

Statelessness Displaced: Update on Syria's Stateless Kurds

By Thomas McGee

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**Statelessness Displaced:
Update on Syria's Stateless Kurds**

Thomas McGee

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Author biography

Thomas McGee is a researcher and humanitarian practitioner specialising in the Middle East. Speaking Arabic and Kurdish, he has conducted extensive field research with Syrian/Kurdish communities since 2009. Thomas graduated from Cambridge University and holds MA in Kurdish Studies from Exeter, writing his thesis on stateless identity for Syria's Kurds. He has published on Kurdish statelessness in *Tilburg Law Review* and contributed to the MENA Nationality and Statelessness Research Project. Meanwhile, Thomas has worked with several humanitarian agencies, including UNHCR.

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Abstract

This paper provides a case study update on the situation of stateless persons – specifically *ajanib* and *maktumeen* Kurds from Syria – and focuses on the forced displacement from their country of origin. It considers the protection regime in place for the many stateless Syrian Kurds now in the Kurdistan Region of Iraq, as well as what more can be done to protect those seeking a durable solution in a third country. This includes a consideration of UN-facilitated resettlement schemes, such as the Vulnerable Persons Resettlement (VPR) programme to the UK, which presently excludes stateless Syrians at a time when increased numbers from the stateless community are risking travel to Europe by illegal means. Finally, the paper highlights some concerning policy assumptions affecting stateless persons within the present European refugee/asylum context.

“[...] since the onset of the Syrian crisis, the number of stateless persons reported in the country has dropped from 300,000 at the start of 2011 to 160,000 at the end of 2013. Only part of this reduction is due to efforts to resolve the situation, namely through the naturalization of a segment of the stateless group on the basis of a specially adopted decree. Much of the decrease in numbers comes as the result of forced displacement prompted by the conflict.”¹

1. Introduction

The above citation from the first edition of *The World's Stateless* report succinctly describes the developments over recent years affecting one of the world's largest and most protracted stateless populations: a section of the ethnically Kurdish community in Syria deprived of nationality following an exceptional census that took place in 1962. After little change in their situation and legal status for almost 50 years, the new context of popular uprising in 2011 (part of the so-called Arab Spring) and subsequent civil war in Syria significantly affected the country's stateless Kurds in two key ways.

Firstly, in April 2011 Syrian president Bashar al-Assad issued Legislative Decree No. 49 as a concessionary measure intended to reduce participation of the historically restive Kurdish population in the anti-government protest movement growing in momentum across the country. The decree “grants Syrian Arab nationality to those registered as *ajanib* [‘foreigners’] of Hassaka [governorate in north-eastern Syria]” and as a result a considerable number of Kurds from Syria were able to acquire nationality for the first time. It, however, makes no mention of the second category of stateless Kurds: some 150,000 *maktumeen* [meaning ‘concealed’] who were excluded from its provisions. Further analysis of the decree from the perspective of reducing statelessness – as well as its limitations in law and implementation – is provided in a 2013 report issued by Tilburg University Statelessness Program.²

Secondly, within the 4.8 million Syrians who have fled the country due to violence and insecurity since the start of the war,³ a considerable – though exactly unknown – proportion of the stateless Kurds have crossed the border, mostly into northern Iraq though others are found in Lebanon and Turkey. This mass displacement is on top of the more than decade-long pattern of stateless Kurds individually travelling to Europe by illegal means in order to escape their hopeless situation in the region;⁴ a trend that continues until today.

After a brief update assessing the current impact of the 2011 Decree for Syria's stateless Kurds, the focus of this paper is rather on the intersection of statelessness and displacement across international borders. While the two-directional link of statelessness as both a cause and result of displacement has been well-established,⁵ the subject matter here will be the impact that displacement (especially forced displacement) to another country can have on the situation of those who are already stateless, and how this can determine their options for durable solutions in contrast to persons enjoying an established nationality. The present research therefore draws on semi-structured field interviews conducted with stateless Kurds from Syria present in the Kurdistan Region of Iraq (KR-I) during early

¹ Institute on Statelessness and Inclusion, *The World's Stateless* (Wolf Legal Publishers, 2014), p. 52. Figures refer to UNHCR's statistical reporting on statelessness.

