
**The Dorothy and Brian
Wilson Churchill Fellowship
to investigate**

**Best Practice Models
for Providing Legal
Education and Aid to
Stateless Children**

2024

Katie Robertson
2022 Churchill Fellow



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Signed:



30 May 2024

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‘Citizenship to me means protection and certainty for my children. Without it, I fear they have no future.’

Amir, stateless Palestinian father of four

‘There is a huge difference in the world for children with citizenship, and those without it.’

Aisha, stateless Rohingya mother of one

‘I want my children to have a better life - I want them to be Australian citizens. This is my dream.’

Nur, stateless Rohingya mother of four

Acknowledgements

I wish to begin by acknowledging that I live and work on the lands of the **Wurundjeri Woi-wurrung** peoples of the Kulin Nation. I wish to acknowledge them as the Traditional Owners and pay my respects to Elders past, present and emerging.

Thank you to the **Churchill Trust** for understanding the importance of this work. The Fellowship was a truly inspiring, enriching and valuable experience providing me with many ideas to bring back to Australia, as well as laying the foundation for international networks that will benefit the Australian community for years to come. I also commend the Trust for openly acknowledging the complex and contested legacy of Sir Winston Churchill on its website.ⁱ I encourage readers to engage with the essays the Trust commissioned with the aim of fostering constructive and thoughtful debate on this issue, particularly that of **Dr Susan Carland**.ⁱⁱ

My work establishing and leading the **Stateless Legal Clinic**, which forms the basis of this Fellowship, would not be possible without the support of a few key people and organisations.

Firstly, thank you to **Peter and Ruth McMullin** for supporting crucial research, teaching and engagement on the issue of statelessness and the Stateless Legal Clinic through their generous support of the **Peter McMullin Centre on Statelessness**.

Thank you to John and Alison Cameron, of the **Cameron Foundation**, for also supporting the Stateless Legal Clinic and understanding the importance of addressing this critical issue. Through the Camerons I have been lucky to be

BRIAN AND DOROTHY WILSON

I would like to sincerely thank the late **Brian and Dorothy Wilson** for establishing this sponsored Fellowship. I was lucky to speak with their son Bruce in the course of drafting this report, who generously shared details of Brian and Dorothy's life with me and their lifelong commitment to the Churchill Trust. I hope I do their legacy justice with this Report and through our shared commitment to making a positive difference in the lives of disadvantaged children. Thank you Bruce.



Photo kindly provided by Bruce Wilson

connected to **Fadi Chalouhy**. Born into statelessness in Lebanon, Fadi now resides in Australia and generously shares his time and expertise with me in his capacity as Ambassador of the Stateless Legal Clinic. The funding allocated to the Clinic by the Cameron Foundation was named after Fadi's late mother **Hiam Chalouhy** who fought tirelessly to ensure her son had access to an education and a future, despite the barriers placed in his way by virtue of his lack of nationality. I acknowledge Hiam for her tenacity and thank Fadi for all he does to support the Clinic.

Thank you to all those who have supported me in Australia with this Fellowship, in particular **Professor Michelle Foster** and my colleagues at the Peter McMullin Centre on Statelessness, as well as my colleague **Kate Fischer-Doherty** of the Melbourne Law School Clinics at the University of Melbourne. A special thanks to **Anna Wilson**, **Amelia Walters** and **Hannah Gordon** for their

research and editing support. Immense thanks to **Evan Davies** for his formatting support, often late into the night while juggling bedtime routines with two young children.

Thank you to all the exceptional **students** I've been lucky to teach and work with in the Clinic to date – the future of legal advocacy and leadership on this issue is bright.

The work of the Stateless Legal Clinic would not be possible without our partnership with the **Refugee Advice Casework Service**.ⁱⁱⁱ Thank you in particular to my valued colleagues and friends **Sarah Dale** and **Ahmad Sawan**.

Thank you to all the incredible **organisations and individuals** that took time to meet with me during my Fellowship. I look forward to continuing the work together and hope to be able to repay the hospitality in Australia one day.

I would particularly like to acknowledge those with **lived experience** of statelessness who generously shared their stories with me. As a non-stateless person, I remain acutely aware of the privilege I enjoy in my ability to travel for



the purposes of this Fellowship. I hope my work and allyship in this space may one day contribute to greater freedoms for my stateless friends and colleagues.

Thank you to the **Victorian Law Foundation** for supporting me to share the work of the Stateless Legal Clinic during the course of my Fellowship journey at the International Access to Justice Forum in Los Angeles, USA.

Last but not least, thank you to my **family** for supporting me on this adventure and for joining me for part of the Fellowship, including my parents, partner and daughters. As a working mother of two small children, it was inconceivable that I would travel for such a long time without them, and I am grateful to have a partner who understood this and took time off work to travel with us and care for the girls, as well as my parents for joining part of the adventure to support us all to make this possible.

To my two young daughters, whom I hope will be inspired to one day travel the world and work towards a better future for all.

This report is dedicated to all the parents, children and families I have been lucky enough to work with in the Stateless Legal Clinic.

May citizenship one day be yours.



'To be stateless means to have no country. This is very hard – and I feel deeply sad about it. I know people who aren't allowed to study or work because they are stateless – I worry about this for my daughter.'

Aisha, stateless Rohingya woman of one¹

Introduction

To be stateless means you have no nationality or citizenship; legally speaking, you belong to no country in the world.

This is significant, particularly for children, as without citizenship stateless children face hurdles in accessing many of the basic rights and entitlements most of us take for granted: access to education, healthcare; essentially all the critical components that provide for a child to live and grow in a secure environment.

Many stateless children lack the ability to enjoy a normal Australian childhood, despite being born on Australian soil.



In 2021, I established the Stateless Legal Clinic at the Peter McMullin Centre on Statelessness (**PMCS**) at the Melbourne Law School. As Australia's first and only legal service dedicated exclusively to assisting stateless children, the Clinic was founded with the Refugee Advice Casework Service (**RACS**) and operates within the Melbourne Law School Clinics program at the University of Melbourne. The Clinic's establishment stemmed from my legal experience assisting stateless refugee children detained in Australia's immigration detention centres, coupled with targeted research, in which my colleague Sarah Dale (Centre Manager and Principal Lawyer at RACS) and I identified that:

- Stateless children often don't know about their rights in Australia, most notably their entitlement to apply for Australian citizenship (if, when granted, means they are no longer stateless); and
- There was a critical lack of legal education and assistance for stateless children in Australia to support them in accessing citizenship.^{iv}

Little is understood about statelessness in Australia. As the only dedicated legal service for stateless children domestically, I was keen to learn and connect with similar services internationally as well as meet with organisations leading advocacy and reform on this critical human rights issue. My aim was to understand how legal services for stateless children can be enhanced and expanded in Australia, and how we may effectively advocate for improved protections for stateless children and their families, including through centring and championing the voices of stateless people themselves.

My Fellowship allowed me to visit a range of legal services, education providers and expert organisations around the world that are working to improve legal education and aid for stateless children (and adults), including in Switzerland, England, Italy and the United States of America.



Sarah Dale and Ahmad Sawan, RACS. Photo: Katie Robertson, 2023.

The Fellowship provided me with a life changing experience through which I have gained invaluable learnings, inspiration and networks that will foster positive change in Australia. I intend to use the innovative ideas gained on my Fellowship to grow the Stateless Legal Clinic's capacity to assist more children nationally. I also intend to expand the service to support and assist stateless adults.

I further intend to use my learnings to improve understandings of this critical human rights issue within the Australian legal profession, as well engage in a renewed push for strategic law reform on statelessness through targeted engagement with the Australian government. Underlying these aims is a fundamental commitment to working to support and centre the voice of stateless people in advocacy on this issue, as well as continuing to raise awareness about statelessness amongst the broader Australian public.

Acronyms

DHS:	Department of Homeland Security (US)
ENS:	European Network on Statelessness
ISHR:	International Service for Human Rights
ISI:	Institute on Statelessness and Inclusion
MLS:	Melbourne Law School (University of Melbourne)
RACS:	Refugee Advice Casework Service
PMCS:	Peter McMullin Centre on Statelessness
SDP:	Statelessness Determination Procedure
SLC:	Stateless Legal Clinic
UK:	United Kingdom
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Fund
USCIS:	US Citizenship and Immigration Service
US:	United States (of America)

Glossary (Key Words)

Asylum Seeker: An asylum seeker is a person who has left their country and is seeking protection from persecution in another country, but who hasn't yet been legally recognised as a refugee and is waiting to receive a decision on their claim for protection.^v

Citizenship: 'Citizenship' is the term used to describe an individual's link to the state (or 'country') in the context of domestic law.^{vi} The term 'citizenship' is often used interchangeably with the term 'nationality.'

Foundling: An abandoned child whose parents cannot be identified.

Human Rights: Human rights are rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language, religion or any other status.^{vii}

Immigration Detention Centres: Facilities where people are forcibly held. Since 1992, Australia has had a system of mandatory detention. Under Australian law, any non-citizen who is in Australia without a valid visa must be detained.^{viii}

***Jus Sanguinis* citizenship:** Citizenship acquired by decent, through a person's parents.

***Jus Soli* citizenship:** Birthright citizenship; citizenship that is acquired automatically by birth on a particular.

Nationality: 'Nationality' is a term used to describe an individual's link to the state (or 'country') in the context of international law.^{ix} The term 'nationality' is often used interchangeably with the term 'citizenship.'

Naturalisation: The legal act or process through which somebody becomes a national (or 'citizen') of a state (or 'country').

Refugee: A refugee is someone who has been forced to flee their home and has crossed an international border to seek safety in another country.^x The term 'refugee' is defined in international law as 'someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.'^{xi}

Statelessness: A stateless person is someone who does not have a nationality of any country. This means they are not recognised as 'belonging' to any country.^{xii} The international legal definition of a 'stateless person' is 'a person who is not considered as a national by any state under the operation of its law.'^{xiii}

Statelessness Determination Procedure: A formal process for identifying a protecting stateless persons.

Learn More

Suggested resources for further reading are provided throughout this Report.

To learn more about statelessness in Australia, see:

- To learn more about the **Stateless Legal Clinic**, visit the website [here](#).
- To learn more about the **Peter McMullin Centre on Statelessness**, visit the website [here](#).
- To learn more about the issue of childhood statelessness in Australia and access to citizenship, see: **A Place to Call Home: Shining a Light on Unmet Legal Need for Stateless Refugee Children in Australia**, co-authored by Katie Robertson and Sarah Dale, available [here](#).
- For those keen to learn more on **statelessness** including its causes and impact, the **Peter McMullin Centre on Statelessness** has published a range of easy to read and accessible fact sheets on this topic, available on the Centre's website [here](#).
- To learn more about the Melbourne Law School Clinics program, visit the website [here](#).

For information on statelessness in Australia, see also:

- Katie Robertson, 'The Stateless Legal Clinic: Innovative Models for Addressing Unmet Legal Need in Australia through Clinical Legal Education', *International Journal of Clinical Legal Education*, Vol 31 No 1 (2024), available [here](#).
- Katie Robertson, 'Centring the Lived Experience of Stateless People in Legal Education,' *Critical Statelessness Studies Blog* June 2024, available [here](#).
- Katie Robertson and Michelle Foster, 'I Have No Rights': What Happens to Stateless People in Australia after the High Court's Ruling?' *The Conversation* (2023), available [here](#).
- Peter McMullin Centre on Statelessness, Stateless Legal Clinic and Stateless Children Australia Network (lead author: Katie Robertson), 'Australia should adopt a Human Rights Act to protect the rights of stateless people, including children,' Submission to the Parliamentary Joint Committee on Human Rights – Inquiry into Australia's Human Rights Framework (June 2023), available [here](#).
- Zoe Bell, 'Experiences of Statelessness and Refugee Protection: Exploring the "Rohingya Life" in Sydney, Australia', *UNSW*, available [here](#).
- Katie Robertson, 'Practical Measures to Meaningfully Implement Article 1(1) of the 1961 Convention on the Reduction of Statelessness in Australian Law and Practice', *Statelessness and Citizenship Review*, Vol 4 No 1 (2022), available [here](#).
- **Watch:** 'A Place to Call Home', available [here](#).
- Katie Robertson and Sarah Dale, 'We Need to Do More to Help Stateless Children Realise Their Right to Australian Citizenship,' *SBS News* (2021) available [here](#).

-
- Max Chalmers, 'Legal Clinic to Count Australia's Stateless People as it Helps to Give Children a Place to Call Home,' ABC News (2021), available [here](#).
 - **Listen:** ABC Radio National, 'The Stateless Children Born in Australia' (2021), available [here](#).
 - Jeanine Hourani, 'Reclaiming Statelessness Narratives by Resisting "Deficit" Discourse and Amplifying the Voices of Stateless People,' Critical Statelessness Studies Blog (2021), available [here](#).
 - Peter McMullin Centre on Statelessness, Refugee Advice casework Service, Statelessness Network Asia Pacific and Institute on Statelessness and Inclusion (lead author: Katie Robertson), 'Statelessness in Australia: Joint Submission to the Human Rights Council – Universal Periodic Review, 37th Session, 3rd Cycle (2021), available [here](#).
 - Katie Robertson and Michelle Foster, 'Stateless is a TV Show – But it's Also the Harsh Reality Behind the Wire in Australian Detention,' The Guardian (2020), available [here](#).
 - Michelle Foster, Jane McAdam and Davia Wadley, 'Part One: The Protection of Stateless Persons in Australian Law – The Rationale for a Statelessness Determination Procedure,' Melbourne University Law Review, Vol 40:401 (2017), available [here](#).
 - Michelle Foster, Jane McAdam and Davia Wadley, 'Part Two: The Prevention and Reduction of Statelessness in Australia – On Ongoing Challenge' Melbourne University Law Review, Vol 40(2) (2017), available [here](#).
 - Asher Hirsch, 'Children Born in Australia's Asylum System,' Statelessness Working Paper Series No 2017/06, Institute for Statelessness and Inclusion (2017), available [here](#).
 - Refugee Council of Australia, 'Statelessness in Australia,' (2015), available [here](#).

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Executive Summary

Children born on Australian soil are not guaranteed Australian citizenship. Citizenship is foundational to a child's sense of identity and belonging, providing them with fundamental rights. Importantly, for children of stateless refugees it can also offer safety; a place to build a future.^{xiv}

There are an estimated 10-15 million stateless people in the world, a third of which are children.^{xv} The United Nations High Commissioner for Refugees (**UNHCR**) estimate that a child is born into statelessness at least every 10 minutes.^{xvi} Stateless children can face barriers to a range of essential human rights by virtue of not having a nationality, including access to education and healthcare.^{xvii}

A significant number of stateless children have been born in Australia.^{xviii} Australian citizenship law seeks to implement Australia's international legal obligations by providing that a child born on Australian soil to parents who are stateless is eligible for Australian citizenship.^{xix} Although these children have a right to apply for citizenship under Australian and international law, they face significant barriers in navigating this complex process. Many parents are unaware that their child even has an entitlement to apply for citizenship.^{xx}



‘For us, being stateless means we don’t have any country or documentation. We feel very distressed by this... When our son was granted Australian citizenship, we were extremely happy. It was a big deal, because we have never known in our lives what it is like to be a citizen’.

Muhammad and Sumaiya, stateless Rohingya parents to three children^{xxi}

The Stateless Legal Clinic and Churchill Fellowship

In 2021 the Stateless Legal Clinic (SLC) was established at the **Peter McMullin Centre on Statelessness (PMCS)** as a decided legal service to educate stateless children and families about their legal rights and assist Australian born children to apply for citizenship.^{xxii} The SLC partners with the Melbourne Law School Clinics and the Refugee Advice Casework Service. In 2023 it was expanded to assist stateless adults, through an additional partnership with **Refugee Legal**. Since its establishment it has been met with a high demand for assistance from stateless families and referring partner organisations and is poised to develop and expand further in scope and capacity.

Little is understood about statelessness in Australia. As the only legal service of its kind in Australia, my Fellowship sought to visit similar international legal services, as well as expert organisations and individuals working on the issue of childhood statelessness. My aim was to understand how these more established comparative models operate and function, in order to implement broader service delivery for stateless children in Australia. I also aimed to understand how the Stateless Legal Clinic may be successful expanded to assist stateless adults, as well as children. Upon return from this



Melbourne Law School students of the SLC lodging applications for citizenship on behalf of their stateless child clients, 2023

Back row: L-R: Thenu Herath, Neha Sarkar, Michael Armanios, Karrison Driver, Hanna Amin.

Front: Nuria Khasim.

Photo: Katie Robertson, 2023

Fellowship, I was able to harness some of these key learnings, by expanding the Clinic to partner with **Refugee Legal** and law firm **Lander & Rogers** to assist stateless adults.

Through meeting with expert organisations and individuals working on the issue of statelessness more broadly, I aimed to understand successful models for law reform and government engagement on this critical human rights issue that may be applied to the Australian context.

