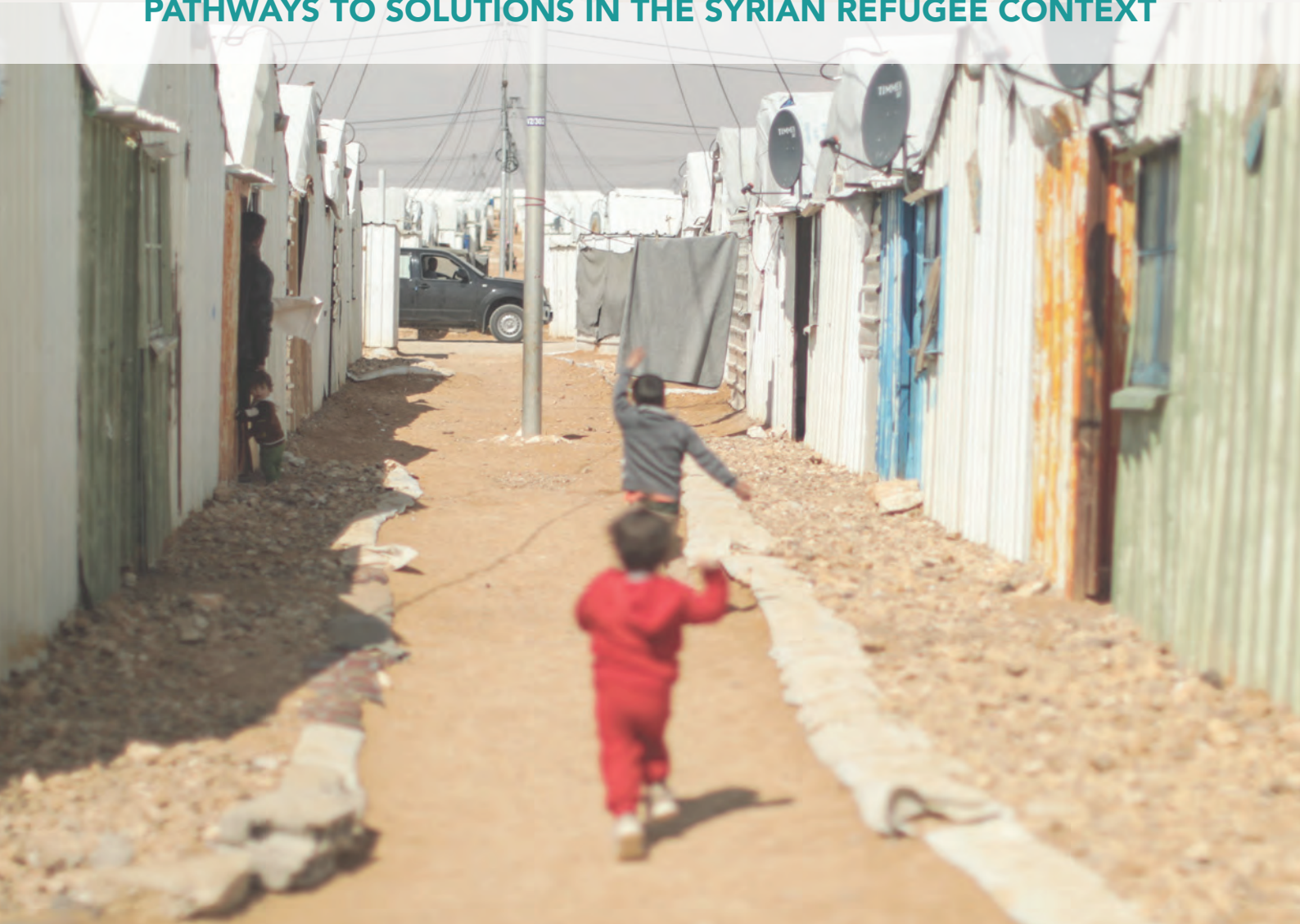


A BRIDGE TO FIRMER GROUND:
**LEARNING FROM INTERNATIONAL EXPERIENCES TO SUPPORT
PATHWAYS TO SOLUTIONS IN THE SYRIAN REFUGEE CONTEXT**



CHAPTER

1

PROTECTION

MARCH 2021

1. INTRODUCTION

Protection, including access to legal status and civil documentation, freedom of movement, and access to justice, is a core prerequisite of a durable solution to displacement. Yet the lack of comprehensive refugee protection or asylum systems and limited infrastructure to provide documentation or ensure fair access to the justice system across the main countries hosting Syrian refugees has placed these refugees at risk of abuse, exploitation, and statelessness. This chapter focuses on access to legal protection for refugees.

Box 1. About this Project

This chapter is part of a research project by the Durable Solutions Platform (DSP) and the Migration Policy Institute (MPI), titled “A Bridge To Firmer Ground: Learning from International Experiences to Support Pathways to Solutions in the Syrian Refugee Context”. As the protracted Syrian refugee crisis continues and refugee communities, host governments, and international donors and implementers attempt to move toward durable solutions, this project analyzes projects, policies, and approaches from around the world and draws global lessons learned for the Syrian context. This report provides recommendations for host-country policymakers, regional and international bodies, and nongovernmental actors.

The other chapters of this research report are available [here](#).

Syrian refugees in neighboring countries (Turkey, Jordan, Iraq, and Lebanon) face three primary legal protection challenges. First, the legal status of Syrian refugees in the region is generally precarious and this affects various aspects of their daily life. Only Turkey is a signatory to the 1951 Refugee Convention, albeit with a geographical limitation, and has in place an asylum law that provides formal legal status to Syrians. Elsewhere, access to legal status is dependent on a combination of non-protection-specific immigration and residency laws, as well as registration with the United Nations High Commissioner for Refugees (UNHCR). In Jordan, refugees are not able to receive any kind of formal status but are instead given an asylum-seeker registration card and a Ministry of the Interior service card following registration with UNHCR.¹ These certificates allow them to access government services, but do not provide legal status or basic rights such as the right to work (unless in selected open sectors and professions), own property, or receive basic civil registration documentation.

In Iraq and Lebanon, refugees may receive a temporary residence permit based on their UNHCR registration, but other barriers prevent their access to legal status in practice. In Lebanon, the government barred UNHCR from registering any newly arrived refugees in early 2015, and as a result nearly 80 percent of Syrian refugees surveyed in Lebanon in 2019 lacked legal status.² High fees associated with renewing residence permits have also been a barrier. Renewing a residence permit in Lebanon costs USD 200, unless a fee waiver can be obtained.³ In the Kurdistan Region of Iraq (KRI), refugees reported relatively fewer barriers to receiving a residence permit, though the process requires documentation, such as a Syrian national ID card or passport, that many refugees have difficulty producing.⁴

Without legal residence permits, refugees may face difficulties moving within a country, obtaining work permits, and registering for essential services, like education and healthcare. Refugees without appropriate documentation are also vulnerable to detention and deportation, and police sweeps have been reported in the region. In Lebanon, a decision by the security service intended to prevent smuggling allows for law enforcement to deport any Syrian refugees who are apprehended without a valid residency permit. Raids by security services reportedly resulted in deportations to Syria in 2019.⁵ In Turkey, the government reportedly conducted a large-scale sweep of Syrian neighborhoods and public transit in Istanbul in July 2019, checking for individuals without documentation or who were residing outside their province of registration. Those without documentation were reportedly deported.⁶

Freedom of movement is restricted for Syrian refugees throughout the region, both formally and informally due to the lack of access to legal status. In Turkey, only Syrians with official registration documents and a special travel permit are allowed to move between provinces within the country.⁷ Since 2015, this permit is required for travel outside the province in which the refugees registered,



Photo By: DRC

and for a period no longer than 90 days. Controls over Syrian refugees' mobility were reinforced by the governorates following the EU-Turkey 2016 agreement, at the same time the approval of travel permits became more difficult.⁸ In Jordan, those living in camps must obtain permission to leave, and permits (usually linked to work) must be renewed (in the camps themselves) every 30 days.⁹ Syrians are also prohibited from driving or owning a car.¹⁰ In Lebanon, because most Syrian refugees lack legal status, many report restricting their movements to avoid coming into contact with authorities or being subject to police raids.¹¹ In Iraq, Syrian refugees (in and outside camps) face restrictions moving out of KRI and into the rest of Iraq.¹² In July, following a rise in the number of COVID-19 infections, the Government of Iraq and the Kurdistan Regional Government announced an extension of movement restrictions for Syrian refugees until further notice.

Second, access to civil documentation, particularly marriage and birth certificates, is limited for many Syrian refugees. A lack of documentation can have cascading consequences for families, as one missing document becomes a barrier to obtaining another, exacerbating existing vulnerabilities¹³ as well as fear of deportation.¹⁴ Completing the registration of a birth or marriage that occurred outside Syria is often difficult. The Syrian Citizenship Law grants nationality to anyone born outside the country to a Syrian parent (father, with few exceptions), but birth registry in the foreign country is required as evidence for entitlement to Syrian nationality. In Lebanon, just 30 percent of Syrian children born in the country had their birth registered with the Foreigners' Registry in 2019, though this rate is expected to improve in the coming years as policy changes intended to facilitate birth registration take hold.¹⁵ Just 26 percent had registered their marriage with the Foreigners' Registry, as opposed to a religious authority, and 27 percent had no legal documentation of their marriage at all.¹⁶ In Jordan, where Jordanian nationality is only passed on through the father (as in Lebanon), the failure to register an informal marriage at a sharia court within one month makes it more difficult to register any births from the marriage, preventing children from accessing services (and Syrian nationality). In both Jordan and Lebanon, the governments have taken steps to ease access to civil registration, such as waiving fees and accepting alternative forms of documentation.¹⁷

The following case studies present creative programmatic and policy approaches that have been deployed to address similar challenges in other refugee situations, including: providing access to legal status (2), reducing the risk of statelessness (3), and facilitating access to civil documentation (4). The case studies provide lessons learned on both promising practices and potential challenges.

2. PROVIDING LEGAL RESIDENCE TO REFUGEES

Lack of legal residency is a common barrier for Syrian refugees in receiving countries, where practical and legal obstacles stand in the way of documentation and residency. Having residency would help cut down on risks of detention and removal as well as constraints on movement. Yet political obstacles often stand in the way of providing legal residence to refugees. In Peru, the Temporary Stay Permit allowed more than 500,000 migrants and refugees to receive temporary legal status, approximately half of whom have now been able to access residency status that is indefinitely renewable. While the program was time limited and had some implementation challenges, it was successful in providing critical legal protections to a substantial number of refugees and migrants.

THE TEMPORARY STAY PERMIT IN PERU

Country	Peru
Years active	2017–present
Key objectives	The Temporary Stay Permit (PTP) in Peru seeks to regularize the status of Venezuelans in Peru by providing them with legal temporary residence in the country.
Target population	558,000 Venezuelan migrants and refugees who entered the country by October 31, 2018 ¹⁸
Budget	Funding for the PTP was included in the National Migration Superintendence budget, which was USD 45.7 million in 2018. ¹⁹

CONTEXT AND DESIGN OF THE TEMPORARY STAY PERMIT

Driven by a worsening political and economic crisis in their country, hundreds of thousands of Venezuelans have sought refuge in Peru over the past several years. Peru's Venezuelan population grew from just 3,000 in mid-2015 to more than 600,000 by the end of 2018.²⁰ Despite Peru's lack of experience with mass migration, there was significant political will to create protections for Venezuelans, particularly as the 2,000 asylum applications the country received by 2016 had already begun to overwhelm the system. To alleviate pressure on the asylum system, the government created the Temporary Stay Permit (Permiso Temporal de Permanencia, or PTP), which allows recipients to live and work in Peru for one year.

Box 2. What Is the Temporary Stay Permit?

PTP is a temporary permit granted by the National Migration Superintendence that allows those who meet minimal requirements to live and work in Peru for one year. In order to qualify for PTP, Venezuelans had to have entered Peru legally (that is, through an official entry point using either a Venezuelan national identity card or a passport prior to August 25, 2018, and using only a passport after August 25²¹), and they had to have entered by October 31, 2018 and applied for PTP by December 31, 2018. Venezuelan passports have been notoriously difficult to obtain and renew since at least 2016.²² Applicants were additionally required to submit a criminal background check from Interpol, which cost USD 22, and pay an application fee of USD 12.²³ PTP holders may enroll in school (since the public education system is universal, legal status is not required). They are not eligible for the public health insurance system.²⁴

After a year, PTP holders may apply for a "special residence status" that can be renewed indefinitely and that grants them access to additional services, essentially offering them a path to permanent residence in Peru. In order to adjust to special residence status, PTP holders have to submit an application within the 30 days before the termination of their PTP, pay USD 33, have a clean criminal record, not have left the country for more than 183 days, and provide information on the activities they have undertaken in Peru with PTP, such as attending school or working.

