THE CAMPAIGN TO END STATELESSNESS IN EGYPT

Boston University School of Law
International Human Rights Clinic
THE CAMPAIGN TO END STATELESSNESS IN EGYPT
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RESEARCHED AND WRITTEN BY:
Boston University School of Law International Human Rights Clinic Law Students
Chris Creech, Hope Modugno, and Raven Pitarra

SUPERVISED AND EDITED BY:
Susan M. Akram, Clinical Professor, Boston University School of Law, and
Christine B. Bustany, Senior Lecturer in International Law, Fletcher School of Law &
Diplomacy

ADDITIONAL EDITING BY:
Zahra Al-Barazi

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I. Introduction

Egypt is home to over a hundred million people and hosts an unknown number of refugees and migrants, with estimates of several million.\(^1\) Among them are potentially hundreds of thousands of individuals who are stateless or at risk of becoming stateless.\(^2\) As many basic human rights and social entitlements – such as access to employment, education, and healthcare – are linked to citizenship and legal status, the ongoing problem of statelessness in Egypt leaves a large number of people vulnerable to violations of their rights. It is important to note that Egypt is party to numerous international and regional human rights agreements that incorporate obligations to protect the right to a nationality.

Egypt has taken meaningful steps to address statelessness – foremost among them are Egypt’s recent changes to its nationality law. Following a civil society-led advocacy campaign, Egypt reformed (in 2004 and 2011) its gender-discriminatory nationality law by extending citizenship to children born to Egyptian mothers, affecting what one source estimated to be between 400,000 to over one million children born to foreign fathers.\(^3\) Egypt subsequently enshrined these reforms in the 2014 Constitution,\(^4\) and has played an important role in promoting more gender equal nationality laws at the regional level through the League of Arab States (LAS).\(^5\) Moreover, Egypt has a very high birth registration rate, frequently cited as covering

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2. There are also no publicly available reliable statistics on stateless persons or populations at risk of statelessness in Egypt, in part because statistics on statelessness are “inherently challenging, both methodologically and politically.” See INST. ON STATELESSNESS AND INCLUSION, STATELESSNESS IN NUMBERS: 2019 AN OVERVIEW AND ANALYSIS OF GLOBAL STATISTICS 4-5 (July 2019). The Government of Egypt has reported on a nearly annual basis that there is a small number of stateless individuals in Egypt – in 2018, for example, the Egyptian government reported there were only four individuals who were stateless. In 2010, Egypt claimed there were sixty stateless persons, and by 2016 that there were only 19. Id. These officially recognized stateless persons are likely to refer to Armenians who came to Egypt following or during the First World War and had not been granted Egyptian nationality. Id.


4. See CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, arts. 6, 80, 18 Jan., 2014 [hereinafter CONSTITUTION OF EGYPT].

approximately 99% of its population. Yet systemic barriers to citizenship faced by both ‘undocumented’ Egyptian nationals and refugee, displaced, and migrant populations, demonstrate the gap between current domestic law and the reality of statelessness in Egypt, in comparison to its international and regional obligations.

Statelessness is an ongoing global problem; in 2014 the United Nations High Commissioner for Refugees (UNHCR) launched the #iBelong Campaign with the goal of ending statelessness by 2024. UNHCR’s goal is to mobilize states, international and regional intergovernmental organizations (IGOs), and civil society organizations including international non-governmental organizations (INGOs) and non-governmental organizations (NGOs), to act to prevent statelessness. In 2019, the High-Level Segment on Statelessness recorded over 360 pledges to combat statelessness, including pledges by 252 states. Despite its work addressing statelessness within the LAS, Egypt made no such pledge, as the sole country to do so from the Middle East and North Africa (MENA) region was Mauritania. Notwithstanding the severity of the issue of statelessness in the MENA region, until recently this was the only region yet to establish a formal statelessness network. The research of the International Human Rights Clinic at Boston University School of Law (IHRC) and this resulting Report continues the IHRC’s past country studies of Lebanon and Jordan, with the goal of mapping similarities in the issues and legal structures that underpin statelessness in the region. This Report contributes to a deeper understanding of statelessness problems faced in Egypt, and sets out proposals for reform in the broader context of statelessness in the MENA region.

Although this Report examines statelessness in Egypt with respect to all populations, important research has recently been conducted on the subject of statelessness among refugees and migrants in Egypt. This Report builds on that research and places particular emphasis on

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7 UNHCR is the UN agency in charge of registering refugees (other than Palestinians), with the aim of providing humanitarian assistance and protection, and promoting permanent solutions for refugees, including resettlement to a third country. Susan Akram, The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan, 30 INT’L J. REFUGEE L. 406, 409-10 n.6 (2018).
10 Id. See also BOSTON UNIV. SCH. OF L. INT’L HUM. RTS. CLINIC, THE CAMPAIGN TO END STATELESSNESS IN JORDAN 2 n.4 (2021) [hereinafter BU IHRC, CAMPAIGN TO END STATELESSNESS IN JORDAN].
11 See, e.g., The AMER. UNIV. IN CAIRO, CTR. FOR MIGRATION AND REFUGEE STUD., PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT (June 2021) [hereinafter AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT]; BRONWEN MANBY, LONDON SCH. OF ECON., PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEES: BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO (June 2019) [hereinafter MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO]. Important research has also been conducted on the issue of statelessness and the Palestinian population in Egypt. See OROUB EL-ABED, UNPROTECTED: PALESTINIANS IN EGYPT SINCE 1948 (2009) [hereinafter EL-ABED, PALESTINIANS IN EGYPT SINCE 1948].
mapping vulnerabilities to statelessness among non-migrant/refugee populations with a focus on ‘undocumented Egyptian nationals,’ as well as those who are legally stateless.

A. Problem Statement

Egypt is a party to a number of international conventions that guarantee the right to nationality and citizenship, including the Convention on the Rights of the Child (CRC), the Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Furthermore, Egypt is a party to a number of regional treaties that guarantee the right to nationality and citizenship, including the Arab Charter on Human Rights (Arab Charter), the African Charter on Human and Peoples’ Rights (African Charter), the African Charter on the Rights and Welfare of the Child (ACRWC), and the 1969 Refugee Convention of the Organization of African Unity (1969 OAU Refugee Convention). Despite the protections afforded by these international and regional instruments, Egypt’s nationality laws and civil registration regime do not adequately ensure that all persons entitled to a nationality in the country are able to access it, leaving many populations either stateless or at risk of statelessness. This results in many segments of the population deprived of essential human rights and social entitlements.

Among the populations of stateless persons or those at risk of statelessness are the in situ communities in Egypt.12 Some of these populations are considered ‘undocumented nationals’ that is to say, persons who, due to discriminatory nationality laws or administrative gaps and practices, are effectively denied the ability to fully document and prove their legal claim to nationality in Egypt. Though some may not be formally considered stateless, they have particular vulnerabilities in documentation and legal identity status.13 They include: (a) children whose parents cannot complete the birth registration process; (b) children who are, or are considered to be born outside of marriage including from customary marriages, child marriages, or from rape; (c) children living in the street; (d) abandoned children/foundlings; (e) individuals belonging to religions unrecognized by the Egyptian state, in particular, the Baha’is; and (f) certain populations in Egypt’s border regions, including Bedouin populations and communities born in the Hala’ib Triangle. Refugee, displaced, and irregular migrant populations in Egypt are particularly at risk of statelessness, including Syrians, Sudanese, Ethiopians, Eritreans, Iraqis,

12 See Caia Vlieks, Contexts of Statelessness: The Concepts ‘Stateless in Situ’ and ‘Statelessness in the Migratory Context’, in UNDERSTANDING STATELESSNESS 35, 35 (Tendayi Bloom et al., eds., 2017) (noting that in situ conceptions of statelessness includes stateless populations who are in their own country, i.e., having significant and stable ties with a country).
13 See WENDY HUNTER, UNDOCUMENTED NATIONALS BETWEEN STATELESSNESS AND CITIZENSHIP 5 (2019). See also BU IHRC, CAMPAIGN TO END STATELESSNESS IN JORDAN, supra note 10, at 3 (in the context of Lebanon and Jordan, the IHRC has used the term ‘unperfected citizenship’ to refer to “persons whose parents could not complete the birth or marriage registration processes and remain officially unregistered.”).
and Somalis who lack effective citizenship in their home countries, as well as Palestinians. Though the causes of vulnerability in legal identity for each of these populations varies, many of them face common barriers to accessing and/or documenting their nationality.

B. Methodology

The Report relies on legal and factual research on issues of statelessness in Egypt conducted from September 2020 to January 2022. The research for this Report included extensive desk research and analysis of the laws, policies, and practices of Egypt, research and analysis of international and regional law, and review of reports, studies, and other materials from NGOs, INGOs, and IGOs. Interviews were conducted with key organizations, lawyers, and academics. Experts who were consulted and interviewed are involved in research, providing legal aid to, and/or advocating for: stateless persons and refugees; Egyptian nationals facing barriers to documenting their nationality status; denationalized persons; persons facing discrimination in nationality laws; and populations that are historically and practically marginalized in Egypt.15

The IHRC also co-hosted a workshop with the American University in Cairo Center for Migration and Refugee Studies (AUC CMRS) in April 2021 to bring together stakeholders for a discussion addressing: (1) populations in Egypt that are stateless or at risk of statelessness; (2) ongoing gender discrimination in Egypt’s nationality laws; (3) the effects of Egypt’s nationality law upon a child’s right to a nationality and ability to access civil registration; and (4) next steps in research and advocacy to establish a statelessness network in the MENA and resources for such a network. A second conference, hosted by CMRS and featuring some of the research presented in this Report, was also held in December 2021, bringing together stakeholders and researchers to address issues of statelessness across the MENA region. This conference also formally launched the Statelessness Platform and Network on Research and Advocacy on Statelessness in the MENA.

This Report is organized as follows. Part II provides the relevant legal, historical, and demographic context related to nationality and statelessness in Egypt. Part III examines Egypt’s domestic laws concerning nationality and civil registration, and Egypt’s international and regional legal obligations to protect against statelessness. Part IV analyzes the gaps in Egypt’s

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14 See infra, Part IV.E. This Report does not address Egyptians who are outside of Egypt and may face risks of statelessness due to reasons other than policies of the Egyptian state, in particular irregular migrant workers who may face challenges due to their documentation status in other countries. See, e.g., Ibrahim Awad and Nourhan Abdel Aziz, Egyptian Irregular Migration in the GCC Countries, in SKILFUL SURVIVALS IRREGULAR MIGRATION TO THE GULF 225, 238 (Philippe Fargues and Nasra M. Shad eds., 2017).

15 Limitations of the study include: (1) due to the COVID-19 pandemic, all informational interviews were conducted online; (2) interviews were conducted with experts on specific topics and with persons working with affected populations, but not directly with affected populations; (3) current quantitative data on affected populations was not always publicly available; and (4) lack of existing research specifically focused on nationality status required analyzing research on related questions, and extensive follow-up investigation.
domestic and international legal framework and the implementation of these laws. It examines
the effects of these gaps on non-refugee/migrant populations. The section then analyzes gaps in
the relevant legal framework for refugee populations, and the effects of these gaps on particular
refugee and migrant populations. Part V illustrates some of the consequences of gaps in Egypt’s
nationality law framework with regard to social entitlements, such as employment, education,
healthcare, property, freedom from arbitrary detention and access to justice. The section also
addresses relevant stakeholder efforts and achievements to address statelessness. Part VI
concludes this Report with recommendations to reduce and prevent statelessness and to address
the problems of accessing citizenship status for nationals in Egypt.

II. Legal and Historical Context

Prior to discussing the research into the current status of statelessness in Egypt, Part II.A
first sets out the relevant definitions and theoretical framework used to map and analyze
populations at risk in Egypt. Part II.B. examines the history and development of Egypt’s
nationality law, and Part II.C. provides an analysis of the current demographics of Egypt.

A. Definition of Statelessness

The 1954 Convention Relating to the Status of Stateless Persons defines stateless persons
as “a person who is not considered as a national by any State under the operation of its law.”

Persons who fall within this definition are often referred to as ‘de jure’ stateless. In addition,
the Final Act of the 1961 Convention on the Reduction of Statelessness refers to ‘de facto’
stateless persons; this term “is not defined in any international instrument” and is not a
component of any treaty regime specific to stateless persons. However, UNHCR defines de
facto stateless persons as “persons outside the country of their nationality who are unable or, for
valid reasons, are unwilling to avail themselves of the protection of that country.” This Report
focuses primarily on de jure stateless and at-risk populations. The determination of whether a
person is considered a national under the operation of a state’s law is “authoritatively interpreted
as being both a question of fact and law.” A person or population considered to be ‘at risk’ of
statelessness would not currently meet the legal definition of stateless, but instead the

17 UNHCR, HANDBOOK ON THE PROTECTION OF STATELESS PERSONS UNDER THE 1954 CONVENTION RELATING TO
18 Id. at 5.
19 Id. at 5. But see Hélène Lambert, Stateless Refugees, in THE OXFORD HANDBOOK OF INTERNATIONAL REFUGEE
LAW 797, 811 (Cathryn Costello, Michelle Foster, and Jane McAdam eds., 2021) (arguing that ‘de facto
statelessness’ is a discredited notion).
20 LAURA VAN WAAS, AMAL DE CHICKERA, AND ZAHRA ALBARAZI, INST. ON STATELESSNESS AND INCLUSION, THE
circumstances of that person or population indicate there is a “considerable chance that statelessness will arise if preventive action is not taken.”

In Egypt, stateless persons or those at risk of statelessness clearly include refugees, vulnerable migrants, displaced Palestinians, and certain populations in Egypt’s border regions. In addition, persons or populations at risk of ‘undocumented nationality’ (alternatively in some literature referred to as ‘evidentiary statelessness’ or subject to ‘precarious citizenship’) may include populations that lack the means to fully prove their nationality status or remain unregistered with the Egyptian Government. Since the strict and extensive legal requirements for Egyptian nationals to prove their nationality can leave many without documentation or the means to prove their documentation status, these Egyptian nationals effectively “have state membership but cannot prove it,” or face such significant barriers that it is nearly impossible under present circumstances to prove their membership in the state.

Egypt has not ratified either of the statelessness conventions, but the basic definition of a stateless person is a norm of customary international law (CIL). These conventions set out the

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21 LEGAL AGENDA, NATIONALITY AND CASES OF STATELESSNESS IN THE MIDDLE EAST AND NORTH AFRICA 18 (2016).

22 While “there is no universally agreed upon definition of nationality,” the International Court of Justice has defined nationality as “the legal bond based on a social fact of attachment, a genuine connection of existence, interests and feelings, together with mutual rights and duties” and the “juridical expression of the fact that the individual upon whom it is conferred, either directly by the law or as the result of an act of the authorities, is in fact more closely connected with the population of the State conferring nationality than with that of any other State.” Nottebohm Case (Liech. v. Guat.), Judgement, 1955 I.C.J. 4, 23 (Apr. 6). See also AFR. COMM’N. H.P.R., THE RIGHT TO NATIONALITY IN AFRICA 13 (May 2014) (noting in particular that “where nationality is concerned, the relationship between the individual and the State must be effective: the individual must enjoy all the rights and be bound by the obligations which the State’s legislation grants to or imposes on its citizens.”).

23 See HUNTER, UNDOCUMENTED NATIONALS, supra note 13, at 8 (2019) (defining and analyzing ‘undocumented nationality’ and ‘evidentiary statelessness’). As this Report illustrates, there are many persons who are eligible for Egyptian nationality, but “are nonetheless stateless because they are not considered as nationals by the competent authorities of the relevant state” though it may not be apparent to the affected individuals or to observers “that they are stateless.” ISI, THE WORLD’S STATELESS, supra note 20, at 40. See also Noora Lori, Statelessness, ‘In-Between’ Statuses, and Precarious Citizenship, in THE OXFORD HANDBOOK OF CITIZENSHIP 745, 746 (Ayelet Shachar et al., eds., 2017) (examining the concept of ‘precarious citizenship’ to refer to the structured uncertainty of being unable to secure permanent access to citizenship rights). There are multiple factors inhibiting access to citizenship for both migrant populations and state nationals including: (1) structural factors and global trends (such as identity management infrastructure, biometric identification mechanisms, climate change, and economic development/inequality), (2) institutional factors (including the role of the private sector, state security apparatus, representation (e.g., via census data), and type of government regime), and (3) individual factors (such as geography/place of birth, race and ethnicity, individual socioeconomic status, and relative social status). Id. at 747.

24 HUNTER, UNDOCUMENTED NATIONALS, supra note 13, at 14 (2019).


basic rights and protections for stateless persons. However, Egypt is a party to the 1951 Convention Relating to the Status of Refugees\textsuperscript{27} and the 1967 Protocol Relating to the Status of Refugees,\textsuperscript{28} both of which provide protections for refugees that may face statelessness, in addition to international and regional human rights treaties that safeguard other critical aspects of the right to a nationality.\textsuperscript{29}

The key causes of statelessness are gaps and conflicts in nationality laws, legacies of colonization, consequences of state succession, intergenerational ‘inheritance’ of statelessness, arbitrary deprivation of nationality, and restrictive administrative practices (for example, in relation to issuance of documents necessary to prove nationality).\textsuperscript{30} Given the range and complexity of causes, each presents differently depending on the context. The following sections provide a background to the context for this Report by examining the relevant history and demographics of Egypt.

**B. History of the Egyptian State, Migration Flows, and Egypt’s Nationality Law**

A review of the development of the modern Egyptian state, trends in migration, and more specifically, its nationality law, is necessary to contextualize the current issues relevant to statelessness and undocumented nationality in Egypt. The discussion below addresses how Egypt’s ‘original body of nationals’ came to be defined, as the consequences of its specific approach to nationality persists until today.\textsuperscript{31}

Egypt’s modern legal regime derives from its complex history, including encounters with the Ottoman Empire, the French legal regime, British colonial rule, and legal reform movements; each of these legacies has affected the development of Egypt’s nationality law.\textsuperscript{32} Since the late 19th century, the concept of Egyptian nationality has undergone important transformations...
shaped by Egypt’s shifting position through the Ottoman Empire, British colonial rule, independence and nationalist movements, the establishment of the Israeli state and ensuing wars, trends in migration flows, and other prevailing political currents and ideologies (Ottomanism, pan-Arabism, secular nationalism, and Islamism). The result is an Egyptian nationality law that became increasingly restrictive, arguably until the early years of the 21st century.

1. Nineteenth Century Egypt and the Emergence of Ottoman Nationality and Egyptian Nationality

Although Egypt was formally under Ottoman rule from 1517 until 1914, following the French occupation under Napoleon (1798-1801), 19th century Egypt became a semi-autonomous but important province of the Ottoman Empire. This is in part due to the development of the modern Egyptian state, which emerged under Mehmet Ali Pasha, the Albanian-born founder of the dynasty that ruled Egypt from the 19th century to the middle of the 20th. Under Mehmet Ali and his successors, Egypt developed its own modern army based solely on Egyptian conscripts; a burgeoning economy increasingly integrated into the global economy; major land reforms; the Suez Canal, a critical gateway to India and East Asia for the Great Powers; and a centralized modern administrative bureaucracy complete with a ‘good census’ by 1848 and ‘secular’ methods for identification, as well as education and health institutions.
Additionally, Egypt’s legal system underwent a transformation under Mehmet Ali’s rule as he moved to centralize the state and undercut the authority of the ‘ulama and Qadi courts associated with the Taqlid legal system, the pre-modern Islamic legal system prevalent in the Muslim world.\textsuperscript{38} Egyptian elites ‘borrowed’ European laws that ‘displaced’ the rules of the Taqlid legal system as well as its institutions—the exception to this transformation was in the area of family law.\textsuperscript{39} However, following the opening of the Suez Canal in 1869, the high cost for this ‘modern state’ transformation took its toll not only in human terms, but also by way of large debts to Europeans.\textsuperscript{40} By the 1870s, Egypt’s loss of ownership interest in the Suez Canal gave the British the pretext for the occupation of Egypt (and Sudan) beginning in 1882.\textsuperscript{41} Although Egypt remained under the sovereignty of the Ottoman Empire until the latter’s demise, from 1882 until 1922, Egypt was formally incorporated into the British Empire as a ‘Veiled’ Protectorate, which meant it was administered by the British Foreign Office yet formally retained Ottoman institutions, an expanding khedival authority, and particular Egyptian governing laws and court system.\textsuperscript{42} Meanwhile, throughout the period of occupation, the nationalist movement – with the 1881-82 ‘Urabi rebellion’s slogan ‘Egypt for Egyptians’ – gained currency with the Egyptian populace.\textsuperscript{43}

Despite massive debts, by the 1880s and for the next seventy years, some regarded Egypt as the “most prosperous, modern, and promising country in the Middle East.”\textsuperscript{44} The population expanded significantly during the period, from 4.5 million in 1800 to 7.8 million in 1882, then


\textsuperscript{39} Id. (noting also that this division between family law and other areas of law persists until today).

\textsuperscript{40} See Khaled Fahmy, All the Pasha’s Men, supra note 36, at 10-14, 73-76, 126, 260-61 (detailing the brutality and misery that attached to the formation of a modern army along with Egypt’s industrialization and land reforms). See also Ilham Khury-Makdisi, The Eastern Mediterranean and the Making of Global Radicalism, 1860-1914 3, 137-138 (2013) (discussing the major economic and social disruptions at the end of the nineteenth century and beginning of the 20th and resulting labor strikes).

\textsuperscript{41} Ali Coşkun Tuncer, Sovereign Debt and International Financial Control: The Middle East and the Balkans, 1870–1914, 100-122 (2015). Consequently, modern Egypt’s first Constitution of 1882, creating parliamentary representation for the first time under an Ottoman mandate, was abrogated within months as the British assumed control. The 1882 Constitution was envisioned as a “wider reformation project to establish modern institutions” capable of addressing the economic and political crises at the time. Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37.

\textsuperscript{42} See Aimee M. Genell, Empire by Law: Ottoman Sovereignty and the British Occupation of Egypt,1882-1923, 13-14, 84-89 (2013) (Ph.D. Dissertation, Columbia University) (discussing complex status of Egypt during occupation period when the khedive’s powers were expanded yet “the British Consul-General’s powers were paramount”). See also Will Hanley, When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study, in Multilevel Citizenship, 89, 89-92 (2013) (“By the time Britain invaded and occupied Egypt in 1882, few remnants of [Ottoman] direct control remained. Historians agree that Egypt was, for all intents and purposes, independent of the Ottoman Empire by the last quarter of the century.”).

\textsuperscript{43} See Khaled Fahmy, All the Pasha’s Men, supra note 36, at 267. See also Hanley, Identifying with Nationality, supra note 33, at 16.

\textsuperscript{44} Aimee Israel-Pelletier, On the Mediterranean and the Nile: The Jews of Egypt 6 (2018).
tripling to 24 million by 1954, with Cairo and Alexandria growing exponentially.45 European workers from the Balkans, Italy, and Spain “flocked to Egypt,” with some settling permanently and others on a seasonal basis.46 Artisans, craftsmen, and white-collared professionals from within and outside Ottoman provinces immigrated to Egypt as well. The number of Alexandrian and Cairene residents born outside Egypt multiplied.47 By the turn of the century, Egypt was a critical center of intellectual thought, innovation and production, and a central site of the Nahda (or Arab Renaissance) movement. Cairo and Alexandria in particular served as hubs connected to various parts of the world by “webs of people, information, capital and commodities”; intellectual circulation was multidirectional and across social divisions.48 Citizenship (or ‘a patriotic identity’)49 and belonging were core ideas explored by the educated multicultural, multireligious elite in Egypt but increasingly more broadly,50 especially as Egypt’s population experienced the dramatic structural upheavals that arose with its integration into a volatile globalized economy.51

Against this backdrop, “nationality” for the Egyptian population was conceived as a legal matter.52 Under the Ottoman Empire, in particular the Tanzimat reforms of the nineteenth century,53 Egyptians were considered “Ottoman nationals” under the first Ottoman Nationality Law of 1869 and throughout the 1890s.54 With the entry into force of this law, anyone residing in the territory of the Ottoman Empire was recognized as a national, regardless of their race or religious affiliation.55 Prior to this period, the Ottoman system organized the population

45 Id. 5-6.
46 Id. at 5.
47 Id. at 5-6, 19.
49 See Will Hanley, What Ottoman Nationality Was and Was Not, 3 J. OTTOMAN & TURKISH STUD. ASSOC. 277, 278 (2016). See also Fateh Azzam, Palestinian (Non)Citizenship, 73 MIDDLE EAST J. 573, 575 (2019) (noting “[s]cholars have debated the nature of Ottoman citizenship, whether it was a successful attempt to create a ‘patriotic identity’ that eroded civil and religious distinctions or if it maintained a subject status … in the terminology of the law”).
50 See HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 1-21. See also ISRAEL-PELLETIER, THE JEWS OF EGYPT, supra note 44, at 7, 12-20.
52 See HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 16.
53 Tanzimat refers to the comprehensive Ottoman reforms in the Empire’s military and economic administration, as well as education and fiscal systems, that began in 1839 to address the decline of the central bureaucratic apparatus. The reforms are said to have oscillated between two models: “on the one side, traditional confessional communitarianism (i.e., the millet system), and on the other side, forced denationalisation and Ottomanisation.” PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 73.
54 See PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 73. See also HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 256. “The Ottoman nationality law of 1869 met the needs of Egyptians and non-Egyptian Ottomans alike when they were outside of the empire, but it offered no means of distinguishing Egyptians for domestic purposes.” Id.
55 LEGAL AGENDA, NATIONALITY AND CASES OF STATELESSNESS, supra note 21, at 45. Thereafter, Ottoman nationality was passed from parent to child or could be acquired by application by those who were born on Ottoman territory after reaching the age of majority, or by naturalization after five years’ residence. Id.
throughout the empire neither by territory nor language but along a confessional basis, allowing religious communities (‘millets’) to each have their “own internal organization and [to be] controlled by a religious hierarchy.” The Sunni-Muslim was the dominant community and the protectors of the “People of the Book,” i.e., Jews, Christians, and Muslims. Consequently, some have referred to the Ottoman system as the “Empire of Differences,” based on the “twin principles of religious pluralism and inequality.” But as the Ottoman Empire was in decline, this system was steadily dismantled, and “Ottoman nationality established a more direct relationship between the individual and the state.” In terms of religious demographics, Egypt’s population was largely Sunni-Muslim, with Christians, predominantly Coptic Orthodox Christians, being the second largest religious group.

In addition to Ottoman nationality, indigenous nationality emerged in certain autonomous provinces. Despite its special status within the Ottoman Empire, it was not until 1900 when a legal definition of “Egyptian” was first codified and enacted into an Egyptian Decree-Law, which did little besides distinguish between “Egyptians” and “Ottomans,” specifying that Egyptian nationality was for Ottoman subjects born or long resident in Egypt. As late as 1905 the majority of Egyptians considered themselves to be Ottoman subjects. Regardless, membership in Egyptian nationality for most was a matter of jurisdiction rather than rights or political participation. Self-identification, however, changed significantly by 1914, as nationality became a principal marker of identity.

The legal definition of who was an “Egyptian” was made more specific after the First World War. The emergent definition largely depended on one’s period of residence in Egypt and

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56 This changed in the nineteenth century as the Ottoman “reformers recognized the need to establish the social and political life of the state on a new basis.” Butrus Abu-Manneh, The Christians between Ottomanism and Syrian Nationalism: The Ideas of Butrus AlBustani, 11 INT’L J. MIDDLE EAST STUD. 287 (1980). See also SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE: MINORITY REPORT 35-36, 38-39 (2016) [hereinafter SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE]. For an examination of the millet system in Egypt and how it differed from and was replaced by the later secular notion of ethnic and religious ‘minorities,’ see ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 53-60.

57 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 38-39.

58 Id.

59 Id. at 39.

60 Rachel Scott, Citizenship, Public Order, and State Sovereignty: Article 3 of the Egyptian Constitution and the “Divinely Revealed Religions,” in THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD 382 (2017) ("In 1869, the Ottoman government imposed upon Ottoman subjects an Ottoman citizenship that was modelled on Western conceptions of citizenship: every person born of an Ottoman father was an Ottoman subject and was equal regardless of faith or language.").

61 See Mohamed Saleh, A Pre-Colonial Population Brought to Light: Digitization of the Nineteenth Century Egyptian Censuses, 46 HISTORICAL METHODS 5-6 (2013). See ISRAEL-PELLETIER, THE JEWS OF EGYPT, supra note 44, at 7 (noting the population of Jews in Egypt in 1800s and 1900s).

62 PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 74, 79.

63 MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33 at 2 (citing Al Waqa’i al-Maṣrīyyah (WM) 70, No. 74, July 4, 1900). See also HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 256-58, 261-62, 268-70.

64 Will Hanley, When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study, in MULTILEVEL CITIZENSHIP 89, 93 (2013).

65 Id. at 95; see also Hanley, What Ottoman Nationality Was and Was Not, supra note 49, at 278-81.

66 HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 16.
the Ottoman Empire, as determined by the date of November 5, 1914, when Britain and France declared war on the Ottoman Empire. Britain ended Ottoman rule in Egypt by the close of 1914, and the ‘Khedivate’ under the successors of Mehmet Ali became the ‘Sultanate’ of Egypt, a British protectorate. Although Britain had wielded military and administrative power in Egypt since 1882, “the wartime termination of Ottoman sovereignty was largely of theoretical importance at the level of the state,” but it drastically changed the status of Ottoman nationals, as the population came under martial law.

After the end of the First World War and the collapse of the Ottoman Empire, the leader of Egypt’s nationalist Wafd Party, Saʿd Zaghlūl, organized a delegation to present Egyptian claims for independence at the 1919 Versailles Conference. However, their demands were ignored and delegation members were arrested and sent into exile by the British. By then Egyptian nationalism was widespread, moving well beyond the educated elite, and led to a popular revolution. In 1922, Britain unilaterally declared Egypt independent, but in practice the country remained a less than fully sovereign colonial territory within the British imperial system, with Britain reserving for itself “protection of foreign interests in Egypt and the protection of minorities,” military, security of communications, and the territory of the Sudan. Furthermore, Article 17 of the Treaty of Lausanne provided that Turkey would renounce all rights and titles over Egypt and Sudan, taking effect November 5, 1914. Consequently, Ottoman nationality “ceased to exist, leaving the ground clear for the new, full-fledged nationalities drawn by the treaties.”

2. Formal Independence: Egyptian Nationality Law of 1926/1929

The Egyptian Constitution adopted in 1923 established a constitutional monarchy with a bicameral parliament over which the king had great power. The 1923 Constitution became the

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67 PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 80. Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, AFRICA CITIZENSHIP AND DISCRIMINATION AUDIT THE CASE STUDY OF EGYPT 34, 38-39 (2005). November 14, 1914 remains important for purposes of defining who is eligible for Egyptian nationality. See MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33 at 1; see Law No. 26 of 1975 (Concerning Egyptian Nationality), 29 May, 1975 (Egypt).
69 See HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 16; see also Nathan J. Brown, Law and Imperialism: Egypt in Comparative Perspective, 29 LAW & SOC’Y REV. 103, 111 (1995).
71 HANLEY, IDENTIFYING WITH NATIONALITY, supra note 33, at 16.
74 Id.
model for each of Egypt’s subsequent constitutions;\textsuperscript{76} for some this marked the beginning of the Liberal Age, or “the age of aristocratic constitutional monarchy” (1923-52).\textsuperscript{77} Soon thereafter the first nationality laws under ‘independent’ Egypt were promulgated in 1926, and to a limited extent, revised in 1929.\textsuperscript{78}

The Nationality Law of 1926 provided:

i. Ottoman subjects residing in Egypt on or after November 5, 1914 until the coming into force of the law were to be considered Egyptian nationals as of right;\textsuperscript{79}

ii. a right of option for other territories which required birth or birth of a parent of that territory and a residence transfer to the country of option within six months;

iii. former Ottoman subjects if resident in Egypt on or after November 5, 1914, could acquire Egyptian nationality;

iv. Ottoman subjects who had never taken residence in Egypt could transfer their residence to Egypt within a year and become a national after five years.\textsuperscript{80}

v. an individual is Egyptian if born in the territory or outside Egypt to an Egyptian mother, as long as the father’s status has not been proved.\textsuperscript{81}

The 1929 Decree-Law revised certain aspects of the 1926 law, including a ‘double \textit{jus soli}’ provision by which a child born in Egypt of a foreign father but ethnically belonging to the majority of the population of a country whose language was Arabic or religion was Islam could acquire citizenship (Art. 6(4)).\textsuperscript{82} Under Article 7 of the 1929 law, birth in Egypt also allowed a person to not only live permanently in the country but also to acquire Egyptian nationality at the age of majority.\textsuperscript{83} A foreign woman marrying an Egyptian was automatically given Egyptian nationality, whereas an Egyptian woman marrying a foreign man would lose her Egyptian nationality, except in cases where she was not granted her husband’s nationality.\textsuperscript{84}


\textsuperscript{77} See SELMA BOTMAN, ENGENDERING CITIZENSHIP IN EGYPT XI (1999) (referring to the period as ‘liberal’);

\textsuperscript{78} Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 38. Article 10 of Law No. 26 of 1926 was promulgated without the Egyptian Parliament’s participation, leading to the Executive freezing the law, “but the courts used it whenever cases presented to courts fell under its regulations.” Id. This led to the promulgation of Law No. 19 of 1929, although it was “in essence the same as the law 26/1926.” Id.

\textsuperscript{79} Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 38. Article 10 of Law No. 26 of 1926 was promulgated without the Egyptian Parliament’s participation, leading to the Executive freezing the law, “but the courts used it whenever cases presented to courts fell under its regulations.” Id. This led to the promulgation of Law No. 19 of 1929, although it was “in essence the same as the law 26/1926.” Id.

\textsuperscript{80} Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 38. Article 10 of Law No. 26 of 1926, article 10. See also Ottoman Nationality Law of 1909: Hanley, What Ottoman Nationality Was and Was Not, supra note 49, at 290-91.

\textsuperscript{81} See PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 80; see also ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 148 (quoting the equivalent provision in Law No. 19 of 1929).

\textsuperscript{82} Id.

\textsuperscript{83} Id. at 81. Other provisions in the nationality law included provisions related to naturalization, loss and deprivation of nationality. Id. See also Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 38.
The 1926 and 1929 nationality laws were initial steps towards a “secular entity.”85 In keeping with the slogan of the 1919 revolution, ‘Religion for God and Homeland for Everyone,’ there was little distinction under the law for determining who was an Egyptian national in terms of religious affiliation, though the overwhelming majority of the population (of 5 million) during that time were Sunni Muslim. 86 Coptic Christians were estimated at 8%, 87 and Jews less than 1%, numbering nearly 60,000.88 Religion was not a part of the nationality debate – instead, commentators note a “secular radicalism.”89 It is noteworthy that the categorization of who was Egyptian or foreign was somewhat fluid, as indicated in the Egyptian censuses of prior decades.90 Syrians, Armenians, Greeks, and Jews who arrived in Egypt from areas of the former Ottoman Empire before the First World War automatically became Egyptian unless they explicitly opted for other citizenships.91 Segments of Egypt’s diverse and largely assimilated population found new home countries following the Ottoman Empire’s collapse, primarily Syrians, Armenians, and Jews, yet in addition to other ethnic, religious, and national minorities (e.g., Armenian, Christian, French, Greek, Italian) many remained Egyptian nationals. Naturalization under the 1929 Nationality Law also included preferences for ethnic and religious background (i.e., for countries where the predominant language was Arabic or the majority religion was Islam).92

85 PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 79 (noting that other key steps included an end in 1937 to the Capitulations, a set of long-standing extraterritorial privileges and exemptions for foreigners, and the institution of general state courts by 1955); see also Hanley, What Ottoman Nationality Was and Was Not, supra note 49, at 284.
86 ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 24.
87 ANTHONY O’MAHONY, ED., EASTERN CHRISTIANITY IN THE MODERN MIDDLE EAST 61 (2009).
88 See ISRAEL-PELLETIER, THE JEWS OF EGYPT, supra note 44, at 7. See also ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 64-65 (highlighting discrepancies with demographic statistics and shifting categories during the period).
89 ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 152.
90 See Roger Owen, The Population Census of 1917 and its Relationship to Egypt’s Three 19th Century Statistical Regimes, 9 J. HISTORICAL SOCIOLOGY 457, 462-63 (1996) (noting the census indicated that there was no such nationality as ‘Coptic’ or ‘Jewish,’ such that Copts were to be considered as “Egyptian by nationality and race but Copt by religion,” and other persons could be “Egyptian by nationality but of some other race, possible categories being given as ‘Sudanese’, ‘Berber’, Bedouin’, Turk or ‘Armenian’”). See also ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 63-65 (noting shifting categories of identity during the period); also Mohamed Saleh, A Pre-Colonial Population Brought to Light, supra note 61.
91 ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 148.
92 See PAROLIN, CITIZENSHIP IN THE ARAB WORLD, supra note 32, at 80-81; ABDULHAQ, JEWISH AND GREEK COMMUNITIES IN EGYPT, supra note 33, at 63-66. For a variety of reasons, many Armenians had difficulty accessing Egyptian nationality, and some did not have their legal status in Egypt clarified until 1961. Id. at 148-50. See also LAURA VAN WAAS, UNHCR, THE SITUATION OF STATELESS PERSONS IN THE MIDDLE EAST AND NORTH AFRICA 16 (2010).

The political shifts of the 1930s and 1940s led to significant changes in the nationality law in 1950. The national liberation movement against British occupation grew significantly, especially following the Second World War, resulting in the 1949 revocation of the law on foreign privileges, which since 1875 had provided specific privileges to foreign nationals residing in Egypt, including being tried before special (mixed) courts. In addition, the establishment of the state of Israel in 1948, resulting in the widespread displacement of over 700,000 Palestinians, had a particular impact on Egypt’s Nationality Law of 1950. Law No. 160/1950 recognized stateless persons for the first time; Article 2(3) allowed children born outside Egypt “to an Egyptian mother and a stateless father, or of unknown nationality to notify the Ministry of Interior with their choice to be [naturalized].” This was claimed to be due to Egypt’s adoption of the Universal Declaration on Human Rights (UDHR, 1948). Article 15(1) of the UDHR provides that “everyone has the right to a nationality” and Article 15(2) states “no one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.” The 1950 Nationality Law eliminated the double *jus soli* provision included in the 1929 Decree-Law.

On July 23rd, 1952, a group of army officers, called the “Free Officers,” led by General Mohammed Neguib and Colonel Gamal Abdel Nasser overthrew the Egyptian monarch King Farouk, establishing an “officer’s republic.” The overthrow of the monarchy, known later as the Egyptian Revolution of 1952, led to the declaration of a Republic in 1953 and Nasser securing the Presidency (1954-70). The new Republic abolished Islamic *shari’a* and millet courts and gave jurisdiction over family law matters to Egypt’s national courts (1955). In early 1956 Egypt adopted a new Constitution, and by June 1956, Britain withdrew all its forces from Egypt’s territory. A month later, in July 1956, President Nasser nationalized the Suez Canal to

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94 Id.
95 Id. at 34, 38-39. See infra, Part IV.E.7.
96 Id. at 34, 39.
97 See Joel Benin, *Egypt’s Gamal Abdel Nasser Was a Towering Figure Who Left an Ambiguous Legacy*, THE JACOBIN (June 2020); see also EL-ABED, *PALESTINIANS IN EGYPT SINCE 1948*, supra note 11, at 40.
98 Rachel Scott, *Citizenship, Public Order, and State Sovereignty: Article 3 of the Egyptian Constitution and the “Divinely Revealed Religions,” in THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD* 392 (2017) (noting that in the first instance the personal status law of all Egyptians was to be governed by Islamic law, with exceptions carved out for non-Muslims to utilize their own personal status laws so long as any disputes that arose involved persons under the same sect, and under organized sectarian judicial institutions).
fund the Aswan High Dam.\textsuperscript{102} By October of that same year, Britain, France, and Israel invaded Egypt over the nationalization of the Suez Canal in an attempt to topple the Nasser government, in what became known as the Suez Crisis (or the second Arab-Israeli war). This ultimately failed due to intervention by the U.S. and the Soviet Union, marking a turning point in Egypt’s positioning vis-à-vis global powers – and Nasser’s rise as a leader of the Arab nationalist movement in the MENA region and the eventual embrace of “Arab socialism.”\textsuperscript{103}

A growing sense of national identity, particularly defined by “anti-Royal, anti-Western and anti-Zionist” sentiments, that emerged out of the liberation movement, the independence of Sudan in 1956, and the second Arab-Israeli war of 1956, contributed to changes in the Nationality Law of 1956, which further defined attachment to Egypt.\textsuperscript{104} Law No. 391 of 1956 provided that regardless of Ottoman nationality, Egyptian nationality required continued residence in Egypt from 1900 onwards.\textsuperscript{105} The law included more onerous conditions for those born to an Egyptian mother and a stateless or unknown father outside of Egypt. Children born outside of Egypt to an Egyptian mother and a stateless father or one of unknown nationality, instead of automatically acquiring Egyptian nationality, were subject to discretionary decisions on their nationality by the Ministry of Interior.\textsuperscript{106} The 1956 Nationality Law also provided that nationality could be withdrawn to protect the security and integrity of the state, including leaving the country for “six months or longer without the intention of returning to Egypt.”\textsuperscript{107}

For the first time, the 1956 Nationality Law mentioned the term ‘Zionism’ in connection with disloyalty to the state as a criterion for withdrawing Egyptian nationality, in addition to being a charge for treason.\textsuperscript{108} Since ‘Zionism’ was not defined, critics observed the potential for it to be conflated with ‘Judaism,’\textsuperscript{109} a religion the Egyptian state recognized, as its adherents were a historic religious community.\textsuperscript{110} Based on the political events in the region and within the country,\textsuperscript{111} Jewish Egyptian nationals as well as Jewish non-nationals residing in Egypt had difficulties remaining in the country, and some were expelled in 1956.\textsuperscript{112} For decades the

\begin{footnotes}
\footnote{Amal Abdel Hadi, \textit{Engendering the Egyptian Law on Nationality, supra} note 67, at 34, 39 (2005).}
\footnote{Joel Benin, \textit{Egypt’s Gamal Abdel Nasser Was a Towering Figure Who Left an Ambiguous Legacy, The Jacobin} (June 2020); \textit{Egypt Profile – Timeline, BBC} (Jan. 7, 2019).}
\footnote{Amal Abdel Hadi, \textit{Engendering the Egyptian Law on Nationality, supra} note 67, at 34, 39. MANBY, \textit{THE LAW OF BELONGING, supra} note 32, at 90.}
\footnote{PAROLIN, \textit{CITIZENSHIP IN THE ARAB WORLD, supra} note 32, at 81.}
\footnote{Amal Abdel Hadi, \textit{Engendering the Egyptian Law on Nationality, supra} note 67, at 34, 40.}
\footnote{PAROLIN, \textit{CITIZENSHIP IN THE ARAB WORLD, supra} note 32, at 81-82. Emigration was tightly controlled during this period. Gerasimos Tsourapas, \textit{Egypt: Migration and Diaspora Politics in an Emerging Transit Country, MIGRATION POL’Y INST.} (Aug. 8, 2018).}
\footnote{See MANBY, \textit{THE LAW OF BELONGING, supra} note 32, at 90. PAROLIN, \textit{CITIZENSHIP IN THE ARAB WORLD, supra} note 32, at 81.}
\footnote{MALEK, \textit{REPORT ON CITIZENSHIP LAW EGYPT, supra} note 33, at 21.}
\footnote{Abdelsalam, \textit{The Arab Republic of Egypt: Introductory Note, supra} note 37. ABDULHAQ, \textit{JEWISH AND GREEK COMMUNITIES IN EGYPT, supra} note 33, at 65.}
\footnote{See David D. Kirkpatrick, \textit{A Timeline of Jews in Egypt}, N.Y. Times (June 23, 2015).}
\footnote{\textit{Id.} (citing JOEL BEININ, \textit{THE DISPERSION OF EGYPTIAN JEWRY} (1998)). \textit{See also} ABDULHAQ, \textit{JEWISH AND GREEK COMMUNITIES IN EGYPT, supra} note 33, at 209-210 (many Egyptian Greeks, Egyptian Jews and others were
population of Jews had increased in Egypt, but following the creation of the state of Israel in 1948, their numbers decreased significantly.\footnote{Israel-Pelletier, The Jews of Egypt, supra note 44, at 7.} Under government pressure, about 25,000 Jews left Egypt, reducing their population to about 15,000 by 1956 and 12,000 by 1967.\footnote{David D. Kirkpatrick, A Timeline of Jews in Egypt, N.Y. Times (June 23, 2015) (noting also arrests of hundreds of Egyptian Jews on suspicion of spying for Israel); see also Israel-Pelletier, The Jews of Egypt, supra note 44, at 20-21 (detailing how increased restrictions on employment and confiscation of businesses lead to a decreased presence of Egyptian Jews see also Abdulhaq, Jewish and Greek Communities in Egypt, supra note 33, at 24-25, 209-210 (2016) (discussing nationality law and shifts in Jewish identity as well as economic status in Egypt).}

In 1958, as part of the Pan-Arab unity for which Nasser’s Egypt had become the champion, Egypt merged with Syria to create the United Arab Republic (UAR).\footnote{See Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 40.} In addition to a new constitution passed in 1958, Egypt needed a new law to define nationality status under this union.\footnote{Id. at 40; see also Manby, The Law of Belonging, supra note 32, at 90.} Law No. 82 of 1958 largely mirrored the previous law, No. 391 of 1956, with the exception of substituting ‘United Arab Republic nationality’ for the prior conception of an ‘Egyptian nationality.’\footnote{Parolin, Citizenship in the Arab World, supra note 32, at 82.} It also reinforced “ideas of membership in an Arab community”\footnote{Thereafter, under Egypt’s Law No. 26 of 1975, those with UAR nationality who did not meet the criteria of Law No. 26 were not considered Egyptian nationals. Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 40.} by providing that “an expatriate citizen, a member of the Arab community who was neither a resident nor a national of an Arab State, was assimilated as a national and could be naturalized under more lenient provisions.”\footnote{See Joel Benin, Egypt’s Gamal Abdel Nasser Was a Towering Figure Who Left an Ambiguous Legacy, The Jacobin (June 2020); see Israel-Pelletier, The Jews of Egypt, supra note 44, at 20.} The UAR dissolved after Syria withdrew from the union in 1961, but the Nationality Law of 1958 remained in effect for Egyptians (not Syrians) until 1975.\footnote{Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107 (noting that Egypt’s nationalization of enterprises and “import-substitution industrialization policies, within a broader anti-Western, postcolonial political climate,” was also a factor in the decline in immigration into Egypt throughout the Nasser period); see also Abdulhaq, Jewish and Greek Communities in Egypt, supra note 33, at 207-210.}

In the 1960s, Egypt adopted a formally socialist economic orientation, nationalizing most non-agricultural enterprises, limiting agricultural land ownership, and expanding welfare programs dramatically. Concurrently, many liberal structures and institutions were undermined and leftists as well as the Muslim Brotherhood members were repressed.\footnote{Id.} While pre-1952 Egypt attracted immigrants, the rise of nationalism associated with the Free Officers Revolution, along with the nationalization of businesses, contributed to the decline of so-called ‘cosmopolitan’ Egypt, and many successful entrepreneurs (including those with immigrant heritage) left Egypt.\footnote{See Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 40.} The exception to this decline in immigration was the arrival of displaced
Palestinians fleeing war in 1948, 1956, and 1967. Following the 1967 Arab-Israeli war, in particular Egypt’s loss of the Sinai Peninsula to Israel and weakening economic conditions, Nasser’s government was confronted with significant popular discontent, including among Islamists. In the years that followed, the balance of power moved from Egypt to the Arab Gulf countries as Gulf states came to the aid of Egypt.

