

Joint Submission to the  
Human Rights Council

# Universal Periodic Review

41<sup>st</sup> Session  
4<sup>th</sup> Cycle  
March 2022

## United Kingdom

Asylum Aid

Liverpool Law Clinic

Roma Support Group

European Network on Statelessness

Institute on Statelessness and Inclusion



Endorsed by:



BRITISH ROHINGYA  
COMMUNITY



Greater Manchester  
IMMIGRATION AID UNIT



Joint Submission  
to the Human Rights Council  
at the 41<sup>st</sup> Session  
of the Universal Periodic Review

## United Kingdom of Great Britain and Northern Ireland

### Introduction

1. Asylum Aid, Liverpool Law Clinic, Roma Support Group, the European Network on Statelessness (ENS), and the Institute on Statelessness and Inclusion (ISI) make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in the United Kingdom (UK).
2. This submission focuses on statelessness determination and the protection of stateless persons, risks of arbitrary detention, children's right to a nationality and deprivation of nationality.
3. Annex II provides information about the co-submitting organisations.
4. This submission has been endorsed by the following organisations and/or members of ENS: The AIRE Centre; Bail for Immigration Detainees; British Rohingya Community UK; Greater Manchester Immigration Aid Unit; Migrants' Rights Network; Salam for Democracy and Human Rights; the3million; University of Strathclyde Law Clinic.

## Previous UPR of the United Kingdom of Great Britain and Northern Ireland

5. The UK was previously reviewed during the First, Second and the Third Cycle of the UPR. In the Third UPR Cycle on 4 May 2017, the UK received a recommendation by Hungary to “categorise statelessness as a protection status and provide stateless persons expedited and affordable access to British nationality”,<sup>1</sup> which the UK noted. This has not yet been implemented. The UK also received a recommendation from Kenya to “implement the 1954 Convention on Statelessness to ensure that stateless persons in Britain access British nationality”,<sup>2</sup> and a recommendation from Iran to “exert all its efforts, in law and practice, to combat racism, xenophobia and Islamophobia, and to eliminate all forms of discrimination against migrants, and to avoid subjecting asylum seekers and stateless persons to prolonged and/or repeat unlawful detention”.<sup>3</sup> The UK noted both recommendations,<sup>4</sup> and these have only been partially implemented.
6. Several UN Treaty Bodies have also issued recommendations to the UK in relation to statelessness or nationality issues. In 2015, the Human Rights Committee stated the UK should review its laws to ensure that restrictions on re-entry and denial of citizenship on terrorism grounds include appropriate procedural protections and are consistent with the principles of legality, necessity and proportionality. The UK was also recommended to ensure that appropriate standards and procedures are in place to avoid rendering an individual stateless.<sup>5</sup>
7. In 2019, the Committee Against Torture noted that individuals claiming statelessness status in the UK continue to be subjected to lengthy periods of arbitrary administrative detention, due to the UK’s cumbersome statelessness determination procedure (SDP). Further, it is exceptionally difficult for individuals seeking to access the procedure to obtain legal aid.<sup>6</sup> The Committee Against Torture recommended that the UK:
  - a) improve the training provided to officials responsible for making statelessness determinations and carry out regular reviews of their performance;
  - b) strengthen identification and referral mechanisms for stateless persons; and
  - c) facilitate access to legal aid for individuals making statelessness claims and ensure that applicants are able to appeal negative decisions.<sup>7</sup>

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<sup>1</sup> Human Rights Council 36<sup>th</sup> Session, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland A/HRC/36/9 14 July 2017, para 134.225 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/192/15/PDF/G1719215.pdf?OpenElement>.

<sup>2</sup> *ibid*, para 134.53

<sup>3</sup> *ibid*, para 134.82

<sup>4</sup> Human Rights Council 36<sup>th</sup> Session, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland, Addendum, Views on conclusions and/or recommendations, voluntary commitments A/HRC/36/9/Add.1, 7 September 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/261/95/PDF/G1726195.pdf?OpenElement>

<sup>5</sup> UN Human Rights Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, CCPR/C/GBR/CO/7, 17 August 2015, para. 15: <http://undocs.org/CCPR/C/GBR/CO/7>

<sup>6</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland CAT/C/GBR/CO/6 7 June 2019 <https://undocs.org/CAT/C/GBR/CO/6>

<sup>7</sup> *ibid*

## Snapshot of Statelessness in the UK

8. There are relatively few sources of accurate data on the stateless population in the UK, but all data indicates that statelessness occurs predominantly in a migratory context.<sup>8</sup> UNHCR reported 4,662 stateless persons in the UK at the end of 2020.<sup>9</sup>
9. The UK Government collects, although it does not always publish, some data on the stateless population, including those granted a residence permit ('leave to remain') under the SDP, stateless persons with other types of residence permit, who were born in the UK, or who are held in immigration detention. However, the data is not analysed or presented in a way that enables a full and accurate understanding of the stateless population in the UK, and there are potentially overlapping statistical categories, such as 'unknown nationality', 'Palestinian Occupied Territories', and 'Western Sahara'. Some, who are stateless but not recognised as such, are treated as nationals of their country of previous residence. Censuses in the UK do not count stateless people and only ask what passport a person holds.
10. More detailed figures relating to the SDP have been made available through Freedom of Information Requests. For example, between 1 January 2018 and 30 September 2021 a total of 3,244 applications were made; but only 232 people were granted a residence permit under the SDP and a total of 2,949 people were refused.<sup>10</sup> UNHCR recently recommended that the UK publish statistics on applications and decisions made under the SDP.<sup>11</sup>
11. According to UK Government statistics, in the first three quarters of 2021, 199 people categorised as stateless were granted refugee or humanitarian protection; 22 were refused, and 68 applications were withdrawn.<sup>12</sup> Separate figures are provided for decisions on asylum claims of people recorded as 'Occupied Palestinian Territories', 'Western Sahara', 'Kuwait', and 'Other/unknown', at least some of whom are likely to be stateless.
12. The UK Government (Home Office) counts and publishes some limited data on stateless people held in UK immigration removal centres, but this does not include people who are or may be stateless but have not been recognised as such under the SDP, and people recorded under other categories may also be stateless. These statistics show that 229 people recorded as 'stateless' entered immigration detention in 2020.<sup>13</sup>
13. There is also a significant number of stateless children in the UK, although the exact number is unknown. In 2018/19, 2,972 formerly stateless children were registered as British citizens.<sup>14</sup> However, these figures are incomplete as they exclude, for example, stateless children unable to register as British (for example, if ineligible, or due to high

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<sup>8</sup> For more information, see Statelessness Index UK country profile: <https://index.statelessness.eu/country/united-kingdom>; ENS (2015), *No Child Should Be Stateless: Ensuring the right to a nationality for children in migration in Europe*: [https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS\\_Right-to-a-nationality-for-children-in-migration.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_Right-to-a-nationality-for-children-in-migration.pdf).

