

# Written submission to inform the European Commission 2025 Enlargement Package



Progress towards addressing statelessness in Enlargement countries

April 2025

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## 1. Introduction

The [European Network on Statelessness \(ENS\)](http://www.statelessness.eu/)<sup>1</sup> is a civil society alliance of over 180 organisations and individuals in 41 countries, working to promote the right to a nationality in Europe. We are dedicated to raising awareness about statelessness and the right to a nationality, supporting legal and policy development, and building civil society's capacity to act.

We welcome the opportunity to inform the European Commission's 2025 Enlargement Package. This submission covers Albania, Bosnia-Herzegovina, Georgia, Kosovo, Moldova, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine, and is based on information provided by our members working in those countries,<sup>2</sup> our [Statelessness Index](https://www.index.statelessness.eu/),<sup>3</sup> and our joint work in the region.

Across the EU Enlargement region, statelessness is an important but often overlooked issue driving a mutually reinforcing cycle of discrimination and denial of fundamental rights. Statelessness affects both [migrants and refugees](https://statelessjourneys.org/)<sup>4</sup> as well as people who have lived in the same place for generations. In the countries under consideration, statelessness is a particular concern for minoritised groups, and particularly for Romani communities.<sup>5</sup>

Statelessness is caused by factors including State succession, displacement, gaps and conflicts in nationality and civil registration laws, and discrimination. Being stateless means being unable to realise the fundamental rights afforded to people recognised as nationals, including healthcare, education, the right to get married, open a bank account and access the labour market on an equal basis. Not only does it impact and hinder access to these basic rights and entitlements, but it also impacts on the psychological sense of belonging that is so vital to equality, inclusion, and socio-economic participation.

All the Enlargement countries have obligations to address the issue of statelessness under international law, and as part of the EU Enlargement process. This is especially relevant to Romani communities and the specific commitments made by Western Balkan countries under the 2019 Poznan Declaration as well as the EU Strategic Framework on Roma Equality, Inclusion, and Participation. It is also relevant to cross-cutting policy areas such as migration and asylum, children's rights, fundamental rights in general, as well as wider equality issues, including LGBTIQ\* rights. Progress has been made in many countries on paper and in legislation, but gaps in implementation, often driven by persistent discrimination, antigypsyism, and marginalisation, hamper efforts to break the cycle of statelessness and prevent new cases from occurring in the future.

In 2024-25, the impact of the Russian full-scale invasion of Ukraine – a country with one of the largest estimated stateless populations in Europe – has continued to result in significant upheaval both within Ukraine and in neighbouring countries. UNHCR has previously estimated that there are at least 35,000 stateless people in Ukraine. Other sources suggest there could be many tens of thousands more. Many of these people have links only to Ukraine (and in many cases were born in Ukraine) but lack the

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<sup>1</sup> European Network on Statelessness <<http://www.statelessness.eu/>>.

<sup>2</sup> With thanks to our contributing members: Roma Active Albania, Tirana Legal Aid Society, Vaša prava BiH, Rights Georgia, Roma Versitas Kosovo, Civil Rights Programme Kosovo, Law Centre of Advocates, Phiren Amencia – Walk With Us, Macedonian Young Lawyers Association, Praxis, Refugee Rights Turkey, Right2Protection, and The 10<sup>th</sup> April.

<sup>3</sup> ENS Statelessness Index <https://www.index.statelessness.eu/>

<sup>4</sup> Stateless Journeys <<https://statelessjourneys.org/>>.

<sup>5</sup> The terms "Roma" and "Romani" are used in this submission in line with the terminology used by the European institutions to encompass the wide diversity of groups covered by work in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.

documents to prove this. This continues to cause significant challenges in access to protection and rights both in Ukraine and in neighbouring countries.<sup>6</sup>

Also in this period, ENS and its members in the Enlargement region have been significantly impacted both directly and indirectly by the US Government's decision to terminate thousands of USAID and State Department grants. We and our members are very concerned about the loss not only of our own US-funded projects, but also of the knock-on impact of cuts to UNHCR funding, which is a vital resource supporting legal assistance and advocacy to address statelessness, and the wider strain on other sources of funding. We remain determined to continue our work and find alternative resources, but we urge the European Commission to consider how it and other donors can step in to fill these critical funding gaps facing organisations doing vital work to address statelessness in the region.

## 2. Country-specific information

### a) Albania

The legal and policy framework relating to statelessness in Albania has some positive aspects and some important gaps. Albania is party to relevant international and regional instruments. There is a definition of a stateless person in Albanian law, but this is narrower than the [1954 Convention relating to the Status of Stateless Persons](#).<sup>7</sup> Some data is available on the stateless and at-risk population from the 2023 census that was published in June 2024,<sup>8</sup> as well as a mapping study carried out by the Tirana Legal Aid Society (TLAS) and UNHCR in 2018,<sup>9</sup> which identified 1,031 people at risk of statelessness (97% of which were children). The 2023 census included a category 'stateless' (205 people) for which data is available disaggregated by sex but not by residence, documentation status, or ethnicity, therefore limiting its usefulness. Nevertheless, this is a significant reduction from the 2011 census, which recorded 7,443 stateless people, and is thought to be due to recent reforms and the work of civil society and international organisations to provide legal assistance and resolve cases of statelessness and undetermined nationality.

Efforts have been made to improve data collection and census methodologies to better understand and address statelessness. TLAS worked with the National Institute of Statistics to include a practical guide to identifying stateless persons and those at risk in the CENS manual. However, issues of undetermined nationality and statelessness continue to disproportionately impact on Romani populations in Albania, and data on this population is contested. The 2023 census registered just 9,813 Romani people in the country, but NGOs have estimated the population to be more than 23,000 people. There is a risk that Romani people do not participate or avoid identifying themselves in the census due to poor communication, lack of trust, and lack of community involvement in data collection. A tool was introduced in 2018 to aid identification and tracking of people at risk of statelessness by civil registration authorities, but there are indications that it is not being used to its full potential, and only a few registry offices have recorded data using the tool so far.

Positively, improvements to the legal framework for the protection of stateless persons and prevention and reduction of statelessness have been adopted in Albania over recent years. The 2021 Law on Foreigners<sup>10</sup> established a statelessness determination procedure and a dedicated instruction

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<sup>6</sup> ENS, BRIEFING #4: Update on access to protection in Europe for stateless people fleeing Ukraine, February 2024: [ENS BRIEFING 4- Update on access to protection Ukraine-Feb 2024.pdf](#)

<sup>7</sup> Article 1(1) 1954 Convention relating to the Status of Stateless Persons, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>>.

<sup>8</sup> Census 2023 main results are available at: [instat.gov.al/media/13626/cens-2023-census-botim.pdf](https://instat.gov.al/media/13626/cens-2023-census-botim.pdf).

<sup>9</sup> TLAS and UNHCR, Report on Mapping of the Population at Risk of Statelessness in Albania, May 2018: [Mapping of the population at risk of statelessness english.compressed.pdf](#).

<sup>10</sup> Law on Foreigners, no. 79/2021, (ALB): <https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligji%20per%20te%20huait>

to implement and regulate the procedure was published in June 2023<sup>11</sup>, although there is no information available yet about the implementation of the procedure in practice. Positively, the instruction provides that the competent authority must document an application, there is a maximum time limit to complete the assessment, and there is a right of appeal. However, uncertainties and gaps in protection remain. For example, there is a lawful residence requirement to access the procedure, the burden of proof lies with the applicant, and there are barriers to accessing legal aid. Moreover, rights during the procedure and if recognised as stateless are unclear.

