



Securing Status

Syrian refugees and the documentation of legal status,
identity, and family relationships in Jordan

In Appreciation

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All photos in this report are credited to the Norwegian Refugee Council, and were taken in the northern part of Jordan in October 2016.

Cover Photo:

A Syrian refugee couple and their two-year-old son. Photo by: Hussein Amri.

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I. Executive Summary

Nearly six years into the Syrian conflict, Syria's neighbours are grappling with the challenge of accommodating significant numbers of Syrian refugees over the long term. In Jordan, there are more than 656,000 Syrian refugees registered with the United Nations High Commissioner for Refugees (UNHCR), as of September 2016. Close to 80 per cent of these registered refugees live outside refugee camps, in Jordanian cities, towns, and rural areas. In this report, the term "Syrian refugee" is used mainly to describe people of Syrian nationality who have registered with UNHCR, but also encompasses Syrians who have not registered with UNHCR and are seeking international protection in Jordan.¹

This report describes Syrian refugees' experiences obtaining government-issued identity cards and birth and marriage certificates outside the camps – documentation that enables refugees to prove their legal status, identity, and family relationships in Jordan. This report outlines the relevant official processes, the challenges refugees encounter, and the consequences faced by those who lack documentation. Seventy-two Syrian refugee families living in host communities in Amman and the north of Jordan were interviewed for this report in early 2016.²

The report focuses on issues surrounding "legal documentation," a term referring in this context primarily to new Ministry of the Interior Service Cards ("new Mol cards"), but also encompassing asylum seeker certificates (UNHCR-issued documentation), Syrian passports, and Syrian identity cards.³ The new Mol card is a particularly important piece of legal documentation because possession of a card confirms that its holder is officially entitled to live outside refugee camps. Given the card's significance, this report focuses on challenges refugees may encounter in the process to obtain a new Mol card. In an effort to help identify solutions, the report also explores reasons why some refugees may not possess new Mol cards. The largest groups of concern are refugees who are ineligible to receive new Mol cards and refugees who are eligible, but have not yet obtained new Mol cards because they lack the documents necessary to receive a card through the normal issuance process.

Every Syrian in Jordan must register with the Government of Jordan, which in early 2015 began a process to re-register all Syrians in the country; as of October 2016, that process, known as the Urban Verification Exercise ("UVE"), is ongoing. Through the UVE, Syrians living in host communities outside the

camps receive new Mol cards. (Refugees in camps also receive camp-based new Mol cards – which are valid only while refugees remain living the camps – but in this report "new Mol card" refers exclusively to cards issued outside the camps to refugees living in host communities.) The new Mol card is a plastic card that contains identifying personal information, such as the holder's name and date of birth, as well as biometric data. It entitles the holder to move freely throughout Jordan. In the district in which the new Mol card was issued, it also allows the holder to access public services, such as health and education.

The UVE has focused on registered refugees, rather than the broader Syrian population living in Jordan, and this report likewise focuses on registered refugees. As of the end of August 2016, out of the 515,000 refugees registered with UNHCR as living outside the camps, nearly 363,000 had obtained new Mol cards and around 152,000 had not.⁴ As discussed below, NRC estimates that at least 17,000 additional refugees living in host communities are ineligible to receive new Mol cards.⁵ Refugees without new Mol cards live in situations of legal uncertainty, without access to essential services and at risk of arrest, detention, forced relocation to refugee camps, and possible refoulement (forced return to a country where they may be subjected to persecution; refoulement is a violation of international law).

Nonetheless, the significant work undertaken by Jordanian authorities during the UVE to issue new Mol cards to more than 360,000 Syrian refugees must be acknowledged. In addition to conferring legal status, facilitating freedom of movement, and providing access to services, the new Mol card helps establish nationality for Syrians born in Jordan, which may support eventual voluntary repatriation or resettlement efforts. More generally, the availability of a government-issued identity card supports protection activities and service provision to refugees by allowing authorities to identify refugees' needs, as well as assisting in community acceptance of refugees.

Refugees interviewed for this report had a range of experiences with the UVE. Some easily completed the process and welcomed the security and access to services that the card provided. Others encountered challenges in the process of applying for cards and some were unable to obtain them. Some problems, such as long queues at police stations, were largely logistical

and temporary. Other challenges related to documents refugees were required to produce. In some cases, documentation issues were resolvable, but required refugees to take additional steps: for example, refugees whose Syrian identity documents had been retained by Jordanian authorities when they entered the country had to request and retrieve these documents before they could receive a new Mol card.

In other cases, documentation problems were more intractable. In interviews, the largest categories of people who lacked new Mol cards were children without birth documentation and adults without identity documentation. To obtain new Mol cards, refugees in these categories have to go through a special process that is relatively obscure and inaccessible. In a number of other cases, refugees were simply ineligible to receive a new Mol card in host communities – usually because they had left Jordan’s refugee camps without official authorisation – and faced the risk they would be forced to relocate to the camps, even though they wanted to remain living in host communities. While this report does not explore the rationale or policy considerations underlying the Government of Jordan’s position on who should reside in refugee camps, UNHCR’s policy guidance notes that there may be good reasons why refugees choose to leave refugee camps; UNHCR’s policy is to “strive to ensure that refugees who travel to urban areas are provided with documents,” as well as “advocate with the authorities and security services to ensure that [refugees] are not penalized for travelling and that they are allowed to remain in an urban area for as long as necessary.”⁶

Although this report is focused on legal documentation, it also updates *Registering Rights: Syrian refugees and the documentation of births, marriages, and deaths in Jordan*. Jointly published by the International Human Rights Clinic at Harvard Law School (IHRC) and the Norwegian Refugee Council Jordan (NRC) in October 2015, *Registering Rights* highlighted the challenges that Syrian refugees face around “civil documentation” – meaning, in this context, registering births, marriages, and deaths – and the consequences that flow from non-registration of such life events.⁷ While most interviews conducted for this 2016 report focused on the different category of legal documentation, some interviews additionally or alternatively covered civil documentation. In interviews on civil documentation, refugees continued to describe contending with the

challenges identified in *Registering Rights*; in particular some refugees have been unable to produce official documents, such as identity documents, that are required to complete a registration process.

A lack of documentation, civil or legal, has produced cascading consequences for some families, as one documentation issue has led to another. For example, lacking civil documentation has made it harder to obtain legal documentation: interviewed parents who lacked marriage certificates could not register the births of their children (as official proof of marriage is required to register a birth in Jordan), and children without birth certificates often have not received new Mol cards. Similarly, lacking one type of legal documentation has also led to other legal documentation problems. For instance, refugees without Syrian passports or identity cards may struggle to obtain the new Mol card.

Interviewed refugees who lacked the new Mol card or other important documentation have experienced or feared a range of consequences, including restricted access to services, such as health and education, limitations on their eligibility to receive humanitarian and development assistance, and restrictions on their movements. In the longer term, adults and children without civil and legal documentation face a host of risks, including problems proving legal identity and nationality, as well as a higher risk of exploitation in illegal work. Syrian women and girls without documentation may be at particular risk of early marriage, among other gender-based risks. These consequences and concerns implicate a range of human rights, including rights to health, education, birth registration, nationality, legal identity, and freedom of movement. These human rights are enumerated in international treaties that are binding on Jordan and apply to every person within the Jordanian state, including Syrian refugees.

In broad terms, this report recommends:

- *Creating pathways to legal status in host communities*, including by issuing asylum seeker certificates to all Syrian refugees outside the camps.
- *Improving the UVE process*, including by simplifying documentation requirements and developing better procedures at police stations.
- *Mitigating consequences for those who do not yet*

have the new Mol card, including by ensuring that public hospitals and schools accept the asylum seeker certificate in lieu of the new Mol card and that refugees who lack asylum seeker certificates are able to receive vital assistance.

- *Increasing access to civil documentation*, including by continuing to approve periods in which the penalties for informal marriages are waived and exploring alternatives to the requirement for approval from the Ministry of the Interior for Syrian refugees to register their marriages.

II. Methodology

Following the publication of *Registering Rights*, IHRC and NRC expanded the scope of their joint research to encompass refugees' experiences of the UVE and collaborated with Justice Center for Legal Aid (JCLA), a major provider of legal assistance to Syrian refugees in Jordan.

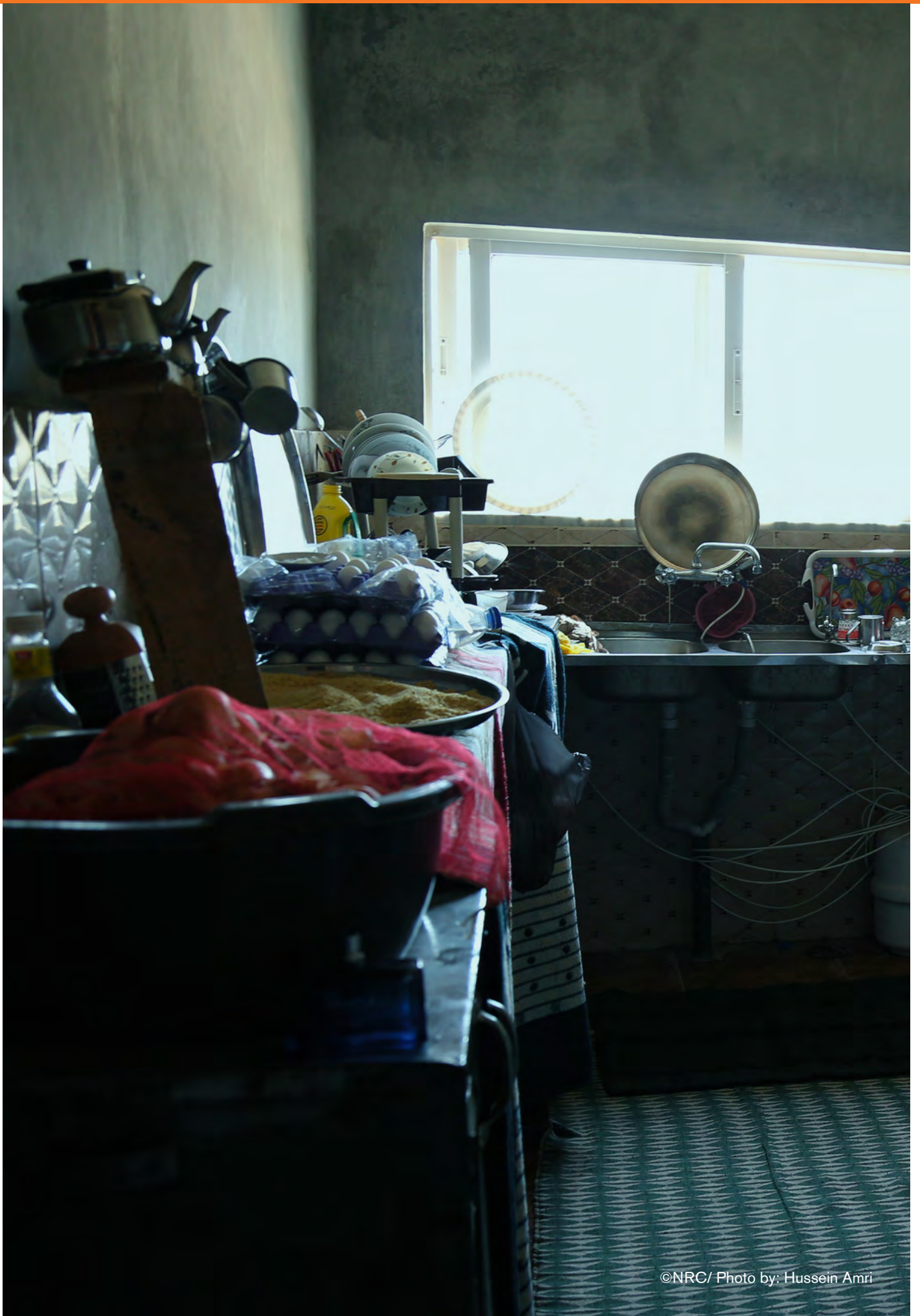
From 28 February to 10 March 2016, researchers interviewed 72 families living in the north of Jordan and Amman for this 2016 report. Interviews took place in refugees' homes and at the NRC drop-in centres in Jerash and Irbid, as well as at the JCLA offices in Amman. NRC and JCLA identified families that had previously discussed legal and civil documentation with NRC or JCLA staff and selected a subset of families that represented the spectrum of issues refugees seemed to be encountering, as well as families who did not encounter any issues. Interviews were based on a common set of questions, but researchers did not conduct a survey. Some families discussed only the UVE, whereas others described matters relating to civil and legal documentation; a small number discussed only civil documentation. During this period, researchers also held a focus-group discussion with 13 refugee women in Irbid, a roundtable discussion with JCLA lawyers involved in civil documentation cases, and a meeting with five Shari'a court judges. In addition, researchers met with representatives from UNHCR and UN Women.

To supplement this research, in July 2016 NRC staff reviewed their database of cases and identified families with whom they had discussed documentation matters, but who had not been interviewed in February and March. Examples from these case summaries were incorporated into this report where they illustrated



experiences not otherwise identified through interviews. The phrase "reported to NRC staff" is used in this report to identify these cases and distinguish them from families interviewed from 28 February to 10 March 2016.

The research process was not designed to produce quantitative results. Nonetheless, interviews for this report highlighted a number of challenges and consequences refugees have faced that point to common themes in refugees' experiences that should receive attention. Additional research would help further evaluate the scale of challenges within the broader refugee community.



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III. The Urban Verification Exercise

A. Background

Officially, upon arrival to Jordan, all refugees must go to one of Jordan's refugee camps, which are jointly administered by the Government of Jordan and UNHCR. As of September 2016, nearly 80,000 refugees were registered in Zaatari, the largest camp, and 55,000 in Azraq camp.⁸ UNHCR issues refugees residing in camps with a "Proof of Registration" document, which they hold while they remain in the camps. For eligible Syrian refugees who live outside camps, in Jordanian cities, towns, and rural areas, UNHCR provides an asylum seeker certificate, a document that states that those listed on the certificate (usually a family, but in some cases just one individual) are "persons of concern" to UNHCR. The asylum seeker certificate allows Syrians to access services and assistance provided outside the camps by UNHCR and humanitarian agencies, such as cash, food, and subsidised healthcare.

Regardless of whether they have registered with UNHCR as refugees, all Syrians living in Jordan are required to register with the Jordanian Ministry of the Interior and receive an Mol Service Card ("Mol card"), which is valid only if the Syrian remains living in the district where the card was issued.⁹ Administratively, Jordan's 12 governorates are divided into 52 districts, which vary in size and population.

