

An update on statelessness in Europe



European
Network on
Statelessness

Interview with Azizbek Ashurov, winner of the 2019 Nansen Award

Azizbek Ashurov is winner of the prestigious UNHCR 2019 Nansen Refugee Award for his work to support the efforts of the Kyrgyz Republic in becoming the first country in the world to end statelessness. He is a lawyer and the Director of Ferghana Valley Lawyers Without Borders. We spoke about his work, his recent achievements and the importance of civil society networks in addressing statelessness.



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- Azizbek Ashurov, Ferghana Valley Lawyers Without Borders

The Kyrgyz Republic has become the first country in the world to end

After hearing about each new case, I became more and more convinced of the importance of solving this problem.

statelessness. Tell us about your work and its impact.

Kyrgyzstan made a giant leap forward when it became the first country in the world to conduct a country-wide campaign to identify and then resolve all existing statelessness cases in the country. This took place as part of a national campaign launched in 2014, and it involved the Government, civil society organisations and the UNHCR mission in Kyrgyzstan. More than 13,700 stateless people were identified, all of whom subsequently obtained a nationality through various naturalisation procedures. As part of the effort, my organisation Ferghana Valley Lawyers Without Borders directly helped over 10,800 people. Perhaps against the global scale of statelessness, the achievements of a small country may seem insignificant, but I think the more important point here is the precedent of a single state eradicating statelessness.

Statelessness is an issue that personally affected me and my family along with many others in Kyrgyzstan at the time of the collapse of the USSR, giving me an understanding of what it's like to live with an uncertain status and no nationality. From the start of my professional career, I have focused on the issue, because of my personal experience and knowing many others who were also struggling with statelessness.

Unfortunately, at that time the issue didn't attract much attention. But with like-minded colleagues, and with the support of UNHCR's 2009 mapping study, which revealed the true number of those affected, we began speaking to the Government about tackling the issue. We started work on the ground in 2014, when the Government expressed its readiness to launch a country-wide campaign, which led to the success we spoke about before.

In October you received the prestigious UNHCR Nansen Award for your work towards eradicating statelessness. What does winning the award mean for you as well as others working on statelessness, and how do you think it will impact on what you hope to achieve in the future?

Here, I really want to make clear that while I was lucky enough to receive the award personally, I certainly consider it to be an acknowledgement of combined efforts by many different individuals and organisations. Undoubtedly, this award recognises everyone who continues to contribute to ending statelessness not only in my country, but across the world. I would also like to note the reference kindly given by ENS Director Chris Nash speaking about the significance of our achievements in Kyrgyzstan and the Central Asia region. [...]

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Spotlight

#StatelessJourneys - protecting the rights of stateless people on the move

To protect the rights of stateless people on the move, their nationality problems must be identified and acted upon. But this rarely happens in Europe.

As part of our joint #StatelessJourneys project with the Institute on Statelessness and Inclusion we've published two new Country Position Papers on [Iraq](#) and [Iran](#), which provide information on the profiles of stateless individuals and those at risk of statelessness due to nationality or civil documentation problems in those countries.

We've also published translated leaflets for refugees and asylum seekers affected by statelessness ([available to download](#) in English [Farsi](#) and [Arabic](#)), as well as a leaflet and poster for refugee response actors with information about how statelessness may be affecting refugee journeys.

Visit the [#StatelessJourneys website](#) for other resources including country position papers on people affected by statelessness in Syria, Myanmar and Kuwait, podcasts, webinars and country briefings on how statelessness is impacting on the refugee response in Serbia, the Netherlands and Greece.



Italy, Slovenia and Bosnia-Herzegovina receive recommendations on statelessness at the 34th Universal Periodic Review

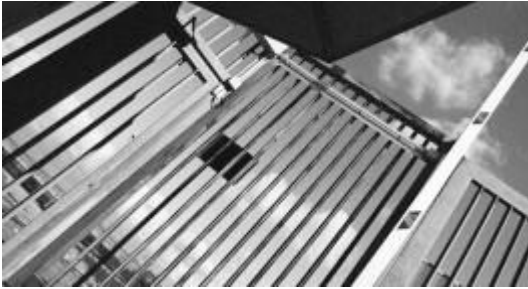
Three European countries were under review at the 34th Session of the Universal Periodic Review (UPR), which took place 4-15 November in Geneva. ENS worked with our members, Consiglio Italiano per i Rifugiati in Italy, the Peace Institute in Slovenia, and the Institute on Statelessness and Inclusion, to prepare joint submissions on the prevention and reduction of statelessness and protection of stateless people ahead of the review for [Italy](#) and [Slovenia](#).

