

# Briefing Note: Addressing Statelessness in Europe

October 2019



European  
Network on  
Statelessness

The [European Network on Statelessness](#)<sup>i</sup> (ENS) is a civil society alliance with over 145 organisational and individual members in 41 countries, working to end statelessness and ensure that stateless people in Europe are protected and access their human rights. This briefing has been prepared ahead of the UNHCR High-Level Segment on Statelessness (HLS) on 7 October 2019.

## Introduction

To be stateless is to not be recognised as a citizen by any state. It is a legal anomaly that prevents people from accessing fundamental civil, political, economic, cultural and social rights. This can mean, for example, that children cannot go to school, women cannot access maternity care, young people are barred from continuing their studies through higher education, and parents are left unable to support their families. Statelessness affects more than 10 million people around the world and over half a million in Europe. Statelessness occurs in Europe both among recent migrants and refugees, and people who have lived in the same place for generations, such as many Romani people who remain at risk of statelessness, including due to widespread antigypsyism. While these numbers give an indication of the scale of statelessness in the region, data is sparse and often incomplete. Statelessness remains, therefore, a largely hidden phenomenon. This is particularly so in a migratory context where most European countries frequently encounter stateless people in their asylum systems, making this an issue that lawmakers – as well as officials implementing the response to people seeking protection on the ground – must seek to better understand and address.

## Understanding and addressing statelessness in a migratory context

Among the stateless people living in Europe today are [individuals who arrived seeking international protection](#)<sup>ii</sup> and were either stateless prior to leaving their country of origin or have since become stateless.<sup>iii</sup> Of the four million people who applied for asylum in the EU in 2015-2018, almost 100,000 were recorded as 'stateless' or as having 'unknown nationality'. In 2017, over 2,000 children who applied for asylum in Europe were registered as 'stateless', down from 6,000 in 2015. Many more refugees come from countries (such as Syria, Iraq, Somalia, Iran, Eritrea, Sudan, Bahrain, or Turkey) where discrimination in nationality laws, state succession or deprivation of citizenship practices mean that they or their children may be at risk of statelessness. The fact that an asylum applicant may be stateless is often critical when assessing their claim for international protection. Whether someone is stateless or a national of their country of origin not only impacts on the decision-making process, but also on the nationality rights of their children, and access to procedures such as family reunion or naturalisation (as well as the possibility of return) because they are unlikely to have documentary proof of their identity and family links. Stateless people (like refugees) are due specific rights under international law and risk discrimination if their statelessness is not identified and acted upon. Despite near universal ratification of relevant international instruments, such as the 1954 Convention on the Status of Stateless Persons (which provides a set of rights for stateless people in a migratory context), there continues to exist a gap between this international framework and awareness of and respect for these rights in practice. Stateless people often [face years of uncertainty](#),<sup>iv</sup> destitution, and repeated, lengthy [immigration detention](#).<sup>v</sup> Yet the solution to address these problems is relatively simple and can be achieved through the establishment of improved mechanisms for identifying stateless people encountered by the authorities, and dedicated statelessness determination procedures that are fair, efficient and easily accessible. This would enable states to identify and determine who is stateless on their territory and grant them protection, thereby both fulfilling their obligations under international law and providing a sustainable solution for individuals who cannot be removed. Yet currently [only a handful of European countries](#) have these procedures in place.<sup>vi</sup>

## Europe as a 'producer' of statelessness

Today [children are still being born in Europe without a nationality](#) despite the existence of a clear normative framework that should prevent this.<sup>vii</sup> Many have inherited their statelessness from stateless parents, while others are the first in their family to experience statelessness, as the unsuspecting victims of a gap or conflict in nationality laws. [Research](#) by ENS in 2015 revealed that even among those European states that have acceded to relevant international conventions, more than half were still failing to properly implement their obligations to ensure that children acquire a nationality.<sup>viii</sup> Today, our [Statelessness Index](#)<sup>ix</sup> continues to document a worrying array of problems in the detail of many nationality laws, as well as in the laws and practices governing procedures for [birth registration](#)<sup>x</sup>, which helps to establish and document a child's nationality. Numerous countries in Europe have failed to include basic safeguards in law, such as to grant nationality to a child born on the territory who would otherwise be stateless, or to a child who has been abandoned and whose parents are unknown. Even where laws do provide a remedy against childhood statelessness, there is evidence that these safeguards do not always work in practice because they are not widely known or there are no guidelines on how and when to apply them. As a result of these and other gaps, thousands of children who have strong and clear connections to Europe are [growing up without the protection or sense of belonging](#) that a nationality bestows.<sup>xi</sup> No child chooses to be stateless, and this can never be in a child's best interests. A specific area of concern is the heightened risk of statelessness faced by the children of refugees and migrants. The nationality laws of several of the most common countries of origin of refugees in Europe in recent years - including Syria, Iraq and Iran - prevent women from passing on their nationality to their children on an equal basis with men. Hence, if we are to avoid a future generation of stateless refugee children it is critical that it is properly identified and recorded where a refugee parent is stateless or unable to pass on their nationality in order that relevant safeguards can be applied to ensure that affected children acquire a nationality.