Egypt’s transition to Anwar Sadat as President following Nasser’s death in 1970 brought a shift away from Nasserism, which had been “constructed on concepts of nationalism, secularism, and state-dominated ideological control and a centrally planned economy,” to a more socially conservative but economically liberal positioning of the Egyptian state in the ‘open door’ years of the 1970s through the 1990s. The ensuing period also saw the rise of a particular ‘Islamist’ trend. Sadat drafted a new constitution that would engage with “a wide variety of constituencies in Egypt, including Islamists.” As a result, Egypt’s Constitution of 1971 for the first time included a so-called ‘shari’a clause’ recognizing that “the principles of the Islamic shari’a are a chief source of legislation,” which nearly a decade later would be amended and arguably strengthened to respond to rising Islamist critique. As part of its ‘opening up,’ Egypt recognized emigration as a citizen’s right, including it as a constitutional right in the 1971 Constitution and lifting all restrictions on Egyptians’ international migration. Given the weak economic situation in Egypt, including lack of employment for a rapidly expanding population,

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123 Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107.
126 Selma Botman, Engendering Citizenship in Egypt, XI, supra note 77, at 1.
127 Id. The term ‘Islamist’ is “used to describe an Islamic political or social activist. Coined in preference to the more common term “Islamic fundamentalist.” Islamists (al-Islamiyyun) are committed to implementation of their ideological vision of Islam in the state and/or society. Their position is often seen as a critique of the establishment and status quo. Most belong to Islamic organizations or social movements (al-harakat al-Islamiyyah).” Islamist, in THE OXFORD DICTIONARY OF ISLAM (John L. Esposito ed., 2003), https://www.oxfordreference.com/view/10.1093/acref/9780195125580.001.0001/acref-9780195125580-e-1128?rskey=f9PLHO&result=1 (last visited June 21, 2021). It should be noted that in contemporary Egypt, there are multiple “types” of Islamists with diverse and often conflicting agendas and ideologies. See generally Mohammed Fadel, Constitutionalism, Democracy and Political Division: The Virtues of a Modus Vivendi, in SCHOOL OF ORIENTAL AND ASIAN STUDIES SYMPOSIUM, LAW, POLITICS AND CONSTITUTION-MAKING IN THE ARAB SPRING (Mar. 2015).
the years that followed saw a major expansion of Egyptian emigration to economically flourishing Gulf countries in the post-1973 oil boom.\footnote{See Tsourapas, The Politics of Migration in Modern Egypt, supra note 127, at 188; Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107. For an overview of rise in Egypt’s population, see Baseera, UNFPA, & NCP, Population Situation Analysis, Egypt 2016 19 (Dec. 2016).} 

4. **Egyptian Nationality Law of 1975**

Despite the dissolution of the UAR and transition to Sadat’s rule, Egypt’s 1958 Nationality Law was not replaced until the enactment of Law No. 26 of 1975 (1975 Nationality Law). The 1975 Nationality Law remains in effect today (with certain amendments) and thus is the main subject of this Report. The 1975 Nationality Law further limited access to nationality on the basis of \textit{jus soli}, increased the residence requirements for naturalization,\footnote{See Malek, Report on Citizenship Law Egypt, supra note 33, at 1. See Law No. 26 of 1975, supra note 67.} and represented a “codification of the circumstances surrounding acquisition and withdrawal of citizenship.”\footnote{Tsourapas, The Politics of Migration in Modern Egypt, supra note 127, at 31.} Pursuant to the incorporation of a right to emigration in the 1971 Constitution, the Nationality Law also removed the provision by which Egyptian nationality could be withdrawn based on emigration.\footnote{Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 40.} Nonetheless, the 1975 Nationality Law continued to include gender discriminatory provisions, despite the 1971 Constitution provisions relating to gender equality (Article 11), and non-discrimination before the law (Article 40).\footnote{See Ayman Zohry, The Place of Egypt in the regional migration system as a receiving country, 3 Revue Européenne des Migrations Internationales 12 (2003).} 

The Camp David Accords of 1977, formally ending the war between Israel and Egypt, had profound impact consequences – including significant economic and military aid from the U.S. to Egypt, and Israel’s withdrawal from the Sinai Peninsula.\footnote{See Akbar Ahmed and Harrison Akins, No Arab Spring for Egypt’s Bedouin, Brookings Inst. (Feb. 15, 2012) (noting al-Azazma in Sinai had been denied Egyptian citizenship); see also ISI, Statelessness in Numbers: 2019, supra note 2, at 4-5. For discussion of status and access to nationality for Bedouin groups in Egypt, see infra, Part IV.B.3.} The latter affected Bedouin populations among others, so that decades later some Bedouin in the Sinai remained without access to Egyptian nationality and/or became stateless.\footnote{Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107.} Additionally, as Sadat moved towards rapprochement with the U.S. and Israel, Egypt’s previous anti-Zionist position changed and, beginning in 1978, Palestinians in Egypt lost a number of rights including legal residency, employment, and property ownership.\footnote{Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107.} In October 1981, President Anwar Sadat was assassinated, leaving his vice president and former Air Force Commander, Mohamed Hosni Mubarak, as his successor for nearly thirty years.\footnote{Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37.} Under Mubarak, the Egyptian Government
became, as one commentator summarized, “a liberalised authoritarian regime that provide[d] limited . . . . [yet] surprisingly substantial degrees of pluralism.”

Throughout the 1980s and 1990s, despite ongoing high unemployment within Egypt, many Egyptian migrants returned from Arab and Gulf countries due to shifts in Gulf Cooperation Council (GCC) labor policies and mass deportations from various upheavals (including the Iraq War of 1991). Additionally, although Egypt has historically hosted many refugee populations, starting in the 1980s, Egypt experienced a major increase in refugees and migrants from neighboring African countries due to conflict and political instability in the Sudan and, in the 1990s, in Ethiopia, Eritrea, and Somalia. This increase in refugees to Egypt has continued to the present day.

Mubarak’s regime instituted a number of notable reforms, partly reversing the trend of an increasingly restrictive nationality law. In 1983, Law No. 111 concerning the Emigration and Sponsorship of Egyptians Abroad reinstated Egyptian nationality of emigrants who previously had lost it for living abroad. Law No. 154 of 2004 amended Article 2 of Law No. 26 of 1975, allowing for the acquisition of Egyptian nationality by maternal \textit{jus sanguinis}. This amendment in the Nationality Law was the result of years of advocacy and lobbying on the part of activists, NGOs, civil society institutions, human rights and women’s rights groups, arguing that the provision was unconstitutional and discriminated against women in violation of Article 11 of the 1971 Constitution which ensured equality among men and women. The 2004 amendment led to important reforms in Egypt, and there were further changes in the years that followed, including the Child Law of 2008, which gave both parents the right to register the birth
of a child, and litigation that addressed access to citizenship and documentation issues for those belonging to an unrecognized religion, specifically the Baha’i.\textsuperscript{148} The cases brought on behalf of Baha’i applicants resulted in a 2009 decree instructing the Civil Status Department to leave the line for religion blank in identity documents for adherents of religions other than the three religions recognized by the state (Islam, Christianity, and Judaism) – a significant step in reducing barriers to perfecting their citizenship status.\textsuperscript{149}

The deterioration of the national economy, social unrest, and dissatisfaction with the political system, including longstanding human rights abuses under President Mubarak, led to Egypt’s ‘Arab Spring’ in January 2011.\textsuperscript{150} Millions took to the street demanding ‘bread, freedom, justice,’ which led to President Mubarak’s ouster in February 2011 after three decades of autocratic rule.\textsuperscript{151} Some observers noted that Egypt’s Arab Spring sought to challenge “the exclusion and marginalization of the workers, youth, women, and the Islamists in the Middle East . . . paving the way to more inclusive definitions of citizenship.”\textsuperscript{152} Among the many protestors were Egyptian mothers of non-citizen children born to Palestinian fathers calling for citizenship for their children, a category of persons previously denied citizenship despite the 2004 reform.\textsuperscript{153} By May 2011, the Government issued a decree granting, albeit under different terms, nationality to children born to Egyptian mothers and Palestinian fathers.\textsuperscript{154}

In 2012, Mohammed Morsi from the Muslim Brotherhood was elected President in what Cherif Bassouni characterized as “Egypt’s first free and fair elections since the 1950s” and a new Constitution was adopted soon thereafter.\textsuperscript{155} Within a year, however, by July 2013, Morsi was removed from office by the military and the second transitional military regime. In May 2014 the

\begin{footnotesize}
\begin{enumerate}
\item See MANBY, THE LAW OF BELONGING, supra note 32, at 123.
\item See TSOURAPAS, THE POLITICS OF MIGRATION IN MODERN EGYPT, supra note 127, at 204. See also ROEL MEIJER AND NILS BUTENSCHÖN, THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD 1-3 (2017).
\item See Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37.
\item See Mervat F. Hatem, The Arab Spring Meets the Occupy Wall Street Movement: Examples of Changing Definitions of Citizenship in a Global World, 8 J. CIV. SOC’Y. 401, 402 (2012); see also Khaled Fahmy, The long revolution, Aeon (Nov. 3, 2015). Commentators have noted that concepts such as dignity (karama), liberty (hurriyya), equality (masawa’), rights (huquq), and social justice (al-adala al-ijtima’iyya) were central in the uprising, and terms such as the ‘people’ (al-sha’b) and ‘civility’ (madaniyya) were also central expressions of the mass demonstrations. ROEL MEIJER AND NILS BUTENSCHÖN, THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD 6-7 (2017).
\item Gianluca Parolin, New policy on Egyptian citizenship for children of Palestinian fathers, GLOB. CITIZENSHIP OBSERVATORY (Nov. 2011).
\item See Kelly McBride and Lindsey Kingston, Legal Invisibility and the Revolution, 15 HUM. RTS. REV., 159, 162 n.4 (2014); see also CRC, Consideration of reports by States Parties under Article 44 of the Convention, Concluding observations: Egypt, supra note 148, at ¶ 44. Sources report that some individuals born to Egyptian mothers and Palestinian fathers who were naturalized in 2011 and 2012 were later stripped of their Egyptian nationality following the 2013 military coup. See, e.g., Egyptian nationality stripped from 800, including Palestinians, EGYPT INDEP. (Oct. 29, 2014).
\item See Cherif Bassouni, Egypt in Transition, PRISM 4, No. 4 (2013) (“In June of 2012, in Egypt’s first free and fair election, Muslim Brotherhood candidate Mohammed Morsi was elected President. Slightly more than 50% of registered voters actually voted, and those voters gave Morsi a majority of just less than 52%.”).
\end{enumerate}
\end{footnotesize}
chairman of the Supreme Council of the Armed Forces (SCAF), Field Marshal Abdel Fattah el-Sisi, was elected as president.\textsuperscript{156} The new Constitution, drafted in 2013 and adopted in early 2014, included the 2004 reform to make Egyptian nationality a constitutional right of “anyone born of an Egyptian father or an Egyptian mother.”\textsuperscript{157} Additionally, the 2014 Constitution provided that “[e]very child shall have the right to a name and identity card.”\textsuperscript{158}

While some of the protest movements’ demands and earlier legal reforms were achieved and made their way into Egypt’s subsequent adoption of new Constitutions in 2012 and 2014, the aspirations of many have yet to be realized.\textsuperscript{159} Activism led to an expansion of particular rights under the Nationality Law that included extending voting rights to Egyptians abroad and allowing those with dual citizenship to run for Parliament.\textsuperscript{160} However, efforts to eliminate political opposition under the current government have also left a mark on the Nationality Law, illustrated by the proposed amendment to extensively broaden the state’s power to withdraw nationality of Egyptian citizens.\textsuperscript{161} Each of the specific aspects of the Nationality Law as it stands today, along with its amendments and other relevant laws, are discussed in further detail in Parts III-V of this Report.

C. Current Demographics

Given the complex makeup of Egypt’s population, the following sections first examine Egypt’s demographics including relevant information on various ethnic and religious communities, before separately considering refugee and migrant populations.

1. Egyptian Population

Despite Egypt being the most populous country in the MENA region and third most populous in Africa, the Egyptian population of 104 million today\textsuperscript{162} is often framed as ethnically

\textsuperscript{157} Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37. CONSTITUTION OF EGYPT, supra note 4, at art. 6.
\textsuperscript{158} CONSTITUTION OF EGYPT, supra note 4, at art. 80.
\textsuperscript{159} Id. at arts. 6, 32. For an analysis of the impact of the Egyptian Constitution of 2012 and 2014 on the status of religion and religious groups, see Rachel Scott, Citizenship, Public Order, and State Sovereignty: Article 3 of the Egyptian Constitution and the “Divinely Revealed Religions,” in THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD (2017).
\textsuperscript{160} See MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 1.
\textsuperscript{161} See Walaa Ali, All you need to know about Egyptian nationality law amendments, EGYPT TODAY (Oct. 17, 2018); see also MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 17. For a review of the human rights situation in the country, see HUM. RTS. WATCH [HRW], WORLD REPORT 2021: EGYPT EVENTS OF 2020 (2021).
\textsuperscript{162} ADEL ABDAL GHAFAR, THE EUROPEAN UNION AND NORTH AFRICA: PROSPECTS AND CHALLENGES 151 (2019) (noting that the UN projects that by 2050 Egypt’s population will reach 150 million, and 200 million persons by 2100). See also BASEERA, UNFPA, & NCP, POPULATION SITUATION ANALYSIS, EGYPT 2016 19 (Dec. 2016).
“fairly homogenous,” with some estimates of 99.7% being ‘Egyptian’ and 0.3% termed ‘other’; or sometimes 99% ‘Arab’ and 1% ‘Nubian.’ More particularized estimates reflect a 3-4% ‘Nubian’ population, a less than 1% ‘Bedouin’ population, an estimated 26,000 ‘Amazigh’ (or Berbers), and an unknown number of ‘Dom’ or ‘Domari’ (estimated between 270,000 to almost 1,745,000) in Egypt.

Yet definitions of particular ‘ethnic’ or ‘cultural’ categories are dynamic and often fraught in political implications; each category is not necessarily representative of a mutually exclusive identity. Some sources note the “Egyptian people” are “many races and ethnic
groups,” including “Africans, Arabs, Berbers, Greeks, Persians, Romans, and Turks.” The population is considered to be (relatively) linguistically homogenous, with Egyptian Arabic (albeit characterized by distinct regional dialects within Egypt) as the predominant language.

Egypt’s current religious makeup comprises a Sunni Muslim majority, estimated to be 90%; Coptic Orthodox Christians, estimated between 4-20%, (some indicate they are more likely to be 10%); Shi’a Muslims, estimated to be 1-2%, 1,500 – 7,000 (or more) Baha’is, and less than 30 Jews. In addition to Coptic Christians, other Christian communities are estimated to constitute less than 2% of the population, including Anglican/Episcopalian, Armenian Apostolic, Catholic (Armenian, Chaldean, Melkite, Maronite, Latin, and Syrian), and Orthodox (Greek and Syrian) Churches. There are very small numbers of Dawoodi Bohra Muslims, Ahmadi Muslims, and “expatriate members of various religious groups.”

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171 Ayman Zohry, The Place of Egypt in the regional migration system as a receiving country, 3 REVUE EUROPÉENNE DES MIGRATIONS INTERNATIONALES 129 (2003); see also Cherif Bassouni, Chronicles of the Egyptian Revolution and Its Aftermath: 2011-2016 2 (2017) (“Egyptianhood and other national characteristics have been conditioned by the peculiar geography of a country that is almost square in shape and divided lengthwise by the Nile, the longest river in the world that runs south to north.”).

172 See Languages of Egypt ENCYC. BRITANNICA, https://www.britannica.com/place/Egypt/Languages (last visited Nov. 6, 2021).

173 See U.S. DEP’T OF STATE, 2020 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: EGYPT (May 21, 2021) (noting most experts believe that 90% of population is Sunni Muslim); see also Egypt, MINORITY RTS. GRP. INT’L: WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, https://minorityrights.org/country/egypt/ (last visited Jan. 24, 2022) (reflecting non-Sunni Muslim religious groups comprise as much as 15% of the population).

174 See Sebastian Elsässer, The Coptic divorce struggle in contemporary Egypt, 66 SOC. COMPASS 333, 335 (2019) (noting official statistics indicate Copts comprise over 6% of the population); see also Egypt: Copts of Egypt, MINORITY RTS. GRP. INT’L: WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, https://minorityrights.org/minorities/copts/ (last visited Jan. 24, 2022) (“Copts are the largest minority in Egypt, though their exact numbers remain uncertain. Figures range between 4.7 and 7.1 million, comprising between six and nine per cent of the population, though some estimates put the proportion at as much as 10 to 20 per cent.”); U.S. DEP’T OF STATE, 2020 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: EGYPT, supra note 173 (noting 10% of population is Christian, 90% of whom are Copt); see also Conrad Hackett, How many Christians are there in Egypt? PEW RSCH. CTR. (2011).

175 Remote Interview with Confidential Informant, Academic Institution (Feb. 10, 2021) (noting estimates of the Coptic population are difficult to assess and politically sensitive; while some Copts believe that they represent between 15-20% of Egypt’s population, he would ‘guess’ Copts comprise 10% of the population).

176 See, e.g., Egypt: Shi’a, MINORITY RTS. GRP. INT’L: WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, https://minorityrights.org/minorities/shia-3/ (last visited Jan. 24, 2022) (noting size of Shi’a population is unclear and “[e]stimates tend to range from 800,000 to two million out of Egypt’s total population of about 90 million.”).

177 Saba Mahmood, Religious Difference in a Secular Age, supra note 56, at 149-151; see also Egypt: Bahai, MINORITY RTS. GRP. INT’L: WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, at https://minorityrights.org/minorities/bahai-6/ (last visited Jan. 24, 2022) (“the exact number of Baha’i in Egypt today [is uncertain], though estimates range from 1,500-2,000 to over 7,000.”).

178 Egypt, MINORITY RTS. GRP. INT’L: WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, at https://minorityrights.org/country/egypt/ (noting there are “fewer than 30” Jews); Declan Walsh and Ronen Bergman, A Bittersweet Homecoming for Egypt’s Jews, N.Y. TIMES (Feb. 23, 2020).


180 Id.
IHRC research has found that certain ethnic and religious groups are vulnerable to statelessness based on a given identity, for example, for certain Bedouin populations and the Baha'i. An individual’s likelihood of being an undocumented national or stateless as part of an ethnic or religious minority in Egypt is largely dependent on additional vulnerabilities. These include poverty and geographic location within the country, each of which creates difficulties, such as limited ability to travel or access to education or registration services. Access to state services, for example, is especially difficult in peripheral zones, or non-urban areas, especially for persons living farther from the Nile Valley and Delta. There is a globally documented disparity between access to civil registration (e.g., birth certificates) for those in rural areas as opposed to urban centers, as well as disparities based on poverty levels, all of which apply to Egypt. As of 2015, the poverty rate in Egypt is 28%, and has grown in the past decade. Today 57% of the population is rural, poverty is higher, and the consequences of extreme poverty more severe, particularly in Upper Egypt. Poverty level and place of residence (i.e., rural vs. urban and Upper Egypt vs. Lower Egypt) can lead to an increased risk of being undocumented. Indeed, the Committee on the Rights of the Child noted in 2011 a deep concern that birth registration rates were not yet uniform throughout the country, with persistent...
gaps in Upper Egypt, among other groups.\textsuperscript{189} Vulnerability within Egypt’s large urban populations (e.g., Cairo, a city of approximately 20 million) and urban slums is also an issue, for example, with street children.\textsuperscript{190}

Another important demographic feature of Egypt is that nearly a tenth of its population lives abroad, having migrated and/or emigrated.\textsuperscript{191} As of 2016, more than 6 million Egyptian emigrants lived in the MENA region, primarily in Saudi Arabia, Jordan, and the United Arab Emirates. Another 3 million Egyptian citizens and their descendants reside in Europe, North America, and Australia.\textsuperscript{192} Although the status of Egyptians who have emigrated or work abroad are largely beyond the scope of this Report, given their significant numbers and the often precarious status they hold in host countries (including at various points being expelled \textit{en masse}, or at the behest of the Egyptian Government),\textsuperscript{193} access to documentation for purposes of claiming Egyptian nationality merits further research and attention to assess potential vulnerabilities to statelessness.\textsuperscript{194}

2. \textbf{Refugee Populations}

Today, Egypt hosts many refugee populations, and has historically hosted a large number of Palestinians; a majority of the latter may fit the definition of refugee as well as stateless persons even though very few Palestinians in Egypt are registered with UNHCR.\textsuperscript{195} While the estimated number of Palestinians has shifted over the decades due to various conflicts and migration flows, it is estimated that between 50,000-300,000 Palestinians continue to reside in Egypt.\textsuperscript{196}

\textsuperscript{189} CRC, Consideration of reports by States Parties under Article 44 of the Convention, Concluding observations: Egypt, supra note 148, at ¶ 44.
\textsuperscript{190} \textit{Id.} at ¶ 44. See also Magda A. Mohamed et al, \textit{Causes and Consequences of Street Life on Homeless Children: Choice or Compulsion?}, 86 MED. J. CAIRO UNIV., 1345, 1346 (2018). A 2012 study in Egypt noted that rates of poverty and deprivation among some children in urban slums reached or exceeded those in the country’s most deprived areas. UNICEF, \textit{EGYPT AND INFORMAL SETTLEMENTS DEVELOPMENT FACILITY, MULTIDIMENSIONAL CHILD POVERTY IN SLUMS AND UNPLANNED AREAS IN EGYPT} 1 (2013).
\textsuperscript{191} Tsourapas, \textit{Egypt: Migration and Diaspora Politics}, supra note 107.
\textsuperscript{192} Id.
\textsuperscript{193} \textit{Id.; see also Gerasimos Tsourapas, The Politics of Egyptian Migration to Libya, MIDDLE EAST RSCH. AND INFO. PROJECT} (Mar. 7, 2015).
\textsuperscript{194} \textit{Egypt: Activist Stripped of Citizenship}, HRW (Feb. 11, 2021); \textit{see generally PROJECT ON MIDDLE EAST DEMOCRACY, STRIPPING AWAY IDENTITY: THE DANGERS OF A REPRESSIVE NEW NATIONALITY LAW IN EGYPT} (Dec. 5, 2017).
\textsuperscript{195} McBride and Kingston, \textit{Legal Invisibility and the Revolution}, supra note 154, at 162 n.3.
\textsuperscript{196} \textit{See ASEM KHALIL, SOCIOECONOMIC RIGHTS OF REFUGEES, THE CASE OF PALESTINIAN REFUGEES IN EGYPT, JORDAN, LEBANON, AND SYRIA} 1 n.1 (2010) (noting that in Egypt “the number of Palestinian refugees is estimated to be between 50,000 and 70,000”) [hereinafter ASEM KHALIL, SOCIOECONOMIC RIGHTS OF REFUGEES]; \textit{see also Oroub El-Abed, The Invisible Community: Egypt’s Palestinians}, SHABAKA NETWORK (June 8, 2011) (noting that numbers of Palestinians in Egypt are unknown but could be as high as 80,000); Tsourapas, \textit{Egypt: Migration and Diaspora Politics}, supra note 107.
UNHCR notes that Egypt currently hosts over 266,726 registered asylum seekers and refugees from 63 countries, but these figures likely significantly underestimate the total number of refugees in the country, many of whom do not register with UNHCR (very few Palestinians in Egypt are registered with UNHCR). Between 2011 and 2014 alone, the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS) estimated that “more than 2.3 million Syrians and Libyans [had] come to Egypt . . . . [and that] most of those migrants [did not] register themselves as refugees, especially those who could live without formal financial aid, to avoid being refused” if they attempted to reach European countries at a later date. Nearly half of the refugee population are refugees from Syria. Refugees from Sudan, South Sudan, Eritrea, Ethiopia, Yemen, Iraq, and Somalia also make up a sizable portion of the refugee population. Most refugees and asylum seekers in Egypt reside in urban communities in Greater Cairo, Alexandria, Damietta, and towns in the North Coast.

The population of refugees and asylum seekers has shown no signs of shrinking, or even plateauing. UNHCR has reported a consistent increase in “People of Concern” in Egypt. The number rose from 289,231 to 314,937 in 2018, and then to 324,740 in 2019. Many asylum seekers view Egypt as a transit country, arriving without intending to stay, but as a transition point for reaching Europe. However, the reality is that many stay in Egypt for years, even decades, before being able to cross to Europe, if they ever do so.

3. Migrant Populations

Egypt hosts a smaller number of migrant populations, although there are no official statistics to reflect the exact number. Some of these are in the country regularly, and others irregularly. Migrants in Egypt mainly come from East Africa both in search of economic and

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198 See, e.g., Omer Karasapan, Who are the 5 Million Refugees in Egypt?, BROOKINGS INST. (Oct. 4, 2016); McBride and Kingston, Legal Invisibility and the Revolution, supra note 154, at 162 n.3.
200 UNHCR, EGYPT OPERATIONAL UPDATE JULY-SEPTEMBER 2021, supra note 197.
201 Id.
203 Glossary, UNHCR, https://reporting.unhcr.org/glossary/p (last visited May 1, 2021) (defining a person of concern as “a person whose protection and assistance needs are of interest to UNHCR. This includes refugees, asylum seekers, stateless people, internally displaced people and returnees.”).
204 Refugee Context in Egypt, UNHCR, supra note 202.
205 Nourhan Abdel Aziz, Out of Sight Out of Rights: Rejected Asylum Seekers and Closed-Files Individuals in Egypt 31 (Feb. 2018) (L.L.M. dissertation, the American University in Cairo).
206 Id. Though the number of people who make the dangerous journey to cross the Central Mediterranean is unknown, UNHCR reports over 1,400 people died or went missing in 2020 while making the journey. See Operational Data Portal Mediterranean Situation, UNHCR, https://data2.unhcr.org/en/situations/mediterranean (last visited Nov. 2, 2021) (also providing data for past years); Don Murray, Refugees in Egypt Risk All on Deadly Sea Crossing to Europe, UNHCR (Oct. 21, 2016).
financial opportunities – as a country of destination – but primarily, like asylum seekers and refugees, view Egypt as a transit country, wanting to cross through Egypt to Europe. However, like refugees, many (if not most) migrants stay in Egypt for years, even decades, before crossing to Europe or returning home. Many who initially settle in Egypt, particularly from the Horn of Africa, who wanted to migrate to other countries, end up permanently settling in Egypt with their families.

**III. Legal Framework on Statelessness**

There are three areas of law relevant to Egypt’s obligations concerning stateless populations and those at risk of statelessness within its jurisdiction, Egypt’s existing domestic law, international law and the regional law of the LAS, AU, and OIC regimes. International treaties and conventions, including the regional conventions “acquire the force of law upon promulgation in accordance with the provisions of the Constitution” and by “virtue of their publication they become ‘ordinary laws.’”

**A. Domestic Law**

There are several sources of Egypt’s domestic law relevant to the determination of nationality. Part III.A examines the primary sources of law before addressing how the Egyptian nationality law regulates the acquisition and transmission of nationality, naturalization, civil registration, and other aspects related to dual nationality, denationalization, and the legal framework for stateless refugees.

1. **Sources of Law**

   There are a variety of legal sources in Egypt that regulate the acquisition of citizenship. Article 6 of the Egyptian Constitution of 2014 – the current Constitution – guarantees the right of citizenship to all children born to Egyptian parents. It states: “Nationality is a right to anyone born to an Egyptian father or an Egyptian mother, and legal recognition through official papers proving his/her personal data, is a right guaranteed and regulated by Law. Requirements for acquiring nationality shall be specified by law.” The Constitution supersedes all other laws in the country, but these requirements are also incorporated in the current Egyptian nationality law. This is primarily Law No. 26 of 1975 Concerning Egyptian Nationality and in a number of other

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207 Nourhan Abdel Aziz, Out of Sight Out of Rights: Rejected Asylum Seekers and Closed-Files, supra note 205, at 31.
209 CONSTITUTION OF EGYPT, supra note 4, at art. 15.
211 CONSTITUTION OF EGYPT, supra note 4, at art. 6.
amendments to the law since it came into force. Article 29 of the 1975 Nationality Law, in particular, states that the Ministry of Interior is responsible for making decisions with regard to citizenship and has the discretion to withdraw nationality and decide on naturalisation applications.\textsuperscript{212}

2. Acquisition and Transmission of Egyptian Nationality

Acquisition of nationality is regulated by the 1975 Egyptian Nationality Law through both \textit{jus sanguinis} and \textit{jus soli} mechanisms. Article 1 of the 1975 Nationality Law defines those considered Egyptian at the time of the promulgation of the law, including persons: (1) who settled in Egypt before November 5, 1914; (2) who were considered Egyptian nationals under Egyptian Nationality Law No. 391 of 1956; and (3) who acquired UAR nationality under Law No. 82 of 1958.\textsuperscript{213}

Subsequent articles of the 1975 Nationality Law stipulate who is considered Egyptian, and are the most relevant to current acquisition of citizenship. Article 2 of the 1975 Law stipulates a combination of parentage and birth criteria:

those who were born of Egyptian fathers, (2) those who were born in Egypt of an Egyptian mother, and a father whose nationality is unknown or who is stateless, (3) those who were born in Egypt, of an Egyptian mother but kinship to the father has not been legally proved, (4) those who were born in Egypt of unknown parents, and a foundling in Egypt shall be considered born in it, unless otherwise proved.\textsuperscript{214}

This Article was amended in 2004, to read: “The following shall be Egyptian: (1) Anyone who is born of an Egyptian father, or an Egyptian mother [, and] (2) Anyone who is born in Egypt from unknown parents. A foundling in Egypt shall be considered born in it unless otherwise established.”\textsuperscript{215} Law No. 154 of 2004 also established a retroactive nationality provision:

A person born to an Egyptian mother and non-Egyptian father before the effective date of the present law may announce to the Minister of Interior his wish to enjoy the Egyptian nationality. Such person shall be considered Egyptian by virtue of a decree to be issued by the minister, or with the lapse of one year from the date of

\textsuperscript{212} Law No. 26 of 1975, \textit{supra} note 67, at art. 29.

\textsuperscript{213} \textit{Id.} at art. 1; Amal Abdel Hadi, \textit{Engendering the Egyptian Law on Nationality}, \textit{supra} note 67, at 40.

\textsuperscript{214} Law No. 26 of 1975, \textit{supra} note 67, at art. 2.

\textsuperscript{215} See Law No. 154 of 2004, \textit{supra} note 145, at art. 1. The 2004 Amendment also cancelled Article 3 of the 1975 Nationality Law which provided that persons born abroad of an Egyptian mother and unknown or stateless father could choose Egyptian nationality within one year of coming of age. \textit{Id.} at art. 2.
such announcement without the issue of a substantiated refusal decree from the minister.\textsuperscript{216}

Furthermore, the same article has an even wider retroactive provision: if a person “born to an Egyptian mother and non-Egyptian father dies before the effective date of the present law, his children must have the right to enjoy the Egyptian nationality.”\textsuperscript{217}

Egyptian nationality may also be acquired through marriage. The wife of an Egyptian male national can acquire citizenship through her husband if she notifies the Minister of Interior after two years of marriage, and it can be given at the Minister of Interior’s discretion.\textsuperscript{218} If she obtains Egyptian nationality through her husband and the marriage ends after the acquisition of nationality, she will retain her Egyptian nationality unless she re-acquires her previous nationality or marries a non-Egyptian and naturalizes to his citizenship. Thus, a female may obtain Egyptian nationality through marriage to an Egyptian citizen, but this requires discretionary permission from the Minister of Interior.\textsuperscript{219} It is important to note that the same possibility to acquire nationality is not available to a man married to an Egyptian woman, a discrimination against Egyptian female citizens entrenched in the law.

Article 12 of Law No. 154 provides for retention of nationality upon marriage:

\begin{quote}
An Egyptian who gets married to a foreigner shall continue to retain her Egyptian nationality unless she wishes to acquire the nationality of her husband and has recorded that at marriage, or during the existence of her marriage in case she is entered in her husband's nationality by force of the law governing it.\textsuperscript{220}
\end{quote}

Aside from birth, parentage or naturalization, there are other exceptional criteria through which someone may acquire Egyptian nationality. Law No. 173 of 2018 stipulates the possibility for foreigners – following a five-year residency period and a 7 million EGP (US $391,000) investment – to obtain citizenship with the permission of the Minister of Interior.\textsuperscript{221} In addition, under Article 5 of the 1975 law, Egyptian nationality may be granted by presidential decree to any foreigner deemed to have rendered honorable services to the country, as well as to heads of religious sects in Egypt.\textsuperscript{222}

\begin{footnotes}
\item[216] Id. at art. 3.
\item[217] Id.
\item[218] Law No. 26 of 1975, supra note 67, at art. 7.
\item[219] Id. at art. 8.
\item[220] Law No. 154 of 2004, supra note 145, at art. 12.
\item[222] Law No. 26 of 1975, supra note 67, at art. 5.
\end{footnotes}
3. **Naturalization**

Egypt also has naturalization procedures in the 1975 Nationality Law. Article 4 of the Law states that Egyptian nationality may be granted by the Minister of Interior when certain criteria are met:

1. That the person is “born in Egypt of a father of Egyptian origin, if he applies for the Egyptian nationality after having made his ordinary residence in Egypt, and is of full age at the time he applies for Egyptian nationality”; 223
2. That the person “belongs to an Egyptian origin whenever he applies for Egyptian nationality after five years of ordinary residence in Egypt, provided he has already attained full age” at the time of applying; 224
3. That any foreigner “born in Egypt of a foreign father who was also born in it, if such a foreigner belongs to the majority of inhabitants in a country whose language is Arabic, or religion is Islam, if he applies for the Egyptian nationality within one year from the date that he attains full age;” 225
4. “To each foreigner born in Egypt and his ordinary residence has been in it [Egypt] on attaining full age, if he applies within one year from attaining full age” (this particular category is subject to specific restrictions); 226 and
5. To each foreigner “who has made his normal residence in Egypt for ten consecutive years at least before he submits an application for the Egyptian nationality” and if said person fulfills the same restrictions set out under the fourth category above. 227

Clearly the prohibition of individuals suffering from mental or physical disabilities from naturalizing is a point of concern. There are no official figures publicly available as to how many individuals are naturalized annually in Egypt, or any information on how the discretionary nature of this process is exercised.

4. **Civil Registration for Egyptian Nationals and Non-Nationals**

223 *Id.* at art. 4(1).
224 *Id.* at art. 4(2).
225 *Id.* at art. 4(3).
226 These restrictions are as follows: (1) The person “should be mentally sane and suffering from no disability rendering him a burden on society”; (2) the person “should be of a good conduct and reputation, and that no criminal penalty or penalty restricting his freedom should have been passed against him in a crime against honor, unless he has been rehabilitated”; (3) the person “should be acquainted with the Arabic language”; and (4) the person “should have a legal means of earning his living.” *Id.* at art. 4(4).
227 *Id.*
Civil registration was first established by Decree No. 23 of 1912, making notification of births and deaths compulsory.\textsuperscript{228} The civil registration process underwent numerous changes; the system continues to function under Decree No. 11 of 1965 (modifying Decree No. 260 of 1969), which specified that “notifications of births and deaths were to be given to the health office (either health bureau, center or unit) or to the chief of the village in areas without any of these offices.”\textsuperscript{229} Notwithstanding the lack of precise figures for segments of both Egyptian and non-national populations, Egypt’s system for demographic tracking,\textsuperscript{230} and civil registration,\textsuperscript{231} is a long-established state program, and birth registration is reported as nearly universal, with the 2014 Demographic and Health Survey (DHS) recording that 99% of all births were registered.\textsuperscript{232} This is addressed further in Part IV.A-B.

In addition to the process for registering a birth, Law No. 143 of 1994 on Civil Status states that an Egyptian citizen must apply for an identity card within six months of turning sixteen years old.\textsuperscript{233} These national ID cards are essential to daily life in Egypt (as detailed throughout this Report). In order to acquire a national ID, a birth certificate must be provided, as well as a marriage contract (if applicable), and certain other documents such as proof of ownership of property or lease agreement (if registrant is not living with parents), or an old ID card (if applicable).\textsuperscript{234}

a. Birth Registration Requirements

\textsuperscript{229} Id.
\textsuperscript{230} WARREN ROBINSON & FATMA EL-ZANATY, THE DEMOGRAPHIC REVOLUTION OF EGYPT, 38 (2006). Khaled Fahmy, Birth of the ‘Secular’ Individual: Medical and Legal Methods of Identification in Nineteenth-Century Egypt, in REGISTRATION AND RECOGNITION: DOCUMENTING THE PERSON IN WORLD HISTORY 335, 344-345 (2012). Early in the 19th century, authorities in Egypt recognized the importance of genuine census-taking as opposed to population estimates – with Mehmet Ali noting as early as 1827 that “the welfare of a people depends on a good census.” The 1848 census marked the turning point in producing a ‘good census.’ Id. Mohamed Saleh, A Pre-Colonial Population Brought to Light, supra note 61, at 6 (“The Egyptian censuses are perhaps the oldest modern censuses in the Middle East and among the earliest from any non-Western country.”).
\textsuperscript{231} The Development of the Vital Statistics System in Egypt, 13 INT’L INST. FOR VITAL REGISTRATION AND STAT. 1 (Jan. 1981). These vital statistics are compiled by CAPMAS, which is also responsible for administering the national census. U.N. Dep. Of Econ. and Soc. Affairs Stat. Division, Demographic and Soc. Stat. Branch, Technical Report on the Status of Civil Registration and Vital Statistics in ESCWA Region, ¶ 92 U.N. Doc. ESA/STAT/2009/9 (Mar. 30, 2009). This system is centralized. While births and deaths “are registered at the local level by the health offices and units (under the Ministry of Health),” the registration forms are sent to the Civil Registration Office under the Ministry of Interior for review, and then CAPMAS receives the “information on the registered vital events from the Civil Registration Office . . . [and] compiles and disseminates the statistics.” Id. at ¶ 90.
\textsuperscript{232} MINISTRY OF HEALTH AND POPULATION, EGYPT DEMOGRAPHIC AND HEALTH SURVEY 2014, supra note 6, at 197.
\textsuperscript{233} Egypt: Information on national identity cards including appearance; requirements and procedures to obtain the card, and whether documents required to apply for a card can be obtained by a proxy (2010 – June 2016), IMMIGR. & REFUGEE BD. OF CANADA (May 26, 2016).
\textsuperscript{234} Id.
Birth registration is critical to establishing legal identity and preventing statelessness. A birth certificate is essential evidence of a child’s family ties and helps to establish their nationality. Children without confirmation of their identities, place of birth, or descent become vulnerable to statelessness. Birth registration is governed by Law No. 12 of 1996 – Promulgating the Child Law, as amended by Law No. 126 of 2008, specifically Chapter 2. It states: “Reporting the birth of a child must take place within fifteen days from the date of birth, on the form provided for such purpose, to the health office located in the area where the birth has taken place . . . or to the health department in the districts with no health offices, or to the Umda (chief magistrate or the mayor of the village) in other sectors.”

Article 15 permits four persons to report the birth of a child: the father (if present); the mother (provided the marital relationship is confirmed as required); the directors of hospitals and corrective facilities (or health quarantine houses and other places where births occur); and the Umda or the sheikh. Adult relatives and in-laws up to the second-degree may also report a birth. Additionally, those responsible for reporting a birth will be punished if they fail to do so. This Article does not specify the punishment, but Article 23 provides that a violation of the provision of Article 15 will incur a fine between 10-100 EGP; however, this has apparently not been implemented.

The 2008 Amendment to the 1996 Child Law specifically provides that “the mother shall have the right to report the birth of her newborn, register him at the birth registry, and apply for a birth certificate in which her name as mother is recorded. This birth certificate is to be used only as a proof of the birth and for no other purposes.”

Article 16 details what information is needed to register a birth and which parents’ names will be listed. The following information is required when reporting a birth: (1) date of birth, (2) gender (either male or female), (3) name and surname of the child, (4) name, surname, nationality, religion, home address, and profession of each parent, (5) civil registry location of the parents, if known to person reporting birth, and (6) any other additional information required by decree of the Minister of Interior, in agreement with the Minister of Health.

