

EMN Platform on Statelessness multistakeholder meeting **“Statelessness in the EU Pact on Migration and Asylum with focus on statelessness as a vulnerability”**

27 October 2025
Luxembourg (online on Webex)

Meeting Report

Summary

The EMN Platform on Statelessness convened a multi-stakeholder meeting on 27 October 2025 on the topic of Statelessness in the EU Pact on Migration and Asylum.

The EMN Platform on Statelessness was established in 2016, following the Justice and Home Affairs Council Conclusions of 2015 on statelessness. It produces the EMN Inform on Statelessness – a regularly updated comparative overview of legal developments on statelessness across EMN Member and Observer countries. It also has arranged a series of conferences and meetings addressing various statelessness-related topics.

This conference brought together participants from the European Commission, EU Agencies (EUAA and FRA), UNHCR, the Council of Europe, the European Network on Statelessness, civil society at the national level and national authorities to discuss developments in the Pact on migration and asylum related to the identification of statelessness, focussing on statelessness as a vulnerability. A member of the stateless community also gave a personal testimony of their experience of statelessness. This event was the first occasion on which the EMN Platform discussed statelessness in the refugee context and the nexus between asylum and statelessness.

The purpose of the multistakeholder meeting was to provide a space for dialogue between all relevant stakeholders. The importance of collaboration, working together and pooling expertise was emphasised by all speakers at the conference. This is particularly important as statelessness is a specialist topic and practitioners working in the field need support and guidance.

With regard to statelessness, the speakers underlined the unique aspects of statelessness. Statelessness is a specialist and complex topic, resulting from anomalies in nationality law and discriminatory practices. Reliable and comparative data on the extent of statelessness is scarce and estimates most likely underestimate the extent of statelessness. Statelessness is related to vulnerability, as stateless persons are not able to exercise their full rights. Stateless people face everyday barriers in normal life such as being able to travel, open a bank account, or be able to vote. Stateless determination is difficult due to burden of proof issues. While most EU Member States are signatory to international conventions on statelessness, many do not have dedicated statelessness determination procedures.

The EU Pact on Migration and Asylum includes specific provisions regarding identifying indicators of statelessness in the Pact instruments. In addition, the obligations of Member States in relation to the 1954 Convention relating to the Status of Stateless Persons has been recalled in recitals in the Asylum Procedure Regulation and the Screening Regulation, while recognising that the acquisition and loss of nationality is a Member State competence.



From left to right: **Adolfo Sommarribas**, Coordinator of the EMN Platform on Statelessness, EMN Luxembourg, **Anne Sheridan**, Policy Officer, Unit C5, DG HOME, European Commission, **Tamas Molnar**, Project Officer, Justice, Digital and Migration Unit, Fundamental Rights Agency, **Philippe Krantz**, Lawyer, European Committee on Legal Co-operation Secretariat, Division for Legal Co-operation, Council of Europe

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All speakers at the conference welcomed the provisions in the Pact as a good start to enhance visibility of statelessness and to help identify people who are possibly stateless at an early stage. This recognises statelessness as a vulnerability and helps that vulnerability be taken into account in different procedures. However the discussion centred around how to make the connection between identifying indicators of statelessness and actual determination of stateless status. The role and importance of stateless determination procedures to allow effective access to rights for stateless people was emphasised in various contexts.

Training, support and the development of tools to help identify and address statelessness was a central theme highlighted by all speakers. This aspect is key to raise awareness and visibility of

statelessness and to enhance knowledge and understanding of its complexity. Member State practitioners working on screening and the registration and lodging of asylum claims will need extra support to understand how to identify the possibility of statelessness and to provide appropriate support. Statelessness is covered in the EUAA curriculum and the EUAA Practical Guide on Nationality, including the new provisions of the Pact. The Fundamental Rights Agency is mandated to produce guidance on the application of the independent fundamental rights monitoring mechanism under the Pact, which will cover statelessness. Civil society organisations are also developing tools and guidance and developing collaborative relationships with international organisations and the EU agencies.

On next steps, the EMN Platform undertook to provide a full report of the meeting proceedings. The EMN will produce a publication using the conclusions of the meeting as a starting point and will involve all relevant stakeholders including Commission, EU Agencies, international and regional organisations, national authorities and civil society.

