



## How does someone become stateless?

This factsheet provides an overview of some of the main reasons why and how people may become stateless.

There are multiple causes of statelessness globally; some people are born stateless, while others become stateless during the course of their lifetime. In countries where nationality is based on descent, statelessness may be transmitted from one generation to the next.

- **Discrimination**

Currently, the most significant cause of statelessness is discrimination, including discrimination on the basis of race, ethnicity, religion, language and/or gender.

### *Case Study – The Rohingya*

The Rohingya ethnic group from Myanmar is one of the world's largest known stateless populations. The 1982 Citizenship Law in Myanmar deprived the Rohingya of their citizenship. This law lists only certain ethnic groups as entitled to full citizenship of Myanmar, which in effect is a mechanism for the discriminatory denial of citizenship to other ethnic groups, such as the Rohingya, who are not officially recognised as a national ethnic group. Around 600,000 Rohingya live in Myanmar.<sup>1</sup> Over 900,000 Rohingya have been forced over the border to Bangladesh to escape violence, whilst smaller numbers of Rohingya fled to other neighbouring countries including Thailand and Malaysia.

Gender discriminatory nationality laws in 25 countries prevent mothers from passing on their nationality to their children on an equal basis with fathers. In practice, this means that if the father is missing, deceased, has abandoned the family or is unwilling to take the required steps to pass on their nationality, their child can be left stateless. For a more detailed explanation, see the Peter McMullin Centre on Statelessness' factsheet, 'Gender Discriminatory Nationality Laws (GDNL)'.

- **Emergence of new states and changes in national borders**

### *Emergence of a new state:*

When an existing state is dissolved and replaced by the creation of a new state or multiple states over that territory, this can create large-scale and long-term situations of statelessness. This is because when a sovereign state ceases to legally exist, the nationality of this dissolved state is

also extinguished. The state replacing it must determine who is eligible to be a national of the newly created state, and some people may be left out.

### **Case Study – Dissolution of the Soviet Union**

When the Soviet Union was formally dissolved in 1991, new states emerged in its place. Some people automatically became citizens under the citizenship law of the new state in which they found themselves living. However, millions of people were excluded and consequently rendered stateless. There were multiple causes driving the sudden creation of a mass population of stateless people, including:

- Some people did not register for citizenship within the deadline established by the new state's laws;
- Some people were excluded from citizenship because they could not prove permanent residence;
- Some people did not exchange their USSR passport for the newly created state's passport within the deadline and were subsequently left without a valid identity document when their USSR passport expired;
- Under discriminatory policies, some people were excluded from citizenship due to their ethnicity, even though they had lived in the territory for generations.

### **Decolonisation:**

Another situation where a new state is created is when a state gains independence following decolonisation. When the laws of the newly independent state exclude certain ethnic groups living in the territory from acquiring the citizenship of the new state, this can result in members of that country becoming stateless; a legal status that can persist for generations.

### **Case Study – The Makonde in Kenya**

When Kenya won independence from the British Empire in 1963, a number of ethnic minorities did not automatically acquire Kenyan citizenship under the nation's new citizenship laws. One such group is the Makonde, who came to Kenya from Mozambique in the first half of the 20th century to work on sisal farms and sugar plantations or were descendants of people who left Mozambique during the civil war. The Makonde did not automatically qualify as citizens because most were not born in Kenya, nor were their parents born in Kenya. Although most Makonde were eligible to register as Kenyan citizens within a two-year period after independence, they did not do so within the deadline. Consequently, the Makonde were considered stateless for many years until constitutional and legislative reform in the 21st century paved the way for a program to register the Makonde and provide them with ID cards.<sup>2</sup>

### **• Conflict or gaps in nationality laws**

Children can become stateless because of a gap in the nationality laws of two countries. If a child is born in a different country to the country of nationality of their parents, it is possible that they may not be eligible for nationality in either country. For further information, see our factsheet on 'Childhood Statelessness'.

- **Loss and deprivation of nationality**

Some states deprive citizens of nationality if they live overseas for a certain number of years. States can also deprive citizens of their nationality under discriminatory laws, and increasingly under anti-terrorism laws, which may render someone stateless.

- **Lack of birth registration and risk of statelessness**

A lack of documents proving birth (for example, a birth certificate) does not necessarily mean a person is stateless. However, birth registration is important evidence of a person's parentage and place of birth. Without it, the risk of statelessness increases because a person may find it difficult to prove their link to a state.

A staggering number of children are currently affected by this issue. UNICEF reports that 166,300,000 children under age five have not had their birth registered and 237,400,000 children under age five do not have a birth certificate, even if their birth is registered.<sup>3</sup>

Population groups particularly at risk of statelessness due to unregistered births are nomadic and border populations, minorities, refugees, internally displaced persons, migrants, and abandoned, orphaned, unaccompanied or separated children.

**Suggested further reading:**

Factsheet: *Gender Discriminatory Nationality Laws (GDNL)* available on the [Peter McMullin Centre on Statelessness Resource Hub](#)

Factsheet: *Childhood Statelessness* available on the [Peter McMullin Centre on Statelessness Resource Hub](#)

[Institute on Statelessness and Inclusion, The World's Stateless: Deprivation of Nationality \(Report, March 2020\)](#)

[Minority Rights Group International, 'Statelessness & Minorities Globally'](#)

[UNHCR, A Special Report: Ending Statelessness Within 10 Years \(2014\)](#) ❖

*Last updated September 2020*

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1. [UNHCR, Global Trends – Forced Displacement in 2019 \(2020\)](#) 74

2. Bronwen Manby, 'Who is a Native?' in *Citizenship in Africa: The Law of Belonging* (Hart Publishing, 2018) 181–193; [Modesta Ndubi, 'The Makonde: From Statelessness to Citizenship in Kenya', UNHCR \(Press release, 15 March 2017\)](#); UNHCR, ["This is Our Home": Stateless Minorities and their Search for Citizenship' \(November 2017\)](#) 33–43

3. UNICEF, [Birth Registration for Every Child by 2030: Are We on Track? \(Report, December 2019\)](#) 16, 18