

## An update on statelessness in Europe



European  
Network on  
Statelessness

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### Interview with Professor Dr Marie Claire Van Hout

Dr Marie Claire Van Hout is Professor of Public Health Policy and Practice at the Liverpool John Moore's University, focusing on health equity. She is a regular UN and WHO expert consultant. Since September 2020, Marie Claire has been working with ENS on new research assessing the impact of statelessness on the right to health, including in relation to COVID-19.

"Having more evidence can help us to answer crucial questions such as how to assure the rights of stateless people in crises like this"

- Professor Dr Marie Claire Van Hout



**Your work has largely focused on advocating for and informing public health policy on the health rights of socially excluded and marginalised populations. What made you want to turn your attention to statelessness through this project and how does it relate to your wider work?**

A strong theme in the research was fear among stateless people of accessing medical services in case their data was shared with immigration services. This has huge impacts on a country's ability to implement testing, tracing and isolation measures. If you think about the COVID vaccination rollout, where there is an

My work over the past 20 years has been focused on health equity, addressing health disparities, and the health of marginalised groups. It is underpinned by the sustainable development ethos of leaving no one behind, which I feel is very applicable to the situation of stateless people. When I saw the research proposal, I thought to myself, “what is statelessness?”. It wasn’t something I knew a lot about, but I have done some research on the situation of migrants in immigration detention in Europe and did a lot of research on Irish travellers and Roma, through which I became aware of Roma statelessness. So, I was very interested in the project and felt I had something to offer based on my research background and previous work for UN agencies.

**In April, we will launch our research report assessing the situation of statelessness, health and COVID-19 in Europe. What does the research tell us about the challenges stateless people in Europe face in accessing healthcare, including in the COVID-19 context?**

The research shows us that the right to health for stateless people has been further compromised during the COVID-19 pandemic, when their access to healthcare was already restricted beforehand, and has created vast health disparity and inequity. In many cases, stateless people’s access to health services is very restricted due to lack of documentation and hinges on their residence status in the country, meaning that many only have the right to access emergency care. There were also reports in some cases of health services turning away those who were stateless and

existing lack of institutional trust, and people who have been excluded in COVID response public health measures are now expected to step up and be vaccinated by the State that excluded them, that’s a very complex situation. Some countries have, positively, taken the step of creating a firewall preventing data sharing between immigration and registration services.

The environmental determinants of health for stateless people were already poor for many, with some living in poor and congested living conditions, and facing a lack of clean running water and access to soap and hand sanitiser. This compromises their health immunity and in the context of COVID-19, the ability to socially distance, making their ability to protect themselves from this virus extremely difficult. There were also reports of stateless people not being able to receive state aid because they are not entitled. Many stateless people work in the informal employment sector, so when informal employment has dried up due to government restrictions in response to the pandemic, it has left some stateless people in a very precarious situation. In response to this situation, NGOs across Europe are stepping up to try and save and maintain lives.

Much of the public health guidance and information provided by governments has not been specifically tailored to stateless people, however some has been tailored to groups that stateless people may be part of such as Roma and migrant populations. Again, NGOs are the ones stepping up to reach stateless people and provide them with clear information...

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showing symptoms of the virus.

[READ THE FULL INTERVIEW >>](#)

## Spotlight

### StatelessnessINDEX: Annual state of play assessment on statelessness in Europe

In 2018 we launched our [StatelessnessINDEX](#) to give stakeholders an easy way to understand differences in law and policy, to identify good practices, and areas that need to be improved by countries across Europe. Three years on, the Index holds comparative data and analysis for 27 countries. With over 19,000 users it has become an important tool for raising awareness and focusing advocacy needed to end statelessness and improve the treatment of stateless people.

On 24 March, ENS hosted a webinar timed to correspond with the publication of our annual StatelessnessINDEX state of play assessment. At the webinar, we presented key new trends and data emerging from the 27 countries, including three new country profiles on [Albania](#), [Croatia](#), and [Ireland](#). A panel of invited experts offered their reflections on what the general trends mean for stateless communities, national governments, regional institutions and other stakeholders and how we can better work together to ensure stateless people are not left behind in our complex and challenging times.

You can also read our latest editorial [Three years on, ENS #StatelessnessINDEX points to slow and fragile progress towards ending statelessness in Europe](#) which lays out our detailed analysis of StatelessnessINDEX data.

