

CHILDREN'S RIGHTS TO A NATIONALITY

Improving children's access to nationality and preventing statelessness

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What's the issue?

The failure to ensure that all children have access to a nationality can **put children at risk** and cause **serious human rights violations**.

- A child who is not considered a national of any country is often unable to access other rights, like education, welfare benefits, and healthcare.
- A refugee child who does not have proof of nationality 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 the child has the same nationality as their parents or of the country in which they were born. Consider the importance of citizenship and sensitively ask questions to help identify a risk of statelessness. For example:

- Does the child have proof of nationality, or can such proof be obtained?
- Do children acquire nationality automatically by birth in the country in which they were born?
- Is the child's mother from a country that does not give women the same rights as men to pass on their nationality? Has the child inherited nationality from their father?
- Must a child be registered with the authorities of the country of either parent's nationality to acquire that nationality? **[Note: refugees should not be expected to contact authorities of a country in which they fear persecution]**

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

2. **Record lack of proof of nationality and possible statelessness**

Many children have a nationality, or may be able to acquire a nationality, even if they do not have proof of it; but proof of nationality is vital. If you identify that a child's birth has not been registered or that they have no proof of nationality and/or a 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**

If the child's birth has not been registered, try to find out if it may be possible for this to be done. If the child lacks proof of nationality or there are other concerns, 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 assist. If relevant, share 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. Find information about safeguards to prevent childhood statelessness in your country in the [Statelessness Index](#).

4. **Read up** about children's right to a nationality and childhood statelessness. There's a bit more information below, and lots more on our websites (links below). Watch our short animation [No child should be stateless](#) and our [webinar about the right to a nationality for children in migration in Europe](#). Learn more about preventing childhood statelessness here:

- Stateless Journeys: [Birth registration](#) and [children's rights](#)
- [No child should be stateless: Ensuring the right to a nationality for children in migration in Europe](#)
- [UNHCR: I BELONG: Coalition on Every Child's Right to a Nationality](#)
- [UNICEF and Institute on Statelessness and Inclusion: The Child's Right to a Nationality and Childhood Statelessness](#)
- [ECRE: The Right to a Nationality of Refugee Children Born in the EU and the Relevance of the EU Charter of Fundamental Rights](#)

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 for all children.
- 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 improve and standardise procedures for identifying and recording statelessness and nationality problems** during refugee registration and other procedures. The administrative category of 'unknown nationality' should be clearly defined, and States should have an established and timely procedure for determining children's nationality, with the child able to acquire a nationality as early as possible.

- **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

Children of refugees should not be assumed to have their parents' nationality(ies). Most children acquire a nationality from at least one of their parents by descent (known as 'jus sanguinis'), but some do not. Many refugee children are wrongly registered as having the same nationality as their parents even though the child may not actually have that nationality. Further investigation is needed in many cases.

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.

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](#).

'I too was born stateless. It has had catastrophic effects on the psychological health of all of us because we suffered academically, socially and politically.... Our biggest worry is that our children will be treated unfairly in Europe....'

~ [Kurdish stateless refugee father from Syria](#)

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