



**Preliminary Report concerning
the Questionnaire on Statelessness Pursuant to the Agenda for Protection**

Steps taken by States to Reduce Statelessness
and to Meet the Protection Needs of Stateless Persons

Prepared by the Department of International Protection

September 2003

Table of Contents

I.	<u>Executive Summary</u>	3
II.	<u>Recommendations for Follow-up</u>	6
III.	<u>Introduction</u>	9
IV.	<u>Analysis of Responses to the Survey</u>	
	Section A. <i>Experience with Statelessness Cases</i>	10
	Section B. <i>Acquisition and Loss of Nationality</i>	13
	Section C. <i>Approaches to Family Unity, Women and Children</i>	19
	Section D. <i>Protection of Stateless Persons</i>	25
	Section E. <i>Accession and Implementation</i>	31
	Section F. <i>Collaboration with UNHCR</i>	33
V.	<u>Conclusion</u>	36

ANNEXES

Annex A:	Graphs of Data by Section
Annex B:	Questionnaire on Statelessness Pursuant to the Agenda for Protection
Annex C:	List of States Participating in the Survey
Annex D:	ExCom Conclusion No.78 (XLVI), 1995, The Prevention and Reduction of Statelessness and the Protection of Stateless Persons
Annex E:	UNGA Resolution 50/152 of 9 Feb.1996 (A/RES/50/152)
Annex F:	List of States Parties to the 1954 Convention relating to the Status of Stateless Persons
Annex G:	List of States Parties to the 1961 Convention on the Reduction of Statelessness

I. Executive Summary

1. In 2000, UNHCR launched the Global Consultations on International Protection to engage States and other partners in a broad-ranging dialogue on refugee protection. The aim was to explore how best to revitalize the existing international protection regime while ensuring its flexibility to address new problems. Following 18 months of discussions among governments, intergovernmental and non-governmental organizations (NGOs), refugee experts and UNHCR, the jointly owned *Agenda for Protection* was adopted and endorsed by UNHCR's Executive Committee and welcomed by the United Nations General Assembly in 2002.

2. The *Agenda for Protection* includes a Programme of Action which calls on States, intergovernmental organizations and UNHCR to, *inter alia*, examine the root causes of refugee movements and to adopt a more resolute response to these problems. Noting that statelessness is often associated with displacement and refugee flows, States were invited to give renewed consideration to ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. UNHCR was requested to survey States on steps they have taken to reduce statelessness and to meet the protection needs of stateless persons, and to report findings to the UNHCR Executive Committee together with recommendations to improve the situation.

3. A Questionnaire on Statelessness was forwarded to all United Nations Member States in April 2003, under cover of a letter from the High Commissioner to respective Ministers of Foreign Affairs. Questions included in the survey were prepared in light of existing challenges and emerging issues encountered by UNHCR, and with regard to the role the Office has been asked to play in promoting awareness of the problem of statelessness. The Questionnaire provides an opportunity to assess the scope of statelessness globally as well as measures put in place by States to address problems and cases. It will also help to identify instances where enhanced international cooperation in the field of statelessness could be promoted, including through technical and operational support offered by UNHCR to States or governmental and regional organizations. This Preliminary Report presents the findings of *the Questionnaire on Statelessness Pursuant to the Agenda for Protection*.

4. The Questionnaire was divided into six main Sections which gathered information from States on: experiences with cases of statelessness; approaches to the acquisition and loss of nationality; approaches to issues concerning family unity, women and children; mechanisms for the identification and protection of stateless persons; steps taken concerning accession to and implementation of the 1954 and 1961 Statelessness Conventions; and collaboration with UNHCR. States were invited to outline any particular challenges they face as well as approaches they recommend to assist in the avoidance and reduction of statelessness. To determine possible regional variations concerning statelessness, as well as to assess the extent to which UNHCR has successfully disseminated information globally, information has been analyzed both at the global and regional levels. Information received from States is outlined by Section and recommendations to address the issues raised included under each Section accordingly. The comprehensive set of recommendations is compiled and attached to this Summary.

5. Responses were received from 68 States globally, representing 35.6% of the 191 States to which the Questionnaire was forwarded. Approximately half of the responses came from States in Europe. While the information provided by these 68 States is largely representative of statelessness challenges UNHCR has noted globally, the survey findings are nonetheless limited given the large number of States not responding. This in itself suggests more work needs to be done to raise awareness and to promote a comprehensive and international dialogue concerning statelessness in which all States are actively engaged.

6. Under Section A, States were asked to indicate whether they have faced problems of statelessness and if any specific actions have been taken to address these situations. 61.8 % of all States responding to the Survey report that they have encountered problems of statelessness. 88.2% of participating States indicate that they have adopted at least one measure to address issues of statelessness. This demonstrates that the issue of statelessness is of concern to the vast majority of States that responded to the Questionnaire, and that certain measures designed to reduce and prevent the phenomenon are used by many States, including in instances where no actual cases have been encountered. Some States may have avoided problems of statelessness precisely because of the approaches and mechanisms they had in place. Notably, however, many States are not able to identify cases of statelessness, while others indicate information was not gathered from all government agencies actually dealing with the problem.

7. Under Section B, States were asked to provide information on approaches they use to regulate the acquisition and loss of nationality. A majority of States indicate that they grant nationality to children born on their territory who would otherwise be stateless (79.4%). Likewise, most States grant nationality to children born abroad to a national in cases where the child would otherwise be stateless (89.6%). In most cases, States have safeguards in place to protect against arbitrary deprivation of nationality (85.3%) as well as against renunciation or loss of nationality resulting in statelessness (80.9%). States also generally provide for a right of appeal on decisions concerning acquisition of nationality (82.4%) and on loss of nationality (80.9%). While these indications are extremely positive, nonetheless gaps remain in all cases which could lead to problems of statelessness. Of particular concern is the fact that only 44.1% of participating States have at least one mechanism in place to address cases of statelessness arising in the event of State succession. Given the myriad problems concerning nationality that have arisen due to State succession, more work is clearly needed to ensure that effective tools are in place to address cases of statelessness emerging in this context.

8. Section C gathered information from States on approaches to issues of nationality concerning family unity, women and children. A majority of States participating in the Questionnaire indicate that an individual's nationality status is not automatically altered by virtue of marriage or the dissolution of marriage (92.6%). 88.2% of States report to register all marriages, and 97% include the names of both spouses on the marriage certificate. Access to nationality is facilitated by 92.6% of States if a person is born to a national of the State, and by 77.9% if the person is married to a national. Concerning registration of births, 94.2% of States report they do have a system in place and 85.3% provide for nationality or a legal status for abandoned children and orphans. This information indicates a high degree of attention paid to issues of family unity and the legal status of women and children, although certain gaps do remain. 52.9% of participating States indicate they have mechanisms in place to assist trafficked persons, women and children in particular, who may have difficulties in establishing identity and nationality. In cases where States provided details on these mechanisms, best practices have been noted.

9. Under Section D, States provided information on measures they have in place to identify and to protect stateless persons. Notably, only 54.4% of States surveyed report they have a procedure in place to identify cases of statelessness. Even fewer, 50% of States have a means of identifying stateless asylum applicants. States provided information on the nature of these procedures, and outlined any action taken to address the problem of statelessness. 80.9% of participating States report that permanent and lawfully resident stateless persons receive identification and travel documents, while only 58.8% indicate that facilitated access to naturalization is provided for stateless persons under national law. Less than half of the States participating in the survey report they have general information available on the potential number of stateless persons in their country (42.6%), and 83.8% indicated that they would like to receive information on how

to identify and document stateless persons. The information gathered in Section D demonstrates that there are challenges for States in systematically identifying and recording cases of statelessness, and that a majority of States would like support in developing mechanisms to identify and protect stateless persons. Recommendations have been tailored accordingly.

10. Section E gathered information on whether States are considering accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to what extent these instruments have been implemented by current States Parties. Of non-States Parties, 36.6% of States indicate they have considered accession to the 1954 Convention and 27.5% to the 1961 Convention. Of current States Parties, 81.5% have taken steps to implement the 1954 Convention and 76.5% have taken steps to implement the 1961 Convention. States outline various obstacles faced in considering accession or in implementing these instruments, including the need for technical support as well as a general lack of information about the Conventions. Of participating States, 39.7% are Parties to the 1954 Convention and 25% to the 1961 Convention. Only 17.6% of States participating in the survey are Parties to both the 1954 and 1961 Statelessness Conventions. Recommendations have focused on the need to enhance information exchange between UNHCR and States on the benefits of accession to these instruments.

11. Under the final Section F, States provided information on any collaboration they have had with UNHCR concerning issues of statelessness, and shared their views on the most significant challenges ahead. Of participating States, 44.1% report that they have directly cooperated with UNHCR on questions concerning statelessness. While approximately half of these States are from Europe, all regions were represented. 86.8% of States requested further information on UNHCR's role and activities in the field of statelessness. 79.4% requested further information concerning the 1954 Convention, and 82.4% concerning the 1961 Convention. Approximately half of the States responding to the Questionnaire provided their views on the most significant challenges ahead in effectively addressing issues of statelessness at the global and national levels. Several States indicated that awareness raising and capacity building among State administrations and civil society, including NGOs and the public in general, constitute the most significant challenges in addressing statelessness both at the national and international levels. Particular regard has been paid to these perspectives in preparation of the recommendations for follow-up activities.

12. One finding of the survey is that no region is free of problems leading to statelessness. In this regard, while it is positive to note the adoption of measures to address statelessness in many States, the survey indicates that these measures are not consistent, each State has adopted its own independent approach, and that gaps remain which continue to create cases of statelessness and to make the resolution of these cases difficult to achieve in concrete terms. The establishment of a common understanding of the problem, and a shared platform for action will be essential components in promoting efforts to effectively avoid cases of statelessness and to further the protection of stateless persons.

13. In summary, this has been the first global survey conducted of United Nations Member States on steps they have taken to avoid and reduce statelessness and to protect stateless persons. UNHCR takes this opportunity to thank all States participating in the survey for their concrete contribution to the practical implementation of the Goals and Objectives of the *Agenda for Protection*. The Office presents this Preliminary Report to the Executive Committee for any perspectives and comments prior to finalization.

II. Recommendations for Follow-up

Section A. *Experience with Statelessness Cases*

- ❑ *UNHCR to undertake further information dissemination concerning the global nature of the problem of statelessness.*
- ❑ *States to take steps to enhance the flow of information concerning statelessness both internally and with other States.*
- ❑ *States facing problems of statelessness are encouraged to adopt concrete measures to reduce cases of statelessness and to protect stateless persons, requesting technical support as needed toward this end.*
- ❑ *UNHCR to promote a common understanding of the problem of statelessness globally and a platform for dialogue between States.*

Section B. *Acquisition and Loss of Nationality*

- ❑ *Closer cooperation between States to ensure gaps do not arise resulting in statelessness at birth. States should take steps to ensure protection against statelessness for children born on their territory or born abroad to nationals of their State. UNHCR to provide technical support as needed.*
- ❑ *States to ensure the adoption and systematic use of safeguards in national law designed to protect against statelessness arising as a result of arbitrary deprivation, renunciation or loss of nationality. UNHCR to provide technical and advisory support toward this end.*
- ❑ *Further efforts to be undertaken by States, in cooperation with UNHCR and other concerned organizations, to promote the adoption in national systems of consistent and clearly identifiable mechanisms aimed at the avoidance and reduction of statelessness in the event of State succession.*
- ❑ *States should review legislation with a view to ensuring access to appeal procedures on questions pertaining to the acquisition and loss of nationality.*
- ❑ *UNHCR to disseminate information concerning the need for harmonized approaches regarding the avoidance and reduction of statelessness in the context of acquisition and loss of nationality.*

Section C. *Approaches to Family Unity, Women and Children*

- ❑ *States to review legislation with a view to amending provisions which impose an automatic change in nationality status by virtue of marriage or the dissolution of marriage.*
- ❑ *States to review national systems with a view to ensuring the documentation and registration of all marriages, to adopt appropriate mechanisms to register customary marriages, and to include the names of both spouses on marriage certificates.*
- ❑ *UNHCR to facilitate enhanced regional and international cooperation with a view to sharing best practices concerning registration and documentation of marriages.*
- ❑ *States to review national laws with a view to providing facilitated access to nationality for stateless persons born or married to a national of the State.*
- ❑ *States and concerned organizations to redouble efforts to promote effective registration of all births.*
- ❑ *States to be guided by the need to avoid statelessness and to ensure the right to an identity for all children, paying special regard to the situation of abandoned*

children and orphans. UNHCR to assist States in reviewing national legislation with a view to incorporating provisions aimed at the avoidance of statelessness for all children.

