

Intervention by Chris Nash - Director, European Network on Statelessness



Stateless migrants – who lack any nationality - are undoubtedly among those most impacted by the COVID-19 pandemic and will surely be among those most affected by its fallout in a post-pandemic world unless their specific circumstances are considered by policymakers and governments and acted upon now.

There are more than half a million people living without a nationality in Europe today, including many stateless migrants and refugees. Statelessness is not ‘just’ an abstract legal anomaly. It is a preventable and solvable violation of human rights that will cost many lives in this pandemic if governments do nothing. It is why, in 1954, in the shadows of another global crisis, world leaders came together and adopted the 1954 Statelessness Convention which sets out basic rights that States must guarantee to stateless people on their territory in need of protection. All but five Council of Europe Member States have signed up to this Convention so why – more than 60 years later – are people still falling through protection gaps?

To help answer this question, we consulted stateless communities and surveyed our member organisations in 41 European countries about the impacts of COVID-19 that they see in their work. They told us that:

- COVID-19 is having a specific social, economic and health impact on stateless people and the organisations supporting them, which is exacerbated by discrimination.
- The crisis is exposing the vital need for protection mechanisms to implement in practice the rights guaranteed under the 1954 Convention because thousands of stateless people have no other route to regularisation, nowhere else to go, and no other way to realise their fundamental rights.
- Positive and inclusive responses to this crisis are viable and beneficial, as several countries have demonstrated by extending healthcare and residence rights to marginalised populations, introducing firewalls to prevent data-sharing with immigration authorities, and taking proactive steps to release people from immigration detention and prevent destitution.

Based on this, we urge governments and regional institutions to urgently consider the following key areas in their immediate and longer-term policy responses to the pandemic:

1. All European States need **to establish dedicated statelessness determination procedures** to identify and grant protection to stateless people, ensuring they are not left undocumented with restricted access to healthcare, unable to stay but with nowhere to go so at risk of endless limbo and cycles of immigration detention and destitution.
2. Given procedural delays due to COVID-19, it is even more essential that **reception support is provided** to applicants for stateless status in line with asylum reception standards. And, once formally recognised, stateless people must be issued with residence permits guaranteeing all their socio-economic rights.
3. Currently half of Council of Europe countries do not have full safeguards in their nationality laws to prevent statelessness among children on the move so **action must be taken to guarantee the right to nationality of every child born stateless in Europe**.
4. Nobody understands the impacts of COVID-19 on stateless people better than those affected by statelessness. It is incumbent on us all to find ways to support stateless people around Europe **to be visible and represented in the decision-making processes** that affect their lives.