

WHAT
WOULD LIFE
BE LIKE
IF YOU HAD
NO

nationality?

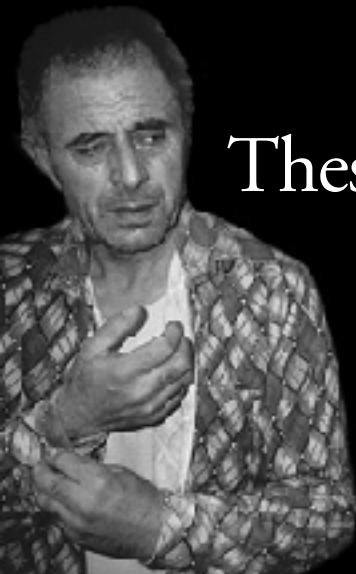


UNHCR / Y. SATEA



UNHCR / A. HOLLMANN

These and other problems are



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UNHCR / B. MARALLO

S T A T E

WHAT WOULD LIFE BE LIKE IF YOU HAD NO NATIONALITY?

You might not be able to:

go to school or university | get a job | get medical care | own
property | travel | register the birth of your children |
marry and found a family | enjoy legal protection | have a
sense of identity and belonging | participate fully in
developments in a world composed of States, in which nationality
is a key to membership.



faced by people who are



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LESS



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Historically, there has been a recognized link between refugees and stateless persons with both groups receiving protection and assistance from international refugee organizations.

In the wake of World War Two when the needs of refugees were paramount the 1951 Refugee Convention was promulgated. A Statelessness Protocol, attached to the draft refugee convention, was postponed for consideration at a later date.

This Protocol was made a Convention in its own right in 1954 and UNHCR has been requested by its Executive Committee and the U.N. General Assembly to promote accession to and implementation of the 1954 Convention in all States.

Additionally UNHCR has been asked by the General Assembly, under Article 11 of the 1961 Convention on the Reduction of Statelessness, to help individuals and States to resolve cases of statelessness.

u Some States use the word NATIONALITY to denote the legal bond, while other States use the word CITIZENSHIP. For purposes of this information brochure these words are used as synonyms.

What is nationality/citizenship?

Nationality/citizenship is the legal bond between a person and a State as provided for under the State's laws and encompasses political, economic, social and other rights as well as the responsibilities of both the State and of the individual.

Who is a stateless person?

A stateless person is someone who, under national laws, does not have the legal bond of nationality with any State. Article 1 of the 1954 Convention relating to the Status of Stateless Persons indicates that a person not considered a national (or citizen) automatically under the laws of any State, is stateless.

How is nationality granted?

Nationality is granted by States, principally through birth on a State's territory, or through descent if the child acquires the nationality of the parent(s), and in some cases through both birth and descent. In many States, persons who have been resident for some length of time or who have established some other link with the State through, for example, marriage to a national, may be able to acquire nationality subject to certain conditions.

Can a stateless person also be a refugee?

A stateless person may also be a refugee if he/she has been forced to leave his/her country of habitual residence because of persecution. Not all stateless persons are refugees, however, and many stateless persons never leave their country of residence. Similarly, some refugees may be stateless, but not all.

How many stateless people are there?

No accurate account exists — probably several million.



How do people become stateless?

People can become stateless through:

- u the transfer of territory or sovereignty which alters the nationality status of citizens of the former State(s) and may leave some persons stateless.
- u arbitrary deprivation of nationality or denationalization of groups or individuals by the State.
- u conflicts of laws (for example, when a child is born in a State that grants nationality by descent only, but the laws of the State of which the parents are nationals grant nationality by birth on their territory only).
- u administrative or procedural problems, such as excessive fees, unrealistic deadlines, lack of appeal or review procedures, failure to notify individuals of registration or other obligations, or unattainable documentation or criteria for confirming or obtaining nationality.
- u individual renunciation of nationality without prior acquisition, or guarantee of acquisition, of another nationality.
- u marriage or the dissolution of marriage, if nationality is automatically lost as a result (women are most at risk of becoming stateless in these cases).
- u failure to register children at birth so they cannot show where or to whom they were born (as nationality is normally granted based on where a child is born or based on descent from nationals, failure to register births can easily result in statelessness).
- u discriminatory practices based upon ethnicity, religion, gender, race, or political opinion when granting or denying nationality.
- u birth to a stateless person.



