

Statelessness and migration

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Definition of Statelessness

Article 1(1) of the 1954 Convention Relating to the Status of Stateless Persons defines a **stateless** person as:

***a person who is not considered
as a national by any state
under the operation of its law.***

What is statelessness not?

- **Undocumented**
- **Irregular migrant**
- **At risk of statelessness:** helps target prevention work
 - *Risk is always a question of degree, e.g. not everyone lacking a birth certificate should be considered “at risk”!*
- **Undetermined nationality:** people who lack proof of possession of any nationality and have (purported) links to more than one country

- **10-15 million worldwide**

What Causes Statelessness?

Simple answer: violation of the right to nationality.

- Key factors / contexts:
 - Conflict of nationality laws
 - State succession (including the legacy of colonisation)
 - Arbitrary deprivation of nationality (cross-cutting)
 - Administrative barriers and lack of documentation
 - DISCRIMINATION
- Most stateless people live in their own country.
But **migration** can be a significant **cause** and **consequence** of statelessness.

Statelessness and migration

Migratory vs. 'in situ' statelessness

Where migration becomes a factor:

- Irregular migration
- Children born abroad
- Protracted migration
- Forced migration
- Detention

Statelessness and forced displacement

- A person who is not considered as a national by any state under the operation of its law *and* meets the definition of a refugee in article 1 of the 1951 Refugee Convention.
- Enjoys protection of the 1951 Refugee Convention
- Falls under UNHCR's refugee mandate (and statistics)
- When ceasing to be a refugee, may still be stateless and need assistance to acquire a nationality

Statelessness causing forced displacement



Rohingya

1million

Arbitrarily deprived of nationality in 80s

Right to free movement

Right to higher education

Right to own land and property

Forced Labour

Worldwide

Statelessness causing forced displacement



Bidoon

100,000

Always stateless

Right to free movement

Right to education

Right to own land and property

Residency

Right to documents

Worldwide