



From Syria to Europe:

Experiences of Stateless Kurds and
Palestinian Refugees from Syria
Seeking Protection in Europe

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Cover photo: Syrian Kurdish refugees take ferry to Athens; © UNHCR/Andrew McConnell

Executive Summary

Statelessness is an overlooked and often invisible feature of the forced migration context in Europe. Increasingly, however, actors involved in the refugee response are discovering that some of the men, women and children they work with face nationality problems. Between 2015 and 2017, EU Member States received a total of over 95,000 asylum applications by individuals who were stateless, of unknown nationality or had their citizenship recorded as “Palestine” – combining to make up approximately 3% of all applications. Being both stateless and a refugee can make people more vulnerable within asylum systems and targeted assistance may be required to ensure that they do not suffer discrimination on the basis of their statelessness. Despite this and although the figures demonstrate that the group concerned is significant, the EU has yet to develop a response to identify and address the specific needs of stateless refugees. Moreover, in the national context, only a minority of countries have put in place systems for determining statelessness. Therefore, the European asylum system and the policies and procedures in place in individual countries are not adequately identifying or responding to the situation of stateless people who have found themselves forcibly displaced.

To address this gap, the Institute on Statelessness and Inclusion (ISI) and the European Network on Statelessness (ENS) initiated a joint effort to examine the relationship between statelessness and forced migration in Europe, to build links with individuals and refugee communities affected by statelessness, and to interrogate the knowledge and attitudes of key regional and national stakeholders involved in the response to current forced migration trends. This report forms part of this wider project and makes an important contribution to the evidence base to improve efforts to protect the rights of stateless refugees and prevent new cases of statelessness arising in the forced migration context in Europe, by zooming in on the specific experiences of stateless refugees from Syria (‘stateless Syrians’).

Syria has been the country of origin of the largest number of asylum seekers in the EU every year since 2013. Given the long-standing existence of stateless communities in Syria, it is evident that there are stateless refugees among those displaced by the conflict and ending up in Europe. Against this background, this report explores the treatment of stateless refugees from Syria within the European asylum system, outlining the particular challenges they face and discussing related law and policy gaps. Building on existing research about the situation of stateless refugees and those at risk of statelessness in the neighbouring Middle Eastern countries, this study focuses on the ‘Greece corridor’ - the most common route for Syrians coming to Europe - as a framework through which to analyse the experiences of stateless Syrians in the EU. Within this ‘corridor’, the research focuses on two countries – Greece and the Netherlands – where in-depth interviews were conducted with stateless Palestinians and stateless Kurds from Syria who have arrived in Europe within the recent migration flow. Their testimonies help us to better understand the implications of the approach of relevant stakeholders, policies and procedures to the treatment of stateless refugees from Syria.

This report presents a number of common challenges experienced by stateless Syrians seeking asylum in Europe. As the testimonies highlighted demonstrate, one of the most significant problems is that there is limited – if any – understanding of statelessness among the different stakeholders who the participants interviewed have interacted with. There is insufficient knowledge and/or capacity to identify cases of statelessness and tailor support accordingly. Among many of those interviewed in Greece and the Netherlands, this has led to difficulties in accessing appropriate protection and assistance. As a result, the people concerned have been less equipped to navigate key procedures such as family reunification or naturalisation. Stateless Syrians widely 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. From the interviews conducted for this report, the following issues were highlighted in particular:

Accessing protection in Europe

Across a number of the interviews conducted for this study, stateless Syrians recounted difficulties in their journey to Europe and access to the asylum system as a result of being 'held up' or 'stuck' on the Greek islands while Syrian citizens were able to pass more easily to mainland Greece and/or had their claims processed more quickly. A lack of access to resettlement pathways for stateless Syrians was also identified as contributing to discrimination against those from Syria without nationality in accessing protection. The restrictions encountered prompted some of those interviewed to find alternative means to reach Europe, including illegal border crossings and enlisting the services of smugglers.

Registration as 'stateless'

The study highlighted the disparity in state practice when it comes to the identification and registration of a refugee as 'stateless'. Some were registered correctly as stateless while others were recorded with an imputed nationality (i.e. listed as Syrian citizens) and yet others in the Netherlands were recorded as having an 'unknown' nationality, due to the high evidentiary threshold for 'proving' statelessness. Within the same family or even across different registration processes for the same individual, statuses vary. This can not only obstruct the enjoyment of targeted assistance that would be available for persons recognised as stateless, but also frustrates the ability of the authorities to gain an accurate picture of the scale of the problem of statelessness within the wider refugee population.

Family reunification

The failure to suitably account for a stateless Syrian's specific circumstances has also led to discrimination in the enjoyment of the right to family life: family reunification procedures that are available to all refugees from Syria are not always accessible in practice to those who experience statelessness. In the absence of a family book documenting a person's ties to family members who remain behind in the MENA region, stateless Syrians are asked to undergo DNA testing to establish these links. However, testing facilities are only available in certain locations, which stateless Syrians may struggle to access, meaning that families are delayed in or have to undertake illicit travel to complete family reunification.

Naturalisation

Access to naturalisation is an important channel to a durable solution for stateless people and the availability of facilitated naturalisation for stateless persons in some European countries is beneficial to the longer-term prospect of integration and stability – as well as being a requirement of the 1954 Convention relating to the Status of Stateless Persons. However, due to the failings in the registration process which leave some stateless Syrians recorded as Syrian citizens or as being of 'unknown' nationality, not all refugees who should be able to benefit from this facilitated procedure will be considered eligible. Moreover, the availability of a special regime that enables stateless persons to naturalise more quickly than other refugees appears to not always be understood by the relevant authorities, prompting misinformation and delays.

Avoidance of childhood statelessness

Another special set of regulations from which stateless refugees can benefit is facilitated access to nationality for children born in the host state. Safeguards to ensure that childhood statelessness is avoided allow for conferral of nationality to stateless children born on the territory – but in practice these safeguards can often only be implemented if parents' statelessness is identified and acknowledged. The registration of stateless Syrians as either Syrian citizens or being of 'unknown' nationality obstructs the implementation of such safeguards.

The primary underlying and cross-cutting challenge that exists with respect to providing appropriate assistance to stateless Syrians in the asylum context in Europe is ensuring that their statelessness is accurately identified and that related policies and procedures are appropriately tailored to account for their specific circumstances as individuals without a nationality. This means that awareness raising among officials and key stakeholders about the profiles and specific needs of stateless Syrians must be prioritised. This study contributes to the identification of the gaps that are contributing to discrimination against stateless refugees on the basis of their lack of nationality. It is important for the EU and its Member States to recognise the presence of stateless refugees among those seeking protection in the region and to work to address those areas of policy and practice that are hampering their enjoyment of the support and rights that they are entitled to.

1. Introduction

For many Europeans today, philosopher Hannah Arendt's description of the 'postwar refugees who had been forced out of their countries by revolutions, and were promptly denationalized by the victorious governments at home' may seem like little more than a footnote in history.¹ Yet, statelessness continues to be a challenge in almost all states in Europe, with significant stateless populations in a number of countries as a result of the dissolution of the Soviet Union and Social Federal Republic of Yugoslavia,² and problems reported across the region in terms of the arbitrary detention of stateless persons and failure to adequately protect the child's right to a nationality.³

In recent years, as the number of migrants and asylum seekers entering Europe increased, so too has the exposure of European states to the problem of statelessness in the context of migration from other parts of the world. The 2015 'Mediterranean crisis' brought many new challenges for European reception systems – including that of adequately identifying and tailoring assistance to those who lack a nationality. Indeed, as asylum services often struggle to cope with the number of applications to be processed, statelessness is a significantly under-considered issue. Nonetheless, the failure to identify and accurately register stateless asylum seekers and refugees can be costly for the receiving states and have significantly negative impacts on the lives of affected individuals. Efforts are needed to review current policies and practices in order to ensure stateless persons have access to fundamental rights, while reducing and preventing further instances of statelessness within European borders.

'Mediterranean crisis'

In 2015, there was a significant increase in the number of people travelling across the Mediterranean Sea or overland to reach Europe from Turkey and northern Africa. Simultaneously, smuggler routes became generally more affordable. This resulted in a large number of deaths at sea, as well as placing additional pressure on reception and asylum systems in Europe – leading to the widespread use of the term 'Mediterranean crisis' or 'migration crisis'.

This study explores the situation of stateless refugees⁴ from Syria (hereinafter 'stateless Syrians') who have come to Europe since the outbreak of conflict in Syria in 2011. This research focus was selected in view of Syria's sizeable statelessness problem and in recognition of the overall scale of displacement from Syria - now the single largest refugee population in the world and according to Country of Origin figures, the largest group of refugees reaching Europe after the 2015 'Mediterranean crisis'.⁵ While a number of studies have highlighted the alarming risks of statelessness for Syrian refugees in neighbouring countries in the Middle

1. Hannah Arendt (2009) *The Origins of Totalitarianism*, p. 278.

2. *The World's Stateless* (2014) Institute on Statelessness and Inclusion, p. 95-6. See for the most recent compilation of statistics on statelessness in Europe, UNHCR (2018) *Global Trends: Forced Displacement in 2017*: <https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>

3. European Network on Statelessness (2017) *Protecting Stateless Persons From Arbitrary Detention*: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockeInLimbo_Detention_Agenda_online.pdf; ENS (2015) *No Child Should be Stateless*: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_NoChildStateless_final.pdf

4. Throughout the report, the term 'stateless refugee' includes those given other statuses such as humanitarian protection.

5. Eurostat (September 2018) *Asylum Quarterly Report*: <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/13562.pdf>

East,⁶ little focused research has to date been conducted on the situation of stateless Syrians arriving in Europe.

Contributing towards filling this gap in knowledge, the present study takes the migratory route of the ‘Greece corridor’ as a framework to analyse experiences of stateless Syrians in Europe. It draws on field research with stateless Syrians and stakeholders in both Greece as a country of first entry into the European Union, and the Netherlands as a traditional destination country in northern Europe. As such, the report provides an assessment of the procedural challenges in identifying statelessness during reception in both transit and destination settings.⁷ It also highlights some of the particular concerns and legal complications faced by stateless Syrians in asylum contexts. As such, the research aims to inform stakeholders engaged in asylum procedures and the provision of support (including legal assistance) to asylum seekers in Europe on the specific challenges encountered by stateless Syrians. It also aims to encourage a critical reflection on and review of any policies and procedures that have been identified to adversely affect or (indirectly) discriminate against this group.

‘Stateless Person’

According to international law, a Stateless Person is someone who is ‘not considered as a national by any state under the operation of its law’ (Art. 1, 1954 Convention relating to the Status of Stateless Persons).

Two particular profiles of stateless persons from Syria are considered within this study: Palestinian Refugees from Syria (PRS) who were displaced to Syria through several waves of conflict since and stateless Kurds from Hassaka Governorate in the north-east of Syria whose statelessness dates back to an exceptional, discriminatory census that took place in 1962. Both groups constitute historically stateless communities in Syria, with their statelessness long pre-dating the 2011 civil war. This report presents a number of individual case studies in order to convey the human reality of statelessness. It also does so with the aim of bringing to light some wider systemic and procedural weaknesses within the European reception system. While the particular concerns and experiences of featured individuals may not be representative of all stateless persons from Syria in Europe, each case study is used to illustrate certain key policy issues. The four testimonials are presented in detail to highlight the cross-cutting nature of these experiences, however the overall report draws from a wider set of interviews with stateless Syrians and key stakeholders (see Methodology).

Ultimately, the experiences of stateless Syrians – as highlighted by the research conducted for this report – provide larger lessons on the current and future costs of failing to effectively identify and accommodate the specific circumstances of stateless persons arriving in Europe in search of international protection. Statelessness, if not adequately addressed, risks becoming a driver of deeper social injustice and underlying insecurity in Europe. At the same time, consideration needs to be given to the long-term implications of failing to recognize statelessness, in the case of voluntary return should the situation in Syria stabilize in the future.

1.1. Methodology

Building on existing research about the situation of stateless Syrians and those at risk of statelessness in the neighbouring Middle Eastern countries of first displacement (e.g. Lebanon, Jordan, Iraq),⁸ and informed by a wider scoping study of the policy responses to statelessness in the refugee context across Europe,⁹ this research project focuses more closely on experiences of statelessness for Syrian asylum seekers in the European context. The study took the ‘Greece corridor’ (the primary route for Syrians coming to northern Europe) as a framework through which to analyse the experiences of stateless Syrians and gain deeper understanding of the ways in which statelessness presents challenges during reception and asylum procedures in Europe. Within the ‘corridor’, Greece and the Netherlands were selected as the primary sites for focused research.