In early 2015, the government initiated the "Urban Verification Exercise" ("UVE"), an exercise to re-register (or "verify") all Syrian nationals living in Jordan and provide them with new biometric Mol cards ("new Mol cards"). Mol cards issued prior to the UVE are no longer considered valid. To receive a new Mol card, every Syrian is required to present his or her Syrian identity document and asylum seeker certificate, as well as a health certificate and proof of address, at a local police station.¹⁰ Syrians who entered Jordan through the established legal process – with a passport through a regular port of entry under the procedures that existed prior to the Syrian conflict – do not require an asylum seeker certificate to receive the new Mol card and this report does not address their circumstances. (Regular entry was not possible after December 2013 and most Syrians in this category entered Jordan prior to early 2013.) Descriptions of the UVE process in this report are current as of September 2016.

The new Mol card is a nationally recognised, consistent, and secure government-issued identity card that confers a number of benefits on holders. According to UNHCR, the new Mol card "serves as proof of legal Jordanian residency in a host community in a specific district" and is "used for accessing public services including health and educational services within the district in which the card was issued."¹¹ Syrians in possession of a new Mol card "are entitled to travel freely throughout Jordan."¹² With a new Mol card, Syrians can apply for work permits from the Ministry of Labour that allow them to work legally in Jordan, as well as drivers' licences.¹³

Some refugees living outside the camps are ineligible to receive new Mol cards and asylum seeker certificates.¹⁴ Until early 2015, refugees could go through an official process to leave the camps (called "bailout") if they met certain requirements, including having a Jordanian sponsor over the age of 35 who was a relative. From 14 July 2014, pursuant to a government decision, the Ministry of the Interior ceased issuing Mol cards to refugees who left the camps without bailout (that is, without official authorisation), and prohibited UNHCR from issuing asylum seeker certificates to refugees in this category.¹⁵ Refugees in this category are, however, included in UNHCR's overall number of registered refugees: even though they are living in host communities, they remain officially registered in the refugee camp where they resided. According to NRC's estimate, as of September 2016, at least 17,000 refugees have left Azraq (of the 55,000 who have registered at the camp) after July 2014 without authorisation. In November 2015, UNHCR reported that 160,000 refugees had left Zaatari without authorisation since the camp opened in 2012, but the number who have left without authorisation after July 2014 is believed to be relatively small.¹⁶

Without Mol cards or asylum seeker certificates, refugees who left the camps without authorisation after 14 July 2014 (or who lacked bailout and had not registered with UNHCR in a host community by that date) have restricted access to government services and humanitarian assistance; they also run the risk that if they encounter Jordanian authorities, those authorities may force them to relocate to the camps. The bailout process was suspended in January 2015 and has not resumed as of October 2016.

Timeline of Relevant Dates

14 July 2014



Pursuant to a government decision, any refugee who leaves the camps without bailout after this date (or previously left without bailout and never registered with UNHCR in a host community before this date) is ineligible to receive an asylum seeker certificate or Mol card.

Early 2015



Bailout from the camps was suspended.

February 2015



The UVE began in the north of Jordan.

November 2015



The fee for obtaining a health certificate (required documentation in the UVE) was reduced from JOD 30 (USD 42) to JOD 5 (USD 7).



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B. The Process

In order to receive a new Mol card, Syrians are required to present the following documents at a local police station:

- **Proof of identity:**
 - For adults: either a Syrian passport or Syrian identity card
 - For children born in Syria: a Syrian family book (a government-issued document a couple receives when they register their marriage) that contains the child's name, or a Syrian passport
 - For children born in Jordan: a birth certificate issued by the Jordanian Civil Status Department
- **An asylum seeker certificate** (unless the Syrian entered Jordan prior to December 2013 through a regular port of entry, in which case a Syrian passport with proof of legal entry must be produced)
- **Proof of address**, which can be shown by:
 - A certified lease contract and a copy of the landlord's identity document; or
 - In cases of verbal contracts, the landlord's physical presence at the police station; or
 - A proof-of-address document issued by UNHCR for the purposes of the UVE
- For every Syrian over the age of 12, a **health certificate** obtained in Jordan from an authorised health centre

In addition, if the refugee has an old Mol card, he or she should bring it to the police station. However, if the old Mol card has been lost or is damaged, this should not prevent the refugee from receiving a new Mol card.

Over the course of the UVE, Jordanian authorities have improved procedures and modified policies to make it easier for Syrian refugees to start and complete the process. One of the most significant policy accommodations was the November 2015 reduction in the cost of the health certificate, from JOD 30 (USD 42) to JOD 5 (USD 7). Demonstrating proof of address was also made easier: initially, refugees had to present a certified copy of their lease and a copy of their landlord's identity document; later, two additional alternatives to prove address were established.

A multi-agency government committee, in cooperation with UNHCR, is in place to address particularly complex or exceptional cases, including cases not resolved under standard procedures, such as cases in which refugees lack required identity documents. Sometimes referred to as the "Special Committee," the body is made up of representatives from various government agencies, and UNHCR attends its meetings as an observer.¹⁷ Syrians are referred to the committee by government agencies identifying complex cases (for example, police can refer refugees to the committee) or by UNHCR. In March 2016, UNHCR representatives stated that the committee met for one day each week and could deal with a maximum of around 35 cases in a day-long meeting.¹⁸ In practice, at the time of the interviews, few refugees were aware of the committee's existence and it was unclear what consequences a refugee would face if the committee decided not to issue a new Mol card in his or her case.

Who Is Eligible for a New Mol Card?

Any Syrian who:

- Left the camps **prior to 14 July 2014** and received an asylum seeker certificate in a host community, *regardless of whether the refugee had bailout*; or
- Left the camps **at any time** *with bailout* and received an asylum seeker certificate in a host community (bailout was suspended in January 2015); or
- Is a child born in Jordan to a family with an asylum seeker certificate; or
- Entered Jordan legally with a passport through a regular port of entry; this category mainly covers Syrians who entered Jordan prior to the conflict.

Consequently, refugees who left the camps **without bailout after July 2014** are **ineligible** to receive new Mol cards. As the bailout process was suspended in January 2015, this category includes **everyone who left the camps from January 2015 onwards**.



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Who Is Eligible for an Asylum Seeker Certificate?

Any Syrian who:

- Left the camps **prior to 14 July 2014**, *regardless of whether the refugee had bailout*, and registered with UNHCR in a host community prior to 14 July 2014; or
- Left the camps **at any time with bailout** (bailout was suspended in January 2015); or
- Is a child born in Jordan to a family with an asylum seeker certificate.

Asylum seeker certificates are valid for one year and subject to renewal by UNHCR. If a family with an asylum seeker certificate goes back to the camps and formally resides and receives assistance in the camp, they become ineligible to renew their asylum seeker certificate; if they subsequently leave the camp and return to a host community, they are in the same position as someone who left the camps after 14 July 2014 without bailout, meaning they are not eligible for an asylum seeker certificate (or a new Mol card).

What was Bailout?

Until January 2015, Jordanian authorities allowed Syrians to apply to leave the refugee camps and move to host communities through a “bailout” process involving a Jordanian sponsor. The sponsor had to be a Jordanian citizen with no criminal history who was aged over 35 years, married, and a relative of the refugee/s seeking bailout.¹⁹

The sponsor was required to obtain security clearance, file an application with the local municipality, provide documents that showed a family relationship with the refugee/s seeking bailout, pay a fee of JOD 15 (USD 21) for each refugee seeking bailout, and finalise bailout at the relevant refugee camp.²⁰

C. Refugees' Experiences of the Process and its Challenges

Most refugees interviewed for this report went through the steps of the UVE as part of a household – usually comprising an extended family living together – that worked collectively towards the goal of obtaining new Mol cards for everyone in the household: for example, one family member might take charge of gathering the right documents and then the whole household would go as one to the police station.²¹ Many households began the process by requesting the return of identity documents that had been retained by Jordanian authorities when they entered the country or visiting a health centre to apply for health certificates.

Refugees' experiences differed according to the policies that were in place when they went through the UVE and also varied by location, as individual police stations adopted different processing practices. Nonetheless, common issues refugees encountered

included long wait times at health centres and police stations, and police seeking additional documentation from refugees beyond the official requirements, such as old asylum seeker certificates.

In a number of households, some or all members faced intractable issues relating to civil or legal documentation that prevented them from receiving the new Mol card. Some obstacles, such as a family's lack of an asylum seeker certificate, could prevent an entire household from going through the UVE, whereas other problems, such as lack of birth documentation, affected only individual members' ability to receive the new Mol card. In some cases, factors whose impact is more difficult to directly measure affected refugees' ability to complete the UVE, such as fear of approaching the police station or lack of awareness about the significance of the new Mol card.

Profile of Cases

Sixty-five households' experiences with the UVE were discussed in interviews:

- In 19 cases, every person in the household had received the new Mol card.
- In 27 cases, some members of the household had received the new Mol card.
 - In 13 cases, the family member or members who did not have the card had taken some steps in the UVE, such as visiting their local police station or obtaining a health certificate.
 - In 14 cases, the family member or members who did not have the card had taken no steps in the UVE.
- In 19 cases, no one in the household had received the new Mol card.
 - In two cases, the household had completed all steps in the UVE and were waiting for cards to be issued.
 - In 11 cases, the household had taken some steps in the UVE.
 - In six cases, the household had taken no steps in the UVE.
- In around half of the households in which some or all of the members started or completed the UVE (and recalled when they took their first steps), the household or relevant family member began the process prior to November 2015.

The main reasons why households or individuals had not received a new Mol card or had not started the process to obtain a new Mol card were:

- A child born in Jordan lacked a birth certificate (12 cases).
- A child born in Syria was not listed in the family book (eight cases).
- An individual or family was awaiting the return of retained documents (seven cases).
- An individual or family lacked an asylum seeker certificate because they left the camps without bailout after 14 July 2014 (five cases).
- Certain documents, such as Syrian identity documents, were lost, destroyed, or unavailable (five cases).



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1. Return of retained documents

Through the UVE, refugees are able to retrieve documents that were retained by Jordanian authorities when they entered Jordan. At the beginning of the Syrian crisis, border authorities typically retained only identity documents, such as passports, but in 2013, at the height of the crisis, they were retaining a broader range of documents, including marriage certificates and family books.²² In total, around 219,000 documents were retained up to early 2014, when the practice ended.²³ As of August 2016, 179,287 documents had been returned to refugees and a substantial portion of those documents have been returned through the UVE.²⁴ The return of documents through the UVE was suspended from March to May 2016 for administrative reasons, but resumed in the first week of June 2016.

To retrieve retained documents through the UVE, refugees fill in a “documents request” form at their local police station and take that stamped form to their local UNHCR office or helpdesk. UNHCR sends the applicant an SMS message once the retained documents are ready to be collected from a local police station. In the early stages of the UVE, refugees were approaching UNHCR directly to seek the return of documents, but as the UVE has progressed, authorities have encouraged refugees to visit the police station first.

On the whole, refugees reported positive experiences with the return of documents through the UVE, although interviews took place before suspension of the process from March to May 2016. Of the 37 households who reported requesting the return of their documents through the UVE, 30 had their documents returned at the time of the interviews. Nearly two-thirds received their documents within two months of making the request. However, a number of refugees noted that prior to the UVE they had made multiple unsuccessful attempts over a number of years to retrieve their documents.

2. Proof of address

In order to receive a new Mol card, refugees are required to prove where they live; the new Mol card allows a refugee to receive services only in the district where the refugee officially lives. At the beginning of the UVE, to prove their address, refugees had to produce a certified lease contract as well as a copy of the landlord’s identity document at the police station. Certifying a lease involves visiting a local municipality office and paying a fee. In October 2015, UNHCR announced two additional ways to prove address apart from a certified lease: by bringing the landlord to the police station to attest to the fact that the refugee lives

in the landlord's property (in the case of verbal leases); or by providing a proof of address document issued by UNHCR for the purposes of the UVE.

Most refugees interviewed sought to obtain lease contracts (many were living in NRC shelter properties); few discussed bringing their landlord to the police station, and none discussed knowing about or using the UNHCR mechanism. Although some police stations appear to have accepted leases that were signed by the landlord and refugee, but not certified, others required leases to be certified. Reportedly, some landlords have been reluctant to certify leases because of potential tax consequences. Leases are certified at local municipality offices, which must report to the income tax office; therefore, if a landlord has not properly reported rental income, the act of certifying the lease could increase the amount of tax the landlord owes.

Regardless of certification, some refugees struggled to obtain signed leases from landlords. It took one 32-year-old mother of four a month to receive a lease from her landlord, because he had outstanding fees associated with the building that had to be paid. The mother described the landlord as "not very cooperative," noting, "We literally begged him for the documents until he agreed."

In other cases, landlords were unwilling to provide copies of their identity documents or accompany refugees to the police station. One woman said that although she had a "very good" relationship with her landlord, when she asked for a copy of his identity card he refused to give her one. Later, he "calmed down" and sent a photo of the card to her phone. In other instances, refugees had positive experiences with their landlords, who readily provided the necessary documents or accompanied them to police stations.

3. Health certificate

As part of the UVE, every refugee above the age of 12 is required to obtain a health certificate that verifies the refugee is not a carrier of certain infectious diseases. Refugees must visit an accredited health centre, where health workers take a blood sample, and then return to the health centre approximately a week later to receive the certificate. At the beginning of the UVE, only 12 health centres in Jordan were permitted to issue health certificates, but by November 2015, that number had increased to 30. Health certificates generally expire one year after the date of issue. It is standard practice in Jordan to require foreigners residing in the country to obtain health certificates.

While some refugees described the experience of obtaining a health certificate as straightforward, others experienced long waiting times or made multiple trips to health centres, sometimes located significant distances from where they lived. In late 2015, one family heard an announcement that a particular health centre was issuing health certificates, but once there they were told this was not the case; they visited a second health centre and received the same response; at a third health centre, they were finally able to receive health certificates. Another family said they made six trips to three different health centres before they finally received health certificates.

The reduction in the fee for the health certificate from JOD 30 (USD 42) to JOD 5 (USD 7) in November 2015 was a motivating factor for at least five households to start the UVE. Many refugees calculated the costs of applying for a new Mol card on a household basis, so even if the household could afford for a few members to apply, they generally did not start the process until they had sufficient funds for the whole household. As a result, the fee reduction was especially important for households operating under significant financial constraints. However, some health centres appeared to struggle with the influx of Syrians seeking health certificates after the decrease in the fee. One head of household said the health centre that his family visited after the fee was reduced was "very crowded and disorganised."

4. Experiences at the police station

To complete the UVE, refugees are required to present themselves at their local police stations, as determined by their place of residency, with the required documents; at the police station, police review each person's documents and take a scan of his or her iris before issuing a new Mol card. In some cases, refugees can choose among several local police stations (for example, if they live in a large city); in other cases there is only one police station they are eligible to visit.

