

Detained and nowhere to go – new report sheds light on hidden misery of Britain’s stateless people

New research published by the European Network on Statelessness (ENS) warns that the failure of UK immigration authorities to deal with stateless people often results in prolonged and pointless detention while the Home Office tries to unsuccessfully remove them from the UK.

The report “*Protecting stateless persons from arbitrary detention*” warns that people without nationality are often detained for months and even years, without any real prospect of being removed or their lack of nationality resolved.

It also finds that the Home Office has only recognised 39 people as being stateless in the three years since introducing a statelessness determination procedure. Over 800 people are still waiting on a decision on their status, many of them having been in limbo or detention for more than two years.

Most stateless people without legal status cannot leave the UK because no country will accept them. But without status they don’t have permission to work in the UK and remain vulnerable to destitution, exploitation and detention.

While the UK has a procedure in place to identify stateless people, this report shows that there are considerable problems that require immediate attention. Introduced in 2013, the statelessness determination procedure for individuals to regularise their status was welcomed among campaigners and human rights defenders.

But now three years on, as shown in this report, there are major problems with how the procedure works in practice, including long delays, the use of indefinite detention and very low numbers of people being granted status.

The UK is alone among EU countries in operating a detention regime without a defined time limit – which ENS finds in this report is a major source of anxiety for stateless individuals in the UK.

One research participant, Muhammed a stateless man from Western Sahara, spent a combined time of almost four years in detention. Despite all of this, stateless persons are seldom recognised as victims and are instead unfairly labelled as refusing to cooperate with the state.

Commenting on the report, Chris Nash, Director of the European Network on Statelessness, said:

“Failure by the Home Office to put in place effective systems to identify stateless persons leaves some of the most vulnerable individuals exposed to repeated and lengthy detention. This report shows how individuals, despite their cooperation with authorities, fall between the cracks, finding themselves denied either the opportunity to return ‘home’, because no country will recognise them, or to re-build their lives in the UK.”

“As well as violating fundamental rights, there is abundant evidence that detention also does not achieve the Government’s migration management objectives, and our report furthers the call for reform by shedding light on the experiences of stateless individuals within UK detention centres”

Welcoming the report, UN Refugee Agency (UNHCR) Representative to the UK Gonzalo Vargas Llosa, said:

“It is now time to look at the evidence and ensure that this procedure operates fairly and efficiently, something that was without a doubt the intent of the Government, when they introduced it three years ago.

“It is of vital importance that stateless persons are recognised as such and afforded respect for their fundamental rights, including liberty of the person. This report outlines clear recommendation on how the Government can work to eradicate current practices which can result in the arbitrary detention of those who lack a nationality.”

CASE STUDY

Peter is in his late fifties. He came to the UK about 20 years ago from Nigeria and made several attempts to obtain legal status, all of which failed. Without this, he was not allowed to work and was convicted for working illegally. After serving his sentence he spent nine months in immigration detention while attempts were made to remove him. He had signed up to return voluntarily to Nigeria but the Nigerian High Commission refused to accept him as a national. As Peter was born near the border of Nigeria with Cameroon, the Home Office approached the Cameroonian embassy. However, Cameroon also refused to recognise him as their national, saying he was Nigerian. When Peter was released from detention, he refused to leave because he had no place to go and wanted to return to Nigeria. He was left in the streets with no support. He was then re-detained again for three months because the Home Office wanted to bring him to the Nigerian High Commission one more time but he was again not accepted as a national.

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MEDIA CONTACT

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NOTES TO EDITORS

1. The [European Network on Statelessness](http://www.statelessness.eu) (ENS) is a civil society alliance with 103 members in 39 countries. It is committed to ending statelessness and ensuring that those living in Europe without a nationality are protected under international law.
2. The report *Protecting stateless persons from arbitrary detention in the UK will be* available online at <http://www.statelessness.eu/resources/protecting-stateless-persons-arbitrary-detention-united-kingdom> (from 10 Nov)
3. ENS is undertaking a three-year project aimed at better understanding the extent and consequences of the detention of stateless persons in Europe, and advocating for protecting stateless persons from arbitrary detention through the application of regional

and international standards. The project had deliver a series of country reports investigating the law, policy and practice related to the detention of stateless persons in selected European countries and its impact on stateless persons and those who are 'unreturnable' and therefore often at risk of statelessness.

<http://www.statelessness.eu/issues/preventing-arbitrary-detention>

4. The UK utilises immigration detention more frequently than most other countries in the EU. In 2015 33,000 individuals were detained in immigration detention, with no idea how long they will be there, and this number has been rising every year for several years.
5. In 2015 108 stateless persons entered detention with another 37 recorded as other or unknown nationality.
6. Between April 2013 and April 2016, only 39 applicants had been granted status under the statelessness determination procedure of the 754 decided applications (just over 5%). As of April 2016 another 838 applicants were awaiting decision – with some not having heard back on their claim for more than three years.
7. In 2015 a cross-party group of MPs and Peers has recommended that the next government should introduce a maximum time limit of 28 days on the length of time anyone can be detained in immigration detention. In a report published following a joint inquiry into the use of immigration detention in the UK by the APPG on Refugees and the APPG on Migration concluded that the enforcement-focused culture of the Home Office means that official guidance, which states that detention should be used sparingly and for the shortest possible time, is not being followed, resulting in too many instances of unnecessary detention.

<https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>