

# Statelessness, Trauma and Mental Well-being: Implication for Practice, Research and Advocacy

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## Abstract

The issue of statelessness is inextricably linked to psychosocial wellness and is a crucial mental health factor to consider in the holistic care, and protection of stateless persons. There is a dearth of research and limited literature examining the mental health implications for stateless persons and their exposure to multiple and ongoing rights violations. This paper describes the systematic and systemic human rights violations linked to statelessness and how these contribute to individual trauma and stress — subsequently affecting well-being. The paper utilises a basic trauma lens in understanding statelessness and presents a novel contribution to interventions addressing statelessness. Findings from the study reveal statelessness-linked stressors. Historic systematic human rights violations, traumatic events and situations, and daily stressors become mental health burdens and challenges for those experiencing statelessness. Service providers working with stateless persons should be aware of the impact of statelessness on mental health and should refer cases to mental health and psychosocial practitioners who can provide services that reduce socio-emotional distress while strengthening resilience and coping strategies. The findings emphasise the promotion of stateless people's psychosocial well-being — looking at both curative and preventative strategies, toward the establishment of just and inclusive societies.

Keywords: statelessness, women, discrimination, international law, Southern Africa

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## I. INTRODUCTION

Statelessness is when a person is not recognised by any country as a citizen, and they cannot call any country their own. South Africa is reported to have many undocumented migrants, who are either stateless or vulnerable to becoming stateless. This population includes both adults and young people under the age of 18. Due to lack of country affiliation and subsequent protection, stateless persons have been referred to as ‘outcasts from the global political system of states’,<sup>1</sup> as ‘legal ghosts’,<sup>2</sup> illegal immigrants,<sup>3</sup> counted as ‘undifferentiated aliens’,<sup>4</sup> as ‘non-individuals’, ‘nowhere people’ and ‘nowhere individuals’ as they do not have a country to call home.

Stateless adults and children experience challenges when they try to access fundamental rights and services and they are at risk of marginalisation, discrimination, and insecurity.<sup>5</sup> Both *de facto* and *de jure* stateless people are unable to access the privileges, services, protections, and rights that citizens can demand from their governments.<sup>6</sup> Globally, there is an increasing number of persons who are stateless or at risk of becoming stateless and this is an issue of concern.<sup>7</sup> <sup>8</sup> Numerous studies have been conducted on statelessness from legal and rights-based perspectives, yet there have been very few connections and exploration into the mental health of stateless people, their inability to thrive and the trauma that they experience due to their precarious status.<sup>9</sup> <sup>10</sup>

The interconnected nature of rights violations for stateless persons means that the siloed responses are likely to produce fewer ideal and sustainable outcomes. What is required is a comprehensive, integrated response to issues affecting stateless persons, so that the rights of all stateless adults and children are fulfilled. This includes understanding the role of daily or environmental stressors and systematic marginalisation in mitigating mental health symptoms in people who are stateless.

<sup>1</sup> UNHCR ‘The problem of statelessness has become a live issue again’ UNHCR Department of International Protection, Geneva (1996) para 2, available at [www.unhcr.org/protect/PROTECTION/3b837ec14.html](http://www.unhcr.org/protect/PROTECTION/3b837ec14.html), accessed on 04 November 2022.

<sup>2</sup> UNHCR ‘The world’s stateless people. Questions and answers’ UNHCR Media Relations and Public Information Service, Geneva (2007) 1 at 5, available at <https://www.refworld.org/docid/47a707900.html>, accessed on 06 November 2022.

<sup>3</sup> Roshni Chakraborty & Jacqueline Bhabha ‘Fault lines of refugee exclusion: Statelessness, gender, and COVID-19 in South Asia’ (2021) 23(1) *Health and Human Rights Journal* 237 at 238, available at <https://www.hhrjournal.org/2021/05/fault-lines-of-refugee-exclusion-statelessness-gender-and-covid-in-south-asia/>, accessed on 06 April 2022.

<sup>4</sup> Bill Frelick & Maureen Lynch ‘Statelessness: A forgotten human rights crisis’ (2005) FMR 65 at 66, available at <https://www.fmreview.org/sites/fmr/files/textOnlyContent/FMR/24/39.html>, accessed on 06 April 2022.

<sup>5</sup> Laura van Waas ‘The children of irregular migrants: A stateless generation?’ (2007) 25(3) *Netherlands Quarterly of Human Rights* 437 at 439.

<sup>6</sup> Roshni Chakraborty & Jacqueline Bhabha (2021) op cit note 3 237 at 238.

<sup>7</sup> Jacqueline Bhabha ‘Arendt’s children: Do today’s migrant children have a right to have rights?’ (2009) 31(2) *Human Rights Quarterly* 410 at 411.

<sup>8</sup> Maureen Lynch ‘Lives on hold: The human cost of statelessness’ *Refugees International* (2005) 1 at 2, available at <https://www.refworld.org/docid/47a6eba00.html>, accessed on 09 November 2022.

<sup>9</sup> Andrew Riley, Andrea Varner, Peter Ventevogel, MM Taimur Hasan & Courtney Welton-Mitchell ‘Daily stressors, trauma exposure, and mental health among stateless Rohingya refugees in Bangladesh’ (2017) 54(3) *Transcultural Psychiatry* 304 at 304.

