

This document highlights the statelessness related challenges in the countries that will be reviewed at the Human Rights Council during the 36th Session of the Universal Periodic Review (UPR): **Andorra, Belarus, Bulgaria, Croatia, Honduras, Jamaica, Liberia, Libya, Malawi, Maldives, Marshall Islands, Mongolia, Panama and USA**. The issues raised in this summary include statelessness determination procedures, the child's right to a nationality and discrimination in nationality laws. All recommending states are urged to draw on this document when formulating recommendations to states under review. In addition to this summary, the Institute also made joint submissions to the 36th Session on human rights and statelessness issues in **Bulgaria, Croatia, Liberia, Libya, Malawi, Maldives, Mongolia and the USA**.¹

Andorra

Andorra is not a party to the Statelessness Conventions. During the first UPR cycle it noted a recommendation from Germany to accede to the Statelessness Conventions. During the second cycle, Andorra noted a recommendation from France to bring its legislation closer to the requirements of the European Convention on Nationality, which stipulates that to obtain the nationality, the period of residency should not be above 10 years. There are no statistics on statelessness in Andorra. UNHCR², the CEDAW³ and the CRC⁴ have previously urged Andorra to accede to the Statelessness Conventions. The CERD has noted Andorra's failure to amend its Qualified Act on Nationality, which requires 20 years' residence and urged the State party to reduce the period of residence required for the acquisition of Andorran nationality.⁵ As dual nationality is forbidden by Andorran law, if an Andorran citizen takes up a foreign citizenship, he/she automatically forfeits his/her Andorran citizenship.⁶ This practice, however, enhances the risk of statelessness.

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness.
2. Reduce the period of residence required for the acquisition of Andorran nationality.
3. Enable dual nationality under Andorran law.

Belarus

Belarus is not a party to the Statelessness Conventions, and according to UNHCR, there were 6,025 stateless persons in the state at the end of 2018.⁷ During the second UPR cycle Belarus noted a recommendation from Ghana to accede to the Statelessness Conventions. Both the CERD⁸ and the CRC⁹ have previously recommended Belarus to accede to the Statelessness Conventions with the latter urging the State party to strengthen the prevention of statelessness among children, by extending protection to children born to undocumented stateless parents. After the dissolution of the USSR, individuals who held an expired USSR passport and applied for the confirmation of their citizenship by 2004 were considered citizens of Belarus. However, the Law on Citizenship excluded stateless people, who were not considered citizens of Belarus. To date, some stateless people remain without any documents because they are unable to fulfil the administrative requirements.¹⁰

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness.
2. Establish a dedicated statelessness determination procedure and protection status.

Bulgaria

Bulgaria is a party to both the 1954 and 1961 Conventions. However, it retains reservations to Articles 7, 21, 23, 24(1), 24(3), 27 and 28 of the 1954 Convention, which have an impact on the rights of stateless people in the country.¹¹ Moreover,

¹<https://www.institutesi.org/core-activities/human-rights-advocacy>

²UNHCR, Compilation Report – Universal Periodic Review: Andorra, September 2014, <https://www.refworld.org/docid/553a24cf4.html>

³CEDAW, Concluding observations on the fourth periodic report of Andorra, 13 November 2019, <https://undocs.org/CEDAW/C/AND/CO/4>

⁴CRC, Concluding observations on the second periodic report of Andorra, 3 December 2012, <https://undocs.org/CRC/C/AND/CO/2>

⁵CERD, Concluding observations on the initial and second to sixth periodic reports of Andorra, 22 May 2019, <https://undocs.org/CERD/C/AND/CO/1-6>

⁶ Constitution of the Principality of Andorra, 4 May 1993, <https://www.refworld.org/docid/3ae6b52110.html>

⁷ <http://popstats.unhcr.org/en/overview>

⁸CERD Concluding observations on twentieth to twenty third periodic reports of Belarus 21 December 2017, <https://undocs.org/CERD/C/BLR/CO/20-23>

⁹CRC, Concluding observations on the combined fifth and sixth periodic reports of Belarus, 28 February 2020 <https://undocs.org/CRC/C/BLR/CO/5-6>

¹⁰ <https://www.statelessness.eu/blog/joint-steps-end-statelessness-commonwealth-independent-states>

¹¹ [FAR, ISI, ENS Joint Submission to the HRC, 36th UPR Session, Bulgaria 03 October 2019](https://www.institutesi.org/core-activities/human-rights-advocacy)

the wording of the definition of a stateless person in the Law on Foreign Nationals, and the de-facto exclusion provisions requiring lawful residence, mean that the interpretation of who is stateless under Bulgarian law is significantly narrower than under the 1954 Convention. Although a Statelessness Determination Procedure (SDP) is in place, administrative barriers (i.e. requirements to present applications at specific times of day, burden of proof) impede individuals from accessing the procedure. No protection measures are in place during the SDP, meaning that applicants have no access to basic services and may be detained during the procedure. Bulgaria recently amended the law to provide for the possibility for holders of stateless status to obtain a 'continuous' residence permit, which grants them a right to legally reside in Bulgaria but it does not provide for their access to the labour market nor to the healthcare system. Another challenge relates to the lack of proper identification of stateless persons in Bulgaria. For example, upon detention in Bulgaria stateless persons are usually falsely assigned a country of origin. This issue is also aggravated by the limited safeguards against the arbitrary detention of stateless people, as the identification of a country of removal is not required by law prior to issuing a removal decision and ordering detention.

There are no remedies against refusal, withdrawal or deprivation of Bulgarian nationality. Bulgaria has made reservations to Articles 11 and 12 of the European Convention on Nationality in this regard. Although the Law on Bulgarian Citizenship provides that one shall not be deprived of Bulgarian nationality in case the person would remain stateless, there are no remedies when lack of compliance, for example, if statelessness is not identified.¹² In July 2020, the Bulgarian Government introduced in the Parliament a draft law on Foreign Nationals in the Republic of Bulgaria¹³ which could result in the lack of protection of stateless persons with unrenewed identity documents and those who have been issued a removal order for staying in Bulgaria irregularly. If implemented, such measures would contradict the 1954 Convention and pose significant barriers to many stateless people in Bulgaria to access the protection they are due.

Proposed Recommendations:

1. Withdraw remaining reservations to the 1954 Convention relating to the Status of Stateless Persons and the European Convention on Nationality, and accede to the European Convention on the Avoidance of Statelessness in Relation to State Succession.
2. Take concrete steps to facilitate access to the statelessness determination procedure (SDP) for all persons on the territory who wish to apply under the SDP, regardless of their legal status in the country.
3. Make appropriate amendments to the law to ensure that holders of stateless status in Bulgaria have access to work and healthcare.
4. Take steps to improve the identification of statelessness prior to issuing a removal or detention order, to prevent cases of countries of origin being arbitrarily assigned to individuals subject to removal/detention proceedings.
5. Reform the national legal framework to provide for a right to appeal decisions relating to acquisition or loss of Bulgarian nationality.
6. Dismiss the amendments in the draft Law on Foreign Nationals in the Republic of Bulgaria affecting stateless persons with unrenewed identity documents and those who have been issued a removal order for staying in Bulgaria irregularly.

Croatia

Croatia is a party to both Statelessness Conventions. During the first UPR cycle, Croatia received six recommendations to accede to the 1961 Convention (accepted) and five recommendations on citizenship of persons of non-Croat ethnic origin, including Roma.¹⁴ During the second cycle, Croatia received and accepted one recommendation by Switzerland on ensuring the ability of stateless Roma to obtain Croatian nationality. According to UNHCR, there were 2,886 stateless persons in Croatia at the end of 2018.¹⁵ There is no SDP nor stateless protection status in Croatia. As a Successor State to the Socialist Federal Republic of Yugoslavia (SFRY), Croatia chose to grant Croatian nationality based on the former Yugoslav Registries of Republics Nationalities where SFRY residents were registered as holding both Yugoslav citizenship and citizenship of one of the former Republics. However, many people who were presumed to hold the nationality of other former Yugoslav Republics did not actually hold another nationality resulting to many cases of statelessness.¹⁶ Regarding the Roma minority, many Romani families in Croatia have histories of migration and displacement, including from other former Yugoslav Republics, and many still lack identity documents. Although there is no accurate data, ECRI reports that it is estimated that there are at least 500 stateless Roma and at least 1000 Roma at risk of being stateless in Croatia.¹⁷ The newest Act on Croatian Citizenship came into force on 1 January 2020 and did not bring any positive changes for the citizenship of persons of non-Croat ethnic origin, including Roma. There is also a new Foreigner's Act under procedure before the Parliament but it includes no positive changes for stateless persons.

