

NGO Statement
11th Session Minority Forum on Statelessness
Palais des Nations, Geneva, Switzerland
30.11.2018

Official figures report that there are as many as 316,882 stateless people in Canada since 1981.¹ It is not clear how many of these people still reside in Canada, or how many may have obtained Canadian citizenship, therefore, this figure is unreliable.

Stateless people in Canada are permanent and temporary residents, asylum seekers, refugees, and non-status people including Indigenous persons whose births have not been registered,² and children born abroad to Canadian parents, but who are not entitled to Canadian citizenship and who are, therefore, at risk of statelessness.³

Yet there is no definition of statelessness in Canadian immigration or citizenship law⁴. This means that there is no legal definition against which persons claiming to be stateless can be measured.

Stateless people in Canada who do not have residency status do not have access to basic human rights including health care, and primary, secondary or post-secondary education. They are often taken advantage of in terms of access to housing, they cannot work legally, and they often rely on food banks and suffer inappropriate nutrition. Stateless people in Canada are living in legal limbo,⁵ detained,⁶ and experiencing mental health challenges.⁷

Canada does not have a specific procedure or legal framework for the determination of statelessness. This means that there lacks a “stateless person status” in Canada, leaving stateless people without a protection measure tailored to their specific needs.⁸ The lack of a statelessness determination procedure and the absence of a legal definition of statelessness in Canada’s *Citizenship Act* and *Immigration and Refugee Protection Act* leaves the Minister of Immigration, Refugees and Citizenship with wide discretionary power to determine who is considered stateless, instead of enshrining a protection mechanism in law.⁹

The Canadian Centre on Statelessness recommends:

1. That Canada include in its immigration and citizenship law the definitions of both *de jure* and *de facto* statelessness in accordance with UNHCR definitions; and
2. That Canada implement a statelessness determination mechanism.

¹ Canadian Centre on Statelessness. “Data Collection on Stateless Persons in Canada.” (March 2017).

http://www.statelessness.ca/uploads/3/1/9/0/31903945/ccs_data_collection_2017.pdf

² McLean, Shirely. “One Indigenous man’s six decade fight to exist on paper finally ends.” *APTN National News*. (August 25, 2015).

<https://aptnnews.ca/2015/08/25/one-indigenous-mans-six-decade-fight-to-exist-on-paper-finally-ends/>

³ Selley, Chris. “Children of Canadian expats battle ‘bureaucratic terrorism’ in quest for citizenship.” *National Post*. (8 August 2018).

<https://nationalpost.com/opinion/chris-selley-canadian-expats-children-battle-bureaucratic-terrorism>

⁴ Section 2. *Immigration and Refugee Protection Act*, S.C. 2001, c. 27

⁵ Stasiulis, D. “The Extraordinary statelessness of Deepan Budlakoti”. *Studies in Social Justice*, 11 no.1 (2017): 1-26

⁶ Gros, H. and P. van Groll. “‘We Have No Rights’: Arbitrary imprisonment and cruel treatment of migrants with mental health issues in Canada”. Edited by R. Mandhane. Toronto: International Human Rights Law Program, University of Toronto Faculty of Law. (2015).

⁷ *Ibid.*

⁸ Erauw, G. *Compatibility of the 1954 convention Relating to the status of stateless persons With Canada’s legal framework and its International human rights obligations*. (2015)

⁹ Section 5(4). *Citizenship Act*, R.S.C., 1985, c. C-29