

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1479
Land:	Irak
Kilde:	UNHCR
Titel:	Statelessness and Risks of Statelessness in Iraq: Faili Kurd and Bidoon Communities
Udgivet:	September 2022
Optaget på baggrundsmaterialet:	14. december 2022

Statelessness and Risks of Statelessness in Iraq: Faili Kurd and Bidoon Communities

September 2022

Table of Contents

Summary.....	2
Background.....	4
Legal Framework	5
Iraqi Nationality Certificate	7
Populations Affected by or at Risk of Statelessness in Iraq	9
Overall Findings	13
Faili Kurds	18
Bidoons.....	23
Comparative Analysis: Faili Kurd and Bidoon Communities	27
Recommendations.....	29

Summary

In line with the [#IBelong Campaign to End Statelessness by 2024](#) and [the Global Action Plan](#), UNHCR Iraq is accelerating efforts to ensure everyone has a nationality and access to nationality documents in Iraq. In a renewed attempt to better understand the situation of stateless and at-risk populations in Iraq in order to concretely address the issue, a quantitative study was initiated at the end of 2021 with data collected between November-December. The study targeted the two main population groups known to be stateless or at-risk of statelessness in Iraq, namely the Fails Kurds and Bidoons. The survey was rolled out by UNHCR's partner, the Legal Clinic Network (LCN), in 10 Centre/South Governorates. A total of 1,163 heads of households (HoHs) were interviewed at household-level (covering 4,906 individuals), with 570 Faili Kurd HoHs and 593 Bidoon HoHs. The survey was complemented by nine key informant interviews (six Faili Kurds and three Bidoons).

The results suggest that an **overwhelming majority of 97% of the surveyed HoHs and their spouses amongst both communities, self-report to have a nationality** (2,220 out of 2,290 individuals). The number of individuals reporting to be stateless is relatively limited and far less than previously assumed. Amongst those who self-declared as Iraqi (2,096 HoHs and their spouses), 91% hold the Iraqi Nationality Certificate (INC), **leaving 9% without an INC (205 individuals)** in the provinces that were included in the study (Baghdad, Diyala, Wassit, Maysan, Thi-Qar, Basra, Diwaniya, Najaf, Muthanna and Kerbala).

	Total	Faili Kurds	Bidoons
# of identified stateless persons (amongst HoHs and their spouses). Total individuals: 2,290	70 (45 females and 25 males)	39	31
# of identified HoHs and spouses without an INC. Total individuals: 2,096	205 (126 females and 48 males)	116	89

Gender disparity exists both in terms of the number of stateless individuals as well as those holding an INC. **A higher percentage of women reported to not have a nationality as compared to men (64% versus 36%, amongst 70 individuals reporting to be stateless).** The gender disparity is higher in relation to access to the INC, with 73% of women not holding an INC versus 28% of men (126 women and 48 men amongst 205 Iraqi individual HoHs and/or their spouses with missing INC).

UNHCR, with support of its partner LCN, will advocate and coordinate with relevant authorities on the simplification of procedures and removal of barriers for the identified individuals and households and through the provision of legal and financial aid, and support the identified individuals in securing nationality and necessary documents by mid-2023. UNHCR together with relevant government authorities will provide targeted sensitization campaigns amongst the communities on the importance of securing nationality and legal documents as well as the relevant procedures. The mapping will be expanded in 2022-2023 to other identified population groups at risk of statelessness which were not covered in this study.

In recognition of the efforts and positive measures taken by the Government of Iraq which has contributed to the reduction of statelessness, UNHCR will strengthen its advocacy for Iraq's accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in addition to advocacy to eliminate remaining gaps in the Nationality Law, including for example gender inequality in terms of conferral of Iraqi nationality to children born abroad.

Background

A stateless person is not considered as a national by any State under the operation of its law. Statelessness can often have a devastating impact, barring access to human rights and basic services. Although the exact number of stateless persons, persons of undetermined nationality and persons at risk of statelessness is unknown, stateless persons live in all regions of the world. To ensure that governments and UNHCR can take appropriate action and identify necessary steps to prevent and reduce statelessness and protect stateless persons, more and better data on statelessness is often required.

Iraq has historically hosted stateless populations including minority groups such as the Faili Kurds, who were systematically stripped of their nationality in 1980, and Bidoons, including from Kuwait. Despite significant efforts by the Iraqi government to prevent and reduce statelessness in Iraq, challenges related to access to nationality and Iraqi nationality documentation continue to be reported and gaps in nationality legislation and administrative policies persist, potentially leading to a number of persons being left stateless or at risk of statelessness.

Complexity of procedures, lack of required documents, lack of awareness about procedures, practical hurdles (such as distance to reach civil affairs and nationality departments, financial barriers,¹ reluctance to be registered) and at times, (perceived) discrimination, are reported to hinder some individuals/families from obtaining nationality documents or proof of nationality. Lack of proof of nationality and barriers to access documentation can leave persons at risk of statelessness and prevent access to rights.

Despite previous attempts by UNHCR and partners, to date and in the absence of a comprehensive study, accurate estimates on statelessness or persons at risk of statelessness have not been available in Iraq.

In the last quarter of 2021, in a renewed attempt by UNHCR to further understand the situation and seriousness of statelessness or populations at-risk in Iraq, a quantitative questionnaire was designed and rolled out for the first time in Iraq. The initial phase of the study targeted two of the main population groups known to be stateless or at-risk, namely the Faili Kurds and Bidoons.² The following report outlines the results of the survey while also looking into the legal framework.

¹ Fines are imposed with regards to delays in registering marriage and birth. (10,000 IQD) for the delay of the birth registration and (50,000 IQD) for not registering the marriage contract before Civil Status Court. Additional costs may be incurred in case of a civil suit or if presence before the medical committee is required to estimate the age of a child.

² Other populations affected by or at risk of statelessness in Iraq include Dom (Roma), African Iraqis, Palestinian refugees in Iraq, stateless refugees from Syria and specific profiles with administrative and/or structural barriers in obtaining birth certificates, Civil Status ID or Nationality Certificate including families with perceived affiliation and those living in previously ISIS controlled or disputed areas. Faili Kurds and Bidoons were prioritized based on existing literature, UNHCR understanding of stateless/at-risk populations in Iraq and their geographic distribution, and field/partner capacity.

Legal Framework

Iraqi nationality is regulated by the 2005 *Constitution of Iraq*³ and the 2006 *Nationality Law*. The 1959 *Personal Status Law* and the 1972 *Civil Status Law* also contain some relevant provisions. Iraq is currently not a signatory to either the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

*Iraq's Nationality Law is based on the *jus sanguinis* principle, with nationality passed on from parent to child.*

The 2006 *Nationality Law* was enacted to: “standardize provisions of Iraqi nationality; repeal texts relating to the deprivation of an Iraqi who had acquired a foreign nationality; enable an Iraqi who had been arbitrarily deprived of his nationality to duly restore it; and attach an Iraqi wherever he lived in the world to his homeland and urge him to belong to Iraqi soil even though he has acquired another nationality.”⁴ The 2006 *Nationality Law* reinstated Iraqi nationality for all persons “denaturalized on political, religious, racist or sectarian grounds” by the former regime⁵ and regulates naturalization for non-Iraqis.⁶ Despite this and while Iraqi authorities take pride in the 2006 *Nationality Law* due to its amendments in restoring nationality and moving towards a more inclusive framework, existing gaps in the law and relevant by-laws/Instructions could still lead to statelessness or increase the risk of statelessness.⁷

Acquisition of nationality: Article 18 of the *Constitution* sets out the basic principles of the acquisition of Iraqi nationality, including for anyone born to an Iraqi father or Iraqi mother (*jus sanguinis*). The legal right for mothers to confer nationality to their children is progressive as compared to many countries in the region. Although citizenship is acquired automatically by birth under the Iraqi *Constitution*, it does not exempt Iraqis from the need to obtain proof of lineage (e.g., Birth Certificate) or proof of citizenship (e.g., Civil Status ID or Nationality Certificate) when establishing nationality, which has proved problematic for children born to Iraqi parents who do not have documentation. Therefore, as nationality is passed on from parent to child, a child born in Iraq does not automatically acquire Iraqi nationality. There is also no provision for acquisition of nationality through birth on the territory for a child who would otherwise be stateless. Article 3 of the *Nationality Law* states “a person should be considered Iraqi if: a. he/she is born to an Iraqi father or Iraqi mother; b. he/she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof to the contrary, be considered to have been born therein.”

