



Bureaucratic Blindspot: The Deportation of Stateless Bhutanese

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Executive Summary

In 2017, one of the largest global refugee resettlement programs concluded with approximately 85,000 stateless Bhutanese resettled legally in the United States. By 2025, newspapers began reporting that some of these resettled refugees were being deported. This article analyses the Department of Homeland Security's (DHS) data from September 2023 to mid-October 2025 to map the patterns of arrests and deportation of stateless Bhutanese refugees. Because "stateless" is not a category of nationality in the DHS dataset, the article develops a methodology to determine if a stateless Bhutanese is moving through the deportation process. The stateless Bhutanese provide a significant case study regarding the deportation of stateless people who are in the country legally. The paper recommends that the United States should improve the identification of stateless refugees in order to ensure it can make more informed decisions regarding their potential deportation. The study finds that refugees from Bhutan are not clearly identified as "stateless" in the US Immigration and Customs Enforcement (ICE) dataset covering the period of September 2023–October 2025. In addition:

- The monthly average of arrests between 2024 and 2025 suggests a 500 percent increase in arrests of the Bhutanese.
- The location where ICE takes custody of Bhutanese has shifted from primarily state prisons to local jails and non-custodial arrests. These apprehensions are frequently through ICE's Fugitive Operations Program.
- The removal of Bhutanese refugees occurred for a variety of offenses, ranging from serious offenses against persons to minor property offenses.

The paper recommends that the category of "stateless" be added to DHS intake forms. Previously, guidance to determine and respond if someone was stateless was provided to decision makers in the DHS under Section K of their policy manual. That section of the manual has been removed or is no longer publicly available as of June 2025. This article recommends that it be restored. Training of officers evaluating cases, including how to weigh different types of evidence and the use of detailed country information on potential stateless populations, will be necessary to support accurate categorization. These steps will help reduce the risk that the United States breaches its obligations under international law, including under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by deporting stateless refugees to countries where they will be at risk of serious harm.

Keywords

Bhutanese, stateless, deportation, resettlement

Introduction

In 2006, the United States led one of the United Nations High Commissioner for Refugees' (UNHCR) largest global refugee resettlement initiatives, ultimately resettling over 100,000 stateless refugees from Bhutan who had been living in camps for decades. Approximately 85 percent of the global total of Bhutanese refugees came to the United States through the U.S. Refugee Admissions Program (USRAP)

and began building new lives as potential, future US citizens (International Organization for Migration 2015).

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In 2025, President Donald Trump set the United States' smallest refugee admission ceilings in the USRAP's history, capping annual resettlement at 7,500.¹ In addition, the Executive Order titled "Protecting the American People Against Invasion" paved the way to expand immigration enforcement, primarily through a mass detention and removal initiative targeting undocumented and/or removable noncitizens,² including large populations of legal residents subsequently stripped of status. Legally present immigrants with criminal records were identified as a particular priority for deportation. This Executive Order builds on the structure developed in 1996 through the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).³ IIRIRA broadened the types of crimes giving rise to deportation, reduced relief from removal and judicial discretion, and limited procedural safeguards (Kerwin 2018). Further, the Laken Riley Act,⁴ which became law in 2025, expanded offenses mandating detention (in the context of removal proceedings) to include burglary, theft, larceny, shoplifting, assault of an officer, and any offense leading to death or serious bodily injury, including drunk driving.⁵ Coupled with greatly expanded enforcement capacity, budget, and unprecedented mass deportation tactics, these policies and others led to a rapid increase in arrests, detention, and removals (Cerón and Patler 2026; Kerwin et al. 2026).

Some Bhutanese now find themselves in the large number of non-citizens, who were lawfully in the country but are now targeted for removal. In mid-2025, the media began reporting that Bhutanese refugees were being deported to Bhutan (Kim 2025). Bhutan is technically their nation but does not recognize that they are its citizens. They are stateless, a population "not considered as a national by any state under the operation of its law."⁶ The returnees, after landing in Paro, have been again removed from the country. They have found themselves back in the refugee camps in Nepal, which are now officially closed⁷, with few options to gain a nationality or return to their families in the United States.

The United States has not signed or ratified the two international conventions designed to protect stateless people—the 1954 *Convention Relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*.⁸ It has signed (1988) and ratified (1994) the 1984 Convention Against Torture (CAT), as well as taken some steps to implement the convention into federal law.⁹ Of particular relevance for the deported Bhutanese would be Article 3(1) which states that "no state shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."¹⁰ Torture in this framework is not just physical, but severe mental pain or suffering. Bhutan has already forcibly expelled the deportees arriving from the United States (Kim 2025). Its historic persecution of this minority group, as well as their treatment upon arrival may meet the threshold for a "consistent pattern of gross, flagrant, or mass violations,"¹¹ raising serious concerns that their continued deportation is inconsistent with the United States' obligations under CAT.

This article begins by providing the context for the Bhutanese case study. It then analyses the Department of Homeland Security's (DHS) data from September 2023 to mid-October 2025 to map the patterns of arrests and deportations of the stateless Bhutanese. The datasets were made available through a Freedom of Information Request by the Deportation Project¹². The data comes from ICE, a DHS agency empowered to apprehend potentially removable non-citizens and otherwise to enforce U.S. immigration laws. This data was used to determine the number of stateless Bhutanese who have been arrested, been identified as deportable, or have been deported. It demonstrates that the way that the United States has categorized and organized bureaucratically the Bhutanese has created a significant blind spot that makes them vulnerable to deportation. The article then discusses the impact of these deportations, and proposes

¹ Presidential Determination on Refugee Admissions for Fiscal Year 2026, Presidential Determination. Order No. 2025-13, 90 Fed. Reg. 49005 (October 31, 2025).

