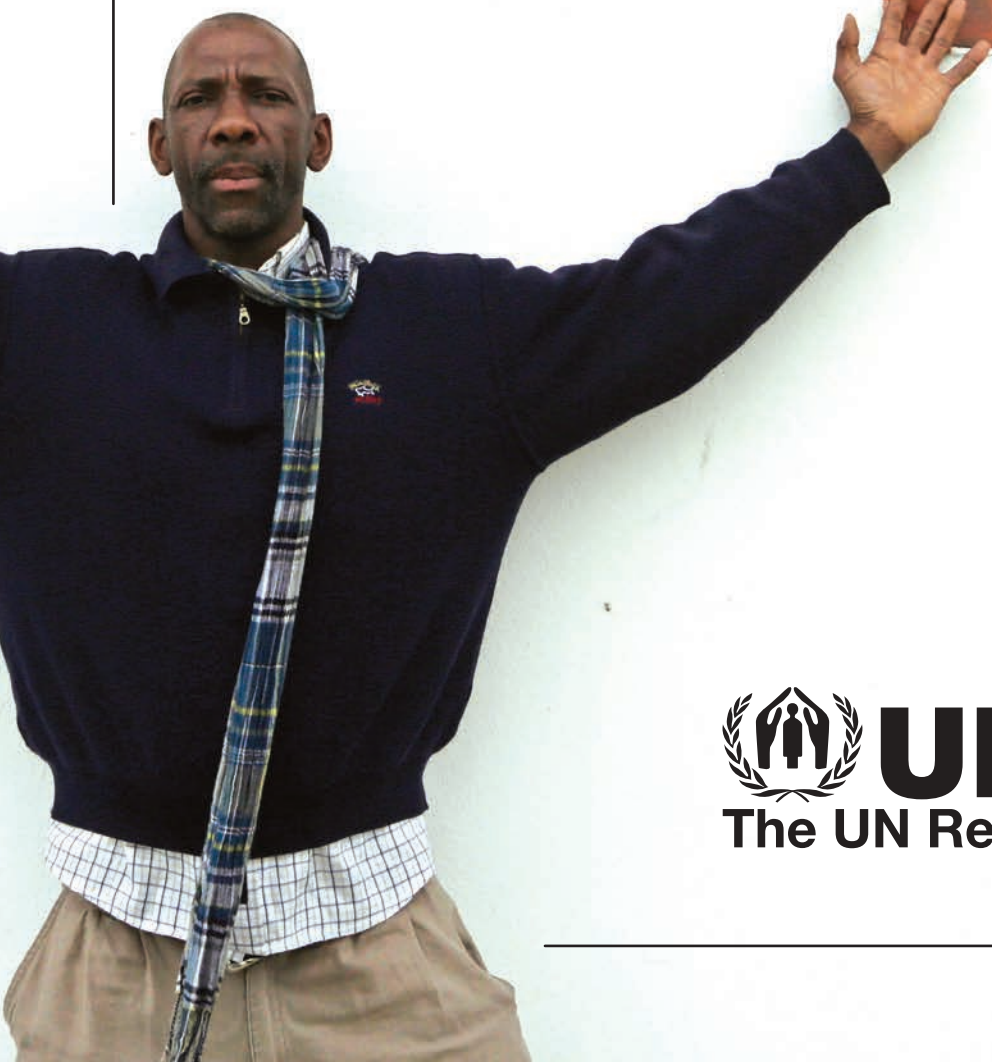


# THE IMPACT OF STATELESSNESS ON ACCESS TO HUMAN RIGHTS IN ITALY, PORTUGAL AND SPAIN



**UNHCR**  
The UN Refugee Agency

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## “Statelessness is a profound violation of an individual’s human rights”

Antonio Guterres, UN Secretary-General,  
former UN High Commissioner for Refugees

Cover photo:  
Nelson, Portugal  
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In order to protect identities, the names of some of the individuals referred to in this report have been changed.

UNHCR would like to express its gratitude to the individuals who participated in the consultations that formed the basis for this report. Participant’s tenacity in their ongoing struggle to access fundamental rights and to be recognized as citizens inspired all members of the research team immensely.

UNHCR’s work to end statelessness will benefit from the invaluable information and insights shared.

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For information about how to get involved and support the #IBelong Campaign, please visit: [www.unhcr.org/ibelong](http://www.unhcr.org/ibelong)

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## KEY FINDINGS

Statelessness is a violation of human rights that affects millions of people worldwide and entails a strong potential to lead to further human rights violations. Stateless people can be found in all regions of the world, including in the European Union.

The impact of statelessness can be extremely severe, hindering access to fundamental human rights that are usually taken for granted while contributing to keep entire communities invisible and marginalized from the rest of society.

In the second half of 2017 and in early 2018, the UNHCR Regional Office for Southern Europe (ROSE) conducted a participatory assessment with stateless persons, persons at risk of statelessness, formerly stateless persons, civil society and authorities in Italy, Portugal and Spain.

Drawing from the testimonies of the persons consulted, this report examines how statelessness affects access to fundamental rights, with particular attention to how it can pose an often insurmountable barrier to obtaining an education, renting a house, registering property, finding formal employment, having full access to health and social protection schemes, moving freely or starting a family. It exposes the concrete impact of statelessness on the daily lives of the persons affected, revealing how it can create challenges that prevent them from achieving their full potential and playing an active role in society. It conveys the stories and the voices of the persons who participated in the consultations, highlighting the urgency of addressing the injustice of statelessness and of guaranteeing stateless persons full access to fundamental rights.

*Give a man a fish and you will feed him for a day, teach a man to fish and you will feed him for a lifetime.*

Ahmed, Spain

## EDUCATION

Despite compulsory education being universally accessible in Italy, Portugal and Spain, UNHCR’s consultations with stateless persons found that they still faced challenges when pursuing their education, especially when undocumented. In some cases, they were not allowed to sit for final exams and so encountered problems with obtaining certifications or degrees. Without proof of their studies, they could not proceed to higher education and eventually achieve better employment outcomes, which prevented them from reaching their full potential and fuelled frustration and exclusion. Even though some of the persons with whom UNHCR spoke were successful in obtaining recognition of their statelessness status or were able to acquire a nationality<sup>1</sup>, they still noted that finding themselves behind their peers in the education system left them too discouraged to resume studying.

<sup>1</sup> The terms “nationality and “citizenship” are used interchangeably in this Report.

