

Statement to the High Commissioner's Dialogue on Protection Challenges by the European Network on Statelessness



4 December 2020

Stateless people – who lack any nationality - are undoubtedly among those most impacted by the global pandemic and its fallout. In May 2020, [UNHCR urged States](#) and other actors to pay attention to the plight of stateless people and to follow a set of recommendations to ensure their inclusion in COVID-19 responses. [Global civil society](#) and [stateless activists in Europe](#) have also called for the specific circumstances and views of stateless people and those at risk of statelessness to be considered and acted upon urgently.

There are more than half a million people living without a nationality in Europe today, including many stateless migrants and refugees, as well as members of minority groups. With limited rights and access to essential services, including healthcare, stateless people are often precluded from or face obstacles in accessing COVID-19 testing and medical care. Others may refrain from accessing health services for fear that their insecure legal status may put them at risk of detention or deportation.

Statelessness is not 'just' an abstract legal anomaly. It is a preventable and solvable violation of human rights that will cost many lives in this pandemic if States, regional institutions, and other mandate-holders do not tailor their responses accordingly. It is why, in 1954, in the shadows of another global crisis, world leaders came together and adopted the 1954 Statelessness Convention which sets out basic rights that States must guarantee to stateless people on their territory in need of protection. All but five Council of Europe Member States have signed up to this Convention so why – more than 60 years later – are stateless people in the region (and elsewhere) still falling through protection gaps?

The impact of COVID-19 on stateless people in Europe is currently under-researched. A (forthcoming) scoping review ENS carried out as part of an ongoing research project on health rights and statelessness in the context of the pandemic, found only four publications focusing on the health rights of stateless people in Europe since January 2020. There is an imperative to understand the experiences and situation of stateless people to generate evidence-based measures, responses, and actions to protect those most at risk. Notwithstanding the health harms in disease spread, the mental health impact of statelessness and its detrimental impact on access to healthcare cannot be underestimated and is also poorly understood.

Whilst we await the findings of our research (to be published in February 2021), there are some things we already know and can act upon. During the first wave of the pandemic in Europe, ENS consulted stateless communities and surveyed our member organisations in 41 European countries about the impacts of COVID-19 that they were seeing in their work. They told us that:

- COVID-19 is having a specific social, economic and health impact on stateless people and the organisations supporting them, which is exacerbated by discrimination.
- The crisis is exposing the vital need for protection mechanisms to implement in practice the rights guaranteed under the 1954 Convention because thousands of stateless people have no other route to regularisation, nowhere else to go, and no other way to realise their fundamental rights.

- Positive and inclusive responses to this crisis are viable and beneficial, as several States have demonstrated by extending healthcare and residence rights to marginalised populations, introducing firewalls to prevent data-sharing with immigration authorities, and taking proactive steps to release people from immigration detention and prevent destitution.

Based on this and building on the recommendations made by UNHCR, we urge States, regional institutions, and international organisations to urgently consider the following key areas in their immediate and longer-term policy responses to the pandemic:

- All European States need to establish dedicated statelessness determination procedures to identify and grant protection to stateless people, ensuring they are not left undocumented with restricted access to healthcare, unable to stay but with nowhere to go so at risk of endless limbo and cycles of immigration detention and destitution.
- Given procedural delays due to COVID-19, it is even more essential that reception support is provided to applicants for stateless status in line with asylum reception standards. And, once formally recognised, stateless people must be issued with residence permits guaranteeing all their socio-economic rights.
- Currently half of Council of Europe countries do not have full safeguards in their nationality laws to prevent statelessness among children on the move so action must be taken to guarantee the right to nationality of every child born stateless in Europe.
- Nobody understands the impacts of COVID-19 on stateless people better than those affected by statelessness. It is incumbent on us all to find ways to support stateless people around Europe to be visible and represented in the decision-making processes that affect their lives.