



Contents

- Zero Draft of the CMW-CRC Joint General Comment on the Human Rights of Children in the Context of International Migration
- ICVA NGO SCOM Statements relating to statelessness
- Focus on: Regional Statelessness Course in the Americas
- What's new: Publications, tools and resources
- What's new: Law and policy
- Announcements and events
- A day in the life of...

A day in the life of... Judith Carter, in-house solicitor (lawyer) and lecturer at the University of Liverpool Law Clinic.

"I think the role of the Universal Periodic Review is necessarily one of a number of strategies which will increase the rights of my clients and other people at risk of statelessness in an incremental way."

Read the full interview in this month's "A day in the life of..." at the bottom of this bulletin.

Zero Draft of the CMW-CRC Joint General Comment on the Human Rights of Children in the Context of International Migration

The [Zero draft of the joint general comment](#) (JGC) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Committee on the Rights of the Child (CRC) was published on 24 April 2017. The JGC will provide guidance to States parties to both Conventions on the situation of children in the context of international migration, including children that migrate with their parents who are migrant workers; children that are born to parents who are migrant workers; and children that migrate unaccompanied and separated from their parents (for reasons such as seeking employment, family reunification or as victims of trafficking, labour exploitation and child labour).

Following a call for submissions, over 60 [written contributions](#) were received by the Committees, including submissions on statelessness and the child's right to a nationality by the Institute on Statelessness and Inclusion and other organisations. The Zero Draft includes a section on **'the right to a name, identity, and to a nationality'**, which contains important language on statelessness. For example, the text states that:

"The primary purpose of protecting the right of every child to acquire a nationality is to prevent a child from being afforded less protection because he or she is stateless. ... States are ... required to adopt every appropriate measure, ... to ensure that every child has a nationality when he or she is born. One such measure is the conferral of nationality to a child born on the territory of the State if the child would otherwise be stateless."

The Committees will now hold consultations on the Zero Draft, with States, UN agencies and entities, NGOs and other stakeholders, before finalising the JGC. Consultations will take place in [Geneva](#) (2 May), [Madrid](#) (4-5 May) and [Bangkok](#) (24-25 May).

ICVA NGO SCOM Statements relating to statelessness

The NGO statements tabled at the UNHCR Standing Committee (SCom) meeting of 14-16 March 2017 contain certain text relating to statelessness and the right to nationality. Statements have been drafted in consultation with and are delivered on behalf of a wide range of NGOs working in the regions and which reflect the diversity of views within the NGO community.

Below follows some of the statelessness-related language that can be found in the Statements. To read the full statements you can follow the hyperlinks.

Both the Asia and Africa Statements contain specific sections related to statelessness. The [Asia Statement](#) has a specific section dedicated to statelessness issues in the region, bringing up the large number of people affected by statelessness and the low number of accessions to the Statelessness Conventions in the region. The Asia statement furthermore includes a particularly demonstrated concern about developments undermining protection and possibly perpetuating statelessness. As well as a call to enhance protection for stateless refugees, especially the Rohingya. Additionally, in relation to alternatives to immigration detention the statement remarks the use of immigration detention for stateless people, as well as asylum seekers and refugees, across the region to remain extremely alarming.

The [Statement for Africa](#) also has a dedicated section focusing on statelessness in the region. The lack of documentation on statelessness here is stated to be problematic, while statelessness is known to be a significant problem requiring attention. Another issue included is the gender, racial, religious and ethnic discrimination present in nationality laws by many African states, lack of safeguards ensuring nationality to otherwise stateless children born in a territory, lack of due process and broad discretion in issuing of birth certificates and identity cards for the State officials involved. Positive progress is also included, as political will to eradicate statelessness is seen reflected in the 2nd anniversary of the Abidjan Declaration and the new resolution to end statelessness at the SADC Parliamentary Forum November 2016.

For [the Americas](#) there is one fleeting reference to statelessness in relation to Ecuador, welcoming how it now legally recognises the situation of statelessness following the promulgation of Ecuador's Law of Human Mobility.

The [Statement on MENA](#) includes statelessness in relation to forced displacement, as a cause and consequence of statelessness in the region that has been amplified by the Syrian crisis. Besides mention of the low levels of accessions to the Statelessness Conventions and a call towards ratifications, the Statement includes a note on States having to develop national legislation to ensure reduction and elimination of statelessness and protection of stateless persons.