6. For an overview, see: Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria Refugee Context; UNHCR (2016) In search of solutions: Addressing statelessness in the Middle East and North Africa.

7. Describing certain states in Europe as either ‘transit’ or ‘destination’ countries is clearly a broad generalization within a complex dynamic of changing asylum trends. For example, increased numbers of asylum seekers have submitted claims for asylum in Greece following closure of borders since late 2015.

This allowed the study to concentrate on the specific stakeholders, policies and procedures in place for dealing with stateless asylum seekers from Syria in these two countries.

A desk review was conducted of relevant literature outlining trends and variations in the routes taken by Syrian asylum seekers to reach Europe. The review also provided statistical background data on the asylum seeker/refugee context and existing information about the situation of statelessness in each country. Field research was subsequently carried out in both Greece and the Netherlands in order to provide a deeper understanding of the experiences for stateless Syrians in these locations. Within Greece, visits were made to Athens and Lesbos during March 2018, and to Thessaloniki in July 2018. Similarly, research was carried out in Amsterdam, Utrecht, Zaandam and Nijmegen in the Netherlands during April and July 2018. In each country, stakeholders were consulted about the procedural challenges for the reception of stateless persons, and 14 stateless Syrians were interviewed across the two countries in order to share their insights of how statelessness has impacted them since arriving to Europe!¹⁰

Particular efforts were made to identify stateless Syrians in the Netherlands who had travelled through Greece as such profiles were assumed to have experienced all stages of the ‘corridor’ in question. In the Netherlands, a number of stateless Syrians were referred by the ASKV Refugee Support organization in Amsterdam. Additionally, a small sample of another 10 interviews were conducted with stateless Syrians in other European countries (Germany, Switzerland, Sweden and the UK) in order to develop an impression of how the situation in Greece and the Netherlands might fit into the wider European context.

Initial findings from this research project were presented at an expert meeting on statelessness in London during July 2018. Attendees included representatives from key stakeholders engaged in work on statelessness and/or forced migration in Europe as well as members from profiles affected by statelessness (including Kurds and Palestinian refugees from Syria). This allowed for feedback to be provided in order to guide the direction of ongoing research within the scope of the project. Similarly, findings were presented to academics, practitioners and decision-makers working on forced migration at the 17th conference of the International Association for the Study of Forced Migration in Thessaloniki, Greece during July 2018. Finally, a dissemination workshop was organized with stakeholders in the Netherlands during December 2018 in order to share research results and present tools developed for capacity building informed by the research process.

1.2. Overview of the report

This report presents the principal findings of the research project introduced above. Section 2 gives background information about the historical situation of statelessness in Syria, with a focus on Palestinian Refugees from Syria (PRS) and stateless Kurds from Hassaka, as well as relevant details of the current displacement context. It also introduces the ‘Greece corridor’ and key contextual information about the situation in both Greece and the Netherlands. Sections 3 to 5 present the main experiences and challenges faced by stateless Syrians in Europe: Section 3 summarizes some of the key issues encountered while on route to Europe and identifies problems encountered by stateless Syrians during the reception and asylum process; Section 4 highlights the challenges sometimes encountered in pursuing family reunification for relatives in Syria or elsewhere and difficulties with resettlement processes; and Section 5 looks at the policies in place in Europe with a view to resolving cases of statelessness for Syrian refugees and their children. Finally, Section 6 of the report concludes with a summary of principal findings.

8. Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria refugee context.

9. This project is ongoing, with funding from the Open Society Initiative for Europe, with the publication of research and tools forthcoming in 2019.

10. For both stakeholders and stateless Syrians, semi-structured interviews focused on key themes of initial reception, registration, challenges to the enjoyment of rights etc.

2. From Syria to Europe: statelessness, conflict and displacement

Lana – Growing up different

‘Here in the Netherlands, the Municipality employees asked me why I don’t have a passport. I explained my story and they just looked confused. I don’t think they were convinced by my explanation, but I believe they felt sorry for me. So, I tried again to explain my story, and showed them my documents. After some months of repeating this all many times, eventually they registered me as “stateless.” The funny thing is that I came here after the government agreed for me to join my father who was already in the country. They knew already that he was stateless. I don’t understand why it was so confusing for them that I was too.’

Lana¹¹ is a stateless Kurd from Syria who arrived in the Netherlands two years ago. Her family is originally from Derik, a small Kurdish town in the north-east of Syria, but had moved to Damascus by the time Lana was born in 1996. While her mother is a Syrian citizen, Lana and her three siblings were unable to benefit from their mother’s nationality due to gender discrimination in Syrian nationality law. Instead, they all inherited the status of their father: stateless, or as was written on the only documents Lana possessed – ajnabiya al-Hassaka (foreigner of Hassaka). ‘How can we be foreigners if we are from Hassaka?’ she protests rhetorically. ‘Hassaka is one of the 14 governorates of Syria. It makes no sense.’

She continues, ‘many things were different for us when growing up. When I say different, I mean more difficult.’ Lana recalls how the family could not travel freely, making only occasional journeys between Derik and Damascus. Her father could not register property in his name, and instead had to take the risk of relying on the good will of other people. ‘He did this for his car, and then one day, he had an accident and the government refused to return the car as he was not the official owner.’

The statelessness problem affected all members of Lana’s family. ‘My mother was always depressed for us. Also, my elder sister did not complete her university studies since the family considered that it would not lead anywhere as she would struggle to get the degree certificate and in any case employment opportunities were limited for people like us.’ Lana remembers how, in anticipation of significant delays for families in their situation to gain permission to enter school, families would try to register their children ahead of time by claiming them to be older. ‘Our grade cards were also always different from other students, reminding us that we are not Syrian citizens.’

During the war in Syria, Lana’s father travelled illegally to Turkey and then through the Greece corridor to the Netherlands. He was delayed in Greece for nine months at a point when the borders were still largely open to Syrian asylum seekers, which Lana attributes directly to the fact that he was stateless. On arriving in the Netherlands and being granted refugee status, her father initiated a claim to bring the rest of the family over from Syria. Once granted by the Dutch government, Lana recalls how the family had to cross illegally into Turkey, ‘walking for eight hours then taking a tiny boat across the water. We were terrified because there were tensions between Turkey and Kurds at the time. Still I can feel the fear of that day. I wish there had been a safer way!’ This was because they did not possess the documents to legally cross the border and reach one of the Dutch consular centres in the region facilitating family reunification.

‘Many things were different for us when growing up. When I say different, I mean more difficult.’

2.1. Statelessness in Syria

Syria has long been reported as hosting one of the largest stateless populations in the world. According to figures from the United Nations Refugee Agency (UNHCR), prior to the 2011 conflict, Syria had a population of approximately 300,000 stateless individuals,¹² mostly Kurds from the north-eastern Governorate of Hassaka. UNHCR-reported statelessness figures for the country had fallen to 160,000 by the end of 2017 following the naturalization of some of the stateless Kurds as the result of a naturalization provision introduced in 2011.¹³ In addition to those included in UNHCR statistics, more than half a million stateless Palestinian refugees had been habitually resident in Syria prior to the outbreak of the conflict.¹⁴

At the same time, various discriminatory provisions embedded within Syria's nationality laws have generated further cases of statelessness. For example, mothers are only able to pass their nationality on to their children under certain limited conditions and do not have the same rights as a Syrian father in this respect.¹⁵ This means that a child of a Syrian mother and a father who is stateless, unknown or is unwilling or unable to pass on his nationality can be left stateless. Compounding this issue, in recent years, the conflict and associated displacement of Syrians has increased the risk of new cases of statelessness – for instance for those born in neighbouring host states and who are unable to establish a legal connection to Syria.¹⁶

While recognizing that these are not the only persons from Syria to be affected by statelessness, this study concentrates on the main two profiles of existing stateless groups in Syria prior to the conflict: Palestinian Refugees from Syria (PRS) and Stateless Kurds (*ajanib* and *maktumeen*) from Hassaka Governorate.

2.2. Palestinian Refugees from Syria (PRS)

Historically, the largest displacement of Palestinian refugees to Syria occurred during the Arab-Israeli conflict in 1948 at the time of the creation of the Israeli state. Other waves of Palestinian Refugees arrived to Syria during subsequent periods of conflict in the region, particularly the Six Day War in 1967. Institutionally, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has a mandate to support Palestinian Refugees in Syria.¹⁷ Most Palestinian Refugees from Syria (PRS) are registered with UNRWA, which issues them identity documents (the UNRWA card or 'white card') alongside those issued by the Syrian Government. However, some Palestinians living in Syria were not registered with UNRWA – sometimes because they do not meet the agency's eligibility criteria, while others opted not to register because they were not in need of UNRWA provided assistance.¹⁸

UNRWA

The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) has a mandate to provide assistance to 'Palestine Refugees' who were displaced as a result of either the 1948 or 1967 hostilities.

12. The Strange. Hidden World of the Stateless (2007) Refugees, No. 147, Issue 3, p. 8.

13. UNHCR (2018) Global Trends: Forced Displacement in 2017: <https://www.unhcr.org/5b27be547.pdf>

14. NB: Stateless Palestinians are generally not included in UNHCR's statistics on stateless persons under its mandate. See: The World's Stateless (2014), Institute on Statelessness and Inclusion.

15. Institute on Statelessness and Inclusion & Global Campaign for Equal Nationality Rights (24 March 2016) Submission to the Human Rights Council at the 26th Session of the Universal Periodic Review Syrian Arab Republic: <https://equalnationalityrights.org/images/zdocs/ISI-GCENR---UPR-Submission-Syria---March-2016-Final.pdf>.

16. The acquisition of Syrian nationality for children born outside the country depends in practice upon being able to prove the child's Syrian paternity. See further Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria refugee context: www.syrianationality.org.

17. Further details on the evolution of UNRWA's role and its predecessors can be found in: Akram, Susan (2002) Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution. Journal of Palestine Studies, Vol. 31, No. 3, pp. 36-51.

18. For more information on this, see Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria refugee context, pp. 47-8.

While Palestinian Refugees in Syria were largely awarded similar rights to Syrian citizens, during the Syrian civil war that began in 2011 many faced additional vulnerabilities and limitations in accessing their human rights when crossing checkpoints and leaving the country. The large Yarmouk camp for Palestinian Refugees on the outskirts of Damascus has been besieged by armed actors and became the site of intense fighting at a number of points during the Syrian civil war:¹⁹

2.3. Stateless Kurds from Syria

As a result of an exceptional census carried out by the Syrian Government in 1962, some 120,000 Kurds residing in the country's north-east Hassaka Governorate were rendered stateless almost overnight.²⁰ This took place in the context of pan-Arab nationalism as one discriminatory measure within a comprehensive Arabization campaign implemented during the 1960s and 70s in Syria.²¹ Unlike PRS, stateless Kurds from Hassaka were deprived of many basic rights in Syria, including freedom of movement, employment, access to education and health services, and ownership of property.²² Due to the hereditary nature of statelessness, the numbers of stateless Kurds in Syria pre-conflict is estimated to have increased to approximately 300,000.²³

Stateless Kurds from Syria were divided into two distinct groups. Firstly, those who attended the 1962 census but failed to satisfy the authorities that they had been resident in Syria prior to 1945 were considered Ajanib (literally 'foreigners'). This group faced restrictions in terms of access to public services and limited rights of ownership and inheritance. Those who did not participate in the census at all formed the second group – the maktumeen (translating broadly as “concealed/muted ones”). The maktumeen lived with even fewer rights than the ajanib, unable to legally travel in the rest of Syria without a special security permission.

Ajanib

[ajnabiya = female; ajanib = plural]
Literally 'Foreigner' in Arabic; ajanib al-Hassaka are a category of stateless Kurds from Hassaka Governorate in north-eastern Syria who are included in the official registries, but have been deprived of many rights.

Maktum

[maktuma = female; maktumeen = plural]
Literally meaning 'Concealed'; maktumeen al-qaid are stateless Kurds from Hassaka who are not included in the registries and enjoyed even less rights than the ajanib.