For refugee children, the following documents are required when reporting a birth in Egypt at the Registrar of the Civil Registry: (1) valid and legally certified marriage or divorce documents, (2) birth notification from hospital or medical facility, (3) report to health office if

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236 Id. at art. 15.
237 Id. at art. 15.
238 Id. at art. 23.
239 Id. at art. 15. The restriction on the use of birth certificates obtained in this way may undermine their confirmation of citizenship status compared to birth certificates issued under other provisions of Article 15, thus discriminating between the value of birth certificates with solely the mother’s registration and those with the father’s registration. However, how this distinction is being implemented requires additional research.
240 Id. at art. 16.
delivery occurred at home, (4) UNHCR registration card or valid passports of both the mother and the father, and (5) death certificate if the father is deceased.241

Pursuant to Article 17, the Civil Registry is responsible for issuing birth certificates including the data set out in Article 16.242 However, Article 22 specifies that the name of the father, mother, or both parents will not be recorded in certain cases, i.e.: (1) if the parents are forbidden to marry under Islamic law, then neither name will be recorded; (2) if the mother is married and the child is born to a father other than her husband then the mother’s name will not be recorded; or (3) if the parents are not Muslim, and the father is married but the child is born to a mother other than his legitimate wife, his name will not be recorded (unless the child was born before the marriage or after annulling the marriage).243

b. Marriage Certificate

A valid and legally certified marriage or divorce document is required to report a birth in Egypt.244 Since there is no civil marriage in Egypt, religion-based personal status laws regulate these procedures.245 The minimum age of marriage across all religions is eighteen,246 and Egypt only recognizes heterosexual marriage.247 If the child’s parents are married in a religion not recognized by the Egyptian Government, the marriage certificate is considered invalid and the marriage void.248

c. Personal Status Framework

To be considered a valid marriage under Egyptian law, specifically to register a child within the Civil Registry, the marriage contract must be made under a religion recognized by the Egyptian state. Egypt only recognizes the Abrahamic religions – Islam, Judaism, and Christianity

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243 Id. at art. 22.
244 Id. Help – Egypt Birth Certificates for Newborns, UNHCR, supra note 241.
245 Remote Interview with Mohamed Farahat, Lawyer (Mar. 23, 2021); Remote Interview with Confidential Informant, supra note 175. SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 115 n.15.
246 NAT’L COUNCIL FOR CHILDHOOD AND MOTHERHOOD CHILD RIGHTS OBSERVATORY, POLICY FOR ACTION: ENDING CHILD MARRIAGE 1-2 (June 2018).
248 Remote Interview with Mona Oraby, supra note 181. Remote Interview with Confidential Informant, supra note 175. See generally Mona Oraby, Authorizing Religious Conversion in Administrative Courts: Law, Rights, and Secular Indeterminacy, 17 NEW DIVERSITIES 64 (2015) (examining personal status laws, marriage contracts and other legalized relationships between individual and state, particularly regarding the Baha’i).
– and requires a religion to be listed on national ID cards.\textsuperscript{249} This creates problems for individuals in Egypt who do not identify with the three recognized religions.\textsuperscript{250}

Under Egyptian law – for the majority-Muslim population – the personal status laws regulate marriage according to principles of \textit{shari‘a}.\textsuperscript{251} This involves a marriage contract that is processed by an Islamic judge or religious figure. The marriage registration requires ID cards for both parties, witness(es), and payment of fees.\textsuperscript{252}

Under the personal status laws, a non-Muslim man must convert to Islam in order to marry a Muslim woman. In theory, a Christian or Jewish woman can marry a Muslim man without having to convert, and the marriage will then be performed under \textit{shari‘a}, but in practice this may be more complicated.\textsuperscript{253} For instance, a Christian woman must get a letter of approval from the church to marry outside her faith, and the Coptic Church is known to often refuse to approve interfaith marriages.\textsuperscript{254} For a Christian marriage, the relevant denomination of Christian church will carry out the marriage and process the marriage documentation. The church’s marriage certificates thus serve as proof of marriage, for birth certificates, and to register children in the Civil Registry.\textsuperscript{255}

The personal status code in Egypt is governed by religious law that does not recognize sexual relations outside of wedlock. To pursue paternity proceedings – in order for the child to be legally registered – the mother has the right to register the child under a temporary name, chosen by the official in charge of issuing birth certificates. To pursue paternity confirmation, the mother must file a court case and provide evidence of a sexual relationship with the man she claims is the child’s father (such as a document written by the couple, correspondence between them, etc.), and the testimonies of witnesses corroborating the existence of the relationship in question. If the mother loses the case, the child will remain undocumented.\textsuperscript{256} There are other procedures through which a mother can attempt to register her child, but they are drawn out and

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\textsuperscript{249} Constitution of Egypt, supra note 4, at Preamble. See Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37.

\textsuperscript{250} This is analyzed in Part IV.B.2 with regard to the Baha‘i. In 2021, a draft law included provisions that threatened to further undermine personal status laws applicable to women in Egypt and would have made it more difficult for women to register the birth of their children. It was subsequently withdrawn following protests. See New Draft Personal Status Law Sparks Outrage in Egypt, EGYPTIAN STREETS (Feb. 27, 2021); Nouran Ahmed, The Regime Between Stability and Stumbling: Family Law in Egypt, CARNEGIE ENDOWMENT FOR INT’L PEACE (Aug. 3, 2021).


\textsuperscript{252} Id.

\textsuperscript{253} Nathalie Bernard-Maugiron, Promotion of Women’s Rights (Egypt), PERSONAL STATUS LAWS IN EGYPT FAQ 28 (2010)

\textsuperscript{254} Ali Gamal, Egypt: The forbidden love of interfaith romances, BBC (Nov. 24, 2014).

\textsuperscript{255} Remote Interview with Confidential Informant, supra note 175.

\textsuperscript{256} AUC, Preventing Statelessness among Migrants and Refugee Children in North Africa: The Case of Egypt, supra note 11, at 25-26.
costly.\textsuperscript{257} A report published in 2016 by CAPMAS set the number of paternal filiation cases at 75,000, and indicated the number of secret marriages had reached 9\% of all unions in Egypt.\textsuperscript{258} This suggests that the number of families affected by the restrictive registration process in out-of-wedlock cases may be much larger than recorded.

5. **Dual Nationality**

There is no law that prohibits dual or multiple nationality in Egypt. However, those who apply for another nationality are required to inform the Egyptian government of their intent to take on another nationality.\textsuperscript{259} The applicant will have to declare her wish to retain Egyptian citizenship within a period not exceeding one year from the date of acquiring the foreign nationality. In general, individuals with dual nationality can be exempted from military service and are prohibited from being elected to parliament.\textsuperscript{260} There are other particularly specific regulations tailored to dual nationals.\textsuperscript{261} The Egyptian Civil Code notes that in cases of a “person of unknown nationality or of a person of plural nationality” the judiciary must determine the applicable law. However, Egyptian law applies if the person is an Egyptian national even if the individual “is at the same time deemed by one or more foreign states to be a national” of such foreign state.\textsuperscript{262}

6. **Loss and Withdrawal of Egyptian Nationality**

The 1975 Nationality Law envisions the loss or withdrawal of citizenship through a decree by the Council of Ministers under individual criteria; any decree withdrawing citizenship takes effect immediately from the date of issuance.\textsuperscript{263} An Egyptian national may voluntarily renounce their citizenship after acquiring a foreign nationality, which is regulated by a decree from the Minister of Interior.\textsuperscript{264}

Article 15 permits the withdrawal of nationality from persons who have acquired it by “forged means or false statements,”\textsuperscript{265} but also permits revocation for nationals who obtained nationality “by naturalization or through marriage, within five years [following the date

\textsuperscript{257} Remote Interview with Mohamed Farahat, \textit{supra} note 245.

\textsuperscript{258} Hossam Rabie, \textit{The Egyptian mothers battling to establish paternity – and rights – for their children}, \textit{EQUAL TIMES} (Sept. 21, 2018).

\textsuperscript{259} Law No. 26 of 1975, \textit{supra} note 67, at art. 10.

\textsuperscript{260} Walaa Ali, \textit{All you need to know about Egyptian nationality law amendments}, \textit{EGYPT TODAY} (Oct. 17, 2018).


\textsuperscript{262} The Civil Code, Arab Republic of Egypt, art. 25.

\textsuperscript{263} Law No. 26 of 1975, \textit{supra} note 67, at art. 22.

\textsuperscript{264} Id. at art. 10.

\textsuperscript{265} Id. at art. 15.
obtained]” under specific circumstances. The 1975 Nationality Law also provides for citizenship revocation of Egyptians who have citizenship as a right of birth under a broad set of circumstances. These circumstances are: (1) if a person accepts a foreign nationality; (2) if a person joins the military service of a foreign country; (3) if a person’s normal residence is abroad and a court ruling condemns the person of a crime harmful to state security; (4) if a person accepts a post abroad with a foreign government or international body and remains in said post more than six months after ordered to quit on a determination by the Ministers Council that the person’s continuance poses a threat to Egyptian state interests; (5) if a person’s normal stay is abroad and the person joins any foreign body whose purpose includes undermining the social or economic order of Egypt; (6) if a person works for a foreign state at war, or that does not have diplomatic relations, with Egypt, and the person’s continued work would harm Egyptian national interests; and (7) if at any time a person is determined to be a Zionist. Article 17 further provides for the withdrawal of Egyptian nationality “from all of those having acquired it by dependence.”

There is a low standard for citizenship revocation: “[i]t suffices for the Cabinet to doubt a person’s loyalty to Egypt to strip such a person of Egyptian citizenship or deny him or her a naturalization request, even if such a person was born and/or raised in Egypt, or married to an Egyptian citizen.” There are no publicly available figures on how many – or even if any – nationalities are withdrawn annually.

7. Domestic Refugee Law

Article 91 of the 2014 Constitution guarantees the right to political asylum, stating that: “The State shall grant political asylum to any foreigner who has been persecuted for defending the interests of peoples, human rights, peace or justice. Extradition of political refugees is forbidden.” Despite this policy, Egypt does not yet have domestic refugee or asylum legislation.

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266 Id. (These circumstances include: (1) if a sentence was passed against the person in a criminal offense or as a penalty in a crime against honor; (2) if a court ruling determines a person committed a crime against the safety of the state, either within or outside of Egypt; or (3) if the person has failed to reside in Egypt for two consecutive years without a reason determined acceptable by the Minister of Interior).

267 Id. at art. 16.

268 Id.

269 Id. at art. 17 (dependence, in this context, refers to those who have derived Egyptian nationality through their relationship to an Egyptian national).

270 Tarek Badawy, Egyptian citizenship legislation, private international law, and their impact on individual rights, 6(3) MIDDLE E. L. & GOVERNANCE 272, 279 (2014) [hereinafter Badawy, Egyptian citizenship legislation].

271 See infra Part IV.C.

272 CONSTITUTION OF EGYPT, supra note 4, at art. 91.

273 For purposes of residency, Egyptian law divides foreigners into four categories: (1) foreigners with special residence status; (2) foreigners with normal residence status; (3) foreigners with temporary residence status; and (4) foreigners who have acquired residency due to substantial financial investment. See Law No. 173 of 2018, supra note 221, at art. 1. Egypt is in the process of drafting asylum legislation, though that has not yet been finalized or made public. See Neemat Sharafeldin, Refugees in Egypt: Practices and Prospective Law 60 (Sept. 13, 2020) (M.A.)
Instead, the 1954 Memorandum of Understanding (MOU) between the Egyptian government and UNHCR has given responsibility for determining refugee status to UNHCR, and defines the scope of UNHCR’s operations, as well as the Egyptian government’s obligations to cooperate with refugee issues. The MOU does not include stateless populations under UNHCR’s mandate, only “bona fide” refugees. Under the MOU, UNHCR is required to: (1) cooperate with governmental authorities, undertake the census of, and identify the refugees eligible under the mandate of the High Commissioner; (2) facilitate the voluntary repatriation of refugees; (3) encourage, in cooperation with the Egyptian Government and competent international organizations, initiatives leading to resettlement of refugees residing in Egypt in countries of immigration; (4) help, within the limits of available funds, the most destitute refugees within the mandate residing in Egypt; and (5) ensure coordination of activities in Egypt in favor of refugees under the mandate by welfare societies duly authorized by the Government. Thus, all processes in Egypt regarding refugee registration, documentation, and refugee status determination are conducted by UNHCR.

B. International and Regional Law

Egypt has extensive legal obligations under international and regional law to respect the right to nationality and protect stateless persons and persons at risk of statelessness. Egypt is a
founding member of the LAS, as well as the Organization of Islamic Cooperation (OIC), and each regime protects the right to a nationality and places obligations on states to ensure the right through national law. Egypt is bound, both as a signatory to the Vienna Convention on the Law of Treaties (VCLT) and by CIL, to not defeat the object and purpose of a treaty it has signed but not ratified – until it announces it does not intend to become a party to the treaty.

To date, Egypt has not ratified the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. In addition to providing a definition of statelessness, these Conventions recognize that protection as a stateless person is not a substitute for possession of a nationality, and it is the responsibility of states to facilitate the naturalization process of stateless persons. The next section addresses Egypt’s current legal obligations that provide for the right to nationality, analyzing Egypt’s obligations with regard to (1) the right to a nationality for all persons, (2) the child’s right to a nationality, (3) the right to access, and the obligation to confer nationality without discrimination based on gender, and (4) the rights and protections for refugee populations.

1. The Right to a Nationality for All Persons

The Universal Declaration of Human Rights (UDHR) is a non-binding instrument, yet many of its provisions have achieved recognition as part of CIL. Article 15 of the UDHR

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278 The LAS established the Arab Permanent Committee on Human Rights in 1968, comprising a single political representative from each member state. The Human Rights Department of the LAS also provides technical support to the Permanent Committee. Despite several attempts, thus far the proposals to form an Arab Court of Human Rights and an Arab Court of Justice have not come to fruition. MERVAT RISHMAWI, THE LEAGUE OF ARAB STATES HUMAN RIGHTS STANDARDS AND MECHANISMS 27, 29, 53 (2015). The lack of an independent human rights or juridical body remains a gap in addressing concerns regarding the right to nationality within the LAS framework, and have led to a dearth of jurisprudence on the topic.

279 All twenty-two members of the LAS are also OIC members. The 2008 revision of the OIC Charter also initiated the OIC’s Independent Permanent Human Rights Commission (OIC IPHRC) as a body designed to strike a balance between Islam and the international human rights regime. See Ioana Cismas, Introductory Note to the Statute of the OIC Independent Permanent Human Rights Commission, 50 I.L.M. 1148, 1148 (2011).


282 Convention Relating to the Status of Stateless Persons, U.N. TREATY COLLECTION, supra note 25. Egypt did not sign the 1954 Statelessness Convention (although at least one source notes that Egypt has acceded to it). The authoritative UN Treaty Series indicates that Egypt is not a party to either convention on statelessness.


284 See supra, Part II.A.


states that “[e]veryone has the right to a nationality” and that “[n]o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Thus, “access to a nationality, the ability of an individual to become a citizen of a particular state . . . is mandated by the positive right [Article 15(1)],” while the negative prohibition of Article 15(2) also “constrains state action in the nationality sphere.” Based on the UDHR, international and regional instruments have elaborated on the right to acquire and maintain a nationality. While there remains an “absence of universally accepted standards on attribution of nationality,” the broad notion that every person is entitled to a nationality as a human right appears to have become CIL. Nevertheless, the extent of the duty-holder’s obligation to grant a nationality under CIL remains difficult to determine.

The right to nationality is supported by other critical human rights provisions. The principle of non-discrimination is a universal component of the instruments examined in this section, though the scope of non-discrimination is not uniform. The ICERD, ratified by Egypt in 1967, requires that nationality be guaranteed “without distinction as to race, colour, or national or ethnic origin” (gender discrimination is considered in a later section). While ICERD is often read to exclude the rights of non-citizens pursuant to Article 1(2) and Article 1(3), the ICERD Committee has recommended that States parties ensure that “particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization,” including barriers “to naturalization that may exist for long-term or permanent residents.” The ICERD Committee also recognized that deprivation of citizenship on a discriminatory basis is a breach of the Convention; that denial of citizenship for long-term or permanent residents could breach the Convention; and that States parties are obliged to reduce statelessness. In addition, the Convention on the Rights of Persons with Disabilities (ICRPD), ratified by Egypt in 2008,

294 *Id.* at art. 1(2) and art. 1(3).
provides that persons with a disability shall have an “on an equal basis with others . . . . the right to acquire and change a nationality” including the right to access relevant documentation. The non-discrimination obligations under the ICERD and ICRPD demonstrate the interconnections of nationality with other rights and obligations, along with wider conceptions of the right to nationality in international law that Egypt has assumed through treaties or CIL.

Egypt has also ratified regional instruments that recognize the right to a nationality as a fundamental right due to all persons. The LAS, in particular, has played a central role in holding Arab states to obligations on the right to a nationality. The 2004 Arab Charter formally entered into force in March 2008, with Egypt ratifying the Charter in June 2019. The Arab Charter provides that “everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality.”

The provision related to deprivation of nationality affords broader state discretion than the UDHR, as it specifically allows a state to deny nationality for “a legally valid reason in accordance with [the state’s] legislation” as opposed to the UDHR’s broader protection against “arbitrary deprivation.”

In addition, the LAS promulgated the Convention on Citizenship for Residents of Arab States Other than their Native Countries (also known as the Arab Nationality Convention), which was ratified by Egypt and entered into force in 1956. The LAS has recently suggested

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298 See Mohammed Amin Al-Midani, Mathilde Cabanettes, and Susan Akram, Arab Charter on Human Rights 24 BOSTON U. INT’L L.J., 147, 147-149 (2004) (providing an English translation of the Arab Charter, and briefly reviewing the drafting history of the 2004 Arab Charter). See also Mervat Rishmawi, The Revised Arab Charter on Human Rights: A Step Forward?, 5 HUM. RTS. L. REV. 361, 361-362 (2005) (noting that the original Arab Charter on Human Rights was adopted by the LAS in 1994, but was “widely criticized at the time by many human rights organizations both within the [MENA] region and beyond as failing to meet international human rights standards, [and] not one Arab League State was prepared to ratify it.”); see also Mervat Rishmawi, The Arab Charter on Human Rights and the League of Arab States: An Update, 10 HUM. RTS. L. REV. 169, 169 (2010) (noting the first ratifying states of the Arab Charter were Algeria, Bahrain, Jordan, Palestine, Syria, Libya, and the United Arab Emirates, thus providing the seven ratifications necessary for it to enter into force pursuant to Article 49(2)).
299 Egypt joins Arab Charter of Human Rights per Presidential Decree, EGYPT TODAY (Jun. 14, 2019).
300 Article 29(1) of the Arab Charter.
301 Universal Declaration of Human Rights, supra note 287, at art. 15.
302 See Convention on Citizenship for Arab Residents of Arab States Other than their Native Countries, League of Arab States (1954). See also MERVAT RISHMAWI, THE LEAGUE OF ARAB STATES HUMAN RIGHTS STANDARDS AND MECHANISMS 96 (2015) (also noting that the Citizenship Convention (1994) did not enter into force, but that Egypt ratified or is in the process of ratifying this convention). See also Maja Janmyr and Dallal Stevens, Regional Refugee Regimes: Middle East, in OXFORD HANDBOOK OF INTERNATIONAL REFUGEE LAW 334, 342 (Cathryn Costello, Jane McAdam, & Michelle Foster eds., 2021) (noting also that this convention would likely by its terms be restricted to persons considered to be Arab). Notably, at least one source indicates the Arab Nationality Convention has been repealed by the Arab League Ministers of Foreign Affairs Council. Arab Nationality Convention, CITIZENSHIP RIGHTS IN AFRICA INITIATIVE, https://citizenshiprightsafrica.org/arab-nationality-convention/ (last visited Feb. 2, 2022).
revisiting this convention to revise it in line with international standards. 303 The LAS’s early attention to the right to nationality contrasts with the OIC, which did not include the right to nationality in the Cairo Declaration of Human Rights in Islam in 1990 (although it appears that a right to nationality may be included in the OIC Declaration on Human Rights (ODHR)). 304

The 1986 African Charter of the AU does not explicitly recognize the right to a nationality. 305 However, it provided for the creation of the African Commission on Human and Peoples’ Rights (ACHPR), charged with overseeing the implementation of the African Charter, 306 which has determined that the right to nationality is implied in the Charter. 307 The ACHPR has interpreted several provisions of the treaty as guaranteeing the right to nationality. 308 For example, Article 2 includes a prohibition against discrimination, including on the basis of “national or social origin.” 309 This imposes obligations to secure each of the rights provided by the African Charter “to all persons within their jurisdiction, nationals or non-nationals,” and implies nationality rights; 310 other provisions have been interpreted to protect the right to nationality. 311 These interpretations of the African Charter are not formally binding on

303 The First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights League of Arab States Secretariat General, Final Declaration (Oct. 1-2, 2017); Remote Interview with UNHCR, supra note 5.
304 See Turan Kayaoglu, The Organization of Islamic Cooperation’s Declaration on Human Rights: Promises and Pitfalls Table 1, BROOKINGS INST. (Sept. 28, 2020). The OIC has attempted to provide a new human rights framework through the Organization of Islamic Cooperation Declaration of Human Rights (ODHR). However, adoption of the text, intended for approval by the Council of Foreign Ministers in April 2020, has been delayed due to the COVID-19 pandemic.
307 See AFR. COMM’N. H.P.R., THE RIGHT TO NATIONALITY IN AFRICA, supra note 22, at 5 n.31 (noting that “Article XXVIII of the Draft African Charter on Human and Peoples’ Rights (CAB/LEG/67/1), prepared by Judge Kéba Mbaye, originally provided that ‘Every person has the right to a nationality’, that ‘Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality’ and that ‘No one shall be arbitrarily deprived of his nationality or of the right to change it’” but these provisions did not become part of the final text of the African Charter).
308 AFR. COMM’N. H.P.R., THE RIGHT TO NATIONALITY IN AFRICA, supra note 22, at 6.
309 African Charter, supra note 292, at art. 2.
311 Article 3’s requirement of equal protection before the law is another such example. AFR. COMM’N. H.P.R., THE RIGHT TO NATIONALITY IN AFRICA, supra note 22, at 6 (citing John K. Modise v. Botswana, Communication 97/93, Afr. Comm’n H.P.R., ¶ 89 (Nov. 6, 2000). Article 5’s provision establishing the dignity inherent to all human beings has also been read to implicitly encompass nationality rights. See Sara Palacios-Arapiles, Unfolding Africa’s Impact on the Development of International Refugee Law, 65 J. OF AFR. L., SUPPL. 1 9, 29 (May 1, 2021) (citing Nubian Community in Kenya v. Kenya, Communication 317/06, Afr. Comm’n H.P.R., ¶ 136-151 (May 30, 2006)). See 234: Resolution on the Right to Nationality, Afr. Comm’n H.P.R. (Apr. 23, 2013). The ACHPR noted in its decision that “denial of access to identity documents which entitles an individual to enjoy rights associated with citizenship violates an individual’s right to the recognition of his juridical personality . . . . a claim to citizenship or nationality
Egypt, but do strengthen the right to nationality as a component of CIL. In addition, the Optional Protocol to the African Charter established the African Court of Human Rights and Peoples' Rights (African Court), which has in turn recognized this right.\(^3\) In at least two cases, the African Court has acknowledged that the right to a nationality is part of CIL.\(^3\) While the African Court has yet to decide a case with regard to Egypt, the jurisprudence of the ACHPR and the African Court indicate that Egypt would be obliged to provide the right to a nationality under the African Charter.

2. **The Child’s Right to Nationality**

Egypt is party to multiple international agreements that guarantee the right to a nationality for children. Article 24(3) of the ICCPR, which Egypt ratified in 1982, provides that every child has the right to acquire a nationality.\(^3\) Similarly, in the CRC, which Egypt ratified in 1990, Article 7 provides that every child has the right to acquire a nationality, and Article 8 obliges States Parties to “undertake to respect the right of the child to preserve his or her identity, as a legal status is protected under Article 5.”). Nubian Community in Kenya, Afr. Comm’n H.P.R. at ¶ 140. Other examples include the right to a fair trial (Article 7), the prohibition against mass expulsion (Article 12), and the protection of the family unit (Article 18). See Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO) v. Zambia, Communication 71/92, Afr. Comm’n H.P.R., ¶ 30 (Oct. 1996); Institute for Human Rights and Development (on behalf of Sierra Leonean refugees in Guinea) v. Republic of Guinea, Communication 249/02, Afr. Comm’n H.P.R. ¶ 44, 72 (Dec. 2004); Amnesty International v. Zambia, Communication 212/98, Afr. Comm’n H.P.R., ¶ 59 (May 1999).

\(^3\) Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights, Org. of Afr. Unity (June 10, 1998). In July 2008, the AU promulgated a Protocol on the Statute of the African Court of Justice and Human Rights, intended to merge the African Court on Human and Peoples’ Rights with the African Court of Justice; this merger has not yet taken place since the Protocol has not reached the required number of ratifications to enter into force. See Protocol on the Statutes of the African Court of Justice and Human Rights, African Union (July 1, 2008); see also OAU/AU Treaties, Conventions, Protocols & Charters, AFRICAN UNION, https://au.int/en/treaties (last visited July 15, 2021) (noting Egypt signed the Optional Protocol on February 17, 1999, but did not ratify it).

\(^3\) In Anudo v. Tanzania, the African Court stated that while the “granting of nationality falls within the ambit of the sovereignty of States . . . . the power to deprive a person of his or her nationality has to be exercised in accordance with international standards, to avoid the risk of statelessness.” Anudo v. Tanzania, No. 012/2015, Judgment, Afr. Ct. H.P.R. ¶ 77-78 (Mar. 22, 2018). The African Court later strengthened this holding, interpreting the Anudo v. Tanzania case as holding that “the right to nationality as provided under the UDHR can apply as a binding norm to the extent to which the instrument has acquired the status of a rule of [CIL],” and then holding “the right to nationality is a fundamental aspect of the dignity of the human person . . . . [t]he protection of human dignity is therefore considered as a fundamental human right.” Penessis v. Tanzania, No. 013/2015, Judgment, Afr. Ct. H.P.R. ¶ 85-87 (Nov. 28, 2019) (emphasis added). See also Bronwen Manby and Clement Bernardo Mubanga, Case note: Robert John Penessis v. United Republic of Tanzania, 2 STATELESSNESS AND CITIZENSHIP REVIEW, 172-178 (Jun. 29, 2020) (stating “The judgement cements the holding that where a person has been issued documents recognizing nationality, the burden of proof is incumbent upon the State to prove that he was not a national. Finally, adding to the findings in Anudo, the African Court drew on African Commission jurisprudence to confirm that the protection of ‘legal status’ in art. 5 of the African Charter includes the right to a nationality.”).

including nationality . . . without unlawful interference.”315 The CRC specifically requires that states must implement the right of the child to a nationality “in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”316 The CRC also requires Egypt to “provide appropriate assistance and protection” where a child is deprived of an element of his identity, including his nationality.317 Under both the ICCPR and the CRC, Egypt has additional obligations to protect a child’s right to nationality and legal status. Both conventions require that a child must be registered immediately after the child’s birth.318 In the case of the children of migrants, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), which Egypt acceded to in 1993, specifically provides that “each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.”319

With regard to the LAS, States Parties to the Arab Charter are obliged to undertake “in accordance with their domestic laws on nationality, to allow a child to acquire the mother’s nationality, having due regard, in all cases, to the best interests of the child.”320 In addition, the Arab Charter on the Rights of the Child (ACRC), adopted in 1983, though given less focus by Arab states than the CRC,321 provides for the child’s right to a nationality. The ACRC also leaves “the ambiguous socio-ethnic term ‘Arab’ undefined”322 and also does not specify whether its entitlements are “owed to all Arab children, or only to citizens of member states of the [LAS].”323 However, AUC reports that “Egypt subsequently participated in non-binding declarations committing to guarantee children’s rights without reference to ethnicity” indicating that Egypt’s interpretation of these rights may be more in conformance with human rights

315 CRC, supra note 292, at arts. 7(1), 8(1).
316 Id. at art. 7(2).
317 Id. at art. 8(2).
318 ICCPR, supra note 134, at art. 24(2); CRC, supra note 292, at art. 7(1). The Human Rights Committee has especially “stressed the importance of non-discrimination: ‘[N]o discrimination with regards to the acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or of stateless parents or based on the nationality status of one or both of the parents.’” Peggy Brett, Discrimination and Childhood Statelessness in the Work of the UN Human Rights Treaty Bodies, in THE WORLD’S STATELESS CHILDREN 169, 171 (Jan. 2017).
320 Arab Charter, supra note 292, at art. 29(2).
322 AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 83.
323 Id.
norms. In 2009 the LAS recommended that states “should strengthen their reports to the UN CRC Committee” and did not advise independently working to revise the ACRC.

The LAS has continued to reinforce the child’s right to a nationality. In 2001, LAS Resolution 216 acknowledged “children’s individual rights and the associated right to a name, an identity, a lineage and a nationality.” The LAS declared its determination to “register every child at birth to preserve his right to an identity, a name, a nationality and to enforce laws and regulations to this effect” in the 2010 Marrakech Declaration. Finally, in 2018 and in coordination with UNHCR, the LAS issued a declaration to, amongst other things, call upon the LAS Secretariat to enact an Arab Model Law reflecting best practices to grant nationality at birth (including to refugee children). It also called upon Member States to ensure all children are able to acquire a nationality, and urged Member States to make every effort to reduce statelessness. The Declaration also reiterated the LAS’s focus on women’s rights and nationality, discussed in further detail below.

By way of comparison, the Covenant on the Rights of the Child in Islam (CRCI) of the OIC has thus far not entered into force, since it has not garnered the twenty signatures required (and it could not be confirmed for this Report whether Egypt is indeed one of its signatories), but remains an important part of the OIC regime. It requires states to “safeguard the elements of the child’s identity, including his/her name, nationality, and family relations . . . . and [to] make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory.” If the child is of unknown descent, then the child

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324 Id. at 139 (citing the Cairo Declaration on Development Challenges and Population Dynamics, Regional Conference on Population and Development in the Arab States (ICPD Beyond 2014) and the Rabat Declaration on Children in the Islamic World, Organization of Islamic Cooperation (2003)).
327 Fourth Arab High-Level Conference on the Rights of the Child, Marrakech Declaration, League of Arab States (Dec. 2010).
328 Arab Declaration on “Belonging and Legal Identity”, League of Arab States (Feb. 28, 2018); Remote Interview with UNHCR, supra note 5.
329 See Outcome Document of the Thematic Debate on Revisiting the OIC Covenant on the Rights of the Child in Islam to Reinforce the Rights of Children in Member States, OIC Independent Permanent Human Rights Commission (Apr. 2017) (noting that “only 8 Member States have so far signed the Covenant, out of which only two have ratified it. On the other hand, all the OIC Member States have signed and ratified the UN CRC, which substantiates the claim to review the OIC Covenant to bring it in conformity with the international human rights instruments and make it more representative, broad based and implementable”); see also Covenant on the Rights of the Child in Islam at art. 23, 2005, Organization of Islamic Cooperation (stating the requirement for twenty states to ratify to enter into force); see also Mahmood Monshipouri and Turan Kayaoglu, The OIC and Children’s Rights, in The Organization of Islamic Cooperation and Human Rights 198 (Marie Juul Petersen and Turan Kayaoglu eds., 2019).
330 See Resolution No. 1/47 on Matters Pertaining to the Work of the OIC IPHRC adopted by the 47th Session of the Council of Foreign Ministers, Organization of Islamic Cooperation 4 (Nov. 2020) (at the session the OIC Council of Foreign Ministers also requested the OIC Secretary-General to convene an intergovernmental working group to discuss a finalized revision of the CRC).
331 Covenant on the Rights of the Child in Islam art. 7, 2005, Organization of Islamic Cooperation.
“shall have a right to a name, title and nationality.” The CRCI obliges states to “take the necessary steps to enforce [the CRCI] in accordance with their domestic regulations” and when needed “end action based on customs, traditions, or practices that are in conflict with the rights stipulated.”

The African Charter on the Rights and Welfare of the Child (ACRWC) of 1990 provides important and explicit protections for the right to nationality for children, and obliges States Parties to take the necessary steps to ensure they adopt legislative measures to give effect to its protections. Article 6 of the ACRWC “recognises three interlinked rights” by providing for the right to a name at birth, the right to be immediately registered after birth, and finally the “right to acquire a nationality.” Article 6 also imposes the obligation to ensure a state’s legislation recognizes the principle that a child “shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth he is not granted nationality by any other State in accordance with its laws.” Thus, the ACRWC’s provision harmonizes “the principle established both by the [1961 Convention] prescribing that a child who would otherwise be stateless shall have the nationality of the state in which he or she is born, and the [CRC] which obliges State Parties to realise every child’s right to acquire a nationality.” The adoption of the ACRWC also created the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), a body charged with implementing the ACRWC with authority to engage in a periodic review process, receive communications from any persons or organizations relating to the protections enshrined in the ACRWC, and investigate any matter within the ambit of the ACRWC. The ACERWC has repeatedly emphasized that States Parties...
must commit to reducing statelessness, and that the right to a nationality is a fundamental human right – although it has yet to specifically address nationality concerns related to Egypt.342

3. Gender Equality in Nationality Law

Until recent decades, it was common for men and women to be treated differently with regard to citizenship and nationality rights. In part due to the discriminatory nature of British and French nationality laws introduced in their colonial territories, and persistent patriarchal structures, ensuring gender equality in nationality has been a long-standing challenge.343 Discriminatory nationality laws continue to affect the rights of women to confer nationality to their children in the MENA region, although Egypt has been a leader in reforming its nationality laws to conform to international standards.344 The human right of a woman to “independently acquire, retain, confer, and change her nationality” was recognized by the 1963 Declaration on the Elimination of Discrimination Against Women (adopted by the General Assembly in 1967).345 The Declaration generated momentum to address gender discrimination, leading to the preparation of CEDAW.346 Egypt ratified CEDAW in 1981.347 While Article 1 of CEDAW provides for a broad definition of discrimination against women,348 Article 9 specifically provides that:


344 Remote Interview with UNHCR, supra note 5.

345 See *Laura van Waas et al., Gender Discrimination in Nationality Law: Human Rights Pathways to Gender Neutrality*, supra note 343 at 197-198. See Res. 2265 (XXII), Declaration on the Elimination of Discrimination against Women, art. 5 (Nov. 7, 1967) (stating that “Women shall have the same rights as men to acquire, change, or retain their nationality. Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing upon her the nationality of her husband.”); *Id.* at art. 6 (“Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.”).

346 *Laura van Waas et al., Gender Discrimination in Nationality Law: Human Rights Pathways to Gender Neutrality*, supra note 343, at 198.


348 CEDAW, *supra* note 347, at art. 1 (defining discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”).
[s]tates Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband . . . . States Parties shall grant women equal rights with men with respect to the nationality of their children.349

Further, under Article 15(4), “States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”350 Though Egypt does have reservations to other articles of the Convention, Egypt does not have reservations to these articles pertaining to nationality.351

Within the regional framework, the 2004 Arab Charter acknowledges that men and women “are equal in human dignity, in rights and in duties, within the positive discrimination established in favor of women by Islamic shari’a and other divine laws, legislation and international instruments” requiring states to “undertake all necessary measures to guarantee the effective equality between men and women.”352 This includes equality in the conferral of nationality to children pursuant to Article 29(2),353 although the language of Article 29(2) (“State Parties shall undertake, in accordance with this legislation, all appropriate measures to allow a child to acquire the nationality of his mother with regard to the interest of the child”)354 may be construed to provide states with broad latitude to regulate conferral of nationality.355 Article 43 notes that the Arab Charter does not impair the rights guaranteed by other international or regional instruments.356 This requires states to fulfill the highest standards of their legal obligations under international law.357 In the case of domestic legislation failing to meet the standards of the Arab Charter, it is incumbent on Egypt to bring its law into conformity with the Charter. Moreover, Egypt’s obligations under CEDAW supersede its interpretation of Article
The LAS has also advocated for Member States to implement legislation related to nationality in conformity with international standards, requested all LAS Member States to end all forms of discrimination in their nationality laws, and encouraged the effective implementation of such laws.

The AU has also promulgated specific instruments related to gender equality, but to date Egypt has neither signed nor ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol). The Maputo Protocol provides for nationality protections on the basis of gender equality, namely that women “shall have the right to retain her nationality or to acquire the nationality of her husband” and that “a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests.” Although Egypt has not ratified the Maputo Protocol, it is not relieved of its obligation to adhere to the right to nationality under the African Charter and the ACRWC’s protections against discrimination, including on the basis of gender.

4. Rights and Protections of Refugees

Egypt has ratified the 1951 Refugee Convention and the 1967 Refugee Protocol; together, these texts provide the customary definition of refugees in international law. The 1951 Convention also provides that its protections “shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the [UNHCR] protection or assistance,” a provision that has commonly (but incorrectly) been read to exclude Palestinian refugees from legal protection.

358 Arab Charter, supra note 292, at art. 44.
362 See African Charter, supra note 292, at art. 2; ACRWC, supra note 334, at art. 3.
364 A refugee is defined by these instruments as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” See Convention Relating to the Status of Refugees, supra note 27, at art. 1(A); Protocol Relating to the Status of Refugees, supra note 28, at art. 1. To meet this definition of a refugee would entail a stateless person showing “their inability or unwillingness to return to their country of former habitual residence.” Hélène Lambert, Stateless Refugees, in THE OXFORD HANDBOOK OF INTERNATIONAL REFUGEE LAW 797, 805 (Cathryn Costello, Michelle Foster, and Jane McAdam eds., 2021).
365 See infra, Part IV.E.7.
Article 25 of the 1951 Convention requires States to arrange assistance for the delivery of documents normally issued by national authorities. Article 27 also requires states to “issue identity papers to any refugee in their territory who does not possess a valid travel document.” Article 28 requires states to issue documents to refugees “for the purpose of travel outside their territory.” Finally, Article 34 requires that states “as far as possible facilitate the assimilation and naturalization of refugees . . . . [and] make every effort to expedite naturalization proceedings.” These provisions place a number of obligations upon States Parties to the 1951 Convention and 1967 Protocol to protect the identity and documented status of refugees. The Refugee Convention also ensures non-discriminatory access to a number of social entitlements, including courts, education, housing, employment, and documentation for refugees, including stateless refugees.

In 2018 the U.N. General Assembly, following consultations with Member States, international organizations, experts, civil society, and affected populations, adopted the Global Compact on Refugees (GCR) as a framework for heightened responsibility-sharing. The GCR recognized the importance of civil and birth registration in establishing legal identity and preventing the risk of statelessness for refugee populations, as well as recognizing that statelessness may be “both a cause and consequence of refugee movements.” The GCR, along with the Global Compact on Safe, Orderly and Regular Migration have “generated a much-needed renewed focus on the protracted and interconnected nature of refugee, statelessness, and other displacement concerns across [the MENA] region.” While it is too early to determine the role of the Global Compacts in addressing statelessness in Egypt, further research could monitor these developments.

367 Convention Relating to the Status of Refugees, supra note 27, at art. 25.
368 Id. at art. 27.
369 Id. at art. 28.
370 Id. at art. 34.
371 Protocol Relating to the Status of Refugees, U.N. Treaty Collection, supra note 28. Egypt has placed reservations on five articles of the Refugee Convention related to personal status, rationing, access to primary education, and access to public relief and assistance, labor legislation, and social security. Specifically, Egypt issued a reservation to article 12(1) as it “contradicts article 25 of the Egyptian Civil Code, which reads as follows: ‘The judge declares the applicable law in the case of persons without nationality or with more than one nationality at the same time. In the case of persons where there is proof, in accordance with Egypt, of Egyptian nationality, and at the same time in accordance with one or more foreign countries, of nationality of that country, the Egyptian law must be applied.’”
373 Susan Akram, Assessing the Impact of the Global Compacts on Refugees and Migration in the Middle East, 30 Int’l J. of Refugee Law 691, 693 (2018). See Global Compact for Safe, Orderly and Regular Migration ¶ 20(e), U.N. Doc. A/RES/73/195 (2018) (recognizing the objective of strengthening measures “to reduce statelessness, including by registering migrants’ births, ensuring that women and men can equally confer their nationality to their children, and providing nationality to children born in another State’s territory, especially in situations where a child would otherwise be stateless, fully respecting the human right to a nationality and in accordance with national legislation.”).
The 1969 OAU Refugee Convention is also a strong source of refugee rights and expands the definition of ‘refugee’ provided under the 1951 Refugee Convention. 374 UNHCR and state parties frequently recognize refugees solely on the basis of Article 1(2), regardless of the potential application of the 1951 Refugee Convention definition. 375 The 1969 OAU Refugee Convention prohibits discrimination against refugees by host states on the same grounds as the 1951 Convention, 376 and also prohibits discrimination on the basis of nationality, particular social group, or political opinion. 377 However, the 1969 OAU Refugee Convention is (arguably) limited to refugees who originate from African states, thus likely excluding the majority of Palestinian refugees in Egypt. 378

The ACRWC also provides specific protections for refugee children. Article 23 requires State Parties to provide appropriate protection and assistance to refugee children including obtaining the information necessary for family reunification. In cases where no family or guardians are found, the refugee child must be provided with protection equal to any other child deprived of a family environment. 379 The ACERWC has emphasized the importance of universal birth registration programs, noting that “Children born to foreigners, asylum seekers, refugees and undocumented immigrants qualify equally for birth registration in the same way as those

374 The 1969 OAU Refugee Convention’s definition of a refugee encompasses “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.” 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa art. 1(2), Sept. 10, 1969, 1001 U.N.T.S. 45, Organization of African Unity [hereinafter 1969 OAU Refugee Convention]. This definition does not require the elements of “deliberateness or discrimination inherent in the 1951 Convention,” solely requiring objective criteria based on the conditions in the country of origin. See Marina Sharpe, The 1969 African Refugee Convention: Innovations, Misconceptions, and Omissions 58:1 McGill L.J. 95, 103 (2012). See also Sara Palacios-Arapiles, Unfolding Africa’s Impact on the Development of International Refugee Law, 65 J. OF AFR. L., SUPPL. 1 9, 17 (May 1, 2021) (noting “the subject of refugee protection had been on the agenda of the [Asian-African Legal Consultative Committee] since its sixth session, held in Cairo in 1964 following a reference made by the only African member of the AALCC at that time: the Government of Egypt.” These discussions led to the formulation of the Status and Treatment of Refugees (1966 Bangkok Principles), which recognized the applicability of the non-refoulement principle in its widest sense. Id. The 1969 OAU Refugee Convention’s definition has been highly influential in other regional refugee-protection instruments. See, e.g., 2001 Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles) art. 1, Asian-African Legal Consultative Organization (2001).


378 ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES: A RIGHTS-BASED APPROACH 17 (2009).

379 ACRWC, supra note 334, at art. 23. The ACRWC also provides for the right for family reunification, including obliging the state to reunite families separated by “internal or external displacement arising from armed conflict or natural disaster.” Id. at art. 25(2). See also AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 85.
born to citizens.” This is also linked closely to the African Child Rights’ Committee’s view that “denying the right to birth registration . . . is an act of discrimination” in violation of Article 3 of the African Charter.

Article 28 of the Arab Charter provides that all persons shall have the right to seek political asylum, but it does not provide for more expansive refugee rights or protections for persons at risk of statelessness. The LAS has continued to recognize the importance of a refugee child’s right to nationality, for example in the Arab Declaration on “Belonging and Legal Identity” in which the LAS called upon Member States to enact a model law to ensure the granting of nationality at birth, “including to displaced and refugee children.”

a. Palestinian Rights and the Casablanca Protocol

The LAS has promulgated specific protections for Palestinians in the MENA region, with the Protocol for the Treatment of Palestinians in Arab States of 1965 (Casablanca Protocol) a significant source of legal rights of Palestinians. While the Casablanca Protocol does not provide for nationality rights to Palestinians in States Parties, it does provide Palestinians with equal rights to the nationals of host states with regard to several social entitlements. These include the right to enter/exit signatory states, the right to enter/exit other Arab states, the right to valid travel documents (and renewal thereof), and the right to equal treatment with all other citizens of LAS States.

Subsequent resolutions built on the Casablanca Protocol framework. LAS Resolution 2600 of 1970 authorized granting dual citizenship to Palestinians, thus recognizing the compatibility between Palestinian citizenship and Palestinian rights across the diaspora. LAS Resolution 8 of 1982 sought to clarify and confirm the Casablanca Protocol’s provisions due to the noted failures of host states to fulfil the Casablanca Protocol’s provisions. However, Resolution 5093 of 1991 authorized states to “treat Palestinian refugees in accordance with

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381 Id. at ¶ 57.
382 Arab Charter, supra note 292, at art. 28. The LAS Council of Ministers of Foreign Affairs did approve the Arab Convention on the Regulation of the Status of Refugees in Arab States in 1994, but this did not enter into force. MERVAT RISHMAWI, THE LEAGUE OF ARAB STATES HUMAN RIGHTS STANDARDS AND MECHANISMS 99 (2015); see Arab Convention Regulating Status of Refugees in the Arab Countries, League of Arab States (1994).
383 Arab Declaration on “Belonging and Legal Identity”, League of Arab States (Feb. 28, 2018).
385 Casablanca Protocol, arts. 1-5, League of Arab States (1965). The Casablanca Protocol provides a more robust rights framework than prior non-binding resolutions approved by the LAS during mass displacement of Palestinians from their homeland. See, e.g., ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES, supra note 378, at 16 (noting that LAS Resolution 424 of 1952 provided for the right to family reunification, and LAS Resolution 714 of 1952 provided for the issuance of a standardized travel document to Palestinians).
386 Id.
387 Id.
domestic law” rather than adhering to the Casablanca Protocol. Resolution 5093 has been observed as weakening any remaining respect for the Protocol’s provisions, and since then protections for such rights have been “curtailed, if not disposed of outright.” As acknowledged in prior reports by the IHRC, under normative treaty rules including the VCLT and CIL a declarative resolution does not have the effect of revoking a treaty, and thus Egypt remains bound by the Casablanca Protocol. Nonetheless, the failure of states parties to meet the requirements of the Casablanca Protocol, coupled with the inability of the LAS to hold states accountable for their failures to protect Palestinians, demonstrates the practical complications of sustained regional engagement in protecting the rights of Palestinians.

