Independent Chief Inspector of Borders and Immigration

Inspection report on Home Office country of origin information

Thematic report on the coverage of statelessness

February 2023

David Neal

Independent Chief Inspector of Borders and Immigration

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Foreword

Section 48(2)(j) of the UK Borders Act 2007 states that the Independent Chief Inspector of Borders and Immigration "shall consider and make recommendations about … the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials".

The Independent Advisory Group on Country Information (IAGCI) is a panel of experts and practitioners created to assist the Chief Inspector in this task. A list of the current members of the IAGCI can be found on ICIBI's website. The IAGCI commissions and quality assures reviews of the country of origin information (COI) that is produced by the Home Office's Country Policy and Information Team (CPIT) for use by asylum decision makers when assessing protection claims.

In addition to carrying out regular reviews of the content of country policy and information notes (CPINs) and responses to country of origin information requests (COIRs) relating to specific countries, the IAGCI from time to time commissions thematic reviews of the coverage of particular issues across the full range of Home Office country information products. This report highlights the findings of one such review, focusing on the coverage of statelessness in COI issued by the Home Office. This review was considered by the IAGCI at its meeting on 28 February 2023.

As an issue that affects millions of people across a number of different countries and regions, statelessness is a topic that lends itself well to the cross-cutting approach adopted in IAGCI's thematic reviews. And because individuals who do not benefit from the protection of any state face particular disadvantages and vulnerabilities, it is right to ensure that immigration officials have access to information on statelessness that is clear, accurate, and up to date.

The reviewer – an experienced barrister and recognised expert on statelessness in immigration and asylum law – has produced a thorough study that provides both valuable context and background and a thoughtful evaluation of Home Office COI on countries and territories where statelessness is a particularly acute issue. His review focuses on COI covering Kuwait, Myanmar, Syria, and the Occupied Palestinian Territories. I am confident that this review will become a valuable reference document for all those with an interest in the issue of statelessness in the UK asylum system. I am pleased that the Home Office has accepted or partially accepted the vast majority of the reviewer's recommendations and will update its COI accordingly.

The report was submitted to the Home Secretary on 26 April 2023.

David Neal

Independent Chief Inspector of Borders and Immigration

1. Scope

1.1 In October 2022, the Independent Advisory Group on Country Information (IAGCI) sought tenders for an expert to complete a thematic review of the treatment of statelessness in the country of origin information (COI) that is produced by the Home Office and used by officials to assess asylum and protection claims.

1.2 The topic of statelessness was selected because it is a significant cross-cutting issue affecting asylum seekers from a number of different countries and regions. The IAGCI sought to examine whether the COI produced on relevant countries consistently recognised and showed a good understanding of the issue of statelessness and to assess the extent to which its content was accurate and up to date in each case.

1.3 The expressions of interest received from potential reviewers were assessed by the IAGCI Chair, with input from the Independent Chief Inspector of Borders and Immigration, and the reviewer with the most relevant expertise and knowledge was selected.

1.4 The appointed reviewer assessed the treatment of statelessness across the Home Office's COI products and prepared a detailed evaluation of the country information covering Kuwait, Myanmar, Syria, and the Occupied Palestinian Territories. These cases were selected as nationality laws in Kuwait, Myanmar, and Syria leave sizeable populations in those countries stateless, and as many residents of the Occupied Palestinian Territories lack the citizenship of any state.

1.5 The completed review was quality assured by the IAGCI Chair and sent to the Home Office's Country Policy Information Team (CPIT), which added its responses to the recommendations contained in the review. The resulting document is published here as Annex A.

1.6 The IAGCI met virtually on 28 February 2023 to consider the review and CPIT's response.

2. Consideration by the Independent Advisory Group on Country Information

2.1 The Independent Advisory Group on Country Information (IAGCI) met virtually on 28 February 2023 to consider the review of the treatment of statelessness in Home Office country of origin information (COI) that it had commissioned in October 2022.

2.2 The meeting was led by the IAGCI Chair, Michael Collyer (University of Sussex), and was attended by IAGCI members Harriet Short (Immigration Law Practitioners' Association), Julie Vullnetari (University of Southampton), Ceri Oeppen (University of Sussex), Giorgia Dona (University of East London), Zoe Bantleman (Immigration Law Practitioners' Association), and Nando Sigona (University of Birmingham). Apologies were received from Judge Sue Pitt (Upper Tribunal, Immigration and Asylum Chamber), Larry Bottinick (UN High Commissioner for Refugees), and Katinka Ridderbos (UN High Commissioner for Refugees).

2.3 Other participants in the meeting included the Independent Chief Inspector of Borders and Immigration, David Neal, and members of his staff; staff of the Home Office's Country Policy and Information Team (CPIT); and Eric Fripp, who prepared the review under discussion.

Discussion of the review

2.4 At the meeting, the reviewer provided an overview of his approach and findings. He remarked on the difficulty of determining the prevalence of statelessness both globally and in the Home Office's asylum caseload, noting that claims to which statelessness might be relevant can be difficult to detect, with statelessness sometimes only emerging as a factor late in the process, in the context of fresh claims or appeals. A greater awareness and deeper understanding of statelessness might help to reduce delays in identifying claims to which it is relevant.

2.5 With respect to the Home Office's COI products, the reviewer found that there was no fixed approach to covering issues of nationality and statelessness, and that while there was no broad pattern of error or omission in coverage of these issues, it might be helpful if they were addressed more consistently and systematically.

2.6 The reviewer found that the Home Office's COI on Myanmar and the Occupied Palestinian Territories provided a reasonably accurate account of the relevant situation in those territories, but that the COI on Syria did not address the nationality and statelessness issues that affect a significant number of individuals with a connection to that country (including Syrian Kurds, Palestinian refugees, and individuals affected by provisions of Syrian nationality law that discriminate on the basis of gender), and that the Home Office's country policy and information note (CPIN) on Kuwait (covering the situation for its substantial stateless Bidoon population) would benefit from substantial reorganisation and revision.

2.7 The reviewer also recommended that CPIT monitor and take account of material produced by the UN High Commissioner for Refugees and by reputable NGOs or researchers concerned with nationality and statelessness.

2.8 CPIT staff thanked the reviewer for his study and said that they agreed with and had accepted many of his recommendations, though they noted that they received few requests from operational colleagues for information on statelessness issues.

2.9 CPIT staff reflected that a challenge for them would be to incorporate a level of information on statelessness in COI that would not be more than would be beneficial to asylum decision makers or less than decision makers on statelessness applications would need. (A stateless person in the UK who is unable to live in any other country may lodge an application for leave to remain, or, if they fear persecution in another country, they may claim asylum, but Home Office procedures do not allow for them to do both.)

2.10 IAGCI members expressed pleasure that the recommendations in the review had overwhelmingly been accepted or partially accepted, with no rejected comments. In response to questions from IAGCI members, CPIT staff said that some points from the review could be highlighted for decision makers through asylum policy instructions and that operational staff would be referred to the document in response to specific queries. CPIT staff said as well that they recognised that the Kuwait CPIN was due for an update and that the team would be turning to that shortly.

Annex A: Thematic review of statelessness in Home Office country of origin information

Prepared for the Independent Advisory Group on Country Information (IAGCI)

Eric Fripp

6 February 2023

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1. Introduction

1.1 Background to review

1.1.1 Preliminary

a. I have been instructed by the [Independent] Chief Inspector of Borders and Immigration (ICIBI) to provide a thematic review of the coverage of statelessness in Home Office Country of Origin Information (COI) publications.

b. The post of [Independent] Chief Inspector of Borders and Immigration was created by section 48 UK Borders Act 2007 (UKBA 2007). By section 48(2)(j) UKBA 2007 the ICIBI shall '*consider and make recommendations about … the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials*'. In performing this task ICIBI is assisted by the Independent Advisory Group on Country Information (IAGCI). Reviews by IAGCI assess whether the content of COI is accurate, balanced, objective, and up-to-date, and provide the basis for ICIBI inspection reports.

c. This is the first thematic review of statelessness in Home Office COI products done on behalf of ICIBI and IAGCI. In April-August 2017 ICIBI carried out an Inspection of the Home Office's production and use of COI information.[10] Under '*Purpose and Scope*' this notes that the inspection '*excluded from scope… Statelessness*' on the basis that '*the lack of COI products has concerned stakeholders, but Home Office data records only a handful of cases in 2016-17.*'

d. In the meeting of IAGCI on 20 October 2020 it was observed by the incoming Chair of IAGCI that statelessness was a topic the IAGCI should look at in the future.[11] A review of this theme (*'An inspection report on thematic coverage of statelessness in the Home Office's Country of Origin (COI) products'*) was included in ICIBI's inspection plans for 2021-22[12] and 2022-23[13], and calls for tenders to carry out the review were issued in 2022.

e. The Call for Tenders issued prior to the current review stated that [my underlining]:

> *At a forthcoming meeting, the IAGCI will consider the coverage of statelessness in the COI produced by the Home Office. <u>In addition to reviewing the treatment of statelessness in CPINs on countries where it is a significant issue, the IAGCI will also consider general recommendations relating to the presentation of country information on statelessness.</u> To inform this discussion, the IAGCI seeks to*

10 ICIBI, *An inspection of the Home Office's production and use of Country of Origin Information April–August 2017* ((Jan 2018).
11 Minutes of IAGCI 20 October 2020, Annex A to *ICIBI Inspection of Country of origin Information* (December 2020), p13
12ICIBI Inspection Plan, 2021-22, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005340/ICIBI_Inspection_Plan_2021-22.pdf.
13 ICIBI Inspection Plan, 2022-23, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065798/ICIBI_Inspection_Plan_2022-23.pdf.

commission a review paper to be prepared by an expert with in-depth knowledge of statelessness, including how it arises and which groups are most likely to be affected. As with other reviews, the aim will be to ensure that CPINs contain the most up to date, relevant, and useful information to inform accurate decision-making.

f. Because of the need to ground any recommendations in a firm understanding of statelessness, and its relevance to immigration and asylum functions of the Home Office in relation to which COI is produced, I have given considerable attention at the outset of this review to clarifying statelessness- its legal definition in international and domestic law, its relationship with nationality, and the information available concerning its prevalence and location globally. I have sought to identify its primary points of relevance to the Home Office's immigration and asylum functions. I have sought to summarise how it is understood and dealt with by the Home Office in relation to immigration and asylum in particular, and I have set out a number of general recommendations in relation to this. I then sought to advance the review by examining the treatment (or absence of treatment) of statelessness and related issues in COI relating to three countries- Kuwait (Bidoon), Myanmar (Rohingya), Syria (Palestinians, Kurds, gender discrimination in nationality, arbitrary deprivation of nationality)- and the Occupied Palestinian Territories (OPT), treating these four instances as specimens.[14]

g. I have selected those countries and the OPT on the basis that in each case there are issues relating to statelessness which are recognised not only by specialised experts and NGOs but also by the wider international community and official documentation such as the Annual Country Reports on Human Rights Practices of the United States State Department, so that there is a substantial body of information in each case. Kuwait and Myanmar are countries of residence or origin of substantial stateless groups- Bidoon and Rohingya respectively. Syria also has a stateless population in particular composed of Kurds originating from its territory and Palestinians who went there, or whose forbears went there, when displaced by events in the Middle East after the foundation of the State of Israel, but it also has a gendered nationality law that creates statelessness and broad laws and practices relating to deprivation of nationality which have historically been exercised in a politicised way. The OPT consists in two territories, the Gaza Strip and West Bank, the majority of whose inhabitants have been left stateless by political developments since the Second World War including the foundation of the State of Israel. In each case, also, the Home Office publishes COI and so there is a body of material to consider.

h. In relation to the examination of COI relating to individual states and the OPT in the second part of the review I have:

- assessed the extent to which information from source documents has been appropriately and accurately reflected in any relevant CPIN report;
- where necessary, identified additional sources of evidence as to relevant issues;
- noted and corrected any specific errors or omissions of fact;

14 I am aware that a separate review is in process regarding COI in respect of Myanmar. That review will have a different ambit, whereas my examination is limited to statelessness. The current work has been conducted entirely independently of the separate Myanmar COI review.

- made recommendations for general improvements regarding, for example, the structure of reports, their coverage, or their overall approach;
- ensured no reference is made to any individual source which could expose a person to serious risk to life or liberty.

I have done so conscious of the limitation that I am only engaged with the COI in relation to statelessness related issues. I am not conducting a general review of all COI, or of aspects of the COI not relevant to statelessness and/or related issues. Nor am I engaged in any independent judgment on the facts of situations to which COI refers, as opposed to consideration of the COI in light of broader evidence where relevant.

1.1.2 COI material

i. COI material is published by the Home Office to assist its staff, and is publicly available. It most typically appears in documents known as *'Country Policy and Information Notes'* (CPINs) focussing on a particular issue, or a range of such issues, in relation to a named country or territory. CPINs combine a section containing policy guidance to caseworkers (generally designated *'Assessment'*) with distinct sections setting out COI material ('*Country information*'). As at 17 January 2023 COI material was presently published on the gov.uk website[15] in relation to 45 countries. The Immigration Law Practitioners' Association's *Best Practice Guide to Asylum and Human Rights Appeals16* provides a useful summary of recent developments in relation to Home Office COI:

> *17.1 The Home Office has produced a range of reports and notes on countries of origin. Prior to 2014, its Country of Origin Information Service ('COIS') published three 'products' which included COI reports, COI bulletins, and fact-finding mission reports. These [products] were limited to Country of Origin Information (COI), rather than explicitly containing statements of policy. Separate Operational Guidance Notes ('OGN'), produced by a different policy team, set out Home Office policy on types of claim from particular countries.*
>
> *17.2 However from the beginning of 2014, UKVI introduced a new product, described as 'Country Information and Guidance' ('CIG') (now called 'Country Policy and Information Notes' ('CPIN')) which combined elements of COI reports and policy guidance. These reports are produced by the Country Policy Information Team ('CPIT'), which was the result of the merger in 2014 of COIS and the previous Country Specific Litigation Team ('CSLT') which previously produced Operational Guidance Notes. The name change in 2016 to CPIN followed criticism by the Upper Tribunal in MST and Others (national service – risk categories (CG) [2016] UKUT 00443 (IAC) that the use of the new terminology risked creating confusion between "Country Guidance" which is the function of the Upper Tribunal and "operational" or "policy" guidance which is properly the function of the executive. Regardless of their title, these reports are more thematic and deal with issues which commonly arise (e.g., 'blood feuds' or 'female victims of trafficking'), while remaining country specific. The current Country Policy and Information Notes are now located together, grouped by country, at https://www.gov.uk/government/collections/country-policy-and-information-*notes.

15 https://www.gov.uk/government/collections/country-policy-and-information-notes#a.
16 M Henderson, R Moffatt, A Pickup, Best Practice Guide to Asylum and Human Rights Appeals (ILPA, 2022) ch 17 (https://www.ein.org.uk/bpg/chapter/17).

j. CPIT's primary remit is to support the teams of caseworkers responsible for decision making in the Home Office. The team maintains a workplan which is updated quarterly. A range of factors are considered when this is done, including the following.

Driver	*Question(s)*
1. Carry overs	*What CPINs are not going to be completed from the previous quarter? Do they need to be carried over to the upcoming quarter?*
2. Updates	*What CPINs are reaching the two-year (+) point and should be in line for an update/review? Do we need to keep them as CPINs? Do we need to keep them at all? (i.e. could they be merged into other products and/or archived?)*
3. Intake	*Which nationalities are generating the main intake? Are there any other areas that we need to produce stuff on?*
4. World Events/Reporting	*Has there been a significant change and/or reporting in a country's political, security or human rights situation that has or is likely to have an impact on asylum claims made in the UK?*
5. Data analysis material	*What should we be producing based on our data analysis?*
6. Queries	*What are we seeing via the inbox? Where could/should we be pooling or upgrading COI responses? What are individual team members getting asked about?*
7. CG cases/Litigation/ Charter Flights	*Are there any CG cases pending that will require us to produce/update a CPIN? What other litigation are we seeing that may prompt us to produce something? What charters have we got upcoming that might prompt (last minute) litigation?*
8. UKVI Asks	*Have UKVI made any specific asks of us?*
9. FFMs	*Have we got any FFM reports that should feed into CPINs?*
10. IAGCI	*Do we have an IAGCI review planned? If so, which CPINs are they looking at that we need to update in line?*
11. External feedback	*Have stakeholder made any suggestions to us?*

12. Other external pressures — *Has there been any 'external' pressures or commitments to do so? (e.g. Ministerial undertakings to Parliament, or in response to MPs letters)*[17]

This approach is designed to allow work to be focussed on particular perceived needs raised by clients in the Home Office or noted internally. CPIT invites external feedback- each CPIN states in its preface, under the heading '*Feedback*' that '*Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team*'. CPIT was not immediately aware of issues specifically relating to statelessness having been raised by this means.

k. While CPIT's work is primarily directed to the needs of casework teams concerned with making decisions on immigration and/or asylum claims, it should be noted that its publications have considerable wider relevance. Where COI material is published, this allows all involved in immigration and/or asylum processes to identify and refer to a body of external factual information concerning relevant issues. This provides a '*bottom line*' for decisions, and helps to focus the issues in litigation. It is accordingly of value not only for immigration and asylum decision makers, but also for affected individuals, interested families and communities, legal advisers and representatives, and judges at all levels. In addition, the experience of the reviewer over many years[18], including prior to systematic publication of COI material, suggests that COI of good quality saves resources, by encouraging consistency in decision making, reducing the need to appeal by encouraging positive decisions at first instance where supported by COI material, and where applications are refused, allowing resources to be focussed on relevant issues.[19]

l. Balancing this, however, experience suggests to the reviewer that there are potential sources of casework weakness around use of COI, including that decision makers may fail to use COI correctly, for instance failing to comprehend and apply it correctly, failing to consider changes since COI was produced, assuming that the absence of COI indicates an absence of issues to address in a claim, and/or failing to move beyond the initial policy guidance (in the section headed '*Assessment*') treating this incorrectly as a summary of conclusions drawn from the COI. Of course casework failings are not the responsibility of CPIT. Ideally, however, COI material may provide assistance in discouraging casework error or allowing error to be corrected on review or appeal.

m. The production and use of COI material has been reviewed by ICIBI previously. Past reports examined both the organisation and process involved in production of COI material in 2017, and the use of COI materials by decision makers.[20] In the report of a previous examination in 2010-2011 it was said that '*If a Case Owner received an application from a country with little or no information available from the COIS, they were "ill-placed to make a decision" as one Case Owner said. In addition, even where a report or Key Document had been produced, it did not always cover the specific situation of every social group.*' One matter I have noted is that the 2017 review indicated concern at reduction in

17 I am grateful to Martin Stares and Robin Tichener of CPIT to whom I was able to speak about CPIT and the process for production of COI publications. The table was provided to me by CPIT and its reproduction approved.
18 The reviewer has been involved in UK refugee law adjudication since approximately April 1996. The Country of Origin Information Service, precursor to CPIT, published its main product, Country of Origin Information Reports on the 20 countries then generating the most asylum applications in the UK, bi-annually commencing in 1997.
19 ICIBI, *The use of country of origin information in deciding asylum applications: A thematic inspection October 2010 – May 2011*, §6.2.
20 ICIBI, *An inspection of the Home Office's production and use of country of Origin information April-august 2017* (January 2018); and previously ICIBI, *The use of country of origin information in deciding asylum applications: A thematic inspection October 2010 – May 2011*.

CPIT's staff, which had been reduced by 8 posts or approximately one third, or 8 posts, since a merger of earlier teams in 2014.[21] I understood from CPIT that resources have relatively recently been increased, with CPIT moving from 21 posts recently to 23 and eventually to 26.

n. This review is directed to COI materials, not to their ultimate use. But reviewing the material necessarily involves considering whether and if so how its fitness for constructive use can be improved, consistently with my instructions set out in IAGCI's Call for Tenders:

> *The review should provide an assessment of the coverage of statelessness in existing COI products, commenting on its:*
>
> *Completeness: the extent to which relevant available information on statelessness has been reflected in the CPIN. Additional publicly available sources should be identified where appropriate.*
>
> *Accuracy and balance: whether relevant information from source material has been accurately and appropriately reflected in the CPIN, noting any specific errors or omissions.*
>
> *The review should provide a comparative summary, noting the strengths and weaknesses of the different reports.*
>
> *In addition, the review should identify information on statelessness that is not covered in any of the reports but is nonetheless relevant to supporting decisions made by the Home Office. This may involve recommendations for new reports on populations likely to experience statelessness about whom no report currently exists, recommendations for information that could usefully be incorporated into CPINs which do not currently have a section on statelessness, and/or recommendations on other ways of ensuring the necessary information is available to decision makers.*

1.1.3 Statelessness

o. The concept of statelessness is, as set out below, subject to legal definition. That definition incorporates into itself another, that of nationality- statelessness is in essence the absence of nationality. But instances of statelessness can be difficult to establish conclusively:

i. Whether an individual (or community) is stateless may itself be a subject of political, historical, and/or legal dispute between the individual (or community) and the state, or the latter and the international community or a section of it;

ii. Given the political sensitivity surrounding the position of some stateless individuals or communities, record keeping too may be politicised, even if it is not inadequate by reason of administrative incapacity;

iii. Statelessness in law means not holding any nationality according to any relevant country's '*operation of its law*', referred to frequently as *de jure* statelessness. The application of the definition to any individual or group case may create difficult

21 2017 review, §§3.5-.

questions without certain or agreed answers, because both national law and the effect of '*its operation*' can in practice be opaque or disputed in effect;

iv. Around statelessness as defined in law- *de jure* statelessness- there is potentially a large penumbra of unclear cases, or phenomena close to or parallel to *de jure* statelessness, sometimes described as *de facto* statelessness.