A separate provision however regulates situations where children are born abroad to an Iraqi mother and unknown or stateless father. Accordingly, nationality is not conferred automatically in

³ Article 18, *Constitution*

⁴ *Nationality Law*, Justifications

⁵ Article 17 and 18, *Nationality Law*

⁶ Naturalization of non-Iraqis is subject to the approval of the Minister of Interior and the fulfilment of the following six conditions: “a) the person concerned has come of age; b) has legitimately entered into Iraq and has been residing within Iraq at the time of applying for naturalization; c) has been legitimately residing within Iraq for ten consecutive years prior to applying for naturalization; d) is of good conduct and reputation and was not convicted on an offense or dishonourable misdemeanour; e) has conspicuous means of livelihood; and, f) is free of communicable diseases.” Article 6 further excludes the possibility of naturalization for: a) Palestinians (as a guarantee to their right to return to their homeland); and, b) for the purposes of population settlement policy prejudicial to demographic composition. Article 6, *Nationality Law*

⁷ Iraqi Nationality Law 26 of 2006, please see Legal Framework.

such cases and is at the discretion of the Minister of Interior, subject to further conditions and the completion of an application procedure,⁸ making the *Nationality Law* inconsistent and including an element of gender discrimination as compared to the system for children of male citizens born abroad.⁹ Article 5 of the *Nationality Law* provides for an application under which nationality may be requested for a child born in Iraq of a non-Iraqi father, providing that the father was also born in Iraq and remained a resident. The conferral of nationality under this procedure is at the discretion of the Minister and is also gender discriminatory in nature.¹⁰ The *Nationality Law*, however, explicitly states that nationality shall not be granted to Palestinians, so they do not lose their right to return.¹¹

Deprivation and Reinstatement of Nationality: Article 18 of the *Constitution* provides that “[a]n Iraqi citizen by birth may not have his citizenship withdrawn for any reason.” Article 18 however, further states that “Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law”. Upon a final court judgment that the person in question has planned or committed an act against State security or safety or has misrepresented facts about himself or his family in the application, the Minister of Interior can withdraw nationality.

The *Nationality Law* states that if an Iraqi loses Iraqi nationality, their minor children also lose Iraqi nationality, but the minor may have their nationality restored by applying again and residing in Iraq for at least one year. As the losing of Iraqi nationality by the minor is not conditioned on the child having another nationality, this may lead to statelessness.

The *Constitution* also provides for the reinstatement of nationality for persons who had their citizenship withdrawn.¹² Further, the *Nationality Law* repealed Decree No. 666 of the Revolutionary Command Council (1980) which reportedly stripped 250,000-300,000 Farsi Kurds and others of citizenship, and provides reinstatement for those who were “denaturalized on political, religious, racist or sectarian grounds,” subject to submission of an application.¹³ The application process, however, requires documented proof of Iraqi origins, and for people whose families were not included in the 1957 census; the required documentation is difficult to source, particularly for individuals who have lost documents after decades of living outside Iraq.

Naturalization: The *Nationality Law* grants discretionary powers to the Minister of Interior to naturalize non-Iraqis as Iraqi citizens, if “a) the person concerned has come of age; b) has legitimately entered into Iraq and has been residing within Iraq at the time of applying for naturalization; c) has been legitimately residing within Iraq for ten consecutive years prior to

⁸ Article 4, *Nationality Law*

⁹ “Under Iraq’s nationality law, the acquisition of nationality from an Iraqi father is automatic at birth (ex lege) via paternal jus sanguinis, irrespective if the child was born inside or outside of Iraq. In practice, challenges arise where the child of an Iraqi national father has difficulties in proving that the father is an Iraqi national, or establishing paternal filiation, or both.” UNHCR, *Acquisition of Iraqi Nationality by a Child Born Outside Iraq*, May 2019, available at: <https://www.ecoi.net/en/file/local/2007917/5cd198ad7.pdf>

¹⁰ See also, UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness 2022*, available at: [Refworld | Background Note on Gender Equality, Nationality Laws and Statelessness 2022](https://www.refworld.org/docid/5cd198ad7.pdf)

¹¹ Article 6(II), *Nationality Law*

¹² Article 18(3)(a), *Constitution of Iraq*

¹³ Articles 17 and 18, *Nationality Law*

applying for naturalization;¹⁴ d) is of good conduct and reputation and was not convicted on an offense or dishonorable misdemeanor; e) has conspicuous means of livelihood; and, f) is free of communicable diseases”.¹⁵ Article 6 further excludes the possibility of naturalization for: a) Palestinians (as a guarantee to their right to return to their homeland); and b) for the purposes of population settlement policy prejudicial to demographic composition.

Dual Nationality: Under the 2005 *Constitution*, Iraqis are permitted multiple nationalities,¹⁶ a possibility that did not exist previously - except where an individual holds a “sovereign or high-level security position” in Iraq. Upon acquisition of another nationality, Iraqi nationality shall be retained unless renounced in writing.¹⁷ A renounced nationality can be re-acquired if the person returns to Iraq for at least one year.¹⁸

Iraqi Nationality Certificate

The Iraqi Nationality Certificate (INC) is the main document proving Iraqi nationality, issued by the General Directorate for Nationality and Civil Affairs, under the Ministry of Interior (MoI). In Iraq, the ability to issue identity and nationality documents is dependent on the applicant possessing civil records, called Sorat Al Qaid. These records contain information on lineage, religion, and date and place of birth and each family’s records has a unique identification number. These records are physically located within the office of the General Directorate for Nationality and Civil Status Affairs, which has the right and power to request any information required from any party and to adjust the data related to their records, documents and surveys.

The civil records for Iraqi families were created based on the first national census in Iraq in 1957. While very little information is available on the requirements needed for registration in the said census, it is apparent that some individuals and communities were excluded from the process. Creation of civil records in Iraq today rests on verification that the ancestors of the individual applying for documentation registered in the 1957 census. Consequently, for groups that cannot

In Iraq, the ability to issue nationality documents is dependent on the applicant possessing civil records (Sorat Al Qaid) which relied on the 1957 national census, in which some individuals and communities were excluded from the process. Therefore, for groups unable to trace their lineage to the 1957 census, accessing documentation has been complicated.

always trace their lineage to the said census, accessing documentation has been complicated

¹⁴ In the case of a non-Iraqi man married to an Iraqi woman, this residency requirement may be reduced to five years if: the Minister of Interior uses their discretionary powers; and there is “continued wedlock” between the couple. Article 7, *Nationality Law*

¹⁵ *Nationality Law*, Article 6. Recent attempts to amend naturalization provisions to lower the residency threshold to two years and in some cases one year, was rejected by the Parliament Security and Defense Committee in March 2019. See, Middle East Monitor, [Iraq Parliament rejects proposed change to Nationality Law](#), 27 March 2019

¹⁶ Article 18(4), *Constitution of Iraq*

¹⁷ Article 10(1), *Nationality Law*

¹⁸ Article 10(3), *Nationality Law*

(including, the Dom, the Iraqis of African descent and other groups). However, alternatives¹⁹ such as the use of witnesses or relatives can be used to establish Iraqi lineage in the absence of 1957 registration or for groups who have had their records confiscated or destroyed (such as the Fails Kurds).²⁰ These alternatives are included in the Administrative Instructions of the previous Nationality Law 43 of 1963, which to date, continues to be in practice.

In Iraq, the issuance of a Birth Certificate is the first step towards obtaining other identity and nationality documents. Lack of access to core identity and civil documents in Iraq, impedes one's access to essential public services, such as education and healthcare, and social security benefits,

The INC is the main document proving Iraqi nationality, issued by the General Directorate for Nationality and Civil Affairs, under the MoI.

such as the Public Distribution System. It can also lead to restricted freedom of movement at checkpoints, increased risk of arrest and detention, exclusion from restitution and reconstruction programs, and the inability to participate in the country's public affairs. A Marriage Certificate is also required to prove that the child comes from a formal union of either one or two Iraqi nationals. Without a recognized marriage, a Birth Certificate cannot be issued for a child born of that union (at most, the child would receive a proof of birth document). This is problematic for minority groups, such as the Baha'is, whose religious rights are not recognized by the Constitution.²¹ Accordingly, marriages of religious minorities not recognized by the Constitution are not recognized by the Iraqi government and their marriage contracts cannot be endorsed by the Iraqi civil status courts.

