

Written submission to inform the European Commission 2026 Enlargement Package



Progress towards addressing statelessness in Enlargement countries

April 2026

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1. Introduction

Who we are

The [European Network on Statelessness \(ENS\)](#)¹ is a civil society alliance of over 180 organisations and individual experts in 41 countries, working to promote the right to a nationality and to prevent and reduce statelessness across Europe. ENS undertakes legal and policy analysis, supports capacity-building among civil society and public authorities, and facilitates engagement with affected communities to address gaps in protection and implementation.

What this submission covers

ENS welcomes the opportunity to contribute to the European Commission's 2026 Enlargement Package. This submission covers Albania, Bosnia and Herzegovina, Georgia, Kosovo, Moldova, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine. It is informed by evidence from ENS member organisations operating in these countries,² data from the [Statelessness Index](#),³ and ENS's ongoing regional cooperation and monitoring activities.

Why statelessness is relevant to enlargement

Statelessness constitutes a cross-cutting issue of relevance to the enlargement and accession process, with direct implications for compliance with the EU acquis and the effectiveness of reforms under key negotiation chapters.

In particular, statelessness engages obligations under Chapter 23 (Judiciary and Fundamental Rights), notably in relation to children's rights, Roma equality and inclusion, and non-discrimination, as well as Chapter 24 (Justice, Freedom and Security), including migration management, asylum systems, and access to international protection. The persistence of statelessness undermines the practical enjoyment of rights and the implementation of safeguards envisaged under both chapters.

Summary of the main issues

Across the enlargement region, statelessness affects diverse populations, including migrants and refugees as well as individuals and families with long-standing ties to their countries. It disproportionately impacts marginalised groups, most notably Romani⁴ communities, reflecting structural barriers, discriminatory practices, and gaps in civil registration and nationality laws. As such, statelessness remains closely linked to broader challenges relating to equality before the law, access to justice, and administrative capacity.

The causes of statelessness in the region include the legacy of State succession, displacement, gaps or conflicts in nationality and civil registration legislation, and discriminatory administrative procedures. The consequences are significant: stateless individuals frequently face barriers to healthcare, education, employment, social protection, and the exercise of civil rights. These barriers not only result in rights violations but also hinder social and economic participation, perpetuating exclusion and vulnerability.

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

² 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 Amenca – Walk With Us, Macedonian Young Lawyers Association, Praxis, Refugee Rights Turkey, Right2Protection, and The 10th April.

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

⁴ 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.

All enlargement countries have obligations under international law to prevent and reduce statelessness and have committed, through the enlargement framework, to align national law and practice with European standards. This is particularly relevant in the context of Roma equality, including commitments under the 2019 Poznan Declaration and the EU Strategic Framework on Roma Equality, Inclusion and Participation, as well as in relation to children's rights, LGBTIQ* equality, anti-trafficking responses,⁵ and equal access to economic opportunities. While legislative reforms have been adopted in several countries, challenges related to implementation, administrative practice, and discrimination continue to limit their effectiveness.

In 2025–2026, the ongoing impact of the Russian full-scale invasion of Ukraine has further underscored the risks associated with unresolved statelessness in the region. Ukraine has one of the largest estimated stateless populations in Europe; UNHCR has previously estimated at least 35,000 stateless persons, with other sources suggesting significantly higher figures. Many individuals with long-standing ties to Ukraine lack documentation confirming nationality, creating barriers to protection and access to rights both within Ukraine and in neighbouring countries.⁶

During the same period, ENS and its members in the enlargement region have been affected by significant reductions in international funding, including the termination of USAID and U.S. State Department grants and related cuts to UNHCR programming. These developments have dramatically reduced the availability of legal assistance, outreach, and monitoring activities addressing statelessness.

Against this backdrop, **we encourage the European Commission to continue to explicitly recognise statelessness-related issues within relevant progress indicators under Chapters 23 and 24**, and to make clear recommendations to ensure:

- universal access to legal identity
- non-discrimination in access to citizenship
- access to protection as a stateless person under the 1954 Convention, and
- the prevention and reduction of statelessness.

We urge the Commission to consider how EU instruments and funding mechanisms can support more effective implementation and sustainability of reforms in this area.

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](#).⁷

Some data is available on the stateless and at-risk population from the 2023 census that was published in June 2024,⁸ as well as a mapping study carried out by the Tirana Legal Aid Society (TLAS) and UNHCR

⁵ ENS, Submission of evidence to inform the new EU Strategy on Combatting Trafficking in Human Beings, January 2026, available at: <https://www.statelessness.eu/updates/publications/submission-evidence-inform-new-eu-strategy-combatting-trafficking-human-beings>

⁶ 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](#)

⁷ 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>>.

⁸ Census 2023 main results are available at: instat.gov.al/media/13626/cens-2023-census-botim.pdf.

in 2018,⁹ 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 Roma NGOs have estimated the population to be 115,000 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.

Chapter 23 (Judiciary and Fundamental Rights)

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.¹⁰ The Government has taken steps to improve access to birth registration and civil documentation, and several bylaws were adopted in June 2024 that have had a generally positive impact for children born to foreign parents lawfully residing on the territory, though some children still face difficulties if parents are undocumented or have irregularities in their documentation, or if they are born abroad. There have been no new amendments introduced since June 2024 to address these gaps.

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 2024 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.¹¹

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,

⁹ 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](#).

¹⁰ Article 7/1 of law no. 113/2020 “On Nationality” (ALB): <https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine>

¹¹ ENS Albania Country Survey data (2024) <https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-Albania.pdf>.

among other rights.¹² 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.

In April 2026, the new National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians for 2026–2030 was launched, which focuses on five cross-cutting priority areas addressing key dimensions of social exclusion, including improved access to justice, and civil registration. Policy Goal I aims to ensure equal access to justice and civil registration by removing legal, administrative and financial barriers affecting Roma and Egyptian communities.

Civil registration is recognised as an essential precondition for exercising fundamental rights and accessing social, health, education and housing services. The Plan therefore seeks to strengthen effective legal protection for Roma and Egyptians by improving access to civil status services and free legal aid, both primary and secondary. The planned interventions address practical and administrative barriers related to birth registration, transfer of residence and inaccuracies in documentation, with particular attention to families living in informal conditions or on the move. The overall aim is to eliminate cases of non-registration and incomplete registration, simplify procedures, expand the territorial coverage of legal aid services and support the full legal and social inclusion of Roma and Egyptian communities in line with equality and non-discrimination principles. In a recent positive development, we welcome the decision of the Albanian Government to appoint Ms. Ina Majko as the first Roma individual to hold a high-level position, serving as Deputy Minister in the Ministry of Health and Social Welfare.

We encourage the Commission to recommend that Albania:

- Further strengthen the protection of children's rights and the principle of non-discrimination by ensuring universal, timely and unconditional access to birth registration and civil documentation for all children, in particular Roma children and children of undocumented parents, including through proactive outreach, simplified procedures, and consistent implementation by civil registry authorities.
- Fully implement the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians (2026–2030) by allocating adequate funding, collecting comprehensive data for monitoring purposes, and by expanding access to free legal aid and effective remedies in cases of non-registration and (risk of) statelessness.

Chapter 24 (Justice, Freedom and Security)

Positively, the 2021 Law on Foreigners¹³ established a statelessness determination procedure and a dedicated instruction to implement and regulate the procedure was published in June 2023,¹⁴ although there is no information available yet about the implementation of the procedure in practice.

¹² 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%2F142%2FD%2F3602%2F2019&Lang=en.

¹³ Law on Foreigners, no. 79/2021, (ALB): <https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huait>

¹⁴ Official Gazette of the Republic of Albania No. 96, Date. 29/06/2023, <<https://qbz.gov.al/eli/fz/2023/96/aeeea145-5e2a-46c3-a41d-59675d87f74a;q=per%20refuzimin%20e%20pashtetesise>>.

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.

Additional analysis and recommendations are available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in Albania*,¹⁵ prepared by ENS in partnership with the Tirana Legal Aid Society and Roma Active Albania, with support from the EU–Council of Europe Roma Integration Phase III programme.

We encourage the Commission to recommend that Albania:

- Ensure the statelessness determination procedure is fully operational and accessible in practice by removing the lawful residence requirement, sharing the burden of proof in the procedure, guaranteeing access to free legal aid, and clearly defining rights and status during and after the procedure, in line with international law and standards.

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.¹⁶ 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.

The last census was conducted in 2013 and recorded 254 individuals with unknown citizenship, but this data is now very outdated.¹⁷ According to information from Vaša prava BiH and UNHCR, as of April 2026, seven stateless people and people with undetermined or unknown citizenship were being provided with legal assistance. In several other cases, Vaša prava BiH had ceased its assistance due to the individuals being uncontactable or unavailable. In recent years, efforts have continued to reduce the number of identified cases in the country. In the course of 2025, Vaša prava BiH resolved 10 cases and were approached with new cases, which are either being prepared or were redirected to government-operated legal aid offices.

Most of those affected are members of Romani communities. Given the lack of any recent comprehensive mapping or reliable data collection, it is highly likely that there are more cases of stateless individuals and people with undetermined nationality in the community that are yet to be identified.

¹⁵ ENS, Tirana Legal Aid Society, Roma Active Albania, 'Key considerations for the prevention and reduction of statelessness in Albania', Policy Paper, September 2025, available at: <https://www.statelessness.eu/updates/publications/romabelong-policy-series-albania>

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

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

Chapter 23 (Judiciary and Fundamental Rights)

Positive reforms in recent years have included the adoption of the [2021-2025 Action Plan for Social Inclusion of Roma in BiH](#),¹⁸ including the goal of adopting a "Roadmap for stopping the risk of statelessness of Roma in Bosnia and Herzegovina". The plan is aligned with the Poznan Declaration 2019 and the [EU Roma Strategic Framework](#).¹⁹ However, the Roadmap was never adopted as an official document. A working group was established by the Ministry of Human Rights and Refugees of BiH to draft the new 2026-2030 Action Plan and representatives of association Vaša prava BiH participated. The new [Action Plan for the Social Inclusion of Roma Men and Women in BiH](#) 2026-30 is currently being consulted on and will then be adopted by the Council of Ministers of BiH.

Some key issues remain to be addressed to prevent and reduce statelessness. 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.²⁰

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

¹⁸ Action Plan of Bosnia and Herzegovina for Social Inclusion of Roma 2021 – 2025.

