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Box 2: Identifying statelessness in the asylum context

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icon on global developments for stateless persons

Statelessness is a legal anomaly which affects people who are not considered a national by any state. Lacking any state's protection, stateless persons may not be able to fully exercise their fundamental rights.

Stateless persons and refugees are two distinct categories in international law. Nevertheless, a person can be both a refugee and stateless. In the context of asylum, statelessness may also be relevant to determine international protection needs, as in many instances the reasons why a person left their country are connected to reasons why they are stateless.

For the first time in the EU *acquis*, the Pact on Migration and Asylum introduced binding provisions on statelessness. This holds relevance in the context of asylum in Europe as key countries of origin of applicants have known stateless populations. To improve identification, the Screening Regulation (SR), Recital 37 and Article 12(3) and the APR, Article 27(2) require EU Member States to assess indicators of statelessness and clearly register it when a person claims to have no nationality, pending the determination of whether this person is stateless.

In 2024, EU+ countries took positive steps to identify and address statelessness, while national courts issued protection-oriented decisions for stateless persons, such as for ethnic Armenians from Nagorno Karabakh and the 'non-citizens' of Latvia.190 Following the CJEU judgment C-563/22,191 several countries granted refugee status to stateless Palestinians who were registered with UNRWA by considering that protection from UNRWA could no longer be considered effective or guaranteed given the security and humanitarian situation in Gaza after 7 October 2023.192

In parallel, some countries added conditions or exemptions that reduced the possibility for stateless persons fleeing the conflict in Ukraine to access the territory and retain or apply for

temporary protection. International and civil society organisations continued to raise awareness on existing limitations and advocate for further improvements.

The European Network on Statelessness (ENS), a civil society alliance carrying out multi-faceted work to address statelessness in Europe, among other issues, underlined the importance of identifying statelessness during return procedures and when issuing detention decisions, as stateless persons very likely do not have a country to return to and may end up in a legal limbo.[193] In cooperation with civil society organisations in Bulgaria, Czechia, Germany and Romania, the ENS developed and published country-specific toolkits to aid frontline asylum practitioners to identify statelessness and respond accordingly.[194] In an October 2024 briefing, the ENS published detailed recommendations for Member States, EU bodies and agencies, and other actors on how to effectively implement Pact provisions related to statelessness.[195]

The High-Level Segment on Statelessness took place in October 2024 and mobilised over 100 government delegations, 50 intergovernmental organisations, civil society organisations and stateless-led groups to formally launch the Global Alliance to End Statelessness. Through multi-stakeholder collaboration, the alliance aims to catalyse and accelerate solutions that bring an end to statelessness. In response to evolving needs, UNHCR, in consultation with key stakeholders, also reviewed and updated the Global Action Plan to End Statelessness and published a guide on using litigation to address issues related to statelessness.[196]

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