IV. Gaps in Egypt’s Legal Framework and Implementation

Despite its Nationality Law reforms, gaps and inconsistencies remain in Egypt’s domestic law, policy, and administrative practices that perpetuate the problems and risks of statelessness. Part IV analyzes these gaps and inconsistencies. First, it examines Egypt’s obligation to protect the right to a nationality of all persons, in particular with regard to the Nationality Law and barriers to civil registration, birth registration, and marriage registration. Second, it addresses gaps in civil registration for particular populations of Egyptian nationals and examines withdrawal of nationality. The section concludes by examining gaps in protections for adult refugees, displaced persons, and migrants, in particular Palestinians, in Egypt.

A. Gaps in Protecting All Persons’ Right to a Nationality—Acquiring a Nationality

At the outset, there are gaps in Egypt’s nationality laws and in their implementation with regard to the ability for Egyptian nationals to acquire a nationality. These relate to the nationality law provisions themselves, as well as barriers in the civil registration and related documentation processes.

It important to note again that Egypt is considered to have one of the strongest civil-registration country programs in Africa. The country has nearly universal birth registration, with estimates in 2014 that approximately 99% of all births were being registered. However, the reporting acknowledged that birth registrations in the Sinai were not counted, and it is

388 Id.
389 Id.
390 See, e.g., BU IHRC, CAMPAIGN TO END STATELESSNESS IN JORDAN, supra note 10, at 86.
391 See U.N. ECON. COMM. FOR AFR., REPORT ON THE STATUS OF CIVIL REGISTRATION AND VITAL STATISTICS IN AFRICA 3 (Nov. 2017) (explaining that “[o]nly four countries (Egypt, Mauritius, Seychelles and South Africa) have managed to maintain a compulsory and universal registration system that meets international standards, including a satisfactory level of registration coverage and completeness of recording vital events and information on cause of death”).
392 MINISTRY OF HEALTH AND POPULATION, EGYPT DEMOGRAPHIC AND HEALTH SURVEY 2014, supra note 6, at 197.
unclear whether the data included refugee, displaced, and migrant populations. At the time of the study, the figures also did not address lack of birth registration for persons above the age of five. Subsequent sections of this Report address some of these gaps with regard to Egyptian nationals as well as refugee/migrant populations.


Egypt amended its gender-discriminatory Nationality Law with Law No. 154 of 2004. This enabled non-gender-discriminatory conveyance of Egyptian nationality to children with retroactive effect; this amendment was a major advancement in mitigating statelessness, affecting thousands and possibly hundreds of thousands of individuals. The law initially did not apply to children born to a Palestinian father and an Egyptian mother. Following significant protest and pressure from civil society, the government issued Decree No. 1231 of 2011 which extended the nationality provision to children of Egyptian women married to Palestinian men. In 2008, Egypt also withdrew its reservation to Article 9(2) of CEDAW.

While the 2004 and 2011 reforms were a critical step towards compliance with the guarantees of a child’s right to nationality under ICCPR Article 24(2), CRC Article 7(1), CRCI Article 7, and ACRWC Article 6, important gaps remain. These include the law’s application to individuals born before 2004; the implementation of the law in terms of gender-based legal and administrative differences in accessing documentation; and systemic barriers to civil registration. These deficiencies are also contrary to the 2014 Egyptian Constitution’s provision guaranteeing the right to a nationality for children born to Egyptian mothers and fathers.

While Law No. 154 is to have retroactive effect, children born to Egyptian mothers and foreign fathers before the entry into force of the law were not automatically granted Egyptian

393 Id. at 198.
394 Id. at 197-198.
395 It is unknown how many among these had been stateless. See LAURA VAN WAAS, THE SITUATION OF STATELESS PERSONS IN THE MIDDLE EAST AND NORTH AFRICA, supra note 92, at 13 (while one source “reported the number of stateless children with Egyptian mothers to be around 250,000, another explained that the legislative amendment would benefit one million individuals from 468,000 families, an unknown number of which were initially stateless.”). See also OUR MOTHERLAND, OUR COUNTRY, WOMEN’S REFUGEE INTERNATIONAL n.18 (2013) (“NGOs fighting for the [2004] amendment say that a quarter of a million households, encompassing an approximate one million children, were of Egyptian mothers.”). The number of stateless among the estimated 400,000 to 1 million children born to Egyptian mothers and foreign fathers is not disaggregated. However, some sources note that an estimated one-third of all Egyptian women who are married to non-nationals are married to Palestinians, thereby indicating that the number of stateless children potentially affected is significant. See, e.g., Oroub El-Abed, The Palestinians in Egypt: Identity, Basic Rights and Host State Polices, 28 REFUGEE SURV. Q. 531, 543 (2009).
397 CEDAW, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Egypt, supra note 351, at ¶ 5.
398 CONSTITUTION OF EGYPT, supra note 4, at art. 6. See also Badawy, Egyptian citizenship legislation, supra note 270, at 276 (2014) (noting that following the constitutional provision, “[i]t follows that any restrictions on women’s right to pass on their citizenship to their children that may have existed prior to January 2014 are no longer valid”).
nationality but were required to apply for it from the Minister of the Interior, and the Minister had one year from the [application] date to refuse. The Minister of Interior appears to no longer have discretion to decide the naturalization of those born prior to 2004 since the 2014 Constitution guarantees this right to equally to anyone born to an Egyptian father or Egyptian mother.

Other concerns have been raised that the Government did not adequately disseminate information about the amendment to Law No. 154, such that affected individuals, especially in rural areas, have not become aware of it. It has also been reported that the procedures themselves are highly burdensome and difficult for many to meet. For example, the required documents for obtaining nationality include providing the father’s and grandfather’s birth certificates, and the process of applying can only be done in Cairo at the Mugamma government building.

For children who are born to non-Egyptian parents and are legally stateless (including for example, children born to stateless Palestinians), the law fails to honor its obligation to guarantee a child’s right to a nationality and birth registration. While states may claim the obligation to confer nationality to a particular child belongs to another state, under CRC Article 7 and ACRWC Article 6, the obligation falls on the state of the child’s residence “in particular where the child would otherwise be stateless” – that is almost always the country in which the child lives. The ACERWC has emphasized that based on the best interest of the child, Article 6(3) requires that children should acquire a nationality from birth as opposed to waiting until they are 18.

Acquiring Egyptian nationality through naturalization under the Nationality Law is a discretionary process, which is apparently applied on an extremely limited basis. While the Nationality Law grants citizenship to foreign women who marry Egyptian men after a period of two years, it does not grant citizenship to foreign men married to Egyptian women. This is

400 See also Badawy, Egyptian citizenship legislation, supra note 270, at 276.
401 WOMEN’S REFUGEE INTERNATIONAL, OUR MOTHERLAND, OUR COUNTRY, supra note 3, at 9.
402 See Law No. 154 of 2004, supra note 145, at art. 3. See also MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11; LAURA VAN WAAS, THE SITUATION OF STATELESS PERSONS IN THE MIDDLE EAST AND NORTH AFRICA, supra note 92, at 13.
403 WOMEN’S REFUGEE INT’L, OUR MOTHERLAND, OUR COUNTRY, supra note 3, at 9.
404 CRC, supra note 292, art. 7; ACRWC, supra note 334, at arts. 6(3) and 6(4).
407 Badawy, Egyptian citizenship legislation, supra note 270, at 277 n.11. “Unlike foreign wives, foreign husbands are not eligible for the two-year naturalization scheme, although they may qualify for one of the other expedited naturalization schemes discussed above, based on their national or ethnic origin and/or place of birth.” Id. at 272.
contrary to obligations under CEDAW not to discriminate on the basis of sex in terms of women’s ability to confer nationality on non-national spouses.408

The Nationality Law also includes preferential terms for naturalization for persons of Egyptian or Arab origin and Muslims. Requirements that vary based on protected grounds that are discriminatory in application are contrary to Egypt’s obligations under ICERD Article 1(3).409 The Committee on the Elimination of Racial Discrimination has noted that States should not discriminate in access to citizenship or naturalization and that denial of citizenship could, in the long-term, be harmful to residents and lead to violations under ICERD.410 This includes any differences in lengths of residency requirements for certain groups which may be overly burdensome.411 In addition, the non-disability requirements can be interpreted as being in conflict with Egypt’s obligations under Article 18 of ICRPD,412 as well as potentially Article 53 of Egypt’s Constitution.413

Notwithstanding these gaps and inconsistencies in the law, Egyptian lawyers report that even for applicants who have met the requirements, naturalization does not present a viable pathway to citizenship since it is rarely, if ever, implemented.414 While there are no official statistics on naturalizations,415 sources indicate that “naturalization is almost never granted, except to those born in Egypt, with a father of Egyptian origin or from an Arab or Muslim country.”416 Egypt’s 2019 amendment of its Nationality Law to provide citizenship to investors may impact the number of successful naturalizations for those with high income and/or net worth, including potentially stateless persons from Gulf Arab countries.417 It will, however, do

408 Comm. on the Elimination of Discrimination against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, ¶ 52, U.N. Doc. CEDAW/C/GC/32 (Nov. 14, 2014) (clarifying that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to spouses).
409 ICERD, supra note 293, at art. 1(3) (“legal provisions of States Parties concerning nationality, citizenship or naturalization” fall within the reserved domain of sovereign States, “provided that such provisions do not discriminate against any particular nationality”). See PATRICK THORNBERRY, THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: A COMMENTARY 144, 158 (2016) (“With regard to [CERD’s Article] 1(3) and the repeated use of ‘nationality’, the travaux and subsequent practice support the view that ‘nationality’ in the second sense of a forbidden ground of discrimination means ‘national origin’ on a par with ‘ethnic origin’”).
411 Those who are not eligible for the expedited naturalization pathways must meet the strict requirements of Section 4(5), which requires a ten consecutive year residency in Egypt in addition to other requirements. Badawy, Egyptian citizenship legislation, supra note 270, at 278.
412 ICRPD, supra note 297, at art. 18.
413 CONSTITUTION OF EGYPT, supra note 4, at art. 53.
414 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 23.
415 MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11, at 13-14.
416 See, e.g., BRONWEN MANBY, STRUGGLES FOR CITIZENSHIP IN AFRICA 142 (2009).
417 See Mohammed Shamaa, For $250,000 you, too, can be an Egyptian, ARAB NEWS (Dec. 2019).
little to mitigate statelessness among the overwhelming majority of vulnerable populations in Egypt who lack the financial resources required for the investor program.418

2. **Barriers to Civil Registration**

Because acquisition of nationality relies on being ‘documented’ through, for example, a birth certificate to a child, civil registration is a core element in preventing statelessness.419 International and regional law link the right to birth registration and the right to a name with the right to a nationality,420 and Article 18 of the Egyptian Constitution provides that “every child shall have the right to a name and identity card.”421

The Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families have noted that significant gaps in registering births remain in Egypt, with disparities in registration rates particularly among certain populations.422 It should be underscored that further statistical research is needed to verify the birth registration numbers of at-risk groups.423 Researchers have pointed out that there are also methodological challenges in Egypt that complicate an accurate assessment of the scope of statelessness and vulnerabilities based on weaknesses in the civil registration process.424

3. **Birth Registration**

Stakeholders note major barriers to the registration and certification of births in Egypt, leaving many individuals at risk of lack of status, perpetuating problems in accessing other documentation. Egypt’s fifteen-day deadline following the birth of a newborn to notify the local health office of the birth, and the extensive documentation requirements that include a marriage

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418 See also Badawy, *Egyptian citizenship legislation*, supra note 270, at 278 (noting in 2014 that the proposed citizenship investment scheme is “believed to primarily target stateless Arabs from the Gulf.”).
419 HUNTER, *UNDOCUMENTED NATIONALS*, supra note 13, at 1-2, 17. Having one’s birth entered into the civil registry is a crucial step towards full citizenship, as it produces a legal record of where the child is born, and the identity of her parents, both of which are critical in proving entitlement to nationality. *Id.* at 1.
421 CONSTITUTION OF EGYPT, *supra* note 4, at art. 80.
422 CRC, Consideration of reports by States Parties under Article 44 of the Convention, Concluding observations: Egypt, *supra* note 148, at ¶ 44. See also *Egypt, Formal requirements for the issuance of birth and marriage certificates*, EUROPEAN ASYLUM SUPPORT OFFICE, COI QUERY (May 2, 2018) (“According to information collected by the European Union Election Observation Mission in 2014, there is still a segment of the population which does not have birth certificates.”).
424 HUNTER, *UNDOCUMENTED NATIONALS*, *supra* note 13, at 9 (noting that there is a low standard for a birth being counted as registered, including, e.g., a caretaker reporting that they have registered the birth, even if there is no accompanying birth certificate).
Advocates note that the fifteen-day deadline alone results in formidable challenges. Many people in Egypt are unable to fulfill the requirements in that time period, forcing them to pursue the longer, more laborious and extensive process that includes reporting to the police and obtaining a police report. The process also leaves too much discretion in the authorities.

Though many advocates note the importance of encouraging the issuance of a birth certificate, including for preventing trafficking in children, the fifteen-day deadline for birth registration is onerous. The Committee on the Rights of the Child in its General Comment No. 7 recommended that Governments “take all necessary measures to ensure that all children are registered at birth, through a universal, well-managed registration system that is accessible to all and free of charge” and that an “effective system” needs to be “flexible and responsive to the circumstances of families.” While the CRC has noted that birth registration should be free, Egypt requires obtaining a stamped certificate for which there is a charge, and the costs and time involved for late registration can be prohibitive for many Egyptians.

In addition, although the Nationality Law provides for non-gender-discriminatory conveyance of Egyptian nationality to children, significant gender-based legal and regulatory barriers for women in birth registration and certification persist. For example, women are not permitted to register the birth of a child or obtain their child’s birth certificate on an equal basis to a man. While under Article 15 of Law No. 12 of 1996 (as amended by Law No. 126 of 2008), mothers are entitled to register the birth of a child, the implementing regulations to Article 23 of the Egyptian Ministerial Decree No. 2075 require a mother to provide documentation that is unavailable for thousands of Egyptian mothers – particularly proof of marriage with the child’s father. While the father can register the birth of a child (and is to be the primary informant,

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426 See, e.g., Remote Interview with Mohamed Farahat, supra note 245; Remote Interview with UNHCR (Feb. 10, 2021).
427 MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11, at 14.
428 Remote Interview with Ashraf Ruxi, Asylum Lawyer (June 28, 2021).
429 MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11, at 6 (noting the fifteen-day deadline as an obstacle to successful birth registration); see also UNHCR interview, supra note 426 (noting the complications in birth registration involving cases of non-marital children and survivors of gender-based violence, among others, and suggesting steps UNHCR can undertake to assist in such cases).
431 See also Undocumented Citizens, EGYPT TODAY (Sept. 13, 2013) (“Cost is another barrier to obtaining registration papers not only the price of the document itself (a birth certificate is around LE 15) but the fact that in many villages, people have to travel far distances to reach their nearest civil status registries.”).
432 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 30-34 (outlining the extensive procedures associated with late registration).
434 Id. AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 26-27. Sources indicate that prior to the 2008 amendment, even married women
which is itself gender-discriminatory), the mother may do so only if she provides proof of marriage as well as a signed attestation that the child is of the marriage. If she cannot prove her marital relationship, she can register the birth of her child if she provides the testimony of a person who witnessed the birth.\footnote{435} If the father is deceased or missing, the mother has to provide additional evidence in order to register her child, including providing the father’s death certificate and the marriage certificate.\footnote{436} Preventing women from being able to register their children is incompatible with Egypt’s obligations under Article 9(2) of CEDAW.\footnote{437}

While Egyptian law allows for single mothers to register a non-marital child, there are a number of important obstacles both in terms of the regulatory requirements and deficiencies in implementation.\footnote{438} According to experts, in practice, mothers in these situations must have legal counsel in order to obtain birth certificates for their children.\footnote{439} There is a widespread lack of knowledge among government officials that registration by single mothers is even permitted, indicating a critical gap in the training of civil registrars.\footnote{440} Moreover, lawyers indicate that social stigma commonly prevents women from attempting to register a child born outside of marriage. One lawyer indicated that registration of a non-marital birth is extremely difficult in Egypt, while in rape cases if there is a police report confirming the rape, registration may sometimes be easier.\footnote{441} A single mother is more likely to have a male family member intervene could not register their children. See Hossam Rabie, *Egyptian mothers battling to establish paternity – and rights – for their children*, EQUAL TIMES (Sept. 21, 2018).


\footnote{436} AUC, *PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT*, supra note 11, at 11 (citing brochures developed by the Egyptian Foundation for Refugee Rights, an NGO that provides legal assistance for obtaining birth certificates for refugees in Egypt).

\footnote{437} See CEDAW, *supra* note 347, at art. 9(2) (“States Parties shall grant women equal rights with men with respect to the nationality of their children.”); see also ICCPR, *supra* note 314, at art. 3 (requiring States to “undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”).

\footnote{438} Remote Interview with Ashraf Ruxi, Asylum Lawyer (Nov. 17, 2020). But see Amira Abdel-Aziz, *Assessment of the Alternative Families System in Egypt*, 18 SCOT. J. RESIDENTIAL CHILD CARE 50, 58 (2018) (noting that according to government regulations “mothers can register their children with a marriage certificate and without a marriage certificate [., and if] a marriage certificate does not exist, the mother can sign a formal written approval that this child is hers and accordingly only her name will appear in the child’s birth certificate.”). Despite such regulations, Amira Abdel-Aziz elaborated on various barriers to registration. *Id.* at 55-56.

\footnote{439} Remote Interview with Ashraf Ruxi, *supra* note 438; Remote Interview with Mohamed Farahat, *supra* note 245.

\footnote{440} Amira Abdel-Aziz, *Assessment of the Alternative Families System in Egypt*, *supra* note 438, at 55-56. Amira Abel Aziz also noted that although the right to registration “is mentioned clearly in the law, only one of the study’s respondents was aware of this article, and on the contrary most of the study’s respondents showed astonishment of the existence of this article. The only informant who was aware of the article was the representative of one of the national NGOs working in the field. He affirmed the practical challenge they face every time they try to support mothers with no marriage certificates to exercise this right, especially in the civil register where such procedure is normally carried out. They usually had to seek legal support in order to finalize the birth certificate of their child in such cases.” *Id.* at 55.

\footnote{441} Remote Interview with Ashraf Ruxi, *supra* note 428.
on her behalf or accompany her to register the birth of the child in the male family member’s name. Lawyers note that women sometimes must resort to bribes in cases where documentation is lacking. Some note that despite the child’s entitlement to a birth certificate, “in practice, the focus turns to the nature of the relationship that produced the child rather than the child’s rights.”

Another gap in Egypt’s civil registration law is that in certain instances, the law does not allow the name of the father, mother, or both parents, to be recorded on the birth certificate. The law provides that in the case of a single mother registering her child, it is the health officer in charge who selects the name of the father of the child. The United Nations Children’s Fund (UNICEF) and UNHCR note that this means that a non-marital child is “to be registered using false names for the parents and/or child, or by omitting their names from the certificate altogether.” The ACERWC has noted that discrimination on the “basis of marital status of the child’s parents should not prevent the child from carrying the name of either or both his/her mother and father.” The failure to accurately record each of a child’s parents on the birth certificate can compromise the child’s ability to acquire nationality through each parent separately, which can present a risk of statelessness in situations where only one parent is able to confer nationality.

In cases of children born to mothers who have been victims/survivors of gender-based violence, as with cases of non-marital children, lawyers contend there is a critical gap in birth registration due to lack of knowledge and awareness among officials with regard to the process. Registration will depend on whether (1) the father is unknown, (2) the father has denied paternity,

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442 MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11, at 19.
443 Remote Interview with Ashraf Ruxi, supra note 428.
444 Mohamed Farahat, Children of rape of refugee women, and statelessness, in Egypt, 55 FORCED MIGRATION REV. 79, 79 (June 2017).
445 In Egypt, there are several instances where the law does not permit one of the parents or both of the parents to be named on the birth certificate. If the parents are prohibited to marry under Islamic shari’a, the parents’ names are not recorded on the birth certificate. If the father is married and the newborn child is born to a father other than her husband, her name is not recorded on the birth certificate. If a non-Muslim father is married, and the child is born to a mother other than his legitimate wife, his name is not recorded on the birth certificate, unless the child was born either before marriage or after annulling the marriage, except for those persons whose religion permits polygamy. Law No. 12 of 1996 promulgating the Child Law, as amended by Law No. 126 of 2008, supra note 148, at art. 22.
446 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 26. See also Hossam Rabie, Egyptian mothers battling to establish paternity – and rights – for their children, EQUAL TIMES (Sept. 21, 2018).
449 UNHCR AND UNICEF, BACKGROUND NOTE ON SEX DISCRIMINATION IN BIRTH REGISTRATION 12 (May 2021). The practice of registering children under “false names” has also been noted as being detrimental for purposes of allowing “biological connections from being known and have an impact on the ability of children to establish his/her identity, know their origins and acquire nationality by descent.” Id. at 15.
or disappeared, or (3) the rape occurred in Egypt.\textsuperscript{450} Another barrier is lack of required
documentation, including evidence of rape, such as a police record.\textsuperscript{451} If registered, the name
adopted in rape cases will likely be the mother’s father.\textsuperscript{452} Advocates note the need for
procedures to facilitate birth registration for children in such circumstances, including registering
children even if the alleged father denies paternity, and allowing only the mother to be the
identifying parent of the child.\textsuperscript{453}

Although the law gives women the right to pursue paternity proceedings, it does not
require that men take a DNA test, which experts highlight is a major impediment to a child’s
right to legal identity.\textsuperscript{454} A judge in paternity cases must deliver a verdict based on documentary
evidence and the testimonies of witnesses corroborating the existence of the relationship. Due in
part to the backlog of cases, paternity litigation often takes several years, and it has been reported
that the majority of paternity suits do not succeed.\textsuperscript{455} In 2015, President al-Sisi issued a decree
that expanded the term ‘orphan’ to include children with unproven paternity, granting them
greater access to services, and allowing the mother to issue a temporary birth certificate using the
name of the father she identifies.\textsuperscript{456} However, the fact that it can take years to settle paternity
disputes conflicts with Egypt’s legal obligations to provide a child the right to his or her personal
identity without unnecessary delay.\textsuperscript{457}

4. Marriage Registration

The requirement of a valid marriage certificate for purposes of birth registration acts as a
major barrier to achieving civil registration for many in Egypt, and is the beginning point of
various forms of discrimination. While the law allows other forms of proof of the relationship, in
practice, a marriage certificate is required.\textsuperscript{458} If a woman does not have a marriage certificate,

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\textsuperscript{450} Mohamed Farahat, \textit{Children of rape of refugee women, and statelessness, in Egypt}, 55 \textit{FORCED MIGRATION REV.}
79, 79 (June 2017).

\textsuperscript{451} AUC, \textit{PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF
EGYPT}, supra note 11, at 32-33 (outlining the procedure for birth registration in cases where the pregnancy was the
result of sexual assault).

\textsuperscript{452} Remote Interview with Ashraf Ruxi, supra note 428.

\textsuperscript{453} Mohamed Farahat, \textit{Children of rape of refugee women, and statelessness, in Egypt}, 55 \textit{FORCED MIGRATION REV.}
79, 79 (June 2017).

\textsuperscript{454} Hossam Rabie, \textit{Egyptian mothers battling to establish paternity – and rights – for their children}, \textit{EQUAL TIMES}
(Sept. 21, 2018). See CRC, supra note 292, at arts.7 and 8. Ayman Shabana, \textit{Islamic Law of Paternity Between
Classical Legal Texts and Modern Contexts: From Physiognomy to DNA Analysis}, J. ISLAMIC STUD., 1 (2014)
(outlining and analyzing different positions of Muslim jurists on the use of DNA testing for paternity verification).

\textsuperscript{455} Hossam Rabie, \textit{Egyptian mothers battling to establish paternity – and rights – for their children}, \textit{EQUAL TIMES}
(Sept. 21, 2018); see also ‘20 Years to Prove He Was My Child’s Father’: Paternity Disputes in Egypt Destroy

\textsuperscript{456} Court ruling obliges authorities to register children from customary marriages, \textit{MADA MASR} (Apr. 24, 2017).

\textsuperscript{457} See CRC, supra note 292, at arts.7 and 8.

\textsuperscript{458} AUC, \textit{PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF
EGYPT}, supra note 11, at 36-37; see also \textit{MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND
MOROCCO}, supra note 11, at 19;
she must seek legal assistance. Children who are born to parents in unrecognized marriages will be considered non-marital children. Fathers in such cases cannot establish the relationship to their children for purposes of conveying nationality, and the parents cannot register their children’s births. Discrimination on the basis of birth status conflicts with Egypt’s obligations under Article 7 of the CRC. When a child born outside marriage is registered to a single parent, he faces other issues, for example, with regard to inheritance.

Even if the marriage is considered valid by the state, access to marriage-related documentation can itself be a barrier, especially for refugees and migrants. The process to obtain a marriage certificate can be onerous for marginalized groups who lack valid identification documents and, in the case of refugees and migrants, valid residency permits, both of which are key requirements. Refugees and migrants must also obtain a statement from their respective embassies and submit it to one of the Egyptian Ministry of Foreign Affairs’ authentication offices; for many, this is an insurmountable obstacle.

In the case of informal ‘urfi marriages, the registrant would need the father’s presence, or a copy of the father’s ID and the relevant certifications. If the father contests, then it becomes a paternity case. A recent 2015 Cairo Court of Administrative Justice case held that the Civil Status Bureau could not refuse to register a child resulting from a customary ‘urfi marriage between an Egyptian woman and Palestinian man. The Court ruled that for purposes of safeguarding the rights of children, formal documentation is not a necessary element for the legality of marriage, and that a marriage has religious legitimacy if it is declared voluntarily and publicly. Whereas “formal documentation is a prerequisite for marital lawsuits . . . . its effects do not extend to a child’s right to register his or her nationality.” One source suggests that had the right to nationality been based on a law, as opposed to a constitutional right, the court may have ruled in favor of the Government. In 2017, an Administrative Court ruling compelled the Civil Status Bureau to register children who are not born of official-recognized marriages, although whether this ruling is being uniformly implemented is unknown.

459 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 36-37.
460 Remote Interview with Mona Oraby, supra note 181.
461 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 29-30.
462 Id. at 35.
463 Remote Interview with Ashraf Ruxi, supra note 428.
464 Id.
465 Abdelsalam, The Arab Republic of Egypt: Introductory Note, supra note 37. In cases where the ‘urfi marriage is contested, mothers would have to pursue a paternity claim as outlined above. Some note that the majority of paternity claims are based on ‘urfi marriages. Omnia Talal, Living without a name: Paternity disputes in Egypt ruin thousands of lives, NESKHAT EL-ARABIYET (Jan. 12, 2015).
466 Id.
468 Id.
469 Court ruling obliges authorities to register children from customary marriages, MADA MASR (Apr. 24, 2017).
B. Gaps in Protections for Particular Egyptian National Populations

Among populations at risk of statelessness are Egyptian nationals, considered ‘undocumented nationals’ or ‘evidentiary stateless,’ that is to say, persons who are effectively denied the ability to fully document their legal claim to nationality due to administrative gaps and practices of the Egyptian Government. Some may be in this position because of “documentary challenges that arise from state neglect,” while others may be unable to substantiate a claim to citizenship due to “active discrimination against given individuals and groups.”

1. Vulnerable Children at Risk of Statelessness

The following groups of children are vulnerable to being undocumented nationals in Egypt. While migrants and refugees also fall into these categories, this discussion focuses on children of Egyptian nationals. Estimates on the numbers of children for each category are unreliable, and the methods of obtaining the estimates that are available are difficult to verify.

- **Non-marital children** (sometimes termed ‘children out of wedlock’) in Egypt often face social stigma, given the perceived negative implication of ‘illegitimacy,’ which affects the ability of mothers to register their children. Although the law allows for single mothers to register their children, one lawyer noted that in practice a single mother in Egypt would likely not register her child due to social stigma.

- **Children born to parents with ‘urfi’ (informal customary Muslim) marriages** face obstacles to birth registration. ‘Urfi marriages became more widespread in recent

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470 See Hunter, UNDOCUMENTED NATIONALS, supra note 13, at 5.
471 Id. at 8-9.
472 Each category is not necessarily mutually exclusive, and there can be significant overlap in categories (especially depending on how ‘street children’ or ‘abandoned children’ are defined). For example, some sources indicate that large segments of ‘abandoned children/foundlings’ are children born out of wedlock. See, e.g., FACE FOR CHILDREN IN NEED, ADOPTION (KAFALA) IN EGYPT HANDBOOK 3 (2020); Jacqueline Gibbons, ORPHANAGES IN EGYPT, J. OF ASIAN AND AFR. STUD. 40 (2005).
474 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 25-26
475 See Remote Interview with Ashraf Ruxi, supra note 428.
476 See AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 303, n.213. An ‘‘Urfi’ marriage refers to an “informal [Muslim] marriage contract between a man and a woman, signed in the presence of two witnesses, but not further publicized nor officially registered with the authorities.” Id. Egyptian law does not prohibit unregistered or customary marriages (’urfi) but grants them a status that is inferior to that of officially registered marriages.” Among other things, ‘urfi’ marriages “deprive children born in such marriages from accessing certain rights …. due to lack of official documentation such as birth certificates.” Egypt – Overview Table, MUSAWAH (May 31, 2017).
decades due in part to the high costs of marriage. In 2007, it was reported that there were three million 'urfi marriages registered with the notary public, yet an official indicated that there could be three times that number. In 2018, CAPMAS indicated that the number of legally ratified 'urfi marriage contracts increased to 88,000 during 2014, approximately 9% of unions, but that the total number of other 'urfi marriage contracts is unknown. In cases where the father does not recognize the child or the 'urfi marriage, the obstacles to becoming documented are especially burdensome. While there are no official statistics regarding how many paternity lawsuits are filed, one source estimated there to be about 14,000 cases, a majority of which are reported to involve customary marriages. A 2006 news report notes that activists assert that the number is closer to one million.

- **Children born to parents who are married before the legal age of 18** are also at risk of not being registered. The Egyptian Child Law of 2008 provides for a minimum age of 18 for both males and females to marry, but child marriage practices have persisted. In 2017 it was noted that “nearly 1 in every 20 girls (4%) between age 15 to 17 and 1 in every 10 (11%) adolescent girls 15-19 years are either currently married or were married before, with large differentials between the rural and urban residence.” Many girls are married “without registering or reporting their marriages, or registering their children born out of these marriages.” Instead, couples might resort to an 'urfi marriage and the children

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477 Egypt court rules children from customary marriages to foreigners be granted Egyptian citizenship, AHRAAM ONLINE (Sept. 11, 2017); see also Jill Carroll & Ahmed Maher, Young Egyptian couples in a hurry tie temporary knot, CHRISTIAN SCIENCE MONITOR (Sept. 20, 2007).

478 Jill Carroll & Ahmed Maher, Young Egyptian couples in a hurry tie temporary knot, CHRISTIAN SCIENCE MONITOR (Sept. 20, 2007). Mona Abaza, Perceptions of 'urfi Marriage in the Egyptian Press, ISIM NEWSLETTER (July 2001) (noting statistics on 'urfi marriages among university students are unreliable—while the Minister of Social Affairs stated that 'urfi marriage concerns 17% of Egyptian university students, al-Wafd newspaper estimates 70%). One attorney noted that any marriage contract, since it includes particular phrases detailing the acceptance of a marriage, can be official if notarized by a court. In addition, if the wife in an 'urfi marriage sues the husband, it is also possible to request the authenticity of the husband’s signature on the 'urfi contract; once it is determined the husband did in fact sign the contract then the court is able to provide an official court stamp on the contract, thus formalizing and legalizing the marriage. E-mail from Ashraf Ruxi, Asylum Lawyer, to Christopher Creech and Susan Akram, IHRC (Jan. 28, 2022) (on file with author).

479 See Controversy over new proposed law to criminalize 'urfi marriage, EGYPT TODAY (Aug. 21, 2018); see also Hossam Rabie, Egyptian mothers battling to establish paternity – and rights – for their children, EQUAL TIMES (Sept. 21, 2018).

480 Mai Shams El-Din, Proving paternity: A prolonged struggle for thousands of Egyptian mothers, MADA MASR (Mar. 15, 2017).

481 Id.; see also Yolande Knell, The perils of young Egyptians' secret marriages, BBC NEWS (Jan. 19, 2010).

482 Id.

483 Landmark paternity case highlights dangers of 'urfi marriage, THE NEW HUMANITARIAN (June 2006).

484 NAT’L COUNCIL FOR CHILDHOOD AND MOTHERHOOD CHILD RIGHTS OBSERVATORY, POLICY FOR ACTION: ENDING CHILD MARRIAGE 1 (June 2018).

Children born of rape are also vulnerable to being undocumented. 489 Although specifically referring to refugees, one Egyptian lawyer noted that registration of children born from rape is one of the hardest matters facing victims regardless of whether the assault was committed inside or outside of Egypt. 490 Statistics on sexual assault in Egypt are highly unreliable for multiple reasons, including significant social stigma inhibiting reporting. 491 In 2006, the Egyptian Ministry of Interior noted that 20,000 women and girls were raped each year, but the Egyptian Center for Women’s Rights indicated at the time that this figure should likely be multiplied by ten since victims/survivors are reluctant to report cases due to social stigma. 492 While in 2020 the Egyptian Parliament approved government-sponsored amendments to ensure anonymity and protect identities of victims in sexual assault cases, 493 the authorities’ potentially hostile and abusive treatment of victims/survivors, including possible virginity testing, hinders victims’ reporting of sexual assault. 494

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486 Tarek Abd El-Galil, Economic Hardship Drives Child Marriage, AL-FANAR MEDIA (May 18, 2015) (‘sunnah marriage’ is the same as a marriage by ‘urfi marriage’).
487 Chata Malé and Quentin Wodon, Basic Profile of Child Marriage in Egypt, WORLD BANK GROUP 1-3 (Mar. 2016).
488 Lolwa Reda, 11% of girls aged 15-19 are married: Health Min., EGYPT TODAY (July 5, 2018). The Egyptian Ministry of Health and Population states that 500,000 children are born every year to underage mothers. Marwan Menaway, Despite child marriage being illegal in Egypt, it is still all too common, ARAB NEWS (Feb. 23, 2018) (the 2017 census indicates that one in 20 girls ages 15 to 17 years are currently married or were married, amounting to 118,904 girls under 18 when they wed).
489 Remote Interview with Ashraf Ruxi, supra note 428. Mohamed Farahat, Children of rape of refugee women, and statelessness, in Egypt, 55 FORCED MIGRATION REV. 79, 79 (June 2017).
490 Mohamed Farahat, Children of rape of refugee women, and statelessness, in Egypt, 55 FORCED MIGRATION REV. 79, 79 (June 2017).
491 Azza El-Elemi, Sahar Moustafa, and Abeer Hagras, Reported cases of female sexual assault over 5 years period in Suez Canal area, Egypt: Demographic study, EGYPTIAN J. OF FORENSIC SCIENCES 118, 118-23 (2011) (detailing lack of reliable statistical data as well as lack of reporting by victims).
492 Egypt: Are attitudes towards rape beginning to change?, IRIN (Feb. 18, 2006).
493 Menna Farouk, Egypt approves law to protect identities of women reporting sex abuse, REUTERS (Aug. 16, 2020).
494 See HRW, Submission to the Committee on the Elimination of Discrimination against Women, Review of the Arab Republic of Egypt’s periodic report for the 79th Pre-Session, (Oct. 13, 2020); see also Mona El-Naggar, Youss Al-Hlou, and Aliza Aufrichtig, When a Search Crosses a Line, NY TIMES (July 5, 2021) (detailing cases of sexual abuse by Egyptian authorities when individuals report a crime to the police).
• **Street Children** are also at risk of not being registered based on fear of social stigma, as well as the increased difficulties in delayed birth registration.\(^{495}\) While definitions vary, researchers and NGOs consider “street children” to be “minors who spend most of their time on the street without protection or guidance,” and “with generally little or no contact with their families.”\(^{496}\) There are no official statistics or reliable data on the number of street children in Egypt. Differing definitions, as well as challenges in conducting surveys, affect the estimated numbers of such children. The Government estimates there are 16,000 “street children,” while other sources’ estimates are significantly higher, from 200,000 to the millions.\(^ {497}\) Street children tend to live in the large urban areas of Port Said, Cairo City, Suez, and Alexandria.\(^ {498}\)

• **Abandoned children/foundlings** are also vulnerable to being unregistered.\(^ {499}\) Birth registration often depends on the type of care or institution the children are in—with one lawyer noting it is likely that a majority of abandoned/foundling children are not registered.\(^ {500}\) A recent report notes that while in some cases the child will have been abandoned by parents, in other cases, one parent will have abandoned the family and the other will have died before applying for the child’s birth certificate.\(^ {501}\) Some sources indicate that most “orphaned” children in Egypt are believed to be children born out of

\(^{495}\) See AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, *supra* note 11, at 40. See also Egypt – Legal Identity, CONSORTIUM FOR STREET CHILDREN, *supra* note 473 (“children in street situations that are estranged from their parents and lacking identification documentation will be unable to obtain any retroactive or replacement birth certificate”). Reem ElMenshawy, The role of non-governmental organizations in addressing street children in Egypt 61 (2015) (M.A. thesis, American University in Cairo); HUNTER, UNDOCUMENTED NATIONALS, *supra* note 13, at 13.

\(^{496}\) See Faisal Hegazy et al., Egypt: Street children and substance abuse, UNODC, https://www.unodc.org/newsletter/en/perspectives/0601/page006.html (last visited July 7, 2021). See also LORENZO GUARCELLO AND NIHAN KOSELECI, A PROFILE OF CAIRO STREET CHILDREN 8 (Nov. 2009) (“In this report, ‘street children’ is a term used to describe both children who work in the streets and markets of cities, selling or begging, and live with their families and homeless street children who work, live and sleep in the streets, often lacking any contact with their families. At highest risk is the latter group.”).

\(^{497}\) See Mahmoud Mostafa, Ministry estimate of 20,000 street children in Egypt ‘far from reality’: NGO, DAILY NEWS EGYPT (Jan. 20, 2015) (“UNICEF estimated in 2005 that there are around one million children who spend most of their lives on the streets” whereas government found there to be 20,000); Amro Hassan, EGYPT: 3 million children live on the streets, study says, LA TIMES BLOG (Aug. 11, 2011) (2011 survey estimated there to be 3 million children living on the streets of Egypt). But see Reem ElMenshawy, The role of non-governmental organizations in addressing street children in Egypt 41, 61 (2015) (M.A. thesis, American University in Cairo) (critiquing the high estimates provided by some NGOs as inaccurate, and noting the lack of clear government statistics to correct this).


\(^{499}\) Remote Interview with Ashraf Ruxi, *supra* note 428.

\(^{500}\) *Id.* See generally Jacqueline Gibbons, Orphanages in Egypt, J. ASIAN & AFR. STUD. 40 (2005).

\(^{501}\) AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, *supra* note 11, at 40-41.
wedlock.\textsuperscript{502} SOS Children’s Villages International estimates there to be 1.7 million “orphaned” children in Egypt, with one orphanage representative asserting the number to be 3 to 5 million.\textsuperscript{503} A recent official number of children registered inside orphanages is 12,500,\textsuperscript{504} with 10,000 children in alternative care families.\textsuperscript{505} Egypt has more than 500 institutional care homes,\textsuperscript{506} most of which are private NGOs registered under the supervision of the Ministry of Social Solidarity.\textsuperscript{507} In addition, while adoption is largely not recognized or limited, there is a \textit{kafala} system by which children are placed in a form of foster-care.\textsuperscript{508} This “Alternative Family” program under the Ministry of Social Solidarity recognizes permanent legal guardianship if certain requirements are met.\textsuperscript{509}

In 2012 it was noted that “around 20 per cent of births [in slums or unplanned areas] . . . . occur at home and only a small minority . . . . is attended by skilled health personnel.”\textsuperscript{510} At-home births among low-income populations can make it significantly more difficult to secure a birth certificate within the fifteen-day period.

With respect to children in street situations, the Child Law is silent on whether a child can independently obtain a retroactive or replacement birth certificate, with only the child’s father or mother, directors of hospital/house where the birth occurred, or the \textit{Umda/sheikh} being permitted to register the birth of a child.\textsuperscript{511} Street children who are estranged from their parents and/or lack identification documentation will likely be unable to obtain any retroactive or replacement birth certificate.\textsuperscript{512} For some, access to registration is onerous despite the best efforts on the part of NGOs to register a child.\textsuperscript{513} Similarly, representatives from the Ministry of

\textsuperscript{502} See, e.g., FACE FOR CHILDREN IN NEED, ADOPTION (KAFALA) IN EGYPT HANDBOOK 3 (2020) (noting also there are 12,500 registered orphanages in Egypt); Amira Abdel-Aziz, \textit{Assessment of the Alternative Families System in Egypt}, supra note 438, at 50-63.


\textsuperscript{504} FACE FOR CHILDREN IN NEED, ADOPTION (KAFALA) IN EGYPT HANDBOOK 3 (2020). For statistics on orphans provided by Egyptian Government, see CAPMAS AND UNICEF, CHILDREN IN EGYPT 2016, A STATISTICAL DIGEST 206-208 (2017).

\textsuperscript{505} Id. See also 438, at 52.

\textsuperscript{506} Id. See also Ashraf Khalil, \textit{Egypt's Orphans Struggle Long After Childhood Ends}, TIME (Aug. 26, 2014) (noting there are around 450 orphanages).

\textsuperscript{507} Id.


\textsuperscript{509} U.S. DEP’T OF STATE, 2020 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: EGYPT, supra note 173.


\textsuperscript{511} Egypt – Legal Identity, CONSORTIUM FOR STREET CHILDREN, supra note 473.

\textsuperscript{512} Id.

