

# MEASURING PROGRESS TO ADDRESS STATELESSNESS IN THE EU AND GEORGIA

EMN INFORM

2021

## KEY FINDINGS<sup>1 2</sup>

- In most EU Member States and Georgia, the definition of statelessness in Article 1 of the 1954 Convention on the Status of Stateless Persons is used, either applied directly or transposed into national law, or applied through national law that broadly mirrors this definition. Cyprus and Estonia are not party to the 1954 Convention.
- Member States provided statistics from official sources; thus data on stateless persons who are not officially recorded is not included in this inform.
- A wide range of sources or categories of data regarding the number of stateless persons residing on the territory of the (Member) States is used, and for varying time periods. However, broadly speaking, in most Member States, data in relation to stateless persons is available from residence permit data, population register data or recognised stateless persons in the period 2019-2021. There were some exceptions, for example where a different category is used or it was not possible to separate data on stateless persons from unknown nationality.
- One EU Member State noted that, even though different broader definitions of statelessness are used in estimations by UNHCR, it is still likely that the real number of stateless persons in that Member State is greater than official figures.
- A minority of EU Member States and Georgia hold data on the number of applications for recognition of statelessness. In this context, however, several EU Member States do not have separate statelessness determination procedures. Considerations of statelessness can arise on a case-by-case basis at any point in migration, protection or residence permit procedures, and alternative options/solutions can be open to stateless persons where dedicated determination procedures are not in place.
- The main countries/regions of origin of stateless applicants included post-Soviet states, countries of the former Yugoslavia, the Western Sahara, Palestine, Lebanon, Armenia and Greece.
- The main reasons given as the basis for applications for stateless status were state secession; coming from a non-recognised state; discriminatory nationality laws or failure to declare births or register births within time limits set by law.

## 1. DEFINITION OF STATELESSNESS USED:

Statelessness is defined in Article 1 of the 1954 Convention on the Status of Stateless Persons as *a person who is not considered as a national by any State under the operation of its law*. Most Member States participating in this inform reported that they either use the definition in Article 1 of the 1954 Convention on the status of Stateless Persons, either applied directly or transposed into national law, or have a definition in national law that broadly mirrors this definition.<sup>3</sup>

Some Member States reported further specific details, regarding the definition or criteria for proving statelessness:

- In **Finland**, the Nationality Act has two legal definitions – ‘involuntarily stateless’ and ‘voluntarily stateless.’ The definitions refer to a person who has no citizenship in any State, and who has either:
  - remained stateless against his or her own will or his or her parent’s or guardian’s will (involuntarily stateless); or
  - remained stateless by his or her own or his or her parent’s or guardian’s will (voluntarily stateless).
- In **Latvia**, the definition in national law covers the definition in the 1954 Convention, and also excludes persons who are the subject of the law “On the Status of Citizens of the former USSR who do not have the citizenship of Latvia or another State.”

1 DISCLAIMER: The responses of the Member States regarding this ad-hoc query have been provided primarily for the purpose of information exchange among the EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided information that is to the best of their knowledge up-to-date, objective and reliable. However, the information provided in the present summary is produced under the exclusive responsibility of the EMN Platform of Statelessness under the coordination of EMN Luxembourg and does not necessarily represent the official policy of an EMN NCP’s Member State.

2 This inform is based on responses received from EMN ad-hoc query 2021.23 ‘Statelessness statistics in the EU and Georgia’, and includes information collected from 21 Member States (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK) and Georgia (GE).

3 BE, BG, CZ, ES, FI, FR, DE, IE, HR, IT, LT, LV, LU, NL, PL, PT, SI, SK, GE

- In **Belgium**, a person is only registered as stateless in the Central Population Register following the appropriate procedure (decision of a tribunal) to recognise the person as stateless.
- In **Germany**, the statelessness of the applicant can only be assumed if it is proven by appropriate documents, and in the **Netherlands**, persons will only be registered as stateless if they have documentary proof, otherwise they are categorised as 'nationality unknown'.
- Legislation in the **Slovak Republic** also includes criteria to prove statelessness. The person must demonstrate that they do not have citizenship in the State a) in which they were

born b) in which they had previous residence or stay and c) in which their parents and siblings have citizenship.<sup>4</sup> In order to prove statelessness, all three criteria have to be fulfilled concurrently, not only one.

