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# UNDOCUMENTED, UNSEEN, AND AT RISK:

## The Situation Of Syrian Refugees Lacking Civil And Legal Documentation In Jordan

First Protection  
Monitoring Report:  
Setting The  
Scene



*A Syrian Refugee in Mafraq shows ICMC staff her family's UNHCR Asylum Seeker Certificate.*

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This report was written by Georgia Swan, ICMC Protection Program Manager. For further information on the issues raised in this report please email: [swan@icmc.net](mailto:swan@icmc.net)

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# Abstract

This report details the findings of the first protection monitoring activity conducted by ICMC, as part of a EU Humanitarian Aid funded project that seeks to support Syrian refugees in regularizing their civil and legal documentation status. This baseline study will be used to ground the implementation of the project in an approach informed by the needs and lived realities of undocumented Syrian refugees living in the Governorate of Mafrqa.

The findings indicate that civil and legal documentation are inextricably linked to protection outcomes at the individual and community level. The failure to issue one document can begin a cascade of consequences, creating barriers to issuing other documents and heightening vulnerability to an array of legal and social protection concerns.

ICMC found that there exists widespread understanding of the importance of regularizing ones' documentation status among Syrian refugees, and a strong correlation between documentation, safety, dignity, and future life choices. However, barriers to issuing documents are created by structural drivers such as poverty, social isolation and misinformation, underlying trauma issues and fear of authorities, and the competing demands to satisfy families' basic needs. Finally, this analysis has found significant age and gender trends regarding the issuing of documentation. Children disproportionately account for those missing legal documentation, while women are the prime actors of change seeking to regularize the family's status, and are at risk to a number of GBV concerns. It is recommended that these age and gender trends are investigated further in subsequent protection monitoring exercises.

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## List of Acronyms

<b>ASC</b>	: Asylum Seeker Certificate
<b>ECHO</b>	: European Commission's Humanitarian Aid and Civil Protection Department
<b>FGD</b>	: Focus Group Discussion
<b>GBV</b>	: Gender Based Violence
<b>ICMC</b>	: International Catholic Migration Commission
<b>JD</b>	: Jordanian Dinar
<b>MO</b>	: Ministry of Interior
<b>UNHCR</b>	: United Nations High Commissioner for Refugees

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# Introduction

This report details the findings of the first protection monitoring activity conducted by ICMC as part of a EU Humanitarian Aid funded project that seeks to support Syrian refugees in regularizing their civil and legal documentation status.

The project, *“Leveraging protection monitoring and emergency cash to overcome the legal challenges of extremely vulnerable Syrian refugees in Jordan, and the challenges related to harsh weather conditions of extremely vulnerable Syrian and Jordanian households (HHs) in Jordan”*, is implemented through a consortium comprised of ICMC and INTERSOS as the lead partner.

Syrian refugees living outside refugee camps in Jordan require two pieces of ‘legal documentation’: the new Ministry of Interior Service Cards (MOI cards), as well as the Asylum Seeker Certificate (ASC, UNHCR-issued documentation). These two pieces of documentation confirm that the holder is officially registered as a refugee in Jordan, is permitted to live outside designated refugee camps and can access a range of services. In addition to this legal

documentation, many Syrian refugees experience life events that require documentation such as births, deaths and marriages. This ‘civil documentation’ is essential for securing the legal identity of individuals and families, preventing statelessness, and protecting a range of human rights. Both civil and legal documentation is inexorably linked to the protection of individual wellbeing.

This project essentially aims to improve access to documentation/registration for extremely vulnerable Syrian refugees facing financial, legal or social barriers, thus reducing the myriad of protection risks associated with a lack of documentation. Project activities include the provision of accurate information and awareness raising, and unconditional cash payments for selected beneficiaries.

# Methodology

This protection monitoring exercise is undertaken through a mixed methods approach that employs both quantitative and qualitative methodologies to rigorously interrogate data and triangulate findings. While quantitative data can be effective to highlight trends, qualitative data that brings forth the narratives and lived experiences of Syrian refugees facing documentation problems is useful to shed light on the complexities involved in the documentation process, as well as the inextricable linkages between civil and legal documentation, safety, social protection and individual wellbeing. This report thus analyses the baseline data collected through the following four different evaluation methodologies:

Database Analysis of  
Beneficiaries  
Recommended for  
Cash Assistance:

**404**  
Households

86 Female head of households  
318 Male head of households

Focus Group  
Discussions:

**3**  
FGDs, including  
39 individuals

26 Females  
13 Males

Semi Structured  
Interviews:

**1** Male

**1** Female

Legal Adviser  
In-depth Consultation  
Records:

**28**  
Individuals

12 Females  
16 Males

*Data collected through each methodology was analyzed and coded according to emerging themes.*

# Profile of the undocumented refugees in Mafraq, Jordan

Between September 1st - November 30th, 2016, ICMC's Cash for Legal Protection Team has assessed 1454 households suspected of experiencing some form of documentation challenges through outreach activities, using ICMC's vulnerability assessment tool. Out of this number, 1059 were selected for more rigorous assessment using the Legal Protection Needs Assessment. From this number, 404 households were identified as lacking documentation and experiencing significant financial barriers, and recommended for cash assistance (28 in September, 91 in October and 285 in November). 28 individuals lacking documentation and experiencing extremely complex circumstances have received in depth legal consultation from the ICMC Legal Adviser, while the remaining 1031 received different levels of targeted awareness raising and information provision on civil and legal documentation.

The analysis demonstrates that overwhelmingly, Syrian refugees living in Mafraq are aware of the importance of the five pieces of documentation (MOI card, Asylum certificate, birth, death and marriage certificates), and link them with safety, social and legal protection.

