include stateless refugees within its global statelessness statistics may be contributing to a lack of visibility about the existence of stateless people within refugee contexts.<sup>57</sup> Against this background, it is, therefore, significant that a recent study by the Norwegian Refugee Council found that many Kurds living as refugees in the Kurdistan Region of Iraq (KRI) have in fact been unable to access citizenship since 2011. According to data collected for this study, as of August 2022 one in twelve Kurdish refugees from Syria surveyed in the KRI's Duhok province remained stateless.<sup>58</sup>

### Intersection with Questions pertinent to Minority (Kurdish) identity

When considering the possible impacts of statelessness on the asylum experiences of stateless Kurdish claimants from Syria, it is also necessary to consider the implications that their specific ethnic identity as members of a minority trans-border community might equally have on the way their case is handled and experienced. Indeed, it is worth remembering here that the vast majority (an estimated 75%) of people affected by statelessness around the world are believed to belong to minority groups.<sup>59</sup> Kurdish asylum seekers, more specifically, have a long history of disputed nationality situations within the UK asylum system. As a transborder community divided by colonial-established borders that did not respect ethnic nor linguistic identity markers, it is little surprise that they have long struggled with this issue and been subject to suspicion. While Kurds – as a contested minority group – have suffered varying degrees of marginalisation and persecution in all of the states of Iraq, Iran, Turkey and Syria, their treatment and reception as asylum seekers has evolved according to the perceived situation of the community in each state at the time. While prior to 2004, Kurds from Syria who did not belong to a political party - including stateless Kurds - struggled to be considered 'at risk' in Syria,<sup>60</sup> the rate of Kurds from Iraq being granted asylum was far higher due to the conflict in the country. Now, however, this situation has largely reversed, with the Home Office generally considering that it is safe to return Kurds to the Kurdistan Region Iraq, and previously issued exceptional leave to remain for Kurds from Iraq is not always renewed.<sup>61</sup>

Additionally, for Kurdish populations in both Syria and Iraq there is a historic intersection between statelessness as per the definition of the 1954 Convention (given that particular sub-

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<sup>57</sup> Jason Tucker (2021) "The statelessness of refugees", in *Statelessness, Governance, and the Problem of Citizenship*, eds. Tendayi Bloom and Lindsey N. Kingston (Manchester University Press). Specifically on the situation of stateless Kurds from Syria not being counted in UNHCR's statistics when they are refugees in neighbouring countries, see: Thomas McGee (November 2020) *Recognising Stateless Refugees*, *Forced Migration Review* 65.

<sup>58</sup> Norwegian Refugee Council (2022) *Understanding Statelessness among Syrian Refugees in the Kurdistan Region of Iraq*:

[https://www.nrc.no/globalassets/pdf/reports/iraq/statelessnessreportiraq28082022/statelessness-report\\_28082022.pdf](https://www.nrc.no/globalassets/pdf/reports/iraq/statelessnessreportiraq28082022/statelessness-report_28082022.pdf).

<sup>59</sup> UNHCR (2017) "This is our home": stateless minorities and their search for citizenship, 1.

<sup>60</sup> United Kingdom Asylum and Immigration Tribunal [UKAIT] 00048, AR (Kurd: not risk per se) Syria CG (2006): [www.refworld.org/pdfid/46836a9f0.pdf](http://www.refworld.org/pdfid/46836a9f0.pdf).

<sup>61</sup> The question of 'removability' has come up in this context and been subject to Country Guidance debates, especially when the individual in question lacks civil documentation to facilitate their re-entry into Iraq. For a recent summary of this issue, see: Eva Maria Doerr (16 May 2022) *Iraq country guidance on ID cards revised*, *Free Movement*: <https://freemovement.org.uk/iraq-country-guidance-on-documentation-revised>.

sections of the Kurdish communities in each country were deprived of citizenship)<sup>62</sup> and other experiences of exclusion or 'non-functioning citizenship' for Kurds more widely as members of a 'non-state nation'.<sup>63</sup> Indeed, researcher Haqqi Bahram has referred to a phenomenon of "double statelessness" for those Kurds stripped of their citizenship following the exceptional census in 1962.<sup>64</sup> As such, the overlapping of international law's concept of 'stateless persons' (as per the 1954 Convention) and the political science notion of 'stateless peoples' complicates the landscape of discrimination and rights deprivations in the Kurdish case. While this report is concerned with statelessness strictly according to the 1954 Convention, separating out the impacts of such statelessness from other issues affecting Kurds more generally as members of - often historically persecuted - ethnic minorities can prove challenging. Indeed, one academic has coined the term 'social statelessness' to refer to the unique situation of Kurds living in the diaspora without a nation-state of their own.<sup>65</sup> While such concepts and terminology are potentially problematic in the present context as they can lead to confusion with the legal concept of a 'stateless person' according to the 1954 Convention, it is important to recognise the intersection with such other forms of marginalisation that often accompany deprivation of citizenship.