**Sweden** reported that there is no definition of statelessness in Swedish legislation. If a person does not have a citizenship, the Swedish Tax Agency, which manages the population registry, investigates whether the person is stateless, and for this purpose, it uses the definition of the 1954 Convention.

**Cyprus** and **Estonia** are not party to the 1954 Convention relating to the Status of Stateless Persons, and noted the remainder of the questions as not applicable.



## 2. NUMBER OF STATELESS PERSONS WHO ARE REPORTED AS RESIDING IN THE TERRITORY OF THE MEMBER STATE

Member States reported statistics from a range of sources or categories. The time period covered by the statistics, which was not specified in the information request, also varied. If a date is not specified, it is assumed that statistics refer to the time of the answer period for the ad hoc query which was April/May 2021. Sources/categories reported include residence permit data, population register data, statutory stateless persons, persons without citizenship, unknown/undetected nationality, nationality not specified and recognised stateless persons. The source or category of the data and the time period is indicated in Table 1.

While most data reported corresponds to stateless status and the time period spans 2019-2021, there are some exceptions. Data reported for the **Netherlands** does not distinguish between stateless status and nationality unknown. Data reported for

**Spain** covers the number of stateless persons recognised by Spain since 2009.

**Belgium** and **Spain** referred to the difficulty of accurately estimating the number of stateless persons residing on the territory of the Member State. **Spain** said the figure is not known and provided a proxy of the number of stateless persons recognised as stateless by Spain and granted the benefits of the 1954 Convention since 2009. **Belgium** reported that, in March 2021, UNHCR Belgium estimated the number of stateless people in Belgium to be 10 993, using a broad definition including persons with an unknown citizenship.<sup>5</sup> Belgium concluded that while these estimates use a very broad definition of statelessness, the real number of stateless persons in Belgium is certainly higher than the official figures.

<sup>4</sup> Act on Residence of Foreigners (no. 404/2011) Article 45a, par. 2.

<sup>5</sup> In particular children whose citizenship is not clearly established at birth, persons who have not provided appropriate identity documents at the date of registration, persons having provided documents issued by Palestinian authorities.

**TABLE 1: NUMBER OF STATELESS PERSONS REPORTED AS RESIDING IN THE TERRITORY OF THE (EU MEMBER) STATE**

Reporting State	Number of Stateless Persons residing in the territory of the (EU Member) State									
	Year	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female
BE	2020	1 019*/ 951**								
	2021	884	567	317	-	-	-	164	102	62
	BE: Source/Category/Time period: 2020: * Persons registered as stateless on 1 January 2020 according to Statistics Belgium; **Stateless persons with a valid residence permit according to Immigration Office; 2021: Stateless persons with a valid residence permit as of 1 January 2021.									
BG	Total									
	477	-	-	-	-	-	-	-	-	-
BG: Source/Category/Time period: 420 stateless persons with permanent residence and 57 stateless persons with prolonged residence.										
CY	Not applicable									
CZ	Total									
	577	-	-	442	-	-	135	-	-	-
CZ: Source/Category/Time period: Stateless persons on all types of residence permit as of 31 March 2021.										
DE	Total									
	27 264	15 705	11 531	20 192	12 058	8 114	7 066	3 644	3 414	
DE: Source/Category/Time period: Central Register of Foreigners. Citizenship- Stateless. Cut-off Date: 31 August 2021. Totals include 28 persons of unknown gender and 6 persons of unknown age.										
EE	Not applicable									
ES	Total									
	8 717	5 440	3 277	7 864	-	-	853	-	-	-
ES: Source/Category/Time period: Total persons recognised as stateless by Spain since 2009.										
FI	Total									
	1 273	741	532	1 097	660	437	176	81	95	
FI: Source/Category/Time period: Persons without citizenship at end 2020. Statistics Finland: Population Information System. <sup>6</sup>										
FR	Total									
	1 606 <sup>7</sup>	1 063	543	-	-	-	-	-	-	-
FR: Source/Category/Time period: Current estimate of statutory stateless persons by OPFRA (French Office for the Protection of Refugees and Stateless Persons)										
HR	Total									
	7	7	-	7	7	-	-	-	-	-
HR: Source/Category/Time period: 7 stateless persons, 2 on temporary and 5 on permanent residence.										
IE	Total									
	29	19	10	-	-	-	-	-	-	-
IE: Source/Category/Time period: All valid residence permits with citizenship noted as 'stateless' on 31 December 2019. Eurostat – migr_resvas, data extracted 13 May 2021.										
IT	Information not available									