Morning Session

1. Opening Remarks

The conference opened with welcoming remarks from **Anne Sheridan, Policy Officer, Unit C5, DG HOME, European Commission**; **Birte Nienaber, coordinator of EMN Luxembourg**; and **Adolfo Sommarribas, Coordinator of the EMN Platform on Statelessness, EMN Luxembourg**.

The **European Migration Network Platform on Statelessness** was established by [Justice and Home Affairs Council Conclusions of December 2015](#) and began its work during 2016. The Council Conclusions mandate the European Migration Network (EMN) to take on the role of establishing the Platform. The EMN carries out this task, due to its legal mandate to collect reliable and comparable information, and its comprehensive geographic reach, now totalling 35 EMN Member and Observer countries.

The Platform's outputs include - the [EMN Inform on Statelessness](#), which has been regularly updated to track incremental developments in the legal framework for determining statelessness in EMN Member and Observer countries and to cover more countries as the network has expanded - and the many events it has organised. The Platform has focussed on different topics over the years, such as statelessness determination procedures, access to residence permits for stateless persons, children and nationality, and data. The focus for this meeting was the nexus between statelessness and the asylum procedure – the first time for the Platform to explore this topic. This discussion was based in the context of the Pact on Migration and Asylum.

Statelessness is a legal anomaly. Acquisition and loss of nationality are a matter of national competence, but there are obligations in international law related to statelessness. **This is a real issue that affects people in their daily lives every day.** Statelessness impacts on people by effectively making them invisible and vulnerable to exploitation – affecting their capacity to, for example, open a bank account, go to school, find work or get married. The provisions on identification of stateless persons in some of the legal instruments under the Pact could facilitate the protection of some very vulnerable people.



From left to right: **Adolfo Sommaribas**, Coordinator of the EMN Platform on Statelessness, EMN Luxembourg, **Anne Sheridan**, Policy Officer, Unit C5, DG HOME, European Commission

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A theme highlighted by all three speakers was the importance of **collaboration and sharing of information and expertise** between all stakeholders participating in the conference. Dialogue is central to the purpose of the EMN platform. This was why all relevant stakeholders were represented: including the European Commission; EU agencies - the European Union Agency for Asylum and the Fundamental Rights Agency; UNHCR; the Council of Europe; the European Network on Statelessness - an alliance of 180 members active on statelessness across 41 countries; NGOs at the national level in a number of countries; and national authorities. Collaboration and exchange of information was stressed as central to the recent and ongoing programme of capacity building workshops organised by EMN Luxembourg, including this multistakeholder meeting, in the context of supporting implementation of the Pact.

It was announced that the EMN Platform would develop a concept for a thematic Inform based on discussions at the multistakeholder meeting, to which stakeholders would be invited to collaborate. This output would be produced in parallel to the new update of the EMN Inform on Statelessness which will bring the Inform up to date with the latest legal developments across EMN Member and Observer countries.

2. Panel 1 – Institutional Panel. Moderator: Anne Sheridan, Unit C5, DG HOME, European Commission

The **first panel** brought together the **European Commission**, the **European Union Agency for Asylum**, and the **Fundamental Rights Agency** to discuss the legal provisions on statelessness in the Pact and the activities of the two EU agencies, within their respective mandates, in relation to nationality and statelessness. The **Council of Europe** provided a perspective within the context of its mandate related to nationality, with a particular focus on access of children to nationality.

One of the big themes of the session was support, knowledge sharing, and building understanding among practitioners via training, guidance and the independent fundamental rights monitoring mechanism under the Pact. This was considered crucial because statelessness is still a specialist topic.

Delphine Drapeau, Legal Officer, Unit C3 – Asylum DG HOME, European Commission presented an overview on specific provisions related to statelessness across various legal instruments in the Pact on Migration and Asylum. While acquisition and loss of nationality remain a competence of Member States, statelessness falls within the asylum *acquis*. Statelessness is reflected in various pact instruments within this narrow competence as follows:

- There is a systematic reference to ‘third country nationals/stateless persons’ reflected across the Pact instruments.
- The definition of stateless persons in the [Asylum Procedure Regulation \(2024/1348\)](#), the [Screening Regulation \(2024/1356\)](#) and the [Asylum and Migration Management Regulation \(2024/1351\)](#) is in line with international law under the [1954 Convention relating to the Status of Stateless Persons](#) as: *a person that is not considered a national of any State under the operation of its law*.
- Recitals in both the Asylum and Migration Management Regulation (Recital 49) and the Asylum Procedure Regulation (Recital 24) reflect the importance of recognising stateless persons in accordance with obligations under international law including the 1954 Convention on the Status of Stateless Persons, within Member State competence.
- Recital 56 in the [Eurodac Regulation \(2024/1358\)](#) recalls the Union pledge of 2012 also recalled in the Justice and Home Affairs Council Conclusions of 2015 calling for Member States to accede to the 1954 Convention on the Status of Stateless Persons and to consider acceding to the 1961 Convention on the Reduction of Statelessness.
- Specific provisions on Identification and recording of stateless persons in the Screening Regulation (Articles 12, 17) and the Asylum Procedure Regulation (Articles 27, 29).
- Statelessness as a vulnerability:
 - the [Reception Conditions Directive \(2024/1346\)](#) does not make an explicit reference to statelessness. However, the list for assessing special reception needs under Article 24 is an indicative list.
 - Special procedural guarantees under Article 20-21 of the Asylum Procedure Regulation are not listed – possibility to include statelessness.
 - Assessment of both special reception needs and special procedural guarantees is required within 30 days. Statelessness could arise as a vulnerability during these assessments or also could be identified later. Identification of a vulnerability requires action to provide supports by the Member State.
 - Screening Regulation – Vulnerability check in Article 12 expressly includes possibility of a person being stateless. Statelessness and vulnerability are interlinked.

The most important of these provisions are those related to identification. The health and vulnerability check under Article 12 of the Screening Regulation includes identification that a person may be stateless, and this indication is included in the screening form under Article 17 which includes a field for both nationality and statelessness. There is a link to follow-up action in that the Member State is required to provide timely and adequate support. Under Article 27(2) of the Asylum Procedure Regulation, if a person claims not to have a nationality, this is registered pending the

determination if the person is stateless. An indication of statelessness, if applicable, is recorded in the document confirming the lodging of the asylum application. These provisions represent an important step to better identification of stateless persons.

Preparation for these provisions are underway during the transition period before the Pact applies from June 2026. The Commission's [Common Implementation Plan of June 2024](#) refers specifically to statelessness in Building Block 2 on screening and Building Block 4 on asylum. The need for training for case officers working both on screening and asylum claims has emerged and this has been reflected in the EUAA curriculum.

The speaker underlined that the most important thing for Member States to consider when taking the needs of stateless persons into account is that they are a vulnerable group. Usually, they have no country or region to return to. Also, they will have specific challenges in terms of presenting documentary evidence and there will be challenges in terms of status determination.

Feeding into the theme of the need for practical guidance and training, **Katia Porzio, Asylum Process Officer, European Union Agency for Asylum**, presented the [EUAA Practical Guide on Nationality](#), which was published in March 2025. This Guide covers both the current legal framework and the Pact. The Guide was developed to address a gap in available guidance at national level which was confirmed by EU+ countries. The Guide was developed following consultation with COM, UNHCR and ECRE, with feedback from ENS also included.

The purpose of the Guide is to provide a framework for understanding the concepts of nationality and statelessness in the context of the assessment of the need for international protection (both refugee status and subsidiary protection). It is designed to address common misunderstandings and build knowledge about nationality and statelessness and is targeted at asylum determination case officers primarily but also may be relevant to other persons working in the asylum procedure. It is structured across eight different chapters showing different levels at which an assessment of nationality or stateless status could be relevant (e.g. the country of reference; special situations in acquiring or losing nationality; evidence to determine nationality, statelessness or country of origin), and how to examine these aspects if the applicant appears to be stateless or at risk of statelessness, in the context of the asylum claim.

The presentation highlighted three aspects that are critical to the identification of statelessness:

- Knowledge of the circumstances that may lead to statelessness
- Statements and documents of the applicant related to their situation
- Country of Origin Information

The Guide gives practical examples under each of these categories. This includes information on common circumstances which can give rise to statelessness such as how nationality law can determine how nationality is passed on through generations; administrative hurdles and barriers to establishing nationality in some countries; and understanding the consequences of deprivation of nationality, which, in some cases, could amount to persecution or serious harm. The Guide gives suggestions on what to look for when trying to determine the country of origin or former habitual residence of an applicant and what questions to ask – this could include family circumstances; efforts of the applicant to register births or adoptions; or the applicant's own perception of having lost or acquired a nationality. Reliable country of origin information (COI) is also important to gather information on nationality laws and/or restrictive or discriminatory practices that impact on an

applicant's ability to acquire a nationality. COI can also help in understanding if a person is considered stateless in one country, but possibly not in others. Reliable COI allows the case officer to target relevant questions to the applicant.