<sup>9</sup> UNHCR, Refugee Data Finder: <https://www.unhcr.org/refugee-statistics/download/?url=26bAzl>.

<sup>10</sup> Responses by UK Government Home Office to Freedom of Information request submitted by Asylum Aid, FOI 66979, 10 February 2022.

<sup>11</sup> UNHCR (2020), *Statelessness Determination in the UK*: <https://www.refworld.org/docid/5fe349c94.html>

<sup>12</sup> UK Government statistics: <https://www.gov.uk/government/statistics>

<sup>13</sup> *ibid*

<sup>14</sup> UK Government, Home Office, Listing of the detailed managed migration datasets:

<https://www.gov.uk/government/statistical-data-sets/managed-migration-datasets#citizenship>

fees or lack of legal assistance) or children whose statelessness is, as of now, unrecognised, including children born in the UK.

14. In 2011, UNHCR and Asylum Aid undertook a mapping study to investigate the extent of statelessness in the UK, but it is now out of date, and even then, limitations in the availability of data were noted.<sup>15</sup>

## ISSUE 1 – Statelessness determination and protection of stateless persons

15. Under its international obligations (see Annex I), the UK shall accord to stateless persons the right to employment, housing, healthcare, and public education as favourable as possible and, in any event, not less favourable than those accorded to foreigners generally in the same circumstances.<sup>16</sup> The precise extent of these rights depends on the residence or legal status of the person, but a minimum set of rights is guaranteed to all stateless persons present on the territory.<sup>17</sup>
16. Identifying stateless persons is the first step in providing them with adequate protection and rights in line with international law. In line with UNHCR guidelines, the determination of statelessness is best fulfilled through a dedicated SDP that is fair, efficient, easily accessible, and that leads to a statelessness status.<sup>18</sup>
17. In April 2013, the UK introduced a procedure through which some persons may be granted a residence permit ('leave to remain') in the UK on the grounds of statelessness.<sup>19</sup> The procedure is established in the Immigration Rules<sup>20</sup> and the UK Government's interpretation of the Rules is in its published guidance.<sup>21</sup> Despite the introduction of the SDP, there remain significant gaps in law, policy and practice that result in the **failure to respect, protect and fulfil the rights of all stateless persons and every child's right to acquire a nationality.**
18. British nationality provisions also contain gaps, for example legislation continues to treat those with a form of British nationality that does not allow entry and residence in any country - even the UK - as 'nationals' rather than 'stateless persons'.<sup>22</sup> Moreover, the UK does not consider statelessness to be a 'protection' issue.<sup>23</sup> This flawed approach results in discriminatory treatment of stateless persons as compared to applicants for asylum and complementary ('humanitarian') protection, particularly with respect to the absence of appeal rights, free legal assistance, and access to social and economic rights.

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<sup>15</sup> UNHCR (2011), *Mapping Statelessness in The United Kingdom*: <https://www.refworld.org/docid/4ecb6a192.html>

<sup>16</sup> Convention Relating to the Status of Stateless Persons, 1954, Articles 17-24.

<sup>17</sup> UNHCR (2014), *Handbook on Protection of Stateless Persons*, paras. 132-139:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>

<sup>18</sup> *ibid*, paras. 57-58.

<sup>19</sup> For ease of reference, we refer in this submission to Part 14 of the Immigration Rules as a 'statelessness determination procedure'. However, Part 14 is more accurately described as a procedure for applying for leave to remain in the UK based on statelessness. The importance of this distinction is evident in our discussion of the UK's definition of statelessness and departures from international law relating to statelessness.

<sup>20</sup> Home Office, Immigration Rules, published on 25 February 2016 and updated on 4 January 2022, at Part 14: Stateless Person <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons>, paras 401-416.

<sup>21</sup> UK Visas and Immigration, 'Stateless Leave' v 3.0 published 30 Oct 2019:

<https://www.gov.uk/government/publications/stateless-guidance>

<sup>22</sup> Although the High Court (Administrative Court) has stated that a British Overseas Citizen is not a 'national' because the status does not attract a right of residence in the UK. See *Teh v SSHD* [2018] EWHC 1586 (Admin).

<sup>23</sup> This is evident in the lack of legal aid and implementation of an administrative review procedure instead of a full right of appeal, and in the guidance from 2019, which makes a distinction between statelessness applications and those raising protection grounds. See UKVI, 'Stateless Leave' (n 21) p. 9-10, 13.

### *Definition of a stateless person*

19. The definition of a stateless person in the UK Immigration Rules contains **exclusion criteria that go beyond the definition of a stateless person** under Article 1(1) of the Convention relating to the Status of Stateless Persons (1954 Convention), which is considered customary international law.<sup>24</sup> The definition under Article 1(1) is not limited by the exclusion provisions of Article 1(2) of the 1954 Convention, which limits the scope of application of the 1954 Convention by excluding some stateless persons on the grounds of alternative protection or fault.
20. The UK Immigration Rules, though, define persons who fall within an exclusion provision as falling beyond the scope of the *definition* of stateless persons.<sup>25</sup> This divergence in approach matters. Denying that persons excluded from protection under the Immigration Rules are stateless, by definition, is inconsistent with international law and undermines the exercise of other human rights, including in relation to non-discrimination and liberty. The UK should acknowledge persons as stateless where they meet the 1954 Convention definition, even if they would not be granted a residence permit in the UK as a stateless person under Part 14 of the Immigration Rules, fall under the general grounds for refusal, or are otherwise excluded under the Immigration Rules. Statelessness can be acknowledged in the asylum context (even if refugee status or complementary protection is not granted) or pursuant to an application for a stateless person's travel document, which stateless persons are entitled to regardless of their residence status (provided they fall within the scope of the 1954 Convention).<sup>26</sup>