In the [Statement on Europe](#) statelessness is also related to forced displacement. In this Statement, NGOs call on European states to do more to address statelessness in their external relations policies as well as to plug the variety of gaps and problems that can cause statelessness or fail to fully protect stateless persons' right and which exist in domestic laws, policies and practices.

Focus on: Regional Statelessness Course in the Americas

In the last week of March, the Institute together with the American Network on Nationality and Statelessness and the Ministry of Foreign Affairs of the Republic of Colombia organised a regional course on statelessness in the Americas. With 34 participants from a range of professional backgrounds and 12 different countries across the region, the course proved a great opportunity not to only learn but also to share about statelessness. Participants joined in case studies, classes, group work and individual activities in a course that exceeded expectations of most facilitators and participants alike. We would furthermore like to thank UNHCR and OSJI for their support to the course.



In parallel to the regional course a training on statelessness was carried out for Colombian government officials who work in a variety of institutions that are responsible for handling statelessness issues in the country. Press releases on the course are available, in Spanish, here: [UNHCR Colombia](#), [Colombian Ministry of Foreign Affairs](#).

What's new: Publications, tools and resources

[Rohingya Migration Survey](#): Alex Bookbinder has prepared this survey for Migrant Report (currently Xchange), the research-and-analysis arm of [MOAS](#). The survey gives insight into attitudes towards migration following the querying of 1.000 Rohingya respondents in Rakhine State and Bangladesh from March to May 2016.

[UNHCR Draft Articles on the Protection of Stateless Persons and the Facilities for their Naturalisation](#): The purpose of these Draft Articles is to reflect the recommendations from the 2014 UNHCR Handbook and the various standards of the Inter-American Human Rights system. Across the region, efforts are being made to develop regulations for the protection and the facilitation of naturalisation of stateless persons. The document was developed in consultation with Latin American countries.

[Reports on citizenship in Nepal, Afghanistan, and Timor-Leste](#): The Robert Schuman Centre for Advanced Studies (RSCAS) has published three new reports on the citizenship laws of [Nepal](#) (by Sabin Shrestha), [Afghanistan](#) (by Abdullah Athayi) and [Timor-Leste](#) (by Patricia Jerónimo). The various reports explore citizenship from a historical perspective, outlining the various modes of acquisition and loss of citizenship in the countries, and also explore current debates and reform plans regarding citizenship policy.

[Statement of the Secretary General Thorbjørn Jagland: 10 goals for the next 10 years](#): Ahead of the International Roma day on 8 April Thorbjørn Jagland, Secretary General of the Council of Europe, made a statement on the “10 for 10” list of commitments for the future that was created together with the Special Representative for Roma Issues. The commitments for the future, to reach, together with our Member States 10 goals for the next 10 years. These goals concern Roma and Traveller children (identity papers, infant mortality, vaccination, schooling, child marriage, living conditions, employment and political participation of Roma. Most directly related to statelessness is Goal 1, which says: “No Roma and Traveller children without identity papers”. While ‘identity papers’ remain vague, this Goal adds potential to ensuring all Roma and Traveller children have a nationality and their birth registered.

[Online Dutch citizenship test](#): Evereart Lawyers, a Dutch law firm, launched a Dutch citizenship test on their website. By filling out the form the possibilities regarding Dutch citizenship can be quickly and easily assessed. Interestingly statelessness can be chosen to reflect one’s ‘current nationality’.

What’s new: Law and policy

[Australia reveals major changes to citizenship process](#): In a major overhaul of its migration process, Australia will make it more difficult to gain citizenship if the [government’s proposed changes](#) go ahead. Central to this are [tougher tests on English language skills](#) and to demonstrate ‘Australian values’. Additionally there will be requested evidence of integration into the community, such as employment history, school enrolment or membership of community organisations, permanent residence for at least four years and allowing applicants to apply only three times, automatically failing anyone who cheats on a test. It seems that primarily older and other particularly vulnerable refugees as well as stateless persons will have [most to lose](#) from the changes.

[213 stateless students granted Thai nationality](#): In Thailand, 213 stateless students have now acquired Thai nationality. These students are part of a group of 1,164 stateless students in Thailand’s Thong Pha Phum district who submitted requests for Thai nationality to the district’s registry office. The development is part of a Provincial Administration Department project, under the Interior Ministry, which was developed to assist two groups of stateless students.

