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NATIONALITY RIGHTS FOR ALL

A PROGRESS REPORT AND GLOBAL SURVEY ON STATELESSNESS

MARCH 2009

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A collection of photos from Refugees International missions focused on statelessness.

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ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises. Based on our on-the-ground knowledge of key humanitarian emergencies, Refugees International successfully pressures governments, international agencies, and nongovernmental organizations to improve conditions for displaced people.

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EXECUTIVE SUMMARY

The world community is no longer silent about statelessness. In recent years, countries such as Bangladesh, Estonia, Mauritania, Nepal, and Sri Lanka have made significant strides to protect the rights of stateless persons. The response of the United Nations (UN) has improved. Non-governmental agencies, legal experts, affected individuals, and others are joining forces to gather more accurate information and reduce the incidence of this often overlooked global phenomenon. Media attention has increased. Yet some 12 million people around the world are still stateless, and progress toward ending the problem is limited and slow. The campaign for nationality rights is far from over.

Nationality is a fundamental human right and a foundation of identity, dignity, justice, peace, and security. But statelessness, or the lack of effective nationality, affects millions of men, women, and children worldwide. Being stateless means having no legal protection or right to participate in political processes, inadequate access to health care and education, poor employment prospects and poverty, little opportunity to own property, travel restrictions, social exclusion, vulnerability to trafficking, harassment, and violence. Statelessness has a disproportionate impact on women and children.

Stateless people are found in all regions of the world. Among the most vulnerable groups are Rohingya in Burma and throughout Asia, Bidun in the Middle East, Roma in Europe, children of Haitian migrants in the Caribbean, individuals from the former Soviet bloc, denationalized Kurds, some Palestinians, and certain groups in Thailand. Their situations of legal limbo result from many factors such as political change, expulsion of people from a territory, discrimination, nationality based solely on descent, and laws regulating marriage and birth registration.

Because states have the sovereign right to determine the procedures and conditions for acquisition and loss of citizenship, statelessness and disputed nationality must ultimately be resolved by governments. But state determinations on citizenship must conform to general principles of international law. Numerous international instruments, including the Universal Declaration of Human Rights, affirm nationality rights. Two UN conventions on statelessness have long existed, but they are not widely ratified. To date, 63 countries have become party to the 1954 Convention relating to the Status of Stateless Persons, and 35 countries have acceded to the 1961 Convention on the Reduction of Statelessness.

The 1954 Convention identifies a stateless person as someone who does not have the legal bond of nationality with any state. Persons who have legitimate claims to citizenship, but who cannot prove their citizenship, or whose governments refuse to give effect to their nationality, are also considered to be stateless. The number of stateless persons in 2009 roughly equals the number of refugees worldwide. But unlike refugees, stateless individuals — particularly those who cannot be classified as refugees — often do not benefit from the protection and assistance of governments, aid agencies, or the UN, despite the institution's mandate to assist stateless persons.

Since 2004, Refugees International (RI) has visited over a dozen countries to assess the situation of people who are stateless or at risk of statelessness. In 2005, RI published its first global survey of statelessness, *Lives on Hold: The Human Cost of Statelessness*, in order to bring renewed attention to the problem, asserting that "[t]he gap between rights and reality must be closed."

This report, *Nationality Rights for All: A Progress Report and Global Survey on Statelessness*, provides an updated global survey of statelessness in over 80 countries and assesses progress since 2005 in protecting the human rights of stateless persons and in preventing and reducing statelessness. Important developments are reflected in changes in international law, and in steps

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taken by governments, international organizations, and non-governmental groups. And while the Office of the UN High Commissioner for Refugees (UNHCR) is thinking more strategically than before about living up to its obligations, the agency's Statelessness Unit remains severely understaffed and underfunded relative to the organization's other functions. Coordination among UN agencies regarding statelessness must improve.

Three cases of progress — Bangladesh, Ethiopia, and Kenya — illustrate how improvements can occur, but also what challenges remain for complete and lasting solutions to statelessness. These three cases demonstrate the critical roles of political will (or the lack of it), international and national legal frameworks, liaison efforts by the UN and other agencies, as well as the initiative of stateless people themselves.

- In Bangladesh, following legal precedent, most of the Urdu-speaking minority (also called "Bihari" or "stranded Pakistanis") were recognized as citizens in a May 2008 High Court judgment. Since 1971, at least 200,000 and as many as 500,000 people from this minority have lived in squalid urban slums, with limited access to health care, education, and livelihoods. For thirty-seven years, neither Bangladesh nor Pakistan recognized them as citizens. As a first step towards integration, the High Court ordered that willing adults be registered to vote and issued national identification cards.

- In Ethiopia, at least 120,000 and as many as 500,000 persons of Eritrean origin were stripped of citizenship during the 1998-2000 border conflict with Eritrea. Around 75,000 were deported to Eritrea, splitting families apart. Individuals who were not deported have apparently been able to reacquire citizenship under Ethiopia's 2003 Nationality Proclamation, but precise numbers are difficult to obtain.

- In Kenya, around 100,000 Nubians have had less difficulty obtaining national identity cards, particularly since they filed lawsuits in 2003 and 2004 against the government in the Kenya High Court and the African Commission on Human and People's Rights based in the Gambia.

Building on the momentum of these developments, this report aims to expand understanding of the problem of statelessness, increase recognition of the right to nationality, and promote solutions to end statelessness. The three cases show that real solutions for statelessness extend beyond finding neat legal status determinations. They involve long-term processes of integration and management of diversity. Governments need to ensure that public institutions — schools, hospitals, municipalities, courts — fully implement the law. Government leadership is important for setting a conciliatory tone.

Because statelessness is often a hidden problem, a sensitive topic, and sometimes stuck in diplomatic deadlock, it fades to the background. But loss of nationality and protracted neglect soon amount to massive denial of fundamental human rights. Local initiatives to resolve statelessness must be encouraged, but UNHCR's engagement is essential to enhance the force and legitimacy of international legal standards on nationality rights and their implementation in practice.

Toward these goals, Refugees International recommends that all states respect and ensure the right of every person to have a nationality, work to facilitate acquisition of nationality, and uphold international standards to protect stateless people and to prevent and reduce statelessness. Refugees International also urges UNHCR to take concrete steps to fully live up to its mandate to help stateless persons. Nongovernmental groups also have an important role to play. Bold efforts to end statelessness are long overdue.

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"NOW WE CAN LIVE WITH DIGNITY."

- Petitioner in a High Court judgment which recognized the Urdu-speaking minority as citizens of Bangladesh

"THE GAP BETWEEN LAW AND IMPLEMENTATION IS LIKE THE SPACE BETWEEN THE SUN AND THE MOON, AND NO ONE KNOWS HOW TO CLOSE IT."

- Individual of Eritrean origin in Ethiopia

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NATIONALITY RIGHTS FOR ALL:

A PROGRESS REPORT AND GLOBAL SURVEY ON STATELESSNESS

UNDERSTANDING STATELESSNESS

Around 12 million people worldwide lack effective nationality and many others are vulnerable to statelessness. Some of the largest stateless populations include groups in Thailand, and minorities straddling several countries, such as some Palestinians, some Kurds, Roma, the Bidun, and Russian speakers in the Baltic states. The very nature of citizenship is often at the root of the problem. "Nationality is a highly sensitive issue as it is a manifestation of a country's sovereignty and identity."[1] Determination of nationality is a decision on who belongs and who does not belong. Human rights violations, interethnic conflict, state succession, and forced displacement often touch on nationality issues, increasing the risk of statelessness.

Who Is a Stateless Person?

According to the 1954 Convention relating to the Status of Stateless Persons, a stateless individual is "a person who is not considered as a national by any state under the operation of its law."[2] Such people are sometimes categorized as de jure (legally) stateless. Persons who have legitimate claims to citizenship, but who cannot prove their citizenship, or whose governments refuse to give effect to their nationality, are called de facto (in fact) stateless. The Final Act of the 1961 Convention on the Reduction of Statelessness includes a recommendation that persons who are de facto stateless should as far as possible be treated as de jure stateless to enable them to acquire an effective nationality.[3]

Often used synonymously, the words "nationality" and "citizenship," are categories states use to define membership.[4] Usually, that legal bond is based on place of birth (jus soli), descent (jus sanguinis), naturalization (generally after a period of residence), or some combination thereof. The legal bond of nationality with a state often serves as a basis

Since Refugees International's 2005 report, efforts to reduce statelessness in countries like Estonia, pictured here, have gained ground, but the campaign for nationality rights for all people is far from over.

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A stateless person may not be able to gain employment, obtain public services such as health care and education, participate in political processes, move about freely, avoid labor exploitation, or have access to courts.

for numerous other rights and protections. Without citizenship, an individual cannot benefit from diplomatic protection. A stateless person may not be able to gain employment, obtain public services such as health care and education, participate in political processes, move about freely, avoid labor exploitation, or have access to courts. This reality leads some to refer to citizenship as "the right to have rights,"[5] even though stateless persons, like refugees, are supposed to have fundamental rights under international law.

Identifying stateless persons can be difficult. Although UNHCR estimates that stateless persons number about 12 million, reliable data in 2007 existed for fewer than 3 million individuals in 54 countries.[6] Some stateless persons may be registered as foreigners, non-national residents, or be categorized as nationals of another state, even in instances where the other state does not consider them as nationals and will not protect them. In other cases, persons may be registered as stateless, but this information may not be available due to political sensitivities. Some stateless people may not register at all fearing that state authorities use registration records to identify them for questioning or discrimination. A stateless person is considered as a refugee if she is forced to leave the country of habitual residence because of a well-founded fear of persecution.

Causes and Consequences of Statelessness

Statelessness can occur as a result of one or more complex factors.[7] Some of the most common reasons people become stateless are:

- Differences in the laws between countries
- Laws regulating marriage and birth registration
- Failure to register children at birth
- Nationality based solely on descent, often that of the father
- Renunciation of nationality (without prior acquisition of another nationality)
- Political change
- Discrimination due to race, ethnicity, or gender
- Expulsion of people from a territory
- Abandonment of children
- Migrant workers being unable to pass citizenship to their children
- Trafficking

The means by which citizenship is determined under domestic law can create the potential for statelessness. Without birth certificates showing place of birth (if nationality is determined by place of birth) or parentage (if nationality is established by descent), persons have difficulty proving their nationality. According to the United Nations Children's Fund (UNICEF), around 51 million births go unregistered each year.[8] Where citizenship is restricted to the children of male nationals, female citizens may be discouraged from marrying men of different nationality or legal status because their children would be denied citizenship.

Questions about nationality and citizenship also arise for children of migrant workers. Authorities in the country of parental residence may refuse to register the birth, and the country of origin also may have a policy of granting citizenship based on the territory of birth, in which case the children of migrant workers will be denied citizenship a second time. Statelessness may also arise when children are abandoned for political or economic reasons, or for example, when children are born out of wedlock to foreign troops and female nationals.

Statelessness can also coincide with expulsion of an ethnic minority. In the course of conflict in Mauritania in the late 1980s and early 1990s, Mauritania stripped citizenship from members of its black,

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non-Arab population. Between 65,000 and 100,000 people were displaced to Senegal. Their identity papers were confiscated and destroyed. In subsequent years, many returned and reestablished their nationality. Around 20,000 of these refugees remained in settlements in Senegal near the Mauritanian border until 2007, when Senegal, Mauritania, and UNHCR agreed to commence a voluntary repatriation effort, which is still ongoing despite delays.

Statelessness is both a cause and a consequence of trafficking. Without legal identity, stateless people can be vulnerable to trafficking. According to the U.S. State Department's Trafficking in Persons Report, trafficking victims' documents are often lost or destroyed, making the victims vulnerable to arrest or deportation.[9] Thousands of people from the hill tribes of northern Thailand face obstacles obtaining national identification cards, rendering them effectively stateless. According to Vital Voices Global Partnership, women and girls "are lured into prostitution...because the lack of citizenship has robbed them of education and job opportunities."[10] Those victims taken across borders without identification cards are unable to prove their Thai citizenship, and therefore receive less support from Thai overseas missions after they escape captivity.[11] FAIR Fund, which works with trafficking victims in Serbia, reports that victims in Europe without identification documents can end up stranded in the countries to which they were trafficked.[12]

Without a legal identity, a person cannot assert civil and political rights, such as the right to vote and stand for election. They cannot access their social or economic rights including education, health care, access to banking and credit, and certain forms of employment. To acquire basic rights and services elsewhere, family members may be forced to separate, sometimes permanently.[13]

Solutions for stateless individuals must be bolstered by developments in the legal frameworks for stateless persons, improved responses by governments and international organizations, and initiatives taken by civil society groups and stateless individuals.

In Thailand, unrecognized Burmese asylum seekers and their children face harsh living and labor conditions such as at this garbage dump in Mae Sot. For many stateless people, employment in the regular economy is impossible.

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...protection against statelessness should begin at birth.

STRENGTHENING THE RIGHT TO NATIONALITY

Questions of nationality are age-old, but the sheer scale of forced migration and statelessness during and immediately after World War II underscored the need for international frameworks that regulated citizenship and recognized nationality as a human right. Recent developments in the context of state succession, international litigation, and the work of UNHCR have expanded the framework for avoiding statelessness.

International Standards

Each state has the sovereign responsibility to determine under national law who are its citizens, but that role is subject to international principles.[14] A substantial number of international and regional instruments affirm nationality rights. Article 15 in the 1948 Universal Declaration of Human Rights makes the most essential statements, that "Everyone has the right to a nationality," and that "No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality."[15]

Two international treaties explicitly involve statelessness, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The 1954 Convention is the primary international law instrument defining and regulating the status and treatment of stateless persons. It affirms that stateless persons retain fundamental rights and freedoms without discrimination. Such rights include free access to courts; primary education and public relief on par with what the state's nationals receive; and property rights, access to employment, and housing at least as favorable as those afforded (legally resident) foreign persons.

The 1961 Convention outlines mechanisms to prevent and reduce statelessness. States must ensure access to nationality for a person who would otherwise be stateless if the person is born on the state's territory or born abroad to a national of the state; protect against the loss or deprivation of nationality if the person will become stateless as a result; guarantee against statelessness in cases of transfer of territory; and ensure due process and procedural guarantees regarding citizenship decisions, including adequate notice and the right to an independent appeal.

Many treaties' provisions address the disproportionate impact nationality laws can have on children, women, minority groups, and groups affected by changing national borders. Regarding children, protection against statelessness should begin at birth. Article 24 of the 1966 International Covenant on Civil and Political Rights states that "Every child shall be registered immediately after birth and shall have a name," and that "Every child has the right to acquire a nationality." The 1989 Convention on the Rights of the Child (CRC) carries similar provisions. States are to ensure these rights "in particular where the child would otherwise be stateless."[16] Article 29 of the International Convention on the Rights of All Migrant Workers and Members of Their Families (Migrant Convention) also provides that "Every child of a migrant worker shall have the right to a name, to registration of birth and to a nationality."

The 1957 Convention on the Nationality of Married Women protects a woman's nationality in the event of loss or acquisition of another nationality by her spouse. The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) contains similar provisions and obliges states to grant women equal rights with men to acquire, change, or retain their nationality and to confer nationality on their children.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) protects the rights of everyone, regardless of citizenship, to work, labor under just and favorable conditions, establish trade unions, have social security, enjoy an adequate standard of living, attain the highest standards of

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WAITING FOR GODOT* IN SYRIA

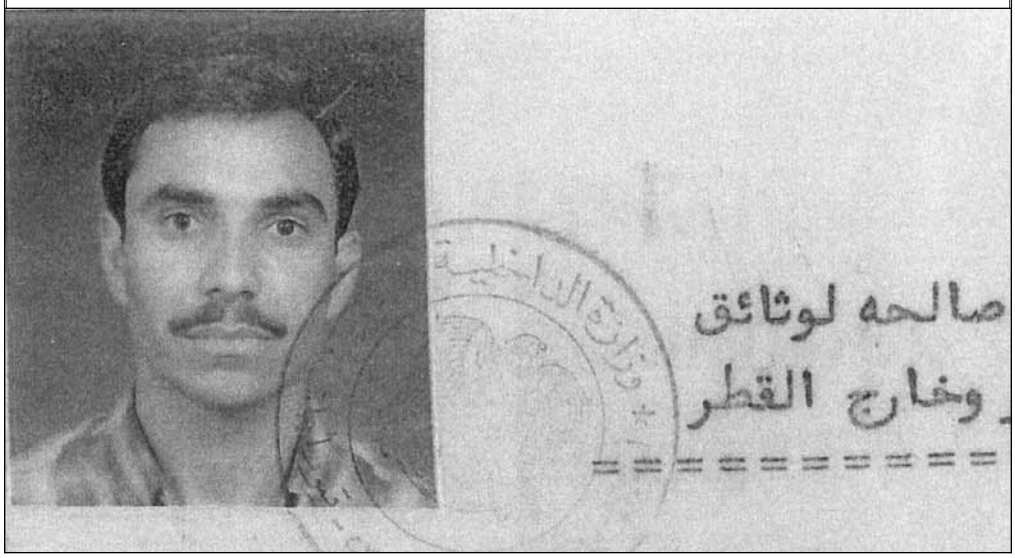
When I was a child I couldn't understand what statelessness means, but as I grew older I could comprehend what being 'buried alive' means.

Because the Syrian regime classified me as an 'Ajanibi' (a foreigner), I always felt inferior to other Syrian citizens. Strong feelings of degradation, dehumanization, frustration, depression and resentment never left the depth of my heart. I sometimes asked myself: Why I was born in Syria and not in a country that respects human beings? Why are we marginalized? This is all due to the narrow-mindedness of the Syrian regime.

As a stateless Kurd, I was seen as a persona non grata because I was an outsider in the eyes of the Syrian authorities. When I travelled from my hometown to Damascus for study, Syrian security officers stopped vehicles on the highway asking for IDs. The moment they saw my 'Foreigners' red ID, they detained me so long that I missed the bus. At that point, I was at their mercy. They slapped and interrogated me. There is nothing worse than to be classified as a 'Foreigner' in one's country of birth. It really is a catastrophe.

The Syrian nationality has become 'Godot' for me. I sometimes used to hang my vain hopes on the speeches of the president, thinking that he might one day (at the beginning of the New Year) issue a decree granting us nationality, but unfortunately, neither Godot arrived nor was the decree issued.

*In Samuel Beckett's play, *Waiting for Godot*, two characters wait for an acquaintance named Godot, who never arrives.



This photo and official document were contributed by the stateless person featured here.

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Regional instruments also protect the rights of stateless persons.

mental and physical health, access education, and participate in cultural life.[17] Article 5 of the 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD) obliges states to "guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law" with respect to nationality.[18]

Regional instruments also protect the rights of stateless persons. The 1997 European Convention on Nationality of the Council of Europe — ratified by 16 states to date — seeks to avoid statelessness by regulating the loss and acquisition of nationality. The 1950 European Convention on Human Rights does not explicitly reference nationality rights, but citizenship matters are subject to its requirements. For example, Protocol 12 prohibits discrimination with respect to the "enjoyment of any right set forth by law." Protocol 4 guarantees freedom of movement and prohibits expulsion of nationals and "collective expulsion of aliens." The 1995 Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms also provides that "Everyone shall have the right to citizenship," and that "No one shall be arbitrarily deprived of his citizenship or the right to change it."[19]

Article 20 of the 1969 American Convention on Human Rights specifies that "Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality." The 1999 African Charter on the Rights and Welfare of the Child has similar provisions.[20] The African Charter on Human and People's Rights does not have specific terms on statelessness, but it does prohibit mass expulsion of non-nationals on discriminatory grounds and identifies the state's duty to protect and assist the family, "the natural unit and basis of society."[21] The 2005 Covenant on the Rights of the Child in Islam also ensures nationality rights for children and that states parties "shall make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory."[22]

State Succession

In recent years, states have sought to protect nationality rights within the context of state succession. The creators of the 1997 European Convention on Nationality assert that it "reflects the demographic and democratic changes (in particular migration and state succession which have occurred in central and eastern Europe since 1989)."[23] The breakup of the Soviet Union, Yugoslavia, Czechoslovakia; and the creation of Eritrea, for example, have highlighted the need for a clear framework for nationality rights when borders change.

