



# INDIA

## TOGETHER WE CAN

### THE COVID-19 IMPACT ON STATELESS PEOPLE & A ROADMAP FOR CHANGE

## INTRODUCTION

The COVID-19 pandemic and state responses to it have had a significant negative impact on the lives, wellbeing, and rights of the approximately 15 million stateless people around the world who have been denied a nationality, as well as tens of millions whose nationality is at risk. Globally, the devastating impacts of exclusion and denial of fundamental rights, including healthcare, during the pandemic relate to much deeper structural problems – the historic and systemic exclusion, deprivation and marginalisation of communities that have been made stateless as part of wider discriminatory political acts, or pursuant to dominant, discriminatory ideologies. COVID-19 has shone a light on these challenges and also presents a unique opportunity to raise visibility, address the structural causes of statelessness, and secure lasting change, through working directly with stateless people and being accountable to them. The same is true for **India**, where the pandemic has further brought to light the acute human rights deprivations endured by Muslims and Hindus of Bengali decent residing in Assam, and stateless Rohingya refugees alike.

discrimination and exclusion of stateless people, during times of COVID-19 and beyond.

The **Together We Can** global report is grounded in the experiences and expertise of Consortium members drawing on a mix of desk research and findings from research-based action advocacy projects being implemented by CESF consortium members in 13 countries. In addition to documenting challenges, the report identifies emerging positive practice and concrete examples from the CESF project countries. It also draws on information from other countries, solicited through an open call for information which ISI shared with partners, regular tracking of news and information on COVID-19 and statelessness by the ISI team, as published in ISI Monthly Bulletins,<sup>3</sup> interviews and conversations with relevant partners, and dedicated desk-based research conducted for this report. All desk research reflects public information available at the time of writing. While we have made efforts to verify the ongoing nature of practices identified, this was not always possible, and we welcome any updates or corrections from relevant stakeholders. All information is up to date as of 25 May 2021.

**INJUSTICE, INEQUALITY, AND EXCLUSION DRIVE AND PERPETUATE THE MARGINALISATION OF VULNERABLE AND STIGMATISED POPULATIONS, INCLUDING STATELESS COMMUNITIES. THESE FACTORS HAVE LED TO DEVASTATING CONSEQUENCES DURING THE COVID-19 PANDEMIC, AS STATELESS PEOPLE, THE MAJORITY OF WHOM LIVE IN POVERTY, ARE FORCED TO WORK IN UNSAFE ENVIRONMENTS WITHOUT ACCESS TO HEALTH CARE, TESTING OR VACCINES. ALL OF US IN THE PUBLIC HEALTH AND HUMAN RIGHTS COMMUNITY HAVE A DUTY TO PROTECT THE RIGHT TO HEALTH CARE FOR ALL POPULATIONS, IRRESPECTIVE OF THEIR CITIZENSHIP OR IMMIGRATION STATUS. THUS, IT IS CRUCIAL THAT WE UNDERSTAND AND RESPOND TO THE WAYS IN WHICH THE PANDEMIC HAS AGGRAVATED THE ALREADY GRAVE STATELESSNESS CRISIS. THIS REPORT AND ROADMAP PROVIDE AN EXCELLENT GUIDE TO MORE INCLUSIVE APPROACHES TO ADDRESSING THE CRISIS INCUMBENT ON MULTIPLE STAKEHOLDERS, AND THEY ARE AN IMPORTANT STARTING POINT FOR ALL HEALTH AND HUMAN RIGHTS ACTORS DEDICATED TO AN EQUITABLE, INCLUSIVE, AND EFFECTIVE RESPONSE TO THE PANDEMIC.**



This publication is an extract of the global report, **Together We Can: The COVID-19 Impact on Stateless People & a Roadmap for Change**,<sup>1</sup> published in June 2021 by the COVID-19 Emergency Statelessness Fund (CESF) Consortium,<sup>2</sup>

a global consortium of NGOs and citizenship rights activists, initiated by the Institute on Statelessness and Inclusion (ISI) in June 2020 to respond to the impact of COVID-19 on stateless populations. It focuses on the situation in **India**, by presenting the India chapter of the global report, along with the **key thematic findings** and a practical 3-step **Roadmap for Change**, which provides a framework for resolving and addressing the structural