- ❑ *States are encouraged to review national procedures in cooperation with UNHCR and other concerned organizations with a view to adopting measures to assist trafficked persons, in particular in establishing identity and in acquiring relevant documentation.*

Section D. Protection of Stateless Persons

- ❑ *States to review national legal frameworks with a view to introducing procedures aimed at the identification of stateless persons. UNHCR to share technical information and best practices in establishing such procedures.*
- ❑ *UNHCR to provide interested States with information on how to identify and document stateless persons. States and UNHCR to cooperate in training and dissemination of information to government agencies responsible for identifying cases of statelessness.*
- ❑ *States to ensure that mechanisms are in place to effectively identify and record cases of stateless asylum applicants.*
- ❑ *UNHCR to actively disseminate information and train government counterparts on appropriate mechanisms for identifying, recording, and resolving cases of statelessness and furthering the protection of stateless persons.*
- ❑ *States are encouraged to issue identification and travel documents to permanent and lawfully resident stateless persons.*
- ❑ *States are invited to review national legislation with a view to providing facilitated access to nationality for permanent and lawfully resident stateless persons.*
- ❑ *UNHCR and States to collaborate on mechanisms aimed at establishing the magnitude of the problem of statelessness globally.*

Section E. Accession and Implementation

- ❑ *States to give renewed consideration to ratification of the 1954 and 1961 Statelessness Conventions, in line with the Agenda for Protection, and as a concrete measure to avoid and reduce cases of statelessness while promoting the protection of stateless persons.*
- ❑ *UNHCR to take active steps to disseminate information with regard to any obstacles faced by States concerning accession to the 1954 and 1961 Statelessness Conventions.*
- ❑ *States Parties to the 1954 and 1961 Statelessness Conventions to review national legislation with a view to ensuring full implementation of these instruments.*
- ❑ *UNHCR to liaise with States Parties to the 1954 and 1961 Statelessness Conventions with a view to providing technical expertise concerning implementation of these instruments.*

Section F. Collaboration with UNHCR

- ❑ *UNHCR to increase information dissemination concerning the problem of statelessness, the Office's role, and the Statelessness Conventions to all relevant government agencies and counterparts.*

- *UNHCR to promote international, regional and national forum in which problems of statelessness can be discussed and best practices can be disseminated.*
- *UNHCR to strengthen the Office's public information website with further information on statelessness, and to continue to gather legislation from all countries.*

III. Introduction

14. In 2000, UNHCR launched the Global Consultations on International Protection to engage States and other partners in a broad-ranging dialogue on refugee protection. The aim was to explore how best to revitalize the existing international protection regime while ensuring its flexibility to address new problems. Following 18 months of discussions among governments, intergovernmental and non-governmental organizations (NGOs), refugee experts and UNHCR, the jointly owned *Agenda for Protection* was adopted and endorsed by UNHCR's Executive Committee and welcomed by the United Nations General Assembly in 2002.¹

15. The *Agenda for Protection* includes a Programme of Action which calls on States, intergovernmental organizations and UNHCR to, *inter alia*, examine the root causes of refugee movements and to adopt a more resolute response to these problems. Noting that statelessness is often associated with displacement and refugee flows, States were invited to give renewed consideration to ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of 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.”²

16. Further to this request, the Questionnaire on Statelessness was forwarded to all United Nations Member States in April 2003, under cover of a letter from the High Commissioner to respective Ministers of Foreign Affairs.³ This Preliminary Report presents the findings of the *Questionnaire on Statelessness Pursuant to the Agenda for Protection*. Questions included in the survey were prepared in light of existing challenges and emerging issues encountered by UNHCR, and with regard to the role the Office has been asked to play in promoting awareness of the problem of statelessness. The Questionnaire also provides an opportunity to assess the scope of statelessness globally as well as measures put in place by States to address problems and cases.⁴

17. The Questionnaire was divided into six main sections to gather information from States on: experience with cases of statelessness; approaches to the acquisition and loss of nationality; approaches to issues concerning family unity, women and children; mechanisms for the identification and protection of stateless persons; steps taken concerning accession to and implementation of the 1954 and 1961 Statelessness Conventions; and collaboration with UNHCR. States were invited to outline any

¹ The *Agenda for Protection* is the product of UNHCR's *Global Consultations on International Protection*. It was endorsed by UNHCR's Executive Committee and welcomed by the United Nations General Assembly in late 2002 (A/RES/57/187).

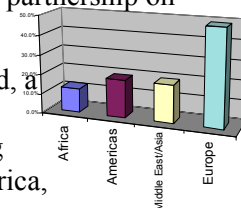
² *Agenda for Protection*, Goal 1, Objective 12, Action 6. See also Goal 1, Objective 12, Action 5. ExCom Conclusion No. 78 (A/AC/96/860) was endorsed by way of United Nations General Assembly Resolution 50/152 of 9 Feb. 1996 (A/RES/50/152).

³ *Questionnaire on Statelessness Pursuant to the Agenda for Protection, March 2003* (Annex B). Questionnaires were sent in April of 2003 to **191** United Nations Member States. The Questionnaires were forwarded through Permanent Missions to the United Nations Office in Geneva where possible, and otherwise through Permanent Missions to the United Nations Office in New York or other diplomatic channels as needed. UNHCR chose to survey not only the 64 Member States and 35 Observer States of its Executive Committee (ExCom), but also Member States of the UN overall so as to compile as much information as possible on the global nature of the problem of statelessness.

⁴ Nationality represents a legal bond between a person and a State as provided for under the State's law. The terms nationality and citizenship are used as synonyms in this report.

particular challenges they face as well as approaches they recommend to assist in the avoidance and reduction of statelessness.

18. Of the 191 States to which the Questionnaire was sent, 68 responded in sufficient time for the information to be included in this Preliminary Report, representing 35.6% of possible participants.⁵ In order to determine possible regional variations concerning statelessness, as well as to assess the extent to which UNHCR has successfully disseminated information globally, statistical information has in some places been broken down into regional blocks. Almost half of the 68 States participating in the survey are represented by the European regional block, a statistic which may in itself reflect the close cooperation between UNHCR and European States, particularly following multiple cases of State succession. It does, however, suggest that further steps are needed to raise awareness of the problem and to strengthen UNHCR's partnership on matters pertaining to statelessness with States in other regions.



19. Data compiled in the report represents, unless otherwise stated, a percentage of the total number of the 68 participating States. Where information concerning a regional block is included, the States composing that block remain constant. The four regional blocks are referred to as Africa, Americas, Middle East/Asia, and Europe. Of the 68 States in total, 10.3% represent the Africa block, 20.6% Americas, 20.6% Middle East/Asia, and 48.5% Europe.

20. The Preliminary Report follows section-by-section the Questionnaire. Individual State responses have been kept confidential.⁶ The Report seeks to identify general themes, challenges and issues for further attention, and includes a set of recommendations based on the information provided by States. The survey has identified a number of areas where follow-up action is needed and, while the information was gathered from the 68 participating States and recommendations prepared accordingly, it should be noted that these recommendations have relevance for all States, concerned partner organizations, as well as for UNHCR. As noted in survey findings, any efforts to further the avoidance and reduction of statelessness at the global level will require close cooperation between all States and relevant organizations.

21. This has been the first global survey of United Nations Member States of steps they have taken to avoid and reduce statelessness and to protect stateless persons. UNHCR takes this opportunity to thank all participating States for their concrete contribution to the practical implementation of the Goals and Objectives of the *Agenda for Protection*. The Office presents this Preliminary Report to the Executive Committee for any perspectives and comments prior to finalization.

IV. Analysis of Responses to the Survey

Section A. *Experience with Statelessness Cases*

Survey Question 1.a.

Has your State encountered any problems of Statelessness?

22. Survey [Question 1.a.](#) is intended to determine the scope of the statelessness problem globally, and to ascertain whether States have encountered problems relating to statelessness. It is also a useful cross-reference point to determine, in cases where States indicate that they have not encountered problems of statelessness, to what extent this may

⁵ A list of the 68 States can be found in Annex C.

⁶ Some States have elaborated on specific replies and others have included information in cover letters or annexes, providing UNHCR with useful additional data for follow-up. While not all of these details could be reflected in this report, the Office has taken note of additional information or queries and will follow-up with individual States as relevant.

be attributable to steps the State has taken to prevent statelessness through, for example, national legislation.

23. 61.8 % of all States responding to the Survey indicate that they have encountered problems of statelessness. 35.3% report they have not encountered statelessness problems, and 2.9% did not provide a response to Question 1.a. In Africa, 57.1% of States indicated that they had faced statelessness problems, while 42.9% ticked the no-box. In the Americas, 35.7% of States responding indicated they have had problems concerning statelessness, whereas 57.1% said they had not faced such problems, and 7.2% did not respond. For Middle East/Asia States the numbers were 78.6% confirming problems and 21.4% responding in the negative. In Europe, 66.7% of the States replying confirmed they had encountered problems relating to statelessness, while 30.3% indicated the opposite, and 3% did not respond.

Question 1.a.	
Yes	61.8 %
No	35.3 %
No Answer	2.9 %

24. Of interest is the fact that UNHCR has provided expertise on statelessness issues to half of the 35.3% of States which indicated that they had not encountered statelessness problems. One explanation for this may be different perceptions as to what constitutes statelessness, or whether such cases were considered to be problem situations. An additional explanation is that the Questionnaire may not have been circulated internally to all relevant ministries and departments of the administration which are tasked with addressing issues of statelessness. In this sense, some responses may portray an incomplete account of the types of issues and problems a State has encountered concerning statelessness. UNHCR has been advised by some States responding that consultations between ministries internally are limited as concerns problems of statelessness, and that the process of responding to the Questionnaire has served to identify the need to improve internal communications in order to effectively address cases of statelessness.

25. An important finding reflected in these numbers is the fact that statelessness issues are faced by States globally. A large percentage of the cases faced by States in Europe, and to some extent in Asia, have arisen in the context of the dissolution and succession of States. However, responses from both Africa and the Americas demonstrate that the problem of statelessness is complex and multifaceted and is not limited to one geographical region or to one type of problem such as State succession.

- ❑ *Recommendation: UNHCR to undertake further information dissemination concerning the global nature of the problem of statelessness.*
- ❑ *Recommendation: States to take steps to enhance the flow of information concerning statelessness both internally and with other States.*

Survey Question 2.a.

Which approaches have been adopted to address problems of statelessness?

26. [Question 2.a.](#) surveyed States on approaches they have adopted to address problems of statelessness. Specific approaches often used by States in this regard, such as changes to national laws or adoption of treaties, were listed with the option for a State to check any which were relevant, or to elaborate on any other measures they may have adopted. In addition to the information gathered under Question 2.a. on mechanisms States use to address problems of statelessness, it was also interesting to compare responses to this question with those from Question 1.a. in assessing to what extent States facing problems of statelessness have adopted mechanisms to reduce and resolve cases of statelessness.

27. Of the 68 States responding to the Questionnaire, 88.2% indicated that they have adopted at least one tool to address the problem of statelessness, even in cases where they have not reported encountering problems relating to statelessness. 10.3% indicated no action had been taken, and 1.5% did not respond to this question.

Question 2.a.	
Yes	88.2 %
No	10.3%
No Answer	1.5%

28. In assessing which approaches were adopted, 48.5% of participating States reported that they have changed nationality legislation as one means of addressing statelessness issues.⁷ 30.9% of States indicate that they took steps to change the implementation of laws. Another 30.9% of States indicated that they had adopted treaties or other agreements in efforts to resolve problems of statelessness. While 54.4% of States surveyed indicated they had acceded to the 1954 and/or 1961 Statelessness Conventions as a means of reducing statelessness and protecting stateless persons, notably 6 of these States are not yet listed as Parties to either of these instruments. Another 3 States indicated that they are in the process of acceding to the Statelessness Conventions, while 3 States which have ratified one or both of these instruments did not check accession as an approach adopted in addressing problems of statelessness.

29. 22.1% of responding States indicate they have undertaken bilateral consultations with other States as needed as a means of addressing statelessness problems they have encountered. 11.8% report that other approaches were adopted to address statelessness problems. States checking the “other” box specified that these approaches include: ratification of regional instruments relating to nationality and prevention of statelessness; preparation of draft legislation concerning the status of stateless persons; incorporation of provisions in national legislation in favor of the integration of stateless persons, particularly minors; discontinuation of bilateral agreements prohibiting dual nationality; legislative efforts to transfer competence over statelessness cases from the courts to an administrative body with the view to streamline practice; and solutions adopted on a case-by-case basis.

30. In comparing responses to Questions 1.a and 2.a, of the 61.8% of States indicating under Question 1.a. that they had encountered problems of statelessness, 39.7% reported that they had adopted *two or more* approaches to address these problems. Only 4.8% of States facing problems of statelessness reported they had not taken specific steps to address these problems, while another 4.8% said they had taken other steps only. Of the 38.2% of States which indicated either no actual problems of statelessness or who did not respond under Question 1.a., 76.9% nonetheless reported under Question 2.a. that they had adopted measures to address or prevent statelessness (changes in national legislation, 55%; changes in implementation of laws, 30%; treaties or other agreements, 40%; accession to the Statelessness Conventions, 60%; bilateral consultations, 10%; other approaches, 15%).

31. In summary, 88.2% of responding States indicated that they have adopted one or more measures to address the problem of statelessness, regardless of whether they have encountered problems relating to statelessness. This demonstrates that the issue of statelessness is of concern to the majority of States that responded to the Questionnaire, and that certain measures designed to reduce and prevent the phenomenon are used by many States. Numerous States have taken measures to prevent and reduce statelessness even in cases where they are not defined as “problems of statelessness”. Moreover, some States may have avoided encountering any problems of statelessness precisely

⁷ The percentages indicated for each specific question cannot be added together for a composite, because States were asked to check all relevant approaches they have adopted. Of the 68 participating States, 88.2% responding to Question 2.a have adopted measures to address statelessness.

because of the approaches and mechanisms they had in place which either prevented cases from arising, or effectively resolved those which did arise.

32. The fact that many States have taken proactive measures aimed at the prevention of statelessness is a positive finding of the survey results. Nonetheless, there are instances in which statelessness has arisen for which no specific measure has been taken. Additionally, several States responding to the Questionnaire indicated that they had never encountered problems of statelessness, yet UNHCR has either directly cooperated with these States in order to address statelessness problems, or is aware of ongoing statelessness issues.

33. Several assessments can be made of this information. In some instances, the Government Ministry which works directly on statelessness issues did not participate in responding to the survey, meaning there is something of a lack of communication internally in some States on matters pertaining to statelessness. Another assessment is that further awareness-raising efforts may be needed in some cases to highlight the full scope of the statelessness issue and to assist States in identifying cases of statelessness. There may also be a difference of opinion as to what constitutes a statelessness problem, explaining why some States which were thought to have had statelessness cases indicate that they have not encountered problems. Equally, although measures have been adopted in various countries in an effort to resolve statelessness cases if they arise, an assessment of whether there are adequate measures to actually identify stateless persons would have to be undertaken in order to determine whether there are no problems or, rather, problems are there but unidentified. Responses to following Sections of the Questionnaire provide further information in this regard and confirm that States do face difficulties in identifying cases of statelessness.⁸

34. While it is positive to note the adoption of measures to address statelessness in many States, there is an indication based on the variety of responses to Question 2.a. that these measures are not consistent and each State has adopted its own independent approach. In this regard, gaps may remain which continue to create cases of statelessness and to make the resolution of these cases difficult to achieve in concrete terms. The establishment of a common understanding of the problem, and a shared platform for action will be essential components in promoting efforts to effectively avoid cases of statelessness and to further the protection of stateless persons.

- ❑ *Recommendation: States facing problems of statelessness are encouraged to adopt concrete measures to reduce cases of statelessness and to protect stateless persons, requesting technical support as needed toward this end.*
- ❑ *Recommendation: UNHCR to promote a common understanding of the problem of statelessness globally and a platform for dialogue between States.*

Section B. Acquisition and Loss of Nationality

35. The primary ways in which children acquire nationality are through either birth on the territory of a State (*jus soli*) or by way of descent from a national of a State (*jus sanguinis*). In some cases, children may acquire more than one nationality, through both place of birth and descent. In other cases, however, no nationality is acquired because both the State of birth and the State of descent assume the other will grant nationality. In many States, persons who are habitually resident for a specified number of years 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

⁸ See, in particular, Section D, Question 13.a. in which 42.6% of participating States indicate they have no procedure designed to identify cases of statelessness.

