

UNHCR

Seminar on Statelessness Determination Procedures

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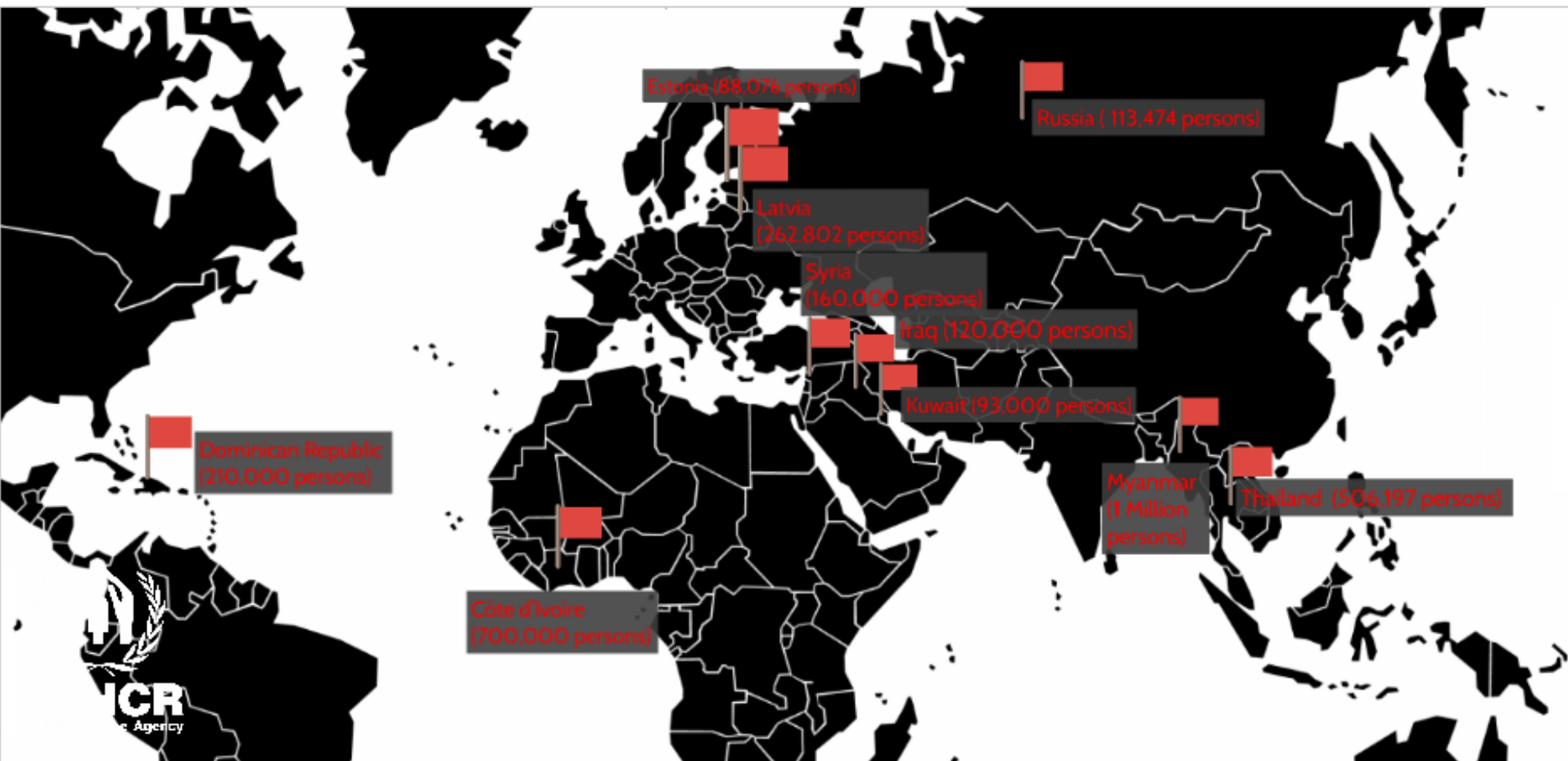
Overview

- Statelessness in numbers – who and where
- Causes of statelessness
- Stateless determination procedure
- UNHCR 10 year campaign to eradicate statelessness
- Trends in reducing statelessness

Statelessness: who & where? (1)

- 10 million people globally – estimate
- More than **90%** of known stateless populations are in just **10 countries**
- Due to human rights issues linked to statelessness, over **1 million** Rohingya live outside Myanmar
- A child is born stateless every 10 minutes
- 20% of all refugees resettled since 2008 are stateless

Statelessness: who & where? (2)



Statelessness: who & where? (3)

Myanmar: 1,090,000

Thailand: 506,197

Zimbabwe: 300,000

Latvia: 262,208

Syria: 160,000

Dominican Republic: 133,770

Russian Federation: 113,474

Kuwait: 93,000

Estonia: 86,522

Iraq: 50,000

And also Nepal, Ukraine,
Kyrgyzstan, Brunei, Saudi
Arabia, Turkmenistan
etc.

