Stateless Kurds in Syria: Maktoumin and Ajanib

The stateless Kurds in Syria
In connection with a census conducted in the Syrian al-Hasakah province in 1962 approximately 120,000 Kurds\(^1\) residing in the area lost their Syrian citizenship. These Kurds were instead either registered as foreigners in a separate register for foreigners in al-Hasakah or they were not registered at all. Unregistered Kurds have since been referred to as Maktoumin (sing. Maktoum, Maktouma) while those registered as foreigners are referred to as Ajanib (sing. Ajnabi, Ajnabia\(^2\)).

It has been assessed, that the number of stateless Kurds has grown significantly since 1962. According to the most recent estimates, the size of the stateless population in al-Hasakah was approximately 300,000 at this time (2011).

This note will focus on identity documents issued to the stateless Kurdish population in Syria and the 1962 census that resulted in their statelessness. In doing so, the note will also briefly touch upon the legislative framework for acquisition of Syrian citizenship.

Acquisition and loss of Syrian citizenship
The fundamental method for acquisition of Syrian nationality is paternal jus sanguinis, meaning that Syrian nationality 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,\(^3\) while women can only transfer their Syrian nationality to their children in case the father is unknown and the given child is born within Syrian territory.\(^4\)

Syrian legislation further provides for the possibility of citizenship acquisition, when a child with no other nationality is born within Syrian territory. However in reality this is not seen to be executed.\(^5\)

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\(^1\) Albarazi 2013, pp. 16
\(^2\) Landinfo 2018, pp. 6-7
\(^3\) Albarazi 2013, pp. 7
\(^4\) Albarazi 2013, pp. 8
\(^5\) Albarazi 2013, pp. 7
In order to qualify for naturalisation, the following requirements must be met: knowledge of the Arabic language, absence of a criminal record, sufficient income and absence of contagious diseases. Last but not least, the person in question is required to procure documentation that they have had five years of residency in Syria (according to a later source, it is now 10 years of residency).\(^6\)

At the same time, there are four viable reasons for withdrawal of Syrian citizenship. Among them is withdrawal of citizenship based on the person representing a threat to the security and safety of the Syrian state. Whether the individual would be rendered stateless upon withdrawal of Syrian citizenship does not necessarily factor in to the considerations.\(^7\)

**The 1962 census**
As ordered in decree no. 93 (1962) a census was carried out within a single day in the Syrian province of al-Hasakah in 1962, a province predominantly inhabited by Kurds\(^8\). Syrian authorities justified conducting a census with reference to recent immigration from the neighbouring countries Iraq and Turkey. The census would help identify the groups of immigrants the authorities believed were infiltrating the area\(^9\).

On the day of the census, residents in the area were requested to present copies from the civil register, including proof of residence in Syria in 1945, and fill out a form with personal information. Residents not present on the day of the census were asked to present their documents within a timeframe of 15 days. Appeals were possible within a 3 month timeframe.\(^10\)

Certain aspects of the census have since been problematized by sources. Landinfo, for instance, problematizes the requirement to fill out a form, as many of the residents were illiterate and thus not able to fill out personal information in the form\(^11\). Research published by Tilburg University also problematizes the procedure on base of the residents having little experience with authorities and therefore not understanding the purpose of the census, how to proceed or how to lodge an appeal.\(^12\)

**Result of the 1962 census**
The 1962 census split the Kurdish population in al-Hasakah in three different categories; those with Syrian nationality, those who were registered as foreigners

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\(^6\) Albarazi 2013, pp. 10  
\(^7\) Albarazi 2013, pp. 11  
\(^8\) Albarazi 2013, pp. 14  
\(^9\) Albarazi 2013, pp. 14-15  
\(^10\) Landinfo 2018, pp. 6  
\(^11\) Landinfo 2018, pp. 6  
\(^12\) Albarazi 2013, pp. 15
and those not registered in any way. Which category the individual would belong to depended on the type of documentation the person could present to the officials conducting the census.

Residents, who were able to present the necessary and required documentation and successfully proved their residence in Syria in 1945 remained Syrian Nationals.

*Foreigner (Ajanib)*

Residents, who attempted to present the necessary documentation but failed to successfully prove residence in Syria in 1945 were categorised as foreigners, or *Ajanib (sing. Ajnabi/Ajnabia)* instead of nationals. They were registered in a separate register of foreigners in al-Hasakah, which is administered by the regular civil registry office located in the province. Their credentials are archived according to their *khana or qaid* (family number) in the same way as Syrian nationals.