\textsuperscript{513} Undocumented Citizens, EGYPT TODAY (Sept. 13, 2013).
Social Solidarity report challenges in their attempts to collect official documents such as birth certificates without which the children are unable to seek refuge in shelters.\textsuperscript{514} It has also been noted that many if not most street children are undocumented as they come from second- or third-generation homeless families.\textsuperscript{515} Without documentation, in addition to shelter, they are not able to access government services such as education, vocational training, or medical care.\textsuperscript{516}

Abandoned children/foundlings are also particularly at risk of not being registered.\textsuperscript{517} While those administering alternative care options for children deprived of a family – including kafalah and institutional options – have a responsibility to facilitate registration for children in their care, sources note problems in this system.\textsuperscript{518} Many care homes, especially those organizations which are smaller or less well known, are not aware of the requirements for registration and/or lack capacity to handle the process. One lawyer noted that while statistics are not available, he estimated that less than half of all children in alternative care are registered.\textsuperscript{519} In contrast, a recent study indicated a correlation between single mothers not being able to register their children and children being abandoned. The study asserts that inability of unmarried mothers to “officially register and thus provide care for their child, despite the legislative framework that enables them to do so” was a root cause of abandonment.\textsuperscript{520} The study noted that the legal entitlement of single mothers to register their children is “neither widespread nor accepted by the relevant governmental officials, such as civil register employees,” suggesting “the need to communicate this article across related governmental entities and NGOs that work in the field of child care and women’s rights.”\textsuperscript{521}

In the past, official documentation apparently included the designation ‘orphan’ on the birth registration for orphan children, which news sources claimed exposed them to marginalization and lifelong discrimination. In 2012, however, the law changed, and children are no longer identified as orphans on national IDs.\textsuperscript{522} Due to the significant stigma attached to the status of orphans, this was a much-needed reform.\textsuperscript{523}

\textsuperscript{514} Lawmaker’s proposal to place street children in camps stirs controversy, AL-MONITOR (Feb. 2021); see also Magda A. Mohamed et al., Causes and Consequences of Street Life on Homeless Children: Choice or Compulsion? 86 MED. J. CAIRO UNIV. 1345-1355 (June 2018).
\textsuperscript{515} Lawmaker’s proposal to place street children in camps stirs controversy, AL-MONITOR (Feb. 2021); Jeffrey Fleishman, A child of Cairo’s streets, with a child of her own, LA TIMES (Feb. 17, 2009).
\textsuperscript{516} Magda A. Mohamed et al., Causes and Consequences of Street Life on Homeless Children: Choice or Compulsion? 86 MED. J. CAIRO UNIV. 1345-1346 (June 2018).
\textsuperscript{517} Lawmaker’s proposal to place street children in camps stirs controversy, AL-MONITOR (Feb. 2021).
\textsuperscript{518} See, e.g., Remote Interview with Ashraf Ruxi, supra note 428. Amira Abdel-Aziz, Assessment of the Alternative Families System in Egypt, supra note 438, at 50-56 (providing an overview of the different types of care offered to abandoned children/foundlings in Egypt).
\textsuperscript{519} Remote Interview with Ashraf Ruxi, supra note 428.
\textsuperscript{520} Amira Abdel-Aziz, Assessment of the Alternative Families System in Egypt, supra note 438, at 62.
\textsuperscript{521} Id.
\textsuperscript{522} Ashraf Khalil, Egypt’s Orphans Struggle Long After Childhood Ends, TIME (Aug. 26, 2014).
\textsuperscript{523} Id.
2. Unrecognized Religious Groups in Egypt—the Baha’i

As previously stated, the Egyptian Constitution and Government recognize three Abrahamic religions – Islam, Judaism, and Christianity.524 While Article 2 of the Egyptian Constitution declares Islam the religion of the state, with a provision declaring that Islamic shariʿa principles are the chief source of all state legislation applicable to citizens, Article 3 specifies which issues are to be governed by the principles of Christianity and Judaism.525 It states that the principles of confessional laws for Christians and Jews are the chief source of legislation regulating their personal status, religious affairs, and their choice of religious authorities.526 Whereas prior Constitutions had declared Islam as the state religion (with the exception of the Constitution of 1958), the constitutional commitment to Judaism and Christianity and to the concept of “divinely revealed religions” first appeared in the Constitutions of 2012 and 2014, but had long been established in Egyptian law and practice.527

Recognition of religion by the state is important under Egyptian law for purposes of obtaining a national ID card, a marriage certificate (a requirement for a birth certificate), as well as the right to litigate in personal status matters.528 Since 1955, each confession determines its own family laws under the jurisdiction of the Egyptian National Courts.529 In practice, three Christian communities (Orthodox, Catholic, and Protestant) and two Jewish communities (the Karaites and Rabbanites) command their own family law in Egypt.530 In assigning or recording religious identity for identification documents, the Government only recognizes the Abrahamic

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526 CONSTITUTION OF EGYPT, supra note 4, at arts. 2-3. In addition, the Egyptian Constitution provides that “freedom of belief is absolute” and “the freedom of practicing religious rituals and establishing worship places for the followers of Abrahamic religions is a right regulated by law.” The Constitution prohibits discrimination on the basis of religion, makes “incitement to hate” a crime, and prohibits political activity or the formation of political parties on the basis of religion. CONSTITUTION OF EGYPT, supra note 4, at art. 53.
528 Remote Interview with Mona Oraby, supra note 181; see also EGYPTIAN INITIATIVE FOR PERSONAL RTS., IDENTITY PAPERS, MARRIAGES, AND BURIALS: THE FUNDAMENTAL RIGHTS ABSENT FOR THOSE OF UNRECOGNIZED RELIGIONS IN EGYPT (2018) [hereinafter EIPR, IDENTITY PAPERS, MARRIAGES, AND BURIALS].
529 See Sebastian Elsässer, The Coptic divorce struggle in contemporary Egypt, 66 SOC. COMPASS 333, 335-36 (2019) (“Law 462/1955 was the culmination of a process of ‘nationalisation’ that started in the 1920s, and by which the Personal Status issues of non-Muslims, such as divorce, maintenance, and inheritance were gradually removed from the jurisdiction of clerical and communal courts and transferred to state courts. However, one major prerogative remained in the hands of the clergy: the right to conclude and register marriage contracts.”).
530 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 115 n.15. The Christian sects comprise multiple denominations, each with its own family law. Because personal status issues are informed by religious rather than civil law, the lack of recognition also impacts the laws which govern family law related issues, including marriage, divorce practices, and family relationships. There is no civil marriage in Egypt. Id.
traditions as religions. While Egypt’s minority Muslims (e.g., Shi’a), and minority Christians (e.g., Protestant) have no issue listing themselves as Muslim or Christian, adherents outside Islam, Christianity, and Judaism, do, in particular the Baha’i.531

One expert noted that while Baha’i are small in number, because they do not affiliate as Muslim, Christian, or Jewish, their status is “crucial for thinking about [the problem of] religious discrimination in Egypt . . . . [that goes beyond] religious arguments to the issue of citizenship equality.”532 The legal status of Baha’i in Egypt is “extremely complex.”533 Some Baha’i in Egypt suffer from undocumented nationality since their religion is not recognized. Because religion is a required designation on Egyptian identification documents, they face discrimination in obtaining IDs and vital documents such as marriage and death certificates.534

The Baha’i have resided in Egypt since the 1860s when a small number arrived from Persia due in part to religious persecution there.535 The Baha’i religion originated in Iran as a messianic movement within Shi’a Islam in the late nineteenth century before eventually becoming a separate religion. The founder, Bahá’u’lláh, declared himself to be a prophet and laid out the religion’s core principles in the Baha’i Holy Book (Kitáb-i-Aqdas).536 The Holy Book, composed in Arabic, was influenced by a variety of faiths (including Islam, Judaism, Christianity, Zoroastrianism, and Buddhism) and contains laws of worship and social relations, family law, and an administrative structure for adherents to the faith.537 The center of the Baha’i faith is in Haifa, Israel, in part because the Baha’i prophet-founder had been banished and later

531 EIPR AND HRW, PROHIBITED IDENTITIES STATE INTERFERENCE WITH RELIGIOUS FREEDOM 1-2 (2007) [hereinafter EIPR AND HRW, STATE INTERFERENCE WITH RELIGIOUS FREEDOM]. Despite lack of legal recognition (and discrimination against) other religious groups in Egypt, for example, Shi’a and Jehovah’s Witnesses, do not face the same documentation issues as Baha’i because they identify themselves as Muslim and Christian, respectively; Id. at 18 n.17; see also Remote Interview with Ashraf Ruxi, supra note 428 (noting Shi’a have access to documentation).

532 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 149-50 (“Baha’i constitute less than 1% of the population, but their conflicted civil and political status is exemplary of the difficulties involved in negotiating between the secular civil-law tradition that informs most of Egyptian law and the Islamic concepts and practices that permeate the state’s various legal and administrative bodies.”). Sources suggest that no other religious group in Egypt face the same legal conundrums due to unrecognized status. See Sabah Mahmood and Peter Danchin, Immunity or Regulation?: Antinomies of Religious Freedom, 113 S. ATLANTIC Q. 129, 142 (2014) [hereinafter Mahmood and Danchin, Antinomies of Religious Freedom].


534 EIPR, IDENTITY PAPERS, MARRIAGES, AND BURIALS, supra note 528. Remote Interview with Mona Oraby, supra note 181.


537 See SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 151-52 (“[T]he Bahá’í faith is of relatively recent origin. It drew its inspiration from the nineteenth-century millenarian Babi movement that expanded its scope under the leadership of Mirza Husayn Ali Nuri (1817–92), known as Bahá’u’lláh, to incorporate teachings from a variety of faiths, including Islam, Judaism, Christianity, Zoroastrianism, and Buddhism.”); Mahmood and Danchin, Antinomies of Religious Freedom, supra note 532, at 131-132.
lived in Acre, Palestine during Ottoman rule. Current estimates range from 2,000 to over 7,000 Baha’is in Egypt, and six to seven million adherents worldwide.

While earlier in the 20th century, Baha’i of Egypt had greater freedom to associate and practice their religion publicly, by the 1950s, the Egyptian Government moved to increase its power over “religious and other forms of identity.” In the early 1900s, Baha’is were able to establish a Local Spiritual Assembly and a National Assembly, and a publishing house. Egyptian Baha’i even petitioned the Government in the 1920s to be recognized as an official religion with its own family law. In the 1930s, it was common for Baha’i to register themselves as Baha’i in government documents, and in 1952 the State Council held that it was the right of every Egyptian citizen “to adhere to the Baha’i faith or even to be an apostate,” and the registration offices were required to examine all marriage contracts submitted to them, even if they were between Baha’i. But by 1960, President Nasser had nationalized the religious courts and annulled the Baha’i legal privileges and, under Law No. 263 of 1960, criminalized their activities, resulting in the confiscation of Baha’i properties and closing of their temples. It has been noted that the 1960 law was largely due to Nasser’s national security policy and increasing hostility towards Israel.

Many court cases have been brought through the decades challenging Baha’is’ legal status, including a 1975 Supreme Court case which upheld protections only for the “People of the Book.” In 1977 the State Council ruled that the Baha’i faith was not recognized by Islamic shari’a, contradicts public order, and consequently “every Baha’i marriage is invalid, even if it involves two persons of non-Muslim descent.” In 1983, however, the Supreme Administrative Court (SAC) ruled in favor of a Baha’i petitioner “who sued the Ministry of Interior for refusing to issue him a national identity card that listed his correct religion,” in violation of Article 46 of

539 See Egypt: Baha’i, MINORITY RTS. GRP. INT’L, supra note 177 (estimating Baha’i in Egypt); see also Mahmood and Danchin, Antinomies of Religious Freedom, supra note 532, at 131-132 (estimating global population of Baha’i).
541 Id.
542 Id. at 392 (citing Johanna Pink, A Post-Qur’anic Religion between Apostasy and Public Order: Egyptian Muftis and Courts on the Legal Status of the Baha’i Faith, 10 ISLAMIC L. AND SOC’Y 409, 422-423 (2003)).
543 Id. at 393.
544 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 152. Mahmood and Danchin, Antinomies of Religious Freedom, supra note 532, at 132 (“Given modern geopolitical tensions between Israel and most Middle Eastern states, the location of their headquarters in Haifa has often made Bahai’s a national security threat in the eyes of these governments.”).
545 Rachel Scott, Citizenship, Public Order, and State Sovereignty: Article 3 of the Egyptian Constitution and the “Divinely Revealed Religions,” in THE CRISIS OF CITIZENSHIP IN THE ARAB WORLD 375, 393 (2017). The Egyptian Government applies Islamic shari’a in matters relating to identification documents in various ways, and its application is often contested. For an analysis of varying Islamist discourse regarding the status of Baha’i and other non-Muslims in Islamic history and jurisprudence. Id. at 393-397; see also SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 149-167.
Egypt’s 1971 Constitution, yet the SAC refused to recognize the public practice of “anything but recognized religions.”

By the mid-1990s, the issue concerning identification documents became more acute for the Baha’i when the Egyptian Civil Registry began to digitize the registration process, thus formalizing the requirement of Baha’i to affiliate themselves and their children with the recognized Abrahamic religions. Prior to computerization, local officials often would note ‘Baha’i’ on state documents, leave the religion field blank, or leave a dash instead. By 2004, this was no longer possible. Baha’i also previously had some flexibility in making arrangements or negotiating with local officials, but these channels were significantly limited with the turn to computerized registration. Many Baha’i who did not want to identify with another faith were unable to secure documentation, with some having their documentation confiscated. From 2003 through 2009, several administrative cases were brought that challenged discrimination faced by Egyptians who did not conform to the state’s definition of religion. Among these were cases brought by Baha’i community members seeking a resolution to the lack of administrative recognition, to be able to receive documentation of their citizenship. Litigation challenging the Ministry of Interior and Civil Status Department claiming violation of Baha’i rights to religious liberty was met with partial success. In 2006, an administrative court ruled in favor of a Baha’i family concluding, among other things, that the fact that a religion is banned does not eliminate the adherents’ political and civil status. The Court ordered the Ministry of Interior to issue family identity cards that state the family’s religious affiliation as Baha’i. While this decision was overturned by the SAC, a subsequent 2008 decision by a lower Administrative Court of Justice decision permitted Baha’i to leave the religion space blank so as

546 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 156-57 (quoting the SAC decision “[t]he request to issue an identity card is not a prohibited activity; on the contrary, obtaining one is a duty under the law. The [appellant] cannot change what was written on his birth certificate about his parents’ religion, lest it be considered forgery, which is a crime.”). These cases were decided in the context of a significant wave of arrests and detainment of Baha’is in Egypt throughout the 1970s and 1980s. Remote Interview with Mona Oraby, supra note 181. Subsequent cases have demonstrated other areas where Egyptian authorities have been permitted by the court system to restrict Baha’i civil liberties. See, e.g., EIPR, IGNORING THE DEAD – WHERE HAVE THE GRAVES OF ‘THE FREE THINKERS’ AND BELIEVERS OF UNRECOGNIZED RELIGIONS GONE? (Dec. 2021); Court ruling says local authorities need not provide cemeteries for those not of ‘the 3 faiths’, MADA MASR (Dec. 30, 2021).
547 EIPR AND HRW, STATE INTERFERENCE WITH RELIGIOUS FREEDOM, supra note 531, at 1-2. It was noted that prior to the digitization of identification documents, when national identity documents were filled out by hand, Baha’i, for example, were sometimes able to get a local civil registry office to leave the religion line blank, or enter ‘other.’” Id. at 3.
548 Mahmood and Danchin, Antinomies of Religious Freedom, supra note 532, at 134; see also Ministry of Interior Circular No. 49, 2004; Interview with Mona Oraby, supra note 181.
549 Remote Interview with Mona Oraby, supra note 181.
550 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 157-158.
551 Remote Interview with Mona Oraby, supra note 181; see also Mona Oraby, Authorizing Religious Conversion in Administrative Courts, supra note 248, at 69-72 (2015).
553 SABA MAHMOOD, RELIGIOUS DIFFERENCE IN A SECULAR AGE, supra note 56, at 157-158.
not to have to identify themselves \textit{incorrectly} as Muslim or Christian.\footnote{Id. at 152-163 (discussing Supreme Administrative Court decision on case nos. 16834 and 18971 of the fifty-second judicial year, issued on December 16, 2006 and Administrative Court of Justice decision on case no. 18354 of the fifty-eighth judicial year, issued on January 29, 2008).} Thereafter, Egypt’s Interior Ministry recognized the right of adherents of “non-recognized” religions to obtain necessary identification documents and to access basic services.\footnote{Ministry of the Interior, Ministerial Decree No. 520 of 2009 (Egypt); \textit{Egypt: Decree Ends ID Bias Against Baha’is Halts Official Discrimination Against ‘Non-Recognized’ Religion}, HRW (Apr. 15, 2009).} As a consequence, Baha’is secured the right to an identification card, yet Baha’i personal status law and marriage continue to be unrecognized by the state.\footnote{Remote Interview with Mona Oraby, \textit{supra} note 181.}

As an unrecognized religious group, the Baha’i population of Egypt has faced ongoing discrimination in documenting their status as Egyptian nationals, illustrating some of the barriers associated with Egypt’s administrative regulations, and the implementation gaps that exacerbate statelessness. Despite clear and generally uncontested claims to Egyptian nationality under the Nationality Law, for decades Baha’is have encountered significant administrative hurdles or have been prohibited from securing nationality documentation, including Egyptian identification cards.\footnote{EIPR AND HRW, \textit{State Interference with Religious Freedom}, supra note 531, at 41.} For example, in 2006, HRW and EIPR noted that they were aware of three children born to Baha’i parents who lacked any birth records.\footnote{Remote Interview with Mona Oraby, \textit{supra} note 181.} Since the 2009 court decision that recognized the Baha’is’ right to access Egyptian identification documents without affiliating with one of the three state-recognized religions (i.e., allowing them to mark a dash under the religion category for purposes of securing Egyptian ID cards), procedures have been established to allow them access to documentation.\footnote{Ministerial Decree No. 520 of 2009, \textit{supra} note 555.} However, due to administrative laws, regulations, and a legacy of state practices, documentation of Baha’i citizenship is conferred on a case-by-case basis rather than in a uniform manner. In practice, Baha’is can fall between being \textit{partially} documented to \textit{completely} undocumented.\footnote{Remote Interview with Mona Oraby, \textit{supra} note 181.}

Baha’i who are documented still face issues concerning the veracity of the information in their identification documents and the extent to which parentage limits possibilities for amending that information.\footnote{Id.} It is important to note the 2009 court decision benefits those Baha’is who had their previous IDs registered as ‘Baha’i’ or designated as ‘other,’ but does not address those who may have been previously documented as Christian or Muslim.\footnote{MINORITY RTS. GROUP INT’L, \textit{Justice Denied, Promises Broken: The Situation of Egypt’s Minorities Since 2014} (2019) [hereinafter MRGI, \textit{The Situation of Egypt’s Minorities Since 2014}]; Remote Interview with Mona Oraby, \textit{supra} note 181.} Accordingly, information reflected in civil registration documents in which Baha’is have been documented as Christian or Muslim based on documentation of relatives, can affect Baha’is’ eligibility for marriage and who
they may marry (since there are legal as well as social barriers to certain mixed marriages). In addition, only Baha’is who possess documented evidence that their relatives were previously identified by the state as Baha’i are most likely to have their contemporary ID cards marked with the dash (-) used as a proxy for Baha’i affiliation after 2009. This affects a small subset of the Baha’i today – primarily second or third generation individuals whose family had documents identifying them as ‘Baha’i’ or ‘Other’ and not identified as Muslim, Christian, or Jewish prior to the digitization process of the 1990s. Not having a legally valid marriage can deprive women of access to courts to resolve disputes involving divorce, maintenance and child custody, as well as denying them other rights of married couples such as inheritance and sponsorship of a foreign spouse.

As discussed earlier, lack of a marriage certificate can lead to significant problems in accessing birth registration documents. Since the Baha’i faith is not recognized by the Egyptian Government, a Baha’i marriage certificate is not considered valid. Since a valid marriage certificate and declaration of the parents’ religion is a prerequisite, it may be difficult or impossible to register the birth of a child. Because of this, some Baha’i parents are listed as single on a birth registration, as well as on their own ID cards, which causes problems in inheritance, among other things (a child cannot inherit from the father if the parents are not recognized as legally married). Registering a child born of two parents with documentation that has a blank or a dash in place of identifying their religion is generally not an issue. However, if one of the parents is not similarly identified, what religion the child will have on his or her documents becomes problematic. Lack of access to birth certificates has caused some Baha’i families to pursue their claims in court. Those with resources are “able to file individual petitions for recognition of their marriages in civil court.”

563 See U.S. DEP’T OF STATE, 2020 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: EGYPT, supra note 173 (noting legal barriers to certain mixed religion marriages). The family lineage of a Baha’i individual, and the records that individual holds which accurately describe their parents’ civil status (including their religious affiliation) affects the individual’s freedom to form relationships with others. E-mail from Mona Oraby, Remote Interview with Mona Oraby, Assistant Professor of Law, Jurisprudence, and Social Thought, Amherst College, to Christopher Creech, Susan Akram, and Yoana Kuzmova, IHRC (Oct. 26, 2021) (acknowledging that each of these nuances highlight the rarity of mixed marriages in contemporary Egypt).

564 E-mail from Mona Oraby, supra note 563.


566 Mona Oraby, Authorizing Religious Conversion in Administrative Courts: Law, Rights, and Secular Indeterminacy, 17 NEW DIVERSITIES 64, 67 (2015); see also Egypt: Baha’i, MINORITY RTS. GRP. INT’L, supra note 177.

567 Egypt: Baha’i, MINORITY RTS. GRP. INT’L, supra note 177.


571 Id. at 18 (citing Unmarried and with ten grandchildren: The official paper crisis of Egyptian Baha’is, EIPR, (Nov. 5, 2018)).

Baha’is’ ability to obtain ID cards and other necessary documents can also depend on other factors, including: (1) where a Baha’i individual lives within the country (urban vs. rural), (2) his or her social standing, (3) social network, and (4) relationships with local authorities. In addition, whether an individual Baha’i can obtain specific documents often depends on the whim of the official who happens to be working in the office the day he or she seeks to register a child or apply for an identification card.

Since documentation status has a direct impact on access to social entitlements like education, health insurance and employment, Baha’i with even limited documentation tend to fare much better than those without any documentation. Baha’is report that having documentation bearing the dash for religion – depending on local relations, geography, and general biases – has been both positive as a form of recognition for the Baha’i community, yet problematic as another way of formalizing their ‘otherness’ in Egyptian society. More concretely, some report that the dash on identity documents permits too much discretion by the person reviewing such documentation, whether it be for the purpose of seeking employment, buying real estate, or for receiving further government documentation.

3. Bedouin Populations and Egyptians in Border Regions

The Bedouin population of the MENA region comprises many distinct populations and communities. The term ‘Bedouin’ is a broad label, but this Report will refer to the ‘Bedouin’ in Egypt as those individuals or communities that self-identify as Bedouin or are affiliated with communities that are recognized as Bedouin within Egypt. This definition acknowledges that

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573 Remote Interview with Mona Oraby, supra note 181.
574 Id.
575 Id.
576 Id.
577 See generally Mona Oraby, Authorizing Religious Conversion in Administrative Courts: Law, Rights, and Secular Indeterminacy, 17 New Diversities 64 (2015). How employers, school administrators, or those selling property to a Baha’i react to the dash for religion on the ID card depends on the area in which a Baha’i person lives and their social class, and varies case-by-case. Remote Interview with Mona Oraby, supra note 181.
578 See, e.g., William Young, ‘The Bedouin’ Discursive Identity or Sociological Category? A Case Study from Jordan, 9 J. of Mediterranean Stud., 277, 278-279 (1999) (“in the Arabic lexicon, a ‘Bedouin’ is ‘an Arab’ who lives apart from permanently settled areas, in either (1) a seasonal pastureland called a badiya; (2) a wasteland (khala’); or (3) a seasonally desiccated area (sahra’) where plants and other people are found only occasionally. Note that none of these terms necessarily implies that the Bedouin are nomadic pastoralists. In fact, this connotation is only secondary.”); see also Donald Cole, Where have the Bedouin Gone?, 76 Anthropological Q. 235, 237 (2003) (noting that “Today, ‘Bedouin’ refers less to a ‘way of life’ than to an ‘identity.’ The way of life was grounded in ecology and economy, the identity in heritage and culture.”); Remote Interview with Dawn Chatty, Emerita Professor of Anthropology and Forced Migration, Univ. of Oxford (Feb. 5, 2021) (noting the colonial legacy of Orientalized notions about the Bedouin, and the associated typologies with which colonial powers categorized Bedouin populations in the MENA region). See also Int’l Crisis Group, Egypt’s Sinai Question 22 (Jan. 30, 2007) (quoting one resident of Shaykh Zwayd district, who indicated the Bedouin of Sinai “have known four periods of occupation [ihitilat]: British, Egyptian, Israeli, and for the last 30 years, Egyptian again.”). See also BU IHRC, Campaign to End Statelessness in Jordan, supra note 10, at 24 (“the Bedouin-related ‘bidoon’” in
many individuals and communities who either self-identify or are identified as “Bedouin” may be considered nomadic, semi-nomadic, or pastoralist, while others may not, and that additional research is needed to determine precise vulnerabilities for specific Bedouin populations. While some “settled populations resist assimilating Bedu into the national identity,” other Bedouin individuals or communities have varying relationships with Egyptian national identity.579

The Bedouin are estimated to account for “less than 1 per cent”580 of Egypt’s total population, i.e., approximately 1,000,000 people, though there are no verified statistics. Past estimates suggested that “as few as one-third of adult Bedu outside urban centres have identity documents,” in particular those residing in South Sinai.581 Although these estimates cannot be verified due to lack of quantitative data, a number of factors lead to some Bedouin lacking identity documents and living as unregistered citizens within Egypt.582 Since national surveys, including the national census (most recently conducted in 2017), assimilate the Bedouin into the general population, official government data is not reflective of Bedouin experiences or status preferences.583

Historically, many states in the MENA region have “subjected [the] Bedouin to settlement, land appropriation, detribalization, and neglect.”584 In Egypt, the Bedouin have also been frequently viewed as “somewhat primitive, [or] requiring civilization.”585 The end of the Ottoman Empire’s control of Egypt did not end Ottoman policies intended to ‘sedentarize’ the Bedouins (for example, in the 1850s, much of Egypt’s desert land was nationalized “on the basis of its definition as mawat or ‘dead’ (uncultivated)”land).586 British land policies with regard to

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580 Kark and Frantzman, *Empire, State and the Bedouin of the Middle East*, supra note 167, at 503.

581 Hilary Gilbert, ‘Everything has its Price.’ Conservation, development and Bedu in St. Katherine Protectorate, South Sinai, 179-180 (2010) (Ph.D. dissertation, Univ. of Manchester) (citing the Author’s interview with a USAID officer).

582 See, e.g., Hilary Gilbert, 'This is Not Our Life, It’s Just a Copy of Other People’s’: Bedu and the Price of ‘Development in South Sinai*, 15 NOMADIC PEOPLES 7, 26 (2011) (noting there is “no formal record of their population, which is in any case under-registered”).

583 Hilary Gilbert and Mohammed Khedr al Jebaali, *Not Philanthropists but Revolutionaries: Promoting Bedouin Participation in the New Egypt*, 9 (Am. Univ. in Cairo, Working Paper, 2012) (“for example, the Human Development Indicators for South Sinai are based on a sample derived from the voter registration index, a high proportion of which . . . . has been comprised of Egyptian settlers or migrant workers.”) [hereinafter Gilbert and al Jebaali, *Bedouin Participation in the New Egypt*].


586 Bedouin populations held a great deal of land across Sinai, the Western Desert, and the Eastern Desert, but were numerically a small minority. See Kark and Frantzman, *Empire, State and the Bedouin of the Middle East*, supra note 167, at 489.
the Bedouin hardly altered Ottoman policies. Following independence, in 1958, Nasser “repealed the Law of the Tribes of 1956 and proclaimed that thenceforth all Bedouin tribes would cease to possess any separate legal identity,” Nasser’s Law 143 also “defined all desert land outside of towns (zimam) as government owned.” These policies have resulted in Bedouin communities that were often historically pastoralist or nomadic becoming dependent on informal work sectors, particularly tourism.

Due to “official government, and . . . . international blindness or disinterest” in identifying Bedouin communities, many Bedouin lack channels to express practical or political concerns, leaving many believing that “the state-citizen contract is inadequately fulfilled.” This has led to protests by some Bedouin communities, such as the Azazma and Gararsha in the Sinai, against their treatment by the Egyptian government, including difficulties with civil registration and accessing identification documents. These difficulties have translated into a situation of statelessness or lack of documentation for many Bedouins in the Sinai.

Because there are common barriers to accessing civil registration across multiple Bedouin populations, Bedouins face a range of difficulties characterized by a deep urban-rural divide. Bedouin populations more closely settled or integrated in or around urban areas seem to face fewer barriers to accessing full citizenship status, while those in rural areas of Egypt face more difficulties in documenting their status. The greatest barriers are faced by people living in border regions. These conditions are shared by a number of rural Bedouin communities, particularly in central and upper Egypt. However, this Report does not cover the specifics of most of the Bedouin communities, whose situations remain for future research to examine.

Specific challenges (e.g., active conflict in North Sinai or territorial disputes in the Hala’ib region) as well as issues common to Bedouin populations and some rural poor communities across Egypt (e.g., practical difficulties accessing civil registration in South Sinai and barriers on the Egypt-Libyan border) affect many individuals and communities’ ability to

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587 Id.
589 Kark and Frantzman, Empire, State and the Bedouin of the Middle East, supra note 167, at 495.
591 Hilary Gilbert, Bedu and the Price of ‘Development in South Sinai, supra note 582, at 7.
592 Id.
593 E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC (July 7, 2021) (on file with author); see also Hilary Gilbert, Environmental Identity as Resistance in South Sinai, supra note 579, at 51.
594 See, e.g., North Sinai voters wary of Islamist dominance, DAILY NEWS EGYPT (Jan. 4, 2012) (estimating there to be approximately 70,000 Bedouins in the Sinai without identification documents); see also Dan Swale, Discord in the Desert: Egypt’s Sinai Peninsula in the aftermath of the Arab Spring 29 (2015) (M.A. thesis, Massey University); see also Egypt’s stateless keep receiving empty promises of citizenship, AL-MONITOR (Feb. 18, 2021) (noting the problem of statelessness for Bedouin populations in border regions and conflict zones).
595 For example, one source noted that many of the individual Bedouins lacking an official form of identification “are those deep in the desert who have nothing, no ID card or driver’s license, who don’t go into town and avoid the roads.” E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC (June 1, 2021) (on file with author).
secure status documentation. It is also important to note that gaps in civil registration in these regions, including for Bedouin populations, are primarily a result of the administrative process and practical realities of administrating Egypt’s nationality laws; these are examined further below. This Report examines Bedouin populations in the periphery of Egypt: (1) the Sinai Peninsula (examined separately here as North Sinai and South Sinai), (2) the Egypt-Libya border region, and (3) the Hala‘ib Triangle.

a. The Sinai Peninsula

The Sinai Peninsula’s total population is estimated at around 450,000 by CAPMAS,596 the majority of which is composed of Bedouin populations (estimated at between 300,000-400,000 persons across approximately twenty Bedouin clans or confederacies), most of whom are concentrated in North Sinai.597 The Bedouin make up approximately 70% of the total population of the Sinai Peninsula.598 There are also a significant number of Palestinians in Sinai, but due to their unique circumstances regarding citizenship they are not addressed specifically in this section.599 It is difficult to quantify the number Bedouin who are unable to access civil registration, although one source in 2012 indicated that approximately 70,000 Bedouins were unregistered.600 The lack of reliable data makes it impossible to determine exactly how many Bedouins continue to live unregistered across the peninsula, but based on reporting by experts working with the communities, the percentage is likely very high.601

i. North Sinai

599 Alyaa Anter, TV Exposure and North Sinai Youth’s Tribal Identity, National Identity, and Risk Perception, 12 CONTEMP. ARAB AFFAIRS 37, 39 (2019) (noting that the “identity of the indigenous inhabitants of North Sinai consists of a Palestinian element, which is very conscious of its identity and its relations with the inhabitants of Gaza and the West Bank, and a Bedouin element, which is aware of its historical heritage in the Arabian Peninsula and belonging to tribes with branches in Palestine and Jordan.”). See also INT’L CRISIS GROUP, EGYPT’S SINAI QUESTION 10 (Jan. 30, 2007) (estimating that a third of the population of Al-Arish alone is estimated to be composed of Palestinians (i.e., approximately 33,000 of the roughly 100,000 people residing in Al-Arish in 2012, a number that has likely grown as the general population of Al-Arish has grown over subsequent years)). Palestinians face a specific set of barriers to accessing citizenship, in ways both distinct and similar to the Bedouin who reside in North Sinai.
600 See CAPMAS AND UNICEF, CHILDREN IN EGYPT 2016, A STATISTICAL DIGEST 205 (2017) (noting that in 2014, no data on birth registration was available in the Sinai).
601 No ID, no government services, IRIN (July 18, 2012) (citing Bakr Sweilam, head of the Al Gora Community Development Association in Sinai).
North Sinai’s Bedouin population is estimated to be over 300,000. The lack of quantitative data regarding citizenship registration or availability of birth certificates is due in large part to ongoing conflict in the region, which has resulted in Egyptian authorities establishing a “police state [and] mass settlement and manpower-intensive economic projects.” Reports indicate that “Egypt’s military has forcibly evicted roughly 100,000 North Sinai residents” and “destroyed thousands of homes” in a campaign that has continued unabated since 2014. This has been accompanied by restrictions on movement, food shortages, and thousands of arrests. Many local Bedouin communities suffer severe human rights violations. The intersection of social exclusion, punitive security measures, and economic disparity have caused the radicalization of some Bedouin, “with reportedly up to 15 groups . . . regularly claiming responsibility for acts of terrorism and sabotage.”

These conditions exacerbate existing vulnerabilities to accessing citizenship. In a study of Bedouin youth in the North Sinai Governorate, Aylaa Anter noted that “[s]ome Bedouin never hold an Egyptian citizenship card, and others have difficulties obtaining one.” The Azazma Bedouins, located primarily in an area straddling the Egyptian-Israeli border, have faced particular challenges of statelessness. The Azazma population is estimated to be around 12,000 total, with approximately 2,000 persons on the Egyptian side of the border. The Azazma have not been able to register for Egyptian citizenship. In the early 2000s, the Egyptian government produced a unique form of documentation that acknowledged them as members of the al-Azazma tribe, but excluded them from the basic services that flow from citizenship rights, confirming their status as second-class Egyptian citizens. There is a lack of information about

605 Id.
606 IRG, THE SITUATION OF EGYPT’S MINORITIES SINCE 2014, supra note 562, at 24 (noting that “Ongoing human rights abuses, while caused in part by the current conflict, cannot be separated from the Bedouin’s situation as an excluded minority regarded with suspicion and mistrust by the central government for decades.”).
607 Hilary Gilbert, An Excluded Population, A Nuanced Approach to Sinai’s Bedouin is Necessary to Secure the Region, PROJECT ON MIDDLE EAST DEMOCRACY 2 (2014). See also Remote Interview with Dawn Chatty, supra note 578 (noting that poverty has driven some Bedouin individuals to join non-state armed groups in conflict with the governments in the MENA region generally, not infrequently for the sake of payment rather than ideology).
608 Alyaa Anter, TV Exposure and North Sinai Youth’s Tribal Identity, National Identity, and Risk Perception, 12 CONTEMP. ARAB AFFAIRS 37, 39 (2019).
609 E-mail from Confidential Informant, supra note 593.
610 A Past Still Present: Addressing Discrimination and Inequality in Egypt, Equal Rights Trust 236 (Dec. 2018); see also ISI, STATELESSNESS IN NUMBERS: 2019, supra note 2, at 5; IFFAT IDRIS, K4D HELPDESK REPORT, SINAI CONFLICT ANALYSIS (Mar. 2, 2017); Akbar Ahmed & Harrison Akins, No Arab Spring for Egypt’s Bedouin, BROOKINGS (Feb. 15, 2012).
611 EQUAL RIGHTS TRUST, PAST STILL PRESENT: ADDRESSING DISCRIMINATION AND INEQUALITY IN EGYPT 236 (Dec. 2018).
612 North Sinai voters wary of Islamist dominance, DAILY NEWS EGYPT (Jan. 4, 2012).
613 Id. See also Dan Swale, Discord in the Desert: Egypt’s Sinai Peninsula in the aftermath of the Arab Spring 29 (2015) (M.A. thesis, Massey University).
whether and how many members of the Azazma have been able to fully regularize their citizenship status; more detailed information on their situation requires further investigation.

ii. South Sinai

The situation of the Bedouin of South Sinai – a predominantly rural region with less extensive armed conflict than in much of North Sinai – is similar in some ways to that of the Bedouin populations in less geographically peripheral but equally rural areas of Egypt.\(^\text{614}\) South Sinai’s Bedouin population numbers approximately 40,000,\(^\text{615}\) and consists of “Bedu from eight tribes or tribal confederations.”\(^\text{616}\) Some individuals pursue mobile agro-pastoral livelihoods, but the majority are sedentarized to varying degrees.\(^\text{617}\) Egyptian development projects conflict with historical claims to territory by several Bedouin populations in South Sinai, creating additional barriers to documented status for rural poor communities.\(^\text{618}\)

In an important recent development, trends in health care in South Sinai have resulted in the majority of births (approximately three quarters) taking place in hospitals. As a consequence, it appears that most if not all Bedouin children born now in South Sinai possess birth certificates.\(^\text{619}\) One attorney also noted that midwives are also now authorized to complete civil registration processes.\(^\text{620}\) This is a significant step in confirming citizenship status for Bedouins who are Egyptian nationals. Increased registration rates also indicate a trend toward regularized registration status, and reports also show that individual Bedouin in South Sinai are being granted citizenship in specific cases.\(^\text{621}\) Still, there are other risk factors beyond acquiring birth certificates that relate to the lack of other forms of civil registration. In a 2012 study by Hilary Gilbert and Mohammed Khedr al Jebaali, the authors estimated that “30-50 per cent of Bedu [in

\(^{614}\) Despite the distinctions between North and South Sinai in terms of the level of conflict, many Bedouin still “live with a constant, intrusive security presence,” and many lack access to “education, healthcare, sanitation, electricity, water and work.” Hilary Gilbert, ‘Bedouin overgrazing’ and conservation politics: Challenging ideas of pastoral destruction in South Sinai, 160 BIOLOGICAL CONSERVATION 59, 61 (2013).

\(^{615}\) Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 7.

\(^{616}\) Hilary Gilbert, Conservation, Development and Bedu in St. Katherine Protectorate, South Sinai, supra note 581, at 6.

\(^{617}\) Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 7.

\(^{618}\) Gilbert, Conservation, Development and Bedu in St. Katherine Protectorate, South Sinai, supra note 581, at 13-14 (explaining that “Since well before the Islamic era, Sinai’s indigenous population has consisted of mobile Bedu. In 1967 Israel captured Sinai from Egypt. In the ensuing fifteen-year occupation, settlement and rapid economic change produced wholesale shifts away from pre-development Bedouin livelihoods of semi-nomadic pastoralism, horticulture, hunting and fishing. Since 1982, when full Egyptian Government resumed, South Sinai has experienced rapid commercial development through tourism and substantial donor investment.”).

\(^{619}\) E-mail from Confidential Informant, NGO, supra note 595 (notably, the same informant noted that “[t]here is a high incidence of last-minute advice to have expensive C-sections, with correspondingly high rates, and distressing cases of women with complications being turned away until money for surgery is produced upfront – a massive challenge for many Bedouin.”)

\(^{620}\) Remote Interview with Ashraf Ruxi, supra note 428.

\(^{621}\) Egypt’s stateless keep receiving empty promises of citizenship, AL-MONITOR (Feb. 18, 2021).
South Sinai] have no ID card,” and it is estimated that approximately fifteen per cent of the Bedouin in South Sinai continue to be unregistered with the Egyptian government. The study states that, many Bedouin “born before the onset of development had no means of registering their children’s births, and many interviewed in 2007-2008 did not know their own age or birthday.”

In addition, the process of registering for identification documents involves traveling large distances and facing many security checkpoints. Travel restrictions make it more difficult to acquire identification documents. Some Bedouin face a Catch-22, as “they cannot travel without ID, but cannot get ID without travelling.” With a significant number of security checkpoints and heavy surveillance in Sinai, the challenge of accessing civil registration centers many kilometers away can be an insurmountable barrier (or at least a significant deterrent) to registering as a citizen. This barrier is likely faced by many communities, both Bedouin and otherwise, that are in remote regions of Egypt and unable to readily access administrative offices.

Individuals able to overcome this barrier are also asked to retrieve identification documents, birth certificates, marriage certificates, and other documentation that may be decades old, not computerized, and completely unavailable. In addition, two Sheikhs must sign this documentation to verify its authenticity, requiring further travel. To access citizenship registration, some adult Bedouin are expected to bring all documentation they have (often little, if any), to the government registration office where their father or grandfather was registered at the time of the handover of Sinai from Israel’s control, a process that can make acquiring identification documents nearly impossible.

Finally, it is important to note that Bedouin in South Sinai face barriers to registration due to lack of resources. Gaps in education have resulted in high illiteracy rates. “[P]oor quality teaching and patchy or non-existent provision of schools mean that virtually no one goes to

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622 Hilary Gilbert, Environmental Identity as Resistance in South Sinai, supra note 579, at 50 (citing Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 7).
623 E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC (Mar. 25, 2021) (on file with the author); E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC, supra note 595.
624 Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 18.
625 E-mail from Confidential Informant, NGO, supra note 619.
626 Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 18.
627 Id.
628 E-mail from Confidential Informant, NGO, supra note 619. While a marriage certificate is required to obtain a birth certificate, if there is any reason why a marriage certificate cannot be procured, the baby will likely be registered as belonging to the father’s brother in order to retain the family name. E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC, supra note 595.
629 Id.
630 Id.
631 See Hilary Gilbert, Conservation, Development and Bedu in St. Katherine Protectorate, South Sinai, supra note 581, at 179 (mobility, illiteracy and suspicion of authority combine to ensure fewer adult Bedu are registered citizens than in the population at large); see also Joseph Hobbs, Speaking with People in Egypt’s St. Katherine National Park, 86 GEOGRAPHICAL REVIEW 1, 15 (1996) (noting that “illiterate, Bedouin women of all the tribes asked whether the park would assist them with adult-literacy education.”).
university, and professional South Sinai Bedu are almost unheard of.”

Lack of education and high illiteracy make the registration process more difficult. Bedouin in South Sinai face high unemployment, and approximately 50% of those who work live on “around US $1 per day; while almost twice as many Bedu as Egyptians (81% vs. 44%) experience food poverty.” Lack of access to employment, both in formal and informal sectors, creates a severe barrier to paying administrative fees and travel costs. In addition, some Bedouin populations may be wary of attempting to access citizenship status from the Egyptian Government. Gararsha tribesmen handing in their identification cards as a rejection of state authority demonstrates the failure of the state to engage with some marginalized Bedouin communities. These factors combine to make accessing civil registration very difficult for this population.

b. Egypt-Libya Border and the Western Desert

The Awlad ‘Ali Bedouin are a “trans-national tribal confederation” in Egypt’s Western Desert. They straddle the Egypt-Libya border, with an estimated population of 750,000 in Egypt. Generally, it has been noted that the Awlad ‘Ali “have national identity cards . . . . and participate in national elections . . . . [t]hey are citizens – in deed, in spirit, and in identity.”

While the social practices of the Awlad ‘Ali “are shaped by connectivity and transgression across state territory and state sovereignty” they are also “Egyptian [or Libyan] citizens who have been

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632 Hilary Gilbert, *Bedu and the Price of ‘Development in South Sinai*, supra note 582, at 18 (noting also that children on average attend formal education for approximately seven years).

633 Hilary Gilbert, ‘Bedouin overgrazing’ and conservation politics: Challenging ideas of pastoral destruction in *South Sinai*, 160 BIOLOGICAL CONSERVATION 59, 61 (2013); see also Remote Interview with Dawn Chatty, supra note 578 (noting there are similarities between rural poor populations’ ability to access citizenship and identification documents and that of Egyptian Bedouin populations.).

634 Hilary Gilbert, *Bedu and the Price of ‘Development in South Sinai*, supra note 582, at 7 (citing Heba Aziz, *Employment in a Bedouin Community: The Case of the Town of Dahab in South Sinai*, 4 NOMADIC PEOPLES 28, 28 (2000) (“State officials . . . . would argue that Bedouin are incapable of working – an excuse for the alienation of Bedouin from the path of economic and social development in their own communities . . . . In 2002, the 110 hotels in Sharm El Sheikh created ten thousand to thirty thousand direct jobs, yet almost none were offered to Bedu.”).

635 E-mail from Confidential Informant, NGO, to Christopher Creech, IHRC, *supra* note 595 (noting that while there are no formal fees, people still have to pay for the proper forms and stamps in addition to travel expenses).


637 While this analysis centers on South Sinai, further inquiry is needed to determine the extent to which similar problems exist for other marginalized populations in Egypt, particularly Bedouins and communities in rural areas.

638 THOMAS HÜSKEN, *TRIBAL POLITICS IN THE BORDERLAND OF EGYPT AND LIBYA* 32 (2019) (stating that “The Confederation consists of five subtribes and 64 clans. The subtribes are the Abyad (subdivided in Kharuf and Sanaqra), the Ahmar, the Sinina, the Qutu’an and the Jimi’at.”). The territory of the Awlad ‘Ali “stretches along the Mediterranean coast for around 500 km from al-Hamam to Salloum . . . . [and] extends as far as the Siwa Oasis in the Qatara Depression.” Id.


deeply involved in the colonial and postcolonial history of these nations.”641 However, barriers continue to exist for some individual Bedouins in the region due to intergenerational factors, difficulties in travelling to civil registration offices, and difficulties in registering ‘urfi marriages.

