

The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad



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The Norwegian Refugee Council (www.nrc.no) is an independent, international, humanitarian non-governmental organisation which provides assistance, protection and contributes to durable solutions for refugees and internally displaced people worldwide.



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GLOSSARY & SYNONYMS

The terms in Arabic below are those used in Syria. Please note that some of the terms are slightly different in Jordan, Lebanon and Iraq.

Latinised-Arabic	English	Arabic
ai watheqa khasah bi-l- ahwal al-madaniyah	Any civil status document	أي وثيقة خاصة بالأحوال المدنية
shahada wiladah	Birth attestation	شهادة الولادة
bayan wiladah	Birth certificate	بيان الولادة
taqrir wiladah	Birth notification	تقرير ولادة
tasjeel wiladah	Birth registration	تسجيل الولادة
ghayr shar'i	Born out of wedlock	مولود غير شرعي مولود خارج إطار الزواج
bayan	Certificate	بيان
al-sultat al-mukhtasah	Competent authority	السلطات المختصة
al-tawtheq al-madani	Civil documentation	التوثيق المدني
al-qayd al-madani	Civil record	القيد المدني
amin al-sjil al-madani	Civil registrar (from CSL 2007)	أمين السجل المدني
as-sjil al-madani	Civil registry office (from CSL 2007)	السجل المدني
markaz alsjil al-madani	Civil Registry Centre	مركز السجل المدني
qanun al-ahwal al-madanih	Civil Status Law	قانون الأحوال المدنية
Maahkamat soulh al-ahwal al-madaniyah.	Conciliation Court for Civil Affairs	محكمة صلح الأحوال المدنية
qarar qada'iyya bi-tathbit al-zawaj kharij al-mahkamah	Court validation of informal marriage	قرار قضائي بإثبات الزواج خارج المحكمة
shahada wafah	Death attestation	شهادة وفاة
bayan wafah	Death certificate	بيان وفاة
taqrir wafah	Death notification	تقرير الوفاة
al-inwan al-raqami	Digital address	العنوان الرقمي
talaq	Divorce by the husband	الطلاق
bayan talaq	Divorce certificate	بيان طلاق
mukhala'a	Divorce through mutual consent	مخالعة
bitakah al-usareeh	Family booklet	البطاقة الأسرية
ikhraj al-qayd al-madani al-a'alee	Family civil status extract	إخراج القيد المدني العائلي
rusum	Fees	رسوم
gharamat	Fines	غرامات
ajanib	Foreign	أجانب
al-haiaa al-ammah llajeen al-falsteeneen al-arab	General Administration for Palestinian Arab Refugees	الهيئة العامة للاجئين الفلسطينيين العرب

fiqh	Hanafi jurisprudence (shari'a law)	فقه
raees markaz al-sjil al-madani	Head of the Civil Registry Centre	رئيس مركز السجل المدني
bitaqa shakhsyah	Identity card	بطاقة شخصية
bi-shakl mukhlefi li-l-nizam al-aam	In a manner contrary to public order	بشكل مخالف للنظام العام
ikhraj al-qayd al-madani fardi	Individual civil status extract	إخراج قيد مدني فردي
tafriq	Judicial divorce	التفريق
wakil	Legal agent	الوكيل
wisay qanouni	Legal guardian of minors	وصي قانوني
mu'amala aqd al-zawaj	Marriage application	معاملة عقد الزواج
bayan zawaj	Marriage certificate	بيان زواج
sakk az-zawaj	Marriage contract	صك زواج
ma'dhun	Marriage official	المأذون
mukhtar	Mukhtar	المختار
al-raqaam al-watani	National number	الرقم الوطني
hajr madani	Not of full legal capacity	حجر مدني
majhul al-nasab	Of unknown parentage	مجهول النسب
nasab	Paternity	أبوة
zawaj urfi	Informal marriage	زواج عرفي
hajj	Pilgrimage	الحج
tasdiq	Ratify	تصديق
lajje'en	Refugee	اللاجئين
aqarib	Relatives (from CSL 2007)	الأقارب
al-aqarib hata al-daragah al-rabeea	Relative to the fourth degree	الأقارب حتى الدرجة الرابعة
amanah al-suriah al-wahidah	Single Syrian Registry	أمانة سورية الواحدة
al-betaqa al-zakkyah	Smartcard	البطاقة الذكية
adeem al-jensya	Stateless	عديم الجنسية
muwatinee al-dawla fi al-kharij	Syrians abroad	مواطني الدولة في الخارج
maktum al-qayd	Unregistered	مكتوم القيد
al-waqi'a	Vital life event	واقعات أحوال مدنية
makan al-qayd al-asli	The area where the original records are held	مكان القيد الأصلي

Acronyms:

CRC: Civil Registry Centre
 CSL: Civil Status Law
 IQD: Iraqi Dinar
 JOD: Jordanian Dinar
 LBP: Lebanese Pound
 PSL: Personal Status Law
 SYP: Syrian Pound

Executive Summary

The right to be recognised as a person before the law is a foundational human right, enshrined in international and Syrian law. Having a legal identity enables a person to hold other rights under law. In Syria, proof of legal identity and civil documentation (*al-tawtheq al-madani*) are essential for accessing a plethora of rights. However, Syrians displaced during the conflict – particularly those who fled abroad – face multiple barriers to obtaining civil documentation.

Syrians abroad must contend with high costs, security concerns, lack of freedom of movement and loss of their civil documents, as well as the complex procedures for obtaining documents when not resident in Syria. The result is that, while many Syrians in neighbouring countries such as Jordan, Lebanon and Iraq have managed to obtain civil documentation from their host country, most have not registered their life events in Syria.¹

The Government of Syria has recently taken steps to modernise and ease access to civil documentation. These include a new law governing the civil registry. On 25 March 2021, Civil Status Law No. 13/2021 (CSL) was promulgated, replacing the Civil Status Law 2007 (CSL 2007).² This study analyses the implications of the CSL for Syrians living abroad, including refugees.³

The CSL maintains many of the previous law's rules and procedures for registering vital life events, including birth, marriage, divorce and death; as well as for issuing identity (ID) cards and Syrian family booklets.⁴ However, the CSL also brings about several welcome changes. For example, the CSL significantly increases the time people have to register their vital events. The period has increased three-fold, from 30 days to three months for people inside Syria and from 90 days to nine months for Syrians abroad.⁵

A key change running throughout the law is the introduction of a Single Syrian Registry (*al-amanah al-suriah al-wahidah*). This is an ambitious digitalised Syrian civil registry connected across the country. It is a marked progression from the previous law. While the CSL 2007 made allowance for the progressive digitalisation of civil

¹ 'Legal Preparedness for return to Syria', *FMR* 62, (2019)

² The Civil Status Law 2007 (*qanun al-ahwal al-madanih*) was promulgated on 12 April 2007 as Law No. 26.

³ The law refers to the general category of 'Syrians abroad' (*muwatinee al-dawla fi al-kharij*). Although the government of Syria does not recognise Syrians abroad as refugees, given the focus of this report is on people who have left Syria because of the conflict, the term refugees (*lajeh'en*) is also used.

⁴ The rules in the CSL also apply to Palestinian refugees registered with GAPAR in Syria – whether they are abroad or in Syria. However, their civil documents are processed in a separate registry in dedicated registry offices.

⁵ Under Regulation 14(1), ER for CSL, the day on which an event occurs or expires is not included in calculating the specified time limit.

records in Syria, it was primarily a paper-based, geographically-bound system. People were required to travel back to local civil registry offices⁶ – popularly known as *nofous* – in the ‘place where their records are kept’ (*makan al-qayd al-asli*) to register life events and obtain related certificates.⁷ The same was required for people needing ID cards and family booklets.

Instead, the CSL envisions Civil Registry Centres (*markaz al-sjil al-madani*) (CRC) located across the country, all electronically connected with each other so that they comprise one single registry. It means that, in law, a person can approach *any* CRC – regardless of where their family’s records were previously held – to register and obtain their civil documents. When these ambitions are realised practically in Syria, there is potential for a significantly more efficient and accessible civil registry, including for displaced people. That said, the barriers to smoothly implementing this remarkable change would be numerous for any country, let alone one in crisis.

The CSL has not significantly changed how Syrians abroad register their vital events. The first component of the process is still to register the event according to the laws of the country where it took place.⁸ Once that documentation is obtained, the event can then be registered into the Syrian civil registry.

The CSL provides two options for Syrians to register vital events that take place overseas into the Syrian civil registry. One option, referred to as path A in this report, is to go through the Syrian diplomatic mission in the country where they are residing or where the event occurred. This three step process is the same as was provided for in the CSL 2007. Step one is to obtain official documentation from the host country according to the laws of that country – for example, an official birth certificate. Step two is for the certificate to be validated by the host country’s Ministry of Foreign Affairs. Although this step is not required by every host country, it is required for example, in Jordan and Lebanon. Step three is to submit the validated document to the Syrian diplomatic mission in the host country for ratification and registration. The Syrian Embassy or Consulate will then send the documentation to Syria so that the vital event is registered in the Single Syrian Registry.

The CSL provides another option for registration of vital events that occur outside of Syria, referred to in this report as path B. This involves submitting documents to any CRC in Syria for registration, without needing to go through the Syrian diplomatic mission.

Although the CSL 2007 provided for this path, the CSL has arguably expanded the circumstances in which this path can be used.⁹ In short, it seems path B can now be used if, for any reason, the event could not

⁶ Under the CSL 2007, these were administered by a ‘Secretariat of the civil registry’ and a ‘Registrar’.

⁷ The word *nofous* is not used in the CSL or the CSL 2007; it is an informal term used popularly.

⁸ As outlined in Article 17, CSL, a life event documented for a Syrian citizen outside of Syria “shall be deemed valid if it was dealt with in accordance with the laws of that country in which it occurred and did not conflict with Syrian laws”.