In April 2011, as anti-government demonstrations were spreading across the country, Presidential Decree No 49 was issued in Syria announcing instructions to naturalize the 'foreigners' of Hassaka. While no official figures have been released in recent years, UNHCR reported in mid-2013 that 104,000 individual Kurds had acquired citizenship:²⁴ Besides the fact that the provisions of Decree 49 do not explicitly cover naturalization of the maktumeen Kurds, some ajanib have faced obstacles in accessing naturalization when unable to approach the governmental offices since it is not possible to apply from outside Syria.²⁵ The UN has most recently estimated that there some 160,000 stateless persons in Syria, the vast majority of whom are understood to be stateless Kurds:²⁶

19. See Rollins, Tom (23 April 2018) Civilians trapped in Yarmouk face “unimaginable” end to siege, IRIN: <https://www.irinnews.org/news/2018/04/23/civilians-trapped-yarmouk-face-unimaginable-end-siege>

20. See Albarazi, Zahra (2013) The Stateless Syrians, Tilburg University, Statelessness Program

21. Kurdwatch (2010) Stateless Kurds in Syria: Illegal invaders or victims of a nationalistic policy?

22. See: Human Rights Watch (1996) Syria: The Silenced Kurds, Vol. 8, No. 4; Refugees International (2006) Buried Alive: Stateless Kurds in Syria.

23. While this figure has been widely reproduced by international actors (including UNHCR), it is unclear what is the primary source or basis for this estimate.

Other actors have suggested different figures, including the NGO Syrians for Truth and Justice, which recently suggested the number in 2011 could have been in the region of 500,000; (2018) Syrian Citizenship Disappeared: How the 1962 Census destroyed stateless Kurds' lives and identities.

24. UNHCR (19 June 2013) Global Report 2012 – Syrian Arab Republic: <http://www.unhcr.org/51b1d63cb.html>

25. Albarazi, Zahra (2013) The Stateless Syrians, P. 19; McGee, Thomas (2016) Statelessness Displaced: Update on Syria's Stateless Kurds,

Statelessness Working Paper Series, No 2.

26. UNHCR (2018) Global Trends: Forced Displacement in 2017: <https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html>

2.4. *Syrian conflict and displacement*

The ongoing conflict in Syria, now in its eighth year has caused a humanitarian disaster of massive proportions where as many as 4.8 million refugees are registered in neighbouring countries and over a million seeking asylum in Europe.²⁷ The majority of refugees who have fled Syria hold Syrian nationality and do not face a risk of statelessness. However, a small proportion of the refugees are already stateless, including those within the two profiles described above.²⁸ Others, particularly children born in exile, are at risk of statelessness due to the operation of Syria's nationality law or problems documenting their Syrian nationality. Refugees, for instance often face challenges in proving where they were born or who their family members are, which increases the risk of statelessness. This is particularly the case in protracted situations of displacement, when it becomes even harder to maintain legal links with the country of origin whilst in exile.²⁹

Children born in exile inherit Syrian nationality automatically, by operation of the law when their father is a Syrian citizen, but they may run into difficulties with recognition of this nationality if the legal link is not established. Indeed, in the Syrian refugee context, children born abroad to refugee parents may be at risk of statelessness due to the gender discrimination in Syrian nationality laws or as a result of difficulty accessing civil registration procedures. A variety of factors can impede access to birth registration in host countries, including lack of the documentation required to access registration (many refugees having lost their documents or had these destroyed), as well as complicated systems that are not flexible to the particular circumstances of refugees. At times prohibitive costs and punitive measures facing those who miss deadlines may also compound problems of access to civil registration procedures. To overcome these barriers, refugees may resort to coping mechanisms that can put them at further risk such as returning to Syria or falsifying documents. These complexities are not a niche issue – a 2017 UN survey for example found that only 17 per cent of Syrian refugees under the age of five had their births registered with the competent Lebanese civil registry.³⁰ Another challenge is that non-State actors in some parts of Syria had been issuing documents, the legitimacy of which has been disputed. Marriage registration is also important since a marriage certificate is often required for birth registration in the neighbouring countries to Syria, and to establish the identity of the child's father, but is also challenging in the current context of conflict and displacement. Refugees from Syria who seek protection in Europe will often have spent time or have family members in the neighbouring countries to Syria, thus these difficulties with the documentation of identity and registration of births can be a factor that complicates their subsequent treatment upon arrival in Europe. As such, it is important to be aware of the circumstances in which refugees from Syria are being hosted in the MENA region.

27. These figures only account for those who have registered as refugees and do not include those internal displaced within the country.

28. See for example, Z. Albarazi, 'Stateless Syrians' 2013 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2269700

29. For more information on statelessness in the context of Syrian displacement – particularly in neighbouring countries to Syria, see Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria refugee context.

30. UNHCR, Lebanon Eases Birth Registration for Syrians, 2018, <https://www.unhcr.org/lb/11882-lebanon-eases-birth-registration-rules-for-syrian-refugees.html>

2.5. The migration and asylum context in Europe

According to Eurostat data, Syria has been the main country of citizenship of asylum seekers in the EU Member States each year since 2013. As shown in the table below,³¹ of the over 3 million people who applied for asylum in the EU from 2015-2017, more than 800,000 were recorded as Syrian citizens. This figure is likely to include some asylum seekers whose country or origin is Syria, but who are in fact stateless – as discussed further on in this report.

	2015	2016	2017	Total 2015-2017	% share
Total applications	1,322,845	1,260,910	712,235	3,295,990	100%
Syria	368,355	339,245	105,035	812,635	24.7%
Stateless	19,605	10,270	5,460	35,335	1.1%
Unknown	22,140	20,730	6,465	49,335	1.5%
Palestine	3,215	2,545	4,755	10,515	0.3%

As the table shows, in the same period, a total of over 95,000 asylum applicants recorded as stateless, of unknown nationality or had their citizenship recorded as “Palestine” – combining to make up approximately 3% of all asylum applications. There is no data to show how many from these categories originated in Syria, but given the overall asylum trends, Syria is likely to be a significant country of origin for these groups. While less directly relevant to the present report, in terms of the overall picture of statelessness in the European asylum and migration context, it is important to note that many more asylum applicants came from countries with discriminatory or otherwise problematic nationality laws,³² meaning they or their children may be at risk of statelessness.³³

Most countries in Europe are inadequately prepared to respond to statelessness as a phenomenon within the asylum and mixed migration context. While all but four EU Member States are parties to the 1954 Convention relating to the Status of Stateless Persons,³⁴ only a small number of countries have dedicated statelessness determination procedures and protection regimes in place – and neither the Netherlands nor Greece is among them. As the findings from this study confirm, statelessness tends to be poorly understood and there is insufficient knowledge and capacity to identify cases and tailor assistance accordingly. This leads to a violation of the specific international obligations that states hold towards stateless persons and in respect of the right to a nationality.³⁵

2.6. Greece context in brief

Greece has acceded to the 1954 Convention relating to the Status of Stateless Persons, but is not party to the 1961 Convention on the Reduction of Statelessness. At present, there is no Statelessness Determination Procedure (SDP), although the national parliament has taken the first steps to develop a legislative framework.³⁶ The country has several historic in situ statelessness problems, including a significant section of the Roma community, many of whom remain unregistered despite official decisions to recognize Romani individuals as Greek citizens.³⁷ In addition, it is known that, as one of the main gateways for contemporary migration into Europe, stateless persons from diverse demographic profiles have arrived to Greece.³⁸

31. Data extracted from Eurostat database “Asylum and first-time asylum applicants by citizenship, age and sex Annual aggregated data (rounded)”, available at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyapctza&lang=en. Note that although Palestine is recognized to be a state by an increasing number of governments globally, it does not currently have a nationality law in place and so the notion of a Palestinian citizenship is contested.

32. These include: countries where women cannot pass their nationality to their children, creating a significant risk of statelessness (e.g. Syria, Iraq, Somalia, Iran); countries where state succession has left many people stateless or with an unclear nationality status (e.g. Eritrea, Sudan); and countries where arbitrary deprivation of nationality is a growing problem (e.g. Turkey).

33. See, for instance, European refugee crisis risks creating generation of stateless children, Thomson Reuters Foundation, 20 September 2015, available at: <http://news.trust.org/item/20150920230231-jdujs>.

34. The four EU Member States that have yet to accede to this instrument are Cyprus, Malta, Poland and Estonia.

35. These obligations flow not only from the 1954 Convention relating to the Status of Stateless Persons, but also from the human rights treaties of which EU Member States are party – such as the Convention on the Rights of the Child, protecting the right of every child to acquire a nationality – and from the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality.

36. Kalantzi, Erika (14 April 2016) Greece moves one step closer to introducing an effective statelessness determination procedure, European Network on Statelessness (ENS) Blog post: <https://www.statelessness.eu/blog/greece-moves-one-step-closer-introducing-effective-statelessness-determination-procedure>

37. Alexandridis, Theodoros (undated) Faces of Romani Statelessness in Greece: www.errc.org/roma-rights-journal/faces-of-romani-statelessness-in-greece

38. Institute on Statelessness and Inclusion & European Network on Statelessness (June 2018) Statelessness and Forced Migration in Europe: Gaps and Opportunities, Working Paper – on file with the author.

Indeed, the country has long presented an entry-point for stateless Kurds from Syria to reach Europe.³⁹ Nonetheless, there has to date been no systematic mapping study of statelessness conducted in Greece.

As the arrivals to European mounted during 2015, the ‘Greece corridor’ through the eastern Mediterranean overtook all other routes into Europe, with asylum seekers transiting through the country to reach northern Europe via the Balkan route.⁴⁰ Syrians constituted the majority of the new arrivals (57% according to UNHCR).⁴¹ In late 2015, however, Balkan countries began to close their borders in response to reactions from northern European states. For example, on 18 November 2015, Serbia, Macedonia and Croatia closed their borders and began screening to allow only those from certain nationalities to pass (Syria, Iraq and Afghanistan). This has resulted in longer stays in Greece for many asylum seekers and a shifting away from it being perceived as a ‘transit-only’ country.

‘Greece corridor’

Term to describe the route by which asylum seekers enter Europe through Greece (often from Turkey), then continue further north, eventually reaching Slovenia or Hungary on the path towards countries like Germany and the Netherlands.

In late 2015, the Greek government adopted the ‘hotspot approach’ to receive migrants and asylum seekers on the five Greek islands of Lesvos, Samos, Chios, Kos and Leros, whereby those arriving by sea would be processed on the islands before possible transfer to the mainland. This means that many asylum seekers spend months under geographic restrictions limiting them to the island. The March 2016 announcement of the EU-Turkey statement then introduced an expedited procedure to examine admissibility for return of Syrian asylum seekers from Greece to Turkey.⁴²

2.7. Netherlands context in brief

While the greatest number of asylum seekers reaching northern Europe in the context of the 2015 opening of the Mediterranean corridor settled in Germany, the Netherlands saw an increase in arrivals by 84% between 2014 and 2015.⁴³ 40% of the applications during that year were made by people from Syria.⁴⁴ Official statistics on statelessness provide an incomplete picture. UNHCR figures for the end of 2017 report that there are 1,951 stateless individuals in the Netherlands,⁴⁵ but media reports for the same period estimated that this number has been subject to a six fold increase as a result of the influx of refugees and migrants into the Netherlands in 2015-2017 such that there are now in the region of 12,000 stateless people in the country.⁴⁶ Tens of thousands of people registered as being of ‘unknown nationality’ (onbekend) because they have neither been able to establish their nationality nor provide sufficient evidence of statelessness (according to Dutch regulations) to be recorded as such.⁴⁷ This creates a barrier to accessing rights enjoyed by stateless persons under Dutch law.

39. Confirmed by one stateless Kurds from Syria, interviewed in London on 21 August 2018. See also Montgomery, Harriet (2005) *The Kurds of Syria: an Existence Denied*.

40. Total arrivals by sea to Greece were 856,723 in 2015; reducing significantly in 2016 (173,450) and 2017 (29,718) according to UNHCR (March 2018) *Desperate Journeys*: <https://data2.unhcr.org/en/documents/download/63039>

41. UNHCR (2015) *The sea route to Europe: The Mediterranean passage in the age of refugees*

42. From November 2015, a number of meetings were held to ‘deepen’ EU-Turkey relations relating to the unfolding migration situation.