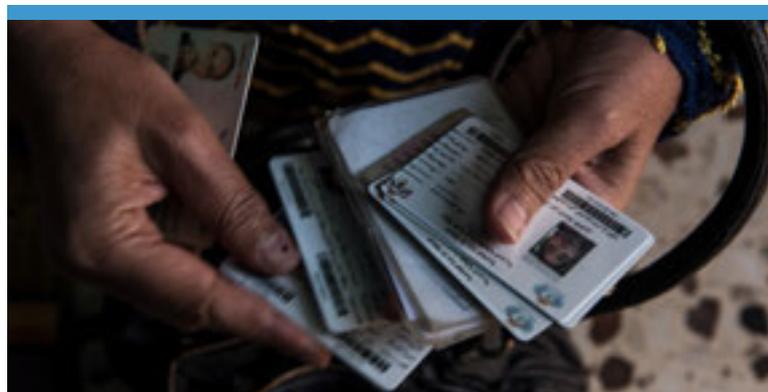
The reasons most frequently cited for experiencing any sort of documentation problems were:

- being unable to afford the associated costs; lack of awareness about the procedures to obtain the necessary certificates;
- receiving misinformation about the process from community members or service providers; and
- being fearful of approaching local authorities, particularly those with past trauma or who were living in precarious legal situations, such as having left the camp without following the official bailout procedures.

The analysis finds that undocumented Syrians living in Mafraq are not limited to any specific categories - they are males and females, children, youth and adults, those who were living 'illegally' (exit the camps without bailout, or entered the country illegally) and those who are registered with both UNHCR and MOI. The findings do demonstrate, however, that a disproportionate amount of undocumented Syrian refugees are children - accounting for 77%

of all those found to be missing MOI cards, 60% of all those without asylum seeker certificate, and 100% of those without birth registration. The reasons behind this phenomenon, and the impact it may have on children will be explored in a future protection monitoring exercise.

Analysis of data through a gender lens highlights no significant gender bias in missing documents, with no major trend towards more males or females falling in any one category. However, qualitative data raises some important gender findings. Firstly, the link between child marriage (mostly of girls) and documentation problems is undeniable - the marriage of a girl under the age of 15 results in an 'informal' (illegal) marriage without legal authentication, and sets in motion a range of other documentation and protection problems. The second significant gender finding concerns the different behaviors between males and females in attempting to regularize their legal status. While both males and females reported that they understood the importance in having the five documents issued, it was the females who were the driving forces in resolving documentation problems - engaging in behavior such as seeking legal advice, accessing services, going to the police station and the courts. Often due to fear and past trauma experiences involving police, males were found more likely to avoid engaging with the authorities, in some cases jeopardizing the family's legal



*A Syrian Refugee in Mafraq shows ICMC Staff her documentation, including Syrian ID Card and MOI Card.*

Photo: ICMC/Stefano Schirato

largely women who assume the lead role in securing legal and civil documentation. This, and other gender related findings will be more rigorously addressed in a subsequent round of protection monitoring, which will specifically focus on Gender and gender-based violence (GBV) issues.

The context of Mafraq is an important variable to consider when interpreting these results. Most of the 78,817 registered Syrian refugees living in Mafraq<sup>1</sup> come from the bordering rural communities of Dera'a, Al Suwayad and to a lesser extent, Quneitra. Generally speaking, these are rural communities of lower socio-economic status, dependent on agriculture for income generation. These communities have traditionally engaged in practices such as early marriage, informal 'sheikh' marriage (without legally authenticating the marriage), and have low education levels

<sup>1</sup> <http://data.unhcr.org/syrianrefugees/settlement.php?id=173&country=107>

with high rates of illiteracy, particularly among women. These existing protection risk factors inside the communities have only been exacerbated by the dire conditions created by conflict and exile. In addition to this, the Governorate of Mafraq itself faces its own challenges, being the Governorate most affected by the Syrian refugee crisis and having its population doubled since the start of the crisis. It struggles with poverty, unemployment, access to quality health and education, and is the most hydro-insecure governorate in Jordan. Female labor participation in the Governorate stands at only 12.5%, and it has the highest female illiteracy rate among the Kingdom's governorates, at 13.6%.<sup>2</sup> Understanding the geographic and socio-economic origins and traditions of the Syrian refugees now living in Mafraq, and the ongoing struggles they face in the Governorate, is essential to understanding the context in which this report was written.

A key finding concerns the chain reaction that is set in motion by the lack of one piece of documentation. The failure to issue one piece of documentation can create barriers to issuing other forms of important documentation, as well as create a range of social and legal protection consequences. For example, if a couple does not have a valid marriage certificate (nor a Syrian family book) they are unable to obtain birth certificates for their children, or death

certificates if any have passed away. Without a birth certificate, a child is unable to obtain a MOI card. If an individual is missing an MOI card (or has one based on incorrect information) they are unable to access their rights to services as refugees. Official birth registration considered as 'the passport to protection', establishes the existence of the child under law and provides the foundation for safeguarding many of the child's civil, political, economic, social and cultural rights. Article 7 of the Convention on the Rights of the Child specifies that every child has the right to be registered at birth without any discrimination. The interconnected nature of the five pieces of documentation, and their broader link to key protection outcomes, highlights the importance of efforts to support Syrian refugees in Jordan to regularize their documentation status.



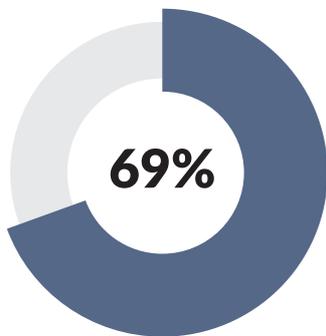
Syrian family show ICMC staff documentation in Mafraq, Jordan.

Photo: ICMC/Oriene Van den Broeck

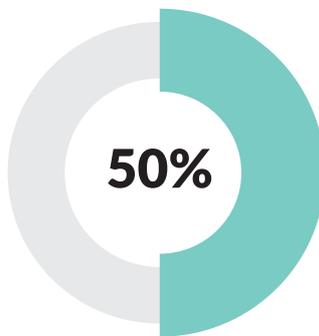
<sup>2</sup> "The Hydro-Insecure: Crisis of Survival in the Middle East", Strategic Foresight Group (SFG).