In addition to the Guide, the EUAA has a current tailor-made online training module available on statelessness which was launched in October 2025. A further module is being developed on screening and registration in the context of the Pact to increase awareness of early identification and to increase skills on recognising and recording statelessness. This module is to be completed at the end of 2026 and will be included in the 2027 training plan.

Tamas Molnar, Project Officer, Justice, Digital and Migration Unit, Fundamental Rights Agency (FRA) also addressed the theme of supports and structures within the Pact, presenting the role of independent fundamental rights monitoring mechanisms under the Pact and how they can help make the situation of stateless persons more visible. This intervention also presented some reflections from FRA's perspective on the provisions on statelessness in the Pact.



From left to right: **Tamas Molnar**, Project Officer, Justice, Digital and Migration Unit, Fundamental Rights Agency, **Philippe Krantz**, Lawyer, European Committee on Legal Co-operation Secretariat, Division for Legal Co-operation, Council of Europe. On the screen **Katia Porzio**, Asylum Process Officer, European Union Agency for Asylum

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Statelessness under the Pact is approached from the EU migratory lens. The speaker considered that while the Pact has taken a positive first step with critical provisions on the identification of statelessness, identification is not enough in itself. What is also necessary is follow up action, including referral to adequate stateless determination procedures and the granting of the rights to stateless persons under the 1954 Convention Relating to the Status of Stateless Persons. The speaker noted that currently six Member States have fully fledged statelessness determination procedures and four have determination procedures which result in a civic status without an associated right to

stay. Therefore, the speaker considered that there is now a gap to be bridged - where the identification of statelessness has now been acknowledged in the EU legal framework, but there is no obligation in EU law for Member States to follow up via dedicated statelessness determination procedures.

The speaker emphasised the important link between a finding of indicators of statelessness under the Screening and Asylum Procedure Regulations, and the return procedure and removal. The identification and recording of indicators of statelessness is not included in the Return Border Procedure Regulation. The speaker argued that close scrutiny is needed to prevent a situation of detention without a reasonable prospect of removal which retrospectively could prove to be unlawful if the person is determined to be stateless. Statelessness also needs to be considered carefully when applying the safe country of origin concept, as the country might not be safe for stateless persons.

The speaker also considered that there is a gap in EU legislation regarding an opportunity for better data collection on statelessness, which is something which could be considered again for the future.

The independent fundamental rights monitoring mechanisms, which Member States are required to set up under the Screening Regulation and the Asylum Procedures Regulation, provide an opportunity to develop an enhanced protection space for stateless persons and to mainstream their vulnerability. FRA has a mandate under the Pact to develop guidance on how to set up these mechanisms and what to include.

Once the mechanism is set up, the next step is a common methodology for fundamental rights monitors carrying out their work in the field. This common methodology will include checklists; risk assessment questionnaires and practical tools for future monitors to facilitate convergence and use the same building blocks to make monitoring comparable across the EU. A dedicated section on statelessness is included to provide the specialist knowledge needed on indicators of statelessness and some important complex aspects such as how to distinguish between unresolved nationality and statelessness and how to recognise statelessness both inside and outside of the refugee context. The common methodology will also cover the question if statelessness has been considered before the decision on return and country of removal.

As a final recommendation, the speaker noted that the legislative contact committees for the Screening Regulation, Asylum Procedures Regulation and the Return Border Procedure Regulation should include or improve references to statelessness in their guidance. There should also be a cross-reference to the EUAA Guide on Nationality as it is not always clear what is available to practitioners on the ground.

Philippe Krantz, Lawyer, European Committee on Legal Cooperation Secretariat, Division for Legal Cooperation, Council of Europe gave an overview of relevant legal instruments and other resolutions, recommendations and activities within the Council of Europe's competence on nationality. He noted that the issue of statelessness is very complex and that the issue needs to be taken forward with all partners. In this regard, the Council of Europe has joined the multi-stakeholder Global Alliance to end Statelessness launched by UNHCR in 2024.

The right to access nationality and rights associated with statelessness have been recognised by the European Court on Human Rights. Council of Europe countries must guarantee the rights in the European Convention on Human Rights. While nationality is not expressly referred to in the ECHR,

the Court of Human Rights has examined this in the context of Article 8 and has found that access to nationality is part of a person's identity.¹ In 2013, the Committee on Social Rights found that the rights in the European Social Charter should be guaranteed to stateless persons.