The following documents are required to issue the INC:

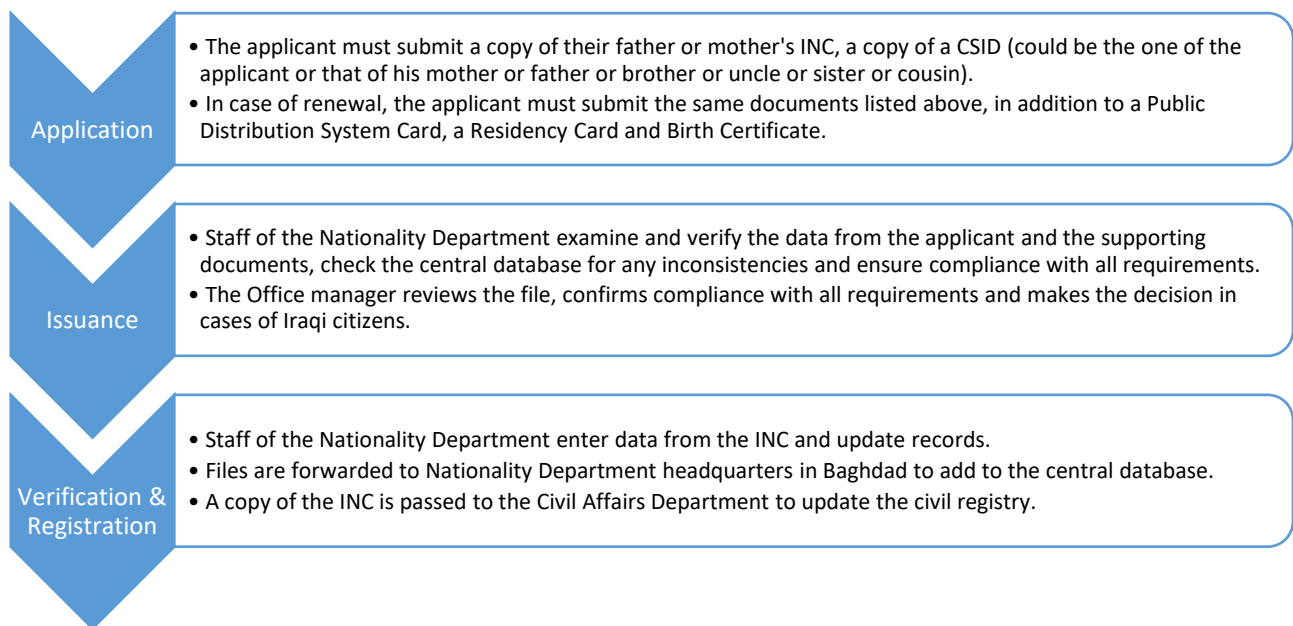
- Original and copy of the Civil Status ID (CSID) of the applicant
- Original and copy of the CSID of the applicant's father and mother
- Four recent photos of the applicant
- Housing Card (if in displacement, housing confirmation letter issued by a mukhtar and endorsed by the city council of the area of displacement)
- If in displacement, displacement confirmation letter from the Ministry of Migration and Displacement (MoMD) branch office in place of displacement
- In case the applicant is a child and his/her father is deceased, photocopy of the father's civil register
- One of the following supporting documents:
 - Father's INC (if issued after 10/06/2014). If the father's INC is old, an INC of a relative from the father's side;

¹⁹ Institute for International Law and Human Rights (2013) Iraq's Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights, United States: Institute for International Law and Human Rights.

²⁰ UNHCR and Altai Consulting, *Researching Stateless Populations in Iraq: Final Deliverables*, September 2014, p. 24

²¹ Article 2(2) of the *Constitution* guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians.

- If the Applicant is 18 years and above, his/her brother or sister's INC, if recently issued (after 10/06/2014). If the brother or sister's INC is old, an INC of a relative from the father's side (grandfather, uncle, cousin),
- Mother's INC (if issued after 10/06/2014) with the mother's CSID, father's INC and the Applicant's CSID. If the mother's INC is old, an INC of a relative from the mother's side.
- Nationality application form + fees (5,000 IQD).



Issuance Process for an Iraqi Nationality Certificate²²

Populations Affected by or at Risk of Statelessness in Iraq

Faili Kurds and Bidoons were selected for the inclusion into this study based on existing literature, UNHCR's understanding of stateless/at-risk populations in Iraq and their geographic distribution, and field/partner capacity. The study did not cover all locations or all communities where Faili Kurds or Bidoons reside in Iraq. Other known populations affected by or at risk of statelessness in Iraq that were not included in this study include Dom (Roma), Iraqis of African descent, children born to ISIL members/affiliates/those with perceived affiliation including children of Yazidi gender-based violence survivors and those living in previously ISIS controlled or disputed areas, stateless refugees from Syria (particularly amongst Maktomeen and Ajanib), and Goyan and Omariyah Kurdish minorities from Turkey.

Faili Kurds: The Faili Kurds are an ethnically Kurdish community who have lived in Iraq since the Ottoman period and are considered a "cross-border population" between Iraq and Iran.²³ Today,

²² UNHCR and Altai Consulting, *Researching Stateless Populations in Iraq: Final Deliverables*, September 2014, p. 30

²³ Minority Rights Group International, Iraq – Faili Kurds, November 2017; available at: [Faili kurds - Minority Rights Group](#)

the community is mainly settled in Baghdad, eastern governorates bordering Iran (Diyala, Wassit, Maysan and Basrah), and other southern governorates. In 1979, their estimated population size was two million in Iraq.²⁴ In the absence of official estimates, approximations of the population in 2017 indicated 1.5 million, according to the Faili Kurds Association in Iraq. Faili Kurds have experienced systematic discrimination under successive Iraqi governments, mainly due to their perceived allegiance to Iran because of their Shi'a faith. This was heightened under the previous regime when Decree No. 666 of the Revolutionary Command Council (1980)²⁵ was used to officially strip 250,000-300,000 Iraqi Faili Kurds of Iraqi citizenship under the premise of allegedly supporting Iran and being disloyal to Iraq. As a result, their property was seized by the Baath regime, and they were expelled to Iran. For those unable to prove Iranian origins through their ancestry, they became stateless.²⁶

Article 17 of the 2006 Iraqi *Nationality Law* officially repealed Decree No. 666 of the Revolutionary Command Council (1980) and since then, Faili Kurds are eligible to re-acquire their nationality. However, in order to reinstate their nationality, the Faili Kurds must prove their Iraqi origins by demonstrating that they were registered in the 1957 census. This entailed reactivating all civil records belonging to Faili Kurds, which had been frozen. Accordingly, Mol Decision No. 2437 of 12 March 2006, ordered all ID and nationality offices across Iraq, as well as the General Nationality and Civil Status Directorates, to reactivate the civil records of Faili Kurds. According to the Shafaq News citing the Iraqi Ministry of Displacement and Migration in 2013, 97% of the stateless Faili Kurds had recovered their Iraqi nationality by 2013.²⁷ Other sources cite the Ministry reporting that between 2003 and 2013, approximately 100,000 Faili Kurds had their Iraqi citizenship reinstated. The community elders interviewed during the UNHCR study in 2014 through Altai Consultancy, estimated that 95% of the Faili Kurd community had nationality in Iraq, a figure not too far from the government's estimate of 97%. Therefore, estimates from community members and Government alike indicated that 3-5% of those denationalized in 1980 had not yet been able to reclaim their nationality, potentially applying to 9,000-15,000 persons.²⁸

Given the historical events, the Faili Kurds were included in the UNHCR 2021 survey with an intention to better understand continuing challenges faced by the community with respect to accessing (proof of) nationality and identity documentation, if any, and identify persons in need of assistance and determine solutions.

Bidoon: 'Bidoon' is Arabic for 'without' and has become shorthand for bidoon jinsiya – 'without nationality.' During the course of its independence in 1959, Kuwait attempted to register Kuwaiti citizens. Many living in outlying areas, which were primary of Bedouin origin, however, did not

²⁴ UNHCR Iraq (2013) *Fact Sheet on Statelessness in Iraq*; Altai Consultancy and UNHCR, *Researching Stateless Populations in Iraq; Final Deliverables*, September 2014, p. 45

²⁵ Decree no. 666 of 7/5/1980 outlined the Tabbaiyah fate: "1-Any Iraqi of foreign origin shall lose his Iraqi nationality if he is disloyal to the country, to the people, and to the higher national and social goals of the revolution. 2-The minister of interior should order the expulsion of any individual who lost his Iraqi nationality as outlined in paragraph 1 of this decree."

²⁶ For more information see, European Network on Statelessness and Institute on Statelessness and Inclusion, *Statelessness in Iran: Country Position Paper*, November 2019, available at: [StatelessJourneys-Iran-final.pdf](https://statelessjourneys-iran-final.pdf) (statelessness.eu)

²⁷ Shafaq News (2013) The Displacement ministry restores the nationality to 97% of Faili Kurds; UNHCR and Altai Consulting, *Researching Stateless Populations in Iraq; Final Deliverables*, September 2014, p. 45

²⁸ UNHCR and Altai Consulting, *Researching Stateless Populations in Iraq; Final Deliverables*, September 2014, p. 7

register, mainly due to lack of awareness. The Kuwaiti government, nonetheless, gave them full access to social services and included them in official population data. They were also told they remained eligible to present claims for nationality and were issued with temporary documents that identified them as “without nationality” (in Arabic “bidoon jinsiya”).

Through the amendments of the Kuwaiti *Nationality Law* between 1960-1987, eligibility became more difficult for the Bidoon. The significant shift however arose at the outbreak of the Iran/Iraq war in 1980 when a series of terrorist attacks in the country threatened internal security. By 1985, the Kuwaiti government changed the Bidoon’s status from that of legal resident without nationality to “illegal residents.”