² Zahra Albarazi, ‘The Stateless Syrians’ (2013), Middle East and North Africa Nationality and Statelessness Research Project, Tilburg University Statelessness Program <<http://www.refworld.org/pdfid/52a983124.pdf>>.

³ UNHCR, Syria Regional Refugee Response data, March 2016.

⁴ Jordi Tejel, *Syria's Kurds: History, Politics, and Society* (Routledge, 2009), p. 68.

⁵ Laura van Waas and Zahra Albarazi, ‘Statelessness and Displacement: Scoping Paper’ (May 2015) Norwegian Refugee Council & Tilburg University <<http://www.nrc.no/arch/img/9197390.pdf>>.

2016, as well as online communication with those now in European countries.⁶ A total of 54 people were interviewed across the Kurdistan Region's three Governorates (Duhok, Erbil and Sulaimaniya), with the conversations focusing on their current situation there, as well as legal and security issues faced by stateless family members elsewhere. Such interviews helped to build up a comprehensive picture of the far-reaching impacts of statelessness on the affected communities.

As such, this paper concentrates on the contemporary situation of stateless Kurds from Syria who find themselves outside their home country. The historical context and origins of their statelessness have been dealt with in previous scholarship,⁷ while human rights and advocacy groups have repeatedly documented the severe violation of fundamental rights experienced by those rendered stateless.⁸ Given the current context of displacement from Syria, both to neighbouring states and beyond, this paper extends knowledge about the experiences of the country's stateless Kurds as they become refugees and asylum seekers. Firstly, it deals with the situation of those based in the Kurdistan Region of Iraq. Then, two personal case studies are presented in order to provide insight into the prospects of resettlement as a durable solution, and to highlight the often unacknowledged challenges stateless persons experience within the present European refugee/migrant crisis.

2. Stateless Syrians in the Kurdistan Region of Iraq

While the government's implementation of the 2011 Decree did result in reducing the number of stateless persons, a significant part of Syria's remaining statelessness problem has now been 'exported' to new geographic and legal contexts with the displacement of affected persons out of the country. Indeed, the majority of research participants confirmed that within the Kurdish community still living in Syria there are only a very few *ajanib* who have not yet acquired Syrian nationality. These are mostly exceptional cases where those affected are unable, apprehensive or unwilling to approach the national authorities to submit their claim. Concerning the *maktumeen* who were officially excluded from Decree No. 49, it is estimated that only between 4,800 and 5,000 remain across the Hassaka Governorate in Syria, as a result of considerable numbers leaving the region.⁹

It is arguable that the locus of Syria's statelessness problem has now shifted towards the Kurdistan Region of Iraq, where the largest population of stateless Kurds outside their country of origin is presently hosted.¹⁰ This is in a wider context in which Iraq, with its own history of statelessness – notably as many as 300,000 Faili Kurds stripped of nationality in 1980¹¹ – is now facing a growing crisis

⁶ Given the inherited and connected nature of statelessness in Syria, and the fact that stateless persons in the Kurdistan Region constitute a somewhat scattered sub-population, snowball sampling proved an effective method of identifying research participants. Moreover, those in the KR-I were often able to connect me with stateless relatives and/or acquaintances who had travelled to Europe.

⁷ For details of the discriminatory and arbitrary implementation of the 1962 census, refer to: KurdWatch, 'Stateless Kurds in Syria: Illegal invaders or victims of a nationalistic policy?' (March 2010) Report 5 <http://www.kurdwatch.org/pdf/kurdwatch_staatenlose_en.pdf>; Thomas McGee, *Stateless Identity and National I.D.: Kurds in Syria* (University of Exeter Masters Thesis, 2012), pp. 49-62.

⁸ *Inter alia*, Human Rights Watch, 'Syria: The Silenced Kurds' (1996) <<https://www.hrw.org/legacy/reports/1996/Syria.htm>>; Refugees International, 'Buried Alive: Status of Kurds in Syria' (January 2006) <<http://www.refworld.org/docid/47a6eba80.html>>.

