

Since its launch in 2014, UNHCR has aimed to end statelessness in 10 years through the #IBelong Campaign. Today, we are a mere three years away from our deadline to achieve this goal.

In this interview, we are joined by Mai Kaneko, Senior Legal Associate at UNHCR Japan, to discuss what statelessness is about, how we can end statelessness, and what is required of the international community as part of such efforts.

► To learn more about statelessness, see [here](#).

Interview by Deanna Bitetti, Senior Communications Officer (at the time of interview), UNHCR

Q. What is statelessness?

We often take for granted the fact that each one of us is a national of a country. The right to nationality is a fundamental right; there are millions of people, however, who are not recognized as nationals of any country – without birth certificates, passports, or other legal identity documents. It is reported that there are at least 4.2 million stateless people and persons of undetermined nationality worldwide, but the actual figure is likely much higher.

Statelessness is caused by various situations—such as when there are gaps in nationality laws, when countries break up or newly formed, or when somebody loses or is deprived of nationality. Without a legal bond to a country, stateless people are often unable to enjoy basic human rights; many are not allowed to go to school, see a doctor, get a job, open a bank account, buy a house or get married, and can even be detained.

There are [two Conventions](#) dedicated to address statelessness: [the 1954 Convention relating to the Status of Stateless Persons](#), and the [1961 Convention on the Reduction of Statelessness](#).

According to the 1954 Convention, a stateless person is a person “who is not considered as a national by any State under the operation of its law.” This is considered a customary international law which is binding for non-State parties, including Japan.

Q. How are the UN Sustainable Development Goals (SDGs) relevant to statelessness?

To achieve the SDGs and “leave no one behind”, resolving challenges related to statelessness is of paramount importance. (For more on UNHCR’s work with the SDGs, see [here](#).)

For example, SDG 4 commits to quality education for all. Stateless children face significant challenges in accessing education and/or continuing schooling till graduation because of their lack of access to a nationality and to proper documentation. As such, immediate action on statelessness is required to achieve Goal 4.

One of the targets for SDG 16 “peace, justice and strong institutions,” aims to provide legal identity for all, including birth registration. Birth certificates prove who your parents are and where you were born, which are crucial to assert your right to a nationality. Thus, ensuring everybody is registered at birth is important to prevent statelessness.

Q. What are some of the initiatives to end statelessness globally?

Since the launch of UNHCR's #IBelong Campaign in 2014 some 400,000 people in 27 countries are known to have acquired nationality or have had their nationality confirmed. 12 States have introduced procedures to facilitate the naturalization of stateless migrants, and 14 States reformed their nationality laws to grant nationality to children born in their territory who would otherwise be stateless.

Further, between 2010 till today (November 2021), the number of State parties to the 1954 Convention has increased drastically from 65 to 96, and that of the 1961 Convention from 33 to 77. The Kyrgyz Republic became a leading example of how statelessness can be eradicated by bringing the number of stateless people in the country from over 13,000 to zero in just five years in 2019. This demonstrated that statelessness must end but that it can indeed end.

Q. Could you give a brief overview of how statelessness determination procedures are key to ending statelessness?

The system is meant to identify and formally recognize persons who are currently stateless. Normally, after a stateless person submits an application, he/she sits through a personal interview. If the application is recognized by the authorities, he/she can be issued a certificate of statelessness and a residency permit with working rights entailing a pathway to integration.

Some States have legal provisions to facilitate naturalization of stateless persons so recognition as stateless persons can lead to ending statelessness. In addition, if a given State has a nationality law provision that grants nationality to children born to stateless parents within its territory, the parents' official recognition as stateless would allow the child to access nationality more easily. Japan is one example of a country with such a provision in its nationality law.

As of October 2021, there are at least 27 States that have dedicated statelessness determination procedures (Argentina, Brazil, Bulgaria, Colombia, Chile, Costa Rica, Côte d'Ivoire, Ecuador, France, Georgia, Hungary, Iceland, Italy, Kazakhstan, Kosovo, Latvia, Mexico, Moldova, Montenegro, Panama, Paraguay, Philippines, Spain, Turkey, Ukraine, United Kingdom, Uruguay). While the establishment of a statelessness determination procedure is much needed to safeguard the rights outlined in the 1954 Convention, some States such as Moldova, Kosovo, and Kazakhstan, which are not parties to the 1954 Convention have established procedures to protect the rights of stateless persons.

Q. Are there stateless people in Japan?

As of June 2020, the Immigration Services Agency of Japan (ISA) had 645 persons registered as stateless. However, this number only covers those with residency permits and is not based on a formal examination of nationality status. Therefore, there is a possibility that this number may include persons who actually have a nationality or exclude others who are unaware of being stateless and/or do not have residency status.

According to research conducted by the Study Group on Statelessness in Japan (composed of statelessness researchers and legal practitioners) in the report *Typology of Stateless Persons in Japan (2017)* *, among stateless persons and persons of undetermined nationality in Japan there are "conflict of law" cases (e.g. persons born in Japan to parents whose countries of nationality adopt a strict jus soli principle), children whose parents are unknown, Rohingyas from Myanmar, and persons with a history of

repeated migration or displacement often spanning generations such as among descendants of Indochinese refugees, although the list is not exhaustive.