One barrier to status has to do with inter-generational documentation gaps. In 1986, Lila Abu-Lughod noted that “wittingly or unwittingly, most people [of the Awlad ‘Ali] live outside the law, smuggling, crossing closed borders, carrying unlicensed firearms, avoiding conscription, not registering births, not having identity papers, evading taxes, and taking justice into their own hands.”642 She suggests many Awlad ‘Ali were not formally registered with the Egyptian government at the time. While the Egyptian civil registration process has changed dramatically since, certain individuals, particularly adult Bedouin, still lack identity papers. This leaves younger Bedouins at risk of intergenerational statelessness if either their birth or their parents’ marriage were not registered with the Egyptian government.643

The problems of needing to travel to fulfill civil registration requirements has already been noted in the context of South Sinai, but less information is available regarding the Bedouin of the Western Desert. Many of the Awlad ‘Ali Bedouin are viewed with suspicion, manifested by “surveillance by security forces that have set up checkpoints across their region . . . [and] they are subject to harassment by police and security under the new regime.”644 Checkpoints and the cost of travel create barriers to civil registration, as has been reported in South Sinai.645 Finally, ‘urfi marriages, particularly in the case of cross-border marriages, create problems for individuals in obtaining marriage certifications.646 It is unclear what the extent is to which these are problems for ensuring citizenship to communities in the Western Desert.

641 HÜSKEN, TRIBAL POLITICS IN THE BORDERLAND OF EGYPT, supra note 638, at 31. There is also a degree of arbitrariness in documentation required to cross the Egypt-Libya border, as “[d]epending on the situation, the Awlad ‘Ali could cross the border without a visa on a daily or weekly basis, needed visas when under 60 years of age, could transport goods across the border or not, and were allowed to work in Libya or not.” Id. at 182.
642 LILA ABU-LUGHOD, VEILED SENTIMENTS HONOR AND POETRY IN A BEDOUIN SOCIETY 72 (2d ed., 2016).
643 See, e.g., LILA ABU LUGHOD, VEILED SENTIMENTS HONOR AND POETRY IN A BEDOUIN SOCIETY 297 (2d ed., 2016) (noting the changes that had occurred in Awlad ‘Ali society, as some members of the younger generations “lived in apartments or villas with washing machines, televisions, and carpeting, and who are literate and working as teachers, engineers, and pharmacists.”).
644 Id. at 295. See also HÜSKEN, TRIBAL POLITICS IN THE BORDERLAND OF EGYPT, supra note 638, at 179 (noting that the Awlad ‘Ali have “not been the object of severe military action or harsh security and secret service measures within the context of the so-called war against terror.”).
645 Gilbert and al Jebaali, Bedouin Participation in the New Egypt, supra note 583, at 18. As in South Sinai, the structure of the economy disadvantages Bedouin communities: “a weak labor market with a high rate of unemployment among the youth; the limited potential of desert agriculture; tourism that is predominantly in the hands of Egyptian investors from the Nile Valley . . . . and often operates with non-Bedouin employees . . . . and a construction sector that basically employs cheap seasonal workers from Upper Egypt.” HÜSKEN, TRIBAL POLITICS IN THE BORDERLAND OF EGYPT, supra note 638, at 179.
646 See HÜSKEN, TRIBAL POLITICS IN THE BORDERLAND OF EGYPT, supra note 638, at 113 (stating that “‘UrFI is a non-state law that establishes a legal framework for conflict resolution and the production of order for a population living on the territories of two states and carrying two different citizenships. It also contributes to ‘law and order’ in relations between the two states. This international dimension is exemplified by the regulation of Bedouin and non-Bedouin labor migration between Egypt and Libya, trade and commerce, criminal acts and also marriages between Libyan and Egyptian members of the Awlad ‘Ali.”).
c. Hala’ib Triangle

Several populations, including but not limited to Bedouin communities in the Hala’ib region, face issues in accessing citizenship status for complex historical reasons. Egypt and Sudan have been engaged in a territorial dispute over the border region of the Hala’ib Triangle since the turn of the 20th century. The Condominium Agreement of 1899 between Britain and Egypt nominally provided for joint administration of the Sudan by both governments, yet Egypt’s “share of the Sudan administration was in reality carried out by the British consul-general and the British advisors.” The Condominium Agreement delineated the Sudan’s territorial boundary as areas “south of the 22nd parallel of latitude.” This is the boundary that Egypt still recognizes. However, since the boundary “separated the Ababda and Basharva tribes,” the Egyptian Interior Minister, Mustapha Fahmy, issued a series of decrees between 1899 and 1907 to accommodate the Bedouins. These decrees amended the boundary to permit the Sudanese administration to manage the tribal areas north of the 22nd parallel, and this is the boundary that Sudan recognizes. Sudan gained independence from the Anglo-Egyptian administration in 1956, and while the Hala’ib area remained under primarily Sudanese control at the time, in the early 1990s Egyptian forces under then-President Mubarak seized the land and expelled any remaining Sudanese forces.

The disputed Hala’ib Triangle has a total population of approximately 20,000-27,000 persons within an area of approximately 20,000 square kilometers, though only a small subset of

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647 Also referred to as “Halayeb,” while the largest city of Shalatin is frequently referred to as “Shalateen.” This report adopts the spelling of “Hala’ib” and “Shalatin” but does not modify the quoted language from sources that use alternative spellings.

648 Gabriel Warburg, *The Sudan, Egypt and Britain*, 1899-1916, 6 MIDDLE EASTERN STUD. 163, 163 (May 1970). Egypt came under Ottoman rule in 1517 and its borders were enlarged in the nineteenth century by Mohamed ‘Ali Pasha following the conquest of some parts of what is now Sudan. Sudan was linked with Egypt and governed through Turco-Egyptian administration. Following British occupation of Egypt in 1882, Britain and Egypt signed the Condominium Agreement which declared joint sovereignty over the Sudan on 19 January 1899. When Egypt gained formal independence from Britain, Britain reserved for itself control of Sudan. The legal relationship between Egypt and Sudan was brought to an end by the cessation of the Condominium Agreement on 1 January 1956. See KHALED FAHMY, ALL THE PASHA’S MEN, supra note 36, at 9-14; ALI COSKUN TUNCER, SOVEREIGN DEBT AND INTERNATIONAL FINANCIAL CONTROL: THE MIDDLE EAST AND THE BALKANS 1870–1914, 30-31 (2015).

649 See HELEN MILLER DAVIS, CONSTITUTIONS, ELECTORAL LAWS, TREATIES OF STATES IN THE NEAR AND MIDDLE EAST 62-65 (1953) (reproducing the 1899 Condominium Agreement in full).


651 Id.

652 Id. Due to both nations recognizing the Hala’ib region as their own, the neighboring region of Bir al-Tawil is an unrecognized territory for both, and remains possibly the only habitable area on the planet where no state has asserted sovereignty. See also GBENGA ODUNTAN, INTERNATIONAL LAW AND BOUNDARY DISPUTES IN AFRICA 171 (2015).

this population face challenges related to citizenship status. Several Bedouin populations live in the region, including the Ababda, al-Atman, Basharia, and Rashāyidah. Some are considered to be Sudanese by Egyptian authorities. Since this area is a frequent migration route for Ethiopian, Eritrean, Sudanese, and other refugees and migrants en route to Cairo, there is also a high military presence in parts of the region that makes movement without identification more difficult.

Much of the population within the Hala’ib region are nomadic or descended from nomadic populations, and there is “a tangible cross-border social relationship” that runs contrary to nationalist conceptions of state citizenship. It is partly this relationship that leads to difficulties in citizenship registration, as if Egyptian authorities believe a person is or should be registered in Sudan, they will not issue them Egyptian status documents, or recognize ones they may have. It has been noted that while many individuals primarily “identify with their tribe, they have an Egyptian identity card, an Egyptian birth certificate and an Egyptian marriage certificate.” Some individuals lack these Egyptian identification documents, partly due to their rural location and the strong security presence of the Egyptian armed forces, and partly due to allegations by the Egyptian authorities that some populations or individuals are Sudanese and should not be registered.

Notably, the Permanent Representative of the Sudan also claimed that a recent Egyptian presidential decree directed further ‘Egyptianization’ of the region. One element of this has been the opening of an “Egyptian Civil Register office in Shalatin in order to issue Egyptian personal documents, including birth certificates and national identification cards.” However, many people “have yet to receive Egyptian citizenship, mainly from the Atman and Rashaida . . . . [t]he Egyptian authorities have refused to grant them any official papers

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654 Id. See also YEHYA SERAG, FUTURE UNIV. IN EGYPT, TOWARDS AN APPROPRIATE REGIONAL DEVELOPMENT APPROACH FOR DEVELOPING THE HALAYB-SHALATEEN BORDER REGION IN THE SOUTH EAST OF EGYPT 5 (Sept. 2018).
655 Sherif Mohyeldeen, The Egypt-Sudan Border: A Story of Unfulfilled Promise, supra note 650; Egypt’s stateless keep receiving empty promises of citizenship, AL-MONITOR (Feb. 18, 2021). See also Malak Guirguis, El-Bega Tribes: A Little Known People of Egypt and Sudan, 6 CIVILISATIONS 237, 238 (1956).
656 Remote Interview with Ashraf Ruxi, supra note 428.
657 MICHAEL COLLYER, NORTH AFRICA MIXED MIGRATION TASK FORCE, CONDITIONS AND RISKS OF MIXED MIGRATION IN NORTH EAST AFRICA 29, 31 (Nov. 2015).
658 YEHYA SERAG, TOWARDS AN APPROPRIATE REGIONAL DEVELOPMENT APPROACH FOR DEVELOPING THE HALAYB-SHALATEEN BORDER REGION, supra note 654, at 5.
659 Remote Interview with Ashraf Ruxi, supra note 428.
661 COLLYER, CONDITIONS AND RISKS OF MIXED MIGRATION IN NORTH EAST AFRICA supra note 657, at 29, 31.
663 Id. (noting also that passports are not issued in this location, as they are issued in the Egyptian city of Ghardaqah).
proving their right to Egyptian citizenship.”664 It is also important to note that although some have been unable to register for Egyptian citizenship, an undetermined number may be able to access Sudanese citizenship.665 How many people are unable to register for either Egyptian or Sudanese citizenship remains to be documented.

C. Withdrawal of Nationality

Revocation of citizenship is “widely – and increasingly – reported” in Egypt,666 but it is not a new invention of Egyptian law.667 With regard to withdrawal of nationality, Egypt’s Nationality Law continues to discriminate on the basis of gender.668 The law provides that where the father’s nationality changes, his children may lose their Egyptian citizenship without consideration of the mother’s nationality.669 This provision is contrary to Egypt’s obligations under CEDAW’s Article 9, though information could not be obtained on the extent to which these provisions are applied in practice.670

Moreover, national security measures have given the state “greater powers to unilaterally sever the legal bond with its own citizens on grounds that relate to national security or terrorism.”671 Egypt has proposed amendments that could make citizenship revocation easier and more prevalent. One proposed amendment “would require natural born Egyptian nationals working abroad for a foreign Government or a foreign or international body to leave their posts immediately” if so ordered by Egypt (removing the former six-month grace period).672

664 *Egypt’s stateless keep receiving empty promises of citizenship*, AL-MONITOR (Feb. 18, 2021); see also Mohamed Abu Deef, *The members of the “Atman” tribe: We go to obtain official papers and they say: “You are Sudanese.”*, EL WATAN NEWS (Nov. 27, 2015).
665 Remote Interview with Ashraf Ruxi, *supra* note 428.
669 Law No. 26 of 1975, *supra* note 67, at art. 11.
670 Such provisions are discriminatory under Article 9 since women are to have “equal rights with men to acquire, change or retain their nationality,” and “with respect to the nationality of their children.” The CEDAW Committee confirmed that Article 9 creates an obligation to ensure equality between men and women in conferring nationality to their spouse. CEDAW, General recommendation No. 32, *supra* note 408, at ¶ 52.
671 See Laura van Waas and Sangita Jaghai, *All Citizens are Created Equal, but Some are More Equal than Others*, 65 NETHERLANDS L. REV. 414, 419 (2018) (noting Egypt among a dozen other states that have used such measures). See also *Egypt court rejects case to revoke citizenship of opponents convicted of terrorism*, MIDDLE EAST MONITOR (Feb. 15, 2021).
672 NAEL SHAMA, PROJECT ON MIDDLE EAST AND DEMOCRACY, STRIPPING AWAY IDENTITY: THE DANGERS OF A REPRESSIVE NEW NATIONALITY LAW IN EGYPT 3 (2017); see also Muhammed Magdy, *Egypt aims to amend rules...*
proposal would permit the state to “revoke citizenship from Egyptians living abroad convicted of harming Egypt’s external or domestic security.”\textsuperscript{673} A third proposed amendment would allow the state “to revoke the citizenship of Egyptians convicted of ‘belonging to a group, association, front, organization, gang, or entity of any kind, inside or outside the country, that aims to harm the public order of the state or undermine its social, economic or political order.’”\textsuperscript{674} This amendment would give enormous discretion to the Egyptian Government to revoke the citizenship of any person deemed a threat to the regime’s stability regardless of their status as naturalized or natural-born citizens.\textsuperscript{675} It is expected that “Parliament will approve the amendment to the citizenship law because it is overwhelmingly comprised of pro-government members” and administrative courts have approved the amendments. However, at the time of writing these amendments have not yet become law.\textsuperscript{676} The arbitrary application of these amendments or the 1975 Nationality Law risk violating international law that prohibits the arbitrary deprivation of nationality.\textsuperscript{677}

1. **Political Dissidents and Individuals Deemed a National Security Threat**

There are an estimated 70,000-100,000 political prisoners currently detained by the Egyptian Government, but it is unclear how many persons have been detained on political or national security grounds and stripped of their citizenship (or have undergone proceedings related to revoking their citizenship).\textsuperscript{678} In 2014, it was reported that Egyptian citizenship was revoked from approximately 800 naturalized persons (including Palestinians), for allegedly having naturalized illegally, and President al-Sisi reportedly demanded the details of the cases of up to 13,000 Palestinians awarded citizenship since 2011.\textsuperscript{679} These actions indicate that Egypt’s
broad provisions permitting citizenship revocation are and can be used to strip political
dissidents and otherwise vulnerable populations of Egyptian nationality status on a broad basis,
in addition to detention or expulsion.680

The use of Zionism as a basis for citizenship revocation is also closely tied to the rhetoric
of national security.681 However, it is unclear the extent to which Zionism is employed as a
means of justifying citizenship revocation. Tarek Badawy noted in 2014 that the provision
mandating citizenship revocation of Zionists “is likely dead letter law,” and there have been few
indications that the Egyptian government has been interested in utilizing this provision.682

Individual instances of citizenship revocation have been reported in cases against persons
outside of Egypt. There are no estimates of how many persons remain in exile due to fears of
being targeted by the Egyptian Government, and how many have actually faced citizenship
revocation. Nonetheless, in an effort to target those who have fled, Egypt has stripped political
dissidents, and those perceived as dissidents, of their citizenship (for example, in one well-
publicized case, Egypt revoked the citizenship of political activist Ghada Naguib in December
2020).683 Reports emerged in 2017 of Egyptian embassies delaying renewal of passports for
activists and dissidents living abroad, requiring them to return to Egypt to renew their
documents.684 Such actions risk subjecting persons to citizenship revocation while abroad if they
do not return to Egypt, and arbitrary detention if they do return.

However, it is important to note in any case that citizenship “may always be reinstated by
an order of the Minister of Interior after five years of revocation” and the President of Egypt
“may, at any time, order the reinstatement of citizenship for those who have had it revoked.”685

D. Gaps in Legal Framework and Egypt’s Implementation for Adult Refugees,
Displaced, and Migrant Populations

680 Egypt: Activist Stripped of Citizenship, HRW (Feb. 11, 2021) (noting that Law No. 26 of 1975 is subject to such
governmental abuses, as “it gives authorities great discretion, without legal oversight or court review, in stripping
Egyptians of their nationality.”).
681 See, e.g., MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 20-21; Egyptian court rules Egyptians
married to Israelis must be stripped of citizenship, AHARAM ONLINE (Sept. 8, 2016) (noting that an Egyptian
administrative court ruled “the interior ministry must strip Egyptian citizenship from Egyptians who have married
Israelis, in order to protect the country’s national security.”).
682 Badawy, Egyptian citizenship legislation, supra note 270, at 281 (acknowledging the provision was first
“introduced in Law 391/1956 on Egyptian Citizenship at the height of the Arab-Israeli conflict, and was transplanted
into the Citizenship Act of the [UAR] in 1958 . . . . While the Egyptian executive may have resorted to the provision
on several occasions, the author is aware of one reported case only, where a citizen who was stripped of her
citizenship for adopting Zionist sympathies challenged the executive’s decision to revoke her citizenship.”).
683 Egyptians in exile fear losing citizenship, AL-MONITOR (Jan. 4, 2021); AMNESTY INT’L, EGYPT: ACTIVIST
ARBITRARILY DEPRIVED OF NATIONALITY, MADE STATELESS, AI Index: MDE 12/3770/2021 (Mar. 5, 2021); see
also Court revokes Egyptian nationality of Copt living in the US, AHARAM ONLINE (May 22, 2011).
684 NAEL SHAMA, THE DANGERS OF A REPRESSIVE NEW NATIONALITY LAW IN EGYPT, supra note 672, at 7.
685 Badawy, Egyptian citizenship legislation, supra note 270, at 283. See Law No. 26 of 1975, supra note 67, at art.
18.
Previous sections have addressed issues pertaining to nationality particularly with regard to Egyptian nationals. While the gaps described in Part IV.A do apply to refugee populations, there are also specific gaps in legal protections pertaining specifically to refugees in Egypt that are addressed in section IV.D below. Egypt has no asylum legislation and has delegated the registration and assessment of asylum applications to UNHCR. This section discusses the practice and situation of UNHCR. Part IV.E then addresses specific refugee populations of concern, briefly touching on migrant populations that face many of the same challenges without the additional protections of UNHCR. Part IV.E.7 concludes by addressing the unique status of Palestinians in Egypt.

1. MOU between UNHCR and the Egyptian Government

The Egypt-UNHCR MOU states that voluntary repatriation and resettlement are durable solutions for refugees, but it does not include local integration as a solution. Refugees who are recognized as such by UNHCR are issued an identity card and given a legal residency permit. The Egyptian government views the residency of refugees as temporary, and residency permits have limited time periods that require regular renewal. Refugees have no tailored or facilitated path to acquire Egyptian citizenship, even when they acquire residence and qualify for regular naturalization criteria through residence, or through other avenues under Egypt’s citizenship laws, such as through marriage to an Egyptian citizen or investment in the country.

2. UNHCR Registration Documents

Another concern regarding recognition and protection of refugees and asylum seekers is the complicated system of UNHCR registration. The system is very difficult to navigate for refugees and asylum seekers, and government officials’ recognition of the various documents UNHCR issues is inconsistent, occasionally resulting in apprehension of refugees and failure to grant them the protections to which they are entitled by UNHCR registration. Many refugees never approach UNHCR for assistance for a range of reasons. Refugees must present themselves to the UNHCR office in person, and given the size of Cairo this is complicated for many. It can take some individuals or families a full day, and require them to take time off from work, which they may be unable to afford. Many refugees do know what UNHCR is or does, and many fear that registering as a ‘refugee’ can negatively affect their ability to remain in Egypt, or travel from Egypt to another country.

There are three primary documents issued by UNHCR: a white paper, a yellow card, and a blue card.

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687 Remote Interview with Mohamed Farahat, Lawyer (Oct. 19, 2020).
• The white paper – an asylum seeker certificate – is the certificate issued to those registered with UNHCR who have officially applied for refugee status without presenting valid identification documents. Unlike the other two registration documents, the white paper does not enable its holder to obtain a residency permit in Egypt. The white paper is only valid for six months, can be renewed, and is frequently issued to individuals who carry no identification documents recognized by the Ministry of Foreign Affairs. Asylum seekers keep this white paper until they undergo a refugee status determination (RSD) interview. It acknowledges that the asylum seeker has registered his or her presence with UNHCR, but until the RSD interview is conducted confirming eligibility for international protection, it does not entitle the holder to a residency permit. Since many stateless asylum seekers who attempt to register with UNHCR are undocumented, this is the most likely document they will receive.

• The yellow card, an asylum seeker registration card, is issued to those persons registered with UNHCR who have officially applied for refugee status and have presented valid identification documents. This card enables holders to obtain residency permits to legalize their stay in Egypt, and protects them from detention and deportation. The yellow card is valid for eighteen months. In the past, individuals claiming asylum at the UNHCR office were given a yellow card. For persons with identification documents, but who entered Egypt in an irregular manner, a yellow card would likely (but not automatically) be issued. As noted regarding the white paper, the yellow card is more frequently issued to those who provide recognized identification documents from their country of origin. While white paper holders are unable to get residency permits, yellow card holders are able to do so.

689 UNHCR, SERVICES FOR REFUGEES AND ASYLUM SEEKERS REGISTERED WITH UNHCR IN GREATER CAIRO 2 (Aug. 2019) [hereinafter UNHCR, SERVICES FOR REFUGEES AND ASYLUM SEEKERS].
690 Id.
691 Remote Interview with Mohamed Farahat, supra note 687. AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 26-27.
693 Id.
694 Id.
695 Id.
696 Remote Interview with Mohamed Farahat, supra note 687.
697 Id.
698 Id. AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 26-27.
• The blue card, the refugee registration card, is issued to persons who are formally recognized as refugees by UNHCR. The card allows its holder to obtain a legal residence permit (sticker) to legalize his stay in Egypt and is valid for three years.

This registration card system is not only confusing, but the cards are not always properly recognized by government officials. For example, though the Ministry of Interior recognizes the blue card and the residency permit it authorizes, officials in the Ministry of Manpower and Migration, the ministry that issues work permits, do not always recognize or accept the card. Blue card holders are supposed to be able to use them as a valid substitute for passports in order to obtain work permits. However, when their card is not accepted by the Ministry, recognized refugees are unable to obtain work permits and support themselves. The registration system seriously disadvantages stateless persons, who usually do not have required documentation that would entitle them to yellow and then blue cards, as the white papers they usually receive do not entitle them to international protection.

3. Accelerated RSD Processes

Other concerns include that asylum seekers with legitimate claims are not afforded that status because of accelerated or merged RSD processes. Refugees and asylum seekers who do not benefit from prima facie refugee status (as many Syrians and Yemenis have) must undergo RSD procedures to ensure they qualify for international protection. However, in part due to the high number of refugees and asylum seekers in Egypt, UNHCR has made efforts to accelerate its RSD procedures, a process that results in the rejection of some asylum seekers with legitimate refugee claims, and in turn leads to a loss of protection from UNHCR for stateless refugees.

4. Closed-File Refugees

Closed-file refugees, or rejected asylum seekers, are at risk of statelessness, even more so than registered asylum seekers, because of the lack of legal status and protection provided by UNHCR once their case is closed. Although asylum seekers rejected at the first instance stage are eligible to appeal the determination and have their claims re-examined, once their files are closed following a rejected appeal, UNHCR is no longer responsible for providing them further

699 UNHCR, SERVICES FOR REFUGEES AND ASYLUM SEEKERS, supra note 689, at 2-3.
700 Id.
701 Remote Interview with Mohamed Farahat, supra note 687.
legal or protection-oriented services (nor are they eligible for resettlement). This vulnerability is perpetuated by the Egyptian government’s view that closed-file refugees are irregular migrants, so they are ineligible for any legal status, and are not included in the network of organizations that provide protection or basic services for refugees. Remaining in limbo without legal status in Egypt when they cannot return to their country of origin creates a heightened risk that their children will be born undocumented and unable to establish their legal link to any country.

Closed-filed asylum seekers without identification cannot legally marry, divorce, or obtain a birth certificate for their child. Many closed-file refugees are unable or unwilling to go to their embassies and consulates for assistance in obtaining birth certificates for their children. Even if they do decide to approach their embassies and consulates, their requests for assistance and documents are often rejected. Providing such individuals with even a short-term, renewable legal status would give them time and a path to obtain valid documentation and would decrease their risk of statelessness.

E. Gaps in Protection for Specific Refugee and Migrant Populations

The gaps in the legal framework relevant to refugees, including stateless refugees, have a range of implications for refugee populations in Egypt. This Report addresses some consequences for certain populations, particularly those most at risk of statelessness.

1. Syrians

There are over 130,000 registered Syrian refugees and asylum seekers in Egypt. The real figure is likely much higher, as many Syrians have not registered with UNHCR or Egyptian authorities. As Syria descended into civil war in 2011, and Syrians began fleeing to other countries in the MENA, the number of Syrian refugees in Egypt rose from 12,800 at the end of 2012 to the current estimated population of 130,000 people. As a result of this significant increase in refugees and asylum seekers, at the end of 2013, UNHCR set up a field office in Alexandria, where many Syrian refugees reside. UNHCR provides Syrian refugees with prima

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703 Id.
704 Id.
705 Id.
707 Refugee Context in Egypt, UNHCR, supra note 202.
facie RSD that enables them to obtain certain relief and services in Egypt.\textsuperscript{709} Syrians, like other refugee populations, are at risk of statelessness because of barriers to obtaining documentation from consulates and embassies and maintaining necessary documentation when these expire. For example, because of the widespread use of local sheikhs to perform marriages who do not issue formal marriage certificates in Syria that are recognized in Egypt, many Syrians have difficulty establishing that their marriages are legal.\textsuperscript{710}

In addition, due to Syria’s nationality law which does not allow children to acquire nationality from their Syrian mothers, if a Syrian woman gives birth in Egypt and the child does not acquire a nationality from the father – or has no legal ink to the father – the child may be left undocumented.\textsuperscript{711} Egypt’s nationality law has no safeguard against such children becoming stateless.

2. **Yemenis**

The conflict in Yemen has displaced millions of Yemenis since 2015. The majority of displaced Yemenis are internally-displaced and remain in Yemen, while others have fled to other countries in the MENA region, including Egypt. According to the Yemeni Embassy in Cairo, between 500,000 and 700,000 Yemeni live in Egypt, a dramatic increase from the 70,000 prior to 2015.\textsuperscript{712} Like Syrians, because of the conflict in Yemen, UNHCR generally provides Yemeni refugees and asylum seekers with \textit{prima facie} refugee status determination procedures.\textsuperscript{713} However, many Yemenis who do reside in Egypt are not registered with UNHCR as refugees or asylum seekers because this gives them the flexibility to return to Yemen at their own convenience, leaving many Yemenis who could be registered as refugees and asylum seekers without protection.\textsuperscript{714} If Yemenis in the latter category are unable to fulfill the registration procedures for their children born in Egypt, and are unable to access consular assistance for security or practical reasons, their children risk lacking documentation and potential statelessness.

\textsuperscript{709} Maja Janmyr, \textit{Negotiating Protection in the Syrian Refugee Response}, MIDDLE EAST INST. (Feb. 13, 2018); see also Remote Interview with Confidential Informant, NGO (Dec. 8, 2020) (stating that Syrians have frequently faced problems accessing the Syrian embassy and renewing their passport, but the situation has much improved).

\textsuperscript{710} Remote Interview with Mohamed Farahat, \textit{supra} note 687.


\textsuperscript{713} UNHCR, \textit{EGYPT RESPONSE PLAN FOR REFUGEES, AND ASYLUM-SEEKERS FROM SUB-SAHARIAN AFRICA, IRAQ, AND YEMEN} (2020) [hereinafter \textit{EGYPT RESPONSE PLAN}]. Not all Yemenis are eligible for \textit{prima facie} refugee status, and Yemenis for the most part must still undergo RSD if they are under consideration for resettlement.

3. **Iraqis**

Though the population of Iraqi refugees of over 6,800 is smaller than other refugee populations from countries in the MENA, most Iraqis are protracted refugees. A systemic problem for Iraqi refugees is access to documentation to regularize their stay in Egypt and gain access to services. This is particularly an issue for those Iraqis who arrived in Egypt on a tourist visa and then claimed asylum once in Egypt. Iraqis are at risk of deportation because obtaining and renewing residency permits has been restricted. Because of this, Iraqis have problems finding adequate housing, as landlords aware of their precarious situation hesitate to rent to them. Most Iraqi refugees end up living in substandard housing and pay high rents for the privilege.

Iraq’s gender discriminatory nationality law does not allow children to acquire nationality automatically from their Iraqi mothers if they were born outside the country. As with Syrians, if an Iraqi woman gives birth in Egypt and the child does not acquire a nationality from the father – or has no legal link to their father – the child is left stateless. Egypt’s nationality law does not protect such children against statelessness.

4. **Sudanese and South Sudanese**

Egypt also hosts a sizable number of refugees and asylum seekers from North and Sub-Saharan Africa. The second largest population of registered refugees and asylum seekers in Egypt are Sudanese, with UNHCR reporting the population at almost 51,000, over 20,000 of whom are from South Sudan. Though the Arabic Sudanese population may face fewer cultural problems adjusting, and using local services, than the mostly non-Arabic speaking Southern Sudanese population, both experience discriminatory and xenophobic treatment in Egypt. The stabbing of a twelve-year-old Sudanese boy, Mohamed Hassan, sparked demonstrations in Cairo.

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715 “Protracted refugee situations are those in which at least 25,000 refugees from the same country have been living in exile for more than five consecutive years. Refugees in these situations often find themselves trapped in a state of limbo: while it is not safe for them to return home, they also have not been granted permanent residence to stay in another country either.” Protracted Refugee Situations Explained, UNHCR, https://www.unrefugees.org/news/protracted-refugee-situations-explained/ (last visited 9 July, 2021).
716 UNHCR, EGYPT RESPONSE PLAN, supra note 724, at 12.
717 Id.
718 Id.
719 ABDULLAH OMAR YASSEN, GLOB. CITIZEN OBSERVATORY, REPORT ON CITIZENSHIP LAW IRAQ 7 (2021).
720 UNHCR, EGYPT OPERATIONAL UPDATE JULY-SEPTEMBER 2021, supra note 197.
in October/November of 2020. These protests resulted in dozens of refugees and migrants being arrested and detained.

In 2004 Egypt and Sudan signed the Four Freedoms Agreement, which guaranteed freedom of movement, residency, work, and property ownership for citizens of both countries. However, although Sudan appears to have implemented the Agreement, Egypt has reportedly not fully implemented it.

In Egypt, it is common for migrant and refugee families from Sudan and South Sudan to lack identification documents of any kind. Many Sudanese cannot register the births of their children born in Egypt for a host of reasons, including: they have no asylum or refugee document issued by UNHCR (either because they never registered or their asylum claim was rejected); they cannot obtain consular assistance from their home countries due to security issues; or they are refused documents by their consulates because they are not considered nationals. Any of these barriers puts their children at risk of statelessness. In addition, Sudanese nationality law discriminates against mothers in transmission of nationality, as the child of a Sudanese father automatically obtains nationality at birth, while the child of a Sudanese mother must make an application to obtain her nationality.

5. Eritreans, Ethiopians, and Somalis

There are almost 36,000 registered Eritrean and Ethiopian refugees and asylum seekers in Egypt. However, this number could be increasing due to the ongoing conflict and instability in the Tigray region of Ethiopia. Refugee communities living in Tigray, including the approximately 100,000 Eritrean refugees living across four refugee camps in the region, are also entering Egypt. Since the outbreak of the Somali Civil War and the collapse of Siad Barre’s regime in the early 1990s, refugees and asylum seekers from Somalia have increasingly been fleeing to Egypt, with over 6,700 refugees and asylum seekers registered with UNCHR. However, estimates of unregistered Somalis living in Egypt is much higher because refugees

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722 Zeinab Mohammed Salih, *Dozens of Sudanese migrants held in Cairo after Protests*, THE GUARDIAN (Nov. 12, 2020).
723 Id.
726 MANBY, *BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO*, supra note 11, at 27.
728 UNHCR, *EGYPT OPERATIONAL UPDATE JULY-SEPTEMBER 2021*, supra note 197.
who have not been in contact with UNHCR for several years are “deregistered” by UNHCR, and UNHCR has been closing Somali refugee files for various reasons.\textsuperscript{731}

In addition to challenges similar to those faced by Sudanese and South Sudanese who arrive in Egypt without documents, individuals from all these countries face specific obstacles to obtaining or preserving their country-of-origin nationality status. Eritrea, for instance, places burdensome documentation requirements on its nationals living abroad (for example they need to pay taxes to the country before they can obtain consular assistance), which prevents some nationals from accessing this assistance.\textsuperscript{732} Due to onerous requirements of both countries and suspicion of the other state’s nationals, persons of mixed Ethiopian and Eritrean parentage often find themselves unable to obtain documentation verifying their nationality from either Eritrea or Ethiopia.\textsuperscript{733}

6. Non-Refugee Migrant Populations

As Egypt has historically been a transit and destination country for economic migrants in addition to refugees, it is host to migrants from an estimated fifty-eight different countries, including Iraq, Syria, Yemen, Libya, Ethiopia, Eritrea, Somalia, Sudan, South Sudan, and other sub-Saharan African countries.\textsuperscript{734} The precise number of migrants in Egypt, as noted earlier, is unknown. In addition to being a host for migrants, Egypt is also one of the largest providers of migrant labor; more than six million Egyptian emigrants live and work in the MENA, primarily in Saudi Arabia, Jordan, and the United Arab Emirates.\textsuperscript{735}

While little data is available, it is likely that some migrant workers are at risk of statelessness in Egypt. Reports indicate that irregular migrant workers, in particular from nearby countries such as Eritrea, Ethiopia, the Democratic Republic of Congo, and Sudan, often lack documented status in their home country, and face statelessness or the risk of statelessness (especially when coupled with the denial of diplomatic or consular protection and assistance).\textsuperscript{736} An additional challenge is the requirement to produce a residence permit showing legal presence in Egypt. For regular migrants, renewing permits that expire every six months and take around two months to renew is not an easy task. Although Egypt has not deported those without papers, the lack of a valid residence permit limits freedom of movement, which may affect ability to travel, and to access documents from their respective consulates.\textsuperscript{737}

\textsuperscript{731} \textit{U.S. Committee for Refugees World Refugee Survey 2002 – Egypt}, U.S. COMM. FOR REFUGEES & IMMIGRANTS (June 10, 2002). See also Remote Interview with Confidential Informant, NGO, \textit{supra} note 709 (noting that many Eritrean refugees are unable to renew their residency in Egypt).

\textsuperscript{732} MANBY, \textit{BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO}, \textit{supra} note 11, at 27.


\textsuperscript{734} IOM, IOM STRATEGY FOR EGYPT (2021-2025) 3 (2021).

\textsuperscript{735} Tsourapas, \textit{Egypt: Migration and Diaspora Politics}, \textit{supra} note 107.

\textsuperscript{736} EIRWEN-JANE PIERROT, UNHCR, A RESPONSIBILITY TO PROTECT: UNHCR AND STATELESSNESS IN EGYPT 7-9 (June 2013).

\textsuperscript{737} MANBY, \textit{BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO}, \textit{supra} note 11, at 27.
7. Palestinians

Palestinians have been subject to one of the most lengthy and inter-generational problems of statelessness in the world, and their status in Egypt is the result of mass displacement from Palestine, the Western colonial movement, and the complex relationship between Egypt and other actors in the MENA region. Palestinian statelessness is a consequence of the ongoing occupation of the Palestinian state and denial of Palestinian self-determination. Palestinians are considered separately from other stateless refugee populations for the purposes of this Report to acknowledge both the unique socio-historical context of Palestine, and the correspondingly unique status of Palestinians in international law. The IHRC’s research indicates that Palestinians in Egypt continue to face systemic barriers to citizenship status and equal protection, despite important measures taken by the Egyptian government.

Palestinian statelessness as a matter of law is a “direct result of the misinterpretation of the Covenant of the League of Nations, the misadministration of the British mandate, and the UN’s partitioning of the Palestinian homeland.” Following World War I, the allied powers carved up the former Ottoman territories among themselves and administered them through a series of treaties with Turkey. Pursuant to the Treaty of Lausanne of 1924, the Palestine Citizenship Order of 1925 conferred citizenship status to Palestinian nationals (i.e., those persons considered to be Turkish subjects “habitually resident in the territory of Palestine.”). The creation of Israel through the wars of 1948-1967 led to the mass displacement of Palestinians through systematic expulsions from their homeland. UN Resolution 181 of 1947 proposed the partition of a Palestinian state and a Jewish state. A year later in 1948, UN Resolution 194

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738 ISI, THE WORLD’S STATELESS, supra note 20, at 127.
739 Id.
740 See, e.g., DAWN CHATTY, DISPLACEMENT AND DISPOSSESSION IN THE MODERN MIDDLE EAST 183 (2010) (noting that with the exception of the European Crusaders in the 11th and 12th centuries, “the Arabs in Palestine have maintained an uninterrupted presence as the majority population” until their mass displacement beginning in the 1940s). See JOHN QUIGLEY, THE CASE FOR PALESTINE: AN INTERNATIONAL LAW PERSPECTIVE 3-13 (2005) (examining the establishment of Israel as a state as a component of colonial expansion in the early 20th century).
741 AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 27 (acknowledging that “Palestinian refugees have a special status in international law.”); see generally LEX TAKKENBERG, THE STATUS OF PALESTINIAN REFUGEES IN INTERNATIONAL LAW (2d. ed., 2020).
742 DAWN CHATTY, DISPLACEMENT AND DISPOSSESSION IN THE MODERN MIDDLE EAST 208 (2010).
746 See, e.g., Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107.
747 See G.A. Res. 181 (II) (Nov. 9, 1947). But see Susan Akram, Palestinian Nationality and “Jewish” Nationality From the Lausanne Treaty to Today, in RETHINKING STATEHOOD IN PALESTINE 192, 198 (Leila Farsakh ed., 2021) (noting that Resolution 181 lacked any obligatory character, and served only as a recommendation, itself inconsistent with the prior mandate that Palestinians were to be granted independence).
established the United Nations Conciliation Commission for Palestine (UNCCP), and resolved that Palestinian refugees who wished to return to Palestine “should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property.”

Israel has refused to implement the terms of Resolution 194, and Israel’s Nationality Law of 1952 retroactively repealed Palestinian nationality, leaving Palestinians lacking citizenship in another state under the international legal definition. Palestinians, however, consider Israeli denationalization as illegal, and that the law has not affected their status as Palestinian nationals. The recognition of Palestinian statehood by the majority of states in the UN General Assembly in November 2012 gave legal recognition to Palestine, but has not changed the practical reality of occupation or the inability to grant Palestinians a nationality through domestic legislation.

There are approximately five million Palestinians who are either stateless or who have an ambiguous nationality status worldwide, and over half of Palestinians are considered de jure stateless. The nationality rights of Palestinians in Egypt discussed in this Report are distinguished from the right to return, as all Palestinians in Arab and non-Arab countries continue to hold the right to return to Palestine under international law (and UN resolutions).

In 2008-2009, Oroub El-Abed’s research on Palestinians estimated there were at least 50,000-100,000 Palestinians in Egypt, with some reports at the time ranging as high as

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748 DAWN CHATTY, DISPLACEMENT AND DISPOSSESSION IN THE MODERN MIDDLE EAST 208 (2010).
749 Id.
751 ISI, THE WORLD’S STATELESS, supra note 20, at 132.
752 ASEM KHALIL, PALESTINIAN NATIONALITY AND CITIZENSHIP CURRENT CHALLENGES AND FUTURE PERSPECTIVES 28 (2007) (explaining that “Today, more than half the Palestinians are considered to be de jure stateless. They fall into three categories: holders of the ‘Refugee Travel Document’ issued by Syria, Lebanon, Egypt, Iraq and some other Arab countries; holders of nationalities of convenience—mainly temporary Jordanian passports; and holders of the Palestinian passport issued by the Palestinian Authority (PA) which is considered as a travel document pending the creation of a fully-fledged Palestinian state.”).
753 Id.
754 Id. at 5. See also Susan Akram, Palestinian Nationality and “Jewish” Nationality, supra note 747, at 209 (noting that the status of Palestinians may be best considered that of “stateless nationals,” and the right of return is thus based on “their rights as nationals of Palestine, not only as refugees.”). However, the goal of “fashioning a nationality law for Palestinians remains a complicated proposition . . . . [t]he PLO and PA have recognized, in the citizenship laws they have drafted and considered, that in the absence of independence accompanying statehood recognition, a Palestinian citizenship law remains aspirational.” Id. at 210.
755 See Oroub El-Abed, The forgotten Palestinians: how Palestinian refugees survive in Egypt, 20 FORCED MIGRATION REV. 29, 29 (2004) (noting that in Egypt “the number of Palestinian refugees is estimated to be between 50,000 and 70,000.”); see also Interview with Oroub El-Abed, Principal Research and Co-Investigator, Centre for Lebanese Studies, Lebanese American University-Beirut (Dec. 11, 2020) (indicating that in the period researched from approximately 2007-2009 it was likely that the number of Palestinians in Egypt was over 100,000, but official
Sources have estimated the current number of Palestinians in Egypt may be as high as 300,000. The first wave of displaced Palestinians were the approximately 11,600 Palestinians who fled to Egypt during the Nakba and its immediate aftermath. Many of these refugees were expelled to Gaza or Israel by Egyptian authorities after the closure of temporary refugee camps located in Cairo and the Sinai. The second wave came during the 1967 Arab-Israeli War and its aftermath, including mass expulsions from Gaza by Israel; by 1969 an estimated 33,000 Palestinians resided in Egypt.

After Israel’s invasion of Lebanon in 1982, many fighters of the Palestinian Liberation Organization (PLO) who had previously been stationed in Egypt returned from Lebanon under a withdrawal deal brokered by the United States. By 1985, it was estimated that over 100,000 Palestinians lived in Egypt. It is also estimated that tens of thousands of Palestinians in Kuwait held Egyptian travel documents, even if they lacked residency status. Following the Gulf War of 1991 an estimated 70-80% of the 450,000-strong Palestinian population who fled or were expelled from Kuwait entered Egypt. In addition, an estimated 45,000 Palestinians left Egypt as a consequence of the 1993 Oslo Accords. Many Palestinians have been displaced and arrived in Egypt due to subsequent conflicts; as of 2018 there were approximately 5,000-6,000 Palestinian refugees from Syria residing in Egypt.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has been prohibited from providing aid to Palestinians in Egypt, which has limited figures were consistently lower). See also ASEM KHALIL, SOCIOECONOMIC RIGHTS OF REFUGEES, supra note 196, at 1 n.1 (2010)

BADIL, SURVEY OF PALESTINIAN REFUGEES 2016-2018, supra note 756, at 73.

See, e.g., Tsourapas, Egypt: Migration and Diaspora Politics, supra note 107; see also Interview with Oroub El-Abed, supra note 755 (estimating generally that there could be approximately 400,000 Palestinians residing in Egypt today).

BADIL, SURVEY OF PALESTINIAN REFUGEES 2016-2018, supra note 756, at 73.

Id. at 28, 143 (noting that while 1948 Palestine refugees were largely excluded from the call to return by the newly-established Palestinian Authority, Palestinians who had come to Egypt during or after 1967 were invited to return and offered employment).

BADIL, SURVEY OF PALESTINIAN REFUGEES 2016-2018, supra note 756, at 73. See also BOSTON UNIV. SCH. OF L. INT’L HUM. RTS. CLINIC, PROTECTING SYRIAN REFUGEES: LAWS, POLICIES, AND GLOBAL RESPONSIBILITY SHARING 77 (2015) [hereinafter BU IHRC, PROTECTING SYRIAN REFUGEES]. Further research is needed to update and clarify the quantitative data on Palestinians in Egypt today.

