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H. R. 72

To increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PURPOSE.**

4 It is the purpose of this Act to increase global sta-
5 bility and security for the United States and the inter-
6 national community and decrease trafficking and discrimi-
7 nation by reducing the number of individuals who are de
8 jure or de facto stateless and as a consequence are unable

1 to avail themselves of their right to a nationality and its
2 concomitant rights and obligations and are excluded from
3 full participation in civil society.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Article 15 of the Universal Declaration of
7 Human Rights offers everyone the right to a nation-
8 ality.

9 (2) The right to a nationality is a foundation of
10 human rights, and a deterrent to displacement and
11 disaffection. The State is the primary vehicle
12 through which individuals are guaranteed their in-
13 alienable rights and are made subject to the rule of
14 law. Regional stability and security are undermined
15 when individuals cannot avail themselves of their
16 right to a nationality and its concomitant rights and
17 obligations and are excluded from full participation
18 in civil society.

19 (3) In the aftermath of World War II, millions
20 of people were displaced and arbitrarily deprived of
21 their nationalities and their protection of citizenship.
22 In the 21st century, the adverse effects of de jure
23 or de facto statelessness still impact at least an esti-
24 mated 11,000,000 million people worldwide and re-

1 quire a strong commitment by the international com-
2 munity to address this serious issue.

3 (4) The lack of citizenship or the inability to
4 document one's ties to a State often results in severe
5 hardships and discrimination, particularly the inabil-
6 ity to pursue lawful employment and a sustainable
7 livelihood, own property, or enjoy legally protected
8 family bonds and increases the likelihood that such
9 persons may fall victim to traffickers and organized
10 criminal groups who prey on the vulnerability of un-
11 protected de jure or de facto stateless persons. The
12 Department of State's Trafficking in Persons Report
13 for 2008 noted that stateless victims of trafficking
14 face difficulties in repatriating and in accessing crit-
15 ical medical, social, or legal services and called on
16 the international community to give greater atten-
17 tion to birth registration and the provision of more
18 effective and accessible avenues for the acquisition of
19 legal residency or citizenship.

20 (5) Regional security is enhanced when States
21 effectively respect the right of nationality, as this
22 right ensures the availability of peaceful means of
23 recourse to address grievances and claims, including
24 through national, regional, or international court
25 systems.

1 (6) Countries have the sovereign right to deter-
2 mine procedures and conditions for acquisition and
3 termination of citizenship, and exercise of this right
4 should be linked to the responsibility of preventing
5 de jure and de facto statelessness and the respect
6 for other universal principles of human rights, in
7 particular the universal antidiscrimination norm.

8 (7) The 1954 Convention Relating to the Sta-
9 tus of Stateless Persons and the 1961 Convention on
10 the Reduction of Statelessness were adopted to regu-
11 late the legal status and treatment of individuals
12 who are de jure or de facto stateless and to prevent
13 de jure and de facto statelessness.

14 (8) At least an estimated 11,000,000 individ-
15 uals worldwide currently are unable to avail them-
16 selves of any effective nationality or cannot fully ac-
17 cess their rights as citizens and obtain protection
18 from a country.

19 (9) De jure or de facto statelessness can result
20 from factors including political change, targeted per-
21 secution or discrimination, transfers of territory,
22 adoption of restrictive laws relating to marriage,
23 place or registration of birth, or incongruous na-
24 tional citizenship laws.

1 (10) Individuals who are de jure or de facto
2 stateless are unable to avail themselves of the rights
3 of free people everywhere to an effective nationality,
4 to the rights to legal residence, to travel, to work in
5 the formal economy or professions, to attend school,
6 to access basic health services, to purchase or own
7 property, to vote, or to hold elected office, and to
8 enjoy the protection and security of a country.

9 (11) Article 24 of the International Covenant
10 on Civil and Political Rights provides that every
11 child shall be registered at birth and that every child
12 has the right to acquire a nationality.

13 (12) UNICEF leads the efforts with govern-
14 ments, particularly in the developing world, to pro-
15 mote universal, accessible registration and docu-
16 mentation of all births but is hard pressed to find
17 the needed human and financial resources necessary
18 to encourage widespread implementation of needed
19 reforms.

20 (13) Article 9(2) of the Convention on the
21 Elimination of Discrimination Against Women
22 grants women equal rights with men with respect to
23 transmitting the nationality of their children.

24 (14) The Office of the United Nations High
25 Commissioner for Refugees (UNHCR) has been

1 given the mandate by the international community
2 to work to prevent de jure and de facto statelessness
3 and to identify, protect, and find remedies for indi-
4 viduals now considered de jure or de facto stateless.

5 (15) The UNHCR lacks sufficient resources to
6 undertake this important work in a systematic and
7 comprehensive manner to identify, protect, and find
8 timely solutions for the millions of individuals who
9 are de jure or de facto stateless.