### *Assessment of applications and procedural safeguards*

21. Positively, a dedicated and centralised Statelessness Team within the UK Government Visas and Immigration (Home Office) is responsible for examining all applications for a residence permit under the SDP ('statelessness leave applications'), and statelessness determination is the specific objective of the procedure.<sup>27</sup>
22. There is a specific online form for stateless persons to apply for a residence permit, which has instructions, but it is lengthy, only available in English, and unclear and repetitive in parts. Applications cannot be made orally to a public official or in another language, and there is little flexibility in the application requirements.<sup>28</sup> An audit conducted by UNHCR, covering decision-making in the UK procedure between 2016-2019, revealed that some decision-makers are reluctant to make complementary efforts to investigate an individual's nationality status, even when the applicant has already done everything they can to evidence their case.<sup>29</sup>

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<sup>24</sup> International Law Commission, Draft Articles on Diplomatic Protection with commentaries, Yearbook of the International Law Commission, 2006 Vol. II (Part Two), <https://www.refworld.org/docid/525e7929d.html>

<sup>25</sup> Immigration Rules (n 20), paras. 401-402.

<sup>26</sup> Article 28 of the 1954 Convention requires issuance of a travel document to any stateless person 'lawfully staying in' the territory unless there are 'compelling reasons of national security or public order'; Article 28 also provides that States may issue travel documents to other stateless persons 'in their territory' and must give 'sympathetic consideration' to issuance of travel documents to any stateless persons 'who are unable to obtain a travel document from the country of their lawful residence'.

<sup>27</sup> For further information: <https://index.statelessness.eu/country/united-kingdom>

<sup>28</sup> Application for leave to remain as a stateless person and a Biometric Immigration Document (FLR(S): <https://visasimmigration.service.gov.uk/product/flr-s>; Immigration Rules (n 20), Part 1, para. 34 with Part 14: stateless persons, para. 403(a).

<sup>29</sup> UNHCR, *Statelessness Determination in the UK* (n 11).

23. The burden of proof is on the applicant, but decision-makers are obliged by government guidance to carry out research and enquiries, particularly where the applicant is ‘unable’ to do so and where the information available is lacking or inconclusive.<sup>30</sup> The standard of proof is ‘balance of probabilities’, which is higher than in asylum applications.<sup>31</sup> The procedure to request a residence permit applies to children without adaptation from the general procedure, and the burden of proof remains with the child.<sup>32</sup> Moreover, the requirement to interview has been weakened in successive versions of the guidance for decision makers.<sup>33</sup>
24. According to UNCHR, ‘procedural guarantees are fundamental elements of statelessness determination procedures’ and due process guarantees, including those that apply in refugee status determination procedures, are necessary.<sup>34</sup> These include a comprehensive right of appeal covering questions of both fact and law and provision of free legal assistance to stateless persons.<sup>35</sup> Further, UNHCR considers that statelessness determinations should be made within six months; or in exceptional cases, within one year.<sup>36</sup>
25. However, the UK’s failure to recognise statelessness as a protection issue means that for residence permit applications, there is neither a statutory right of appeal to an independent tribunal, nor free legal assistance in England and Wales (unless ‘exceptional case funding’ is granted).<sup>37</sup> Both of these safeguards are available in the asylum and complementary protection context. The limited remedies available after a refusal of permit are inadequate: internal administrative review may be subject to the same flaws as initial decision-making and is not covered by legal aid; judicial review is limited in the scope of its review of the facts, and new applications will often not succeed if negative credibility assessments were made in the initial flawed proceeding or if a similar flawed approach is taken in a new decision.
26. The absence of legal aid and appeal rights is compounded by a low success rate and substantial delays in decision-making, particularly given that stateless persons usually do not have permission to work and may only access hardship support whilst awaiting a decision (see para 29 below). In the last three years, only around 7% of applications for a residence permit on the grounds of statelessness (‘statelessness leave applications’) were granted (see para. 10 above). There is no timeframe for decisions set in law, and lengthy waiting times were highlighted in the recent UNHCR audit, which found that applications routinely take 18-24 months to decide. It also found that there are significant errors in decision-making, including failure to examine relevant evidence. As such, UNHCR has recommended a comprehensive revision and improvement of training for decision makers.<sup>38</sup>

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<sup>30</sup> UKVI, ‘Stateless Leave’ (n 21) p. 14.

<sup>31</sup> UKVI, ‘Stateless Leave’ (n 21).

<sup>32</sup> EMN (2020), *EMN Inform: Statelessness in the EU*: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_eu\\_inform\\_statelessness\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf)

<sup>33</sup> UKVI, ‘Stateless Leave’ (n 21): <https://www.gov.uk/government/publications/stateless-guidance>; UNHCR, *Statelessness Determination in the UK* (n 11).

<sup>34</sup> UNHCR, *Handbook* (n 17), para. 71.

<sup>35</sup> *ibid*, paras. 71, 76

<sup>36</sup> *ibid*, paras. 74-75.

<sup>37</sup> There are significant barriers to accessing legal aid for statelessness applications particularly in England and Wales. Legal aid is available in Scotland and Northern Ireland, and for judicial review of refusals in all jurisdictions. See Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) (2012 Chapter 10) <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

<sup>38</sup> UNHCR, *Statelessness Determination in the UK* (n 11).

### *Protection during the procedure and risk of arbitrary detention*

27. Stateless persons face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.<sup>39</sup> Moreover, when the Home Office fails to address the particular vulnerabilities of some stateless persons they can be detained arbitrarily and for disproportionate periods of time.<sup>40</sup>
28. The UK Government's lack of recognition of statelessness as a protection issue leads to futile removal efforts and lengthy immigration detention, which violate the right to liberty. As applicants for residence permits under the SDP do not have the right to stay in the UK, they may be detained. The detention is unlawful if it is for the purposes of removal and there is no realistic prospect of removal. As seen above, statistics show that at least 229 stateless people entered immigration detention in 2020, and likely more.
29. During an SDP, applicants should be considered 'lawfully in' the territory for the purposes of the 1954 Convention and are entitled to several rights, including to accessing identity documents and being protected from expulsion and detention. There is no automatic right for an applicant to stay in the UK during the SDP, applicants do not have the right to work, and there is no protection against expulsion. If a person applies for a residence permit under the SDP, they may still be removed where the person does not have extant leave in any other capacity and an Emergency Travel Document (ETD) has been issued, as that is accepted as evidence that the person is re-admissible to the country of return. Applicants who have been refused asylum and are destitute (or imminently so) are potentially eligible for very basic shelter and support, but the support is subject to review by the Home Office and requires the applicant to show that they are continuing to take steps to leave the UK, sometimes even when the person has applied for a residence permit on the grounds of statelessness.<sup>41</sup> UNHCR recommended in its 2020 audit report that applicants under the residence permit procedure should have the same access to protection and rights as asylum seekers.