⁹ Figure provided by the Civil Registry Directory Office in Derik/al-Malikiya in March 2016. The office reports working to collect *maktumeen* cases for referral to the central offices in Damascus should there become a possibility of their acquiring *ajanib* or Syrian national status. As yet, no such action has been taken.

¹⁰ Though no accurate statistics are available, this finding is supported by REACH/UNHCR, Domiz camp Survey Data, July 2013, as well as by estimations provided by stateless Kurds themselves.

¹¹ Elizabeth Campbell, 'The Faili Kurds of Iraq: Thirty Years Without Nationality' (April 2010) Refugees International <<http://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>>.

of legal identity. Islamic State takeover of territory in recent years has left many Internally Displaced Persons in Iraq unable to acquire identity documents necessary to access basic services,¹² while their unregistered new-born children, like those of Syrian refugees in the country, can be at increased risk of becoming stateless.¹³

In KR-I, stateless Kurds – like fellow Syrians – have come into direct and regular contact with agencies of the humanitarian community, and qualify for assistance and international protection under UNHCR’s refugee mandate. In contrast, while the non-refugee stateless are also mandated Persons of Concern to UNHCR,¹⁴ due to political sensitivities back home in Syria, the stateless Kurds there found themselves positioned “beyond UN assistance.”¹⁵ Despite significantly increased access to the community in the Kurdistan Region, UNHCR has done little to map statelessness among the Syrian Kurdish refugee population. Rather, for both convenience and in order to provide the highest possible level of protection, UNHCR does not distinguish between the various nationality statuses – citizen/*ajnabi*/*maktum* – when determining and registering Syrians as refugees.¹⁶ Indeed, this is in line with UNHCR’s statistical reporting whereby ‘stateless refugees’ are counted as refugees and excluded from data on stateless persons in order to avoid double counting.¹⁷

Likewise, it is the policy of the Kurdistan Regional Government not to ask about the nationality status of Syrian refugees.¹⁸ As such, *ajanib* and *maktumeen* are provided the same legal protection as other refugees. Besides a few reports of difficulties and delays in completing residency paperwork,¹⁹ those Kurdish refugees who are also stateless do not appear to experience specific protection concerns while in the Kurdistan Region. An indirect (and adverse) result of such policies, however, is the lack of reliable information on the number of stateless Syrian Kurds, since their statelessness is invisible within official statistics.²⁰ It is important to note that while the scale of the statelessness problem and the potential vulnerabilities of this population are largely obscured when in the Kurdistan Region, protection concerns are often (re-)activated as stateless Kurds travel to third countries outside Syria and Iraq. More thorough mapping of statelessness in Kurdistan may, therefore, be particularly relevant given the large number of stateless Kurds who have left KR-I and/or Syria and risked journeying illegally to Europe over the last year.

Many people remain stateless in the Kurdistan Region as a result of two significant limitations associated with the scope and implementation of Decree No. 49’s provisions for naturalisation.²¹ Firstly, its failure to mention the *maktumeen*-status Kurds means that they are in practice excluded

¹² Julia St. Thomas King and Dennis Ardis, ‘Identity crisis? Documentation of the displaced in Iraq’ (November 2015) Humanitarian Exchange 65 <http://odihpn.org/wp-content/uploads/2015/10/HE_65_web.pdf>.

¹³ Salar Salim and Susannah George, ‘Thousands of Syrian refugee children in Iraq left in “legal limbo”’ *The Independent* (29 November 2015) <<http://www.independent.co.uk/news/world/middle-east/thousands-of-syrian-refugee-children-in-iraq-left-in-legal-limbo-a6753531.html>>.

¹⁴ UNHCR/Division of International Protection (DIP), Note on the Mandate of the High Commissioner for Refugees and his Office, (2013) p. 8.

¹⁵ Taghee Moas, ‘62 years of Human Rights, yet no rights since ‘62’, (Fall 2010) *Rights in Review* 3, p. 10 <www.jhr.ca/downloads/Rightsinreview_Fall_2010.pdf>.