In 1990, following Kuwait’s invasion by Iraq, many Bidoons fleeing Kuwait could not enter Saudi Arabia because of lack of passports and identity documents. Instead, they fled to Iraq, where they did not need passports to enter. Kuwait considered Bidoon who fled to Iraq as supporters of the Iraqi regime and affiliated with the Iraqi army, resulting in the government of Kuwait refusing the return of these Bidoons from Iraq to Kuwait. While in Iraq, Bidoon received support from the former regime as a reward for their purported loyalty to Iraq and not Kuwait. They were provided with nationality certificates and passports as “makramiya” (honoured in Arabic) but also benefited from a certain degree of flexibility in registration and the issuance of documentation. Most of the Bidoon in Iraq were naturalized because of their links to tribes in southern Iraq and upon the fact that they did not declare Kuwait as their place of birth. According to UNHCR 2014 study, it seems that most of the Bidoon who still lack nationality documentation are those who continue to declare Kuwait as their place of birth.

Bidoon communities are reported to primarily reside in southern Iraq, including Thi-Qar, Basrah and Wassit Governorates, with smaller numbers in Salah Al-Din and Ninewa Governorates. Limited information is available as to the communities’ situation in Iraq, including the size of the community and the proportion that are naturalized as Iraqi citizens. Figures from 2006 estimated that 54,500 Bidoon resided in Iraq at the time.²⁹

Given the lack of information on the situation of Bidoons and the historical events, Bidoons were included in the survey with an intention to better understand their situation and challenges related to accessing nationality, civil documentation and services.

²⁹ US Department of State, Human Rights Report – Iraq 2018, 13 March 2019, at 40, available at: <https://www.state.gov/wpcontent/uploads/2019/03/IRAQ-2018.pdf>. For more information on Bidoons, see European Network on Statelessness and Institute on Statelessness and Inclusion, *Statelessness in Kuwait: Country Position Paper*, May 2019, available at: [StatelessJourneys-Kuwait-FINAL.pdf](#)

2021 Mapping Exercise, Scope and Methodology

The scope of the study and design of the questionnaire was informed by an analysis of the national legal framework and existing literature,³⁰ while ensuring that research was complementary to previous UNHCR efforts. The questionnaire was designed by UNHCR Iraq, and responses were recorded in the Kobo toolbox.³¹

The questionnaire aimed to: (a) better understand the nationality situation of the targeted communities, (b) their possession of nationality and identity documents, (c) identify persons reporting to be stateless/who are unaware of their nationality and persons who do not possess Iraqi nationality documents, for targeted legal aid, and (d) identify obstacles and challenges to (re)acquiring of Iraqi nationality and obtaining the INC.

The tool was designed at the household level in English, Arabic and Kurdish, and consisted of 64 questions. The draft questionnaire was field-tested before finalization and the protection monitors/enumerators completed a one-day training by UNHCR on the concepts of nationality/statelessness and the questionnaire. The tool was initially rolled out amongst Faili Kurds and Bidoons, with an intention to expand to other population groups in future, informed by the results of the initial mapping. Faili Kurds and Bidoons were prioritized based on existing literature, UNHCR's understanding of stateless/at-risk populations in Iraq and their geographic distribution, and field/partner capacity.

The survey was rolled out by UNHCR's partner, the Legal Clinic Network (LCN),³² in **10 Centre/South Governorates**, between 14 November - 9 December 2021. The targeted communities were sensitised on different levels (HHS, community leaders, key informants, and during the FGDs) about the purpose and content of the survey and consent was obtained. Key terms were explained to the participants to ensure full understanding of the questions. A total of **1,163 household-level interviews (4,906 individuals)** were completed, with **570 Faili Kurd HoHs** and **593 Bidoon HoHs**. Due to the high number of collected interviews (margin of error of less than 5% based on statistical model), the results may be representative of the two communities with the caveat that Faili Kurds and Bidoons



*Interview with a Faili Kurd HoH in Al-Kut district, Wassit
(November 2021)*

³⁰ Including most importantly UNHCR-funded research by Altai Consultancy in 2014: UNHCR and Altai Consultancy, *Researching Stateless Populations in Iraq; Final Deliverables*, September 2014.

³¹ Annex 1: Questionnaire

³² An Iraqi non-profit organization established since 2014 and consisting of 31 local civil society organizations. LCN operates fixed and mobile legal clinics in all 18 governorates of Iraq and has four technical committees that manage the various activities of the network (referrals, advocacy, best practices and sustainability).

living in different locations may face different challenges. The survey was complemented by nine key informant interviews (six Faili Kurds and three Bidoons) whom were selected based on their location, role within the targeted community, and fully aware about the challenges that the targeted community is facing. Due to the high number of collected interviews (margin of error of less than 5%), the results may be representative of the two communities with the caveat that Faili Kurds and Bidoons living in different locations may face different challenges.

While 1,163 interviews were completed with the HoHs at the household level (covering 4,906 individuals), the questionnaire was designed to skip questions irrelevant to some households (community level, house hold level, individual level, gender considerations). Therefore, the total respondents to each question might be different.

Overall Findings

The section below provides a summary of the overall findings of the survey, followed by a separate analysis for both population groups. All responses are self-reported, with documents verified by the data collection team, based on the willingness of the persons interviewed. UNHCR and LCN were not able to independently confirm/verify all information reported.

For ease of comparison most of the analysis is therefore presented in percentages. Below is a reference chart:

	Total	Faili Kurds	Bidoons
# of interviewed HoHs	1,163 HoHs	570 HoHs	593 HoHs
# of interviewed HoHs + spouses of married/previously married HoHs	2,290 individuals	1,122 individuals	1,168 individuals
# of HoHs self-identified as Iraqi	1,103 HoHs	543 HoHs	560 HoHs
# of family members of HoHs self-identified as Iraqi	3,520 individuals	1,748 individuals	1,772 individuals

Profile of HoHs:

- Sex: 891 male and 272 female HoHs
- Age: 0-17 (6 HoHs), 18-59 (849 HoHs) and above 60 (308 HoHs)
- Place of birth: Iraq (73%), Kuwait (23%), Iran (3%), Egypt (two individuals), Sudan (two individuals), don't know (one individual)³³
- Self-declared as Iraqi: 1,103 out of 1,163 HoHs
- Education: no formal education (38%), primary education (31%), secondary education (21%), tertiary education (8%) and vocational training (2%)
- Marital status: married (79%), widowed (13%), never married (4%), divorced (4%), remarried (four individuals) and estrange (three individuals)

³³ All four individuals born in Egypt and Sudan are Bidoons.

- Specific needs (multiple choice): no specific needs (413 HoHs), chronic illness/serious medical condition (393), specific legal and physical need (274), psychological support (179), elder person at risk (113), disability (92), woman at risk (68), family unity (24), and forced marriage (one).

Nationality Status: In total, 96% of the heads of households (HoH) surveyed, self-reported they have a nationality (1,117 amongst 1,163 individuals), while 46 heads of households (4%) indicated they do not have a nationality or are unaware of their nationality (28 females and 18 males). Amongst the 1,127 married HoHs, 24 indicated that their spouses do not have a nationality or are unaware of his/her nationality. This brings the total number to 70 individuals reporting to be stateless or unaware of their nationality amongst the heads of households and their spouses (2,290 individuals).³⁴ The ratio of women versus men not having a nationality or unaware of their nationality stands at 64% compared to 36%. Eight families were identified where both spouses reported to not have a nationality or were unaware of their nationality (seven in Al-Nasiriya and one in Al-Kut districts).

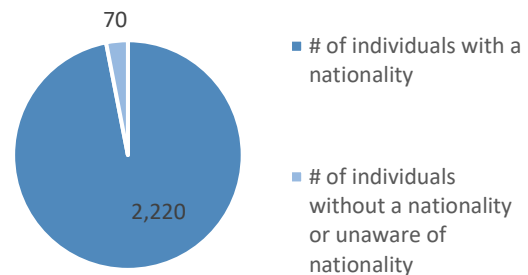


Table 1: Nationality Status

Amongst 2,290 surveyed individuals, **97% report to have a nationality**, leaving 70 individuals without a nationality or unaware of their nationality (45 females and 25 males).

Out of the 2,096 heads of households and their spouses who are Iraqi Nationals, **91% possess the Iraqi Nationality Certificate**.

Country of Nationality: An overwhelming majority of 98% of the HoHs self-reported Iraq or other countries as their country of nationality and that of their spouses (total of 2,237 individuals), with 94% of the respondents indicating Iraq as their nationality and/or nationality of their spouses (2,096 individuals). The other nationalities included 3% Iranians, 2% Kuwaitis, 1% other nationalities. As many as 26 HoHs out of 1,163 surveyed households, indicated as having dual nationality (2%).

³⁴ See Map 1.

INC: Only 31 HoHs reporting Iraqi nationality, do not possess the INC (3%).³⁵ In terms of gender, this was close to equal between HoH women and men (16 and 15 individuals respectively). As for the spouses with reported Iraqi nationality, 174 do not possess the INC (18%), bringing the total number of Iraqi individuals amongst the HoH and their spouses without an INC to 205 individuals (out of 2,096: 10%).³⁶ The ratio of women v. men not having an INC stands at 73% compared to 28%.

