

# IDENTIFYING STATELESSNESS IN CHILDREN

## Questions to help identify a child's (risk of) statelessness

The following questions help to identify a child's statelessness or a risk of statelessness. Most of the questions are not determinative on their own but should guide the interviewer to investigate further where needed. Some questions are not relevant to some contexts. The interviewer should understand that some people may not be able to answer all of these questions, or it may be difficult to answer some of the questions, because the person doesn't know the information or the questions may relate to traumatic events such as rape, incest, the death or disappearance of the child's father, or other persecution.

The interview should explain that:

- ➔ These questions are being asked to identify the child's identity and nationality, so that they can be appropriately assisted if there are any problems.
- ➔ Nationality means the legal bond between a State and a citizen and is the equivalent of 'citizenship' for the purposes of the interview.

This is not an exhaustive list – some other questions may be relevant, depending on circumstances.

## QUESTIONS

- 1) Was the child's birth registered? If so, where?
- 2) Was a birth certificate issued, and is it proof of nationality?
- 3) Does the child have any (other) proof of having a nationality, such as a genuine national identity card or passport? If not, why not?
- 4) If the child has any (valid or expired) identity or travel documents, do these record their nationality and is this accurate?
- 5) If the child has a birth certificate, are both parents included on it? If not, might this pose difficulties in the child being recognised as having the same nationality as either parent?
- 6) Does the child come from a country where birth registration is not routine or is complicated or costly? If so, does this have implications for their acquisition of nationality?
- 7) If the child does not have a valid identity document, have they tried to obtain or renew identity documents and been refused or ignored? Do they have evidence of this? How many times have they tried? Did they have adequate legal assistance with these efforts? [Note: refugee parents or children should not be expected to contact authorities of a State if they fear persecution by that State]
- 8) Does the child or their parents come from a country or territory where this is a high risk of statelessness, or that is affected by state succession or a land dispute? (For example: Ukraine; Russia; Palestine; Western Sahara; Bangladesh; Ivory Coast; Burma; Thailand; Syria; Kuwait; Uzbekistan; Saudi Arabia; Cambodia; Iraq)
- 9) Does the child or a parent belong to a specific group which is known to be stateless / at risk of statelessness? (For example: Rohingya, Roma, Palestinian, Kurdish, Sahrawi, Kuwaiti bidoon)
- 10) Does the child come from a country where women do not have the right to pass their nationality on to their children in the same way as men? If yes, have they

- 11) inherited their father's nationality? (For example: Saudi Arabia, Bahamas, Bahrain, Barbados, Brunei, Burundi, United Arab Emirates, Swaziland, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Somalia, Sudan, Syria and Togo)
- 12) Has the child's mother faced problems registering her child because she is female? (Or has she not attempted to register her child because she believes she will have difficulties doing so?)
- 13) If the child was born outside the country of a parent's nationality, do that country's laws require children born abroad to be registered to acquire nationality? If so, are there barriers to that registration taking place, or have any deadlines for registration been missed?
- 14) Was the child able to go to school or access healthcare in their country of origin or place of residence? If not, was this because they lacked a birth certificate, identity documents or proof of nationality?
- 15) If a nationality has been recorded for the child, does the child or a parent or guardian contest this nationality, and if so, why?
- 16) Did the child or their parents have access to statelessness determination procedures in another country? If yes, what was the relevant authority's decision? Is it a sound decision that takes into account all relevant facts?
- 17) Has the child and/or their parents been repeatedly detained in a host country but removal to another country has proved impossible? Does this indicate that the parent and/or child is stateless?
- 18) Has either parent been stripped of their nationality, for example for political reasons, before or after the child's birth, and does this affect the child's nationality?
- 19) Has either of the child's parents acquired a new nationality in the child's lifetime? Does this affect the child's nationality?
- 20) Are the child's parents of the same sex or otherwise LGBTQIA+? Is there discrimination against LGBTQIA+ parents in a country of origin or residence which may mean the child is not recognised as having the nationality of the parents?
- 21) If the child can potentially acquire nationality of the State in which they were born based on residence for a certain number of years, and/or on other conditions, does the child meet all the relevant conditions?
- 22) Were the child's parents married (in a marriage recognised as valid in any relevant States) at the time the child was born? Have they married subsequently? Does this affect the child's nationality?
- 23) Since the child's birth, has their mother married someone other than the child's father? Does this affect the child's nationality?
- 24) Is there any other reason to be concerned that the child may be stateless.

## MORE INFORMATION ON IDENTIFICATION OF STATELESSNESS

- [EASO \(EUAA\) Practical Guide on Registration: Lodging of applications for international protection, EASO Practical Guide Series](#) (see pp.39-42 'Statelessness')
- Forum réfugiés: [Guide for the identification, support and guidance of persons at risk of statelessness](#) in France
- UNHCR: [Stateless Persons in Detention: a tool for their identification and enhanced protection](#)

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