² Protecting the American People Against Invasion, Exec. Order No. 14159, 80 Fed. Reg. 18 (January 29, 2025).

³ Pub. L. No. 104-208, 110 Stat. 3009-546 (1996).

⁴ S.5 - 119th Congress (2025-2026): Laken Riley Act, S.5, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/5>.

⁵ Laken Riley Act, Pub. L. No. 118-29, 138 Stat. 1025 (2025).

⁶ Convention Relating to the Status of Stateless Persons, Sept. 28, 1954, 360 U.N.T.S. 117 (Article 1).

⁷ While the UNHCR stopped directly managing the camps after resettlement concluded in 2017, the UNHCR does maintain a presence in Nepal. They provide targeted assistance, particularly in relation to accessing health care and waste management (UNHCR 2023). The two remaining camps are now designated as settlements (Pokharel 2023).

⁸ Convention Relating to the Status of Stateless Persons, Sept. 28, 1954, 360 U.N.T.S. 117; Convention on the Reduction of Statelessness, Aug. 30, 1961, 989 U.N.T.S. 175.

⁹ 62 FR 10337, Mar. 6, 1997, as amended at 64 FR 8488, Feb. 19, 1999; 65 FR 76135, Dec. 6, 2000; 85 FR 67259, Oct. 21, 2020; 85 FR 80388, Dec. 11, 2020; 87 FR 18218, Mar. 29, 2022

¹⁰ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.

¹¹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85. Article 3(2).

¹² The government data was provided by ICE in response to a FOIA request, processed by the Deportation Data Project, and analysed by the author. The data bases are available at <https://deportationdata.org/data.h>

essential policy steps to ensure that stateless people are identified before deportation occurs.

Becoming Stateless

In the 1980s a Nepali speaking, largely Hindu, and growing minority group in Bhutan (referred to as the *Lhotshampa* or South Bhutanese) began advocating for democratic reforms (Banki 2024). The Royal Government of Bhutan (1993) viewed these actions as a threat and undertook a process of nation building based on the idea of “one nation, one people,” which favoured the political elite’s Drukpa culture. This ethnically exclusive nationalist policy strove to create a homogeneous Buddhist kingdom that dressed, spoke, and worshipped alike. At first, these policies diminished the rights of minorities. They eventually led to forced assimilation efforts (Gilroy 1990; Hutt 2005; Whitecross 2010), codified and supported by Citizenship Act of 1985¹³ [hereinafter *Citizenship Act*] and enforced through the subsequent 1988 census which applied the new framework for citizenship.

The previous Nationality Law (1958)¹⁴ did not have specific provisions regarding language abilities or knowledge of specific cultural norms. The *Citizenship Act* stipulated that citizens be able to demonstrate the national etiquette called *Driglam Namzha*, which is practiced by the Drukpa people (Hutt 2003). The South Bhutanese viewed the requirement to learn a new language as well as adopt a new way of dressing within three years as a deliberate attempt to undermine their culture.

The *Citizenship Act* also retroactively changed the Marriage Act of 1977.¹⁵ Previously, children born to Bhutanese fathers were considered Bhutanese citizens, but the 1985 Citizenship Act required both parents be Bhutanese citizens by birth. The South Bhutanese marry within their own caste (caste endogamy) but generally must marry from outside their village (village exogamy). The location of the outside village is not constrained by national boundaries. By stipulating both parents had to be citizens by birth, this policy limited citizenship for the children of the South Bhutanese. Further, the *Citizenship Act* retroactively changed documentation requirements: only those who could produce tax receipts dating specifically to 1958 could be considered citizens (Lee 1998; Saul 2000). Other documentation, including land titles, marriage certificates, government

issued passports, or tax receipts from other years were considered insufficient. This meant that citizens and their children (who were also citizens), but did not have a tax receipt from 1958, were no longer considered citizens.

People began to push back against these changes; protests became violent as the South Bhutanese clashed with the Royal Bhutanese Army (Hutt 2003). The act of protesting was viewed by the government as further evidence that this minority group were not genuine citizens of Bhutan and many were identified as terrorists (Human Rights Watch 2007; Royal Government of Bhutan 1992). This meant that people who had been able to maintain their citizenship, despite the changes to policy, could now be stripped of it due to the government’s categorization of their actions as terrorist behaviours. Arbitrary arrests and detention of community leaders coupled with sexual assault against women by police and the army led thousands of people to flee the country (Human Rights Watch 2003). Approximately 80,000 people left Bhutan between 1988 and 1996, with smaller groups¹⁶ leaving the country over the next few years (Amnesty International 1992; Human Rights Watch 2003). Some still had citizenship but were viewed by the government as renouncing it when they fled persecution. Others were forced to sign government forms stating they left willingly—abandoning farms, houses, and careers (Human Rights Watch 2007; Hutt 2005). They originally camped on the border with India, expecting to go home shortly when things settled. India, concerned about an already unstable border and a local Maoist insurgency, moved the Nepali-speaking Bhutanese onto Nepal (Mullick 2001).