<sup>10</sup> Aisha K Yousafzai, Joan Lombardi, Erum Mariam, Tina Hyder & Zarlusht Halaimzai ‘Statelessness and young children’ (2022) 4(1) *The Statelessness & Citizenship Review* 154 at 155, available at <https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/415>, accessed on 09 November 2022.

This subsequently has important implications for the distribution of scarce resources for mental health and psychosocial support services. This paper clarifies the role of stressors in mediating the relationship between trauma exposure and current mental health and well-being among stateless populations. As such, the discussions contribute to the debates on the evolving nexus on psychosocial and legal discourse on the relative importance of addressing trauma in statelessness as part of an integrated approach.

This paper draws on the authors' experience as a clinical social worker and migrant (Author 1) and child protection social worker and social development specialist (Author 2). This paper explores the psychosocial characteristics of and rights violations of stateless persons and promotes the psychosocial care and support they would require.

## II. UNDERSTANDING STATELESSNESS

### *(a) Definition and scope*

In this section, we tease out what definitions and data are applicable in determining who is stateless. According to Art. 1 of the 1954 Convention relating to the Status of Stateless Persons, a stateless person is an individual 'who is not considered as a national by any state under the operation of its law'. This seems like an easy identification process based on this clause from the Statelessness Convention. However, the identification process to determine statelessness is complex because it includes both a factual and legal analysis.<sup>11</sup>

Identifying the statistics related to statelessness is a complex task, that is context specific and 'one which must also consider that it may take several years of failed applications for documents for a person to find out that they are not, as it turns out, "considered as a national" by any state'.<sup>12</sup> When it comes to identification of stateless persons, we concur that:

A lower standard of proof should be applied when determining statelessness, for example by using the term 'substantiating' one's statelessness instead of 'proving' it (similarly to refugee status determination). In addition, the burden of proof should be shared between the applicant and state authorities. The applicant's main procedural obligation should be to cooperate with the authority, not to provide all necessary evidence.<sup>13</sup>

Global challenges on accurate statelessness numbers have been reported — leading to a lack of solid, well methodologically grounded statistics related to statelessness. Considering this, this paper 'concentrates on addressing the problems [related to statelessness] than trying to get the "correct" statistics'.<sup>14</sup> Despite the tension related

<sup>11</sup> UNHCR *Handbook on Protection of Stateless Persons* (2014) 1 at 12.

<sup>12</sup> Bronwyn Manby 'Statelessness statistics and IROSS: The UN Statistical Commission grapples with definitions' Global Citizenship Observatory Robert Schuman Centre (2022) para 7, available at <https://globalcit.eu/statelessness-statistics-and-iross-the-un-statistical-commission-grapples-with-definitions/>, accessed on 09 November 2022.

<sup>13</sup> Gabor Gyulani 'Remember the forgotten, protect the unprotected' (2019) 32 *FMR* 48 at 49.

<sup>14</sup> Bronwyn Manby (2022) op cit note 12 para 3 10.

to the numbers of stateless persons, the authors acknowledge that there are millions of stateless persons globally, which warrants debates and implementation of critical mental health and well-being framework/s that protect them and is centred around them.

The adoption of the 1948 Universal Declaration on Human Rights, called for the right to a nationality to be recognised for the first time as a fundamental right and a right for everyone to enjoy. In 1954, the Convention relating to the Status of Stateless Persons provided the definition of a stateless person. The 1961 Convention on the Reduction of Statelessness provides safeguards for States to incorporate within their nationality law to avoid statelessness and toward the realisation of everyone's right to a nationality.

*(b) Causes of statelessness*

Statelessness can be caused by various complex, multi-dimensional and multi-systemic factors. The pathways to statelessness may vary from one country to the next, including: '(i) political change; (ii) expulsion from territory; (iii) discrimination; (iv) descent-based nationality; (v) withdrawal of nationality; and (vi) laws on birth registration.'<sup>15</sup> The three causes of statelessness as adopted, which incorporates the above pathways, are:<sup>16</sup>

- i) State succession-restoration that occurs 'when an existing State splits into two or more states, when part of a State secedes to form a new State, when territory is transferred from one State to another, or when two or more States unite to form a new state.'<sup>17</sup> Statelessness can be linked to colonisation, de-colonisation and consequent nation-building whereby new independent states without pre-colonial national identity have had to deal with borders arbitrarily drawn, dividing and pitting ethnic groups against each other while privileging some and marginalising others, as part of the divide and rule policy.<sup>18</sup> The newly formed or independent states may set considerable conditions or define their citizens narrowly, such that many people are rendered stateless and excluded due to their questionable attachments. Examples of this include decolonisation processes in Africa, dissolution of the Soviet Union and Yugoslavia, secession of South Sudan and Eritrea. Persons in these contexts can be at risk or rendered stateless when they fail or are unable to be granted citizenship in the successor states, i.e., political and border changes.
- ii) Discrimination and arbitrary denial or deprivation of nationality: In this

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<sup>15</sup> Ajwang' Warria 'Stateless transnational migrant children in South Africa: Implications and opportunities for social work intervention' (2020) 6(2) *AHMR* 6 at 10.

