

European Migration Network Platform on Statelessness

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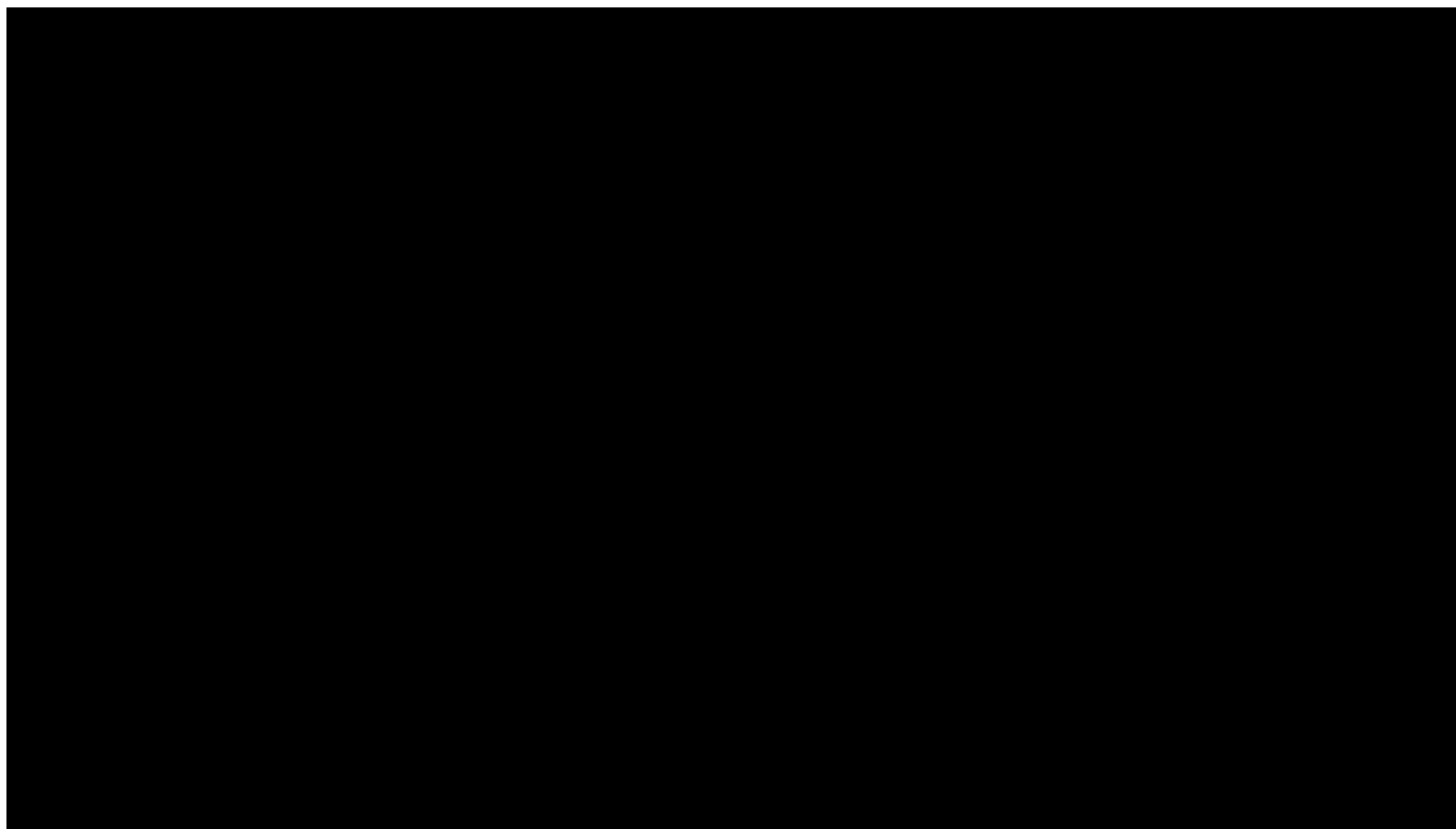
**EMN Conference
Sofia, Bulgaria**

1 June 2018

EUROPEAN MIGRATION NETWORK (EMN)

- Established in 2008 by the European Commission on behalf of the European Council (Council Decision 2008/381/EC)
- 29 National Contact Points, of which 27 are located in EU Member States (Denmark has observer status) plus Norway & Switzerland.
- The aim of the EMN is to:
 - provide the European and national institutions and agencies as well as the general public with ***up to date, objective, comparable data and information*** concerning migration and asylum related issues
 - in order to provide ***impartial information*** to support the current discourse on migration and
 - to ***support policy decision*** processes within the European Union

What is statelessness?