In Nepal, the number of stateless refugees continued to grow as conditions deteriorated, and disease swept through informal settlements until the UNHCR (1992) began to build formal camps (Reilly 1994). The exiles gained legal recognition as refugees from Bhutan and the goal of the Government of Nepal, for the first twenty years, was their repatriation (Human Rights Watch 2007; Hutt 2005). Despite years of negotiation, Bhutan refused to repatriate a single person and it maintained that it had no responsibility for the refugees (Hutt 2003). Children born in the camps were born into statelessness, though registered as refugees from Bhutan. They were not registered as stateless and refugees, though the dual legal statuses are more accurate. When Bhutanese stateless refugees were resettled, statelessness was subsumed under the label of refugee. The UNHCR (2025) now advocates that governments explicitly assess, identify, recognize, and record both statuses.

¹³ Citizenship Act of 1985 (Bhutan), Act No. 15 of 1985 (July 1, 1985) (Bhutan), [hereinafter *Citizenship Act*] https://www.nationalcouncil.bt/assets/uploads/docs/acts/2014/Citizenship_Act_1985Eng.pdf.

¹⁴ Nationality Law of 1958 (Bhutan), Act No. 2 of 1958 (Nov. 17, 1958) (Bhutan), https://www.nationalcouncil.bt/assets/uploads/docs/acts/2014/Nationality_Law_1958Eng.pdf.

¹⁵ Marriage Act of 1977 (Bhutan), Act No. 4 of 1977 (Sept. 17, 1977) (Bhutan), https://www.nationalcouncil.bt/assets/uploads/docs/acts/2014/Marriage_Act_1977Eng.pdf.

¹⁶ Many of these later arrivals of stateless refugees were released after being held as political prisoners in Bhutan. However, an ethnically distinct group of indigenous, Tibeto-Burman also faced political persecution in Bhutan and fled to the refugee camps in Nepal during the mid-1990s (US Committee for Refugees 1999).

To be a refugee, a person must be outside *their* nation.¹⁷ If stateless persons outside their country of origin are formally recognized by the UNHCR as refugees, this recognition replaces some of the legal protections not provided to them as stateless persons and (in addition) protections they may have had as residents of their country, albeit as residents with a well-founded fear of persecution on an enumerated ground. It is here that difficulties arise—stateless refugees are still identified as coming from a nation. But if their nation has stripped them of citizenship, it is no longer a nation which is willing to provide protection. This is not always clear when someone gains formal recognition as a refugee. This categorization (“refugee” rather than stateless refugee) carries through from the UNHCR camps to resettlement. The current legal and administrative frameworks that mediate immigration in the United States normalize that everyone is a citizen of a country. Because these frameworks rely on assumptions of citizenship to operate, they struggle to accommodate its absence. Statelessness becomes invisible and the United States has historically done very little to identify, much less create a designated path to legalize its stateless residents (Kerwin et al. 2020, 152–56).

The Bhutanese are a strategic case study due to their well-documented (though not widely known) experiences of statelessness, the scale of their legal resettlement, and the availability of some identifiable characteristics within the administrative data. Their experiences are significant because they point to a broader issue: when assumptions about citizenship are embedded into a state’s immigration system, statelessness can be overlooked. The consequences of this blind spot only becomes visible only when the state seeks to remove a stateless person (but is not able to do so) or succeeds in deporting them to a state which does not recognize them as citizens.

ICE Administrative Data, September 2023–October 2025

The data from ICE covers arrests, detainer requests, and ICE detention. While all datasets have a category of citizenship, none appear to have “stateless” as an option. This is consistent with other US immigration datasets, underscoring that, “some persons may be incorrectly characterized in these datasets as nationals of particular states” (Kerwin et al. 2020, 154). It also makes extracted data for Bhutanese from the ICE arrest, detention, and deportation data, then determining who may be a resettled, stateless refugee or stateless permanent resident, a difficult undertaking. Only the ICE detention centres recorded if people entered the country as refugees, but this was inconsistently answered (the section was often left blank).

Generally, by looking at the date of birth, year of arrival, country of citizenship, and place of birth it is possible to

determine which people were part of the UNHCR resettlement project. For example, a man born in Nepal in 2002 with Bhutan listed as country of citizenship with an arrival date of 2012 is almost certainly a stateless person. He would have been born in the UNHCR run camps in Nepal, been registered as a Bhutanese refugee, and resettled during the peak period of third country resettlement of Bhutanese refugees. Most detainees follow this pattern though a few of the people in the data are slightly more difficult to identify. For example, some people over the age of thirty-five are both born in Bhutan and listed as having Bhutanese citizenship, but their arrival dates suggest they were admitted through the resettlement program. This suggests they are a stateless refugee.

There is one person in the datasets used who was born in Bhutan, but who identified as having Nepalese citizenship. Technically, if they have Nepalese citizenship they do not qualify as refugees for resettlement. However, complex relationships emerged during the twenty years people lived in camps which neighbored villages of Nepali nationals. Again, their unique marriage practices which observe caste boundaries but not national boundaries sometimes meant people within one family may have different citizenships. People who were born in Bhutan after 1998 are excluded (this was when the last wave of refugees left the country), as well as people who arrived after resettlement concluded at the end of 2017.

Theoretically some of these arrivals could be Bhutanese refugees who did not qualify for formal resettlement through the UNHCR program and were later sponsored by their family members. These could include people who were not part of the resettlement program because they worked outside of the camps or were not identified as part of a family unit—for example, in cases of polygamous marriages where family units separated during resettlement (Neikirk 2023). The ICE dataset does not clearly identify visa category or subcategory. The conservative assumption—adopted by this paper—is that persons arriving after formal resettlement concluded are not stateless Bhutanese refugees who are in the country legally. Given the lack of information provided, the dataset was approached cautiously to avoid the risk of overcount.