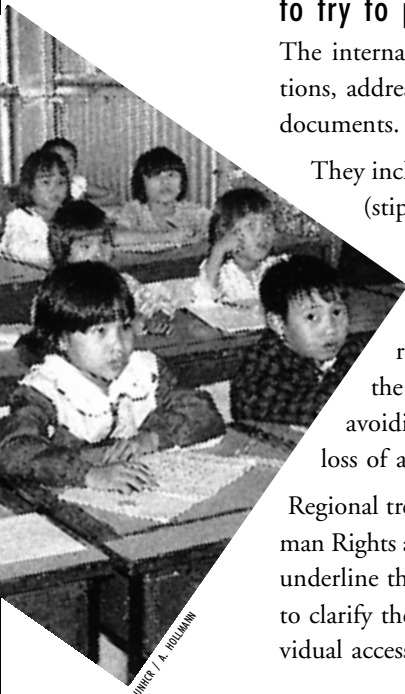
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What has the international community done to try to prevent statelessness?

The international community, as represented by the United Nations, addressed the problem of statelessness in several important documents.

They include the 1948 Universal Declaration of Human Rights (stipulating the right to a nationality and the right not to be arbitrarily deprived of nationality), the 1954 Convention Relating to the Status of Stateless Persons (requesting State parties to grant a legal status to lawfully resident stateless persons), and the 1961 Convention on the Reduction of Statelessness (providing a mechanism for avoiding statelessness either at birth or through inadvertent loss of a nationality).

Regional treaties, such as the 1969 American Convention on Human Rights and the 1997 European Convention on Nationality also underline the need of every person to have a nationality, and seek to clarify the rights and responsibilities of States in ensuring individual access to a nationality.



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Why have States and concerned organizations tried to prevent statelessness?

Efforts toward the reduction or elimination of statelessness are desirable:

- u to improve international relations and stability by resolving disputes related to nationality.
- u to develop international law and promote cooperation between States in matters pertaining to nationality in order to avoid future conflicts.
- u to strengthen national solidarity and stability by providing all people with a sense of belonging and identity.
- u to guarantee rights and freedoms and strengthen international prohibitions on individual or mass expulsions.
- u to promote the application of human rights and humanitarian standards.
- u to provide for the right of the State to extend diplomatic protection.
- u to promote national protection for the individual.
- u to prevent displacement and refugee flows which may result from statelessness and which may threaten international peace and security.
- u to help win international support for the principles contained in the 1954 and 1961 Conventions.



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What can States do to try to avoid statelessness?

States can ensure that their nationality legislation does not create cases of statelessness independently or in conjunction with the laws of other States; that every child is registered at birth; that there are no discriminatory administrative practices in acquiring nationality for equally situated persons; that they do not allow renunciation of nationality without the prior acquisition or guarantee of acquisition of another nationality; and that they cooperate with other concerned States. States can call on UNHCR for expertise for advice and assistance on nationality-related issues at both national and international levels.

Why is UNHCR involved in the issue of statelessness?

UNHCR has been designated by the United Nations General Assembly as a mediating agency under Article 11 of the 1961 Convention on the Reduction of Statelessness, a role entailing assistance to individuals and States in resolving existing or potential cases of statelessness. There are additional directives concerning statelessness, notably from UNHCR's Executive Committee in 1995 which was endorsed by a General Assembly Resolution in 1996.

This directive requests UNHCR to work towards the prevention and reduction of statelessness and recommends specific activities the Office can undertake toward this end. Recommended activities include encouraging States to accede to the 1954 and 1961 Statelessness Conventions; provision of technical and advisory services to States on their nationality legislation and practice; training of staff and government officials; close cooperation with other organizations concerned with the problem of statelessness; and the dissemination of information and monitoring of the problem globally.



What does UNHCR do to help prevent statelessness?

UNHCR assists governments in the preparation and implementation of nationality legislation. The Office helps stateless persons by seeking verification as to whether they are indeed stateless, through consultations with the States concerned and by working with the relevant national authorities to find a solution for them.

UNHCR is actively involved in the drafting and promulgation of both national and international law and provides technical and advisory services to States and concerned organizations. It encourages States to accede to the 1954 and 1961 statelessness instruments.

Activities and services available for government officials include workshops; technical consultations; treaty and other negotiations; jointly sponsored national seminars; structuring of programs to handle significant caseloads; training of government staff or implementing partners; and facilitation of cooperation with other States or concerned organizations.



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If you want to know more about statelessness, please contact the Division of International Protection – UNHCR, Geneva.

Further information on statelessness is also available in the:
*Information and Accession Package:
The 1954 Convention relating to the Status of Stateless Persons and
the 1961 Convention on the Reduction of Statelessness.*

This document may be obtained through the Division of Internal Protection, UNHCR.



UNHCR

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES