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Ad-Hoc Query on 2023.38 Providing correct data on stateless persons and prevention double dipping of social and healthcare benefits related to the stateless status

Requested by Georgia on 18 September 2023

Compilation produced on 20 November 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Georgia, Serbia, Ukraine (27 in Total)

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1. BACKGROUND INFORMATION

According to the 1954 UN “Convention Relating to the Status of Stateless Persons”, contracting states shall provide with the facilitated naturalization and provide social security measures to the stateless person.

Recognized stateless person, who obtains stateless status or citizenship in another country (not in the country where s/he initially obtained status), will be enrolled in the social and healthcare system of this country and fully enjoy the respective rights. However, at the same time s/he could enjoy the similar rights in the country of previous residence, since this country does not have an information on granting the citizenship or changing stateless status. In such case, the first residence country may continuously provide with the social assistance and benefits to them.

The purpose of the Ad Hoc Query is to explore in the EMN member and observer countries legal framework and practice on the ways, how to obtain the correct data or checking existing status of the stateless person and prevent the double dipping of social and healthcare benefits by them.

This ad-hoc query is launched at the request of EMN Georgia with the endorsement of the Chair of the EMN and the Coordinator of the EMN Platform on Statelessness.

We would like to ask the following questions:

- 1. Which social rights and benefits are provided to the recognized stateless persons by the state?**
- 2. If a recognized stateless person obtains citizenship or changes stateless status in another country, is s/he legally obliged to inform on these changes the country that granted the stateless status? Yes/No. If yes, please explain what the procedure is to inform the authorities of the granting state.**

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3. Does your Member State has any bilateral/multilateral agreements or other legal mechanisms on exchange of information with other Member States regarding any changes in the migratory status or obtaining citizenship by the stateless persons in these countries? Yes/No. If yes, please explain.

4. Has the state (institutions granting the stateless status) any legal or practical mechanisms of proactively checking the stateless status of a person? Yes/No. If yes, please specify how this is done?

5. Does the expiration of the residence permit or the stateless passport and the non-renewal of these documents by the beneficiary are grounds to terminate or suspend the stateless status? Yes/No. If you answer YES, please explain the answer.

We would very much appreciate your responses by **23 October 2023**.

2. RESPONSES

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		Wider Dissemination²	
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed

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	<p>EMN NCP Austria</p>	<p>Yes</p>	<p>1. Austria does not have a separate procedure for the recognition of statelessness (AT response to AHQ 2021.23) and no special residence titles for stateless persons (AT response to AHQ 2019.37). Stateless persons in Austria are therefore subject to the provisions of the Settlement and Residence Act and the Act Governing the Employment of Foreign Nationals in the same way as other third-country nationals. Unless stateless persons file an application for international protection in Austria, they do not receive assistance under the scheme of basic care (Art. 2 Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act). The General Social Assistance Act, which is to be implemented in the individual federal provinces, provides for social assistance benefits exclusively for Austrian citizens and persons entitled to asylum, and otherwise only for permanently settled foreigners who have actually and lawfully resided in the federal territory on a permanent basis for at least five years. Before the expiry of this period, third-country nationals who are entitled to reside in Austria are to be treated in the same way as Austrian citizens only to the extent that the granting of social assistance benefits is mandatory under international or European Union law and this has been determined in the individual case after consultation with the competent immigration authority (Art. 4 para 1 of the General Social Assistance Act).</p> <p>2. No, since the status of a "recognized stateless person" does not exist in Austria, these persons are to be treated like other third-country nationals from a legal perspective. There is no such obligation to register in Austria.</p> <p>3. No.</p>
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and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>4. In the absence of the status of a "recognized stateless person" in Austria, there are no such mechanisms.</p> <p>5. N/a, as there is no status of a "recognized stateless person" in Austria.</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Belgium has a judicial procedure through which statelessness can be determined by family courts. This recognition has no impact on the residence status of the stateless person. Recognition of statelessness by the family courts does not result in automatic permission to stay nor residence rights, although jurisprudence of the Constitutional Court has established that recognised stateless people who can meet certain requirements - (a) involuntarily loss of their nationality and (b) inability to obtain a legal and durable right of residence in another state - may receive a limited duration residence permit. In practice, recognised stateless people still need to apply for permission to stay on humanitarian grounds (Article 9bis of the Law of 15 December 1980).</p> <p>Other rights granted to people recognised as stateless depend on whether they are granted a residence permit rather than the recognition of statelessness per se. If they hold a residence permit, a travel document is issued; they qualify for family reunification under the general regime applicable to third-country nationals; they are entitled to work and education under the general regime; and they have access to social security and healthcare under the same conditions as third country nationals.</p> <p>Stateless persons who do not have a residence permit on any other basis are not entitled to work and are only entitled to urgent medical assistance on the same basis as</p>