(naturalization).⁹ States also regulate situations in which there is loss of nationality. International law stipulates that when States adopt their rules concerning the acquisition and loss of nationality, safeguards should be put in place to ensure that statelessness does not result.¹⁰ The following section outlines responses received from States to general questions concerning the rules for acquisition and loss of nationality.

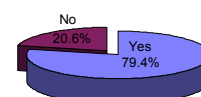
Survey Question 3:

Can children who are otherwise stateless acquire nationality if:

a. They are born in your State?

b. They are born abroad to a national of your State?

36. All States participating in the Survey responded to [Question 3.a.](#) 79.4% of States confirmed that they do grant nationality to children born in their State *in cases where the child would otherwise be stateless*. Of the 20.6% which do not grant nationality to children born in their State in cases where the child will otherwise be stateless, 42.9% or close to half of these States are from Europe, 35.7% Middle East/Asia States, and 21.4% Africa. All States responding from the Americas indicate that nationality is granted based on birth on the territory in cases where the child would otherwise be stateless, reflecting the general trend in this region. Overall, close to 80% of States responding to the Questionnaire actively avoid statelessness at birth by ensuring that children born on their territory who would otherwise be stateless are granted nationality. A majority of countries responding to the Questionnaire include this provision in their nationality legislation, an important tool to ensure statelessness is avoided for children. In the remaining cases, it should be noted that many States base their nationality acquisition at birth primarily on the principle of *jus sanguinis*, rather than *jus soli*, and that international law does not dictate to States which approach they should adopt in general terms. However, it is nonetheless noteworthy that the principle of *jus soli* is not used *in all instances where gaps arise* as a saving clause to avoid cases of statelessness where the child would otherwise be stateless.



37. Under [Question 3.b.](#), 89.6% of States indicated that children born abroad to a national are granted nationality of the State concerned if they will otherwise be stateless. 7.4% report this would not be the case, and 1.5% did not respond to the question. One State indicated that a distinction is made between children born abroad to nationals, possibly based on the type of nationality the parent holds. The result is that some children born abroad to a national can acquire nationality if otherwise stateless, and some children cannot. Based on the information provided overall, the principle of granting nationality by descent to children born abroad to a national if they would otherwise be stateless is commonly applied by States that responded to the Questionnaire.

Question 3.b.	
Yes	89.6 %
No	7.4 %
No Answer	1.5 %
Partially	1.5 %

38. In a comparison of responses to Questions 3.a. and 3.b., 90.7% of the 79.4% of States which use *jus soli* to grant nationality to children born on their territory who

⁹ See also Section C, Questions 9.a. and b. concerning facilitated access to nationality for stateless persons born or married to a national of the State.

¹⁰ While only States can determine who are their citizens, such determination should be in accordance with principles of international law. This principle has been outlined in various reference points such as the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, while the principle of avoiding statelessness underlies both Article 15 of the 1948 Universal Declaration of Human Rights, stipulating that every person has the right to a nationality, and the 1961 Convention on the Reduction of Statelessness.

would otherwise be stateless, *also* indicated they grant nationality to children born abroad to a national who would otherwise be stateless (Europe 51%; Americas 26.5%; Middle East/Asia 14.3%; and Africa 8.2%). 85.7% of the States that replied “no” to granting nationality under Question 3.a. confirmed, on the other hand, that they do grant nationality to children born abroad to their nationals in cases where the child would otherwise be stateless. One State from Europe, responded in the negative to both Questions 3.a and 3.b, in which case there is an absence of any measures to protect access to nationality for children born in the State or born abroad to nationals of the State in cases where they are otherwise stateless.

39. These findings indicate that the large majority of States responding to the survey apply both the principles of *jus soli* and of *jus sanguinis* in cases where a person would otherwise be stateless. In fact, some States may be applying both principles as a matter of course, and it should be noted that while the survey queried whether these approaches were adopted in cases of statelessness, it did not ask States whether the same approaches were used in all other cases as well. In other words, the avoidance of statelessness may not have been calculated by each State, but the concrete positive result is clearly that in the majority of States surveyed, statelessness should be effectively avoided at birth.

40. Responses to Questions 3.a. and 3.b. help to indicate how States make use of the two primary approaches to the grant of nationality at birth. While international law does not specifically require a State to use one approach or the other, it does require States to avoid and reduce cases of statelessness. The 1961 Convention on the Reduction of Statelessness provides for acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through factors of birth on the territory or descent from nationals.¹¹ While one or both of these principles form the basis of nationality law in a majority of States, clearly approaches vary and gaps do occur. Equally, in any efforts to avoid cases of dual or multiple nationality, States should take active steps to ensure a person acquires *at least one nationality*. Gaps in nationality laws can arise, for example, when a child is born in a country granting nationality strictly by descent, to parents who are nationals of a country granting nationality strictly based on birth on the territory of that State. These types of gaps and conflicts can be effectively addressed only if States cooperate closely with one another, understand how their neighbour States interpret and apply their nationality rules, and coordinate measures aimed at ensuring no persons will fail to acquire a nationality.

- *Recommendation: Closer cooperation between States to ensure gaps do not arise resulting in statelessness at birth. States should take steps to ensure protection against statelessness for children born on their territory or born abroad to nationals of their State. UNHCR to provide technical support as needed.*

¹¹ Art.1(1) of the 1961 Convention states: “A contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless”. Art.4(1) of the Convention states: “A Contracting State shall grant its nationality to a person, not born in the territory of a contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person’s birth was that of that State.”

Survey Question 4:

Does national legislation in your State contain safeguards to protect against:

a. Possible arbitrary deprivation of nationality?

b. Renunciation or loss of nationality without the acquisition or guarantee of another nationality?

41. Under [Question 4.a.](#) concerning safeguards in national legislation to protect against possible arbitrary deprivation of nationality, 85.3% of States stated that such safeguards are in place in national laws. 11.8% indicated that their national legislation does not contain such safeguards. 2.9% of States participating in the survey did not respond to this particular question. Of the 11.8% of States indicating they do not have safeguards against arbitrary deprivation of nationality in domestic legislation, geographical representation is 50% Europe, 37.5% Middle East/Asia, and 12.5% Americas. Those abstaining are from the Americas and Middle East/Asia.

Question 4.a.	
Yes	85.3 %
No	11.8 %
No Answer	2.9 %

42. Similarly, a majority of States, 80.9%, confirm under [Question 4.b.](#) that national legislation contains safeguards against statelessness resulting from renunciation or loss of nationality. Of States replying that they do not have such safeguards, 40% are Middle East/Asia, 30% Europe, 20% Africa, and 10% Americas.

Question 4.b.	
Yes	80.9 %
No	14.7 %
No Answer	4.4 %

43. In reviewing responses to Questions 4.a. and 4.b., 73.5% of participating States indicate that they have safeguards in place to protect against statelessness arising as a result of *all* types of removal of nationality, including arbitrary deprivation, renunciation and loss. 7.4% checked “yes” to Question 4.a. but “no” to Question 4.b., representing Africa (40%), Europe (40%), and Middle East/Asia (20%). All States indicating “no” to Question 4.a. but “yes” to Question 4.b. are from Europe.

44. Of States not replying to Question 4.a. on safeguards against possible arbitrary deprivation of nationality, all responded positively to Question 4.b. by stating they have in place safeguards against statelessness resulting from renunciation or loss of nationality. Notably, 7.4% of all participating States report they have *no* safeguards in place in national legislation to protect against statelessness resulting from arbitrary deprivation, loss or renunciation of nationality. These States are from the Middle East/Asia (60%), Americas (20%), and Europe (20%).

45. As a general rule, international law stipulates against the deprivation of nationality where it leads to statelessness.¹² There are certain exceptions to this rule, but these are subject to a high standard of scrutiny because the fundamental human right to a nationality is at stake. Moreover, many other rights may depend, in practical terms, on nationality status. Any deprivation of nationality should, therefore, take place only in accordance with law and with full procedural guarantees. Both renunciation and loss of nationality should be conditional upon the prior possession or assurance of acquiring another nationality. Given the linkages between statelessness and displacement and the fact that statelessness can be a root cause of refugee flows, in preventing arbitrary deprivation of nationality and statelessness resulting from loss or renunciation of nationality, States are not only helping to reduce statelessness but are also contributing to security and stability within their borders and beyond.

¹² Article 8 of the 1961 Convention on the Reduction of Statelessness outlines a general rule against the deprivation of nationality leading to statelessness. Certain exceptions are permissible, but they must be in accordance with law and providing the right to a fair hearing by a court or other independent body. Articles 5-7 of the 1961 Convention regulate loss and renunciation of nationality, stipulating that both should be conditional upon the prior possession or assurance of acquiring another nationality.

46. In 1996, The United Nations General Assembly called upon States to adopt national legislation with a view to reducing statelessness, in particular by preventing arbitrary deprivation of nationality and by eliminating provisions that permit the renunciation of nationality without the prior possession or guarantee of acquisition of another nationality.¹³ The UNHCR Executive Committee and the General Assembly identified these two issues as key root causes of statelessness, and reiterated that the prevention of statelessness is important also in the prevention of potential refugee situations. It is positive to note that most States responding to the survey have safeguards in place to protect against statelessness arising due to arbitrary deprivation of nationality, or loss and renunciation of nationality. Some States indicate, however, that there are no such safeguards in place, while other States have some safeguards and not others. Such measures are needed to facilitate the prevention of statelessness and act as a means of addressing root causes of displacement and, ultimately, refugee flows.

- *Recommendation: States to ensure the adoption and systematic use of safeguards in national law designed to protect against statelessness arising as a result of arbitrary deprivation, renunciation or loss of nationality. UNHCR to provide technical and advisory support toward this end.*

Survey Question 5.a.:

Approaches adopted to ensure statelessness is avoided in cases of State succession.

47. Under [Question 5.a.](#), 44.1% of States responding to the Questionnaire indicate they have adopted one or more approaches to address or avoid statelessness arising as a result of State succession. 51.5% of participating States remark that they have *not experienced* cases of State succession (34.2% Europe, 31.4% Middle East/Asia, 22.9% Americas, and 11.5% Africa) although 20% of these States have taken at least one preventive measure toward the avoidance of statelessness in such situations, in particular accession to the 1954 and/or 1961 Statelessness Conventions. 7.4% indicate that no specific steps have been taken.

48. As regards particular approaches adopted, 19.1% of States revised nationality legislation as a measure to prevent statelessness in cases of State succession. The geographical breakdown for this statistic is 76.9% Europe, 15.4% Middle East/Asia, 7.7% Americas. 20.6% of States indicate they have cooperated with other States involved in the succession as a means of avoiding statelessness. Here the regional breakdown is 78.6% Europe, 14.3% Middle East/Asia, and 7.1% Americas. 13.2% of States responding to the Questionnaire report that they have cooperated with UNHCR as a means of avoiding statelessness in the context of State succession (55.6% Europe, 33.3% Middle East/Asia, and 11.1% Africa). 23.5% of States indicate accession to the 1954 and/or 1961 Statelessness Conventions as a mean of avoiding statelessness in the context of State succession (62.4% Europe, 25% Americas, 6.3% Africa and 6.3% Middle East/Asia).¹⁴ One State checked the “other” box, indicating statelessness was avoided on achieving independence through the inclusion in nationality codes of provisions to protect stateless persons. Another State referred to avoidance of statelessness at the time of independence by including the entire population of the territory in the initial body of citizens. Yet another State cited accession to regional instruments concerning nationality as a means of avoiding possible future cases of statelessness resulting from State succession.

¹³ See A/RES/50/152 of 9 February 1996 and ExCom Conclusion No. 78 (XLVI) -1995 on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons (A/AC/96/860). See Annexes D and E.

¹⁴ While 3 of these States are not formally registered as States parties to either of the Conventions, they may have initiated the accession procedure at the national level.

49. Article 10 of the 1961 Convention on the Reduction of Statelessness stipulates that in cases of transfer of territory, any treaties adopted should include provisions to ensure that statelessness does not result. Where no treaty has been signed, the State should at a minimum grant its nationality to those who *would otherwise become stateless* as a result of the transfer or acquisition of territory. It is a very positive finding that some States have taken preventive measures to address statelessness in case of State succession, although not yet having faced this problem. Other States may have taken preventive measures due to a spillover effect from a neighbour State experiencing State succession.

50. However, less than half of the States responding to the Questionnaire have even one mechanism in place to deal with State succession, while 7.4% have taken no steps at all. Where two or more approaches were adopted, *which* approaches these were varied from State to State, meaning that in case of State succession, States do not have a common legal framework in place for avoiding or resolving cases of statelessness. Cases of State succession are not infrequent, and do have an impact on the nationality status of people tied to the territory concerned. In some instances, transfer of territory is associated with population displacement and conflict.

- *Recommendation: Further efforts to be undertaken by States, in cooperation with UNHCR and other concerned organizations, to promote the adoption in national systems of consistent and clearly identifiable mechanisms aimed at the avoidance and reduction of statelessness in the event of State succession.*

Survey Question 6:

*Can an individual request an independent appeal of decisions concerning:
a. Acquisition of nationality? b. Loss of nationality?*

51. With regard to [Question 6.a.](#), 82.4% of participating States indicate they do have appeal procedures against negative decisions concerning the acquisition or grant of nationality. 13.2% replied that there is no access to an independent appeal in this regard (55.6% Europe, 33.3% Middle East/Asia, 11.1% Americas). 2.9% of States did not respond to this question, while 1.5% responded by checking both the “yes” and the “no” box and stating that there is provision for a “partial” appeal only. Of States which replied “no” or partially “no” to Question 6.a., some also responded “no” to Questions 3.a. and 3.b. concerning acquisition of nationality for children born in the State or born abroad to a national if the child would otherwise be stateless, meaning that in these States, a child who does not acquire nationality at birth will have no recourse by way of appeal concerning the decision not to grant nationality.

Question 6.a	
Yes	82.4 %
No	13.2 %
No Answer	2.9 %
Partially	1.5 %

52. As concerns [Question 6.b.](#), 80.9% of participating States indicate that they have procedures in place for an independent appeal of decisions regarding the loss of nationality. 11.7% replied that they do *not* provide for an appeal of decisions regarding loss of nationality, and 7.4% of States responding to the Questionnaire did not reply to Question 6.b. In comparing responses to questions, of those countries indicating under Question 4.b. that they do not have safeguards to protect against renunciation or loss of nationality without the acquisition or guarantee of another nationality, 70% nonetheless allow individuals to request an independent appeal when it comes to decisions concerning loss of nationality, an important stop-gap measure in cases where statelessness might arise. Only 4.4% of participating States indicate that they have

Question 6.b	
Yes	80.9 %
No	11.7 %
No Answer	7.4 %

neither the safeguards referred to in Question 4.b., nor do they provide for an independent appeal with regard to decisions concerning loss of nationality. 69.1% of States overall answered “yes” to both Questions 4.b. and 6.b., meaning they both safeguard against renunciation or loss of nationality resulting in statelessness, and provide for an independent appeal on decisions concerning loss of nationality.

53. 73.5 % of participating States indicate that they have procedures in place for an independent appeal on both decisions concerning acquisition and loss of nationality (Questions 6.a. and 6.b.). The regional breakdown is Europe 48%, Americas 22%, Middle East Asia 16%, and Africa 14%. Only a small number of States responding to the Questionnaire (2.9%) reported that they provide for an appeal against decisions on acquisition (6.a.) but not on loss of nationality (6.b.). 5.9% of States were the reverse, allowing appeal on loss but not on acquisition of nationality. 7.4% of all States responding to the Questionnaire indicated they that they do not provide for an independent appeal of decisions relating either to the acquisition or to the loss of nationality.

54. An important safeguard against statelessness is the possibility for an individual to request an appeal on decisions concerning the acquisition or loss of nationality. It is positive to note that most participating countries do provide individuals with the possibility of requesting an independent appeal on such decisions. However, some States allow appeal in one case and not the other, while some States have no appeal procedure available at all. This is particularly of concern when compared with responses to Questions 3 and 4 in which there may be no mechanisms in place to avoid cases of statelessness at birth or resulting from deprivation, renunciation or loss of nationality. Given the complexity of nationality laws, the various approaches to nationality adopted by States, and the potential for lack of communication both within and between States, cases of statelessness are likely to arise in relation to the acquisition or loss of nationality where no procedures are in place to prevent this. Providing the right of appeal would, at a minimum, help to provide recourse in such cases. As a general rule, having an effective appeal procedure in place to promote the avoidance of statelessness as a matter of policy is extremely important.

- ❑ *Recommendation: States should review legislation with a view to ensuring appeal procedures on questions pertaining to the acquisition and loss of nationality.*
- ❑ *Recommendation: UNHCR to disseminate information concerning the need for harmonized approaches regarding the avoidance and reduction of statelessness in the context of acquisition and loss of nationality.*

Section C. *Approaches to Family Unity, Women and Children*

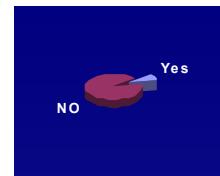
55. Statelessness can impact disproportionately on women and children due to legislation concerning nationality in relation to marriage and with regard to the registration of births and marriages. Victims of trafficking can effectively be rendered stateless due to an inability to establish their identity. In 2001, UNHCR’s Executive Committee called upon States to address the disproportionate impact of statelessness on women and children by ensuring identity documentation, effective registration of births and marriages, and cooperation in the establishment of identity and nationality status of victims of trafficking.¹⁵ The following section outlines legislation and practice concerning issues of family unity, with particular emphasis on the situation for women and children.

¹⁵ ExCom Conclusion No. 90 (LII) – 2001 On International Protection (A/AC.96/959, para.22 (o)-(s)).

Survey Question 7.a.:

Does either marriage or the dissolution of marriage lead to automatic changes in the nationality of a spouse?

56. All participating States provided a response to [Question 7.a.](#) 92.6% indicate that under national law, the nationality of a spouse whether male or female is not automatically affected by marriage or the dissolution of marriage. However, 7.4% of participating States indicate that there are automatic changes in the nationality of a spouse in the event of marriage or the dissolution of marriage (of this 7.4%, 60% are from Middle East/Asia, 40% from Europe). One State from Africa explained that whether there is any automatic change in nationality status as a result of the dissolution of marriage will depend on the validity of the original marriage. Moreover, the State indicates, a positive change could take place in that an individual can apply to become a citizen by way of marriage if certain requirements are met.¹⁶ Facilitated naturalization by virtue of a link established with the State through marriage to a national is provided for in the laws of many States, and is a positive provision because it is based on the *voluntary* change of nationality rather than an automatic change.



57. There are several reference points in international law which stipulate against imposed automatic change of nationality status as a result of marriage or the dissolution of marriage, including Article 9(1) of the Convention on the Elimination of All Forms of Discrimination Against Women which indicates that women should have an independent legal status and not be rendered stateless due to marriage. As concerns statelessness, the 1961 Convention on the Reduction of Statelessness provides that the loss of nationality as a consequence of any change in the personal status of a person, such as marriage or the dissolution of marriage, should be conditional upon the possession or acquisition of another nationality. One key reason for these reference points is the difficulty women have often faced when the nationality of their husband is different from their own. Statelessness can occur if the wife's nationality is automatically altered by one State on the presumption that she will acquire or lose nationality in another State as a result of marriage or the dissolution of marriage.

- *Recommendation: States to review legislation with a view to amending provisions which impose an automatic change in nationality status by virtue of marriage or the dissolution of marriage.*

Survey Question 8:

In the case of marriage:

a. Are all marriages registered?

b. Are the names of both spouses included on the marriage certificate?

58. Under [Question 8.a.](#), 88.2% of States responding to the Questionnaire indicate that all marriages are registered, 10.3% report that not all marriages are registered, and 1.5% abstained. Of States indicating that not all marriages are registered, the geographical breakdown is 57.1% Africa, 28.6% Middle East/Asia, and 14.3% Americas. One African State indicated that while marriages generally are registered, this is not the case for

Question 8.a.	
Yes	88.2 %
No	10.3 %
No Answer	1.5 %

¹⁶ Statistically, this State is included with States reporting that automatic changes in the nationality status of a spouse do not take place as a result of marriage or dissolution of marriage. See also Question 9.b. on facilitated access to nationality for stateless persons married to a national of the State.

customary marriages, pointing to a possible problem of State jurisdiction. Problems concerning adequate registration of traditional or customary marriages have been observed by UNHCR in Europe, Asia and elsewhere, and have in some instances resulted in statelessness or unclear nationality status.

59. [Question 8.b.](#) queried whether the names of both spouses are included in the marriage certificate. 97% of participating States reply in the affirmative. 1.5% of States did not reply, while 1.5% indicated that the names of both spouses are not included on the marriage certificate. Of States responding to the Questionnaire, 88.2% responded “yes” to both Questions 8.a. and 8.b. Only one State replied “no” to both Questions 8.a. and 8.b.

Question 8.b.	
Yes	97.0 %
No	1.5 %
No Answer	1.5 %

60. Lack of registration of marriage can interfere with legal rights flowing from the marriage, including nationality and civil status, lawful residence, and the legal status of children born into the marriage. Ensuring that all marriages are registered and that the names of both spouses are included in the marriage certificate is an important means of preventing cases of statelessness both for a woman and for her family. While the overall survey findings are positive for both Questions 8.a. and 8.b., it must also be borne in mind that the figures represent information gathered from 68 States in total. Further information from all regions would be useful in assessing steps needed to avoid statelessness in relation to marriage. Improvements in registration practices would constitute a positive measure to address statelessness and to protect the legal status and identity of women.

- ❑ *Recommendation: States to review national systems with a view to ensuring the documentation and registration of all marriages, to adopt appropriate mechanisms to register customary marriages, and to include the names of both spouses on marriage certificates.*
- ❑ *Recommendation: UNHCR to facilitate enhanced regional and international cooperation with a view to sharing best practices concerning registration and documentation of marriages.*

Survey Question 9:

Is access to nationality for stateless persons facilitated if:

- a. *The person is born to a national of the State?*
- b. *The person is married to a national of the State?*

61. Under [Question 9.a.](#), 92.6% of the States responding to the Questionnaire replied “yes”, indicating that there is facilitated access to nationality for a stateless person born to a national of the State. 4.5% responded that they did not facilitate access to nationality in these cases (all from Europe), and 2.9% did not reply to this question. When comparing information from Question 3.b. with the response to Question 9.a., some interesting information emerges. 7.4% of participating States indicated, under Question 3.b., that they do not automatically grant nationality to a stateless person born abroad to a national of the State, however, they do allow for facilitated access to nationality for stateless persons born to a national. These States are making nationality available through naturalization rather than through automatic acquisition (the breakdown by region is 40% Europe, 40% Middle East/Asia, 20% Americas). While it is certainly positive that facilitated access to nationality through naturalization is an option, it has to be acknowledged that this will leave the child concerned stateless until the specific criteria for naturalization are met, often including

Question 9.a.	
Yes	92.6 %
No	4.5 %
No Answer	2.9 %

reaching the age of majority. Moreover, naturalization is typically a discretionary grant of nationality, rather than a guaranteed automatic grant.

62. As regards [Question 9.b.](#), 77.9% of States report that they do allow facilitated access to nationality for a person married to a national. 16.2% of participating States indicate they do not provide for facilitated access to nationality through marriage (36.4% Americas, 36.4% Middle East/Asia, 27.2% Europe), while 5.9% did not respond to Question 9.b.

Question 9.b.	
Yes	77.9 %
No	16.2 %
No Answer	5.9 %

63. Overall, 75% of States checked the “yes” box for both Questions 9.a. and 9.b., while 14.7% report that they provide for facilitated access to nationality in cases where a person is born to a national, but not through marriage (40% Americas, 40% Middle East/Asia, 20% Europe). 2.9% of States, all from Europe, indicate that they provide for facilitated access through marriage, but not through birth to a national. One State in Europe indicates that they do not provide for facilitated access to nationality either through birth or through marriage to a national.

64. It is positive to note that the majority of participating States report that they do provide for facilitated access to nationality for stateless persons born to a national of the State as well as for stateless persons married to a national. Facilitated access can mean a reduction in the numbers of years of residency required, reduced fees or administrative requirements, and less stringent requirements concerning language or other skills. It should be noted that the question is not with regard to facilitated naturalization generally, but specifically as concerns instances where the person is stateless. Given the link an individual will have with the State concerned by virtue of descent from a national or marriage to a national, combined with the fact that the person is otherwise stateless, States would be encouraged to promote access to nationality in these cases. As the grant of nationality by naturalization is typically a discretionary one, States would essentially be providing for a means of reducing statelessness in appropriate cases only. The issue also relates to principles of family unity, and instances do arise in which establishing lawful residence in the country of the parent or spouse’s nationality may be difficult specifically due to statelessness. It should be recalled that both the 1954 Convention relating to the Status of Stateless Persons and the 1951 Convention relating to the Status of Refugees encourage States to facilitate naturalization as far as possible.¹⁷

- *Recommendation: States to review laws with a view to providing facilitated access to nationality for stateless persons born or married to a national of the State.*

¹⁷ Art. 32 of the 1954 Statelessness Convention provides: “The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.” A similar provision with regard to recognized refugees can be found in Art. 34 of the 1951 Convention relating to the Status of Refugees. See also Question 16.b. of the Questionnaire on possible facilitated access to naturalization for stateless persons.

Survey Question 10.a.:

Is a system in place for the registration of all births on the territory of the State?"

Survey Question 11.a.:

Does the State provide for nationality or a legal status for abandoned children and orphans?

65. 94.2% of States confirm under [Question 10.a.](#) that they have in place a formal system for the registration of births. 2.9% of States did not reply, while another 2.9% (Europe) indicated that they do *not* have a system in place.

66. With regard to [Question 11.a.](#), 85.3% of participating States report that they provide for a nationality or legal status for abandoned children and orphans. 5.9% of States report they do not provide nationality or legal status in such cases (75% Middle East/Asia, 25% Africa) and 8.8% of States did not reply to Question 11.a.

67. Lack of registration of births can lead to problems of statelessness. States often grant nationality to children based on where or to whom they were born. One key means of establishing both place of birth and parentage is through birth registration. Several international instruments outline the need to ensure registration of births,¹⁸ and efforts to promote awareness of effective registration systems have been undertaken by both concerned organizations and States. Furthering cooperation toward this end would be a means of effectively curbing one important root cause of statelessness.

68. Article 2 of the 1961 Convention indicates that foundlings should acquire the nationality of the State in which they are found, an approach adopted by many States in their nationality legislation.¹⁹ Nonetheless, cases do arise in which the nationality status of children is negatively impacted because they are abandoned or orphans. If they do not have a clear legal status while in orphanages, the situation worsens when they are released upon reaching adulthood as they may be considered unlawfully present in the only country in which they have ever lived. The granting of nationality or a legal status to abandoned or orphaned children is often not considered due to social marginalization. However, with a legal status, these children would be enabled to lead a stable life, integrate and eventually participate in and contribute to society in the State concerned.

- ❑ *Recommendation: States and concerned organizations to redouble efforts to promote effective registration of all births.*
- ❑ *Recommendation: States to be guided by the need to avoid statelessness and to ensure the right to an identity for all children, paying special regard to the situation of abandoned children and orphans. UNHCR to assist States in reviewing national legislation with a view to incorporating provisions aimed at the avoidance of statelessness for all children.*

Question 10.a.	
Yes	94.2%
No	2.9 %
No Answer	2.9 %
Question 11.a.	
Yes	85.3 %
No	5.9 %
No Answer	8.8 %

¹⁸ See, for example, the 1966 International Covenant on Civil and Political Rights (Art. 24), the 1989 Convention on the Rights of the Child (Art. 7), and the 1990 African Charter on the Rights and Welfare of the Child (Art.6).

¹⁹ Art. 2 of the 1961 Convention on the Reduction of Statelessness provides: "A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State."

Survey Question 12:

a. Are mechanisms available to assist trafficked persons, women and children in particular, who may have difficulties in establishing identity and nationality?

b. If yes, please describe these mechanisms.

69. The phenomenon of human trafficking has in recent years become a matter of international concern. Statelessness can arise for victims of trafficking as they may face difficulties in establishing their identity or nationality. Experience shows that women and children make up the majority of trafficked cases and are, therefore, disproportionately affected by problems of statelessness in this regard. For example, a trafficked woman may have had her documents confiscated or stolen either on arrival to a third country or prior to transfer, often making it impossible to prove her status when attempting to re-enter her country of origin or habitual residence. If she is found by the authorities of a country to which she has been transported illegally she may be placed in detention pending identification and resolution of her situation.