Several factors made the PTP possible. First, Peru's emergence both as a destination and transit²⁵ country for Venezuelan migrants and refugees has generated a new focus on immigration law and policy within the government. A new migration law went into effect in 2017, which incorporated PTP in its implementing regulations.²⁶ Second, the program was temporary. Officials feared that giving Venezuelans permanent residency could generate a backlash among the general public;²⁷ for this reason, PTP was created as a temporary, nonrenewable status rather than a permanent one.

For those who were able to access it, PTP provided a valuable step toward a durable solution. Of the estimated 558,000 Venezuelans who entered Peru legally by October 31, 2018, and were thus eligible for PTP, more than three-quarters successfully obtained it.²⁸ PTP has allowed 250,000 migrants and refugees to obtain special residence status—a way to stay permanently in the country and receive a Peruvian identification card that opens access to certain services, such as the public health insurance system.

LESSONS LEARNED AND APPLICABILITY FOR THE SYRIAN CONTEXT

The establishment of PTP in Peru provides important lessons. PTP was created in a context where there were few other avenues for regularization and limited resources available for a new program. While the program experienced challenges, including difficulties managing public opinion, it was successful in providing legal status to a large number of people in a way that was not particularly resource-intensive for the government.

1



USE TEMPORARY STATUS TO PROVIDE A PATHWAY TOWARD MORE PERMANENT SOLUTIONS.

- To encourage positive reception among host communities, governments and international donors should work together to couple a regularization program with smart communication to the public about refugees.
- Governments should ensure that temporary protections eventually provide access to more permanent benefits.

Access to documentation and legal protections are key issues for Syrian refugees in host countries. For many refugees from Syria, simply having documentation like PTP would help cut down on risks of detention and removal as well as constraints on movement. For those Venezuelans who were able to access it, PTP provided a valuable step toward a durable solution. Although PTP was initially conceived of as a temporary status, in 2018 Peru's migration agency set out the process by which PTP holders could apply for "special residence status," which can be renewed indefinitely.²⁹ This is a crucial component of PTP, as it offers a way for those who can meet the requirements (described in Box 2) to remain in Peru for the long term and access benefits available only to residents. Starting by offering temporary protections may be more politically feasible for host-country governments, but neither the Venezuela nor the Syria situations are temporary, and those fleeing them need to be able to access longer-lasting protections. If any of the neighboring countries hosting Syrian refugees apply lessons from PTP, it will be important for them to also consider ways to allow for long-term stays.

Sufficient political will to provide momentum and backing for such a measure is critical. Public opinion can buoy or detract from political will: in Peru, the public felt solidarity with Venezuelan migrants in the first years of migration, but that solidarity faded as migration continued unabated.³⁰ Officials initially designed the program to be temporary out of fear that giving Venezuelans permanent residency could generate a backlash among the general public. However, a backlash in political and public opinion still emerged; while 24 percent of Peruvians reported being scared of the Venezuelans coming to Peru in 2018, that number shot up to 52 percent in 2019 as hundreds of thousands of Venezuelans continued to enter the country.³¹ In October 2018, the government suspended the program.³²

The PTP experience thus also suggests that temporary programs alone will not be enough to mitigate public concerns around the arrival of large numbers of refugees and migrants. Rather, governments must also actively manage public perceptions around the roll-out of legalization campaigns. The Peruvian government's strategy has largely been to avoid publicizing the benefits it is offering to Venezuelans in an attempt to avoid backlash from the Peruvian-born. However, an anti-immigrant narrative has still managed to take hold. Syria's neighbors could learn from Peru's experience and opt instead to take a proactive approach to communicating about migration. Partnerships with international donors could facilitate these campaigns, and could fund local organizations to work with members of the media to avoid inflammatory reporting. Communication strategies may include messaging in a way that recognizes people's concerns while explaining the facts, and avoiding repetition of false stories, even to correct them.³³ These measures open up space for a documentation and regularization initiative such as PTP to succeed by minimizing potential backlash among the host community.

2



PROVIDE LEGAL DOCUMENTATION TO OVERCOME BARRIERS TO ACCESSING THE LABOR MARKET AND PUBLIC SERVICES.

- Possessing legal documentation opens up access to services and livelihood opportunities for refugees.
- New permits should be aligned with existing legal frameworks and eligibility requirements to avoid administrative barriers to accessing key benefits.

Legal documentation and work authorization are key to enabling migrants' and refugees' pathways toward durable solutions, and one of PTP's greatest successes has been its ability to provide this documentation. For example, migrants with PTP and with special resident status are more likely to earn above the minimum wage than irregular migrants and refugees in Peru.³⁴ To be successful, programs like PTP must be coordinated with other relevant national legal frameworks that have immigration status requirements. Otherwise, administrative roadblocks can form. For example, the PTP was not coordinated with public health insurance officials, and as a result, PTP holders were not able to access the health insurance system. PTP holders are, however, able to register in the national Unique Registry of Taxpayers (RUC), a requirement for anyone working formally in Peru, and this is a result of successful collaboration with the National Superintendence of Customs and Tax Administration (SUNAT).³⁵ It is also important to work with employers and business groups to provide guidance on hiring immigrants with new documentation, as a way to facilitate access to the labor market in practice.

In the Syrian context, it will be important to facilitate this inter-sectoral coordination to ensure that a permit similar to the PTP could allow refugees to access critical ancillary services. For example, to access education and healthcare in Jordan, Syrian refugees need a service card issued by the Ministry of the Interior.³⁶ In KRI, refugees need valid residency to access education and to access healthcare for some chronic conditions.³⁷ It will thus be important to amend any existing legislation or regulations to ensure that recipients of temporary protections can access these services, and to disseminate updated information on documentary requirements to local officials enforcing those requirements.

3



DESIGN TEMPORARY LEGAL RESIDENCE PERMITS FOR EASY IMPLEMENTATION.

- Governments should be cognizant of and try to minimize administrative and operational challenges for those in need of protection.
- Governments should also keep eligibility criteria as minimal as possible while maintaining the integrity of the program, for example, by not requiring unnecessary documentation or fees.

Part of PTP's success in reaching as many beneficiaries as possible comes from its limited documentation requirements. Beneficiaries were able to apply simply using their travel or national ID documents, rather than going through a full status determination process. The requirement to complete an Interpol background check was difficult for some migrants and refugees. It cost around USD 24 and required applicants to show up in person to have fingerprints taken. These two requirements could be difficult for low-income individuals and those with long and inflexible work hours,³⁸ or limited access to transportation. Interpol was also not prepared to receive the volume of requests that it did: the website often crashed and there were limited slots available daily.³⁹ This suggests that in other contexts, background check requirements may need to be rethought in a way that is more accessible, for example, through fee waivers, and avoids overwhelming security systems.

