



European
Network on
Statelessness

STILL STATELESS, STILL SUFFERING

Why Europe must
act now to protect
stateless persons

As part of its campaign to protect stateless persons in Europe, the European Network on Statelessness (ENS) has gathered testimonies from stateless migrants across the continent. While just a small snapshot of Europe's total stateless population, these too long unheard voices speak powerfully to the human impact that statelessness has on people living in Europe. ENS hopes that their voices can help persuade European leaders to prioritise as a matter of urgency, the strengthening of protection for stateless persons. The stories are organised around four themes which emerged when ENS and its members conducted interviews in 11 countries across Europe, namely: detention, destitution, life in limbo and waiting to belong. Some of the testimonies gathered cut across more than one of these themes which in practice are very often interconnected. In order to protect the identities of these courageous individuals, real names have not been used.

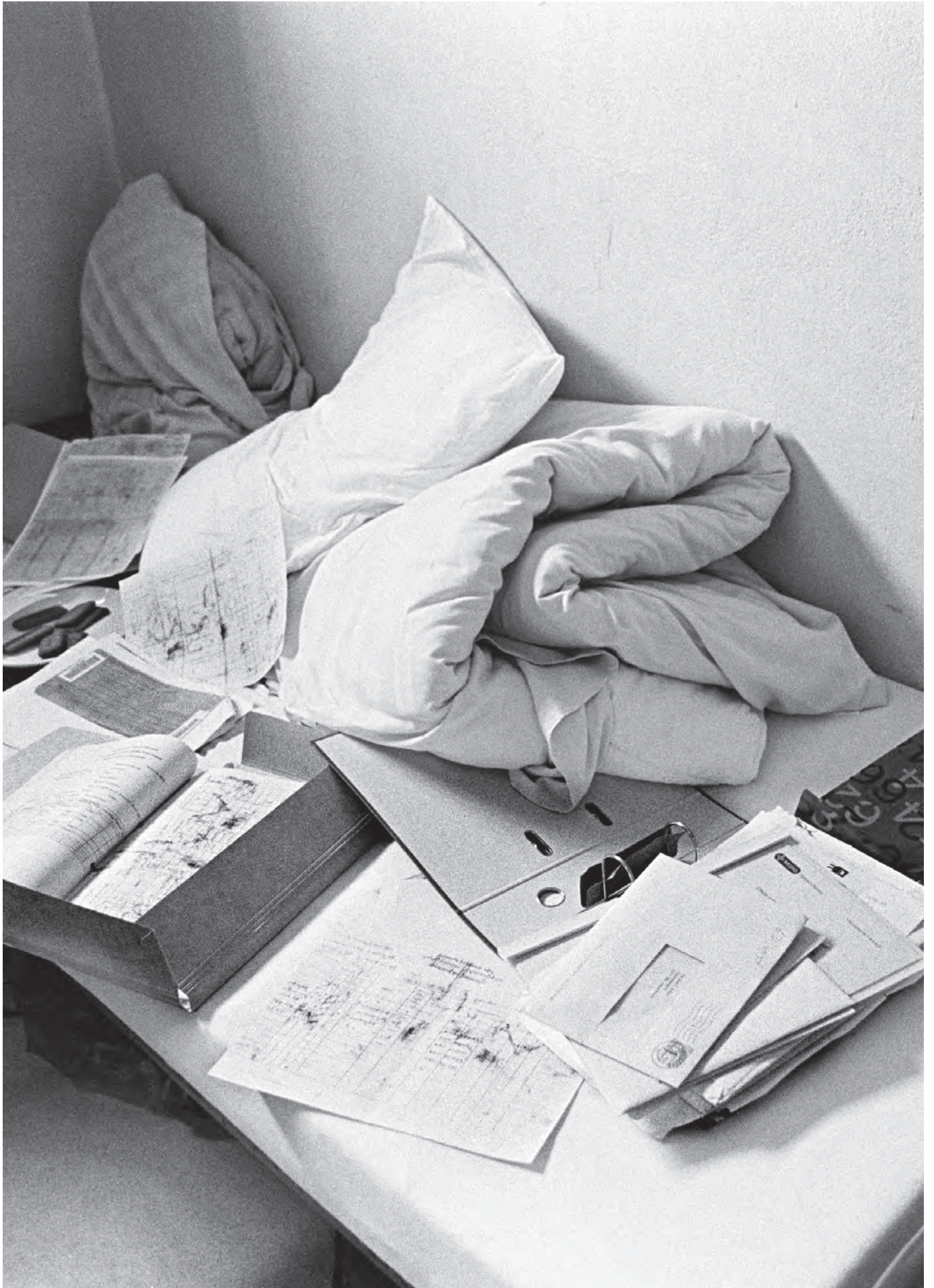
“ To be without documents and a nationality is as if you never existed in this world.

ISA, A STATELESS PERSON FROM FORMER YUGOSLAVIA

INTRODUCTION

There are estimated to be over 600,000 stateless people living in Europe today. A relatively small minority has arrived within mixed migration flows, and were either stateless prior to departure from their country of origin or have since become stateless. Despite near universal ratification of relevant international instruments such as the 1954 Statelessness Convention (which provide a set of rights for stateless persons), the hitherto slow-paced development and implementation of effective identification and protection mechanisms for stateless migrants means that they are among the most vulnerable people in Europe. They often face years of uncertainty, destitution and repeated, lengthy immigration detention. Yet the solution is relatively simple, and can be achieved by the establishment of dedicated determination procedures that are fair, efficient and easily accessible. This enables states to identify and regularise stateless persons on their territory, thereby both fulfilling their obligations under relevant international treaties and providing a sustainable policy solution for individuals who cannot be removed. For example, the UK recently took this step but remains one of only eight European countries which have these systems in place. ENS has published a *Good Practice Guide on Statelessness Determination and the Protection Status of Stateless Persons* (available at www.statelessness.eu) which is intended as a tool to assist states considering the introduction of a procedure or the improvement of an existing one.

A stateless person is someone who has no nationality. They are not Japanese, not Cuban, not Danish, not Ugandan – they do not enjoy the legal bond of nationality with any state. International law defines a stateless person as someone “who is not considered as a national by any state under the operation of its law” (Article 1 of the 1954 Statelessness Convention). Imagine what life would be like if you did not have a passport and were not considered to belong anywhere. Stateless people face numerous difficulties in their daily lives: they face often insurmountable barriers accessing health care, education, employment opportunities, property rights and the ability to move freely in Europe. It may be impossible for them to get married, open a bank account or get a driving licence – many of the things that most European citizens take for granted.



STILL STATELESS, STILL DETAINED

Many stateless persons in Europe have claimed asylum, sometimes simply because in the absence of a statelessness determination procedure, this was the only option open to them to try and regularise their stay. In the event of asylum being refused (whether rightly or wrongly), many stateless persons are exposed to arbitrary long-term detention precisely because, lacking a nationality, they most likely cannot be removed as no other state will accept them. In some cases an individual's statelessness will only become apparent following unsuccessful efforts by a host state to re-document them during an attempted deportation process. Recent research by UNHCR has revealed the long-term detention of stateless persons to be a problem in several European countries (available at www.refworld.org/statelessness.html). The detrimental impact on stateless persons - both before, during and after detention - can be severe and is completely avoidable, as evidenced by these testimonies.

LUKA

Luka was born in Ukraine when it was still a part of the former USSR. After growing up in an orphanage, he moved to Slovakia in 1991 when he was only 15 years old. He has never possessed any documents establishing a nationality. As a result, since becoming an adult, Luka has been repeatedly detained in Slovakia, including while police investigated the possibility of removing him to Ukraine. However, such attempts have proved fruitless because Ukraine refuses to accept him as a national. On the last occasion Luka was detained for 14 months in 2010. When ordering his release the court found that his expulsion from Slovakia was not possible and Luka was finally granted tolerated stay. However, his problems are far from over. Despite having lived in Slovakia for over 20 years, Luka is still not recognised as being stateless and his tolerated stay status does not allow him to work or to have health insurance. He cannot marry his partner or be registered officially as the father of his son. Recently his application to renew his tolerated stay was refused due to his inability to submit new documents from the Ukrainian embassy. He was subsequently fined for his illegal stay. This cycle shows no sign of ending.

BOBAN

Boban is a stateless Roma from Macedonia. Having faced discrimination his whole life - denied access to secondary school education, the right to work, the right to marry or to access social security - he decided to travel irregularly to claim asylum in Belgium in 2005. His claim was rejected so he tried to claim asylum in Luxembourg but was returned to Belgium under the Dublin Regulation. In 2008 he applied for regularisation as a stateless person, and although the process was slow his application was granted in 2009 after the Macedonian Office of Internal Affairs wrote a letter confirming that he was not a citizen of Macedonia. However, Boban was shocked to discover that his new status still gave him no right to stay in Belgium. It granted him no permission to work and no entitlement to housing or social assistance. Living destitute, his only option was again to apply for asylum. When this was refused he tried to claim asylum in Austria and Germany but on both occasions he was sent back to Belgium. On his return he claimed asylum for a sixth time and after this was rejected he was detained for three weeks even though the Belgian authorities already had confirmation from Macedonia that he was not a citizen so could not be removed there. Although now out of detention, he remains in limbo and with no hope for the future.

Provided by Flemish Refugee Action

ROMAN

Roman was born in Kosovo in the 1960's. His father was a Yugoslav citizen and his mother was a citizen of the USSR. Early in his life, Roman's mother took him to Russia to live with his grandmother. However, before he was old enough to obtain an ID as proof of his nationality, his grandmother died and Roman left Russia to travel around Europe. He came to Slovakia more than 20 years ago but he has remained in limbo ever since due to his lack of a nationality. He describes having been held in an immigration centre on six or seven occasions due his lack of nationality or ID. Back in 2005, he was issued with an expulsion order and a 10 year re-entry ban. However, he cannot leave the country he cannot re-enter, making the ban cruelly ironic. Instead, since 2006 he has had his tolerated stay periodically extended every six months but he remains unable to get on with his life. His lack of a permanent regularised status prevents him from working or accessing other benefits which in turn impacts on his ability to care for his disabled partner, a Slovakian citizen. He cannot apply to naturalise as a Slovakian citizen because he has a criminal record due to his failure to comply with his original expulsion order (despite this being beyond his control). He has no solution in sight.

