**No nationality, no home**

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As Europe mobilises to accommodate the growing number of Ukrainians fleeing the country – now more than four million – stateless Ukrainians are fighting a losing battle for protection and recognition. Not recognised as nationals by Ukraine or any other state under the operation of its laws, stateless Ukrainians, who number approximately 40,000, are denied access to basic rights and have been the targets of pervasive discrimination as they seek refuge abroad. European states must act decisively within their international legal obligations to ensure protections for all refugees, irrespective of nationality, race, or ethnicity.

After the dissolution of the Soviet Union, people in former Soviet nations who fell through the gaps of new nationality laws became stateless. Racism and ethnic discrimination left certain minority groups particularly vulnerable. For example, Roma represent one of the largest groups of stateless people in Ukraine – and one of the most discriminated against across Europe.

Lacking a nationality – and the corresponding ability to establish one’s legal identity – has severe consequences. Nationality is often referred to as a ‘gateway right’, without which access to other basic rights is extremely challenging. Statelessness creates barriers to accessing work, healthcare, education, and housing, and even to pursuing redress for those rights violations in court. Without a legal identity, it is as though stateless people do not exist.

When stateless people become refugees, these risks multiply. Stateless status – which should alone be grounds for protection – is regularly overlooked in immigration proceedings, despite being a critical factor in the assessment of a refugee or asylum claim. Where their refugee or asylum claim is denied, stateless people are often indefinitely detained simply because there is no state that recognises them as nationals to which they can be “returned”.

With Europe facing what UNHCR Commissioner Filippo Grandi called “the fastest growing refugee crisis since World War II”, stateless Ukrainian refugees are forced to confront these problems head-on. One stateless Ukrainian woman expressed her fear of leaving, even as her home was bombed: “I’m afraid that if I decided to leave I wouldn’t be able to cross checkpoints or borders because I don’t have documents. I’m also very scared they’d separate me from my children because I have no proof that I’m their mother.”

But the lack of legal protection is not the only problem stateless refugees are facing. Racial and ethnic minorities – such as the Roma, whose intersecting ethnic and stateless identities make them doubly vulnerable to discrimination – are finding it particularly difficult to access the protection they so desperately need. Many have recounted horror stories of waiting for days in camps without food or water, while their Ukrainian citizen counterparts were welcomed with open arms.

States’ lack of comprehensive legal frameworks addressing statelessness – in violation of their international legal obligations – is largely to blame for the chronic disenfranchisement of stateless people.

To be sure, many European states have created safeguards against statelessness. Ten states have a procedure for identifying stateless individuals and conferring a dedicated stateless status. Other states have piecemeal procedures, but no comprehensive framework that allows for both determination and protection. Ukraine’s new framework, adopted in 2021, establishes a stateless status determination procedure and a process for naturalisation.

However, these safeguards do not fully comply with states’ legal obligations, nor do they offer sufficient protection for stateless refugees. As of December 31, 2021, only 55 stateless Ukrainians – out of 737 applicants – have been recognised as stateless. They will still have to wait three years before they can apply for naturalisation and gain access to their full rights. Now that process has been interrupted. Meanwhile, most European states, including all but one of Ukraine’s immediate neighbours, lack adequate legal frameworks for the protection of stateless people. Even those with comprehensive frameworks fall short in their implementation, with stateless people – particularly ethnic minorities – unable to access basic rights and vulnerable to detention.

Critically, Europe has excluded stateless individuals from its refugee response plan, which offers immediate protection to Ukrainian nationals and permanent residents. Although Moldova, Poland, Slovakia, Hungary, and Romania have promised to admit all refugees, including those who are stateless, experts worry that without dedicated protections, stateless refugees will be left behind.

Excerpted: ‘Stateless Ukrainians: No nationality and now, no home’.

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