<sup>6</sup> When a person registers in Finland, a person can be recorded as 'without citizenship', for instance if documents are inadequate. If a person subsequently receives citizenship of a country other than Finland, that information is not forwarded to the Population Information System unless the person informs the Population Data Services Agency. Consequently, the real number of persons without citizenship in Finland could be less.

<sup>7</sup> Estimate; there are very few minors.

LT	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	2 683 <sup>8</sup>	-	-	-	-	-	-	-	-	-
LT: Source/Category/Time period: Migration Department figures of 31 December 2020										
LU	Year	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female
	2019	182			125	75	50	57	30	27
	2020	188			129	80	49	59	28	31
	2021	192			135	81	54	57	29	28
LU: Source/Category/Time period: Staterc, 2021 (population register)										
LV	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	168	80	88	163	79	84	5	1	4	
LV: Source/Category/Time Period: Stock data of recognised stateless persons on 1 May 2021 from Population Register.										
NL	Year	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female
	2019	55 621	32 109	23 512	-	-	-	-	-	-
	2020	45 947	26 588	19 359	-	-	-	-	-	-
NL: Source/Category/Time period: CBS Statline. Data does not distinguish between stateless and nationality unknown so these totals include nationality unknown. Data on 1 January each year.										
PL	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	300	200	100	293	196	97	7	4	3	
PL: Source/Category/Time period: Valid residence permit holders who are stateless on the territory of Poland as of 30 April 2021.										
PT	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	30	16	14							
PT: Source/Category/Time period: Recognised stateless persons who acquired stateless status in a country other than Portugal.										
SE	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	14 435	7 858	6 577	10 978	6 108	8 470	3 457	1 750	1 707	
SE: Source/Category/Time period: Stateless persons living in Sweden at the end of 2020. Statistics Sweden.										
SI	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	4	4	-	3	3		1	1		
SI: Source/Category/Time period: Recorded in Register of Foreigners as stateless persons with valid residence permits – one temporary residence permit and three permanent residence permits.										
SK	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	48				26	19		2	1	
SK: Source/Category/Time period: 4 with temporary residence and 44 with permanent residence whose nationality is registered as stateless person, person with undetected nationality and nationality not specified as of 31 March 2021.										
GE	Total	Male	Female	Total Adults	Male	Female	Total Minors	Male	Female	
	530	234	296	521	228	293	9	6	3	
GE: Source/Category/Time period: Stateless persons registered in the database of the Public Service Development Agency of Georgia (PSDA) as of 3 September 2021										

<sup>8</sup> In 2020, in order to reduce the number of stateless persons, the Migration Department carried out a campaign during which 2158 information notices were sent out with an invitation to visit the Migration Department for advice on acquisition of citizenship of the Republic of Lithuania. 221 stateless persons became a citizen of the Republic of Lithuania in 2020.



### 3. NUMBER OF APPLICATIONS FOR RECOGNITION OF STATELESS STATUS IN 2019 AND 2020

Table 2 shows the number of applications for recognition of stateless status in 2019 and 2020. In **Belgium**, statistics on recognition of statelessness, which is a judicial procedure of first instance courts, were not available. However, published statistics from the Immigration Office regarding numbers of consultations in relation to this type of application were provided as an approximation.

