

EXPERT STATEMENT ON THE PREVENTION AND ERADICATION OF STATELESSNESS IN THE AMERICAS

The Hague, July 2, 2019.- We, a group of experts, gathered at the World Conference on Statelessness organized by the Institute on Statelessness and Inclusion, discussed among other things, the current developments on addressing statelessness and the guarantee of the right to a nationality at a global level in the past few years.

We recognize the positive measures and leadership of some States from the Americas in taking steps towards the eradication of statelessness and ensuring the right to a nationality for all persons in accordance with the Global Action Plan to End Statelessness, the Brazil Declaration and Plan of Action as well as the different resolutions of the General Assembly of the Organization of American States for the prevention and reduction of statelessness and the protection of stateless people in the Americas. These measures include: (I) accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Statelessness Conventions on the Reduction of Statelessness, (II) adopting protection frameworks and statelessness determination procedures, (III) adopting safeguards to prevent statelessness at birth, (IV) facilitating naturalization procedure for stateless persons, among others.

We also observe that within growing migration movements in the region, there has been an increase in situations that put people at risk of statelessness or cause statelessness. We especially highlight the following situations of concern:

1. Children born in Venezuela whose birth has not been registered, who are currently in a third country, and may be at risk of statelessness;
2. Children born to a Venezuelan father or mother in a State that does not grant them birthright nationality and who do not automatically acquire the nationality of the other parent. These children are then born stateless
3. Children born to a Venezuelan father and mother in a State that does not grant them birthright nationality and who face difficulties documenting and confirming their Venezuelan nationality; and who are thus at risk of statelessness
4. Children born in transit to Venezuelan parents whose birth has not been registered, who may be stateless or at risk of statelessness
5. Children born to Venezuelan parents in host countries whose birth has not been registered and who face difficulties accessing birth registration procedures, and thus may be at risk of statelessness

Considering the leadership of States of the Americas, we recommend that in line with applicable international standards, States implement the following actions in the emerging mixed migration movements from Venezuela:

1. Adopt national laws and frameworks and develop country strategies to prevent and eradicate statelessness
2. Adopt safeguards to ensure that every child born within their territory acquires a nationality at birth
3. Ensure immediate birth registration and certification of every child born within their territory
4. Guarantee consular registration of timely and late births that occurred within their territory and simplify registration requirements

5. Adopt a more restrictive interpretation and application of the contemplated exceptions to the *ius soli* principle
6. Establish statelessness determination procedures
7. Identify and protect stateless persons who may be living within the national territory
8. Facilitate the issuance of documents that prove nationality
9. Facilitate naturalization of stateless persons
10. Educate and strengthen capacity of government officials, especially civil registration and migration officers, on these issues
11. Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
12. Improve data collection on stateless persons and persons at risk of statelessness

In order to ensure that these recommendations are implemented, we also call for the Quito Process to organize a high-level dialogue where statelessness issues will receive the attention they deserve.

We strongly support a prominent focus on stateless persons and persons at risk of statelessness at regional political forums, including the High-Level Segment.

However, we note that these situations are not the only concerning situations in the Americas and we must continue our efforts to address statelessness and risk of statelessness in the entire region. We remain at your disposal in continuing to provide technical and legal advice on how to prevent and eradicate statelessness and ensure the right to a nationality for every person in the Americas.

SIGNED BY (institutional affiliations for identification purposes only)

Alisson Petrozziello, Wilfrid Laurier University, Balsillie School of International Affairs

Álvaro Botero, Member of the UN Committee on Migrant Workers

Amal de Chickera, Co-Director, Institute on Statelessness and Inclusion

Audrey Macklin, Professor of Law and Chair in Human Rights, University of Toronto, Canada

Bridget Wooding, Director Caribbean Migration and Development Observatory (OBMICA)

Bronwen Manby, Senior Policy Fellow and Teaching Fellow, The London School of Economics and Political Science (LSE)

Catherine Harrington, Campaign Manager, Global Campaign for Equal Nationality & Associate Director, Women's Refugee Commission

Chris Nash, Director, European Network on Statelessness

David Baluarte, Associate Dean of Academic Affairs, Washington and Lee University School of Law

Jocelyn Kane, Director, Canadian Centre on Statelessness

Kristy Belton, Institute on Statelessness and Inclusion

Laura Van Wass, Co-Director, Institute on Statelessness and Inclusion

Michelle Foster, Director, Peter McMullin Centre on Statelessness, Melbourne Law School