### *Routes to naturalisation*

30. According to the 1954 Convention,<sup>42</sup> the UK is bound to "as far as possible facilitate the assimilation and naturalisation of stateless persons", and "make every effort to expedite naturalisation proceedings and to reduce [...] the charges and costs of such proceedings". However, in the UK, naturalisation is not facilitated for stateless persons, including children, who are not exempt from paying very high fees to acquire British citizenship.<sup>43</sup> Stateless persons are eligible to apply for naturalisation generally after five years' lawful residence and one additional year of permanent residence, in line with refugees and persons with subsidiary protection (if they meet other criteria for naturalisation). This does not put them in a more advantageous position than most other people applying for naturalisation.

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<sup>39</sup> European Network on Statelessness (2017), *Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change*: [https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS\\_LockeInLimbo\\_Detention\\_Agenda\\_online.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockeInLimbo_Detention_Agenda_online.pdf)

<sup>40</sup> European Network on Statelessness (2017), *Protecting Stateless Persons from Arbitrary Detention: A regional toolkit for practitioners*: [https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS\\_Detention\\_Toolkit.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Toolkit.pdf)

<sup>41</sup> Information from Asylum Aid's casework.

<sup>42</sup> Convention relating to the Status of Stateless Persons, 1954, Article 32.

<sup>43</sup> British nationality application fees are currently set at £1,330 for adults and £1,012 for children.



31. The standard naturalisation fees are prohibitively high (1330 GBP / 1535 EUR) and there are no exemptions for stateless persons. A 'good character' requirement is imposed, creating a further barrier, especially for those with criminal convictions or 'reasonable grounds to suspect they have been involved in a crime'.<sup>44</sup> There is no minimum income requirement, but there are citizenship and language tests, which can be waived in certain exceptional circumstances, but not on grounds of statelessness.

### Conclusion

32. **The information and evidence in this section shows how in spite of instituting a residence permit procedure for stateless persons, the UK has failed to take steps towards implementing the recommendations it received in the Third UPR Cycle in 2017, in particular, the recommendations aimed at categorising statelessness as a protection status, providing stateless persons expedited and affordable access to British nationality,<sup>45</sup> eliminating all forms of discrimination against migrants, and avoiding subjecting stateless persons to prolonged and/or repeated unlawful detention.<sup>46</sup>**

## ISSUE 2 – Children’s right to a nationality

### *The right to a nationality of children born stateless in the UK*

33. Whilst most children will automatically acquire a nationality from one or both of their parents by descent, some may not be able to inherit their parents’ nationality nor acquire a nationality through their place of birth, leaving them stateless or at risk of statelessness. Children particularly at risk include:
- children born *en route* to Europe and undocumented children;
  - children from countries with large stateless populations (such as Syria,<sup>47</sup> Iraq,<sup>48</sup> Iran,<sup>49</sup> Myanmar<sup>50</sup> and Kuwait<sup>51</sup>);
  - children who cannot inherit their parents’ nationality (e.g. due to gender discriminatory nationality laws);
  - children from families with complex histories of displacement;
  - unaccompanied or separated children;
  - other children, such as children of same-sex couples, children born as a result of surrogacy arrangements, children in care, and abandoned children (foundlings).

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<sup>44</sup> British Nationality Act 1981, Schedule 1(1)(b): <http://www.legislation.gov.uk/ukpga/1981/61/contents>; UK Home Office, UK Visas and Immigration, Good character: nationality policy guidance, v2, 30 September 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923656/goodcharacter-guidance-v2.0-gov-uk.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923656/goodcharacter-guidance-v2.0-gov-uk.pdf)

<sup>45</sup> Human Rights Council 36<sup>th</sup> Session, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland A/HRC/36/9 14 July 2017, para 134.225: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/192/15/PDF/G1719215.pdf?OpenElement>

<sup>46</sup> *ibid*, para 134.82.

<sup>47</sup> For more information on populations affected by statelessness in Syria, see ENS & ISI (2019), *Statelessness in Syria Country Position Paper*: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>

<sup>48</sup> For more information on populations affected by statelessness in Iraq, see ENS & ISI (2019), *Statelessness in Iraq Country Position Paper*: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Iraq-final.pdf>

<sup>49</sup> For more information on populations affected by statelessness in Iran, see ENS & ISI (2019), *Statelessness in Iran Country Position Paper*: <https://statelessjourneys.org/resources/statelessness-in-iran/>

<sup>50</sup> For more information on populations affected by statelessness in Myanmar, see ENS & ISI (2019), *Statelessness in Myanmar Country Position Paper*: <https://statelessjourneys.org/resources/statelessness-in-myanmar/>

<sup>51</sup> For more information on populations affected by statelessness in Kuwait, see ENS & ISI (2019), *Statelessness in Kuwait Country Position Paper*: <https://statelessjourneys.org/resources/statelessness-in-kuwait/>; Salam for Democracy and Human Rights & Kuwaiti Community Association (2020), *The Bidoon in Kuwait, History at a Glance*: <https://salam-dhr.org/report-the-bidoon-in-kuwait-history-at-a-glance/>

34. International norms for the prevention of statelessness, which bind the UK, establish that children who would otherwise be stateless shall acquire the nationality of the State where they were born.<sup>52</sup> However, to establish if a child would ‘otherwise be stateless’ and meet their obligations under the Convention on the Reduction of Statelessness (**1961 Convention**) and the Convention on the Rights of the Child, States must be able to determine whether the child has acquired the nationality of another State. The examination of whether the child would otherwise be stateless should be carried out by a competent authority with the necessary expertise, through an established procedure determining the child’s nationality or statelessness, and resolved immediately after birth registration or as soon as possible.<sup>53</sup>
35. The British Nationality Act 1981 currently provides that a child has the right to become a British citizen if they were born in the UK, have always been stateless, have lived in the UK for the last five years and have not been out of the country for more than 450 days in the five-year period.<sup>54</sup> Further, the ability to register as a British citizen under the statelessness provisions is only possible under the age of 22. All children born in the UK may register themselves as British after age 10, subject to residence and good character requirements.
36. Nationality status is not recorded on birth registration documents across the UK (neither of the parents nor the child) and there is no formal, standalone procedure for determining nationality or statelessness. Most children will only have their nationality determined at the point of requesting a British passport, therefore until then, childhood statelessness or risk of statelessness is likely to remain unidentified.

