

4.13.1. Changing legislation

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2021 marked the 60th anniversary of the 1961 UN Convention on the Reduction of Statelessness, an international treaty which aims to prevent new cases of statelessness.[1029](#) A fact sheet published by UNHCR for the occasion confirmed that progress has been made over the last decade with more and more countries signing the treaty. However, it warned that new cases of statelessness persist.[1030](#)

In January 2021, Iceland acceded to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[1031](#) Following accession, a Standard Operation Procedure was adopted by the Directorate of Immigration, which was developed in cooperation with UNHCR. It outlines the policies and procedures to be followed when considering asylum applications from stateless persons.[1032](#) To ensure that practices align with the convention, UNHCR organised an open seminar and technical workshop for legal practitioners on “Operationalising the Statelessness Determination Procedure”.

In Bulgaria, in February 2021, a new legislative act amending and supplementing the Law on Foreigners in the Republic of Bulgaria was adopted by the National Assembly, introducing new grounds for refusing to grant stateless.[1033](#)

In October 2021, Finland opened consultations on proposed amendments to the Citizenship Act (359/2003) and the Government Decree on Citizenship (293/2013).[1034](#) [1035](#) The UNHCR Representation for Nordic and Baltic Countries provided feedback to align the definition of stateless person to the 1954 Convention, to include a statelessness determination procedure to the current citizenship status procedure and to introduce more favourable requirements for the naturalisation of stateless persons.[1036](#) The government’s proposal is expected to be submitted to the parliament in the spring session in 2022.

In the Netherlands, a proposal for a Statelessness Determination Procedure Act was submitted in December 2020¹⁰³⁷ The bill was discussed by parliament in May 2021 and January 2022 to clarify pending questions, including the duration of the process and the extent of stateless cases in the country.¹⁰³⁸ The coalition agreement of 15 December 2021 included reference to this bill, stating that the process will continue in 2022.¹⁰³⁹

Following amendments to the Swedish Aliens Act which introduced a shift from permanent to temporary residence permits, the Act on Swedish Citizenship was amended to grant a stateless person holding a temporary residence permit the right to obtain Swedish citizenship, which before was only possible with a permanent residence permit.¹⁰⁴⁰ The person must have been born in Sweden, be stateless since birth and resided in Sweden for the past 5 years or resided in Sweden for a total of 10 years and not yet turned 21 years of age. The change was necessary to avoid divergence with the 1961 UN Convention on the reduction of statelessness. For stateless persons holding a permanent residence permit, the residence requirements remained unchanged: 4 years of lawful and habitual residence for naturalisation of adults, 2 years of lawful and habitual residence for children born abroad, and legal and habitual residence (no specific length) for children born in Sweden. However, the ENS reported that these amendments in the legislation resulted in a longer and more difficult process for stateless persons to acquire Swedish citizenship.¹⁰⁴¹

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- ¹⁰²⁹Convention on the Reduction of Statelessness, 1961.
https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf
- ¹⁰³⁰United Nations High Commissioner for Refugees. (2021, August 25). UNHCR Fact Sheet: The 1961 Convention on the Reduction of Statelessness.
<https://www.unhcr.org/news/press/2021/8/612bc6f44/1961-statelessness-convention-60-years-promoting-protecting-right-nationality.html>
- ¹⁰³¹United Nations High Commissioner for Refugees. (2021, January 29). UNHCR welcomes Iceland's decision to join global efforts to end statelessness.
<https://www.unhcr.org/news/press/2021/1/6013f76f4/unhcr-welcomes-icelands-decision-join-global-efforts-end-statelessness.html>
- ¹⁰³²United Nations High Commissioner for Refugees. (2021, December 23). Two events on statelessness organized in Iceland. <https://www.unhcr.org/neu/72799-two-events-on-statelessness-organized-in-iceland.html>
- ¹⁰³³For more information, see: European Union Agency for Asylum. (2021). EASO Asylum Report 2021: Annual Report on the Situation of Asylum in the European Union.
<https://euaa.europa.eu/easo-asylum-report-2021>. Законопроект за изменение и допълнение на Закона за чужденците в Република България, Държавен вестник брой 21 / 2021 г [Bill amending and supplementing the Law on Foreigners in the Republic of Bulgaria, State Gazette number 21/2021]. <https://www.parliament.bg/bg/laws/ID/163303>
- ¹⁰³⁴Kansalaisuuslain muutos, SM032:00/2020, Säädösvalmistelu [Amendment to the Citizenship Act SM032:00/2020, Legislative history].
<https://intermin.fi/hankkeet/hankesivu?tunnus=SM032:00/2020>

- [1035](#)Ministry of the Interior | Sisäministeriö. (2021, October 1). Kansalaisuuslakia selkeyttävät muutokset lausuntokierrokselle [Amendments to the Citizenship Act for consultation]. <https://intermin.fi/-/kansalaisuuslakia-selkeyttavat-muutokset-lausuntokierrokselle>
- [1036](#)United Nations High Commissioner for Refugees. (2021, November 12). UNHCR Observations on the "Proposed Amendments to the Finnish Citizenship Act". <https://www.refworld.org/docid/618e7c034.html>
- [1037](#)For more information, see: European Union Agency for Asylum. (2021). EASO Asylum Report 2021: Annual Report on the Situation of Asylum in the European Union. <https://euaa.europa.eu/easo-asylum-report-2021>; Regels met betrekking tot de vaststelling van staatloosheid (Wet vaststellingsprocedure staatloosheid), Voorstel van Wet [Rules regarding the determination of statelessness (Statelessness Determination Procedure Act), Law proposal], December 21, 2020. <https://zoek.officielebekendmakingen.nl/kst-35687-2.html>
- [1038](#)Standing Committee on Justice and Security | Vaste commissie voor Justitie en Veiligheid. (2021, May 26). Regels met betrekking tot de vaststelling van staatloosheid (Wet vaststellingsprocedure staatloosheid): Verslag [Rules regarding the determination of statelessness (Statelessness Determination Procedure Act), Report]. <https://zoek.officielebekendmakingen.nl/kst-35687-5.html>; State Secretary for Justice and Security | Staatssecretaris van Justitie en Veiligheid. (2022, January 3). Regels met betrekking tot de vaststelling van staatloosheid (Wet vaststellingsprocedure staatloosheid), Nota naar aanleiding van het verslag [Rules regarding the determination of statelessness (Statelessness Determination Procedure Act), Note to introduce the report]. <https://zoek.officielebekendmakingen.nl/kst-35687-6.html>
- [1039](#)VVD, D66, CDA and ChristenUnie. (2021, December 15). Omzien naar elkaar, vooruitkijken naar de toekomst: Coalitieakkoord 2021 - 2025 [Looking out for each other, looking forward to the future: Coalition agreement 2021-2025]. <https://www.kabinetsformatie2021.nl/documenten/publicaties/2021/12/15/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst>
- [1040](#)Lag om ändring i lagen (2001:82) om svenskt medborgarskap, SFS 2021:771 [Law amending the Law (2001:82) on Swedish citizenship, SFS 2021:771]. <https://svenskforfattningssamling.se/doc/2021771.html>; Swedish Migration Agency | Migrationsverket. (2021, July 21). The Swedish Migration Agency is now starting to apply the new rules of the Aliens Act. <https://www.migrationsverket.se/English/About-the-Migration-Agency/For-press/News-archive/News-archive-2021/2021-07-21-The-Swedish-Migration-Agency-is-now-starting-to-apply-the-new-rules-of-the-Aliens-Act.html>
- [1041](#)European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf