

**Flygtningenævnets baggrundsmateriale**

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## COI QUERY

Country of Origin	SYRIA
Main subject	<a href="#">Rights of Lebanese (foreign) children with Syrian mother and non-Syrian father</a>
Question(s)	<ol style="list-style-type: none"><li>1. <a href="#">Acquisition of Syrian citizenship by children with Lebanese (foreign) citizenship</a></li><li>2. <a href="#">Access to education and health system in Syria for children with Lebanese (foreign) citizenship</a></li></ol>
Date of completion	21 July 2021
Query Code	Q18-2021
Contributing EU+ COI units (if applicable)	N/A

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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 21 July 2021. Any event taking place after this date is not included in this answer.

## COI QUERY RESPONSE – Syria, Arab Republic

### Rights of Lebanese (foreign) children with Syrian mother and non-Syrian father

#### 1. Acquisition of Syrian citizenship by children with Lebanese (foreign) citizenship

The primary way to acquire nationality in Syria is ‘through the principle of paternal *jus sanguinis*, where a child obtains Syrian nationality if their father is a national, regardless of their place of birth.’ There are however exceptions, as foreseen by the Syrian Nationality Law (Legislative Decree 276/ 24-11-1969).<sup>1</sup>

Article 3A of the aforementioned law states:

‘The following shall be considered as Syrian Arabs ipso facto:

- A. Anyone born inside or outside the country to a Syrian Arab father.
- B. Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.
- C. Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling in the country shall be considered born in it, at the place in which he is found unless proved otherwise.
- D. Anyone born in the country and was not, at the time of his birth, entitled to acquire a foreign nationality by virtue of his parentage.
- E. Anyone with Syrian origin but has not acquired another nationality and has not applied for the Syrian nationality within the deadlines stipulated in the past decisions and regulations. The provisions of this Article shall apply even if the date of birth was before this Legislative Decree entered into force.’<sup>2</sup>

Syrian nationality can also be acquired through naturalisation.<sup>3</sup> According to Article 4 of the Syrian Nationality Law (Legislative Decree 276/ 24-11-1969):

‘The nationality may be granted to an alien by decree upon the recommendation of the Minister following an application from the alien concerned who should be:

- a. Of full civil rights.
- b. Resident in the country for at least five consecutive years prior to the submission of the application. Interrupted residence is considered consecutive provided absence does not exceed one year which is added to the five years.
- c. Free of all communicable diseases, infirmities, or ailments that may prevent him from work.
- d. Of good conduct and reputation and with no record of criminal offence or of freedom

<sup>1</sup> Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) p. 8

<sup>2</sup> Syria, Legislative Decree 276 - Nationality Law, adopted on 24 November 1969, Art. 3, available at Refworld, [url](#)

<sup>3</sup> NRC & ISI, filtered on Syria, Nationality, Documentation and Statelessness in Syria, n.d., [url](#)

restricting punishment in connection with infamous crimes unless rehabilitated.

e. Of a specialization or expertise that may be beneficial to the country or to have a legitimate means of earning a living. Otherwise he should possess sufficient resources that free him from needing help from others. f. Able to read and write Arabic.<sup>4</sup>

According to Norwegian Refugee Council and the Institute on Statelessness and Inclusion (NRC & ISI), the provision set in article 3A, para. B of the Syrian Nationality Law is not always implemented in practice, as an individual born abroad will only be Syrian, if their father is Syrian.<sup>5</sup>

Regarding the implementation of the article on naturalisation, it is reported that there are no official statistics issued by the country, therefore it is difficult to assess whether people are able to access in practice naturalisation procedure to acquire citizenship. According to EUI, 'all naturalisation applications are left to the discretion of the Minister of Interior'.<sup>6</sup>

Requirements for non-nationals who want to apply for citizenship through naturalisation are different if the applicant comes from Arab countries.<sup>7</sup> A facilitation procedure is foreseen for people with Arab origin, since 'Syrian nationality law clearly distinguishes people into three categories: Syrians, Arabs, and foreigners'.<sup>8</sup> Furthermore, a person can be a citizen of both Syria and another country, as the legislation allows dual nationality.<sup>9</sup>

A 2019 UN report noted that Syrian women faced difficulties in registering their children, as they encountered obstacles when proceeding administratively with civil registration in the absence of the father, due to the fact that Syrian nationality is conferred to a child only through his or her Syrian father. Social norms and stigma seem to prevail over legal provisions which are supposed to enable women to confer Syrian nationality without proving a legal link to the father, including children born out of wedlock, such as in cases of rape.<sup>10</sup> An article in Oxford Monitor for Forced Migration also refers to 'gender-discriminatory provisions within Syrian legislation', highlighting the difficulties of women in passing their Syrian nationality to their children, if they were born with no legally established paternity.<sup>11</sup>

NRC & ISI report that the discrimination in Syrian nationality laws leads to a risk of statelessness, when a mother is not able to prove that the father of her child is Syrian.<sup>12</sup>

UNHCR observed that while the Syrian Nationality Law foresees that Syrian women 'can confer nationality to their children only if their child was born inside Syria and in situations where a legal link to the father is not established, the same 'law does not address the situation if the child is born outside Syria in the same circumstances and hence, an individual born abroad will only acquire Syrian nationality if the father is a Syrian national'.<sup>13</sup> A paper published by the European University Institute (EUI) in July 2021 noted that 'a child born to a Syrian mother and non-Syrian father is not considered Syrian if he/she was born outside Syria or in wedlock. Ultimately, being born to a Syrian

