



An Overview of Statelessness

a. What does it mean to be stateless?

A person is stateless if they do not have a nationality of any country, meaning they are not recognised as belonging to any country. 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’.¹

b. What is nationality?

‘Nationality’ is the term used to describe an individual’s link to a state in the broader context of international law. ‘Citizenship’ is the term that tends to be used in the context of a domestic legal system. In practice, the terms are often used interchangeably.

Nationality is the legal relationship or bond between the citizen/national and the state, creating reciprocal rights and duties for both. Under international human rights law, everyone is entitled to most human rights by virtue of being human, rather than on the basis of nationality. However, in practice, many states restrict the full enjoyment of social, economic and political rights to their nationals.

People usually acquire nationality at birth, either through descent (*jus sanguinis* – meaning law of the blood) or by virtue of being born in a particular country (*jus soli* – meaning law of the soil). This is usually an automatic process, but sometimes a person must apply to obtain nationality. Other methods of acquiring nationality include marriage, adoption, domicile (a legal term meaning the place considered in law to be that person’s permanent home) or by making investments in a country. Each country has its own laws and policies for determining who is eligible for acquiring that country’s nationality and the process for this.

c. What are the impacts of statelessness?

The 1948 Universal Declaration of Human Rights states that ‘everyone has the right to a nationality’. Indeed, many of us take our nationality for granted. But for stateless persons, the lack of nationality often prevents them from accessing even the most basic rights. Stateless persons may be unable to attend school, see a doctor, be employed or get married.

Statelessness can have devastating consequences for individuals. It is a barrier to political participation and social inclusion. Stateless persons are vulnerable to exploitation and trafficking, and in some cases are at risk of long periods in detention. Furthermore, stateless

people can be victims of forced displacement when they are expelled from their home country or forced to flee from persecution and discrimination.

d. How many people are stateless?

The United Nations High Commissioner for Refugees (UNHCR) has estimated that there are ten million stateless persons globally. Data analysis by the Institute on Statelessness and Inclusion put this figure even higher, estimating that there are at least 15 million stateless people.²

However, the exact number of stateless persons is unknown. Obtaining global data on statelessness is highly challenging because very often stateless persons are not issued any documentation by the state and are excluded from national administrative registries and databases.

e. Where in the world are stateless persons?

Most stateless persons live for generations in the country in which they were born. Every region in the world has stateless persons. The majority reside in the Asia-Pacific region, for example:

- The Rohingya ethnic group from Myanmar constitutes one of the world's largest known stateless people. Around 600,000 Rohingya live in Myanmar.³ 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.
- Thailand reported that there were 475,009 stateless people in 2019⁴, although the actual figure is likely to be significantly higher. Stateless people in Thailand include members of ethnic hill tribes such as the Yao, Hmong and Karen who live near the border with Myanmar and Laos.
- Some stateless people in Thailand and Myanmar also belong to the semi-nomadic marine mobile populations who live along the Andaman Sea coast.
- Malaysia reported 108,332 stateless people in 2019.⁵ Stateless populations include members of the Bajau Laut group in Sabah and people of Tamil Indian descent in West Malaysia.
- There are at least 4,025 stateless persons in Australia.⁶

f. How does someone 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.

The main causes of statelessness are:

- Discrimination on the basis of race, ethnicity, religion, language and/or gender;
- Emergence of new states and changes in national borders;
- Conflict or gaps in nationality laws;
- Loss and deprivation of nationality.



For a detailed overview of the causes of statelessness, please see the Peter McMullin Centre on Statelessness factsheet, '[How Does Someone Become Stateless?](#)'

g. How is the international community addressing statelessness?

The UNHCR has been given a formal mandate by the UN General Assembly to identify stateless people, prevent and reduce statelessness, and protect the rights of stateless people.