1.1.3.1 Statelessness: definition

p. Statelessness is defined for purposes of international law at article 1(1) Convention relating to the Status of Stateless Persons (CSSP 54), by which '*For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.*' It arises when a person either has not acquired any nationality under the law of a State, or has lost such nationality. Although expressed at article 1(1) CSSP 54 as specific to that treaty, the definition already reflected pre-existing customary international law, and more recently the International Law Commission (ILC) indicated that the definition '*can no doubt be considered as having acquired a customary nature*'.[22] The CSSP 54 definition is also the definition of statelessness applied in law by the United Kingdom.[23] Because it depends ultimately upon the operation of the nationality law of a State, statelessness as defined in CSSP 54 is sometimes described as *de jure* statelessness, contrasted with *de facto* statelessness, a broader factual concept applied to persons who are nationals by the operation of nationality law, but who by some relevant measure, chosen by the individual using the description, are in a position parallel to that of *de jure* statelessness. *De facto* stateless persons, as opposed to those within the article 1(1) definition, are outside the scope of CSSP 54.[24] In this review the concept of statelessness and the terms '*stateless*', '*statelessness*', and '*stateless person*' will denote CSSP 54/ *de jure* statelessness, save where the contrary is indicated.

q. It is clear that statelessness is not mutually exclusive from other relevant situations or statuses, for instance the status of refugee defined at article 1A(2) Convention relating to the Status of Refugees 1951 (CSR 51), essentially a person (i) holding at least one nationality and outside any country of nationality and unable to return to such country of nationality (or any of several such countries, in the event of multiple nationality) by reason of well-founded fear of persecution for relevant reason(s), or (ii) who is stateless and being *'outside the country of his former habitual residence…, is unable or, owing to well-founded fear of well-founded fear of persecution for a relevant reason(s), is unwilling*

22 International Law Commission, *Draft Articles on Diplomatic Protection with Commentaries*, Yearbook of the international Law Commission, vol II(2) (2006) 48-49 (nb The International Law Commission is a body of experts responsible for helping develop and codify international law. It is composed of 34 individuals recognized for their expertise and qualifications in international law, who are elected by the United Nations General Assembly every five years.)

23 *Pham v SSHD* [2015] UKSC 19; [2015] 3 All ER 1015, §20 (Lord Carnwath).

24 Resolution No. I of the Final Act of the Conference that drew up the Convention recommends that '*persons who are stateless* de facto *should as far as possible be treated as stateless de jure to enable them to acquire an effective nationality*', but the recommendation does not create a binding international law duty: United Nations Conference on the Elimination or Reduction of Future Statelessness, Resolution I, United Nations, *Treaty Series*, vol. 989, p. 279.

to return to it'.[25] This definition is essentially reproduced in the main EU instrument concerning refugees *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted* (the Qualification Directive: QD).[26]

r. The definition of '*stateless person*' under CSSP 54 depends upon whether a person '*is not considered as a national by any State under the operation of its law*'. In this way, the fact of statelessness is essentially a residual condition arising where it is found that a person is not considered by a State as a national '*under the operation of its law*'. Because statelessness is the absence of nationality, the concept of nationality, which is generally understood in application but not defined authoritatively in international law, is an essential aspect in the definition of statelessness. Effectively they require consideration together, even if the primary ultimate focus is statelessness, because an absence of sufficient understanding of nationality undermines understanding of statelessness. The interdependence of statelessness and nationality is demonstrated in the practice of authoritative bodies; the International Law Commission, for instance, consistently examines statelessness under the heading '*Nationality including statelessness*'.[27]

1.1.3.2 Nationality

1.1.3.2.1 Nationality: definition

s. The term '*nationality*', in the sense relevant to this review, denotes the linkage between a human being and a state at the level of international law - '*a politico-legal term denoting membership of a State*'.[28] This is distinct from the separate but related usage of the same word, employed in relation to a group who share or are said to share a linguistic or cultural characteristic which makes them distinct: '*In the latter sense it means the subjective corporate sentiment of unity of members of a specific group forming a '"race" or "nation" which may, though not necessarily, be possessed of a territory and which, by seeking political unity on that territory, may lead to the formation of a State*' of which it has been said, by a leading expert in this field, that '*Nationality in that sense, which is essentially a conception of a non-legal nature belonging to the field of sociology and ethnography, is not the subject of this work. The use of the same term for two different notions, belonging to two different branches of science, is, however, not merely accidental. It can be explained by historic-genetic reasons and is not entirely irrelevant when treating of nationality as a legal concept, as will be shown later.*[29] The term '*nationality*' is employed in this review only in the international law sense of membership of the State for purposes of international law. Nationality in the international law sense

25 By article 1A(2) CSR 51 the term 'refugee' means a person who '*owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence…, is unable or, owing to such fear, is unwilling to return to it.*

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.'

26 *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted* ('The Qualification Directive'), article 2(c).

27 ILC, *Analytical Guide to the Work of the International Law Commission* (https://legal.un.org/ilc/guide/6_1.shtml.)

28 P Weis, *Nationality and Statelessness in International Law* (2nd end 1979, Leiden, Brill), 3.

29 Ibid, 3.

arises from a membership status which in domestic law of states may be denoted as '*citizen*' or '*subject*' or some term depending upon the law of the State in question. Accordingly the terms 'national' and 'citizen' are so closely related that they may be employed in many contexts as synonyms.

t. The relationship between international and domestic law is a critical feature of nationality. It is described in a leading work as follows:

> *Nationality as a term of municipal law is defined by municipal law. The meaning of the term and its content, i.e the rights and duties which it confers, depend on the municipal law- as a rule the constitutional law- of the State concerned. There is, therefore, not* one *definition of nationality as a conception of municipal law, but as many definitions as there are States, unless one wishes to choose a general definition such as "nationality denotes a specific relationship between individual and State conferring mutual rights and duties as distinct from the relationship of the alien to the State of sojourn".*[30]

u. Nationality in what is described above as a '*general definition*' has been identified as '*the status of a natural person who is attached to a State by the tie of allegiance*'.[31]

1.1.3.2.2 Incidents of nationality

v. For the Home Office performing its immigration and asylum functions, and generally, there are important relevant incidents attaching to nationality under international law, both amongst states and as regards international human rights law.

w. As between States, at the level of international law there is a strong expectation that the State will admit its nationals to its territory, at least when expelled or excluded by another State. *Oppenheim's International Law* notes the nationality of an individual as important in grounding an obligation of the State of nationality to accept the return of a national:

> *The function of nationality becomes apparent with regard to individuals abroad … especially on account of one particular right and one particular duty of every state towards all other states. The right is that of protection over its nationals abroad which every state holds, and occasionally vigorously exercise, as against other states… The duty is that of receiving on its territory such of its nationals as are not allowed to remain on the territory of other states. Since no state is obliged by international law to allow foreigners to remain within its boundaries, it may, for many reasons, happen that certain individuals are expelled from all foreign countries. The state of nationality of expelled persons is bound to receive them on its territory.*[32]

30 Ibid, 29.
31 Harvard Law School, *Research in International Law.* Supplement to *American Journal of International Law,* vol. 23 (1929).
32 R Jennings and A Watts (eds), *Oppenheim's International Law,* 9th edn, volume 1 ('*Peace*'), (Oxford, OUP, 1992), Part 2, §379, 849.

This duty is considered one between States and not an individual right: *'According to international law the duty of admission only exists towards foreign States and not towards the national, though the custom, not to deny admission to nationals, is sometimes reflected in municipal law*'.[33]

x. As between the individual and the state significant incidents of nationality include the following:

i. Entry/remaining in country of nationality- under domestic laws many States provide rights of entry and residence to their citizens or subjects (their nationals for purposes of international law) and international or domestic human rights laws may bear if such rights are withheld;

ii. International protection- this is an institution of international law by which one State may seek a remedy against another in respect of damage done to its national by the second State;

iii. Internal protection- before the Second World War international law generally regarded the treatment of nationals of a State by that State operating within its territory as a matter of exclusive competence of that State, though at a level of theory it was suggested that duty might require the State to recognise some level of protective duty in respect of its own citizens on its territory: '*the* internal, legal protection *which every national may claim from his State of nationality under its municipal law i.e., the right of the individual to receive protection of his person, rights and interests from the State*'[34]. Since then international (including regional) and domestic human rights laws have greatly developed, gradually attenuating State autonomy.

1.1.3.2.3 Relationship of domestic and international law in relation to nationality

y. A critical feature is that nationality may be created, or withheld, only by the State in question. Articles 1 and 2 of the Convention on Certain Questions Relating to the Conflict of Nationality Laws 1930 state as follows:

> *Article 1*
>
> *It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.*[35]

33 Ibid.

34 Weis (n 19 above) 32–33 citing G Jellinek, *System Der Subjectiven* Öffentlichen *Rechte* (Mohr, 1892) 349–51.

35 Article 1 cites scope for non-recognition of a State's nationality on the international level, in the event of inconsistency with international law. Non-recognition does not mean that an individual does not hold the nationality in question, only that other States or international bodies do not recognise it. An example is the formation of small 'states' collectively referred to as '*Bantustans*' within South Africa as part of the policy of apartheid from the 1970s, to deny citizenship of South African to black residents and justify this by assigning them to new entities created for the purpose claimed to be states.

Article 2

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of the State.

It is likely that they reflect customary international law, and are binding as such on all States.

z. In the *Nottebohm* case, which concerned the effect of an individual's naturalisation by Liechtenstein, the International Court of Justice observed that:

> *It is for Liechtenstein, as it is for every sovereign State, to settle by its own legislation the rules relating to the acquisition of its nationality, and to confer that nationality by naturalization granted by its own organs in accordance with that legislation. It is not necessary to determine whether international law imposes any limitations on its freedom of decision in this domain. Furthermore, nationality has its most immediate, its most far-reaching and, for most people, its only effects within the legal system of the State conferring it. Nationality serves above all to determine that the person upon whom it is conferred enjoys the rights and is bound by the obligations which the law of the State in question grants to or imposes on its nationals. This is implied in the wider concept that nationality is within the domestic jurisdiction of the State.*[36]

1.1.3.2.4 Acquisition and loss of nationality

aa. How States settle matters of nationality is in principle a matter for the domestic legal and political system of each, the following being some general features of relevant laws:

i. Citizenship/nationality laws may operate '*automatically*' or by '*original means*' (the fact of status is created by the meeting of a condition- for instance birth on the territory or to a citizen parent) or '*non-automatically*' or by '*derivative means*' (status is created by a decision or action of the State- for instance by registering or naturalising a person as a citizen);

ii. The citizenship/nationality laws of most states today have been based substantially upon laws providing for automatic nationality by *ius soli* (citizenship/nationality by birth on the State territory) or *ius sanguinis* (citizenship/nationality by descent from a parent), or some combination of these two;

iii. People may become citizens by non-automatic means- generally naturalisation- where this is permitted by the laws of the State in question. The practice of states is diverse, and it appears that in the present state of international law, states are not required to have laws for naturalisation of aliens;

36 *Nottebohm case (Liechtenstein v Guatemala)* ICJ Reports (1955) 4, 20.

iv. States may provide for loss or deprivation of nationality, subject to relevant international law norms.

States are now bound to a greater degree than in the early 20th century by international standards either within treaty law or *ius cogens* (peremptory) norms of international law.

1.1.3.2.5 Relevance of international law/international human rights law

bb. There is not scope in this review to identify all international law/human rights standards bearing on statelessness and nationality, and this has not been attempted. However the interaction of statelessness and nationality is at the heart of the immediate review, and identification of at least some critical standards is indispensable. A number of key standards encountered in relation to the immigration and asylum context- in particular as regards international protection- may be identified for present purposes:

i. **Arbitrary deprivation of nationality**: article 15(2) of the Universal Declaration of Human Rights 1948 (UDHR 48) prohibited arbitrary deprivation of nationality, along with denial of the right to change nationality. UDHR 48 is not a binding instrument, but the development of the law through other later treaty provisions as well as *ius cogens* norms, have created a basis for the statement of the United Nations Human Rights Council that a general standard arises against arbitrary deprivation of nationality. Deprivation is '*arbitrary*' if the State fails to apply appropriate procedural and substantive standards:

> *25. … while international law allows for the deprivation of nationality in certain circumstances, it must be in conformity with domestic law and comply with specific procedural and substantive standards, in particular the principle of proportionality. Measures leading to the deprivation of nationality must serve a legitimate purpose that is consistent with international law and, in particular, the objectives of international human rights law. Such measures must be the least intrusive instrument of those that might achieve the desired result, and they must be proportional to the interest to be protected. In this respect, the notion of arbitrariness applies to all State action, legislative, administrative and judicial. The notion of arbitrariness could be interpreted to include not only acts that are against the law but, more broadly, elements of inappropriateness, injustice and lack of predictability also.*
>
> *26. The prohibition of arbitrary deprivation of nationality, which aims at protecting the right to retain a nationality, is implicit in provisions of human rights treaties that proscribe specific forms of discrimination…*

> *27. In the report of the Secretary-General on arbitrary deprivation of nationality (A/HRC/10/34), the United Nations High Commissioner for Refugees (UNHCR) indicated that deprivation of nationality resulting in statelessness would generally be arbitrary unless it served a legitimate purpose and complied with the principle of proportionality…*[37]

It is well established that arbitrary deprivation of nationality for a relevant reason, linked to exclusion from the territory breaching article 12(4) of the international Covenant on Civil and Political Rights 1966 (ICCPR 66) ('*No one shall be arbitrarily deprived of the right to enter his own country*'), may ground refugee status in the United Kingdom;[38]

ii. **Arbitrary denial of nationality**: The imposition of arbitrary denial of nationality together with denial of basic civil, political, social, economic and cultural rights upon persons with a close relationship to the state may breach important protected human rights and has been held to ground refugee status in the United Kingdom;[39]

iii. **Denial of access to realisation of status as citizen**: Measures such as arbitrary deprivation of the rights of citizenship, including where an arbitrary deprivation of nationality is not effective in law (a significant route to *de facto* statelessness), or arbitrary denial of birth registration documentation required to prove nationality, conducted as part of discrimination against a victimised community and designed to prevent individuals demonstrating their citizenship, have been held to breach important international rights;[40]

iv. **Arbitrary exclusion of citizen from territory**: As already noted, there is a strong international norm, expressed at article 12(4) ICCPR 66 and elsewhere, against States excluding their nationals from (re)admission. One of the few States which does this is Cuba, by deeming persons who have remained outside the territory as having become settled elsewhere, and removing the right to return as a resident. This has been held to ground refugee status in the United Kingdom;[41]

v. **Arbitrary exclusion from 'own country'**: Article 12(4) of ICCPR 66 prohibits arbitrary exclusion from a person's '*own country*'. This takes in at least some persons who do not have a link of nationality to the territory:

> *[The phrase, 'own country'] is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country*

37 UN Human Rights Council, *Human rights and arbitrary deprivation of nationality: report of the Secretary-General*, 14 December 2009, A/HRC/13/34: http://www.refworld.org/docid/4b83a9cb2.html [accessed 4 January 2016].
38 *Lazarevic v SSHD* [1997] EWCA Civ 1007; [1997] 1 WLR 1107, *EB (Ethiopia) v SSHD* [2007] EWCA Civ 809; [2009] QB 1, *MA (Ethiopia) v SSHD* [2009] EWCA Civ 289; [2010] INLR 1, *ST (Ethnic Eritrean - nationality - return) Ethiopia CG* [2011] UKUT 252 (IAC) at paras 69-90.
39 *BA and others (Bedoon–statelessness–risk of persecution) Kuwait CG* [2004] UKIAT 00256.
40 *Yean and Bosico v Dominican Republic* [2005] Inter-Am Ct HR, (series C) No 130 (8 September 2005).
41 *HGV v SSHD* (9 March 2021) (PA032622019 [2021] UKAITUR PA032622019, https://www.bailii.org/uk/cases/UKAITUR/2021/PA032622019.html.

of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them. The language of article 12, paragraph 4, moreover, permits a broader interpretation that might embrace other categories of long-term residents, including but not limited to stateless persons arbitrarily deprived of the right to acquire the nationality of the country of such residence.42

vi. **Prohibited discrimination in treatment re nationality**: Discrimination in relevant respects is prohibited by numerous international treaties and prohibition of race discrimination and apartheid have been described by the International Court of Justice as *erga omnes* norms binding all States.[43] Discrimination may be an important element in arbitrary decision making (above).

1.1.3.3 Statelessness: history/relevance to immigration and asylum

cc. International law and society first encountered statelessness as a substantial issue in the aftermath of the First World War. The war itself, the consequential collapse of the Russian and Ottoman empires and Austro-Hungary, and the subsequent formation of new states on a broadly ethnic basis excluding perceived outsiders, created serious difficulties both for millions of individuals either made stateless by deprivation of nationality or by failure to maintain a nationality in the course of state succession. International law then provided little or no sanction against denationalisation by States.

dd. The most notorious actions in the immediate post-WW1 period were those of the Turkish authorities denationalising Armenians who had fled genocide or been expelled, and of new Soviet authorities in what had been the Russian Empire. Soviet measures included a decree of 15 December 1921 withdrawing Russian citizenship from, *inter alia*, all persons remaining outside the territory of the State for more than five years without receiving new documents from the authorities, those who had left after 7 November 1917 without authorisation of the authorities of the USSR, and any person who had served voluntarily in armies fighting the Soviets or had '*in any way*' participated in counter-revolutionary organisations.[44] In due course Nazi Germany applied measures of denationalisation to Jews and other targeted groups, first by the Law on the Revocation of Naturalization and the Deprivation of the German Citizenship of 14 July 1933, which rescinded nationality grants to a large number of persons, many of them Jews or political opponents of the Nazis,[45] and then by the Reich Citizenship Law of 15 September 1935, which deprived German Jews and others of Reich citizenship to which civil rights were attached, whilst leaving them still subject to the duties attached to nationality. The denationalisation laws, and removal of citizenship rights from persons who retained nationality, were not confined to Jews, but they were a primary target.

ee. In most cases denationalisation resulted in statelessness, and was accompanied by expulsion or exclusion from the national territory, whether immediately or later. It generally represented either punishment for assumed or actual political difference from the new regime or

42 UNHRC, General Comment 27, *Freedom of Movement (Art 12)*, UN Doc CCPR/C/21/Rev.1/Add.9 (1999) paras 20–21.
43 Inter-American Court of HR, Advisory Opinion OC-4/84 of 19 January 1984, *Proposed Amendments to the Naturalization Provision of the Constitution of Costa Rica*.
44 British Parliamentary Paper, Nationality and the Naturalization Laws of certain Foreign Countries, Misc No 2, 1927 (CMDB 2852).
45 Weis (n 19 above) 119.

a means to the removal of unfavoured and often persecuted individuals or groups. Denial of access to the territory, and deprivation of the possibility of diplomatic protection, often provided the apparent motivation for denationalisation.

ff. Denationalisation and statelessness contributed greatly to the situation of large numbers of persons without access to national protection, motivating the creation after the Second World War of the international refugee law regime, as well as international laws concerning the status of stateless persons and the reduction of statelessness, and international human rights law.

1.2 Methodology

1.2.1 Outline

gg. Because this is the first review of statelessness in Home Office COI products, and because introductory definition of terms has necessary, it has been appropriate to provide this in section 1.1 above. The methodology I have employed from this point is as follows:

i. In this section I provide an outline of relevant fact and law addressing the following matters:

a. The amount and distribution of statelessness globally;

b. The potential areas of contact between nationality and statelessness and '*purposes connected with immigration and asylum*' within section 48(2)(j) UKBA 2007;

c. The interrelationship of known problems concerning statelessness, with the main countries of origin of those seeking international protection in the United Kingdom;

d. An identification of dealings with nationality and statelessness in Home Office COI products

ii. In subsection 1.2.3 I have then identified three countries- Kuwait (Bidoon), Myanmar/Burma (Rohingya), Syria (Palestinians, Kurds, gender discrimination in nationality)- and the Occupied Palestinian Territories (OPT), in relation to which I seek to do a fuller review. In relation to each of these foci I have:

a. examined relevant CPIN documents and other documents on the COI section of the gov.uk website;

b. ensured to the best of my knowledge and belief that in each case all relevant (that is, statelessness-related) issues have been identified and addressed adequately in CPIN documents;

c. applied the terms of reference already identified at section 1.1, para f, above.