A number of Council of Europe legal instruments are relevant to statelessness:

- [European Convention on Nationality](#)
- [Convention on the avoidance of statelessness in relation to State succession](#)
- [Recommendation No 99\(18\) on the avoidance and reduction of statelessness](#)
- [Recommendation No 2009 \(13\) of the Committee of Ministers to member states on the nationality of children](#)

The most significant instrument is the 1997 Council of Europe Convention on Nationality which provides that no one shall be unlawfully deprived of nationality.

The Parliamentary Assembly of the Council of Europe has also passed resolutions underpinning the Convention on Nationality and on the need to eradicate statelessness among children:

- [Access to nationality and the effective implementation of the European Convention on Nationality](#)
- [Resolution 2099\(2016\) on the need to eradicate statelessness of children](#)

Access to nationality for children and vulnerable persons in the context of migration are emphasised in the work of the Council of Europe and its Committee on Legal Cooperation (CDCJ) due to the serious consequences of such a gap for the rights of children, exacerbating their social vulnerability. Stateless children are covered in the [Council of Europe Strategy for the rights of the child 2022-2027](#) and the [Council Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe \(2021-2025\)](#).

The Committee on Legal Cooperation (CDCJ) organised an international conference organised in 2021, and an analysis of current practices by the CDCJ undertaken from 2024-2026 focussed on statelessness and children's access to nationality. In February 2025, the Committee published a [Feasibility study on a non-binding instrument on access to nationality](#) with the support of Professor René de Groot, University of Maastricht. This study recommended to revise the 2009 recommendation on the nationality of children and to accompany it with a checklist for policymakers. The checklist would cover statelessness determination procedures, birth registration, and the rights of children in proceedings related to their nationality - guardianship and the burden of proof. One of the core themes of the feasibility study is the establishment of child-friendly procedures. It is expected that the work on the revision and checklist will be completed by the end of 2026.

In addition, the CDCJ has produced a compendium of promising practices in respect of preventing statelessness among children, which is to be published early in 2026.

¹ Genovese v. Malta, no. 53124/09, §30, 11 October 2011



From left to right: **Sylvain Besch**, CEFIS, Luxembourg, **Jessica Lopes**, CEFIS, Luxembourg

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The **Question-and-Answer** session focussed on the timeframe to resolve undetermined nationality or to make a determination of statelessness.

One question related to a reasonable timeframe that a person can remain labelled as having unresolved nationality pending the determination of statelessness. UNHCR has suggested that this should not be for more than 5 years, while the Council of Europe 2009 Recommendation on the nationality of children says that nationality should remain undetermined or 'under investigation' for as short a period as possible.

A second question related to the short period of the screening procedure under the Screening Regulation and whether or not this is sufficient time to indicate statelessness, as statelessness determination procedures have many steps.

In relation to a reasonable timeframe to resolve a situation of undetermined nationality, the speaker from FRA noted that the core issue is that national authorities may be faced with circumstances where it is not possible or extremely difficult to determine the nationality or prove the stateless status. This can become a real issue when the person needs to access social rights, for example children of undetermined nationality reaching school going age. Therefore the speaker considered that 5 years might be a reasonable time period for the national authorities to try to resolve the issue, but it could still remain a problem if the authorities do not have meaningful options to resolve the situation. A possible legal solution could be to recognise a (rebuttable) presumed nationality in national law.

The FRA speaker noted that the 7-day period for the screening procedure is very short, but the emphasis in this process is on finding indicators of unconfirmed nationality and possible statelessness. Statelessness determination would not take place in this timeframe – the focus should be on evidence gathering to use later. The European Network on Statelessness raised the gap that exists between identifying indicators of statelessness and ultimate determination of statelessness via a procedure and asked for views on how this could be resolved - including in those Member States who already have strong stateless determination procedures in place. The FRA speaker responded that there is an obligation to follow up on evidence gathered. If the person enters the asylum procedure, the evidence can be used there. However, it gets more complicated if the person does not apply for asylum, because then the person could face being channelled into the return procedure. Here the Member States' obligations under the 1954 Convention on the Status of Stateless Persons become relevant.

The EUAA speaker noted that Recital 24 of the Asylum Procedure Regulation recalls Member States' obligations under the 1954 Convention. The EUAA Practical Guide focusses on determination of international protection – if a statelessness determination was unresolved, this would not impact on the international protection determination.