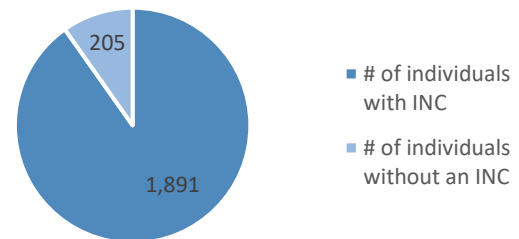


Table 2: Iraqi Nationality Certificate

Gender Comparison: A higher percentage of women did not have a nationality or are unaware of their nationality as men (64% versus 36%, amongst 70 individuals). The gender disparity is even higher in relation to access to the INC, with 73% of women not holding an INC as compared to 28% men. Results indicate a higher percentage of female HoHs possess the INC as compared to female spouses (93% as compared to 84%).

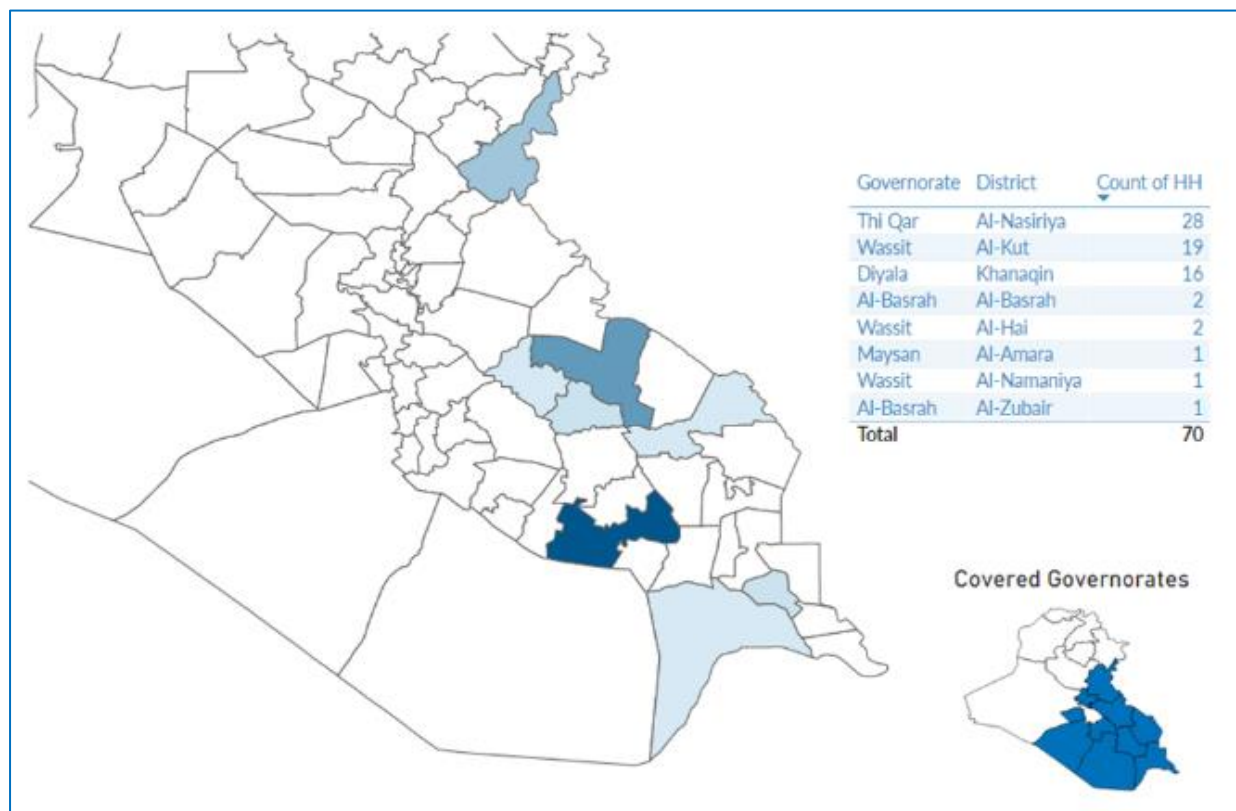
Marriage Certificate: Majority of married, widowed, divorced and re-married HoHs hold an Iraqi marriage certificate (83%: 925 HoHs; 1115 HH responded to this question), while 17% do not hold an Iraqi marriage certificate (185 HoHs, including 18 only holding a religious marriage certificate) and five individuals are not sure about their marriage certificates.

In addition, 20% of the 1,115 respondents, hold a marriage certificate from another country other than Iraq. Majority of these are from Kuwait (Bidoons) and Iran (Faili Kurds). Of the 190 households without an Iraqi marriage certificate, 55 do not have a valid marriage certificate from any country. Without an official marriage certificate in Iraq or one from another country recognized in Iraq, it will be particularly difficult for such families to obtain birth certificates for their children and apply for additional documents. Reportedly, of the 55 families without an official marriage certificate from any country, 30 families have children of whom nine children do not hold any Iraqi documents (belonging to six families).

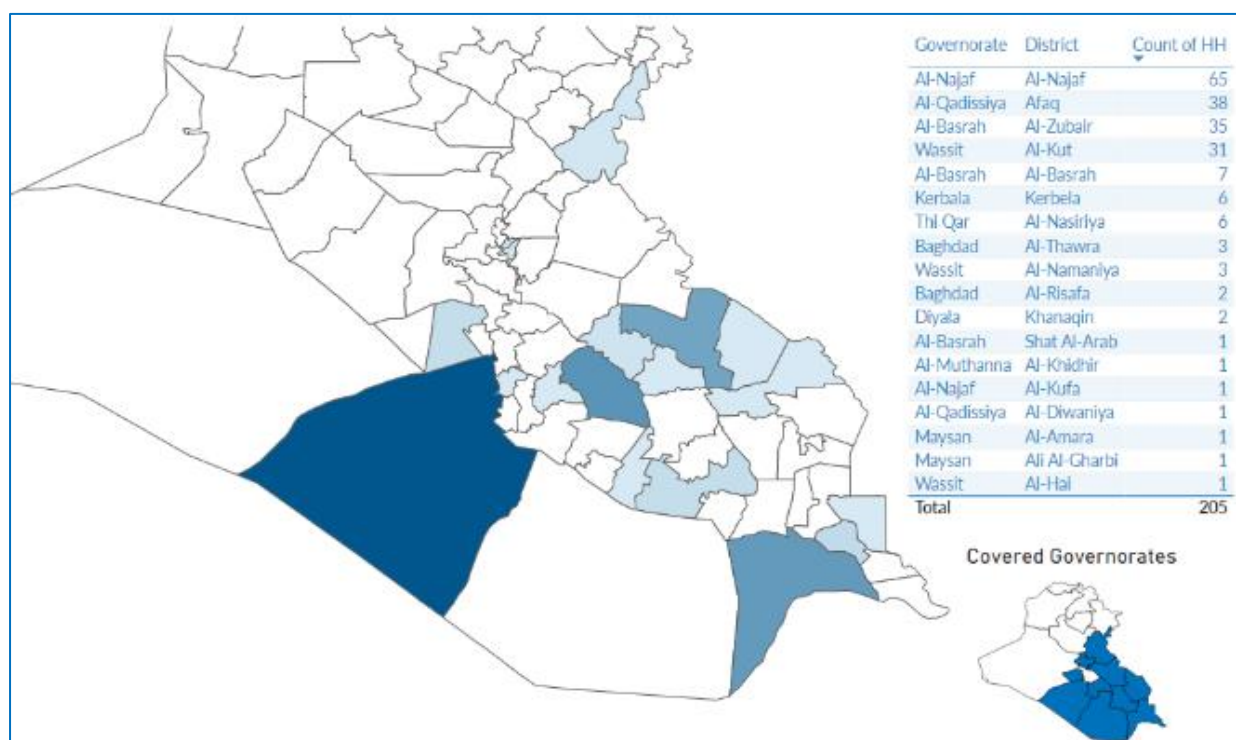
The Iraqi Marriage Certificate is one of the key documents required to obtain a birth certificate for children in Iraq. Without a birth certificate, individuals will not be able to obtain the Civil Status ID and Iraqi Nationality Certificate.

³⁵ For HoHs who reported as Iraqis, their Iraqi INC were checked by the protection monitors.

³⁶ See Map 2.



Map 1: Districts where HoH and/or spouse reported to be without nationality or unaware of their nationality



Map 2: Districts where HOH and/or spouse do not hold an INC

Family Members' Access to Documentation:

Amongst the family members of HoHs self-declared as Iraqi, 4% (150 family members out of 3,520 individuals) are reported not to possess any type of Iraqi documentation (these included Birth Certificate, Nationality Certificate, Civil Status ID Card, Unified ID Card, Public Distribution System Card, Housing Card, Iraqi Passport, Marriage Certificate, and Divorce Certificate).

