

**Questionnaire on Statelessness
Pursuant to the Agenda for Protection
March 2003**

The *Agenda for Protection* is the product of UNHCR's *Global Consultations on International Protection*, and was endorsed by UNHCR's Executive Committee and welcomed by the UN General Assembly (A/RES/57/187) in late 2002. It contains a set of follow-up actions for States and UNHCR, and a range of other partners. As concerns statelessness, UNHCR was requested to:

"Seek information from States on steps they have taken to reduce statelessness and to meet the protection needs of stateless persons, in keeping with ExCom Conclusion No. 78 (XLVI) (1995), and to report to ExCom on this survey, together with recommendations which might assist in further improving their situation."¹

Nationality is generally described as a legal bond between a person and a State as provided for under the State's law. A stateless person is someone who does not have the legal bond of nationality with any state.² A stateless person may also be a refugee if forced to leave the country of habitual residence because of a well-founded fear of persecution. Not all stateless persons are refugees, however, and many stateless persons never leave their country of factual residence. Information gathered through the attached questionnaire will be helpful in establishing a clear picture of measures taken to prevent statelessness and to protect stateless persons.

Responses to the questionnaire will be kept confidential. The broad information gathered will be compiled and reported to the Executive Committee in the form of general themes, challenges and concerns. The questionnaire can be completed directly on the form. **An electronic version of this Questionnaire is available upon request. For the electronic form or any other queries, please contact the Department of International Protection:**

Senior Legal Officer Statelessness, Ms. Carol Batchelor
Tel. + 41 22 739 77 17
Fax. + 41 22 739 73 98
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Returning the Questionnaire

Please return by: <u>Thursday 15 May 2003.</u>
Return by Fax to: +41 22 739 73 98
Return by E-Mail to: HQPR03@unhcr.org
If responding by post, please mark the envelope "Survey" and mail to: The United Nations High Commissioner for Refugees (UNHCR) 94, rue de Montbrillant, 1202 Geneva, Switzerland Department of International Protection, Protection Operations Support Section Att: Senior Legal Officer Statelessness, Ms. Carol Batchelor

¹ *Agenda for Protection*, Goal 1, Objective 12, Action 6. ExCom Conclusion No. 78 was endorsed by the UN General Assembly Resolution 50/152 of 9 Feb. 1996 (A/RES/50/152). "Global Consultations Update (1 August 2002)" and "Agenda for Protection" (A/AC.96/965/Add.1) are available on <http://www.unhcr.org>, or on request from UNHCR.

² Article 1 of the 1954 Convention relating to the Status of Stateless Persons states: "[T]he term "stateless person" means a person who is not considered as a national by any State under the operation of its law." The terms nationality and citizenship are used in this context to refer to the legal bond between a person and a State, and do not refer to ethnic, racial or other origin.

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Pursuant to the Agenda for Protection**

State Contact Details

Please indicate here who UNHCR may contact for clarification of your response to this survey if necessary:

➤ Name of State:
➤ Responsible Ministry:
➤ Contact Person's
▪ Name/title:
▪ Telephone Number (with country and area code):
▪ Fax Number:
▪ E-mail Address:

A. Experience with Statelessness Cases

1. Has your State encountered any problems of statelessness?
 - a. Yes No

2. Has your State adopted any of the following approaches to address problems of statelessness (check all that apply):
 - a. Changes in legislation concerning nationality
 - Changes in implementation of laws
 - Treaties or other agreements
 - Accession to the 1954 Convention relating to the Status of Stateless Persons and/or the 1961 Convention on the Reduction of Statelessness
 - Bilateral consultations with States as needed
 - Other (describe):
 - No specific steps taken

Please use additional paper if needed to elaborate on any of your responses.

B. Acquisition and Loss of Nationality

3. Can children who are otherwise stateless acquire nationality if:
- a. They are born in your State?
Yes No
- b. They are born abroad to a national of your State?
Yes No
4. Does national legislation in your State contain safeguards to protect against:
- a. Possible arbitrary deprivation of nationality?
Yes No
- b. Renunciation or loss of nationality without the acquisition or guarantee of another nationality?
Yes No
5. In cases of State succession, have steps been taken to ensure that statelessness is avoided through (check all that apply):
- a. Revised nationality legislation
 Cooperation with other States involved in the succession
 Cooperation with UNHCR
 Accession to the 1954 and/or 1961 Statelessness Conventions
 Other means (describe):
- No specific steps taken
 No cases of State succession
6. Can an individual request an independent appeal of decisions concerning:
- a. Acquisition of nationality?
Yes No
- b. Loss of nationality?
Yes No

Please use additional paper if needed to elaborate on any of your responses.

C. Approaches to Family Unity, Women and Children

7. Does either marriage or the dissolution of marriage lead to automatic changes in the nationality of a spouse?
- a. Yes No
8. In the case of marriage:
- a. Are all marriages registered?
- Yes No
- b. Are the names of both spouses included on the marriage certificate?
- Yes No
9. Is access to nationality for stateless persons facilitated if:
- a. The person is born to a national of the State?
- Yes No
- b. The person is married to a national of the State?
- Yes No
10. Is a system in place for the registration of all births on the territory of the State?
- a. Yes No
11. Does the State provide for nationality or a legal status for abandoned children and orphans?
- a. Yes No
12. Are mechanisms available to assist trafficked persons, women and children in particular, who may have difficulties in establishing identity and nationality?
- a. Yes No
- b. If yes, please describe these mechanisms:

Please use additional paper if needed to elaborate on any of your responses.

D. Protection of Stateless Persons

13. Does the State have a procedure to identify cases of statelessness?

a. Yes No

b. If yes, under which State agency?

14. If the State has a refugee status determination procedure, is there a mechanism for identifying cases of stateless asylum applicants?

a. Yes No

b. If yes, please describe the mechanism:

15. When new cases of statelessness are identified, what steps are taken to address the problem of statelessness if the stateless person is:

a. A recognized refugee?

b. Not an asylum-seeker or a recognized refugee?

16. Do permanent and lawfully resident stateless persons:

a. Receive identification and travel documents?

Yes No

b. Have facilitated access to naturalization under national law?

Yes No

17. Is general information available on the potential number of stateless persons in your country?

a. Yes No

18. Would your State like to receive information on how to identify and document stateless persons?

a. Yes No

Please use additional paper if needed to elaborate on any of your responses.

E. Accession and Implementation

19. For non-States Parties, has consideration been given to ratifying:

a. The 1954 Convention relating to the Status of Stateless Persons?

Yes No

b. The 1961 Convention on the Reduction of Statelessness?

Yes No

c. Please note any obstacles to ratification:

20. For States Parties, have steps have been taken to implement:

a. The 1954 Convention relating to the Status of Stateless Persons?

Yes No

b. The 1961 Convention on the Reduction of Statelessness?

Yes No

c. Please note any obstacles to implementation:

F. Collaboration with UNHCR

21. Has your State cooperated with UNHCR in the field of statelessness through technical information exchanges on national law and practice?

a. Yes No

22. Would you like information concerning UNHCR's role and activities in the field of statelessness?

a. Yes No

23. Would your State like to receive information on:

a. The 1954 Convention relating to the Status of Stateless Persons?

Yes No

b. The 1961 Convention on the Reduction of Statelessness?

Yes No

Please use additional paper if needed to elaborate on any of your responses.

24. In your view, what are the most significant challenges:

a. In effectively addressing issues of statelessness globally?

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b. In addressing problems of statelessness at the national level?

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Thank you for your cooperation in completing this questionnaire. For any queries, please contact the Department of International Protection:

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