¹⁹ The EU Roma Strategic Framework, available at https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en

²⁰ 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)

centres for people falling into vulnerable categories. This allows people who do not have their own property to register residence and obtain ID documents.

Additional analysis and recommendations are available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in Bosnia and Herzegovina*,²¹ prepared by ENS in partnership with Association Vaša Prava BiH, with support from the EU–Council of Europe Roma Integration Phase III programme.

We encourage the Commission to recommend that BiH:

- Strengthen the protection of fundamental rights by adopting and implementing pending reforms on civil registration and citizenship, including amendments to the Law on Extrajudicial Procedures, expanding access to government-funded free legal aid for stateless people and people with undetermined or unknown nationality across all cantons, and work closely with Romani communities to guarantee universal access to civil registration and proof of citizenship.
- Improve the effectiveness and sustainability of efforts to reduce and prevent statelessness by facilitating access to residence registration and ensuring that lack of residence or documentation does not result in prolonged legal uncertainty or exclusion from rights and services.
- Establish a transparent mechanism for the collection, management and monitoring of disaggregated data of stateless persons and conduct a comprehensive mapping of (risk of) statelessness in BiH.

Chapter 24 (Justice, Freedom and Security)

The Government of BiH has made various commitments in recent years to reducing statelessness and protecting stateless people, including submitting pledges through the Global Refugee Forum process.²² 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.

A key gap is that there is no dedicated statelessness determination procedure leading to a specific statelessness status in BiH, although there are other procedures in which statelessness may be identified (e.g. through the asylum process or an application for temporary residence on humanitarian grounds). However, as of the end of 2024, only one person had been granted temporary residence on humanitarian grounds as a stateless person.

Free legal aid for stateless people in these procedures is only guaranteed within the asylum procedure. Stateless applicants for temporary residence on humanitarian grounds may seek free legal assistance from NGOs or from government public providers of free legal aid. However, access is not guaranteed, as laws and eligibility for free legal aid vary across BiH. Notably, only the Law on Free Legal Aid of Una-Sana Canton explicitly includes stateless persons. In most other jurisdictions, stateless people are not

²¹ ENS and Association Vaša Prava, 'Key considerations for the prevention and reduction of statelessness in Bosnia and Herzegovina', Policy Paper, September 2025, available at: <https://www.statelessness.eu/updates/publications/romabelong-policy-series-bosnia-and-herzegovina>

²² 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>

recognised in legal aid legislation, resulting in unequal and inconsistent access to legal assistance for those most in need of support to resolve complex legal and administrative procedures.

We encourage the Commission to recommend that BiH:

- Establish a dedicated statelessness determination procedure and protection status in law and in line with good practice to give full effect to the rights prescribed in the 1954 Convention to stateless migrants and refugees in the country.
- Ensure the right to free legal aid for stateless people, people with undetermined or unknown citizenship, and people without identification documents in all laws concerning the provision of free legal aid in Bosnia and Herzegovina.

c) Georgia

Overall, Georgia has a relatively strong legal and policy framework for the protection of stateless people and prevention of statelessness. It is party to most relevant international instruments, though it has not acceded to the [European Convention on Nationality](#).²³ 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. The full results of the 2024 census are yet to be published, and the preliminary results did not include information concerning statelessness.

Chapter 23 (Judiciary and Fundamental Rights)

There are some safeguards in citizenship 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.²⁴ The scale of this issue is difficult to ascertain due to the absence of comprehensive data. Barriers such as discrimination, language barriers, and lack

We encourage the Commission to recommend that Georgia:

- Further strengthen safeguards in its citizenship and civil registration law and policy to prevent childhood statelessness by ensuring the relevant provisions apply to all otherwise stateless children born on the territory, regardless of their parents' status, and by clarifying procedures for late birth registration.

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

²⁴ "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>>.

of trust in government authorities all contribute to discourage participation in processes such as birth registration and nationality confirmation or acquisition.

Chapter 24 (Justice, Freedom and Security)

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 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 some of these recommendations have still not been implemented.

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 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.

We encourage the Commission to recommend that Georgia:

- Enhance the effectiveness of the statelessness determination framework by improving access to State-funded legal aid, and implementing pending measures under the 2023 Statelessness Action Plan.

d) Kosovo

In Kosovo, Romani communities are disproportionately affected by statelessness. Many members of these communities who were citizens of the Former Yugoslavia were 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. For example, there are issues with the implementation of the SDP, inconsistent practices in implementing legal norms on late birth registration, and obstacles faced by Romani communities in confirming their citizenship.

Chapter 23 (Judiciary and Fundamental Rights)

Recently, upon the recommendation of Civil Rights Program Kosovo (CRPK), Roma Versitas Kosovo (RVK), and other experts, amendments have been initiated to key laws to improve the legal framework for the prevention and reduction of statelessness. This includes measures through the draft Law on Civil Status and the draft Law on Citizenship to (i) enable the registration of children born abroad to Kosovar citizens until they are 23 years old if their parents did not register them before they turned 18, (ii) automatic registration through health institutions, and (iii) the waiving of penalties for late birth registration. The draft laws are still pending adoption, with the timeline still unclear as of April 2026, so it remains to be seen if the proposed safeguards will be maintained in the adopted laws.

If adopted, these reforms 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.

There remain challenges in the implementation of the legislative framework pertaining to late birth registration. Officials adopt an inconsistent interpretation of the legal provisions and tend to request many documents during 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, despite not having ties to any other country, the statelessness determination procedure remains the only route to securing residence status in Kosovo.

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 2011, 5% of the total population had 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 have resulted in many adults and children 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, but although the census questionnaire allowed individuals to declare that they had 'no citizenship', no information has yet been published on statelessness or country of 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. However, due to the absence of dedicated funding, no comprehensive mapping exercises have been conducted since 2023.

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.

Finally, there are significant issues with access to legal aid. There is a heavy reliance on legal assistance provided by NGOs because the Free Legal Aid Agency's eligibility criteria exclude unregistered adults who cannot fulfil the requirement of possessing an identity document (proof of citizenship). Until 2025, free legal assistance was provided by UNHCR and CPRK, however this support has since ended due to funding challenges, significantly reducing access to legal assistance for those affected by statelessness, lack of legal identity, and undetermined citizenship in Kosovo. Since this withdrawal of funding in 2025, over 60 pending cases involving people at risk of statelessness remain unresolved, with very limited resources available to progress them.

Additional analysis and recommendations are available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in Kosovo*,²⁵ prepared by ENS in partnership with Roma Versitas Kosovo, with support from the EU–Council of Europe Roma Integration Phase III programme.

We encourage the Commission to recommend that Kosovo:

- Strengthen mechanisms to prevent and reduce statelessness by ensuring effective implementation of the legislative framework on civil status and citizenship, including by adopting pending amendments to the Law on Civil Status and the Law on Citizenship, addressing inconsistent practices on late birth registration, improving data collection on unregistered and stateless persons, and reducing barriers disproportionately affecting Roma, Ashkali and Egyptian communities.
- Urgently address the lack of legal aid for individuals who lack legal identity, have undetermined citizenship, and/or are stateless.

Chapter 24 (Justice, Freedom and Security)

Kosovo established a dedicated statelessness determination procedure (SDP) in 2013, which was updated in 2020. It is an administrative procedure that enables an individual to have their statelessness recognised and, in theory, access some rights.²⁶ However, many people face challenges in accessing rights and services during the procedure, and limited awareness among authorities can hinder access to rights after being recognised as stateless through the procedure.

²⁵ ENS and Roma Versitas Kosovo, 'Key considerations for the prevention and reduction of statelessness in Kosovo', Policy Paper, September 2025, available at: <https://www.statelessness.eu/updates/publications/romabelong-policy-series-kosovo>

²⁶ 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>)

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 Foreigners introduced recently to secure additional rights for stateless people in the country in line with the 1954 Convention relating to the Status of Stateless Persons, which are pending adoption, must be heeded and implemented in full to ensure access to protection during the SDP and for those recognised as stateless.

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 on the implementation of the SDP are critical.

We encourage the Commission to recommend that Kosovo:

- Adopt and implement recent proposed amendments to the Law on Foreigners regarding rights for stateless persons, improve the accessibility of the statelessness determination procedure, expand access to State-funded free legal aid for people affected by statelessness, and improve awareness of authorities of statelessness to ensure access to rights and services during and after the SDP.

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 children born to undocumented mothers. Moldova has acceded to relevant international and regional treaties, and it has established a dedicated Statelessness Determination Procedure in law.²⁷

Chapter 23 (Judiciary and Fundamental Rights)

In 2025, a new Law on Citizenship entered into force, which includes important safeguards to prevent childhood statelessness.²⁸ Under the law, a child born in Moldova who meets the criteria to be recognised as stateless is entitled to obtain Moldovan nationality. However, practical barriers remain due to the way the safeguard is formulated. In practice, children are likely to be required first to prove that they are stateless through the statelessness determination procedure (SDP), and only then apply separately to acquire Moldovan citizenship. This process may require multiple documents, including parents' identity papers, and thereby risks excluding children who are most in need of protection. In any case, the multi-step process can unnecessarily prolong statelessness and leave children in a situation of uncertainty before they can access their right to a nationality.

At the end of 2025, there were 1,919 recognised stateless people in the State Population Register. Notably, 1,340 of these recognised stateless people live in Transnistria. In addition, 2,634 people were

²⁷ Information about the SDP on IGM website: <https://igm.gov.md/en/recognition-of-statelessness/>

²⁸ Law 253/2025 on Citizenship of the Republic of Moldova, available at: https://www.legis.md/cautare/getResults?doc_id=150886&lang=ro

registered in the Register as people with ‘undetermined legal status’. In 2025, a mapping study conducted by the Law Centre of Advocates and UNHCR across nearly 70% of Moldova’s local districts identified 409 undocumented people, reflecting an ongoing need to address risk of statelessness throughout the country.²⁹

We encourage the Commission to recommend that Moldova:

- Further strengthen the protection of children’s rights and prevention of childhood statelessness by addressing practical barriers in the implementation of the Law on Citizenship, ensuring timely access to nationality without prolonged periods of legal uncertainty, and by addressing barriers to birth registration that impact children born to undocumented mothers.

Chapter 24 (Justice, Freedom and Security)

Moldova’s statelessness determination procedure (SDP) 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. The fee for naturalisation also increased significantly in 2025, rising from 25 EUR to approximately 335 EUR, with no exemptions for stateless people.

Moldova is hosting a significant number of refugees from Ukraine. As of the end of 2025, there were around 149,000 Ukrainian nationals fleeing Ukraine in Moldova, and more than 86,000 were beneficiaries of temporary protection. Temporary protection is available to people recognised as stateless by Ukrainian authorities and to stateless people who benefitted from international protection or equivalent national protection in Ukraine, extended until 1 March 2027. Moldova does not extend temporary protection to undocumented people from Ukraine, but other forms of protection may be available.

Since the beginning of 2025, immigration detention has once again become subject to regular judicial review. This reinstates a safeguard removed in 2016 and follows a 2018 Supreme Court opinion calling for its return.

We encourage the Commission to recommend that Moldova:

- Further strengthen the durability and effectiveness of protection for stateless people by ensuring comprehensive access to rights after being recognised through the SDP and reviewing barriers to naturalisation, including lengthy residence requirements and high fees.

f) Montenegro

The Government of Montenegro has made welcome political commitments to addressing statelessness - including through the 2019 [Poznan Declaration](#)³⁰ and a joint pledge at the 2023 Global

²⁹ Cartografierea Persoanelor Nedocumentate pe Teritoriul Republicii Moldova, 2026, available at:

<https://cda.md/publication/cartografierea-persoanelor-nedocumentate-pe-teritoriul-republicii-moldova/>

³⁰ 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>.

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 individuals with ‘no nationality’, compared to 4,312 people from the 2011 census.³¹ 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-2025, there were 380 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 over 55% were children.

Chapter 23 (Judiciary and Fundamental Rights)

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 of any country, and the problem is continuing to impact on their descendants.

Montenegro’s [Strategy for Social Inclusion of Roma and Egyptians 2021-2025](#)³² has now expired. The strategy included 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 also included an action point to tackle antigypsyism. However, limited progress was made towards achieving these objectives.

Work on a new strategic framework, the *Strategy for Improving the Quality of Life of Roma and Egyptians 2026–2030*, together with a new Action Plan, began in the fourth quarter of 2025 and has been ongoing for several months, including consultations supported by the Council of Europe in the context of the Roma Integration Phase III Programme. Nevertheless, the strategy has not yet been adopted by the Government, meaning that Montenegro has entered 2026 without a valid strategic framework on Roma and Egyptian inclusion. This delay points to a lack of continuity and political prioritisation, complicates the planning and implementation of measures, and raises concerns about

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

³² Strategy for Social Inclusion of Roma and Egyptians 2021-2025, available at <<https://www.gov.me/en/documents/84399482-95c3-43b8-af35-8333469dc72b>>.

the level of commitment to addressing the long-standing challenges faced by Roma and Egyptian communities.

There are some safeguards in Montenegrin citizenship 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 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.

Additional analysis and recommendations are available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in Montenegro*,³³ prepared by ENS in partnership with Phiren Amenca, with support from the EU–Council of Europe Roma Integration Phase III programme.

³³ ENS and Phiren Amenca, 'Key considerations for the prevention and reduction of statelessness in Montenegro, Policy Paper, September 2025, available at: <https://www.statelessness.eu/updates/publications/romabelong-policy-series-montenegro>

We encourage the Commission to recommend that Montenegro:

- Strengthen the protection of fundamental rights and Roma equality by urgently adopting its new *Strategy for Improving the Quality of Life of Roma and Egyptians 2026–2030 and accompanying Action Plan*, ensuring that the strategy addresses the prevention and reduction of statelessness, universal access to birth registration and civil documentation, combatting antigypsyism, and access to rights for Roma and Egyptian communities.
- Ensure adequate resourcing and effective implementation of measures aimed at preventing (risk of) statelessness, particularly among Roma and Egyptian communities, including through cross-border cooperation.
- Address practical barriers to birth registration, in particular for children of undocumented parents and Romani families, by improving cooperation between health institutions and civil registries, and incorporating explicit guarantees to ensure immediate birth registration for all children regardless of their parents' documentation status or sexual and/or gender identity.
- Improve the implementation of existing safeguards in Montenegrin citizenship law to prevent and reduce statelessness, including the provision, which grants children born on the territory who would otherwise be stateless the right to Montenegrin citizenship at birth.

Chapter 24 (Justice, Freedom and Security)

The [Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025](#) has now expired.³⁴ This strategy included an operational objective to “improve the position of Roma and Egyptian communities by resolving the issue of civil status and personal ownership documents”. However, there is currently no publicly available information indicating that the process to develop a new strategic framework beyond 2025 has been initiated, nor that a working group has been established to support this development (as with the previous strategy). This points to a serious lack of continuity in planning and highlights weaknesses in Montenegro’s approach to migration management and the reintegration of returnees, despite cases of statelessness being identified among migrant groups and returnees from Western Europe in practice.

Montenegro introduced a statelessness determination procedure in 2018. According to UNHCR, as of mid-2025, 10 people have been recognised as stateless in Montenegro. However, crucially, the procedure does not currently lead to a dedicated statelessness status. The procedure is also not implemented consistently across the country, and evidentiary requirements are not set out 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 to prevent the arbitrary detention of stateless people.

