

# REFUGEE RECEPTION AND STATUS DETERMINATION

Improving determination of statelessness in the refugee context

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## WHAT'S THE ISSUE?

Failure to address statelessness in refugee reception and refugee status determination contexts can **put people at risk** and cause serious **human rights violations**:

- **Violation of Reception Conditions standards:** Stateless refugees may be required to stay in reception centres for prolonged periods due to uncertainty about their nationality, in some cases detained or with unlawful restrictions on freedom of movement, violating standards of the recast [Reception Conditions Directive](#) and other law.
- **Refoulement:** Stateless refugees from countries like Iraq, Syria, or Ethiopia whose statelessness is not addressed in refugee status determination procedures may, at the end of an armed conflict, be forced to return to their country of former residence (if accepted) to face serious discrimination and/or persecution.
- **Unlawful detention in return context:** Refugees whose statelessness has not been addressed who are denied international protection are sometimes unlawfully [detained](#) for prolonged and repeated periods, whilst States futilely attempt to return them to a country that does not recognise them as citizens.
- **Children denied rights:** children whose parents are not recognised as stateless may be born stateless and [denied their right to nationality](#), causing them to suffer in many ways, at risk of living in poverty and instability for extended periods.

## 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 determining refugee status, consider whether the possibility of statelessness has been adequately addressed in screening procedures, or if initial indications of statelessness have been recorded, and explore further if needed. For example:](#)

- Do the authorities of any country consider them to be a citizen?
- Does the applicant have any proof that they are considered a citizen of any country, for example a citizenship certificate or a passport? If not, why not? Could they obtain such proof?
- Is the applicant part of a group that the government of their country of origin does not recognise as citizens, such as [Kurds from Syria](#) or [Iraq, Rohingya from Myanmar](#) or [bidoon people from Kuwait](#)?
- Is the applicant from a territory that is not recognised by all countries as a State and/or where recognition of statehood does not imply full sovereignty or effective nationality of that State, for example [Palestine](#) or [Western Sahara](#)?
- Does the person claim not to have any citizenship?

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

## 2. [Record statelessness / risk of statelessness](#)

- In the reception context, if you identify a person's (risk of) statelessness or if the person claims not to have any citizenship, record this vital information on any paperwork relating to this person.
- If a form does not have fields allowing you to accurately record statelessness/risk 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.
- In the refugee status determination context, it must be determined whether the applicant is stateless. If they are stateless, this should be clearly recorded in all relevant documentation, so that upon being granted refugee status, their statelessness is acknowledged, and they will not face potential removal later on, even if most refugees can return home. Persons identified as stateless or at risk of statelessness during screening, reception or refugee status determination should be referred to the competent authorities to conduct a full determination of whether the person is stateless and offer adequate protection (if a procedure is available).
- Statelessness determination should be conducted either in parallel with or following the consideration of the application for refugee status, with full respect of the principle of confidentiality. If they are stateless but not a refugee, this should lead to the grant of a residence permit based on statelessness. Consult our [Statelessness Index](#) for more information on statelessness determination in your country.

## 3. [Refer people to 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. In some cases, determining whether a person is stateless requires specialist knowledge that is not available in the public domain, and an expert should be instructed to prepare a report confirming whether the person is stateless.

#### 4. [Read up](#) about statelessness determination

- Watch our webinar [Is Europe falling behind on statelessness determination and protection?](#)

Learn more about statelessness identification 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](#)

Learn more about determining statelessness here:

- [Statelessness determination and Protection in Europe](#)
- [UNHCR Handbook on Protection of Stateless Persons](#)
- Our [Statelessness Index](#)

## WHAT NEEDS TO CHANGE AT THE POLICY LEVEL?

- Agencies providing reception support to asylum-seekers should be provided at least basic **training about statelessness and nationality** and where to signpost people for expert advice.
- **Asylum-seekers should be provided with information** about statelessness and nationality problems and where to access further information and help to advocate for their rights, included free legal advice.
- There should be **standardised procedures for the identification and assessment of statelessness in the refugee reception and status determination contexts**, and dedicated statelessness determination procedures should operate to grant protection based on statelessness.
- States should **establish a Statelessness Determination Procedure in law leading to a dedicated statelessness status**, in line with good practice and international norms, with clear referral mechanisms to ensure statelessness is determined at an appropriate point in international protection proceedings.
- **Training should be provided to lawyers and officials** responsible for making decisions on claims for international protection, nationality, and immigration detention.
- Governments should **adequately fund the preparation of Country of Origin Information (COI)** by experts and containing specific information about statelessness.

## MORE BACKGROUND INFORMATION AND ADDITIONAL RESOURCES

**Which authorities should determine statelessness?** Statelessness can be determined through a dedicated statelessness determination procedure (SDP) or as part of a refugee status determination procedure. The risk of statelessness should be identified at [registration](#), but determined later, with legal assistance and other safeguards. The same principles should apply across determination procedures, and there should be appropriate links and referral mechanisms between them. If authorities do not identify and determine

statelessness through robust procedures, stateless refugees may be seriously disadvantaged, and decisions about them may be unlawful and subject to appeal.

**Failure to self-identify as stateless should not affect credibility assessments:** Some stateless refugees may not be aware they are stateless or of the relevance of their lack of nationality, or they may fear telling the authorities they are stateless because of past experiences of discrimination or persecution. If (risk of) statelessness is not identified at registration stages, later doubts about a person's nationality should not affect the assessment of their credibility in asylum or other procedures.

**It can be hard to prove statelessness and links to a country:** Some stateless refugees have documents that show they are stateless; for example, people who had a nationality but have lost it may have proof. Some stateless people have little or no evidence of their identity, statelessness, their place of birth, family links, or links to a country. Decision-makers should assist them to obtain evidence if possible, accept non-documentary evidence, and give them the benefit of the doubt if no evidence is available.

**Stateless people have often faced discrimination:** Some have been severely socially, politically and economically disadvantaged in countries of origin or former residence. For example, they may have been denied access to civil registration and documentation, formal education and employment, healthcare, equal marriage and property rights. They may be further disadvantaged in accessing bureaucratic systems and processes as they seek protection in Europe.

**Statelessness can be linked to a Refugee Convention reason, or not:** Lack of nationality may be (part of) the reason that a stateless person has left their country of origin – for example, Rohingya who faced persecution based on ethnicity and were denied nationality in Myanmar. Other stateless people may be among those displaced by more generalised conflict – for example, stateless Palestinians and Kurds fleeing Syria. Either way, statelessness should be properly determined and recorded, and stateless persons protected.

### 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](#) and support the [Stateless Journeys campaign](#).

Follow us on social media



**‘I WENT THROUGH THREE ASYLUM PROCEDURES AND ONE ‘NO-FAULT PROCEDURE’. STATELESSNESS WAS NOT CONSIDERED AS A GROUND FOR ASYLUM. IN THE THIRD ASYLUM PROCEDURE, I WAS FINALLY GRANTED INTERNATIONAL PROTECTION BUT ON DIFFERENT GROUNDS.... I FEEL DISCRIMINATED AGAINST AND REJECTED .... I CAN’T GO ANYWHERE.’**

*~ KUWAITI BIDOON MAN IN THE NETHERLANDS*