

“Lessons learned”

UNHCR/Asylum Aid report *Mapping Statelessness in the United Kingdom* – Nov 2011

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About Asylum Aid



- Provides specialist legal representation and advice to asylum seekers in the UK and increasingly to stateless persons
- Undertakes research, policy development and advocacy in these areas
- Campaigning for asylum reform at the heart of Government

Overview of our research

- Background and motivation
- Definitions and scope
- Key objectives of the research
- Key findings
- UKBA's response ...

Background & research objectives

- Increasing number of referrals coupled with strengthened focus by UNHCR on statelessness issues
- Key objectives of the research:
 - 1) To map the profile and number of stateless persons through analysing different data sets
 - 2) To gain an in-depth understanding of the treatment of stateless and “unreturnable” persons through interviewing 37 participants & reviewing their case files
 - 3) To analyse UK law, policy and practice with reference to the UK’s international obligations
- Three stage study (Sept 2010-Nov 2011)

Definitions and Scope

1. **Stateless Persons**' as defined by Article 1(1) of the 1954 Convention as someone "*who is not considered as a national by any State under the operation of its law*"
2. **'Unreturnable Persons'** (working definition)
Persons subject to UK immigration law, but who could not return or be returned to to any country including, if known, their country of nationality (ie. common characteristic that no right to remain in the UK and unable to gain admittance to their country of nationality or former habitual residence)

Quantitative findings

- Impossible to accurately estimate total number of stateless persons
- **1-4000** a year enter and depart UK with visas
- **200** who claim asylum, of whom over 50% recognised as refugees and are able to regularise their status
- Of these **50-100** (per year) refused asylum and left in limbo

Qualitative findings

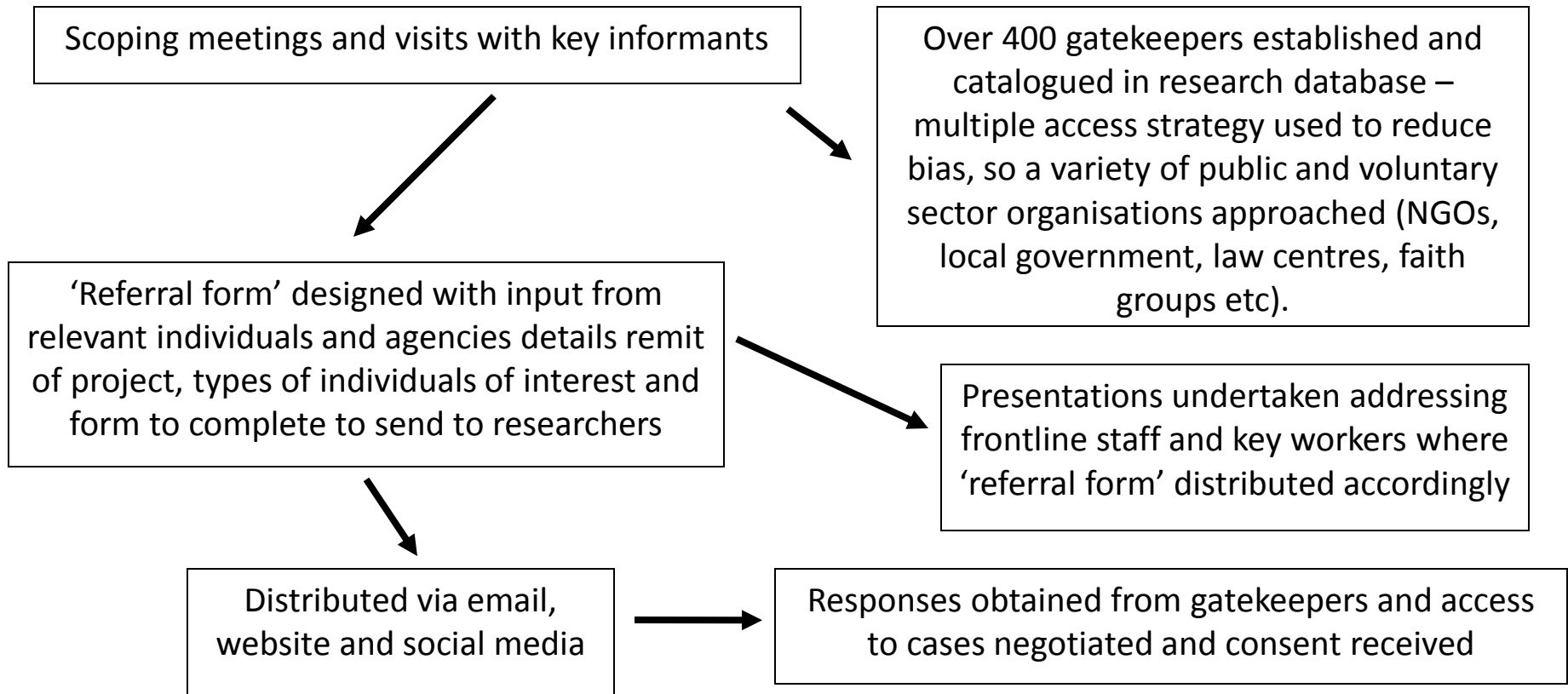
- British Nationality Law broadly complies with obligations under 1961 Convention to prevent statelessness
- But contrasting picture under the 1954 Convention – 1) **Failure to identify** stateless persons & 2) Resulting **human rights concerns** (detention, destitution etc)

‘Lessons learned’: what worked

- Joint UNHCR/NGO collaboration
- Careful design of methodology
- Dedicated ‘Outreach strategy’ to ensure access to participants
- Cooperation with UKBA and ‘embedded’ advocacy throughout the process

Access to participants

Snowball sampling: relies on referrals whereby project allies or 'gatekeepers' in the community act as project advocates and spread the word



These cases are then filtered according to the project definitions of 'stateless' and 'unreturnable' then by using **quota sampling**: flexible quotas are created within the total sample based on the most important variables needed for the research

Balancing legal and sociological research elements

Semi –structured interviews

- Key themes to be covered:
 - 1) Reasons for becoming stateless, 2) Immigration history since entering the UK, 3) Living conditions whilst in the UK, and 4) Statelessness and the individual
- Questions are flexible/optional rather than exhaustive/compulsory

Case File Reviews (to complement interviews)

- To gain additional/advance information about the interviewee's immigration history and basis for statelessness claim
- To gain information and insights relating to UKBA's approach to determining statelessness

Cooperation with UKBA

- Early engagement and negotiation of security clearance proved very beneficial
- Access to Casework Information Database (CID) and other internal guidance/materials enabled understanding of the full picture
- Data sharing agreement helped compensate for lack of publicly available statistics
- Semi-structured interviews with officials helped plug any gaps and ensure balance
- Opportunities for embedded advocacy

Opportunities & next steps

- Continuing advocacy with UKBA
- Engaging with academic institutions
- Engaging civil society through awareness-raising and capacity-building activities
- Reaching out and sharing lessons learned at a regional level – the European Network on Statelessness (ENS)