Please cite as: EUAA, '4.13.4. Improving the situation of stateless persons' in *Asylum Report 2022*, May 2022.

4.13.4. Improving the situation of stateless persons

4.13.4. Improving the situation of stateless persons

icon presenting improving the situation of stateless persons

The ENS is an alliance of civil society organisations from 41 countries which conduct research on statelessness. In 2021, the alliance published an analysis of the impact of the proposed Pact on Migration and Asylum on the fundamental rights of stateless migrants and refugees.1051 The analysis found a lack of clarity on how the pact would address the specific protection challenges faced by this group. The following recommendations were made:

- Integration of the specific rights of stateless persons in fundamental rights monitoring mechanisms and in FRA guidance;
- Identification of statelessness and statelessness as a vulnerability factor in the Screening Regulation;
- Exclusion of stateless people from return sponsorship and the application of the return procedure, as well as from the asylum border procedure;
- Beneficiaries of stateless status to be included alongside beneficiaries of international protection in the proposed amendment to the Long-Term Residence Directive;
- Reference to statelessness to be included in the Eurodac Regulation and in the Recast Return Directive; and
- Mainstreaming of statelessness in the work of the Migration Preparedness and Crisis Network, as well as of the European Commission and the EUAA.

The ENS also provided a submission to the European Commission 2021 Enlargement Package, based on input from ENS members in Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.1052 The contribution highlighted that many people affected by or at risk of statelessness in the Western Balkans are members of Roma, Ashkali and Egyptian communities, and are both refugees and migrants and people who have lived in the same place for generations. The ENS underlined that countries included in the Enlargement Package have specific obligations under international law to protect stateless people and prevent statelessness, but in many cases, effective law, policies and practices have not been implemented at the national level, resulting in people falling through the gaps and being left

with no nationality.

In September 2021, the ENS published a thematic briefing on stateless determination and protection in Europe, comparing practices in the 27 countries of the Stateless Index and outlining key actions for improvement.1053 The briefing noted that in general EU+ countries only provide basic rights for stateless applicants, but it commended the courts in Italy for clarifying that an applicant should not be detained while waiting for a decision on determination of statelessness.

Following the crisis in Ukraine in early 2022, the ENS published a briefing on the situation of stateless people and people at risk of statelessness who are forcibly displaced from the country.1054 The briefing underlined this group would not be able to prove their residence and nationality status due to the nature of statelessness. Ukraine introduced an Stateless Determination Procedure in May 2021, but few stateless persons received a residence permit on this basis by the time of the crisis. The ENS therefore recommended that eligibility for temporary protection is extended to all stateless persons and persons at risk of statelessness who are/were living in Ukraine, regardless of documentation or residence status, that access to protection is ensured, and that appropriate steps are taken to identify and record statelessness, in particular among unaccompanied and separated children.

Having adequate procedures in place to process applications from stateless persons is gaining ground in EU+ countries. It was noted that an increasing number of queries launched on the EUAA and EMN restricted platforms focused on data on statelessness, requirements in place for stateless determination and practices currently in place in other countries.

In December 2021, the EUAA published a Practical Guide on Registration which includes a section on identifying and registering initial indications of statelessness in an effort to harmonise practices across Europe. According to the ENS, the guide is an important tool that should be widely disseminated and implemented by officials responsible for registration.1055

The Council of Europe's European Committee on Legal Co-operation (CDCJ) and UNHCR organised a conference in September 2021 which focused on strengthening efforts to end statelessness in Europe and guarantee the provision of fundamental rights to everyone.1056 Following the Conference, the CDCJ agreed in its plenary meeting in December 2021 to prioritise follow-up activities on statelessness and the right to nationality, including guidance on child-sensitive procedures in administrative and migration law matters for stateless children or children at risk of being stateless and guidance on the establishment of nationality, in particular for children.1057

In Czechia, the Organization for Aid to Refugees (OPU) has been working to ensure that, during the statelessness determination procedure, applicants have access to reception and accommodation centres managed by the Refugee Facilities Administration of the Ministry of the Interior.1058 According to OPU, the right to housing during the determination procedure is not clearly stipulated in Czech law, and the Ministry of the Interior's Department for Asylum and Migration Policy has in practice not offered housing to this profile of applicants, work permits or access to health care.

The Belgian Refugee Council contributed to the revision of the Migration Code by recommending to include the definition of a stateless person in law, establish residence rights for stateless persons and introduce family reunification for them.1059, 1060

In Italy, the National Observatory on Unaccompanied Minors and UNHCR published a study on the risks of not identifying stateless unaccompanied minors and found that unaccompanied minors are generally unaware of their stateless status and instead apply for international protection.1061 If the case officers are not aware and proceed, the minor may face many challenges when turning of age and needing to change their permit. The report recommended more training on statelessness, better collaboration between different actors during the asylum procedure, and the introduction of a referral mechanism for possible cases of statelessness.