In practice, the SDP remains largely ineffective, as the Ministry of Interior often fails to take timely decisions on applications. In one monitored case, an applicant who applied for statelessness status in 2022 has still not received a decision (as of April 2026), with the application repeatedly extended every six months without resolution. At the same time, applicants are frequently required to meet

³⁴ Strategy on Migration and Reintegration of Returnees in Montenegro 2021-2025, available at <https://www.gov.me/en/documents/15ef985b-eddb-4a41-a58a-63fee7e8455c>.

evidentiary standards that are impossible to fulfil in practice, such as insisting on confirmation from other States that they cannot acquire another nationality even when such proof is impossible to obtain. This places an unreasonable burden on individuals who, by definition, lack documentation, further obstructing access to the procedure. Stateless people are also rarely informed by authorities that they can access the SDP, reducing its effectiveness.

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.³⁵

We encourage the Commission to recommend that Montenegro:

- Significantly improves the effectiveness and consistency of its statelessness determination procedure by establishing a dedicated statelessness status with clearly defined rights (including residence rights) in line with the 1954 Convention, setting reasonable evidentiary standards in law, ensuring timely decision-making, and increasing awareness of the procedure among affected individuals and relevant authorities.
- Establishing a comprehensive strategic framework on migration and reintegration of returnees beyond 2025, and ensuring that migration, return and reintegration policies adequately address statelessness-related risks and access to rights.

g) North Macedonia

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

However, despite these advancements, there remains an ever-growing caseload of people identified as having undetermined nationality, with around 144 known cases of statelessness remaining unresolved and requiring continued and intensified efforts to be fully addressed. The Macedonian Young Lawyers Association (MYLA) also continues to identify new cases on a daily basis. These include children of returnees born abroad, children of refugees who fled Kosovo and were born in North Macedonia, as well as children of Macedonian citizens who continue to face persistent administrative obstacles. The full resolution of all cases of statelessness, both identified and currently unknown, therefore remains a significant and ongoing challenge for the country.

Chapter 23 (Judiciary and Fundamental Rights)

In June 2023, the Parliament adopted crucial amendments to the Law on Civil Registry.³⁶ 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 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,³⁷ the Parliament also adopted

³⁵ 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).

³⁶ 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>.

³⁷ 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

amendments to the Law on Civil Registry to regularise the situation of the 700 people without personal documentation identified through a 2018 Government-led public call.³⁸ These amendments provide for a simplified and facilitated procedure for birth registration with the aim of ensuring that everyone identified in the public call is registered in the regular birth register by the end of 2023. Media campaigns were 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.

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. In June 2025, it was confirmed that North Macedonia became the first country in the Western Balkans to resolve all known cases of statelessness resulting from the dissolution of the former Yugoslavia.³⁹

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 a lack of data on the stateless population despite the 2021 census including a specific ‘stateless’ category, as the results did not provide a clear picture on the number of stateless persons in the country.

There is only a partial safeguard in citizenship 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.

Moreover, there are notable gaps in implementing the provisions intended to address (risk of) statelessness. In November 2025, the Court of Appeal in Skopje confirmed that the Directorate for managing registry records failed to implement a 2020 law on unregistered persons in the birth

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>.

³⁸ During a case-by-case review process in June 2023, it was concluded that the number of people concerned was actually around 526.

³⁹ UNHCR, North Macedonia ends statelessness caused by Yugoslavia’s dissolution, July 2025, available at: <https://www.unhcr.org/europe/news/press-releases/north-macedonia-ends-statelessness-caused-yugoslavias-dissolution>

register. The Court found that this resulted in systemic exclusion and discrimination against Roma and other unregistered individuals.⁴⁰

Additional analysis and recommendations are available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in North Macedonia*,⁴¹ prepared by ENS in partnership with Macedonian Young Lawyers Association, with support from the EU–Council of Europe Roma Integration Phase III programme.

We encourage the Commission to recommend that North Macedonia:

- Fully implement recent reforms on birth registration and civil status, address remaining gaps in citizenship legislation to ensure full compliance with the 1961 Convention, improve identification and data collection on stateless people, and ensure effective and non-discriminatory access to civil registration and nationality for Roma, children and other groups at risk of statelessness.

Chapter 24 (Justice, Freedom and Security)

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.

In practice, implementation of these amendments has so far been partial. While progress has been observed primarily in cases involving the registration of residence of homeless persons, municipalities continue to face significant administrative obstacles when issuing confirmations to owners of ‘non-legalised’ buildings. These challenges point to shortcomings in the existing legal and administrative framework and underscore the need for harmonisation and alignment of legislation to ensure the effective implementation of the amendments. Continued monitoring of practice is therefore essential to assess their effectiveness and impact.

There is as yet no statelessness determination procedure (SDP) nor protection status for stateless migrants in North Macedonia, though discussions towards introducing an SDP are currently taking place.⁴²

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

⁴⁰ MYLA, Final court judgment confirms state responsibility for systemic failures that leave Roma without access to ID in North Macedonia, December 2025, available at: <https://myla.org.mk/en/51756/>

⁴¹ ENS and MYLA, ‘Key considerations for the prevention and reduction of statelessness in North Macedonia, Policy Paper, September 2025, available at: <https://www.statelessness.eu/updates/publications/romabelong-policy-series-north-macedonia>

⁴² ENS blog prepared by Teodora Kjoseva Kostadinovska, MYLA, ‘Why North Macedonia needs a Statelessness Determination Procedure’ (March 2026), available at: <https://www.statelessness.eu/updates/blog/sdp-blog-series-north-macedonia>

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.

