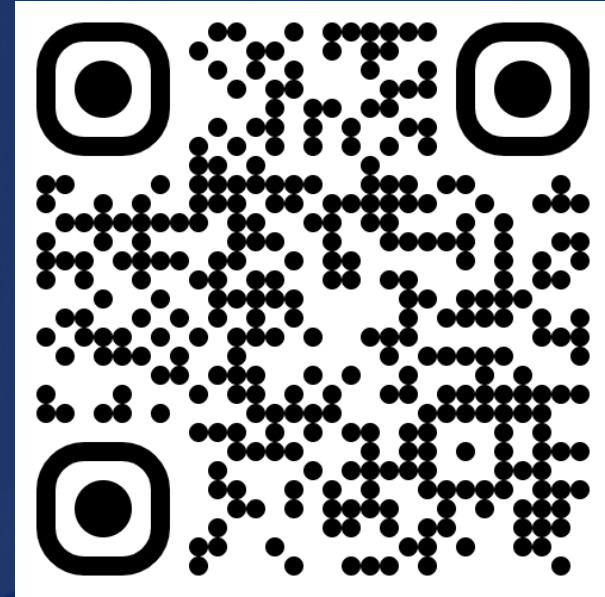




Practical Guide on Nationality

Concepts related to nationality and statelessness in the context of international protection



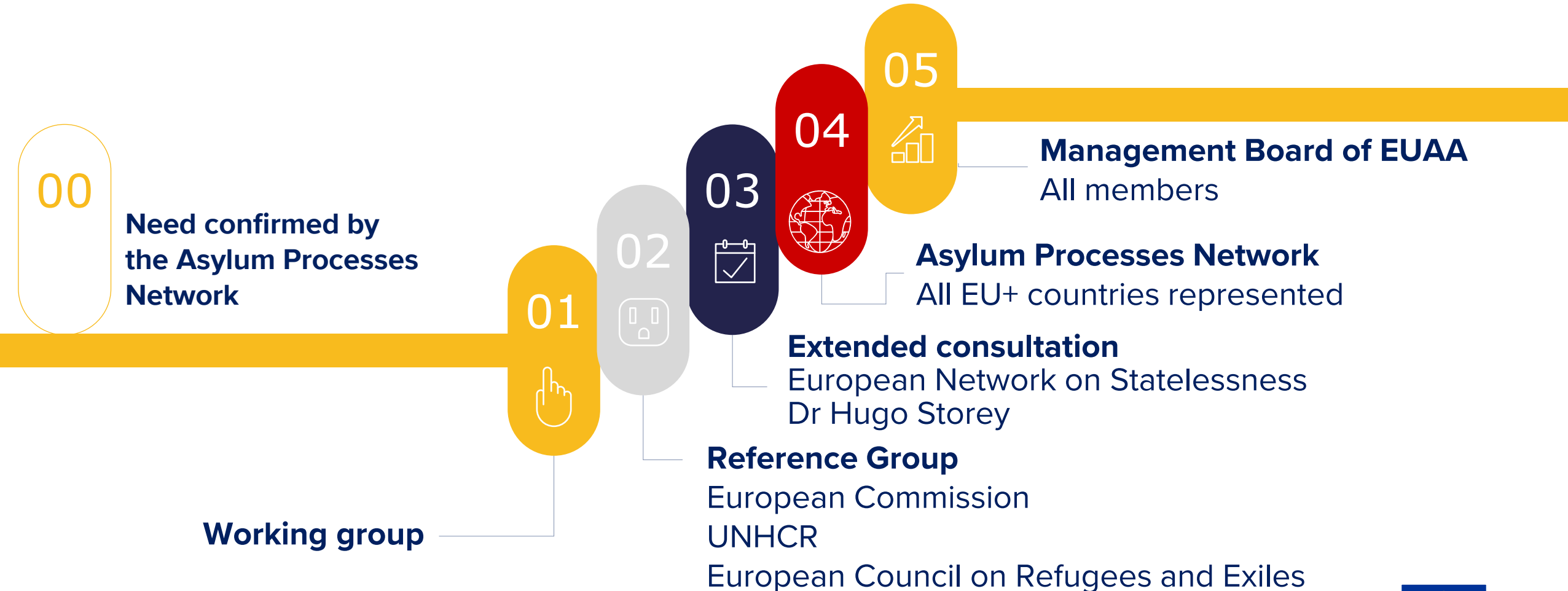
EMN Platform on Statelessness – Statelessness in the EU Pact on Migration and Asylum - 27 October 2025

Katia Porzio, EUAA Asylum Processes Officer



Development and stakeholders

EUAA coordinates the process and contributes to the drafting





**Objective, target audience
and structure**

Objective and target audience

➤ Provide a framework for understanding nationality and statelessness as concepts and their importance at different levels for the assessment of the need for international protection (refugee + subsidiary protection)