In 2001, the UN General Assembly took note of the International Law Commission's Articles on the Nationality of Natural Persons in relation to the Succession of States. Under Article 6, states are to "take all appropriate measures to prevent persons who, on the date of succession of States, had the nationality of the predecessor State from becoming stateless...." States should enact legislation "without undue delay" and should provide timely information on the effect of the legislation on nationality status. The Articles emphasize respect for the will of the persons concerned and family unity. They prohibit discrimination and arbitrariness in denying rights to retain, acquire, or opt for a nationality.

The 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession requires the successor state to grant nationality to persons who would become stateless as a result of the succession if they habitually resided or had "an appropriate connection with the successor state" (Article 5). Under Article 6, a predecessor state "shall not withdraw its nationality from its nationals who have not acquired the nationality of a successor state and who would otherwise become stateless." The Convention emphasizes respect for the will of persons concerned and timely, thorough provision of information regarding rules and procedures. The Convention has not yet entered into force. Three ratifications

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are required for the treaty to enter into force, but it has only two signatures (Ukraine and Montenegro) and two ratifications (Norway and Moldova) to date.

International Litigation

Cases relating to matters of statelessness have been heard or decided in regional and national courts. For example, in September 2005, the Inter-American Court of Human Rights issued a landmark decision, *Case of the Girls Yean and Bosico v. Dominican Republic*. The court found that the Dominican government applied nationality and birth registration laws in a discriminatory manner, leaving children of Haitian descent stateless.[24] The court determined that the state's failure to recognize the children's nationality resulted in the deprivation of other human rights, such as the right to a name, the right to education, and the right to equal protection of the law. The Open Society Institute Justice Initiative, which submitted an amicus brief in the case and advocates for the judgment's enforcement, notes that the ruling "marks the first time that an international human rights tribunal has unequivocally upheld the international prohibition on racial discrimination in access to nationality."[25] The court ordered the state to compensate the victims financially, "organize a public act acknowledging its international responsibility and apologizing to the victims,"[26] and reform its nationality laws.

Pending before the European Court of Human Rights is the case of *Makuc and Others v. Slovenia*, which concerns the Slovenian government's alleged failure to restore legal residence status to over 18,000 citizens who were unlawfully "erased" from civil registries. As discussed more below, in 2006, members of the Nubian community in Kenya filed a case in the African Commission on Human and People's Rights seeking an end to discriminatory practices in national identification procedures.

UN events such as this June 2008 conference celebrating the 60th anniversary of the Universal Declaration of Human Rights offer important opportunities to raise awareness of and coordinate efforts to strengthen nationality rights.

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Conclusions of the UNHCR Executive Committee... reaffirm and promote international standards, function as reference points for states seeking to improve nationality legislation, and serve as an advocacy tool for UNHCR and other organizations.

UNHCR Executive Committee Conclusions

Comprising 76 member states, the UNHCR Executive Committee (ExCOM) meets annually in Geneva to review and approve UNHCR's programs and budget, and to advise on a range of humanitarian issues with UNHCR and other organizations. Conclusions of the ExCom play an important role in strengthening international legal obligations to avoid statelessness. They reaffirm and promote international standards, function as reference points for states seeking to improve nationality legislation, and serve as an advocacy tool for UNHCR and other organizations. They guide UNHCR activities regarding statelessness and can compel the agency to report on the problem.

In 2006, the UNHCR ExCom issued a Conclusion on Identification, Prevention, and Reduction of Statelessness and Protection of Stateless Persons. The document is a call for UNHCR and governments to bolster and coordinate their efforts to prevent and reduce statelessness around the world. It also highlights the role of several other UN agencies, such as the United Nation's Children's Fund (UNICEF), the UN Fund for Population Activities (UNFPA), the United Nations Development Program (UNDP), and the Office of the High Commissioner for Human Rights (OHCHR), in identifying and reducing statelessness. The 2007 UNHCR ExCom Conclusion on Children at Risk highlights the need for greater effort to prevent statelessness among infants, children, and youth and "[r]ecognizes that individual, careful and prompt registration of children can be useful for states, UNHCR and other relevant agencies and partners in identifying children at heightened risk."[27] It recommends that "states, UNHCR and other relevant agencies and partners...register births and provide children with birth or other appropriate certificates as a means of providing an identity."[28]

Looking ahead, the need to further strengthen implementation of legal frameworks for nationality rights is clear. In April 2006, the Asian African Legal Consultative Organization issued a timely resolution, "Legal Identity and Statelessness," which noted the need for the international community to work collectively to identify stateless persons, ameliorate their conditions, and avoid statelessness.

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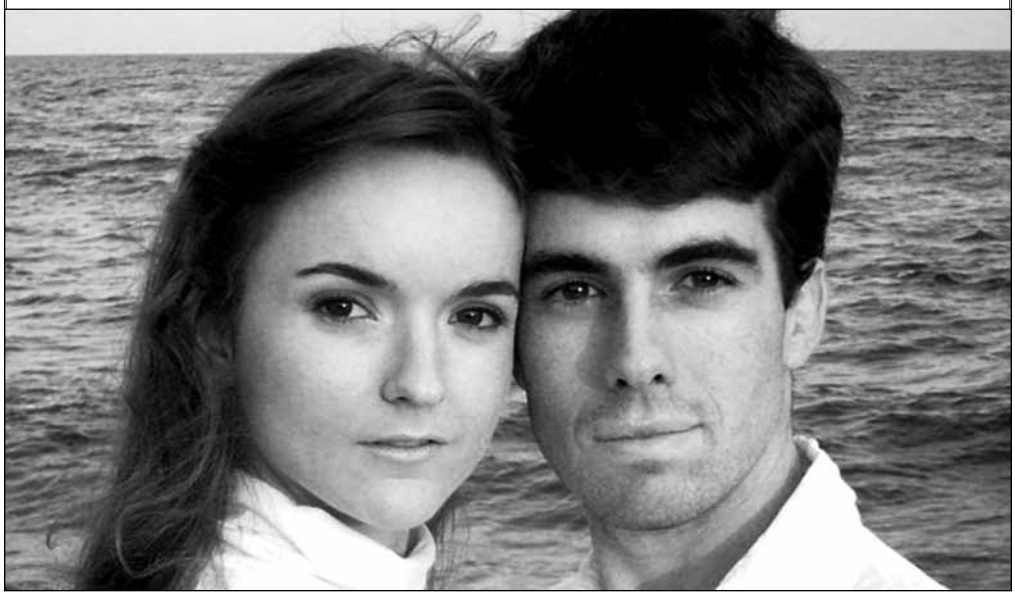
STATELESS IN THE UNITED STATES

I am a 25-year old woman who became stateless as a young child when the Soviet Union collapsed. I have been stateless for 17 years. Unlike many stateless persons, I have never been a permanent resident or citizen of any country of the world. In the former Soviet Union, permanent residency and citizenship documents were issued at the age of 16. I left the Soviet Union when I was only seven.

Today I am still stateless, although I live in the United States now and am married to an American citizen. And despite being married for over five years, I cannot adjust my status. I recently spent three months in immigration detention for failing to depart voluntarily — something I could not do because I am stateless. I was released after the authorities did not succeed in deporting me back to the former Soviet republics. I have "fallen through the cracks" of an immigration system that is not designed to deal with statelessness.

Being stateless is a psychologically crippling condition. I have spent years at a time without access to health care, the right to drive, attend college, obtain a work permit, have a bank account, etc. My hope is that someday stateless persons will be given at least the same recognition and rights as refugees.



This photo was contributed by the stateless woman featured here.

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IMPROVING RESPONSES OF GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

The primary responsibility for ending statelessness rests on each government. However, when states violate or neglect their obligations and stateless people need protection, UNHCR has a mandate to help fill that void. UNHCR works with governments, other UN agencies, civil society groups, and individuals to prevent statelessness and resolve enduring cases.

But much more action is required for governments and international organizations to demonstrate that they take statelessness seriously. Numerous countries' birth and civil registration systems are needlessly bureaucratic and costly. Nationality laws that discriminate against women, especially in the Middle East and in parts of Asia and Africa, render millions of women and children at risk of statelessness. Immigration policies and regulations often do not take into account the problematic status of being stateless. More fundamentally, often governments lack the will, public support, or expertise to address sensitive topics of identity and to manage diversity within their countries. Very few states, the United States being one encouraging example, have started to systematically integrate statelessness into international human rights and humanitarian policy.

Currently, UNHCR cannot fulfill its mandate over statelessness effectively. The agency's statelessness unit is severely understaffed at four people and underfunded relative to the organizations' other functions. Field staff need leadership, training, and resources to uncover and assist statelessness situations. International human rights institutions can do more to promote Article 15 of the Universal Declaration of Human Rights, the right to nationality.

The following pages highlight recent progress made by certain governments and UNHCR in reducing statelessness. While significant, these examples are only the beginning of the bold, comprehensive efforts needed to end statelessness, a global human rights challenge affecting more than 12 million people.

Stateless refugees such as this Mauritanian woman in Senegal encounter significant obstacles accessing health care for their children.

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Efforts by Governments and Regional Bodies

In recent years, only a small number of countries such as Bangladesh, Estonia, Ethiopia, Kenya, Latvia, Nepal, Mauritania, Sri Lanka, and the United Arab Emirates have taken steps to reduce statelessness within their borders. Countries such as Austria, Belize, Brazil, Finland, Montenegro, New Zealand, Romania, Rwanda, and Senegal have become party to one or both of the UN conventions pertaining to the prevention and reduction of statelessness. A small number of countries have demonstrated support for resolving situations of statelessness in their foreign policies.

For example, responding to advocacy initiatives, the U.S. State Department's Bureau for Population, Refugees, and Migration (PRM) has designated a specialist on statelessness issues, published a fact sheet on the topic, and organized a public event in November 2007 for the UN General Assembly. In 2007, the U.S. State Department's Bureau of Democracy, Human Rights, and Labor (DRL) for the first time included a section on statelessness for each country in its annual report on human rights practices worldwide. The U.S. Congress has held several briefings on the issue of statelessness, including one about stateless children. In July 2008, a bipartisan bill to make the reduction of statelessness a U.S. foreign policy objective was first introduced in the House of Representatives. However, the U.S. has not yet ratified the statelessness conventions.

Regional bodies are also taking initiatives to reduce statelessness. The Council of Europe's Office of the Commission for Human Rights has been particularly active, promoting the adoption of two treaties, the 1997 Convention on Nationality and the 2006 Convention on the Avoidance of Statelessness in relation to State Succession. Since 2006, the Inter-American Development Bank (IADB), the United Nations Children's Fund (UNICEF) and the Organization of American States (OAS) have collaborated to disseminate good practices regarding birth registration in Latin America and the Caribbean in order to prevent economic, political, and social exclusion of undocumented citizens.

UNHCR's Mandate

In 1974, when the 1961 Convention on the Reduction of Statelessness came into force, UNHCR received its mandate to protect stateless persons and prevent statelessness. In 1995, the UNHCR ExCom and the UN General Assembly requested the refugee agency to broaden its activities to all states, regardless of whether they are parties to one or both of the conventions. The office was also asked to gather and share information on the problem of statelessness globally, train staff and government officials, and report back regularly to the ExCom. The General Assembly asked UNHCR to promote accession to the 1954 and 1961 statelessness conventions and to provide states with technical and advisory services regarding the creation and implementation of nationality legislation. In 2004, the ExCom invited UNHCR to pay particular attention to situations of protracted statelessness and explore measures with states that would ameliorate the situations and bring them to an end. As previously mentioned, ExCom Conclusions also bolster UNHCR's mandate to work with governments and other UN agencies to protect stateless persons and prevent statelessness.

Based on its mandate, UNHCR aims to help states disseminate information on access to citizenship including naturalization, promote birth registration, and assist stateless persons with documentation and legal aid. To strengthen political will on the part of governments, UNHCR seeks to increase advocacy and awareness-raising efforts through in-country media.

As part of these efforts, a joint UNHCR/Interparliamentary Union Handbook was released in 2005. Now available in 14 languages, *Nationality and Statelessness: A Handbook for*

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Parliamentarians, is a practical tool for parliamentarians in drafting and implementing national legislation on statelessness and citizenship. In 2007, *Refugee Magazine* published an edition dedicated to the issue of statelessness and for the first time UNHCR highlighted the potential effect of climate change on statelessness. In 2008, UNHCR released its *Handbook for the Protection of Women and Girls,* which mentions stateless individuals.

UNHCR's Successes

Over the years, UNHCR has achieved some success in preventing and helping to reduce statelessness. The agency launched a campaign to prevent and reduce statelessness among formerly deported people in Crimea and elsewhere in Ukraine. Another success has been the naturalization of Tajik refugees in Kyrgyzstan, as well as the agency's participation in citizenship campaigns enabling 300,000 Estate Tamils to acquire citizenship in Sri Lanka. UNHCR assisted the Czech Republic in reducing statelessness when it separated from Slovakia. In 2007, UNHCR monitored the Nepalese Government's campaign to distribute citizenship certificates. This massive effort helped more than 2.6 million people in Nepal resolve their nationality problems. In November 2007, UNHCR signed a tripartite agreement with the governments of Senegal and Mauritania to facilitate the repatriation of 20,000 Mauritanians from Senegal.

In order to raise greater awareness about statelessness, UNHCR provides technical advice on legislation to a range of countries and undertakes quiet advocacy. It also supports legal aid projects in a number of countries. In April 2007, UNHCR held a two-day workshop on curbing statelessness in Central Asia, where the disbanding of the Soviet Union and civil wars have resulted in thousands of people not having a fixed nationality. The workshop was the first in a series of regional activities on bolstering asylum systems in Central Asia. A similar event was also held in Africa in 2008.

UNHCR is beginning to institutionalize its mandate on behalf of stateless persons around the globe. Bold leadership and coordination is necessary to build on recent successes and address neglected situations of statelessness.

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Since 2005, UNHCR has helped secure several accessions to the statelessness conventions. Six states have become party to the 1954 Convention relating to the Status of Stateless Persons. In addition, six states, including Romania, Rwanda, and Senegal, which also acceded to the 1954 document, have become party to the 1961 Convention on the Reduction of Statelessness. All states should consider becoming party to these important conventions.

Strengthening Coordination

Moving forward, and consistent with the UNHCR's ExCom conclusion on statelessness, UNHCR coordination with other UN agencies should be strengthened. The Rule of Law Unit of the Executive Office of the Secretary General, which was created to improve interagency coordination, should play an active role in this process. Other UN organizations, including the UN Office of the High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF), the UN Development Program (UNDP), the UN Fund for Population Activities (UNFPA), the UN Development Fund for Women (UNIFEM), and the UN Educational, Scientific and Cultural Organization (UNESCO) assist stateless persons or carry out programs related to statelessness issues.

Within UN human rights mechanisms, developments have been limited. In early 2008, the Human Rights Council reaffirmed previous resolutions in adopting Resolution 7/10 regarding human rights and arbitrary deprivation of nationality. It called on all states to refrain from enacting or implementing discriminatory nationality legislation. The resolution again requested the Secretary-General to collect information on this question from all relevant sources and to make it available to the Council in March 2009 at its tenth session.

Although the mandate of the Office of the High Commissioner for Human Rights is "to promote and protect all human rights,"[29] few OHCHR field offices have so far engaged with the right to nationality. Birth registration is an essential part of UNICEF's protection work. Lessons can be drawn from UNICEF's experiences conducting regional studies on the impact of nationality legislation on children and engaging with governments to develop legislation and enhance birth registration procedures. In addition to UNDP's development assistance, the agency's work on rule of law reform can also be made more relevant to statelessness issues since statelessness research and advocacy often relies on domestic rule of law actors, such as law societies, public interest litigators, legal academics, human rights organizations, and campaigns for legislative change.

Organizational Reform

Significant reforms in UNHCR's management and budget structure appear to reflect senior level intention to improve the capacity of all UNHCR offices to live up to the agency's mandate on statelessness. In November 2007, Antonio Guterres, the UN High Commissioner for Refugees, and Louise Arbour, then the UN High Commissioner for Human Rights, wrote:

> Tackling statelessness head on is a priority for both the UN agencies we head. The issue of statelessness has been left to fester in the shadows for far too long. It is time to take the necessary steps to rid the world of a bureaucratic malaise that is, in reality, not so difficult to resolve. It is simply a question of political will and legislative energy.[30]

UNHCR's 2008-2009 Global Appeal reflects this spirit. Since 2005, the number of staff in the statelessness unit has increased from two to four. Though still insufficient relative to the organization's mandate, this doubling aims to boost support for regional and field offices and to improve integration of the issue throughout the organization. The new decentralized budget structure provides field offices more flexibility on resource allocation than before, but whether offices in regions with significant stateless populations will

Moving forward, UNHCR coordination with other UN agencies should be strengthened.

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actually commit resources to tackling nationality issues remains to be seen. The budget structure for 2010 clearly identifies statelessness as one of four budget pillars, which solidifies its standing within the UNHCR program, as well as allowing for external support for statelessness activities and monitoring the level of support allocated. Leadership at headquarters, and ensuring that field directors and staff are well-trained in how to address statelessness and the risks of statelessness, will be critical. A self-study module is being developed for this purpose.

Other Initiatives

Non-governmental organizations and academic institutions have also undertaken initiatives to raise awareness of statelessness. At least three dedicated conferences or expert meetings on non-citizen, stateless, and related issues have taken place since 2005, organized separately by the European Policy Center in Brussels, the Open Society Institute in New York, and the UN Independent Expert on Minorities in Geneva.

Oxford Brookes University and the Refugee Studies Center at Oxford University recently launched the International Observatory on Statelessness (www.nationalityforall.org). Several significant publications have sought to broaden understanding of the problem of statelessness and its solutions.[31] The Equal Rights Trust, an independent international organization, recently commenced a two-year project which seeks to strengthen protection of stateless persons in detention.[32] In 2006, women's rights organizations across the Middle East initiated a Campaign for Arab Women's Right to Nationality. Refugees International has organized a working group on developments and advocacy regarding statelessness, which includes representatives from governments, international organizations, NGOs, and academia.

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A LIFE ON HOLD

For the past 35 years — my entire life — I haven't been able to plan for tomorrow. Instead, my life is a series of reactions. We, Kuwait's Bidun [an Arabic term for 'without' and short for bidun jinsiya 'without citizenship'], wait for action by the government and then try to adapt, or rather, to survive.

I was one of the lucky few to finish high school, but my effort was really in vain because I'm not allowed to attend Kuwait University. I am the father of three young children, and I'm already worried about their future. What kind of lives can they expect if they can't have valid ID, access to education, and above and beyond that, a guarantee that they have the right to stay on the soil where they were born! We Bidun lack security. It's tough to keep fighting.

We ask ourselves: Will our children have food tomorrow? Can they get an education? Where will they get health care if they get sick? The answers to these questions should be simple in a very rich country like Kuwait, but a Bidun has no guarantee of finding any answers.

In the Middle East, Bidun (people without nationality) live in squalid housing projects. In one such community in Jahra, Kuwait, this message scrawled on a corrugated tin wall asks, "Without Until When?"

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DRAWING LESSONS FROM RECENT PROGRESS IN STATELESSNESS CASES

In its 2005 report, *Lives on Hold: The Human Cost of Statelessness*, Refugees International detailed findings on stateless populations in three regions: Biharis in Bangladesh, Estonia's Russian-speaking minority, and Bidun in the United Arab Emirates. Following a series of advocacy missions to countries with significant stateless populations and minimal movement toward resolution, in 2008 RI visited three countries where situations of statelessness have improved. These cases — Urdu speakers in Bangladesh, persons of Eritrean origin in Ethiopia, and the Nubians in Kenya — help illustrate some of the ingredients for success in resolving statelessness, as well as enduring challenges.

