

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Would birth in Syria on its own entitle a Lebanese resident to Syrian citizenship?**
- 2. If so, would they be entitled to enter and reside in Syria or are there any further steps they would need to undertake to ‘resume’ Syrian citizenship?**

RESPONSE

1. Would birth in Syria on its own entitle a Lebanese resident to Syrian citizenship?

According to the US Office of Personnel Management’s *Citizenship Laws of the World*, “[b]irth within the territory of Syria does not automatically confer citizenship” (United States Office of Personnel Management 2001, *Citizenship Laws of the World*, March, p.192 – Attachment 1).

The latest UK Home Office country report on Syria (October 2007) provides information on citizenship and nationality:

- 28.01 In March 2001, the US Office of Personnel Management (OPM) released the ‘Citizenship Laws of the World’ report, which states that:
- “BY BIRTH: Birth within the territory of Syria does not automatically confer citizenship.
 - BY DESCENT:
 - Child born of a Syrian father, regardless of the child’s country of birth.

- Child born of a Syrian mother and an unknown or stateless father.

- BY NATURALIZATION: Naturalized citizenship may only be acquired upon marriage to a Syrian citizen and by living in the country for over 10 years.”
[26] (p192)

28.02 The International Labour Organization (ILO) website contained information concerning equal employment in Syria which included relevant extracts from Decree 276 of 1969 on the right to acquire Syrian nationality that specifically dealt with the subject of children born to unknown or non-Syrian fathers:

“Article 3(b) states that a Syrian woman can pass the nationality to her child only if she was residing in Syria at the time of delivery, and by that time the father’s identity had remained unidentified. If later on, the father is identified and he turns out to be not Syrian, the daughter/son loses [sic] the Syrian citizenship.

“Article 3(c) states that if at the time of birth the parents of a child were without a nationality, and s/he was born on the Syrian territories, the child acquires Syrian nationality. If, however, later on, at least one of the parent’s nationalities is identified, and the child is entitled to acquire it, the daughter/son loses [sic] Syrian nationality. If after acquiring the Syria [sic] nationality this way, one of the parents acquires a nationality, the son/daughter does not risk losing [sic] the Syrian identity.” [28]

28.03 On the subject of dual citizenship and loss of citizenship, the OPM report noted that the former is permitted – although a Syrian citizen who also holds another nationality is always considered a Syrian first – whilst voluntary loss (renunciation) of citizenship, which is also permitted except for persons of military service age, is “... so complicated that it is best not to attempt the process. In effect, according to [the Syrian Information] Office, the process is complicated in order to discourage renunciation of Syrian citizenship. Former citizens of Syria probably maintain an unofficial dual citizenship status and would be subject to Syrian law as citizens should they return to Syria” (UK Home Office 2007, *Country of Origin Information report: Syria*, 10 October, Section 28 – Attachment 2).

For an English translation of the Nationality Act, see Attachment 3 (Legislative Decree No 276 and its Amendments No 17 of 13 February 1972, translated by Ibrahim H Hourany for the Canadian Department of External Affairs – Attachment 3).

2. If so, would they be entitled to enter and reside in Syria or are there any further steps they would need to undertake to ‘resume’ Syrian citizenship?

As noted above, birth within Syria does not automatically confer citizenship. The following information is in relation to resuming Syrian citizenship. Information is also given on gaining citizenship by naturalisation, and on otherwise entering and residing in Syria.

Citizenship

In 2006 advice was sought from the Department of Foreign Affairs and Trade (DFAT) on this subject, regarding an applicant who was born in Syria and was originally a Syrian national. He became a naturalised Lebanese as a teenager. The following queries were sent to DFAT: “A. If the person has always lived in Lebanon and holds a Lebanese passport are there any

steps that the person needs to take to revive or resume their Syrian citizenship, or is this automatic?

B. What would this person need to do if they wanted to return to Syria and live there as a citizen?" (RRT Country Research 2006, Email to Department of Foreign Affairs and Trade 'Refugee Review Tribunal Information Request: SYR30037', 15 March – Attachment 4).

