

Statelessness and Transcontinental Migration
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Series

Statelessness
and
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02

Statelessness and Transcontinental Migration: A Policy Reports Series of the United Nations University Institute on Globalization, Culture and Mobility

Series Summary

The United Nations University (UNU) is the academic arm of the United Nations (UN). It bridges the academic world and the UN system. Its goal is to develop sustainable solutions for current and future problems of humankind in all aspects of life. Through a problem-oriented and interdisciplinary approach it aims at applied research and education on a global scale. UNU was founded in 1973 and is an autonomous organ of the UN General Assembly. The University comprises headquarters Tokyo, Japan, and more than a dozen Institutes and Programmes worldwide.

The UNU Institute on Globalization, Culture and Mobility (GCM) focuses on globalization, culture and mobility through the lens of migration and media. It engages in rigorous research in these areas, sharing knowledge and good practice with a broad range of groups, collectives and actors within and beyond the academy. Its commitments are at local and global levels, whereby it seeks to bridge gaps in discourses and practices, so as to work towards the goals of the United Nations with regard to development, global partnership, sustainability and justice.

This research programme focuses on a range of issues related to the wellbeing and recognition of people who traverse continents devoid of citizenship. Issues related to refugees remain crucially unanswered in debates and policies surrounding migration. In the wake of acknowledgement within the academy that it is not always possible to isolate refugees from migrants, this programme analyses a range of contexts where dignity and human rights are compromised through the absence of legal and political recognition. By focusing on situations of extreme vulnerability and on lives lived on the borderline, this research programme seeks to articulate and address urgent needs with regard to the stateless migrants who have entered Europe.

In conjunction with each research programme, UNU-GCM produces a series of Policy Reports. The current document provides a summary of the Policy Reports produced within the research programme for Statelessness and transcontinental migration. Information about UNU-GCM's other publications is available from the Institute's website <https://gcm.unu.edu> or upon request.

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Report Summaries

UNU-GCM **Problematizing the Conventions on Statelessness**
02/01

There are currently 79 states party to the 1954 Convention relating to the Status of Stateless Persons, with a further 13 who have pledged accession in the near future. The 1961 Convention on the Reduction of Statelessness, meanwhile, currently has 54 states party, and a further 21 pledges. These numbers rose particularly in 2000, and from 2011, following a push by the United Nations High Commissioner for Human Rights (UNHCR). These conventions have arisen alongside the Convention and Protocol relating to Refugees, and yet have had quite a different trajectory. This report traces the history of these conventions and elements of the campaign for accession. It then examines some of the difficulties and conflicts in law and ideology that have arisen as a result of ratification or accession.

Tendayi Bloom

UNU-GCM **Is the discussion of 'Statelessness' in the UN Security**
02/02 **Council a question of human security or international**
 security?

This report presents the results of both discourse and contents analyses of thirty four documents in which the concept of "Statelessness" appeared, as it developed within the United Nations (UN) Official Documents since 2000, and particularly within those produced by the Security Council (SC). From these analyses, three key phases of discourse emerge. It is evident that the statelessness question was particularly treated as an issue of international security in the years 2004-2007. However, it is concerning that more recently it has been increasingly related to terrorism. The main recommendation emerging from this study is that international organizations, and primarily the United Nations, should ensure that statelessness is firstly and above all seen as a serious problem endangering vulnerable people and not appropriated to the discourse on state security and terrorism.

Valeria Bello

UNU-GCM Immigration detention and stateless persons
02/03

Administrative detention occurs where a state arrests and detains an individual outside the criminal law context. A key example of this is immigration detention. Different groups are susceptible to immigration detention in different countries. For example, in some, asylum seekers are held while their claims are verified. In some, refused asylum seekers are held while deportation is arranged. Some states categorize irregular border crossing as itself a criminal offense, so that immigration detention becomes, at least in practice, a form of criminal detention. Others merely hold irregular border crossers while they arrange deportation. For stateless persons, this is particularly problematic. Without citizenship, stateless persons may be difficult to deport. As a result, they can find themselves in immigration detention for long periods of time or even indefinitely while they wait for a deportation that will in all likelihood not take place. This situation runs counter to International Law.