Bangladesh

Refusal of any state to recognize the Urdu speakers of Bangladesh as citizens left 200,000 or more of them in extreme poverty, without equal access to education, health services, and livelihoods for 37 years. They have been emblematic of the plight of the stateless. For the first time since Bangladesh became independent in 1971, Urdu-speaking individuals were eligible to vote in the December 2008 parliamentary elections. A High Court judgment in 2003 acknowledged the citizenship rights of certain members, but the May 2008 High Court decision confirmed the group's right to Bangladesh citizenship, ending — at least in a legal sense — nearly four decades of political and socio-economic exclusion.

Originating in India, this Muslim minority suffered religious persecution around the time of partition and fled in 1947 to East and West Pakistan. When civil war between East and West Pakistan broke out in 1970, many Urdu speakers sided with West Pakistan, with atrocities committed on both sides. After East Pakistan became the independent state of Bangladesh in 1971, the Pakistani army and many civilians evacuated, leaving behind the Urdu-speaking minority. Pakistan

Legal identity extends beyond a technical status determination. These young Urdu speakers, for example, convey that recognition of their citizenship in Bangladesh is key to protecting their cultural identity.

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refused to accept the group as citizens, fearing that a mass influx of people would create tensions within culturally mixed populations in Pakistan, particularly in the Sindh region. Bangladesh, on the other hand, scorned the Urdu speakers for supporting the enemy. For the last three decades, perceptions of the community's status in Bangladesh were muddied by prolonged residence in camps initially established in urban areas by the International Committee of the Red Cross (ICRC), the largely unaddressed history of inter-communal violence pre-independence, and the insistence of some community members that they were (or should be) Pakistani citizens.

Over time, some community members, particularly young people, considered themselves Bangladeshi and became frustrated with the living conditions and dearth of economic opportunities available to them as effectively stateless persons. With the help of sympathetic attorneys, they brought petitions to the courts, and won successive legal battles concerning property, voting, and citizenship rights of specific members of the community. Together these cases set the stage for resolving whether such rights applied to the entire community in the May 2008 decision, *Sadakat Khan et al. v. The Chief Election Commissioner*. The court held that any Urdu speaker born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen "by operation of law." Persons who affirm or acknowledge allegiance to a foreign state (such as Pakistan) may be disqualified. The court also directed the Bangladesh Election Commission to enroll majority age Urdu speakers who wish to be registered and to issue them national identity cards (IDs). One petitioner in the case declared, "Now we can live with dignity."[33]

The petitioners succeeded in a judiciary vulnerable to political influence and lengthy delays. Their case benefited from a number of factors. First, earlier judgments set helpful precedent in determining the citizenship rights of individual Urdu speakers living in Bangladesh. Second, feeling the pressure of coming elections and the introduction of national IDs, the Election Commission wanted clarification on whether the community should be registered. Third, the petitioners, their attorneys, and the court were willing to confront whatever political tensions the case might provoke. Fourth, advocacy on the part of community leaders and international human rights activists encouraged interest in the community's plight among political and social elites. UNHCR also conducted a survey of the settlements and an analysis of the community's legal status, and carried out discrete advocacy with the government and diplomatic missions. Fifth, the government commendably showed restraint in declining to appeal the decision, possibly because the legal basis of the decision was so clear or in tacit recognition that a solution had been delayed for far too long.

In August 2008, the Election Commission aggressively began to register the Urdu-speaking communities in the settlements around Dhaka. After registering to vote, individuals were instructed on how to register for national IDs. Although a national ID card is said to give access to 22 social services, Urdu speakers' reactions to the registration processes were ambivalent. Some felt the ID cards would help their children enter public schools and obtain jobs, while others expressed concerns that they might be evicted from their homes in camps if they obtained an ID.

RI's visit to Bangladesh in August 2008 revealed that a court judgment confirming citizenship rights, while significant, is itself insufficient to end nearly four decades of poverty and discrimination. For Urdu speakers to overcome what the court called "constant deni[al] of their constitutional rights," and to become full citizens of Bangladesh, they will need public, unequivocal acknowledgement of their citizenship status

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in Bangladesh and robust support for integration into society from the government, civil society, UNHCR, other UN agencies, and donors. Such a policy will be difficult in a country with serious political challenges and widespread poverty, but it is necessary in order for Bangladesh to overcome its past and to remedy a serious human rights violation against a minority group.

Moreover, Pakistan's continuing responsibility should not be discounted. Having abandoned this group after Bangladesh's independence, Pakistan must work with Bangladesh and UNHCR to reunite separated family members in Pakistan and support integration activities in Bangladesh and Pakistan. Funds reportedly were set aside in Pakistan years ago precisely for these purposes.

Ethiopia

In 1993, after 30 years of struggle, Eritrea peacefully became independent from Ethiopia after a referendum in which Eritreans in Ethiopia also voted. While the two countries' leaders were partners in overthrowing the brutal regime of Mengistu Haile Mariam in Ethiopia, simmering tensions about port access, currency exchange, and border disputes erupted into armed conflict in May 1998. During the 1998-2000 border war, Ethiopia denationalized nearly all Ethiopian citizens of Eritrean origin, at least 120,000 and possibly as many as 500,000 people. The government expelled about 75,000 of these individuals to Eritrea, initially on national security grounds. Eritrea in turn expelled about 75,000 Ethiopians living and working in Eritrea. Incidents of detention and harassment of persons of Eritrean origin reportedly continued to take place between 2000 and 2004.[34]

Originally from Burma, the Rohingya are another minority group facing statelessness in Asia. The refusal of the Malaysian government to provide legal status to the Rohingya subjects them to the same vulnerabilities as other Burmese refugees in the country, including arrest, deportation, and a lack of access to basic services such as education and health care.

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To the Ethiopian Government's credit, a nationality proclamation was quietly introduced in 2003, which apparently enabled persons of Eritrean origin remaining in Ethiopia to reacquire Ethiopian citizenship through an application to the immigration department.

With limited opportunity to meet with the Ethiopian officials, RI can only speculate on the rationale for the timing and the impetus for the law's enactment. Perhaps it was intended to mitigate any criticism or damages that might result from decisions of the Eritrea-Ethiopia Claims Commission, established by the December 2000 Algiers Agreement that defined the terms for peace. Perhaps the law was a discrete, face-saving response to international human rights groups' heavy criticism of nationality rights violations.[35] Or maybe the proclamation reflected remorse at the harm that had been done. In some respects, the nationality proclamation rendered moot questions concerning the lawfulness of the government's position that those who voted in the 1993 referendum automatically renounced Ethiopian citizenship and acquired Eritrean citizenship.[36]

The ID cards have given some semblance of security to Ethiopians of Eritrean origin. With national ID cards, these persons are legally permitted to work, travel, and access education and other social services. However, nearly ten years after the war, relations between Ethiopia and Eritrea remain extremely tense, with nationality rights, among others, still threatened. Fear, distrust, and discrimination against persons of Eritrean origin are said to linger beneath the surface.

How many people actually possess an ID card is uncertain. RI could not independently confirm interviewees' reports that nearly everyone of Eritrean origin now had an ID card. RI observed some IDs stating "previous nationality" as Eritrean. Even with an ID card, some interviewees told RI they still felt compelled to conceal their background, that they rarely came together as a community, and that they stayed apolitical. Some persons allege employment discrimination because of their Eritrean background. If conflict flares again, many of those asked were unsure of their fate in Ethiopia. The Directive to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia provides that a permit may be canceled "where the bearer...is found to be an undesirable foreigner."[37]

The availability of ID cards has also not solved the problem of ongoing separation from loved ones — parents, spouses, and children — deported to Eritrea. Because the governments' relationship is still bitter, travel between the two countries is prohibited and no interstate phone system exists. Those with financial means have managed brief reunions in third countries. One elderly widow in Addis Ababa lamented the fact that she cannot visit her husband's grave in Asmara.

Refugees International could not obtain visas to visit Eritrea during its spring 2008 mission to the Horn of Africa, but after earlier mass deportations of Ethiopians from Eritrea, the International Committee of the Red Cross estimates that 10,000 to 15,000 Ethiopian nationals still reside in Eritrea. The status of the previous deportees from Ethiopia is unclear.

Securing nationality rights for persons of Eritrean origin in Ethiopia depends heavily on improved relations between Ethiopia and Eritrea. But absent such developments, Ethiopia must live up to its own laws and international obligations. With support from UNHCR, UN agencies, and other governments, Ethiopia should promote full integration of persons of Eritrean origin and identify any continuing cases or risks of statelessness. Both Ethiopia and Eritrea should reunite families by reestablishing interstate travel and communications. In the long term, the international community should apply lessons learned from the experience of Ethiopia and Eritrea as it moves to strengthen nationality rights in state succession.

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FAMILY SEPARATION THROUGH STATELESSNESS

During the 1998-2000 conflict, Ethiopia denationalized large numbers of individuals of Eritrean origin. Some 75,000 individuals were deported to Eritrea, ripping families apart and forcing those left behind to hide their identities. Today, it is suggested that many, perhaps most, Eritreans living in Ethiopia have reacquired citizenship under a nationality proclamation enacted in 2003, but some of these individuals still feel compelled to conceal their background, even among close friends. They rarely congregate as a community, nor are they politically engaged.

In Addis Ababa, Simret explained her family's situation. Simret's father is Ethiopian; her mother is Eritrean. At the time of the conflict, her mother and brothers left for Eritrea. Her sister disappeared. For ten years, Simret has had no communication with any of them. Simret's father eventually sought and has now acquired protection in the U.S.

Until recently, Simret's lack of status meant she was unemployable. Six months ago, she got her national ID and found a job. But she cannot relax. Simret says, "I'm still afraid. I don't want to own a bank account because I remember how my family lost so much property. I might be put in jail because of my background."

Children play near the Ethiopian/Eritrea border at sunrise.

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Kenya

As in many parts of the world, national identification cards (IDs) are the hallmark of citizenship in Kenya. Among other benefits, they are required to register to vote, obtain a passport, purchase property, open a bank account, seek employment, access higher education, and enter government buildings. Nubians comprise a small, disparate minority group in Kenya and have historically experienced disproportionately lengthy and arduous processes in obtaining national IDs. After filing cases in domestic and international courts, though, applying for IDs has become easier for this group in the past few years.

In order to exercise Kenyan nationality acquired "by birth," individuals applying for citizenship by birth to a Kenyan national typically need only demonstrate that one parent is a Kenyan citizen, usually by presenting a parent's national ID. The Registration Act gives officials wide discretion, however, permitting them to require an applicant to produce additional evidence "as it is within the power of that person to furnish." The Principle Registrar may also demand proof of "other particulars as may be prescribed." RI found that the registration process, particularly for citizens by birth, is discriminatory for groups with historical or ethnic ties to other countries, such as Somalis, coastal Arabs, and Nubians.

Originating in Sudan, Nubians came to Kenya in the nineteenth century as conscripts of the British colonial army. They now number around 100,000 in Kenya, living throughout the country in areas that were historically military outposts. Although they have resided in Kenya for more than a century, they are not one of 42 officially recognized groups. Nubian applicants for national IDs previously had to demonstrate that a grandparent was born in or had become a citizen of Kenya. "Vetting committees," comprised of security and immigration officials, as well as community elders, who can presumably vouch for a person's identity, are not used for most other citizens registering for national IDs, and their use carries the potential to impose greater barriers to citizenship.

Registration processes have recently become easier for Nubians. In 2003, the Nubian community filed a complaint in the Kenyan High Court, seeking recognition as Kenyan citizens. When the court failed to appoint a judicial panel, in 2006 the Nubians brought an action, with the help of the Center for Minority Rights Development and the Open Society Institute's Justice Initiative, to the regional African Commission on Human and Peoples' Rights. Neither case is complete yet, but Nubian leaders attribute administrative improvements to these lawsuits. Nubians still submit to vetting committees, but approval for IDs comes more readily. Interviewees stated most Nubians now have national IDs.

This progress is encouraging, but insufficient to eliminate arbitrariness and discrimination. National institutions are taking steps to streamline the registration process, with the National Registration Bureau issuing a nationwide directive in 2006 to desist requests for grandparents' documentation. Preliminary proposals have been circulating for the creation of a centralized database of birth registration information to help limit the possibility of errors in registration processes in adulthood. In 2007, the Kenya National Human Rights Commission (KNHRC) also issued an in-depth report on national ID card issuance, with concrete recommendations for legal and administrative change.

In line with the KNHRC's report, Kenya should adopt a clear, uniform registration process, the decisions of which can be appealed. Kenya should take a more inclusive approach to identity, moving away from the notion of only 42 "official" ethnic groups and eliminating the use of vetting procedures on the basis of ethnicity. Through monitoring and technical advice, UNHCR should support Kenya's efforts to eradicate discriminatory practices and prevent statelessness for minorities, women, children, and refugees.

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Common Themes and Lessons Learned

These three cases of mixed progress in resolving nationality rights issues illustrate common themes and useful lessons. The situations presented above clearly demonstrate the critical roles that political will (or the lack of it), international and national legal frameworks, liaison efforts by UN and other agencies, as well as the initiative of stateless people themselves, play in ending statelessness.

Both Bangladesh and Kenya show how communities organized themselves to litigate their rights in court and to conduct public advocacy. While a clear legal victory transpired in Bangladesh, just the act of initiating litigation in Kenya had a concrete impact on the Nubians' ability to obtain ID cards and claim the benefits of citizenship. Ethiopia's decisions on nationality show in pure form government sovereignty over and responsibility for citizenship laws and decisions. But even in that case, adjudication of nationality rights violations is also part of the story, as reflected in decisions of the Eritrea-Ethiopia Claims Commission.

All three cases show that real solutions for statelessness extend beyond finding neat legal status determinations. They involve long-term processes of integration and management of diversity. Bangladesh and Ethiopia particularly show that confirmation of status in a legal sense is essential, but insufficient. To secure nationality rights and the benefits of citizenship, more needs to be done to change perceptions that lead to discrimination or social exclusion of certain groups. Governments need to ensure that public institutions — schools, hospitals, municipalities, courts — fully implement

Children born to Haitian migrants in the Dominican Republic, where citizenship is granted by birth on the territory, are denied citizenship because they are considered to be "in transit." The Dominican government is now reviewing whether to amend its constitution to restrict nationality rights by birth in the DR, a step which could further marginalize this community.

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the law. Government leadership is important for setting a conciliatory tone. In the case of Bangladesh, high-level government acknowledgement of the Urdu speakers' citizenship might remove any future basis for discriminatory withholding of social services and consequent, costly litigation. In Ethiopia, the government can do more to compensate persons of Eritrean origin for lost property and to reunite families split apart because of the expulsions.

Kenya, by contrast, shows that even an incomplete legal process can bring desired results, but without an unequivocal legal victory, full recognition and protection is not assured. One Nubian elder characterized the status quo as a "gentleman's agreement" with the government and emphasized that his community will not stop at such informal solutions. "Long after we are gone, national identification should be a matter of course," he said. The court cases must proceed.

Notably, in all three cases, the executive branch has been nearly mute. The Ethiopian government issued the 2003 Nationality Proclamation with apparently no public announcement. RI could not obtain information on what prompted the government to issue the proclamation, or who in particular advocated for its creation. After the new law went into effect, interviewees told RI they were called individually and told that they could now register for national IDs. The caretaker Bangladeshi government has said nothing in response to the May 2008 High Court judgment confirming Bangladeshi citizenship for a minority group that has lacked recognition for 37 years. Indeed, the government's greatest act was not to act, not to appeal the decision to the nation's Supreme Court. In Kenya, the government has not admitted or confirmed any connection between the Nubians' lawsuits and improvements in the national ID registration process for Nubians, nor is it clear whether such progress has been truly institutionalized for the benefit of Nubians or other minority groups in the long term.

Government silence is not surprising. As mentioned previously, nationality rights are highly sensitive because they strike at the heart of national sovereignty and identity. Beyond the face-saving benefit of discrete policy changes, particularly in multiethnic societies with a history of conflict, there are inherent risks in singling out specific groups for what others may perceive as special treatment or assistance. In such environments, marginalized groups may best be protected according to principles of equality and nondiscrimination.

In the three cases detailed above, progress partly came about through the application of such principles. In Bangladesh, the High Court found that the country's nationality laws applied equally to Urdu speakers who had permanently resided in Bangladesh since 1971 as they did to any other Bangladeshi. In Ethiopia, the Nationality Proclamation provides for reacquisition of citizenship for any "person who was an Ethiopian national."[38] Persons of Eritrean origin are not mentioned in the proclamation, even though many of them could fall under that provision and may likely be the largest group to benefit from it. Kenya's removal of obstacles to national ID cards for Nubians also reflects diminishing discriminatory practices, though vetting committees persist, and Somalis and coastal Arabs continue to report obstacles applying for IDs.

Enforcement of nondiscrimination laws and principles is one central way to overcome statelessness and the resulting marginalization. But a strict, literal approach to nondiscrimination — that is, granting nationality according to equal application of a state's nationality laws — is insufficient to overcome the extreme vulnerability and injustice of statelessness, particularly when loss of nationality came about through arbitrariness, discrimination, and even violence.

Governments should therefore adopt appropriate policies to compensate for the costs of statelessness, costs which include

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deprivation of education and employment opportunities, poor health that might have resulted from unequal access to medical care, poverty, social isolation, no freedom of movement, harassment, trafficking, and violence. The Bangladesh High Court noted the "miseries and sufferings of [the Urdu-speaking minorities] due to statelessness" and that "they are constantly denied their constitutional rights." It went on to state that "By keeping the question of citizenship unresolved on wrong assumption over the decades, this nation...was deprived of the contribution [the Urdu speakers] could have made in nation-building." The court therefore urged that they swiftly be "brought to the mainstream."[39]

In that spirit, in addition to readmission to Ethiopian nationality, the Ethiopian government should consider ways to compensate for property loss, restricted economic opportunities, family separation, and human rights violations that occurred in the course of and following denationalization. The Eritrean government should consider similar policies for those Ethiopians deported from Eritrea.

The role of UNHCR emerges as a common theme as well. RI has cited UNHCR's productive engagement in places like Ukraine, Kyrgyzstan, Sri Lanka, Nepal, and Mauritania, but statelessness in Bangladesh, Syria, Kuwait, the Dominican Republic, Ethiopia, and Kenya were low priorities for the UN agency. In Bangladesh, legal research and advocacy efforts with the government and civil society were undertaken in the last two years, but members of the Bihari community and their lawyers carried out the bulk of the effort. As in many countries, UNHCR field offices were to varying degrees aware of nationality issues, but had taken few initiatives to address statelessness in their respective countries. Some offices planned to conduct thorough studies of the potential for statelessness or the predicament stateless persons faced, but the demands of fulfilling the agency's mandate over refugees too often pushes statelessness to the bottom of the to-do list. Many offices are in the difficult position of managing the dilemma of broaching the sensitive subject of statelessness with governments on whose cooperation UNHCR depends to assist refugees.

Because statelessness is often a hidden problem, a sensitive topic, and sometimes stuck in diplomatic deadlock, it fades to the background. But loss of nationality and protracted neglect soon amounts to massive denial of fundamental human rights. As shown by successes in Kenya and Bangladesh, civil society groups and local initiatives to resolve statelessness must be encouraged, but UNHCR's engagement is essential to enhance the force and legitimacy of international legal standards on nationality rights and their implementation in practice.