Some refugees who left the camps without bailout or had other legal problems were reluctant to approach police stations to apply for the new Mol card. The father-in-law of one man who never applied for an old Mol card recounted that the man "says that if he leaves the house, he feels like he committed a crime." The father-in-law observed that anyone who lacked an asylum seeker certificate or Mol card would "walk in fear." In a case reported to NRC staff, a woman said she did not want to visit the police station: she said she felt "deep inside" that her children who lacked birth documentation would not receive the new Mol cards.

Refugees who went to police stations reported that police stations adopted different procedures for processing applications: some police stations issued appointments, whereas others relied on people queuing on particular days. Refugees also described capacity constraints and procedural irregularities at some police stations, and said that police sometimes requested documentation beyond what refugees expected they had to provide.

Appointment systems

A number of police stations have adopted appointment-based systems to process applications for the new Mol card, but the mechanics of each police station's appointment system vary. Some police stations issue appointments for refugees to bring in their documents, in the expectation that if the documents are in order, the new Mol card will be issued on the same day as the appointment. Refugees reported that the appointment was sometimes for the following week or month, but could at times be much later. In one case, a family who went to their local police station in February 2016 was given an appointment to bring in their documents at the end of June 2016, more than four months later.

Rather than issuing appointments to bring in documents, some police stations allow families to queue and bring in all their documents; if the documents are in order, police instruct families to either return on a certain date to collect their new Mol cards, or wait to be contacted by police once their cards are ready. One 45-year-old woman said she and her family took all the necessary documents to their local police station in January 2016. Officers informed the family that they would be contacted when their new Mol cards were ready and gave the woman a piece of paper with a number written in red ink on it, but did not say what the number meant. When researchers visited, two months had passed and the woman had heard nothing from the police station; she observed, "We have no idea when we will be called back."

Capacity constraints and procedural irregularities

Some police stations appeared to be operating under capacity constraints that limited their ability to process applications for the new Mol card efficiently. Many families reported encountering long lines at police stations, particularly during the initial stages of the UVE. Some refugees queued for multiple days before

even entering the police station either to make an appointment or submit their documents. One man who went to his local police station with his household in April 2015 observed, "We went every day for 10 days, from 5:00 in the morning until 4:00 in the evening; we waited for our turn, but we couldn't enter." A mother similarly described waiting all day at her local police station four times between March and May 2015 before making it to the front of queue. She said, "There were long lines; there were too many people," and she "felt disappointment and anger." The family eventually received their new Mol cards in December 2015.

Refugees also reported problems with equipment at some police stations or mistakes on issued cards. One head of household stated:

It's so difficult to do anything in the police station. My mother has a missing letter in her name on the [new Mol] card and we want to fix it. We've been there four or five times, and every time they tell us something is wrong – like the printer isn't working, or the system is down.

Another man stated that he thought his local police station was understaffed, but reflected, "We know that we have to be patient in every process . . . Since we're not from this country, we know we have to wait until the Jordanians get the services."

At some police stations, refugees reported that they experienced procedural irregularities. Some families made use of connections to expedite the process at the police station. One mother, who suffered from diabetes and blood-pressure problems, explained that while her household's original appointment at the police station had been 7 July 2016, "We know someone who was able to switch names so we went [in early March 2016] instead." She added, "He doesn't usually do this for anyone, but he knows we are a special case." In another instance, in December 2015, a 41-year-old man, who had already been to the police station twice, asked his neighbour's friend, who worked at the police station, to help him. "When we used the contact, they issued the new Mol card within one day," he said. In other cases, refugees concealed information in order to make the process easier: in two cases, a woman who lacked the documentation to prove that she was married pretended to be single in order to go through the UVE with her parents rather than her husband's family. A small number of refugees believed it was possible for families who lacked the right documentation to pay money at police stations to obtain a new Mol card, but researchers could not verify these claims.

Requests for additional documentation

Refugees reported that in some instances police asked them to produce copies of old asylum seeker certificates issued prior to July 2014, in addition to their current asylum seeker certificate and/or old Mol card. Because asylum seeker certificates are issued on an annual basis, current asylum seeker certificates do not clearly indicate that a refugee registered with UNHCR in a host community prior to 14 July 2014, or with bailout after that date. Although possession of a current asylum seeker certificate should demonstrate that a refugee is eligible to receive a new Mol card (because asylum seeker certificates are not issued to refugees who left the camps without authorisation after 14 July 2014), some police have continued to request these documents in an attempt to ensure that ineligible refugees do not obtain new Mol cards. In March 2016, UNHCR stated that it had come to an agreement with the relevant authorities that refugees should not be required to produce old asylum seeker certificates.²⁵

Since refugees' asylum seeker certificates are replaced annually by UNHCR, many of the refugees interviewed did not have copies of their old certificates and had to come up with creative strategies to find copies. In one case, a mother found copies of her family's old asylum seeker certificates by going through files at the schools her children attended. In another case, a family spent three months trying to obtain a copy of their old asylum seeker certificate from a health clinic where they had previously sought treatment. However, the added

requirement to produce old asylum seeker certificates was not always consistently enforced: a 31-year-old mother said that on her first visit to her local police station, she was told she needed a copy of her old asylum seeker certificate, which she did not have; when she went back to the same police station at a later date, no one requested the old asylum seeker certificate, and she received a new Mol card.

Refugees expressed concern that police officers asked for old asylum seeker certificates in order to learn whether refugees had been bailed out of the camps, regardless of whether they left before July 2014. One household – a brother and sister and their families – who had left Zaatari without bailout two weeks before the 14 July 2014 cut-off, made an appointment with UNHCR prior to the deadline and received an asylum seeker certificate in September 2014. They went to their local police station twice, but both times were told that they could not receive the new Mol card unless they had an asylum seeker certificate issued before 14 July 2014. In at least four cases, police officers asked applicants directly whether they had been bailed out of the camps. One family was told in mid-2015 that they had to produce their original bailout document (a document sometimes issued by camp authorities that records a person's bailout status) to be able to receive the new Mol card; the wife had a copy, but police officers told her she needed the original. One father noted, "There is no one policy [at police stations] One person tells me something, the other tells me the opposite."



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5. Intractable civil documentation issues

Children whose births have not been registered in Syria or Jordan are unable to receive new Mol cards through the normal UVE process. Instead, such children can be referred to the UVE Special Committee that is charged with assessing complex cases. However, in practice, families who tried to obtain new Mol cards for their unregistered children reported being unaware of the possibility of applying to the Special Committee. Some families did not even attempt to start the process for their unregistered children: based on others' experiences, they believed that unregistered children were unable to receive Mol cards. Consequently, in at least 20 cases, unregistered children whose families went through the UVE did not receive a new Mol card.

When a child's birth is registered in Jordan, the parents receive a birth certificate. If the parents are Jordanian, the child's name is also added to the couple's family book, a government-issued document a couple receives when they register their marriage. If the parents are Syrian (or any nationality other than Jordanian), they receive only the birth certificate. In Syria, by contrast, when a child is born and the parents are Syrian, Syrian authorities add the child's name to the parents' family book, but the parents do not receive a separate birth certificate. In the UVE, children who were born in Syria and under 18 must be listed in the Syrian family book (or have a Syrian passport or identity card) to receive a new Mol card through the normal process.

Children born in Syria

At the beginning of the UVE, there were indications that Syrian children who lacked birth documentation could receive new Mol cards if their names were recorded on the family's asylum seeker certificate. However, families have continued to report that police have required them to produce a family book containing their children's names as the only sufficient proof of identity for a Syrian-born child. As of October 2016, developments suggest that in the coming months police stations may start to accept asylum seeker certificates in lieu of family books for Syrian-born children without birth documentation.

If a Syrian couple previously possessed a Syrian family book, but it was lost or destroyed (or retained by Jordanian authorities and not yet returned), the result has been that none of the couple's children under the age of 18 could receive a new Mol card unless they went to the Special Committee. One family had added their four children, all under the age of five, to their family book, but it was destroyed before they left Syria. They had heard there might be a way for the children to receive new Mol cards, but were confused about what steps they needed to take and were waiting for more information from the police station and UNHCR.

In other cases, circumstances in Syria at the time of a child's birth prevented the parents from adding the child

to the family book or obtaining any other documentation that proved the child was theirs. One mother said, “[My daughter] was born during the conflict. The hospital was being bombed when I was giving birth. I didn’t ask for papers – I have no papers of any kind. We had to run away.” When her household went to the police station to apply for the new Mol cards, police told her that her daughter could not receive the new Mol card as she was not listed in the family book.

Some police showed flexibility in their application of the requirements. In several cases, police accepted a “family record” (a piece of paper issued by the Syrian Civil Status Department prior to issuing a family book) in lieu of a family book. In a case reported to NRC staff, police accepted a document issued by the midwife who delivered the child and signed by a mukhtar (community leader) as proof of identity for a four-year-old child born in Syria. In another case, police accepted a bailout document as an alternative to the family book.

An Experience with the UVE Special Committee

Although none of the refugees interviewed in February and March 2016 mentioned knowing about the Special Committee, in a case reported to NRC staff, the Special Committee agreed to issue a new Mol card to a three-year-old child born in Syria who was not listed in the family book.

The father had been unable to register the child’s birth in Syria because the local Civil Status Department office had been destroyed. In early June 2016, the family went to their local police station to apply for new Mol cards, where they were told that they had to go through a special procedure to obtain a card for the child. Police referred the family to the Syrian Refugee Affairs Directorate (SRAD), the coordinating body for the Special Committee, which in turn informed UNHCR of the case.²⁶ UNHCR then contacted the family to let them know about the Special Committee process. Less than a month after he had gone to the police station, the father attended an interview at SRAD’s Amman offices, where he explained why he had not been able to register his son’s birth in Syria and answered questions about his marriage. At the end of the interview, he was told that his son would receive a new Mol card. The son received his new Mol card from a local police station several weeks later.

Children born in Jordan

Parents who lack official documents proving marriage are unable to register the births of their children who were born in Jordan. To register a birth in Jordan, a couple must produce official proof of marriage in the form of a marriage certificate, marriage ratification certificate,²⁷ or family book. As a result, couples who married in Syria, but whose marriage certificate or family book was lost, destroyed, or retained by Jordanian authorities, have been unable to register their children born in Jordan.

Challenges also arise from the fact that many Syrian couples have married “informally,” outside the official procedures in Syria or Jordan: these couples may struggle to legalise their marriages through the Jordanian Shari’a courts and so may lack the official proof of marriage necessary to register a birth.²⁸ Consequently, the children of informal marriages cannot receive new Mol cards through the normal process because their parents cannot produce birth certificates for them at the police station. One couple that married informally in Syria and were in the process of legalising their marriage in Jordan attempted multiple times in late 2015 to obtain a new Mol card for their two-year-old son without success. The husband said that police told him to “wait and maybe later they will start issuing the new Mol cards for people without any documents,” adding that “maybe the laws will change.”

Even couples with official proof of marriage have struggled to register births. One family with a three-year-old son received a “birth notification,” a document that lists information such as the parents’ names and child’s date of birth, when their child was born in Zaatari. They did not know they needed to take the birth notification to the Jordanian Civil Status Department to register the child’s birth until they started the UVE. Because they failed to register the child’s birth within a year, Jordanian law requires them to initiate a lawsuit in the Jordanian Magistrates courts. The child’s mother explained, “The police informed us that we needed a birth certificate to get the [new Mol card]. We went to the Civil Status Department. They told us we need to go to court because the baby is three years old.” At the time of the interview, the family had started a court case, but the mother was worried about her son not having the new Mol card as she considered it “essential for accessing services.”

6. Intractable legal documentation issues

Adults without Syrian identity cards or passports

Syrian adults are required to show original Syrian passports or Syrian identity cards to receive a new Mol card at the police station. In some cases, refugees' passports or identity cards had been lost or destroyed (or remained retained by Jordanian authorities). In one case, a man had only a copy of his Syrian identity card when he arrived in Jordan in 2013 at the age of 20. He went to three different police stations in February 2016 in an effort to apply for the new Mol card. He showed police the copy of his identity card, as well as his parents' original family book, in which he was listed, but each time he was refused because his identity card was not original. The man observed that he knew others with the same problem. Another man, who could not afford to pay for a passport for his daughter who lacked an identity card, said that he "tried to get the new passport [at the Syrian embassy in Jordan] with the help of some people, but it didn't work out." NRC staff also reported that some police stations have not accepted expired Syrian passports as proof of identity. The cost of a new Syrian passport, issued by the Syrian embassy in Amman, is USD 400, while renewal of a passport costs USD 200.²⁹

Refugees who left Syria before the age of 18, but turned 18 while in Jordan, have faced particular hurdles providing Syrian passports or identity cards. In Syria, identity cards only become mandatory at the age of 18. As a result, refugees who left Syria before the age of 18, but have since turned 18 in Jordan, often do not have Syrian identity cards, and refugees have reported that police have not accepted family books as proof of identity for Syrian adults in this situation. One mother who started the UVE in March 2015 said her 21-year-old daughter, who entered Jordan when she was 17, could not receive a new Mol card because she lacked a Syrian identity card or passport. The mother commented, "The police station requires an original Syrian identity card or a new passport, which we can't produce – I can't see a way out." In a case reported to NRC staff, a 20-year-old woman, who entered Jordan when she was 16, was unable to receive a new Mol card because she did not have a Syrian identity card or passport. Police refused to accept her parents' family book, in which she was listed, as proof of identity.

Refugees without asylum seeker certificates

Refugees who left the camps after 14 July 2014 without authorisation (or who left without bailout prior to 14 July 2014, but had not registered with UNHCR by that date) are unable to receive asylum seeker certificates

and ineligible to apply for the new Mol card in host communities. As noted above, NRC estimates that at least 17,000 refugees are in this situation. One family, who had lived in Jordan for 35 years but returned to Syria shortly before the conflict, came back to Jordan in April 2014. They left Zaatari shortly afterwards without bailout and received an asylum seeker certificate in Irbid in June 2014. In February 2015, the head of household, a 56-year-old woman, was picked up by police and sent back to Zaatari, reportedly because she did not have bailout. The woman said that medical problems meant she could not live in Zaatari, so a few weeks after police sent her there, she left the camp (bailout had been suspended, so she did not go through the bailout process). In June 2015, she went to UNHCR to renew her asylum seeker certificate, but UNHCR officials reportedly told her it could not be renewed because she had left Zaatari without authorisation. Consequently, she could not receive a new Mol card. The woman expressed frustration with the situation, noting that she had lived in Jordan for decades and all of her children had been born in Irbid.

