

Social Security Administration Policy Site: POMS Section RS 02640.040

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RS 02640.040 Stateless Persons

A. DEFINITIONS

There are two classes of stateless persons:

- **DE JURE**—Persons who do not have nationality in any country.
- **DE FACTO**—Persons who have left the country of which they were nationals and no longer enjoy its protection and assistance. They are usually political refugees. They are legally citizens of a country because its laws do not permit denaturalization or only permit it with the country's approval.

B. POLICY

1. De Jure Status

Once it is established that a person is de jure stateless, he/she keeps this status until he/she acquires nationality in some country.

Any of the following establish an individual is de jure stateless:

- a. a “travel document” issued by the individual's country of residence showing the:
 - holder is stateless; and
 - document is issued under the United Nations Convention of 28 September 1954 Relating to the Status of Stateless Persons. (The document shows the phrase “Convention of 28 September 1954” on the cover and sometimes on each page.)
- b. a “travel document” issued by the International Refugee Organization showing the person is stateless.
- c. a document issued by the officials of the country of former citizenship showing the individual has been deprived of citizenship in that country.

2. De Facto Status

Assume an individual is de facto stateless if he/she:

- a. says he/she is stateless but cannot establish he/she is de jure stateless; and
- b. establishes that:
 - o he/she has taken up residence outside the country of his/her nationality;
 - o there has been an event which is hostile to him/her, such as a sudden or radical change in the government, in the country of nationality; and

NOTE: In determining whether an event was hostile to the individual, it is sufficient to show the individual had reason to believe it would be hostile to him/her.

 - o he/she renounces, in a sworn statement, the protection and assistance of the government of the country of which he/she is a national and declares he/she is stateless. The statement must be sworn to before an individual legally authorized to administer oaths and the original statement must be submitted to SSA.

De facto status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual returns to his/her country of nationality, de facto statelessness ends.

3. Residents of Hong King and Macau

The following applies to residents of Hong Kong for months before July 1997 and without a time restriction to residents of Macau.

Consider as stateless any person who:

- resides in Hong Kong or Macau; and
- alleges citizenship in China, Taiwan or Nationalist China (The Republic of China).

Consider him/her stateless only as long as he/she resides in Hong Kong or Macau.

Do not consider him/her stateless if he/she states he/she is a citizen of The People's Republic of China (PRC).

Effective July 1997, the PRC took control of Hong Kong. Thus, residents of Hong Kong can be considered stateless for months after June 1997 only if they meet the criteria in [RS 02640.040B.1.](#) or [RS 02640.040B.2.](#)

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