1.2.2 Prevalence and Location of Statelessness

hh. Difficulties in assessing the number and location of stateless persons arise from a number of factors. Whether statelessness arises will depend upon a potentially complex assessment of the operation of State nationality laws necessary to assessing whether a person '*is not considered as a national*' by the State in question '*under the operation of its law.*' National authorities in some countries may deny the fact or extent of statelessness for domestic political reasons, for instance attributing another nationality to resident stateless persons. This may be true both of countries which pursue adverse policies against resident stateless persons themselves, and seek to hide the fact of statelessness by attribution of another state's nationality, or of countries to which stateless persons have fled or been expelled, which may seek to maintain pressure on such people to return or on the state of origin to allow return by denying those persons' loss or absence of nationality. In addition persons excluded from nationality by a country to which they have a strong connection may be reluctant to describe themselves as stateless, because of strong personal attachment to the country in question or a desire not to feel they are legitimating their own exclusion.

ii. UNHCR first reported country-level statistical data on statelessness in 2004, stating then that across the 30 countries where data had been collected, the total number of stateless persons was estimated at 1.5 million (excluding Palestinians).[46] In a 2011 report UNHCR cited the existence of '*up to 12 million*' stateless people in the world.[47] Subsequently, in 2014, UNHCR estimated that there were at least 10 million stateless people globally, and reported that 20% of all refugees resettled by it during the previous five years had been stateless.[48] The Institute on Statelessness and Exclusion (ISI), a highly reputable non-governmental organisation, separately considered the question of prevalence, and the problems attending attempts to quantify it, estimating the number of stateless persons in the world at 15 million.[49] ISI in 2019 indicated that '*there have, to date, been no developments on such a scale to suggest that there has since been any major global shift in these aggregate numbers and ISI continues to use the estimate of at least 15 million to indicate how many people it understands to be stateless globally, drawing on existing statistical information.*'[50]

jj. In UNHCR publications the total figure has since 2019 been replaced with the more general reference to 'millions' of people as affected by statelessness globally, in recognition of the problems with the statistics, though there were said to be 4.2 million stateless persons '*including those of undetermined nationality*' in 76 countries at the end of 2019.[51] It was stated in the same report that '*The true extent of statelessness is estimated to be much higher, as fewer than half of all countries in the world submit any data and some of the most populous countries in the world with large suspected stateless populations do not report on statelessness at all.*'[52] There are currently two parallel efforts to develop better methodologies: an initiative led by the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics

46 UNHCR, *Global trends, Forced Displacement in 2004*, *UNHCR - 2004 Global Refugee Trends: Overview of refugee populations, new arrivals, durable solutions, asylum seekers and other persons of concern to UNHCR*
47 UNHCR, *Helping the World's Stateless People*, September 2011, UNHCR / DIP / Q&A•A4 / ENG 1, available at: https://www.refworld.org/docid/4e55e7dd2.html [accessed 5 January 2023], p2.
48 UNHCR, *A Special Report - Ending Statelessness within 10 years*, 4 Nov 2014 https://reliefweb.int/report/world/special-report-ending-statelessness-within-10-years on 9 June 2020, pp
49 Institute on Statelessness and Inclusion, *The World's Stateless* (2014) available at https://files.institutesi.org/worldsstateless.pdf.
50 Institute on Statelessness and Inclusion, *Statelessness in numbers: 2019. An overview and analysis of global statistics* (July 2019) available at https://files.institutesi.org/ISI_statistics_analysis_2019.pdf.
51 UNHCR, *Global Trends*, 2029, p54.
52 Ibid.

(EGRISS) of the UN Statistical Commission to develop International Recommendations on Statelessness Statistics (IROSS), and a separate but complementary Inter-agency Group on Statelessness Estimation (IGSE). Presently all figures have to be treated with great caution. The number of persons affected by statelessness can as yet only be estimated- in 2021, according to UNHCR, there were more than 4.3 million people globally who were 'stateless or of undetermined nationality', but this almost certainly understates the number of stateless persons, because reliable qualitative data continues to be elusive.[53] The draft IROSS is now available.[54] It awaits submission to the UN Statistical Commission (UNSC) in March 2023 for discussion and a decision whether to endorse it.[55]

kk. There will be many countries where statelessness is present, as most countries probably have at least a small number of stateless people present in the national territory. Enumerating stateless people by country of location will hide important differences- for instance between (i) stateless people who despite absence of nationality have a strong tie to a country of residence, by birth or descent or prolonged residence, (ii) those who have some residence status in the country of presence albeit without other strong ties, and (iii) those without such ties, whose residence may be temporary or unlawful.

ll. In light of various obstacles to definition and measurement, no truly reliable country by country figures exist. In November 2020 it was stated by USA for UNHCR that:

> *Countries with large stateless populations are Myanmar - with more than 900,000 stateless people, Burkina Faso, Mali, Ghana, Kuwait, Cote d'Ivoire, Thailand, Iraq and the Dominican Republic. In Europe, there are more than 600,000 stateless people due to the dissolution of former countries.*[56]

That does not include Palestinians without the nationality of a State- in the 2004 UNHCR Global Trends report it was stated that 4 million Palestinian refugees were within the responsibility of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).[57] In UNHCR's Global Trends report for 2021 figures are, to avoid double counting, fragmented across separate categories of refugees, asylum applicants, and '*persons under UNHCR's statelessness mandate.*'[58] Certain situations creating or sustaining statelessness are well known, including for instance the situation of stateless Palestinians, the exclusion of the so-called 'Bidoon'[59] from citizenship, or the failure to acknowledge citizenship of members of that group, in Kuwait and the United Arab Emirates, treatment of the Rohingya, excluding them from citizenship and expelling many from the territory of the State- by the Government of Myanmar.

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53 UNHCR, *Global Trends: Forced Displacement in 2021*, p42, https://www.unhcr.org/62a9d1494/global-trends-report-2021, on 15 November 2022. 'Undetermined nationality' is a factual description which can include persons who are not stateless as defined at article 1(1) 1954 Convention relating to the Status of Stateless Persons. On the challenges to establishing better information regarding the number of people affected, see *inter alia* Brad Blitz, *Statistical reporting and the Representation of stateless People*, June 2021 https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog/statistical-reporting-and-the-representation-of-stateless-people-a-critical-note on 15 November 2022; Bronwen Manby, *Statelessness Statistics and IROSS: The UN Statistical Commission Grapples with Definitions*, February 2022, https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog/statelessness-statistics-and-iross-the-un-statistical-commission-grapples-with-definitions on 15 November 2022.

54 https://egrisstats.org/wp-content/uploads/International-Recommendation-on-Statelessness-Statistics-IROSS_Oct-2022_draft_global_consultation.pdf

55 https://egrisstats.org/recommendations/international-recommendations-on-statelessness-statistics-iross/

56 This is generally a reference to the effects of state succession with the collapse of the Socialist Federal Republic of Yugoslavia (SFRY) from June 1991 and the Union of Soviet Socialist Republics (USSR) in December 1991.

57 https://www.unhcr.org/uk/statistics/unhcrstats/42b283744/2004-global-refugee-trends-overview-refugee-populations-new-arrivals-durable.html.

58 UNHCR, *Global Trends 2021*, (n 46 above) Tables 3, 5, 8-10.

59 '*Bidoon jinsiya*' ('*without nationality*').

1.2.3 Potential areas of contact between nationality and statelessness and '*purposes connected with immigration and asylum*' within section 48(2)(j) UKBA 2007

mm. Issues of nationality and statelessness are obviously relevant in the context of '*information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials*' within the meaning of section 48(2)(j) UKBA 2007. It is apparent that the production of COI initially focussed strongly on asylum/refugee/international protection related issues. But as the body of legal standards relevant to '*immigration and asylum*' has grown, COI may or may not have been extended, depending upon operational matters such as the staffing and resources available to CPIT and the number of claims or requests for information. At present the following represent legal rubrics relevant to '*immigration and asylum*', to which nationality, including statelessness, is relevant:

i. **Asylum/refugee/international protection**: The refugee definition in CSR 51 has already been referred to. In essence an individual is a refugee if he or she is outside his/her country of nationality (or each such country in the event of dual/multiple nationality) and unable or unwilling to avail of the protection of that country because of well-founded fear of persecution on account of race, religion, nationality, political opinion or membership of a particular social group. Someone who is stateless is a refugee if unable or unwilling to return to his/her country of former habitual residence because of a well-founded fear of persecution for the same reason(s). By para 334(v) Immigration Rules *'An asylum applicant will be granted refugee status in the United Kingdom following a claim if the Secretary of State is satisfied that:… (v) refusing their application would result in them being required to go (whether immediately or after the time limited by any existing leave to enter or remain in the UK) in breach of the Refugee Convention, to a country in which they would be persecuted.* The translation into COI is that an important purpose of COI is to aid assessment of claims to possess a well-founded fear of persecution for a particular reason in a particular country or territory

In relation to COI one point of importance is that the country of reference may be either one of nationality (where an individual has a nationality) or one of former habitual residence (where he/she is stateless);

Another is that nationality/statelessness may be relevant in any of three different respects:

a. nationality/statelessness in each case determines the reference country (or countries) for consideration (as '*the country of his nationality*' or '*the country of his former habitual residence*');

b. nationality (which includes statelessness in this context) is one of the '*Convention reasons*', required for a well founded fear of persecution to bring the individual within the refugee definition;

c. matters relating to nationality/statelessness- for instance, arbitrary deprivation of nationality for a Convention reason- may represent the '*persecution*' required by the refugee definition.

ii. **Humanitarian protection**: By paras 339C-339CA Immigration Rules an asylum applicant will be granted protection if '*339C(iii) substantial grounds have been shown for believing that the asylum applicant concerned, if returned to the country of origin, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail themselves of the protection of that country*' where *'serious harm'* consists of:

(i) *the death penalty or execution;*

(ii) *unlawful killing;*

(iii) *torture or inhuman or degrading treatment or punishment of a person in the country of origin; or*

(iv) *serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.*

This can include a range of matters including not only direct threats from the state, but some non-state threats and matters such as access to medical treatment;

iii. **Other ECHR rights, notably art 8 ECHR**: As regards family life, by Appendix FM to the immigration Rules, para EX1-EX2 turn in part on whether there are '*very significant difficulties which would be faced by the applicant or their partner in continuing their family life together outside the UK and which could not be overcome or would entail very serious hardship for the applicant or their partner*'. As regards private life Appendix Private Life cites '*very significant obstacles to the applicant's integration into the country to which he would have to go if required to leave the UK*' as an important element going to qualification for leave to remain;

iv. **Human trafficking/modern slavery**: By article 4 Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) *"Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation…*'. COI is potentially of importance in understanding the degree to which relevant conditions exist in a territory or state;

v. **CSSP 54 rights**: The United Kingdom does not treat international law as binding internally unless incorporated into domestic law, and has incorporated CSSP 54 only in certain contexts. However aspects of the treaty are incorporated, and the UK

is a state party and does act consistently with its understood international treaty obligations- so in this context it may be necessary to determine whether an individual meets the article 1(1) CSSP 54 definition as '*a person who is not considered as a national by any State under the operation of its law*' and so is entitled to identification as a stateless person under CSSP 54 and to rights provided under that instrument;

vi. **Leave to remain on the basis of statelessness under Part 14 of the Immigration Rules**: entitlement to leave to remain under these provisions requires satisfaction of the article 1(1) CSSP 54 definition, and satisfaction of other conditions including *inter alia* the following:

> *403. The requirements for leave to remain in the United Kingdom as a stateless person are that the applicant:*
>
> *…*
>
> *(c) has taken reasonable steps to facilitate admission to their country of former habitual residence or any other country but has been unable to secure the right of admission; and*
>
> *d) has obtained and submitted all reasonably available evidence to enable the Secretary of State to determine whether they are stateless or whether they are admissible to another country under the meaning of paragraph 403(c);*
>
> *e) has sought and failed to obtain or re-establish their nationality with the appropriate authorities of the relevant country; and*
>
> *f) if, in the case of a child born in the UK, has provided evidence that they have attempted to register their birth with the relevant authorities but have been refused.*

COI is potentially of importance in understanding the degree to which relevant conditions exist in a territory or state;

vii. **Age assessment**: Age assessment is necessary in the immigration and asylum context in a significant number of instances. The statutory guidance *Care of unaccompanied migrant children and child victims of modern slavery: Statutory Guidance for local authorities* (Nov 2017), issued under section 7 Local Authority Social Services Act 1970 refers to '*further advice and practice guidance… in the Age Assessment Guidance, published by the Association of Directors of Children's Services (ADCS) in October 2015.*' The assessment of credibility often requires knowledge of significant aspects of a country of origin, including official matters such as birth registration or identity card practices, but often aspects of society for instance attitudes to birthdates or chronological ages or expression of time ('*Assessing social workers will need to give consideration to the country of origin and culture of the child or young person being assessed. It is helpful to have information about religion, religious festivals, lifestyles, markers of maturity, the education system and so on.*') and the ADCS suggests that

COI material provide this ('*There are a number of sources which can assist with this including country of origin reports… Please refer to Appendix F for further information on the use of country of origin information.*' pp13-14);

The list above is full, but still not exhaustive.[60] It illustrates the great diversity of circumstances in relation to which issues of nationality and statelessness will be of importance. They arise in different contexts within a claim, sometimes in multiple contexts in relation to a single individual. The purpose of listing these is not to exaggerate the importance of these issues in every case. In many claims to the Home Office, almost certainly in a large majority, nationality or stateless is present as an issue at a relatively uncomplex level, and but considerations relating to it are not so complex as to require more than a basic knowledge- for instance where an individual possesses a nationality, his or her country of nationality is clear, and the State in question has taken no action touching on the status of citizenship.

nn. It seems likely that in a significant number of instances relevant questions of nationality or statelessness arise. In this context it is necessary to reflect that:

i. Around statelessness as defined in law- *de jure* statelessness- there is potentially a large penumbra of unclear cases, or phenomena close to or parallel to *de jure* statelessness, those sometimes described as *de facto* statelessness. So even if an accurate count of instances of *de jure* statelessness were possible, this would understate the number of cases involving nationality or statelessness considerations;

ii. In some cases the Home Office immigration or asylum function depends on the narrow question of *de jure* statelessness- CSSP 54 itself and part 14 HC 395, for example. In others phenomena ultimately characterised as *de facto* statelessness are also relevant and *de jure/de facto* dichotomy not necessarily central- for instance the arbitrary exclusion cases where there has been at least a purported, and possibly an effective, deprivation of nationality;

iii. Another feature of the framework of obligations to be addressed by casework is that a country may be relevant in different respects depending upon the rubric- as a country of nationality in the case of international protection and humanitarian protection where the claimant has a nationality, as a country of former habitual residence where the claimant is stateless, and as the country of intended destination on expulsion, which may be neither a country of nationality nor one of former habitual residence, but perhaps is said to be a safe third country;

iv. The resources available to case workers or others regarding nationality laws of foreign States and/or knowledge of how to find such resources- and indeed expertise in assessing and applying it- may be limited.[61]

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60 For instance it does not add certain other treaty commitments of the United Kingdom within the Home Office's immigration and asylum sphere, such as the 1989 Convention on the Rights of the Child, which contains specific provision regarding nationality and statelessness of children.

61 An important source of information accessible online without subscription, which greatly improves the starting point for research, is the citizenship database of GLOBALCIT, stated to be '*the most comprehensive source of information on the acquisition and loss of citizenship in Europe for policy makers, NGOs and academic researchers*' operated by the Robert Schuman Centre for Advanced Studies at the European University Institute, Fiesole, in collaboration with Edinburgh Law School. GLOBALCIT publishes amongst other documents a series of country profiles/reports accessible via https://globalcit.eu/country-profiles/.

1.2.4 Cases in UK (Home Office casework) involving nationality and statelessness and '*purposes connected with immigration and asylum*' within section 48(2)(j) UKBA 2007

oo. One feature of protection casework today is that decisions have to cover substantially more legal tests or rubrics. A typical appeal may include (i) a primary asylum/international protection question; then (ii) an alternative humanitarian protection scrutiny; then (iii) consideration of rights under ECHR, in particular article 8 ECHR. In each, the demand on COI may be different;

pp. Another feature is that a country may be relevant in different respects depending upon the rubric- as a country of nationality in the case of international protection and humanitarian protection where the claimant has a nationality, as a country of former habitual residence where the claimant is stateless, and as the country of intended destination on expulsion, which may be neither a country of nationality nor one of former habitual residence, but perhaps is said to be a safe third country.

qq. It is very difficult to take stock of the number of cases involving a significant point of nationality including statelessness. There is not a single common denominator- nationality or state of origin or category of application, to aid a reasonable accounting. Claimants may be enumerated by given nationality (including statelessness as a category), but nationality or statelessness is often contested, and the distinction between statelessness *de jure* and statelessness *de facto* is likely to be poorly understood and the concept to be applied contested.

rr. Comparing the recorded numbers of persons seeking asylum by nationality[62] with the countries listed as having highest reported stateless populations, as a very rough exercise, there is a low correlation- in the top countries of origin of asylum seekers in UK only 2 are amongst the 10 states with highest stateless populations: Syria (no5) and Bangladesh (no 14). In each case there are substantial numbers of claims likely not to involve statelessness or nationality but also other claims raising substantial issues concerning statelessness:

- **i.** in Syria these include a gendered nationality law so that children do not gain Syrian nationality from a Syrian citizen mother, questions of *de jure* or *de facto* statelessness of children born outside Syria, and the existence of longstanding groups affected by denial of Syrian nationality, including Kurds and Palestinians;
- **ii.** Bangladesh is home to many thousands of stateless Rohingya expelled by neighbouring Myanmar;

On the other hand Eritrea (no 3) and Ethiopia (no 15), particularly the former, often raise fairly complex questions, not of statelessness but of nationality, as between Ethiopia and Eritrea, the latter having become independent from the former after 1993.

ss. It is not clear that even ascertaining the number of new cases in which statelessness is a primary issue would adequately test the number of cases involving statelessness and/or significant nationality question(s). That is because there is a large backlog of individuals whose claims

62 Oxford Migration Observatory, *Asylum and refugee resettlement in the UK* (19 August 2022), based on HO, 2021 figures): ranked from highest to lowest numbers of claimants- Iran, Iraq, Eritrea, Albania, Syria, Afghanistan, Sudan, Vietnam, El Salvador, Pakistan, India, Nigeria, Bangladesh, Ethiopia.

may have been refused and who perhaps have even failed on appeal, who seek to establish fresh claims to protection. The balance amongst this group obviously will not be the same as the balance among asylum seekers or refugees at present. The possibility that a substantial number of cases raising more complex nationality or statelessness issues remain relevant to the overall case load is strongly supported by the relevantly greater complexity of such cases

tt. Even if it were possible to conduct an enumeration of cases involving statelessness or nationality as a material issue- and it probably is not-, this would likely not be the final word regarding need for COI (or perhaps for casework guidance) addressing material issues. That is because these cases are likely among the most complex, and therefore they (i) are potentially more consuming of time and resources than other cases, (ii) raise particular risk of error, while the issues (a) potentially involve very serious considerations for those involved and (b) invoke the United Kingdom's performance of its international obligations. The author is aware of cases which have failed repeatedly on arguably flawed approaches to nationality or statelessness issues- to immediate recollection one in which there had been two previous adverse tribunal adjudications and unlawful detention proceedings in the High Court and Court of Appeal (involving considerations of Eritrean and/or Ethiopian nationality or statelessness), the second (involving exile imposed on a Cuban in breach of expected standards as regards citizens) on a fresh claim, as well as unlawful detention proceedings, which succeeded on a third appeal[63] and another in which there had been two previous unsuccessful adjudications before a third successful one.[64] Other cases show a single continuous appeal process, but with multiple unsuccessful attempts at resolution before the final consideration- for instance the critical Country Guidance decision regarding protection of persons effectively deprived of nationality by Ethiopia because of attributed Eritrean identity.[65] Such cases demonstrate the cost and delay of failure to address more complex nationality and/or statelessness issues correctly, and involve differentially higher risk of failure to meet the United Kingdom's international obligations and protective obligations to individuals.

uu. In light of the various challenges identified above it is not possible accurately to enumerate the number of cases involving nationality statelessness in a material way. It is clear from experience that it will be a minority of cases, possibly a relatively small minority, but a small minority of a much larger number may still be a substantial figure, and the cases may well be more complex than the norm.

1.2.5 Understanding of nationality and statelessness in Home Office COI

vv. There are some Home Office policy documents which address statelessness or aspects thereof, for example *Stateless Leave* (V3.0, 30 October 2019), the policy guidance for caseworking related to leave to remain on the basis of statelessness and satisfaction of other specified conditions. This contains reference to the CSSP 54 definition of 'stateless person' (p18), and additionally an account of '*Determining nationality under operation of state laws*', which acknowledges that '*The law and practice of determining nationality can be complex…*' and goes on to provide some guidance. This document is outside the scope of this review.