[Draft Citizenship Bill of Bangladesh can cause serious nationality-related problems in Bangladesh](#): This draft Bill, when enacted into law, will replace the current Citizenship Act of 1951 and the Bangladesh Citizenship (Temporary Provision) order of 1972. The law would place restrictions on citizens who are born abroad and on dual citizens, even if they currently reside in the country. A particularly worrying fact is that the Bill overrides any rulings and other laws, which means that it could also override the High Court Judgment of 2008 which granted the Bihari—a formerly stateless Urdu-speaking community—Bangladeshi nationality in 2008. By failing to recognise children as individuals with personal rights the Bill moreover puts children at a risk of statelessness by disqualifying them from citizenship if their parents have renounced Bangladeshi citizenship and there being no guarantee that the country whose citizenship the parents are acquiring confer citizenship on the child.

[Proposal to grant nationality to Kuwait’s stateless rejected](#): The Kuwaiti government has rejected a proposal by Parliament to grant Kuwaiti nationality to at least 2,000 stateless people in 2017. Nevertheless, there is a

possibility that those who can trace their Kuwaiti roots to 1965 will be able to naturalise in the future. The government told the Interior and Defence Committees at Parliament that it is not easy to grant nationality to 2,000 stateless persons at once, and for this reason, the proposal could not be accepted. However, a [proposal to allow thousands of stateless individuals to enlist in the army](#)—a move that would address shortage of troops—has been accepted. The Ministry of Defence announced that the stateless sons of military personnel—the sons of those who have served in the military for 30 years and the sons of Bidoon soldiers who died or were missing in action—would be allowed to enlist in the army. In 2004, Kuwait’s military removed the Bidoon from military service.

Announcements and events

[Call for proposals to map statelessness in the United States](#): UNHCR Washington shared a Call for Proposals for a project to map statelessness in the U.S., to be carried out in the second half of 2017. They seek experienced institutions in the field of qualitative and quantitative data research and analysis to carry this project forward and arrive at an official estimate of statelessness in the U.S. **Deadline for submissions is 12 May 2017.**

[NRC consultant vacancy: Civil documentation study in Central African Republic](#): The Norwegian Refugee Council (NRC) is looking for a consultant for a civil documentation study in Central African Republic (CAR). The main objective of the study is to assess the extent to which inadequate civil documentation may impact children’s access to education and/or continuity of education in CAR. Importantly the study is being commissioned as a component of the 2017 NRC Education Strategy for CAR. **The deadline for applications is 15 May 2017.**

[Vacancy: Research and Policy Volunteer at the European Network on Statelessness](#): The European Network on Statelessness (ENS) is recruiting a Volunteer to help with research, gathering and reviewing comparative information on statelessness in Europe, and assisting with other tasks related to Research and Policy. Please see the website for specific instructions on how to apply. **Deadline for applications is Friday, 12 May 2017.**

[Second Geneva International Migration Law Course](#): From 30 May until 2 June 2017 the International Migration Law Unit of the International Organisation on Migration (IOM) is organising the second Geneva International Migration Law (IML) Course at the IOM Headquarters in Geneva. The four-day course offers professionals and officials the to refresh or enhance their knowledge on the latest standards of IML, with the Course focussing on the international legal framework governing migration, examining the competences and responsibilities of States and the rights and obligations of migrants in all relevant branches of international law. This is particularly timely following the New York Declaration for Refugees and Migrants adopted on 19 September 2016, and in view if the preparation of the adoption in 2018 of the Global Compact on safe, orderly and regular migration (GCM). Zahra Albarazi, senior researcher at the Institute, will be one of the facilitators. More information is available with this [flyer](#) and the [provisional programme](#). Application is required via [this form](#). **Deadline for applications is 16 May.**

[Call for papers on social protection in contexts of fragility and forced displacement](#): This call for papers welcomes high quality papers which will increase our understanding of: 1) the role of social protection in fragile contexts and settings of forced displacement and migration; and 2) synergies across the humanitarian and development divide in both contexts. Between 8 and 10 papers will be jointly submitted for a special issue to the Journal of Development Studies, or will be featured in an edited book. Selected papers will also be featured in the UNICEF Office of Research–Innocenti working paper series. **Deadline for submission of 1,000 word abstracts 15 July 2017.**

[Webinar on Statelessness in Argentina \(Spanish only\)](#): As part of the webinar series of the Americas Network on Nationality and Statelessness (Red ANA) the Centre for Legal and Social Studies (CELS) and the Argentinian Commission for Migrants and Refugees (CAREF) will present a webinar about statelessness in Argentina on 2 May 2017. The webinar will address the recently adopted legislative changes regarding migration and cases of statelessness in Argentina. **Registration for participation is required in advance.**

A day in the life of...