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			<p>undocumented migrants. Stateless minors have access to primary and secondary education.</p> <p>2. No. There is no residence permit granted to stateless persons in Belgium on the basis of their statelessness (see Q1), and therefore also no particular rules regarding the consequences of the acquisition of nationality or statelessness status in another country. The recognised stateless person who leaves Belgium and obtains the nationality of another country will unlikely remain in contact with Belgian authorities unless they were to return to Belgium. The appropriate corresponding changes to the person's nationality status in the population registers will subsequently be made.</p> <p>3. No such agreements or treaties exist.</p> <p>4. Not really. In Belgium, the institutions granting stateless status are the family courts. By law and in practice, the applicant has the burden of proof, though the Public Prosecutor may in very exceptional cases make inquiries with consular authorities in its advisory role in the procedure. There is no clear guidance for decision-makers, and the standard of proof is unclear, though it is accepted through jurisprudence that inquiries into a person's nationality status can be limited to States with which applicants have relevant links. There is no safeguard in place to allow the Belgian authorities to initiate a procedure ex officio, nor are there any referral mechanisms in place, although local authorities may advise people with undetermined nationality to seek statelessness determination on an ad hoc basis.</p> <p>5. No.</p>
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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. If stateless persons have received refugee status, they have the rights and obligations of Bulgarian citizens. If they have received humanitarian status (subsidiary protection), they have the rights and obligations of a foreigner with granted permanent residence in the Republic of Bulgaria.</p> <p>2. No</p> <p>3. No</p> <p>4. Proceedings for granting the stateless persons status shall begin with a written application, submitted personally in the Migration Directorate or in the sector/group "Migration" at the Sofia Metropolitan Directorate of Interior and the Regional Directorates of the Ministry of Interior. The application of a minor shall be submitted by the minor's parents or guardians. The application shall be submitted by one of the parents only, in case the other parent is deprived of parental rights. The application of a minor shall be submitted in the presence of the minor's parents or guardians who express consent by placing their signature on the application. Consent may be expressed from only one parent when the other is deprived of parental rights. In the absence of a parent, guardian or custodian, the application shall be submitted by an order determined by the <u>implementing regulation of the act</u>. The application of unaccompanied minors and underaged persons may also be submitted by a representative of a non-governmental organization working to protect the rights of vulnerable groups, or by any other person designated as its representative in accordance with an act thereof.</p>
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			<p>Upon submitting the application, the applicant shall be informed of their rights and obligations in connection with proceedings under this chapter, and of the consequences of non-compliance with their obligations.</p> <p>During the proceedings, the applicant shall be obliged to cooperate, stating in good faith their position and presenting all evidence relevant to the examination of their application which are available or for which there are grounds for believing they are available to them. After establishing all relevant facts and circumstances, the Director of the Migration Directorate or a person authorized by him/her shall issue a decision granting or refusing to grant stateless persons status in the Republic of Bulgaria.</p> <p>5. No</p>
	EMN NCP Croatia	Yes	<p>1. Social rights and benefits exclusively for stateless persons are not legally regulated in the Republic of Croatia. The Republic of Croatia does not have a special procedure for recognizing the status of a stateless person, as well as a special status of a stateless person. The fact that a person is stateless or has an undetermined citizenship status is established in the procedure for the application for residence permit or international protection or in the procedure for acquiring or establishing Croatian citizenship. Social rights and privileges depend on the type of approved residence. According to the Aliens Act, a stateless person who has an approved temporary residence, permanent residence or long-term residence can be issued a travel document for stateless persons, which is valid for 5 years.</p> <p>2. No obligations are prescribed exclusively for stateless persons. The same provisions apply to a stateless person as to other citizens of third countries, so they have the</p>



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			<p>obligation to inform about the facts that affect their status, i.e. residence permit. Acquiring the citizenship of another country can affect the termination of international protection. The absence of a person from Croatia may affect the residence permit (conditions for cancellation of temporary residence permit, long-term residence permit, or permanent residence permit may be met).</p> <p>3. No</p> <p>4. As in the answer to Q1, the fact that a person is of undetermined citizenship or stateless is determined in the procedure for the request for residence or international protection or in the procedure for acquiring or establishing Croatian citizenship. In the procedures for acquiring Croatian citizenship, in some cases the body that decides on the request (Ministry of the Interior) contacts the official bodies of other countries in order to verify the citizenship status of a person or other facts (for example, to obtain data from birth registers).</p> <p>5. No, because there is no special status for stateless persons in Croatia.</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Cyprus is not a state party to any of the international or European conventions related to nationality or statelessness.</p> <p>2. N/A</p> <p>3. N/A</p>

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			<p>4. N/A</p> <p>5. N/A</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Access to public health care system, access to labour market, access to schooling, access to certain types of basic social benefits.</p> <p>2. No.</p> <p>3. No.</p> <p>4. Yes. The state does actively check the information provided by the stateless person along with their application. (But it is not clear if this is the meaning of the question.)</p> <p>5. No.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. In 1991, Estonia re-established its independence and, invoking the concept of “restored sovereignty” and the principle of legal continuity. Estonian citizenship was granted automatically only to citizens of the first Estonian Republic of 1918-1940 and their descendants. All other Estonian residents were encouraged to obtain Estonian citizenship through a naturalization process, to register themselves as citizens of the Russian Federation (the USSR’s successor state), or to choose any other citizenship.</p>


