

2014-04-10

Fråga-svar

Jordanien – Dubbelt medborgarskap, Syrien och Jordanien, syrisk kvinna gift med jordansk man.

Fråga

Behåller en syrisk kvinna - som gifter sig med en jordansk medborgare och sedan får jordanskt medborgarskap - sitt syriska medborgarskap?

Svar

Sammanställning av information från olika källor.

Frågan delas upp i hur Syrien respektive Jordanien ser på dubbla medborgarskap:

Syrien:

Australian government (2011):

“In 2001, the Immigration and Refugee Board of Canada obtained advice from a Syrian Embassy on whether a Syrian woman who married a Jordanian man would lose her Syrian citizenship in consequence of her marriage. The advice indicates that a Syrian woman who marries a Jordanian man would not lose her Syrian citizenship unless she asks to acquire her husband's nationality:

On 2 April 2001 an official at the Embassy of Syria in Ottawa stated that a Syrian woman who marries a Jordanian man would not lose her Syrian citizenship.

According to Article 12 of Syria's Nationality Act,

“A Syrian Arab woman married to an alien shall keep her nationality unless she asks to acquire her husband's nationality assuming that the relevant nationality law allows it. The wife shall keep her nationality if the marriage contract is invalid under Syrian law but valid under the laws governing that contract. (24 Nov. 1969).6”

Migrationsverket (2010):

”Fråga:

På vilka grunder kan man förlora ett syriskt medborgarskap? Är det, eller har det under någon period varit, så att en syrier som är bosatt i Irak blivit av med sitt syriskt medborgarskap – utan att själv ansöka om det, t ex på initiativ från den syriska staten?

Svar:

Utgångspunkten i syrisk medborgarskapslag är att en syrisk medborgare under vissa premisser/genom visst aktivt förfarande kan lösas från sitt syriskt medborgarskap - inte tvärtom. Med undantag för 1962 års folkräkning i Hassake, nordöstra Syrien, i vilken c:a 120 000 kurder (och därefter deras ättlingar) förlorade sina medborgarskap i och med att de inte ansågs kunna bevisa att de härrört i Syrien sedan 1945 (en arabiseringskampanj som i princip upphörde i och med beslut av Hafez al-Assad 1976), har vi inte kännedom om att någon syrisk medborgare så att säga "automatiskt" skulle ha förlorat sitt syriskt medborgarskap, vare sig i Syrien eller i samband med mer eller mindre lång utlandsvistelse. Till de undantagsfall där staten/lagen vänder på utgångspunkten, dvs staten (om praktiskt att föredra) anser sig äga rätt att dra in ett syriskt medborgarskap, hör t ex spionage för staten Israel eller liknande (se vidare refererade dokument).”

”Den syriska medborgarskapslagen kapitel 7 artikel 21:

A citizen may be deprived of the nationality by a decree pursuant to a proposal from the Minister stating full reasons thereof in any one of the following cases:

- A. If the person has, inconsistently with paragraph 1 of Article 10 above, acquired a foreign nationality.
- B. If the person has, of his own free will, entered into military service with a foreign state without prior authorization from the Minister of Defence.
- C. If the person has entered employment of any kind with a foreign state inside the country or outside it and has failed to heed the Minister's order to leave it within a stated period of time.
- D. If the person has engaged in any activity or work for a country which is in a state of war with the country.

E. If it is established that the person has left the country clandestinely for a country that is in a state of war with the country.

F. If the person was originally granted the nationality in accordance with the provisions of Article 6 and if investigations establish that depriving him of the nationality would be in the interest of the security and safety of the country.

G. If the person has left the country indefinitely for the purpose of settling in a non-Arab country and if he has been away for more than three years and has been notified to return but has failed to respond or has given unconvincing reasons within three months of receiving the notification. In case he refuses to receive the notification, or is of unknown place of residence, or should it prove impossible to communicate the notification to him, publication in the Official Gazette shall be considered as notification.”

Citizenship laws of the world (2001):

SYRIA

CITIZENSHIP: Information on the basis for Syrian citizenship laws was not provided.

- **BY BIRTH:** Birth within the territory of Syria does not automatically confer citizenship.
- **BY DESCENT:**
 - Child born of a Syrian father, regardless of the child's country of birth.
 - Child born of a Syrian mother and an unknown or stateless father.
- **BY NATURALIZATION:** Naturalized citizenship may only be acquired upon marriage to a Syrian citizen and by living in the country for over 10 years.

DUAL CITIZENSHIP: RECOGNIZED.

Exception: Though Syrian law recognizes dual citizenship, it also states that a Syrian citizen with dual citizenship is considered a Syrian first.

LOSS OF CITIZENSHIP:

- **VOLUNTARY:** Though voluntary renunciation of Syrian citizenship is permitted by law, the Syrian Information Office stated that it is so complicated that it is best not to attempt the process. In effect, according to that Office, the process is complicated in order to discourage renunciation of Syrian citizenship. Former citizens of Syria probably

maintain an unofficial dual citizenship status and would be subject to Syrian law as citizens should they return to Syria.

- **Exception:** Persons of military service age are not permitted to renounce citizenship.
- **INVOLUNTARY:** No information was provided. (s.192)

Migrationsverket (2001):

När det gäller Självständig förlust:

”Förlust inträder inte automatiskt. Person över 18 år kan enligt lagen erhålla regeringens medgivande till befrielse.”