<sup>16</sup> Asako Ejima 'Ghosts in America: Working towards building a legal framework for stateless individuals in the United States' (2021) 53(1) *Case W. Res. J. Int'l L.* 357 at 366, available at <https://scholarlycommons.law.case.edu/jil/vol53/iss1/13>, accessed on 06 April 2022.

<sup>17</sup> Asako Ejima (2021) op cit note 16 357 at 365.

<sup>18</sup> ISI 'The world's stateless' (2014) 1 at 25, available at <https://files.institutesi.org/worldsstateless.pdf>, accessed on 06 April 2022.

- instance, statelessness is linked to ethnic, gender or religious discrimination. An example is biological female-identifying mothers' inability to pass on nationality to their children, i.e., citizenship laws based exclusively on patrilineal descent. Gender discrimination can leave children stateless in instances that their father is stateless, unknown, or unable to transmit his nationality. Thus, citizenship deficits affect women and men differently and it can also be experienced and claimed in gendered ways.<sup>19</sup>
- iii) Technical causes refer to situations where statelessness is caused by gaps in a country's nationality laws and conflicts between different countries' citizenship laws. Countries most often grant nationalities through either blood relationship (*jus sanguinis*) or through birth in the country (*jus soli*). When a child is born to nationals of a country that grants nationality based on *jus soli*, a country that only confers nationality based on *jus sanguinis* may not be able to acquire any nationality at birth. Other 'technicalities' include: denying nationality to abandoned children; automatic loss of nationality of nationals residing out of their country of origin without registering with their national embassy or consulate in country of residence within a specific period; marriage practices of certain countries where the foreigner loses their citizenship when they marry a citizen of that country; and climate and environmentally induced displacement. Furthermore, inability to prove nationality for nomadic or internally displaced persons, undocumented migrants who face challenges registering births of their children especially if born at home or based on the unreasonable document and administrative processes.<sup>20</sup> Although lack of birth registration by minority populations does not equate to statelessness, lack of documentation often leads to people being denied access to citizenship and state services.

Statelessness can also affect whole communities because of deliberate exclusion of these ethnicities. Nationality laws can be drawn up in a discriminatory manner, whereby they deny minority populations access to nationality — such as the case of the Rohingya in Myanmar, denationalisation of Jews by Germany, and retroactively revoking nationality from persons of foreign descent, such as persons born in the Dominican Republic since 1929. These stateless groups suffer from intergenerational marginalisation and exclusion, which subsequently has consequences on the social fabric of entire communities.<sup>21</sup>

It is crucial to note that a person may become stateless due to a combination of factors mentioned above. A person may also very easily move from having citizenship to losing it and vice versa. These are all factors that need to be taken into consideration when developing a continuum of trauma-informed, trauma-transformed and

<sup>19</sup> Roshni Chakraborty & Jacqueline Bhabha (2021) op cit note 3 237 at 239.

<sup>20</sup> Ajwang' Warria (2020) op cit note 15 6 at 12.

<sup>21</sup> ISI (2014) op cit note 18 1 at 27.

integrated services as a response to statelessness.

*(c) Forced migration and statelessness: The links*

Statelessness differs from forced migration, but they might influence each other, leading to increased levels of vulnerability, traumatisation, marginalisation, and discrimination. The nexus between statelessness and forced migration and displacement exists on several levels: (i) statelessness can lead to forced migration; (ii) the vulnerability of individuals and families to statelessness increases as a result of forced migration; and (iii) when one is stateless, it can increase one's vulnerability in situations of forced migration.

In as much as there are connections between forced migration and displacement and statelessness, it is worth highlighting that many people with refugee status following forced migration, globally, are not stateless but are citizens of their countries of origin. Therefore, not all refugees and asylum seekers are stateless and not all stateless persons are refugees or displaced persons. Millions of stateless individuals have never been displaced — and they live in their countries of birth. However, many people are both refugees and stateless:

Many stateless persons do not move (though research suggests that 1 in 3 stateless persons has been forcibly displaced), and if they do move, they may or may not be classed as refugees. [Thus,] ... while some stateless persons are refugees, and some are migrants, key concerns relating to statelessness will be obscured if we speak only about refugees or migrants.<sup>22</sup>

One of the consequences of statelessness is forced migration.<sup>23</sup> An earlier study reports that most stateless persons are victims of forced displacement. Indeed, statelessness has been described as 'rooted displacement' or 'displacement in situ' because a stateless person is displaced irrespective of wherever they are.<sup>24</sup> Paragraph 72 of the New York Declaration states: 'We recognize that statelessness can be a root cause of forced displacement and that forced displacement, in turn, can lead to statelessness...'

