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European
Network on
Statelessness

IT'S TIME TO END THE ARBITRARY DETENTION OF STATELESS PEOPLE IN EUROPE

As the [European Network on Statelessness \(ENS\)](#) releases its new report, '[Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change](#)', at a major regional conference in Budapest on 4-5 May 2017, we, the undersigned, are calling on European governments to take urgent action to end the arbitrary detention of stateless people and those at risk of statelessness.

A consensus is building in Europe that the current use of immigration detention is unsustainable, harmful, and, in many cases, unlawful. The ENS report draws on research from six European countries, shining a light on systems and practices in which men, women, and children without a nationality are trapped. Many find themselves subjected to long term detention despite there being no reasonable prospect of return. Few are able to break this cycle and are therefore left in legal limbo for years.

We urge states to fulfil their international obligations towards stateless people and those at risk of statelessness by taking proactive steps to protect them from unlawful and arbitrary detention, and guarantee their fundamental rights and freedoms. Above all, it is imperative that states put in place effective procedures to identify and recognise statelessness, assess and respond to vulnerabilities at all stages of immigration proceedings, urgently implement community based alternatives to detention, and grant stateless people and those who cannot be removed a legal status and basic rights, including equal access to social security, employment, education, and healthcare.

The report makes a series of concrete recommendations in five priority areas for reform, so that law, policy and practice reflect - and apply without discrimination - international human rights standards. We hereby call on states to urgently bring about an end to the arbitrary immigration detention of stateless people in Europe, by:

1. **Implementing a range of alternatives to detention** in line with international standards and good practice, improving guidance to ensure that statelessness is considered as a relevant factor in all decisions to detain, and that decisions adhere to international standards on the prohibition of arbitrary detention.
2. **Developing Statelessness Determination Procedures** that meet international standards and good practice, are fully accessible to all those subject to their jurisdiction (including in detention), and which enable states to identify and grant protection to those recognised as stateless.
3. **Putting in place robust mechanisms to protect individuals' rights, respond to vulnerabilities, and exercise the duty to not discriminate**, including through prohibiting the detention of children and combatting gender and disability related discrimination.
4. **Facilitating integration in the community** through providing protection from re-detention, access to basic rights and freedoms for those awaiting determination of their status, and regularisation and a facilitated route to naturalisation for those recognised as stateless.

5. **Improving recording and reporting on statelessness**, building accountability into the operation of immigration detention systems, publishing disaggregated statistics, and facilitating access for independent monitoring bodies, lawyers and community members.

The European Network on Statelessness, and the below signatories, are committed to constructively working with governments, UN bodies and other stakeholders to help translate these recommendations into effective and enduring reform.

SIGNATORIES (for an updated list of signatories visit the [ENS website](#))

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