#### ACRONYMS

*CESF* – COVID-19 Emergency Statelessness Fund

*CHT* – Chittagong Hill Tract

*COVID-19* – Corona Virus Disease 2019

*DAJI* – Development and Justice Initiative

*FT* – Foreigner Tribunal

*NRC* – National Registration of Citizens

*PPE* – Personal Protective Equipment

*RNCN* – Right to Nationality and Citizenship Network

*UNHCR* – United Nations High Commissioner for Refugees

*UNICEF* – United Nations Children's Fund

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There is a crisis of statelessness in Assam, India. In August 2019, 1.9 million people were deemed 'non-citizens' and deprived of their nationality following the arbitrary and highly **discriminatory** NRC<sup>5</sup> which sought to remove the names of alleged undocumented migrants from the voters list and update the National Registry of Citizens, predominantly targeting Muslims and Hindus of Bengali ethnicity.<sup>6</sup> There has further been a significant rise in racist and Islamophobic sentiment exacerbated by the pandemic.<sup>7</sup>

Those excluded can appeal to quasi-judicial bodies or foreigner tribunals, tasked with determining the nationality of those with disputed citizenship<sup>8</sup> and have the ultimate power to declare a person a 'foreigner'. As of December 2019, more than 110,000 individuals had been declared foreigners and more than 1000 arbitrarily detained.<sup>9</sup> There are other cases of statelessness in India including the long-standing situation of the Chakma and Hajong communities who arrived in India as refugees from the CHT of Bangladesh in the 1960s. These communities have few resources and have been affected by the loss of employment due to the pandemic. It was only with intervention of highest authorities that the local administration included them in COVID-19 response, and they were given access to food.<sup>10</sup> There are also many Rohingya who have sought refuge in India after fleeing persecution in Myanmar.<sup>11</sup>

Stateless persons in India's Assam tend to live in poverty, in remote areas such as riverbanks and islands. Social distancing is difficult which increases the risk of exposure to COVID-19, putting an already vulnerable population at further risk. In Assam, most of those excluded from the NRC live in poverty and have been neglected and excluded from COVID-19 state relief and recovery efforts. By mid-April 2021, the second wave in India was reporting more than 300,000 cases everyday - the highest number of daily cases reported by any country. As of 25 May 2021, there have been a total of 27,157,795 cases and 311,421 deaths.<sup>12</sup>

## **RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS**

The NRC process has had devastating impacts on those living in Assam. After publishing the results of the NRC, the process has been put on hold. The government had announced that the NRC excluded can appeal their exclusion at the FTs, but this process has not yet started even after 22 months, leaving the 1.9 million excluded in a state of limbo, with no forum for appeal. Further, access to legal aid has also been disrupted due to the pandemic as the FTs stopped functioning from April-June 2020. However, from July onwards the FTs began sending notices to register new cases and re-action pending cases. During the second wave of April 2021, the FTs have also continued to issue notices. The combined consequences of COVID-19 with the requirement to appear before the FTs and the associated financial costs of this has resulted in huge difficulties for declared foreigners.

## **RIGHT TO HEALTH**

Access to vital public healthcare services have been hindered by movement restrictions and lack of documentation. Private healthcare services are inaccessible due to high costs and government hospitals which are farther from communities, are harder to access. Those declared 'foreigners' by the FTs in Assam, have limited access to healthcare, and the resources it takes to fight their cases in court means less ability to afford healthcare. Access to PPE is not possible for all,<sup>13</sup> and the stateless often avoid seeking medical attention from government hospitals or clinics for fear of contact with the authorities. The vaccination programme was rolled out in mid-January 2021. Initially, India used domestically produced vaccines but as the second wave hit the country there was an acute shortage and the government started importing vaccines. By 25 April, India provided more than 139 million persons with at least one dose of the vaccine. This amounts to 10% of the population, one of the lowest rates of vaccination distribution in the world.<sup>14</sup> To receive the vaccine, individuals must show their Aadhar ID card which is a barrier for refugees and stateless persons who often do not have these documents. Further, the stateless and those declared foreigners have also not been explicitly included in India's vaccination plan.