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			<p>Nevertheless, almost one-third of the Estonian population (mostly ethnic Russians and other Russian-speaking minorities) did not determine their citizenship in 1992 and became stateless – however, in Estonia the term „persons with undetermined citizenship“ is being used.</p> <p>Persons with undetermined citizenship live in Estonia on the basis of a residence permit. They all have identity documents issued by Estonia (residence permit cards and Alien´s Passport, if necessary). Persons with undetermined citizenship have the same rights as all citizens of third countries legally staying in Estonia:</p> <ul style="list-style-type: none">• right to work,• right for education,• right for social benefits,• vote in Local Government elections (if they have long-term residence permit). <p>2. Yes. If a person with undetermined citizenship obtains citizenship, he/she is obliged to inform the Estonian Ministry of Interior.</p> <p>3. No.</p> <p>4. There are a number of government authorities which collect data and statistics on persons residing in Estonia, based on their citizenship status, namely the Ministry of Interior and Police and Border Guard Board (PBGB). As persons with undetermined citizenship need to renew the long-term residence permits issued to them, the PBGB checks all necessary grounds for either renewing or refusing to renew the residence permit.</p>
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			5. No.
+	EMN NCP Finland	Yes	<p>1. Stateless persons are granted equal social rights and benefits like other immigrants. / In Finland, a person who has been determined to be stateless does not enjoy special benefits compared to other immigrants, but receives the same social benefits. (As such, a person determined to be stateless when applying for asylum may, for example, be granted refugee status in Finland, but this is not linked to statelessness.)</p> <p>2. Section 39 of the Nationality Act provides for an obligation on the party concerned to provide information on the acquisition and loss of nationality, but this requires that the matter of determining the person's nationality status is pending at the Immigration Service and that a request for supplementary information has been submitted to the Service.</p> <p>3. No/None</p> <p>4. No/None</p> <p>5. No. The expiry of the residence permit and/or the expiry of the alien's passport or refugee travel document does not lead to a change in nationality status.</p>
	EMN NCP France	Yes	<p>1. On their first admission to stay, recognized stateless persons are delivered a multiannual residence permit for a maximum duration of 4 years (Article L.424-18 of the French code for entry and stay of foreign nationals and right to asylum -</p>


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		<p>CESEDA). After 4 years of legal residence in France, they can be delivered a residence permit of 10 years (article L.424-21 of the CESEDA).</p> <p>In addition, recognized stateless persons have the right to work and have access to education services, as well as social security and universal healthcare protection after three months of continued legal residence on the French territory, in the same conditions as nationals. Stateless persons can also benefit, if they fulfil the criteria, from the active solidarity income and the unemployment cover, in the same conditions as nationals.</p> <p>Further, recognized stateless persons have the right to family reunification, and they can request stateless travel documents (article L.582-5 of the CESEDA).</p> <p>2. In France the stateless status cannot be presumed, the applicant must prove the lack of nationality link with any State to which s/he could be attached to (country of birth, country of usual residence etc.)</p> <p>Recovering of the initial nationality, or acquisition of the nationality of another country are reasons to put an end to the stateless status in France.</p> <p>3. There is no formal agreement on information exchanges with regard to stateless persons. However, the French Office for the Protection of refugees and Stateless Persons (OFPRA) have the ability to contact the foreign authorities of the countries through which the applicant for stateless status has transited, in order to find out about his/her administrative situation in those countries.</p> <p>4. The charge is on the applicant to prove his/her stateless status. The OFPRA examines all the elements provided by the applicant to support his/her claim, and can if needed, conduct an interview with the applicant, in order to identify the various countries to which the applicant could be attached to (country of birth, country of</p>
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			<p>origin of the parents, country of usual residence) and to what extent the applicant could benefit from the nationality of any of these countries. The OFPRA can question the competent foreign authorities on the legal link to a country, specifically, the OFPRA can contact diplomatic representations of the applicants' countries of origin, and French posts within these countries, it can also check that the applicant does not already benefit of a protection granted by the HCR (New York Convention, 1954, article (2)(i)) and the UNRWA.</p> <p>5. The protection owed by France to the beneficiaries of the stateless status ends only when the concerned individual obtains the nationality of another State, or is naturalized French. In absence of the acquisition of a nationality, a recognized stateless person can, after the expiration of its multiannual residence permit of 4 years or 10 years, request the renewal or a new residence permit, for another reason, in order to maintain his/her regular stay on the French territory. If the residence permit expired several months ago, the concerned individual will have no means to prove his/her status, and will have to apply again to the OFPRA.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. The Asylum Service is the responsible national authority for the application of the Convention of New York of the 28th of September 1954 regarding the legal status of stateless persons, according to article 1 par. 1 Law 4375/2016. The issuance of a presidential decree, in accordance with the enabling provision of par.7 of article 7 of Law 4375/2016 (G.G. A' 51) that shall regulate the procedures for determining the status of a stateless person, the content thereof, and any other relevant issue, is still pending. In light of the above, statelessness related issues, can be currently assessed only in the context of the examination procedure of asylum claim. Therefore any social and</p>


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			<p>healthcare benefits may derive from the granting of international protection status. As a result, under the current legal status, no double dipping of any social rights or benefits can occur.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>
	EMN NCP Hungary	Yes	<p>1. -</p> <p>2. Under the applicable legislation in place, a person recognised as a stateless person is not obliged to inform the aliens policing authority if (s)he has acquired citizenship or if another country has recognised him/her as a stateless person. However, it is possible to make such a notification in person or by sending a letter to the official postal or electronic addresses of the authority. The legal obligation is that if the stateless person has acquired citizenship, the stateless person's travel document must be turned in within fifteen days to the competent regional directorate as per the place of domicile, residence, or accommodation.</p> <p>3. The aliens policing authority does not use any platform for communication concerning cases of stateless persons based on a bilateral/multilateral agreement with another State/other States.</p>


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			<p>4. A stateless person shall be entitled to a residence permit on humanitarian grounds, whose validity period is 3 years and may be extended by up to 1 year at a time of extension. At a time of extension, the authority has the possibility to require a declaration from the client if (s)he has acquired citizenship since the issuance of his/her permit.</p> <p>5. NO</p>
	EMN NCP Ireland	Yes	<p>1. Ireland does not have a statelessness determination procedure and does not have a residence permit specifically granted on the basis of statelessness. There have been some determinations of statelessness made on ad hoc basis. Claims of statelessness can arise at any point in the immigration and protection processes and the numbers involved are very low. The Department of Justice deals with such cases without recourse to a determination of their statelessness status. The determination of any such cases are not centralised in a single process or section of the Department's Immigration Service Delivery. As such, applications for immigration permission or naturalisation are determined through the procedures set out under the Immigration Acts, the International Protection Act 2015 or the Irish Nationality and Citizenship Act 1956, as amended. Irish law also provides for enhanced pathways to naturalisation for stateless persons (reduced periods of reckonable residence) at the discretion of the Minister for Justice, and a fee waiver for a declaration of citizenship. A stateless person may have a residence permit on another basis (work, study, family, leave to remain) and the rights and benefits would be associated with the particular immigration permission. This could include access to the labour market, social</p>