There were four examples of Bhutanese who were charged with immigration violations, one from before 2025 and one who is voluntarily repatriating. Any cases listed as “excludable,” which means the person did not have permission to be in the country, were not included in the data. In addition, the dataset contained a unique identifier number for the person, this was cross checked to ensure duplicate entries were not included.

Arrests

Out of 377,067 arrest records, 82 were Bhutanese. Conviction type, or the nature of the pending criminal matter does not appear in the data. All arrestees (majority men, two unknown genders) had criminal convictions or pending criminal matters.

¹⁷ Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137.

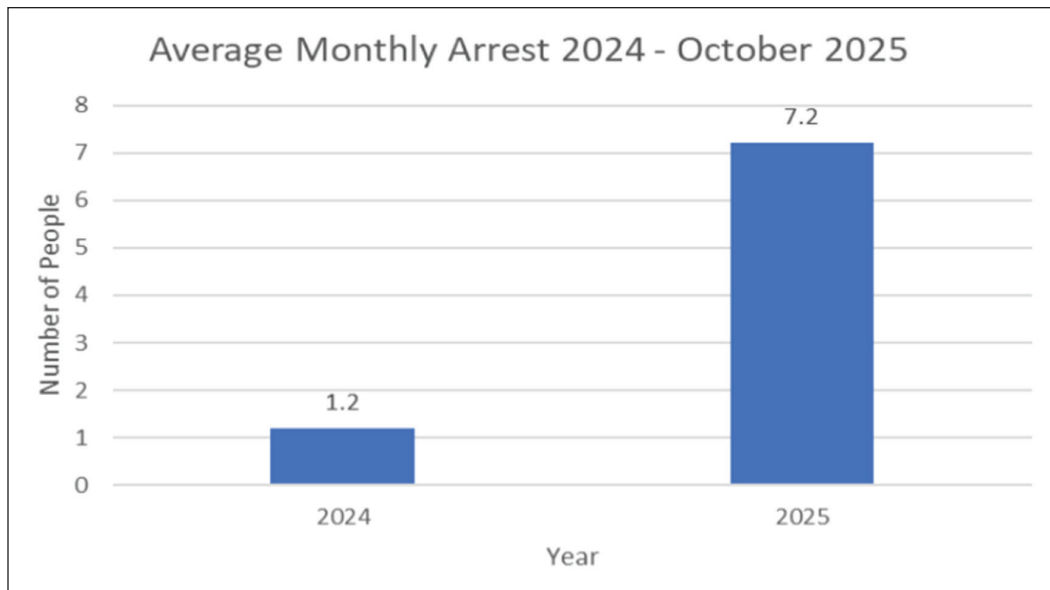


Chart 1. Trend in Arrests Volume: Stateless Bhutanese.

The following chart (Chart 1) shows the average monthly arrest per year for 2024 to 2025 (partial year).

The partial year of 2023 only included two arrests and two months of data so was excluded from the calculations. Though 2025 was also a partial year of reporting, ten months were recorded. This was enough to calculate a monthly average. A monthly average was calculated to map trends across the years, rather than compare over-all arrest numbers. January was excluded from the data because the new Executive Order took effect on 29 January 2025. As evident on the table, there was a large up-ticks in average monthly arrests from February 2025 with an increase of 500 percent compared to 2024. Where people were identified for arrest also shifted dramatically.

Analysing the data from September 2023 until February 2025, twelve of the sixteen (75%) people were identified for deportation while serving a custodial sentence. Most of those (75%) were in state facilities which tend to be prisons for people who have longer sentences or greater security needs. Two additional people were on parole or probation, another had a non-custodial arrest, and another was designated as “located.” The most common entity responsible for initiating the deportation process (75% of the cases) was the Enforcement and Removal Operations (ERO), which is part of the Department of Homeland Security.

After February 2025, the pattern shifts. Of the sixty-six cases, twenty-one (32%) are drawn from incarcerated people, the majority of those (81%) are from local facilities. Local facilities in the US tend to be lower security jails where people are awaiting trial or serving less than a two-year sentence. Thirty-eight percent of people were arrested by ERO, while 30

percent were captured through fugitive operations. Fugitive operations in this dataset appear to be collaborative efforts involving ICE Fugitive Operations taskforces which coordinate with local police and, at times, other federal departments. These arrests appear to be street-level arrests, rather than arrests of incarcerated persons.

The shift in how people are apprehended and identified for deportation suggest that identifying people already incarcerated in a state facility is no longer the primary approach. Rather, more active enforcement by ICE agents and considerable coordination with local law enforcement is occurring.

Detainer Requests

Detainer requests are sent by ICE to local law enforcement/facilities, requesting them to hold a person who they suspect may be deportable until they can take custody of them. Again, determining who is a stateless Bhutanese versus a person who Bhutan recognizes as being one of their citizens is difficult. The same cross-referencing of dates was used to determine who was most likely a stateless refugee from Bhutan. This dataset does include the most serious conviction which triggered the deportation process. It is missing some pieces of information, particularly records of prior arrests.