10 **SEC. 3. THE UNITED NATIONS.**

11 (a) POLICY.—It shall be the policy of the United
12 States that the President and the Permanent Representa-
13 tive of the United States to the United Nations work with
14 the international community to increase political and fi-
15 nancial support for the work of the UNHCR to prevent
16 and resolve problems related to de jure and de facto state-
17 lessness, and to promote the rights of the de jure or de
18 facto stateless, by taking these and other actions:

19 (1) Increasing the attention of the United Na-
20 tions and the UNHCR to de jure and de facto state-
21 lessness and increasing its capacity to reduce state-
22 lessness around the world by coordinating the
23 mainstreaming of de jure and de facto statelessness
24 into all of the United Nations human rights work,

1 in cooperation with all relevant United Nations
2 agencies.

3 (2) Urging United Nations country teams in
4 countries with significant de jure or de facto state-
5 less populations to devote increasing attention and
6 resources to undertake coordinated efforts by all
7 United Nations offices, funds, and programs to
8 bring about the full registration and documentation
9 of all persons resident in the territory of each coun-
10 try, either as citizens or as individuals in need of
11 international protection.

12 (3) Urging the creation of an Inter-Agency
13 Task Force on Statelessness with representation
14 from UNHCR, UNICEF and other relevant United
15 Nations agencies that will coordinate to increase
16 agency awareness and information exchange on de
17 jure and de facto statelessness to ensure a consistent
18 and comprehensive approach to the identification of
19 stateless groups and individuals and resolution of
20 their status.

21 (4) Urging that nationality and de jure and de
22 facto statelessness issues are addressed in all coun-
23 try reviews conducted by United Nations treaty bod-
24 ies and relevant special mechanisms engaged in
25 country visits, and pursuing creation of a standing

1 mechanism within the United Nations to com-
2 plement the work of UNHCR in addressing issues of
3 de jure and de facto statelessness that give rise to
4 urgent human rights or security concerns.

5 (5) Urging the UNHCHR to include nationality
6 and statelessness in all country-specific and thematic
7 monitoring, reporting, training, and protection ac-
8 tivities, and across special procedures, and to des-
9 ignate at least one human rights officer to monitor,
10 report, and coordinate the office's advocacy on na-
11 tionality and de jure and de facto statelessness.

12 (6) Urging the United Nations to ensure that
13 its work on trafficking includes measures to restore
14 secure citizenship to trafficked women and girls, and
15 to work with Member States to guarantee that na-
16 tional legislation gives women full and equal rights
17 regarding citizenship.

18 (7) Urging the United Nations to increase its
19 capacity to respond to the needs of de jure or de
20 facto stateless individuals, particularly children, and
21 to strengthen and expand the United Nations pro-
22 tection and assistance activities, particularly in field
23 operations, to better respond to the wide range of
24 protection and assistance needs of de jure or de
25 facto stateless individuals.

1 (8) Urging the UNICEF to increase its efforts
2 to encourage all Member States of the United Na-
3 tions to permit full and easy access to birth registra-
4 tion for all children born in their territories, particu-
5 larly in Member States in which there are displaced
6 populations, and work with the UNHCR and Mem-
7 ber States to ensure the issuance of birth certificates
8 to all children born to refugees and displaced per-
9 sons.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to regular United States contributions to the
12 UNHCR, there is authorized to be appropriated not less
13 than \$5,000,000 for fiscal year 2010 and each subsequent
14 fiscal year to be made available to improve the UNHCR's
15 assistance to de jure or de facto stateless individuals. Such
16 funds may be used to—

17 (1) protect the rights, meet emergency humani-
18 tarian needs, and provide assistance to de jure or de
19 facto stateless groups and individuals;

20 (2) provide additional resources to—

21 (A) increase the number of protection offi-
22 cers;

23 (B) increase the number of professional
24 staff in the statelessness unit; and

1 (C) train protection officers and United
2 Nations country teams in the field to identify,
3 reduce, protect, and prevent de jure and de
4 facto statelessness;

5 (3) improve identification of de jure or de facto
6 stateless groups and individuals by carrying out a
7 comprehensive annual study of the scope of de jure
8 and de facto statelessness worldwide, including
9 causes of de jure and de facto statelessness and dis-
10 semination of best practices for remedying de jure
11 and de facto statelessness; and

12 (4) increase the United Nations educational and
13 technical assistance programs to prevent de jure and
14 de facto statelessness, including outreach to Member
15 States and their legislatures, with particular empha-
16 sis on those countries determined to have protracted
17 de jure or de facto statelessness situations.

18 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
19 UNICEF.—In addition to regular United States contribu-
20 tions to the UNICEF, there is authorized to be appro-
21 priated \$3,000,000 for fiscal year 2010 and each subse-
22 quent fiscal year be made available to augment to the
23 UNICEF's ability to aid countries with significant de jure
24 or de facto stateless populations to bring about the full

1 registration of all children born to de jure or de facto
2 stateless parents.

3 **SEC. 4. THE UNITED STATES.**

4 (a) FOREIGN POLICY.—Given the importance of ob-
5 taining and preserving nationality and the protection of
6 a government, and of preventing the exploitation or traf-
7 ficking of de jure or de facto stateless groups or individ-
8 uals, the President shall make the prevention and reduc-
9 tion of de jure or de facto statelessness an important goal
10 of United States foreign policy and human rights efforts.
11 Such efforts shall include—

12 (1) calling upon host countries to protect and
13 assume responsibility for de jure or de facto state-
14 less groups or individuals;

15 (2) working with countries of origin to facilitate
16 the resolution of problems faced by de jure or de
17 facto stateless groups or individuals;

18 (3) working with countries of origin and host
19 countries to facilitate the resolution of disputes and
20 conflicts that cause or result in the creation of de
21 jure or de facto statelessness;

22 (4) encouraging host countries to afford de jure
23 or de facto stateless groups or individuals the full
24 protection of the 1954 Convention Relating to the
25 Status of Stateless Persons and the 1961 Conven-

tion on the Reduction of Statelessness and all relevant international conventions;

(5) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(6) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(7) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or individuals to such organizations, and to encourage other governments to provide similar support and access.

(b) DOMESTIC POLICY.—

(1) IN GENERAL.—Given the importance of preventing new instances of de jure or de facto statelessness and the trafficking of de jure or de facto

1 stateless individuals, and of protecting the human
2 rights of de jure or de facto stateless individuals, the
3 President shall submit to the Committee on Foreign
4 Affairs and the Committee on the Judiciary of the
5 House of Representatives and the Committee on
6 Foreign Relations and the Committee on the Judici-
7 ary of the Senate a report that includes the fol-
8 lowing:

9 (A) A detailed explanation of what
10 changes, if any, to United States law would
11 have to occur should the United States wish to
12 comply with the terms of the 1954 Convention
13 Relating to the Status of Stateless Persons or
14 the 1961 Convention on the Reduction of State-
15 lessness.

16 (B) Information on de jure or de facto
17 stateless individuals in the United States, or
18 under the jurisdiction of the United States, and
19 their conditions. Such information should, with
20 respect to such individuals, include information
21 relating to their places of birth, causes of de
22 jure or de facto statelessness, nationalities at
23 birth, descriptions of family conditions, and de-
24 scriptions of available assistance.

1 (C) Descriptions of Federal policies and
2 programs relating to de jure or de facto state-
3 less individuals in the United States or under
4 United States jurisdiction, including recognition
5 of status, documentation requirements, assist-
6 ance, and detention.

7 (D) A list of countries and territories with
8 significant de jure or de facto stateless popu-
9 lations under their jurisdictions and the condi-
10 tions and consequences of such de jure or de
11 facto statelessness of such individuals.

12 (E) United States international efforts to
13 prevent further de jure or de facto statelessness
14 and encourage the granting of full legal protec-
15 tion of the human rights of de jure or de facto
16 stateless individuals.

17 (2) STATEMENT OF POLICY.—It shall be the
18 policy of the United States to comply with the prin-
19 ciples and provisions of the 1954 Convention Relat-
20 ing to the Status of Stateless Persons and the 1961
21 Convention on the Reduction of Statelessness to the
22 fullest extent possible and to encourage other coun-
23 tries to do so as well.

24 (3) ACTIONS BY SECRETARY OF STATE.—

1 (A) INCREASE IN RESOURCES AND
2 STAFF.—The Secretary of State shall perma-
3 nently increase in the Bureau of Population,
4 Refugees, and Migration in the Department of
5 State the resources dedicated to and staff as-
6 signed to work toward the prevention and reso-
7 lution of de jure and de facto statelessness and
8 the protection of de jure or de facto stateless
9 individuals.

10 (B) COORDINATION.—To coordinate
11 United States policies toward combating de jure
12 and de facto statelessness, the Secretary of
13 State shall establish an Interagency Working
14 Group to Combat Statelessness. This working
15 group should include representatives of the Bu-
16 reau of Population, Refugees and Migration,
17 the Bureau of International Organizations, the
18 Bureau of Democracy, Human Rights and
19 Labor, the Office of Trafficking in Persons of
20 the Department of State, and the United States
21 Agency for International Development, as well
22 as representatives from relevant offices of the
23 Department of Justice and relevant offices of
24 the Department of Homeland Security.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the provisions of
4 this subsection.

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