



European
Network on
Statelessness

Statelessness & the EU Pact on Migration & Asylum: progress & remaining challenges

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Nina Murray, Head of Policy & Advocacy

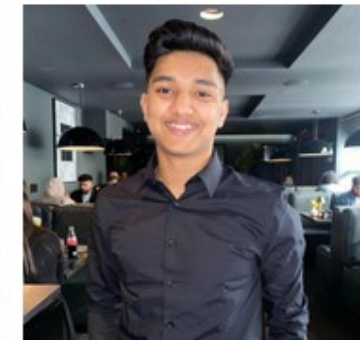
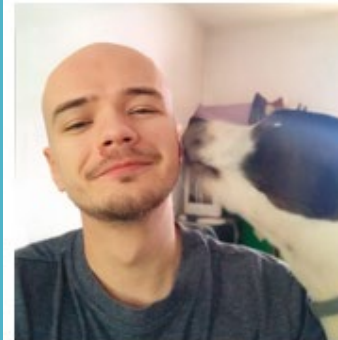
European Network on Statelessness

www.statelessness.eu



“Every paper from the immigration authorities was different: sometimes it said ‘Kuwaiti’, sometimes ‘stateless’... They said that they can only register me as stateless if I have a passport as proof, otherwise they would register me as ‘nationality unknown’.”

- Nasser, Kuwaiti bidoon refugee interviewed in an EU MS in 2019



Why is statelessness important?

- At least 3% of people arriving in Europe are stateless or have undetermined nationality (very likely more)
- Critical protection issue – needs to be identified & addressed
- Failure to identify leads to rights violations & system inefficiencies
- International law requires protection and non-discrimination for stateless people

How does the Pact address statelessness?

- Codifies international customary law definition of a stateless person in EU asylum acquis
- Reinforces existing international legal obligations to strengthen protection & avoid discrimination
- Introduces new legal obligation to identify indications of statelessness (Art 12(3) Screening Reg) & record this in screening form
- Introduces new legal obligation to register a claim of statelessness pending determination (Art 27(2) APR)
- Recalls commitments of all MS made in 2015 Council Conclusions on Statelessness (including to accede to the 1954 Convention) (Recital 56 Eurodac)

Implementation: ENS's recommendations

European Commission: highlight the STL provisions, resource their implementation, develop guidance & tools

Member States: adjust policy/legal frameworks, skill-up officials, introduce/strengthen SDPs, monitor fundamental rights of STL

EU Agencies: mainstream STL across outputs, improve data & tools to support identification & determination of STL, build capacity, monitor fundamental rights of STL

European Parliament: monitor implementation of new STL provisions, provide oversight of implementation

Int'l orgs, CSOs: amplify our advocacy messages, build capacity, tailored support for STL people

Implementation: progress

- Commission Common Implementation Plan & operational guidance
- EUAA mainstreaming across products – training, guidance, COI, Info & Analysis
- Frontex FRO engagement
- FRA monitoring framework
- ENS initiatives: toolkits, training, awareness-raising
- Sector allies & communities

Implementation: challenges

- Lack of clarity on how procedures will work in practice
- Lack of reference to STL in national implementation plans
- Limited oversight – closed LIBE working group, national monitoring mechanisms unclear
- Limited transparency – lack of engagement with CSOs/communities in many countries
- Critical resource challenges in the sector - shrinking civic space

Looking ahead

Pact provisions on STL are progress ‘on paper’, now we need a multistakeholder approach to effective implementation

Prioritisation and investment needed to address real risk of loss of expertise as sector orgs struggle and communities face backsliding in human rights

In Lynn's
words...

