



Expert Meeting on Statelessness

**in the framework of the Eastern Partnership Panel on Migration and Asylum
12-13 December 2013, Budapest**

CONCEPT PAPER

on the prevention and reduction of statelessness and the protection of stateless persons

According to UNHCR estimates, 12 million people are still without any nationality, and the existence of situations where persons are not considered to be nationals under the laws of any State is likely to continue in the long term. Europe, which hosts approximately 640,000 stateless persons, is one of the regions affected by this phenomenon.

Within the United Nations, two parallel approaches have been formulated to tackle this issue. The first focuses on identifying the magnitude of the problem, preventing statelessness and reducing the number of stateless persons. This attempt is marked principally by the *1961 UN Convention on the Reduction of Statelessness* and with some other regional treaties in Europe. The second, recognising that the status of statelessness will never be completely eliminated, is directed to establishing an autonomous legal status for stateless persons. The *1954 Convention relating to the Status of Stateless Persons* therefore aims at providing an appropriate standard of international protection, a status comparable to other forms of international protection such as refugee status or subsidiary protection. However, these two UN Conventions are not widely ratified: as of now, the 1954 Convention has only 65 States parties, while the 1961 Convention counts only 37 States parties.

The law of the European Union refers to statelessness only in an indirect manner and only lays down some specific rules. However, Article 67(2) TFEU makes explicit reference to stateless persons, stipulating that “[f]or the purpose of ... Title [V], stateless persons shall be treated as third-country nationals.” Some jurisprudence has also been developed concerning the status of the stateless (e.g. the Khalil case, the Zambrano case or the Rottmann case). On the other hand, the national practice and domestic legislation of some EU Member States regarding statelessness is more developed. Some of the Eastern partner countries have also significant and relevant experience in this field (e.g. having elaborated self-standing statelessness determination procedures).

Therefore, as reflected in the agenda, the Expert Meeting provides not only an overview of the international legal aspects and recent trends of statelessness but offers also an opportunity to share the national practices and to exchange the experiences of EU Member States and the Eastern partner countries. Participants are invited to share their view about the implementation of the two UN Conventions and the relevant national legislation and to initiate discussions on the identification, reduction and prevention of statelessness, as well as on the legal protection of stateless persons, their legal status and the specific statelessness determination procedures.