¹² Ibid

¹³ Draft Law No. 002-01-31 submitted in the Parliament on 30/07/2020, Published at <https://parliament.bg/bg/bills/ID/163303/>

¹⁴ Recommendations during the first cycle were made by Hungary, Ecuador, Finland, Poland and the Republic of Korea.

¹⁵ <http://popstats.unhcr.org/en/overview>

¹⁶ [CRP Sisak, ISI, ENS, Joint Submission to HRC at the 36th UPR Session, Croatia 03 October 2019](#)

¹⁷ ECRI REPORT ON CROATIA (third monitoring cycle), 2018: <https://rm.coe.int/fifth-report-oncroatia/16808b57be>.

Proposed Recommendations:

1. Establish a dedicated statelessness determination procedure and protection status.
2. Invest resources and capacity to provide administrative support for identifying and resolving cases of statelessness.
3. Protect and advance the rights of minorities, in particular by tackling antigypsyism and ensuring the swift resolution of remaining legal status issues, including to eliminate the risk of statelessness.

Honduras

Honduras is a party to both Statelessness Conventions. Honduras has adopted the Brazil Declaration and Plan of Action, which includes concrete measures to address statelessness in the region and sets up the goal that within ten years the countries of Latin America and the Caribbean will eradicate statelessness. There are no reliable statistics on the number of stateless persons in the country. During the second cycle, Honduras accepted a recommendation by Turkey to improve its birth registration system and conduct awareness-raising activities. CEDAW has previously noted its concern about the persisting barriers to birth registration, especially in rural areas and among indigenous communities, communities of African descent and children in a migratory situation.¹⁸ Honduras has no statelessness determination procedure. Honduras has around 190,000 internally displaced persons (IDPs)¹⁹ due to ongoing conflict. Without a dedicated identification framework it remains unknown how many are at risk of statelessness.

Proposed Recommendations:

1. Establish a dedicated statelessness determination procedure.
2. Ensure that all births are registered in the State party.

Jamaica

Jamaica is a party to the 1961 Convention, but not the 1954 Convention. There are no reliable statistics on the number of stateless persons in Jamaica. During the second UPR cycle, Jamaica noted a recommendation by Germany to accede to the Statelessness Conventions. Jamaica has adopted the Brazil Declaration and Plan of Action which includes concrete measures to address statelessness in the region and sets up the goal that within ten years the countries of Latin America and the Caribbean will eradicate statelessness. UNHCR has noted that in Jamaica, statelessness specifically affects children born to Cuban parents²⁰ and encouraged the country to accede to the 1954 Convention²¹. Jamaica has no dedicated statelessness determination procedure.

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Stateless Persons.
2. Establish a dedicated statelessness determination procedure.
3. Take measures to protect children of migratory background from statelessness.

Liberia

Liberia is a party to both Statelessness Conventions. There are no reliable statistics on the number of stateless persons in the country. During the second UPR cycle, Liberia received five relevant recommendations by Kenya, Mexico, Senegal, Switzerland and Turkey, including four on gender discrimination in nationality laws and one on birth registration, and accepted all. CEDAW has previously noted its concern regarding Liberian women's inability to transmit their nationality to their children if they are born outside the country and recommended that the State party ensure that children born to Liberian women married to non-Liberian men are not rendered stateless and have access to education, health care and other basic services equal to that of other children.²² The HRC has recommended Liberia to establish an effective statelessness determination procedure and step up its efforts to achieve universal birth registration.²³ Although the Liberian Constitution provides that either parent can pass nationality to their children, the nationality law restricts the equal right of mothers to do so. This not only denies equality to women and men but can also result in severe consequences for children such as statelessness, risk of deportation, and lack of access to publicly funded education, health and social benefits and economic opportunities. This discrimination also serves to compromise Liberian women's equal right to freely choose a spouse and a place of residence. The Liberian Constitution is also discriminatory on the basis of race stating that "only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia". The prevalence of race discrimination under the Constitution, which denies the equal right to nationality of members of minority

¹⁸CEDAW, Concluding observations on the seventh and eighth periodic reports of Honduras, 2016, <https://undocs.org/CEDAW/C/HND/CO/7-8>

¹⁹ <https://www.internal-displacement.org/countries/honduras>

²⁰ <https://www.unrefugees.org/news/unhcr-applauds-jamaica-for-signing-the-international-convention-to-protect-individuals-without-a-nationality/>

²¹ UNHCR, Compilation Report - Universal Periodic Review: Jamaica, <https://www.refworld.org/pdfid/55474f544.pdf>

²²CEDAW, Concluding observations on the combined seventh and eighth periodic reports of Liberia (2015), <https://undocs.org/CEDAW/C/LBR/CO/7-8>

²³ HRC, Concluding observations on the initial report of Liberia (2018), <https://undocs.org/CCPR/C/LBR/CO/1>

communities has left an estimated 4,000 persons of Lebanese descent, who have lived in Liberia for generations, barred from citizenship, land ownership and other rights.²⁴

Proposed Recommendations:

1. Guarantee women the same right as men to transmit their nationality to their children by amending the nationality law.
2. End the restriction of access to nationality by removing race discrimination present in the Constitution.