Amongst the family members of the heads of households indicating Iraq as their nationality (1,103 HoHs: 3,520 individuals), 148 individuals do not hold any type of Iraqi documentation.

The 1,103 HoHs self-reporting Iraq as their nationality, have a total of 3,520 family members, including spouses (2,014 female and 1,506 male). Questions were asked from the HoHs about the status of available documents amongst the family members. According to the response of the HoHs:

- INC: Only 37% of the family members hold an INC (1,308 individuals). Amongst the sons, 35% hold an INC, as compared to 32% of the daughters.
- Civil Status ID: Over 53% of the family members hold a CSID (1,897 individuals). 55% of the sons and daughters equally hold CSID.
- Unified ID: Over 37% of the family members have the UID (1,293), which is 35% amongst sons as compared to 33% amongst daughters.
- Reportedly, 321 individual family members do not hold any of the above three documents (9%).³⁷

Obstacles in Obtaining Iraqi Nationality/Nationality Document: Complexity of the procedures, lack of required documents, costs involved including civil suits fees and transportation, and lack of awareness of the procedures were indicated as the four top main obstacles in obtaining Iraqi nationality/documents.

Challenges with Lack of Nationality/Lack of Nationality Document: Access to services including healthcare, education and social services/pensions were mentioned as top three challenges for those HoHs without a nationality or nationality documents from their country (total of 82 individuals). Subsequently, freedom of movement, access to employment, access to housing (renting/owning), access to aid (including government and humanitarian), ability to vote, access to bank services, challenges/harassment imposed by police/authorities, and discrimination by authorities were indicated as main challenges arising from lack of nationality or lack of nationality documents. Based on observations of UNHCR/LCN teams, even those self-reported with nationality documentation sometimes face limits/challenges in accessing such services.

High Percentage of Families with Specific Needs: 64% of the 1,163 HoH indicated as having one or more specific needs, including in top order: chronic/serious medical condition (393 individuals), specific legal and physical protection (274 individuals), general psychological support (179 individuals), older person at risk (113 individuals), disability (92 individuals), women at risk (68 individuals), family unity (not exclusive to unaccompanied/separated children, 24 individuals), and forced marriage (one individual).

³⁷ Responses are self-declared by the HoH and may not necessarily be indicative of the actual situation, partially because of how the question was framed.

Faili Kurds

Household level interviews were conducted with **570 Faili Kurd HoHs** in **six Governorates** in Center and South of Iraq (Baghdad, Diyala, Wassit, Maysan, Kerbala and Najaf).

Profile of HoHs:

- Sex: 442 male and 128 female HoHs
- Age: 18-59 (407 HoHs) and above 60 (163 HoHs)
- Place of birth: Iraq (93%), Iran (7%), don't know (1 individual)
- Education: primary education (37%), no formal education (29%), secondary education (20%), tertiary education (11%) and vocational training (3%)
- Marital status: married (78%), widowed (15%), never married (4%), divorced (3%), remarried (2 individuals) and other (2 individuals)
- Specific needs (multiple choice): no specific needs (216), specific legal and physical need (185), chronic illness/serious medical condition (121), psychological support (51), disability (28), elder person at risk (23), woman at risk (16), family unity (6).

Nationality Status: In total, 96% amongst the 570 heads of households surveyed, shared they have a nationality, while 22 heads of households indicated as not having a nationality (21) or unaware of their nationality (1). Amongst the 544 HoHs who responded to questions related to their spouses, 97% reported that their spouses do have a nationality with 17 HoHs reporting their spouses not having a nationality or being unaware of his/her nationality. This brings the total number to 39 individuals reported without a nationality or unaware of their nationality amongst the Faili Kurd HoHs and their spouses (26 females and 13 males amongst 1,110 individuals).

The interviews confirm that an overwhelming majority of **95% of the Faili Kurd HoHs have (re)acquired their Iraqi nationality**, amongst whom 2% do not possess the INC, also verifying the information provided through semi-structured interviews with Faili Kurd community leaders, associations and other key informants.

Country of Nationality: 95% of the HoHs with a nationality, indicated Iraq as their nationality (543 HoHs), followed by Iran (15 individuals) and six individuals responded as other. In relation to their spouses, 85% are Iraqis (465), 11% Iranian (59 individuals), 10 individuals from other countries and one Jordanian.

Documents: Amongst the 548 HoHs indicating to have a nationality, 2% (10 HoHs) do not have any nationality document, all of whom do not possess the Iraqi Nationality Certificate. Nine HoHs (out of 543 who mentioned Iraq as their nationality) have no type of identity or civil documents issued by the Iraqi authorities (these included Birth Certificate, Nationality Certificate, Civil Status ID Card, Unified ID Card, Public Distribution System Card, Housing Card, Passport, Birth Notification, Marriage Certificate, and Divorce Certificate).

Faili Kurd HoHs without a Nationality: Out of the 22 HoHs indicating not having a nationality or unaware of their nationality, 21 identified themselves as Iraqis and one identified as an Iranian. Over

half (12 HoHs) have taken steps to (re)acquire Iraqi nationality, and all have requested support from UNHCR and its partners. 10 HoHs have not taken any steps to (re)acquire their nationality, of which four appear to be complicated cases since their parents reportedly do not have Iraqi nationality, and submission of the father or mother's INC is one of the requirements to obtain the INC (to start the procedures of obtaining the INC for the family member(s), it's required to have one of the parents' INC).

Faili Kurd HoHs without an INC: Amongst the 548 HoHs indicating to have a nationality, only 2% (10 HoHs) do not have a nationality document of that country, all of whom do not possess the Iraqi nationality document.

Of the 260 HoHs who indicated how they acquired their Iraqi nationality, 94% responded by birth (244 individuals, including three who explained that their civil records were unfrozen upon their return post-2003), 4% by naturalization (10 individuals, including one indicating by marriage and two by residency), and six individuals mentioned other, without any further explanation.

Spouses without a Nationality and/or without Nationality Documents: Out of the 552 Faili Kurds who responded to nationality questions related to their spouses, only 3% indicated that their spouses are stateless or are unaware of his/her nationality (17 individuals), while an overwhelming majority of 97% (535 individuals) indicated Iraq (465) or other countries (70) as their country of nationality. Out of the 17 individuals who are stateless, or are unaware of their nationality, 10 identify as Iraqi, six as Iranian and one as Swedish. In addition, 10 out of the 17 individuals have taken steps to acquire Iraqi nationality. On the other hand, only 77% of the spouses with Iraqi nationality hold the INC (359 out of 465 individuals). Therefore, possession of the INC is much lower in spouses as compared to HoHs (98%).

Gender Comparison: A higher percentage of women did not have a nationality or are unaware of their nationality as compared to men (67% vs 33%, amongst 39 individuals). The gender disparity is even higher in relation to access to the INC, with 69% of individuals not holding an INC being women as compared to 31% being men (80 women and 36 men amongst 116 individuals).

Marriage Certificate: Majority of married, widowed, divorced and re-married Faili HoHs hold an Iraqi marriage certificate (90%: 486 HoHs), while 10% do not hold an Iraqi marriage certificate (55 HoHs, including 5 holding a religious marriage certificate), and three individuals are not sure about their marriage certificates. In addition, 21% of the 524 respondents on marriage certificates, hold a marriage certificate from another country other than Iraq (108 individuals, some have marriage certificates from Iraq as well as other countries). In the case of Faili Kurds, the majority of these are from Iran (97%). Of the 57 without an Iraqi marriage certificate, 34 have marriage certificates from other countries, leaving 23 without valid marriage certificates from any country. Amongst them, 15 Faili Kurd families reported not to be able to register their marriage in Iraq, particularly those forced to Iran as single men who married in Iran and hold unofficial marriage certificates from Iran. Without an official marriage certificate in Iraq or one from another country recognized in Iraq, families may not be able to obtain birth certificates for their children and apply for additional documents. The 23 households without a valid marriage certificate reportedly have 41 sons and daughters of whom

seven do not hold any type of documents (17%). A total of 70 mixed marriages were identified amongst the Faili Kurd HoHs (85% of whom the spouses were reported as Iranian).

Family Members' Access to Documentation: The 543 HoHs indicating Iraq as their nationality, have a total of 1,748 family members (996 female and 752 male). Questions were asked from the HoH about the status of available documents amongst the family members. According to the response of the HoHs:

Amongst the family members of the Faili Kurd heads of households indicating Iraq as their nationality (543 HoHs: 1,748 individuals), **129 individuals (7%) do not hold any type of Iraqi documentation** and **201 individuals (11%) do not hold any of the three main documents, the INC, Civil Status ID and Unified ID.**

- INC: Only 40% of the family members hold an INC (701 individuals). Amongst the sons, 40% hold an INC, as compared to 36% of the daughters.
- Civil Status ID: Only half of the family members hold a CSID (882). Amongst the sons, 51% hold a CSID, as compared to 53% of the daughters.
- Unified ID: Only 38% of the family members have the UID (664), which is 37% amongst sons as compared to 35% amongst daughters
- Reportedly 201 individual family members out of 1,748 do not hold any of the above three documents (11%).³⁸

Obstacles in Obtaining Iraqi Nationality/Nationality Document: From the 71 Faili Kurd respondents, 37% identified the complexity of procedures, 25% costs including civil suits fees, transportation and other fees, 17% lack of required documents, 13% lack of knowledge about the procedures, and 9% the distance to relevant offices, as main obstacles in (re)acquiring nationality or obtaining nationality documents.

