

UNHCR Briefing Note, 9 April 2013: 1 - UK's new determination procedure to end legal limbo for stateless

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BRIEFER: Melissa Fleming, UNHCR Chief Spokesperson

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This is a summary of what was said by the UNHCR spokesperson at today's Palais des Nations press briefing in Geneva.

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UNHCR welcomes the new stateless determination procedure that came in to effect in the United Kingdom this past weekend (06 April).

The procedure allows stateless people, currently living on the margins of society and in legal limbo, a route to be formally recognised as stateless persons and to legalize their presence in the UK. As such, it is a landmark step.

The new procedure is also a positive example to other countries that are parties to the *1954 Convention relating to the Status of Stateless Persons* but which have not taken steps to implement the Convention by establishing a statelessness determination procedure and a protection status for stateless people.

Introduction and implementation of a fair and efficient procedure to identify stateless people in the UK was one of the key recommendations of a 2011 study carried out by UNHCR and our NGO partner Asylum Aid. This research – conducted in the context of the 50th anniversary of the *1961 Convention on the Reduction of Statelessness* – found that stateless people who had come to the UK in a migration context were not being identified as such. This put them at risk of destitution, as well as costly immigration detention and lack of access to basic rights and services.

During 2012, UNHCR provided input to the Home Office on the design of a procedure which would allow for the identification of stateless individuals and which would ensure that they receive protection.

A key feature of the new procedure is that it assesses whether an individual does in fact possess a nationality or whether they require protection in the UK. The 2011 research found that there are around 150 to 200 people each year who claim asylum and are recorded as being stateless by the UK Home Office.

The UK has ratified both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

The UK's new procedure is among several recent developments internationally regarding statelessness. In the first three months of 2013 Ukraine has acceded to both the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness, while Jamaica has acceded to the '61 Convention.

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