In March 2016, the two sides agreed on the return of all irregular migrants from Greek islands to Turkey in order to ‘end the human suffering and restore public order’. European Council (18 March 2016) EU-Turkey statement, Press Release No. 144/16: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>.

The EU-Turkey statement has been the subject of much debate and analysis. For an assessment of its impact two years on, see for instance the interview in *Refugees Deeply* (2018) *Expert Views: The E.U.-Turkey Deal After Two Years*: <https://www.newsdeeply.com/refugees/community/2018/03/20/expert-views-the-e-u-turkey-deal-after-two-years>.

43. Eurofound (2016), *Approaches to the labour market integration of refugees and asylum seekers*, Publications Office of the European Union, Luxembourg.

44. The number asylum applications from Syrians increased from 8,750 in 2014 to 18,675 in 2015. Klaver, Jeanine (2016) *Local responses to the refugee crisis in the Netherlands Reception and integration*, Niem Analyses, P. 3: www.forintegration.eu/uploads/drive/publikacje/pdf/holandia_1.pdf

45. UNHCR (2018) *Global Trends: Forced Displacement in 2017*: <https://www.unhcr.org/5b27be547.pdf>

46. EenVandaag (2017) *Aantal staatlozen in Nederland neemt toe* [Number of stateless people in the Netherlands rises]: <https://eenvandaag.avrotros.nl/item/aantal-staatlozen-in-nederland-neemt-toe/>.

47. In 2016, the figure was over 80,000 people with unknown nationality. Institute on Statelessness and Inclusion, ASKV Refugee Support, European Network on Statelessness, & Defence for Children (22 September 2016) *Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review*: <http://www.institutesi.org/NetherlandsUPR2016.pdf>

The Netherlands has been party to the two international statelessness conventions for several decades. Like Greece, however, there is no SDP in place, and the current procedures for recording stateless persons have been argued to be 'in conflict with a number of international standards.'⁴⁸ Following recommendations by the Advisory Council of Migration Affairs to remedy this situation, a legislative bill that would establish a procedure has been drafted for consideration by the parliament, although at present there is little indication when it might be adopted.⁴⁹ At present, statelessness does not in itself constitute a ground on which one can acquire a residence permit in the Netherlands. A small number of stateless persons who did not have an asylum claim have been able to resort to the 'no fault' procedure in order to appeal for residency on grounds of non-removability through no fault of their own due to their statelessness.⁵⁰ Stateless persons may instead find themselves caught in an administrative limbo, which can result in a risk of arbitrary detention.⁵¹

The local Municipality (Gemeente) can record statelessness as a person's nationality status when he or she is registered as an inhabitant in the population registry, but a person must already have a residence permit in order to be included in the population registry maintained by the Municipalities.⁵² The Immigration & Naturalization Department (IND) of the central government is responsible for deciding on asylum applications and issuing other forms of residency, as well as leading on matters related to naturalization. Within an asylum procedure, the IND may also administratively record a person as 'stateless'. In practice, 'the authorities concerned, such as the IND, the courts, but also the municipalities, do not necessarily agree on whether a person is stateless or not.'⁵³ As mentioned, it is statistically much more common for a person to be registered as being of 'unknown' nationality (onbekend) than stateless in the Netherlands.

48. Swider, Katja (2014) *Statelessness Determination in the Netherlands*, Amsterdam Centre for European Law and Governance Working Paper Series, No 4: <https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/Statelessness%20Determination%20in%20the%20Netherlands%20Katja%20Swider.pdf>

49. The official state website for the Netherlands states that '[t]he government is introducing a procedure for determining statelessness. The procedure is meant for individuals who claim to be stateless, but do not have any documents to prove it.

Government of the Netherlands, *Statelessness*: <https://www.government.nl/topics/dutch-nationality/statelessness>

50. UNHCR (2011) *Mapping Statelessness in the Netherlands*, P. 18

51. ENS & ASKV (2015) *Protecting Stateless Persons from Arbitrary Detention in the Netherlands*: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_Netherlands.pdf

52. For further details see the Netherlands entry of the *Statelessness Index* developed by the European Network on Statelessness (ENS): <https://index.statelessness.eu/country/netherlands>

53. UNHCR (2011) *Mapping Statelessness in the Netherlands*, P. 5

3. Challenges en route & in reception processes

Mazen – Discrimination on the Move

‘The Greek police didn’t know that there were Palestinian Refugees in Syria. They asked many questions, but eventually, they let me continue to Athens. However, once in the Greek capital, the police there did not permit me to cross the border into Macedonia like other Syrians travelling to northern Europe. ‘They were holding me at the border and not letting me cross, saying “Syrians only”’

30-year old Mazen⁵⁴ was born in Damascus, Syria, as a descendent of the 1948 generation of Palestinian refugees forced to flee their homes after the creation of Israel. In Damascus there, he held documents issued by the Syrian Government and a UNRWA card (sometimes referred to as the ‘white card’). In Syria, he had a degree in English Literature and a Masters in Human Resources, and found work with an international organization. Comfortable with his situation at the time, Mazen explains that ‘in Syria, our lives were good. We had a lot of the same rights and opportunities as other Syrian citizens and we were respected. However, during the war, things became very difficult.’

Eventually, in November 2015 Mazen decided to leave Syria and took a plane from Damascus to Turkey and from there travelled illegally by sea to the Greek island of Samos in a small dingy. After seven hours at sea and located one kilometre away from the island, the dingy began to sink. After finally swimming ashore, the officials would not let him leave the island like other Syrians. This led Mazen to coordinate with migrants from other countries to travel illegally to the mainland. He did the same into Macedonia, Serbia, Slovenia, Austria, Germany and finally the Netherlands – a country he had heard was still treating Syrians well after others had begun to close their borders.

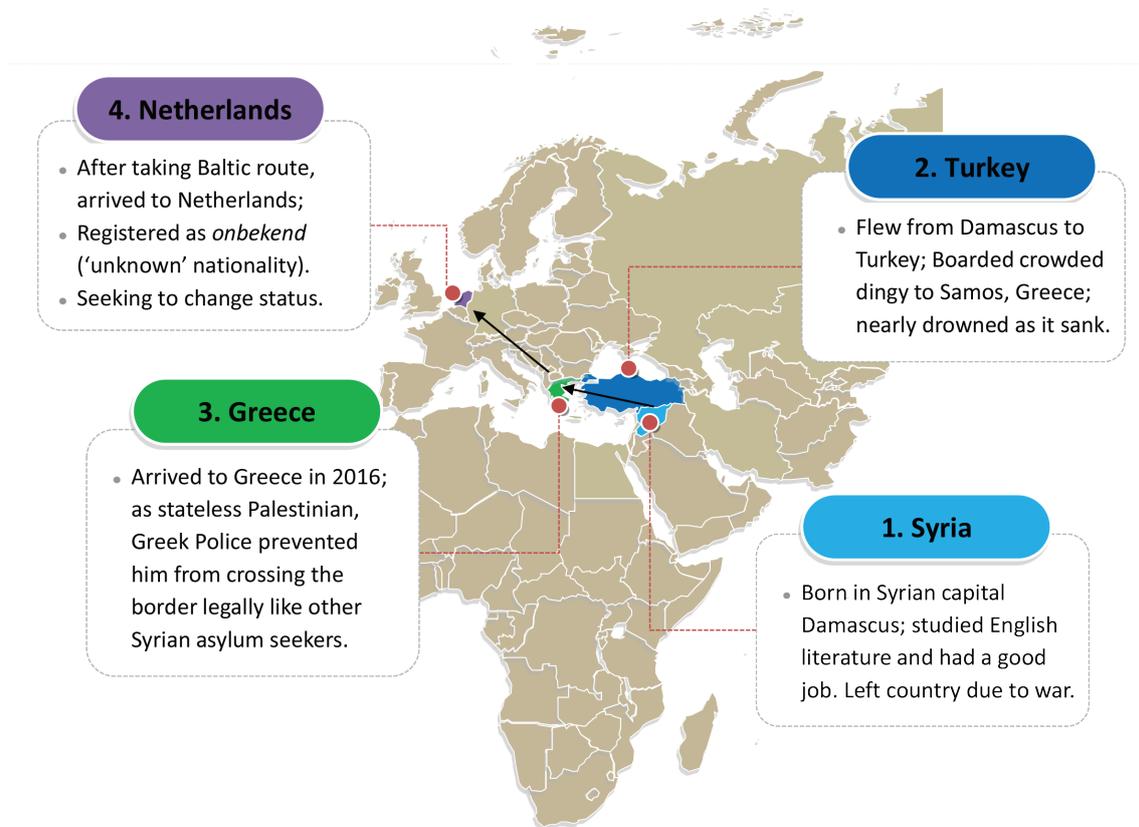
On arrival in the Netherlands in January 2016, Mazen submitted his documents (Syrian Residency Permit for Palestinians, a copy of the UNRWA card, Syrian driving licence and military book, Syrian Travel Document and education certificates from Syria) to the Immigration & Naturalisation Department (IND). He was frustrated to learn that after a review of his documents, the IND had registered his nationality status as ‘onbekend’ (unknown). He explains that, ‘here there is no category for PRS; and I consider this a problem with the registration system.’ The explanation given for registering Mazen as ‘onbekend’ rather than stateless, was that he had not provided the original version of the UNRWA card, yet as he explains ‘the UNRWA card is for the whole family and I have family members who are using it in Lebanon as a means to receive UN assistance.’

Mazen adds that, ‘it appears the authorities are looking for a reason not to consider people as stateless in order not to allow them to benefit from the shorter naturalization process.’ While working on the possibility of arranging to bring the original UNRWA card to the Netherlands, Mazen adds that ‘at the same time, I feel relatively lucky to have been granted an “A Ground” Residency permit affording me in general the same rights and duties as Dutch citizens.’ He explains that some other asylum seekers have to spend much longer residing in the Ter Apel Asylum Seeker Centre (Asielzoekerscentrum, AZC) and that the system is quite unpredictable.

‘Here there is no category for Palestinian Refugees from Syria, and I consider this a problem with the registration system.’

54. Interview conducted in Utrecht, Netherlands, on 22 April 2018.

He is also lucky in relation to many Syrians he knows who arrived to Greece in mid-2016 and got stuck there for a prolonged period of time, sometimes in the difficult circumstances of crowded camps.



Determined to 'rectify the image people have of refugees', Mazen committed to working in the Netherlands from the first possible moment. 'I started work even while I was still in the AZC, and hadn't yet been assigned a place to stay. Even though working in a restaurant is far from my field of expertise, I am happy not to feel like a burden on the Dutch state and its citizens.' Mazen is currently part of the KOMPASS project focused on Syrian leadership for civil rights within the Netherlands, where Syrian refugees seek to impact the decision-making process that relates to their experiences in the country.⁵⁵

The testimony of Mazen speaks to the experience of stateless Syrians being held back at borders, while their compatriots are permitted to pass. At the same time, the challenges that Mazen has faced in seeking recognition of his identity as a stateless person fleeing the conflict in Syria show how other problems can be compounded by a lack of understanding about the situation of Palestinian Refugees from Syria.

The greatest number of Syrians coming to Europe continue to pass through Greece. Indeed, the majority of stateless Syrians encountered in the Netherlands through the research for this study had travelled through Greece. For stateless Kurds from Syria, originating from Syria's north-eastern Hassaka Governorate, the eastern Mediterranean corridor through Turkey and Greece has remained the main route to northern Europe. Findings suggest that Palestinian Refugees from Syria tend to have more varied routes, often travelling to Lebanon, Jordan, Egypt and Libya as well as (or before) going through Turkey and Greece. Additionally, a number of Palestinians interviewees described more unusual routes involving passing through Thailand, Malaysia or Gulf countries. Key informants from the Palestinian community suggested that from 2012-14, it was possible for Palestinians to gain visas to enter Libya and Egypt. A key difference between the routes of these two profiles is that many Palestinians from Syria who were first displaced to Lebanon or Jordan are able to use their Syrian Government issued Travel Documents in order to travel by aeroplane to reach Turkey.

55. See for details of this project: <http://www.kompass.ngo/project/luister-naar-de-syriers-nederland>.

56. See, for example, the testimony of Noor in Section 5 of this report.

In contrast, air travel is rarely a feasible reality for stateless Kurds from Syria, who instead are limited to entering Turkey by crossing the land border, sometimes illegally. Entry into Greece for both Palestinians and Kurds from Syria was either by the Aegean Sea or crossing the land border from Turkey.

People arriving by sea typically suffer from poor living conditions in camps on the islands (e.g. Moria camp on Lesbos). Waiting times for processing on the islands typically range from six months to a year. Generally, the stateless Kurds and Palestinians interviewed for this study consider their statelessness to have contributed to bureaucratic confusion in Greece, resulting in longer processing times. Meanwhile, sources working with UNHCR and other humanitarian actors in Greece suggest that those arriving by land might be less likely to register with UNHCR and therefore cannot access certain forms of support, including financial assistance.

Interviews with stateless Syrians and refugee actors in Greece have confirmed that stateless individuals have sometimes faced heightened obstacles in crossing international borders and enjoying freedom of movement. Both PRS and stateless Kurds reported that while Syrian citizens were permitted to cross patrol points (including on international borders), they were sometimes prevented from doing so. A staff seconded by UNHCR to work at the Regional Asylum Office in Thessaloniki remarked that on a number of occasions during 2015, they had to intervene in order to facilitate the mobility of Palestinian Refugees from Syria who had been stopped from entering Macedonia by the Greek police.⁵⁷ A number of other sources have identified such practices in place from November 2015 when the borders to the Balkan route began to close.⁵⁸ According to a community aid worker, some such Palestinians felt compelled to stay in Greece and apply for refugee status there, rather than continuing on their journey to northern Europe like the majority of other Syrians.⁵⁹

Given that stateless Kurds and Palestinian refugees from Syria faced greater obstacles in crossing European borders during the migratory route than other (sometimes undocumented) Syrians, it is conceivable that stateless Syrians were incentivized to conceal their statelessness when speaking to border officials. However, it is not known to what extent such practices are repeated in the country of final settlement (e.g. the Netherlands), where concealing one's statelessness could be disadvantageous in terms of securing a route to facilitated naturalization.

At the same time, field interviews revealed that stateless Syrians may also be at risk of return to Turkey from Greece as part of the EU-Turkey agreement. Fears were expressed by both stateless Palestinians and Kurds from Syria on this matter, stating that Turkey does not represent a safe country for them. For example, one stateless Kurdish youth whose asylum claim had been rejected is now cautious not to go out of his house in case there is a police patrol to arrest and deport him. 'I am afraid,' he says 'that if I am returned to Turkey, they might punish me. I have already been arrested and imprisoned one time there. Also, Turkey is waging war against Kurdish parts of Syria – how can we be returned?!'⁶⁰ According to unpublished UNHCR data,⁶¹ between March 2015 and August 2017, 204 Syrian nationals and 8 stateless persons whose former habitual residence was Syria were returned to Turkey under the implementation of the EU-Turkey framework. It has not been possible to access further information about these cases. In October 2018, a representative from an international NGO working on Lesbos reported that recently the authorities have begun to conduct admissibility assessments for the return of Palestinian Refugees from Syria to Turkey alongside Syrian nationals.

Mazen's experience of struggling to gain recognition as a stateless person, as described above, is also reflective of wider trends highlighted by this research in terms of difficulties in the reception processes. In both Greece and the Netherlands, officials are often unfamiliar with statelessness and lacked sufficient knowledge of the situation and associated details relating to documentation and procedures for the profiles of stateless Syrians under study in this report.

57. Interview conducted during July 2018 in Thessaloniki.

58. Abdel Aziz, Karima & al-Orzza, Maya (March 2017) Palestinian Refugees in Greece, Al-Majdal, Issue No. 59, P. 11; Graham, Naomi (March 2017) Palestinian Refugees from Syria in Europe, Al-Majdal, Issue No. 59

59. Interview with Moutaz Mahmoud, coordinator for Jafra Foundation for Relief and Development in Athens, Greece.

The foundation began its work in the Palestinian refugee camps of Syria and focuses on supporting the Palestinian community from Syria to access their rights.

60. Interview conducted during March 2018 on Lesbos, Greece.

61. UNHCR (21 August 2017) Bi-Weekly Update, Greece.

For Palestinian Refugees from Syria – like Mazen – there was often an insistence upon presentation of the original version of the UNRWA card as proof of being a stateless Palestinian. PRS lacking UNRWA documentation appear to face increased challenges in being recognized as stateless in both Greece and the Netherlands. In the former, this sometimes results in differential treatment and exclusion from the procedures put in place to receive those fleeing war in Syria. In the Netherlands, it can result in being registered as *onbekend* ('unknown') nationality, meaning that the applicant would not be eligible for facilitated naturalization. Additionally, sometimes different institutions in the Netherlands record the same individual with different statuses, creating confusion and adding complications to other processes such as family reunification (discussed in Section 4). A number of legal and humanitarian practitioners have observed that in the context of awaiting the introduction of the SDP in the Netherlands, it appears that some of the key actors are deferring engaging pragmatically with complex cases and the Municipalities have become increasingly resistant to registering inhabitants as 'stateless'.⁶²

One factor that is commonly overlooked is that not all Palestinian Refugees from Syria are registered with UNRWA in the first place.⁶³ NGOs in the Netherlands are advocating for greater flexibility from the Municipality when registering cases where it is clear that the individual in question is stateless, but may lack the documentation required to prove this according to the standard of proof established in Dutch operating procedures.⁶⁴ Meanwhile, some legal assistance actors in Greece who have completed the Registration Verification Form for Persons Registered with UNRWA on behalf of PRS report unresponsiveness to their enquiries. While a number of PRS stated that they were able to make contact with UNRWA back in Syria, this appears to largely depend upon personal networks with UNRWA employees rather than the ready availability of an institutional interface in Europe. There is thus a need to raise awareness among Palestinian refugees from Syria about the official channels of contacting UNRWA for such purposes.

Stateless Kurds for their part are frequently confronted with erroneous assumptions about their situation, following the naturalization decree issued in 2011. It appears relatively common for officials working in Dutch Municipality offices to be confused by the fact that there are still some Kurds from Syria lacking nationality. This is due to two main misconceptions: firstly, officials appear often not to recognize that while Decree 49 (2011) granted nationality to the *ajanib* Kurds, the *maktumeen* category were excluded from its provisions. Some *maktumeen* appear to have been able to regularize their status through the naturalization of their *ajanib* parents or by paying bribes to officials, while an unknown number of others remain stateless today. Secondly, it is important to recognize the limitations on some *ajanib* accessing the naturalization provision. For example, one stateless *ajanib* Kurd from Hassaka was asked by his caseworker in the Amsterdam Municipality 'why are you still stateless? Your president gave you citizenship'.⁶⁵ In his case, he had been displaced from Syria before having the opportunity to acquire the nationality. Acquisition of Syrian nationality is only possible when *ajanib* are able to present themselves in person to the Directorate of Civil ID in Hassaka.⁶⁶

An additional issue faced by some *maktumeen* is the lack of recognition of their *shahadat ta'reef* (identity certificate), a document that even in Syria carries essentially no legal value. Given that this is a simple, hand-written document, the authorities are in some cases sceptical of the authenticity of such documents. Indeed, in one such case, an immigration judge in the UK concluded that it was not possible to prove that 'the format of such document is not common knowledge and cannot be replicated with only a moderate amount of research'.⁶⁷ This situation is further complicated by the fact that the documents are non-digitized and often include idiosyncrasies and inconsistencies caused by the local *mukhtar*. Given that *maktumeen* also do not have a family book like other Syrians, there is little way for them to prove conclusively their family connections and their own identity.

62. At the same time, anecdotal commentary from key informants suggest that the IND is less often issuing expert opinions relating to statelessness cases which could otherwise help to ensure registration as stateless at the Municipality level.

63. Institute on Statelessness and Inclusion & Norwegian Refugee Council (2016) Understanding statelessness in the Syria refugee context.

64. Interview with ASKV in October 2018.

65. Lana, whose testimony is presented in Section 2 of this report recalls also having to explain to the Municipality staff that she had applied for, but not yet received her Syrian nationality at the point of leaving Syria. She added that 'initially many people thought the offer of nationality was not genuine, and therefore applied with a delay.'

66. The lack of understanding on this point among asylum officials was confirmed when speaking to an employee in one of the local 'Foreigner Officers' dealing with refugees in Germany during February 2018.

67. Justification given in the 'Reasons for Refusal' letter issued by the UK Home Office.

4. Family reunification & resettlement

Narine & Rasheed – Obstacles to family reunification

‘After all these months of waiting, we are very afraid that our relatives will still not be permitted to leave Syria and they will miss yet another appointment at the [Dutch] Embassy. We have really tired ourselves out to get this appointment through our lawyer and our relatives have tired themselves out to get exit permissions from too many governmental offices, and still we don’t know if it will work. If they miss another appointment, I am afraid it will look like we are not serious about reuniting our family in the Netherlands, but really none of this is our fault. We want nothing more than to bring our mother and siblings here, but there are so many complications because we are stateless ...’

Born in Hassaka city in Syria, during the civil war Narine⁶⁸ and her family had relocated to Qamishli. Narine, her father and four siblings are all maktumeen. Despite her mother having Syrian citizenship, due to gender discriminatory provisions in Syria’s nationality laws, she was unable to pass her citizenship on to her children. ‘We had problems in Syria even before the war,’ explains Narine. ‘Because of our situation, we were unable to even travel to Damascus, the capital of our country!’

Narine and her father had left Syria to join her younger brother, Rasheed, who had already arrived in the Netherlands two years earlier at the time of greatest influx of Syrians into Europe. Frustrated by the insecurity and worried about growing up only to be conscripted to fight in the war, 15-year old Rasheed decided to leave Syria in 2015 and travelled to Europe illegally through Turkey and Greece. After a long journey on buses, and crossing borders by foot, he finally reached the Netherlands where he applied for asylum. He was registered by the IND as ‘stateless’ and, having almost completed three years of residence in the Netherlands, expects to be eligible to apply for naturalization soon.

Now in temporary work, the family reunification application he had initiated for his parents and siblings back in 2015 has become a complicated saga, placing an evident strain on all members of the family. At the same time, Rasheed is concerned about the fact that the Gemeente (the Municipality) has registered his nationality status as ‘Syrian’ (rather than ‘stateless’, as is the case with the IND). He wonders if the discrepancy might prevent him from being able to apply for facilitated naturalization as a Dutch citizen or create other problems.

‘It seems like the government here doesn’t want to register people as stateless anymore.’

Narine and her father, for their part, also travelled through Greece. By the time they arrived there in 2016, however, the countries of Northern Europe had begun to introduce new policies to deal with the mass arrivals through the Mediterranean refugee route. The Greek borders had effectively closed and the ‘hotspots’ policy with its ‘geographic restriction’ meant they had to spend some ten months in a camp on one of the Greek islands. ‘Conditions there were very bad,’ recalls Narine. ‘One of the reasons why we were prevented from moving on more quickly to the mainland like other Syrians was the confusion among Greek asylum staff about our documents saying that we are stateless maktumeen.’ Eventually, in June 2017 they managed to board a plane illegally and travel from Greece to the Netherlands with the assistance of a smuggler and fake documents.