My Fellowship allowed me to foster invaluable professional relationships within the global statelessness legal services sector, essentially helping to put Australian stateless legal services on the radar of other international organisations and individuals working on this issue. Australia is now 'on the map' as a country committed to addressing this issue through legal advocacy and assistance. The Australian government must now step up to demonstrate commitment to tackling the issue through legislative and policy implementation.

Importantly, the Fellowship allowed me to visit and connect with stateless individuals in various parts of the world who generously shared their stories and hopes for the future. The opportunity



Members of the Scampia Camp (Naples, Italy) and students and staff of the Naples Stateless Legal Clinic at the Scampia Camp, October 2023

Photo: Katie Robertson, 2023

to visit the **Roma community** in the Scampia Camp on the outskirts of Naples in Italy, was a particularly powerful experience and I am grateful to the leaders and members of the community for welcoming me to their homes and sharing their experiences with me.

It was invaluable to see the law students of the **Italian Stateless Legal Clinics** at the Federico II University Naples, led by **Professor Flora Di Donato**, working in the Camp to bring about positive change and consulting with the community members in an empowering and collaborative manner.^{xxiii}



L-R: Karina Ambartsoumian-Clough (United Stateless), Katie Robertson (SLC Australia) and Samantha Sitterley (United Stateless), October 2023

The ability to spend time with members of the trailblazing organisation **United Stateless** (an organisation founded and led by stateless people in the United States) confirmed the vital importance of ensuring advocacy and reform on this issue in Australia is driven by stateless people.^{xxiv} I remain committed to supporting the establishment of a similar impact lead organisation for stateless people in Australia to drive change on this issue.



UNHCR and partner organisations Italy visit, October 2023.

L-R: Sarah Reggio (UNHCR), Francesco Poroghese (A Buon Diritto), Giulia Perin (Lawyer with Stateless Legal Clinics), Katie Robertson (SLC

I was similarly inspired to learn about the work of the **Italian Stateless Union** (*Unione Italiana Apolidi*), led by President **Armando Augello Cupi**, who shared his story of statelessness and the work of the Union with me during an informative and fun meeting with himself and a group of impressive individuals working on the issue in Italy.^{xxv} The leadership of UNHCR Italy's **Enrico Guida** in meaningfully addressing and supporting the Italian Statelessness Legal Clinics is to be commended.

Through invaluable discussions, interactions and observations with organisations and individuals I met with, the Fellowship has provided me with:

- Concrete and tangible ideas for expanding the SLC's capacity to assist more **stateless children** nationally, which I have already begun to implement;
- A blueprint for further expanding the SLC to assist **stateless adults** (as well as children) implemented since my return;
- Inspiration for establishing a **formal working group of Australian lawyers** interested in addressing this issue in Australia through strategic law reform;
- Critical insights into successful **engagement with governments** and decision makers on **law reform** on this issue;
- A range of invaluable contacts that I intend to draw upon to launch a **Global Network of Stateless Legal Services**, which aims to provide a forum for shared learnings and professional development resources between existing stateless legal service providers as well as support the establishment and development of new stateless legal services in global regions lacking such services;
- Reinvigorated motivation for supporting the establishment of an **Australian stateless led advocacy organisation** on this issue, through which people with lived experience of statelessness can provide a direct line to government on law reform and other issues impacting them.

Key Learnings for Australia from the International Context

Australia lacks a statelessness determination procedure (**SDP**), or specific visa category for stateless people, making it very difficult to correctly and comprehensively identify stateless people and ensure they are protected.

The problem a lack of an SDP presents for meaningfully addressing statelessness in Australia was highlighted during my visit to England. The United Kingdom (**UK**) introduced an SDP in 2013. While, as many experts I met with on my visit were intent on emphasising, it is an imperfect system, its existence nevertheless demonstrates how further advanced the UK is in understanding and addressing statelessness compared to Australia.

The United States is also making positive advancements in improving mechanisms for identifying stateless people, thanks in large part to the advocacy work of United Stateless (discussed in further detail in this Report).

As a starting point, it is therefore important to note that Australia is lagging behind like countries when it comes to addressing the critical human rights issue of statelessness.

Recommendations

Australia has a long history of welcoming stateless people to Australia. However, poor awareness and understanding of the issue within decision-making bodies, government and the general public, combined with a lack of formal legal protections for stateless children and adults (including the absence of a SDP akin to that in operation of the UK, or a visa category or pathway to naturalization for stateless people born outside of Australia) presents significant difficulties for meaningfully addressing and reducing statelessness in Australia.

Australia should:

- (i) Implement a legislative **statelessness determination procedure** which is fair, effective and accessible to all persons in Australia regardless of their legal status. This includes **funded** access to interpreting services and **legal support**;
- (ii) Introduce a **dedicated visa category** for all stateless persons, regardless of their mode of arrival in Australia, providing them with **permanent protection** and a pathway to **naturalization**;
- (iii) **Expand the eligibility of Australian citizenship** to all stateless persons in Australia, regardless as to whether they were born on Australian soil; and
- (iv) Develop a **working group** between government and legal service providers and other peak-body organisations (including **stateless lead organisations**) to regularly, constructively and productively meet and discuss issues impacting stateless people in Australia.

Katie Robertson

The 2022 Dorothy and Brian Wilson Churchill Fellowship to investigate best practice models for providing legal education and aid to stateless children

Director - *Stateless Legal Clinic*

Associate Director – *Peter McMullin Centre on Statelessness*

W: <https://law.unimelb.edu.au/centres/statelessness/engage/stateless-children-legal-clinic>

Itinerary and Interviews

I conducted the field component of this Fellowship from 18 September to 21 October 2023.

Below is a list of countries, organisations, and individuals I met with, and activities I engaged in.

SWITZERLAND

Geneva, 18 – 21 September 2023

- **Meeting:** United Nations High Commissioner for Refugees Statelessness Unit
Monika Sandvik, Senior Statelessness Coordinator / Head of Section
Anne Laakko, Senior Statelessness Officer
Marin Roman, Senior Statelessness Officer
Marcella Rouweler, Statelessness Officer
Valeriia Cherednichenko, Statelessness Consultant
- **Live webinar:** United Nations High Commissioner for Refugees Statelessness Focal Points Globally
I presented a webinar on the Stateless Legal Clinic to more than 60 UNHCR field officers globally. This was followed by meeting to hear from other initiatives elsewhere in the world.
- **Meeting:** Gillian Triggs, Assistant Secretary General, Assistant High Commissioner for Protection, Office of the United Nations High Commissioner for Refugees (UNHCR) and former President of the Australian Human Rights Commission
- **Meeting:** Phil Lynch, Executive Director, International Service for Human Rights

UNITED KINGDOM

London, England, 23 – 28 September 2023

- **Meeting:** European Network on Statelessness
Chris Nash, Director
Patricia Cabral, Legal Policy Coordinator
Alexia Tizzano, Legal Officer

-
- **Meeting:** *Cynthia Orchard*, Legal Consultant and former legal advisor for stateless people, children, migrants and refugees.
 - **Meeting:** Institute for Statelessness and Inclusion
Amal de Chickera, Co-Director
Georgia Field, Movement Building Lead
Ahmad Jaber, Movement Building Specialist
Ottoline Spearman, Programme and Media Officer
Alexandra U'Ren-Ashdown, Communications and Information Assistant
Alejandra de la O, Administration and Fundraising Officer
 - **Meeting:** United Nations High Commissioner for Refugees, United Kingdom
Elizabeth Ruddick, Senior Legal Protection Associate (Statelessness)
Zainnab Makele, Statelessness Officer

Liverpool, England, 28 – 30 September 2023

- Liverpool Law Clinic, University of Liverpool
Judith Carter, Solicitor and Lecturer, Law
- *Johanna Bezzano*, Solicitor, Merseyside Law Centre
Former in-house solicitor and lecturer, Law, Liverpool Law School, University of Liverpool

ITALY

Rome, 1-5 October 2023

- **Workshop:** Statelessness Legal Clinics Workshop, Roma Tre University
Prof Flora Di Donato, Federico II University, Naples
Prof Alice Riccardi, Roma Tre University
Carlo Caprioglio, Roma Tre University
Ulrich Stege, Director of the IUC Clinic Legal Education Program, International University College, Turin

Enrico Guida, Protection Associate (Statelessness) United Nations High Commissioner for Refugees, Italy

Law students of the Stateless Legal Clinics based in Rome, Turin and Naples

- **Roundtable:** Experts from peak bodies working on statelessness in Italy

Enrico Guida, Protection Associate (Statelessness) United Nations High Commissioner for Refugees, Italy

Armando Augello Cupi, President of the Italian Stateless Union

Giulia Perin – Lawyer working with the Stateless Legal Clinics, Member of Association for Juridical Studies on Migration (ASGI)

Francesco Portoghesi – A Buon Diritto^{xxvi}

Sarah Reggio – Senior Protection Associate, UNHCR Italy

Naples, 5-6 October 2023

- **Workshop:** Stateless Legal Clinic Workshop, Federico II University, Naples

Prof Flora Di Donato, Federico II University, Naples

Law students of the Italian Stateless Legal Clinics (Naples)

- **Field Trip:** Roma Camp, Scampia

Members of the Roma Community, Scampia Camp, Naples

Staff and students of the Italian Stateless Legal Clinics (Naples)

UNITED STATES OF AMERICA

Los Angeles, California, 10 – 13 October 2023

- **Conference:** International Access to Justice Forum, University of California, Irvine School of Law

Panellist: Law School Clinics and Access to Justice: Innovative Responses to Unmet Legal Need – The Australian Stateless Legal Clinic

Convenor: Subversive Lawyers and Lawyering

Professor Swetha S Ballakrishnen, University of California, Irvine School of Law

Professor Benjamin Barton, University of Tennessee College of Law

Professor Russell Pearce, Fordham University School of Law

West Coast, 13-15 October 2023^{xxvii}

- United Stateless

Ekaterina, Founding Member of United Stateless and stateless person based in America

Amina, Board Member, United Stateless

Boston, Massachusetts, 15-17 October 2023

- *Professor Susan M. Akram, Clinical Professor of Law, Boston University^{xxviii}*

Professor Susan Akram directs Boston University's International Human Rights Clinic in which she supervises students engaged in legal advocacy on issues including statelessness.

Washington D.C., 17-18 October 2023

- United Nations High Commissioner for Refugees USA

Anna Greene, Senior Protection Officer, U.S. Protections and Solutions

Jenna Froats, Associate Protection Officer

- *Joanne Kelsey, Director of Legal Services, Lutheran Social Services*

Philadelphia, Pennsylvania, 18-19 October 2023

- United Stateless

Karina Ambartsoumain-Clogh, Executive Director

Samantha Sitterley, Staff Attorney

- *Laura Bingham, global expert on statelessness, Temple University*

New York, New York, 19-21 October 2023

- *Matthew Charles Davis, Media and Strategic Communications Consultant to United Stateless*

PART 1: STATELESSNESS – KEY CONCEPTS

What is 'Statelessness'?



'We are stateless – we have no country. This is very hard. In our home country we had nothing, our life was very difficult. We couldn't do anything, go anywhere, choose our path.'

Nur, stateless Rohingya mother of four^{xxix}

A stateless person is someone who does not have a nationality of any country. This means they are not recognised as 'belonging' to any country.^{xxx} The international legal definition of a 'stateless person' is 'a person who is not considered as a national by any state under the operation of its law.'^{xxxi}

There are estimated to be between 10-15 million stateless people in the world, a third of which are children.^{xxxii} The United Nations High Commissioner for Refugees (**UNHCR**) estimates that a child born in statelessness at least every 10 minutes.^{xxxiii} Stateless children face barriers to a range of essential human rights by virtue of having no nationality, including access to education and healthcare.^{xxxiv}

What is ‘Nationality’ and ‘Citizenship?’

‘Citizenship to me means protection and certainty for my children. Without it, I fear they have no future,’

Amir, stateless Palestinian father of four^{xxxv}

The terms ‘nationality’ and ‘citizenship’ are often used interchangeably.

‘Nationality’ is a term used to describe an individual’s link to the state (or ‘country’) in the context of international law.^{xxxvi} ‘Citizenship’ is the term that is usually used in a domestic context, for example in domestic law.^{xxxvii}

How Does Someone Become Stateless?

There are many causes of statelessness globally; while some people are born stateless, others become stateless in their lifetime.^{xxxviii} Significantly, in countries where nationality is based on decent, statelessness can be passed on from one generation to another.

Discrimination is the most significant cause of statelessness, including on the basis of race, ethnicity, religion, language and or gender.^{xxxix}

Other causes of statelessness include:

- The dissolution of states and or changes in national borders;
- Decolonisation;
- Gaps in nationality laws;
- Loss of deprivation of nationality;
- Lack of birth registration.

PART 2: STATELESSNESS IN AUSTRALIA



Australia has resettled stateless persons since at least World War II and ratified the relevant treaties comprising of ‘international stateless law,’ discussed further below.^{xi} Yet, as noted in this Report above, little is understood about statelessness in Australia and significant gaps exist in protection for stateless people.^{xii} In the absence of a specific visa category or other pathway to permanency for stateless people in Australia, many are left with the only option of seeking protection through an increasingly limited domestic refugee law framework, which seeks to punish and deter stateless refugees who arrived by boat to Australia seeking asylum.^{xiii}

It is a common misconception that anyone born in Australia automatically becomes an Australian citizen; this is not the case.^{xiiii} Despite not providing for birthright citizenship, Australian law does provide the ability for stateless children born in its territory to apply for citizenship, thus ending inter-generational cycle of statelessness within families and allowing these children to access a myriad of essential rights they would otherwise be excluded from enjoying. The problem is that

stateless families are often unaware of this entitlement to citizenship, and until recently, there was very limited legal support available to assist children through the application process.

To respond to this gap in legal services for stateless children, in 2021 I established the Stateless Legal Clinic at the Peter McMullin Centre on Statelessness, discussed further below.

Australia's International Obligations

The two key international instruments that address the issue of statelessness are the 1954 *Convention relating to the Status of Stateless Persons* (**1954 Convention**) and the 1961 *Convention on the Reduction of Statelessness* (**1961 Convention**).^{xliv}

Australia has ratified both the 1954 *Convention* and the 1961 *Convention*, without reservation.^{xlvi}

Australia is also party to several international agreements that protect the rights of stateless persons and ensure the right to nationality, including:

1. International Covenant on Civil and Political Rights (ICCPR).^{xlv}
2. Article 24(3) provides that every child has the right to acquire a nationality.
3. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).^{xlvii}
4. Article 5(d)(iii) provides that States Parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee equality before the law in the enjoyment of the right to nationality.
5. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).^{xlviii}
6. Article 9 provides that parties shall grant women equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children.
7. Convention on the Rights of the Child (CRC).^{xlix}
8. Articles 7 and 8 provide that a child will have the right, from birth, to acquire and preserve their nationality.
9. Convention on the Rights of Persons with Disabilities (CRPD).¹

Article 18 provides that persons with disabilities have the right to acquire and change nationality and must not be deprived of their nationality arbitrarily or on the basis of disability.

‘Being stateless makes things challenging for us here. My children feel Australian – yet we are often reminded they are not. For example, our eldest child Iman started kindergarten this year. It was so difficult to enrol him – they asked about his passport, his visa, his status. I felt so embarrassed having to explain he has no passport – no identity. No certainty of his future. Having citizenship will make it easier for him – for all of our kids.’

Nur, stateless Rohingya mother of four^{li}

Australia’s Legal Framework for Nationality and Statelessness

The *Australian Citizenship Act 2007* (Cth) (**Citizenship Act**) provides the legal framework for nationality in Australia.

Section 21(8) of the *Citizenship Act* provides that a person born in Australia who is not (nor has ever been) a citizen or national of a foreign country, and is not entitled to acquire citizenship or nationality of another state, is eligible for Australian citizenship.^{lii}

How Many Stateless People Are There in Australia?

There are many stateless persons in Australia, however reliable and exact figures are unknown due to a ‘lack of coordinated or consistent approach’ to recording such persons.^{liii}

The most recent UNHCR Global Trends Report identified 8,073 stateless persons in Australia in 2023 but noted that given Australia lacked a process for identifying stateless persons (i.e. a ‘statelessness determination procedure’ discussed above and below), this figure does not capture all stateless persons in Australia and cannot be considered a true estimate of statelessness in Australia.^{liv} The true number of stateless persons in Australia is likely to be considerably higher.^{lv}

Identifying the Problem: A Gap in Legal Education and Services for Stateless Children in Australia

‘Our lawyer at RACS first told us about applying for citizenship for our two youngest children – we didn’t know this was possible. Sometimes I wonder – if they hadn’t told me about this process, how would I know? Applying for citizenship – even knowing it is a possibility – would be too hard for us to navigate without a lawyer.’