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A NUBIAN ELDER'S ADVICE ON ASSERTING NATIONALITY RIGHTS

Although more than forty ethnic groups reside in Kenya, not all of them have been able to call that country home. The Nubian community, whose ancestors came to Kenya from Sudan in the late nineteenth century as conscripts of the British colonial army, is one group that has historically faced obstacles. But over the last few years, conditions have improved. When asked to offer advice for other stateless groups, a Nubian elder recommended:

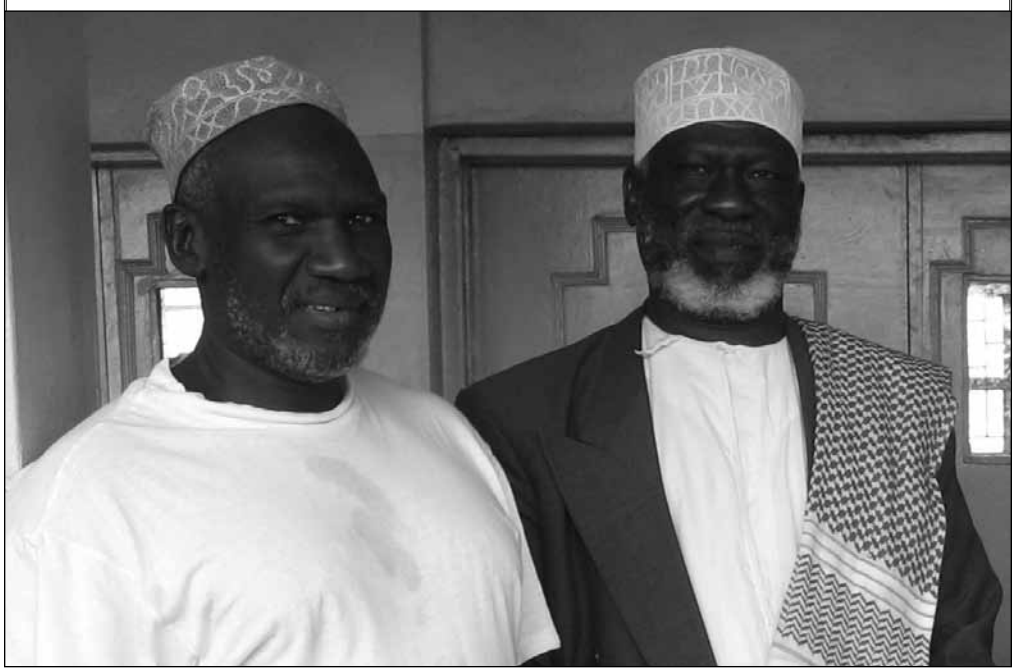
"First, you must maintain your identity as a people. Be proud of your culture and avoid identifying yourselves with larger groups. Hold high your language, arts and crafts, and ensure ceremonies are practiced regularly. Assimilation is the worst form of social crime, as it can destroy your culture. It amounts to extermination. Instead, you must work for integration through a kind of 'structural affirmative action.'"

"Second, you must always be united. Unity is critical to delivering a clear message to your government and for receiving messages from your government or other groups who might assist your cause. Be well-organized, but avoid at all cost slipping into a privileged group and eating the big cake."

"Third, use existing legal frameworks. Everything must be done officially. This approach demonstrates your commitment to a fair process."

"Fourth, engage constructively with authorities at all levels. There is no point to militancy, as it only begets militancy. Good lawyers are essential as is professional structured engagement."

"Fifth, in extreme cases do not take it lying down. Jump from the local level and internationalize the issue. Use international organizations and international law to apply pressure on your government to implement the law. Tickle the minds of decision-makers."



Nubians are conscious that their case could have far-reaching implications for other marginalized groups in Kenya and Africa as a whole.

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What is unacceptable is that despite progress in certain cases, the number of stateless persons worldwide appears to have increased.

CONCLUSION AND RECOMMENDATIONS

Since Refugees International published its first global survey of statelessness in early 2005 and began its advocacy initiatives, efforts to strengthen nationality rights and avoid statelessness have seen important developments. But with 12 million stateless persons worldwide, there is a long way to go. Several governments have taken noteworthy steps to reduce statelessness within their country's borders. At the highest levels, the United Nations, and UNHCR in particular, have begun to think more deeply and strategically than before about living up to their mandates. International organizations like the Open Society Institute Justice Initiative, Jesuit Refugee Service, PLAN International, and others are working to secure the foundation of nationality rights. The U.S. State Department now includes a section on statelessness in its annual human rights report and the State Department's Bureau of Population, Refugees, and Migration has designated staff to monitor stateless populations. In 2008, bipartisan legislation on statelessness was introduced in the U.S. Congress.

In addition to the development of international infrastructure for advocacy on statelessness, recent cases provide helpful lessons on resolving nationality rights issues in specific countries. Urdu-speaking communities in Bangladesh and the Nubians in Kenya demonstrate the value of local initiatives taken by vulnerable communities helping themselves — with the support of sympathetic lawyers and international organizations — through litigation. The case of Ethiopia suggests that governments eventually do come around to taking some responsibility for assuring nationality rights and correcting violations of such rights. Most significantly, these cases show that statelessness does not end simply by resolving nationality status. A comprehensive policy to secure nationality rights should include measures to integrate previously stateless persons, to ensure their full enjoyment of the benefits of citizenship, to root out discrimination and marginalization, and to compensate for the costs of statelessness. Governments, UNHCR, and non-governmental organizations should adopt such a thorough approach to tackling the problem.

What is unacceptable is that despite progress in certain cases, the number of stateless persons worldwide appears to have increased. The numbers rise with the better identification, and fall with developments that provide solutions for some of the world's stateless. This reality persists despite the fact that determining with which country an individual has a bond of nationality is generally an easy exercise. The existence of stateless persons also reflects a continued failure on the part of states to incorporate basic principles of international and domestic law, such as non-discrimination, equality, and due process.

The global community is still reacquainting itself with an international legal framework for nationality rights developed nearly sixty years ago and adapting it to contemporary challenges. Raising awareness about statelessness and institutionalizing the means for its reduction therefore must continue. Entities working on statelessness must better coordinate their efforts to tackle specific cases of statelessness, creating precedents upon which future endeavors can build.

Refugees International therefore recommends that all states:

- Respect the right and facilitate acquisition of nationality for all individuals;
- Ensure every child, either born to married parents or out of wedlock, is registered at birth through low cost and easily accessible processes;
- Identify and take steps to avoid ethnic or gender discrimination in nationality legislation and its implementation;
- Ensure access to free primary and secondary education for all stateless children;

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- Protect stateless persons from trafficking and assist victims of trafficking in nationality matters;
- Prohibit indefinite detention of stateless persons;
- Reinforce the UN's and UNHCR's efforts globally by providing diplomatic and financial support to solving statelessness and promoting the protection, integration, and compensation (financial or otherwise) of stateless and formerly stateless persons;
- Cooperate with UNHCR and other international actors to identify statelessness at the national level, focusing on causes, magnitude, and impact on enjoyment of human rights;
- Seek technical advice and assistance from UNHCR for practical measures to address statelessness in their own countries;
- Call on regional bodies to help solve difficult problems of statelessness; and
- Become party to international conventions to protect stateless persons and to prevent and reduce statelessness.

RI also recommends that the Office of the United Nations High Commissioner for Refugees takes concrete steps to fully institutionalize its mandate on behalf of stateless persons, including to:

- Take stronger leadership in pressing governments to find and implement timely solutions;
- Develop and fund UNHCR field offices to take more initiatives against statelessness, and increase protection and legal staff with statelessness training;
- Organize a comprehensive survey to identify stateless persons (including children), their numbers, conditions, and viable solutions;
- Make a High Commissioner-led country visit focused on statelessness;
- Increase training on statelessness for UN personnel, governments, and NGOs;
- Increase statelessness expertise among UNHCR surge protection officers;
- Pursue an active partnership with the Office of the UN High Commissioner for Human Rights to strengthen global and regional responses to this issue; and
- Work with the Rule of Law Unit to coordinate with other UN agencies such the OHCHR, UNICEF, UNDP, UNFPA, UNIFEM, and UNESCO.

Finally, RI recommends that international and domestic non-governmental groups:

- Help disseminate information about laws and procedures concerning nationality and birth registration;
- Assist governments and UNHCR in identifying stateless persons and causes of statelessness;
- Work with UNHCR and governments to improve capacity to assist stateless individuals in resolving their status, either through government agencies, judicial mechanisms, or media campaigns; and
- Encourage governments to adopt legislation and policies consistent with international standards concerning nationality rights and the avoidance of statelessness.

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GLOBAL SURVEY OF STATELESSNESS

INTRODUCTION

The following information provides a global survey of statelessness in over 80 countries, updated since the publication of RI's 2005 report, Lives on Hold: The Human Cost of Statelessness. *RI defines statelessness to include people who are legally stateless and de facto stateless (lacking effective nationality due to obstacles proving or obtaining recognition of citizenship). Countries are organized by region, with major populations and developments highlighted. In 2005, our organization's low-end estimate of stateless persons worldwide was 11 million. In 2009, we estimate that number to be no fewer than 12 million, consistent with UNHCR's assessment. This increase does not necessarily suggest that the number of stateless persons worldwide has actually grown. Some situations of statelessness are in various stages of resolution, while new situations have since developed. Moreover, because of slightly more attention to the issue in recent years, identification practices and information-sharing have improved.*

Obtaining exact or even approximate numbers for each country remains a major problem. Many stateless persons are not registered as stateless, or if they are, this information may be withheld due to political sensitivities. Refugees International has therefore looked to a range of sources to document and support the accuracy of the numbers and conditions of stateless persons reported. These sources include government and UN documents, media reports, non-governmental organizations, academic researchers, independent consultants, and interviews with stateless individuals or their associates. In some cases, imprecise information leads to wide number ranges and broad-brush descriptions. Errors or information gaps are regrettable, but underscore the need to strengthen identification processes and safeguard the rights of stateless persons therein. If a country is not listed, that does not necessarily mean that statelessness does not affect that country. It may mean that information on statelessness in that country is unavailable or beyond the capacity of RI to find. Cognizant of the dearth of precise information, RI has tended to use conservative estimates, and regularly updates its reports as new information emerges.

AFRICA

Statelessness issues appear in all regions of Africa, often affecting ethnic or religious minorities considered to be "non-indigenous" to the country at hand or groups with historical or cultural ties elsewhere. Statelessness also arises in countries that do not permit female citizens to pass nationality to their children. Significant populations of concern include the 3.5 million inhabitants of Cote d'Ivoire who lack identity documents; the 110,000-155,000 Sahrawis taking refuge in Algeria, who have been stateless for 32 years; and hundreds of thousands of children in Egypt with non-Egyptian fathers. The citizenship status of 300,000 to 400,000 Banyamulenge in the Democratic Republic of Congo remains contentious.

However, important positive developments have taken place in Kenya, Ethiopia, and Mauritania. Nubians in Kenya report facing far fewer obstacles in registering for national identification cards; Ethiopia recently enacted a proclamation enabling persons of Eritrean origin to reestablish Ethiopian citizenship that they had lost during the 1998-2000 border conflict with Eritrea; and in 2007, Mauritania began repatriating persons who fled to Senegal following ethnic violence in the late 1980s. Encouragingly, Egypt's Interior Ministry began in 2003 to process citizenship applications of persons of mixed parentage, but progress has been very slow relative to the numbers affected. Since 2005, Senegal and Rwanda have ratified both statelessness conventions.

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Algeria

Between the Spanish withdrawal in 1976 and the Moroccan annexation of Western Sahara in 1979, an estimated 110,000-155,000 Sahrawis sought refuge in Algeria. Most of these individuals continue to reside in four camps near Tindouf, a historic oasis town in southern Algeria. They have been stateless for about 32 years, and Morocco, which continues to occupy the territory, has prevented efforts by the United Nations to allow the Sahrawis to participate in an independence referendum. Furthermore, because Algerian citizenship is derived exclusively from the father, children of an Algerian mother and a refugee father are not eligible for Algerian citizenship.

Côte d'Ivoire

It has been estimated that nearly twenty percent of Côte d'Ivoire's 18 million inhabitants have documentation problems, and nationality and identity were at the root of the war that ravaged Côte d'Ivoire in 2002. In previous decades, the country welcomed millions of West African immigrants, particularly laborers from Burkina Faso, Mali, and Ghana who came to work on cocoa, coffee, and cotton plantations. But when commodity prices declined, the welcome wore thin. Birth on Ivorian soil does not automatically translate to citizenship - a right reserved in most cases for those who can prove at least one parent was also born in the country. Blurring the issue further, many native Ivorians have family ties that stretch across borders drawn by European colonizers in the nineteenth century.

In late 2005, the UN Security Council appointed a neutral Prime Minister to head the transitional coalition government, which includes ministers favorable to President Gbagbo and to the opposition, to govern the country until a new election could be held. Shortly after his appointment, the Prime Minister's office created a mobile pilot program, *"Audiences Foraines,"* to document people over 13 years of age who lacked birth certificates or other proof of citizenship. The pilot program found that approximately 16 percent of those seeking nationality documentation were ineligible and thus at high risk of statelessness. In December 2008, Ivoirian parties agreed that elections would follow the identification process and the disarmament of ex-combatants. The UN's Special Representative in Ivory Coast has said that the identification process should be completed in spring 2009.

Democratic Republic of the Congo

Despite a 2004 citizenship law granting citizenship to the Banyamulenge community, it is unclear whether the 300,000 to 400,000 of them living in Congo can obtain nationality documents or their rights as citizens in the ongoing conflict in eastern Congo. The Banyamulenge are ethnic Tutsis who came to the territory of what is now the Democratic Republic of Congo from Rwanda centuries ago and settled in the hills called Mulenge, found between the towns of Uvira and Bukavu in what is now South Kivu. Relations between the groups grew strained during post-Independence in 1964, when the Banyamulenge helped the Congolese National Army crush a rebellion in the Kivus which aimed to install a type of communism in which property, land, and cattle were to be shared among the local people.

In January 1972, President Mobutu signed a decree collectively granting Zairian citizenship to all Rwandan and Burundian natives who had settled in Zaire (as the country was then called) prior to 1950. In 1981, the highly unpopular 1972 decree was retroactively invalidated by the parliament, effectively rendering the people of Rwandese origin stateless. During the Rwandan genocide in 1994, thousands of Banyamulenge crossed back to neighboring Rwanda and joined the Tutsi-led rebels (the Rwanda Patriotic Front) to topple the Hutu-dominated government there.

In 1996, a local official warned that all Banyamulenge must leave Zaire within a week and threatened to confiscate their property. The Banyamulenge armed themselves and repelled the Zairian offensive. The group later joined the rebels led by Laurent Kabila, who overthrew President Mobutu. Kabila's support among the Banyamulenge eroded in August 1998 when he decided to expel Rwandese and Ugandan contingents from his army. In the name of defending Tutsis against oppression in North Kivu, a rebel army consisting primarily of Banyamulenge and commanded by General Laurent Nkunda has been fighting the government. Violence from this conflict has displaced hundreds of thousands of people. In early 2009, General Nkunda was arrested, a development with uncertain implications for conflict in the region.

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Egypt

More than 100 stateless persons in Egypt remain of concern to the UNHCR under a 1954 agreement (ratified in 1981) between the Egyptian government and the refugee agency. The agreement covers individuals of Russian, Armenian, Yugoslav, Albanian, Hungarian, Czech, Bulgarian, Polish, Romanian, and Estonian origins.

Palestinians (estimated at 55,000-77,000) cannot obtain Egyptian nationality based on a 1959 agreement not to give Palestinians citizenship in order to preserve their national identity. Palestinian men who have left the country for jobs live abroad illegally and cannot return to Egypt because Egypt has closed the office that issues return visas. The United Nations Relief and Works Agency does not serve Palestinians in Egypt, as it does the Palestinians in Jordan, Syria, and Lebanon.

A 2004 law provides that children born to Egyptian mothers can claim Egyptian citizenship. For children born after the law's enactment, citizenship is immediate, but those born beforehand had to apply to the Interior Ministry in accordance with President Hosni Mubarak's 2003 announcement to that effect. In 2005, RI reported that 400,000 to more than a million stateless children of mixed parentage resided in the country. One estimate suggests that at least 17,000 of these children may now have acquired a nationality. According to one source, the 2004 law has not been applied to children of Egyptian mothers and Palestinian fathers.

In December 2006, Egypt's Supreme Administrative Court determined that the government could not recognize the Baha'i faith in official identification documents. Baha'is were therefore unable to obtain documents requiring a statement of religious affiliation, such as identity cards or certificates of birth or death. However, in January 2008, a lower administrative court held that Baha'is could leave religious affiliation questions blank, paving the way for restoration of their citizenship rights.

Eritrea and Ethiopia

An indeterminate number of persons of Eritrean origin in Ethiopia are stateless or vulnerable to it. During the 1998-2000 border conflict between Ethiopia and Eritrea, many people, especially those in mixed marriages or being descendents thereof, became stateless. Ethiopia denationalized individuals of Eritrean origin, claiming that they were a security risk or that they had renounced their citizenship by voting in the 1993 referendum on Eritrean independence. An estimated 75,000 individuals were deported to Eritrea, ripping families apart and forcing those left behind to hide their identities. Today, sources suggest that many, perhaps most, Eritreans living in Ethiopia reacquired citizenship under a nationality proclamation enacted in 2003. However, some individuals have reported problems obtaining national identification cards, including 3-year delays and interrogation by immigration officials. Others who have Ethiopian nationality reported that they do not enjoy the full benefits of citizenship, and are compelled to hide their identities for fear of discrimination or harassment. The number of persons in Eritrea who may be stateless as a result of the 1998-2000 conflict is unknown.

Kenya

The number of stateless people in Kenya is not known, though certain groups are at risk. Under Kenya's Registration of Persons Act, citizens 18 or over must register with the National Registration Bureau and obtain a national identification (ID) card. Failure to do so is a crime. Groups with historical or ethnic ties to other countries face higher burdens of proof in the registration process, and security concerns have also created obstacles. The Nubians, a group originating in Sudan but residing in Kenya for over a century, along with the Somalis of Kenya (such as the Galjeel community), and the coastal Arabs have all experienced discriminatory policies that have led to statelessness.

Some evidence suggests that discriminatory registration procedures are waning, at least with respect to Nubians. In 2003 and 2006, the Nubian community filed complaints with the Kenya High Court and then with the African Court on Human and People's Rights. Although neither case has reached a resolution, Nubians report greater ease in being able to obtain national IDs. In the early 1990s, the total number of Somalis in Kenya was estimated at hundreds of thousands, but the number has steadily declined. Citizenship of Somali nationals is not always recognized by the government, especially in disputed border areas.

In addition, women cannot pass nationality to their children born abroad. Children of unknown origin or who might otherwise be stateless, including some orphans and street children, are not automatically granted Kenyan nationality. Refugees cannot naturalize, increasing the risk of statelessness over time.

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Libya

In 2007, approximately 12,000 refugees, internally displaced persons, and stateless persons were registered with UNHCR, although UNHCR estimated there were closer to 30,000 such individuals in the country. The majority of refugees and stateless persons are Palestinians, Iraqis, and Somalis, followed by smaller numbers from Sudan and Eritrea.

Madagasgar

According to the U.S. Department of State, discriminatory citizenship laws and administrative procedures have made as many as five percent of Madagascar's two million Muslims stateless. Reports suggest that even having a Muslim-sounding name was sufficient for one's citizenship application to be denied. One group that has been affected is the Karana, an Indo-Pakistani community that has been present in Madagascar for over a century. Out of the 20,000 Karana located in Madagascar, only a handful of individuals hold citizenship rights.

Madagascar does not recognize birth on Malagasy soil as automatic citizenship; it must be transmitted through a native-born mother. Also, children who are born to a native mother and foreign father must declare their citizenship early in order to avoid losing their eligibility to qualify.

Mauritania

Fewer than 25,000 Mauritanian refugees residing in Senegal or returning to Mauritania are technically entitled to Mauritanian citizenship, but delayed repatriation and identity registration processes have obstructed their enjoyment of effective nationality. In the late 1980s, tens of thousands of such Mauritanians of sub-Saharan descent were expelled from their homes on the basis that they were not truly citizens due to their skin color. The majority of Mauritania's population is lighter-skinned and of Arab descent. In this period, some 75,000-100,000 individuals of sub-Saharan descent left Mauritania, and 15,000 nomadic Mauritanians who were in Senegal, were not allowed to return to Mauritanian territory. Over time, some of these refugees were able to return to Mauritania. In the late 1990s, UNHCR reported there were 25,000 persons who had not repatriated, while other estimates were 45,000 to 60,000. Children born in Senegal were often not registered at birth due to local difficulties.

