



The 1954 Convention relating to the Status of Stateless Persons

Note: The Peter McMullin Centre has developed three factsheets that provide an overview of the two international treaties which specifically address the global issue of statelessness:

- The *'United Nations Statelessness Conventions: An Introduction'* factsheet introduces the background to the two international treaties on statelessness.
- This factsheet on *'The 1954 Convention relating to the Status of Stateless Persons'* summarises the first treaty.
- The factsheet on *'The 1961 Convention on the Reduction of Statelessness'* summarises the second treaty.

This factsheet aims to provide a brief summary of the 1954 Convention relating to the Status of Stateless Persons (the 1954 Convention).

The text of the 1954 Convention can be viewed [here](#).

a. Who is a stateless person?

The 1954 Convention sets out the international legal definition of a stateless person as 'a person who is not considered as a national by any State under the operation of its law' (article 1). It is widely accepted that this definition is also part of customary international law, which means that all states should apply this definition, even if they are not a party to the 1954 Convention.¹

A person who meets this definition is referred to as *de jure* stateless under international law. A person who has a nationality and is outside the territory of their country of nationality but is unable to seek the protection of that country is *de facto* stateless. The 1954 Convention is intended to apply to people who are *de jure* stateless only.

b. How do countries determine if a person is stateless?

To meet their obligations towards stateless people in compliance with the 1954 Convention, there is an implied obligation that states must identify stateless persons in their jurisdiction. The United Nations High Commissioner for Refugees (**UNHCR**) recommends that states establish a statelessness determination procedure (**SDP**) to identify stateless persons among migrant populations.

An SDP is a government procedure. The applicant is interviewed and available evidence is considered so that the relevant state authority can make a decision about whether the applicant

is stateless. UNHCR has published detailed guidelines for creating an SDP, providing advice on ensuring access to the procedure, and procedural guarantees, such as the right to an interview, making translators and interpreters available, giving decisions in writing with reasons and within a reasonable time, and the right to appeal.²

Around twenty-eight states have established an SDP, including France (which has the oldest SDP), the United Kingdom, Argentina, Brazil, the Philippines, and most recently, the Netherlands. Eighteen of these states established their SDP after the UNHCR launched the [#IBelong Campaign to End Statelessness](#) in 2014.

Many states also pledged their intention to establish an SDP during the [High-Level Segment on Statelessness](#), an intergovernmental event hosted by the UNHCR in 2019 to mark the mid-point of the #IBelong Campaign. There were 33 pledges made by states relating to implementing or strengthening an SDP.³

c. How many countries are party to the 1954 Convention?

Ninety-nine states are party to the 1954 Convention. Of these, 16 states ratified the 1954 Convention after the #IBelong Campaign was launched in 2014.

In the Asia-Pacific region, Australia, Fiji, Kiribati, the Philippines, South Korea and Turkmenistan are parties to the 1954 Convention.

d. What rights do stateless persons have under the 1954 Convention?

The main purpose of the 1954 Convention is to ensure that stateless persons are entitled to a set of civil, economic, social and cultural rights. Under the Convention, stateless persons have the right to:

- Freedom of religion (article 4)
- Acquire moveable, immovable and intellectual property (articles 13-14)
- Freedom of association (article 15)
- Access courts and legal assistance (article 16)
- Employment and labour (articles 17-19)
- Housing (article 21)
- Education (article 22)
- Social security (article 24)
- Choose their place of residence and to have freedom of movement within the territory of the state (article 26)
- Identity papers (article 27)
- Travel documents (article 28)
- Facilitated naturalisation, meaning assistance from the relevant government authority to remove, as far as possible, barriers for stateless persons when they apply for citizenship (article 32).

e. What obligations do countries have under the 1954 Convention?

States (such as Australia) which are party to the 1954 Convention (**'contracting states'**) have an obligation to guarantee stateless persons the rights listed above to the minimum standard of treatment required in the Convention. In essence, the minimum standard of treatment is a benchmark which the state must meet to fulfil its obligations to stateless persons under the Convention. The Convention specifies different minimum standards of treatments for each right.

In a number of articles, the Convention specifies that the particular right is only owed to stateless persons who are lawfully present, lawfully staying or lawfully resident in the territory (meaning they have permission from the state to be in the territory). In contrast, there are other rights in the Convention which the state must guarantee for all stateless persons in the country.

