

What happens to people with no nationality in a public health crisis?



European
Network on
Statelessness

Stateless people – who lack any nationality - are excluded from many of the rights and protections afforded by States to their nationals. They are undoubtedly among those most impacted by the COVID-19 global pandemic and will surely be among those most affected by its fallout unless their specific circumstances and views are considered by policymakers and government authorities and acted upon now.

There are more than half a million [stateless people in Europe](#). They are members of minority groups who have always lived in the same place (sometimes for generations), like [13 year-old Lirije and her family](#), from North Macedonia's Romani community. They are also people who have moved across borders or fled conflict in other parts of the world, like [Nirjevan, Ayman and Ibrahim](#), stateless Syrian refugees seeking safety in Europe. Stateless people in Europe have many and different aspects to their identities, but all are falling through myriad systemic gaps being exposed by this crisis. What stateless people all have in common, is their lack of nationality. They have no State to turn to in a time of crisis to guarantee them healthcare, safety, social security, an income, a roof over their head, food to eat. Some are even blamed for the spread of the virus and targeted in lockdown enforcement measures.

Statelessness is not 'just' an abstract legal anomaly. It is a preventable and solvable violation of human rights that will cost many lives in this pandemic if governments do nothing about it. It is why, in 1954, in the shadows of another global crisis, world leaders came together and adopted the [UN Convention Relating to the Status of Stateless Persons](#) (shortly after its sister [Refugee Convention](#) in 1951). It is why both these Conventions set out basic rights that States must guarantee to people on their territory in need of protection. It is why, the [ultimate goal](#) must be to realise everyone's right to a nationality and end statelessness. All but five of the 47 Council of Europe Member States have signed up to the [1954 Convention](#). They have committed themselves in law to upholding the rights of stateless people. So why – more than 60 years on from 1954 –are people still falling through protection gaps?

To be effective, policymaking needs to be evidence-based. Responses to this pandemic - and future ones - must consider how lack of nationality impacts on public health outcomes and access to fundamental rights. In the longer-term, we need more research on this nexus between health and statelessness. We are consulting representatives of stateless communities from around Europe on what action needs to be prioritised now and have surveyed our 150 civil society members working in 41 European countries to ask them about the impacts they are witnessing. We will continue to monitor the fast-moving regional picture as we learn more about how COVID-19 and governments' responses to the pandemic are affecting stateless people across the region. Nonetheless, there are some things we already know:

- COVID-19 is having a specific social, economic and health impact on stateless people in Europe and the organisations supporting them, which is exacerbated by discrimination.
- The current crisis is exposing the vital need for protection mechanisms to operationalise the rights enshrined in the 1954 Convention because thousands of stateless people living in Europe have no other route to regularisation, nowhere else to go, and no other recourse to realising their fundamental rights.
- Children are being born stateless in Europe because of a failure of State action to stop this happening and to guarantee equal nationality rights.
- Positive and inclusive responses to this crisis are viable and beneficial, as several European countries have demonstrated by extending healthcare, socio-economic and residence rights to marginalised populations, introducing firewalls to prevent data-sharing with immigration authorities, and taking proactive steps to release people from immigration detention and prevent destitution.

Based on what we already know, governments and regional institutions must urgently consider the following five areas in their immediate and longer-term policy responses to the pandemic:

- 1. Identification and protection of stateless people:** only a handful of European States have procedures to identify who is stateless on their territory and grant them protection. This crisis exposes why dedicated statelessness determination procedures are so critical. Without them and when statelessness is ignored or missed by immigration and asylum actors, stateless people risk being left undocumented, with restricted access to healthcare, excluded from COVID-19 responses, unable to stay but with nowhere to go. They may be stuck in pointless cycles of immigration detention, attempted return, release into limbo, re-detention, and so on. Enhanced police powers are exacerbating the risk of people with irregular residence status being fined or detained, and judicial oversight is limited. Building capacity to identify (risk of) statelessness early on in asylum and immigration processes and refer people to procedures to determine their nationality or statelessness, can end these damaging cycles of rights violations for stateless people and those with unclear nationality.
- 2. Reception support and socio-economic rights:** in countries where statelessness determination procedures (SDPs) do exist, most do not provide for any support for applicants while they wait for a decision. As procedures are being delayed due to COVID-19, it is even more essential that support is provided to applicants for stateless status in line with asylum reception standards. In some countries, being recognised as stateless does not automatically lead to a residence permit and/or socio-economic rights, making the procedure futile as it does not fulfil the objective of guaranteeing 1954 Convention rights and thus protection for them and everyone around them during this pandemic.
- 3. Discrimination and antigypsyism:** members of minority groups are often the most marginalised in society, particularly if they lack civil documentation and cannot evidence their citizenship. There are reports of Romani communities being targeted under state of emergency powers with near impunity, while judicial oversight is limited. Police are being deployed to enforce quarantines or evict people living in informal settlements, and those without documentation are doubly discriminated. Women and girls are at increased risk of domestic abuse and exploitation if undocumented or with insecure residence status, and public information often does not reach those most in need. Relief packages and responses are being targeted at nationals, so proof of identity and nationality are even more vital to save lives. Many have lost their livelihoods in the informal economy and are ineligible for social security. We cannot allow this crisis to be used as a pretext to discriminate. There must be urgent investment in guaranteeing equal access to civil documentation and nationality rights as an integral part of the wider fight against discrimination in all its forms.
- 4. Child rights:** half of Council of Europe countries do not have full safeguards in their nationality laws to prevent childhood statelessness. Current restrictions on birth registration, issuing civil documentation, and access to consular services heightens the risk that children are denied their right to a nationality. Birth registration and certification is essential to establishing a child's nationality. In some cases, children born abroad must register with consular authorities to acquire the nationality of their parents. Action must be taken to guarantee children born in Europe during this crisis and beyond, their right to acquire a nationality. There must also be an improved response to children in migration who are stateless, including through improved identification of statelessness among children on the move, the introduction of child-rights based SDPs, and guaranteed access to fundamental rights on an equal basis regardless of nationality status.
- 5. Participation:** nobody understands the impacts of COVID-19 on stateless people and the challenges they are facing better than those affected by statelessness. Responses to the pandemic must be developed with and informed by communities affected by statelessness, with clear feedback channels, regular communication, transparency, and accountability. It is incumbent on us all to find ways to support stateless people around Europe to be visible and represented in the decision-making processes that affect their lives.