McBride and Kingston, Legal Invisibility and the Revolution, supra note 154, at 162 n.3 (explaining that “UNRWA was established by United Nations General Assembly resolution 302 (IV) of December 8, 1949, to carry out direct relief and works programs for Palestinian refugees. It has aided four generations of Palestine refugees, defined as ‘persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.’”).
the availability of public data.\textsuperscript{768} UNRWA maintains a liaison office in Cairo but is unable to register Palestinian refugees due to the lack of a formal mandate in Egypt.\textsuperscript{769}

Similarly, many Palestinians are unable to access protections that could be offered by UNHCR.\textsuperscript{770} Under the international legal framework, the exclusion of Palestinian refugees from UNRWA protection in Egypt should entitle them to protection from UNHCR under the 1951 Refugee Convention.\textsuperscript{771} Palestinians in Egypt are not able to avail themselves of the protection of UNRWA, and the UNCCP was no longer able to provide Palestinians effective international protection since the early 1960’s. Because no other international agency was able to offer them international protection, under its terms, Article 1(D) of the 1951 Refugee Convention should not be considered to bar Palestinians from international protection through UNHCR (i.e., Palestinians in Egypt do not receive “protection or assistance” from other organs or agencies of the United Nations).\textsuperscript{772} While Egypt permits UNHCR to conduct RSD on its territory, this does not apply in the same manner for Palestinians.\textsuperscript{773} UNHCR considers protection of Palestinians to fall into two categories: “Firstly, those who do not fall under UNRWA’s definition of ‘Palestine refugees’ or ‘displaced persons’ but fulfill the requirements of the Refugee Convention . . . . [and] Secondly, those who are ‘Palestine refugees’ or ‘displaced persons’ according to UNRWA’s definition but are outside of UNRWA’s territorial scope of operation.”\textsuperscript{774} In 2012, of the total population of Palestine refugees in Egypt, many were “currently detained and/or not registered with the UNHCR,”\textsuperscript{775} and only thirty Palestinians actually received UNHCR assistance.\textsuperscript{776}

These issues highlight the importance of Egypt adhering to its obligations under international law. In particular, Egypt is obliged to guarantee the right of a child born to a Palestinian parent a nationality under ICCPR Article 24(2), CRC Article 7(1), CRCI Article 7, \textsuperscript{777}

\textsuperscript{768} Oroub El-Abed, \textit{Palestinian Refugees of Egypt: What Exit Options are Left for Them?,} 22 Refuge 2-3 (2005)

\textsuperscript{769} BU IHRC, \textit{PROTECTING SYRIAN REFUGEES,} supra note 766, at 77. The UNRWA Representative Office in Cairo does engage with Palestine refugees on matters related to their registration with UNRWA. E-mail from Confidential Informant, INGO, to Christopher Creech and Susan Akram, IHRC (Oct. 11, 2021).

\textsuperscript{770} McBride and Kingston, \textit{Legal Invisibility and the Revolution,} supra note 154, at 162 n.3.


\textsuperscript{772} Convention Relating to the Status of Refugees, supra note 27, at art. 1(D).

\textsuperscript{773} Janmyr and Stevens, \textit{Regional Refugee Regimes: Middle East,} supra note 302, at 343; \textit{see also} Mulki Al-Sharmani, \textit{Refugee Migration to Egypt: Settlement or Transit? in TRANSIT MIGRATION IN EUROPE} 55, 59 (Franck Duvell, Irinia Molodikova and Michael Collyer eds., 2014) (noting that “Unlike other refugee groups, the status and affairs of Palestinian refugees are directly administered by the Egyptian Government instead of UNHCR. The national policies regulating the status and affairs of the Palestinian refugees have changed over the past decades.”).

\textsuperscript{777} AUC, \textit{REFUGEE ENTITLEMENTS IN EGYPT,} supra note 1, at 28 (explaining that in the latter category, other conditions will apply, namely “[1] Termination of the mandate of UNRWA; [2] Inability of UNRWA to fulfill its protection or assistance mandate; [3] Threat to the applicant’s life, physical integrity, security, or liberty or other serious protection-related reasons; or [4] Practical, legal, and/or safety barriers preventing an applicant from (re)availing him/herself of the protection or assistance of UNRWA.”).
and ACRWC Article 6.\textsuperscript{777} The Casablanca Protocol, an instrument that binds Egypt, also provides a specific source of protection for Palestinians.\textsuperscript{778} Under President Nasser, Egypt largely upheld its obligations under the Casablanca Protocol, and Palestinians generally enjoyed “almost equal rights” as Egyptian citizens.\textsuperscript{779} However, the situation changed in 1978 with a dramatic shift in Egyptian policies towards Palestinians. The death of President Nasser and political tensions between Egypt and the PLO left many Palestinians vulnerable, and they “were slowly stripped of their rights, unless they [already] held citizenship.”\textsuperscript{780} In particular, the assassination of the Egyptian Minister of Culture (Yusuf al-Sa‘ī) in 1978 by the Abu Nidal PLO faction brought the relationship between the PLO and the Egyptian Government to a standstill.\textsuperscript{781}

Relations between Egypt and the PLO remained fraught in the aftermath of the peace treaty between Egypt and Israel in March 1979,\textsuperscript{782} and Egypt has never restored the rights and privileges it stripped from Palestinians, nor changed the state-imposed classification of Palestinians as “foreigners.”\textsuperscript{783} In essence, the Casablanca Protocol has not been implemented by Egypt since the Nasser era, and Egypt has remained out of compliance with its obligations to provide fundamental rights to Palestinians, including access to citizenship.\textsuperscript{784}

The process of acquiring nationality for Palestinians in Egypt, including those born in Egypt, remains complex. One of the most significant developments has been the revised 2004 Nationality Law, which provides a means for children born after 2004 to parents when the mother is Egyptian to acquire Egyptian nationality.\textsuperscript{785} Thus, for many young Palestinians, marriage to an Egyptian may serve as “a means of legalizing their stay in Egypt.”\textsuperscript{786} As noted elsewhere in this Report, the implementation of the 2004 Nationality Law continues to constrain access, as applicants for citizenship “have to provide, among other documents, the birth

\textsuperscript{777} See supra, Part III.B.2-4.
\textsuperscript{778} The OIC instruments provide no specific legal protections for Palestinians similar to the Casablanca Protocol, and the African Union (pursuant to the 1969 OAU Convention) focuses on refugee populations that originate in Africa, generally appearing to exclude Palestinians other than those displaced Palestinians coming from African states (e.g., from Libya). See ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES, supra note 378, at 17.
\textsuperscript{779} BADIL, SURVEY OF PALESTINIAN REFUGEES 2016-2018, supra note 756, at 73.
\textsuperscript{780} Id. at 74.
\textsuperscript{782} Id.
\textsuperscript{783} Id. at 541.
\textsuperscript{784} See, e.g., EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 70.
\textsuperscript{785} Id. at 84 (2009) (explaining that “the significance of the law with regard to Palestinian-Egyptian intermarriage in the future cannot be overstated. The fact that the law is automatically applied to children born after 2004 to mixed couples where the mother is Egyptian removes an important barrier to such marriages”); See also Manby, Citizenship and Statelessness in Africa, supra note 396, at 383 (explaining that “In 2004, an amendment to the 1975 nationality law for the first time allowed the children of Egyptian women and foreign men to obtain nationality, and those born before the changes to the law came into effect (in November 2005) were given the right to apply for their citizenship to be recognised.”).
\textsuperscript{786} EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 84.
certificates of both parents, the mother’s identity card and her father’s birth certificate, and the marriage contract.”787

Still, the 2004 Nationality Law’s retroactive implementation “with regard to Palestinians born of Egyptian mothers prior to 2004” has been criticized.788 Even after issuance of Law No. 154, the “authorities continued to refuse nationality to children born to a Palestinian father and Egyptian mother,” estimated to constitute a third of the population of non-citizen children born to Egyptian mothers.789 Article 2 of the Egyptian Nationality Law provided for nationality acquisition by a combination of jus soli and maternal jus sanguinis if the father is stateless or unknown. However, children born in Egypt of Egyptian mothers and stateless or unknown fathers have been deprived of their right to be Egyptian citizens if their fathers were assumed to be Palestinian. A key justification for this longstanding exception was the concern that granting Egyptian nationality might threaten Palestinians’ right of return.790

In May 2011, in response to NGOs and protests by affected families, the Government issued a decree explicitly granting nationality to children of Egyptian women married to Palestinian men.791 Reports indicate that following changes to the law by this decree (i.e., Decree No. 1231 of 2011),792 a significant number of people had been granted Egyptian citizenship; these reports range from 17,000,793 24,000794 to approximately 40,000 individuals.795 The 2011 Decree seemingly has been implemented retroactively, although not in all cases, which has resulted in some court challenges.796 Additionally, applicants for citizenship “have to provide, among other documents, the birth certificates of both parents, the mother’s identity card and her father’s birth certificate, and the marriage contract,” a high burden for many to meet.797

787 Manby, Citizenship and Statelessness in Africa, supra note 396, at 383.
788 EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 84.
789 Manby, Citizenship and Statelessness in Africa, supra note 396, at 384.
792 The IHRC was unable to obtain a physical copy of Decree No. 1231 of 2011. See, e.g., MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 12.
793 Mohamed Mostafa Shaaban, Passports: Citizenship was granted to 40,000 foreigners, including 15,0000 Palestinians, after 2011, SADA EL-BALAD (2017).
794 Mohamed Shoman and Fatima El-Desouky, Director of Passports department: 8000 Palestinians obtained Egyptian citizenship during Morsi’s era, AL-AHRAM ONLINE (May 2014).
795 BADIL, SURVEY OF PALESTINIAN REFUGEES 2016-2018, supra note 756, at 73 n.396.
796 Ahmed Abdel Hadi, The Supreme Administration confirms the equality between the father and the mother because of the proof of Egyptian nationality, YOUM7 (Apr. 22, 2017); Mahmoud El-Shorbagy, Higher Administration: A Palestinian born to an Egyptian mother has the right to obtain her nationality, MASRAWY (July 9, 2017). However, other sources have claimed the 2011 decree has not been implemented adequately to permit the acquisition of nationality retroactively for non-citizen children born to Egyptian mothers and Palestinian fathers. See McBride and Kingston, Legal Invisibility and the Revolution, supra note 154, at 162 n.3 (noting that “the 2011 decree was not retroactive and children born before 2011 have not benefitted from this change.”). In addition, an “inability to secure identity documents to prove maternal nationality, ineffective bureaucratic mechanisms within the Egyptian Government, and lack of information dissemination in rural areas create vulnerabilities to statelessness.” Id. at 162 n.4.
797 Manby, Citizenship and Statelessness in Africa, supra note 396, at 383.
Palestinians who are unable to become Egyptian citizens or access protections through UNHCR, must try to qualify under the Egyptian Residency Permit (ERP) regime. There are several types of ERPs for which Palestinians may be eligible; these are: (1) special residency permits issued for a period of ten years,\(^{798}\) (2) ordinary residency permits issued for a period of five years,\(^{799}\) (3) temporary residency permits typically issued for a period of one to three years,\(^{800}\) and (4) residency permits provided by UNHCR, which are issued for a period of six months and are renewable.\(^{801}\) It is unclear how many Palestinians hold each type of residency permit, but reports generally give descriptions of how they are distributed to Palestinians based on the conditions of their arrival in Egypt.

Palestinians in Egypt fall into a number of different categories in terms of eligibility for residency status.\(^{802}\) Depending on when they arrived in Egypt and the conditions of their arrival, they may hold significantly different residency permits as demonstrated in the table below.

“[M]ost 1948 refugees hold temporary residency status, which must be renewed every one to three years, and entitles them to a five-year travel document.”\(^{803}\) Refugees displaced from the 1967 conflict “also hold temporary residency that must be renewed, and are entitled to three-year travel documents.”\(^{804}\) Palestinians from Syria, as noted below, have generally been unable to access any of these forms of documentation, but have instead been provided with short term permits by the Egyptian Government.\(^{805}\) These complex categorizations are illustrated in the following table.

<table>
<thead>
<tr>
<th>Category of Palestinians</th>
<th>Eligibility Conditions</th>
</tr>
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<tbody>
<tr>
<td>Palestinians who arrived before 1948 for various reasons</td>
<td>Many of these Palestinians hold residency permits that are “renewable every five years, or ten years if proof of ten-year continuous residency can be provided.”(^{806})</td>
</tr>
</tbody>
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\(^{798}\) Asem Khalil, Palestinian Refugees in Arab States, supra note 378, at 35.

\(^{799}\) Id.

\(^{800}\) Id.

\(^{801}\) Id. at 16.

\(^{802}\) See also UNHCR, UNHCR Revised Statement on Article 1D of the 1951 Convention 6-7 (Oct. 2009) (considering first “Palestinians who are ‘Palestine refugees’ within the sense of UN General Assembly Resolution 194 (III) of 11 December 1948 and subsequent UN General Assembly Resolutions, and who, as a result of the 1948 Arab-Israeli conflict, were displaced from that part of Mandate Palestine which became Israel, and who have been unable to return there [and their descendants]” and second “Palestinians not falling within [the preceding category who are displaced persons under UN General Assembly Resolution 2252 (ES-V) of 4 July 1967 and subsequent General Assembly resolutions], and who, as a result of the 1967 Arab-Israeli conflict, have been displaced from the Palestinian territory occupied by Israel since 1967 and have been unable to return there [and their descendants]” to fall within the scope of Article 1(D) of the 1951 Refugee Convention); see also Asem Khalil, Socioeconomic Rights of Refugees, supra note 196, at 1 n.1.

\(^{803}\) Badil, Survey of Palestinian Refugees 2016-2018, supra note 756, at 73.

\(^{804}\) Id.

\(^{805}\) See BU IHRC, Protecting Syrian Refugees, supra note 766, at 77, 84; see also Badil, Survey of Palestinian Refugees 2016-2018, supra note 756, at 73.

\(^{806}\) El-Abed, Palestinians in Egypt Since 1948, supra note 11, at 80.
Second are Palestinian refugees who were displaced between 1948-1956 during the *nakba*. Many of these individuals likely hold residency permits that are renewable every five years.\(^{807}\)

Third are students in Egyptian university programs and workers in the public sector between 1954-1962. It is likely that many of these Palestinians hold permits renewable every three years.\(^{808}\)

Fourth are Palestinians who were displaced from Gaza for the first time in 1967. Depending on the conditions of entry into Egypt, many of these individuals hold residency permits that are renewable every three years.\(^{809}\)

Fifth are military officers from organizations such as Mustafa Hafez, the PLA, or others, such as Palestinian border guards. As military affiliates to the Egyptian army, residency permissions were given on a three-year renewable basis.\(^{810}\)

Sixth are Palestinian employees who work for the Egyptian Government administration. As public sector employees, this group was given a special renewable residency every three years.\(^{811}\)

Seventh are PLO returnees from Lebanon in 1982. For some with expressed affiliation to the Egyptian Government (e.g., heads of Palestinian charitable associations, diplomatic officers, etc.), special privileges including residency permits were allowed as their actions served prevailing governmental interests.\(^{812}\)

Eighth are Palestinians who were expelled or had to flee from Kuwait during the 1991 Gulf War.\(^{813}\) While these Palestinians included refugees displaced from Palestine between 1948-1967, there is no indication that they were treated in the same manner as displaced Palestinians who entered Egypt originally; there is also a notable gap in quantitative data on this category.\(^{814}\)

Ninth are Palestinians displaced from more recent conflicts in the MENA region, in particular from Iraq and Syria. As demonstrated in the case of Palestinians displaced from Syria, these individuals are largely barred from holding residency permits.\(^{815}\)

Tenth are Palestinian investors who are able to prove their company has a market capitalization worth $50,000 (USD) or greater, and an Egyptian partner of the company holds more than 51% of the shares; such investors are able to receive a residency permit of five years.\(^{816}\)

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807 Id.
808 Id.
809 Id.
810 Interview with Oroub El-Abed, *supra* note 755; E-mail from Oroub El Abed, Principal Research and Co-Investigator, Centre for Lebanese Studies, Lebanese American University-Beirut, to Christopher Creech and Susan Akram, IHRC (Jan. 28, 2022).
811 Interview with Oroub El-Abed, *supra* note 755; E-mail from Oroub El-Abed, *supra* note 810.
812 Interview with Oroub El-Abed, *supra* note 755; E-mail from Oroub El-Abed, *supra* note 810.
813 Interview with Oroub El-Abed, *supra* note 755; E-mail from Oroub El-Abed, *supra* note 810.
814 E-mail from Oroub El Abed, *supra* note 810.
815 See, e.g., BU IHRC, *PROTECTING SYRIAN REFUGEES*, *supra* note 766, at 77.
Aside from the complexities of the ERPs, the Egyptian Government issues “Egyptian Travel Document for Palestinian Refugees,” referred to generally as Refugee Travel Documents (“RTDs”). These come in two distinct types. The first type is intended for Palestinians that already hold a valid ERP, distinguishing Palestinians with residency from those without. Regulations for issuing and recognizing travel documents are strict; in order to re-enter Egypt, RTD holders with a valid ERP who are traveling abroad “must either return to Egypt every six months or provide the Egyptian authorities in advance with proof of employment or of current enrollment in an educational institution abroad.” Furthermore, extensions or renewals cannot “be granted through Egyptian embassies abroad,” and any delay “can result in denial or deportation.” Thus, all Palestinians who travel outside of Egypt risk losing their residency privileges if they fail to return in time to renew their permits. Palestinians who hold Egyptian travel documents “have no automatic rights to leave or re-enter the country, but must renew their visas regularly.” If a Palestinian remains outside of Egypt for over six months, or loses authorization to remain outside of Egypt (e.g., authorization to attend a foreign university), he will very likely lose residency rights and be refused re-entry into Egypt. In some cases “even when papers are in order, the uncertainty about whether or not re-entry will be permitted is enough to make an individual discontinue work abroad.” This uncertainty, coupled with reports of revoked nationality of Palestinians, traps many Palestinians from attempting to leave temporarily, even for confirmed employment, lest they be refused re-entry into Egypt.

The second type of RTD is for Palestinians who lack a valid residency permit in Egypt, and is solely intended for travel purposes. These RTDs are held by thousands of Palestinians in Gaza and their descendants. These RTD’s were implemented as a consequence of the complex relationship between Egypt and Gaza before 1967. Egypt administered Gaza between 1948-1967 prior to Israel’s occupation, and Palestinians from Gaza were not given Egyptian

818 EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 84.
819 Id.
820 Id. at 85.
821 Id.
822 Id.
823 ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES, supra note 378, at 84.
824 Id. at 41-42.
825 EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 87.
826 Manby, Citizenship and Statelessness in Africa, supra note 396, at 384 (“Following el-Sisi’s confirmation as president by election, a cabinet committee revoked nationality from 800 people, including Palestinians, apparently on national security grounds.”).
827 EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 84-85.
828 Id. at 85.
829 See ASEM KHALIL, PALESTINIAN NATIONALITY AND CITIZENSHIP CURRENT CHALLENGES AND FUTURE PERSPECTIVES 25 (2007) (“Egypt never annexed, or attempted to annex, the Gaza Strip. There was no attempt to assimilate Gaza Palestinians. For this reason there was a systematic reference to Palestinian citizenship in various Egyptian legislative texts, . . . and Egypt had always refused to grant Egyptian citizenship for Gazans, providing them simply with travel documents”).
citizenship at the time.\textsuperscript{830} The citizenship restrictions were “intended to ‘protect’ local identity (Gaza Palestinians) from assimilation” with Egyptian identity.\textsuperscript{831} Thus, in Gaza “Palestinians became \textit{de facto} stateless people holding Egyptian travel documents[;] Palestinian refugees in Lebanon, Syria, Egypt, and North African simply became stateless.”\textsuperscript{832} This second type of RTD was “issued upon request to any Gaza resident.”\textsuperscript{833} It is difficult to ascertain how many such documents exist, but one estimate gives the number of Palestinians with RTD’s who arrived after the 1967 war as 236,307.\textsuperscript{834} Many of these RTD holders are not in Egypt but remain in Gaza or are spread across the MENA region.\textsuperscript{835}

The vast majority of Palestinians who have been displaced from their former country of residence due to conflict in the MENA region, particularly in Kuwait, Iraq, and Syria, are also in protracted stateless situations because none of these countries’ laws provide Palestinians the right to obtain citizenship or to naturalize. The situation of Palestinian Refugees from Syria (PRS) in Egypt has been quite well-documented. As with other Palestinian refugees, Egypt has not permitted Palestinians fleeing from Syria to register with UNHCR.\textsuperscript{836} As of 2014, the Palestinian Embassy in Cairo registered 5,000-6,000 Palestinians from Syria, but it has been largely unable to provide significant assistance or aid.\textsuperscript{837} Another source noted there are an estimated 2,954 PRS in Egypt, located primarily in urban areas.\textsuperscript{838} This source also noted that a significant proportion of PRS lack valid residency documents, and it has become increasingly difficult for PRS to obtain or renew residency permits due to the costs involved.\textsuperscript{839} Egypt initially provided PRS with three-month tourist visas, with a single sixty-day renewal period.\textsuperscript{840} It is unclear whether Palestinians displaced from other conflicts, such as Kuwait or Iraq, have faced similar problems in Egypt.

\textsuperscript{830} DAWN CHATTY, DISPLACEMENT AND DISPOSSESSION IN THE MODERN MIDDLE EAST 218 (2010).
\textsuperscript{831} ASEM KHALIL, PALESTINIAN NATIONALITY AND CITIZENSHIP CURRENT CHALLENGES AND FUTURE PERSPECTIVES 4 (2007) (“Thus, Egypt did not grant Egyptian citizenship for Gaza Palestinians. This was also the attitude of most Arab states to Palestinians and Palestinian refugees within their borders: a refusal to naturalize often justified by their resolve to protect Palestinians’ right to return and to preserve their national identity.”).
\textsuperscript{832} \textit{Id.} at 24.
\textsuperscript{833} EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, supra note 11, at 85.
\textsuperscript{834} \textit{Id.} at 85.
\textsuperscript{835} Interview with Oroub El-Abed, supra note 755 (estimating there are over one million Palestinians internationally who hold some form of Egyptian Travel Document).
\textsuperscript{836} BU IHRC, PROTECTING SYRIAN REFUGEES, supra note 766, at 84.
\textsuperscript{837} \textit{Id.} (explaining that “the head of each Palestinian family receives 500 Egyptian pounds.”).
\textsuperscript{838} E-mail from Confidential Informant, INGO, to Christopher Creech and Susan Akram, IHRC (Oct. 24, 2021) (on file with author).
\textsuperscript{839} \textit{Id.} (noting that the cost for issuance and renewal of a residency permit, in particular due to recent automation of residency cards, has resulted in higher fees for PRS (i.e., 600 EGP every six months), and failure to pay these fees in full can result in fines. The fees to register newborns also carry a significant cost – another barrier to status for PRS children).
\textsuperscript{840} BU IHRC, PROTECTING SYRIAN REFUGEES, supra note 766, at 85 (also noting that from July 2013-November 2013 the Egyptian Government ceased to hand out such visas, without providing any explanation).
V. Major Consequences and Stakeholders Efforts

The ramifications of statelessness and lack of full citizenship status have a direct impact on access to social entitlements provided by the Egyptian state. Egyptian nationals and foreign nationals have varied levels of access to benefits “depending on the rights they wish to exercise and their legal status in the country.”\(^{841}\) Recent research has thoroughly examined refugees’ access to such entitlements.\(^{842}\) Although a comprehensive evaluation of the links between citizenship and social entitlements is beyond the scope of this Report, the first part of this section illustrates some of the implications for persons who are stateless or unable to prove their nationality status. The second part briefly summarizes some of the progress made by the Egyptian government, international and regional organizations, and civil society in Egypt.

A. Entitlements Affected

As this research has shown, the gaps in Egypt’s nationality law and its implementation can prevent individuals from obtaining or rectifying their nationality status, and lack of sufficient safeguards to prevent childhood statelessness results in generations of families lacking nationality status. Stateless persons living in Egypt lack the key to accessing most rights, freedoms, and services offered by the state. In Egypt, identification documents are mandatory, and are essential to obtain access to social entitlements that are guaranteed by citizenship.\(^{843}\) This section takes a closer look at the documentation required to register in the Civil Registry and receive identification and legal status, and how lack of documentation results in an inability to access basic services essential for daily life. Stateless persons in Egypt cannot access rights reserved to citizens, such as pension or voting rights, but neither can they obtain many rights afforded to non-citizens with some form of legal status.

Although access to any given entitlement depends on individual circumstances, this Report provides a brief review of the related laws that determine the following entitlements: (1) employment, (2) education, (3) healthcare, (4) land and property rights, and (5) protection against unlawful detention and expulsion. This section also addresses the intersection between the citizenship/nationality status of the previously discussed populations and specific social entitlements. The is not a comprehensive list of benefits, nor does it address the psychological stress that stateless persons and their families have when they remain without basic services, security of residence, or status for generations. As many stateless persons are from minority

\(^{841}\) Badawy, *Egyptian citizenship legislation*, supra note 270, at 293.

\(^{842}\) See generally *AUC, REFUGEE ENTITLEMENTS IN EGYPT*, supra note 1.

\(^{843}\) *MANBY, THE LAW OF BELONGING*, supra note 32, at 87 (2d. ed. Oct. 2010) (stating that “Identification documents are mandatory for all Egyptians and necessary to obtain access to employment, education, registration of births and deaths, recognition of marriage, and other state services, as well as most commercial transactions. A person who cannot produce a national ID upon request by a law enforcement official commits an offence punishable by a fine of LE100–200 [at the time of writing this Report, approximately US $6.35–12.71].”).
backgrounds, it is sometimes unclear whether the inability to access a right is due to lack of nationality or other discrimination the individual or group may also face.

1. **Employment**

   Article 12 of the 2014 Egyptian Constitution guarantees the right to work.\(^{844}\) Article 13 also provides for workers’ rights and the right to a safe work environment.\(^{845}\) Employment in Egypt is regulated by Labor Law No. 12 of 2003 (as amended).\(^{846}\) Although Egypt guarantees the right to work, accessing employment is difficult for many. The overall unemployment rate in Egypt was estimated between 7-10.45% in 2020.\(^{847}\) It is estimated that around 68% of new jobs for Egypt’s labor force are in informal employment sectors.\(^{848}\) Identification documents, while mandatory for all Egyptians, are also necessary to access employment.\(^{849}\) The key distinction for eligibility to work under Egyptian labor laws, as in many countries, is between Egyptian nationals and foreign nationals. In 1978, Egypt adopted Labor Law No. 48 of 1978, which provided that the “employment of Arab country nationals should be conducted on a reciprocal basis” in the public sector.\(^{850}\) The law further provided that special concessions were to be made “available to foreign nationals married to Egyptians [and that] anyone of an undetermined nationality who has been continuously and permanently residing in Egypt for not less than fifteen years should be given priority, as should political refugees.”\(^{851}\) Labor Law No. 25 of 1982 stipulates that foreign nationals may not exceed 10% of the total number of employees of a given business, which protects Egyptian nationals from labor competition while also excluding many refugees from potential employment.\(^{852}\) Labor Law No. 43 of 1988 also sets out conditions to receive a work permit: (1) the foreign employee cannot compete with the Egyptian labor force, (2) the foreign employee must have specific qualifications needed by the employer, and (3) the

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\(^{844}\) CONSTITUTION OF EGYPT, *supra* note 4, at art. 12 (also eliminating forced labor, except when providing a public service for a set period of time and a fair wage).

\(^{845}\) *Id.* at art. 13 (including prohibiting arbitrary dismissal).

\(^{846}\) See Labor Law No. 12 of 2003 (Promulgating Labor Law) (Egypt). Egypt has also ratified a number of international agreements, such as the Convention on the Protection of the Rights of Migrant Workers and their Families; Article 7 of this Convention confers all rights in the Egyptian Constitution to those considered migrant workers and their families.


\(^{851}\) ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES, *supra* note 378, at 46.

\(^{852}\) EL-ABED, PALESTINIANS IN EGYPT SINCE 1948, *supra* note 11, at 92.
The expertise of the foreign employee must match the job for which the permit is requested. Persons who cannot prove their nationality status with the requisite documentation are, in effect, commonly treated as foreign nationals and thus are restricted in access to employment.

The inter-related problems of statelessness, documentation requirements, and employment entitlements are demonstrated particularly well in the case of Palestinians. Many Palestinians are treated as foreign nationals even though they have resided in Egypt for years. Although they have formally been “exempted from the principle of non-competition with the Egyptian labor market,” many Palestinians are forced to work in the informal sector due to the Egyptian bureaucracy. For Palestinians who are able to access sufficient identification documents, this is a particularly acute problem. The Egyptian legal framework places the burden on employers to demonstrate that employing a Palestinian who may be considered a foreign employee fulfills the other requirements set out by the labor law. Most recently, although past Ministerial Decisions “exempted Palestinians, refugees and stateless individuals from such things as the work permit requirement and the work permit cost . . . . the most recent Ministerial Decision No. 160/2019 makes no mention as to whether such exemptions still apply [indicating that] only nationals of countries with which Egypt has a reciprocity agreement are exempt from the permit requirement and the work permit cost.” This change makes the ability of Palestinians to access work permits more uncertain, though its effect has yet to be documented. In practice, many Palestinians have been unable to acquire work permits, which means they cannot obtain or renew Egyptian residency permits, creating a cycle of vulnerability. AUC has noted in particular the vulnerabilities for Palestinian individuals recently displaced from Syria. These illustrate the barriers Palestinians face in Egypt in accessing social entitlements, particularly without a pathway to citizenship, the impact of which may be much greater for stateless persons in Egypt.

2. Education

Public education is guaranteed by both Egyptian domestic law and Egypt’s obligations under international law. Under Article 19 of the 2014 Egyptian Constitution, every citizen has
the right to education. Compulsory education through secondary school is also free to Egyptian citizens. Egypt is also a signatory to the CRC, Article 28 of which provides for the right to education, and equal opportunity in accessing this right. Admission into primary school (i.e., from age six to age twelve), is regulated under Decision No. 154 of 1989 of the Minister of Education, which provides that enrollment must “be accompanied by the child’s original birth certificate or an official copy [of the birth certificate] . . . . in accordance with Article 29 of the amended Child Law.” Admission into schools for the following three years of education (preparatory education) until the age of fifteen is “conditional upon passing” primary education; likewise, “admission into the first grade of secondary education is conditional upon possession of a certificate of completion of preparatory education.” The initial period of primary education is essential for the enrollment in and completion of subsequent periods of education. The Egyptian education system also distinguishes between foreign nationals and Egyptian nationals, and as noted, public primary education cannot be accessed without a valid birth certificate.

While Ministerial Decree 24 of 1992 does permit certain groups of refugees to access public education, refugees have particular problems in accessing education. For example, Syrian refugees have encountered difficulties in registering children in school, “in part because of their lack of required documentation.” This is despite the fact that a bilateral agreement exists between Syria and Egypt to permit mutual recognition of education certificates. While UNHCR has negotiated an agreement to permit Syrian children to sit for the national examinations without such documentation, the agreement has been conditioned on the child’s parents acquiring valid residency in Egypt. Reports state that “required documentation can include government-issued residence permit, birth certificate, valid passport or a national identity document, original school certificate from the country of origin and a letter from UNHCR Egypt.” However, the Ministry of Education established a placement test for children who lacked such documents so they could “access school and receive a residency permit, based on their

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860 CONSTITUTION OF EGYPT, supra note 4, at art. 19 (the same article makes education compulsory until after the end of secondary school, and sets a threshold for government spending on education (i.e., requiring that 4% of gross national product be spent on public education programs)).
861 Id.
862 CRC, supra note 292, at art. 28.
863 BRIT. INST. OF INT’L AND COMPAR. L. AND PROTECT EDUC. IN INSECURITY AND CONFLICT, PROTECTING EDUCATION IN THE MIDDLE EAST AND NORTH AFRICA REGION 56 (June 2016).
864 Id. at 56-57.
865 Id. at 61-62. But see WANNES CARLIER, THE WIDENING EDUCATIONAL GAP FOR SYRIAN REFUGEE CHILDREN, KIDS RIGHTS (2018) (noting that in a survey conducted by Plan International in 2015, 4% did not attend school, while “56% attended public schools, 15% attended private schools, and 37% attended educational centres” and in 2016, UNHCR reported that: “82% of Syrian refugee children were attending school; of whom more than 87% attended through the public school system.”).
registration in school.”867 These requirements can prevent many children from being able to enroll in school. Substituting educational assessments for those who lack documentation may also prove to be problematic, as children displaced by conflict may not be able to do well in assessment tests and need additional support to remain in their age group, rather than be held back or barred from schooling entirely.

3. Healthcare

The Egyptian Constitution states that “only citizens have the right to social security and comprehensive health care”868 and thus the central distinction in eligibility for these benefits is between citizens and non-citizens.869 As far as non-nationals’ access to health care, Egyptian law does not distinguish between “the rights of refugees, asylum seekers, and regular migrants based on their legal status or nationality.”870 Article 18 of the Egyptian Constitution criminalizes “denying any form of medical treatment to any human” in emergency circumstances, which means that in emergency situations, non-citizens and non-nationals “cannot be denied access to clinics or hospitals.”871 Children, regardless of their nationality, are guaranteed at a minimum the rights stated in the CRC.872 Pursuant to the Egyptian Child Law, “free compulsory vaccinations, health care and basic nutrition, and special care for those with disabilities” are guaranteed to all children regardless of their legal status, but it is unclear the extent to which delivery of healthcare may in practice depend on documentation.873

Egypt is currently developing a comprehensive health insurance scheme pursuant to Law No. 2 of 2018.874 It is unclear whether this law will distinguish on the basis of nationality or citizenship status, or whether it will specifically include refugees and migrants.875 However, the planned health insurance scheme “only encompasses foreign nationals with a permanent or temporary residence permit for work, tourism or educational purposes.”876 For the moment, this scheme is not in force, and will be implemented in several phases over a period of fourteen years.877 Once Law No. 2 of 2018 is fully implemented, many existing health insurance laws will be cancelled, but there are several that will continue to operate.878 These include Law No. 79 of 1975 providing insurance for workers under Egyptian Labor Law and “specific health insurance

867 UNICEF, CURRICULUM, ACCREDITATION AND CERTIFICATION FOR SYRIAN CHILDREN IN SYRIA, TURKEY, LEBANON, JORDAN, IRAQ AND EGYPT 97 (Mar. 2015).
868 AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 173 (citing the CONSTITUTION OF EGYPT, supra note 4, at art. 17-18).
869 Id. at 173.
870 Id.
871 Id. (citing the CONSTITUTION OF EGYPT, supra note 4, at art. 138).
872 Id. at 174.
873 Id. at 173-174.
874 Id. at 174.
875 Id.
876 Id. at 175.
877 Id.
878 Id. at 175-176.
laws for women supporting themselves, for farmers and agrarian workers, for children of pre-
school age, and for students.”879 People who do not fall into these categories must “finance their
medical care and necessary treatment on their own.”880 Prior governmental decrees have stated
that “foreigners pay different hospital fees than Egyptians,”881 but it is unclear precisely which
fees are currently allocated to Egyptians as opposed to non-nationals, or how this may change in
the future.882

Even Egyptian nationals face challenges in providing required documents to access
health care. For example, there are reported cases of Baha’i who hold identification cards with a
dash for ‘religion’ who have been denied access “to public services such as health.”883 Since
Baha’i is face continued difficulties in “acquiring identity cards” as well as in the “recognition of
marriages and the sponsorship of a foreign spouse’s permanent residence,” Baha’i adults and
their children have problems in accessing healthcare.884 Reports indicate that Baha’i children
without birth certificates have been barred from receiving immunizations from the Health
Ministry and its local branches.885 In another case, an Egyptian Baha’i man noted that due to
discrimination against Baha’is, he was led to marry his wife (a Muslim woman and Egyptian
citizen) in the U.S.; upon return to Egypt, he was unable to secure a birth certificate for his son
(who was also born in the U.S.)886 This illustrates the necessity of an Egyptian birth certificate to
access healthcare, but also the continued discrimination against Baha’i connected to their
identification documentation.

4. Housing, Land, and Property Rights

Under the 2014 Constitution, only citizens have the right to housing,887 although
discrimination is prohibited on the basis of race, ethnicity, or religion,888 and the Child’s Law
protects housing rights for “all children, not only citizens.”889 Generally, property ownership and
tenancy rights are regulated by Egypt’s Civil Code, Law No. 136 of 1981 Regulating Leasing
and Selling Properties, and Law No. 136 on the Relationship Between Lessee and Lessor.890 Law
No. 236 generally guarantees non-nationals the same property rights as nationals, although leases
held by irregular migrants can be terminated (this does not apply to refugees or regular migrants

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879 Id. at 176.
880 Id. at 178.
881 Id. at 179.
882 Id. at 179 n.212.
884 MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 16.
885 EIPR AND HRW, STATE INTERFERENCE WITH RELIGIOUS FREEDOM, supra note 531, at 40.
886 Vargha Dana, Family law and citizenship: the case study of Egyptian Baha’is 25 (June 1, 2014) (M.A.
dissertation, American University in Cairo) (on file with the American University in Cairo, AUC Knowledge
Fountain).
887 AUC, REFUGEE ENTITLEMENTS IN EGYPT, supra note 1, at 210.
888 Id. at 210; CONSTITUTION OF EGYPT, supra note 4, at art. 154.
889 Id.
890 Id.
holding valid residence permits).\textsuperscript{891} In addition, all non-nationals are “prohibited from owning farmland like cultivable barren, desert land.”\textsuperscript{892} Non-nationals are prohibited “from owning land in the border region[s]” without approval of the Minister of Defense.\textsuperscript{893} Egypt’s State of Emergency Law also “grants the government the right to confiscate moveable and immovable property” and permits it to “evacuate or cordon off territory in the interest of national security.”\textsuperscript{894} Since the State of Emergency Law “applies to all people in Egypt,”\textsuperscript{895} it is unclear whether specific deprivations of property (as in the Sinai) may be due to lack of citizenship status alone.\textsuperscript{896} Egypt recently ended the nationwide state of emergency; while this is a welcome development, it is unclear if this will have a significant impact on property rights, let alone other civil rights.\textsuperscript{897}

The prohibitions against owning farmland (including cultivable barren or desert land) and the prohibitions against owning land in border regions\textsuperscript{898} have a disparate impact on Bedouin populations, particularly in the Sinai.\textsuperscript{899} Egypt has imposed restrictions on property ownership in Sinai, disadvantaging many Bedouin who lack “birth certi[fi]cates or ID cards,”\textsuperscript{900} and who cannot pay the fees to register land.\textsuperscript{901} Lacking birth certificates and identification documents leaves many Bedouin (particularly adults) likely to face land or property confiscations by the Egyptian Government. This has been exacerbated by the Egyptian Government’s displacements of Bedouin communities in the Sinai.\textsuperscript{902} In addition, Decree-Law No. 14 of 2012 Concerning the Integrated Development of the Sinai Peninsula states that naturalized citizens, dual nationals, and Egyptians with a foreign parent are prohibited from ownership of land and property in the Sinai Peninsula, and requires the disposal (i.e., sale) of such land within six months.\textsuperscript{903} Ministerial Decree No. 959 of 2012 restricts the sale of such land or property “to an Egyptian citizen whose parents are both Egyptian and who do not possess another nationality.”\textsuperscript{904} Decree No. 95 of 2015 amended these laws to permit non-Egyptians (or dual citizens) with title to land in the Sinai to...

\textsuperscript{891} Id. at 211 (citing Decree No. 15 of 1963, supra note 185, at art. 1).
\textsuperscript{892} Id. at 210 (citing Military Order No. 62 of 1940, supra note 186, at arts. 1, 4).
\textsuperscript{893} Id. at 213 (citing Law No. 162 for the Year 1958 (Concerning the State of Emergency), 28 Sept., 1958 (Egypt)).
\textsuperscript{894} Id. at 213 (citing Decree No. 15 of 1963, supra note 185, at art. 1).
\textsuperscript{895} See, e.g., HRW, WORLD REPORT 2020: EGYPT EVENTS OF 2019 3 (2020).
\textsuperscript{897} AUC, REFUGEE ENTITLEMENTS IN EGYPT supra note 1, at 211 (2020) (citing Decree No. 15 of 1963, supra note 185, at Article 1).
\textsuperscript{899} Amelia Smith, Under the war on terror Egypt is ethnically cleansing the Sinai Bedouin, MIDDLE EAST MONITOR (Aug. 7, 2019).
\textsuperscript{900} E-mail from Confidential Informant, supra note 595 (noting that fees vary on the place and size of property; in St. Katherine alone it may vary between 175-700 EGP per square meter, while in other areas of Egypt such fees are commonly much higher).
\textsuperscript{901} See Egyptian army launches wide-scale operation in Sinai, MIDDLE EAST MONITOR (Feb. 10, 2018).
\textsuperscript{902} MALEK, REPORT ON CITIZENSHIP LAW EGYPT, supra note 33, at 1.
\textsuperscript{903} Id.
“retain some rights such as the right of usufruct . . . [and] title to immoveable properties established on the land” but with the requirement that disposal of the land title must still be to an individual with solely Egyptian citizenship.\textsuperscript{905} In practice, since “many Bedouins are descendants of parents with no identity records and/or acquired additional citizenship when they left Sinai during the Israeli occupation,” coupled with other barriers, they may be unable to comply with these regulations.\textsuperscript{906} These requirements are impossible to meet for populations that are entirely stateless, such as members of al-Azazma.

5. **Protection Against Detention and Expulsion**

The right to be free from arbitrary detention or unlawful expulsion is an accepted norm of international human rights law.\textsuperscript{907} This applies with particular force in the case of refugees and asylum seekers, particularly in protection against *non-refoulement*.\textsuperscript{908} Irregular migrants generally have a right to humane treatment if they are detained.\textsuperscript{909} Irregular migrants have a right to an individualized process (including an appeal) before they can lawfully be expelled.\textsuperscript{910} The 2014 Egyptian Constitution prohibits torture in detention, and Egypt’s domestic law also provides basic standards for persons who are detained. However, Egypt’s law does permit “the detention of [noncitizens] pending deportation.”\textsuperscript{911} Procedural requirements during imprisonment exist, although non-nationals face particular issues in some cases since courts “may temporarily detain non-residents until the establishment of a fixed address in the Court’s jurisdiction” which can be impossible as a matter of practice for many refugees and migrants.\textsuperscript{912} The State of Emergency Law also severely limits procedural protections, as it allows for individuals to be detained if they are suspected of presenting a danger to the security or public order of Egypt, and detained persons may be held for a one-month renewable period without trial.\textsuperscript{913} As noted above it is unclear whether the recent rollback of the 1958 State of Emergency Law will ensure stronger protections in the future.\textsuperscript{914} Moreover, the 2014 Amendment to the State of Emergency Law permits detainees to complain against an order of arrest, but only if they have already been subjected to six months of detention.\textsuperscript{915}

\begin{itemize}
  \item \textsuperscript{905} Id.
  \item \textsuperscript{906} Evrim Görmüş, *Bedouins and in-between border space in the northern Sinai*, 25 MEDITERRANEAN POLITICS 289, 299-301 (2020).
  \item \textsuperscript{907} See, e.g., *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Oct. 12, 1984, 1465 U.N.T.S. 85.
  \item \textsuperscript{908} See supra, Part III.B.4.
  \item \textsuperscript{909} AUC, *Refugee Entitlements in Egypt*, supra note 1, at 240.
  \item \textsuperscript{910} Id. at 244.
  \item \textsuperscript{911} Id. at 241.
  \item \textsuperscript{912} Id. at 241.
  \item \textsuperscript{913} Id. at 242 (citing Law No. 162 for the Year 1958 (Concerning the State of Emergency), 28 Sept., 1958 (Egypt)).
  \item \textsuperscript{914} See, e.g., *Egypt: Ending State of Emergency a Start but Insufficient*, HRW (Oct. 26, 2021).
  \item \textsuperscript{915} Id.
\end{itemize}
Refugees and migrants in Egypt are vulnerable to detention or expulsion, particularly if they are stateless or lack identification documents. In practice, few refugees or migrants have sufficient access to protections against violations of their rights. Refugees, asylum seekers, and migrants can be subject to criminal sanctions or administrative detention for unauthorized entry, stay or exit, though administrative detention is most commonly employed. While Egypt does not operate separate facilities for immigration-related detention, according to Decree No. 659, five prisons are designated for temporary custody of non-Egyptians awaiting deportation. Human rights organizations have documented intolerable conditions in such facilities, including overcrowding and lack of medical care, leading to serious illnesses among detainees.

Refugees can also be detained if state officials do not recognize official UNHCR identification cards as valid residency permits, though registered refugees are commonly released in a matter of weeks. However, non-registered individuals are vulnerable to extended periods of administrative detention, for which there is no maximum length specified in Egyptian Law. For those detained longer, criminal sanctions are not “systematically applied” but administrative detention is often imposed until migrants can be deported or their cases are otherwise resolved.