Forced migration can cause vulnerability to statelessness. This is because the individual might lose their documentation and thus cannot prove their citizenship connection to a specific country.<sup>25</sup> Furthermore, during migratory journeys, the parents of children born in transit often experience registration administrative challenges and they may endure hardships trying to prove their citizenship and the child's eligibility for citizenship. Furthermore, unaccompanied, and separated minors

<sup>22</sup> Tendayi Bloom 'Statelessness and the global compact for migration' Refugee Law Initiative School of Advanced Study University of London (2017) para 12, available at <https://rli.blogs.sas.ac.uk/2017/09/11/statelessness-and-the-global-compact-for-migration/>, accessed on 06 April 2022.

<sup>23</sup> Mohammad Sajedur Rahman & Nurul Huda Sakib 'Statelessness, forced migration and the security dilemma along borders: An investigation of the foreign policy stance of Bangladesh on the Rohingya influx' (2012) *SN Soc Sci* 1, 159 at 161, available at <https://doi.org/10.1007/s43545-021-00173-y>, accessed on 09 November 2022.

<sup>24</sup> Aimée-Noël Mbiyozo 'Statelessness in southern Africa: Time to end it, not promote it' *Institute for Security Studies (ISS)* (2019) 1 at 9, available at <https://issafrica.s3.amazonaws.com/site/uploads/sar32.pdf>, accessed on 06 April 2022.

<sup>25</sup> Ajang' Warria (2020) op cit note 15 6 at 19.

are often at risk of statelessness.<sup>26</sup> When a child's birth is not registered, especially in the context of forced migration, where citizenship is not automatic, it may put them at risk of statelessness and trafficking.<sup>27 28 29</sup> Indeed, international conventions may be in place but denial of rights leading to vulnerabilities are evident.<sup>30 31</sup>

The gendered nature of forced migration cannot be denied. The same can be said of access to citizenship.<sup>32</sup> In many countries, including those affected by war (such as Syria, Somalia, Democratic Republic of the Congo), women cannot confer citizenship to their children as easily as men can do. Moreover, mothers might not be allowed to register the birth of their children, or they may struggle to prove the children's paternity when separated from the children's fathers. These factors put children at risk of statelessness.<sup>33</sup>

A remarkable difference between forced migration, refugeeism and statelessness is that although a dim hope, refugees have reasonable hope that they might go back to their home countries, whereas stateless forced migrants rarely have a chance to obtain the citizenship of their former country of residence.

### III. CONSEQUENCES OF STATELESSNESS

Citizenship or nationality is the essential link between a person and the State. Thus, the consequences of statelessness are dire from social, political, and economic perspectives — with studies showing that stateless individuals are among the world's most vulnerable groups, least known, least heard, and least visible. Being stateless not only presents legal and policy challenges for national, regional, and international law, it also creates psychosocial challenges for the individual and their families as their lives are on hold. Indeed, statelessness can mean a lifetime of hardship(s) if it remains unchallenged and unresolved. It is crucial to consider the direct and indirect impact of statelessness through a human rights lens because statelessness is associated with discrimination in accessing basic rights and it could render the person at risk of other human rights violations.<sup>34</sup> This supports the argument that 'when human rights are violated, the doors to creating statelessness are opened ... and statelessness is at the nexus of human rights and displacement.'<sup>35</sup>

International human rights instruments accord to stateless persons equal rights to marriage, freedom of belief, expression, movement, religion, and socio-economic and cultural rights. However, huge gaps are evident in terms of guaranteed rights

<sup>26</sup> Ajwang' Warria (2020) op cit note 15 6 at 12.

<sup>27</sup> Aimée-Noël Mbiyozo (2019) op cit note 24 1 at 19.

<sup>28</sup> Tharani Loganathan, Zhie Chan, Fikri Hassan, Zhen Ling Ong & Hareen Abdul Majid 'Undocumented: An examination of legal identity and education provision for children in Malaysia' (2022) 17(2) *PLoS One*, 1 at 18.

<sup>29</sup> Ajwang' Warria 'Forced child marriages as a form of human trafficking' (2017a) 79 *Children and Youth Services Review* 274 at 275.

<sup>30</sup> Ajwang' Warria 'International and African regional instruments to protect rights of child victims of transnational trafficking' (2017b) 12(5) *Victims & Offenders* 682 at 695.

<sup>31</sup> Jacqueline Bhabha (2009) op cit note 7 410 at 422.

<sup>32</sup> Aimée-Noël Mbiyozo (2019) op cit note 24 1 at 9. Gabor Gyulani (2019) op cit note 13 48 at 49.

<sup>33</sup> Gabor Gyulani (2019) op cit note 13 48 at 49.

<sup>34</sup> Ajwang' Warria (2020) op cit note 15 6 at 12.

<sup>35</sup> Maureen Lynch (2005) op cit note 8 1 at 4.

for non-citizens in international rights conventions and the realities faced when the national laws are implemented. Indeed, in practice, statelessness is often accompanied by the deprivation of basic rights and discriminatory treatment and these gaps between rights and realities must be tightened and closed. This is because the plight of stateless people is a matter of human security and ‘the deficits of statelessness can, like a genetic disability, be transmitted from one generation to the next’,<sup>36</sup> continuing the cycle of degradation, rights violations, and hopelessness.