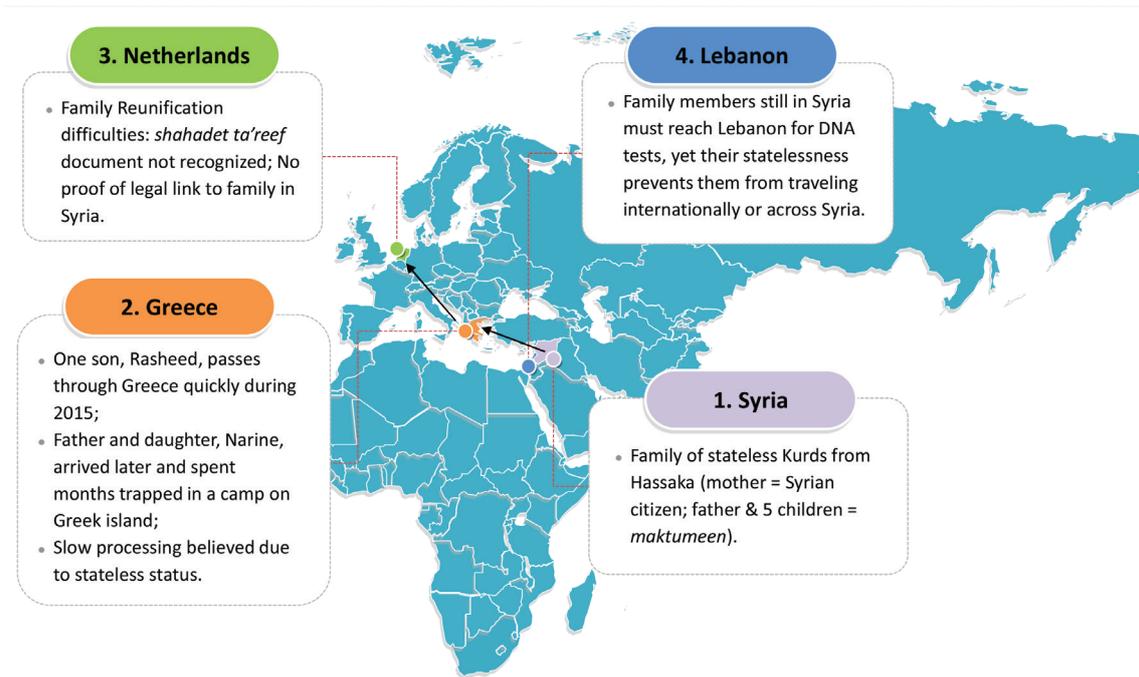
68. Narine and her brother Rasheed were first interviewed in Utrecht during April 2018. Subsequently, ISI/ENS has maintained contact with the family and received updates on their situation.

Narine and her father have now both been granted asylum in the Netherlands, but their nationality status has been registered by IND as *onbekend* (of 'unknown' nationality) rather than as 'stateless'. When they visited the Utrecht Municipality to question the decision by IND, they were informed that it will be difficult for them to change their nationality status in order to be recognized as 'stateless'. 'It seems like the government here doesn't want to register people as stateless any more,' says the father, with Narine adding that 'it is funny ... in Greece, the staff who interviewed us were not familiar with the problem of stateless Kurds in Syria ... but here in the Netherlands our interviewers were aware of what being *maktum* is. We were therefore very surprised that they did not register us the same as our brother.'

The pair are currently making regular visits to their lawyer based in a town several hours away in order to appeal this decision and be recognized as 'stateless'. However, Narine explains that 'the procedure is very complicated and involves a lot of bureaucracy. We presented all the papers we have, including a letter from the court in Syria that lists the names of all our family members. This letter was very difficult for us to obtain from the officials and we feel that it has just been ignored by the authorities here.' The family also wonder if the complications around their nationality situation might have contributed to the delays in processing their files, given that they have spent more than a year living in a supposedly 'temporary' refugee camp while they have seen other refugee families being accommodated much more quickly in a home of their own.

Meanwhile, despite only being in the Netherlands for less than a year, Narine has already picked up enough Dutch to translate for her father the complex legal explanations of their situation presented by the family's lawyer. She is also seeking to follow up on her younger brother's family reunification claim to bring over the remaining family members from Syria, although, 'the process is very slow and complicated'. Narine believes this is largely due to problems around their statelessness as *maktumeen*. 'We had to respond to many additional questions and we don't know if the employees are satisfied by our situation. They don't seem to consider our *shahadet t'areef* papers and the court letter recognizing the marriage between my parents as important. They say "how can we know you are related?"' While the family's lawyer has worked hard to follow-up with IND and UNHCR in the Netherlands, who are all aware of the case, the IND has requested the family members to travel to the Dutch Embassy in Lebanon or another state in the region where there is the necessary consular infrastructure to facilitate such a DNA test.

Although the relatives could travel to the Kurdistan Region of Iraq with relative ease, there is no Dutch diplomatic mission able to facilitate the necessary procedures there. Traveling to other countries is not a simple task. The family missed one appointment at the Embassy in Beirut, Lebanon, in the spring of 2018 when they were given only 15 days' notice to acquire necessary checkpoint permissions, travel the width of Syria and pass through the difficult Lebanese border. After coordination between UNHCR, the Dutch NGO *Vluchtelingenwerk* and the family's lawyer, a new invitation to the embassy was issued, but the family was also eventually unable to make this appointment due to further logistical challenges. Unfortunately, after they had spent 10 days in Damascus to acquire paperwork from the Directorate of Migration and Passports (including a residency permit for each *maktum* family member) to facilitate their legal departure from Syria, the authorities informed them that they also needed permission from the Political Intelligence agency. This extra step had not been mentioned to the family during previous communications with the Syrian Government, producing delays that meant the second appointment was missed.



‘After they have tired themselves waking up at 6 in the morning every day to go to the government offices, and we have all exhausted ourselves emotionally,’ says Narine, ‘I cannot believe that they are still prevented from leaving Syria. It shows that the *maktumeen* will suffer until their very last minute in the country. The officials said that my mother could go to Lebanon on her own if she wanted, but how can she go without her children since she is sick. And how could they let her travel alone as well.’ After months of frustrating obstacles simply to have her relatives attend a DNA test in order to prove that they belong to the same family – all because they are stateless – Narine says, ‘the most depressing thing is how the Syrian officials speak to my relatives as if it is their fault, saying “why don’t you have the correct papers?” when it is the Government that deprived them of their nationality and the right papers.’

Given that only the mother has a Syrian passport, Narine is also concerned about the risks for her other siblings to travel across the country in order to reach Lebanon. ‘We are trying to get permissions for them to go through the checkpoints, but even if we do, we don’t know if they will be allowed to enter Lebanon by the border guards there. They have no travel documents and cannot enter legally.’ She hopes that a letter issued by the Dutch government and the efforts of her lawyer and UNHCR will finally help her family to enter Lebanon and visit the Embassy there.

The testimonies of Narine and her brother Rasheed demonstrate the lack of coherence in the way stateless persons are registered at local authorities in the Netherlands – a problem that affects many stateless Syrians who were interviewed. This family’s experience shows how different family members have been given different statuses by the Dutch government – despite the fact that the family members were very aware of what status they held and pro-active in trying to have this recorded correctly. Officials may be aware of the different stateless profiles, but put the burden of proof on the family – leaving families to provide evidence that simply is not available. Narine and Rasheed’s case is also illustrative of how bureaucratic and logistical barriers particular to stateless persons limit their enjoyment of the right to family life, in spite of international norms and European family reunification policy that recognise the importance of protecting this.

These problems often start when stateless Syrians in Europe face challenges proving their ties to family members back home or displaced in other countries due to a lack of recognized documentation. For example, the Syrian government does not issue stateless maktumeen Kurds, like Narine, with a Family Book, as held by other Syrians.⁶⁹ Such a document records the relations between different family members and is generally accepted as such by European immigration agencies, thus forming vital evidence of family ties. This lack of the 'usual' documentation is a problem which becomes further compounded by stateless Syrians' limited ability to travel and access consular and diplomatic missions of the relevant European state in neighbouring countries to Syria. Again, Narine and Rasheed's testimony shows how stateless Kurds from Syria's north-eastern Hassaka Governorate may face particular obstacles in this regard. Given its geographic proximity, the Kurdistan Region of Iraq (KRI) is generally the place of first displacement for stateless Kurds from Hassaka. Indeed, it is estimated that the KRI hosts close to 250,000 Syrian refugees, the vast majority of whom are Kurdish.⁷⁰ However, neither the Dutch Consulate there, nor the Embassy in the Iraqi capital Baghdad are equipped to conduct DNA verification of family links, nor issue the necessary documents to facilitate travel for Narine and Rasheed's relatives to reach Europe within the context of Family Reunification. Interviews indicate that a similar situation exists for other European states, such as Germany.⁷¹

Families are thus incentivized to undertake difficult and high-risk movements within Syria and across its borders (often illegally) in order to benefit from the provisions awarded to them under the right to family reunification. In the case of Narine and Rasheed, the Dutch Immigration & Naturalisation Service (IND) required their relatives to journey across war-torn and divided Syria, through multiple security check-points, to reach the Embassy in Lebanon. This is despite the fact that their identification papers as stateless maktumeen do not permit them to travel outside the Governorate of Hassaka. Three other stateless Kurdish families encountered in the course of this research faced similar problems with access to consular support to facilitate travel for a family reunification cases to the Netherlands.⁷² Finally, the short period of time in which applicants must present themselves to such a diplomatic representation office means that it is not uncommon, as happened in the case of Narine and Rasheed's relatives, for the appointment to be missed for logistical reasons, requiring the family reunification claim to be re-initiated from the Netherlands and the procedure delayed. The inability of Syrian families in the Kurdistan Region of Iraq (KRI) to access consular facilities such as the issuance of the MVV (Authorization of Temporary Stay) used for travel to the Netherlands presents a protection concern, given that it compels individuals to return to Syria or undertake other high-risk travel.

In addition to the above-outlined challenges in accessing Family Reunification, stateless Syrians also sometimes find themselves excluded from certain other legal and regular migration routes to Europe. Applications for work and study visas can be more difficult due to the lack of a national passport. Equally, some Resettlement programs aimed at Syrian refugees do not include stateless persons within their scope. For example, the UK's Vulnerable Person's Resettlement (VPR) Scheme to accept 20,000 Syrians by 2022 was initially explicit in its limited focus scope for 'only Syrian nationals'.⁷³ It was later expanded to include stateless persons formerly habitually resident in Syria and according to media statements and correspondence by the UK Home Office and Ministry for Immigration, stateless Kurds and Palestinian.

Refugees from Syria were eligible for consideration.⁷⁴ However, problems have been reported in terms of the inclusion of Palestinian Refugees from Syria in UNHCR-administered Resettlement programmes from Lebanon and Jordan, where UNRWA has an operational presence.⁷⁵ In practice, Palestinian Refugees from Syria may be deprived of the opportunity to engage in organized and legal migration, but there is no available data on the numbers of stateless Syrians who have come to Europe as part of organized Resettlement (RST) programmes.

69. In contrast, Palestinian Refugees from Syria do possess a Family Book, issued by the General Administration for Palestine Arab Refugees (GAPAR).

70. The figure of 247,187 Syrian refugees was reported to be in the KRI: UNHCR (30 September 2018 update) Syrian Regional Refugee Response: <https://data2.unhcr.org/en/situations/syria/location/5/>; For further details on the situation of stateless Kurds in the Kurdistan Region of Iraq (KRI), see: McGee, Thomas (2016) Statelessness Displaced: Update on Syria's Stateless Kurds, Statelessness Working Paper Series, No 2, pp. 2-5.

71. Family Reunification appointments in Izmir, Turkey, are often issued to Syrian refugees in the Kurdistan Region of Iraq (KRI), according to a UN official working in Erbil.

72. It is our understanding that two of these cases had already been approved for Family Reunification, while in the third – like that of Narine and Rasheed – the relatives were required to reach Lebanon in order to undergo a DNA tests to verify that they were indeed family members.

73. McGee, Thomas (2016) Statelessness Displaced: Update on Syria's Stateless Kurds, Statelessness Working Paper Series, No 2.

74. See letter from the Minister of State for Immigration entitled 'Changes to our resettlement schemes' (5 July 2017): <https://www.local.gov.uk/sites/default/files/documents/Changes%20to%20resettlement%20schemes%20letter%20July%202017.pdf>; Likewise, Canada has adopted special measures to offer resettlement to Syrian refugees and has explicitly made clear that this applies to non-Syrian nationals and stateless people fleeing Syria.

75. Field sources in Lebanon confirm that Palestinian Refugees from Syria seeking to enquire about inclusion in Resettlement schemes are regularly turned away from UNHCR's office on the grounds that they are served under the UNRWA mandate. For example, Wesam Sabaaneh, Director of Jafra Foundation. A number of PRS interviewed for the purposes of this study described a scenario of being in limbo between the two UN agencies.

76. This has led various NGO assessments to highlight the critical need for resettlement options for PRS alongside those for other Syrian refugees See: Oxfam (June 2017) Still Looking for Safety: Voices of refugees from Syria on solutions for the present and future, p. 7-10; Oxfam (May 2017) We're Not There Yet: Voices of Refugees from Syria in Lebanon.

5. Durable solutions: access to a nationality

Noor – ‘Resolving’ Statelessness through naturalization

‘We will always be Palestinian and must never give up on the Palestinian struggle for our right to return to our ancient homeland. However, becoming a Dutch citizen has better enabled me to fulfil my potential as a Palestinian. A humanitarian approach to our statelessness is necessary, but we must never forget that we have collective cultural and national rights as well.’