There is a facilitated route to naturalisation for stateless persons with a somewhat reduced residence period (albeit unfortunately increased from five to seven years in 2020) and exemptions from some standard requirements, though the law does not provide for exemptions on paying fees. Some limited safeguards protect against the arbitrary detention of stateless people, but there are barriers to effective remedies. Since the introduction of safeguards into Albanian nationality law in 2020, children born stateless on the territory, foundlings, adopted children and most children born to nationals abroad acquire Albanian nationality.<sup>12</sup> The Government has taken steps to improve access to birth registration and civil documentation, and several bylaws were adopted in June 2024 to operationalise positive changes, though some children still face difficulties if parents are undocumented or have irregularities in their documentation.

The Albanian legal framework does not provide for the recognition of same-sex marriages nor the parenthood of same-sex parents. There are reports of registrars not recording two parents of the same sex in the birth certificate, and a recent Supreme Court judgment confirmed that same-sex marriages are against the provisions of the Family Code, signalling ongoing challenges to birth registration of children with same-sex parents.<sup>13</sup>

Romani communities are disproportionately impacted by barriers to birth registration and civil documentation with significant numbers remaining unregistered due to births outside the health system, births to minor parents, and births while in mobility, or a failure to understand the relevance and importance of registration due to a lack of outreach and engagement with the community. In 2024, the [UN Human Rights Committee](#) found that Albania violated the rights of three Romani children, including the right to a nationality, birth registration, and the prohibition of discrimination, among other rights.<sup>14</sup> The HRC acknowledged the serious consequences of lack of birth registration, including the risk of statelessness, legal limbo, and disproportionate harm to the Romani community. The Committee called on Albania to ensure its birth registration procedures provide equal access for all children, regardless of their status or their parents' identity.

The National Roma Strategic Framework for Equality, Inclusion and Participation and National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians 2021-2025<sup>15</sup> provide for state-resourced actions to promote the integration of Roma and Egyptians, including a political commitment to address antigypsyism. However, there is a lack of institutional capacity to fully implement

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<sup>11</sup> Official Gazette of the Republic of Albania No. 96, Date. 29/06/2023, <<https://qzb.gov.al/eli/fz/2023/96/aeeea145-5e2a-46c3-a41d-59675d87f74a;q=per%20refuzimin%20e%20pashtetesise>>.

<sup>12</sup> Article 7/1 of law no. 113/2020 "On Nationality" (ALB): <https://qzb.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine>

<sup>13</sup> ENS Albania Country Survey data (2024) <[https://index.statelessness.eu/sites/default/files/ENS\\_Statelessness\\_Index\\_Survey-Albania.pdf](https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-Albania.pdf)>.

<sup>14</sup> Human Rights Committee, Fasliu et al. v. Albania, communication no. 2602/2019, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F142%2FD%2F3602%2F2019&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F142%2FD%2F3602%2F2019&Lang=en).

<sup>15</sup> UNDP, The National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in Albania <<https://www.undp.org/albania/publications/national-action-plan-equality-inclusion-and-participation-roma-and-egyptians-albania#:~:text=The%20National%20Action%20Plan%20for%20Equality%2C%20Inclusion%20and,public%20services%20in%20comparison%20to%20the%20majority%20population.>>>

commitments in some areas. There has been no reporting on the implementation of the Action Plan, so it is unclear what progress has been made. Increased cooperation and coordination between the authorities and organisations working at grassroots level is needed.

b) Bosnia & Herzegovina

Bosnia and Herzegovina's (BiH) record overall on accession to relevant international treaties is good, although it has not acceded to the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession.<sup>16</sup> Government institutions in BiH do not have comprehensive official data and statistics on the number of stateless people and people with undetermined or unknown nationality within their territory. According to the last census conducted in 2013,<sup>17</sup> there were 254 individuals with unknown citizenship, but this data is outdated. According to the information from Vaša prava BiH and UNHCR, as of April 2024, there are 20 identified stateless people and people with undetermined or unknown citizenship. This excludes 30 cases of stateless people and people with undetermined or unknown citizenship for which Vaša prava BiH has ceased its assistance due to the individuals being uncontactable or unavailable. The largest number of people with undetermined or unknown nationality are members of Romani communities. Given the lack of any recent comprehensive mapping or reliable data collection, it is very likely that there are more cases of stateless individuals and people with undetermined nationality in the community that are yet to be identified.

The Government of BiH has made various commitments in recent years to reduce statelessness and to protect stateless people, including submitting pledges during the High-Level Segment on Statelessness in 2019, and making a joint pledge with other governments in the region following the OSCE-UNHCR regional conference on access to civil documentation and prevention of statelessness in South-Eastern Europe in 2023.<sup>18</sup> In recent years, efforts have continued in BiH to reduce the number of known cases of (risk of) statelessness in the country. In the course of 2024, Vaša prava BiH resolved 11 cases. In addition to these, Vaša prava BiH was approached with new cases that are in a preparatory phase, and some were redirected to the government-operated legal aid offices. The country's commitment to ending statelessness by 2024 and being one of the first countries in the region to do so was very welcome, and concrete action has been taken towards this goal. However, this has not yet been achieved, and gaps in law and practice remain, which must be resolved to prevent new cases arising before statelessness can truly be eradicated.

Positive reforms in recent years have included the adoption of the [2021-2025 Action Plan for Social Inclusion of Roma in BiH](#),<sup>19</sup> including the goal of adopting a "Roadmap for stopping the risk of statelessness of Roma in Bosnia and Herzegovina". This plan harmonises, as far as possible, the strategic objectives and measures with the [Poznan Declaration](#)<sup>20</sup> within the framework of the EU Enlargement Process and the [EU Roma Strategic Framework](#).<sup>21</sup> However, this Roadmap was never adopted as an official document. The Ministry of Human Rights and Refugees of BiH has announced the beginning of the drafting process for the new 2026-2030 Action Plan, and representatives of association Vaša prava BiH have been invited to actively participate in this working group.

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<sup>16</sup> Council of Europe 1996 Convention on the Avoidance of Statelessness <<https://rm.coe.int/1680083747>>.

<sup>17</sup> 2013 Census data: < <https://popis.gov.ba/>>

<sup>18</sup> OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe Skopje, North Macedonia, 17 October 2023, Final Outcome Document: <https://www.osce.org/odihr/564479>

<sup>19</sup> Action Plan of Bosnia and Herzegovina for Social Inclusion of Roma 2021 – 2025.

<sup>20</sup> Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), available at <<https://www.rcc.int/docs/464/declaration-of-western-balkans-partners-on-roma-integration-within-the-eu-enlargement-process>>.

<sup>21</sup> The EU Roma Strategic Framework, available at [https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en](https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en)

In terms of the prevention and reduction of statelessness, there are some safeguards, but also some remaining gaps. Since February 2021, in the Federation of BiH, the Law on Amendments to the Law on Extrajudicial Procedure requires individuals who are not registered in the birth registries and who cannot prove their date and place of birth in the manner prescribed by the regulations governing the keeping of civil registries to initiate an extrajudicial procedure determining the date and place of birth. As such, every "disputed" case (i.e. complicated cases where applicants do not have the required documents and therefore registry offices cannot conduct the registration procedure) must be resolved through an extrajudicial or a judicial procedure, delaying resolution. In December 2023, Vaša prava BiH submitted an initiative to amend the Law on Extrajudicial Procedures to facilitate the procedure of determination of the date and place of birth, access to free legal assistance, and the avoidance of any expenses for medical examinations by the court-appointed experts and the actual costs of court proceedings. However, these amendments have still not been adopted.