## **SOCIO-ECONOMIC RIGHTS**

**Exclusion from Emergency Relief:** The stateless in India have not received economic relief packages provided by the government for a number of reasons including not having a bank account or proof of citizenship. COVID-19 has intensified the challenges faced by those arbitrarily denied their right to citizenship through the NRC process and those declared foreigners by the FTs. While the Indian government created welfare packages for struggling low-income earners, farmers, the homeless and migrant workers, none of these initiatives apply to declared foreigners. Once a person is categorized as a 'declared foreigner' their ration cards are cancelled.

**Lost Livelihoods:** The pandemic induced lockdown and the subsequent economic crisis has severely impacted the livelihoods of stateless persons. The disenfranchised of Assam tend to work in the informal sector, but during the lockdowns, access to these types of employment has been severely restricted. Those who sell goods in markets for example were no longer able to trade resulting in the total loss of their income.<sup>15</sup>

## **CIVIL AND POLITICAL RIGHTS**

**Arbitrary Detention:** In order to curb the rapid spread of COVID-19 and prevent overcrowding in jails the Supreme Court<sup>16</sup> ordered the release of certain class of prisoners. In Assam through another order the Court ordered that those declared foreigners who had already completed two years of detention be released on bond, with weekly reporting requirements at the nearest police station.<sup>17</sup> Mandatory reporting

THIS CHAPTER LOOKS MORE CLOSELY AT **RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS; RIGHT TO HEALTH; SOCIO-ECONOMIC RIGHTS; CIVIL AND POLITICAL RIGHTS,**<sup>4</sup> AND MAKES THE FOLLOWING **CALL TO ACTION** TO THE GOVERNMENT AND OTHER RELEVANT STAKEHOLDERS:

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**ENSURE FREE AND EQUAL ACCESS TO COVID-19 VACCINATIONS TO ALL PEOPLE ON THE TERRITORY, INCLUDING STATELESS PEOPLE AND REFUGEES, WITHOUT REQUIRING A NATIONAL ID CARD.**

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**IDENTIFY AND REACH STATELESS PEOPLE AND OTHER VULNERABLE AND OVERLOOKED GROUPS, THROUGH ALL STATE AND HUMANITARIAN RESPONSES TO COVID-19, TO PROVIDE THEM WITH CRITICAL INFORMATION, HEALTHCARE AND RELIEF.**

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**IMMEDIATELY STOP THE NATIONAL REGISTRATION OF CITIZENS PROCESS, THE DETENTION OF THOSE DECLARED 'FOREIGNERS', BURDENSOME POLICE REPORTING PROCEDURES FOR RELEASED DETAINEES AND TAKE STEPS TO REMOVE BARRIERS TO THEIR INCLUSION IN SOCIAL WELFARE AND RELIEF PROGRAMMES.**

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**IMMEDIATELY CEASE EFFORTS TO DEPORT REFUGEES AND STATELESS PEOPLE.**

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**UN AGENCIES SHOULD QUESTION AND RESPOND TO HARMFUL AND DISCRIMINATORY PRACTICES WHICH VIOLATE HUMAN RIGHTS AND INCREASE THE RISK OF STATELESSNESS FOR CERTAIN GROUPS.**

to police stations from remote areas without transport facilities and loss of livelihoods has placed severe hardship on stateless people, exacerbated by government mandated restrictions on movement. Many released detainees found themselves having to walk long distances to report to police stations as per their bail terms which were not relaxed even during the lockdown. Stateless persons who are not yet identified by the Border Police live in constant fear of arrest and even though there are no formal restrictions, there is a fear of migrating for work in case of apprehension, detention or harassment by the police and vigilante groups, particularly if they have to migrate beyond Assam into neighbouring states. Those still in detention live in inhumane living conditions with inadequate medical facilities.

