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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 	Yes.	UN Treaty Collection: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB	1	b		If yes, when was ratification/accession?		16 April 1959.	UN Treaty Collection: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en#EndDec
IOB	1	c		Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Best practice is no reservations. If there are, they should have little or no effect on the rights of stateless persons. 	Yes, the UK currently has 5 reservations: Article 38 (reservations), Articles 8 and 9 (exceptions for national security); Article 24 (Labour legislation and social security), and Article 25 (Administrative assistance). There is a further commentary regarding Articles 24 and 25, and there are further reservations relating to British Overseas Territories and Crown Dependencies.	UN Treaty Collection: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en#EndDec
IOB	1	d		Does the Convention have direct effect?	<ul style="list-style-type: none"> • Best practice is that the Convention has direct effect, though this may depend on legal regime. 	No. Under the UK's legal regime, treaties do not have direct effect. For the provisions included in the treaty to have effect, they must be incorporated into domestic legislation (through statute). Some provisions are being implemented through the UK's statelessness determination procedure, but there are legal and/or practical barriers to the realisation of some of the rights protected in the 1954 Convention, for example, there are exceptionally high fees for British citizenship applications and no exemptions or reductions.	Arabella Long, House of Commons Briefing Paper No. 5855, 17 February 2017, Parliament's role in ratifying treaties: http://researchbriefings.files.parliament.uk/documents/SN05855/SN05855.pdf
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 	Yes.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=en

IOB	2	b		If yes, when was ratification/accession?		29 March 1966.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=en
IOB	2	c		Are there reservations in place? Please list them.	As above	Yes , in accordance with Article 8(3)(a) relating to deprivation of nationality resulting in statelessness : "[The Government of the United Kingdom declares that], in accordance with para. 3(a) of Article 8 of the Convention, notwithstanding the provisions of para. 1 of Article 8, the United Kingdom retains the right to deprive a naturalised person of his nationality on the following grounds, being grounds existing in United Kingdom law at the present time: that, inconsistently with his duty of loyalty to Her Britannic Majesty, the person (i) Has, in disregard of an express prohibition of Her Britannic Majesty, rendered or continued to render services to, or received or continued to receive emoluments from, another State, or (ii) Has conducted himself in a manner seriously prejudicial to the vital interests of Her Britannic Majesty ." See PRS 8 for more details on deprivation of citizenship.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=en#EndDec
IOB	2	d		Does the Convention have direct effect?	As above	No . The British Nationality Act 1981 enacts many of the provisions of the 1961 Convention, however, as with the 1954 Convention, there are legal and/or practical barriers to the realisation of some of the rights protected under the 1961 Convention.	Arabella Long, House of Commons Briefing Paper No. 5855, 17 February 2017, Parliament's role in ratifying treaties: http://researchbriefings.files.parliament.uk/documents/SN05855/SN05855.pdf
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Are there reservations in place? Please list them.	• European Convention on Nationality, 1997	No .	Council of Europe, Chart of signatures and ratifications of Treaty 166: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=4jSJfctq
IOB	3	b		State Party to European Convention on Human Rights 1950?	• European Convention on Human Rights, 1950	Yes. There are no reservations but there are declarations relating to the UK and to the Overseas Territories and to the Crown Dependencies, although some of these have been withdrawn.	Council of Europe, Chart of signatures and ratifications of Treaty 005: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=4jSJfctq

				Are there reservations in place? Please list them.			ventions/full-list/-/conventions/treaty/005/signatures?p_auth=XgehAFvw Council of Europe, Reservations and Declarations for Treaty No.005: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations?p_auth=XgehAFvw
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006 	No.	Council of Europe, Chart of signatures and ratifications of Treaty 200: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=4jSJfct
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive) 	No.	European Commission press release, An effective and humane return policy: 8 Member States have yet to comply with the Return Directive, Brussels, 29 September 2011: http://europa.eu/rapid/press-release_IP-11-1097_en.htm?locale=en EU Analysis Blog, Steve Peers, The EU's Returns Directive: Does it improve or worsen the lives of irregular migrants? 28 March 2014: http://eulawanalysis.blogspot.co.uk/2014/03/the-eus-returns-directive-does-it.html
IOB	3	e		State Party to Convention on the Rights of the Child 1989?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989 	Yes, the UK is a state party and has reservations to the Convention.	UN OHCHR Status of Ratification Dashboard: http://indicators.ohchr.org/

				Are there reservations in place? Please list them.			
IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Covenant on Civil and Political Rights 1966 	Yes , the UK is a state party and has reservations to the Covenant.	UN OHCHR Status of Ratification Dashboard: http://indicators.ohchr.org/
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Covenant on Economic, Social and Cultural Rights 1966 	Yes , the UK is a state party and has reservations to the Covenant.	UN OHCHR Status of Ratification Dashboard: http://indicators.ohchr.org/
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention on the Elimination of all Forms of Discrimination Against Women 1979 • Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness. 	Yes , the UK is a state party and has reservations to the Convention.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=en#EndDec
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 	Yes , the UK is a state party and has reservations to the Convention.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=en#EndDec
IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination 1965 	Yes , the UK is a state party and has reservations to the Convention.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en#EndDec

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				Discrimination 1965? Are there reservations in place? Please list them.			
IOB	3	k		State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990 	No.	UN Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&lang=en&mtdsg_no=IV-13&src=IND

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... • Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	<p>No. UK population data does not include a statelessness category. The most recent censuses were carried out across the countries of the UK in 2011. There is a question in the censuses of England, Wales and Northern Ireland on what passport/s a person holds (but not in Scotland). The next census is due in 2021. The UK Government Home Office (UK Visas and Immigration) has a category in its databases for recording people as stateless, but the data is unreliable: there are different categories under which individuals who are stateless or likely to be stateless could fall. One of these categories is for people who have already been recognised as stateless; another includes people with “unclear nationalities”; and there are also categories for Palestinians and Kuwaitis. Some of these individuals, who are stateless but not recognised as such, are treated as nationals of their country of previous residence.</p>	<p>UK Census Questionnaires from 2011:</p> <ul style="list-style-type: none"> • England : http://webarchive.nationalarchives.gov.uk/20160105225826/http://www.ons.gov.uk/ons/guide-method/census/2011/the-2011-census/2011-census-questionnaire-content/2011-census-questionnaire-for-england.pdf • Wales: http://webarchive.nationalarchives.gov.uk/20160105225826/http://www.ons.gov.uk/ons/guide-method/census/2011/the-2011-census/2011-census-questionnaire-content/2011-census-questionnaire-for-wales-english-.pdf • Northern Ireland: https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-individual-questionnaire.pdf • Scotland: http://www.scotlandscensus.gov.uk/documents/Householdpre-addressed27_05_10specimen.pdf <p>Office for National Statistics, Population of the UK by country of birth and nationality: https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationality</p> <p>Home Office User Guide to Immigration Statistics: https://www.gov.uk/government/publications/user-guide-to-home-office-immigration-statistics--9</p>

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							Asylum Aid and UNHCR, Mapping Statelessness in the United Kingdom, 2011: http://www.refworld.org/docid/4ecb6a192.html
POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.	As above	UK Visas and Immigration has a category of 'unknown nationality' on its databases . 34,435 people claimed asylum in the UK in 2017; 10 were in the 'other and unknown' category; 348 were listed as 'stateless'. See also POP1i .	Personal communications to the authors. Home Office, National Statistics, How many people do we grant asylum or protection to? (23 Aug 2018), 8. Data Tables, Asylum Tables Volume 1: https://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2018/how-many-people-do-we-grant-asylum-or-protection-to
POP	1	c		What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?	As above	As at 18 December 2018, the UNHCR 2017 mid-year table gives 97 stateless people who have had their status formally determined in the UK; those listed as stateless who are asylum seekers (399); those in a refugee-like situation who are listed as stateless (2179); total population of concern (2675). The number 'under UNHCR's mandate' relates only to those granted statelessness leave (see Statelessness Determination and Status). The asylum and refugee statistics include people who are very unlikely to have had their statelessness formally determined.	UNHCR, Population Statistics: http://popstats.unhcr.org/en/overview There is both an excel document under 'Mid-year statistics' and a searchable database under 'Persons of Concern'. They do not contain the same figures.
POP	1	d		Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available	As above	See Mapping Statelessness in the UK; described above and below.	Asylum Aid and UNHCR, Mapping Statelessness in the United Kingdom, 2011: http://www.refworld.org/docid/4ecb6a192.html

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				where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.			
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10 	Yes , but accurate estimates of the stateless population were difficult, and the mapping report is now eight years old.	Asylum Aid and UNHCR, Mapping Statelessness in the United Kingdom, 2011: http://www.refworld.org/docid/4ecb6a192.html
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures.	As above	No.	
POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	As above	Yes. It is difficult to accurately quantify the number of stateless persons because some are not recognised as stateless or counted.	Asylum Aid and UNHCR, Mapping Statelessness in the United Kingdom, 2011: http://www.refworld.org/docid/4ecb6a192.html
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	The stateless population is under-reported (as per POP1g).	As above.
POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt	As above	UK Government data shows the numbers of stateless people who applied for asylum, were granted refugee status, or humanitarian protection. 'Humanitarian protection' in the UK is equivalent to	UK government statistics are available here: https://www.gov.uk/government/statistics Enter 'immigration' as the search term to find the latest and historical data.

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				also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).		‘subsidiary protection’ or ‘complementary protection’. Those whose nationality is listed as other/unknown may or may not be stateless, but it is likely that at least some are. The data shows that 357 stateless people applied for asylum and 116 stateless people were granted asylum in 2018. Those whose nationality is listed as other/unknown may or may not be stateless, but it is likely that at least some are. Those whose nationality is listed as ‘ Occupied Palestinian Territories ’ or ‘ Western Sahara ’ are likely to be stateless. Numbers of main applicants claiming asylum whose nationality is recorded as ‘Occupied Palestinian Territories’ show 202 in 2018 and 48 grants of protection (which do not necessarily relate to recent arrivals); 17 applications were made by people recorded as ‘other/unknown’ in 2018; and 3 applicants were recorded as ‘Western Sahara’.	
POP	2	a	Stateless in Detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	UK government statistics for 2018 show that 54 stateless people entered detention (2 women) last year. In addition, 29 people recorded as ‘ Kuwait ’ (3 women); 31 as ‘ Occupied Palestinian Territories ’ (1 woman); 1 man as ‘ Western Sahara ’; and 28 ‘ other/unknown ’ (2 women), entered detention in 2018. Figures do not include persons to whom the Government has attributed a nationality (other than those listed) who may be stateless. Persons from Kuwait who are detained may or may not be stateless; but as Kuwaiti bidoon are among the main groups of stateless persons in the UK, it is worth	UK government statistics are available here: https://www.gov.uk/government/statistics Enter ‘immigration’ as the search term to find the latest and historical data. For these figures, see ‘Detention Data Tables...’ and ‘People entering detention by nationality...’ ENS, 2016, Protecting Stateless Persons from Arbitrary Detention in the United Kingdom, Section 2.3, p.14: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf

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						considering whether detainees from Kuwait are stateless.	
POP	2	b		Are there statistics on individuals released from immigration detention who were unremovable, their country of origin and length of detention? If yes, please provide.	As above	<p>Yes. UK Government statistics are available for ‘People leaving detention by reason, sex and length of detention’ and ‘People leaving detention by country of nationality, reason, sex and age’. 57 people (55 men & 2 women) acknowledged to be stateless left immigration detention in 2018: 11 were removed from the UK and 46 were released on bail.</p>	<p>UK government statistics are available here: https://www.gov.uk/government/statistics Enter ‘immigration’ as the search term to find the latest and historical data. For these figures, see ‘Detention Data Tables’: ‘People leaving detention by reason, sex and length of detention’ and ‘People leaving detention by country of nationality, reason, sex and age’.</p> <p>Detention Action, 2014, The State of Detention: immigration detention in the UK in 2014, p.6: http://detentionaction.org.uk/word-press/wp-content/uploads/2014/10/The.State.of.Detention.pdf</p>

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IDP	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 1(2). 	<p>The definition of a stateless person in the UK Immigration Rules is the same as Art 1(1) of the 1954 Convention. The Immigration Rules define people who fall within an exclusion provision as falling beyond the scope of the definition of a stateless person (para 401). Art 1(2) of the Convention states that the Convention will not apply to those who fall within the exclusions. Para 402 contains the UK's version of the exclusion clauses. Unlike in the Convention (Art 1(2)(iii)), para 402 applies the 'serious reasons' standard of proof to all the exclusions, not just the fault-based ones. The wording of 402(b) differs from the 1954 Convention Art 1(2)(ii), in particular in referring to a 'country of ... former habitual residence'. Although the UK Government's 2016 guidance states that 402(b) 'mirrors' Art 1(2)(ii) of the 1954 Convention and 'reflects' Article 1E of the 1951 Convention relating to the Status of Refugees, the wording is significantly different from those Conventions, both of which refer to 'the country in which' a stateless person has 'taken residence'. Even if someone is refused permission to stay in the UK as a stateless person because an exclusion ground applies (in accordance with the 1954 Convention), to deny that such a person is stateless by definition is inconsistent with international law. Para 403 of the UK Rules imposes additional requirements that apply before the UK Government will grant leave to remain to a person who has been recognised as stateless under the Immigration Rules. However, this does not necessarily affect the assessment of</p>	<p>Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>UK Visas and Immigration, Asylum Policy Instruction, Statelessness and Applications for Leave to Remain, Version 2.0, Feb 2016: https://www.gov.uk/government/publications/stateless-guidance</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part C.18.b: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>UN Convention and Protocol on the Status of Refugees, Art 1E.</p> <p>Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review, Sept 2016, paras. 14-18: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/</p>

						whether such a person is, by definition, stateless.	
IDP	1	b	Existing SDP procedure	<p>Which of the following best describes the situation in your country?</p> <p>1. There is a dedicated Statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure.</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention. • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices among Member States concerning... procedures for determining statelessness. 	<p>Group 1: There is a dedicated statelessness determination procedure established in Immigration Rules, which operate as law.</p>	<p>Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>UK Visas and Immigration, Asylum Policy Instruction, Statelessness and Applications for Leave to Remain, Version 2.0, Feb 2016: https://www.gov.uk/government/publications/stateless-guidance</p>
IDP	2	a		<p>You have identified that your country has a dedicated SDP established in law, administrative guidance or judicial procedure. Which authority is responsible for determining statelessness?</p>	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is no general rule for appointing the most appropriate authority for statelessness determination... the structure must be evaluated in light of the specific national circumstances. 	<p>The authority responsible for determining statelessness is the Home Office (UK Visas and Immigration).</p>	<p>Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>UK Visas and Immigration, Asylum Policy Instruction, Statelessness and Applications for Leave to Remain, Version 2.0, Feb 2016: https://www.gov.uk/government/publications/stateless-guidance</p>
IDP	2	b	Access to procedures	<p>Must an application for statelessness status be made on a specific</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: For procedures to be fair and efficient, access to 	<p>Yes, there is a specific online application form (Form FLR(S)). The Home Office has regarded using an application form as mandatory since</p>	<p>Application for leave to remain as a stateless person and a Biometric Immigration Document (FLR(S): https://visas-immigration.service.gov.uk/product/flr-s</p>

