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WORLD PRACTICE OF REGULATING THE LEGAL STATUS OF STATELESS PERSONS: EXPERIENCE FOR UKRAINE

The article examines the global practice of regulating the legal status of stateless persons and identifies the main models of legal regulation within international and comparative legal frameworks. It is argued that statelessness is not only a legal anomaly but also a systemic human rights violation that results in long-term legal uncertainty and social exclusion of individuals who are not considered nationals by any state.

The study analyzes key international legal instruments, including the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the role of the United Nations High Commissioner for Refugees in shaping global policy in this area. Particular attention is given to the evolution from declarative protection mechanisms toward the establishment of statelessness determination procedures and integration-oriented approaches.

The article identifies three main models of regulating the legal status of stateless persons: the temporary residence model, the specific legal status model, and the integration-oriented model. It is demonstrated that the integration-oriented model is the most effective, as it ensures not only legal recognition but also the actual socio-economic inclusion of stateless persons.

The situation in Ukraine is separately analyzed, where despite gradual alignment with international standards, significant challenges remain, including the absence of an effective statelessness determination procedure, limited rights, and administrative barriers. The impact of armed conflict and internal displacement on increasing statelessness risks is also highlighted.

The study concludes that a comprehensive reform of Ukraine's national legal system is necessary, including the establishment of an effective statelessness determination procedure, expansion of the legal status of stateless persons, and implementation of integration measures in line with international standards.

Keywords: *statelessness, stateless persons, international law, legal status, integration, statelessness determination procedure, human rights.*

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Statement of the Problem. Statelessness remains one of the most persistent and structurally complex challenges in contemporary international law, affecting individuals who are not considered nationals by any state under the operation of its law (United Nations, 1954; United Nations, 1948]. The absence of citizenship creates a situation in which a person is deprived of the legal bond with any state, resulting in the lack of effective protection and enjoyment of fundamental human rights (United Nations, 1948; United Nations High Commissioner for Refugees, 2014). Stateless persons often face severe restrictions in access to education, healthcare, formal employment, social protection, freedom of movement, and legal identity (United Nations High Commissioner for Refugees, 2014; United Nations High Commissioner for Refugees 2014–2024). As a result, statelessness is not merely a technical

legal status but a condition of long-term vulnerability and exclusion from institutional frameworks of protection (Edwards, A. and van Waas, L., 2014).

From a legal perspective, statelessness represents a failure of the state-based nationality system, which is still the primary mechanism for the allocation of rights and obligations in international law. Without nationality, individuals fall outside the effective jurisdictional protection of any state, which creates a gap between formal human rights guarantees and their practical realization.

Despite the existence of international legal instruments aimed at addressing statelessness, national responses vary significantly. Some states have developed comprehensive legal and administrative frameworks ensuring identification, protection, and integration of stateless persons, while others lack dedicated procedures, leaving individuals in a situation of legal invisibility. This inconsistency produces a fragmented global regime where protection depends not on universal standards but on domestic political will and administrative capacity.

For Ukraine, the issue of statelessness is particularly relevant due to historical and contemporary factors. The dissolution of the Soviet Union resulted in unresolved citizenship issues for certain population groups, while ongoing armed conflict and internal displacement have further complicated documentation and nationality determination processes. In addition, administrative inefficiencies and gaps in legal regulation have contributed to the persistence of statelessness cases within the country (United Nations High Commissioner for Refugees, n.d. Statelessness in Ukraine; State Migration Service of Ukraine)]. Therefore, improving the legal and administrative framework governing stateless persons in Ukraine is not only a matter of compliance with international obligations but also a necessary step toward strengthening human rights protection and legal certainty (State Migration Service of Ukraine).

The aim of this article is to conduct a comprehensive legal analysis of statelessness within the international and comparative legal framework, to identify the main models of state regulation of stateless persons, and to evaluate the effectiveness of these models in ensuring human rights protection. On this basis, the study seeks to formulate recommendations for improving the Ukrainian legal and administrative system governing stateless persons in accordance with international standards, particularly those established by the United Nations legal framework.

Analysis of Recent Research and Publications. The issue of statelessness has been widely examined in international legal doctrine, particularly in the context of human rights law, migration law, and nationality law. Academic research generally emphasizes that statelessness is both a legal anomaly and a human rights concern, requiring a dual approach of prevention and protection (Edwards, A. and van Waas, L., 2014).

The international legal framework on statelessness is primarily based on two core instruments: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The 1954 Convention establishes the definition of a stateless person and sets minimum standards of treatment applicable to such individuals. It guarantees access to basic rights such as education, employment, housing, administrative assistance, and identity documentation. However, it does not impose an obligation of equal treatment with nationals, which limits its protective capacity (United Nations, 1954; United Nations, 1961).