Provided by the Human Rights League, Slovakia

“ I cannot go anywhere. I cannot go back to Bangladesh because I only had a temporary legal stay in a refugee camp. I cannot go back to Myanmar because my nationality has been withdrawn.

RASHID, A STATELESS PERSON BORN IN MAUNGDAW, MYANMAR

NATASHA

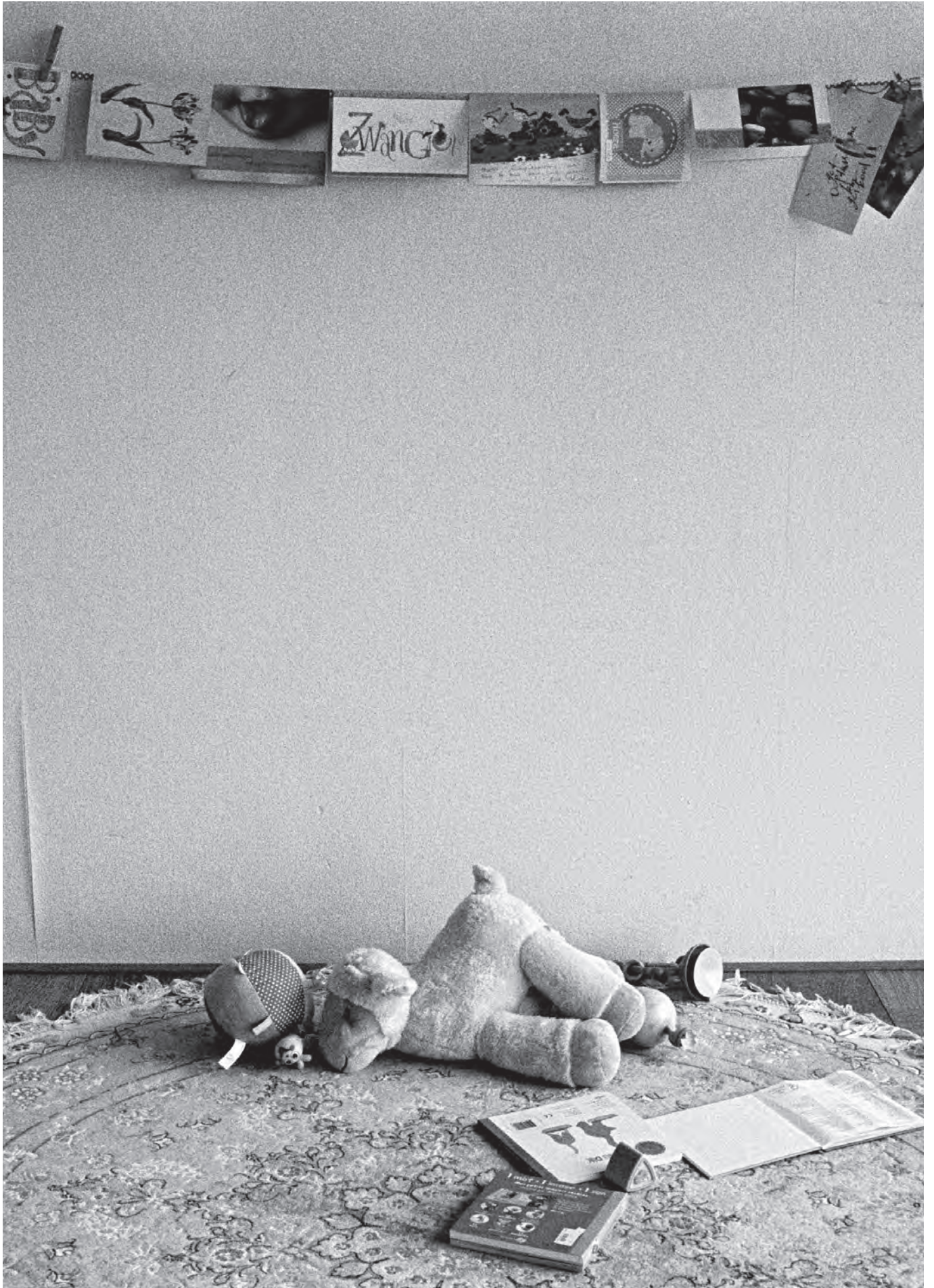
Natasha was trafficked to Slovakia in 1991 and forced into prostitution. She was born and had lived her entire life in a region of the former USSR (Soviet Socialist Republic of Ukraine) which in 1991 became Moldova. Despite escaping her captors, she thereafter spent almost 20 years in Slovakia as an irregular migrant with no documents. She tried to contact the Moldovan Embassy to obtain documentation and proof of nationality but this was located in Vienna and she was not able to cross the border without a passport. Her letters to the Embassy had no effect. She applied for asylum several times but always without a result. She was detained repeatedly while the police unsuccessfully tried to deport her from Slovakia. Hardest of all, her two children – both Slovak citizens – were placed in care without her consent while she was detained. This had a devastating impact on her. Following her release from a period in detention in 2011, based on appeals submitted, the court and later the Slovak authorities recognised that her deportation was not possible while her citizenship was still undetermined. She was reunited with her children. Eventually in 2012 she was able to make use of a discretionary power enabling her to be granted permanent residence as a stateless person. After more than 22 years spent in Slovakia she was finally able to acquire all the necessary documents – a residence permit, travel document (Convention Travel Document) and health insurance card in order to get on with her life. However, Slovakia still lacks a dedicated statelessness determination procedure to protect all stateless migrants in this situation and to prevent their arbitrary detention.

