

# The Impact of COVID-19 on Stateless Populations: Policy Recommendations and Good Practices

Many millions of people around the world are stateless.<sup>1</sup> Without any nationality, they lack the privileges and protections that citizens enjoy. While the COVID-19 virus poses certain risks to everyone, stateless persons and persons at risk of statelessness are particularly vulnerable in a number of ways. First, they are more likely to have underlying health conditions and to live in conditions that put them at heightened risk of infection. Second, they may not have access to testing or treatment on an equal basis with nationals or foreign nationals who are legally staying in the country. Health care services may be denied or may be prohibitively expensive for those not legally resident on the territory. Third, they may fear coming forward for testing or treatment because of their legal status, which can put them at risk of detention or deportation. In the face of the global pandemic, governments are taking extraordinary measures to limit the spread of the virus so as to protect their populations and maintain functioning healthcare systems. In doing so, it is important that governments take the specific situation and vulnerabilities of stateless persons and those at risk of statelessness into account. Protecting everyone on the territory, irrespective of their legal status, is critical to any sound public health strategy. All persons should be included in national response plans accordingly, consistent with the [UN Secretary-General's urging that governments take human rights-oriented responses that put people at the centre](#).

This paper outlines ways in which stateless persons and persons at risk of statelessness may be disproportionately impacted by the crisis and aims to provide governments and other stakeholders with recommendations and examples of good practices in these areas. It also addresses the risks of statelessness that may arise as a result of disruptions to the full functioning of civil registration and vital statistics (CRVS) systems and other documentation services such as the issuance of national ID cards. The information in this paper has been compiled based on inputs from UNHCR field offices, the UN Legal Identity Agenda Task Force, government statements, and other sources. The list of good practices is a limited selection of positive measures that governments have taken to date.

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<sup>1</sup> UNHCR reports some 3.9 million people as being stateless, but the real figure is likely to be many millions higher as fewer than half of all governments worldwide collect and report any data on stateless persons. More information about statelessness and UNHCR's #IBelong Campaign is available at: <https://www.unhcr.org/ibelong/>.

## Limited access to testing and treatment for COVID-19

Stateless persons and persons at risk of statelessness often lack legal residency status and may therefore be denied health services or need to pay excessive fees to gain access. Challenges faced by many stateless children and their families in accessing health services are documented by UNHCR in its [I am Here: I Belong](#) report. These challenges may also impact their access to testing and treatment for COVID-19. They are also likely to fear coming forward for testing or treatment lest they be subject to arrest or detention. When a vaccine becomes available, stateless persons and those at risk of statelessness may not be included in national immunization programs.

### Recommendations

- **Make health services accessible for all.** In line with the recent [statement made by prominent UN human rights experts](#), everyone, without exception, has the right to life-saving interventions and this responsibility lies with the government. Fees should be waived for COVID-19 testing and treatment, regardless of a person's citizenship status or legal resident status in the country.
- **Create a firewall between health and immigration services for this period,** allowing stateless persons, persons at risk of statelessness and others to access services without fear that their information will be shared with immigration authorities. Governments should issue clear assurances to all groups that they will not face arrest or other legal repercussions if they seek testing or medical care.

### Good practices

- Officials in **Malaysia** have urged all persons present on the territory to come forward for testing if they show symptoms of COVID-19 and provided assurances that they will not face detention or deportation, regardless of their nationality status or legal resident status.
- The Government of **Portugal** has decided to temporarily grant all migrants and asylum seekers residing in the country who have pending applications submitted with the Portuguese immigration office full access to the country's healthcare services. Stateless persons with pending applications will benefit from this decision.
- In **Kenya**, anyone who has symptoms of COVID-19 has equal access to testing and treatment without having to establish nationality status or legal resident status. The Government of Kenya is covering the costs of testing and treatment for COVID-19 for all who require it.
- In **Aruba, Curaçao, Guyana and Trinidad and Tobago**, the authorities have announced that non-nationals residing on the territory will be included in the national medical response.
- In **Uruguay**, the authorities have announced that persons of concern to UNHCR will be exceptionally cared for by the national healthcare system irrespective of whether they can demonstrate legal resident status.

## Lack of information leading to limited awareness of mitigation measures

The majority of stateless persons and those at risk of statelessness belong to minority groups or live in remote, hard-to-reach locations. They may accordingly face difficulties in obtaining information on transmission risks and mitigation measures. Information may not be provided in a language they speak

or may be transmitted through a means of communication that they do not have access to. Governments also often have only limited data on stateless populations and may therefore overlook these groups. Information will aid the effectiveness of instructions issued by governments and increase the access of stateless persons to healthcare and other services.

### Recommendations

- In line with the recent [statement made by the UN Special Rapporteur on Minority Issues](#), stateless populations and those at risk of statelessness should be **included in information campaigns related to COVID-19**, with consideration given to location, language and channel of communication preferences. Dedicated outreach efforts by relevant authorities may be necessary in this regard.
- **Any temporary changes in policy that affect stateless populations should be communicated to these populations.** These may include, for example, policies with respect to healthcare services and statelessness determination procedures.
- **The circulation of misinformation should be monitored and corrected.** Trusted community members can play a leading role in this effort.