## EMPLOYMENT

Low-skilled informal jobs, risk of exploitation, unsafe working conditions, lack of social safety nets and subsistence-level wages are all part of the daily life of most of the stateless persons to whom UNHCR spoke. Many shared their constant frustration at being forced to rely on precarious jobs in the informal markets or at being unable to land a job that matched their skills. Being denied the possibility to pursue the future they had imagined for themselves took a considerable emotional toll on many of the persons consulted, especially on those who were performing skilled jobs before finding themselves stateless. Even when approaching retirement, the predicament of stateless persons continues. Despite having worked all their life, in many cases they could not accumulate a pension and are exposed to additional vulnerability during old age.

## HEALTH

Although access to healthcare – or at least emergency healthcare – is generally guaranteed to everyone in the three countries visited, stateless persons may face limited access in practice. The stateless persons consulted highlighted how different factors, including lack of information, social marginalization and cost of services, hindered their effective access to healthcare. In some cases, these barriers led to stateless persons' health issues left unaddressed.

## HOUSING AND PROPERTY

In many cases, statelessness and the lack of nationality documents forced the persons consulted to turn to the informal housing market, emergency shelters or illegal squats. All these solutions normally offer substandard conditions and limited security of tenure, with significant risks of eviction and homelessness. Moreover, even when in possession of the necessary documentation to sign a contract, stateless persons faced prejudice, mistrust and misunderstanding of their legal status, which made it difficult to rent a house in the formal private market. In addition to limiting housing prospects, statelessness often hindered access to property rights in general, thwarting attempts to acquire goods and services that most people take for granted, such as purchasing a car, a telephone SIM card or opening a bank account.

*When you say 'stateless', potential employers rule you out.*

Dari, Italy

*Nothing is more important than the protection of vulnerable persons.*

Nelson, Portugal

*I have often this feeling that when dealing with stateless persons, they make simple things unnecessarily complicated.*

Anton, Italy

## FAMILY LIFE

Many of the persons consulted who had started a family shared their worries about their children's future, fearing it would be marred by statelessness. When existing legal safeguards against statelessness at birth fail to take effect in practice, statelessness is passed from parents to children, and so another generation risks being trapped in a cycle of poverty and marginalization. In certain cases, the hardships and obstacles posed by statelessness proved too much for some of the persons interviewed, who gave up on the desire to build a family in the first place.

## FREEDOM OF MOVEMENT

When asked about the impact of statelessness on their movements, the persons consulted for this report noted their ongoing fear of being stopped and questioned by police, as well as fear of being detained or even expelled to a country where they have no ties. Forced to limit their movements even within their own city, travelling abroad is something about which many stateless persons can only dream. Paradoxically, the harsh reality for many of the persons consulted means that they are prevented from stepping outside the borders of a country where their stay is considered irregular, despite it being the only place they can call home.

*I live in constant fear of the police. I am afraid they will send me to a country where I have nothing, with which I have no ties.*

Marinela, Portugal

*I cannot plan my life, build a family.*

Josemar, Portugal

## SOLUTIONS

The testimonies collected for this report confirm that statelessness takes an extremely high toll in terms of access to fundamental rights, affecting the possibility to study, find an adequate job, move freely or have a family. While statelessness is a human rights violation in and of itself, it also inevitably results in further human rights violations and hinders an individual's opportunity to realize his or her full potential and actively contribute to society. Formal statelessness status recognition instilled hope in the persons consulted who managed to obtain it, but they all agreed in considering this only a first step and not the goal. In almost all cases of statelessness, the best solution is for persons to be given the nationality of the country with which they have the strongest ties.

Improving the identification and protection of stateless populations, preventing new cases from emerging and effectively addressing existing situations of statelessness are among the key goals of UNHCR's #IBelong Campaign to End Statelessness by 2024. To achieve this, UNHCR urges States in Southern Europe to take the following steps in line with the Global Action Plan to End Statelessness:





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*Only when you have a nationality are you a free person.*

Dari, Italy

- Ensure that existing legal safeguards against statelessness at birth are effectively implemented to allow children to gain the nationality of the country in which they were born if they would otherwise be stateless.
- Improve the identification and protection of stateless populations and establish fair, accessible, transparent and efficient statelessness determination procedures, which lead to a legal status that permits residence and guarantees the enjoyment of basic human rights, and facilitate naturalization for stateless persons.
- Improve national quantitative and qualitative data on stateless persons and those at risk of statelessness.
- Increase awareness and promote information sharing on statelessness among government departments, public officials, judges, lawyers and the public.

## INTRODUCTION

While the exact number of stateless people is unknown, it is estimated that millions of people are stateless worldwide<sup>2</sup>. A stateless person is a person who is not considered as a national by any State under the operation of its law. Statelessness is a complex and little-known human rights issue, and so are the stories and the voices of the persons affected, who are often among the most marginalized in society. The lack of a nationality is not only a matter of an individual's legal status or identity documents; it has a serious and lasting impact on the enjoyment of fundamental human rights that are usually taken for granted. In addition to being excluded from rights reserved to citizens, such as voting rights, stateless persons face often insurmountable barriers that can prevent access to a wide range of human rights, including the right to employment, education, adequate housing, healthcare, family life and freedom of movement. Statelessness is a human rights violation that entails a strong potential to lead to further human rights violations, exacerbating

<sup>2</sup> For the latest data, please see UNHCR's Global Trends Report updated annually in June, available at: <https://www.unhcr.org/search?comid=56b079c44&cid=49aea93aba&tags=globaltrends>



© Olmo Calvo/UNHCR

Said, Spain



"This picture symbolises my life, a series of joys and sorrows, smiles and tears, but also a cradle of love and strength that keeps me grounded to earth"

Ned, Italy



the vulnerability of the persons affected while contributing to their invisibility and marginalization from the rest of society.

In the second half of 2017 and in early 2018, the UNHCR Regional Office for Southern Europe (ROSE) conducted a participatory assessment speaking with stateless persons, persons at risk of statelessness, formerly stateless persons, civil society and authorities in Italy, Portugal and Spain about the impact of statelessness on access to human rights. The consultations provided insights into the daily hurdles faced by stateless persons in these three countries. Despite living in different countries with different legal frameworks, having diverse backgrounds, origins, and stories and speaking different languages, all the stateless persons UNHCR ROSE had the opportunity to meet shared the same determination: making their voices heard, ending their invisibility, and being able to feel and say: "I belong".



VR17



Drawing from the testimonies gathered during the participatory assessment, this report examines how statelessness affects access to fundamental rights in Italy, Portugal and Spain, with particular attention to how it can impede access to education, housing, property, and formal employment, health and social protection schemes, freedom of movement and private and family life. Before dealing with the particularities of each of the three countries involved, the report provides a brief overview of the main concepts related to statelessness, including its definition and causes. It then focuses on the impact of statelessness, introducing the persons affected and the difficulties they face in the enjoyment of fundamental rights in three different Southern European contexts. Finally, the report offers recommendations on priorities and suggestions for action.