Provided by the Human Rights League, Slovakia

RASHID

Rashid was born in Myanmar. He fled to Bangladesh aged 12 with his mother in 1992 after his father, who was a Muslim rights activist, was killed and his sister was arrested. He lived in Bangladesh for 20 years, first in a refugee camp and then in several villages. Before Rashid's mother passed away in 2002 she explained to Rashid that he did not possess a valid identity document because the Rohingya of Myanmar had been deprived of their Myanmar nationality. Rashid travelled irregularly to the Netherlands in 2012. He applied for asylum twice and his request was refused both times. After the second rejection he was kept in immigration detention for 8 months. He was eventually released after being presented to the Bangladeshi and Myanmar authorities, both of which refused to accept him as a national. However, following his release he was unable to regularise his stay and he remains without status and sleeps in a homeless shelter. He has lived with instability his entire life and now finds himself alone in a foreign country suffering from nightmares, psychological issues and high blood pressure (even though he is still a young man). He cannot lead a normal life in the Netherlands but equally he cannot go and live anywhere else.

Provided by the Tilburg University Statelessness Programme



STILL SUFFERING, STILL DESTITUTE

Stateless migrants are particularly vulnerable to destitution when they cannot be deported but equally have no route to regularise their stay in the host state and thereby acquire an entitlement to work or to receive social assistance. Yet, where countries have ratified the 1954 Statelessness Convention, such individuals should in fact be entitled to these rights - the failure is one of identification and implementation. This is one reason why states must put in place dedicated statelessness determination procedures, so they can identify who on their territories is entitled to the rights owing under this Convention. Even where countries have in place a statelessness determination procedure, if applicants are not entitled to social assistance pending a decision then they too can experience long periods of destitution. Importantly, states also have obligations under the European Convention on Human Rights to avoid destitution among all people, including the stateless.

ISA

Isa was born in Kosovo in the former Yugoslavia. He fled to Belgrade following the 1999 conflict, but because he lacked any identity papers, he was never registered as an internally displaced person. His very first document, his birth certificate, was only issued in 2013 when he was 29. However, to this day he remains stateless as he cannot inherit nationality from his father (who is also stateless) or his mother (who left him when he was only two years old). He cannot get married, have his paternity of his children recognised or visit his family in Kosovo. Isa faces destitution because he cannot work legally, receive social assistance or register for health insurance. He lives with his family in an informal settlement in an improvised barrack made of wooden planks, boards and various waste materials, without water, electricity or sewage - yet cannot apply for social housing. He describes feeling like he had never existed. His only option is to try to naturalise as a Serbian citizen but he will find it very difficult to fulfil the requirement of providing documentary proof of his residence. In the meantime he remains stuck in a vicious circle and facing a life in limbo. He cannot regularise his status on account of being stateless because Serbia lacks any procedure to determine this.

“ I only want to work. Why they do not give me other residence permit so I am allowed to work? They force me to work illegally. I am tired.

LUKA, A STATELESS PERSON BORN IN UKRAINE

XAVIER

Xavier was a citizen of the former Yugoslavia and was born in what is now the territory of Kosovo. He fled Kosovo during the conflict in 1999, during which time he lost his passport. He transited through various European countries before arriving in Poland in 2004. Expulsion proceedings were started against him but these could not be executed because Serbia refused to accept him as a national. These proceedings took 12 months during which time Xavier could not work or benefit from social assistance or healthcare and he was therefore destitute. When it became clear that his expulsion was impossible he was eventually granted a form of tolerated stay. However, this does not permit him to travel so he cannot return to Kosovo to try to prove his entitlement to nationality. Xavier says he never really appreciated how important nationality is until he lost his.