The Embassy of the Syrian Arab Republic replied via DFAT on 3 May 2006. The information is as follows:

The Embassy of the Syrian Arab Republic...would like to inform the Department that according to the Syrian legislation a person of a Syrian father obtains the Syrian citizenship automatically. The father's marriage should only have been registered in Syria as well as the newborn child.

Moreover, the child can be registered in any time and not necessarily after his birth (The Embassy of the Syrian Arab Republic 2006, Email 'Note No. 30/2006', 3 May – Attachment 5).

Information found on the Forced Migration Online website states:

[T]he Syrian legislation (Citizenship Law no. 276, 1969)...stipulates that the granting of Syrian citizenship to a person of Arab origin normally depends on habitual residence in Syria and demonstration of financial support or livelihood (Shafie, Sherifa 2003, 'FMO Research Guide – Palestinian Refugees in Syria', Forced Migration website, 1 August <http://www.forcedmigration.org/guides/fmo017/> – Accessed 13 August 2004 – Attachment 6).

A 1996 article explains the conditions under the Nationality Act for a person of Arab origin to obtain Syrian citizenship. According to this, the Minister of Interior may, at his discretion, waive any or all of the conditions of naturalisation set out in Article 4 of the Law (Davis, U. 1996, 'Citizenship Legislation in the Syrian Arab Republic', *Arab Studies Quarterly*, vol. 18, no. 1

http://findarticles.com/p/articles/mi_m2501/is_n1_v18/ai_18413376/print?tag=artBody:col1 – Accessed 16 December 2008 – Attachment 7).

Entry and residence in Syria

Information indicates that Syrian authorities have been relatively permissive in practice where nationals of other Arab countries are concerned. A 2007 paper on Iraqi refugees in Syria notes the especially strong tradition of "Arab brotherhood" in the country and states that:

Syria has maintained an open border for Arab migrants since its independence. Arabs can enter and they are entitled to avail themselves of Syrian health care and schools. They may enroll in Syrian universities, subsidized by the government, free of charge. Although they are not entitled to work, most do—or try to—and the government does not forcefully enforce its own restrictions (Fagen, P. 2007, *Iraqi Refugees: Seeking Stability in Syria and Jordan*, Georgetown University Institute for the Study of International Migration website, p. 15 <http://isim.georgetown.edu/Publications/PatPubs/Iraqi%20Refugees.pdf> – Accessed 16 December 2008 – Attachment 8).

Nonetheless, "[w]hile regional residents can move easily across borders, they do not thereby acquire legal status in the host countries", rather they enter as guests or tourists with

temporary permits and the possibility of renewing such permits. The paper also notes that the huge influx of Iraqi refugees into Syria has resulted in Syria restricting the movement of Iraqis across its borders (Fagen, P. 2007, *Iraqi Refugees: Seeking Stability in Syria and Jordan*, Georgetown University Institute for the Study of International Migration website, pp. 5 & 14-21 <http://isim.georgetown.edu/Publications/PatPubs/Iraqi%20Refugees.pdf> – Accessed 16 December 2008 – Attachment 8).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. United States Office of Personnel Management 2001, *Citizenship Laws of the World*, March.
2. UK Home Office 2007, *Country of Origin Information report: Syria*, 10 October.
3. Legislative Decree No 276 and its Amendments No 17 of 13 February 1972, translated by Ibrahim H Hourany for the Canadian Department of External Affairs.
4. RRT Country Research 2006, Email to Department of Foreign Affairs and Trade 'Refugee Review Tribunal Information Request: SYR30037', 15 March.
5. The Embassy of the Syrian Arab Republic 2006, Email 'Note No. 30/2006', 3 May.
6. Shafie, Sherifa 2003, 'FMO Research Guide – Palestinian Refugees in Syria', Forced Migration website, 1 August <http://www.forcedmigration.org/guides/fmo017/> – Accessed 13 August 2004. (CISNET Syria CX103910)
7. Davis, U. 1996, 'Citizenship Legislation in the Syrian Arab Republic', *Arab Studies Quarterly*, vol. 18, no. 1
http://findarticles.com/p/articles/mi_m2501/is_n1_v18/ai_18413376/print?tag=artBody;coll – Accessed 16 December 2008.
8. Fagen, P. 2007, *Iraqi Refugees: Seeking Stability in Syria and Jordan*, Georgetown

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