3. Presentation by a Stateless Community Member - Hossa Skandary-MacPherson – Equity Lighthouse

Hossa Skandary-MacPherson shared her personal experience of statelessness as a displaced person born in Afghanistan.



From left to right: **Adolfo Sommarribas**, Coordinator of the EMN Platform on Statelessness, EMN Luxembourg, **Hossa Skandary-Macpherson**, Equity Lighthouse © Photo: EMN Luxembourg

Hossa was born in Kabul, Afghanistan and became displaced and stateless with her family as a result of the fall of Kabul in the 1990s. Her family spent a period of time displaced in first India and then Russia with no legal status or social rights. She eventually joined her mother via family reunification in Belgium, following her mother's asylum claim. The family became naturalised in Belgium within three years. She now lives in Scotland.

She emphasised in her presentation that historical and political factors impact on statelessness, which is a manmade phenomenon that does not occur in a vacuum. She traced the historical factors that had had an impact in Afghanistan, up to the withdrawal of the Soviet Union in 1989 and the fall of Kabul. Her parents had experienced when an Afghan passport had value – travelling and being educated abroad. As a result of the fighting in Kabul, the family became displaced outside of Afghanistan - leading a precarious existence on the margins and in her words 'drowning in a sea of statelessness.'

Her presentation emphasised the role of perseverance and the ability to advocate for oneself in her family's eventual settling in Belgium. As her parents spoke French, they wanted to move to a French speaking country. This meant that her mother was able to advocate for herself verbally with the Belgian authorities, even though she did not have documentary evidence.

She gave four recommendations for caseworkers working with stateless people and refugees: offering interpretation; trauma informed interviews; flexible legal evidence rules; and meaningful legal aid with empathy.

She emphasised her core message that fairness is not about treating everyone the same – but with equity. She presented a good practice example of the *New Scots Refugee Integration Delivery Plan 2024 to 2026*. This Plan sets out the activities to be carried out by the Scottish Government and the Scottish Refugee Council to implement the *New Scots Refugee Integration Strategy 2024*. The significance of this delivery plan as a good practice is its six principles that are centred on recognising refugees as human beings and their contribution, and the diversity of their lived experience.

Afternoon Session

Panel II: Ongoing efforts of international and non-governmental organisations. Moderator: Adolfo Sommarribas, Coordinator of EMN Platform on Statelessness

This session brought together speakers from **UNHCR** and the **European Network on Statelessness**. Both speakers welcomed the provisions on statelessness in the Pact as a good start and emphasised that the focus should now be on implementation. This includes adequate training, resources and guidance for practitioners implementing the provisions and continued awareness raising to enhance the visibility and understanding of statelessness.

Sam Mosallai, Statelessness Officer, UNHCR Regional Bureau for Europe noted that, according to UNHCR data, there were approximately 340,000 stateless people or people of undetermined nationality in EU at end of 2024 though the true number is believed to be significantly higher. The absence of identification and statelessness determination mechanisms in many countries exacerbates data gaps and underreporting. UNHCR considers that only 8 EU Member States have a dedicated statelessness determination procedure.

While statelessness can arise both *in situ* and in a migratory context, the latter is particularly relevant to the EU Pact.

State succession, in the Western Balkans, remains a major cause of statelessness in Europe and the EU. Discrimination against minorities is also a major cause of statelessness worldwide – UNHCR estimates that approximately 75% of statelessness worldwide is as a result of discrimination against minority groups, highlighting the strong nexus between statelessness and vulnerability.



From left to right: **Adolfo Sommarribas**, Coordinator of the EMN Platform on Statelessness, EMN Luxembourg, **Sam Mosallai**, Statelessness Officer, UNHCR Regional Bureau for Europe, **Nina Murray**, Head of Policy & Advocacy, European Network on Statelessness

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The speaker acknowledged the improved engagement by EU Member States and EU institutions over recent years in relation to pledges and ratifications of the two statelessness conventions, including in the context of the Global Refugee Forum. He highlighted the 2015 JHA Council Conclusions as particularly noteworthy for underlining the importance of statelessness determination procedures for the protection of stateless people.

In welcoming the provisions in the Pact as a good starting point, he noted that Article 27(2) of the Asylum Procedure Regulation could be particularly significant as it raises questions about the relationship between asylum procedures and statelessness determination. Where an applicant's claim not to have a nationality must be registered pending a determination of statelessness, questions arise as to how this provision can be effectively implemented in the absence of a

statelessness determination procedure. This opens an important discussion about how to implement the provision.