Amir, stateless Palestinian father of four^{lvi}

After several years of providing legal representation to stateless asylum seekers, my colleague Sarah Dale^{lvii} and I decided to investigate whether our vocational understanding of this unmet legal need was supported by research. We approached the Peter McMullin Centre on Statelessness (PMCS), established at Melbourne Law School in 2018 by Professor Michelle Foster with very generous philanthropic support from Peter and Ruth McMullin. As the Centre is the world’s only academic centre dedicated to statelessness, we applied for seed funding from the PMCS to conduct research on the gap in legal services for stateless children. In our resulting report ‘A Place to Call Home’, we identified three main findings discussed below.

a) Lack of Knowledge of Legal Rights

Research supported our observed experience that parents of stateless children were unlikely to know their child has a potential claim to Australian citizenship.^{lviii} Stateless parents were usually informed of this entitlement when (or if) their lawyer protectively flagged it with them, often inadvertently in the course of receiving advice about their refugee and or immigration status.

Poor awareness of the entitlement to apply for citizenship within the stateless community was found to be complicated by a general lack of knowledge and expertise pertaining to statelessness in the Australian legal profession.^{lix} Furthermore, we identified a lack of targeted legal outreach within stateless communities regarding this entitlement and, more fundamentally, a lack of legal services to assist stateless children with these claims.^{lx}

While some Australian refugee legal aid service providers had been assisting stateless children to go through this citizenship application process, this was on an *ad hoc* basis, based on the lawyer’s initiative and knowledge of this provision and complimentary to the person’s substantive temporary visa application. There was no targeted service for a dedicated program to assist these children or identify their location and actively educate them on their rights.

b) Difficulty in Accessing and Navigating the Citizenship Application Process

In addition to the lack of awareness of their child's entitlement to apply for Australian citizenship, our research and professional experience indicated that parents of stateless children experienced difficulties in navigating the complex and administratively burdensome application process without access to free, specialised legal support.^{lxi} This was complicated by a lack of targeted legal funding for stateless children in Australia.

'We would never have known about or been able to navigate the citizenship process without a lawyer. Accessing the free legal advice has been essential for us.'

Muhammad and Sumaiya, stateless Rohingya parents to three children^{lxii}

c) Lack of Data Concerning Australia's Stateless Population

The final key issue identified in our research was more fundamental: the exact number of stateless persons in Australia, including children eligible to apply for citizenship, is unknown, due to a lack of a coordinated or consistent approach to recording such persons discussed above.^{lxiii} Underscoring this gap in comprehensive data regarding Australia's stateless population is the fact Australia does not have a procedure within its legislative framework to identify and protect stateless persons, such as a 'statelessness determination procedure'.

Targeted Response to Addressing Unmet Legal Need: The Stateless Legal Clinic

'For 25 years my mother and I struggled to find answers or even understand what statelessness is, and how to fight it. The Clinic gives every mother and child currently in this situation a fighting chance.'^{lxiv}

Fadi Chalouhy

In response to the observed experience in legal practice and subsequent research pertaining to the legal need of Australian-born stateless children, the Stateless Legal Clinic (initially known as the Stateless Children Legal Clinic) was established in 2021 at the Peter McMullin Centre on Statelessness, at the Melbourne Law School. The Clinic partners with the Melbourne Law School Clinics program and the Refugee Advice Casework Service. In 2023 it was expanded to assist stateless adults, through an additional partnership with Refugee Legal and in 2024, commercial law firm Lander & Rogers.

The SLC provides direct assistance to Australian born stateless children in their application for citizenship. The Clinic also provides legal education to stateless legal communities about their rights under Australian law.

The Clinic also provides an educational component, whereby students at the University of Melbourne can assist stateless children apply for Australian citizenship in exchange for subject credit in the course of their Juris Doctor degree at Melbourne Law School. Involvement of university students in the Clinic provides them with a valuable opportunity to learn more about the issue of childhood statelessness, as well as meet with and form relationship with members of the stateless community whom they would be otherwise unlikely to encounter. This model establishes valuable links between the two groups, ultimately enhancing the fabric of the Australian community.



Stateless Legal Clinic Students call clients, 2021.

L-R: Melbourne Law School Stateless Legal Clinic students Zahraa Albadri and Claudia Cameron.

Photo: Katie Robertson (2021)

‘The highlight of my Clinic experience was definitely meeting the clients in person. Seeing the children whose claims for citizenship we are assisting with made me realise the tangible significance of the work being done by the Clinic. I found it to be a very energising experience, and one that I think will stay with me for a long time.’^{lxv}

Zahraa, former Stateless Legal Clinic student

Case Study – Childhood Statelessness in Australia



Taken from the 'A Place to Call Home Report: Shining a Light on Unmet Legal Need for Stateless Refugee Children in Australia, available [here](#).'^{lxvi}

One Family, Two Legal Realities

Muhammad and his wife Sumaiya are stateless Rohingyas, who arrived by boat seeking asylum in Australia in 2013. They have three children — all of whom were born in different countries. Their first child, daughter Noor was born in their country of origin. Their second daughter, Farrah, was born while the family were in transit to Australia. Their third child, son Husan was born in Australia shortly after the family arrived.

The different location of each child's place of birth means that despite sharing the same biological parents, each child's legal status, and potential entitlement to citizenship is different, with only the third child having a *prima facie* entitlement to Australian citizenship under domestic legislation.

This has resulted in an unusual legal situation for the family, whereby the youngest member is an Australian citizen, yet his parents and siblings are on temporary visas, with no ability to apply for a permanent protection visa, no certainty regarding a long-term future in Australia, and no pathway to citizenship or permanent protection.

Muhammad and Sumaiya did not know their son had an entitlement to citizenship until they met with a lawyer at RACS, who identified this entitlement in the course of giving them advice regarding visa matters.

Muhammad and Sumaiya's Story

'For us, being stateless means we don't have any country or documentation. We feel very distressed about this. When our son was granted Australian citizenship we were extremely happy. It was a big deal, because we have never known in our lives what it is like to be a citizen. It is our hope that all of our children will have a good education, find jobs and live a good life.

Our eldest daughter Noor is very studious, and hopes to be a doctor when she grows up. This would not have been possible for her in our home country where she was born. Our middle daughter Farrah was born on our journey to Australia. She loves school. Her favourite subjects are maths and writing.

Hasan, our youngest, is full of energy. He loves Spiderman and wants to be a police officer when he grows up.

While our youngest son can get Australian citizenship, our older children cannot. While we understand that this is because he was born here, it has resulted in a strange situation for us as a family. While he is a citizen, the rest of us are on temporary visas, with uncertain futures. Being on a temporary three year visa is a huge source of stress to us.

Hopefully, one day our other children will get citizenship, inshallah.

We would never have known about, or been able to navigate the citizenship process without a lawyer. Accessing free legal advice has been essential for us.'

Aims of my Churchill Fellowship

The Stateless Legal Clinic has been met with a consistent and high demand for assistance by members of the Australian stateless community since its establishment in 2021. The Clinic is poised to develop and expand in scope and capacity as a national service provider for stateless adults, as well as children, the first steps towards this expansion were successfully taken immediately after my Fellowship in early 2024.

As the only legal service of its kind in Australia, my Fellowship sought to visit similar international legal services, as well as expert organisations and individuals working on the issue of childhood statelessness. My aim was to understand how these more established comparative models operate and function, to implement broader service delivery for stateless children in Australia. I also aimed to understand how the Stateless Legal Clinic may be successfully expanded to assist stateless adults, as well as children.

Through meeting with expert organisations and individuals working on the issue of statelessness more broadly, I aimed to understand successful models for law reform and government engagement on this critical human rights issue that may be applied to the Australian context.

Details concerning the organisations and individuals I met on my Fellowship, including key learnings from each stage of my Fellowship and how they may be applied to the benefit of the Australian community are discussed in Part 3 of this Report, below.

PART 3: LEARNINGS FROM THE INTERNATIONAL COMMUNITY

Experiences and Findings

SWITZERLAND

STOP 1: GENEVA

Organisations and Individuals I Met With / Activities Engaged In:

(a) Meeting: United Nations High Commissioner for Refugees Statelessness Unit

Monika Sandvik, Senior Statelessness Coordinator / Head of Section

Anne Laakko, Senior Statelessness Officer

Marin Roman, Senior Statelessness Officer

Marcella Rouweler, Statelessness Officer

Valeriia Cherednichenko, Statelessness Consultant

(b) Live webinar: United Nations High Commissioner for Refugees Statelessness Focal Points Globally

I presented a webinar on Stateless Legal Clinic to 60 + UNHCR field officers globally followed by meeting to hear about other initiatives elsewhere in the world.

The United Nations High Commissioner for Refugees (UNHCR) is the UN agency mandated to support refugees, asylum-seekers, stateless people and people displaced in their own country. The organisation aims to aid these communities in emergencies, to safeguard their fundamental human rights and help with resettlement. The UNHCR has a dual mandate on statelessness to identify and protect stateless people and to prevent and reduce statelessness.



Katie Robertson visits the UNHCR Head Office, Geneva, September

This includes the collection of data globally from Governments (including Australia's) on statelessness, which is published annually in the Global Trends Report.^{lxvii}

In 2014 the UNHCR launched the #IBelong Campaign with the goal of ending statelessness by 2024. A key component of this project was the Global Action Plan to End Statelessness which provided a guiding framework of ten actions to be undertaken by States (countries) to resolve existing situations of statelessness, prevent new cases of statelessness and to better identify and protect stateless populations.^{lxviii}

The UNHCR has collaborated with the UNICEF (the United Nations Children's Fund) to undertake focused work targeting childhood statelessness. This includes the development of the Coalition on Every Child's Right to a Nationality^{lxix} and the publication of multiple research reports.^{lxx}

In 2023 the UNHCR launched a new Global Alliance to End Statelessness to build on the gains and momentum generated by the #IBelong Campaign and to serve as a platform to increase collective advocacy efforts, catalyse political commitments to address statelessness and accelerate the implementation of concrete solutions to statelessness.^{lxxi}

Key UNHCR publications and resources of note:

- [Handbook on Protection of Stateless Persons](#) (2014)
- [IBelong](#) Campaign
- [I Am Here, I Belong](#): The Urgent Need to End Childhood Statelessness (2015)

- [Global Action Plan](#) to End Statelessness 2014 – 2024
- [Global Alliance](#) to End Statelessness
- [Sex Discrimination](#) in Birth Registration (2021)
- [Gender Discrimination](#) and Childhood Statelessness

(c) Meeting: Gillian Triggs, Assistant Secretary General, Assistant High Commissioner for Protection, Office of the United Nations High Commissioner for Refugees (UNHCR) and former President of the Australian Human Rights Commission

Gillian Triggs has served as Assistant Secretary General and Assistant High Commissioner for Protection in the Office of the United Nations High Commissioner for Refugees since 2019.

Prior to her appointment to the UNHCR, Gillian served as the President of the Australian Human Rights Commission from 2012-2017. During this time, she oversaw the National Inquiry into Children in Immigration Detention, including stateless children.^{lxxii}

Gillian launched the Stateless Legal Clinic in 2021, at a event discussing the importance of addressing and resolving childhood statelessness in Australia.



L-R: Katie Robertson and Gillian Triggs, UNHCR Geneva

(d) Meeting: Phil Lynch, Executive Director, International Service for Human Rights

Phil Lynch is the Executive Director of the International Service for Human Rights (ISHR). The ISHR is an independent, non-profit organisation promoting and protecting human rights. Founded in 1984, ISHR has offices in Geneva (Switzerland) and New York (United States), as well as a permanent presence in Abidjan (Côte d'Ivoire). ISHR's mission is to support human rights defenders, strengthen human rights systems, as well as lead and participate in coalitions for human rights change.

lxxiii



Key ISHR publications and resources of note:

- [International Service for Human Rights: Resources](#)
- [International Service for Human Rights: Training](#)

*L-R: Phil Lynch and Katie Robertson, ISHR
Head Office Geneva*

Key Learnings: Switzerland

- An increased understanding of the UNHCR's mandate to identify and protect stateless people and to prevent and reduce statelessness, including its global operations;
- An enhanced understanding of the iBelong campaign as it neared its end date (2024);
- A more comprehensive understanding of the new Global Alliance to End Statelessness;
- An understanding of strategic litigation projects and initiatives happening globally that may be relevant to the Australian context;
- And understanding of trainings for human rights defenders, advocates and people with lived experience of potential future relevance to actors in the Australian statelessness space;
- An understanding of other statelessness legal initiatives operating globally;
- An understanding of the link between statelessness and development;
- An understanding of effective engagement strategies with governments on the issue of statelessness;
- Invaluable connections and relationships that will continue into the future to allow me to enhance and expand the Stateless Legal Clinic, as well as drive reform on the issue of statelessness in Australia.

Case Study – Living Stateless as a Child – Rama

(Taken from the UNHCR's Report 'Gender Discrimination and Childhood Statelessness', available [here](#)^{lxxiv})

'I don't like to be stateless because it is not fair.' – Rama, Lebanon

Rama was born in Lebanon to a Lebanese mother. Rama, however, is stateless. Rama's father is stateless and her mother is denied the right to pass her nationality to her child (as are all Lebanese women). Lacking identity documentation because of her stateless status, Rama cannot travel freely and faces many obstacles. Rama dreams of becoming a paediatrician. Because Rama is stateless, it is unlikely she will be able to sit for the public exams required to become a doctor.

'I feel that Rama has no future. The situation of stateless people in Lebanon should change so that they can exist and live with everyone in society.' – Rama's mother

'All my friends go to places and I could not go to them. I feel sad because I don't have an ID and all my friends have an ID. I want my job when I grow up to be a baby doctor, because when the baby is sick, I want to help them.' – Rama

UNITED KINGDOM

Statelessness in the UK

As with elsewhere in the world, stateless people in the United Kingdom (UK) face challenges in relation to their lack of nationality. As is the case in Australia, the UK is party to the two international instruments addressing statelessness; the 1954 Convention and the 1961 Convention.^{lxxv}

Similarly to Australia, statelessness (including childhood statelessness) is not adequately understood by government officials, members of the legal profession (including decisionmakers) and frontline service providers in the UK.^{lxxvi} In the report *'Invisible Kids: Childhood Statelessness in the UK,'* the European Network on Statelessness identify similar concerns regarding childhood statelessness to those identified in the Australian context, discussed above.^{lxxvii}



These include:

- A lack of data on stateless children in the UK;
- A general lack of awareness of statelessness;
- Difficulty in accessing good quality legal advice.

Key causes of childhood statelessness or risk of statelessness in the UK, include:

- being born to stateless parents;
- being born to a mother who cannot transmit her nationality to her child;
- children in state care whose nationality is unknown; and
- children whose births were not registered.^{lxxviii}

Under the *British Nationality Act*, children born in the UK who would otherwise be stateless at birth are entitled to register as British citizens provided they remain stateless and live in the UK for five years.^{lxxix}

In contrast to Australia, the UK is much more advanced when it comes to identifying and protecting stateless children and adults. In 2011 UNHCR and Asylum Aid published a mapping study investigating the extent of statelessness in the UK.^{lxxx} In this report they identified that unrecognised stateless people ‘face the risk of a number of human rights challenges that are directly linked to their lack of immigration status.’^{lxxxi}

As a direct result of this mapping study and associated advocacy, the UK Government introduced a Statelessness Determination procedure (**SDP**) in 2013. The SDP enables stateless people to apply for recognition of their status and to be granted leave to remain (conferring them with some crucial protections such as the right to work and access most public funds).^{lxxxii} Between 6 April 2013 and 30 June 2020 184 stateless people were recognised through the UK’s SDP.^{lxxxiii} The UK offers a potential blueprint for Australia in terms of a path forward on addressing statelessness.

Understanding and Addressing Statelessness in the UK Compared to Australia

The following table demonstrates how further progressed the UK is on this issue.

Issue	UK	Australia
Ratified key international statelessness treaties? The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	Yes: both.	Yes: both.
National mapping study of statelessness conducted?	Yes. Published 2011.	In progress. One currently being undertaken by the Peter McMullin Centre on Statelessness, due to be complete by late 2024.
Statelessness Determination Procedure?	Yes. Entered into force 6 April 2013.	No.
Pathway to naturalisation?	Yes. ^{lxxxiv} If a statelessness application is granted, applicant and any dependent family members usually granted permission to stay in the UK for five years. After five years of statelessness leave, an application can be made for indefinite leave to remain in the UK. ^{lxxxv}	Limited to children born in Australia to parents who are stateless. ^{lxxxvi} No pathway for non-Australian born stateless adults by virtue of their statelessness (i.e. no visa for stateless persons).

The past decade within which the UK's SDP has been in operation also provides Australia with an opportunity to learn from individuals and organisations who have experience navigating the procedure, with an aim to understanding how the UK system could be improved. There have been a number of ongoing concerns identified with the UK SDP's operation and implementation.^{lxxxvii} These concerns were also emphasised by many of the organisations and individuals I met with during the UK leg of my Fellowship. An audit conducted by the UNHCR of the UK's SDP identified a range of concerns,^{lxxxviii} including:

- Long delays in decision making (there is no time limit on when a decision must be made on a stateless application^{lxxxix});
- Issues with the quality of decision making; and

-
- A lack of legal aid for stateless persons applying for leave to remain.

