

IDENTIFYING STATELESSNESS

Questions to help identify (risk of) statelessness

The following questions help to identify statelessness or a risk of statelessness. Most of the questions are not determinative on their own but should guide the interviewer to investigate further where needed. Some questions are not relevant to some contexts. The interviewer should understand that some people may not be able to answer all of these questions, or it may be difficult to answer some of the questions, because the person doesn't know the information or the questions may relate to traumatic events such as unlawful detention, ethnic cleansing, rape, or other persecution. The interviewer should explain that:

- ➔ These questions are being asked to identify the child's identity and nationality, so that they can be appropriately assisted if there are any problems.
- ➔ Nationality means the legal bond between a State and a citizen and is the equivalent of 'citizenship' for the purposes of the interview.

This is not an exhaustive list – some other questions may be relevant, depending on circumstances.

QUESTIONS

- 1) Of what country do you consider to be yourself to be a citizen (if any)?
- 2) Do the authorities of any country consider you to be a citizen of their country?
- 3) Have you previously held any (other) nationality?
- 4) What are/were the nationalities of your parents? Grandparents? Were there barriers to you inheriting these nationalities?
- 5) Do you have proof of having a nationality, such as a genuine national identity card or passport? If not, why not?
- 6) [If the person has any (valid or expired) identity documents, do these record their nationality and is this accurate?]
- 7) Do you have any official document that states that you are stateless or of unknown/undetermined nationality?
- 8) Was your birth registered and do you have a birth certificate? If not, why not?
- 9) [If the person has a birth certificate, is it proof of nationality?]
- 10) [If the person has a birth certificate are both the father and mother included on the birth certificate? If not, might this pose difficulties in being recognised as having the same nationality as either parent?]
- 11) [If the person does not have a valid identity document] Have you tried to obtain or renew identity or travel documents and been refused or ignored? Do you have evidence of this? How many times have you tried, and by what method? Did you have adequate legal assistance with these efforts?

[Note: refugees should not be expected to contact authorities of a State in which they fear persecution.]

- 12) [Does the person come from a country or territory that has a high risk of statelessness, or is affected by state succession or a land dispute?

- 13) (For example: Ukraine; Russia; Palestine; Western Sahara; Bangladesh; Ivory Coast; Burma; Thailand; Syria; Kuwait; Uzbekistan; Saudi Arabia; Cambodia; Iraq)
- 14) Are you part of a group which the authorities do not recognise as citizens?
- 15) (For example: Rohingya, Roma, Kurdish, Sahrawi, Kuwaiti bidoon)
- 16) [Does the person come from a country where women do not have the right to pass their nationality on to their children in the same way as men?]
- 17) [If yes] Have you inherited your father's nationality, and do you have proof of this?
- 18) (For example: Saudi Arabia, Bahamas, Bahrain, Barbados, Brunei, Burundi, United Arab Emirates, Swaziland, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Somalia, Sudan, Syria and Togo)
- 19) [If person was born outside the country of a parent's nationality, do that country's laws require children born abroad to be registered to acquire nationality? If so, were there barriers that prevented registration taking place, or have any deadlines for registration been missed?]
- 20) Did either of your parents acquire a new nationality when you were a child? Did this affect your nationality?
- 21) Were your parents married (in a marriage recognised as valid in any relevant States) at the time you were born? Have they married subsequently? Does this affect your nationality?
- 22) Since your birth, has your mother married someone other than your biological father? Does this affect your nationality?
- 23) Were you able to go to school or access healthcare in your country of origin or place of residence? If not, was this because you lacked a birth certificate, identity documents or proof of nationality?
- 24) Have you lived in any country other than the country in which you were born? For how many years? Did you take any steps to acquire nationality of this country? If not, why not? [Was this residence long enough to acquire a right to nationality of that country, and can it be acquired after departure?]
- 25) Did you have access to statelessness determination procedures in another country? If yes, what was the relevant authority's decision? Is it a sound decision that takes into account all relevant facts?
- 26) Have you been detained in a host country but removal to another country has proved impossible? Does this indicate that you are stateless?
- 27) Have you or a family member had their nationality taken away, for example for political reasons? If it was a family member, does this affect your nationality?
- 28) Is there any other reason why you may not be considered a national of any country?

MORE INFORMATION ON IDENTIFICATION OF STATELESSNESS

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

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