70. With regard to [Question 12.a](#), 52.9% of States reported that mechanisms are available to assist trafficked persons in establishing identity and nationality. This was represented regionally by Europe, 55.6%, Middle East/Asia, 22.2%, the Americas 19.4%, and Africa 2.8%. 38.2% reported that they do not have in place any mechanisms to assist trafficked persons in establishing identity and nationality, and 8.8% did not respond to this question.

Question 12.a.	
Yes	52.9 %
No	38.3%
No Answer	8.8%

71. In describing the mechanisms available to assist trafficked persons in establishing identity and nationality under [Question 12.b](#), a broad spectrum of information was provided. A review of approaches adopted suggests that the focus of States in addressing situations of trafficking may vary. Some States have adopted legislation to combat trafficking and to assist victims. States report in some cases to have created designated task forces within existing governmental structures to address the problem, while others rely on inter-agency commissions on anti-trafficking to prepare a plan of action including legislative review, public awareness, victim protection and return and reintegration.

72. In other cases, States report that the authorities concerned will undertake investigations into the identity and nationality of the trafficked individuals. This may include liaison with relevant Embassies, international organizations and NGOs. One State mentioned it would contact the victim's family as appropriate or possible to assist in verification of identity and nationality. Another State indicates that it provides material assistance for victims and, moreover, while it currently deals with cases of trafficking through the police, immigration authorities and courts, it is establishing an NGO system to be run in cooperation with relevant Government institutions. One State reports that the national police will provide assistance as necessary to trafficked persons, while another State indicates it refers trafficking cases to UNHCR. Several States mentioned that they take active steps to train officials dealing with such cases, in particular to encourage insight into the situation of the victim.

73. A number of States reported on legislation in place to provide for the assistance and protection of victims of trafficking as regards material needs such as shelter and food, as well as psychological, medical and legal support and counseling. An interpreter is made available as needed. Also raised was the issue of special assistance mechanisms for children. Of particular interest was the information from one State that, while no special mechanisms are yet in place to assist trafficked women, a centre for child victims of trafficking has recently been established, in cooperation with UNICEF, through which issues relating to identity and nationality can be addressed. Also of interest was the report from other countries that unaccompanied or separated children

trafficked into the country are given a guardian. Another State reports that trafficked women are provided special accommodation in safe havens for immigrants, and that they can also request assistance from civil society organizations.

74. Several States reported that asylum mechanisms are applied in addressing issues related to identity or nationality of trafficked persons. One State recommended that the specialized unit within the refugee authority which verifies country of origin and other information in the context of asylum, could also appropriately be used to assist trafficked persons in verifying identity or nationality. Other States make mention of the fact that trafficked persons have access to legal aid and other free services. Some States indicate that they consider providing trafficked persons with a temporary residence permit on humanitarian grounds, in particular where establishing identity is difficult. Certain States have comprehensive legislation to provide for a temporary residence permit first, followed by permanent residence and, eventually, the possibility to naturalize. Other States specifically mention that they condition the issuance of residence permits on the cooperation of the individual, including verification by that person of statelessness where relevant. On the other hand, some States indicate that return to the country of origin is the only solution, and emphasize the need to obtain travel documents for the trafficked persons. Several States reported that they try to establish identity through recognition of birth certificates or other documentation or through witnesses. Others note in this regard that trafficked persons with difficulties in establishing identity and nationality are considered stateless persons and processed under related mechanisms.

75. States have reported on some very positive and constructive measures they are undertaking to address problems of identity and nationality in the context of trafficking. Some best practices will emerge in this context, while more may need to be done to ensure that approaches adopted are based on common objectives. It must be noted that many of the States participating in the survey have no such measures in place. In order to resolve individual cases of trafficking, steps do have to be taken to address identity and nationality issues.

- *Recommendation: States are encouraged to review national procedures in cooperation with UNHCR and other concerned organizations with a view to adopting measures to assist trafficked persons, in particular in establishing identity and in acquiring relevant documentation.*

Section D. Protection of Stateless Persons

76. Section D focuses on how States identify stateless persons, and the type of protection extended to them. Mechanisms for the identification of stateless persons within the asylum context are also reviewed, and information provided on documentation of recognized stateless persons, their access to nationality, and the availability of information on stateless populations.

Survey Question 13:

- a. Does the State have a procedure to identify cases of statelessness?
b. If yes, under which State agency?*

77. With regard to [Question 13.a.](#), 54.4% of States indicate they have a procedure in place to identify cases of stateless persons. Of this number, 59.9% represent Europe, 18.5% Middle East/Asia, 13.5% Americas, and 8.1% Africa. 3% of States did not reply to this question. Of the 42.6% indicating they have no such procedure, the regional breakdown is 34.5% Europe, 31.1% Americas, 24.1% Middle East/Asia, and 10.3% Africa. Of

Question 13.a.	
Yes	54.4 %
No	42.6 %
No Answer	3.0 %

particular interest is the fact that of the 42.6% of States which have no procedure in place to identify stateless persons, 24.1% are States Parties to the 1954 Convention relating to the Status of Stateless Persons. However, if there is no means of identifying stateless persons, implementation of the 1954 Convention will be difficult to achieve. This information should also be compared with the responses outlined under Questions 1.a. and 2.a. Several States reported that they have not encountered problems of statelessness, although to some extent the lack of a procedure to identify cases of statelessness may explain the lack of exposure to cases.

78. Of States participating in the survey, 52.9% responded to [Question 13.b.](#) 21.6% of States report the procedure is under either the Ministry of the Interior, the Ministry for Foreign Affairs, or the Ministry of Justice although not providing details on a possibly specialized branch within a given Ministry. 54.1% of States indicate the procedure is contained in the aliens, asylum or immigration mechanisms, with 5.4% reporting that the procedure is found in the judicial system (first instance courts or the Attorney General's Office). One State reports that multiple authorities are responsible for the procedure, including the police and justice departments, the refugee body, and a division responsible for residency. In another case, the responsible body is reported to be the Department of Information Technologies. In outlining the nature of the mechanism, one State indicates the mechanism is part of a procedure dealing with the identity of asylum seekers and illegal immigration. Some States report they have a procedure in place but do not provide information on the designated State agency. In one case, a State reports that UNHCR cooperates with the government agency tasked with identifying stateless persons.

79. The 1954 Convention relating to the Status of Stateless Persons is the primary international instrument adopted to date to regulate and improve the legal status of stateless persons. The Convention outlines a standard treatment for stateless persons who are not refugees and who are not, therefore, covered by the 1951 Convention relating to the Status of Refugees or its Protocol. The 1954 Convention contains provisions regarding the rights and obligations of stateless persons who are granted lawful stay in a country. Stateless persons who have been identified and granted a legal status under the Convention can benefit from its full provisions. It is, therefore, important that States adopt and implement coherent procedures aimed at the identification of stateless persons. Almost half of the States participating in the survey have no designated procedure to identify cases of statelessness.

- ❑ *Recommendation: States to review national legal frameworks with a view to introducing procedures aimed at the identification of stateless persons. UNHCR to share technical information and best practices in establishing such procedures.*
- ❑ *Recommendation: UNHCR to provide interested States with information on how to identify and document stateless persons. States and UNHCR to cooperate in training and dissemination of information to government agencies responsible for identifying cases of statelessness.*

Survey Question 14:

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

80. 50% of States indicated under [Question 14.a.](#) that they have a mechanism for identifying cases of stateless asylum seekers in the refugee status determination procedures. The regional breakdown is 44.2% Europe, 23.5% Americas, 17.6% Africa, 14.7% Middle East/Asia. Of those responding “yes” to Question 14.a, 94.1% are States Parties to the 1951 Convention relating to the Status of Refugees and/or the 1967 Protocol. 47.1% have ratified both the 1951 Convention/1967 Protocol and the 1954 Statelessness Convention. 2.9% did not reply to Question 14.a. while 1.5% gave a partial response.

Question 14.a.	
Yes	50.0 %
No	45.6 %
No Answer	2.9 %
Partial	1.5%

81. Almost half of the States replying to the Questionnaire, 45.6%, reported they have *no* mechanism to identify stateless asylum seekers within the refugee status determination procedures. Of these States, 85% are States Parties to either the 1951 Convention/1967 Protocol or to the 1954 Convention relating to the Status of Stateless Persons.

82. Of States that confirmed the existence of a mechanism for the identification of stateless asylum applicants under Question 14.a, 88.2% described the mechanism in response to [Question 14.b.](#) Most countries indicate that, in establishing the relevant facts relating to an asylum claim, cases of statelessness are likely to surface and some States indicate that statelessness is a relevant consideration in terms of establishing a need for international protection. Consequently, some States use the asylum procedure only as the tool for identifying statelessness although it should be noted that not all stateless persons will apply for asylum, and even in cases where an asylum applicant is stateless the statelessness may or may not relate to the asylum application. As such, unless there is a procedure specifically designed to identify statelessness, some cases are likely to slip by. It might also be noted that in finding an appropriate durable solution for recognized refugees, whether through voluntary repatriation, resettlement, or local integration, resolving statelessness will need to be a part of any effective solution. If information concerning statelessness is captured alongside the original asylum application, identifying solutions will become much easier.

83. Other States report that in addition to the information gathered through the asylum application, individuals will be requested to provide basic data including evidence concerning nationality status. One State specifies that identity documents and information gathered from, for example, relevant nationality laws are used to assess statelessness in the context of the asylum procedure. Another State indicates that it accepts the applicant’s claim of statelessness unless there is evidence to the contrary. Some States indicate that, provided there is no breach of confidentiality putting the asylum seeker at risk, they consult the national Embassy in the applicant’s country of origin. Another State reports that if a person is found not to be a refugee but is, nonetheless, stateless, a statelessness procedure might be initiated and refers to cooperation with UNHCR in this regard. One State indicates that statelessness will be addressed only in cases of recognized refugees who subsequently lose their nationality.

84. Asylum applicants may, in some case, be stateless. In certain instances the statelessness will relate to grounds for the asylum application, while in other cases it may

be incidental.²⁰ Regardless, however, of the outcome of the asylum application, cases of statelessness should be identified and addressed.

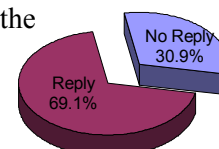
- *Recommendation: States to ensure that mechanisms are in place to effectively identify and record cases of stateless asylum applicants.*

Survey Question 15:

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

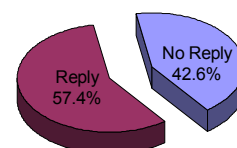
- a. A recognized refugee?
b. Not an asylum-seeker or a recognized refugee?*

85. As regards [Question 15.a.](#), 69.1% of participating States provided an outline of steps taken to address the problem of statelessness in cases where the stateless person is a recognized refugee.²¹ Some States report that once they register the refugee as stateless, no further steps are taken because protection is provided. Another State reports that all necessary steps to resolve the statelessness issue are taken in accordance with international instruments concerning statelessness. Some States report that they issue travel documents and others provide residence permits, although no specific mention of statelessness is made in this regard. Other States recount that a stateless recognized refugee can apply to naturalize.



86. One State indicating that no particular steps are taken noted that it did not have relevant practice or legislative directives to guide in such situations. Some States indicate they have not encountered stateless refugees. These responses demonstrate that while stateless refugees may benefit from the provision of international protection, few States provide for measures specifically tailored to address the issue of statelessness. In comparing responses to various questions, 33.2% of the States which take steps to address statelessness for recognized refugees under Question 15.a. also reported that they have procedures in place to identify cases of statelessness under Question 13.a. *and* that they include a mechanism in the refugee status determination procedure to identify cases of statelessness under Question 14.a.²²

87. As regards [Question 15.b.](#), 57.4% of all States responding to the Questionnaire provided an outline of steps taken to address the problem of statelessness if the stateless person is not an asylum seeker or a recognized refugee. Only two States report to have a procedure in place to grant a designated legal status to a stateless person. Some States will register the person as stateless and indicate that the individual can apply for a travel document or residence permit, while others provide for the possibility for naturalization if the person in question is *already* legally present on the territory. Others reply that the general legal framework concerning immigration applies.



²⁰ In the case of all questions of asylum, the primary international instruments are the 1951 Convention relating to the Status of Refugee and its 1967 Protocol. However, even for a recognized refugee, residual issues of statelessness may need to be addressed making the statelessness issue and legal framework of direct relevance.

²¹ The responses to Question 15 (steps taken once statelessness is identified) contain higher numbers than those to Questions 13 and 14 (procedure to identify stateless persons), meaning that while cases are not systematically identified, where they do come to light despite the lack of a procedure certain action may be taken.

²² In this context, European countries constituted 52.9%, Americas 29.4%, Middle East/Asia 11.8%, and Africa 5.9%.

88. Some States report they have not faced cases of non-refugee stateless persons. Others explain that they do not take any specific steps to address identified cases, and one State indicates that following an unsuccessful appeal of a rejected asylum claim, stateless persons have no other remedies available to them. Another State reports that government institutions will register, protect and assist such individuals “pending their return to their countries of origin”. Some States report that they cooperate with UNHCR and other concerned agencies in these endeavours. One State reports that non-refugee stateless persons unlawfully on its territory will be removed, adding that prior to expulsion the case would be assessed against the 1954 Convention and with regard to the principle of *non-refoulement*.

89. A comparison of responses to various questions indicates that 41.1% of the States which take steps to address statelessness in cases where the person is *not* an asylum seeker or refugee under Question 15.b. also reported that they have procedures in place to identify cases of statelessness under Question 13.a. *and* that they include a mechanism in the refugee status determination procedure to identify cases of statelessness under Question 14.a.²³

90. Roughly half of the participating States have procedures for identifying cases of statelessness. Only 20.6% of all participating States indicate that they take steps to address statelessness under both Questions 15.a. and 15.b. and that they have a procedure to identify stateless persons (13.a.) as well as stateless asylum applicants (14.a.). *Less than ¼ of the States participating in this survey, therefore, report that they have the capacity to identify cases of statelessness arising both within and external to the asylum system and have introduced mechanisms to address statelessness problems.* This is a remarkable statistic, given the high priority under international law given to the avoidance and reduction of statelessness and the protection of stateless persons. It stands as a backdrop to interpretation of all responses given to this survey, as it suggests that while States are encountering certain problems of statelessness, many cases go undetected. Moreover, once a case is established, there is little or no recourse for the individual in terms of seeking specific assistance with regard to their statelessness.

- *Recommendation: UNHCR to actively disseminate information and train government counterparts on appropriate mechanisms for identifying, recording, and resolving cases of statelessness and furthering the protection of stateless persons.*

Survey Question 16:

- Do permanent and lawfully resident stateless persons:*
a. Receive identification and travel documents?
b. Have facilitated access to naturalization under national law?