63 HMCTS reference PA/00219/2018.
64 HMCTS reference PA/03262/2019, final determination available at https://www.bailii.org/uk/cases/UKAITUR/2021/PA032622019.html.
65 *ST (Ethnic Eritrean - nationality - return) Ethiopia CG* [2011] UKUT 252 (IAC).

ww. COI itself generally does not provide definitions of key terms such as '*statelessness*' or '*nationality*'. This may be in the interest of brevity, or because users of COI are assumed to have sufficient understanding of relevant concepts, or to be capable of identifying the need for greater understanding and obtaining this if not. COI follows from particular requests or reviews may elide looking for secondary issues of statelessness or nationality which may be important. It differs in approach to that of, for instance, annual Country Reports on Human Rights Practices of the United States State Department's Bureau of Democracy, Human Rights, and Labor which in its addresses a fixed series of topics including the situation of stateless persons. In the most recent United States State Department annual report on Syria, for example, that for 2021, section 1 ('*Respect for the Integrity of the Person*') subsection G encompassed '*Stateless Persons*.' While the structure has changed- in the 2016 report section 2 subsection D encompassed '*Respect for Civil Liberties, Including… Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*'- attention to statelessness, where present, is a relatively consistent feature promoted by the format and methodology. Given this structure, the individual(s) researching a report are effectively directed to look for and evaluate the relevance of, issues concerning nationality and statelessness.

xx. Another point about some COI material is adoption of a narrow focus on a particular problem. The evaluation of acts or policies of States in a field such as nationality or statelessness will almost always require a broad understanding of that state's adherence to a rule of law and other standards including those embedded in international human rights law. Matters of nationality and statelessness tend to turn on official decision making- the denial or deprivation of nationality for instance. The nature of State conduct in relation to nationality and/or statelessness may be not adequately comprehended, without context. An State act which occurs, for example, against the background of longstanding exclusion and victimisation in that State of a particular group by reason of some matter(s) engaging the Refugee Convention or other protective standards, may have to be understood very differently from how it would be apprehended against a background of rule of law and good public administration. Equally such an act, in a context in which decision making is arbitrary, may have to be understood differently from the same act seen against a background of rule of law. COI which lacks information allowing the context for such acts risks engendering erroneous conclusions by caseworkers assuming them to be manifestations of regular administration.

1.3 Summary of Review

yy. I have considered statelessness and nationality together, given that the former concept as defined at section 1 CSSP 54 incorporates the latter. Statelessness cannot be understood without a firm understanding of nationality, and in general conclusions about statelessness can only be drawn after a prior examination of nationality.

zz. Although the prevalence of statelessness both in international society and in the case load of the Home Office cannot be positively determined, for the multiple reasons laid out above, it is clear that statelessness and nationality are important to many standards which fall to be considered and applied by the Home Office, guided where relevant by COI products.

aaa. As it stands there is no fixed approach to nationality and statelessness in Home Office COI products. There is no sign of any broad pattern of error or omission by CPIT in addressing relevant concepts, but it would be helpful to have substantial safeguards ensuring that relevant issues are identified and considered, and that relevant issues can be dealt with to the best possible standard.

1.4 Understanding shown by themes addressed in the CPIN reports

bbb. In general CPINs on Myanmar and OPT gave a reasonably accurate reflection of the relevant situation(s) in those territories as regards nationality and statelessness, but in each case I felt that this could be rounded out by additional materials and have made suggestions to that effect. The Syria CPIN does not address nationality and statelessness issues, and whilst this may not have been requested of CPIT, or may have been a lesser priority when resources were limited, I feel this is a significant gap raising a risk of error by users. The Kuwait CPIN in my view could benefit from substantial revisiting, reorganisation, and fleshing out with recent material addressing relevant issues.

1.5 Quality and balance of the CPIN sources

ccc. In general I considered that the sources being used were substantial in provenance, quality and balance, with the single but locally substantial exception noted in the case of the Kuwait CPIN, of the 2012 assessment embedded in the FCDO letter of 2016. I would encourage CPIT to consider monitoring material emanating from UNHCR and/or reputable NGOs or researchers concerned with nationality and statelessness, such as Asylos, the European Network on Statelessness[66], the Institute on Statelessness and Inclusion, and use of the materials relating to nationality laws becoming available through GLOBALCIT. In addressing individual CPITs below I have limited myself to material in existence at the time of the CPIT.

66 An equivalent body for the MENA region, Hawiati, is as I understand it in the process of formation: hawiati-mena.org.

2. Review

2.1 Review of treatment of nationality and statelessness- General recommendations

Recommendations	HO comment
1. While CPINs remain relatively focussed, rather than covering all aspects of a framework as does the United States State Department, for instance, it would be a positive development if there were a structure to encourage identification of nationality and statelessness issues at initial consideration, at the stage of establishing the prospective scope of the survey, to help ensure identification of relevant issues, by a standard set of initial terms of reference or similar. I strongly recommend CPIT consider the scope for developing such a structure;	**Accepted (in principle).** However, we would be grateful if the reviewer could elaborate on or clarify this point. It is a little unclear whether this is about (a) engaging with end users, as part of our quarterly work planning cycle, to determine any need for statelessness CPINs; or (b) developing something akin to a standard Terms of Reference (ToR) for statelessness CPINs – then, within that, whether this would be for (i) statelessness/ nationality-specific CPINs; (ii) CPINs that cover a claim type where statelessness/nationality may be relevant, or (iii) both. We currently plan CPINs for a particular claim type based on analysis of available information of business need, which includes engaging with end users. This in turn leads to a development of a Terms of Reference (ToR), which provides a framework from which to undertake research relevant to the scope of the note. This would apply to any CPIN. If this is what the reviewer intends, then we agree.
2. In the event that a structure is developed as per recommendation 1 above, I would recommend that consideration be given to reviewing it on a reasonably regular basis;	**Accepted.** We regularly review the structure, scope and format of all CPINs, including any ToR used in similar topics. Therefore, were we to develop one in respect of statelessness, we would adopt the same approach.

Recommendations	HO comment
3. In the event that a structure is developed as per recommendation 1 above, I would recommend that consideration be given to publishing this and inviting and considering external comment;	**Partially accepted.** If a standard ToR is used (or adapted) to guide a CPIN, this will be included in the published version of the note, and therefore would be publicly available. If the reviewer means we should publish a free-standing statelessness/ nationality specific ToR, we do not propose to do so since it will form part of our internal CPIT-only guidance, but it could be provided on request. As part of the CPIN review process, an external organisation reviews our drafts and we take into account their comments before publishing. Once CPINs are published, external stakeholders are welcome to comment as and when they wish.
4. I strongly recommend CPIT consider periodic structured liaison with organisations or researchers expert in nationality and statelessness situations in relevant countries, for instance the European network on Statelessness and/or Institute on Statelessness and Inclusion;	**Accepted.** Where there is an operational demand for COI on statelessness/nationality in specific countries/territories, and available information is insufficient to provide a detailed picture, and/or we need to clarify our understanding of a situation, then we are happy to engage with relevant stakeholders as regularly as is necessary. Thank you, also, for the suggested organisations (we may get back in touch if you are able to provide specific contact points, where necessary).
5. I strongly recommend that where the meaning or incidents attached to concepts such as statelessness or nationality are of importance in a COI document, a short list of definitions and relevant implications be attached to the COI document as an Annex to guide users in the meaning of terms;	**Partially accepted**. Where something is country-specific, and central to decision making, we try to explain this. However, our preference is to cross refer from CPINs to the relevant policy documents for generic descriptions or concepts.
6. I strongly recommend that in general, revision or creation of COI/ CPINS should ensure a starting point of the broad human rights and rule of law background in the country or territory in question;	**Partially accepted**. We agree that where context about the general human rights situation and rule of law is relevant to understanding a claim type, then we should include this. However, this needs to be balanced against ensuring CPINs are succinct, focussed operational tools which provide 'enough' information – too much detail can obfuscate the key facts material to decision makers.

Recommendations	HO comment
7. Where *de jure* or *de facto* statelessness is present in the country or territory in relation to which a report is prepared, I strongly recommend consideration be given to ensuring that the nature and effect of this, as well as the occurrence of it, be clearly identifiable in COI;	**Partially accepted**. We would be grateful if the reviewer could elaborate on this point – it appears to be a misunderstanding. CPINs are focussed on particular claim types – and statelessness/ nationality does not have a material role in many. As such, we do not see merit in including such information regardless of whether statelessness/ nationality are issues in that country or not. For claim types where this is material, we will aim to include relevant information – whether that is within a relevant CPIN, in Country Background Notes (CBNs – which do not focus on a claim type or provide guidance but provide general information) or in a distinct CPIN. However, we cannot commit to producing material on any and all issues which may or may not be present in a given country.
8. I recommend CPIT consider obtaining periodic training regarding issues of nationality and statelessness to aid staff in identifying and addressing relevant issues. This may be particularly advantageous given the current expansion of the team;	**Accepted.** As above – were operational demand be at such a level that we'd need to develop CPINs of this sort, we would look to expand our L&D program to include relevant training. However, to clarify: the expansion of the team is to meet existing, growing demand and additional work streams; it is not additional capacity that we are now seeking ways to utilise.
9. I recommend that conscious consideration be given to widening the defined focus of CPIT to give greater consideration where justified to (broadly) non-asylum issues such as Part 14 HC 395 statelessness, and issues concerning reintegration in article 8 ECHR terms;	**Partially accepted**. In theory, CPIT already has this in scope. However, operational demand does not indicate a need to produce materials on these subjects. The resources available to the team are also reflective of that demand – which is to support the mainstream asylum process.
10. I recommend that where revision or creation of COI/CPINS is considered there be advance identification or consideration of country material from reputable state bodies whose framework for consideration routinely includes nationality and/or statelessness, such as the United States State Department, to identify in advance potential issues which may justify coverage;	**Accepted**. We always look to use a range of relevant material, from a variety of credible sources.

Recommendations	HO comment
11. I recommend that there be consideration of the viability of wider coverage of nationality laws in CPINS, whether within broader CPINs (particularly where nationality laws interact with other matters of interest) or within designated separate CPINs, in particular as regards countries, situations or groups from whom more frequent applications raising matters of nationality or statelessness are raised.	**Partially accepted.** We have addressed a similar point above in #7: where relevant to a claim type we will include information about statelessness/ nationality. We may also include information on statelessness/nationality in CBNs where these are produced.

2.2 Examination of CPINs re Kuwait, Myanmar, Syria, Occupied Palestinian Territories (OPT)

2.2.1 KUWAIT

COI document seen CPIN: *Kuwait: Bidoons* (v3.0, April 2021). This is the only CPIN published for Kuwait.

ddd. The background to assessment of COI re Kuwait in part turns on the existence of Country Guidance ('CG') determinations, *NM (documented or undocumented Bidoon: risk) Kuwait CG* [2013] UKUT 356 (IAC), published on 24 July 2013 and *HE (Bidoon, statelessness, risk of persecution) Kuwait CG* [2006] UKAIT 00051, published on 21 June 2006. *NM* was not subject to any further consideration on appeal, because the appellant succeeded and the Secretary of State did not challenge this. The CG decisions conclude that in general, a category of '*documented*' Kuwaiti Bidoon is not entitled to protection, but '*undocumented*' Kuwaiti Bidoon are. The latter category, it is said, '*consists of the unregistered Bidoon, as they are described in the HRW report, i.e. those who are not able to renew their security cards or people who have never obtained security cards.*' (NM, §87).

eee. The ongoing validity of CG conclusion, or its continued application, is at least highly questionable, given the events of the decade or so since NM and the much longer period since NM. In that period there has been significant further jurisprudence at senior level including considerable evidence concerning the operation of the office set up to address the Bidoon as '*illegal residents'*, the Central System for Resolving the Situation of Illegal residents, translated also as the Central Agency for Illegal Residents, in particular the arbitrary operation of this body to support continued exclusion of the Bidoon by imposing false attributions of foreign nationality on them as a condition for issuance of any form of documentation. At the lowest, ongoing validity for *NM* would require close attention to the definition of '*documented Bidoon*' in that decision- a Bidoon who holds a current security card- subject to the minimum proviso of ability to continue to hold such a card indefinitely without arbitrary treatment of a material nature, and access to minimum rights in Kuwait.

fff. In a recent decision in the First-tier Tribunal[67], following a hearing in which it was agreed that the continuing validity of the NM guidance would be in issue, the Judge found that the previous CG did not address '*the wider question of whether the consequences of being treated as illegal residents and being denied the right of regularizing their status or being entitled* to basic civil rights despite being born in Kuwait was a dire consequence even for those who held documents reserved just for the Bidoon community' (§130), that '*In the circumstances it would be reasonable to find that… someone seeking to renew a security card would do so with a feeling of apprehension and insecurity because of the discriminatory measures employed by the Central System whose aim is to deny any rights to the Bidoon*' (§152), and that '*I find that the evidence does support that the state authorities in Kuwait have over the years sought to restrict any rights the Bidoon have to proper documentation. They have been denied identity documents in a process which is arbitrary and at the discretion of those issuing these documents. Any denial cannot be challenged*' (§153). The Secretray of State, who was represented by Counsel, lost, and did not seek to appeal, so the decision has not been further tested.

ggg. There are in my view serious reasons for reservation concerning the content and organisation of the Kuwait CPIN's COI section (the policy section is not within the scope of this review):

i. This includes repeated references to an FCDO letter attached as Annex A which contains a combination of relatively old evidence, not updated since 2012, and straightforward opinion citation of which in the COI context is inconsistent with international guidance;

ii. The report should benefit from at least a summary of the broader human rights and rule of law situation in Kuwait, which goes to the context in which the Bidoon issue is addressed by the Government of Kuwait;

iii. The CPIN would benefit from more clearly addressing the nature of attitude and activity by the Central Agency for Illegal Residents, the breadth of view as to its arbitrary use of the documentation process to reinforce exclusion of Bidoon, the suggestion by Kuwaiti legislators of further legalisation to compel surrender of claims to be Kuwaiti for further short term survival, the exclusion of court jurisdiction from nationality matters, the absence of independence of the courts, and the prevalence of corruption in public administration;

iv. The report does not address in a focused way the position of Bidoon advocates/activists who face risks as such, rather than as '*documented'* or '*undocumented'* Bidoon;

v. The CPIN does not include reference, relevant if not exclusive to the position of Bidoon, to the monitoring of online communication and the application of criminal sanctions on broadly phrased grounds;

67 HMCTS reference PA/54903/2021.

vi. The CPIN does not reference the existence and application of provisions for deprivation of Kuwaiti nationality, a material issue re Kuwait and statelessness recorded by NGOs and other international actors, which should be provided particularly because of the risk of confusion by users between stateless Bidoon and stateless individuals deprived of nationality by Kuwait.

NOTE- I have referred to the 2020 US State Department Annual Human Rights Practices report on Kuwait. The CPIN refers to the 2019 report The 2020 report was published on 31 March 2021, and the CPIN is dated April 2021- I deduce that the older USSD report was relied on in preparation of the CPIN, and the new report missed during the short time between its publication and the CPIN's own publication. Given the relative dates however I have felt it appropriate to refer to the 2020 report.

	Home Office comment
–	A general comment is that we aim to include information that is two years [old] or less. Quite a number of sources recommended are much older, so we have pushed back a little on that basis.
FCDO letter at Annex A (suggestion) The CPIN repeatedly cites a letter of the FCDO/British Embassy in Kuwait dated July 2016 but stated to present a '*declassified version of the paper on the Bidoon, produced by the British Embassy, Kuwait, in August 2007 and updated in July 2012*'. Despite the date of the letter therefore, the paper is much earlier, and now over a decade old. Despite this, and availability of more recent and independent evidence, the letter is cited at • 3.3.1 • 5.1.2 • 5.1.5 • 5.4.3 • 5.6.1 • 6.1.2 • 7.1.3 • 7.1.7 Often it is cited as a source for uncontroversial evidence which could be adduced from other sources. The oldest source cited is 2012 (para 30). The letter is annexed to the CPIN at Annex A. In a closing section under the heading 'Wider Context' containing the only reference in the document to any event after 2012, it sets out a broad positive view: "36 In general, and particular with reference to peers across the region, Kuwait's human rights record is good. Freedom of speech is largely respected (but has taken a knock since the 2015 Al Sadeq Mosque bombing), discussion of the issue is widespread, and NGOs are able to act without impediment and lobby a government that will listen. "37. The situation of the Bidoon, whilst institutionalised, and clearly of concern to human rights groups, the international community and Kuwaitis themselves, is of a different order of magnitude than the human rights issues faced by those persecuted in other parts of the world. Bidoon do not fear for their lives, and whilst detention without trial does happen (particularly for those involved in protests), there is a transparent judicial process (albeit a slow one) that cases against individual Bidoon are referred to." While those statements are not specifically referred to in the body of the CPIN, the presentation of these very general assessments, partly based on irrelevant criteria (standards are absolute, not relative- if Kuwait's are better than those of neighbours Saudi Arabia, Iraq, and Iran in any respect, that is not relevant to the issue of Kuwait's own standard measured objectively) is at odds with much recent evidence, for instance that of the United states State Department, and does not appear to comply with the April 2008 Common EU Guidelines for Processing Country of Origin Information as regards selection and validation (see section 3, esp) or with the requirement for 'neutrality and impartiality' in the 2013 ACCORD Manual. It is suggested that the letter at Annexe A should be deleted.	**Accepted**. Given the passage of time and situation developments, we will not seek to rely upon this in the forthcoming update of the CPIN as a result of this review.

	Home Office comment
Organisation (suggestion) Section 5 (‘*documentation*’) is mislabelled, in that the report has started with documentation but includes 5.1 (‘*The Central System (to Resolve Illegal residents’ Status)*’ and 5.4 (‘*Review card*’) and section 5.7 (‘*Children of registered Bidoon*’)… Because this is linked to ‘*Treatment of Bidoons*’ placed at section 6, the overall coherence of the account of treatment of Bidoon is reduced. Overall section 6 appears stronger, and it is suggested subsections 5.1 and 5.4 and others dealing with substantive treatment as well as details of documents be integrated into the current section 6, leaving issues concerning documentation alone in their own section- perhaps logically moved to follow rather than precede current section 6.	**Accepted**. To make these sections clearer, we will look to separate these issues in the forthcoming update of the CPIN as a result of this review.
Material re statelessness and Kuwait, potential general introduction (suggestion) As set out in the main report, it can be important to understanding of more specifically focussed COI to identify the general baseline situation of a country in relation to democracy and rule of law, as a necessary context when more detailed onward questions may have to be addressed. The US State Department Annual Reports routinely provide a useful executive summary, and that may be a convenient starting point. The addition suggested below is the USSD executive summary, with passages related to specific elections, to armed conflict, and to non-state groups removed to focus on material more relevant to nationality/ statelessness: The US State Department Annual Report on Human Rights Practices for 2020 stated, in summarising issues of democracy and human rights in Kuwait, that: Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family. While there is also a democratically elected parliament, the amir holds ultimate authority over most government decisions. The most recent parliamentary general election, considered generally free and fair, was held on December 5, and members of the opposition won a majority of the seats. Police have sole responsibility for the enforcement of laws not related to national security, while the Kuwait State Security oversees national security matters. Both report to the Ministry of Interior, as does the Coast Guard. The Kuwait National Guard is an independent body from the Ministry of Interior and the Ministry of Defense; it reports to the prime minister and the amir. The armed forces are responsible for external security and report to the Ministry of Defense. The Kuwait National Guard is responsible for critical infrastructure protection, support for the Ministries of Interior and Defense, and the maintenance of national readiness. Civilian authorities maintained effective control over the security forces. There were some allegations that members of the security forces committed abuses. Significant human rights issues included: reports of torture; political prisoners; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including censorship, internet site blocking, and criminalization of libel; interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and criminalization of consensual adult male same-sex sexual conduct. The government took significant steps in some cases to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was a problem in corruption cases. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (p1)	**Partially accepted**. We agree that where context about the general human rights situation and status of the rule of law is relevant to understanding a claim type, then we should include this. However, this needs to be balanced against ensuring CPINs are succinct, focussed operational tools which provide ‘enough’ information – too much detail can obfuscate the key facts material to decision makers.