Problems with identity documents

Refugees who have borrowed others' identities or used forged documents have faced problems obtaining new Mol cards. In a case reported to NRC staff, a woman attempted to use a forged document to prove her daughters' identities during the UVE. The woman had three school-age children, all born in Syria, but she no longer possessed her family book. Her husband, who worked in Kuwait, sent the woman her original passport so that she could use it as a form of identification for herself and her son, who was listed in the passport. However, her two daughters had no documents to prove their identity. The woman felt she "had to think of something" as she believed her daughters could not enrol in school or receive public health services without the new Mol card, so she contacted relatives in Turkey, who sent her a forged family book that included her daughters' names. When she went to the police station to apply for the new Mol card, she presented the forged family book. Police recognised that it was not a genuine document and detained the woman for several hours. A legal-aid lawyer assisted the woman and she was released, but her daughters did not receive new Mol cards. The woman reflected, "I just wanted to be able to register my daughters and enrol them in school but I ended up facing more issues."



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Perceptions about the New Mol Card

Some refugees expressed confusion about the relationship between the new Mol card and their legal status, complicating their understanding of the card's relevance to their lives. Refugees who lack bailout have been at risk of being forced to relocate to the camps, particularly prior to the UVE. According to UNHCR, refugees with the new Mol card should be able to travel freely throughout Jordan and, unless they break the law, should not be forced to relocate to the camps, regardless of whether they have bailout.³⁰ As such, possession of the new Mol card should be sufficient proof of a refugee's entitlement to live in a host community.

Some refugees without bailout (who were nonetheless eligible to receive a new Mol card because they had left the camps prior to the July 2014 cut-off and had received an asylum seeker certificate) thought that having the new Mol card would make no difference to their legal status in

Jordan; some continued to fear that even with the new Mol card they might be forced to relocate to the camps if they encountered authorities. This belief may have discouraged some from applying for the card or approaching police stations. One man, who left the camps without going through the bailout process, had applied for and received a new Mol card, but considered it to be "useless."

Other refugees voiced the belief that the new Mol card would offer protection to those who lacked bailout. One woman who had the new Mol card felt that it was "even better than bailout," "one hundred per cent better." Another family felt that the new Mol card "doesn't replace bailout, but we feel a bit safer." Many refugees with the new Mol card expressed feelings of relief, safety, and freedom: "We feel that we are more secure now in Jordan," said a grandfather, whose family of seven had all received new Mol cards.

IV. Civil Documentation

A. Challenges to Birth Registration

The Government of Jordan, UNHCR, and other protection actors have done much to promote birth registration and make the registration process more accessible to refugees. However, interviews with refugees for this report and for *Registering Rights* identified several key challenges that have been affecting refugees' ability to register births. *Registering Rights* highlighted lack of awareness, lack of required documents (particularly documents proving marriage), and inconsistency in Civil Status Department practices as challenges to universal birth registration of Syrian refugee children born in Jordan.³¹ Based on interviews conducted for this report, these challenges remain salient.



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Profile of Cases

In interviews in February and March 2016, birth registration for Syrian children born in Jordan was discussed with 47 families, covering the births of 54 children.

- Twenty-eight children had birth certificates issued by the Jordanian Civil Status Department.
- The remaining 26 children lacked birth certificates:
 - Fifteen children lacked birth certificates because their parents did not have the right documents to prove they were legally married.
 - Five children lacked birth certificates because their families believed the birth notification to be sufficient.
 - In five cases, the parents did not receive a birth notification from the hospital or had problems relating to the birth notification.
 - In one case, the Civil Status Department refused to register a child because the father did not have a new Mol card.
- As of March 2016, 12 children without birth certificates were more than one year old; as a result, in each case the child's parents will need to initiate a lawsuit in the Magistrates courts to register the birth.

The numbers quoted here are not intended to suggest the statistical prevalence of birth registration issues in the broader refugee community, but rather to illustrate the range of cases encountered in interviews and highlight challenges to birth registration that refugees in similar situations may reasonably be expected to encounter.

Steps to Obtaining a Birth Certificate in Jordan:

Step 1

The child's parents receive a birth notification from the hospital or licensed midwife.

Step 2

A family member (usually the father or head of household) takes the birth notification to the Civil Status Department.

Step 3

The Civil Status Department asks for:

- a)** Proof that the parents are lawfully married, in the form of a marriage certificate, marriage ratification certificate, or Syrian family book; and
- b)** An identity document of the person registering the child.

Step 4

If the documents are in order, the Civil Status Department retains the birth notification and issues a birth certificate, subject to payment of a fee (and possible fine).
a) If the birth is registered within 30 days, the fee is JOD 1 (USD 1.41).
b) Between 30 days and one year, a fine of JOD 10 (USD 14) must be paid in addition to the JOD 1 fee.

If more than one year has passed since the birth, the parents cannot register the child at the Civil Status Department until they file a lawsuit in the Magistrates courts and receive a positive judgment.

There is no legal process by which a child born in Syria can receive a birth certificate from Jordanian authorities.

Families interviewed for this report continued to describe misunderstandings about Jordanian birth registration processes. When one grandfather learned during the UVE that a court case would be required to register his two two-year-old grandchildren's births in Jordan, he said that he was "shocked that they are trying to apply the laws of a country that we never lived in to us." A father, who faced problems obtaining a birth notification from the hospital where his daughter was born in June 2013, observed, "Back in Syria, we have nothing like this. Syria has no rules, nothing; everything is easy."

Parents' inability to prove marriage remained a central reason why families struggled to register births. Mothers who married informally before the age of 18 faced particular documentation hurdles. In Jordan, girls need a judge's approval to marry between the ages of 15 and 18 lunar years (the judge must also obtain the consent of the Chief Justice to the marriage).³² Syrian girls who married before 18 therefore struggle to obtain marriage certificates or marriage ratification certificates, and consequently the children of early marriages often remain unregistered. Data from the 2015 Jordanian national census indicates that more than half of Syrian women in Jordan married before the age of 18.³³

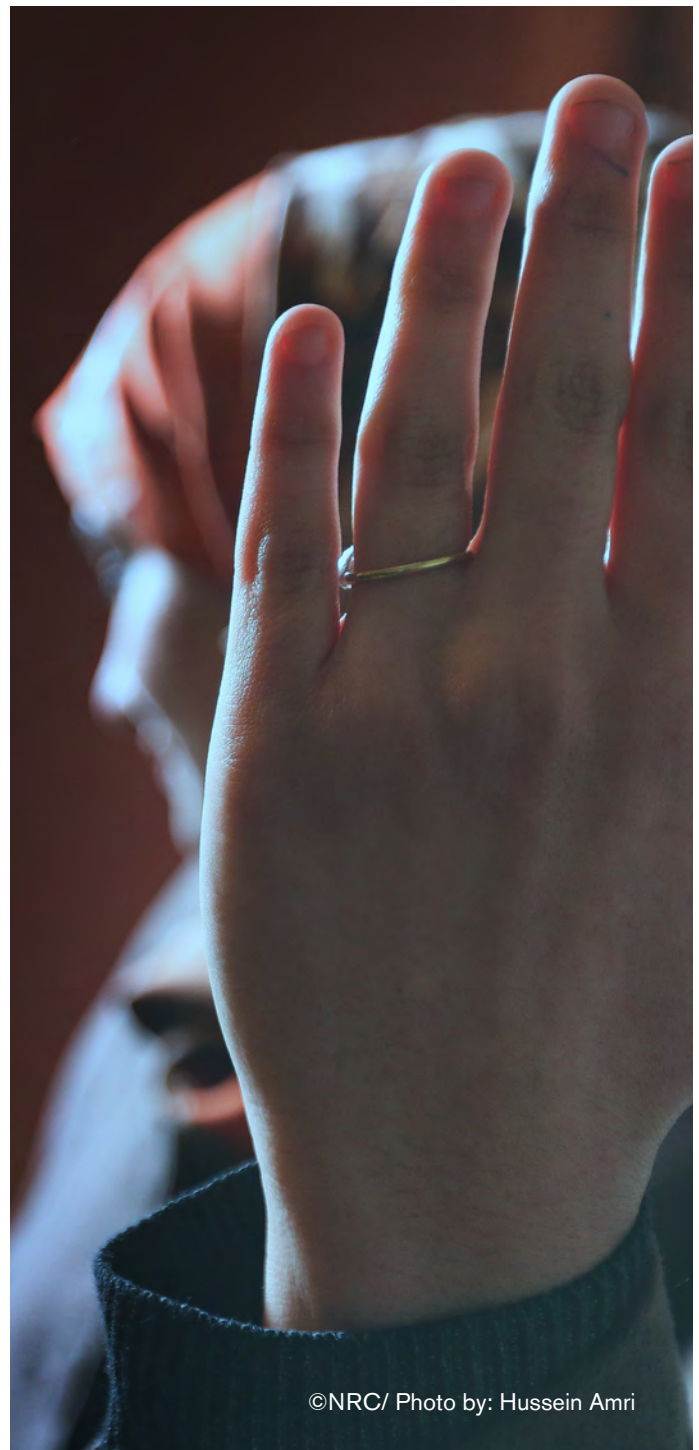
One girl, who married informally in Syria, gave birth to her daughter in Jordan in January 2013. The girl described her age at the time of the birth as "15 years or less." On account of her age, hospital officials refused to issue her with a birth notification without proof of marriage:

My mother and I tried so hard to get the birth notification. My mother started crying and tried so hard They didn't help me. My mother even told the hospital that – God forbid – "Her husband died, so how can we get the marriage certificate?" They said, "We can't help you; you have to get proof of marriage."

Subsequently, the girl and her mother returned to the hospital three times in an effort to retrieve the birth notification, without success. At the time of the interview, the girl was afraid of travelling with her unregistered three-year-old daughter as she feared that if she were to be stopped by police, "[They will think that] I kidnapped her because I have nothing to prove she is mine."

Most families whose children were born since the UVE began did not report encountering problems at the Civil

Status Department if they lacked the new Mol card. However, in one case a father's inability to produce the new Mol card at the Civil Status Department prevented a child's birth from being registered: in mid-2015, the 32-year-old father went to the Civil Status Department to register his two-month-old daughter's birth in Irbid, but Civil Status Department officials told him they could not register her birth unless he had the new Mol card. As the father had left Azraq in early 2015 without authorisation, he was ineligible to receive the new Mol card.



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B. Challenges to Marriage Registration

Although the Government of Jordan has made important accommodations to assist Syrian refugees to register their marriages, obstacles continue to prevent some refugees from registering marriages. Lack of awareness, lack of required documents, inconsistency in court practices, and onerous costs (including costs associated with travel and the fine imposed when an informal marriage conducted in Jordan is registered) were identified in *Registering Rights* as the most significant challenges around marriage registration for Syrian refugees in Jordan.³⁴ These themes persisted in interviews for this report in February and March 2016.³⁵

The Shari'a courts are the main actors involved in marriage registration and often are confronted with challenging, complex, and tragic cases involving issues of early marriage, false and fraudulent documentation, and other difficult family circumstances. Nonetheless, refugees have described difficulties navigating complicated procedures and expressed confusion about how their cases might be treated because they have heard about different rules being applied in similar cases.

Steps to Obtaining a Marriage Certificate or Marriage Ratification Certificate in Jordan

Marriage Certificate

To obtain a marriage certificate, a couple must go to the Shari'a court, usually over several sessions, and present the following documents:



Proof of identity for the bride and groom;



Proof of identity for the bride's guardian and the two witnesses;



Health certificate issued by Jordanian Ministry of Health verifying that the bride and groom are not carriers of thalassemia, a genetic disease;



Petition for a marriage contract addressed to the court; and



An approval letter obtained from the Jordanian Ministry of the Interior in Amman (a requirement that applies only when one or both members of the couple are foreigners)

Once all the requirements have been met, in the presence of two witnesses and the bride's guardian (usually her father), who has given consent to the marriage, the couple will sign a marriage contract and the judge will issue them with a marriage certificate.³⁶ The court fees for a marriage range from JOD 25 (USD 35) to JOD 110 (USD 155).³⁷ There are no fees associated with Mol approval or obtaining a health certificate.

Marriage Ratification Certificate

Couples who married outside the process outlined above – typically, through a marriage officiated by a sheikh – (an “informal” marriage) can legalise and register their marriage by obtaining a marriage ratification certificate.³⁸ A couple whose Syrian marriage certificate or family book was lost, destroyed, or left in Syria can also apply for a marriage ratification certificate.

The requirements for a marriage ratification certificate are the same as for a marriage certificate. However, the court may impose additional conditions, at its discretion, such as requiring more than two witnesses and/or the sheikh who officiated the informal marriage ceremony to come to the court.

Additionally, a fine of JOD 1,000 (USD 1,412) is imposed if the informal marriage was conducted in Jordan.³⁹ In an important accommodation, the Jordanian cabinet has twice established time-limited exemptions (31 October to 31 December 2014; 13 May to 13 July 2015) for informal marriages penalties, allowing couples who married informally in Jordan to receive marriage ratification certificates without paying the fine. Syrian couples are not eligible to receive family books from the Jordanian state.

Profile of Cases

In the course of interviews for this report, 63 marriages were discussed. Among that group:

- Thirty-eight couples possessed a Syrian family book or an official marriage certificate from Syria.
- Three couples' Syrian family books had been lost or destroyed and they had not applied for a marriage ratification certificate.
- Five couples had a marriage certificate issued by a Jordanian Shari'a court.
- One couple had a marriage ratification certificate.
- Seventeen couples married informally and had not ratified their marriages:
 - Nine couples married informally in Jordan.
 - Eight couples married informally in Syria.

Of the 20 couples who required a marriage ratification certificate (because of lost family books or informal marriages), but had not yet obtained one:

- For seven couples, the fine associated with marriage ratification was the main reason why they had not yet applied for a marriage ratification certificate.
- For six couples, missing documents, such as retained Syrian identity documents or the new Mol card, were the most important barrier to ratifying their marriages.
- Other issues, such as the requirement for Ministry of the Interior approval, prevented the remaining couples from ratifying their marriages.

Since the publication of *Registering Rights*, there have been continuing awareness challenges surrounding the marriage registration process. Many Syrian refugees marry in ways that are not in accordance with Jordanian law, but are reflective of Syrian practices: while informal marriages are illegal in Jordan, they are accepted and common in Syria. In Syria, a couple may wait years before registering their informal marriage, if they ever do so. One grandmother remarked, "When I got [officially] married in Syria, my children were already able to walk."

The inability to produce required documents remained a major barrier to registering marriages. Refugees without bailout continued to face particular obstacles. One husband, who left Azraq in mid-2014 without bailout, went to his local Shari'a court in May 2015 to apply for a marriage ratification certificate to legalise his informal marriage; he was told he was ineligible to apply because he did not have an asylum seeker certificate or a Mol card. Some refugees described judges waiving document requirements or reducing fees, which made their ability to obtain a marriage ratification certificate easier. Shari'a judges who participated in a group discussion with JCLA and NRC said they showed

"leniency" in cases involving refugees, but noted they could not bypass Jordanian law. Although as of September 2016 there is no official policy on whether a new Mol card is required as a form of identification in the Shari'a courts, on at least two occasions refugees reported that the court asked them to produce the new Mol card.