In the Syrian refugee context, hosting countries have adopted different legal frameworks to deal with Syrian refugees' presence and could draw on lessons from Peru's experience with PTP to address issues they may be facing within those frameworks. Knowledge-sharing between Peru and Turkey could help to strengthen Turkey's existing temporary protection scheme. For example, those with temporary protection in Turkey have to wait six months after receiving protection and have an employer sponsor in order to obtain a work permit.⁴⁰ Additionally, Turkey's temporary protection scheme does not allow Syrians to adjust to residence status and start on a path to citizenship.⁴¹ Turkish officials could learn from Peru's experience with PTP about the benefits and feasibility of issuing work permits immediately, as well as strategies for creating residence status opportunities. Like Peru, Turkey can make these changes administratively, rather than going through a legislature, and so could also learn about how to construct these administrative policies from Peruvian officials.

In Jordan, Syrians have been able to register as refugees with UNHCR. Some may also receive legal documentation by registering with the Ministry of the Interior (MOI). The documentation they receive, known as MOI cards, offers legal protection and access to services. However, many Syrians have struggled to meet the documentation requirements for an MOI card, and the cutoff date for eligibility leaves many ineligible.⁴² Similarly, in KRI, Syrian refugees can access residence permits, but meeting requirements, particularly for those living outside camps, sometimes presents a burden.⁴³ There may be fewer opportunities to take up administrative and operational lessons learned from PTP in Lebanon, at least in the short term.

Recommendations

Donors:

- Encourage creative thinking on future partnerships between governments and international partners to link regularization programs with smart communication work about refugees; the goal being to encourage refugees' positive reception among host communities.

National governments:

- Keep eligibility criteria for regularization as minimal as possible while maintaining the integrity of regularization programs, for example, by not requiring additional documentation or fees.
- Review other relevant national legal frameworks that have immigration status requirements (e.g., governing access to education, healthcare, and the labor market), to allow permit holders to access those services or institutions and remove any administrative roadblocks.
- Create a path to permanent residency that permit holders can eventually access to support their legal protection and facilitate greater social integration and cohesion.

3. PREVENTING AND REDUCING STATELESSNESS

Nationality laws that discriminate on the basis of gender, the absence of legal frameworks on statelessness, practical barriers to accessing civil registration services, and a lack of required documentation continue to exacerbate the risk of statelessness for thousands of Syrian refugee children born across the region. Colombia's Primero La Niñez initiative offers lessons on how an automatic measure, with few documentation requirements and free of cost, benefited thousands of Venezuelan children at risk of statelessness in a politically sensitive environment. It also offers valuable lessons on how to coordinate efforts across government ministries and international donors for successful implementation.

COLOMBIA'S PRIMERO LA NIÑEZ INITIATIVE

Country	Colombia
Years active	August 2019–September 2021 (retroactive back to January 2015)
Key objectives	Primero La Niñez created a temporary change of Colombia's nationality law to grant Colombian citizenship to children born to Venezuelan parents in Colombian territory.
Target population	47,277 children born to Venezuelan parents in Colombian territory between January 2015 and July 2020.
Budget	UNHCR, International Organization for Migration (IOM), and United Nations Children's Fund (UNICEF) provided funding of USD 950,000; additional resources included within the National Civil Registry's budget.

CONTEXT AND DESIGN OF THE INITIATIVE

Between 2015 and August 2019, approximately 26,000 Venezuelan children were born in Colombia amid the sociopolitical turmoil and economic collapse in neighboring Venezuela.⁴⁴ However, the closure of Venezuelan consulates in Colombia after the rupture of bilateral diplomatic relations made it practically impossible for Venezuelans to obtain nationality for children born abroad.⁴⁵ Because Colombia is one of the few countries in Latin America that does not grant citizenship upon birth, infants born to Venezuelan mothers were at risk of statelessness. All individuals born in Colombia receive a certificate of live birth from accredited hospitals and healthcare centers (or a healthcare professional, in the case of a home birth), which allows them to issue an official birth certificate. However, by law, individuals can only obtain Colombian nationality if one of the parents is either a Colombian citizen or if the parent possesses legal permanent residency.⁴⁶ This provision left out the majority of recently arrived Venezuelans, as many were either holders of the Special Stay Permit (PEP),⁴⁷ which did not count as legal permanent residency, or did not have legal status. When Venezuelan migrants and refugees were issued an official birth certificate, it included a notation that said, "not valid to prove nationality."

Alarmed by this phenomenon, the President's Advisor for the Colombian-Venezuelan Border and the Ministry of Foreign Relations established a working group in June 2019 to formulate an action plan.⁴⁸ This action was driven by advocacy led by local non-governmental organizations (NGOs), international organizations, and other government agencies (including the Office of the Inspector General of Colombia, the Ombudsman's Office of Colombia, the Institute of Family Welfare, and the Civil National Registry).⁴⁹ The working group designed a countrywide strategy called Primero La Niñez (Childhood First). The strategy called for temporary changes in Colombia's legal framework to grant nationality to Venezuelan children, and an implementation plan led by the National Civil Registry, which oversees all matters related to identity (such as the printing of official birth certificates), with financial and technical support from the UN Children's Fund (UNICEF), UNCHR, and the International Organization for Migration (IOM).⁵⁰

Box 3. Primero La Niñez

On August 2019, Colombia's President, Ivan Duque, publicly announced the launch of Primero La Niñez by signing a temporary, extraordinary resolution that granted Colombian citizenship to children born in Colombian territory to Venezuelan parents (or single Venezuelan mothers or fathers)⁵¹ between August 19, 2015 and September 19, 2021.⁵² A month after the announcement, the Colombian Congress passed a bill that turned the resolution into law under the same conditions, though it retroactively extended the period of eligibility from August 19 to January 1, 2015. The bill allows the Colombian government to presume that all Venezuelans whose children were born in Colombia within that period are Colombian residents, regardless of their immigration status.⁵³ The Colombian National Civil Registry took the lead in implementing the policy. The agency retroactively amended birth certificates for children born during the eligibility period on its centralized online database and issued new copies upon request.⁵⁴ For those born after the measure entered into force, the certificate of live birth automatically included the notation "valid to prove nationality."⁵⁵ The government also made documentation requirements for registration more flexible. If Venezuelan parent(s) did not have a valid Colombian-issued ID, such as a Colombian foreigner's ID or the Special Stay Permit (PEP), they could present a valid or expired Venezuelan passport or any other Venezuelan ID to issue the accredited birth certificate. This made the process more accessible to Venezuelan migrants and refugees without a legal immigration status.

