

# Stop Trafficking!

## Awareness Advocacy Action

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FOCUS: This month's newsletter looks at the nexus between Statelessness and Human Trafficking.

## Introduction to Statelessness

According to the [United Nations High Commissioner for Refugees](#) (UNHCR), millions of people around the world are denied the right to a nationality; they are not recognized as citizens by any country, leaving them stateless. State recognition of a person is essential because the state is often the primary source of fundamental human rights and protections. As a result, they may be denied fundamental human rights and unable to access services, such as being able to go to school, work legally, access health care, or get married, making them at higher risk of exploitation and abuse.

The UNHCR's data paint a stark picture: at least 4.4 million people, a number that is likely much higher due to underreporting, are stateless worldwide. These individuals do not exist according to the citizenship records of any of the 195 countries and are living in a state of limbo. Approximately one-third of them are children, their futures hanging in the balance.

Since most countries do not report statelessness data, the actual figure is believed to be substantially higher. Stateless people can be found in almost every country and all regions of the world, and most live in the same country where they were born.

The consequences of statelessness are profound and enduring. For those affected, it means a lifetime of missed opportunities and disappointment. However, the UNHCR's efforts have provided a glimmer of hope, helping over 550,000 people realize their right to nationality since 2014.

The aftermath of World War II and the reconfiguration of nation states created a surge of stateless populations, which led the drafters of the 1948 Universal Declaration of Human Rights to include Article 15, which states that “everyone has the right to a nationality” and should not be deprived arbitrarily of his or her nationality. Statelessness exists in every region of the world but remains a largely “hidden” problem without government recognition.

[https://www.state.gov/other-policy-issues/  
statelessness/](https://www.state.gov/other-policy-issues/statelessness/)



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# Awareness

## Reasons for Statelessness

When a child is born, their parents may not be able to register their birth or obtain a birth certificate or other legal identity documents, which would make the child stateless.

In addition, stateless people cannot confer a nationality on their children. If the child cannot obtain nationality through the other parent or from the country of birth, they will also end up stateless, perpetuating statelessness across generations.

Other people become stateless later in life due to the following:

### Gaps in nationality laws

Every country has laws establishing how someone acquires nationality and becomes a citizen. If these laws are not carefully written and applied, some people can fall through the gaps and be left stateless. An example is children born in a country where nationality is acquired based on descent but whose parents have the nationality of another State, which they cannot confer.

### Discrimination

In many cases, statelessness results from laws and policies that discriminate based on race, ethnicity, religion, or language, which can cause large-scale and protracted statelessness in the country of birth that lasts generations. States can also deprive people of their nationality through changes in laws that use discriminatory criteria, making entire communities stateless overnight. The majority of the world's known stateless populations belong to minority groups.

Gender discrimination in nationality laws is also a significant cause of statelessness. The nationality laws in twenty countries do not let women pass on their nationality to their children equally with men. Consequently, children can be left stateless when fathers are stateless, unknown, missing, or deceased.

Colonial policies and border disputes can lead to statelessness. In Côte d'Ivoire, people who settled because of forced labor or migration during the colonial era became stateless after independence in 1960. To this day, their descendants are born without Ivorian nationality.

### New States and borders

The emergence of new countries or changes in borders can lead to statelessness. Specific groups may be left without nationality, even when the new countries allow nationality for all. Ethnic, racial, and religious minorities may also have trouble proving their link to the country.

### Loss or deprivation of nationality

Citizens of some countries can also lose their nationality if they have lived outside their country for a long time.

Administrative oversights, procedural problems, conflicts of law between two countries, or destruction of official records.

The United States grants birthright citizenship, so much of the U.S. stateless population includes stateless migrants before arriving for at least one of the above-listed reasons and have not or cannot naturalize due to various factors. For more information, please go to the [UNHCR website](https://www.unhcr.org/).

*An estimated 218,000 people in the United States are potentially stateless or at risk of becoming stateless, states the Center for Migration Studies. Statelessness, like so many social ills, intersects the problem of trafficking in persons.*

<https://cmsny.org/publications/stateless-in-the-united-states/>

## Ramifications of Statelessness

Stateless individuals, without citizenship in any country, are left without legal protection, the right to vote, and often, basic human rights. They face barriers in education, employment, healthcare, and even the most fundamental rights such as birth, marriage, and property ownership. A significant hurdle they face is the lack of a legal identity, which prevents them from taking formal exams or pursuing higher education, even if they manage to access education.