In 2007, former Mauritanian President Sidi Mohamed Ould Cheikh Abdallahi vowed to ensure the return of refugees living in Senegal and Mali. A commission was tasked with organizing consultations with all the political parties and civil society organizations to prepare for the return of their fellow citizens, in collaboration with UNHCR. Refugee leaders declared the Mauritanian government's announcement a victory for the community. Under a November 2007 Tripartite Agreement between Mauritania, Senegal, and UNHCR, returns started in January 2008, but have experienced delays, particularly since August, when a bloodless military coup led by General Mohamed Ould Abdelaziz overthrew President Abdallahi. The coup leader vowed that the repatriation process would continue.

Senegal (See Mauritania)

Swaziland

Non-ethnic Swazis seeking passports and citizenship documents sometimes experience lengthy processing delays, in part due to the sentiment that mixed-race and white persons are not real citizens. Individuals expressing political dissent have had their citizenship questioned and experienced difficulties in obtaining travel documents.

Zimbabwe

Farm workers of foreign origin represent one of the most vulnerable groups in Zimbabwe. An estimated 30 percent of two million farm workers and their families are believed to be of foreign descent. Many were born in Zimbabwe but lack birth certificates or national identity cards. They have also lost ties with their country of origin and have no place to return to when evicted from the farms.

The 2004 Amendment to the Citizenship Act grants citizenship to all people with parents from the Southern African Development Community born in Zimbabwe. But since many farm workers did not have the opportunity to register for birth certificates, doubts remain about the administrative capacity of the government to provide national identity registration. In addition, thousands of children who fled across the border to Zimbabwe during Mozambique's 17-year civil war (1975-1992) were stranded without access to identity documents.

In 2007, President Mugabe warned that Zimbabwean nationals who have been out of the country for more than five continuous years would become stateless.

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THE AMERICAS

Individuals of Haitian and Colombian origin are the largest groups of concern in the Americas. As many as one million persons of Haitian origin reside in the Dominican Republic, but children of Haitian migrants are often denied citizenship and excluded from public services. Children of persons of Haitian origin in the Bahamas and other countries in the Caribbean reportedly face similar restrictions. Undocumented persons of Colombian origin have no legal protection in Ecuador, and such persons have faced obstacles registering their children in Panama and Venezuela.

Laws with arguably unrealistic requirements, such as short time frames or disparate sets of requirements for persons originating from different countries, have made citizenship access more difficult for some persons in countries such as the Bahamas, Canada, Costa Rica, and Mexico.

Regarding positive developments, in 2008, Canada began welcoming 100 Vietnamese families marooned in the Philippines for almost 20 years. Until then, no country would accept them following the end of the Vietnam War. Since 2005, Belize and Brazil have ratified both statelessness conventions.

Bahamas

There are no reliable estimates on the number of stateless persons currently residing in the Bahamas, but children born in the Bahamas to foreign parents, or a Bahamian mother and non-Bahamian father are ineligible for citizenship until their 18th birthday, at which time they can apply for citizenship. However, many applicants 18 years old or over remain stateless due to slow governmental response, short window times for application, and complicated documentary requirements.

Haitians residing in the Bahamas face widespread social and economic deprivation and are constantly in fear of being detained or deported. Because citizenship in Haiti is acquired by birth within the territory, children of Haitian migrants born in the Bahamas are stateless, at least until the age of 18. Although stateless children are legally entitled to free public education, children of Haitian immigrants were reportedly forced to pay the tuition rates of foreign students or in some cases were denied access to school altogether.

Brazil

It has been reported that Brazil is home to some 1,000-3,000 stateless persons. Fortunately, Brazil has recognized this problem and recently revised its Constitution and signed on to the statelessness conventions to rectify the situation. Sources indicate that civil society organizations have been urging the government to conduct a migratory regulation review.

Canada

Under the current Canadian Citizenship Act, persons who are born abroad to a Canadian citizen parent are Canadian citizens by birth. However, children born abroad in the second generation to Canadian citizen parents must apply before the age of 28 to retain their citizenship. Individuals may become stateless at 28 years if they do not apply to retain their citizenship, do not meet all the requirements in the law, or are not entitled to other citizenship. Bill C-37 has a provision allowing persons to apply for Canadian citizenship if they are stateless (Subsection 4(2)). However, a number of conditions must be met, including the requirement that the stateless child of a Canadian citizen must have resided in Canada for three of four years preceding the application. This means that the child will have to remain stateless for at least three years. The bill does not explain on what basis a person would be allowed to enter and live in Canada in order to meet the three-year residency requirement. An estimated 200-300 stateless Palestinians live in Canada.

In 2008, Canada agreed to accept 100 Vietnamese families who no country would recognize since the end of the Vietnam War in 1975. The families had been stranded in the Philippines for 20 years.

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Costa Rica

According to the U.S Department of State, Costa Rica has a small population of stateless persons mostly represented by Nicaraguan migrants and the Ngobe-Bugle people, an indigenous group from Panama. These groups migrated to Costa Rica to work on plantations. Some gave birth to children on the plantation and chose not to register them as Costa Rican citizens, believing that they were Nicaraguan or Panamanian. However, Nicaragua and Panama refuse to accept many of these children as citizens, rendering them stateless.

Costa Rica's naturalization process has different requirements for Central Americans, Ibero-Americans, and Spaniards. The government claims that these people share a closer historical, cultural, and spiritual bond with the people of Costa Rica and would be much more easily assimilated into the country. Nevertheless, this creates an unfair practice for stateless inhabitants who do not share similar origins.

Dominican Republic

The number of stateless persons of Haitian origin in the Dominican Republic is not known. Human Rights Watch has estimated that "a million or so" persons of Haitian origin live in the DR. According to the U.S. Department of State, approximately 650,000 Haitians live in *bateyes*, clusters of concrete barracks or wooden shacks, near sugar cane plantations without any documentation, sanitation, or health care. Because of their migrant status and darker skin complexion, many face discrimination and deportation.

Although Article 11 of the Constitution allows everyone born in the Dominican Republic to be a citizen, Haitian children are denied citizenship on the basis that they are falsely considered "in transit," not having regularized their stay in the country. Children must be officially registered at the Haitian consulate in Santo Domingo, but most are probably not registered because their parents consider themselves to be Dominican. Parents also may not register children because of lack of knowledge, economic resources, or documentation proving their Haitian citizenship or, in the case of asylum seekers, fear of doing so. In a September 2005 decision, *Case of the Girls Yean and Bosico v. the Dominican Republic*, the Inter-American Court of Human Rights found that in preventing two children from obtaining their birth certificates, the Dominican Republic violated their right to nationality, the rights of the child, and the right to equal protection before the law.

In 2007, the Dominican government began the so-called "pink book" program, a birth registration system in which children of foreigners are issued pink birth certificates. Civil rights activists believe this system will foster more discrimination. In December 2007, the *Junta Central Electoral* (JCE), the state agency that administers the country's civil registry operations, authorized Resolution No. 12-2007. The resolution allows for the provisional suspension of "irregular" state civil registry documents, including birth certificates and national identity cards. Some Dominican legal experts contend that the resolution violates human rights. Moreover, the Dominican government is considering an amendment to the constitution which would restrict or remove citizenship rights by birth in the DR.

Ecuador

Approximately 200,000 undocumented individuals originating from Colombia live in refugee-like situations in Ecuador. Lacking legal protection, they are susceptible to trafficking, sexual exploitation, harassment, detention, and deportation. According to UNHCR, persons without documentation residing in Ecuador may be held in detention up to three years. After three years, foreigners are able to remain in the country on a temporary basis but remain stateless.

Mexico

An asylum seeker must file an asylum application within 15 days of entering Mexico. A UNHCR non-governmental implementing partner in Mexico City contended that many asylum seekers would be unable to meet this filing requirement and could therefore be denied refugee protection and become de facto stateless.

In 2008, UNHCR Mexico began advocating for the passage of new laws on refugees and statelessness inside both Mexico and Nicaragua. Efforts have also been made towards the reform of the regulatory decree of the National Law in Mexico.

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Panama

Access to nationality is a concern for the children of displaced Colombians who reside in Panama with legal temporary protected status. Though there are no specific figures for the total number of stateless persons in Panama, the U.S. Department of State reports that there are 108 children born in Panama who were not issued birth certificates, rendering them de facto stateless.

United States

All people born in the U.S. are citizens, except persons such as the children of foreign diplomats accredited to the U.S. who are not subject to U.S. jurisdiction. Qualified persons may acquire citizenship through naturalization. In 1967, the U.S. Supreme Court ruled in *Afroyim v. Rusk* that citizenship can be lost only if freely and expressly renounced. Subsequent acquisition of another nationality is not required.

A bill to grant automatic American citizenship to Amerasians born between 1950 and 1982 — children of U.S. citizens and Asian nationals from five countries, including Korea, Vietnam, Laos, Cambodia, and Thailand — was presented to the U.S. House of Representatives in 2003. According to the bill, Amerasians would be eligible for automatic American citizenship under the Amerasian Immigration Act of 1982. In the countries where they are born, many Amerasian children were not registered and some became street children, rendering them effectively stateless or at risk of statelessness.

Cubans in the U.S. may not be stateless *per se* because their Cuban nationality has not been withdrawn or disputed. However, because re-entry to Cuba is not possible in many cases, the UN has suggested some Cubans in the U.S. may have ineffective nationality. A small number of other individuals held in U.S. immigration detention facilities are believed to be stateless.

Venezuela

All children born in Venezuela are entitled to the country's citizenship. However, local civil registration offices have prevented undocumented Colombians from registering their children, leaving them stateless.

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ASIA

Statelessness exists throughout Asia. One of the most desperate populations is the Rohingya, a Muslim minority originating in Burma. Over 700,000 Rohinyga are denied citizenship and subject to human rights violations and religious persecution in Burma. Around one million live outside the country, many as refugees or illegal migrants in Bangladesh, Japan, Saudi Arabia, and Malaysia, where they are vulnerable to deportation and live in impoverished conditions. At least a half million persons of Indian origin are also effectively stateless in Burma. Close to one million hill tribe people in Thailand lack Thai citizenship because of unreasonably short filing deadlines or because, partly as a result of living in rural areas, they are unable to provide documentation of their birthplace or parentage. Children among the two million Burmese refugees or economic migrants in Thailand are ineligible for Thai or Burmese citizenship, rendering them stateless.

Persons of Chinese descent have also faced restrictions on citizenship rights in Indonesia (though the situation has improved in recent years), Korea, and in Vietnam. Tens of thousands of undocumented children of migrant parents in Sabah in eastern Malaysia are believed to be stateless and extremely vulnerable, particularly those whose parents have been deported. Lasting close to twenty years, the situation for over 100,000 Bhutanese refugees in Nepal is among the most protracted situations of statelessness, although the U.S. has recently agreed to resettle 60,000. Central Asian countries' reluctance to recognize certain persecuted groups as refugees has left thousands of people at risk of statelessness.

Positive developments have taken place in Bangladesh, where a 2008 High Court judgment confirmed the citizenship rights of most members of the Urdu-speaking community. Their status had been disputed since Bangladesh's independence from Pakistan in 1971. In Sri Lanka, under a 2003 nationality law, over 200,000 Hill Tamils have reportedly received citizenship documentation. Nepal's aggressive registration efforts have reduced a stateless population of 3.4 million to 800,000. Discrimination against women through nationality laws is waning in some countries, but serious obstacles remain. Central Asian countries continue to struggle with statelessness, but some situations have improved. In recent years, Kazakhstan has reduced obstacles to citizenship status to repatriating "Oralman," and in 2006 and 2007, Turkmenistan and Kyrgyzstan naturalized thousands of individuals who fled civil war in Tajikistan in the 1990s.

EAST ASIA:

China

The number of stateless persons in China is unknown, though low-end estimates state that a few thousand children of North Korean women and Chinese men are effectively stateless. According to Human Rights Watch, as many as 100,000 North Koreans live in China, predominantly in the northeastern Jilin province, the majority of them women. Many of these women have chosen to be sold into marriage with Chinese men in order to avoid being forced to return to North Korea. While Chinese law grants citizenship to a child born in China to a Chinese citizen, Chinese fathers do not register their children for fear of exposing the illegal immigration status of their North Korean partners. For such children to receive *hukou*, a household registration permit necessary to attend school or receive health benefits, the family must obtain a police document verifying the mother's arrest and repatriation back to North Korea. Chinese men have reportedly presented these documents with financial bribes to obtain *hukous* for their children.

Japan

Groups of concern in Japan include persons of Korean descent and some Rohingya, a Muslim minority from Burma.

Fewer than 300,000 persons of Korean descent in Japan, 30 percent of the Korean population in that country, have been naturalized. Koreans living in Japan today are descendents of people that entered the country for work between 1910 and 1945, the period of Japan's colonial rule over Korea. After the Second World War, Koreans were declared resident aliens. In the late 1970s, Koreans were granted social security

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and health care benefits. In 1984, children of mixed parentage could obtain citizenship through either the father or mother. In 1991, the government increased access to citizenship and other rights for former colonial subjects and their descendants.

Despite these gradual improvements, Koreans still do not receive the full benefits Japanese citizens enjoy. Only around 15 percent of local governments have permitted Korean permanent residents to vote based on a 1995 Japanese Supreme Court decision. The Ministry of Education does not recognize high school degrees from Korean schools, requiring graduates from these schools to take the same university entrance exams as drop-outs. Koreans also cannot serve in most levels of the civil service.

A small number of Rohingya, a Muslim minority from Burma, live in Japan. Not recognized as refugees by the Japanese government, they are often ordered to leave the country. Because Burma refuses their return, none has been forcibly repatriated. Some groups in Japan have urged the government to grant stateless Rohingyas special residency permits.

In 2000, Tokyo put into effect programs to protect the welfare of stateless children, whose births their mothers refused to register for fear of forcible repatriation. On June 4, 2008, the Japanese Supreme Court ruled against a nationality law that denied citizenship to children born to Japanese fathers and foreign mothers out of wedlock. Under the current law in Japan, children who are born outside of marriage to a foreign mother and Japanese father can only obtain citizenship if the father recognizes the baby before the mother gives birth.

Korea, Republic of

Approximately 20,000 ethnic Chinese are in Korea. They cannot obtain citizenship or become public servants, and may have difficulty being hired by some major corporations. Additionally, Korea bases its citizenship rights on the principle of *jus sanguinis*, citizenship transferred through parents. Therefore, some children born in the Republic of Korea to ethnic Chinese are also rendered stateless. They cannot qualify for Chinese citizenship if the parents are "settled abroad," that is, acquired permanent resident status. In June 1998, the Government passed legislation to allow a female citizen to transmit citizenship to her child regardless of the citizenship of the child's father.

SOUTHEAST ASIA:

Burma

There are at least three groups of stateless persons originating in Burma, the Rohingya (see also Bangladesh, Malaysia, and Japan); native born but non-indigenous people, such as Indians; as well as children born in Thailand of Burmese parents.

The Rohingya are Muslims who reside in the northern parts of the Rakhine (historically known as Arakan) State, a geographically isolated area in western Burma, bordering Bangladesh. The British annexed the region after an 1824-26 conflict and encouraged migration from India. Since independence in 1948, successive Burmese governments have considered these migration flows as illegal. Claiming that the Rohingya are in fact Bengalis, they have refused to recognize them as citizens.

Shortly after General Ne Win and his Burma Socialist Programme Party (BSPP) seized power in 1962, the military government began to dissolve Rohingya social and political organizations. The 1974 Emergency Immigration Act stripped Burmese nationality from the Rohingya. In 1977, Operation Nagamin (Dragon King) constituted a national effort to register citizens and screen out foreigners prior to a national census. The resulting military campaign led to widespread killings, rape, and destruction of mosques and religious persecution. By 1978, more than 200,000 Rohingya had fled to Bangladesh. The Burmese authorities claimed that their flight served as proof of the Rohingya's illegal status in Burma.

Under the 1982 Citizenship Law, Rohingya were declared "non-national" or "foreign residents." This law designated three categories of citizens: (1) full citizens, (2) associate citizens, and (3) naturalized citizens. None of the categories applies to the Rohingya as they are not recognized as one of the 135 "national races" by the Myanmar government. More than 700,000 Rohingya in northern Rakhine today are effectively stateless and denied basic human rights.

An unknown number of Persons of Indian Origin (PIOs) are stateless, though at least half a million could be affected. Thousands have been living in Burma for over four generations, not belonging to India or Burma. The last official census in Burma held in 1983 reported approximately 428,000 persons of

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Indian origin in Burma. The current population is estimated to be about 600,000, but according to the Indian government, as many as 2.5 million PIOs could be living in Burma. Only about 2,000 hold Indian passports. Although they have lived in Burma for more than four generations, they lack documentation required by the 1982 Burmese citizenship law and are therefore stateless. They cannot travel outside the country and face low economic status.

The Burmese government refuses to give citizenship to children born outside the country to Burmese parents who left illegally or fled persecution. Children born in Thailand of Burmese descent do not have birth certificates and the parents do no have citizenship papers. Neither recognized by the Burmese government nor wanted by the Thai government, many of the roughly two million Burmese migrant workers and 150,000 Burmese refugees are effectively stateless as a result of not having citizenship documentation, and face lives of desperation.

Brunei

Stateless persons, mostly ethnic Chinese, can obtain free education at government schools but are not given subsidized medical care or the right to own land under their own names. Reform of the nationality law allows stateless persons over age 50 to acquire citizenship by passing an oral, rather than a written, nationality test.

Cambodia

The U.S. Department of State estimates that several thousand stateless persons are in Cambodia. The nationality law provides that citizenship is derived by birth from parents with Cambodian citizenship or from a foreign mother and father who were born in and living legally in the country. Accordingly, persons belonging to minority groups, in particular ethnic Vietnamese, have difficulty establishing their citizenship. The 1996 nationality law also does not outline minority rights and extends constitutional protections to nationals of Khmer ethnicity only.

Complicated birth and civil registration processes also contribute to statelessness in Cambodia. Although Cambodia has made an effort to ease registration processes, many stateless persons cannot afford the fees or bribe money to register, nor can they afford to make the trip to the registration office.

Nationality rights of members of the Khmer Krom minority group are also at risk. The Khmer Krom are an ethnic Khmer minority residing in southern Vietnam. Some members' political activism has led to harsh crackdowns by Vietnamese authorities. The Cambodian government has stated that it considers Khmer Krom who move to Cambodia to be Cambodian citizens. Under this official policy, Khmer Krom have not been able to apply for refugee status at UNHCR. However, Human Rights Watch reported in January 2009 that Khmer Krom fleeing persecution or discrimination in Vietnam are unable to obtain Cambodian citizenship documents.

Indonesia

Populations of concern in Indonesia include ethnic Chinese, whose citizenship rights have improved in recent years, and former East Timorese.

Ethnic Chinese represent about 10 million of Indonesia's 210 million people, and an unknown number are stateless. In the early 1960s, the government barred Indonesians from having two nationalities, partly in response to the Chinese government's claim in 1958 that every Chinese person in the world was a Chinese citizen. Individuals of Chinese descent were then obligated to choose a single citizenship. Government accusations that the People's Republic of China supported the communist party's failed 1965 coup attempt fueled doubts about the Chinese community's loyalty to Indonesia. The government soon introduced regulations that treated ethnic Chinese differently, such as issuing to each one a Letter of Proof Evidencing Citizenship of the Republic of Indonesia. Ethnic Chinese cannot serve as public servants, nor can they join the military or police forces.

In 2000, Jakarta stated that out of the 208,820 registered stateless ethnic Chinese, 140,000 would receive Indonesian citizenship by the year's end. In 2006, officials from the Ministry of Justice and Human Rights repeated the same statement, announcing that 145,070 of the 208,820 registered stateless ethnic Chinese have sent in applications for citizenship since 1993. Among the applications, 139,788 were reportedly approved and 3,974 returned because they were incomplete.

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In July 2006, Indonesia's House of Representative passed Law No. 12 regarding Citizenship. The law defines an "Indonesian national as anyone born in the country" and allows children born of parents of different citizenship to choose citizenship upon reaching the age of 18. The new law accordingly enables Chinese-Indonesians who have resided in the country for generations to become full-fledged citizens. In May 2008, the Minister of Justice and Human Rights again presented certificates of citizenship to 139 ethnic Chinese in a symbolic ceremony. The government has reportedly simplified the bureaucratic procedures to obtain Indonesian citizenship.

