Statelessness in the European Union

Dissertation

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Executive Summary

The purpose of this research is to document research conducted on the topic of statelessness in the European Union. The main question of this research is: How can the European Union succeed in eliminating statelessness in the European Union member states? In order to answer this question, different research methods were chosen. Secondary information was used to substantiate the primary information. The primary information was carried out in the form of interviews. The research showed that statelessness is present in both old and new EU countries. Causes for statelessness are state succession, discrimination, arbitrary deprivation, and the *jus soli* and *jus sanguinis* principle. Both the UN and the CoE have international instruments that are designed to protect the stateless, and prevent and reduce statelessness. However, the EU itself has no mechanisms to eliminate statelessness. This led to the conclusion that the best solution for statelessness would be if the European Union would establish a framework on statelessness, which would harmonise legislation on statelessness in the EU countries. However, this is not possible, because the EU does not have direct competence in nationality law. The European Union does have a lot of competence in the migration field, and could set out minimum standards through here. Furthermore, the EU Member States should incorporate a form of the *jus soli* principle in their nationality laws. Besides this, the EU can use EU conditionality before a country becomes a member of the EU. Lastly, the identification of statelessness is essential in order to reduce and prevent statelessness. It is recommended that the EU should encourage its member states to incorporate a statelessness identification procedure in their nationality laws. Furthermore, the EU should create a common understanding and set out minimum standards through the migration area. Finally, the EU should encourage the member states to ratify both the UN Conventions and implement their rules.

Acronyms and Abbreviations

ACELG	Amsterdam Centre for European Law and Governance
ACVZ	Dutch Committee on Migration Affairs (Adviescommissie Vreemdelingenzaken)
BRP	Population Register (Basisregistratie Personen)
CBS	Stateline Statistics Netherlands (Centraal Bureau voor de Statistiek)
CoE	Council of Europe
DT&V	Repatriation and Departure Service (Dienst Terugkeer en Vertrek)
ECN	European Convention on Nationality
ENS	European Network on Statelessness
EU	European Union
IND	Immigration and Naturalisation Service (Immigratie- en naturalisatiedienst)
OSCE	Organisation for Security and Co-operation in Europe
PILP	Public Interest Litigation Project
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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Introduction

Imagine living in a country without the possibility to get an education, to work, to marry, to see a doctor, or to have a house. This is the case for at least 400,000 people in the European Union. These people are stateless. Stateless people are people without a nationality and are deprived several fundamental rights ("What is Statelessness", n.d, para. 2). Some of them became stateless somewhere during their lives, while others were born stateless. Despite several international instruments that are established in order to prevent and reduce statelessness worldwide, statelessness remains a problem. Statelessness is present in both new and old EU countries. The Roma, Sinti and Russian minority in the Baltic States are examples of groups of people that are often stateless ("Stateless in Europe", n.d.). Roughly 15,000 Roma children that were born in Italy live in "a limbo of legal invisibility and without basic rights, even though their families have been living for decades in Italy" (Rozzi, 2013, para. 2). However, statelessness is an EU-wide problem and occurs not only within these minorities. For example, in the Netherlands, there are 4,000 people registered as stateless, and around 75,000 people are undocumented ("Staatloosheid", n.d.).

This research has been conducted in order to find out why still so many people in the European Union are stateless, and what possible solutions to eliminate statelessness are. The main research question is: **How can the European Union succeed in eliminating statelessness in the European Union member states?**

Furthermore, it was interesting to look at one of the EU member states and to find out how this particular country prevents and reduces statelessness. The Netherlands was chosen for this case study, because despite the fact that the Netherlands is such a developed country, there are still many people stateless or undocumented. In order to answer the research question, a few sub questions needed to be answered. The sub questions for this research were:

- What is statelessness?
- What are the main causes of statelessness?
- What international instruments to prevent statelessness exist?
- Is statelessness mentioned in European Law?
- What are possible solutions for statelessness?
- How many people in the Netherlands are stateless?
- Does the Netherlands comply with international treaties on statelessness?
- What are solutions for statelessness in the Netherlands?

Literature Review

In order to answer the research question, it was firstly necessary to write a literature review that explains all definitions and theories about statelessness. Qualitative research was conducted and secondary data was used for the literature review, since the literature review only includes what already has been written about statelessness. Statelessness proves to be an unknown phenomenon to many people, not only is this visible in direct surroundings of the author, but it is also visible in the available literature, as the amount of research on statelessness is quite limited. Furthermore, in the literature review it was explained what is missing in the existing literature on statelessness, and why this needed to be researched. In order to understand why statelessness still exists within the European Union, it was important to look at all the legislation that the international community has written on statelessness. Besides the legislation on statelessness, it was also relevant to pay attention to the international legislation on refugees, since the guidelines for refugees were an example for the legislation on statelessness.

Statelessness in the European Union

Statelessness is a phenomenon that exists all over the world. The United Nations High Commissioner for Refugees (UNHCR) states that at least 10 million people worldwide are stateless ("An Introduction to Statelessness", n.d[1], para. 2). Despite the existing human rights in the European Union, statelessness is also a problem within the EU. Numbers from the UNHCR show that in the year 2014, approximately 400,000 persons in the European Union were stateless (see Appendix A). According to Brad K. Blitz and Caroline Sawyer, authors of the book *Statelessness in the European Union*, statelessness defines people who are not nationals of any state (Blitz & Sawyer, 2011, p. 3). Stateless people are deprived several fundamental rights, such as the right to vote, the right to work, the right to housing, the right to education, and the right to health care. Besides the deprivation of these fundamental rights, it is also often not possible to travel between different countries and sometimes it is not even possible to get married ("What is statelessness", n.d[2], para. 2). The European Union has no joint policies on statelessness, which results in different rights for stateless persons within the EU. The problem of statelessness is not new. Already in the 1948 Universal Declaration of Human Rights the rights to nationality and the prohibition against the arbitrary deprivation of nationality were included. In the last fifty years, the European Union

[1] [2] The European Network of Statelessness provides no dates on its web site

and the Council of Europe (CoE) both developed universal mechanisms to improve the situation of stateless people globally. However, despite actions that were taken by the CoE and the EU, statelessness still occurs in both new, and old European Union Member States (Blitz & Sawyer, 2011, p. 3).

Forms of Statelessness

Caroline Sawyer, author of the book *Statelessness in the European Union*, divides stateless people into two different categories: *de jure* statelessness and *de facto* statelessness. She categorises the ones that truly have no nationality under *de jure* statelessness, and the people who have a nationality but do not want to go (or cannot go) to their 'home' country under *de facto* statelessness (Blitz & Sawyer, 2011, p. 70). *De jure* statelessness occurs when people are not given a nationality at birth, or because they lose their nationality somewhere during their lifetime. Sawyer states that most European countries attempt to grant *de jure* stateless people citizenship, "but it may be impossible for them to show either that they are entitled to the nationality of a particular state or that they are stateless", since they do not have any documents (Blitz & Sawyer, 2011, p. 70). Persons who are *de facto* stateless remain in a country that sees them as unwanted foreigners. Therefore, they remain outside the protection of the legal system, and are vulnerable to abuses of their rights (Blitz & Sawyer, 2011, p. 70 - 71). According to Sawyer, international law has no real solutions for either *de jure* or *de facto* stateless people (Blitz & Sawyer, 2011, p. 72).

According to Laura van Waas, writer of *Nationality Matters, Statelessness under International Law,* the first problem with statelessness is the definition of the word stateless. Van Waas states, "that no universal interpretation and application of the term stateless exists" (Waas, 2008, p. 9). This means that every country can decide for itself what being stateless means and what procedures should follow to determine statelessness. For example, states can give persons the status "unknown nationality" or "non-citizen" instead of "stateless". Because of these different labels, not all stateless persons are being recognised as stateless, and therefore statistics on statelessness are unclear (Waas, 2008, p. 9).

Causes of statelessness

Jus soli and *jus sanguinis*

One of the main causes of statelessness is the way countries decide how a child receives its nationality. There are two ways a child can receive a nationality, either by *jus sanguinis* (parentage), or by *jus soli* (place of birth). This means that when a child is born on the territory of a country that has adopted the *jus soli* principle, the child automatically receives the nationality of that country (Samore, 1951, p. 476). Only 30 of the 194 countries worldwide grant unrestricted citizenship to all children born on the territory of that particular country. The United States and Canada are the only "advanced" economies that practise the *jus soli* principle, none of the European Union countries still use the *jus soli* principle (Feere, 2010, p.2). According to Feere, many countries that originally had the automatic birth right policy ended this in recent decades.

Table 2. Of Advanced Economies, Only Canada and the United States Recognize Automatic Birthright Citizenship

Australia	Iceland	Portugal
Austria	Ireland	Singapore
Belgium	Israel	Slovak Republic
Canada	Italy	Slovenia
Cyprus	Japan	Spain
Czech Republic	Korea	Sweden
Denmark	Luxembourg	Switzerland
Finland	Malta	United Kingdom
France	Netherlands	**United States**
Germany	New Zealand	
Greece	Norway	

Source: International Monetary Fund, World Economic Outlook Database—WEO Groups and Aggregates Information, October 2009, at www.imf.org/external/pubs/ft/weo/2009/02/weodata/groups.htm#ae

Table 3. Only Three Countries with "Very High Human Development" Recognize Automatic Birthright Citizenship

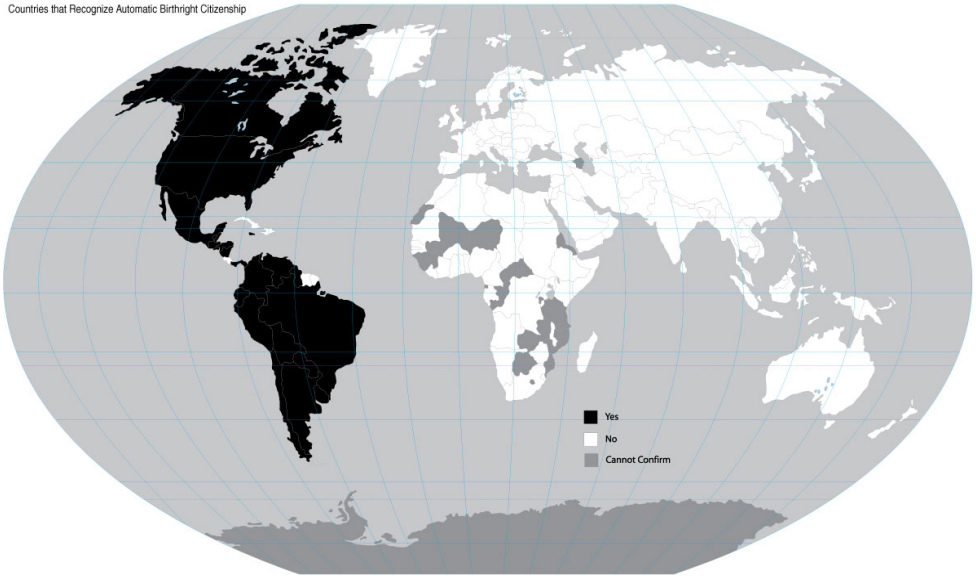
Norway	Austria	Andorra
Australia	Spain	Slovenia
Iceland	Denmark	Brunei
Canada	Belgium	Kuwait
Ireland	Italy	Cyprus
Netherlands	Liechtenstein	Qatar
Sweden	New Zealand	Portugal
France	United Kingdom	United Arab
Switzerland	Germany	Emirates
Japan	Singapore	Czech Republic
Luxembourg	Greece	**Barbados**
Finland	Korea (Rep. of)	Malta
United States	Israel	

Source: "List of Countries with 'Very High Human Development.'" Overcoming barriers: Human mobility and development. Human Development Report 2009. United Nations Development Programme.

Note: Reprinted from *Birthright Citizenship in the United States*, by Jon Feere, retrieved from http://cis.org/birthright-citizenship

The last country of the European Union that used the principle of *jus soli* was Ireland, but in 2004 the Irish Citizenship Referendum ended the unrestrictive citizenship principle.

Countries that Recognise Automatic Birthright Citizenship (2010)



Note: Reprinted from *Birthright Citizenship in the United States*, by Jon Feere, retrieved from http://cis.org/birthright-citizenship

With the *jus sanguinis* principle it does not matter if a child is born on the territory of a certain country, it is important that at least one of the parents has the nationality of that country. Most of the European Union countries use *jus sanguinis* as a guideline for citizenship. According to the European Network on Statelessness, the *jus sanguinis* principle has some positive effects on the prevention of statelessness, namely children born to European nationals anywhere are at minimal risk of becoming stateless. However, for children born to non-Europeans within the European Union there is a chance at being stateless (Vlieks & Swider, 2015, para. 3). For example, Iran uses the *jus sanguinis* principle. Iran uses the *jus sanguinis* principle, although not equally for both men and women, because the child only receives the Iranian nationality through its father. An Iranian mother cannot pass her nationality on to her child (Azizi, Hajiazizi & Hassankhani, 2012, p. 145 – 146). So, if in the Netherlands a single Iranian mother without the Dutch nationality has a child, the child will be born stateless, because the Netherlands uses the *jus sanguinis* principle, and not the *jus soli* principle.

State succession

Another cause of statelessness is the succession of states. The collapse of the Soviet Union and former Yugoslavia are both examples where many people lost their nationality. The UNHCR describes how changes in states and borders affect statelessness:

> In many cases specific groups may be left without a nationality as a result of these changes. Even where new countries would allow nationality for all within the territory, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national (jus sanguinis), then this means that statelessness will be passed on to the next generation ("Causes of Statelessness", n.d, para. 3).

Discrimination

Minorities that are being discriminated by states, such as Roma and Sinti people originating from the Balkans and Italy, are often without a nationality. In almost all the states of former Yugoslavia Roma people are the majority of stateless persons. Roma and Sinti often do not register the birth of their children out of fear for deportation or bureaucratic barriers (Rozzi, 2013, para. 3).

Arbitrary deprivation of nationality

States are prohibited from arbitrarily depriving someone of their nationality. However, some states violate the prohibition. Arbitrary deprivation of nationality sometimes involves an entire population group, singled out on the basis of discriminatory characteristics, such as ethnicity or religion, and sometimes it occurs to just one single person on the basis of discriminatory characteristics ("Causes of Statelessness", n.d, para. 5). According to the UNHCR,

> arbitrary deprivation of nationality effectively places the affected persons in a more disadvantaged situation concerning the enjoyment of their human rights because some of these rights may be subjected to lawful limitations that otherwise would not apply, but also because these persons are placed in a situation of increased vulnerability to human rights violations ("Right to nationality and Statelessness", n.d, para. 2).

International frameworks on statelessness

The 1948 United Nations Universal Declaration on Human Rights

The 1948 United Nations Universal Declaration on Human Rights was the first document that included the right to a nationality. Article 15 of the Declaration states that "everyone has the right to a nationality, and no one shall be arbitrary deprived of this nationality nor denied the right to change this nationality" (United Nations, 1948, p. 4).

The Convention Relating to the Status of Stateless Persons

The next legal text that provided more rights for stateless persons was the Convention Relating to the Status of Stateless Persons in 1954. It was the wish of the International Law Commission of the United Nations that stateless persons would enjoy the protection of the country of their residence, even before they received a nationality. Furthermore, the aim was that stateless people would have the same rights as nationals, with the exception of political rights. However, the Conference of Plenipotentiaries, which was set up by the UN Economic and Social Council in order to develop a new Convention, did not take the suggestions of the International Law Commission. Instead, the Conference of Plenipotentiaries based the text on the Convention Relating to the Status of Refugees from 1951, which included stateless refugees (Weis, 1961, p. 257). Stateless persons who were not refugees were not mentioned in the 1951 Convention, but they are included in the 1954 Convention Relating to the Status of Stateless Persons. The first Article of the 1954 Convention provides the definition of a stateless person, and the United Nations refers to this Article as the most important part of the 1954 Convention (UNHCR, 1954, p. 3). According to the 1954 Convention, stateless persons must be granted freedom with regards to: practicing their own

religion (Article 4), access to courts (Article 16), elementary education (Article 22), and public relief and assistance (Article 23) (UNHCR, 1954, p. 7 – 14). Most of the other Articles include the sentence "treatment should be as favourable as possible, and in any event, not less favourable than accorded to aliens generally in the same circumstances" (Weis, 1961, p. 258). Alien here means a person who is not a citizen or national of the state concerned ("Principles Concerning Admission and Treatment of Aliens", n.d, para. 1). Sawyer states that despite the good intentions of the Convention, there are a few "less favourable elements" (Blitz & Sawyer, 2011, p. 79), such as the fact that "refugees would have a most-favoured-nation right of association (that is the most favourable treatment given to nationals of a foreign country in the same circumstances), whereas the status of stateless persons was aligned with that of aliens generally, if as favourably as possible" (Blitz & Sawyer, 2011, p. 79). Furthermore, she argues, while refugees are allowed to work after three years of residence and are treated like nationals, stateless persons should in this case be treated as aliens. Moreover, Article 31 of the 1951 Refugee Convention, that prohibits penalties for unlawful entry into the territory, cannot be found in the 1954 Convention Relating to the Status of Stateless Persons. The same goes for the Article of Non-Refoulement (Blitz & Sawyer, 2011, p. 79). Another problem of the Convention is that it only covers *de jure* stateless persons in its definition, not *de facto* stateless people (Weis, 1961, p. 264). However, the largest issue with the 1954 Convention is, that since the Convention came into force in June 1960, only 20 countries worldwide ratified the Convention. Just nine of these countries are European Member States, such as France and the Netherlands. None of the former Soviet Union and former Yugoslavia countries signed and ratified the Convention ("Chapter V, Refugees and Stateless Persons", n.d.).

The United Nations Convention on the Reduction of Statelessness

The next legal document that provides rights for stateless persons is the UN Convention on the Reduction of Statelessness. The Convention was adopted in 1961 and entered into force in December 1975. It took such a long time to come into effect, because Article 18 of the Convention states, "this Convention shall enter into force two years after the date of the deposit of the sixth instrument of ratification or accession" (UNHCR, 1961, p.181). The aim of the United Nations with this Convention was to further avoid the incidence of statelessness, and to form the foundation of the international legal framework to address statelessness. The 1961 Convention was meant to complement the 1954 Convention (UNHCR, 1961, p. 3). "A central focus of the Convention is the prevention of statelessness at birth by requiring States to grant citizenship to children born on their territory, or born to their nationals abroad, who would otherwise be stateless" (UNHCR, 1961, p. 3). This means that this Convention again focuses more on *de jure*

stateless persons than on *de facto* statelessness. Articles 1, 2, 3, and 4 of the Convention encompass guidelines to when nationality shall be granted to a stateless person, and includes the central focus of the Convention. Article 8 states that persons cannot be deprived of their nationality if they would otherwise be stateless. However, it is possible for States to take someone's nationality in cases of fraud and disloyalty. Article 9 of the Convention prohibits States from deprivation of nationality on religious, ethnical, political and racial grounds.

