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Syria: The stateless Kurds – maktoumin and ajanib

Introduction

The following note describes the stateless Kurds in Syria known as *ajanib* and *maktoumin*. The note focuses on the 1962 census that resulted in the statelessness of some 120,000 Kurds and identity documents issued to the stateless Kurdish population in Syria. The legislative framework for acquisition of Syrian citizenship is also briefly described.

The note is based on open source material.

The stateless Kurds in Syria

In connection with a census conducted in the Syrian al-Hasakah province in 1962, approximately 120,000 Kurds residing in the area lost their Syrian citizenship.¹ After the census these Kurds were either registered as foreigners in Syria, or not registered at all. The Kurds registered as foreigners are known as *ajanib* while the unregistered Kurds are known as *maktoumin*.²

The number of stateless Kurds has grown significantly since 1962. One reason is that the descendants of the persons who lost their citizenship in 1962 have also been denied Syrian citizenship. The status as both *ajnabi* and *maktoumin* are hereditary.³ The exact number of stateless Kurds is unknown but in 2010, the number was estimated to be around 300,000.⁴ In 2011, a law was introduced in Syria allowing thousands of stateless Kurds the reacquisition of nationality in Syria.⁵ As of the end of 2015 UNHCR estimated the total number of stateless persons in Syria to be 160,000 including stateless Kurds.⁶

¹ Albarazi, May 2013, p 16.

² Landinfo, February 2018, p. 6.

³ Albarazi, May 2013, p. 16.

⁴ Landinfo, February 2018, p. 6.

⁵ Landinfo, February 2018, p. 7.

⁶ Albarazi, November 2016 p. 18

Acquisition of Syrian citizenship

The Syrian nationality law was enacted in 1969. The nationality law is predominantly based on paternal transition of citizenship, meaning that the Syrian citizenship is passed on to the children through the father. Children born to a father, who is a Syrian national, are thus to be considered Syrian nationals regardless of place of birth. Birth within Syria, or from a Syrian mother, does not automatically confer Syrian citizenship. Women holding a Syrian nationality can only transfer their Syrian nationality to their children in case the father is unknown and the child is born within Syrian territory.⁷

Syrian legislation provides for the possibility of Syrian citizenship acquisition, when a child of two stateless parents are born in Syria and when the child acquires no other nationality. However, this is not seen to be systematically implemented, and in practice, most stateless Kurds pass statelessness onto their children.⁸

It is possible to acquire a Syrian nationality through naturalisation for a person who has resided legally in Syria for more than five consecutive years⁹. Some other requirements have to be met such as knowledge of the Arabic language. It is also possible for a non-national woman to obtain Syrian citizenship through marriage with a Syrian man.¹⁰ However, these laws do not encompass stateless Kurds, and this group is practically precluded from obtaining citizenship.¹¹

The 1962 census

Following the decree no. 93, a census was carried out within a single day in the Syrian al-Hasakah province, a province predominantly inhabited by Kurds.¹² The Syrian authorities conducted the census with reference to immigration from the neighbouring countries Iraq and Turkey. According to the Syrian authorities, the census should help identify the groups of immigrants the authorities believed were infiltrating the area.¹³

On the day of the census, residents in al-Hasakah province were requested to present a list of documents in order to be registered as Syrian nationals. This included extracts from the civil register and proof of residence in Syria in 1945.¹⁴ Residents not present on the day of the census were asked to present their documents within a timeframe of 15 days.¹⁵

⁷ Albarazi, November 2016 p. 17

⁸ Landinfo, September 2022, p. 7; Albarazi, November 2016, p. 17

⁹ Nationality act, November 1969

¹⁰ Albarazi, November 2016, p. 17

¹¹ Landinfo, September 2022, p. 7; Albarazi, May 2013, p. 10

¹² Albarazi, May 2013, p. 14

¹³ Albarazi, May 2013, p. 14

¹⁴ Albarazi, May 2013, p. 15

¹⁵ Landinfo, February 2018, p. 6

The Kurds who were not registered, hence not granted Syrian citizenship, were given the possibility to appeal within a timeframe of three months.¹⁶

Certain aspects of the census have since been problematised, for instance, the requirement to fill out a form, as many of the residents were illiterate and thus not able to fill out personal information in a form.¹⁷ Moreover, since the residents have very little engagement with authorities, it has been questioned if the majority of the Kurdish population understood the purpose or the importance of the census, how to ensure the required documentation or how to lodge an appeal.¹⁸

Result of the 1962 census

The 1962 census split the Kurdish population in al-Hasakah in three different categories. Which category an individual would belong to depended on the type of documentation the person presented in relation with the census.¹⁹

The first group were the residents, who were able to present the necessary and required documentation and successfully proved their residence in Syria in 1945. They remained Syrian nationals.

Foreigner (ajanib)

Residents, who failed to present the required documentation in order to keep their Syrian citizenship, were categorised as foreigners (*ajanib*). This group was registered by the Syrian civil status department in a separate local register for foreigners in al-Hasakah province.²⁰ The registry was archived according to family numbers (*khana* or *qaid*).