The report demonstrates that statelessness is not just a legal anomaly, but also a grave human rights violation that has a concrete

*Being stateless,  
it is like being  
on standby*

Brahim, a stateless  
person in Spain



impact on the daily lives of the persons affected, creating challenges that can prevent them from achieving their full potential and playing an active role in society. The voices and the testimonies of stateless persons featured in this report effectively illustrate the plight they face in enjoying the human rights that most other people take for granted. The report therefore issues an urgent call to action to address the injustice of statelessness and to guarantee stateless persons full access to fundamental rights.

In 2011, UNHCR held a Ministerial Meeting on Refugees and Stateless Persons that galvanized the international community to take action to address statelessness. Many of the pledges made were implemented following the event, and the new level of interest and activity by States prompted UNHCR to launch, in 2014, an ambitious Campaign to End Statelessness by 2024 – the #IBelong Campaign. The year 2019 marks the mid-point of the 10-year #IBelong Campaign. It therefore offers an important opportunity to take stock of the Campaign’s achievements and to identify what more needs to be done to meet the Campaign’s goals and targets as set out in the Global Action Plan to End Statelessness. In October 2019, UNHCR will convene a global High-Level Segment on Statelessness in Geneva. The purpose of the event will be to assess achievements to date, showcase good practices, and encourage concrete pledges by States and other actors, such as international organizations, the private sector and civil society, to take action to address statelessness in the remaining 5 years of the #IBelong Campaign.

Statelessness is a human rights violation which can deprive a person of their ability to exist: to get a birth certificate, go to school, have health care, start a family, or earn a living. This is why UNHCR is appealing, 5 years into the #IBelong Campaign, for greater engagement globally in actively addressing and ending statelessness.





*Every foreigner who is a citizen of another country, his rights are defended. And we, the stateless people, the only defenders of our rights are the United Nations and the NGOs. Why don't we have a country to stand up for us?*

Meimuna, a stateless person in Spain

## STATELESSNESS: DEFINITION, CAUSES AND IMPACT

Nationality is the legal bond between an individual and a State, which results in mutual rights and duties. Nationality is also a human right per se, enshrined in the Universal Declaration of Human Rights and in all the major international human rights law instruments. Statelessness is the condition of those persons who lack a nationality, or, as defined in international law: “persons who are not considered as nationals by any State under the operation of its law”<sup>3</sup>. Lacking a legal bond with any state, stateless persons cannot benefit from the protection granted to nationals and may face obstacles in accessing fundamental human rights. For these reasons, international law provides a legal framework for their protection, as it does for refugees.

It is important not to confuse statelessness with refugee status, since they have distinctly different legal bases and entail varying degrees of international protection. In many cases, stateless persons were born and grew up in the country in which they live and have never ventured beyond its borders.

Statelessness has a wide array of causes. For instance, discrimination on the grounds of ethnicity, race, gender or religion is among the major causes of statelessness globally. The nationality laws of at least 20 countries in the world contain discriminatory provisions that result in denial or arbitrary deprivation of nationality on the grounds of ethnicity, race, language or religion, while at least 25 countries maintain nationality laws that do not allow women to convey their nationality to their children on the same basis as men<sup>4</sup>. Conflicts among nationality laws of different States can also result in statelessness

<sup>3</sup> Convention relating to the Status of Stateless Persons, New York, 1954, Art. 1. The definition of stateless person is part of customary international law.

<sup>4</sup> UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2018, 8 March 2019, available at: <https://www.refworld.org/docid/5c8120847.html>







"At last with the travel document I managed to achieve my dream of travelling to Greece!"

Ramira, Italy

when the implementation of the different approaches they contain – such as *jus sanguinis* and *jus soli* – leaves a person without the possibility of acquiring a nationality. Gaps in nationality laws, such as the lack of safeguards against statelessness at birth, or in their application can give rise to new cases of statelessness, as well as to the transmission of statelessness from one generation to the next.

State succession is also among the main causes of statelessness, notably in the European context following the dissolution of the Soviet Union and of the Socialist Federal Republic of Yugoslavia. Newly independent States have the jurisdiction to define who is a citizen, and individuals may not meet the requirements, or be intentionally prevented from, acquiring nationality, leaving them stateless. Administrative, bureaucratic and practical hurdles can also result in statelessness when individuals who would otherwise qualify are unable to follow procedures and carry out the necessary steps to ac-

*I did not inherit my father's nationality, but my mother's statelessness*

Ned, a stateless person in Italy



quire a nationality. The lack of birth registration is another crucial factor that may expose people to the risk of statelessness. Without evidence of vital information, such as place of birth and kinship, it can be extremely difficult to establish the relevant links to a State and demonstrate entitlement to a nationality.

In addition to international human rights law norms and standards on the right to a nationality, two dedicated UN Conventions complement the international legal framework on the protection of stateless persons and the reduction of statelessness. The 1954 Convention relating to the Status of Stateless Persons defines a stateless person under international law – a definition that is now part of customary international law – and details the rights attached to the status. It focuses on the identification and protection of stateless persons, laying down standards and measures to ensure their enjoyment of fundamental rights. The rights set out therein must be guaranteed to all persons who satisfy the definition of a stateless person, irrespective of status recognition, (which has a merely declaratory nature), and should be extended to stateless persons based on their degree of attachment to a State party. Importantly, the 1954 Convention lays down a general core principle on the treatment of stateless persons – they should be treated at least as favourably as foreigners who do possess a nationality – and provides for the right to identity and travel documents. It also establishes the obligation for State parties to facilitate their naturalization as far as possible. In addition, the 1954 Convention sets out a broad range of civil, economic, social and cultural rights that can be grouped in the following categories:

- juridical status, including personal status, property rights, right of association and access to courts;
- gainful employment, such as wage-earning employment, self-employment and access to the liberal professions;

- welfare, including public education, housing, healthcare and social security; and

- administrative measures, such as administrative assistance, freedom of movement and protection from expulsion.

On the other hand, the 1961 Convention on the Reduction of Statelessness focuses on measures to prevent and reduce statelessness. It details safeguards that should be incorporated in the nationality laws of State parties in order to avoid statelessness at birth and later in life in cases of renunciation, withdrawal or deprivation of nationality. It also prohibits arbitrary deprivation of nationality on grounds of race, ethnicity, religion or political opinion.

In light of the international human rights law framework, statelessness, or the absence of a nationality, is a human rights violation in and of itself. Moreover, statelessness can often be the consequence of other human rights violations, mainly discrimination on grounds such as race, ethnicity, gender, religion, language or political opinion. Despite the fact that everyone is entitled to enjoy fundamental human rights, regardless of nationality or statelessness and without discrimination, the lack of a nationality can often result in further human rights violations.

More than 75% of the world's known stateless population belongs to minority groups<sup>5</sup>. When statelessness affects minority groups already suffering from discrimination, it can have devastating effects, perpetuating the vicious cycle of poverty and marginalization and even leading – in extreme cases – to instability, persecution and displacement.

5 This percentage is based on statistics for stateless populations included in UNHCR's 2016 Global Trends Report that are known to belong to an ethnic, religious or linguistic minority. It does not account for minority groups that compose a proportion of a known stateless population in a country but do not form the majority of that population. Furthermore, the percentage does not include the many stateless minority groups about which UNHCR does not have adequate statistical data. For more information on stateless minorities, please see: "This is Our Home" Stateless Minorities and their Search for Citizenship, 2017, available at: <https://www.refworld.org/docid/59e4a6534.html>

## “Everybody has the right to a nationality”

### Article 15, Universal Declaration of Human Rights

#### THE IMPACT OF STATELESSNESS ON ACCESS TO HUMAN RIGHTS IN ITALY, PORTUGAL AND SPAIN

The 2017-2018 participatory assessments conducted by UNHCR ROSE offered important insights into the daily hurdles faced by stateless persons in these three distinct contexts.

The three Southern European countries where UNHCR conducted the participatory assessment have distinct characteristics with respect to legal frameworks, composition of the stateless population and measures to identify and protect stateless persons.

Italy, Portugal and Spain are parties to both Statelessness Conventions. However, Italy and Spain have not ratified the Council of Europe European Convention on Nationality<sup>6</sup>. The modalities of nationality acquisition contained in the Portuguese, Spanish and Italian nationality regimes are primarily rooted in the jus sanguinis principle – mainly granting nationality by descent. To different degrees, all three countries have adopted an inclusive approach on access to citizenship and naturalization based on birth in the territory, including provisions that can be useful in preventing protracted situations of statelessness. However, only Italy provides for facilitated access to naturalization for stateless persons in line with the 1954 Convention's obligations.

Concerning safeguards against statelessness, the

6 European Convention on Nationality, 1997, Council of Europe, chart of signatures and ratifications available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures>

laws of these three Southern European countries are generally in line with the obligations of the 1961 Convention: providing for the acquisition of nationality at birth for those children who would otherwise be stateless, including foundlings, and establishing safeguards against statelessness in cases of renunciation, loss or deprivation of nationality.

However, stateless persons often face difficulties complying with the bureaucratic procedures and requirements necessary for acquiring citizenship at birth or through naturalization or they are simply not aware that such possibilities exist. For example, in cases where a child is born to stateless parents in Italy, the safeguard against statelessness at birth takes effect only when the status of the parents has already been formally recognized through a statelessness determination procedure, something that only a minority of stateless persons living there manages to achieve. In other cases, the existing regulations put most of the burden of proof on the stateless applicant, who, for example, might be requested to present documents or certificates that are unavailable or very difficult – if not impossible – to obtain. This is the case in Portugal, where the existing naturalization procedures, in addition to the absence of a facilitated path towards naturalization for stateless persons and the limited awareness and expertise about statelessness among legal practitioners, result in very few stateless persons actually being able to acquire Portuguese nationality in practice.

Identifying stateless persons is an implicit obligation arising out of the 1954 Convention and is of vital



importance in order to provide them with adequate protection and access to rights. Spain and Italy are among the few countries in the world that have established dedicated mechanisms aimed at identifying stateless persons and formally recognizing their status – statelessness determination procedures (SDPs) – while Portugal has no specific procedure in place. In terms of stateless populations, Italy and Portugal are home to stateless persons who, in the majority, were either born and raised in their territory or who arrived in the past as children and continue to reside there, qualifying them as in situ stateless populations, while statelessness in Spain mainly occurs within the migratory context.

*“As a stateless person I am not resilient, I have to accept I don’t have access to certain rights.”*

Nelson, a stateless person in Portugal

Without a statelessness determination procedure and in the absence of a provision for statelessness status in its legislation, Portugal’s framework for the identification and protection of stateless persons falls short of its obligations under the 1954 Convention. As a result, a stateless person living in Portugal is considered a third country national, and, as such, can apply for any type of residence permit once the criteria are met. Apart from some exceptional and sporadic circumstances, such as the issuance of a residence permit for humanitarian reasons, this is often impossible for stateless persons, because the documentation required (e.g. passport, resident visa, registration with social security) is in many cases not available to them. Lacking a residence permit and without procedures to recognize their status and issue them with documentation, stateless persons are treated as irregular migrants and do not fully benefit from the protection and the rights to which they are entitled.

"Just like stateless people, graffiti are often considered illegal. However, they are also art, and to people who value them, they can truly be like the works of Picasso or Dali"

Josemar, Portugal

*Stateless people are just seeking the same basic rights that all citizens enjoy. But stateless minorities often suffer from entrenched discrimination and systematic denial of their rights*

Filippo Grandi, UN High Commissioner for Refugees

*mariana*  
**PTKS**





*Being stateless  
affects all my life  
and all my beliefs.*

Nelson, a stateless person  
in Portugal

Nelson, Portugal

During the 2011 census, 553 persons living in Portugal declared themselves stateless.<sup>7</sup> In addition to this, limited official data are available,<sup>8</sup> and none provide a comprehensive overview of the stateless population in Portugal. The stakeholders consulted during the participatory assessment agreed that most of the stateless population originally arrived from or are descended from persons who originated from former Portuguese colonies (Angola, Cape Verde, Guinea Bissau, Mozambique, Sao Tomè and Principe). In many cases, these persons entered Portugal legally with some sort of identity documents, but subsequently found themselves stateless or at risk of statelessness – unable to prove or confirm their nationality.

In other circumstances, statelessness has arisen from the lack of birth registration with the authorities of the former colonies. As a result of the lack of birth registration with the foreign authorities, the affected persons may not be considered as citizens and cannot obtain a passport, a vital document for obtaining a residence permit. As a result, they may find themselves stateless and without residency rights, treated as irregular migrants, even though they were born and lived all their life in Portugal.