Noor is a Palestinian Syrian who lived in Yarmouk camp, Damascus, where he also worked for UNRWA.⁷⁷ Noor explains that even though Palestinians were part of Syrian society with largely the same rights as citizens,⁷⁸ and other Syrians were ‘generous’ to Palestinians, ‘we had a strong separate identity. You know, for Palestinians the camp is very important. Yarmouk is like my country. If you asked me would I like to return to Palestine or Yarmouk, I would tell you that Yarmouk is my Palestine. There, I used to find all my people, my culture, everything was in it.’ However, during the Syrian conflict, Yarmouk camp has been the site of intense fighting and in 2015 the Islamic State took control of the area, thus causing many Palestinians to look to flee Syria.

‘My wife came to the Netherlands before me,’ he explains. ‘She arrived in October 2013. I didn’t want to send her by sea, and since I had some savings I worked out a safer route. I don’t think that many other Palestinians have taken this route. Basically, I applied for a visa to Thailand for her since this was one country that was giving visas to Syrians fairly easily. She then travelled to Bangkok via Istanbul. On arrival in Bangkok she presented a fake European passport that we had acquired from a smuggler. She showed this again in the airport one week later when leaving for Europe. It had been our intention that she would reach Sweden, but in Amsterdam airport she was stopped by the police.’ Then, she initiated family reunification for Noor and the family’s two children, who eventually arrived to the Netherlands in March 2014. Noor and his children were able to enter Lebanon in order to facilitate the paperwork by presenting the plane ticket, his Palestinian Travel Document and UNRWA staff card. He explains that it is not easy to gain entry into Lebanon and the fact that he had a staff card, from having worked with UNRWA, helped in this.

‘They told me to come back after another two years. So, I went home and printed the regulations of IND and went back to the Municipality with them in my hand. When I showed them to the staff, they were surprised. Maybe another person in my situation would not have had the confidence to do this.’

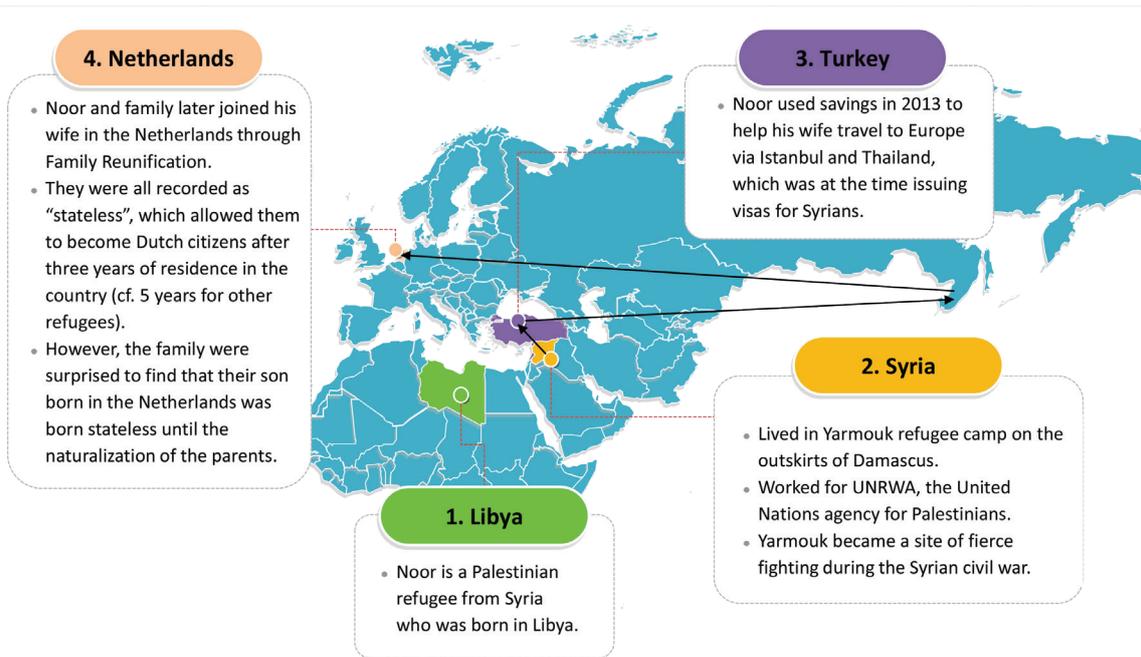
On arrival in the Netherlands, Noor’s wife and subsequently the rest of the family, were recorded as ‘stateless’ as they had their UNRWA card and Travel Document from Syria to support this identification. ‘After completing three years of temporary residence in the Netherlands, we were entitled to apply for naturalization as Dutch citizens. We made the application in April 2017 and then in January 2018, the whole family received Dutch nationality and passports.’ When asked about the awareness of the Municipality staff, Noor recalls that the first time he visited, the staff there were unaware that he and his family were entitled to apply for naturalization after three years. ‘They told me to come back after another two years. So, I went home and printed the regulations of IND and went back to the Municipality with them in my hand.’

77. Interview conducted on 18 April 2018 in Zaandam, the Netherlands.

78. Noor recalls how two out of four Syrian students at a government ministry to be awarded a prestigious scholarship to the Ecole nationale d’administration (ENA) in Strasbourg, France, that trains the country’s top civil servants, were Palestinians.

When I showed them to the staff, they were surprised. Maybe another person in my situation would not have had the confidence to do this.’ Noor explains that many Palestinians from Syria expect to be able to naturalize within the next year.

On being able to apply for naturalization after three years rather than five, Noor adds: ‘this is the first time I have been able to “benefit” from being “stateless.”’ He jokes that other Syrians are jealous since they need to wait the full five years before applying for permanent residency, adding that he has several times been confronted with some negative attitudes from other Syrians in the Netherlands ... something he says he didn’t see back in Damascus, where Palestinians were generally treated like other Syrian citizens.



Noor is involved in running a Palestinian community centre in Zaandam and, through his engagement with other families there, he is aware that sometimes Palestinians struggle to be registered as ‘stateless’ and their nationality status is instead recorded as ‘onbekend’ (unknown). ‘If such problems happen, usually they occur at the start of the process,’ Noor explains that often Palestinians from Syria have to prove their ‘stateless’ status by presenting evidence, e.g. the Travel Document for Palestinians in Syria or the UNRWA card. Sometimes, he adds, there is a lack of understanding about the different generations of Palestinians in Syria: those who arrived as part of the initial 1948 exodus from Palestine, and those who fled Gaza/Ramallah in the context of the Six-Day War in 1967. While the former can be expected to hold a Syrian Travel Document (indicating their Palestinian origins), the latter have only a Syrian Residency for Palestinians and may hold an Egyptian Travel Document instead.

As UNRWA registers both groups in Syria, in practice the UNRWA card serves as the primary form of identification as being Palestinian Refugees from Syria (PRS). Noor explains that Palestinians registered with UNRWA but lacking evidence of their registration (e.g. without having the UNRWA card with them) may be able to contact the agency to assist in proving their status: ‘Since UNRWA is an organization made up of largely Palestinian staff, many Palestinian Syrian families know somebody who works for UNRWA in Syria and can get papers to prove their situation.’⁷⁹ Also, in some cases it has been possible for families to contact the Syrian Embassy in Belgium to acquire papers attesting to status as Palestinians from Syria. However, these channels depend on personal connections and/or the willingness to contact the politicized institutions of the Syrian state. The Body for Palestinian Refugees in Syria,⁸⁰ associated with the Syrian Government, also issues papers stating that somebody is a ‘stateless’ Palestinian from Syria, but it is necessary to approach them from Damascus.

79. It is also possible to submit a form to UNRWA in Europe in order to verify one’s registration with the agency. Legal assistance actors and NGOs are often able to support in this procedure.

80. General Administration for Palestine Arab Refugees (GAPAR)

Noor's general experience as a stateless person in the Netherlands has been good: 'the system works well, but I believe there is one big problem here. In my eyes, if a child is born in this country to stateless parents, that child should immediately become a citizen of the Netherlands. That is what international law says, as I know. However, when our third child was born here in 2016, the authorities registered the status as 'stateless' like the rest of us. It was only when we as parents were naturalized that the new-born also received a nationality. It should not depend on the parents' status for conversion. I know in Sweden children often have Swedish nationality before their parents.'

While explaining that initially their life had been good in Syria, Noor stresses that, 'we never knew our future. We came to Europe to "quit" statelessness.'

He also emphasizes that the statelessness problem his family faces is part of the larger problem of the Palestinian people. It is linked to the 'right to return' to the ancestral lands. 'We want nationality but reject it as a form of compensation in exchange for giving up on our right to return. Now we can go to any state ... for example, we can visit our relatives in Jordan, or maybe work in the Gulf, but we don't want to forego our right to return.' In the Netherlands, Noor did some short-term work with an international NGO to develop Arabic language education tools for camp settings. 'I loved this work, it linked my passions for refugees and education. At the moment, I don't have any work. I have been trying to find a job in one of the camps. I told the Municipality that I am happy to volunteer if they will provide some basic support for my family. It would be my dream.'

'... the system [in the Netherlands] works well, but I believe there is one big problem here. In my eyes, if a child is born in this country to stateless parents, that child should immediately become a citizen of the Netherlands. That is what international law says, as I know.'

Noor's testimony underlines two key aspects of European nationality and naturalization policies that are important to consider in pursuit of durable solutions for stateless Syrians. Firstly, his narrative highlights the good practice of having a facilitated naturalization procedure in place to enable recognized stateless persons to apply for Dutch nationality after a relatively short period of legal residency in the country. However, a number of practical issues arise in the implementation of this procedure. Often officials are not aware of the specifics of the legislation when it comes to this facilitation for people who are stateless. Noor was able to point the authorities to the correct procedure because he was aware of it, but many may not be in that position.

Additionally, while the naturalization law in the Netherlands is commendably sensitive to the need to ensure an easier pathway to nationality for stateless persons and serves as an important measure to help reduce statelessness in Europe, this policy needs to be accompanied by the accurate identification and recording of stateless persons in the first place – which Noor and others have shown as problematic. Many stateless Syrians are registered as being of 'unknown' nationality (onbekend) and are therefore not eligible under such provisions, while others recognized officially as stateless can face obstacles given the need to present a birth certificate as part of the naturalization conditions – even under the facilitated regime for stateless persons. The failure to accurately identify statelessness and thereby ensure consistent implementation of statelessness-specific rules is an issue that surfaced clearly in this study in both Greece and the Netherlands, and has also been widely reported elsewhere in Europe. Stateless Syrians holding temporary protection in some European countries may also stay in the country for many years without ever becoming eligible for naturalization.⁸¹

81. This was highlighted as an issue in Switzerland and Sweden. In the former, one stateless Kurd interviewed in Geneva during September 2018 explained that he had been in the country for almost seven years, but is 'destined to remain stateless for ever' as his status does not provide him for any route to naturalization. For the latter, see: Tucker, Jason (21 March 2017) Sweden's Temporary Asylum Laws: The Impending Problems for Stateless Refugees: <https://www.statelessness.eu/blog/sweden-s-temporary-asylum-laws-impending-problems-stateless-refugee>;

Noor's narrative also highlights the importance of safeguards in place to ensure that no child is born stateless in Europe. While children born in Greece to migrant, asylum seeker or refugee parents are generally unable to practically access citizenship at birth, and many are not even registered,⁸² as Noor's testimony presents, a child born to stateless parents in the Netherlands may also be left stateless, because the safeguard designed to prevent this cannot be invoked. According to the Dutch Nationality Law, a stateless child born in the country has the right to Dutch nationality, but the process is non-automatic and requires the child to have resided legally in the country for three years after birth – and, critically, be registered as stateless at the Municipality (Gemeente).⁸³ Another implication then of the failure to accurately identify cases of statelessness among Syrian refugees is the perpetuation of statelessness in Europe because the child's right to acquire a nationality is not fulfilled in practice.