The announcement of this measure was followed by an intense nationwide outreach campaign, which was critical to the measure's success.⁵⁶ The government published a series of explainers that clearly describe the scope of the measure for various government agencies and members of the media.⁵⁷ It also conducted a wide dissemination campaign alongside local and international partners and used diverse platforms such as popular radio stations, TV, newspapers, and social media. Partners handed flyers out in places regularly attended by Venezuelan migrants, including supermarkets and buses. One year after its launch, Primero la Niñez had benefited more than 47,277 children. As Colombian citizens, beneficiaries are entitled to full access to basic services such as healthcare and education, and are able to receive essential documentation, such as a passport, identity card, and citizenship card.

Photo By: DRC




LESSONS LEARNED AND APPLICABILITY FOR THE SYRIAN CONTEXT

Primero la Niñez provides key lessons on how to design a policy to curb statelessness. These include the following:

- Lower documentation requirements and waive procedural fees to enable a conducive policy environment in a politically sensitive environment.
- Coordinate efforts among government ministries and international donors, forging robust partnerships to leverage technical and financial resources to strengthen government capacity.
- Run a successful outreach campaign.

This policy is relevant to the Syrian refugee context. According to UNHCR's 2015 estimates, 160,000 children born to Syrian refugee parents were at risk of being stateless.⁵⁸ Though solutions in each country will need to be tailored to specific circumstances, Primero La Niñez highlights how an administrative measure, even if temporary, can go a long way in preventing statelessness.

1



KEEP QUALIFICATION REQUIREMENTS SIMPLE TO MAKE POLICIES EASIER TO IMPLEMENT.

- Keep qualification requirements minimal to broaden access to registration services. This includes, in some instances, waiving fees.

One of the key factors behind Primero La Niñez's success was that it was an automatic administrative measure that required minimum effort from beneficiaries. To implement the measure, officials from the Colombian National Civil Registry identified all the birth certificates that had been issued throughout the country for children of Venezuelan parents during the retroactive coverage period (January 2015–August 2019). After retrieving this information, officials manually input the nationality amendment in the online national registry. Besides automatically updating this information, the Colombian government waived a one-time fee for Venezuelan parents who wished to obtain an amended birth certificate. Venezuelan parents who had not been issued a birth certificate previously or who gave birth after the retroactive period (August 2019–onwards) could request a new birth certificate, also without a fee. The only requirement was to present the certificate of live birth and any document that proved their Venezuelan nationality (including an expired Venezuelan passport or ID), regardless of their immigration status. The fact that the administrative policy changes were automatic, combined with the low-stress documentation requirement and no-fee birth certificate, ensured that thousands of Venezuelan children benefited from this measure.

While comprehensive reform of nationality laws might be challenging, Syrian refugee hosting countries could issue similar temporary administrative measures to curb the risk of statelessness for Syrian refugee children born in their countries. They could also waive registration fees and accept other documents to verify the identity of parent(s) besides marriage certificates or proof of legal stay. For instance, Turkey could use the Temporary Protection Identification Document as a valid document or others could follow KRI's example of accepting UNCHR certificates or asylum applications to validate nationality.

While Primero la Niñez was immensely valuable to the children who benefited, the policy did have limitations. As a temporary policy, children born after the end date of the measure will once again be at risk of being stateless, and there is no certainty that the measure will be renewed. The policy's benefits were also limited to Venezuelan children, leaving children of other nationalities at continued risk of statelessness.⁵⁹ The measure also created disparities among siblings from Venezuelan parents, as children who were born in Venezuela but lacked documentation living in Colombia were not covered by the measure.⁶⁰ Furthermore, the documentation requirements will continue to be a barrier for Venezuelans who do not possess any form of ID. Despite these shortcomings, the measure marked a step forward for Colombia's response to the Venezuelan migration crisis.

2



ENSURE HIGH-LEVEL LEADERSHIP AND MAINTAIN CROSS-AGENCY COORDINATION.

- Political will and leadership at the highest government levels are critical to advance policy and legislative initiatives.
- Central leadership and an overarching mission are key for ensuring inter-agency coordination and policy implementation.

A key ingredient of *Primer* La Niñez was the active role played by the executive to enable a conducive environment for policy implementation. Before the measure was enacted, local NGOs had sent letters to the National Registry highlighting the risk of statelessness of Venezuelan children born in Colombia. International organizations had also alerted the President's Advisor for the Colombian-Venezuelan Border about this phenomenon during working meetings. In response, the executive issued a resolution that temporarily amended Colombia's nationality law, and this resolution was later backed by the legislature. Legislative changes were possible because the measure aligned with Colombia's core values of protecting the rights of children, enshrined in the Constitution.⁶¹ The executive also played a critical role in rallying support for the measure by consulting with all government branches prior to the measure's announcement. It also coordinated on the agenda across government agencies and international organizations by assigning responsibilities to each stakeholder and facilitating decision-making along the process. Considering that the issues of identity and nationality have implications for other sectors (access to social welfare, education, and healthcare), the executive's leadership and mission were key to ensuring successful interagency coordination.⁶²

Enabling a conducive policy environment in major Syrian refugee hosting countries can seem challenging. Proposals to amend nationality laws made by advocacy groups have been received with skepticism in some of the countries. In Lebanon, for example, advocates have been mobilizing for years to reform citizenship rules, including for children born to Lebanese mothers and non-Lebanese fathers, who are not eligible for citizenship under current rules. But some of their efforts have been turned down by politicians, who note that it is not a high priority.⁶³ In other instances, some have claimed that amending the law "could destabilize the country by upsetting its demographic and sectarian balance."⁶⁴ Efforts to emulate Colombia's approach in the Syrian refugee context will require strong political buy-in across various government levels, including the executive and the legislative. Political will needs to be accompanied by a strong implementation strategy, which requires coordination with various government ministries, international organizations, and humanitarian actors.

3



ALIGN MESSAGING AROUND THE POLICY WITH CORE NATIONAL VALUES IN ORDER TO BUILD PUBLIC SUPPORT.

- Enact legal or policy changes that are aligned with the host country's core values enshrined in national legislation (such as the Constitution) or international commitments (conventions, protocols).