# What are the missing documents among Syrian refugees and the primary reasons for the missing documentation?

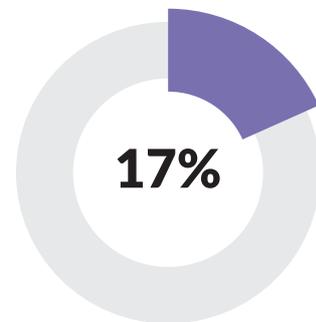
Missing documentation among Syrian refugees in Mafraq



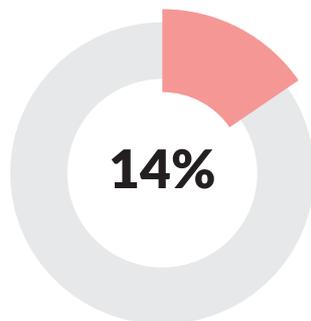
Marriage Certificate



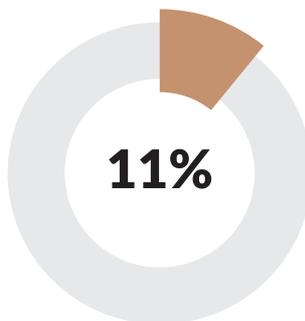
Ministry Of Interior (MOI) Card



Asylum Seeker Certificate / UNHCR Registration



Birth Certificate



Death Certificate

# Marriage Certificate

Out of all pieces of documentation, the most commonly reported missing was the marriage certificate, accounting for 69% of all missing documents. ICMC has found that many Syrian couples are not in possession of their marriage certificate yet do possess their Syrian family book - which documents all marriages, deaths and births. In most cases, the Syrian family book is sufficient evidence of marriage in Jordan. However, in some cases it is not - which can often depend upon the circumstances of the specific case and the discretion of the presiding judge. For example, children born on the borders during flight are not registered in the Syrian family book, and have no birth notification. In order to register these children's birth in Jordan, proof of marriage is required, including parentage authentication.<sup>3</sup> ICMC found that most families consulted were in possession of their Syrian family book, only 25 did not have it due to loss or damage during flight from Syria. There exists some confusion around the family book, and a widespread belief that the family book is sufficient in place of a marriage certificate in all circumstances. In simple terms, ICMC found that the family

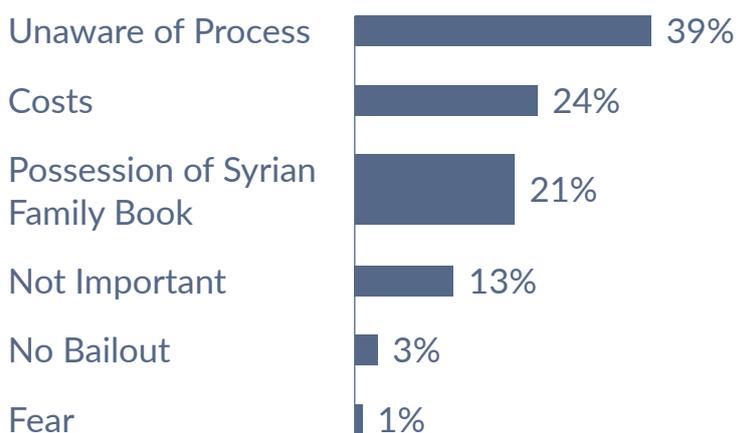
book is sufficient in place of a marriage certificate while no new children are born in Jordan/exile. After this, a marriage certificate is the safest way to ensure that all children can be registered.

244 couples surveyed did not have a marriage certificate. 218 of these were married in Syria, 26 in Jordan. The majority of marriages were officiated by the courts, with 12 informal Sheikh marriages - 3 conducted in Jordan, 9 in Syria. This means that the 3 informal marriages conducted in Jordan are subject to a 1000JD fine, while the 9 in Syria are only subject to the usual 25JD registration fee. 190 couples showed an interest in going through the authentication process and registering the marriage with the Jordanian authorities to receive a marriage certificate, while 54 couples did not want to due to their possession of the Syrian family book which was sufficient for them. The majority of both husbands and wives were in the age bracket 18-59 (wives: 99.1% (219); husbands 99.09% (217). A further 2 (0.91%) men were aged 60 or over, 2 women (0.91%) were under the age of 15 when married.

<sup>3</sup> An additional section added to the birth certificate that confirms the parents of the child.

When asked about the reasons for missing marriage certificates, 104 of the respondents stated a lack of awareness of how the process worked in Jordan, citing differences in the process they are used to in Syria. The possession of the Syrian family book is sufficient proof of marriage in Syria for most situations. Furthermore, it is common for those living in rural areas of Syria to engage in informal 'Sheikh' marriages and not authenticate their marriages with the court. As informal marriage is fairly common practice in rural Syria and does not incur any penalty, the difference in tradition and law creates a level of confusion, and is a reason provided by some couples for not registering their marriage. 63 couples indicated that the major obstacle for them in obtaining a marriage certificate was lack of financial means, citing the secondary costs associated with obtaining the certificate. 54 respondents stated they are in possession of a Syrian family book and have no need for marriage authentication, with a further 33 believing that a marriage certificate is not of importance. 7 respondents reported that leaving the camp without bailout is the reason why they do not have a marriage certificate, while 1 respondent expressed fear as a reason for not obtaining the certificate (due to leaving the camp without bailout).

### Reasons for missing marriage certificate



# Ministry Of Interior (MOI) Card

MOI cards were the second most reported missing document, accounting for 50% of all missing documents. 202 households reported that not all members were in possession of a valid MOI card, comprising a total of 437 individuals in need of MOI cards. Of these individuals, 215 (49.2%) were females and 222 (50.8%) males. Of those who did not have the card, 168 (38.98%) were in the age bracket 0-5 years, 169 (39.21%) were in the age bracket 6-17 years; 92 (21.35%) between 18-59 years, and the remaining 2 (0.46%) were aged 60 or over. Six did not divulge their age. These figures highlight that often there is a delay in issuing MOI cards for children, with the majority of those without MOI cards are under the age of 18 years (337 out of 437, equating to 77.11% of total individuals).