## Suspension of issuance of civil documentation

Some countries have temporarily suspended the issuance of civil and identity documentation, including birth registration, to all persons. In other countries, certain specific services have been suspended, such as birth registration inside or outside of hospitals, or mobile birth registration campaigns. Furthermore, consulates may suspend registration services and the issuance of identity documentation, thereby affecting the confirmation of nationality and/or the extension of validity of identification documents of persons abroad. Where civil documentation is not issued or lapses, the risks are likely to be highest for minority group members to (re)establish their nationality in the absence of documentation proving place of birth and descent.

### Recommendations (drawing on those issued by the [UN Legal Identity Agenda Task Force](#))

- **Birth and death registration services should be considered an ‘essential service’** and should continue to operate, with temporary modifications in operational arrangements as necessary and appropriate. These modifications may include:
  - expanded eligibility regarding who can notify civil registrars of births and deaths, particularly outside of health facilities;
  - establishing special processes/waivers for persons who may not have the documents that are required for registration to ensure that everyone has the necessary documents to access services (e.g., healthcare services);
  - balancing access to registration with the need to ensure that evidence used for registration is robust enough to avoid duplication and/or inaccurate records – trust in certificates issued by civil registration authorities must continue during and after the pandemic;
  - remotely confirming details provided by health notifications with family members or health care providers so that the validation step can be done either at the hospital or by phone as a follow up using contact details collected at the hospital;
  - suspending fees for registration if charged so as to reduce unnecessary physical contact (noting that the UN guidance is that registration of births and deaths in the first instance should be free);

- maintaining privacy and confidentiality as primary principles under any modification in operational arrangements.
- **Digitalization and centralization of birth registration services.** To avoid gatherings of applicants and staff, authorities are encouraged to implement systems allowing for online notification and registration of vital events. The pandemic offers an opportunity to improve infrastructure and uses of technology that will enhance accessibility to civil registration services even after the crisis.
- **Extend timelines for registration of birth** and put in place a fee waiver for late birth registration. Authorities are encouraged to put in place procedures for late birth registration and suspend penalties and fees. These provisions should continue for a period after COVID-19 restrictions have been lifted in order for backlogs to be rapidly cleared. Additional evidentiary requirements in case of late birth registration should be avoided.
- **Extend the validity of nationality and residency documentation** for the duration of the suspension of services. Authorities are also encouraged to extend the validity of these documents for a reasonable period of time after registration services have restarted to allow persons to renew their documents before they become invalid.

### Good practices

- In **Armenia** and **Kazakhstan**, the issuance of documentation for birth and death registration continues, while registration of other events is temporarily suspended. Applications to register other vital events can be submitted electronically and will be followed up on after the lifting of restrictions.
- In **Iran**, the deadlines for vital event notification such as birth and death events are temporarily relaxed.
- In **Kyrgyzstan**, fines for late birth registration are temporarily suspended.
- In **Portugal**, the validity of most official documents has been extended until at least 30 June 2020, including those related to asylum status and residence permits which were due to expire on or after 24 February 2020. In **Bolivia**, **Chile**, **Costa Rica**, **Ecuador** and **Haiti**, the validity of civil documentation has also been extended. In **Panama**, the validity of birth notifications was extended and serves as proof of legal identity to enable access to public services.
- In **Colombia**, births can be registered through notaries as an exceptional measure.

## Suspension of statelessness determination procedures and court hearings

Many States have temporarily suspended certain administrative procedures, which may include statelessness determination procedures. As a consequence, stateless persons will remain in limbo for an extended period of time without having access to the rights accorded to recognized stateless persons. Suspensions may also contribute to application backlogs. Court hearings concerning acquisition or confirmation of nationality matters may likewise be suspended in some cases.

### Recommendations

- **Allow for the written or electronic submission of statelessness applications** if these are not yet both allowed.
- **Suspend or extend any deadlines for submitting applications** for statelessness determination.

- **Grant right to stay and automatically extend the validity of documentation** for the duration of the statelessness determination procedure. Based on good practice, the submission of an application for statelessness determination should have a suspensive effect on removal orders and provides the right to stay for the duration of the procedure. However, not all the 20+ countries that have established statelessness determination procedures grant such a right to stay. Countries should consider lifting removal orders and allowing for the right to stay for the duration of the crisis.
- **Authorities are encouraged to conduct all steps of the statelessness determination procedure by phone or online** to the extent possible. This may include interviews, guidance on the procedure and legal aid, with due regard to data protection considerations.
- **Regularly review whether any suspension of the statelessness determination procedure is still warranted** by the situation and proportionate to the aim of protecting public health.