Egypt has previously been criticized for its deportation of refugees in violation of the principle of non-refoulement. Hundreds of Syrians were reported to have been deported following a change from the open-door policy for Syrian refugees to much stricter entry requirements. According to the Global Detention Project, approximately 476 Syrians were deported or denied entry to Egypt in July 2014 alone, and EIPR reported 6,800 Syrians were arrested and detained from August 2013 and September 2014. Between January and August 2016, UNHCR stated that Egyptian authorities detained 4,600 refugees, asylum seekers and migrants attempting to cross to Europe, a 25% increase from the total number detained in

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916 GLOB. DET. PROJECT, IMMIGRATION DETENTION IN EGYPT: MILITARY TRIBUNALS, HUMAN RIGHTS ABUSES, ABYSMAL CONDITIONS, AND EU PARTNER 8 (2018).
919 Id. at 8.
922 GLOB. DET. PROJECT, IMMIGRATION DETENTION IN EGYPT, supra note 916, at 11.
923 Patrick Kingsley, Desperate Syrian Refugees Risk All in Bid to Reach Europe, THE GUARDIAN (Sept. 18, 2014).
Amnesty International also reported that Egypt deported at least fifty asylum seekers, including two children, from Ethiopia, Eritrea, and the Sudan between January and April 2017. Any failed asylum seeker who is over the age of eighteen is subject to immediate deportation, but those who are not eighteen (or those who are over eighteen but have children), are less likely to be deported. Persons not registered with UNHCR, including economic migrants, are at risk of extended administrative detentions. This also leaves Palestinians who do not have a valid refugee document or other form of accepted nationality status in a particularly vulnerable position, and as a result “there are many Palestinians living illegally without residency in Egypt who are at risk of being jailed or deported.” As noted, Egypt has carried out multiple deportations of Palestinians displaced by the conflict in Syria, in violation of Egypt’s non-refoulement obligation.

B. Stakeholder Efforts and Achievements

As highlighted throughout this Report, numerous stakeholders have taken steps to combat statelessness in Egypt. This section briefly summarizes and acknowledges some of the important efforts already made by the Egyptian government, Egyptian civil society and domestic organizations, the United Nations and its agencies, and regional IGOs.

1. The Egyptian Government

Egypt has taken several positive steps to alleviate statelessness. Egypt’s revisions to its Nationality Law in 2004 and 2011 have provided nationality status to thousands of individuals, and exemplify good practices in addressing statelessness within the MENA region. The codification of the right to pass nationality through either parent in Article 6 of the 2014 Egyptian Constitution ensures the fundamental nature of this right on a non-discriminatory basis. These achievements are significant for individuals who would otherwise be stateless.
Egypt has also taken steps, both in the past and currently, to make civil registration easier for otherwise vulnerable populations. For example, prior to 2012, Egyptian registration officers traveled to the homes of remote communities in the Sinai, primarily Bedouin, in order to help individuals complete their civil registration—this service has apparently not continued. In 2021, the Minister of Interior also opened new civil registration offices, included additional automated systems for translation, and extended hours for some areas with the goal of better serving public needs. These innovative practices provide an important means for Egyptian nationals to access civil registration processes, and could be developed further to reduce vulnerabilities, particularly for rural populations.

Egypt’s innovations are particularly important due to its role as a major regional actor. Egypt has historically been an important member of the League of Arab States headquartered in Cairo, and continues to play an important role today. Egypt has supported coordination efforts between UNHCR and the LAS to develop regional strategies in addressing statelessness. Egypt was also one of three LAS Member States (along with Yemen and Iraq) to affirm an intent to revise the Arab Convention on Nationality. Egypt has already implemented some of the outcomes determined in the 2016 Ministerial Conference, such as the use of innovative technologies in registration. Aside from the LAS, Egypt has also participated in the UPR reporting system to the ACHPR, and has withdrawn several reservations to AU legal instruments over past decades. All of these are important developments in addressing statelessness across the MENA region. The Egyptian government’s efforts to address statelessness and streamline civil registration within its borders while also advocating within the LAS, are highly commendable and model good practices for the region.

2. Civil Society in Egypt

The important amendments to the 1975 Nationality Law did not occur in a vacuum, as Egyptian civil society has been critical in driving the amendments to Egypt’s nationality law and advocating against statelessness. For example, in preparation for the UN International Conference on Population and Development in Cairo in 1994, over 400 Egyptian NGOs created a discussion forum, and women’s groups addressed a number of gender discrimination issues, including the nationality law. Many judges, commissioners, and human rights lawyers have

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934 No ID, no government services, IRIN (July 18, 2012) (citing Bakr Sweilam, head of the Al Gora Community Development Association in Sinai).
935 Egypt’s Interior Ministry opens new civil register offices to the public in several malls, EGYPT INDEP. (Mar. 7, 2021).
936 Interview with UNHCR, supra note 5.
937 Id.
938 Id.
940 Amal Abdel Hadi, Engendering the Egyptian Law on Nationality, supra note 67, at 42 (‘The governmental National Women’s Committee (NWC) convened two National Women’s Conferences in 1994 and 1995. The NWC
engaged with these topics, including by bringing court cases on behalf of individuals claiming
nationality rights through Egyptian mothers. An NGO coalition was also formed to monitor
Egypt’s implementation of CEDAW, and organized a workshop on the topic of nationality to call
for changes to the Egyptian nationality law. This was later followed by a March 2004 Women’s
Day Celebration with the slogan “nationality is my right and my family’s right.”941 The State
Commissioners Authority also issued a report on the constitutionality of Law No. 26 of 1975
stating that Articles 2 and 3 were unconstitutional, referencing in particular Egypt’s international
obligations under CEDAW.942 In 2004, the Supreme Constitutional Court also held that the
nationality law was unconstitutional and discriminated against women on the basis of gender,
and on July 14, 2004, Law No. 154 of 2004 amended the 1975 Nationality Law to include those
born to Egyptian mothers in addition to Egyptian fathers with retroactive effect.943

A number of organizations also provide important assistance to affected populations,
including enabling access to essential humanitarian protections, services, and to registration
processes. For example, the Egyptian Foundation for Refugee Rights (EFRR) and United
Lawyers provide legal aid to refugees and migrants in Egypt, including facilitating birth
certificates; this work is also done through UNHCR referrals.944 EIPR has worked in Egypt since
2002 to strengthen and protect basic rights and freedoms within the country, including access to
documentation for marginalized populations such as the Baha’i.945 EIPR’s research, advocacy,
and litigation in civil liberties, economic and social rights, and criminal justice have been
essential to implement guarantees and expand rights to status and protect citizenship.946 Caritas
Egypt provides child protection for street children, healthcare, and educational programming;
these services are provided to all populations, though Caritas also works in partnership with
UNHCR.947 St. Andrew’s Refugee Services (StARS) began serving refugees through
community support in 1979, and provides client-centered programs in education, psychosocial
services, legal aid, and community outreach.948

It is worth noting, however, that under Law No. 149 of 2019 (while an improvement over
the more restrictive Law No. 70 of 1970) domestic and foreign NGOs are prohibited from
died unnoticed and was replaced in 2000 by the National Council on Women (NCW), which in turn had its "First"
National Women's Conference in 2001.”).

941 Id. at 46-47.
942 Id. at 43, 48 (citing Commissioners Authority Report on the Case 115 for Judicial Year 19, Constitutional Court
943 Tarek Badawy and Abdallah Khalil, Rights of Foreigners and Access to Citizenship, supra note 210 at 13. While
this amendment excluded Palestinians, see the discussion on Decree No. 1231 of 2011 decree above in Part IV.E.7.
944 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF
EGYPT, supra note 11, at 63; Egyptian Foundation for Refugee Rights, CITIZENSHIP RTS. IN AFR. INITIATIVE,
945 Who We Are, EIPR, https://eipr.org/en/who-we-are (last visited May 7, 2021); EIPR, IDENTITY PAPERS,
MARRIAGES, AND BURIALS, supra note 528.
946 Id.
visited May 7, 2021).
engaging in activities that violate a number of vaguely-termed offenses concerning national security, public morals, or public order. The law hampers the work of civil society organizations, particularly as the Egyptian government uses it to arrest prominent members of NGOs and human rights activists. Egyptian civil society efforts have been essential in reducing statelessness and publicizing the issues related to civil status documentation described throughout this Report. Egyptian civil society and local NGOs remain best-placed to address issues related to ensuring nationality status and the safeguarding of fundamental human rights, and should be supported in this work.

3. Efforts of the United Nations and its Agencies

Under its mandate with Egypt pursuant to the 1954 MOU, UNHCR works closely with the Egyptian Government to conduct RSD procedures and implement measures to enhance the effectiveness of UNHCR’s RSD functions. To strengthen the RSD process and afford protection services to those who qualify, UNHCR also develops and delivers specialized RSD training for UNHCR staff, and supports initiatives to improve delivery of services. UNHCR has advocated for a national asylum framework in Egypt, which includes an RSD system that is ”fair, efficient, adaptable . . . . and that produce[s] quality decisions.”

UNHCR Egypt pursues three main strategies to address barriers to accessing citizenship related to birth registration. First, it provides legal aid directly to asylum seekers and refugees for registration of their children’s birth; such legal aid services include explaining birth registration processes, accompanying individuals to ministries and consulates, and facilitating obtaining necessary documentation. Second, UNHCR conducts awareness trainings to counsel refugees and asylum seekers on the requirements of birth registration, including required documentation and restrictions following the initial fifteen day period. Third, UNHCR launched an “early” birth registration system in 2018. This early birth registration procedure identifies cases in which birth registration may be problematic, or the “simple”/primary birth registration process is not available. This can be the case for sexual and gender-based violence (SGBV) survivors.

950 Egypt: New NGO Law Renews Draconian Restrictions, HRW (July 24, 2019).
951 Refugee Context in Egypt, UNHCR, supra note 202.
952 Id.
953 Id. (indicating that there is movement on the development of a national asylum framework); Refugee Status Determination, UNHCR, https://www.unhcr.org/en-us/refugee-status-determination.html (last visited May 20, 2021).
954 Remote Interview with UNHCR, supra note 426; see also AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 63
955 UNHCR Interview (noting also that information on how to contact UNHCR and other partner organizations for legal aid is also distributed, although the COVID-19 pandemic has made disseminating information through community-awareness trainings more difficult).
956 Remote Interview with UNHCR, supra note 426.
957 Id.
children born out of wedlock, or when documentation is unavailable because it was confiscated or not brought to Egypt.958

UNHCR has enumerated several key priorities for 2021 including: “[w]orking closely with Egyptian authorities to preserve the existing protection space, enhance access to asylum and prevent refoulement . . . . [and] encouraging longer residency permits and regularization;” harmonizing assistance to refugees of various nationalities through a “one refugee approach;” and “[c]ontinuing collaboration with the League of Arab States, including supporting the conclusion of the Arab Convention on Regulating the Status of Refugees in Arab Countries and supporting the drafting of a convention on protection and assistance to IDPs, among others.”959 IOM also has partnerships with organizations that work with migrants through a referral system in a similar manner to UNHCR, which helps ensure newborn children are able to acquire a birth certificate.960 Other UN agencies, such as UNICEF, also provide important protection and data analysis to examine statelessness in Egypt.

4. Regional Organizations

The LAS has made issues of citizenship and nationality a primary area of concern and is attempting to form regional consensus on the issues. The Charter of the Arab League identifies six areas of cooperation between Arab Nations, including on nationality.961 The LAS, in cooperation with UNHCR,962 has engaged in two recent conferences focusing on the rights of children and women, including nationality rights: (1) Our Children, Our Future: Belonging and Legal Identity (2016),963 and (2) Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights (2017).964 These conferences have promoted further ratification and removal of reservations to key international human rights treaties, including the CRC and CEDAW. They have discussed adoption of a Model Nationality Law to harmonize nationality provisions within the region, and also addressed ratification (and possible revision) of the LAS Nationality Convention (1954) by additional Member States.965 These efforts are enormously important, and while they will require further coordination and advocacy, provide a helpful government-driven framework to address statelessness within the MENA region.

958 Id.
960 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 63
961 Charter of the Arab League art. 2(D), 1945, League of Arab States.
962 In September 2017, the LAS and UNHCR also signed an MOU to establish a cooperation framework on refugee and stateless matters. Jannyr and Stevens, Regional Refugee Regimes: Middle East, supra note 302, at 337.
964 The First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights League of Arab States Secretariat General, Final Declaration (Oct. 1-2, 2017).
965 Remote Interview with UNHCR, supra note 5.
All twenty-two member states of the LAS are members of the OIC as well. While there is a dearth of OIC legal instruments to reinforce the rights of stateless communities, or those at risk of statelessness, in expert meetings between UNHCR and the LAS, the CRCI has been raised as an important instrument in addressing statelessness. The 2008 revision of the OIC Charter also initiated the OIC’s Independent Permanent Human Rights Commission (“IPHRC”) designed to strike a balance between Islamic norms and the international human rights regime, which may provide an additional forum for discussions of statelessness. In addition, in 2020 the OIC Council of Foreign Ministers requested the OIC Secretary-General to convene an intergovernmental working group to discuss a final revision of the CRCI. The IPHRC also paved the way for the revision of the Cairo Declaration, and the ODHR is intended to incorporate a right to nationality.

The AU has developed a robust human rights legal regime in many ways, and as noted earlier, it has developed important jurisprudence on the right to a nationality, although there remains a gap in addressing statelessness. The lack of a legal instrument dedicated to nationality rights in Africa has prompted engagement by the AU, its agencies, and UNHCR. Resolution 234 of 2013 called upon Member States to adopt and implement legislation to reduce statelessness. The ACHPR was particularly concerned with reaffirming the principles of the ACRWC and the UN Statelessness Conventions, as well as strengthening civil registration services. In 2014, Resolution 277 formally commissioned the Special Rapporteur to create a Draft Protocol to the African Charter on Human and Peoples’ Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (“Draft Protocol”), although the Draft Protocol is not yet open for signature. As of 2017, the Draft Protocol

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966 Id.
970 Turan Kayaoglu, The Organization of Islamic Cooperation’s Declaration on Human Rights: Promises and Pitfalls, supra note 304.
971 See Afr. Comm’n H.P.R., The Right to Nationality in Africa, supra note 22, at 3 (stating that the right to a nationality is a fundamental human right, yet “is not really protected in Africa, for reasons including the arbitrary denial or deprivation of the nationality of persons on grounds of race, ethnicity, language, religion, gender discrimination, non-compliance with the rules on the prevention of statelessness pursuant to transfers of territory between States, and the failure of many African States to ensure that all children are systematically registered at birth.”).
974 Id.
recognizes that all persons have the right to a nationality,\textsuperscript{976} that no one may be arbitrarily deprived of a nationality,\textsuperscript{977} and that states have the obligation to eradicate statelessness.\textsuperscript{978} In addition, the current draft of Article 5 provides protections for attributing nationality to children, including retroactively. Article 6 also provides for a number of avenues for the acquisition of nationality,\textsuperscript{979} and Article 7(1) acknowledges that stateless persons should not be excluded from or discriminated against in residency laws.\textsuperscript{980} Article 8 would also recognize rights for cross-border and nomadic communities.\textsuperscript{981} It remains to be seen whether the Draft Protocol will be adopted by the AU in its current state, or whether Egypt will sign and ratify it. However, it would provide significant protections and a legal basis to combat statelessness in Africa, and should be promoted by civil society and other actors.

\textbf{VI. Conclusions and Recommendations}

Despite amendments to Egypt’s nationality law and the sustained efforts of many stakeholders, this Report highlights the many populations and individuals who are stateless or continue to face the risk of statelessness in Egypt. They are not limited to migrants and refugees, although these populations face some of the most readily-identifiable risks in accessing citizenship. Difficulties in navigating Egypt’s nationality law and civil registration process – obtaining birth certificates, marriage certificates, and national identification documentation – all contribute to leaving some Egyptian national populations without security in their nationality status as compared to other groups of Egyptian nationals who are able to obtain such documents. These national populations face risks of statelessness for themselves and their children.

This Report has noted many gaps in quantitative and qualitative data that are needed for a better understanding of which populations face statelessness, risks of statelessness, or particular vulnerabilities in documentation status. An overall recommendation is for Egypt to revise census policies and facilitate, rather than hamper, research by civil society organizations. For example, specifically identifying certain groups and communities, such as ‘Bedouin’ or ‘Nubian,’ in the official census would clarify which particular populations face certain vulnerabilities, and provide a foundation on how best to address them. This data would also enable local civil society organizations that work with affected communities across a wide range of issues to provide more efficient and effective assistance in accessing birth registration, marriage certificates, civil registration, and other critical forms of documentation.

The problems leading to statelessness cut across many populations, and are linked to factors such as poverty, rural location, and discrimination both systemic and individual. It is

\textsuperscript{976} Draft Protocol to the African Charter on Human and Peoples’ Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa art. 3(a), 2017, African Union.
\textsuperscript{977} \textit{id.} at art. 3(b).
\textsuperscript{978} \textit{id.} at art. 3(c).
\textsuperscript{979} \textit{id.} at art. 6.
\textsuperscript{980} \textit{id.} at art. 7(1).
\textsuperscript{981} \textit{id.} at art. 8.
incumbent on the Egyptian government to take steps to enable vulnerable individuals and communities to obtain nationality status. This section provides a series of recommendations to address some of the problematic issues.

A. Reform of Egyptian Nationality Law

Egypt’s revision to the 2004 Nationality Law by passing Law No. 154 that allows children born after 2004 to parents when the mother is Egyptian to acquire Egyptian nationality is a major step towards reducing statelessness. However, there remain both gaps and inconsistencies that prevent many thousands of individuals from benefiting from their right to secure nationality status. First, the final provision of Article 15 of Law No. 154 of 2004 should remove the gender-discriminatory element that attaches to only permitting the birth certificate of a newborn registered solely by the mother to be used for the proof of the birth and for no other purposes. A birth certificate registered only by a woman should be given equal weight as a birth certificate registered under any of the other circumstances listed in Article 15, and this should be explicitly clarified in the law.

Second, the documentary requirements to acquire citizenship under the law are burdensome, and should be both simplified and permit a range of documents for ones that may be difficult to obtain, especially when the father may be absent. Providing the mother’s birth certificate and identity card should be sufficient, in addition to the child’s birth certificate, rather than birth certificates of both parents and the grandparents’ birth certificates. These additional documents are unnecessary to prove the basic facts of the mother’s Egyptian nationality. Citizenship applications should be accepted in administrative offices throughout Egypt, not just at the Mugamma in Cairo, as the central bureaucracy is overwhelmed, slow, and inconvenient if not impossible to reach by many thousands of individuals living outside Cairo.

Third, although Decree No. 1231 of 2011 was another major advancement in specifically extending the 2004 law to children born to a Palestinian father and an Egyptian mother, its application has been inconsistent. Although thousands of individuals have so far benefited from the Decree, it has not been applied uniformly, requiring individuals to challenge the failure to apply its provisions in court. Decree No. 1231 of 2011 must be clarified so that it applies retroactively in all cases, without exception, and officials and staff must be trained accordingly. These revisions would simplify the citizenship procedures and clarify the status of Palestinians under the conditions of Decree No. 1231 to provide for protections of children born prior to 2011.

Fourth, Law No. 26 of 1975 must be amended so that a child does not lose his or her Egyptian citizenship if the father’s nationality changes. To fully comply with Egypt’s international legal obligations, Egyptian law must protect the child’s Egyptian citizenship no matter what change occurs to either parent’s nationality, unless it is without doubt that the child has alternative citizenship. Withdrawal of citizenship must be very rarely permitted, and only in cases where the same circumstances affect a woman’s Egyptian nationality as that of a man.
Fifth, it must be noted that Egypt’s recent proposed amendments to the Nationality Law are highly problematic, both from the point of view of likelihood of increasing statelessness and from their incompatibility with Egypt’s human rights obligations. The amendments would give enormous discretion to the Egyptian Government to revoke citizenship of any person deemed a threat to the regime, regardless of their status as naturalized or natural-born citizens. The language of the proposed bills is extremely vague, overbroad, and subject to abuse. The arbitrary application of any of these amendments, should they be adopted, risks violating international law that prohibits the arbitrary deprivation of nationality, and threatens untold numbers of Egyptians with loss of nationality. Egyptian lawmakers are urged to reject these proposals.

B. Removal of Marriage Certificate Requirements and Institution of Civil Marriage

Egypt should eliminate the marriage certificate requirement, as it is a major barrier to registering births of children in Egypt. Removing the marriage certificate requirement for birth registration may be among the most effective ways to address statelessness in Egypt. This is particularly important in the case of unwed mothers or mothers who have had children as a result of rape. As noted above and in prior reports, Egyptian law does in theory permit other means of proving a relationship, but in practice a marriage certificate is still required to register a birth, even if the child is born due to rape. For refugees and migrants whose marriage has been registered in their country of origin, the requirement that they secure a letter of authentication from their embassy also presents a significant barrier (sometimes an impossible one) to registering their children.

Eliminating the marriage certificate requirement may also eliminate a major element that enables discrimination on the basis of religion, as with the Egyptian Baha’is, or with certain individuals or communities that utilize ‘urfı marriage practices. However, Egypt should urgently address the need to institute and recognize civil marriages. Recognizing marriages only within the three Abrahamic faiths ignores the needs and desires of thousands of Egypt’s citizens who do not identify with Islam, Christianity or Judaism; who do not wish to be married in any of those faith traditions; who do not wish to convert from other faiths; and, of particular importance, impinges on the civil recognition of members of Egypt’s longstanding Baha’i communities. Egypt has a well-established administrative and judicial system that can readily implement a civil marriage process, which would be a major step towards reducing the undocumented (or precariously documented) children of marriages from other than the three recognized religions.

982 See supra, Part IV.C.
983 Remote Interview with Mohamed Farahat, supra note 687.
984 MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO, supra note 11, at 19.
C. Simplification and Standardization of Civil Registration Processes and Birth Registration

The Egyptian civil registration process places excessive burdens on refugees, migrants, and Egyptian nationals, particularly those of low socioeconomic status and in rural regions. The fifteen-day initial registration for births (pursuant to Law No. 154 of 2004) provides a narrow time frame for birth registration, and it is difficult for individuals to fulfill this requirement if they give birth outside of a hospital and far from a civil registration office.\footnote{Law No. 154 of 2004, supra note 145, at art. 14.} It is also a difficult requirement for refugees and migrants less familiar with the Egyptian registration system. The additional documentation requirements placed upon births after fifteen days makes this burden even higher.

First, the Egyptian Government should extend this fifteen-day requirement for birth registration to a minimum of one year without penalty. This would particularly benefit women having at-home births, and, in combination with allowing women to register and provide proof of parentage of the child by themselves, have an enormous positive impact on the problem of unregistered street children. These two changes in tandem would benefit thousands of rural Egyptians, women who have been abandoned by spouses, whose children are born of rape, or unregistered ‘urfi marriages. The Ministry of Social Solidarity must have the authority to accept a wide range of documents to register orphan and abandoned children, including sworn affidavits of witnesses, identification documents of caregivers and the like. In the absence of proof to the contrary, abandoned, orphan and street children must be given Egyptian nationality with minimal documentation requirements. Organizations providing services and shelter to orphans and street children must be trained to complete registration requirements for their wards, and required to do so as part of their routine duties. Advocates in other countries of the MENA region are calling for one to three years to allow birth registration, and Egypt should lead the way on this. The government should remove any fees associated with the registration process to enable equitable access, requiring stamps only from authorized officials at no cost, and establishing fines for entities charging fees for birth registration documents.

Second, the government urgently needs to expand services to enable civil registration for rural populations, including those unable to travel long distances. This includes re-starting mobile registration clinics throughout the country, such as those operating before 2012 in the Sinai that visited Bedouin homes to help them register.\footnote{No ID, no government services, IRIN (July 18, 2012).} This should include establishing additional government offices in certain regions to ensure adults (for example, Bedouin in remote areas) who lack full documentation status easy access without being barred by security checkpoints.

Third, there must be a nationwide training protocol for all officials handling birth, marriage, divorce and citizenship/naturalization procedures in terms of what documents are
required and how they are to be registered in the national registry system. The Egyptian government must institute formal and regular trainings to address the persistent problem noted in various reports and by experts, which is the lack of consistency faced by Egyptian nationals and non-citizens seeking to complete various civil registration processes or obtain the relevant birth/marriage certificates. Women who attempt to complete the birth registration process on their own have particular problems, exacerbated by inconsistent procedures by different officials. The Egyptian Government would be able to provide such consistency by ensuring adequate training of all public officials assisting people in completing the civil status registration processes.

D. Implementation of a National Education Campaign

Egypt must launch a national campaign to raise awareness of the process for civil registration to help parents unfamiliar with the procedures and requirements involved to register their children. Such awareness-raising measures are particularly important for refugee and migrant populations less familiar with the Egyptian legal system. As noted previously, legal aid services provided by Egyptian NGOs and INGOs (such as IOM, UNHCR, and UNICEF) do provide such services, yet many refugees and migrants are not aware that they may seek help from these organizations. An awareness-raising campaign to explain the Egyptian civil registration process should include television advertisements, social network messages, widely-distributed brochures, and other media publicity to inform the public about deadlines, costs, fees, and procedures for registering births and other forms of civil status. Additional steps are needed to reach isolated or rural populations in Egypt, since some media formats may be unavailable or impractical in certain regions.

E. Naturalization and a Path from Residency to Citizenship

First, Egypt must address its discriminatory citizenship provisions. Acquiring Egyptian nationality through naturalization is both discretionary and gender-discriminatory. As discussed earlier, the Nationality Law allows foreign women who marry Egyptian men to become citizens after a period of two years, but does not permit foreign men married to Egyptian women to naturalize. Egypt must reform this requirement to allow both women and men to naturalize on the petition of an Egyptian spouse in order to come into compliance with its obligations under CEDAW not to discriminate on the basis of sex in conferring nationality.

Second, the Nationality Law also incorporates discriminatory grounds for naturalization on the basis of ethnic/religious origin. The naturalization provisions give preferred pathways to

987 See, e.g., MANBY, BIRTH REGISTRATION AND CONSULAR ASSISTANCE IN EGYPT AND MOROCCO supra note 11, at 19, 27.

988 AUC, PREVENTING STATELESSNESS AMONG MIGRANTS AND REFUGEE CHILDREN IN NORTH AFRICA: THE CASE OF EGYPT, supra note 11, at 63.
persons of Egyptian or Arab origin and Muslims, allowing them to naturalize after five years of residence. Individuals who are not of Egyptian or Arab origin, or Muslim, can only apply for citizenship after ten years of residence. In order to comply with its obligations under ICERD, Egypt must eliminate racial, ethnic or religious discrimination in its naturalization law, and provide the same pathway and process for all persons applying for citizenship, preferably for the shorter residency period of five years.

Third, Egypt’s 2019 investor citizenship provision is also discriminatory, in that it allows a speedy pathway to naturalization for those with high income and/or net worth, but not for thousands of individuals who have had long-term residence in Egypt or other genuine links that should allow them to naturalize, but who cannot meet the investor provision criteria. Egypt’s investor visa provision should permit naturalization on the same basis as others who are entitled to it through parentage links, marriage, or long-term stay, with a single five-year residence requirement.

Fourth, naturalization should not be discretionary, but must be part of a uniform, non-discriminatory, eligibility-based process overseen by the Ministry of the Interior, and granted to all who meet the requirements. As noted above, Egyptian lawyers and experts report that naturalization is rarely granted, even for applicants who have met all the legal requirements, other than to those born in Egypt, with a father of Egyptian origin or from an Arab or Muslim country. Egypt must issue official statistics on the number of naturalizations it grants and denies, which it does not currently have (or publicly provide).

F. Refugees, Asylum-Seekers, and the Status and Rights of Stateless Persons

First, stateless persons must be entitled to a status determination with guaranteed rights and protection. This requires implementation of commitments on behalf of the Government of Egypt and the UN agencies mandated to protect refugees and stateless persons, in particular UNHCR. The Egyptian Government must codify refugee law and develop a national asylum framework, which it has indicated it plans to do. UNHCR reported in October 2020 that Egypt had begun drafting an asylum law, but later noted that the effort had slowed due to the COVID-19 pandemic. Egypt’s new refugee law, whenever it is enacted, should include a stateless status determination, to which all stateless persons and refugees must have non-discriminatory access.

Second, until a domestic legal framework is established that will afford rights for stateless persons, UNHCR must specifically incorporate a status determination process for the recognition of stateless persons, including Palestinians, in Egypt. This requires UNHCR to

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989 Remote Interview with UNHCR, supra note 5 (indicating that have been continued internal discussions on the development of a national asylum framework).
incorporate a stateless status determination into its MOU with Egypt, allowing stateless refugees and non-refugees access to an internationally-recognized status that would trigger Agency obligations for protection and services. UNHCR has been given the mandate for international protection of stateless persons under both the 1961 Convention on the Reduction of Statelessness, and a series of United Nations General Assembly Resolutions beginning in 1995.\footnote{See, e.g., G.A. Res. 50/152 (Dec. 21, 1995); G.A. Res. 61/137 (Dec. 19, 2006) (entrusting UNHCR with the identification, prevention and reduction of statelessness and the protection of stateless persons).} UNHCR administers or advises many states around the world in implementation of stateless status determinations, and there is no legal impediment for it to incorporate such a process in Egypt.

Third, Egypt must amend its position that it is not a country of asylum, as the reality is that thousands of refugees and asylum-seekers remain in Egypt without meaningful prospect of resettlement elsewhere. Egypt’s obligations under the 1951 Refugee Convention and the 1969 OAU Convention require it to burden-share in providing durable solutions for refugees, and to provide increasingly greater benefits once an individual is recognized as a refugee in its territory. As such, refugees, putative refugees and closed-file asylum seekers who live in Egypt for years, sometimes decades, must have a pathway to at least short-term legal residency. Egypt must amend its laws to provide for refugees and putative refugees staying more than five years with a pathway to residency status, and permanent residence and citizenship if they remain for ten years. As discussed earlier, refugees who fear registering with UNHCR do not have access to durable solutions, and at the same time remain without identification in Egypt. They cannot legally marry, divorce, or obtain a birth certificate for their children. Many closed-file refugees cannot approach their embassies or consulates to get birth certificates for their children. Providing such individuals with even a short-term, renewable legal status would give them time and a pathway to obtain valid documentation and would significantly decrease the risk of statelessness among these populations.

Furthermore, since UNRWA has no mandate to provide assistance or protection for Palestinians in Egypt, UNHCR is not precluded from extending its international protection mandate towards them, whether as refugees or stateless persons. UNHCR’s MOU should be amended to include stateless status determinations for Palestinians. Extending its authority of stateless persons to include a determination that Palestinians are stateless will be a major advancement to reduce the stateless Palestinian problem in the region. A stateless status determination should cover Palestinians who have been displaced from their prior residence outside of Palestine such as Syria, or Palestinians residing in Egypt who have no effective nationality, whether they have arrived from decades-old or more recent displacements. UNHCR should recognize the status of all Palestinian refugees as stateless persons, although holding (ineffective) Palestinian nationality, and confer recognition and the rights resulting from this formal legal status for all Palestinians who do not currently hold Egyptian nationality. Finally, as UN agencies have been advocating, Egypt should fully implement existing legal frameworks
protecting stateless refugees and non-refugees, and ratify both the 1954 and 1961 international conventions on statelessness.

G. Ensuring Palestinian Rights as Stateless Nationals

First, Egypt should affirm that under the Casablanca Protocol, it is obliged to confirm Palestinian nationality and the right to return, but at the same time preserve the human rights of Palestinians in the MENA region and provide dual nationality for Palestinians who need to acquire an effective nationality in a host state. Egypt ratified the Casablanca Protocol without reservation, and Egypt’s obligations under the Protocol include recognizing that Palestinians retain their nationality status of Palestine while residing in Egypt. As has been noted in past work by the IHRC, “Palestinian nationality has remained intact since 1924, despite their stateless status: they are stateless nationals of Palestine” and all Arab states should come to an agreement “about the implications of Palestinians as stateless nationals, in terms of implementing their rights as such.”

This Report also emphasizes that Egypt, as Jordan or the rest of the world, must effectuate the unbroken nationality status of Palestinians and the right to return to Palestine.

Second, as discussed earlier, Egypt must uniformly and consistently apply Decree No. 1231 of 2011 retroactively to provide citizenship to children born to Palestinian mothers. This is an important Decree for those who would not otherwise be able to acquire citizenship status, but if not fully implemented regardless of when the child was born, it is insufficient, as it leaves a significant number of adult Palestinians unable to access Egyptian nationality, even though their children may be able to do so.

Third, Egypt must eliminate or reduce the barriers to retaining residency permits for Palestinians traveling out of the country. Significant problems have been noted with the strict renewal requirements for identity documents and permits of Palestinians who hold such documentation but travel abroad for any reason. These requirements should be made less strict such that Palestinians may continue to enjoy freedom of movement without losing their residency ties in Egypt. Making renewal requirements less stringent will result in Palestinians being able to travel outside Egypt without fear of losing their Egyptian residence and travel permits, in accordance with the rights provided by the Casablanca Protocol.

Fourth, since UNRWA does not formally operate in Egypt, Palestinians should not be prevented from UNHCR protection and assistance if they meet the operational definition under the 1951 Refugee Convention or the OAU 1969 Refugee Convention; this should also be the case for Palestinians displaced from former countries of residence such as Syria. It has been noted that Palestinians displaced from Syria have been barred from seeking UNHCR protection, leaving Palestinians suffering multiple displacements in a particularly vulnerable position.

992 BU IHRC, CAMPAIGN TO END STATELESSNESS IN JORDAN, supra note 10, at 87.
993 ASEM KHALIL, PALESTINIAN REFUGEES IN ARAB STATES, supra note 378, at 84.
994 BU IHRC, PROTECTING SYRIAN REFUGEES, supra note 766, at 85.
H. Humanitarian Framework

NGO’s and experts confirm that Egypt and UNHCR implement policies that discriminate in terms of prioritizing certain groups over others for refugee processing, distribution of humanitarian assistance, and access to resettlement. UNHCR has had special and accelerated processing for Syrian refugees since the beginning of the Syrian conflict, for example. Although all NGOs recognize the urgent and overwhelming needs of the massive displaced and stateless populations from Syria, they are opposed to aid distribution based on nationality or any other discriminatory basis, since all forcibly displaced persons, refugees and others, have similar vulnerabilities and urgent needs.

As in Jordan, the IHRC strongly urges UNHCR, the Egyptian Government and NGO’s providing assistance to refugees and stateless persons to implement a ‘one-refugee’ approach, which would provide assistance to all refugees on a non-discriminatory basis. Since most humanitarian assistance organizations working with refugees and stateless persons in Egypt operate through implementing partner contracts with UNHCR, they are bound by the Government of Egypt’s policies towards aid recipients. Hence, it is UNHCR that must insist on this approach, and include it in a revised MOU with the Egyptian Government.

Independently of UNHCR, INGO’s that receive international aid and are not dependent on UNHCR contracts should immediately incorporate a ‘one-refugee’ policy. This will not address statelessness directly, but would mitigate the systemic marginalization, poverty and vulnerability faced by stateless and at-risk adults and children who cannot access UNHCR or Egyptian state benefits and services.

I. Protections for Civil Society Organizations

As many international watchdog organizations have been demanding, Egypt must stop targeting and oppressing its national civil society organizations under overbroad security measures.995 To ameliorate statelessness, civil society actors, including NGOs and INGOs, must have freedom to do their work without harassment by the state for legitimate legal and social activities. Current measures tightly regulating and prohibiting the important work of Egyptian NGOs, including overly restrictive measures against receiving foreign funding, inhibit protection space necessary to tackle the enormous problems discussed in this Report. While the Egyptian Government maintains concerns about national security, overbroad laws that lack due process in applying them, undermine Egypt’s security, as they prevent much-needed assistance for Egyptian nationals to perfect their legal status. Domestic Egyptian organizations and legal

services provide assistance that the Egyptian government cannot in serving populations that otherwise have no ability to correct their civil status. In thousands of cases, remedies may be available through resort to the courts, but access to courts is difficult or impossible for most individuals without assistance, financial or otherwise, from experienced lawyers and civil society organizations.

**Appendix I: Glossary**

**Asylum seeker** refers to an individual who: “is claiming or applying for protection as a refugee and who has not yet received a final decision on his or her claim”; or “has not yet submitted an application for refugee status recognition (has not yet formalized the administrative requirements in national law) but may nevertheless be in need of international protection.”\(^{996}\)

**Citizenship** refers to the relationship between an individual and a state. Citizenship “entitles the individual to the protection of the state, and provides a legal basis for the exercise of many civil and political rights.”\(^{997}\) For the purposes of this Report, citizenship is used to refer to having identity documents and recognition by a State as a citizen under its domestic laws.

**Civil Registration** refers to the registration of life events, including birth, marriage, divorce, and death. Civil registration is required in Egypt to obtain identity documents proving citizenship.

\(^{996}\) EU AND UN, EXPERT GROUP ON REFUGEE AND INTERNALLY DISPLACED PERSONS STATISTICS – INTERNATIONAL RECOMMENDATIONS ON REFUGEE STATISTICS 22 (Mar. 2018).

Civil society organizations are community-based organizations that operate independently of any government. Civil society organizations may include those that are registered as NGOs but do not include those registered as international NGOs.

Islamist refers to persons who are considered to be Islamic political or social activists.\textsuperscript{998}

International non-governmental organizations (INGOs) are NGOs that carry out programming in multiple countries.

Migrant is any person “who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.”\textsuperscript{999}

Mugamma or Mogamma is the building in Cairo that houses Egyptian Government administrations.

Nationality is broadly defined under international law as “membership in a nation or sovereign state.”\textsuperscript{1000} This definition is used in international and regional treaties and does not attach to a particular State’s domestic laws. Outside of international and regional treaties, nationality is alternatively defined as the overarching idea of connection between an individual and a territory.\textsuperscript{1001}

Non-governmental organizations (NGOs) are non-profit organizations, operating independently of any government.

Palestine refugees (as defined by UNRWA) are those “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict [and] descendants of Palestine refugee males, including legally adopted children.”\textsuperscript{1002}

Palestinian refugees “commonly comprises all persons of Arab origin who were displaced from the territory of the former British Mandate Palestine, but also from the Gaza Strip and the West Bank including East Jerusalem, which Israel occupied in 1967, as well as their descendants.”\textsuperscript{1003}

Undocumented Nationality is the term used in this Report to describe the process of acquiring identity documents for Jordanians who, for whatever reason, are unable to obtain

\textsuperscript{998} See supra note 127 (providing a brief introduction to the term ‘Islamist’ in context).

\textsuperscript{999} IOM Definition of “Migrant”, IOM, https://www.iom.int/who-is-a-migrant (last visited June 1, 2021).


\textsuperscript{1002} EU AND UN, EXPERT GROUP ON REFUGEE AND INTERNALLY DISPLACED PERSONS STATISTICS – INTERNATIONAL RECOMMENDATIONS ON REFUGEE STATISTICS 21-22 (Mar. 2018).

\textsuperscript{1003} MINISTRY OF IMMIGRATION AND INTEGRATION THE DANISH IMMIGRATION SERVICE, PALESTINIAN REFUGEES – ACCESS TO REGISTRATION AND UNRWA SERVICES, DOCUMENTS, AND ENTRY TO JORDAN 7 (June 2020).

\textsuperscript{1004} HUNTER, UNDOCUMENTED NATIONALS, supra note 13, at 8.
identity documents to prove their Egyptian citizenship, and are therefore effectively denied citizenship status. This term is commonly used in conjunction with Egypt’s discriminatory system of civil registration, which leaves many Egyptians unable to register their citizenship.

**Registered refugee** refers to a refugee who is registered with either UNHCR’s registration system, or UNRWA’s registration system. Based on their respective mandates, UNRWA registers Palestine refugees, whereas UNHCR registers non-Palestine refugees.1005

**Right to return** is the term used to describe Palestinians’ right to return to their homes in Palestine, as established by United Nations General Assembly Resolution 194.1006

**Stateless persons**, according to the 1954 Convention Relating to the Status of Stateless Persons, are those who are “not considered as a national by any State under the operation of its law.”1007 Egypt is not a party to the 1954 Convention Relating to the Status of Stateless Persons and does not have a statelessness determination in its domestic legislation, therefore it does not apply this definition to persons within its jurisdiction.

**Constitution** refers to the Egyptian Constitution of January 2014.

**Law No. 154** refers to Egyptian Law No. 154 of 2004 Amending Some Provisions of Law No. 26 of 1975 Concerning Egyptian Nationality. This law specifically amends Egyptian law to allow both Egyptian mothers and fathers to transfer nationality to their children. It also allows for children born before 2004 to apply for Egyptian nationality.

**Law No. 12** refers to Law No. 12 of 1996 – Promulgating the Child Law as amended by Law No. 126 of 2008. This law includes the requirements for registering a child with the Egyptian state.

**Appendix II: Stakeholders**

**A. Government**

**Central Agency for Public Mobilization and Statistics (CAPMAS)** is the central body in Egypt responsible for conducting censuses and engaging in quantitative demographic analysis.1008

**Government** (throughout this Report) refers to the Egyptian Government within the state, including its various branches, components, and agencies, with regard to how it functions both domestically and internationally.

1007 See Convention Relating to the Status of Stateless Persons, supra note 16.
The Ministry of Interior is integrally responsible for law enforcement of Egypt which includes regulation of Egypt’s borders along with broad power in naturalization procedures and passport regulation.1009

National Council for Childhood and Motherhood (NCCM) is an entity under the Ministry of State for Family and Population, and has played an important role in policy making and coordinating actions regarding children in Egypt.1010

B. Inter-Governmental Organizations

The African Union is a regional intergovernmental organization comprising all African states. The AU has a robust human rights legal framework, and has been highly influential in human rights throughout the region. It also encompasses a number of smaller regional economic organizations.1011

The League of Arab States is an intergovernmental organization in the MENA region formed of twenty-two Arab nations. It was formed in 1945, and cooperates on a number of economic and security issues.1012

The Organisation of Islamic Cooperation is a pan-Islamic organization encompassing fifty-seven member states across Africa and Asia.1013

C. Non-Governmental Organizations

Caritas is an international humanitarian organization. It has multiple centers spread across Egypt that provide health, education, humanitarian, and counseling services; these services are provided to refugees and Egyptian nationals alike.1014

Egyptian Foundation for Refugee Rights (EFRR) is an Egyptian NGO that provides legal aid to refugees who face detention or unlawful expulsion, suffer crimes in Egypt, or are unjustly prosecuted for criminal acts (it also has more recently expanded to assisting with personal registration status assistance).1015

St. Andrew’s Refugee Services (StARS) is an NGO that provides a number of services to refugees, including education, psychosocial services, legal aid, and community outreach programming.1016

Egyptian Initiative for Personal Rights (EIPR) is an NGO that provides extensive legal services including litigation in defense of human rights and civil liberties in Egypt; this has in particular included litigation regarding access to civil registration systems.1017

United Lawyers is an NGO that provides protection services to refugees, including regarding legal emergencies and interviews.1018

D. United Nations Organizations

International Labor Organization (ILO) is an organization that promotes labor standards, policies, and decent work internationally.1019

International Organization for Migration (IOM) is an agency affiliated with the UN that provides a variety of services to migrants; its work is to be distinguished from that of the UNHCR, which is an agency under the UN and provides services solely related to refugees.1020

United Nations Children’s Fund (UNICEF) provides a variety of services for children around the world and in Egypt. Its work includes research and advocacy, and in Egypt it is responsible for providing a variety of educational and health-related services.1021

United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is the organization in charge of registering non-Palestinian refugees, with the aim of providing humanitarian assistance and, where resettlement to a third country is viable, making a refugee status determination that enables such resettlement.1022 With three main offices in Amman, Irbid, and Mafraq, the UNHCR works with the Government of Jordan to aid and to protect refugees and persons seeking asylum.1023 A 1954 Memorandum of Understanding (MOU) between UNHCR and the Government of Jordan states that UNHCR will try to find refugees a durable solution in Jordan, whether that be voluntary repatriation to the country of origin or resettlement in another country.1024

United Nations Relief and Works Agency (UNRWA) was established in 1949 to carry out direct relief and work programs for Palestine refugees, including education, health care, relief and social services, camp infrastructure and improvement, and microfinance and emergency assistance.\textsuperscript{1025}

\textsuperscript{1025} Who We Are, UNRWA, https://www.unrwa.org/who-we-are (last visited May 7, 2021). UNRWA does not provide relief services to Palestinians in Egypt, and so its accomplishments are not directly considered by this Report.