An unknown number of former refugees from East Timor are at risk of statelessness. At least 30,000 of the 250,000 East Timorese who fled to West Timor at the height of the referendum crisis in 1999 have remained in Indonesia. They are mostly former militia, military, police, government officials, and their families. At the end of 2005, UNHCR estimated that about 10,000 former refugees were "living in conditions of concern," while 16,000 others had been resettled. Local NGO and provincial government estimates are higher, with one official citing a figure of 104,436 individuals of East Timor origin remaining in West Timor. After the December 2002 declaration of the cessation of refugee status (which was concurrent with the cessation of IDP status for up to 1.4 million Indonesians displaced in other provinces at the time), the official term assigned by the Indonesian government for those remaining in Indonesia is "warga baru" (new residents).

In September and October 2003, the Indonesian Directorate for Population Registration of the Ministry of Home Affairs conducted a registration. The vast majority of those who registered opted for Indonesian citizenship, but they were also allowed to opt for East Timorese citizenship and stay in Indonesia as aliens with a valid resident permit. A minority chose not to become Indonesian citizens. In the absence of bilateral arrangements between Indonesia and East Timor, these individuals were unable to apply for East Timorese citizenship, thus left at risk of statelessness. Considering that East Timor has only recently established a Central Civil Registry to issue birth certificates, many children of the "warga baru" who opted for East Timorese citizenship but currently still reside in West Timor may not have appropriate documents and thus are in danger of lacking nationality.

Laos

Stateless children are not mentioned under Laos's Family Registration Law in reference to acquiring nationality.

Malaysia

The most pressing cases of statelessness in Malaysia include the Rohingya and undocumented children of migrants in Sabah.

Thousands of Rohingya refugees fleeing persecution in Burma currently live in Malaysia. Around 15,000 to 20,000 are registered, but unofficial estimates reach as high as 70,000. The Rohingya first came to the country in 1984, but in 1992, they arrived in large numbers after waves of expulsions by the Burmese military regime. Although Malaysia's constitution provides citizenship to children born on its territory who would otherwise be stateless, it does not extend this provision to Rohingya children. Because they do not have permission to live legally in Malaysia, these children cannot attend school, families are at risk of arrest and deportation, and the population is impoverished.

In November 2004, after years of living in a state of limbo in Malaysia, the Malaysian government recognized the Rohingya as refugees, as "people of recognized concern." The government issued temporary stay permits in the form of the IMM13 document, an immigration pass for stateless people. These documents do not represent a durable solution for ending the Rohingya's statelessness. The government has not fulfilled its promise to grant the Rohingya identity cards or temporary work permits.

Decades of irregular migration to Sabah in eastern Malaysia have resulted in large numbers of undocumented children of migrants from the Philippines and Indonesia who are stateless or at risk of statelessness. Numbers vary, but some estimate that 36,000 stateless children of Indonesian origin are in Sabah, mostly children of palm oil plantation workers. According to the head of a government task force on the issue, no exact figure exists yet on the number of stateless children of Filipino origin, but the number is predicted to be higher.

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Undocumented Filipino and Indonesian immigrants in Sabah often fail to register their children's birth, putting them at risk of statelessness. Those migrants who are arrested and deported often leave their children behind, forced to live alone on the streets. Lacking any other family ties in Malaysia, tracing the children's heritage back to their parents' country of origin in order to apply for a passport may be difficult. If no government recognizes these undocumented children as nationals, then the children are effectively stateless.

Thailand

The exact number of stateless people in Thailand is unknown but it is likely that there are 2-3.5 million.

Thailand's northern hill tribe people, who include members of the Akna, Lanu, Lisu, Yao, Shan, Hmong, and Karen ethnic communities, number around two million. NGOs report that 337,000 to almost half of them lack Thai citizenship, and are unable to vote, buy land, seek legal employment, work in certain occupations or travel freely. Since an influx of refugees and migrants into Thailand in the 1980s, the Thais have denied hill tribe people citizenship.

In 2001, the Thai Cabinet granted temporary residency rights for one year to those who had previously taken part in a government survey and others lacking identification. To secure citizenship, they had to show that they, and at least one of their parents, had been born in Thailand. These requirements are difficult for those born in remote mountain areas and who lack documentation or other evidence of birthplace and parentage. Following the expiration of the most recent filing deadline, many hill tribe people are considered illegal migrants or stateless. An inter-ministerial taskforce was created to propose solutions for acquisition of Thai nationality and systematic birth registration.

Several million Burmese live in Thailand, having fled persecution and economic deprivation in their country of origin. About 150,000 refugees have been allowed to live in temporary refugee camps, leaving more than two million others to live outside the camps illegally. Small numbers of illegal persons are also inside the camps. Children born to Burmese in Thailand are ineligible for citizenship either in Burma or in Thailand.

The number of stateless children in Thailand is unknown, but some estimate the number might be close to 100,000 in border towns such as Mae Sot and Ranong. Estimates also suggest 3,000 to 15,000 children are born every year to some 500,000 migrant workers, who are mainly from Laos, Vietnam, and Burma.

In 2006, then Prime Minister Thaksin Shinawatra announced that two million stateless people would be granted Thai citizenship. The plan was projected to cover various groups of stateless people, including children studying in schools in Thailand and immigrants who have been living in the kingdom for at least 10 consecutive years. Thaksin, however, was overthrown later that year, and processes for obtaining citizenship in Thailand have not been reformed.

Vietnam

Vietnam hosts an estimated 9,500 stateless ethnic Chinese Cambodians. In the 1970s, tens of thousands of Cambodians sought refuge in Vietnam from the brutal reign of the Khmer Rouge. By the early 1990s, most of these refugees had returned to Cambodia, with a small number resettled to third countries, but the Chinese Cambodians remained. Approximately 2,300 have resided in four camps in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s. The rest live mostly in and around Ho Chi Minh City.

In 2006, UNHCR proposed to facilitate three-way discussions with the Vietnamese and Cambodian governments to reach a durable solution for this population. Vietnam's Prime Minister promised to begin naturalizing them in 2007 and, in November, the Government agreed to waive all fees (about US$200 per person), but postponed the process until 2008. Stateless Chinese Cambodians (especially the younger generation) have encountered obstacles registering births and marriages, accessing education and free health care, seeking employment, and traveling abroad, especially to visit relatives back in Cambodia.

According to UNHCR, an estimated 3,000 women in Vietnam, formerly married to Taiwanese husbands, have been left in a stateless limbo after their divorces. The women were required to give up Vietnamese nationality to become Chinese citizens at the time of their marriage. When the marriage failed, they returned to Vietnam and gave up their Chinese nationality in an attempt to restore their Vietnamese citizenship. Their children, who often hold only Chinese nationality and have never previously been Vietnamese nationals, are ineligible to enter publicly-supported schools in Vietnam.

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SOUTH ASIA:

Bangladesh

For many years, Bangladesh has hosted several stateless populations, including the Urdu-speaking minority (also known as the Biharis or "stranded Pakistanis"), Rohingya refugees (see also Burma and Malaysia), and individuals of Indian origin. In 2008, the High Court provided a remedy for many of the Biharis.

For 37 years, at least 200,000 and as many as 500,000 Urdu speakers have lived in urban camps throughout Bangladesh, where they have suffered discrimination, demographic stress, poor conditions, and lack of basic amenities. They were a Muslim minority living in the majority Hindu regions (including Bihar) in pre-independence India. With the breakup of India in 1947, a large group fled to East Pakistan and became a linguistic minority among the majority Bengali speaking inhabitants. They were full citizens of Pakistan until 1971, when the Bengali majority in East Pakistan pushed for secession from the Pakistani state, giving birth to an independent Bangladesh. During Bangladesh's struggle for independence, the Bihari sided with West Pakistan. They were abandoned by Pakistan upon Bangladesh's independence, as Pakistan argued that a mass influx of this minority would destabilize an already fragile and culturally mixed population. Bangladesh, on the other hand, scorned them for supporting the enemy. With neither country offering citizenship, the Urdu-speaking minority became citizens of nowhere.

In May 2008, the Bangladesh High Court held that any Urdu speaker born in Bangladesh, or whose father or grandfather was born in Bangladesh, and who was a permanent resident in 1971 or who has permanently resided in Bangladesh since 1971 is a citizen "by operation of law." This essentially confirmed the citizenship of most members of this community. Persons who affirm or acknowledge allegiance to a foreign state (such as Pakistan) may be disqualified.

There are approximately 28,000 Rohingya from Burma living as recognized refugees in camps in southern Bangladesh, dependent on the UN and the international community. An estimated 200,000 other Rohingya live illegally outside the camps. Burmese discrimination toward its Rohingya Muslim population culminated in the enactment of the Citizenship Law of 1982, in which they were declared "non-national" or "foreign residents." Burma insists they are Bangladeshi, and Bangladesh that they are Burmese.

There were two waves of Rohingya expulsions from Burma to Bangladesh. The first occurred in 1978, and the second in 1991-1992. Around 250,000 Rohingya crossed into the Chittagong area of Bangladesh. Although many were repatriated involuntarily to Burma, some returned along with new groups fleeing persecution and harsh taxation. Those living in Bangladesh contend with severe poverty and strained relations with the local community. Migration of Rohingya from Burma is continuing, though many now choose to try to go to Malaysia by sea rather than seeking refuge in Bangladesh.

Nearly 200,000 people living in Indian enclaves along the Bangladeshi border have no voting rights because of a dispute between the two countries over carrying out a census there. Many residents feel they are stateless and belong to neither country. They say they risk their lives if they try to cross over into India, and are often harassed by the security forces of both countries.

Bhutan

In Bhutan, children can only qualify for automatic citizenship by birth if both parents are citizens. The country has strict naturalization requirements. Under the 1985 Citizenship Act, applicants must have proficiency in the Dzongkha language and have 15-20 years of residency in the country.

More than 100,000 ethnically Nepali Bhutanese are in Nepal as stateless refugees. Bhutan's requirements make it nearly impossible for any repatriated persons to ever regain citizenship. According to Human Rights Watch, Bhutan only recognizes approximately two percent of returnees as citizens. (See also Nepal.)

India and Pakistan

Certain groups in India grapple with statelessness, or the risk of it, though exact numbers are not known. These groups include Chakmas and Hajongs, as well as Punjabis and other groups affected by the 1947 partition which split India and Pakistan into two separate countries.

About 30,000 Chakmas and Hajongs from the Chittagong Hill Tracts of the area known as East Pakistan (now Bangladesh) migrated to India and settled in Aruanchal Pradesh. Children of these migrants have not been granted the right to nationality. Now numbering some 65,000, many Chakmas have the right to citizenship and to vote, but the government has systematically denied them access to social, economic, and political rights to which they are entitled.

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Some 20,000 Hindu families from Pakistan who went to the Indian side after the 1947 partition riots are still stateless. India has reportedly amended its Citizenship Act of 1955 and Citizen Rule of 1965 authorizing the district magistrate of Jaisalmer to grant Indian citizenship to Pakistanis who have been living in the border district for the last five years. These individuals may acquire citizenship soon. In addition, over a hundred thousand Punjabi refugees fled to Jammu and Kashmir from neighboring Sialkot district of Punjab province (now in Pakistan) in 1947 during the partition. Until now, they have not been granted citizenship. The descendents of these stateless people continue to be denied nationality.

Finally, an amendment to India's nationality law in 2003 provides that children born to an Indian parent in India with one foreign "illegal" parent will not receive citizenship, increasing the risk of statelessness.

Maldives

According to the U.S. Department of State, the Maldivian constitutional assembly has passed an amendment providing that if a Maldivian citizen converts to any other religion besides Islam than it is an automatic violation of Shari'a law, resulting in loss of citizenship. No cases have been reported as of yet, but the law's implementation will have serious repercussions for Maldivian Christians. As an island state, the very existence of which is threatened by rising oceans due to climate change, the Maldives is undertaking efforts to find another state to adopt them as citizens. The UN Human Rights Council commissioned a study on the impact of climate change and human rights, which may address the potential loss of nationality of some 360,000 inhabitants on 12,000 islands that make up the Maldives.

Nepal

In 1995, around 3.4 million stateless people were residing in Nepal. Government efforts to register and formally recognize stateless people have dramatically reduced the number by 2.6 million. Individuals from Tibet and Bhutan are also stateless there.

An estimated 20,000 Tibetan refugees are in Nepal. Many of them live in Kathmandu and surrounding areas. They have no defined legal status and are generally divided into two classes: (1) residents who entered Nepal before 1989 and their children, and (2) new arrivals with no right to remain in Nepal. Tibetans cannot travel to certain restricted regions of Nepal, typically those near the border with China. Nonetheless, an estimated 3,000 refugees travel back to Tibet each year.

While Nepal's Citizenship Act makes many Tibetan residents theoretically eligible for citizenship, the government does not view citizenship as a viable option for Tibetans. Officials argue Tibetans never relinquished their prior citizenship and discrimination against them runs high. The government has given the initial 20,000 Tibetans Refugee Identity Cards, but refuses to give such identification to any of the 5,000 Tibetan children born in the country or any who arrived in the country after 1989.

Over 100,000 individuals of Nepali origin were stripped of their citizenship and forcibly expelled from Bhutan in the early 1990s, and their right to return has been systematically obstructed by the Bhutanese government. They are also refused citizenship in Nepal.

The stateless Bhutanese in Nepal are predominantly Hindus from southern Bhutan, ethnically and culturally distinct from the majority ethnic group and ruling elite, the Buddist Ngalongs from northern Bhutan. Most of the individuals sought safety in Nepal where they now live in camps administered by UNHCR. After many rounds of joint ministerial talks between Nepal and Bhutan, the refugees are no closer to returning to their homes in Bhutan.

In 2007, the U.S. agreed to resettle approximately 60,000 Bhutanese refugees. By the end of 2008, more than 7,000 refugees had been resettled.

Nepal has instituted some reforms to deal with its stateless population. The Nepalese Citizenship Act of 2006 provides that a person born in Nepal before April of 1990 and who permanently resides there is a Nepalese citizen by birth. The act also now allows foreign women married to Nepalese citizens to apply for citizenship once they have renounced their previous citizenship.

Pakistan (See India And Pakistan)

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Sri Lanka

According to the U.S. Department of State, political parties representing Hill Tamils state that approximately 70,000 Hill Tamils may remain without adequate documentation of their Sri Lankan citizenship. In the nineteenth century, British colonialists brought Tamils from India to work on tea and rubber plantations. After independence in 1947, this group was effectively denied Sri Lankan citizenship. Between the 1950s and 1980s, India and Sri Lanka concluded various agreements to facilitate the return of some Tamils to India and the acquisition of Sri Lankan citizenship for others. India, however, was extremely slow to process the citizenship applications and by 1982, India declared that the previous agreements were no longer binding. Repatriations to India ceased in 1984.

Sri Lanka passed a law in 1988 granting citizenship to persons of Indian origin who had not previously applied for Indian citizenship. The law excluded over 500,000 Tamils. UNHCR estimates that in 2003, around 300,000 Hill Tamils were still stateless in Sri Lanka. The 2003 Grant of Citizenship to Persons of Indian Origin Act gave citizenship to persons of Indian origin residing in Sri Lanka since October 1964 and their descendants, essentially ending the problem of statelessness in Sri Lanka. Persons remaining in Sri Lanka who held Indian passports had to sign a declaration expressing their desire to voluntarily obtain Sri Lankan citizenship and renounce their right to Indian citizenship. The government has since taken steps to provide documentation to the Hill Tamils.

As of January 18, 2008, approximately 200 Chinese residents of Sri Lanka were set to receive Sri Lankan citizenship. Prime Minister Ratnasiri Wickremanayake submitted the memorandum granting citizenship to the stateless people of Chinese origin permanently residing in Sri Lanka. The small population of Chinese residents left China for Sri Lanka in the 1930s. Because Sri Lankan citizenship laws required that a grandparent be born in Sri Lanka, many could not qualify for nationality. In lieu of passports, they were issued travel certificates which had to be renewed every two years.

CENTRAL ASIA:

Azerbaijan

According to UNHCR and the U.S. Department of State, by the end of 2007, approximately 2,078 stateless persons were in Azerbaijan. The majority of these persons were ethnic Azeris from Georgia and Iran.

The legal status of Meskhetian Turks throughout Central Asia is not secure, and an unknown number are stateless. Meskhetian Turks originally lived in the Meskhetian Range region in southern Republic of Georgia, near the Turkish border. Under Stalin's leadership, thousands were deported to other regions of Central Asia. An estimated 300,000 Meskhetians live in the former USSR, with 80,000-100,000 in Kazakhstan, 50,000-70,000 in Russia, 100,000 in Azerbaijan, 25,000-30,000 in Kyrgyzstan, 15,000-40,000 in Uzbekistan, and 5,000-10,000 in the Ukraine. Another 20,000 are in Turkey. There are also thousands of Meskhetian Turks who have recently resettled within the U.S. While no one country considers deported Meskhetians to be their nationals, efforts to repatriate Meskhetians and provide citizenship in Azerbaijan and Turkey have taken root over the last decade. In Azerbaijan, UNHCR helped implement a 1998 citizenship law. However, citizenship has reportedly been withheld from Meskhetian men who delay or avoid participation in compulsory military service.

Kazakhstan

In 2007, the government of Kazakhstan reported that 7,538 persons from countries of the Commonwealth of Independent States live without citizenship and that there are 449 stateless individuals. The actual number is generally believed to be much higher. Refugees who can neither return to their homelands nor achieve legal status through regular channels become de facto stateless upon the expiry of their passports.

Positive steps recently undertaken by Kazakhstan include consideration of new draft legislation on refugees and cooperation with UN bodies and NGOs in the development of the National Human Rights Action Plan for 2007 — 2011. However, Kazakhstan simultaneously continues to placate its powerful neighbors, leaving unrecognized refugees from Chechnya, China, and Uzbekistan at risk of statelessness.

According to the country's 1991 law on citizenship, every person residing on the territory of Kazakhstan has the right to apply for naturalization, a process which favors ethnic Kazakhs and effectively, though not overtly, bars other ethnicities from gaining citizenship. Coupled with the difficulty, expense, and time

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required to gain citizenship, the previous requirement that applicants renounce their current citizenship at the outset engendered a form of statelessness. Applicants are issued residence permits, giving them the right to work and to access public services, but they cannot vote and employment is limited.

Some ethnic Kazakhs eligible for the legal status of "Oralman" — meaning returnee — repatriated upon invitation of the government and under its sponsorship. However, they later had no choice but to return to their surrogate home countries. The requirement to renounce citizenship was amended for the Oralman in 2002, and in the past few years, the bureaucratic backlog has been cleared to the point that the Oralman are no longer considered to be a population at risk of statelessness.

Kyrgyzstan

The estimated number of stateless persons in the country now ranges from 50,000 to as many as 100,000, but as part of the 2009 census, the State Committee on Migration in coordination with UNHCR will undertake a survey on statelessness. In 2007, the government of Kyrgyzstan naturalized 9,000 ethnic Kyrgyz who fled Tajikistan during its civil war.

Kyrgyzstan's problems with statelessness began with implementation of its citizenship law in 1994, which provided automatic citizenship for all those living on the territory at the time. For everyone else who had no p*ropiska*, or registration of residence, citizenship would have to be gained. The application process was so complicated that many individuals avoided it, citing numerous forms, a lengthy and inconsistent list of requirements, delays, and bribery. Another problem lay in the requirement that applicants first renounce their current citizenship, but this obligation has recently been amended. Additionally, until the law on citizenship was updated in 2007, only children of citizen fathers became citizens at birth. All others, despite being born on Kyrgyz soil or to Kyrgyz mothers, had to apply for it.