A lack of government-funded legal aid, an excessively bureaucratic approach, and excessive administrative requirements continue to present difficulties for Romani and other marginalised communities to acquire legal identity and proof of citizenship. Only the Law on Free Legal Aid of Una-Sana Canton recognises stateless people, people with undetermined or unknown citizenship, and people without identification documents as groups of people eligible for free legal aid, while other laws do not recognise these groups as eligible.<sup>22</sup>

Permanent residence remains one of the most important factors for the enjoyment and exercise of many rights, including to civil registration, identity documents, healthcare, social welfare, and travel documents. Vulnerable individuals including Romani individuals living in informal settlements may be unable to register their permanent residence at the address where they live. The authorities have discretion when assessing the evidence of those in vulnerable circumstances, but rarely use it in such cases, exacerbating documentation challenges and the risk of statelessness. These issues mainly impact people at risk of statelessness, including those who do not have registered residence and any form of identification documents.

Although regulations related to permanent and temporary residence remain the same, in the last period some positive developments (e.g. Canton Sarajevo) were noted in the actions of social welfare centres who established the practice of issuing consent for registration of residence at the address of centres for people falling into vulnerable categories. This allows people who do not have their own property to register residence and obtain ID documents.

#### c) Georgia

Overall, Georgia has a relatively strong legal and policy framework for the protection of stateless persons and prevention of statelessness. It is party to most relevant international instruments, though it has not acceded to the [European Convention on Nationality](#).<sup>23</sup> Disaggregated data on the stateless population in Georgia is available, but official data only records the number of people formally recognised as stateless in the country. Therefore, the true size of the affected population - including those at risk of statelessness with undetermined nationality - is highly likely to be underreported.

Georgia introduced a dedicated statelessness determination procedure in 2012. The procedure is accessible with no fee, lawful stay requirement, nor time limit, and an application can be submitted in several locations across the country. However, applications can only be made in writing in Georgian and may not be initiated ex officio. There are some procedural safeguards, but the lack of State-funded

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<sup>22</sup> Law on the provision of legal aid of the Una Sana Canton, "Official Gazette of Una Sana Canton" no. 22/12 and 03/16: [https://vladausk.ba/v4/files/media/pdf/5a044e7a364766.35355689\\_Zakon%20o%20izmjenama%20i%20dopunama%20Zakona%20o%20puzanju%20besplatne%20pravne%20pomoci%20\(sl\\_gl\\_br\\_3-16\).pdf](https://vladausk.ba/v4/files/media/pdf/5a044e7a364766.35355689_Zakon%20o%20izmjenama%20i%20dopunama%20Zakona%20o%20puzanju%20besplatne%20pravne%20pomoci%20(sl_gl_br_3-16).pdf)

<sup>23</sup> 1997 European Convention on Nationality ETS No. 166, available at <<https://rm.coe.int/168007f2c8>>.

legal aid during the procedure or the appeal puts a strain on NGOs offering free legal advice. Applicants have a right to stay and basic rights during the procedure. People recognised as stateless are granted a renewable three-year temporary residence permit and the rights granted are mostly in line with nationals. Positively, the Government's 2023 Statelessness Action Plan provides for measures to improve the SDP.

However, there are gaps in safeguards to prevent the arbitrary detention of stateless people in Georgia. While a country of removal must be set prior to detention, alternative measures are not mandatory, authorities are not obliged to release a person when there is no reasonable prospect of removal, and there is no referral to the SDP.

Since January 2024, stateless people may apply for naturalisation after five years (reduced from ten) and are exempted from the application fee. However, other stringent eligibility requirements continue to apply. There are some safeguards in law to prevent childhood statelessness, including in the case of adoption and children born abroad to Georgian parents, but the automatic safeguard to prevent statelessness at birth only applies to some children born in the country who would otherwise be stateless as it depends on the status of their parents rather than the statelessness of the child. Georgia has a relatively good framework in place to ensure universal and immediate birth registration, with some exceptions. For example, the law does not provide clear guidance on the procedure for late birth registration and Georgian law does not recognise same-sex marriage or surrogacy agreements contracted abroad, so some children may face difficulties acquiring a legal identity and nationality.

A 2022 campaign led to a reduction in numbers affected by risk of statelessness in Georgia following a door-to-door campaign to identify affected individuals and facilitate access to identity documents free of charge; however, barriers to civil documentation disproportionately impact on Romani communities and many remain at risk of statelessness.<sup>24</sup> The scale of this issue is difficult to ascertain due to the absence of comprehensive data. Barriers such as discrimination, language barriers, and lack of trust in government authorities all contribute to discourage participation in processes such as birth registration and nationality confirmation or acquisition.

#### d) Kosovo

In Kosovo, Romani communities are disproportionately affected by statelessness. Many members of these communities who were citizens of the Former Yugoslavia have been unable to acquire Kosovar citizenship after the declaration of independence in 2008 due to legal and administrative barriers, displacement, and discrimination. Kosovo has taken steps to address statelessness in recent years, including introducing a statelessness determination procedure (SDP), adopting measures in its strategy and action plan on Roma inclusion, and initiating reform of the Law on Civil Registration, but several gaps remain.

Positively, the legal framework to protect stateless people and those at risk of statelessness ensures rights such as birth registration, acquisition of nationality, and access to a procedure to determine statelessness. Amendments to key laws, including the draft Law on Civil Status, the draft Law on Citizenship, and the draft Law on Foreigners, influenced by recommendations from Civil Rights Program Kosovo (CRPK), Roma Versitas Kosovo (RVK), and other experts, have initiated the introduction of additional protection measures such as (i) the registration of children born abroad to Kosovar citizens until they reach 23 years old if their parents did not register them before they turned 18, (ii) automatic registration through health institutions, (iii) the waiving of penalties for late birth registration, and (iv) granting increasing access to rights for recognised stateless people. If adopted,

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<sup>24</sup> "Door-to-door" Campaign Was Implemented to Identify and Document Stateless Persons in Georgia: <http://www.stateless.ge/en/unhcr-psda-the-door-to-door-campaign>.

these changes would demonstrate a commitment to further align legislation with international standards and enhance the protection of those most impacted by the risk of statelessness, including Romani communities. These draft laws are still pending adoption, with the timeline for their adoption still unclear as of April 2025, and it remains to be seen if the above-mentioned safeguards will be maintained in the adopted laws.

However, despite the progress achieved, challenges remain, including regarding the implementation of the SDP, inconsistent practices in implementing legal norms on late birth registration, and obstacles faced by certain communities in confirming their citizenship. Established in 2013 and updated in 2020, the SDP is an administrative procedure that enables an individual to have their statelessness recognised.<sup>25</sup> According to UNHCR, there are 14 people with recognised statelessness status in Kosovo in 2024,<sup>26</sup> but many face challenges in accessing rights and services during the procedure, and limited awareness among authorities can hinder access to rights after being granted statelessness status.

Challenges also arise in the implementation of the legislative framework pertaining to late birth registration, complicating case resolution particularly when evidence is insufficient. Officials adopt an inconsistent interpretation of the legal provisions and tend to request many documents during the case proceedings, regardless of requirements. Moreover, difficulties remain where applicants lack evidence, leading to a rejection of late birth registration requests and barriers in the administrative procedure. Despite the existence of a facilitated legal procedure for adults, applications are consistently rejected without reason when documentary evidence is missing. A court procedure for late birth registration is often required when administrative registration is not possible, though individuals face significant difficulties with court procedures, and legal disputes related to identity issues are often deprioritised. Moreover, administrative authorities often disregard court decisions, leaving individuals without legal identity and access to rights for extended periods when the process is reinitiated. There is a right to appeal but the procedure is lengthy (often a minimum of three years), prolonging the individual's uncertainty about their legal identity.

Furthermore, many Romani, Ashkali and Egyptian individuals in Kosovo, who were born in Western European countries or displaced in the Western Balkans region, face issues to confirm or acquire citizenship, and remain stateless or have undetermined nationality due to significant barriers to acquiring civil registration documents. Some are unaware of their rights or are afraid to come forward and register due to discrimination and antigypsyism. The authorities' assessment of their right to citizenship at the time of application may also be an issue. The problems are particularly acute in certain municipalities: in og Vushtri, Kamencia, Strpce, Mitrovica North, Mitrovica South, Gilan, Peja, and Istog where community members lack key information about their rights and face continued challenges accessing civil documentation and proof of nationality. For some, the SDP remains the only route to securing residence status in Kosovo.

In April 2024, the Minister for Local Government Administration launched an initiative to promote free birth registration for Romani, Ashkali, and Egyptian communities, aiming to uphold their fundamental rights and promote inclusion. Municipalities were advised to apply this initiative during the month of April 2024 by removing financial barriers and ensuring equal access to services. However, this support only lasted for a one-month period.

An additional persistent challenge in Kosovo, particularly for marginalised Romani communities is the limited availability of official data on unregistered individuals. According to the census conducted in

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<sup>25</sup> Administrative Instruction (Mia) No.06/2020 For The Procedure And Criteria Of Determining The Status Of The Stateless Person, The Manner Of Acquisition Of The Citizenship By The Stateless Person And The Person With Refugee Status (available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=31137>)

<sup>26</sup> Data from CRPK



2011, 5% of the total population have not registered within the deadlines provided for by law, and the 2015 survey of Romani, Ashkali and Egyptian communities reported 2.5% of people had not had their births registered and were at risk of statelessness. These issues are exacerbated by the lack of systematic identification of unregistered people. This lack of data and the reactive approach of institutions in identifying unregistered people has resulted in many adults and children belonging to these communities remaining unregistered for years and being deprived of basic rights due to the absence of documents proving their birth or nationality. A census was conducted in 2024, with results due to be published in 2025. The census questionnaire allowed for individuals to declare that they had 'no citizenship'. It remains to be seen what data will be available from the recent census and what the level of participation was in the census by all communities in Kosovo.

In recent years, civil society organisations have mapped the affected population in specific municipalities. CRPK initiated in 2023 a pilot project focusing on various municipal authorities and other stakeholders in five municipalities (Gilane, Ferizaj, Obiliq, Lipijan and Peja), successfully identifying 14 unregistered individuals. This led to collaborative discussions among stakeholders from government institutions, NGOs, and community leaders to effectively address civil status registration issues and solutions for several individuals. Moreover, a 2022 mapping exercise by Roma Versitas Kosovo found that out of 111 Romani families surveyed in five municipalities, only 65 families said that all family members possessed birth certificates, 36 said that only some members of their families were registered, and in the case of seven families, no-one was registered.

Issues have also been raised concerning non-resident Romani women born in neighbouring countries who, upon marriage, are categorised as foreigners, and the non-availability of documentation to regulate their temporary residence hinders their access to status, leading to difficulties in accessing essential services, exercising rights, registering their newborn children, and obtaining social benefits due to their irregular status.

Furthermore, people at risk of statelessness heavily rely on legal assistance provided by NGOs because the Free Legal Aid Agency has eligibility criteria that exclude unregistered adults who cannot fulfil the requirement of possessing an identity document (proof of citizenship). Consequently, these people are not recognised as specific beneficiaries of the free legal aid offered by authorities. To date, free legal aid has been provided by UNHCR and CPRK, but we understand that this provision, like that in other countries in the region, may be under threat due to funding cuts.

To address these challenges, there is a need for enhanced cooperation and greater awareness-raising between affected communities, local authorities, civil society, and other stakeholders. NGOs, such as CRPK, Roma Versitas Kosovo (RVK) and others, especially Romani-led organisations, should be resourced in their outreach efforts to bridge the gap between unregistered individuals and access to services and to provide expert legal assistance. Expert recommendations for amendments to the Law on Civil Status must be heeded and implemented in full to prevent and reduce the risk of statelessness. Continuous advocacy is necessary to ensure the effective implementation of the legislative framework and to address barriers faced by stateless individuals in accessing basic services. The provision of free legal aid should be expanded to all eligible persons, highlighting the necessity for continued support from potential donors. Inter-institutional cooperation and capacity building for authorities in areas such as late birth registration and implementation of the SDP are critical.

#### e) Moldova

Law, policy, and practice on the protection of stateless people and prevention and reduction of statelessness is generally positive in Moldova, although some barriers to birth registration and access to civil documentation remain impacting disproportionately on Romani communities. Moldova has

acceded to relevant international and regional treaties, and it has established a dedicated Statelessness Determination Procedure in law.<sup>27</sup> The procedure is accessible, with a mandatory interview, an option to initiate the procedure ex officio, and some rights are granted to applicants. People recognised as stateless in Moldova are granted rights in line with nationals, but do not have any political rights. Although there is an accelerated route to naturalisation, reduced from ten years, a stateless person must still wait eight years before being eligible to apply for naturalisation.

In November 2023, an amendment to the Citizenship Law entered into force, which provides that a child born in Moldova who meets the conditions to be recognised as stateless will be granted Moldovan nationality.<sup>28</sup> This positive legislative amendment means there is now a full safeguard in law to prevent statelessness among all children born in Moldova. Previously, a stateless child's ability to acquire nationality was dependent on the status of their parents.

Nevertheless, there are still barriers to birth registration and access to civil documentation in the country as parents (mothers in particular) must be documented to register a birth. This issue disproportionately impacts on Romani communities in Moldova.

Moldova is hosting a significant number of refugees from Ukraine. As of mid-October 2024, there were around 123,000 Ukrainian nationals fleeing Ukraine in Moldova, over 77,000 applied for temporary protection, and more than 61,000 were beneficiaries of temporary protection. Stateless persons, persons at risk of statelessness and undocumented persons can apply for protection in Moldova even if they are undocumented. Moldova recognises statelessness status and international protection granted by Ukraine. Moldova offers different forms of international protection: refugee status, humanitarian protection, temporary protection, and political asylum. Temporary protection is valid until 1 March 2026<sup>29</sup> and is available to people recognised as stateless by the Ukrainian authorities and stateless people who benefited from international protection or equivalent national protection in Ukraine. Moldova does not extend temporary protection to stateless people who had a valid permanent residence permit in Ukraine, nor to undocumented people from Ukraine. There have been reports of discrimination against Romani refugees fleeing Ukraine in access to services and humanitarian assistance in Moldova.

At the end of 2023, there were 1,889 recognised stateless people in the State Population Register, including 1,885 people recognised in Moldova, and four people recognised by other States but living in Moldova with residence permits. Notably, 1,348 of these recognised stateless people live in Transnistria. There are 956 recognised stateless people who were born on the territory and are therefore entitled to be recognised as Moldovan nationals.

#### f) Montenegro

The Government of Montenegro has made welcome political commitments to addressing statelessness - including through the 2019 [Poznan Declaration](#)<sup>30</sup> and a joint pledge at the 2023 Global Refugee Forum - and has taken some steps to reform the legal and policy framework, but gaps and implementation issues remain.

Montenegro records some data on the stateless population, but this is not digitalised nor publicly available, and data on the population at risk of statelessness is limited. The 2023 census recorded 240

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<sup>27</sup> Information about the SDP on IGM website: <https://igm.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83>.

<sup>28</sup> Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: <http://www.refworld.org/docid/3ae6b60ba.html> and the original at <http://lex.justice.md/md/311522/>. Amendment to the Law on Citizenship, 8 June 2023, available at: <https://monitorul.gov.md/ro/monitorul/view/pdf/2730/part/1#page=4>.

<sup>29</sup> [Alexandrina Leahu, Moldova Live 'Decided by the Government: Authorities extend temporary protection for Ukrainian refugees by one year' \(26 February 2025\)](#)

<sup>30</sup> Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), available at <https://www.rcc.int/docs/464/declaration-of-western-balkans-partners-on-roma-integration-within-the-eu-enlargement-process>.

individuals with ‘no nationality’, compared to 4,312 people from the 2011 census.<sup>31</sup> However, fieldwork experience, direct communication with affected individuals, and UNHCR data suggest that the actual number of stateless people is significantly higher than the census figures. A 2017 mapping of refugees from the Former Yugoslavia covered 2,318 people and confirmed that lack of civil documentation remained widespread, especially among Romani and Egyptian communities. However, the data available through this verification exercise does not reflect all persons affected by (risk of) statelessness in Montenegro, and is not disaggregated by age, gender, and other key factors. Although this verification exercise and follow up actions have improved registration levels, the verification did not take into account all groups who face issues with legal identity and documentation in Montenegro.

According to UNHCR, as of mid-2024, there were 431 stateless persons in Montenegro. In addition, at a conference organised by UNHCR and the Ministry of the Interior (MUP) in November 2024, it was reported that there were 420 people at risk of statelessness Montenegro, of which more than 55% were children.

Most stateless people in Montenegro belong to Romani communities, many of whom originally came to Montenegro after the 1999 Kosovo war. Many were unable to resolve their lack of legal identity as they missed the deadline to apply under a public call in 2015, and so are residing in Montenegro with insecure residence status. They face the risk of deportation to Kosovo at any time. Attempts to acquire legal identity in Montenegro are often rejected thus denying access to other fundamental rights. The problem is intergenerational, as lack of documentation and risk of statelessness is passed on to their children. Adults are required by the Ministry of the Interior to go to Kosovo to resolve their legal identity issues, but the laws of Kosovo do not provide for this. As a result, many people in Montenegro cannot resolve their civil documentation issues nor acquire proof of citizenship, and the problem is continuing to impact on their descendants.

In 2021, Montenegro adopted a [Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025](#),<sup>32</sup> which includes an operational objective to “improve the position of Roma and Egyptian communities by resolving the issue of civil status and personal ownership documents”. It also adopted a [Strategy for Social Inclusion of Roma and Egyptians 2021-2025](#),<sup>33</sup> which includes two relevant objectives to “resolve the legal status of internally displaced persons (IDPs) as well as other persons who are not registered in the basic registers and registers of citizens in Montenegro and in the surrounding countries”, and “resolve the legal status of persons at risk of statelessness and creating conditions for effective access to rights for persons with recognised status of stateless persons”. The accompanying Action Plan to these strategies also includes an action point to tackle antigypsyism. However, limited progress has been made towards achieving these objectives, and it is not clear how they are being implemented in practice. The Ministry of Human and Minority Rights is currently developing a new Strategy for Improving the Quality of Life of Roma and Egyptians 2026-2030 as a new accompanying Action Plan for 2026-2027.

Montenegro introduced a statelessness determination procedure in 2018, but this does not lead to a dedicated statelessness status. Furthermore, the procedure is not implemented consistently across the country and evidentiary requirements are not set in law. Applicants have access to some rights while they await a decision, and some procedural safeguards are in place, but recognition does not automatically lead to rights such as residence and the right to work. There are also gaps in safeguards

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<sup>31</sup> The 2023 Census of Population, Households, and Dwellings; Population of Montenegro by Citizenship, [SAOPSTENJE Popis stanovništva 2023 III. ENG.pdf](#).

<sup>32</sup> Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025, available at <https://www.gov.me/en/documents/15ef985b-eddb-4a41-a58a-63fee7e8455c>.

<sup>33</sup> Strategy for Social Inclusion of Roma and Egyptians 2021-2025, available at <https://www.gov.me/en/documents/84399482-95c3-43b8-af35-8333469dc72b>.

to prevent the arbitrary detention of stateless people. Positively, in December 2024, amendments to the Law on Free Legal Aid now provide for access to free legal aid for stateless people and people seeking recognition of their statelessness status, though this does not apply to naturalisation procedures.<sup>34</sup>

There are some safeguards in law to prevent childhood statelessness, including in the case of foundlings, adopted children, children born abroad to Montenegrin parents, and children born on the territory to stateless parents or those of unknown nationality. Birth registration is automatic by law, but Romani communities are disproportionately impacted by barriers to birth registration. The procedure to register a child's birth should be applied even when the parents are undocumented. However, in practice, there are sometimes bureaucratic difficulties in registering the child's birth if the parents are undocumented and they are not receiving support or advice from an NGO. Many families assisted by NGO Phiren Amenca, for example, did not register their children because they thought they required documents to register the child's birth, the hospitals had not provided evidence of the birth to the mother, or the health institutions had not forwarded information about the child's birth to the competent directorate in the Ministry of the Interior. UNHCR has developed a procedure to enable the registration of all children whose parents do not have settled residence status in Montenegro, but it is not smoothly implemented in practice and some children are still not registered. NGO Phiren Amenca has identified at least 10 children in three local Romani communities who are not registered. Only parents of the opposite sex can register children. Montenegro still has not incorporated provisions in its normative framework that ensure that all children are registered immediately upon birth regardless of the sexual and/or gender identity of their parents.

#### g) North Macedonia

North Macedonia has seen significant progress towards preventing and reducing statelessness in recent years. In 2023, the country adopted a series of legal reforms aimed at addressing the lack of identity documents and birth registration of those with unregulated civil status, which are now being implemented.

In June 2023, the Parliament adopted crucial amendments to the Law on Civil Registry.<sup>35</sup> Among the most significant changes was the introduction of Article 4-a, which mandates the immediate registration of every child born within the territory of North Macedonia, no longer than 45 days after the birth, irrespective of the nationality or status of the child's parents. In response to several joint advocacy and litigation efforts, including an 'actio popularis' case,<sup>36</sup> the Parliament also adopted amendments to the Law on Civil Registry to regularise the situation of the 700 people without personal documentation identified through the 2018 Government-led public call.<sup>37</sup> These amendments provide for a simplified and facilitated procedure for birth registration with the aim of ensuring that everyone

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<sup>34</sup> [Law on Free Legal Aid](#) ("Official Gazette of Montenegro", No. 020/11 of 15.04.2011, 020/15 of 24.04.2015, 123/24 of 23.12.2024).

<sup>35</sup> Amendments on the Law on Civil Registration, Official Gazette of the Republic of North Macedonia no.129 from 21 June, 2023: <https://www.slvesnik.com.mk/Issues/8e4c3510b5b245458d384111b871390c.pdf>.

<sup>36</sup> As a response to the failure of the authorities to effectively grant access to economic and social rights for people with unregulated civil status, in November 2022, the European Roma Rights Centre (ERRC) and the Macedonian Young Lawyers Association (MYLA) jointly initiated litigation in an 'actio popularis' case against the Directorate for Keeping the Registers of Births, Marriages and Deaths in North Macedonia. The complaint was submitted to the Basic Civil Court in Skopje, as a collective effort aimed at representing unregistered individuals who were discriminated against and effectively denied access to their fundamental rights as guaranteed by the 2020 Law on Persons without Regulated Civil Status, with a particular impact on Romani individuals. This situation highlighted a pressing need for changes in the legislation to ensure that the rights and welfare of all unregistered persons on the Macedonian territory, including the Romani population, were appropriately safeguarded and respected. See ERRC, North Macedonia ERRC & MYLA sue authorities for discrimination of Roma & other unregistered persons (December 2022), available at: <http://www.errc.org/press-releases/north-macedonia-errc-myla-sue-authorities-for-discrimination-of-roma-other-unregistered-persons>. See also Joint Submission to the Human Rights Council, Universal Periodic Review, 46th Session, MYLA, ERRC, ENS, ISI (October 2023), available at:

<https://www.statelessness.eu/sites/default/files/2023-10/UPR%20Joint%20Submission%20on%20North%20Macedonia%202023%20FINAL.pdf>.