¹⁶ Stateless status is not currently indicated in the refugee profiles maintained on UNHCR’s specialized ProGres registration software for those in the Kurdistan Region.

¹⁷ Institute on Statelessness and Inclusion, *The World’s Stateless* (Wolf Legal Publishers, 2014), p. 10.

¹⁸ In an interview during March 2016, an official stated that the KR-I government “refuses to respect the discriminatory differentiations imposed on Kurds by the Syrian government.”

¹⁹ It is perhaps significant to note that these cases were reported by stateless Kurds based in Sulaimaniya governorate in KR-I.

²⁰ Challenges associated with accurately quantifying statelessness have been highlighted in Institute on Statelessness and Inclusion, *The World’s Stateless* (Wolf Legal Publishers, 2014).

²¹ Limitations of the decree are further compounded by the dimension of gender discrimination already built into Syrian nationality legislation, as is the case in many other countries in the Middle East region.

from the benefits of citizenship provided to the *ajanib*.²² Approximately 5% of refugees randomly sampled in Domiz camp as part of a 2013 assessment conducted by REACH organisation were found to be *maktumeen*.²³ Considering this finding in view of the almost quarter million total Syrian Kurdish refugee population in the Kurdistan Region indicates the likelihood of a considerable *maktumeen* population.

Secondly, the necessity for all applicants to be present in Syria in person has left *ajanib* outside the country unable to benefit from the decree.²⁴ Those based in KR-I may well be nervous that should they travel back to Syria in order to try and acquire nationality, this could affect their legal situation as refugees and present bureaucratic challenges when attempting to return to Kurdistan afterwards. This notably includes stateless members of the population of several hundred families who were forced to flee government persecution in Syria following their involvement in the 2004 Kurdish uprising (also known as *Serhildana Qamishlo*).²⁵ Indeed, owing to resentment about their disenfranchisement, stateless Kurds were particularly well-represented in these demonstrations. Now, unable to return to Syria for political and protection reasons, this largely fatigued community is mostly split between two residential locations in the Duhok Governorate of KR-I, with approximately half of their number leaving for Europe over the last year.²⁶ Case studies from each of the above mentioned locations are presented below in order to illustrate the dilemmas facing Kurdish families affected by statelessness.

3. CASE 1: Resettlement as a Durable Solution for Stateless Refugees

Although, according to the law, ten years of continuous residence ordinarily makes foreigners eligible to apply for Iraqi nationality, the fact that the Syrian Kurds arriving in 2004 (like many refugees after them) entered the country illegally means that they cannot benefit from this provision.²⁷ As such, integration in the Kurdistan Region cannot be considered to provide full resolution for their statelessness problem. The below case highlights the limited options available to stateless refugees seeking a durable solution through legal means, be it in the Kurdistan Region of Iraq or a third country.

Muqable camp, located close to Sumel town along the Duhok-Zakho highway, originally hosted about 180 families from the 2004 asylum generation. With some families later being relocated (see Case 2), the approximately 90 who remained mostly upgraded and extended their tents by adding concrete walls and plastic sheeting. After more than a decade of uncertain fate, families generally feel cut off from services and left behind in the ‘forgotten camp’. A dozen in Muqable were considered to be ‘stateless families’, while others may have one or two stateless members.

²² Of 54 stateless Kurds in KR-I who participated in this research, none were able to cite a case where a *maktum(a)* individual had been naturalised other than where his/her *ajnabi* father had recently become a citizen. However, some believed that a small number of *maktumeen* might have been able to acquire nationality irregularly through personal connections (*wasta*) and/or paying a large bribe to authorities.

²³ REACH/UNHCR, Domiz camp Survey Data, July 2013; Thomas McGee, ‘The Stateless Kurds of Syria: Ethnic Identity and National I.D.’ (2014) *Tilburg Law Review* 19, p. 175.

²⁴ It is noted that a small number of those initially unable to access naturalization due to their inability to return to Syria have managed to acquire nationality through payment of bribes to officials. For example, Khalil Ismail and his sister (also based in KR-I) who when interviewed in 2013 (Zahra Albarazi, ‘The Stateless Syrians’, p. 19) had failed to acquire nationality with the rest of their family members in Syria, have now become citizens.

