

## ASYLUM REGISTRATION and SCREENING

### Improving the identification of statelessness on arrival

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#### What's the issue?

The failure to identify statelessness and protect stateless people can **put people at risk** and cause **serious human rights violations**. For example:

- Stateless people from war-torn countries like Syria, Ukraine or Myanmar, who are refused entry into countries of transit or asylum because they cannot prove where they are from, may be pushed back into armed conflict or forced to take more dangerous journeys than other refugees, putting their lives at risk.
- Stateless people who are not registered as stateless may be unlawfully detained for long periods for the purposes of identification or removal, even if they are not able to return to a country of origin or previous residence because they are not nationals.
- Stateless people who are not registered or offered protection may be pushed into exploitative situations in order to survive, including trafficking, harsh working conditions, or modern slavery.

#### What can I do as a frontline refugee practitioner?

##### **The 4 Rs: Recognise, Record, Refer, and Read up!**

##### **1. Recognise statelessness**

Do not assume that everyone has a nationality or that everyone who is stateless knows they are stateless. Be aware that some people may think of 'nationality' as their ethnicity or community group, rather than citizenship. When registering an asylum-seeker, sensitively ask questions about citizenship to help identify statelessness. For example:

- Do the authorities of your home country or any other country consider you to be a citizen?
- Do you have (or have you ever had) any proof that you are considered a citizen of your country, for example a citizenship certificate or a passport? If not, why not?
- Are you part of a group that the government does not recognise as citizens?
- Can children in your home country inherit citizenship through their mother? If not, have you inherited citizenship through your father or obtained citizenship in some other way?

More questions are available here: [Identifying Statelessness: Screening questions](#)

##### **2. Record statelessness / indications of statelessness**

If you identify a person's statelessness or indications of statelessness, or if the person claims not to have any citizenship, record this important information on any paperwork relating to this person. If a form does not have fields allowing you to accurately record statelessness/indications of statelessness, make a note somewhere on the form about it, so that there is a record. Make

sure you inform the person of this and that it may be important for them in future. Also keep copies of any relevant documents in your file.

It would also be helpful to ask your organisation to include ways to accurately record (risk of) statelessness on all relevant forms.

Persons identified as stateless or at risk of statelessness during screening should be referred to the competent authorities to conduct a full determination of whether the person is stateless and offer adequate protection. Consult our [Statelessness Index](#) for more information on statelessness determination in your country.

### 3. **Refer people to get expert advice, support, and information**

Identify organisations that specialise in statelessness and nationality in your country of work and see if they can help. Some of [our members](#) may be able to assist. Download and use our [guide/poster](#) for refugee response actors and our [short guide](#) for refugees and asylum seekers.

### 4. **Read up** about statelessness. There's some more information below, and lots more on our websites (links below). Learn more about statelessness identification and registration here:

- [EASO \(EUAA\) Practical Guide on Registration: Lodging of applications for international protection](#) (see pp.39-42 'Statelessness')
- [UNHCR tool for the identification and protection of stateless persons in detention](#)
- [Forum réfugiés: Guide for the identification, support and guidance of persons at risk of statelessness in France](#)

## What needs to change at the policy level?

Frontline practitioners can make a huge difference to the lives of the stateless people they encounter. We also need changes at the systemic level, including, for example:

- The EU, national authorities, and other service and support providers should **harmonise procedures to identify and record statelessness**. Data categories should be clearly defined and standardised. The category of 'unknown nationality' should only be used temporarily for the shortest possible time and should trigger referral to a Statelessness Determination Procedure. Clear procedures should be put in place for reviewing and correcting errors in recorded nationality data.
- States should **establish statelessness determination procedures** in line with good practice and international norms, with clear referral mechanisms to ensure statelessness is determined appropriately.
- The EU and national authorities should ensure that interpreters, cultural mediators, lawyers, civil society organisations and community groups have **unhindered access to people at registration and border crossing points** so they can provide relevant information, support, and advice to stateless people on the move.
- EU agencies and national authorities should **provide frontline officials with training and tools to give them an understanding of statelessness and nationality problems**. Regulatory bodies, bar associations, and civil society organisations should also ensure that their staff and volunteers have access to information, training, and resources to support their work with people affected by statelessness.

## More background information on the issue and additional resources

**Failure to identify statelessness can cause many problems.** During asylum registration and screening procedures, stateless refugees may be wrongly 'assigned' a presumed nationality by officials based on their country of origin or language. Women and children may be assumed to have the same nationality

as their husband/father, which can mean statelessness among children or spouses is hidden and left unaddressed. In other cases, stateless people are imputed to have the nationality of their country of origin, for example a stateless Syrian is registered as 'Syrian' or a bidoon as 'Kuwaiti' or 'Iraqi'. This can also cause serious problems: for example, if the situation in the home country improves, refugees may be expected (and required) to return. If they are stateless but have been wrongly attributed a nationality, they may not be able to return, and may end up without any protective status, residence permit and/or detained in the host country. If statelessness is missed or nationality status mis-recorded at this early stage, it can be very difficult to correct later.

**There may be good reasons why stateless people do not identify their own statelessness.** Some stateless refugees may not be aware they are stateless or of the relevance of their lack of nationality to their international protection claim, or they may fear telling the authorities they are stateless because of past experiences of discrimination or persecution. Authorities should be understanding about this and offer multiple non-intimidating opportunities for asylum applicants to discuss potential statelessness, with a view to offering appropriate protection if needed.

Sometimes people are recorded as having 'unknown nationality' or as 'stateless', but then nothing is done to refer them to a procedure to have their nationality status properly determined. This can cause significant problems later.

#### Get more information

[European Network on Statelessness](#)

[Stateless Journeys](#)

[Statelessness Index](#)

[UNHCR's Ending Statelessness site](#)

[UNHCR's Self-Study Module on Statelessness](#)

[Institute on Statelessness and Inclusion](#)

[Statefree](#)

Attend a course at the [Institute on Statelessness and Inclusion](#) or the [University of Melbourne](#).

Organisations in Europe can [contact ENS](#) about training opportunities. You can also [sign up to our mailing list/newsletter](#), follow us on social media (Twitter: @ENStateless) and support the [Stateless Journeys campaign](#).

'The Greek police didn't know that there were Palestinian Refugees in Syria....[They] did not permit me to cross the border into Macedonia like other Syrians travelling to northern Europe. They were holding me at the border and not letting me cross, saying "Syrians only".'

~ ['Mazen', a Palestinian who fled Syria in 2015](#)

(Mazen was forced to arrange his onward journey via more dangerous routes because his statelessness was not understood and he was not treated the same way as Syrian nationals fleeing the war in Syria.)

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