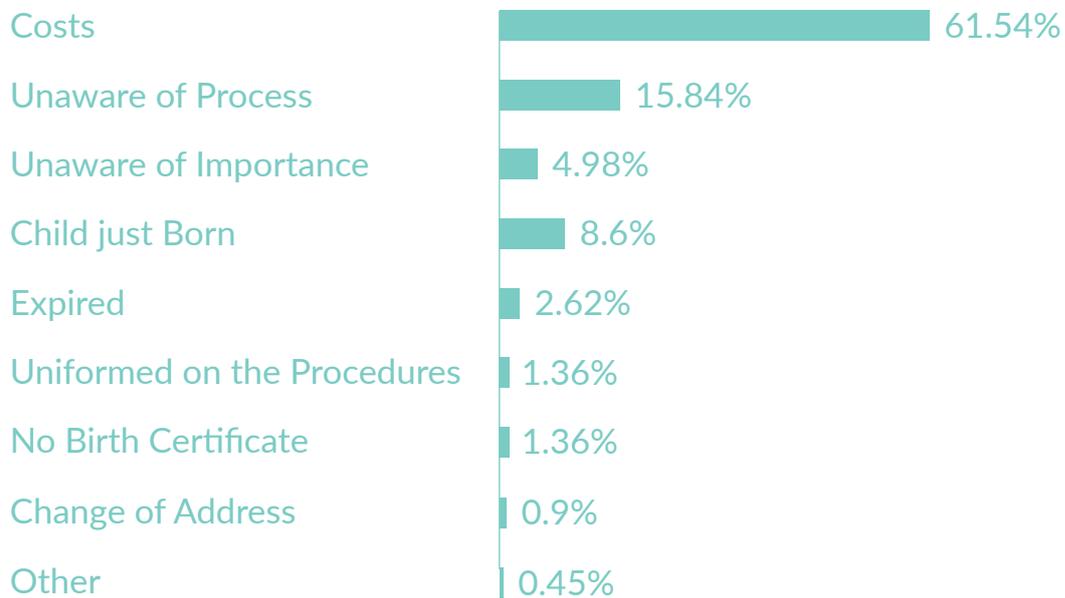
The majority of respondents 136 (61.54%) reported financial barriers as the main reason for not obtaining an MOI card. While the MOI card itself does not incur a fee, the surrounding costs (e.g. transport, health certificate, gathering all required documents etc.), do create barriers. The second reason provided by 35 respondents (15.84%) was being unaware of the process of obtaining an MOI card. ICMC has found that while the vast majority of Syrians know that they should go to the police station to

get the MOI card issued, many are unaware of the documents they require to bring with them. It is often incorrectly believed that a lease contract is required, so those without this piece of documentation may avoid obtaining an MOI card. A further 11 (4.98%) were unaware of the importance of having an MOI card, while 19 respondents (8.6%) explained that they had not yet obtained an MOI card for their children as the child was only recently born. 5 (2.62%) respondents stated that their MOI cards had expired and had not yet been renewed. A further 3 (1.36%) were uninformed on the procedures to obtain an MOI card, while 2 (0.9%) had changed their address leading to complications in obtaining an MOI card. 1 (0.45%) expressed that fear had been a barrier for them and that they had been too scared to approach the police station, and 1 (0.45%) was experiencing an ongoing conflict with the Jordanian authorities.

Further reasons for not obtaining the MOI card highlight the interconnectedness of the five pieces of legal and civil documentation. 3 (1.36%) respondents stated that they do not have proof of their marriage which has created a legal barrier to obtaining MOI cards. However, due to the fact that marriage certificates are not required to obtain MOI cards, this finding rather

indicates a lack of accurate information. Another 3 (1.36%) respondents reported that their children were born in Syria and have no birth certificate, therefore, they are unable to obtain an MOI card. 1 (0.45%) had a Jordanian mother but Syrian father who were married officially in Syria, which in Jordanian law means that the child is considered Syrian. The mother was still on the Syrian family book, however the father was absent, which was creating a barrier to obtaining the MOI card. 1 (0.45%) arrived in Jordan without any documentation except a Syrian ID, the lack of documentation created obstacles to obtaining an MOI card. 1 (0.45%) was facing a delay with the police station to authorize documents provided, 1 (0.45%) is as a result of 'negligence from parents', meaning they had the financial means and awareness but did not obtain the card nevertheless, and the remaining 1 (0.45%) was due to leaving the camp without bailout.

### Reasons for missing MOI card



# Asylum Seeker Certificate / UNHCR Registration

Lack of UNHCR Asylum Seeker Certificate (ASC) was the third most commonly missing document, accounting for 17% of all missing documents. 53 (17.43%) of the households surveyed included 193 individuals who were not registered with UNHCR. Of those without this documentation, 98 (50.77%) were female and 95 (49.23%) were male. 28 (14.73%) were aged 0-5 years; 88 (46.32%) aged 6-17 years; 73 (38.42%) aged 18-59; the remaining 1 person (0.53%) was aged 60 or over. Three persons did not divulge their age. Again, the figures highlight that the majority of those without ASCs are under the age of 18 (116 out of 198, equating to 60.1% of total individuals).

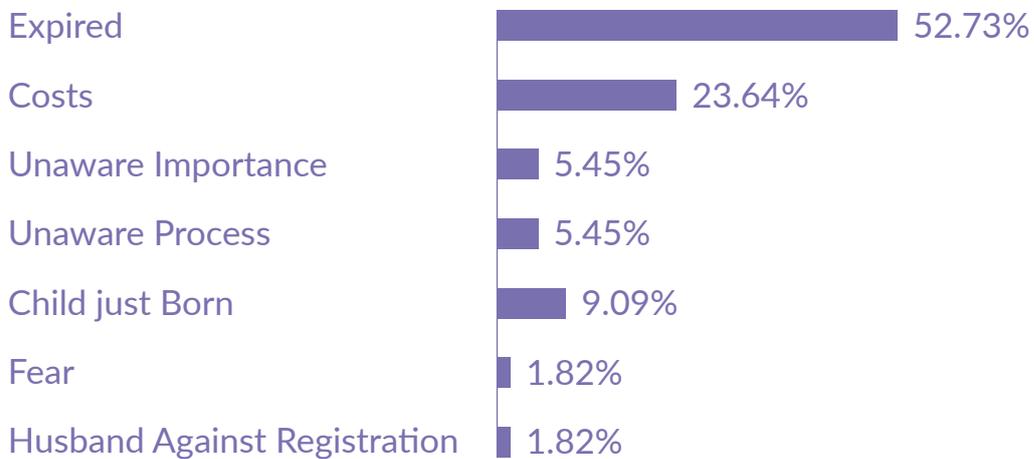
When asked about reasons for missing ASC/UNHCR Registration, 29 respondents (52.73%) stated that their UNHCR registration has expired, making their ASC invalid. 13 (23.64%) reported that they were unable to pay the costs associated with obtaining an ASC (for example transportation). 3 (5.45%) indicated that they were unaware of the importance of having a UNHCR card, and a further 3 (5.45%) were unaware of the process of obtaining a UNHCR card. 5 (9.09%) respondents

