

BRIEFING NOTE: ADDRESSING STATELESSNESS IN EUROPE

Ahead of the High-Level Segment on Statelessness, 14 Oct 2024

ABOUT ENS

The [European Network on Statelessness](#)ⁱ (ENS) is a civil society alliance of over 180 organisations and individuals working to promote the right to a nationality in 41 countries in Europe. ENS connects stateless people, their communities, and organisations and experts from across Europe with a shared dedication to breaking the cycle of statelessness and realising everyone's right to a nationality. We aim to reach our goals by enabling collective action in three areas: law and policy development, awareness-raising, and capacity-building.



INTRODUCTION

Ahead of the High-Level Segment on Statelessness (HLS) taking place during UNHCR's Executive Committee Meeting in Geneva on 14 October 2024, this briefing provides an overview of statelessness in Europe and makes recommendations for future action. The HLS will mark the end of UNHCR's #IBelong Campaign and formally launch the new [Global Alliance to End Statelessness](#)ⁱⁱ. The Global Alliance is a UNHCR-led collaborative multistakeholder initiative with the vision to create 'a world free from statelessness where everyone enjoys the right to a nationality without discrimination'. It is part of the UN Secretary General's 'Common Agenda' and aligned with the Sustainable Development Goals. Given its significant potential to unlock much-needed reform, this briefing highlights the opportunities to leverage the Global Alliance to support efforts to address statelessness in Europe.

At least half a million people in Europe are denied their right to a nationality and other human rights. There is a lack of awareness and political will to address this issue, often rooted in discrimination. As a result, the risk of statelessness is perpetuated, and people who are stateless face significant barriers to fulfilling their rights and living their lives in full. This is a loss not only to individuals affected but also to communities and society as a whole.

Statelessness occurs in Europe both among recent migrants and refugees, and among people who have lived in the same place for generations, such as non-citizens in the Baltic States and many Romani people who remain at risk of statelessness, including due to widespread antigypsyism. While statistics give an indication of the scale of statelessness in the region, data is sparse and often incomplete. Statelessness remains, therefore, a relatively hidden phenomenon. This is particularly so in a migratory context where most European countries frequently encounter stateless people in their asylum systems, making this a key issue that lawmakers - as well as officials implementing the response to people seeking protection on the ground - must seek to better understand and address.

UNDERSTANDING AND ADDRESSING STATELESSNESS IN A MIGRATORY CONTEXT

Among the stateless people living in Europe today are [individuals who arrived seeking international protection](#)ⁱⁱⁱ and were either stateless prior to leaving their country of origin or have since become stateless. According to [Eurostat](#), on average, around 3% of first-time asylum applicants to the European Economic Area each year are recorded as being stateless or of 'unknown nationality'. This is very likely to be an underestimate due to limited awareness, capacity, and tools to accurately identify and record statelessness in the migratory context. A high proportion of refugees come from countries (such as Syria, Iraq, Iran, Afghanistan, Eritrea, Somalia, and Sudan, among others) where, as a result of discrimination in nationality

laws, State succession, or deprivation of nationality practices, they or their children may be stateless or have undetermined nationality.

Recent reforms through the [EU Migration & Asylum Pact](#)^{iv} (including in the Screening Regulation and the Asylum Procedures Regulation) have introduced provisions requiring Member States to identify where an individual may be stateless. These provisions must now be [implemented](#) over the next two years, including with support from the EU Asylum Agency. ENS has developed and is planning further rollout of [national toolkits](#) to support identification and access to protection for stateless refugees and migrants in Europe and beyond.

The fact that an asylum applicant may be stateless is critical when assessing their claim for international protection. Whether someone is stateless or a national of their country of origin not only impacts on the decision-making process, but also on the nationality rights of their children, and access to procedures such as family reunification, resettlement, or naturalisation (as well as the possibility of return) because they are unlikely to have documentary proof of their identity and family links. Stateless people are due [specific rights under international law](#) and risk further discrimination and rights violations if their statelessness is not identified and acted upon.

The solution to address these problems is relatively simple. As a first step, improved mechanisms for identifying stateless people encountered by the authorities, including those claiming asylum, must be introduced – including by implementing relevant provisions in the EU Migration & Asylum Pact. As a second step, all European States should establish dedicated statelessness determination procedures (SDPs) that are fair, efficient and easily accessible. This would enable States to determine who is stateless on their territory and grant them protection, thereby both fulfilling their obligations under international law and providing a sustainable solution for individuals who cannot return to their countries of origin or former residence. Yet, currently [only a handful of European countries](#)^v have these procedures in place.

EUROPE AS A ‘PRODUCER’ OF STATELESSNESS

Today, [children are still being born in Europe without a nationality](#)^{vi} despite the existence of a clear normative framework that should prevent this. Many have inherited their statelessness from stateless parents, while others are the first in their family to experience statelessness, including due to a gap or conflict in nationality laws. More than half of European States are still failing to properly implement their obligations to ensure that children acquire a nationality.

Our [Statelessness Index](#)^{vii} continues to document a worrying array of problems in the detail of many nationality laws, as well as in the laws and practices governing procedures for [birth registration](#)^{viii}, which helps to establish and document a child’s nationality. Due to discrimination, certain groups of children in Europe are disproportionately affected by barriers to birth registration, including members of minority groups such as [Romani children](#)^{ix}, refugees and migrants, and [children of same-sex couples](#)^x. [Numerous countries](#)^{xi} in Europe have failed to include basic safeguards in law, such as to grant nationality to a child born on the territory who would otherwise be stateless, or to a child whose parents are unknown. Even where laws do provide a remedy to prevent childhood statelessness, there is evidence that these safeguards do not always work in practice because of limited awareness or a lack of guidelines on how and when to apply them. As a result of these and other gaps, thousands of children who have strong and clear connections to Europe are [growing up without the protection or sense of belonging](#)^{xii} that a nationality bestows. No child chooses to be stateless, and this can never be in a child’s best interests.

PROGRESS TO DATE, FURTHER ACTION REQUIRED, AND OPPORTUNITIES THROUGH THE GLOBAL ALLIANCE

Complementing UNHCR’s global [#IBelong campaign](#), ENS has sought to address the historic lack of attention paid to statelessness through a series of regional campaigns over the last decade ([#StatelessKids](#) drawing attention to childhood statelessness; [#LockedInLimbo](#) on arbitrary detention of stateless people;

[#RomaBelong](#) addressing Roma statelessness; and [#StatelessJourneys](#) addressing the nexus between forced migration and statelessness). On the back of increased visibility and awareness, concrete progress has been made at both the regional and national level in Europe to address some identified gaps. For example, several countries have acceded to the UN statelessness conventions, new or improved statelessness determination procedures have been established, and safeguards to prevent childhood statelessness and reduce the risk of statelessness have been introduced. However, progress remains slow and much more focused attention by States is urgently required.

The launch of the [Global Alliance to End Statelessness](#) presents an opportunity to help address remaining law and policy gaps. This includes through [its Solution Seeker Programme](#), which supports States and Regional Intergovernmental Organisations not only to make pledges but crucially also to optimise and accelerate the rate at which these are implemented, thereby advancing concrete, permanent solutions for stateless communities. Entities joining the Solution Seeker Programme are required to commit to a time-bound pledge implementation plan with clear, measurable milestones, developed in consultation with relevant stakeholders, including civil society and stateless people themselves. Becoming a Solution Seeker also provides an opportunity at a global level to showcase effective approaches and good practices that other countries can emulate. In addition, the Global Alliance will encompass [Regional Network Labs](#) and [Thematic Working Groups](#) to help share information and build the capacity of relevant actors and experts to support changemaking efforts. It will also feature an [Online Marketplace](#) to help resource necessary activities and engagement. Finally, a crucial component and ethos of the Global Alliance is its commitment to centre stateless people with lived experience and expertise.