After removing duplicate entries from the overall count, there are thirty people which fit the inclusion criteria and the majority have their most serious charge listed. Four individuals had multiple charges across multiple years listed. They were counted as one person, but charges were counted individually—thirty-six total charges. This helps provide a snapshot of the kinds of

offenses that trigger a detainer request. The earliest conviction dates to July 23, 2015, with a twenty-three-month sentence served (release likely was in 2017). The date of the earliest charge was from October 23, 2014 with a conviction in 2018 when a male was sentenced to two years for cruelty towards the elderly. There was not a deportation order made at that time. Others have deportation orders which were not previously executed.

There are twenty-three separate types of convictions and not any one conviction forms a majority. The most common conviction was larceny (four cases), followed by (all with similar frequency of three): domestic violence, drug possession, and aggravated assault non-family with a weapon. Five cases were pending and no conviction is recorded. Not every sentence is recorded, though it is also possible people were sentenced to community-based supervision rather than a custodial sentence. Of the data available, the shortest time served was thirty days for marijuana possession and longest was fifteen years for sexual assault. Of the thirty-one sentences that are available, the average incarceration period is 2.5 years. Data regarding date of birth and date of criminal charge was not present for all persons. For the twenty-nine who did have both data points, the average age at the time of the charge was twenty-six years old.

As of October 2025, when the data was released, four stateless Bhutanese in the detainer request dataset had been deported. Their charges were: harassing communication (twelve-month sentence); domestic violence (five-year sentence); threat of terrorist state (no sentence recorded); and sexual assault (no sentence recorded). One man had an earlier felony and an earlier violent misdemeanor; another had a prior felony and multiple non-violent misdemeanors. The other two do not have previous convictions recorded but, like the sentencing data, absence does not mean it did not occur—it may have not been recorded. Of the four who have been deported, only one entered a statement at the time of the deportation hearing. In the United States, this statement is a crucial opportunity to provide information to the court regarding why returning to the country where they are documented as being a citizen might not be safe or feasible.

ICE Detainment

The information from ICE facilities is the most difficult data to determine with certainty if the detained Bhutanese are stateless. The country of birth and year of arrival is not available, though a few are identified as entering the country as refugees. The data was narrowed by citizenship (Bhutan) and immigration violations were excluded. There are very few people in the United States who Bhutan recognizes as their citizens. U. S. Census (2023) data suggests that number might be around 400. It is possible—though unlikely—some are in this dataset. Because the other parameters which help determine statelessness are missing from this data, it must be approached with caution. There was one person who was a Bhutanese citizen but

deported to India, they were excluded from the data analysis. There were duplicate entries in this dataset due to people moving between ICE facilities. Duplications were removed so entries were counted as a single person and single conviction. The average age for this group is forty years old.

In this dataset, seventy-seven people have criminal convictions and an additional two have pending charges (see Chart 2).

Categories of crime vary between jurisdictions but the above chart is clustered to capture general patterns. The most common convictions (twenty-nine) were crimes against persons - sexual based offenses. Crimes against persons-violent crimes were the second most common offenses (twenty-seven). This was followed by property crimes (eight) and public order offenses (eight). The remaining offenses include terrorist threats (three) and driving under the influence (two). Sexual assault and domestic violence are the most common convictions. There are some very serious convictions recorded as well as potentially less serious convictions, such as shoplifting and drug possession, recorded in the data.¹⁸

Sixty-two people (in addition to the four deported from state or local facilities) have been deported to what is identified as their country of citizenship: Bhutan. Chart 3, below, is a subset of the data in Chart 2 showing convictions for people who have been deported.

Similar to the overall convictions, crimes against persons (sexual offenses) and crimes against persons (violent offenses) are the two largest categories. Both have twenty-three convictions overall. In this data, there are negligibly more public order offenses compared to property offenses. Again, an enormous variety of offenses have triggered deportation, from shoplifting to serious sexual violence.

Six detainees have been released under an Order of Supervision—No SLRRFF (No Significant Likelihood of Removal in the Reasonably Foreseeable Future). This means that it has been determined that the person cannot be deported due to difficulty securing travel documents. It is not clear from these cases why these Bhutanese were determined to be unlikely to be removed.¹⁹ Their offenses are the same as others who have

¹⁸ The detainee convicted of shoplifting offense is recorded as having a felony conviction which suggests, based on the laws in Kentucky and the two-year jail sentence, that the shoplifted value was greater than \$1,000 but less than \$10,000. The drug possession charges included a misdemeanor with no sentence served and a misdemeanor with a one-year sentence served.

¹⁹ Deporting stateless people in the past was difficult because the state would not accept them. Executive Order 14159 (Section 13.b) stipulates that states need to be responsible for accepting their citizens, “[a]ny failure or delay by a foreign state to verify the identity of a national of that state . . . shall also be considered regarding the issuance of any other sanctions that may be available to the United States.” Bhutan was also briefly listed on a draft travel ban list. This may have influenced the country to allow the deportees into the country.

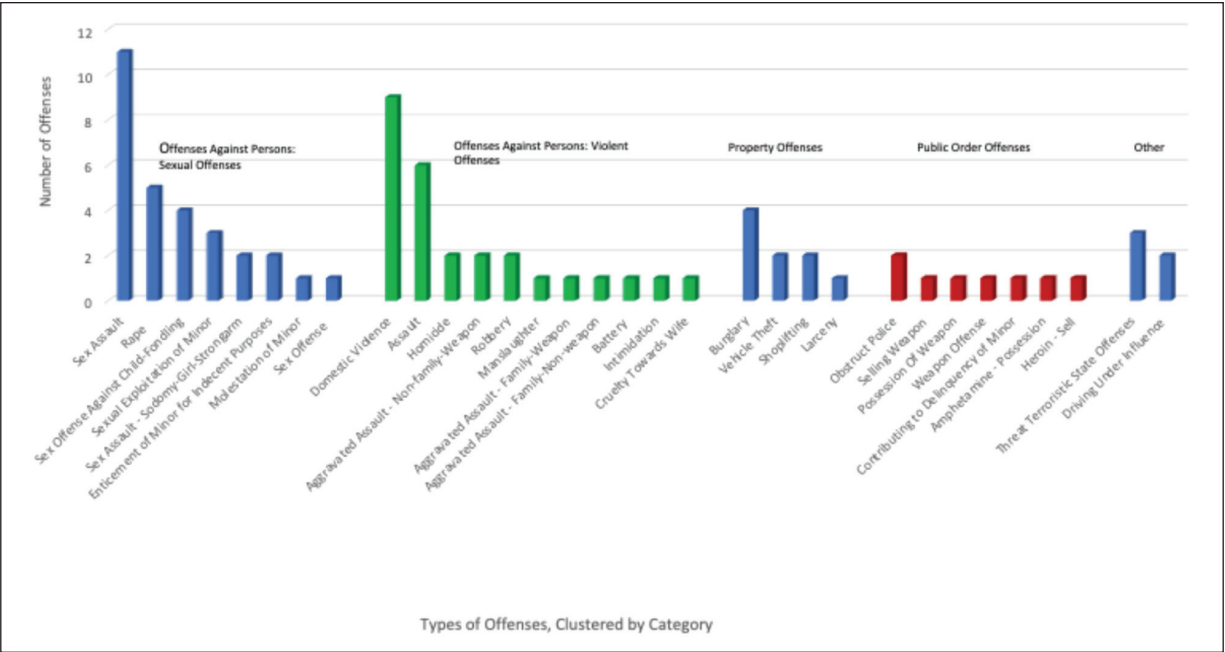


Chart 2. Stateless Bhutanese Conviction Recorded ICE Detention Facility.

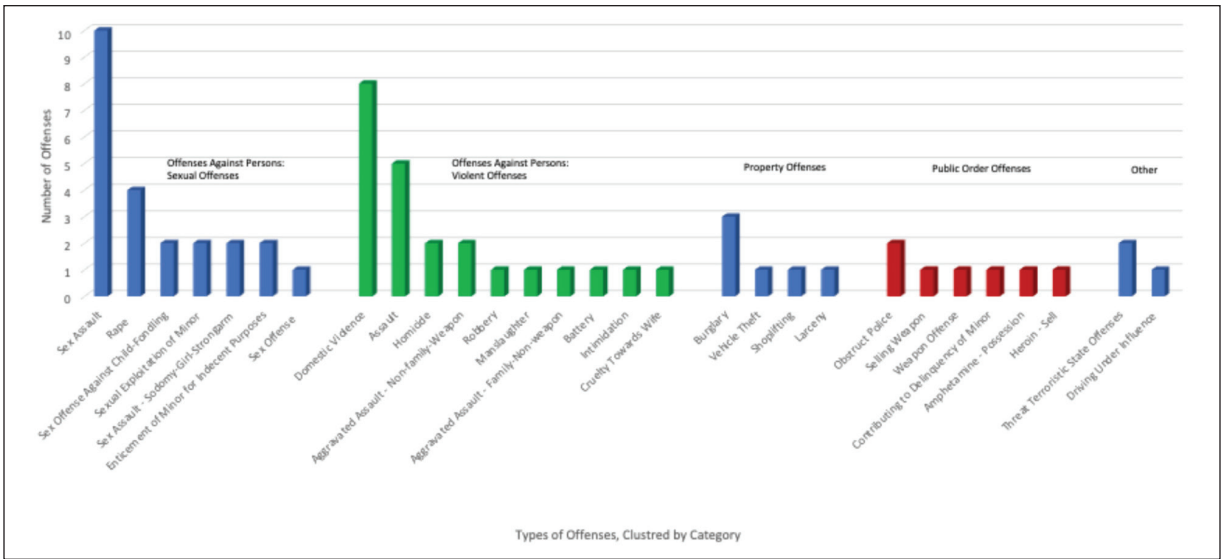


Chart 3. Deportation of Stateless Bhutanese from ICE Facility by Conviction.

been deported. In this dataset, there is no information regarding if the person made a statement during the deportation process. It is not reported if anyone deported had previous offenses. It is also not clear when the offense occurred, if a sentence had already been served, or if the person committed no subsequent offenses. Due to the small number of people deported outside an ICE detention facility (only four in the detainer request data),

it is difficult to determine if their convictions follow a similar pattern to those who are in ICE facilities.

Discussion

Three key issues arise from the data. First, it is difficult to identify stateless people. Second, the increased volume of cases

moving through the immigration court system may put pressure on the procedural safeguards during removal proceedings. Third, stateless Bhutanese are being deported. The implicit assumption in the data from ICE is that the Bhutanese-refugees are citizens of Bhutan. The bureaucratic process seems to take citizenship as a default status. In this case, because their citizenship is recorded in the immigration system as Bhutanese they are being deported to Bhutan. The case study of the Bhutanese demonstrates that deportation of stateless people is occurring to conditions which put them at risk for severe harm. The experience of the Bhutanese may not be generalizable across the larger dataset but also may not be unique for stateless refugees who are legally authorized to be in the United States.