				<p>form? Are there clear instructions on how to make a claim for statelessness or how to fill in the relevant forms?</p>	<p>them must be ensured. Dissemination of information, including through targeted information campaigns where appropriate and counselling on the procedures, facilitates access... Given that individuals are sometimes unaware of SDPs or hesitant to apply...procedures can usefully contain safeguards permitting State authorities to initiate a procedure.</p> <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Accepted that good practice existed in countries where applications were accepted orally or in writing and in any language. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Bureaucratic difficulties (such as complicated application forms, inflexible procedures, strict language requirements, limited places where claims can be submitted, high costs, etc.) can encumber, or even impede access to SDPs. The protection-oriented framework therefore requires a flexible interpretation of such rules, especially since the majority of the population of concern may be in a vulnerable position and may not have the necessary language skill, financial means or possibility to travel that may be justifiably expected in other types of standard administrative procedures. • ENS (2016), Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: Any application form to apply for stateless status should be 	<p>18 February 2016 when it issued new guidance to this effect (<i>inter alia</i>). It is provided only in English and must be completed in English. The form gives minimal guidance as to the relevant law. It does not gather information about UNRWA; it forces the applicant to agree to send in a letter from an embassy before the application form can be submitted. The applicant is informed that they have 'agreed' to provide such a letter, and that the application 'may be rejected'; and that the Home Office 'may not be able to make a decision'; and it 'will not be considered' if the documents that the applicant agrees to submit are not provided within 15 working days. These statements are unclear. The process does invite the applicant to refer to the February 2016 guidance, but not to the Rules.</p>	<p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part C.18.b: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p>
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					simplified and offered in a variety of languages... [and] made freely available, including in immigration detention centres.		
IDP	2	c		Do submissions and/or other written evidence have to be submitted in the native language?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. 	Yes (in English).	Application for leave to remain as a stateless person and a Biometric Immigration permit https://visas-immigration.service.gov.uk/product/flr-s
IDP	2	d		Can an application for statelessness status be made orally to a public official?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Given that individuals are sometimes unaware of SDPs or hesitant to apply for statelessness status, procedures can usefully contain safeguards permitting State authorities to initiate a procedure. 	No. The Immigration Rules require applicants to have made a 'valid application' i.e. through the online form.	Immigration Rules, Part 1, para 34 with Part 14: stateless persons, para. 403(a): https://visas-immigration.service.gov.uk/product/flr-s
IDP	2	e		Are there obligations in law on authorities to consider the application?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed. 	Yes.	Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons
IDP	2	f		Are government authorities authorised to initiate SDPs <i>ex officio</i> ?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): ...it is recommended that governmental authorities be authorized to initiate these procedures <i>ex officio</i>... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	There is no general authorisation or obligation to initiate statelessness determination <i>ex officio</i> , but the authorities are not prohibited from referring people to Part 14 of the Immigration Rules (the SDP). For children, an obligation might be inferred deriving from the obligation to consider children's best interests in	Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons

						any immigration decision (see relevant legislation depending on the authority).	<p>Borders Citizenship and Immigration Act 2009, Section 55 (UK Visas and Immigration): https://www.legislation.gov.uk/ukpga/2009/11/section/55</p> <p>Children's Act 2004, Section 11 (Local Authorities in England and Wales): https://www.legislation.gov.uk/ukpga/2004/31/section/11</p> <p>Children (Scotland) Act 1995, Section 11 (Local Authorities in Scotland): https://www.legislation.gov.uk/ukpga/1995/36/section/17</p> <p>The Children (Northern Ireland) Order 1994 (Local Authorities in Northern Ireland): http://www.legislation.gov.uk/nisi/1995/755/contents/made</p> <p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Part 1.4: https://www.gov.uk/government/publications/stateless-guidance</p>
IDP	2	g		Is there an application fee?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed. 	No.	Application for leave to remain as a stateless person and a Biometric Immigration Document: https://visas-immigration.service.gov.uk/product/flr-s
IDP	2	h		Is there a requirement for lawful stay in order to access SDP?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Access to the procedure needs to be open to anyone who claims to be stateless, regardless of whether or not that person already has lawful stay or residence in the country. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good 	No. Presence in the UK is required.	Immigration Rules, Part 14: stateless persons, para 401(b): https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons

					practices : Everyone in a state's territory must have access to SDPs. There is no basis in the 1954 Convention for requiring that applicants for statelessness determination be lawfully within a state.		
IDP	2	i		Is there a time limit beyond which a person cannot access the SDP procedure? If so, what is this and can the requirement be waived?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): For procedures to be fair and efficient, and to ensure that all stateless persons benefit from the implementation of the 1954 Convention, access to the SDP must be guaranteed and not subject to time limits. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status... 	No.	Immigration Rules, Part 14: stateless persons: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons
IDP	2	j		Is the examination of statelessness claims conducted by a dedicated centralised body with relevant expertise? If yes, please specify.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States may choose between a centralized procedure or one that is conducted by local authorities. Centralized procedures are preferable as they are more likely to develop the necessary expertise among the officials undertaking status determination. • UNHCR (Good Practices Paper 6): Where to situate SDPs institutionally is a matter of State discretion and can vary from one country to the next. Regardless...it is important that examiners develop expertise... while ensuring that the procedures are accessible... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status... 	Statelessness applications are assessed by a centralised team within the Home Office. The team members have some relevant knowledge, but there is evidence from practice that statelessness is not properly assessed in all cases. High turnover of staff may have contributed to this. Caseworkers deciding other types of application or claim do not refer the statelessness aspect of it to the specialist team, but instead decide it themselves. There is no formal procedure for requesting a determination of statelessness in a case which otherwise falls to be determined by the criminal deportation cases team. In cases where a deportation order has been issued, the statelessness team should consider the statelessness of the applicant and then the criminal casework team should decide whether the de-	Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review, Sept 2016, footnote 55: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/ Liverpool Law Clinic has three specific examples from 2018: one refusal of a fresh asylum claim, and two refusals of a request for revocation of deportation order. None were referred to the specialist team. In the deportation cases, very clear separate representations were made asking for a specialist determination.

					<p>practices: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p>	<p>portation order must be revoked if the applicant is stateless. An FLR(S) online application submitted to the specialist statelessness team would be required in law to be refused with reference to para 322(1B) of the Immigration Rules, which prevents a grant of leave under Part 14 to those subject to deportation proceedings. The online application system introduced in November 2018 prevents the application being submitted elsewhere, although it would be possible to send a printout of the application with supporting documents to a different section of the Home Office.</p>	
IDP	2	k		<p>Is there training to inform different governmental bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom and how often?)</p>	<ul style="list-style-type: none"> • UNHCR Executive Committee, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons No. 106 (LVII) – 2006: Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons. • UNHCR (Good Practices Paper 6): Training sessions for officials and meetings between the various decentralized bodies, UNHCR and civil society take place on a regular basis, allowing for an exchange of information and discussion of trends and common challenges. 	<p>Statelessness decision-makers have received general immigration and asylum-related training; statelessness training is generally provided 'on the job'; a senior caseworker in the statelessness team attended UNHCR statelessness training in early 2017 but has now left that team. Asylum Aid and UNHCR provided some training when the statelessness determination procedure was introduced in 2013, but changes in staff at the Home Office mean that most current staff are unlikely to have attended.</p>	<p>Discussed in meetings with Home Office attended by Asylum Aid and other civil society organisations, February and March 2017, June 2018, Feb 2019; and personal communications to the author from Asylum Aid and UNHCR.</p>
IDP	2	l		<p>Is there cooperation between agencies that may come into contact with stateless persons? If so, how are cases</p>	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): good practice identified as cooperation between actors working on statelessness and the various government agencies involved in determining statelessness. 	<p>There is no formal cooperation between agencies to our knowledge. Some NGOs refer cases.</p>	

				referred to the appropriate authority for determination?			
IDP	3	a	Assessment	Who has the burden of proof in the SDP? Is this shared in practice, even if not in law?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ...the burden of proof is in principle shared, in that both the applicant and examiner must cooperate to obtain evidence and to establish the facts. • UNHCR (Good Practices Paper 6): SDPs present unique evidentiary considerations. Given the nature of statelessness, individuals are often unable to substantiate a claim with documentary evidence... SDPs must therefore take into consideration the difficulties inherent in proving statelessness. UNHCR recommends that SDPs provide for a shared burden of proof between the applicant. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The applicant has a duty to provide as full and truthful account...as possible and to submit all evidence reasonably available. Similarly, the determination authority is required to obtain and present all relevant evidence reasonably available to it...Given the nature of statelessness, applicants ...are often unable to substantiate the claim with much, if any, documentary evidence... authorities need to take this into account, where appropriate giving sympathetic consideration to testimonial explanations regarding the absence of certain kinds of evidence. 	The applicant has the burden of proof. Home Office guidance states that where an applicant has endeavoured to provide evidence of statelessness, decision-makers " <i>must assist the applicant by interviewing them, undertaking relevant research and, if necessary, making enquiries with the relevant authorities and organisations.</i> " For child applicants, the guidance states that decision-makers are required to " <i>assist in the determination of statelessness by making enquiries which the child is not in a position to undertake</i> ". In practice, the Home Office does not always comply with this guidance and in some cases fails to make any or adequate enquiries even were the applicant has provided as much information as reasonably possible.	<p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Parts 4.2 & 1.4: https://www.gov.uk/government/publications/stateless-guidance</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part B.4: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p>

					<ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is incumbent on individuals to cooperate to establish relevant facts. If an individual can demonstrate, on the basis of all reasonably available evidence, that he or she is evidently not a national, then the burden should shift to the State to prove that the individual is a national of a State. 		
IDP	3	b		<p>What is the standard of proof? Is it the same as in asylum applications?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are...advised to adopt the same standard of proof as that required in refugee status determination, namely, a finding of statelessness would be warranted where it is established to a “reasonable degree” that an individual is not considered as a national by any State under the operation of its law. • UNHCR, Nationality and Statelessness, Handbook for Parliamentarians No. 22, 2014: Because of the difficulties inherent in proving statelessness, the threshold of evidence required before statelessness is determined should not be too high. States are therefore advised to adopt the same standard of proof as that required in refugee status determination... 	<p>The standard of proof is the ‘balance of probabilities’, which is not the same as in asylum applications, where the standard is ‘real risk’ or ‘reasonable degree of likelihood’. The Home Office guidance states: “<i>The applicant is required to establish that he or she is not considered a national of any State to the standard of the balance of probabilities (that is more likely than not) since the factual issues to be decided justify a higher standard of proof than the reasonable likelihood required to establish a well-founded fear of persecution in asylum claims, where the issue may be the threat to life, liberty and person.</i>”</p>	<p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Part 4.2: https://www.gov.uk/government/publications/stateless-guidance</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners’ Association and University of Liverpool Law Clinic, Part B.5: http://www.ilpa.org.uk/re-source/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>Home Office guidance upheld in the Court of Appeal: <i>AS (Guinea) v SSHD</i> [2018] EWCA Civ 2234: http://www.bailii.org/ew/cases/EWCA/Civ/2018/2234.html</p>
IDP	3	c		<p>Is there respect for specific protection needs and evidentiary challenges presented by women, children</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: As a result of discrimination, women might face additional barriers in acquiring relevant documentation, such as birth certification. 	<p>Yes, special considerations apply for children (see above IDP2f, IDP3a). Additionally, guidance states that: “<i>In some countries, women or members of ethnic minorities may have difficulty obtaining documents due to discrimination.</i>”</p>	<p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Parts 1.4 (children) and 4.3.1 (women): https://www.gov.uk/government/publications/stateless-guidance</p>

				<p>and people with disabilities in the SDP?</p>	<p>cates or other identification documents that would be pertinent to establishing their nationality status... Children, especially unaccompanied children, may face acute challenges in communicating basic facts with respect to their nationality. States...must follow the principle of pursuing the best interests of the child when considering the nationality status and need for statelessness protection of children.</p> <ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women... Discriminatory laws or practices may lead to women and their children being unable to gain access to documentation that proves their identity and nationality... 	<p><i>tion. Where feasible, it may therefore be necessary for caseworkers to undertake their own further research to assist the applicant.” However, practitioners have questioned whether this guidance is followed in practice.</i></p>	
IDP	3	d		<p>Are decision makers presented with clear guidance how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details.</p>	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: determining authorities can benefit significantly from any concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances... 	<p>The Home Office publishes guidance on how to determine statelessness. However, it is not clear or comprehensive in all respects; for example, it currently does not state how long a caseworker should wait for an answer to queries to authorities of another country or territory, nor is there a specific time limit for decision making. Further, there is very little information about statelessness and related issues in ‘country of origin information’. The February 2016 (v2) guidance is arguably less clear than the first version, which followed UNHCR guidance more closely in some respects. The guidance is under revision as of March 2019.</p>	<p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain: https://www.gov.uk/government/publications/stateless-guidance</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners’ Association and University of Liverpool Law Clinic: http://www.ilpa.org.uk/re-</p>

							source/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi
IDP	4	a	Proce- dural Pro- tections	Is there free legal aid available during the application?	<ul style="list-style-type: none">• UNHCR (2014), Handbook on Protection of Stateless Persons: applicants are to have access to legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means.• ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but asylum claimants can access legal aid free of charge, then the same level of access should be provided to stateless claimants.	Statelessness applications are out of scope for legal aid in England and Wales. In Scotland and Northern Ireland statelessness (and other immigration matters) remain in scope. Applicants or people assisting them in England and Wales may apply for exceptional case funding, however, this funding is not necessarily adequate; may not be approved; and there are other barriers to accessing legal aid. Legal aid is available for judicial review of refusals of statelessness applications in all UK jurisdictions.	<p>Legal Aid Sentencing and Punishment of Offenders Act 2012, Sec. 10(1): http://www.legislation.gov.uk/ukpga/2012/10/contents (England & Wales)</p> <p>Legal Aid (Scotland) Act 1986: http://www.legislation.gov.uk/ukpga/1986/47/section/1</p> <p>Legal Aid and Coroners’ Courts Act (Northern Ireland) 2014: http://www.legislation.gov.uk/nia/2014/11/contents</p> <p>Department of Justice (Northern Ireland) Guidance: https://www.justice-ni.gov.uk/articles/legal-aid-legislation-and-guidance</p> <p>Cynthia Orchard, Sarah Woodhouse and Judith Carter, How to Secure Legal Aid for Statelessness Applications, November 2016: https://www.freemovement.org.uk/how-to-secure-legal-aid-for-statelessness-applications/</p>
IDP	4	b		Is an interview always offered (unless granting without interview)?	<ul style="list-style-type: none">• UNHCR (2014), Handbook on Protection of Stateless Persons: The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are essential to ensure that applicants have the opportunity to present their cases fully...	No. The Home Office guidance states that: “A personal interview will not be required if there is already sufficient evidence of statelessness, it is clear that the individual is not admissible to another country and is eligible for leave to remain on this basis. An interview will not be arranged, and the application may be refused, where recent and reliable information including the applicant’s previous evidence or findings of fact made by an immigration judge,	<p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Part 3.4: https://www.gov.uk/government/publications/stateless-guidance</p> <p>Liverpool Law Clinic has noted several refusals of statelessness leave in 2018 where an interview with the applicant could have</p>

						<i>have already established that the applicant is not stateless or is clearly admissible to another country for purposes of permanent residence and where no evidence to the contrary has been provided.”</i>	satisfactorily addressed any evidential difficulties.
IDP	4	c		Are interpreters provided for statelessness determination interviews? Are they free of charge?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: assistance should be available for translation and interpretation in respect of written applications and interviews (good practice is free of charge). 	Yes, interpreters are provided free of charge.	
IDP	4	d		Are there quality assurance audits of the SDP? Does UNHCR participate in the proceedings? Can they access files? Do they play a quality monitoring or training role?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: [...] access to UNHCR is guaranteed. • UNHCR (Good Practices Paper 6): Quality assurance audits of SDPs are considered good practice. 	The Immigration Minister informed Asylum Aid/Migrants Resource Centre by letter of 17 Nov 2016 that the Home Office has a quality assurance system in place whereby at least one statelessness decision per decision-maker is monitored each month. However, no information is publicly available about the effectiveness of this quality assurance system. UNHCR's Quality Integration Project has access to Home Office files with the authorities' consent and works with the UK Government to strengthen decision-making quality, including with respect to the statelessness procedure. Managers do not routinely examine decisions.	<p>Letter from Immigration Minister Robert Goodwill to Asylum Aid/Migrants Resource Centre, 17 Nov 2016: https://www.asylumaid.org.uk/wp-content/uploads/2017/06/Letter-from-MinforImm-to-Wayne-Myslik.pdf</p> <p>Communication with UNHCR Representation in London.</p>
IDP	4	e		Are decisions (refusals and grants) given with reasons? And in writing?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged, therefore, to incorporate the following safeguards: [...] decisions are made in writing with reasons. 	Written reasons are provided for refusals but not for grants.	<p>Experience from legal casework, including of University of Liverpool Law Clinic and Migrants Resource Centre.</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic:</p>

							http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi
IDP	4	f		Is there a referral mechanism if an individual has been refused asylum but may be stateless?	<ul style="list-style-type: none">• UNHCR (Good Practices Paper 6): Efficient referral mechanisms should be established... officials who may be in contact with stateless persons need to be trained to identify potential applicants ...and refer them to appropriate channels.• ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The regulation should... guarantee that proper cross-referral systems exist for cases where the two determination procedures are not conducted in a joint framework... potentially stateless persons whose asylum claim has been rejected are properly informed about the possibility to claim stateless status.	No. The Liverpool Law Clinic has seen Home Office letters refusing asylum and suggesting that the person apply under the statelessness leave procedure. Guidance states that the application for a grant of residence under the statelessness procedure should be a last resort for those who have 'no other right to remain in the UK'.	Legal practice and personal communication to the author. Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, C.12: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Part 1.3: https://www.gov.uk/government/publications/stateless-guidance
IDP	5	a	Protection during SDP	Does the applicant have automatic legal admission while their claim for statelessness is assessed? Is expulsion possible during the process? If yes, are there verified reports of such incidents?	<ul style="list-style-type: none">• UNHCR (2014), Handbook on Protection of Stateless Persons: An individual awaiting a decision is entitled, at a minimum, to all rights based on jurisdiction or presence in the territory as well as "lawfully in" rights... his or her status must guarantee, inter alia, identity papers, the right to self-employment, freedom of movement and protection against expulsion... it is recommended that individuals... receive the same standards of treatment as asylum-seekers...	No. Applicants who have no other leave to remain will not automatically be granted 'legal admission' (called 'immigration bail') and there is no guarantee against expulsion whilst a statelessness application is pending. Home Office guidance states: " <i>Applications for leave to remain as a stateless person will normally be decided and the decision communicated to the applicant before removal arrangements are made. However, an application on the basis of statelessness is not a barrier to removal where someone does not have extant leave in any other capacity and an Emergency Travel Document (ETD) has been arranged. If an ETD</i>	Immigration Act 2016, Schedule 10 : http://www.legislation.gov.uk/ukpga/2016/19/section/61?view=extent Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, Part 3.4: https://www.gov.uk/government/publications/stateless-guidance

					<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: States should refrain from expelling or removing an individual from their territory pending the outcome of the determination process. 	<p><i>has been secured or a passport used to arrange to remove the individual, then this can be accepted as evidence that they are re-admissible for the purpose of permanent residence.” Asylum Aid was advised in 2016 of a removal whilst a statelessness application was pending, but this has not been verified. The meaning of ‘legal admission’ is complex in UK immigration law: some periods spent on ‘immigration bail’ may count towards certain residence requirements if a grant of leave to remain is subsequently made.</i></p>	<p>Personal communication to Cynthia Orchard.</p> <p>For example, UKVI guidance on ‘long residence’ immigration applications: https://www.gov.uk/government/publications/long-residence</p>
IDP	5	b		Do applicants for statelessness status who are awaiting a decision have permission to work, if they have no other permission to stay in the country?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Allowing individuals...to engage in wage-earning employment...may reduce the pressure on State resources and contributes to the dignity and self-sufficiency of the individuals concerned. 	<p>Applicants for stateless status do not normally have permission to work if they have no other permission to stay in the country. Persons with no leave have no permission to work and temporary admission (or, immigration bail, see above) and bail are normally subject to conditions prohibiting employment.</p>	<p>Immigration Act 1971, Schedule 2, Part 1, paras. 21 & 22: http://www.legislation.gov.uk/ukpga/1971/77/schedule/2/part/1/crossheading/temporary-admission-or-release-of-persons-liable-to-detention</p> <p>Immigration Act 2016, Schedule 10: http://www.legislation.gov.uk/ukpga/2016/19/section/61?view=extent</p>
IDP	5	c		Do applicants for statelessness status with limited means have access to assistance to meet their basic needs (shelter and welfare support)? Please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The status of those awaiting statelessness determination must also reflect applicable human rights such as... assistance to meet basic needs. 	<p>Applicants who have been refused asylum and who are (or are likely to imminently become) destitute are eligible for very basic financial support and accommodation pursuant to s4(2) of the Immigration and Asylum Act 1999. However, to access this, they must repeatedly prove that they are making efforts to leave the UK or that failure to provide support would result in breach of rights under the European Convention on Human Rights (and/or meet other requirements). Other applicants (who have not previously claimed asylum) are generally not eligible for support. On 15 January 2018, a right to obtain accommodation when leaving immigration detention was replaced</p>	<p>Immigration and Asylum Act 1999, Section 4(2): http://www.legislation.gov.uk/ukpga/1999/33/section/84</p> <p>Immigration Act 2016, Part 5, Schedules 10, 11 & 12: http://www.legislation.gov.uk/ukpga/2016/19/contents</p> <p>Asylum Support Appeals Project, Section 4 Support, Factsheet 2 April 2016: http://www.asaproject.org/uploads/Factsheet-2-section-4-support.pdf</p> <p>Bail for Immigration Detainees (BID), Briefing on post detention accommodation,</p>

						by a power to provide accommodation in 'exceptional circumstances.' There is no procedure for doing so in December 2018 and there are reports of people being released from detention to street homelessness. Social Services Departments may provide support where there may be a clear breach of Art 8 ECHR rights, e.g. where children are involved.	June 2018, available at: https://www.biduk.org/resources/category/Briefings Schedule 10(9), Immigration Act 2016: https://www.legislation.gov.uk/ukpga/2016/19/schedule/10
IDP	5	d		Is it possible to detain an applicant while he/she is in the SDP procedure?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention. • UNHCR (Good Practices Paper 6): State practice... reflects rights to liberty and freedom of movement by avoiding detention of those seeking recognition of their stateless status. 	Yes.	<p>Immigration Act 1971, Schedule 2: http://www.legislation.gov.uk/ukpga/1971/77/schedule/2</p> <p>Schedule 10, Immigration Act 2016: https://www.legislation.gov.uk/ukpga/2016/19/schedule/10</p>
IDP	5	e		Does law or policy set out a timeframe for the SDP? If so, is it complied with? Can the decision maker extend the timeframe?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Some of the most fundamental guarantees reflected in current State practice include: a time limit for a decision following submission of a statelessness status application. • UNHCR (2014), Handbook on Protection of Stateless Persons: In general, it is undesirable for a first instance decision to be issued more than six months from the submission of an application... in exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months to 	No.	Liverpool Law Clinic clients have waited for decisions for between three months and three years. A request for a speedy decision for a client in 2017 (evidencing serious mental health problems), resulted in a (refusal) decision being made after 18 months.

					provide time for enquiries regarding the individual's nationality status to be pursued with another State...		
IDP	6	a	Appeals	Is there an automatic right of appeal on the case of refusal (on grounds of both law and fact)?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: there is a right of appeal... An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP. 	No. But there are the possibilities of administrative review (internal Home Office review to address 'caseworking errors') or a judicial review (judicial proceeding to review lawfulness of a decision taken by a public body against which there is no right of appeal).	UK Government, Immigration Rules Appendix AR: administrative review: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ar-administrative-review Courts and Tribunals Judiciary, Judicial Review: https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/
IDP	6	b		Is legal aid available for appealing/applying to review a negative determination?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The applicant is to have access to legal counsel and, where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Applicants are to have access to legal counsel both at first instance and upon appeal. 	Legal aid is available for most judicial review proceedings, subject to means and merits' tests but not for administrative review (unless granted through exceptional case funding). In England and Wales, legal aid for judicial review is restricted in immigration cases where a court or tribunal has considered the same, or substantially the same, matter; the most recent court or tribunal to consider the issue determined the case against the individual; and that determination took place one year or less prior to the date of the application for legal aid; or if the individual seeks judicial review of removal directions which were made within one year or less of the most recent of the following: (i) a decision to remove the individual from the UK; (ii) the refusal of leave to appeal against that decision; or (iii) the determination or withdrawal of an appeal against that decision.	Legal Aid Sentencing and Punishment of Offenders Act 2012, Section 10 & Schedule 1: http://www.legislation.gov.uk/ukpga/2012/10/contents (England & Wales)

IDP	6	c		Is there a fee for the appeal application?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP. 	<p>Immigration Tribunal fees are common throughout the UK, but court fees are a matter for each UK jurisdiction. Judicial review fees are covered if judicial review is funded through legal aid. Applications can be made for a fee waiver. In England and Wales, the fees are: Initial permission application - £154; Request for oral reconsideration - £385; Permission to proceed - £385 (if £385 has already been paid) or £770. In the Scottish Court of Session, the fee to issue a writ (including for judicial review) is £300 and applicants must pay £200 for every half hour of court hearing within operating hours before a single judge. The administrative review is exempt from a fee because the application for a grant of residence, under Part 14 of the Rules, does not require a fee.</p>	<p>HM Courts and Tribunals Service, Full list of fees applicable in the Civil and Family Courts (from 25th July 2016) EX50A HMCTS: http://hmctsformfinder.justice.gov.uk/HMCTS/GetLeaflet.do?court_leaflets_id=2823</p> <p>Home Office, Fee waiver: Human Rights-Based and other specified applications, Version 2.0, 30 August 2017: https://www.gov.uk/government/publications/chapter-1a-applications-for-fee-waiver-and-refunds</p> <p>Scottish Courts and Tribunals, Court of Session Fees, https://www.scotcourts.gov.uk/rules-and-practice/fees/court-of-session-fees</p> <p>Colin Yeo, Fees for Upper Tribunal judicial review applications rise again, Freemovement, 25 July 2016: https://www.freemovement.org.uk/fees-upper-tribunal-judicial-review-applications/</p> <p>Para 3(3)(a) Sch 11 of The Immigration and Nationality (Fees) Regulations 2018, SI 2018 No 330 http://www.legislation.gov.uk/ukSI/2018/330</p>
IDP	6	d		Is there evidence of significant errors in decision making? If so, is there a publicly available source (e.g. audits, independent reports, academic research etc.)? If yes,		<p>Yes. Legal advisers representing stateless persons have recorded significant errors in decision making. Judicial review cases listed point out basic errors. There is no published academic research on decision making on applications. UNCHR has conducted an audit of decision-making but it is not public.</p>	<p>Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review, Sept 2016, footnote 55: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/</p>

				please provide this. If anecdotal, please describe.			<p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part A.5: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>R (Semedá) v Secretary of State for the Home Department (statelessness; Pham [2015] UKSC 19 applied) (IJR) [2015] UKUT 00658: https://tribunalsdecisions.service.gov.uk/utiac/2015-ukut-658</p> <p>R (JM) v SSHD (Statelessness: Part 14 of HC 395) IJR [2018] EWCA Civ 188: http://www.bailii.org/ew/cases/EWCA/Civ/2018/188.html</p>
IDP	7	a	Stateless Status (SDP)	Does recognition of statelessness result in permission to stay/legal status? Is status granted immediately or automatically upon recognition or identification as stateless?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The 1954 Convention ...[grants] stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these international standards... Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty... It is therefore recommended 	Not automatically. A person who claims that they are stateless may apply for leave to remain under Part 14 of the Immigration Rules. The applicant must comply with certain conditions in addition to the recognition of the fact of statelessness.	Immigration Rules, Part 14: stateless persons, paras. 402, 403(c) & 404: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons

					that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalization as prescribed by Article 32 of the 1954 Convention.		
IDP	7	b		Are there additional requirements - beyond meeting the definition of a stateless person and satisfying the exclusion provisions - that a stateless person must meet to be granted permission to stay/legal status?	As above.	Yes. If the applicant is recognised as stateless and also meets other criteria to be granted leave to remain, the Home Office will issue permission to stay. Persons who will not be granted permission to stay in the UK include, but are not limited to: persons who are admissible to any other country for the purpose of permanent residence, and persons against whom there is a deportation order (often, but not always relating to criminal history; in some cases, minor crimes such as working without permission). Also, exclusion clauses in Immigration Rules do not fully mirror the 1954 Convention, in particular at 402(b).	<p>Immigration Rules, Part 14: stateless persons, paras. 402, 403(c) & 404: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>Immigration Rules, Part 9 : General grounds for refusal para 322 : https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal</p> <p>Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain, section 1.4, 3.4, 6.2: https://www.gov.uk/government/publications/stateless-guidance</p>