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			<p>assistance and access to healthcare. However, some immigration permissions require the holder to obtain private health insurance or not to have recourse to public funds.</p> <p>2. No.</p> <p>3. No.</p> <p>4. No.</p> <p>5. No. As explained under question 1, there is no specific determination procedure or residence permit specifically for stateless status. Stateless persons may have residence permits on the basis of other immigration permissions. If these residence permits expire, this does not imply automatic revocation of the status. However, the individual would need to meet the conditions of the particular immigration permission in order for the permit to be renewed.</p>
	EMN NCP Italy	Yes	<p>1. Individuals recognised as stateless by administrative or judicial means enjoy a status (as clarified by the Supreme Court SS.U. no. 28873 of 9.12.2008), similar to that of political refugee, which entails, in some matters, the same treatment foreseen for the third country citizens in general protected by legislative decree 286/1998, beyond any principle of reciprocity. On the contrary, in other matters, for instance religious freedom, the right to stand trial, industrial property rights, it gives rise to the recognition of the same rights as the citizen. Stateless persons, on the basis of international agreements, are recognised as having the right to be issued with identity documents or provisional travel</p>

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			<p>documentation, which replace those issued to third country nationals by their national authorities and, in addition, as for all third country nationals, the right to remain in the national territory, albeit conditional on the issue of a residence permit, health care and social security.</p> <p>In addition, for persons recognised as stateless, the legislator has provided a fast-track channel to facilitate their integration into the social composition of the State, by reducing to half the time required for the accrual of the legal residency requirement, which, instead of being ten years, is only five years, pursuant to Article 9, letter e) of Law n° 91/1992.</p> <p>2.</p> <p>No, s/he is not. According to Article 12, Paragraph 1 of the 1954 Convention, ratified by the Italian State "The personal status of a stateless person shall be determined according to the law of the country of domicile or, if there is no domicile, according to the law of the country of residence". According to Paragraph 11 of the 1954 Convention, "If a stateless person changes his place of residence and regularly establishes himself in the territory of another Contracting State, the issuance of a new title, in accordance with the terms and conditions of Article 28 of the Convention, shall be the responsibility of the competent authority of that territory, to which the stateless person has the right to submit his application". Italian law does not provide for a specific obligation to inform the recognised stateless person of his new nationality status (considering that under international law stateless status is guaranteed by the stateless person's State of residence); despite this, as a third country national, s/he has a general obligation to inform the national and local State Administrations of her/his status personae for the purposes of her/his regular stay in Italy, in particular the registry office of her/his municipality of residence and the Central Police Station for the residence permit. According to Law No 218 of 31 May 1995 on the Reform of the Italian System of Private International Law, under Article 20, 'the legal capacity of natural persons is governed by their national law' and for stateless persons</p>
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			<p>under Article 19 'the law of the State of domicile or, failing that, the law of the State of residence shall applies.</p> <p>3. No it does not. Italy complies with the 1954 and 1961 United Nations New York Conventions on the Status of Stateless Persons and for the Reduction of Statelessness; although this legislation does not provide for legal mechanisms for the exchange of information between the Contracting States, Italy collaborates at a general level with both the UNHCR and the European Migration Network for the exchange of information and good administrative practices regarding the recognition of stateless status. There is also an information exchange system at European level for international protection: see Regulations (EU) No. 603/2013 and No. 604/2013, as well as in the field of criminal records, Regulation (EU) 2019/816.</p> <p>4. No, it does not. In Italy there is no specific procedure to verify the status of stateless person over time. This status is certified through the administrative investigation provided for by Article 17 of Presidential Decree No. 572/1993 or declared by the courts according to the "rito sommario di cognizione" (summary cognitive rite) under Article 19 bis of Legislative Decree No. 150/2011; subsequently, like other third country nationals, the stateless person must regularise their stay in Italy through the residence permit issued by the territorially competent Central Police Station and with the Municipality of residence.</p> <p>5. No, it does not. Recognition of statelessness entails the acquisition of a full status personae guaranteed by Italy's adherence to international conventions; therefore, any administrative eventualities, such as the expiry or non-renewal of a residence permit or</p>
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			<p>travel document, do not affect this status and the right of the recognised stateless person to obtain new documents.</p> <p>Thus, the travel documentation for stateless persons as well as the residence permit are documents that allow free circulation in the territory but do not certify a status that is instead certified by other documentation, produced following a procedure under the jurisdiction of the Prefecture.</p>
	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. If the recognized stateless person has permanent residence permit, he has right to social services and social assistance according to provisions of Law on Social Services and Social Assistance.</p> <p>In case recognized stateless person has temporary residence permit, he has right to receive social rehabilitation according to provisions of Law on Social Services and Social Assistance.</p> <p>2. Yes. If recognized stateless person obtains citizenship or has another changes (for example, changes place of residence to another country), he/she is obliged to inform the Office of Citizenship and Migration Affairs.</p> <p>3. No.</p> <p>4. Yes, according to Law On Stateless Persons and Administrative Procedure Law OCMA has right to check necessary information in order to take lawful decision.</p> <p>5. No.</p>