The consequences of statelessness include lack of access to healthcare, social services, and legal protection. Stateless individuals and their families generally have poor prospects — they often lack access to education, do not have a national identity, and are subjected to social stigma, forced evictions, discrimination, violence, and harassment.<sup>37</sup> Statelessness is often transmitted from one generation to the next. This causes many children to start out life without a nationality, on a pathway to childhood statelessness. Violation of the right to nationality is (in)directly linked to the violation of other rights such as education, nationality, political participation, arbitrary detention, property ownership, and freedom of movement. Without citizenship, one cannot be issued an identity card or move with ease — which can lead to unemployment, labour rights violations, and exploitative, insecure, and unpredictable employment. This then has an impact on accessing basic services such as housing,<sup>38</sup> food, and education.<sup>39</sup> Stateless individuals are excluded from social security, pension entitlements, disability allowances and other social assistance or financial services, thus having inadequate standards of living.

Family life, functioning and relationships can also be severely impacted by statelessness and the official invisibility. From a family systems perspective, one family member lacking citizenship can be a challenge to the functioning of that family and the preservation of relationships and the family unit. There may be difficulty in contracting marriages, finding a partner, or desiring to marry or start a family. Threats of arrest, detention and deportation affect the enjoyment of family life and can lead to physical family separation. The stateless often face insoluble problems on property rights or the custody of children following spousal death or separation. When it comes to healthcare, statelessness not only exacerbates the risk of infections, it further limits options for access to medical care, including maternal and child health.<sup>40</sup> COVID-19 also exposed further vulnerabilities of stateless persons.

The links between statelessness and early or forced marriages and trafficking in persons have often been overlooked.<sup>41</sup> Individuals and families who are stateless for prolonged periods of time, out of frustration and a sense of agency take it upon themselves to resolve their cases to the best of their abilities and use the limited

<sup>36</sup> Roshni Chakraborty & Jacqueline Bhabha (2021) op cit note 3 237 at 243.

<sup>37</sup> Tharani Loganathan et al. (2022) op cit note 28 1 at 18.

<sup>38</sup> Ben Gronowski ‘The rights to a nationality and the right to adequate housing: An analysis of the intersection of two largely “invisible” human rights violations’ (2019) *Statelessness & Citizenship Review* 239 at 240.

<sup>39</sup> Aisha K Yousafzai et al. (2022) op cit note 10 154 at 155.

<sup>40</sup> Roshni Chakraborty & Jacqueline Bhabha (2021) op cit note 3 237 at 243.

<sup>41</sup> Ajwang’ Warriia (2020) op cit note 15 6 at 13.



resources that they have. This often means that they may negotiate to be smuggled or their vulnerability leads them to trafficking perpetrators. In addition, women may purposely marry local men and parents are reported to lie about their daughter's age to marry them off early. Statelessness can thus perpetuate child marriages and trafficking in persons and vice versa and attempts to fight one may implicate the other.

Stateless persons are likely to encounter travel restrictions, social exclusion, violence, discrimination, exploitation, and are at risk of forced displacement and prolonged or indefinite arbitrary detention. There is also worry and anxiety linked to arrests or attempted and repeated deportations and where they will be returned to, as they are not linked to any country. The lack of being given a legal status, leads to a precarious and degraded status of illegal and undocumented immigrant, resulting in a protection deficit and being deprived of critical rights. Denial of rights can lead to trauma for a stateless person.

Citizenship constitutes an unearned form of social capital that is claimed and experienced in distinctively gendered ways. The COVID-19 pandemic has shone a bright light on the perils of statelessness, especially for women, who face exacerbated socio-economic inequities, the forced commodification of their sexuality, and exclusion from mechanisms of justice.<sup>42</sup> The vulnerabilities of stateless people are generally increased as they are considered and marginalised as 'other' or 'outsiders', with their survival, rights, and dignity already compromised by social exclusion mechanisms such as legal invisibility, geographic segregation, and social ostracism. Citizenship means access to rights and thus, speaking out is a struggle. For many stateless people talking out or acting when wronged or faced with a situation of abuse can also become problematic or increase their vulnerability. The lack of citizenship silences stateless persons and robs them of their voices. Stateless parents were overwhelmed by the effect of COVID-19 and subsequently had limited or no time and resources to advocate on behalf of their stateless children.

The resolution of cases of statelessness through the (re)instatement or conferring of citizenship can have a positive impact on a stateless person's enjoyment of rights and quality of life. In certain circumstances, it has been reported to end years or even lifetimes of exclusion, marginalisation and abuse. This, however, is not the case for everyone and it begs the question: To what extent does the formal acquisition of citizenship end the psychosocial challenges and traumatic experiences encountered and endured by previously stateless persons?

#### IV. MENTAL HEALTH OF STATELESS PERSONS

This section presents and addresses mental health challenges that prevail in stateless persons, particular stressors that may elicit these, and how interventions may assist. It is worth noting that the experience of being stateless, in all its forms, levels and periods experienced is highly stressful and traumatising. The damage of mental health

<sup>42</sup> Roshni Chakraborty & Jacqueline Bhabha (2021) op cit note 3 237 at 237.

and psychosocial status to stateless persons is enduring. Given the high likelihood of post-statelessness mental health challenges, it is crucial to gain insight into how best to provide psychosocial care. The evidence on such interventions is limited to non-existent. As a point of departure for the discussion points in this section, we use a case example based on the experience of one of the authors during social work intervention with a stateless adolescent in South Africa. The aim of using the one case example is to show the interconnectedness of the trauma (i.e., big ‘T’ versus small ‘t’) and the intersectional lens to statelessness. This is because statelessness intersects with many factors leading to it largely remaining unrepresented in national, regional, or global discourses.

