

STATEMENT TO SPAIN'S PRESIDENCY OF THE EUROPEAN UNION ON ADDRESSING STATELESSNESS IN EUROPE

The [European Network on Statelessness](#) (ENS), a civil society alliance of over 180 organisations and experts in 41 European countries, calls on Spain to utilise its upcoming Presidency of the European Union (EU) to inject much-needed momentum towards addressing statelessness in Europe.

Statelessness in Europe

There are estimated to be over half a million people living without a nationality in Europe today. This includes more than 70,000 stateless people who arrived in the EU over the last decade and were registered as seeking asylum. At least an additional 100,000 asylum seekers during this period were recorded simply as "nationality unknown", signalling that they too are likely to struggle in asylum and migration systems designed around the assumption that everyone has a nationality. Other stateless persons may be denied the opportunity to be registered at all.

Progress to date

In recent years there has been a welcome shift towards greater recognition of the need for more concerted action to combat statelessness at a global, regional and national level – including by the EU. This is evident through current negotiations on the EU's Migration & Asylum Pact, as well as its Child Rights and Roma Equality, Inclusion and Participation strategies. Moreover, back in 2015 the Council of the EU adopted its first ever [Conclusions on Statelessness](#). These emphasize the importance of exchange of good practices and information relating to statelessness among Member States, and provide for a platform for concerted follow-up action.

Remaining challenges

Notwithstanding these positive developments and this clear agenda for action, it is disappointing that [only a handful of European states](#) have put in place functioning statelessness determination procedures to implement their obligations in practice. The absence of proper identification mechanisms and a route by which stateless people can regularise their residence status leaves these individuals at risk of a range of rights violations, and unable to enjoy their fundamental civil, economic, social and cultural rights owed under international human rights law. Many stateless people experience long term destitution and/or immigration detention. Few are in a position to break this cycle, and, as a consequence, are left in legal limbo for years – posing operational and policy implications for states, as well as denying the basic rights of those affected.

Moreover, a failure to properly identify statelessness impacts negatively on the operation of asylum systems, and prevents stateless refugees and migrants from accessing the full scope of rights and services to which they are entitled under international law. The negotiation of the instruments under the Migration & Asylum Pact provides an immediate opportunity to mainstream the recognition of statelessness across EU asylum systems and resolve many of the problems that arise from a failure to identify and address issues facing displaced stateless people. This includes an avoidable risk of statelessness currently faced by the children of some refugees and migrants.

The [ENS Statelessness Index](#) reveals that many EU Member States are failing to protect the right of all children to acquire a nationality at birth. As a result, children are still being born stateless in Europe. Growing up without a nationality exposes many children to discrimination and other violations of their rights, limiting their development and potential. If Member States fail to address this, a new generation of children will be forced to live in limbo.

RECOMMENDATIONS

When Spain assumes the Presidency of the EU on 1 July 2023, ENS encourages it to:

- 1) Initiate a review of progress implementing the [2015 Council Conclusions on Statelessness](#), while also drawing on conclusions from the Madrid conference to develop and negotiate new EU Council Conclusions on Statelessness.
- 2) Work with the European Commission, Member States, UNHCR, civil society, people and communities with experience of statelessness and other relevant actors to ensure that new Council Conclusions or other proposed Presidency initiatives translate into effective and coordinated EU-wide action to address statelessness, crucially to encourage all Member States to set up statelessness determination procedures.
- 3) Ensure that statelessness is integrated and addressed as a cross-cutting issue through ongoing negotiations on the EU Migration and Asylum Pact.
- 4) Urge Member States in their national practice to ensure that all children born in their territory regardless of their legal status or their parents' status or identity documents are registered at birth, and ensure that all children acquire nationality where they would otherwise be stateless.
- 5) Make accession to the two UN Statelessness Conventions and their full implementation by all EU Member States a priority.

For further information

Email us at info@statelessness.eu or visit us at www.statelessness.eu. Further information is also available in the ENS briefing [Statelessness and the EU Pact on Migration and Asylum: Updated Analysis and Recommendations](#).

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