We were able to highlight key gaps in law, policy and practice, based on data from the [Statelessness Index](#). Following the review, Italy received four relevant recommendations, including to accede to the European Convention on Nationality and to reduce the cases of statelessness in the country. Slovenia received 10 relevant recommendations, including on resolving the status of 'Erased Persons', acceding to the 1961 Convention and establishing a statelessness determination procedure. Additionally, Bosnia-Herzegovina received a recommendation on ensuring all births are registered, regardless of ethnicity, in order to prevent statelessness. For a useful analysis of all statelessness and nationality-related

recommendations made at the session, see this [briefing](#) by the Institute on Statelessness and Inclusion.

Latest updates

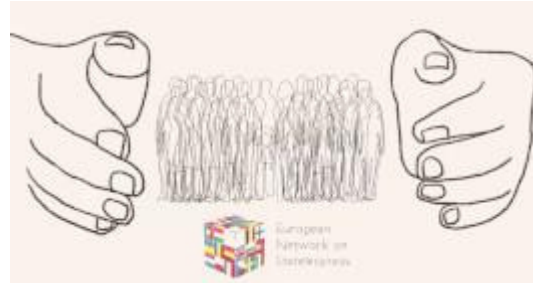
Toolkit on protecting stateless people from arbitrary detention now available in Spanish



ENS member Fundacion Cepaim has worked with students from the University of Murcia's Translation Department to translate ENS' *Protecting Stateless Persons from Arbitrary Detention - A Regional Toolkit for Practitioners* into [Spanish](#). The toolkit (English version available [here](#)) is intended as a resource for all those who come into contact with stateless people, including lawyers, NGOs and stateless detainees themselves, as well as policymakers, officials and judges responsible for reviewing immigration detention. Information is categorised by issue and by type of resource/jurisdiction (UN, Council of Europe and EU), all of which are hyperlinked, along with easy to use checklists for practitioners.

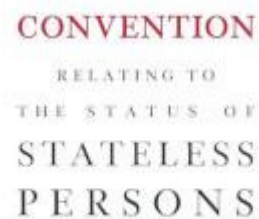
Council of Europe publishes analysis of current practices and challenges regarding the avoidance and reduction of statelessness in Europe

We're recruiting a Legal Policy Officer



Our network is growing and we are taking on new exciting challenges. To help us with the extra work we are seeking a Legal Policy Officer to support our law and policy development work, help deliver our strategic litigation work, develop our relationships with a diverse range of stakeholders, and help us fulfil our mission to protect stateless people and end statelessness in Europe. To learn more about the post [please visit our website](#).

Malta accedes to the 1954 Statelessness Convention



On 11 December, the Government of Malta [acceded to the 1954 Statelessness Convention](#). Malta's accession to the Convention is a welcome step towards protecting stateless people. However, Malta has acceded to the Convention with reservations to Article 11 (regarding stateless seamen), Article 14 (regarding artistic rights and industrial property) and Article 32 (regarding facilitated naturalisation), which means that these



In its November plenary meeting, the Council of Europe European Committee on Legal Cooperation (CDCJ) approved a new [report](#) capturing input from an ad hoc inter-governmental roundtable in June where ENS was invited to provide expert evidence alongside UNHCR, FRA, EMN, academics and state representatives. This followed sustained [advocacy and engagement by ENS](#) since 2017, and we look forward to further reporting on and continuing to support next steps with this very welcome initiative during 2020 and beyond.

CRC 30th Anniversary: work still to be done to end childhood statelessness in Europe



On World Children's Day, [ENS attended](#) the European Parliament high-level event marking 30 years of the Convention on the Rights of the Child. Since 1989, some progress has been made in Europe to end childhood statelessness. In 30 years, 24 European countries have acceded to the [1961 Convention on the Prevention of Statelessness](#), and recent changes introduced in Norway and Albania have helped to prevent the risk of statelessness among children. However, barriers to birth registration, inadequate safeguards to prevent statelessness and factors leading to a risk of statelessness among children in migration mean that some children in

specific provisions will have no legal effect. Of particular concern is the exclusion of stateless people in Malta from a facilitated route to resolving their statelessness through naturalisation. For a full analysis of Malta's law, policy and practice on statelessness go to our [#StatelessnessINDEX](#).

European Parliament reinforces commitment to ending childhood statelessness



As part of the 30th Anniversary celebrations of the UN Convention on the Rights of the child, the European Parliament passed a [new resolution](#) on children's rights which includes a call to member states for a solution to child statelessness both inside and outside the EU, including the promotion of access to birth registration and a child's right to a nationality. This follows advocacy efforts by ENS and our active engagement and membership of the [Initiative on Children in Migration](#), a collaboration among NGOs involved in coordinated advocacy on EU law and policy impacting children in migration.