Ten to 30 percent of the people in border regions reportedly have no papers. The largest of these groups of people is from Uzbekistan. The state generally refuses to recognize Uzbek asylum seekers as refugees, leaving these individuals at risk of statelessness. Refugees hide in fear of abduction by Uzbek secret service agents working on Kyrgyz soil and in cooperation with Kyrgyz law enforcement agencies. Uzbeks living in Kyrgyzstan have little hope of being welcome again in Uzbekistan if their attempts at gaining citizenship ultimately fail. Other Uzbeks who have married Kyrgyz citizens in a region that for decades was unified until artificially severed by post-Soviet borders face a prolonged application process. However, an Uzbek citizen cannot renew a passport while officially residing in Kyrgyzstan and must choose between returning to Uzbekistan and registering there as a resident or remaining in Kyrgyzstan with expired documents.

Kyrgyzstan does not recognize Chechens as refugees because it fears straining its relations with Russia. Some Uighur refugees—an ethnic group persecuted in China—also remain unrecognized.

Turkmenistan

In 2006, the Turkmenistan government granted citizenship or legal residency to over 16,000 individuals; most were Turkmen who had fled Tajikistan's civil war in the early 1990s, Russians, and ethnic Uzbeks.

Uzbekistan

The government forced the United Nations High Commissioner for Refugees (UNHCR) office to close in 2006 and disregards UNHCR certificates or mandated refugee status. According to the Uzbek Interior Ministry, over 500,000 stateless people hold residence permits instead of usual passports throughout Uzbekistan. Residence permits allow stateless people to work and live in the country, but does not permit an individual to obtain a travel document.

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EUROPE

Based on UN estimates, the Council of Europe identifies the number of stateless persons in Europe to be 679,000. The Council has adopted two important treaties: the 1997 European Convention on Nationality, which is widely signed (if not ratified), and the 2006 Convention on the Avoidance of Statelessness in relation to State Succession.

One of the largest groups of concern in Europe is the Roma. Information on the number of actual Roma residents in each country, let alone the number who are stateless or de facto stateless varies. Roma communities often have poor access to housing, health care, and education. In some countries, less than half the members of such communities have attended school or achieved basic literacy levels. In others, they are subject to overt discrimination and violence. Some European governments acknowledge neglect of Roma, but progress on ameliorating the group's legal and socio-economic status has been slow.

Statelessness issues have also arisen for populations in the former Soviet Union. Though conditions have improved, hundreds of thousands of Russian-speakers in the Baltic states have faced discriminatory policies which have encumbered their access to citizenship. Meskhetian Turks in the Krasnodar Territory of Russia have been denied nationality rights and suffered violence. The resettlement of several thousand to the U.S. in 2004-2007 has been a positive development. With mixed success, countries of the former Yugoslavia are dealing with the nationality status of refugees and displaced persons from the territory's breakup in the 1990s. In individual cases, some states have recognized and granted citizenship to stateless persons. In 2006, Romania ratified both statelessness conventions and Montenegro ratified the 1954 Convention on the Status of Stateless Persons. In 2008, Austria ratified the 1954 Convention and Finland ratified the 1961 Convention on the Reduction of Statelessness.

Albania

An unknown number of the Greek minority in Albania lack citizenship. Most of them live in a southern region called Northern Epiros, referring to the historical state of Epiros which was divided between Albania and Greece in 1913. Greeks were harshly affected by the communist regime's attempts to homogenize the population. In 2006, the Greek government decided to allow Greeks in Albania to obtain dual citizenship. The number who has obtained Greek passports as a result of the decision is not known.

Information on Roma who may be stateless because of discrimination and lack of basic infrastructure and public services is unavailable.

Austria

At the end of 2006, UNHCR reported that there were 501 stateless persons living in Austria. All 501 persons had Austrian residence permits and had the same opportunities as any other foreigner to obtain citizenship. In order for a foreigner to begin applying for citizenship in Austria, they must first prove a ten year residence and a secure grasp of the German language. Austria provides citizenship to stateless persons born in Austria who were stateless at birth.

Belarus

Approximately 16,000 stateless persons of former Soviet origin have been reported to live in Belarus in refugee-like circumstances. In addition, between 10,000 and 15,000 Roma live in Belarus. It is unknown how many of these individuals are stateless.

Belgium

Some 3,000 of the estimated 20,000 Roma in Belgium do not have permanent status. Many of the Roma residing in Belgium retain the nationality of their country of origin. However, due to the shifting political territory in the Balkan region, many states of origin no longer exist, leaving some Roma de facto stateless. Many Roma in Belgium live in caravan sites or in housing where they are vulnerable to poverty, poor health, and lack of formal education. Only a few of the Roma in Belgium have the legal documents required to stay in the country or work outside the informal labor market. Lack of documents has also led to expulsions.

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Bosnia and Herzegovina

In the former Yugoslavia, individuals held two citizenships: one federal and one from their respective republic. The Law on Citizenship of the Republic of Bosnia and Herzegovina recognizes citizenship for individuals who acquired it under prior provisions. This provision also conferred citizenship on people who had no intention of becoming Bosnian citizens or remaining in Bosnia, but who were forced to remain there due to the conflict.

The 40,000 to 50,000 Roma in Bosnia and Herzegovina are exposed to abuses of civil, political, economic and social rights. An unknown number of them are stateless. Individuals who lack personal documents cannot vote and are denied crucial services. Schooling, public housing, health care, and social support services are not accessible to many Roma. Furthermore, pre-war properties that once belonged to Roma have not been given back to them, and instead Roma are forced to live in precarious situations like informal settlements with substandard conditions. Roma also experience violence and ethnic profiling by both state and non-state actors.

In 2003, the Parliamentary Assembly passed the Law on the Protection of the Rights of the Members of National Minorities, which officially recognizes Roma as a minority group. It bans discrimination and allows the public use of Romanes, the Roma language. In 2005, an expert from the Council of Europe provided its opinion on the citizenship legislation of Bosnia and Herzegovina, recommending an amendment of the Citizenship Law to facilitate naturalization for refugees and stateless persons.

In 2005, the Ministry of Human Rights and Refugees commenced to draft a Rule Book on Rights and Obligations of Persons with Recognized Refugee Status or other Forms of International Protection. According to the proposed provisions, beneficiaries of facilitated naturalization would be persons lawfully resident in the country who have been granted refugee status by the Ministry of Security or, in the past, UNHCR, in accordance with the Law on Movement and Stay of Aliens and Asylum. In 2006, Bosnia signed (but has not yet ratified) the European Convention on Nationality.

Croatia

In Croatia, it is estimated that about 7,000 of between 60,000 to 100,000 Roma are registered. Excessive delays in the processing of citizenship, in particular that of ethnic Serbs, have resulted in the loss of social and educational benefits. Discrimination and violence against Roma remain a serious problem in Croatia. The problem of insufficient criminal, civil, and administrative provisions aimed at combating racism and discrimination is further compounded by the failure to ensure their effective implementation. The Government has failed to amend the Citizenship Law, which has a discriminatory effect on Roma and other persons who are not ethnic Croats.

Czech Republic

An estimated 250,000 to 300,000 Roma resides in the Czech Republic, an unknown number of whom are stateless. A 1992 citizenship law led to statelessness for some residents in the Czech Republic, especially Roma considered Slovaks. Many of those affected by this law previously held Czechoslovakian citizenship and thousands were impacted by this legislation. While Slovakia decided that all former Czechoslovakian citizens could receive Slovak citizenship if they desired, regardless of where they had been living on the day of the split, the Czech Republic deemed that all those with Czech state citizenship from the former Czechoslovakia automatically received Czech national citizenship. But those with Slovak state citizenship, even if they had been living in the Czech Republic, had to apply for Czech national citizenship through naturalization, which included a series of stringent requirements.

This law greatly affected Roma because approximately 95 percent of the Czech Republic's Roma had moved to the Czech Republic from Slovakia after World War II. Few had changed their citizenship in the intervening years and were thus considered Slovak citizens under the new law. This also affected children, as they too were considered Slovak citizens, even if they were born in Czech Republic territory.

The law also stated that all children under fifteen years old were included on the applications of their parents and that both parents had to agree that the child apply for citizenship. Hundreds of children reside in the Czech Republic's orphanages, many of whom are Roma of Slovak origin. This law left such children stateless. In 1999, the Czech Republic amended its citizenship law to allow Roma who were permanent residents in the Czech Republic at the time of the country's division to become citizens.

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The Committee on the Rights of the Child has expressed concern that the rights of Roma, stateless, and immigrant children to access education and health were vague, which could result in discrimination and violence toward these groups. The Committee also noted concern that the number of children in institutions was growing and that a high number of them were stateless and disabled.

Estonia

At the time Estonia gained independence, about one third of the people living in its territory were Russian-speaking minorities from other Soviet republics. On May 1, 2004, Estonia entered the European Union, making its 1.1 million people European citizens overnight. Nonetheless, 162,000 people, or 12 percent of the country's population at that time, remained stateless. These individuals must choose between learning the Estonian language and passing an exam to acquire Estonian citizenship; applying for Russian citizenship and thus surrendering the benefits of EU membership; or remaining stateless with limited political access and foreign travel restrictions. Some consider that the government's citizenship requirements violate equality provisions of the Estonian Constitution.

Nevertheless, the situation has improved significantly. The number of stateless persons in the country has dropped to approximately 112,000. As long-term residents, most stateless persons were able to vote in local but not in parliamentary elections. Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities to facilitate acquisition of citizenship by those stateless persons who wish it. Children whose parents are stateless and have lived in the country for five years are eligible to acquire citizenship at their parents' request. In addition, the naturalization process has been shortened.

According to news reports in November 2008, the Estonian parliament did not pass amendments to the law on citizenship proposed by the leading opposition Center Party, which would grant Estonian citizenship to all children permanently living in the country, including those born to families of non-citizens.

Georgia

In 1999, Georgia promised the Council of Europe to accept the Meskhetian Turk population for repatriation within twelve years as a condition of membership into the Council. Accordingly, in July 2007, Parliament approved a law on the repatriation of the Meskhetian Turks until 2011. The Georgian government began to accept applications, insisting on documents proving previous deportation, for repatriation on January 1, 2008. Only about a thousand Meskhetians Turks have been repatriated, however, due to Georgian popular and governmental resistance. Many cannot speak, read, or write the Georgian language.

Germany

Groups facing statelessness include some Roma and Palestinians, and a small number of Turks.

An estimated 100,000 non-citizen Roma are in Germany. In the 1970s and 1980s, tens of thousands of Roma from Poland, the former Yugoslavia, and Romania, entered Germany fleeing persecution. Local authorities in the German government refused to meet the asylum-seekers' basic needs, imposing strict police controls, and making arrests. In December 1990, the government of Nordrhein-Westfalen withdrew a regulation allowing stateless Roma to settle there and instead resettled them in another region. The same year, Germany was the only one of forty-three participants that voted against Resolution 62, Protection of Roma, of the United Nations Commission on Human Rights. In September 1992, Germany and Romania reached a formal agreement stating that all Romanians (many immigrant Romanians are Roma) ineligible for asylum could be forced back to Romania. Germany may have forced back at least 40,000 to 50,000 Roma. A 1994 law essentially blocked Roma from acquiring residence permits.

While most Turks in Germany are eligible for Turkish citizenship, the longstanding presence of Turkish guest workers and their descendants in Germany raised questions about their nationality rights. Because German nationality laws were previously based exclusively on descent, third generation Turks born in Germany remained foreigners. Legislation passed in 2000 conferred German citizenship on children born to foreigners in Germany who have met certain residency requirements and naturalization processes have become easier. However, dual citizenship is not permitted and persons eligible for a different nationality through birth to foreign parents must choose one citizenship between age 18 and 23.

Turkey revoked the passports of citizens abroad who refused to complete their mandatory military service. About 100 stateless Turks in Germany fell into this category. The German government issued a formal complaint, charging that such action could harm Turkey's chances for admission to the EU.

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Of the 150,000 Palestinians believed to be residing in EU member states, the majority (about 80,000) are in Germany. Most of them are stateless and hold Palestinian refugee travel documents.

Greece

Some Roma acquired citizenship in 1955, but others were left stateless and an unknown number remain so. In 1978, General Order 212 noted that many Roma should not be considered stateless but should be regarded as Greek citizens. However, many Roma did not have basic documents to submit, so it fell upon Greek police to verify their identities. Many Roma who still lack documents are de facto stateless.

In 1955, 60,000 Greek citizens (50,000 of them belonging to the Muslim — originally referred to as Turkish — minority) were deprived of their citizenship under Article 19 of the Greek Nationality Law. This law was repealed in 1998. Macedonian and Turkish minorities in Greece have also historically faced discrimination in the citizenship process.

Hungary

The number of stateless persons among the approximately 400,000 to 600,000 Roma is unknown.

Italy

UNHCR reported that in 2007, Italy recognized 886 stateless persons, but one group has suggested that 10,000 to 15,000 Roma in Italy are without citizenship. Roma and other individuals who were once citizens of countries that no longer exist, such as Yugoslavia or member states of the Soviet Union, have difficulties legalizing their status. With the breakup of Yugoslavia, about 30,000 Roma arrived from the Balkans, adding to the pre-existing population of 90,000 to 110,000 Roma who had been there for centuries. Access to housing, education, and social services is poor.

Latvia

Some 340,000 Russian non-citizens, along with over 100,000 Belarussians and Ukrainians, cannot vote in elections, become civil servants, lawyers, army officers, or hold a Latvian passport. In addition, although all children born in Latvia after 1991, upon a declaration from their parents, are automatically entitled to citizenship according to the 1998 amendment of the Citizenship Law, a large number of children are still without Latvian nationality.

The January 2004 Law on Stateless Persons provides that "a person may be recognized as a stateless person in the Republic of Latvia if some other state has not recognized the person as a citizen thereof in accordance with the laws of such state. A person who has lost the status of a non-citizen of Latvia shall be recognized as a stateless person if s/he does not have citizenship of any other state."

In 2004, 28.8 percent of Latvia's population was ethnically Russian, of which 50 percent had become Latvian citizens, 47 percent were stateless, and 3 percent had foreign citizenship. Every year more of the large population of permanent residents rendered stateless by the collapse of the Soviet Union apply for naturalization and gain citizenship.

Macedonia

The number of stateless persons in Macedonia is unknown. At the time of Macedonia's independence, Roma were not automatically eligible for citizenship since they were not registered, and were rendered de facto stateless. The state allowed one year for these people to apply for citizenship as long as they met the requirements. In a 2003 survey by the European Roma Rights Center, 153 out of the 2,224 Roma over the age of 18 did not have citizenship certificates, 749 did not possess passports, 148 did not possess ID cards, and 120 did not have birth certificates. More than 5,000 Roma from Kosovo are presently refugees in Macedonia.

Amendments to a citizenship law adopted in 2004 allowed long-term residents to regularize their citizenship status. The Ministry of Interior, in cooperation with UNHCR and the Organization for Security and Cooperation in Europe, organized a campaign to disseminate information on the procedures for residents to regularize their citizenship status. The campaign included dissemination of brochures and TV spots in the languages of the Albanian and Roma populations considered most at risk of statelessness.

Netherlands

UNHCR reports 4,461 stateless persons in the country.

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Romania

At least 430,000 and as many as 2.5 million Roma are in Romania. The lower figure is the government statistic; the high end is the estimate of non-governmental organizations. Roma often are not counted in the census because they fear the discrimination that public recognition often brings. Like in other states, Roma are marginalized and the number of those that are stateless is unknown. Only 50 percent of children under age 10 regularly attend school, and children in orphanages are disproportionately Roma.

Russian Federation

Several groups in the Russian Federation face statelessness, including Roma and Meskhetian Turks.

Russia is home to some 220,000 to 400,000 Roma, an unknown number of whom are stateless. After the collapse of the Soviet Union, former President Yeltsin promised that all holders of Soviet passports in Russia could exchange them for Russian passports. However, Roma have been denied Russian passports by authorities who tell them that they are foreigners. With no legal record or registration as a resident, a person cannot obtain employment or educate their children in public schools.

Between 50,000-70,000 Meshketians live in the Russian Federation, and those in the Krasnodar Territory are denied citizenship rights and have suffered violence from the Cossack community there. Meskhetian Turks were forcibly relocated from southwest Georgia in 1944 by the former Soviet regime. As citizens of the former Soviet Union who were permanently residing in the Russian Federation when the country's citizenship law came into force (February 6, 1992), those who had not declined Russian citizenship were considered by law to be Russian citizens. Some Meshketian Turks who had been residing in the Krasnodar area of Russia have been resettled to the U.S.

Serbia-Montenegro

Current residents of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship, leaving them stateless. This is a particular problem for asylum-seeking parents. For example, when asylum seekers who have been refused in Germany return to the former Yugoslovia with their children, the children travel on the basis of this document. Authorities take the paper at the port of entry and issue a receipt for it. Then the children have no documentation in a country where documentation is a basic requirement.

In January 1997, a new citizenship law entered into force, which, when implemented, was expected to affect adversely the rights of many inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who migrated to other countries to work or seek asylum. The Government plans to revise the eligibility status of a large number of persons. A new citizenship law was adopted by Serbia in December 2004.

Roma are not recognized as an ethnic group and do not receive constitutional protection as such. The number of stateless individuals is not known.

Slovenia

Permanent residence has been granted to about 12,000 of the 13,000 essentially stateless former Yugoslavs who have resided in Slovenia for years since the Balkan wars. Permanent residence was denied to 360 such persons. Slovene courts have ruled that the government must rectify the status of people who had permanent residency at the outset of the wars, but who were erased from the government's list of people with permanent residency.

Ukraine

In its Declaration of State Sovereignty, Ukraine determined its initial citizenry by stipulating that individuals who were citizens of the former USSR, and were permanently residing in Ukrainian territory at the moment of the Declaration of Independence (August 24, 1991), were *ex lege* citizens of the Ukraine. This legal framework led to a situation in which an individual who immigrated to Ukraine for permanent residence as recently as 1991 was automatically granted citizenship, while an individual who was born in and forcibly removed from Ukraine not only lacked citizenship, but was prevented from acquiring it.

Most of the previously deported Armenians, Bulgarians, Germans, and Greeks were naturalized with the 1991 law. Of the estimated 258,000 Crimean Tatars who returned, about 150,000 acquired Ukrainian citizenship in this manner as well. Those who left their place of exile (primarily Uzbekistan) after the

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citizenship law entered into force but before citizen legislation in their respective states took effect, became stateless (25,190). Those who returned and are still returning after the citizen law and related legislation took effect, are estimated to be about 100,000. Thanks to an amendment of Ukraine's citizenship law and bilateral agreements between Ukraine and Uzbekistan, most of the returning Tatars have been granted citizenship upon return to Ukraine. UNHCR assisted the Ukrainian authorities with amending their citizenship laws to prevent statelessness, assisting local NGOs in Crimea to provide legal advice, and facilitating integration in liaison with the UN Development Program.

About 48,000 Roma live in the Ukraine, but the number of stateless individuals among them is unknown.

United Kingdom

Cases of de facto statelessness have arisen due to historical provisions of British nationality law which created cases where people have had a British passport without right of abode in the United Kingdom. Those with such status who did not have citizenship or residence rights in any other country were effectively stateless despite holding British nationality. Effective April 30, 2003, as part of the 2002 Nationality, Immigration and Asylum Act, the United Kingdom gave most British nationals without any other citizenship the right to register as full British citizens if they wish, thereby resolving most of the British cases of effective statelessness.

Since June 2008, at least three groups of researchers have documented the long-term detention and lack of viable solutions for certain stateless persons in the U.K.

The exact numbers of stateless Roma in the United Kingdom are unavailable.

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MIDDLE EAST

Most countries in the Middle East do not afford women equal nationality rights. Specific conditions vary, but the prevailing rule is that a woman married to a non-citizen cannot pass her nationality to her children, putting children at risk of statelessness and severely complicating the lives of couples of mixed origin.

Three major populations vulnerable to statelessness are dispersed throughout the region: Palestinians, Kurds, and Bidun (also Bidoon or Bidoun).