Estimated 10 million in the
world

**of which more than 1/3
are children**

Causes of Statelessness (1)

Conflict Between Nationality Laws

States generally confer nationality at birth based on a link with the State through descent (*jus sanguinis*) or through birth on the territory (*jus soli*), or combination of the two. A conflict of these laws may lead to statelessness.



Jus sanguinis or jus soli – people fall through the cracks

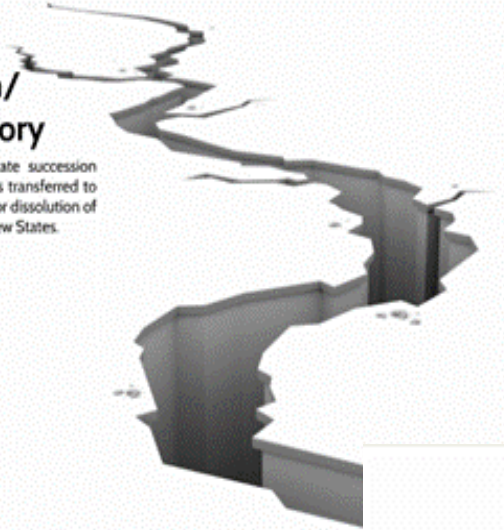
27 countries do not allow mothers to pass on their nationality to their children



Causes of Statelessness (2)

State Succession/ Transfer of Territory

Statelessness can occur during state succession whereby part of a State's territory is transferred to another State, or partial separation or dissolution of a State results in the formation of new States.



Gaps in Nationality Laws



Gaps in States' nationality laws include not providing safeguards for children born on their territory who would otherwise be stateless to gain nationality.

More than half of States globally have inadequate safeguards in their nationality laws to prevent statelessness.

Causes of Statelessness (3)

- Inability to prove nationality
 - Lack of registration of children at birth/destroyed civil registries
- Combined with:
 - Residence abroad over generations (as migrants or refugees)
 - Being nomads who cross State borders etc.

... can make it impossible for individuals to prove they are citizens of a State, increasing the risk of STATELESSNESS ...

Causes of Statelessness (4)

- **Through legislative changes:**

E.g. Uganda and DRC have changed legislation to redefine the initial body of citizens and exclude groups (Banyamulenge)

- **No change in law but individuals **stripped of citizenship documents** and/or expelled**

E.g. In 1962, 150,000 Kurdish people were stripped of their Syrian nationality. Syria has granted citizenship to part of the stateless Kurd population (Ajanib).

Causes of Statelessness (5)

Discrimination

Ethnic discrimination

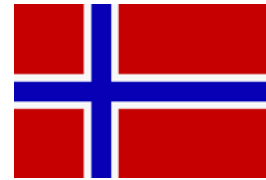
- As a consequence of independence or new borders, certain ethnic groups excluded

Racial discrimination

- Nationality laws mention race – limits

Gender discrimination

An example:



- Adrian
- Born and residing in Norway
- Parents: Syrian mother and a Uruguayan father
- A Syrian mother cannot confer nationality on a child born abroad
- A child born abroad to a Uruguayan citizen acquires Uruguayan citizenship only if s/he established residence in Uruguay
- Norway does not have a safeguard for children born on their territory to be granted Norwegian nationality if they would otherwise be stateless.
- Result > **STATELESS**

Stateless Determination Procedure (1)

- A mechanism to identify stateless persons is **implied by 1954 Convention**.
- Key to ensure the protection of stateless persons and ensure that they **enjoy rights to which they are entitled** under international law.
- States meet their **requirements** under the 1954 Convention

Stateless Determination Procedure (2)

- Stateless persons have access to procedures
- SDP is formalized in law
- **Due process guarantees:** interview, legal counsel, decisions in writing with reasons, within reasonable time, right to an effective remedy (fact and law), access to UNHCR guaranteed
- Refrain from removing applicant

Stateless Determination Procedure (3)

- Assists State in assessing **size and profile of stateless** population
- Statelessness determination is necessary in a range of **judicial and administrative** procedures
- Funnel appropriate cases away from other administrative and immigration procedures – frees resources

Stateless Determination Procedure (4)

Refugee status procedures are not sufficient for identifying or protecting stateless persons

- Stateless does NOT equal refugee
- Must demonstrate a well-founded fear of persecution for a Convention ground
- Or serious harm in the case of subsidiary protection
- Difficulties in RSD in identifying the country of former habitual residence: original country of birth, or another country they have lived in for some time?

Stateless Determination Procedure (5)

State has broad discretion in design and operation of SDP

- New/separate vs. existing body
- Integrated into asylum procedures

Assistance is available:

- > UNHCR expertise and experience
- > Exchanges of good practices among Member States
 - EMN platform

UNHCR #IBELONG Campaign to End Statelessness by 2024

On 4 November 2014, UNHCR launched the #IBelong Campaign and a Global Action Plan to End Statelessness in 10 Years

This establishes a guiding framework of 10 Actions to be undertaken by States

Goal: To end statelessness by resolving existing situations, preventing the emergence of new cases of statelessness and reducing statelessness.

#IBELONG – The 10 Actions

1. Resolve existing situations of statelessness.
2. Ensure that no child is born stateless.
3. Remove gender discrimination from nationality laws.
4. Prevent denial, loss or deprivation of nationality on discriminatory grounds.
5. Prevent statelessness in cases of State succession.
6. **Grant protection** status to stateless migrants and **facilitate their naturalization**.
7. Ensure birth registration for the prevention of statelessness.
8. Issue nationality documentation to those with entitlement to it.
9. Accede to the UN Statelessness Conventions.
10. **Improve quantitative and qualitative data** on stateless populations.

UNHCR #IBELONG Campaign to End Statelessness by 2024

A special report to explain the problem



Open Letter with a call to action – over 83,000

Global Action Plan explaining how it can be resolved



Trends (1)

1. **4 million** stateless people have **acquired nationality** since 2003: Sri Lanka, Nepal, Bangladesh, Russian Federation, Kyrgyzstan...
2. **Reforms of nationality laws** will lead to further reductions: Cote d'Ivoire (2013), Russian Federation (2012), Turkmenistan (2012), Estonia (2015), Armenia (2015)...
3. 12 countries on five continents have **done away with discrimination against women**: Egypt, Indonesia, Morocco, Bangladesh, Senegal...
4. **17 accessions** to 1954 C and **24 accessions** to 1961 C globally since 2011

Trends (2)

Since the launch of the Campaign in November 2014, there have been 7 additional accessions to the Statelessness Conventions:

- Belize, 1961 Convention, 14 August 2015
- Turkey, 1954 Convention, 26 March 2015
- El Salvador, 1954 Convention, 26 March 2015
- Italy, 1961 Convention, 1 December 2015
- Peru, 1961 Convention, 18 December 2014,
- Argentina, 1961 Convention, 13 November 2014
- Niger, 1954 Convention, 7 November 2014

Trends (3)

Momentum is building:

- **Major regional conferences and events led to actions to resolve statelessness region-wide:**
- Brazil Declaration and Plan of Action, December 2014;
- Abidjan Declaration of Ministers of ECOWAS (Economic Community of West African States) Member States on the Eradication of Statelessness, February 2015;
- Almost 100 Members of Parliament from 39 countries attended the “Conference on Ensuring Everyone’s Right to a Nationality: The Role of Parliaments in Ending and Preventing Statelessness,” co-organized by the Parliament of South Africa, the Inter-Parliamentary Union and UNHCR in Cape Town, November 2015;
- **Justice and Home Affairs Council of the European Union adopted the first EU Council Conclusions on Statelessness, December 2015.**

Sign the Open Letter to end statelessness and join the #IBELONG Campaign!



[Take action](#) [About statelessness](#) [Our supporters](#) [News and stories](#) 

#IBELONG

Today 10 million people around the world are denied a nationality. They often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married.

You can help change their lives.

SIGN THE OPEN LETTER
TO END STATELESSNESS

Thank you to the

83078

supporters who are helping to change the lives of the 10 million people in the world who have no nationality



Thank you