#### *Barriers in accessing a nationality*

37. Although some safeguards are in place in British nationality law to prevent statelessness, **prohibitively high fees** for registration and naturalisation are a major barrier for stateless people to acquire nationality. The UK currently charges a fee of £1,012 per child for children to register as a British citizen (which is approximately three times the administrative cost of processing an individual application),<sup>55</sup> and there is no fee waiver available for children or stateless people, even if their families are destitute or the children are looked after by the State. In February 2021, the Court of Appeal upheld a High Court ruling that the fee for a child to register as a British national is unlawful because it is set without consideration of the best interests of children.<sup>56</sup> A later decision of the Supreme Court noted that there was no duty to set fees at any particular level, but did not affect the Court of Appeal’s finding on this point.<sup>57</sup>

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<sup>52</sup> Convention on the Rights of the Child, Article 7 (as interpreted and applied by the Committee); 1961 Convention on the Reduction of Statelessness, Article 1.

<sup>53</sup> UNHCR (2012), *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, HCR/GS/12/04: <https://www.refworld.org/docid/50d460c72.html>

<sup>54</sup> British Nationality Act 1981, Section 36 & Schedule 2, Section 1 & 3: <http://www.legislation.gov.uk/ukpga/1981/61/contents>

<sup>55</sup> PRCBC & Amnesty International UK (2019), *Briefing on Fees for the Registration of Children as British Citizens*, pp. 2-3. See also UK Supreme Court, *R (PRCBC & O) v Secretary of State for the Home Department v Secretary of State for the Home Department*, [2022] UKSC 3: <https://www.supremecourt.uk/cases/docs/uksc-2021-0062-judgment.pdf>

<sup>56</sup> *R (PRCBC & O) v Secretary of State for the Home Department* [2021] EWCA Civ 193: <http://www.bailii.org/ew/cases/EWCA/Civ/2021/193.html>

<sup>57</sup> *R (PRCBC & O) v Secretary of State for the Home Department* [2022] UKSC 3: <https://www.supremecourt.uk/cases/docs/uksc-2021-0062-judgment.pdf>

38. There is ample evidence that the fee for children’s citizenship applications prevents some children from accessing their entitlement to British citizenship. Evidence from community organisations, including the British Rohingya Association and Roma Support Group, indicates that this affects children who are stateless or at risk of statelessness, contrary to the UK’s domestic and international legal obligations.<sup>58</sup> Children continue to be denied the right to acquire nationality in the UK, even when this results in their continued statelessness. They may spend years of their childhood with an undetermined or unknown nationality, contrary to their best interests.
39. In recent years, there have been significant cuts to **legal aid** in England and Wales<sup>59</sup> and there are fewer providers of publicly funded legal advice in immigration and nationality matters.<sup>60</sup> Legal aid has recently been made available for unaccompanied or separated children for advice on registration or naturalisation as a British citizen.<sup>61</sup> For other people, it remains extremely difficult to access quality legal advice. This can mean that families are either not aware of their rights or are unable to access legal advice in order to register their children as British citizens.

*Risk of statelessness among Romani children and children affected by domestic abuse, trafficking and other forms of exploitation*

40. Research conducted by ENS also indicates that some **children of Romani families from European countries may be stateless or at risk of statelessness**, for example, where parents entered the UK prior to their country of origin joining the EU, their residence status remains insecure, or they are now unable to prove their links to that country.<sup>62</sup> A nexus was also identified between (risk of) **statelessness and children affected by domestic abuse, trafficking, and other forms of exploitation** due to the inability to access proof of identity and/or nationality.
41. According to the Roma Support Group, many people they work with in the UK do not understand that a British birth certificate is not evidence of British citizenship. 15–25% of Romani children in the UK they engaged with did not have any identity documents because many are not registered as nationals of their parents’ countries of origin. There are also bureaucratic difficulties for single parents in accessing documentation, particularly when the other parent refuses to cooperate, and this is compounded by prejudice, lack of information and limited access to support for the parent still looking after the child. In one case, due to domestic abuse, a mother could not obtain Romanian nationality for her child because Romanian law requires that both the father and mother provide valid documents for their child to acquire Romanian nationality through registration, and the mother did not have access to the father’s documents. Concerns were also raised about discriminatory treatment of Romani people by the authorities of

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<sup>58</sup> European Network on Statelessness (2021), *Invisible Kids: Childhood statelessness in the UK*: [https://www.statelessness.eu/sites/default/files/2021-07/ENS\\_Invisible-Kids\\_July-2021.pdf](https://www.statelessness.eu/sites/default/files/2021-07/ENS_Invisible-Kids_July-2021.pdf)

<sup>59</sup> The Bach Commission (2017), *Fabian Policy Report: The Right to Justice*: [http://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission\\_Right-to-Justice-Report-WEB.pdf](http://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB.pdf); Amnesty International (2016), *Cuts That Hurt: The Impact of Legal Aid Cuts in England on Access to Justice*: [https://www.amnesty.org.uk/files/aiuk\\_legal\\_aid\\_report.pdf](https://www.amnesty.org.uk/files/aiuk_legal_aid_report.pdf). Chambers Students (2013), ‘Thanks to the latest wave of sweeping budget cuts access to the law looks set to become an inaccessible luxury for many’: <https://www.chambersstudent.co.uk/where-to-start/newsletter/legal-aid-cuts-and-reforms>

<sup>60</sup> For further information see: Bezzano & Carter (2018) 7, ‘Legal Advice: Role of the legal adviser and the case for legal aid’ in *Statelessness in Practice: Implementation of the UK Statelessness Application Procedure*.

<sup>61</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012, Part 1 of Schedule 1, para. 31A.

