

Multistakeholder meeting “Statelessness and children”

6 June 2024

Jointly organized by
the Council of Europe and
the EMN Luxembourg

“Access to nationality for children”

Jesús Fernández de Sevilla Gómez

Coordinator of Programs for Emancipation and Transition to Adulthood. Area of socio-educational intervention with children, youth and families.

Cepaim Foundation

Topics to be discussed

- **Access to nationality for stateless children in Spain**
Good practices, figures, cases, lacks and recommendations
- **Cepaim's intervention with migrant children in vulnerable situations**
Community-based, intercultural, people-centred, rights-based, intersectional approach
- **Some thoughts**
Adaptation to the reception and protection system process



CONVIVE Fundación Cepaim

Cepaim Foundation: 30 years working for the living together and social cohesion.

Cepaim is an independent, cohesive and sustainable organisation that responds to social dynamics related to migration and social exclusion processes, from a community perspective.

OUR MISSION

Promoting an inclusive, cohesive, egalitarian and intercultural society that fosters full access to Citizenship Rights for the most vulnerable people, especially migrants.

**Some of our
achievements
in 2022**

160,677 people took part in projects and activities.

83,297 Women (52%)

77,380 Men (48%)

**48,325 people were given our support through 39 working
centers / headquarters.**

38,667 in Spain

9,658 in Morocco and Senegal

24,456 Women (51.84%)

23,869 Men (48.16%)

**112,352 people took part in group activities / living
together activities.**

**...from 127 countries of origin and 131 different
nationalities from 5 continents.**

Some key data of 2022

596 full-time volunteers (356 women and 240 men) were involved in our mission and being a fundamental part of our teams.

1,299 paid professionals supported our initiatives and were the driving force to improve people's lives.

270 paid workers (20,78%) bring cultural diversity to our teams.

28 paid workers (2,15%) bring functional diversity to our teams.

39 stable working centers in Spain across 10 regions and 1 Autonomous City.

17 years of activity in Morocco.

20 years of activity in Senegal (Cepaim has recognised Statutes in Senegal).



7 methodological areas unite their approaches so that the impact of our teams is comprehensive, integrative, quality- and person-centred.

- Reception and International Protection
- Rural Development and Demographic Challenge
- Employment and Training
- Equality, Non-Discrimination and Intersectionality
- Living Together, Interculturality & Community Development
- Intervention with Children, Youth and Families
- Urban Agenda and Residential Inclusion

Moreover, please note that:

In the **Office of the Director General** you can count on the work of:

- European and International Unit
- International Cooperation and Co-Development Unit

In the **Sub-Directorate for Organisational Development, Partnerships and Advocacy**:

- Communication Department

In the **Deputy Directorate for Areas and Research** you have at your disposal:

- Department of Studies and Research

Cepaim Foundation's team contributing to today's panel:

Methodological area of Intervention with Children, Youth and Families: Jesús Fernández de Sevilla y Alicia González

Methodological area of Reception and International Protection: El Mani El Mami Brahim

Sub-Directorate for Organisational Development, Partnerships and Advocacy: Rubén Romero.

Office of the Director General / European and international Unit: María Luisa González, Irene Almazán, Adolfo Patón

Methodological area of Equality, Non-Discrimination and Intersectionality: Bakea Alonso

Sub-Directorate for Organisational Development, Partnerships and Advocacy / Communication Department: Irene Fernández, Cecilia Torre.

We strongly recommend you to visit our social networks and website, in particular, the contents on Transparency:

<https://www.cepaim.org/la-fundacion/transparencia/>



← **CONVIVE Fundación Cepaim**
21,8 mil posts

30 años
TRABAJANDO POR LA CONVIVENCIA INTERCULTURAL

convive
fundación cepaim

CONVIVE Fundación Cepaim
@FundacionCepaim

Organización del Tercer Sector Social. Por la Convivencia y Cohesión Social. Personas que Ayudan a Personas

Seguir

Nuestro Compromiso con la Transparencia

En la Fundación Cepaim nos mueve un sueño compartido, la construcción de una sociedad intercultural y cohesionada, basada en la convivencia, la justicia social, la igualdad en el acceso a derechos y deberes, la atención a las necesidades y demandas, individuales y colectivas, encaminadas a la transformación social y a la participación. Creemos en una sociedad que no discrimine por motivos de sexo, origen racial o étnico, religión o convicciones, discapacidad, edad, orientación sexual o clase social. Una sociedad que vincule a la ciudadanía, de forma especial a los más vulnerables, a través del desarrollo local, la inclusión y la cohesión social.

En Fundación Cepaim creemos y apostamos por la transparencia y la rendición de cuentas, tanto a nivel económico, como del impacto social positivo que producen nuestras actuaciones, acciones esenciales y obligatorias en el funcionamiento de nuestra entidad. Por ello ofrecemos a la sociedad una información clara y veraz sobre el origen y destino de los fondos que gestionamos y sobre la actividad social que impulsamos, sometiendo anualmente nuestras cuentas a una auditoría externa de cuentas y a una auditoría organizacional propia.

Fundación Cepaim dispone de la certificación y sello de Calidad ISO 9001 desde 2005, y que nos ha ido acompañando hasta la actualidad, con la certificación de Bureau Veritas que nos ha permitido realizar un análisis en profundidad de cada una de nuestras áreas de intervención, buscando la mejora continua en la gestión de nuestros proyectos y la calidad de los servicios que prestamos a las personas que participan en los mismos.

Para Fundación Cepaim la transparencia se hace esencial y es parte de este compromiso fundamental que tenemos con la sociedad. Por ello la Fundación Cepaim publica en esta página web toda la información relacionada con la transparencia de su gestión económica y social.



CEPAIM POR DENTRO

ORGANIGRAMA

PATRONATO Y ESTRUCTURA ORGANIZATIVA

CONVENIO COLECTIVO PROPIO

PLAN DE IGUALDAD Y PROTOCOLO DE ACOSO

POLÍTICA Y PROTOCOLO DE PROTECCIÓN A LA INFANCIA

PARTICIPACIÓN EN PLATAFORMAS Y REDES

ESTRUCTURA ECONÓMICA PRESUPUESTARIA

CONTRATOS Y CONVENIOS (ACTUALIZADO)

ORIGEN FINANCIACIÓN DE LA ENTIDAD (ACTUALIZADO)

Informe de Auditoría

2022 – 2021 – 2020 – 2019 – 2018 – 2017 – 2016 – 2015 – 2014 – 2013

Memorias Económicas

2022 – 2021 – 2020 – 2019 – 2018 – 2017 – 2016 – 2015 – 2014 – 2013

MEMORIA DE ACTIVIDAD

Access to nationality for stateless children in Spain



Spain: good practices on prevention of statelessness

- Children born in Spain, who would otherwise be stateless, acquire nationality automatically at birth, and refugee children born in Spain may naturalise after one year's residence.
- Birth registration is assured regardless of parents' status and legal deadlines, and appropriate procedures are in place regarding the child's nationality.
- Spanish courts have recently published case law that positively reinforces children's right to birth registration and to a nationality, including for migrant children born en route.
- New law for integral protection against violences for children and youth.

Spain: some figures about statelessness

- In the period 2012-2022, 14,423 applications for statelessness status. 92.7% has been resolved. During 2020, 3,601 cases were resolved. Of these, 1,803 were favourable, giving a recognition rate of 50%. During that year only 352 cases were denied.
- More than 90% of the statelessness petitions are from people of Sahrawi origin.
- Total number of stateless persons in Spain in 2021 (Eurostat: 2,150; National Institute of Statistics: 3,156; UNHCR: 6,489). The National Institute of Statistics registers 2,399 stateless persons in Spain in 2022.
- We don't have statistics about stateless children.