Judith Carter, in-house solicitor (lawyer) and lecturer at the [University of Liverpool Law Clinic](#).

How did you get involved in working on statelessness?

I started helping in the University of Liverpool Law Clinic in August 2013. The UK had introduced a procedure to request a residence permit on the basis of being stateless and admissible to any other country. The procedure was not in scope of legal aid, so it was a valid area of work for a Law Clinic. We started work in Autumn 2013, providing an assessed module for third year law students.

What type of statelessness activities are you or your organisation involved in?

We provide legal representation to stateless people. We also teach students how to research clients' cases, and how to run a lawyer's file on a case. They assist the Clinic's lawyers in writing advice letters to the client, representations to the Home Office, or preparing for Court hearings. They have to write a reflection of the learning experience, and we find that working for stateless people means they come away from the experience with much greater sympathy and understanding. We have had some early successes in our requests for residence permits for stateless people.

Last summer we obtained funding for Jo Bezzano to work with us as a full-time solicitor for people at risk of statelessness. The result is that we have been able to advise very many more clients, and we have widened our understanding of the situation of stateless migrants from the Middle East, Africa and the Caribbean. Jo has already helped obtain grants of leave to stateless young people and families. In the process she commissioned some expert reports which are of relevance to wider groups. DLA Piper has provided some country reports for us on a pro bono basis. She works with student volunteers.

A number of our students, mostly volunteers, provide very high quality interpreting for us, spending hours in interviews.

Sarah Woodhouse (Co-Director of the Clinic) and I co-wrote the 'Statelessness and applications for leave to remain: a best practice guide' as a joint University of Liverpool and Immigration Law Practitioners' Association [publication](#). We have provided some free training following its publication. We've also spoken at conferences. We have met with the Home Office several times to discuss policy and problems in the way decisions are made on stateless cases.

We are pleased that Cynthia Orchard of Asylum Aid/Migrants' Resource Centre has worked closely with us to push along the policy work – which we tended to leave till last. She worked with us and the European Network on Statelessness (ENS) and the Institute on the joint written submission to the Universal Periodic Review (UPR), requesting recommendations, and then we were invited to speak at the UPR pre-sessions (see below). Students at the University carried out research into the recommending countries' foreign policy objectives so that we could pitch the requests for recommendations in the best way.

Could you talk us through one of your individual cases and the challenges that you encounter while trying to provide assistance?

One of our cases involved a failed asylum seeker who had been found credible in his asylum appeal, but not at risk of persecution in the country of his former habitual residence. He left his country in 2003 wandering across Europe, homeless, destitute and suffering from health problems. He suffered several periods of detention. He entered the UK in 2008 and was imprisoned for using false documents. In 2013 he got advice from us and in 2014 we made an application for a residence permit for him as a stateless person. He had to wait a year for an interview with the Home Office. In the meantime he had met an EEA national, but he could not marry her because he had no documents. In any case, they had a religious marriage. They had a baby while he was waiting for a decision on his case. They could not live together because they had very limited funds. Fortunately he was granted a permit by the Home Office and can now work legally for the first time in his life.

The Home Office has a duty to act in the best interests of the child but nevertheless did not expedite this case, in spite of the effect of the delay on our clients' family life after the birth of the baby – in fact it took 9 months to take a decision after the interview. We are waiting for sight of the Home Office file to see if there are grounds for complaint.



My colleague Jo has been pushing the Home Office to commit to earlier decisions for cases involving children - whether or not they are unaccompanied, or applicants. The latest news is that they have improved their procedures and are able to decide cases involving children within three months.

You recently, on 6 April 2017 and on behalf of a coalition of NGOs, presented the current statelessness situation in the UK at the Universal Periodic Review (UPR) pre-session in Geneva based on [a submission](#) made by the same NGO coalition on nationality and statelessness issues in the country. Could you describe briefly what the submission focused on and how you experienced the UPR pre-session?

