

BRIEFING NOTE

In 2011, António Guterres – speaking as the UN High Commissioner for Refugees – described statelessness as the world’s “[most forgotten human-rights problem](#)”. To be stateless means “you’re not able to send children to school or go to a health centre, to be able to work legally or to have property”, he explained, problems compounded by the fact that “stateless people are in legal limbo”. Today, his successor warns that the stateless [now risk being left behind in the response to COVID-19](#).

STATELESS IN A GLOBAL PANDEMIC

MAY 2020

“

The right to a nationality is a fundamental human right and in this time of crisis it can mean the difference between life or death.

FILIPPO GRANDI,
UN High Commissioner for Refugees

The majority of the world’s approximately 15 million stateless persons, as well as the tens of millions whose nationality is under threat, lead a severely marginalised existence. Now, the cost of statelessness has risen further as the world responds to the global pandemic, which has exacerbated existing inequalities and made many vulnerable groups more vulnerable. For stateless people, a specific problem arises: deep systemic bias embeds state policy responses to COVID-19 (or any crisis) to put citizens first. Citizens are first to be targeted for public information messages; first to access healthcare services and PPE; first to benefit from emergency relief or economic support packages, to name just a few examples.

As states place their own constituents at the centre, non-citizens are left on the side-lines: migrants, asylum seekers, refugees – and the stateless. Where statelessness and migration intersect, *stateless* migrants and *stateless* refugees commonly face further discrimination on account of their lack of nationality – presenting an additional challenge to ensuring their protection. Undocumented migrants who are also stateless, for instance, are at heightened risk of prolonged or indefinite immigration detention because there is no country to which they can be returned.

However, most stateless persons have never migrated or been displaced, forming a distinct and often hidden population of ‘non-citizens’, whose legal status is often even more precarious. Indeed, they have often been wilfully left behind in their own country, where statelessness is the result of arbitrary deprivation of nationality as a means to further disadvantage, exclude and deny other claims. It is no coincidence that 75% of the world’s stateless belong to minorities. Once made stateless, any claim to status, representation and rights is even more difficult – reducing their already marginalised position to that of an ‘unwanted’ outsider. Consider the situation of the long-persecuted Rohingya of Myanmar, or the emerging statelessness crisis in Assam, India, where close to 2 million have had their citizenship erased amidst international outcry. In such contexts, where nationality is a tool wielded by authoritarian governments, statelessness is not regarded as a barrier to inclusion to be overcome as states respond to the pandemic. Rather, it is something more sinister, as it offers an excuse to further shirk responsibility, target and scapegoat a population that is already excluded, othered and even vilified.



In our generation's global crisis, unless things drastically change, the stateless will continue to be too unimportant to be seen, a convenient scapegoat, and a target for hatred. Now, the stakes are higher and the cost of exclusion greater.

AMAL DE CHICKERA,

Co-Director of the Institute on
Statelessness and Inclusion in [Open Democracy](#)

[The Institute on Statelessness and Inclusion](#) (ISI) has been monitoring the impact of the global pandemic on stateless persons and the right to a nationality through tracking online reporting on the issue; consulting with civil society partners at global, regional, national and grassroots levels; and publishing an [Appeal for Information](#) in 6 languages.

We have identified 7 key concerns:

1 HEALTH & WELL-BEING

Many healthcare systems are based upon nationality. Access for non-nationals, where existent, is dependent on legal status, the ability to produce identity documents and/or to pay supplementary fees – all of which can put health services out of reach for stateless persons. Even where states have announced an opening up of screening and treatment services for COVID-19 to all persons on their territory, this has not guaranteed the inclusion of the stateless due to their precarious legal status and longstanding fear of reprisals from authorities.

2 SURVIVAL & LIVELIHOODS

The pandemic is having a devastating effect on the economy and hunger is predicted to rise to catastrophic levels. Warding off starvation and economic disaster is a major focus of governments' response, but humanitarian relief and financial support packages are concentrated on citizens – leaving the stateless further behind, as they are more likely to be living in poverty, with less ability to ride out the crisis. Statelessness has also long been a blind spot for development and humanitarian organisations, with many groups not receiving life-saving aid.

3 HATE SPEECH & XENOPHOBIA

With rising authoritarianism, some leaders are exploiting the pandemic to grab more power, increase surveillance and derogate from human rights obligations under declared states of emergency. Foreigners

In Nepal, the **Citizenship Affected People's Network (CAPN)**, continues to receive pleas for urgent humanitarian relief from hundreds of families around the country. They had been refused government relief packages because, as stateless people, they cannot produce citizenship cards – a requirement for government hand-outs. Further, they are not being reached by UN and other humanitarian aid. The families concerned have no other means to survive because, without citizenship, the only employment available to them is day labouring, which is no longer possible as the country is in lockdown. State restrictions, which on the one hand, require all COVID-19 aid to be channelled through the state, but on the other, exclude the stateless, have placed these people's lives at risk.

