



STATELESSNESS: A SHORT GUIDE FOR REFUGEE RESPONSE ACTORS IN EUROPE



WHERE CAN I FIND OUT MORE?



STATELESS JOURNEYS RESOURCES

For tools to support your work with stateless refugees in Europe, including country of origin information, information about relevant stakeholders, case studies outlining the main issues, country briefings, webinars and podcasts, see:
<https://statelessjourneys.org/>



EUROPEAN NETWORK ON STATELESSNESS (ENS)

ENS is a civil society alliance of over 140 NGOs, lawyers, activists and other experts committed to addressing statelessness in Europe. The ENS Secretariat publishes a weekly blog, quarterly newsletter and its website hosts a wide range of resources, as well as a list of national members:
<https://www.statelessness.eu/>



STATELESSNESS INDEX

The Statelessness Index is an online comparative tool assessing law, policy & practice relating to the protection of stateless people and prevention of statelessness in countries across Europe:
<https://index.statelessness.eu>



INSTITUTE ON STATELESSNESS AND INCLUSION (ISI)

ISI is a human rights NGO working on statelessness at the global level, promoting inclusive societies by realising and protecting the right to a nationality. ISI's work includes research, training, advocacy, creating knowledge tools, information-sharing and building strategic alliances:
<https://institutesi.org>

WHAT IS STATELESSNESS?

According to the UN Convention on the Status of Stateless Persons 1954, a stateless person is someone "not considered as a national by any State under the operation of its law". Stateless people are non-nationals everywhere, which severely impacts on their rights, belonging and identity.

WHO IS AFFECTED BY STATELESSNESS?



UNHCR estimates that more than 10 million people worldwide and more than 600,000 people in Europe are stateless. Eurostat data for 2015-2018 shows that nearly 100,000 first time asylum applicants in the EU were recorded as "stateless" or having "unknown nationality". The true numbers are likely much higher due to problems with the accurate identification and recording of statelessness.

Some of the largest recorded stateless populations in the world include Rohingya from Myanmar, Syrian Palestinians, Syrian and Iraqi Kurds, Kuwaiti bidoon, Sahrawis, Ivorians and people from the former Soviet Union and former Yugoslavia. But statelessness can affect anyone and reliable data is scarce.

COUNTRIES WITH LARGEST RECORDED STATELESS POPULATIONS OUTSIDE EU



Source: UNHCR's 2018 Global Trends Report



You can find more detailed information about common profiles of refugees in Europe affected by statelessness on the #StatelessJourneys website (Country Position Papers on nationality laws and civil documentation issues in Syria, Myanmar, Kuwait, Iran & Iraq).
<https://statelessjourneys.org/resources/>

WHY DOES STATELESSNESS OCCUR?

Some of the main causes of statelessness are:

- ✓ Discrimination against minorities, women and other groups
- ✓ Lack of safeguards in nationality laws to prevent statelessness
- ✓ Barriers to civil registration, particularly birth registration
- ✓ Conflicts between nationality laws of different countries
- ✓ State succession
- ✓ Nationality stripping
- ✓ Displacement

GENDER DISCRIMINATION IN NATIONALITY LAWS AND CHILDHOOD STATELESSNESS

25 countries around the world prevent women from conferring their nationality to their children on an equal basis with men. Around 50 countries deny women equal rights with men to acquire, change or retain their nationality, or confer their nationality to their spouse. For a full list and more info on this issue see:

<https://equalnationalityrights.org/>.

In the refugee context, this creates a real risk of children being born stateless. Countries that prevent women conferring their nationality to children born abroad include Syria, Iraq, Iran and Somalia. If a child born to a mother from these countries does not have a birth certificate stating the father's nationality, or if the father is stateless, unknown or does not recognise the child, they may be at risk of statelessness. European countries should have safeguards in their nationality laws so children born on their territories who would otherwise be stateless can acquire their nationality, but there are gaps in these laws and how they are implemented.

IT IS VERY IMPORTANT THAT ANY RISK OF CHILDHOOD STATELESSNESS IS IDENTIFIED, AND THAT FAMILIES HAVE ACCESS TO INFORMATION AND ADVICE ABOUT THEIR NATIONALITY STATUS.



The Bahamas



Bahrain



Barbados



Brunei



Burundi



Eswatini



Iran



Iraq



Jordan



Kiribati



Kuwait



Lebanon



Liberia



Libya



Malaysia



Mauritania



Nepal



Oman



Qatar



Saudi Arabia



Somalia



Sudan



Syria



Togo



UAE

WHAT RIGHTS DO STATELESS PEOPLE HAVE?

Stateless people, like Refugees, have specific rights under international law (1954 Convention) and UNHCR has published a detailed Handbook on the Protection of Stateless Persons:

<https://bit.ly/2PCGZ86>

Although most European countries are party to the 1954 Convention, they are inadequately prepared to respond to statelessness. There is no regional guidance on identifying and recording (risk of) statelessness, and only a handful of European countries have statelessness determination procedures in place to determine who is stateless on their territory and grant them their specific rights to protection and to acquire a nationality. For more information on national law, policy and practice in relation to statelessness see ENS's Statelessness Index: <https://index.statelessness.eu>

A stateless person is not always a refugee, and refugees are not always stateless, but statelessness can be both a cause and a consequence of forced migration.

IT IS VERY IMPORTANT THAT REFUGEE RESPONSE ACTORS HAVE A BASIC UNDERSTANDING OF WHAT STATELESSNESS IS, WHO MIGHT BE AFFECTED, AND WHERE TO SIGNPOST PEOPLE FOR SPECIALIST ADVICE AND INFORMATION.

STATELESS

A person who is not considered as a national by any state under the operation of its law
[Article 1 of the 1954 Convention relating to the Status of Stateless Persons](#)

VS

REFUGEE

A person who has fled their country owing to a well-founded fear of being persecuted
[Article 1 of the 1951 Convention relating to the Status of Refugees](#)



HOW DOES STATELESSNESS IMPACT ON REFUGEE JOURNEYS IN EUROPE?

Accessing routes to protection can be difficult for stateless people due to their marginalisation and lack of documentation. On arrival in Europe, stateless refugees are often wrongly assigned a nationality by officials or recorded as having unknown nationality, which can cause problems for them later. Lack of accurate data also hides the scale of the problem. Nationality can determine how someone is routed through asylum procedures. Doubts about nationality or lack of knowledge about how stateless people are treated in countries of origin can affect decision-making. Low awareness among service-providers means there is a lack of tailored support for stateless asylum seekers while they wait for a decision or try to rebuild their lives in a new country. Lack of proof of family links can mean that stateless people face barriers to family reunification and naturalisation, which are worsened by inflexible eligibility requirements. A stateless person with no right to remain often has no country they can return to, so if their statelessness is not identified, they can face repeated removal attempts and prolonged detention. For more information see: <https://statelessjourneys.org/main-issues/>.