On 4 November 2014, the UNHCR launched the [#IBelong Campaign to End Statelessness by 2024](#). To mark the mid-point of the #IBelong Campaign, in October 2019, the UNHCR convened the High-Level Segment on Statelessness, an intergovernmental meeting of United Nations Member States and other stakeholders. During the High-Level Segment, states, international and regional organisations and civil society organisations delivered concrete pledges to address statelessness in the remaining five years of the #IBelong Campaign. The full list of pledges is available [here](#).

h. Are there different types of statelessness?

Over time, legal experts have come to recognise two categories of statelessness: *de jure* statelessness and *de facto* statelessness.

A person is *de jure* stateless when they meet the international legal definition of statelessness: they do not have a nationality under the laws of any country.

There is no formal definition in international law of *de facto* statelessness. A person is generally considered to be *de facto* stateless when:

- they have a nationality;
- reside outside the territory of their country of nationality; and
- are unable or unwilling (for valid reasons) to have recourse to the protection of that country.

People in this situation are *de facto* stateless because their nationality is functionally ineffective. Refugees who have a nationality are *de facto* stateless because they are without the protection of their country of nationality, however there are many *de facto* stateless people who are not refugees.

Although international law treats their statuses as distinct, people who are *de jure* stateless and people who are *de facto* stateless can share lived experiences because they are unable to enjoy the rights that come with having a nationality. However, understanding the distinction between *de jure* statelessness and *de facto* statelessness is important because certain international laws only apply to *de jure* stateless people. For more information on the main international laws on statelessness, see the Peter McMullin Centre on Statelessness' factsheets:

- '[United Nations Statelessness Conventions: An Introduction](#)'
- '[The 1954 Convention relating to the Status of Stateless Persons](#)'; and
- '[The 1961 Convention on the Reduction of Statelessness](#)'



i. Can statelessness be ‘solved?’

Yes. Governments determine who is a national of their state. Therefore, effectively ending statelessness is a matter of reforming domestic laws and policies and implementing them in practice. Thus, it is entirely possible to resolve existing situations of statelessness and prevent children from growing up stateless in the future.

Suggested further reading:

[Emma Batha, ‘Factbox – Where Are the World’s Stateless People?’ Thomson Reuters Foundation \(6 October 2019\)](#)

Factsheet: *How Does Someone Become Stateless?*, available on the [Peter McMullin Centre on Statelessness Resource Hub](#)

[Institute on Statelessness and Inclusion, The World’s Stateless \(December 2014\)](#)

[UNHCR, ‘Ending Statelessness’](#)

[UNHCR, ‘Cate Blanchett: What is Statelessness?’ \(YouTube video, 15 July 2020\)](#)

[UNHCR, UNHCR Global Action Plan to End Statelessness: 2014 – 2024](#)

For further information about statelessness in specific regions, the websites of the following organisations and initiatives contain helpful information and resources:

International

[Global Campaign for Equal Nationality Rights](#)

[The Institute on Statelessness and Inclusion](#)

Africa

[Citizenship Rights in Africa Initiative](#) (note - for a detailed list of organisations working on the right to a nationality in Africa, see <http://citizenshiprightsafrika.org/network/>)

The Americas

[The Americas Network on Nationality and Statelessness](#)

Asia Pacific

[The Statelessness Network Asia Pacific](#)

Europe

[European Network on Statelessness](#)

Middle East and North Africa
[Hawiati MENA Statelessness Network](#)

United States of America
[United Stateless](#)

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1. 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.
 2. [Institute on Statelessness and Inclusion, The World's Stateless – Deprivation of Nationality \(Report, March 2020\)](#) 14.
 3. [UNHCR, Global Trends – Forced Displacement in 2019 \(2020\)](#) 74.
 4. [UNHCR, Global Trends – Forced Displacement in 2019 \(2020\)](#) 75.
 5. [UNHCR, Global Trends – Forced Displacement in 2019 \(2020\)](#) 74.
 6. According to the most recently available Department of Home Affairs statistics as at July 2020. See [Department of Home Affairs, 'Visa statistics'](#)