Finally, because all foreigners in Jordan must receive approval from the Ministry of the Interior before they can marry or register an informal marriage, a family member (usually the prospective husband, or head of household) must travel to the Ministry of the Interior offices in Amman and seek an approval letter. Although the criteria upon which the Ministry of the Interior grants or refuses approval are not public, it is thought that officials essentially carry out a security check. For Syrian refugees, in 2016 it appears that possession of a new Mol card is a prerequisite for receiving approval to marry from the Ministry of the Interior. As a result, refugees who lack the new Mol card appear unable to marry or legalise informal marriages in host communities because they have not received approval from the Ministry of the Interior.

V. Consequences of Lack of Documentation

Because civil and legal documentation issues are often interconnected, the consequences refugees have experienced and the coping mechanisms they have adopted have been closely related. Restricted access to services, particularly health and education, as well as humanitarian and development assistance, was the most significant consequence identified by those without documentation. Refugees have adopted a variety of coping mechanisms to manage restricted access to services, including resorting to private services and borrowing others' documents. A lack of documentation has also resulted in restrictions on movement. In the longer term, refugees without documentation may encounter problems proving identity and nationality, exploitation in illegal work, and a variety of other possible risks. Syrian women and girls without documentation may face particular gender-based risks, including early marriage. A range of related human rights concerns stem from the lack of documentation.

A. Restricted Access to Services

1. Health

Refugees without new Mol cards have struggled to access health services. UNHCR guidance states that refugees “require both an [asylum seeker certificate] and a [new] Mol service card” to access public health care, which they pay for at subsidised rates (although a free standard set of vaccinations is available to all children regardless of their documentation).⁴⁰ As such, refugees without the new Mol card are ineligible to receive services at public health facilities. Whether a refugee without a new Mol card and/or asylum seeker certificate is eligible to receive free or subsidised healthcare from non-governmental entities depends on each organisation's policies and practices, as well as the status of its registration with the Jordanian Ministry of Planning and International Cooperation (MoPIC) and the activities MoPIC has authorised the organisation to provide to refugees.⁴¹

In 11 cases, refugees reported being specifically asked to show the new Mol card in order to receive services at public health facilities.⁴² In seven of those cases, the person with the health problem did not have a new Mol card and in all but one case, the health facility refused to treat that person (the exception was a case in which a father was seeking vaccinations for his infant child).

A 22-year-old mother described what happened when she went to her local health centre with her sick three-year-old son in mid-2015:

One day my son was very ill. When we went to the public health centre in the area, the doctor refused to treat my son because he didn't have the new Mol card. They told us that he was not welcome here . . . even though he was very ill . . . I went to the police officer there at the public health centre and told him the issue. The officer told me it was the rule and they could not break the rules.

The family later received new Mol cards, and the mother said she intended to return to the public health centre when her son next fell ill. In another family, the mother of a six-year-old girl who suffered from asthma said her daughter used to receive treatment at a local hospital, “but now they don't let us because she doesn't have the new Mol card.” While the rest of the family had new Mol cards, the family had not been able to obtain new Mol cards for the girl and another child whose births had not been registered in Syria.

Refugees reported that access to maternal healthcare services was also contingent on having the right documents. In one case, a 32-year-old husband and his pregnant wife visited six different clinics in January and February 2016 seeking to register the wife for pregnancy checkups; in each instance the husband said the clinic required her to have both an asylum seeker certificate and the new Mol card, but she had neither. The husband observed, “We were treated well, but they couldn't help us.” In another case, before the UVE, hospital officials reportedly asked a woman who was in labour to produce her marriage certificate and asylum seeker certificate prior to admission. The woman explained that she did not have a marriage certificate, as her husband had died in Syria and they had married informally. The hospital agreed she could be admitted with only an asylum seeker certificate. However, she said “when [hospital officials] saw that my asylum seeker certificate was expired, they made me go to UNHCR and get a new one – while I was in labour!” With difficulty, she managed to travel to the local UNHCR office and renew her asylum seeker certificate on the spot. She then returned to the hospital, presented her new asylum seeker certificate, and shortly thereafter, gave birth to her son.

Refugees who moved from one location to another said they had trouble accessing health services if they had not officially updated their place of residence. A refugee with a new Mol card has access to health services in the district in which the card was issued; health providers refer cases that cannot be dealt with locally to hospitals outside the district. A husband, whose wife broke her wrist in February 2016, said that they went to their local hospital to seek treatment, but his wife was refused admission because her Mol card showed her place of residence as another location. The husband said the couple spent JOD 50 (USD 70) to travel to her official place of residence so that his wife could receive treatment there. In another case, prior to the UVE, a woman said her three-year-old son, who was “very weak” and “always sick,” fell ill. The family’s asylum seeker certificate listed their place of residence as one area, but their Mol cards gave a different location. On that basis, the mother said the hospital refused to admit the child. She observed that she felt like her son was “dying in [her] arms,” and said she sought help at the local police station, to no avail. Fortunately, the child subsequently recovered from his illness.

Many Syrian families without the right documents to access public health services reported that they went to pharmacies to purchase medicines or visited private clinics instead of receiving treatment at public health facilities. One elderly woman with several chronic illnesses was unable to receive treatment at public hospitals because she lacked the new Mol card; she instead sought treatment at a pharmacy, where she purchased medication. Similarly, a 31-year-old mother, whose six-year-old daughter did not have the new Mol card as she was not listed in the family book, said she always went to the pharmacy to seek treatment whenever her daughter was sick: “I heard from other people that [the hospitals] don’t take the old Mol card, so I don’t bother to go.” Some families sought treatment at private clinics, incurring costs that they struggled to manage. In one case, a mother whose son lacked a new Mol card and was reportedly refused treatment at a local health centre for a serious illness said she took him to a private health centre and paid JOD 35 (USD 49) for his treatment.

In several cases, refugees said that they had resorted to borrowing new Mol cards from friends or relatives in order to access health services. A 28-year old mother said she routinely used her older daughter’s new Mol card to access health services for a younger daughter who was born 12 days before the family left Syria for

Jordan; the child did not have a new Mol card because she was not listed in the family book. The mother said, “I’m lying to [the doctors] so they will treat her [but] I’m forced to do this.” In another case, a mother said that before her baby received his new Mol card, she had twice borrowed a relative’s new Mol card so that the infant could receive treatment at a public health centre.

2. Education

Some children without the new Mol card have experienced problems enrolling in school and many of the parents interviewed worried about the ability of infants who lacked birth certificates or new Mol cards to access education in the future. According to March 2016 UNHCR guidance, a child must have an asylum seeker certificate and a new Mol card to attend a public school in Jordan,⁴³ but in September 2016, the Government of Jordan announced that it was relaxing the requirement that children must have the new Mol card to register for the 2016-2017 school year.⁴⁴ Beyond lacking civil and legal documentation, there are multiple additional barriers to access to education that this report does not address.⁴⁵

During the 2015-2016 school year, some schools appeared to show flexibility around the requirement for children to have new Mol cards and asylum seeker certificates. Thirteen families said that their children’s schools specifically asked them for the new Mol card when they went to register their children at the beginning of the 2015-2016 school year. In 10 of those families, the children in question did not have new Mol cards. In six cases, the school nonetheless registered the children; in four cases, school officials refused to register the children. One woman explained how she tried to register her children, aged six and seven, at the local school for the 2015-2016 school year, “but they said we needed the new Mol card.” She hoped they would be able to receive new Mol cards soon, observing that with new Mol cards, “everything will be solved.”

The families who had successfully registered their children for the 2015-2016 school year without new Mol cards were concerned about what would happen for the 2016-2017 school year. One mother said that while school officials allowed her children to attend school, they told her that “now, it’s an exception, but for the next year you will need the new Mol card.” Because the family left Azraq in 2015 (after bailout had been suspended), they lacked an asylum seeker certificate and could see no way of obtaining new Mol cards.



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The mother observed that if the school insisted on the children having new Mol cards, the children would just have to “stay home.” In another case, a father said that school officials were “threatening to dismiss” his seven-year-old daughter from school if she did not have a new Mol card by the beginning of the 2016-2017 school year.

Families whose children had not been admitted to school because they lacked documentation struggled to find alternatives. In one case, a family that had been unable to register their child in school because she did not have a new Mol card had paid for her to attend a private school. In another case, a family whose children were currently in school, but who lacked new Mol cards, speculated that “private schools might let them attend without the new Mol card, but would cost a lot.”

Lack of documentation could also affect access to tertiary education. In a case reported to NRC staff, a 20-year-old woman was enrolled at a local college, but reportedly college officials told her that she would not be able to graduate and receive her final certificate unless she provided the college with her new Mol card.

3. Access to humanitarian and development assistance

Some refugees who lacked the new Mol card experienced restrictions on their ability to access humanitarian and development assistance. All non-

governmental organisations (NGOs) that are financed by sources from outside Jordan are required to seek approval to run projects in Jordan through an official committee.⁴⁶ Since 2015, the standard approval letter that NGOs receive from the committee has stated that the NGO in question is permitted to assist only refugees with new Mol cards.

A number of families said that NGOs and community-based organisations (CBOs) had started to ask them to produce the new Mol card when they sought assistance. Although in most cases it was unclear if possession of a new Mol card was a prerequisite to receiving assistance or merely an administrative request, in at least two cases, refugees believed that NGOs or CBOs had denied them assistance on the sole basis that they lacked new Mol cards. One man observed, “NGOs and CBOs are starting to ask for the new Mol card; in the beginning they didn’t ask for it, but now they do.” In his opinion, “They are focusing more on people having the new Mol card than on giving assistance to them.” Similarly, a young husband felt that “the documents are more important to [NGOs and CBOs] than taking care of us.”

B. Restricted Movement

Many refugees without new Mol cards and/or asylum seeker certificates said they restricted their movements to avoid interactions with Jordanian authorities as they feared being forced to relocate to refugee camps or being deported to Syria. In published information disseminated to refugees, UNHCR has stated that “being returned to the camps” is a risk primarily for refugees who do not have a new Mol card or an asylum seeker certificate.⁴⁷ UNHCR has also warned those who do not have these documents to “be aware that the possibility exists that you could be sent back to Syria,” adding, “If you have, in addition, committed a crime or broken the law in any way, you will be at a high risk of deportation.”⁴⁸ UNHCR has further cautioned that “leaving the camp without official bailout increases your vulnerability to . . . legal protection risks, such as eviction, arrest, detention and – in some instances – deportation.”⁴⁹

Many refugees without legal documentation were worried about travelling beyond their local communities, in light of the police checkpoints that dot Jordan's highways. One man explained that it was common for people without documentation (or bailout) to worry about visiting family in other parts of Jordan; when his own father died, he “had difficulty” travelling to the funeral because he feared encountering police on the highway. For some refugees, these fears extended to their own community. One mother of four, who had been sent back to Azraq for lack of bailout and subsequently left the camp without authorisation, said she was “afraid even to go to the market to buy something.”

Some refugees lived in constant fear that they or their loved ones could be refouled to Syria, and consequently rarely left their homes. One man said that his son-in-law, who lacked bailout, was afraid to leave the house because he feared being deported to Syria or returned to Azraq. The man observed, “It's like he is in jail.” A woman whose family had neither asylum seeker certificates nor new Mol cards and who feared being sent back to Syria observed, “We ran away from death, and then we found it in front of us.”

Some refugees who lacked documentation described being involuntarily relocated to refugee camps. One man and his sister, who both lacked bailout, were forced to relocate to Azraq after they were stopped by police on their way to a doctor's appointment in early 2015. The man said that they were “sent straight to Azraq the same day” because they lacked bailout, and police reportedly threatened to deport him to Syria. His sister

had seven children all under the age of 12, and her husband, who had entered Jordan through the regular entry process with a passport, came to Azraq in an attempt to negotiate her release. The woman's sister-in-law recalled:

[The husband] went to the camp and said, “Take me: Let her go.” They told him, “Leave before you get in trouble.” He couldn't risk being captured because there's no one else to take care of the children.

Ten days later the brother and sister left Azraq without authorisation, after the family hired a driver to collect them from a specific point some distance from the camp.

In another case, a man, who first arrived in Jordan in 2013, returned to Syria in early 2014 to find his sister and came back to Jordan with her later that year. When he went to his local police station to apply for a new Mol card in 2015, he said, “The police officer told me that my name is in the system and that I have to go back to Syria . . . because I went back to Syria, to bring my sister to Jordan.”⁵⁰ The man said that police offered him a choice: he could be deported to Syria, or he could be sent to Azraq along with his wife and family. He observed, “We went through a conflict, but because we didn't want to make any trouble, we agreed to go to Azraq.” The family ultimately left Azraq without authorisation.

One family member's detention by police has led to restrictions on the movement of other members of the family. In at least four cases, refugees stated that police required the families of detained individuals to join them in the camps. One man said that after he was detained by police “[the police] forced me to call my wife.” He said that once his wife was on the line, “The police officer spoke with her and threatened her that if she doesn't come to Azraq, her husband would be deported to Syria.” The family all went to Azraq, including the wife, who had entered Jordan through the regular entry process with a passport, but they later left the camp without authorisation.

In several cases, refugees spoke about relatives based overseas who experienced problems with Jordanian border authorities if they visited Jordan and their family lacked bailout. In one case, a husband was working in Saudi Arabia and in August 2015 drove to Jordan to visit his family, who lacked bailout and did not have new

Mol cards. On arrival, authorities reportedly confiscated his passport and told him that if he wanted it back, his family had to go to the camps. His family went to their local police station, where they were sent onward to Azraq. The wife, who was seven months' pregnant at the time, and their five young daughters spent only a couple of days in Azraq before they left the camp without authorisation. The wife explained that she felt they had to leave Azraq as "life doesn't exist there," and she was "afraid that something would happen to [her] daughters."

Refugees expressed conflicting views on whether the new Mol card offered protection from detention and deportation. One refugee mentioned he had "heard of people who have the new Mol card but don't have bailout and [the Jordanian authorities] sent them to Azraq." Another woman said, "We were hoping the new Mol cards would cover the bailout, but they don't – some authorities still ask for the bailout, especially if you're captured when travelling from one place to another." Others thought that a new Mol card was necessary to prevent detention or deportation. One woman was worried because her husband reportedly had been stopped at a checkpoint and told by police that "if he doesn't get the new Mol card, they will send him back to Syria." A man whose family had recently obtained new Mol cards observed that "when we didn't have the new Mol card, we wouldn't dare walk in the streets; wherever you go, you have to have the new Mol card."

C. Longer-Term Risks

1. Identity and nationality concerns

Many refugees placed importance on having documents, such as birth certificates and the new Mol card, that recognised their legal identity. A mother whose children lacked birth certificates felt, "Right now my daughters don't have any rights because they aren't recognised anywhere." Likewise, a father wanted to ratify his marriage and obtain a birth certificate for his son "so we can get his full rights in Jordan." Proof of identity is also linked to Syrian nationality: as nationality is passed through the father under Syrian and Jordanian law, Syrian children without birth certificates or other proof of identity could be at risk of statelessness.⁵¹



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A number of refugees emphasised the importance of being able to prove relationships with others through documentation; many parents wanted to register their children's births to have official proof that their children were theirs. One mother was afraid to travel with her unregistered son as she thought that it would seem "like I kidnapped him." Another young mother considered it important to obtain a birth certificate for her daughter because it was "proof that she's my daughter and no one else's."

Without such proof, parents worried that if the situation in Syria improved, they would not be able to take their unregistered children back to Syria with them. A 21-year-old mother was concerned that if the family went back to Syria, her child "will stay here because there's no proof that she is my daughter." A father said he often thought about how "one day Syria will calm down, and we will want to go back," but "[the authorities] will ask me for proof [that my child] is my son, and then we may not be able to get him back to Syria."

2. Illegal work

Without access to formal channels of income and assistance, refugees without documentation may work illegally to support their families. To work legally in Jordan, refugees must have a work permit; in early 2016 the Government of Jordan committed to providing up to 200,000 work opportunities to Syrians over a three-year period and introduced measures to make it easier for Syrians to obtain work permits.⁵² However, only refugees with a new Mol card (or a passport showing regular entry) are eligible to receive work permits; as a result, refugees without a new Mol card are unable to benefit from these welcome developments.

In interviews, refugees frequently spoke of relatives who worked illegally experiencing poor working conditions and receiving minimal income. A grandfather described his grandsons' work: one grandson delivered heavy tanks of water to multistory buildings for JOD 7 (USD 10) per day, including during the winter; another grandson, who was supporting his quadriplegic father, worked 12-hour days in a road-side coffee shop for JOD 5 (USD 7) per day. As a result of working without a permit, the second grandson was detained by police and sent to Azraq. The family relied on the grandson to "help to wash and take care of [the disabled father]," so he left Azraq without authorisation. The grandfather said that while this grandson was "afraid to go out," he sometimes still left the house to find work "for JOD 4 or 5 per job."

While many Syrian refugees work without formal work permits, the risks of illegal work are compounded for refugees who lack documentation; their invisibility to authorities puts them at increased risk of exploitation by employers who take advantage of undocumented refugees' fears that they will come to the attention of authorities. Although refugees with new Mol cards who work illegally also risk detention and punishment by authorities, the new Mol card provides confirmation of identity and status and may mitigate adverse effects.

In an effort to secure documentation, refugees may find themselves in risky employment situations, including conditions of bonded labour. In one case, a man's Jordanian bailout sponsor required the man to work for him in return for bailing him out of Azraq. A relative explained that once the sponsor bailed the man out of Azraq, "[The sponsor] made him work on his land day and night, so his family complained." The relative commented, "What are we – slaves?" Because the family complained, the sponsor withdrew his sponsorship; the refugee was subsequently picked up by police and sent back to Azraq. The risk of exploitation was not confined to refugees without work permits, however. A woman explained how her brother,





who had a work permit, worked for “long hours with no rest” at a petrol station. The brother paid the cost of the work permit himself, but once he received it, the owners of the petrol station confiscated his passport. The woman said her brother “wanted to quit [his job] but [the owners] refused to give him back his passport.”

3. Gender-based risks

There is evidence that Syrian girls without documentation may be at increased risk of early marriage in Jordan as families may consider that marriage to a man with more secure legal status offers an unmarried girl a better life than remaining with her family. In a June 2016 report on Jordan, the United Nations Special Rapporteur on trafficking in persons observed, “[Syrian] girls are often forcibly married by their parents, who view it as a way of securing their children’s protection and ensuring the family’s livelihood through the bride price.”⁵³ International experience suggests that girls who marry before the age of 18 are likely to face a number of negative consequences, including the risks associated with pregnancy and childbirth at a young age.⁵⁴

The Special Rapporteur also highlighted the trafficking of Syrian girls in Jordan “through the practice of ‘temporary’ or child and/or forced marriages to Jordanians and older men from Gulf countries.”⁵⁵ For example, in December 2014, Jordanian government officials investigated six individuals for forcing a 17-year-old Syrian girl into 21 “temporary” marriages to various foreign men over a two-year period.⁵⁶ The risk

of sex trafficking is heightened for women and girls without documentation, as their invisibility to authorities makes them a particular target and crimes perpetrated against them are less likely to attract official attention.

In addition to the risks of early marriage and sex trafficking, international evidence has shown that undocumented women face a range of gender-based risks, including risks of sexual and physical violence, exploitation in the informal economy (as women tend to enter sex-segregated labour markets where they work in isolated settings, increasing the risk of exploitation), subjugation in familial relations, reproductive health concerns, physiological stress, and social isolation.⁵⁷



Risks to Syrian Women and Girls without Documentation

In a focus-group discussion held in the north of Jordan in March 2016, 13 Syrian refugee women identified the following risks as particularly relevant to Syrian refugee women and girls who lack documentation in Jordan.

Increased incidence of domestic violence

Every woman in the focus group agreed that a lack of legal documentation exacerbated the risk of domestic violence. Some women attributed increased violence to the frustration men without documentation felt at being unable to leave the house (due to fears they would be detained or deported). A mother said that her daughter's husband frequently beat her as he "doesn't have a work permit, so [the daughter] is stuck at home with him all day." Another woman observed, "The men [in the family] used to live in Syria and work all day. Now conditions are very different, so it is difficult for them."

Exploitative working conditions

The women in the focus group said that women without documentation could face more pressure than men to find work in the illegal labour market, as there was a perception that women were less likely to be stopped by the police. One woman in the

focus group discussed her granddaughter's situation, saying that "she teaches outside the house, then cooks and cleans at home." The granddaughter "spends [all her money] on [her husband] and children," and "on top of all that, he hits her." Another woman said that, in her experience, women do "whatever we can get paid to do," often working in other people's homes, cleaning and cooking, for very little pay.

Separation from children

The women in the focus group agreed that it was not uncommon for children to be separated from their mothers to live with relatives who had better legal status. In the focus group and a subsequent interview, a young mother and her family described how her lack of documentation led to her daughter's abduction by relatives. In January 2015, the woman informally married a man who had left Azraq without bailout. Neither the woman nor her husband had an asylum seeker certificate or a new Mol card. A year later, while she was living with her husband's family, she gave birth to a daughter in Amman. To gain admission to the hospital for the birth, she assumed the identity of her sister-in-law: her brother-in-law posed as her husband and presented his family's asylum seeker certificate and his new Mol card. As a result, his name and that of his wife appeared on the child's birth notification. Subsequently,



the brother-in-law beat the woman, threw her out of the family's house, added the child to his asylum seeker certificate, and – for ten days – refused to return the child to her. His family reportedly feared that the child's real father would be deported to Syria and considered it safer for the child to remain under the brother-in-law's name.

Eventually, after the woman filed a complaint with the police, the brother-in-law allowed her access to her daughter on the condition that she drop the charges against him. She then took the child to live with her own family. She and her family were very worried that the brother-in-law would try to reclaim the child. They recognised their precarious legal situation and wanted to fix the problem through the courts, but the woman's brother observed, "We have no money to pay the lawyer or the court."

Obstacles to divorce

In the focus group and in interviews, women described facing hurdles obtaining documentation necessary to divorce. There are a variety of ways that women can divorce in Jordan, but in order to receive official recognition of the divorce, they must present some documents – such as proof of marriage – in the Shari'a courts. As processes to obtain documents often require

a husband's cooperation, women may remain trapped in abusive marriages and prevented from remarrying. In one case, a 15-year-old girl tried to obtain a divorce from her abusive husband after he caused her to have a miscarriage. Her husband initially agreed to go to court to ratify their informal marriage, but left Jordan without completing the process. The girl described feeling "frustrated, tired, and fed up."

Other risks

Consensus in the focus group was that women who lacked documentation were more likely to face exploitation than women whose legal status was secure. Although none said they were speaking from personal experience, several broke down in tears discussing exploitative practices and negative coping mechanisms such as transactional sex. Women in the focus group also cited the possibility that families would cope with the lack of documentation through marrying their daughters at an early age to older men with "better" legal status.

4. Other risks

Refugees without documentation may face a variety of additional risks whose potential scale and effects are difficult to predict, but if realised, could have significant consequences for Syrian refugee families and communities in Jordan. Refugees who lack access to services and assistance in host communities because they do not possess a new Mol card or an asylum seeker certificate may resort to risky coping strategies, such as returning to Syria or taking on unsustainable debt. A father of two who lacked a new Mol card remarked, “Recently, I thought of going back to Syria. I can’t get access to any services, and I have to pay a lot of money.” Another man said that his relative, who had neither a new Mol card nor an asylum seeker certificate, had “an unstable job,” selling “merchandise in the street for JOD 6 or 7 a day (USD 8.50 or 9.90),” but it was not enough to support his family. To make ends meet, the relative was “borrowing from relatives, neighbours, anybody that [he] could get hold of.” Although some refugees may consider relocating to the camps, this was not an option for many of the refugees interviewed for this report, who considered the conditions in the camps to be extremely difficult and felt unable to tolerate the restrictions on movement placed on those who live in the camps.

One family member’s lack of documentation may have flow-on effects for an entire household that diminish the household’s long-term wellbeing. As access to government services and humanitarian assistance becomes more restricted, in households where some, but not all, members have new Mol cards, those with documentation may find themselves supporting undocumented relatives. In 2014, UNHCR found that registered refugees’ average expenditure was 1.6 times greater than their income, a situation that is likely compounded in households where only some members are eligible for services and assistance.⁵⁸ In cases where a relative without documentation is forced to relocate to the camps, family members face a difficult choice: accompany the relative to the camps and lose the opportunity to return to the host community, or remain in the host community and split up the family. In an effort to obtain documentation, refugees are at risk of falling prey to scams that worsen the household’s financial situation. In one case, a woman reported that her family lost JOD 350 (USD 494) in a scam when they tried to “purchase” bailout for her brother who had been sent back to the camps.

As the new Mol card becomes ubiquitous, refugees may be asked to produce the card in an increasing number of settings. As of September 2016, there is no official guidance to indicate that civil- or religious-court or Civil Status Department officials are required to ask Syrians to produce a new Mol card; however, as the new Mol card becomes the default identification document for Syrians, officials may become reluctant to accept alternative forms of identification, limiting refugees’ ability to both access the courts and register births, marriages, and deaths in Jordan. Some evidence suggests that this is already starting to occur.⁵⁹ The same risk applies to interactions in the private sector. For example, several refugees identified restricted access to private financial services as an emerging consequence of lacking a new Mol card. One family said that without the new Mol card, Western Union would not permit them to receive transfers from relatives abroad; they considered the new Mol card to be “important for everything.”

Although the benefits of the new Mol card as a form of government-issued documentation that provides confirmation of identity, legal status, and access to government and private services are manifest, exclusive reliance on the card in official settings would fail to take account of the valid reasons many refugees in host communities may have for being without a card. As UNHCR has noted, there may be good reasons why refugees leave camps, and UNHCR itself aims to “ensure that refugees who travel to urban areas are provided with documents,” as well as to “advocate with the authorities and security services to ensure that [refugees] are not penalized for travelling and that they are allowed to remain in an urban area for as long as necessary.”⁶⁰

In the longer term, as statistics and research on Syrian refugees primarily relate to refugees registered with UNHCR and the Government of Jordan, there is a risk that undocumented refugees’ experiences and needs may not be adequately captured in official statistics and research, leading to the misallocation of resources. Other long-term risks include the development of a black market for stolen or fraudulent documents, the expansion of the informal economy and deterioration of working conditions, and the radicalisation of undocumented youth who see few opportunities for economic empowerment.

D. Human Rights Concerns

A variety of human rights concerns arise from refugees' lack of civil and/or legal documentation. Treaties to which Jordan is a party establish rights and duties related to civil and legal documentation, and UN bodies and committees that monitor the implementation of human rights treaties have articulated the significance of birth registration in particular.⁶¹ Every child has the right to be registered immediately after birth⁶² and the UN Human Rights Council has stressed "the importance of birth registration, including late birth registration, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law."⁶³ In the refugee context, the Convention on the Rights of the Child (CRC) requires that states ensure that refugee children "receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the [CRC]," which include the right to birth registration and the right to a nationality.⁶⁴

Birth registration is particularly important to protecting and promoting a child's other rights. The Human Rights Council has noted that "registering a person's birth is a vital step towards the promotion and protection of all of his or her human rights," and those without birth registration "are more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse."⁶⁵

One increased risk for unregistered Syrian children is statelessness.⁶⁶ Every child has the right to acquire a nationality⁶⁷ and although lack of birth registration does not always lead to statelessness, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has explained that "birth registration is fundamental to the prevention of statelessness" and "essential to ensure the right of every child to acquire nationality."⁶⁸ Under Syrian and Jordanian law, nationality is passed through the father; if a Syrian woman gives birth in Jordan but the couple cannot prove that they are lawfully married and so cannot obtain a birth certificate, the child may, in effect, become stateless.⁶⁹ If parents cannot prove their child's identity, nationality, or relationship to the family, a child's lack of documentation could also affect a refugee family's ability to travel together, imperiling family unity – a right protected under international law and an important principle of refugee protection.⁷⁰

Lack of documentation proving identity is also a concern for adults.⁷¹ Identity documentation helps secure the right to recognition everywhere as a person

before the law and often serves as proof of legal status in a territory.⁷² As a matter of best practice, states should issue identity documents to refugees on their territory and assist refugees to obtain documentation that is normally provided by their home country, but cannot be obtained due to circumstances in that country.⁷³

The heightened risk of trafficking faced by Syrian refugees without civil and legal documentation raises human rights concerns. Under international law, Jordan must put in place "comprehensive policies, programmes and other measures . . . [t]o prevent and combat trafficking in persons."⁷⁴ The CRC also requires that Jordan take measures "to prevent the abduction of, the sale of or traffic in children for any purpose or in any form."⁷⁵ Jordan is additionally obliged to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."⁷⁶ Similarly, the marriage of children under the age of 18 is a violation of the child's rights under international human rights law⁷⁷ and improved civil documentation systems can help to prevent child marriage.⁷⁸

The connection between the new Mol card and access to public services implicates the rights to health and to education in particular, as refugees without the card cannot access health and education services on the same basis as those with the card.⁷⁹ The inability to register the births of Syrian children in Jordan also interferes with access to services, because unregistered children may struggle to obtain new Mol cards.⁸⁰ The Committee on the Rights of the Child has emphasised that it is important to "[ensure] that children who have not been registered have equal access to healthcare, protection, education and other social services."⁸¹

Lacking a new Mol card is also connected to restrictions on the right to work and the right to freedom of movement, and could lead to deprivations of liberty, as refugees without new Mol cards face the prospect of being detained by police, involuntarily relocated to the camps, and unable to return to host communities at their own election.⁸² Because leaving the camps without authorisation increases refugees' vulnerability to deportation to Syria, serious human rights concerns arise from the possibility that refugees without documentation may be at increased risk of refoulement (forced return to a country where they may be subjected to persecution), which is a violation of international law.⁸³



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VI. Recommendations

With the new Mol card, many refugees feel more secure in Jordan and welcome the access to services and assistance that the card provides. The key challenge for policymakers is to ensure that the UVE does not generate unwanted side effects and the benefits of the cards are extended to refugees who are currently unable to obtain them. In particular, there is a risk that a large class of undocumented Syrians could be pushed towards negative coping mechanisms as they try to live their lives in host communities in Jordan. There may be a strong policy imperative to regularise the status of undocumented refugees who are already living in host communities and have done so for some time. Regularising the status of these refugees would facilitate better planning by the Government of Jordan and its partners, minimise the risks to undocumented children and other vulnerable and marginalised groups, and bring a large number of refugees back on the radar.