<sup>37</sup> During a case-by-case review process in June 2023, it was concluded that the number of people concerned was actually around 526.

identified in the public call is registered in the regular birth register by the end of 2023. Media campaigns have been implemented to encourage stateless people to approach legal advice providers (including MYLA) for support in submitting requests for naturalisation and birth registration. Civil society organisations report that new cases of unregistered people not identified in the 2018 call are being identified regularly and are also in the process of being regularised through the procedure for late birth registration.

In October 2023, the Parliament adopted further amendments to the Law on Registration of Residence and the Law on Identification Documents, which introduced a simplified procedure for homeless people to register their residence at the address of a social work centre. People who are accommodated in a health or social institution can register their address as that of the respective institution. Additionally, the amendments foresee several options for people living in 'non-legalised houses' to document ownership of the property and obtain an identity document. These amendments were in response to many reported cases where former stateless people who have acquired Macedonian nationality could not register their residence and obtain a Macedonian identity card because they live in 'non-legalised houses' or informal settlements, or were living in destitution. These measures are now being implemented, and it will be important to monitor practice in the coming months and years to assess their effectiveness and impact as awareness among implementing authorities remains low.

Amendments introduced to the Law on Citizenship in 2021 to facilitate access to nationality for those who continued to live on the territory of North Macedonia after 8 September 1991 remained in force until August 2024, in addition to facilitated naturalisation for stateless people and recognised refugees. Since the adoption of these amendments, around 300 stateless people affected by the dissolution of Former Yugoslavia acquired citizenship in simplified procedure.

However, despite these advancements, around 150 known cases of statelessness remain unresolved and require continued and intensified efforts to be fully addressed. In addition, the identification of new cases remains an ongoing need. For example, in a three-month period, MYLA identified 11 new cases of statelessness, highlighting the importance of sustained outreach and identification efforts. The complete resolution of all cases of statelessness, both those that have been identified and those that are currently unknown, continues to pose a substantial challenge for the country.

Notwithstanding these positive steps, there remain some key gaps in the legal and policy framework of North Macedonia that still need to be addressed. There is as yet no statelessness determination procedure (SDP) nor protection status for stateless migrants on the territory, though discussions towards introducing an SDP are currently taking place. There is a lack of data on the stateless population despite the 2021 census including a specific 'stateless' category, the results did not provide a clear picture on the number of stateless persons in the country. There is only a partial safeguard in nationality law to prevent children being born stateless in North Macedonia (Article 6(1)), which is not in line with the 1961 Convention. A child born on the territory to stateless or unknown parents acquires North Macedonian citizenship. However, in practice an application must be submitted and this focuses on the status of the parents rather than the statelessness of the child, so does not cover children born to parents who may have a nationality but cannot confer this to their child. As there is no procedure for determining statelessness in North Macedonia, proving the statelessness of the parents can be very challenging in practice; nor is there any framework for identifying where a child would otherwise be stateless at or after birth registration. The law provides that only children can benefit from the provision, so this is interpreted as under 18 years-old, leaving a protection gap for young adults that is not in line with the 1961 Convention.

Free legal aid is only available to stateless persons who have a residence permit or otherwise have a right to stay, including people who have been registered under the Law on Persons without Regulated Civil Status. Stateless people can apply for naturalisation after six years of lawful and continuous residence in North Macedonia, which is accelerated in comparison to others. However, other conditions for naturalisation must be met, including submission of a certificate confirming no criminal convictions nor prosecutions and birth registration documentation. There are no exemptions from these requirements for stateless people, and there are fees of approximately 100 EUR for naturalisation, as well as additional documentation costs

#### h) Serbia

There has been limited progress to address statelessness in Serbia since our last submission in April 2024. Some commitments to prevent and reduce statelessness were made by the Serbian Government under the Global Refugee Forum and Poznan Declaration and follow-up process in subsequent years, but significant gaps remain in law and practice. As reported in previous years, civil registration and statelessness were not included in the [Strategy on Roma Equality, Inclusion and Participation](#),<sup>38</sup> and the Government continues to signal that no legislative changes on these matters are planned.

Data on statelessness in Serbia is not comprehensive. According to the census conducted in 2022, 675 people are without nationality, which is a reduction from 5,951 people in the previous census in 2011. Praxis conducted field visits in Romani settlements in 2023 and identified 431 individuals at risk of statelessness, although the true number of individuals affected is likely to be significantly higher as these visits were conducted only in selected areas of the country. This is confirmed by the fact that out of 209 people for whom the procedures were initiated by Praxis in 2024, a total of 86 people were identified during the 2023 mapping, while additional 123 people were identified in 2024.

Although Serbia is Party to both the 1954 and 1961 Conventions and has a ‘statelessness status’ in law providing for a right to work, education, social security, legal aid, protection against discrimination, healthcare under certain conditions and a travel document, it still does not have a dedicated mechanism in place to determine statelessness and grant stateless people on its territory these rights and the protection they are due under international law.

The problem of access to immediate birth registration for undocumented parents in Serbia continues to persist. According to the existing bylaws, to register the birth and the name of their child immediately upon birth, parents must possess birth certificates and ID cards. Children cannot be registered immediately after birth if parents are undocumented. Despite numerous appeals to the relevant ministries, government working groups, and international bodies, including the Human Rights Council, CEDAW, and CESCR, which have made recommendations in this regard, no significant progress has been achieved to date. In October 2019, the Ministry for Public Administration and Local Self-Government, the Ombudsperson, and UNHCR signed a Memorandum of Understanding, which refers to further cooperation to resolve the problems faced in particular by Romani communities in Serbia to exercise their right to civil registration and legal identity, with special emphasis on new-born children.

At the end of 2020, competent Ministries adopted the ‘Instruction for dealing with cases of birth of a child whose parents are undocumented in order to enable birth registration’, a non-legally binding Act. The instruction does not address the question of how to register a child of an undocumented mother immediately after birth but only instructs the authorities on how to act to subsequently register the mother in the birth books and/or obtain personal documents for her, leaving the child

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<sup>38</sup> Strategy on Roma Equality, Inclusion and Participation, available at: <https://www.refworld.org/policy/strategy/natlegbod/2022/sr/149886>.

unregistered until the mother obtains an ID card. Moreover, Praxis reports that in the cases of their undocumented beneficiaries who gave birth between 2021-2024, this instruction has not been applied in practice leaving undocumented mothers without a facilitated route to obtain documents.

In February 2022, the same Ministries signed a new Memorandum of Understanding, which envisages the continuation of cooperation in the field of eradicating statelessness in Serbia.<sup>39</sup> The European Commission's annual progress reports on Serbia<sup>40</sup> have helpfully and consistently addressed these issues through their recommendations stating that all children be registered immediately after their birth and regardless of their parents' status. Nevertheless, Praxis is constantly coming across new cases of Romani children who are not registered in the birth registries, almost always because of the lack of documentation of the mothers. In 2024, Praxis identified 47 new cases of children who could not be registered immediately after birth for this reason.

Challenges described in previous years with access to late birth registration under the non-contentious procedure also remain. Prescribed deadlines are often not met, fees are sometimes requested of applicants who should be exempt by law, court decisions are often not forwarded to the registrars and data is not entered in the birth registry books for a long time after decisions are concluded. Decisions sometimes contain errors or do not contain all the necessary data, inhibiting a person's ability to confirm their nationality. Registrars sometimes do not enter the nationality into the birth registry books, even when the legal requirements for nationality are fulfilled. These practical challenges must be urgently addressed to ensure the legal procedure to facilitate late birth registration is being implemented as intended.