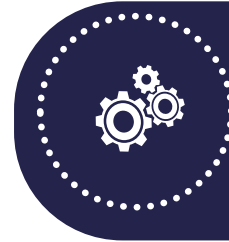
+ cover challenging situations + common misunderstandings

➤ Primarily case officers, but also very relevant for other officers in the asylum procedure





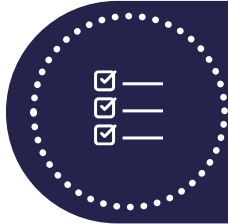
Structure



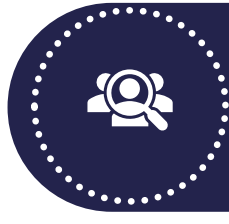
1. Introduction
Terminology
Role and significance
(examination and procedure)



2. Concepts on nationality and statelessness
(e.g. acquisition, definition of statelessness, link
with statelessness determination procedure)



3. Country of reference
Indicators of nationality/statelessness
Country of former habitual residence



**4. Special situations in acquiring or losing
nationality**



**5. Evidence to determine nationality, statelessness and
country of origin**





Structure

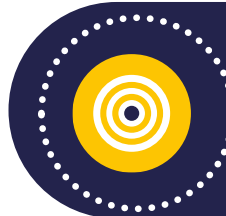
(continued)



6. Protection and nationality (or lack thereof)



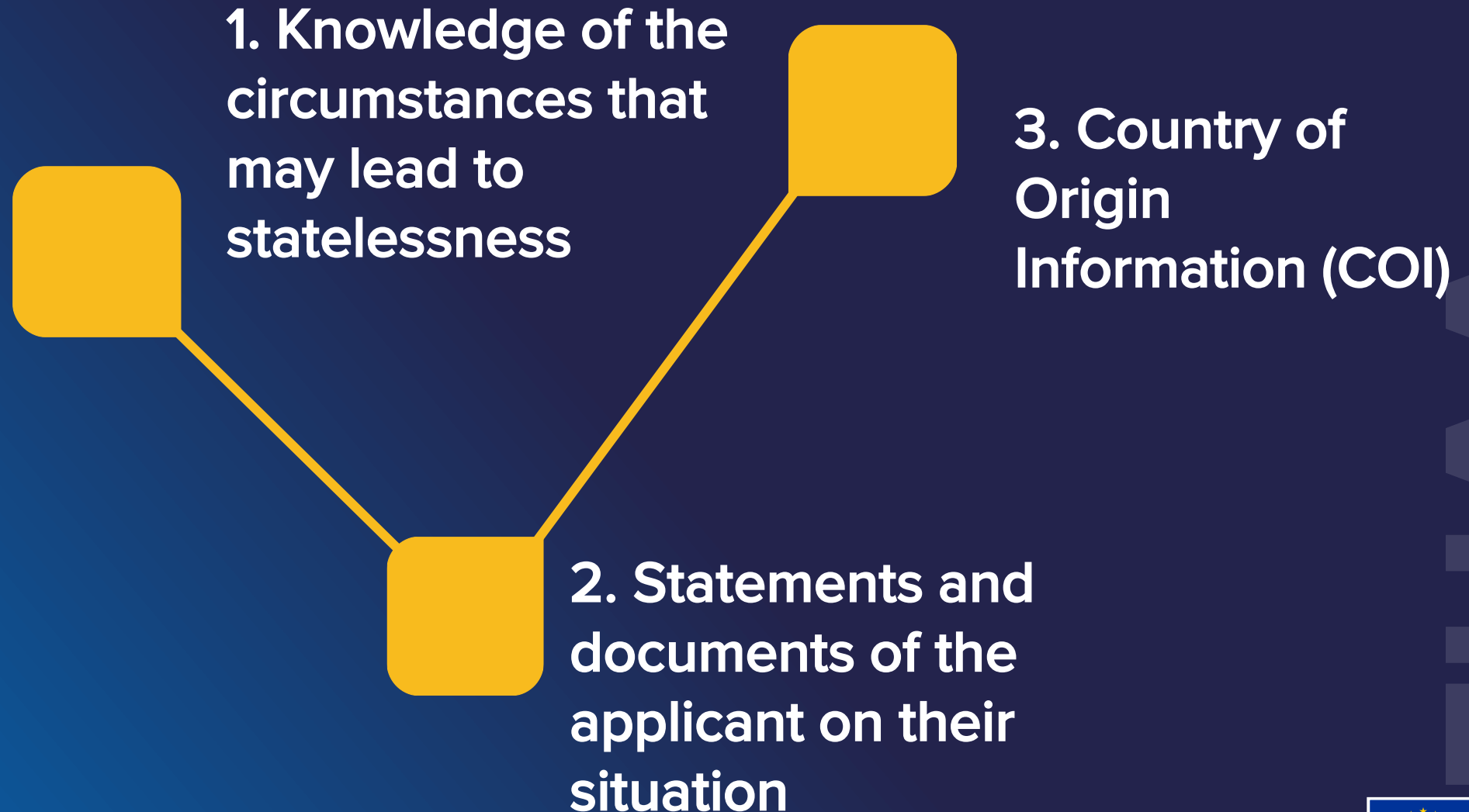
7. Nationality and acts of persecution or serious harm



8. Nationality as a reason for persecution



Identification of statelessness



1. Knowledge of the circumstances leading to statelessness

Acquisition by marriage



Women may become stateless if they lose their nationality when marrying a non-national:

- if their husband is stateless or if they are not able to acquire the spouse's nationality;
- if, having acquired the nationality of their spouse through marriage, their marriage is dissolved and their former nationality is not automatically restored.