<sup>62</sup> ENS, *Invisible Kids* (n 58).

countries of origin, including at consulates in the UK, which makes people very reluctant to approach them to resolve documentation issues or register the births of children. Cases were reported of Romani people attempting to obtain documentation from their countries of origin/nationality but finding the associated procedures complicated, lengthy, and sometimes impossible to navigate.

42. There is also a lack of targeted and accessible information reaching the Romani community in the UK to explain relevant laws, policies, and procedures.

#### *Risk of statelessness in the Brexit context*

43. The risk of childhood statelessness in the UK could be increased or **exacerbated by Brexit**, including for children of Romani families.<sup>63</sup> Children born in the UK to parents from any EU country whose nationality cannot be verified or documented may face difficulties post-Brexit. Coram Children's Legal Centre highlighted a case, which shows how some children with an EU-citizen and a British parent may be unable to document their nationality of either country, including in situations of domestic abuse when acquisition of nationality requires an action from both parents.<sup>64</sup> Roma Support Group reports that many parents they work with did not know that they needed to apply to the EU Settled Status scheme [or for British citizenship] to ensure that their children did not fall into an irregular status after Brexit. Some Romani children have applied for British citizenship since Brexit but been refused for a lack of identity documents.

#### *The impact of possible amendments under the Nationality and Borders Bill*

44. The Nationality & Borders Bill (NBB),<sup>65</sup> currently under review in the UK Parliament, has attracted criticism from human rights groups, including those advocating to end statelessness. Although there are some positive aspects of the NBB in relation to other groups, two clauses in particular have the potential to worsen statelessness in the UK as well as unnecessarily leaving more children in limbo, exposed to the detrimental impacts of growing up without a nationality.
45. The proposed Clause 10 of the NBB inserts a new Paragraph 3A into Schedule 2 of the British Nationality Act 1981 for stateless children aged 5-17, requiring that the Secretary of State be 'satisfied' that the child is unable to acquire another nationality before they may be permitted to register as a British citizen. The current legislation refers to children who 'would be born stateless'.<sup>66</sup> Clause 10 would unnecessarily restrict the vital safeguard intended to protect the rights and best interests of children born stateless in the UK and is clearly not intended to prevent or reduce childhood statelessness as it does not address any of these identified issues.<sup>67</sup> In fact, it has the potential to prolong and even increase instances of childhood statelessness, contravening Article 3 of the UN Convention on the Rights of the Child and the 1961 Convention.

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<sup>63</sup> *ibid*

<sup>64</sup> Lagrue et al (2020), *Children left out? Securing children's rights to stay in the UK beyond Brexit*, Coram Children's Legal Centre, p.7: [https://www.childrenslegalcentre.com/wp-content/uploads/2020/06/CCLC-Children-left-out\\_July-2020\\_final.pdf](https://www.childrenslegalcentre.com/wp-content/uploads/2020/06/CCLC-Children-left-out_July-2020_final.pdf)

<sup>65</sup> Nationality and Borders Bill (as amended in Public Bill Committee), Government Bill originated in the House of Commons, Session 2021-22: <https://publications.parliament.uk/pa/bills/cbill/58-02/0187/210187v1.pdf>

<sup>66</sup> British Nationality Act 1981, paragraph 1, Schedule 2.

<sup>67</sup> UNHCR (2022), 'UNHCR Updated Observations on the Nationality and Borders Bill, as amended – updated January 2022', para. 74: <https://www.unhcr.org/61e7f9b44>

46. As noted by UNHCR,<sup>68</sup> there are also concerns that the proposed Clause 9, which empowers the Secretary of State to deprive a person of British nationality without notice, would increase the risk of children being born stateless, if one of their parents is no longer able to pass on British citizenship and the child is not entitled to any other nationality.<sup>69</sup> Clause 9 would allow deprivation to occur without an assessment of the consequences of a deprivation order, including the direct or indirect derivative impact on children and families of the person deprived of nationality.

### **Conclusion**

47. **As outlined above, the UK Government is failing to protect the right of every child to acquire a nationality and to prevent childhood statelessness, due to significant law and policy gaps including:**

- i) A five-year residence requirement to register as British;**
- ii) Prohibitive application fees; and**
- iii) Limited access to legal aid hindering access to legal advice and information to support their cases.**

**Furthermore, the co-submitting organisations have serious concerns that the changes proposed in Clauses 9 and 10 of the NBB will risk increasing statelessness in the UK, and will unnecessarily leave more children in limbo, exposed to the detrimental impacts of growing up without a nationality.**

## **ISSUE 3 - Deprivation of nationality in the national security context**

48. Under the 1961 Convention, the UK has international obligations to prevent statelessness in the context of deprivation of nationality. Article 8 of the 1961 Convention requires States not to deprive a person of their nationality if such deprivation would render the person stateless, save in very limited circumstances. One of the exceptions to the prohibition of statelessness is if the person has acted “in a manner seriously prejudicial to the vital interests of the State”,<sup>70</sup> but only if the State has deposited a declaration to retain measures to deprive a person of their nationality under these circumstances at the time of signature, ratification or accession. The UK made such a declaration to retain measures to deprive a naturalised person of their nationality under Article 8, even if it renders them stateless,<sup>71</sup> but this exception must be interpreted narrowly and in accordance with international human rights law,<sup>72</sup> given the significant impact of statelessness on the enjoyment of civil, political, economic, social and cultural rights.

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<sup>68</sup> *ibid.*

<sup>69</sup> Several UN Special Rapporteurs have expressed concern about the detrimental impact of clause 9 on the right to fair trial and effective appeal. See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27073>.

<sup>70</sup> Convention on the Reduction of Statelessness, 1961, Article 8(3)(a)(ii).

<sup>71</sup> Convention on the Reduction of Statelessness, 1961, Declarations and Reservations, United Kingdom of Great Britain and Northern Ireland, as available on <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-4.en.pdf>

<sup>72</sup> Principles on Deprivation of Nationality as a National Security Measure: <https://www.institutesi.org/year-of-action-resources/principles-on-deprivation-of-nationality>; UNHCR (2020), *Guidelines on Statelessness No 5: Loss and Deprivation of Nationality*, HCR/GS/20/05: <https://www.refworld.org/docid/5ec5640c4.html>.