explained that not all of their family members have a UNHCR card as they are newborns. A further 1 (1.82%) gave fear of the authorities as a reason for not obtaining a UNHCR card, while 1 (1.82%) was due to the husband not wanting to register with UNHCR. ICMC has found that some people do not want to be registered as refugees for many reasons: they do not want to bear the label, are financially secure and do not feel that they need the related assistance, while among others some support the Syrian regime and do not want to be associated with the 'opposition' by registering as a refugee.

It should be noted that this data collected contains a significant gap; it does not accurately capture those who left the refugee camps without following official bailout procedures. Bailout procedures are currently suspended, and it is unknown if procedures will be reactivated. On 14/07/2014 the Government of Jordan issued an exemption for those Syrians who had left the camps without bailout, and it is hoped that a similar action will occur again. Until then, these people constitute an extremely vulnerable group essentially stuck in a legal void without legal status, in

which their only current options provided by the Jordanian Government are to return back to the refugee camp or to Syria. Due to their precarious legal situations, Syrians without bailout are often extremely fearful of interacting with authorities and other service providers, thus are more hidden and difficult to identify. A final reason why this data is not entirely accurate is due to human error in entering the data. This is evident by the fact that 'having no bailout' was reported (very few times) as the reason for not obtaining other forms of documentation, but was not reported at all for not having UNHCR registration. ICMC has used this protection monitoring report to include more stringent quality control measures in data entry of field staff. This process has been useful to inform the development of the project database and better train field staff, which will hopefully eliminate these errors in future.

### Reasons for missing UNHCR card



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# Birth Certificate

The fourth document most commonly reported missing document was the birth certificate, accounting for 14% of all missing documents. 53 households reported that they had 65 children without birth certificates. Of these, 33 (50.77%) were female and 32 (49.23%) male. 59 (90.77%) of these children were aged 0-5 years with 6 (9.23%) aged 6-17 years. 53 (81.54%) of the children without a certificate were born in Jordan, while the other 12 (18.46%) were born in Syria. All households reported that the children were their own paternal children, with only one household hosting a nine-year-old girl who has been separated from her family and is living under the registration of her uncle. These figures show that the youngest age bracket of 0-5 are missing the majority of birth certificates, yet still small numbers are growing into their older years without having their identity officially registered.

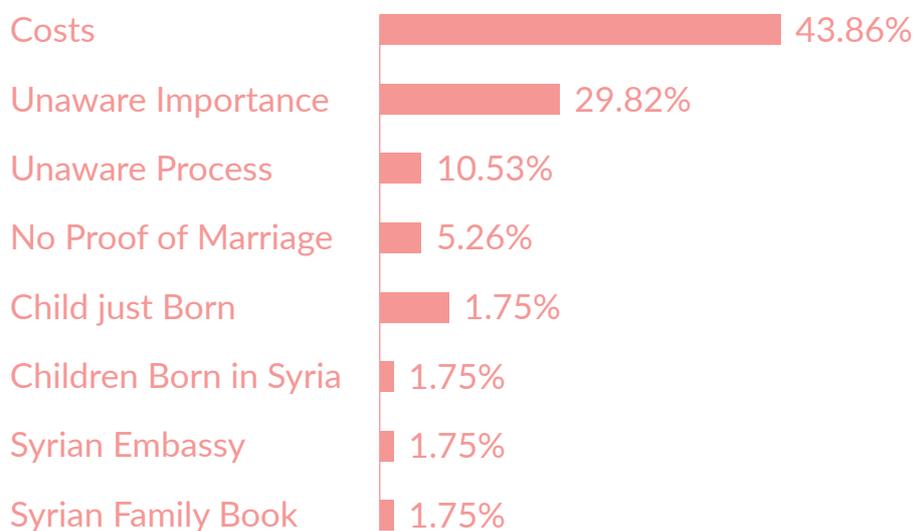


*Syrian woman sits with her child in Mafraq, Jordan*

Photo: ICMC/Oriene Van den Broeck

The majority of parents who have children without birth certificates reported that they are unable to afford the costs of obtaining a birth certificate for their children, accounting for 25 (43.86%) households. 17 (29.82%) explained that they did not realize it was important, while 6 (10.53%) were unaware of the process of obtaining the certificate. 3 (5.26%) respondents were unable to obtain a birth certificate for their children as they have no proof of their marriage. 1 (1.75%) of the respondents had not yet obtained birth certificates as the child had only just been born. Another 1 (1.75%) had children born in Syria and no documentation, thus causing difficulties in providing identification to the Jordanian authorities. 1 (1.75%) obtained a birth certificate at the Syrian embassy in Jordan. 1 (1.75%) said that they do not see the importance of it because they possess a Syrian family book.