Challenges with Lack of Nationality/Lack of Nationality Document: 32 Faili Kurd HoHs responded to challenges with lack of nationality and/or nationality documents, as following: Access to education, healthcare and social services/pensions and freedom of movement (all 18 individuals), ability to vote and employment (15), access to housing (owning/rent), other (nine), access to aid (five), access to bank services (three), discrimination (two) and challenges imposed by police/authorities (one).

Additional to the survey findings, observations of the protection monitors, through interaction with the community members and interviews with the key informants are reflected below:

- During the interviews, 11 Faili Kurd families confirmed they have at least one family member with frozen records in the civil register directorates, for unknown reasons. All such families were common in the fact that they were forced to Iran or their parents returned from Iran.³⁹

³⁸ Responses are self-declared by the HoH and may not necessarily be indicative of the actual situation, partially because of how the question was framed.

³⁹ While this was not mentioned by the respondents, fraudulent documents are usually one of the reasons in which records are frozen.

Some reported facing discrimination and blackmailing when processing their paperwork to release their frozen registration records. The number of families with frozen records might be higher, as families might not necessarily be aware. Frozen civil records can restrict access to and renewal of identity and civil documents, prevent recording of civil events, limit access to public services and freedom of movement and increase risks of arrest and detention. Legal procedures are required at the civil status courts to unfreeze the civil records.

- As reported by the key informants, during the forcible removal of Faili Kurds to Iran, the personal details of an unknown number of individuals were reportedly recorded differently as to their original records in the Iraqi civil registries, for a variety of reasons (e.g. voluntarily or involuntarily, their names were recorded differently in case not accepted by the Iranian authorities and mistakes by the Iranian authorities in recording personal data including names, date and place of birth, marriage status). Upon return to Iraq, such individuals/families have faced challenges in obtaining documents, particularly challenging are those families with deceased HoHs whose efforts to obtain death certificates has been particular challenging. A small number of such families were identified in Wassit, these families have reportedly not been able to reacquire their Iraqi nationality. Additionally, 21 families with Iraqi documents self-declared they have incorrect information on their documents (of whom one reported to be stateless).
- As many as 24 families have nationality and civil status IDs with incorrect information (e.g. marriage status, real names (before deportation), last names, date of birth, and place of birth), leading to additional challenges when trying to process compensation claims (at the Prisoners Foundation, Department of Political Dismissal in General Secretariat for the Council of Ministers, and MoMD).
- Families with Iran recorded as place of birth on their Iraqi documents including INCs, reported facing discrimination in the community, government departments, and at security checkpoints. Currently those indicated as born in Iran must process their document needs through the foreigners' sectors in the civil departments. Seven such families requested support on this front (to change their place of birth or bring reported challenges to the attention of authorities).
- As informed by the key informants, an unknown number of Faili Kurd families voluntarily joined one of the Arab tribes and in some cases, changed their names to Arabic names thereby integrating within the Arabic community. Reportedly, this was mainly a mechanism to cope with systematic harassment and discrimination imposed on Failis throughout the years and during the previous regime. While these families were referred to LCN mainly through community leaders/other Faili families, they do no longer identify themselves as Failis and refused to engage. The protection monitors came across 12 such families mainly in Maysan, Kerbala and Najaf (outside the scope of the study).

- While the issue of compensation was not addressed by the survey, 38 HoHs requested legal support to apply for compensation either for their confiscated property (land/house) or for their forced removal from Iraq. Most likely, the families requiring legal support for compensation is higher.
- Post-2003 additional number of Faili Kurds returned to Iraq. Many Faili Kurds have purportedly obtained Iranian nationality in Iran. While recent numbers are not currently available, UNHCR reported in 2008 that some 760 Faili Kurds were able to obtain Iranian citizenship in Ilam province and that the general number of Faili Kurds had dropped in those years as many repatriated to Iraq post 2003. In 2008, it was believed that some 7,000 registered Faili Kurds remained in Iran.⁴⁰ As stated by the key informants, recently dozens of Faili Kurds have been returning from Iran due to the economic crisis to settle in Iraq. If accurate, these recently arrived Faili Kurds will likely need support to obtain Iraqi nationality/documents. While not included in the survey, 15 HHs requested support for their family members still in Iran who have not been able to obtain Iraqi nationality.

⁴⁰ [UNHCR - Feili Kurds in Iran seek way out of identity impasse](#), 28 May 2008.

Bidoons

Household level interviews were conducted with **593 Bidoon families** in **four Governorates** in Center and South (Basrah, Diwaniya, Muthanna and Thi-Qar). As many as 94% of the HoHs indicated Iraq as their nationality (560 HoHs), of whom only 4% (21 HoHs) do not possess the INC.

Profile of HoHs:

- Sex: 449 male and 144 female HoHs
- Age: 0-17 (6 HoHs), 18-59 (442 HoHs) and above 60 (145 HoHs)
- Place of birth: Iraq (53%), Kuwait (46%), Egypt/Sudan/Dubai (1%)
- Education: no formal education (47%), primary education (25%), secondary education (23%), tertiary education (4%) and vocational training (0.5%)
- Marital status: married (79%), widowed (12%), divorced (5%), never married (4%), remarried (two individuals) and other (one individual)
- Specific needs (multiple choice): chronic illness/serious medical condition (272), no specific needs (197), psychological support (128), elder person at risk (90), specific legal and physical need (89), disability (64), woman at risk (52), family unity (18, including eight unaccompanied or separated children), forced marriage (one).

Nationality Status: An overwhelming majority of 96% of the 593 HoHs surveyed, self-reported that they have a nationality, while 24 HoHs indicated they do not have a nationality. Amongst the 571 HoHs who responded to questions related to their spouses, 99% responded that their spouses do have a nationality with seven HoHs reporting their spouses not having a nationality. This brings the total number to 31 individuals reported to be without a nationality amongst the Bidoon HoHs and their spouses (19 females and 12 males amongst 1,164 individuals).

The interviews inform that an overwhelming majority of 96% of the Bidoon heads of households report to possess a nationality (of whom 94% possess Iraqi nationality). 4% of heads of households with an Iraqi nationality, do not possess the Iraqi nationality document.

Country of Nationality: A total of 94% of the HoHs self-reporting a nationality, indicated Iraq as their nationality, 2% Kuwait and 4 individuals indicated having other nationalities. In relation to their spouses, 528 are reported Iraqis (92%), 34 Kuwaitis (6%), one Iranian and five other nationalities.

Documents: Amongst the 569 HoHs indicating to have a nationality, 5% (26 HoHs) do not have a nationality document of their country of nationality, of whom 21 HoHs do not possess the INC and the remaining 5 HoHs do not possess a nationality document from Kuwait. Ten of such HoHs have no type of identity or civil documents issued by the Iraqi authorities (these included Birth Certificate, Nationality Certificate, Civil Status ID Card, Unified ID Card, Public Distribution System Card, Housing Card, Passport, Residency Card, Birth Notification, Marriage Certificate, and Divorce Certificate).

Bidoon HoHs without a Nationality: The 24 HoHs indicating they do not have a nationality, 17 identify themselves as Iraqis and 7 identify as Kuwaitis. The majority (21 HoHs) have taken steps to acquire a nationality, and all have requested support from UNHCR and its partners. With regards to

the profile of the 24 HoHs without a nationality, 18 HoHs (75%) self-indicated that both parents are Kuwaitis, four HoHs (17%) Iraqis and two HoHs (8%) without nationality. However, 20 HoHs (83%) stated their parents do not possess nationality documents, signaling the complex admin/legal procedure to obtain Iraqi nationality/nationality documents, as submission of the father or mother's INC is one of the requirements to obtain the INC.

Bidoon HoHs without an INC: Amongst the 560 HoHs indicating Iraq as their nationality, 21 HoHs (4%) do not possess the INC. Of the 311 HoHs who indicated how they acquired their Iraqi nationality, 49% responded by birth (153 individuals), 51% by naturalization (158 individuals, including through residency and marriage).

Spouses without a Nationality and/or without Nationality Documents: Out of the 571 Bidoons who responded to nationality questions related to their spouses, only 1% self reported that their spouses do not have a nationality or are unaware of his/her nationality (7 individuals), while an overwhelming majority of 99% (568 individuals) indicated Iraq or other countries as their country of nationality (Iraq: 528, Kuwait: 34, Egypt: three, Sudan: two, and Iran: one). Reportedly, five identify themselves as Kuwaiti, one as Iraqi and one as stateless. While parents of all seven individuals were born in Kuwait and self-identify as Kuwaitis, only two of their parents have nationality documents. All seven individuals have taken steps to acquire Iraqi nationality. On the other hand, only 87% of the spouses with Iraqi nationality hold the INC (460 out of 528). Therefore, possession of INC is lower in spouses as compared to HoHs (96%).