The European Convention on Nationality of the Council of Europe in 1997

Besides the UNCHR has The Council of Europe also established legislation on statelessness, namely The European Convention on Nationality (ECN) in 1997. According to Lisa Pilgram, doctoral researcher at the Open University, this Convention is "the most important regional legal instrument on nationality today. It consolidates, for the first time in a single document, generally recognised international legal norms on nationality" (Pilgram, 2010, p. 1). The ECN includes that all States that have ratified (State Parties) the Convention, should ensure nationality for everyone, statelessness should be avoided, and that no one should be arbitrarily deprived of his or her nationality (Council of Europe, 1997, p.3). Furthermore, The European Convention on Nationality incorporates that "the rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin" (Council of Europe, 1997, p.3). The Convention contains several Articles on the acquisition of nationality, the rules on the renunciation of someone's nationality, and on nationality and state succession. However, the problem with this Convention is the number of states that have ratified the Convention. Only 20 of the 47 countries have ratified the Convention, and nine countries have signed but not ratified. The last country that ratified the Convention was Montenegro in 2010 ("Chart of signatures and ratifications of Treaty 166", 2016). According to Lisa Pilgram, there are several reasons for non-ratification. Firstly, she states that the most important reason for states to not ratify the Convention, is Article 5 about non-discrimination on the basis of race, national or ethnic origin. Furthermore, she argues that states do not want to offer administrative or judicial review, which is also part of the Convention. Besides this, the Convention on Nationality of the Council of Europe demonstrates that nationality is not a privilege, but a right, and this emphasis on the rights of the individual is something that not all states appreciate (Pilgram, 2010, p. 1).

The United Nations Handbook on Statelessness

In 2012, the United Nations published four Guidelines on statelessness. These Guidelines provided the definition of a stateless person, procedures for determining whether an individual is a stateless

person, the status of stateless persons at the national level, and included the right for children to acquire a nationality through Articles 1 - 4 of the 1961 Convention on the Reduction of Statelessness. In 2014, the UNHCR published the Handbook on Protection of Stateless Persons. This Handbook overruled the UNHCR Guidelines. The Handbook consists of all four Guidelines together, and has in addition a chapter about *de facto* and *de jure* statelessness. The Handbook is under the 1954 Convention Relating to the Status of Stateless persons, and the UNCHR issued the Handbook at the 60th anniversary of the 1954 Convention (UNHCR, 2014, p. 1). Besides the original Articles of the 1954 Convention, the mandates are widened by several General Assembly Resolutions, such as the Resolution to entrust the UNHCR with responsibility for stateless persons generally. According to the UNHCR, "this Handbook is intended to guide government officials, judges and practitioners, as well as UNHCR staff and others involved in addressing statelessness" (UNHCR, 2014, p. 2).

The 1954 Convention Relating to the Status of Stateless persons and the 1961 Convention on the Reduction of Statelessness are the two key international frameworks for battling statelessness worldwide. However, despite the international frameworks and developments within the field of human rights law, worldwide there are still at least 10 million stateless people. According to van Waas, "to date, the international response to the issue has failed to fully and effectively prevent cases of statelessness or offer adequate protection to stateless persons" (Waas, 2008, p. 15). Van Waas argues that a lot of international attention and funds go to refugees, but the stateless people are being somewhat forgotten. She gives an example of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR has around 6000 employees worldwide, however, only a hand-full of those employees works fulltime on the problem of statelessness (Waas, 2008, p. 17).

Both the failure of states to adopt and implement the Conventions and the decline of discussions on statelessness have had consequences on the statelessness issue. However, van Waas states, that not only states are to blame. There has been a lot of critique on the content of the international instruments, for example that the instruments have been created more from the view of a state's rights and sovereignty than an individual's rights. This caused the instruments to be less forceful, and not as efficient. However, because of the lack of interest of states, the Conventions could not really be tested or further developed and have therefore not evolved in time, unlike other fields of international law. "There is now a genuine concern that the norms adopted in the Stateless Conventions have been outrun by practical and legal developments since the promulgation of these instruments" (Waas, 2008, p. 18).

Conclusion

Statelessness is a phenomenon that is a worldwide problem. Over 10 million people worldwide are stateless, and within the European Union about 400,000 people are without a nationality. People that are stateless are often deprived from several fundamental rights. Despite the fact that several international institutions have developed universal mechanisms to improve the situation of stateless people, it still occurs and is a fairly unknown phenomenon. There are two different types of statelessness, *de jure* statelessness and *de facto* statelessness. *De jure* stateless people are born without a nationality and *de facto* stateless people are people that do have a nationality but who do not want to go (or cannot go) to their 'home' country. Causes of statelessness are the *jus soli* principle and the *jus sanguinis* principle, which means that a child either receives a nationality based on the territory where he or she is born, or by parentage. Other causes of statelessness are state succession, discrimination, and arbitrary deprivation of nationality. Several international legislation has been written on statelessness, however the two most important documents are the UNHCR 1954 Convention Relating to the Status of Stateless Persons and the UNHCR 1961 Convention on the Reduction of Statelessness. Especially the 1954 Convention is still very relevant for the rights for stateless people. Despite the fact that statelessness still poses a big problem today, most of the international attention goes to refugees.

The existing literature on statelessness focuses mostly on defining statelessness, and on statelessness worldwide. Only a few articles are specifically about statelessness within the European Union, and on the causes of statelessness. From the existing literature on statelessness, it is clear that there has not been done much research on reducing statelessness through EU conditionality, and the possibility of a European Union Framework to reduce and prevent statelessness within the European Union.

Methodology

The research question of this dissertation is: How can the European Union succeed in eliminating statelessness in the European Union Member States? During the preliminary research it became clear that statelessness still poses a problem within the European Union Member states, despite having several international frameworks that involve protection and the reduction of stateless people.

The results section contains both primary and secondary information. Secondary information is used in order to substantiate the primary information. Books, articles, reports, statistics and journals were used for secondary information, such as the Journal of European Public Policy and the UNHCR Population Database. Only qualitative research was conducted, because it was necessary to gain a deeper understanding of the legislation on statelessness and why statelessness still exists in the European Union. Quantitative research was not done, because surveys and results from a larger population were not needed. First it was important to research if EU law on statelessness existed and what the EU had done so far to battle statelessness within the European Union. Furthermore, possible solutions for resolving statelessness in the European Union were researched, such as conditionality, a European Framework for statelessness, the *jus soli* and *jus sanguinis* principle, and the identification and recognition of statelessness. Besides this, it was chosen to focus on one of the European Union Member States: The Netherlands. The Netherlands was chosen for a case study, because it has ratified both UN Conventions on statelessness, but still has over 80,000 people without a nationality (or with an unknown status).

The primary information was carried out in the form of interviews, because interviews give the opportunity to ask more in depth questions and to ask about personal cases and views. The interviews were mainly focused on solutions for statelessness in the European Union, and one of the interviews was about the situation in the Netherlands. The interviewees for this research were Katja Swider and Jelle Klaas. Katja Swider is a doctoral researcher within the Amsterdam Centre for European Law and Governance (ACELG) and currently writes her thesis on the identification of stateless people in Europe. Furthermore, she has publications on topics such as: the identification and protection of stateless people through EU law, and EU conditionality and naturalisation requirements ("Organisatie", n.d., para. 1-4). Jelle Klaas works as a human rights lawyer in the Netherlands and is project coordinator of the Public Interest Litigation Project (PILP). PILP is part of the Dutch Section of the International Committee of Jurists (NJCM) and "explores the possibility of strategic ligation in the field of human rights in the Netherlands"

("PILP", n.d, para. 2). PILP has several topics within the human rights field for which they lobby and strategize, and statelessness is one of these topics. Both interviewees are very relevant for this research.

Results

European Union Law on Statelessness

Katja Swider, doctoral researcher within the Amsterdam Centre for European Law and Governance (ACELG), has conducted research on European Law concerning statelessness. She argues, that despite the fact that the issue of statelessness received much more international attention since the early 1990s (because of the collapse of the USSR and the disintegration of Yugoslavia) there is still a need for improvement for the determination procedures of stateless persons in the EU (Swider, 2014, p. 3). According to Swider, the identification and determination procedures should be addressed separately from the two Conventions on Statelessness (Swider, 2014, p. 7). She argues, "that the European Union refers to stateless persons in its laws, but its involvement in addressing the problem has so far been very limited" (Swider, 2014, p. 7). The first EU-Treaty mention of statelessness was in the Lisbon Treaty in Article 67(2). There it states, that stateless persons should be treated as third country nationals (non-EU nationals). Despite the fact that statelessness is mentioned in some EU legislation, there is no measure that is specifically designed for the needs of stateless persons in the European Union. Only in 2009 the problem of statelessness was included in a resolution by the European Parliament. Besides this, in 2012 the European Union Member States promised to ratify the 1954 Convention and consider ratifying the 1961 Convention. Katja Swider states, that although this promise indicates some interest in the statelessness problem, nothing really changed in tackling statelessness in the European Union (Swider, 2014, p. 8).

Since 2012, two states acceded to the 1954 Convention, namely Bulgaria and Portugal. None of the acceded EU states (13 in total) has since then ratified the Convention. From all EU Member States, only 11 states have ratified the Treaty ("Chapter V Refugees and Stateless Persons", 2016). Ratification to the 1961 Convention is even more dramatic. From all the European Union countries, only the Netherlands and the United Kingdom have ratified this Convention. France has only signed it, and 17 other EU states have acceded to the Treaty. Poland, Cyprus, Estonia and Malta are no parties to either one of the Treaties.

Possible solutions for statelessness within the European Union

EU Conditionality post-accession

One of the solutions for statelessness might be EU Conditionality. If a country wants to become a European Member State, it first has to comply with certain conditions, this is called EU Conditionality. The candidate Member States have to transpose the entire acquis communautaire into their political system. The conditions for accessions are mainly defined in the Copenhagen Criteria. Countries that wish to join the EU need to have:

- stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy and the capacity to cope with competition and market forces in the EU;
- the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union ("Conditions for Membership", 2015, para. 5).