82. Jorge Ricart, Raquel Esther (June 2017) Giving birth in transit through Greece, Forced Migration Review

83. Act on Dutch Nationality [Rijkswet op het Nederlanderschap] (1984), Article 6(1): \ <http://wetten.overheid.nl/BWBR0003738/2014-01-20#Hoofdstuk3>; Further details are provided by the Statelessness Index entry for the Netherlands: <https://index.statelessness.eu/country/netherlands>

6. Conclusions & recommendations

Through the presentation and analysis of individual narratives of stateless Palestinian refugees and stateless Kurds from Syria who have arrived in Europe within the recent migration/asylum context, this study has highlighted a number of prevalent issues experienced among stateless Syrians in the region. The main concerns are summarised below.

Accessing protection in Europe

Across a number of the interviews conducted for this study, stateless Syrians recounted difficulties in their journey to Europe and access to the asylum system. Lana's father, Mazen and Narine were among those who experienced being 'held up' or 'stuck' on the Greek islands while Syrian citizens were able to pass more easily to mainland Greece and/or had their claims processed more quickly. A lack of access to resettlement pathways for stateless Syrians (either procedurally or as a matter of practice in the administration of the schemes) was also identified as contributing to discrimination against those without nationality who come from Syria in accessing protection. As several of the individual testimonies showed, the restrictions encountered prompted stateless Syrians to find alternative means to reach Europe, including illegal border crossings and enlisting the services of smugglers, putting them at greater risk of abuses on route.

Registration as 'stateless'

The study highlighted the disparity in state practice when it comes to the identification and registration of a refugee as 'stateless'. While all individuals interviewed for the research shared the same two profiles – being either stateless Kurds or stateless Palestinians from Syria – this was not reflected in how their status was recorded. Some were registered correctly as stateless while others were recorded with an imputed nationality (i.e. listed as Syrian citizens) – a problem that may have been confounded by confusion surrounding the scope of application of a 2011 naturalisation Decree for ajanib Kurds in Syria. Yet others were recorded as having an 'unknown' nationality, due to the high evidentiary threshold for 'proving' statelessness and, for PRS in the Netherlands, the particular requirement of producing an original UNRWA card, even though some PRS have never been registered with UNRWA and for others, this card is in use by family members to access essential UNRWA assistance in Lebanon and so cannot be produced, and a copy often does not suffice. Within the same family or even across different registration processes for the same individual, statuses vary. This can not only obstruct the enjoyment of targeted assistance that would be available for persons recognised as stateless (see below on naturalisation and childhood statelessness), but also frustrates the ability of the authorities to gain an accurate picture of the scale of the problem of statelessness within this refugee population or to appraise the effectiveness of asylum policies in the specific context of statelessness.

Family reunification

The failure to suitably account for a stateless Syrian's specific circumstances has also led to discrimination in the enjoyment of the right to family life: family reunification procedures that are available to all refugees from Syria are not always accessible in practice to those who experience statelessness. The lack of certain documentation held by Syrian nationals is compounded by the lack of accommodation of this fact by the receiving state. Thus, in the absence of a family book documenting a person's ties to family members who remain behind in the region, stateless Syrians are asked to undergo DNA testing to establish these links. However, testing facilities are only available in certain locations, which stateless Syrians struggle to access precisely because of their lack of documents, including travel papers. This means that families are delayed in or have to undertake illicit travel to complete family reunification.

Naturalisation

Access to naturalisation is an important channel to a durable solution for stateless people and the availability of facilitated naturalisation for stateless persons in some European countries – such as the Netherlands, in this study – is beneficial to the longer-term prospect of integration and stability, as well as being a requirement of the 1954 Convention relating to the Status of Stateless Persons. However, due to the failings in the registration process which leave some stateless Syrians recorded as Syrian citizens or as being of ‘unknown’ nationality, not all refugees who should be able to benefit from this facilitated procedure will be considered eligible. Moreover, the availability of a special regime that enables stateless persons to naturalise more quickly than other refugees appears to not always be understood by the relevant authorities, leading refugees to be misinformed as to their rights and potentially creating a delay in the processing of naturalisation that could easily be avoided through better awareness of the regulations.

Avoidance of childhood statelessness

As noted in respect of the facilitated naturalisation of stateless refugees, another special set of regulations from which stateless refugees can benefit is facilitated access to nationality for children born in the host state. Safeguards to ensure that childhood statelessness is avoided allow for conferral of nationality to stateless children born on the territory – but in practice these safeguards can often only be implemented if parents’ statelessness is identified and acknowledged. This may be the case even where the law confers nationality automatically to a stateless child born in the state’s territory: failure to acknowledge the parents’ statelessness could lead to the failure to recognise the child as a national in practice under such a safeguard even if the law should operate automatically. The registration of stateless Syrians as either Syrian citizens or being of ‘unknown’ nationality obstructs the implementation of such safeguards.

As the above summary demonstrates, the underlying and cross-cutting challenge that exists with respect to providing appropriate assistance to stateless Syrians in the asylum context in Europe is ensuring that their statelessness is accurately identified and that related policies and procedures are appropriately tailored to account for their specific circumstances as individuals without a nationality. This means that awareness raising among officials and key stakeholders about the profiles and specific needs of stateless Syrians must be prioritised. For instance, ensuring a better understanding of the facilitated naturalization procedure that exists in the Netherlands among relevant stakeholders – such as staff working with the local Municipalities – would be one concrete way in which to improve the treatment of stateless refugees. Another area in which targeted interventions would ease the problems experienced by stateless Syrians is through advocacy for greater flexibility in the acceptance of documentation to ‘prove’ statelessness – such as in the case of Palestinian Refugees from Syria who are missing the original version of the UNRWA card, but hold several other recognized forms of identification as PRS. By more often accurately recording a person’s nationality status as stateless, this will contribute to the improved implementation of special procedures and rights that are accorded to stateless refugees. A similar form of accommodation of the reality of stateless Syrian’s situation would also ease the family reunification process, for instance through providing an alternative for stateless Syrians residing in in neighbouring countries to Syria where consular infrastructure is not in place, e.g. in Kurdistan Region of Iraq (KRI), to the requirement of traversing international borders to undergo DNA testing.

The testimonies recounted in this report demonstrate the common perception among stateless Syrians that their statelessness has caused them to encounter significant added challenges in their journey to Europe, as well as their stay in their settled countries. This study has also identified a number of concrete gaps in policies and procedures that are indeed contributing to discrimination against stateless refugees on the basis of their lack of nationality – be it in terms of access to protection or the realisation of family reunification. It is important for the EU and its Member States to recognise the presence of stateless refugees – not only from Syria, but also from elsewhere – among those seeking protection in the region and to work to address those areas of policy and practice that are hampering their enjoyment of the support and rights that they are entitled to under international and domestic law.

Glossary

Terminology and acronyms

ajnabi	Literally 'Foreigner' in Arabic; ajanib al-Hassaka is a category of stateless Kurds from Hassaka Governorate in north-eastern Syria [ajnabiya = female; ajanib = plural]
GAPAR	General Administration for Palestine Arab Refugees
maktum	Literally 'Concealed/Unrecorded' in Arabic; maktumeen al-qaid is a category of stateless Kurds from Hassaka governorate in Syria [maktuma = female; maktumeen = plural]
Nakba	Literally 'the catastrophe'; referring to the 1948 creation of Israel, which caused the first waves of displaced Palestinian refugees.
PRS	Palestinian Refugee(s) from Syria
SDP	Statelessness Determination Procedure
UNRWA	United Nations Relief & Works Agency, the UN agency serving Palestinians
UNHCR	The United Nations Refugee Agency: United Nations High Commissioner for Refugees
1954 Convention	1954 Convention relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
Statelessness Conventions	Combined reference to both the 1954 and 1961 Conventions

Terminology Specific to the Netherlands

ASKV	An NGO working with refugees and asylum seekers in Amsterdam [https://www.askv.nl/]
Gemeente	Municipality (in the Netherlands)
IND	Immigration & Naturalisation Department (the Netherlands)
MVV	Machtiging tot Voorlopig Verblijf (the Netherlands), literally 'Authorisation for Temporary Stay,' a provisional residence permit used to facilitate travel to the Netherlands in Family Reunification cases.
Onbekend	Palestinian Refugee(s) from Syria
Vluchtelingenwerk	Statelessness Determination Procedure [https://www.vluchtelingenwerk.nl]

The image on the opposite page is the “bodymap” of Salma. She is a stateless Palestinian from Syria. Below she explains the meaning of different elements of the image she has made.

“I do not know who I am but my children will grow up with a nationality and a passport in the future.”

Position of the body: *I am a positive woman and I have to be strong for my children, therefore I hold my arms like this. My body carries a lot of colours. The lower side is the negative part of my life. The upper part is the positive and the future.*

Symbol: *The bird symbolizes the freedom I maybe will feel after receiving a nationality. The passport means freedom for me.*

Cloud with question mark: *This symbolises the unclarity about who I am. I have to learn a different language. I am Syrian and Palestinian and maybe I will be Dutch too. I don't know who I am.*

The sleeping smiley: *This is the world; they sleep about the war, and also about our faith.*

The woman wearing a black chador: *This is me in Libya. I was afraid there and I was a foreigner, my light skin and clothing would reveal me. I could only walk outside in a black chador. The cross on my mouth and children in my chest symbolize that the only thing I could do was to take care of the children. I however dreamt of work and study.*

The cigarette: *Women are not allowed to smoke, but since I was at home, was stressed and had nothing to do I smoked a lot.*

The Palestinian flag and the red cross: *As Palestinians we are not allowed anything in the middle east, or maybe in the world too. Not allowed to travel, not allowed to buy a house, or only in areas for us, and not allowed to have leadership positions in the government or to become president.*

The children: *In my arms I have drawn my two children. I am very happy that they will have a nationality in the future. For me it isn't that important to have the nationality, I am not sure who I am, but for my children I want a different life, not like mine and my husband's, or our parents. If they are Dutch they are safe and they will have a future, they can do what they want.*

The baby: *I want another child in the future after my study and when I have found work; this child will be born here.*

The three smileys: *In my head I have drawn three smileys, two as eyes, one as a mouth. One eye, with the hearts, symbolizes the love for my family. One eye symbolizes the thinking about the future. The smiley that is the mouth shows that I am a bit stubborn and doing whatever I want. I am a positive woman. I am looking to the future. I don't look down to the past.*

The ear: *People say a lot but I don't listen.*

The heart: *My heart also carries my husband, he supports me and gives me love.*

The image opposite and description above were shared by Ina Oenema who worked with stateless individuals in the Netherlands to create and interpret their own “bodymap” for her dissertation research on statelessness and belonging. It is reproduced here with the permission of Salma.



Statelessness is an overlooked and often invisible feature of the forced migration context in Europe. Increasingly, however, actors involved in the refugee response are discovering that some of the men, women and children they work with face nationality problems. Between 2015 and 2017, EU Member States received a total of over 95,000 asylum applications by individuals who were stateless, of unknown nationality or had their citizenship recorded as “Palestine” – combining to make up approximately 3% of all applications. Being both stateless and a refugee can make people more vulnerable within asylum systems and targeted assistance may be required to ensure that they do not suffer discrimination on the basis of their statelessness.

This study explores the treatment in Europe of stateless refugees from Syria: the country of origin of the largest number of asylum seekers in the EU every year since 2013 and a country where statelessness is a long-standing issue. The report adopts the ‘Greece corridor’, the most common route for Syrians coming to Europe, as a framework through which to analyse the experiences of these “stateless Syrians” in the EU asylum system. It draws together the lessons from in-depth interviews with stateless Palestinians and stateless Kurds from Syria in Greece and the Netherlands, as well as interviews with key stakeholders, to map out the implications of current laws, policies and procedures for the treatment of these stateless refugees.

‘Here in the Netherlands, the Municipality employees asked me why I don’t have a passport. I explained my story and they just looked confused. I don’t think they were convinced by my explanation, but I believe they felt sorry for me. So, I tried again to explain my story, and showed them my documents. After some months of repeating this all many times, eventually they registered me as “stateless.” The funny thing is that I came here after the government agreed for me to join my father who was already in the country. They knew already that he was stateless. I don’t understand why it was so confusing for them that I was too.’

Lana, a stateless Kurd from Syria

“Here there is no category for Palestinian Refugees from Syria; and I consider this a problem with the registration system. I was told that I was registered as ‘onbekend’ [unknown nationality] rather than ‘stateless’ because I had not provided the original version of the UNRWA card, yet the UNRWA card is for the whole family and I have family members who are using it in Lebanon as a means to receive UN assistance.”

Mazen, a Palestinian Refugee from Syria