	Home Office comment
Population after section 3.2.1 (suggestion) The following addition is suggested to add to the CPIN outlining the range of estimates for the Bidoon population. Salam for Democracy and Human Rights points to the existence of Bidoon in some other Gulf countries and to the existence of a range of estimates of their number in Kuwait: In several countries of the Gulf there are stateless persons referred to as the Bidoon, from the Arabic bidūn jinsīya ('without nationality' or 'without citizenship').1 The most prominent case is in Kuwait where there is a particularly large Bidoon population, often estimated at around 100,000-120,000, although some Bidoon activists believe the number to be 150,000-160,000, or even higher.2 Either way, this is a significant population size, especially for a small country like Kuwait. According to official Kuwaiti estimates, there were some 4.4 million people living in the country in 2019, of whom 1.3 million – just short of 30% – were Kuwaiti nationals.3 Even if one accepts the lower estimate of the Bidoon population (100,000 persons) this would equal just under 8% of Kuwaiti nationals. Salam for Democracy and Human Rights, *Report: The Bidoon in Kuwait, History at a Glance*, 24 Oct 2020 https://salam-dhr.org/report-the-bidoon-in-kuwait-history-at-a-glance/	**Accepted**. Thank you for the source suggestion and material. We will include this information to provide context and scale in the forthcoming update of the CPIN as a result of this review.
Status of Bidoon (suggestion) The following addition- a considered statement by the Government of Kuwait to the UN Human Rights Committee, provides a clear outline of the Government's position valuable alongside third party material. In the response of Kuwait to Concluding Observations of the UN Human Rights Committee, filed on 27 April 2017, which sought to encourage Kuwait to resolve the Bidoon situation positively, the Government of Kuwait responded inter alia to the recommendation of the UNHRC that it increase regularisation of status of the Bidoon and guarantee their human rights by stating as follows: 1. It should first be emphasised that there are no so-called 'stateless persons' or 'Bidoon' in the State of Kuwait, since these terms refer to persons who have no nationality. This is not applicable to the status and concept of illegal residents, who entered Kuwait illegally and concealed the documents indicating their original nationalities owing to their aspiration to acquire Kuwaiti citizenship and its associated benefits. 2. They are officially designated "illegal residents" pursuant to Decree No. 467/2010 concerning the establishment of the Central Agency. 3. The granting of Kuwaiti citizenship is a sovereign matter that the State assesses in accordance with its best interests. It is subject to the conditions and regulations laid down in the Kuwaiti Nationality Act No. 15/1959, as amended, which specifies the cases in which the possibility of granting citizenship may be considered. The Central Agency for Regularization of the Status of Illegal Residents examines, investigates and scrutinizes the situation of such persons on a case-by-case basis, in full transparency and without succumbing to pressure or personal whims, in accordance with the road map produced by the Supreme Council for Planning and Development, approved by the Council of Ministers and promulgated by Amiri Decree No. 1612/2010. … 14. If the idea is that the State should apply the provisions of the Conventions to illegal residents, we wish to point out that many international human rights organizations confuse the terms "stateless" and "illegal residents", although there is an enormous difference between them in both conceptual and legal terms. 15. In conceptual terms, "stateless persons" are persons who are not recognized as citizens under the law of any State, in other words persons without a nationality of their own. This is inconsistent with the concept of "illegal residents", since these are persons who entered Kuwait illegally and concealed the documents indicating their original nationalities owing to their aspiration to acquire Kuwaiti citizenship and its associated benefits. UN Doc: CCPR/C/KWT/CO/3/Add.1 accessible (pulldown menu for English translation) https://digitallibrary.un.org/record/1317626?ln=en	**Accepted**. Thank you for the source suggestion and material. We will include this information to provide an updated stance on the GoK's attitude to documentation of Bidoons in the forthcoming update of the CPIN as a result of this review.

	Home Office comment
'Benefits' Post 5.16 The following is a recent detailed account of access to the 'benefits'- much more so, for instance, than the 2012 assessment in the FCDO letter at Annexe A. The passage below is suggested for inclusion: The European Network on Statelessness and Institute for Statelessness and Inclusion addressed practical access to the stated benefits in a 2019 position paper: Nowadays, being a Bidoon in Kuwait means facing severe restrictions on access to fundamental rights and services. The human rights situation of the Bidoon has been reported on in an array of UN, civil society and other reports over the past decade. 43 Overall, the multitude of restrictions of rights faced by the Bidoon have resulted in most of them living in relative poverty and social segregation.44 The UK Home Office guidance considers undocumented Bidoon to face discrimination "so severe as to amount to persecution" such that "a grant of asylum would normally be appropriate", while the treatment of documented Bidoon is "not in general so severe as to amount to persistent and serious ill treatment". 45 However, both groups are stateless, in limbo and have severe impediments to accessing the most basic of rights. Education of Bidoon children is heavily restricted as a result of their statelessness. Bidoon children do not have the right to attend public schools since they are not considered Kuwaiti citizens. Many Bidoon children, particularly Bidoon girls, were entirely excluded from education in the 1980s and 1990s. Nowadays, most Bidoon children do receive at least a basic primary education through private schools, but no state funding is provided and so this system is reliant on the support of charitable foundations.46 These private schools are also reportedly often of a lower standard than public schools and, additionally, Bidoon students were excluded from Kuwait University up until the academic year of 2013-2014. From 2014 onwards, a maximum of 100 Bidoon students are now accepted per year, if they satisfy various conditions. However, the vast majority are still excluded.47 Bidoon girls face intersectional discrimination, marginalised first by the Kuwaiti state for being Bidoon, and second by their own Bidoon community for being female, with the education of Bidoon boys being prioritised over girls when funds are limited within families.48 Similarly, access to healthcare is still a problem for Bidoon in Kuwait. While Bidoon can be treated in public hospitals through a low-cost insurance plan from the Government, many treatments are not included in this plan and treatment can be refused if someone is unable to produce a reference/security card. The alternative private healthcare is too costly for most Bidoon.49 Following the Arab Spring in 2011, around 1000 Bidoon demonstrated, demanding their citizenship rights. Even though these protests were forbidden in 2012, the Government announced that certain privileges (such as access to registration, education and healthcare) would be granted to Bidoon. Again, in practice, little has been done to implement these promises.50 Rather, in reaction to the protests, there has been a rise in harassment, arrests, detention and other extra-legal attempts to curtail public and civil society efforts to advocate for the position of the Bidoon.5 European Network on Statelessness and Institute for Statelessness and Inclusion. *Country Position Paper: Statelessness in Kuwait,* May 2019 StatelessJourneys-Kuwait-FINAL.pdf Pp9-10	**Partially accepted**. Thank you for the source suggestion. We will consider including the relevant material in the forthcoming update of the CPIN.

	Home Office comment
Re Central Agency for Illegal Residents (suggestion) The Central Agency is potentially the most important element in any assessment of the position of the Bidoon. The passage below from the USSD, and the following passages from recent substantial sources, all much more recent and independent than the FCDO 2012 assessment, are suggested for inclusion. Central Agency for Illegal Residents: The US State Department Annual Report on Human Rights Practices for 2020 stated, as regards administration of Bidoon affairs by the Central Agency for Illegal Residents, that: The Central Agency for Illegal Residents oversees Bidoon resident affairs. In November the Council of Ministers issued a resolution extending the agency's expired term by one additional year. Bidoon residents, Bidoon rights advocates, MPs, and human rights activists protested the decision, arguing that the Agency had not been effective in resolving matters pertaining to the Bidoon. They argued that conditions for Bidoon residents had dramatically deteriorated under the agency's leadership. They pointed to dozens of Bidoon community members, especially youth, who had committed suicide in recent years due to dire social and economic conditions. The agency received tens of thousands of citizenship requests by Bidoon residents for review since its establishment in 2010. According to Bidoon advocates and government officials, many Bidoon residents were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. Since the government considers Bidoon illegal residents, many lacked identification cards, which prevented them from engaging in legal employment or obtaining travel documents. Although Bidoon residents are by law entitled to government benefits including free healthcare and education, and ration cards, community members have alleged it was often difficult for them to access those services due to bureaucratic red tape. Some Bidoon residents and international NGOs reported that the government did not uniformly provide government services and benefits to Bidoon residents. Like other noncitizens, Bidoon do not have the right to own real estate. Since citizen children were given priority to attend public school, a small minority of Bidoon children whose families could afford it enrolled in substandard private schools. Some activists alleged that they or their family members have been deprived of access to education, healthcare, and jobs for advocating on behalf of the Bidoon. Press reports indicated that in March the Central Bank of Kuwait had directed banks to remove the ban on banking for Bidoon with expired IDs. The government alleged that the vast majority of Bidoon residents concealed their "true" nationalities and were not actually stateless. Agency officials have extended incentive benefits to Bidoon who disclose an alternate nationality, including priority employment, and the ability to obtain a driver's license. In 2018 approximately 12,700 Bidoon admitted having a claim on another nationality. Bidoon leaders alleged that when some members of the Bidoon community attempted to obtain government services from the Central Agency, officials would routinely deceive them by promising to provide the necessary paperwork only if the Bidoon agreed to sign a blank piece of paper. Later, Bidoon reported, the agency would write a letter on the signed paper purportedly "confessing" the Bidoon's "true" nationality, which rendered them ineligible for recognition or benefits as Bidoon. In March the Court of Cassation ruled that all decisions issued by the Central Agency for Illegal Residents fall under the jurisdiction of the judiciary and as a result are challengeable in the courts. The Central Agency is tasked with granting or revoking government identification, birth, death, or marriage certificates, recommendations for employment, and other official documentation, whereas the Supreme Committee for the Verification of Citizenship at the Ministry of Interior manages all citizenship revocations and naturalizations. Nonetheless, many Bidoon and activists on their behalf continued to accuse the Agency of not complying with the law and failing to implement court rulings requiring it to register Bidoon residents and issue them required documents. According to international observers, some Bidoon residents underwent DNA testing purportedly to "prove" their Kuwaiti nationality by virtue of blood relation to a citizen. Bidoon residents are required to submit DNA samples confirming paternity to become naturalized, a practice critics said leaves them vulnerable to denial of citizenship based on DNA testing. Children of Bidoon fathers and citizen mothers are typically rendered stateless, as the law does not allow women to transmit nationality. The government previously amended the existing law on military service to allow the Bidoon sons of soldiers who served in the military for 30 years and the Bidoon sons of soldiers killed or missing in action to be eligible to join the military. According to a 2019 statement from the head of the Interior and Defense Parliamentary Committee, as a result more than 27,000 Bidoons were awaiting enlistment.	**Partially accepted**. Thank you for the source suggestions. We will look to include the relevant material while ensuring it is balanced against keeping the CPIN succinct, focussed and provides 'enough' information – too much detail can obfuscate the key facts material to decision makers.

Home Office comment

https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/

(pp22-24)

In 2019 the Gulf Centre for Human Rights reported that online attacks on a non-Bidoon Kuwaiti academic and human rights defender, Dr Ebtehal Al-Khateeb, who called for action to preserve the civil and human rights of Bidoon, appeared co-ordinated by an organisation of Kuwaitis known as 'Group 80' dedicated to opposing any acknowledgement of Kuwaiti nationality or other concession as regards the Bedoon- the members of which included the leader of the Central Agency for Illegal Residents since 2010, Saleh Al-Fadala:

> Despite this, the President of Group 80, Adil Al-Zawawi, published on his Twitter account a provocative statement against Dr. Al-Khateeb, including a small fragment from her speech, accusing her of "shameful questioning of Kuwait and its Emir," although what she stated in this small piece is the need to provide in Kuwait a high degree of human rights to truly make it the best country in the world, rather than an empty title that was paid for.
>
> This publication on twitter was followed by an intense campaign by some Twitter accounts that attacked Dr. Al-Khateeb and published personal information about her and her family. This was the same tactic used against other activists who defend Bedoon rights, underscoring fears that these attacks are coordinated by one group.
>
> The group known as Group 80, one of whose members is the head of the Central Apparatus for Illegal Residents Saleh Al-Fadala, was founded in March 2019 by Adil Al-Zawawi to oppose any amendments to the laws of nationality that guarantee the rights of members of the Bedoon community to acquire the nationality of the country and other privileges enjoyed by citizens.

Gulf Centre for Human Rights, 23 June 2019, *Kuwait: Prominent advocate of Bedoon rights, Dr Ebtehal Al-Khateeb, targeted by twitter campaign*, https://www.gc4hr.org/news/view/2157

In 2020 Amnesty International commented on the extension in that year of the mandate of the Central System was extended for a year:

> *Kuwait: Mandate of abusive government body in charge of stateless Bidun people extended*
>
> *Responding to the Kuwaiti government's decision to extend by a year the mandate of an official agency that has consistently and systematically denied the rights of the stateless Bidun people, Amnesty International's Deputy Regional Director for the Middle East and North Africa, Lynn Maalouf, said:*
>
> *"It is deeply disappointing that the Kuwaiti authorities saw fit to extend the mandate of the Central System for the Remedy of the Situation of Illegal Residents – rather than address the pressing need for justice, accountability and the reform of the agency.*
>
> *"Over the past decade, this agency has been responsible for violating the rights of the Bidun people by denying them vital identity documents unless they agree to state that they and their families are not from Kuwait. Without these papers, scores of Biduns are deprived from being able to get a job, go to school or access health care. They are condemned to a life of poverty and hardship on the margins of society.*
>
> *…*
>
> *Background*
>
> *On 11 November, the Kuwaiti Cabinet renewed the mandate of the Central System for the Remedy of the Situation of Illegal Residents for a year.*
>
> *The agency, which was established in 2010 with a mandate to resolve the Bidun issue, claims that nearly all Biduns are "illegal residents" who entered Kuwait illegitimately and are falsely claiming Kuwaiti origin while concealing their "true" nationalities.*
>
> *The agency has consistently refused to issue any identity documents – necessary for almost every commercial and administrative transaction in modern Kuwaiti life – until the Biduns under its authority are compelled to say that they and their families are not from Kuwait.*
>
> *Biduns entering the agency's offices are frequently told to sign documents that state that the signatories and/or their family members are from outside Kuwait, or even, are asked to sign documents that they are not allowed to see.*

Amnesty International, 21 November 2019, *Kuwait: Rising Signs of Despair among Bidun Highlight Cruelty of Draft Law* https://www.amnesty.org/en/documents/mde17/1362/2019/en/

	Home Office comment
Proposed legislation (suggestion) The extension of efforts to make Bidoon falsely support their own exclusion is relevant, the proposal is relevant as an indication of attitudes and possible direction, and the source is recent and reputable. Again, inclusion is suggested. Kuwaiti legislators have proposed laws which would compel *Bidoon* to give up their claims to be Kuwaiti, in return for some measure of assured of short-term socio-economic survival, prompting suicides by members of the Bidoon community. Amnesty International, 21 November 2019, *Kuwait: Rising Signs of Despair among Bidun Highlight Cruelty of Draft Law* https://www.amnesty.org/en/documents/mde17/1362/2019/en/	**Partially accepted**. Thank you for the source suggestion. We will look to include information on this proposed legislation in the forthcoming update. However, we note the date of this report is 2019 so we may use newer, alternative sources if available.
Article 17 passports (suggestion) Article 17 passports have considerable importance, the source is recent and reputable. Again, inclusion is suggested. The US State Department Annual Report on Human Rights Practices for 2020 stated in relation to article 17 passports that: Foreign Travel: Bidoon residents and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of many Bidoon residents to travel abroad by not issuing travel documents, although it permitted some Bidoon residents to travel overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj. The Ministry of Interior issued Article 17 passports (temporary documents that do not confer nationality) to some Bidoon for these purposes as long as they held valid identification documents issued by the Central Agency for Illegal Residents and did not have security restrictions placed on their file. In July the Ministry of Interior revealed that approximately 17,000 Bidoon had paid 3,000 dinars ($9,770) each in bribes between 2014 and 2018 to obtain Article 17 passports. As part of the investigation into the crimes, Assistant Undersecretary of the Ministry of Interior General Sheikh Mazen al-Jarrah was arrested for accepting bribes. In November the Ministry of Defense announced that it was requiring all Bidoon military personnel to turn in their passports by the end of the month. Those who wish to reapply for a passport would need to provide a justification for travel, identity documentation, and pass a medical exam. Press reports estimated the number of Bidoon residents in the military to be 3,500. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (ply)	**Accepted**. Thank you for the source suggestion and material. We will update the relevant section in the forthcoming update of the CPIN as a result of this review. However, we note the date of this report is 2020 and has been superseded so we may use the updated report if the information is available.
Access to the courts/rule of law re nationality (nationality/statelessness outside the jurisdiction of the courts: (suggestion) The rule of law in this context is a critical issue and again the source is recent and reputable. Again, inclusion is suggested. The US State Department Annual Report on Human Rights Practices for 2020 stated in relation to article 17 passports that: The judicial system's lack of authority to rule on the status of stateless persons further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (P2P)	**Accepted**. Thank you for the source suggestion and material. We will update the relevant section in the forthcoming update of the CPIN as a result of this review. However, we note the date of this report is 2020 and has been superseded so we may use the updated report if the information is available.

	Home Office comment
The rule of law in this context is a critical issue and again the source is recent and reputable. Again, inclusion is suggested. (suggestion) Access to the courts/rule of law - independence of the courts generally: Alkarama, a Geneva-based non-governmental human rights organisation focussing on the Arab world in its report to the United Nations Universal Periodic Review of human rights in Kuwait, set out the following: 20. The independence of judiciary system is undermined in Kuwait despite article 163 of the Constitution formally guaranteeing its independence. Judges are appointed by the Supreme Judicial Council whose members are elected by the executive.14 Moreover, most judges are appointed by Emiri decree.15 21. Alkarama documented and raised with several Special Procedures mandate holder cases in which the independence and impartiality of Kuwaiti courts was lacking. In one case, the court of cassation changed the deciding judge the day of the verdict, and replaced him with Saleh Al Marished who has close ties to the royal family. The ruling was about the suspension of detention on bail of 15 peaceful protestors sentenced to up to three and a half years of prison. The new judge of court of cassation refused the request of suspension.16 https://www.alkarama.org/en/documents/kuwait-universal-periodic-review-2019-3-rd-cycle-alkaramas-submission-stakeholders (p6, section 3.2)	**Partially accepted**. Thank you for the source suggestion and material. We will consider including this in the forthcoming update of the CPIN but must ensure we balance wider contextual information against keeping the CPIN succinct and focussed.
The nature of public administration in this context is a critical issue and again the source is recent and reputable. Again, inclusion is suggested. (Suggestion) Public administration The US State Department Annual Report on Human Rights Practices for 2020 set out the following in relation to public administration: The law provides criminal penalties for corruption by government officials, but the government did not implement the law effectively. Observers believed officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The Anti-Corruption Authority (ACA) is charged with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or police for further investigation or action. As of November the ACA had received 424 corruption reports (109 reports were administratively closed, 261 were pending reviewing by the Reports Reception Department, and 54 were under investigation). The ACA referred eight reports to the Public Prosecutor during the same period. There were many reports that individuals had to pay intermediaries to receive routine government services. Police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. Widespread reports indicated that police favored citizens over noncitizens. There were several reports of corruption in the procurement and bidding processes for lucrative government contracts. All judicial officers received training on corruption and transparency obligations as part of the Judicial Institute's official curriculum https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (pp26-27)	**Partially accepted**. Thank you for the source suggestion and material. As above, we will consider including this in the forthcoming update of the CPIN but must ensure we balance wider contextual information against keeping the CPIN succinct and focussed.

	Home Office comment
The CPIN would benefit greatly from focussed attention to Bidoon activists, differentiated from that focusing on other Bidoon. Again, the source is recent and reputable inclusion is suggested. (Suggestion) Bidoon activists The US State Department Annual Report on Human Rights Practices for 2020 stated, in relation to Bidoon advocates/activists who had been detained, that: Numerous activists representing a particular group of stateless persons known as "Bidoon" reported mistreatment at the hands of authorities while in detention. There continued to be allegations from individuals that they were subjected to unlawful detention and physical and verbal abuse inside police centers and State Security detention centers. There are credible indications that police, KSS force members, and the Ministry of Interior's Drug Enforcement General Directorate abused prisoners during arrest or interrogation… https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (pp2-3) The US State Department Annual Report on Human Rights Practices for 2020 stated, in relation to Bidoon advocates/activists, that: In January the Court of Appeals upheld a three-year prison sentence with labor for Bidoon activist Mohammad Khodhair al-Enezi for taking part in an illegal rally in 2019, and encouraging the murder of employees of the Central Agency for Illegal Residents. In 2019 the KSS arrested 15 Bidoon activists (and charged one in absentia) on numerous charges including: joining a banned organization aimed at undermining political, economic, and social systems of the country and overthrowing the regime; spreading false news; organizing and participating in gatherings and rallies without a license (which the government would not grant to Bidoon residents); and incitement to murder. All defendants denied the charges. In January the Criminal Court announced its verdicts in the case. Muhammad Wali received a life sentence in absentia. Humoud Rabah and Ridha Thamir were both sentenced to 10 years for calling for the overthrow of the regime and joining a banned organization. Abdulhakim al-Fadhli and 11 other defendants were released on suspended sentences under a pledge of "good conduct" for two years. Five of the 12, including al-Fadhli, were also required to pay bail. In July the Court of Appeals overturned the 10-year prison sentence for Humoud Rabah and Ridha Thamir and acquitted them of attempting to overthrow the government, but sentenced them to two years imprisonment for participating in and calling for unlicensed gatherings. However, the court released them both on suspended sentences and after paying in bail. They were also required to sign a "good conduct" pledge for two years. The defendants have appealed the case to the Court of Cassation in an attempt to get all fines and charges fully overturned. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (pp24-25)	**Accepted**. Thank you for the source suggestion and material. We will include a relevant section in the forthcoming update of the CPIN as a result of this review. However, we note the date of this report is 2020 and has been superseded so we may use the updated report if the information is available.