We encourage the Commission to recommend that North Macedonia:

- Introduce a statelessness determination procedure leading to a dedicated statelessness status and associated rights, ensuring access to free legal aid.

h) Serbia

There has been limited progress to address statelessness in Serbia since our last submission in April 2025. 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](#),⁴³ 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.

Chapter 23 (Judiciary and Fundamental Rights)

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 unregistered until the mother obtains an ID card. Moreover, Praxis reports that in the cases of their

⁴³ Strategy on Roma Equality, Inclusion and Participation, available at: <https://www.refworld.org/policy/strategy/natlegbod/2022/sr/149886>.

undocumented beneficiaries who gave birth between 2021-2025, 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.⁴⁴ The European Commission's annual progress reports on Serbia⁴⁵ 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.

The ability to exercise the right to nationality is further undermined by the fact that, since the beginning of 2026, persons at risk of statelessness can no longer rely on free legal aid. Due to a lack of financial support, no non-governmental organisation currently provides free legal assistance in these procedures, while a functional State system of free legal aid has never been established. Without such

⁴⁴ UNHCR, Continuation of Cooperation to Eradicate Statelessness in Serbia

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

⁴⁵ Serbia Report 2025, available at: https://enlargement.ec.europa.eu/document/download/6e68ce26-b95b-48e1-921a-c60c12da8f00_en?filename=serbia-report-2025.pdf

assistance, people at risk of statelessness (including minoritised communities) are unable to complete the necessary procedures and register in civil registries and/or acquire nationality.

Additional analysis and recommendations is available in the 2025 policy paper *Key Considerations for the Prevention and Reduction of Statelessness among Roma in Serbia* (available on request from ENS), prepared by ENS in partnership with Praxis, with support from the EU–Council of Europe Roma Integration Phase III Programme.

We encourage the Commission to recommend that Serbia:

- Ensure immediate birth registration for all children regardless of their parents' documentation status, including by addressing implementation gaps in late birth registration procedures and reviewing the impact of judicial practice that restricts access to civil registration, restoring effective access to free legal aid, and ensuring that safeguards to prevent statelessness in nationality law are applied in a consistent and non-discriminatory manner, in particular for Romani communities.

Chapter 24 (Justice, Freedom and Security)

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 (SDP) and grant stateless people on its territory these rights and the protection they are due under international law.

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 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.

We encourage the Commission to recommend that Serbia:

- Establish a dedicated statelessness determination procedure in line with international standards, including by aligning the definition of a stateless person in domestic law with the 1954 Convention, and ensuring that rights granted in law are accessible in practice, as well as introducing accessible pathways to durable solutions, including facilitated access to naturalisation for stateless people.

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, including on the number of individuals who have accessed the statelessness determination procedure and received statelessness status.

Chapter 23 (Judiciary and Fundamental Rights)

There are relatively good safeguards in Turkish citizenship law to prevent childhood statelessness for foundlings and adopted children, and there is a provision that allows otherwise stateless children born in Türkiye to apply for citizenship. 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). Challenges in accessing registration and documentation are also reported for children of parents who have not officially married or parents who have marriage documentation issues. 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. Furthermore, 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.

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.

We encourage the Commission to recommend that Türkiye:

- Address barriers to birth registration and civil documentation, in particular for children of migrants, refugees, Romani communities, and undocumented parents, including by simplifying procedures and documentary requirements and improving consistency among civil registry authorities, and ensure that safeguards in citizenship law to prevent childhood statelessness are accessible in practice.

Chapter 24 (Justice, Freedom and Security)

Despite having established a statelessness determination procedure (SDP) 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, recognition under the procedure leads to an identity document, right to stay, and other socio-economic rights. There is no facilitated route to naturalisation for stateless people in Türkiye aside from an exemption from presenting certain documentation.

Immigration detention is provided for in law, but in practice authorities usually detain people mostly for the purpose of deportation. 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.

Stateless persons who have arrived in Türkiye or cannot leave Türkiye due to a risk of persecution in their habitual place of residence can seek international protection in Türkiye by law. However, in practice, local migration authorities may often regard statelessness and need for international protection as mutually exclusive categories and prevent stateless persons from accessing international protection. It is observed that this is partly due to a lack of awareness on the part of migration authorities regarding procedures and eligibility assessment for stateless asylum seekers.

We encourage the Commission to recommend that Türkiye:

- Strengthen awareness and implementation of the statelessness determination procedure, ensuring systematic identification of stateless people in detention and removal contexts, and improve access to international protection for stateless asylum seekers.

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 2025-26, both in Ukraine, 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, the war is now one of the main root causes of statelessness in Ukraine. In particular, this is 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, many people from temporarily occupied territories have either lost their Ukrainian documents or are unable to obtain them, and therefore, in turn, lose their social ties, which 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 in 2022, putting them at risk of statelessness.⁴⁶

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.⁴⁷ 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:

⁴⁶ 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

⁴⁷ 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](#)

- 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

NGO The Tenth of April conducted a similar study regarding access of stateless people to education, employment and healthcare in late 2025 with the support of UNHCR.⁴⁸ 135 people were interviewed, and out of them:

- 33% faced difficulties in accessing education due to the lack of identity documents;
- 62% encountered various barriers while searching for or obtaining employment;
- 43% reported significant obstacles, including document requirements, lack of financial means, or refusals to provide services, while an additional 17% explicitly reported being denied medical services in public healthcare facilities.