A 2020 study found that none of the myriad federal immigration databases that track admissions, immigration status developments, immigration enforcement encounters, and the removal process reliably identify or record statelessness (Kerwin et al. 2020, 154–56, 193–96). Similarly, the DHS dataset analysed in this article does not clarify if the Bhutanese are stateless refugees or stateless permanent residents. Gaps in the bureaucratic framework mean someone's status as stateless is not evident. The absence of a "stateless" bureaucratic category may make stateless people vulnerable to deportation to countries where they are at risk for severe pain or suffering. This is a particular concern when the Executive Order seeks "to ensure the efficient and expedited removal of aliens from the United States."²⁰ This order seems to suggest swift decision-making will be prioritized, rather than due process. The removal of stateless non-citizens to countries which they do not have ties has been met with concern. An injunction was filed in 2025 to stop these types of deportation stems from concerns about the lack of due process, the injunction has been challenged and will go before the Supreme Court.²¹

While this article only looks at data relating to the Bhutanese, it affirms the sizable increase in: arrests, detainer requests, and removal processes. This aligns with a broader analysis of the ICE data, which found similar patterns of escalation (Blair and Hausman 2026). When considering the sheer volume of cases now being processed by the U.S. immigration courts compared to the previous eighteen months, questions about the robustness of due process arise. The Constitution of the United States enshrines the principle that everyone (not just citizens) has a right to fair treatment under the law.²² Generally, an attorney or other professional skilled in migration law are necessary to ensure due process is protected. For criminal matters, a public

defender can provide free or low-cost support for those who cannot afford a lawyer.

Deportation procedures are civil matters though. There is no system akin to a federal public defender-like system for appointing counsel to low-income persons facing removal from the country, despite the life and death consequences they may be facing (Kerwin 2005). Free legal assistance (outside of New York and other select jurisdictions) is rarely provided and most people negotiate these proceedings without legal counsel (Brotherton and Tosh 2017; Ryo and Humphrey 2023). Data regarding who made a statement during the deportation procedures is missing from most the datasets, making it difficult to determine if this is occurring.

This is coupled with the perennial concerns about non-English speakers moving through legal systems where there is already a tremendous amount of pressure to move cases through quickly (Baran and Holmquist 2018). Most of the Bhutanese have some English language skills but very few would have a skill set that put them on equal footing to the legal system, much less the ICE attorneys who act as *de facto* prosecutors (seeking removal) in these cases. Even if there was a translator at every proceeding (this is not clear from the data), the process of the Bhutanese "learning" to be refugees worthy of resettlement continually emphasized that Bhutan was their country—that they are citizens of Bhutan (Neikirk 2023). These are thickly documented people with lots of evidence that Bhutan is "their nation." This could mean that information about statelessness and risk of on-going persecution is not entering into the decision making process. A judge not familiar with Bhutan's historic treatment of this minority group may not realize the risk that deportation to Bhutan poses.

Discretion in judicial decision-making is an essential aspect of a functional system. The recent directives to prioritize swift decisions may erode that discretion. For judges to determine if someone is stateless or that deportation could pose a risk, the judge needs time to draw on their knowledge and expertise to make a sound decision (Gyulai 2014). The ability for a judge to do that in the current, heavily over-loaded and understaffed system is likely difficult (Bustillo 2025). Adding a stateless option to the broader nationality/citizenship categories may be one way to support judicial decision-making.

A broader analysis of the ICE data found that most people being detained or deported do not have criminal convictions (Blair and Hausman 2026). Presumably their contact with ICE is driven by immigration related offenses. In contrast, virtually all Bhutanese have convictions recorded. Most Bhutanese in ICE detention have convictions for sexual offenses or violent offenses. These categories encompass a wide range of conduct and should not be read as uniform in terms of the harms to individuals or communities. In the current political environment, offenses labelled as violent and/or sexual have been used to justify more rapid and expansive forms of removal. Acknowledging

²⁰ Protecting the American People Against Invasion, Exec. Order No. 14159, 80 Fed. Reg. 18 (January 29, 2025). Sec. 9.

²¹ *D.V.D. et al v. U.S. Department of Homeland Security*, U.S. District Court for the District of Massachusetts, No. 1:25-cv-10676.

²² U.S. Const. amend. V; U.S. Const. amend. XIV.

this dynamic is important, as it shapes both how cases are processed and how they are publicly understood. At the same time, the presence of serious offences does not resolve the central question raised in this article: whether stateless people should be removed to conditions that expose them to severe risk of harm, including circumstances that may qualify for protection under the CAT. The need to protect the fundamental rights of stateless people, ensuring they are not subject to the form of torture and harm they may experience through deportation to Bhutan, remains even if the person had, at some point, committed a serious offense.

The data also tentatively suggests that the Laken Riley Act's expansion of offenses which can trigger mandatory detention is being used in practice, with approximately 14 percent of people in detention facilities being held for convictions relating to those expanded offenses. Furthermore, some of the violent offenses for which people are being deported raise specific concerns. Domestic and family violence is an incredibly serious and complex problem. It is also one of the more common offenses which trigger detention and deportation processes. However, detecting and supporting people through those experiences relies on the reporting of the issue. If people are worried that their abusive partner may be deported, this can lead to fewer people who need support and protection to seek help (Zero et al. 2023). This is a particular concern when some form of intervention is needed, but the person being abused does not necessarily want to separate from their partner. In other words, the threat of deportation may not deter offending but reduce reporting.

