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PROTECTION: DETERMINING STATELESSNESS IN THE REFUGEE CONTEXT

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Webinar series: Identifying and Addressing Statelessness in the Refugee Context



EXPLORE THE ISSUE & HOW WE CAN FIX IT

Children's rights to a nationality

Improving children's access to nationality and preventing statelessness

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Birth registration

Improving children's access to nationality and preventing statelessness

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Asylum registration and screening

Improving the identification of statelessness on arrival

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Detention and return

Protecting stateless people from arbitrary detention

Family reunification

Ensuring stateless people can be reunited with family members

Naturalisation and integration

Improving stateless people's access to naturalisation and integration





PROTECTION OF STATELESS REFUGEES IN EUROPE

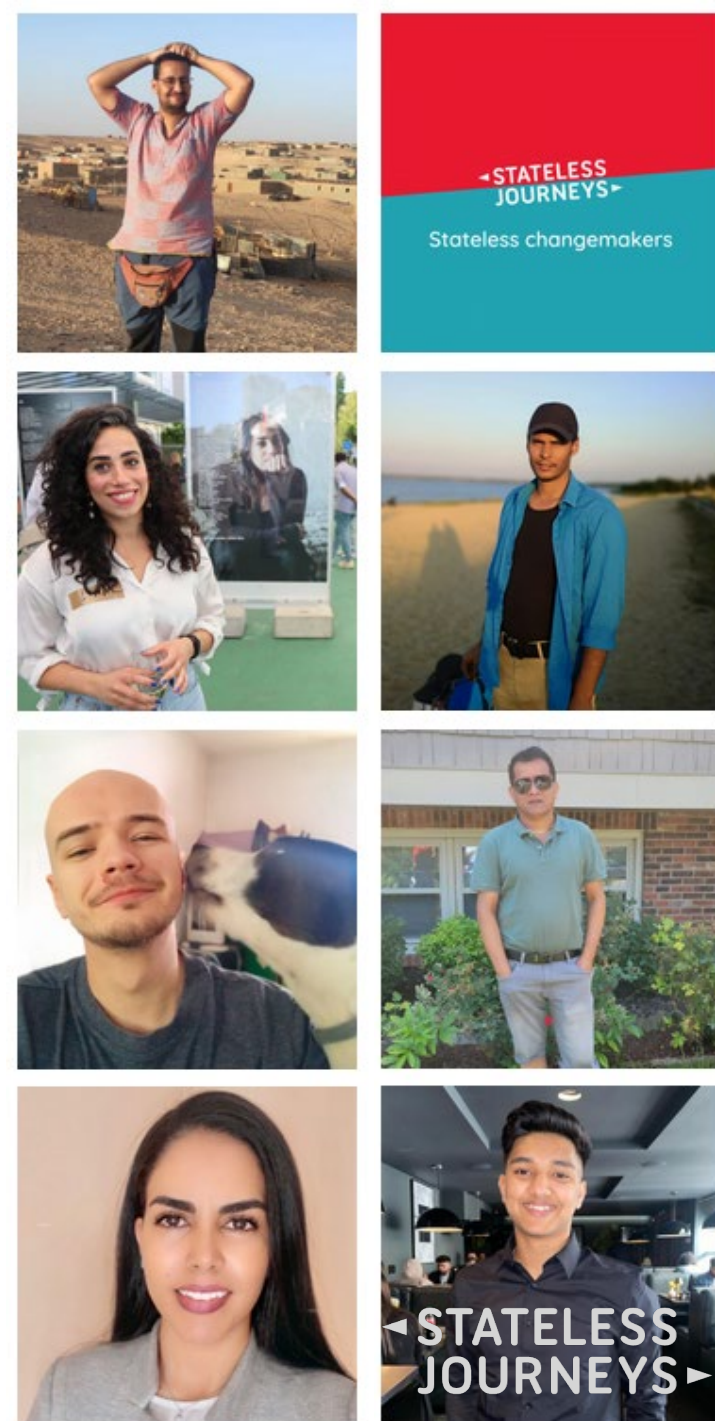


European
Network on
Statelessness

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WHAT IS STATELESSNESS?

To be stateless is not to be recognised as a national by any country in the world. It is a legal anomaly that affects over half a million people in Europe, both recent migrants and those who have lived in the same place for generations. Statelessness has devastating impact on access to rights, safety and belonging.



WHAT'S THE ISSUE?

Failure to address statelessness in refugee status determination can put people at risk and cause serious human rights violations:

- Violation of reception conditions standards
- Risk of refoulement
- Unlawful detention in return context
- Children's rights may be violated

‘I went through three asylum procedures and one ‘no-fault procedure’. Statelessness was not considered as a ground for asylum. In the third asylum procedure, I was finally granted international protection but on different grounds.... I feel discriminated against and rejected I can’t go anywhere.’

Kuwaiti bidoon man in the Netherlands

HOW TO IDENTIFY STATELESSNESS

- List of questions to help identify (risk of) statelessness
- EUAA Practical Guide to Registration: Lodging of applications for international protection
- Forum réfugiés: Guide for the identification, support and guidance of persons at risk of statelessness in France
- Country of Origin Information / Country Position Papers

DETERMINING STATELESSNESS IN ASYLUM

- Referral between asylum procedures and SDPs should be in place
- Statelessness may be a ground for persecution
- Any assessment should have fair evidentiary requirements

UK Courts



Undocumented Kuwaiti Bidoon suffer treatment amounting to persecution on the ground that they cannot access social services, education & healthcare.

Italian Court of Florence



Court recognised the statelessness status of an asylum seeker who had been denied refugee status

WHAT TO DO AS A FRONTLINE RESPONDER?

The 4 Rs:

- **Recognise** statelessness
- **Record** statelessness / risk of statelessness
- **Refer** people to get expert advice, support, and information
- **Read up** about statelessness determination

WHAT NEEDS TO CHANGE?

- **Training** about statelessness and nationality
- Sharing of **information** on statelessness with asylum-seekers
- **Standardised procedures** for the identification and assessment of statelessness in the asylum contexts
- Dedicated **statelessness determination procedures**
- **Country of Origin Information (COI)** with info on statelessness
- **Referral mechanisms** between authorities



“Europe needs to take action on stateless refugees because it is time to let them be part of the society where they live. Integration begins with the acceptance of the welcoming state.”

Salka