⁹ The CSL does not include in the law itself the provision that was in Article 17(b) of the CSL 2007, which narrowed the use of path B to when a “Syrian person resides in a country where no Syrian consul resides, and finds it difficult to reach the consul in order to register their civil status event”.

be registered by path A (through a Syrian diplomatic mission).¹⁰ In the current circumstances, registering by path A may not be possible for a range of reasons, including high costs, long waiting-lists at embassies, lack of understanding of host country laws and procedures, security concerns, as well as lack of residence permits or freedom of movement. In some countries, including many in Europe, Syrian diplomatic missions have been closed since early in the crisis. At present Covid-19 related reasons also affect accessibility. It is clear that many Syrians currently residing in neighbouring countries find it very challenging – sometimes impossible – to complete just the first step of path A outlined above, let alone all three steps.¹¹

This alternative path also involves three steps. The first step is also to obtain originals or certified copies of the vital event issued by the competent authorities in the host country.¹² A difference in relation to path A is that a slightly wider range of host country documentation may be accepted. In path A, generally nothing less than a certificate (*bayan*) issued in accordance with the laws of the host country – eg. a birth certificate issued by the Civil Status Department in Jordan – would be accepted by the Syrian diplomatic mission. For path B, such a state-issued certificate (*bayan*) would also be accepted.¹³ However, there seems to be some room for discretion – in law and in practise – with regards to exactly which documents issued by the competent authorities in the host country will be accepted. This is understandable given the wide array of documents, competent authorities and processes for registering vital events in host countries around the world. However, the result is that at the moment, it is not completely clear which documents – in addition to state-issued certificates – from Lebanon, Iraq and Jordan would be accepted for direct registration in Syria.¹⁴ This is an area that would benefit from test cases to assess the practise and gain more clarity for refugees.

The second step for birth and death events is fairly clear. As is required when these events occur in Syria, the second step to obtain an attestation (*shahadah*) by a *mukhtar* in Syria.¹⁵ Marriage and divorce events do not need to have a *mukhtar* attestation. However, marriage and divorce decisions issued in a host country will only be considered valid for registration in Syria if they do not contradict Syrian law and have been issued by an official state court of a kind

¹⁰ Article 17(b), CSL.

¹¹ NRC, Briefing note ‘Syrian Refugees’ Right to Legal Identity: Implications for Return’, 2017, available at: nrc.globalassets/pdf/briefing-notes/icla/final-syrian-refugees-civil-documentation-briefing-note-21-12-2016.pdf.

¹² Article 17(b), CSL and Regulation 18(2), ER for CSL.

¹³ As confirmed during conversations with officials from the Civil Affairs Department in Damascus, Syria (October 2021).

¹⁴ Article 17(b), CSL and Regulation 17(2), ER for CSL outline the broad requirements. They state that attestation (*shahadah*) of the life event from the competent authorities in the host country is required. Article 17(c), CSL also requires any documents be duly certified (*mosadakah*). However, it is not clear from the law whether the certification required is by the host country Ministry of Foreign Affairs, or whether registration and subsequent provision of a certificate by the competent civil affairs authorities in the host country is sufficient, or whether some other authority in the host country needs to certify documents. NRC had discussions with civil registry officials in Damascus, Syria in June, August and October 2021 to try to clarify this issue. However different officials had interpretations of the requirements that varied slightly. It was also mentioned that given the current situation – with so many Syrians abroad who have not managed to register life events in Syria – that there have been some internal guidance suggesting that a degree of leniency should be practised. What this means exactly however, remains to be seen and in practise, may not be completely consistent across all CRCs.

¹⁵ Regulation 17(2), ER for CSL. The logic behind this seems to be that the documentation gained in the initial step is treated as if the event occurred in Syria; and if it had occurred in Syria, then attestation by a *mukhtar* is required.

considered competent in Syria, such as a *Shari'a* or other religious court.¹⁶

The final step is for an eligible person – such as a relative to the fourth degree or someone with a duly authorised power of attorney – to submit the documentation for registration to any CRC in Syria.¹⁷

The new law provides increased clarity and equality regarding who is eligible to register births and deaths.¹⁸ These groups are eligible whether they are seeking to register life events at the Syrian diplomatic mission through path A, or are registering events at a CRC in Syria on behalf of relatives living outside of Syria, per path B.

For birth certificates (*bayan wiladah*), the CSL treats the mother and father equally with respect to being able to report the birth, whereas the CSL 2007 gave priority to the father.¹⁹ Another welcome change is the clarification that adult ‘relatives to the fourth degree’ (*aqarib hata al-daragah al-rabeea*) are able to report the birth.²⁰ Previously, the CSL 2007 used the more ambiguous term ‘relatives’ (*aqarib*).²¹ This reportedly meant that it was difficult to get the records of relatives such as cousins. Similarly, for death certificates (*bayan wafah*), ‘relatives to the fourth degree’ of the deceased are able to report the death.²² Previously, the more ambiguous term ‘relatives’ was also used in the CSL.²³ As before, they can report deaths along with the deceased’s ascendants, descendants or spouse. Relatives to the fourth degree do not need a power of attorney to report the birth or death.

The CSL also expands the group of people eligible to apply for a Syrian family booklet (*bitakah ausareeh*). This is an important official document that records all vital family life events, including the existence of a registered marriage and details of registered children from that marriage. Previously only a husband or wife could apply for the first family booklet.²⁴ Now the following categories may also apply: adult single offspring if their parents are dead, absent because of travelling or imprisonment, or divorced;²⁵ legal guardians of minor children in the same situation;²⁶ and legal agents of any of the two categories just mentioned.²⁷ However, whoever is applying from these categories *must be in Syria*. This means that, for example, a legal guardian or a legal agent in Syria could legally apply for a family

¹⁶ Regulation 17(2), ER for CSL. In the case that the marriage or divorce was not issued by such a court, then Regulation 17(2) provides that they will be granted an ‘exequatur’ (official authorisation) by the court in Syria accepted as having legal authority.

¹⁷ Article 17(b), CSL.

¹⁸ Eligible people can seek to register life events of Syrians abroad at the Syrian diplomatic mission through path A, or at a CRC in Syria on behalf of relatives living abroad, through path B.

¹⁹ Article 23, CSL.

²⁰ Article 23, CSL. Relatives to the fourth degree are outlined in Regulation 52 (ER for CSL) as father, mother, sons, daughters, grandson and granddaughter, grandfathers, grandmothers, brothers, sisters, nephews and nieces from brothers and sisters, uncles and aunts from the mother’s side and the father’s side, male and female cousins from the mother’s side and the father’s side.”

²¹ Article 23, CLS 2007.

²² Article 36, CSL.

²³ Article 36, CSL 2007.

²⁴ Article 61, CLS 2007.

²⁵ In the case of adult single offspring, Article 56(a)2, CSL, specifies that they are only able to obtain the family booklet if their parents are dead or absent because of travelling or imprisonment; or the father is dead and the mother is re-married or was divorced from the father before he died.

²⁶ Article 56(a)3 CSL.

²⁷ Article 56(c), CSL. A legal agent (*wakil*) is someone with a power of attorney, in these cases, from a notary public.

booklet on behalf of people living outside of Syria. However, without a legal guardian or legal agent in Syria, people in the first two categories (husband or wife; adult single offspring) must apply in person at any CRC in Syria.

Official documents that remain unchanged by the CSL with respect to Syrians abroad are civil status extracts. The civil registry still issues individual civil status extracts (*ikhraj qayd madani fardi*) and family civil status extracts (*ikhraj qayd madani a'alee*). These can also be obtained by Syrians abroad through application at the Syrian diplomatic mission where they are living. Alternatively, they can be obtained at any CRC in Syria by relatives on behalf of Syrians abroad.²⁸ In both cases, no power of attorney is required.²⁹ These official documents confirm the personal and civil status of the bearer and their family, as well as basic identity information.

Although national ID cards (*bitaqa shakhsyah*) are important for citizens inside and outside of Syria, the CSL has also not changed the law with respect to those abroad seeking ID cards. Syrians living abroad, including refugees, still cannot apply for ID cards. While for those in Syria the CSL introduces the welcome change of being able to obtain an ID card at any CRC in the country, unfortunately the CSL has not introduced any changes to improve access to ID cards for Syrians abroad.

Finally, the CSL has increased the fees, fines and penalties related to civil documentation. The changes are fairly slight for fees and late fines, while significant for penalties. However, soon after the CSL was promulgated, Legislative Decree No. 7/2021 was issued. This exempted Syrian citizens and persons of equivalent status (namely, registered Palestinian refugees) from fines imposed by the CSL for delays in registering vital events or for obtaining ID cards beyond the legal time limits. The exemption applied whether they were in Syria or abroad. The exemption only lasted for six months from the time the decree entered into force in mid-April in Syria when it was gazetted.



²⁸ Article 22, CSL.

²⁹ The only time that a legal agent – i.e. someone with power of attorney – is mentioned in the CSL is with respect to the family booklet, in Article 56(c), CSL.

Civil Documentation in the Syrian Arab Republic

1. Overview of the CSL

The right to be recognised as a person before the law is a foundational human right, enshrined in international and Syrian law. Having a legal identity enables a person to hold other rights under law. In Syria, proof of legal identity and civil documentation (*al-tawtheq al-madani*) are essential for accessing a plethora of rights. However, Syrians displaced during the conflict – particularly those who fled abroad – face multiple barriers to obtaining civil documentation

Syrians abroad must contend with high costs, security concerns, lack of freedom of movement and loss of documents they previously held, as well as the complex procedures for obtaining documents when not resident in Syria. The result is that, while many Syrians in neighbouring countries, such as Jordan, Lebanon and Iraq, have managed to obtain civil documentation from their host country, most have not registered their life events in Syria.³⁰

The Government of Syria has taken steps during the crisis to modernise and ease access to civil documentation. These include a new law governing the Syrian civil registry. On 25 March 2021, Civil Status Law No. 13/2021 (CSL) was promulgated, replacing Civil Status Law 2007 (CSL 2007).³¹ The law has implications for Syrians living abroad, including refugees.³²

The CSL maintains many of the previous law's rules and procedures for registering vital life events, including birth, marriage, divorce and death; as well as for issuing identity (ID) (*bitaqa shakhsiyah*) and Syrian family booklets.³³ However, the CSL differs significantly from its predecessor by providing the legal basis for an ambitious, connected electronic civil registry in Syria.

³⁰ Forced Migration Review, 'Legal Preparedness for return to Syria', *FMR* 62, (2019)

³¹ The Civil Status Law 2007 (*qanun al-ahwal al-madani*) was promulgated on 12 April 2007 as Law No. 26.

³² The law refers to the general category of 'Syrians abroad' (*muwatinee al-dawla fi al-kharij*). Although the government of Syria does not recognise Syrians abroad as refugees, given the focus of this report is on people who have left Syria because of the conflict, the term refugees (*laje'en*) is also used.

³³ Except for the Single Syrian Registry, the rules in the CSL also apply to Palestinian refugees registered with GAPAR in Syria – whether they are abroad or in Syria. Their civil documents are processed in a separate registry in dedicated registry offices.

While the CSL 2007 made allowance for the progressive digitalisation of civil records in Syria, it was primarily a paper-based, geographically-bound system. People were required to travel back to local civil registry offices³⁴ (*as-sjil al-madani*) – popularly known as *nofous* – in the ‘place where their records are kept’ (*makan al-qayd al-asli*) to register life events and obtain related certificates.³⁵ The same was required for people needing ID cards and family booklets.