The speaker further highlighted the potential usefulness of statelessness determination procedures in the context of return. Determination of statelessness could improve the efficiency of return procedures by preventing the detention of people where there is no realistic prospect of removal. It may also assist countries in identifying the country of nationality of undocumented individuals and, therefore, facilitate returns. UNHCR recommends that a statelessness determination procedure be accompanied by a right of residence to ensure effective access to rights. Nevertheless, even in the absence of residence status, a determination of statelessness remains valuable, particularly in the context of return.

UNHCR's position is that persons should not be returned to their former country of habitual residence unless they have access to permanent residence accompanied by a full range of civil, economic, social and cultural rights, or where they are able to acquire or reacquire nationality through a simple, rapid, and non-discretionary procedure. Finally, the importance of training key actors, awareness raising, partnerships and inter-institutional cooperation was highlighted as central to the successful implementation of the Pact provisions. Assistance to applicants and targeted awareness raising are also critical, as many stateless people may not be aware of their status.

The importance of partnership between organisations working on this topic was emphasised, especially in an increasingly resource-constrained environment.

Nina Murray – Head of Policy and Advocacy, European Network on Statelessness (ENS) outlined the work done by ENS in terms of advocacy and awareness raising in relation to statelessness. Of particular relevance to the Pact, is ENS's work on statelessness in the asylum context.

During 2022-2023, ENS ran their Stateless Journeys campaign and initiated their Stateless Changemakers project – people with lived experience of statelessness who could share their perspective on the gaps and challenges. The purpose of these initiatives is to bring more attention and visibility to statelessness and the need to take action to improve access to protection for stateless refugees and migrants in Europe.

In parallel to this awareness raising work, the ENS Secretariat and its members worked on improving the visibility of statelessness in the Pact, making their first commentary on the proposals in 2020, and working throughout the negotiations. Along with UNHCR, ENS welcomes the provisions and wants to focus on implementation, as well as remaining gaps to be addressed in future. In this regard, ENS welcomed the reference to statelessness in the Common Implementation Plan.

ENS echoed the UNHCR recommendations on implementation, also emphasising training and upskilling of practitioners in Member States, guidance and supports from the Commission and EU agencies; use of the independent monitoring mechanism to monitor the rights of stateless people; and encouraging the further introduction of statelessness determination procedures in Member States. In addition, ENS recommends parliamentarians to continue monitoring and providing oversight of implementation of the new provisions and asks civil society to amplify its own messages and provide tailored support for stateless people. ENS had noted some transparency concerns reported by its members at national level – including a general lack of civil society access to the National Implementation Plans (with some exceptions), and a general lack of involvement in implementation at the national level.

The speaker stressed cooperation with other stakeholders as particularly important in the context of reduced resources in the civil society space and the need to preserve expertise. ENS has had a valuable collaboration with EUAA and has recently had useful exchanges with the Frontex fundamental rights office. They are also working with their own members to develop awareness-raising and practical tools to support frontline practitioners to identify statelessness and improve access to protection for stateless refugees. The importance of involving and centring community level organisations was highlighted.

The **Question-and-Answer** session focussed on gaps that can occur where the applicant may get lost between the asylum determination procedure and a stateless determination. This can happen if an indication of statelessness is not recorded in the final asylum decision.

The interpretation of Article 27(2) of the Asylum Procedure Regulation was also discussed in this context. Article 27(2) provides that, when registering the asylum claim, '*Where an individual claims not to have a nationality, that fact shall be clearly registered pending the determination of whether the individual is stateless.*' The question can arise if this provision could oblige a Member State to have a statelessness determination procedure. It was considered that this could end up being a matter of interpretation for the courts. UNHCR called for the Commission to provide guidance on this provision before June 2026.

The question of providing a person with both a refugee status and a statelessness determination is complex. There could be recognition of a stateless refugee (as in France) but UNHCR considered that it would not be ideal to put an applicant through a separate process. UNHCR recalled the guidance in its [Statelessness Handbook](#), that an asylum determination takes priority. If there is a positive asylum decision, a separate statelessness determination may not always be necessary, and it may not be possible as the competent authority cannot make enquiries from the country of origin of the refugee. Therefore some recognition of statelessness should be built into the asylum procedure. Even without a final determination of statelessness, the indication of statelessness should be recorded in the asylum decision.

