

“Even before the pandemic, statelessness has been invisible”

Involving stateless people in Europe’s COVID-19 response

Stateless people are excluded from many of the rights and protections afforded by States to their nationals. They are among those most impacted by the COVID-19 global pandemic and its fallout unless their specific circumstances and views are considered and acted upon now. Based on consultation with ENS’ civil society members working across Europe, we already know that COVID-19 is having a specific social, economic and health [impact on stateless people in Europe](#). However, nobody understands the impact COVID-19 has on their lives better than stateless people themselves. Responses to the pandemic must be developed with and informed by communities affected by statelessness, with clear feedback channels, regular communication, transparency, and accountability.

This position paper was developed through online group discussions over four days in May 2020 among up to 20 stateless individuals and community representatives based in various countries across Europe, facilitated by the European Network on Statelessness (ENS). The group discussed (i) the impacts and consequences of COVID-19 and resulting measures on stateless people in Europe, and (ii) what needed to be done in response to these impacts in order to support and protect stateless people through COVID-19 and beyond. The paper presents the results of these discussions and is intended to provide a snapshot of the views and experiences of some individuals and communities affected by statelessness in Europe at a specific point in time, in what is a rapidly changing regional and global picture.

The impacts of COVID-19 on stateless people and required responses presented are not, therefore, representative of *all* individuals or communities affected by statelessness, and there may be other areas that are impacting on the lives of stateless people in Europe. For example, we know from ENS’ [policy statement](#), that current restrictions on birth registration, issuing civil documentation, and access to consular services are heightening the risk that children are denied their right to a nationality. The quickly changing regional picture means that new issues facing stateless people may also come to light that different stakeholders will need to be prepared to respond to.

However, we hope that this provides a starting point for the views and experiences of people affected by statelessness to be prioritised and reflected in decision-making and response implementation during COVID-19 and beyond. Community-led organisations are already on the ground doing crucial work to support stateless people by making information videos for illiterate community members, setting up hotlines, organising WhatsApp groups in different languages and delivering direct relief packages to vulnerable people who are excluded from government support. Stateless individuals and communities have always been pro-active in organising and creating solutions to the problems they are confronted with. While these efforts – often provided through voluntary work – must be recognised and provide a coping mechanism for stateless people experiencing marginalisation, COVID-19 requires solutions beyond what individuals and communities are able or should be expected to provide for themselves. As we face the fallout of a global public health crisis it is more important than ever to be led in decision-making by those impacted on what solutions are needed in response. An inclusive and participatory response to COVID-19 will require action and collaboration from all stakeholders, including governments (both local and central), regional institutions, civil society, and stateless communities.

How is COVID-19 impacting on stateless people?

The group discussed how COVID-19 has impacted on us and the stateless communities we work with, and what we see as the short and long-term consequences of COVID-19 on stateless people.

1. Access to rights

- **Access to healthcare** – In some countries, access to healthcare is made dependent on having certain identity documents and/or residence status, which many/most stateless people do not have. Some stateless people fear accessing healthcare due to a fear of reporting to the immigration authorities or fee charging for healthcare. Some stateless people also face linguistic, cultural and geographic barriers to accessing healthcare. Already high rates of mental health issues across stateless communities have been exacerbated by COVID-19. Combined with restricted access to mental health services, this is leading to increases in unaddressed mental health issues which will require access to special services for stateless people.
- **Access to shelter, work, and food** – Some stateless people are facing a lack of access to basic needs, most notably food. Some are experiencing a lack of adequate shelter, an increase in homelessness and as a result, an increased risk of infection. Those who work in the informal economy can no longer leave their homes for work and cannot provide for their family. Government relief packages or support being made dependent on identification documents and/or residence status in some countries means that stateless people are being excluded from COVID-19 government relief packages.
- **Access to education** – some stateless families are facing issues with homeschooling due to language and/or technology issues. Parents may not know how to use laptops, may not have reliable access to the internet, or be able to speak the language of their children's school lessons.

2. Discrimination

- There has been an increase in **antigypsyism, institutional discrimination, racial profiling and racist attacks**. There has also been an increase in police powers to stop and ask people for documents (potentially leading to **more detention**).

3. Lack of accessible information for stateless people

- Stateless people are facing a lack of accessible, translated information on COVID-19 impacts and lockdown regulations. Connected to this, are a lack of access to technology and issues related to illiteracy in some communities affected by statelessness.

4. Impact on legal proceedings and access to free legal support

- Stateless people are facing a lack of access to free legal representation
- Access and applying to immigration and/or asylum procedure(s) is already complicated. Now authorities are providing limited services, leading to delays to applications for stateless status and other immigration procedures, such as residence permits. In some cases, the determination process for stateless people has completely stopped. Traditional rights and protection mechanisms are also not functioning.