### Good practices

- Of the countries that have statelessness determination procedures in place, the laws of at least 14 contain a provision providing for a right to stay for the duration of the procedure (these include: Argentina, Brazil, Costa Rica, Ecuador, Georgia, Kosovo (S/RES/1244 (1999)), Mexico, Moldova, Montenegro, Panama, Paraguay, the Philippines, Turkey and Uruguay).
- In the **United Kingdom**, applications for statelessness determination can be submitted online for the duration of the crisis. Since the end of April statelessness determination has resumed.
- In **Italy**, statelessness applications can still be submitted by mail.
- In **Costa Rica**, applications for statelessness status can be submitted by email and interviews are conducted by phone. The authorities have extended the validity of temporary identity and residency documents, as well as work permits.

## Heightened risk for stateless persons who are in detention

A considerable number of stateless persons are in prolonged pre-removal detention as they are not considered legally resident and there is no country to deport them to. Doctors and medical associations around the world have raised concerns about the potential risk of spread of COVID-19 within these centers.

### Recommendations

- **Stateless persons should not be placed in pre-removal detention** and those in detention for reasons related to their lack of legal status should be **considered for release**.

### Good practices

- A number of European countries have started to release asylum-seekers from detention and not to place additional people, including new arrivals, in closed facilities. This includes, for example, **Austria, Belgium, Luxembourg, Spain, Switzerland** and the **United Kingdom**. Similar measures have been taken in **Senegal, Cameroon, Côte d'Ivoire** and **Burkina Faso**.

- In **Côte d'Ivoire**, documentation exercises for persons at high risk of statelessness are continuing so as to help avoid the risk of immigration detention.

## Response measures and fear may fuel xenophobia and discrimination

Mitigation measures and fear may fuel xenophobia and discrimination in relation to certain population groups perceived to be at risk of contagion, including those who are highly mobile (e.g., nomadic people). A majority of the world's known stateless population belong to minority groups and as such they may be particularly vulnerable to discrimination. For more information about how statelessness affects minority groups see UNHCR's report [This is Our Home: Stateless Minorities and their Search for Citizenship](#).

### Recommendations

- In line with the recent [statement by the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance](#), governments should ensure that their response to the pandemic **does not contribute to xenophobia and racial discrimination**.
- If a certain population is facing a cluster of infections or otherwise perceived to be at risk of contagion, **actions and communication efforts should discourage any discrimination or targeting of members of the group, or the group as a whole**. Particular attention should be paid to those groups that are already marginalized or otherwise face discrimination.
- **Authorities tasked to enforce measures should be instructed not to target certain groups**.

## Socio-economic impact of the crisis on stateless persons

Stateless persons and those at risk of statelessness often already live on the margins of society, and the lack of legal identity documentation exacerbates their lack of access to social services. They may live in sub-standard, crowded housing with inadequate sanitation that compounds the risk of a serious outbreak. They are more likely to be self-employed or employed in informal sectors such that they cannot always adhere to public health protocols such as self-isolation and social distancing, making them more vulnerable to contracting the virus. Government relief aid packages to those that have become unemployed are typically not extended to non-citizens.

### Recommendations

- It is recommended that governments **extend financial support packages to all those resident on the territory who meet the vulnerability criteria**, regardless of legal status.
- Particular consideration should be given to stateless persons and those at risk of statelessness who are **homeless**, and options for temporary housing should be supported where possible.

### Good practices

- In **Sudan**, food distribution to vulnerable families is carried out without families needing to show individual documentation or a national identification number.

## Nationality laws that discriminate on the basis of gender exacerbate the hardships facing affected families, including family separation

Today, twenty-five countries have gender discriminatory provisions in their nationality laws denying women equal rights with men to confer nationality to their children. At least fifty countries deny women and men equal rights to confer nationality to their non-citizen spouses. Both types of gender discrimination can lead to statelessness and often result in family members of female citizens of these countries having to rely on visas to lawfully reside in the country of their mother or spouse. Coalition members of the Global Campaign for Equal Nationality Rights have reported that current restrictions in many countries on entry into the territory to citizens only has [led to cases of family separation](#). Families affected by gender discriminatory provisions also face other hardships that are now exacerbated by the crisis. In many countries, non-citizens do not have access to testing and treatment, and financial relief packages are not available to them. Gender discriminatory nationality laws can also increase barriers that women may face to leave abusive relationships, for example in cases where children would not be able to move with their mother were she to leave. For more information on gender discrimination as it relates to nationality matters, see [UNHCR's Background Note on Gender Discrimination in Nationality Laws](#).

**Recommendations** (drawing on those issued by the [Global Campaign for Equal Nationality Rights](#))

- Ensure that spouses and children of female citizens are **permitted to enter the country**.
- **Provide access to healthcare and COVID 19-related services and economic relief** to the families of female citizens on an equal basis with families of male citizens.
- **Enact reforms to uphold citizens' right to confer nationality on spouses and children and to acquire, change, and retain nationality on an equal basis regardless of gender.**