Tendayi Bloom

UNU-GCM Extended Report: Statelessness and the delegation of
02/04 migration functions to private actors

Migration control functions are increasingly being delegated to private actors, a phenomenon which particularly affects stateless persons. This report discusses two forms of this delegation. First, there is *explicit* delegation, through contracts with private agents to carry out roles that would otherwise be fulfilled by the state. This includes using information management companies in the processing of visa claims, and private security companies in the management of migration detention and border security. The second sort of delegation is *implicit*. This involves placing sanctions upon private actors in their dealings with migrants. While there are many forms of this type of delegation, this report focuses on carrier sanctions. It identifies an increasing privatization of migration control functions and asks what are its impacts on the most vulnerable migrants, particularly stateless persons and potential refugees. When migration control functions are delegated in this way, the line of responsibility for decisions and actions can be obscured. This report examines some of the emerging measures in this area and concludes with some policy recommendations.

Tendayi Bloom

Statelessness and Transcontinental Migration

UNU-GCM Transnationalism and New Media. Transcontinental
02/05 migrants and interconnectivity of cultures

Transnationalism as interconnectivity of cultures is a key concern for both individuals and societies. For transcontinental migration it is particularly important, due to the fact that the more distant in both socio and geo-cultural terms these individuals and their home and host societies are, the stronger the effects of interconnectivity of cultures could be on them. This report aims to illustrate that, in the interest of everyone, also for those issues arising for migrants as individuals, policy-makers need to take into account possibly new ameliorating practices to help improve integration. In particular, new technologies seem to offer further opportunities to improve immigrants' integration. This report suggests the idea that local governments should consider fair access to new technologies as a priority and national governments should also invest in this direction through external aid programs and external relations policies.

Valeria Bello

UNU-GCM Ambiguities in the categories of migration
02/06

This policy report considers the ambiguities of categories used in understanding and governing migration. It takes into account cases of migrants who might not clearly fall under existing migration-related categories and conventions; the experience of *de facto* statelessness; and cases when one's citizenship or identity in a particular state is not recognized. Examples include migrant workers and trafficked persons whose identity documents are confiscated, internal migrants within nation-states and those who fall ambiguously in-between the definitions for refugees and economic migrants. This report will examine how policy can better address the challenges faced by migrants who find it difficult to access their fundamental rights as a consequence of being 'in limbo'.

Megha Amrith

UNU-GCM Extended report: Global migration governance: A decade
02/07 of change?

This report offers a brief overview of the past decade's developments in global migration governance. It looks at how three types of participants, coming together, have constructed a new type of debate, with new sets of terms. It examines how these changes have affected international civil society in particular, both in driving civil society movement-formation, and in civil

society engagement with governmental debates. To do this, it analyzes the meaning of civil society and traces how civil society engagement has developed. It presents three key moments of change: 2006, 2011 and 2013 and considers key associated processes. This helps establish ongoing priorities. The report uses desk-based analysis, participant observation at key events between 2012 and 2014, as well as semi-structured key-informant interviews in 2014. Rather than aiming to be comprehensive, it offers an illustrative overview.

Tendayi Bloom

UNU-GCM Cities, displacement and stranded migrants
02/08

This report examines the complex relationship between cities, displacement and stranded migrants, taking as a focus the recent social, political and demographic transformations in North Africa. Specifically it considers the population displacements in and out of Libyan and Tunisian cities during this period, which left many already vulnerable migrants without protection and in a situation of de facto statelessness. This report recommends policy interventions at regional, national and municipal levels that are resilient in times of humanitarian crisis and beyond, given that the region and its cities have long been, and will continue to be, places where diverse flows of migrants, asylum seekers and refugees converge.

Megha Amrith

UNU-GCM NGOs and stateless persons
02/10

NGOs play a crucial role in covering the issue of statelessness, both on a grassroots and international level. They often navigate a difficult role between journalistic intent and advocacy. Moreover, NGOs can often provide the only source of information about what is happening in a field of activity, given their specialist knowledge of the ground-level situation. This report examines the role of NGOs in the supporting stateless persons and how this affects their wider role in International Relations.

Valeria Bello

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