The Colombian government was aware of the potential backlash that a naturalization measure could cause among the broader public. In mid-2019, an opinion poll showed that Colombians' disapproval of the government's handling of the Venezuelan crisis was on the rise and that Colombians' support of accommodative policies for Venezuelans had fallen from 56 percent to 46 percent.⁶⁵ In part, what made legislative changes possible was their alignment with the country's norms and values. The Colombian government justified the measure by referring to its constitutional duty to safeguard

the human rights of all children, including the right to nationality.⁶⁶ The Colombian government also quoted its obligations as signatory of various international agreements on child rights and statelessness prevention.⁶⁷ The policy change was also announced as a temporary measure until the situation in Venezuela improved, which signaled the urgent need for the measure based on the context in neighboring Venezuela.⁶⁸ Furthermore, the Colombian government argued that the full inclusion of these children would make the delivery of basic services more efficient.⁶⁹ These aspects helped the Colombian government navigate a politically sensitive climate.

The efforts made by governments and international organizations in the four main Syrian refugee hosting countries have focused on easing birth registration or procedures. Little has been done in terms of enacting broader policies that benefit a larger percentage of Syrian refugees at risk of statelessness. Colombia's approach offers some key lessons on how actors in these four countries could link the agenda of solving statelessness to national values enshrined in national legislation, such as justice, equality, and protection of child rights, among others. While none of the host countries are signatories to the 1961 Convention on the Reduction of Statelessness, they are all party to the Convention on the Rights of the Child, which safeguards children against statelessness.⁷⁰ Turkey, Iraq, and Jordan are also signatories to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Additionally, Turkey and Iraq are signatories to the International Convention on the Elimination of All Forms of Racial Discrimination that also protects the right to a nationality. Thus, similar to Colombia, actors could refer to international agreements to advance agendas while elevating the profiles of their countries in the international arena.

Recommendations

National governments:

- Enact legal or policy changes in nationality laws that are aligned with the host country's core values, as enshrined in national legislation (such as the Constitution) and international commitments (such as conventions and protocols), to reduce political and social backlash.
- Enable a conducive environment for policy design and implementation by securing political will and leadership at the highest government levels to advance policy and legislative initiatives.
- Provide central leadership and outline an overarching mission to ensure effective inter-agency coordination and policy implementation.
- Keep criteria for benefiting from anti-statelessness programs simple in order to avoid unnecessary costs or difficulties implementing the program.
- Revise nationality laws to address discriminatory legal frameworks that prevent women from passing nationality on to children.

Civil society:

- Continue advocating for revisions to nationality laws to allow children at risk of statelessness to access nationality.

Photo By: DRC



4. PROVIDE SERVICES AND REFERRALS FROM A SINGLE ACCESS POINT

Lack of civil documentation presents a major challenge for Syrian refugees in the Middle East. Administrative burdens, as well as refugees' limited mobility, further complicate access to the civil registry. As a result, refugees can face restrictions to access services and additional vulnerabilities. The one-stop shop has overcome some of these barriers in Ethiopia by building an infrastructure to improve access to documentation and services for both nationals and refugees.

ETHIOPIA'S ONE-STOP SHOP

Country	Ethiopia
Years active	June 2019–present
Key objectives	Provide refugees and host communities with access to documentation (e.g., civil registration and vital statistics), as well as services (e.g., education and training opportunities) in one physical location
Target population	Refugees and host communities in the 26 camps and Addis Ababa ⁷¹
Budget	UNHCR Ethiopia received funding from the European Union's Asylum, Migration and Integration Fund (AMIF) amounting to USD 2.85 million (first round of AMIF funding) and USD 4.29 million (second round) for the period of July 1, 2019, to October 31, 2021. Additional contributions were received from the Netherlands (USD 3.3 million, as part of the Regional Development and Protection Program) and Denmark (USD 2.52 million) covering the period 2017–20 to support UNHCR's registration activities. ⁷²

CONTEXT AND DESIGN

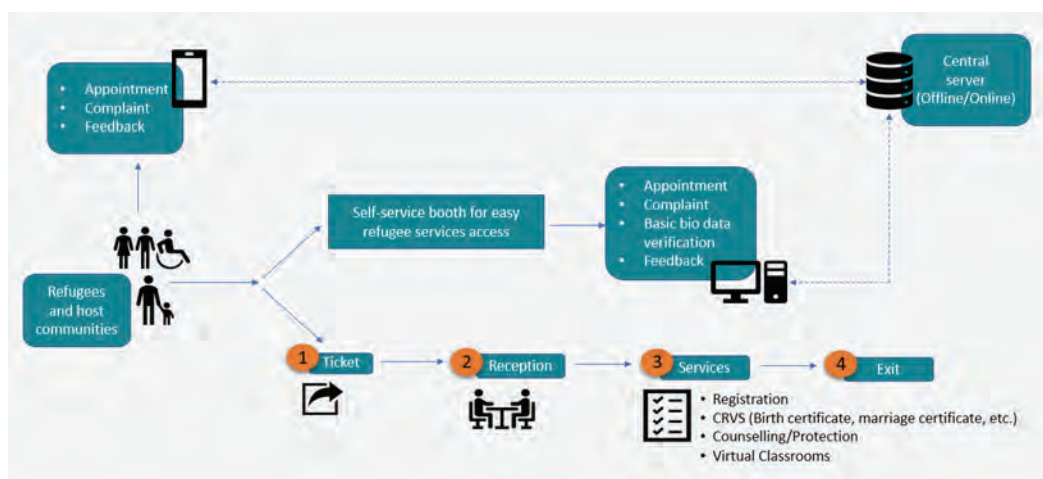
Ethiopia hosts over 700,000 refugees of 26 nationalities (mainly South Sudanese, Somalis, and Eritreans).⁷³ The overwhelming majority of refugees live in camps, in the north (Tigray Regional State) or in the four least developed regions of the country in the east (Somali, Afar) and the west (Benishangul-Gumuz, Gambella). Ensuring refugees' access to documentation, including civil registration and vital statistics (CRVS), has been a challenge.⁷⁴ The Comprehensive Refugee Response Framework (CRRF) aims to overcome this problem by advocating refugee ID documents to be issued by the national identification registration authority, with the same design and specifications applied to identity documents for nationals.⁷⁵ At the 2016 UN Summit for Refugees and Migrants, the Government of Ethiopia committed to achieving this goal⁷⁶ via the One-Stop Shop (OSS). The first OSS was launched in June 2019 near Bambasi Camp. By providing access to vital event registration and documentation, the OSS aimed to facilitate comprehensive registration for refugees and, to a lesser extent, better access to education and job opportunities (through virtual classrooms and training facilities).

Box 4. What Is the One-Stop Shop?