During the crisis in Syria, this system has proved difficult. To help ease some of the challenges, the practise in recent years has apparently been to regularly upload digital records of events registered at the local civil registry offices and to store these in a central database.³⁶ This has allowed at least individual and family extracts to be obtained from any civil registry office in Syria. However, the new law expands this service significantly. The CSL provides the legal basis for *every* civil document to be obtained from *any* Civil Registry Centre (*markaz al-sjil al-madani*) in Syria.³⁷ The Civil Registry Centre (CRC) is the new name for the civil registry offices (*sjil madani*).³⁸ There is significant potential for a more efficient and accessible civil registry in Syria, and some options for increased access to Syrian civil documentation for refugees.

“The CSL provides the legal basis for every civil document to be obtained from any Civil Registry Centre in Syria.”

Several other changes brought about by the CSL are relevant for Syrians abroad. Notably, the law extends the time people have to register their vital events. Syrians abroad now have nine months to register new vital events, instead of 90 days. People in Syria now have three months, instead of 30 days. If events are registered later than this, among other things, fines will have to be paid. The law has also clarified and expanded the group of people eligible to register and obtain birth and death certificates, as well as family booklets. This may increase opportunities for Syrians abroad to register vital events from outside Syria. Finally, while the cost of the fees, fines and penalties have been increased, a welcome exemption from late fines was decreed, starting mid-April 2021 for Syrians.³⁹ Regrettably, however, this exemption only lasts for six months.

³⁴ Under the CSL 2007, these were administered by a ‘Secretariat of the civil registry’ and a ‘Registrar’.

³⁵ The word *nofous* is not used in the CSL 2021 or CSL 2007; it is an informal term used popularly.

³⁶ Conversations with officials from the Civil Affairs Department in Damascus, Syria (June 2021).

³⁷ This is clear in Article 15 of the CSL, which states: “When a vital event occurs to a citizen inside the state, the documents proving the occurrence of the events shall be submitted to *any* Civil Registry Centre, and the CRC shall register the event directly”.

³⁸ Under CSL, the person responsible for the CRC is the Head of the CRC (*raees markaz al-sjil al-madani*). This is the equivalent of the Civil Registrar (*amin al-sjil al-madani*), as provided for in the CSL 2007.

³⁹ Legislative Decree No. 7/2021.

2. Syrian Legal Framework

The relevant framework for issuing civil documentation in Syria includes not only the CSL and its executive regulation (ER), but also the Constitution and several other laws and decrees.⁴⁰

a) Constitution of the Syrian Arab Republic

The Constitution of the Syrian Arab Republic (2012) has several articles relevant to citizenship and equality between citizens.⁴¹ Article 33 provides that citizenship is a fundamental principle involving rights, duties and equal opportunities enjoyed by every citizen. This highlights the state's obligation to provide equal opportunities for Syrians, whether in Syria or abroad, to acquire legal identity and civil documentation necessary to enjoy further rights.

Article 38 is an example of such a right protected by the Constitution. It states that every citizen shall have the right to move in or leave the state. However, without access to documentation such as ID cards, it can be challenging to pass through check points or border crossings.

b) Personal Status Law

The Personal Status Law (PSL) is another key law governing civil documentation in Syria.⁴² The PSL regulates family relations in Syria, and is largely based on *Shari'a* (Islamic) law – in particular, *fiqh* (*Hanafi* jurisprudence). It provides rules for marriage, dissolution of marriage, guardianship of children, maintenance and succession. Such cases are dealt with through the *Shari'a* courts, with exceptions for Druze, Jewish and Christian communities. The PSL was last amended in 2019. This brought about some improvements in gender equality in the law. For example, it increased the legal age of marriage for females to 18, to match that of males; allowed both spouses to include stipulations in the marriage contract; strengthened women's rights to maintenance and divorce; and eased the process of formalising informal marriages (*zawaj urfi*).⁴³

c) Nationality Law

The Nationality Law outlines how children acquire nationality through the patrilineal line.⁴⁴ This means people are entitled to Syrian nationality once it is demonstrated that their father is Syrian, wherever they are born. In exceptional cases, such as when a child is born to a Syrian mother on Syrian soil and the father is unknown or a

⁴⁰ The Executive Regulation for the CSL was issued on 11 April 2021.

⁴¹ Syria's Constitution came into effect on 27 February 2012, by order of Presidential Decree No. 94.

⁴² The Personal Status Law was promulgated in 1953, as Law 59. The most recent changes were Law 4 and Law 20 of 2019.

⁴³ For further analysis, see NRC, UNHCR (2019) 'Analysis of Revisions to the Syrian Personal Status Law through Law 4 and Law 20 of 2019'. Informal marriages are marriages that occur outside of the relevant personal status court. Other names for these marriages include customary (*urfi*) marriages, *kitab sheikh* or *aqd sheikh*.

⁴⁴ Nationality Law, No. 276/1969. It was amended in 1972 and 1986. Article 3(a) of the Nationality Law defines a Syrian national as "[a]nyone born inside or outside the country to a Syrian Arab father".

foreigner (who cannot pass on his nationality at the time of birth), the mother can pass her nationality to the child.⁴⁵

d) Child Protection Law

The Child Protection Law, issued in August 2021,⁴⁶ specifically sets out legal identity rights of the child, including the right to birth registration⁴⁷ and the right to acquire a nationality.⁴⁸ The law does not contradict other related laws such as the PSL and the Nationality Law, but brings together protective codes for children into one law.

e) Passport Law

The Passport Law states that every Syrian national is entitled to a passport, regardless of age.⁴⁹ Passports are issued by the Department of Immigration and Passports in Syria, or through Syrian diplomatic missions. If the applicant is abroad, their relatives in Syrian can apply for them, with a family civil status extract. Non-relatives can also apply, but only with a power of attorney issued by a diplomatic mission and certified by the Ministry of Foreign Affairs and Expatriates.⁵⁰

f) Legislative Decree No. 7 – Exemption of Fines under CSL

Soon after the CSL was promulgated, Legislative Decree No. 7/2021 was issued. This exempted Syrian citizens and persons of equivalent status (namely, registered Palestinian refugees) from fines imposed by the CSL for delays in registering vital events or obtaining ID cards beyond the legal time limits. The exemption only lasted for six months from the time the decree entered into force in mid-April.

Box 1: International legal framework

The right to be recognized as a person in law is enshrined in international human rights instruments. This includes Article 16 of the International Covenant on Civil and Political Rights (ICCPR), and Article 6 of the Universal Declaration of Human rights (UDHR). International human rights law also clearly establishes the right to birth registration, in Article 24.2 of the ICCPR, and Article 7(1) of the Convention on the Rights of the Child (CRC).⁵¹ The right to marriage registration is set out in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962, as well as in Article 16(2) of the Convention on the Elimination of Discrimination Against Women (CEDAW).⁵² Finally, the right to a nationality is recognized under Article 15 of the UDHR, Article 24(3) of the ICCPR; and Article 9 of CEDAW.

⁴⁵ Article 3(b) and (d), Nationality Law.

⁴⁶ Child Protection Law, No. 21/2021.

⁴⁷ Article 4, Child Protection Law.

⁴⁸ Article 5, Child Protection Law.

⁴⁹ Passport Law, No. 18/2014.

⁵⁰ When outside the country the applicant needs to present in person to the Syrian diplomatic post in the country they are in. <http://www.mofa.gov.sy> [accessed April 2021].

⁵¹ Syria acceded to the ICCPR on 21 April 1969; and to the CRC on 15 July 1993.

⁵² Syria acceded to CEDAW on 28 March 2003, although with many reservations, referencing *Shari'a*. It has not acceded to the Convention on Marriage.

Analysis of the CSL – for Syrians abroad

The remainder of this report analyses the parts of the CSL most relevant to people living outside of Syria. It starts with an overview of the Syrian Single Registry, then looks at the foundations of the civil registry that have remained the same in law, before outlining the few essentials that have changed of relevance to Syrians abroad. It then follows the structure of the law itself, outlining the relevant provisions on birth registration; marriage and divorce registration; death registration; the correcting of civil status records; ID cards; and family booklet. Finally, it outlines the fees, fines and penalties prescribed in the law.

1. The Single Syrian Registry

Key to the new law is the concept of a Single Syrian Registry (*al-amanah al-suriah al-wahidah*). As mentioned, this ambitious connected electronic system is a considerable departure from the previous law. Moving on from the paper-based records held in someone's place of origin (*makan al-qayd al-asli*) for generations, the new Single Syrian Registry will digitally record all the individual books, connecting them as part of one registry, accessible anywhere in Syria.

Box 2: Types of civil documentation issued by Civil Registry Centres

The civil registry in Syria keeps records of vital life events, such as when someone is born, gets married, gets divorced or dies. It also issues certified documents that provide evidence of the details of such events. The primary documents issued by the civil registry are birth and death certificates, marriage and divorce certificates, ID cards, and family booklets. A family booklet (*bitakah ausareeh*) brings together a family's civil records. It confirms the existence of a legal marriage and details of the children of that marriage. In addition, the civil registry issues individual civil status extracts (*ikhraj qayd madani fardi*) and family civil status extracts (*ikhraj qayd madani a'alee*). These are official documents confirming the personal and civil status of the bearer and their family, as well as basic identity information.

The Single Syrian Registry cannot technically be accessed directly from outside Syria. That said, its introduction may increase access to civil documentation for those abroad. For example, a family member in Syria can now go to the nearest CRC to report a life event, or extract a certificate, without having to go back to the *nofous* where the family records were held. However, the barriers to smoothly implementing this very ambitious new system would be numerous for any country, let alone one still in crisis.

2. Essentials of the Civil Registry

Chapters Two and Three of the CSL outline the essential principles of the Single Syrian Registry. These principles have changed very little from the CSL 2007. For example, the CSL maintains the obligation of Syrian citizens to register all events related to their civil status.⁵³ This is the case whether or not they are living in Syria. The principle of confidentiality of the civil registry also remains intact, as does the linkage between public agencies and the civil registry.⁵⁴ Similarly, civil registry records remain a source of population statistics.⁵⁵

In the CSL 2007, one of the foundations of the civil registry was that an “electronic civil registry automation system” for entering and storing records be “adopted”.⁵⁶ The difference in the CSL is that it moves on from progressively adopting such a system, and provides the legal basis for the completion of this process, culminating in an electronic Single Syrian Registry.