Improvements and challenges in UK's new guidance on statelessness applications



Europe are still prevented from realising their right to a nationality under the convention.

The CJEU issues judgment in Bilali C-720/17 on statelessness and subsidiary protection



The CJEU has [issued a decision](#) on whether Article 19 of EU Directive 2011/95 allows for revocation of subsidiary protection status when the knowledge of the authorities changes. The Austrian authorities revoked subsidiary protection status previously conferred on Mr Bilali, who claimed he was stateless. The CJEU decided that subsidiary protection could be revoked even though the mistake lay with the Austrian authorities, and not with the Applicant. Austria does not have a statelessness determination procedure, which would have enabled Mr Bilali's case to be resolved earlier and more effectively.

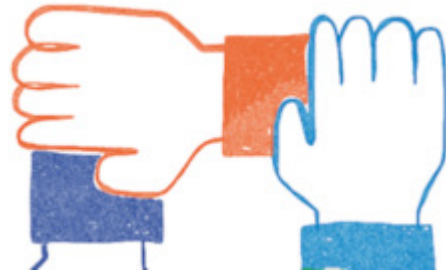
German 'Migration Package' poses increased risk of detention for stateless people



In June 2019, the German Parliament approved the so called '[migration package](#)' which introduced new and modified legal and policy measures on immigration and asylum. The 'Orderly Return Act' significantly tightens detention

The UK Home Office's [new guidance](#) on statelessness applications both repeats some existing mistakes and makes new ones, while also introducing some [improvements](#). The guidance permits, for the first time, asylum and statelessness applications to proceed in parallel in some circumstances. It also requires the Home Office to consider whether an applicant meets the definition of a stateless person, even where they meet the general grounds that prevent people from applying for stay in the UK, as they may need to be granted leave to remain if they are stateless and not admissible to any country. For a full analysis of the UK's law, policy and practice on statelessness go to our [#StatelessnessINDEX](#).

ENS welcomes seven new members



In September, ENS welcomed seven new members to the network. The Secretariat looks forward to working with the British Rohingya Community UK, Female Fellows (Germany), Fenix Humanitarian Legal Aid (Greece), Jesuit Refugee Service UK, Swedish Refugee Law Centre, Benedikt Buechel (UK) and Christiana Bukalo (Germany), as well as the expertise and contributions they will each bring to the network. For a full list of our 154 members see [our website](#).

Latvia takes a decisive step towards eliminating childhood statelessness

and deportation rules. A newly introduced requirement for individuals to provide a passport, and the failure to do so resulting in sanctioning could negatively impact on stateless people who cannot provide documentation or acquire a passport from an embassy.

ASKV Refugee Support, ISI and UNHCR launch campaign against statelessness in the Netherlands



Despite the publication of a draft proposal for a statelessness determination procedure by the Dutch Government in 2016, this [still hasn't been discussed](#) in Parliament. To reinvigorate momentum towards law reform and raise awareness of the issue of statelessness in the Netherlands, ISI, ASKV Refugee Support and UNHCR have now launched a [joint campaign](#). The campaign is centred around an online [petition](#), calling on the Dutch Government to take the necessary measures to protect stateless people in the Netherlands.



In October, [Latvia's parliament passed legislation](#) to automatically grant nationality to the children of 'non-citizens' as of 1 January 2020, unless the parents opt for another nationality. 'Non-citizens' are members of Latvia's Russian-speaking minority who did not acquire either Latvian or Russian nationality in 1991, and while the majority of children born to people with 'non-citizen' status in 2014-17 were registered as Latvian nationals, 253 children born during this period remain stateless. In cases where the child is born outside Latvia or one of the parents is a national of another country, the parents will have to submit an application and documents certifying that the child is not and has not been a national of any other country in order to be recognised as a Latvian national.