Jordanien:

National Legislative Bodies (2014):

“Article 8

(1) Subject to the approval of the Minister of Internal Affairs, a foreign woman who marries a Jordanian national may acquire Jordanian nationality if she so wishes by making a written statement to that effect:

(a) Three years after her marriage if she is an Arab;”

UD (2011):

”En utländsk kvinna som gifter sig med en jordansk man kan erhålla jordanskt medborgarskap om de har varit gifta i 3 år och kvinnan tidigare haft arabiskt⁴ medborgarskap,” (s.7)

” Enligt en överenskommelse mellan medlemsstaterna i Arabförbundet⁸ (League of Arab States) tillåter Jordanien inte att en jordansk medborgare innehar fler än ett medborgarskap från någon annan medlemsstat.⁹ ” (s.8)

” Den andra grunden beror på **Arabförbundets beslut från 1954 som förbjuder dubbelt arabiskt medborgarskap**. I januari 1954 tog Arabförbundet ett beslut om att ge palestinier i flyktingläger enhetliga pass samtidigt som man sa att **dubbel arabisk**

nationalitet skulle undvikas. Enligt den jordanska lagen om medborgarskap kan visserligen en jordanier ha dubbelt medborgarskap, men en medborgare från ett annat arabiskt land, som ansöker om jordanskt medborgarskap, måste säga upp sitt tidigare medborgarskap. 1969 togs ett nytt beslut av Arabförbundet som sa att palestinier ska kunna behålla palestinsk nationalitet om de erhåller ett annat medborgarskap. De jordanska myndigheterna hänvisar dock ibland till Arabförbundets beslut från 1954 som inte tillåter dubbelt arabiskt medborgarskap, trots att beslut som tas i Arabförbundet inte är bindande lag i Jordanien och trots att en självständig palestinsk stat ännu inte existerar. Med andra ord fråntas de personer som innehar ett resedokument utfärdat av den palestinska myndigheten sitt jordanska medborgarskap, om detta kommer till jordanska myndigheters kännedom.99” (s.32-33)

HRW (2010):

“Officials base withdrawal of nationality on the 1988 severance of ties with the West Bank. They also claim that League of Arab States decisions prohibit dual Arab nationality and that Palestinians may thus not hold Jordanian nationality too. In 1988 the Arab League adopted a decision prohibiting dual Arab nationality, but Palestine has not been recognized as a state under international law, and the Arab League decision is not binding law in Jordan.” (s.2)

“Dual nationality and the Arab League

In January 1954 the League of Arab States' political committee decided to grant Palestinian refugees in camps "unified travel passports," but indicated that dual Arab nationality was to be avoided: "if they have the freedom to choose the Arab state that grants them these passports, then this State must inform the other Arab states thereof to prevent duality [of nationality]."[53] That same year, however, Jordan passed its own Law on Nationality whose article 17 specifically allows Jordanians to acquire another nationality.[54] To acquire Jordanian nationality, however, applicants must forfeit their old nationality.[55].” (s.23)

“States director-general of the Office of Palestinian Affairs, attributes this change of policy to a growing “specific Palestinian national identity” at the time.⁵⁷ At a meeting at the Ministry of Interior in Jordan in April 2009, human rights officials there presented Human Rights Watch with conflicting views. One said dual Arab nationality was prohibited for Jordanians, while another said he knew Jordanians with dual Syrian-Jordanian, and, in another case, Qatari-Jordanian nationality.⁵⁸ According to Shibliak, today the “PLO would no longer stand against any Arab government willing to grant citizenship to Palestinian residents.”⁵⁹ (s.24)

Citizenship laws of the world (2001):

JORDAN

CITIZENSHIP: Citizenship laws are based upon the Jordanian Citizenship Act of 1954.

- **BY BIRTH:** Birth within the territory of Jordan does not automatically confer citizenship.
- **BY DESCENT:** Child born of a Jordanian father, regardless of the child's country of birth. **Preference is given** to those of Arab descent. The following are also considered citizens of Jordan:
 - Person of Arab descent who was habitually resident in Transjordan in 1928.
 - Person of Palestinian Arab nationality before May 15, 1948, who was habitually resident in Jordan at the coming into force of the 1954 Act.
 - Person of Arab blood continually resident in Jordan for five years.
- **BY NATURALIZATION:** Jordanian citizenship may be acquired upon fulfillment of the following condition: Person has maintained residence in Jordan for at least 15 years.

DUAL CITIZENSHIP: RECOGNIZED.

LOSS OF CITIZENSHIP: A Jordanian may neither lose Jordanian citizenship nor acquire the nationality of another state (other than an Arab State) without the consent of the Board of Ministers.

- **VOLUNTARY:** Jordanian law permits voluntary renunciation, with the permission of the Board of Ministers. Contact the Embassy for details and required paperwork. A fee is assessed and the renunciation must be further approved by the Ministry of the Interior.
 - **INVOLUNTARY:** The following are grounds for involuntary loss of Jordanian citizenship, though loss is not recognized until permission is granted by the board of Ministers:
 - Person commits misconduct that undermines the security of the state.
 - Person joins the Armed Forces of another state.(s.104)
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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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