So, human rights and respect for and protection of minorities are an inevitable part for joining the EU. This is the part where statelessness can be addressed. In fact, this has already happened in the past. For example, when the Baltic countries wanted to join the EU, it was important that (mainly) Latvia and Estonia changed their naturalisation policies, in order to eliminate the large amount of statelessness within the Russian-speaking community. According to Gwendolyn Sasse, author of the article *The politics of EU conditionality: the norm of minority protection during and beyond EU accession*, the Latvian and Estonian governments have gradually amended the restrictive citizenship and language laws and naturalisation procedures in the context of EU accession (Sasse, 2008, p. 848). However, despite the decrease in statelessness over the years, the numbers of stateless persons in Latvia and Estonia are still high compared to other EU countries. In the year 2006 there were 393,012 stateless persons in Latvia, and in the year 2014 there were still 262,802 registered. Sasse states, that "the persistently high number of stateless 'Russophones' residents suggest that the effect of international pressure on forging deeper societal cohesion has been limited" (Sasse, 2008, p. 848). According to Sasse, international pressure was very visible before and during the accession period, from international actors such as the EU, the Organisation for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities and

Number of stateless persons in Latvia and Estonia from 2002 - 2014

	Latvia	**Estonia**
2002	no data	no data
2004	452,176	150,536
2006	393,012	119,204
2008	365,417	110,315
2010	326,906	100,983
2012	280,759	94,235
2014	262,802	88,076

the Council of Europe, but post-accession the scope for international involvement was gone. "The OSCE is politically weakened, and the Council of Europe remains the only international institution with a mandate to monitor minority issues in Europe" (Sasse, 2008, p. 856). According to Eli Gateva, author of *Post-Accession Conditionality,* the only thing the European Union can do post-accession, is rely on threats to persuade compliance, and not use accession advancement rewards (Gateva, 2010, p. 21).

So, perhaps something should be added to the conditions in order to become a EU Member State, such as a monitoring body to monitor compliance post-accession. However, Katja Swider states in an interview, is it not possible to treat the newly acceded countries any different from other EU countries, because that would create a divided Union. "It would in a way create first- and second-class membership in the EU, so some states would be more sovereign than others, and I think it is questionable whether that is a good idea" (Katja Swider, personal communication, February 2016). According to Swider, the EU is discussing this option with Turkey, which is already pending for decades, and a lot of researchers do not think this is a good idea (Katja Swider, personal communication, February 2016).

European Framework for the elimination and prevention of Statelessness

Perhaps a European Framework for the elimination and prevention of Statelessness is the solution for eliminating statelessness in the European Union. Framework agreements are legal instruments that are binding for the parties to the framework agreement. Examples of existing European Frameworks are the European Framework of Reference for Languages, the European Framework for Audit and Certification of Digital Repository, and the European Framework of Law for Children's Rights. Katja Swider agrees that the EU should invest time in harmonising procedures for the practice of determining whether somebody is stateless (Katja Swider, personal communication, February 2016. Swider states,

> that in order to have a coherent implementation of a migration policy in the EU, common standards for determining statelessness are quite essential. These procedures are at the moment poor and low, and having a EU framework to define stateless persons in a coherent manner would improve the situation (Katja Swider, personal communication, February 2016).

However, it is not possible for the European Union to just decide and establish a EU Framework for statelessness. The European Union can only legislate in areas in which they have competence. There are three types of competences, namely: exclusive competences, shared competences, and supporting competences. With exclusive competence, the EU is the only one able to legislate on

these areas, the national governments are not able to legislate on these topics. With shared competence, both the EU and national governments are able to decide and legislate, "EU countries exercise their own competence where the EU does not exercise" ("Division of competences within the European Union", 2016, para. 3). Finally, with supporting competence, "the EU can only support, coordinate, or complement the actions of EU countries. Legally binding EU acts must not require the harmonisation of EU countries' laws or regulations" ("Division of competences within the European Union", 2016 para. 4). Examples of exclusive competence areas are: custom unions, monetary policy for euro area countries, and common commercial policy. Examples of shared competences are: the internal market, environmental policy, and social policy. Examples of supporting competences are: industry, culture, and tourism.

The issue of statelessness falls under nationality law, and legislation on nationality falls under the sovereignty of the EU countries, so the European Union has no direct competence in this area. However, according to Jan Niessen and Thomas Huddleston, authors of the book *Legal Frameworks for the Integration of Third-Country Nationals*, EU Member States must respect the general principles of EU law and its rules, such as solidarity, equality, non-discrimination and the right to free movement. Besides this, it is also important that the nationality laws of the EU Member States cannot challenge the international public law on nationality and human rights (Niessen & Huddleston, 2009, p. 167). Katja Swider states, that the European Union has a lot of competence in the migration field, and she suggests that the EU could do a lot in identifying people and granting them a residence status.

> "Often getting a residence status, in most Member States, will one way or another lead to a nationality eventually anyway if the people want that. So that is something the EU could do within its competences. The EU doesn't really have to tell France "give them French citizenship", but they can tell France "give them a residence permit". And that is a very important step, probably the biggest hurdle for stateless people who don't have a residence permit yet" (Katja Swider, personal communication, February 2016).

The only way to shift competences is through a Treaty. The last time competences were shifted was in the Treaty of Lisbon in 2009. The role for the EU in the area for freedom, security and justice was increased through the Treaty of Lisbon, as well as an increase in EU powers in the areas for economic, social and energy policies ("The Treaty of Lisbon: introduction", 2015, para. 8).

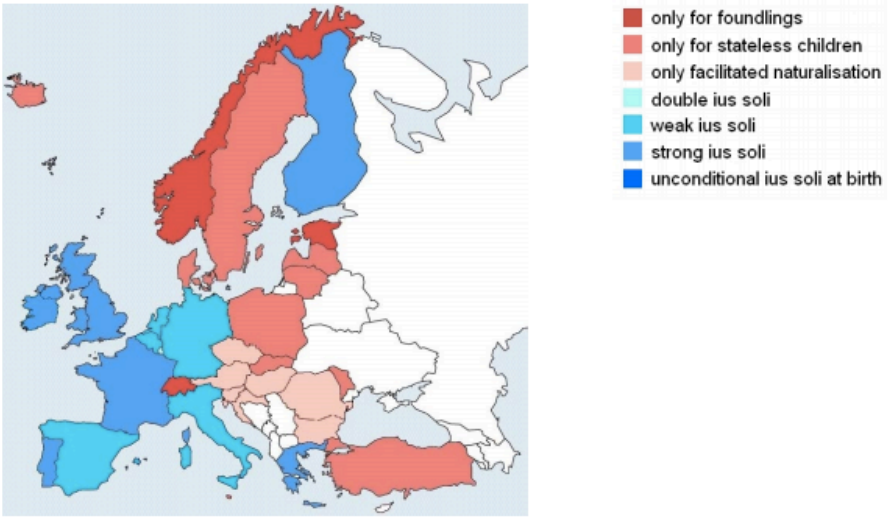
However, Swider states, that it is still possible for the European Union to do something. Despite the fact that the EU cannot pass binding legislation on specific issues, it can adopt common

understandings. “The European Union cannot implement all of the recommendations of the Council of Europe because of the competences, but the EU can use soft law measures. They can adopt policies and they can give opinions” (Katja Swider, personal communication, February 2016).

From *jus sanguinis* to *jus soli*

According to Charline Becker, author of the article *Jus Soli: A miraculous solution to prevent statelessness,* if countries would change from *jus sanguinis* to *jus soli* it would not solve statelessness, but it would strengthen prevention measures against statelessness at birth (Becker, 2015, para. 11). In fact, several EU countries have in the past couple of years included some *jus soli* measures in their nationality laws, including laws where children otherwise would be born stateless.

Jus soli provisions in Europe in 2009



Note: Reprinted from *Ius Soli Citizenship*, by Iseult Honohan, retrieved from http://eudo-citizenship.eu/docs/ius-soli-policy-brief.pdf

Iseult Honohan, author of the report *Ius Soli Citizenship* for the EUDO Citizenship Observatory, writes that from the 33 countries the EUDO Citizenship study researched, 19 countries have incorporated some form of *jus soli* in their nationality laws (Honohan, 2010, p. 1). The strength of the *jus soli* measures varies from country to country, some countries have more conditions than others. As mentioned before in the literature review, since Ireland removed the *jus soli* principle in 2004, no other country in the EU has unconditional *jus soli* incorporated in its nationality laws. In Europe, there are four main forms of *jus soli,* namely:

- "By declaration or automatically at or before majority in Belgium, Finland, France, Greece, Italy, Netherlands, Spain and United Kingdom
- On the basis of a period of prior parental residence in Belgium, Germany, Greece, Ireland, Portugal, and the United Kingdom
- On the basis of parental birth in the country (double *jus soli*) in Belgium, France, Greece, Luxembourg, Netherlands, Portugal and Spain
- Facilitated naturalisation for persons born in the country in Austria, Bulgaria, Croatia, Czech Republic, Hungary, Italy, Portugal, Romania, Slovenia and Spain.

  No general provision for *jus soli* citizenship exists in Cyprus, Denmark, Estonia, Iceland, Latvia, Lithuania, Moldova, Malta, Norway, Poland, Slovakia, Sweden, Switzerland and Turkey" (Honohan, 2010, p. 2).

This means, that in the countries where no general provision for *jus soli* citizenship exists, there is no safeguard when a child is born stateless in their country. Charline Becker argues, that the *jus soli* principle is definitely a useful tool to prevent statelessness, but it also has some gaps. Becker states, that one of the gaps that comes with the *jus soli* principle, is the registration of children at birth. Some minority groups in the former Yugoslavia and Italy, such as Roma and Ashkali, are often stateless and do not have the right documents to register their children at birth (Becker, 2015, para. 11).

The identification and recognition of statelessness

Laura van Waas stated in 2008 in her thesis *Nationality Matters* that "neither of the Stateless Conventions offer any suggestions on how to identify stateless persons or cases in which the individual otherwise would be stateless" (Waas, 2008, p. 420). She argues, that in order to prevent statelessness, identification of statelessness is a fundamental preliminary step. According to van Waas, perhaps the biggest threat to the system that has been developed for the prevention and reduction of statelessness, is the inability to identify when this system needs to be applied (Waas, 2002, p. 424). However, the UNHCR Guidelines on Statelessness of 2012 incorporated a chapter on the identification of stateless persons. The chapter on the identification encompasses guidance for states on how to develop a stateless determination procedure and the rights that the individual has until it is determined whether he or she is stateless. Furthermore, the guidelines provide examples of how states should determine statelessness, what documents and information is necessary in order to determine statelessness (UNHCR, 2012, p. 1-15). With a detailed guide on how to develop a stateless determination system, it would be expected that several EU countries would have developed their own determination system. However, only seven EU countries have stateless-specific rules.

	First generation (20th century)	*Second generation (2000-2011)*	*Third generation (after 2011)*[11]
Specific rules in law, clear or relatively clear procedural framework		Spain (2001)[12] Latvia (2004)[13] Hungary (2007)[14]	Moldova (2012)[15] Georgia (2012)[16] Philippines (2012)[17] United Kingdom (2013)[18]
Clear protection ground, but no detailed rules in law, yet functioning procedural framework	France (1952)[19] Italy (70s?)[20]	Mexico (2007)[21]	
Clear protection ground, (yet incomplete) procedural framework			Slovakia (2012)[22] Turkey (2013)[23]

Note: Reprinted from *Statelessness Determination and the Protection Status of Stateless Persons*, by Gábor Gyula, retrieved from https://cityofsanctuary.org/wp content/uploads/2015/02/statelessness_determination_and_the_protection_status_of_stateless_persons_eng_2.pdf

According to Gábor Gyula, author of the report *Statelessness Determination and the Protection Status of Stateless Persons,* none of these countries have systems that can be considered as a single "best practice", because even the ones that are often used as an example have gaps and challenges (Gyula, 2013, p. 7). Gyula states, that a good practice system would effectively implement the standards that are laid out in the 1954 Convention, the UNHCR guidelines, and international human rights law. Furthermore, the system should be practical and effective (Gyula, 2013, p. 7). Katja Swider agrees that more should be done about the identification and protection of stateless persons, because "the necessary legal frameworks are either missing, or suffer from serious deficiencies" (Swider, 2014, p. 11). According to Swider, EU-wide standards on the identification of statelessness would help the existing measures on both international and national levels to be more effective, and it would prevent a "race to the bottom" in case countries are afraid of "forum-shopping" behaviour (people that are looking for the best country to naturalise) (Swider, 2014, p. 22).

Statelessness in the Netherlands

Facts and figures on statelessness

Number of people without or unknown nationality in the Netherlands 2012-2015

© Statistics Netherlands (CBS)

2012	2013	2014	2015
90, 317	83, 638	82, 621	77, 562

According to the most recent numbers on Statline, the Dutch electronic database of statistics, in the year 2015 77,562 people without or with unknown nationality resided in the Netherlands. That are 12,755 less people than in the year 2012 ("Bevolking; geslacht, leeftijd en nationaliteit op 1 januari", 2016). However, Statline provides no concrete numbers on statelessness. The website of the Dutch government states that there are 4000 people registered as stateless in the Netherlands. Moluccans, Roma, people with Suriname heritage, migrants from the former Soviet Union countries, and Palestinians from Syria are examples of registered stateless persons. Moluccans are treated differently from other stateless groups; they have the same rights as Dutch citizens have. This is because of the Moluccans Status Act ("Staatloosheid", n.d, para. 6).

As mentioned before, the Netherlands ratified both the UN Conventions on Statelessness, the 1954 Convention already in 1962 and the 1961 Convention in 1985. Besides these Conventions, they have ratified the CoE Convention on Nationality as well. Despite having ratified the Conventions, the Netherlands still has many people that are either stateless or undocumented. The United Nations has criticised the Netherlands for its weak efforts to eliminate statelessness, and published a report about statelessness in the Netherlands in November 2011, called *Mapping Statelessness in the Netherlands*. The UNHCR report assesses the extent of the Dutch system for determining statelessness, and recognises the flaws of the Dutch system. Besides the UNHCR publication on statelessness in the Netherlands, a report was by the Dutch Committee on Migration Affairs (Adviescommissie Vreemdelingenzaken ACVZ) was published. The report, *No country of one's own*, was published in 2013. This report provides an analyses of the existing legislation on statelessness in the Netherlands and compares it to international obligations. Furthermore, it includes recommendations on how to incorporate international guidelines into the national system.

According to the UNHCR report, there are three main legal texts that provide legislation on immigrants and aliens. These are the Aliens Act 2000 (Vreemdelingenwet 2000), the Aliens Decree (Vreemdelingenbesluit) and the Aliens Act Implementation Guidelines (Vreemdelingencirculaire) (Vonk & Hendriks, 2011, p. 4). The Netherlands has two agencies that

are concerned with immigrants and aliens, namely the Immigration and Naturalisation Service (IND) and the Repatriation and Departure Service (DT&V). The Minister of Security and Justice is responsible for the implementation of the Kingdom Act on Netherlands Nationality (Rijkswet op het Nederlanderschap), which encompasses the rules for loss and acquisition of the Dutch nationality (Vonk & Hendriks, 2011, p. 4).

The rights of persons without a nationality

According to Jelle Klaas, most registered stateless people will have a residence permit that they received for other reasons than statelessness (for example, for being a refugee). Many of those 80,000 people without nationality or with unknown nationality do not have a residence permit, and this will often be because of the fact that they cannot rely on a state. People without a residence permit life on the streets, or stay in a family reception location, but they do not have any rights. Those family reception locations exist since 2008. People without a residence permit are entitled to medication, a lawyer, and education until they are 18, but they are not entitled to a sandwich or a place at a homeless shelter (Jelle Klaas, personal communication, March 2016).

Becoming a Dutch citizen

One of the main critiques of the United Nations is that the Netherlands does not have a stateless identification system. How does the Netherlands then decide whether somebody can receive the Dutch nationality? In order to find this out, it is important to look at the naturalisation procedure in the Netherlands.

When somebody wants to become a Dutch citizen, there are several steps that need to be taken. First, it is necessary to check if it is possible to use the option procedure (optieverklaring). The option procedure is the fastest way in becoming a Dutch citizen, but not everybody qualifies for this procedure. A few conditions for the option procedure are: People should "be 18 years or older, born in in the Netherlands, Bonaire, Saint Eustatius, Saba, Aruba, Curaçao or Saint Martin and have legally (with a valid residence permit) lived here continuously since they were born" ("Option", n.d, para. 5). Furthermore, the option procedure is a possibility for children that were born in the Netherlands, have been recognised stateless and have lived in the Netherlands legally uninterrupted for at least three years. Besides the conditions, there are several documents that are needed, such as a valid travel document, a valid residence permit, and a birth certificate ("Option", n.d. para. 9). There are many other conditions for the option procedure, but these conditions are the most important ones to determine whether or not the option procedure is possible for persons that

are not recognised as being stateless. For people that are not officially recognised as stateless, the option procedure is not applicable.

When the option procedure is not applicable, the naturalisation procedure is the next step. To qualify for this procedure one must fulfil several requirements. First of all, the person must be 18 years or older, have lived for at least five years legally and continuously in the Netherlands or in Bonaire, Saint Eustatius, Saba, Aruba, Curaçao or Saint Martin. A valid residence permit is necessary and it is important that the person can understand, speak and write Dutch to a certain extent ("Naturalisation", n.d, para. 4). These are the most relevant requirements. Documents that are needed in order to naturalise, are a birth certificate, a valid travel document, and a valid residence permit. This procedure is again only applicable for persons that are not stateless, or persons that are registered as stateless in the Netherlands.

So, if somebody does not have a nationality, or a valid residence permit, or a birth certificate, how is it then possible for somebody to become Dutch? As mentioned before, it is possible to receive the Dutch nationality when one is registered as stateless. For many people the solution would be to be registered as stateless, instead of "nationality unknown".

Identification of statelessness

The Population Register (BRP)

According to Jelle Klaas, a Dutch human rights lawyer that is actively involved in statelessness cases, the only procedure that exists to register people as stateless, is to request a change of status in the population register (BRP) (Jelle Klaas, personal communication, March 2016). The BRP consists of everyone who stays legally in the Netherlands for a longer period of time. People register at the local municipality. Katja Swider states that "the BRP contains a number of obligatory entries, and nationality is one of them. If individuals do not have documents indicating their nationality, then they are registered with a status "nationality unknown" (Swider, 2014, p. 10). Furthermore, according to Klaas, it is not possible to sign up people without a residence permit, and the system is therefore completely impractical and ridiculous. This means, that the BRP is only a useful system for people who have or had a residence permit (Jelle Klaas, personal communication, March 2016), and that people without a valid stay are not registered in the BRP. However, it is possible to register a person as stateless in the BRP, "but the rules of evidence for this type of entry are not specified, and the instructions directed at the relevant civil servants are unclear" (Swider, 2014, p. 10). Another problem is that some stateless persons are registered in the

BRP with a certain nationality that they actually do not have. According to the UNHCR, it is unclear why so many official documents are needed, but it is "common practice" nonetheless. Yet, even when somebody is successful in providing all the documents needed to prove statelessness, it still does not mean that it is immediately possible to fully participate in society (Vonk & Hendriks, 2011, p. 18). For example, statelessness in itself is not a reason for a residence permit, according to Dutch law. However, having the status "stateless" in the BRP usually qualifies for an alien passport. Besides this, the BRP registration is required by the state authorities in order to give effect to the rights of stateless persons (Swider, 2014, p. 12).