What is considered a vital life ‘event’ (*al-waqi‘a*) remains the same in the CSL. Article 1 defines it as “every civil status incident, such as birth, death, marriage, divorce and what results thereof.” Similarly, what comprises a citizen’s ‘civil record’ (*al-qayd al-madani*) is also largely the same.⁵⁷ A civil record comprises a person’s first name, last name, father’s name, mother’s first and last names, place and date of birth, marital status, religion, and date of registration. The only difference is that the address linked to one’s records is now a ‘digital address’ (*al-inwan al-raqami*).⁵⁸

The CSL 2007 outlined that, upon registration, a citizen is given a national number (*al-raqam al-watani*), which is unique and permanent.⁵⁹ While this rule is kept in the CSL, a slight wording change seems to emphasize more consistent use of this national number, saying in Article 12 that: “all official agencies shall commit to using said number and affixing it on all the transactions, records and documents they have pertaining to such citizen.” It is possible that consistent use of this number, combined with the digitalised nature of the Syrian civil registry, may help lessen the chances of mistaken identities of people with similar names. A person’s civil records still maintain a connection between extended family members.⁶⁰

As in the CSL 2007, the new CSL states that for civil status events requiring witnesses (for example, marriages and births), such witnesses must be at least 18 years old when the event occurred.⁶¹

⁵³ Article 5a(1), CSL.

⁵⁴ Article 5a(1), 5a(2), CSL. Regulation 4(8) obliges the the Information Manager of the CRC to prepare electronic lists of the names of those eligible for military draft six months before they become eligible. ER for CSL.

⁵⁵ Article 6, CSL.

⁵⁶ Article 5a(2), CSL 2007.

⁵⁷ Article 11, CSL.

⁵⁸ Article 11, CSL. This article also states that a person’s photo and ten fingerprints are added to the electronic civil record upon applying for their identity card.

⁵⁹ Article 12, CSL 2007.

⁶⁰ Article 13, CSL. In practice this is done by keeping many of the same numbers for family members.

⁶¹ Article 18, CSL. The article adds that witnesses older than 60 years of age will be only be accepted if there was no witnesses over the age of 18 and less than 60 at the time of the event.

Finally, Article 21 of the CSL provides that if a vital event is mistakenly registered twice, then the correct record shall be kept. The CSL adds a further provision not in the CSL 2007; that where an event is registered “in a manner contrary to public order”, (*bi shakl mukhleḥ li-lnizam al-aam*), this will be annulled by an administrative report issued by the Head of the CRC.⁶²

3. Changes to the Civil Registry

The CSL brings several welcome changes for Syrian refugees: it increases the period in which to register vital events; and enlarges the groups eligible to apply for civil documentation.

a) A longer period to register vital events

A significant change in the CSL is that the period in which to register vital events has increased three-fold, as per Article 14. Syrians abroad now have nine months to register their vital events, which has increased from 90 days.⁶³ This is the case whether they register their events through the Syrian embassy from abroad or through a CRC in Syria.

“Syrians abroad now have nine months to register their vital events”.

Together with the new single civil registry, this extended period may improve opportunities for people outside Syria to register their life events.

b) A wider group eligible to register events and receive documentation

The CSL clarifies and expands the groups able to apply for and receive civil documentation. While these groups can apply on behalf of Syrians abroad without needing a power of attorney, they must register events using either of the two paths outlined in the next section.

For birth certificates, the CSL treats the mother and father equally with respect to being able to report the birth, whereas the CSL 2007 gave priority to the father.⁶⁴ Another welcome change is the clarification that any adult ‘relatives to the fourth degree’ (*al-aqarib hata al-daragah*

⁶² Article 21, CSL. Regulation 21(2) provides when there is a difference between duplicated records and one of them is contrary to the public order (if no legal pregnancy duration exists between the date of marriage and the date of birth, or between the date of birth of two siblings), then the record that is in accordance with the legal pregnancy duration shall be retained. Regulation 21(3) provides that if the situation does not fit the circumstances in paragraphs (1) or (2), then the applicants shall obtain a court decision to annul one of the duplicated records. This means there is a much narrower set of circumstances for going to court than in the previous Regulation 21, ER for CSL 2007.

⁶³ As per Regulation 14(1), the day on which an event occurs or expires shall not be included in calculating the specified time limit. ER for CSL.

⁶⁴ Article 23, CSL.

al-rabeea) are able to report the birth.⁶⁵ Previously, the CSL 2007 used the more ambiguous term ‘relatives’ (*aqarib*).⁶⁶ This reportedly meant that it was difficult to get the records of relatives such as cousins. Similarly, for death certificates, ‘relatives’ has been clarified as those to the fourth degree of the deceased.⁶⁷ They, as well as the deceased’s ascendants, descendants or spouse, may register the death.

Article 31 of the CSL is clear that sending marriage contracts and divorce rulings from the relevant personal status court in Syria to the CRC is the duty of the court. While in the past, a relatively accepted practise has been for applicants themselves to take the court ruling to the civil registry, a Ministry of Justice Circular No. 21⁶⁸ issued on 8 June 2021 stated that this should not occur.⁶⁹ What is unfortunately less clear is who is eligible to take marriage and divorce rulings that have taken place outside Syria and register these at CRCs in Syria.⁷⁰

As per Article 22, “any civil status document” (*ai watheqa khasah bi-l-ahwal al-madaniyah*) can be obtained by record holders and their relatives.⁷¹ “Any civil status document” means official certificates (*bayan*) of civil status events – birth, death, marriage and divorce certificates – as well as individual and family civil status extracts.

Box 3: Individual and family civil status extracts

Article 22 provides that ‘any civil status document’ (*ai watheqa khasah bi-lahwal al-madaniyah*) can be obtained by record holders and relatives.⁷² ‘Any civil status document’ includes official certificates (*bayan*) of civil status events, which are birth, death, marriage and divorce certificates. It also includes individual civil status extracts (*ikhraj qayd madani fardi*) and family civil status extracts (*ikhraj al-qayd al-madani al-a’alee*). These have personal information, national number, marital status and children’s information. Although these documents are not mentioned specifically in the CSL, they are nonetheless important documents in practice. They can also be obtained from Syrian diplomatic missions.⁷³

There has been no change regarding who can apply for and receive ID cards.⁷⁴ The CSL states that a citizen aged 14 years must themselves

⁶⁵ Article 23, CSL. Relatives to the fourth degree are outlined in Regulation 52, ER for CSL, as father, mother, sons, daughters, grandsons and granddaughters from sons and daughters, grandfathers, grandmothers, brothers, sisters, nephews and nieces from brothers and sisters, uncles and aunts from the mother’s side and the father’s side, male and female cousins from the mother’s side and the father’s side.”

⁶⁶ Article 23, CLS 2007.

⁶⁷ Article 36, CSL.

⁶⁸ In Syria, executive bodies such as the Ministry of the Interior, are able to issue circulars and executive regulations, which have a legal status similar to bylaws. These aim to explain or clarify how laws can be applied.

⁶⁹ Circular No. 21, reference No. 5410/T/11043/2021. The reason provided in the circular is that there have been cases of forged Shari’a court documents and rulings. The circular reference Articles 31, 14 and 19 of the CSL.

⁷⁰ While this is clearly possible under path B, as per Regulation 17(2) ER for CSL, the law does not specify who can do this. However, conversations with officials from the Civil Affairs Department in Damscaus, Syria (October 2021) suggest that in practise, any relative to the fourth degree of either the bride or groom, or someone with a duly authorised power of attorney, can do so.

⁷¹ Under Article 22, relatives entitled to obtain records are the holder’s ascendants, descendants, husband, wife, brothers, sisters, families of brothers and sisters, and legal representatives. Regulation 22(6) clarifies that families of brothers and sisters means brothers’ offspring, sisters’ offspring, brothers’ wives and sisters’ husbands. The record holder is also entitled to obtain copies of the records of those persons. ER for CSL.

⁷² Article 22, CSL. The regulation for this article adds that any record statement that is issued should indicate the number and date of the decree or decision that grants the person Syrian nationality. Regulation 22(2), ER for CSL.

⁷³ As announced by the Syrian Embassies in Jordan and Lebanon. See: <https://www.syrianembassyjo.com/ar/p/list/141174-الرسم-القضائي> and <https://www.facebook.com/syrianembassyLB/posts/122096029341597>.

⁷⁴ Articles 51, 53 and 57, CLS 2007.

apply for the ID card.⁷⁵ The ID card may only be handed to the holder, or the holder's guardian in the case of minors. If the applicant is a minor, the holder's guardian can be handed the ID card, but the minor must also be present.⁷⁶ In addition, the guardian is responsible for obtaining or replacing the ID card, for as long as the applicant remains a minor.⁷⁷ Except for guardians of minors, relatives or legal agents are not able to apply for ID cards on anyone else's behalf. Therefore, there is unfortunately no way for Syrians to apply for ID cards from outside of Syria at present.

The CSL significantly expands who is eligible to apply for family booklets. Previously only a husband or wife could apply for the first family booklet.⁷⁸ Now the following categories of people may also apply: adult single offspring if their parents are dead, absent or divorced;⁷⁹ legal guardians of minor children in the same situation; and legal agents of any of the categories just mentioned.⁸⁰

It is important to note that Ministry of Interior Circular No. 1306 was issued on 22 February 2021. This allows eligible family members, legal agents and departments to apply for and receive civil documentation on behalf of a relative or individual, regardless of any judicial action taken against the relative or individual. This applies whether the parties are in Syria or abroad. This is particularly relevant for people who may meet the criteria for military conscription in Syria, but who are not serving and therefore have judicial action against them – whether they live in Syria or abroad.

Except where the law specifically mentioned legal agents – namely in relation to the family booklet – relatives within the categories just outlined do not have to obtain a power of attorney from a notary public. Power of attorneys are only required for those not mentioned in the law as eligible to register a life event, or to obtain copies of civil documents.⁸¹

⁷⁵ Article 49 CSL. As described in Regulation 49(6), ER for CSL, the personal ID card is given to the citizen in accordance with a form issued by at the CRC. The applicant must be present for the form to be issued and shall be accompanied with their guardian if the applicant is a minor.

⁷⁶ Regulation 49(3), ER for CSL.

⁷⁷ Article 51, CSL.

⁷⁸ Article 61, CLS 2007.

⁷⁹ In the case of adult single offspring, Article 56 specifies that they are only able to obtain the family booklet if their parents are dead or absent because of travelling or imprisonment, or the father is dead and the mother is re-married or was divorced from the father before he died.

⁸⁰ Article 56, CSL.

⁸¹ The power of attorney authorisation must specifically state what it covers, that is, in these cases, it must state that it enables the holder to register life events.

