

Statelessness in the EU PACT: How will Ireland approach?

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EMN Platform on Statelessness,
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Working for **equality**

Immigrant Council of Ireland

- NGO established in 2001 and recognised Independent Law Centre since 2006
- Provision of immigration-related services, including Helpline and free legal assistance to migrants in Ireland
- Member of [European Network on Statelessness](#) and national contact point for the [Statelessness Index](#) – [Ireland](#)
- Training, research and advocacy for policy/law reform (e.g., [submissions to UNCRC](#), joint [submissions with ISI-ENS to UPR](#))

Legal Framework & Current Context in Ireland

International Legal Framework and Ireland

Ireland is a signatory to

- UN Convention Relating to the Status of Stateless Persons 1954
- UN Convention on the Reduction of Statelessness 1961
- UN Convention on the Rights of the Child 1989
- UN Convention on Refugees 1951

Ireland is not a signatory to

- European Convention on Nationality 1997
- International instruments do not have direct legal effect in Ireland.
- No official stateless determination procedure (SDP)
- Statelessness dealt with on *ad hoc* case-by-case basis when dealing with individual applications for protection, residence permission or access to citizenship

Domestic Legal Framework – Statelessness

Irish Nationality and Citizenship Acts 1956-2004

Provides for access to Irish citizenship, including

- At birth
- By descent (including foreign birth registration)
- By naturalisation

While there are birth registration requirements for children in Ireland, nationality is not assigned at birth.

Protections for stateless children born in Ireland and for recognised stateless people to naturalise – but how are these protections accessed?

International Protection & Permission to Remain

International Protection Act 2015

Establishes legal framework for individuals seeking international protection in Ireland, introducing a single application procedure for refugee status and subsidiary protection.

‘Stateless’ is referred to only in so far as it relates to Council Directive 2004/83/EC of 29 April 2004² on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection.

‘Stateless’ and ‘statelessness’ is not defined in the legislation.

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‘Stateless’ and ‘statelessness’ is not defined in the legislation and no reference to act of persecution or reasons of persecution.

Current Context

Before the EU PACT

Overview of Current Context

ENS Stateless Index Ireland Country Profile

UNHCR Mapping Statelessness in Ireland

- Absence of Stateless Determination Procedure
- Absence of coordination and guidance for government staff and decision makers encountering statelessness during the IP procedure
- Not registered as stateless at the outset of the procedure although – lack of reliable data regarding stateless population in Ireland
- No border procedure, no legally binding time limit, current average processing times at first instance (73 weeks (or 19 weeks accelerated) and on appeal (10 months) (EMN Ireland May 2025 on Border Procedures)

Implications of Current Context

Failure to ensure identification as stateless at the registration stage of their asylum application means individuals may find it difficult to change their 'status' at a later stage.

This can have repercussions beyond the protection procedure including when it comes to renewal of their permission to reside in Ireland (if granted) or in the context of deportation proceedings.

Case Studies – Lives Lost in Limbo

Statelessness is a concept perhaps understood by drafters of international conventions but not necessarily named by those directly affected or recognised, in the absence of training, by lawyers or civil servants.

- [Piotr's story](#)
- Hichael's story – 10 years after protection refused, and many applications later, finally granted a stateless declaration in 2024

Some Key Issues in Current System

- Registration of international protection procedure and failure to register as 'stateless' from the outset – GDPR and rectification of data
- Vulnerability Assessments (or lack thereof) – see [JRS](#), [Oxford Human Rights Hub](#), [AIDA/ECRE](#)
- Lack of legal aid, certainly at point of entry to state, refusal of leave to land and removal from state – see FRA, [Legal Aid for Returnees Deprived of Liberty](#) (2021)
- Lack of (mandatory) training for practitioners and decision-makers
- Lengthy administrative procedures during IP and post IP 'stateless determination' application – no formal SDP procedure – no published guidance – no mutual burden sharing by state authority
- Required supporting documents including birth certificate and evidence of identity – use of birth and identity affidavits in some cases but generally huge onus on applicant to demonstrate efforts to obtain passport
- Family life and reunification?

Ireland and the EU PACT to date

Ireland and transposition of the EU PACT to date

- Ireland will participate in the EU PACT - 27 June 2024, Ireland notified the EU that it wanted to participate and 31 July 2024, the Commission confirmed Ireland's participation.
- Implementation Plan published 20 May 2025
- Government Approval and General Scheme of the Heads of Bill (directions to legislative drafters about what should be the relevant transposing legislation)
- Civil Society Coalition Submissions on the General Scheme
- Oireachtas Joint Justice Committee Debate: Joint Committee on Justice, Home Affairs and Migration debate - Tuesday, 14 Oct 2025

Ireland and the PACT

Opt-In Exercised:

- Directive (EU) 2024/1346: Reception Conditions (recast)
- Regulation (EU) 2024/1347: Asylum Qualification Regulation
- Regulation (EU) 2024/1348: Asylum Procedure Regulation
- Regulation (EU) 2024/1350: EU Resettlement Framework
- Regulations (EU) 2024/1351: Asylum and Migration Management Regulation (AMMR)
- Regulation (EU) 2024/1358: Eurodac Regulation (recast)
- Regulation (EU) 2024/1359: Crisis and Force Majeure Regulation (CFMR)

Opt-in Not Exercised: (but seeking to align appropriately with Schengen measures)

- Regulation (EU) 2024/1356: Screening Regulations
- Regulation (EU) 2024/1349: Return Border Procedure

General Scheme and What it Means for Ireland Generally*

- New legislation to drive more efficient processes
- New (and improved) technology to enable those processes
- Decisions made against targeted timelines
- Reception conditions to align with other Member States
- Introduce independent monitoring mechanisms to safeguard fundamental rights
- As asylum system that commands public trust through effectiveness, efficiency and fairness
- New organisational structures to support EU PACT requirements
- Matters still under consideration: legal counselling, aid and representation; reception conditions, solidarity measures.
- Fundamental rights: new Independent Monitoring Body and refoulement assessment in all return decisions

Civil Society Observations / General Concerns

- General opposition to the EU PACT – erosion of refugee rights and general shift towards deterrence and externalisation
- Concerns re role, responsibilities and training of cultural mediators
- Legal counselling – what it means, when and how it is available, adequate resourcing of Civil Legal Aid Board and private practitioner panel, appropriate workloads
- Credible independent monitoring mechanism – in line with EU FRA standards?

Civil Society Observations / Concerns re Statelessness

- Significant omissions in the text of Heads of Bill as originally published – e.g., initial publications contained no reference to statelessness, to the Stateless Conventions or the specific rights of stateless persons that should be integrated in fundamental rights monitoring mechanisms
- Draft legislation should make explicit reference to stateless people as well as a requirement to identify and record indications of statelessness as a vulnerability factor with procedural consequences
- Stateless persons should explicitly be excluded from the asylum border procedure, and the outcome of identification of indications of statelessness at screening should be to refer away from the border to appropriate determination procedures. This should include referral at an appropriate juncture to a Statelessness Determination Procedure, either in parallel with or following the consideration of any application for international protection, without prejudice to the primacy of refugee status and with full respect of the principle of confidentiality.

Civil Society Observations / Concerns re Statelessness

- There needs to be engagement with and resourcing of Civil Legal Aid Board, Independent Law Centres and statelessness experts, including from civil society and communities affected by statelessness to support effective implementation of the new Pact provisions on statelessness, as well as necessary improvements to national legal framework (i.e. introduction of a formal Stateless Determination Procedure) for the protection of recognised stateless persons.
- References to statelessness should be included in data systems to allow for the capture of data on statelessness and risk of statelessness in all relevant data collection tools to enable accurate collection of nationality data.
- Ireland should ensure that statelessness is adequately considered in individual return and detention decisions given that stateless people are very likely to have no country to which they can return.

General Scheme and current provisions on Statelessness

- **Head 2 Interpretation** - 'stateless person' has the same meaning as in the Asylum Procedures Regulation
- **Head 19 Preliminary Vulnerability Checks** - Applicants subject to screening shall undergo a preliminary vulnerability check by trained specialised personnel, with a view to identifying whether an applicant might be a stateless person, a victim of torture or other inhuman or degrading treatment or have special needs within the meaning of Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedures Regulation
- **Head 24 Screening Form** containing indication of nationalities or statelessness

General Scheme and Current Provisions on Statelessness

- **Head 63 Accelerated examination procedure** - a former habitual resident of a third country for which the proportion of decisions by the Minister granting international protection is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower.
- **Head 76/76A Cessation of Refugee/Subsidiary Protection Status** - is able, because the circumstances in connection with which he or she has been recognised as a refugee/granted protection have ceased to exist, to return to the country of former habitual residence.

Will Ireland meet the deadlines and its obligations?

Liam Herrick, Chief Commissioner, Irish Human Rights and Equality Commissioner appearing at Oireachtas Committee in October 2025:

“ By 12 June 2026, Ireland must implement the EU migration and asylum pact in a manner consistent with EU and human rights law. Having reviewed the general scheme, as it is available at this point in time, we are concerned that Ireland will not do so. A major problem is ambiguity around the Government's intentions, due to incompleteness and lack of clarity in the general scheme of the Bill. This poses a fundamental challenge not just to the Irish Human Rights and Equality Commission and various experts who could contribute meaningfully to pre-legislative scrutiny of the Bill, but it also of course impacts on the ability of Oireachtas Members to effectively scrutinise what is fundamentally important legislation.”

Concluding Comments

- What will ultimately be enacted remains to be seen – still requires draft legislation to be published, debated and enacted.
- The IE-EU Implementation document also refers (briefly!) to non-Pact legislation and fact that Governments is also considering the development of a statelessness determination, as well as amendments to non-Pact returns, repatriation and citizenship legislation.
- To inform such considerations of Pact and non-Pact legislation there is welcome guidance available from [UNHCR](#) and [ENS](#).
- Need to ensure that the stories of Piotr and Hichael are not repeated going forward.

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THANK YOU