*Unregistered residents (Maktoumin)*

Residents, who did not present any documents to the officials conducting the census, or were otherwise left out of the census, are referred to as *Maktoumin (sing. Maktoum/Maktouma)*. This group of people are completely unregistered with Syrian authorities and are not Syrian nationals. Their residence in Syria is illegal.

In total, some 120,000 Kurds became stateless residents in al-Hasakah. As the status as both Ajnabi and Maktoum is hereditary, the size of the stateless population is now considerably larger.¹³ The most recent estimates of the size of the stateless population from 2011 suggest that the number of stateless Kurds were approximately 300,000 at this time. It is unclear how the Kurdish population in al-Hasakah have been affected by recent events.

*Documents issued to Ajanib and maktumin*

The types of identity documents and the possibility of having civil documents such as marriage and birth certificates issued depend on the individual’s registration in the civil register. Table 1 illustrates in which cases the authorities will register a marriage and issue documents on base of this registration. Whether the parents are registered as Ajanib or unregistered also affects how the children are registered and subsequently which documents they may obtain.¹⁴

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¹³ Albarazi 2013, pp. 16
¹⁴ KurdWatch 2010, pp. 15
### Table 1: Marriage registration and status of the children

<table>
<thead>
<tr>
<th>Husband</th>
<th>Wife</th>
<th>Registration of marriage</th>
<th>Status of the children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen</td>
<td>Citizen</td>
<td>Yes</td>
<td>Citizens</td>
</tr>
<tr>
<td>Ajnabi</td>
<td>Ajnabia</td>
<td>Yes</td>
<td>Ajnab</td>
</tr>
<tr>
<td>Maktoum</td>
<td>Maktouma</td>
<td>No</td>
<td>Maktoumin</td>
</tr>
<tr>
<td>Citizen</td>
<td>Ajnabia</td>
<td>With special permission</td>
<td>Citizens</td>
</tr>
<tr>
<td>Citizen</td>
<td>Maktouma</td>
<td>With special permission</td>
<td>Citizens</td>
</tr>
<tr>
<td>Ajnabi</td>
<td>Citizen</td>
<td>With special permission, the wife keeps her original register number and is still considered single</td>
<td>Maktoumin. Ajnab if the marriage is registered</td>
</tr>
<tr>
<td>Ajnabi</td>
<td>Maktouma</td>
<td>No</td>
<td>Maktoumin. Ajnab if entered in father’s family register</td>
</tr>
<tr>
<td>Maktoum</td>
<td>Citizen</td>
<td>No</td>
<td>Maktoumin</td>
</tr>
<tr>
<td>Maktoum</td>
<td>Ajnabia</td>
<td>No</td>
<td>Maktoumin</td>
</tr>
</tbody>
</table>

*Identity documents*

Whether an individual is registered as a Syrian national, foreigner or is completely unregistered also determines which identity documents they may obtain. Syrian nationals may obtain the same identity papers issued as other Syrian nationals while Ajnab may have a certificate proving their identity and registration as foreigners in al-Hasakah issued. Syrian authorities do not issue any official identity documents to Ajnab.\(^\text{15}\)

Local community leaders (Mukhtar) previously issued a proof of identity (Shahadat Taarif) to Maktoumin residing in their community. Issuance of Shahadat Taarif required a previous approval from the Syrian police intelligence along with the presence of two witnesses. The Mukhtar would also sign the Shahadat Taarif.

In October 1999, the issuance of Shahadat Taarif was forbidden by decree from the governor of al-Hasakah. It is rumoured that some Mukhtars have continued to issue Shahadat Taarif to Maktoumin in spite of this.\(^\text{16}\)

*Decree no. 49 (2011)*

In March 2011, Decree no. 49 was adopted in Syria, which would grant Syrian citizenship to registered Ajnab in the al-Hasakah province. It appears that there has been a real commitment from Syrian authorities to grant Syrian nationality to Ajnab with reference to this decree. The Deputy Minister of Interior was quoted

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\(^{15}\) Landinfo 2018, pp. 9-10  
\(^{16}\) Landinfo 2018, s. 10
as saying that 9,381 Ajanib from al-Hasakah had been granted citizenship by June 2011. 17

However there are also some obstacles for stateless Kurds wishing to acquire citizenship. Especially the requirement for families to apply collectively and in person is a challenge as many families have been spread and many have left the country since 2011. Another factor that may keep some Ajanib from applying is the possibility of being called up to military service 18.

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**Sources**

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17 Albarazi 2013, pp. 18
18 Danish Refugee Council and Danish Immigration Service 2015, pp. 14