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<sup>4</sup> Syria, Legislative Decree 276 - Nationality Law, adopted on 24 November 1969, Art. 4, available at Refworld, [url](#)

<sup>5</sup> NRC & ISI, filtered on Syria, Nationality, Documentation and Statelessness in Syria, n.d., [url](#)

<sup>6</sup> Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) p. 9

<sup>7</sup> NRC & ISI, filtered on Syria, Nationality, Documentation and Statelessness in Syria, n.d., [url](#); Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) p. 10

<sup>8</sup> Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) p. 10

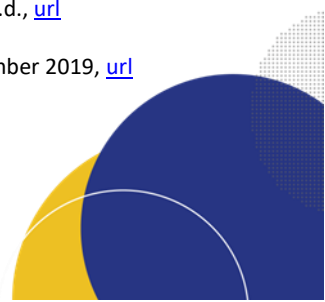
<sup>9</sup> Syria, Legislative Decree 276 - Nationality Law, article 4, adopted on 24 November 1969, available at Refworld [url](#), NRC & ISI, filtered on Syria, Nationality, Documentation and Statelessness in Syria, n.d., [url](#)

<sup>10</sup> UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/42/51, 15 August 2019, [url](#), pp.17-18

<sup>11</sup> Oxford Monitor for Forced Migration, eight years of displacement: Syria's statelessness still unidentified, n.d., [url](#)

<sup>12</sup> NRC & ISI, filtered on Syria, Nationality, Documentation and Statelessness in Syria, n.d., [url](#)

<sup>13</sup> UNHCR, Syria COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria, 30 September 2019, [url](#) p. 1



mother does not grant the automatic acquisition of her nationality.’<sup>14</sup>

According to a UNHCR booklet on Civil Documentation and Registration in Syria, in the specific case of a Syrian woman, married to a non-Syrian man, with a child in Syria, the following requirements are needed for registering her child in Syria:

- ‘1. A birth attestation issued by the mukhtar of the area where the birth took place on the basis of the birth notification obtained from the hospital or the (registered) midwife.
2. A copy of the father’s national passport.
3. An extract of the mother’s civil registry record indicating the father’s full name and the date of marriage.
4. Stamps.

The above documents are to be presented to the civil registry at the location of the parents’ residence, where the birth is then registered and a birth certificate provided. However, In accordance with the applicable Syrian Nationality Law, a child born to a non-Syrian father will not be considered as a Syrian national. However, the child is entitled to a regular residency permit in Syria.’<sup>15</sup>

The same source further explained that ‘it is not possible to register the birth of a child born inside or outside Syria unless its parent’s marriage is registered.’<sup>16</sup>

According to the EUI paper, the inability of mothers to pass on their citizenship to the child unless he/she is born inside the territory of Syria is the main reason for statelessness affecting a substantial number of children within the Syrian community in exile.<sup>17</sup>

## **2. Access to education and health system in Syria for children with Lebanese (foreign) citizenship**

Among all sources consulted within the time constraints for drafting this COI Query Response, scarce information could be found specifically regarding the access to education and health system in Syria for children with Lebanese or foreign citizenship.

A report by the Institute on Statelessness and Inclusion (ISI) and the Global Campaign for Equal Nationality Rights, issued in 2016, stated:

‘The families of Syrian women, whose children are denied Syrian citizenship, continue to face significant hardships and human rights violations both inside and outside of the country. Inside Syria, families lacking nationality due to discrimination in the law are deprived of most forms of social security, with the exception of education and medical care. 18 For instance, non-citizen children are not eligible to receive food subsidies. This and many other restrictions to the enjoyment of rights for non-citizen children, are contrary to the principle of the best interests of the child and many protections enshrined in the CRC. Furthermore, they can have severe consequences on the welfare and livelihoods of these children and their families.’<sup>18</sup>

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<sup>14</sup> Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) pp. 8-9

<sup>15</sup> UNHCR, Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2019, [url](#) p.22

<sup>16</sup> UNHCR, Civil Documentation and Registration in the Syrian Arab Republic, 25 April 2019, [url](#) p.22

<sup>17</sup> Albarazi Z., Report on Citizenship Law: Syria, European University Institute (EUI), RSCAS/GLOBALCIT-CR 2021/15, [url](#) p. 7

<sup>18</sup> ISI and Global Campaign for Equal Nationality Rights, Submission to the Human Rights Council at the 26th Session of the Universal Periodic Review Syrian Arab Republic, 24 March 2016, [url](#) p. 6

For information regarding the situation of children in Syria, it is possible to consult the following EASO COI reports on Syria:

- [Internally displaced persons, returnees and internal mobility, April 2020:](#)
  - ❖ 3.6 Legal obstacles to housing, land and property rights
  - ❖ 4.2 Children
- [Socio-economic situation: Damascus city, April 2021](#)
  - ❖ 2.4. Civil documentation
  - ❖ 3.6 Health care
  - ❖ 3.7 Education
- [Situation of returnees from abroad, June 2021:](#)
  - ❖ 5. Treatment upon return
- [Situation of women, February 2020:](#)
  - ❖ 1.2.3. Legal status and rights

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