Libya

Libya is a party to both Statelessness Conventions. There are no reliable statistics on the number of stateless persons in the country. During the first UPR cycle, Libya received one recommendation from Mexico with regards to its gender discriminatory nationality law, which it noted. During the second UPR cycle, Libya received four recommendations regarding the nationality law and three recommendations on improving birth registration, which it accepted. UNHCR has also recommended Libya during the second cycle to change its nationality law, and the CMW has recommended that Libya ensure that children born in detention are provided with a valid birth certificate.²⁵ The main statelessness challenges in Libya concern the gender discriminatory nationality law, which only allows a mother to confer nationality to her children if the father is unknown, stateless, or does not establish filiation. Moreover, the law does not allow women to confer nationality to spouses on an equal basis with men, and women cannot confer nationality to their foreign national spouses. Risk of statelessness due to difficulties in accessing citizenship is also a problem to various minorities who suffered from the 'Arabisation' policies implemented during the Gaddafi regime, including the Tebu, Berber and Tuareg communities.

Proposed Recommendations:

1. Address discrimination in the nationality law in line with Article 9 CEDAW.
2. Ensure minorities have equal access to citizenship and do not face discrimination in realising their right to a nationality.

Malawi

Malawi has acceded to the 1954 Convention, but not the 1961 Convention. There are no reliable statistics on the number of stateless persons in the country. During the first UPR cycle, Malawi received two recommendations regarding repealing legislation that causes Malawi women to lose their citizenship when marrying a foreign national, and amending legislation to prevent situations of statelessness, which it noted. In the second UPR cycle, Malawi received eight recommendations on gender discriminatory nationality laws, statelessness and birth registration, of which it accepted seven, and noted one. The CEDAW has recommended that Malawi revise the discriminatory provisions of the Citizenship Act, ensure that children born in its territory who would otherwise be stateless are granted nationality and accede to the 1961 Convention.²⁶ The CRC noted its concern regarding cases where children born outside of Malawi or born to a non-Malawian father are at risk of being stateless and recommended Malawi to scale up its efforts on birth registration and to accede to the 1961 Convention.²⁷ Malawi's main statelessness problem concerns its gender discriminatory nationality law, where women cannot confer nationality to spouses on an equal basis with men.

Proposed Recommendations:

1. Accede to the 1961 Convention on the Reduction of Statelessness.
2. Revise the Citizenship Act to ensure that women and men enjoy equal rights to nationality and introduce statelessness safeguards for children born in the territory.

Maldives

The Maldives is not a party to either of the Statelessness Conventions. There are no reliable statistics on the number of stateless persons in the country. During the second UPR cycle, Portugal recommended that the Maldives accede to the two Statelessness Conventions, which was noted, as well as numerous recommendations regarding the removal of religious restrictions that currently prevent non-Muslims from becoming citizens, which the CRC has also expressed concerns about²⁸. The CEDAW has also expressed concern about the gender discriminatory nationality law²⁹, and the CERD has recommended that the Maldives ensure that particular groups are not discriminated against when accessing nationality.³⁰ Statelessness problems in the Maldives stem from the Constitution, which provides that non-Muslims cannot become citizens, which undermines the right to a nationality and goes against international law. This puts at risk of statelessness

²⁴ [ISI, Global Campaign for Equal Nationality Rights & Equality Now, Joint Submission to the HRC at the 36th UPR Session, Liberia 03 October 2019](#)

²⁵ CMW, Concluding observations on the initial report of Libya, CMW/C/LBY/CO/1, <https://undocs.org/en/CMW/C/LBY/CO/1>

²⁶ CEDAW, Concluding observations on the seventh periodic report of Malawi (2015), CEDAW/C/MWI/CO/7, <http://undocs.org/CEDAW/C/MWI/CO/7>

²⁷ CRC, Concluding observations on the combined third, fourth and fifth reports of Malawi (2017), CRC/C/MWI/CO/3-5.

²⁸ CRC, Concluding Observations on the combined fourth and fifth periodic reports of Maldives, UN Doc CRC/C/MDV/CO/4-5 (14 March 2016).

²⁹ CEDAW, Concluding Observations on the combined fourth and fifth periodic reports of Maldives, UN Doc CEDAW/C/MDV/CO/4-5 (11 March 2015)

³⁰ CERD, Concluding observations of the Committee on the Elimination of Racial Discrimination, UN Doc CERD/C/MDV/CO/5-12 (14 September 2011)

children of non-Muslim parents, or children of inter-religious marriages, who often do not have their births registered. The Maldives is also a major trafficking destination, where those who are trafficked are at a high risk of statelessness. Statelessness may also become more prevalent with the increasing displacement caused by climate change and natural disasters.³¹

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness.
2. Reform Maldivian law to remove all provisions that discriminate on the basis of religion.
3. Ensure all children born on the territory are registered at birth, including the children of non-Muslims.

Marshall Islands

The Marshall Islands have not acceded to the Statelessness Conventions. There are no reliable statistics on the number of stateless persons in the country. During the first UPR cycle the UNHCR recommended that the Marshall Islands participate in the Intergovernmental Asia Pacific Consultations on Refugees, Migrants and Displaced Persons. It also expressed its concern regarding climate induced statelessness, with the worst case scenario involving the state completely disappearing with rising sea levels and its inhabitants being rendered *de facto* stateless.³² If this occurs, there is very little protection afforded by the 1954 Convention.³³ During the second UPR cycle the State accepted a recommendation from Argentina to take the measures necessary to review its domestic legislation in order to guarantee the free and compulsory birth registration of all children born in the country. Moreover, the Marshall island have no legislative framework for the identification or protection of stateless people while the law does not provide a specific way for stateless persons to gain citizenship.

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness.
2. Establish a legislative framework addressing the identification and protection of stateless people and climate induced statelessness.
3. Ensure free and compulsory birth registration of all children born in the country.

Mongolia

Mongolia is not a party to either Statelessness Convention. According to UNHCR, at the end of 2018 there were 17 stateless persons in Mongolia, but the number is likely to be higher.³⁴ During the first UPR cycle, Mongolia received recommendations to accede to the Statelessness Conventions, and a joint submission from NGOs noted that specific risk of statelessness for the Kazakh minority.³⁵ During the second UPR cycle, the OHCHR Compilation of UN information noted the concern about persons who had become stateless as a result of having to renounce their nationality upon application for another nationality. During the second cycle, Mongolia received three recommendations regarding accession to the Statelessness Conventions and the ICRMW. The CRC has also recommended that Mongolia improve its birth registration efforts, and grant citizenship to all children who would otherwise be stateless, especially Kazakh children.³⁶ The Mongolian Constitution creates a risk of statelessness as it does not allow dual nationality, meaning that if a foreigner wishes to become a Mongolian citizen they must renounce their original nationality, which can lead to statelessness as it is not certain that Mongolian citizenship will be granted.³⁷ Moreover, a child born on the territory to stateless parents can only apply for citizenship from the age of 16, which leaves these children stateless until they are 16.³⁸ Those particularly at risk of statelessness are the Kazakh minority, who renounced their Mongolian nationality upon moving to Kazakhstan in the early 1990s, before being rejected by Kazakhstan and returning to Mongolia, now stateless.

Proposed Recommendations:

1. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness.
2. Facilitate immediate birth registration and grant citizenship to all children residing on the territory who would otherwise be stateless.

³¹ [JSI Submission to the HRC at the 36th UPR Session, Republic of Maldives 03 October 2019](#)

³² UNHCR, Compilation Report - Universal Periodic Review: Marshall Islands' (April 2010,) <https://www.refworld.org/docid/4bcd76362.html>

³³ G. Ranalli, 'The Struggle of Climate Induced Statelessness' (10 April 2019)

³⁴ UNHCR, 'Global Trends' (2018).

³⁵ UN HRC WG on the UPR, Summary prepared by the OHCHR, UN Doc A/HRC/WG.6/9/MNG/3 (5 August 2010) para 65.

³⁶ CRC, Concluding observations on the fifth periodic report of Mongolia, 75th sess, UN Doc CRC/C/MNG/CO/5 (12 July 2017) p5.

