

EMN Platform on Statelessness

A Progress Report, November 2017

1 Background

During the Luxembourg Presidency of the European Union during the second half of 2015, statelessness became a priority in the political agenda.

The Justice and Home Affairs Council Conclusions on Statelessness of 4th December 2015 invited:

- ★ the Commission to launch exchanges of good practices among Member States, using the European Migration Network (EMN) as a platform;
- ★ 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;

To continue to provide impetus, the LU EMN National Contact Point organised a national conference in April 2016 entitled "Tackling Statelessness: Exchange of Experiences and Good Practices". This conference demonstrated the need for a reliable data collection on the number of stateless persons born or living in the EU. It also highlighted the need for the EU to take measures to ensure that stateless persons have facilitated access to residence permits. In addition acknowledged the need for the EU to develop an effective mechanism for the exchange of information and best practices between MS.

The EMN Steering Board on 11th May 2016 approved the establishment of the EMN Platform on Statelessness under the joint coordination by the LU EMN NCP and the Commission.

To put the platform into action, an EMN Statelessness working group was established on 15th June 2016 with the participation of the following National Contact Points (NCPs): LU (coordinator), EE, HU, IE, LV, NL and SE.

From this point on, the EMN Statelessness working group has been providing information to MS and other stakeholders regarding best practices in the field of statelessness.

2 Activities and Publications of the EMN Statelessness Platform

In order to map the state of play of statelessness in the European Union, the EMN with the support of the UNHCR launched two joint ad-hoc queries "Statelessness and minors born in exile" and "Stateless unaccompanied minors" in May 2016. The most relevant key findings highlighted that there is no homogeneity among Member States as regards the procedures they use to determine statelessness and that in the majority of MS there is no direct link between the determination of statelessness and the issuing of a specific residence permit.

The HU EMN NCP organised a national conference entitled "Different Examples of Managing and Identifying Statelessness". This event took place in Budapest on 29th September 2016. The focus of this conference was to analyse the challenges and best practices of the statelessness determination procedure and the prevention of childhood statelessness.

Based on the results of the ad-hoc queries launched in May 2016, the EMN drafted an EMN Inform "Statelessness in the EU" that was presented to the EMN Steering Board in October 2016.

With the approval of the Steering Board, the Chair of the EMN and the coordinator of the EMN Platform on Statelessness made a presentation of the Inform to the MS Permanent representatives in October 2016.

The participation of UNHCR and the European Network on Statelessness (ENS) in the development of the EMN Inform provided an added value to the document adding concrete examples as well as a flowchart of the standard determination procedure recommended by UNHCR.

Technical cooperation with other institutions continued with UNHCR training on statelessness determination procedures held in Brussels in November 2016, with the attendance of 16 EMN NCPs.

In order to honor the first anniversary of the Council conclusions, the EMN Platform on Statelessness organised a joint conference with UNHCR and ENS entitled "Addressing Statelessness in the European Union, One Year on from the Adoption of European Council Conclusions" in January 2017. This event was the opportunity to officially launch the EMN Inform on Statelessness to the public. Some of the conference conclusions were as follows:

- ★ In order to further eradicate statelessness, a practically oriented approach is necessary in regard to vulnerable stateless individuals in each EU Member State while acknowledging the fact that stateless individuals in certain Member States have acquired significant rights equivalent to nationality and where the individual is stateless but is entitled to education, health benefits and labour market without being discriminated.
- ★ There is a concern of vulnerability of children in the statelessness context, including with regard to the disappearance of unaccompanied minors who arrive in the EU.
- ★ There is no common statelessness determination procedure across Member States.
- ★ There should be a clear differentiation between the Statelessness Determination Procedure (SDP) and the asylum procedure so that the SDP is not misused by rejected asylum seekers to delay their return to their countries of origin.

3 Interaction with other EU institutions and NGOs

The EMN Platform on Statelessness also participated in activities organised by strategic partners and other EU institutions, including:

- ★ Event in the context of the Youth Congress on Statelessness, , organized by the European Network on Statelessness with the European Parliament's Inter Group on Children Rights in July 2016.
- ★ Meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) in April 2017.
- ★ Conference organized by the European Network on Statelessness entitled "Protecting Stateless Persons from Arbitrary Detention" which took place in Budapest in May 2017.
- ★ Technical meeting with Maltese Authorities which were requesting information with a view to implementing a standard determination procedure.
- ★ Joint Hearing on statelessness organised by the LIBE and PETI Committees of the European Parliament in June 2017.

4 Action plan

Following the Council Conclusions to reduce the number of stateless persons, to enhance their protection and to reduce the risk of discrimination, the EMN Platform on Statelessness developed the following action plan:

- ★ Coordinate with NGOs and international organisations (i.e. UNHCR and UNICEF) the implementation of a mapping exercise to identify vulnerable stateless persons in the Member States as a first step, and then expand this action to other stateless individuals.
- ★ Foster and develop a common approach by which Member States can work towards introducing or improving Statelessness Determination Procedure at national level on a voluntary basis.
- ★ Contribute to the debate on statelessness through the exchange of good practices and the development of non-binding guidelines.
- ★ Determine – through the use of EMN tools – the costs of Statelessness Determination Procedures in Member States and bring this topic under Member States Practitioner's Agenda.

5 Future actions

In order to implement the tasks of the action plan, the EMN Platform on Statelessness will carry out the following actions:

- ★ Create an IT-workspace in a Commission hosted online migration platform (AMI) to share and discuss information, contributions and best practices with other NGOs and international organisations.
- ★ Cooperate with NGOs and other international organisations to determine stateless cases so they can be brought to the attention of the respective authorities of the Member State.
- ★ Cooperate with UNICEF in order to deal with stateless unaccompanied minors.
- ★ Develop a strategy in cooperation with other EU institutions and agencies (i.e. EASO, FRONTEX) to identify (to assist in the identification of) stateless children born in exile *en route* to Europe.
- ★ Continue to provide technical information to EU Member States on statelessness issues.
- ★ Organise a technical conference by the EMN Platform on Statelessness to take stock of the progress made on the deliverables prior to the next annual conference.
- ★ Continue to raise awareness on statelessness issues within Member States through the different events of the EMN NCPs, the EU Parliament (e.g. LIBE Committee), relevant NGOs (i.e. ENS) and international organisations (i.e. UNHCR and UNICEF).



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