



Briefing: Guardianship, Nationality and Statelessness



European
Network on
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BRIEFING: GUARDIANSHIP, NATIONALITY, AND STATELESSNESS

Unaccompanied and separated children frequently encounter challenges related to documentation, birth registration, and nationality. In practice, many guardians will have come across issues such as missing documents, unclear origins, or difficulties confirming a young person's nationality. While these may initially appear to be routine administrative matters, they can also be indicators of statelessness - a serious human rights concern that requires a specific and informed response.

ABOUT THIS BRIEFING

This briefing is aimed at guardians, guardianship service providers, and others who support unaccompanied and separated children and young people in Europe. It is for those who have some knowledge of statelessness and those who do not. It explains what statelessness is, how it occurs, and what guardianship services can do to recognise and respond to statelessness.

The briefing highlights four 'moments' when it is particularly important to support children and young people to identify and address any birth registration, statelessness, or nationality-related issues. It also identifies actions guardians can take at these times to identify and respond to statelessness.

1. Initial contact and vulnerability assessment
2. Support to access relevant (protection) procedures
3. Return and readmission
4. Transition to adulthood

STATELESS PERSON

A person who is not considered as a [national](#) by any State under the operation of its law, either because they never had a [nationality](#), or because they lost it without acquiring a new one.

BIRTH REGISTRATION

The process of recording a child's birth. It is a permanent and official record of a child's existence and provides legal recognition of that child's identity. It establishes a legal record of where the child was born and who the child's parents are.

NATIONALITY / CITIZENSHIP

The legal bond between a person and a State, which entitles the individual to the State's protection as its [national](#) and entails legal rights and responsibilities. Nationality can be established at birth by a person's place of birth (*jus soli*) and/or bloodline (*jus sanguinis*) or can be acquired through [naturalization](#). The concept is referred to as citizenship in some national jurisdictions.

PERSON OF UNDETERMINED NATIONALITY

A person who has links to several States that may form the basis of a claim to [nationality](#), but for whom it is unclear to which State(s) - if any - they belong.

Source: [UNHCR](#)

WHAT IS STATELESSNESS?

UNHCR estimates that every 10 minutes a child is born stateless somewhere in the world. In Europe, more than half a million people are stateless, including many thousands of children. The true number is likely much higher as data is limited. The Universal Declaration on Human Rights protects everyone's right to a nationality. Every child's right to a legal identity and nationality are also explicitly protected in Article 7 of the Convention on the Rights of the Child.

People are (or become) stateless when they are not considered as a national by any State under the operation of its law. The 1954 UN Convention Relating to the Status of Stateless Persons sets out the legal definition and rights owed to stateless people (which are similar to the rights of refugees). Whether someone is stateless depends on a) what nationality laws say and b) how nationality laws and policies are applied in practice. When assessing whether someone is a national of a State, the determinative question is whether the relevant authority of that State considers them to be a national.

Statelessness affects migrants and refugees, as well as people who have lived in the same place for generations. There are many reasons why someone may be (or become) stateless. This includes discrimination in nationality laws, barriers to birth registration, changes in national borders when States break up or new States are formed, forced displacement, gaps or conflicts in different countries' nationality laws, or deliberate State action to deny or deprive someone of their nationality. Certain groups of people are particularly affected by statelessness, including (but not limited to) Rohingya, Palestinians, Sahrawi, Kurds, Roma, and Kuwaiti Bidoon.

Statelessness can have a profound impact on a young person's life, preventing access to fundamental rights and making daily life difficult. The stress and uncertainty associated with statelessness can also affect mental and physical health, particularly for children and young people whose sense of identity is still developing. The longer statelessness goes unrecognised, the harder it may become to access basic rights as well as to secure longer-term stability through permanent residence, family reunification, and access to a nationality.

WHY IS STATELESSNESS RELEVANT TO GUARDIANSHIP?

Around 2% of first-time asylum applicants in the EU are recorded as stateless or as having unknown nationality each year. In 2025, 1.7% of first-time child applicants (2,395) were recorded as being stateless or having unknown nationality.¹ The real figure is likely much higher due to gaps in data and low awareness among authorities meaning statelessness is often not identified and recorded.

Some unaccompanied or separated children may already be stateless on arrival to Europe. Others may be at risk of becoming stateless during their migration journey. This could be for

¹ In 2025, 525 children (under 18 years old) were recorded as stateless and 1,495 as having unknown nationality. Other relevant groups of children excluded from this total are children recorded under the citizenship category of 'Palestine' (1,470). Eurostat, Asylum applicants by type, citizenship, age and sex - annual aggregated data. <https://ec.europa.eu/eurostat/databrowser/bookmark/f7bfb08b-69d0-4637-baab-d73c220a938f?lang=en&cre...>

different reasons, including difficulties proving their identity, family links, and ties to their (or their parents') country of origin.