Recent publications

- ([European Network on Statelessness & Institute on Statelessness and Inclusion](#)) [Statelessness in Iraq: Country Position Paper](#) - provides information on the profiles of stateless individuals and those at risk of statelessness due to nationality or civil documentation problems in Iraq
- ([European Network on Statelessness & Institute on Statelessness and Inclusion](#)) [Statelessness: A Short Guide for Refugees & Asylum Seekers](#) - short leaflet with basic information on the rights of stateless people (also available in [Farsi](#) and [Arabic](#))
- ([European Network on Statelessness & Institute on Statelessness and Inclusion](#)) [Statelessness: A short guide for refugee response actors in Europe](#) - a short guide

aimed at practitioners working with refugees and asylum seekers

- ([European Network on Statelessness & Institute on Statelessness and Inclusion](#)) [Statelessness in Iran: Country Position Paper](#) - provides information on the profiles of stateless individuals and those at risk of statelessness due to nationality or civil documentation problems in Iran
- ([Council of Europe European Committee on Legal Co-operation](#)) [Statelessness: Analysis of Current Practices and Challenges Regarding the Avoidance and Reduction of Statelessness in Europe](#) - a preliminary review of protocols and procedures used by Council of Europe member States to determine and resolve cases of statelessness, prepared for the 94th Plenary Meeting of the COE European Committee on Legal Cooperation, Strasbourg, 13-15 Nov. 2019
- [Protección de los apátridas contra la detención arbitraria – guía regional para profesionales](#) - A Spanish translation of ENS' 'Protecting Stateless Persons from Arbitrary Detention - A Regional Toolkit for Practitioners'. It is intended as a resource for all those who come into contact with stateless people – including lawyers, NGOs and stateless detainees themselves, as well as policymakers, officials and judges responsible for reviewing immigration detention.
- ([UNHCR](#)) [#IBelong The Campaign to End Statelessness July-September 2019 update](#) - an update covering #IBelong campaign activities in July-September including the High Level Segment on Statelessness convened to mark the midway point of the ten-year campaign, and updates from Portugal and Bulgaria
- ([UNHCR](#)) [The Impact of Statelessness on Access to Human Rights in Italy, Portugal and Spain](#) - a report outlining the findings of UNHCR's Regional Office for Southern Europe's participatory assessment with stateless people, people at risk of statelessness, formerly stateless people, civil society and authorities in Italy, Portugal and Spain
- ([UNHCR](#)) [COI Note on the Treatment of Women with Children Born out of Wedlock in Syria](#) - country of origin information note highlighting some of the risks of statelessness that arise for children born to Syrian mothers out of wedlock due to gender discriminatory nationality law and practical obstacles to registering a child faced by the mothers in Syria.
- ([IOM, UNICEF, OHCHR Europe Regional Office, Child Circle, ECRE, Save the Children, PICUM](#)) [Guidance to Respect Children's Rights in Return Policies and Practices: Focus on the EU Legal Framework](#) -Guidance for state authorities on the design and implementation of return procedures that are child rights compliant, including the need to consider a child's nationality status and its impact on the possibility of return.
- ([Institute on Statelessness and Inclusion](#)) [Making SDG 16.9 Work for the Wider Sustainable Development Agenda: Lessons From the Citizenship, Statelessness and Legal Identity Community](#) - Policy brief setting out why scrutinising the law and policy structures that determine legal identity is critical to making SDG 16.9 work for the wider Sustainable Development Agenda.
- ([Institute on Statelessness and Inclusion](#)) [World Conference on Statelessness Report 2019](#) Post-conference publication outlining the key takeaways of the Conference as a whole, and giving an overview of the main overarching themes including development, women and children, migration, minorities and securitisation of citizenship and the arbitrary deprivation of nationality.
- ([Stephan Gerbig](#)) [No papers - no birth certificate? Recommendations for Registering Children of Refugees Born in Germany](#) - Article highlighting the barriers to

registering the children of refugees born in Germany if their parents cannot adequately prove their own identity, which provides recommendations on how to address these barriers.

- ([William Thomas Worster](#)) [European Union Citizenship and the Unlawful Denial of Member State Nationality](#) - Article questioning the impact on EU citizenship of measures by Member States to deny nationality
- ([Susi Foerschler](#)) [Book Review: Citizenship in Question: Evidentiary Birthright and Statelessness](#) - Book review of Lawrence and Stevens (eds.) *Citizenship in Question: Evidentiary Birthright and Statelessness* by German Lawyer Susi Foerschler, also a graduate of Vanderbilt University Law School's LL.M. program.

Events and opportunities

- The European Network on Statelessness is recruiting a [Legal Policy Officer](#). Deadline to apply is 20 January 2020.
- [Volume 2 Issue 1 Statelessness and Citizenship Review](#) - open to submissions, deadline 15 January 2020.
- [9th English Course on Statelessness 9-14th June 2020, Sanremo Italy](#) - aimed at government representatives and NGOs working with stateless people, the course is co-organised by UNHCR with the International Institute for Humanitarian Law in Sanremo, Italy.
- UNHCR is seeking feedback on a draft version of its 5th set of Guidelines on Statelessness, which focus on "Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness." Deadline is 15 January 2020. More info [here](#).



"Everyone has the right to a nationality"

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