Chapter 23 (Judiciary and Fundamental Rights)

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. Amendments introduced in June 2025 (which entered into force in January 2026) made improvements in certain circumstances, but they still do not constitute a full safeguard to prevent statelessness.⁴⁹ The safeguard does not apply to all stateless children, and the eligibility criteria (and their application) depend on the nationality, or residence status and statelessness status of the parents, as well as on whether the parents have been recognised as stateless in Ukraine or abroad. The amendments also make it increasingly likely that proof of non-acquisition or of the inability to acquire another nationality at birth will be required to access such safeguards.

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

⁴⁸ NGO Tenth of April, Research on access to education, employment and health care for stateless persons at risk (UKR), at: https://drive.google.com/file/d/1xcHt0hic_Wy5YxUn6waQbWHu4qslp8MJ/view

⁴⁹ The Law of Ukraine On amendments to certain laws of Ukraine regarding the implementation of the right to acquire and retain Ukrainian citizenship No 4502-IX of 18 June 2025: <https://zakon.rada.gov.ua/laws/show/4502-IX#Text> (EN)

children born in Temporarily Occupied Territories. However, in July 2025, the draft law was withdrawn from the Parliament.

We encourage the Commission to recommend that Ukraine:

- Strengthen efforts to prevent statelessness by addressing legal and practical barriers to birth registration and acquisition of nationality, in particular for children born to undocumented or stateless parents and those born in temporarily occupied territories, ensuring full compliance with the 1961 Convention, and improving the effective implementation of safeguards aimed at reducing in-situ statelessness among ethnic minorities, including Romani communities.

Chapter 24 (Justice, Freedom and Security)

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 State Migration Service (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 2025, 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 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. These refusals are often only provided orally and without reference to the 1954 Convention.

In May 2025, the SDP was amended and brought into line with the Law of Ukraine "On Administrative Procedure". This should contribute to the observance of the rights of applicants, after the guarantees of the Law of Ukraine "On Administrative Procedure" will apply to SDP applicants. Under the revised rules, an authority may no longer refuse to accept an application outright; instead, where there are valid grounds, it must issue a formal decision to leave the application without action. Such decisions must be provided to the applicant in writing and must cite the relevant provisions of the Procedure. However, in practice, these changes have not been implemented, and the practice of arbitrarily refusing to accept applications continues.

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 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 in force

since January 2026 introduced language and citizenship requirements for naturalisation, from which stateless people are not exempt.⁵⁰ The introduction of these additional requirements can significantly affect stateless people's ability to acquire a nationality, compounding existing challenges relating to providing an identity document and documenting proof of income, which may be inherently difficult for stateless people.

Prior to May 2025, the authorities were required to refuse temporary residence permits to people recognised as stateless where an unexecuted forced-return or deportation decision existed. However, following a Supreme Court judgment,⁵¹ the authorities clarified that this ground no longer applies to people who have completed the SDP. However, if the person has outstanding fines and other unpaid obligations, this will constitute a basis for refusal of the residence permit.

The SMS has stopped providing cumulative data on the total number of applications under the SDP, but information shows that in 2025, 296 people applied under the procedure, 322 people were recognised as stateless (which is higher than the number of applications due to delays in processing applications that last over a year), and 19 people were denied statelessness status.⁵² UNHCR reported 11,597 people under its statelessness mandate in Ukraine as of mid-2025, which includes forcibly displaced stateless people, although UNHCR notes that the true number is undetermined and likely higher owing to the ongoing war, temporary occupation, and large-scale forced displacement.⁵³

While stateless people recognised in Ukraine are exempted from paying an initial administrative fee for the issuance of residence permits and travel documents, problems remain regarding the high administrative fee required to renew residence permits and issue travel documents. This is a violation of international obligations under the 1954 Convention, 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 UAH⁵⁴), 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. The cost is tied to the subsistence minimum for able-bodied persons, and, as of 1 January 2026, remains set at UAH 1664,00.

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 transferred 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.

⁵⁰ The Law of Ukraine On amendments to certain laws of Ukraine regarding the implementation of the right to acquire and retain Ukrainian citizenship No 4502-IX of 18 June 2025: <https://zakon.rada.gov.ua/laws/show/4502-IX#Text> (EN)

⁵¹ Supreme Court, Case No. 640/15163/22

⁵² SMS of Ukraine - Statistics data for 2025 https://dmsu.gov.ua/assets/files/statistic/year/2025_12.pdf

⁵³ UNHCR, Refugee Data Finder, see footnotes, at: <https://www.unhcr.org/refugee-statistics/download?v2url=3ab74a>

⁵⁴ 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>

We encourage the Commission to recommend that Ukraine:

- Enhance the effectiveness and durability of protection for stateless people by ensuring full and consistent implementation of the SDP in line with administrative law guarantees, ending arbitrary refusals to accept applications, clarifying the legal status and rights of recognised stateless persons, reducing administrative and financial barriers to residence and naturalisation, strengthening access to qualified legal aid, and ensuring that detention and removal practices fully respect procedural safeguards and judicial oversight.

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