### WEBINAR: Annual state of play assessment on statelessness in Europe (24 March, 11 CET)



**Nina Murray**  
European Network  
on Statelessness



**Frances Fitzgibbon**  
Member of  
Parliament



**Julian Hodaj**  
Deputy Minister of Interior,  
Government of Albania



**Nowras Rahhal**  
Individual ENS member,  
PhD researcher and  
stateless activist from Syria



**Chris Nash**  
European Network on  
Statelessness



**Gonzalo Vargas  
Llosa**  
Representative for EU  
affairs, UNHCR



## Upholding the rights of stateless refugees and migrants in EU asylum and migration law and policy

In January, we launched a [detailed analysis of the EU Pact on Migration and Asylum](#) and its impact on the rights of stateless migrants and refugees. The Pact - long-anticipated by migration and asylum actors - is a set of legislative and policy proposals laid out by the European Commission in September and promoted as 'a fresh start on migration'. The Commission's stated aim is to 'rebuild trust' between EU Member States and 'confidence' in the EU's 'capacity to manage migration'. The extent to which it achieves these goals – or whether trends towards securitisation, externalisation, and deprivation of liberty nullify other motives - is hotly contested in EU policy circles.

As it was presented, the Pact makes no mention of the rights of stateless people, nor does it provide any clarity on how to respond to the specific protection challenges faced by stateless refugees and migrants. The existing EU asylum and migration acquis contains no reference to the rights due to stateless people under international law, so perhaps we should not have been surprised by the Pact's blind spot in this area, despite previous dedicated European Council Conclusions on Statelessness, and research clearly showing that whether someone is stateless impacts on their migration journey in innumerable ways.

Our analysis focuses on the impact the proposals set out by the European Commission in September 2020 would have on the fundamental rights of stateless migrants and refugees, and makes [concrete recommendations](#) on how these should be addressed as an integral part of negotiations on, and implementation of the Pact.

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## Latest updates

### A victory for human rights in Zhao v. the Netherlands: Nationality from birth, without exceptions



In its first-ever decision on the right to nationality, issued in late December, the UN Human Rights Committee [calls on the Netherlands](#) to enact a framework for addressing statelessness that puts human rights first. In 2010, Denny Zhao was born

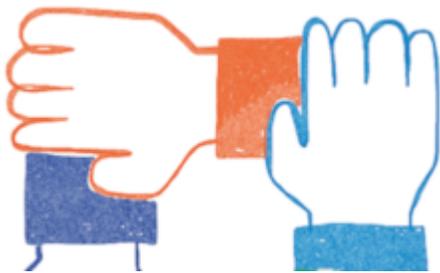
### Protecting the right to a nationality for children of same-sex couples in the EU



Children of same-sex couples can face problems with recognition of civil status, birth registration and access to birth certificates, leaving some children in these families either stateless or at risk of statelessness, and impacting on their

in Utrecht, and left registered as 'unknown nationality' for ten years, joining over 6,000 other children under age 14 in the Netherlands who have been registered as 'unknown nationality' due to being unable to prove their statelessness (check our [StatelessnessINDEX](#) for more information on the Netherlands). In its decision, the Human Rights Committee held that the Netherlands' actions violated Denny's right to a nationality and calls for a structural solution so that similarly situated children do not suffer the same fate.

### ENS welcomes 3 new members



ENS is delighted to have welcomed 3 new members to the network since January. [JustRight Scotland](#) provides legal advice to people who would otherwise struggle to access justice. Mheadeen Kadora is a stateless Palestinian born in Syria, who is now studying for a Master's degree in Germany. [Trixiwiz e V.](#), also based in Germany, is a migrant and feminist organisation committed to creating sustainable forms of solidarity in a society shaped by migration.

### Iceland accedes to UN Statelessness Conventions



access to EU citizenship. The Court of Justice of the European Union has an opportunity to address this issue in a case concerning a child born to same-sex parents in Spain. ENS outlined [why the CJEU must consider statelessness](#) in this case, ahead of the case's hearing in February, and for which the Advocate General will release their opinion on 15th April.

### ENS welcomes a new Trustee



ENS has welcomed Christiana Bukalo as a new Trustees to our [Board](#). Christiana is a social change maker and founder of [statefree.world](#). Statefree.world is a digital space, which invites stateless people to connect to each other and create community between themselves and their allies. As a stateless person born and raised in Germany, she has had first-hand experience with the lack of transparency and awareness around statelessness. She aims to address this through her work, so that stateless people can actively participate in the conversations that concern them.