IDP	7	c		How long is initial status? Is residence status renewable?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: It is recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalization as prescribed by Article 32 of the 1954 Convention. 	As of March 2019, leave to remain can be granted for up to 30 months and this can be renewed as long as the requirements are still met. A grant of indefinite leave to remain (permanent residence) can be made where the person has been residing lawfully in the UK for five years, and the last grant of leave to remain was as a stateless person under Part 14 of the Rules. At the time of updating the Index, the Government had just announced a change to the Immigration Rules (March 2019) to be brought into force on 6 April 2019 that increases the length of leave from 30 months to five years. Home Office guidance is also due to be updated in April/May 2019.	<p>Immigration Rules, Part 14: stateless persons, para. 405: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>UK Government, Changes to the Immigration Rules, 7 March 2019: https://www.gov.uk/government/news/changes-to-the-immigration-rules--3</p>
IDP	7	d		Is a travel document issued to those recognised as stateless?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954, Art. 28: The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. 	Stateless persons may apply for a Stateless Person's Travel Document. This is not issued automatically upon being granted leave to remain in the UK as a stateless person. The cost is the same as for a British passport. A stateless person can be issued a Stateless Person's Travel Document even if they have not been granted leave to remain as a stateless person. In practice, this may sometimes be difficult because Home Office online guidance incorrectly states that an applicant for a travel document must have been granted leave to remain as a stateless person. The guidance to the application form itself is correct and does not state that there is any limitation on the type of lawful residence.	<p>UK Government, Guidance, Apply for a Home Office travel document: https://www.gov.uk/apply-home-office-travel-document</p> <p>Application form TD112 (with correct information): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693183/TD112 BRP Guidance Notes_04_2018.pdf</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part C.26: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session</p>

							of the Universal Periodic Review, Sept 2016, para. 16 & footnote 55: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/
IDP	7	e		What are the family reunion provisions for individuals recognised as stateless?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised statelessness status in their territory with their spouses and dependents. Indeed, some States have obligations arising under relevant international or regional human rights treaties to do so. 	Eligible family members may be granted leave to enter or remain in the UK for the same period as the main applicant. Eligible family members include: (a) spouse; (b) civil partner; (c) unmarried partner with whom they have lived in a subsisting relationship akin to marriage or a civil partnership for two years or more; (d) child under 18 years of age who: (i) is not leading an independent life; (ii) is not married or a civil partner; and (iii) has not formed an independent family unit. The family members may renew their leave to remain and obtain permanent residence after five years' lawful residence. A child who reaches 18 during the five-year period may cease to be eligible for further leave as a dependent family member.	Immigration Rules, Part 14: stateless persons, paras 410-416: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons

IDP	7	f		<p>Is residence status granted to stateless persons revocable? If yes, on what grounds?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State... he or she will cease to be stateless in terms of the 1954 Convention. This may justify the cancellation of a residence permit obtained on the basis of statelessness status, although proportionality considerations in relation to acquired rights and factors arising under international human rights law, such as the degree to which the individual has established a private and family life in the State, need to be taken into account. 	<p>Yes. A period of limited leave can be curtailed “where the stateless person is a danger to the security or public order of the United Kingdom or where leave would be curtailed pursuant to para. 323 of these Rules.” Para. 323 contains broad grounds on which leave could be curtailed, including but not limited to: false representations, failure to disclose a material fact; undesirability; no longer stateless; commission of criminal offenses. There is an equivalent provision for family members.</p>	<p>Immigration Rules, Part 14: stateless persons, para. 414: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons</p> <p>Immigration Rules, Part 9: grounds for refusal, para.323: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal</p>
IDP	7	g		<p>Do persons granted stateless status have permission to work?</p>	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, as regards the right to engage in wage-earning employment. • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work [...] must accompany a residence permit. 	<p>Yes.</p>	<p>Conditions on leave are imposed under the Immigration Act 1971, Section 3(1)(c): http://www.legislation.gov.uk/ukpga/1971/77/section/3</p>

IDP	7	h		Do persons granted stateless status have access to primary education?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education. 	Yes.	Education Act 1996, Sec. 6, Sec. 13(1) & 14(1): http://www.legislation.gov.uk/ukpga/1996/56/contents (see subsequent amendments to sections in notes) (England & Wales)
IDP	7	i		Do persons granted stateless status have access to secondary and higher education?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships. 	Yes, though in England and Wales they must comply with residence conditions for higher education loans, which all student loan applicants must meet. Stateless students in England have been included as eligible for student loans since August 2018. In Wales, people with stateless leave must meet a three-year residency requirement before starting a higher education course. In Scotland, amendments to the regulations introduced in 2018 extend entitlement to stateless people and their families to access student funding and restrict the level of fees they may be charged for access to higher education.	<p>The Education (Student Fees, Awards and Support) Regulations SI 2018 No 137, Part 4, Reg 17: http://www.legislation.gov.uk/uksi/2018/137/regulation-17/made#regulation-17-b (England & Wales)</p> <p>UK Government, Student Finance: https://www.gov.uk/student-finance/who-qualifies?step-by-step-nav=18045f76-ac04-41b7-b147-5687d8fbb64a</p> <p>Student Finance Wales: https://www.studentfinancewales.co.uk/undergraduate-students/new-students.aspx</p> <p>The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006: http://www.legislation.gov.uk/ssi/2006/333/contents/made</p> <p>The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2018: http://www.legislation.gov.uk/ssi/2018/171/pdfs/ssi_20180171_en.pdf</p> <p>The Education (Student Support) (Wales) Regulations 2015: http://www.legislation.gov.uk/wsi/2015/54/contents/made</p> <p>Northern Ireland (Education (Student Support) (No.2))</p>

							<p>Regulations (Northern Ireland) 2009: http://www.legislation.gov.uk/nisr/2009/373/contents/made</p> <p>Email from Stephen Knafler, QC, to Cynthia Orchard, 20 June 2017.</p> <p>Housing Act 1996 Parts 6 & 7, SS 160ZA & 185: https://www.legislation.gov.uk/ukpga/1996/52/part/VII (England & Wales)</p> <p>Allocation of Housing and Homeless (Eligibility) (England) Regulations 2006: http://www.legislation.gov.uk/uksi/2006/1294/contents/made</p> <p>Immigration and Asylum Act 1999, Section 118: http://www.legislation.gov.uk/ukpga/1999/33/section/84</p> <p>The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006, Parts 3 & 4: https://www.legislation.gov.uk/ukpga/1996/52/introduction</p> <p>The National Health Service (Charges to Overseas Visitors) Regulations 2015: http://www.legislation.gov.uk/uksi/2015/238/made (England and Wales)</p> <p>Public Health England, NHS Entitlements: migrant health guide: https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide</p>
IDP	7	j		<p>Do persons granted stateless status have access to social welfare and healthcare?</p>	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 23, 24) • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit. 	<p>Persons with stateless status are eligible for most social security entitlements and healthcare but are not eligible for public housing assistance under the Housing Act 1996 in England and Wales. The Allocation of Housing and Homeless (Eligibility) (England) Regulations 2006 specify other classes of persons, including those with refugee status, but not those with stateless status, for eligibility for housing assistance. Under the Immigration and Asylum Act 1999, people with stateless status are excluded from other residual forms of housing assistance. In Northern Ireland, the housing legislation does not exclude stateless persons. Stateless people are not specifically referenced in Northern Ireland’s healthcare legislation and so could be liable for charges or not be able to access care, but this may depend on whether they are considered ‘ordinarily resident’. Scottish Government guidance explicitly exempts stateless people from charging for healthcare. Stateless people are not eligible for integration loans (in contrast to those granted refugee status or subsidiary protection.</p>	

						<p>The Scottish Government, Healthcare Policy and Strategy Directorate, Overseas Visitors' Liability To Pay Charges For NHS Care And Services, p.16: http://www.sehd.scot.nhs.uk/mels/CEL2010_09.pdf</p> <p>Statutory Rules of Northern Ireland, No. 27, Health and Personal Social Services, Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015: http://www.legislation.gov.uk/nisr/2015/27/made</p> <p>Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part C.23.d: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review, Sept 2016, Part IV & Rec. IV.B: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/</p> <p>UK Government, Refugee Integration Loan: https://www.gov.uk/refugee-integration-loan</p>
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IDP	8	a	Access to citizenship	<p>Are stateless persons able to naturalise as citizens? In what timeframe?</p> <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): The Contracting States shall as far as possible facilitate the assimilation and naturalisation of stateless persons. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings. • UNHCR (Good Practices Paper 6): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. This may be achieved, for example, by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence. 	<p>Yes. Applicants for naturalisation must have been lawfully resident in the UK for five years and have had indefinite leave to remain for one year; and there are other requirements to naturalise. For persons married to British citizens, the residency period is reduced to three years and, while there is a requirement to be free of restrictions on length of stay at the date of application, there is no requirement to have been free of such restrictions for 12 months. In addition, children born stateless to parents who hold a form of British nationality take that nationality at birth if born in the UK. If born outside the UK, then three years' residence in the UK is required. A child born stateless in the UK to parents who are not British nationals may register as a British citizen after five years' residence. Children are registered as British, rather than naturalised, and there are provisions for children to register when their parents naturalise. There is a power to register any child on application and this does not carry a residence requirement although there is guidance on when the power will be exercised. Provision is made for children, including stateless children, whose British citizen parents cannot pass on their British citizenship to them, to be registered as British, and, in the case of stateless children, there is no residence requirement. The standard fee for adults to naturalise is £1330, and there are no exemptions for stateless persons. The fee for a child to register is £1012. There is an advocacy campaign and strategic litigation ongoing to obtain a reduction in this fee.</p>	<p>British Nationality Act 1981, Chapter 61, Section 6 & Schedule 1 (naturalisation), Section 1 & 3 (registration of children), Schedule 2 (rights of those born stateless to parents holding a form of British nationality or born stateless in the UK): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>Migrants Resource Centre, Liverpool Law Clinic, ENS & ISI, Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review, Sept 2016, Paras. 10-11 & Part V: http://www.asylumaid.org.uk/joint-submission-human-rights-council-27th-session-universal-periodic-review/</p> <p>UK Government Home Office, Nationality policy: Naturalisation as a British citizen by discretion, Version 2.0, 6 December 2017: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/665387/naturalisation-as-a-British-citizen-by-discretion-v2.0EXT.pdf</p> <p>The Immigration and Nationality (Fees) Regulations 2017: http://www.legislation.gov.uk/uksi/2017/515/contents/made</p> <p>UK Government, Home Office immigration and nationality fees, 29 March 2019: https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-29-march-2019#applications-made-in-the-uk</p>
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							Project for the Registration of Children as British Citizens (PRCBC), Briefing on Fees for the Registration of Children as British Citizens, 2018: https://prcbc.wordpress.com/why-are-children-not-being-registered/
IDP	8	b		If stateless persons can naturalise are there accelerated naturalisation procedures (e.g. reduced qualification periods) which apply to stateless persons? If yes, please provide comparative timeframes for naturalisation in other situations.	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): as above. • UNHCR (Good Practices Paper 6): as above. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality... 	There are no accelerated procedures for stateless persons within the UK's naturalisation procedure; but see above for circumstances in which residence requirements do not apply or are reduced in the case of stateless children.	British Nationality Act 1981, Schedule 2 & Section 3(2): http://www.legislation.gov.uk/ukpga/1981/61/contents
IDP	8	c		Are previous criminal convictions a bar to naturalisation? If yes, please describe the requirement. Is there a good character clause (separate from criminal record requirement)? If yes, please describe.	<ul style="list-style-type: none"> • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: Each state should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory, and in particular each State should:... d) ensure that offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state. • Human Rights Watch, Roma in the Czech Republic: Foreigners in their Own Land (1996): ... denying citizenship to previously convicted criminals 	Yes, there is a requirement to be of 'good character', and in general naturalisation is at the discretion of the Home Office (UK Government). The question of criminal convictions is encompassed in the 'good character' requirement. Government guidance on the 'good character' requirement states: " <i>Having a criminal record does not necessarily mean that an application will be refused. However, a person who has not respected and/or is not prepared to abide by the law is unlikely to be considered of good character. ... [I]t does not matter whether a conviction is "spent" when assessing good character provided the application was made in England, Wales or Scotland.</i> " The Home Offices nationality guidance further states, for example, that violations of immigration laws will be considered in assessing good	<p>British Nationality Act 1981, Schedule 1(1)(b): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Good character: nationality policy guidance (Annex D to chapter 18: The good character requirement), 8 Nov 2017, Section 2: https://www.gov.uk/government/publications/good-character-nationality-policy-guidance</p> <p>UK Government Home Office, Nationality policy: Naturalisation as a British citizen by discretion, Version 2.0, 6 December 2017, p.25: https://assets.publishing.service.gov.uk/government/uploads/sys-</p>

					effectively adds an additional, ex post facto punishment to the individual who committed a crime. Imposing penalties heavier than those that applied at the time a crime was committed violates Article 15 of the ICCPR.	character: <i>“There is some discretion to disregard breaches of the immigration laws (unlawful residence) during the qualifying period. Such breaches only involve being here without leave to enter or remain. Other immigration offences, such as breaching a restriction on taking employment and harbouring other immigration offenders, should not be considered under the residence requirement, but under the good character requirement.”</i>	tem/uploads/attachment_data/file/665387/naturalisation-as-a-British-citizen-by-discretion-v2.0EXT.pdf
IDP	8	d		Is there a citizenship/integration test?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality... 	Yes. There is a ‘Knowledge of Life in the UK’ test for adults. This can be waived in certain, very limited, circumstances (age or physical or mental infirmity such that the person cannot take the test). There is also a language requirement. Statelessness is not one of the criteria on which an exemption may be made.	British Nationality Act 1981, Schedule 1(1)(a-c): http://www.legislation.gov.uk/ukpga/1981/61/contents Relevant information, guidance and application forms can be found here: https://www.gov.uk/government/publications/application-to-naturalise-as-a-british-citizen-form-an
IDP	8	e		Are there language requirement exemptions for stateless persons?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): It is...recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons...for example, by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence. • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: as above • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	There are language requirements for adults and there is discretion to waive them, but not specific to stateless persons. Guidance states that an applicant must have ‘sufficient knowledge of English, Welsh or Scottish Gaelic language and ... [be able to] provide the required evidence to support this.... In some cases, it may be appropriate to exempt a person from the language and knowledge of life requirements.’ The Government’s Nationality Instructions, prior to July 2017, stated that exemptions may be based on age (over 60 with conditions or over 65) or physical or mental condition such that a person cannot take the test. Now the standard guidance for both settlement and naturalisation makes provision for exemptions for those who are over 65 or unable to meet the requirement because of a	British Nationality Act 1981, Schedule 1(1)(c): http://www.legislation.gov.uk/ukpga/1981/61/contents Relevant information, guidance and application forms can be found here: https://www.gov.uk/government/publications/application-to-naturalise-as-a-british-citizen-form-an

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						long term physical or mental condition. Further guidance is provided in the Government's Naturalisation Booklet for applicants and Naturalisation Guide.	
IDP	8	f		Are there income exemptions for stateless persons if a level of income is required for naturalization?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): as above. 	No level of income is required for naturalisation, however there are significant fees for naturalisation and registration (see IDP 9a and PRS 1b).	British Nationality Act 1981, Section 6 & Schedule 1: http://www.legislation.gov.uk/ukpga/1981/61/contents