One of the reasons the BRP is not functioning well as a statelessness recognition system, is because, according to Katja Swider, the BRP is in first instance a registration system, and not a determination procedure. The BRP does not have the right resources to determine whether or not somebody is stateless, and often "have to assess poorly documented personal circumstances of applicants for a statelessness status" (Swider, 2014, p. 12). Swider states that the civil servants working at the BRP are trained to register information that comes from highly reliable documents, and that the civil servants often do not feel qualified enough to deal with the complex questions regarding statelessness.

The 'no-fault' procedure

The 'no-fault' system is developed for those people that cannot go back to their "home" countries even though they want to, and have tried everything they could. So, they are unable to return through no fault of their own and have to stay in the Netherlands. Someone that applies for the no-fault procedure, has to fulfil some requirements before receiving a residence permit for a limited time. Firstly, the applicant must proof that he or she has tried to independently leave the Netherlands. Then the International Organisation for Migration must confirm that it is not able to assist the alien in leaving due to lack of travel documents (European Commission, 2012, p. 8). Subsequently, the Repatriation and Departure Service must try to obtain the necessary travel documents, and when this is not successful, the applicant must show that it is not his or her fault that he or she cannot leave the Netherlands. After it has been determined that the applicant does not have a valid residence permit, and does not qualify for another residence permit, the applicant will receive the residence permit for a limited time (European Commission, 2012, p. 8). Despite that some stateless persons qualify for the 'no-fault' procedure, it is not a statelessness determination system. In fact, statelessness determination is not an aim of the 'no-fault' procedure. According to Swider, "a successful applicant for a 'no-fault' procedure does not necessarily need

to be stateless, and his or her inability to leave the Netherlands might be, for example, health-related" (Swider, 2014, p. 24).

Violation of the UNHCR Conventions

The 1954 Convention and 1961 Convention

According to the report *No Country of one's own*, the Netherlands violates Article 6 and Article 32 of the 1954 Convention Relating to the Status of Stateless Persons (The Advisory Committee on Migration Affairs, 2013, p. 70). Article 6 defines the term "in the same circumstances". This Article explains, that any requirements that are determined in order to enjoy certain rights, such as the right to reside, must be fulfilled by the individual, with the exception of requirements a stateless person cannot fulfil (UNHCR, 1954, p. 138). Article 32 declares that states should as far as possible facilitate the assimilation and naturalisation of stateless persons, and that states should make every effort to speed the naturalisation procedure and reduce as many charges and costs as possible (UNHCR, 1954, p. 155).

The type of residence permit that one receives in the Netherlands depends on whether someone is registered as stateless, and if someone is registered with an asylum status. For stateless persons with asylum status, that are not even registered as stateless in the BRP (so with "nationality unknown"), it is not necessary to have a passport or birth certificate when applying for naturalisation. When a registered stateless person in the Netherlands with a regular residence permit (not with an asylum status) applies for naturalisation, a passport is not needed anymore, but a birth certificate generally still is. According to the ACVZ report, this requirement does not consider the fact that many stateless persons do not have any documents, and this requirement hinders naturalisation (The Advisory Committee on Migration Affairs, 2013, p. 70). Persons that are registered as "nationality unknown" in the BRP and want to naturalise, still need a passport in order to qualify for Dutch citizenship, which makes it virtually impossible to become a Dutch citizen. So, this is both a violation of Article 6 and Article 32 of the 1954 Convention.

Furthermore, the ACVZ report points out that the condition on legal residence mentioned in Article 6 of the Netherlands Nationality Act on statelessness contradicts Article 1 of the 1961 Convention on the Reduction of Statelessness (The Advisory Committee on Migration Affairs, 2013, p. 71). The 1961 Convention provides that children born on the territory of a country, should be able to receive the nationality of that country after five years (less than five years is also possible). However, the Netherlands does not comply with these rules. According to the ACVZ,

> Only those children can appeal to the right of option in the Netherlands Nationality Act who are born stateless in this country and can subsequently meet the conditions for a BRP registration, the heavy burden of proof for registration as stateless as well as the requirement of lawful residence. For all other stateless children born in the Netherlands these provisions do not provide relief (The Advisory Committee on Migration Affairs, 2013, p. 71).

Solutions for statelessness in the Netherlands

According to Jelle Klaas, the BRP is not the right instrument to solve statelessness. He states, that there should be a specific point for stateless people. At this specific agency should be looked at where the person is from. It is clear that statelessness is often a problem with certain minorities from certain countries, and if the government knows which groups those are, they should be more lenient towards them. If the Netherlands follows the UNHCR guidelines, they should say: "Well come back in a year and meanwhile go to the embassy and try to proof this and this". And if everything has been done, but it did not work out, then the Netherlands should give those people at least the protection that is documented in the 1961 Convention (Jelle Klaas, personal communication, March 2016).

The Advisory Committee on Migration Affairs provides several recommendations for the Netherlands as well. The first recommendation is to establish a statelessness determination procedure backed by guarantees, because the Netherlands does not have a good system to determine statelessness, which results in situations that are not recognised as statelessness cases (The Advisory Committee on Migration Affairs, 2013, p. 71). Furthermore, setting up a statelessness determination procedure would increase the chances of complying with the international treaties. The ACVZ agrees with Jelle Klaas that only the states with which the person has a connection to, should be researched. When it is clear that he or she does not have the nationality of either of these states, he or she should be declared stateless (The Advisory Committee on Migration Affairs, 2013, p. 71). The principle of a shared burden of proof should be practiced, which means that when an individual has done everything he or she could to obtain the required documents, but not all of them could be obtained, the government should then take responsibility and gather the further evidence. Besides this, the ACVZ states that the statelessness determination procedure should be open to all stateless persons, both for people with a legal residence and for people without one (The Advisory Committee on Migration Affairs, 2013, p. 72).

The UNHCR urges the Netherlands in its report, to improve the identification, prevention, and reduction of statelessness, as well as to improve the protection of stateless people in the

Netherlands (Vonk & Hendriks, 2011, p. 56). The UNHCR agrees with the ACVZ that the matter of identification is the most problematic area. The UNHCR report shows that often no distinction is made between stateless people and people with unknown nationality. This makes it hard to measure the actual number of statelessness in the Netherlands. Thousands of people are labelled as "nationality unknown", and it is difficult to resolve their situation, because there is no uniformity between several institutions in the way statelessness in registered (Vonk & Hendriks, 2011, p. 56). Therefore, the UNCHR recommends the establishment of a statelessness determination procedure as well. Furthermore, it is recommended that "one centralised, designated and independent authority to determine statelessness be appointed. Designating a specific authority would be important to ensure transparency and develop specialization and expertise within the authority concerned" (Vonk & Hendriks, 2011, p. 59). The UNCHR likewise recommends the shared burden of proof principle. Besides this, the UNCHR states that in order to avoid gaps in the BRP, it is important that people should not be registered as "unknown nationality", unless further research has been conducted.

The establishment of a determination procedure in the Netherlands

At first, after the report of the UNCHR was published in 2011, the Dutch government was not convinced something needed to change about the way statelessness was determined in the Netherlands. However, after the publication of the AVCZ report in 2013 and several court rulings on statelessness issues, the government changed its mind (Swider, 2015, para. 3). The Dutch government promised in 2014 to establish a statelessness determination procedure, and to make Dutch citizenship more reachable for children that were born in the Netherlands without a legal residence permit (Swider, 2015, para. 3 - 7). However, despite the promise of the Netherlands to establish a determination procedure, nothing has been established two years later. According to Jelle Klaas, there were several proposals by advisory committees and the consultation is scheduled for after the summer. However, Klaas hopes that the consultation will carry through before the elections, as they delayed it already a year (Jelle Klaas, personal communication, March 2016).

Discussion and Conclusion

This research has been conducted in order to find out what are possible solutions for statelessness in the European Union. It was clear from the existing literature that the European Union has not been involved much in the problem of statelessness, only in the Lisbon Treaty was mentioned that stateless persons should be treated as third country nationals. The two international organisations that have been most active are the United Nations and the Council of Europe. Their Conventions on the protection of the stateless, and the prevention and reduction of statelessness are the guidelines for all countries worldwide. However, only the 1954 UN Convention has been widely ratified, the 1961 UN Convention is only ratified by three countries. The same goes for the CoE Convention on Nationality, as only 20 of the 47 countries have ratified this Convention. The low number of ratifications of the statelessness Conventions show the lack of interest of countries for the statelessness problem. Another reason for assuming lack of interest, is the fact that almost none of the EU countries have a statelessness recognition procedure, despite the fact that most EU Member States have ratified the 1954 UN Convention. Only six EU Members have some sort of stateless-specific procedure, but none of those procedures are best practice. The Netherlands has ratified both UN Conventions and the CoE Convention on Nationality, but does not have a stateless identification procedure, nor does it comply with the UN Conventions.