Guardians can encounter children with different nationality or birth registration related issues. For example, children:

- who have a nationality (which they may have acquired automatically based on parentage and/or place of birth), but lack any documents to prove this and need support for this to be confirmed and documented
- who are stateless and need assistance to have their statelessness formally recognised (through a statelessness determination procedure) and acquire a nationality
- who are refugees and may be at risk of statelessness because they cannot access proof of their nationality (due to fear or other reasons), or exercise any rights attached to it
- who were born en route to Europe/in transit and do not have a birth certificate so require support to register their birth and acquire a nationality (or confirm this through documentation)
- whose nationality is unclear or disputed, and who need support to clarify their nationality status

Identifying where a child or young person might be stateless or have an undetermined nationality will help ensure access to fundamental rights and services. While some children may have proof of their statelessness (e.g. a stateless person's travel or identity document), many will not and may not know they are stateless. So, it is very important that the authorities and services they encounter - including guardians - can recognise and respond appropriately to statelessness related issues. This is particularly relevant for guardians given their key role in providing information to children and young people, supporting their access to services, safeguarding their best interests and wellbeing, and assisting them in relevant procedures.

FOUR KEY MOMENTS TO ADDRESS STATELESSNESS

1. INITIAL CONTACT AND VULNERABILITY ASSESSMENT

Statelessness is often not immediately visible and may only become apparent later in a young person's migration journey or during their transition into adulthood. If not identified and addressed early, critical opportunities to resolve any issues relating to a young person's birth registration or nationality can be missed.

Identifying and addressing statelessness as early as possible is essential to ensure that children receive appropriate child-friendly information, free legal counselling and assistance, and access to protection. Some European countries have [dedicated procedures to determine statelessness](#) and grant stateless people (including children) protection on this basis.

Nationality problems are often much harder to resolve as an adult because of how nationality laws are written. There is often a deadline in the law (commonly between 18-22 years-old) for a young person to confirm a nationality they may be entitled to on the basis of family links or place of birth. If a child is registered as having undetermined or unknown nationality - or with

a presumed nationality - for a long period of time, this can lead to delays, missed opportunities to resolve nationality problems, and incorrect decisions on protection applications.

Early identification of statelessness indicators is not only good practice, but also now a legal obligation under the [EU Pact on Migration and Asylum](#). The Screening Regulation mandates preliminary vulnerability checks by trained personnel to identify individuals who may be stateless, ensuring that their nationality or indicators of statelessness, previous countries of residence, and languages spoken are documented.

Beyond the EU, most European States are party to the 1954 UN Convention Relating to the Status of Stateless Persons and all are party to the 1989 UN Convention on the Rights of the Child, which guarantees every child the right to acquire a nationality. This means that in all European countries, authorities are legally obliged to address the nationality status of children and ensure every child acquires a nationality.

WHAT CAN GUARDIANS DO?

Guardians can play an important role in ensuring that statelessness and nationality problems are identified early on, including by:

- Informing the child about nationality and statelessness issues
- Helping gather basic information relevant to birth registration, nationality, and any indicators of statelessness during initial contact and vulnerability assessments
- Raising concerns with screening authorities where a child's nationality is unclear, undetermined, or imputed (recorded based on assumptions rather than a formal determination) and asking them to reassess indicators of statelessness where information is incomplete or inconsistent
- Ensuring children have access to free legal counselling and expert legal assistance on nationality matters (often a different competent authority and/or separate area of law from immigration/asylum matters)

2. ACCESSING RELEVANT (PROTECTION) PROCEDURES

Statelessness can be critical at different stages of the asylum process, affecting the assessment of a claim for international protection as well as channelling to different procedures, access to family reunification, settlement, and inclusion measures (as well as the possibility of return).

The EU Asylum Procedure Regulation now mandates the clear registration of claims of statelessness during asylum procedures ‘pending determination’ (Article 27(2)). If a stateless child applies for asylum, it is important to determine *both* their claim for international protection *and* any claim of statelessness. Each application should be assessed, and both types of status should be explicitly recognised so that even if international protection ceases, they remain entitled to protection as a stateless person. In any procedure, ensuring that potential statelessness is identified and followed up is a core part of promoting the child’s best interests.

WHAT CAN GUARDIANS DO?

