



Questions and Answers on statelessness

1. What is statelessness?

Statelessness is the lack of any nationality and a stateless person is someone who does not have a nationality of any country. The Universal Declaration of Human Rights affirms that “everyone has the right to a nationality”, thereby acknowledging the legal and practical importance of nationality for the enjoyment of human rights.

2. Why does statelessness occur?

One major cause of statelessness is the existence of gaps in a country's legal regime relating to nationality. Every country has a law, or laws, which establish under what circumstances one acquires nationality or can have it withdrawn. If nationality laws are not carefully written and correctly applied, some people can be excluded and left stateless. Another factor that makes matters more complicated is that many people move from the countries where they were born. Unless a country of origin permits a parent to pass on nationality through family ties, then a child born in a foreign country risks becoming stateless if that country does not permit nationality based on birth in the territory alone. Finally the rules setting out who can and who cannot transmit their nationality are sometimes discriminatory. The laws in a number of countries do not let women pass on their nationality, while some countries limit citizenship to people of certain races and ethnicities.

A second important reason that statelessness occurs is the emergence of new states and changes in borders. In many cases, specific groups may be left without a nationality as a result of these changes. Even where new countries would allow nationality for all within the territory, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, then this means that statelessness will be passed on to the next generation.

Statelessness can also be caused by a loss or deprivation of nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for too long. States can also arbitrarily deprive citizens of their nationality through changes in law that leave whole populations stateless, using discriminatory criteria like ethnicity or race to define who and who does not belong to a state.

3. Is statelessness a problem?

Statelessness is a profound violation of an individual's human rights. If you have no nationality, you often forfeit the basic rights that citizens enjoy - access to education and the job market, ability to buy and sell property or to open a bank account. Stateless people are often without a legal status and feel left out of society. A particular concern for stateless persons is the difficulty that they face in obtaining identity and travel documents, which not only impedes their ability to travel, but can also cause many problems in day-to-day life and may in some cases lead to the prolonged detention of the individual. Statelessness prevents people from fulfilling their potential and may have severe knock-on effects for societal cohesion and stability. It may even cause communal tensions and displacement.

4. How many people are stateless and where?

UNHCR estimates that there are at least 10 million globally. They are found in all regions.

Statelessness due to the dissolution of the former Yugoslavia and Soviet Union continues to affect over 600,000 people. For example, Montenegro, which was formerly part of the Yugoslav federation, has more than 3,300 registered stateless people, while Estonia and Latvia, ex-Soviet republics, have some 91,000 and 267,000 stateless people respectively.

Areas that have seen large movements of people due to war or economic migration have also been significantly affected by statelessness. Other large stateless populations are the product of policies which exclude people deemed to be foreign, despite their deep roots in the countries concerned. For example, more than 1 million people in Myanmar's Rakhine state are stateless on the basis of the current citizenship law. In the Dominican Republic, a Constitutional Court ruling in 2013 applied new nationality criteria retroactively and affected the nationality status of tens of thousands of people of Haitian descent born in the Dominican Republic.

However, there have been notable examples where through political will it has been possible to resolve large protracted situations of statelessness. For example, the case of some 300,000 Urdu-speakers (sometimes referred to as Biharis), was resolved in Bangladesh in 2008. Similarly, the situation of the Brasileirinhos Apatridás, stateless children born to Brazilian parents abroad who were unable to acquire Brazilian nationality unless they went back to live in Brazil, was resolved in 2007.

5. What has been done by the United Nations to prevent statelessness?

In 1954 the United Nations adopted the Convention relating to the Status of Stateless Persons to regulate the status of stateless persons and to ensure that stateless persons enjoy human rights without discrimination. Seven years later, the UN came up with the 1961 Convention on the Reduction of Statelessness to set out detailed and concrete safeguards to ensure a fair response to the treat of statelessness. These are the two key legal instruments in the protection of stateless people around the world and in the prevention and reduction of statelessness. They are complemented by regional treaty standards, such as the European Convention on Nationality adopted by the Council of Europe in 1997, as well as by international human rights law.

6. What is the difference between a stateless person and a refugee?

Stateless persons and refugees are both in need of international protection. They find themselves in a precarious situation because the link with the State has been broken. Both, therefore, enjoy a special yet separately defined status under international law. A key element of the definition of a refugee is that he or she has a *well-founded fear of persecution*. Being stateless does not necessarily signify persecution. As well, to be a refugee, a stateless person must also be outside of his or her country of habitual residence. Yet most stateless persons have never left the country where they were born.

However, statelessness is often a root cause of forced displacement. When stateless persons are also refugees they are covered by the 1951 Convention relating to the Status of Refugees and international refugee law.

7. How UNHCR assists States to protect stateless persons?

The UN General Assembly selected UNHCR for the task of assisting States to protect stateless persons and to resolve statelessness situations not only because refugee and statelessness problems sometimes overlap, but also because protection of stateless persons requires, in many ways, an approach similar to dealing with refugees. Both populations lack international protection. UNHCR assists States to implement the 1954 Convention by offering technical advice regarding legislation and operational support to promote the implementation of determination procedures and measures to ensure the rights foreseen in the Convention.

8. Why is it important for States to accede to the UN Statelessness Conventions?

Acceding to the UN Statelessness Conventions shows the preparedness of States to address all the spectrum of issues relating to statelessness.

Acceding to the 1954 Convention relating to the Status of Stateless Persons is a way for States to demonstrate their commitment to treat and protect stateless persons in accordance with internationally recognised human rights and humanitarian standards.

The 1961 Convention on the Reduction of Statelessness sets out the safeguards against statelessness and provides States with tools for avoiding and resolving cases of statelessness, because no matter how extensive the rights granted to a stateless person may be, they are not equivalent to possessing a nationality.

Nationality provides people with a sense of identity and is key to full participation in society. Hence, protection of stateless persons under the 1954 Convention should be seen as temporary response while avenues for the acquisition of a nationality are explored.

As of 1 October 2015, 23 countries are signatories and 86 contracting parties to the 1954 Convention; 5 are signatories and 64 are parties to the 1961 Convention. All European Union Member States are bound by one or both of the conventions, with the exception of Cyprus, Estonia and Poland.

9. How does the Republic of Cyprus protect stateless persons?

The Republic of Cyprus has not ratified the two international statelessness conventions nor any regional treaties in this regard. There is no national legislation to specifically regulate the status of stateless persons as well as their protection.

10. Can statelessness be eradicated?

For decades solving statelessness appeared to be insurmountable. Many governments and the international community as a whole appeared uninterested, often prolonging crises rather than undertaking efforts to solve them. UNHCR believes that statelessness is a problem that is largely avoidable, and with adequate political will, entirely solvable too. That is why the UNHCR launched last year a campaign to end statelessness within the next decade. To this end, a Global Action plan has been developed in co-operation with the States, civil society and international organisations which sets out 10 actions; acceding to the two international statelessness conventions being one.

The 10 Actions to end statelessness are:

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