### *Case example*

*In 2007, I was working as a social worker at an institution in South Africa that accommodated orphaned and vulnerable children. During this time, I was assigned the case of Andrew (not his real name). Andrew was a seventeen-year-old teenage boy who was born in and had migrated from Tanzania as a toddler. His stepfather who took care and custody of him was an Umkhonto we Sizwe war veteran who was in exile at the height of the anti-apartheid struggle in South Africa during the late 1980s and early 1990s. Andrew was born in Tanzania, and he did not have any legal documentation when his stepfather relocated to South Africa, at the dawn of democracy, with him and his Tanzanian biological mother.*

*The efforts by Andrew’s stepfather to obtain South African citizenship for him, were without success. Years passed until Andrew’s mother passed away and his stepfather remarried. The new wife of Andrew’s stepfather did not want to stay with Andrew, claiming that he was not a biological son to her new husband. Andrew ended up in institutional care due to neglect and constant problems at home caused by the displeasure from his stepfather’s wife. Andrew was a highly intelligent boy and he also excelled as a soccer player. He had dreams to play for Bafana Bafana — the South African national team. He calls South Africa home, and it is the only country he identified with. He had no memory of Tanzania and he had never gone back to visit since moving to South Africa. He only spoke English and several South African languages. In 2007, Andrew was supposed to write his matric exams. Unfortunately, he did not have a South African or Tanzanian birth certificate or any identity document. The Tanzanian embassy could not help his case due to the bureaucratic process involved in family tracing and proving his birthplace. As such, the Tanzanian embassy could not prove if Andrew was indeed born in Tanzania and that his mother was a Tanzanian citizen. As the same time, he was denied South African documentation, rendering him stateless.*

*Andrew was told that he could not register as a candidate for the final high school exams. He approached the social worker with this concern, and was reassured that every effort possible would be made to help with his case and that the issue will be resolved in time to allow him to register for the exams. Despite the reassurances and the possible solutions suggested to him, Andrew was growing despondent by the day. Not*

*being able to write these exams was weighing down on him. He was showing signs of stress and he would come to see the social worker daily to check on the progress of his case. One weekend, the social worker had a family emergency that necessitated travel away from the residential care facility. Upon the social worker's return, he learned that Andrew had passed on after committing suicide. The issue of lack of documentation had taken its toll on him, and he had become hopeless, socially isolated from family, with feelings of worthlessness and hopelessness. Andrew had confided in his peers that he could not bear to see his dream of featuring for the South African national team and writing his matric exam fail due to a lack of documentation. As far as he was concerned, he was South African and did not see a reason why granting him an identity document was such a big issue. "Uncle, why are they rejecting me like this?" he would often ask the social worker. The multi-layered stressors and psychosocial and physical health issues converged to create an experience of loneliness, hopelessness, worthlessness, and despair, leading to suicide.*

The case of Andrew above represents a tip of the iceberg of the suffering that many stateless persons endure on a day-to-day basis due to lack of documentation. Statelessness leads to a situation of precarity where people live with uncertainty and perpetual worry every single day of their lives. This impacts the mental health of affected stateless persons and the prolonged day-to-day precarity eventually leads to more severe forms of traumatic mental health conditions such as depression and anxiety. For Andrew, lack of documentation blocked his advancement in schooling, it crushed his hopes as a budding footballer who saw himself representing the South African national team. Sadly, he could not handle the mental toll that was induced by his situation of statelessness. Thus, statelessness in combination with other factors eventually led to his untimely and regrettable demise at such a young age. The hopes, dreams and potential of this young teenage boy were crushed. Andrew had lived with this situation for many years and it was something that had inconvenienced him time after time, but he was able to navigate the inconveniences that came with statelessness until he encountered the major huddles that eventually cost him his life. Such situations come with tremendous mental strain and stress that eventually lead to complex trauma, somatic illnesses and even death, as in the case of Andrew. Indeed, it is challenging to live with daily uncertainty and inconvenience.

For Andrew, as is the case for millions of other stateless persons, statelessness represents rejection, and a denial of being. The need for belonging and acceptance is a universal desire in all people and it is needed at all levels of our ecology, from family, school, community, and the country at large. To this end, a denial of citizenship is in essence a denial of one's existence, identity and right to citizenship. While this is legally a breach of human rights, there are hidden mental health costs to statelessness that haunt affected persons daily. Dreams are shattered, hopes dashed and opportunities are limited because the person does not have documentation. The 'world' of statelessness shuts out persons from access to economic opportunities,

career advancement, education, and travel, among other necessary life chances. It is a life filled with daily stressors — an existence that is stressful and detrimental to one's well-being.