Provided by the Halina Niec Legal Aid Center, Poland

LEJLA

Lejla was born in what is now Croatia to parents originating from Kosovo. Despite being registered in the Croatian birth registry as having Serbian nationality, it subsequently became apparent that this was never recorded with the competent Serbian authorities. In 1991 she moved to Kosovo and resided at her parents' birthplace until the 1999 conflict when she was forced to move to Serbia. It was at this point that Lejla discovered that she had no nationality. She could not claim Croatian nationality since her parents were not Croatian nationals and she did not fulfill the other conditions necessary to acquire this. She tried to prove that she had acquired Serbian nationality at birth, but without success, as the civil registry records in Kosovo, in which her parents claim they were registered as Serbian nationals were destroyed during the 1999 conflict. The only option open to her has been to try to initiate a naturalisation procedure as a refugee/internally displaced person who was born in another republic of the former Yugoslavia. However, given Lejla's circumstances (she has never been recognised as a refugee from Croatia and she was not registered as an internally displaced person from Kosovo either) there is no guarantee that this will succeed. While her application is pending, Lejla lives in poverty in an informal Roma settlement, unable to be employed legally, to marry the father of her children or to access rights to health care and social assistance. Lejla has three children who do not have their personal names determined and for whom she cannot obtain birth or citizenship certificates.

Provided by Praxis Serbia

STEVEN

Steven was born in Mozambique, but has no evidence of this or of any entitlement to Mozambique or any other nationality. He spent his entire childhood travelling between Mozambique, Zimbabwe and Zambia with his mother. This cycle continued until 2000 when his mother left him alone in Zimbabwe, after which he has not had any further contact with her. He subsequently left Zimbabwe and travelled to the UK where he claimed asylum in July 2003. His asylum claim was refused, as was his appeal in December 2003. However, despite Steven's full cooperation, no removal order has ever been made by the UK Home Office due to uncertainty about his nationality. Steven has approached the Zimbabwean, Zambian and Mozambican authorities but none have confirmed him as a national. Over more than a decade in limbo, Steven was denied any opportunity to regularise his status which ultimately led to the end of a relationship with his former partner, who subsequently left the UK with their child. Unable to work, he was forced to rely on the charity of friends or to sleep in a homeless shelter where he also helped out during the daytime. Although the introduction of a statelessness determination procedure in the UK in April 2013 has offered a ray of light on his situation, his application to regularise as a stateless person has now been pending for over six months. During this time he remains ineligible to receive state support so he faces the same destitution that he did beforehand. He has a new partner and dreams of becoming a building surveyor but remains unable to move his life forward.

Provided by Asylum Aid

PETER

Peter fled his village in Sudan as a child during the 1980s after which he was taken to Kenya by an American catholic missionary. At 18 he was forced to leave the mission. Without any roots in Kenya and unable to return to Sudan due to the continuing civil war, he decided to travel to Europe. He arrived in France in 2007 and claimed asylum but this was subsequently rejected. After years of homelessness he applied for voluntary return to Sudan. However, his return proved impossible because the Sudanese authorities refused to recognise him as one of their citizens. It was at this point that he realised he was stateless. In October 2012 Peter applied for statelessness status in France after being informed about this possibility by an NGO. France's statelessness determination procedure is not widely known, can be slow and applicants have no entitlement to social assistance or other rights (except a minimal entitlement to health insurance). Peter remains at constant risk of being arrested by the police. He currently does not have any housing rights but is able to find a place to sleep in homeless shelters at least 3 times a week. While he awaits a decision his situation is no better than previously and he remains in severe destitution.

Provided by Forum Réfugiés-Cosi



STILL UNRECOGNISED, STILL IN LIMBO

Stateless persons often express bewilderment at their plight. Every day they have to live without being able to do simple things that most people take for granted such as going to university, getting a job or getting married. Even just getting a driving licence or a library card can prove impossible. The impact of statelessness robs individuals of what may be the best years of their lives, and the uncertainty it brings robs them of their futures. This is why urgent action is essential to protect the stateless.

AZAT

Azat was born in Kazakhstan to Kazakh parents who moved to Poland when he was four years old, where they subsequently overstayed their visas and never obtained a residence permit for him. Azat never had his own Kazakh passport as he had entered Poland on his mother's passport (which was later stolen along with his birth certificate). In 2011, when new Polish legislation introduced an amnesty, his father successfully applied for temporary stay in Poland. By then Azat was 21 and no longer a dependent so he made his own application. He has spent almost his entire life in Poland and Polish is his only language. However, qualifying under this amnesty has proved impossible because he has no passport and no proof of his birth in Kazakhstan. Despite repeated efforts he has not been able to obtain any documentation from the Kazakh authorities confirming whether he is a citizen or not. Equally, there is no procedure in Poland for him to be able to regularise his stay on account of being stateless. Since revealing himself to the Polish authorities he has lived in constant fear of immigration detention which could be imposed in order to attempt his deportation to a country which he does not know and which is unlikely to accept him. He is unable to work lawfully and is prevented from exercising many social rights, including access to medical assistance and social security. For now he lives in limbo not knowing what the future will bring.