The OSS delivers all documentation services for refugees and host communities in one single location, including immediate proof of registration, refugee ID cards (for refugees), and civil registration and vital statistics (CRVS), such as birth, death, marriage, and divorce certificates. The OSS also facilitates refugees' and host communities' registration for essential services, including health services, food and other essential items, as well as virtual education or training courses.

In the past year, the United Nations High Commissioner for Refugees (UNHCR) and its partners established 16 OSSs across Ethiopia. UNHCR is leading the work to set up the OSS infrastructure and coordinate all the relevant stakeholders. The United Nations Children's Fund (UNICEF) supports vital events' registration in the OSS through technical assistance, such as capacity-building and CRVS training for local officials. UNICEF teams also helped introduce more advanced registration methods. The Agency for Refugees and Returnees Affairs (ARRA) is responsible for refugees' vital events registration and the issuance of refugee identity cards. Finally, the Vital Events Registration Agency (VERA) oversees and authorizes all the activities planned at the OSS, and issues certified ID documents and civil registration to locals and (nonrefugee) foreigners.⁷⁷

The visual below depicts access management and services available at the OSS.⁷⁸



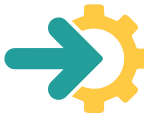
As the implementation of the OSS is still ongoing, there is no evaluation of the practice published to date. But the need to introduce a more reliable and comprehensive registration system for refugees and host communities was underlined early on during the project: the launch of the first OSS in June 2019 coincided with a comprehensive registration exercise led by UNHCR and the Agency for

Refugees and Returnees Affairs (ARRA) in Addis Ababa and all 26 refugee camps in the country. At that time, the authorities found that there were nearly 200,000 fewer refugees than they had recorded before, due to a number of reasons such as double-counting refugees and including persons who had spontaneously returned to South Sudan.⁷⁹ According to UNHCR and ARRA, the OSS was therefore seen as a critical step toward improving the quality and reliability of the registration system in the future, for example, by strengthening collaboration between registration authorities and service providers on the ground (e.g., through the establishment of new memorandums of understanding). So far, gathering relevant stakeholders in one location, in close proximity to where most refugees live, has helped to overcome some barriers to registration, such as transportation costs, limited interagency referrals, and overall long processing times for pending requests.

LESSONS LEARNED AND APPLICABILITY FOR THE SYRIAN CONTEXT

UNHCR and the Government of Ethiopia are still in the process of establishing the OSS, and there is thus no evidence yet available on its outcomes or impact. However, the OSS approach is believed to hold several potential advantages, many of which could be relevant to the Syrian context if the OSS proves to be successful.

1




INTEGRATE REFUGEES INTO CORE DOCUMENTATION SERVICES.

- Make OSS services available to refugees and host communities, to ensure the government's support and increase its documentation capacity in the long term.

The integrated approach of the OSS may help to alleviate pressure on documentation services for refugees as well as for host communities. As such, the OSS supports the social inclusion of these communities.⁸⁰ It could also create greater incentives for the government to support the OSS in the longer term, considering they also benefit Ethiopians in some remote areas, where local communities may already face barriers to accessing civil registration and vital statistics. Long waiting times and failures to register civil events are reported in KRI, Turkey, Jordan, and Lebanon for refugees and local populations. As both communities face barriers in accessing documentation services, an integrated approach similar to the OSS model may pave the way for more solid CVRS delivery for everyone.⁸¹ This would also help prevent knock-on effects, such as being unable to register births in Jordan and Lebanon because an official proof of marriage is required to do so (and over half of married Syrian couples do not have marriage certificates).⁸² It will be important, however, to also build up the capacity of vital event registration services, alongside improving accessibility, in order to avoid these services becoming overwhelmed with pent-up demand.

2



CO-LOCATE SERVICES TO MAKE THEM EASIER TO ACCESS.

- Co-locating registration authorities and service providers in one location can increase efficiency, both in terms of time and costs.

The OSS experience in Ethiopia shows that co-locating authorities responsible for registration and services in one physical space may be more cost and time efficient. UNHCR stressed that the proximity of registration authorities and service providers reduces the time it takes to exchange information and resolve pending requests.⁸³ Although to date the impact of the OSS experience in Ethiopia has not been documented in numbers, similar approaches in European countries have sped up processing periods for asylum claims by 39 percent.⁸⁴ Moreover, OSS can reduce the transportation cost and time it would require refugees and host communities to access a variety of services in different places. This is important for Syrian refugees, who often experience restrictions to their freedom of movement,

such as requirements to get permits to leave camps, transportation costs, and thus may face difficulties traveling to different government service centers.⁸⁵ Co-locating services in one building would also reduce the number of trips refugees are required to take, a potentially significant benefit in Lebanon, where security checkpoints in between refugee settlements make travel risky.⁸⁶

In Ethiopia, UNHCR and UNICEF have engaged in capacity-building activities with registration authorities from the local government to ensure services are not just more time- and cost-effective, but also more comprehensive. Refugees are asked to share information on their educational and professional skills, and details of family members located in other countries. According to UNHCR, this should make referral mechanisms more effective, for example, by matching refugees with employment opportunities aligned with their skills.⁸⁷ A number of initiatives similar to the OSS already exist in the region, such as Community Support Centres in Jordan where refugees can, for example, access counselling and referral services in one place.⁸⁸ However, the focus on documentation for both refugees and host communities within the OSS is unique, and could be used to develop or further expand such models in the Syrian displacement context.

3



LOCATE CIVIL REGISTRY OFFICES STRATEGICALLY TO FACILITATE ACCESS FOR AS MANY PEOPLE AS POSSIBLE.

- Co-locate registration authorities near camps or in areas where refugees tend to concentrate (and where host communities also have a need).
- Identify suitable locations based on needs assessments (e.g., surveys) or previous experience in reaching target groups.

In Ethiopia, the current paper-based systems used to collect vital event data has inefficiencies that need to be addressed.⁸⁹ It can take up to six months before one recorded event reaches different administrative levels.⁹⁰ The OSS aims to mitigate this issue by providing digital access to some of the civil registration and vital statistics functions, such as basic bio data verification, including through smartphones. Refugees and host communities can also schedule appointments via a smartphone application, to avoid queuing at the OSS. UNHCR has noted that this remote access design has also helped to accommodate the restrictions on face-to-face interactions during COVID-19.⁹¹ Digitizing services does have downsides, however; many beneficiaries do not have access to a smartphone (Ethiopia ranks lowest on the Global Connectivity Index⁹²) and are not able to use the application. According to UNHCR, to overcome these limitations, each OSS is equipped with a digital booth where refugees and host communities can access the same functions as in the application.