There are several ways in which statelessness can be reduced and prevented in the European Union, but most of the options that have been researched can only work as a tool to prevent and reduce statelessness, and not completely resolve it. EU conditionality for example, has proven to be a good way to reduce statelessness in countries that are not yet a EU member. However, EU conditionality cannot be used after accession, otherwise it would create first- and second-class membership to the EU. Furthermore, the creation of a EU framework to define stateless persons in a coherent manner would improve the situation, but unfortunately it is not possible to establish a framework with the current competence division. Nationality law falls under sovereignty of the member states, and therefore the EU does not have direct competence in this area. The only way to shift balance in competences is through a EU treaty. However, the EU does have a lot of competence in the migration area, and could through this area establish a common understanding and minimum standards for the identification of statelessness and residence permits. Besides this, EU member states could incorporate a form of the *jus soli* principle into their nationality laws. This would not solve the statelessness problem, but it would enhance prevention measures against statelessness at birth. In fact, several EU countries already have included some form of *jus soli* in their nationality laws. Lastly, identification of statelessness is a necessary step in order to prevent

statelessness. EU-wide standards on the identification of statelessness would help the existing measures on both international levels to be more effective, and it would prevent a race to the bottom in case countries are afraid that people will go from country to country to find the best place to naturalise. The Netherlands shows that without a good working statelessness identification system, it is difficult to measure the exact number of stateless people and to fully comply with the UN Conventions.

Statelessness affects the lives of at least 400,000 people in the European Union. People can become stateless at birth, or later in life. Stateless people can be refugees, but they can also have lived for decades in the same country. Causes for statelessness are state succession, conflict in laws, arbitrary deprivation of nationality, and discrimination. The European Union does not have any legislation on statelessness, because statelessness is a part of nationality law, which belongs to the sovereignty of the Member States. Only a treaty can shift the balance of competences. This makes it difficult for the European Union to solve the problem of statelessness, but there are several things the EU can do, such as creating minimum standards, a common understanding, and encouragement (opinions, recommendations) to the Member States to be more active and involved.

Recommendations

In order to protect stateless people and to prevent and reduce statelessness in the European Union, there are several things the European Union can do.

Firstly, it is recommended to establish a common understanding and to set minimum standards for the EU member states. Doing this will reduce the chance that people will travel around looking for the best place to naturalise. Furthermore, it will likely harmonise the EU countries in the way stateless people are treated.

Secondly, the European Union should encourage Member States to ratify both UN Conventions and the CoE Convention on Nationality and comply with the Conventions. This will hopefully ensure better insights in the number of stateless people in a country and higher standards for the protection of stateless people.

Finally, the European Union should urge the EU countries to develop a statelessness determination procedure that complies with the guidelines set out by the UNHCR.

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Appendices

Appendix A: Table 1

Table 1 *Number of Stateless Persons in the European Member States, 2010 – 2014*

	2010	2011	2012	2013	2014
Austria	401	464	542	604	570
Belgium	691	697	3,898	2,466	2,554
Bulgaria	no data	no data	no data	no data	67
Croatia	1,749	1,720	2,886	2,886	2,886
Cyprus	no data	no data	no data	no data	no data
Czech Republic	no data	no data	1,502	1,502	1,502
Denmark	3,216	3,183	3,623	4,263	4,725
Estonia	100,983	97,749	94,235	91,281	88,076
Finland	3,125	3,614	2,017	2,122	2,293
France	1,131	118	121	1,247	1,288
Germany	792	8,044	5,683	11,709	11,917
Greece	260	205	154	178	199
Hungary	62	89	111	113	124
Ireland	no data	no data	73	73	99
Italy	854	1,176	470	350	813
Latvia	326,906	312,362	280,759	267,789	262,802
Lithuania	3,674	3,480	4,130	3,892	3,645
Luxembourg	173	177	177	177	81
Malta	no data	no data	no data	no data	no data
Netherlands	2,061	2,005	2,005	1,951	1,951
Poland	763	763	10,825	10,825	10,825
Portugal	31	31	553	553	14
Romania	321	275	248	297	299
Slovakia	911	63	1,523	1,523	1,523
Slovenia	4,090	no data	4	4	no data
Spain	31	36	36	270	270
Sweden	9,344	10,344	9,596	20,450	27,167
United Kingdom	205	205	205	205	16

Note: Adapted from http://popstats.unhcr.org/en/persons_of_concern. Copyright by the United Nations High Commissioner for Refugees (UNHCR) Populations Statistics Database.

Appendix B: Interview with Katja Swider

Katja Swider is a doctoral researcher within the Amsterdam Centre for European Law and Governance, and currently writes a thesis on the identification of stateless persons in Europe.

How is it possible that still so many people in the European Union are stateless?

In order to answer that question, you need to know how statelessness really occurs. And that is mostly when people are born without a nationality, or when they lose it. In Europe, the laws are not so bad in terms of how you acquire and lose a nationality, but still there are gaps. So for example, a child can be born in the European Union and not get any nationality. Also, a person who has citizenship of a European Union state can lose it and become stateless, that also happens. So that can occur within Europe, people who find themselves here, have the citizenship, but also people can become stateless somewhere outside of the EU and then arrive to the EU. So in that way, there is "locally generated statelessness" and there is also "imported statelessness". For example, maybe to be close home, we can look at the Netherlands. Legislation is quite good on the acquisition of Dutch citizenship by children; in particular, if one of your parents is Dutch, then you will for sure get Dutch citizenship. With very slight exceptions in terms of children born out of wedlock when the father is Dutch and the mother is not, then in some cases it can be complicated if the father did not recognise the child on time or something like that. There is a small gap there. But when then parents are not Dutch, and the child is born on the territory of the Netherlands, that doesn't give the child immediately the right to become a Dutch citizen. And if the parents have a different nationality from some other country through which they can acquire another nationality then it is another problem. But sometimes, the parents come from a country where they cannot get the nationality of those parents. From example, if we speak about a single mother from a country where gender discrimination finds place, then that mother cannot give that other nationality to the child, an Iranian single mother for example. So then the child is not becoming Iranian, but also not Dutch.

There are safeguards in Dutch law, under which a stateless child born in the Netherlands could apply for Dutch citizenship after three years, but for that, two things need to happen: the child needs to be recognised as stateless, which is very difficult in the Netherlands because there is no procedure, and also, the child needs to reside legally in the Netherlands. So if they happen not to have a legal residence permit, then Dutch citizenship also does not happen. So in that situation a child can be born in the Netherlands and be stateless.

In other countries in the EU there is legislation that tries to prevent statelessness, but still there are gaps. In certain circumstances, under certain conditions, a child can become stateless. No EU member is absolutely perfect in terms of statelessness prevention, however there are countries that have better regulations than the Netherlands.

Should the European Union invest time and research in defining stateless persons?

I think that we already have an okay definition. There is a definition of a stateless person in the 1954 Convention, which is rather clear and it sounds theoretically simple. It is not simple in terms of implementation and practice. So I think that we could stick to that definition, because it has this elegance of a person is either a national or stateless, there is no third option, it is either this or that. Of course there are nuances and there are always complications, but I think this is a definition that is generally accepted and is the only one on the international level that we have, so just taking over that definition is really something the EU could do.

Should the EU develop an instrument, such as a framework, for the determination of statelessness?

The practice of determining whether somebody is stateless can diverge tremendously. We see that EU Member States have very different practices in terms of doing that. I would agree with Laura (Laura van Waas) that the EU should invest into harmonising those procedures. I mean it is not effective if all the states would already do a great job, but it would still be necessary for the EU to do something, because it is something very connected with various other EU policy areas. So in fact, if you want to have a coherent implementation of a migration policy in the EU, I think common standards for determining statelessness are quite essential. However, another motivation is not only for the EU itself to be coherent and functional, but also simply for the statelessness determination, because it is at the moment so poor and low. Having a EU framework to define stateless persons in a coherent manner would just improve the situation I think.

Would it be a good idea to develop a EU agency that monitors compliance with existing legislation concerning statelessness?

That is a very interesting question. The EU is a funny organisation in that sense, because inside the EU there is strict competence division. So, some things are regulated by Member States and some things are regulated by the EU. And the separation between the two is extremely important for in which way the EU is taken bits of sovereignty. And we can argue that it is a good thing if the EU becomes a unified state, but we can also argue that its good for states to keep some sovereignty. That is a matter of political opinion, but that balance is extremely important for the EU. So the EU cannot say, I am going to take this issue and I am going to regulate it, because that would be a political disaster. On the other hand, when a state wants to join the EU, like we saw with the

accession of the Central and East European states, the international playground rules apply, where everything is actually possible. So the EU can say: "you can join, but then you have to that, you have to do this", and there is no competence problem there. They can just ask whatever they want. In the context of these states, a lot of good things happened because of conditionality, for example a lot of policies were amended, such as procedural and criminal laws. That is something that within the EU could never happen, because criminal proceedings are very much a national issue. The EU could influence that before the states were in the EU, once they joined, that stopped. It is a bizarre situation in that sense. Once these states were incorporated, this influence sort of disappeared. So do I think there should be a monitoring body? No I don't think this is possible at the moment, because of this competence problem. Of course you could say that states can only join the EU under the condition that there will be a monitoring body, but would this also apply to old states? Could the EU go to France and say, "you know the way you are handling statelessness issues is not really good". If yes, then you are shifting the balance of competences, which should happen at a Treaty level. And if the monitoring body only would be intended for the new states, then you would have in a way first- and second-class membership in the EU, so some states are more sovereign than others. It is questionable if that is a good idea. People are discussing this option for the accession of Turkey, which is pending already for decades, and a lot of researchers think it is not a good idea. So I think a monitoring body for nationality issues in the EU would be problematic for that reason. On the other hand, you work mostly with the acquisition of nationality and the solution for statelessness, and there the EU is little bit limited due to these competences. However, the EU has a lot of competence in the migration field, so the EU could do a lot in identifying people and granting them a residence status. And often getting a residence status, in most Member States, will one way or another lead to a nationality eventually anyway if the people want that. So that is something the EU could do within its competences. It doesn't really have to tell France "give them French citizenship", but they can tell France "give them a residence permit". And that is a very important step, probably the biggest hurdle for stateless people who don't have a residence permit yet.