Detention

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law?	<ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ...(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. 	Yes.	<p>Immigration Act 1971, Schedule 2, 16(1), (1A) or (2) (detention of persons liable to examination or removal); Schedule 3, para. 2(1), (2) or (3) (detention pending deportation): https://www.legislation.gov.uk/ukpga/1971/77/contents</p> <p>Nationality, Immigration and Asylum Act 2002, Section 62 (detention of persons liable to examination or removal): https://www.legislation.gov.uk/ukpga/2002/41/contents</p> <p>UK Borders Act 2007, Section 36(1) (detention pending deportation): https://www.legislation.gov.uk/ukpga/2007/30/contents</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	<ul style="list-style-type: none"> • ECHR Art 5 (1)(f) 	<p>Detention is permitted in law in order to ascertain whether a person has a right to enter or remain in the UK and pending a decision whether to grant leave to enter; if leave to remain has been suspended - pending a decision whether to cancel leave; where there are 'reasonable grounds' for suspecting a person may be issued removal directions or when such directions have been made; or pending a decision to make a deportation order or when a deportation order has been made. Detention is also permitted if the person is liable to arrest. Detention is also permitted pending transfer under the Dublin</p>	<p>As above.</p> <p>R v. Governor of Durham Prison, Ex parte Hardial Singh, [1984] 1 All ER 983, [1984] 1 WLR 704, [1983] Imm AR 198, United Kingdom: High Court (England and Wales), 13 December 1983: http://www.bailii.org/ew/cases/EWHC/QB/1983/1.html</p> <p>Detention Action, 2014, The State of Detention: immigration detention in the UK in 2014: http://detentionaction.org.uk</p>

						<p>Regulation where there is a risk of absconding. In accordance with <i>Hardial Singh</i> principles, detention must be for a reasonable period, and the government must exercise diligence and expedition in seeking to remove the detainee, and detention must end if removal will not occur within a reasonable time. The legislation in the UK is potentially compatible with Article 5 ECHR given there is only ever a power to detain, not a duty.</p>	<p>tion.org.uk/wordpress/wp-content/uploads/2014/10/The.State .of .Detention.pdf</p> <p>The Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017: http://www.legislation.gov.uk/uksi/2017/405/pdfs/uksi_20170405_en.pdf</p>
DET	1	c		<p>Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice.</p>	<ul style="list-style-type: none"> • ICCPR Art 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Repeated attempts to expel a person to a country where his/her well-being is not guaranteed and where he/she could be subject to cruel, inhuman or degrading treatment or punishment or to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment. • ECHR Art 5 (1)(f) • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once unreturnability is established, migrants should not be detained. 	<p>There is nothing in law that states a country must be identified before a person is detained for the purpose of removal. But not naming a country raises the obvious point that removal may not be imminent. The fact that removal cannot be said to be imminent (normally defined as within four weeks where the person does not have a criminal record (Ch. 55 Home Office Enforcement Instructions and Guidance) may render detention unlawful. Since nationality and whether or not another state will accept a person if they are removed or deported can be matters of dispute, the Home Office may try to justify detention for the purpose of removal or deportation on the basis that it needs to undertake enquiries into these issues. It may claim that suspected lack of cooperation or obfuscation is evidence that the deportee or person facing removal may abscond if released. The question of removability is therefore paramount in a detention case and may be more easily established than the possibly more complex question of whether or not the detained person is</p>	<p>Email from Pierre Makhoul, Assistant Director, Bail for Immigration Detainees, to Cynthia Orchard, 18 May 2017.</p> <p>UK Government Home Office, Enforcement Instructions and Guidance, Chapter 55, 55.3.2.4: https://www.gov.uk/government/publications/offender-management</p> <p>UK Government Home Office, Returns Directorate, Detention Services Order 03/2014, Service of Removal Directions: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510261/DSO_03-2014_Service_of_Removal_Directions.pdf</p> <p>Bail Guidance for Immigration Judges, listing criteria relevant to a decision on bail, para. 36: https://www.judiciary.gov.uk/wp-content/uploads/2017/06/bail-guidance-for-immigration-judges/</p>

						<p>stateless. If no country is identified within removal directions, it is essential that the detained person or their representative asks the Home Office to confirm: to which country it intends to remove; the basis upon which it is felt that the person can be removed to that country; and the steps that it is taking to enable the person to be removed. If no country is identified or if enquiries that are to be made by the Home Office can be shown to be evidence that removal is not imminent, then detention may be unlawful. Bail Guidance for judges states, “<i>The risk of absconding is also likely to be low where there is no imminent prospect of removal [...] and that the “judge must be satisfied that removal directions are in place for removal within the next 14 days and can expect to see evidence of those directions.”</i> The question of nationality itself, or statelessness is not explicitly mentioned in the criteria.</p>	<p>ary.uk/wp-content/uploads/2018/05/bail-guidance-2018-final.pdf</p> <p>UK Government Home Office, Judicial Reviews & Injunctions (on the use of notification of a ‘removal window’ – persons awaiting a statelessness determination are not included in list of people not suitable for ‘removal window’ procedure): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753933/chapter-60-judicial-reviews-v17.0.pdf</p>
DET	1	d		<p>Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness identified? Is referral to an SDP possible</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... For stateless persons, the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to 	<p>Statelessness is not sufficiently recognised as a juridically relevant fact in the UK. Statelessness could be raised at any point; it is normally raised by the person at risk of detention/detained. It should be a consideration when the decision to detain is taken and/or when reviewed (see above). The Home Office does not refer people to the SDP. A person could make an application for leave as a stateless person from detention. There is nothing in legislation which refers to statelessness in relation to lawfulness of detention. However, in accordance with the <i>Hardial Singh</i> principles the Government and courts are obliged to consider whether</p>	<p>ML (Morocco) v Secretary of State for the Home Department [2016] EWHC 2177 (Admin): http://www.bailii.org/ew/cases/EWHC/Admin/2016/2177.html</p> <p>R v. Governor of Durham Prison, Ex parte Hardial Singh, [1984] 1 All ER 983, [1984] 1 WLR 704, [1983] Imm AR 198, United Kingdom: High Court (England and Wales), 13 December 1983: http://www.bailii.org/ew/cases/EWHC/QB/1983/1.html</p>

				within the detention regime?	<p>their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <ul style="list-style-type: none"> • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: the detention of stateless persons can never be justified when there is 'no active or realistic progress towards transfer to another State'. 	<p>detention is reasonable and whether removal is possible; if not, detention is unlawful. In practice, the Government and courts do not adequately consider (risk of) statelessness in decisions to detain or to maintain detention. This area is the subject of ongoing litigation e.g. in <i>ML (Morocco)</i> concerning a stateless man of Western Saharan origin.</p>	
DET	1	e		Are stateless persons detained in practice? Please provide figures and source of information if available.	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: as above. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: as above. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: as above. 	<p>Yes, see POP2a and note in particular that some detainees are not acknowledged to be stateless and therefore official figures are flawed.</p>	<p>ENS, 2016, Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf</p> <p>UK Government statistics are available here: https://www.gov.uk/government/statistics (enter 'immigration' as the search term to find the latest and historical data. For detention figures, see 'Detention Data Tables...')</p>
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. 	<p>Yes. For example, see Bail Guidance for Judges at para 4 "<i>Liberty is a fundamental right of all people and can only be restricted if there is no reasonable alternative. [...]</i>". Para. 52 states "<i>Immigration bail is an alternative to immigration detention [...]</i>". But this is not what happens in practice as illustrated by statistics (see data in POP2a/b and link above).</p>	<p>UK Government Home Office, Enforcement Instructions and Guidance, Chapter 55: https://www.gov.uk/government/publications/offender-management</p> <p>Bail Guidance for Immigration Judges: https://www.judiciary.uk/wp-content/uploads/2018/05/bail-guidance-2018-final.pdf</p>

DET	1	h	Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?	<ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... • EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : The special circumstances and needs of particular asylum-seekers must be taken into account... • Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention... 	<p>Vulnerability assessments are required under the Detention Centre Rules 2001 and the Adults at Risk in Immigration Detention guidance but in some cases are not thorough and many 'vulnerable' persons are detained. Stateless persons are not defined as a vulnerable group. The Adults at Risk in Immigration Detention guidance refers <i>inter alia</i> to health status and there are criteria on severity of health problems, types of evidence being relied upon by the detainee, and the Home Office also focuses on detainees' immigration history and credibility when justifying continued detention despite vulnerability. The Home Office introduced in 2017 'case progression panels' and 'detention gatekeepers', both to protect against unlawful detention; in some cases, these gatekeepers have advised that detention is likely to be unlawful and a decision has taken this into account preventing detention. The Immigration Minister has stated that the gatekeepers "<i>will ensure that there is no evidence of vulnerability which would be exacerbated by detention, that return will occur within a reasonable timeframe and check that any proposed detention is lawful. Separately, Case Progression Panels have been introduced to review all cases within immigration detention by a peer-led panel.</i>" These panels focus on ensuring that there is progression toward return for all individuals detained, and that detention remains lawful.</p>	<p>Detention Centre Rules 2001, Rule 35: http://www.legislation.gov.uk/en/uk/2001/238/contents/made</p> <p>UK Government Home Office, UK Visas and Immigration and Immigration Enforcement, Adults at Risk in Immigration Detention Statutory Guidance, available at Immigration Offender Management: https://www.gov.uk/government/publications/offender-management</p> <p>Email from Pierre Makhoul, Assistant Director, Bail for Immigration Detainees, to Cynthia Orchard, 18 May 2017.</p> <p>Personal communication from Jo Bezano of Liverpool Law Clinic to Cynthia Orchard, July 2017.</p> <p>UK Parliament, Immigrants: Detainees: Written question – 71612, asked by Dr Sarah Wollaston on 21 April 2017; Answered by the Immigration Minister Robert Goodwill on 26 April 2017: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-04-21/71612</p>
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DET	2	a	<p>Alternatives to immigration detention</p> <p>Does the country have alternatives to detention which individuals are considered for prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and periodic reviews of their necessity and proportionality?</p>	<ul style="list-style-type: none"> • ICCPR Art 9 • FKAG v Australia (HRC): Any decision relating to detention must take into account less invasive means of achieving the same ends... • UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... Alternatives to detention...are part of any assessment of the necessity and proportionality of detention. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention: alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. • Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each 	<p>There are various alternatives to detention, and these are required to be considered prior to detention; however, in practice, they often are not considered adequately. There is no time limit on either detention or alternatives to detention. As of March 2019, there is no automatic judicial oversight of detention; the Immigration Act 2016 Schedule 10 makes provision for reviews by an immigration judge every four months, but the implementation of the process has been found wanting due to the high rate of withdrawals and refusals of these applications. See DET1i regarding regular reviews by the Home Office of the lawfulness of detention. The fact that people can also access judicial review procedures to challenge the continuing lawfulness of their detention is seen by the European Court of Human Rights as evidence that the absence of any time limits on detention do not amount to a breach of human rights. Both the High Court and the bail process therefore allow for alternatives to detention by way of persons being granted release from detention, albeit with restrictions or conditions placed upon their release (e.g. as to residence, reporting, electronic monitoring, and “<i>Any other condition a judge granting immigration bail thinks fit</i>” (Schedule 10)). This has included in one BID case a requirement that the person cooperates with efforts to document him for the purpose of removal and could include measures such as ensuring that the person engages with support or rehabilitation services.</p>	<p>Email from Pierre Makhoulf, Assistant Director, Bail for Immigration Detainees to Cynthia Orchard, 18 May 2017.</p> <p>UK Government Home Office, Enforcement Instructions and Guidance, Chapter 55: https://www.gov.uk/government/publications/offender-management</p> <p>Immigration Act 2016, Schedule 10: http://www.legislation.gov.uk/ukpga/2016/19/schedule/10/enacted</p> <p>Detention Action, 2014, The State of Detention: immigration detention in the UK in 2014: http://detentionaction.org.uk/wordpress/wp-content/uploads/2014/10/The.State.of.Detention.pdf</p> <p>JN v UK ECHR 37289/12 of 19 May 2016 and case of Draga v UK ECHR 3341/13 of 18 May 2017</p> <p>Bail for Immigration Detainees (BID), Briefing on post-detention accommodation, June 2018: https://www.biduk.org/resources/76-bid-briefing-on-post-detention-accommodation</p>
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					<p>individual case, the authorities of the host state have concluded that compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures such as supervision systems, the requirement to report regularly to the authorities, bail or other guarantee systems.</p> <ul style="list-style-type: none"> • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive than detention, ensure the greatest possible freedom of movement and that respect the human rights of the individual. • International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case. 		
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives be-	As above	<p>Yes, see DET2a. People who complete criminal sentences are nearly always, if not always, held in detention under Immigration Act powers before any alternatives to detention such as release on bail are considered. Statistics on those held under immigration detention powers only,</p>	<p>UK Government Home Office, Detention and Temporary Release, Chapter 55, 55.3: https://www.gov.uk/government/publications/offender-management (requirement to consider alternatives)</p>

				ing considered? Please cite relevant reports.		in prison, are available. People encountered in-country e.g. overstayers or people breaching the conditions of their leave are often kept in detention or immediately released on bail. Statistics on the reasons for detaining do not appear to be available – only those showing the reason for release.	<p>Detention Action, 2016, Without Detention: Opportunities for Alternatives: http://detentionaction.org.uk/wordpress/wp-content/uploads/2016/09/Without-Detention.pdf (evidence from practice)</p> <p>ENS, 2016, Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf</p> <p>UK Government statistics are available here: https://www.gov.uk/government/statistics (enter 'immigration' as the search term to find the latest and historical data. For detention figures, see 'Detention Data Tables...')</p>
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set out in the law? What is it?	<ul style="list-style-type: none"> • UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry of this period the detainee must be automatically released. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : to guard against arbitrariness, maximum periods of detention should be set in national legislation. • EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention, which may not exceed six months (extendable by 12 months in specific circumstances of the detainee refusing to cooperate with removal 	<p>No. There have been numerous and sustained attempts to advocate for the introduction of a maximum period of detention (a 6-week time limit for those transferred under EU 'Dublin' procedures is the exception).</p>	<p>UK Government Home Office, Detention and Temporary Release: https://www.gov.uk/government/publications/offender-management</p> <p>Liberty, Oppose Indefinite Detention: https://www.libertyhumanrights.org.uk/campaigning/end-indefinite-detention</p>

				<p>proceedings or delays in obtaining documentation from third countries).</p> <ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit. Under no circumstances should indefinite detention be tolerated. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39 Detention should always be for the shortest time possible. There should be a reasonable maximum time-limit for detention. It is highly desirable that states do not detain stateless persons for more than six months. States which at present have a lower than six-month maximum time-limit for detention are urged not to increase it, and all states are urged to review and reduce their maximum time limit for detention. 		
DET	3	b		<p>Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention?</p> <ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him. • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Stateless detainees shall receive their order of detention in writing and in a language they understand and this must outline the reasons for their detention. 	<p>At the time of detention, the Home Office must serve detainees with Form IS91R, which identifies reasons for detention, albeit in 'tickbox' form. In criminal cases, reasons for detention are provided by letter (ICD 1913 or ICD 1913AD).</p>	<p>UK Government Home Office, Detention and Temporary Release: https://www.gov.uk/government/publications/offender-management</p>
DET	3	c		<p>Are all detainees provided</p> <ul style="list-style-type: none"> • International Commission of Jurists (ICJ) (2014), Migration and International Human 	<p>People are normally informed of how to access legal advice and their bail rights</p>	<p>Email from Pierre Makhoul to Cynthia Orchard, 18 May 2017.</p>