Statelessness background

- Statelessness is a ***legal anomaly*** which often prevents people from accessing fundamental civil, political, economic, cultural and social rights
- Statelessness is a global problem which affects 12 million people around the world
- A stateless child is born every 10 minutes
- There are approximately 600,000 stateless persons in the EU
- Increased flow of stateless persons in the EU post 2015 Migration Crisis

Applications from stateless persons for international protection in the EU (2012 – 2017)

	2012	2013	2014	2015	2016	2017
Stateless applicants	3,515	9,670	15,655	19,605	10,720	5,380
Total n° of applications	278,280	367,825	562,680	1,257,030	1,206,120	650,970
Percentage	1.3%	2.6%	2.8%	1.6%	0.9%	0.8%

Source: Eurostat, 2018

Recognition rate of applications for international protection made by stateless persons in the EU (2016)

	Total	Positive decisions	Geneva Convention status	Subsidiary protection status	Humanitarian status	Rejected	% of positive decisions	% of negative decisions
N° decision on stateless persons applications	18,175	16,250	12,365	3,365	515	1,925	89.4%	10.6%
Total n° of decisions	1,106,405	672,900	366,485	257,915	48,505	433,505	60.8%	39.2%
Percentage	1.6%	2.4%	3.4%	1.3%	1.1%	0.4%	-	-

Source: Eurostat, 2018

EMN Platform on Statelessness

- Platform was created by Council Conclusions of 3-4 December 2015
“*Invite* the Commission to launch exchanges of good practices among Member States, using the European Migration Network as a platform;
Invite Member States' national contact points to actively participate in that platform providing all relevant information with a view to ensuring that it will be a useful instrument in order to achieve the objectives of ***reducing the number of stateless people, strengthening their protection and reducing the risk of discrimination.***”
- Platform is coordinated by the LU EMN NCP and the EMN Statelessness working group coordinates activities of the platform

Platform's activities

- Produce policy briefs [EMN Inform] on the State of Play of statelessness in the EU
- Exchange information and best practices between Member States, international organisations and civil society
- Organise activities in collaboration with international organisations, relevant EU agencies and NGOs in order to raise awareness on statelessness and the means to reduce it
- Identify and follow up reference cases on statelessness in the Member States

EMN Statelessness Inform: Key findings (1/3)

- **Legislation**

- 24 Member States are State Parties to the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention)
- 19 Member States are State Parties to the 1961 Convention on the Reduction of Statelessness (1961 Convention)
- CY has introduced bill to accede to the 1954 Convention.

- **Procedures**

- No homogeneity among Member States regarding statelessness determination procedures (SDP)
- Four main statelessness determination procedure categories:
 - Dedicated determination procedures (administrative)
 - General procedure or inside another procedure (administrative)
 - Ad-hoc procedures (administrative)
 - Judicial procedures (BE and IT - when the applicant is not a legal resident in the country)

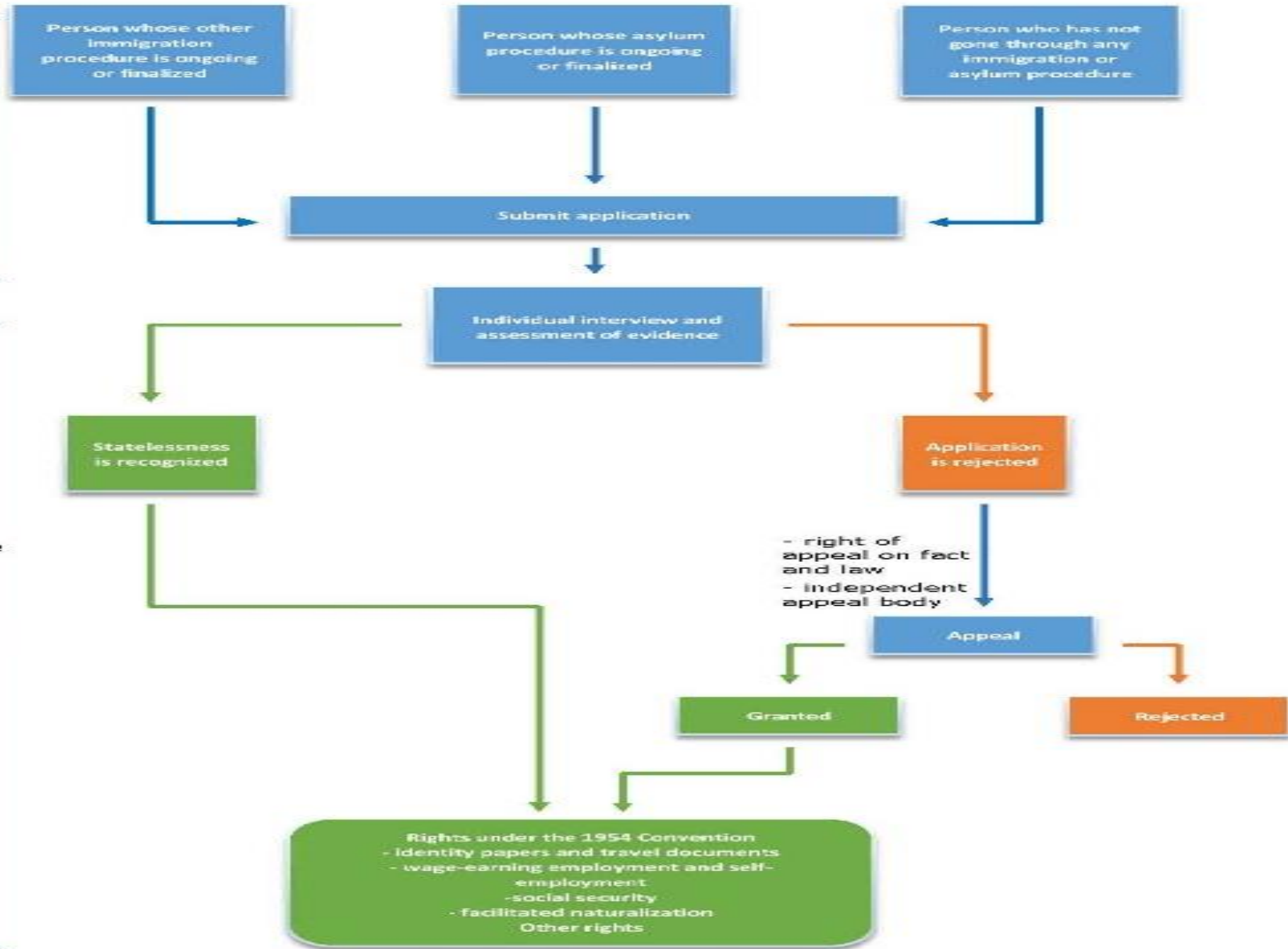
EMN Statelessness Policy Brief: Key findings (2/2)