²⁵ Jordi Tejel, *Syria’s Kurds: History, Politics, and Society* (Routledge, 2009), pp. 108-32.

²⁶ Statistics for those who have left illegally are not maintained by either UNHCR or the local authorities Board of Relief and Humanitarian Affairs (BRHA) in Duhok.

²⁷ See both Article 8 of the 1963 Iraqi Nationality Law, No. 46 <www.refworld.org/docid/3ae6b4ec38.html> and Article 6 of its March 2006 amendment, No. 26, Iraqi Official Gazette, Issue 4019 <www.refworld.org/pdfid/4b1e364c2.pdf>.

First encountered while conducting field research for my Masters dissertation in 2012, contact has been maintained with the family of BS. Both parents and the 9 children are maktumeen.²⁸ They have worked hard to integrate into Duhok society, with the children attending educational courses and quickly picking up the local accent. The family gained mobility to overcome Muqable's distance from Duhok and other services through the eldest son working as a taxi driver. Later, one of the daughters became a presenter for a local TV channel. Nonetheless, years of pending asylum claims in KR-I, and being unable to return to Syria had left the family with an intermittent, yet persistent, feeling of distress.

In June 2014, they were one of a number from Muqable to receive written confirmation from UNHCR that their case had been submitted to the Government of USA for resettlement consideration. By August 2015, the family was anxiously weighing up their prospects of acceptance for America against the risks of travelling illegally to Europe with the increased numbers making the journey. With no news about the former, they set out on the difficult journey to Germany, selling their possessions and spending savings in the process.

Since arrival in Germany in October 2015, the family awaits their initial court hearing, having been provided temporary identification papers in the absence of residency.

Following inquiry into the pending cases under consideration for resettlement to the USA, it was revealed that four families, all with stateless (*maktumeen*) members from Muqable camp, had been denied for further processing under TRIG (Terrorism-Related Inadmissibility Grounds). More research would here be necessary to ascertain whether the stateless status of applicants is a factor that directly contributed towards this decision. It is perhaps more likely to assume that the overly broad inadmissibility criteria, which "define any rebellion against any established government as 'terrorist activity'" would consider association with the 2004 Kurdish uprising as cause for exclusion.²⁹ In either case, such provisions deny protection to vulnerable stateless refugees/asylum seekers who most likely present no real risk to the USA.

Meanwhile, it has been confirmed that the expanded Syrian Vulnerable Persons Resettlement (VPR) scheme, through which the UK has pledged to accept 20,000 Syrian refugees, is focused exclusively on resettling Syrian nationals, and as such stateless persons do not fall within its scope. A representative of the Home Office Syrian Resettlement Correspondence Team acknowledged in writing that "only Syrian nationals are eligible to apply," and that "there are no current plans to widen the Syrian Resettlement Scheme."³⁰ It is arguable that, if challenged, such a policy could be found to be unlawful by reason of discrimination on the basis of nationality (and lack thereof).

It should be noted that through UNHCR's registration of Syrian Kurds as refugees in KR-I, the agency has 'known' many of the stateless Kurds under this title for several years already. As such, more focused mapping of stateless persons within the registration process would be a good starting point for UNHCR to further operationalise its statelessness mandate in Kurdistan. Identifying statelessness in registration documents would moreover assist with verification of statelessness claims in asylum countries. The greater inclusion of stateless Syrians in resettlement programs would provide a durable solution for some of those experiencing the long-protracted problem, and avoid further protection concerns (see below) for some of the most vulnerable within the refugee community.

²⁸ Following a lengthy legal process, the father succeeded in acquiring Turkish nationality for himself based on ancestral claims. Due to bureaucratic difficulties, he had not, however, managed to extend the nationality to his stateless children.

²⁹ Human Rights First, 'Addressing Barriers to the Resettlement of Vulnerable Syrian and Other Refugees' (February 2014) <<http://www.humanrightsfirst.org/sites/default/files/Syria-Trig-Factsheet.pdf>>.

³⁰ Correspondence received in March 2016.