As reported in previous years, the Supreme Court of Cassation brought a Conclusion in 2020 in which it took the position that non-contentious procedures for determining the date and place of birth could be conducted only if the administrative procedure of subsequent registration in birth registry books had been previously unsuccessfully conducted. It also took the position that persons who are registered in the birth registry books of Kosovo could not ask the non-contentious court to establish the fact of their date and place of birth (even though Serbia has not recognised Kosovo and people cannot exercise any rights in Serbia on the basis of Kosovar documents). The implementation of the Conclusion by first instance courts significantly prolongs and complicates registration in the birth registry books, while many people who were born and registered in the birth registry books in Kosovo are left without the possibility of registering in Serbia, regardless of the fact that they have not lived in Kosovo for years, have lived in cohabitation and had children in Serbia, and meet the requirements for Serbian citizenship. Courts have followed this Conclusion since 2021, making late birth registration increasingly difficult, if not impossible.

Legal safeguards are in place in Serbian citizenship law to prevent statelessness in the case of children born on the territory (Article 13) or to Serbian citizens abroad, foundlings and adopted children. However, there are implementation gaps. The authorities interpret the safeguard for stateless children born in Serbia as applying only to minors, and in practice, a request must be submitted to the competent authority for a decision to be made on the acquisition of nationality, and documentary evidence of the child and/or parents' statelessness must be provided.

Serbia does not have a dedicated statelessness determination procedure nor any other mechanism to identify and determine statelessness. The Law on Foreigners provides for a definition of a stateless person in national law, but it is narrower than the 1954 Convention definition. Rights granted to

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<sup>39</sup> UNHCR, Continuation of Cooperation to Eradicate Statelessness in Serbia

<<https://www.unhcr.org/rs/en/19785-continuation-of-cooperation-to-eradicate-statelessnessin-serbia.html>>.

<sup>40</sup> Serbia Report 2021 - European Commission, <[https://enlargement.ec.europa.eu/serbia-report-2021\\_en](https://enlargement.ec.europa.eu/serbia-report-2021_en)>; Serbia Report 2022 - European Commission <[https://enlargement.ec.europa.eu/serbia-report-2022\\_en](https://enlargement.ec.europa.eu/serbia-report-2022_en)>.

stateless people include a travel document, right to work, social security, education, legal aid, healthcare under certain conditions and protection against discrimination. The law also prescribes that the 1954 Convention should be applied to stateless individuals if this is more favourable for them, but without an SDP, the risk is that these rights cannot be obtained in practice. There is no simplified or accelerated route to naturalisation for stateless people in Serbia.

i) Türkiye

Türkiye is party to the [1954 Convention relating to the Status of Stateless Persons](#), but not the [1961 Convention on the Reduction of Statelessness](#), nor the European Convention on Nationality. Data on stateless populations in the country is insufficient and incomplete. Despite having established a statelessness determination procedure leading to a dedicated status, there is no publicly available data on the procedure. While the SDP is relatively accessible and has some procedural safeguards, there is a lack of awareness of its existence and evidentiary requirements can be difficult to meet. Positively, a person recognised as stateless under the procedure is issued an identity document, right to stay, and other socio-economic rights.

Immigration detention is provided for in law, but in practice authorities usually detain people only for the purpose of deportation and avoid routinely detaining asylum-seekers. Alternatives to detention and procedural safeguards are established in law, but there are gaps in their effective implementation. There are no publicly available mechanisms to identify statelessness in removal centres and statelessness is not considered a factor increasing vulnerability.

There is no facilitated route to naturalisation for stateless people in Türkiye aside from an exemption from presenting certain documentation. There are relatively good safeguards to prevent childhood statelessness for foundlings and in the context of adoption, and there is a provision that allows otherwise stateless children born in Türkiye to apply for nationality. However, an application and several documents must be submitted, which is particularly concerning as there are reported barriers to birth registration in Türkiye.

Foreign parents must register with the Turkish authorities and obtain a foreigner's ID card before being able to register a birth in the country. Furthermore, there are several issues relating to the registration of children born in Türkiye to Syrian refugees. Some of the key challenges reported include inconsistent and arbitrary practices within the Population and Civil Registry Department and the Provincial Directorates for Migration Management; a lack of awareness and incentives among parents; child, early and forced marriage and polygamy (including due to a reluctance to approach the authorities in such circumstances); the non-registration of the mother's status; and difficulties proving the Syrian nationality of a child (particularly when the father's name is absent from the birth certificate due to Syria's gender-discriminatory nationality laws, which prohibit women from conferring their Syrian nationality to their children on an equal basis with men). Undocumented migrant parents are at risk of detention and deportation in all interactions with the authorities. Given that foreigners must first register for an ID to access rights and services, this may deter parents with unregulated residence status from registering the births of their children.

Romani communities in Turkey are also significantly impacted by barriers to accessing civil documentation. According to the Strategy Document on Roma Citizens for 2016-2021, one of the identified actions was to ensure that all Romani people had identity documents, but no progress report on the implementation of this strategy has been published. The strategy document was renewed for the period 2023-2025, but no action on access to civil documentation for the Romani population was included so it is unclear what measures have been taken to address this issue and how many people are affected.



Same-sex parenthood is not legally recognised in Türkiye and cannot be reflected in birth certificates, which can impact on children's ability to confirm or acquire a nationality.

#### j) Ukraine

The full-scale Russian invasion of Ukraine has continued to heavily impact on the rights and protection of stateless people and those at risk of statelessness in 2024-25, both in the country and among those who have fled to other European countries. In addition to the legacy of State succession following the collapse of the former Soviet Union, in 2024-25, the war is now one of the main root causes of statelessness in Ukraine, particularly due to the loss of documents and archives by the State, which subsequently prevents people from being able to confirm their citizenship. At the same time, people from temporarily occupied territories either lose their Ukrainian documents or are unable to obtain them, and lose their social ties, which then becomes a significant obstacle to confirming their Ukrainian citizenship. In many cases, such people become stateless.

The size of the population affected by statelessness in Ukraine is challenging to estimate. According to the 2001 census, 82,550 people declared themselves to be stateless. The next census was expected to be held in 2023 but has been postponed indefinitely due to the conflict. UNHCR previously estimated there to be approximately 35,000 people under its statelessness mandate in Ukraine. However, other sources suggest that 10-20% of the estimated 400,000 Romani people living in Ukraine are stateless or at risk of statelessness. Additionally, 55% of children born in Donetsk and Luhansk and 88% of children born in Crimea were reported to lack birth certificates, putting them at risk of statelessness.<sup>41</sup>

Research carried out by Right to Protection (R2P) in 2023 with the support of HIAS examined the increased challenges stateless people face in Ukraine in accessing their fundamental rights since the outbreak of war.<sup>42</sup> The research revealed barriers to accessing healthcare, education, employment, income, housing, freedom of movement, and humanitarian aid, many of which centre around lack of identity documents as a key underlying cause. Of the 100 people interviewed for the research:

- 17% testified about obstacles in receiving medical care
- 56% have problems with access to humanitarian aid
- 84% work unofficially due to lack of necessary documents
- 61% do not have documents on obtaining an education
- 45% have difficulties with freedom of movement in Ukraine

Ukraine established a statelessness determination procedure (SDP) in law in 2020, which entered into force in April 2021. The procedure takes into account the vulnerable position of stateless persons and guarantees effective access to obtaining legal status and identity documents by law. However, the implementation of this procedure by the SMS in many cases is not in line with the law.