There are very few Bhutanese in this dataset (189) and even fewer who have been deported (66). Those identified here represent a tiny proportion of the nearly 85,000 Bhutanese who were legally resettled in the United States. Most Bhutanese refugees who resettled have become citizens or will become citizens and are enjoying the rights, responsibilities, and protections that US citizenship affords. This small sample size limits the ability to generalize across the broader dataset but it does provide a unique insight into the administrative absence, but very real presence, of stateless people in these systems.

Policy Recommendations

In the case of the Bhutanese, deportation seems to be due at least partially to structural assumptions within state bureaucracies. These bureaucratic blind spots obscure statelessness and can enable removal to a country which has stripped people of citizenship. However, this outcome is not inevitable. Clearer documentation of the underlying status of statelessness when refugees come under the protection of the UNHCR (2014) has been recognized as an important first step. The distinctness of this category of resettling refugees needs to be codified into countries accepting stateless refugees for resettlement. The United Kingdom and some countries in Europe have taken this step to ensure that

decision-makers have complete and accurate information by including "stateless" as a recognized status (Immigratie- en Naturalisatiedienst 2026; Office Français de Protection des Réfugiés et Apatrides 2026; UK Visas and Immigration 2024). This reform can help ensure that a person's stateless status is visible during administrative or legal decision-making.

A similar status could be added to DHS forms and datasets, which invariably include field on "nationality." Beyond adding a category, people using the forms and populating the datasets must also be adequately trained. Training has been identified in other countries as necessary to ensure that people understand the kinds of questions to ask, which documentation is necessary, and how to consider various types of evidence so people are accurately identified (UNHCR 2020). It has also been noted that officers will need comprehensive country reports which include information about groups from those countries who are potentially stateless (UNHCR 2020).

In 2023, the United States Citizenship and Immigration Services (USCIS) implemented a new guidance to improve the recognition and treatment of stateless people in immigration processes. "Nationality, or the fact that a noncitizen has no nationality, is relevant to all immigration benefits or actions, and has been a factor considered across a variety of applications, petitions, or requests" (USCIS 2023). Identifying statelessness can be important when determining if people are at risk for deportation to situations where they fear severe physical or mental pain and suffering which amounts to torture. In 2024, legislation was introduced to the US Congress which would have expanded protections against deportation for stateless people but did not move forward into policy.²³ In 2025, policy changes reduced or rolled back the earlier efforts to identify and protect stateless people (USCIS 2025). The guidance previously available in the USCIS Policy Manual (Section K) appears to be on longer available (USCIS 2026). Restoring this guidance, coupled with modifying the citizenship options on forms to include statelessness, will help reduce the risk of non-compliance under CAT when removing stateless peoples at risk for serious harm to country that is presumed (administratively) to be their home.

Limitations

There are multiple limitations to this work. Most significantly, the number of arrests, detainment, and deportation only capture a sliver of the impact the recent policy changes have on individuals and this community. There is an urgent need for research with the Bhutanese communities who are being impacted, as well as research with the deportees who have been returned to Nepal's refugee settlements.

DHS data is missing information and is only available up to October 2025. While it demonstrates the shifts which occurred

²³ Stateless Protection Act, S. 3987, 118th Cong. (2024).

between 2023 and towards the end of 2025, real time data and three full years of data would provide a more robust picture. This is particularly important for the Bhutanese sample, which is comparatively small. The Bhutanese are not representative of the much larger ICE dataset. However, they do provide a strategic case study that demonstrates a structural weakness in the protections available to stateless people. They also account for one of the largest populations of “potentially stateless” persons in the United States (Kerwin et al. 2020, 182, 185–88, 194).

The uniqueness of being stateless in a system designed for people with citizenship may mean that some stateless Bhutanese from the dataset were not included in this analysis. This article likely undercounted stateless Bhutanese because anyone with Bhutanese citizenship or who was born in Bhutan but held another nationality was excluded. Given the marriage practices of the south Bhutanese (caste endogamy and village exogamy), this likely led to under counting. Further research is necessary to analyse the data from the DHS to determine if other groups who are stateless refugees or stateless permanent residents, are also experiencing deportation. A 2020 evaluation of people who are potentially stateless with a legal status either as refugees or permanent residents in the United States found large numbers of Hmong from Laos and Chinese from Myanmar (Kerwin et al. 2020, 182). It may be possible to apply a similar methodology developed for identifying stateless Bhutanese to these groups in the larger ICE dataset.

Crucially, this article is premised on the assumption that identifying stateless people will better protect those whose deportation presents a risk of serious harm. In the current political environment, this assumption may be flawed. There is a risk that more accurate identification will make no difference or may even increase vulnerability.

Conclusion

The U.S. immigration system assumes non-citizens have citizenship or a nationality elsewhere. The absence of a stateless category, as demonstrated through the case study of the Bhutanese, creates a bureaucratic blind spot. This blind spot becomes particularly visible and problematic when policy changes prioritize volume and speed over due process. This leads to very real human consequences: people are deported to countries which do not recognize them as returning citizens, and that subject them to forceful expulsion.

Statelessness is a complex and difficult issue to address. However, this article identifies a specific issue which could be fixed in a comparatively straightforward way. Modest changes to existing forms and federal datasets, coupled with additional training and guidance to identify stateless people, would ensure decision-makers have the necessary information to make more informed, lawful decisions. This reform could reduce the risk of people being deported to countries where they are at risk of serious harms.

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Data Availability Statement

The data for this project is available at <https://deportationdata.org/>

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