Table: Who is responsible for/able to report events and receive documents

Document	CSL 2007		CSL		Change
Birth certificate	Article 23	<ul style="list-style-type: none">FatherIf father absent, then mother or adult relativesManagers of institutions such as hospitals, prison and quarantine facilities	Article 23	<ul style="list-style-type: none">Father or motherRelatives of the new born up to 4th degreeDirectors of agencies such as hospitals, prisons and infirmaries	<ul style="list-style-type: none">Mother equal to father'Relatives' clarified as those to 4th degree.
Death certificate	Article 36	<ul style="list-style-type: none">Ascendants, descendants, spouse or adult relatives of deceased	Article 36	<ul style="list-style-type: none">Ascendants, descendants or spouse of deceased and adult relatives of deceased to 4th degree	<ul style="list-style-type: none">'Relatives' clarified as those to 4th degree.
Marriage and Divorce	Article 31	<ul style="list-style-type: none">Competent authorities (court) shall send by official mail to the civil registrar	Article 31	<ul style="list-style-type: none">Competent authorities (eg Shari'a court) shall send by official mail to the head of the CRC	<ul style="list-style-type: none">No change
ID Card	Applying for the first time				
	Article 51	<ul style="list-style-type: none">The citizen over age 14 applies for themselvesApplicant must be in person to applyThe ID card may only be handed to holder	Article 49	<ul style="list-style-type: none">The citizen over age 14 applies for themselvesApplicant must be in person to applyThe ID card may only be handed to holder	<ul style="list-style-type: none">No change
	Article 53	<ul style="list-style-type: none">A juvenile's guardianThe ID card may be handed to holder's father or mother if holder is a minor	Article 51	<ul style="list-style-type: none">A child's guardianThe ID card may be handed to holder's father or mother if holder is a minor	
	Applying for replacement if card is lost, damaged, or information in it is amended				
	Article 57	<ul style="list-style-type: none">The citizen ('card owner') themselves applies for the replacement	Article 55	<ul style="list-style-type: none">The citizen ('card holder') themselves applies for the replacement	<ul style="list-style-type: none">No change
	Article 53	<ul style="list-style-type: none">A juvenile's guardian	Article 51	<ul style="list-style-type: none">A child's guardian	
Family Booklet	Applying for the first time				
	Article 61	<ul style="list-style-type: none">Husband or wife	Article 56	<ul style="list-style-type: none">Husband or wifeAdult single offspring (if parents are dead or absent)	<ul style="list-style-type: none">Adult single offspring if parents unavailable, legal guardians of minors and legal agents added
	Applying for a replacement of a damaged or lost booklet				
	Article 61	<ul style="list-style-type: none">Husband or wifeLegal guardian (of minors)	Article 56	<ul style="list-style-type: none">Legal guardian of minors, if there are no single adult offspringLegal agent of people in the above categories.	
To obtain copies of any civil status document	Article 22	<ul style="list-style-type: none">Record holderAscendantsDescendantsSpousesBrothers and sistersTheir familiesAttorneysOfficial departments	Article 22	<ul style="list-style-type: none">Record holderAscendantsDescendantsSpousesBrothersSistersBrothers' and sister' familiesLegal representativesOfficial departments	<ul style="list-style-type: none">Clarifies that "their families" comprises brothers's offspring, sisters' offspring, brothers' wives and sisters' husbands

4. Civil registration of vital events taking place abroad - an overview

The CSL has not significantly changed how Syrians abroad, including refugees, register their vital events with the Syrian civil registry. The first part of the process is to register the event according to the laws of the country where it took place. As outlined in Article 17(a) CSL, a life event documented for a Syrian citizen outside of Syria “shall be deemed valid if it was dealt with in accordance with the laws of that country in which it occurred and did not conflict with Syrian laws.”⁸² Once the documentation is obtained, the event can then be registered with the Syrian civil registry.

The law provides for two paths for Syrians to register vital events that take place overseas with the Syrian civil registry. The first is through the Syrian diplomatic mission in the country where they are residing or where the event occurred. The second is to register the event directly at any CRC in Syria. However, this is only available under certain conditions. In practice, accessing either option involves significant challenges, especially for refugees. Below is an overview of the two pathways. Details of how each type of civil documentation works is provided in following sections.

“The law provides for two paths for Syrians to register vital events with the Syrian civil registry.”

a) Path A: Syrian Diplomatic Missions

Step 1: Obtain official event documentation from host country

The person abroad must first obtain official state-issued certificates (or equivalent) of the vital life event from the country where the event took place. As outlined in Article 17(a) of the CSL, the life event will be deemed valid in Syria if it was dealt with according to the laws of the host country where it occurred, and did not conflict with Syrian law.

For example, a birth certificate can be obtained from the Jordanian authorities for children born in Jordan. This is done by application to the Department of Civil Status, and requires submission of the birth notification from the hospital, the marriage certificate and proof of the parents’ identities, such as passports. Similarly, in Lebanon, parents obtain the birth notification from the hospital or midwife, obtain a birth certificate attested (*shahadah*) by the local *mukhtar*, and then register it with supporting documents at the local office of the Personal Status Department (PSD), which are also referred to as *nofous*. An additional step required in Lebanon for the birth to be considered officially registered is to then register the birth at the Foreigner’s Registry (at the PSD) in Lebanon.

⁸² Syria’s rules of private international law (or ‘conflict of laws’) are found in articles 11-30 of the Civil Code, Law No. 48/1949.

Fees for this step are dictated by the host country, and vary depending on the document required and the circumstances of the applicants.

Step 2: Validate documentation at host country Ministry of Foreign Affairs

The second step required in many host countries – such as Jordan and Lebanon – is to have the certificate officially validated by the host country's Ministry of Foreign Affairs.⁸³ For example, in Jordan this means obtaining a validation stamp from the Jordanian Ministry of Foreign Affairs. The same is true in Lebanon.⁸⁴

Fees for this step depend on the host country, but generally are the same irrespective of the type of document to be validated.

Step 3: Ratify and register event at the Syrian Embassy or Consulate

The validated document is then submitted to the Syrian Embassy or Consulate.⁸⁵ At the Syrian diplomatic mission, the document is ratified (*tasdiq*), and then registered. Under the CSL, the registration happens by the mission sending a copy of the document to the Directorate of Civil Affairs, through the Syrian Ministry of Foreign Affairs and Expatriates.⁸⁶

There are reports of people taking the ratified document to a CRC in Syria themselves, or through informal intermediaries (such as taxi drivers) rather than having the Syrian Embassy send it.⁸⁷ This may be because it is likely to cost them less and take less time. For those people who can access Syria from neighbouring countries via family or taxis, taking a document to a CRC in Syria may speed up the process. Applicants may also sense they have increased control of the process this way, rather than not knowing where or when their documents are, with little way of tracking or checking on them once they have been submitted to the embassy. Finally, the registration fees and applicable late fees charged at the CRC in Syria are far less than those charged at a Syrian diplomatic mission. That said, there are also risks associated, particularly with sending documents through informal intermediaries. These include documents being lost along the way, and people being exploited or unwittingly receiving fraudulent documents instead of authentic certificates.

b) Path B: Syrian Civil Registry Centre

The CSL provides an alternative path for registration of vital events that occur outside of Syria, which is to directly submit documents to any CRC in Syria. This is possible if the event could not be registered by path A just outlined.⁸⁸ Registering by path A may not be possible

⁸³ This is according to the Riyadh Agreement for Judicial Cooperation between Arab countries.

⁸⁴ It is unclear whether this is required in Iraq. The Syrian Embassy in Iraq is based in Baghdad. While the Embassy formerly made trips to KRI – where the vast majority of Syrian refugees reside – due to Covid 19-related travel restrictions these trips are no longer taking place.

⁸⁵ Article 17(a), CSL. Documents can also be submitted to the consulate or embassy assigned to Syrian affairs.

⁸⁶ Article 17(a), CSL.

⁸⁷ Based on conversations with civil affairs staff in Damascus, Syria in June 2021.

⁸⁸ Article 17(b), CSL.

for a range of reasons, including high costs, long waiting-lists at embassies, lack of understanding of host country laws and procedures, security concerns, as well as lack of residence permits or freedom of movement. In some countries, including many in Europe, Syrian diplomatic missions have been closed since early in the crisis. At present, the Covid-19 virus also affects accessibility. For example, in Iraq, most Syrians live in the autonomous Kurdistan Region of Iraq (KRI). The Syrian Embassy is based in Baghdad, around 400km from the capital of KRI. In addition to the costs involved and the difficulty getting Iraqi government permission for Syrians to travel to Baghdad in ordinary circumstances, Covid 19-related travel restrictions at present make it almost impossible for Syrians to reach the Syrian embassy.⁸⁹ Many Syrians currently residing in neighbouring countries find it very challenging – sometimes impossible – to complete just the first step of path A outlined above, let alone all three steps.⁹⁰

The CSL 2007 arguably narrowed the circumstances in which path B was considered acceptable compared to the new law. Article 17(b) limited the use of this option to when a “Syrian person resides in a country where no Syrian consul resides, and finds it difficult to reach the consul in order to register their civil status event”.⁹¹ This phrase has been removed from the new law. This change could be read as expanding the cases for which the path B is applicable.⁹² In addition, given the conflict in Syria, civil affairs officials are reportedly showing some leniency towards Syrians residing abroad who follow this path.⁹³

Finally, it is worth noting that although path B can be used for marriage and divorce, the following steps relate more to birth and death events. The slightly different steps for registering marriage and divorce events are outlined in section seven.

Step 1: Obtain original or certified copy of event documentation

As outlined in Article 17(b) of the CSL, and Regulation 17(2), an original document or a certified copy of the vital life event attestation (*shahadah*) must be obtained from the competent authorities (*sultat al mukhtasah*) in the host country.⁹⁴ A difference in relation to path A is that it seems a slightly wider range of host country documentation may be accepted. For path A, generally nothing less than a state-issued certificate (*bayan*) – eg. birth certificate – would be accepted by the Syrian diplomatic mission. For path B, a state-issued certificate (*bayan*) would also be accepted for registration by a CRC in Syria.⁹⁵ However, there seems to be some room for discretion – both in the law and in practise – as to what documents issued by the competent authorities in the host country would be accepted in Syria. This is understandable given the wide array of documents, competent authorities and

⁸⁹ Previously, the Syrian Embassy was making semi-regular outreach trips to Erbil in KRI from Baghdad. However, due to Covid-19 restrictions, these are not occurring at present.

⁹⁰ NRC briefing note, 2017, above in 1.

⁹¹ Article 17(b), CSL 2007.

⁹² However, it should be noted that the phrase from the old law is retained in the ER for CSL.

⁹³ Conversations with civil affairs staff in Syria, June 2021.

⁹⁴ Despite being mentioned in the law and the regulation, there is some suggestions from conversations with civil affairs staff in Syria (June 2021) that only originals will be accepted – not certified copies.