The full submission explained the background to the UK's procedure and pointed out the places where it could be improved: interpretation of the definition in the Convention; fully respecting social rights under the 1954 Convention; providing a statelessness determination mechanism which complies with recommended UNHCR procedures; facilitating naturalisation and registration as British; and not unlawfully detaining stateless persons. The submission was designed to be read by states which are considering making recommendations to the UK during its UPR session. The idea is to persuade state representatives that the issue is important and that the UK should improve its approach to statelessness so that it complies with international law.

We then made a summary to hand out in the session. The final presentation reduced each request for a recommendation to no more than two lines. We decided that it would be good to include the story of one of the Law Clinic's clients in the presentation. We are very fortunate to have a client who got a residence permit and is very open about his case and personal history and he allowed me to talk about his case.

I only had 6 minutes to talk, which is not enough! It was very important to focus on the recommendations, and to give real examples of why they were important. Our client's case could demonstrate the problems with the UK's procedure and how those problems could be addressed by the recommendations. In order to save time, I told the client's story in sections, with each section followed by a recommendation. I stood up to deliver the talk, because on the previous day I sat at the back of the room and noticed that it was difficult to see, and very easy to ignore, those who were sitting down on the dais.

What advice would you give to someone who wants to get involved in / others working on statelessness within the Universal Periodic Review framework?

It's really important to get some advice from someone who's done it already - we went to the coalition organisations – the Institute on Statelessness and Inclusion and ENS. We also worked jointly so that we were confident about the content of the materials. The organisers of the UPR told us that it was important to have such a coalition.

Before the pre-session, Cynthia Orchard and I met with people from other organisations in the UK which had made UPR submissions on various issues. This was helpful because it meant we were able to build on each other's recommendations at the pre-session, and it facilitated sharing information about the UPR and statelessness on social media and networking.

After making the written submission, we wrote to the London embassies of nine states which we thought might be interested in making recommendations. Two replied. I then followed up by ringing them, but the people I reached didn't really know what I was talking about. I then tried ringing the Permanent Missions to Geneva of those embassies, where it was possible to ask for the 'human rights attaché' who would ask for another copy of the materials by email.

Cynthia Orchard also came to Geneva for the pre-session, which meant that two of us were there to talk to state representatives, and to cross check materials etc. We talked to numerous people from missions at the session itself. I also attended the session the day before, but the representatives who went to that session were not necessarily also going to the UK one, as different people from the same mission were delegated to cover different countries – some of them not human rights specialists at all.

We were very happy to see Laura van Waas, Co-Director of the Institute, who brought her students, and the Dutch and South African delegations who had made submissions on statelessness. Liesl Muller was also asked to speak at the sessions about the work she does with stateless children in South Africa. This greatly increased the profile that we could give to the topic as we were all asking missions to listen to the recommendations on statelessness.

The main thing, though, is that by attending the pre-session to attract the attention of state representatives, you are entering a world of international diplomacy for which it is hard to prepare. This is because contacts, state policies and the political situation are constantly changing. However, at the pre-session we talked to lots of state representatives from the Geneva missions and encouraged them to make recommendations to the UK.

Getting involved in the UPR process should be a long-term commitment – it's not just the submission and attendance at the pre-session, but ideally should also include following up with your government afterwards and raising awareness in your country with the public, media, and other organisations.

What do you hope to accomplish through your work? How do you see the role of the Universal Periodic Review in this?

I think the role of the UPR is necessarily one of a number of strategies which will increase the rights of my clients and other people at risk of statelessness in an incremental way. I noted that work that Amal de Chickera, Co-Director of the Institute, had done in 2012 was a precursor to the UK implementing its residence permit procedure. Following our advocacy, we have heard from a Hungarian official that Hungary is considering making a recommendation on statelessness to the UK at the UPR session on 4 May, and that a person at the mission is connected to ENS. She considers the extensive work and outreach activities of ENS/ISI of paramount importance as they serve to raise and mainstream statelessness related issues among the various stakeholders in the UN fora who may be in the position to make relevant recommendations and bring about tangible policy-changes.

One of the points Cynthia and I have taken from engaging with the UPR process is that it's really important to work in collaboration with other organisations – because it is a significant amount of work and because we can achieve more by working together and building on each other's work.

What do you most enjoy about your work?

Nothing beats telling a person that the Home Office has given them a residence permit – it's like giving them a new life.

Contribute to the Statelessness Monthly Bulletin via
news@InstituteSI.org or visit www.InstituteSI.org