'These families belong to a very discriminated class and their citizenship problems mean that they are now in a dire situation' says Deepti, a member of CAPN. "I am very worried. Even if we can find a way to help these families, I'm sure many more are affected in the same way.'

Already at crisis point before the pandemic, the situation of the stateless Rohingya has deteriorated further. Inside Myanmar, violence against the Rohingya continues but this now receives little international attention because COVID-19 dominates news cycles and is being exploited by the government to further discrimination against minorities. Lack of preparedness and health facilities, armed conflict, landmines, internal displacement, restrictions of movement and discrimination increase risks for the Rohingya population as the pandemic spreads. In Bangladesh, a similar lack of preparedness and health facilities, alongside overcrowding and precarious conditions in the refugee camps, internet shutdown and restrictions of movement for humanitarian workers may result in a disaster among the

and members of minority groups, including those who are stateless in their own country, are increasingly scapegoated, vilified and targeted for hate-speech. The pandemic has sped up the fragmentation of social cohesion and growth of xenophobia – already a trend before the outbreak of COVID-19. These drivers of exclusion place inclusive citizenship policy under increasing strain. More people are likely to be arbitrarily deprived of their nationality, driving up the number of stateless persons in the world. Without urgent intervention, any progress in addressing this urgent human rights issue risks being erased.

4 BORDER CLOSURES & MOVEMENT RESTRICTIONS

As borders close, those with protection needs, including stateless people, are refused entry. Where countries still allow citizens to return, denial of the right to nationality is leaving people stranded and separating families. In countries where women cannot confer nationality to their children or spouse, for instance, non-citizen family members may be unable to return home. Other restrictions on movement, including curfews, are also aggravating the loss of livelihoods for stateless populations.

5 INSECURITY & DETENTION

Statelessness increases vulnerability to arrest and arbitrary detention due to the lack of identity documents or legal status. Serious concerns exist about exposure to COVID-19 and worsening conditions in detention centres, for instance as visitation and legal assistance schemes are impacted. In some cases, there has been an increase in immigration detention as rising xenophobia spurs immigration round-ups. Statelessness Determination Procedures, where in place, have stalled, leaving people in limbo for longer and having a knock-on effect on access to (health) services and government support.

6 NEW RISKS OF STATELESSNESS

Civil registration and documentation procedures – including mobile birth registration – have been temporarily suspended in some countries. Where births go unregistered and ID cards are not issued, this can heighten the risk of statelessness among groups who struggle to establish their nationality. Consular services are also closed in some countries, impacting acquisition of nationality, where registration with consular authorities is required for children born abroad to acquire their parents' nationality. Where the pandemic is fuelling xenophobic rhetoric, the intensified othering of certain groups may also lead to new cases of denial or deprivation of nationality –

1 million Rohingya refugees. As the first COVID-19 cases have been reported in Cox's Bazar, the worst is yet to come. Border closures are also a grave concern and pushbacks at sea of Rohingya boats are now regularly reported in the region, reminiscent of the maritime crisis of 2015. While hundreds of Rohingya have been disembarked onto the silt island Basan Char, which is not fit for inhabitation, over 1,000 Rohingya are on boats in the high seas. In Malaysia, a wave of xenophobic attacks flooded (social) media, targeting Rohingya refugees. Online attacks have already degenerated into physical harassment.



Combatting the epidemic requires tackling its darker sides.

FERNAND DE VARENNES,
UN Special Rapporteur on Minority Issues

United Stateless is an organisation established and led by stateless people in the USA. It started as a simple conversation between several stateless persons who found each other through social media or by tracking newspaper articles about cases. They quickly found solidarity in the act of sharing their stories with one another.

“A stateless life is one of terrible isolation, as the feeling of non-belonging is pervasive. We have united to help each other” explain Karina and Ekaterina, two of the founders. “While the pandemic is preventing us from organizing social meetings, which is an important part of how we support one another, we are moving forward with our mission and finding new ways to remain an impactful organization. The advocacy plans we’ve made around events and gatherings that have been and are being cancelled will have to be reimaged and implemented in new ways.”

heightening risks already present in many countries as they move to implement digital ID systems under which many citizens are facing renewed 'vetting' of their nationality status.

7 SUSTAINING ENGAGEMENT ON STATELESSNESS & THE RIGHT TO NATIONALITY

The work of civil society organisations and human rights defenders engaged in championing the rights of stateless persons and promoting the right to a nationality has been drastically affected by the pandemic. Crucial in-person services such as legal counselling for people navigating nationality procedures and support to stateless persons in immigration detention have been interrupted by policies restricting movement, convening and access to certain facilities. New and urgent problems are emerging, as set out above, yet statelessness remains a neglected issue and many groups doing much-needed work face severe and growing funding shortages. The limited traction achieved for policy advocacy and donor support on statelessness over the last five years threatens to dissipate as the pandemic draws attention away.

Nationality
Refugee
STATELESS COVID-19
IN A GLOBAL Minorities
Migrant Rights
PANDEMIC
WEBINAR
28 MAY 2020
13:30 - 15:00 BST

REGISTER