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## Snapshots of stateless people in Europe

These stories<sup>1</sup> come from the European Network on Statelessness – a civil society alliance currently with 53 member organisations in 33 countries – which is gathering case-studies for a campaign that seeks to put a human face on statelessness and demonstrate why further policy action is needed to improve the protection of stateless people. The campaign is organising a petition (available online from 28 May 2014) calling on European leaders to accede to the 1954 Convention relating to the Status of Stateless Persons (in those countries which have yet to do so) and to commit to establishing a statelessness determination procedure. [www.statelessness.eu](http://www.statelessness.eu)

There are many stateless people in Europe who face human rights abuses every day, from destitution on the streets to long periods of immigration detention. However, the solution is simple: set up a functioning statelessness determination procedure.

1. All names have been changed.

### Isa

Isa was born in Kosovo and fled to Serbia following the 1999 conflict but because he did not have any identity papers he was never registered as an internally displaced person. He did not attend school, nor did he have health insurance and the only evidence for his residence are the statements of his common-law spouse and his neighbours. His very first document, his birth certificate, was issued in 2013 when he was 29; this was only possible due to a new procedure introduced in 2012.

However, despite managing to register his birth, Isa remains without a nationality. He cannot 'inherit' his father's nationality (since he too does not have one) or his mother's (she left when he was only two weeks old and Isa does not know if she held any nationality at the time of his birth). Without nationality, Isa remains deprived of rights and services.

*"I cannot get married, be recognised as my children's father, visit my family in Kosovo. I cannot work legally, receive social welfare assistance or register for health insurance. People treat me as if I do not exist or am a criminal."*

Serbia currently lacks a procedure to recognise statelessness and regularise Isa's status. The only option open to Isa is to try to acquire Serbian nationality through naturalisation but unfortunately Isa cannot provide written proof of his residence, which is one of the legal requirements. So he remains stuck in limbo.

### Sarah

Sarah was born and raised in the Democratic Republic of Congo (DRC) with a Rwandan father and a Congolese mother. In 2001, during the conflict between the two neighbouring countries, Sarah's parents were arrested and at the age of 15 Sarah was left on her own. A year after her parents were put in jail, she decided to flee to the Netherlands.

On arrival she applied for a residence permit as an unaccompanied minor asylum seeker but her application was rejected and the process of repatriation commenced. However, two days prior to her return to DRC the Dutch authorities said that the Laissez-Passer needed for her deportation and previously granted by the Congolese authorities had been withdrawn. This suspended the deportation process and Sarah was allowed to stay. In order to regularise her status Sarah applied for a Dutch 'no-fault residence permit', a one-year permit for those who cannot leave the Netherlands through no fault of their own. As part of her application she had to acquire proof of identity documentation from the Congolese authorities and it was at this point Sarah for the first time realised that she was stateless.

The Congolese Embassy in the Netherlands stated that she automatically lost her Congolese nationality at the age of 18, as people with dual nationality are obliged to opt for one nationality when they turn 18. Sarah was not aware of this. The Rwandan Embassy told her that she cannot be recognised as Rwandan because she was not born in Rwanda, and has no close links to the country.

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Twelve years on, Sarah is still unable to (re)acquire her Congolese or Rwandan identity documents and because the Netherlands currently has no procedure to recognise or regularise stateless persons, Sarah has no solution in sight.

*“When I was in the process of applying for a residence permit, at least I had the chance to study and make friends. Right now I feel isolated. I stay at home every day. I wish I could start a family but I cannot, looking at my situation.”*

## Luka

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

Luka was born in Ukraine when it was still part of the Soviet Union. He grew up in an orphanage and moved to Slovakia in 1991 when he was 15 years old. Luka never had any documents from the Ukrainian state confirming his nationality.

Luka has been repeatedly detained in Slovakia, the last time in 2010 when he spent 14 months in a detention centre. He was released after a court decision that his expulsion from Slovakia was not possible and was granted tolerated stay. The Slovak authorities simply recorded his citizenship as “undetermined”; all the evidence, however, suggests that he is indeed stateless. When Luka tried to submit an application for extension of his tolerated stay, he was asked to submit new documents confirming that the Ukrainian embassy refused to issue him with replacement travel document. Although the police already had proof that Ukraine did not accept Luka as a citizen they still refused to accept his application. Instead they issued Luka with a fine of €80 for the misdemeanour of illegal stay. One week later he was given another fine, this time of €160.

After living in Slovakia for over 20 years, Luka is still not recognised as being stateless and his tolerated stay status still does not allow him to work or to have health insurance. He cannot marry his partner, the mother of his 8-year-old son who is a Slovak citizen and who lives with him and his mother.

*“I am not recognised officially as the father of my son. My name is not on his birth certificate. They refused to write it there because I don’t have any documents proving my identity.”*