1. Knowledge of the circumstances leading to statelessness

Administrative hurdles and discriminatory practices



Such documentation is vital to proving the applicant's entitlement to nationality. Where the discrimination is systematic and persistent ⁽¹⁾, it can leave the person at risk of statelessness.

Even where the law is not exclusionary, women and girls from minority groups may experience discrimination in practice when seeking to access nationality rights. Barriers with regard to birth registration and obtaining birth certificates hinder the ability of women to register or naturalise their children. This is especially the case for women belonging to ethnic and religious minorities, women living in conflict areas and refugee women ⁽²⁾.

1. Knowledge of the circumstances leading to statelessness

Deprivation of nationality



Consequences of deprivation of nationality for stateless applicants

An applicant may be rendered stateless by the act of deprivation. The deprivation in itself could amount to persecution or serious harm when it leads to the statelessness of the applicant, depending on the circumstances in which it happened. Additionally, becoming stateless generates great difficulties in accessing the most fundamental civil, economic, social and political rights. Due to their lack of identity documents, stateless applicants may be or have been segregated from society, for example, with limited or no access to education, medical treatment, social welfare or the official labour market. This brings increased risk of forced employment, gender-based violence and abuses because of their precarious legal and administrative situation in the country of former habitual residence. They may also not be able to return to their home. Therefore, the consequences of depriving a person of a nationality may include the loss of fundamental rights and possible further discrimination due to the lack of nationality. These consequences may be sufficiently serious as to amount to persecution or serious harm, depending on the individual circumstances.

2. Statements and documents of the applicant on their situation

Examples of topics to explore to determine statelessness and country of former habitual residence

- Descent and civil status (married, divorced).
- Place and circumstances of birth or adoption.
- Administrative steps taken by the parents to register birth or adoption with competent authorities and their result.
- Applicant's perception of having acquired or lost a nationality.
- Situation of family members (present and past), including (migratory) history, (e.g. (in)ability to reunite with family members).
- Ethnic origin linked to known discriminatory practices.
- Situation of stateless persons of similar background.
- Attempts or impossibility to obtain identity or travel documents.
- Rights enjoyed and limitations faced in the examined country (e.g. access to social welfare, education, right to vote, right to inheritance).
- Place of residence (e.g. camps, border areas, detention, attempted expulsion by national authorities).



COI that may indicate possible situations of statelessness

COI should also cover any (practical) restrictions or difficulties in the effective access to nationality and the recognition of nationality by national authorities for certain categories of the population of that country.

Practical example. Based on reliable COI, you know that women in country A cannot pass their nationality on to their children. When the applicant states that they are from country A because their mother has country A's nationality this needs to be further explored as they may, in fact, be stateless.

It is also important to note that a person that you consider to be stateless may not necessarily be considered as stateless by other countries or by the country of former habitual residence (see further on the definition of the country of former habitual residence in Section [3.3. For Stateless applicants: the country of former habitual residence](#)). In particular, when researching the treatment of stateless persons in the legislation of a country, you should know whether the applicant would fall under the category of stateless persons or not in that country.

Practical example. You would like to know how the applicant, who you consider to be stateless according to your national guidelines, would be treated in country B where they had their former habitual residence. Based on COI, you know that country B does not consider people of the origin of the applicant as stateless but rather as having the nationality of country C. The fact that country B considers the applicant a national of country C does not lead you to assess the need for protection vis-à-vis country C. The country of reference remains country B.

The fact that country B considers the applicant a national of country C is, however, relevant to determine how the applicant is treated in country B as a national of country C: the rights they have there, whether they have access to protection, etc.

Country of Origin Information



Training: Statelessness and Inclusion in International Protection



- Status: Launched (7 October 2025)
- Aim: Introduce learners to the legal concept of statelessness especially in the context of international protection, with a focus on stateless-specific forms of persecution.
- Target audience: Asylum officers, mainly case-officers
- Modality: Self-paced/Online only
- Duration: 4 hours

Training: Identification of Statelessness in Screening and Registration



- Status: Under development
- Aim: Introduce learners to the obligations stemming from EU law on the early identification and recording of statelessness and present relevant indications to be recognised in the context of these obligations
- Target audience: First-contact officers and asylum officers involved in screening and registration
- Modality: Self-paced/Online only
- Duration: 4 hours



Thank you!