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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. According to Article 32.2 of the Law on the Legal Status of Foreigners, stateless persons are considered foreigners. As such, they are not entitled to any social rights and benefits. The rights and benefits depend on their legal status (temporary or permanent residence permit, asylum applicant, refugee) and other individual factors (e.g., age, number of dependents, employment status, employment history, income, etc.). 2. There is no law that explicitly requires that a stateless person informs about a newly obtained citizenship in another country. However, according to Article 36.1 of the Law on the Legal Status of Foreigners, a foreigner who has a residence permit must inform the Migration Department within 7 working days of any changes in documents confirming personal identity or citizenship. Failure to inform of such changes and, according to Article 35.1.2 of the Law on the Legal Status of Foreigners, submitting incorrect or false data during the application for a residence permit, are grounds for refusing to issue or replace a residence permit. 3. No 4. Stateless persons, depending on their individual circumstances, can obtain a temporary or permanent residence permit. Temporary residence permits are valid for one year. The procedure for replacing a temporary residence permit is the time when the Migration Department also checks whether there are grounds for refusing to issue/replace it. The statute of the Migration Department allows it to take a proactive approach when required. It has the right to check that the requirements of laws regulating the state's policy in the area of migration are observed. It also has the duty to inform foreigners
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			<p>about their rights and obligations, as well as integration opportunities. For example, in 2020, the Migration Department initiated a campaign for reducing statelessness. After compiling a list of stateless persons, each of them was sent a notification inviting them to visit the Migration Department for a consultation on obtaining citizenship, and almost all of them were contacted by phone.</p> <p>5. No</p>
	EMN NCP Luxembourg	Yes	<p>1. In Luxembourg there are no social rights and benefits attached to the recognition of statelessness. In the event of approval of the application for the status as a stateless person, the applicant is invited to present at the Department for Foreigners at the Immigration Directorate of the Ministry of Foreign and European Affairs in order to have the biometric travel document for stateless persons drawn up. The travel document has as maximum period of validity of 5 years, and is renewable on request.</p> <p>The recognition of the status as a stateless person does not automatically give the right to a residence permit.</p> <p>The beneficiary of the status is considered a third-country national and must, after obtaining the biometric travel document, submit an application for a temporary authorisation to stay and then an application for a residence permit.</p> <p>From the moment the individual is recognized stateless and has a residence permit that allows him/her to reside in the territory s/he can apply for the social inclusion income (REVIS). However to apply for REVIS, the applicant must:</p> <ul style="list-style-type: none"> - be legally resident in Luxembourg;



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		<ul style="list-style-type: none"> - have a right of residence; - be listed on the main register of the National Registry of Natural Persons (RNPP); - actually live at the address where they have their place of usual residence; - be at least 25 years old; - be receiving an income, either personally or collectively with their household, which falls below the thresholds set by law; - be looking for a job, and be and remain registered as a job seeker with the National Employment Agency (Agence pour le développement de l'emploi - ADEM); - be prepared to exhaust all options, in Luxembourg or abroad, to improve their situation (for instance, find out whether they are entitled to unemployment benefits, to a pension, etc.). <p>So in theory, it will be difficult that a stateless person can benefit from social rights without a residence permit.</p> <p>2. In principle YES. Any third-country national who intends to leave the Grand-Duchy of Luxembourg for more than 6 months (which may be the case when trying to obtain another status or nationality of another state) must return their residence permit to the Ministry of Foreign and European Affairs and make a declaration of departure at the administration of the commune where they resided. Also, every year, the Government IT Centre (CITE) sends to every person residing in the territory a document with all his/her personal information and request that if there has been any changes they must correct and send them back.</p> <p>3. No.</p>
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			<p>4. No. In Luxembourg article 133 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) allows that the Ministry in charge of Immigration and Asylum to order control for verifying if the conditions fixed for the entry and stay of foreigners are fulfilled. However, article 133 (2) indicates that these controls have to be conducted when there is a doubt and cannot be systematic.</p> <p>5. No. The expiration of the residence permit or the stateless passport and the lack of renewal does not trigger the refusal to renew or to revoke the stateless status.</p> <p>Regarding the renewal of the residence permit, the fact that the TCN does not renew the residence permit in time does not trigger automatically the revocation of it. However, in accordance with article 101 (1) 1 of the Immigration Law the residence permit can be refused to be renewed or revoked if the TCN does not fulfil the conditions established in article 38 of the Immigration Law foreseen for each category of authorization of stay.</p>
	EMN NCP Malta	No	
	EMN NCP Netherlands	Yes	<p>1. In the Netherlands, stateless persons with lawful residence (Staatlozen met rechtmatig verblijf) are treated the same as third-country nationals in the same case under the same circumstances. This means lawfully residing stateless persons have access to social assistance and allowances under the same conditions as third-country nationals.[1]</p>