Palestinians' legal status and living conditions vary throughout the Middle East. Palestinian refugees are uniquely defined by and receive assistance from the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). They are defined as persons who resided in Palestine between 1946 and 1948 and "who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict." Since UNRWA's definition of a Palestinian refugee also covers descendants (through the male line) of such persons, the number has risen to 4.6 million. Article 1(2)(i) of the 1954 Convention relating to the Status of Stateless Persons provides that individuals receiving protection or assistance from UN agencies other than UNHCR are technically not covered by the 1954 statelessness convention. Thus, because large numbers of Palestinian refugees receive assistance from UNRWA, the 1954 convention does not apply. Nonetheless, millions of these refugees have no citizenship, although some have acquired nationality in other countries.

Kurds number between 25 and 30 million and more than half of the Kurdish population resides in Turkey. Others are in Iraq, Iran, Syria, Lebanon, Armenia, and Azerbaijan. Some live in Western Europe and the U.S. An estimated 300,000 denationalized Kurds in Syria and tens of thousands of Kurds in Lebanon lack citizenship. Though some stateless Kurds remain in Iran, large numbers have repatriated to Iraq since the downfall of Saddam Hussein thanks to favorable nationality provisions in the new Iraqi constitution.

The Bidun (or "bidun junsiya," meaning "without citizenship") are a minority residing throughout the Middle East, in Kuwait, Bahrain, United Arab Emirates, Qatar, and Saudi Arabia. Efforts to register and naturalize stateless persons in the United Arab Emirates in 2006 and 2008 are encouraging.

Bahrain

The Bidun, a group of approximately 9,000-15,000 stateless persons in Bahrain, were granted citizenship during 2001, leaving some 1,300 still stateless with no means of protection.

Bahrain's law stipulates that citizenship applicants of Arab descent who have resided in the country for over 15 years and non-Arab applicants who have resided in the country for over 25 years are legally entitled to citizenship, but these provisions are reportedly unevenly applied.

Bahraini men married to non-Bahraini women may pass Bahraini citizenship to their children, but Bahraini women married to non-Bahraini men cannot do so, creating the potential for statelessness among children of mixed parentage. Exceptions are made for children born out of wedlock or if the father is unknown. In 2007, an amendment was proposed through which a child would obtain Bahraini nationality if either parent is Bahraini, whether the child is born in Bahrain or abroad. In 2008, a group of 21 women's organizations submitted a report detailing, among other gender equality issues, Bahrain's discriminatory nationality laws, for review at the 42nd session of the committee of the Convention of Elimination of Discrimination against Women (CEDAW) in November 2008. The organizations demanded withdrawal of all reservations on the CEDAW and ratification of the Optional Protocol.

Iran

Seven thousand Feili Kurds reside in Iran with no nationality certificates, denying them their basic rights to health care, employment, and education. Beginning in the 1970s, former Iraqi President Saddam Hussein's Baathist regime stripped citizenship from these Kurds (who are Shiite Muslims, unlike the

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Sunni Muslim Kurds of northern Iraq), claiming they were truly Iranian and expelling them to Iran. The peak of expulsions resulted in around half a million Iraqi Kurds in Iran, stateless with no protection. In 2005, the new Iraqi Constitution provided that Iraqis who had been stripped of their nationality could apply to restore it, as well as their rights and property. Since Saddam's downfall, most of these Kurds have repatriated to Iraq. Those who remain fear insecurity within Iraq.

Like most Middle Eastern countries, Iran only accepts citizenship derived from the male parent. Women are not allowed to pass on their citizenship to their spouses or children.

Iraq

UNHCR reports that 130,000 stateless persons are in Iraq. Children of mixed marriages, specifically with an Iraqi mother and non-national father, face statelessness.

Prior to the U.S. invasion of Iraq in 2003, the Palestinian population numbered approximately 30,000, most descendants of those who emigrated from Palestine to Iraq in 1948. They became targets of violence and persecution from sectarian militias as Iraq's civil war intensified in 2005 and 2006. Many tried to flee to Syria and Jordan, but as Palestinians they were barred from legal entry. Some 4,000 Palestinians from Iraq are living illegally in Damascus, while another 3,000 are stranded in poor conditions in camps along the border between Iraq and Syria. (See also Syria.) Palestinians in Iraq remain highly vulnerable.

Israel/Palestine

As highlighted in the introduction to the Middle East section of this survey, the legal status of Palestinians is complex. After the Second World War, the British withdrew their mandate from Palestine and the UN partitioned the area into Arab and Jewish states. In 1947, the UN General Assembly approved creation of a Palestinian state in Resolution 1981, but 60 years of disagreement on the state's terms and boundaries, as well as rights of return to original land, has led to periods of armed conflict and displacement.

Today, the largest population of Palestinians is found in the lands which constituted the British Mandate of Palestine (3,299,000 in West Bank and Gaza Strip; 1,013,000 in Israel). The situation of Palestinians in Gaza and the West Bank, where population density and unemployment is very high, is particularly harsh.

Jordan

According to the U.S. Department of State, all Palestinians in Jordan have Jordanian citizenship with the exception of about 130,000 refugees originally from the Gaza Strip, which was administered by Egypt until 1967.

Jordanian law prohibits married women from transferring their citizenship to their children or husbands. Non-Jordanian men married to Jordanian women must establish 15 years of permanent residency to apply for citizenship and often this process takes several years longer. Non-married women may pass their citizenship to their children with the consent of the Council of Ministers. In most cases they are granted this right, except when the father is of Palestinian descent. Children born to Jordanian mothers and non-citizen Palestinian fathers, married or not, are rendered stateless and are unable to access basic government services.

Kuwait

Approvimately 80,000 to 140,000 stateless Bidun reside in Kuwait. Most Bidun in Kuwait are descendants of Bedouin tribes that roamed freely across national borders in the region. Either because their ancestors failed to understand the importance of citizenship, because of illiteracy, or given their centuries-old nomadic way of life, they could not furnish sufficient proof that they were settled in any particular country. As a result, hundreds of thousands became stateless.

The country's 1959 Nationality Law defined Kuwaiti nationals as persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of the law. Approximately one third of the population was recognized as full-fledged citizens. Another third was naturalized and granted partial citizenship rights. The remaining third was classified as "bidun jinsiya," meaning "without citizenship." The law has been amended 14 times since and with almost every amendment, it has become more restrictive. For example, the 1959 law (Article 3) granted citizenship to children of a Kuwaiti mother when at least one of four circumstances existed: the father was unknown, paternity could not be proven, the father's nationality was unknown, or he was stateless. When amended in 1980, the mention of unknown nationality and statelessness was omitted.

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After 1985, Bidun were dismissed from their jobs (historically in the military or police forces), children were barred from public and private schools, and driving licenses were revoked. They could no longer carry passports (known as Article 17 passports) unless they left the country and renounced the right to return. Following the liberation of the country from Iraqi occupation in 1991, they were fired en masse from positions in the military and police. Only a small fraction was rehired. Those dismissed could not collect their severance pay unless they produced a passport, either Kuwaiti or foreign, or left the country. The Bidun cannot petition the courts to have their citizenship claims adjudicated.

Citizenship in Kuwait is passed on to children through their fathers, not their mothers. Consequently, the children of a Kuwaiti woman and a Bidun husband are also Bidun. In theory a child of a divorced Kuwaiti woman or widow can acquire citizenship, creating an incentive for couples to divorce for the sake of their children's future. However, interviewed individuals have said that they are still waiting on their cases.

Lebanon

In Lebanon, large numbers of Palestinians and Kurds face statelessness.

The number of Palestine refugees registered with UNRWA in Lebanon is nearly 400,000, or an estimated 10 percent of the population. A 1994 law allowed some Palestinians to apply for citizenship, but few people were aware of this chance. Also, women cannot give their citizenship to their children. If they are Lebanese and marry a Palestinian, their children are not Lebanese citizens. Men, on the other hand, are allowed to transfer their citizenship. The majority relies entirely on UNRWA for education, health, relief, and social services.

Lebanon is home to several thousand Kurds living without citizenship despite decades of family lineage in the country. Current population estimates are between 75,000 and 100,000. A naturalization decree was issued in June 1994, through which 10,000 to 18,000 Lebanese Kurds acquired citizenship.

Oman

Oman continues to have strict and limited citizenship laws. Women who are married to non-citizens of Oman cannot transfer their citizenship to their children. Also, a foreign man who marries a native born woman from Oman is not eligible to acquire citizenship.

Qatar

The U.S. Department of State reports that there are between 1,200 and 1,500 Bidun residing in Qatar. Though the government provides for long-term permanent residents to apply for citizenship, the application process is extremely difficult. The 2005 Nationality Law allows residents to apply for citizenship after residing in the country for 25 consecutive years, however only 50 applicants are accepted per year. Realistically, this process prevents most stateless persons in the country from acquiring citizenship. Qatar also only recognizes a child's citizenship from its father. Women are not allowed to transfer citizenship.

In 2005, the Qatari Interior Ministry revoked the citizenship of over 5,000 members of the Al-Ghfran tribe. Due to an outcry by the international community, Qatar restored citizenship to nearly 2,000 members. Nevertheless, Amnesty International states in its 2008 annual report that hundreds are still deprived of their nationality and citizenship rights in Qatar. The U.S. Department of State also reports accounts of deportation orders against long term residents and Bidun.

Saudi Arabia

Bidun are denied passports and other basic rights. As a result, they remain the poorest and most marginalized members of Saudi society.

Saudi women are not allowed to pass their citizenship along to their children. Therefore, if they are married to non-nationals, their children face statelessness.

Palestinians in Saudi Arabia, who number about 287,000, mostly have only legal residence status. The UN does not formally recognize or assist them. Therefore, they are not entitled to the basic protections that citizens or refugees are granted.

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Syrian Arab Republic

Kurds and Palestinians are stateless in Syria.

The government discriminates against stateless persons, who represent a portion of the larger Kurdish minority and presently number approximately 300,000. Some have received red identity documents preventing them from voting, owning land, practicing certain professions, receiving food subsidies and public healthcare, being admitted to public hospitals, or having legally recognized marriages to Syrian citizens. Children or grandchildren may have no documents at all. Despite repeated promises made by the Syrian president to resolve the Kurdish issue, most recently in 2007, no progress has been made.

In Syria, nearly 400,000 Palestinian refugees are not eligible for citizenship, though they can work and have access to government services. Most of these individuals are registered and receive support from UNRWA. Stateless Palestinians who fled Iraq live illegally in Damascus (approximately 4,000) or reside in UNHCR camps, one of which is in Syrian territory, another in the no-man's land between the Syrian and Iraqi borders, and a third on Iraqi territory close to the border. The total population of the three camps is approximately 3,000.

United Arab Emirates

In October of 2006, the UAE government made the historic move of deciding to naturalize 10,000 individuals within the country who had been stateless for over three decades. The people chosen to be naturalized were mainly from Zanzibar, with some of Iranian and Asian origin. In March 2008, the Minister of the Interior established a higher national committee to find a solution to the problem of persons without identification in the country. Starting on September 7, 2008, registration centers opened for a period of two months. Recent news reports indicate several thousand persons have filed applications for naturalization.

A child born to a citizen mother and non-citizen father is not considered an Emirati citizen. This stipulation also has implications for an Emirati woman divorcing a foreign husband. The woman would find it almost impossible to win custody of her children, but if the court does grant custody to the wife, her children could technically be stateless.

OCEANIA

Countries in Oceania also experience statelessness challenges. While the situation of some Papuan asylum-seekers is troubling, the granting of citizenship to persons from the Commonwealth of the Northern Mariana Islands is a positive development.

Commonwealth of The Northern Mariana Islands

For three decades, children born to non-U.S. citizens in the CNMI between January 9, 1978 (when the Covenant between the CMNI and the U.S. was adopted) and November 3, 1986 (when the Covenant was ratified), failed to get citizenship. In 2005, citizenship for approximately 300 individuals was affirmed after the U.S. did not appeal a U.S. Ninth Circuit Court of Appeals ruling on behalf of 25 stateless residents which favored granting them American citizenship.

New Zealand

In 2006, New Zealand ratified the 1961 Convention on the Reduction of Statelessness.

Papua New Guinea

In late 2000, over 400 Papuans crossed into Papua New Guinea from Indonesia. The government declined to determine their status. The majority settled in a camp in Vanimo. By the end of 2001, about 300 remained. In addition to the Vanimo group, and the recognized refugees, as many as 5,000 more Papuan asylum seekers without status live in informal settlements. Children born in the camp (East Awin) could become stateless if birth registration is not improved.

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ENDNOTES

[1] *Nationality and Statelessness: A Handbook for Parliamentarians* 8, UNHCR and Inter-Parliamentary Union (2005), *available at* http://www.unhcr.org/protect/PROTECTION/436774c62.pdf. The *Handbook* is a joint publication of UNHCR and the Inter-Parliamentary Union. It provides detailed analyses of how to amend nationality legislation to avoid the causes of statelessness.

[2] Convention relating to the Status of Stateless Persons, art. 1 (1954).

[3] Final Act of the United Nations Conference on the Elimination or Reduction of Future Statelessness, Resolution 1 (1961), *available at* http://www.unhcr.bg/bglaw/en/Convention_reduction_statelessness_en.pdf.

[4] Black's Law Dictionary defines "nationality" as either "membership in a nation" or "[t]he relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state." Blacks's Law Dictionary 1046 (7th ed. 1999). Citizenship is defined as "[t]he status of being a citizen" or "[t]he quality of a person's conduct as a member of a community." *Id.* at 237.

[5] *Trop v. Dulles*, 356 U.S. 86, 102 (1958). *See also* Thomas Hammarburg, Human Rights Commissioner, Council of Europe. "Viewpoint : No One Should Have to Be Stateless in Today's Europe" (June 9, 2008), *available at* http://www.coe.int/t/commissioner/Viewpoints/080609_en.asp (stating that "Having a nationality means in both law and practice to possess 'a right to have rights'").

[6] UNHCR, *Global Trends 2007: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons* 19-20 (June 2008), *available at* http://www.unhcr.org/statistics/STATISTICS/4852366f2.pdf.

[7] *See generally Nationality and Statelessness: A Handbook for Parliamentarians.*

[8] UNICEF, "Child Protection from Violence, Exploitation and Abuse: Birth Registration," *at* http://www.unicef.org/protection/index_birthregistration.html.

[9] United States Department of State, *Trafficking in Persons Report* (June 2007), *available at* http://www.state.gov/g/tip/rls/tiprpt/2007/82808.htm). The U.S. Secretary of State annually submits to Congress the *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, a detailed account of trafficking issues and responses worldwide.

[10] Vital Voices Global Partnership, *Stateless and Vulnerable to Human Trafficking in Thailand* 14 (June 2007) (internal citations omitted).

[11] *Id.*

[12] Refugees International meeting with FAIR Fund (Sept. 2008).

[13] *See* M. Lynch, *Futures Denied: Statelessness Among Infants, Children, and Youth* 8-10 (October 2008), *available at* http://www.refugeesinternational.org/sites/default/files/Stateless_Children_FINAL.pdf.

[14] *See* Carol A. Batchelor, "Transforming International Legal Principles into National Law: The Right to Nationality and the Avoidance of Statelessness," 25 *Refugee Survey Quarterly* 9 (2006) (citing 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws, 1997 European Convention on Nationality, and case law from the Permanent Court of International Justice, International Court of Justice, and the Inter-American Court on Human Rights).

[15] Universal Declaration of Human Rights, art. 15 (1948).

[16] Convention on the Rights of the Child, art. 7 (1989).

[17] International Covenant on Economic, Social, and Cultural Rights, arts. 6-15 (1966).

[18] *See also* International Covenant on Civil and Political Rights, art. 26 (1966).

[19] CIS Convention on Human Rights and Fundamental Freedoms, art. 24 (1995).

[20] *See* African Charter on the Rights and Welfare of the Child, art. 6 (1990).

[21] African Charter on Human and People's Rights, June 27, arts. 12(5) and 18 (1981).

[22] Covenant on the Rights of the Child in Islam, June 2005, art. 7(2) (2005), *available at* http://www.unhcr.org/refworld/publisher,OIC,,,44eaf0e4a,0.html.

[23] European Convention on Nationality (open for signature, November 6 1997; entry into force, March 1, 2000), Summary of the Treaty, *available at* http://conventions.coe.int/Treaty/en/Summaries/Html/166.htm.

[24] *Case of the Girls Yean and Bosico v. Dominican Republic* Inter-American Court of Human Rights, Series C No. 130, ¶ 172 (September 8, 2008).

[25] Open Society Justice Initiative, "Inter-American Court of Human Rights Affirms the Human Right to Nationality" (October 17, 2005), *available at* http://www.justiceinitiative.org/db/resource2?res_id=103001.

[26] *Yean and Bosico v. Dominican Republic* ¶ 260(7).

[27] UNHCR Executive Committee Conclusion on Children at Risk, ¶ E, No. 107 (LVIII) (2007).

[28] *Id.* ¶ H(ii).

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[30] Antonio Guterres and Louise Arbour, "The Hidden World of Stateless People," United Nations Office of the High Commissioner for Human Rights (Nov. 28, 2007), *available at* http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-79DPYC?OpenDocument&query=statelessness.

[31] *See, e.g.,* Laura van Wass, *Nationality Matters: Statelessness under International Law* (2008); *Nationality and Reduction of Statelessness: International, Regional, and National Perspectives*, in 25 *Refugee Survey Quarterly* (2006); James Goldston, "Holes in the Rights Framework: Racial Discrimination, Citizenship, and the Rights of Non-Citizens," *Ethics and International Affairs* (2006); Gabor Gyulai, *Forgotten without Reason: Protection of Non-Refugee Stateless Persons in Central Europe*, Hungarian Helsinki Committee (2007); Conventry Peace House, *Statelessness: The Quiet Torture of Belonging Nowhere* (June 2008).

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[33] Refugees International interview, Mirpur Camp, Dhaka, Bangladesh (August 2008).

[34] *See* Louise Thomas, "The Son of a Snake is a Snake: Refugees and Asylum-Seekers from Mixed Eritrean-Ethiopian Families in Cairo," FMRS Working Paper No. 7, 31-32 (2006).

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[38] Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, Proclamation No. 378/2003, A Proclamation on Ethiopian Nationality, art. 22 (December 23, 2003).

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APPENDIX A: STATES PARTIES TO THE 1954 CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS*

(as of October 2008)

Albania
Algeria
Antigua and Barbuda
Argentina
Armenia
Austria
Australia
Azerbaijan
Barbados
Belgium
Belize
Bolivia
Bosnia and Herzegovina
Botswana
Brazil
Chad
Colombia
Costa Rica
Croatia
Czech Republic
Denmark
Ecuador
El Salvador
Fiji
Finland
France
Germany
Greece
Guatemala
Guinea
Holy See
Honduras
Hungary
Ireland
Israel
Italy
Kiribati
Korea, Republic of
Latvia
Lesotho
Liberia
Libyan Arab Jamahiriya
Liechtenstein
Lithuania
Luxembourg
Macedonia, The Former Yugoslav Republic of
Madagascar+
Mexico
Montenegro
Netherlands
Norway
Philippines
Romania
Rwanda
Saint Vincent and the Grenadines
Senegal
Serbia
Slovakia
Slovenia
Spain
Swaziland
Sweden
Switzerland
Trinidad and Tobago
Tunisia
Uganda
United Kingdom
Uruguay
Zambia
Zimbabwe

APPENDIX B: STATES PARTIES TO THE 1961 CONVENTION ON THE REDUCTION OF STATELESSNESS*

(as of October 2008)

Albania
Armenia
Australia
Austria
Azerbaijan
Bolivia
Bosnia and Herzegovina
Brazil
Canada
Chad
Costa Rica
Czech Republic
Denmark
Dominican Republic
Finland
France
Germany
Guatemala
Ireland
Israel
Kiribati
Latvia
Lesotho
Liberia
Libyan Arab Jamahiriya
Netherlands
New Zealand
Niger
Norway
Romania
Rwanda
Senegal
Slovakia
Swaziland
Sweden
Tunisia
United Kingdom
Uruguay

Source: United Nations High Commissioner for Refugees, available at http://www.unhcr.org/protect/3bbb29d44.html

* *State has ratified, acceded to, or succeeded from, the convention.*

+ *By a notification received by the Secretary-General in April 1965, Madagascar denounced the Convention; denunciation took effect in April 1966.*

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