SKELJZEN

Skeljzen was born in Pec, Kosovo, and came to Belgrade in 1999 as an internally displaced person (IDP). His birth was not registered and the only document he possesses is his now damaged IDP card issued to him when he left Kosovo. His efforts to obtain any identity documents were frustrated by the fact that he had lost contact with both his parents. Prior to 2012 there was no possibility to have his birth registered without the direct involvement of his parents. Thanks to government reforms he is now able to retrospectively apply to register his birth by submitting his mother's birth certificate (she is currently residing in Germany) along with other witness evidence regarding the time of his birth. However, even if he is able to obtain a birth certificate, it will not entitle him to acquire Serbian citizenship through his mother as she herself only acquired Serbian citizenship after his birth. However, recently he managed to obtain his father's citizenship certificate which will enable him to establish entitlement to citizenship through his father. Provided the procedures of birth registration and determination of citizenship are successful, Skeljzen will have access to rights for the first time. But if not, then the lack of a statelessness determination procedure will leave him no further options.

Provided by Praxis Serbia

SARAH

Sarah was born in Congo as a dual national, to a Congolese mother and a Rwandan father. After her parents were arrested on allegations of spying, Sarah fled to the Netherlands, aged 15. Her asylum application was rejected but the Dutch authorities were unable to remove her. While applying for a temporary residence permit (the only option for 'unreturnable' people in her situation) she realised she had lost both her previous nationalities and was stateless. Congolese people with dual nationality have to choose one nationality when they turn 18, but Sarah was never aware of this. Rwanda refused to accept her as a citizen because she wasn't born and had never lived there. Because both countries refused to provide her with identity documents, she also could not obtain the temporary residence permit. Now, more than twelve years later, she remains stuck in the same situation, unable to (re)acquire Congolese or Rwandan nationality. Because the Netherlands currently has no procedure to recognise or regularise stateless persons, Sarah has no solution in sight. She is unable to study, work or start a family.

Provided by the Tilburg University Statelessness Programme

“ I live day by day, not knowing what the future will bring.

SARAH, A STATELESS PERSON BORN IN THE DEMOCRATIC REPUBLIC OF CONGO

BADEMA

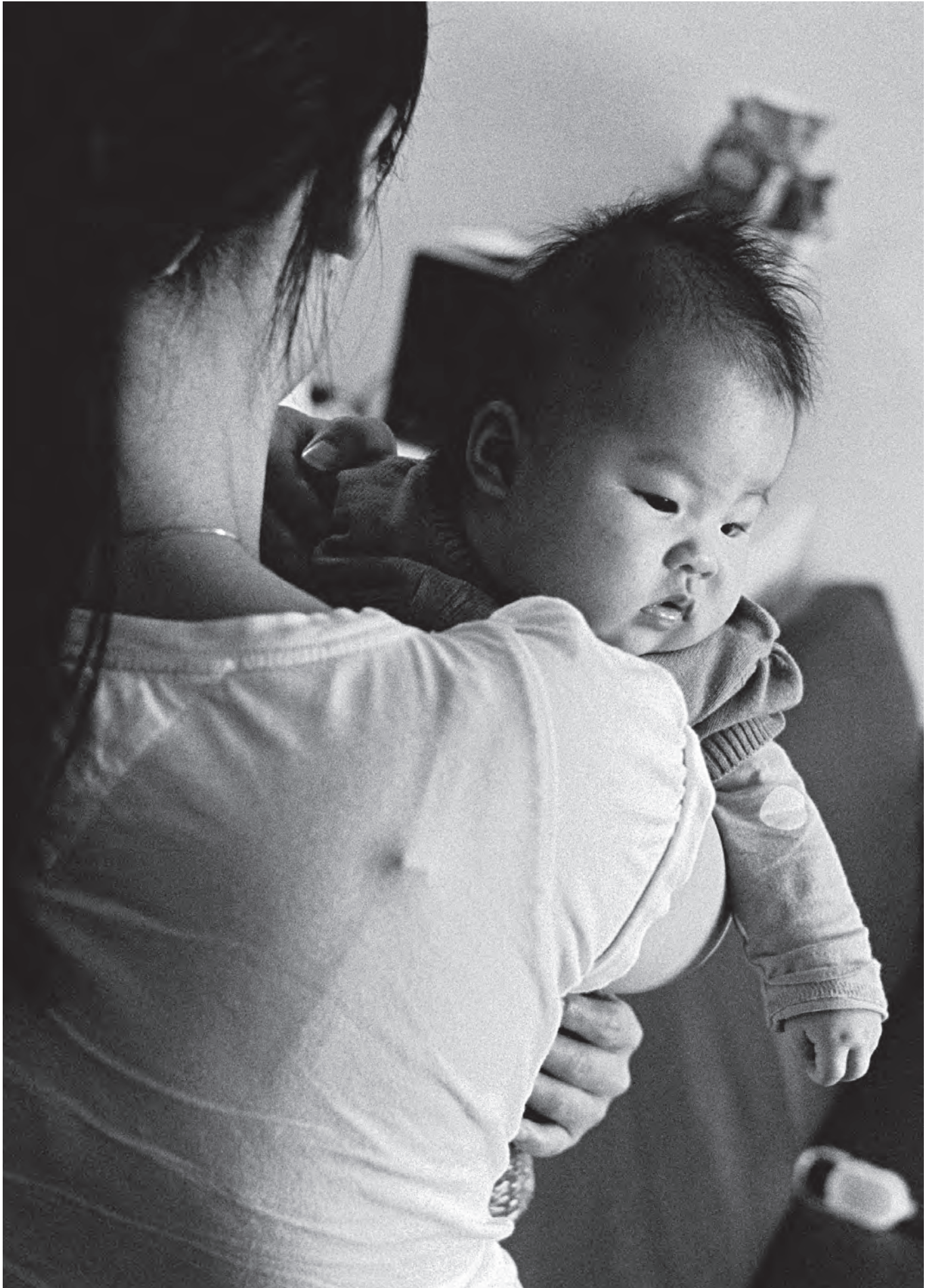
Badema was born in Aversa, Italy. She never knew her father and believes that her mother was of Kosovan origin. Her mother took her to Macedonia as a baby but abandoned her with her grandparents when she was three or four months old. She lived with her grandparents until she was three years old when they placed her in a Centre for abandoned children. In 2006 Badema started to live in a common law marriage with a Macedonian citizen, with whom she now has three children. None of the children's births were registered due to her lack of documentation. In 2012 she was issued with a six month alien residence permit intended to enable her to register her children, but this proved impossible because of her own lack of an original birth certificate. Meanwhile, her alien residence permit expired. Like others in her situation, because Badema does not possess any personal documents she has no legal identity – she cannot get married or register her children. She is also denied any state social assistance, does not have health insurance and has no access to employment. She lives in extreme poverty in an informal settlement with one room, begging on the streets for money. She and her children remain stateless and stuck in limbo.