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			<p>[1] EMN, 'Statelessness in the European Union, Norway and Georgia', April 2023, https://www.emnetherlands.nl/nl/onderzoeken/onderzoek-statelessness-european-union-norway-and-georgia, last accessed on 19 September 2023.</p> <p>2. No.</p> <p>3. No, although the ECRIS-TCN system may provide for information from other Member States concerning stateless persons with a conviction.[1]</p> <p>[1] Expertisecentrum Europees Recht, 'Samenwerking tussen nationale autoriteiten', https://ecer.minbuza.nl/ecer/dossiers/strafrechtelijke-samenwerking/strafproces/samenwerking-tussen-nationale-autoriteiten, last accessed on 19 September 2023.</p> <p>4. No.</p> <p>5. No. From the 1st of October 2023 onwards, stateless persons (also without lawful residence) will be eligible for a stateless document. The stateless document will be valid for 5 years. After the document expires, the stateless person can apply for a new document. The expiry of the stateless document is no reason to revoke or change the previously established statelessness in the Personal Records Database (Basisregistratie Personen - BRP). Statelessness does, of course, lapse if the person concerned naturalises at some point to become Dutch or acquires the nationality of another state. However, the possibilities to proactively investigate the latter are limited. In this, we often depend on information provided by the stateless person itself.</p>
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	<p>EMN NCP Poland</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In line with the term "foreigner" provided by Article 3(2) of the Act of December 12, 2013 on foreigners, a foreigner is anyone who does not have Polish citizenship. Within the scope of this term remains both a person who holds one or more citizenships, none of which is Polish, and a person who does not hold citizenship of any country. The Act on foreigners does not list stateless persons as a category of persons excluded from the application of their provisions. Under the current regulations, stateless persons are treated as citizens of third countries, which means that they have the right to be granted a residence permit under the general rules. Entry into Poland also takes place on general principles, in accordance with Chapter 1 of Section III of the aforementioned law. It is to mention that the Republic of Poland is not a party to the 1954 Convention relating to the Status of Stateless Persons and the core of questions of Ad Hoc Query seems to be addressed in the context of that Convention. 2. See the answer to Q1 - Poland is not a party to the 1954 Convention relating to the Status of Stateless Persons 3. Pursuant to the provisions of Art. 59 of the Act of April 2, 2009 on Polish citizenship (Journal of Laws of 2022, item 465, as amended), the Minister of the Interior and Administration maintains a central register of data on the acquisition and loss of Polish citizenship. This register contains information about persons who have submitted applications to acquire Polish citizenship and the decisions of the competent authorities in these matters. Both voivodes and the Head of the Office for Foreigners (bodies competent for legalisation of stay) have access to this register. This means that if a foreigner who
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			<p>does not have any citizenship (stateless person) acquires Polish citizenship, the authorities competent for the legalisation of stay in the territory of the Republic of Poland are notified about it.</p> <p>It should be emphasised, however, that the provision of Art. 62 section 1 of the above-mentioned Act states that data or information stored in the central register are subject to protection under separate provisions, unless the Act provides otherwise.</p> <p>Art. 62 section 5 of the Act states that: data or information contained in the central register and registers referred to in Art. 59 section 3, may be made available to authorities or institutions of other countries when permitted by an international agreement to which the Republic of Poland is bound. Poland has not signed an agreement with any country in this respect, which means that there are no grounds to provide the authorities of other countries with information resulting from the central register of data on the acquisition and loss of Polish citizenship. Therefore, there is no basis for providing other countries with information about foreigners (stateless persons) acquiring Polish citizenship.</p> <p>However, having regard to the provisions of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, Poland is obliged to provide other EU Member States with information relevant to the proceedings for granting international protection conducted in that country. Pursuant to Art. 34 section 2(a) of the Regulation, each Member State shall provide all Member States (if they request it) with personal data relating to the applicant, including: citizenship, identity documents and travel documents.</p> <p>4.</p>
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			<p>See the answer to Q1 - Poland is not a party to the 1954 Convention relating to the Status of Stateless Persons</p> <p>5. See the answer to Q1 - Poland is not a party to the 1954 Convention relating to the Status of Stateless Persons.</p>
	EMN NCP Portugal	Yes	<p>1. Stateless persons who are or reside in Portugal enjoy the rights and benefits and are subject to the duties of Portuguese citizens. In Portugal, stateless persons have exactly the same labor, social and civic rights as Portuguese citizens, such as employment, access to courts, education, accommodation, public assistance and social security, including social benefits for inclusion. Inclusion benefits are granted to national and foreign citizens, refugees and stateless persons legally residing in Portugal who have a disability of 60% or more.</p> <p>2. According to law no. 41 of 10 August (in attachment), stateless status ceases upon acquisition of Portuguese or other nationality, or upon the fact that another state grants you a similar status. On 10 August 2023, the Law n.º 41/23 established the Stateless Status. Key Development: Established the travel permit for the stateless. Relevant URLs: https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=3686&tabela=...</p> <p>3. NO.</p> <p>4. There is still no procedure for stateless people in Portugal. Portugal ratified the Convention Relating to the Status of Stateless Persons in 2012, but the entity competent to determine the status of statelessness has not yet been defined, nor has the</p>

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			<p>Regulation for its implementation been adopted. The Foreigners Law and the Nationality Law have somewhat filled this gap, making it possible to document citizens without an established nationality. Finally, this year, on August 10, the law establishing the status of stateless persons (in attachment) was published. The Parliament must now approve, within 90 days, the Statute of Stateless Persons, namely: the procedure for determining statelessness and the entity competent to assess the statute and decide on the procedure, as well as its organic structure. With regard to documentation for stateless persons, Portugal (SEF) has already designed the Electronic Travel Document for Stateless Persons, which was launched in July 2017, simultaneously with the new Portuguese Electronic Passport model and thus incorporates the same design.</p> <p>5. NO.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. The Slovak Republic does not have the process of recognition of stateless status introduced and that is why there is no possibility to apply for the recognition of stateless status. However, stateless persons can apply for a permanent residence for 5 years without fulfilment the obligations set by the law (Act on Residence of Foreigners).</p> <p>Based on Act No. 461/2003 on Social Insurance, this Act does not distinguish whether a citizen is of Slovak nationality or belongs to another state or is a stateless person, but is linked to the existence of a legal relationship (e.g. employment contract). However, there are groups of insured persons, namely voluntarily insured persons and state insured persons, whose social insurance is also conditional on a particular form of residence. In principle, stateless persons have the same access to social insurance as Slovak citizens, including entitlement to individual social insurance benefits (pension benefits, sickness benefits, accident benefits, guarantee insurance benefits), except for</p>

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			<p>unemployment benefit, for which the entitlement to this benefit is conditional on a specific form of residence. However, the basic condition is the acquisition of one of the above statuses, as well as the fact that in matters of social security they will be subject to Slovak legislation according to EU coordination regulations or bilateral international treaties concluded by the Slovak Republic in the field of social security.</p> <p>Forms of assistance to persons with severe disabilities, which are provided for by Act No. No. 447/2008 Coll. on financial contributions to compensate for severe disability, it is not possible to provide it to a stateless person. An exception is the cash care allowance. This is the only one of the financial contributions to compensate for severe disability, which is not granted to a person with severe disabilities, but is provided to the person who carers for a person with a severe disability. For the purposes of this contribution, a foreigner who carries out custody of a natural person with severe disabilities in the Slovak Republic is also considered a participant in legal relations. A foreigner under the Act on the Residence of Foreigners is anyone who is not a citizen of the Slovak Republic. It follows from the above that the financial contribution for care may be provided under the conditions laid down by law also to a stateless person who cares for a person with severe disabilities in the Slovak Republic.</p> <p>Assistance in material need is in accordance with Act No. 417/ 2013 Coll. on assistance in material need provided to persons who are unable to secure income or increase income by working, exercising ownership or other right to property and asserting claims. Under this Act, a citizen of the Slovak Republic may be entitled to assistance in material need, as well as a foreigner residing in the Slovak Republic in accordance with the Asylum Act or the Act on the Residence of Foreigners or an international treaty by which the Slovak Republic is bound. The Act on Assistance in Material Need respects the</p>
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			<p>principle of equal treatment and guarantees foreigners legally residing in our territory the same status as citizens of the Slovak Republic.</p> <p>When providing social services under the Social Services Act, the participant in legal relations is, inter alia, the recipient of the social service. The recipient of social service is a natural person to whom social services are provided under the conditions laid down by this Act and who is a foreigner with various types of residence in the Slovak Republic pursuant to Article 3 of the said Act. It follows from the foregoing, if a stateless person is subsumed under one of the points listed in Article 3 of the Act, then he will be subject to the provisions of the Act and will be treated as a recipient of social service, the rights and obligations pertaining to him from this status being laid down directly in the Act. Social service is a professional activity, service activity or other activity or set of these activities that are aimed at (a) preventing the occurrence of an adverse social situation, addressing an unfavorable social situation or alleviating an unfavourable social situation of an individual, family or community; (b) preserving, restoring or developing the ability of a natural person to lead an independent life and to promote his or her integration into society; (c) providing the necessary conditions for satisfying the basic living needs of a natural person; (d) resolution of the social crisis situation of a natural person and family, (e) prevention of social exclusion of the natural person and the family; (f) provision of child care due to the situation in the family requiring assistance in caring for the child.</p> <p>2. According to the Act on the Residence of Foreigners, Article 111(1)(b), such a person is obliged to state truthfully and completely all required data to the extent laid down by law. Under point (g) of the same article, paragraph and Act, such a person is obliged to report to the police department a change in name, surname, civil status, nationality, data in the travel document within five working days from the date on which the change occurred and the change of the travel document. If the person has acquired citizenship</p>
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			<p>of another state, the police will revoke the permanent residence in the territory of the Slovak Republic.</p> <p>3. No.</p> <p>4. No.</p> <p>5. NA see response to question 1. If a person does not apply for renewal of (permanent) residence, his/her residence ceases.</p>
	EMN NCP Slovenia	Yes	<p>1. In Slovenia, all persons regardless of citizenship, who actually reside in Slovenia, have a registered place of residence and meet other conditions laid down by legislation covering social assistance, subsidies and reduced payments are entitled to social rights and benefits such as financial social assistance and income support, access to subsidised pre-school education programmes, dependent child allowances, subsidised meals for school pupils and Social protection programmes are designed to prevent and address the social hardship of specific vulnerable groups</p> <p>2. In accordance with the legislation regarding the acquisition of citizenship of the Republic of Slovenia, a stateless person is not obliged to inform another country about the acquisition of citizenship of the Republic of Slovenia.</p> <p>3. The Republic of Slovenia does not have any bilateral/multilateral agreements with other Member State regarding any changes in the migratory status or obtaining citizenship by the stateless persons.</p>

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			<p>4. No.</p> <p>5. A statelessness determination procedure has not been established in the Republic of Slovenia.</p>
	EMN NCP Spain	Yes	<p>1.</p> <p>The rights granted to recognized stateless persons are included in different regulatory provisions, both at the state level and in the regions (comunidades autónomas) that make up the country, which also enjoy regulatory power regarding social rights.</p> <p>A) First of all is the Regulation for the recognition of the status of stateless person (Royal Decree 865/2001), the rule that includes the procedure to be followed to determine the status of stateless person. In the third chapter, entitled "situation of recognized stateless persons", a series of rights are established for those people whose status has been recognized, such as:</p> <ul style="list-style-type: none"> • -Work permit (Art 13.1). • -Residence permit (Art. 13.1). • -Right to be documented as a stateless person and provided with a travel document (Art. 13.2). • -Right to be issued those documents or certifications that would normally be issued to foreigners by or through their national authorities (Art. 13.3). • -Right to family reunification (Art. 14) <p>B) At a second level there would be those rights that the regions offer within the scope of their powers and the resources that they allocate to them. Among them would be health and education.</p>