	Home Office comment
The CPIN would benefit greatly from attention to this, given relevance to Bidoon activists. Again, the source is recent and reputable inclusion is suggested. (Suggestion) Criminalisation of internet discussion of political etc issues In its report to the United Nations Universal Periodic Review of human rights in Kuwait Alkarama, a Geneva-based non-governmental human rights organisation focussing on the Arab world, stated 22. Kuwait has increasingly restricted the rights of peaceful dissidents, human rights activists, and media workers. In some cases, the authorities have resorted to judicial harassment using flawed pieces of legislation. https://www.alkarama.org/en/documents/kuwait-universal-periodic-review-2019-3-rd-cycle-alkaramas-submission-stakeholders (pp., section 3.3.1) The US State Department Annual Report on Human Rights Practices for 2020 recorded, as to monitoring by the Kuwaiti authorities of, and action against, expression of political views on the internet, that: The government continued to monitor internet communications, such as blogs and discussion groups, for defamation and general security reasons. The Ministry of Communications blocked websites considered to "incite terrorism and instability" and required internet service providers to block websites that "violate [the country's] customs and traditions." The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by email and social media, based on existing laws related to libel, national unity, and national security. The government prosecuted some online bloggers under the Printing and Publishing Law and the National Security Law. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (pp15-16) Alkarama, a Geneva-based non-governmental human rights organisation focussing on the Arab world, pointed in 2016 to broad new Kuwaiti legal restrictions on internet speech: On 12 January 2016, Kuwait's new Cyber Crime Law no. 63, which contains provisions that severely restrict freedom of expression on the internet, came into force. Several human rights NGOs criticised this law, as its broad definitions can be used to punish peaceful opposition and dissenting voices. In a State where fundamental rights and freedoms are extremely restricted, the enactment of such law is particularly concerning… Over the past years, Kuwait has been imposing several limitations on fundamental freedoms − most notably on the freedoms of expression, assembly and association − in the name of national security. Peaceful protests are violently repressed, newspapers are closed and political opponents are arbitrarily arrested. It is in this context that the entry into force of such a law, further restricting freedom of expression online, must be read. In fact, the new law Cyber Crime Law imposes prison sentences to anyone who dares to publish or share online information that would *"prejudice public morality,"* criticise the Emir or defame *"God, the Holy Quran, Prophets, the Noble Companions of Prophet Muhammad, Wives of the Prophet [...], or persons who are part of the Prophet's family."* Kuwait: New Cyber Crime Law Disrespects Freedom of Expression | Alkarama 25 Jan 2016	**Partially accepted**. Thank you for the source suggestion and material. We will include a relevant section in the forthcoming update of the CPIN as a result of this review. However, we note the date of the USSD report is 2020 and has been superseded, so we may use the updated report if the information is available. The date of the Alkarama report is 2016 and so we may also refer to alternative sources when covering this aspect.

	Home Office comment
The CPIN would benefit greatly from attention to this, identifying it as a phenomenon and differentiating it from the position of the Bidoon. Again, the sources are recent and reputable inclusion is suggested. (Suggestion) Revocation The European Network on Statelessness and Institute for Statelessness and Inclusion addressed the criteria for deprivation of nationality under Kuwaiti law in a 2019 position paper: The grounds on which an individual may be deprived of Kuwaiti nationality differ between those who are naturalised citizens (Article 13) and those who are citizens by birth (Article 14). They include grounds relating to fraud, loyalty and other forms of behaviour, including some broadly formulated powers such as where a person "disseminated opinions which may tend seriously to undermine the economic or social structure of the state". 14 Since 2011 there has been increased denationalisation in Kuwait, because of a crackdown on dissent after the so-called 'Arab Spring' which led to increased protest.15 There are no comprehensive figures on how many people have been stripped of their nationality, but the number is believed to be in the hundreds. The US State Department reported that: "A Council of Ministers committee created in 2017 to review citizenship revocations since 1991, received 200 appeals and sent their recommendations for 70 of those to the Council of Ministers. Seven families had their citizenship restored, while the other 63 were rejected". 16 It has been reported that Kuwaiti children have had their nationality revoked as a consequence of their parents having their nationality revoked.17 European Network on Statelessness and Institute for Statelessness and Inclusion. *Country Position Paper: Statelessness in Kuwait,* May 2019 StatelessJourneys-Kuwait-FINAL.pdf Pp5-6 In its report to the United Nations Universal Periodic Review of human rights in Kuwait Alkarama stated 23. Revocation of citizenship has also been used against political dissidents in an attempt to silence any form of criticism. In 2014 alone, Alkarama documented 33 such cases.17 https://www.alkarama.org/en/documents/kuwait-universal-periodic-review-2019-3-rd-cycle-alkaramas-submission-stakeholders p7, section 3.3.1) The US State Department Annual Report on Human Rights Practices for 2020 stated, in relation to revocation of Kuwaiti citizenship that: On occasion some persons had their citizenship revoked. If a person loses citizenship, all family members whose status was derived from that person also lose their citizenship and all associated rights and became stateless individuals. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a "block" on their names in government databases. This "block" prevented former citizens from traveling or accessing free health care and other government services reserved for citizens. https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kuwait/ (pp20-21)	**Accepted**. Thank you for the source suggestions and material. We will include a relevant section in the forthcoming update of the CPIN as a result of this review.

2.2.2 MYANMAR

COI document seen CPIN: *Burma: Rohingya (including Rohingya in Bangladesh)* (v2.0, March 2019). Additional documents available include a second CPIN: *Myanmar (Burma), Critics of the military regime*, (v4.0, July 2022). The CPIN selected was chosen as the CPIN to which statelessness is more relevant, given the relative breadth of subject matter compared to the narrowly focussed second CPIN.

hhh. As indicated in the comments/suggestions below, the Myanmar CPIN has considerable strengths as a cohesive account of the position of the Rohingya. The CPIN however does attract my reflection below that whilst statelessness is referred to, the actual significance of statelessness,

in terms of the incidents of statelessness and significance of deprivation of nationality analysed in the first part of this review, may not be clear to the user. I have also suggested inclusion of substantial further information, overall directed to coherence of the account as regards statelessness issues.

	Home Office comment
General (comment) This is comparatively a strong CPIN in its treatment of statelessness. The statelessness issue is focussed on at section 4.1 ('citizenship') and the sources are substantial. Some suggestions are made and comments set out below.	Thank you for the positive comment.
4.1 (comment/suggestion) This section on citizenship is very helpful on the issues of citizenship and statelessness. But a weakness as a guide to users, is that they are not focussed on the primary significance of citizenship- that citizens have/are assumed to have civil and political rights including the critical right to enter and stay in the territory of the State. The significance of deprivation is not usually simple loss of a status, but loss of the right to be in the country. It may rest on domestic law but the international standard is art 12(4) ICCPR- prohibition of arbitrary exclusion from a person's 'own county'. The effect of *de facto* or *de jure* denial of citizenship is not clear here, and a user not aware of it could miss it- may I please suggest that the significance of denial of citizenship is specifically identified? The issue of rights to enter and remain/exit and return not being identified here as depending on citizenship is exacerbated by treatment of freedom of movement being limited to such freedom not only internally but also locally 'in Rakhine state) (section 9). Often it is assumed this means only internal freedom of movement, not entry/exit and residence as well. The USSD Reports on Human Rights Practices include it in every report applying their standard template- section D ('Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons') delineated as 'freedom of internal movement, foreign travel, emigration, and repatriation.' In 2017 USSD HRP report on Myanmar. I make a separate suggestion re freedom of movement below by reference to para 4.1.4	Please can you provide a source that outlines this information so that we can consider whether it is appropriate to include. More generally, the sources in this section confirm they are effectively stateless; we confirm it in the points to note; and the significance of the denial of citizenship rights is outlined in the assessment at 2.4.8. **Not accepted.** As we set out above, CPINs are designed to support Home Office officials handling common types of claim in the UK. They are not intended to be an exhaustive survey of a particular subject or theme. We must also balance contextual, background information with a need to provide succinct, focused reports. Consequently, the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN.

	Home Office comment
4.1.1 (suggestion) This is a paragraph summarising various sources. The final sentence summarises the three categories of citizens under the 1982 Burma Citizenship law. It is however a stub because it is not clear how the 3 categories delineated come into being and who is in each. It does not identify the major reason for importance of the 1982 law in the present context, that it imposes (either *de facto* or *de jure)* statelessness on Rohingya. That is meant to be taken from the quotation from Cheesman at 4.1.2 May I suggest that this could be clearer, deleting at least the last sentence and adding text from the UN Human Rights Council document already utilised elsewhere in the section. The EITHER replace the text of 4.1.1 with para 472-479 of the UNHRC doc which fleshes out the historical development then outlines the current position: *Historical background* 472. The current citizenship status of the Rohingya can only be understood in a historical context.1043 The 1947 Constitution and the 1948 Union Citizenship Act of the newly independent Myanmar provided a relatively inclusive citizenship framework.1044 In addition to citizenship based on ethnicity, section 4(2) of the Union Citizenship Act provided that "any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union".1045 Additionally, section 7 provided that a person could apply for citizenship if they were 18 years, resided in the country for at least five continuous years, and intended to reside in the country. As such, most long-term residents fulfilled the criteria, regardless of whether they belonged to one of Myanmar's "indigenous races".1046 473. Most Muslims who then lived in what currently constitutes Rakhine State were therefore included, whether their ancestry could be traced to pre-colonial times, or whether they were colonial-era migrants from the region. Additionally, there are strong indications that at the time the Myanmar authorities accepted the Rohingya as an "indigenous group". Both Prime Minister U Nu, and Sao Shwe Thaike, the country's first President, are reported to have referred to the Rohingya as an indigenous group of Myanmar, with U Nu referring to the Rohingya by name in a 1954 radio address, as "… our nationals, our brethren".1047 474. Citizens were required to register, after which a National Registration Card (NRC) was issued. At the end of 1960, the Government reportedly claimed to have issued 18 million NRCs, nearly the entire population at the time.1048 Temporary Registration Cards (TRCs), known as "white cards", were issued in case of loss, damage or pending application for the NRC. Although NRCs or TRCs were not intended to be citizenship certificates, in reality they served as such. 475. At the start of General Ne Win's regime, the citizenship legal framework remained unchanged. The 1974 Constitution also did not alter the definition of "citizen" significantly. All Rohingya who were citizens during the 1948-1962 period were still to be considered citizens. However, in practice, the narrative that most Muslims in Rakhine State were illegal Bengali immigrants took root, in the context of an increasing emphasis on the importance of "national races" and the need to deport alleged aliens.1049 In 1978, the Tatmadaw and immigration officials implemented a nationwide project called "Operation Dragon King" to register all citizens and aliens ahead of a national population census. Its implementation in Rakhine State led to more than 200,000 Rohingya fleeing to Bangladesh, amid allegations of serious human rights violations. The Government claimed that the number of Rohingya escaping from scrutiny was an admission of their illegal status. However, analysis suggests that the number of alleged illegal immigrants identified was very low.1050 The Government agreed with Bangladesh to repatriate the "lawful residents of Burma who are now sheltered in the camps in Bangladesh".1051 Nearly all refugees returned to Myanmar. 476. In this context General Ne Win initiated a review of the country's citizenship laws. He argued that citizenship under the civilian government had been poorly administered, often wrongly attributed, and leaving many people in legal limbo.1052 He acknowledged that many people had lived in Myanmar for long and that the government was "not in a position to drive away all those people who had come at different times for different reasons from different lands". However, he added that "leniency on humanitarian grounds cannot be such as to endanger ourselves", and there should be a system based on "three classes of citizens", with full citizenship reserved for "pure-blooded nationals". The two other classes were for people who "cannot be trusted fully" and who would therefore not receive "full citizenship and full rights". From the statement, it is clear that the people targeted included Muslims and Chinese.	**Partially accepted.** We will revisit this paraphrasing to ensure it is clear when we update the CPIN. As we set out above, CPINs are designed to support Home Office officials handling common types of claim in the UK. They are not intended to be an exhaustive survey of a particular subject or theme. We must also balance contextual, background information with a need to provide succinct, focused reports. Consequently, the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN.

Home Office comment

Current citizenship regime

477. The 1982 Citizenship Law marked a further step towards an exclusively "ethnic" concept of citizenship.1053 Together with the implementing regulations (the 1983 Procedures), the law created a citizenship framework with three distinct categories (or "classes") of citizens:

- Full citizenship is primarily reserved for "national ethnic groups … such as the Kachin, Kayah, Karen (Kayin), Chin, Burman (Bamar), Mon, Arakan (Rakhine) or Shan and ethnic groups who settled in Myanmar before 1823".1054 The law further states that "the Council of State may decide whether any ethnic group is national or not".1055 These initial eight groups were later broken down in a list of 135 sub-groups. They do not include the Rohingya or people of Chinese, Indian or Nepali descent.1056 Full citizens are those with both parents holding a category of citizenship, including at least one full citizen; third generation offspring of citizens in the two other categories of citizenship; and persons who were citizens when the law entered into force.1057 Full citizens receive a Citizenship Scrutiny Card.
- "Associate" citizenship is for those whose application for citizenship under the 1948 Citizenship Law was pending when the 1982 law came into force. A central body is tasked to decide on applications.1058 They receive an Associate Citizenship Scrutiny Card.
- "Naturalized" citizenship may be granted to persons who provide "conclusive evidence" of entry and residence in Myanmar before 1948, and of the birth of their children in Myanmar.1059 It may also be granted under certain circumstances by marriage or descent. In addition, applicants for "naturalized" citizenship must be at least 18 years, have command of one of the national languages, and be of "good character" and "sound mind". Naturalised citizens receive a Naturalised Citizenship Scrutiny Card.

478. Despite this legal framework being discriminatory in intent and purpose, Rohingya are not necessarily fully excluded from citizenship. First, the Constitution and the law provide that whoever was a citizen at its entry into force would remain a citizen.1060 Second, while it is disputed whether the Rohingya are a "national race" and automatically entitled to full citizenship on that ground, many Rohingya would have at least qualified for "associate" or "naturalised" citizenship. Their third generation offspring would have been full citizens by now. Third, the law also explicitly authorizes the State to confer any of the three categories of citizenship on any person "in the interests of the State".1061

479. In reality, however, the law has been implemented in a discriminatory and arbitrary manner.1062 The authorities commenced enforcement of the law only after the SLORC took power in 1988. In a nationwide citizenship scrutiny exercise, the National Registration Card (NRC) had to be turned in and replaced by a Citizenship Scrutiny Card (CSC). However, Rohingya who presented their NRCs were reportedly refused a CSC, even when meeting the conditions for citizenship. Such arbitrary action was facilitated by provisions of the 1982 Citizenship Law allowing for broad discretion in decision making.1063 NRCs were not returned to Rohingya; instead they received Temporary Registration Cards (or "white cards").1064 These interim "white cards" became the *de facto* identification documentation for the approximately 700,000 Rohingya to whom they were issued for the next 20 years.1065

OR eliminate only the last sentence of 4.1.1, and substitute quotation of the UNHRC document paras 477-479- i.e. a shorter quotation, but more detail of the current as opposed to historical circumstances.

https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf

	Home Office comment
4.1.1 (following on after) (suggestion) The 3 categories of citizenship under the 1982 law may be clarified by the GlobalCit report, *Report on Citizenship Law: Myanmar* October 2017 (José María Arraiza, Olivier Vonk) p8: The 1982 Burma Citizenship Act designates three categories of citizens: full citizens; associate citizens; and naturalised citizens (fn 40 in current CPIN). The GlobalCit report states: The 1982 Citizenship Law created three categories of citizens, whereby only full citizens enjoyed full citizenship rights and the other two types were disenfranchised. The categories are as follows: a) Full citizens. These consist primarily of the members of eight ethnic groups presumed to have settled in Myanmar's territory before 1823 (the First Anglo-Burmese War). 32 These eight ethnic groups were later categorised into 135 sub-types through an administrative instruction.33 Full citizenship is also accessible for a) persons who were citizens on the date the law entered into force, b) persons both of whose parents hold a category of citizenship (including at least one parent full citizen), c) third generation offspring of associate and/or naturalised citizens.34 b) Associate citizens: associate citizens are those who applied for citizenship under the 1948 Union Citizenship law and before the enactment of the 1982 Citizenship Law, but do not belong to the abovementioned 135 groups. c) Naturalised citizens: these are persons who do not belong to the recognised ethnic groups and acquired citizenship after 1982. 35 General Ne Win explained the difference as follows: "Who are the eh-naing-ngan-tha (associate citizens)? They are those who arrived in Burma before Independence and satisfy all conditions laid down in those two laws and who already applied for citizenship. They are eh-naing-ngan-tha (associate citizens). What is the difference between eh-naing-ngan-tha (associate citizens) and enaingngan-tha-pyu-khwint-ya-thu (naturalized citizens)? Both came here in similar circumstances –before Independence, January 1948. The difference lies in whether they applied for citizenship or not. Those who have not yet applied for citizenship are, let us say, a bigger problem".36 Associate and Naturalised citizens –often still referred to as being of "mixed blood"– have lesser rights concerning political participation, education, health, freedom of movement and property. 37 What started as an exclusive nation-building and "otherisation exercise" by the military became state policy and defined the legislation and policy up to the present. Of note, the rule of law and the access to claim and exercise one's rights is hampered by a degree of arbitrariness and lack of accountability embedded in the 1982 Citizenship law. Article 71 states that "[N]o reasons need to be given by organizations invested with authority by this law in matters carried out under this law". https://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf	**Accepted.** Thank you for the suggestion – the highlighted content will be considered for inclusion in the forthcoming update.
4.1.3 (following after) (suggestion) I suggest including the GlobalCit report's useful information on loss and deprivation of nationality, supplementing the necessary information about initial extent of nationality: The distinction between full citizens, associate citizens and naturalised citizens also applies to the grounds for loss of citizenship in Myanmar. Thus, associate or naturalised citizens may lose citizenship under the 1982 Law if they have assisted the enemy in a war in which Myanmar was engaged; 62 have committed an act involving moral turpitude, such as adultery; 63 have endangered the sovereignty and security of Myanmar or have shown disloyalty in act or speech; 64 have acquired citizenship by fraud; 65 or the person is the minor child of associate or naturalised citizens who lose their citizenship. 66 Additionally, Myanmar provides for the automatic loss of citizenship for any citizen who voluntarily acquires a foreign citizenship; 67 who requests a passport or similar certificate of another country;68 and who permanently leaves Myanmar. 69 Finally, Myanmar allows for the voluntarily renunciation of citizenship https://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf	**Not accepted.** This appears to be outside the scope of an asylum claim, which is what the CPIN is aimed at. Our approach is that where CPINs may be relevant for other purposes, then the material can be used for that purpose. However, we do not intend to expand the scope of CPINs to make them have dual- or multi-claim purposes. This would make them too unwieldy for the primary end users.

	Home Office comment
4.1.4 (following on after, 1/3) (suggestion) I suggest adding this para after the current 4.1.4, and the last suggested addition quotation from the USSD Report on Human Rights Practices 2018 section D. First there is a useful detail about numbers remaining after 2018. Secondly it provides a an effective stop to the section, after the dealings with citizenship/ statelessness and (suggested addition re entry/residence/freedom of movement) https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/burma/	**Accepted.** As this report has been superseded, we will consider all aspects of the most recent USSD report covering events of 2021 for inclusion in our forthcoming update.
4.1.4 (following on after, 2/3) (suggestion) I suggest adding this text after the current 4.1.4, with quotation from the USSD Report on Human Rights Practices 2017 section D. First there is a useful detail about numbers remaining after 2017. Secondly it provides a framework link between citizenship/statelessness and internal and external movement. I have inserted sample linking text: As to freedom of entry and residence the USSD noted the differential position of citizens and those deemed noncitizens: > The law does not explicitly and comprehensively protect freedom of internal movement, foreign travel, emigration, and repatriation. Laws provide rights for citizens to settle and reside anywhere in the country "according to law." Laws related to noncitizens empower the president to make rules for requiring registration of foreigners' movements and authorize officials to require registration for every temporary change of address exceeding 24 hours. The USSD stated as regards in-country movement generally (see also 'Freedom of movement in Rakhine state', section 9) > In-country Movement: Regional and local orders, directives, and instructions restrict freedom of movement. > The government restricted the ability of IDPs and stateless persons to move. While a person's freedom of movement generally derived from possession of identification documents, authorities also considered race, ethnicity, religion, and place of origin as factors in enforcing these regulations. Residents of ethnic-minority states reported the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs and stateless persons. As regards foreign travel the USSD reported that: > Foreign Travel: The government maintained restrictions preventing foreign travel of political activists, former political prisoners, and some local staff of foreign embassies. While some administrative restrictions remained, local organizations reported encountering far fewer delays and restrictions. Stateless persons, particularly Rohingya, were unable to obtain documentation necessary for foreign travel. https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/burma/	**Partly accepted.** As this report has been superseded, we will consider all aspects of the most recent USSD report covering events of 2021 for inclusion in our forthcoming update. As we set out above, CPINs are designed to support Home Office officials handling common types of claim in the UK. They are not intended to be an exhaustive survey of a particular subject or theme. We must also balance contextual, background information with a need to provide succinct, focused reports. Consequently, the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN.
4.1.4 (following on after, 3/3) (suggestion) I suggest adding this para after the current 4.1.4, and the last suggested addition quotation from the USSD Report on Human Rights Practices 2018 section D. First there is a useful detail about numbers remaining after 2018. Secondly it provides a an effective stop to the section, after the dealings with citizenship/ statelessness and (suggested addition re entry/residence/freedom of movement) > The vast majority of Rohingya were stateless. Following the forced displacement of more than 700,000 Rohingya to Bangladesh in 2017, an estimated 520,000 to 600,000 Rohingya remained in Rakhine State. There were likely significant numbers of stateless persons and persons with undetermined nationality throughout the country, including persons of Chinese, Indian, and Nepali descent. https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/burma/	**Partially accepted.** The material about the Rohingya may be relevant, but this is not a CPIN about statelessness, or potentially stateless populations; it is about the Myanmarese state's treatment of Rohingya and whether that, in general, amounts to persecution or serious harm.

	Home Office comment
Future (suggestion) The European Network on Statelessness (ENS) and Institute on Statelessness and Inclusion (ISI) Country Position Paper *Statelessness in Myanmar,* May 2019, postdates the CPIN, and therefore cannot be added as a source. I mention it here with the suggestion that it be considered by CPIT when work commences to replace the current version of this CPIN. For instance there is a useful clear summary of obstacles to return: Returning refugees Refugees returning to Myanmar from the camps in Thailand, Bangladesh and elsewhere face multiple barriers to proving their citizenship and residence rights. In 1993-4 approximately 200,000 Rohingya refugees were repatriated from Bangladesh to Myanmar. Marriages that took place in the camps of Bangladesh were not recognised on return to Myanmar. Families faced multiple barriers in registering on the household list new marital partners, children born as result of those marriages, and children born in Bangladesh. Unregistered or "blacklisted" returnees faced harassment, extortion and arrest in Myanmar. As a result, many fled Myanmar again.60 Myanmar also does not recognise the birth certificates of refugees born in Thailand, potentially creating barriers to accessing rights and benefits on return to Myanmar.61 Returning refugees without the correct documents are unable to access their rights and remain unable to move or relocate within Myanmar. There is also a useful 1 page diagram clarifying different forms of documentation not cut and pasted here for illustration due to size(p17) https://www.statelessness.eu/updates/publications/country-position-paper-statelessness-myanmar	**Partially accepted**. Thank you for the source suggestion we will consider it in full. The excerpt below, however, is not considered necessary for a decision maker in an asylum claim. It references returnees from neighbouring areas in the 90s, and those with birth certificates from other countries. Any returnees from the UK (as a result of a refusal on their asylum claim) would be of Myanmarese nationality. Thank you for the source suggestion, we will keep it on record for use if we receive any questions from decision makers on documentation. However, as we set out above, we must also balance contextual, background information with a need to provide succinct, focused reports. Consequently, the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN.

2.2.3 SYRIA

COI document seen CPIN: *Syria: Returnees* (v1.0, June 2022). There are other CPINs on *security situation, Syria*, June 2022 (v1.0, June 2022) and *humanitarian situation, Syria*, June 2022 (v1.0, June 2022). The CPIN selected was chosen as the CPIN of broadest span, the other two being narrower.

iii. Syria is a country in relation to which there have over many years been multiple serious recorded instances of statelessness or nationality matters potentially relevant to nationality. These may be relevant in numerous respects from case to case as primary or secondary issues. These are not addressed in current CPINs, though obviously relevant to the headline/title '*Returnees*'. This in an instance in which I am concerned that a COI user could well assume that there is not a relevant issue of nationality and statelessness, because if there was, it would be cited and addressed in the CPIN. In connection with this it is possible to fear the effect of a feedback loop, whereby no issue is

identified by users because none is identified by the COI products, and therefore no feedback reaches CPIT requesting expansion to address relevant issues.

jjj. I have effectively set out below a series of suggestions, of evidence from recent (though pre-CPIN date) evidence on significant issues from reputable sources, which used together could effectively ground a section in the current COIN or a separate document (as to the latter I recognise the risk of having numerous narrow CPINs, rather than a core document).

	Home Office comment
General (suggestion) Statelessness is a serious topic re Syria, covered by the United States State Department and other reputable bodied. It may well come together with other issues relating to returnees or prospective returnees with which this CPIN is concerned. However statelessness is not addressed in the CPIN or elsewhere. I would ask that very serious consideration be given to including appropriate information concerning statelessness in Syria COI material, by development of this CPIN or another, the former perhaps being better as avoiding the creation of a regime of numerous narrow micro-CPINs with gaps between them. In entries below I have identified evidence that could potentially, I respectfully suggest, be of value in this context. I have applied the instruction to avoid material after the date of the CPIN, assuming that supplement may be viable.	**Partially accepted** Thank you for the suggestion. Whilst statelessness does not fit within the remit of this particular CPIN, we will cover the issue in a different COI product.
Material re statelessness and Syria, potential introductory section (suggestion) On a number of fronts statelessness is relevant in the context of persons linked to Syria, potentially affecting, for instance, entitlement or ability to return or resettle there. This is examined by sources given below. The Institute on Statelessness and Inclusion and Norwegian Refugee Council state in a joint report that: The issue of statelessness is not a new problem for Syria.38 As UNHCR explains: "Syria is home to some historically stateless populations, including certain Kurdish populations, long-staying stateless migrants from other countries in the region, such as the *bidoon*, and individuals who may have become stateless due to the inability to acquire nationality from their mothers under the law".39 As of the end of 2015, UNHCR estimated the total number of stateless persons in Syria to be 160,000.40 https://www.nrc.no/globalassets/pdf/reports/understanding-statelessness-in-the-syria-refugee-context.pdf (p18)	**Accepted.** Thank you for the suggestion. However, we note the date of this publication is 2016, and as we try to include as up to date information as possible we may use newer, alternative sources if available.

	Home Office comment
Material re statelessness and Syrian Kurds (suggestion) Those affected by statelessness today include some Kurds of Syrian origin. The Institute on Statelessness and Inclusion and Norwegian Refugee Council state in a joint report that: A substantial stateless population, the stateless Kurds, had already been living in Syria for decades before the conflict. This group is a minority of Syria's broader Kurdish population and their descendants, who were denationalised as the result of a census conducted in the North of Syria in 1962.41 They can be separated into two sub-groups who are widely known as the *Ajanib* (those registered as foreign in the census) and *Maktoum* Kurds*42* (those who were not registered at all). The human rights situation of both of these groups was challenging even before the conflict, with widespread problems reported in accessing education, employment, property and other rights and the *Maktoum* Kurds, in particular, living a marginalised existence.43 It is important to note that the adoption of Decree 49 in 2011 allowed the reacquisition of nationality for thousands of stateless Kurds. According to UNHCR, by mid-2013, some 104,000 stateless individuals had acquired nationality.44 However the current conflict has made the process of applying for nationality difficult. https://www.nrc.no/globalassets/pdf/reports/understanding-statelessness-in-the-syria-refugee-context.pdf (section 2.1.2, p18) The US State Department Annual Report on Human Rights Practices for 2021 states, in relation to Kurds in Syria, that: Following the 1962 census, approximately 150,000 Kurds lost their citizenship. A legislative decree had ordained a single-day census in 1962, and the government executed it unannounced to the inhabitants of al-Hasakah Governorate. Persons not registered for any reason or without all required paperwork lost their Syrian citizenship from that day onward. The government at the time argued it based its decision on a 1945 wave of alleged illegal immigration of Kurds from neighboring states, including Turkey, to al-Hasakah, where they allegedly "fraudulently" registered as Syrian citizens. In a similar fashion, authorities recorded anyone who refused to participate as "undocumented." Because of this loss of citizenship, these Kurds and their descendants lacked identity cards and could not access government services, including health care and education. They also faced social and economic discrimination. Stateless Kurds do not have the right to inherit or bequeath assets, and their lack of citizenship or identity documents restricted their travel to and from the country. In 2011 President Assad decreed that stateless Kurds in al-Hasakah who were registered as "foreigners" could apply for citizenship. It was unclear how many Kurds benefited from the decree. UNHCR reported in 2015 that approximately 40,000 of these Kurds remained unable to obtain citizenship. Likewise, the decree did not extend to the approximately 160,000 "unregistered" stateless Kurds. The change from 150,000 to 160,000 reflected an estimated increase in population since the 1962 census. https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/syria (p55) The Institute on Statelessness and Inclusion and Norwegian Refugee Council state in a joint report that: Most stateless Kurds who have fled have gone to KRI due to territorial proximity and ethno-political affiliations. However, members of this group have also been displaced to other countries, for instance in the Bekaa region in Lebanon where one ITS is entirely populated by stateless Kurds.237 The majority of the stateless Kurds interviewed possess either a *taaref* document or – if *Ajanib* Kurds – a *Bitaqa Ajnabi* or 'red card'. These are documents that are specific to those who are stateless or unregistered, distinct from documents possessed by Syrian nationals in general and thereby also from the documents usually encountered among the refugee population. If these different documents are not widely recognised, this may affect access to, for instance, civil registration procedures in the host country. Due to the discrimination this community faced for decades whilst living in Syria, *Maktoum* Kurds are likely to be more impoverished than the average Syrian.238 Access to education, for instance, was widely reported to be a problem for this community which is likely to have resulted in substantially lower education levels.239 This could make them more vulnerable in a displacement context in terms of their legal knowledge and empowerment, affecting their ability to receive and understand information about their situation and how to access certain rights, including documentation and civil registration… NB: KRI= Kurdistan Region of Iraq https://www.nrc.no/globalassets/pdf/reports/understanding-statelessness-in-the-syria-refugee-context.pdf (section 5.1.1, p45)	**Accepted.** Thank you for the source suggestions and material. We will refer to the relevant section in the USSD report when we cover statelessness in a CPIT product as a result of this review. However, we note that the other sources were published in 2016, and as we try to include as up to date information as possible, we may use newer, alternative sources if available. We must also balance contextual background information to the catalyst for Kurdish statelessness in Syria with a need to provide operational staff succinct, focussed reports. Consequently, some of the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN.

	Home Office comment
Thomas McGee, a researcher and expert, in a working paper for the Institute on Statelessness and Inclusion identified matters potentially affecting the willingness of Kurds from Syria displaced to KRI to return to Syria: Secondly, the necessity for all applicants to be present in Syria in person has left ajanib outside the country unable to benefit from the decree.24 Those based in KR-I may well be nervous that should they travel back to Syria in order to try and acquire nationality, this could affect their legal situation as refugees and present bureaucratic challenges when attempting to return to Kurdistan afterwards. This notably includes stateless members of the population of several hundred families who were forced to flee government persecution in Syria following their involvement in the 2004 Kurdish uprising (also known as Serhildana Qamishlo).25 Indeed, owing to resentment about their disenfranchisement, stateless Kurds were particularly well-represented in these demonstrations. Now, unable to return to Syria for political and protection reasons, this largely fatigued community is mostly split between two residential locations in the Duhok Governorate of KR-I, with approximately half of their number leaving for Europe over the last year.26 Case studies from each of the above mentioned locations are presented below in order to illustrate the dilemmas facing Kurdish families affected by statelessness. https://files.institutesi.org/WP2016_02.pdf (p4)	
Material re statelessness and Palestinians resident/formerly resident in Syria (suggestion) The Institute on Statelessness and Inclusion and Norwegian Refugee Council state in a joint report that: Besides the large population of stateless Kurds, there were over half a million Palestinian refugees registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) in Syria,45 and "tens of thousands" 46 who did not register (UNRWA registration is not mandatory). Now displaced again by the current crisis in Syria and with a precarious legal status,47 this is another population included in this research. https://www.nrc.no/globalassets/pdf/reports/understanding-statelessness-in-the-syria-refugee-context.pdf (section 2.1.2, p18) In the 2021 GlobalCit *Report on Citizenship Law: Syria*, Zahra Albarazi, a researcher and expert, notes that: There have been several waves of Palestinian refugees that have come into Syria, most notably in the 1940s and the 1980s. Although always marketing itself as a supporter of the Palestinian cause, Syria has always denied Palestinians the right to acquire Syrian nationality. This stems from the idea that the only way to ensure the continuation of their ability to benefit from the right of return to Palestine is to prohibit them from naturalising in the country they live in.20 According to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) that is mandated to assist Palestinians in several countries including Syria, there were 560,000 Palestinian refugees from Syria registered with UNRWA before the Syrian conflict broke out. The actual figure of Palestinians in the country is likely to be much higher given many may not have registered with UNRWA – those known as non-ID Palestinians. 21 Since the conflict, UNRWA estimates that 160,000 registered Palestinian refugees fled Syria. In terms of their identity documents, different groups among the Palestinians have different documents.22 https://cadmus.eui.eu/handle/1814/71905 (section 2.1.2, p5) The European Network on Statelessness and Institute on Statelessness and Inclusion in a joint paper of 2019 The rights enjoyed by Palestinian refugees from Syria are different depending on their date of arrival in Syria. According to the Australian Department of Foreign Affairs and Trade (DFAT), Palestinians who arrived in Syria prior to 1956 enjoyed more rights than those who arrived afterwards.113 Despite this, they were still excluded from accessing Syrian nationality. https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf (section 5.2 p18) The Institute on Statelessness and Inclusion and Norwegian Refugee Council joint report states that: Palestinians often had unique documents, such as a specific ID for Palestine refugees and the Palestinian travel document – a document issued by Syria to Palestinians who habitually resided on the territory, in lieu of a national passport, but not denoting nationality. Due to the conflict many have now dispersed to neighbouring countries and beyond. https://www.nrc.no/globalassets/pdf/reports/understanding-statelessness-in-the-syria-refugee-context.pdf (section 5.1.2, p46)	**Partially accepted.** Considering the scope of this CPIN, intake statistics and requests from operational staff, this information is not considered necessary for a decision maker in this context. We must balance information such as this with the needs of operational staff who require succinct, focussed reports. Consequently, the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN. However, thank you for the source suggestions and material. We will refer to the relevant section in the USSD report when we cover statelessness as a result of this review.

	Home Office comment
The European Network on Statelessness and Institute on Statelessness and Inclusion in a joint paper of 2019 stated that: There are 12 camps for Palestinian refugees in Syria, among which are Yarmouk and Dera'a.114 Yarmouk is located on the outskirts of Damascus and was home to approximately 160,000 Palestinian refugees prior to the Syrian civil war.115 In mid-2018, it was reported that there were only 1,000 Palestinian refugees remaining in Yarmouk refugee camp. 116 The camp has seen intense fighting, a typhoid outbreak, and occupation by Daesh.117 Dera'a refugee camp is located in the south of Syria and was home to approximately 10,000 Palestinian refugees prior to the Syrian civil war.118 UNRWA reported in December 2018 that approximately 400 families have slowly begun to return to Dera'a camp after the Syrian Government regained control of the camp in July 2018.119 According to the US Department of State, "both government and opposition forces reportedly besieged, shelled, and otherwise made inaccessible some Palestinian refugee camps, neighbourhoods and sites which resulted in severe malnutrition, lack of access to medical care and humanitarian assistance and civilian deaths."120 UNRWA stated in December 2018 that in both Dera'a and Yarmouk Camps, the "vast majority of houses have been affected and all basic infrastructure has been destroyed," and almost all UNRWA facilities have been severely damaged or destroyed, including health clinics, distribution centres and schools.121 As a result of the intense fighting in both Dera'a and Yarmouk, an overwhelming majority of Palestinians from Syria were displaced within Syria or fled the country. For example, Jordan "hosts around 17,000 Palestine refugees from Syria (PRS), 47 per cent of whom are children."122 Many faced difficulties in displacement, such as being refused entry into neighbouring countries; being delayed in their journey in a third country (e.g. Greece); or being mistakenly registered as having "unknown" nationality or being registered by third countries as "Syrian".12 https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf (section 5.2 p18)	
Material re other groups whose members may be stateless or have precarious status in Syria (suggestion) In the GlobalCit *Report on Citizenship Law: Syria*, Zahra Albarazi notes that other persons from Syria may be stateless or have a precarious status in Syria: The Dom are a traditionally nomadic community found across much region and believed to share their origins with the Roma of Europe. Many of the Dom often travelled across the borders between Syria and the neighbouring countries and all have faced severe discrimination against them. For both of these reasons, although no official statistics exist, many have never been able to acquire Syrian nationality.24 Iraqi refugees have been entering into Syria for many decades due to the various conflicts the country has gone through. Estimates suggest 1 million were living there before the Syrian conflict broke out. 25 Iraq's nationality law is also discriminatory 26 where children born outside the country can only obtain citizenship from the father, and therefore Iraqi mothers who have had children in Syria without a legal link to a father may have stateless children. There are no figures as to whether any Iraqi in Syria have been able to access nationality, although most indications show this was not a practice even when an individual fulfilled the naturalisation requirements. https://cadmus.eui.eu/handle/1814/71905 (section 2.1.3, p6)	**Partially accepted.** Thank you for the suggestion. This information is considered out of scope for the CPIN on returnees. We must also balance contextual background information with a need to provide operational staff succinct, focussed reports. Consequently, some of the suggested material is a level of detail that is not required for decision makers bearing in mind the scope and purpose of the CPIN. However, thank you for the source suggestion and material. We will refer to the relevant sections when we cover statelessness as a result of this review.

	Home Office comment
Material re statelessness and Syrian nationality laws (suggestion) Syrian nationality laws may in some instances give rise to statelessness at birth. The US State Department Annual Report on Human Rights Practices for 2021 states, in relation to nationality law, that: Children derive citizenship solely from their father. Because women cannot confer nationality on their children, an unknown number of children whose fathers were missing or deceased due to the continuing conflict were at risk of statelessness. Mothers could not pass citizenship to children born outside the country, including in neighboring countries hosting refugee camps. Children who left the country during the conflict also experienced difficulties obtaining identification necessary to prove citizenship and obtain services. https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/syria (p55) Syrian laws concerning acquisition of citizenship at birth were reviewed by Zahra Albarazi in the GlobalCit *Report on Citizenship Law: Syria*: In Syria, the primary method of acquisition of nationality is through the principle of paternal *jus sanguinis*, where a child obtains Syrian nationality if their father is a national, regardless of their place of birth. There are some exceptions specified by the law whereby nationality can be acquired in the absence of a paternal link, such as for foundlings who are found on the territory and for children who are born to an unknown father and a Syrian national mother. These are written in Article 3 of the law which stipulates: The following shall be considered as Syrian Arabs *ipso facto*: (a) Anyone born inside or outside the country to a Syrian Arab father. (b) Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established. (c) Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling from the country shall be considered born in it, at the place in which he was found, unless proved otherwise. (d) Anyone born in the country and who was not entitled, at birth, to a foreign nationality by the right of affiliation. It is clear that acquisition of nationality at birth in Syria is the primary method of acquisition of nationality and is almost exclusively done through the principle of paternal *jus sanguinis*. Therefore, anyone born to a Syrian father is Syrian, regardless of whether the child was born inside or outside Syria; and whether the mother was Syrian, foreign or stateless. The exception to this is stipulated in paragraph (b), where it is stated that original nationality may be proven based on maternal filiation. However, here the child has to be born inside the territory of Syria – so it is backed by *jus soli* principles – and only to children born outside wedlock. Therefore, a child born to a Syrian mother and non-Syrian father is not considered Syrian if he/she was born outside Syria or in wedlock. Ultimately, being born to a Syrian mother does not grant the automatic acquisition of her nationality. It is important to note that the application of the paternal *jus sanguinis* seems relatively unproblematic, but that the exceptions granted to mothers is in fact rarely implemented, which will be discussed further below. Not only would it often be societally problematic for many women to try and register a child born outside of wedlock due to local stigmas against this, but the authorities are mostly unwilling to implement this provision, or unaware that it exists. Alongside the main *jus sanguinis* safeguards of the law there are some *jus soli* provisions that are relevant. Article 3 also allows for the adoption of the *jus soli* principle as the primary basis to prove the original Syrian nationality of specific groups of children. The groups are: • children born inside Syria to unknown parents (foundlings), • children born inside Syria to known parents of unknown nationality, • children born inside Syria to known parents, but they do not enjoy any nationality (stateless) at birth.	**Partially accepted.** Thank you for this source suggestion and material. We will look to include a section on nationality laws in a COI product as a result of this review.

	Home Office comment
Notably, we see a positive safeguard for foundlings who are found on the territory who would be seen as Syrian nationals, which is seen to be well implemented. Also, what is clear with this third point is that is that Syrian law includes the safeguard widely prescribed by international law to ensure that statelessness is prevented at birth for all children born in the territory. This is a significantly positive component of the Syrian nationality law as it includes the safeguard that would immediately eliminate the possibility of new cases of statelessness stemming among children born in the country. However, in reality, this provision highlights the discrepancy between legislation and implementation, as intergenerational statelessness is a reality in the country. In terms of implementation, this safeguard is never seen to be executed. This is particularly illustrated by the fact that stateless individuals in Syria, predominantly from the Kurdish and Palestinian communities, are passing on their stateless status to their children even though their children would fall under the criteria of 3(d), they are not obtaining nationality. To highlight this, UNHCR stated in March 2019 that, "Syria has a safeguard in place to prevent statelessness among children born in the territory, but it is not clear that this is implemented in practice".32 https://cadmus.eui.eu/handle/1814/71905 (section 3.1.1, pp8-9) Thomas McGee has identified some of the risk of actual or effective statelessness imposed on children born in displacement or as a result of sexual violence against their mothers, where a child does not become a citizen through his or her mother and the identity or nationality of the father is unknown, or not sufficiently documented. Ref: McGee, Thomas (2020) "*Born of ISIS Genocide: Risk of Statelessness and Stigmatised Nationality Acquisition for Children of Yezidi Survivors*", Rowaq Arabi 25 (2), pp. 83-96 file:///C:/Users/Hoc/Downloads/Born_of_ISIS_Genocide_Risk_of_Statelessn-2.pdf	
Material re statelessness following deprivation of nationality/ability of state to impose statelessness (suggestion) In the GlobalCit *Report on Citizenship Law: Syria*, Zahra Albarazi records the existence of statelessness created by expansive powers to remove Syrian nationality, even if statelessness will result and comments on the relevant laws: There are provisions in the Syrian nationality law that allow for the withdrawal of nationality from an individual in several circumstances, without regard to whether it would render the person stateless. According to the nationality legislation an individual can lose their nationality for the following reasons: • having obtained the nationality by fraud, • undergoing military service of another country without permission and working for a foreign state, • a naturalised citizen can have his or her nationality withdrawn if the Minister deems the deprivation to be in interest of the security and safety of the State, • citizens who reside in a non-Arab country for more than 3 years and who do not respond to requests for a justification of their absence, or provide an insufficient response, will have the nationality withdrawn. The first two provisions can be justified under international law as criteria under which a country can withdraw nationality.37 However, their possible abuse, and the content of the two remaining provisions, are very worrying in terms of arbitrary deprivation of nationality. The clauses have been formulated in a vague manner in order to leave room for discretionary interpretation by the state. Given the nature of Syria's relationship with its citizenry, these are of particular concern because the provisions leave scope for them to be utilised for political reasons. It is not clear through existing research whether the provision of three years residency abroad has been implemented and/or to what extent. In addition, nothing in the nationality law takes into account whether a person would be rendered stateless by the implementation of any of the provisions and therefore creates a risk that someone will be left without any nationality. In addition to these provisions found in the nationality law, the president also has considerable power to deprive Syrians of their nationality. For example, it is documented how political dissidents who opposed the ruling Baath party in the 1960s and 1970s were arbitrarily deprived of their nationality by way of a presidential decree. This was done under the recommendation of the interior minister, and not through the nationality legislation. Through this decree, it was estimated that 27,000 people have had their nationality arbitrarily removed, and it is unknown how many were rendered stateless by this action.38 If these individuals were male and stateless this would also mean that their future children would also be unable to access Syrian nationality due to the paternal jus sanguinis system described above, creating more cases of intergenerational statelessness.	**Partially accepted.** Thank you for this source suggestion. We will look to include the relevant material in a forthcoming COI product as a result of this review. Thank you for the suggestion. However, we note the date of this publication is 2016, and as we try to include as up to date information as possible we may use newer, alternative sources if available. Similarly, it seems to a be an opinion on how Al Assad *could* deprive people of their nationality, rather than being steeped in evidence that he *is* doing this.

	Home Office comment
It must be noted that there are also some positive components of the legislation. Firstly, there is no provision in the Syrian nationality law that allows for renunciation of Syrian nationality. In practice, this means that a Syrian national should not be able to render him or herself stateless through voluntary renunciation of citizenship. Also, when an individual has their nationality removed – under any of the provisions – the law states that the nationality of other family members is not affected – it only affects the targeted individual. https://cadmus.eui.eu/handle/1814/71905 (section 3.3, pp12-13)	

2.2.4 OCCUPIED PALESTINIAN TERRITORIES (OPT)

kkk. COI document seen CPIN: *Occupied Palestinian territories: Background Information, including actors of protection, and internal relocation* (v1.0, December 2018). Additional documents available include a Home Office Fact Finding Mission report: *Freedom of movement, security and human rights situation*, OPT, March 2020, exists, as does a second CPIN on *The Humanitarian Situation in Gaza* (v3.0, July 2022). The CPIN selected was chosen as the CPIN for the OPT to which statelessness is most relevant, given the relative breadth of this compared to the second CPIN.

lll. The OPT CPIN in general provides a reasonable account of the subject matter. It is of course a characteristic of Palestinians that they are stateless. I have made a number of suggestions which jointly and severally are calculated to provide a better context to that statelessness, identifying more clearly how it came about, delineating the basis of their current nationality/statelessness situation (including UK non-recognition of Palestine as a state, by reason of which the UK does not recognise a Palestinian nationality), and the effects of the status.

	Home Office comment
Section 3/section 5- re nationality/statelessness of Palestinians in OPT (suggestions) it is obviously important that those Palestinians in the OPT who do not have another, external, nationality are stateless. In general I suggest that this, and briefly the reasons for it/background, be identified and the basis for it, be given at least basic clarification either in section 3 or in section 5 as seems appropriate to CPIT. The four specific suggestions which follow are supplementary to this general suggestion.	**Accepted.** We will look to clarify where appropriate.

	Home Office comment
Section 3/section 5- re nationality/statelessness of Palestinians in OPT (suggestion) The quotation below postdates the CPIN so cannot be added to it, but is raised for possible inclusion when the 2018 CPIN is reviewed and updated: European Network on Statelessness ADVOCACY BRIEFING/ Palestinians and the search for protection as refugees and stateless persons in Europe July 2022 'The European Network on Statelessness has stated, in an Advocacy Briefing, that: Palestinians who have not acquired a nationality (other than Palestinian) should be considered stateless under the definition set out in the 1954 Convention relating to the Status of Stateless Persons. This is mainly because Palestine remains under occupation by Israel, does not have full sovereignty, does not have full control over issuance of official documentation or entry and exit to its territory, and because attempts to enact a Palestinian nationality law have failed. This does not negate the fact that Palestinians have an entitlement to Palestinian nationality under international law; rather it is a recognition that Palestinians are "not considered nationals by any state under the operation of its law".1 It is also a recognition that the details of a future Palestinian nationality law are undetermined. For example, will the law give equal rights to men and women to confer their nationality; will Palestinians whose ancestors left Palestine before a certain date be entitled to nationality; and what evidence will be required to prove entitlement to nationality? https://www.statelessness.eu/sites/default/files/2022-07/ENS_Advocacy_Briefing-Palestinians_Protection_Europe-July_2022.pdf	**Partially accepted**. Thank you for the source, we will consider including in the updated version of the note.
Section 3/section 5- re nationality/statelessness of Palestinians in OPT (suggestion) I suggest this addition, which provides a useful succinct account of the UK position re present non-recognition of Palestine as a state, but anticipated recognition at a future time (nb recognition would create an internationally effective Palestinian nationality, of the type which does not now exist) HoC Library, *International Status of Palestine*, Standard Note: SN06992, Last updated: 8 October 2014 A Note of the House of Commons Library last updated on 8 October 2014 states At present, the UK has not extended diplomatic recognition to the State of Palestine. On 9 November 2011 the then Foreign Secretary, Rt Hon William Hague MP, said: "We reserve the right to recognise a Palestinian state at a moment of our choosing and when it can best help bring about peace." https://researchbriefings.files.parliament.uk/documents/SN06992/SN06992.pdf (al)	**Partially accepted.** We do not consider this detail at this time is necessary to inform decision making. Of course, should the situation change, then we would highlight this. However, we are happy to provide links to this and other sources for further information. As stated above, we must balance contextual detail and including information that is material to reaching a general assessment of risk and individual asylum/human rights decision making against need to ensure CPINs are succinct, focussed reports readily accessible to operational staff.

	Home Office comment
Section 3 or section 5- re nationality/statelessness of Palestinians in OPT (suggestion) I suggest this addition, which provides a useful succinct account of well publicised developments re the status of Palestine/the OPT A Note of the House of Commons Library last updated on 20 March 2017 states, under the heading 'Palestinian Statehood?' that: The OPTs do not presently meet the criteria for statehood under international law. However, this fact does not inhibit other states from granting diplomatic recognition to "Palestine" if they so wish. Out of 193 UN Member States, 136 have granted diplomatic recognition to Palestine,[3] though most Western countries have not. However, this is beginning to change. Sweden recognised Palestine on 30 October 2014, and in a number of countries which have not yet recognised Palestine (including the UK), national Parliaments have passed motions (albeit non-binding ones) calling on their governments to do so. The Palestinian Authority has in recent years made various attempts to upgrade its status at the United Nations, some more successful than others. Following an unsuccessful application for full membership in 2011, the 'State of Palestine' was admitted as a non-member observer state in 2012. Subsequently, in 2014, Jordan (a key Palestinian ally and then non-permanent member of the UN Security Council) submitted a draft resolution to the Security Council, calling for an end to the occupation by 2017. This resolution was rejected by the Security Council. In protest at the Security Council's decision, Palestine acceded to the Rome Statute, the founding treaty of the International Criminal Court. Israel, and many in the international community, had argued that it should refrain from acceding until agreement was reached on a two-state solution. Palestine's accession has led the ICC to launch a preliminary investigation into war crimes alleged to have been committed during the military operation in Gaza in 2014. It is not only the actions of the Israel Defence Forces at that time that have come under scrutiny, however; the ICC might also scrutinise alleged abuses by Hamas, which Amnesty accuses of "abductions, torture, and summary and extrajudicial executions with impunity in 2014."[4] https://researchbriefings.files.parliament.uk/documents/CBP-7689/CBP-7689.pdf (p5)	**Partially accepted**. Thank you for the source. As above, we do not think the detail is necessary to for the general assessment in the note or for decision makers more generally. However, we are happy to provide the source as a link for more detail.
3.1.2 fn3 (suggestion) The Australian Government DFAT Thematic report is a significant document, quoted frequently in the CPIN. The URL link no longer functions, and the name as given does not enable location easily via Google. Could the full title and any official reference number be given fully please, and ideally the URL updated?	The DFAT report is now only available via ecoi.net: https://www.ecoi.net/en/file/local/1419309/4792_1512560999_country-information-report-palestinian-territories.pdf Full title, 'DFAT Thematic Report Palestinian Territories', 13 March 2017 NB when we update the CPIN we will review the DFAT to see if remains relevant, and is not superseded by other sources.
1.1.3 (suggestion) In this paragraph the figure of 4.7 million Palestinians in the OPT is not broken down between the Gaza Strip and West Bank. Could that be done to enhance clarity?	**Accepted**

	Home Office comment
17.1.1 (suggestion) The para quotes Human Rights Watch. Could that be supplemented by the somewhat fuller summary of the UN Human Rights Committee A/HRC/31/44 20 Jan 2016 which may give abetter idea of the multi-dimensional nature of control? > Palestinians' freedom of movement is restricted through a complex and multi-layered system of administrative, bureaucratic and physical constraints that permeate almost all facets of everyday life. https://www.un.org/unispal/document/auto-insert-183988/ para 12 17.2.2 (suggestion) May I propose enlarging somewhat the UNHCR quotation at 17.2.2 to add the following passages from the same document, which provide more specific detail of each of the 2 crossings (which have been identified in the 2nd para of the current quotation, which comes from UNHCR doc, pp 22-23): Re Erez crossing, UNHCR doc pp23-24 > Only pre-determined categories of Gaza Strip residents163 such as persons with urgent medical needs164 and their companions, businesspeople, employees of international organizations and individuals with specific humanitarian needs are eligible to receive permits to temporarily165 enter Israel via the Erez Crossing, subject to security checks.166 Israeli authorities are reported to have increasingly limited the movement of Palestinians out of the Gaza Strip.167 In recent years, an increasing number of applications has reportedly either been delayed or rejected,168 including for medical patients,169 patient companions,170 and those travelling for business reasons.171 […] Permits are reportedly frequently rejected without reasons or with reference only to security grounds. Observers consider the practice arbitrary and have called for individualized assessments and opportunities to appeal negative decisions.173 Re Rafah UNHCR doc pp25-27 > Since mid-2013, severe restrictions on the movement of people have reportedly been imposed by Egyptian authorities on the Rafah Crossing.183 Following a deterioration of the security situation in the northern Sinai since October 2014, the border has reportedly remained mostly closed.184 As with Erez, only people of specific categories, including medical patients, religious pilgrims, foreign residents and foreign visa holders, including students, can register on a waiting list held by the authorities in the Gaza Strip pending reopening of the crossing.185 Individuals seeking to be prioritized to leave the Gaza Strip to Egypt during one of the rare openings of the border have reportedly been asked to pay large sums to brokers and border officials.186 Gaza Strip residents approved for travel by the authorities in Gaza do not require a visa to enter Egypt.187 > > Between April and July 2017, the border crossing was reportedly completely closed for exit from the Gaza Strip, representing the longest period of complete closure for those wishing to leave the Strip since 2007.188 In 2017, the border crossing opened on only 36 days, representing the lowest number after 2015, when the Rafah Crossing opened for only 32 days.189 Since the handover of control from Hamas to the Palestinian Authority on 1 November 2017, the crossing has reportedly only been temporarily opened on a few occasions and limited to urgent humanitarian cases.190 > > Palestinians reportedly do not require a visa in order to return to the Gaza Strip via Egypt.191 However, in order to avoid liabilities, airlines reportedly only allow Palestinians from the Gaza Strip to board a plane to Egypt if there is a scheduled opening of the Rafah Crossing.192 Palestinians who arrive in Egypt from a third country *en route* back to the Gaza Strip reportedly risk being held at Cairo Airport until the Rafah Crossing is opened.193 Palestinians travelling via Egypt to/from the Gaza Strip are reportedly escorted from Cairo Airport to the Rafah Crossing and vice versa.194 Egypt reportedly denies entry to the Gaza Strip for Palestinians who do not hold a Palestinian identity card or passport indicating his/her residency in the Gaza Strip, which requires the individual's inclusion in the Israeli-administered population registry.195 > > As a result of the sustained near-closure of the Rafah Crossing, significant numbers of Palestinians reportedly remain stranded on both sides of the border, including many with urgent medical needs seeking medical care outside the Gaza Strip.196 > > Some residents of the Gaza Strip reportedly use tunnels to exit and enter the Gaza Strip. Both the Israeli and Egyptian authorities are engaged in locating and destroying the tunnel system.197 https://www.refworld.org/pdfid/5a9908ed4.pdf	**Partially accepted.** We accept the points in principle that we need to clearly describe and entry/ exit requirements and limitations placed on movement within and between the OPTs. So we will undertake a thorough review of this section on freedom of movement in the updated CPIN. However, while we will review the suggestions below it may that there are more recent, comprehensive sources that cover the issue which we will use in preference to those suggested (or included the existing note).

	Home Office comment
17.3.4 (suggestion) This section splits the Gaza strip (17.2 and West Bank (17.3). at 17.3.4 the quoted source (the DFAT report addresses the question of transit either way between them (first 6 lines of indented quotation)- could this be reproduced at an appropriate point in 17.2 so the user looking for information re Gaza Strip will also see this.	**Accepted** – however note comment above about the review of sources and content.
Chapter 18 (suggestion) May I please commend the report of the Norwegian Refugee Council, *Undocumented and stateless: The Palestinian Population Registry and Access to Residency and Identity Documents in the Gaza Strip*, January 2012? This contains good detail re register and documentation including helpful illustrations, and is of relevance wider than Gaza only. I have not provided quotations because these could be disproportionately lengthy given the detail provided and the span of time covered, which is valuable as context. The CPIN could either integrate quotations or refer to the NRC report i.e. 'A detailed account of registration and documentation of Palestinians in OPT, as at 2012, has been provided by the Norwegian Refugee Council.' https://www.nrc.no/resources/reports/undocumented-and-stateless-the-palestinian-population-registry-and-access-to-residency-and-identity-documents-in-the-gaza-strip/	**Partially accepted.** Thank you for the source. We will review and consider inclusion in the next update. However, given its vintage, and as discussed above, there may be other, more recent sources that might provide similar information at the time of the update.
18.2 (suggestion) At an appropriate point could the following, from the USSD *Annual Country Report on Human Rights Practices for 2017*, for Israel, Golan Heights, West Bank, and Gaza: Israel, Golan Heights, West Bank, and Gaza /[subsection] West Bank and Gaza be added: According to NGOs, 40,000 to 50,000 Palestinians in Gaza lacked identification cards recognized by Israel. Some were born in Gaza, but Israel never recognized them as residents; some fled Gaza during the 1967 war; and some left Gaza for various reasons after 1967 but later returned. A small number lacking recognized identification cards were born in the Gaza Strip and never left, but had only Hamas-issued identification cards. The Israeli government controlled the Palestinian Population Registry, which allows stateless persons to obtain status.	**Accepted**. We agree that this information is likely to be relevant but as discussed above there may be more recent sources on this, including recent iterations of the USSD reports.

3. Information about the reviewer

Eric Fripp is a member of the Bar of England and Wales practicing from 36 Public & Human Rights, part of the 36 Group. He has appeared in many leading cases concerning refugees, immigration, nationality, and human rights and in addition is recognised internationally as an authority on the interaction of the international law relating to nationality and statelessness, international refugee law, and international human rights law. He is the author of *Nationality and Statelessness in the International Law of Refugee Status* (Hart, Oxford, 2016) and general editor of *The Law and Practice of Expulsion and Exclusion from the United Kingdom: Deportation, Removal, Exclusion and Deprivation of Citizenship* (Hart, Oxford, 2014).

4. Possible selective reading on nationality/statelessness and international protection

Guidance

Asylos, *Principles for Conducting Country of Origin Information Research on Statelessness*, 2023.

UNHCR *Handbook on Protection of Stateless Persons under the 1954 Convention relating to the Status of Stateless Persons*, 2014.

Books

Edwards, Alice and van Waas, Laura, *Nationality and Statelessness Under International Law* (2014);

Foster, Michelle and Lambert, *Hélène*, *International Refugee Law and the Protection of Stateless Persons* (2019);

Fripp, Eric, *Nationality and Statelessness in the International Law of Refugee Status* (2016);

Plender, Richard, *International Migration Law* (2nd edn, 1988);

Sawyer, Caroline, and Blitz, Brad, *Statelessness in the European Union: Displaced, Undocumented, Unwanted* (2011);

Weis, Paul, *Nationality and Statelessness in International Law* (2nd edn, 1979);

Articles

Adjami, Mirna and Harrington, Julia, *The Scope and Content of Article 15 of the Universal Declaration of Human Rights* (2008) 27:3 Refugee Survey Quarterly 93-109;

Fripp, Eric, *Statelessness, Inability or Unwillingness to Return, and the "Country of His Former Habitual Residence" as the Country of Reference for the Purposes of Article 1A(2) of the 1951 Convention relating to the Status of Refugees 1951* (2022) 34(3/4) International Journal of Refugee Law (pending);

Fripp, Eric, *Nationality, Protection, and "the Country of his Nationality" as the Country of Reference for the Purposes of Article 1A(2) of the 1951 Convention relating to the Status of Refugees* (2021) 33(2) International Journal of Refugee Law 300-334;

Fripp, Eric, *Deprivation of Nationality, "The Country of His Nationality" in Article 1A(2) of the Refugee Convention, and Non-Recognition in International Law*, (2016) 28 International Journal of Refugee Law No 3, 453-479;

Fripp, Eric, *Deprivation of Nationality and Public International Law – An Outline* (2014) 28:4 Journal of Immigration, Asylum, and Nationality Law, 367-384;

Plender, Richard, *The Right to a Nationality as Reflected in International Human Rights Law and the Sovereignty of States in Nationality Matters* (1995) 49 Austrian Journal of Public International Law 43-64.

Storey, Hugo, *Nationality as an Element of the Refugee Definition and the Unsettled Issues of 'Inchoate Nationality' and 'Effective Nationality' – Part 1*, RefLaw (June 11, 2017) , <https://perma.cc/RS6E-9A5R> accessed 12 May 2020.

Storey, Hugo, *Nationality as an Element of the Refugee Definition and the Unsettled Issues of 'Inchoate Nationality' and 'Effective Nationality'– Part 2*, RefLaw (June 2, 2019) , <https://perma.cc/RS6E-9A5R> accessed 13 May 2020.accessed 13 May 2020.

Other resources

European Network on Statelessness, country profiles/ statelessness index (https://index.statelessness.eu/)

Global Campaign for Equal Nationality Rights, material re gender discrimination in nationality laws (https://www.equalnationalityrights.org/)

GLOBALCIT (Robert Schuman Centre for Advanced Studies at the European University Institute, with Edinburgh Law School) material re nationality and statelessness including country profiles/reports (https://globalcit.eu/country-profiles/)

Institute on Statelessness and Inclusion, research and reports (https://www.institutesi.org/resources)

UNHCR, statelessness resources (https://www.unhcr.org/statelessness.html)

United States State Department, *Annual Country Reports on Human Rights Practices* (https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/)

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