49. The British Nationality Act 1981 contains two grounds to deprive individuals of their nationality on national security grounds. Under Section 40(2), the Secretary of State may deprive a person of nationality if they are satisfied that deprivation is conducive to the public good, but it must not render the person stateless. However, naturalised British citizens may also be deprived of nationality under Section 40(4A), which does not contain a safeguard against statelessness. Section 40(4A) states that statelessness “does not prevent” the Secretary of State from making a deprivation order if citizenship status results from the person’s naturalisation, the deprivation is conducive to the public good, and the Secretary of State has reasonable grounds to believe that the person is able, under the law of a country outside of the UK, to become a national of that country. Contrary to international standards, only “reasonable grounds” are needed to satisfy that the individual “is able” to acquire a nationality elsewhere. Deprivation has immediate effect,<sup>73</sup> a written notice must be provided,<sup>74</sup> and there is a right to appeal (which can only be exercised if the person is on the territory).
50. British rules on nationality deprivation have undergone significant changes since the turn of the century, with deprivation powers expanded through successive law reforms. The UK Government's use of nationality deprivation powers on national security grounds has increased steadily since the introduction of these clauses, starting in 2006, as recorded in sporadic reporting from the Home Office and Freedom of Information Requests.<sup>75</sup>
51. While the UK can set its own rules for the deprivation of British nationality, these powers are governed and limited by international law. The British Nationality Act 1981 and its application in practice fail to comply with international human rights law, including the obligation to prevent statelessness, the prohibition on arbitrary deprivation of nationality, the principle of non-discrimination, and the prohibition of cruel, inhumane and degrading treatment, as articulated in the Principles on Deprivation of Nationality as a National Security Measure.<sup>76</sup> The provisions also fall short of international standards in relation to procedural rights, such as the right to a fair trial. In the UK, deprivation orders are an executive power exercised at the discretion of the Secretary of State, without any judicial oversight, need for criminal conviction, or approval prior to the making of an order.
52. Moreover, since an amendment to the law was made in 2004, deprivation takes effect prior to any appeal. Considering most individuals deprived of their nationality are outside the UK at the time of the decision, they are effectively barred from attending their own trial. This problem is further compounded by a recent practice by the UK Government of depriving individuals of their nationality without serving them adequate notice,<sup>77</sup> which was held to be unlawful under domestic law but which the UK Government is seeking to

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<sup>73</sup> Following the removal of the suspensive right of appeal in 2004.

<sup>74</sup> British Nationality Act, Section 40(5).

<sup>75</sup> Colin Yeo (2022), ‘New figures show over a thousand decisions made to strip British citizenship since 2012’, Free Movement Blog, 8 March 2022: <https://www.freemovement.org.uk/new-figures-show-over-a-thousand-decisions-made-to-strip-british-citizenship-since-2012/>; UK Government Home Office (2022), Disruptive powers 2020: <https://www.gov.uk/government/publications/disruptive-powers-2020>.

<sup>76</sup> Principles on Deprivation of Nationality as a National Security Measure: <https://www.institutesi.org/year-of-action-resources/principles-on-deprivation-of-nationality>.

<sup>77</sup> See e.g. Matrix Chamber, ‘High Court quashes regulation governing notice in deprivation of citizenship cases’, 30 July 2021: <https://www.matrixlaw.co.uk/news/high-court-quashes-regulation-governing-notice-in-deprivation-of-citizenship-cases/>; High Court, D4 v Secretary of State for the Home Department [2021] EWHC 2179 (Admin), 30 July 2021.

legislate for under the NBB.<sup>78</sup> Finally, appeals against deprivation orders take place in the Special Immigration Appeals Commission, governed by its own special procedural rules, which allow proceedings to take place without the individual being given the reasons for the decision, and in a closed material procedure, in the absence of the individual and their representative.<sup>79</sup>

53. Various UN experts, civil society groups, practitioners, NGOs, and Members of Parliament have already expressed great concern about the disproportionate effects of Section 40 of the British Nationality Act 1981 on racial, ethnic and religious minorities and migrant communities.<sup>80</sup> Civil society organisations have also voiced concerns that the UK's provisions on deprivation of nationality are not compliant with human rights law in relation to other aspects, including lack of consideration of risks of torture, right to respect for private and family life, and the right to remain in one's country.<sup>81</sup> The amendments proposed by the NBB would not only fail to address these concerns but further exacerbate the issues that have been noted in this section.

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<sup>78</sup> European Network on Statelessness (2022), 'Nationality & Borders Bill, Briefing for House of Lords Committee Stage, 27 January 2022': <https://www.statelessness.eu/sites/default/files/2022-01/ENS%20briefing%20-%20Nationality%20and%20Borders%20Bill%20-%20Jan%202022.pdf>

<sup>79</sup> The Special Immigration Appeals Commission (Procedure) Rules 2003, SI 2003/1034: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/421503/Consolidated\\_text\\_of\\_SIAC\\_Rules\\_2003.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421503/Consolidated_text_of_SIAC_Rules_2003.pdf)

<sup>80</sup> See letter from Special Rapporteurs Ref. OL GBR 3/2022, 11 February 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27073>; Bureau of Investigative Journalism, 'Medieval Exile', 26 February 2013: <https://www.thebureauinvestigates.com/stories/2013-02-26/medieval-exile-the-42-britons-stripped-of-their-citizenship>; The New Statesman, 'Exclusive: British citizenship of six million people could be jeopardised by Home Office plans', 1 December 2021, [https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans?mc\\_cid=d501f0a75a&mc\\_eid=UNIQID](https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans?mc_cid=d501f0a75a&mc_eid=UNIQID).

<sup>81</sup> See, e.g. Reprieve (2021), Trafficked to ISIS: [https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021\\_04\\_30\\_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf](https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf). For detailed information on the human rights issues related with deprivation of nationality in the United Kingdom, see the joint civil society submission to the Universal Periodic Review (4<sup>th</sup> cycle, 41<sup>st</sup> Session, March 2022), by the Institute on Statelessness and Inclusion and Rights and Security International.