In view of this reality, Kurds are a community that has over recent decades had relatively high rates of disputed nationality within the UK asylum system. It is therefore important to consider the intersection of the dimensions relating to the minority identity and trans-border status of the Kurds as a whole with the statelessness of some Kurdish asylum seekers from Syria. This may in turn provide lessons for those working with other cross-border, or marginalised, minority communities affected by statelessness, such as the Rohingya in Myanmar and Muslim communities in borderland regions of India (e.g. Assam province). For Syrian Kurds, further dynamics add to the complexities, such as the presence of cross-border Kurdish sub-community groups like the Koçer, who were historically nomadic prior to the establishment of state borders a century ago. As such, they maintain strong trans-border connections even when the trans-border movements may have ceased. While some Koçer were affected by statelessness in Syria following the 1962 census, others have held Syrian citizenship.

The following sections of the report consider implications of each of i) civil documentation ii) demonstration of local contextual awareness and iii) language analysis testing for stateless Kurds within the process of determining Country of Origin. Considerations are highlighted as examples of how stateless individuals may face additional obstacles and challenges in 'proving' their Country of Origin within the asylum process.

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<sup>62</sup> See Footnote 6 for the 1954 Convention of a stateless person. For further information on statelessness of Faili Kurds from Iraq, see: Elizabeth Campbell (2010) *The Faili Kurds of Iraq: Thirty Years Without Nationality*, Refugees International.

<sup>63</sup> Thomas McGee and Haqqi Bahram (6 May 2021) *Navigating intersecting statelessness: Syrian Kurds in Europe*, European Network on Statelessness: <https://www.statelessness.eu/updates/blog/navigating-intersecting-statelessness-syrian-kurds-europe>.

<sup>64</sup> Haqqi Bahram (2021) *Too little too late? Naturalisation of stateless Kurds and transitional justice in Syria*, in *Statelessness, Governance, and the Problem of Citizenship* (eds. Tendayi Bloom and Lindsey Kingston, Manchester University Press), 264.

<sup>65</sup> Latif Tas, *How international law impacts on statelessness and citizenship: the case of Kurdish nationalism, conflict and peace*.

## I. CIVIL DOCUMENTATION

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Due to the particular situation of Syrians and their somewhat exceptional current treatment within the UK asylum system (as explained above), proving one's 'Syrian-ness' can often be the crux and effective basis of the asylum claim. Due to the severity of the situation in the country, in practice substantiating one's claim to be from Syria is considered as shorthand for demonstrating a 'well-founded fear of persecution', and thereby fulfilling the refugee definition. Indeed, in the current historical context, nationality is almost determinative of the asylum claim for Syrian claimants. Given this rare occurrence within the UK asylum system, therefore, the ability to present verifiable documentation as a Syrian takes on paramount importance for an asylum seeker from the country.

Equally, those who lack the ability to demonstrate their Syrian nationality - or that Syria is the Country of Origin - may find themselves at a critical disadvantage within the asylum system. Interviews conducted for this research highlight that establishing 'Syrian-ness' for stateless Kurds from the country has been particularly challenging due to the nature of the civil documentation held by this profile of claimants. Often, the easiest way for an asylum seeker to substantiate their claim about Country of Origin is to present civil documentation issued by that state. Stateless people, however, may simply not have access to the same level of civil documentation, and therefore may struggle to prove their personal identity and Country of Origin through such methods.

**“THEY WILL NEVER UNDERSTAND THE INTENSITY  
OF MY RELATIONSHIP TO THIS PIECE OF PAPER.”**

(Stateless Kurd from Syria).

