

UNHCR's mandate and role for statelessness

In a series of resolutions beginning in the 1970s, the UN General Assembly has given UNHCR the formal mandate to prevent and reduce statelessness around the world, as well as to protect the rights of stateless people. The international legal documents scoping this work are the 1954 Convention on Status of Stateless Persons¹ and the 1961 Convention on the Reduction of Statelessness².

The content of this responsibility is further set out by the Executive Committee that governs the work of UNHCR. In "Conclusion on the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons" issued in 2006³ the Executive Committee requires the agency to work with governments, other UN agencies and civil society to address the problem. The conclusion also urges States, among other, to work with UNHCR and to consider examining their nationality laws with a view to adopting and implementing legislation to prevent the occurrence of statelessness and to seek appropriate solutions for persons who have no genuine travel or other identity documents, as well as to actively disseminate information regarding access to citizenship, including naturalization procedures.

UNHCR activities in the field are grouped into four categories.

Identification: Gather information on statelessness, its scope, causes and consequences;

Prevention: Address the causes of statelessness and promote accession to the 1961 Convention on the Reduction of Statelessness;

Reduction: Support legislative changes and improvements to procedures to allow stateless people to acquire a nationality and help individuals take advantage of these changes

Protection: Intervene to help stateless people to exercise their rights and promote accession to the 1954 Convention relating to the Status of Stateless Persons.

In the Irish context this means that UNHCR is engaged in finding ways with the government to ensure that stateless persons are correctly identified and statistical information is available and that based on such identification stateless persons are protected and have access to travel documents and naturalisation. UNHCR can assist individuals, legal representatives, non-governmental organisations and government agencies involved in identification of statelessness by giving guidance on available resources and seek advice on interpretation of relevant nationality legislation in the countries concerned.

¹ UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, available at: <http://www.unhcr.org/refworld/docid/3ae6b3840.html>

² UN General Assembly, *Convention on the Reduction of Statelessness*, 30 August 1961, United Nations, Treaty Series, vol. 989, p. 175, available at: <http://www.unhcr.org/refworld/docid/3ae6b39620.html>

³ ExCom Conclusion No. 106 (LVII) 2006 <http://www.unhcr.org/publ/PUBL/3d4ab3ff2.pdf>

UNHCR has welcomed the inclusion of stateless persons in Section 16 (g) of the Nationality and Citizenship Act 1956 as amended⁴ giving the Minister for Justice, Equality & Law Reform the possibility to waive naturalization requirements otherwise in place.

Currently UNHCR has noted that there are no procedures in which stateless persons can have their status considered. The lack of identification impacts on stateless persons' ability to get, for instance, stay permits, travel documents, and to make representation to the Minister to waive the naturalisation requirements as specified in Section 16 (g) of the Irish Nationality and Citizenship Act 1956 as amended.

⁴ <http://www.inis.gov.ie/en/INIS/consolidationINCA.pdf/Files/consolidationINCA.pdf>