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Isabella Eda Baker

The Risk of Statelessness and Humanitarian Exclusion

Legal and Structural Barriers
for Non-Syrian Refugees in Jordan

ARMA, Arab Master's Programme in Democracy
and Human Rights

Isabella Eda Baker

The Risk of Statelessness and Humanitarian Exclusion

Legal and Structural Barriers for Non-Syrian Refugees in Jordan

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Baker, Isabella Eda, *The Risk of Statelessness and Humanitarian Exclusion: Legal and Structural Barriers for Non-Syrian Refugees in Jordan*. Supervisor: Ibrahim Al-Jazy, University of Jordan (GCHR, 2026). Arab Master's Programme in Democracy and Human Rights (ArMA-GC Arab World), coordinated by Saint Joseph University (Lebanon).
DOI: <https://doi.org/10.25330/3186>

Foreword

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- Vasilenko, Darya, *Assessing the Extent of Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women: Concluding Observations on Kazakhstan*. Supervisor: Aigerim Kussaiynkyzy, Maqsut Narikbayev University (Kazakhstan). The Master's Programme in Human Rights and Sustainability in Central Asia (MAHRS-GC Central Asia), coordinated by the OSCE Academy in Bishkek (AY 2024-26).

- Yisa, Josephine Boye, *A Human Rights-Based Approach to Overfishing in West Africa: Comparative Study of Guinea-Bissau and The Gambia*. Supervisors: Magnus Killander, University of Pretoria and Emmanuel Kasimbazi, Makerere University (Uganda). Master's Programme in Human Rights and Democratisation in Africa, coordinated by Centre for Human Rights, University of Pretoria.

Biography

Isabella Eda Baker holds a degree in History and Politics from the University of Warwick and a Master's in Democracy and Human Rights from Saint Joseph University, Beirut. She has been involved in ethically-grounded research, creative advocacy projects and community-building initiatives for women, children, refugees and migrants across Europe and the SWANA region. Her work prioritises intersectional approaches, with particular attention to vulnerable communities. Her professional interests lie in transformative change and advancing human rights-based approaches in policy development.

Abstract

This thesis examines how Jordan's humanitarian aid framework systematically excludes non-Syrian refugees – particularly Iraqi, Yemeni, Sudanese and Somali communities – whilst overlooking the cases and risks of statelessness within these groups. Understanding statelessness in its *de jure* and *de facto* forms, the research highlights the absence of legal identity as a neglected factor contributing to heightened vulnerability for members of these displaced communities.

The study adopts an interdisciplinary approach combining critical legal and policy analysis with qualitative fieldwork in Amman between March and August 2025. Semi-structured interviews were conducted with refugees, non-governmental organisations (NGOs), government ministers, legal experts and humanitarian practitioners, supplemented by secondary sources, including academic studies, legal frameworks, NGO reports and humanitarian policy documents. The research employs thematic and discourse analysis to interrogate how humanitarian and governmental narratives construct hierarchies of vulnerability, and how nationality-based policies reinforce exclusion.

Findings demonstrate that humanitarian aid in Jordan remains disproportionately Syrian-focused, with stateless non-Syrian refugees rendered invisible in programming and donor priorities alike. In displacement contexts, these stateless refugees face a lack of accountability from their origin and host countries. Children born to these refugees and asylum seekers are particularly vulnerable to the risk of statelessness. Statelessness compounds barriers to documentation, protection and socio-economic participation, creating intergenerational cycles of marginalisation.

This thesis argues that stateless individuals should be incorporated into the One Refugee Approach and general humanitarian aid frameworks. It calls for a deliberate reshaping of humanitarian responses to recognise statelessness as a distinct vulnerability, addressing its risks alongside ongoing advocacy for states to fulfil their obligations to grant nationality. Ultimately, it contends that statelessness requires a comprehensive human rights and child rights-based approach to prevent exclusion from being perpetuated across generations.

Keywords: *statelessness / refugees / intersectionality / vulnerability / humanitarian aid / One Refugee Approach*

Acknowledgements

I would like to sincerely thank Dr Ibrahim al-Jazy for guiding me throughout this process and for his generous hospitality in Jordan. I am also deeply grateful to the many individuals and organisations in Jordan and beyond who supported and facilitated this research, particularly the refugees who generously shared their experiences and insights.

This thesis marks the end of a difficult two years. To my parents, Çiğdem and David, to whom I owe so much and love dearly, thank you for your support, and to my brother İhsan, for always offering new perspectives.

I want to thank the incredible women I've met in Lebanon: Joëlle, Roisin, Lina, Fatima, Joud, Vanessa, Fatima Elie, Ghady, Diala, Christelle, Narjess, Kate and Terezie – and my friends Ahmad and Malte – you have all been such sources of inspiration to me. Thank you to all my friends in the UK, who have and always will mean so much to me.

Finally, a special thank you to my cousin Duru, who was a great best friend in difficult times, I hope her future is bright and full of joy.

This thesis is dedicated to Christine – my nan, and my friend.

Table of Abbreviations

ARDD	Arab Renaissance for Democracy and Development
ASC	Asylum seeker certificates
CBO	Community-based organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRA	Central Registration Authority
CRC	Convention on the Rights of the Child
CRC-I	The Covenant on the Rights of the Child in Islam
CRP	Collateral Repair Project
CRPD	Convention on the Rights of Persons with Disabilities
CSPD	Civil Status and Passports Department
GoJ	Government of Jordan
ICCPR	International Covenant on Civil and Political Rights

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
INGO	International non-governmental organisation
IOM	International Organisation for Migration
ISI	Institute on Statelessness and Inclusion
IRAP	International Refugee Assistance Project
JOD	Jordanian Dinar
JORISS	Jordan Response Information System for the Syria Crisis
JRP	Jordan Response Plan
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
LAS	League of Arab States
MENA	Middle East and North Africa
MoPIC	Ministry of Planning and International Cooperation
MOU	Memorandum of Understanding
NGO	Non-governmental organisation
NIRA	National Identification and Registration Authority
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OIC	Organisation of Islamic Cooperation

ORA	One Refugee Approach
POC	Person of concern
RANS MENA	Research and Advocacy Network on Statelessness in the MENA
SDG	Sustainable Development Goals
SDP	Statelessness determination procedure
SWANA	South-West Asia and North Africa
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
US	United States of America
VAF	Vulnerability Assessment Framework
3RP	Regional Refugee and Resilience Plan

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1. Introduction and background

1.1 Introduction

In Jordan, the refugee framework is largely informed by the Jordan Response Plan (JRP), created in 2015 in response to the arrival of a significant number of Syrian refugees following the outbreak of Syria's civil war in 2011. As of 31 July 2025, the number of Syrian refugees registered with the United Nations High Commissioner for Refugees (UNHCR) sits at 481,116, constituting the vast majority of refugees in the country.¹ However, alongside them reside 31,544 Iraqis, 9,718 Yemenis, 4,511 Sudanese, 326 Somalis and various other minority refugee communities.² These figures likely underestimate the reality; when including unregistered individuals the actual number is much higher. Collateral Repair Project (CRP) estimated between 2,000-4,000 Somalis resided in the Kingdom in 2022 – a time when UNHCR reported only 594 registered Somalis, and the Government of Jordan (GoJ) estimated the Yemeni population to be 32,000 in 2025.³

¹ United Nations High Commissioner for Refugees (UNHCR), 'Jordan: Operational Data Portal' <<https://data.unhcr.org/en/country/jor>> accessed 28 August 2025.

² UNHCR, 'External Statistical Report on UNHCR Registered Refugees and Asylum-Seekers Jordan as of 31 July 2025' (UNHCR, 5 August 2025) <<https://data.unhcr.org/en/documents/details/117930>> accessed 23 May 2025.

³ Miranda Finlay, 'Somali Refugees at CRP' (*Collateral Repair Project*, 11 August 2022) <<https://www.collateralrepairproject.org/somali-refugees-at-crp/>> accessed 23 May 2025; UNHCR, 'Jordan Operational Update – December 2022' (30 December 2022) <<https://data.unhcr.org/en/documents/details/103592>> accessed 23 May 2025; Amanda Lane, 'From Amanda's Desk: Airstrikes and Landslides: What Drives Yemeni Refugees to Jordan' (*Collateral Repair Project*, 8 May 2025) <<https://www.collateralrepairproject.org/from-amandas-desk-airstrikes-and-landslides-what-drives-yemeni-refugees-to-jordan/>> accessed 14 August 2025.

Whilst Jordan is referred to as a ‘safe haven’, funding structures have not adapted to include the minority groups present in the country.⁴ Despite the tailoring of refugee responses towards Syrians, Ghantous and Eller articulate how ‘Syrian refugees do not constitute a uniquely vulnerable population compared to Iraqis and other populations of concern’ in Jordan.⁵ This is echoed in a growing body of recent reports which critique how humanitarian aid in Jordan disproportionately favours Syrian refugees over those of other ethnicities. Data from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service reveals that from 2014–2024, between 77.2–90.1% of humanitarian aid entering the country was directed towards the GoJ’s Syrian refugee response.⁶ In 2024, UNHCR cash assistance went to 70,000 refugee families, only 7% of whom were non-Syrian, despite their 9% representation of the registered refugee population.⁷ Whilst this gap may appear marginal, it underscores a discrepancy in aid balance that is further exacerbated by the exclusion of unregistered non-Syrian refugees and indicates the tendency for these groups to be underrepresented in aid frameworks.

As early as 2013, The New Humanitarian referred to Iraqi refugees as ‘forgotten refugees’ in the wake of the Syrian civil war, and the same term was used by CRP in 2024 to denote Sudanese refugees displaced following the outbreak of civil war in April 2023.⁸ Historically, Iraqis benefitted from the well-funded UNHCR Supplementary Budget, meanwhile, ‘non-Iraqis’ received limited support only from the under-funded Annual Budget,

⁴ Shaddin Al-Masri, ‘Nationality-Based Aid and the Role of Humanitarian Actors in the Making of Non-Prioritized Refugees’ (*Lebanese American University*, 14 June 2022) <<https://soas.lau.edu.lb/news/2022/06/nationality-based-aid-and-the-role-of-humanitarian-actors-in-the.php>> accessed 17 June 2025.

⁵ Kayla Ghantous and Lori Eller, ‘The Campaign to End Statelessness in Jordan’ (Boston University School of Law, International Human Rights Clinic March 2021) 86 <https://www.bu.edu/law/files/2021/09/Statelessness-In-Jordan-Report_3.2021-1.pdf> accessed 29 June 2025.

⁶ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service, ‘Jordan 2025’ <<https://fts.unocha.org/countries/114/summary/2025>> accessed 11 July 2025.

⁷ UNHCR Jordan, ‘Refugee Financial Inclusion and Financial Health in Jordan 2024’ (Baseline Survey Report Volume 1 December 2024) 5 <https://calpnetwork.org/wp-content/uploads/2025/05/UNHCR-Jordan_Refugee-FI-FH-BLS-Report-2024.pdf> accessed 14 July 2025.

⁸ The New Humanitarian, ‘Amid Syrian Crisis, Iraqi Refugees in Jordan Forgotten’ (*ReliefWeb*, 6 June 2013) <<https://reliefweb.int/report/jordan/amid-syrian-crisis-iraqi-refugees-jordan-forgotten>> accessed 14 July 2025; Zach Goodwin, ‘Forgotten Refugees in Jordan’ (*Collateral Repair Project*, 8 February 2024) <<https://www.collateralrepairproject.org/forgotten-refugees-in-jordan/>> accessed 3 May 2025.

however, they have since been referred to as ‘non-Syrian’.⁹ Research in 2017 reveals a precedent of discrimination: among ten non-governmental organisations (NGOs) interviewed, none had significant external funding for a programme targeting non-Syrians and only three provided cash assistance to other persons of concern (POCs), whilst others restricted assistance to Syrians and Jordanians.¹⁰ Though the situation has improved since, the system remains imbalanced, with UNHCR’s halting of refugee registration in 2019 disproportionately affecting non-Syrians. A Somali man interviewed in 2024 echoed sentiments within his community that the aid system, the GoJ, UNHCR and humanitarian organisations were focused exclusively on Syrians.¹¹ Whilst articles decry the sidelining of these minority refugee populations and NGO reports critique the nationality-based policies of aid distribution, all reports fail to afford any mention to stateless individuals.

Statelessness, the absence of a legal identity through the lack of nationality with any state, is central to understanding vulnerability among non-Syrian refugees. Statelessness in this *de jure* understanding is recognised by the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (the Statelessness Conventions).¹² However, this legal understanding of statelessness is limited, and *de facto* statelessness, where an individual or community is rendered effectively stateless due to their inability to access the support of their state, presents similar challenges without any legal protections. As per van Waas, the *de facto* stateless often occupy a ‘grey area’, equally unable to prove their nationality and their

⁹ Maja Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’ (2022) 41(1) Refugee Survey Quarterly 131, 139 <<https://doi.org/10.1093/rsq/hdab012>>.

¹⁰ Mennonite Central Committee, ‘On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan’ (2017) 29 <<https://reliefweb.int/report/jordan/basis-nationality-access-assistance-iraqi-and-other-asylum-seekers-and-refugees-jordan>> accessed 8 June 2025.

¹¹ Collateral Repair Project, ‘Season 2, Episode 3: Jordan and the “One Refugee Approach”’ (Podcast, 7 February 2024) <<https://open.spotify.com/episode/0EeZYQGgZKN1JGU510F7SI>> accessed 5 June 2025.

¹² Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117, <https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf> accessed 31 August 2025; Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 September 1975) 989 UNTS 175 <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en> accessed 1 June 2025.

statelessness.¹³ The exact number of stateless persons, worldwide and in Jordan, is unknown, as ‘statelessness is often only a situation that becomes apparent over time, after repeated efforts to obtain documents from the authorities of one or more countries’, and because their exclusion from any legal regimes forces them to ‘live in the shadows on the outermost margins of society’.¹⁴ Manby defines statelessness as an ultimately individual condition; different members of a group may succeed or fail in obtaining nationality depending on their specific circumstances.¹⁵ In recognition of this ambiguity and scope, statelessness in this research is understood in both its *de jure* and *de facto* form, and includes those at risk of statelessness.

Without citizenship, stateless persons lack the legal protections of their state, are deprived of the right to vote and face barriers in accessing formal employment, education, social benefits and humanitarian aid.¹⁶ Additionally, they and their families may remain without status for generations, with intergenerational statelessness being the leading cause of statelessness globally. Salam Media emphasises how ‘marginalised, and often displaced, stateless persons are at a heightened risk and require targeted support and protection’, with the challenges associated with statelessness compounded in displacement contexts.¹⁷ However, in Jordan, published work on efforts to address statelessness among refugee communities, namely through birth registration procedures, is exclusively directed towards Syrians. Whilst nationality itself can only be bestowed by a state, humanitarian organisations are obliged to have a comprehensive understanding of the issues which face all refugees and to tailor their responses accordingly.

¹³ Laura van Waas, ‘Unpacking Statelessness’ in Tendayi Bloom, Katherine Tonkiss and Phillip Cole (eds), *Understanding Statelessness* (Routledge 2017) 57 <<https://www.taylorfrancis.com/books/edit/10.4324/9781315200460/understanding-statelessness-tendayi-bloom-katherine-tonkiss-phillip-cole>> accessed 22 August 2025.

¹⁴ Bronwen Manby, ‘Citizenship and Statelessness in the Horn of Africa’ (15 December 2021) SSRN 48 <<http://dx.doi.org/10.2139/ssrn.4011307>>; Sheila Menz, ‘Statelessness and Child Marriage as Intersectional Phenomena: Instability, Inequality, and the Role of the International Community’ (2016) 104(2) *California Law Review* 497, 505 <<http://www.jstor.org/stable/24758730>> accessed 1 June 2025.

¹⁵ *ibid.*

¹⁶ Ghantous and Eller (n 5) 68.

¹⁷ Salam Media, ‘Statelessness in the Middle East and North Africa (SWANA/MENA)’ (*SALAM DHR*, 26 February 2024) <<https://salam-dhr.org/statelessness-in-the-middle-east-and-north-africa-swana-mena/>> accessed 26 May 2025.

Since 2019, the One Refugee Approach, led by UNHCR alongside several international NGOs (INGOs) and NGOs, has sought to ensure the provision of non-discriminatory assistance to Syrian and non-Syrian refugees alike, and sensitise donors to the shortcomings and negative consequences of the current refugee framework in Jordan.¹⁸ However, no literature on the approach references the inclusion of stateless refugees. By excluding this particularly vulnerable group, any attempts to build a more inclusive and equitable framework remain inherently flawed from the outset.

This thesis investigates how Jordan's nationality-based humanitarian aid framework systematically excludes 'non-Syrian' refugees – particularly Iraqis, Yemenis, Sudanese and Somalis – despite their heightened vulnerability, whilst overlooking the risk of statelessness within these communities. It highlights the uniquely compounded and acute vulnerability of being a refugee, non-Syrian and stateless in Jordan. Efforts to address statelessness in their origin countries tend to focus on populations within their own borders, resulting in a neglect of their refugees and asylum seekers abroad. Even when national action plans, such as Somalia's, acknowledge statelessness, they rarely address the situation of their displaced nationals, who are left to fall between the cracks of refugee protection and statelessness safeguards.

It is important to clarify key terms used throughout this research. As Turner observes, 'in Jordan, the lines between "asylum seeker", "refugee", "refugee movement", and "registered with UNHCR" are somewhat blurred'.¹⁹ Accordingly, this thesis uses the term 'refugee' to encompass asylum seekers, and also refers to protection seekers and POCs. Nationality refers to the legal bond between an individual and state under the law, whilst citizenship reflects the full range of rights a person enjoys in a country of which they are a national. Statelessness is therefore understood as the absence of legal identity with any state – something that is often evidenced through the lack of civil documentation or identity documents, which provide official recognition before the law.²⁰ Whilst

¹⁸ Ghantous and Eller (n 5) 85.

¹⁹ Lewis Turner, 'Who is a Refugee in Jordan? Hierarchies and Exclusions in the Refugee Recognition Regime' (2023) 36(4) *Journal of Refugee Studies* 877, 884 <<https://doi.org/10.1093/jrs/fead083>>.

²⁰ Norwegian Refugee Council (NRC), 'Access to Legal Identity and Civil Documentation among the Muhamasheen in Yemen' (March 2024) 2 <<https://www.nrc.no/globalassets/pdf/reports/access-to-legal-identity-muhamasheen/access-to-legal-identity-among-the-muhamasheen-in-yemen.pdf>> accessed 7 July 2025.

it has become common practice, given the dominance of Syrians in Jordan both in number and Jordan's refugee response, to refer to other protection seekers – Iraqis, Yemenis, Sudanese, Somalis and others – as 'non-Syrian' refugees, the critique in this thesis of nationality-based aid allocation should not be misaligned with anti-Syrian rhetoric. Rather it seeks to highlight how inequitable frameworks marginalise other refugee groups into comparative invisibility, underscoring the vulnerabilities of all refugee populations. Many of the challenges faced by non-Syrian stateless refugees mirror those experienced by Syrians and other groups in the region.

To understand Jordan's refugee landscape, a timeline of migration should be observed. Iraqis first arrived in the Kingdom on a large scale in 1991, following the First Gulf War. More arrived in 2003 following the American invasion, with larger numbers fleeing Iraq in 2006 following sectarian conflict between Sunnis and Shiites.²¹ Prior to the Al-Qaeda Iraqi hotel bombings in Amman in 2005, Jordan had an open-border policy for Arab nationals, but in the aftermath of the bombings visas were then required for Iraqis to enter the country.²² In 2014, thousands of Iraqi Christians fled Daesh and arrived in Jordan, and today there are 31,554 Iraqis registered with UNHCR.²³ Iraqis have long been treated as 'temporary guests' in Jordan, perceived as a distinct group sitting in between Syrians and the other minority groups that constitute this research, and benefitting from exceptions to restrictive policies, such as in accessing education.²⁴ However, given their inclusion as 'non-Syrian refugees' and the limited research or aid targeting them, this thesis includes Iraqi refugees to ensure a more comprehensive understanding of the non-Syrian experiences in Jordan and the associated risks of statelessness.

²¹ Caritas Jordan, 'Iraqis Refugees in Jordan' (*Caritas Jordan*, November 2020) 1 <<https://www.caritasjordan.org.jo/Resources/7/Rep003%20Iraqis%20Refugees%20Situation%20Report%20-%2026112020%20copy.pdf>> accessed 8 May 2025.

²² Human Rights Watch (HRW), "'The Silent Treatment': Fleeing Iraq, Surviving in Jordan' (HRW 2006) <<https://www.hrw.org/reports/2006/jordan1106/2.htm>> accessed 31 August 2025.

²³ Caritas Jordan (n 21) 2; United Nations High Commissioner for Refugees (UNHCR), 'External Statistical Report on UNHCR Registered Refugees and Asylum-Seekers Jordan as of 31 July 2025' (*UNHCR*, 5 August 2025) <<https://data.unhcr.org/en/documents/details/117930>> accessed 23 May 2025.

²⁴ Shaddin Al-Masri, 'How Humanitarian-Development Responses May Discriminate by Nationality: Refugee and Migrant Inclusion Following the 2016 Jordan Compact' (2024) 42(1) Development Policy Review e12734 6 <<https://doi.org/10.1111/dpr.12734>>.

Yemen, which has for decades been home to many Somalis fleeing civil war in their own country, became a source of displacement itself when many Yemenis and Yemeni-Somalis fled to Jordan after the ongoing civil war broke out in 2014. As one of the poorest countries in the world, people have fled and continue to flee the country as a result of climate disasters, a collapsed economy and country-wide famine.²⁵ The 2003 outbreak of civil war in Sudan forced Sudanese people to seek refuge in Jordan, with numbers significantly increasing after an escalation of the conflict during the periods 2012-2014 and April 2023.²⁶ Somalia has a long-running history of displacement, with the collapse of the state in 1991 and constant conflict with recent escalations by militant Islamist group Al-Shabaab and environmental disasters causing widescale migration, including to Jordan.²⁷ All of these communities, many of which fled to escape persecution, now have second generations born in Jordan, and face dangerous political situations in their origin countries, making return both unlikely and advised against by UNHCR.²⁸

The GoJ is faced with considerable pressure due to the number of refugees within the country, its scarce resources and high unemployment rate.²⁹ Moreover, whilst organisations and academics call for a change in its refugee approach, the reality is the government is unlikely to implement such change. Some NGOs in Jordan are closely affiliated with the royal family or directly integrated into government structures. Whilst this research examines state policy to provide important context to the realities for non-Syrian refugees, the GoJ is not the focus of this research. This

²⁵ Lane, 'From Amanda's Desk: Airstrikes and Landslides' (n 3).

²⁶ UNHCR Staff, 'Five things to know about the crisis in Sudan, UNHCR' (UNHCR, 22 September 2023) <<https://www.unhcr.org/us/news/stories/five-things-know-about-crisis-sudan-0>> c.

²⁷ International Crisis Group, 'Fighting Climate Change in Somalia's Conflict Zones' (Crisis Group, 10 December 2024) <<https://www.crisisgroup.org/africa/horn-africa/somalia/316-fighting-climate-change-somalias-conflict-zones>> accessed 11 August 2025.

²⁸ UN High Commissioner for Refugees (UNHCR), 'UNHCR Position on Returns to Sudan' (May 2023) 3-4 <<https://www.refworld.org/policy/countrypos/unhcr/2023/en/124252>> accessed 8 July 2025; UN High Commissioner for Refugees (UNHCR), 'UNHCR Position on Returns to Yemen – Update I' (October 2021) 25 <<https://www.refworld.org/policy/countrypos/unhcr/2021/en/123940>> accessed 8 July 2025; UN High Commissioner for Refugees (UNHCR), 'UNHCR Position on Returns to Iraq' (14 November 2016) 22 <<https://www.refworld.org/policy/countrypos/unhcr/2016/en/113555>> accessed 8 July 2025.

²⁹ Hasan Dajah, 'Jordan's Future in 2025: Challenges and Opportunities' (*The Jordan Times*, 26 January 2025) <<https://jordantimes.com/opinion/hasan-dajah/jordans-future-2025-challenges-and-opportunities>> accessed 6 July 2025.

study instead examines international and local NGOs, exploring how their donor politics and operational practices can be reshaped to recognise statelessness as a vulnerability indicator. Ultimately, this research explores the intersection of refugeeness and statelessness as a compounded vulnerability, asking how humanitarian aid structures can be modified to ensure stateless inclusion. It does not attempt to homogenise or undermine the challenges faced by Syrian or any other refugee and stateless groups; it instead demonstrates how statelessness heightens vulnerability for all populations. The cases of Iraqi, Yemeni, Sudanese and Somali protection seekers in Jordan frame how these populations are simultaneously marginalised due to their nationality and their heightened risk of statelessness. More than a legal condition, statelessness amplifies economic, social, political and protection risks.

As Canefe observes, the protection of stateless persons is frequently handled in an ad hoc and case-by-case manner, an inconsistent approach which undermines their civil and political rights.³⁰ This thesis disputes this approach, arguing for a new approach which specifically and comprehensively targets stateless individuals and those at risk of statelessness to address their needs and mitigate against the challenges they face. It posits that addressing statelessness requires two distinct strategies. First, advocating for improved access to civil documentation by placing pressure on governments to provide legal identity and embed safeguards to nationality. Second, ensuring that stateless persons are included in humanitarian assistance frameworks in a deliberate and informed manner, guaranteeing that interventions do not inadvertently enforce marginalisation, and are irrespective of their current legal status. It is this second point which constitutes the focus of this research. In such a model, the equitable provision of aid is not contingent on prior formal recognition of nationality. Moreover, the needs of stateless persons are embedded into the aid system as a blanket standard of inclusion, rather than reactively responding to individual cases or waiting for vulnerabilities

³⁰ Nergis Canefe, 'Statelessness as a Permanent State: Challenges to the Human Security Paradigm' (2020) 8(1) *Journal of Conflict Transformation and Security* 12, 14 <<https://cesran.org/wp-content/uploads/2020/04/JCTS-Vol.-8-No.-1-3.pdf>> accessed 16 May 2025.

to manifest themselves. In doing so, the system would prevent marginalisation and reduce the need for addressing individual crises, ultimately benefitting all POCs beyond those at risk of statelessness.

Finally, this research rejects the notion that this change requires extensive data on statelessness in these communities in order to be realised. Through an exploration of the legal and procedural gaps that create statelessness in Chapters 2 and 3, and how the humanitarian system in Jordan fails to respond to their needs in Chapter 4, this research illustrates the processes that lead to statelessness. Chapter 5 then outlines the shift in framing and necessary changes to the humanitarian aid system to avoid the exclusion of the most vulnerable across nationalities and within refugee, migrant and host communities.

1.2 Literature review and theoretical framework

Regarding statelessness, Arendt's discourse of the 'right to have rights' as contingent not only on being a person but being a citizen is considered foundational.³¹ However, as Almazidi explicates, this perspective has since been problematised for its Eurocentric nature and its 'colonial and statist conceptions of sovereignty, territoriality, and citizenship'.³² Emerging critical statelessness studies critique Arendt's perspective for its risk of reproducing the very exclusion it seeks to address, by treating the state as the sole guarantor of rights. Almazidi highlights Allerton, who critiques the reduction of identity to the possession of documentation, and Tatour, who denotes citizenship as a tool to 'normalise domination, naturalise settler sovereignty, classify populations, produce difference and exclude, racialise, and eliminate

³¹ Hannah Arendt, *The Origins of Totalitarianism* (Meridian Books 1958) 298 <<https://cheirif.wordpress.com/wp-content/uploads/2014/08/hannah-arendt-the-origins-of-totalitarianism-meridian-1962.pdf>> accessed 12 June 2025.

³² Nour Almazidi, 'Wujud: A Political Philosophy of Justice and Presence in the Arabian Peninsula' (2025) 32(2) *European Journal of Women's Studies* 145, 151 <<https://journals.sagepub.com/doi/full/10.1177/13505068251327809>> accessed 22 August 2025.

indigenous peoples'.³³ This shift challenges the assumption that statelessness is inherently resolved through inclusion in the state, demanding outlooks which account for diversity of experience according to time, space and context.

The leading research on statelessness in Jordan is Ghantous and Eller's 'The Campaign to End Statelessness in Jordan' report, published in 2021 through the Research and Advocacy Network on Statelessness in the Middle East and North Africa (RANS ME-NA). Their research demarcated four of the major struggles experienced by stateless communities in Jordan: a 'lack of access to (1) formal employment, (2) education, (3) social benefits, and (4) humanitarian aid', with relatively extensive work surrounding these first three topics.³⁴ Whilst the report presents a critical contribution to a topic that has for the most part not been tackled in Jordan, it highlights barriers to accessing aid as an area of concern for stateless communities – critiquing humanitarian organisations for their requirement to present a form of identification in order to access their services – but does not go deeper into either the causes or the consequences of this.³⁵ Moreover, the paper falls short of interrogating why Jordan's civil registration system fails stateless groups from Iraq, Yemen, Sudan and Somalia.

The Norwegian Refugee Council's (NRC's) 'Statelessness and Displacement' scoping paper, examining statelessness globally, identifies another dimension. It includes 'difficulties in accessing humanitarian assistance or fear in approaching service providers', and 'fear amongst stateless individuals and families to approach authorities or local community for assistance due to often longstanding marginalisation and even vilification', as issues stateless persons face in forced displacement contexts.³⁶ However, beyond these and similar mentions of an unwillingness to reveal stateless identity for fear of the consequences, there has been little research into this topic. Regarding Jordan, cases in the text are limited to those of Palestinians and Syrians, though Iraq, Yemen and Sudan are all cited as countries of high concern. Barriers to aid are not confined to the Jordanian context; Ivashuk, Kordonets and Kanics

³³ Allerton and Tatour quoted in *ibid* 152.

³⁴ Ghantous and Eller (n 5) 68.

³⁵ *ibid* 75.

³⁶ Norwegian Refugee Council and Tilburg University, 'Statelessness and Displacement: Scoping Paper' (Norwegian Refugee Council and Tilburg University, 2016) 25, 36 <<https://www.nrc.no/globalassets/pdf/reports/statelessness-and-displacement.pdf>> accessed 13 July 2025.

detail barriers to humanitarian aid in Ukraine, whereby stateless people are excluded from support by the need for tax numbers to receive any aid, however small, and are consequently pushed into difficult and sometimes exploitative situations.³⁷ Research by Davis in 2023 briefly discusses the issue of non-Syrian refugees being refused assistance in Jordan. She references a Sudanese man and his family from Darfur, who had been forced to live as undocumented migrants and were ‘unable to get help from most of the humanitarian organisations operating in the kingdom’. She estimates 5,500 asylum seekers in a similar position to this man, all ‘effectively stranded’ since the 2019 government decision to halt refugee status.³⁸

Research by van Waas and Albarazi provide a broad and comprehensive insight into statelessness in the Middle East and North Africa (MENA), identifying the defining and persistent causes and challenges within the region. They remark upon the limited pressure felt by MENA states from human rights bodies when it comes to statelessness and human rights issues more broadly,³⁹ an insight which highlights the need for focus on humanitarian structures both internally and externally, in lieu of the GoJ. This research also observes a tendency amongst scholars to discuss stateless populations in isolation from each other.⁴⁰ This practice, whilst understandable for the diversity of stateless experiences in the region, hinders the potential for a stronger union across these groups. In this research, exploring statelessness among ‘non-Syrian’ refugees identifies parallels with other regional cases, allowing insights to be applied to broader stateless populations.

As research on statelessness grows, critical statelessness scholars are highlighting gaps in the existing work. The Equal Rights Trust remarks that ‘*de facto* statelessness has never been comprehensively defined and the extent of the problem never fully

³⁷ Aleksejs Ivashuk, Sofiia Kordonets and Jyothi Kanics, ‘The Forgotten Victims of War: Ukraine’s Stateless’ in *Ukraine: Insights and Implications* (September 2023) 72 *Forced Migration Review* 37 <<https://www.fmreview.org/ukraine/ivashuk-kordonets-kanics/>> accessed 6 July 2025.

³⁸ Hana Davis, ‘Non-Syrian Refugees Refused Assistance in Jordan’ (*Open Democracy*, 24 April 2023) <<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/non-syrian-refugees-refused-humanitarian-aid-in-jordan/>> accessed 4 June 2025.

³⁹ The Legal Agenda, *Nationality and Cases of Statelessness in the Middle East and North Africa* (Laura van Waas and Zahra Albarazi eds, Tilburg University and the Open Society Foundations 2016) 272 <https://citizenshiprightsafrika.org/wp-content/uploads/2016/01/LegalAgenda-Tilburg_NationalityStatelessness-MENA_2016.pdf> accessed 4 August 2025.

⁴⁰ *ibid* 24.

understood'.⁴¹ As seen with Lay Lee's inclusion of *de facto* stateless female migrant workers in her analysis of *de jure* statelessness, conflation of the terms is counterproductive.⁴² Whilst the 'Handbook on Protection of Stateless Persons' and UNHCR documents reference *de facto* stateless persons, they are not afforded the protections under international law; as such, it is important to distinguish between the two.⁴³ Indeed, scholars are doing so, with Sanderson's research into the stateless of Sudan and Menz's work on statelessness and child marriage among them.⁴⁴ Canefe further dissects understandings of statelessness, proposing a new third understanding of 'socially stateless' or 'half-stateless' individuals.⁴⁵ Such a definition largely applies to internally displaced peoples, one example given being the Palestinians residing in Israel. Whether or not further divisions to understanding statelessness are necessary could be explored in other contexts, but for the purpose of this thesis, which explores those who have been displaced across borders, statelessness is defined in its broadest sense with particular focus on *de facto* stateless and at-risk populations.

The subjects of this thesis embody two identities: that of a refugee and that of a stateless person. Tucker notes that in practice, refugeehood has been seen to trump statelessness, despite no such hierarchy existing in international protection mechanisms, and the fact that protection concerns are not necessarily greater for refugees.⁴⁶ McGee posits that 'in recent decades, the protection

⁴¹ The Equal Rights Trust, 'Chapter 2: Critiquing the Categorisation of the Stateless' in *Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons* (The Equal Rights Trust July 2010) 62 <<https://www.equalrightstrust.org/ertdocumentbank/chapter%202.pdf>> accessed 19 July 2025.

⁴² H Somers, 'Review of Statelessness, Human Rights and Gender: Irregular Migrant Workers from Burma in Thailand by Tang Lay Lee' (2007) 35(2) *International Journal of Legal Information* 332 <<https://doi.org/10.1017/S0731126500002389>>.

⁴³ UN High Commissioner for Refugees (UNHCR), 'Handbook on Protection of Stateless Persons' (UNHCR 2014) <https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf> accessed 1 July 2025.

⁴⁴ Mike Sanderson, 'Statelessness and Mass Expulsion in Sudan: A Reassessment of the International Law' (2014) 12(1) *Northwestern University Journal of International Human Rights* 74 <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?params=/context/njihr/article/1168&path_info=auto_convert.pdf> accessed 1 June 2025; Menz (n 14) 497.

⁴⁵ Nergis Canefe, 'The Banality of Statelessness and the Impossibility of Counting the Dispossessed' in Ayşe Çağlar, Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (eds), *Sites of Statelessness: Laws, Cities, Seas* (State University of New York Press 2025) 1997.

⁴⁶ Jason Tucker, 'The Statelessness of Refugees' in Tendayi Bloom and Lindsey N Kingston (eds), *Statelessness, Governance, and the Problem of Citizenship* (Manchester UP 2021) 61, 68 <https://www.researchgate.net/publication/383155689_The_Statelessness_of_Refugees> accessed 26 June 2025.

of refugees and the protection of stateless persons have largely been considered independently of each other'.⁴⁷ Indeed, UNHCR creates binary categories for refugees and stateless persons, with individuals who fulfil both criteria being treated as refugees, excluding them from statelessness figures and protections.⁴⁸ However, the Chief of UNHCR's Statelessness Section reported that asylum seekers who are stateless and not identified as such may face weakened claims to refugee recognition.⁴⁹ Moreover, Kingston, as cited by Tucker, demonstrates that statelessness continues to pose 'an insurmountable obstacle to naturalisation' even after refugee status has ended.⁵⁰ Whilst Tucker observes a global shift since 2014 away from the protection hierarchy norm, and a centralisation of stateless refugees in wider refugee discourse, the case of Jordan demonstrates that this inclusion does not expand to all refugee groups.⁵¹

Broadly speaking, intersectionality in statelessness research has been neglected, and where it has been applied, it has been limited to theory or only applied to specific groups. It is important however, as Brennan cautions, to avoid reinforcing a 'monolithic image' of stateless people.⁵² She mentions a dearth of intersectional research between feminist theory and statelessness between Lay Lee in 2005 and Petroziello in 2019, though there has been a rise in intersectional approaches more widely. Crenshaw's pioneering work on intersectionality in feminist theory challenges tendencies to explore race and gender as separate modes of oppression. Building on this critique, stateless scholars have increasingly applied her approach to understand how nationality status intersects with other axes of marginalisation.⁵³ For instance,

⁴⁷ Thomas McGee, 'Recognising Stateless Refugees' in *Recognising Refugees: Challenges and Innovations in Refugee Status Determination* (November 2020) 65 *Forced Migration Review* 45 <<https://www.fmreview.org/recognising-refugees/mcgee/>> accessed 19 May 2025.

⁴⁸ Norwegian Refugee Council and Tilburg University (n 36) 9.

⁴⁹ Tucker (n 46) 10.

⁵⁰ *ibid* 7.

⁵¹ *ibid* 9.

⁵² Diane Brennan, 'Statelessness and the Feminist Toolbox: Another Man-Made Problem with a Feminist Solution?' (2019) 24(2) *Tilburg Law Review* 170, 178 <<https://doi.org/10.5334/tilr.152>>.

⁵³ *ibid* 177.

McGee has explored the nature of statelessness for the LGBTIQ+ community, citing a fear or reluctance to come forward about their ‘status of double marginalisation’ as one reason for the limited work on the topic.⁵⁴

This research also calls for the importance of a child rights approach to statelessness, which is being increasingly emphasised. De Groot and the Institute on Statelessness and Inclusion (ISI) both underscore the significance of birth and early childhood as a period when statelessness can most easily be prevented or resolved.⁵⁵ Alongside them, the European Union Network on Statelessness and Worster advocate for a child rights approach, placing particular emphasis on the child’s best interests.⁵⁶ In addition to a child-rights lens, this thesis is strongly guided by a critical human security approach. Human security, the notion that all individuals deserve to live in freedom from want, freedom from fear and the freedom to live in dignity, was first established by the United Nations Development Programme in 1994. Canefe argues that human security falls short in its protection of stateless peoples through its tendency to view the state as a ‘boundary project’ which does not take into account for people outside its borders.⁵⁷ She calls for a reconceptualisation of statelessness as a ‘permanent state’ and a reminder of ‘the false safety net provided by states to their citizens’.⁵⁸ Certainly, rethinking human security in this way can lead to a more practical safeguarding of rights and safety for stateless people as particularly vulnerable individuals.

⁵⁴ Thomas McGee, “Rainbow Statelessness” — Between Sexual Citizenship and Legal Theory’ (2020) 2(1) *The Statelessness and Citizenship Review* 92 <<https://doi.org/10.35715/SCR2001.115>>.

⁵⁵ UNICEF, Institute on Statelessness and Inclusion (ISI) and How To Child Rights, ‘The Child’s Right to a Nationality and Childhood Statelessness: A Toolkit for Child Rights Actors’ (2023) 4 <https://files.institutesi.org/Childhood_Statelessness_CRC_Toolkit.pdf> accessed 1 June 2025; Gerard-René de Groot, ‘Children, Their Right to a Nationality and Child Statelessness’ in A Edwards and L van Waas (eds), *Nationality and Statelessness under International Law* (CUP 2014) 144 <https://uniset.ca/fatca2/degroot_child.pdf> accessed 20 May 2025.

⁵⁶ European Network on Statelessness, ‘No Child Should Be Stateless: Ensuring the Right to a Nationality for Children in Migration in Europe’ (2020) <https://www.statelessness.eu/sites/default/files/2020-09/ENS_Right-to-a-nationality-for-children-in-migration.pdf> accessed 1 June 2025; WT Worster, ‘The Obligation to Grant Nationality to Stateless Children Under Treaty Law’ (2019) 24(2) *Tilburg Law Review* 204 <<https://doi.org/10.5334/tlrl.154>>.

⁵⁷ Nergis Canefe, ‘Statelessness as a Permanent State: Challenges to the Human Security Paradigm’ (2020) 8(1) *Journal of Conflict Transformation and Security* 12, 14 <<https://cesran.org/wp-content/uploads/2020/04/JCTS-Vol.-8-No.-1-3.pdf>> accessed 16 May 2025.

⁵⁸ *ibid* 22.

By moving away from a narrow view of state sovereignty provided by traditional human security, effective roles for non-state actors such as NGOs can be appropriately developed to provide support for all individuals living outside of their state of origin.

Manly and van Waas, as cited by Brennan, consider inter-disciplinarity as ‘a means to better understand why this form of exclusion is allowed to happen’.⁵⁹ Wider refugee studies are crucial in facilitating a critical approach to statelessness in this thesis. McGee comments on a lack of intersection between academic fields,⁶⁰ with statelessness studies dominated by legal studies, and an absence in statelessness studies of intersectional approaches that go beyond dominant legislative framework. Furthermore, legal scholars often ignore humanitarian practice in statelessness, and aid actors fail to engage with statelessness in practice. This research therefore seeks to bridge these gaps, by combining legal analysis with critical multi-disciplinary perspectives to interrogate the frameworks that sustain statelessness and marginalise stateless needs.

Turner remarks on how ‘humanitarian actors rely on, and reproduce, globally circulating colonial hierarchies of race, which mediate their interactions with, and understandings of, the Syrian population of Za‘tari [refugee camp]’.⁶¹ Whilst the term ‘non-Syrian’ frames this research, the groups that fall into this category cannot be treated homogeneously. Just as a gender lens is necessary to explore the distinct experiences of women, so too must race be considered. Turner’s comment pertains to Syrians, however its sentiment can be applied to the racialised differences among the nationalities centred in this research. Sudanese and Somali protection seekers, hailing from Northeast Africa and the Horn of Africa respectively, are treated differently to Arab refugees. This also applies to certain minority groups, such as the Muhamasheen of Yemen, many of whom have darker skin and face discrimination domestically as well as abroad. Despite this, no substantial analysis has been made of how statelessness compounds exclusion for non-Syrians. Understanding and recommending appropriate

⁵⁹ Manly and van Waas quoted in Brennan (n 52) 170.

⁶⁰ McGee, “Rainbow Statelessness” (n 54) 88.

⁶¹ Turner quoted in Maja Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’ (2022) 41(1) *Refugee Survey Quarterly* 131, 135 <<https://doi.org/10.1093/rsq/hdab012>>.

measures towards re-thinking refugee aid in Jordan therefore requires a nuanced and intersectional approach. Janmyr discusses how UNHCR's 'discriminatory treatment of African refugees' in Jordan was what created the pressure to adopt the One Refugee Approach.⁶² Current conversation on aid discrepancies cannot ignore Ukraine, which has seen huge donor investment, with many critiquing the diversion of funds from other regions as being racially motivated.⁶³

A report by Davis and others on Sudanese and Somali refugees in Jordan identifies four elements that contribute to hierarchy of refugee groups: size, race, time and awareness.⁶⁴ Smaller groups are overshadowed by larger refugee groups, like the Syrians, which become the focus of funding and programmes. Race compounds this neglect; linked to the assumptions that black Africans are inferior to the Arab world who have semitic origin. Similarly, time matters: with the urgent nature of aid provision for Syrians eclipsing more protracted crises. Finally, awareness. Because Sudanese and Somalis constitute only a small percentage of refugees in the Middle East – and because a large number from these countries fled elsewhere – little is known about their conflicts of origin or the reasons for their migration. Indeed, the Mennonite Central Committee in 2017 concluded that because of the relatively little media coverage of the Sudanese and Somali conflicts compared to Syrian and Iraqi ones, these groups tend to be seen as economic migrants rather than asylum seekers.⁶⁵

Davis and others further posit that humanitarian aid is inherently limited and can never meet the needs of affected populations. The structuring of support around more recent crises – and the appeals that follow – often leave the victims of protracted displacement overlooked in light of changed priorities and donor fatigue. There is no sustainable future for humanitarian assistance

⁶² Turner quoted in Maja Janmyr (n 61) 140.

⁶³ Jessica Alexander and Josie Rozzelle, 'Is Ukraine's Aid Bonanza Coming at the Expense of Other Crises?' (*The New Humanitarian*, 24 March 2022) <<https://www.thenewhumanitarian.org/analysis/2022/03/24/ukraine-aid-funding-media-other-crises#:~:text=As%20near%2Drecord%20levels%20of,to%20the%20Horn%20of%20Africa>> accessed 23 July 2025.

⁶⁴ Rochelle Davis and others, 'Sudanese and Somali Refugees in Jordan: Hierarchies of Aid in Protracted Displacement Crises' (Middle East Report No 279, Middle East Research and Information Project Summer 2016) 3 <<https://elevatedestinations.com/wp-content/uploads/2020/01/Davis-et-al-279-MERIP-Sudanese-Somali-Refugees-Jordan-1.pdf>> accessed 2 May 2025.

⁶⁵ Mennonite Central Committee (n 10) 31.

in the mid and long term, they argue, as long as host country policies exclude refugees from work, and the conflicts causing these displacements persist.⁶⁶ Indeed, in Jordan, the governing refugee framework was designed in response to the sudden need to address the crisis of Syrian refugees, and never extensively developed away from it. As such, other refugee groups tend to receive considerably less funding as their displacements are more protracted and garner less attention.

The principle of neutrality, impartiality and non-discrimination represent the foundations of the humanitarian system, yet Williams' case study of Jordan's refugee response framework shows how these are compromised in practice. The political interests of donors that shape the earmarking of funds, stands alongside the reluctance to allow real localisation in response planning, the 'willingness of humanitarians to compromise their mandates in favour of political/financial capital', the power imbalance of refugee agencies over refugee populations and, finally, the scale of political power held by international charities as they have grown into 'powerful corporate brands'.⁶⁷ These dynamics of embedded politicisation of aid in Jordan's humanitarian system reflect what Scott describes as the major, but unspoken, role of power in determining the effectiveness of any humanitarian response.⁶⁸

This trend affects global responses, Alexander and Rozzelle explore how the diversion of humanitarian funds towards the Ukraine upon the outbreak of war with Russia was racially motivated, but also a result of geopolitical significance – proximity with Europe – and the scale of media coverage. Ukraine's funding was described as 'among the fastest and most generous responses a humanitarian flash appeal has ever received' by a United Nations (UN) spokesperson, yet just a week earlier donors had contributed less than a third of the required \$4.3 billion needed to

⁶⁶ Davis and others (n 64) 6.

⁶⁷ Aaron Williams, 'Is the Humanitarian Sector Practicing What It Preaches? What an Examination of the Refugee Response Framework in Jordan Tells Us About the Humanitarian Sector's Real Feelings on Localization, Impartial Aid, and Humanitarian Principles' (Locally Led International 2023) 1 <<https://static1.squarespace.com/static/62900cf85901695762d9fb81/t/640b979789845d7d9b37c386/1678481494556/Is+The+Humanitarian+Sector+Practicing+What+It+Preaches+Report.pdf>> accessed 23 May 2025.

⁶⁸ Rachel Scott, *Imagining More Effective Humanitarian Aid: A Donor Perspective*, OECD Development Co-operation Working Paper No. 18 (Paris: Organisation for Economic Co-operation and Development, October 2014) 8 <https://www.oecd.org/content/dam/oecd/en/publications/reports/2014/10/imagining-more-effective-humanitarian-aid_g17a2533/5jxx3d16snf7-en.pdf> accessed 10 June 2025.

tackle the acute humanitarian need in Yemen.⁶⁹ Focusing on Jordan, Stephan explains that ‘political interests, public opinion and media attention’, not altruistic intentions, best explain the United States’ (US’s) earmarking of funds for Syrians in the Kingdom.⁷⁰ Similarly, Turner observes how the European Union’s involvement in the Jordan Compact stems from its invested interests in reducing Syrian migration to Europe.⁷¹

Slavova and Simpson argue that such bias in the humanitarian field is overstated and identify three drivers of aid bias which explain why people are nevertheless ready to believe its existence, especially in terms of the Syrian and Iraqi responses. First, individual perception and negativity bias – ‘the tendency to focus on negative news’ which makes people embrace news of aid bias. Second, the political environment in which general distrust with the government and aid organisations act as a catalyst for the spread of misinformation. Finally, aid delivery itself, which encompasses both ‘real and perceived corruption and inefficiency’ as well as through arbitrary formulas for allocating aid rather than provision based on need.⁷² Certainly, in Jordan such perceptions surrounding aid bias have become quickly established. The Jordanian host community believe that refugees, particularly Syrians, are given a disproportionate amount of support at their own expense.⁷³ Within the protection seeking community themselves, other refugees and asylum seekers feel the system is tailored to Syrians and excludes them, a perception which, in this case, is largely accurate, with the bulk of funding and aid channelled towards the government-led JRP, in which Syrians remain the sole focus.

⁶⁹ Alexander and Rozzelle (n 63).

⁷⁰ Carol Stephan, ‘Earmarking Humanitarian Aid by Nationality: The United States’ Contribution to UNHCR’s Syrians and Non-Syrians in Jordan’ (MA thesis, Central European University 2019) 26 <https://www.etd.ceu.edu/2019/stephan_carol.pdf> accessed 22 June 2025.

⁷¹ Lewis Turner, ‘Creating an Inclusive Refugee Response in Jordan’ (ASILE Project 2024) 5 <<https://www.asileproject.eu/wp-content/uploads/2024/02/ASILE-POLICY-BRIEF-Jordan.pdf>> accessed 9 August 2025.

⁷² Ilina Slavova and Ruth Simpson, ‘How to Address the Issue of Aid Bias’ (Qudra 2 Social Cohesion Guidance Note 4, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH November 2023) 1-2 <https://www.international-alert.org/app/uploads/2023/11/ENG_Qudra2-Guidance-Note-4-Unpacking-aid-bias.pdf> accessed 25 July 2025.

⁷³ United Nations High Commissioner for Refugees (UNHCR), ‘UNHCR survey reveals positive Jordanian attitude towards refugees’ (UNHCR, 26 January 2022) <<https://www.unhcr.org/jo/news/unhcr-survey-reveals-positive-jordanian-attitude-towards-refugees>> accessed 10 May 2025.

Al-Masri discusses how NGOs do not take into account the hierarchies of different refugee groups, instead distinguishing them by nationality. Through their interventions, humanitarian organisations create new divisions between refugees; constructing differences between ‘mainstream’ and ‘non-mainstream’, as well as ‘prioritised’ and ‘non-prioritised groups’.⁷⁴ Those that critique the current nationality-based approach which shapes much of humanitarian response, not just in Jordan, but around the world, call on a need for a vulnerability or needs-based approach. For instance, Slavova and Simpson highlight the importance of advocating with donors to provide assistance on inclusive, vulnerability criteria.⁷⁵ Scott, writing from a donor perspective for the Organisation for Economic Co-operation and Development, suggests several steps to shift from a uniform approach. One is to review how ‘forgotten crises’, such as those of Iraq and Yemen, are supported when little interest is shown in funding them. She calls for the disaggregation of the particular needs of the differing populations of concern within a context, and significantly, the need to look at the ‘regional implications’ of crises which cross borders.⁷⁶ Statelessness is one such issue, as although it may be studied in Jordan, it cannot be understood without a broader regional perspective. Assessment of vulnerability requires a contextual and multi-factor assessment, far beyond that defined by nationality. Yet, defining ‘need’ is a complex endeavour.

Oberman questions whether discrimination could ever be ‘justified pragmatically’. He claims that ‘discrimination based on need is permissible’ but ‘discrimination based on race or religion is not’.⁷⁷ With defining need being far from straightforward, interpretations do not always lead to the appropriate response. As seen with Davis and others, size, race, time and awareness all influence perceptions and actions for different refugee groups, but none of which measure vulnerability. Therefore, the lines are blurred by external perception factors, influencing aid allocation

⁷⁴ Shaddin Al-Masri, ‘Nationality-Based Aid and the Role of Humanitarian Actors in the Making of Non-Prioritized Refugees’ (*Lebanese American University*, 14 June 2022) <<https://soas.lau.edu.lb/news/2022/06/nationality-based-aid-and-the-role-of-humanitarian-actors-in-the.php>> accessed 17 June 2025.

⁷⁵ Slavova and Simpson (n 72) 6.

⁷⁶ *ibid* 1–2.

⁷⁷ Kieran Oberman, ‘Refugee Discrimination – The Good, the Bad, and the Pragmatic’ (2020) 37(5) *Journal of Applied Philosophy* 695, 695–6 <<https://doi.org/10.1111/japp.12448>>.

accordingly. For non-Syrians in Jordan, this can be understood as the second of the two kinds of discrimination refugees experience according to Oberman: ‘that which occurs within the refugee regime and that which is produced by the regime itself’. The second of which, structural in nature, gathers less attention but has much more ‘profound effects’.⁷⁸ Whilst the existence of this discrimination is widely agreed upon these days in Jordan, as seen by the establishment of the One Refugee Approach, the internal discrimination towards stateless POCs is overlooked. Oberman’s article speaks only in terms of political leaders, citizens and states, and his lack of inclusion of humanitarian organisations appears to be an oversight. However, his discussion of the three primary circumstances which various scholars claim constitute wrongful discrimination: wrongful distribution, wrongful motivation or wrongful expression, can be applied comprehensively to Jordan’s humanitarian aid landscape.⁷⁹ As Oberman remarks, these are not mutually exclusive, in certain instances, all three are viable. When the GoJ applies its humanitarian system, the provision of aid is based on race rather than need – wrongful distribution. Wrongful motivation – the intentions and biases that shape discrimination – come from the donor funding, whilst wrongful expression, which invokes disdain, but in fact can be well-intended, is demonstrated by humanitarian aid organisations. Whilst this is not true of all organisations, and the progress of the past years must be taken into account, by implementing the discriminatory framework set by donors and the government, UNHCR and other organisations continue to reinforce ideas of deservingness.

However, this very notion of vulnerability is far from unproblematic and is itself critiqued. Turner claims that the very notion and existing use of ‘vulnerable groups’ as a denomination ‘denotes deserving’ (and ‘undeserving’) populations; offers discursive justification for gendered, racialised and colonial interventions; and is central to humanitarian decisions about programming and prioritisation’.⁸⁰ Similarly, research by Janmyr in Lebanon claims that humanitarian vulnerability assessments are ‘altogether blind to [racism and racial discrimination as] categories of harm’.⁸¹ As

⁷⁸ Oberman (n 77) 699.

⁷⁹ *ibid* 701.

⁸⁰ Lewis Turner, ‘Defining, Operationalising and Translating “Vulnerability” in Humanitarian Work in Jordan’ (2024) 51(7) *Journal of Ethnic and Migration Studies* 1647 <<https://doi.org/10.1080/1369183X.2024.2359683>>.

⁸¹ Janmyr quoted in Turner, ‘Who is a Refugee in Jordan?’ (n 19) 888–89.

such, vulnerability-based frameworks risk embedding new exclusions when a vulnerability framework is applied without comprehensive scope, as is the case with statelessness. For example, UNHCR's Vulnerability Assessment Framework (VAF) does not identify statelessness as an indicator of vulnerability, nor is it a term known or often used amongst aid organisations.

The Equal Rights Trust asserts that stateless people should best be defined, not binarily as *de jure* or *de facto*, but as existing on a spectrum. For some, statelessness has a 'minimal negative impact' on their lives, whereas there are others for whom 'statelessness is both cause and consequence of acute discrimination, vulnerability and persecution'.⁸² GSMA's 2018 study on urban refugees in Jordan claim that identity needs vary by refugee type and should therefore be viewed through an 'identity lens'.⁸³ They defined four archetypes of refugee: 'Desperate', 'Under the Radar', 'Surviving' and 'Struggling'.⁸⁴ Whilst statelessness among Syrians is an enhanced form of vulnerability, due to the heightened awareness of statelessness in these communities, and targeted responses to it, they are not in the same position as stateless non-Syrian refugees. However, this thesis strays from the Equal Rights Trust's stance. Whilst it is important to understand the diversity within statelessness, it is equally essential not to lose sight of the fundamental rights violation of being denied legal identity. Statelessness is in itself an aggressive and enduring form of exclusion from the full spectrum of rights. Stateless individuals who might rank low on vulnerability scales may suddenly lose their security through sudden changes in policy or circumstance, as is the nature of statelessness. Therefore, a balance must be found which acknowledges the diversity in experiences of statelessness in a manner that serves to enhance, rather than dilute, the recognition of the universal harms that come from the absence of legal identity.

⁸² The Equal Rights Trust (n 41) 78.

⁸³ GSMA, 'Recognising Urban Refugees in Jordan: Opportunities for Mobile-Enabled Identity Solutions' (December 2018) 10 <<https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2018/12/Recognising-urban-refugees-in-jordan.pdf>> accessed 27 July 2025.

⁸⁴ *ibid* 11.

Ultimately, the theoretical frameworks underpinning this research are grounded in critical legal theory and broad intersectional humanitarian and refugee studies applied to statelessness. This analysis of the literature informs a nuanced and ethically-grounded approach to addressing statelessness. The research presents a critique of neocolonial humanitarianism and a particular focus given to a human security and child rights approach. In addition, this framework allows for an analysis of how overlapping social categories – such as nationality, race, gender and age – intersect to shape experiences of exclusion and determinations of vulnerability.

In the course of researching for this thesis, it has become apparent that the language used in the humanitarian industry and by academics has a huge role to play in shaping both discussions around statelessness and migration, and the realities. Yet, in the resources used to inform this research, there has been consistent use of dehumanising terminology surrounding migration and refugees. As such, this thesis makes a point of avoiding language which feeds into problematic notions around these topics and would otherwise reinforce a racist, oppressive and institutionalised form of bias. This includes words which reduce the human actions of crossing a border into a comparison of water bodies through words like ‘wave’, ‘flow’ or ‘influx’. As highlighted in an article by the Mixed Migration Centre, such language denotes a ‘notion of danger’ and strips the individuals of their agency, as if they ‘flow from one place to the other, as an uncontrollable natural phenomenon’.⁸⁵ Indeed, the NRC discusses the ‘problems of perception’ that arise with statelessness and the language that surrounds it.⁸⁶ The lack of legal identity afforded to stateless individuals, coupled with the rhetoric of illegality that already tends to surround victims of forced migration, tends to ‘criminalise certain categories of human existence’.⁸⁷ As such, it is crucial that

⁸⁵ Bram Frouws, ‘Op-Ed: Negative Narratives, Mistaken Metaphors. The Need for Careful Language on Migration’ (*Mixed Migration Centre*, 8 March 2021) <<https://mixedmigration.org/op-ed-negative-narratives-mistaken-metaphors-the-need-for-careful-language-on-migration/>> accessed 11 July 2025.

⁸⁶ Norwegian Refugee Council (NRC) and International Human Rights Clinic (IHRC), ‘Registering Rights: Syrian Refugees and the Documentation of Births, Marriages, and Deaths in Jordan’ (2015) 6 <<https://www.nrc.no/globalassets/pdf/reports/registering-rights-report-nrc-ihrc-october20151.pdf>> accessed 26 June 2025.

⁸⁷ *ibid* 6.

statelessness, a term which is not widely used in the humanitarian sector, or amongst stateless people themselves, is claimed not as a derogatory term, but one through which people can better argue for their rights.

Two other points regarding language are worth noting. First, that much of the existing research written on these topics, particularly statelessness, are written in English. As such, it is important to consider the implications this holds. There is no widespread nor straightforward translation of ‘vulnerability’ in Arabic, nor does it have a single term for statelessness, with *adeem al-jinisye* (literally ‘without nationality’) the broadest term, but not commonly used.⁸⁸ When addressing the MENA region, where Arabic is the dominant language, frameworks that discuss statelessness in a foreign language risk overlooking or distorting local understandings, and are likely to shape policy responses in ways that do not align with the cultural notions of identity and nationality. In this way, language can reinforce assumptions at an institutional level and highlight how exclusion is reproduced in the aid sector. Secondly, whilst this research aligns itself with the use of SWANA (South-West Asia and North Africa) rather than MENA to denote the region, in line with decolonial approaches, it uses the term MENA to ensure continuity with other resources that use this term and due to the slight differences in countries included in each understanding.

1.3 Methodology

This research adopts a mixed-method approach informed by theoretical legal and policy studies and qualitative fieldwork. The study draws on both primary data, collected through interviews in Jordan, and secondary data including existing academic literature, NGO reports, legal documents and humanitarian policy. Statelessness and its intersection with the refugeeness of non-Syrian communities is a vast and nuanced topic. As such this review is not an exhaustive examination of the topic, highlighting relevant and under-researched areas, whilst not delving in depth into these topics

⁸⁸ Turner, ‘Defining, Operationalising and Translating “Vulnerability”’ (n 80) 1647.

themselves here. Instead, it explores the overlaps and interplay between statelessness, the conditions of non-Syrian protection seekers in Jordan, humanitarian practices, government narratives and legal obligations.

Primary data collection took place in Amman, Jordan between March and May 2025, and online interviews in June and July 2025. In August, further and follow-up interviews were conducted in order to address gaps that had been identified during the writing process. The research comprised semi-structured interviews with: 1) refugees residing in Jordan, 2) NGOs, community-based organisations (CBOs) and legal organisations that provide services and/or assistance for refugees, 3) legal organisations and statelessness experts that research and advocate for the rights of stateless communities, 4) different ministries within the GoJ, 5) individuals with insight into the One Refugee Approach working group and 6) child rights experts. In total, 12 individuals with refugee or asylum-seeking status were interviewed, and 15 interviews with organisations, experts and officials were conducted.

The semi-structured format allowed participants to present the breadth of their perspectives, whilst enabling targeted exploration of themes according to individuals' expertise. Refugees could speak freely about their concerns and priorities, and tell their stories in their own words, unconstrained by rigid questioning. All interviews with organisations and experts were in English, whilst interviews with refugees were conducted in Arabic by a trusted translator with the researcher present throughout. Interviews with refugees were facilitated by CRP, a CBO trusted in its communities. Prior to these interviews, two interviews and one informal conversation were conducted with members of the organisation, allowing for appropriate preparation. Many participants spoke in an anonymous capacity and, accordingly, specific organisations are not always named. Ethical standards were adhered to throughout: all interviews began with a clear explanation of the nature and purpose of the research, and participants were informed of their right to withdraw consent at any time, with the researcher's contact made accessible to them. Transcriptions of the interviews are not provided and information is omitted in this research where it is not relevant to the research questions. To protect the identities of refugee interviewees, all names used in this report are pseudonyms.

Data analysis combined thematic and discourse analysis. Thematic analysis identified patterns across the different interviews to draw out main points of concern, whilst discourse analysis examined how humanitarian and governmental actors frame refugees and stateless persons, and how this language produces and contributes to exclusion and hierarchies. Together, these approaches allow for a thorough examination of the topic in the absence of quantitative data, from which conclusions and recommendations can be drawn.

This fieldwork is complemented by a comprehensive analysis of international law regarding statelessness and Jordanian national law on nationality and refugees, identifying shortcomings and the realised consequences of flawed legal provisions, as well as relevant secondary sources providing insight into the realities of minority refugees in Jordan. A comparative contextual analysis considers nationality laws and statelessness cases in Iraq, Yemen, Sudan and Somalia, alongside the practices of humanitarian and legal organisations in Jordan, revealing where gaps in domestic nationality laws contribute to statelessness. The research also evaluates current developments, namely regarding the JRP, the One Refugee Approach and the nature of donor earmarking and influence. By taking into account the evolving nature of the humanitarian landscape, this research provides feasible and forward-looking suggestions towards the deliberate integration of stateless persons in aid programming, consistent with a human rights approach.

This thesis draws on research that applies to Jordan as a whole, though the first-hand research has taken place exclusively in Amman. As the capital is home to the majority of refugees who are the subject of this research, with 80% of Iraqi refugee households residing in Amman in 2021, and the centralisation of humanitarian organisations in the city, this focus is justified.⁸⁹

A concerted effort has been made to consistently analyse positionality in researching and writing this thesis, though the biases stemming from a Western-raised, non-refugee and non-stateless background have undoubtedly shaped the approach. In order to mitigate unconscious bias and avoid operating on assumptions,

⁸⁹ Chinedu Temple Obi, 'Poverty Measurement for Refugees in Jordan: VAF Welfare Study – A Technical Note' (UNHCR 2023) 4 <<https://unhcr.org/8q4iyN>> accessed 15 May 2025.

several early informal conversations with experts on statelessness were conducted to help inform the research approach. Throughout, interviewees were asked if they had any suggestions, comments or critiques of the line of research, and the researcher took on feedback regarding the conclusions and recommendations. To ensure that stories of refugees and stateless peoples themselves lie at the heart of this research, their stories are consistently centred throughout the paper. However, due to the marginalised nature of the individuals in question, it was often not ethically advisable to conduct interviews within these communities. Accordingly, alongside first-hand interviews, accounts shared by members of NGOs with experience working with these communities, and those published by other researchers, supplement this work. This was important to ensure respect and to avoid interview fatigue among communities who are often spoken to by researchers and organisations yet are still sidelined and suffering. Unfortunately, despite extensive efforts to do so, no Iraqi refugees were interviewed in the course of this research. Nevertheless, their inclusion in the scope of this research remains relevant, as they fall under the scope of ‘non-Syrian refugees’, their cases closely align with those of Yemeni, Sudanese and Somali persons of concern. However, this research acknowledges this weakness in its data set and methodology.

This research complements the swathes of incredible work being done by stateless academics, activists and other individuals and communities who are campaigning for their full range of rights. It draws on and references several fringe ideas in discourse around statelessness in an attempt to illustrate the true breadth of research around the topic, however the realms of this topic extend far beyond the scope of this research. As such, this study recommends those who wish to inform themselves directly through stateless perspectives to examine the short articles published by the University of Melbourne’s Critical Statelessness Studies Blog.⁹⁰ Statelessness remains overlooked in the human rights, humanitarian and political sectors. It is the responsibility of academics and human rights practitioners to include and advocate for the

⁹⁰ ‘Critical Statelessness Studies Blog’ (*University of Melbourne*) <<https://law.unimelb.edu.au/centres/statelessness/research/critical-statelessness-studies-blog>> accessed 20 July 2025.

inclusion of stateless narratives. Research such as this contributes to recognising the centrality of this issue in existing and future research and policy frameworks, beyond passing or tokenistic mentions.

2. Statelessness and legal frameworks

2.1 Understanding statelessness

This chapter provides a foundational understanding of statelessness and the legal frameworks designed to protect stateless persons. It begins by defining and contextualising statelessness, then outlining the international legal protections for stateless persons and the nationality laws which dictate access to legal identity. Highlighting the gaps within these legal frameworks which exacerbate vulnerability, it considers the specific challenges facing stateless refugees in Jordan.

2.1.1 Global context

Article 1(1) of the 1954 Statelessness Convention defines a stateless person as ‘a person who is not considered as a national by any State under the operation of its law’, and the Legal Agenda explains statelessness as the ‘absence of the legal bond of a nationality with any state’.⁹¹ Those who fall under the article 1(1) definition tend to be referred to as *de jure* stateless. As per the ‘Handbook on Protection of Stateless Persons’, the satisfaction of article 1(1) is declaratory, not constitutive in nature, meaning that a person becomes *de jure* stateless the moment they meet this criteria, rather than the moment they are formally recognised as such

⁹¹ Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117, art 1(1) <https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf> accessed 31 August 2025; The Legal Agenda, *Nationality and Cases of Statelessness in the Middle East and North Africa* (Laura van Waas and Zahra Albarazi eds, Tilburg University and the Open Society Foundations 2016) 15.

by a state or UNHCR.⁹² Crucially, however, there exist also *de facto* stateless persons who are rendered ‘effectively’ stateless for various reasons: when they cannot, in practice, access the protections of their state or exercise their rights as citizens. Within this broad understanding, there are many routes by which a person can *become* stateless, and many circumstances which mean individuals are *born* stateless. Indeed, the ISI reports that there are more than 15 million stateless people across the world, though the exact number cannot be known, growing as it is each year.⁹³ Alongside those who fall into *de jure* or *de facto* understandings, there are huge numbers of people who face a real risk of statelessness for various reasons, which will be explored throughout this thesis.

One cause of statelessness is gaps in nationality laws. In Côte d’Ivoire, labourers brought from neighbouring countries during the colonial period and their descendants were excluded from Ivorian citizenship after independence. Meanwhile, these individuals lacked the proof needed to gain nationality from neighbouring countries.⁹⁴ State succession and political change are other factors, with the construction of new states and borders leaving specific, and often indigenous, groups without a nationality in the process. In Europe alone, an estimated 600,000 people are still stateless as a result of the dissolution of former states, with Roma being stripped of their citizenship after the dissolution of Yugoslavia, many without even realising it.⁹⁵

⁹² UN High Commissioner for Refugees (UNHCR), ‘Handbook on Protection of Stateless Persons’ (UNHCR 2014) para 10 <https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf> accessed 1 July 2025.

⁹³ Institute on Statelessness and Inclusion (ISI), ‘Statelessness in Numbers: 2020—An Overview and Analysis of Global Statistics’ (August 2020) <https://files.institutesi.org/ISI_statistics_analysis_2020.pdf> accessed 30 May 2025.

⁹⁴ United Nations High Commissioner for Refugees (UNHCR), ‘The Lost Children of Côte d’Ivoire’ (UNHCR) <<https://www.unhcr.org/ibelong/the-lost-children-of-cote-divoire/>> archived at <<https://web.archive.archive.unhcr.org/20250104080415/https://www.unhcr.org/ibelong/the-lost-children-of-cote-divoire/>> accessed 20 August 2025.

⁹⁵ United Nations High Commissioner for Refugees (UNHCR), ‘Statelessness Around the World’ (UNHCR) <<https://www.unhcr.org/uk/about-unhcr/who-we-protect/stateless-people/ending-statelessness/statelessness-around-world>> accessed 20 August 2025; Julija Sardelić, ‘Romani Minorities Caught in-between: Impeded Access to Citizenship and de facto Statelessness in the Post-Yugoslav Space’ (*European Network on Statelessness*, 20 September 2013) <<https://www.statelessness.eu/updates/blog/romani-minorities-caught-between-impeded-access-citizenship-and-de-facto-statelessness>> accessed 22 August 2025.

Discrimination in nationality laws, such as the cases of some 25 states globally that do not allow women to pass on their nationality, further perpetuates statelessness.⁹⁶ There is also the deliberate state deprivation of nationality. In Myanmar, around 500,000 Rohingya Muslims and a further 100,000 in the Rakhine state were arbitrarily rendered stateless under the current (1982) citizenship law which excludes these populations from the 135 ethnic groups that qualify for Burmese nationality.⁹⁷ Governments worldwide have used nationality deprivation as a tool to silence opposition, in particular in authoritarian states where nationality is weaponised to create power imbalances and further political agendas.⁹⁸ In Nicaragua, for instance, since February 2023, 450 people have been deprived of Nicaraguan nationality as a result of the state's repressive crackdown on civil society.⁹⁹

Administrative and practical barriers further entrench the problem. Bureaucratic hurdles such as inaccessible legal assistance, prohibitive costs, complicated procedures and lack of information around birth registration and other civil registration processes all perpetuate statelessness. Statelessness proliferates as a result of the failure to resolve these barriers to nationality at their source, creating cycles of intergenerational exclusion.

Almost all countries worldwide experience statelessness to varying degrees and scales. The aforementioned causes of statelessness are neither mutually exclusive nor comprehensive. The inherently insidious and oftentimes invisible nature of statelessness, with many stateless individuals never receiving formal recognition of their status, results in its absence from data, policy and protection frameworks. As such, the true scale of statelessness remains obscured, and is often only revealed when people try to access basic rights like education, healthcare or identity documentation.

⁹⁶ UNHCR, 'Statelessness Around the World' (n 95).

⁹⁷ European Network on Statelessness and Institute on Statelessness and Inclusion, 'Statelessness in Myanmar: Country Position Paper – Summary' (StatelessJourneys, May 2019) 1-2 <<https://statelessjourneys.org/wp-content/uploads/2022/10/StatelessJourneys-Myanmar-Summary.pdf>> accessed 31 August 2025.

⁹⁸ Stateless Hub, 'Nationality Deprivation' <<https://www.statelesshub.org/theme/nationality-deprivation>> accessed 20 August 2025.

⁹⁹ Human Rights Watch, 'Nicaragua: Events of 2024, World Report 2025' (*Human Rights Watch*) <<https://www.hrw.org/world-report/2025/country-chapters/nicaragua#:~:text=Expulsion%20and%20Deprivation%20of%20Nationality%20In%20September%2C%20the&text=Another%2046%20political%20opponents%20remained,many%20have%20been%20left%20stateless>> accessed 20 August 2025.

2.1.2 The Middle East and North Africa

Nationality policies in the MENA have been shaped by its history; the dissolution of the Ottoman Empire, the French and British nationality laws during colonial and mandate rule, alongside the dominant cultural, social and religious perspectives that are prevalent across the region.¹⁰⁰

UNHCR estimates that the MENA region is home to more than 401,000 formally stateless individuals, excluding over three million Palestinians within the region and two million abroad.¹⁰¹ The Palestinians, alongside the Kurds of Syria and Yemen's Muhamasheen, have been 'historically marginalised and face extreme difficulties in proving their identity and claiming their right to a nationality'.¹⁰² In the region, nationality is often used as a tool of political control: Iraq's 1980 decree facilitated the stripping of between 300,000 to 600,000 Feili Kurds and Arab Shi'ites of their nationality, whilst Bahrain has made a habit of arbitrarily denationalising its citizens since the Arab Spring.¹⁰³

Discrimination through gender nationality laws pervades nationality issues in the region. Women are unable to confer nationality upon their children under any circumstances in Lebanon, Kuwait and Qatar. In Bahrain, Jordan, Libya, Oman, Saudi Arabia, Syria and the United Arab Emirates exceptions are permitted in only narrowly defined cases.¹⁰⁴ Despite calls for correction of gender bias during the Arab Spring they have, largely, yet to be realised.

¹⁰⁰ The Legal Agenda (n 91) 44.

¹⁰¹ UN High Commissioner for Refugees (UNHCR), '2024 MENA Needs Overview and the Implications of Underfunding' (2024) 4 <<https://unhcr.org/sw333y/>> accessed 27 August 2025.

¹⁰² Institute on Statelessness and Inclusion, Hawiati (MENA Statelessness Network) and Salam for Democracy and Human Rights, 'Arbitrary Revocation of Nationality in Bahrain: A Tool of Oppression' (2021) 37 <https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf> accessed 1 June 2025; Norwegian Refugee Council, 'My name, my country, my rights: Legal identity, nationality and statelessness in the Middle East and North Africa (MENA) region' (*Norwegian Refugee Council*, 11 October 2024, updated 22 November 2024) <<https://www.nrc.no/resources/reports/legal-identity-nationality-and-statelessness-in-the-mena-region>> accessed 10 May 2025.

¹⁰³ The Legal Agenda (n 91) 64.

¹⁰⁴ Global Campaign for Equal Nationality Rights, 'Middle East and North Africa' <<https://www.equalnationalityrights.org/middle-east-north-africa/>> accessed 15 July 2025.

Other marginalised groups across the region include the Dom, semi-nomadic and nomadic non-homogenous communities residing across Lebanon, Syria, Jordan and Egypt. Despite their deep regional roots, their nomadic nature and uncertain history, coupled with generations lacking civil documentation, have left many of them stateless. Similarly, post-colonial borders have often ignored mobility and tribal identity, leaving many Bedouin communities across the region excluded from the nationality requirements of newly formed states.¹⁰⁵

In the MENA region, statelessness is not recognised as a protected legal status, nor does there exist a formal mechanism through which stateless persons can be recognised.¹⁰⁶ Few states in the region have acceded to the 1954 or 1961 Statelessness Conventions. Nonetheless, progress exists; in 2010 Iraq resolved significant statelessness, followed by Syria doing the same the following year.¹⁰⁷

2.1.3 Jordan

In Jordan, statelessness amongst Jordanian nationals themselves is found primarily in two groups: the Bedouin population, and the children of Jordanian women and non-Jordanian, stateless men. The Bedouin, predominantly in the south, east and north of the country, are defined by the GoJ as nomadic and semi-nomadic peoples.¹⁰⁸ A 2022 Report on Citizen Law in Jordan estimates 5,000-7,000 stateless Bedouin, often called '*bidoon*' (without nationality) in Jordan today, with the government denying them nationality over their disputed origins.¹⁰⁹

¹⁰⁵ Kirkayak Kültür, 'Middle Eastern Countries and Dom Community' (*Kirkayak Kültür – Dom Research Center*) <<https://www.kirkayak.org/dom-research-workshop/middle-eastern-countries-and-dom-community/>> accessed 30 May 2025.

¹⁰⁶ Salam Media, 'Statelessness in the Middle East and North Africa (SWANA/MENA)' (*SALAM DHR*, 26 February 2024) <<https://salam-dhr.org/statelessness-in-the-middle-east-and-north-africa-swana-mena/>> accessed 26 May 2025.

¹⁰⁷ UN High Commissioner for Refugees (UNHCR), 'In Search of Solutions: Addressing Statelessness in the Middle East and North Africa' (2016) <<https://www.refworld.org/reference/regionalreport/unhcr/2016/en/32226>> accessed 2 July 2025.

¹⁰⁸ Kayla Ghantous and Lori Eller, 'The Campaign to End Statelessness in Jordan' (Boston University School of Law, International Human Rights Clinic March 2021) 21 <https://www.bu.edu/law/files/2021/09/Statelessness-In-Jordan-Report_3.2021-1.pdf> accessed 29 June 2025.

¹⁰⁹ Lillian Frost, 'Report on Citizenship Law: Jordan' (GlobalCit Country Report RSC / GLOBALCITCR 2022/2, European University Institute, Robert Schuman Centre for Advanced Studies, February 2022) 50 <https://cadmus.eui.eu/bitstream/handle/1814/74189/RSC_GLOBALCIT_CR_2022_2.pdf?sequence=1> accessed 8 May 2025.

As for the second category, it is Jordan's nationality law that does not allow for Jordanian women to confer nationality on their children, except in the narrow circumstances within which a father proves himself to be stateless, is unknown, or if paternity isn't legally established, as per article 9 of Jordan's Nationality Law.¹¹⁰ The Arab Women's Organisation estimated anywhere from 50,000 to 200,000 people in Jordan alone are affected by these gender nationality laws.¹¹¹

Additionally, Palestinians constitute the largest stateless group, having had a complex and changing status in Jordan. Those with Palestinian identity prior to 15 May 1948, excluding those with Gazan origins, once had citizenship rights similar to those of recognised Jordanians, but legal changes in 1988 led to the arbitrary revocation of their citizenship.¹¹² West Bank Palestinians displaced in 1967 were afforded Jordanian nationality, but those who came later have merely been issued special documents with limited citizenship rights.¹¹³ Particularly vulnerable are the Palestinian refugees from Syria, Iraq and Lebanon who were denied entry since at least 2014-15 into Jordan by the government, but nonetheless are present in the country, with approximately 20,324 Palestinian Refugees from Syria having arrived since 2011 and with limited economic, social and cultural rights.¹¹⁴ There are then many Syrian refugees who have become stateless as a result of displacement, having either lost, left behind or had identifying documents destroyed and with the lack of cooperation from the Syrian regime

¹¹⁰ Law No 6 of 1954 on Nationality (1 January 1954, last amended 1987), art 9 <<https://www.refworld.org/legal/legislation/natlegbod/1954/en/13885>> accessed 31 May 2025.

¹¹¹ The Legal Agenda (n 91) 210.

¹¹² Allyson Hawkins, Ruby Assad, and Denis Sullivan, 'Citizens of Somewhere: A Case Study of Refugees in Towns' (Feinstein International Center 2019) 4-5 <https://f2b65c88-a185-4b0b-aa91-bb12b0500709.filesusr.com/ugd/55e102_53f307db86f8454b864bdea045f2b516.pdf> accessed 19 June 2025.

¹¹³ Nasser Al-Khalidi, Omar Daya, and Tuğrul Turan, 'Statelessness and Labour Precarity in the Jerash Refugee Camp' (Amman Centre for Human Rights Studies 2024) 3 <https://mcusercontent.com/2bf1f6ef20d1b3b0c50cc149c/files/b89e96f6-6987-9461-7093-7c64f434fae7/Refugee_Camp_Report_ACHRS.pdf> accessed 29 May 2025.

¹¹⁴ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 'Syria, Lebanon and Jordan Emergency Appeal 2025' (*ReliefWeb*, 25 December 2024) <<https://reliefweb.int/report/syrian-arab-republic/syria-lebanon-and-jordan-emergency-appeal-2025>> accessed 26 July 2025.

rendering crucial civil procedures impossible.¹¹⁵ Moreover, there are a considerable number who were stateless prior to leaving Syria with no official records or registration in the country, the Mak-toum amongst them.¹¹⁶

Whilst the largest stateless refugee populations in Jordan are the Syrians and Palestinians, there are approximately 60,000 registered Iraqi, Yemeni, Sudanese and Somali refugees in the country, with the actual figure estimated to be much higher, and many of whom are either stateless, or at risk of becoming so.¹¹⁷ It is these communities, the so-called ‘non-Syrians’ who form the basis of this research, facing shared and unique challenges that remain less studied than those of Syrians.

2.1.4 Refugees and asylum seekers

Circumstances that would not otherwise pose nationality issues can become problematic for refugees, whether they are internally displaced or have crossed borders. Not all children born without a birth certificate are necessarily stateless or even at real ‘risk’ of becoming so, however, displacement, forced migration and asylum seeking all amplify statelessness.¹¹⁸ Refugees who flee conflicts often lack crucial identity documents, which may have been destroyed, lost, or left behind in their origin country, making it difficult to prove nationality and increasing their risk of statelessness.

The ‘Handbook on Protection of Stateless Persons’ notes how ‘often *de facto* stateless persons are in irregular situations or in prolonged detention because they are unable to return to their country of nationality’.¹¹⁹ The risk of statelessness for each refugee is subject not only to the nationality laws, but also the application of laws and the broader policies of their origin and host countries. For instance, Iraqis who arrived in Jordan after the 2003 American

¹¹⁵ Burlin and Ahmad, ‘Recognition Beyond RSD: Civil and Legal Documentation for Syrian Refugees in Jordan’ (*Refugee Law Initiative Blog*, 25 September 2020) <<https://rli.blogs.sas.ac.uk/2020/09/25/recognition-beyond-rsd-civil-and-legal-documentation-for-syrian-refugees-in-jordan/>> accessed 19 August 2025.

¹¹⁶ *ibid.*

¹¹⁷ United Nations High Commissioner for Refugees (UNHCR), ‘Jordan: Operational Data Portal’ <<https://data.unhcr.org/en/country/jor>> accessed 28 August 2025.

¹¹⁸ The Legal Agenda (n 91) 18.

¹¹⁹ UNHCR, ‘Handbook on Protection of Stateless Persons’ (n 92) para 44.

invasion, were seen as temporary visitors. UNHCR tried to declare a ‘temporary protection scheme’, however many Iraqis lost their legal status due to Jordan’s complicating of the visa renewal process.¹²⁰

Ultimately, displacement contexts exacerbate the risk of intergenerational statelessness, as often statelessness is inherited by refugee children when parents are unable to register their births, trapping them in cycles of legal invisibility.

2.1.5 Initiatives to combat statelessness

The end of 2024 marked the culmination of the ten-year period UNHCR afforded its #IBelong Campaign, the Global Action Plan to End Statelessness: 2014–2024.¹²¹ The campaign covered four areas: identification, prevention, reduction and protection, and with a universal mandate it encompassed countries that were not party to the Statelessness Conventions.¹²² Whilst statelessness continues to grow worldwide each year, the campaign achieved considerable progress. At least 22 states have since adopted national action plans to end statelessness, and various initiatives around the world have been established to better identify and protect stateless people, with an emphasis on ensuring that no child is born stateless.¹²³ In 2021, UNHCR conducted four training sessions for staff members at the Jordanian Civil Status and Passports Department (CSPD) on the ‘importance of registration and documentation as a tool to prevent statelessness’.¹²⁴ The ISI, a key partner in the campaign, documented how these efforts shifted statelessness from a ‘niche legal issue to a recognized human rights

¹²⁰ Dina Mansour-Ille and others, ‘Jordan: Between the Making of a Nation and the Politics of Living’ (World Commission on Forced Displacement June 2019) 276 <<https://nvl.repository.guildhe.ac.uk/id/eprint/395/1/5%20World-Commission%20-%20Jordan.pdf>> accessed 11 May 2025.

¹²¹ UN High Commissioner for Refugees (UNHCR), ‘Ending Statelessness: #IBelong’ (UNHCR) <<https://www.unhcr.org/ibelong/>> accessed 31 August 2025.

¹²² UN High Commissioner for Refugees (UNHCR), ‘Global Campaign to End Statelessness in 10 Years: Jordan Situation Report’ (UNHCR 2014) 3 <<https://unhcr.org/wLaxSS>> accessed 15 June 2025.

¹²³ UN High Commissioner for Refugees (UNHCR), ‘Decade of Action Against Statelessness Brings Big Gains but Further Action Needed’ (Press release, 11 October 2024) <<https://www.unhcr.org/news/press-releases/unhcr-decade-action-against-statelessness-brings-big-gains-further-action>> accessed 4 May 2025.

¹²⁴ UN High Commissioner for Refugees (UNHCR), ‘#IBelong Campaign Update, July – September 2021’ (UNHCR 2021) <<https://www.refworld.org/reference/news/unhcr/2021/en/123936>> accessed 9 July 2025.

crisis'.¹²⁵ Also in 2014, the Global Campaign for Equal Nationality Rights emerged, mobilising international action to end gender discrimination in nationality laws.¹²⁶ Now, the baton has been passed to the Global Alliance to End Statelessness, launched in 2024. It is distinct from the I Belong Campaign in that it works to promote 'collaboration and expedited action' among states, stateless people, UN agencies and civil society to accelerate solutions to statelessness.¹²⁷ The Global Movement Against Statelessness, launched in early 2024, is a community dedicated to eradicating statelessness and achieving human rights and equal nationality rights for all. Significantly, this initiative 'centres and is led by people directly impacted by statelessness', demonstrating that stateless inclusion has to be at the centre of advocacy and policy solutions which are shaped by lived experience.¹²⁸

The MENA region is behind the rest of the world in its commitments to tackle statelessness; in the 2011 UNHCR ministerial meeting the MENA was alone in not making a pledge to address statelessness.¹²⁹ Only Algeria and Tunisia in the region have active Global Refugee Forum pledges on statelessness, trailing behind the rest of the world, and beyond Syria and Kuwait, situations of statelessness have featured very rarely in the work of international human rights mechanisms.¹³⁰ Yet, certain organisations and initiatives in the region that are working to close the gap. In particular, with research in the relevant countries for this thesis, is Hawiati: the MENA Statelessness Network and the RANS MENA, and the Citizenship Rights in Africa Initiative.¹³¹

¹²⁵ Institute on Statelessness and Inclusion, 'Statelessness in a Global Pandemic: The COVID19 Impact on Stateless People' (Institute on Statelessness and Inclusion 2020) 62 <https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf> accessed 1 June 2025.

¹²⁶ Global Campaign for Equal Nationality Rights, 'Home' <<https://www.equalnationalityrights.org>> accessed 21 August 2025.

¹²⁷ Global Alliance to End Statelessness, 'FAQ' <<https://statelessnessalliance.org/faq/>> accessed 21 August 2025.

¹²⁸ Global Movement Against Statelessness, 'Home' <<https://www.againststatelessness.com>> accessed 21 August 2025.

¹²⁹ The Legal Agenda (n 91) 25.

¹³⁰ Global Alliance to End Statelessness, 'Global Overview' <<https://statelessnessalliance.org/global-overview/>> accessed 21 August 2025; The Legal Agenda (n 91) 25-26.

¹³¹ Hawiati, 'Home' <<https://www.hawiati-mena.org>> accessed 21 August 2025; Research and Advocacy Network on Statelessness in the MENA (RANS MENA), 'Home' <<https://www.aub.edu.lb/ifi/Pages/MENA-Research-and-Advocacy-Statelessness-Network.aspx>> accessed 21 August 2025; Citizenship Rights in Africa Initiative, 'Home' <<https://citizenshiprights4africa.org>> accessed 31 August 2025.

2.2 International legal protections for stateless persons

2.2.1 Statelessness and refugee conventions

Article 15 of the Universal Declaration of Human Rights (UDHR) articulates that: ‘1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality’.¹³²

As a declaration rather than a treaty or convention, the UDHR is not legally binding and does not require ratification. Instead, adopted in 1948, it has functioned as a set of moral and political guidelines for states, widely accepted to reflect customary international law principles, which have guided the creation of many subsequent conventions, including those addressing statelessness.

Jordan is not party to either the 1954 Convention Relating to the Status of Stateless Persons, which establishes a definition of a stateless person and guarantees a minimum set of rights, or to the 1961 Convention on the Reduction of Statelessness, which recommends safeguards states can adopt into their nationality laws.¹³³ The same is true of the origin countries of the non-Syrian refugees in this research: Iraq, Yemen, Sudan and Somalia.¹³⁴ Moreover, Jordan is not a signatory to either the 1951 Convention Relating to the Status of Refugees, nor the 1967 Optional Protocol Relating to the Status of Refugees.¹³⁵ Nonetheless, these four frameworks constitute the main international modes of protection for stateless refugees. However, the Statelessness Conventions spell out a limited definition of statelessness that affords rights only to those considered to be *de jure* stateless, meaning even if Jordan were to ratify and fulfil the obligations of the Statelessness

¹³² Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), art 15 <<https://www.refworld.org/legal/resolution/unga/1948/en/11563>> accessed 28 August 2025.

¹³³ Convention Relating to the Status of Stateless Persons (n 91); Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 September 1975) 989 UNTS 175 <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en> accessed 1 June 2025.

¹³⁴ *ibid.*

¹³⁵ Convention Relating to the Status of Stateless Persons (n 91); Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 <https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=V-5&chapter=5> accessed 31 August 2025.

Conventions, *de facto* stateless persons would still be denied their rights. Moreover, *de jure* stateless refugees without legal status in their country of residence often only partially benefit from the 1954 Convention.¹³⁶

Foundlings – children of unknown origin or parentage – are of special interest in international law.¹³⁷ The 1961 Convention provides that ‘a foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State’, thereby granting the child the nationality of their birthplace.¹³⁸ However, Kaneko-Iwase remarks that the definition of a foundling is ambiguous and in practice authorities may deny foundling status based on age, raising questions of who bears the burden of proof.¹³⁹

Jordan’s non-accession to these treaties poses an obstacle in achieving the elimination of statelessness, as it is not legally bound by its obligations. Janmyr highlights how widely held assumptions that signatory states to the 1951 Refugee Convention better uphold refugee rights than non-signatory states are not in fact backed by any systematic or comparative evidence.¹⁴⁰ Both the 1951 and 1967 Refugee Conventions are only partially self-executing, depending on the provision and the state. The Statelessness Conventions, on the other hand, are not self-executing and require considerable procedural, legislative and administrative action in order to implement the obligatory changes. Accordingly, most literature emphasises accession to these treaties as a necessary first step.

¹³⁶ The Equal Rights Trust, ‘Chapter 2: Critiquing the Categorisation of the Stateless’ in *Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons* (The Equal Rights Trust July 2010) 53 <<https://www.equalrightstrust.org/ertdocumentbank/chapter%202.pdf>> accessed 19 July 2025.

¹³⁷ The Legal Agenda (n 91) 95.

¹³⁸ Convention on the Reduction of Statelessness (n 133).

¹³⁹ Mai Kaneko-Iwase, ‘Are Parents of Foundlings Really “Unknown”? Avoiding Statelessness under International Nationality Law’ (*European Network on Statelessness*, 10 December 2021) <<https://www.statelessness.eu/updates/blog/are-parents-foundlings-really-unknown-avoiding-statelessness-under-international>> accessed 22 June 2025.

¹⁴⁰ Maja Janmyr, ‘Non-signatory States and the International Refugee Regime’ in *Public Health and WASH* (July/August 2021) 67 *Forced Migration Review* 41, 41-2 <<https://www.fmreview.org/wp-content/uploads/2024/08/FMR67-EN.pdf>> accessed 5 August 2025.

2.2.2 Other relevant conventions

Nonetheless, Jordan still has obligations under the many international conventions it has ratified that explicitly protect the right to a nationality. One such instrument, ratified in 1974, is the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Article 5 obliges State Parties, in line with their fundamental obligations under article 2, ‘to prohibit and eliminate racial discrimination and to guarantee equality before the law without distinction as to race, colour, or national or ethnic origin’.¹⁴¹ Explicitly, article 5(d)(iii) affirms the right to nationality as a civil right to be protected without discrimination.¹⁴²

Additionally, the Convention on the Rights of Persons with Disabilities (CRPD), ratified in 2008, further affirms the right to a nationality. Article 18(1) requires state parties to:

recognise the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities: a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability; [and] b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilise documentation of their nationality or other documentation of identification, or to utilise relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement.¹⁴³

Whilst not obligated to uphold the standards of the Statelessness Conventions, Jordan, having ratified both of the above conventions, is legally bound to ensure the protection and prevention of statelessness on these grounds.

¹⁴¹ International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (CERD), arts 5, 2 <<https://www.refworld.org/legal/agreements/unga/1965/en/13974>> accessed 16 August 2025.

¹⁴² *ibid* art 5.

¹⁴³ UN General Assembly, ‘Convention on the Rights of Persons with Disabilities: Resolution adopted by the General Assembly’ (24 January 2007) A/RES/61/106, art 18(1) <<https://www.refworld.org/legal/resolution/unga/2007/en/49751>> accessed 6 August 2025.

There is then the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), where article 9(2) articulates that ‘State Parties shall grant women equal rights with men with respect to the nationality of their children’.¹⁴⁴ Though Jordan ratified the treaty in 1992, it made a reservation to the above article, which contradicts article 9 of Jordanian Nationality law No 6 that states Jordanian men alone can pass on their nationality to their children.¹⁴⁵ Whilst in 2014 the GoJ started issuing certain equal civil rights to children of Jordanian women, it has fallen short of allowing them access to nationality.¹⁴⁶

2.2.3 The child's right to nationality

The core protection and most comprehensive articulation of children's rights, however, is found in the Convention on the Rights of the Child (CRC), which Jordan ratified in 1991. Indeed, it contains several articles that together formulate a robust framework for protecting children's nationality rights:

Article 7:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

¹⁴⁴ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, art 9(2) <<https://www.refworld.org/legal/agreements/unga/1979/en/13757>> accessed 8 July 2025.

¹⁴⁵ United Nations Treaty Collection, ‘Convention on the Elimination of All Forms of Discrimination against Women: Status as at 30 August 2025’ <https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtsg_no=iv-8&chapter=4&clang=en> accessed 31 August 2025.

¹⁴⁶ The Legal Agenda (n 91) 256.

Article 8:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.¹⁴⁷

These provisions are enforced by the interpretative framework of articles 2 and 3. Article 2 enshrines the principle of non-discrimination, which in the context of nationality means that a child cannot be prevented from gaining nationality on any basis of the child or their parents' or guardians' race, gender, religion, origin, political opinion or any other distinguishable status.¹⁴⁸ Article 3, meanwhile, provides that in all actions concerning children, the best interests of the child shall be a primary consideration.¹⁴⁹ The interrelations between articles 7, 8, 2 and 3 underscore a central tenet of the CRC: the right to a nationality is always in the best interests of the child. As Fisher highlights, nationality 'protects children's access to the rights guaranteed to them under international law, including the right to education and the right to be free from exploitation'.¹⁵⁰

International commitments are further reinforced by Sustainable Development Goal (SDG) 16.9, which aims to provide legal identity for all, including birth registration, by 2030. Progress is tracked through Indicator 17.19.2, which focuses on universal birth and death registration.¹⁵¹ It is, however, important to distinguish between the non-registration of birth and statelessness. In

¹⁴⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), arts 7-8 <<https://www.refworld.org/legal/agreements/unga/1989/cn/18815>> accessed 26 May 2025.

¹⁴⁸ *ibid* art 2.

¹⁴⁹ *ibid* art 3.

¹⁵⁰ Betsy L Fisher, 'Why Non-Marital Children in the MENA Region Face a Risk of Statelessness' (2015) Harvard Human Rights Journal Online 3 <<https://ssrn.com/abstract=2547550>> accessed 24 July 2025.

¹⁵¹ United Nations High Commissioner for Refugees (UNHCR), 'Submission for the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: Fourth Cycle, 45th Session. Jordan' (July 2023) 4 <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=12136&file=EnglishTranslation>> accessed 14 August 2025.

many jurisdictions, a child usually acquires *ex lege* – by operation of law at birth – whilst registration provides the evidence to assert this right.¹⁵² This is where the differentiation between *de jure* and *de facto* statelessness is relevant, as when a child is not registered, they may not be legally stateless, but may lack the proof of nationality and thereby experience statelessness in practice.¹⁵³ Notably, there is also protection of the child’s right to nationality in article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, however Jordan has not ratified this treaty.¹⁵⁴

Amongst all those interviewed for the purpose of this thesis, there is a consensus that in Jordan there is currently no momentum for their accession to the Statelessness Conventions, nor indeed the refugee conventions in the near future. Notwithstanding, Jordan is currently obliged to protect the right to a nationality and prevent statelessness under the obligations of the treaties to which it has acceded: the CRC, CEDAW, International Covenant on Civil and Political Rights (ICCPR),¹⁵⁵ ICERD and CRPD.

2.2.4 Arab and African conventions

If we turn to a regional perspective, both Arab and African human rights instruments further offer obligations regarding children’s, and indeed all people’s nationality rights. The Covenant on the Rights of the Child in Islam (CRC-I), adopted by the Organisation of Islamic Cooperation (OIC), an intergovernmental body of 57 member states, in 2005, affirms in article 7(1) that ‘A child shall, from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined and to know his/her parents, all his/her relatives and foster mother’. It goes on to articulate in paragraph 2 that state parties shall ‘make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside

¹⁵² Fisher (n 150) 3.

¹⁵³ *ibid.*

¹⁵⁴ Convention on the Protection of the Rights of All Migrant Workers (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3, art 29 <<https://www.refworld.org/legal/agreements/unga/1990/en/27627>> accessed 9 July 2025.

¹⁵⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) <<https://www.refworld.org/legal/agreements/unga/1966/en/17703>> accessed 1 June 2025.

their territory'.¹⁵⁶ This second paragraph is particularly relevant in the context of this research, as it affords nationality protections to refugees of Iraqi, Yemeni, Sudanese and Somali origin in Jordan. The covenant was not open for individual ratification but instead collectively adopted by the OIC. Member states could simply express their support, which all five of the countries relevant to this research did, or formally endorse through integration into domestic laws, which has not been effectively demonstrated by any of the concerned countries.¹⁵⁷ Similarly, the 1990 African Charter on the Rights and Welfare of the Child, to which Sudan and Somalia are both party, also asserts that 'every child has the right to acquire a nationality' in article 6(2).¹⁵⁸

Through the League of Arab States (LAS), there are two relevant instruments protecting all people's rights to a nationality. First, the 2004-adopted Arab Charter on Human Rights: article 29 states that:

1. Everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality. [and] 2. States parties shall take such measures as they deem appropriate, in accordance with their domestic laws on nationality, to allow a child to acquire the mother's nationality, having due regard, in all cases, to the best interests of the child.¹⁵⁹

This directly addresses the provisions of the gender discriminatory nationality laws across the Arab world which prevent women from passing on their nationality. Whilst it was ratified by Jordan in 2004 and has been legally binding since it entered into force in 2008, its practical enforceability is limited and the provisions, which are not self-executing, require Jordan to adjust domestic law to an extent it has not done. Second is the more recent LAS's Arab Declaration on Belonging and Legal Identity, non-binding in nature, first adopted in 2018 and formally launched in 2024.

¹⁵⁶ Covenant on the Rights of the Child in Islam (June 2005) OIC/9-IGGE/HRI/2004/Rep. Final, art 7(1-2) <<https://www.refworld.org/legal/agreements/oic/2005/en/19313>> accessed 31 May 2025.

¹⁵⁷ *ibid.*

¹⁵⁸ African Charter on the Rights and Welfare of the Child (11 July 1990) CAB/LEG/24.9/49 (1990), art 6(2) <<https://www.refworld.org/legal/agreements/oau/1990/en/13798>> accessed 12 August 2025.

¹⁵⁹ Arab Charter on Human Rights (15 September 1994), art 29 <<https://www.refworld.org/legal/agreements/las/1994/en/10672>> accessed 20 June 2025.

Articles 8, 10 and 13 all call upon member states to address gaps in nationality laws that allow for exclusion, directly address gender discrimination in this context, and name reducing statelessness as a salient objective.¹⁶⁰

The 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which neither Sudan nor Somalia have ratified, offers dubious protections of nationality. Article 6 articulates that women may have equal rights to men regarding the nationality of their children 'except where this is contrary to a provision in nationality legislation or contrary to national security interests'.¹⁶¹ By giving precedence to domestic law, this demonstrates how nationality is deeply politicised and human rights are considered secondary to state security, allowing women's and children's rights to be contingent on political will. However, in 2024, the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa.¹⁶² The protocol is particularly laudable for its direct and context-specific approach to statelessness in Africa, addressing issues such as the statelessness of nomadic and cross-border populations; however, as of August 2025, it unfortunately remains unsigned and unratified by any state.¹⁶³ Though it is encouraging to see regional-led solutions to statelessness emerging, this case highlights the importance of political will when states address issues of legal nationality. As the Legal Agenda posits, 'MENA states are not necessarily sensitive to external pressures – especially where these emanate from human rights bodies'.¹⁶⁴

¹⁶⁰ Arab Declaration on Belonging and Legal Identity (26 January 2023), arts 8, 10, 13 <<https://www.refworld.org/legal/resolution/las/2023/en/120608>> accessed 11 June 2025.

¹⁶¹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (11 July 2003), art 6(2) <<https://www.refworld.org/legal/agreements/au/2003/en/18176>> accessed 12 May 2025.

¹⁶² Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (18 February 2024) <<https://www.refworld.org/legal/agreements/au/2024/en/150097>> accessed 16 July 2025.

¹⁶³ African Commission on Human and Peoples' Rights (ACHPR), 'Press Release on the First Anniversary of the Adoption of the Protocol to the African Charter on Human and Peoples' Rights on Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa' (17 February 2025) <<https://achpr.au.int/index.php/en/news/press-releases/2025-02-17/adoption-protocol-african-charter-statelessness-africa>> accessed 8 August 2025.

¹⁶⁴ The Legal Agenda (n 91) 272.

2.3 Nationality laws in Jordan

Globally, nationality is typically assigned according to either the principle of *jus soli* – when citizenship is given based on birthplace, or *jus sanguinis* – when citizenship is inherited from one or both parents. As a general rule, countries in the Americas adopt *jus soli*, and the MENA region largely applies *jus sanguinis*, as is the case for Jordan. Nevertheless, Hawiati, the MENA statelessness network, mentions that ‘maternal *jus sanguinis* is much more complicated and is applied with ease in only five MENA countries’.¹⁶⁵

The Constitution of the Hashemite Kingdom of Jordan, revised from the original 1947 version in 1952, asserts with article 5 that Jordanian nationality shall be defined by law.¹⁶⁶ It is therefore through article 3 of Law No 6 of 1954 on Nationality (last amended in 1987), that Jordanian nationality is legally defined as:

1. Any person who has acquired Jordanian nationality or a Jordanian passport under the Jordanian Nationality Law, 1928, as amended, Law No. 6 of 1954 or this Law;
2. Any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954;
3. Any person whose father holds Jordanian nationality;
4. Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established;
5. Any person born in the Hashemite Kingdom of Jordan of unknown parents, as a foundling in the Kingdom shall be considered born in the Kingdom pending evidence to the contrary;

¹⁶⁵ Hawiati (n 131).

¹⁶⁶ Constitution of the Hashemite Kingdom of Jordan (1952, latest amendment Official Gazette No 3201, 9 January 2014), art 5 <<https://parliament.jo/node/137>>; English translation available at <<https://www.refworld.org/docid/3ae6b53310.htm>> accessed 8 June 2025.

6. All members of the Bedouin tribes of the North mentioned in paragraph (j) of article 25 of the Provisional Election Law, No. 24 of 1960, who were effectively living in the territories annexed to the Kingdom in 1930.¹⁶⁷

The third and fourth provisions express the gender bias that affords primacy to Jordanian men and does not allow women to pass on their nationality to their children in standard circumstances. Article 6(i) of the Constitution states that: 'Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion'.¹⁶⁸ However, as highlighted by Ghantous and Eller, this provision does not explicitly prohibit discrimination based on gender or nationality.¹⁶⁹ Therefore, whilst article 6(ii) goes on to affirm that 'the Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquillity and equal opportunities to all Jordanians', this is undermined by the open door for discriminatory treatment left by the exclusionary framework of the preceding paragraph.¹⁷⁰ Article 9 of the Nationality Law articulates that 'The children of a Jordanian man shall be Jordanian wherever they are born', whilst women are denied this right even when their children are born on Jordanian soil and raised within Jordanian society, privileging men in the provision of citizenship with constitutional and legal safeguards.¹⁷¹ Moreover, given the fifth provision allows for foundlings to acquire nationality, they have more rights than children who are born to a Jordanian mother. Although experts report that, in reality, naturalisation is rarely given through the fourth or fifth provisions, this illustrates a systemic bias that excludes women and unduly punishes children born to Jordanian women and non-Jordanian men.

Article 4 of Law No 6 provides Arabs with a pathway to obtain Jordanian citizenship, reflecting the privileged status of Arab identity common across the MENA states.¹⁷² In theory, contingent upon a minimum of 15 years of residency in the country and

¹⁶⁷ Law No 6 of 1954 on Nationality (n 110) art 3.

¹⁶⁸ Constitution of the Hashemite Kingdom of Jordan (n 166) art 6(i).

¹⁶⁹ Ghantous and Eller (n 108) 27.

¹⁷⁰ Constitution of the Hashemite Kingdom of Jordan (n 166) art 6(ii).

¹⁷¹ Law No 6 of 1954 on Nationality (n 110) art 9.

¹⁷² *ibid* art 4.

fluency in Arabic, Iraqis, Yemenis, Sudanese and any other Arab may be eligible for Jordanian citizenship, however, in reality, it is rarely granted.¹⁷³ Notably, whilst Jordan does not formally codify a ‘hierarchy of laws’ in its Constitution, domestic laws do not apply if they are determined to be incompatible with international law, as per article 24 of the Jordanian Civil Code.¹⁷⁴ This opens a critical legal pathway for challenging discriminatory nationality provision, in line with Jordan’s obligation under the international treaties to which it is party.

Beyond this, Jordan has amended its current 1954 Nationality Law seven times. These changes reflect evolving conceptions of citizenship in Jordan, addressing territorial scope, criterion for legal citizens and the extent of rights and recognitions afforded to them. Certain amendments explicitly addressed statelessness:

- 1958: article 18 was amended to expand the Cabinet’s ability, with the King’s consent, to revoke nationality for all citizens, not just those who were naturalised.¹⁷⁵
- 1961: article 8 was revised to create exceptions to the provision that ‘the wife of a Jordanian is Jordanian, and the wife of a foreigner is a foreigner’, allowing Jordanian women who marry a non-Jordanian to retain their nationality temporarily or permanently.¹⁷⁶

¹⁷³ The Legal Agenda (n 91) 99-100; Rochelle Johnston, Dina Baslan and Anna Kvittingen, *Realizing the Rights of Asylum Seekers and Refugees in Jordan from Countries Other than Syria with a Focus on Yemenis and Sudanese* (Norwegian Refugee Council 2019) 15–16 <<https://reliefweb.int/report/jordan/realizing-rights-asylum-seekers-and-refugees-jordan-countries-other-syria-focus>> accessed 18 June 2025.

¹⁷⁴ Ghantous and Eller (n 108) 31; Jordan Civil Code No 43 of 1976 <<https://www.wipo.int/wipolex/en/legislation/details/2612>> accessed 17 July 2025.

¹⁷⁵ Frost (n 109) 16.

¹⁷⁶ *ibid* 16–17.

- 1963: Replaced article 10 with provisions allowing children to retain Jordanian nationality if their father naturalised elsewhere under special circumstances and granted Jordanian women greater ability to retain their nationality after marrying foreigners. It introduced limited provisions allowing children born in Jordan to Jordanian mothers and unknown or stateless fathers to acquire citizenship, aiming to reduce statelessness – amendments in response to international trends tackling lack of nationality for women and children.¹⁷⁷
- 1987: article 8 was amended to allow foreign women married to Jordanians to acquire Jordanian nationality without renouncing their original nationality. It also permitted Jordanian women who married foreigners to retain their Jordanian nationality unless they chose to renounce it. Additionally, the revised article 10 allowed minor children to retain Jordanian nationality even if their father acquired a foreign one and allowed officials broader discretion to grant or deny nationality.¹⁷⁸

These amendments regarding minors marked progress toward reducing statelessness, though they still excluded children of Jordanian mothers and foreign fathers. Moreover, articles 18 and 19 of the Nationality Law respectively specify the conditions under which a Jordanian and a naturalised citizen can be stripped of their nationality and the provisions allowing for a child to be stripped of their nationality if a parent is denaturalised, leaving the child stateless in the process.¹⁷⁹ In fact, Jordanian law even allows individuals to renounce their nationality voluntarily, even if

¹⁷⁷ Frost (n 109).

¹⁷⁸ *ibid* 44–45.

¹⁷⁹ *ibid* 44; The Legal Agenda (n 91) 128.

statelessness results, made possible through the state's reservation to article 9 of CEDAW which would protect against this.¹⁸⁰ Other amendments (1956, 1969, 2020) primarily adjusted naturalisation procedures and administrative oversight.¹⁸¹

Beyond legislative amendments, Jordan has introduced policies allowing for the acquisition of nationality through investment. In 1999, a programme was launched that permitted Arabs to acquire Jordanian nationality through certain investment routes. Later, in 2018, a broader investment-based policy emerged, this time not limited to Arabs, but open to any individual with the financial means to fulfil the requirements.¹⁸² Whilst Jordan joins many countries globally offering such routes – whereby wealth can buy nationality – it nevertheless stands in stark contrast to those who are born and raised on Jordanian soil and are denied nationality. This presents a troubling reflection of how wealth can render nationality a privilege for a select few rather than a fundamental right for all.

2.4 Nationality laws in countries of origin

This section will explore nationality laws in Iraq, Yemen, Sudan and Somalia, not comprehensively, but as far as they pertain to the nationality of people who flee these countries as refugees and asylum seekers, and their children.

2.4.1 Iraq

Iraq's nationality framework is governed primarily by Law No 26 of 2006. Under article 3, a person shall be considered Iraqi if born to an Iraqi father or mother, or if born in Iraq to unknown parents.¹⁸³ As per this second condition, foundlings found in Iraqi territory are presumed to be Iraqi in the absence of contrary

¹⁸⁰ The Legal Agenda (n 91) 116.

¹⁸¹ 1956 amendment added a clause to art 13, mandating royal approval before the Cabinet could waive residency for naturalisation and added new art 22 authorising the Cabinet to regulate identity cards and penalise non-compliance. 1969 amendment added the sixth category of person who qualifies as a Jordanian national, those who are members of the North Bedouin clans. 2020 amendment to art 15 regarding revocation of Jordanian nationality shifted the authority from the Cabinet to the Ministry of Interior. See Frost (n 109) 16, 20, 32.

¹⁸² Frost (n 109) 41.

¹⁸³ Iraqi Nationality Law, Law 26 of 2006 (7 March 2006), art 3 <<https://www.refworld.org/legal/legislation/natlegbod/2006/en/70798>> accessed 15 July 2025.

evidence. As such, Iraq assigns nationality according to *jus sanguinis*, with paternal transmission automatic at birth (*ex lege*) regardless of whether the child is born inside or outside Iraq. Whilst article 18(2) of the Iraqi Constitution of 2005 establishes maternal rights to transmit nationality on an equal basis to men, the 2006 nationality law contradicts this with limitations placed on Iraqi women.¹⁸⁴

Article 4 articulates that a child born outside of Iraq to an Iraqi mother and an unknown or a stateless father may obtain nationality upon application, and only at the discretion of the Minister of Interior. Moreover, this is contingent on the application being made whilst residing in Iraq and within a year of the person turning 18. Whilst exceptions due to mitigating ‘difficult circumstances’ can be made concerning the age requirement, there is no flexibility regarding the requirement to be within the country.¹⁸⁵ This framework qualifies as clear gender discrimination and poses a procedural barrier to nationality. It exposes children to arbitrariness, mandates a potentially unfeasible journey back to Iraq despite insecurity, and risks leaving children effectively stateless until adulthood. Even children of Iraqi fathers may face difficulties if the father struggles to provide proof of his Iraqi nationality, or if paternal filiation cannot be established.

Whilst article 18(3) of the Constitution guarantees that an Iraqi national by birth cannot be deprived of their nationality for any reason, the same protection does not extend to naturalised individuals.¹⁸⁶ Article 15 of the Nationality Law provides grounds for deprivation of nationality as actions contrary to state security and the provision of ‘wrong information’ in applications – an undefined category that grants broad discretion to the authorities.¹⁸⁷ This ambiguity has direct implications for individuals at the margins of documentation, including those born to absent or unregistered fathers, who may be unable to conclusively establish the facts of their application.

¹⁸⁴ Constitution of the Republic of Iraq (15 October 2005), art 18(2) <<https://www.refworld.org/legal/legislation/natlegbod/2005/en/36563>> accessed 29 June 2025.

¹⁸⁵ Iraqi Nationality Law (n 183) art 4.

¹⁸⁶ Constitution of the Republic of Iraq (n 184) art 18(3).

¹⁸⁷ Iraqi Nationality Law (n 183) art 15.

These requirements are especially concerning in light of Iraq's public claim in 2019 that there were 'no stateless cases in Iraq', a declaration used to justify non-accession to the 1954 Statelessness Convention.¹⁸⁸ Iraq has not ratified either of the Statelessness Conventions, the 1951 Refugee Convention, nor the 1967 Optional Protocol.¹⁸⁹ Nevertheless, it is legally bound to protect the right to a nationality and prevent statelessness under its obligations to the CRC (ratified in 1994), CEDAW (1986), ICCPR (1971), CRPD (2013) and ICERD (1970).¹⁹⁰ Beyond these legal gaps, Iraq's decentralised civil registration system further increases the risk of statelessness; this will be addressed in Section 3.2.

2.4.2 Yemen

Yemen's nationality regime, governed by Law No 6 of 1990 embeds gendered, ethno-religious and territorial conditions. In line with other countries in the region, article 3(a) of the Nationality Law provides that a child automatically acquires Yemeni nationality if born to a Yemeni father, regardless of the mother's nationality or the place of birth.¹⁹¹ Children born within Yemen to a Yemeni mother and a stateless or unknown father may acquire nationality, but under article 4(a), children born abroad in the same circumstances need to have resided legally in Yemen for ten consecutive years before reaching majority and apply within one year

¹⁸⁸ Wesley Terry, 'Report on Citizenship Law: Iraq – Country Report 2021/12' (CADMUS, European University Institute 2021) 10 <<https://www.readkong.com/page/report-on-citizenship-law-iraq-country-report-2021-12-5873602>> accessed 13 August 2025.

¹⁸⁹ Convention Relating to the Status of Stateless Persons (n 91); Convention on the Reduction of Statelessness (n 133); Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137; Protocol Relating to the Status of Refugees (n 135).

¹⁹⁰ United Nations Treaty Collection, 'Convention on the Rights of the Child: Status as at 30 August 2025' <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=iv-11&chapter=4&clang=en> accessed 31 August 2025; Convention on the Elimination of All Forms of Discrimination against Women (n 144); United Nations Treaty Collection, 'International Covenant on Civil and Political Rights: Status as at 30 August 2025' <https://treaties.un.org/pages/viewdetails.aspx?chapter=4&clang=en&mtdsg_no=iv-4&src=ind> accessed 31 August 2025; United Nations Treaty Collection, 'Convention on the Rights of Persons with Disabilities: Status as at 30 August 2025' <https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-15&chapter=4&clang=en> accessed 31 August 2025; United Nations Treaty Collection, 'International Convention on the Elimination of All Forms of Racial Discrimination: Status as at 30 August 2025' <https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-2&chapter=4&clang=en> accessed 31 August 2025.

¹⁹¹ Law No 6 of 1990 on Yemeni Nationality (26 August 1990), art 3(a) <<https://www.refworld.org/legal/legislation/natlegbod/1990/en/14469>> accessed 1 May 2025.

of turning 18.¹⁹² These temporal, territorial and procedural limitations place a disproportionate burden on women to confer nationality, heightening the risk of statelessness, particularly for refugee children and those born to stateless or absent fathers.

Under article 5 of the Nationality Law, Yemeni naturalisation is not available to non-Arabs and non-Muslims, and article 18 allows for deprivation of nationality from a naturalised Yemeni for two consecutive years of absence from the country or if deemed to be engaged in actions that threaten state security.¹⁹³ Given the hostile nature of the current Yemeni government, this provision allows for deprivation of nationality on unjust political grounds, and bureaucratic barriers further pose statelessness risks for refugees and minority groups. Article 27 places the burden of proof on the individual to demonstrate they are Yemeni, whilst article 29 requires that applications submitted from abroad go through embassies or consulates.¹⁹⁴ For many refugees these institutions are inaccessible due to various security, financial or legal constraints. Article 30 gives the Minister of Interior the authority to refuse to issue nationality certificates.¹⁹⁵ Amid Yemen's civil war, for many refugees the authorities they are supposed to rely on for civil documentation are the same government that drove them to leave their country in the first place. Finally, article 28 mandates legal documentation of marriage for the acquisition or transmission of nationality, a requirement which impedes those with undocumented unions.¹⁹⁶ As is the case for all the countries researched here, law surrounding nationality cannot be separated from the politics of the governing regime, demonstrating the politicised nature of nationality.

These legal and procedural barriers disproportionately affect minorities, namely the Muhamasheen (literally 'the marginalised') and the Muwalladin. The Muhamasheen are a historically oppressed caste who make up over 10% of Yemen's population, but nevertheless 'lack basic legal identity and civil documentation,

¹⁹² Law No 6 of 1990 (n 191).

¹⁹³ *ibid* art 5.

¹⁹⁴ *ibid* arts 27, 29.

¹⁹⁵ *ibid* art 30.

¹⁹⁶ *ibid* art 28.

including proof of their Yemeni nationality'.¹⁹⁷ As a result, many of this group are considered stateless and the burden of proof on the individual has allowed for the institutionalised exclusion of this community. As for the Muwalladin, the term for individuals born to mixed Yemeni and non-Yemeni (often Somali) parents, they suffer from intergenerational barriers to nationality because of the patrilineal legal framework. The limitations of naturalisation to Arabs and Muslims provides grounds to exclude Muwalladin, compounded by the requirement under article 11 of the Executive Regulation of Law No 6 (Republican Decree No 3 of 1994) to provide proof that one's father was born in Yemen.¹⁹⁸

Both the Muhamasheen and the Muwalladin are thus excluded not because they are explicitly denied nationality in law, but because they are structurally unable to access the mechanisms that confer or confirm it. These groups, whether stateless or at risk of statelessness, are blocked from navigating formal processes, and this practical exclusion is further exacerbated by the collapsed civil registration system. Yemen has not ratified any of the Statelessness or Refugee Conventions.¹⁹⁹ Nevertheless, similarly to Iraq its relevant obligations are under the CRC (ratified in 1994), CEDAW (1984), ICCPR (1987) and ICERD (1972).²⁰⁰

2.4.3 Sudan

Sudan's current nationality framework is established by the Sudanese Nationality Act 1994, a patrilineal system, with amendments made in 2011 and 2018. The act contains significant gaps that create *de jure* and *de facto* statelessness, particularly among refugees, migrants and individuals of mixed or South Sudanese origin. Article 45(2) of the 2019 Draft Constitution, amended in

¹⁹⁷ Norwegian Refugee Council (NRC), 'Access to Legal Identity and Civil Documentation among the Muhamasheen in Yemen' (March 2024) 1 <<https://www.nrc.no/globalassets/pdf/reports/access-to-legal-identity-muhamasheen/access-to-legal-identity-among-the-muhamasheen-in-yemen.pdf>> accessed 7 July 2025.

¹⁹⁸ Republic of Yemen Republican Decree No 3 of 1994: Executive Regulation of Law No 6 of 1990 Concerning the Yemeni Nationality, art 11 <https://www.ecoi.net/en/file/local/1196445/1504_1218031276_republican-decree-no-3-of-1994-executive-regulation-of-law-no-6-of-1990-concerning-the-yemeni-nationality.pdf> accessed 29 July 2025.

¹⁹⁹ Convention Relating to the Status of Stateless Persons (n 91); Convention on the Reduction of Statelessness (n 133); Convention Relating to the Status of Refugees (n 189); Protocol relating to the Status of Refugees (n 135).

²⁰⁰ Convention on the Rights of the Child (n 147); Convention on the Elimination of All Forms of Discrimination against Women (n 144); International Covenant on Civil and Political Rights (n 155); International Convention on the Elimination of All Forms of Racial Discrimination (n 141).

February 2025, states that ‘Anyone born to a Sudanese mother or father has an inalienable right to possess Sudanese nationality and citizenship’; however, this is contradicted by article 4(1)(b)(i) of the Nationality Act wherein a person is considered Sudanese ‘if he was born in Sudan or his father was born in Sudan’.²⁰¹ Whilst in 2018, an amendment was added to allow that ‘A person born to a mother who is Sudanese by birth shall be entitled to Sudanese Nationality by birth whenever he applies for it’, this reform constitutes a partial step toward gender equality as it still withholds automatic nationality for children of Sudanese women.²⁰²

Nationality in Sudan is rendered particularly complicated due to the secession of South Sudan in 2011. The law was amended to strip Sudanese nationality from anyone who had acquired South Sudanese nationality, whether *de jure* or *de facto*.²⁰³ Article 10(2) of the amended act created an automatic loss of nationality for individuals presumed to be South Sudanese, even if they had never lived in South Sudan or identified as such.²⁰⁴ A nine-month transition period was established during which new South Sudanese were expected either to regularise their status in Sudan as foreign nationals or to relocate to South Sudan.²⁰⁵ However denationalisation and nationalisation procedures in both countries were *ex lege*, coming into immediate effect without further state action.²⁰⁶ Though legal interpretations suggest the provision does not denationalise those who do not formally acquire South Sudanese nationality, firsthand accounts reveal that the practical

²⁰¹ Constitution of the Democratic Republic of the Sudan (as amended up to 2025) (17 August 2019), art 45(2) <<https://www.refworld.org/legal/legislation/natlegbod/2019/ar/73677>> accessed 1 June 2025; Sudanese Nationality Act (Amendment) 2018 (signed 30 December 2018), art 4(1)(b)(i) <<https://migrationpolicy.unescwa.org/index.php/node/3505>> accessed 4 July 2025.

²⁰² Sudanese Nationality Act (Amendment), art 4(3).

²⁰³ UN High Commissioner for Refugees (UNHCR), ‘Discussion Paper on Nationality Issues in Sudan and South Sudan’ (2016) 2 <<https://citizenshiprightsafrika.org/wp-content/uploads/2016/02/unhcr-discussion-paper-on-nationality-issues-in-sudan-and-..pdf>> accessed 22 June 2025.

²⁰⁴ Yosra Sabir, ‘Sudan: Caught in Statelessness’ (*Citizen Rights in Africa Initiative*, 18 April 2018) <<https://citizenshiprightsafrika.org/sudan-caught-in-statelessness/>> accessed 15 July 2025.

²⁰⁵ Mike Sanderson, ‘Statelessness and Mass Expulsion in Sudan: A Reassessment of the International Law’ (2014) 12(1) Northwestern University Journal of International Human Rights 85 <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?params=/context/njihr/article/1168&path_info=auto_convert.pdf> accessed 1 June 2025.

²⁰⁶ Mike Sanderson, ‘Key Threats of Statelessness in the Post-Secession Sudanese and South Sudanese Nationality Regimes’ (2014) 19(1–2) Tilburg Law Review 252 <<https://tilburglawreview.com/articles/72/files/submission/proof/72-1-143-1-10-20180716.pdf>> accessed 13 August 2025.

implementation has resulted in widespread *de facto* statelessness.²⁰⁷ South Sudanese nationality law designates nationality based on ‘explicit ethnic criteria’, with a breadth and complexity that has to a huge extent exposed Sudanese to denationalisation, particularly for tribal border communities who could be ‘perceived by both Sudan and South Sudan as being nationals of the other state’.²⁰⁸

The President of the Republic is afforded broad discretionary powers to revoke or withdraw nationality under articles 10 and 11. Several reasons are stated, including vague provisions, open to interpretation, such as expressing disloyalty or hatred of Sudan, or acquiring naturalisation through fraud.²⁰⁹ Naturalised citizens face a five-year probationary period in which they may be denationalised for offences as vague as ‘obscene conduct’, as per article 11(1)(f).²¹⁰ The situation is further complicated by article 10(3), which enables a child’s loss of nationality if the responsible parent, usually a father, loses their nationality, and the derivative provisions of article 4(2), which conditions a child’s Sudanese nationality on the legal status of the parent at the time of birth.²¹¹ Article 15, which states a child may only lose nationality under article 10 if they were or are a national of another country, acts to protect against statelessness occurring.²¹² However, in the context of the South Sudanese, as is the case above, the reality is that *de facto* statelessness can occur through a mismatch between legal provision and the practical implementation of administration.

Ultimately, several groups are at risk of statelessness: members of cross-border ethnic groups, children with mixed parentage from Sudan and South Sudan, and in particular those in displacement contexts where family unity and access to documentation are disrupted.²¹³ Whilst Sudan has not ratified either of the Statelessness Conventions, it is alone in these countries in being state

²⁰⁷ Sanderson, ‘Statelessness and Mass Expulsion in Sudan’ (n 205) 87, 93; Sabir (n 204).

²⁰⁸ Sanderson, ‘Statelessness and Mass Expulsion in Sudan’ (n 205) 82; Sanderson, ‘Key Threats of Statelessness’ (n 206) 242; UNHCR, ‘Discussion Paper on Nationality Issues in Sudan and South Sudan’ (n 203) 4.

²⁰⁹ Sudanese Nationality Act (Amendment), arts 10 11.

²¹⁰ *ibid* art 11(1)(f).

²¹¹ *ibid* art 10(3), 4(2).

²¹² *ibid* art 15.

²¹³ Open Society Foundations, ‘Nationality Laws Leave Many at Risk of Statelessness in the Two Sudans’ (Press release, 18 June 2012) <<https://www.opensocietyfoundations.org/newsroom/nationality-laws-leave-many-risk-statelessness-two-sudans>> accessed 6 June 2025.

party to both the 1951 Refugee Convention and the 1967 Optional Protocol.²¹⁴ Moreover, it has obligations under the CRC (ratified in 1990), CEDAW (1985), ICCPR (1986), CRPD (2009) and ICERD (1977).²¹⁵

2.4.4 Somalia

Somali nationality is determined by its 2012 Provisional Constitution and its 1962 Citizenship Law (Law No 28), laws which the Somali Ministry of Interior itself described as ‘discriminatory’.²¹⁶ Article 3 of Law No 28 identifies a Somali as ‘any person who by origin, language or tradition belongs to the Somali Nation’, an interpretation which effectively encompasses members of the four main clans, Hawiye, Darod, Isaaq and Dir, whilst marginalising minority groups, such as the Bantu and Benadiri.²¹⁷ This contradicts the Constitution’s proclamation that ‘All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth, or dialect shall have equal rights and duties before the law’.²¹⁸ Like other countries in the region, Somali nationality favours patrilineal descent. Article 2 of Law No 28 systematically places children of Somali mothers and non-Somali fathers, particularly those born abroad, at risk of statelessness by granting citizenship only to persons whose father is Somali, or to a Somali abroad who renounces foreign citizenship.²¹⁹

²¹⁴ Convention Relating to the Status of Stateless Persons (n 91); Convention on the Reduction of Statelessness (n 133); Convention Relating to the Status of Refugees (n 189); Protocol relating to the Status of Refugees (n 135).

²¹⁵ Convention on the Rights of the Child (n 147); Convention on the Elimination of All Forms of Discrimination against Women (n 144); International Covenant on Civil and Political Rights (n 155); Convention on the Rights of Persons with Disabilities (n 143); International Convention on the Elimination of All Forms of Racial Discrimination (n 141).

²¹⁶ Federal Government of Somalia, ‘National Action Plan to End Statelessness in Somalia 2021–2024’ (Ministry of Interior, Federal Affairs and Reconciliation 2021) 1 <<https://citizenshiprightsafrika.org/wp-content/uploads/2021/07/SOM-National-Action-Plan-to-End-Statelessness-2021-2024.pdf>> accessed 7 July 2025.

²¹⁷ Somali Citizenship Law No 28 of 22 December 1962 (enacted 22 January 1963), art 3 <<https://www.refworld.org/legal/legislation/natlegbod/1963/en/123382>> accessed 1 June 2025; Bronwen Manby, ‘Citizenship and Statelessness in the Horn of Africa’ (15 December 2021) SSRN 56 <<http://dx.doi.org/10.2139/ssrn.4011307>>.

²¹⁸ Provisional Constitution of the Federal Republic of Somalia 2012, art 2. <<https://www.wipo.int/wipolex/en/legislation/details/14305>> accessed 2 July 2025.

²¹⁹ Somali Citizenship Law No 28 (n 217) art 2; Manby ‘Citizenship and Statelessness in the Horn of Africa’ (n 217) 50.

These legal limitations are particularly harmful for children born outside of Somalia to long-term Somali refugees. If the child's paternity cannot be proven, or if the father is unknown or not legally married to the mother, nationality transmission may be impossible. This problem is magnified by low birth registration rates, which as of 2019 were estimated to be at under 5% in Somalia.²²⁰ Indeed, the Somali Ministry of Interior identified 'long-term refugees and former refugees, and their descendants' as Somali groups at risk of statelessness.²²¹ Children born out of wedlock face further barriers, as paternal transmission of nationality is not recognised in these circumstances, a rule that is particularly applied if the child is born abroad.²²² For children of refugees, this problem is further exacerbated if their birth is not registered or citizenship cannot be proven to the satisfaction of the authorities.

Importantly, article 8(3) of the Constitution states that 'Denial, suspension, or deprivation of Somali citizenship may not be based on political grounds'.²²³ However, the denial of citizenship on clan-based definitions of identity or gender and the fact that the Somali government refuses to recognise Somaliland's separate citizenship laws are all politicised issues that present the risk of statelessness in Somali citizenship. Somali nationality can be acquired by operation of law or by grant.²²⁴ Though naturalisation carries the risk of deprivation for having obtained their citizenship through fraudulent means, or an imprisonment sentence of five years or more for 'a crime against the personality of the Somali State', paragraph 3 explicitly protects women and minor children from losing their citizenship by extension in such cases.²²⁵

Somalia is not a state party to any of the statelessness and refugee conventions, nor has it ratified CEDAW.²²⁶ It has however ratified the CRC (2015), ICCPR (1990), CRPD (2019) and ICERD (1975).²²⁷ Furthermore, positively, Somalia has demonstrated

²²⁰ Manby 'Citizenship and Statelessness in the Horn of Africa' (n 217) 50.

²²¹ Federal Government of Somalia, 'National Action Plan to End Statelessness' (n 216) 4.

²²² *ibid* 39.

²²³ Provisional Constitution of the Federal Republic of Somalia (n 218) art 8(3).

²²⁴ Somali Citizenship Law No 28 (n 217) art 1.

²²⁵ *ibid* art 11.

²²⁶ Convention Relating to the Status of Stateless Persons (n 91); Convention on the Reduction of Statelessness (n 133); Convention Relating to the Status of Refugees (n 189); Protocol relating to the Status of Refugees (n 135).

²²⁷ Convention on the Rights of the Child (n 147); International Covenant on Civil and Political Rights (n 155); Convention on the Rights of Persons with Disabilities (n 143); International Convention on the Elimination of All Forms of Racial Discrimination (n 141).

certain political will towards addressing statelessness: in 2019 the state pledged to accede to Statelessness Conventions, though it has yet to do so, and designed a ‘National Action Plan to End Statelessness, 2021–2024’, the results of which have not been released.²²⁸

Across Iraq, Yemen, Sudan and Somalia, nationality laws reveal striking commonalities that expose individuals to the risk of statelessness, a risk which often becomes more acute in contexts of displacement. Each country shares gender-discriminatory frameworks and embeds broad discretionary powers in state authorities over citizenship. In doing so, nationality is politicised, and these states have the dangerous ability to strip someone of their nationality outside of the individual’s request, creating fertile ground for arbitrary deprivation based on political agendas. However, law is only half the story, and these legal gaps are exacerbated by the administrative systems that create further barriers to nationality, particularly affecting refugees who have limited access to the necessary systems.

2.5 Challenges facing stateless refugees in Jordan

Salam Media describe statelessness as the ‘deprivation of the right to rights’.²²⁹ ‘Insecurity is insidious’, UNHCR wrote in 2014, at the initiation of its Global Campaign to End Statelessness.²³⁰ Stateless individuals face a host of challenges, often determined by the discretion of states and regimes, and affecting the extent to which their various rights are upheld or violated. Whilst it is true that ‘not all stateless persons are equally vulnerable’, the nature of statelessness renders people susceptible to abrupt legal and social precarity, where even minimal shifts in circumstance, whether at the personal or political level, may heighten their vulnerability.²³¹ Moreover, regardless of the degree of suffering, each and every person has a fundamental right to a nationality.

²²⁸ Manby ‘Citizenship and Statelessness in the Horn of Africa’ (n 217) 82; Federal Government of Somalia, ‘National Action Plan to End Statelessness’ (n 216).

²²⁹ Salam Media (n 106).

²³⁰ UN High Commissioner for Refugees (UNHCR), ‘Ending Statelessness Within 10 Years’ (2014) 19 <<https://www.refworld.org/policy/strategy/unhcr/2014/en/77843>> accessed 21 August 2025.

²³¹ The Equal Rights Trust (n 136) 56.

Statelessness, whether *de facto* or *de jure*, and the risk of it, poses numerous additional challenges to the daily lives of refugees. Moreover, it further serves to compound the many issues that these individuals and communities face as a result of their refugee status. Stateless individuals are often left in a legal vacuum; often with naturalisation decisions discretionary and practice not reflecting the law.²³² As a result, stateless individuals have limited access to justice, which in turn risks ‘arbitrary or summary justice’ and ‘indefinite detention without the right to challenge the detention order’.²³³ This discretionary governance facilitates the violation of rights without any formal accountability, undermining any notion of due process.

Although obstacles to civil registration processes affect refugees broadly, the risks are uniquely heightened for stateless persons. In Jordan, stateless refugees face several challenges: the lack of any documentation, incorrect or unofficial documents, the inability to renew their documents or receive support from their embassies, and the barriers to accessing birth and marriage registration.²³⁴ These perpetuate a vicious cycle of statelessness, where individuals exist outside of state systems – unable to register births, marry legally or access the most basic protections. UNHCR emphasises that legal identity is an integral protection that allows children to claim their rights and cite refugee children at particular risk of statelessness.²³⁵

Gendered vulnerabilities intersect with statelessness, among them child marriage, with displaced women and girls in Jordan entering into early marriage as ‘an alternative to the instability of statelessness’.²³⁶ A 2014 study by UNICEF found that a number of Jordanians, as well as refugee groups including Iraqis, considered child marriage to be acceptable in ‘compelling circumstances’, with poverty and mounting economic pressure in Jordan

²³² Zahra Albarazi, ‘Regional Report on Citizenship: The Middle East and North Africa (MENA)’ (Global Governance Programme, GLOBALCIT Comparative Reports, 2017/03, European University Institute 2017) 15 <<https://hdl.handle.net/1814/50046>> accessed 1 June 2025; The Legal Agenda (n 91) 145.

²³³ Salam Media (n 106).

²³⁴ Burlin and Ahmad (n 115).

²³⁵ United Nations High Commissioner for Refugees (UNHCR), ‘Birth Registration – UNHCR Global Field Survey on Policies and Practices’ (2016) 3 <<https://www.refworld.org/reference/themreport/unhcr/2016/en/115462>> accessed 1 June 2025.

²³⁶ Sheila Menz, ‘Statelessness and Child Marriage as Intersectional Phenomena: Instability, Inequality, and the Role of the International Community’ (2016) 104(2) California Law Review 497, 500 <<http://www.jstor.org/stable/24758730>> accessed 1 June 2025.

motivators to marry off daughters seen as financial burdens.²³⁷ A culture of child marriage exists in Jordan and in the countries of origin for refugees, 12% in Jordan, 28% in Iraq, 30% in Yemen, 34% in Sudan and 45% in Somalia.²³⁸ Limited research suggests that among non-Syrian refugees in Jordan child marriage is prevalent, with 11.7% of girls married before 18 between 2010–15 according to the Higher Population Council.²³⁹ Gendered pressures extend to daily life, with research on Iraqi refugees revealing that women usually take charge of accessing assistance because men face greater risks of being arrested.²⁴⁰ However, an interview with CRP revealed that female refugees described how being a woman makes their life much harder, with sexual harassment a constant barrier to maintaining work.²⁴¹ Research by the US State Department in 2021 detailed how ‘refugee households headed by women faced difficulty in certifying nationality of offspring in absence of the father, which increased the risk of statelessness among this population’.²⁴²

Of course, stateless refugees are also subject to the many prejudices and challenges faced by the wider protection-seeking communities. Refugee camps in Jordan are reserved for Palestinians and Syrians, whilst Iraqi, Yemeni, Sudanese and Somali asylum seekers reside exclusively outside of these camps and navigate an environment of limited protections. Legal work exclusions and financial challenges are a central concern, with the average income in mid-2024 decreasing from JOD 299 to JOD 210 for non-Syrians, and 61-71% buying food on credit between mid-2022 and mid-2024.²⁴³ Poverty and dependency are perpetuated by the GoJ’s ex-

²³⁷ Girls Not Brides, ‘Jordan’ (*Girls Not Brides*) <<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/jordan/>> accessed 20 August 2025; Menz (n 236) 504.

²³⁸ Girls Not Brides (n 237).

²³⁹ Higher Population Council, ‘A Study on Child Marriage in Jordan’ (Higher Population Council 2017) <<https://www.hpc.org.jo/sites/default/files/HPC%20Child%20Marriage%20Eng.pdf>> accessed 15 May 2025.

²⁴⁰ Mohammad Abbas Mohsen, ‘The Legal Status of Iraqi Refugees in Neighbouring Countries’ (May 2016) 52 *Forced Migration Review* 94 <<https://www.fmreview.org/solutions/mohsen/>> accessed 19 May 2025.

²⁴¹ Interview with anonymous officer, Collateral Repair Project (Amman, Jordan, 23 April 2025).

²⁴² US Department of State, ‘Jordan 2021 Human Rights Report’ (Country Report February 2022) 34 <https://www.state.gov/wp-content/uploads/2022/02/313615_JORDAN-2021-HUMAN-RIGHTS-REPORT.pdf> accessed 23 June 2025.

²⁴³ United Nations High Commissioner for Refugees (UNHCR), ‘Socio-Economic Update on Refugees in Jordan – Q2 2024’ (2024) 7-8 <<https://data.unhcr.org/en/documents/details/112670>> accessed 25 August 2025.

clusion of these communities from formal employment and from opening a bank account.²⁴⁴ Research by GIZ revealed that in 2022, only 5% of Iraqis, and 2% of Yemenis and Sudanese alike, reported access to financial services.²⁴⁵ Valid identity documents are crucial to accessing financial services, however ownership of such documentation among non-Syrians was reported at just 63%.²⁴⁶ Without a legal pathway to securing income, refugees opt for survival strategies which then expose them to criminalisation.

Each of the four communities in this research has vastly different experiences in Jordan as a result of their origin and appearance and every organisation and expert spoken to in the process of this research has affirmed the significance of race and the discrimination faced by darker-skinned refugees. Ricky and Hassan, Sudanese and Somali refugees respectively, co-run Sawiyan, a CBO based in Jabal Amman that was originally created to support Sudanese refugees and now focuses on ‘all marginalised refugees and impoverished Jordanians’.²⁴⁷ They observed that racism in the Arab region has been worsened by the denial of its very existence. People in the region treat a person differently according to the strength of their passport, even among nationals of different Black African countries.²⁴⁸ Consequently, race intersects with the politics of perceived nationality. For the Sudanese, this progression can be seen overtime within their own community, as the Sudanese coming to Jordan in the past were teachers, engineers and professionals and viewed with respect, but as the situation in Sudan changed and forced many to seek asylum in Jordan, perceptions of these citizens shifted negatively.²⁴⁹ The impacts of

²⁴⁴ GIZ, ‘Financial Inclusion of Refugees in Jordan: Knowledge Note’ (17 November 2022) 5 <<https://www.giz.de/de/downloads/giz2022-en-financial-inclusion-refugees-jordan.pdf>> accessed 3 August 2025.

²⁴⁵ *ibid* 5.

²⁴⁶ UNHCR Jordan, ‘Refugee Financial Inclusion and Financial Health in Jordan 2024’ (Baseline Survey Report Volume 1, December 2024) 13 <https://calpnetwork.org/wp-content/uploads/2025/05/UNHCR-Jordan_Refugee-FI-FH-BLS-Report-2024.pdf> accessed 14 July 2025.

²⁴⁷ Sawiyan, ‘Our Story’ <<https://sawiyan.org/our-story>> accessed 23 August 2025.

²⁴⁸ Interview with Ricky and Hassan, Sawiyan (Amman, Jordan, 3 May 2025).

²⁴⁹ *ibid*.

racism manifest themselves in all aspects of life, with many children dropping out of school as a result, reports of being attacked in the street, and even discriminatory treatment by the organisations that are supposed to help them.²⁵⁰

The list of challenges faced by stateless people and by all refugees is extensive, and many more of them will be addressed throughout the rest of this research in more nuance. Many Somalis don't speak Arabic, which poses challenges in the ability to access the services of the state and humanitarian aid organisations, and impedes local integration.²⁵¹ Disability and sexual orientation also exacerbate marginalisation, with stateless individuals who fall into these categories facing 'multiple oppressions'.²⁵² However, statelessness research rarely addresses these populations, and no resources exist specifically targeted on them in Jordan.

The compound nature of the various and pervasive challenges of living as an undocumented refugee imposes severe psychological burdens. Stateless refugees are at greater risk of arrest by and therefore fear it.²⁵³ Several interviewees who work closely with refugees referenced the undocumented refugees' fear of walking the streets freely, affecting their ability to find work and to access humanitarian services. One story was told of a Sudanese woman who had been coming to CRP for the past eight years, whose husband was constantly in and out of jail, arrested every time he tried to work.²⁵⁴ Without documentation, Ricky at Sawiyan stated there is no accountability towards these people, who are viewed as people who can be exploited with no legal paths to protect them.²⁵⁵

²⁵⁰ Rochelle Davis and others, 'Sudanese and Somali Refugees in Jordan: Hierarchies of Aid in Protracted Displacement Crises' (Middle East Report No 279, Middle East Research and Information Project Summer 2016) 8 <<https://elevateddestinations.com/wp-content/uploads/2020/01/Davis-et-al-279-MERIP-Sudanese-Somali-Refugees-Jordan-1.pdf>> accessed 2 May 2025; Mennonite Central Committee, 'On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan' (2017) 31-32 <<https://reliefweb.int/report/jordan/basis-nationality-access-assistance-iraqi-and-other-asylum-seekers-and-refugees-jordan>> accessed 8 June 2025.

²⁵¹ Collateral Repair Project, 'Season 2, Episode 3: Jordan and the "One Refugee Approach"' (Podcast, 7 February 2024) <<https://open.spotify.com/episode/0EeZYQGgZKN1JGU510F7SI>> accessed 5 June 2025.

²⁵² Thomas McGee, "'Rainbow Statelessness' — Between Sexual Citizenship and Legal Theory" (2020) 2(1) *The Statelessness and Citizenship Review* 86 <<https://doi.org/10.35715/SCR2001.115>>.

²⁵³ Norwegian Refugee Council and Tilburg University, 'Statelessness and Displacement: Scoping Paper' (Norwegian Refugee Council and Tilburg University, 2016) 25 <<https://www.nrc.no/globalassets/pdf/reports/statelessness-and-displacement.pdf>> accessed 13 July 2025.

²⁵⁴ Interview with Ricky and Hassan (n 248).

²⁵⁵ *ibid.*

The sheer range of violations these individuals are susceptible to – due to their lack of legal status, the criminalisation of their very existence and negligence from aid organisations toward their unique cases – imposes the profound mental toll of living in perpetual fear and uncertainty.

3. The Jordanian government and foreign embassies

This chapter examines the role of the Jordanian state and the foreign diplomatic missions in shaping the legal, social and economic circumstances of refugees in Jordan. It explores in turn: Jordan's refugee framework, civil registration procedures in Jordan and refugees' countries of origin, detentions and deportations, and access to the labour market. In doing so, it highlights the structural practices that affect non-Syrian refugees' access to legal identity and the consequences they suffer as a result.

3.1 Jordan's refugee policy

Jordan, since its independence from British rule in 1946, has garnered a reputation as a safe haven for refugees, having opened its doors for many refugees in the region, including Lebanese, Palestinians, Iraqis and Syrians. Today, Jordan hosts 527,740 registered refugees, with the government estimating the actual figure, including unregistered Syrians, to be over 1.4 million.²⁵⁶ Since 2015, Jordan's refugee response plan has been outlined under the Jordan chapter of the Regional Refugee and Resilience Plan (3RP),²⁵⁷ developed in response to the Syrian crisis, with the JRP²⁵⁸ serving as the central national framework. Although Jordan is not party to the refugee conventions, the JRP is aligned with SDGs and

²⁵⁶ Mohammed Torki Bani Salameh, 'The Fragile Yet Unmistakable Long-Term Integration of Syrian Refugees in Jordan' (*Migration Policy Institute*, 5 June 2025) <<https://www.migrationpolicy.org/article/syrian-refugees-jordan>> accessed 5 July 2025.

²⁵⁷ United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Programme (UNDP), 'Regional Refugee and Resilience Plan (3RP)' <<https://www.3rpsyriacrisis.org>> accessed 31 August 2025.

²⁵⁸ Ministry of Planning and International Cooperation, 'Jordan Response Plan' <<https://www.jrp.gov.jo>> accessed 31 August 2025.

the Global Compact on Refugees²⁵⁹ and the state has ‘established the administrative and regulatory machinery to protect many refugee rights’, despite lacking a national asylum law.²⁶⁰ The government’s swift response to Syrian refugees in 2011 prevented a humanitarian catastrophe, and indeed, the Kingdom deserves recognition for the protection extended to refugee communities, despite the ongoing struggles related to population size, a fragile economy and exposure to regional tensions.²⁶¹

Nevertheless, Jordan’s hospitality is not born from generosity alone. For as long as Jordan has provided asylum, so too has it leveraged these populations for economic and political gain. A country weak in resources and internal revenue, it has utilised the international aid that accompanies the arrival of large numbers of refugees for its own survival.²⁶² Indeed, the Jordan Compact, signed in 2016, represented exactly that, as Jordan pledged the international community that it would improve Syrian refugees’ access to the labour market, education and healthcare in exchange for greater financial aid, concessional loans and trade incentives from the EU.²⁶³

The JRP cannot be considered a comprehensive guideline principally because it is designed exclusively for the Syrian refugee population. Al-Masri highlights how the 3RP ‘conflates the terms “Syrian” and “refugee,” whilst often only listing the needs of the former’.²⁶⁴ Certainly, the Syrian population in Jordan constitutes the largest refugee group, yet this singular focus has entrenched

²⁵⁹ United Nations High Commissioner for Refugees (UNHCR), ‘Submission for the Office of the High Commissioner for Human Rights’ Compilation Report, Universal Periodic Review: Fourth Cycle, 45th Session. Jordan’ (July 2023) 4 <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=12136&file=EnglishTranslation>> accessed 14 August 2025.

²⁶⁰ Martin Clutterbuck and others, ‘Alternative Protection in Jordan and Lebanon: The Role of Legal Aid’ (July 2021) 67 *Forced Migration Review* 52, 52–54 <<https://www.nrc.no/globalassets/pdf/reports/alternative-protection-in-jordan-and-lebanon/alternative-protection-in-jordan-and-lebanon---the-role-of-legal-aid.pdf>> accessed 1 May 2025.

²⁶¹ Salameh (n 256).

²⁶² Alexandra Francis, ‘Jordan’s Refugee Crisis’ (*Carnegie Endowment for International Peace*, 21 September 2015 <<https://carnegieendowment.org/research/2015/09/jordans-refugee-crisis?lang=en>> accessed 30 July 2025).

²⁶³ Rasha Istaiteyh, ‘Jordan Compact Under the Microscope: Analysing Impacts on Refugee Labor, EU Trade, and Returnees’ Decisions’ (*Gaps*, 15 April 2024) <<https://www.returnmigration.eu/gapsblog/jordan-compact-under-the-microscope>> accessed 3 August 2025.

²⁶⁴ Shaddin Al-Masri, ‘Nationality-Based Aid and the Role of Humanitarian Actors in the Making of Non-Prioritized Refugees’ (*Lebanese American University*, 14 June 2022) <<https://soas.lau.edu.lb/news/2022/06/nationality-based-aid-and-the-role-of-humanitarian-actors-in-the.php>> accessed 17 June 2025.

a two-tiered system perpetuated by the government and NGOs: wherein Syrians receive codified ‘mainstream’ assistance, receiving government-issued Ministry of Interior service cards, whilst Iraqi, Yemeni, Sudanese, Somalis and others are left dependent on ‘alternative ad hoc measures’ and do not receive any documentation from the government. All projects funded by foreign donors require approval from the Minister of Planning, via JORISS (the Jordan Response Information System for the Syria Crisis), which prioritises the inclusion of Syrian refugees and the Jordanian host communities exclusively, leading to ‘inconsistent levels of protection’.²⁶⁵ The current iteration of the JRP for 2025 continues this narrow focus.²⁶⁶

There are acute implications of this asymmetry. For non-Syrians, the lack of clear identification and tailored approaches renders their presence precarious and invisible within the system meant to offer protection. The enduring requirements for all Iraqi, Yemeni, Sudanese and Somali males aged 18–49 to acquire pre-approved visas before entering Jordan indicate the securitised lens of the Jordanian state, which seeks to further exclude these groups.²⁶⁷ As Johnston and others note, these groups, who only receive UNHCR-issued Asylum Seeker Certificates (ASCs), ‘start accruing overstay fees as soon as their entry visa expires’, a bureaucratic mechanism that transforms legal irregularity into financial liability and, eventually, exclusion.²⁶⁸ Without the geopolitical utility that Syrians represent, the presence of these other refugee groups remains politically inconvenient.

²⁶⁵ Shaddin Al-Masri, ‘How Humanitarian–Development Responses May Discriminate by Nationality: Refugee and Migrant Inclusion Following the 2016 Jordan Compact’ (2024) 42(1) Development Policy Review e12734 10 <<https://doi.org/10.1111/dpr.12734>>; Clutterbuck and others, ‘Alternative Protection’ (n 260) 55.

²⁶⁶ Ministry of Planning and International Cooperation, ‘Jordan Response Plan 2025 Requirements’ <<https://www.jrp.gov.jo/Files/JRP2025.pdf>> accessed 31 August 2025.

²⁶⁷ Rochelle Johnston, Dina Baslan and Anna Kvittingen, *Realizing the Rights of Asylum Seekers and Refugees in Jordan from Countries Other than Syria with a Focus on Yemenis and Sudanese* (Norwegian Refugee Council 2019) i <<https://reliefweb.int/report/jordan/realizing-rights-asylum-seekers-and-refugees-jordan-countries-other-syria-focus>> accessed 18 June 2025.

²⁶⁸ *ibid.*

Jordan's refugee policies are often reactive and expedient rather than anticipatory and equitable, and are described as 'remarkably underarticulated'.²⁶⁹ Law No 24 of 1973 on Residence and Foreigners' Affairs governs the entry, residence and exit of all foreigners equally, regardless of their legal status, with the only explicit references to refugees concerning the recognition and issuance of travel documentation.²⁷⁰ The 1998 Memorandum of Understanding (MOU) with UNHCR, amended in 2014, serves as the legal basis for UNHCR operations in the country.²⁷¹ Within it, though not party to the Refugee Conventions, Jordan affirmed in article 1 that it would accept and apply the 1951 Refugee Convention understanding of the term 'refugee', adhering to internationally accepted standards of refugee treatment.²⁷² However, on 23 January 2019, the GoJ ordered UNHCR to halt all registration of new asylum seekers of non-Syrian origin, further formalising its already implicit hierarchy.²⁷³ The official governmental line justified the suspension to stem the 'abuse' of the asylum system, citing cases of many individuals arriving on short-term medical visas and subsequently applying for refugee status.²⁷⁴ An interview with a senior official at the Ministry of Interior revealed that there are no statistics or evidence indicating that this measure reduced the number of asylum seekers entering the country.²⁷⁵ Meanwhile, an External Statistical Report by UNHCR reveals a total of 585 non-Syrians have arrived in Jordan since the beginning of 2019, with new arrivals each year.²⁷⁶ It is also likely that many refugees

²⁶⁹ Lewis Turner, 'Who is a Refugee in Jordan? Hierarchies and Exclusions in the Refugee Recognition Regime' (2023) 36(4) *Journal of Refugee Studies* 877, 881 <<https://doi.org/10.1093/jrs/fead083>>.

²⁷⁰ Law No 24 of 1973 on Residence and Foreigners' Affairs (1 January 1973) <<https://www.refworld.org/legal/legislation/natlegbod/1973/en/14194>> accessed 26 May 2025.

²⁷¹ Tamkeen Legal Aid and Human Rights, 'The Right to Work for Non-Syrian Refugees in Jordan' (2024) 5 <<https://tamkeen-jo.org/sites/default/files/2024-12/The-right-to-work-for-non-syrian-refugees-in-jordan.pdf>> accessed 30 June 2025.

²⁷² Amman Centre for Human Rights Studies (ACHRS), 'Black Refugees in Jordan: Discrimination, Racial Abuse and Neglect' (October 2020) 7 <<https://achrs.org/english/wp-content/uploads/2020/10/Black-Refugees-in-Jordan.pdf>> accessed 22 July 2025.

²⁷³ Lewis Turner, 'Creating an Inclusive Refugee Response in Jordan' (ASILE Project 2024) 4 <<https://www.asileproject.eu/wp-content/uploads/2024/02/ASILE-POLICY-BRIEF-Jordan.pdf>> accessed 9 August 2025.

²⁷⁴ Interview with anonymous senior minister, Ministry of Interior (Amman, Jordan, 9 April 2025).

²⁷⁵ *ibid.*

²⁷⁶ UNHCR, 'External Statistical Report on UNHCR Registered Refugees and Asylum-Seekers Jordan as of 31 July 2025' (UNHCR, 5 August 2025) <<https://data.unhcr.org/en/documents/details/117930>> accessed 23 May 2025.

arriving do not register with UNHCR. With the Ministry of Interior interviewee affirming that if someone is not registered with UNHCR they are not considered refugees in the eyes of the state, rather than constituting an effective deterrence technique, this policy has created even more vulnerable groups that are left unacknowledged by the protection regime.²⁷⁷

Under the JRP, there are three main durable solutions: local integration, resettlement or voluntary repatriation, but in practice, Jordan has strategically positioned itself as a country of transit, with the MOU stating that refugees are treated as temporary guests.²⁷⁸ This has become a cornerstone of the GoJ's refugee policy, with its emphasis on temporality allowing it to maintain a limited rights framework whilst still soliciting international support. In reality, integration as a policy is applied only to Syrians, and the Ministry of Interior official affirmed that the ultimate goal is for all refugees, Syrian and non-Syrian alike, to leave, confirming that there are no intentions to give non-Syrian refugees rights on par with Syrians.²⁷⁹

The consequences for non-Syrian refugees are severe. Many refugees are unable to regularise their status, access services or pursue durable solutions – third-country resettlement rates remain very low for these communities – leaving them instead in protracted limbo.²⁸⁰ An interview with a senior officer at CRP revealed that, in their experience, refugees themselves view Jordan as a transitional space, with most wishing not to remain in the country.²⁸¹ Furthermore, grassroot initiatives to support these communities are restricted. Yemeni diaspora communities, for instance, have attempted to establish support programmes for their

²⁷⁷ Interview with anonymous senior minister, Ministry of Interior (n 274).

²⁷⁸ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (Amman, Jordan, 12 May 2025); Tamkeen Legal Aid and Human Rights (n 271) 5.

²⁷⁹ A anonymous senior minister, Ministry of Interior (n 274).

²⁸⁰ United Nations High Commissioner for Refugees (UNHCR), 'Jordan: Annual Complementary Pathways Dashboard (January–December 2024)' (26 February 2025) <<https://unhcr.org/NH1QS4>> accessed 1 June 2025.

²⁸¹ Interview with anonymous officer, Collateral Repair Project (Amman, Jordan, 23 April 2025).

communities in Jordan.²⁸² However, the Associations Law No 51 of 2008 and its amendments restrict funding abilities and give the authorities full discretion to reject applications or dissolve associations, impeding the formalisation of these initiatives.²⁸³

The Ministry of Interior interviewee categorically denied any cases of statelessness outside of the Palestinian and Syrian groups, and refuted claims of any irregular border crossings into Jordan from Saudi Arabia.²⁸⁴ Yet, NGOs in Amman anecdotally report that Yemenis, and Sudanese and Somalis (having first arrived in Yemen), often enter unofficially from Saudi Arabia.²⁸⁵ The Ministry of Interior also claimed that notions of resentment amongst Jordanians towards other nationalities were a myth.²⁸⁶ Such a statement rings hollow when, in reality, anti-refugee sentiment is rife, fuelled by perceived over-focus on refugees at a time of economic anxiety and unemployment.²⁸⁷ It is possible that the government is aware and even has statistics on these issues. However, denial serves the government's interests. If calculatedly turning a blind eye, the GoJ avoids having to address irregular entry, statelessness and public discontentment. This deliberate stance produces and perpetuates vulnerability, and statelessness in Jordan is thus a structural consequence of a refugee system that chooses not to see what it does not want to protect.

Ultimately, there is a disconnect between the GoJ's policies, which envision the eventual return of all refugees, and the reality of thousands who have become embedded in society. It is also evident that statelessness, particularly among non-Syrian populations, is an issue not on the GoJ's radar.

²⁸² Solenn Al-Majali, 'A Precarious Refuge: Yemeni Asylum-Seekers in Jordan' (*Sana'a Centre for Strategic Studies*, 14 February 2022) 18 <<https://sanaacenter.org/publications/main-publications/16557>> accessed 29 July 2025.

²⁸³ Associations Law No 51 of 2008 (as amended by Law No 22 of 2009), art 20 <https://www.icnl.org/wp-content/uploads/Jordan_51-2008-En.pdf> accessed 7 July 2025.

²⁸⁴ Interview with anonymous senior minister, Ministry of Interior (n 274).

²⁸⁵ Interview with anonymous officer 2, mid-sized refugee INGO in Jordan (Amman, Ho 12 May 2025).

²⁸⁶ Interview with anonymous senior minister, Ministry of Interior (n 274).

²⁸⁷ United Nations High Commissioner for Refugees (UNHCR), 'UNHCR survey reveals positive Jordanian attitude towards refugees' (*UNHCR*, 26 January 2022) <<https://www.unhcr.org/jo/news/unhcr-survey-reveals-positive-jordanian-attitude-towards-refugees>> accessed 10 May 2025.

3.2 Civil registration procedures

Why is civil registration so important when discussing statelessness? Civil registration, the official recording of vital events, particularly birth and marriage, is the bedrock of legal identity. A 2021 Universal Periodic Review (UPR) remarks that a ‘lack of documentation does not equate to statelessness, although it significantly increases the risk of statelessness’, and a GSMA report highlights the ‘cascading consequences’ of missing documentation that can quickly create more issues.²⁸⁸ For refugees, these registration procedures are particularly crucial. Although the absence of a birth certificate for a child does not automatically render a child stateless, or indeed at imminent risk, when coupled with contexts of migration or family separation, the risk is considerably heightened.²⁸⁹

3.2.1 Jordan

In Jordan, civil registration for nationals is governed by the Civil Status Law (Law No 9 of 2001),²⁹⁰ which regulates the registration of life events, namely births and issuance of identity documents and family booklets, and the Personal Status Law (Law No 15 of 2019),²⁹¹ which is grounded in Sharia law and governs family matters and domestic relations for Muslims, particularly marriages. As per the ICCPR, CRC and CRC-I, Jordan is obliged to guarantee a child’s right to nationality. In order to access the state’s

²⁸⁸ Somali Women Development Centre and others, ‘Joint Submission to the Human Rights Council Universal Periodic Review, 38th Session, 3rd Cycle, May 2021, Somalia’ 6 <https://files.institutesi.org/UPR38_Somalia.pdf> accessed 1 June 2025; GSMA, ‘Recognising Urban Refugees in Jordan: Opportunities for Mobile-Enabled Identity Solutions’ (December 2018) 9 <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2018/12/Recognising_urban_refugees_in_Jordan.pdf> accessed 27 July 2025.

²⁸⁹ The Legal Agenda, *Nationality and Cases of Statelessness in the Middle East and North Africa* (Laura van Waas and Zahra Albarazi eds, Tilburg University and the Open Society Foundations 2016) 18.

²⁹⁰ Civil Status Law No 9 of 2001, Official Gazette No 4470 (18 March 2001) <<https://www.refworld.org/legal/legislation/natlegbod/2001/en/123422>> accessed 30 June 2025.

²⁹¹ Personal Status Law No 15 of 2019, Official Gazette No 5577 (2 June 2019) <<https://www.refworld.org/legal/legislation/natlegbod/2019/en/123423>> accessed 18 August 2025.

civil registration procedures, foreigners must have a legal stay in the country, achieved by either obtaining residency or by paying the accumulated overstay fines of JOD 3 per day (which increased from JOD 1.5 on 1 July 2025).²⁹²

For refugees, birth registration involves several stages. If a child is born in Jordan and registered within one year, the first step is to obtain a birth notification from the hospital.²⁹³ If birth occurs outside of a hospital, a registered midwife with Jordan's Midwives Association must be present; otherwise, parents must obtain an exception from the CSPD of the Ministry of Interior. Then, the birth parents' identity documents – identity cards or passports, proof of marriage and ASCs – must be presented to the CSPD in their governorate, upon which they will receive a birth certificate.²⁹⁴ If registered within the first 30 days, the birth certificate costs JOD 1; after this period, an additional cost of JOD 10 applies.²⁹⁵

However, if parents wait for over a year to begin the process, it becomes more complicated. A lawsuit must be filed with the Magistrate Court for Proof of Birth, where birth notification and proof of marriage must be presented.²⁹⁶ Ghantous and Eller estimated in 2021 that the fees associated with filing the lawsuit would total JOD 83, which does not account for additional costs such as transportation.²⁹⁷ If there is no birth notification, then eye-witnesses to the birth must be presented, and in the case that none exist, the parents must present other witnesses that can attest to the child's lineage.²⁹⁸ If successful, the same process as above with the CSPD follows.

²⁹² Johnston and others (n 267) 15, 40. US Embassy Amman, 'Message for US Citizens – Advisory Alert' (12 May 2025) <<https://jo.usembassy.gov/message-for-u-s-citizens-advisory-alert/>> accessed 13 November 2025.

²⁹³ Kayla Ghantous and Lori Eller, 'The Campaign to End Statelessness in Jordan' (Boston University School of Law, International Human Rights Clinic March 2021) 44 <https://www.bu.edu/law/files/2021/09/Statelessness-In-Jordan-Report_3.2021-1.pdf> accessed 29 June 2025.

²⁹⁴ United Nations High Commissioner for Refugees (UNHCR), 'Legal Protection – UNHCR Jordan' (UNHCR) <<https://help.unhcr.org/jordan/en/helpful-services-unhcr/legal-assistance-unhcr>> accessed 20 August 2025.

²⁹⁵ Ghantous and Eller (n 293) 45.

²⁹⁶ *ibid.*

²⁹⁷ *ibid.*

²⁹⁸ *ibid.* 46.

Marriage registration of parents is crucial for the birth registration process but is in itself complicated in Jordan. This process is governed by the religious courts, either Sharia or ecclesiastical. For a Muslim marriage, the court requires the identity documents of the bride and groom, bride's guardian and two witnesses. A health certificate from the Jordanian Ministry of Health (free) is also required, alongside an approval letter from the Ministry of Interior (required when one or both parties to the marriage are not Jordanian, also free), and a petition for a marriage contract.²⁹⁹ Couples must pay JOD 25 for the court to issue the marriage certificate.³⁰⁰

However, access to civil registration in Jordan usually requires residency, and although refugee communities have successfully obtained birth certificates with ASCs, couples of different foreign nationalities without residency may be entirely unable to register their marriage.³⁰¹ As for informal marriages, those that are conducted outside the state process, a marriage ratification certificate must be obtained.³⁰² Ghantous and Eller state that, in the case of Syrians, this includes couples married in Syria but whose certificate was lost, destroyed or left behind. The same likely applies for non-Syrian refugees in the same circumstances. It has been noted, however, that in some instances, judges have exempted refugees from the need to provide documentation, though this remains inconsistent as it is at the judge's discretion.³⁰³

Several further challenges to acquiring birth certificates for asylum seekers and refugees can be identified in these processes. Firstly, the necessity of a marriage certificate presents a significant obstacle when the father is absent, such as in cases of abandonment, informal marriages, or children born out of wedlock following sexual and gender based violence.³⁰⁴ Indeed, the US Department of State in 2023 reported that in such cases, refugees faced

²⁹⁹ Ghantous and Eller (n 293).

³⁰⁰ GSMA (n 288) 18.

³⁰¹ Johnston and others (n 267) ii.

³⁰² Ghantous and Eller (n 293) 50.

³⁰³ *ibid* 50-1.

³⁰⁴ United Nations High Commissioner for Refugees (UNHCR), 'Birth Registration – UNHCR Global Field Survey on Policies and Practices' (2016) 30 <<https://www.refworld.org/reference/themreport/unhcr/2016/en/115462>> accessed 1 June 2025.

challenges in seeking birth registration and risk statelessness as a result. It also highlighted that households headed by women were particularly susceptible to statelessness, underscoring the enduring gender inequalities.³⁰⁵

Secondly, if parents themselves lack identity documents, have expired, lost or destroyed documents, or if a parent is stateless, the process cannot proceed. Moreover, some parents possess false identity documents, and in certain instances, refugees' identity documents have been confiscated by the authorities.³⁰⁶ Whilst costs are relatively cheap if completed quickly, they rapidly become unfeasible for a refugee family once the one-year deadline passes, with unseen expenses such as travel expenses also factoring in. Access to healthcare is also affected: as of 2018, non-Jordanians with ASCs can access healthcare at non-insured Jordanian rates, though the prices remain high, and this subsidised rate does not apply to refugees without an ASC, including anyone who arrived in Jordan after the 2019 halting of registration.³⁰⁷

All these challenges are exacerbated by the lack of information and awareness around the topic; particularly the conflation of birth notifications, which possess no legal value, with birth certificates. UNHCR staff in Jordan remarked upon a 'low rate of awareness among refugee and asylum-seeking parents on the importance of birth registration'.³⁰⁸ Indeed, of the twelve Sudanese and Yemeni parents interviewed for this research, all confirmed the only documents they had for their children born in Jordan were the hospital-issued birth notification.³⁰⁹

In 2017, the Arab Renaissance for Democracy and Development (ARDD) collaborated with the Ministry of Interior, CSPD, UNHCR, Syrian Refugee Affairs Directorate and other organisations to tackle these issues around birth registration for Syrian refugees. They provided legal aid for thousands of Syrians, and continue to provide pro-bono legal support for refugees of all

³⁰⁵ US Department of State, 'Jordan 2023 Human Rights Report' (Country Report, 12 April 2024) 47 <https://www.state.gov/wp-content/uploads/2024/02/528267_JORDAN-2023-HUMAN-RIGHTS-REPORT.pdf> accessed 27 August 2025.

³⁰⁶ *ibid.*

³⁰⁷ United Nations High Commissioner for Refugees (UNHCR), 'Jordan Thematic Factsheet: Health' (22 February 2024) <<https://reliefweb.int/report/jordan/jordan-thematic-factsheet-health>> accessed 15 May 2025.

³⁰⁸ UNHCR, 'Birth Registration' (n 304) 24.

³⁰⁹ Interview with Sudanese and Yemeni refugees (x12), facilitated by Collateral Repair Project (Amman, Jordan, 7 May 2025).

nationalities, registered and unregistered alike.³¹⁰ However, all accessible resources on birth registration available online, largely from UNHCR, are specifically targeted to Syrian refugees.³¹¹ Whilst UNHCR has distributed reader-friendly leaflets in camps and urban areas to educate on its importance, these are provided only when refugees approach UNHCR for information, services or assistance.³¹² The reactive nature of this system creates a gap; given the widespread lack of awareness, refugees and asylum seekers are unlikely to actively seek out this information. Therefore, any awareness-raising initiatives require proactive outreach into communities. Non-Syrians refugees are particularly disadvantaged, as Jordan lacks specific legal provision for the birth registration of refugees, and the frameworks that do exist are not codified into law and are exclusively directed at Syrians. As a result, children of non-Syrian refugees are burdened with *de facto* exclusion and statelessness.

These communities are more vulnerable to statelessness not only because of Jordan's procedures, but also due to the laws and processes of their origin countries. For civil procedures that took place not in Jordan, but in their country of origin, refugees must interact with the procedures of their respective states. The 'Handbook on Protection of Stateless Persons' dictates clearly the role of consulates, considered the 'competent authority' in circumstances where acquiring nationality is non-automatic, or when individuals seek assistance on renewing passports and clarifying nationality status.³¹³

³¹⁰ UNHCR, 'Birth Registration' (n 304) 24.

³¹¹ Arab Renaissance for Democracy and Development (ARDD), 'ARDD Issues a Legal Paper on Birth Registration Statistics for Syrian Refugees in Jordan' (ARDD, 1 June 2019) <<https://ardd-jo.org/publication/ardd-issues-a-legal-paper-on-birth-registration-statistics-for-syrian-refugees-in-jordan/>> accessed 27 May 2025.

³¹² UNHCR, 'Birth Registration' (n 304) 24.

³¹³ UN High Commissioner for Refugees (UNHCR), 'Handbook on Protection of Stateless Persons' (UNHCR 2014) para 17 <https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf> accessed 1 July 2025.

Yet, in Jordan, these obligations are not consistently fulfilled for non-Syrian refugees. The 2006 Draft Articles on Diplomatic Protection clarify that international law provides the right of a state to assist its nationals abroad, but do not oblige the state to do so.³¹⁴ As warned in 1949, by the UN Ad Hoc Committee on Refugees and Stateless Persons:

the stateless person is an anomaly and ... it is often impossible to deal with him in accordance with the legal provisions designed to apply to foreigners who receive the assistance of their national authorities... Officials must possess rare professional and human qualities if they are to deal adequately with these defenceless beings, who have no clearly defined rights and live by virtue of good-will and tolerance.³¹⁵

3.2.2 Iraq

Alongside the gaps in Iraq's nationality law discussed previously, 'a lack of access and barriers to registering vital civil status events has increased the risk of statelessness within and outside Iraq'.³¹⁶ Iraq's civil registration system is fragmented and decentralised: each of the country's eighteen governorates and the Kurdistan Region of Iraq (KRI) maintain their own administrative structure and procedures, which are not harmonised into a unified national civil registration system.³¹⁷ As a result, displaced Iraqis must travel back to their governorate of origin in order to replace documents or register vital events,³¹⁸ or rely on relatives to do so on their behalf,³¹⁹ requirements many refugees cannot fulfil.

³¹⁴ Bronwen Manby, 'Birth Registration, "Legal Identity for All", and the Prevention of Statelessness among Migrants' (*LSE Blogs*, 2 April 2021) <<https://blogs.lse.ac.uk/mec/2021/04/02/birth-registration-legal-identity-for-all-and-the-prevention-of-statelessness-among-migrants/>> accessed 13 August 2025.

³¹⁵ Norwegian Refugee Council and Tilburg University, 'Statelessness and Displacement: Scoping Paper' (Norwegian Refugee Council and Tilburg University, 2016) 25, 36 <<https://www.nrc.no/globalassets/pdf/reports/statelessness-and-displacement.pdf>> accessed 13 July 2025.

³¹⁶ European Network on Statelessness and Institute on Statelessness and Inclusion, 'Statelessness in Iraq: Country Position Paper – Summary' 1 (StatelessJourneys, November 2019) <<https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Iraq-summary-final.pdf>> accessed 20 August 2025

³¹⁷ Zahra Albarazi, 'The Campaign to End Statelessness in Iraq' (Boston University School of Law International Human Rights Clinic 2022) 35 <https://www.bu.edu/law/files/2022/07/FINAL_Iraq-Report-3.14.22.pdf> accessed 22 July 2025.

³¹⁸ *ibid* 36.

³¹⁹ Embassy of the Republic of Iraq in Amman, 'Obtaining an Iraqi Nationality Certificate' (*Iraqi Ministry of Foreign Affairs*, 2 May 2019) <https://mofa.gov.iq/amman/?page_id=398&lang=en> accessed 5 June 2025.

Similar to Jordan, birth registration in Iraq – which costs USD 8, with equivalent late fees applying – requires a birth notification, marriage certificate and the identity documents of both parents, meaning the absence of any required document, or the absence of the father, can block registration entirely.³²⁰ This is of particular concern given years of conflict and displacement have resulted in the loss and destruction of important civil status documents. Further complications arise for Iraqi refugees whose identity documents were issued in areas previously under Daesh control and which are no longer recognised.³²¹ Whilst Iraq currently appears to be stabilising, the effects of its decades of conflict are still felt in the country, and its civil registration procedures.

Moreover, unregistered religious marriages occurring outside of the Personal Status Court are common and culturally accepted in Iraq, yet lack legal validity.³²² These ‘loopholes enabling child marriage’ pose statelessness risks for the children born within them, as their informal nature prevents the access to birth registration procedures either in Iraq or abroad.³²³ Moreover, as stated earlier, children born to Iraqi mothers outside of their country have to apply for nationality and do not receive it automatically.³²⁴

The Iraqi Ministry of Foreign Affairs’ website provides guidance on civil registration processes for Iraqis in Jordan, exposing a protection gap for refugees and stateless persons without valid documents. Issuing a standard Iraqi passport (Edition A, in circulation since 2010) costs only USD 20. However, in cases of lost passports, reissuance requires original Civil Status Identity Document and Certificate of Nationality (~USD 2), which in turn require proof of a parent’s Iraqi nationality. If individuals do not possess

³²⁰ UNHCR, ‘Birth Registration’ (n 304) 32-33.

³²¹ ENS and ISI, ‘Statelessness in Iraq’ (n 316) 2.

³²² Art 10 of Iraq’s Personal Status Law (1959) states all marriages must be conducted through the Personal Status Court. Sarah Sanbar, ‘My Marriage Was Mistake after Mistake: The Impact of Unregistered Marriages on Women’s and Children’s Rights in Iraq’ (*Human Rights Watch*, 2024) <<https://www.hrw.org/report/2024/03/03/my-marriage-was-mistake-after-mistake/impact-unregistered-marriages-womens-and>> accessed 31 August 2025.

³²³ *ibid.*

³²⁴ Institute on Statelessness and Inclusion, ‘Displacement and Statelessness’ (*World Stateless*, 2017) <<https://www.worldsstateless.org/continents/middle-east-northern-africa/displacement-and-statelessness>> accessed 4 July 2025.

identity documents, family members in Iraq must present original documents to the Consular Department in Iraq, a process that effectively excludes people without surviving documents or family support in Iraq.³²⁵

For Iraqis born abroad, a Jordanian-issued birth certificate is the prerequisite to applying for an Iraqi birth certificate. However, where no official birth certificate exists, only Personal Status Courts in Iraq can issue one, and consular sections can intervene only with formal judicial authorisation. Iraqi birth certificates also require proof of the Iraqi nationality of the father, his in-person attendance at the consular section, and in the instance of his absence, a marriage contract.³²⁶ Consequently, women lacking any means of contact with the father of their child face insurmountable barriers in securing nationality documents.

Whilst a department exists for facilitating the travel back to Iraq for those in need, specifying loss of passports or lack of money, its assistance remains contingent upon civil status IDs, nationality certificates and a copy of the lost passport in order to issue a new passport.³²⁷ Ultimately, many Iraqi refugees and stateless persons in Jordan face systemic obstacles to accessing nationality, with the risk of intergenerational statelessness heightened by the need for parents' documentation, and the children of informal marriages and single mothers particularly vulnerable due to the necessity of paternal involvement.

3.2.3 Sudan

Sudan introduced a centralised electronic civil registration system in 2011, aiming to register every citizen nationwide and move away from the previously decentralised system.³²⁸ However, implementation has been uneven and the civil registration

³²⁵ Embassy of the Republic of Iraq in Amman, 'Lost Passports' (*Iraqi Ministry of Foreign Affairs*, 2 May 2019) <https://mofa.gov.iq/amman/?page_id=396> accessed 1 June 2025; Embassy of the Republic of Iraq in Amman, 'Passport Issuance' (*Iraqi Ministry of Foreign Affairs*, 4 May 2019) <<https://mofa.gov.iq/passport-issuance/>> accessed 21 July 2025.

³²⁶ Embassy of the Republic of Iraq in Amman, 'Birth Certificate' (*Iraqi Ministry of Foreign Affairs*, 2 May 2019) <https://mofa.gov.iq/amman/?page_id=387> accessed 26 July 2025.

³²⁷ Embassy of the Republic of Iraq in Amman, 'Department of Travel for the Needy' (*Iraqi Ministry of Foreign Affairs*, 2 May 2019) <https://mofa.gov.iq/amman/?page_id=394> accessed 27 July 2025.

³²⁸ Landinfo, 'Report Sudan: Civil Registration, Identity Documents and Passports' (Landinfo, 3 March 2023) 7 <<https://landinfo.no/wp-content/uploads/2023/03/Report-Sudan-Civil-Registration-ID-documents-and-passports-03032023.pdf>> accessed 30 August 2025.

system, ranked amongst the world's weakest by UNHCR even in 2016, suffers under the strain of the ongoing conflict in the country – embroiled in a civil war since April 2023 – and pervasive corruption.³²⁹ In 2024 Sudan ranked 170th out of 180 countries on the Corruption Perception Index, dropping eight places in a single year.³³⁰ The divide of power in the country between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) has fractured the state's administrative capacity and control.³³¹ Whilst there are few, if any, publicly accessible reports on the effects of the current civil war on Sudanese civil registration, it is reasonable to assume that it severely undermines the ability of Sudanese citizens to obtain and validate essential legal documents.

Unlike the previous countries, Sudan does not require marriage certification for birth registration, only birth notification and the identity documents of both parents.³³² For refugees in Jordan, marriage registration can be fairly straightforward if both spouses are Sudanese, as the marriage can be conducted in Sudan through familial or legal representatives without requiring the physical presence of the couple. However, the same does not apply to mixed-nationality couples, who must complete the process in Jordan.³³³ Previous research in Jordan revealed cases of couples who, despite holding ASCs, struggled to register their child because they were not legally married and had not requested UNHCR to record their union.³³⁴ In one case, the failure to legally marry led to their child's apprehension by the Jordanian authorities for over a year.³³⁵

³²⁹ UNHCR, 'Birth Registration' (n 304) 28.

³³⁰ Transparency International, 'Corruption Perceptions Index 2024' (*Transparency International*, 2024) <<https://www.transparency.org/en/cpi/2024>> accessed 24 August 2025; Transparency International, 'Corruption Perceptions Index 2023' (*Transparency International*, 2023) <<https://www.transparency.org/en/cpi/2023>> accessed 24 August 2025.

³³¹ Jonas Horner, 'Split Decision: Why Sudan is on the Brink of Partition – Again' (*European Council on Foreign Relations*, 27 February 2025) <<https://ecfr.eu/publication/split-decision-why-sudan-is-on-the-brink-of-partition-again/>> accessed 22 July 2025.

³³² UNHCR, 'Birth Registration' (n 304) 32.

³³³ Johnston and others (n 267) 40.

³³⁴ *ibid.*

³³⁵ *ibid.*

According to a 2023 report, the access to procedures and documentation is available to Sudanese outside of Sudan, but only at ‘certain embassies’.³³⁶ For instance, the ability to apply for a national identity number and obtain a civil registration certificate requires the embassy to have biometric capacities.³³⁷ Birth certificates and passports are both reported to be able to be issued, but again, only at ‘certain embassies’ which are not specified.³³⁸

However, reports from the Sudanese community reveal that their embassy in Amman does not provide assistance. Ricky, a Sudanese refugee, explained that the Sudanese embassy is staffed by representatives of the regime responsible for the persecution that forced them to flee Sudan in the first place. Consular support is reserved for the Sudanese who arrived earlier for work and study but is not provided to refugees and asylum seekers. Passport renewal is reported to cost JOD 200, a prohibitively high cost.³³⁹ Sudanese refugees, unable to access Jordan via land border, have been known to travel on fake Chadian passports in order to fly to the country, and research in 2023 revealed an instance of one Sudanese woman who had her passport confiscated by the authorities at the airport and never returned.³⁴⁰ Fleeing ongoing conflict and persecution, Sudanese refugees continue to arrive in Jordan, yet they remain among the most vulnerable refugee groups in the country.³⁴¹

Ricky asserts that the Sudanese embassy’s refusal to extend its support to refugees is longstanding, with the embassy even cooperating with the Jordanian authorities in the mass deportation of Sudanese back in 2015.³⁴² As UNHCR expert conclusions on statelessness note, *de facto* stateless persons are those outside their country of nationality who are ‘unable or, for valid reasons,

³³⁶ Landinfo (n 328) 11, 14, 20.

³³⁷ *ibid* 11.

³³⁸ *ibid* 14, 20.

³³⁹ Interview with Ricky and Hassan, Sawiyan (Amman, Jordan, 3 May 2025).

³⁴⁰ Interview with anonymous officer, legal refugee organisation in Jordan (Zoom, 18 April 2025); Laurie Ellen Korchinsky, ‘Sudanese and Somali Refugees in Urban Protracted Displacement, Jordan: Exploring Experiences of Dehumanisation and Restriction of Agency’ (Master’s thesis, Saint Joseph University, Arab Programme in Democracy and Human Rights 2023) 62.

³⁴¹ Lane A, ‘From Amanda’s Desk: Two Years of War—Sudanese Women Navigate Life in Jordan’ (Collateral Repair Project, 24 April 2025) <<https://www.collateralrepairproject.org/from-amandas-desk-two-years-of-war-sudanese-women-navigate-life-in-jordan/>> accessed 19 August 2025.

³⁴² Interview with Ricky and Hassan (n 339).

are unwilling to avail themselves of the protection of that country'.³⁴³ Many Sudanese in Jordan fall into the category: excluded from consular assistance, with their hopes of legal identity tied to the future of their government and state policies.

3.2.4 Yemen

Yemen's civil registration system is severely undermined by the ongoing civil war, compounded by economic collapse, famine and the impacts of climate change, all of which have resulted in institutional collapse and poor infrastructure.³⁴⁴ According to a 2024 assessment, the lack of civil documentation is now considered one of the main protection risks in the country.³⁴⁵ As in Jordan, acquiring a birth certificate require a birth notification, parents' identity documents and a marriage certificate.³⁴⁶ However, the Central Registration Authority (CRA) faces significant operational challenges due to destroyed offices, lack of identity cards and essential supplies, and a shortage of qualified personnel. This degraded infrastructure greatly limits the government's capacity to issue documentation both domestically and abroad. The nature of the civil war has generated widespread fear of approaching the authorities. In addition, several other obstacles, including the lack of required documents, inaccessibility of offices, legal barriers, certain communities' reluctance to apply for civil documentation and the CRA's refusal to provide documents to certain groups, all mean that large numbers of Yemenis leave the country without formal documentation.³⁴⁷ Interviews revealed that, though no

³⁴³ Mike Sanderson, 'Key Threats of Statelessness in the Post-Secession Sudanese and South Sudanese Nationality Regimes' (2014) 19(1-2) *Tilburg Law Review* 252, 246 <<https://tilburglawreview.com/articles/72/files/submission/proof/72-1-143-1-10-20180716.pdf>> accessed 13 August 2025.

³⁴⁴ Amanda Lane, 'From Amanda's Desk: Airstrikes and Landslides: What Drives Yemeni Refugees to Jordan' (*Collateral Repair Project*, 8 May 2025) <<https://www.collateralrepairproject.org/from-amandas-desk-airstrikes-and-landslides-what-drives-yemeni-refugees-to-jordan/>> accessed 14 August 2025.

³⁴⁵ Protection Cluster, 'Protection Cluster Note on Civil Documentation Issues in South of Yemen' (Global Protection Cluster 16 January 2024) 1 <https://globalprotectioncluster.org/sites/default/files/2024-01/1._pc_note_on_civil_documentation.pdf> accessed 10 July 2025.

³⁴⁶ UNHCR, 'Birth Registration' (n 304) 32.

³⁴⁷ Protection Cluster (n 345) 1-2.

official figures exist, organisations have heard from the communities they work with that many Yemenis have arrived on fake passports, passports belonging to someone else and even have arrived through Saudi Arabia without any papers at all.³⁴⁸

Some have suggested that, whilst the supporting data does not exist, it is possible that Yemeni parents in Jordan may be less likely to register their child's birth because of the prevalent culture of non-registration in Yemen.³⁴⁹ Indeed, in 2018 only 17% of children in Yemen had their births officially registered, which can be explained in part by the fact that most births take place at home.³⁵⁰ In 2019, it was reported that Yemenis successfully managed to obtain birth certificates from the embassy, but struggled to obtain marriage certificates due to complicated procedures and high costs.³⁵¹ Passports, meanwhile, were reported to cost between JOD 70-200, even in instances where their passports had been stolen by the authorities, with corruption and inefficiency in the Yemeni embassy further compounding the problem.³⁵²

The story of one Yemeni man, Saleh, illustrates these barriers. He fled Yemen to Jordan in 2014, several years later briefly returned, and then came back to Jordan in 2020 with his wife and child, then nine months old. Since, Saleh and his wife have had two more children, aged four and one and a half, both born in Jordan. Although he had been registered in 2014, he and his family were unable to register upon their return in 2020 due to the registration ban. Since arriving, Saleh has struggled to access civil documentation. None of the children have passports, nor birth registration, only a birth notification from the hospital the youngest two were born in, placing both of these children at risk of *de facto* statelessness. Both parents and the oldest daughter's passports

³⁴⁸ Protection Cluster (n 345); Interview with anonymous officer, legal refugee organisation in Jordan (n 340); Interview with anonymous officer, Collateral Repair Project (n 281); Interview with anonymous officer 2, mid-sized refugee INGO in Jordan (n 285).

³⁴⁹ *ibid* 40.

³⁵⁰ Ali Qasem Ali, 'Yemeni Children are Receiving Their Passport for Life' (UNICEF Yemen, 24 December 2018 <<https://www.unicef.org/yemen/stories/yemeni-children-are-receiving-their-passport-life>> accessed 15 August 2025).

³⁵¹ Johnston and others (n 267) ii.

³⁵² *ibid* 40.

have expired, and they possess no other official identity document. Saleh reports that the Yemeni embassy requested passport fees he cannot afford, whilst UNHCR has repeatedly failed to respond to his requests for registration and assistance.³⁵³

Saleh fled Yemen because of death threats to him and his family, and whilst he wishes to return, he is essentially trapped in Jordan, unable to access resettlement without UNHCR registration or legal work. His inability to earn an income, coupled with the financial costs of registration procedures and the lack of consular support, place Saleh and his family in a cycle of barely surviving. For Saleh, his immediate priority is to provide for his family, and the risk of statelessness his children face is not an issue he is aware of, evidencing the difficulty of addressing statelessness where more obviously urgent needs dominate. After so long trying to change these circumstances, Saleh expressed his despair, saying that all he asks for now, is help from God – for a miracle.³⁵⁴

3.2.5 Somalia

Somalia is known to have one of the lowest birth registration rates globally, estimated at under 5%, and, as of 2018, is the country with the highest percentage of its population lacking any official identification documents.³⁵⁵ Birth certificates are rarely sought unless for the sake of a passport.³⁵⁶ Historically, the Somali Citizenship Law allowed district councils to register births and deaths, but did not make these processes mandatory, meaning when the central government collapsed in 1991 birth registrations were already uncommon, with most archives from the period going missing during the civil war.³⁵⁷ The process itself, however, is free and the least restrictive of all the countries here, as it requires only a birth notification.³⁵⁸ Nevertheless, for Somali children born in Jordan, a marriage certificate and parental identification, which most Somalis lack, are still required. Somalia has been engulfed in conflict for the past three decades, plunging much of the country into a humanitarian crisis, exacerbated by

³⁵³ Interview with Sudanese and Yemeni refugees (x12), (statement of 'Saleh' (pseudonym) (n 309).

³⁵⁴ *ibid.*

³⁵⁵ Bronwen Manby, 'Citizenship and Statelessness in the Horn of Africa' (15 December 2021) SSRN 39, 44 <<http://dx.doi.org/10.2139/ssrn.4011307>>.

³⁵⁶ *ibid.* 39.

³⁵⁷ Federal Government of Somalia, 'National Action Plan to End Statelessness' (n 216) 5.

³⁵⁸ UNHCR, 'Birth Registration' (n 304) 32.

the absence of a centralised government.³⁵⁹ As late as 2021, Somali passports were only accepted by a limited number of countries over concerns surrounding the issuance process.³⁶⁰ In light of the absence of identification and documentation systems, and the complete breakdown of basic governance, Somalis have historically been considered *de facto* stateless due to the state's inability to provide 'consular assistance and diplomatic protection'.³⁶¹ The Somali Ministry of Interior itself has cited 'protracted conflicts and forced displacements', alongside the lack of a civil registration and identification system, as a drivers of statelessness.³⁶²

In 2022, however, the government launched a digital identity system under the National Identification and Registration Authority (NIRA), formalised in 2023 by the Identification and Registration Act (Law No 009 of March 2023).³⁶³ On its website the system states its aim is 'to cover the maximum population of Somalia and issue ID cards for Somalis residing in the country and outside of the country', providing access to procedures such as child registration and using biometric platform which aim to provide each citizen with a national identification number.³⁶⁴ However, Hiiraan reports in July 2025 that it is still necessary for Somalis to present traditional documents, such as birth certificates in order to obtain passports.³⁶⁵ Moreover, the article reports that officials have acknowledged infrastructural limitations on the progress of rolling-out the system: struggling to reach regions with minimal digital access, and that officials in certain federal states, including Puntland, oppose the operation as an attempt at centralising power.³⁶⁶ Indeed, the government website indicated that whilst it is aiming for 10 million registrations (half the estimated number of Somalis globally), the current figure stands at just 50,000.³⁶⁷

³⁵⁹ Somali Women Development Centre and others (n 288) 6.

³⁶⁰ Manby 'Citizenship and Statelessness in the Horn of Africa' (n 355) 45.

³⁶¹ Somali Women Development Centre and others (n 288) 6; Laura Bingham, Julia Harrington Reddy, and Sebastian Köhn, 'De Jure Statelessness in the Real World: Applying the Prato Summary Conclusions' (Open Society Foundations 2011) 13 <<https://www.justiceinitiative.org/uploads/64e213b2-c15d-495b-bb3f-407e5d9bbebd/prato-statelessness-20110303.pdf>> accessed 31 August 2025.

³⁶² Federal Government of Somalia, 'National Action Plan to End Statelessness' (n 216) 1.

³⁶³ National Identification and Registration Authority (NIRA), 'Home' <<https://id.nira.gov.so>> accessed 19 August 2025.

³⁶⁴ *ibid.*

³⁶⁵ 'Somalia Delays Use of National ID for Passport Applications' (*Hiiraan Online*, 11 July 2025) <https://www.hiiraan.com/news4/2025/july/202165/somalia_delays_use_of_national_id_for_passport_applications.aspx> accessed 29 July 2025.

³⁶⁶ *ibid.*

³⁶⁷ NIRA (n 363).

Ultimately, it remains to be seen if this new system is a success. In 2021 a UPR warned that its biometric programme could ‘(un)intentionally render vulnerable groups invisible to the government and can leave them further behind’, and as per Hassan, a Somali refugee who has acted as the focal point between Somali refugees in Jordan and the Somali authorities, it is unclear for now whether Somalis in Jordan can benefit from this system.³⁶⁸

Matters are complicated by the absence of a Somali embassy in Jordan; the nearest one is in Riyadh, Saudi Arabia, covering four countries including Jordan.³⁶⁹ Hassan explained that it was only in 2016 a system to contact the embassy was established, whereas before no well-known system existed and physical presence in Riyadh was required for all procedures. Now, however, the process requires a minimum group of ten applicants, after which the embassy in Riyadh sends a representative. Primarily, this arrangement facilitates passport issuance. First-time and renewed passports alike cost JOD 190 for adults and JOD 95 for children. However, this system restricts individuals from applying for documents through its group requirement and the additional USD 50 delivery costs that individuals are saddled with upon receipt of documents. Whilst birth certificates are issued alongside new passports, those without new passports are unable to obtain them. Hassan added that obtaining a passport was not historically a priority for many Somalis, but that recently there has been growing awareness on the importance of having a valid document.³⁷⁰

3.2.6 Entry via third-country passports

Somali refugees are particularly vulnerable where they enter Jordan on other, often Yemeni or Sudanese, passports. Many Somalis have lived in Yemen for decades since fleeing civil war in 1991, with the lack of effective government, low documentation rates and the few who had documents leaving them behind, meaning they possessed no official Somali documentation. Yet in Yemen, these people, and even their descendants, are denied access to Yemeni passports, leaving them stateless even prior to arriving in Jordan. However, the practice of purchasing forged, or more commonly, another person’s valid Yemeni passport, became

³⁶⁸ Somali Women Development Centre and others (n 288) 7; Interview with Hassan, Sawiyan (Amman, Jordan, 14 August 2025).

³⁶⁹ Interview with Hassan (n 368).

³⁷⁰ *ibid.*

widespread, and it is on these that many enter into Jordan.³⁷¹ Research from 2023 supports this trend, citing the testimony of a Somali man who reported rising numbers of stateless Somalis who had entered Jordan with Yemeni documents.³⁷² Similarly, before 2016, Hassan noted that some Somalis used to arrive in Jordan through Sudanese human traffickers, arriving on Sudanese passports.³⁷³

In Jordan, this creates serious legal and administrative complications. If entering on a Yemeni or Sudanese passport, the authorities register them accordingly under that nationality. However, if these communities approached UNHCR, they were registered as Somali refugees. This discrepancy complicates their access to documentation later on, and when authorities stop them on the street, problems arise as their information does not appear in the system, and often results in the confiscation of their Yemeni passport. One Somali woman who had arrived on a fake Yemeni passport reported in 2023 that she was still suffering from unresolved legal issues as a result.³⁷⁴

These challenges also affect children. Errors in documentation distort records, but also jeopardise access to rights. In 2018, five families from the Somalia-Ethiopia border region, who had been living in Yemen before being instructed to travel to Jordan for International Organisation for Migration (IOM) assistance, were initially registered as Yemeni refugees by UNHCR. Their children were issued Jordanian birth certificates under Yemeni nationality. However, the IOM was then unable to process them because their case had been opened as Somalis, their legal documentation conflicted. These children remain at high risk of statelessness, as whilst recorded as Yemeni, they cannot in practice access Yemeni nationality as Yemen does not recognise Somalis as citizens, and requires proof of descent from a Yemeni father. Meanwhile, Somali authorities may refuse to recognise them as Somali nationals on the basis of Yemeni birth records. Only after legal advocacy from International Refugee Assistance Project (IRAP) was partial progress made, yet, as of August 2025, these families remain stuck in Jordan awaiting a durable solution.³⁷⁵ Moreover, Hassan

³⁷¹ Interview with Hassan (n 368).

³⁷² Korchinsky (n 340).

³⁷³ Interview with Hassan (n 368).

³⁷⁴ *ibid.*

³⁷⁵ *ibid.*

reports that outcomes at the Yemeni embassy often depend on the particular staff working there that day. As such, his advice to community members is to simply keep returning until eventually the process is approved.³⁷⁶

In Hassan's words: 'people escaping from war use whatever is possible'. Yet, these Somalis who enter on third-country documents are punished for the actions they took to ensure their survival.³⁷⁷ Protection frameworks in Jordan, and the gaps in recognition by Somali and Yemeni states, fail to align with the needs of these groups. These cases further illustrate how displacement across multiple countries further complicates access to nationality.

3.2.7 Implications

The risks associated with failure to register a birth are numerous and can endure well into adulthood. Amongst them are difficulties in returning to the country of origin, acquiring other identity documents and accessing the rights afforded to children through age-verification, with distinct associated challenges facing infants, children and adolescents.³⁷⁸ The barriers to birth registration in Jordan must therefore be understood as one of largest contributors to the risk of statelessness amongst non-Syrian refugee communities.

In a country where national birth registration is almost 100%, government action and political will must push the agenda to resolve statelessness, with civil registration at the core of this effort.³⁷⁹ In 2024, UNHCR assisted the CSPD in the registration of over 15,000 children at birth, likely concentrated among the Syrian refugee community in line with the JRP.³⁸⁰ UNHCR's Global Action Plan to End Statelessness identifies 'ensuring birth registration for the prevention of statelessness' as a particularly relevant

³⁷⁶ Interview with Hassan (n 368).

³⁷⁷ *ibid.*

³⁷⁸ UNHCR, 'Birth Registration' (n 304) 4, 11.

³⁷⁹ *ibid.* 24.

³⁸⁰ United Nations High Commissioner for Refugees (UNHCR), 'Jordan: UNHCR Country Factsheet, January 2025' (2025) 1 <<https://reliefweb.int/report/jordan/jordan-unhcr-country-factsheet-january-2025>> accessed 8 June 2025.

action point for the MENA region.³⁸¹ It is crucial that these services are extended to all refugees and asylum seekers in Jordan, so as to prevent the emergence of new statelessness generations across POCs.

Whilst Jordan is not party to the 1954 Statelessness Convention, article 27 dictates that ‘the Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document’. This principle underscores the obligations of a state in line with international best practices, despite Jordan’s non-ratification.³⁸² The Fourth Cycle UPR similarly noted Jordan’s:

need to further strengthen administrative institutions’ capacity ..., promote a coherent approach to legal identity across the relevant government entities and stakeholders and to develop a legal identity system that ensures civil registration of all vital events for all refugees and asylum seekers on its territory, and resulting in legal identity for all.³⁸³

One statelessness expert expressed scepticism about whether the political will existed in Jordan to prioritise statelessness or work on sustainable solutions, but expressed cautious hope that ‘small incremental reforms ... related to statelessness ... might help in this direction’.³⁸⁴

Refugees often flee their countries under chaotic and dangerous circumstances, with key documents lost, destroyed or left behind in displacement. They also deal with the weak, inaccessible or entirely absent and often discriminatory civil registration systems in their origin countries. As a result, *de facto* statelessness and the risk of statelessness disproportionately affects women and children, who often face unique challenges in their path to achieving legal identity. These include births occurring in transit from the origin to host country, and the foreign women who

³⁸¹ UN High Commissioner for Refugees (UNHCR), ‘Global Campaign to End Statelessness in 10 Years: Jordan Situation Report’ (UNHCR 2014) 8 <<https://unhcr.org/wLaxSS>> accessed 15 June 2025.

³⁸² Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117, art 27 <<https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons-ENG.pdf>> accessed 31 August 2025.

³⁸³ UNHCR, ‘Submission for the UPR: Jordan’ (n 259).

³⁸⁴ Interview with anonymous MENA region statelessness expert 1, statelessness network (Zoom, 14 April 2025).

have children with Jordanian men who subsequently deny fatherhood.³⁸⁵ Ultimately, whilst not all undocumented persons are stateless, the interplay between weak origin-country systems, the nature of displacement and Jordan's restrictive and complicated civil registration procedures, creates a profound risk of statelessness for non-Syrian refugees in Jordan and the future generations to come.

3.3 Detentions, deportations and legal vulnerabilities

UNHCR cites detention and deportation as contributing to the fragmentation of stateless families.³⁸⁶ Jordan's detention and deportation practices reveal discrimination in the treatment of certain refugee groups, with Sudanese, Yemeni and Somali individuals facing the greatest exposure to arbitrary detention. Whilst Jordan is legally bound to the principle of non-refoulement under customary international law, Jordanian law affords the government broad license for the detention and deportation of non-nationals. Law No 24 on Residence and Foreigners Affairs criminalises irregular entry into Jordan through unauthorised ports of entry with deportation (article 5), empowers the state to arrest any foreigner who enters Jordan without a valid visa, subjecting them to imprisonment of one to six months (article 31) and allows for the 'expulsion' of any foreigner from the country at the discretion of the competent authority or Minister of Interior and Director, and the refusal of their re-entry without prior approval from the Minister (articles 32 and 37).³⁸⁷ Meanwhile, the Penal Code (No 16 of 1960) states in article 471 that foreigners may be deported for 'misdemeanours against Public Morality, Public Calm, and Public Trust',³⁸⁸ whilst article 12(h) of the Labour Law (No 8 of 1996) states that foreigners found to be illegally employed may

³⁸⁵ Manby, 'Birth Registration, "Legal Identity for All"' (n 314).

³⁸⁶ UNHCR, 'Global Campaign to End Statelessness in 10 Years: Jordan Situation Report' (n 381) 4.

³⁸⁷ Law No 24 of 1973 on Residence and Foreigners' Affairs (1 January 1973), arts 5, 31, 32, 37 <<https://www.refworld.org/legal/legislation/natlegbod/1973/en/14194>> accessed 26 May 2025.

³⁸⁸ Penal Code No 16 of 1960 (as amended up to Law No 8 of 2011) (2 May 2011), art 471 <<https://www.wipo.int/wipolex/en/legislation/details/15077>> accessed 1 May 2025.

also be deported.³⁸⁹ This is of particular concern for stateless individuals, for whom obtaining legal employment is impossible without the necessary documentation. Finally, the Crime Prevention Law allows the detention of an individual if there is sufficient reason to believe they have, or are planning to, commit a crime.³⁹⁰ With full discretion for authorities in setting bail, alongside the lack of an effective mechanism for judicial review and prohibitive costs, refugees are subject to unjust procedures.³⁹¹ As a result, if a person does not have the documentation or embassy support to deport them to their country of origin, they risk being detained indefinitely.³⁹²

In practice, refugees without valid documentation are frequently arrested and detained.³⁹³ When deportation decisions have been made they can be challenged in the Administrative Court; however, the judges are under no obligation to provide reasons for deportation and the decision is largely at their discretion.³⁹⁴ However, when reasons are given, legal aid providers have successfully campaigned for deportation orders to be repealed on account of breaches of the Residence and Foreigners' Affairs Law.³⁹⁵ Article 5 of the MOU asserts that the mode of entry is 'irrelevant' and should have 'no bearing on the legal rights of asylum seekers and their asylum applications.'³⁹⁶ However, in practice this principle is applied inconsistently, especially for stateless and undocumented individuals. The 'Handbook on the Protection of Stateless Persons' renounces the arbitrary (mandatory or indefinite) detention of individuals seeking protection on the grounds of statelessness, as their circumstances are often a result of their inability to return to their country of origin.³⁹⁷ The absence of pass-

³⁸⁹ Jordan Labour Law No 8 of 1996 (as amended, 2 May 2011) <[https://jtgc.uo/ebv4.0/root_storage/ar/eb_list_page/jordanian_labour_law_no._\(8\)_of_1996_and_its_amendments.pdf](https://jtgc.uo/ebv4.0/root_storage/ar/eb_list_page/jordanian_labour_law_no._(8)_of_1996_and_its_amendments.pdf)> accessed 1 June 2025.

³⁹⁰ Law No 7 of 1954 on Crime Prevention (1 March 1954) <https://www.ijicc.net/images/Vol_14/Iss_3/14313_Salih_2020_E_R.pdf> accessed 14 August 2025.

³⁹¹ Global Detention Project, 'Jordan Immigration Detention Profile' (July 2020) <<https://www.globaldetentionproject.org/countries/middle-east/jordan#country-report>> accessed 4 May 2025.

³⁹² *ibid.*

³⁹³ Interview with Ricky and Hassan (n 339).

³⁹⁴ Clutterbuck and others, 'Alternative Protection' (n 260) 54.

³⁹⁵ *ibid.*

³⁹⁶ ACHRS (n 272) 7.

³⁹⁷ UN High Commissioner for Refugees (UNHCR), 'Handbook on Protection of Stateless Persons' (UNHCR 2014) paras 40–41, 44 <https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf> accessed 1 July 2025

ports or similar crucial documents can result in indefinite detention, which is compounded by the lack of an effective mechanism for judicial review, with limited legal protections and prohibitively high costs ruling out reviews.³⁹⁸

ARDD Legal Aid noted that for refugees, ‘unmet humanitarian needs such as food and housing will eventually snowball into legal challenges’.³⁹⁹ For stateless refugees, their access to basic needs is restricted by their lack of legal status, which further renders legal challenges all the more severe. IRAP, a refugee legal aid organisation, does not deal with matters related to Jordanian law. Instead it intervenes in deportation cases: negotiating with the government to pause deportation orders whilst IRAP explores resettlement options.⁴⁰⁰ Once again however, for stateless refugees, their lack of documentation essentially cuts them off from resettlement opportunities, which are already limited for the non-Syrian populations. The Ministry of Interior interviewee noted that there was a process of identification and removal for individuals who had successfully entered the country with fake or forged documents.⁴⁰¹ Since the nature of statelessness makes obtaining legal residence in the country nearly impossible, the lack of documentation cannot justify detention. Stateless individuals are just as entitled to seek protection as any other asylum seeker. The ICCPR, in article 9,⁴⁰² prohibits unlawful and arbitrary detention, which must be lawful, necessary, proportionate and non-discriminatory, with regular judicial oversight and access to legal counsel.⁴⁰³ Yet, in Jordan, statelessness is treated as a legal irregularity, resulting in prolonged detention for those who are unable to regularise their status.

In November 2015 Sudanese refugees protested against ‘the inadequate assistance and lack of protection and resettlement opportunities available to them compared with those offered to Syrian asylum seekers and condemned the discrimination and

³⁹⁸ Global Detention Project, ‘Jordan Immigration Detention Profile’ (n 391).

³⁹⁹ ACHRS (n 272) 3.

⁴⁰⁰ Interview with anonymous officer, legal refugee organisation in Jordan (n 340).

⁴⁰¹ Interview with anonymous senior minister, Ministry of Interior (n 274).

⁴⁰² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 9 <<https://www.refworld.org/legal/agreements/unga/1966/en/17703>> accessed 1 June 2025.

⁴⁰³ UNHCR, ‘Handbook on Protection of Stateless Persons’ (n 313) paras 40-41.

racism they faced'.⁴⁰⁴ In response, 500–800 Sudanese were deported. Johnston and others claimed in 2019 that since this incident, Sudanese and Yemeni appear to have been protected from deportation, however, interviews indicate this is no longer the case.⁴⁰⁵ Findings from Sawiyan reveal that the Sudanese community are particularly subjected to detentions and deportations. Ricky, himself Sudanese, has visited several prisons where Sudanese are being detained, with reports that there were '30–40 Sudanese' in each facility.⁴⁰⁶ A young Sudanese woman, Fadia, who fled war in Darfur in 2022, spoke of how her husband and brother, neither of whom have UNHCR registration, are constantly stopped by the police asking them for papers and passports. She expressed the constant frustration of not being able to find a way to work, and the lingering fear of being deported if caught working.⁴⁰⁷ This fear is not isolated; focus group discussions with refugees in 2019 revealed that arrest and deportation concerns whilst working informally or with irregular status were raised in 50% and 60% of the Sudanese and Yemeni groups respectively.⁴⁰⁸ Moreover, that same year, UNHCR remarked that Yemenis – who have a low registration rate with the refugee agency – may well be being deported by the GoJ without informing UNHCR.⁴⁰⁹

As earlier discussed, the Ministry of Interior frames the presence of refugees in Jordan as temporary. The interviewed minister affirmed that the ultimate goal was for refugees to leave but staunchly denied that any refugees in Jordan were forcibly returned. Simultaneously, he referenced that Jordan's non-ratification of the 1951 Refugee Convention meant it was not bound by non-refoulement provisions.⁴¹⁰ This claim is undermined by the customary nature of non-refoulement, and hints to the actions of the GoJ. Indeed, the tension between policy and practice is evident in the deportation of at least four UNHCR-registered asylum

⁴⁰⁴ Dina Baslan, 'Mobilisation: a Mode of Survival for Overlooked Minority Refugees' (June 2023) Forced Migration Review Special Feature – Mobilising for rights in the MENA region 17, 17–20.

⁴⁰⁵ Johnston and others (n 267) iii.

⁴⁰⁶ Interview with Ricky and Hassan (n 339).

⁴⁰⁷ Interview with Sudanese and Yemeni refugees (x12), (statement of 'Fadia' (pseudonym)) (n 309).

⁴⁰⁸ Johnston and others (n 267) 41.

⁴⁰⁹ *ibid* 42.

⁴¹⁰ Interview with anonymous senior minister, Ministry of Interior (n 274).

seekers in 2021 who were trying to obtain work permits.⁴¹¹ Precarity is exacerbated for stateless individuals in such circumstances, as in practice enforcement mechanisms discriminate based on nationality and documentation status. Ricky at Sawiyan underscored this inconsistency: whereas registered refugees are generally released, for undocumented individuals their deportation is immediate.⁴¹²

A poignant example comes from the case of a Somali woman from Yemen who arrived in Jordan in 2018. Unable to complete her registration with UNHCR before they implemented the freeze on issuance, she entered a legal limbo. She had two daughters from a Somali man she had married in Saudi Arabia but was unable to register the birth of a new baby earlier this year, placing the child at direct risk of statelessness. Detained by the police whilst on a small trip within the country, threatened with deportation and despite having a baby just 40-days old, her lack of registration meant that UNHCR and other legal organisation all refused to help. The authorities wanted to deport the mother and her two older daughters, whilst leaving the baby in Jordan, as the child lacked documentation to travel. Together with Sawiyan, it was decided it was in their best interest to ensure the whole family were deported together rather than be separated. Alongside trying to obtain legal identity for the baby, it was also necessary to renew the expired documents of the two daughters, which required communication with the Somali embassy in Saudi Arabia, a process which took several months. As of May 2025, the documents were finalised, though the family faced significant expenses and had to wait until they could afford expensive flight tickets back to Yemen, the very country they had fled, and having paid considerable bribes to the authorities in Mogadishu in order to receive the passports.⁴¹³ Whilst documentation was ultimately obtained for all three children, this circumstance shows the extraordinary effort it takes to prevent *de facto* statelessness for refugee children. Ironically, it was the act of being deported that allowed the baby to avoid this legal burden.

⁴¹¹ Human Rights Watch, 'Jordan: Yemeni Asylum Seekers Deported; Others Face Deportation Decisions' (*Human Rights Watch*, 30 March 2021) <<https://www.hrw.org/news/2021/03/30/jordan-yemeni-asylum-seekers-deported>> accessed 16 May 2025.

⁴¹² Interview with Ricky and Hassan (n 339).

⁴¹³ Interview with Ricky and Hassan (n 339); Interview with Hassan (n 368).

3.4 Refugee labour access and regulatory constraints

The ability to work has consistently been flagged as a priority in the interviews conducted with refugees and asylum seekers. Indeed, access to the right to work is ‘primarily associated with nationality rights’, leaving stateless individuals and communities amongst those excluded from the mechanism needed for their survival.⁴¹⁴ The Jordanian Constitution explicitly reserves the legal right to work for Jordanian citizens, underlining the primacy of citizenship in accessing fundamental rights.⁴¹⁵ Jordan’s labour laws, though allowing the right to work for foreigners, do so with significant restrictions. Non-Jordanians are only allowed to work in certain sectors, primarily construction, agriculture and industrial work.⁴¹⁶ Moreover, the current minimum wage of 290 JOD (since January 2025) does not apply to migrant domestic workers, workers in the loading and unloading sectors, or workers in the garment and textiles industries, industries which are often filled by non-Jordanians.⁴¹⁷ This was a calculated decision to push non-Jordanians towards low-paid and unstable ‘secondary jobs’ to ensure Jordanian nationals would not face competition in sectors perceived as having higher social status.⁴¹⁸ Under Regulation No 142 of 2019, Regulation of Work Permit Fees for Non-Jordanians and its amendments, the most up-to-date work permit fees are set at a standard JOD 350 for non-Jordanians, which must be paid to work legally. However, it rises significantly to JOD 800 for those in agriculture, construction, loading and unloading, or any sector the Minister of Labour designates.⁴¹⁹ These unobtainable fees

⁴¹⁴ Nasser Al-Khalidi, Omar Daya, and Tuğrul Turan, ‘Statelessness and Labour Precarity in the Jerash Refugee Camp’ (Amman Centre for Human Rights Studies 2024) 25 <https://mcusercontent.com/2bf1f6ef20d1b3b0c50cc149c/files/b89e96f6-6987-9461-7093-7c64f434fae7/Refugee_Camp_Report_ACHRS.pdf> accessed 29 May 2025.

⁴¹⁵ *ibid* 3.

⁴¹⁶ Ministry of Labour, ‘The Comprehensive Guide of Principles for Issuing Work Permits for Non-Jordanian Workers’ 10-32, (3 July 2025) <https://mol.gov.jo/EBV4.0/Root_Storage/EN/EB_Info_Page/Comprehensive_Guide_3-7-2025.pdf> accessed 1 June 2025; Daniel Coleman, ‘Systemic Vulnerability: Migrant Workers in Jordan’ (Heinrich Böll Stiftung – Palestine and Jordan, 11 August 2022) 10-32 <<https://ps.boell.org/en/2022/08/11/systemic-vulnerability-migrant-workers-jordan>> accessed 4 August 2025.

⁴¹⁷ Global People Strategist, ‘Jordan Country Snapshot’ <<https://globalpeoplestrategist.com/jordan/>> accessed 19 June 2025.

⁴¹⁸ Shaddin Al-Masri, ‘Refugee Aid Politics Impact on Labor Market Dynamics: A Case Study of the Jordan Compact’ (2021) 30(2) Middle East Critique 190.

⁴¹⁹ Ministry of Labour, ‘The Comprehensive Guide of Principles for Issuing Work Permits for Non-Jordanian Workers’ (n 416) 125.

drive many refugees, desperate to provide for themselves and their families, into informal work. ARDD Legal Aid in 2020 reported an average of five cases per day concerning Sudanese and Somali refugees caught working without work permits.⁴²⁰

The 2016 Jordan Compact was key in establishing the right for Syrian refugees to work in these select labour market sectors, but excluded refugees from other countries.⁴²¹ According to Al-Masri, the Jordan Compact was shaped by politics and economics rather than concern for refugees, resulting in a heightened ‘stratification’ of the labour market that further institutionalised Jordan’s nationality-based hierarchy.⁴²² Work permits are reserved primarily for Syrian refugees, and measures such as free-lance permits, fee waivers and the ability to switch sectors have been available exclusively to Syrians.⁴²³ Non-Syrian refugees are presented with limited options, none of which are appealing. If, for instance, a Yemeni asylum seeker wants to work, they have to renounce their refugee status or asylum application and instead become a migrant worker in order to be allowed to apply for a work permit.⁴²⁴ In doing so, they sacrifice their international protection and hopes of being resettled, alongside the risk that their application for a work permit might still be rejected. The alternative, waiting for resettlement through UNHCR, is uncertain and can take as long as 10 to 15 years.⁴²⁵

Since the September 2024 elections, the new Minister of Labour pursued a strict campaign on illegal immigrant workers, reportedly to appease the Jordanian population that were complaining about the number of these foreigners in the workforce.⁴²⁶ A Ministry of Labour official confirmed, in written responses following an in-person meeting, that the Ministry of Labour issued a decision aimed at simplifying procedures. The period, from 5 November 2024 to 31 December 2024, effectively acted as a grace period for workers to regularise their status by renewing their work permits, change to the appropriate sector, or stop working

⁴²⁰ ACHRS (n 272) 3.

⁴²¹ Al-Majali (n 282) 15.

⁴²² Al-Masri, ‘Refugee Aid Politics Impact’ (n 417) 187.

⁴²³ *ibid* 195.

⁴²⁴ UNHCR, ‘Submission for the UPR: Jordan’ (n 259).

⁴²⁵ Al-Majali (n 282) 15.

⁴²⁶ Interview with Ricky and Hassan (n 339); Maria Weldali, ‘Jordan Deports over 2,000 Undocumented Workers in Ongoing Inspection Campaign’ (*Jordan Times*, 12 March 2025) <<https://jordantimes.com/news/local/jordan-deports-over-2000-undocumented-workers-ongoing-inspection-campaign>> accessed 17 July 2025.

entirely.⁴²⁷ Though in 2019 UNHCR claimed that threats of deportation for working without a work permit were rarely enforced, the system today is markedly different.⁴²⁸ The Ministry of Labour stated that ‘deportation is considered the only solution to regulate the Jordanian labour market, as the Ministry of Labor has conducted intensified campaigns to rectify the status of non-Jordanian workers, but they have not complied with regularising their status’.⁴²⁹ Indeed, following the end of the allotted period, 2,419 undocumented foreign workers were arrested in January and February alone, over 2,000 of which were deported for violating labour laws and regulations.⁴³⁰

However, the Ministry also reported that a larger number of violating workers had been detected but for various reasons were not deported. In some cases, deportation was cancelled upon payment of fees, with a violation notice instead issued to the employer, and with the worker given a grace period to regularise their status.⁴³¹ Egyptians were identified by the Ministry of Labour as the nationality most prone to labour violations or informal work, largely in the construction, agriculture and services sectors.⁴³² However, the Ministry of Interior stated that Yemeni workers were also being increasingly found in informal work.⁴³³ Sawiyan remarked that the Ministry of Labour campaign was not as harsh on migrant workers from Egypt, Sri Lanka and the Philippines as they were on other non-Syrian refugees, indicating selective enforcement based on nationality.⁴³⁴

As for documentation demographics, the Ministry of Labour reported that of UNHCR registered refugees, 15 were found working illegally in 2024, and 47 from 1 January 2025 to 29 June 2025. Fortunately, the Ministry professes that limited numbers of refugee children are found to be working in the labour market: 12 in 2024 and five within the same time frame as above in 2025.⁴³⁵ Yet, this figure is at odds with the earlier 2023 UPR which reported

⁴²⁷ Document from anonymous senior minister, Ministry of Labour, Jordan to author (19 May 2025).

⁴²⁸ Johnston and others (n 267) 42.

⁴²⁹ Document from anonymous senior minister, Ministry of Labour (n 426).

⁴³⁰ Weldali (n 425).

⁴³¹ Document from anonymous senior minister, Ministry of Labour (n 426).

⁴³² *ibid.*

⁴³³ Interview with anonymous senior minister, Ministry of Interior (n 274).

⁴³⁴ Interview with Ricky and Hassan (n 339).

⁴³⁵ Document from anonymous senior minister, Ministry of Labour (n 426).

an increase in child labour up to 100,000 in 2020.⁴³⁶ Whilst this figure certainly includes Jordanian children, it is known that undocumented refugee adults, fearing arrest, often send their children out to work.⁴³⁷

Many refugees are compelled to work informally. Yemeni men work as ‘servants in coffeehouses, housekeepers, honey sellers or waitstaff in Yemeni restaurants’, particularly in Al-Jbeiha neighbourhood.⁴³⁸ For stateless and undocumented asylum seekers and refugees legal work is entirely inaccessible, placing them at heightened risk of exploitation. Reports describe long work hours and the withholding of salary as commonplace.⁴³⁹ Some workers with documents have them confiscated, which also places them at risk of losing their legal protections associated with their nationality. In particular, the Yemeni population has expressed fear in seeking work in Jordan in case they are deported back to Yemen where violence and persecution await them.⁴⁴⁰

The labour market is as much a threat to the security of non-Syrian refugees and asylum seekers as it is their lifeline. For undocumented and stateless individuals, the threat is much bigger. For non-Syrians, applicants must first obtain annual residency permits, which cannot be obtained without a valid passport.⁴⁴¹ Following this, applicants must visit the Ministry of Labour and then the Ministry of Interior, a process which would be incredibly daunting for stateless individuals who fear arrest and deportation over their lack of legal protections, and became much more complicated post-2019.⁴⁴² Informal work then becomes the only option, but does nothing to relieve precarity. Invisible in the eyes of the state, stateless individuals and the wider community of refugees suffer the structural violence of being ignored.

⁴³⁶ UNHCR, ‘Submission for the UPR: Jordan’ (n 259) 8.

⁴³⁷ Mohammad Abbas Mohsen, ‘The Legal Status of Iraqi Refugees in Neighbouring Countries’ (May 2016) 52 *Forced Migration Review* 94 <<https://www.fmreview.org/solutions/mohsen/>> accessed 19 May 2025.

⁴³⁸ Al-Majali (n 282) 15.

⁴³⁹ Florian Bochet, ‘Non-Existent Humans: How Stateless Persons are Forced to Work Informally’ (*Harvard International Review*, 15 January 2021) <<https://hir.harvard.edu/non-existent-humans/>> accessed 20 August 2025.

⁴⁴⁰ Al-Majali (n 282) 15.

⁴⁴¹ Tamkeen Legal Aid and Human Rights (n 271) 9.

⁴⁴² *ibid.*

Article 35 of the Law on Residence and Foreign Affairs states that employers must pay a fine of JOD 50-75 if caught employing a foreigner without a residence permit. Under the 2025 crackdowns, the Ministry of Labour demanded a JOD 800 fee per undocumented employee for employers, with the ministry refusing to issue any waivers.⁴⁴³ As a result, employers are less likely to give work to refugees without documentation, further pushing these communities to the periphery. The government's selective and punitive enforcement, particularly against Yemeni and Sudanese workers, heightens their risks of being caught and suffering indefinite detention. When asked about the future of unregistered and undocumented refugees in Jordan, the Ministry of Labour responded that a plan was submitted to the Cabinet regarding the regulation of labour in the informal sector for discussion, feedback and approval.⁴⁴⁴ It seems unlikely however, that meaningful change will come of this, as the government's consistent approach is to ignore the existence of undocumented and stateless refugee communities.

⁴⁴³ Weldali (n 425).

⁴⁴⁴ Document from anonymous senior minister, Ministry of Labour (n 426).

4. Humanitarian actors and access to protection

Having outlined in the earlier chapters how state policies and practices create and punish stateless refugees, this chapter shifts the focus towards humanitarian aid organisations and their obligations towards stateless persons. It explores the role of UNHCR registration and its impacts on the risk of statelessness, the non-inclusive nature of some organisations and the potential for stateless inclusion into the One Refugee and vulnerability-based approaches. Ultimately, it highlights how aid practices can either mitigate or exacerbate the challenges faced by stateless, non-Syrian refugees.

4.1 UNHCR registration and the risk of statelessness

UNHCR has operated in Jordan since 1990, signing a MoU with the government in 1998. Its role expanded considerably in 2011, following the outbreak of the Syrian civil war, with amendments made to the MOU in 2014.⁴⁴⁵ It has since become the focal point for refugee protection in the country, operating out of three main offices in Amman, Irbid and Mafrqa, providing documentation renewal, counselling, cash assistance and other services for refugees both within and outside of the camp.⁴⁴⁶ In 2013, UNHCR introduced iris-scanning biometrics technology to verify refugee identity and to facilitate access to aid services and cash

⁴⁴⁵ Amman Centre for Human Rights Studies (ACHRS), 'Black Refugees in Jordan: Discrimination, Racial Abuse and Neglect' (October 2020) 5 <<https://achrs.org/english/wp-content/uploads/2020/10/Black-Refugees-in-Jordan.pdf>> accessed 22 July 2025.

⁴⁴⁶ UN High Commissioner for Refugees (UNHCR), 'Jordan Thematic Factsheet: Protection' (2024) 1 <<https://reliefweb.int/report/jordan/jordan-thematic-factsheet-protection>> accessed 3 May 2025.

withdrawals.⁴⁴⁷ For non-Syrians, an ASC is issued upon registration, valid for one year and then requiring annual renewal.⁴⁴⁸ In theory, refugees should then obtain six-month renewable residency permits from the Ministry of Interior.⁴⁴⁹ Ultimately, however, as per the MOU, UNHCR is obliged to find a ‘durable solution’ for each refugee within six months of their registration, an aim that has proved unrealistic.⁴⁵⁰

A turning point came on 23 January 2019 with the suspension of new asylum seekers of non-Syrian origin ordered by the GoJ. This targeted those who had arrived on medical, work, tourist and student visas, and included those who had already started their registration process with UNHCR.⁴⁵¹ Consequently, arrivals from Iraq, Yemen, Sudan and Somalia have been denied protection since, however strong their asylum claim is.⁴⁵² Instead, under the Law on Residence and Foreigners’ Affairs, these communities can only remain ‘legally present’ for three months upon their arrival in Jordan, with the potential to extend it for another three months. Any stay beyond this is only possible if overstay fines of JOD 3 (previously 1.5) a day are paid, or one-year residency is achieved.⁴⁵³ However, in practice, even when registered with UNHCR, non-Syrians are refused from obtaining governmental identity documents after their visas expire.⁴⁵⁴

⁴⁴⁷ United Nations High Commissioner for Refugees (UNHCR), ‘Jordan: UNHCR Country Factsheet, January 2025’ (2025) 2 <<https://reliefweb.int/report/jordan/jordan-unhcr-country-factsheet-january-2025>> accessed 8 June 2025.

⁴⁴⁸ *ibid.* 1.

⁴⁴⁹ Global Detention Project, ‘Jordan Immigration Detention Profile’ (July 2020) <<https://www.globaldetentionproject.org/countries/middle-east/jordan/#country-report>> accessed 4 May 2025.

⁴⁵⁰ *ibid.*

⁴⁵¹ Lewis Turner, ‘Creating an Inclusive Refugee Response in Jordan’ (ASILE Project 2024) 4 <<https://www.asileproject.eu/wp-content/uploads/2024/02/ASILE-POLICY-BRIEF-Jordan.pdf>> accessed 9 August 2025.

⁴⁵² *ibid.*

⁴⁵³ Rochelle Johnston, Dina Baslan and Anna Kvittingen, *Realizing the Rights of Asylum Seekers and Refugees in Jordan from Countries Other than Syria with a Focus on Yemenis and Sudanese* (Norwegian Refugee Council 2019) 15 <<https://reliefweb.int/report/jordan/realizing-rights-asylum-seekers-and-refugees-jordan-countries-other-syria-focus>> accessed 18 June 2025.

⁴⁵⁴ Dina Baslan, ‘Mobilisation: a Mode of Survival for Overlooked Minority Refugees’ (June 2023) Forced Migration Review Special Feature – Mobilising for rights in the MENA region 17.

For refugees, a UNHCR document is a ‘holy grail’ that ‘solves all their problems’, said a senior employee at the CRP.⁴⁵⁵ The impacts of non-registration pervade all aspects of daily life, including access to healthcare, labour and accessing legal aid. At Sawiyan, they described unregistered refugees as ‘the most in need, and the most denied’.⁴⁵⁶ In practice, ownership of an ASC can amount to de-facto recognition of refugee status.⁴⁵⁷ Instances were reported of women being refused hospital entry due to lack of documentation.⁴⁵⁸ During the 2024 and 2025 labour deportations, registration status determined whether someone was detained or released. Without legal presence in the country, non-Syrian asylum seekers can be ‘arrested and legally deported unless they are registered with UNHCR as an asylum seeker or refugee’.⁴⁵⁹ Registered refugees, whilst not immune from encounters with law enforcement, benefit from certain protections their unregistered counterparts do not, amongst them the ability to approach the court. By going to court ‘unregistered persons put themselves at more risk; it’s like going to the police at their home’.⁴⁶⁰ The criminalisation of the very existence of non-registered refugees in Jordan effectively cuts them off from legal aid and processes, a matter compounded by the discretion of judges in issuing decisions. Ricky, a registered Sudanese refugee, also mentioned how if he were to marry a woman from his community, neither she nor their children would be registered, blocking their access to health services at the subsidised rate of Jordanians.⁴⁶¹

In addition to determining access to state support and services, UNHCR registration for refugees additionally determines access to most humanitarian assistance in Jordan. UNHCR itself reports that it issues ‘legal documents that prevent statelessness and enable refugees and asylum seekers to access services and humanitarian assistance’.⁴⁶² As per Turner, non-registration with UN-

⁴⁵⁵ Interview with anonymous officer, Collateral Repair Project (Amman, Jordan, 23 April 2025).

⁴⁵⁶ Interview with Ricky and Hassan, Sawiyan (Amman, Jordan, 3 May 2025).

⁴⁵⁷ Burlin and Ahmad, ‘Recognition Beyond RSD: Civil and Legal Documentation for Syrian Refugees in Jordan’ (*Refugee Law Initiative Blog*, 25 September 2020) <<https://rli.blogs.sas.ac.uk/2020/09/25/recognition-beyond-rsd-civil-and-legal-documentation-for-syrian-refugees-in-jordan/>> accessed 19 August 2025.

⁴⁵⁸ Interview with Ricky and Hassan (n 456).

⁴⁵⁹ Johnston and others (n 453) 15.

⁴⁶⁰ Interview with Ricky and Hassan (n 456).

⁴⁶¹ *ibid.*

⁴⁶² UNHCR, ‘Jordan: UNHCR Country Factsheet’ (n 447) 1.

HCR makes it much harder for ‘protection seekers to access aid and services provided by (I)NGOs’.⁴⁶³ Of the refugees spoken to for the study, when asked what the most useful thing would be for them at the moment, UNHCR registration was the unanimous response, believing their ability to register for food, money or other support would all be facilitated by registration.⁴⁶⁴

Patterns of UNHCR registration are not consistent across the non-Syrian communities. Indeed, even prior to the halting of registrations, Yemenis were reported to not be registering with the refugee agency; only 41% of Yemenis in Jordan registered in August 2018.⁴⁶⁵ Whilst some chose not to register because they had money or work permits, data from the NRC revealed that awareness of registration was lower amongst the Yemeni community compared to the Sudanese.⁴⁶⁶ Moreover, many Yemeni asylum seekers did not seek out registration as they assumed their displacement after the outbreak of the civil war in 2014 would be temporary.⁴⁶⁷ Whilst the number of Yemeni asylum seekers has been on the rise since 2017, those that arrived after 2019 have no route to legalise their status with UNHCR documentation nor residency permits, leading them to be referred to as the ‘unknowns’ (maḡhūlin), as they could be deported to Yemen at any time.⁴⁶⁸

Although halting UNHCR registration does not itself directly produce statelessness in Jordan, it greatly exacerbates statelessness risks among Iraqi, Yemeni, Sudanese and Somali refugees. As one of the few mechanisms through which refugees can assert identity and access protection mechanisms, UNHCR registration can be viewed as a practical statelessness prevention tool. In UNHCR’s own words, ‘registration of refugees with UNHCR, by providing a record of their status, helps protect refugees’.⁴⁶⁹ The process provides proof of the link between displaced individuals and their countries of origin and is particularly valuable for

⁴⁶³ Lewis Turner, ‘Who is a Refugee in Jordan? Hierarchies and Exclusions in the Refugee Recognition Regime’ (2023) 36(4) *Journal of Refugee Studies* 877, 887 <<https://doi.org/10.1093/jrs/fead083>>.

⁴⁶⁴ Interview with Sudanese and Yemeni refugees (x12), facilitated by Collateral Repair Project (Amman, Jordan, 7 May 2025).

⁴⁶⁵ Johnston and others (n 453) 17.

⁴⁶⁶ *ibid* 18.

⁴⁶⁷ Al-Majali (n 482) 5.

⁴⁶⁸ *ibid* 12.

⁴⁶⁹ Zahra Albarazi and Laura van Waas, ‘Understanding Statelessness in the Syria Refugee Context’ (Institute on Statelessness and Inclusion (ISI) and Norwegian Refugee Council (NRC) 2016) 41 <<https://www.syrianationality.org/pdf/report.pdf>> accessed 20 July 2025.

undocumented individuals who lack residency permits in Jordan. Through scanning and copying of civil registration documents, a paper trail is created that can compensate for the loss, confiscation or damage of documents that often occurs in displacement contexts.⁴⁷⁰ Registration, therefore, offers the sole opportunity to create an administrative footprint in the host state and maintains a verifiable record of their origin, identity and civil status. Moreover, registered refugees benefit from established communication links between UNHCR, particularly regarding communication surrounding civil registration procedures, as discussed in Section 2.2.⁴⁷¹

Manby states that refugee registration may temporarily defer the urgency of resolving an individual's nationality status by allowing access to essential services and legal protections. However, the issue becomes critical once refugee status is withdrawn, ceased or otherwise revoked. In principle, documents issued by UNHCR or host countries are sufficient to reassert nationality with a person's country of origin under the 'ceased circumstances' clause of the Refugee Convention.⁴⁷² However, in reality, this is not always the case. For refugees such as the Yemenis who never attempted registration, the absence of documentation and a historical record of their status in Jordan means there is no administrative trail that could link them to their country of origin. Consequently, in instances where displaced persons do not possess identity documents, or for those who may lose them in the future, this absence of registration makes asserting nationality in the future even harder, leaving them highly vulnerable to indefinite statelessness.⁴⁷³

Particularly alarming is the risk of statelessness for children born to unregistered refugees. The limited access to humanitarian aid that comes with being unregistered means that women giving birth cannot always afford the required hospital fees for

⁴⁷⁰ Albarazi and van Waas (n 469).

⁴⁷¹ *ibid.*

⁴⁷² Bronwen Manby, 'Citizenship and Statelessness in the Horn of Africa' (15 December 2021) SSRN 54 <<http://dx.doi.org/10.2139/ssrn.4011307>>; United Nations Treaty Collection, 'Convention Relating to the Status of Refugees: Status as at 30 August 2025' <https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2> accessed 31 August 2025.

⁴⁷³ European Centre for Democracy and Human Rights (ECDHR), 'A Voice for the Voiceless: Advocating for Yemeni Refugees' Rights in Jordan' (2024) <<https://www.ecdhr.org/a-voice-for-the-voiceless-advocating-for-yemeni-refugees-rights-in-jordan/>> accessed 14 May 2025.

non-registered refugees.⁴⁷⁴ Women are therefore forced to give birth at home, which, if not done with a certified midwife present, can result in the absence of a birth notification, placing a child at immediate risk of statelessness.⁴⁷⁵ Anecdotally, interviews revealed that instances where women give birth at home because of their inability or reluctance to go to hospitals are common.⁴⁷⁶ Manby asserts that ‘long-term refugees, and especially their descendants born in exile, may be at risk of statelessness; above all if they have never registered with UNHCR or formally claimed refugee status through a national process, or if births are not registered by the authorities of the country of birth’.⁴⁷⁷ Certainly, displacement makes proving connections to the country of origin harder with each successive generation, creating intergenerational statelessness and a population of children invisible to the state and aid services.⁴⁷⁸

However, UNHCR has a mandate to address both situations of statelessness and to assist in resolving cases which may arise.⁴⁷⁹ And indeed, it has ‘operationalised its responsibilities towards statelessness in the past decade, dedicating a budget line for its work and expand[ing] the number of staff designated on working on statelessness specifically’.⁴⁸⁰ It has succeeded in addressing some of the factors that lead to statelessness, working with the GoJ on policies such as: reducing the number of Syrian children born in Syria lacking any form of identification from 44,000 in 2015 to 8,800 in the space of a year; establishing a referral system for Complex Cases to a governmental Special Protection Committee; setting up initiatives to regularise informal marriages without

⁴⁷⁴ Mennonite Central Committee, ‘On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan’ (2017) 5 <<https://reliefweb.int/report/jordan/basis-nationality-access-assistance-iraqi-and-other-asylum-seekers-and-refugees-jordan>> accessed 8 June 2025.

⁴⁷⁵ Albarazi and van Waas, ‘Understanding Statelessness in the Syria Refugee Context’ (n 468) 41.

⁴⁷⁶ Interview with anonymous officer, legal refugee organisation in Jordan (Zoom, 18 April 2025); Interview with anonymous officer 2, mid-sized refugee INGO in Jordan (Amman, Ho 12 May 2025).

⁴⁷⁷ Manby ‘Citizenship and Statelessness in the Horn of Africa’ (n 472) 53-54.

⁴⁷⁸ UN High Commissioner for Refugees (UNHCR), ‘Stateless Persons in Detention: A tool for their identification and enhanced protection’ (June 2017) 10 <<https://www.refworld.org/policy/opguidance/unhcr/2017/en/117659>> accessed 30 July 2025.

⁴⁷⁹ Mark Manly and Santhosh Persaud, ‘UNHCR and responses to statelessness’ (April 2009) 32 *Forced Migration Review* <<https://www.fmreview.org/manly-persaud/>> accessed 4 July 2025.

⁴⁸⁰ The Legal Agenda, *Nationality and Cases of Statelessness in the Middle East and North Africa* (Laura van Waas and Zahra Albarazi eds, Tilburg University and the Open Society Foundations 2016) 40.

cost or punishment; and the establishment of accessible civil registration and judicial services in camps.⁴⁸¹ The above initiatives serve to demonstrate that UNHCR has the capacity to tackle statelessness effectively when the issue is recognised, politically supported and funded.

One statelessness expert reported that both the GoJ and UNHCR largely deny the existence of statelessness.⁴⁸² Instead, it seems the issue is the lack of acknowledgment of its presence amongst the non-Syrian community, a fact which cannot be separated from the broader disregard for these communities and their needs as a whole. Data from July 2025 indicates that between the Iraqi, Yemeni, Sudanese, Somali and other non-Syrian communities, there are an identified 829 children at risk, 45 unaccompanied or separated children and 1,910 persons with ‘specific legal and/or physical protection needs’ which refer to threats of refoulement, arbitrary arrest and also include cases of stateless persons.⁴⁸³ The risk of statelessness amongst children increases when in situations of forced displacement and of family separation.⁴⁸⁴ Furthermore, the fact that statelessness is not an explicit category itself, with cases instead subsumed into broader categories, erases a core dimension of vulnerability. Whilst the numbers on non-Syrian refugees, as to their number, registration and documentation statuses, remain uncertain, the risk of statelessness as exposed here is far from hypothetical. And though the Ministry of Planning confirmed earlier this year that reopening registration was not a current priority, it must be seen as a vital protection need on which UNHCR should continue to press the government.⁴⁸⁵

⁴⁸¹ MENA Statelessness Platform, ‘Home’ <<https://www.statelessnessmena.com>> accessed 20 August 2025.

⁴⁸² Interview with anonymous MENA region statelessness expert 2, statelessness network (Amman, Jordan, 24 April 2025).

⁴⁸³ UNHCR, ‘External Statistical Report on UNHCR Registered Refugees and Asylum-Seekers Jordan as of 31 July 2025’ (UNHCR, 5 August 2025) <<https://data.unhcr.org/en/documents/details/117930>> accessed 23 May 2025.

⁴⁸⁴ UN High Commissioner for Refugees (UNHCR), ‘Global Campaign to End Statelessness in 10 Years: Jordan Situation Report’ (UNHCR 2014) 10 <<https://unhcr.org/wLaxSS>> accessed 15 June 2025.

⁴⁸⁵ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (Amman, Jordan, 12 May 2025).

4.2 Discrimination from humanitarian aid organisations

Whilst the responsibility to protect refugee and stateless communities rests first and foremost with the Jordanian state, humanitarian aid organisations are also obliged to offer protection to these communities. Yet, the humanitarian landscape in Jordan reveals a system that upholds a pattern of exclusion towards non-Syrian refugee communities that is at odds with their obligations. A human rights official in 2020, quoted in Williams, stated that ‘absolutely, without question, the Jordanian framework is one based on refugee hierarchy and is no way impartial’.⁴⁸⁶ According to Williams, humanitarian actors, including but not limited to UNHCR, have not sufficiently criticised the hierarchical JRP, the government-led coordinating mechanism for humanitarian aid.⁴⁸⁷ However, it is not silence alone that perpetuates this discrimination.

A defining operational reality in the humanitarian aid industry is the need to classify and prioritise categories of aid recipients. However, this prioritisation can often result in discrimination by organisations, as numerous reports over the past years have revealed in Jordan on account of nationality and ethnicity. In 2019, Yemeni and Sudanese refugees decried ‘disrespectful, even racist, treatment by organisational staff’ as well as ‘poor quality of services; lengthy wait times; and unequal access to services’.⁴⁸⁸ Even prior to registration suspension, the Mennonite Central Committee highlighted the racism experienced by the Sudanese from aid workers which reduced their access to aid. This pattern of treatment was corroborated by UNHCR’s health access survey which indicated that Sudanese and Somalis were faced with ruder treatment from staff than Syrians and Iraqis.⁴⁸⁹ In 2018, Yemeni refugees reported that ‘dozens’ of INGOs and aid agencies refused

⁴⁸⁶ Aaron Williams, ‘Is the Humanitarian Sector Practicing What It Preaches? What an Examination of the Refugee Response Framework in Jordan Tells Us About the Humanitarian Sector’s Real Feelings on Localization, Impartial Aid, and Humanitarian Principles’ (Locally Led International 2023) 11 <<https://static1.squarespace.com/static/62900cf85901695762d9fb81/t/640b979789845d7d9b37c386/1678481494556/Is+The+Humanitarian+Sector+Practicing+What+It+Preaches+Report.pdf>> accessed 23 May 2025.

⁴⁸⁷ Turner, ‘Who is a Refugee in Jordan?’ (n 463) 888.

⁴⁸⁸ Johnston and others (n 453) iii.

⁴⁸⁹ Mennonite Central Committee (n 474) 31-32.

assistance to them based on their nationality.⁴⁹⁰ ‘Every time we say we are Yemenis, they close the door in our faces’, voiced Mr Qassem, a trained professional who works illegally as an unskilled labourer to survive. ‘It is always the same response: Syrian yes, Iraqi maybe, but Yemenis, no – always no.’⁴⁹¹

As will be explored in the next section, with the introduction of the One Refugee Approach, some progress has been made in this regard. However, more recent reports reveal that the trend of discrimination continues. Both Turner and Al-Masri, in separate papers written in 2024, refer to the discrimination and restrictions faced by Iraqi, Yemeni, Sudanese and Somali POCs seeking aid from humanitarian organisations.⁴⁹² In Jordan, access to humanitarian assistance has been historically contingent upon documentation and proof of identity. Most NGOs accept Ministry of Interior cards – the document issued for Syrians when registered with UNHCR – but the equivalent for non-Syrians, an ASC, has not been accessible since 2019, leaving many without any such documentation.⁴⁹³ This requirement effectively excludes undocumented refugees; Davis cites the case of a family from Darfur, who arrived in Jordan 2020, but reported that after three years in the country they were still unable to receive any assistance from the majority of organisations in the country.⁴⁹⁴

A key reason for this treatment is the lack of information surrounding these communities. Both INGOs and UNHCR have minimal information on Yemeni asylum seekers due to limited research.⁴⁹⁵ Since 2018, UNHCR has received information from a representative from each non-Syrian refugee community to hear their concerns, but quantitative data remains limited and overlooks

⁴⁹⁰ Taylor Luck, ‘For Yemenis, Arab World’s Refugees-Come-Lately, Jordan Offers Little Relief’ (*The Christian Science Monitor*, 29 March 2018) <<https://www.csmonitor.com/World/Middle-East/2018/0329/For-Yemenis-Arab-world-s-refugees-come-lately-Jordan-offers-little-relief>> accessed 1 August 2025.

⁴⁹¹ *ibid.*

⁴⁹² Turner, ‘Creating an Inclusive Refugee Response in Jordan’ (n 451); Shaddin Al-Masri, ‘How Humanitarian–Development Responses May Discriminate by Nationality: Refugee and Migrant Inclusion Following the 2016 Jordan Compact’ (2024) 42(1) *Development Policy Review* e12734 6 <<https://doi.org/10.1111/dpr.12734>>.

⁴⁹³ Kayla Ghantous and Lori Eller, ‘The Campaign to End Statelessness in Jordan’ (Boston University School of Law, International Human Rights Clinic March 2021) 75 <https://www.bu.edu/law/files/2021/09/Statelessness-In-Jordan-Report_3.2021-1.pdf> accessed 29 June 2025.

⁴⁹⁴ Hana Davis, ‘Non-Syrian Refugees Refused Assistance in Jordan’ (*Open Democracy*, 24 April 2023) <<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/non-syrian-refugees-refused-humanitarian-aid-in-jordan/>> accessed 4 June 2025.

⁴⁹⁵ Al-Majali (n 482) 14.

statelessness.⁴⁹⁶ Alongside a lack of knowledge from organisations on statelessness, stateless persons in these communities are rendered invisible. Based on both interviews for this study and published reports on their activities, larger NGOs and legal aid organisations do not seem to be aware of the full extent of the issues facing these groups, and even smaller organisations and CBOs lack awareness on the presence and risks of statelessness. Research in 2021 found that several organisations recognised that displaced populations from countries other than Syria suffered the same challenges as Syrians, including statelessness.⁴⁹⁷

The Arab Women's Organisation, speaking in the context of the often-stateless children of Jordanian women and non-Jordanian men, describe feelings of 'deprivation ... rejection from society ... non-stability ... anger ... [and] inferiority'.⁴⁹⁸ With the lack of assistance for non-Syrian refugees or acknowledgement of their needs among larger organisations, and the absence of knowledge on statelessness across the humanitarian sector, these sentiments may also resonate amongst the undocumented non-Syrian community, despite the dearth of research on their experiences. This dynamic is illustrated by a case cited by a senior CRP employee: a stateless man unable to obtain either a Sudanese or South Sudanese passport, living in Hashemite Square, surviving on minimal food, fearful of walking the streets of Amman lest the police detain or deport him, and unable to access most humanitarian services.⁴⁹⁹ Such cases exemplify the need for NGOs to offer their support to the people who are most vulnerable,⁵⁰⁰ otherwise, their exclusion can translate into profound social and psychological insecurity for non-Syrian stateless or undocumented individuals.

Saltsman further emphasised how 'being in a "vulnerability context" is directly connected to a sense of insecurity, which in turn compounds frustration with these agencies' perceived lack of transparency'.⁵⁰¹ Similarly, the NRC references a 'fear' amongst

⁴⁹⁶ Al-Majali (n 482).

⁴⁹⁷ Ghantous and Eller (n 493) 97.

⁴⁹⁸ The Legal Agenda (n 480) 224.

⁴⁹⁹ Interview with anonymous senior officer, Collateral Repair Project (Amman, 23 April 2025).

⁵⁰⁰ *ibid.*

⁵⁰¹ Adam Saltsman, 'Displaced Iraqis in Jordan: Formal and Informal Information Flows, and Migratory Decisions in a Context of Uncertainty' (2011) 28(1) *Refuge: Canada's Journal on Refugees* 81, 88 <<https://www.jstor.org/stable/48648619>> accessed 12 May 2025.

stateless persons in approaching service providers.⁵⁰² Their lack of recognised legal status, and its criminalisation, can make them hesitant of seeking support for fear of potential consequences. Whilst interviews for this study largely challenged this notion of fear as a deterrent, instead a general reluctance to approach organisations, often citing a lack of faith that their visits would result in tangible support, was voiced.⁵⁰³ Such is the case for a young, unregistered, Sudanese woman at the CRP Downtown office, who described applying two years ago for the CRP food programme and still being on the waitlist. She expressed further frustration at organisations recording her personal situation and needs, but not her name or contact details. How, then, will they get back in touch with her to help her? she asks.⁵⁰⁴

In Jordan, the humanitarian system has strayed from its foundational principles of neutrality, impartiality and non-discrimination, in large part due to the earmarking of donor funds to certain refugee groups.⁵⁰⁵ Earmarking refers to the practice whereby donors designate their financial contributions towards specific populations, purposes or projects. Al-Masri defines it as the ‘phenomenon of restricting aid responses, such as cash distribution, in-kind aid, registration and protection, labour access and others’.⁵⁰⁶ This trend has continued in subsequent years, as of July 2025, UNHCR Jordan was only 28% funded, with over half of that ‘tightly

⁵⁰² Norwegian Refugee Council and Tilburg University, ‘Statelessness and Displacement: Scoping Paper’ (Norwegian Refugee Council and Tilburg University, 2016) 25 <<https://www.nrc.no/globalassets/pdf/reports/statelessness-and-displacement.pdf>> accessed 13 July 2025.

⁵⁰³ Interview with Sudanese and Yemeni refugees at Collateral Repair Project (n 464).

⁵⁰⁴ Interview with Sudanese and Yemeni refugees (x12), (statement of ‘Fadia’ (pseudonym)) (n 464).

⁵⁰⁵ Williams (n 486) 1.

⁵⁰⁶ Shaddin Al-Masri, ‘Exclusive Refuge: Origins, Causes and Impacts of Exclusionary Nationality-Based Targeting in Refugee Protection and Aid’ (ASILE Working Papers, Centre for European Policy Studies, March 2022) 2 <https://www.asileproject.eu/wp-content/uploads/2022/04/Al-Masri_ASILE-Training-Working-Paper-2.pdf> accessed 1 July 2025.

earmarked', the majority of the remaining 'earmarked' or 'softly earmarked'.⁵⁰⁷ Funding reports from 2019 to 2024 reveal that although the degree of earmarking fluctuates slightly, this trend has largely remained the same across these years.⁵⁰⁸

This dynamic has been reinforced by the JRP and the broader 3RP, which since 2013 have served as the main channels for aid. The Financial Tracking Service, which monitors humanitarian aid flows, shows that since the initiation of the 3RP, Jordan's funding has been, in its vast majority (between 77.2-90.1% from 2013-2024) through 'coordinated plan funding', with the 3RP the sole plan recipient.⁵⁰⁹ 2025 appears to mark a change in this trend. As of 31 August 2025, only 42.9% was directed through the coordinated plan, with the majority going to 'other funding' for the first time. Given it is not yet the end of the year, it is too early to make conclusive observations.⁵¹⁰ Nevertheless, the pattern suggests a shift in donor behaviour away from the 3RP framework. When asked about this shift, UNHCR stated they had reached out to the Ministry of Planning (MoPIC), and received no response.⁵¹¹ Guesses could be made as to whether the change is influenced by the fall of the Syrian regime in 2024, and the overall decline in

⁵⁰⁷ United Nations High Commissioner for Refugees (UNHCR), 'Jordan Funding Update: 2025' (UNHCR 2025) 1 <<https://www.unhcr.org/sites/default/files/2025-08/Jordan%2BFunding%2BUpdate%2B31%2BJuly%2B2025.pdf>> accessed 15 May 2025.

⁵⁰⁸ *ibid*; UNHCR, 'Jordan Funding Update: 2024' (UNHCR 2024) <<https://www.unhcr.org/media/jordan-funding-update-2024>> accessed 15 May 2025; UNHCR, 'Jordan Funding Update: 2023' (UNHCR 2023) <<https://www.unhcr.org/media/jordan-funding-update-2023>> accessed 15 May 2025; UNHCR, 'Jordan Funding Update: 2022' (UNHCR 2022) <<https://www.unhcr.org/media/jordan-funding-update-2022>> accessed 15 May 2025; UNHCR, 'Jordan Funding Update: 2021' (UNHCR 2021) <<https://www.unhcr.org/media/jordan-funding-update-2021>> accessed 15 May 2025; UNHCR, 'Jordan Funding Update: 2020' (UNHCR 2020); UNHCR, 'Jordan Funding Update: 2019' (UNHCR 2019) <<https://data.unhcr.org/en/documents/details/71614>> accessed 10 May 2025.

⁵⁰⁹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service, 'Jordan 2013' <<https://fts.unocha.org/countries/114/summary/2013>> accessed 11 July 2025; 'Jordan 2014' <<https://fts.unocha.org/countries/114/summary/2014>>; 'Jordan 2015' <<https://fts.unocha.org/countries/114/summary/2015>>; 'Jordan 2016' <<https://fts.unocha.org/countries/114/summary/2016>>; 'Jordan 2017' <<https://fts.unocha.org/countries/114/summary/2017>>; 'Jordan 2018' <<https://fts.unocha.org/countries/114/summary/2018>>; 'Jordan 2019' <<https://fts.unocha.org/countries/114/summary/2019>>; 'Jordan 2020' <<https://fts.unocha.org/countries/114/summary/2020>>; 'Jordan 2021' <<https://fts.unocha.org/countries/114/summary/2021>>; 'Jordan 2022' <<https://fts.unocha.org/countries/114/summary/2022>>; 'Jordan 2023' <<https://fts.unocha.org/countries/114/summary/2023>>; 'Jordan 2024' <<https://fts.unocha.org/countries/114/summary/2024>> all accessed 11 July 2025.

⁵¹⁰ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service, 'Jordan 2025' <<https://fts.unocha.org/countries/114/summary/2025>> accessed 11 July 2025.

⁵¹¹ Correspondence from anonymous officer 1, mid-sized refugee INGO in Jordan (Amman, Jordan, 24 August 2025).

humanitarian funding: this year at only USD 156.9 million compared to 368.4-936.9 million over the past eight years.⁵¹² However, even if the total funding by the end of 2025 matches the level of 2024, the proportion of aid channelled outside the JRP will remain higher than at any point since the framework's inception. Interviews have revealed mixed attitudes on whether the repatriation of Syrians will result in greater focus on other communities, with some NGOs and interviewees expressing doubt, but Hassan at Sawiyan observing that since the fall of the Syrian regime, more non-Syrians are being interviewed for resettlement.⁵¹³

Decreases in funding have a tangible effect on the lives of all refugees, with poverty amongst refugees in Jordan increasing to 67% from 2021 to 2023, and debt levels in refugee households at an average JOD 1,100, five times their monthly income.⁵¹⁴ Davis and others note that targeted funding towards certain populations creates a humanitarian system that 'often addresses immediate refugee flows but ignores or normalises as less needy those who come from situations of protracted displacement'.⁵¹⁵ In Jordan, humanitarian aid entering to the country is largely channelled through the UN, with INGOs receiving the lesser share.⁵¹⁶ Even the funding that does reach INGOs is constrained by donor and institutional priorities. In 2021, two-thirds of INGO funding came directly from donors, with the rest from UN partnerships.⁵¹⁷ Jordanian policy, via the JRP and MoPIC approval, further channels aid towards Syrians and the host community.⁵¹⁸ Projects as recent-

⁵¹² OCHA Financial Tracking Service, 'Jordan 2025' (n 510).

⁵¹³ Interview with anonymous MENA region statelessness expert 1, statelessness network (Zoom, 14 April 2025); Interview with anonymous officer 2, mid-sized refugee INGO in Jordan (n 476); Interview with Hassan, Sawiyan (Amman, Jordan, 14 August 2025).

⁵¹⁴ United Nations High Commissioner for Refugees (UNHCR), 'Annual Results Report: 2024. Jordan' (UNHCR 2025) 27 <<https://www.unhcr.org/sites/default/files/2025-06/Jordan%20ARR%202024.pdf>> accessed 31 May 2025.

⁵¹⁵ Rochelle Davis and others, 'Sudanese and Somali Refugees in Jordan: Hierarchies of Aid in Protracted Displacement Crises' (Middle East Report No 279, Middle East Research and Information Project Summer 2016) 3 <<https://elevateddestinations.com/wp-content/uploads/2020/01/Davis-et-al-279-MERIP-Sudanese-Somali-Refugees-Jordan-1.pdf>> accessed 2 May 2025.

⁵¹⁶ OCHA Financial Tracking Service, 'Jordan 2013' (n 508); 'Jordan 2014' (n 508); 'Jordan 2015' (n 508); 'Jordan 2016' (n 508); 'Jordan 2017' (n 508); 'Jordan 2018' (n 508); 'Jordan 2019' (n 508); 'Jordan 2020' (n 508); 'Jordan 2021' (n 508); 'Jordan 2022' (n 508); 'Jordan 2023' (n 508); 'Jordan 2024' (n 508); 'Jordan 2025' (n 510).

⁵¹⁷ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Jordan Humanitarian Partnerships and Capacity Exchange Analysis 2021' (OCHA 2021) <<https://ardd-jo.org/wp-content/uploads/2023/02/Humanitarian-Partnerships-Analysis-NOV2021.pdf>> accessed 9 May 2025.

⁵¹⁸ Al-Masri, 'How Humanitarian-Development Responses May Discriminate by Nationality' (n 492) 10.

ly as 2022 were rejected if non-Syrians were specified in proposals, even if their inclusion was minimal.⁵¹⁹ Where organisations have circumvented governmental limitations, with programmes for non-Syrians, these tend to be limited to skills training rather than legal or protection services.⁵²⁰ Ultimately, institutional structures obstruct non-Syrian protection seekers from obtaining support that addresses their most pressing needs.

International policy dynamics play an important role in shaping aid. The European Union influenced the Jordan Compact through its trade deals and desire to reduce Syrian migration from Jordan to Europe.⁵²¹ Stephan remarks how the 2015 Congressional Research service reports on International Crises and Disasters revealed its political motivations: with Syria mentioned eight times, Iraq five times, Yemen only once despite the intensity of the humanitarian situation in the country, and Sudan not at all.⁵²² Whilst this was a decade ago, these early patterns set a ‘path dependency’ in Jordan’s humanitarian landscape, continuing to influence donors’ focus and with recognition of non-Syrian refugee needs remaining slow.⁵²³

These dynamics intersect with broader global trends in declining aid. Namely the halting of USAID, but also wider reduction in funding worldwide, which have affected all aid projects, including those for Syrians.⁵²⁴ In 2024, Syria, Iraq, Yemen, Sudan and Somalia’s UNHCR situation responses were all between

⁵¹⁹ Bjerg and others quoted in *ibid* 10; Mennonite Central Committee (n 474) 5.

⁵²⁰ Al-Masri, ‘How Humanitarian–Development Responses May Discriminate by Nationality’ (n 492) 10.

⁵²¹ Turner, ‘Creating an Inclusive Refugee Response in Jordan’ (n 451) 5.

⁵²² Carol Stephan, ‘Earmarking Humanitarian Aid by Nationality: The United States’ Contribution to UNHCR’s Syrians and Non-Syrians in Jordan’ (MA thesis, Central European University 2019) 14 <https://www.etd.ceu.edu/2019/stephan_carol.pdf> accessed 22 June 2025.

⁵²³ Al-Masri, ‘How Humanitarian–Development Responses May Discriminate by Nationality’ (n 492) 10.

⁵²⁴ Norwegian Refugee Council (NRC), ‘Aid Cuts Leaving Millions Without Support’ (*reliefweb*, 1 July 2025) <<https://reliefweb.int/report/world/aid-cuts-leaving-millions-without-support>> accessed 2 July 2025.

37.5-50.2% funded.⁵²⁵ By 31 July 2025, even taking into account that the year has not completed, funding for all responses had dramatically decreased. Somalia received only 16.5% of its needs, with the US slipping from being its largest to third-largest funder.⁵²⁶ Similarly Yemen, at only 13.6% funded, saw the US move from its first to fourth-largest donor.⁵²⁷ A report by Caritas remarks how the limited funding for these countries negatively affect the treatment of refugees in other countries, such as Jordan, leading to increased protection risks and vulnerability needs.⁵²⁸

Within this framework, organisations are bound by the government's framework due to the fact they primarily work under implementing partner contracts with UNHCR, and are therefore constrained by nationality-based funding.⁵²⁹ Despite this, there are calls for NGOs to do more to fill in the gaps left by UNHCR and address the needs of the non-Syrian population.⁵³⁰ In 2021, it was reported that NGOs, both local and international, were pushing back against the hierarchical, nationality-based framework, having expressed discomfort with its exclusion of non-Syrians.⁵³¹ Smaller organisations occasionally register as local charities with the Ministry of Social Development, and are therefore able to

⁵²⁵ UNHCR, 'Syria Situation Response Funding Update – 2024' (31 December 2024) <<https://www.unhcr.org/media/syria-situation-response-funding-update-2024>> accessed 1 June 2025; UNHCR, 'Iraq Situation Response: 2024 Funding Update (as of 31 December 2024)' (30 January 2025) <<https://reliefweb.int/report/iraq/unhcr-iraq-situation-response-2024-funding-update-31-december-2024>> accessed 1 June 2025; OCHA, 'Yemen: Humanitarian Response Plan (YHRP) 2024 - Funding Status' (31 December 2024) <<https://reliefweb.int/report/yemen/yemen-humanitarian-response-plan-yhrp-2024-funding-status-31-december-2024-enar>> accessed 1 June 2025; UNHCR, 'Sudan Situation: 2024 Funding Update (as of 31 December 2024)' (30 January 2025) <<https://reliefweb.int/report/sudan/unhcr-sudan-situation-2024-funding-update-31-december-2024>> accessed 1 June 2025; OCHA, 'Somalia 2024 Humanitarian Funding Overview (as of 31 December 2024)' (31 December 2024) <<https://www.unocha.org/publications/report/somalia/somalia-2024-humanitarian-funding-overview-31-december-2024>> accessed 5 August 2025.

⁵²⁶ OCHA, 'Somalia 2024 Humanitarian Funding Overview' (n 524); United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Somalia 2025 Humanitarian Funding Overview (As of 31 July 2025)' (31 July 2025) <<https://www.unocha.org/publications/report/somalia/somalia-2025-humanitarian-funding-overview-31-july-2025>> accessed 5 August 2025.

⁵²⁷ OCHA, 'Yemen: Humanitarian Response Plan (YHRP) 2024' (n 524); OCHA, 'Yemen: Humanitarian Needs and Response Plan (YHNR) 2025 - Funding Status' (31 July 2025) <<https://reliefweb.int/report/yemen/yemen-humanitarian-needs-and-response-plan-yhnrp-2025-funding-status-31-july-2025-enar>> accessed 14 August 2025.

⁵²⁸ Caritas Jordan, 'Iraqis Refugees in Jordan' (*Caritas Jordan*, November 2020) 3 <<https://www.caritasjordan.org.jo/Resources/7/Rep003%20Iraqis%20Refugees%20Situation%20Report%20-%202026112020%20copy.pdf>> accessed 8 May 2025.

⁵²⁹ Ghantous and Eller (n 493) 97.

⁵³⁰ Mennonite Central Committee (n 474) 5.

⁵³¹ Ghantous and Eller (n 493) 86, 97.

sidestep the limitations that come with foreign funding linked to large aid mechanisms.⁵³² However, these efforts are limited in their scale and sustainability, and the responsibility for non-discriminatory support does not lie solely with them. Instead, registration procedures with the donors and government need to be made more flexible. As one humanitarian worker explained in an interview, it is the responsibility of all NGOs to place more pressure on their donors in order to get them to offer money that is not just restricted for Syrians.⁵³³ She expressed that whilst there was some interest among several European donors to do so, they required specific data on these communities. On the contrary, structural reforms to funding mechanisms, organisational frameworks and policies require re-structuring that explicitly includes non-Syrians and stateless needs. By imposing restrictive requirements such as data demands as an excuse not to reform, actors bear the accountability for perpetuating systemic marginalisation.

4.3 The One Refugee Approach and a vulnerability-based approach to aid

The One Refugee Approach initiative was started in 2019 as a direct response to the Jordanian Cabinet's decision to halt refugee registrations.⁵³⁴ Its aim was to create a more inclusive, needs-based framework that included all persons of concern regardless of their nationality in all sectors and services in Jordan.⁵³⁵ Initially the focus of the initiative's advocacy was towards the government, but later switched towards the humanitarian sector.⁵³⁶ NGOs were invited to better understand the issues facing the non-Syrian communities, the lack of UNHCR registration foremost amongst these issues.⁵³⁷ Since 2017, UNHCR, alongside other implementing partner organisations in Jordan, has used the VAF to create a

⁵³² Al-Masri, 'How Humanitarian-Development Responses May Discriminate by Nationality' (n 492) 10.

⁵³³ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (n 485).

⁵³⁴ *ibid.*

⁵³⁵ UNHCR, 'Jordan Country Factsheet – September 2021' (UNHCR 2021) <<https://data.unhcr.org/en/documents/details/88696>> accessed 20 August 2025.

⁵³⁶ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (n 485).

⁵³⁷ Interview with Hassan (n 513).

humanitarian system that identifies refugee groups most in need. Whilst the ambitions behind these initiatives are important and have been beneficial for different reasons, both fall short of achieving a true vulnerability-based approach.

The VAF, developed by UNHCR and adopted by 20 large INGOs in Jordan, including ACTED, CARE International, DRC and Mercy Corps, initially only addressed Syrian refugees in camps.⁵³⁸ It was only in 2021, that UNHCR first expanded its report to include non-Syrians for the first time, though these varied communities were grouped collectively into a single category.⁵³⁹ The aims of the VAF are to support the humanitarian community in Jordan to:

1. Establish shared and consistent data about refugee vulnerability in Jordan...; 2. Target programmes in a more efficient and equitable manner...; 3. Strengthen coordination and decision making to inform the delivery of assistance and support the self-reliance of refugees.⁵⁴⁰

It identified vulnerability as a ‘multi-dimensional’ and ‘dynamic’ state, scoring on a 1–4 scale, and using universal indicators (predicted welfare, dependency ratio, coping strategies, documentation status (referring to UNHCR registration) and disability) and sector indicators (basic needs, food security, WASH, shelter, health and education).⁵⁴¹ Notably, indicators related to legal status or the risk of statelessness are absent, despite placing individuals into positions of heightened vulnerability.⁵⁴² Indeed, Kvittingen, quoted in Turner, notes there were immediate misgivings within the humanitarian community that such issues were pushed to the

⁵³⁸ UN High Commissioner for Refugees (UNHCR), ‘Introduction to VAF’ (2017) 8 <<https://unhcr.org/62a976cb14>> accessed 15 August 2025.

⁵³⁹ Al-Masri, ‘How Humanitarian–Development Responses May Discriminate by Nationality’ (n 492) 9.

⁵⁴⁰ UN High Commissioner for Refugees (UNHCR), ‘Vulnerability Assessment Framework (VAF) – Jordan’ <<https://data.unhcr.org/en/working-group/54>> accessed 20 August 2025.

⁵⁴¹ UNHCR, ‘Introduction to VAF’ (n 537) 5.

⁵⁴² Thomas McGee, ‘Recognising Stateless Refugees’ in *Recognising Refugees: Challenges and Innovations in Refugee Status Determination* (November 2020) 65 *Forced Migration Review* 45 <<https://www.fmreview.org/recognising-refugees/mcgee/>> accessed 19 May 2025.

periphery with this World Bank VAF welfare model.⁵⁴³ As a result, the vulnerability of stateless individuals may be underestimated and they may therefore miss out on receiving humanitarian aid, whilst those at risk of statelessness receive insufficient support to help mitigate this risk.

The more recently developed One Refugee Approach, which advocates for a vulnerability-based model, does not use a unified VAF.⁵⁴⁴ Several of the organisations interviewed for this study were members of the One Refugee Approach working group, and offered insights into its operations and achievements. As per research done in 2021, organisations such as CARE, NRC and Caritas have adopted the One Refugee Approach into their work and advocated for it more broadly.⁵⁴⁵ Sawiyan stated that they had worked closely with the One Refugee Approach working group to advocate for greater inclusion of Sudanese and Somalis. The One Refugee Approach emphasises the need to shift power towards refugees themselves, to raise awareness, to pressure governments and powerful organisations, and to focus on donors with substantial resources.⁵⁴⁶ Legal awareness and assistance is a priority for the group, who collaborate closely with UNHCR's legal unit to help secure the release of detained refugees, and after it was flagged as a concern, IRAP opened their services to unregistered Syrians and non-Syrians alike.⁵⁴⁷ These practices highlight how initiatives like the One Refugee Approach can create accountability among larger organisations and donors to prevent the proliferation of practices which exclude entire communities.

Ghantous and Eller remarked that only a limited number of organisations have the flexibility to provide aid without discrimination, citing Islamic Relief as a unique organisation for its ability to do so.⁵⁴⁸ One interviewee reported that organisations prefer to have projects that are easily approved and funded, rather than struggle to reach communities that make this less likely.⁵⁴⁹ Whilst the initiative is still growing, an interviewee at CRP expressed a

⁵⁴³ Lewis Turner, 'Defining, Operationalising and Translating "Vulnerability" in Humanitarian Work in Jordan' (2024) 51(7) *Journal of Ethnic and Migration Studies* 1654 <<https://doi.org/10.1080/1369183X.2024.2359683>>.

⁵⁴⁴ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (n 485).

⁵⁴⁵ Ghantous and Eller (n 493) 85.

⁵⁴⁶ Interview with Hassan (n 513).

⁵⁴⁷ *ibid*; Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (n 485).

⁵⁴⁸ Ghantous and Eller (n 493) 97.

⁵⁴⁹ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (n 485).

scepticism that it would become widely successful in Jordan's humanitarian sector, at an existential moment because of a lack of aid. A glance at UNHCR's fact sheets seems to reveal a lack of momentum, a notion which was hinted to by one interviewee with insight into the group. Both the 2021 and 2025 documents express the success of the One Refugee Approach in community-based protection and promoting social cohesion between and within refugee and host communities.⁵⁵⁰ Whilst the 2025 document stops there, the earlier version expresses the need to strengthen the approach's work in livelihoods, access to the labour market and asylum.⁵⁵¹ The exclusion of any mention progress come 2025, or of progress on any other front, suggests that the initiative has not made tangible change in this regard.

Critically, the initiative's advocacy for equal treatment of refugees regardless of nationality may benefit stateless individuals through the removal of nationality specifications and the need to present documents when accessing aid. This, however, is an indirect consequence, and stateless individuals and communities need to be explicitly written into the framework to ensure their needs are fully addressed. Both CARE's 2022 and 2023 Annual Needs Assessments, which are incredibly comprehensive when documenting the multitude of vulnerabilities faced by refugee populations in Jordan, entirely exclude stateless persons from their categorisation of the most vulnerable populations.⁵⁵² The approach cannot be truly effective and inclusive if stateless persons are ignored as a vulnerable group. Data collection may well miss statelessness if not seeking it out, and at a policy level, any reform regarding nationality or donor policies will be limited in its impact when some of the most vulnerable of these communities still find themselves excluded. Ghantous and Eller posit that if 'all INGOs receiving international aid and national NGOs implementing

⁵⁵⁰ UNHCR, 'Jordan Country Factsheet – September 2021' (n 534); UNHCR, 'Jordan Country Factsheet – January 2025' (UNHCR 2025) <<https://data.unhcr.org/en/documents/details/114827>> accessed 20 August 2025.

⁵⁵¹ UNHCR, 'Jordan Country Factsheet – September 2021' (n 534).

⁵⁵² CARE Jordan, '2022 Annual Needs Assessment Fact Sheet' (February 2023) <<https://care.at/wp-content/uploads/2023/09/JOR946-CARE-Jordan-Annual-Needs-Assessment-2022.pdf>> accessed 1 June 2025; CARE Jordan, '2023 Annual Needs Assessment Executive Summary' (May 2024) <<https://www.care.org/wp-content/uploads/2024/05/Annual-Needs-Assessment-English-Low-Res.pdf>> accessed 10 August 2025.

international contracts ... urgently put a “one-refugee” policy in place’, it would ‘ameliorate much of the deep poverty and marginalization faced by stateless and at-risk adults and children in the Kingdom’.⁵⁵³

However, indirect benefits from the One Refugee Approach or VAFs are not enough. In order to comprehensively tackle statelessness, the humanitarian sector must raise awareness of its nature and the vast consequences it has on refugees’ lives. This involves explicitly recognising statelessness as a named vulnerability rather than inferring its inclusion in other vulnerability categories. This is particularly important given all the organisations and individuals in Jordan’s humanitarian sector interviewed for this study professed a lack of knowledge of statelessness and were unaware it was an issue that affects communities beyond Syrians and Palestinians. Moreover, settling for policies such as the VAF and One Refugee Approach which do nothing to address the cause of statelessness, only the situation stateless persons find themselves in as a result, is insufficient. Whilst wider aid organisations can adapt their programmes to include stateless individuals, larger initiatives and organisations must exert pressure on the government and donors to address the root causes of statelessness, particularly for the children born to refugee and asylum seeker parents who are most at risk.

Smaller NGOs and CBOs can present instructive examples of integration. CRP, who have a diverse community that use their services, does not require any civil documentation or UNHCR card to access their services.⁵⁵⁴ Across their Hashmi and Downtown offices, their drop-in programmes are fully open-door, whilst their funded programmes do not require any qualifications to access. CRP operates on a needs-based model, using focus group discussions to assess the communities’ specific needs and desires, surveys asking for programmes suggestions, and local employees within the community. This localisation and responsive approach to community needs could be scaled up by other humanitarian and legal aid organisations and applied to target statelessness. Moreover, around 70% of CRP’s funding comes from individual donors, which affords them the liberty to choose which grants they accept and avoid accepting funds that are designated for

⁵⁵³ Ghantous and Eller (n 493) 98.

⁵⁵⁴ Interview with anonymous officer, Collateral Repair Project (n 455).

specific communities, such as those from USAID.⁵⁵⁵ Whilst not all organisations are in positions to do so, it demonstrates how genuine aid inclusivity requires the rejection of earmarked and exclusionary funding.

A regional statelessness expert remarked that ‘vulnerability frameworks aren’t flawless, and people don’t like being categorised as stateless’.⁵⁵⁶ Certainly, vulnerability frameworks need to be approached cautiously: frameworks can reduce complex realities into reductive numerical scores. However, avoidance of the term ‘stateless’ only serves to reinforce its invisibility. For the humanitarian sector to include and offer specialised assistance for stateless communities, it must be recognised not just as a lived experience but as a distinct and measurable form of vulnerability. Without this, any approach, however well-intentioned, will continue to misidentify, marginalise or under-serve stateless protection seekers.

⁵⁵⁵ *ibid.*

⁵⁵⁶ Interview with anonymous MENA region statelessness expert 2 (n 482).

5. Pathways for stateless inclusion

This chapter builds on the points raised so far to examine the challenges and opportunities for improving the inclusion of stateless refugee populations in Jordan. It first explores the main barriers to stateless inclusion, then frames intergenerational statelessness and humanitarian reform on statelessness through a child-rights approach. Finally, it presents recommendations for state bodies and humanitarian organisations alike to reduce statelessness and strengthen protection.

5.1 Barriers to stateless inclusion in Jordan

There are several points that have been echoed across the various interviews which have formed the basis of this research. Perhaps one of the most significant is the challenge posed by the lack of data on statelessness. This is not a problem unique to Jordan. The UN's Global Alliance to End Statelessness website states that the 'exact global number of stateless people is challenging due to the hidden nature of statelessness and limited data collection by states'.⁵⁵⁷ Indeed, their website indicates a mere 17 stateless cases in Jordan in 2024, which has to be understood as a vast underestimation, partly explained by UNHCR's practice of not registering someone as stateless if they also qualify as a refugee.⁵⁵⁸ UNHCR data estimated that at the end of 2024 there were 4.4 million

⁵⁵⁷ Global Alliance to End Statelessness, 'Global Overview' <<https://statelessnessalliance.org/global-overview/>> accessed 21 August 2025.

⁵⁵⁸ UNHCR Refugee Data Portal, 'Jordan country page' (UNHCR) (2024 data selected) available via UNHCR Refugee Data Finder app accessed 28 August 2025

stateless or people of undetermined nationality.⁵⁵⁹ Meanwhile the ISI approximates a total of 15 million stateless persons worldwide, whilst UNHCR has more recently estimated 401,000 in the MENA region alone.⁵⁶⁰ Around half of the world's countries do not report any data on statelessness at all, and those that do only report on 'parts of the known stateless population'.⁵⁶¹

As one statelessness expert observed, there is a difference between populations that are currently stateless, and populations at risk of becoming stateless.⁵⁶² The nuances between the two groups are complex, and in the absence of a formalised, state-led statelessness determination procedure (SDP), it is difficult to produce any specific, conclusive data on individuals' statelessness. There is no state-led SDP in place anywhere across the MENA region, and in Jordan, UNHCR does not provide an alternative. This absence renders statelessness largely invisible in official terms.

Moreover, the wider Iraqi, Yemeni, Sudanese, Somali and other non-Syrian communities in Jordan are considerably under-researched, with attempts to collect data on these populations remaining limited. Organisations themselves confirm that the expected numbers of these populations are likely to be much higher than the official figures. Alongside the system's focus on Syrian protection seekers, these populations themselves are often hesitant to share information about themselves, for fear of repercussions such as deportation.⁵⁶³ Regarding both these groups as a whole and statelessness itself, data provides more than just improved numbers, but also offers a better understanding of their key concerns, priorities and needs.

As for the GoJ, the likelihood of any data collection on stateless populations is incredibly low. Not only did the government broadly express a disinterest in collecting data on unregistered refugees and those residing illegally in the country during interviews

⁵⁵⁹ UN High Commissioner for Refugees (UNHCR), 'Stateless people' (*UNHCR*) <<https://www.unhcr.org/about-unhcr/who-we-protect/stateless-people>> accessed 28 August 2025.

⁵⁶⁰ Institute on Statelessness and Inclusion (ISI), 'Statelessness in Numbers: 2020—An Overview and Analysis of Global Statistics' (August 2020) 15 <https://files.institutiesi.org/ISI_statistics_analysis_2020.pdf> accessed 30 May 2025; UN High Commissioner for Refugees (UNHCR), '2024 MENA Needs Overview and the Implications of Underfunding' (2024) 4 <<https://unhcr.org/sw33yJ>> accessed 27 August 2025.