### Reasons for missing birth certificate

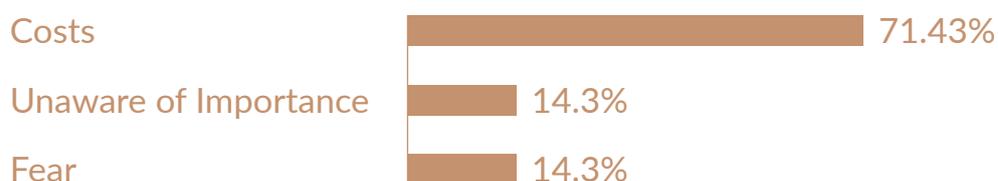


# Death Certificate

The fifth and least commonly reported missing document is the death certificate, accounting for 11% of all missing documents. Of the households surveyed, 61 (15%) had reported they had experienced a death since arriving in Jordan. Out of these, 54 (88%) of the households had followed procedures and obtained death certificates, while 7 (12%) households did not pursue the issuance of the certificate for a total of 9 deceased family members. Of these 9 deceased, 4 respondents related to the deceased were female, 5 were male. The respondents' relation to the deceased were varied: 4 were parents (meaning the deceased were children); 2 were sons (meaning the deceased were parents); and 3 were spouses (meaning the deceased were husbands/wives).

Out of the 7 households who had experienced 9 deaths in Jordan and not registered the death, 5 of them (71.43%) indicated this was purely due to the financial costs of obtaining a death certificate. 1 household (14.3%) indicated that they were not aware of the importance of having a death certificate, and a further 1 (14.3%) gave fear of contacting the authorities for the reason of not obtaining a death certificate. Given that death certificates are issued from the civil status department, not police stations, this finding is more indicative of confusion that surrounds the process of obtaining death certificates. 1 (14.3%) beneficiary was too afraid to obtain a death certificate for his father due to his precarious legal situation, having left the camp without bailout and currently without ASC or MOI card.

## Reasons for missing death certificate



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# Root causes of legal and civil documentation challenges

In addition to the reasons directly reported by beneficiaries above, deeper analysis of quantitative and qualitative data highlights a myriad of structural barriers that restrict people's ability to regularize their documentation status. These are summarized below.

## Widespread Awareness of Importance - Correlation with Safety

Firstly, it is significant to note that ICMC found very few numbers of Syrian refugees who did not possess the required civil and legal documentation because they did not believe it was important. Indeed, the vast majority of people engaged by ICMC demonstrated understanding of the protective function of having legal and civil documentation, and the link between documentation and their legal status and treatment in Jordan, and securing their future options regarding returning to Syria or resettlement in a third country.

*"We feel safer from a legal standpoint and we can access services equally; and it is important to have and understand our rights as refugees."*

*"Safety means that no one can force me back to Syria... and that I can be resettled one day."*

*"Safety means that I have a right to be here and people should treat me equally to a Jordanian."*

Participants further connected the links between having knowledge around their rights with safety. Indeed, many people (particularly women) reported going to great lengths and lobbying courts, police stations, and service providers to fight to have their family's civil and legal documentation issued, and the consequent protection and safety it provided.

*"Knowledge gives me power and this makes me feel safe... knowing my rights makes me feel safe."*

*"We need this documentation to be recognizable as humans. We need to have equal rights with the Jordanian citizens because we left our country against our will. We escaped from the war, violence, attacks, and a lot of horror. We suffered for a long time the consequences of this war. More than anything else we need peace and safety now."*

*"Having a good legal situation makes me feel strong. Because no one can threaten me. No one can make me go back to the refugee camp or back to my country (Syria)."*

*"Having our documentation makes us feel safe. Without it, we are not able to move safely and freely and will always feel afraid – of the police, the Jordanian community, even our neighbors."*

*"We feel safe from the legal side when all our documents are right. We can receive services equally and have our rights as refugees."*

*"I would say 99% of the people in our community know about the importance of these documents. It is well known that you need these things if you want your family to have a good future here in Jordan or even in another country."*

In addition to safety associated with legal status and equal rights under the law, access to basic needs was frequently raised as a fundamental foundation of safety. Food, health, shelter, warmth, and living a life free from violence were repeatedly raised, as well as being accepted by the host community. *“We want a normal life with friends, neighbors and a community”*. This highlights that in such an insecure context in which the threat of state-sanctioned and community violence is real and basic needs often go unmet, the correlation between safety, non-violence and basic needs may take priority over all others.

## Poverty - Lack of financial means

Overwhelmingly, the most reported barrier to accessing documents is lack of financial means. In simple cases that do not incur a penalty, the issuing of documents is not excessively costly, ranging from 1JD-25.<sup>4</sup> In such cases, ICMC has found that many beneficiaries will prioritize the costs despite living under financial hardship. As highlighted by Samia: *“I know how important these documents are for my family. My husband died when my children were young, so even back in Syria I would make sure that all our papers are in order. Now we are living a very hard life in Jordan, we have no money at all. But we will do whatever it takes to solve the problems with our documentation, we will save money for this purpose. Now it is more important than ever, because we have the chance to be resettled.”*

Unlike Samia, however, others are unable to afford the fees when factoring in the associated costs of transport, and the inability to cover basic needs such as food and

hygiene products. Indeed, as reported by many Syrian refugees, access to basic needs such as food and shelter is more highly correlated to feelings of safety than legal and civil documentation. *“Safety means having my family’s basic needs met. Knowing that we will not be hungry, and that I have milk and diapers for my baby”*. Another report, *“safety means having a house, paying the rent and knowing no one can make me leave tomorrow”*. In such instances where an individual’s personal sense of safety is linked with immediate life-saving measures, the prioritization of resources is given to meeting the most basic needs, and the seemingly minor costs associated with legal and civil documentation are deemed unaffordable.

Furthermore, the fees associated with documentation rise significantly in more complex cases. For marriages that take place inside Jordan without authentication (e.g. informal Sheikh marriages), the penalty

<sup>4</sup> For example, marriage registration usually costs 25 JD, with an additional 5 JD required for the blood test to prove that both parties are not carriers of the Thalassemia gene, while issuing of a birth or death certificate is 1 JD, or after 30 days rises to 11 JD.

is 1000 JD. Or when families have multiple interrelated pieces of documentation missing, the costs can rise even higher than this. In such cases, ICMC has found it becomes unaffordable for almost all beneficiaries. This highlights the underlying structural factor of poverty that Syrian refugees are facing in Jordan. As reported by UNHCR in January 2017, 93% of urban refugees are living below the poverty line in Jordan<sup>5</sup>. Undoubtedly, poverty is an underlying structural cause of documentation challenges.