4. CASE 2: Reception of Stateless Asylum Seekers upon arrival in Europe

With resettlement possibilities through official channels (including that facilitated by UNHCR) extremely limited for stateless Kurds, many now feel they have no choice but to travel illegally to Europe. This leaves the stateless particularly vulnerable to exploitation by smugglers and puts them at risk of protection concerns when unable to present documents to the police in countries on the way. Several anecdotes were relayed about detention of *ajanib* and *maktumeen* in Turkey, Greece and the Balkan countries, with some reporting aggression or violence from officials. Moreover, their lack of regular identity papers can mean that the authorities struggle to classify stateless Kurds by nationality when filtering asylum seekers, resulting in arrest, denial of further access and restriction of mobility. The second case study below highlights the complications that can be experienced by stateless Kurds arriving in Europe as well as exposing some of the assumptions underpinning the legal process when it comes to their reception and treatment by European authorities.

Komelgeha Qamishlo [Qamishli housing estate] is a group of 88 houses built in 2007 by the Kurdistan government besides what has today become the sprawling Domiz refugee camp, some five kilometres west of Duhok, in order to relocate a section of the families who had arrived in 2004. Known as the '2004 houses', the new accommodation provides a more substantial option than that in Muqable camp. Nonetheless, approximately half of the families who had originally moved to Komelgeha Qamsihlo have departed for Europe, leaving a strong sense of loss within the community. Many of those who travelled had stateless family members, and currently some 10-15 large families remain who are affected by statelessness.

Shivan, who lived as a maktum in Syria, is now quite exceptionally a lawyer assisting other Syrian Kurds with problems relating to nationality and residency in KR-I. After coming to Kurdistan in 2004, Shivan's father was able to activate a claim for Iraqi citizenship having served there with the Kurdish liberation movement forces during the 1950s. Shivan was later able to acquire an Iraqi passport for himself and hopes to be able to register his children as Iraqi citizens also.

His professional engagements and own experiences have made him knowledgeable about the situation and suffering of the stateless Kurdish community from Syria. Shivan's still-maktum brother, for example, had hoped to improve the situation for his family by going to Europe. However, German authorities were unfamiliar with his status, and he has remained in an "asylum camp" for six months awaiting his initial immigration interview. Due to his tired financial and psychological situation, Shivan is now advising his brother to give up on Europe and return back to Kurdistan (again through illegal travel), where at least he can be with his wife and children (whom Shivan is supporting in his absence).

"Even if my brother is given residency, there is no guarantee that his family could go to him," says the lawyer, having himself worked on cases where maktumeen have been unable to join their immediate relatives through family reunification as they need a Syrian passport – stamped from Damascus – for reunification travel. "My brother is now depressed, and after six months we have no indication how he will even be treated as a maktum. We hear of other cases in Europe where maktumeen are considered with little sympathy."

It is evident that in many cases status determination for stateless persons is not happening upon arrival and during initial registration in countries of European asylum. 12 stateless Kurds in Germany [7], Switzerland [1], Sweden [3] and Austria [1] (representing 74 family members in the same situation) mentioned that, having spent between three and nine months in the country of asylum, they had all

as yet not had the opportunity to explain their stateless situation to officials.³¹ One individual in Germany since June 2015 said that on three occasions she has visited the local council offices to clarify her status, and each time had been informed not to return until being called for interview. All of these research participants spoke of the anxiety, and in some cases depression, caused by having no clear understanding of their situation or future.

Many are fearful that their claims will not be understood or believed, knowing that other asylum seekers profess to be *maktumeen*, when they may not actually be Kurds from Syria, leading to a certain caution within European immigration systems. This is compounded by misunderstandings of the current situation following Decree No. 49, whereby some stateless Kurdish asylum seekers report having been challenged that they ought to have received nationality since 2011. The above-mentioned limitations of the Decree and fact that not all have been in a position to benefit from its provisions are consequently overlooked.³²