### Changes to the Portuguese Nationality Act come into force



On 26th January, [Iceland acceded](#) to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, joining sixteen other European countries who have done so in the past decade. Whilst it is always a time to pause for celebration when new countries step up to embrace their international obligations towards stateless people, it is only ever a first step. Ahead of the 60th anniversary of the 1961 Convention in August this year, ENS Director Chris Nash [reflects on what further action is needed](#) if Europe as a region is to get close to fulfilling the ambition of UNHCR's [#iBelong campaign](#) to eradicate statelessness by 2024.

### **UNHCR audit reveals need for fundamental changes in UK statelessness decision making**



UNHCR has [published a report](#) detailing findings from its audit of the UK's statelessness determination procedure. The report [reveals a number of issues](#) regarding statelessness decision making in the UK, and provides a series of recommendations to the UK government for improvement. In the [second instalment](#) of a series of three blogs published over the coming weeks focusing on statelessness in the UK, Claire Splawn from ENS member Asylum Aid reflected on some of the changes that are needed in the UK based on her experience as a legal practitioner supporting statelessness applicants.

On 11 November 2020, changes to the Portuguese Nationality Act [entered into force](#). While the amendments do not directly affect statelessness provisions, some of the changes introduced may have an impact on the prevention and reduction of statelessness in Portugal. The amendments widen the scope for acquisition of nationality at birth by children born in Portugal to foreign nationals, and also facilitate the naturalisation process for children born to foreign parents in Portugal. A provision was also introduced in the Portuguese Nationality Act to facilitate the naturalisation of people who lost their Portuguese nationality following the 1975 Nationality Act (post-decolonisation) because they had been living in Portugal for less than five years at the time.

### **UK Court of Appeal judgement rules citizenship fee to be unlawful**



On 18 February, the UK Court of Appeal [issued its judgement](#) on children's citizenship fees in the UK. The Court stated that the £1,012 fee for a child to register as a British citizen is unlawful, due to the fact that it has been set without due consideration for the best interests of the child. Two judges also indicated that they see "considerable force" in the argument made by the [Project for the Registration of Children as British Citizens](#) (PRCBC) that the fee is also unlawful because it deprives children of their rights to British citizenship. PRCBC has sought and been

## UK Supreme Court rules on Shamima Begum case



In late February, the UK Supreme Court ruled in the [case of Begum v Secretary of State for the Home Department](#), in favour of the Secretary of State and against Ms Begum on all counts. This means that Shamima Begum, who travelled to Syria as a child to join 'ISIL' will not be able to re-enter the UK to appeal the UK's decision to deprive her of her nationality. In a [piece for the ENS blog](#), individual member Alison Harvey considered what the implications of the judgement could be for statelessness cases.

## ENS welcomes new sister statelessness network 'Hawiati' in MENA region



Statelessness is a significant problem across the MENA region. With national legal frameworks in the region taking little account of the reality of statelessness, civil society actors are [now coming together](#) to work for the protection of stateless people. The network was established with the [mission](#) of reducing and ending statelessness, and protecting the human rights of stateless persons in the MENA region. It aims to engage in

granted permission to appeal to the Supreme Court on this point whilst the court decides and is bound by its previous decision to reject this additional argument.

## Long awaited draft legislation relating to statelessness submitted to Dutch parliament



As exemplified in the recent '[Denny case](#)', many in the Netherlands are registered as 'unknown nationality' and face challenges in changing their status to 'stateless'. This is in part [due to the lack of a statelessness determination procedure](#). In December 2020, a draft bill aiming to introduce an SDP was submitted to parliament, alongside a second Bill aiming to expand the right to opt for Dutch citizenship to habitually resident children born in the Netherlands who would otherwise be stateless. However, both bills fail to meet international norms and UNHCR guidance, and due to the resignation of the Dutch government in January, the consideration of the bills has been postponed until after national elections taking place on 17 March.

## Joint efforts to address statelessness through international human rights advocacy

activities focused on the improved identification and understanding of statelessness; fostering solidarity and collaboration; and supporting advocacy. For more information, visit the network's [Facebook](#) and [Twitter](#) pages.