Several Member States noted that they do not have a separate stateless determination procedure and some data were

unavailable. Some Member States stated that statelessness can arise as a consideration throughout the migration or protection procedure<sup>9</sup> that can be resolved through other procedures without recourse to a determination of statelessness.<sup>10</sup>

Several Member States noted other options that are open to stateless persons even without a formal procedure (for example, a specific residence permit, access to a general residence permit or an identity document as a stateless person).<sup>11</sup>

**TABLE 2 NUMBER OF APPLICATIONS FOR RECOGNITION OF STATELESS STATUS IN 2019 AND 2020**

Reporting State	Number of applications for recognition of stateless status					
	2019			2020		
	Total	Adults	Minors	Total	Adults	Minors
BE	518			412		
BG	31			14		
CY	Not applicable					
	Total	Adults	Minors	Total	Adults	Minors
CZ	13	13		11	11	
DE	Information not available					
EE	Not applicable					
	Total	Adults	Minors	Total	Adults	Minors
ES	1 691	1 436	255	918	803	115
FI	No data. No procedure for recognition of stateless status. <sup>12</sup>					
	Total	Adults	Minors	Total	Adults	Minors
FR	326	306	20 <sup>13</sup>	297	-	-
HR	No special procedure for recognition of statelessness. <sup>14</sup>					
IE	Information not available. No specific stateless determination procedure. <sup>15</sup>					
	Total	Adults	Minors	Total	Adults	Minors
IT	56 <sup>16</sup>	50	6	33	30	3
LT	No data available on how many stateless persons have applied for the first document granting or certifying the right of residence in the Republic of Lithuania.					
LU	No information available.					
	Total	Adults	Minors	Total	Adults	Minors
LV	6	6	-	5	5	-
NL	No official stateless determination procedure. A legislative proposal is pending.					

<sup>9</sup> IE, HR, SE

<sup>10</sup> IE

<sup>11</sup> PL, SK

<sup>12</sup> In Finland, there is no such process as the recognition of stateless status. Instead, there is the process of the determination of citizenship status, through which a person can be determined to be 'without citizenship' – thus stateless. The Nationality Act prevents a situation where a person born in Finland would be stateless.

<sup>13</sup> 16 minors; 4 isolated minors.

<sup>14</sup> Case-by-case basis usually in procedure related to application for temporary or permanent residence status.

<sup>15</sup> There is no specific determination process for recognition of stateless persons in Ireland. Claims of statelessness can arise at any point in the immigration and protection processes and the numbers involved are very low. These cases are frequently resolved without recourse to a determination of statelessness through other procedures set out under the Immigration Acts or International Protection Act. These cases are not centralised in a single process or section of the immigration service and, therefore, information is not available.

<sup>16</sup> Pursuant to Article 17 of Presidential Decree no. 572 of 12 October 1993. It should be noted that the applications submitted on behalf of minors are declared inadmissible as the certification of statelessness is a personal act that does not admit representation.

PL	Act on Foreigners does not provide for a separate procedure for recognising or identifying a foreigner as a stateless person. <sup>17</sup>					
PT	None.					
SE	Not applicable. No separate procedure to determine statelessness. <sup>18</sup>					
SI	Slovenia has not established a procedure for recognising the status of a stateless person.					
SK	Statistical data are not available. Stateless recognition procedure not introduced. <sup>19</sup>					
GE	2019			2020		
	Total	Adults	Minors	Total	Adults	Minors
	47	41	6	38	35	3



## 4. NUMBER OF GRANTS OF STATELESS STATUS DURING 2019 AND 2020

Table 3 sets out the number of stateless statuses granted by Member States during 2019 and 2020. For **Luxembourg** and **Slovak Republic**, the figures refer to grants of the travel document

under the 1954 Convention and not to actual grants of stateless status.