Spain established its statelessness determination procedure in 2001, under the authority of the Office for Asylum and Refuge, which is the same authority covering asylum, although the two procedures are entirely separate. Stateless applicants are prevented from working pending the outcome of the procedure, something that, together with the delays in the registration of applications and a lengthy procedure that in some cases can last over two years, is one of the leading sources of frustration among the persons consulted. In addition, they all agreed that the SDP application form is excessively complicated and difficult to fill out. Nevertheless, the form serves as the primary source of information on how the decision on their status will be taken, given that the applicants in practice are not interviewed during the procedure.

Unlike Portugal and Italy, most of the stateless persons living in Spain have a migratory background. There are currently no estimates available of the stateless population living in Spain, but in the time-frame 2001 – 2016, 3,594 persons were formally recognized as stateless, out of 7,070 applications.<sup>9</sup> According to the stakeholders consulted, the vast majority of SDP applicants originate from refugee camps in Algeria or from Western Sahara, while other stateless persons living in Spain mainly originate from the former Soviet Union, the Syrian Arab Republic and China (Tibet).

<sup>7</sup> 2011 census results in Portugal available at: [https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_publicacoes&PUBLICACOESpub\\_boui=73212469&PUBLICACOESmodo=2](https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=73212469&PUBLICACOESmodo=2)  
<sup>8</sup> Mapping Statelessness in Portugal, UNHCR, October 2018, available at: <https://www.refworld.org/docid/5bc602314.html>

<sup>9</sup> "Asylum in numbers", Ministry of Interior of Spain, available at: <http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/extranjeria-y-asilo/asilo-en-cifras>



Zemira, Portugal



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In Italy, stateless persons can make use of two different procedures, one administrative and the other judicial. However, restrictive criteria limiting access to the administrative SDP, and the financial burden and bureaucratic steps associated with the judicial procedure, result in a very limited number of stateless persons being formally recognized. Only after obtaining formal recognition of their status do stateless persons gain effective access to rights and welfare, in addition to the right to be issued identity and travel documents. Otherwise, they do not benefit from international protection and the rights to which they should be entitled. The procedure can be very lengthy. In extreme cases it can last more than a decade, such as in the case of Dari, a young stateless adult living in Italy since childhood, who recounted how it took him almost 13 years to be successful and be recognized as stateless. During this time, he was issued renewa-

ble 6-month residence permits that did not allow him to work, which affected and delayed the chance of applying for naturalization, since he could not initially meet the income requirement.

According to official data, in Italy the stateless population currently numbers 732 recognized persons<sup>10</sup>, but available estimates indicate that some 3,000 to 15,000 stateless persons or persons at risk of statelessness currently live there<sup>11</sup>. Many are members of Roma communities originally from the former Yugoslavia who settled in Italy decades ago. The rest of the stateless population mainly consists of persons originally from the former Soviet Union, the Occupied Palestinian Territories, China (Tibet), Cuba, Eritrea and Ethiopia. Without formal recognition of statelessness, the safeguard against statelessness at birth fails to take effect in practice, contributing to the transmission of statelessness to new generations. This means that

<sup>10</sup> Italian National Institute of Statistics, available at: [dati.istat.it](http://dati.istat.it)  
<sup>11</sup> Raccomandazioni del tavolo di lavoro sull'apolidia, Tavolo Apolidia, October 2017, available at: [https://tavoloapolidia.org/app/uploads/2018/12/Advocacy-Paper-Tavolo-Apolidia\\_def.pdf](https://tavoloapolidia.org/app/uploads/2018/12/Advocacy-Paper-Tavolo-Apolidia_def.pdf)

*I am often told:  
 “It makes no sense;  
 you were born here so  
 why are you stateless?”  
 Everybody thinks that  
 since you were born here  
 then you must  
 be a citizen*

Ramira, a stateless person in Italy

a significant number of these persons were born and raised in Italy, and have never ventured outside its borders, but nevertheless do not have a nationality.

As with most situations of statelessness, a common feature is the very limited availability of data about the statelessness population living in the three Southern European countries where UNHCR conducted the participatory assessments. Understanding the causes of statelessness and its impact, together with the availability of reliable quantitative and qualitative data, is of vital importance for effectively addressing and ending this human rights violation.

## EDUCATION

Access to compulsory education is universal in the three countries visited by UNHCR for this participatory assessment. Stateless persons, even when undocumented, do not face any particular obstacles in enrolling in compulsory education and can usually attend school, but, without documents, they are not allowed to sit for national exams and encounter problems with obtaining certifications or degrees. In some cases, this was resolved thanks to the flexibility of the examining boards and school officials. However, in many cases, they had to forego obtaining proof of their studies, considerably reducing their prospects of pursuing higher education and better employment prospects, resulting in frustration and leading to exclusion.

Marinela was born in Angola and then moved to Portugal with her family when she was 17 months old. Despite repeated attempts, without a birth certificate or other documents she could not confirm her Angolan nationality. As a child, she enrolled in primary education in a Red Cross school in Portugal, but when she was moved to a public school, her academic record was not acknowl-

edged and she had to re-start her schooling path, finding herself behind her peers. This proved demoralizing and she never enrolled in secondary school. Likewise, Nelson, who arrived in Portugal at the age of 6 and had an extremely difficult childhood growing up without a family, is convinced that statelessness had a disproportionate impact on his education. He recalled how after attending primary school he was only able to attend vocational training schools, and that the only certificates he could earn essentially amounted to a recognition of the practical skills he already possessed.

Undocumented stateless persons cannot enrol in a university, and, as a result, they cannot enter qualified professions for which a degree is required. Anton described how he was forced to abandon his university studies as a result of statelessness. He was born in Lebanon and grew up in foster care before moving to Italy to pursue clerical studies, when he suddenly found himself stateless. Despite being an accomplished student with a good academic record up to that point, he recounted how he gradually fell into depression and was ultimately jailed for minor offences. Paradoxically, this allowed him to briefly resume his studies.

Even in cases where stateless persons have been able to obtain recognition of their status or acquire a nationality, they find themselves behind their peers in terms of educational paths, and are often too discouraged to resume studying.

Stateless persons in Spain face a different set of problems, mainly related to the recognition and validation of their studies, given that in most cases they already hold a diploma or even a degree when arriving in Spain. Once in Spain, they can start the procedure to have their studies recognized and, at the same time, apply for the SDP, even though the formal





qualification recognition cannot be issued until their statelessness has been recognized.

The impact of statelessness is not limited to hindering educational opportunities for the persons consulted. It also affects other fundamental activities that are crucial for integration and achieving an individual's potential, such as sports. Marinela's recalled how she had to quit sports at the competitive level because of her lack of identity papers.