### Lack of awareness of process - Misinformation

While there was widespread awareness of the value of having ones' documentation status regularized, more common was a lack of awareness of the process, confusion over the correct procedures to follow, or following incorrect information. Beneficiaries reported receiving the wrong information from the community, friends, or even authorities and service providers. For example, a number of unregistered marriages did not proceed to the Jordan Sharia court to regularize their status due to the incorrect belief that they would be subject to the 1000 JD fine for informal marriage conducted in Jordan, despite being married in Syria, and therefore exempt from the fine. As Fatima states: *"I heard there was a*

*1000 JD fine for not registering my marriage with the court in Syria, so I was afraid to discuss the issue here in Jordan. I'm so happy that this can be resolved without paying all that money, this issue was causing me a lot of problems"*. Furthermore, ICMC has identified a common belief among Syrians that birth and death certificates are expensive, therefore unattainable, resulting in families creating false barriers to issuing these documents. For example, Ahmad has a son coming close to his one-year birthday who does not have a birth certificate. He explained to ICMC that he did not get a birth certificate issued because one of his relatives told him that it will cost him 700 JD because he did not register the birth fast enough. When informed that fees are only 11 JD, he reported that he would request the certificate as soon as possible, and that he did not need financial assistance from ICMC to obtain the document.



Photo: ICMC/Stefano Schirato

<sup>5</sup> JORDAN UNHCR OPERATIONAL UPDATE, January 2017, Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Jordan%20Operational%20Update%20January%202017%20FINAL.pdf>

Another factor that contributes to the context of misinformation is the low levels of education among Syrian refugees in Mafraq, and high rates of illiteracy. Indeed, not being able to confidently navigate the process of filling out forms or even locating office buildings can be very intimidating. A traditional service that exists in Jordan is the ‘Katib Istiqa’a’, or ‘application writers’, being people who locate themselves outside official buildings (courthouses, police stations, civil status departments etc.), to offer their services in writing official applications for those who cannot write themselves for a small fee of 1 or 2 JD. As education levels have risen significantly in Jordan over the past decades, this service has become all but redundant. However, the onset of the Syrian crisis has seen this service increase. Not only do the application writers offer their basic services to ill or poorly literate Syrians, but some are reported to take advantage of the context of confusion by insisting to Syrian refugees that their applications will be more successful if they allow the application writers to assist them, for an inflated fee of around 10 - 20 JDs. Some Syrians report paying for this service, despite not needing it at all. This can add to the already weighty financial burden of issuing documentation.

In addition to falsely held community

beliefs about the documentation processes, ICMC has found that police stations and other service providers can provide different information to Syrian refugees about the required process of issuing documentation. For example, Focus Group Discussions (FGDs) highlighted that different information regarding requirements for MOI cards was given to different members of the same group, resulting in confusion and delayed registration of some who were still trying to figure out the actual requirements. ICMC has found the presence of the legal adviser in all FGDs extremely beneficial to clarify the confusion and misinformation that inevitably always arises around the required documents and correct procedures to follow to issue each piece of documentation. This confusion is not helped by the fact that for MOI cards, the supporting documents accepted differ between individual police officers and different police stations. For example, some will accept the Syrian Family book in place of a Syrian passport, while others will not. Such discrepancies are highlighted by Abed, who reports that *“I went to one police station with an expired Syrian passport, and they did not accept it. A week later I went to a different police station and they accepted it, and told me it was still a valid document”*.

<sup>5</sup> JORDAN UNHCR OPERATIONAL UPDATE, January 2017, Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Jordan%20Operational%20Update%20January%202017%20FINAL.pdf>

## Social Isolation

Contributing to this context of misinformation is the marginalization and isolation experienced by many Syrian refugees, which creates a social barrier to accessing appropriate services and information. Many reported feeling disconnected from the Jordanian community, with some experiencing discrimination. As one FGD participant notes: *“I would feel safer if we were more accepted by the community”*. Another agrees, further explaining: *“The bad behavior of the Jordanians towards the Syrian people makes it hard to know who to trust sometimes”*. One woman details the traumatic effect of her family’s social exclusion in Mafraq community: *“These negative feelings have harmed me for a long time now. A lot of children from neighborhood beat my children just because we are Syrian, and I’ve had neighbors threatened to throw me to Syria to die in the war”*. This tension between the Syrian refugee and Jordanian host community is reported to make some beneficiaries feel fearful and disempowered to navigate the often complex processes of issuing documents. Such negative experiences in the community were reported as reasons why Syrian refugees can choose to move within the familiar circles of their own communities. Contributing to this social isolation is the significant level of unaddressed psychological trauma among the Syrian community, in which people experience symptoms such as anxiety, panic, fear, agoraphobia. Such insular contexts are

breeding grounds for the spread of inaccurate information.

## Fear of Jordanian Authorities

The findings demonstrate that the fear of interacting with the Jordanian authorities creates a significant barrier to access their civil and legal documentation. While this finding is only slightly reflected in the quantitative data, qualitative data indicates that this is more common than initially reported, with large numbers of people expressing in interviews, FGDs, and legal advice sessions that they do not feel safe or comfortable when contacting authorities. This is largely a result of previous traumatic experiences with authorities in Syria, as well as the arbitrary treatment that Syrian refugees report experiencing with the police and other service providers. Indeed, this fear of authorities appears to affect men in particular, although certainly not limited to them. During FGDs, many female attendees report that their husbands are too afraid to proceed to police stations, and as a result they are the ones who are physically attending police stations and courts to regularize documentation. *“Some of our husbands had bad experiences with the police in Syria. The police here are different and they should not beat you like they do in Syria. But they are still scared”*. This issue is further highlighted by the case of Mohammad, who has an invalid marriage certificate due to his wife’s age being misrepresented on the

MOI card. In the efforts to solve the issue, it is Mohammad's mother and his wife who have been attending courts and local services to seek assistance. When asked why he did not attend any of these meetings himself, Mohammed replied *"I was afraid that I would get in trouble for the problem. I didn't really know what they would say or do to me. My mother and my wife were happy to go themselves and they knew they could call me if they needed anything"*. One female, however, did share her experience of being afraid of the police in Jordan. *"Without an MOI card I can't move anywhere, because the police officers have asked me many times about it. I avoid talking to the police as I had a very bad experience with them in Syria. They came to my house many times to ask about my husband. I know the situation in Jordan is different, but I still have some fear"*.



