

An update on statelessness in Europe



European
Network on
Statelessness

Interview with Valeria Ilareva - Foundation for Access to Rights

ENS caught up with Valeria Ilareva, the Head Lawyer and the Chairperson of the Foundation for Access to Rights, a Bulgaria based civil society organisation and a longstanding ENS member. Valeria has more than 18 years of experience in the field of migration and asylum law. We spoke about the recent introduction of a statelessness determination procedure in Bulgaria, the importance of communications work and the impact of the government's COVID-19 measures on marginalised groups.



"Currently in the context of the COVID-19 pandemic the biggest challenge is the uncertainty and not knowing for how long this state of emergency will last."

- Valeria Ilareva, Foundation for Access to Rights

The Foundation for Access to Rights (FAR) is a longstanding member of ENS. Your work in Bulgaria is centred around addressing systemic issues facing people in accessing their

We have been privileged to become closely involved in ENS' activities, which has contributed to improving our standing at the national level, both in terms of strategic litigation and advocacy. Since 2019 FAR is also an UNHCR

basic human rights. How does statelessness fit into this work?

Stateless people are explicitly pointed out in FAR's founding statute as one of our priority target groups. When we established FAR in 2013, I already had over 10 years of experience working on migration and refugee law and I knew stateless people were one of the most vulnerable groups when it came to accessing their basic rights. My first encounter with statelessness was the prolonged and seemingly endless detention of stateless individuals in Bulgaria's removal detention centres. To give you an example, as a lawyer I had a client – Mr. A.A. - who was held in immigration detention for a total of seven years - from 2005 until 2012. The feeling of powerlessness from a legal standpoint and the motivation to advocate for a change to the status-quo is familiar to many human rights lawyers. I felt the same also as a lawyer of Mr Said Kadzoev, a stateless person, in whose case the Court of Justice of the European Union's first preliminary ruling on the [EU Return Directive](#), interpreting the concept of a 'reasonable prospect for removal'. Thus, naturally, one of FAR's first decisions after its establishment was to become a member of the European Network on Statelessness, which is a community of allies who support each other in advancing social justice for stateless people.

implementing partner in providing legal aid to stateless people in Bulgaria.

Following sustained efforts by UNHCR and FAR, including in collaboration with the European Network on Statelessness you've achieved some major improvements in the treatment of stateless people in a remarkable short space of time. What motivated the Bulgarian government to introduce a statelessness determination procedure, and how were they persuaded to fix some of its initial shortcomings?

The changes didn't happen overnight. In the last two years we've reaped the fruits of sustained advocacy and communication efforts that went through seasons of sowing, watering and growing. After four years of hesitance, in 2012 Bulgaria acceded to the 1954 and 1961 Statelessness Conventions. It was only in December 2016 that Bulgaria adopted national legislation transposing the Conventions. Then in 2017 Bulgaria introduced a dedicated statelessness determination procedure which made the 1954 Convention operational. While all those were welcome steps, however, the qualification criteria threshold was initially set too high and the new law didn't guarantee recognised stateless people access to rights or legal residence. In 2019, further progress was made on two fronts... [\[continue reading\]](#)

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Spotlight

Responding to the Coronavirus (COVID-19): Supporting our staff and members, and continuing to fight for the rights and protection of stateless people



There is no doubt these truly are extraordinary times. COVID-19 presents an unprecedented challenge to our work and those we support.

At ENS, we are determined to maintain a positive and outward-looking focus in order to effectively continue our work with and on behalf of stateless people across Europe. But at the same time, we have to accept it is not business as usual. In response we have started the process of moving our planned Alicante conference which was scheduled for the beginning of May. We are provisionally scheduling the 24-25 September and 15-16 October 2020 as potential alternative dates but will wait to make a final decision in June, when we hope the situation with regards to the COVID-19 virus will be clearer.

We are also looking at how our other work will be impacted and what we can do to mitigate this, as well as trying to understand the impact on the work of our members and stateless people themselves. Last week, we initiated a consultation with our members to assess this and any support ENS could provide. We will follow up with any adjustments that need to be made in the short term, as well as assess how we may need to adjust any of our longer term plans.