91. Under [Question 16.a.](#), 80.9% of States confirmed that they provide identification and travel documents to permanent and lawfully resident stateless persons. The regional breakdown of these countries is 56.4% Europe, 20% Middle East/Asia, 12.7% Americas, and 10.9% Africa. 7.4% of States report they do *not* provide such documentation to permanent and lawfully resident stateless persons. 11.7% of States did not respond to this question.

Question 16.a	
Yes	80.9 %
No	7.4 %
No Answer	11.7 %

92. The 1954 Convention stipulates that an individual recognized as a stateless person should be issued an identity and travel document. A model travel document is outlined in the Schedule to the Convention. While it is positive

²³ The regional breakdown is 50% Europe, 25% Americas, 18.8% Middle East/Asia, and 6.2% Africa.

to note that more than 80% of participating States report they provide this documentation, all States are encouraged to issue identity and travel documents to recognized stateless persons resident on their territory.²⁴

93. 58.8% of States report under [Question 16.b](#) that they provide facilitated access to naturalization for permanent and lawfully resident stateless persons (represented by 52.5% Europe, 22.5% Middle East/Asia, 15% Americas, and 10% Africa). 27.9% indicate they do *not* provide facilitated naturalization in these cases, while 13.3% did not provide an answer to Question 16.b. Here, Article 32 of the 1954 Convention relating to the Status of Stateless Persons can be recalled, which encourages States to facilitate naturalization for lawfully and habitually resident stateless persons. Indeed, acquisition of a nationality is the only durable solution for cases of statelessness.

Question 16.b	
Yes	58.8 %
No	27.9 %
No Answer	13.3 %

- ❑ *Recommendation: States are encouraged to issue identification and travel documents to permanent and lawfully resident stateless persons.*
- ❑ *Recommendation: States are invited to review national legislation with a view to providing facilitated access to nationality for permanent and lawfully resident stateless persons.*

Survey Question 17.a.:

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

Survey Question 18.a.:

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

94. In response to [Question 17.a](#), requesting an indication of whether general information is available on the number of stateless persons present in the country, 42.6% of States responded “yes”, 45.6% replied “no”, and 11.8% did not respond to this question. European countries constitute the majority of States which have data on statelessness (69%). States from the Middle East/Asia represent 17.2% while the Americas comprises 13.8%. None of the participating African States report they have general information available on the potential number of stateless persons in their respective States.

Question 17.a.	
Yes	42.6 %
No	45.6 %
No Answer	11.8 %

95. Obstacles in the collection of data on statelessness are multiple. For example, and as has been reinforced by responses to this survey, confusion can exist about who is a stateless person and how to identify cases of statelessness. While statelessness in some instances may constitute a root cause for refugee movements and involuntary displacement, in other situations stateless persons do not necessarily cross borders, seek asylum, or emerge as a distinct group in a given population. This renders efforts to identify stateless persons difficult compared to, for example, data collection on asylum seekers and refugees. Moreover, few national registration systems are equipped to accurately identify the number of stateless persons on a State’s territory. Some stateless persons are registered as foreigners, some as non-national residents, and many are categorized as nationals of another State even where the other State in question does not consider them as its nationals. Some countries generally do not have effective registration

²⁴ The 2001 Executive Committee Conclusion called upon all States to adopt all necessary measures with regard to identity documentation in pursuance of the avoidance and reduction of statelessness and protection of stateless persons. See also UNGA Resolution of 15 February 2002 (A/RES/56/137).

systems, and in other cases persons may be registered as stateless but this information is not widely available because of political sensitivities. Furthermore, numerous stateless persons are categorized as refugees or asylum seekers even in cases where they have been rejected for asylum or have not sought asylum. As such, States may find it difficult to gather accurate data concerning statelessness.

96. UNHCR's Executive Committee has requested that the Office establish the global magnitude of the problem of statelessness.²⁵ To assist staff in identifying where and how the problem arises, UNHCR has developed a list of root causes of statelessness, has undertaken a comprehensive training campaign office-wide, and has modified its reporting mechanisms to include information on the scope of the problem. However, problems are still encountered in gathering accurate information.²⁶ Further cooperation between States and UNHCR is critical in establishing the scope of the problem which will, in turn, help to guide in the adoption of appropriate solutions. Enhanced dialogue concerning identification and registration systems should be initiated as a matter of priority.

97. With regard to [Question 18.a.](#), 83.8% of participating States expressed interest in receiving information on how to identify and document stateless persons (10.3% said they are not interested, and 5.9% did not respond to this question). A recommendation has been made above under Question 13.a. for UNHCR to provide interested States with information on how to identify and document stateless persons, and the Office will follow-up with States accordingly.

Question 18.a.	
Yes	83.8 %
No	10.3 %
No Answer	5.9 %

- *Recommendation: UNHCR and States to collaborate on mechanisms aimed at establishing the magnitude of the problem of statelessness globally.*

Section E. Accession and Implementation

98. The 1961 Convention on the Reduction of Statelessness is the primary international instrument adopted to date to deal with the means of avoiding statelessness. The 1961 Convention provides for the acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through birth on the territory or descent from nationals. The issues of retention of nationality once acquired and nationality determination in cases of State succession are also addressed. As such, the Convention addresses both nationality issues within the jurisdiction of a State and offers solutions to nationality problems which might arise between States.

99. The primary international instrument adopted to date to ensure a legal status for stateless persons is the 1954 Convention relating to the Status of Stateless Persons. The 1954 Convention acts as a reference point for national legislation pertaining to the standard treatment and status of stateless persons. Accession to the 1954 and 1961 Statelessness Conventions demonstrates an international commitment to the prevention and reduction of statelessness and the protection of stateless persons. It also assists in solidifying international standards, thereby strengthening the international regime of protection.

100. Of the 68 States responding to the Questionnaire, 39.7% are parties to the 1954 Convention relating to the Status of Stateless Persons, while 7.4% have signed but

²⁵ ExCom Conclusion No. 78 (XLVI) on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons (A/AC/96/860), endorsed by the UN General Assembly Resolution 50/152 of 9 Feb. 1996 (A/RES/50/152). See Annexes D and E.

²⁶ See *Evaluation of UNHCR's role and activities in relation to statelessness*, Evaluation and Policy Analysis Unit, UNHCR Geneva, July 2001 (EPAU/2001/09).

not ratified this instrument. 25% of all participating States have ratified the 1961 Convention on the Reduction of Statelessness while 1.5% of States have signed but not ratified this instrument. 17.6% of States responding to the Questionnaire have ratified both Conventions. In cases where the 1954 and 1961 Statelessness Conventions have been ratified, the Questionnaire surveyed States on concrete steps they have taken to implement these instruments.²⁷

Survey Question 19:

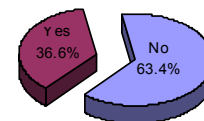
For non-States Parties, has consideration been given to ratifying:

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

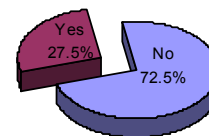
b. The 1961 Convention on the Reduction of Statelessness?

c. Please note any obstacles to ratification.

101. Under [Question 19.a.](#), 36.6% of non-States Parties to the 1954 Convention indicate that they have given consideration to ratifying this instrument. 63.4% of non-States Parties indicate that they have *not* considered accession to the 1954 Convention. One of these States has signed but not ratified this instrument, while two are actually already States Parties to the 1954 Convention.



102. With regard to [Question 19.b.](#), 27.5% of non-States Parties to the 1961 Convention on the Reduction of Statelessness indicate that they have given consideration to ratifying this instrument, while 72.5% of States report that they have not given such consideration. Two States replying are already States Parties to the instrument and one State has signed but not ratified the 1961 Convention.



103. With regard to [Question 19.c.](#) concerning obstacles which a State may face in considering ratification, 38.9% of non-States Parties replied to the question. Several States report that they are considering accession but are studying the provisions of one or both of the Conventions. Other States report that they have had a “lack of exposure to relevant information concerning the Conventions” and that more information is needed in this regard. Similarly, one State reports that it has not encountered cases of statelessness and has only recently been made aware of the Statelessness Conventions. One State refers to a lack of resources to harmonize national legislation and an absence of qualified experts as obstacles to ratification.

104. Some States express the view that ratification would not make a significant difference as national legislation adequately covers relevant issues. Another State suggests the 1954 Statelessness Convention duplicates the 1951 Refugee Convention so there is no need to ratify both, and also expresses concern that the 1954 Convention may serve as a “pull-factor” for stateless persons. Some States report that they apply the general principles of the 1961 Convention, although not party to the instrument. Another State reports that its national law may be incompatible with provisions of the 1961 Convention, and that this has been an obstacle. Some European States indicate that they do not see a need to ratify the 1961 Convention as they are States Parties to relevant regional instruments which incorporate provisions on the avoidance and reduction of statelessness.

- *Recommendation: States to give renewed consideration to ratification of the 1954 and 1961 Statelessness Convention, in line with the Agenda for Protection, and as a concrete measure to avoid and reduce statelessness while promoting the protection of stateless persons.*

²⁷ See Annexes F and G for lists of States Parties to the 1954 and 1961 Statelessness Conventions.

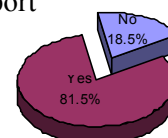
- *Recommendation: UNHCR to take active steps to disseminate information with regard to any obstacles faced by States concerning accession to the 1954 and 1961 Statelessness Conventions.*

Survey Question 20:

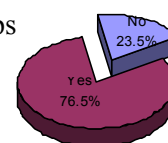
For States Parties, have steps been taken to implement:

- The 1954 Convention relating to the Status of Stateless Persons?*
- The 1961 Convention on the Reduction of Statelessness?*
- Please note any obstacles to implementation.*

105. With regard to [Question 20.a.](#), 81.5% of States Parties report they have taken steps to implement the 1954 Convention relating to the Status of Stateless Persons. 18.5% of States Parties said they have not taken any such steps.



106. Under [Question 20.b.](#), 76.5% of States Parties to the 1961 Convention on the Reduction of Statelessness report they have taken steps to implement the instrument, while 23.5% report they have *not* taken such steps.



107. As regards [Question 20.c.](#) concerning obstacles to the implementation of the 1954 and 1961 Statelessness Conventions, 18.8% of States Parties provided information. Obstacles mentioned to implementation of the Conventions include issues similar to those outlined as obstacles to ratification under Question 19.c., such as lack of information or technical expertise concerning the Conventions, questions regarding relevant national laws in need of modification, and limited resources.

- *Recommendation: States Parties to the 1954 and 1961 Statelessness Conventions to review national legislation with a view to ensuring full implementation of these instruments.*
- *Recommendation: UNHCR to liaise with States Parties to the 1954 and 1961 Statelessness Conventions with a view to providing technical expertise concerning implementation of these instruments.*

Section F. Collaboration with UNHCR

108. Partnership with States is instrumental to UNHCR's activities concerning the problem of statelessness. Over the past decade, UNHCR has provided technical advice to States, partners, stateless persons and staff on statelessness issues in 141 States, and has cooperated directly with more than 60 States in reforming national laws to prevent and reduce cases of statelessness. The Office has also provided training and debriefing sessions globally for government counterparts and other partners.²⁸ In the following Section, States provide their views on cooperation with UNHCR, on the need for further information, and provide an overview of what they consider to be the most significant challenges remaining in effectively addressing the problem of statelessness.

²⁸ For further information concerning UNHCR's activities in the field of statelessness see, for example: *Note on UNHCR and Stateless Persons*, 2 June 1995 (EC/1995/SCP/CRP.2); *Note on UNHCR and Statelessness Activities*, 30 May 1997 (EC/47/SC/CRP.31); *Progress Report on UNHCR Activities in the Field of Statelessness*, 4 June 1999 (EC/49/SC/CRP.15); *UNHCR's Activities in the Field of Statelessness: Progress Report*, 30 May 2001 (EC/51/SC/CRP.13); and *UNHCR's Activities in the Field of Statelessness: Progress Report*, 3 June 2003 (EC/53/SC/CRP.11).

<p>Survey Question 21.a.: <i>Has your State cooperated with UNHCR in the field of statelessness through technical information exchanges on national law and practice?</i></p> <p>Survey Question 22.a.: <i>Would you like information concerning UNHCR's role and activities in the field of statelessness?</i></p> <p>Survey Question 23: <i>Would your State like to receive information on:</i> <i>a. the 1954 Convention relating to the Status of Stateless Persons?</i> <i>b. The 1961 Convention on the Reduction of Statelessness?</i></p>
--

109. Under [Question 21.a.](#), 44.1% of participating States confirmed they had cooperated with UNHCR on questions of statelessness, 44.1% indicate they have not cooperated with UNHCR in this field, and 11.8% did not respond to this question. Of States which report cooperation UNHCR through technical information exchanges on national law and practice, the regional breakdown is 53.3% Europe, 20% Middle East/Asia, 20% Americas, and 6.7% Africa.

Question 21.a.	
Yes	44.1 %
No	44.1 %
No Answer	11.8 %

110. UNHCR has cooperated with several of the States which did not reply to this question, as well as with some of those States indicating a “no” to this question. As earlier noted, in some instances the Questionnaire may have been sent to a government counterpart other than the one UNHCR cooperated with. In other cases, the information may have been lost or otherwise was not considered to fall under Question 21.a. Given the importance of close cooperation and regular exchange of information on the issue of statelessness, it will be useful to ensure a higher level of dialogue with all relevant government counterparts.

Question 22.a.	
Yes	86.8 %
No	8.8 %
No Answer	4.4 %

111. In response to [Question 22.a.](#), 86.8% of States requested information concerning UNHCR’s mandate and activities in the field of statelessness. The regional breakdown was 45.8% Europe, 22% Americas, 20.3% Middle East/Asia, and 11.9% Africa. 8.8% of States indicated they did not need this information, and 4.4% did not provide a reply to this question.

112. Further to [Question 23.a.](#), 79.4% of States requested information on the 1954 Convention relating to the Status of Stateless Persons. 13.2% indicated they did not need such information, and 7.4% did not respond to this question.

Question 23.a.	
Yes	79.4 %
No	13.2 %
No Answer	7.4 %

113. In response to [Question 23.b.](#), 82.4% of participating states requested information on the 1961 Convention. 11.8% responded “no” and 5.8% did not reply to this question.