ENS worked with our members, the Immigrant Council of Ireland, the Hungarian Helsinki Committee, and the Institute on Statelessness and Inclusion, to prepare joint submissions on [Ireland](#) and [Hungary](#) on the prevention and reduction of statelessness and the rights of stateless people ahead of the 39th Session of the Universal Periodic Review. We were able to highlight key gaps in law, policy and practice, based on data from the [Statelessness Index](#) and the work of our members.

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## Recent publications

- [\(UNHCR\) Mapping Statelessness in Denmark](#) - Mapping of statelessness in Denmark providing an overview of the situation of statelessness in Denmark, the national legal framework, and areas demonstrating both good practice and the need for improvement.
- [\(UNHCR\) Faces of Statelessness in the Czech Republic](#) - A study seeking to examine the phenomenon of statelessness in the Czech Republic, based on interviews with stateless persons in various situations, as well as desk research.
- [\(UNHCR\) UNHCR Observations and Recommendations on Statelessness in the Republic of Armenia](#) - An advocacy paper prepared to structure and facilitate advocacy efforts of UNHCR and its partners in addressing statelessness in Armenia.
- [\(UNHCR\) UNHCR Comments for the Parliament of the Republic of Albania on the Draft Law on Aliens](#) - UNHCR comments on the recent draft law, including comments and recommendations on aspects relating to statelessness
- [\(UNHCR\) The Campaign to End Statelessness: Oct-Dec 2020 Update](#) - Provides an overview of UNHCR activities under the #iBelong campaign as well as national and regional level law, policy and practice developments related to statelessness, including among countries in Europe and at the EU level.
- [\(Institute on Statelessness and Inclusion\) Database on Statelessness and Human Rights](#) - The Institute has developed a database allowing you to explore and

- compare information from the international human rights monitoring systems to promote a human rights-based approach to nationality and statelessness.
- [\(Institute on Statelessness and Inclusion\) Overview and analysis of recommendations made on statelessness and the right to a nationality at 37th Universal Periodic Review](#) - Overview including recommendations made on statelessness and the right to a nationality to Georgia.
  - [\(Wout van Doren, Julie Lejeune, Marjan Claes, Valérie Klein\) The Broadening Protection Gap for Stateless Palestinian Refugees in Belgium](#) - Paper reflecting upon the issue of statelessness, Palestinians and a recent evolution of Belgian caselaw.
  - [\(Patricia Cabral\) Sudita Keita v Hungary: European Court of Human Rights Decision on the Right to Private Life of Stateless Persons](#) - Provides an overview and analysis of the European Court of Human Rights Decision in the Sudita Keita v Hungary case.
  - [\(Christiana Bukalo\) Knowledge to Empower: Closing the Gap between Stateless People and Statelessness Research](#) - ENS member Christiana Bukalo reflects on her experiences researching statelessness as a stateless person, the assumptions organisations working on the issue may be making in their approaches to solving statelessness, and her website [statefree.world](http://statefree.world) which aims to bridge the gap between stateless people and other statelessness actors.
  - [\(Katia Bianchini\) Identifying the Stateless in Statelessness Determination Procedures and Immigration Detention in the United Kingdom](#) - featured in the International Journal of Refugee Law, Bianchini uses interviews from 2016-19 to explore aspects and legal challenges of the statelessness determination–immigration detention nexus in the United Kingdom.
  - [\(Agata Szwed\) Statelessness in the Context of the Migration Crisis in Europe: A Growing Challenge for the International Community](#) - Featured in the Croatian Yearbook of European Law and Policy, this article explores how the migration crisis in Europe overshadows the issue of statelessness.

## Events and opportunities

- [\(Institute on Statelessness and Inclusion\) Global Seminar Series on Citizenship Stripping](#) - As part of the Institute's ongoing Year of Action Against Citizenship Stripping, this series aims to unpack and understand the background of and problems around citizenship stripping, presenting a different perspective by key experts on the issue in each seminar.
- [Call for applications: ISI Statelessness Summer Course, 12-23 July 2021](#) - ISI's long-running summer course will be held in an adapted online format of four hours per day over two weeks. Deadline for applications, 11 April 2021.
- [Call for applications: International Institute of Humanitarian Law's First Online Course on Statelessness, 21 June - 16 July 2021](#) - The Course is developed primarily to benefit senior and mid-level government officials involved in the formulation and application of legislation and policies affecting stateless persons. Members of the civil society and academia, who could positively influence the safeguard of stateless peoples' rights and advocate for their protection, are also accepted as participants. Deadline for applications, 17 May 2021.



## "Everyone has the right to a nationality"

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