Despite the efforts of national authorities to introduce measures to protect stateless people, civil society organisations reported a number of areas in which progress is still required:

- There is an overall lack of clarity around the definition of a stateless person and a lack of available information on who might be stateless or at risk of statelessness.1062, 1063
- Many countries still lack a statelessness determination procedure established in law, leading to confusion on what procedures should be applied when a person claims to be stateless.1064
- Insufficient training and resources are provided to officials working in the identification and registration of stateless persons. Stateless persons are in a particular category of vulnerability as lack the right to a nationality, but there is a lack of awareness of this aspect and therefore of the instruments necessary to identify it.1065, 1066, 1067
- Stateless persons in many countries do not have access to residence rights, including through temporary residence permits, for the duration of the statelessness determination procedure.1068, 1069
- Stateless persons experience difficulties in accessing their rights, for example due to a lack of proper identity documents or lack of clarity in the determination process. In some cases, they do not have access to the reception system or to some phases of it. These issues result in difficulties for stateless persons in terms of integration, as they lack housing, access to the labour market, access to education and other services that are key to integration.1070, 1071
- There is a lack of comprehensive information on statelessness and nationality rights in country of origin information.1072, 1073
- Gaps in legal frameworks and practices often result in arbitrary detention of stateless persons, in particular when documentation to prove their status is missing. There is a need for better identification instruments in return procedures and decisions to detain.1074, 1075
- Stateless people cannot apply for statelessness status at the border in some cases, which creates additional barriers for those without documents to enter the country regularly.1076

1051-1076

- 1051European Network on Statelessness. (January 2021). Statelessness and the EU Pact on Asylum and Migration: Analysis and Recommendations.

https://www.statelessness.eu/sites/default/files/2021-01/ENS-Statelessness_and_the_EU_Pact_on_Asylum_and_Migration-Jan_2021_1.pdf
- 1052European Network on Statelessness. (April 2021). European Network on Statelessness submission to inform the European Commission 2021 Enlargement Package: Progress towards addressing statelessness in Enlargement countries. https://www.statelessness.eu/sites/default/files/2021-04/ENS%20Submission%20DG%20NEAR%20Enlargement%20April%202021.pdf
- 1053European Network on Statelessness. (September 2021). Statelessness determination and protection in Europe: good practice, challenges, and risks. https://www.statelessness.eu/sites/default/files/2021-09/ENS-Statelessness_determination_and_protection_in_Europe-Sep_2021.pdf
- 1054European Network on Statelessness. (2022, March 10). Briefing: Stateless people and people at risk of statelessness forcibly displaced from Ukraine. https://www.statelessness.eu/sites/default/files/2022-03/ENS%20Briefing%20-%20Stateless%20people%20displaced%20from%20Ukraine%20-%20March%202022_1.pdf
- 1055European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1056Council of Europe, European Committee on Legal Co-operation. (2021, September 24). UNHCR and Council of Europe discuss statelessness, urge States to uphold the right to a nationality in Europe. https://www.coe.int/en/web/cdcj/-/unhcr-and-council-of-europe-discuss-statelessness-urge-states-to-uphold-the-right-to-a-nationality-in-europe
- 1057Council of Europe, European Committee on Legal Co-operation. (2021, December 3). 97th Meeting of the European Committee on Legal Cooperation (CDCJ): Abridged Meeting Report. https://rm.coe.int/cdcj-2021-33e-final/1680a511c5
- 1058European Network on Statelessness. (2021, May 27). Adequate housing for stateless people is an essential stepping stone away from the margins of society. https://www.statelessness.eu/updates/blog/adequate-housing-stateless-people-essential-stepping-stone-away-margins-society
- 1059NANSEN, the Belgian Refugee Council (2021). NANSEN Contribution 2021/1 Pour un statut d'apatride [NANSEN Contribution 2021/1 For a statelessness status]. https://nansen-refugee.be/wp-content/uploads/2021/09/1.-Pour-un-statut-dapatride.pdf
- 1060NANSEN, the Belgian Refugee Council. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/nansen_the_belgian_refugee_council.pdf
- 1061Osservatorio Nazionale sui Minori non Accompagnati, & United Nations High Commissioner for Refugees. (October 2021). Apolidia e Minori Stranieri non Accompagnati: Il rischio di una mancata identificazione dell'apolidia nel passaggio alla maggiore età [Statelessness and unaccompanied minors: The risk of a lack of identification of statelessness in the transition to the age of majority]. https://www.cespi.it/sites/default/files/osservatori/allegati/approf._11apolidia_e_minori_stranieri_n
- 1062European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1063Osservatorio Nazionale sui Minori non Accompagnati, & United Nations High Commissioner for Refugees. (October 2021). Apolidia e Minori Stranieri non Accompagnati: Il rischio di una mancata identificazione dell'apolidia nel passaggio alla maggiore età [Statelessness and unaccompanied minors: The risk of a lack of identification of

statelessness in the transition to the age of majority]. https://www.cespi.it/sites/default/files/osservatori/allegati/approf._11apolidia_e_minori_stranieri_no

- 1064European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1065European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1066Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf
- 1067Osservatorio Nazionale sui Minori non Accompagnati, & United Nations High Commissioner for Refugees. (October 2021). Apolidia e Minori Stranieri non Accompagnati: Il rischio di una mancata identificazione dell'apolidia nel passaggio alla maggiore età [Statelessness and unaccompanied minors: The risk of a lack of identification of statelessness in the transition to the age of majority]. https://www.cespi.it/sites/default/files/osservatori/allegati/approf._11apolidia_e_minori_stranieri_no
- 1068Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf
- 1069NANSEN Belgian refugee council. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/nansen_the_belgian_refugee_council.pdf
- 1070Organization for Aid to Refugees | Organizace pro Promoc Uprchlíkům. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/organization_for_aid_to_refugees.pdf
- 1071Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf
- 1072European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1073Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022.https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf
- 1074European Network on Statelessness. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/european_network_on_statelessness.pdf
- 1075Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf
- 1076Convive - Fundación Cepaim. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/convive_fundacion_cepaim.pdf

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu