

# EASO Query System

**PCY.2020.027**

Original query

## **PCY.2020.027 – Kurds from Syria**

Query Type: **Policy**

Date Launched: 27/11/2020

Deadline for replies: 11/12/2020

Requesting Entity: **Switzerland**

Dissemination policy: **Restricted** to national asylum administrations

For any questions, please contact [queries@easo.europa.eu](mailto:queries@easo.europa.eu)

### **Background information/reason for submitting query**

On 29 June 2020, the Swiss State Secretariat for Migration (SEM) received from the diplomatic authorities in Beirut a new document that reviews the status of Ajanib and Maktumeen in Syria. This paper refers to the Presidential Decree no 49 of 7th April 2011 – with unchanged content – and more specifically to its legal interpretation and implementation by the Syrian authorities which differs widely from the previous information we received from them so far.

This new legal interpretation would have significant consequences on the current practice of the cases. Until now, the interpretation of SEM and the federal jurisdiction based on the Presidential Decree above mentioned, was that the Ajanib were registered as foreigners and they had the opportunity to obtain the nationality by submitting an application for Syrian citizenship. According to this new paper, the 2011 Presidential Decree granted Syrian citizenship ipso facto to all Ajanib who were registered on the Hasakah Civil Register. All those concerned may consult with Syrian authorities to ensure that their personal data are transferred from the Ajanib register to the official Syrian register. These formalities could be completed in Syria but also from Switzerland according to the information received.



## Questions

**1. For the reference period January 2015 -October 2020, have you received applications for international protection from Ajanib<sup>1</sup> or Maktumeen<sup>2</sup> from Syria?**

Yes

No

If NO to Question 1, please skip all remaining questions.

**2. If YES to Question 1, how do you register Ajanib applicants for international protection, if they provide credible evidence that they belong to the relevant Kurdish community?**

We register them as 'stateless'

We register them as 'Syrian citizens'

Other; Please specify:

**3. Which legal interpretation of the Presidential Decree no 49 of 7<sup>th</sup> April 2011, which regulates issues of nationality acquisition for Ajanib (registered Kurds), do you apply in your country? E.g. do you consider the Ajanib stateless in general? Or do you consider that according to this new legal interpretation all Ajanib are recognised as Syrian citizens?**

**4. How do you register Maktumeen applicants for international protection, if they provide credible evidence that they belong to the relevant Kurdish community?**

### For reference, information provided by CH:

**Ad.1.** Yes

**Ad.2.** If they couldn't submit an application to obtain Syrian citizenship, they will be registered as stateless.

**Ad.3.** The interpretation of SEM and the Swiss federal jurisdiction based on the Presidential Decree above mentioned, is that the Ajanib are registered as foreigners and they had the opportunity to obtain the nationality by submitting an application for Syrian citizenship. As mentioned above, if they couldn't submit an application to obtain Syrian citizenship (because they are recognized as refugees for example), they will be registered as stateless. Until now, the interpretation is as stated here. However, we are currently analysing to implement the new one.

**Ad.4.** According to the current practice, if a Maktumeen can prove that he belongs to the Kurd community, s/he will be registered as stateless.

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<sup>1</sup> "Foreigner" in Arabic [ajnabiya = female; ajanabi = male; ajanib = plural] Ajanib are stateless Kurds included in the official registries. They attended the 1962 census but failed to establish to the authorities that they had been resident in Syria prior to 1945 and were therefore recorded as Ajanib. They face restricted access to public services and have limited rights of ownership and inheritance. *Source:* Institute on Statelessness and Inclusion / European Network on Statelessness, [From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe](#), January 2019

<sup>2</sup> "Concealed" in Arabic [maktuma = female; maktum = male; maktumeen = plural] Maktumeen are stateless Kurds not included in the official registries. They did not participate in the 1962 census at all or are individuals whose birth was not registered for different reasons. They enjoy even fewer rights than the Ajanib. For example, Maktumeen are unable to legally travel in the rest of Syria without a special security permission. *Source:* ibid