Guardians can play an important role in ensuring that children access appropriate procedures to determine whether they are stateless or confirm their nationality, including by:

- Ensuring identification of indicators of statelessness leads to a referral to a procedure to determine whether the child is stateless (or is considered by any State as a national and documented as such)
- Helping safeguard children’s rights in statelessness determination procedures (which are rarely adapted to children and child-rights based)
- Supporting children to understand and engage with relevant procedures, including by helping them to communicate any issues relating to their nationality or birth registration, gather evidence, and access appropriate specialist legal advice (particularly if they are subject to accelerated border procedures, or detention)

3. RETURN & READMISSION PROCEDURES

Stateless children and children with undetermined nationality face specific risks in return and readmission procedures. When authorities assume that return is possible, children may be placed in procedures that cannot realistically be carried out because no country will document or accept them for return. This creates uncertainty, delays, and decisions unlikely to be in their best interests. In some cases, statelessness may only be identified after repeated failed attempts to return a child to their presumed country of nationality. Where people subject to return are detained, children who cannot be returned may become stuck in cycles of prolonged and unlawful, arbitrary detention.

This means it is vital that statelessness and nationality problems are identified early on and assessed - and reassessed - as part of any return or readmission procedure, to establish whether return is genuinely feasible. Where return is neither realistic nor in a child's best interests, they should be referred to regularisation routes such as a Statelessness Determination Procedure or another procedure to assess whether they may be granted a national form of protection or stable residence.

WHAT CAN GUARDIANS DO?

Guardians can help to prevent children being exposed to harmful and unworkable return and readmission processes, including by:

- Raising concerns where a child's nationality is unclear or undetermined during return procedures.
- Ensuring that best interests assessments identify and consider any indicators of statelessness or nationality problems, including the implications of this for the child in the country to which they are being returned, and share opinions with relevant authorities.
- Supporting access to quality legal assistance so that the child's nationality status is properly examined and addressed as early as possible.
- Oversee the preparation of reintegration support measures if the child is to be returned, advocating that this must include ensuring the child's birth is registered and acquiring (proof of) nationality, and ensure this is considered when monitoring reintegration.
- Advocating for alternative durable solutions for children affected by statelessness where return is unlikely to be appropriate or in their best interests, including advocating that the relevant authorities consider providing a route to long-term settlement and naturalisation.

4. TRANSITION TO ADULTHOOD

The transition to adulthood can present significant challenges for children who are stateless or have undetermined nationality. Procedures to acquire nationality - either in the country of residence or in a country of birth or a parent's nationality - often expire between the ages of 18 and 21. Children and young people may qualify for simplified procedures for acquiring nationality (e.g. entitlement to register as a national through a simple procedure or lower evidentiary requirements or reduced fees to naturalise), but often these routes to nationality are no longer accessible in adulthood.

Often children are believed to hold - or be entitled to - a nationality, but if they do not have a valid document proving that nationality, they may need to take action to acquire or prove it. This could include registering with an embassy within a specific timeframe or gathering

evidence and submitting an application. These requirements can easily be missed if a child or young person is unaware of them, if there is no accessible embassy nearby, or if they are required to travel to that country to acquire proof of nationality. In some cases, children and young people may also be unable to pursue these steps safely - for example, where they are refugees and cannot contact or approach the authorities of their country of nationality due to fear or other risks, including the possible loss of their protection status.

If nationality is not verified before a child transitions to adulthood, they may have limited options to confirm their nationality or resolve their statelessness later in life. The effects of statelessness may not be acutely felt by children who will usually be able to access education, healthcare, and basic services during childhood. But, as adults, access to rights and services increasingly depends on nationality or residence status, and the ability to obtain, renew, or change a residence status may also depend on having a valid passport or other documentation, creating a real risk of becoming irregular if this is not in place and undermining the ability to access durable long-term solutions.

Statelessness in adulthood can also cause barriers to accessing family reunification, higher education, vocational training or employment, participating fully in private and civil life, and can increase the risk of detention. This compounds an already difficult transition and can have long-term consequences for stability and wellbeing. So it is important that, wherever possible, children are supported before reaching adulthood either to have their nationality confirmed and documented or to be placed on a clear pathway to acquire a nationality.

WHAT CAN GUARDIANS DO?

To support children and young people during the transition to adulthood, guardians can:

- Ensure nationality is considered early by identifying and addressing any issues relating to nationality or statelessness as part of best interests assessments, and revisiting this when planning a young person's transition to adulthood
- Identify any requirements to confirm or acquire birth registration and nationality as early as possible, including time-limited steps such as embassy registration, and support the child or young person to meet these where possible before the age of 18
- Facilitate access to specialist legal assistance and procedures to confirm nationality, determine statelessness where relevant, and explore routes to acquiring a nationality
- Take a cautious and protection-focused approach for refugee children, recognising that it may not be safe nor appropriate for them to contact the authorities of their (or a parent's) country of origin, and explore alternative pathways such as statelessness determination and naturalisation where appropriate.