There are no official numbers from the Syrian authorities since 1995 on how many Kurds that are registered as *ajanib* in al-Hasakah province, but the numbers have been estimated to be 154,000 persons in 2008. In 1995, the number was 67,000 according to the Syrian authorities.²¹

Unregistered residents (maktoumin)

Residents who did not present any documents in relation to the census, or were otherwise left out of the census, are referred to as unregistered residents (*maktoumin*). This group of people are not registered anywhere by Syrian authorities and are not Syrian nationals. Their residence in Syria is illegal.²²

¹⁶ Landinfo, February 2018, p. 6

¹⁷ Landinfo, February 2018, p. 6.

¹⁸ Albarazi, May 2013, p. 15.

¹⁹ Albarazi, May 2013, p. 16

²⁰ Landinfo, February 2018, p. 8

²¹ Landinfo, February 2018, p. 8

²² Albarazi, May 2013, p. 16

Documents issued to ajanib and maktumin

After the census in 1962, the Kurds registered as foreigners could have an identity document issued by the Syrian authorities. The document stated that the person was not registered in any registry in the al-Hasakah province containing Syrian nationals.²³ At the beginning, the card gave the holder access to education and healthcare.²⁴

In the 1980's the identity document issued to foreigners was replaced with a new red and orange coloured ID card. The ID card contains personal information and a picture of the document holder. A text next to the picture states that the document is not valid outside Syria and that the document is not a valid travel document. In some cases, the ID card bears a written text stating that the person is not registered in any registry in the al-Hasakah province containing Syrian nationals in accordance with the census in 1962, and that the person is registered as foreigner in Syria.²⁵

The unregistered (*maktumin*) did not have any identity documents issued from the Syrian authorities. They could have a proof of identity (*shahadat taarif*) issued from their local community leaders (*mukhtar*). Issuance of this document required a previous approval from the Syrian police intelligence along with the presence of two witnesses.²⁶ The document did appear in various variants and contained a passport photo and personal information of the holder. The document did not contain any security features. No rights or status could be derived from the document. The document could, however, be used to register a child at school.²⁷ The Syrian authorities do not issue any official identity documents to *maktoumin*.²⁸

A decree issued on 15 October 1999 prohibited the *mukhtar* from issuing proof of identity documents to unregistered Kurds. However, some *mukhtars* kept issuing the proof of identity documents despite the ban.²⁹ According to sources known to the Dutch Ministry of Foreign Affairs and Landinfo, neither the ID card nor the identity confirmation can be obtained any longer.³⁰

The possibility of having civil documents such as marriage and birth certificates issued depends on the individual's registration in the civil register. Whether the parents are registered as *ajanib* or *maktumin* also affects how the children are registered and subsequently which documents they can obtain.³¹

²³ Landinfo, February 2018, p. 8

²⁴ Ministerie van Buitenlandse Zaken, December 2019, p. 17

²⁵ Landinfo, February 2018, p. 8

²⁶ Landinfo, February 2018, p. 10

²⁷ Ministerie van Buitenlandse Zaken, December 2019, p. 18

²⁸ Landinfo, February 2018, p. 9-10

²⁹ Landinfo, February 2018, p. 10

³⁰ Ministerie van Buitenlandse Zaken, December 2019, p. 18; Landinfo, September 2022, p. 27

³¹ Landinfo, February 2018, p. 11

Table 1 illustrates in which cases the authorities will register a marriage and issue documents and the status of the children.

Husband	Wife	Registration of marriage	Status of the children
Citizen	Citizen	Yes	Citizens
Ajnabi	Ajnabia	Yes	Ajanib
Maktoum	Maktouma	No	Maktoumin
Citizen	Ajnabia	With special permission	Citizens
Citizen	Maktouma	With special permission	Citizens
Ajnabi	Citizen	With special permission, the wife keeps her original register number and is still considered single	Maktoumin. Ajanib if the marriage is registered
Ajnabi	Maktouma	No	Maktoumin. Ajanib if entered in father's family register
Maktoum	Citizen	No	Maktoumin
Maktoum	Ajnabia	No	Maktoumin

Table 1: Marriage registration and status of the children.³²

Reacquisition of citizenship, Decree no. 49 (2011)

In March 2011, decree no. 49 was adopted, which would grant Syrian citizenship to registered *ajanib* in the al-Hasakah province.³³ Since then, thousands of stateless Kurds were allowed the reacquisition of nationality in Syria. Even though the civil war in Syria has made the process of applying for nationality difficult, some 105,000 stateless individuals had acquired nationality by 2015.³⁴

It appears that there has been a real commitment from Syrian authorities to grant Syrian nationality to *ajanib* with reference to this decree. The Deputy Minister of Interior was quoted for saying that 9,381 *ajanib* from al-Hasakah had been granted citizenship by June 2011.³⁵ However, there are examples of people that have been denied reacquisition of nationality in Syria even though they have had the required document.³⁶

Reacquisition of citizenship was only possible for the Kurds registered as foreigner (*ajanib*) in the 1962 census, and not for the group of unregistered Kurds (*maktoumin*). Only few unregistered Kurds have been able to obtain Syrian citizenship.³⁷

³² Landinfo, February 2018, p. 11.

³³ Albarazi, May 2013, p. 18.

³⁴ Landinfo, February 2018, p. 12.

³⁵ Albarazi, May 2013, p. 18.

³⁶ Landinfo, February 2018, p. 7.

³⁷ Landinfo, February 2018, p. 12.

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