

To: Islamic Legal Studies Program, Harvard Law School  
From: Lauren Blodgett, J.D. '16  
Re: Winter Term Report  
Date: March 18, 2016

### *Statelessness and the Syrian Refugee Crisis in Jordan*

#### **Background:**

For our Winter Term paper, my classmate Sarah Abraham and I traveled to Jordan to research the issue of statelessness in the context of the Syrian refugee crisis. Due to Jordan's long-standing history of accepting refugees from countries across the region – such as Palestine and Iraq – we thought Jordan would serve as an ideal location to research the current situation of Syrian refugees.

As a result of the conflict involving ISIS, the Assad regime, and other actors, Syria has experienced a mass exodus of refugees over the past few years. An estimated nine million Syrians have fled their homes since the outbreak of the civil war in March of 2011. In Jordan, there are currently 629,627 registered Syrian refugees. Different actors such as the Jordanian government, UN agencies, and non-governmental organizations have provided life-saving resources, such as food and shelter, to meet the immediate needs of these refugees. Conversely, the issue of statelessness has received relatively little attention from academics and stakeholders alike, both within Jordan and across the world. The lack of discussion surrounding statelessness is likely due to the prioritization of the imminent needs of the refugees, as opposed to focusing on what is often considered a long-term issue.

Despite the perceived lack of urgency surrounding the issue of statelessness, it is a serious problem that can have severe consequences. A stateless person is someone who is “not considered a national by any State under the operation of its law.”<sup>1</sup> While statelessness is a human rights violation *in itself* (the right to a nationality), the secondary effects that flow from statelessness can impact a person's right to education, freedom of movement, and family life. One of our main reasons for travelling to Jordan was to see which consequences, if any, are already being felt or recognized on the ground.

We also hoped to learn more about the causes of statelessness during our time in Jordan. In particular, we sought to understand the impact of civil documentation processes and the

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<sup>1</sup> Convention Relating to the Status of Stateless Persons, art. 1, opened for signature Sept. 28, 1954, 360 U.N.T.S. 117 (entered into force Jun. 6, 1960)

gendered nationality laws of the region, since these two issues are often the main contributors leading to statelessness.

### **The Process:**

In addition to conducting our own independent research of relevant laws and articles, we interviewed different organizations in Jordan in order to hear their perspectives and experiences relating to the issue of statelessness. We attempted to speak with a range of different actors, including local and international organizations, as well as policy and legal aid organizations. Throughout our time in Jordan, we met with: the International Refugee Assistance Project (IRAP), Human Rights Watch (HRW), the United Nations Children's Emergency Fund (UNICEF), the United Nations Relief and Works Agency Palestine Refugees in the Near East (UNRWA), Arab Renaissance for Democracy and Development (ARDD), and Justice Center for Legal Aid (JCLA). We also met with other individuals and organizations who requested that they not be included in the paper, but who provided valuable insight into the situation.

### **Lessons Learned:**

By meeting with such a diverse group of organizations, we collected valuable insight for our research paper. One key benefit of speaking with a wide range of people is that the organizations often had differing views on the same topic. Another benefit of these interviews was that the organizations were able to provide first-hand accounts and anecdotes about how statelessness impacts their work. These personal stories are difficult to uncover in the absence of a face-to-face interaction. Therefore, these interviews were crucial in providing us with a more complete account of this issue and its practical implications on the ground. Below, I discuss in more detail some substantive lessons we learned regarding statelessness.

#### ***General Treatment of Syrian Refugees in Jordan:***

Many organizations were able to shed light on the general situation of Syrian refugees in Jordan. According to UNRWA, the Jordanian public has a lot of respect for Syria and Syrian culture. Jordanians seem to appreciate and admire the Syrian way of life and Syrian manners, as opposed to how Jordanians may perceive other countries in the region. IRAP echoed this sentiment, stating that Syrians were initially received in Jordan with open arms. Jordanians

would put signs on their houses welcoming the refugees, with some people even taking Syrians into their homes. Many organizations commented on how this public opinion has started to change, however. It is becoming clear to Jordanians, and the rest of the world, that the plight of Syrian refugees is not temporary – and therefore Jordanians are starting to lose their patience.

Another common thread raised throughout our interviews was the lack of information that Syrian refugees have about their own situation. For example, UNRWA stated that Syrian refugees do not really see statelessness as a problem because they do not know much about it. A local legal aid organization agreed with this statement, but noted that as time is passing, some refugees are shifting from focusing on immediate needs to thinking more about the long-term consequences of their migration from Syria. As almost every organization we spoke to pointed out, the problem of lack of information is exacerbated by rumors and misinformation that spread throughout the refugee community. The legal aid organizations we spoke with, including JCLA, stated that Syrians do not trust the legal system or government because of how they were treated in their home country. This makes it more difficult for NGOs to effectively provide information and legal advice.

Finally, many organizations emphasized the issue of the treatment of Syrian refugees in the Jordanian education system. HRW highlighted that Jordan has the best education system in the region, and that education is very important in Syrian culture. Many interviews, such as with IRAP and UNICEF, unveiled how Syrian children are being horribly treated in the school system. IRAP stated how pervasive bullying is, and that sometimes it goes as far as Syrian children having their arms broken. UNICEF elaborated on the negative consequences of Syrian children being bullied and fearing attending school. UNICEF stated how they provide informal education to Syrian refugees, since not attending school often leads to negative coping mechanisms and puts children at risk for other abuses, such as child labor.

### ***Civil Documentation:***

Many interviewees, such as HRW and UNRWA, listed civil documentation as the biggest contributor to statelessness. UNRWA discussed how many Syrians lack documents altogether – often times because they were fleeing for their lives and did not bring *anything*, let alone documents, with them to Jordan. Since refugees need documentation for many aspects of life in

Jordan, such as getting married or having a child, many Syrians risk their lives and travel back to Syria to retrieve their documents.

One legal aid organization stated that marriage certification is the most important issue surrounding statelessness. Many refugees have a proper marriage according to Syrian law that is not officially recognized under Jordanian law. For example, the JCLA stated that the age for underage marriage is different in Syria and Jordan – with girls as young as 11 being legally married in Syria. Other marriages, however, that might be considered permissible in Jordan are missing the proper paperwork if they were done informally or under sharia, rather than civil, law. In order to “fix” these marriages, the refugees have to go through a court process and pay an additional 1,000 JD fine (the equivalent of \$1,410). Since this process is financially prohibitive, many Syrians have a lot of trouble registering the birth of their child – which requires proof of a proper marriage. In turn, these children are at risk of becoming stateless since they do not receive the proper registration and documents when they are born.

### ***Gendered Nationality Laws:***

We heard many differing accounts regarding the gendered nationality laws in Jordan and Syria. Under these laws, a child can only receive nationality from his or her father, rather than through the mother. This is problematic in the context of a civil war where many Syrian fathers have either passed away or are still in Syria while their family has fled the country.

Some organizations, such as IRAP, stated that these laws are widely accepted throughout the region. Other organizations, such as UNICEF and a local legal aid organization said these laws are very controversial, political, and remain a sensitive topic in the country. Regardless of their perspective on the sensitivity of the topic, many organizations stated that reforming gendered nationality laws would be the biggest help in solving the issue of statelessness.

### **Conclusion:**

Our Winter Term research in Jordan provided us with invaluable insight into how the issue of statelessness is perceived and dealt with on the ground. Through speaking with various organizations we were able to learn about the general culture surrounding the refugee crisis in addition to the laws and regulations that impact the refugees’ safety, security, and human rights.