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Q. Are there any procedures that recognize stateless persons or grant nationality in Japan?

The Japanese legal system does not provide a definition of statelessness, nor does a dedicated statelessness determination system aimed at protecting stateless persons by recognizing their status currently exist per se. However, there have been several very positive developments in Japan in recent years.

In July of this year, the Ministry of Justice announced the results of their the first-ever survey conducted on the nationality status of children born in Japan and registered as stateless with the Immigration Services Agency (ISA) between 2016 and 2020. The ISA has also announced its commitment to several actions including conducting regular data analysis and providing consultation services to children registered as stateless on their residence cards or who have a specific nationality listed but are in fact stateless. The Minister of Justice at the time also drew a very important parallel between statelessness and persons lacking a Japanese family register (*mukoseki*), an issue which Japan has been working to address. This news was featured in the October 2021 edition of the [#IBelong newsletter](#).

In February of this year, six Japanese political parties submitted a bill to the Diet which included a statelessness determination procedure and covered topics such as reception conditions during the application process and integration support. While the bill was not adopted, we believe the fact that a proposal was made to the Diet with the aim of protecting stateless persons is a significant development. This news was also featured in the April 2021 edition of the [#IBelong newsletter](#).

Currently, the Japanese law has provisions to address statelessness. For example, Nationality Act Article 2(iii) grants nationality to children born in Japan of unknown or stateless parents, and Article 8(iv) facilitates the naturalization of stateless persons born in Japan.

In addition, the abovementioned *Typology of Stateless Persons in Japan (2017)* reports that the government has granted in some instances special permission for residency to stateless persons or persons of undetermined nationality to stay in Japan under the Immigration Control and Refugee Recognition Act. Undocumented migrants are also allowed access to birth registration in Japan, which is an extremely important element to preventing statelessness. As mentioned above, in some aspects, Japanese law and legal precedents are exemplary especially among States in Asia.

Q. 2021 marks the 60th anniversary of the 1961 Convention on the Reduction of Statelessness. Is Japan a signatory to the 1954 and 1961 Statelessness Conventions?

Japan is not a signatory to the 1954 and 1961 Statelessness Conventions. The 1954 and 1961 Conventions remain the only international treaties that are specifically designed to respond to the special situations surrounding statelessness, and Japan's accession will solidify its commitment to address them. In UNHCR's view, no major amendments to domestic law are necessary for Japan to accede.

Particularly significant is that the 1954 Convention provides for identity papers and travel documents for stateless persons, which can help Japan ensure the right to legal identity under SDG 16. Reflecting the 1954 Convention’s definition of a stateless person in Japanese law and establishing a statelessness determination procedure will contribute to ensuring improved protection of stateless persons and a more systematic application of the provisions of Japanese nationality law. Accurately identifying stateless persons, identifying durable solutions to their situation, and ensuring integration (including naturalization), also contribute to ensuring both human and State security.

In 2018, Japan has responded positively towards the recommendation made in the context of the UN Human Rights Council to consider acceding to the two Statelessness Conventions. In 2019, during the High-Level Segment on Statelessness (HLS), the Government of Japan made a public statement acknowledging statelessness as “an issue of great concern to us all” and expressed its support to UNHCR’s work in this regard.

While there has been a significant increase in the number of new accessions to the two Statelessness Conventions in the last few years, the number of state parties in the Asia Pacific region remains notably small (6 State parties to the 1954 Convention: Australia, Fiji, Kiribati, Philippines, South Korea, Turkmenistan; 4 States parties to the 1961 Convention: Australia, Kiribati, New Zealand, Turkmenistan). The need to address statelessness is also emphasized by the [Global Compact on Refugees \(GCR\)](#) and the Global Compact on Migration (GCM), which are both endorsed by the Japanese government.

Accession to the Statelessness Conventions will send a strong message of Japan’s commitment to address statelessness globally, and such action would provide great stimuli to countries in Asia and the wider international community. At UNHCR, we look forward to working with the Japanese government, not only in its consideration to join the Statelessness Conventions, but also in its efforts to further address the issue of statelessness by providing technical and other assistance.

Q. What can we do to end statelessness?

Statelessness can end by simply adjusting laws and practices. It is a global issue with a clear solution.

Everyone should be able to say #IBelong, enjoy fundamental rights, and have a country to call home. Let’s end this injustice by learning more about statelessness and using our voices and platforms to call for a world where everyone belongs.

Join the [#IBelong campaign](#) and add your name to a growing chorus of voices around the world demanding an end to statelessness.

Mai Kaneko, Senior Legal Associate, UNHCR Japan

Starting in 2004, she has worked for UNHCR primarily in Japan, but also in other countries such as Pakistan and Lebanon. Mai studied international human rights law at the School of International and Public Affairs at Columbia University where she obtained her Master’s degree in 2004. She was awarded a Ph.D. (Law) from Maastricht University in 2020 for her research on nationality law and international statelessness law. She has also published as a researcher including the book on the prevention of statelessness among children whose parents are unknown, entitled *Nationality of Foundlings* (Springer 2021).