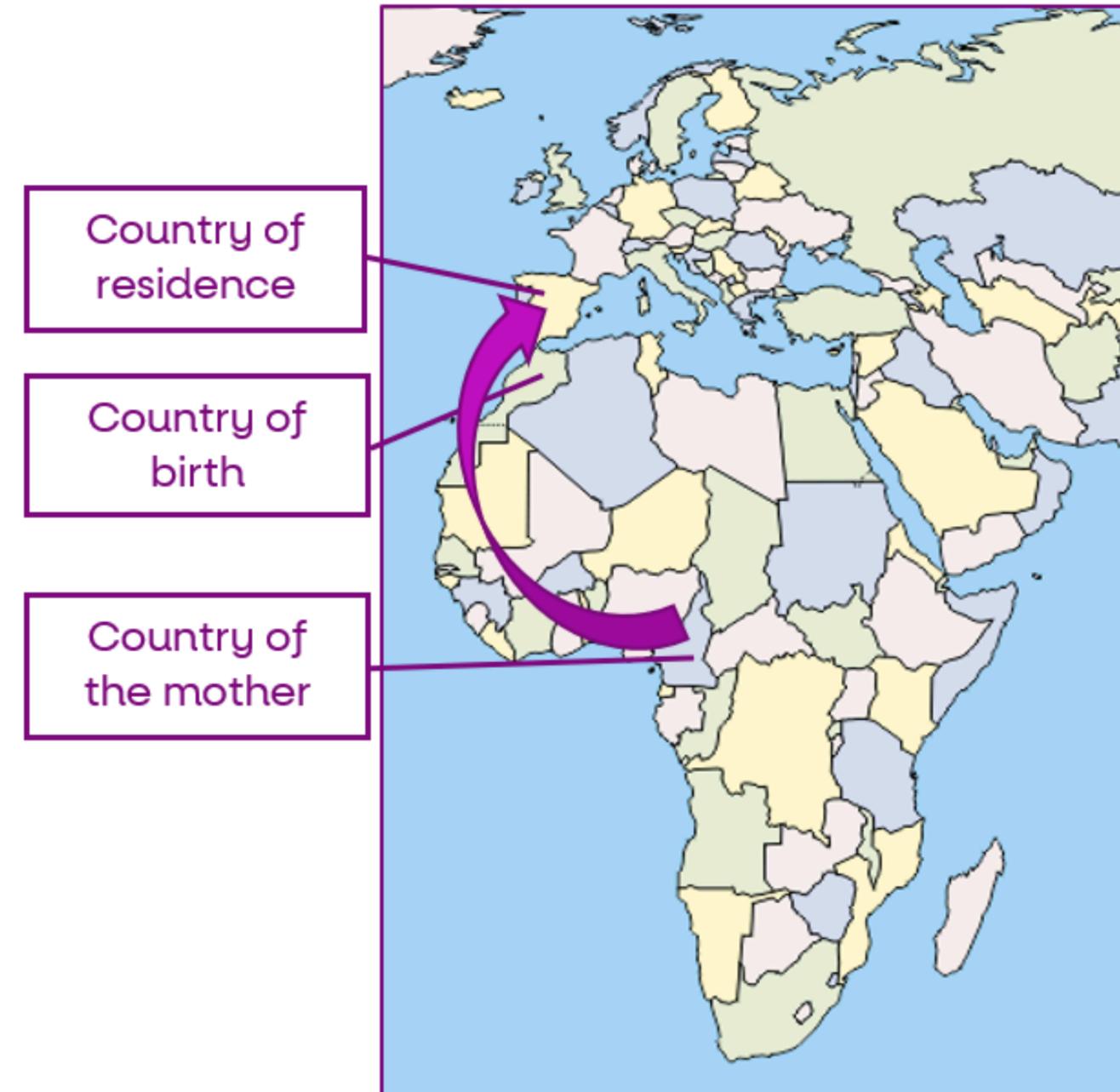
Spain: shortcomings and barriers for stateless childhood

- **To ratify pending international treaties** (such as the European Convention on Nationality, the Council of Europe Convention on the Prevention of Statelessness in relation to State Succession, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.)
- **When one parent is stateless**
- **Timing and conditions during the procedure**
- **Disparity in the implementation**

Spain: case law

“In the year 2021 there were 986 mothers who arrived on Spanish shores with children in their care. 10% of those minors were born on the journey” - Juan Luis Ibarra, president of the High Court of Justice of the Basque Country

- Country of birth (Morocco):
 - No proof of birth in the country.
 - No jus soli.
- Country of residence (Spain):
 - Not a case for jus sanguinis or jus soli.
 - Child is not stateless. Country of mother should take care of this case.



Spain: recommendations

- Free legal assistance throughout the procedure and free interpretation throughout the procedure.
- Establishment of a special family reunification regime for persons with the status that takes into account the particularities inherent to statelessness related to the documentation of family members.
- Establish the possibility of applying for stateless status at border posts, embassies and consulates, in an exercise of equalising rights with persons seeking international protection, ex art. 38 of Law 12/2009.
- Despite the progress made in terms of reception for stateless persons under RD 220/2022, guarantee the stay and full enjoyment of rights of persons applying for stateless status and beneficiaries of this status in the reception system in the same way as persons applying for or benefiting from international protection.

Spain: recommendations

- Considering statelessness as a cause of vulnerability in all areas, especially in the context of immigration detention. Guaranteeing the principle of non-refoulement for statelessness applicants.
- Introducing or enforcing safeguards in nationality laws to ensure that a child who would otherwise be stateless can acquire a nationality as early as possible and within a known time frame;
- Promoting and effectively implementing the right to immediate birth registration even if the period within which the birth should have been declared has expired;
- Ensuring that documentary proof of birth is issued in all cases; securing the right of stateless children to have access to their birth certificate and any civil status documents concerning them.
- Introducing a mechanism for detection and referral to the statelessness recognition procedure within the international protection procedure.

¡Muchas gracias!



Participa

Jesús Fernández de Sevilla
jfernandezdesevilla@cepaim.org

Adolfo Patón
adolfopaton@cepaim.org

Irene Almazán
irenealmazan@cepaim.org