### EMPLOYMENT

Undocumented stateless persons, as well as those holding temporary residence permits that do not allow work – such as those issued pending the outcome of the SDP in Italy and Spain – cannot sign a formal employment contract. All the undocumented stateless persons consulted cited their frustration at being restricted to looking for jobs in the informal sector, where they are vulnerable to exploitation and unsafe working conditions, and are often forced to accept subsistence-level wages without the protection of social safety nets. Never having enrolled in the social security system, they are denied the opportunity of accumulating a pension, making them worried about their retirement. In many cases, the persons interviewed had to rely on their family and community networks as the only way to secure an informal job, or had to resort to coping strategies, such as forged or borrowed documents in order to enter the formal labour market. The stateless Roma consulted in Italy also reported an additional obstacle posed by widespread negative prejudices and discrimination.

Federiko, a stateless father of four who was born and raised in Italy, had a criminal conviction and was placed

under the supervision of social services as an alternative to detention. He recounted how this was the only time in his life where he was regularly employed. After having obtained an employment contract of unlimited duration, when the alternative measure ceased, he was fired due to lack of papers and had to seek employment again in the informal sector.

The impact of statelessness on access to employment takes an additional toll in emotional terms on those persons who were performing skilled jobs before finding themselves stateless and without a source of income.

The persons consulted shared how they are constantly frustrated at being prevented from using their knowledge and skills, while encountering increasing difficulty in finding an adequate job in the informal market.

Similarly, highly qualified stateless persons awaiting recognition in Spain are forced to resort to the informal labour market in order to secure a source of income, but are most often unable to land a job consistent with their professional training.

Meimuna, who arrived in Spain 15 years ago and is currently employed as a social worker with an NGO, recalled the huge difference that status recognition played in her professional life. Pending the completion of SDP process, which lasted over two years, she applied for jobs and underwent candidate selection procedures, some with positive outcomes. Nevertheless, she was rejected at the end of the process because the “tarjeta verde”<sup>12</sup> she held would not allow her to work, something that exacerbated her frustration. She now has a job she likes, but, while already feeling Spanish, she is eagerly awaiting acquisition of Spanish nationality and a chance to apply for jobs in the public sector, something allowed only to nationals.

*When you say “stateless”, potential employers rule you out*

Dari, a stateless person in Italy

Even recognized stateless persons may face obstacles in finding formal employment. Some of the persons interviewed who had their statelessness recognized, reported how lack of awareness about statelessness deeply affected their employment prospects. Potential employers were often unfamiliar with this situation and tended to compare it to that of irregular migrants. Dari, who holds a university degree in economics, shared the disappointment he repeatedly felt during job interviews when being repeatedly asked about his status, while skills-related questions were totally ignored.

12 The tarjeta verde [“the green card”] is a residence permit issued in Spain to stateless applicants pending the procedure. Given that the tarjeta verde is issued upon discretion by local Police authorities and there is no homogeneity in the practice, not all the stateless applicants hold one.

*I have been detained and paradoxically while I was in jail I was able to resume studying, and sat for two exams. When I was released, I became invisible again.*

Anton, a stateless person in Italy

### HEALTH

To different extents, access to healthcare – or at least emergency healthcare – is generally guaranteed to everyone, including undocumented stateless persons, in the three Southern European countries visited during the participatory assessment. In some cases, the cost of the services is a barrier as stateless persons often face difficulty in securing a steady and adequate source of income. If they have access to emergency healthcare only, stateless persons usually rely on NGOs for routine healthcare. When this is not available, access to healthcare can be extremely limited, as exemplified in the case of Armando, who arrived in Portugal from Sao Tomé and Príncipe in 1972 holding a Portuguese ID card stating “nationality: Cape Verdean”, but then could not obtain a passport and was left without any proof of his nationality. After being turned away from a hospital in Portugal, he was able to receive assistance thanks solely to the goodwill and support of his landlord. Even where access to routine healthcare is universal, lack of information, especially in the case of persons outside the reach of assistance networks, can result in stateless persons not making use of this opportunity and being excluded from access to health-





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care in practice. This is the case of Anton, who did not know about the possibility of accessing the healthcare system as an undocumented stateless person in Italy, and turned to emergency healthcare for major illnesses, while neglecting less urgent health issues.

### HOUSING AND PROPERTY

Undocumented stateless persons cannot access the formal housing market and sign a rental contract due to the lack of documents, and they are usually excluded from social housing. Deprived of these possibilities, the stateless persons consulted recalled the key role played by their networks of family and friends in finding accommodation or having contracts registered in someone else's name. Only a few were able to find shelter in reception centres run by the local authorities or civil society organizations. Alternatively, they had to turn to the informal housing market, to emergency shelters or illegal squats often in substandard conditions, all solutions with limited security of tenure exposing them to the risk of eviction and homelessness. The stateless Roma consulted in Italy live in Roma-only authorized settlements, where housing units are assigned by the local authorities. After a few attempts, some became convinced that their prospects

of finding housing alternatives and autonomously exiting the Roma-only housing system are nearly impossible because of being undocumented.

According to the testimonies collected, stateless persons, even when documented, may face obstacles when they approach landlords to rent a property, pointing to mistrust and misunderstanding of their condition, such as being confused with irregular migrants, as the main causes for their difficulty in securing housing in the formal private market.

In addition to limiting their housing prospects, statelessness and the lack of documentation hinders access to property rights in general, thwarting all the attempts by undocumented stateless persons to acquire property for which a contract or registration is needed, such as purchasing a car or telephone SIM cards, and opening a bank account. They often have to rely on friends or relatives to complete the documentation in their name, making them liable to the risks inherent in this practice, including criminal prosecution.

Even after having successfully completed the SDP process, stateless persons can still face obstacles in accessing housing and property. This is mainly due to

mistrust and a pervasive lack of information about statelessness, meaning that stateless persons often have to explain what their condition means and its consequences, something that for some of them can be stressful and traumatic.



Armando, Portugal

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Marinela, Portugal

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### FAMILY LIFE

Statelessness can prevent families from being established, and can be a disruptive factor in maintaining family unity. Having to deal with the hardships and obstacles posed by statelessness and the efforts it demands in order to access fundamental rights proved too much for some of the persons interviewed, who gave up on the desire to build a family.