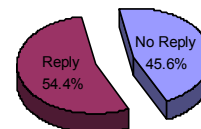
Question 23.b.	
Yes	82.4 %
No	11.8 %
No Answer	5.8 %

- *Recommendation: UNHCR to increase information dissemination concerning the problem of statelessness, the Office’s role, and the Statelessness Conventions to all relevant government agencies and counterparts.*

Survey Question 24:

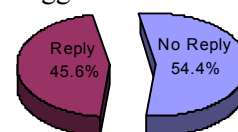
*In your view, what are the most significant challenges:
a. In effectively addressing issues of statelessness globally?
b. In addressing problems of statelessness at the national level?*

114. 54.4% of all countries responding to the Questionnaire provided comments with regard to [Question 24.a.](#), while 45.6% did not respond to this question. One State notes that the most significant challenge at the international level is to coordinate a more unified global approach and to promote measures that will enhance and stabilize the circumstances of stateless persons. This State points to international coordination through widespread implementation of treaties, such as the Statelessness Conventions, as an important measure in this regard, while noting with regret that some States continue to resist addressing statelessness issues on their territories. Other States also mentioned that non-ratification of the Statelessness Conventions results in situations where stateless individuals are not protected or recognized, and that promotion of accessions should be furthered. Another State indicates that the international community relies on UNHCR to raise the issue and to mobilize State action. In other cases, States indicated that awareness raising and capacity building among State administrations and civil society, including NGOs and the public in general, constitute the most significant challenges in addressing statelessness both at the national and international levels.



115. Some States cited specific root causes of statelessness as key challenges, such as the strict application of *jus sanguinis* under which nationality is derived from the father only resulting in the inheritance of statelessness if the father is stateless. Another State suggests the most significant challenge to be that of ensuring reasonable requirements for obtaining nationality. Still other States mention laws relating to marriage as a key factor in producing cases of statelessness. One State saw the most significant challenge at the global level to be a lack of information on countries of former nationality or habitual residence so as to assess cases of statelessness. In the view of some States, the most significant challenge is to concur on principles of international law so as to align national measures accordingly. One State sees the possible revocation of a nationality acquired through naturalization as a key challenge. For other States the main issue in effectively addressing statelessness at the global level is State succession. One State advocates that a convention on State Succession should be adopted.

116. Under [Question 24.b.](#), 45.6% of States provided their views on challenges in addressing problems of statelessness at the national level. One State suggests that the most significant challenge in this regard is to establish more favourable rules for acquisition of citizenship for stateless persons in their country of residence. Another State pointed to ratification of the 1954 Convention and establishment of procedures for the recognition and protection of stateless individuals as issues in need of development. One State cited the need for States to have access to the nationality legislation of all countries as key in addressing statelessness cases arising in their country. Along these same lines, another State remarked that the main problem in addressing statelessness at the national level is identifying and verifying the status of stateless persons. The State further points to difficulties in obtaining information from the country of former nationality or habitual residence, either due to issues of protection (where the person is an asylum-seeker), or to the absence of administrative records or lack of cooperation. The State additionally raises the concern that fraudulent behavior as regards identity in connection with movement over borders comprises yet another complicating factor.



117. One State reports that the main challenge at the national level is the large number of potentially stateless persons as a result of State succession in the region. Another State emerging from State dissolution notes that the most significant challenge is

maintaining close cooperation with other States involved in the State succession in order to coordinate mechanisms to ensure the avoidance of statelessness, citing the involvement of concerned organizations as important toward this end. On a different note, another State mentions land conflicts as the biggest challenge with regard to addressing statelessness at the national level.

- ❑ *Recommendation: UNHCR to promote international, regional and national forum in which problems of statelessness can be discussed and best practices can be disseminated.*
- ❑ *Recommendation: UNHCR to strengthen the Office's public information website with further information on statelessness, and to continue to gather legislation from all countries.*

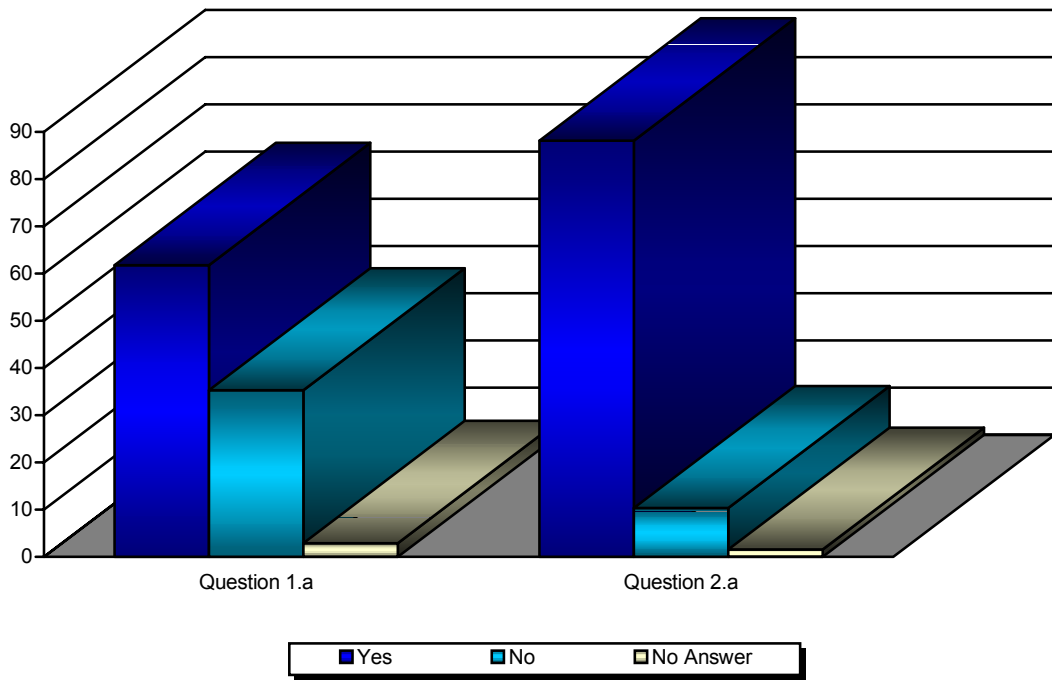
V. Conclusion

118. In conclusion, this has been the first global survey conducted of United Nations Member States on steps they have taken to avoid and reduce statelessness and to protect stateless persons. It constitutes a concrete contribution to the practical implementation of the Goals and Objectives of the *Agenda for Protection*. One finding of the survey is that no region is free of problems leading to statelessness. The responses from the 68 participating States have helped to establish a better picture of the problem of statelessness globally. The Questionnaire has served to identify instances where enhanced international cooperation in the field of statelessness could be promoted, including through technical and operational support offered by UNHCR to States or governmental and regional organizations. Moreover, through responses received, UNHCR has identified specific measures for follow-up, including the need to enhance information dissemination with regard to the problem of statelessness, the international legal framework, and tools available to States in coping with challenges.

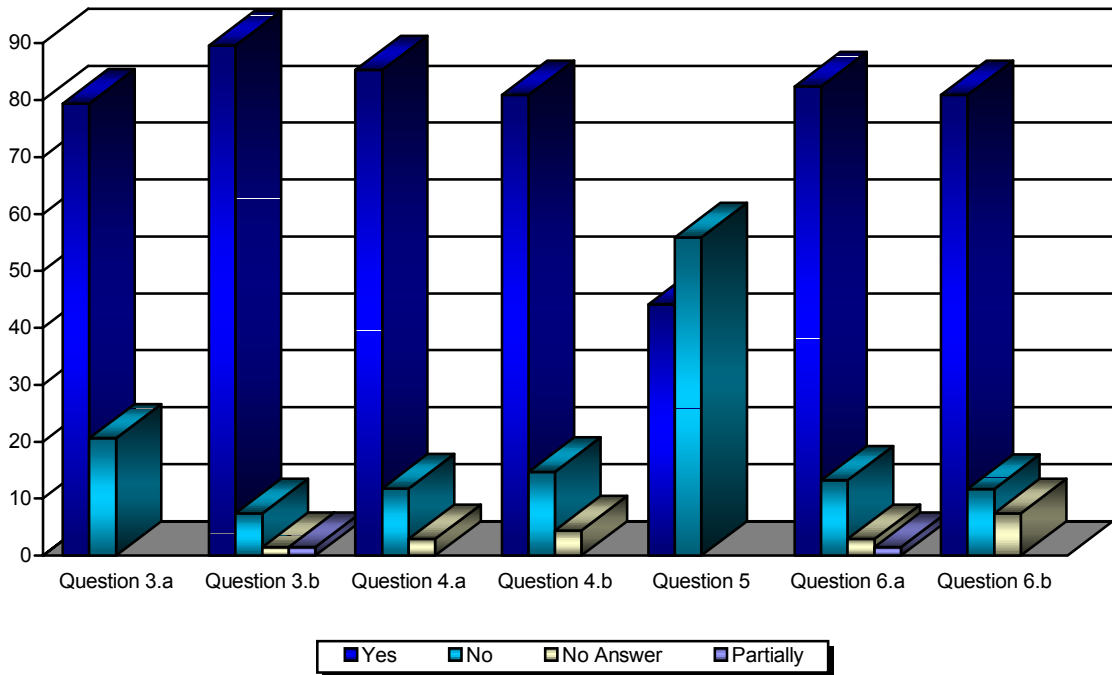
119. In this regard, while it is positive to note the adoption of measures to address statelessness in many States, the survey indicates that these measures are not necessarily consistent, each State has adopted its own independent approach, and that gaps remain which continue to create cases of statelessness and to make the resolution of these cases difficult to achieve in concrete terms. The establishment of a common understanding of the problem, and a shared platform for action will be essential components in promoting efforts to effectively avoid cases of statelessness and to further the protection of stateless persons.