Since the procedure was introduced, there has been a general trend of issuing oral or written refusals to accept applications on grounds not provided by law. During 2024, unlawful refusals to accept documents for the procedure were the biggest obstacle to obtaining recognition as a stateless person under the SDP. In particular, the acceptance of documents is often refused on the following grounds not provided for by law: failure to submit documents certifying the fact of not being a citizen of a foreign State, the applicant's probable belonging to the citizenship of a foreign State, and failure to

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<sup>41</sup> European Network on Statelessness, Briefing: Statelessness and people at risk of statelessness forcibly displaced from Ukraine, May 2022, available at: [https://www.statelessness.eu/sites/default/files/2022-03/ENS%20Briefing%20-%20Stateless%20people%20displaced%20from%20Ukraine%20-%20March%202022\\_1.pdf](https://www.statelessness.eu/sites/default/files/2022-03/ENS%20Briefing%20-%20Stateless%20people%20displaced%20from%20Ukraine%20-%20March%202022_1.pdf)

<sup>42</sup> Olena Tarasiuk, Anastasiia Koval, and Sofiia Kordonets, Right to Protection, Navigating Limbo: Rights of stateless people during the ongoing war in Ukraine, ENS Blog, 21 February 2024, [Navigating Limbo: Rights of stateless people during the ongoing war in Ukraine | European Network on Statelessness](#)

submit copies of documents of witnesses for the procedure. In addition, the application is also refused based on Article 9 of the 1954 Convention, which provides for the right of a Contracting State, in times of war or other emergency, to take provisional measures deemed necessary in the interests of national security. This provision is applied at the stage of receiving documents to all persons whose country of birth or origin is Russia or Belarus.

Recognised stateless people may acquire a temporary residence permit, and then permanent residence after two years. However, amendments adopted in September 2023 have made it more difficult to obtain and renew a residence permit after a person is recognised as stateless, and individuals who were documented as stateless prior to the introduction of the procedure in 2021 are obliged to undergo the SDP in order to renew their residence permits. The status of newly recognised stateless persons is also unclear in the law. Especially during the first two years after being recognised as a stateless person, there is limited or inconsistent access to rights due to a lack of clarity in the law. People recognised as stateless may apply for naturalisation after three years, but a new law introduced language and citizenship requirements for naturalisation, from which stateless people are not exempt.

The current legislation still has a provision that allows a person to be refused a temporary residence permit if they were previously issued a return or deportation order due to irregular stay or a prohibition of entry, administrative fines, or property obligations decision. This is problematic, as prior to the introduction of the SDP many stateless people did not have a route to regularise their stay. The Procedure for Issuing a Temporary Residence Permit does not take into account the newly introduced SDP. This inconsistency does not allow stateless people to exercise their right to obtain legal grounds for residence in Ukraine.

However, positive case law is beginning to appear and there are decisions of the Supreme Court of Ukraine and the court of first instance holding that the decision to refuse to issue a temporary residence permit accepted by the SMS is illegal and should be cancelled. The Court notes that the law does not contain grounds for refusal to issue a temporary residence permit, and a resolution of the Cabinet of Ministers of Ukraine cannot contradict or change the rights provided by law. On 17 December 2024, the Supreme Court issued a resolution establishing the need to resolve this problem at the legislative level by making relevant amendments to Procedure No. 322. The Court notes that the amendments to the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” provide a guaranteed right for persons who do not have a passport and cannot obtain one because they are not considered citizens by any State under its law, regardless of the lawfulness of their stay on the territory of Ukraine, to obtain the status of a stateless person.

As of the end of September 2024, 1,478 people were recognised as stateless.<sup>43</sup> The SMS has stopped providing cumulative data on the total number of applications under the SDP, but information from legal assistance providers based on the numbering of application certificates indicates that as of 10 April 2025, 1,840 applications had been certified. In 2024, 351 people applied to the statelessness determination procedure, 292 people were recognised as stateless, and 30 people were refused recognition.<sup>44</sup>

While stateless people recognised in Ukraine are exempted from paying an administrative fee for the issuance of residence permits and travel documents for the first time, problems remain regarding the high administrative fee required to renew residence permits and issue travel documents. This is a violation of international obligations according to the 1954 Convention relating to the Status of

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<sup>43</sup> Indicators of the State Migration Service’s activities for nine months of 2023, rows 67-70: [https://dmsu.gov.ua/assets/files/statistic/year/2023\\_9.pdf](https://dmsu.gov.ua/assets/files/statistic/year/2023_9.pdf)

<sup>44</sup> Indicators of the State Migration Service’s activities for 2024: [https://dmsu.gov.ua/assets/files/statistic/year/2024\\_12.pdf](https://dmsu.gov.ua/assets/files/statistic/year/2024_12.pdf)

Stateless Persons, according to which the fee for such services should be the same as that charged to nationals for similar services and should consider the situation of people on a low-income. This represents a significant obstacle to obtaining these documents for stateless people, especially considering that a temporary residence permit is issued for only one year in such cases. Moreover, in June 2023, the Ukrainian Parliament significantly increased the administrative fee for issuing immigration permits (from 179,74 UAH to 1514,00 UAH<sup>45</sup>), while an immigration permit is mandatory for recognised stateless people to obtain a permanent residence permit two years after being granted a temporary residence permit, and it is necessary to naturalise. This cost has not changed as of 10 April 2025, though it is tied to the subsistence minimum for able-bodied persons, so may be amended in future.

Since May 2022, people who are undocumented may receive free legal assistance (both primary and secondary) for matters relating to confirmation of their nationality. However, state legal aid centres lack capacity as they are overloaded with cases and lack the skills and knowledge to adequately address statelessness and navigate the procedures for obtaining the relevant residence permits and rights associated with them.

Furthermore, legal amendments in force since March 2023 can cause the unjustified deprivation of liberty of stateless persons and hinder their access to justice as it expands the categories of persons who can be detained and deprived of liberty regardless of a court's decision. The amendments also transfer powers from the courts to law enforcement authorities to independently make decisions on the forced deportation of foreigners and stateless persons without a court order.

Legal safeguards are in place to prevent statelessness in the case of foundlings, adopted children, and those born to Ukrainian nationals abroad, but there is a legal residence requirement for children born stateless in the country to acquire nationality, which causes obstacles for children born to undocumented stateless parents to acquire nationality in law and practice. This gap, along with barriers to birth registration, hinders efforts to reduce the large in-situ stateless population in Ukraine, disproportionately made up of ethnic minorities, including Romani communities. The [UN Child Rights Committee](#) has recommended that Ukraine implement protections for children born to parents with insecure migration status or without documentation. During 2024, two bills (№ 10425 22.01.2024, № 11469 07.08.2024) were submitted to the Ukrainian Parliament, which would further limit the possibility for children born stateless on the territory to acquire citizenship and introduce other provisions increasing the risk of statelessness.<sup>46</sup> These include an increase to the required length of residence for naturalisation from five to ten years, removing the possibility to acquire citizenship for individuals with a temporary residence permit, and the introduction of language requirements for the acquisition of nationality without exceptions for stateless persons.<sup>47</sup>

In December 2023, after having been postponed due to the war, Ukraine adopted the implementing Action Plan of the new National Strategy in the Sphere of Human Rights, which aims to provide birth certificates and identification documents to populations at risk of statelessness. A draft law published in February 2023 proposed to introduce a simplified administrative procedure to register the births of children born in Temporarily Occupied Territories. As of end of 2024, the draft law is being processed in a Parliamentary Committee.

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<sup>45</sup> The Law of Ukraine On Amendments to the Law of Ukraine "On Immigration" to Improve the Conditions and Procedure for Immigration of Foreigners and Stateless Persons to Ukraine No 3180-IX of 29 June 2023: <https://zakon.rada.gov.ua/laws/show/3180-20#n91>

<sup>46</sup> [https://itd.rada.gov.ua/billInfo/Bills/Card/44687?mc\\_cid=f67e05a892&mc\\_eid=490ed21d61](https://itd.rada.gov.ua/billInfo/Bills/Card/44687?mc_cid=f67e05a892&mc_eid=490ed21d61)

<sup>47</sup> [The risks of the loss of Ukrainian citizenship for residents of the TOT: human rights activists call on the Verkhovna Rada to revise the Draft Law No. 11469 | ZMINA Human Rights Center; What will change Draft Law No.11469 for applicants for Ukrainian citizenship | ExpatPro.](#)