**TABLE 3 NUMBER OF GRANTS OF STATELESS STATUS DURING 2019 AND 2020**

Reporting State	Number of grants of stateless status during 2019 and 2020	
	2019	2020
BE	No official statistics	
BG	28	13
CY	Not applicable	
CZ <sup>20</sup>	9 (stateless applicants for international protection only)	3 (stateless applicants for international protection only)
DE	Information not available	
EE	Not applicable	
ES	1 791	1 802
FI	Information not available.	
FR	56 (OPFRA). <sup>21</sup> Also 59 recognised as stateless refugees.	48 (OPFRA). <sup>22</sup> Also 74 recognised as stateless refugees.
HR	Not applicable.	
IE	Not available. <sup>23</sup>	
IT	0	1
LT	Not applicable	
LU <sup>24</sup>	1	1
LV	1	5
NL	Data not available	
PL	Not applicable	
PT	Not applicable	
SE	Not applicable	

<sup>17</sup> Stateless persons are treated in Poland as foreigners and have the right to obtain a residence permit under the terms of the Act on Foreigners. No provision in the Act on Foreigners binds the basis for granting a permit to the possession of citizenship of another country. In addition, a stateless person may obtain an identity document of a foreigner in Poland, which can be used as a substitute for a travel document at the stage of initiating proceedings regarding the legalisation of stay in Poland.

<sup>18</sup> This is a consideration in the regular application process within migration/asylum procedure.

<sup>19</sup> However, stateless persons can apply for a permanent residence for 5 years without fulfilment of the obligations set by the Act on Residence of Foreigners.

<sup>20</sup> The Asylum Act which did not reflect the situation of stateless persons appropriately is under amendment. Stateless persons requesting stateless status can use the general administrative procedure (standard procedure for aliens under the Foreigners Act or those whose removal is not possible can ask for a special long-term tolerance visa) or ask for international protection (vast majority ask for international protection). Data is only collected on stateless persons who request international protection.

<sup>21</sup> In 2019, OPFRA took 364 decisions and recognised 56, an admission rate of 15.4%.

<sup>22</sup> In 2020, OPFRA took 314 decisions and recognised 48, an admission rate of 13.3%.

<sup>23</sup> See footnote 16.

<sup>24</sup> Granting of stateless travel document. No data on number of actual status recognitions.

SI	Not applicable	
SK <sup>25</sup>	7	7
GE	24	22



## 5. PRINCIPAL REGIONS/COUNTRIES (TOP THREE) THAT APPLICANTS FOR STATELESS STATUS CLAIM TO BE FROM

Member States and Georgia with available data reported the top three countries where applicants claimed to be from, shown in Table 4. **Belgium** and **Finland** did not report data on applicants, but,

respectively, country of birth of stateless residence permit holders (BE) and persons registered as without citizenship in the Population Information System (FI).

**TABLE 4 REGIONS/COUNTRIES OF ORIGIN OF STATELESS APPLICANTS OR COUNTRIES OF BIRTH OF STATELESS PERSONS**

Reporting State	Country/Region of origin or birth
BE	Palestine, Lebanon, Yugoslavia. <sup>26</sup>
BG	Russia Armenia, Greece.
CZ	Former USSR and its successor States (Ukraine, Belarus, Moldova, Russia etc).
ES	Western Sahara (97% of applicants in the period 2009 – 2020), Russia, Ukraine.
FI	Estonia, Syria, former USSR and Iraq <sup>27</sup> .
FR	2019 Western Sahara (29%), countries of former Yugoslavia (14%); applicants, mostly Roma, born in Italy.
	2020 Western Sahara (24%); Palestinians from Lebanon (16%); former USSR (10%).
IT	2019 Bosnia, Serbia, Macedonia.
	2020 Bosnia, Serbia, former USSR countries.
LV	Post-Soviet States, mainly Russia.
GE	Armenia, Azerbaijan and Russia.