Interviews with the 15 asylum seekers confirm that presentation of the only document that a stateless *maktum* Kurd from Syria would conceivably possess is often given little weight by the Home Office and judges. Given that the *shahadat t'areef* (certificate of identification) document typically issued to a *maktum(a)* stateless Kurd is a flimsy A4 paper, often filled out by the local official (the *mukhtar*) by hand, with no hologram, no biometric nor other fraud-resistant mechanism, western authorities (including the UK Home Office) have sometimes dismissed these documents. Indeed, one judge in the UK concluded simply: “I see no evidence that a relatively skilled forger could not have reproduced this document with a modicum of effort.”<sup>66</sup> The case law precedent that “in asylum and human rights cases it is for an individual claimant to show that a document on which he seeks to rely can be relied on” has left stateless individuals in something of an impossible situation.<sup>67</sup> Indeed, while experts on Syrian civil documentation might assess that such a document conforms to the standard format issued in Syria, and that the data included is internally consistent, they are unlikely to be able to unequivocally declare it to be genuine.

Some interviewees commented on the lack of sensitivity with which their documents were thus dismissed. Indeed, one stateless Kurd from Syria recalled how “they will never understand the intensity of my relationship to this piece of paper.” He went on to explain how he would carefully fold it up and ensure he kept it upon his person at all times as “it was the only document I had

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<sup>66</sup> This statement was included in one of the eight asylum decision reviewed as part of this research.

<sup>67</sup> Tanveer Ahmed IAT [2002] UKIAT 00439, Para 38-1.

that made me feel a little bit like a human my entire life in Syria. It carries many mixed emotions: it was worthless and a symbol of the discrimination against me and I hated having to carry this paper with me, but at the same time it was precious as it could keep me out of prison if stopped by the police." He further reflected: "I understand that this document does not look as official as a passport, but it is all I had. I have no way to prove that it is real, but this does not prove that it is not. It was painful to see the judge in the UK dismiss it without even a second thought."

While the civil documentation held by stateless persons may not be considered as constituting "corroborating evidence" of the individual's Country of Origin claim, it is important that such

**"THE KEY THING THAT A SYRIAN MUST DO IN ORDER TO SUBSTANTIATE HER ASYLUM CLAIM IN THE UK IS TO DEMONSTRATE THAT SHE IS INDEED FROM SYRIA"**

(Key stakeholder).

documentation should be considered within the wider context of the claim being made. Indeed, established norms dictate that "[a] document should not be viewed in isolation. The decision maker should look at the evidence as a whole or in the round."<sup>68</sup> Further, Home Office guidance on credibility assessment states that "It is not appropriate to attach little or no weight to a document

without giving reasons based on the available evidence regarding its reliability."<sup>69</sup> However, based on a review of the casefiles of the eight stateless Kurdish claimants, there is little evidence that available civil documentation is being considered alongside other substantiating evidence. Noting the observations about the need for lower threshold of evidence to establish statelessness within analysis of the SDP, it appears that a more balanced consideration of statelessness claims would better serve decision-making processes within the asylum process.

Further, within the review of the 15 cases consulted by the researcher for this report, some significant ethical concerns emerged around approaches taken to try and verify that such documents are genuine. In a number of the cases where solicitors had commissioned country experts to comment on the documents, the country experts had made contact with the authorities in Syria in attempts to establish that the named individual is known to the government of Syria. This was presumably the case because those claiming to be stateless Kurds lacked alternative forms of verification of their identity. Given the well-established risks associated with the Syrian government targeting returnees and/or the relatives of asylum seekers or returnees,<sup>70</sup> attempts to verify asylum seekers' identities through contacts with the Syrian authorities at Embassies or through contacts inside the country should be avoided. It is necessary that all actors be mindful of the potential additional risks implicit within actions that might be undertaken by, or on behalf of, stateless Kurdish asylum seekers in attempts to demonstrate their identity.

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<sup>68</sup> Tanveer Ahmed IAT [2002] UKIAT 00439, Para 35.

<sup>69</sup> Home Office (28 June 2022) Assessing credibility and refugee status in asylum claims lodged before 28 June 2022, 21; Home Office (28 June 2022) Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022, 22.

<sup>70</sup> See, for instance: Amnesty International (2021) "You're going to your death": Violations Against Syrian Refugees Returning to Syria.