Panel III: Statelessness in the EU: Recent Member State Developments

The third panel included interventions from national non-governmental organisations in **Belgium, Ireland and Luxembourg**. The three speakers identified similar challenges regarding the identification and determination of statelessness in different national contexts. All speakers referred to the lack of available data to quantify the extent of statelessness; challenges related to the burden of proof of statelessness resting on the applicant; and the protracted situations of legal limbo some stateless persons/persons of undetermined nationality may live in, without full access to rights.

Julien De Niet, Legal Officer, Nansen, Belgium represented Nansen – a non-profit organisation established in 2017 in Belgium - providing legal aid for refugees and stateless persons in three languages. Nansen is a national partner for UNHCR.

The intervention emphasised the concept of vulnerability in the understanding of the situation of statelessness. Vulnerability is contextual, resulting from a mix of different risk factors arising in different situations, and needs to be assessed on a case-by-case basis. Statelessness should be seen

as a vulnerability among others and not be treated separately. Proper identification is key to ensure stateless people can exercise their fundamental rights.

The speaker noted that quantifying the extent of statelessness in Belgium is very difficult, and there is a divergence between UNHCR estimates and the official data which is not centralised. This gives a patchy picture of the situation.

Statelessness in Belgium has been determined through a judicial procedure in the family courts. Since 2024, a new administrative procedure has been introduced to provide for residence permits on the basis of statelessness. This addresses a previous legal gap, where persons recognised as stateless through the judicial procedure, did not have the guarantee of a residence permit. If successful with their application to the Immigration Office, the stateless person can get a 5-year residence permit with associated rights, including a right to family reunification in principle. The speaker also noted some concerns such as there is no status while the procedure is ongoing leaving the person in an unlawful situation and limited procedural guarantees.



From left to right: Moderator - **René de Groot**, Maastricht University, **Marion Dubois**, Passerell, Luxembourg, **Julien De Niel**, Nansen, Belgium

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Catherine Cosgrave, Managing Solicitor, Immigrant Council of Ireland, Independent Law Centre emphasised the situation of legal limbo which is experienced by many of her clients in trying to resolve their situation of undetermined nationality or statelessness and access their full rights. Ireland is signatory to the 1954 and 1961 Statelessness Conventions, has certain important provisions in legislation regarding access to nationality, but does not have a dedicated Statelessness

Determination Procedure. It can be difficult to access rights in practice. Outside of the protection process, cases are resolved on an ad hoc case by case basis.

Under the International Protection Act 2015, if an applicant is not granted a status on protection grounds, they may be granted permission to remain. Often there may be no clear finding related to nationality in the case, and this can take a long time to resolve with the burden of proof regarding (lack of) nationality resting on the person. While permission to remain gives certain rights, it does not give the same rights as a refugee.

If a person does not get permission to remain, there are implications for return. This is why it is critical to record indicators of statelessness as part of the registration process.

There is also a serious difficulty regarding finding reliable data on the extent of statelessness in Ireland, as referred to in the UNHCR Ireland report [Mapping Statelessness in Ireland](#). The need for expertise among officials and greater clarity around terminology in the area of nationality and citizenship law was also emphasised.

Marion Dubois, Director, Passerell, Luxembourg noted the extremely low official figures regarding statelessness in Luxembourg, and that it is unclear if these reflect the full extent of statelessness. Luxembourg has a dedicated Statelessness Determination Procedure. The applicant for a determination of statelessness makes a written application to the Immigration Office, on a dedicated application form and providing proof. Free legal aid is available. Decisions have been taken on the papers submitted, and there is no automatic right to an interview. The main concerns for Passerell is the burden of proof for the applicant and the fact that the stateless determination does not give an automatic right to a residence permit.

All three speakers referred to their country's National Implementation Plan (NIP) under the Pact. In Ireland and Luxembourg, the NIP is published and there was active consultation with civil society. In Belgium the NIP is not published. Ireland's NIP makes reference to statelessness.

Concluding Remarks

Adolfo Sommarribas, Coordinator of the EMN Platform on Statelessness, summed up the main message of the conference that the new provisions regarding identification of statelessness in the Pact enhance the visibility of statelessness and the challenge now rests in their implementation. The EMN Platform on Statelessness will continue. It proposes to continue to provide a forum for multistakeholder discussions. The EMN will produce a publication using the conclusions of the meeting as a starting point and will involve all relevant stakeholders including Commission, EU Agencies, international and regional organisations, national authorities and civil society.