Stateless people may also face severe human rights violations. They often encounter travel restrictions and social exclusion and are at a heightened risk of sexual and physical violence, exploitation, trafficking, forced displacement, and other abuses.

Statelessness is a violation of basic human rights that affects multiple generations. When certain tribal or ethnic groups are discriminated against, or a population is subjected to lengthy wars and conflict, the impact is felt for years to come. For example, in Myanmar, the Government's decision to strip the Rohingya of legal protections has caused a crisis that is affecting not only the current but also future generations, with people being displaced without basic human rights.

The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are two key international legal instruments that aim to address the issue of statelessness.

**"A person who is not considered as a national by any State under the operation of its law."**

**- 1954 Convention relating to the Status of Stateless Persons (Article 1)**

## Difference Between a Stateless Person and a Refugee

A stateless person is not considered a national of any country.

A refugee has fled their country to escape conflict or persecution and has crossed an international border. While most refugees have a nationality, a person can be both stateless and a refugee.

Most stateless people live within the country where they were born and have never crossed an international border.

## The Nexus Between Statelessness and Human Trafficking

There is an urgent and growing global awareness of the strong link between human trafficking and statelessness. Stateless persons lacking identity documents, access to education, and economic opportunities are at immediate risk of exploitation by unscrupulous employers. This exploitation not only leads to debt bondage or other abusive conditions but also hampers economic growth.

Some governments impose travel restrictions on stateless people, which, when combined with their usually poor economic situations and need to migrate for work, can push them to accept informal, sometimes fraudulent, job offers, usually facilitated by unscrupulous intermediaries and smugglers who charge exorbitant interest rates. This leads to debt bondage, a form of trafficking where a person is forced to work to pay off a debt, often under exploitative conditions.

In the United States, stateless persons tend to work as housekeepers, construction workers, and cooks, sectors associated with high rates of federal forced labor prosecutions and civil suits. Stateless children in the United States are particularly at risk, as they often cannot access education.

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# Awareness

## The Nexus Between . . . *(continued from previous page)*

Moreover, being a victim of human trafficking can itself lead to statelessness. When a victim is trafficked to another country, they maintain their citizenship; however, traffickers often confiscate their identity documents, for example, their passports, making them effectively stateless. This can leave foreign national victims unable to prove their citizenship, making it challenging for them to return to their country of origin. Such situations are prevalent in countries where governments are unwilling or unable to facilitate repatriation.

Stateless populations not only face discrimination in their daily lives but also in their interactions with law enforcement. This discrimination significantly undermines their trust in law enforcement and the justice system. As a result, stateless human trafficking victims often hesitate to report exploitative situations to the authorities, fearing inaction or punishment. Even if family members suspect or report a loved one is being trafficked, it is challenging for authorities to trace an individual who lacks formal identity documents.

The responsibility to combat and diminish statelessness lies with governments. Non-governmental organizations can support governments by providing resources, advocating for policy changes, and offering direct assistance to stateless individuals. They must take proactive steps, such as registering stateless individuals, granting citizenship, issuing identity documents, and implementing programs that promote economic growth and trust between these communities and law enforcement. The involvement of governments is crucial, and until such measures are put in place, stateless people will continue to be at risk of trafficking, both within their own country and abroad.

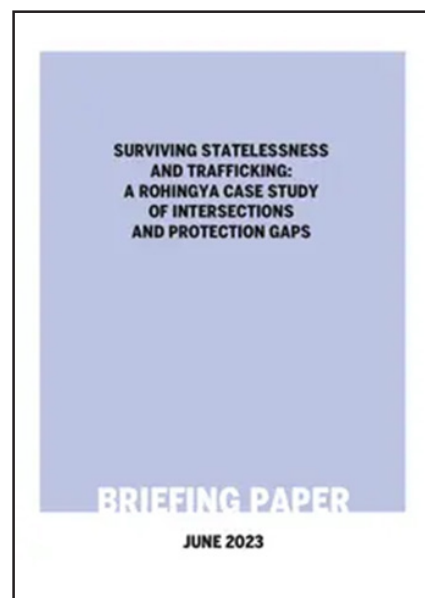
# Advocacy

## Surviving Statelessness and Trafficking: A Rohingya case study of intersection and protection gaps

The Rohingya people are a stateless ethnic group who predominantly follow Islam and reside in Rakhine State, Myanmar. Before the Rohingya genocide in 2017, when over 740,000 fled to Bangladesh, an estimated 1.4 million Rohingya lived in Myanmar. They are considered one of the most persecuted minorities in the world and are denied citizenship under the 1982 Myanmar nationality law and so are considered stateless. Statelessness restricts their freedom of movement and access to education and jobs.

The Rohingya maintain they are indigenous to western Myanmar with a heritage of over a millennium. Historically, the region was an independent kingdom between Southeast Asia and the Indian subcontinent. In 2017, the Myanmar military launched "clearance operations" against the Rohingya people, which left many dead, and many more injured, tortured or raped, with villages burned.

Myanmar drove most of the Rohingya population out of the country into neighboring Bangladesh, where they are also denied legal status. There are now approximately one million Rohingya refugees in Bangladesh and hundreds of thousands of Rohingya in other





countries, such as Saudi Arabia and elsewhere in the Middle East; India, Pakistan, and elsewhere in South Asia; Malaysia, Thailand, Indonesia, and elsewhere in Southeast Asia. A few Rohingyas have settled in Australia, Europe, and North America. With a lack of state protections, they remain vulnerable to trafficking and other human rights violations.

In June 2023, the Institute on Statelessness and Inclusion published a study on "[Surviving Statelessness and Trafficking: A Rohingya Case Study of Intersections and Protection Gaps](#)." Based on research in Myanmar, Bangladesh, India, and Malaysia, the paper examines the intersection of statelessness and human trafficking in different country contexts.

Their research demonstrated that statelessness is an intersectional factor that compounds the risks of exploitation through trafficking and other human rights abuses. This includes abduction, extortion, forced labor, and other forms of labor exploitation, sexual exploitation, torture, death, arbitrary arrest, and indefinite detention. These risks of exploitation or trafficking are sustained throughout lifetimes and different generations. The research indicates that statelessness increases the likelihood of trafficking outcomes, compounds the negative impact of experiences of exploitation, and leaves victims exposed to continued risks and vulnerabilities to further trafficking.

The authors outline six issues that lie at the intersection of statelessness and trafficking experiences:

- Persecution
- Socioeconomic insecurities
- Lack of access to regular and safe migration
- Lack of legal protection and detention
- Lack of access to safe and decent work
- Intergenerational statelessness

The paper's recommendations highlight the crucial role of international cooperation in addressing the issue of statelessness in anti-trafficking initiatives. It is only through a concerted global effort that we can effectively protect the rights of stateless individuals and prevent them from falling victim to trafficking and exploitation.

*Despite its prevalence, the plight of stateless individuals generally goes unrecognized in the United States, as statelessness is not expressly defined in federal law. Meanwhile, there is an estimated 218,000 people who are "potentially stateless or potentially at risk of statelessness" in the United States. Please click on the [Justice for Immigrants website](#) for more information.*

*Due to the intersection between stateless persons and human trafficking, anti-trafficking advocates should support reforms to prevent, address, and end statelessness. The potential impact of a single provision added to the Trafficking Victims Protection Act (TVPA), which Congress reauthorizes every few years, cannot be overstated. It would instantly make all stateless persons less vulnerable to traffickers by closing the protection gap in the law.*

<https://traffickinginstitute.org/report-reveals-statelessness-trends-in-the-united-states-implications-for-the-anti-trafficking-space/>



## Statelessness and Human Trafficking in Several Countries Globally

While the 2023 and 2024 Trafficking in Persons Reports did not look at the role of statelessness in Human Trafficking, the topic was included in many of the country narratives in the [2022 Report](#). A small sample of this intersection is below.

### Dominican Republic

The Dominican Republic has the largest stateless population in the Western Hemisphere; a 2014 law created a mechanism to provide citizenship papers or a naturalization process to stateless persons, but the law has not been adequately implemented, leaving at least 135,000 Dominicans of Haitian descent effectively stateless and vulnerable to trafficking.

### North and South Korea

North Koreans seeking to leave the DPRK due to the government's egregious human rights violations are vulnerable to sex and labor trafficking in the PRC. Many of the DPRK refugees and asylum-seekers living irregularly in the PRC are particularly vulnerable to traffickers, who lure, drug, detain, or kidnap some DPRK women upon their arrival.

Traffickers also operate networks spanning from the PRC into the DPRK to recruit women and girls to smuggle into the PRC. For example, in border towns, traffickers approach women with false promises of profitable employment that would enable them to pay broker fees associated with being smuggled to the PRC. These women are subjected to physical abuse and sexual exploitation by their traffickers, forced into commercial sex in brothels or through internet sex sites, or compelled to work as hostesses in nightclubs or karaoke bars.

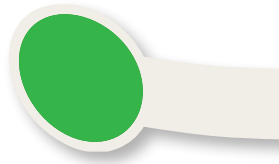
Traffickers also sell DPRK women to PRC national men for forced marriages, whereby they are subsequently forced into commercial sex, domestic service, agricultural, or other types of work. These victims often lack identification documents and bear children with PRC national men, which further hinders their ability to escape. As many as 30,000 children born in the PRC to DPRK women and PRC national men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation. If found by PRC authorities, trafficking victims are often forcibly returned to the DPRK, where they are subject to harsh punishment, including forced labor in labor camps, torture, forced abortions, or death.

### Nepal

Up to 6.7 million individuals, one-quarter of Nepal's population, lack citizenship documentation, rendering them de facto stateless. Legal requirements for transferring citizenship continue to impose hardships on children whose fathers are deceased, abandoned or departed from the country to work abroad. Some women can also not obtain citizenship due to formal attestation requirements from a male family member. Lack of documentation precludes the participation of all these groups in the formal economy and increases their vulnerability to traffickers.

### Pakistan

Refugees and stateless persons from Afghanistan, Bangladesh, and Burma, as well as religious and ethnic minorities such as Christians, Hindu Dalits, and Hazaras, are particularly vulnerable to traffickers in Pakistan. The government does not recognize the existence of stateless people. Traffickers have exploited a small number of Rohingya refugees in forced labor in Pakistan.



## UNHCR Role in Helping Stateless People

The [United Nations High Commissioner for Refugees](#) (UNHCR) protects stateless individuals and works with governments to end statelessness.

They protect stateless people by ensuring they can exercise their human rights and encouraging governments to accede to the 1954 Convention on the Status of Stateless Persons. This international treaty, adopted by the United Nations, outlines the rights and obligations of stateless individuals and the responsibilities of states towards them.

UNHCR's impact is amplified through collaboration with NGOs, human rights groups, and other UN partners to ensure that stateless people can access education, health care, employment, and other fundamental rights. This collaborative approach also protects stateless people from indefinite detention, trafficking, and violence. Tens of thousands more are now on the pathway to citizenship because of legislative change, a reassuring sign of progress.

Since 2014, UNHCR's work has resulted in more than 500,000 stateless people acquiring nationality, a testament to the power of their efforts. Due to legislative change, thousands are now on the pathway to citizenship.



In February 2024, the African Union agreed to a treaty to eradicate statelessness on the continent after over a decade of advocacy.

[The Protocol to the African Charter on Human and People's Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa](#) ("AU Protocol on Statelessness") would give children a right to nationality and end generational statelessness.

The treaty still needs to be implemented. Many countries are slowly changing their laws, leaving about a million people unprotected and many more at risk. On August 7, 2024, UNHCR hosted talks with African Union countries to advise on implementation.

## State-Sponsored Human Trafficking

According to the [2024 Trafficking in Persons Report](#), while the United Nations Trafficking in Persons Protocol calls on governments to proactively address trafficking crimes, some governments are part of the problem, directly compelling their citizens into sexual slavery or forced labor schemes.

From forced labor in local or national public work projects, military operations, and economically important sectors, or as part of government-funded projects or missions abroad, officials use their power to exploit their nationals.

To extract this work, governments coerce by manipulating the lack of legal status of stateless individuals and members of minority groups, threatening to punish family members, or conditioning services or freedom of movement on labor or sex.

## “Stateless Protection Act of 2024” (S. 3987/H.R. 7755)

This bill would define “stateless person” for the first time in United States law, afford protection to stateless persons through a new form of relief and path to permanent residency known as Stateless Protected Status, and support initiatives aimed at preventing statelessness and related human rights violations. For more information, please visit the [Justice for Immigrants website](#).

## What Can Governments Do?

[The United States State Department](#) offers the following efforts governments could consider to prevent and provide a durable solution for statelessness:

- Creating awareness of statelessness and identifying stateless populations.
- Universal birth registration and other forms of civil documentation.
- Increasing access to naturalization or citizenship by:
  - Eliminating discrimination in nationality laws and practices; and
  - Building administrative capacity for civil registry; and
- Strengthening political will and addressing gaps in national laws that are causing statelessness.





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