Finally, stakeholders involved in the cases of stateless asylum seekers spoke about challenges to credibility when applicants presented civil documentation at a later stage of the asylum process. In several cases, it was mentioned that Home Office decision makers were skeptical of replacement documents for stateless Kurds issued through the facilitation of family members back in Syria. When the mode of postage and delivery was not clearly documented, this likewise contributed to raising concerns about credibility.

## II. LOCAL CONTEXTUAL AWARENESS

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*"The Home Office interviewer asked me lots of questions about the national holidays in Syria. I am not very familiar with these because as a stateless person, I dropped out of school early and was excluded from all of the clubs and societies where these days are celebrated. Stateless Kurds were ineligible to join the party bodies, such as the Baathist youth association, so we do not have a good idea about these things. At another point in my interview, I was asked to name some Syrian singers. I listed several popular Kurdish performers from my city [Qamishli] and other Kurdish towns in Syria. These musicians are well known in our community. Any Kurd in Syria would know these names. I was therefore surprised when my lawyer later told me that the Home Office had said there is no evidence that these singers exist. You only have to type their names in Youtube and you can listen to their music."*

This section considers how the questions designed to elicit responses about local context are generally constructed upon assumptions that do not always apply to stateless individuals from the same country, especially those also belonging to minority communities whose cultural references may differ from that of the mainstream 'citizen' experience. The above testimony, belonging to one of the stateless Kurds interviewed as part of this research, reveals how stateless Kurds from Syria may be placed at a disadvantage in the process of responding to questions designed to 'test' their cultural awareness and assess their Syrian-ness as part of determining the Country of Origin. The fact that stateless individuals may have different experiences - are less likely to have attended school and been exposed to prominent public discourses - means that their responses to such questions may not match the expectations corresponding to the *ideal* 'Syrian national' constructed by the Home Office through its practices of 'determining' Country of Origin.

Both ethnic Kurds and Palestinians, as the two main groups affected by statelessness in Syria, have distinct narratives and experiences that may deviate from the 'model' Syrian citizen (e.g. different national-political flags, different historically important dates, traditions, institutions, educational curricula etc). As such, they tend to give different responses to the questions about Syrian culture intended to test whether Syria is indeed their Country of Origin. The idiosyncrasies of having lived as a stateless person appear to be rarely considered by Home Office asylum officers when making decisions relating to those claiming asylum as stateless individuals. As is stated above, stateless Kurds have often been significantly excluded from and within the national educational sphere, as well as from and within Baathist society. Yet, this is exactly what many of the questions posed by the Home Office focus upon.

Indeed, when asking applicants to state public holidays celebrated in Syria (and their corresponding dates), the Home Office appears to rely on 'Background information' that lists the non-religious holidays in Syria as: 'New Year's Day, Revolution Day, Independence Day, Labour

Day, Martyrs Day, Liberation Day and Mother's Day.<sup>71</sup> Since these are all the 'official' holidays recognised by the central government, and moreover many of them are closely tied to the Baath party ideological narrative, a stateless Kurd who has been excluded from 'patriotic' spaces would reasonably have a much lesser appreciation for the significance of these public holidays.<sup>72</sup> Many of these celebrations relate to the Arabist nationalist culture, which registers less relevance, and sometimes even resentment, among Kurds as a non-Arab minority that has suffered from historic marginalisation. The statelessness of Kurds from Syria who were deprived of their citizenship in and following on from the 1962 census are a prime example of this marginalisation in practice.

At the same time, some of these holidays may have an alternative significance for the Kurdish community in general. For example, Kurdish New Year (known as Newroz) is celebrated on 21 March, a different day to the date included in the Home Office's 'Background information' for the New Year's Day entry. The fact that Mother's Day in Syria coincides with Kurdish New Year led to challenges of perceived non-credibility for one claimant, when the Home Office stated that he was unfamiliar with the dates of both of these celebrations. In fact, as historian Jordi Tejel has noted, in 1986 the Syrian regime actually 'attempted to eclipse [Newroz, Kurdish New Year] by making it coincide with a holiday honoring mothers.'<sup>73</sup> As such, Mother's Day is not celebrated as much in the Kurdish-majority areas of Syria since it is perceived as an imposition upon a pre-existing Kurdish cultural holiday, which seemingly does not feature in the Home Office's list.