5. Reduced visibility of the issue of statelessness in the media, political and other discussions

- Statelessness has been hidden in current media and political debates and was invisible even before the pandemic. In the future, prioritising the issue with ongoing COVID-19 debates will be difficult.

What is needed to address the impacts of COVID-19 on stateless people?

The group discussed what response is needed to address the identified impacts of COVID-19 on stateless people and whether certain actors are best placed to implement or support this response. Some of the suggested responses address immediate needs, whilst others will require a long-term approach.

1. Guaranteed access to rights for stateless people

Immediate response

- **Governments** should issue emergency residency rights and temporary identity documents for stateless people and make healthcare facilities and relief services open to all, regardless of their nationality or immigration status. There should be guaranteed protection for stateless people trying to access healthcare, with confirmation that there will be no risk of arrest, detention, or deportation if they seek medical attention, and immediate suspension of all healthcare charges for migrants and wider privatisation of medical services.
- **Governments** should provide relief, food and shelter for stateless people who are in the informal sector and would otherwise be forced to leave home to work
- **Local authorities** should ensure stateless people living in overcrowded camps are rehoused in empty houses, apartments, or hotels and provided with targeted guidance and support.

Long term response

- **Governments** need to implement the 1954 Convention Relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness in practice, rather than just being signatories.
- **Governments** should provide identity documents and access to rights for those going through procedures or waiting for decisions on their status. Stateless people need to be recognised so that their right to work and other rights are recognised and implemented, and they do not face discrimination.
- **Governments** should create a shared platform to address the relationship between homelessness and statelessness, with communities as co-researchers (not research respondents)
- **Local authorities** should actively reach out and build relationships with community leaders/representatives to reassure their respective communities that they have access to care
- **Migrant and stateless-rights organisations** should join with data-rights organisations to present a united front on protections against the potential abuse of data privacy - it affects us all, not just stateless people.

2. Tackling discrimination

Immediate response

- **Governments** should (after making healthcare facilities and relief services open to all, regardless of their nationality or immigration status), publicly reiterate existing protocols around who (everyone) has access to healthcare during this pandemic
- **Governments** should create a monitoring system to identify and report instances of discrimination among healthcare providers

Long term response

- **Governments** should implement compulsory training around class, race and immigration status biases which act as barriers to marginalised communities accessing their right to healthcare
- **Governments** should also put diplomatic pressure on other governments to address discrimination
- **Local organisations** should coordinate their advocacy towards governments on ending racial discrimination and antigypsyism
- **Stateless/Roma communities** should organise and deliver education programmes for younger generations on anti-discrimination and anti-gypsyism where those with experience share their stories

3. Ensure stateless people have access to information

Immediate response

- **Local governments** should provide either financial support for stateless people to buy the technology they need, or the technology itself, such as laptops, internet access, or smartphones
- **Governments or NGOs** should provide a free hotline for stateless people who need support, advice, signposting, or someone to talk to. **NGOs** should also provide information that is accessible to everyone and reach out through established networks and links with communities to identify people who need help.

Long term response

- **Governments** should invest in developing culturally sensitive, accessible and translated advice and information about services available to stateless communities and provide signposting to these services. They should collaborate with community organisations to co-produce materials so that they can do health promotion within their own communities, and involve stateless people as translators and cultural mediators.
- **Governments** should invest in wider initiatives to support stateless people to connect online and provide computer literacy programmes in different languages

4. Address barriers to legal procedures and free legal support

Immediate response

- **NGOs** should try to address any barriers to providing advice remotely to stateless people. Lawyers and advice providers should offer pro-bono help online to stateless people and charities.
- **Governments** should provide temporary identification documents for stateless people during the crisis and stop immigration enforcement for the duration of the pandemic

Long term response

- **Governments** should take this as an opportunity to review and simplify the rules for accessing and applying to immigration/asylum procedures and make legal aid available for stateless people to resolve their status.

5. Recognise and prioritise statelessness as an issue

Immediate response

- **Governments** need to provide leadership and focus on the issue. COVID-19 is not an excuse to do less on statelessness.
- **Civil society** should continuously monitor any changes to law, policy and guidance relevant to statelessness during the pandemic, to assess and raise awareness of the potential immediate and long-term impacts on stateless people

Long term response

- **Governments** should ensure that the topic of statelessness is represented in any relevant future policy debates and decision-making processes (e.g migration policy) to prevent further invisibility of statelessness as an issue
- **Governments, civil society and stateless people** - Training and capacity building for authorities and civil society about what statelessness is, delivered by people affected by the issue, is needed to create long term change
- **Donors** should effectively resource the work of stateless communities and activists as well as wider civil society, to continue providing support to people affected by statelessness and to raise awareness and advocate on the issue
- **Civil society** needs to be an ally that works on the issue of statelessness and holds governments to account to fulfil the rights of stateless people
- **Civil society and stateless communities** should work with social media influencers and other issue champions to share information and stories about statelessness