“There is a history of Europe misunderstanding the situation of stateless Kurds,” says Shivan. Prior to 2011, for example, the UK legal system had generally considered the treatment of stateless Kurds in Syria not to amount to a real risk of persecution and breach of human rights. A 2006 appeal tribunal, which revealed unfamiliarity with the differences in rights and documentation between *ajanib* and *maktumeen*, went on to conclude that legal restrictions and deprivations faced by the stateless Kurd in question had not “materially damaged or would damage the quality of his life and nor could anything different be said with regard to the situation of any other persons living as a stateless Kurd whether Ajanib or Maktumeen [sic] in Syria.”³³ Moreover, an appeal judge in 2009 determined that, “indeed the very fact that a stateless, undocumented Kurd cannot legally get an exit visa may even diminish the seriousness of the offence.”³⁴

Such commentary indicates a failure not only to recognize statelessness caused by ethnicity-based discriminatory state practices as persecution,³⁵ but also to comprehend the political/security situation in Syria, in which the government viewed stateless Kurds as having an innately dangerous political identity – an identity that was beyond their own control. Many stateless Kurds actively would seek to maintain a low profile in order to avoid government harassment, and recounted how officials would often perceive their statelessness to be a signal of anti-government activity or identity.³⁶ Multiple research participants narrated strikingly similar dialogues with officials in Syria that had led to their imprisonment or mistreatment:

“Where is your ID?” – “I don’t have one.” – “Why not?” – “I don’t know, I just don’t have one.” – “But why don’t you have one?” – “They didn’t give me one.” – “Who didn’t?” – “The government.” – “And why not?” – “I don’t know. They just didn’t” – “You must be some kind of criminal. Come with me...”

³¹ Further research, with a larger number of respondents, is required in order to draw conclusions about the comparative treatment of stateless persons arriving to different European countries, and to examine the impact that the respective country’s legislative framework and procedures for statelessness determination have on the experiences of newly arrived stateless asylum seekers.

³² It appears that this point has been addressed in the Swiss legal system, as reported in Pablo Amaiz ‘Staatenlose im internationalen und schweizerischen Recht’ [Stateless in International and Swiss law] (Masters Thesis: 2015) p. 21.

³³ United Kingdom Asylum and Immigration Tribunal [UKAIT] 00048, AR (Kurd: not risk per se) Syria CG (2006), pp. 16, 20 <www.refworld.org/pdfid/46836a9f0.pdf>.

³⁴ United Kingdom Asylum and Immigration Tribunal [UKAIT] 00006, SA and IA (Undocumented Kurds) Syria CG (2009), p. 46 <<http://www.refworld.org/pdfid/498876732.pdf>>.

³⁵ The sinister motivations behind deprivation of citizenship for Kurds are clearly spelled out in Muhammed Taleb Hilal, ‘Study of the Jazira Province: from the National, Social and Political Perspectives’ (1963).

³⁶ Zahra Albarazi, ‘The Stateless Syrians’ (2013) p. 28.

Thus, it is important that academic investigations, as well as government policies and officials, are sensitive to the decades of cumulative suffering and exclusion resulting from the historic injustice of Kurdish statelessness in Syria. Indeed, interviews with those now in Europe demonstrate that the significant material and psychological impacts of being 'buried alive' are often still felt today, and should not be underestimated.

5. Conclusion

Although the Syrian context has changed significantly since 2011 with the spread of civil war and emergence of new local governance systems and armed actors, many of Syria's stateless (or formerly stateless) Kurds continue to suffer from the results of years of exclusion and victimization. While the number of stateless Kurds from Syria has reduced – both in Syria and globally – the problem has become a complex and dynamic one, with much of the community becoming displaced and increasingly dispersed. Though stateless Kurds from Syria generally do not experience specific protection concerns in the KR-I, their situation is often difficult, and many who have left now face uncertainty in third countries in Europe.

This paper highlights the limited options for legal resettlement available to stateless Kurds from Syria, leaving no travel option but dangerous illegal routes. Further, it draws attention to those whose applications and status determination as stateless persons are pending in European asylum counties. Advocacy for non-exclusion of stateless individuals (here Kurds of Syria) in resettlement programmes, as well as for expediting the process of status determination in the European context is necessary to provide increased protection for stateless persons, as well as leading to durable solutions for stateless refugees.