The Government of Jordan and its partners can take steps to address the challenges and consequences refugees face around civil and legal documentation, but doing so will require compromises on a number of existing policies. New pathways to legal status in host communities should be established and the process to apply for a new Mol card improved to make it easier for more refugees to receive the card; at the same time, significant efforts must be made to mitigate the consequences faced by those who do not yet have a new Mol card. Additionally, increasing and improving access to civil documentation should remain a priority, especially in light of the connection between civil documentation and legal documentation such as the new Mol card.

Creating pathways to legal status in host communities:

The Government of Jordan should:

1. Establish a system for refugees to officially leave the camps on a non-temporary basis to live in host communities in accordance with the principle of freedom of movement for refugees and without the requirement of sponsorship.
2. Support UNHCR to reinitiate issuing asylum seeker certificates for all Syrian refugees who live outside the camps regardless of when they left the camps.

3. Ensure that refugees are able to register with the Ministry of the Interior in their actual place of residence, thereby facilitating planning processes through the availability of up-to-date information on refugees' places of residence.

UNHCR should:

1. Ensure refugees who have moved outside of the camps are allowed to register and lawfully reside outside the camps indefinitely.
2. Ensure all refugees living in host communities are registered with UNHCR and issued with asylum seeker certificates, including refugees who left the camps after 14 July 2014 without authorisation.

Improving the UVE process:

The Government of Jordan should:

1. Continue to raise awareness about the UVE, including by:
 - a. Producing simplified guidance on the UVE, including information on steps to take to help meet documentation requirements in complex cases, as well as information clarifying the purpose and utility of the new Mol card.
 - b. Advising on procedures for accessing assistance to complete the UVE, and distributing guidance to refugees with the help of humanitarian partners.
2. Simplify documentation requirements, including by:
 - a. Allowing an asylum seeker certificate to be a form of proof of identity, especially for all children who lack birth documentation.
 - b. Establishing a clear rule that proof of bailout (in the form of old asylum seeker certificates, or otherwise) is never required to receive a new Mol card.
 - c. Establishing alternative means of proving identity for refugees who cannot obtain documentation due to problems beyond their control, such as children born in Syria who lack birth documentation.

3. Improve UVE procedures, including by:

a. Establishing a uniform appointment system across all police stations that includes issuing refugees with official written proof of the appointment and guidance on next steps.

b. Ensuring that all police working on the UVE receive appropriate training and that police stations have adequate resources and personnel as well as proper equipment to allow them to print and issue new Mol cards on the spot.

c. Monitoring the implementation of the UVE process more closely to ensure that official guidelines are being followed.

d. Enlarging the UVE Special Committee to increase its capacity and clarifying its powers in published guidance.

e. Working together with humanitarian and development partners to establish a policy framework for dealing with complications arising from the sharing of identity documents among refugees or use of fraudulent documents.

f. Identifying categories of refugees who face difficulties in obtaining new Mol cards and developing effective procedures to help them regularise their status.

4. Continue to work with humanitarian and civil society partners on improving procedures, including by:

a. Working with UNHCR to ensure that asylum seeker certificates include sufficient information to support the issuance of new Mol cards for all refugees who hold asylum seeker certificates, and ensuring all institutions are fully informed and implementing the approach consistently.

b. Working with humanitarian and civil society partners to ensure the satisfactory resolution of complex cases through administrative and legal processes.

UNHCR and humanitarian and development actors should:

1. Support the Government of Jordan to raise awareness about the UVE, the required procedures, and the consequences of not having a new Mol card.

2. Assist the Government of Jordan to ensure that administrative and legal processes to resolve complex cases allow for the expeditious and appropriate resolution of those cases.

3. Provide support to national organisations, including humanitarian and legal service providers, to ensure that quality support to refugees requiring documentation assistance is available and sustainable.

Mitigating consequences for those who do not yet have a new Mol card:

The Government of Jordan should:

1. Ensure that public hospitals and schools accept an asylum seeker certificate or an old Mol card in lieu of a new Mol card for the provision of services.

2. Ensure that infants without documentation are able to receive treatment at public health facilities and that maternal healthcare services are available to all Syrian women, regardless of their documentation.

3. Consider alternatives to relocating refugees to the camps, particularly in cases involving children, to avoid family separation.

4. Ensure that government entities, including the religious and civil courts and the Civil Status Department, accept alternatives to a new Mol card, such as asylum seeker certificates and other credible forms of evidence, as proof of identity for Syrian refugees.

5. Work with humanitarian and development partners to ensure that refugees who lack asylum seeker certificates are able to receive vital assistance.

UNHCR and humanitarian and development actors should:

1. Explore possible options with the Government of Jordan to provide services, such as schooling, for refugees in host communities who are otherwise unable to access government-provided services because they lack new Mol cards.

2. Work with the Government of Jordan to ensure humanitarian and development actors are able to provide vital assistance to all refugees living in host communities.

3. Undertake research to better understand the specific risks faced by women and girls who lack new Mol cards, identify good practices, and develop guidance for relevant government and humanitarian actors to mitigate these risks.

Increasing access to civil documentation:

The Government of Jordan should:

1. Work with Shari'a and civil courts to develop mechanisms for prioritising marriage and birth certificate cases and streamlining documentary and evidentiary procedures for obtaining marriage ratification and birth certificates.

2. Continue to approve periods in which the penalties for informal marriages are waived.

3. Consider both eliminating the requirement that families must initiate a lawsuit to register a birth that occurred more than one year ago and waiving the fine for late birth registration.

4. Explore alternatives to the requirement for approval from the Ministry of the Interior for Syrian refugees to register their marriages.

5. Support partners to conduct ongoing awareness-raising activities with Syrian refugees and with relevant national and local authorities on civil documentation.

6. Ensure that government registration and civil documentation processes are delinked, so that refugees are able to register births, marriages, and deaths in Jordan regardless of whether they have new Mol cards.

UNHCR and humanitarian and development actors should:

1. Work with the Government of Jordan to identify solutions to facilitate and simplify the late registration of births and marriages without penalty.

2. Support the Government of Jordan to increase awareness of both the procedures for obtaining and the importance of civil documentation among Syrian refugees and host communities.

The recommendations on civil documentation that are contained in *Registering Rights* should continue to remain important priorities and, if implemented, would also facilitate access to legal documentation.

References

- 1) In Jordan, the term “Syrian refugee” is widely used, including by the Government of Jordan, to describe people of Syrian nationality who have entered Jordan since the start of the conflict. Formally, UNHCR registers all “persons of concern” in Jordan who claim to be in need of international protection as asylum seekers, pending evaluation of their asylum claim in accordance with both the Statute of UNHCR and a Memorandum of Understanding between UNHCR and the Government of Jordan. This report does not cover Palestinian refugees from Syria who are currently residing in Jordan. The number cited refers to the total number of persons of concern to UNHCR. UNHCR, “Registered Syrians in Jordan,” 18 September 2016. All publications relating to Syrian refugees in Jordan referenced in this report can be found at UNHCR’s Inter-Agency Sharing Portal on Syrian refugees: <https://data.unhcr.org/syrianrefugees/>.
- 2) For the purposes of this report, a family comprises a husband, wife (or wives), and their children; a household comprises a family or group of related families who typically lived together and went through the Urban Verification Exercise (discussed below) as one. Researchers did not record refugees’ names, and any information that could lead to a refugee’s identification has been omitted from this report.
- 3) For further analysis of definitional issues around legal identity and civil documentation, see NRC, *ICLA Guide to Legal Identity: Civil Registration, Documentation and Identification* (December 2015).
- 4) An additional 26,565 Syrians who entered Jordan through the regular entry process (but were not registered with UNHCR) had also obtained new Mol cards, as of August 2016.
- 5) See discussion in the section titled “Background.”
- 6) UNHCR, “UNHCR policy on refugee protection and solutions in urban areas,” 2009, p. 23.
- 7) Civil documentation is described by the United Nations as “the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of events, including vital events, pertaining to the population.” United Nations, *Principles and recommendations for a vital statistics system*, Revision 2 (2001), p. 4.
- 8) UNHCR, “Registered Syrians in Jordan,” 18 September 2016.
- 9) If refugees move from their initial place of registration, they must re-register with the police in their new location.
- 10) Old Mol cards were also issued at police stations, but had fewer documentation requirements. Police started issuing old Mol cards to refugees in early 2013. Initially, the card was made of paper, leading to concerns that it could be easily forged. In late 2013, authorities in some areas started to issue plastic cards (sometimes referred to as “magnetic” Mol cards).
- 11) UNHCR, “Frequently Asked Questions (FAQ): Registration and Documentation (MOI cards) for Syrian Refugees in Host Communities,” March 2016.
- 12) Ibid.
- 13) In early 2016, the Government of Jordan introduced measures to make it easier for Syrian refugees to obtain work permits. Normally, an employer who wishes to hire a foreigner must pay application and issuance fees to the Ministry of Labour; however, for a six-month period (5 May to 5 September 2016), which has been extended to 31 December 2016, these fees have been waived for one-year work permits for Syrian refugees with the new Mol card. The effects of this policy are not analysed in this report.
- 14) The report does not address the situation of Syrians who may have been “smuggled” into Jordan and never registered with UNHCR or the Government of Jordan.
- 15) This policy also applies to refugees who had been living in host communities, but returned to the camps and left after 14 July 2014 without authorisation, regardless of whether they previously held an asylum seeker certificate and/or Mol card.
- 16) UNHCR Jordan, “Factsheet: Field Office – Zaatari Refugee Camp,” November 2015.
- 17) According to UNHCR, the committee may deal with a variety of exceptional cases, including in particular those cases where confirmation of identity has not been established through application of the usual procedures. Government bodies represented on the committee include the Ministry of the Interior, the Syrian Refugee Affairs Directorate, and the General Intelligence Department. NRC/ IHRC interview with UNHCR representatives, March 2016.
- 18) Ibid.
- 19) UNHCR, “FAQ,” March 2016.
- 20) Ibid.
- 21) “Household” is used here to refer to families (often several generations of a family) who went through the UVE process together. In most cases, the family lived in one house, but in some cases, they were spread across several houses. If two families living in the same house went through the UVE separately, then they were recorded as two households, although this scenario was not common.
- 22) UNHCR, “UNHCR in massive sorting effort to return ID papers to Syrian refugees,” 17 October 2013 (press release). Jordanian authorities gave out pink receipts for retained documents; in some cases authorities issued only one receipt for a family’s documents, while in other cases, they issued separate receipts for each document retained.
- 23) UNHCR, *2014 Year in Review: UNHCR Jordan* (2014), p. 10.
- 24) Protection Working Group Jordan, August Minutes, 3 August 2016.
- 25) UNHCR, “FAQ,” March 2016.
- 26) The Syrian Refugee Affairs Directorate is a Jordanian government agency with responsibility for the supervision and implementation of government policy on Syrian refugees in camps and host communities in Jordan.
- 27) This certificate is issued to couples who married outside the

prescribed procedures and subsequently legalised their marriages. Marriage documentation is discussed further in the section titled “Civil Documentation.”

28) While the Government of Jordan has made several important accommodations to facilitate the registration of informal marriages, obstacles to registration remain. For more information, see the discussion on marriage registration in this report and IHRC & NRC, *Registering Rights: Syrian refugees and the documentation of births, marriages, and deaths in Jordan* (October 2015), pp. 18–24.

29) Information provided to NRC and IHRC by UNHCR, September 2016.

30) UNHCR, “FAQ,” March 2016.

31) See *Registering Rights*, pp. 18–24, where these challenges are discussed in greater depth.

32) Personal Status Law, Article 10(b). See “Special Instructions to Grant Marriage Permission for Those Who Are Below 18 Years of Age” (issued by the Chief Justice under Article 10 of the Personal Status Law). The authors of *A Study on Early Marriage in Jordan* (UNICEF, 2014) note, “The definition of 18 as the legal age for marriage in Jordan is undermined by an acceptance that special permission – very dependent on the interpretation/discretion of individual judges and reportedly not difficult to obtain – may be given for children as young as 15 to marry” (p. 11).

33) Government of Jordan, 2015 *National Census of Jordan: Summary of Results*, p. 24.

34) See *Registering Rights*, pp. 18–24, where these challenges are discussed in greater depth.

35) The Government of Jordan has acknowledged in its 2015 state report to the committee that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that “not all Syrian marriage contracts have been officially registered, as required under Jordanian law,” and notes, “The failure to document marriage contracts causes problems and challenges such as failure to document marital rights, children and parentage.” It concludes, “More efforts are required to raise awareness and review legislation and procedures.” Committee on the Elimination of Discrimination against Women, (CEDAW Committee), *Consideration of reports submitted by States parties under article 18 of the Convention, Jordan*, CEDAW/C/JOR/6 15-10445 9/50, para. 12.

36) If it is not the bride’s first marriage, a male guardian’s consent is not required.

37) Court Fees Regulation (No. 61 for 2015), Article 23. The fee for a marriage certificate or marriage ratification certificate is JOD 25 (USD 35). The fee for a second marriage – that is, a man who marries for a second time while his first wife is still living – is JOD 80 (USD 113). In some cases, a couple must also pay a JOD 5 (USD 5) fee for an “absence of impediments” certificate.

38) Another type of informal marriage is a traditional marriage, in which a couple marries before witnesses without a sheikh, but such marriages are not common.