Research conducted by the Liverpool Law School also identified serious concerns regarding poor and inconsistent decision making and a lack of legal aid.^{xc}

Despite its shortcomings, the existence of an SDP and a pathway to naturalisation for stateless persons in the UK stands in stark contrast to the absence of mechanisms for identifying and protecting stateless people in Australia. As noted by Joanna Bezzano and Judith Carter in their 2018 comprehensive review of the UK's Statelessness Application Procedure, the UK is ahead of many countries in having a statelessness determination procedure; the lives of stateless individuals and families in the UK have dramatically improved through a grant of statelessness leave.^{xc} Yet the procedure is not working as well as it should.^{xcii}

Australia has a valuable opportunity to learn from the issues identified with the UK's SDP and ensure that any SDP developed for Australia addresses these, ensuring efficient, fair and transparent decision-making procedures and timeframes, high quality decision making and adequate legal aid for stateless people seeking to navigate the process.

Case Study – Living Stateless in the UK – Tarek

(Taken from the European Network on Statelessness' 2021 Report 'Invisible Kids: Childhood Statelessness in the UK', available [here](#).^{xciii})

Tarek's mother and father are stateless Palestinians/Tarek was born in the UK at a time when his parents had no leave to remain. One of his parents applied for asylum with the rest of the family as dependents, but the Home Office refused this application. The family later applied for leave to remain in the UK as stateless persons, under Part 14 of the Immigration Rules, and this was granted. The family lived in Home Office accommodation with very basic financial support for approximately two years. When he turned five, Tarek became eligible to register as a British citizen as a child born stateless in the UK.

STOP 2: LONDON, ENGLAND

Organisations and Individuals I Met With / Activities Engaged In:

(a) Meeting: European Network on Statelessness

Chris Nash, Director

Patricia Cabral, Legal Policy Coordinator

Alexia Tizzano, Legal Officer

The European Network on Statelessness (ENS) is a leading civil society alliance of organisations and individuals working to promote the right to nationality in Europe. ENS was established in 2012 and brings together over 180 members in more than 40 countries and includes grassroots community organisations, national and international NGOs, legal advice agencies, think tanks, individuals with lived experience of statelessness, and other experts.

The work of ENS is implemented across four core themes, including children's rights. Almost 40 of ENS's members work directly on children's nationality rights and ENS has led a number of key projects addressing childhood statelessness. This includes the #StatelessKids campaign as well as projects focus on promoting universal birth registration in Europe, addressing childhood statelessness in migration contexts and understanding and addressing childhood statelessness in the UK.^{xciv}

Key ENS publications and resources of note:

- [Invisible Kids: Childhood Statelessness in the UK](#) (July 2021)
- [No Child Should Be Stateless: Ensuring the Right to a Nationality for Children in Migration in Europe](#) (April 2020)
- [Statelessness Index](#): A comprehensive tool assessing European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice.

(b) Meeting: Cynthia Orchard, Legal Consultant and former legal advisor for stateless people, children, migrants and refugees

Key publications and resources by Cynthia Orchard of note:

- [Invisible Kids: Childhood Statelessness in the UK](#) (July 2021)
- [Palestinians and the Search for Protection as Refugees and Stateless Persons](#) (2022)
- [Briefing: The New Home Office Policy on Statelessness](#) (2019)

(c) Meeting: Institute on Statelessness and Inclusion

Amal de Chickera, Co-Director

Georgia Field, Movement Building Lead

Ahmad Jaber, Movement Building Specialist

Ottoline Spearman, Programme and Media Officer

Alexandra U'Ren-Ashdown, Communications and Information Assistant

Alejandra de la O, Administration and Fundraising Officer

The Institute on Statelessness and Inclusion (ISI) is the first and only human rights NGO dedicated to promoting the right to a nationality and the rights of stateless people globally. Founded in 2014 ISI's work combines research, training, advocacy, creating knowledge tools, information-sharing and building strategic alliances. Working across two offices, in London and the Netherlands, ISI's work for the last 5 years has been focused on four key goals, the first of which is to realise every child's right to a nationality.



L-R: Katie Robertson and Amal de Chickera, ISI London

ISI's work addressing childhood statelessness is driven by the goal of holding states accountable for failing to protect and fulfil every child's right to a nationality. To do so ISI aims to strengthen the stateless literacy of child rights groups, directly engage children on statelessness, nationality and rights, mainstream the right to a nationality, and unpack and address childhood statelessness 'sticky issues'.^{xcv} Most recently this has included the coordination of the 2023 Awareness Month on Childhood Statelessness and Education across 13 countries globally.

Key ISI publications and resources of note:

- [The Child's Right to a Nationality and Childhood Statelessness: A Tool Kit for Child Rights Actors](#) (April 2023)
- [The Girl Who Lost Her Country](#) (December 2021)
- [The World's Stateless – Children](#) (January 2017)

(d) Meeting: United Nations High Commissioner for Refugees, United Kingdom

Elizabeth Ruddick, Senior Legal Protection Associate (Statelessness)

Zainnab Makele, Statelessness Officer

The UNHCR Office in the United Kingdom (**UK**) promotes the rights of stateless persons through advocacy, training and providing guidance and assistance to authorities and other organisations.^{xcvi} It has undertaken stateless mapping and a public audit of the Home Office's approach to statelessness.^{xcvii} While the UK Office does not provide legal advice or representation regarding applications for 'Leave to Remain' by stateless people in the UK, it may provide information or advice to stateless persons and others assisting them.^{xcviii}



UNHCR Office, London

Key UNHCR UK publications and resources of note:

- [I am Human: A Participatory Assessment on the Situation of Stateless Persons in the United Kingdom](#) (April 2021)
- [Mapping Statelessness in The United Kingdom](#) (co-authored with Asylum Aid) (2011)
- [Statelessness Determination in the UK](#) (2020)

STOP 3: LIVERPOOL, ENGLAND

Organisations and Individuals I Met With / Activities Engaged In:

(a) Meeting: Liverpool Law Clinic, University of Liverpool^{xcix}

Judith Carter, Solicitor and Lecturer, Law, Liverpool Law Clinic, University of Liverpool

Johanna Bezzano, Solicitor, Merseyside Law Centre, (Former In-house solicitor and lecturer, Law, Liverpool Law School, University of Liverpool)

The Liverpool Law Clinic was established in 2007 to give general advice. It became regulated to provide immigration advice in 2013. Since then, lawyers and students have advised and represented people who are stateless and at risk of statelessness. The Clinic is led by specialist immigration solicitors who have national expertise in statelessness-based applications to the UK's Home Office – where it provides full representation (casework) for application for permission to stay in the UK and to register as British citizens on the grounds of statelessness.

The Clinic was developed for the following key reasons:

(i) **Legal Need:** A scoping exercise in 2012 identified that there were many failed asylum seekers living in the Liverpool area, who needed assistance to resolve their immigration status. In 2013 the Home Office introduced a procedure for people to request leave to remain in the UK on the basis that they are stateless and not admissible to any other country (discussed above). The procedure allowed some of those people to resolve their status and the Law Clinic developed national expertise.

The Clinic was introduced with the aim of addressing what was a clear gap in provision of legal advice and assistance to people in this area, with advice and representation on statelessness outside the scope of legal aid.

(ii) **Education:** the Liverpool Law Clinic is part of the University of Liverpool School of Law and Social Justice. The Clinic aims to teach law students through 'enquiry-based learning';



akin to the Stateless Legal Clinic later introduced in Australia at the Peter McMullin Centre on Statelessness at the Melbourne Law School, University of Melbourne.

Students work on real cases under the supervision of one of the Clinic lawyers. The Clinic aims to provide law students at the University of Liverpool with direct experience of legal advice and representation to deepen their engagement with the law and social justice and to develop their employability skills.

In addition to the provision of legal casework services to clients, the Clinic engages in policy and research work on statelessness.

Key Liverpool Law Clinic publications and resources of note:

- [The Liverpool Law Clinic: Statelessness](#)
- [Statelessness in Practice: implementation of the UK statelessness application procedure](#), Carter JC and Bezzano, Joanna (July 2018)

Key Learnings from My Visit to England:

- An in-depth understanding of the pathway to British citizenship for stateless children in the UK;
- An understanding and link to the key individuals and organisations working on the issue of childhood statelessness in the UK at the domestic, regional and international level;
- An understanding of the history and operation of the UK SDP and how an Australian version may learn from the UK models' strengths and weaknesses;
- An invaluable understanding of history, evolution and operation of the Liverpool Law School's Statelessness Clinic, relevant to the operation and expansion of the Australian Stateless Legal Clinic;
- An understanding of how commercial law firms are offering innovative support to initiatives aimed to support stateless children;



*Liverpool street sign,
Katie Robertson 2023*

-
- An understanding of specific statelessness law trainings that have been developed for lawyers in the UK and how similar trainings may be developed for the Australian legal profession;
 - An understanding of strategic litigation projects and initiatives happening in the UK and Europe that may be relevant to the Australian context;
 - An understanding of how productive working relationships between government and key organisations working on statelessness can function and how a similar mechanism for addressing the issue may be established and maintained in Australia;
 - An understanding of the challenges stateless people face in the UK in understanding and accessing their rights;
 - An understanding of the challenges legal aid services face in the UK in terms of assisting stateless people;
 - An understanding of the key community groups impacted by statelessness in the UK;
 - An understanding of the current political challenges and tensions in the UK relevant to immigrants;
 - As a result of the meeting held with ISI, the Stateless Legal Clinic was invited to partner on the 2023 Childhood Statelessness Awareness Month campaign by running a workshop on childhood statelessness for Secondary School children in Melbourne in November 2023, as well as connecting with other global organisations working to address childhood statelessness;
 - Invaluable connections and relationships that will continue into the future to allow me to enhance and expand the Stateless Legal Clinic, as well as drive reform on the issue of statelessness in Australia.

ITALY

Statelessness in Italy

Italy is home to a large stateless population.^c As is the case in Australia, the UK is party to the two international instruments addressing statelessness; the 1954 Convention and the 1961 Convention.^{ci} Italy is furthermore one of the few countries in Europe that has procedures in place for identifying and determining statelessness. Despite this, stateless people in Italy face numerous challenges in their daily life.^{cii}

The largest population of stateless people, including children, in Italy are the Roma community, many of whom arrived in Italy as refugees during the conflicts in the former Yugoslavia during the 1990s. The Roma community has long experienced discrimination and ostracisation in Italy.^{ciii}

Unlike in Australia, a person can be recognised as stateless in Italy under either an administrative or judicial procedure.



Rome, Italy, Katie Robertson 2023

Understanding and Addressing Statelessness in Italy Compared to Australia

Issue	Italy	Australia
Ratified key international statelessness treaties? The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	Yes: both.	Yes: both.
National mapping study of statelessness conducted?	In progress. UNHCR will publish mapping study in late 2024.	In progress. One currently being undertaken by the Peter McMullin Centre on Statelessness, due to be complete by late 2024.
Statelessness Determination Procedure?	Yes: two. Administrative produce and judicial procedure.	No.
Pathway to naturalisation?	Yes. Stateless persons can apply for naturalisation five years after being positively recognised as stateless through either the administrative or judicial statelessness determination procedure (provided they reside in Italy during this period).	Limited to children born in Australia to parents who are stateless. ^{civ} No pathway for non-Australian born stateless adults by virtue of their statelessness (i.e. no visa for stateless persons).

Administrative procedure: A person may apply to Minister of the Interior to request recognition of their status as a stateless person if they have a birth certificate, a valid residence permit and registered residence in Italy.^{cv} There is no interview process so the applicant must also provide documentation supporting their claim to be stateless (applicable nationality laws, identity documents, consular declarations).^{cvi}

There is no fee to apply. However, several problems have been identified with the administrative procedure, including: ^{cvii}

- Lengthy delays: the procedure usually takes between 2–3 years on average;
- Success rates are not high (experts I met advised the success rate is around 6%);
- Most notably, the administrative procedure is available only to applicants in possession of a birth certificate who legally reside in Italy. Many stateless applicants are therefore

ineligible to apply under this system by virtue of their circumstances; noting that many stateless people do not have a birth certificate and are prohibited to living legally in Italy.

The shortcomings of the administrative procedure were also emphasised by the individuals and organisations I met with on the Italian leg of my Churchill Fellowship.

Judicial procedure: Statelessness determination may also occur through specialised sections of the applicant's local Civil Court.^{cviii} Unlike the administrative procedure, there is no need for the applicant to have a birth certificate or valid residence permit and the procedure lasts 1–2 years on average. However, applicants must be assisted by a lawyer and pay a €259 procedure fee.^{cix} Applicants can apply for State funded legal aid which can cover both the procedure and lawyer fees.^{cx} Applicants can also ask the judge to grant them a resident permit pending the outcome of the procedure.^{cx} Experts I met with in this stage of my Fellowship advised that the majority of applicants elected to go through the judicial (rather than administrative) procedure.

Comparative Summary of Italy's Two Statelessness Determination Procedures

	Administrative Procedure	Judicial Procedure
Birth Certificate required?	Yes.	No.
Proof of legal residence in Italy required?	Yes.	No. Applicant can request residence permit pending outcome of the decision.
Application fee?	No.	Yes: €259. Some legal aid available (by application) to cover fee.
Interview required?	No – all done on the paperwork. This can be challenging for stateless applicants with limited access to documentation and literacy skills, noting that many stateless people face difficulties in accessing education.	Can provide oral evidence and submissions.
Legal representation required?	No.	Yes. Some legal aid available.
Average wait time for decision?	2-3 years	1-2 years
Appeal rights?	Yes.	Yes.

If a person receives a positive decision from either procedure, they can then seek a residence permit on the grounds of statelessness for a period of either two or five years and grants them access to essential services (including the national health system), work rights and the ability to apply for travel documents.^{cxii} Most significantly, they are entitled to apply for naturalisation after a five-year period of uninterrupted residence in Italy.^{cxiii}

Italy's statelessness determination procedure and path to naturalisation for persons formally recognised as stateless offer a potential blueprint for Australia in terms of a path forward on addressing statelessness. Careful consideration must be given to the observed strengths and weaknesses of the Italian administrative and judicial models with a view to assessing which may work best in the Australian context.

Safeguards Against Childhood Statelessness in Italy

Italian nationality law is based on the principle of *jus sanguinis* (citizenship by decent, acquired through a child's parents), however *jus soli* (birthright citizenship) applies to children born in Italy if:

- the child's parents are unknown or stateless;^{cxiv}
- if the child cannot acquire their parents' citizenship;^{cxv} or
- if the child is a 'foundling'.^{cxvi}

Although children who are born stateless in Italy are entitled to acquire Italian nationality, barriers exist that make it challenging for parents to access this entitlement on their child's behalf (as is the case in Australia). For example, parents of Italian-born stateless children must provide relevant supporting documents to the municipal Nationality Office. These may often include declarations from foreign embassies that can be challenging or impossible for parents to obtain, especially those that have been stateless for generations.^{cxvii}

As is also the case in Australia, there is a lack of awareness within Italian stateless communities about the right of Italian born children to apply for nationality.^{cxviii}

Similar to Australia, individuals and organisations reported similar challenges to addresses childhood statelessness in Italy, including a lack of understanding about statelessness amongst the Italian legal profession and a difficulty for stateless people to access and obtain adequate legal support.

STOP 4: ROME, ITALY

Organisations and Individuals I Met With / Activities Engaged In

(a) Workshop: Stateless Legal Clinics^{cxix}, Roma Tre University

Prof Flora Di Donato, Federico II University, Naples

Prof Alice Riccardi, Roma Tre University

Carlo Caprioglio, Roma Tre University

Ulrich Stege, Director of the IUC Clinic Legal Education Program, International University College, Turin

*Enrico Guida, Protection Associate (Statelessness)
United Nations High Commissioner for Refugees, Italy*

Law students of the Stateless Legal Clinics based in Rome, Turin and Naples



Rome, Italy, Katie Robertson 2023

The Italian Stateless Legal Clinics is a partnership project funded by UNHCR. The projects are focused on resolving cases of statelessness and supporting persons at risk of statelessness. The Clinic operates through universities in three locations around Italy, including:

- Rome: Based at the University of Rome "Tre";
- Naples: Based at the University of Naples Federico; and
- Turin: Based at the International University College of Turin (IUC).