The digitization of services has also enabled the creation of real-time monitoring and accountability mechanisms. Every time a service is accessed via the OSS, the beneficiary receives a ticket (similar to a receipt), which includes a unique number that can then be used to input feedback on the requested service via an online website.⁹³ The website also provides the option of submitting general feedback on the functioning of the OSS services through its digital complaint and service request form. All feedback can be anonymized and is monitored by UNHCR to improve accountability in service delivery. However, at present, it remains unclear to what extent refugees and host communities have used this mechanism, how UNHCR and its partners respond to these complaints, and, finally, how illiterate refugees can contribute to this reporting.

Syrian refugees would also benefit from digital solutions to accessing registration and other essential services, especially in countries where delays in service provision are common. Compared to Ethiopia, the region provides a more enabling environment for such solutions, given the relatively few barriers and high rates of smartphone usage (e.g., in Jordan up to 70 percent of the refugee population owns a smartphone⁹⁴). This potential is also matched by a need to replace slow and inefficient paper-based registration systems that are still widely used by governments in the region.⁹⁵ The increased ease and speed with which civil registration services could be accessed are particularly needed in Jordan and Lebanon, where newborn nationals must be registered within

one year to acquire citizenship, yet on average over 20 percent of children under five lack a medical birth notification.⁹⁶ But, as in Ethiopia, there are also several challenges associated with relying on information and communication technology. In Jordan, for example, activating and using a SIM card requires proof of identification, and in order to purchase a SIM card, the UNHCR Asylum Seeker Certificate is not sufficient. Instead, non-Jordanians need to have an MOI card or a valid passport.⁹⁷

Recommendations

Donors:

- Support refugees' access to civil documentation through host country civil registration infrastructure, while maintaining refugees' protection and ensuring that related barriers are removed (e.g., access to relevant government centers, additional documentation requirements).

National governments:

- Open civil registration services to refugee populations and allow them to utilize the same access points as nationals. This has the potential to improve processing and capacities over time for all, including nationals.

Implementing partners:

- Review registration and documentation services to evaluate whether some services could be more efficiently provided in one location, or where co-locating services may improve beneficiaries' access by reducing travel time or costs, or the risks of needed travel to multiple locations.
- Consider carefully where service offices will be located and strive to identify locations that will allow as many beneficiaries as possible, including refugees and other vulnerable groups, to access these services. When determining where to locate services, consider vulnerabilities like gender that may restrict the ability of beneficiaries to travel or use certain types of transportation.
- Build monitoring and accountability mechanisms into program design, to ensure beneficiary feedback can be collected, analyzed, and used to improve services.



Photo By: DRC

5. CONCLUSIONS

Across the region and the case studies covered in this chapter, protection gaps cause a cascade of unwelcome effects. Without access to full legal status, refugees are often unable to obtain basic identity documentation, limiting their access to vital services and making them vulnerable to harassment, detention, and even deportation. Lack of status can restrict freedom of movement, either formally through encampment policies or informally because of fears of police raids or detention. Without freedom of movement, refugees may find it difficult to travel to access livelihood opportunities, financial services, or educational opportunities. Civil registration and documentation are also difficult to access without legal status. Refugees may lack the rights to access these services, or service points may be located too far from their places of residence to be readily used. These challenges are particularly acute for children and youth, both in countries hosting Syrian refugees and in the other countries studied here. Without identity documents or birth registration, refugees are at a high risk of statelessness. A lack of formal status may prevent them from benefiting from education or health services, the effects of which may last a lifetime.

The case studies presented here point toward ways to overcome these barriers. The experience of Peru's Temporary Stay Permit demonstrates the centrality of legal status and documentation to addressing other barriers to local integration and self-sufficiency. Venezuelan refugees and migrants who were granted temporary status found it easier to obtain employment at above minimum wage than those whose status was irregular. Both the Temporary Stay Permit and Colombia's Primero La Niñez show that it is possible to move forward with potentially controversial legalization programs, with strong political leadership and careful public messaging. Both programs also point to the importance of keeping the eligibility criteria and process for accessing legalization programs simple, in order to reduce the costs of implementation and the potential for administrative barriers to hamper uptake. Finally, the One-Stop Shop in Ethiopia demonstrates that many of the protection barriers faced by refugees also exist for vulnerable national populations, and that supporting refugees provides an opportunity to improve the conditions of host communities as well.

Main Recommendations

National governments:

- Communicate about regularization strategies to the public in a strategic way. Regularization efforts that can be tied to national values and identity are likely to resonate more and receive less pushback than those tied to humanitarian needs or international imperatives alone.
- Plan for long-term implications from the beginning, even when implementing a strategy that is intended to be temporary. Temporary legalization efforts may have the potential to be made permanent at some point in the future, and this should be planned for from the beginning.
- When designing regularization policies, avoid putting in place overly complex qualification requirements in order to ensure policies are relatively easy to implement, and do not impose undue burdens on applicants or the administration.

Implementing partners and civil society actors:

- Where possible, locate documentation and other services together and build connections to ease referrals between services.
- Coordinate with implementing partners and national governments to ensure refugee and national communities are aware of their rights and the services available to them.

Donors:

- Identify areas where the vulnerabilities of refugee and national populations overlap, such as access to civil documentation, and where efforts to support access to protection for refugees could also strengthen national systems.

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- 86 In the past, reports have described refugees being detained at several checkpoints across Lebanon, who were subsequently sent to prison. See Human Rights Watch, "[Syrians Deported by Lebanon Arrested at Home](#)," updated September 2, 2019; Human Rights Watch, "[Lebanon: Stop Detaining Syrian Refugees](#)," updated May 20, 2011.
- 87 Author interview with Clève Brethneve Massamba, Senior Registration & Identity Management Officer, UNHCR Ethiopia, 13 August 2020.
- 88 DSP and Columbia University, In My Own Hands.
- 89 The comprehensive assessment on CRVS (currently underway and which avails lessons and methodologies from the Africa Program for Accelerated Improvement of CRVS, APAI-CRVS) includes a review of the business process to see if/where/how to make adjustments to improve effectiveness and efficiencies. This includes a review of what/how/when to digitize including any procedural changes required. Author interview with Karin Heissler, Chief of Child Protection, UNICEF Ethiopia, 14 August 2020.
- 90 Centre of Excellence for CRVS Systems, "[Country Profiles: Ethiopia](#)," accessed January 12, 2021.
- 91 Host communities will be catered to at a later stage. At this moment, only refugees can schedule appointments, request services, and file complaints digitally. Author interview with Clève Brethneve Massamba, Senior Registration & Identity Management Officer, UNHCR Ethiopia, 13 August 2020.
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