*I cannot plan my life, build a family*

Josemar, a stateless person in Portugal

The undocumented stateless persons who managed to build a family have had to settle for not having it formally recognized, since without papers and other relevant documentation – often unavailable to them – their marriage cannot be registered. While in principle, they can recognize their children even when undocumented, depending on the circumstances, they may have to rely on the presence of witnesses or face other bureaucratic hurdles to do so. Despite





*I start already at fault,  
whatever  
I do I am not regular*

Anton, a stateless person in Italy

safeguards against statelessness being in place in all the three Southern European countries visited, they do not always ensure that a child born to stateless parents acquires a nationality, such as when the parents lack formal recognition of their statelessness status. In Italy, children of undocumented stateless persons are issued a birth certificate by the Italian civil registrar. They hold nothing that would prove or confirm their nationality and they cannot benefit from the safeguards against statelessness at birth because their parents are not formally recognized as stateless.

Such children may acquire Italian citizenship at the age of 18<sup>13</sup>, but have to spend their entire childhood as stateless persons. Ned and Ramira, both young stateless adults of Roma background born and raised in Italy, could not even acquire nationality making use of this provision. Neither Ned nor his parents were aware of this possibility, while Ramira could not prove her uninterrupted residency in Italy (one of the requirements needed to benefit from the provision), despite having never been abroad.

13 Article 4(2) of the Italian nationality law (Law 91 of 5 February 1992 – New norms on citizenship) provides for naturalization at the age of 18 upon declaration for persons born in Italy who resided in the country without interruption. Text available at: <https://tavoloapolidia.org/app/uploads/2019/04/Legge-91-1992-Nuove-norme-sulla-cittadinanza.pdf>

Similarly, in Portugal, children of undocumented stateless persons who could not acquire a nationality at birth through the existing safeguards may seek naturalization by making use of the different paths provided for by law. This is the case of Marinela, whose four children all managed to acquire Portuguese nationality. Unfortunately, this has not been sufficient to allow her to obtain a residence permit, and she continues to live undocumented and considered as an irregular migrant.

*I hope my children won't  
face my same problem*

Federiko, a stateless person in Italy

Even in cases where a stateless status is granted, it can be difficult to exercise the right to marry. Ramira and her partner had already planned and booked everything when a public official from the City hall of Rome refused to announce the banns of marriage despite the fact that they had submitted all the paperwork and her travel document. The official was unfamiliar with the meaning of statelessness and how to proceed. It was thanks to the intervention of a lawyer friend of Ramira that they were able to go ahead, but Ramira and her partner had to postpone their wedding by one month.

*When I see the police,  
I change route in order  
not to attract their  
attention.*

Armando, a stateless person in Portugal

### **FREEDOM OF MOVEMENT**

Undocumented stateless persons lacking a residence permit are constantly exposed to the risk of detention and expulsion, something that deeply affects their freedom of movement. They often have to limit their movements as much as possible – even within their own city – out of fear of encountering stops and checks that could result in an expulsion order or in administrative detention.

*I live in constant fear  
of the police. I am afraid  
they will send me to a  
country where I have  
nothing, with which  
I have no ties.*

Marinela, a stateless person in Portugal

All the persons consulted reported how they are in constant fear whenever they move or travel. In many cases, this fear is substantiated by personal experience, such as being escorted to the police station and being held for prolonged time in custody, being issued

an order to appear in front of the border authorities or being detained pending an expulsion order. When this occurs, undocumented stateless persons are usually released eventually due to absence of repatriation prospects, as happened to Federiko in Italy – who was born and raised there.

*I don't go out much  
because I fear that I  
could end up in a Centre  
for Identification and  
Expulsion*

Anton, a stateless person in Italy

Even in the two countries with established SDPs – Italy and Spain – stateless applicants do not always feel secure to move around and travel. In some cases, they are not protected against detention and expulsion pending the procedure, mainly due to delays in the registration of applications and the consequent issuance of identity documents or to incoherent practices in issuance of residence permits.

*It [statelessness] ruined  
my life, my professional  
career, the possibility to  
have children.*

Josemar, a stateless person in Portugal





*All my life I lived without a mother, a father, or a document*  
 Nelson, a stateless person in Portugal

© Jose Manuel Ribera/UNHCR

Nelson, Portugal

*I always have this fear of moving around without any documents. They [the police] don't know what statelessness is and I am always fearful of being detained. Even if I have a copy of the statelessness application form on me, I am afraid to travel to other regions in Spain*

Mohamed, a stateless person in Spain

Forced to limit their movements even within their own city, travelling abroad is something about which many stateless persons can only dream. The paradox of being prevented from travelling and stepping outside the borders of a country where her stay is considered irregular, despite being the only place she can call home, is the main cause of most of Marinela's suffering. Mei-

muna could not hide her sadness when she recalled how, prior to status recognition as a stateless person, she could not attend an international film festival in order to receive the best actress award she had won for her acting role in a 2011 Spanish film.

Even when in possession of a valid travel document, the persons consulted shared the same disappointment at being repeatedly and extensively questioned about their status and their papers when travelling. In many cases, the authorities who stopped them were not aware of the existence of travel documents for stateless persons. They also reported various difficulties in travelling abroad due to complications, lengthy visa issuance procedures and the limited information about statelessness and stateless travel documents among immigration authorities, resulting in repeated questioning and protracted waiting time upon entry/exit.

## CONCLUSIONS

The three Southern European countries visited by UNHCR during this participatory assessment are at the forefront of efforts to end statelessness. All three have acceded to the two Statelessness Conventions, established safeguards against statelessness in their nationality laws and, in the cases of Spain and Italy, are among the few countries to have established a dedicated statelessness determination procedure. Despite this, the various testimonies collected confirm that statelessness still takes an extremely high toll on stateless persons in terms of access to fundamental rights. Undocumented stateless persons face a protection gap that exacerbates their vulnerabilities and results in limited access to a range of human rights, affecting almost every aspect of their life. Obstacles standing in the way of higher education inevitably hin-

der future employment prospects and even when qualified, undocumented stateless persons struggle to find a job matching their skills, often being confined to the informal labour market. Lacking an adequate income, having no possibility of accessing the housing market, being in constant fear of moving around and knowing that one's children may also be condemned to statelessness can pose a powerful deterrent to the desire to start a family. When having to deal with this condition, making a positive contribution to society and achieving a one's own full potential can become an epic feat. Tragically, when the safeguards against statelessness at birth fail to take effect in practice, statelessness is passed on to the new generations, fuelling a cycle of invisibility, poverty and marginalization.



*At the bank, I told them I am stateless. They started looking for a country called 'Stateless' in the list of available countries and did not find anything. So they asked me: What shall we do?*

Meimuna, a stateless person in Spain

Even when recognized and documented, stateless persons are likely to constantly face barriers in benefitting from the rights to which they are entitled. A common thread that emerged in all the testimonies gathered is that a general lack of understanding and information about statelessness at all levels further worsens its impact. This has been repeatedly confirmed by the stateless persons interviewed, who are convinced that their condition is made worse by this pervasive lack of information and awareness about statelessness, which involves institutions, the legal profession and legal operators, law enforcement agencies, the general public and even the stateless persons themselves.