				<p>with information on their rights, contact details of organisations to assist them, including in challenging the legality of their detention and conditions of detention? Does this include guidance on how to access a dedicated SDP?</p>	<p>Rights Law: a Practitioner's Guide (updated edition): The authorities are required to take steps to ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain.</p> <ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Detainees must be informed of their rights related to the detention order, including the right to legal advice, the right to apply for bail, seek judicial review and/or appeal the legality of the detention. Where appropriate, they should receive free legal assistance; they must be informed of the maximum time limit which they can be held in detention; and they must be provided with a handbook in a language which they understand and that contains information on all their rights and entitlements during detention. 	<p>when they are detained and certainly when they are issued with a Monthly Progress Report of their detention. They are not normally informed about statelessness procedures. People who apply for asylum are normally provided with a leaflet, which does not include information about the Statelessness Determination Procedure currently, but the Home Office committed in March 2017 to add a paragraph about the possibility of applying to remain in the UK as a stateless person (though it has not yet been included as of March 2019).</p>	<p>UK Government Home Office, UK Visas and Immigration, Information leaflet for asylum applicants: https://www.gov.uk/government/publications/information-leaflet-for-asylum-applicants</p> <p>Home Office meeting with civil society organisations, 9 March 2017.</p>
DET	3	c		<p>Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body? If yes, are detainees released when it becomes evident that their removal will</p>	<ul style="list-style-type: none"> • ICCPR Art 9(3): Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. • EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence. • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. 	<p>The Home Office reviews (internally) the need for immigration detention every 28 days; however, this is often a cursory review. The Immigration Act 2016 introduces automatic periodic bail hearings every four months. In July 2018, a pilot was reannounced but there is no indication that it has been implemented in March 2019. This provision does not apply to persons against whom a deportation order has been made. Bail hearings result in release of detainees in some cases however, delays in the Home Office provision of addresses for those who have nowhere else to go may make it difficult to secure release in practice. Immigration judges may be reluctant to release a person in</p>	<p>See DET 1a on powers to detain.</p> <p>UK Government Home Office, Enforcement Instructions and Guidance, Detention and Temporary Release: https://www.gov.uk/government/publications/offender-management</p> <p>Immigration Act 2016, Schedule 10, Section 61 & para. 11: http://www.legislation.gov.uk/ukpga/2016/19/schedule/10/enacted</p> <p>UK Parliament, Immigration Bail: Written Question – HL6237, asked 21</p>

				<p>not be possible within a reasonable time?</p> <ul style="list-style-type: none"> • Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. • A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically so that the grounds justifying the detention can be assessed. • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vnatreshniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. If such arrangements are not executed with due diligence the detention will cease to be permissible. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41 To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. 	<p>some cases without a surety but not all detainees will have someone prepared to stand surety for them. The power to detain at the end of the process exists only where the person will be removed or deported within a reasonable time. Where it is determined that a person will not be able to be removed within a reasonable time they should be released although in practice in some cases in which there is difficulty in effecting removal, persons remain in detention for months and even years.</p>	<p>March 2017, answered 3 April 2017: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-03-21/HL6237</p> <p>ENS, 2016, Protecting Stateless Persons from Arbitrary Detention in the United Kingdom, p.22: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf</p>
DET	3	d		<p>What remedies are available to an individual to challenge detention? How often can</p> <ul style="list-style-type: none"> • ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. • ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take 	<p>Detainees can apply for bail or sue for unlawful detention or bring a habeas corpus action.</p>	<p>Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 11: http://www.legislation.gov.uk/ukpga/2012/10/schedule/11</p> <p>Immigration Act 2016, Schedule 10:</p>

				<p>these be invoked? Are there any obstacles in practice?</p>	<p>proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.</p> <ul style="list-style-type: none"> • Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. 		<p>http://www.legislation.gov.uk/ukpga/2016/19/schedule/10/enacted</p> <p>See UK Home Office guidance on immigration bail: https://www.gov.uk/government/publications/offender-management</p>
DET	3	e		<p>Are there rules/guidance in place that govern the process of re-documentation and/or ascertain entitlement to nationality, for the purpose of removal? Do these rules articulate the respective roles that state and individual are expected to play? Are there time limits clearly set out? Are the outcomes of such processes used/considered relevant</p>	<ul style="list-style-type: none"> • Aued v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation (see also above). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...the respective roles that the state and the individual should be expected to play and related time limits should be clearly articulated. The longer it takes to do so, detention is more likely to become unreasonable and disproportionate. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once unreturnability is established, migrants should not be detained. Detention should not be used for nationals of countries to which forced returns are not generally possible. 	<p>Home Office statelessness Guidance addresses this in very limited way. Home Office officials are required to make enquiries if an applicant has made reasonable efforts to provide evidence of statelessness; but in practice this does not always occur; and the guidance is not specific as to how Home Office officials should do this or time frames. In some cases, outcomes of such processes are used in statelessness determination; in others, not. The Home Office Country Returns Guide provides information on how to apply for travel documents from state authorities and the timescales where this is known.</p>	<p>UK Visas and Immigration, Asylum Policy Instruction, Statelessness and Applications for Leave to Remain: https://www.gov.uk/government/publications/stateless-guidance</p> <p>UK Government Home Office, UK Visas and Immigration Country Returns Guide: https://www.gov.uk/government/publications/country-returns-guide</p>

				for subsequent determination of whether an individual is stateless?			
DET	3	f		Is free legal aid available to challenge detention? Are there any barriers to accessing this in practice?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. • EU Returns Directive: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. 	<p>There is free legal aid to challenge detention in all UK jurisdictions, but evidence suggests there are barriers to accessing adequate free legal assistance. Only a few law firms have contracts to provide free legal assistance in detention centres, including to challenge detention. They can provide free legal advice on asylum, trafficking and domestic violence cases but not on other immigration matters, so statelessness leave applications are ‘out of scope’.</p>	<p>Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, para. 25: http://www.legislation.gov.uk/ukpga/2012/10/schedule/11 (England & Wales)</p> <p>Bail for Immigration Detainees, Six-monthly survey reveals less than half of those questioned have a legal representative, 6 Dec 2017: http://www.biduk.org/posts/328-six-monthly-survey-reveals-less-than-half-of-those-questioned-have-a-legal-representative</p> <p>Bail for Immigration Detainees (BIC), Legal Advice Surveys: https://www.biduk.org/pages/106-bid-legal-advice-surveys</p> <p>Association of Visitors to Immigration Detainees, Legal Advice: http://www.aviddetention.org.uk/immigration-detention/information-detainees/legal-advice</p>
DET	4	a	Protections on release	Are those released from detention issued with any identification, including confirmation of	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 • UNHCR (2014), Handbook on Protection of Stateless Persons: Statelessness, by its very nature, severely restricts access to basic identity and travel documents that nationals normally possess. Moreover, stateless persons are often without a legal residence in any country. Thus, 	<p>A person released from detention would not likely have evidence of their statelessness unless they have applied for and been granted statelessness leave or a stateless person’s travel document; some persons who likely are stateless have been detained more than once. In some cases,</p>	<p>ENS, 2016, Protecting Stateless Persons from Arbitrary Detention in the United Kingdom, p.32: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf</p>

				<p>their statelessness status, and thus protected from arbitrary re-detention?</p>	<p>being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention of such persons.</p> <ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Article 27 of the 1954 Statelessness Convention... applies to all stateless persons, which includes those not staying legally in the state's territory... state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56 Special care should be taken to address the vulnerabilities of stateless persons who are released from detention and to ensure that they enjoy all human rights which they are entitled to under international law... Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. 	<p>the description of nationality may be changed when release papers are issued.</p>	
DET	4	b		<p>If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social services, accommodation,</p>	<ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatrešnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above. 	<p>They will be released to 'immigration bail' under Schedule 10(1) of the Immigration Act 2016, which is either Tribunal or Secretary of State bail. This is not leave under the Immigration Rules. Such persons, if they have been refused asylum, may be eligible for basic support, accommodation and healthcare. However, the situation surrounding accommodation and support entitlements since the introduction of Schedule 10 on 15 January 2018 remains confused. Such persons will not have permission to work. In some cases, such persons may be eligible to make a statelessness application or another application, for example based on long residence or</p>	<p>See also IDP6c.</p> <p>Immigration Act 1971, Schedule 2 Part 1, Para. 21: http://www.legislation.gov.uk/ukpga/1971/77/schedule/2</p> <p>Immigration and Asylum Act 1999, s4(2): http://www.legislation.gov.uk/ukpga/1999/33/contents</p> <p>Bail for Immigration Detainees (BID), Briefing on post detention accommodation, June 2018, available at: https://www.biduk.org/re-sources/category/Briefings</p>

				<p>welfare, education and healthcare? Do they have the right to work?</p>		<p>private/family life and could make representations relating to para. 353(b) of the Immigration Rules. However, persons who have a criminal history or against whom a deportation order has been made may be barred by general grounds for refusal from being granted leave to remain in the UK under the Immigration Rules. Their only option would be an application on human rights grounds (see also IDP6c).</p>	<p>Immigration Act 2016, Schedule 10 (Immigration Bail), Schedule 11 (Support for Certain Categories of Migrant), Schedule 12 (availability of local authority support): http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted</p> <p>Immigration Rules, paras. 322, 353(b) & 404(c): https://www.gov.uk/guidance/immigration-rules</p> <p>The National Health Service (Charges to Overseas Visitors) Regulations 2015: http://www.legislation.gov.uk/uksi/2015/238/made (England and Wales)</p> <p>Public Health England, NHS Entitlements: migrant health guide: https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide</p> <p>The Scottish Government, Healthcare Policy and Strategy Directorate, Overseas Visitors' Liability To Pay Charges For NHS Care And Services, p.16: http://www.sehd.scot.nhs.uk/mels/CEL2010_09.pdf</p> <p>Statutory Rules of Northern Ireland, No. 27, Health and Personal Social Services, Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015:</p>
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							http://www.legislation.gov.uk/nisr/2015/27/made Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners' Association and University of Liverpool Law Clinic, Part C.14: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi
DET	4	c		If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?	<ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40 When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration. 	Not applicable as there are no time limits on immigration detention .	
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any re-admission and/or bilateral return agreements?	UNHCR (2014), Handbook on Protection of Stateless Persons : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Very little information is available publicly about bilateral return or readmission agreements entered into by the UK Government. UK is currently party to EU readmission agreements but will cease to be so when/if it exits the EU. When considering whether a person could be refused leave to remain under para 403 Immigration Rules, the relevant criterion is 'admissibility' under Part 14. The UKVI guidance states: ' <i>Applications for leave to remain as a stateless person will normally be decided and the decision communicated to the applicant before removal arrangements are</i>	Immigration Rules, Part 14: stateless persons, para. 410: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons Home Office, UK Visas and Immigration, Asylum Policy Instruction, Statelessness and applications for leave to remain: https://www.gov.uk/government/publications/stateless-guidance

						made.’ It asserts that where a person holds a current passport or is issued an Emergency Travel Document then that will be evidence that they are re-admissible for the purposes of permanent residence (referring to criteria at para 403(c) Immigration Rules).	
DET	5	b		Are you aware of cases of stateless people being re-turned under such agreements?		No information is publicly available.	

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... • Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011 	<p>Yes. Persons born to a parent holding a form of British nationality (British Overseas Territories Citizenship, British Overseas Citizenship, and British subject) who would otherwise be stateless acquire the parent's British nationality. A person born stateless in the UK with no such connection shall be entitled to register after five years' continuous residence prior to the age of 22. Some of the criteria vary depending on where and when the applicant was born (i.e. before or after 21 May 2002; 1 January 1983; before or after 1 January 1949).</p>	<p>British Nationality Act 1981, Section 36 & Schedule 2, paras. 1 & 3: http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Guidance, Registration as a British citizen: stateless persons: https://www.gov.uk/government/publications/stateless-persons-nationality-policy-guidance</p> <p>Other relevant Home Office guidance at: https://www.gov.uk/government/collections/nationality-policy-guidance e.g. Registration as a BOTC - stateless: nationality policy guidance: https://www.gov.uk/government/publications/registration-as-a-botc-stateless-nationality-policy-guidance</p>
PRS	1	b		Is the provision for stateless children to access nationality automatic or non-automatic (i.e. by application)?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternative options for granting nationality to children who would otherwise be stateless born in their territory. States can either provide for automatic acquisition of nationality upon birth pursuant to Article 1(1)(a), or for acquisition of nationality upon application pursuant to Article 1(1)(b) ... • ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN are the most important of these norms 	<p>The provision is automatic for those born stateless in the UK to parents with a form of British nationality (see above). The status of British Overseas Citizen has been held not to meet the international definition of a 'nationality' by the UK Upper Tribunal because there is no right to enter and reside in the UK (see LIT 1a). The provision for acquisition of British citizenship following birth on the territory and five years' residence is not automatic, but by registration on application. The fee for registration of a child as a British</p>	<p>British Nationality Act 1981, Section 36 & Schedule 2, Section 3: http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>The Immigration and Nationality (Fees) Regulations 2017, Schedule 8, 19.3.1: http://www.legislation.gov.uk/uksi/2017/515/schedule/8/made</p> <p>UK Parliament, House of Commons Library, Fees for registering children</p>

					for the European context. Both oblige the conferral of nationality to children born on the territory if they would otherwise be stateless but allow some leeway in how states transpose this safeguard into their domestic systems. The first, and optimal, method – as it is all-encompassing and does not tolerate even a temporary period of statelessness – is to grant nationality to otherwise stateless children automatically, at birth.	citizen includes approximately 60% profit element and is currently set at 1012 GBP (March 2019).	as British citizens: https://research-briefings.parliament.uk/Research-Briefing/Summary/CDP-2018-0196
PRS	1	c		Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child's parents are stateless. Restricting the application of Article 1 of the 1961 Convention to children of stateless parents is insufficient in light of the different ways in which a child may be rendered stateless and contrary to the terms of those provisions. • ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child's parent(s) do hold a nationality themselves, but are unable to pass this on... 	No.	British Nationality Act 1981, Section 36 & Schedule 2: http://www.legislation.gov.uk/ukpga/1981/61/contents
PRS	1	d		Are children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless...based on its own interpretation of another State's nationality laws where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof, for example... 'reasonable degree'... Requiring a 	No, children born stateless in the UK are not required to prove they cannot access another nationality to acquire nationality of the UK. The child must prove that he or she 'is and always has been stateless' (and meets other requirements, i.e. is under 22 at time of application and meets residency requirements). The standard of proof is the civil standard ('balance of probabilities') and the burden of proof is on the applicant . This issue was addressed in a recent case where the Court held that statelessness for	British Nationality Act 1981, Section 36 & Schedule 2, Section 3(1)(a): http://www.legislation.gov.uk/ukpga/1981/61/contents R (on the application of MK (a child by her litigation friend CAE)) v Secretary of State for the Home Department [2017] EWHC 1365 (Admin), paras. 36 & 48: http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html