- In the majority of MS there is *no direct link* between the determination of statelessness and the issuing of a specific residence permit
- Access to the labour market, education and training (as well as health care/social aid) does not depend on the determination of statelessness but on the *residence permit* that the stateless person can obtain
 - = legal vacuum for stateless persons who cannot obtain a residence permit even where their stateless status has been identified

EMN Statelessness Policy Brief: Key findings (2/3)

- Most MS facilitate - to some extent - access to nationality for children born stateless in their territory
 - In most Member States *legal gaps remain* meaning that some children born as stateless in their territory cannot have access to nationality
- No specific determination procedure for stateless *unaccompanied minors*
- With the exception of a few MS, *children born en route to the EU* who arrive without a birth certificate cannot obtain a birth certificate or an equivalent document in the country of arrival

- allow for individual application and ex officio referral
- ensure easy access to the procedure to everyone
- no time limit for application



- access legal aid
- access interpreter
- ensure confidentiality
- requirements for refugee and asylum seekers upheld
- rights of applicants during the procedure (social assistance, non-removal etc)

“Addressing Statelessness in the European Union, One year on from the adoption of European Council Conclusions” (Joint conference EMN, UNHCR & ENS)

- *A practically-oriented approach is necessary* in regard to vulnerable stateless individuals in each EU MS
- There is concern for the *vulnerability of children in the statelessness context*, including the disappearance of UAMs who arrive in Europe
- There is *no common statelessness determination procedure in EU* between Member States
- There should be a clear differentiation between the Statelessness Determination Procedure (SDP) and the asylum procedure:
 - Need for separate procedure to safeguard SDP from becoming additional element of asylum procedure

Proposed EMN Platform Action Plan

- A mapping exercise to identify **vulnerable** stateless persons in Member States, as a first step and then expand this action to other stateless individuals
 - Requires coordination with NGOs and international organisations (UNHCR and UNICEF)
- Foster and develop a **common approach** for Member States to use when aiming to introduce or improve a Statelessness Determination Procedure at the national level
- The Platform will contribute through the **exchange of good practices and the development of non-binding guidelines**
- **Estimate costs** of regularizing the situation in Member States in order to bring this under Member States Practitioner's Agenda

EMN Platform future actions

- Creation of a working space in an IT platform (AMI) where information, contributions and best practices can be shared and discussed between EMN NCPs, international organisations, NGOs and civil society
- Continue to provide technical information to EU Member States on statelessness issues
- Organize a technical conference to take stock of the progress on deliverables in advance of the next annual conference
- Continue to raise awareness on statelessness issues within Member States



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European Migration Network Information Exchange System



EMN statelessness platform



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AMI

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EMN STATELESSNESS PLATFORM

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The European Migration Network (EMN) Platform on Statelessness was created in order to exchange information and good practices in the field of statelessness.

This working space allows its members (Member States, International Organisations, European Institutions and Agencies, and Civil Society) to exchange information and good practices on statelessness issues.



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