



NANSEN

**The Belgian Refugee
Council**

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NANSEN
the Belgian refugee council

Statelessness : Recent developments in Belgium



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Who are we?

- Multilingual NGO created in 2017
- Based in Brussels
- National partner of UNHCR

What do we do?

- Giving personalised advice
- Visiting and monitoring detention centres
- Offering support to lawyers
- Intervening at the Belgian asylum authorities
- Supporting persons in a vulnerable position

Plan

- 1. Concept of vulnerability according to NANSSEN
- 2. Avoiding the misconceptions about statelessness
- 3. The Belgian NIP of the Pact: NANSSEN's recommendations
- 4. Statelessness in Belgium (procedures of determination and nationality law)

1. Concept of vulnerability

- $\neq$ inherent to the person
- Contextual and situational – “*a combination of several factors that may fluctuate over time*”
- Case-by-case analysis and interdisciplinarity

2. Misconceptions about statelessness

- *“There is no clear action without clear thinking”*
- Having a good understanding of statelessness →
Detecting it properly → Ensuring the fundamental rights

2. Misconceptions about statelessness

- *“Statelessness is exceptional and exotic”*
- *“Statelessness is measurable”*
- *“Statelessness is an individual choice”*
- *“Being stateless is the same as being a refugee”*
- *“Being stateless or having a nationality is a ‘black or white’ question ”*

3. Belgian NIP of the Pact

- The NIP was sent to the Commission
- But... not publicly disclosed

3. Belgian NIP of the Pact *Nansen's recommendations*

- Six recommendations at the political level :
 - *Inform and consult UNHCR*
 - *Enable detection of statelessness and access to stateless determination procedures*
 - *Ensure effective and adequate procedural safeguards*
 - *Comply with Human Rights obligations*
 - *Improve vulnerability detection tools and methods*
 - *Take account of the right to private and family life*

3. Belgian NIP of the Pact *Nansen's recommendations*

- Four recommendations at the operational level
 - *Organise a training programme and efficient tools*
 - *Provide effective legal information*
 - *Ensure high-quality registration of data*
 - *Address statelessness adequately in asylum procedures*

4. Statelessness in Belgium

Some statistics

- Complex system to be recognized and obtain the right to residence (judicial and administrative procedures)
- Belgium 2024:
 - *936 stateless persons (UNHCR)*
 - *6 stateless asylum seekers and 449 asylum seekers of “undetermined nationality” (I.O. statistics)*
 - *628 stateless persons with a residence permit of more than three months (I.O. statistics)*
 - *21.523 persons of “undetermined nationality” having right to stay (I.O. statistics)*

4. Statelessness in Belgium

How does statelessness determination works?

- Judicial statelessness determination procedure : by the family tribunals and courts
 - *No derived rights from this recognition, no automatic residence status*
 - *In some cases, condemnation of the Belgian State to deliver a residence permit*
 - *Stateless persons can apply for a regularisation on humanitarian grounds*
 - *The Constitutional Court (2009 and 2012) : discriminatory gap in current legislation between recognised refugees and recognised stateless persons.*

4. Statelessness in Belgium

A new right of residence for stateless people

- Adoption of a new law on 10 March 2024: new administrative procedure to obtain a residency right based on statelessness
- Applications submitted directly to the Immigration Office (IO) + opinion from opinion from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS).
- If the decision is positive : admission to stay for five years

4. Statelessness in Belgium

A new right of residence for stateless people

■ Positive aspects :

- *Residence permit for stateless persons*
- *Implication of the CGRS*
- *Family Reunification and rights derived*

■ Negative aspects :

- *Burden of proof*
- *No rights during the procedure*
- *Complex and intricate mechanism*
- *Imposes a lot of conditions*
- *Limited procedural guarantees*

4. Statelessness in Belgium

Nationality law—Children born stateless

- Article 10 provides that children born in Belgium are Belgian if they would otherwise have no other nationality at any moment before they reach the age of 18 or are “emancipated”
- Such Belgian nationality acquired will only be lost upon acquisition of another nationality before the child is 18 or “emancipated”
- *Recent developments* : children born to Palestinian parents and children born to Paraguayan parents

4. Statelessness in Belgium

Our Practical Handbook

- To be published very soon (ENG-FR-NL)!
- Three main goals:
 - *Understand*
 - *Detect and identify*
 - *Defend*

THANK YOU !

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