

## BIRTH REGISTRATION

### Improving children's access to nationality and preventing statelessness

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#### What's the issue?

The failure to register a child's birth can **put children at risk** and cause **serious human rights violations**.

- A child whose birth is not registered is at increased risk of not being considered a national of any country and not being able to access other rights, such as education, welfare benefits, and healthcare.
- A refugee child whose birth has not been registered is unlikely to be able to obtain travel documents or cross borders legally, putting them at higher risk of having to take dangerous journeys to reach a safe country.
- A stateless refugee child may be at heightened risk of living in extreme poverty for extended periods and being pushed into exploitative situations in order to survive, including trafficking, child labour, child marriage, becoming a child soldier or other abuse.

#### What can I do as a frontline refugee practitioner?

##### **The 4 Rs: Recognise, Record, Refer, and Read up!**

##### **1. Recognise the risk of statelessness**

When registering a child asylum-seeker, do not assume that a child has the same nationality as their parents or of the country in which they were born. Consider the importance of birth registration and sensitively ask questions to help identify a risk of statelessness. For example:

- Was the child's birth registered? Was it impossible to register the child's birth because of circumstances related to being a refugee (e.g. because the child was born in transit or registering the birth requires contact with the authorities of the country which they fled from)? **[Note: refugees should not be expected to contact authorities of a country in which they fear persecution]**
- Does the child have a birth certificate? Can a birth certificate be obtained?
- If the child has a birth certificate, is it proof of nationality?
- If the child has a birth certificate, are both parents included on it? If not, could this cause difficulties for the child to be recognised as having the same nationality as either parent?
- Has the child's mother faced problems registering her child's birth because she is female? Is she from or currently in a country that does not give women the same rights as men to register the birth of a child or to pass on their nationality?

More questions are available here: [Identifying Statelessness: Questions to help identify a child's \(risk of\) statelessness](#)

## 2. **Record lack of birth registration and possible statelessness**

If you identify that a child's birth has not been registered and/or that a child is at risk of statelessness, record this important information on any paperwork relating to the child. Do not record a presumed nationality in any paperwork unless the child has proof of that nationality. If a form does not have fields allowing you to accurately record statelessness, make a note somewhere on the form about it, so that there is a record, and inform the parent(s), carer or guardian of this and that it may be important for the child in future. Also keep copies of any relevant documents in your file so that they can be accessed later if needed.

## 3. **Refer children to expert advice, support, and information**

Try to find out if it may be possible for the child's birth to be registered and refer the child to organisations that specialise in child rights, statelessness and nationality in your country of work to see if they can help. Some of [our members](#) may be able to help. Share helpful leaflets published by the birth registry office or other relevant agencies in the country in which you work, for example, [this one published by UNHCR for Bosnia and Herzegovina](#). Download and use our [guide/poster](#) for refugee response actors and our [short guide](#) for refugees and asylum seekers.

## 4. **Read up** about birth registration and statelessness. There's a bit more information below, and lots more on our websites (links below). Watch our [webinar about birth registration and preventing statelessness](#). Learn more about birth registration and preventing childhood statelessness here:

- Stateless Journeys: [Birth registration](#) and [children's rights](#)
- ENS Thematic Briefing: [Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers](#)
- [UNHCR Brief: Birth registration](#)
- [UNICEF: What is birth registration and why does it matter?](#)
- [UNHCR and UNICEF: Background Note on Sex Discrimination in Birth Registration](#)

## What needs to change at the policy level?

- **States should guarantee immediate, free and universal access to birth registration and birth certificates** establishing legal identity and family links upon registration for all children, irrespective of the immigration or citizenship/nationality status of their parents. Documentary proof of birth should be issued to all children, including those born in transit if they were unable to register their birth along the journey.
- Birth registrars, nationality decision-makers, children's social workers, judges, and other relevant officials should **receive adequate training on childhood statelessness**.
- **Barriers to birth registration and children's acquisition of nationality should be eliminated**, for example, onerous evidential requirements, unaffordable fees, discriminatory practices, complex procedures, and data sharing from hospitals and birth registrars to immigration enforcement officials.
- **States should enact full legal safeguards in their nationality laws** to address all situations in which children may be born stateless on their territory; where partial safeguards are in place these should be strengthened to prevent statelessness in all cases; and safeguards should be fully implemented in practice to guarantee the child's right to a nationality.

## More background information on the issue and additional resources

**For children born to refugees in transit or exile, it can be very difficult to meet the evidential requirements for birth registration.** European countries have different rules about the evidence required to register a birth. Many States require evidence of the time and place of birth and at least one parent's identity in order to register a child's birth, but refugee parents may not have this evidence if their child was born in transit, or if they are stateless, undocumented or do not have key documents.

**Problematic birth registration practices may exacerbate the risk of statelessness among children of refugees.** Information about the nationality of parents is essential for establishing the child's nationality or risk of statelessness, because most children acquire a nationality from one or both of their parents by descent. However, many children are registered as having the same nationality as their parents without an examination of whether the child actually has that nationality. Stringent evidential requirements for birth registration, punitive fines and complicated court procedures for late registration, or a legal duty on registry officials to report irregular migrants to immigration authorities, can all prevent parents from registering births. Such practices all heighten the [risk of childhood statelessness in Europe](#).

**International law protects children's right to a nationality.** The right of every child to a nationality and is clearly established in international law (for example, Article 7 of the [UN Convention on the Rights of the Child](#), which is binding for all European states). [International law](#) also requires that States enact legal safeguards to prevent statelessness, for example to give children who would otherwise be stateless the right to acquire the nationality of their country of birth. Birth registration is vital to establish legal identity and prevent childhood statelessness, and birth certificates are essential evidence that help confirm nationality.

**Only around half of European countries have [full safeguards to protect against childhood statelessness](#).** In some countries, the law excludes many children because it requires the child or a parent to have *lawful* residence in the host state. In other countries, the law requires an application procedure and payment of a fee, which prevents many children from acquiring a nationality. Officials, parents, and children are often unaware that legal safeguards exist, and sometimes officials do not implement the safeguards because the child's statelessness has not been identified.

**Children who are stateless and/or lack proof of nationality may experience many hardships,** including barriers to accessing education, welfare benefits, and healthcare. They may not be able to travel outside their country of residence, for example to visit grandparents and other relatives. When they reach adulthood, they may suffer further difficulties: being unable to work, access higher education, rent accommodation or buy property, or undertake many other essential activities, and they may be at heightened risk of exploitation.

### Get more information

[European Network on Statelessness](#)

[Stateless Journeys](#)

[Statelessness Index](#)

[UNHCR's Ending Statelessness site](#)

[UNHCR's Self-Study Module on Statelessness](#)

[Institute on Statelessness and Inclusion](#)

[Statefree](#)

Attend a course at the [Institute on Statelessness and Inclusion](#) or the [University of Melbourne](#).

Organisations in Europe can [contact ENS](#) about training opportunities. You can also [sign up to our mailing list/newsletter](#), follow us on social media (Twitter: @ENStateless) and support the [Stateless Journeys campaign](#).

*'We did not go to school because we had to work with my uncle in order to survive. It is not easy. I have been stopped by the police many times and threatened to be arrested and fined, because I did not have an identity card. I lived in fear.'*

~ Raman, born and raised stateless in Serbia, before he acquired documents confirming his identity  
(Source: [UNHCR & UNICEF, Ending Childhood Statelessness in Europe](#))

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