**“Despite the raging pandemic, the Assam Border Police Organisation continue to send persons declared as foreigners and at risk of statelessness to detention centres. The Supreme Court has acknowledged the risk detention centres pose to the spreads of the deadly COVID-19, so why is there still this pressing need to detain declared foreigners? There should be a complete ban on detention during the pandemic.”**

*Lawyer specialising in legal support to people at risk of statelessness in Assam, Aman Wadud*

**“I still live in the fear of being taken back to the detention camp. We have suffered a lot in these last 12 years and our struggle just got worse with the pandemic. I do not know how to rebuild my life now.”<sup>18</sup>**

**Case Study:** *Maijaan Nessa, 38, belongs to Assamese Muslim ethnicity. She is married to Momresh Al, a Bengali Muslim from the Barpeta District of Assam. She was marked as a doubtful voter and eventually had to appear before a FT which declared her a ‘foreigner’ in 2015. She was called to the police station to give her thumb print so that the case would be dismissed but instead was arrested and detained without any prior notice and without being allowed to inform her family. She was detained in Kokrajhar Detention Camp for four years and ten months.*

*Maijaan has three daughters and two sons. Her eldest son was 18 years at the time of her detention and unable to deal with the stress of his mother’s detention, the trauma of which led to his untimely death. Her other children were minors at the time. She and her husband are illiterate and from very poor socio-economic background. Her husband works odd jobs including as a rikshaw-puller, carpenter and daily wage worker. Fighting Maijaan’s legal battle has been traumatic and financially devastating for the family.*

**“My husband and my children even begged and borrowed for my sake to pay for our legal cases in the High Court and Supreme Court. It is not fair for us to go through this hardship. I am still seen as an illegal Bangladeshi by people in my village and this has affected not just me but my whole family.”**

*Maijaan was released from detention after the Supreme Court ordered the release of those who have been detained for two or more years. She must now report to the police station every week. Her husband migrates for work, but she cannot go with him because of this reporting requirement. This has significantly impacted her livelihood, placing the family in a very precarious situation as they have to repay the loan they took to fight her legal case.*

#### **STATELESSNESS AND THE RIGHT TO NATIONALITY IN INDIA**

The 1949 Constitution of India<sup>19</sup> (rev. 2016) and the Citizenship Act 1955<sup>20</sup> (last amended 2019) set the rules for citizenship in India. According to the Citizenship Act, there are five ways of acquiring Indian Citizenship: birth, descent, registration, naturalisation and the incorporation of territories.<sup>21</sup> In 1986 the Citizenship Act was amended stating that a child born in India can only get Indian citizenship if at least one parent is an Indian citizen and the other is not an ‘illegal migrant’. Another amendment made in 2003 stated that a child born in India was eligible for citizenship acquisition only if both parents were Indian citizens at the time of the child’s birth. In 2003 the Act was amended again in Section 3(1)(b) stating that persons born after 1 July 1987 in India shall be a citizen if either parent is an Indian citizen. This does not however provide safeguards against statelessness for

individuals born after 1 July 1987 to non-citizen parents.<sup>22</sup> Indian law also does not provide extra safeguards against new cases of childhood statelessness in such situations.

Another risk of statelessness is posed by Section 5 of the Citizenship Act. This provision provides for individuals without citizenship who are residing in India to acquire citizenship by registration if certain criteria are met.<sup>23</sup> However, this provision excludes those deemed as ‘illegal migrants’.<sup>24</sup> As a consequence, many residents without citizenship remain at risk of statelessness. In 2019, the government passed the contested Citizenship (Amendment) Act 2019, which facilitates citizenship to six specified communities from Afghanistan, Bangladesh and Pakistan that entered India before 31 December 2014. However, the Law is discriminatory on the basis of religion, excluding Muslims.<sup>25</sup> Consequently, Muslim migrants or refugees from the above-mentioned states face a greater risk of statelessness. The Act also discriminates against Sri Lankan refugees of all religions who have been in India for the last thirty years. In August 2019, the Supreme Court ruled that a child born after 3 December 2004 will not be included in the NRC if either parent is considered a ‘doubtful voter’ or declared a ‘foreigner’<sup>26</sup> thus making them ineligible for Indian citizenship and putting the child at risk of statelessness.