Across the partnership, 18 students are supported by lawyers to provide legal assistance to stateless persons, with the different clinics connected to communities where legal assistance is most needed.^{cxx} Beyond legal assistance, the project also undertakes outreach, facilitates a network of academics, NGOs and legal and social workers, and promotes best practices.^{cxxi} Connection to UNHCR means that it can also refer into the legal clinics.^{cxxii}

The workshop provided an invaluable opportunity for me to learn more about the establishment and operation of the three stateless legal clinics through listening to presentations from staff, students and partners engaged in the clinics, as well as networking with participants throughout the day. Of particular interest where the case studies of matters the clinics are currently working

on where they discussed legal strategy and challenges. I was able to form working relationships that will allow for further learnings and future collaborations to the benefit of the Australian context.

I was also invited to present on the Australian Stateless Legal Clinic which allowed me to raise awareness about the issue in Australia and stimulate productive dialogue amongst participants about similarities and differences between approaches to statelessness in the two countries.



Participants of the Stateless Legal Clinics Workshop at Roma Tre University, Rome, September 2023.

Similarly to the Stateless Legal Clinic in Australia, the Italian clinics were developed to help address the fact that there are very few projects that address statelessness, including in a university setting. As is also the case in Australia, the Italian clinics seek to raise awareness of the issue amongst law students and future generations as well as provide critical legal education and aid to members of the stateless community.

Students of the Italian Stateless Legal Clinics reported having a very positive experience, highlighting the practical skills they were able to develop and the ability to work with stateless people directly. One student reported that the clinic has allowed her to understand how important empathy was when providing legal assistance to stateless people, noting 'you can't learn that from a textbook.'

Students also reported being struck by the sheer challenges their stateless clients faced when seeking to access the basic rights and entitlements that they themselves took for granted. One student recalled assisting a stateless mother apply for a driver's licence, something she herself had never considered difficult but was extremely hard for her client to navigate due to lack of documentation and language barriers.

The Italian student experience mirrored the experience of many Australian students I have supervised in the Stateless Legal Clinic, who also emphasise the transformative impact of working directly with stateless people in the community.

As noted by one former Australian student, Hanna:

'On a practical level, I am thankful to have been given the opportunity to play a part in bringing about real, tangible change to stateless clients within our community. In particular, being able to meet with some of these clients towards the end of the semester was a group Clinic activity I will forever cherish.'^{cxxiii}

Meeting the Italian Stateless Legal Clinics highlighted the powerful potential of university based legal services. On one hand the programs help bridge the gap in access to legal services for stateless communities, while also educating young people, future lawyers and leaders on the importance of addressing this issue.

The workshop also provided potential for future collaboration and networking between Italian and Australian university students working on this issue which I intend to investigate further.

The workshop also provided the foundation for future collaboration with supervisors of the respective Italian clinics where we discussed future joint projects and networks that will strengthen the work on this issue of the Stateless Legal Clinic in Australia.

(b) Roundtable: Experts from peak bodies working on statelessness in Italy

Enrico Guida, Protection Associate (Statelessness) United Nations High Commissioner for Refugees, Italy

Armando Augello Cupi, President of the Italian Stateless Union

Giulia Perin – Lawyer working with the Stateless Legal Clinics, Member of Association for Juridical Studies on Migration (ASGI)

Francesco Portoghese – A Buon Dirittocxxiv

Sarah Reggio – Senior Protection Associate, UNHCR Italy

The UNHCR Italy office raises awareness about statelessness and advocates for stronger protections for stateless persons, including safeguards against statelessness at birth and improving statelessness determination procedures.^{cxxv} It also undertakes partnerships with stakeholders to assist training events and civil society networks.^{cxxvi} UNHCR facilitates Tavolo Apolidia, the 'Working Table on Statelessness', a network of NGOs and experts addressing statelessness in Italy, focusing on coordinating advocacy activities.^{cxxvii}

The roundtable was a valuable opportunity to connect with and learn from key organisations and individuals working on statelessness in Italy.



UNHCR and Partner Organisation Roundtable, Rome

L-R: Sarah Reggio (UNHCR), Francesco Poroghese (A Buon Diritto), Giulia Perin (Lawyer with Stateless Legal Clinics, Katie Robertson (SLC Australia), Armando Augello Cupi, (Stateless Legal Clinic), Enrico Guida, UNHCR)

UNHCR Italy have played an innovative and leading role in addressing statelessness through spearheading and funding the university based stateless legal clinics above. It was inspiring to see how tangible action on statelessness can be led by national UNHCR offices; in this case driven by Statelessness Protection Associate Enrico Guida. The UNHCR Italy office should also be commended for their support in the establishment of Italian Stateless Union, discussed below.

as to how partnerships with solicitors in private legal firms in Australia may partner with the Stateless Legal Clinic in increasing its capacity.

It was also useful to meet with Giulia Perin, a lawyer who partners with the Rome-based stateless legal clinic and assists in the direct supervision of the students. My discussion with her provided me with valuable insights and ideas

Finally, it was invaluable to meet with Armand Augello Cupu, President of the Italian Stateless Union.^{cxxviii} Armand generously shared his own experience of statelessness with me and his drive to help address the issue through his work with the Italian Stateless Union. The Italian Stateless Union was established in 2022 and is the first stateless-led organisation in Italy. It aims to raise awareness of the issue and provide a platform for stateless (and formerly stateless) people to advocate on issues affecting them.

There is currently no stateless-led organisation in Australia bridging the gap between government and stateless people in targeted consultation.^{cxxix} Learning about the scope of the Italian Stateless Union's work provided valuable insights into how a similar organisation may be established in Australia, as did my meetings with members of United Stateless in America, discussed below.

STOP 5: NAPLES, ITALY

Organisations and Individuals I Met With / Activities Engaged In:

(a) Workshop: Stateless Legal Clinic Workshop, Federico II University, Naples

Prof Flora Di Donato, Federico II University, Naples

Law students of the Italian Stateless Legal Clinics (Naples)

Building on the workshop I engaged in in Rome, it was useful to observe one of the three Italian Stateless Legal Clinics in closer detail by visiting the staff and students of the clinic based in Naples. Staff and students invited me for a workshop to learn more about the clinic's operation and key case studies that they are currently working on. I was also invited to provide a presentation on the work of the Australian Stateless Legal Clinic.



Katie Robertson with Students from the Italian Stateless Legal Clinic (Naples)

In collaboration with the University of Rome "Tre", the International University College of Turin (IUC) and with the support of UNHCR, the Department of Law at the Federico II University in Naples provides stateless people (or people at risk of statelessness) with a help desk aimed at assistance and clinical-legal protection. The University of Naples Federico II is one of the oldest public universities in the world, established in 1224. The Department of Law undertakes multidisciplinary research across public and private law and legal history. The clinical-legal training course was established in 2017 by Prof Flora Di Donato with the objectives of connecting students to external institutions, creating interdisciplinary collaborations and empowering legally vulnerable clients.^{CXXX} In 2021, with the assistance of UNHCR, the Stateless Legal Clinic was established as a partnership of three legal clinics at Napoli Federico II, Roma Tre and the International University College di Torino.

(b) Field Trip: Roma Camp, Scampia

Members of the Roma Community, Scampia Camp, Naples

Staff and students of the Italian Stateless Legal Clinics (Naples)

The opportunity to visit one of the Roma camps where the Naples stateless legal clinic operates was a privilege and was the highlight of my overall Fellowship experience.

The Italian Roma community is one of the largest ethnic minorities in Italy. Though the exact size of the community is uncertain, it is estimated that there are between 120,000 and 180,000 Roma in the country, a significant proportion of whom lack Italian citizenship. Many are concentrated in settlements on the periphery of cities, where they are at risk of eviction or targeted attacks.^{cxxxi} In 2015 the Roma population in Naples was estimated at 3,000.^{cxxxii}



Scampia Camp, Naples, Katie Robertson, 2023

The Roma Camp in Scampia is home to approximately 700 people. The camp is poorly equipped with limited access to running water, sewers, garbage disposal or proper heating and cooking facilities. The camps were intended to be temporary, housing more than a thousand displaced Roma from Serbia and Montenegro, who arrived in Italy during the Yugoslav Wars in the '90s.

Far from being temporary, I met with members of the camp who have been there for two or three generations. I was lucky to meet with one of the senior members of the camp, who kindly gave me



Katie Robertson stands next to the rubbish left by the local council to accumulate within the Scampia camp, Naples, Italy.

a tour. He informed me that the camp is currently home to about 50 families and 120 children – many of whom live within large mounds of garbage and waste. Makeshift houses have been assembled from materials sourced from the rubbish piles but were lovingly assembled to exhibit pride and a sense of homeliness. The camp elder advised me that living conditions were fairly cramped, with up to 15 family members sharing a single bedroom dwelling. He advised me that the main challenge the members of the camp faced was in accessing documents.

The Naples Stateless Legal Clinic has been working in partnership with the community to advocate for the local council to remove the extensive amount of rubbish dumped in the camp with no success to date. Members of the camp spoke with enthusiasm for the work of the staff and students of the stateless legal clinic, with one informing me that prior to the clinic commencing outreach in the camp, a number of members of the stateless community had been subjected to a legal scam in which a person claiming to be a lawyer had visited the camp under the guise of assisting them to obtain identity documents. After seeking large payments from members of the camp the 'lawyer' had disappeared and was unable to be located. Members of the camp were relieved to have the Naples Stateless Legal Clinic assisting them as they could be trusted and had formed meaningful and respectful relationships with members of the community.

Key Italian publications and resources of note:

- [Statelessness Determination in Italy](#): UNHCR Italy
- [Italy](#): Statelessness Index
- [Unione Italiana Apolidi](#)
- [Unione Italiana Apolidi: the first stateless-led organisation in Italy](#): Armando Augello Cupi, European Network on Statelessness (2023)
- [Formazione clinic-legale II](#) (Stateless legal Clinic, Naples, Rome)
- [UNHCR Recommendations](#) on the Relevant Aspects of the Protection of Stateless Persons in Italy (2021)
- [Roma in Italy](#): Minority Rights Groups
- [Inside Italian Gypsy camps](#): The Guardian (2008)
- [‘Why do the Italians hate us?’](#) Dan McDougall, The Guardian (2008)
- [Italian police clear Roma camp](#) despite EU ruling requesting delay: Angela Giuffrida, The Guardian (2018)
- [Statelessness in Italy](#): Time to Fix a Broken System: Laura Bingham (2013) Open Society Justice Initiative

Case Study – Living Stateless in the Italy: Anita

The below is a real case-study presented by the students of the Stateless Legal Clinic, Naples.

Anita is a stateless mother born in Italy where she has lived her entire life. The students of the Naples Stateless Legal Clinic assisted her to navigate the statelessness determination procedure process, after which she was recognised as stateless. She will be able to apply for Italian citizenship after five years. Anita's story demonstrates how difficult it can be for stateless people to prove their identity, with people in Anita's position often required to essentially try and prove a negative.

Anita was born in Italy where she has lived her entire life, however she does not have Italian citizenship. The only documents she had were an extract of her birth certificate stating the name of her mother, with whom she no longer has a relationship. Anita lives with her partner and their three children, who have Romanian citizenship. She sought assistance from the Stateless Legal Clinic in Naples about obtaining Italian citizenship.

Students of the Clinic identified the first step as assisting Anita to be formally identified as stateless. As part of this process, Anita was required to prove not only that she did not have Italian citizenship, but also that she was unable to obtain citizenship from any other country where she may have relevant ties.

The law students examined the legal systems of Serbia, Bosnia-Herzegovina and Italy, contacting each representative to find as follows:

Serbia: Anita's mother is Serbia. There was no record of Anita's birth or mention of her in the citizens' register.

As she was older than 23, Anita was unable to register on the Serbian citizenship registrar in accordance with Serbian citizenship law.

Bosnia-Herzegovina: No records were found regarding Anita.

Italy: Anita did not meet the requirements of Italian citizenship law.

Having identified that Anita did not have Italian citizenship, nor could she obtain citizenship from other countries to where she may have ties (Serbia and Bosnia-Herzegovina), the students and legal partners successfully assisted Anita to navigate the judicial statelessness determination procedure. At the outcome of this process, she was granted a residence permit permitting her to obtain official identification documents and placing her on a pathway to Italian citizenship.

The outcome was lifechanging for Anita, who told the students: **'I've waited a long time for this moment and now it doesn't seem real, it feels like I'm living in a dream. That's a dream come true'.**

Key Learnings from My Visit to Italy:

- An in-depth understanding of the pathway to Italian citizenship for stateless children;
- An understanding and link to the key individuals and organisations working on the issue of childhood statelessness in Italy;
- An understanding of the history and operation of the two SDPs in Italy (administrative and judicial) and how an Australian version may learn from the Italian models' strengths and weaknesses;
- An invaluable understanding of history, evolution and operation of the three Italian stateless legal clinics, relevant to the operation and expansion of the Australian Stateless Legal Clinic;
- An understanding of how commercial law firms are offering innovative support to initiatives aimed at supporting stateless children;
- An invaluable understanding of the importance of stateless lead organisations who can provide a direct voice to government and decision makers on issues affecting them, with the aim of assessing how we may support the establishment of a similar organisation in Australia;
- An insight into the daily life and lived experience of members of the Scampia Roma Camp, and how student legal clinics can work effectively with stateless communities through conducting outreach;
- An understanding of how local UNHCR offices can drive action on reducing statelessness and support innovative initiatives such as the formation as a stateless led organisation and university based stateless legal services;
- An understanding of the challenges stateless people in Italy face in understanding and accessing their rights, as well as the acute discrimination they face;
- An understanding of the challenges the Italian legal sector faces in terms of assisting stateless people and obtaining necessary funding;
- An understanding of the key groups impacted by statelessness in Italy;
- Invaluable connections and relationships that will continue into the future to allow me to enhance and expand the Stateless Legal Clinic, as well as drive reform on the issue of statelessness in Australia. In 2024 Giulia Perin joined a panel I convened at the World Conference on Statelessness about stateless legal clinics. We also intend to collaborate on a potential global network of stateless legal clinics and consider ways to link students of

the Italian stateless legal clinics with students of the Australian Stateless Legal Clinic with the idea of exchanging learnings and developing support networks.

UNITED STATES OF AMERICA

Statelessness in America

A 2020 study of statelessness in America found that the number of people who are stateless or at risk of statelessness was much higher and more diverse than previously understood.^{cxxxiii} According to the Center for Migration studies, as of early 2020 there were an estimated 218,000 stateless people residing in the United States (US), but noted that precise estimates of numbers are impossible due to severe data limitations.^{cxxxiv}

Because the US has birthright citizenship, most stateless people in the country arrived from elsewhere in the world. While some may have already been stateless on arrival in the States, others may have lost their nationality once they arrived. Stateless people in America can experience a range of rights abuses resulting from their lack of citizenship, including prolonged or multiple periods of detention, perpetual reporting requirements, difficulty accessing employment, travel, healthcare and education, indefinite family separation and a lack of access to identity documentation or bank accounts.^{cxxxv} Stateless people are also often at greater risk of homelessness, poverty, marginalization, depression, anxiety and mental health issues.^{cxxxvi} In the words of Ekaterina E., a founding member of United Stateless:



Katie Robertson in the USA

‘To be stateless is to stand on the edge of a void. So much of what defines a modern human being is tied to the concept of nationality and citizenship. When one is stripped of that, a gulf opens up between you and the rest of the human race.’^{cxxxvii}

Ekaterina E, founding member of United Stateless

Similar to Australia however, one of the biggest challenges identified with statelessness in the U.S. is that so many people don’t know about it.^{cxxxviii}

Unlike Australia, the US has not signed onto the two international instruments addressing statelessness - the 1954 Convention and the 1961 Convention. The US does not have a legislative procedure in place to recognize stateless people (i.e. a ‘statelessness determination procedure’),

nor are there any specific protections for stateless people under domestic American law. There is no definition of a stateless person in US law, although the US Supreme Court has defined statelessness as the ‘possession of no citizenship at all.’^{cxix}

There have, however, been considerable developments in establishing and implementing a process for assessing statelessness in the past few years.

In 2021 the US pledged to adopt a formal definition of statelessness for immigration purposes and develop, for the first time, an official process to identify and improve the protection of stateless people living in the U.S.^{cxl} In October 2023 the Department of Homeland Security (**DHS**) through the US Citizenship and Immigration Service (**USCIS**) implemented a new policy requiring statelessness to be considered as a factor in discretionary decisions about immigration relief (the ‘**USCIS Guidelines on Statelessness**’).^{cxli} This includes an internal “statelessness assessment” process to provide decision makers with any Department of Homeland Security (DHS) agency with information regarding a person’s likelihood of statelessness.

While not as ideal as a legislative process for providing stateless people with a pathway to citizenship, the DHS policy and procedure for producing ‘stateless assessments’ represents important and strategic progress on the issue, paving the way for future potential developments. For example, United Stateless used the announcement of the new USCIS Guidelines on Statelessness to call on Congress to pass the *Stateless Protection Act*, which would provide stateless people with protected status, green card eligibility and a pathway to permanent citizenship.^{cxlii}

Australia can learn from the strategic gains of the United States, driven primarily by the advocacy of United Stateless (a national organisation led by stateless people, discussed below) with support of the USA UNHCR office.