We have identified five key areas of action where the European Union, Council of Europe, and European States should focus greater attention and resources, including by leveraging the Global Alliance, to affect concrete reforms and support collective efforts to address statelessness:

- **Ending childhood statelessness** by ensuring that European States yet to accede to the 1961 Convention on the Reduction of Statelessness, as well as the 1997 European Convention on Nationality, now do so; engaging in efforts led by the Council of Europe CDCJ to address childhood statelessness; encouraging necessary nationality law reform in States with no or partial safeguards for otherwise stateless children born on their territory; promoting the removal of barriers to universal, immediate access to birth registration; introducing adequate child-rights based procedures to determine children's nationality or statelessness; and improving the identification of statelessness among migrant and refugee children to ensure they can realise their right to acquire a nationality.
- **Improving the identification and protection of stateless individuals** by encouraging all European States yet to do so to accede to the 1954 Convention Relating to the Status of Stateless Persons, including in particular the EU Member States of Cyprus, Estonia, and Poland; supporting and encouraging all European States to introduce dedicated statelessness determination procedures to properly implement their obligations towards stateless people, including protection from arbitrary and lengthy detention; and improving reporting and monitoring by national and regional authorities, including by obliging States to collect and publish reliable disaggregated data on stateless people born and living on their territories.
- **Addressing statelessness in Europe's refugee response** by pushing for the improved identification of statelessness in the context of international protection procedures, including within the EU to ensure the full and robust implementation of obligations under relevant EU Migration & Asylum Pact instruments; and improving the quality of and access to country of origin information and other resources to inform refugee response actors about populations affected by statelessness and nationality problems, and support affected individuals to access their rights.

- **Recognising and tackling statelessness as an intersectional issue** by raising awareness about and strengthening attention of national and regional institutions on the intersections between statelessness, the rights of minoritised groups, and women’s equality, as well as other aspects of people’s identities, such as disability, LGBTIQ* equality, age, and ethnicity; addressing statelessness through the EU Roma Inclusion Framework, the Poznan Declaration and Berlin Process, and EU enlargement and accession negotiations; and clarifying in light of international law, the legal status of ‘non-citizens’, living in EU Member States, who formerly held Soviet Union citizenship.
- **Engaging with the Global Alliance to End Statelessness, centring stateless people and developing a dedicated regional strategy to galvanise action** by encouraging all European regional institutions, States and other relevant stakeholders to join and engage with the Global Alliance, including to pledge necessary law and policy reform as Solution Seekers; and to use this as platform to facilitate a holistic and integrated regional approach to galvanising action towards comprehensively addressing statelessness. Crucially, these multistakeholder efforts must centre stateless people with lived experience and expertise.

FOR FURTHER INFORMATION

Email us at info@statelessness.eu, visit us at www.statelessness.eu or follow us at www.twitter.com/ENStatelessness

ⁱ ENS website: <https://www.statelessness.eu>

ⁱⁱ Global Alliance website: <https://statelessnessalliance.org/>

ⁱⁱⁱ Stateless Journeys: <https://statelessjourneys.org>

^{iv} ENS ‘Statelessness and the EU Pact on Migration and Asylum: Analysis and Recommendations for Implementation’: <https://www.statelessness.eu/updates/publications/statelessness-and-eu-pact-migration-and-asylum-analysis-and-recommendations>

^v ENS ‘Statelessness determination and protection in Europe: good practice, challenges, and risks’: <https://www.statelessness.eu/updates/publications/statelessnessindex-briefing-statelessness-determination-and-protection-europe>

^{vi} ENS ‘Why do children become stateless?’: [https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Why do children become stateless.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Why%20do%20children%20become%20stateless.pdf)

^{vii} Statelessness Index: <https://index.statelessness.eu/themes/prevention-and-reduction>

^{viii} ENS ‘Birth Registration’: <https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Birth-Registration.pdf>

^{ix} ENS and The AIRE Centre, ‘Legal briefing: Statelessness and the prohibition on discrimination against Romani communities’: <https://www.statelessness.eu/updates/publications/legal-briefing-statelessness-and-prohibition-discrimination-against-romani>

^x ENS, ‘Celebrating progress in the protection of rainbow families, but more needs to be done’: <https://www.statelessness.eu/updates/blog/celebrating-progress-protection-rainbow-families-more-needs-be-done>

^{xi} ENS, ‘Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers’: <https://www.statelessness.eu/updates/publication/birth-registration-and-prevention-statelessness-europe-identifying-good>

^{xii} ENS ‘What does it mean to be stateless?’: [https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-What does it mean to be Stateless.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-What%20does%20it%20mean%20to%20be%20Stateless.pdf)