#### **THE CESF CONSORTIUM PROJECT**

The aim of this project, carried out by DAJI, is to empower communities at risk of statelessness to access COVID-19 relief, social protection services and legal aid. At the state level, this project aims to increase access to COVID-19 relief measures and social services for people affected by FTs and the NRC in Assam. DAJI provides legal aid to those fighting cases in the FTs. At the national level, this project aims to strengthen the RNCN that aims to campaign and advocate for the right to nationality as a human right. RNCN-DAJI are undertaking several documentation, research and advocacy efforts related to COVID-19 response, detention and FTs. These include documenting the impact of FTs in the context of COVID-19 on individuals and families through engagement with clients and their lawyers. This project is currently pioneering three different advocacy campaigns: on the child’s right to nationality, inclusive COVID-19 responses and social security and on fair and just trial procedures in the FTs. As such, the project aims to engage and advocate before different stakeholders, including the Office of the NRC Coordinator in Assam, the National Human Rights Commission and UN agencies including UNHCR and UNICEF.

DAJI works with marginalised communities to empower them to realise their rights, access services and protect their freedoms. DAJI works with refugees, minorities, displaced people and people at risk of statelessness through community mobilisation, education, training and humanitarian support.

#### **Impact**

The RNCN/DAJI report<sup>27</sup> on the exclusion of stateless people from COVID-19 response and social security provisions of the state has been disseminated to many national and international stakeholders. The report was launched in a webinar in February 2021. Highlights of the report were posted on RNCN social media accounts and reached over 500 followers. DAJI has further supported more than 600 families in Assam to reach out to authorities on birth registrations, particularly of children born during the pandemic, and reached out to government authorities and UNICEF in Assam to facilitate corrective steps. DAJI is also advocating for access to other social security provisions including subsidised food, pensions for the elderly and disabled persons. DAJI is currently supporting 40 stateless persons to challenge the charges against them in the FTs. Lawyers and paralegals associated with legal aid efforts have been trained and the community has been supported by them to address problems they are likely to face when challenging their exclusion from the NRC. The RNCN network is further being strengthened to include people with expertise of different disciplines related to citizenship.



# KEY GLOBAL THEMATIC FINDINGS

Many of the above findings on India, also resonate at the global level. As the **Together We Can report** sets out, denial of the **right to nationality, documentation and legal status** as well as **inequality and discrimination** represent the main structural challenges impacting stateless people in a cyclical and intergenerational way. The other three thematic issues addressed in the global report - **right to health, socioeconomic rights** and **civil and political rights** - relate to some of the main rights deprivations stateless people endure, exacerbated by the pandemic. These challenges are interrelated and mutually reinforcing, heightening the cost of statelessness, generating new risks of statelessness and stifling efforts to promote the right to nationality and the rights of stateless people.

## THE RIGHT TO HEALTH:

The right to health should have universal application regardless of race, religion, legal status or other criteria. A year into the pandemic however, healthcare related challenges faced by stateless people have only heightened. The cost of healthcare continues to be an insurmountable hurdle for many stateless people who are excluded from healthcare plans, subsidies, insurance schemes and free healthcare. The lack of documentation has further prevented access to healthcare, while fear of arrest, detention and harassment by police or officials has also cultivated a culture of fear around accessing healthcare for stateless and undocumented people. The inability to carry out effective preventative measures including social distancing and wearing PPE, as well as lack of access to sanitation and hygiene products and facilities due to living and working conditions, also places stateless communities at great risk. The mental health impacts of lockdowns, loss of livelihoods, exposure to health risks and starvation and exclusion from state relief measures, are also significant. There is an urgent need to ensure inclusivity in the roll out of COVID-19 vaccines, rising above

vaccine nationalism. Unfortunately, we are already seeing a 'citizens first' approach to vaccine distribution and worrying initiatives including vaccine passports which would further exclude stateless people.

## SOCIO-ECONOMIC RIGHTS:

When the pandemic took hold in early 2020, state responses prioritised citizens to the exclusion and detriment of migrants, refugees and stateless people. Over a year into the crisis, there has been hardly any shift in the approach to social and economic support by states and other actors. There has been a significant impact on **employment and income** and consequently the **loss of livelihoods** amongst the stateless and those at risk of statelessness. Jobs are mainly found in the informal sector which have been brought to a standstill with the implementation of lockdowns and curfews. There are further **barriers to education** during lockdowns due to the nature of online classes and the need for access to equipment and the internet.