The 1961 Convention, in turn, addresses the prevention and reduction of statelessness. It introduces safeguards against arbitrary deprivation of nationality and establishes obligations for states to grant citizenship in situations where statelessness would otherwise occur, particularly at birth. Together, these instruments form the normative core of the international statelessness regime.

A key institutional actor in this field is the United Nations High Commissioner for Refugees (UNHCR), which has been mandated to support states in addressing statelessness. UNHCR provides technical assistance, promotes the development of statelessness determination procedures, and encourages legislative reform. Its analytical reports and global campaigns have significantly contributed to the increased visibility of statelessness as a global legal issue (United Nations High Commissioner for Refugees, 2014; United Nations High Commissioner for Refugees 2014–2024).

Recent academic literature also highlights the shift from purely declarative human rights protection toward procedural guarantees, such as access to statelessness determination procedures and legal remedies. Scholars increasingly emphasize the importance of integrating statelessness into broader migration governance frameworks.

Presentation of the Main Research Findings. International practice demonstrates that the regulation of the legal status of stateless persons has evolved from a fragmented and declarative approach toward more structured and rights-based systems. This evolution reflects the growing recognition that statelessness is not only a matter of migration management but also a fundamental human rights issue requiring comprehensive legal and institutional responses.

One of the most widespread approaches remains the temporary residence model, under which stateless persons are granted renewable residence permits without being formally recognized as a distinct legal category. Although this model allows states to exercise flexibility in migration control, it often fails to provide long-term legal certainty. The temporary nature of residence status creates a condition of «permanent temporariness», where individuals remain in a prolonged state of legal insecurity. This undermines access to stable employment, social integration, and effective protection of rights, as legal status remains contingent on administrative discretion rather than clearly defined legal guarantees (United Nations High Commissioner for Refugees, 2014–2024).

In contrast, the specific stateless status model introduces a formalized legal recognition of stateless persons through dedicated determination procedures. This model is increasingly considered a best practice within international law, as it transforms statelessness from an invisible condition into a legally acknowledged status. The existence of a statelessness determination procedure (SDP) serves several important functions: it provides legal clarity, ensures access to rights, and establishes a procedural framework for identifying individuals in need of protection. Moreover, such systems often include procedural safeguards, such as the right to appeal, access to legal assistance, and clear evidentiary standards, which enhance the overall effectiveness and fairness of the process (Batchelor, C., 1998).

The integration-oriented model represents the most advanced stage in the development of legal regulation. It is based on the understanding that mere recognition of statelessness is insufficient without ensuring the full inclusion of individuals into the social, economic, and legal fabric of the state. In this model, stateless persons are granted a status that closely approximates that of permanent residents, with access to employment, healthcare, education, and social security. Importantly, integration policies are not limited to formal rights but also include proactive measures such as language training, vocational programs, and targeted social support. These measures aim to eliminate structural barriers and facilitate long-term inclusion.

At the same time, the persistence of de facto statelessness highlights the limitations of existing legal frameworks. De facto stateless persons may formally possess a nationality but are unable to prove it or to avail themselves of the protection of their state. This category often falls outside the scope of international conventions, creating a significant protection gap. The absence of legal recognition leads to exclusion from administrative systems, resulting in difficulties in accessing basic services and exercising fundamental rights. Addressing de facto

statelessness requires flexible legal interpretation and the development of complementary protection mechanisms (European Network on Statelessness).

Comparative analysis reveals that national approaches are influenced by legal traditions, administrative capacity, and political priorities. Nordic countries demonstrate a comprehensive integration-oriented approach, characterized by strong welfare systems and inclusive policies. Germany represents a structured procedural model, emphasizing legal certainty and administrative clarity. France follows a hybrid approach, combining elements of migration law with specific protections for stateless persons. Canada, while lacking a dedicated determination procedure, provides access to protection through general immigration and refugee frameworks, illustrating a more indirect approach to the issue (Batchelor, C., 1998).

Despite the diversity of models, several systemic challenges remain common across jurisdictions. Firstly, the burden of proof in statelessness determination procedures is often placed on the individual, who may lack documentation or access to evidence. Secondly, administrative procedures tend to be complex and time-consuming, leading to delays in status recognition. Thirdly, institutional fragmentation—where responsibilities are divided among multiple authorities – can result in inconsistent decision-making. Finally, a lack of awareness and specialized training among public officials further complicates the effective implementation of legal norms (State Migration Service of Ukraine; United Nations, 1961).

In the context of Ukraine, recent legislative developments indicate a gradual alignment with international standards, particularly in terms of defining statelessness and recognizing the need for a determination procedure. However, significant gaps remain in practical implementation. The existing system is characterized by limited accessibility, insufficient procedural safeguards, and a narrow scope of rights granted to recognized stateless persons. As a result, individuals often remain in a prolonged state of legal uncertainty, unable to fully exercise their rights or integrate into society (United Nations, 1961; European Union Agency for Fundamental Rights, 2020).