⁵⁶¹ Global Alliance to End Statelessness, 'Global Overview' (n 572).

⁵⁶² Interview with anonymous officer, large refugee organisation in Jordan (Zoom, 18 June 2025).

⁵⁶³ Interview with anonymous officer 2, mid-sized refugee INGO in Jordan (Amman, Ho 12 May 2025).

with the researcher, claiming that they constituted insignificant figures, the GoJ is further unlikely to acknowledge the existence of stateless populations as it would then create a responsibility to address them. Accordingly, it is expedient for the government to avoid gathering data on statelessness, as doing so would place it under legal and political obligations to adjust its refugee response mechanisms. The truth is that the GoJ is under incredible pressure as a result of the large population increase due to refugees, coupled with high rates of unemployment and scarce water resources.⁵⁶⁴ The ability to provide nationality lies exclusively with the state, and for refugees in Jordan it is their countries of origin that are bound by this obligation, not Jordan. However, all states have an obligation to ensure no child is born stateless within their territory.

The GoJ has the capacity to collect data on the refugee and other populations within its country, an exercise which would serve both its own interests and those of POCs. Improved data allows for the better planning and allocation of resources, and for the negotiation of support from international donors. However, until such actions are forthcoming from the government, the onus for inclusion of all stateless asylum seeker, refugee and migrant groups should rest with the humanitarian system. Aid organisations should step up to compensate for the absence of a state-led mechanism and the oversight of the intersections of refugee status and statelessness.

With calls from donors for concrete statistics in order to widen the scope of their restricted funding it seems that, without them, a shift towards inclusion is hard to envisage. However, this research disputes the notion that data has to present an insurmountable challenge to inclusion. The clear gaps in the respective nationality laws, Jordan's refugee approach, civil registration procedures and the accounts of protection seekers in the country all reveal the very real existence of statelessness, not just the potential for it. Moreover, the lack of legal identity is proven to worsen conditions such as the heightened difficulties in accessing the

⁵⁶⁴ Hasan Dajah, 'Jordan's Future in 2025: Challenges and Opportunities' (*The Jordan Times*, 26 January 2025) <<https://jordantimes.com/opinion/hasan-dajah/jordans-future-2025-challenges-and-opportunities>> accessed 6 July 2025.

labour market and the risk of indefinite detention. As such, any argument that the humanitarian system cannot be adapted to mitigate against these risks without data, when they are known to exist, does not hold up.

Another issue that is frequently brought up in conversations around statelessness across the globe is the lack of unity between different stateless groups. In the Arab context, there is no shared language on statelessness, with *adeem al-jinsiye* (literally ‘without nationality’) not consistently used, even by stateless individuals themselves.⁵⁶⁵ Different stateless cases, when viewed individually – the Maktoumeen of Syria, the Bedouin of Kuwait, stateless Kafala workers and the children of Jordanian women and non-Jordanian men – are all treated distinctly. Certainly, statelessness is a context-specific issue that varies by country and individual cases, but treating different groups in isolation results in a ‘little sense of a shared cause’ between them.⁵⁶⁶ One statelessness expert spoke of the fact that many stateless do not define or consider themselves as such. ‘People have all these varying ways of defining themselves and they do not see the connection between the different groups.’⁵⁶⁷ This lack of unity fuels governmental agendas, enabling authorities to disregard statelessness and avoid establishing any processes that could assist these populations. Moreover, rejection of the term only serves to exacerbate the lack of research and discussion around the topic.

Whilst it is important to understand that not all stateless people share the same experiences, and that even within certain groups some are more vulnerable than others, the movement for their recognition can only become stronger through greater unity. This does not have to mean the integration of all groups, rather, they can be connected through the shared cause of their statelessness. For instance, those who are stateless as a result of discriminatory civil status laws, or forced displacement, or state formation, or the Kafala system, could connect and work together across

⁵⁶⁵ Interview with anonymous MENA region statelessness expert 2 (n 482).

⁵⁶⁶ The Legal Agenda, *Nationality and Cases of Statelessness in the Middle East and North Africa* (Laura van Waas and Zahra Albarazi eds, Tilburg University and the Open Society Foundations 2016) 24.

⁵⁶⁷ Interview with anonymous MENA region statelessness expert 2, statelessness network (Amman, Jordan, 24 April 2025).

countries. Of course, these groups are not always mutually exclusive, and each faces different concerns and processes to address their statelessness. Yet, all share the fundamental denial of their legal right to a nationality.

In Jordan, challenges to stateless inclusion are also structural. As explored earlier in this study, the humanitarian framework in Jordan largely excludes both non-Syrian protection seekers and stateless refugees. One interviewee at a legal organisation supporting refugees expressed that one of the main challenges in the country was the fact that UNHCR is still seen as the primary relief provider for asylum seekers and refugees; even though UNHCR is unable to serve a large portion of the population as a result of the registration ban.⁵⁶⁸ Thus, an alternative needs to be presented by NGOs. Whilst acknowledging the work already undertaken by several NGOs on this front, he expressed a need to improve awareness and redirect funding towards these populations. Another interviewee expressed that the lack of coordination between humanitarian organisations in Jordan also poses a problem, with struggles to keep all actors ‘on the same page’.⁵⁶⁹

Even in terms of data collection, the research, whilst it may exist, is fragmented. There is scope for all organisations, however small, to conduct research within their communities, as demonstrated by CRP and its use of focus group discussions to learn about the communities’ needs. It is important to recognise that issues which affect refugee populations across the board in Jordan are often compounded for those who are stateless. Barriers to the labour market, limitations on education and the absence of civil documentation are just some common challenges for refugees. Organisations need to better understand these issues for the non-Syrian community and assess how stateless groups within these communities face heightened access challenges. A clearer picture of statelessness and its indicators could be identified by coordinated research across different organisations, allowing them to then incorporate this knowledge into their responses and, importantly, present this information to donors. The outcomes would not necessarily be quantitative but would focus on identifying the needs and gaps that need to be addressed.

⁵⁶⁸ Interview with anonymous officer, legal refugee organisation in Jordan (Zoom, 18 April 2025).

⁵⁶⁹ Interview with anonymous officer 1, mid-sized refugee INGO in Jordan (Amman, Jordan, 12 May 2025).

5.2 A child rights perspective on humanitarian inclusion

Children born in displacement context to stateless or at-risk refugee populations in Jordan face particularly acute vulnerability. Globally, intergenerational statelessness – the transmission of statelessness from parent to child, often across multiple generations – is the leading cause of statelessness.⁵⁷⁰ The nature of this type of statelessness only worsens as time goes on for those living in displacement contexts, with connections to a country of origin becoming harder to prove for each successive generation.⁵⁷¹ Articles 7 and 8 of the CRC,⁵⁷² article 7 of the CRC-I⁵⁷³ and article 24(3) of the ICCPR⁵⁷⁴ all affirm a child's right to nationality upon birth, and Jordan is party to all three.

Children merit a separate lens in the discussion of statelessness. Whilst it is also often the case for adults, children's statelessness occurs through circumstances entirely outside of their control: often as a result of parents' inability to register their birth, the statelessness of their parents, or political sensitivities, including states' reluctance to grant nationality to the children of refugees. Moreover, in the ISI's child statelessness toolkit, a child rights approach is deemed necessary to address statelessness.⁵⁷⁵ De Groot identifies the moment of birth as 'the pivotal juncture in guaranteeing a person's right to a nationality'.⁵⁷⁶ Childhood statelessness is easiest to resolve when addressed early; the longer children are

⁵⁷⁰ Stateless Hub, 'Children' <<https://www.statelesshub.org/theme/children>> accessed 28 August 2025.

⁵⁷¹ UN High Commissioner for Refugees (UNHCR), 'Stateless Persons in Detention: A tool for their identification and enhanced protection' (June 2017) 10 <<https://www.refworld.org/policy/opguidance/unhcr/2017/en/117659>> accessed 30 July 2025.

⁵⁷² Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), arts 7-8 <<https://www.refworld.org/legal/agreements/unga/1989/en/18815>> accessed 26 May 2025.

⁵⁷³ Organization of the Islamic Conference (OIC) Covenant on the Rights of the Child in Islam (June 2005) OIC/9-IGGE/HRI/2004/Rep.Final, art 7 <<https://www.refworld.org/legal/agreements/oic/2005/en/19313>> accessed 31 May 2025.

⁵⁷⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 24(3) <<https://www.refworld.org/legal/agreements/unga/1966/en/17703>> accessed 1 June 2025.

⁵⁷⁵ UNICEF, Institute on Statelessness and Inclusion (ISI) and How To Child Rights, 'The Child's Right to a Nationality and Childhood Statelessness: A Toolkit for Child Rights Actors' (2023) 4 <https://files.institutesi.org/Childhood_Statelessness_CRC_Toolkit.pdf> accessed 1 June 2025;

⁵⁷⁶ Gerard-René de Groot, 'Children, Their Right to a Nationality and Child Statelessness' in A Edwards and L van Waas (eds), *Nationality and Statelessness under International Law* (CUP 2014) 144 <https://uniset.ca/fatca2/degroot_child.pdf> accessed 20 May 2025.

left stateless, the greater its impacts become.⁵⁷⁷ Without acquiring nationality at birth, children are saddled with what is often a life-long burden, restricted in their access to basic rights such as education or healthcare. As stated by former UNICEF executive director, Henrietta Fore, in 2019, stateless children are vulnerable to entering into early marriages, dangerous work and the armed forces before reaching legally required adulthood.⁵⁷⁸

Addressing statelessness in childhood is crucial in the overall fight against statelessness, yet this human right is often politicised.⁵⁷⁹ In Jordan, as in many other countries, the question of whether a child should be recognised as a national is about much more than legal entitlement; it is filtered through the lens of state sovereignty, demographic preservation and general political sensitivities surrounding refugee populations. Take, for instance, the children of Jordanian women and non-Jordanian men. The general rationale for not granting their children Jordanian nationality is that most Jordanian women marry Palestinian men, and therefore doing so would support the idea of an ‘alternative homeland’ for the Palestinians.⁵⁸⁰ For refugee children at the risk of statelessness, similar political calculations at a state level prevail in Jordan, whilst their home countries fail to offer them the necessary protections. As one statelessness expert observes, there is a need for governments in the region to start seeing ‘nationality as a right and not a gift’.⁵⁸¹ Quzmar, General Director of Defence for Children International (DCI) – Palestine, observed that whilst legal standards exist, states often ‘find a way to get away from these rights’.⁵⁸² This includes restricting refugee children’s access to education and healthcare by citing financial and capacity limitations, despite

⁵⁷⁷ UNICEF, ISI and How To Child Rights, ‘The Child’s Right to a Nationality and Childhood Statelessness’(n 575) 4.

⁵⁷⁸ *ibid* 3.

⁵⁷⁹ *ibid* 4.

⁵⁸⁰ Lina AlHaj Ahmad, ‘Non-Jordanian Children of Jordanian Mothers’ (WANA Institute, 30 December 2019) <<https://wanainstitute.org/ar/blog/non-jordanian-children-jordanian-mothers>> accessed 20 August 2025.

⁵⁸¹ Interview with anonymous MENA region statelessness expert 2 (n 567).

⁵⁸² Interview with Khaled Quzmar, Director General for Defence for Children International – Palestine (Zoom, 28 August 2025).

clear legal obligations. Similarly, Vandenhoe, Professor of Children and Human Rights Law at the University of Antwerp, pointed out that legal provisions are often products of political negotiation, and therefore fragile.⁵⁸³

Both the CRC and ICCPR have been interpreted by treaty bodies as obliging states to grant nationality to a person born within its territory who ‘would otherwise be stateless’.⁵⁸⁴ This even applies to countries that apply *jus sanguinis*, as Jordan does. However, this does not mean Jordanian nationality must be granted, as the state can be excused from doing so if they ‘definitively acquire[e] another nationality for the child’.⁵⁸⁵ In these cases, it requires communication with the Iraqi, Yemeni, Sudanese or Somali states to ensure they confer nationality on these children. It is only in instances where this is not possible that Jordan would then be obliged to grant nationality, as the alternative of statelessness is impermissible under international human rights law. Jordan, as host to a large number of refugees, would likely reject granting nationality on exceptional *jus soli* bases, lest it set a precedent for future cases of statelessness amongst asylum seeker and refugee children. Furthermore, the lack of birth registration certificates means that there would often not be sufficient proof of the child’s birth within Jordan.

Whilst both treaties oblige *registration* at birth, neither explicitly specifies that *nationality* must be granted at birth. This means children may suffer statelessness for years,⁵⁸⁶ or even indefinitely, if the state does not build a system to ensure nationality conferred before adulthood. Further issues emerge in identifying a child as otherwise stateless. States may argue that a child would be better served by acquiring the nationality of their parents rather than that of the country of birth,⁵⁸⁷ thereby justifying delays in the process of granting nationality. Moreover, doing so relies on a level of relevant data collection and information-sharing between states, conditions which are rarely met.⁵⁸⁸ This obligation is further weakened as it would only apply to children who fall

⁵⁸³ Interview with Wouter Vandenhoe, Professor of human rights law and child rights law at the University of Antwerp (Zoom, 28 August 2025).

⁵⁸⁴ WT Worster, ‘The Obligation to Grant Nationality to Stateless Children Under Treaty Law’ (2019) 24(2) *Tilburg Law Review* 204, 244 <<https://doi.org/10.5334/tlrl.154>>.

⁵⁸⁵ *ibid* 211.

⁵⁸⁶ de Groot (n 576) 146.

⁵⁸⁷ Worster (n 584) 210.

⁵⁸⁸ *ibid* 159.

under the limited *de jure* understanding of statelessness, whereas this research has shown that children born to refugees and asylum seekers in Jordan often don't have their births registered, and as such, are rendered *de facto* or at risk of becoming stateless. Their access to nationality is dependent on procedural factors and the stability of their country of parental origin.

The best interests of the child, enshrined in article 3 of the CRC, are the bedrock of children's rights. Indeed, a child's best interests must be considered as a primary consideration in the acquisition of a nationality, and be in accordance with the child's identity.⁵⁸⁹ An interviewee at CRP remarked that whilst most refugees and asylum seekers did not wish to stay in Jordan, the situation was different for children of refugees who have grown up in the country and have known no other country.⁵⁹⁰ Quzmar stressed that the best interests of the child can be invoked in courts to support children's claims to nationality or family registrations, since a child's interests should take precedence over political considerations.⁵⁹¹ This is significant as it demonstrates how addressing statelessness in children can benefit their entire families as a result. Vandenhoe, however, cautions that 'best interests' can be twisted. In migration contexts, best interests are used, for example, to justify returning unaccompanied child migrants to the country of origin allegedly for family reunification, and equally to argue it is in their best interests to allow them to stay in the country of immigration.⁵⁹² Indeed, the UNHCR Best Interest Procedure Guidelines mention that local integration may be appropriate for 'refugee children who are born in countries of asylum, who have no ties with their parents' country of origin and who may risk

⁵⁸⁹ Worster (n 584) 211.

⁵⁹⁰ Interview with anonymous senior officer, Collateral Repair Project (Amman, 23 April 2025).

⁵⁹¹ Interview with Khaled Quzmar (n 581).

⁵⁹² Interview with Wouter Vandenhoe (n 582).

becoming *de facto* or *de jure* stateless’.⁵⁹³ However, the guidelines are specified to be primarily designed for asylum seeking and refugee children, despite their mandate also encompassing stateless children.⁵⁹⁴

Beyond state obligations, a child’s rights approach should be applied to the practice of humanitarian organisations themselves. Quzmar underlined that NGOs cannot resolve statelessness itself, and can only offer alternative, temporary solutions to the related issues stateless persons face.⁵⁹⁵ Whilst states do retain the sole authority to grant nationality and should be reminded of their legal obligations to do so, organisations have a responsibility to mitigate the risks associated with statelessness. They should also reshape aid responses so that they recognise statelessness as a key vulnerability indicator. Within this, organisations have a role in creating spaces for children to participate in developing solutions to issues affecting their rights. Article 12 of the CRC affirms that the child has the right to be heard and have respect and due weight afforded to their views in accordance with their age and maturity.⁵⁹⁶ As per the General Comments of the Committee on the Rights of the Child, child participation must not be tokenistic consultation, but meaningful involvement over decisions that affect children’s lives.⁵⁹⁷ Doing so means that child participation should occur not just as an afterthought but be built into the framework from the offset. More than ethical, this participation is imperative for best interests’ determinations, with children able to identify harms adults may miss.

⁵⁹³ United Nations High Commissioner for Refugees (UNHCR), ‘2021 UNHCR Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child’ (UNHCR, 2021) 152 <https://alliancecpha.org/sites/default/files/technical/attachments/2021%20UNHCR%20Best%20Interests%20Procedure%20%28BIP%29%20Guidelines%20-%20%20Assessing%20and%20Determining%20the%20Best%20Interests%20of%20the%20Child%20%28Updated%202024%29-English_0.pdf> accessed 20 July 2025.

⁵⁹⁴ *ibid* 24.

⁵⁹⁵ Quzmar (n 581).

⁵⁹⁶ Convention on the Rights of the Child (n 572) art 12.

⁵⁹⁷ UN Committee on the Rights of the Child (CRC), General Comment No 12 (2009): The Right of the Child to Be Heard’ (20 July 2009) CRC/C/GC/12 <<https://www.refworld.org/legal/general/crc/2009/en/70207>> accessed 11 June 2025.

One statelessness expert added that whilst statelessness itself can only be resolved by a state providing legal identity, organisations can find other ways to make incremental progress that improves their quality of life.⁵⁹⁸ One such route is through birth registration initiatives, which, whilst not conferring nationality on their own, create an official record of a child's existence and parentage, supporting future claims. As discussed in Section 3.2(A), initiatives such as those led by ARDD illustrate how NGOs can provide legal aid and birth registration assistance – one of the few preventative actions available to non-state actors to mitigate risks of statelessness. Indeed, Vandenhoe emphasised discourse that proposes humanitarian organisations should be recognised as duty bearers with obligations similar to those written into legal code for states. He referenced the tripartite human rights obligations: respect, protect and fulfil.⁵⁹⁹ Whilst the state bears the primary obligation to fulfil by granting nationality, if the state is unwilling, they have a responsibility to remind the duty bearer of its obligations. The responsibility to respect and protect children's rights is directly within the mandate of humanitarian actors, and encompasses facilitating birth registration, an action that partially fulfils state obligations.

Finally, Vandenhoe raised the issue of building on assumptions and presumptions to support the best interests of the child, namely, ensuring they benefit from the age-based protections afforded to those under 18.⁶⁰⁰ Stateless children often lack proof of age, making presumptions of age crucial for safeguarding their rights. Quzmar noted how, in the Arab region, assumptions about age pose a serious problem, as they are often misused to exploit stateless and undocumented minors into early and forced marriages. He remarked that whilst assumption of age is frequently applied classify minors as adults and reduce their protections, they could instead be applied positively to presume minority status and strengthen access to rights and safeguards.⁶⁰¹ In practice

⁵⁹⁸ Interview with anonymous MENA region statelessness expert 1, statelessness network (Zoom, 14 April 2025).

⁵⁹⁹ Interview with Vandenhoe (n 582).

⁶⁰⁰ *ibid.*

⁶⁰¹ Interview with Quzmar (n 581).

therefore, this could mean that a 19-year-old might be assumed to still be a child; a scenario that is not problematic. It is preferable to assume eligibility for protection and to present a broader scope of protection rather than risk the exclusion of vulnerable persons.

When discussing the potential for pragmatic application of these reforms in Jordan, and if they are able to grow at a country-level, Vandenhoele remarked on how change was possible from below, with 'true leaders' setting an example that can then be incorporated into common practice, drawing on his work on human rights-based approaches to development and organisational change.⁶⁰² Crucially, the presence of the One Refugee Approach in Jordan presents a platform through which this approach can be coordinated and scaled, allowing for collective implementation across organisations to drive change from the ground up. Birth registration has to be recognised as the single most effective preventive tool at NGO's disposal, and initiatives require an understanding of the breadth of non-Syrian experiences to ensure even the most marginalised in these communities are reached. Legal organisations should develop strategies that present a coherent framework for addressing statelessness, enabling them to move away from ad hoc responses to a developed response system for stateless assistance. Advocacy should pressure the state to provide leeway on administrative barriers to nationality, such as prohibitive costs, and the necessity for marriage certifications. Finally, if such an approach is implemented, it is incumbent on organisations to report on how best interests reasoning and the influence of child participation shaped their approach. This helps avoid a child rights approach from becoming empty rhetoric.

Ultimately, childhood presents a critical window for resolving statelessness where intervention is both more effective and legally mandated. A child rights approach to addressing statelessness is therefore paramount, and presents an opportunity for humanitarian actors to develop a concrete framework that prevents intergenerational cycles of exclusion.

⁶⁰² Wouter Vandenhoele, 'Overcoming the Protection Promotion Dichotomy. Human Rights Based Approaches to Development and Organisational Change within the UN at Country Level' in P Gready and W Vandenhoele (eds), *Towards a Theory of Change: Human Rights and Development in the New Millennium* (Routledge 2014) 109-130.

5.3 Recommendations

This thesis contends that a dual approach is required to address statelessness. First, the universal right to legal identity must remain a central and uncompromising priority. In parallel, humanitarian organisations must adapt their frameworks to mitigate the consequences and risks associated with statelessness, irrespective of individuals' formal legal recognition. The urgency of this second approach reflects the limited likelihood of immediate development on the first. These strategies are closely linked to the experiences of the non-Syrian refugee communities more broadly, such that recommendations addressing statelessness will overarchingly benefit entire communities, not just stateless individuals.

5.3.1 Recommendations preventing and resolving statelessness

Government:

- 01 —The GoJ should ratify the 1954 and 1961 Statelessness Conventions, and the 1951 and 1967 Refugee Conventions.
- 02 —The GoJ should allow UNHCR to re-establish the registration of refugees of all nationalities.
- 03 —The GoJ should establish a SDP for the refugee and asylum seeker populations within its territory.
- 04 —The GoJ should strengthen data collection on registered and unregistered non-Syrian refugees and asylum seekers within its territory, explicitly including statelessness as a category. This information should be systematically shared with UNHCR and humanitarian organisations operating in the Kingdom.
- 05 —The CSPD should ease the documentation requirements for birth registration to enable refugees to obtain birth certificates despite gaps in paperwork, recognising the barriers faced in forced displacement contexts.
- 06 —The GoJ should instruct foreign embassies to improve access to support for civil documentation procedures in Jordan, ensuring that refugees, asylum seekers and their children can secure legal identity.
- 07 —The GoJ, in collaboration with UNHCR, relevant UN agencies, consular offices of foreign embassies and local and

national authorities, should ensure the engagement of the full range of actors with whom stateless persons interact. These actors should be trained to understand how their actions and omissions may place stateless populations at risk, including the long-term consequences of restricting access to civil registration.

08 —The GoJ should communicate with donors to secure financial support for the non-Syrian population and to sustain protection measures for those affected by, or at risk of, statelessness.

An SDP is an important step towards recognition of statelessness, and is not recommended for in-situ populations, but only for those in cross-border displacement contexts. The ‘Handbook on Protection of Stateless Persons’ affirms that lawful presence within the state is not a prerequisite for access to SDPs.⁶⁰³ Stateless determination may be combined with refugee determination in the same procedure, requiring a mixed assessment of fact and law, with the burden of proof shared between the applicant and the examiner.⁶⁰⁴ However, the likelihood of Jordan re-establishing refugee registration or implementing an SDP is low, and any such procedure would only encompass *de jure* stateless individuals, excluding the many who are *de facto* stateless. Therefore, it must be emphasised that it is in the state’s best interest to have a deeper understanding of who is present within its territory. Even in the absence of a government-led SDP, ensuring access to civil registration for populations affected by statelessness is crucial. Such documentation affords them evidence of civil events, which can be used in future nationality determinations. Under obligations in the CRC and ICCPR, Jordan must confer nationality on any person born in Jordan who would otherwise be stateless. By collecting disaggregated data on these populations and removing barriers to civil documentation, Jordan can avoid instances of statelessness that would require it to grant nationality. Furthermore,

⁶⁰³ UN High Commissioner for Refugees (UNHCR), ‘Handbook on Protection of Stateless Persons’ (UNHCR 2014) paras 28 <https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf> accessed 1 July 2025.

⁶⁰⁴ *ibid* paras 27, 32, 34.

Jordan should use this data to request the Iraqi, Yemeni, Sudanese and Somali authorities to improve civil registration for their nationals residing in Jordan, thereby alleviating the onus on Jordan and reducing the risk of bilateral tensions developing.

Aid organisations:

09 —Humanitarian aid organisations with the communication mechanisms to do so should advocate to the GoJ for improved data collection on non-Syrian populations, highlighting how accurate data benefits national planning and facilitates compliance with international obligations.⁶⁰⁵

10 —Humanitarian aid organisations should prioritise facilitating universal birth registration among refugees and asylum seekers. Where necessary, mobile registration clinics should be set up to reach the most marginalised communities.⁶⁰⁶

⁶⁰⁵ United Nations High Commissioner for Refugees (UNHCR), 'Submission for the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: Fourth Cycle, 45th Session. Jordan' (July 2023) 4 <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=12136&file=EnglishTranslation>> accessed 14 August 2025, noting that measures to improve population data in Jordan would 'better inform national planning and strategies'.

⁶⁰⁶ Sheila Menz, 'Statelessness and Child Marriage as Intersectional Phenomena: Instability, Inequality, and the Role of the International Community' (2016) 104(2) California Law Review 497, 542 <<http://www.jstor.org/stable/24758730>> accessed 1 June 2025. Noting that recommendations to reduce statelessness include universal birth registration, mobile registration teams and the use of global mobile registration clinics by organisations such as the International Justice Mission, which could be scaled up in rural areas.

5.3.2 Recommendations advancing stateless inclusion

Aid organisations:

11 —UNHCR should insist that MOU provisions mandate needs-based distribution of humanitarian assistance, explicitly prohibiting nationality-based restrictions.⁶⁰⁷

12 —The One Refugee Approach should explicitly include stateless persons within its framework, to avoid inadvertently excluding the most marginalised communities.

13 —All humanitarian and legal aid organisations should adopt the One Refugee Approach and recognise statelessness as a core vulnerability indicator.

14 —UNHCR and other organisations with VAFs should formally include statelessness or documentation gaps as a criterion in vulnerability assessments.

15 —All humanitarian and legal aid organisations should remove any requirements for identification or registration documents as conditions for accessing aid or support.

16 —Organisations should coordinate data collection initiatives on non-Syrian populations to create a shared knowledge base, avoiding duplication and ensuring data is disaggregated according to legal status.

17 —Humanitarian and legal aid organisations should implement campaigns raising awareness among non-Syrian refugees and asylum seekers about their rights to nationality, the importance of civil registration and processes for obtaining civil documentation. Particular emphasis should be placed on clarifying the difference between a birth notification and a birth certificate and outreach should target even the most marginalised groups, use digital channels where appropriate and be regularly updated.

18 —Organisations should actively resist donor earmarking based on nationality. Donors should be required to justify

⁶⁰⁷ Kayla Ghantous and Lori Eller, 'The Campaign to End Statelessness in Jordan' (Boston University School of Law, International Human Rights Clinic March 2021) 98 <https://www.bu.edu/law/files/2021/09/Statelessness-In-Jordan-Report_3.2021-1.pdf> accessed 29 June 2025.

nationality-based restrictions, and organisations should advocate for aid distribution based on need and vulnerability.

19 —Humanitarian and legal aid organisations should raise statelessness as a priority issue with international organisations and donors to increase awareness, emphasising its long-term protection consequences. Where donors impose restrictive data requirements, organisations should contest these conditions.

20 —The One Refugee Approach and individual organisations should integrate a child rights approach into statelessness interventions, ensuring meaningful child participation in reshaping assistance frameworks.

21 —Humanitarian and legal aid organisations should train staff on inclusive practices, with particular focus on anti-racism and intersectional vulnerabilities of stateless persons.

There are two key considerations for the implementation of these recommendations, particularly for humanitarian and legal aid organisations. First, stateless persons themselves must be central in defining and shaping responses to statelessness. Their inclusion is integral for the development of sustainable solutions and the meaningful integration of statelessness into humanitarian and development agendas.⁶⁰⁸ Second, whilst statelessness should be recognised as a vulnerability indicator, it is important that organisations do not homogenise the group. Statelessness is ultimately ‘an individual and not a group condition’, meaning that responses must account for how different members of a group ‘may succeed or fail in obtaining recognition of nationality because of their different circumstances’.⁶⁰⁹ Accordingly, mitigation and support procedures must account for the nuances of stateless experiences across age, gender, race, country of origin, disability, sexuality and other intersecting characteristics.

⁶⁰⁸ Interview with anonymous MENA region statelessness expert 1 (n 598).

⁶⁰⁹ Bronwen Manby, ‘Citizenship and Statelessness in the Horn of Africa’ (15 December 2021) SSRN 48 <<http://dx.doi.org/10.2139/ssrn.4011307>>.

In pursuing these approaches, organisations, policymakers and advocates must not lose sight of the overarching long-term objective of eliminating statelessness. Measures to address vulnerability should co-exist with strategies that explicitly elevate statelessness within broader policy spaces and translate awareness into concrete action towards eradication.

6. Conclusions

This thesis has examined how Jordan's nationality-based humanitarian aid framework systematically excludes non-Syrian refugees – particularly Iraqis, Yemenis, Sudanese and Somalis – whilst overlooking the heightened vulnerability of those who are *de jure* and *de facto* stateless. It has been argued that the compounded marginalisation of refugeeness and statelessness is especially acute for non-Syrian refugees and has explored how humanitarian aid structures must be deliberately reshaped to ensure their inclusion. By examining how aid practices construct categories of deservingness, this study situates statelessness within broader questions of recognition, accountability and justice within the humanitarian industry.

This study has demonstrated that nationality laws and civil registration procedures in countries of origin, combined with restrictive and hierarchical refugee policies in Jordan, manufacture the conditions for statelessness among non-Syrian communities. The 2019 suspension of UNHCR refugee registration severed a critical lifeline, stripping away a mechanism that could temporarily provide some nationality protections and mitigate the risks of statelessness, and exposing undocumented refugees to the risk of indefinite detention. The future of these refugees and asylum seekers, and their hopes of obtaining legal identity for themselves and their descendants, depend on the political will of their countries of origin and Jordan alike. Critically, this research has exposed fundamental failures within the humanitarian sector – namely, the refusal to recognise statelessness as a distinct vulnerability indicator and its prevalence beyond Syrian and Palestinian communities. Aid frameworks, in line with government led nationality-based earmarking, are structurally blind to this form of exclusion.

This study has identified the need for a dual strategy to tackle this invisibility: continued advocacy for the universal right to legal identity, alongside immediate humanitarian reforms that both mitigate devastating livelihood challenges associated with statelessness and actively work to prevent its intergenerational transmission. To do this, humanitarian organisations must embed statelessness as a core vulnerability indicator – ensuring the One Refugee Approach explicitly centres statelessness in its work – while also coordinating data initiatives, and resisting

nationality-based earmarking of funds from donors. At the heart of this required response is the application of a child rights-based approach. This thesis has identified children born to non-Syrian refugees in Jordan, particularly those born after the 2019 halting of registration, as uniquely vulnerable to the risk of statelessness. Low birth registration rates and inaccessible consular support create a generation of both *de facto* and potentially *de jure* stateless children born into legal limbo. This failure to prioritise birth registration is a profound violation of the rights of the child under the CRC, condemning them to a lifetime of exclusion from education, healthcare and protection. The responsibility falls on the Jordanian state, countries of origin, and, importantly, humanitarian organisations in Jordan to uphold children's best interests by ensuring they are guaranteed nationality rights and legal identity itself.

Despite the comparatively small number of non-Syrian refugees who are stateless or at risk of statelessness in Jordan, their exclusion from programming, funding and literature represents a failure on the part of humanitarian organisations. Through mapping legal and procedural gaps that create statelessness and highlighting how the aid sector exacerbates inequalities for these communities, this study definitively refutes the convenient assumption that extensive data is a prerequisite for inclusive frameworks. The mechanisms of exclusion are documented, and the suffering of marginalised communities is known among organisations and researchers. Accordingly, organisations have an imperative to act proactively, not just reactively, to prevent consequences from compounding for children.

Whilst focused on Iraqis, Yemenis, Sudanese and Somalis, the premise of this study is that statelessness is not confined to specific communities. Accordingly, several of the implications and recommendations presented in this research extend to stateless groups in Jordan and beyond, including, but not limited to, Syrians, Palestinians, migrant workers under the Kafala system and Bedouin communities. While these groups differ significantly, they are united by the common denial of their entitlement to nationality and the rights and protections that come with it.

However, this research has its limitations. Fieldwork was unable to engage with Iraqi communities, and the representation of refugee groups was uneven in interviews due to ethical concerns and access. Existing literature on non-Syrian refugees and

statelessness in Jordan is scarce and narrow, necessitating occasional reliance on research concerning other communities and older sources to complement its analysis. However, where this has been the case, this thesis has been careful not to assert conclusions as fact. The lack of available research underscores the need for further investigation into statelessness and these communities more broadly. The breadth of the study, spanning multiple communities, sectors and issues, risks sacrificing depth for scope. Moreover, the complexity of donor politics and other factors shaping humanitarian operations has made complete analysis difficult.

Nevertheless, the implications remain clear. Humanitarian organisations must explicitly incorporate statelessness into vulnerability frameworks. The One Refugee Approach, still growing in Jordan, presents a critical opportunity for inclusive change. It should be reframed to include stateless persons at a foundational level to avoid inadvertently reinforcing their marginalisation. The actions necessary to address exclusion for these groups would strengthen protections for *all* displaced communities and realign the humanitarian system with its foundational principles of impartiality and human dignity. Future research should therefore explore how stateless inclusion can be operationalised in practice, exploring in depth the distinct roles for various UN agencies, INGOs and CBOs, and leveraging scholarly knowledge and literature. Critical studies should be intersectional, context-sensitive and centre the voices and agency of stateless persons in their research. Above all, scholarship and advocacy should aim to increase statelessness' visibility in humanitarian and policy conversation – with organisations, donors and governments – moving it from the periphery to the centre and emphasising how urgent and morally significant the issue is.

Although this thesis focuses on Jordan, its implications extend far beyond: across the MENA region and to displacement contexts globally. The dynamics of marginalisation and donor politics are echoed across the globe, and real recognition of statelessness demands international coordination towards systemic inclusion. As a fundamental human right, one that has been politicised by states and neglected by humanitarian actors, the right to nationality is non-negotiable. Stateless persons are among the world's most vulnerable and overlooked people. The current uncertainty facing the humanitarian system's future cannot excuse

the failure to adapt towards stateless inclusion. Rather, this uncertainty must catalyse the evolution of protection frameworks that challenge political constraints to meet stateless needs, mitigate risks and ensure the right to nationality is realised.

Country	Convention on the Rights of the Child (CRC)	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	International Covenant on Civil and Political Rights (ICCPR)	Convention on the Rights of Persons with Disabilities (CRPD)	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Convention Relating to the Status of Stateless Persons (1954)	Convention on the Reduction of Statelessness (1961)	Convention Relating to the Status of Refugees (1951)	1967 Optional Protocol Relating to the Status of Refugees
Jordan	Ratified in 1991	Ratified in 1992 (with reservations on article 9(2))	Ratified in 1975	Ratified in 2008	Ratified in 1974	Not ratified	Not ratified	Not ratified	Not ratified
Iraq	Ratified in 1994	Ratified in 1986	Ratified in 1971	Ratified in 2013	Ratified in 1970	Not ratified	Not ratified	Not ratified	Not ratified
Yemen	Ratified in 1991	Ratified in 1984	Ratified in 1987	Not ratified	Ratified in 1972	Not ratified	Not ratified	Not ratified	Not ratified
Sudan	Ratified in 1990	Ratified in 1985	Ratified in 1986	Ratified in 2009	Ratified in 1977	Not ratified	Not ratified	Ratified in 1974	Ratified in 1974
Somalia	Ratified in 2015	Not ratified	Ratified in 1990	Ratified in 2019	Ratified in 1975	Not ratified	Not ratified	Not ratified	Not ratified

Appendices

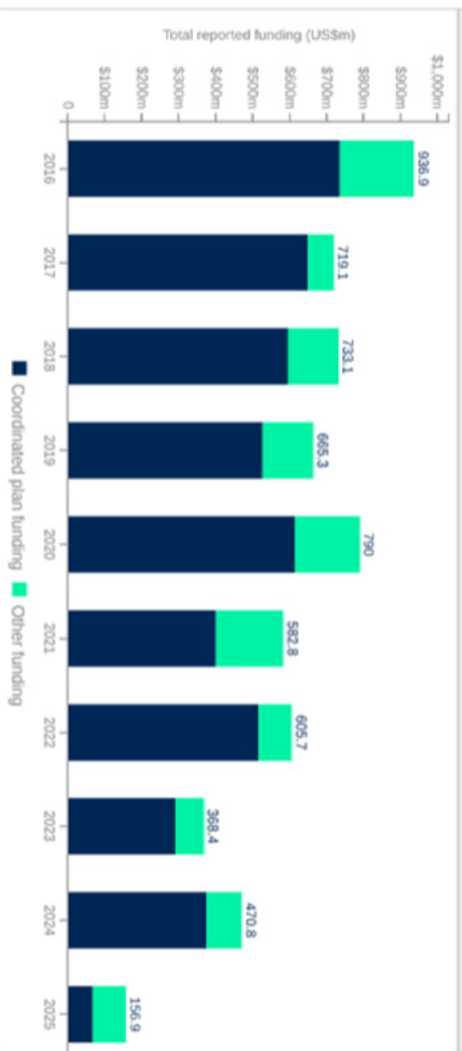
Jordan 2025

<https://fts.unocha.org/countries/114/summary/2025>



Trends in reported funding

01-Sep-2025



Note: Trends from 2008 to 2018* data are currently under review. Reliable annual data can be found in the Country Page by year.

The amount per year might change based on daily reports received and processed in the system

Appendix 1: Ratification of international human rights and refugee conventions (as of August 31 2025)

*Appendix 2: Trends in reported funding entering Jordan from 2016–2025*⁶¹⁰

⁶¹⁰ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service, 'Jordan 2025' <<https://fts.unocha.org/countries/114/summary/2025>> accessed 11 July 2025.

Appendix 3: Interviews

Name	Organisation/descriptor	Interview date/2025	Location of interview	Language of interview
Anonymous senior minister	Ministry of Interior	9 April	Amman, Jordan	English
Anonymous minister	Refugee Department, Ministry of Interior	9 April	Amman, Jordan	English
Anonymous MENA region statelessness expert 1	Statelessness network (anonymous)	14 April	Zoom	English
Anonymous officer	Legal refugee organisation (anonymous)	18 April	Zoom	English
Anonymous officer	CRP	23 April	Amman, Jordan	English
Anonymous senior officer	CRP	23 April	Amman, Jordan	English
Anonymous MENA region statelessness expert 2	Statelessness network (anonymous)	24 April	Amman, Jordan	English
Ricky and Hassan	Sawiyan	3 May	Amman, Jordan	English
Anonymous officer 1	Mid-sized refugee INGO in Jordan (anonymous)	6 May	Amman, Jordan	English
Sudanese and Yemeni refugees (x12)	Facilitated by CRP (at their Downtown Office)	7 May	Amman, Jordan	Arabic (with translator)
Anonymous officer 2	Mid-sized refugee INGO in Jordan (anonymous)	12 May	Amman, Jordan	English
Anonymous senior officer	Ministry of Labour	19 May	Amman, Jordan	English
Anonymous officer	Large refugee organisation in Jordan (anonymous)	18 June	Zoom	English
Hassan	Sawiyan	14 August	Amman, Jordan	English
Khaled Quzmar	Director General, Defence for Children International - Palestine	28 August	Zoom	English
Professor Wouter Vandenhoe	Professor of Children and Human Rights Law, University of Antwerp	28 August	Zoom	English

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