Other holidays in the Home Office list can also have multiple meanings in different contexts within Syria. For example, while the Home Office expected interviewees to respond that Revolution Day takes place on 8 March - commemorating the 1963 Baath party coup d'état, several interviewees referenced other, more recent revolutions in their responses. For instance, some referred to 15 March 2011 as the day the 'Syrian Revolution' against the current government is recognised to have begun. Equally, the transcripts of other interviewees included references to 19 July as the start of the 'Rojava Revolution', which from 2012 saw the emergence of a Kurdish-led self-rule project across swathes of Northern Syria (including all Kurdish-majority areas). The Home Office seemingly made no allowance for the fact that many of the asylum seekers interviewed for this research mentioned one of these two revolutions that took place in their lifetime, which have both been in popular parlance over the last decade. Instead, it seems that one could only be deemed Syrian by citing the 'official' revolution of which they had no living memory. Such seemingly simple questions therefore prove complicated in practice whereby there can be multiple legitimate correct responses, but only one recognised as such by the Home Office.

Additionally, and linked to the above, the fact that the Kurdish-majority territories of Syria have been effectively outside Syrian government control for the last decade does not seem to have been taken into consideration by the Home Office. Asking a seventeen-year-old from the Kurdish

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<sup>71</sup> This list was cited verbatim in three of the eight asylum decision reports reviewed for this research.

<sup>72</sup> One interviewee recounted an experience of such exclusion: "when we were in third grade, my friend and I were the students with the top grades in the class. As such, we had been made the 'areef' (similar to prefects). One day the teacher told me that I could not be a 'prefect' because I was 'ajnabi' [stateless], but my friend was allowed to be so still since he had citizenship. This was a very painful childhood memory for me. Likewise, I was once told that I could not join the 'shabeebeh' – the youth league of the Syrian Ba'ath party – like other students could. Later on, I was glad not to be associated with this party, but at the time it really felt like a humiliating exclusion in front of all of my classmates. They replaced me as 'areef' with a boy from one of the Arab tribes."

<sup>73</sup> Jordi Tejel (2010) *Syria's Kurds: History, Politics and Society* (Routledge), 65.

areas of Syria about holidays that have not been practiced and flags that have not been flown on administrative buildings there for the last half of his life is clearly somewhat problematic. Flags, holidays and symbols associated with the de facto Kurdish-led authorities who have governed the area since 2012 were routinely referenced by younger interviewees in their transcripts. These were often met with rejection by the Home Office, affecting the Home Office's judgment about the individual's credibility to be from Syria. The dominance of the 'official' Arab-influenced, mainstream Syrian cultural references as currently practiced in the capital city Damascus and other areas currently under central government control clearly disadvantaged Kurdish applicants in their responses to such questions. There is evidently a need for the Home Office to work with more nuanced and updated Country of Origin information in reflection of the complex reality of Syria as a political, militarily divided country. Likewise, two asylum seekers were penalised by Home Office decision makers for not mentioning the smallest two denominations of Syrian currency despite the fact that due to inflation these coins are practically no longer in use and rather deemed 'worthless'.<sup>74</sup>

Sometimes additionally it was not clear to applicants until afterwards that the purpose of these questions had been to determine their country of origin. Indeed, the way in which some such questions have been recorded in the transcripts appears misleading about their purpose. For example, asking an interviewee 'can you tell me some singers you liked to listen to in Syria?' does not actually make clear that the singers should be of Syrian origin. Nor is it clear that the purpose of such questions is to establish the Country of Origin of the interviewee. As such, one interviewee responded with a number of his favourite US rap artists. Elsewhere, seemingly open questions posed by Home Office asylum officers proved problematic due to the poor or limited ability of the staff to interpret or analyse the responses given. Despite the openness of the questions, it appears that decision makers only have access to a relatively limited list of expected responses, and are not undertaking necessary additional research – including sometimes even a basic Google search – to look into the existence of examples referenced that are outside the stock list. In particular, when interviewees have referenced examples associated with Kurdish culture in Syria rather than mainstream Syrian Arab culture, it appears that these references have not been recognised or well understood by Home Office officials. For instance, asked to name a television programme that he used to watch in Syria, one stateless Kurd responded by referring to the Kurdish comedy show *Bavê Tayyar*. While the Home Office responded that 'No evidence could be found of Syrian comedy soaps produced by *Bavê Tayyar*', this is a key cultural reference among Kurds from Syria. *Bavê Tayyar*, a comedian from Qamishli city in northern Syria with prolific output, is indeed a household name for practically all Kurds of Syria, who have grown up watching his famous slapstick sketches and listening to his humorous rants about everyday life in the Syrian Kurdish community.