ANNEX A

A. Experience with Statelessness Cases

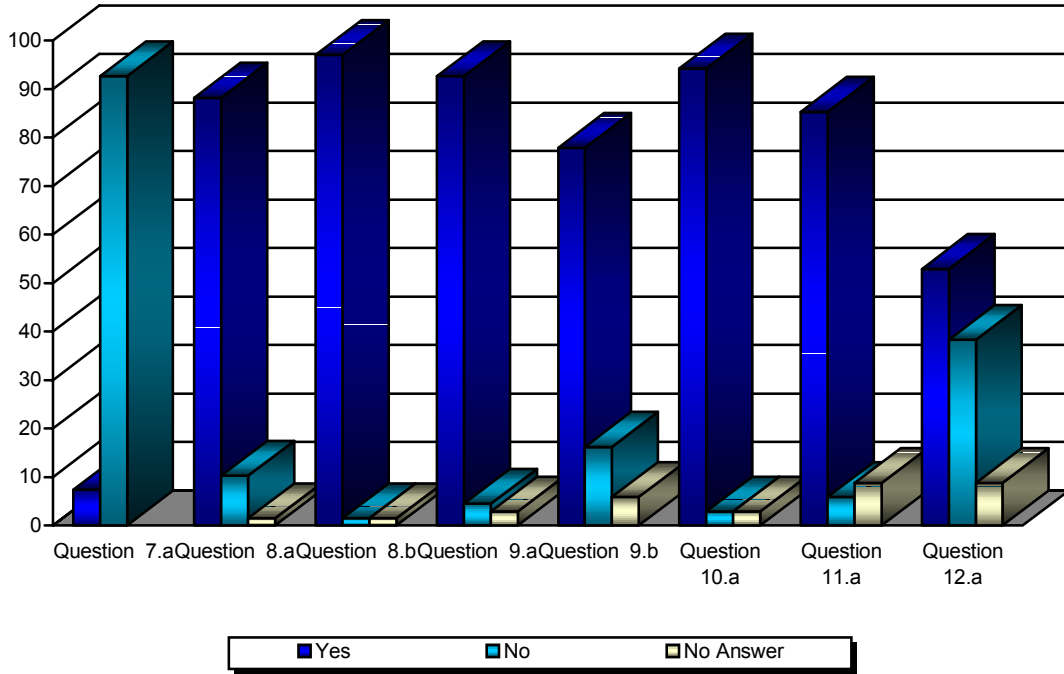


B. Acquisition and Loss of Nationality

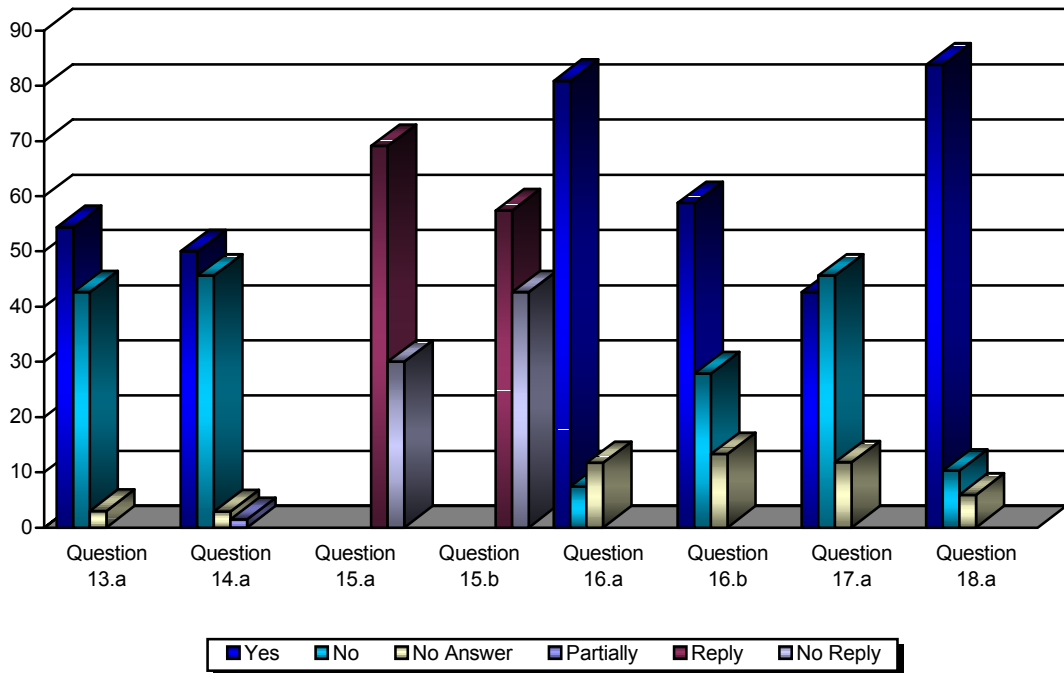


ANNEX A

C. Approaches to Family Unity, Women and Children

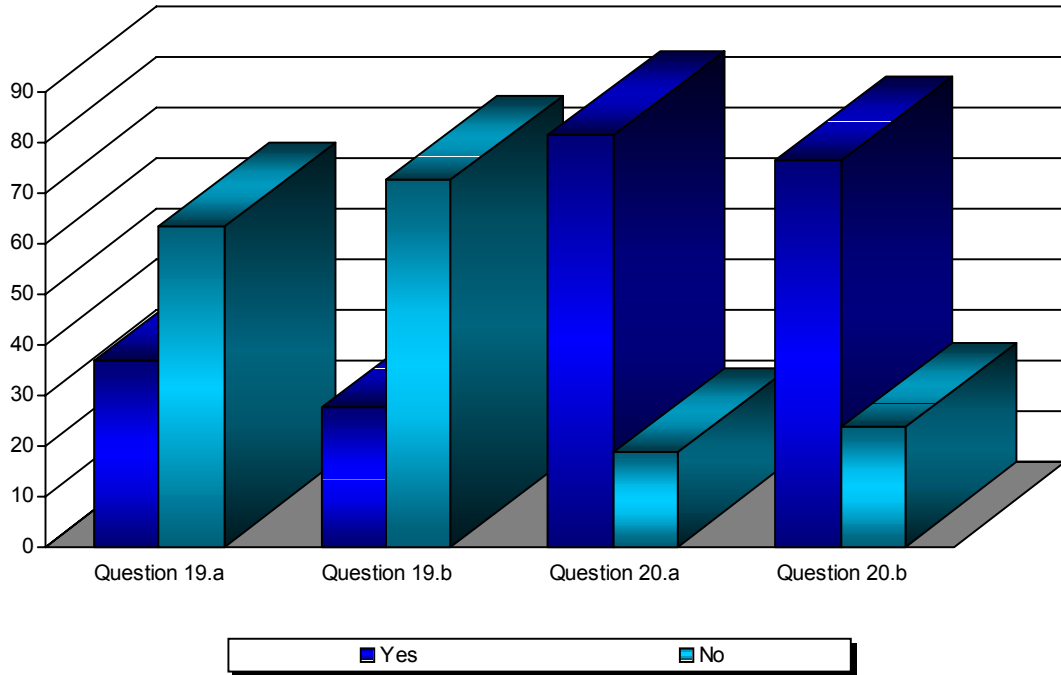


D. Protection of Stateless Persons

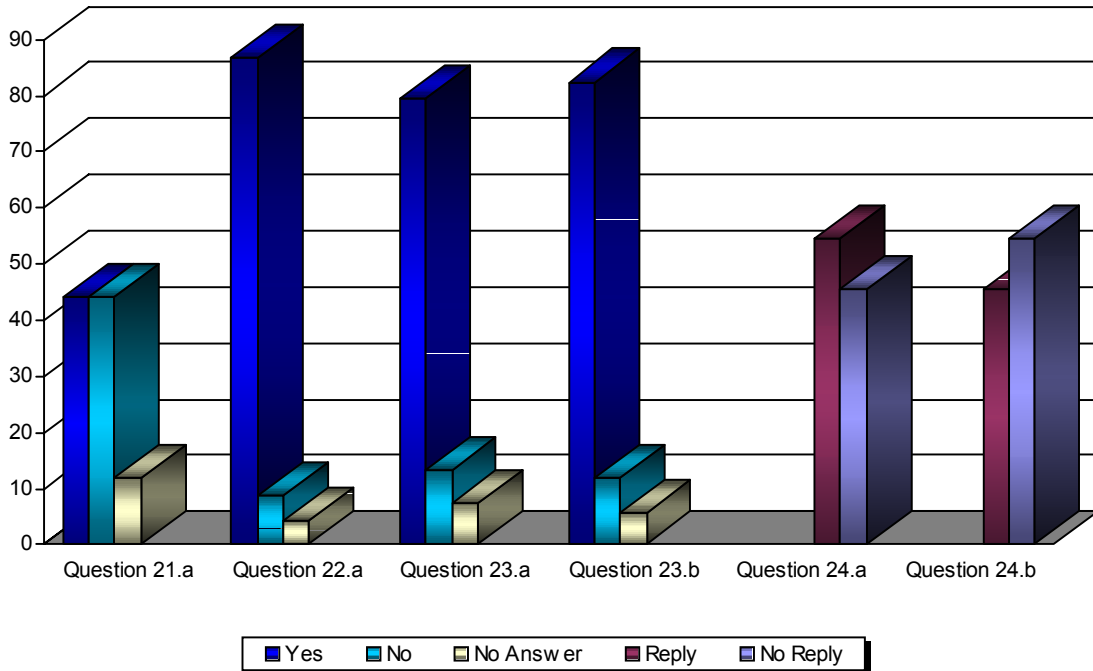


ANNEX A

E. Accession and Implementation



F. Collaboration with UNHCR



Annex B



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
E-mail: HQPR03@unhcr.org

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.

**Questionnaire on Statelessness
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

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:

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

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 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?

--

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

--

Thank you for your cooperation in completing this questionnaire. For any 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
E-mail: HQPR03@unhcr.org

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

Annex C



List of States Responding to the Questionnaire on Statelessness Organized by Region

Africa (Total 7)

1. Cameroon, Republic of
2. Gabon, Republic of
3. Namibia, Republic of
4. Niger, Republic of
5. Tanzania, United Republic of
6. The Gambia, Republic of
7. Uganda

The Americas (Total 14)

8. Antigua & Barbuda
9. Argentina, Republic of
10. Canada
11. Colombia
12. Costa Rica, Republic of
13. El Salvador, Republic of
14. Haiti, Republic of
15. Honduras, Republic of
16. Mexico (United Mexican States)
17. Panama, Republic of
18. Trinidad and Tobago
19. Uruguay, Eastern Republic of
20. United States of America
21. Venezuela, Bolivarian Republic of

Europe (Total 33)

22. Albania, Republic of
23. Armenia, Republic of
24. Austria, Republic of
25. Azerbaijan, Republic of
26. Belgium, Kingdom of
27. Croatia, Republic of
28. Czech Republic
29. Denmark, Kingdom of
30. Estonia, Republic of
31. Finland, Republic of
32. France, Republic of
33. Georgia

34. Germany, Federal Republic of
35. Greece (Hellenic Republic)
36. Holy See
37. Hungary, Republic of
38. Latvia, Republic of
39. Macedonia, former Yugoslav Republic of
40. Moldova, Republic of
41. Monaco, Principality of
42. Norway, Kingdom of
43. Poland, Republic of
44. Portugal, Republic of
45. Romania
46. Russian Federation
47. Slovak Republic
48. Slovenia, Republic of
49. Spain, Kingdom of
50. Sweden, Kingdom of
51. Switzerland, Confederation of
52. Turkey, Republic of
53. Ukraine
54. United Kingdom of Great Britain and Northern Ireland

Middle East/Asia (Total 14)

55. Australia
56. Indonesia, Republic of
57. Japan
58. Kyrgyz Republic
59. Malaysia
60. Micronesia, Federal States of
61. New Zealand
62. Papua New Guinea
63. Philippines, Republic of
64. Qatar, State of
65. Syrian Arab Republic
66. Tonga, Kingdom of
67. Tuvalu
68. Uzbekistan, Republic of



Annex D

UNHCR Executive Committee Conclusion

The Prevention and Reduction of Statelessness and the Protection of Stateless Persons No. 78 (XLVI) – 20 October 1995

The Executive Committee,

Recognizing the right of everyone to a nationality and the right not to be arbitrarily deprived of one's nationality,

Concerned that statelessness, including the inability to establish one's nationality, may result in displacement,

Stressing that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations,

- (a) *Acknowledges* the responsibilities already entrusted to the High Commissioner for stateless refugees and with respect to the reduction of statelessness, and encourages UNHCR to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action, as well as its responsibility entrusted by the General Assembly to undertake the functions foreseen under Article 11 of the 1961 Convention on the Reduction of Statelessness;
- (b) *Calls upon* States to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality, and by eliminating provisions which permit the renunciation of a nationality without the prior possession or acquisition of another nationality;
- (c) *Requests* UNHCR actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in view of the limited number of States parties to these instruments, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;
- (d) *Further requests* UNHCR actively to promote the prevention and reduction of statelessness through the dissemination of information, and the training of staff and government officials; and to enhance cooperation with other interested organizations;
- (e) *Invites* UNHCR to provide it biennially, beginning at the forty-seventh session of the Executive Committee, with information on activities undertaken on behalf of stateless persons, particularly with regard to the implementation of international instruments and international principles relating to statelessness, and including the magnitude of the problem of statelessness

Annex E

**UNITED
NATIONS**

A

General Assembly

Distr.
GENERAL

A/RES/50/152
9 February 1996

Fiftieth session
Agenda item 109

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/50/632)]
50/152. Office of the United Nations High Commissioner for Refugees

- Extracts -

The General Assembly,

...

Concerned that statelessness, including the inability to establish one's nationality, may result in displacement, and stressing, in this regard, that the prevention and reduction of statelessness and the protection of stateless persons are important also in the prevention of potential refugee situations,

...

14. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976;

15. Requests the Office of the High Commissioner, in view of the limited number of States party to these instruments, actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons 6(6) and the 1961 Convention on the reduction of statelessness, 7(7) as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

16. Calls upon States to adopt nationality legislation with a view to reducing statelessness, consistent with the fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and by eliminating provisions that permit the renunciation of a nationality without the prior possession or acquisition of another nationality, while at the same time recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality.

...

97th plenary meeting
21 December 1995

Annex F



UNHCR, United Nations High Commissioner for Refugees

States Parties to the 1954 Convention relating to the Status of Stateless Persons Date of entry into force: 6 June 1960

As of 21 July 2003

Total Number of States Parties: 55

Most recent ratification:

Albania 23 Jun 2003 a

Countries	Signature	Ratification (r): accession (a), succession (s)
Albania		23 Jun 2003 a
Algeria		15 Jul 1964 a
Antigua and Barbuda		25 Oct 1988 s
Argentina		01 Jun 1972 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Azerbaijan		16 Aug 1996 a
Barbados		06 Mar 1972 s
Belgium	28 Sep 1954	27 May 1960 r
Bolivia		06 Oct 1983 a
Bosnia and Herzegovina		01 Sep 1993 s
Botswana		25 Feb 1969 s
Brazil	28 Sep 1954	13 Aug 1996 r
Chad		12 Aug 1999 a
Colombia	30 Dec 1954	
Costa Rica	28 Sep 1954	02 Nov 1977 r
Croatia		12 Oct 1992 s
Denmark	28 Sep 1954	17 Jan 1956 r
Ecuador	28 Sep 1954	02 Oct 1970 r
El Salvador	28 Sep 1954	
Fiji		12 Jun 1972 s
Finland		10 Oct 1968 a
France	12 Jan 1955	08 Mar 1960 r
Germany	28 Sep 1954	26 Oct 1976 r
Greece		04 Nov 1975 a
Guatemala	28 Sep 1954	28 Nov 2000 a
Guinea		21 Mar 1962 a
Holy See	28 Sep 1954	
Honduras	28 Sep 1954	
Hungary		21 Nov 2001 a
Ireland		17 Dec 1962 a
Israel	01 Oct 1954	23 Dec 1958 r
Italy	20 Oct 1954	03 Dec 1962 r
Kiribati		29 Nov 1983 s
Korea, Republic of		22 Aug 1962 a
Latvia		05 Nov 1999 a

Annex F



UNHCR, United Nations High Commissioner for Refugees

Lesotho			04 Nov 1974 s
Liberia			11 Sep 1964 a
Libyan Arab Jamahiriya			16 May 1989 a
Liechtenstein	28 Sep	1954	
Lithuania			07 Feb 2000 a
Luxembourg	28 Oct	1955	27 Jun 1960 r
Macedonia, The Former Yugoslav Republic of			18 Jan 1994 s
Madagascar *			[20 Feb 1962 a]
Mexico			07 June 2000 a
Netherlands	28 Sep	1954	12 Apr 1962 r
Norway	28 Sep	1954	19 Nov 1956 r
Philippines	22 Jun	1955	
Saint Vincent and the Grenadines			27 Apr 1999 s
Slovakia			03 Apr 2000 a
Slovenia			06 Jul 1992 s
Spain			12 May 1997 a
Swaziland			16 Nov 1999 a
Sweden	28 Sep	1954	02 Apr 1965 r
Switzerland	28 Sep	1954	03 Jul 1972 r
Trinidad and Tobago			11 Apr 1966 s
Tunisia			29 Jul 1969 a
Uganda			15 Apr 1965 a
United Kingdom	28 Sep	1954	16 Apr 1959 r
Yugoslavia, Federal Republic of			12 Mar 2001 s
Zambia			01 Nov 1974 s
Zimbabwe			01 Dec 1998 s

* By a notification received by the Secretary-General on 2 April 1965, the Government of Madagascar denounced the Convention; the denunciation took effect on 2 April 1966.

Annex G



UNHCR, United Nations High Commissioner for Refugees

**States Parties to the
1961 Convention on the
Reduction of Statelessness**
Date of entry into force: 13 December 1975

As of 21 July 2003

Total Number of States Parties: 27

Most recent ratification:

Albania 09 Jul 2003 a

Countries	Signature	Ratification (r): accession (a), succession (s)
Albania		09 Jul 2003 a
Armenia		18 May 1994 a
Australia		13 Dec 1973 a
Austria		22 Sep 1972 a
Azerbaijan		16 Aug 1996 a
Bolivia		06 Oct 1983 a
Bosnia and Herzegovina		13 Dec 1996 a
Canada		17 Jul 1978 a
Chad		12 Aug 1999 a
Costa Rica		02 Nov 1977 a
Czech Republic		19 Dec 2001 a
Denmark		11 Jul 1977 a
Dominican Republic	05 Dec 1961	
France	31 May 1962	
Germany		31 Aug 1977 a
Guatemala		19 Jul 2001 a
Ireland		18 Jan 1973 a
Israel	30 Aug 1961	
Kiribati		29 Nov 1983 s
Latvia		14 Apr 1992 a
Libyan Arab Jamahiriya		16 May 1989 a
Netherlands	30 Aug 1961	13 May 1985 r
Niger		17 Jun 1985 a
Norway		11 Aug 1971 a
Slovakia		03 Apr 2000 a
Swaziland		16 Nov 1999 a
Sweden		19 Feb 1969 a
Tunisia		12 May 2000 a
United Kingdom	30 Aug 1961	29 Mar 1966 r
Uruguay		21 Sep 2001 a