*When you say 'stateless', they think you are a terrorist or an illegal migrant*

Dari, a stateless person in Italy

Stateless persons consulted in the participatory assessment reported that information about statelessness and how to deal with it is not available and that in many instances, when trying to access services or getting documents issued, they were provided with inconsistent, confusing and misleading information. They also

*With recognition of my status as stateless, I finally felt like a person. It instils the determination to start over, but in any case, you have to continuously tell your entire story*

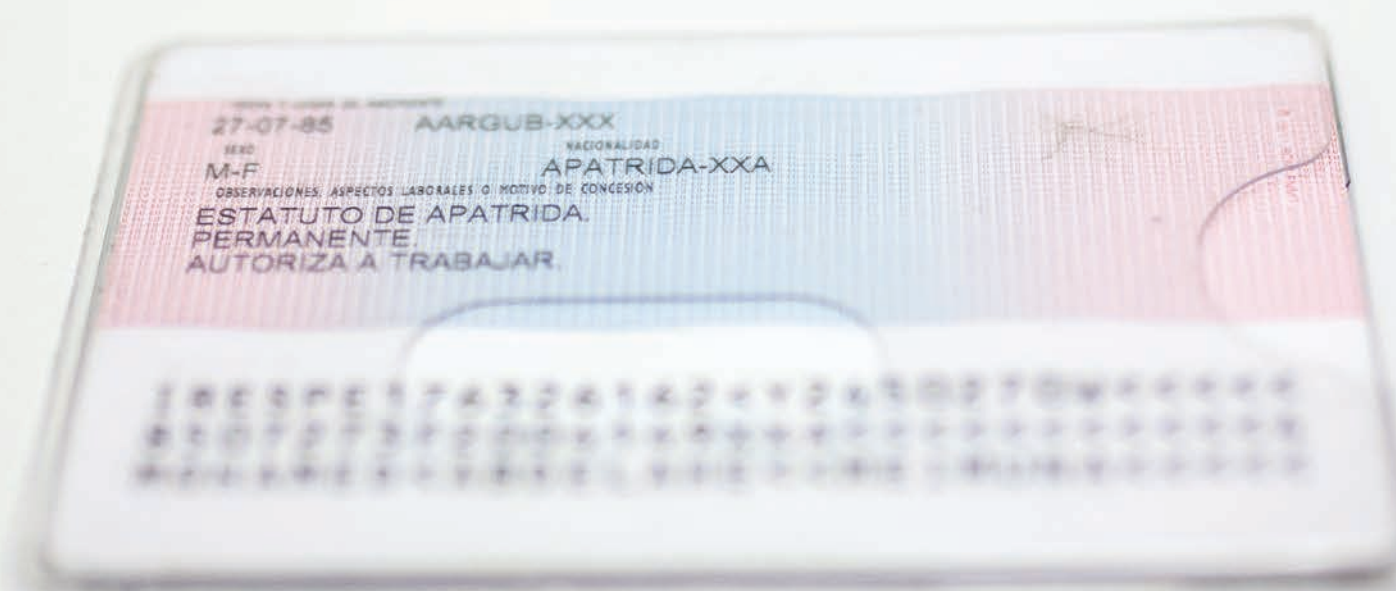
Nyima, a former stateless person in Italy

*Every time you have to explain what it means to be stateless or what statelessness is, you have to return to a place you don't want to return to*

Ahmed, a stateless person in Spain

*Now [following recognition of statelessness] I can think about my future and it is very exciting!*

Ramira, a stateless person in Italy



*I remember the day when I received a positive decision about my statelessness application. I didn't know what to do or how to feel. I didn't know if I should cry or laugh or feel angry. I didn't know what to feel, but for sure I felt relieved*

Meimuna, a stateless person in Spain



faced requirements that were intrinsically impossible to meet due to their status, agreeing that they “would have been lost” without assistance from activists and civil society organizations. They have to repeatedly explain their condition and tell their story, which can lead to frustration and painful situations, as they have to relive episodes they may prefer not to recall.

The testimonies gathered show how the impact of statelessness can be devastating, especially on those persons who have not yet had their status formally recognized. While not being the ultimate goal and solution, the recognition of statelessness

The persons consulted who successfully obtained formal recognition of their statelessness status stressed how, while considering it a “step forward” and not the goal, it gave them hope and paved the way for a number of positive changes in their lives. They were able to stop feeling “on hold”, look for a formal job, and reclaim their sense of power to determine their own future and to feel safer.

Finally, as Dari says, “only when you have a nationality are you a free person” and you can definitely relegate statelessness to the past. Access to a nationality is the ultimate solution to statelessness. A genuine

*Statelessness status recognition allows you to start hoping again, but it is a step, it is in any case still a situation that poses many limitations; only when you have a nationality are you a free person*

Dari, a stateless person in Italy

and the grant of a status thereto is an important and fundamental step in the process of acquiring protection and access to rights. Reforming or improving the current framework and establishing fair, accessible, transparent and efficient statelessness status determination procedures which adhere to all the procedural safeguards provided by international standards would allow thousands of persons to emerge from invisibility and to substantially mitigate the impact of statelessness on their lives.

commitment to this goal would entail facilitating access to naturalization as far as possible and urgently addressing long-term situations of statelessness, which often involve persons born and raised in the only country they have ever called home.

To achieve this, UNHCR urges States in Southern Europe to take the following steps, in line with Actions 2, 6 and 10 of UNHCR’s Global Action Plan to End Statelessness:

*I have often this feeling that when dealing with stateless persons, they make simple things unnecessarily complicated*

Anton, a stateless person in Italy

- Ensure that existing legal safeguards against statelessness at birth are effectively implemented to allow children to gain the nationality of the country in which they were born if they would otherwise be stateless.

- Improve the identification and protection of stateless populations and establish fair, accessible, transparent and efficient statelessness determination procedures, which lead to a legal status that permits residence and guarantees the enjoyment of basic human rights, and facilitate naturalization for stateless persons.

- Improve national quantitative and qualitative data on stateless persons and those with undetermined nationality, including: an assessment of the scale of the situation in terms of magnitude and geographical spread; the profile of the affected population; an analysis of the causes and impacts of statelessness; and an overview of obstacles to and potential for solutions.

- Increase awareness and promote information sharing on statelessness among government departments, public officials, judges, lawyers and the public.



Dari, Italy