## CIVIL AND POLITICAL RIGHTS:

In order to address the threat to public health, most States have implemented restrictions which limit civil and political rights. Some states have also introduced more permanent restrictions. Stateless communities and those whose nationality is at risk face ongoing restrictions and rights violations which, due to pre-existing conditions, have a disproportionately devastating impact. **Arbitrary detention, the risk of arrest and fear of harassment** by officials has impacted stateless populations and those whose nationality is at risk. For those in detention, there is an increased risk of infection due

to the inability to adequately social distance or self-isolate. Restrictions on **freedom of movement** have exacerbated the impacts of COVID-19 including for those trying to seek healthcare and education outside of refugee camps and has further had an impact on livelihoods and family reunions.

## THE RIGHT TO NATIONALITY, DOCUMENTATION AND LEGAL STATUS:

COVID-19 related measures have impacted the right to nationality, documentation and legal status in deeply concerning ways. Disruptions to crucial **civil registration procedures** have resulted in delays and backlogs leaving stateless people and those whose nationality is at risk in limbo, completely vulnerable to the multiple effects of COVID-19. Such documentation and registration challenges also subject people to longer-term risks of statelessness. **Unregistered births** and subsequent non-issuance of IDs can heighten the risk of statelessness, particularly among minority and border communities and those with migrant heritage. **Asylum and statelessness determination procedures** have also been disrupted, as have permanent residence applications, visa processes and other consular services.

## EQUALITY AND NON-DISCRIMINATION:

Discrimination continues to be an underlying and entrenched driving force behind statelessness worldwide. There has been a rise in **hate speech, xenophobia and racism**. Minority and migrant communities have been vilified in populist political narratives and used as scapegoats for the spread of infection, including to distract from the failings of political leaders. Gender discrimination has also had a significant impact where **gender discriminatory nationality laws** deny nationality to children. Increased cases of **gender-based violence** have also been reported, where, particularly in the country contexts with gender discriminatory nationality laws, women are unable to extract themselves from unsafe situations.

For a more detailed overview of these global thematic findings and related calls to action, please refer the full report.<sup>25</sup>

# TOGETHER WE CAN: A ROADMAP TO ADDRESS THE COVID-19 IMPACT ON STATELESS PEOPLE

This roadmap serves as a framework for resolving and addressing the structural discrimination and exclusion of stateless people during times of COVID-19 and beyond. The starting point is that change is within our grasp and can be achieved through creative, committed and courageous action. **Together we can** and **together we must** address the structural discrimination underlying statelessness, protect the rights of stateless people and meet their emergency needs. The Roadmap informs and guides the necessary inclusive responses of multiple stakeholders including governments, UN actors, humanitarian agencies, donors and NGOs.

# 1 CHECK FOR INSTITUTIONAL BLIND-SPOTS

We invite states, UN actors, humanitarian groups and other stakeholders to engage in careful **introspection**, check for **institutional blind-spots**, and **review and reform** policies and practices to ensure that **stateless people are prioritised, their particular contexts and needs are understood and addressed and they are not excluded or left behind** through:

- **strengthening awareness** of the issue at all levels;
- **acknowledging** historical failures;
- **collecting and sharing information** on statelessness and nationality rights deprivations; and
- **resourcing** the enhancement of capacities, collaborations and funding.

# 2 INCLUDE, CONSULT & ENGAGE IN DIALOGUE

We invite activists and NGOs to **make their expertise available** and those in positions of power, to have **open consultation** and **meaningful and constructive dialogue** with affected communities, and commit to **including stateless people on equal terms** by:

- **consulting** with activists and affected communities;
- **building trust** and strengthening solidarity with stateless communities;
- **meeting the needs and priorities** of affected communities and ensuring their meaningful participation; and
- **facilitating wider discourse** within society and institutions on equality, inclusion and the right to nationality.

# 3 BUILD BACK BETTER

We invite all actors to learn the hard lessons that the pandemic has taught us and invest in **future-proofing**, ensuring a **lasting commitment to breaking down the pervasive injustice, indignity, inequality, deprivation and exclusion that stateless people face**, focusing on:

- **implementing reforms** to address discriminatory laws, policies and practices;
- **redressing** the intergenerational disadvantage and legacy of statelessness;
- **being accountable** to stateless communities and activists;
- **monitoring** the performance and progress of states;
- **ensuring access to justice and reparations** for stateless people; and
- **sustainably investing** in inclusive societies.

**STATELESSNESS DOES NOT ONLY EXIST IN HISTORY BUT IS ONGOING, IN REAL TIME AND IN PRACTICALLY EVERY CORNER OF THE WORLD. EVEN THOUGH STATELESSNESS INTERSECTS WITH EVERY OTHER HUMAN RIGHTS VIOLATION, IT REMAINS LARGELY UNKNOWN AND MISUNDERSTOOD. THE LARGE STATELESSNESS KNOWLEDGE GAP, EVEN AMONG PROMINENT DEVELOPMENT, MIGRATION, HUMANITARIAN AND HUMAN RIGHTS ACTORS, IS A CHALLENGE AND BURDEN FOR STATELESS PEOPLE LIKE ME, GLOBALLY. WE ARE NOT JUST A COLLECTION OF STORIES. WE ARE OUR OWN ADVOCATES AND EXPERTS THROUGH OUR LIVED EXPERIENCES. THIS REPORT RECOGNISES STATELESS PEOPLE AS LEADERS WHO MUST SHAPE THE VISION AND MAKE DECISIONS ABOUT THE PRIORITIES THAT DIRECTLY AFFECT OUR LIVES, OUR FAMILIES AND OUR COMMUNITIES. THE ROADMAP OFFERS A WAY FORWARD FOR OUR ALLIES TO CHECK THEIR STATELESSNESS BLIND-SPOTS, CENTRE US IN THEIR ACTIONS AND BE ACCOUNTABLE US WHEN DELIVERING THEIR MANDATES. WE CANNOT END STATELESSNESS BY OURSELVES. TOGETHER WE MUST WORK TO ENVISION A WORLD WHERE NOBODY IS DEPRIVED OF NATIONALITY BASED ON THEIR RACE, ETHNICITY, SEX, GENDER, OR RELIGION. A WORLD WHERE EVERYONE'S HUMAN RIGHT TO NATIONALITY IS PROTECTED AND UPHELD, AND WHERE STATELESSNESS IS TRULY RELEGATED TO THE HISTORY BOOKS.**

**KARINA AMBARTSOUMIAN-CLOUGH,**  
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EXECUTIVE DIRECTOR,  
UNITED STATELESS



<sup>1</sup> CESF Consortium, 'Together we Can: The COVID-19 Impact on Stateless People & A Roadmap for Change', (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

<sup>2</sup> For more information about the CESF Consortium, see: [https://files.institutesi.org/CESF\\_Brochure\\_2021.pdf](https://files.institutesi.org/CESF_Brochure_2021.pdf).

<sup>3</sup> ISI Monthly Bulletins and other key resources can be viewed here: <https://www.institutesi.org/resources>.

<sup>4</sup> See further Chapter on Right to Nationality, Documentation and Legal Status, Chapter on Right to Health, Chapter on Socio-Economic Rights and Chapter on Civil and Political Rights in Part 2 of 'Together We Can: The COVID-19 Impact on Stateless People and Roadmap for Change', (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

<sup>5</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>6</sup> Institute on Statelessness and Inclusion, 'The World's Stateless: Deprivation of Nationality', (2020), available at: [https://files.institutesi.org/WORLD'S\\_STATELESS\\_2020.pdf](https://files.institutesi.org/WORLD'S_STATELESS_2020.pdf).

<sup>7</sup> Institute on Statelessness and Inclusion, 'Stateless in a Global Pandemic: Impact Report', (2020), available at: [https://files.institutesi.org/Covid19\\_Stateless\\_Impact\\_Report.pdf](https://files.institutesi.org/Covid19_Stateless_Impact_Report.pdf).