We have equipped our Secretariat to work remotely and to minimise disruption to delivering our activities and strategic objectives. Over the coming months, we will develop and deliver free online webinars to keep a strong external focus on statelessness, with our first [webinar](#) on the child's right to a nationality in migration taking place this Friday.

We are only starting to understand the multitude of intersecting impacts of the virus, and the governments' responses to it, on the already marginalised groups. We are looking at how the COVID-19 response in Europe affects stateless people and will provide space for stateless people and affected communities to share how they are being impacted and identify what support they need over the coming months.

Now is a time when civil society is needed more than ever, and we and our partners will advocate towards regional and national policymakers, especially where there are opportunities to broaden the healthcare and financial support measures to cover stateless people and to push back against further restrictive policies, which would impinge on their fundamental rights.

Please feel free to [contact the Secretariat](#) if you have any suggestions on how ENS can further support your work in these challenging times.

A handwritten signature in black ink that reads "Chris Nash". The signature is written in a cursive, slightly slanted style.

Chris Nash, Director



With six new countries added, our StatelessnessINDEX now covers 24 countries

Over the last 6 months we've worked with members in Greece, Portugal, Belgium, Austria, Spain and the Czech Republic to expand the coverage of the [StatelessnessINDEX](#). We've also collaborated with members in our 18 existing Index countries to prepare the annual updates which include new population data and analysis of changes introduced in the last 12 months. We're launching these later in the week.

We are excited about the potential to further develop our StatelessnessINDEX as a catalyst for reform and we will be rolling out new features, including a new resources library in the summer. In 2018 we launched our StatelessnessINDEX to give users an easy way to understand how policy, law and practice differs across Europe and to identify good practices and areas that need to be improved by states. Two years on and with over 10,000 users, we're emboldened that the Index has become an invaluable tool for raising awareness and focusing advocacy on reducing statelessness and improving the treatment of stateless people.

Latest updates

We're recruiting an Operations and Partnerships Officer



ENS is undergoing an expansion and a [re-structure of our Secretariat](#) in response to our increased project commitments. To strengthen our ability to deliver all our

ENS welcomes new Legal Policy Officer – Patrícia Cabral



Patrícia [joined the Secretariat](#) in February to support our law and policy development, and deliver ENS' strategic litigation work. She holds a master's degree in International Law and is a

work and sustain impact we are looking for an [Operations and Partnerships Officer](#) to manage provide administrative, project and operational support to the Secretariat. The new post will also engage with the ENS membership and other strategic partners to help us deliver projects across Europe. The ENS Secretariat has grown from 3 to 7 staff over the past three years, working on an increasing number, complexity and diversity of projects and activities. The addition of this role to the Secretariat as part of an internal restructure will help strengthen project coordination and streamline management and decision-making.

ENS hosts free webinar on the right to a nationality for children in migration

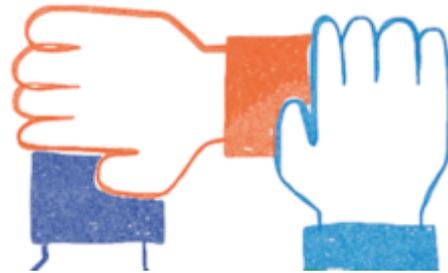


You can still [register](#) your place for a free webinar organised by ENS as part of the Initiative for Children in Migration on 3 April (10-11 CET). This webinar will explore how and why children in migration in Europe may be at risk of statelessness, and provide key recommendations for action at the national and regional level. It will coincide with the launch of a new paper developed by the European Network on Statelessness in partnership with the Initiative: *No child should be stateless: ensuring the right to a nationality for children in migration in Europe*.

Fresh opportunities to tackle statelessness through a new Council of Europe led initiative

qualified Portuguese lawyer. Patrícia has previously worked for one of our UK based members, the AIRE Centre as a legal researcher on asylum and children's rights and she practiced in a corporate law firm for over three years, providing legal advice to clients in Portugal and Mozambique.