Furthermore, the impact of armed conflict and internal displacement has intensified the risk of statelessness in Ukraine. Disruption of civil registration systems, loss of identity documents, and difficulties in accessing administrative services have created new categories of persons at risk of statelessness. This context requires a more flexible and responsive legal framework capable of addressing complex and evolving challenges.

Conclusions. Statelessness constitutes a multidimensional legal phenomenon that lies at the intersection of international law, human rights protection, and state sovereignty. While international conventions provide a foundational normative framework, their practical effectiveness is contingent upon consistent and coherent domestic implementation. The persistence of statelessness globally indicates that existing mechanisms, although significant, remain insufficient in addressing the structural causes of the problem.

Comparative analysis demonstrates that the most effective national systems are those that adopt a comprehensive and integrated approach. Such systems combine clearly defined statelessness determination procedures, robust procedural safeguards, and a broad spectrum of substantive rights. Importantly, they also include realistic and accessible pathways to long-term legal status, including naturalization. The integration-oriented model, in particular, reflects a shift from passive recognition to active inclusion, thereby addressing both legal and social dimensions of statelessness.

At the same time, the existence of de facto statelessness and procedural barriers highlights the need for further development of international standards. Greater emphasis should be placed on evidentiary flexibility, burden-sharing between the individual and the state, and the harmonization of administrative practices. Strengthening the role of international

organizations and enhancing cross-border cooperation are also essential for addressing transnational aspects of statelessness.

For Ukraine, the issue of statelessness requires a strategic and systemic response. The establishment of an effective and accessible statelessness determination procedure should be considered a primary priority. Such a procedure must include clear legal criteria, transparent processes, and adequate procedural guarantees, including the right to appeal and access to legal assistance.

In addition, it is necessary to introduce a distinct legal status for stateless persons that ensures a comprehensive set of rights, including access to employment, healthcare, education, and social protection. Expanding opportunities for permanent residence and naturalization would further contribute to reducing long-term legal uncertainty and promoting social integration.

Equally important is the strengthening of institutional capacity. This includes training for public officials, improving inter-agency coordination, and digitalizing administrative processes to enhance efficiency and accessibility. Special attention should also be given to vulnerable groups, particularly those affected by armed conflict and displacement.

Ultimately, addressing statelessness in Ukraine should be understood not merely as a matter of legal reform, but as part of a broader commitment to the rule of law, human dignity, and the protection of fundamental rights. A coherent and rights-based approach to statelessness will not only fulfill international obligations but also contribute to social stability and inclusive development.

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СВІТОВА ПРАКТИКА РЕГУЛЮВАННЯ ПРАВОВОГО СТАТУСУ ОСІБ БЕЗ ГРОМАДЯНСТВА: ДОСВІД ДЛЯ УКРАЇНИ

У статті досліджено світову практику регулювання правового статусу осіб без громадянства та визначено основні моделі правового регулювання цього явища в міжнародному та порівняльному контексті. Обґрунтовано, що безгромадянство є не лише юридичною аномалією, але й системним порушенням прав людини, яке призводить до довготривалої правової невизначеності та соціальної ізоляції осіб, що не мають громадянства жодної держави.

Проаналізовано ключові міжнародно-правові інструменти, зокрема Конвенцію 1954 року про статус осіб без громадянства та Конвенцію 1961 року про скорочення безгромадянства, а також роль Управління Верховного комісара ООН у справах біженців у формуванні глобальної політики у цій сфері. Особливу увагу приділено еволюції підходів від декларативного захисту до запровадження процедур визначення безгромадянства та інтеграційних механізмів.

У роботі виділено основні моделі регулювання правового статусу осіб без громадянства: модель тимчасового перебування, модель спеціального статусу та інтеграційно-орієнтовану модель. Доведено, що найбільш ефективною є інтеграційна модель, яка забезпечує не лише правове визнання, але й фактичну соціально-економічну інтеграцію осіб без громадянства.

Окремо досліджено ситуацію в Україні, де, незважаючи на поступове наближення до міжнародних стандартів, зберігаються проблеми відсутності ефективної процедури визначення безгромадянства, обмеженого обсягу прав та адміністративних бар'єрів. Наголошено на впливі збройного конфлікту та внутрішнього переміщення на зростання ризиків безгромадянства.

Зроблено висновок про необхідність комплексного реформування національної правової системи України у напрямі впровадження ефективної процедури визначення безгромадянства, розширення правового статусу осіб без громадянства та забезпечення їхньої інтеграції відповідно до міжнародних стандартів.

Ключові слова: безгромадянство, особи без громадянства, міжнародне право, правовий статус, інтеграція, процедура визначення безгромадянства, права людини.

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