RECOMMENDATIONS FOR GUARDIANSHIP SERVICES

- Provide practical training and information resources on nationality and statelessness for guardians as standard, including how to identify indicators, gather relevant information, and what to do when there is uncertainty about a child's nationality.
- Promote early identification and accurate recording of nationality status by encouraging guardians to raise concerns where nationality is unclear, undetermined, or based on assumptions, and seeking clarification as early as possible.
- Routinely consider statelessness and nationality as integral to best interests assessments, case planning, and when planning for a young person's transition to adulthood.
- Support guardians to facilitate access to child-friendly information, interpretation, free legal counselling and free specialist legal assistance on nationality matters for children and young people where required.
- Provide guardians with access to specialist support when dealing with complex cases relating to nationality and/or statelessness, including access to country-of-origin information and other relevant resources, as well as to experts with legal and country-specific knowledge.
- Support guardians to advocate for acquisition or confirmation of nationality as key to finding durable, stability-focused solutions for children and young people.

FURTHER RESOURCES

- [Statelessness Index](#): Comparative information on law, policy, and practice relating to statelessness in 35 European countries.
- ENS and partners: country-specific identification toolkits to help frontline practitioners to identify and address statelessness:
 - [Toolkit to identify and address statelessness in Bulgaria](#) (2024)
 - [Toolkit to identify and address statelessness in Czechia](#) (2024)
 - [Toolkit to identify and address statelessness in Romania](#) (2024)
 - [Toolkit to identify and address statelessness in Türkiye](#) (2024)
 - [Toolkit to identify and address statelessness in France](#) (2022)
 - [Toolkit to identify and address statelessness in Germany](#) (2025)
 - [Toolkit to identify and address statelessness in Scotland](#) (2026)
- [EUAA, Practical Guide on Nationality](#) (2025): Explains the concepts of nationality and statelessness and their implications for the assessment of the application for international protection.
- [ENS, Ensuring the right to a nationality for children in migration in Europe](#) (2020): Explores which children in migration are at risk of statelessness in Europe and why, the challenges and gaps in realising every child's right to a nationality and provides key recommendations for action at the national and regional level.
- [ENS, Implementing the new statelessness provisions in the EU Pact on Migration and Asylum](#) (2024): Outlines detailed recommendations for all stakeholders to fully implement the Pact and ensure that stateless people's rights are respected in EU asylum systems.
- [Council of Europe, CDCJ, Compendium of Promising Practices on Access to Nationality for Stateless Children](#) (2026): Covers promising practices in prevention measures to prevent statelessness, child-friendly nationality and statelessness determination procedures, birth registration and awareness-raising and training of relevant actors.
- [ENS, Statelessness Determination and Protection in Europe: Good practice, challenges and risks](#) (2025): Outlines SDPs, highlights best practice examples, and provides a critical analysis of the remaining gaps and barriers in countries across Europe.
- [ENS, Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers](#) (2024): Introduces the relationship between birth registration and the prevention of statelessness, provides an overview of norms and good practices on birth registration, and presents a state of play analysis on birth registration law, policy, and practice in Europe using the data from the Statelessness Index.
- [ENS, Protecting stateless persons from arbitrary detention](#) (2017): Examines the risks of arbitrary detention for stateless people and sets concrete recommendations for authorities.
- [UNHCR, Statelessness and the EU Pact on Migration and Asylum, Key advocacy messages](#) (2025): Recommendations for States to fully implement the Pact statelessness provisions.
- [UNHCR, Guidelines on Statelessness nr 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness](#) (2012): Authoritative guidelines intended to assist States and other actors to interpret and apply 1961 Convention obligations to prevent and address childhood statelessness.

ENS is a civil society alliance of over 180 organisations and individual experts in 41 European countries. ENS is committed to breaking the cycle of statelessness and ensuring that the rights of everyone living in Europe without a nationality are fully respected. ENS coordinates awareness-raising and advocacy projects and campaigns aiming to protect the rights of stateless people, promote realisation of the right to a nationality, end childhood statelessness, and raise awareness about the rights of minorities in terms of statelessness, migratory statelessness, and the arbitrary detention of stateless people. You can also [subscribe to ENS's newsletter](#) and browse its comprehensive [resource library](#) to find out more about statelessness.

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