The Council of Europe has more experience with nationality issues than the EU. Also because it doesn't have the competence problem, and it is an international organisation, so it has less power than the EU. On the other hand, it can address any topic it likes. There is the Council of Europe Convention on Nationality, which has also a very strong statelessness link obviously, so in that sense monitoring happens from there. On the policy level there is a lot of communication between the Council of Europe and the European Union, so in that sense it does work. The European Union cannot implement all of the recommendations of the Council of Europe because of the

competences, but can use soft law measures. They can adopt policies and they can give opinions and that already has a strong impact, but they cannot pass legislation. So when we speak of competences, it is not like the EU cannot say anything. It is not like the EU cannot adopt common understandings, it is more that the EU cannot pass legally binding legislation that specifically regulates certain issues. So I think, that if the EU adopted a vision that states that every foreigner that lives here for this and that long should be in principle become a citizen of a Member State, or something similar. If it would just be a common understanding, it would not really violate the competence. The talk of competence really comes in when we speak about binding legislation, such as harmonisation or minimum standards.

With the current refugee issue, should the EU not do something about statelessness as soon as possible, for a lot of refugees are already stateless or become stateless?

Being a refugee or stateless are two different things, which not always overlap. Most refugees are not stateless, but do have a nationality. The point is that the state of their nationality is persecuting them, and not providing them sufficient protection. If a refugee lives long enough outside its country, has no connection to its country, no residence status, then a lot of states have ways to make sure that those refugees after a while can acquire citizenship of whichever state provides them protection. However, it is really poorly researched what happens to second-generation children of these refugees. Legally the child receives the nationality of the parent, however the parents will never show up at the embassy, because of fearing persecution. In these cases, most states will provide these children with the nationality of the country the parents reside in. I'm not sure about the situation of statelessness with the current incoming refugees, there is probably more a problem with documentation, and obviously a lack of motivation in contacting the authorities back home, but the situation will probably be resolved as refugees instead of stateless persons. The only high-risk cases of statelessness will be children born by single mothers, which will probably happen at a large scale, because war breaks families apart and people die.

Do you think that the UN Conventions on Statelessness should be updated or should they remain as they are?

That is a good question, I never thought of it that way. They are a little out-dated, in the sense that there were newer Treaties after those two, that in a way provide sometimes wider protection, such as more rights to stateless people. Not because they specifically target stateless people, but more because they say "everybody should", such as "every child has a right to primary education". The rights that are mentioned in the two UN Conventions are weaker than the universal rights, and are therefore not longer that important. I have never thought of updating the UN Conventions, it would

politically probably be a nightmare, but why not? I think that if there would be an opportunity to update, I would have a number of suggestions on how it could be updated. Just modernising it, making it more compatible with the current understanding of human rights and the current understanding of the welfare state, which was back in the forties and fifties very different (such as public relief, or the rationing of food), and perhaps also adjust it to the views of other continents. So there would be a lot of things to think about, if such an opportunity arises, but I have never heard anyone speak about it because it would be unachievable politically. But I think it is a very useful thing to think about it, what if we had the possibility to update it? I would rather focus on the protection of stateless people, than on the reduction of stateless persons, because you can see that the Convention on the Reduction of Statelessness is a compromise between states. Some wanted to do something about statelessness, others not. Perhaps it is better to simplify it and make it clearer. However, it would be even more difficult to achieve something like this in the current political situation. The Convention is complicated, but it has a high standard, which would today be unachievable in an international treaty like this.

Appendix C: Interview with Jelle Klaas

Jelle Klaas is a human rights lawyer at the Fischer Group. This is a law firm, specialised in legal advice for marginalised groups, such as people from Somalia and Roma. Jelle Klaas is also actively involved with the Dutch Section of the International Commission of Jurists (NJCM) and is project leader at the Public Interest Litigation Project of NJCM. Statelessness is one of the topics that the Public Interest Litigation Project is committed to.

<u>New legislation on statelessness will be presented in the Netherlands, could you perhaps tell me something about this new law?</u>

The new law is about the problem of the reduction of statelessness. There are about 80,000 people in the Netherlands with the status “nationality unknown”, and many of those people are probably stateless, but do not have the protection of somebody that has the status “stateless”. So the question is: how to recognise when somebody is stateless? It is important to realise that here in the Netherlands we do not have a system for recognising and identifying statelessness, and this is a big problem. So, PILP and I try to find a solution for those children that are born in the Netherlands, but have not lived longer than three or five years here and are therefore stateless. So this is a focus of us.

Besides this, stateless people can apply for Dutch citizenship by using the "optieverklaring". However, for many stateless persons this is not possible, because one of the demands for the "optieverklaring" is to have a valid stay somewhere in the Netherlands. This is a big problem, because many of the "real" stateless persons (so not the ones that are recognised by Dutch law), do not have a valid stay. In 2010 there has been a ruling of the court in Zwolle, that said that opposing a valid stay is not okay. So, this was good news, it meant that if somebody without a valid stay, but who lived longer than three to five years in the Netherlands (the length of stay is still being discussed) could apply for Dutch citizenship.

However, the problem of the identification of statelessness remains the same. The only procedure, in my opinion, is to request a change of status in the "BRP". This is what I have done for a couple of families, so I requested a change of status for them. The first problem is that with the new system, the "BRP" (the former system was called GBA), it is not possible to sign up people without a residence permit. So, in my opinion, this is a ridiculous system, because it is completely impractical, and you would expect that the government would like to know where everybody is. However, this means that the BRP only a useful system is for people who have had a residence permit. So, before a change of status can be made, firstly a proof of a valid stay is necessary. Therefore, for many people the municipality is not an option.

The most important case that I have at the moment, is about a child (Danny) that was born in the Netherlands. His mother comes from China, and worked in the forced prostitution in the Netherlands. She does not have an identification document, or a birth certificate, and has therefore no proof of her identity, but she is Chinese. Danny is not recognised by anyone. So, we went to the Chinese embassy and asked if they could declare whether the child was Chinese or not. However, the Chinese embassy only declares things about their citizens, and the woman did not have proof of here being Chinese, so the embassy did not want to say anything about Danny. This is a very big problem, however, if one looks at the UNHCR guidelines, it says that one only needs to do look at the countries with a possible link, so for Danny this is only China and the Netherlands. Well, we have tried China, his mother went to China eight times, the Red Cross and Vluchtenlingenwerk went with her as well, and I wrote a letter to the Chinese embassy with the question if it was possible that Danny received the Chinese nationality. However, they did not respond. So we have done everything we could do, and we asked the Netherlands if it was possible to change Danny's status from "nationality unknown" to "stateless". We tried to ask the Netherlands if we had done enough research, or if we had to do more. Well, they agreed that we had done enough research. However, then there was the problem that the Council of State in their ruling of 21 May 2014 said

that this route was the only way to abrogate statelessness and also to be recognised stateless. Besides, the fact that the people that working at the BRP are not specialised in statelessness, the BRP has a completely different goal, namely they have to check if all the documents are correct. So, this discussion finally was about the fact that Danny could not deliver documents from official bodies or legal statements that say that he is stateless. However, it is very difficult to prove something you are not. Especially, because the BRP has to check those documents to agree that he is stateless, and Danny does not have any of those documents.

Well, the Court of State has ruled the 21th of May 2014 that not having a system for the recognition of statelessness is against the international documents on statelessness, but that somebody else has to adapt this. Afterwards said former state secretary Teeven that he was going to change the law. There were several proposals by advisory committees and the consultation is scheduled for after the summer. However, we hope that it will carry through before the elections, as they delayed it already a year.

For another family from Armenia, that is registered as stateless, we tried to follow the route for an "optieverklaring", but it did not work out. This is at court right now, and we hope to follow the Zwolle guideline. We applied for an "optieverklaring" for Danny as well, as it is clear that he is stateless. In my opinion, the "optieverklaring" that should abrogate statelessness for people that are not registered as stateless, is useless. The "optieverklaring" is a solution for some people, but in order to work for everybody, first a stateless recognition system needs to be developed. The case is now at the Human Rights Committee.

<u>It is difficult to find good data about the number of stateless people in the Netherlands. Do you have recent numbers?</u>

The last data is from 2011. There are a few specific groups of stateless people that live in the Netherlands, such as Moluccans, Palestinians and Somalians. The Russian minority from the Baltic States are recognised stateless people as well, for them it is easier to get a residence permit.

<u>How should statelessness in the Netherlands be resolved?</u>

The BRP is not the right instrument to solve statelessness. There should be a specific point for stateless people. There should be looked at where you are from. It is clear that statelessness is often a problem with certain minorities from certain countries, and if the government knows which groups those are, they should be more lenient towards them. If the Netherlands follows the UNHCR guidelines, they should say: "Well come back in a year and meanwhile go to the embassy

and try to proof this and this". And if everything has been done, but it did not work out, then the Netherlands should give those people at least the protection that is documented in the 1961 Convention.

Which rights do stateless people have in the Netherlands?

Most registered stateless people will have a residence permit that they received for other reasons. Many of those 80.000 people without nationality or with unknown nationality do not have a residence permit, and this will often be because of the fact that they cannot rely on a state. People without a residence permit life on the streets, or stay in a family reception location, but they do not have any rights. Those family reception locations exist since 2008. People without a residence permit are entitled to medication, a lawyer, and education until they are 18, but they are not entitled to a sandwich or a place at a homeless shelter. And because of the refugee situation, the problem with statelessness will only get bigger.

Appendix D: Informed Consent Forms

Informed Consent Form

Informed Consent Form

1) Research Project Title Eliminating Statelessness in the EU

2) Project Description (1 paragraph)

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Signed: _____ **Date:** 3-Feb-2016

Informed Consent Form

Informed Consent Form

1) Research Project Title Eliminating Statelessness in the European Union

2) Project Description (1 paragraph)

For my study I have to do a final project. I chose to research Statelessness in the European Union with a case study of the Netherlands.

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Signed: _____ **Date:** 24-03-16