

# **Citizens of the world; refugees and stateless persons**

European Association of Registrars, Leuven, 26 May 2016

Valeriia Cherednichenko, UNHCR

# Who may have specific nationality concerns?

**Refugees** and persons with **subsidiary protection**

**Stateless persons:** a person who is not considered as a national by any State under the operation of its law (1954 Convention)

Also: **migrants, asylum seekers, stateless refugees, persons who are at risk of statelessness, Internally Displaced Persons (IDPs)**

# What kind of concerns? I

- **No or lost documentation** proving nationality or identity
- **Cannot contact authorities of country of nationality** to obtain proof of identity or nationality (refugees/asylum seekers)

## What kind of concerns? II

- IDPs may not be able to obtain proof of their nationality if the authorities **do not facilitate issuance** of relevant documents
- Stateless persons and persons at risk of statelessness may have or be able to acquire a nationality but **lack the evidence** necessary
- Fear of passing on the concerns to the **next generation**

# Can Europe help the next generation?

Identity cards, nationality certificates, residence permits, passports, marriage certificates etc. all require proof of existence:

## **a birth certificate**

Article 7 Convention on the Rights of the Child:

“The child shall be registered immediately after birth”



# Registering the birth of stateless and refugee children

## Does not:

- automatically establish or grant nationality
- automatically grant legal status

# Registering the birth of refugee and stateless children

## Does:

- provide recognition of a person as an individual before the law.
- contribute to “basic protection”.
- provide proof of links to countries that could grant nationality
- prevent and reduce statelessness when child born stateless benefits from safeguard in the country of birth.
- facilitate access to durable solutions, including voluntary return.
- contribute to humanitarian planning.

## Issues with refugee children born in Europe?

- In 2015: **over 1.3m asylum applications** in the EU of which close to **20.000** were by stateless persons and over **22.000** were by persons of undetermined nationality (source: Eurostat)
- **Arrivals at sea:** Who is responsible for registering a **birth in international waters?**
- Lack of or incomplete registration due to requirements that parents cannot meet
- Lack of awareness of the importance of birth registration
- Lack of willingness to register the birth of a child for fear of deportation



# Issues among stateless people who are not in exile

- Around 600.000 stateless persons in Europe, most are ‘in-situ’
- UNICEF 2013: CEE/CIS birth registration: 98%. 700.000 children whose births are not registered.
- Problematic requirements
- Discriminatory practices (Roma)
- Lack of means, awareness or willingness



# Problematic birth registration requirements

## Examples:

- Official wedding certificate
- Birth certificate of both parents
- Lawful residence in the country of both parents
- Travel document of the parents
- Presence of a certified interpreter
- DNA proof of paternity

## How incomplete registration can be a problem:

Olga is **stateless and undocumented**. She has resided in country X for 25 years. Sergei is a national of X. Sergei and Olga have been in a lasting relationship for 10 years but **cannot get married** because Olga does not have any documents proving her identity.

Their son Dmitry's birth certificate only mentions Olga as the mother. Despite several attempts, Sergei **could not get his name** included as the father because he and Olga are not married. Their only solution is to get a DNA test and go to court, which they **cannot afford**.

Problem: The nationality law of X says a child born to a national acquires nationality at birth but Sergei cannot prove Dmitry is his son. **He is at risk of statelessness.**

## How inaccurate registration can be a problem:

Mohamed and Styra were born in exile in country X. Their father Quis is a stateless Kurd, their mother Nessrin is a Syrian national. **Mohamed and Styra are stateless.**

Quis and Nessrin are **both registered as Syrian nationals** on the birth certificates of their children.

Problem: The children could benefit from the safeguard against statelessness at birth in country X. However, the authorities of X require Quis and Nessrin to prove their children are stateless and that Quis is not a national of Syria as indicated in the birth certificate.

# The world

**UN GA resolution 68/141, 18 Dec 2013:**

‘... the lack of civil registration (...) makes persons vulnerable to statelessness and associated protection risks, recognizes that birth registration provides an official record of a child’s legal identity and is crucial...’

**Goal 16 of the SDGs: Promote just, peaceful and inclusive societies**

Target 16.9: ‘By 2030, provide legal identity for all, including birth registration’

UNHCR Executive Committee’s **Conclusion on Civil Registration 2013**

**Asian and Pacific Civil Registration and Vital Statistics Decade, 2015-2024.**

# UNHCR's Campaign to End Statelessness

A special report to **explain the problem**



**Open Letter** with a call to action

Join us at [www.unhcr.org/ibelong/](http://www.unhcr.org/ibelong/)



**Global Action Plan** explaining how it can be resolved:

**Action 7:** Ensure birth registration for the prevention of statelessness

**Action 8:** Issue nationality documentation to those with entitlement to it.



## In Europe

More information became available following:

- **Research** on statelessness and on birth registration by UNHCR and civil society (European Network on Statelessness): among others in **Armenia, Poland, Romania, Italy, Albania, Serbia, countries of Southeast Europe**
- **Surveys** among affected populations: **Kosovo (S/RES/1244 (1999)), Bosnia and Herzegovina, Serbia** etc.



## In Europe

### Solutions:

- **Outreach** to affected communities to raise awareness, both refugees and in-situ populations
- **Individual assistance** to support registration of births, residence, marriage, acquisition of nationality etc.
- **Advocacy for amendments** in legislation and administrative procedures, allowing for late registration for example.



ANY QUESTIONS?