The lack of attention to the potentially distinct experiences as a result of their statelessness combined with the lack of awareness of cultural references specific to minority communities like the Kurds has meant that stateless Kurds from Syria may be doubly disadvantaged in demonstrating their Syrian origins within the UK asylum process. It is therefore recommended that asylum officers be sensitised to the possible variation of an applicant's responses to certain questions due to their statelessness. At the same time, the Home Office should develop and make more effective use of information about cultural references particular to minority communities from the country. For the Kurds as the largest minority group from Syria, it seems

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<sup>74</sup> According to the official conversion rate on 15 November 2021, 1 SYP has a value of 0.0003 GBP. Syrians consequently tend to only use these coins as decoration and as collectables.

there is a need for greater awareness of Kurdish dynamics for individuals affected by statelessness that often differ from those of Arab citizens living in Damascus. It is further important that questions asked of applicants be suitable to the reality of Syria as a politically and militarily divided country whereby some inhabitants have lived outside central government control for much of the last decade. To this effect, the Home Office should accordingly update the series of questions it routinely poses to applicants claiming to be from Syria.

### III. LANGUAGE ANALYSIS: 'YOU DON'T SPEAK LIKE A SYRIAN KURD'

In view of challenges to convince state officials of their identity and statelessness by other means, stateless asylum seekers are sometimes subjected to a language analysis exercise. This is deemed to be a scientific technology to 'determine' the person's country of origin in addition to, or in lieu of, other evidence. Indeed, in the absence of 'reliable' documentation, the determination of country of origin for applicants claiming to be stateless Kurds from Syria can end up resting heavily on a language assessment. As stated earlier in the report, establishing one's Syrian-ness is often of paramount importance as a proxy to demonstrating fear of persecution in an asylum claim. In February 2013, the UK government granted authorisation for the UK Border Agency to submit Language Analysis (LA) testing with asylum seekers claiming to be Syrian, Kuwaiti and Palestinian in order 'to assist in determining whether those asylum seekers are of the national origin or nationality respectively as claimed.'<sup>75</sup>

The process of determining Country of Origin based on language analysis – known in academia as Language Analysis for Determination of Origin (LADO) – can, however, be extremely fraught and problematic as has been presented in various studies over the last two decades. While language has increasingly been employed to determine – and dispute – Kurds' country of origin, it is important to recognise the complex dialectal landscape of the Kurdish language across and within state borders. It is worth noting that the bureaucracy of the UK asylum system has also been significantly shaped by the large influx of Iraqi refugees in the early 1990s. This was demonstrated in the anecdotes of several interviewees who made asylum claims on the grounds of being from Syria being asked whether they preferred a Sorani or Badini interpreter – the two dialects spoken in Iraq, but not in Syria. Indeed, in one case, the fact that the applicant had opted for a Badini interpreter – the more similar of the two to the Kurmanci dialect spoken by Kurds in Syria – was held against him when the Home Office later pointed out that the individual had chosen a dialect that – according to available country information – is not spoken in Syria. 'What was I supposed to do,' responds the individual in question, 'when they didn't offer me my own dialect. When given this choice, of course I would choose the dialect [Badini] that is closer to my own [Kurmanci] as Sorani is so different I wouldn't even understand it.'

#### THE "DIALECTS OF KURDISH" PROJECT

Mapping out the Kurdish dialects is an ongoing endeavour. The "Dialects of Kurdish" project was a project set-up at the University of Manchester with the goal "to provide a

<sup>75</sup> <https://www.gov.uk/government/speeches/language-analysis-testing-authorisation-2013-palestinian-syrian-kuwaiti-no-2>.

description of some of the major differences between the dialects of Kurdish.”<sup>76</sup> It responds to the dearth in detailed mapping and analysis of the variation in the Kurdish linguistic landscape, in view of the fact that existing comparative research is limited and outdated. The project team collected speech samples from various locations where Kurdish is spoken in the Middle East and developed a publicly accessible online database of verifiable entries.<sup>77</sup>

There is a growing body of critical literature that has identified flaws in language analysis for the purpose of determining the country of origin of asylum seekers. For instance, criticism of the Scandinavian Language Analysis (SPRAKAB), an outsourced private company which was previously relied upon by the Home Office, has resulted in it being largely discredited as “pseudoscience”.<sup>78</sup> Moreover, a group of linguist specialists have developed Guidelines, stating that ‘language analysis cannot be used reliably to determine national origin, nationality or citizenship. This is because national origin, nationality and citizenship are all political and bureaucratic characteristics, which have no necessary connection to language.’<sup>79</sup> Despite this, language analysis continues to be employed to determine Country of Origin. According to Kurdish-speaking linguist, Yaron Matras who led the Dialects of Kurdish project: “Many people think that language analysis is like DNA, and it cannot be challenged. I wonder how many cases go unchallenged [on this basis].” Despite this possible aura of unchallengeable expertise, review of the cases studied within this research suggests that where solicitors have sourced a counter-opinion from an independent linguistic expert in relation to a stateless asylum claim, it is far from rare that the Tribunal judges rule against the findings of the initial Language Analysis.

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<sup>76</sup> Project website: <http://kurdish.humanities.manchester.ac.uk/about-the-project/dialects-of-kurdish-project>.

<sup>77</sup> The database can be consulted via: <http://kurdish.humanities.manchester.ac.uk/database-of-kurdish-dialects>.

<sup>78</sup> Aamna Mohdin and Niamh McIntyre (17 June 2019) ‘Discredited’ test used on two in five Syrian asylum seekers in UK, Guardian: <https://www.theguardian.com/uk-news/2019/jun/17/discredited-test-used-on-two-in-five-syrian-asylum-seekers-in-uk>.

<sup>79</sup> Jacques Arends et al (2004) Guidelines for the use of language analysis in relation to questions of national origin in refugee cases, *International Journal of Speech, Language and the Law* 11 (2).

## CONCLUSION AND RECOMMENDATIONS

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This report has highlighted the prevalent challenges that stateless Kurdish asylum seekers from Syria face in demonstrating their Country of Origin (to be Syria). These challenges are due to the intersection of exacerbating factors related to their statelessness directly and those related to the identity as part of a separate ethnic minority group from the country. The following recommendations have been developed in view of the research presented in this report about the experiences of stateless Kurds from Syria with the UK asylum system. While some points may be of relevance to the asylum system more widely, these recommendations have been particularly devised to respond to the potential disadvantages that stateless individuals are likely to face in demonstrating their Country of Origin while claiming asylum. 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).<sup>80</sup>

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).<sup>81</sup>

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<sup>80</sup> 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>

<sup>81</sup> See e.g. European Network on Statelessness's Stateless Journeys tools and resources: [www.statelessjourneys.org](http://www.statelessjourneys.org).

## APPENDIX 1. COUNTRY OF ORIGIN INFORMATION RELEASED THROUGH FREEDOM OF INFORMATION ACT REQUEST

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### Response to an Information Request Syria: Stateless Syrian Kurds

**Reference Number:** 02.20.084

**28 February 2020**

**Subject:** Identity documents

**Key words:** Citizenship, registry, government

**Summary of request:**

**Information on stateless Syrian Kurds, including documentation**

**Disclaimer:** this response was compiled and researched by the Country Policy and Information Team within time constraints using publicly accessible information and/or obtaining information that can be made publicly available. Please read in full all documents to which this response refers.

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## Country information

### 1. Syrian Kurds

#### 1.1 Stateless

##### 1.1.1 Minority Rights Group International reported in March 2018:

'In April 2011, shortly after the start of the uprising, the Assad government sought to placate minorities in Syria by issuing Decree No. 49 granting citizenship to Kurds in Al-Hassakeh governorate who were previously registered as foreigners. However, as the citizenship process included an interview with the state security apparatus and possible military conscription, many Kurds declined to go through with it. Moreover, the decree did not apply to the approximately 150,000 maktumeen ['concealed'] Kurds, who remained stateless.'<sup>1</sup>

##### 1.1.2 Stateless Journey's reported in August 2019:

'AJANIB KURDS "Foreigner" in Arabic... Ajanib are stateless Kurds included in the official registries. They attended the 1962 census but failed to establish to the authorities that they had been resident in Syria prior to 1945 and were therefore recorded as Ajanib. They face restricted access to public services and have limited rights of ownership and inheritance.

'MAKTUMEEN KURDS "Concealed" in Arabic... Maktumeen are stateless Kurds not included in the official registries. They did not participate in the 1962 census at all or are individuals whose birth was not registered for different reasons. They enjoy even fewer rights than the Ajanib. For example, Maktumeen are unable to legally travel in the rest of Syria without a special security permission.

'... The human rights situation for Ajanib and Maktumeen has long been precarious, with limited or irregular access to "education, health care, livelihoods, travel, property ownership, judicial and political systems, and registration of businesses, marriages, and children." This limited access to education is likely to have resulted in substantially lower education levels. There have been reports that Maktumeen are unable to attend school beyond grade nine. Stateless Kurds do not enjoy the same rights as Syrian citizens, such as the right to vote, run for public office, the right to own property and the right to have marriages registered.

'At the time of writing, people from Al-Hassaka were governed by the Kurdish-led Self-Administration who have formed various committees and institutions including schools, courts and a police force. This Administration does not distinguish between Kurds who are citizens, Ajanib or Maktumeen in their day-to-day treatment and stateless Kurds are among those employed in the Administration. However, this does not change their status under the national level framework. Maktumeen (and non-naturalised Ajanib) remain in a precarious position, without citizenship. Although they have access to these various services, they do still face serious obstacles due to their

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<sup>1</sup> Minority Rights Group International, 'Syria, Kurds', March 2018, [url](#)

stateless status, especially those who have been displaced into Syrian Government-controlled territory or abroad.<sup>2</sup>

#### 1.1.3 Asharq Al-Awsat reported in September 2018:

'The issue of unregistered individuals peaked in Hasakah at the beginning of 2011, reaching more than 171,300 individuals, according to the report.

Some 50,400 stateless individuals were able to land citizenship after managing registration as foreigners first, Ahmed added. However, he pointed to the fact that over 41,000 cases have not been corrected and are still deprived of citizenship.

"There are still 5,000 people who did not check in with local registry authorities to correct their legal status, and are likely to be outside the country," he added. In total, approximately 46,000 Syrian Kurds are unregistered and without any citizenship rights.<sup>3</sup>

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### 1.2 Documentation

#### 1.2.1 Kurdistan 24, which is an online new outlet that is aligned with Kurds, noted in August 2017:

'The Directorate of Visas belonging to the Kurdish Administration [in northern Syria] announced they are working on new projects.

One project involves developing new forms for people wishing to travel to the Kurdistan Region and issuing special local "passports" for that purpose.

In an exclusive statement for Kurdistan24, Shero Mihemed, the Director of Visas in Rojava (Syrian Kurdistan) said they have assigned a specific day of the week for people of every city or town in the region to register their information and receive visa forms.

The new visa application forms and special travel documents will only be available to Syrian Kurds.<sup>4</sup>

#### 1.2.2 Stateless Journey's reported in August 2019:

'The Ajanib were issued a Bitaq Ajnabi ('Red Card') identity document, which records the individual as a 'foreigner.' It is not valid for travel outside Syria and is issued by the Civil Registrar (Ministry of Interior). In addition, Ajanib Kurds were issued a Family Civil Extract (the equivalent of a Family Booklet for Syrian citizens).

'The Maktumeen, however, could not obtain official government documents and often have only a note from their local mayor (referred to as a Mokhtar) to establish their identity. This document, referred to as a Shahadat Taaref, cannot be used for formal identification, as it contains no validation from higher authorities. Even those documents which are stamped by higher authorities are not included in the records in Damascus, so they are still essentially useless. Further, there is no one standardised version of this document; there are multiple different types in circulation. The Mokhtar may

<sup>2</sup> Stateless Journey's, 'Statelessness in Syria', August 2019, [url](#)

<sup>3</sup> Asharq AL- Awsat, 'Over 19,000 Syrian Kurds Deprived of Citizenship [...]', 12 September 2018, [url](#)

<sup>4</sup> Kurdistan24, 'Syrian Kurdish administration to issue new travel documents', 21 August 2017, [url](#)

also issue a residency notification, which again is an informal identification only, with no rights attached to the document.<sup>5</sup>

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<sup>5</sup> Stateless Journey's, 'Statelessness in Syria', August 2019, [url](#)

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