Understanding and Addressing Statelessness in USA Compared to Australia

Issue	USA	Australia
Ratified key international statelessness treaties? The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	No: neither.	Yes: both.
National mapping study of statelessness conducted?	Yes. Published 2020.	In progress. One currently being undertaken by the Peter McMullin Centre on Statelessness, due to be complete by late 2024.
Statelessness Determination Procedure?	No legislative SDP. However, note: USCIS Guidelines on Statelessness which includes procedures to assist USCIS officers when assessing an individual's potential statelessness. ^{cxliii}	No.
Pathway to naturalisation?	No (although note birthright citizenship for all born in America, including children of stateless parents).	Limited to children born in Australia to parents who are stateless. ^{cxliv} No pathway for non-Australian born stateless adults by virtue of their statelessness (i.e. no visa for stateless persons).

STOP 6: LOS ANGELES, CALIFORNIA

Organisations and Individuals I Met With / Activities Engaged In:

(a) Conference: International Access to Justice Forum, University of California, Irvine School of Law

Panellist: Law School Clinics and Access to Justice: Innovative Responses to Unmet Legal Need – The Australian Stateless Legal Clinic.

I presented on the Australian Stateless Legal Clinic to international colleagues.



California, Katie Robertson, 2023

STOP 7: WEST COAST*

**Exact location concealed to protect the privacy of the individuals I met with.*

Organisations and Individuals I met with / activities engaged in:

(a) Meeting: Members of United Stateless

Ekaterina, Founding Member of United Stateless and stateless person based in America

Amina, Board Member, United Stateless

Ekaterina is an award-winning artist and human rights activist, bringing to the table a unique perspective as an individual directly affected by statelessness while living in a country without a legal framework to address it. Born in Soviet Central Asia, Ekaterina came to the US at age 16 as a citizen of the Soviet Union - a country which no longer exists. She has been living in the US as a stateless person for nearly two decades.



Katie Robertson, 2023

In 2017 Ekaterina co-founded United Stateless - the first and only U.S.- based human rights advocacy organisation led by stateless persons dedicated to solving statelessness in the United States.

Amina is a Board Member of United Stateless.

United Stateless is a national organisation led by stateless people whose mission is to build and inspire community among those affected by statelessness, and to advocate for their human rights.^{cxlv} Members exist all over the United States.

It was invaluable to meet with Ekaterina and Amina. In the case of Ekaterina, I was grateful for the generosity with which she shared her own story of statelessness, and her passion to address the issue through her work as a founding member of United Stateless. It was equally wonderful to have met with Amina and learn about the work of United Statelessness. Australia does not have any stateless-led group akin to United Stateless, and so it was useful to understand how the organisation was established and operates, with a view to understanding how interest in the establishment of a similar organisation in Australia might be ascertained by the Australian stateless community.

STOP 8: BOSTON, MASSACHUSETTS

Organisations and Individuals I met with / activities engaged in:

(a) Meeting: Professor Susan M. Akram, Clinical Professor of Law, Boston University

Professor Susan Akram directs Boston University's International Human Rights Clinic in which she supervises students engaged in legal advocacy on issues including statelessness.

The meeting allowed me to learn from the operation of a longer running university-based legal clinic for stateless people, providing me with an invaluable opportunity to understand the operation, design and impact of the Clinic. Professor Akram generously shared operation details with me regarding her clinical program which provided me with concrete ideas for how I may better support and expand the Australian Stateless Legal Clinic.



*Boston University,
School of Law,
Katie Robertson, 2023*

STOP 9: WASHINGTON D.C.

Organisations and Individuals I met with / activities engaged in:

(a) Meeting: UNHCR USA

Anna Greene, Senior Protection Officer, U.S. Protections and Solutions

Jenna Froats, Associate Protection Officer

The UNHCR USA has a dual mandate on statelessness to both identify and protect stateless people and to prevent and reduce statelessness in America. Working towards this mandate, UNHCR USA has led and supported a number of key projects addressing statelessness. These includes publishing the 2012 mapping study of statelessness in the US entitled *Citizens of Nowhere: Solution for Stateless in the U.S.* (written in collaboration with Open Society Justice Initiative).^{cxlvi} In 2017 UNHCR USA also published a manual entitled *Representing Stateless Persons Before U.S. Immigration Authorities: A*



L-R: Jenna Froats (UNHCR USA), Katie Robertson (SLC Australia) & Anna Greene (UNHCR USA)

Legal Practice Resource from the United Nations High Commissioner for Refugees. The purpose of this manual is to empower immigration lawyers in the United States to recognize when a U.S.-based client is stateless and to zealously represent such clients before immigration authorities.^{cxlvii}



Katie Robertson, 2023

The UNHCR US has supported the development of United Stateless since the organisation's founding in 2018.

This meeting allowed me to gain an overview of statelessness in the United States, and key measures in progress to help address it, such as the new USCIS Guidelines on Statelessness and the *Stateless Protection Act*, discussed above. It also provided an opportunity to discuss the mapping study of statelessness in the US (published in 2020), including key learnings as applicable to the Australian mapping study (which I am currently involved in through the Peter McMullin Centre on Statelessness).

The UNHCR and in particular Anna Greene played a formative (and ongoing) role in supporting the establishment of United Stateless (discussed above and below). Our meeting provided me with an invaluable opportunity to understand how this process occurred, with a view to understanding how interest in the establishment of a similar organisation in Australia might be ascertained by the Australian stateless community.

It also provided an opportunity to discuss the issue of statelessness in Australia and raise awareness of the work of the Stateless Legal Clinic, establishing an ongoing relationship with UNHCR USA.

(b) Meeting: Joanne Kelsey, Director of Legal Services, Lutheran Social Services

Joanna Kelsey is the Director of Legal Services at Lutheran Social Services of the National Capital Area (LSSNCA). LSSNCA has assisted refugees fleeing their countries to escape persecution, war and violence since 1941. The organisation provides legal, financial, employment, education, housing and case management support to refugees and migrants. The organisation operates the Citizenship and Immigration Services through which they help community members seeking legal assistance complete forms and pay application fees.

Prior to that, Joanne worked as an Associate Protection Officer at UNHCR USA where she was involved in supporting the establishment and development of United Stateless. She is a board member of United Stateless and worked in collaboration with the organisation to produce the film “Citizens of Nowhere” (the link to this film is below under key publications and resources of note’).

Our meeting provided me with an invaluable opportunity to understand the background to the establishment of United Stateless and the organisation’s current operation, with a view to understanding how interest in the establishment of a similar organisation in Australia might be ascertained by the Australian stateless community.

It also provided an opportunity to discuss the issue of statelessness in Australia and raise awareness of the work of the Stateless Legal Clinic, establishing an ongoing relationship with a respected expert on this issue in the United States.

STOP 10: PHILADELPHIA, PENNSYLVANIA

Organisations and Individuals I Met With / Activities Engaged In:

(a) Meetings and workshop: United Stateless, including Stateless Services (Legal)

Karina Ambartsoumain-Clogh, Executive Director

Samantha Sitterley, Staff Attorney

About United Stateless:

United Stateless is a stateless people-led national organisation founded in 2018, whose mission is to build and inspire community among those affected by statelessness, and to advocate for their human rights. United Stateless does this through connecting, encouraging, and empowering a community of stateless people in the US. They work to raise awareness of statelessness issues in the US as well as globally, and to educate the community, public and stakeholders about the issue of statelessness. United Stateless advocates for the human rights of stateless people and changes to domestic laws to introduce a path to citizenship for the stateless in the US.

The Statelessness Service is a key component of the work of United Stateless through which they connect stateless people in the US to legal, social and housing services, while building the capacity of the legal community to effectively represent stateless people. The organisation partners with the Brooklyn Law Safe Harbor Clinic and immigration legal services providers, including the Hebrew Immigrant Aid Society, to provide legal support and to expand referral networks. Additionally, United Stateless develops tools and training for legal service providers on Stateless screening, identification, and service provision. Furthermore, United Stateless has a direct focus on research and student engagement. They build partnerships with students and faculty at colleges, universities, and law schools to undertake research on Statelessness, increase awareness, and equip students to be advocates. They have partnered with Washington and Lee University School of Law, Brooklyn School of Law, Yeshiva University Benjamin N Cardozo School of Law, the University of Chicago Law School, Columbia University School of International and Public Affairs and Towson University. ^{cxlviii}



L-R: Samantha Sitterley (United Stateless) and Katie Robertson (SLC Australia). Photo credit:

About Karina and Samantha:

Karina Ambartsoumian-Clough is the executive director of United Stateless. Her story and background are included in more detail in part (VI).

Samantha Sitterley is a licensed attorney in the State of Colorado. Samantha joined the USL team as our first ever Staff Attorney in October 2022.

My Visit with Karina and Samantha:

Spending time with Karina and Samantha was an absolute highlight of my Churchill Fellowship and I am incredibly grateful to both for the two days they set aside to meet and host me, and to Samantha for travelling from Colorado for our time together. Thank you to Karina for welcoming me so graciously to her hometown.

Karina was immensely generous in sharing her journey with me, and insights into the establishment, operation and future direction of United Stateless. She also provided valuable insights into United Stateless' effective advocacy and political engagement strategy.



L-R: Karina Ambartsoumain-Clough (United Stateless), Katie Robertson (SLC Australia) and Samantha Sitterly (United Stateless).

It was extremely valuable to connect with Samantha to learn more about United Stateless' relatively new legal program and share learnings. Samantha and I look forward to continuing to work together on legal service provision for stateless people. In 2024 we will work together in a joint panel on our respective work at the World Conference on Statelessness and are currently discussing the potential establishment of a global network of stateless legal clinics. I also hope to welcome Samantha, and potentially other members of United Stateless, to the Australian Stateless Legal Clinic in the near future where we can continue to share learnings.

The meeting also resulted in various ideas for potential future collaboration designed to raise awareness about statelessness in Australia, such as through hosting an Australian screening of United Stateless' recent film, 'Citizens of Nowhere' ([link below](#)).

Our meeting provided me with an invaluable opportunity to understand the background to the establishment of United Stateless and the organisation's current operation, with a view to

understanding how interest in the establishment of a similar organisation in Australia might be ascertained by the Australian stateless community.

(b) Meeting: Laura Bingham, global expert on statelessness and United Stateless Board Member

Laura Bingham is the director of the Institute of Law, Innovation and Technology at Temple Law School. She is also a globally recognised expert on nationality and migration law, including statelessness, and has extensive experience in international human rights litigation, including a landmark ruling on a child's right to a nationality (*Zhao v The Netherlands*). She has also previously worked as a senior managing legal officer with the Open Society Justice Initiative.

Meeting with Laura provided a valuable opportunity to connect with somebody who has also transitioned to teaching law (in particular clinical legal subjects) from legal practice. As a leading expert on statelessness with a wealth of experience in the field (including in strategic litigation) it was useful to discuss her expertise in this space, as well as share with her information about the Stateless Legal Clinic.

STOP 11: NEW YORK, NEW YORK

Organisations and Individuals I met with / activities engaged in:

(a) Meeting: Matthew Charles Davis, Media and Strategic Communications Consultant to United Stateless

Matthew is a media and strategic communications consultant who provides support and advice to United Stateless. Our meeting provided me with invaluable insights into the importance of strategic communications in both raising awareness about the issue of statelessness, as well as supporting advocacy and reform on the issue. Our meeting left me with many ideas as to how dedicated strategic support may be effectively utilised to do the same in Australia, and I hope to collaborate with Matthew in future.



New York, Katie Robertson 2023

Case Study – Living Stateless in United States

Karina Ambartsoumian-Clough, Executive Director, United Stateless

(Republished from the United Stateless Website^{cxlix})

Born in Soviet Ukraine, of Armenian descent, Karina came to the U.S. as an asylum seeker with her family in 1996 when she was eight years old. Five years later, the final appeal of her family's asylum claim was denied, and she received a "final order of removal" from the U.S., and was told to "self deport".

Karina was too young to qualify for a passport when she left Soviet Ukraine with her parents. Now, years later, she has no country to return home to. Unable to meet the requirements of the nationality law of the newly established Republic of Ukraine, Karina does not qualify for a Ukrainian nationality/citizenship, making "self-deportation" or travel out of the United States impossible.

Karina is – literally – a Citizen of Nowhere, through no choice or fault of her own. In 2013, Karina married Kevin, a U.S. citizen, year Karina's stateless status prevents her from becoming a U.S. citizen.

After sharing her story in public, Karina connected with other stateless people in the U.S. for the first time in 2017. It soon became clear that a formal structure was needed to connected their ideas and stories with other stateless people, stakeholders, advocates, legal community and academia. As our first Executive Director, Karina continues to lead United Stateless on the principle that those directly impacted can lead and are experts because of their lived experiences. For her work and dedication, Karina has been honoured with the [2020 Women's Refugee Commission Voices of Courage Award](#) and to have been recognised as [the 2021 Women Leading the 175th Award](#) by PA State Representative Mary Isaacson.

Key publications and resources of note:

- [United Stateless](#)
- **Watch:** [Citizens of Nowhere](#), United Stateless
- [A Stateless Person's Take on "Stateless"](#): Ekaterina E, European Network on Statelessness
- [Statelessness in the United States: A Study to Estimate and Profile US Stateless Population](#): Centre for Migration Studies of New York (2020)

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- [Statelessness: UNHCR USA](#)
 - [Citizens of Nowhere: Solutions for the Stateless in the US](#): UNHCR and Open Society Foundations Justice Initiative (2012)
 - [How Statelessness Gambles with the Lives of American Families](#), Samantha Sitterly, The Falcrum (2023)
 - [Unmaking Americans](#): Insecure Citizenship in the United States: Open Society Foundations Justice Initiative (2019)
 - [Representing Stateless Persons Before U.S. Immigration Authorities](#): A Legal Practice Resource from the UNHCR (2017)
 - [A Victory for Human Rights in Zhao v the Netherlands](#) (the ‘Denny Case’): Nationality from birth, without exceptions: Laura Bingham, Global Citizenship Observatory (2021)
 - [Life After Limbo](#): Stateless Persons in the United States and the Role of International Protection in Achieving a Legal Solution, David Baluarte, Georgetown Immigration Law Journal Vol 29, No 3 (2015)

Key Learnings from My Visit to the USA:

- An invaluable understanding of the importance of stateless led organisations that can provide a direct voice to government and decisionmakers on issues affecting them as well as raise awareness about the issue of statelessness, with the aim of assessing how we may support the establishment of a similar organisation in Australia;
- An in-depth understanding of the lack of legal protections available for stateless people in the United States;
- An insight into the impact of living stateless in America, thanks to the generosity of the stateless people I was lucky to meet and spend time with (thank you);
- An understanding and link to the key individuals and organisations working on the issue of statelessness in America;
- An understanding of the history and development of USCIS Guidelines on Statelessness which includes procedures to assist USCIS officers when assessing an individual's potential statelessness, as well as the strategic benefit of advocating for non-legislative measures to identify and address statelessness;
- An invaluable understanding of history, evolution and operation of the legal clinic that works on statelessness at the Boston University under the leadership of Professor Susan Akram, relevant to the operation and expansion of the Australian Stateless Legal Clinic;
- An invaluable understanding of history, evolution and operation of the legal service offered by United Stateless relevant to the operation and expansion of the Australian Stateless Legal Clinic;
- An understanding of how local UNHCR offices can drive action on reducing statelessness and support innovative initiatives such as the formation as a stateless led organisation;
- An enhanced understanding of the acutely important role strategic communications and media play in raising the profile of the issue of statelessness and effectively advocating for reform;
- Invaluable connections and relationships that will continue into the future to allow me to enhance and expand the Stateless Legal Clinic, as well as drive reform on the issue of statelessness in Australia at the Peter McMullin Centre on Statelessness. In early 2024 Samantha Sitterley joined a panel I convened at the World Conference on Statelessness about stateless legal clinics, where Amina also joined. We also intend to collaborate on a potential global network of stateless legal clinics. I have also been delighted to collaborate

with Ekaterina E further since we met through a panel I chaired at the 2024 Peter McMullin Centre on Statelessness Intensive Course.

CONCLUSIONS AND RECOMMENDATIONS

Statelessness is a serious human rights issue, affecting people around the world, including children. Although Australia has historically welcomed stateless people since at least World War II, there remains little understanding of the issue and significant gaps in protections for stateless adults and children.

The learnings gained on this Fellowship have provided invaluable understandings of how the Stateless Legal Clinic can be expanded and strengthened in Australia into a national legal service providing critical legal education and aid to stateless children and adults. The Fellowship underscored the importance of the emphasis the Australian Stateless Legal Clinic places on supporting and championing the lived experience of statelessness, and the need for greater resourcing and support to be invested in an Australian stateless-led advocacy organisation akin to United Stateless in America (should this be something members of the Australian stateless community wish to establish).

Although the Fellowship has helped establish Australia as home to innovative legal education and aid services for stateless people, we are seriously lagging behind countries such as the United Kingdom and the United States as a nation when it comes to critical legislative and policy protections for stateless people. If Australia is to meaningfully commit to protecting stateless people and reducing statelessness (as it has pledged to do by ratifying the two international statelessness treaties) it must introduce a statelessness determination procedure, coupled with a pathway to citizenship for all stateless people in Australia, regardless of their origin of birth.

The Stateless Legal Clinic at the Peter McMullin Centre on Statelessness looks forward to sharing the learnings gained through this Fellowship with members of the Australian stateless community, the Australian Government and the Australian legal profession, with the aim of improving pathways to citizenship for all stateless persons in Australia, and the realisation of the rights and entitlements enjoyed by all Australians.

Recommendations

Australia should:

- (i) Implement a legislative **statelessness determination procedure** which is fair, effective, and accessible to all persons in Australia regardless of their legal status. This includes **funded** access to interpreting services and **legal support**;
- (ii) Introduce a **dedicated visa category** for all stateless persons, regardless of their mode of arrival in Australia, providing them with **permanent protection** and a pathway to **naturalization**;
- (iii) **Expand the eligibility of Australian citizenship** to all stateless persons in Australia, regardless as to whether they were born on Australian soil; and
- (iv) Develop a **working group** between government and legal service providers and other peak-body organisations (including **stateless lead organisations**) to regularly, constructively and productively meet and discuss issues impacting stateless people in Australia.

DISSEMINATION AND IMPLEMENTATION

Most significantly, the findings of my Churchill Fellowship will be directly implemented into the operations, and strategic expansion, of the Stateless Legal Clinic at the Peter McMullin Centre on Statelessness, allowing it to grow and expand to assist more stateless people in Australia with essential legal services. As discussed throughout this Report, this process has already begun. Since returning to Australia I have expanded the Clinic to assist stateless adults, as well as children.

The findings of this Fellowship will also be disseminated and implemented as follows:

- Copies will be shared with all individuals and organisations I met with on the Fellowship;
- A copy will be shared with the Australian Minister for Immigration, Citizenship and Multicultural Affairs. I will also request a formal meeting to discuss my findings;
- A copy will be shared with other Members of Parliament and Australian Senators; meetings with various offices will also be sought to discuss my findings;
- I will host a public event speaking to the learnings of my Fellowship, to be hosted by the Peter McMullin Centre on Statelessness at the Melbourne Law School;
- I will update members of the Australian Legal Profession through a targeted network of Australian lawyers working on issues of statelessness that I intend to establish through the Peter McMullin Centre on Statelessness in late 2024;
- I will share my findings with the Australian branch of the United Nations High Commissioner for Refugee (Canberra);
- I will publish a shorter version of the Report accessible to the general public, which will be placed on the website of the Peter McMullin Centre on Statelessness and promoted through appropriate social media platforms.

PART 4: BIBLIOGRAPHY

Please refer to the sources named in the Endnotes.

PART 5: APPENDICES

Understanding and Addressing Statelessness: An international comparison

Issue	Australia	UK	Italy	USA
Ratified key international statelessness treaties (1954 Convention & 1961 Convention)?	Yes: both.	Yes: both.	Yes: both.	No: neither.
National mapping study of statelessness conducted?	In progress. One currently being undertaken by the Peter McMullin Centre on Statelessness, due to be complete by late 2024.	Yes. Published 2011.	In progress. UNHCR will publish mapping study in late 2024.	Yes. Published 2020.
Statelessness Determination Procedure?	No.	Yes. Entered into force 6 April 2013.	Yes: two. Administrative produce and judicial procedure.	No legislative SDP. However, note: USCIS Guidelines on Statelessness which includes procedures to assist USCIS officers when assessing an individual's potential statelessness. ^{cl}
Pathway to naturalisation?	Limited to children born in Australia to parents who are stateless. ^{cli} No pathway for non-Australian born stateless adults by virtue of their statelessness (i.e. no visa for stateless persons).	Yes. ^{clii} If a statelessness application is granted, applicant and any dependent family members usually granted permission to stay in the UK for five years. After five years of statelessness leave, an application can be made for indefinite leave to remain in the UK. ^{cliii}	Yes. Stateless persons can apply for naturalisation five years after being positively recognised as stateless through either the administrative or judicial statelessness determination procedure (provided they reside in Italy during this period).	No (although note birthright citizenship for all born in America, including children of stateless parents).

Endnotes

- ⁱ Winston Churchill Trust, *About Sir Winston Churchill* (Web Page) <<https://www.churchilltrust.com.au/churchill/>>.
- ⁱⁱ Susan Carland, *Churchill Essay* (Web Page) <<https://www.churchilltrust.com.au/churchill-essay-by-dr-susan-carland/>>.
- ⁱⁱⁱ For more information on the work of RACS see their website: <<https://www.racs.org.au/>>.
- ^{iv} *Ibid* 14.
- ^v Amnesty International, 'Refugees, Asylum Seekers and Migrants', *What We Do*, (Web Page) <<https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/#:~:text=An%20asylum%20seeker%20is%20a,asylum%20is%20a%20human%20right>>>.
- ^{vi} *Ibid*.
- ^{vii} United Nations, 'Human Rights', *Global Issues* (Web Page) <<https://www.un.org/en/global-issues/human-rights>>.
- ^{viii} Australian Human Rights Commission, *Immigration Detention and Human Rights* (Web Page, 24 April 2023) <<https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/immigration-detention-and-human-rights>>.
- ^{ix} *Ibid*.
- ^x United Nations High Commissioner for Refugees (UNHCR), *What is a Refugee?* (Web Page) <<https://www.unhcr.org/au/what-refugee#:~:text=%C2%A9%20UNHCR%2FPatrick%20Brown,possessions%2C%20jobs%20and%20loved%20ones>>.
- ^{xi} *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954) art 1 ('1951 Convention').
- ^{xii} Peter McMullin Centre on Statelessness, *Factsheet: An Overview of Statelessness* (n **Error! Bookmark not defined.**) (Factsheet, October 2021) 1, available at <https://law.unimelb.edu.au/_data/assets/pdf_file/0010/3937168/Statelessness_overview_factsheet_Oct_2021.pdf>.
- ^{xiii} *Convention Relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960) art 1 ('1954 Statelessness Convention'). See further Peter McMullin Centre on Statelessness, *Factsheet: The 1954 Convention relating to the Status of Stateless Persons* (Factsheet, September 2020), available at <https://law.unimelb.edu.au/_data/assets/pdf_file/0003/3489600/1954-Convention_factsheet_Sept_2020.pdf>.
- ^{xiv} *Ibid*.
- ^{xv} United Nations High Commissioner for Refugees (UNHCR), *Statelessness Around the World* (Web Page) <https://www.unhcr.org/en-au/statelessness-around-the-world.html>. At present, it is difficult to produce accurate figures on the number of stateless people globally. One of the biggest hurdles is the frequent lack of statelessness determination procedures and national data sets, meaning that much statelessness goes unreported. Stateless populations may also be difficult to reach and factors contributing to statelessness are incredibly nuanced between nations. For more information, see Lily Chen, Petra Nahmias and Sebastian Steinmueller, *UNHCR Statistical Reporting on Statelessness* (UNHCR Statistics Technical Series, October 2019) 1, available at <<https://www.unhcr.org/sites/default/files/legacy-pdf/5d9e182e7.pdf>>.
- ^{xvi} United Nations High Commissioner for Refugees (UNHCR), *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness* (Report, 2015) 4, available at <<https://www.unhcr.org/ibelong/wp-content/uploads/2015-10->

[StatelessReport_ENG16.pdf](#)>; Institute on Statelessness and Inclusion, *Childhood Statelessness* (Report, 2018) 4, 9, available at <<https://files.institutesi.org/childhood-statelessness.pdf>>.

^{xxvii} See further, Peter McMullin Centre on Statelessness, *Factsheets: Childhood Statelessness* (Factsheet, 2020), available at <https://law.unimelb.edu.au/data/assets/pdf_file/0008/4460462/childhood-statelessness_factsheet_Feb-2023.pdf>.

^{xxviii} Exact numbers are unknown, due to an absence of a coordinated and consistent method for identifying stateless people in Australia, as discussed elsewhere in this report. The author is currently working on a project funded by the Australian Research Council with her colleague Professor Michelle Foster to conduct the first ‘mapping’ study of statelessness in Australia, with the aim (in part) of identifying more reliable estimates of the number of stateless people in Australia, including Australian born children.

^{xxix} Section 21(8) of the *Australian Citizenship Act 2007* aims to directly implement Article 1(1) of the 1961 Convention by providing that a person born in Australia who is not (nor has ever been) a citizen or national of a foreign country, and is not entitled to acquire the citizenship or nationality of another state, is eligible for Australian citizenship.

^{xxx} Robertson and Dale (n i) 14.

^{xxxi} Robertson and Dale (n i) 11.

^{xxxii} More information on the work of the Stateless Legal Clinic can be found at their website: <<https://law.unimelb.edu.au/centres/statelessness/engage/stateless-children-legal-clinic>>.

^{xxxiii} For more about the Italian Stateless Legal Clinics’ work in helping stateless individuals realise their legal rights, please see its website: <<https://www.encle.org/cle-directory/formazione-clinico-legale-ii>>.

^{xxxiv} United Stateless is a national organisation led by stateless people whose mission is to build and inspire community among those affected by statelessness, and to advocate for their human rights. See <<https://www.unitedstateless.org/organisation#:~:text=Our%20Mission-United%20Stateless%20is%20a%20national%20organisation%20led%20by%20stateless%20people,advocate%20for%20their%20human%20rights.&text=Connecting%2C%20encouraging%2C%20and%20empowering%20a%20stateless%20people%20in%20the%20U.S.>>.

^{xxxv} The Unione Italiana Apolidi (Italian Stateless Union) is the first Italian organisation led by stateless people. Its objective is to inform and raise awareness on the issue of statelessness through advocacy, becoming a reference point and a bridge that connects fragmented stateless communities and public institutions. See <<https://www.statelessness.eu/taxonomy/term/723?page=0>>.

^{xxxvi} A Buon Diritto Onlus is a civil liberties association formed in October 2010 for the purpose of promoting questions of great public importance regarding the exercise of rights which are either recognised by the Italian legal system but not properly protected, or whose recognition is defaulted on, opposed or hindered in actual practice. The association works to raise public awareness of these questions and help introduce them into the sphere of political-parliamentary debate, whilst following through the effects of these actions in terms of legislation and collective orientation. In order to promote protection of civil and fundamental rights of the individual, A Buon Diritto works on the right of entry and residence on Italian territory of migrants and asylum seekers deprived of social protection and economic guarantees. See <<https://www.abuondiritto.it/>>.

^{xxxvii} Those I met with during this stage of the Fellowship requested that I not list their exact location in order to protect their privacy.

^{xxxviii} See Susan M. Akram’s biography at <<https://www.bu.edu/law/profile/susan-m-akram/>>.

^{xxxix} Robertson and Dale (n i) 12.

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- xxx Peter McMullin Centre on Statelessness, 'An Overview of Statelessness' (Factsheet, University of Melbourne, February 2023) 1, available at <https://law.unimelb.edu.au/data/assets/pdf_file/0009/4460454/Statelessness_overview_factsheet_Feb_2023.pdf>.
- xxxi 1954 *Statelessness Convention*, (n xviii). See further Peter McMullin Centre on Statelessness (n xviii).
- xxxii UNHCR (n xxi).
- xxxiii UNHCR (n xxii); ISI (n xxii) 4, 9.
- xxxiv See further, Peter McMullin Centre on Statelessness (n xxiii).
- xxxv Robertson and Dale (n i) 2.
- xxxvi Peter McMullin Centre on Statelessness (n xvii) 1.
- xxxvii *Ibid.*
- xxxviii Peter McMullin Centre on Statelessness, *Factsheet: How does someone become stateless?* (Factsheet, February 2023) 1, available at <https://law.unimelb.edu.au/data/assets/pdf_file/0010/4461076/How-does-someone-become-stateless_factsheet_Feb-2023.pdf>.
- xxxix *Ibid.*
- xl Peter McMullin Centre on Statelessness, 'Statelessness in Australia', (Factsheet, February 2023) 2, available at <https://law.unimelb.edu.au/data/assets/pdf_file/0008/4488281/Statelessness-in-Australia.pdf>.
- xli I.e. the lack of statelessness determination procedure (SDP) or visa category for stateless persons. See Michelle Foster, Jame McAdam and Davina Wadley, 'Part One: The Protection of Stateless Persons in Australian Law — The Rationale for a Statelessness Determination Procedure' (2017) 40 *Melbourne University Law Review* 401.
- xlii Robertson and Dale (n i); Jane McAdam, 'Australia and Asylum Seekers' (2013) 25(3) *International Journal of Refugee Law* 435.
- xliii Birthright (*jus soli*) citizenship was abolished in Australia in 1986 following an amendment to the *Australian Citizenship Act*. Presently, Section 12(1) of the *Citizenship Act* provides for two circumstances in which citizenship will be automatically acquired:
1. a parent of the person is an Australian citizen, or a permanent resident, at the time the person was born; or
 2. the person is ordinarily resident in Australia throughout the period of 10 years beginning on the day the person is born.
- See *Australian Citizenship Act 2007* (Cth) s 12(1).
- xlv Australia ratified the 1954 Convention on 13 December 1973: UN Treaty Collection, 3. *Convention relating to the Status of Stateless Persons*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-3.en.pdf>>. Australia ratified the 1961 Convention on 13 December 1973: UN Treaty Collection, 4. *Convention on the Reduction of Statelessness*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-4.en.pdf>>.
- xlvi *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ('ICCPR'). Australia ratified the ICCPR on 13 August 1980: UN Treaty Collection, 4. *International Covenant on Civil and Political Rights*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-4.en.pdf>>.

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- ^{xlvi} *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 7 March 1966, 600 UNTS 195 (entered into force 4 January 1969) ('*ICERD*'). Australia ratified the ICERD on 30 September 1975: UN Treaty Collection, 2. *Convention on the Elimination of All Forms of Racial Discrimination*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-2.en.pdf>>.
- ^{xlvi} *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) ('*CEDAW*'). Australia ratified the CEDAW on 28 July 1983: UN Treaty Collection, 8. *Convention on the Elimination of All Forms of Discrimination against Women*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-8.en.pdf>>.
- ^{xlvi} *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*CRC*'). Australia ratified the CRC on 17 December 1990: UN Treaty Collection, 11. *Convention on the Rights of the Child*, 1, available at <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11.en.pdf>>.
- ^l *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) ('*CRPD*'). Australia ratified the CRPD on 17 July 2008: UN Treaty Collection, 15. *Convention of the Rights of Persons with Disabilities*, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-15.en.pdf>>.
- ^{li} *Convention on the Reduction of Statelessness*, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) ('*1961 Statelessness Convention*').
- ^{lii} *Australian Citizenship Act 2007* (Cth) s 21(8).
- ^{liii} Foster, McAdam and Wadley (n xlv) 416.
- ^{liv} United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2023* (Report, 15 June 2024), available at <<https://www.unhcr.org/global-trends>>.
- ^{lv} PMCS is currently undertaking the first 'mapping' study of statelessness in Australia, with the aim of better identifying the numbers, location and protection needs of stateless persons in Australia.
- ^{lvi} Robertson and Dale (n i) 5.
- ^{lvii} Sarah Dale is the Centre Manager and Principal Solicitor at the Refugee Advice Casework Service: 'Our Leadership Team', *Refugee Advice & Casework Service (RACS)* (Web Page) <<https://www.racs.org.au/our-team>>.
- ^{lviii} *Ibid* 14.
- ^{lix} *Ibid* 15.
- ^{lx} *Ibid*.
- ^{lxi} *Ibid*.
- ^{lxii} *Ibid* 14.
- ^{lxiii} Foster, McAdam and Wadley (n xlv) 416. By the end of 2022 there were 8314 people identified as stateless in Australia, however, in absence of an SDP this figure is limited to stateless persons held in immigration detention and those self-identifying as stateless through the 'Onshore Humanitarian Visa' application process and is therefore 'not an estimate of statelessness in Australia': UNHCR (n lix), 'Annex Table 5: Persons under UNHCR's statelessness mandate: 2022'.
- ^{lxiv} Fadi Chalouhy, quoted in 'Stateless Legal Clinic', *Melbourne Law School* (Web Page) <<https://law.unimelb.edu.au/centres/statelessness/engage/stateless-children-legal-clinic>>.

^{lxv} Zahraa (2021 Stateless Legal Clinic student), quoted in *ibid*.

^{lxvi} Robertson and Dale (n i) 17.

^{lxvii} UNHCR (n lix).

^{lxviii} See United Nations High Commissioner for Refugees (UNHCR), 'Global Action Plan to End Statelessness: 2014-2024' (4 November 2014), available at

<https://www.refworld.org/docid/545b47d64.html?_gl=1*1yw7aku*_rup_ga*MjE0NTU3MjQyNS4xNjQ0MzY3MTMy*_rup_ga_EVDQTj4LMY*MTcwMTIxODI2Ni41LjEuMTcwMTIxOTE4OC4wLjAuMA>.

^{lxix} See UNHCR, 'IBELONG: Coalition on Every Child's Right to a Nationality' (2014-2023). See <<https://www.unhcr.org/ibelong/unicef-unhcr-coalition-child-right-nationality/>>.

^{lxx} See United Nations High Commissioner for Refugees (UNHCR), 'I Am Here, I Belong: The Urgent Need to End Childhood Statelessness' (Report, November 2015), available at <https://www.unhcr.org/ibelong/wp-content/uploads/2015-10-StatelessReport_ENG16.pdf>; United Nations High Commissioner for Refugees (UNHCR) and United Nations Children's Fund (UNICEF), 'Background Note on Sex Discrimination in Birth Registration' (6 July 2021), available at

<https://www.refworld.org/docid/60e2d0554.html?_gl=1*szc6k2*_rup_ga*MjE0NTU3MjQyNS4xNjQ0MzY3MTMy*_rup_ga_EVDQTj4LMY*MTcwMTIxODI2Ni41LjEuMTcwMTIxOTQzOC4wLjAuMA>.

^{lxxi} United Nations High Commissioner for Refugees (UNHCR), 'The New Global Alliance to End Statelessness' (Web Page, 2023) <<https://www.unhcr.org/ibelong/the-new-global-alliance-to-end-statelessness/>>.

^{lxxii} Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention 2014* (Report, 2015), available at <<https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/national-inquiry-children-immigration-detention-index>>.

^{lxxiii} For more about the International Service for Human Rights, see their website: <<https://ishr.ch/>>.

^{lxxiv} United Nations High Commissioner for Refugees (UNHCR), *Gender Discrimination and Childhood Statelessness* (Report).

^{lxxv} United Nations High Commissioner for Refugees (UNHCR), *I am Human: A Participatory Assessment on the Situation of Stateless Persons in the United Kingdom* (Report, 2021), available at <<https://www.unhcr.org/uk/media/i-am-human-participatory-assessment-situation-stateless-persons-united-kingdom>>.

^{lxxvi} European Network on Statelessness, *Invisible Kids: Childhood Statelessness in the UK* (Report, July 2021) 6, available at <https://www.statelessness.eu/sites/default/files/2021-07/ENS_Invisible-Kids_July-2021.pdf>.

^{lxxvii} *Ibid*.

^{lxxviii} European Network on Statelessness, *Invisible Kids: Childhood Statelessness in the UK* (Report, July 2021) 8-9, available at <https://www.statelessness.eu/sites/default/files/2021-07/ENS_Invisible-Kids_July-2021.pdf>.

^{lxxix} There are also other ways that stateless children or young people may be eligible for British nationality. See <<https://www.asylumaid.org.uk/what-we-do/statelessness/applying-stay-stateless-person>>. Different requirements apply for children aged between 5-17 years and those aged between 18-22 years depending on the nationality status of their parents. Part 14 of the Immigration Rules was replaced by Appendix Statelessness on 31 January 2024. See <<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-statelessness>>.

^{lxxx} United Nations High Commissioner for Refugees (UNHCR), *Mapping Statelessness in the United Kingdom* (Report, November 2011), available at <<https://www.refworld.org/docid/4ecb6a192.html>>.

^{lxxxi} *Ibid* 148.

^{lxxxii} UNHCR (n lxxix).

^{lxxxiii} *Ibid*.

lxxxiv For a detailed list of the route a stateless person must go through to apply to stay in the UK, see <[Immigration Rules - Immigration Rules Appendix Statelessness - Guidance - GOV.UK \(www.gov.uk\)](#)>. See also <<https://www.asylumaid.org.uk/what-we-do/statelessness/applying-stay-stateless-person>>.

lxxxv See <<https://www.asylumaid.org.uk/what-we-do/statelessness/what-happens-after-applying>>.

lxxxvi See *Australian Citizenship Act 2007* (Cth) s 21(8).

lxxxvii UNHCR (n lxxix).

lxxxviii United Nations High Commissioner for Refugees (UNHCR), *Statelessness Determination in the UK* (Report, 2020), available at <https://www.unhcr.org/uk/media/stateless-determination-uk>.

lxxxix Asylum Aid, *Applying to Stay as a Stateless Person* (Web Page) <<https://www.asylumaid.org.uk/what-we-do/statelessness/applying-stay-stateless-person>>.

xc Johanna Bezzano and Judith Carter (Liverpool Law Clinic at the University of Liverpool), *Statelessness in Practice: Implementation of the UK Statelessness Application Procedure* (Report, 3 July 2018), available at <https://livrepository.liverpool.ac.uk/3050506/1/Statelessness%20in%20Practice.pdf>.

xc *Ibid* 44.

xcii *Ibid*.

xciii European Network on Statelessness (n lxxxii).

xciv For more about ENS's work on ending childhood statelessness please see their website: <<https://www.statelessness.eu/issues/ending-childhood-statelessness>>.

xcv For more about ISI's work on realising every child's right to a nationality see their website: <<https://www.institutesi.org/projects/children>>.

xcvi United Nations High Commissioner for Refugees (UNHCR), 'United Kingdom of Great Britain and Northern Ireland' (Webpage) <<https://www.unhcr.org/countries/united-kingdom-great-britain-and-northern-ireland>>.

xcvii United Nations High Commissioner for Refugees (UNHCR), 'UNHCR audit finds stateless people in UK at risk of detention and destitution' (Web Page) <<https://www.unhcr.org/uk/news/news-releases/unhcr-audit-finds-stateless-people-uk-risk-detention-and-destitution>>.

xcviii United Nations High Commissioner for Refugees (UNHCR), 'Access to Legal Assistance in the UK' (Web Page) <<https://help.unhcr.org/uk/legal-assistance/>>.

xcix Liverpool Law Clinic at the University of Liverpool, 'Statelessness', *Research Projects* (Web Page) <<https://www.liverpool.ac.uk/law/research/research-projects/statelessness/>>.

c Exact numbers are unknown. The UNHCR estimates that there are between 3000 to 15,000 stateless people in Italy, although official data estimates are significantly lower. See: Armando Augello Cupi, 'Unione Italiana Apolidi: the first stateless-led organisation in Italy' (Web Page, 26 January 2023) <<https://www.statelessness.eu/updates/blog/unione-italiana-apolidi-first-stateless-led-organisation-italy#:~:text=One%20of%20the%20main%20causes,subsequent%20transmission%20of%20statelessness%20from>>.

ci *Ibid*.

cii *Ibid*.

ciii Minority Rights Group International, 'Roma in Italy' (Web Page) <<https://minorityrights.org/communities/roma-23/>>.

civ See *Australian Citizenship Act 2007* (Cth) s 21(8).

cv As per Art 17 of DPR 572/1993. See United Nations High Commissioner for Refugees (UNHCR) Italy, 'Statelessness' (Web Page)

<<https://help.unhcr.org/italy/statelessness/#:~:text=There%20are%20no%20access%20requirements.has%20a%20259%20EUR%20fee>>.

cvii *Ibid.*

cviii Tavolo Apolidia, 'Procedure' (Web Page) <<https://tavoloapolidia.org/apolidia-italia/procedure/>>.

cxix DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegal [DECREE-LAW 17 February 2017, n. 13 Urgent provisions for the acceleration of proceedings in matters of international protection, as well as for the fight against illegal immigration], Art 3(2).

cxix UNHCR Italy, 'Statelessness' (Webpage).

cx *Ibid.*

cxii *Ibid.*

cxiii *Ibid.*

cxiii This is reduced from the 10-year residency period required for non-EU nationals. The relevant Nationality Law does not include any specific requirements of 'good character' but criminal convictions may be grounds for refusal of Italian nationality based on the discretion of the Ministry of Interior. A Council of State case in 2014 established that a criminal record cannot outright bar a person from Italian nationality: 28 PRS.1.b.

<https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-Italy-2022.pdf>.

There are no exemptions for stateless people from language, income and fee requirements. European Network on Statelessness (n 28), 28 PRS.1.c. B1 level of Italian is required alongside an annual income of EUR 8,263 (plus EUR 516 for each dependent) and a fee of EUR 250.

cxiv Act 91/1992, Art 1 para 1(b).

cxv *Ibid.*

cxvi Act 91/1992, Art 1 para 2. Foundlings are also granted Italian nationality at birth provided 'it has not been proven [that they] possess any other citizenship', however this is interpreted passively that Italian nationality will only be refused if there is proof the child acquired a different citizenship. See: European Network on Statelessness, PRS.3.a.

There has been significant debate about introducing *jus scholae* for children not born but arriving in Italy before 12 years of age and completing 5 years of Italian schooling to be granted access to Italian nationality (instead of being barred from applying until they turned 18). See: Gaia Testore, 'Italy: Government crisis means uncertainty for the future of citizenship law', *European Commission* (Blog Post, 5 September 2022) <https://migrant-integration.ec.europa.eu/news/italy-government-crisis-means-uncertainty-future-citizenship-law_en>.

cxvii European Network on Statelessness, 29 PRS.2.b. However, undocumented migrants may rely on two witnesses rather than documentary evidence (PRS.2.e).

cxviii *Ibid* (29 PRS.2.c). If a stateless child does not acquire Italian nationality at birth despite being born in Italy because they do not meet the requirements of Art 1 of Law 91/1992, a safeguard also applies that they are eligible for nationality based on conditional *jus soli* through residence without interruption until the age of majority. *Ibid* (30 PRS.2.f; Art 1 Law 91/1992). The stateless child must submit an application by their 19th birthday. However, this makes them dependent on their parents' residency status until they turn 18.

cxix European Clinical Legal Education Programme Directory, 'Formazione clinico-legale II Italy - Napoli' (Webpage) <<https://www.encl.org/cle-directory/formazione-clinico-legale-ii>>.

^{cxx} United Nations High Commissioner for Refugees (UNHCR), 'I Belong: The Campaign to End Statelessness April – June 2022 Update' (Update Report) 8, available at <<https://www.refworld.org/pdfid/62eecd44.pdf>>.

^{cxxi} European Clinical Legal Education Programme Directory, available at <<https://encle.org/cle-directory>>.

^{cxxii} *Ibid.*

^{cxxiii} Hanna (2023 Stateless Legal Clinic Student) quoted in 'Stateless Legal Clinic' (n lxix).

^{cxxiv} A Buon Diritto Onlus is a civil liberties association formed in October 2010 for the purpose of promoting questions of great public importance regarding the exercise of rights which are either recognised by the Italian legal system but not properly protected, or whose recognition is defaulted on, opposed or hindered in actual practice. The association works to raise public awareness of these questions and help introduce them into the sphere of political-parliamentary debate, whilst following through the effects of these actions in terms of legislation and collective orientation. In order to promote protection of civil and fundamental rights of the individual, A Buon Diritto works on the right of entry and residence on Italian territory of migrants and asylum seekers deprived of social protection and economic guarantees. For more information, see <<https://www.abuondiritto.it/>>.

^{cxxv} United Nations High Commissioner for Refugees (UNHCR), *What we do in Italy* (Report) 5, available at <<https://reliefweb.int/report/italy/unhcr-what-we-do-italy>>; United Nations High Commissioner for Refugees (UNHCR), *UNHCR Recommendations on the Relevant Aspects of the Protection of Stateless Persons in Italy* (Report, November 2021) <[https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/11/Advocacy-Paper-Statelessness Italy ENG Nov21 def.pdf](https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/11/Advocacy-Paper-Statelessness%20Italy%20ENG%20Nov21%20def.pdf)>.

^{cxxvi} *Ibid.*

^{cxxvii} Tavolo Apolidia, 'Chi Siamo [About Us]' (Web Page) <<https://tavoloapolidia.org/tavolo-apolidia/chi-siamo/>>

^{cxxviii} Cupi (n cv).

^{cxxix} I acknowledge the work of Nationality for All, that works with stateless people affected by statelessness in the Asia-Pacific region, including Australia. A need remains, however, for a stand-alone stateless lead organisation in Australia.

^{cxxx} Università degli Studi di Napoli Federico II, Dipartimento di Giurisprudenza, 'Clinica Legale Federico II' (Web Page) <<http://www.giurisprudenza.unina.it/clinica-legale-federico-ii>>.

^{cxxxi} See Minority Rights Group International (n cviii).

^{cxxxii} Eleonora Aragon, 'The Map of Roma in Italy, The Community has 150/170 Thousand People', *Infosole24ORE* (online, 24 September 2015) <https://www.infodata.ilsole24ore.com/2015/09/29/la-mappa-dei-rom-in-italia-la-comunita-conta-150170-mila-persone/?refresh_ce=1>.

^{cxxxiii} Centre for Migration Studies, *Statelessness in the United States: A Study to Estimate and Profile the US Stateless Population* (Report, January 2020) 2, available at <https://cmsny.org/wp-content/uploads/2020/01/StatelessnessReportFinal.pdf>.

^{cxxxiv} *Ibid.*

^{cxxxv} United Nations High Commissioner for Refugees (UNHCR), 'Statelessness' (Web Page) <<https://www.unhcr.org/us/what-we-do/u-s-asylum-resources/statelessness#:~:text=Stateless%20people%20are%20in%20every,residing%20across%20all%2050%20states>>.

^{cxxxvi} United Stateless, 'The Problem' (Web Page) <<https://www.unitedstateless.org/problem>>.

^{cxxxvii} Ekaterina, quoted in *ibid.*

^{cxxxviii} United Stateless, 'FAQ' (Web Page) <<https://www.unitedstateless.org/faqs>>.

xxxxix *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1694 (2017).

cxl U.S. Department of State, *2021 UNHCR High-Level Officials Meeting (HLOM)* (Fact Sheet, 16 December 2021), available at <<https://www.state.gov/2021-unhcr-high-level-officials-meeting-hlom/>>.

cxli See U.S. Citizenship and Immigration Services, 'Park K – Statelessness' (Web Page, 24 January 2024) <<https://www.uscis.gov/policy-manual/volume-3-part-k>> and United Stateless, 'U.S. Stateless Advocates Celebrate New USCIS Guidelines on Statelessness Going Into Effect' (Web Page, 31 October 2023) <<https://www.unitedstateless.org/post/u-s-stateless-advocates-celebrate-new-uscis-guidelines-on-statelessness-going-into-effect>>.

cxlii *Ibid.* See also Stateless Protection Act of 2022, S. 5330, 117th Congress (2022), available at <[https://www.congress.gov/bill/117th-congress/senate-bill/5330#:~:text=Introduced%20in%20Senate%20\(12%2F21%2F2022\)&text=This%20bill%20provides%20protections%20for,state%20by%20that%20state's%20law](https://www.congress.gov/bill/117th-congress/senate-bill/5330#:~:text=Introduced%20in%20Senate%20(12%2F21%2F2022)&text=This%20bill%20provides%20protections%20for,state%20by%20that%20state's%20law)>.

cxliii Homeland Security, 'DHS Issues Guidance for Stateless Noncitizens in the United States' (Web Page, 1 August 2023) <<https://www.dhs.gov/news/2023/08/01/dhs-issues-guidance-stateless-noncitizens-united-states>>.

cxliv See *Australian Citizenship Act 2007* (Cth) s 21(8).

cxlv United Stateless, 'Our Purpose' (Web Page) <<https://www.unitedstateless.org/purpose>>.

cxlvi United Nations High Commissioner for Refugees (UNHCR) and Open Society Justice Initiative (OSJI), *Citizens of Nowhere: Solutions for the Stateless in the U.S.* (Report, December 2012), available at <<https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/56fbfcea4.pdf>>.

cxlvii United Nations High Commissioner for Refugees (UNHCR), *Representing Stateless Persons Before U.S. Immigration Authorities* (Report, August 2017), available at <<https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/59e799e04.pdf>>.

cxlviii For more about the work of United Stateless see their website: <<https://www.unitedstateless.org/>>.

cxlix United Stateless, 'Executive Director: Karina Ambattsoumian-Clough' (Web Page) <<https://www.unitedstateless.org/executive>>.

cl Homeland Security, 'DHS Issues Guidance for Stateless Noncitizens in the United States' (Web Page, 1 August 2023) <<https://www.dhs.gov/news/2023/08/01/dhs-issues-guidance-stateless-noncitizens-united-states>>.

cli See *Australian Citizenship Act 2007* (Cth) s 21(8).

clii For a detailed list of the route a stateless person must go through to apply to stay in the UK, see <[Immigration Rules - Immigration Rules Appendix Statelessness - Guidance - GOV.UK \(www.gov.uk\)](#)>. See also <<https://www.asylumaid.org.uk/what-we-do/statelessness/applying-stay-stateless-person>>.

cliii See <<https://www.asylumaid.org.uk/what-we-do/statelessness/what-happens-after-applying>>.