## 6. MAIN REASONS GIVEN BY APPLICANTS AS THE BASIS FOR THE APPLICATION

Member States and Georgia with available data reported that the main reasons being given by applicants as the basis for their application are state secession (e.g. former USSR or former Yugoslavia);<sup>28</sup> discriminatory nationality laws;<sup>29</sup> coming from a non-recognised State<sup>30</sup>(e.g. Western Sahara); failure to declare birth (Roma/Caucasians) or to register births within the time limits set by national laws;<sup>31</sup> or that it is not possible or that the person failed to obtain the nationality of the country with which they has legal links.<sup>32</sup>

**France** noted that State secession from, for example ex-Soviet or ex-Yugoslav States, was becoming increasingly rare as a basis for applications. **France** also noted examples of discriminatory nationality laws being given as basis for the application, for example, among Palestinians born of a Lebanese mother, Karanes, Rohingyas and Bedouins. Italy referred to laws perceived as discriminatory among applicants from Cuba.

<sup>25</sup> Data on documents issued based on 1954 Convention on the Status of Stateless Persons.

<sup>26</sup> Country of birth for stateless persons with a valid residence permit on 1 January 2021.

<sup>27</sup> Top countries of birth of persons registered as without citizenship in the Population Information System at end 2020.

<sup>28</sup> CZ, FI, FR, IT, LU, and GE.

<sup>29</sup> BG, FR, IT, LU.

<sup>30</sup> ES, FI, FR, LU. Finland noted that the information was not based on statistics but hands-on experience of persons working on citizenship issues in the Finnish Immigration Service.

<sup>31</sup> FR

<sup>32</sup> LV – Country with which the person has legal links – in which the person was born or lived, whose identity documents were received or issued to the person, or other documents which may relate to the legal status of the person in the country; the nationals of which are the parents of the person or other family members, as well as other legal links, GE – failure to obtain the nationality of the country with which the person has legal links



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Bulgaria [www.emn-bg.com](http://www.emn-bg.com)

Croatia <https://emn.gov.hr/>

Cyprus [www.moi.gov.cy](http://www.moi.gov.cy)

Czech Republic [www.emncz.eu](http://www.emncz.eu)

Denmark <https://www.justitsministeriet.dk/>

Estonia [www.emn.ee](http://www.emn.ee)

Finland [www.emn.fi](http://www.emn.fi)

France [www.immigration.interieur.gouv.fr/Europe-International/Le-reseau-europeen-des-migrations-REM](http://www.immigration.interieur.gouv.fr/Europe-International/Le-reseau-europeen-des-migrations-REM)

Germany [www.emn-germany.de](http://www.emn-germany.de)

Greece <http://emn.immigration.gov.gr>

Hungary [www.emnhungary.hu](http://www.emnhungary.hu)

Ireland [www.emn.ie](http://www.emn.ie)

Italy [www.emnitalyncp.it](http://www.emnitalyncp.it)

Latvia [www.emn.lv](http://www.emn.lv)

Lithuania [www.emn.lt](http://www.emn.lt)

Luxembourg [www.emnluxembourg.lu](http://www.emnluxembourg.lu)

Malta <http://homeaffairs.gov.mt/en/MHAS-Information/EMN/Pages/European-Migration-Network.aspx>

Netherlands [www.emnnetherlands.nl](http://www.emnnetherlands.nl)

Poland [www.emn.gov.pl](http://www.emn.gov.pl)

Portugal <http://rem.sef.pt>

Romania [www.mai.gov.ro](http://www.mai.gov.ro)

Slovakia [www.emn.sk](http://www.emn.sk)

Slovenia [www.emm.si](http://www.emm.si)

Spain <http://extranjeros.mtramiss.gob.es/es/redeuropeamigracion/index.html>

Sweden [www.emnsweden.se](http://www.emnsweden.se)

Norway [www.emnnorway.no](http://www.emnnorway.no)

Georgia [www.migration.commission.ge](http://www.migration.commission.ge)

Moldova [www.bma.gov.md/en](http://www.bma.gov.md/en)