## Recommendations

54. Based on the content of this submission, we urge States to consider making the following recommendations to the UK Government:
- i) **Fully incorporate and comply with the 1954 Convention, including recognising ‘statelessness status’ as a protection status, ensuring that its definition of ‘stateless person’ is fully consistent with the 1954 Convention, and eliminating provisions that exclude stateless persons from being recognised as stateless.**
  - ii) **Introduce adequate procedural safeguards during the statelessness determination procedure, including ensuring an adequate burden and standard of proof, access to legal aid, and a comprehensive right of appeal to an independent tribunal.**
  - iii) **Provide regular training to decision-makers in the statelessness determination procedure to ensure quality and timely decision making.**
  - iv) **Take concrete steps to protect stateless persons from arbitrary detention, including introducing a mechanism to identify (risks of) statelessness during the decision to detain, and implementing a thorough assessment of vulnerability and appropriateness of alternative measures in each individual case.**
  - v) **Protect the right to acquire British citizenship of all children born in the UK who would otherwise be stateless, ensuring they acquire British citizenship as soon as possible after birth, regardless of the immigration status or identity of their parents.**
  - vi) **Introduce an expedited procedure for stateless children to acquire British citizenship, and fee exemptions or appropriately reduced fees for children and stateless applicants.**
  - vii) **Ensure that stateless persons have access to adequate legal advice and (free) legal aid in British nationality applications in all UK jurisdictions.**
  - viii) **Take concrete steps to improve the recording of statelessness, namely by harmonising quantitative data on stateless persons, ensuring that statistical categories cover the entire stateless population, and publishing annual disaggregated, transparent and comparable statistics on stateless people and on deprivation decisions.**
  - ix) **Protect everyone’s right to a nationality, and ensure that law, policy and practice is in line with the UK’s international obligations, including the prohibition of arbitrary and discriminatory deprivation of nationality, the duty to avoid statelessness, respect for the right to a fair trial and adherence to adequate procedural safeguards.**
  - x) **End the practice of depriving people of nationality when they are abroad, instigating deportation proceedings against those who have been deprived of their nationality, and not notifying individuals of deprivation decisions. The UK Government should ensure everyone’s access to justice, the right to a fair trial and equality before the law, and prevent further regression in UK law, including by ensuring that Clause 9 of the NBB, as currently written, is not passed into law.**



## Annex I - The UK's International Obligations

1. The UK has acceded to both the Convention Relating to the Status of Stateless Persons (1954 Convention) and the Convention on the Reduction of Statelessness (1961 Convention). However, the UK maintains several reservations to these treaties, and neither convention has been fully incorporated into domestic law.
2. The UK also has international obligations to protect the right to a nationality and the rights of stateless persons on the basis of international and regional treaties to which it is a party. These include:
  - the International Covenant on Civil and Political Rights (ICCPR) (see Article 24.3)
  - the International Covenant on Economic, Social and Cultural Rights (ICESCR) (see Articles 2.2 and 3)
  - the Convention of the Rights of the Child (CRC) (see Articles 2, 3, 7 and 8)
  - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (see Article 9)
  - the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (see Article 5(d)(iii))
  - the Convention on the Rights of Persons with Disabilities (CRPD) (see Article 18)
  - the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Furthermore, the right to a nationality is included in Article 15 of the Universal Declaration on Human Rights.

3. However, the UK is not party to several treaties relating to statelessness, namely the European Convention on Nationality, the European Convention on the Avoidance of Statelessness in Relation to State Succession, and the International Convention on the Protection of the Rights of all Migrant Workers and their Families.

## Annex II - The Co-Submitting Organisations

1. [Asylum Aid](#)<sup>82</sup> delivers high quality legal representation to some of the most vulnerable people seeking asylum in the UK: children, survivors of trafficking, and stateless people. Together with UNHCR we undertook research mapping statelessness in the UK in 2011 and on the basis of that research persuaded the UK Home Office to adopt a stateless determination procedure. Asylum Aid works in partnership with pro bono lawyers from 12 city law firms to provide free legal advice and representation to stateless people in the stateless determination procedure. Since 2018 we have provided advice to 46 potentially stateless individuals through this project. We work to improve the protection of stateless people in the UK through participating in Home Office stakeholder meetings, drawing on our expertise and experience of the procedure, and delivering training and raising awareness among other legal professionals.
2. The [Liverpool Law Clinic](#)<sup>83</sup> is a legal practice based in the University of Liverpool. Clients access free legal advice, assistance and representation on a range of matters, including determinations of statelessness in the context of migration, deportation and acquisition of nationality. Qualified lawyers at the Law Clinic have been teaching students through this work since 2013. Staff have authored a practice guide, a report, a case note, hold regular stakeholder policy meetings with the Home Office, contributed to pre-UPR work on the UK's 2018 review, held an international conference on statelessness, maintain the UNHCR Index on Statelessness for the UK, and are active members of ENS.
3. [Roma Support Group](#)<sup>84</sup> is the first Roma charity established in the UK in 1998. RSG is and advice and support charity helping hundreds of Roma people to successfully settle in the UK. Over the past years RSG has increased considerably its policy and campaigning work, especially in the migration area, leading the Roma charity sector work in the Brexit and EU Settlement Scheme (EUSS) field. Since 2018 RSG has facilitated EUSS support for over 3000 Roma people. This has enabled the organisation to draw conclusions on the potential risk of statelessness amongst those from the Roma communities.
4. The [European Network on Statelessness](#) (ENS)<sup>85</sup> is a civil society alliance of NGOs, lawyers, academics, people affected by statelessness, and other independent experts committed to addressing statelessness in Europe, with over 170 members in 41 European countries. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. This submission partially draws on information and analysis from the Statelessness Index on the UK,<sup>86</sup> maintained and developed by ENS and its members. The Index is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice.
5. [The Institute on Statelessness and Inclusion](#) (ISI)<sup>87</sup> is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote

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<sup>82</sup> See <https://www.asylumaid.org.uk/>

<sup>83</sup> See <https://www.liverpool.ac.uk/law/liverpool-law-clinic/>

<sup>84</sup> See <https://www.romasupportgroup.org.uk/>

<sup>85</sup> For more information about the European Network on Statelessness, see: [www.statelessness.eu](http://www.statelessness.eu)

<sup>86</sup> See <https://index.statelessness.eu/country/united-kingdom>

<sup>87</sup> See <https://www.institutesi.org/>

inclusive societies by realising and protecting everyone's right to a nationality. The Institute has made 90 country specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23<sup>rd</sup> to the 41<sup>st</sup> UPR Sessions.