

# STATELESSNESS AND DISPLACEMENT

A humanitarian challenge



*There are at least 10 million stateless persons worldwide and many more are at risk of statelessness.*

*As many as one in three stateless persons in the world has been forcibly displaced.*

## WHEN IS SOMEONE STATELESS?

A stateless person is someone who doesn't have a nationality. They are not recognised by any government as being a citizen of their country. It is a distinct legal status, separate from refugee status. While the majority of stateless persons have not left their country, they may become refugees when they flee across an international border. They may also be internally displaced (IDPs) – when they flee violence within the country where they are living.

## STATELESSNESS AND DISPLACEMENT

A scoping paper by the Norwegian Refugee Council (NRC) and Tilburg University discusses the links between statelessness and forced displacement, exploring three situations:

1. When stateless populations suffer disproportionate human rights violations, forcing them to flee their homes and become displaced.
2. When people are at risk of becoming stateless as a result of displacement – for instance because they are not able to prove links with their home country.
3. When being stateless can increase people's vulnerability in displacement – posing additional challenges to meet humanitarian needs.

Each of these aspects are outlined below.

### 1. STATELESSNESS AS A CAUSE OF DISPLACEMENT – WHY DO STATELESS PERSONS BECOME DISPLACED?

Being stateless means being deprived of rights and often being left out of access to basic services such as health care, education and work. It means being without identity documents and thus at risk of being arrested. Stateless persons are some of the most marginalised groups within their countries – often they have been made stateless as a consequence of being discriminated against.

Known as one of the most persecuted communities worldwide, the Rohingya is an example of how persecution and violence of stateless populations can trigger forced displacement. In 1982 Myanmar revised its citizenship law, essentially depriving the Rohingya of their nationality, despite the fact that they have lived in Rakhine for generations. This leaves them without freedom of movement, education, health, employment in the civil service, and land ownership. They have also been the target of serious human rights violations, prompting many to flee their homes and risk their lives in the hope of finding safe haven in nearby countries.

In addition to persecution and human rights violations that compel stateless individuals to flee their homes, stateless communities have also been directly encouraged to leave their country and, in extreme situations, even forcibly deported. For example, in 1989 an estimated 75,000 black Mauritians were denationalised and a significant number deported across the borders into Senegal and Mali where they lived for years as refugees.

### 2. STATELESSNESS IN DISPLACEMENT – WHEN ARE DISPLACED PERSONS AT RISK OF STATELESSNESS?

The precarious and unstable circumstances of displacement can, at times, increase the risk of becoming stateless, even for those who had formerly possessed a nationality. One way in which this can happen is when refugees lose their identity documents and struggle to prove the bond with their home country. A lack of documentation does not mean someone is stateless per se, however, it makes it more difficult to prove nationality. As displacement continues over time, it becomes harder to maintain legal links with their country of origin, and thus the risk of statelessness

rises. Children born in exile can also be at risk of statelessness, for instance due to conflicts of nationality laws between the host country and the country of origin.

The situation facing Syrian refugees shows the difficulties of maintaining links with their country of origin, particularly for children born in exile (see box below). Other ways in which displaced people are at risk of statelessness are explained in the report.



*“Undocumented and with no proof of their nationality, many Syrian refugee children face a dangerous and uncertain future due to the risk of statelessness”.*

UN High Commissioner for Refugees (UNHCR),  
November 2014

Photo: Sam Tarling

UNHCR has estimated that over 41,000 babies have been born to Syrian refugee parents in Lebanon since the start of the Syrian crisis. When a child’s birth goes unregistered, it makes it more difficult to access basic services and to avoid the threat of statelessness, setting a child up for a life of structural social marginalisation and lost human potential.

There are additional challenges for women, particularly when nationality laws discriminate against them. Since Syrian law does not allow women to transfer their nationality to their children, female-headed households who cannot prove paternity are likely to find it much more difficult to register the birth of their children as Syrian nationals. Children born in these circumstances are at extreme risk of being stateless.

NRC assists parents who have fled the conflict in Syria to register the births of their babies who are born in Lebanon through awareness-raising, legal information and legal counselling. For more information see <http://www.nrc.no/?did=9192750>

### **3. INCREASED VULNERABILITY IN DISPLACEMENT**

There are an estimated 1.5 million stateless refugees worldwide. Statelessness renders individuals and groups more vulnerable to harm and less likely to seek or benefit from support. This creates an added problem when they are displaced. The conventional humanitarian response may not adequately recognise, understand and cater to their situation. For example, stateless persons can be prevented from seeking refuge in other countries due to lack of documentation or neighbouring

The paper shows how statelessness is relevant to organisations working in emergency response – to address forced displacement resulting from statelessness, to prevent statelessness as a consequence of forced displacement and to respond to the special protection needs of stateless refugees and IDPs.

states' unwillingness to allow stateless persons to enter their territory: stateless Palestinian refugees fleeing the conflict in Syria have been denied entry to Jordan.

Other examples of the ways in which displaced stateless persons may be differently affected include an increased risk of being detained or forcibly returned due to lack of documentation; greater restrictions on freedom of movement; and difficulties in accessing financial aid or humanitarian assistance which requires documentation. This can lead to negative coping mechanisms such as procuring false documents, with the potential future consequences and risks of doing so.

## WHAT CAN BE DONE

Recognising the strong link between statelessness and displacement needs to be followed with understanding how being stateless might affect the needs of displaced populations, and designing programmes accordingly. There are stateless populations in several countries where there are ongoing humanitarian operations, including stateless Kurds from Syria, Faili Kurds from Iraq, Palestinians and stateless populations in Côte d'Ivoire. Displaced populations at risk of becoming stateless are present in many more.

It is particularly important for the humanitarian community to understand the potential for statelessness among displaced populations and to be able to identify and assist those most at risk. At a minimum, measures to prevent new cases of statelessness should be incorporated into humanitarian responses. The humanitarian community should also make efforts to identify stateless persons in displacement, enhance their protection and assist them to find lasting solutions.

NRC contributes to the prevention of new cases of statelessness through their Information, Counselling and Legal Assistance (ICLA) programmes on civil documentation. These include practical steps such as assistance for parents of Syrian refugee newborns to register their birth, and support for obtaining national identity documents in Côte d'Ivoire and South Sudan.