Photo: ICMC/Oriene Van den Broeck

## Lost / left Behind Documents

ICMC has found that some Syrian refugees presenting without documents have fled from areas where houses and documentation were destroyed, or have lost all or some of their documents during flight and exile. Others, however, claim that they had their documents seized at the Jordanian border while crossing during the years 2013 and 2014, and have never had them returned. The Jordanian authorities report that they have now returned all the Syrian documents that were seized at the borders. However, ICMC has engaged a number of Syrians who claim they have not received the documents back yet, and this is the reason they now face challenges.

## Gender Based Violence and Early Marriage

This protection monitoring exercise has clearly identified some ways that documentation process is linked with Gender Based Violence. Firstly, as described in the above analysis, there were at least two incidents reported where a husband was withholding pieces of documentation/attending the courts as a form of punishment to the woman, either withholding a divorce or being 'absent' and refusing to support the issuing of documentation. Such behavior classifies as psychological violence, resulting in the inability of the woman to fulfil her desire to regularize her

or her child's documentation status.

Furthermore, the link between early marriage and ongoing documentation problems is explicit. While only two cases of early marriage are included in this protection monitoring data, the ongoing effects of early marriages conducted over the past 6 years are clearly evident. Marriage under the age of 18 is not common among Jordanians, and marriage under the age of 15 is illegal. Marriage between the ages of 15 to 18 is permitted by Sharia court, according to Personal Status Law. As such, when early marriages do occur (when one or both parties are under the age of 15) they are conducted informally and not registered in the courts. Early marriage is common in the Syrian community in Mafraq. Anecdotally, reports indicate that approximately 40% of females are married before 18 years old, with some being married as young as 12, 13 and 14. ICMC has identified numerous cases where one party of the married couple (usually the female) was under the age of 15, which automatically renders the marriage illegal under Jordanian law. These early marriage cases are thus unable to authenticate the marriage and issue a marriage certificate, which sparks a cascade of civil and legal documentation challenges. Children born out of the illegal marriage will be unable to receive birth certificates, or death certificates should any pass away, and the family is unable to register with MOI and access the associated services to which they are entitled.

The case of Mohammad highlights significant gender concerns with the law itself. Mohammad and his wife married in 2015, and authenticated the marriage at the court with an MOI card that wrongly declared she was 20 years old, instead of her real age of 14. When the authorities became aware of this error, they re-issued the MOI card based on the correct date of birth, which in turn invalidated the marriage certificate. As specified in *Personal Status Law, Article 31 Paragraph J*, if the marriage contract is faked with the real age of any party being under 15, the contract will be nullified. The couple are urgently trying to solve the problem as the whole family has been selected for resettlement in Germany, and the invalid marriage certificate is halting the process. Mohammad is also afraid that he will be put on trial by the criminal court for forgery of the documents. According to *Personal Status Law, Article 35 Paragraph C*, if the couple get pregnant the marriage contract will automatically be validated. This, however, is extremely concerning from a GBV perspective. Bearing a child will put enormous strain on a minor's body and impact the rest of her life. In addition to leaving her family to wed at age 14, she now faces pressure from her extended family to fall pregnant in order to solve the problem with the marriage certificate, and support the entire family's resettlement process.



Photo: ICMC/Oriene Van den Broeck

## Exceptional Legal Barriers

In very few cases (4 in total) there were exceptional legal barriers faced by Syrian refugees which created further barriers to their documentation status. For example, one male was deported from Jordan before the crisis for working without a valid work permit, and because of this outstanding deportation order, he is unable to make himself known to the authorities for risk of immediate deportation. Another male entered illegally in Jordan through the use of people smugglers, and finally, one female receiving legal advice reports that she is planning to divorce her husband but he is refusing. As a result, he is also refusing to acquire a birth certificate for their child, as he does not want to enter the court setting.

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# Conclusion

This baseline study aims at better understanding what are the missing documents among Syrian refugees in Mafraq, as well as the direct and indirect causes. These findings provide a more textured understanding of the issues surrounding civil and legal documentation, and will be used to better inform programming, data collection, and accountability to beneficiaries. Indeed, civil and legal documentation are inextricably linked to each other and the failure to issue one document can begin a cascade of consequences; creating barriers to issuing other documents and heightening vulnerability to an array of legal and social protection concerns. ICMC found that there exists a widespread understanding of the importance of regularizing ones' documentation status among Syrian refugees, and a strong correlation between documentation and safety, dignity, and future life choices. However, significant barriers to issue documents are created by poverty, social isolation and misinformation, fear of authorities and underlying trauma issues, and competing demands to satisfy basic needs.

Furthermore, this first protection monitoring activity has raised significant age and gender findings that require further rigorous investigation. Firstly, the fact that the majority of those missing documentation are children (MOI cards, ASCs, and Birth certificates) is concerning. Given that the 6-year old Syrian crisis shows no signs of abating, the future of these undocumented children, and the ability for them to be seen and recognized by the world, is largely linked to their legal and civil status. Further investigation is required to better understand the causes and implications of this phenomenon, and potential strategies to counter it. Finally, the findings have also uncovered significant gender findings regarding the link between early marriage and a chain reaction of documentation challenges, the different behaviors between males and females in regularizing their status, and how documentation can be implicated in different GBV scenarios. It is recommended that both these age and gender findings be investigated in separate, targeted protection monitoring activities.

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**UNDOCUMENTED, UNSEEN, AND AT RISK:  
The Situation Of Syrian Refugees Lacking Civil  
And Legal Documentation In Jordan**

First Protection Monitoring Report:  
Setting The Scene



Funded by  
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