Daily stressors experienced by stateless persons may worsen their mental health adaptations that are experienced by limiting every-day protective factors and reducing their sense of resilience.<sup>43</sup> Environmental stressors may vary in intensity and can include: lack of access to basic needs, residing in insecure and overcrowded housing, fear of being arrested, lack of academic opportunities, and diminished livelihood prospects. Daily stressors associated with poverty and insecure conditions have an adverse impact on mental health — with ongoing chronic stressors interfering with recovery and prolonging symptoms. Stories shared by stateless persons illustrate their frustration with a lack of identity or belonging and are indicative of their struggles for survival and recognition.

Experiences of statelessness can easily be viewed and understood to be traumatic and capable of inducing symptoms of anxiety and depression. Stateless persons are frequently exposed to severe psychological trauma, characterised by social stigma, violence, detention, and threats of (or actual) deportation. This could lead to a decrease of the severity of (un)diagnosed disorders even after citizenship is granted. In this regard, trauma-informed psychosocial care and support is aimed at addressing the stateless persons' psycho-emotional needs and providing opportunities for a better future. The help includes engaging with the person's internal resources by drawing on their unique lived experiences, creativity, and motivation while acknowledging the long restorative healing journeys to be undertaken.

The duration of being stateless may serve as a proxy for statelessness adversity — being associated with prolonged and repeated exposure to violence, marginalisation, restricted movement, and lack of access to services. This mirrors the impact of multiple traumas, which are often more challenging to process, as they are of a longer duration, unpredictable, and entail varying levels and intensity of violence and discrimination.

## V. IMPLICATIONS FOR PRACTICE, RESEARCH, AND ADVOCACY

What makes statelessness traumatic are the experiences that are both visible or hidden, and that involve a threat to a person's functioning, physical or emotional well-being and that of their family members. Being in a state of statelessness can also be overwhelming — it can foster helplessness and result in intense feelings of fear, anxiety, and lack of control. The knowledge of being stateless, is bound to change and influence the way that person understands themselves, relationships, the world, and others. It is also important to understand culture-specific descriptions and manifestations of trauma or of stressful experiences. These are aspects that any professional who works with stateless individuals and families ought to know and acknowledge.

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<sup>43</sup> Andrew Riley et al. (2017) op cit note 9 304 at 306.

From an intergenerational perspective, the stress, anxiety, or depression linked to stateless parents or caregivers can increase the internalised symptoms of their child. In addition, the timing and duration of exposure to the contextual stressful incidents can have consequences on children's developmental outcomes. Like Andrew's situation in the case example, cumulative risk or prolonged multiple risks and limited future economic prospects can affect the severity to which a person's mental health is affected. A study on stateless Iraqi Kurdish children and adolescents indicates that experiences of risk factors in early childhood rather than later in adolescence have more adverse consequences.<sup>44</sup> Thus, from a multi-systemic approach, there is a need to work with the whole family, irrespective of the nature of statelessness in that family unit. This also calls for further research on the family's functioning, as impacted by statelessness.

Daily stressors associated with the lives of stateless persons can be of more urgent concern than past traumatic events. This is because they play a significant role in mental health outcomes and ought to be considered as potential avenues for intervention, in reducing mental health symptoms and increasing functioning and wellness. This is consistent with the belief that healthy coping and resilience can be fostered by supportive recovery environments. When engaging with stateless persons, it is important to maintain an attitude that empowers the person, acknowledging their worth, rather than seeing them as sources and carriers of pathology. This is based on the belief that the stateless person has agency and is best able to understand their needs<sup>45</sup> and challenges. They must, therefore, be included in the development and design of intervention plans to alleviate their problems.

The findings emphasise the importance of investigating and researching associations between human rights violations and mental health, with a focus on preventative strategies and integrated interventions. Future research can look at how rights violations and the resulting trauma from statelessness become internalised by individuals and communities and from there seek to identify interventions that can be implemented early. Addressing mental health symptoms alone in stateless persons or simply assigning them a nationality, is insufficient. This paper emphasises integrated and holistic rather than siloed approaches when intervening on statelessness issues. Trauma practitioners such as social workers, psychologists, and counsellors should work in partnerships with legal practitioners and activists to reduce emotional distress while strengthening coping strategies and resilience and addressing systemic rights violations. In addition, the unique situations, rights violations experiences, social exclusion, and 'vulnerability of stateless persons as compared to many other non-nationals require a greater openness to granting more favourable rights to stateless persons than to other migrants who are not so fundamentally disadvantaged'.<sup>46</sup>

<sup>44</sup> En Chi Chen 'Stateless Iraqi Kurdish children and adolescents' mental health: A scoping review' (2020) Research Square at 22, available at <https://doi.org/10.21203/rs.3.rs-113316/v1>

<sup>45</sup> Asako Ejima (2021) op cit note 16 357 at 379.

<sup>46</sup> Katherine Perks & Amal de Chickera 'The silent stateless and the unhearing world: Can equality compel us to listen?' (2009) 3 *Equal Rights Review* 42 at 51.