⁹⁵ As confirmed during conversations with officials from the Civil Affairs Department in Damascus, Syria (October 2021).

processes for registering vital events in host countries around the world. However, the result is that at the moment, it is not completely clear which documents from Lebanon, Jordan and Iraq would be accepted for registration by a CRC in Syria.⁹⁶ This is an area that would benefit from test cases to assess the current practise and gain more clarity for refugees.

The applicable fees for this step are dictated by the host country, and differ depending on the type of event, and the country.

Step 2: Attestation of event by *Mukhtar* in Syria

For birth and death events, as is required when these events occur in Syria, a *mukhtar*'s attestation (*shahadah*) is required.⁹⁷ The logic behind this step seems to suggest that this is an additional step of verification in Syria. Given the new law removes strong geographic connections for registration, the attestation should be able to be completed by any *mukhtar* in Syria – not only one based in someone's area of origin. The law or regulation does not clearly specify who can take the document to a *mukhtar* to be signed. The costs of the attestation vary depending on the *mukhtar*. They will likely be in the range of 2000 – 5000 SYP.

Marriage and divorce events do not need to have *mukhtar* attestation. However, marriage and divorce decisions issued in a host country will only be considered valid for registration in Syria if they do not contradict Syrian law and have been issued by an official state court of a kind considered competent in Syria, such as a *Shari'a* or other religious court.⁹⁸ For example, if a marriage between two Syrians has been formalised in Jordan by the official Jordanian *Shari'ah* court, that will be considered sufficient to be registered in Syria.

Step 3: Submit documentation to any Civil Registry Centre in Syria

The final step is to submit the documentation to any CRC in Syria.⁹⁹ This differs from the CSL 2007 in that the documentation previously had to be presented to the directorate in the person's place of origin.¹⁰⁰ This step is carried out by those eligible to report life events, as outlined in the CSL. For example, for birth and death events this

⁹⁶ Article 17(b), CSL and Regulation 17(2), ER for CSL outline the broad requirements. They state that attestation (*shahadah*) of the life event from the competent authorities in the host country is required. Article 17(c), CSL also requires any documents be duly certified (*mosadakah*). However, it is not clear from the law whether the certification required is by the host country Ministry of Foreign Affairs, or whether registration and subsequent provision of a certificate by the competent civil affairs authorities in the host country is sufficient, or whether some other authority in the host country needs to certify documents. NRC had discussions with civil registry officials in Damascus, Syria in June, August and October 2021 to try to clarify this issue. However different officials had interpretations of the requirements that varied slightly. It was also mentioned that given the current situation – with so many Syrians abroad who have not managed to register life events in Syria – that there have been some internal guidance suggesting that a degree of leniency should be practised. What this means exactly however, remains to be seen and in practise, may not be completely consistent across all CRCs.

⁹⁷ Regulation 17(2), ER for CSL.

⁹⁸ Regulation 17(2), ER for CSL. In the case that the marriage or divorce was not issued by such a court, then Regulation 17(2) provides that they will be granted an 'exequatur' (official authorisation) by the court in Syria accepted as having legal authority.

⁹⁹ Article 17(b), CSL.

¹⁰⁰ Article 17(b), CSL 2007.

includes relatives to the fourth degree. The costs for obtaining any life event certificate from any CRC in Syria is 300 SYP in form of stamps affixed to the certificate.¹⁰¹

Finally, it must be acknowledged that, in practice, both paths just described may well be very difficult for many Syrians abroad. For example, according to NRC research, the documents of many Syrian refugees such as ID cards, have been lost, damaged or confiscated.¹⁰² In addition Syrians who turn 14 while abroad are not able to obtain an ID cards since these are not issued at diplomatic missions. Without their ID card, it is impossible to officially register subsequent vital events, including marriage, divorce, births or deaths. Not being able to formally register their marriages means that registering children of that marriage and obtaining a family booklet are impossible. In Lebanon, the lack of ID cards can become an impediment to obtaining legal residency.¹⁰³ Numerous other factors, including costs, understanding the complex steps involved, and security concerns relating to approaching the Syrian embassies, contribute to the challenge faced by refugees. Because of such difficulties and the importance of civil documentation, some Syrians abroad have intentionally obtained or inadvertently used fraudulent civil documentation.¹⁰⁴

c) Particular groups – Palestinians and Stateless Kurds living abroad

In Syria there is a dedicated civil registry for Palestinians registered with the General Authority for Palestinians Arab Refugees, or GAPAR (*al-haiaa al-ammah llajeen al-falsteeneen al- Arab*), which falls under the Ministry of Social Affairs and Labour. As of January 2021, there are 557,452 Palestinian refugees registered with GAPAR in Syria. According to UNRWA estimates, since the crisis at least 120,000 Palestinians have been displaced to neighbouring countries – primarily Jordan and Lebanon.¹⁰⁵ The CSL of 2021 is implicitly applicable to Palestinian refugees registered with GAPAR, in line with the provisions of Law 450 (1949) and additional GAPAR regulations. However, Palestinians have to record life events in dedicated GAPAR registries rather than the usual CRCs used by other Syrians. According to GAPAR, registered Palestinians may refer to any GAPAR registry to register their life events or obtain ID cards and family booklets without having to return to the place where they were originally registered. The same rules, procedures, fees and fines set out in the CSL are applicable to GAPAR-registered Palestinians. It is worth noting that GAPAR-registered Palestinians were also eligible for fines exemptions under Legislative Decree No. 7/2021.

¹⁰¹ Article 60, CSL.

¹⁰² NRC, Briefing note 'Syrian Refugees' Right to Legal Identity: Implications for Return', 2017

¹⁰³ In July 2021, the General Directorate of Security (GSO) announced that it will exceptionally accept, for one time only, the status regularization applications submitted by refugees who turned 15, using recent individual civil extracts. Nevertheless, those benefitting from the facilitated procedures, are required to provide a valid ID card or passport for the next renewal (when they approach the GSO to renew expired permits granted based on civil extracts). Also, the waiver expires on 31/12/2021, and it is not clear if the GSO will extend it further.

¹⁰⁴ NRC, Briefing note 'Syrian Refugees' Right to Legal Identity: Implications for Return', 2017

¹⁰⁵ UNRWA, 'Syria: 10 years of multiple hardships for Palestine refugees', 15 March 2021, available at <https://reliefweb.int/report/syrian-arab-republic/syria-10-years-multiple-hardships-palestine-refugees>.

Regulation 17(6)c, ER for CSL, outlines that GAPAR-registered Palestinian refugees who are now living abroad can register their vital events at Syrian embassies. Although the regulation does not include much detail, it seems that this is done in the same three step process as path A for Syrians, as outlined in the previous section. The applicant should submit an original birth certificate, for example, from Jordan; have it validated at the Jordanian Ministry of Foreign Affairs; and then ratify and register it at the Syrian Embassy.¹⁰⁶ The regulation also notes that the applicant can “obtain a copy of the event from the foreign authorities and ratify it” to then lodge it at a CRC, i.e. the dedicated registry for GAPAR-registered Palestinians.¹⁰⁷ This seems to suggest that a copy of the birth certificate, if validated, would also suffice.

Prior to the crisis there were an estimated 300,000 stateless (*adeem al-jensya*) Kurds in Syria.¹⁰⁸ The adoption of Decree 49 in April 2011 by the Government of Syria gave some stateless Kurds the possibility of acquiring nationality, and becoming registered as part of the Syrian civil registry. It is estimated that by mid-2013, 104,000 stateless Kurds had acquired nationality through Decree 49.¹⁰⁹ The subsequent rise of the conflict, however, has made the process of applying in Syria very challenging for Kurds. In addition, many stateless Kurds were displaced from Syria to northern Iraq and other countries before they had applied for nationality, and it is not possible for stateless Kurds to apply for nationality from outside Syria while applications are only accepted in the governorate of origin civil registry centre (*Hassakah*).¹¹⁰ Given this, it is unfortunate that the CSL brings no changes for stateless Kurds currently abroad.

5. Registering births that occur outside of Syria

Birth registration (*tasjeel wilada*) is the process by which a child's birth is recorded in the civil registry, and can be carried out for Syrians born abroad. Registering a birth in the Syrian civil registry enables a child to be recognised before the law as a Syrian citizen and to obtain documentary evidence of this. It is a necessary step to gaining and proving Syrian nationality and receiving an ID card, and thereby being able to access services and the rights of a citizen. It also confirms the child's relationship with their parents – known as lineage – and is essential for entry into the Syrian family booklet. Indeed, to register the birth in Syria, lineage to parents with a registered marriage must

¹⁰⁶ Unlike in Article 17, Syrian Consulates are not mentioned. This may suggest that this option is only available for Palestinians abroad at Syrian Embassies, not Consulates. However, practice may differ.

¹⁰⁷ Regulation 17(6)c, ER for CSL.

¹⁰⁸ A special census held in the majority-Kurdish Al Hassakah province in 1962 left thousands of Kurds stateless. As a result of this census Kurds were split into three groups: a) those who managed to fulfill the registration requirements and remained citizens; b) those who tried to register, but did not fulfill the registration requirements and therefore lost their citizenship. These were labelled the *Ajanib* (foreign) Kurds and were left with only a foreigner's residence permit. Finally, c) those who never tried to register and were removed from the Syrian registry system. This group are known as the *Maktoumeen* Kurds.

¹⁰⁹ UNHCR, 'In search of Solutions: Addressing Statelessness in the Middle East and North Africa' (2016).

¹¹⁰ For more analysis, see Thomas McGee 'Statelessness Displaced: Update on Syria's Stateless Kurds' (2016).

be proven. This is one of the many fundamental points that remains unchanged in the CSL: to register a birth in Syria, the marriage from which the child is born must first be registered.¹¹¹ This applies equally to births occurring outside Syria.

“to register the birth in Syria, lineage to parents with a registered marriage must be proven”

a) The general processes for birth registration for Syrians abroad

How births are registered is governed primarily by Chapter Four of the CSL, and for registering births that occur outside of Syria, the two paths outlined earlier apply.¹¹² Under Article 23(a) of the CSL, the birth can be reported through either path by the child’s father or mother; or relatives of the child to the fourth degree. This should be done within nine months.¹¹³

For path A, the documents required for submission to the Syrian Embassy or Consulate are those required by the laws of the host country.¹¹⁴ For example, in Jordan, this would be a birth certificate issued by the Jordanian Civil Status Department. Like all documents in Jordan, this must then be validated by the Jordanian Ministry of Foreign Affairs, before being submitted to the Syrian Embassy in Jordan for ratification and registration. As another example, in KRI in Iraq, Syrian refugees can obtain official birth certificates directly from the hospital at which the birth took place, but they should be validated by the Birth and Death Directorate.