39) In 2013, the Chief of the Supreme Shari’a Court of Jordan issued a ruling that the JOD 1,000 (USD 1,141.2) fine should not be applied to couples that had concluded informal marriages outside Jordan and sought to register them in Jordan.

40) UNHCR, “FAQ,” March 2016. The FAQ note, “In very exceptional cases, UNHCR can cover the medical costs for individuals living [outside the camps] who are still registered in the camps.” Until November 2014, Syrian refugees with asylum seeker certificates and Mol cards received free healthcare at public health facilities; since that date, refugees with these documents have been required to pay the uninsured Jordanian rate in public health facilities. However, in February 2016, the Ministry of Health announced that maternal and child health services would be free for refugees with asylum seeker certificates and new Mol cards.

41) Ibid. The FAQ state, “Each aid agency establishes its own eligibility criteria. You will need to contact individual organisations to see whether you are eligible for services. However, it must be noted that UNHCR implementing partners will require a valid [asylum seeker certificate] in order to be able to provide services under UNHCR programs. Serious medical cases will obviously be granted an exception and can be seen at JHAS [Jordan Health Aid Society] clinics if necessary.”

42) This is a conservative number. In several other cases, it was ambiguous whether the hospital required the new or old Mol, or the interviewee was not clear about whether the health incident took place after the UVE had started.

43) UNHCR, “FAQ,” March 2016.

44) “HRW commends positive steps on education for Syrian children,” *The Jordan Times*, 23 August 2016.

45) See Human Rights Watch, *We’re Afraid for Their Future: Barriers to Education for Syrian Refugee Children in Jordan* (August 2016). See also UNICEF, *Running on Empty* (May 2016), p. 29. UNICEF operates a network of 187 “Makani centres” in host communities throughout Jordan that provide learning support to children regardless of nationality and documentation. Analysis of data concerning 7,000 Syrian children who were not attending school, but received support at a Makani centre, showed that for 13 per cent, “missing documents to register the child at school” was the main determinant of out-of-school status.

46) This committee is called the Inter-Ministerial Coordination Committee of the Cabinet of Ministers.

47) UNHCR, “FAQ,” March 2016 (“If you are detained or arrested by the police and do not have a valid Mol service card or an [asylum seeker certificate], you are at risk of being returned to the camp where you were originally registered.”)

48) Ibid.

49) Ibid.

50) UNHCR’s March 2016 FAQ states, “The current policy of the Government of Jordan (GoJ) is to allow the entrance to the country only to refugees arriving for the first time. Those who

have left Jordan to return spontaneously to Syria will generally not be readmitted. Authorities will take an Iris scan of all those who depart Jordan in order to identify them when they try to re-enter. Note, however, that UNHCR engages in advocacy efforts for the return of those who were denied access or deported as well as for humanitarian cases.”

51) See *Registering Rights*, pp. 8-9 and 28–29.

52) See UNHCR, “Work permit boost gives hope to Syrian refugees in Jordan,” 19 April 2016; and “The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis,” 4 February 2016.

53) *Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan A/HRC/32/41/Add.1*, para. 18.

54) Save the Children, *Too Young to Wed: The growing problem of child marriage among Syrian girls in Jordan* (2014).

55) *Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan*, para. 18.

56) US State Department, 2015 *Trafficking in Persons Report: Syria* (2015).

57) Whereas men tend to dominate the more regulated or visible sectors, such as construction or manufacturing, undocumented women frequently work in more isolated settings, primarily as domestic workers. This isolation increases the risk of exploitation, making women more likely to earn low wages and work long hours. Coupled with the expectation that women will continue to perform household work in their own homes, women in these settings may be under immense physical and mental pressure. For examples, see Magalhaes, Carrasco & Gastaldo, *Undocumented Migrants in Canada: A scope literature review on health, access to services, and working conditions*, 12 J. IMMIGR Minor. & MINORITY HEALTH 132; (2010); Esplen & Brody, *Putting Gender Back in the Picture: Rethinking Women's Economic Empowerment* (Institute of Development Studies, 2007); and *Gendered Paths to Legal Status: The Case of Latin American Immigrants in Phoenix, Arizona* (Immigration Policy Center, 2013).

58) UNHCR, *Living in the Shadows: Jordan Home Visits Report* 2014, p. 29.

59) For more information, see the discussion in the section titled “Civil Documentation.”

60) UNHCR, “UNHCR policy on refugee protection and solutions in urban areas,” 2009, p. 23.

61) Jordan also has obligations under international refugee law, even though Jordan is not a party to the Convention Relating to the Status of Refugees (commonly known as the 1951 Refugee Convention). For example, the principle of non-refoulement is a norm of customary international law that Jordan is obliged to respect. In practical terms, respect for the principle of non-refoulement requires that asylum seekers be protected against return to a place where their life or freedom might be threatened until it has been reliably ascertained that such threats do not exist and that, therefore, they can return. UNHCR and the Government of Jordan concluded

a Memorandum of Understanding (MoU) in 1998. Article 5 of that MoU states, “[a]sylum should be humanitarian and peaceful and therefore the two parties have agreed that asylum seekers and refugees should receive a treatment as per the international accepted standards.” The MoU was amended in 2014, but has not been made public. Article 5 is not thought to have changed.

62) Convention on the Rights of the Child, Article 7; International Covenant on Civil and Political Rights, Article 24; Convention on the Rights of Persons with Disabilities, Article 18(2). Unless otherwise noted, Jordan is a party to all treaties referenced in this report.

63) United Nations Human Rights Council, “Birth registration and the right of everyone to recognition everywhere as a person before the law,” A/HRC/19/L.24 (2012). Sustainable Development Goal 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”) includes as one of its targets, “By 2030, provide legal identity for all, including birth registration” (16.9).

64) Convention on the Rights of the Child, Article 22. See also Convention on the Rights of the Child, Article 7 (birth registration and nationality).

65) UN Human Rights Council, “Birth registration and the right of everyone to recognition everywhere as a person before the law,” 7 April 2015, A/HRC/RES/28/13.

66) For further discussion on this issue, see UNHCR, *In Search of Solutions: Addressing Statelessness in the Middle East and North Africa* (2016), and NRC & Tilburg University, “Statelessness and Displacement: Scoping Paper,” May 2015.

67) International Covenant on Civil and Political Rights, Article 24; Convention on the Rights of the Child, Article 7; Convention on the Rights of Persons with Disabilities, Article 18(2). See NRC & Tilburg University, “Statelessness and Displacement: Scoping Paper,” May 2015. A stateless person is a person who is “not considered as a national by any state under the operation of its law.” Convention Relating to the Status of Stateless Persons, Article 1. Although Jordan is not a party to this treaty, the definition is customary international law and therefore part of Jordan’s international obligations. See International Law Commission, *Articles on Diplomatic Protection with commentaries* (2006), p. 49.

68) Office of the UN High Commissioner for Human Rights (OHCHR), *Birth registration and the right of everyone to recognition everywhere as a person before the law*, A/HRC/27/22 (2014), paras. 23 and 24.

69) See UNHCR, *Born in Exile*, <http://unhcr.org/FutureOfSyria/born-in-exile.html>. Although Jordan is a party to the Convention on the Elimination of All Forms of Discrimination Against Women, it has entered a reservation in relation to Article 9(2). Article 9(2) requires states to grant women equal rights with men with respect to the nationality of their children. Consequently, children born to Jordanian mothers and Syrian fathers with unregistered marriages also face this risk.

70) See Kate Jastram & Kathleen Newland, “Family Unity in Refugee Protection,” in *Refugee protection in International Law: UNHCR's Global Consultations on International Protection*

(Erika Feller, Volker Türk & Frances Nicholson eds., Cambridge University Press 2003). See also International Covenant on Civil and Political Rights, Article 23(1) ("The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.").

71) See UNHCR Executive Committee, "Conclusion on Identity Documents for Refugees, 1984," and UNHCR, "Identity Documents for Refugees," EC/SCP/33 (20 July 1984).

72) International Covenant on Civil and Political Rights, Article 16.

73) Convention Relating to the Status of Refugees, Articles 27 (identity papers) and 25 (administrative assistance).

74) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 9(1)(a); see also Convention on the Elimination of All Forms of Discrimination Against Women, Article 6.

75) Convention on the Rights of the Child, Article 3.

76) Convention on the Elimination of All Forms of Discrimination Against Women, Article 6. See also Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (declaring that states must "take all practicable and necessary legislative and other measures" to abolish "any institution or practice whereby . . . a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group").

77) See UNICEF, *A Study on Early Marriage in Jordan* 2014, pp. 22–23; International Rescue Committee, *Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict* (September 2014). In the Committee on the Rights of the Child's most recent concluding observations on Jordan (2014), the Committee "urge[d] the State party to take active measures to put an end to the practice of early and forced marriage" and "reiterate[d] its recommendation that the State party conduct awareness-raising campaigns concerning the many negative consequences resulting from early marriages." The Committee also "urge[d] the State party to take all appropriate measures and implement specific programmes to improve the living conditions of Syrian refugee children, . . . protecting them from various forms of labour exploitation, violence and, with regard to young girls, forced or early marriage practices." Committee on the Rights of the Child, *Concluding observations on the combined fourth and fifth periodic reports of Jordan*, CRC/C/JOR/CO/4-5 (2014), paras. 34 and 56.

78) The registration of births and marriages is "a means to facilitate monitoring of the age of marriage and to support the effective implementation and enforcement of laws on the minimum age of marriage." OHCHR, *Preventing and eliminating child, early and forced marriage*, A/HRC/26/22 (2014), para. 15. Marriage registration also helps reduce the risk of human trafficking by, for example, ensuring that the identities of spouses are known. See OHCHR, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, para. 29.

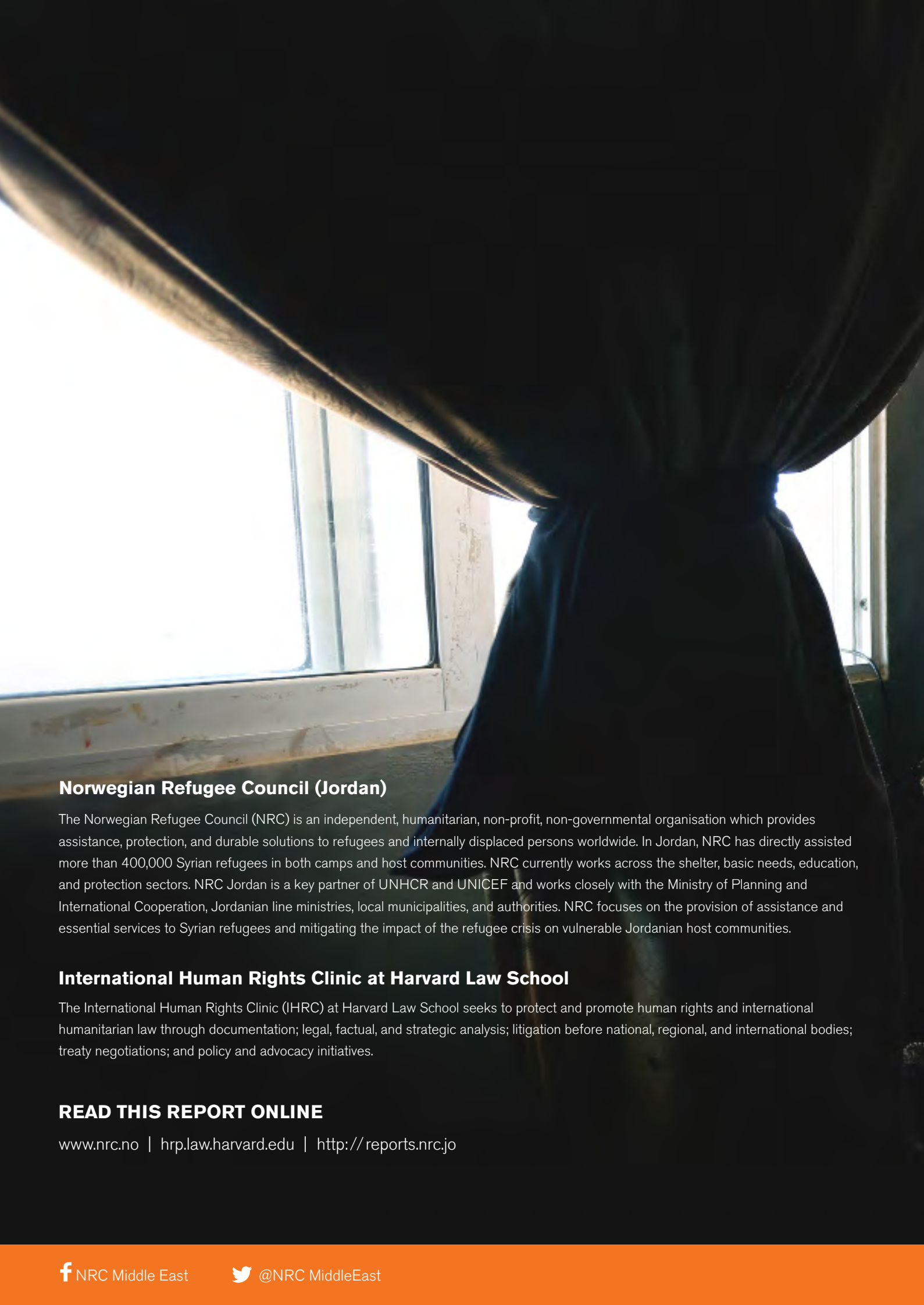
79) International Covenant on Economic, Social and Cultural Rights, Articles 13 (education) and 12 (health).

80) Convention on the Rights of the Child, Articles 28 (education) and 24 (health).

81) Committee on the Rights of the Child, General Comment No. 7, para. 25.

82) International Covenant on Civil and Political Rights, Articles 12 (freedom of movement) and 10 (arbitrary detention); International Covenant on Economic, Social and Cultural Rights, Article 6 (right to work).

83) As noted above, the principle of non-refoulement is part of customary international law and therefore must be observed by Jordan. See also Human Rights Watch, *Jordan: Vulnerable Refugees Forcibly Returned to Jordan* (November 2014).



Norwegian Refugee Council (Jordan)

The Norwegian Refugee Council (NRC) is an independent, humanitarian, non-profit, non-governmental organisation which provides assistance, protection, and durable solutions to refugees and internally displaced persons worldwide. In Jordan, NRC has directly assisted more than 400,000 Syrian refugees in both camps and host communities. NRC currently works across the shelter, basic needs, education, and protection sectors. NRC Jordan is a key partner of UNHCR and UNICEF and works closely with the Ministry of Planning and International Cooperation, Jordanian line ministries, local municipalities, and authorities. NRC focuses on the provision of assistance and essential services to Syrian refugees and mitigating the impact of the refugee crisis on vulnerable Jordanian host communities.

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