Adopting a trauma-informed approach means viewing and engaging with a stateless individual's behaviours, responses, feelings or emotions and attitudes as a collection of coping skills arising as a response to rights violations and traumatic experiences. For this to be achieved, there is the need for multi-systemic changes and commitments to practices by applying (basic) information of trauma and recovery to design and deliver policies and services. Providing trauma-informed care and services reduces situations and circumstances that can lead to additional harm or rights violations through practices that are not supportive of well-being and recovery. Trauma-informed services by any practitioner can increase a stateless person's 'choice and control over the course of their recovery and focus on safety, strengths, spiritual and emotional well-being, and the development of trusting relationships.'<sup>47</sup> In providing a positive trauma-informed intervention to stateless persons so that they can lead satisfying and fulfilled lives, trauma practitioners must pay attention to their own personal wellness. Providing care and services to wounded persons can result in a variety of psychological reactions that can cause secondary stress disorders and lead to vicarious trauma. Therefore, trauma specialists and other practitioners working with stateless persons ought to take care of themselves and set limits on the levels of emotional energy they can safely exert on their work.

## VI. LIMITATIONS OF THE STUDY

Due to the inadequate linkages with core social, political, and developmental issues, stateless persons remain uncouneted and disenfranchised — and their very existence may even be denied. When we observe victims and survivors who have their rights denied and centre their lives or stories based on hierarchies of victimhood, we are perpetuating the unjust belief that there are those who are more deserving [of being heard] through having collective voices. From a quantitative perspective, we acknowledge that multiple cases increase the credibility of the study. However, when using a qualitative approach, a small sample is not generalisable and is a limitation of many studies.

The aim of presenting the case example in this paper is to illustrate the wide range of interconnecting yet challenging situations that a stateless person may experience when navigating unjust systems.<sup>48</sup> When access to having one's story recognised is contingent on the stories of many others who travel a similar road but with inaccessible stories, this is in effect a denial of basic truth — that each of us must have interlinking stories to satisfy or ensure acknowledgement of our traumas. Trauma experience is individual, that is, it is based on the meaning that one attaches to it and not what others make of it. Trauma-informed research within statelessness studies calls for these stories to be platformed and amplified in a genuine way<sup>49</sup> —

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<sup>47</sup> Rose Clervil, Kathleen Guarino, Carmela J DeCandia & CA Beach 'Trauma-informed care for displaced populations: A guide for community-based service providers' Waltham, MA: The National Center on Family Homelessness, a practice area of American Institutes for Research Health and Social Development Program (2020) 1 at 18.

<sup>48</sup> Jeanine Hourani 'Reclaiming statelessness narratives by resisting "deficit" discourse and amplifying the voices of stateless people' University of Melbourne (2021) at para 4.

<sup>49</sup> Janine Hourani (2021) op cit note 48 at para 7.

surfaced and not silenced and forgotten. From a research perspective, we support the view that ‘enabling stateless people’s voices to be heard more strongly and more widely is a fundamental requirement for a better understanding of the problem of statelessness and how to tackle it.’<sup>50</sup> We strongly acknowledge that engaging with stateless people’s voices and lived experiences can strengthen advocacy and policy because it informs balanced debates and helps in the person-centred identification of needs, gaps, and solutions in the resolution of statelessness. In securing a better future for them, targeted funding, and dedicated support is crucial.<sup>51</sup> We should be cautious not to discredit single voices because they can also provide insights to increase our understanding of some complexities around statelessness and enable further opportunities for these to be strengthened, refuted, or clarified.

In as much as there is increasing research on traumatic events and interventions being universal phenomena,<sup>52</sup> there is a need to investigate culture-specific manifestations of trauma, as exhibited by stateless persons in different contexts as well as cultural transformative ways to identify local idioms of distress and explanatory models of somatic symptoms. This paper is based on a review of literature; hence, empirical studies are recommended to understand statelessness-related traumas based on lived experiences and the systematic rights violations. This would give voice to this silenced yet vulnerable population and to identify what justice means to them.

## VII. CONCLUSION

In this paper, we argue that statelessness, whether de jure or de facto has traumatic effects on the individuals and families. Mental health distress for stateless persons may be mitigated by interventions targeting environmental stressors and risk factors (pre-, during and post-statelessness, if applicable) to promote well-being. Policy-makers and activists should work collaboratively with mental health practitioners to broaden their understanding of effective, holistic interventions that include tackling psychosocial and emotional distresses brought about by statelessness. The authors hope that this study will inspire additional efforts in understanding and incorporating a critical trauma-informed lens influencing mental well-being toward the development of more nuanced and transformative multi-level and multi-systemic interventions.

<sup>50</sup> Ieksejs Ivashuk ‘Tackling statelessness: The fundamental importance of stateless people’s voices’ (2022) 70 FMR 13 at 14, available at <https://www.fmreview.org/issue70/ivashuk>, accessed on 05 November 2022.

<sup>51</sup> Katie Robertson & Sarah Dale ‘A place to call home’ Peter McMullin Centre on Statelessness (2021), available at [https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0007/3645547/StatelessChildrenReport.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0007/3645547/StatelessChildrenReport.pdf), accessed on 05 November 2022.

<sup>52</sup> Andrew Riley et al. (2017) op cit note 9 at para 1.