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Causes and Consequences of not having a Nationality

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ABSTRACT

Nationality refers to the membership of a nation or a sovereign state in addition to the political rights and other privileges accompanied by it. The right to nationality is a very important right that is available to each and every human. The right to nationality is an important human right. Article 15 in the universal declaration of human rights state that each and every person have a right to a nationality. It also states that each and every person has the right to change their nationality as well. Universal declaration of human rights also states that no one should be arbitrarily deprived of his nationality. This paper mainly deals with the causes and consequences of being stateless. It also deals with ways of acquiring nationality. A person who is stateless has to face problems each and every day of his or her life. A person without nationality has to suffer his entire life. His basic human rights are violated every day. This article deals with the problems that the people who are stateless face. It also deals with the reasons for people to be stateless.

The Universal declaration of human rights is an international document that contains the rights and freedom of all human beings. These rights are called human rights, and they shouldn't be violated at any cost. If these rights are violated, then the person who has violated it will be held liable. These rights have to be protected and shouldn't be violated. Their rights are enjoyed by any individual anywhere in the world, and It is for one and all, regardless of gender, religion, language, race etc.

I. CONSEQUENCE OF STATELESSNESS

Various reports and surveys state that millions of people in today's world do not belong to any state. There are various consequences for being not being part of any state. They are:

1. Lack of education: when a person does not have a nationality, he or she will not be able to get an education, and this is one main problem of not having a nationality. This is because all schools require the person to be part of any state and to have a nationality, and all schools require the children to submit the documents regarding their nationality. In India, the children who are Indian citizens have aadhar card, and this is identity proof that shows that the

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child is an Indian citizen. There are a few children who study using the NRI options as well, and they also have to submit proofs regarding their nationality. Therefore a person who is not part of any state will not be able to get an education. He is denied basic education, which is a violation of basic human rights. When a person doesn't have a nationality, he will not be able to get his basic human rights, and the number of the person who is stateless has increased in the last decade. Article 26 under the Universal declaration of human rights states that the right to education is a basic human right, and this right is getting violated when the person is stateless.

2. Lack of medical facilities: when a person does not belong to any state, then he will face various consequences, and one main consequence is that the person will not be able to get any medical facilities. Medical facilities are a basic human right, and no person should be denied this facility. But unfortunately, in today's world, many people who do not have a nationality are not being provided proper medical facilities. Many hospitals require proof regarding patients, and a person who doesn't have a nationality will not have any proof with him, and therefore many times, he is being denied medical facilities. Article 25, under the universal declaration of human rights, states right to a medical facility is a basic human right.

3. Not eligible for marriage: when a person is stateless, he will not be eligible for marriage, and he will not get a marriage certificate even if he does get married. The authorities will not give the marriage certificate to a person who doesn't belong to any state, and therefore his marriage will not be valid. He will not be considered eligible for marriage, and this is also against his basic human right. One of the most basic human rights given in the universal declaration of human rights is the right to marriage, and this is being violated if the person is stateless. Article 16, under the universal declaration of human rights, state that the right to be married is a basic human right. But it is violated when the person is stateless.

4. Unable to buy properties: When a person does not belong to any state, he is not able to buy any property like houses and lands. So the person is not able to buy the shelter he wants to live in, which is a violation of basic human rights. The right to own properties is a basic human right. This right is given under article 17 of the universal declaration of human rights.

5. Being unemployed: Another main consequence of being stateless is that the person will not be able to get proper employment. The right to work is a basic human right given under article 23 of the universal declaration of human rights. Each and every person has the right to work, and they can choose the work they want to do. They have the right to work in a good and favourable working environment. Each and every person has the right to get fair and just

remuneration for the work they do, and they have the right to get equal pay. But when a person does not have a nationality, all of these would be violated, and therefore his basic human right to work is being violated.

II. WAYS OF ACQUIRING NATIONALITY

Now let us look at the ways a person gets nationality. There are certain ways in which a person gets nationality.

1. **By birth:** Citizenship can be obtained by birth. For example, a child being born in the United States of America gets to be a national of that country as the child had acquired nationality by being born there. Therefore one way of acquisition of nationality is by birth.
2. **By marriage:** Foreign individuals have an opportunity to be a citizen of the state where your spouse might be. This is called a citizenship marriage. So through marriage, a person can get to be a permanent citizen of the country of that of the spouse.
3. **By blood:** Another way of getting citizenship of a country is by blood. This means that the child becomes a citizen when the parents are citizens of the country. So when the parents are citizens of a country, their child becomes a citizen of that country. This is one way of acquiring nationality.
4. **By adoption:** A child being adopted by parents from a foreign country may become a citizen of that country, and this is also one way of acquiring nationality. But it does have some conditions. The parents should be a citizen of a state. The child who is being adopted should have had been a citizen of the state from where she was being adopted. The child should be under the age of eighteen. He or she should have been under a guardian. These are a few conditions to acquire nationality under this method.
5. **By naturalization:** A foreign citizen can become a citizen of the country he now lives in by the process of naturalization. The rules for this process are different in different countries. But the process of naturalization is one common way for a foreign national to become a citizen of any country.

III. CAUSES FOR STATELESSNESS

The above are the general ways of acquiring nationality. But even though these options are available, there are still millions of people who are stateless. There are **various causes for being stateless**. They are:

1. **Discrimination:** one of the biggest reasons for a person to be stateless is due to discrimination. The discrimination is on race, ethnicity, language and so on. The discrimination is also on gender. Discrimination is a problem that all countries have had and still have. Due to this, many people in the world are now stateless, and this is one of the main reasons for a person to not have a nationality. This has to change. No person should face discrimination in his or her life. Each and every person has the right to live with human dignity, and each and every person has the right to have a nationality. Everyone has the right not to be discriminated against based on their sex, religion, race, ethnicity and so on. This is given under article 2 of the Universal Declaration of human rights.

2. **Due to carelessly made laws:** Sometimes, when laws are made, they are drafted carelessly that it leaves out a section of people. So these people then become stateless due to these laws. This has happened before, and it is still happening. This is one of the reasons for a person to be stateless.

3. **Unable to prove link to a state:** If a person is not able to prove his link to the state, then he becomes stateless. This happens when the person does not have the required certificates to prove the link. If the person does not have a birth certificate or other important certificates, then he isn't able to prove his link to the state, and this makes him stateless. This is also one main reason why a person is stateless.

4. **The emergence of new states:** The emergence of new states is also one reason for a person to be stateless. When a person is not able to prove his link to the state due to the emergence of a new state, he becomes stateless. When the person fails to prove his link to the state, he becomes stateless. Therefore this is also a reason for people to be stateless. The above are the various reasons for a person to be stateless.

IV. CONCLUSION

The right to nationality is a very important human right. No one should be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 15 under the universal declaration of human rights is about the right to a nationality. Millions of people are stateless in today's world, and this has to change. Their day to day life is hard as they are stateless. A person without a nationality faces problems each and every day. Each and every day, his basic human rights are violated, and he is not able to fulfil his basic human needs. This situation has to change. Each and every person has the right to live with dignity, and the people who are stateless also have this right. These people should not be deprived of their nationality, and the states should take necessary actions for it. The states should take correct and proper actions,

and all the people who have lost their nationality must get it back lawfully. For this, the states should make special teams and commissions which will rectify the mistakes of the state and will take proper actions. All the people who have lost their nationality would get it back lawfully.