Provided by the Macedonian Young Lawyers Association

RICHARD

Richard was born in Angola. Due to the conflict he was separated from the rest of his family and came to Europe with the Red Cross. He arrived in Romania in 1994 and claimed asylum but this was rejected. He was detained while the Romanian authorities attempted to deport him. However, he was granted tolerated stay when it proved impossible to remove him because Angola refused to recognise him as a national. Richard wanted to return home and cooperated with this process but Angola refused to accept that he had any entitlement to citizenship, thereby rendering him stateless. The situation has been complicated by the fact that there is no Angolan embassy in Bucharest, the nearest one being in Belgrade. Despite repeated attempts at further written correspondence, no official response has ever been provided to him by the Angolan authorities. His tolerated stay status has now been extended for over a decade but does not entitle him to social assistance. Following a change in the law in 2011 he is at least now able to work but he still cannot get married or travel freely throughout the country. Significantly, his tolerated stay on the territory does not entitle him to receive a proper residence visa or count towards the period of stay on the territory required to be eligible for domicile (5 years) or naturalisation (8 years). He is in limbo, unable to return to his country of origin but equally unable to acquire a permanent residence status in Romania.

Provided by Jesuit Refugee Service, Romania



NOW RECOGNISED, STILL WAITING TO BELONG

Even where countries have some sort of identification mechanism in place, if not properly set up or administered, stateless persons may remain in limbo, or have to wait an unnecessarily long time before being provided with a protection solution. Equally, there are cases where stateless persons are able to regularise their status and obtain a residence permit but are subsequently unable to naturalise as citizens of the host country, thereby being denied the opportunity to finally end their statelessness, achieve a real sense of belonging or contribute on an equal basis with the rest of society.

JASMINKA

Jasminka was born in 1968 in the former Yugoslavia in a city which is now part of Bosnia Herzegovina. In 1973, aged six, she moved to Italy with her parents. She married when aged 16 and now has 6 children. She briefly regularised her status when granted a temporary residence permit in 1994/95 but this subsequently expired. Jasminka was not entitled to Bosnian citizenship because she was not living there when the country obtained independence in April 1992. Her requests to the Bosnian embassy to recognise her as a citizen were rejected. As a result she applied for recognition as a stateless person under the Italian administrative procedure. But it was not until 2006, after 5 years of waiting, that her application was successful and she was granted a residence permit and a Stateless Person's travel document. Her residence permit must be renewed every 2 years. Her children were finally able to register as Italian citizens when they reached the age of 18. This has eased one of Jasminka's biggest fears, that her children would remain stateless like her.

“ It is a difficult situation, I can't travel easily, but I am always hoping for good news.

ANDREJ, A STATELESS PERSON BORN IN AZERBAIJAN

OLEV

Olev is an ethnic Russian from Estonia. In 2001, when he was 14 years old, his district of Ida-Virumaa became part of Estonia following its succession from the former USSR. As an ethnic Russian, Olev was issued with a so-called 'Alien's Passport' which described his nationality as 'undetermined'. Olev moved to Ireland in 2002 with a residence permit as the husband of an EU national but this relationship ended in 2007. He re-married in April 2007 but because his residence permit had expired a month earlier the Irish authorities refused to issue him with a new one. Olev remained living and working in Ireland. In March 2010 his 'Alien's Passport' expired. However, the Estonian embassy in Dublin refused to renew it and he was told that he needed to show he was lawfully resident in Estonia by obtaining a residence permit. However, Olev could not satisfy the necessary criteria so in January 2013 his solicitors again applied for him to be granted an EU residence permit based on his continuing marriage to an EU spouse but this application was refused because he could not submit a valid passport. He then applied for a stateless person's travel document but this application was also refused. Although Ireland does not have a dedicated statelessness determination procedure, in April 2013 his solicitors submitted an application to the Minister for Justice and Equality to make a declaration of statelessness. Having received no response within three months his solicitors then issued court proceedings. In response, in March 2014 the Minister for Justice and Equality issued a declaration of statelessness, the first ever such decision issued in Ireland.

Provided by the Immigrant Council of Ireland

MOHAMED

Mohamed was born in what is now Macedonia to ethnic Albanian parents from Kosovo. In March 1993 the family fled the conflict in the former Yugoslavia and travelled to Italy where they benefitted from special humanitarian residence permits which remained valid until 2000. At that time Mohamed was only 14 so was included as a dependant on his father's residence permit. Although not themselves Roma, Mohamed and his family were initially housed in 'Casilino 700', a Roma camp where they experienced very difficult living conditions. In 1999 Mohamed's father applied for recognition as a stateless person under Italy's judicial procedure and this was granted in 2001. However, because by then Mohamed had turned 18, he was not awarded stateless status as a dependant and instead (along with some of his other siblings) was advised to submit an application in his own right. During this time he experienced several difficulties due to his lack of status. In 2009 he was finally granted a residence permit as a stateless person valid for two years. Although this has significantly improved his situation, he continues to experience various difficulties and obstacles to living a normal life. His residence permit does not allow him to marry his partner, and his two children remain stateless. He has been able to obtain occasional work but has faced problems securing other rights due to the general lack of understanding in Italy about statelessness status and the rights attached to it. He continues to live without a nationality despite having resided in Italy for over 20 years.

Provided by the Italian Refugee Council

ANDREJ

Andrej was born in Azerbaijan, then part of the USSR, and resided there until 1987 before moving to Lithuania, then also part of the USSR. When Lithuania became independent following the breakup of the Soviet Union in 1992, he acquired Lithuanian citizenship. After Lithuania joined the EU in 2004, Andrej moved to Ireland as a Lithuanian citizen exercising freedom of movement and he has lived in Ireland ever since. However in February 2008, almost three years after his arrival in Ireland, Andrej received notification from the Lithuanian authorities that his citizenship had been unilaterally revoked on the ground that he had allegedly obtained citizenship of the Republic of Azerbaijan. Andrej first believed this to be simply an administrative error since he has never been a citizen of the Azerbaijan Democratic Republic and has no entitlement to such citizenship. However, his efforts to resolve the matter through the Lithuanian courts were unsuccessful. Ireland lacks a dedicated determination procedure but in April 2010 Andrej submitted an application for recognition as a stateless person to the Irish Naturalisation and Immigration Service. This application remained pending for more than four years, but Andrej was granted permission to remain 'on exceptional grounds' in August 2011. It was only after his legal team threatened to bring legal proceedings against Ireland for failure to introduce a statelessness determination procedure, that Andrej finally received a 'declaration of statelessness' – one of only two ever issued by Ireland to date – in May 2014.

Provided by the Immigrant Council of Ireland

LUIGI

Luigi was born in Egypt to an Egyptian mother and a stateless Palestinian father. Egyptian nationality laws in force at the time prevented his mother passing on her citizenship to Luigi who, along with his siblings, has therefore been stateless since birth. He attended an Italian high school in Cairo before in December 2003 obtaining a student visa to study engineering in Italy. He has a well-established life in Milan where he has undertaken his studies. However, due to only having a temporary visa he has to return to Egypt every six months, despite having now lived in Italy for over ten years. This is expensive and disruptive, and it weighs on Luigi heavily that he has no nationality or prospect of obtaining one. He therefore applied under Italy's statelessness determination procedure in 2008. His application was granted in 2010 but he continues to live without a nationality.

Provided by Association for Juridical Studies on Immigration

A CALL FOR ACTION AND RECOMMENDATIONS

ENS launched its pan-European campaign with the aim of improving the protection of stateless persons in Europe. Timed to coincide with the 60th anniversary of the 1954 Statelessness Convention, this campaign has brought together a broad spectrum of actors who collectively call for:

- 1) All European states to accede to the 1954 Statelessness Convention by the end of 2014.
- 2) All European states without a functioning statelessness determination procedure to make a clear commitment during 2014 to take necessary steps to introduce one by the end of 2016.

By giving a voice to at least some of Europe's legal ghosts, this collection of short testimonies hopes to add impetus and urgency to this call for action.

The European Network on Statelessness (ENS) is a civil society alliance with 53 member organisations in over 30 countries committed to address statelessness in Europe. ENS believes that all human beings have a right to a nationality and that those who lack nationality altogether are entitled to adequate protection – including the right to regularise their status and enjoy their fundamental civil, economic, social and cultural rights under international human rights law.

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OAK
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