<sup>8</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>9</sup> BBC News, 'Statelessness in Assam' BBC News, (16 December 2019), available at: <https://www.youtube.com/watch?v=veeJFuluaJ0&t=591s>.

<sup>10</sup> S. Purkayastha, 'Before COVID, Chakma, Hajong tribes of Arunachal battled stormy migration', The Federal, (4 May 2020), available at: <https://thefederal.com/covid-19/before-covid-19-chakma-hajong-tribes-of-arunachal-battled-a-stormy-migration/>.

<sup>11</sup> See further Chapter on Rohingya in Refugee Situations in Part 3 of this report.

<sup>12</sup> Worldometer, 'India', Worldometer, (2021), available at: <https://www.worldometers.info/coronavirus/country/india/>.

<sup>13</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>14</sup> J. Holder, 'Tracking Coronavirus Vaccinations Around the World', New York Times, (3 May 2021), available at: <https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html>.

<sup>15</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>16</sup> Business Today, 'Coronavirus: Supreme Court orders release of prisoners to decongest jails', Business Today, (23 March 2020), available at: <https://www.businesstoday.in/current/economy-politics/coronavirus-supreme-court-orders-release-of-prisoners-to-decongest-jails/story/398982.html>.

<sup>17</sup> Express News Service, 'Coronavirus: SC orders release of those lodged in Assam detention centres for 2 yrs or more' The Indian Express, (14 April 2020), available at: <https://indianexpress.com/article/north-east-india/assam/coronavirus-supreme-court-orders-release-of-those-lodged-in-assam-detention-centres-for-2yrs-or-more-6361305/>.

<sup>18</sup> Mamiran Nessa, 43, mother of three, was detained in 2010 after an FT declared her a 'foreigner' despite lack of legal representation. Her daughter had to drop out of school to take care of the household in Mamiran's absence. Her youngest son was only three years old when she was detained. Mamiran was pregnant when she was sent to the detention camp and after torture at the hands of female police officers inside the detention camp, gave birth to a still born child. Her husband fought her legal battle but passed away two years before her conditional release. She was not informed about her husband's death and was not permitted to see him before he died or attend his funeral. The economic hardship of fighting the legal battle has had a long-standing impact on the family that they are still struggling with which has been exacerbated by the effects of the COVID-19 pandemic.

<sup>19</sup> The Constitution of India (1949), available at: [https://www.constituteproject.org/constitution/India\\_2016?lang=en](https://www.constituteproject.org/constitution/India_2016?lang=en).

<sup>20</sup> The Citizenship Act of India (1955), available at: [https://www.indiacode.nic.in/bitstream/123456789/4210/1/Citizenship\\_Act\\_1955.pdf](https://www.indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf).

<sup>21</sup> Ibid.

<sup>22</sup> S. Kakarala, D. Prakash, and M. Tikku, 'India and the challenge of statelessness: A review of legal framework to nationality', (National Law University, Delhi Press 2012), available at: <http://nludelhi.ac.in/download/publication/2015/India%20and%20the%20Challenges%20of%20Statelessness.pdf>.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>26</sup> Livelaw News Network, 'Assam: Children Born After Dec 3, 2004 Not To Be Included In NRC If Any Of The Parent Is A 'D' Voter, Declared Foreigner Or Pending Case', Livelaw News Network (13 August 2019), available at: <https://www.livelaw.in/top-stories/assam-nrc-children-born-after-december-3-2004-dv-df-df-147161>.

<sup>27</sup> Right to Nationality & Citizenship Network and DAJI, 'Marginalised and Impoverished in Assam: A study into the exclusion of those at risk of statelessness in COVID-19 responses and social security provision', (2021), available at: <https://drive.google.com/file/d/1DPSGRma4utgd25Oa61VuJRVAMeMNg84x/view>.

<sup>28</sup> CESF Consortium, 'Together we Can: The COVID-19 Impact on Stateless People & A Roadmap for Change', (2021), available at: [https://files.institutesi.org/together\\_we\\_can\\_report\\_2021.pdf](https://files.institutesi.org/together_we_can_report_2021.pdf).