				<p>If yes, please describe the requirement e.g. what is the standard and burden of proof, and how lack of any other nationality (i.e. statelessness) is determined in practice?</p>	<p>higher standard of proof would undermine the object and purpose of the 1961 Convention. Special procedural considerations to address the acute challenges faced by children, especially unaccompanied children, in communicating basic facts with respect to their nationality are to be respected.</p>	<p>the purposes of the British Nationality Act has the same definition as under the 1954 Convention, and that <i>'[a]bility to acquire a nationality is irrelevant for these purposes'</i>. The Court also emphasised that the Act and guidance must be interpreted somewhat flexibly, as it may be difficult to prove lack of nationality. The Government is <i>'not entitled to impose requirements that cannot, or practically cannot, be met'</i>. A sworn affidavit of a child's parent and evidence (if available) from relevant authorities of other countries of potential nationality should be given some weight. The Home Office's nationality guidance for stateless persons sets out evidential requirements and states at p7: <i>'Where the parents have complied with the relevant requirements, but the authorities of the other country will not provide that information, you must consider the application on the basis of all the information available.'</i></p>	<p>UK Government Home Office, UK Visas and Immigration, Guidance, Registration as a British citizen: stateless persons, Sep 2017, p.7: https://www.gov.uk/government/publications/stateless-persons-nationality-policy-guidance</p>
PRS	1	e		<p>Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: ...b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all. • UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of "habitual residence" This period is not to exceed five years immediately preceding an application nor ten years in all. In light of the standards established under the CRC, 	<p>No, if born in the UK or British Overseas Territory to a parent who is British Citizen, a British Overseas Territories Citizen, or a British Overseas Citizen and a British Subject. Children who have no such links but are born in the UK must have been 'in the UK' for a continuous period of five years before the age of 22, and not been absent for more than 450 days during that period. Other provisions and a different residency period apply to a person born stateless outside the UK and British Overseas Territories who had a parent who was a British citizen, a British Overseas Territories Citizen, or a British Overseas citizen and a British Subject (three years 'in the UK', not absent for more than</p>	<p>British Nationality Act 1981, Section 36 & Schedule 2, Sections 1 & 2 (children born to British nationals) Section 2 (those born outside the UK), Section 3(1) (other children), Section 4 (children of British nationals born outside the UK and subsequently resident in the UK): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Guidance, Registration as a British citizen: stateless persons, Sep 2017 2017:</p>

				<p>these periods are lengthy. States which ...require a certain period of habitual residence are encouraged to provide for a period as short as possible...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement. The 1961 Convention does not permit Contracting States to make an application for the acquisition of nationality by individuals who would otherwise be stateless conditional upon lawful residence.</p> <ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: Arts 3 & 7 • Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. • European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application. • ENS (2016), Ending Childhood Statelessness: The ECN cannot be interpreted as undermining states’ obligations under the CRC...and the requirement of lawful residence should be removed. 	<p>270 days). The period of residency need not have been lawful or permanent residency and there is discretion regarding the periods of absence from the UK.</p>	<p>https://www.gov.uk/government/publications/stateless-persons-nationality-policy-guidance UK Government Home Office, UK Visas and Immigration, Guidance, Registration as a BOTC - stateless: nationality policy guidance: https://www.gov.uk/government/publications/registration-as-a-botc-stateless-nationality-policy-guidance</p>
PRS	1	f	Are the parents of a stateless child required to fulfil a period of residence for the child to be	<ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application for citizenship, legal residence or similar status by the parents of a child born on the territory should not prejudice the right of the child to 	<p>No. If either of the child’s parents was ‘settled’ in the UK (permanent residence) or was a member of the British Armed Forces at the time of the child’s birth, the child is a British citizen at birth. Some children born in ‘qualifying territories’ after 13 January 2010 will also be British by birth.</p>	<p>British Nationality Act 1981, Section 1(1): http://www.legislation.gov.uk/ukpga/1981/61/contents Borders, Citizenship and Immigration Act 2009: https://www.legislation.gov.uk/ukpga/2009/11/contents</p>

				<p>granted nationality?</p> <p>If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>acquire the nationality of the State party where the child would otherwise be stateless.</p> <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention which permits only the condition of a certain period of habitual residence. 		<p>UK Government Home Office, UK Visas and Immigration, Guidance, British Citizenship: automatic acquisition, Aug 2017:</p> <p>https://www.gov.uk/government/publications/automatic-acquisition-nationality-policy-guidance</p>
PRS	1	g		<p>What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years... • UNHCR Guidelines on Statelessness #4 2012: ...Contracting States ...need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21 in accordance with Article 1(2)(a) of the 1961 Convention. • ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] closing the window of opportunity to apply for a nationality through such safeguards too early has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child and may mean children are left stateless due to the lack of action on the part of their parents. 	<p>The application must be made before the age of 22.</p>	<p>British Nationality Act 1981, Section 36 & Schedule 2, para. 3(1)(b):</p> <p>http://www.legislation.gov.uk/ukpga/1981/61/contents</p>
PRS	1	h		<p>Are there specific provisions for the nationality or statelessness of children</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can 	<p>No.</p>	

				born to beneficiaries of international protection?	be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.		
PRS	2	a	Foundlings	Are foundlings granted citizenship <i>by law</i> ? If it's not automatic, is there an application procedure?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless. 	Yes, and it is automatic. Previously, the Government's Nationality Instructions gave some guidance about this provision; however, this has been left out of the current guidance.	<p>British Nationality Act 1981, Section 1(2): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Guidance, British Citizenship: automatic acquisition, Aug 2017, p.8: https://www.gov.uk/government/publications/automatic-acquisition-nationality-policy-guidance</p>
PRS	2	b		If yes to either question immediately above, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, when would a child usually qualify in practice?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth... If a State provides for an age limit for foundlings to acquire nationality, the age of the child at the date the child was found is decisive and not the date when the child came to the attention of the authorities. 	The relevant provision refers only to ' new born infants '. Home Office guidance previously indicated the term 'new born' should be interpreted 'generously' and that it could apply to babies up to 1 year old, but this has been removed from the guidance currently in force. Ministerial statements made at the time of the passage of the Act in 1981, refer to children up to 12 months old.	<p>British Nationality Act 1981, Section 1(2): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Guidance, British Citizenship: automatic acquisition, Aug 2017: https://www.gov.uk/government/publications/automatic-acquisition-nationality-policy-guidance</p> <p>British Nationality Bill, Standing Committee, 26 February 1981 cc 212 per Timothy Raison MP, Minister.</p>
PRS	2	c		Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings pursuant to Article 2 of the 1961 Convention may only be lost if it is proven that the child concerned possesses another State's nationality. 	The law is not entirely clear on this point. Under the British Nationality Act, the Government may not (with some exceptions) withdraw a person's citizenship if the Secretary of State ' <i>is satisfied that the order would make a person stateless</i> '. However, evidence contradicting the presumption	<p>British Nationality Act 1981, Section 40(4): http://www.legislation.gov.uk/ukpga/1981/61/contents</p> <p>UK Government Home Office, UK Visas and Immigration, Guidance, British</p>

						that a foundling was entitled to British nationality might have some consequences for the child's nationality, depending on the circumstances.	ish Citizenship: automatic acquisition, July 2017: https://www.gov.uk/government/publications/automatic-acquisition-nationality-policy-guidance
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is adopted?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality. • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless. • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: [recommended that Switzerland] accelerate the assessment procedure and ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption. • ENS (2015), No Child Should Be Stateless: ...the "sending" state in a situation of inter-country adoption may be a non-European one, so even if Europe's nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process. 	No.	
PRS	3	b		Does a foreign child adopted by national parents	<ul style="list-style-type: none"> • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following 	A child adopted in the UK, an overseas territory or in a Hague Convention country by a parent who is a British citizen and resident	British Nationality Act 1981, Section 1(5) and (5A): http://www.legislation.gov.uk/ukpga/1981/61/contents

				<p>acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?</p>	<p>persons: ...d) children adopted by one of its nationals...</p> <ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption. 	<p>in the UK becomes a British citizen from the moment of adoption.</p>	<p>UK Government Home Office, UK Visas and Immigration, Guidance, British Citizenship: automatic acquisition, July 2017: https://www.gov.uk/government/publications/automatic-acquisition-nationality-policy-guidance</p>
PRS	4	a	ius sanguinis and discrimination	<p>Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis)? Are there any conditions? Could these conditions be regarded as discriminatory?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Art 4 • UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State to parents of another Contracting State but does not acquire the nationality of the State of birth automatically and either misses the age limit to apply for nationality or cannot meet the habitual residence requirement in the State of birth... responsibility falls to the Contracting State of the parents to grant its nationality to the child (or children) of its national... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad... Article 4 of the 1961 Convention must be read in light of developments in international human rights law, in particular the right of every child to acquire a nationality... and the principle of the best interests of the child ... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: While the right to citizenship is not as such a Convention right and while its denial in the present case was not such as to give rise to a violation of Article 8, the Court considers that its impact on the applicant's social identity was such as to bring it within the general 	<p>Yes, for children in the first generation born overseas and further generations if parents are in Crown Service. There are also provisions that allow the children of British citizens by descent (who, having themselves been born overseas cannot pass their nationality to children born overseas) to be registered as British because of residence of the parents in the UK prior to the birth, or residence of the family in the UK after the birth. In cases depending on parental residence pre-birth, there are advantages for stateless children (no period of residence required; in other cases, it is three years). There is differential treatment under the British Nationality Act because those whose grandparents were British citizens otherwise than by descent do not enjoy the entitlement to register: it is restricted to those whose parents are citizens by descent but whose grandparents are citizens otherwise than by descent.</p>	<p>British Nationality Act 1981, Schedule 2, Section 3(2): http://www.legislation.gov.uk/ukpga/1981/61/contents</p>

					<p>scope and ambit of that article. Maltese legislation expressly granted the right to citizenship by descent and established a procedure to that end. Consequently, the state which has gone beyond its obligations under Article 8 in creating such a right [. . .] must ensure that the right is secured without discrimination within the meaning of Article 14.</p> <ul style="list-style-type: none">• ENS (2015), No Child Should Be Stateless: States are free to impose additional conditions [to Ius Sanguinis conferral], as long as these are not discriminatory in nature... safeguards should again be in place to ensure that statelessness does not result....• UNHCR Global Action Plan to End Statelessness 2014-24: Action 4• Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012• Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014		
PRS	4	b		Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis) if they would otherwise be stateless? Are there any conditions? Could these conditions be regarded as discriminatory?	As above	Yes , and there are conditions. The conditions are that the applicant has been resident in the UK for three years prior to the date of application and has not been absent for more than 270 days in that period. The conditions are not discriminatory.	British Nationality Act 1981, Section 36 & Schedule 2, Section 4: http://www.legislation.gov.uk/ukpga/1981/61/contents

PRS	5	a	Access to birth registration	<p>Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)?</p>	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: register the birth of all children born on their territory, even if they are born to a foreign parent with an irregular immigration status or if the parents are unknown, in order to safeguard their right to a nationality. The registration of birth should be free of charge and be performed without delay, even if the period within which the birth should have been declared has already expired. • UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention and related human rights norms. Article 7 of the CRC specifically requires the registration of the birth of all children and applies irrespective of the nationality, statelessness or residence status of the parents. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 Ensure birth registration for the prevention of statelessness. • UN Sustainable Development Goal 16: By 2030, provide legal identity for all, including birth registration. • UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee 	<p>Yes. Births must be reported to the birth registrar within 42 days in England (there is a penalty if the parents or registrar fail to take certain actions under s36 of the 1953 Act), Wales and Northern Ireland, and within 21 days in Scotland. Births can (and must) be registered if parents are not legally resident or are undocumented. People other than the parents can register the birth in all three UK jurisdictions.</p>	<p>Births and Deaths Registration Act 1953, Sections 1 & 2: http://www.legislation.gov.uk/ukpga/Eliz2/1-2/20 (England & Wales)</p> <p>Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part II: http://www.legislation.gov.uk/ukpga/1965/49/section/14</p> <p>Births and Deaths Registration (Northern Ireland) Order 1976, para. 10: http://www.legislation.gov.uk/nisi/1976/1041/2011-10-03</p> <p>UK Government Home Office, Register a Birth: https://www.gov.uk/register-birth/overview (England, Wales and Northern Ireland)</p>
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					late birth registration, for every child, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights.		
PRS	5	b		Are there credible reports that suggest that children are prevented from registering <i>in practice</i> because of lack of documentation and/or parents' legal residence?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: Art 7(1) • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • UNHCR Guidelines on Statelessness #4 2012: as above. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • UN Sustainable Development Goal 16 • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above 	None of which we are aware.	
PRS	5	c		Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. medical authorities required to	<ul style="list-style-type: none"> • UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... • PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often below the standards set 	Health services (NHS) are required to report certain immigration matters to the immigration authorities and some undocumented migrants are subject to charging for healthcare, which may deter them from accessing services and thus prevent birth registration.	<p>The National Health Service (Charges to Overseas Visitors) (England) Regulations 2015, SI 2015/138: http://www.legislation.gov.uk/uksi/2015/238/contents/made</p> <p>Home Office guidance on the operation of the Regulations: https://www.gov.uk/government/publications/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care</p>

				report undocumented migrants)?	out in human rights law, inexplicit or contradicted by other rules and practices, such as the duty to denounce or administrative requirements.		
PRS	6	a	Late Birth Registration	Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible to undocumented populations... States also need procedures for late and delayed birth registration and may consider undertaking campaigns to register older children and adults. Birth registration needs to be free, accessible and undertaken on a non-discriminatory basis. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births... 	The statutory deadline is within 42 days in England, Wales and Northern Ireland , and within 21 days in Scotland . Late registration is possible: different rules apply for registration between 3-12 months after birth and after 12 months. The authority of the Registrar General is required to register a birth more than a year from the event. In England and Wales, in cases of registration of the birth after three months, the registrar has enhanced powers to require attendance in person. Registration after 3 months for the birth in Scotland is at the Registrar's discretion. The same is true for registration more than 12 months after the birth in Northern Ireland.	<p>Births and Deaths Registration Act 1953, Sections 2 & 6: http://www.legislation.gov.uk/ukpga/Eliz2/1-2/20 (England & Wales)</p> <p>Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part II, Section 17: http://www.legislation.gov.uk/ukpga/1965/49</p> <p>Births and Deaths Registration (Northern Ireland) Order 1976, Part III: http://www.legislation.gov.uk/nisi/1976/1041/2011-10-03</p> <p>UK Government information, Birth Certificates: https://www.gov.uk/government/publications/birth-certificates-and-the-full-birth-certificate-policy</p>
PRS	6	b		Is late birth registration possible in practice?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: as above. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. 	Yes, and in general there is some flexibility.	