ENS welcomes four new members in January 2020



ENS was delighted to welcome four new members to the Network at the beginning of the year. [Accem](#), provides specialised assistance to refugees, stateless persons, migrants and other groups at risk of social exclusion in Spain. [Asylum Protection Centre](#) provides comprehensive support to asylum seekers across Serbia, alongside research and advocacy work. [Cecilia Manzotti](#) is a PhD student at the University of Sussex, focusing on the determination of nationality (or lack of) of asylum seekers and refugees. [Yeşim Mutlu](#) is an independent advocate and researcher based in Turkey, who has conducted research on the risk of statelessness among Syrian children in Turkey and stateless people in Turkish prisons.

Submission to inform the European Commission 2020 Enlargement Package: Progress towards addressing statelessness in Enlargement countries



As part of ENS' continued engagement with the Council of Europe's European Committee on Legal Co-Operation (CDCJ) initiative to improve the identification and protection of stateless people, ENS [provided expert input](#) to a CDCJ working group meeting which reviewed how Member States determine the nationality of people (particularly children) on the move and resolve cases of statelessness. At the end of 2019, the CDCJ adopted a [report](#) from the meeting, and confirmed follow-up activities to be carried out over the next two years. We look forward to continuing our strong collaboration with the Council of Europe on this important initiative.

Raising Statelessness at the Global Refugee Forum



On 17 and 18 December, ENS Director Chris Nash was among 200 civil society delegates invited to attend the first ever Global Refugee Forum (GRF) in Geneva which brought together more than 3000 government and other representatives from across the globe. Over 770 pledges were made and adopted, along with over [350 pledges on Statelessness at ExCom](#), as part of the GRF outcomes process. There is an [online dashboard](#) where you can view all pledges and good practices, including our #StatelessJourneys project.



We've submitted a [written submission](#) on progress towards addressing statelessness in EU Enlargement countries to inform the European Commission's (DG NEAR) 2020 Enlargement Package. The submission covers Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia, and is based on information provided by our members working in those countries, our Statelessness Index, and our #RomaBelong project.

Mainstreaming statelessness in the EU child rights agenda



In January, ENS Director Chris Nash was invited to participate in a civil society roundtable with Members of the European Parliament from the [Intergroup on Children's Rights](#) to develop its new work programme. In March, ENS joined a coalition of international and European NGOs working to mainstream child rights across the EU institutions and Member States. We look forward to supporting the coalition's engagement with the new Commissioners and ensuring every child's right to a nationality is recognised in the Commission's new Child Rights Strategy.

North Macedonia accedes to key statelessness treaty

Scottish Refugee Council training on statelessness



On 5 March, ENS Head of Policy & Research, Nina Murray, co-delivered a capacity-building session on statelessness with member organisation, [Scottish Refugee Council](#) (SRC) in Glasgow for staff and volunteers and a representative from the [Scottish Guardianship Service](#). The session covered how statelessness impacts on people's lives and what more is needed in Scotland to build the capacity of relevant stakeholders. Follow-up will include further training for legal and casework staff and developing an early identification tool for people working with refugees that ENS and SRC plan to roll out to members in other parts of the UK and Europe.

Institute on Statelessness and Inclusion launches international Year of Action Against Citizenship Stripping



Concerned by the growing use of citizenship stripping powers often targeting certain groups, the Institute has launched the [Year of Action against Citizenship Stripping](#). The aim of the campaign is to encourage states to align their laws, policies and practices with their



On 3 January North Macedonia [officially acceded](#) to the 1961 Convention on the Reduction of Statelessness. Over the last 12 months and in preparation for the ratification, the Government adopted measures aimed at reducing statelessness. Whilst these changes are welcome, and if correctly implemented should help to alleviate some of the pressures on Romani families brought about by the risk of statelessness, they do little to address the problem of institutional discrimination, which is often the root cause of Romani statelessness in North Macedonia.

Birthright citizenship denied for children born to Danish parents in 'conflict zones'



An [amendment](#) to the Danish Citizenship Act introduced on 1 February states that a child born to a Danish parent who has unlawfully entered or stays in a 'conflict zone' will not acquire Danish citizenship by birth. While the Danish government has decided that the rule does not apply if the child would otherwise end up stateless, it is not clear whether statelessness will be prevented in practice.