For path B, Article 17(b) states that an original attestation or a certified copy thereof issued by the competent authorities where the event took place will suffice. For the purposes of birth registration, a birth certificate would meet this criterion.¹¹⁵ However, as mentioned earlier, there seems to be some room for discretion – both in the law and in practise – as to what other documents issued by the competent authorities in the host country would be accepted in Syria. The result is that at the moment, it is not completely clear which documents – aside from a birth certificate – from Lebanon, Jordan and Iraq would be accepted under path B for birth registration at a CRC in Syria.¹¹⁶

The second step in path B is for the host country document attesting to the birth event to then also be attested to by a *mukhtar* in Syria. The third step is to submit the attested documents for registration to any CRC in Syria. The birth documents can be submitted to the CRC by any relative to the fourth degree¹¹⁷ or someone with a duly authorised power of attorney.

¹¹¹ Article 28, CSL.

¹¹² Article 17, CSL.

¹¹³ Article 14(a), CSL.

¹¹⁴ Article 17(a), CSL.

¹¹⁵ Article 17(b), CSL and confirmed in conversations with officials from the Civil Affairs Department in Damascus (June, October 2021).

¹¹⁶ See above footnote 97.

¹¹⁷ Article 23(a) CSL.

b) Unregistered children

As mentioned, for children to be registered with the civil registry, their parents' marriage must first be formally approved by a *Shari'ah* or other religious court, then registered in the Syrian civil registry.¹¹⁸ This central tenet remains unchanged from the CSL 2007.¹¹⁹ However, for many Syrian couples this has not been possible. They have instead had informal (*zawaj urfi*) marriages. The section on marriage later in this report briefly outlines the procedure to formalise and register these marriages.¹²⁰ Suffice to say, the phenomenon has resulted in many children unregistered with the Syrian civil registry, known as *maktoum*.

Article 1 of the Civil Status Law defines *maktoum*¹²¹ as someone – whether in Syria or abroad – who is not registered with the *nofous*,¹²² but whose father or parents are registered in the civil records. The reason may be related to an unregistered marriage, which needs to be first registered before the child can be, or the children may remain unregistered for other reasons. For children younger than 12 months old, their birth can still be registered in the usual way through both paths A and B outlined above, but a late fine has to be paid.¹²³ The procedure for registering a *maktoum* younger than 18 years and older than 12 months is only slightly different. Their birth can be registered through the paths outlined above, but the application must be accompanied by a police report.¹²⁴

c) Registering adults outside of Syria

Some people living abroad reach the age of 18 and still have not been registered within the Syrian civil registry. This group is addressed in Regulation 20(7), ER for CSL. The regulation starts by repeating the previous law, stating: “Embassies may not register births after the concerned person reaches the age of 18”. However, it then refers to Circular No. 506/M/N, dated 8/12/2020, from the Ministry of Interior, indicating that this should be followed. The welcome circular in fact outlines procedures enabling *maktoum* who are older than 18 and live outside Syria to be registered.¹²⁵

The circular provides that *maktoum* older than 18 can apply to the Syrian embassy with an original or certified copy of their birth certificate, issued by the competent authority of the country where the birth took place. The Syrian mission is required to carry out an investigation and verify the family lineage, including through the

¹¹⁸ Article 28(a), CSL 2021. As explicitly outlined in Regulation 28(1): “If the marriage of the parents is not registered and a child is born, the Head of Centre shall *not* register the birth event until the marriage of the parents is duly registered.” ER for CSL 2021.

¹¹⁹ Article 28 (a), CSL 2007.

¹²⁰ The PSL provides for several ways to establish paternity legally. For more on this topic generally, see, NRC (2021) ‘Unregistered marriages and births in the Syrian Crisis – an analysis of Syrian laws’.

¹²¹ Please note that the word *maktoum(in)* is also used to denote unregistered persons older than 18 years. The same term is used for a category of stateless Kurds, primarily from the Al Hassakah governorate.

¹²² Article 14, CSL 2021.

¹²³ Article 1, Determining Consular Fees Outside of the Syrian Arab Republic Law No. 2/2018.

¹²⁴ Article 20(a), CSL. The exception provided in the article is for births and deaths that are proven by judicial ruling. The substance of Article 20(a) is reiterated in Regulation 20(9), ER for CSL.

¹²⁵ This also refers not to stateless Kurds, often referred to as *maktoumeen*, but to those defined in Article 1 of the CSL as *maktoum*, being unregistered people with registered fathers.

use of adult witnesses.¹²⁶ The application and investigation report are submitted to the General Directorate of Civil Status in Syria for consideration by the *maktoum* Committee. If the case is approved, the birth will be registered at the Syrian civil registry and a birth certificate issued. The decision can be appealed.

d) Registering deaths that occur outside of Syria

Chapter Five of the CSL governs death registration.¹²⁷ The two paths outlined earlier apply to death registration.¹²⁸ Whichever path is taken, the CSL clarifies that the obligation of reporting the death lies with the deceased's relatives, namely ascendants, descendants, spouses and adult relatives up the fourth degree.¹²⁹ This should be done within nine months or late fees will apply.¹³⁰

For path A, the event must be dealt with in accordance with the laws of the country in which it occurred to register the event through the Syrian Embassy or Consulate. Generally, this will require a registered death, with a related death certificate (*bayan wafah*) from the host country. As per step two, this will need to be validated by the host country Ministry of Foreign Affairs. Step three is to submit this to the Syrian diplomatic mission to be ratified and then registered.

For the first step of path B, an attestation (*shahadah*) of the death event (or a certified copy thereof) from the competent authorities in the host country is required. As mentioned earlier, a death certificate would suffice, but it is unclear as yet whether other documents would be accepted under path B.¹³¹ The second step is for a *mukhtar* in Syria, based on the documentation from the host country, to further provide an attestation to the death (*shahadah wafah*). The third step is for the death to be registered at any CRC in Syria. This can be done by any relative to the fourth degree of the deceased in Syria¹³² or someone with a duly authorised power of attorney.

6. Registering marriage and divorce outside of Syria

For all Syrian Muslims, marriage and its dissolution are governed in the first instance by the Personal Status Law (PSL). The PSL requires people to marry and divorce through the *Shari'a* court or equivalent personal status court. Only once a marriage has been conducted through the court, can the marriage be registered. The same goes

¹²⁶ The circular adds that relatives of the applicant or a legal representative are required to complete the file and pay the fees.

¹²⁷ They remain largely the same as in the CSL 2007. The only difference is that two articles governing burial are not included in the CSL, but most of their content is covered in other laws, so there has been little legal effect.

¹²⁸ Article 17, CSL.

¹²⁹ Article 36, CSL.

¹³⁰ Article 14(a), CSL.

¹³¹ See footnote 97.

¹³² Article 36, CSL.

for the dissolution of a marriage, which happens primarily through divorce. The registration process for both is governed by Chapter Five of the CSL, which maintains most of the same provisions as in the CSL 2007. However, there is a change for Syrians who marry non-Syrians, which is relevant for those living abroad.

a) The general process for marriage and divorce registration for Syrians abroad

To register marriages and divorces that occur outside of Syria, the two paths outlined above apply.¹³³ For path A, the documents required for submission to the Syrian Embassy or Consulate must reflect that the marriage took place in accordance with the laws of the country in which it occurred, and also did not conflict with the laws of Syria relating to marriage and divorce.¹³⁴ This means that the marriage or its dissolution has to have taken place through a state-approved appropriate religious court, such as a *Shari'ah* court.¹³⁵ It also means that the marriage must meet the legal requirements set out in the PSL, such as the age for legal capacity, witnesses and a dower.¹³⁶ The second step is for this to be validated by the host country Ministry of Foreign Affairs. The third step is for the documentation to be submitted to the Syrian Embassy or Consulate to be ratified and registered.

With respect to path B, Regulation 17(2) (ER for CSL) reiterates that marriage and divorce decisions that take place outside of Syria will be implemented if they do not contradict Syrian laws, and are issued duly by a competent court – specifically identified as a *Shari'a* or other religious court. As for marriages or divorces that take place in Syria, there need not be an attestation by any *mukhtar*. The couple can send the court-approved marriage contract or court verdict directly to any CRC in Syria to register it. While the law does not specify who can register the marriage or divorce documents from a host country at a CRC, officials from the Civil Affairs Department in Syria have indicated that any relative to the fourth degree of either the bride or groom, or someone with a duly authorised power of attorney can do so.¹³⁷

If the marriage or divorce document does not meet the legal conditions – for example, it has been issued by a *Shari'a* council rather than a court – the couple must start a process in the *Shari'a* court in Syria and use the document they obtained as evidence to provide an equivalent verdict.¹³⁸ In Regulation 17(2), ER for CSL, this is described as being “granted an exequatur by the competent court in the State.”

b) Registering an informal marriage

It does seem that the CSL allows for the possibility that an informal marriage (*zawaj urfi*) taking place outside Syria could be submitted to a Syrian *Shari'a* court for validation. This is a process primarily

¹³³ Article 17, CSL.

¹³⁴ Article 17, CSL.

¹³⁵ Like the CSL 2007, Article 30 of the CSL makes it clear that a marriage will not be registered unless it took place through the “competent authority” – being a *Shari'a* or other approved religious court.

¹³⁶ Articles 47-49, PSL.

¹³⁷ Conversations with officials from the Civil Affairs Department in Damascus, Syria (October 2021).

¹³⁸ Who has the power to decide whether the document meets the legal conditions or not is not specified in the CSL.

governed by the PSL.¹³⁹ The court can validate the informal marriage once the usual legal procedures are met and all of the supporting documents outlined in the law for the marriage are provided. However, with only a civil status extract and a medical report, the marriage can also be recognised if a child is born or a pregnancy is apparent.¹⁴⁰ Upon application for validation of the customary marriage, the marriage contract will be validated by the court and a document issued (*bayan ithbat al-zawaj*). This document is similar to the marriage contract and has the same legal value as the marriage contract. If any children were born during the marriage, their names and dates of birth will be included. This document is then the basis for registering the children at the civil registry. It is likely that either both spouses would have to be present in Syria, or the court may possibly accept an application presented by a relative or legal agent (*wakil*).¹⁴¹

c) Registering marriage and divorce between Syrians and non-Syrians

The CSL maintains the same provision in the CSL 2007 that in order to register a marriage between a Syrian and a foreigner, the approval of the Ministry of Interior must be obtained.¹⁴² To gain ministerial approval a number of supporting documents have to be submitted.¹⁴³

There are two situations in which the approval of the ministry is not required, the second of which is new to the CSL. First, in the situation where a couple gets divorced before registering the marriage, the approval of the ministry is not required.¹⁴⁴ Second, the CSL introduces a significant new legal pathway where marriage and divorce can be registered without the approval of the Minister when one spouse dies and the couple have children.¹⁴⁵ The removal of an administrative step for registering the marriage of widowed parents is welcomed. It has implications particularly for the many Syrian women abroad who have married non-Syrian men and, for many reasons, have not managed to register their marriage in the Syrian Civil Registry. For example, this provides an easier way for widowed women to register their marriage, which is a pre-condition of claiming property inheritance rights, among other things.