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			<p>C) Elsewhere are those that the Spanish Constitution of 1978 and the current immigration law (4/2000) provide for this group. At least the same treatment granted to Foreigners in matters relating to:</p> <ul style="list-style-type: none">• Right of Association.• Right to Paid Employment.• Right to Work on Your Own Account.• Right to practice Liberal Profession.• Right to housing.• Etc. <p>At least the same treatment that it grants to its Nationals in matters related to:</p> <ul style="list-style-type: none">• Freedom to practice your Religion and the religious education of your children.• Access to Courts.• Elementary Education.• Tax Charges and Liens.• Labor and Social Security Legislation• Etc. <p>D) Finally, the normative that regulates the reception system in matters of international protection, approved by Royal Decree 220/2022, of March 29, establishes the basic general conditions of the international and temporary protection reception system, and guarantees access for stateless people to all phases of the state reception system.</p> <p>After an assessment of the profile to refer the applicant to the most appropriate resource, the first stage of a support itinerary is entered that can last between 18 months and two years.</p>
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			<p>In the first six months, which can be extended in the case of very vulnerable profiles, asylum seekers have all their basic needs covered, they are provided with pocket money, legal assistance, Spanish courses and training and guidance for employment.</p> <p>Then comes the autonomy phase, which is managed with financial aid so that they can rent their own home while their request for international/statelessness protection is processed and resolved.</p> <p>2.</p> <p>In principle, the person is not obliged to notify our Office of this change in status, or at least the statelessness legislation does not include it. Even so, article 16 of decree 865/2001, which regulates the procedure for determining statelessness, provides that once the concurrence of any of the foreseen causes is verified, the Minister of the Interior will declare the benefits of the Convention ceased.</p> <p>The reasons for termination, in this case, would be three:</p> <p>a) That the stateless person has obtained Spanish nationality.</p> <p>b) That the stateless person has been considered a national by another State or the State where he has established his residence recognizes rights and obligations analogous to the possession of the nationality of said State.</p> <p>c) That his stay and permanence in the territory of another State that has documented him as a stateless person be recognized.</p>
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			<p>3. No. When that happens, not many times, it has been through communications from the Spanish embassy in the third country, which has been informed by the authorities of that country. But the most common channel is email.</p> <p>4. Yes. In the Spanish case, our relationship with the Police is close in this area, so we have access to the digital foreigner's database to verify the administrative procedures that the person has carried out with the administration, and the documentation that has contributed to them. For example, a passport/travel document, a document from another country, etc.</p> <p>This tool is used before and after recognition; both to determine if that person has documentation from other countries, as well as to verify that he has not obtained it if he has been recognized as stateless by us.</p> <p>5. No. The expiration of documents may imply a problem in administrative terms, to carry out a specific procedure for example, but in no case the recognition of their status as a stateless person come into question.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. Sweden does not have a specific statelessness determination procedure. Therefore it is necessary to look into the asylum, and other immigration, registration and naturalization procedures as it is through these that nationality, or lack thereof, can be identified to some degree.</p> <p>In the asylum procedure, the Asylum Unit of the SMA assesses an asylum-seeker's nationality, or the lack thereof, within the context of establishing the applicant's identity.</p>


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			<p>When a foreigner applies for a residence permit outside of the asylum procedure, the Residence Permit Unit of the SMA assesses the nationality, or lack thereof, of the applicant as part of the establishment of the applicant's identity within the procedure. Statelessness can also be identified in connection with a registration in the Swedish Population Register of an immigrant who has obtained a residence permit in Sweden, and in the context of registering the birth of a child in Sweden born to a registered parent. Finally, the Citizenship Unit of the SMA can make an assessment of nationality or statelessness when a notification or application for naturalization is made. This means that the rights and benefits are not connected to the statelessness of a person but are based on the right to residence, residence permit, for the person. Rights are provided on base of residence and not on nationality or lack thereof.</p> <p>2. Of course that can affect the right to residence for the person and will be handled in that way according to the rules for residence.</p> <p>3. The same rules apply for stateless as for any other category of migrants. All based on the right to residence.</p> <p>4. Sweden does not have a specific statelessness determination procedure. Statelessness is only considered in other migration procedures when applying for residence permit for different reasons.</p> <p>5. Not applicable</p>
	<p>EMN NCP Georgia</p>	<p>Yes</p>	<p>1. The persons having a stateless status in Georgia enjoy the same rights as the citizens of Georgia on: social assistance, pension, other forms of social security and healthcare.</p>


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			<p>2. No.</p> <p>3. No.</p> <p>4. No.</p> <p>5. Currently Not. However, the Law of Georgia on the Legal Status of Aliens and Stateless Persons (enacted on 1 September 2014) prescribed a single-action provision stating that „the stateless persons, whose residence cards have expired, were obliged to apply until 1 September 2015 to the Public Service Development Agency of the Ministry of Justice for the renewal of document. In case of failure to fulfil this obligation within the specified period (01.09.2014 – 01.09.2015), the status of stateless would have been ceased for these individuals”.</p> <p>An introduction of this temporary regulation had become necessary due to a number of stateless persons possessing at that moment expired residence card or the stateless passport, which was a solid ground to assume that mentioned individuals changed their migratory status (i.e. obtained citizenship or other state determined / recognized their stateless status).</p> <p>Based on this regulation, the stateless status of more than 200 persons whose documents had expired was terminated.</p>
	EMN NCP Serbia	Yes	<p>1. There is no established procedure for the determination of the status of a stateless person in the Republic of Serbia.</p>

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			<p>2. There is no procedure for the determination of the status of a stateless person.</p> <p>3. No.</p> <p>4. No.</p> <p>5. There is no procedure for the determination of the status of a stateless person.</p>
	EMN NCP Ukraine	No	