Conseil d'Etat identifies criteria for determining whether a

international legal obligations, as set out in the newly launched [Principles on Nationality Deprivation as a Security Measure](#), which clarify the international legal obligations that states must comply with, if they take or consider taking steps to strip a person of their citizenship, including in a counter-terrorism context.

Palestinian refugee can enjoy statelessness status



In December the Conseil d'État (the highest administrative court in France) [ruled](#) on the application of the 1954 Convention relating to the Status of Stateless Persons with regard to Palestinian refugees. It follows from the judgment that an assessment of whether a Palestinian refugee has lost the “effective benefit” of UNRWA’s assistance or protection must be conducted to consider whether the person is entitled to protection as a stateless person in France.

Recent publications

- [\(European Network on Statelessness\) Submission to inform the European Commission 2020 Enlargement Package: progress towards addressing statelessness in Enlargement countries](#) - submission covers Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia
- [\(UNICEF, December 2019\) Birth Registration for Every Child by 2030: Are We on Track?](#) - presents the latest available country data, global and regional estimates of the number of unregistered children, assesses progress over time and presents evidence for the amount of effort that will be needed to achieve universal birth registration by 2030.
- [\(Kristen Wenz, UNICEF\) TED Talk 'What if a Single Human Right Could Change the World'](#) – Kristen Wenz, UNICEF’s global lead for birth registration and legal identity highlights the the impact of birth registration on access to vital services and identifies five strategies for ensuring that everyone can be registered.
- [\(European Migration Network 2020\), Statelessness in the European Union, EMN Inform](#) - An update to the EMN Inform on Statelessness in the EU, published in November 2016.
- [\(Institute on Statelessness and Inclusion\) Analysis of the Committee on the Rights of the Child’s Recommendations on the Right to a Nationality, Statelessness and Birth Registration](#) – analyses recommendations from the Committee’s 83rd session. Belarus, Austria and Hungary all received recommendations on statelessness and

birth registration including recommendations to Hungary provided in a joint submission by ENS, ISI and the Hungarian Helsinki Committee.

- [\(Institute on Statelessness and Inclusion\) The World's Stateless Report: Deprivation of Nationality](#) - ISI's flagship publication returns with a thematic focus on the arbitrary deprivation of nationality.
- [\(Institute on Statelessness and Inclusion\) Principles on Deprivation of Nationality as a National Security Measure](#) – Principles developed with input from leading experts, that articulate the international law obligations of States and apply to all situations in which States take or consider taking steps to deprive a person of nationality as a national security measure.
- [\(Institute on Statelessness and Inclusion\) Teachers Guide: Teaching about Statelessness with Neha](#) – As an accompaniment to the children's book "The Girl Who Lost Her Country", ISI have developed a teaching guide filled with activities designed to help educators teach children about statelessness.
- [\(Thomas McGee and Zahra Albarazi\) Eight Years of Displacement: Syria's Statelessness Still Unidentified, Oxford Monitor of Forced Migration](#) – Article outlining the characteristics of the main stateless profiles, the challenges and need for identification of stateless persons and risks of statelessness in the Syria context.
- [Statelessness and Citizenship Review: Issue 2 \(December 2019\)](#) – The second issue of the journal from The Institute on Statelessness and Inclusion and the Peter McMullin Centre on Statelessness at Melbourne Law School
- [\(Agnieszka Kubal\) Can Statelessness be Legally Productive? The Struggle for the Rights of Non-Citizens in Russia, Citizenship Studies 2019](#) – examines how statelessness can be legally productive if strategically challenged, using a case study of recent litigation for a stateless person born in the Georgian USSR.

Events and opportunities

- The European Network on Statelessness is recruiting an [Operations and Partnerships Officer](#). Deadline to apply is 27 April 2020.
- Webinar, [No Child Should be Stateless: Ensuring the Right to a Nationality for Children in Migration in Europe](#), European Network on Statelessness (ENS) – 3 April 2020, 10 – 11 CET.
Call for papers and proposals, [Statelessness & Citizenship Review, Special Focus on Legal/Digital Identity](#) – submission deadline for papers 15 July 2020. Also seeking symposium proposals for 'critique and comment' section, deadline 30 April 2020.



"Everyone has the right to a nationality"

European Network on Statelessness

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