³⁷ UN HRC, Report of the Special Rapporteur on extreme poverty and human rights - Addendum, UN Doc A/HRC/23/36/Add.2, (30 May 2013) para. 51

³⁸ Law of Mongolia on Citizenship (as amended on 7 December 2000), 5 June 1995 Article 7

3. Resolve the issue of statelessness through improved registration of those who previously held Mongolian nationality and expedite procedures for (re-)acquisition of Mongolian nationality.

Panama

Panama has acceded to both Statelessness Conventions, and according to UNHCR there were only 2 stateless persons at the end of 2018.³⁹ However, this statistical picture of stateless persons in Panama is likely incomplete, and will be updated once the new statelessness determination procedure is carried out, which was introduced in early 2019.⁴⁰ During the first UPR cycle Panama accepted two recommendations by Haiti and Nigeria to address difficult access to birth registration procedures and one by Mexico to revise the Constitution to avoid the rejection of naturalization for individuals on the grounds of physical or mental disability. During the second cycle Panama accepted three recommendations to adopt measures that ensure the right to birth registration by Mexico, Thailand and Romania and one by Mexico to repeal the constitutional provision making it possible to refuse naturalization on the grounds of physical and/or mental disability. Panama has adopted the Brazil Declaration and Plan of Action, which includes concrete measures to address statelessness in the region and sets up the goal that within ten years the countries of Latin America and the Caribbean will eradicate statelessness. In Panama, access to nationality is a concern especially for children of displaced Colombians and Venezuelans who reside in Panama with legal temporary protected status. UNHCR has reported that 4,600 asylum claims from Venezuela have been submitted in Panama, of whom many are at a high risk of statelessness.

Proposed Recommendations:

1. Ensure the right to birth registration especially regarding children of indigenous or African origin and from rural areas.
2. Facilitate access to nationality for children of displaced Colombians and Venezuelans.
3. Repeal the constitutional provision making it possible to refuse naturalization on the grounds of physical and/or mental disability.

United States of America

The U.S. is not a party to either Statelessness Convention and there are no reliable statistics on the number of stateless persons in the country. The U.S. was reviewed during both UPR cycles, and although it did not receive any recommendations that specifically addressed statelessness, it received many concerning the rights of migrants and detention. The U.S. has also received many recommendations on treaty ratifications, as it has yet to ratify many of the core treaties that protect right to nationality, such as the CRC, CEDAW, CRPD, and the American Convention on Human Rights. U.S. law offers no definition of statelessness, and there is no statelessness determination procedure, which often results in stateless persons facing prolonged or indefinite immigrant detention.⁴¹ The U.S. does also not guarantee nationality to children who arrived in the U.S. after birth, who would otherwise be stateless, which has affected surrogate and adopted children.⁴² Since the start of the current administration, there has been an indication that access to U.S. citizenship is becoming more restricted, with reports that the U.S. is denying passports to Americans born near the U.S.-Mexico border.⁴³ Moreover, increased focus on denaturalisation could result in depriving U.S. citizens of their nationality and rendering them stateless.⁴⁴ Stateless persons in the U.S. experience limited freedom of movement, lack work authorization and often have no way of getting identity documents.

Proposed Recommendations:

1. Adopt a definition of statelessness under U.S. law and establish a statelessness determination procedure.
2. Adopt legislation prohibiting denaturalisation where it would result in statelessness.
3. Provide all stateless persons with documents for identification, travel and work, when their status is pending.
4. End the arbitrary detention of stateless persons who cannot be deported.
5. Ensure that no child shall be stateless, including in the context of adoption and surrogacy.
6. Accede to the 1954 Convention relating to the Status of Statelessness and 1961 Statelessness Convention on the Reduction of Statelessness, and other core human rights treaties.

³⁹ UNHCR, 'Global Trends' (2018).

⁴⁰ Decreto Ejecutivo N° 10 de 16 de enero de 2019 (in Spanish), available at: <https://www.refworld.org/es/docid/5c461a884.html>

⁴¹ [United Stateless RedANA & ISI Joint Submission to the HRC at the 36th UPR Session, USA, 3 October 2019](#)

⁴² ['Tens of thousands of adoptees learn they aren't US citizens, even after decades of living here' NBC Washington](#) (1 February 2019)

⁴³ ['US is denying passports to Americans along the border, throwing their citizenship into question'](#) Washington Post (29 August 2018).

⁴⁴ [Statelessness in the United States: an update](#), 2018