“The removal of an administrative step for registering the marriage of widowed parents is welcomed.”

¹³⁹ Article 40, PSL.

¹⁴⁰ Article 40, PSL.

¹⁴¹ This is not specified in the CSL.

¹⁴² Article 32 (a), CSL. Under Regulation 31(3), the Ministry’s approval shall be indicated in the marriage contract. ER for CSL.

¹⁴³ As outlined in Regulation 32(1), the foreign party must provide a birth certificate or copy of the civil record, certified by the Syrian Ministry of Foreign Affairs and Expatriates; a document attesting to the religion of the foreign party; an HIV test; and a copy of their passport. ER for CSL.

¹⁴⁴ Article 32(b), CSL.

¹⁴⁵ Article 32(b), CSL; Regulation 32(3), ER for CSL.

8. Obtaining a family booklet outside of Syria

A Syrian family booklet (*bitakah ausareeh*) brings together a family's civil records. It is an important official document with all vital family life events, including the existence of a registered marriage and details of registered children from that marriage. When a couple are married, they receive their own family booklet, separate from their parents'. A family booklet is often required for attendance at school travel and access to basic public services.

Chapter Nine of the CSL expands who is eligible to apply for and make changes to the family booklet. However, the applicant must be in Syria. There is still unfortunately no path to apply for a family booklet from outside Syria through a Syrian embassy or consulate. But for those abroad with guardians, certain relatives or legal agents in Syria, the opportunities to apply have slightly increased.

“the CSL expands who is eligible to apply for and make changes to the family booklet. However, the applicant must be in Syria.”

a) Who can apply for and make changes to the family booklet

As with the previous law, a person who acquires Syrian nationality is entitled to obtain a family booklet, whether that person is inside or outside of Syria.¹⁵⁴ The CLS 2007 only entitled the husband or wife to obtain a family booklet. However, Article 56 of the CSL provides the legal basis for the following groups to apply for the family booklet for the first time, or apply for a replacement of a lost or damaged booklet:

- The husband or wife;
- Adult single offspring, when their parents are dead, absent due to travel or imprisonment, or, in some cases, divorced.¹⁵⁵
- Legal guardians (*wisay*) of offspring who are minors, if there are no single adult offspring as per above; or
- Legal agents (*wakil*) of any of the above.¹⁵⁶

Whoever is applying from these categories must be in Syria. This means that, for example, a legal agent or legal guardian in Syria could legally apply for a family booklet on behalf of people living outside Syria. However, without a legal agent or guardian, the first two categories (husband and wife; adult single offspring) must apply in person at any CRC in Syria.

Regulation 56(1) states that the family booklet can be obtained upon verbal request in person, after verification of one's ID card.¹⁵⁷ The

¹⁵⁴ Article 58, CSL.

¹⁵⁵ Adult single offspring are eligible if their parents are dead or absent because of travelling or imprisonment, or the father is dead and the mother is re-married or was divorced from the father before he died.

¹⁵⁶ Article 56(c), CSL. A legal agent (*wakil*) is someone with a power of attorney, in these cases, from a notary public.

¹⁵⁷ ER of CSL. Regulation 56(7) states that the family booklet may only be handed to its owner in person, or to the persons authorised to receive it. The authorised persons must present their ID card as proof.

booklet holder must submit it to the Head of the CRC each time a relevant life event occurs – such as a child’s birth – to add it to the family booklet.¹⁵⁸ Of particular importance to Syrians abroad is the expansion of who can register such changes to the family booklet to include the legal agent of the three categories above (spouses, offspring and guardians).¹⁵⁹ That legal agent could be in Syria, acting for families outside of Syria.¹⁶⁰

As outlined earlier, Circular No. 1306 from the Ministry of Interior of February 2021 ensures that people in the eligible categories with judicial action against them are able to apply for the family booklet.

9. Fees and fines related to events occurring outside of Syria

a) Fees and fines for Path A (Syrian diplomatic mission)

The fees (*rusoom*) relevant for path A start with the host country’s fees for registration for the first step. These vary depending on the country, the life event in question, and the circumstances. In addition to this are validation fees at the host country Ministry of Foreign Affairs, as per step two. In Jordan these are 5 JOD, regardless of the vital event. In Lebanon, these are 5000 LBP. Then for step three, the fee is 25 USD for ratification and 25 USD for registration of the document, making a total of 50 USD.¹⁶¹

Late fines (*gharamat*) for the last step are also applicable if the birth is registered within a year, but after the nine-month prescribed period the fine is 50 USD. If the birth was more than a year ago, the late fine is 100 USD.¹⁶² However, Legislative Decree No. 7 of 2021 exempted Syrians citizens and Palestinians of equivalent status from late fines that are prescribed under the CSL.¹⁶³ This entered into force in mid-April 2021 for Syrian diplomatic missions, and was valid for six months.

b) Fees and fines for Path B (CRC in Syria)

For path B, the fees for the first step are set by the host country – that is, for birth and death notification, and for the court costs associated with a marriage or divorce verdict. This cost varies depending on the

¹⁵⁸ Article 56(b), CSL. The same article states that the family booklet cannot be used in official transactions before the addition of the life events is included. Note that under Regulation 58(2) only family members who have been included in the Nationality Decree and registered in the Syrian civil registry can be recorded in the family booklet.

¹⁵⁹ Article 56(c), CSL.

¹⁶⁰ A power of attorney will be required for the legal agent to act.

¹⁶¹ Fines are governed by the Determining Consular Fees Outside of the Syrian Arab Republic Law No. 2/2018.

¹⁶² Article 1, Determining Consular Fees Outside of the Syrian Arab Republic, Law No. 2, 2018.

¹⁶³ Because Regulation 61, ER for CSL, which is a new regulation, clearly links the civil registration consular fines with the CSL, the exemption is applicable to the consular fees. This has also been advertised on Syrian Embassies’ Facebook pages.

country and the life event in question. For birth and death events, the cost associated with the second step is what a *mukhtar* in Syria charges for attestation of the notification – likely to be in the range of 2000 to 5000 SYP. (1,000 SYP = 0.8 USD, 10 July 2021). For the third step, the cost to register the life event and receive a certificate at the CRC in Syria is 300 SYP, as per Article 60 CSL.¹⁶⁴

Late fines related to path B are governed by the CSL, and have only been slightly increased compared to those in the CSL 2007. The fine imposed for not registering a vital event within the nine month period outlined in the new law has been slightly increased. It was formerly 3000 SYP, and is now 5000 SYP.¹⁶⁵ In the situation that a vital event is not reported within a year of its occurrence (whether inside Syria or abroad), then the fee is 15,000 SYP, increased from 10,000 SYP.¹⁶⁶ Finally, if someone has not had their birth reported within a year of turning 18, then the late fine to be paid is now 20,000 SYP, compared to 15,000 SYP previously.¹⁶⁷

Although it is not possible to apply for an ID card from outside of Syria, for the sake of completeness the fee for obtaining an ID card for the first time remains unchanged, at 1000 SYP.¹⁶⁸ The cost of replacing an ID card due to it being lost or damaged is now 7000 SYP, compared to 5000 SYP previously.¹⁶⁹ As with the previous law, there is no prescribed time in which a married couple should obtain a family booklet. The fee for obtaining a family booklet for the first time remains the same, at 2000 SYP. However, the cost of 7000 SYP to apply for a replacement family booklet due to loss or damage has increased from 5000 SYP.¹⁷⁰

Decree No. 7 of 2021 on fine exemptions was also applicable to path B.

c) Penalties related to criminal action

Chapter 11 of the CSL prescribes penalties for criminal action relating to the family booklet and ID cards.¹⁷¹ Compared with the CSL 2007, for the penalties the minimal period of imprisonment has been reduced to one month, but the monetary penalties have significantly increased. The increase in penalties for fraud has implications for people returning to Syria from abroad, given the reported use – whether inadvertently or intentionally – of fraudulent documents by refugees in Iraq, Lebanon and Jordan.¹⁷² This is due to a range of difficulties in obtaining or updating civil documentation, which include lack of accurate and up-to-date information on the relevant laws, high costs, security concerns, and ongoing displacement.

The penalty for keeping a family booklet after having claimed it was lost and obtained a replacement is one to six months' imprisonment,

¹⁶⁴ This amount was formerly 100 SYP, under Article 66, CSL 2007.

¹⁶⁵ Article 61, CSL. The equivalent former provision was Article 67, CLS 2007.

¹⁶⁶ Article 61, CSL. Article 68(a), CSL 2007.

¹⁶⁷ Article 61, CSL compared with Article 61, CSL 2007.

¹⁶⁸ Article 62, CSL. The equivalent former provision was Article 58, CLS 2007.

¹⁶⁹ Article 63, CSL. The equivalent former provision was Article 74, CLS 2007.

¹⁷⁰ Article 65, CSL. Article 70, CSL 2007.

¹⁷¹ The chapter also outlines several penalties for damage to CRC property, but these are not relevant here.

¹⁷² NRC, Policy Brief No. 4, (Internal document), 'Fraudulent Documents and Syrian Refugees in Iraq, Jordan and Lebanon, 2021'.

or a 200,000 SYP fine.¹⁷³ The penalty for this was previously imprisonment of two to six months or fines between 10,000 – 20,000 SYP.¹⁷⁴ The penalty for using someone else's family booklet, or obtaining a booklet based on false identification, is one month to two years' imprisonment and a 150,000 SYP fine.¹⁷⁵

For using an ID card after claiming it was lost and getting a replacement, the penalty is one to six months' imprisonment or a 150,000 SYP fine.¹⁷⁶ For using someone else's ID card, or using fraudulent methods to obtain an ID card, the penalty is one month to two years' imprisonment and a 150,000 SYP fine.¹⁷⁷

¹⁷³ Article 68(a), CSL.

¹⁷⁴ Article 71, CSL 2007.

¹⁷⁵ Article 69(a) and (b), CSL. In comparison, the penalties for the same crime in the CSL 2007 were imprisonment of two months to two years; and a fine of 50,000 SYP. Article 72, CSL 2007

¹⁷⁶ Article 70, CSL. Article 76, CSL 2007 imposed two to six months' imprisonment or 20,000 SYP fine for the same crime.

¹⁷⁷ Article 71, CSL. In the CSL 2007 this was one month to two years' imprisonment and a 50,000 SYP fine.

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