## Progress to date and further action required to address statelessness in Europe

A historical lack of attention on statelessness motivated ENS to run its first region-wide campaign during 2014 calling on European leaders to improve the protection afforded to stateless people in Europe. This was followed by our [#StatelessKids campaign](#)<sup>xii</sup> in 2015-16, drawing attention to the problem of childhood statelessness; [#LockedInLimbo](#)<sup>xiii</sup> in 2017 focusing on preventing the arbitrary detention of stateless people; [#RomaBelong](#)<sup>xiv</sup> in 2017-18 raising awareness about Roma statelessness; and [#StatelessJourneys](#)<sup>ii</sup> in 2019, which draws attention to the nexus between forced migration and statelessness. On the back of increased visibility and awareness, concrete progress has been made at national and regional levels in Europe to address the identified gaps. For example, a handful of countries have acceded to the statelessness conventions, and new or improved statelessness determination procedures and safeguards to prevent childhood statelessness and reduce the risk of statelessness have been introduced. But progress is slow and more focused attention by States is urgently required.

At regional level, in December 2015 during the Luxembourg Presidency of the EU, the European Council adopted the first ever [Conclusions on Statelessness](#)<sup>xv</sup> which tasked the European Migration Network with setting up a dedicated [platform on statelessness](#)<sup>xvi</sup> to help build capacity and exchange good practices. On childhood statelessness, the European Parliament's Intergroup on Children's Rights hosted three awareness-raising events in 2015-6, the Council of Europe's Parliamentary Assembly adopted a resolution in 2016 on [the need to eradicate the statelessness of children](#)<sup>xvii</sup>, the European Parliament introduced a resolution on the [protection of children in migration](#)<sup>xviii</sup> in May 2018, and the [Council of Europe Action Plan on Migrant and Refugee Children](#)<sup>xix</sup> included an action on every child's right to a nationality. In 2017, the LIBE Committee of the European Parliament held a [joint hearing on statelessness](#)<sup>xx</sup> and leading public and political figures supported our statement calling for an end to the arbitrary detention of stateless people. In 2018, focus was given to the issue of Roma statelessness in Europe, including through a European Parliament resolution in November 2018 on [minimum standards for minorities in the EU](#)<sup>xxi</sup> recognising the need to end Roma statelessness, and specific calls by DG NEAR to states under the [2019 Enlargement Package](#)<sup>xxii</sup> to address the risk of Roma statelessness. In 2018-19, a proposed amendment to the Asylum Procedures Regulation on the protection of stateless refugees was approved by the Parliament, reference was included to statelessness in the EU Returns Handbook, and both the European Asylum Support Agency

(EASO) and the European Border Agency (Frontex) highlighted the importance of the issue in the context of their work. Underpinning and galvanising all these developments is UNHCR's [#IBelong campaign](#),<sup>xxiii</sup> which seeks to eradicate statelessness globally within a decade.

Notwithstanding this welcome progress, ENS has identified five key areas of action where the European Union, Council of Europe and European States can focus attention and resources in order to affect concrete reforms and support collective efforts to address statelessness:

- 1) **Ending childhood statelessness** by encouraging European states yet to accede to the 1961 Statelessness Convention to do so; encouraging necessary nationality law reform in states with no or partial safeguards for otherwise stateless children born on their territory; promoting the removal of barriers to universal access to birth registration; and improving the identification of statelessness among migrant and refugee children to ensure implementation in practice. The European Parliament's Intergroup on Children's Rights should continue its key role in working with the Commission and the Council to ensure that childhood statelessness is addressed as part of the wider EU Child Rights agenda. The Council of Europe should ensure robust implementation of the action to ensure every child's right to a nationality under its Action Plan on Refugee and Migrant Children, and as part of its wider child rights agenda.
- 2) **Improving the identification and protection of stateless persons** by encouraging all European states yet to do so to accede to the 1954 Statelessness Convention, including in particular EU MS Cyprus, Estonia, Malta and Poland in accordance with the EU's 2012 pledge; supporting and encouraging all European states to introduce dedicated statelessness determination procedures to properly implement their obligations towards stateless people, including protection from arbitrary and lengthy detention; improving reporting and monitoring by national and regional authorities, including by obliging states to collect and publish reliable disaggregated data on stateless persons born and living on their territories.
- 3) **Addressing statelessness in Europe's refugee response** by pushing for the improved identification of statelessness in the context of international protection procedures, improving the quality of and access to country of origin information and other resources to inform refugee response actors about populations affected by statelessness and nationality problems, and support affected individuals to access their rights.
- 4) **Recognising that statelessness is (still) a minority issue and a gendered issue** by raising awareness about and strengthening attention of national and regional institutions on the intersections between statelessness, minorities and women's equality, as well as other aspects of people's identities, such as disability and LGBTQ rights, age and ethnicity; addressing statelessness through the EU Framework for National Roma Integration Strategies, the Roma 2020 Integration Initiative, and EU enlargement and accession negotiations; and clarifying in light of international law, the legal status of 'non-citizens', living in EU MS, who formerly held Soviet Union citizenship.
- 5) **Developing a dedicated regional strategy to galvanise action** by encouraging regional institutions and European states to follow the example of other regions (for example, West Africa's Abidjan Declaration or the Americas Brazil Declaration) in taking a holistic and integrated regional approach to galvanising action towards comprehensively addressing statelessness.

**For further information:**

Email us at [info@statelessness.eu](mailto:info@statelessness.eu), visit us at [www.statelessness.eu](http://www.statelessness.eu) or follow us at [www.twitter.com/ENStatelessness](https://www.twitter.com/ENStatelessness)

## ENDNOTES

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<sup>i</sup> <https://www.statelessness.eu/>

<sup>ii</sup> <https://statelessjourneys.org>

<sup>iii</sup> For more information see: <https://statelessjourneys.org>

<sup>iv</sup> ENS (2014) 'Still Stateless, Still Suffering' report:

[https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS\\_Still\\_Stateless\\_Still\\_Suffering\\_online%20version\\_2.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Still_Stateless_Still_Suffering_online%20version_2.pdf)

<sup>v</sup> ENS (2017) 'Protecting Stateless Person from Arbitrary Detention' report:

[https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS\\_LockeInLimbo\\_Detention\\_Agenda\\_online.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockeInLimbo_Detention_Agenda_online.pdf)

<sup>vi</sup> See <https://index.statelessness.eu>

<sup>vii</sup> ENS 'Why do Children Become Stateless?':

[https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Why\\_do\\_children\\_become\\_stateless.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Why_do_children_become_stateless.pdf)

<sup>viii</sup> ENS (2015) 'No Child Should be Stateless':

[https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS\\_NoChildStateless\\_final.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_NoChildStateless_final.pdf)

<sup>ix</sup> <https://index.statelessness.eu/themes/prevention-and-reduction>

<sup>x</sup> ENS 'Birth Registration':

<https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Birth-Registration.pdf>

<sup>xi</sup> ENS 'What does it mean to be stateless?':

[https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-What\\_does\\_it\\_mean\\_to\\_be\\_Stateless.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-What_does_it_mean_to_be_Stateless.pdf)

<sup>xii</sup> <https://statelesskids.eu/>

<sup>xiii</sup> <http://lockedinlimbo.eu>

<sup>xiv</sup> <https://www.statelessness.eu/romabelong>

<sup>xv</sup> Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness:

<https://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>

<sup>xvi</sup> European Migration Network (2016) 'EMN Inform: Statelessness in the EU': <https://www.emnluxembourg.lu/wp-content/uploads/2016/11/EMN-Inform-Statelessness-in-the-EU.pdf>

<sup>xvii</sup> Parliamentary Assembly of the Council of Europe, Resolution 2099 (2016) The need to eradicate statelessness of children <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22556&lang=en>

<sup>xviii</sup> European Parliament Resolution of 3 May 2018 on the Protection of Children in Migration

[http://www.europarl.europa.eu/doceo/document/TA-8-2018-0201\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2018-0201_EN.html?redirect)

<sup>xix</sup> Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-19):

<https://www.coe.int/en/web/special-representative-secretary-general-migration-refugees/action-plan>

<sup>xx</sup> LIBE and PETI Committee Joint Hearing on Statelessness:

<http://www.europarl.europa.eu/committees/en/libe/events-hearings.html?id=20170626CHE0201>

<sup>xxi</sup> European Parliament Resolution of 13 November 2018 on minimum standards for minorities in the EU

[http://www.europarl.europa.eu/doceo/document/TA-8-2018-0447\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2018-0447_EN.html?redirect)

<sup>xxii</sup> [https://ec.europa.eu/neighbourhood-enlargement/countries/package\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/package_en)

<sup>xxiii</sup> <https://www.unhcr.org/ibelong/>