It is also important to note that in addition to the rights under the 1954 Convention, stateless persons are also entitled to general human rights protections as found in the *International Covenant on Civil and Political Rights*,⁴ the *International Covenant on Economic, Social and Cultural Rights*,⁵ the *International Convention on the Elimination of All Forms of Racial Discrimination*,⁶ the *Convention on the Elimination of All Forms of Discrimination Against Women*,⁷ the *Convention on the Rights of the Child*,⁸ and the *Convention on the Rights of Persons with Disabilities*.⁹ The United Nations (UN) General Assembly has given the unique authority (called a mandate) to the UN High Commissioner for Human Rights and the Office of the High Commissioner for Human Rights to promote and protect human rights for all people.¹⁰

f. Do countries have to grant citizenship to all stateless persons under the 1954 Convention?

No. Contracting states are not required to grant citizenship to stateless persons under the 1954 Convention. However, contracting states are obliged to assist with the naturalisation of stateless persons as far as possible. Naturalisation is a legal process whereby a non-citizen acquires citizenship. The Convention requires states to make every effort to ensure naturalisation proceedings for stateless persons are prioritised and the charge and cost of the process are reduced for stateless persons as far as possible.

g. Can contracting states expel stateless persons from their territory?

Contracting states cannot expel a stateless person who is *lawfully* in their territory, except on the grounds of national security or public order (article 31).

h. How are countries held accountable for their obligations under the UN Statelessness Conventions?

There is no international body which enforces a contracting state's obligations under the UN Statelessness Conventions and ensures the rights of stateless people in their territory are upheld. Article 14 of the 1954 Convention provides that in the event of a dispute between contracting states regarding how to interpret or apply the Convention, one of the parties to the dispute can

request that the matter be heard before the International Court of Justice, if the dispute cannot be settled through other processes. Thus far, this provision has never been used.

The United Nations High Commissioner for Refugees (**UNHCR**) is the UN organisation with a global mandate to identify stateless people, prevent and reduce statelessness and protect the rights of stateless people. Its role includes providing legal advice to governments on the compliance of their nationality laws with international standards. In addition, UN human rights treaty bodies and the Universal Periodic Review process give recommendations to states related to their obligations to address statelessness.

For further information about the Universal Periodic Review process, see the Peter McMullin Centre on Statelessness '[Universal Periodic Review](#)' *factsheet* available on our website.

Suggested further reading:

Factsheet: *Introduction to the United Nations Statelessness Conventions*, available on the [Peter McMullin Centre Resource Hub](#)

Factsheet: *The 1961 Convention on the Reduction of Statelessness*, available on the [Peter McMullin Centre Resource Hub](#)

[Guy S Goodwin Gill, Introductory Note: Convention Relating to the Status of Stateless Persons \(2017\) United Nations Audiovisual Library of International Law](#)

['What We Do', UNHCR – The UN Refugee Agency \(Web Page\)](#)

[UNHCR, Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures for the Protection of Stateless Persons \(July 2020\) 44-66](#)

[UNHCR, 'Cote d'Ivoire adopts Africa's first legal process to identify and protect stateless people' \(Web Page, September 2020\) ❖](#)

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1. See International Law Commission (ILC), 'Draft Articles on Diplomatic Protection with Commentaries', as contained in 'Report of the International Law Commission: Fifty-Eighth Session', UN Doc A/61/10 (1 Oct 2006) [3] 48–49.
 2. See the [Handbook on Protection of Stateless Persons \(2014\)](#).
 3. [UNHCR, High-Level Segment on Statelessness: Results and Highlights \(May 2020\) 30](#).
 4. [Opened for signature 19 December 1966, 999 UNTS 171 \(entered into force 23 March 1976\)](#)
 5. [Opened for signature 19 December 1966, 999 UNTS 3 \(entered into force 3 January 1974\)](#)
 6. [Opened for signature 21 December 1965, 660 UNTS 195 \(entered into force 4 January 1969\)](#)
 7. [Opened for signature 1 March 1980, 1249 UNTS 13 \(entered into force 3 September 1981\)](#)
 8. [Opened for signature 20 November 1989, 1577 UNTS 3 \(entered into force 2 September 1990\)](#)
 9. [Opened for signature 30 March 2007, 2515 UNTS 3 \(entered into force 3 May 2008\)](#)
 10. See ['Who We Are'](#), United Nations Human Rights – Office of the High Commissioner.