					<ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: as above. 		
PRS	6	c		<p>Are there any additional requirements (e.g. fee) for the late birth registration procedure?</p> <p>Are these problematic or do they cause lengthy delays?</p>	<ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. 	<p>Late registration is possible in law and practice in all jurisdictions although it is discretionary after a year. There are no additional requirements, but there is provision in law for failure to register a birth to incur a fine (no more than £200) (see PRS6a).</p>	<p>Births and Deaths Registration Act 1953, Sections 2 & 6: http://www.legislation.gov.uk/ukpga/Eliz2/1-2/20 (England & Wales)</p> <p>Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part II, Section 17: http://www.legislation.gov.uk/ukpga/1965/49</p> <p>Births and Deaths Registration (Northern Ireland) Order 1976, Part III: http://www.legislation.gov.uk/nisi/1976/1041/2011-10-03</p>
PRS	7	a	Reduction	<p>Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.</p>	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004: Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless... 	<p>Not that we are aware of, though midwives and health visitors promote birth registration in all jurisdictions and public information is available online.</p>	<p>UK Government website, Register a birth: https://www.gov.uk/register-birth/overview</p> <p>Scottish Government, mygov.scot: https://www.mygov.scot/register-a-birth/how-to-register-a-birth/</p> <p>nidirect government services, Registering and naming your baby: https://www.nidirect.gov.uk/articles/registering-and-naming-your-baby</p>
PRS	7	b		<p>Are there sections of the population believed to be stateless/at risk of statelessness?</p> <p>Are minorities</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 Article 9 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 	<p>Not that we are aware of. But those who are required to pay charges for hospital treatment or who fear detection by approaching the NHS may not have the information from doctors and midwives that would otherwise lead them to register their children's births.</p>	<p>Maternity Action, Information sharing between the Home Office and the NHS, July 2017: https://www.maternityaction.org.uk/advice-2/maternitycare-access/a-guide-to-information-that-can-be-shared-between-the-home-</p>

				disproportionately affected? Please provide details and source of information.			office-and-the-nhs-when-a-woman-accesses-nhs-maternity-care/
PRS	8	a	Withdrawal of nationality	Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found? Do any provisions allow for statelessness? If there is a safeguard against statelessness, is it applied in practice?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. • European Convention on Nationality, 1997: Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... Universal Declaration of Human Rights : Article 15(2) No one shall be arbitrarily deprived of his nationality ...	<p>Yes. S40(1-3) of the British Nationality Act provides powers for the Secretary of State to deprive British citizens of their citizenship if certain tests are met. Where the Secretary of State is satisfied that the deprivation is conducive to the public good, no deprivation order may be made which would render a person stateless. An order may be made which results in a person becoming stateless where: a) the person naturalised; and b) the Secretary of State considers that they have conducted themselves in a manner seriously prejudicial to the vital interests of the state; and c) the Secretary of State has reasonable grounds for believing that the person may be able to acquire another nationality. A person may be rendered stateless where a deprivation order is made in cases where citizenship is found to have been acquired by fraud, false representation or concealment of a material fact. The procedure can apply retrospectively to grants of citizenship made before commencement. The method of presenting false information is relevant to the procedure (i.e. whether it is nullification or deprivation). The Secretary of State conceded before the Supreme Court that certain identity fraud cases were subject to the deprivation rather than nullification procedure. Deprivation avoids family members' citizenship be-</p>	<p>British Nationality Act 1981, ss. 40–41 (Fraud – s40(3)&(6)): https://www.legislation.gov.uk/ukpga/1981/61/section/40</p> <p>Home Office Guidance on deprivation and nullity: https://www.gov.uk/government/publications/deprivation-and-nullity-of-british-citizenship-nationality-policy-guidance</p> <p>Hysaj & Ors, R (on the application of) v Secretary of State for the Home Department [2017] UKSC 82 (21 December 2017): http://www.bailii.org/uk/cases/UKSC/2017/82.html</p>

						ing nullified also; and there is a right of appeal, whereas nullification may only be challenged by judicial review. The guidance does not reflect the Secretary of State's position in the Hysaj case.	
PRS	8	b		Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. • European Convention on Nationality, 1997: Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing... 	<p>The Secretary of State is the competent authority. They may notify the person concerned while they are abroad, and by electronic means or 'served to file', which means that the person is not in fact served with the notice of deprivation. There is a right of appeal to the ordinary Immigration First Tier Tribunal. If, under BNA 1981, s40A(2) the Secretary of State certifies that the deprivation decision was taken wholly or partly in reliance on information which in his opinion should not be made public (a) in the interests of national security; (b) in the interests of the relationship between the United Kingdom and another country; or (c) otherwise in the public interest, then the appeal is only to the Special Immigration Appeals Commission, where the appellant's right to review the evidence against them is severely curtailed. There is some provision for suspension of removal or deportation pending appeal. The provision allowing for deprivation rendering a person stateless is subject to independent review one year after s40(4A) came into force, and every three years thereafter. The next report is therefore due in April 2019.</p>	<p>British Nationality Act 1981, s40: https://www.legislation.gov.uk/ukpga/1981/61/section/40</p> <p>British Nationality (General) (Amendment) Regulations SI 2018/851, Reg 3, amends the British Nationality (General) Regulations SI 2003/548, Part III, Reg 10, regarding notifying the person of the intention to make a deprivation order (not shown in amended form on the legislation.gov.uk website): http://www.legislation.gov.uk/uksi/2018/851/made#f00002</p> <p>Right of appeal: British Nationality Act 1981, s40A: https://www.legislation.gov.uk/ukpga/1981/61/section/40A</p> <p>Appeals jurisdiction: Special Immigration Commission Appeals Act 1997, ss2 & 2B: http://www.legislation.gov.uk/ukpga/1997/68/section/2</p> <p>Suspensive effect: Special Immigration Commission Appeals Act 1997, Sch 2: http://www.legislation.gov.uk/ukpga/1997/68/schedule/2</p>

							<p>Independent review: British Nationality Act 1981, s40B(5): https://www.legislation.gov.uk/ukpga/1981/61/section/40B</p> <p>April 2016, First report of independent reviewer under British Nationality Act 1981, s40B: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David_Anderson_QC_-_CITIZENSHIP_REMOVAL_web_.pdf</p>
PRS	8	c		Are withdrawal provisions (both for loss and deprivation) applied in practice?		<p>Yes, increasingly. A Freedom of Information enquiry showed that 81 people were deprived of citizenship 2010-2015 (but not necessarily resulting in statelessness). It was reported in February 2019 that the power has been used more than 100 times.</p>	<p>How is the government using its increased powers to strip British people of their citizenship? Colin Yeo, 9 Aug 2018, Freemovement Blog: https://www.freemovement.org.uk/british-nationals-citizenship-deprivation/</p> <p>Deprivation of citizenship and “ISIS bride” Shamima Begum, Bilaal Shabir, 18 Feb 2019, Freemovement Blog: https://www.freemovement.org.uk/shamima-begum-citizenship/</p> <p>House of Commons library briefing, July 2017: https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06820#fullreport</p> <p>April 2016, First report of independent reviewer under British National-</p>

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							ity Act 1981, s40B: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David Anderson QC - CITIZENSHIP REMOVAL_web_.pdf
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Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms/Good Practice	Answer	Source
LIT	1	a	Published Judgements	Number of published judgments adjudicating statelessness (broken down by level of jurisdiction). Please list.		<p>There are three judicial review (administrative court) judgments relating to the SDP, one relating to deportation proceedings, one to registration of stateless children as British citizens, and many more judgments relating to statelessness in the context of asylum, asylum support, unlawful detention, and deprivation of British citizenship.</p>	<p>Database of decisions of the Tribunal (Immigration and Asylum Chamber): https://tribunalsdecisions.service.gov.uk/utiac</p> <ul style="list-style-type: none"> • R (on the application of Semeda) v Secretary of State for the Home Department (statelessness; Pham [2015] UKSC 19 applied) (IJR) (21 October 2015)[2015] UKUT 658 Reported: https://tribunalsdecisions.service.gov.uk/utiac/2015-ukut-658 (SDP) • (R (JM) v SSHD (Statelessness: Part 14 of HC 395) IJR [2018 EWCA Civ 188: http://www.bailii.org/ew/cases/EWCA/Civ/2018/188.html] (whether the ability to register in order to acquire the nationality of a country means that a person is 'admissible' to that country) • Teh v SSHD [2018] EWHC 1586 (Admin), High Court (Administrative Court) http://www.bailii.org/ew/cases/EWHC/Admin/2018/1586.html (BOC/Malaysian national: judicial review of refusal of grant of leave to remain as a stateless person; British Overseas Citizen – not a 'national' because the status does not attract a right of residence in the UK; person renouncing a nationality in order to gain an advantage must try to reacquire it) • AS (Guinea) v SSHD, UNHCR intervening, Court of Appeal (Civil Division) on appeal from the Upper Tribunal (Immigration and Asylum Chamber) [2018] EWCA Civ 2234L: http://www.bailii.org/ew/cases/EWCA/Civ/2018/2234.html (deportation – relevance of statelessness to decision to revoke deportation order – explicitly not decided; evidential standard in determination of statelessness is balance of probabilities, not a lower standard)

							<ul style="list-style-type: none"> • <i>R (MK) v SSHD</i> [2017] EWHC 1365 (Admin): http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html (does failure to register a child mean that they are stateless for the purposes of British nationality law) • <i>Chin et al (former BOC/Malaysian national – deportation)</i> [2017] UKUT 000105: https://tribunalsdecisions.service.gov.uk/utiac/2017-ukut-15 (the observation that BOC citizenship ‘expired’ when the passport expired has been expressly disavowed (see <i>Teh v SSHD</i>)) • <i>E3 and N3 v SSHD</i> (deprivation of British nationality and statelessness) [SIAC, 2018]: http://siac.decisions.tribunals.gov.uk/Documents/outcomes/documents/E3%20&%20N3.pdf
LIT	1	b		Number of published judgments mentioning statelessness (broken down by level of jurisdiction).		<p>There are many cases mentioning statelessness or relevant to statelessness, mainly in the context of refugee status determination context. A partial list is available in Woodhouse and Carter 2016. A list of caselaw relating to statelessness and detention is provided in ENS 2016, and Fripp 2016 contains a table of cases. There are also decisions of the Asylum Support Appeals Tribunal that mention statelessness.</p>	<p>Sarah Woodhouse and Judith Carter, 2016, <i>Statelessness and Applications for Leave to Remain: A Best Practice Guide</i>, Immigration Law Practitioners’ Association and University of Liverpool Law Clinic, Appendix 2: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi</p> <p>ENS, 2016, <i>Protecting Stateless Persons from Arbitrary Detention in the United Kingdom</i>, pp. 42-43: https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Detention_Reports_UK.pdf</p> <p>Eric Fripp, 2016, <i>Nationality and Statelessness in the International Law of Refugee Status</i>, Hart Publishing (UK cases listed at xxxiv-xxxvii)</p> <p>UK Government, <i>Asylum Support Appeals Tribunal Decisions</i>: https://www.gov.uk/asylum-support-tribunal-decisions</p>

							<p><i>MK v SSHD</i> [2017] EWHC 1365 (Admin): http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html (British citizenship; stateless child)</p> <p><i>R (on the application of Al-Anizy) v Secretary of State for the Home Department</i> (undocumented Bidoons – Home Office policy) [2017] UKUT 00197 (IAC): https://tribunalsdecisions.service.gov.uk/utiac/2017-ukut-197 (family reunion of stateless refugees)</p>
LIT	2	a	Legal training	Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialized training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations. 	Upper Tribunal judges in the Immigration and Asylum Chamber have received some limited training on identifying statelessness. Challenges to a decision to refuse leave to remain under the Rules will be heard in the first case in the Upper Tribunal as a judicial review. We are not certain whether judges at the Administrative Court receive training on statelessness.	
LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: as above 	Yes. Asylum Aid, Equal Rights Trust, and Garden Court Chambers and the Immigration Law Practitioners' Association provided training for lawyers on the SDP when it was introduced in 2013. Subsequently, Asylum Aid/Migrants Resource Centre has run a series of training sessions on statelessness for lawyers in 2016-17, in collaboration	

						with the Immigration Law Practitioners' Association and Liverpool Law Clinic.	
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free advice to stateless persons or those at risk of statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Applicants are to have access to legal counsel. • UNHCR (Good Practices Paper 6): Provides the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK. 	<p>Yes. Asylum Aid/Migrants Resource Centre has a dedicated project to provide free legal advice for statelessness applications. Liverpool Law Clinic provides free advice and takes enquiries from other legal advisers. Some private and legal aid practitioners offer advice, privately paid in the first case and after obtaining Exceptional Cases Funding in the second. The Project for the Registration of Children as British Citizens also has a dedicated project to assist children who have a right to British citizenship, some of whom may be otherwise stateless. Other organisations provide free legal advice for statelessness applications on an ad hoc basis.</p>	<p>Asylum Aid: https://www.asylumaid.org.uk/statelessness/</p> <p>Liverpool Law Clinic: https://www.liverpool.ac.uk/law/liverpool-law-clinic/</p> <p>Project for the Registration of Children as British Citizens (PRCBC): https://prcbc.org/</p>
LIT	4	a	Literature	<p>Is there domestic legal academic literature on statelessness?</p> <p>If possible, please provide number of scholarly articles/references/bodies and hyperlinks etc.</p>		<p>Yes. Some examples are listed, but these do not include literature on specialist non-UK issues e.g. Kuwaiti Bidoons; Rohingya etc.</p>	<ul style="list-style-type: none"> • L Fransman British Nationality Law, 3rd edn, Bloomsbury Professional, West Sussex, 2011 • E Fripp Nationality and Statelessness in the International Law of Refugee Status, Hart, Oxford, 2016 • G Goodwin-Gill Deprivation of Citizenship resulting in Statelessness and its Implications in International Law, 5 May 2014: http://www.ilpa.org.uk/re-sources.php/26116/ilpabriefing-for-the-immigration-bill-house-of-lords-report-7-april-2014-deprivation-of-citizenship • A Harvey 'The de facto statelessness debate', Journal of Immigration, Asylum and Nationality Law (2010) 24(3), 257 • A Harvey 'The UK's new statelessness determination procedure in context', Journal of Immigration, Asylum and Nationality Law, (2013) 27(4), 294-314

						<ul style="list-style-type: none"> • A. Harvey ‘Recent Developments on Deprivation of Nationality on Grounds of National Security and Terrorism resulting in Statelessness’, Journal of Immigration, Asylum and Nationality Law (2014) 28(4), 339-341 • Foster, M. and Lambert, H. 2016. Statelessness as a Human Rights Issue: A Concept Whose Time Has Come? International Journal of Refugee Law Special Issue 2016, 28 (4), pp. 564-584 • Lambert, H. 2016. The Link between Statelessness and Refugee Status. International Affairs Forum, 1(1), pp. 25-27: http://westminsterresearch.wmin.ac.uk/17404/ • K Bianchini, The implementation of the Convention relating to the status of stateless persons: procedures and practice in selected EU States, PhD thesis, University of York, 2015: http://etheses.whiterose.ac.uk/11243/ • Forced Migration Review, University of Oxford Refugee Studies Centre: www.fmreview.org/thematic-listings • Bloom, T, Tonkiss, K, Cole, P (eds), Understanding statelessness (Routledge) 2017 • Kesby, A, The Right to Have Rights (OUP) 2012. Extensive bibliographies. • Sarah Woodhouse and Judith Carter, 2016, Statelessness and Applications for Leave to Remain: A Best Practice Guide, Immigration Law Practitioners’ Association and University of Liverpool Law Clinic, Appendix 2: http://www.ilpa.org.uk/resource/32620/statelessness-and-applications-for-leave-to-remain-a-best-practice-guide-dr-sarah-woodhouse-and-judi • Bezzano, J, Carter, J, Statelessness in Practice, 2018 (report on case studies from the Liverpool Law Clinic): https://www.liverpool.ac.uk/law/liverpool-law-clinic/
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