Gender Comparison: A higher percentage of women are reported to not have a nationality as compared to men (61% v 37%, amongst 31 individuals). The gender disparity is even higher in relation to access to the INC, with 70% of individuals not holding an INC being women as compared to 30% men (62 women and 27 men amongst 89 individuals).

Marriage Certificate: Majority of married, widowed, divorced and re-married Bidoon HoHs reportedly hold an Iraqi marriage certificate (77%: 439 HoHs), while 23% do not hold an Iraqi marriage certificate (130 HoHs, including 13 only holding a religious marriage certificate) and 2 individuals are not sure about their marriage certificates. In addition, 22% of the 503 respondents, hold a marriage certificate from another country other than Iraq. In the case of Bidoons, all are from Kuwait. Of the 130 households without an Iraqi marriage certificate, 98 have marriage certificates of other countries, leaving 32 without valid marriage certificates from any country. While it is generally understood that without an official marriage certificate in Iraq or one from another country recognized in Iraq, such families may be unable to obtain birth certificates for their children and apply for additional documents, amongst the 44 children belonging to the 32 families without a valid marriage certificate, reportedly only one daughter had no type of documents. A total of 42 mixed marriages were identified amongst the Bidoon HoHs (81% of whom the spouses were reported as Kuwaiti).

Family Members' Access to Documentation: The 560 HoHs indicating Iraq as their nationality, have a total of 1,772 family members, including their spouses (1,018 female and 754 male). Questions were asked from the HoH about the status of available documents amongst the family members. According to the response of the HoHs:

- INC: Only 34% of the family members hold an INC (607 individuals). Amongst the sons, 31% hold an INC, as compared to 28% of the daughters.
- Civil Status ID: Over 57% of the family members hold a CSID (1,015). While amongst the sons, 59% hold a CSID, 57% of the daughters hold the same.
- Unified ID: Only 35% of the family members have the UID (629), which is 33% amongst sons as compared to 32% as compared to daughters.
- Reportedly 120 individual family members do not hold any of the above three documents.⁴¹

Amongst the family members of the Bidoon heads of households indicating Iraq as their nationality (560 HoHs: 1,772 individuals), **18 individuals (1%)** do not hold any type of Iraqi documentation and **120 individuals (7%)** do not hold any of the three main documents, the INC, Civil Status ID and Unified ID.

Obstacles in Obtaining Iraqi Nationality/Nationality Document: From the 98 Bidoon respondents who consented to respond to the question, 32% identified lack of required documents, 20% complexity of procedures, 17% costs including civil suit fees, transportation and other fees, 13% lack of knowledge about the procedures, 10% distance to relevant offices, and 2% stated other reasons, as main obstacles in acquiring Iraqi nationality or nationality documents, with 5% declaring no obstacles.

Challenges with Lack of Nationality/Lack of Nationality Document: Of those who provided response to this question, 50 Bidoon HoHs responded to challenges with lack of nationality and/or nationality documents, as following: Access to healthcare (37), access to education (31), access to social services/pensions (26), access to housing (owning/rent) (25), access to aid (23), employment (22), access to bank services (14), challenges imposed by police/authorities (10), ability to vote (five), discrimination (two)

Additional to the survey findings, observations of the protection monitors through interaction with the community members and interviews with the key informants are reflected below:

- Accumulation of pending legal procedures such as non-certification of marriage, lack of birth certificates for children and expiration of residency (as valid residency is one of the conditions to apply for naturalization), places Bidoon families at higher risk of not being able to access documentation and potentially becoming stateless.
- Anecdotally, 30 Bidoon families amongst the surveyed households reported to hold old and damaged INCs unable to get them renewed, which is a necessary step for obtaining the Unified ID. Renewal of the INC requires proof of nationality of the father or a paternal family member, whom majority of such families explained not to have access to due to their death, cuts in relationships or them living in other locations. Advocacy with the Nationality Directorate is necessary to exceptionally approve to renewal of such documents.

⁴¹ Responses are self-declared by the HoH and may not necessarily be indicative of the actual situation, partially because of how the question was framed.

- Some 72 families refused to complete the survey and engage with the protection monitors. This may be related to lack of trust (living at the margins of society and in remote areas), reluctance to apply for Iraqi documents hoping to apply for family reunification, and as understood by the protection monitors, fear of deportation to Kuwait. Lack of interest to apply for Iraqi documents for females was observed amongst 34 community members (outside the surveyed households), as they plan to join their husbands abroad.

Comparative Analysis: Faili Kurd and Bidoon Communities

A brief comparison between the two studied communities, outlining areas of significance, is provided below.

The study was rolled out in six Governorates amongst 570 Faili Kurd HoHs as compared to four Governorates amongst 593 Bidoon HoHs.

In both communities, close to 77% of the surveyed HoHs were men. Six child-HoH were identified and interviewed amongst the Bidoons, while all Faili Kurd HoHs were adults. An overwhelming majority of the Faili Kurd HoHs were born in Iraq (93%), just 53% of Bidoon HoHs declared to be born in Iraq, with 46% born in Kuwait. The education level of the surveyed Faili Kurds was higher than the Bidoons, with a relatively high percentage of no formal education amongst the Bidoon HoHs (47%). Bidoon HoHs self-reported to have higher number of specific needs.

The results of the survey were relatively similar in terms of nationality status in both communities; 97% of the HoHs and their spouses have a nationality, while a relatively higher percentage of the Bidoon spouses have nationality as compared to the Faili Kurds (99% versus 97%). While 2% of the Faili HoHs do not possess the INC, this is slightly higher amongst the Bidoons (4%). In terms of their spouses, 3% of Faili HoHs indicated their spouses not having a nationality or being unaware of his/her nationality. For Bidoons, this was only 1%. Similarly, possession of the INC amongst the spouses of Faili Kurds is lower as compared to Bidoons (77% versus 87%). In both communities, the percentage of HoHs holding the INC is higher than their spouses.

In both communities, gender disparity is equally evident both in terms of having a nationality and possession of the INC amongst the HoHs and their spouses, with higher percentages not having the INC as compared to nationality in both communities.

While over 10% of Faili Kurd households reported not to hold an official Iraqi Marriage Certificate as compared to 23% of Bidoons, higher number of Bidoons hold official Marriage Certificates from other countries as compared to Faili Kurds, resulting in 32 Bidoon households (5%) without an official Marriage Certificate from Iraq or any other country as compared to 23 Faili Kurd households (4%).

A higher percentage of Faili Kurd HoHs indicated individual members of their families not holding any type of Iraqi documentation as compared to the Bidoons. While 129 individual Faili Kurd family members out of 1,748 individuals do not hold any type of documentation, only 18 individual Bidoon family members out of 1,772 individuals do not hold the same (7% versus 1%). On the other hand, 201 individual Faili Kurd family members (11%) do not possess any of the three main documents; namely, the INC, Civil Status ID and Unified ID, as compared to 120 individual Bidoon family members (7%).

Amongst the HoHs indicating how they acquired Iraqi nationality, 94% of the Faili Kurd HoHs responded by birth as compared to only 49% amongst the Bidoons. While 51% of the Bidoons were naturalized in Iraq (including through residency and marriage), only 4% of the Faili Kurds were naturalized. This result is comparable to the fact that close to half of the Bidoon HoHs stated to have been born outside Iraq.

Recommendations

- Acknowledge the efforts of the Government of Iraq in taking effective and positive measures contributing to the reduction of statelessness amongst the two surveyed communities. In line with the positive measures implemented by the GoI, advocate for accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- Together with relevant government authorities, provide targeted sensitization campaigns amongst the communities on importance of securing nationality and legal documents and relevant procedures.
- Provide targeted legal aid and representation to identified individuals and families, and assist with support where needed, to confirm nationality and secure nationality documents, official marriage certificates and other key documents.
- Advocate with government authorities and the Directorate of Nationality on simplification of procedures and removal of barriers for the identified individuals and households
- Expand the mapping and survey to other at-risk populations, in addition to advocacy to eliminate remaining gaps in the Nationality Law, including for example gender inequality in terms of conferral of Iraqi nationality to children born abroad.

Legal aid is recommended to be prioritized for:

- **70** HoHs and spouses **without a nationality or unaware of their nationality** (out of 2,290)
 - **205** HoHs and spouses **without an INC** (out of 2,096)
 - **148** individual family members **without any type of Iraqi documentation** (out of 3,250)
 - **321** individual family members **without any of the three main documents: INC, Civil Status ID and Unified ID** (out of 3,250)
 - **55** households **without an official Marriage Certificate from Iraq or any other country**
-