

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 1 October 2025

CDCJ-MIG(2025)PV2

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION  
(CDCJ)**

**LIMITED WORKING GROUP ON MIGRATION  
(CDCJ-MIG)**

**4th meeting**

Strasbourg, 29 September – 1 October 2025

**List of decisions**

## **1-2. Opening of the meeting and adoption of the agenda**

1. The chair, Francesco Crisafulli (Italy), opened the meeting and the Limited working group on migration (CDCJ-MIG) adopted the agenda. The list of participants is set out in Appendix 1.

## **3. Information by the Chair and the secretariat**

2. The CDCJ-MIG took note of the information provided by the chair concerning:

- the 104th plenary meeting of the CDCJ (16-18 June 2025), including the examination, with the assistance of the consultant, René de Groot, of the draft revised Recommendation CM/Rec(2009)13 on the nationality of children and of the draft compendium of promising practices on access to nationality for stateless children, in light of delegations' comments to be further addressed under item 5 of the agenda;
- the Global Alliance to End Statelessness Inter-Regional Network Lab (20 May 2025), where the Secretariat presented the CDCJ-MIG's activities;
- the 2nd Townhall meeting of the Global Alliance to End Statelessness (23 September 2025);
- the presentation of CDCJ-MIG's work to Armenian officials (10 September 2025), including Armen Ghazaryan (former member of the CDCJ-MIG, now Deputy Minister of Internal Affairs) and Vardan Matevosyan (new member);
- the forthcoming European Migration Network (EMN) meeting on statelessness in the EU Pact on Migration and Asylum (Luxembourg, 27 October 2025);
- the forthcoming ENS/Statefree conference "Statelessness & Innovation" (Berlin, 6-7 November 2025);
- the OSCE-ODIHR/UNHCR publication Opening Doors for Children.

## **4. Draft compendium of promising practices on access to nationality for stateless children**

3. The chair recalled that this was the final examination before transmission to the CDCJ for adoption at its next plenary meeting (18-20 November 2025).

4. The CDCJ-MIG examined the draft and agreed, *inter alia*:

- to maintain its approach as a collection of promising practices reflecting diversity of legal systems across Europe;
- to insert, where needed, footnotes referring to states concerned by a description of the situation common to several member states;
- to delete the terms "automatically" or "automatic" where these could be misinterpreted, given differences between legal systems across member states;
- to retain the word "foundlings" as the established term under international law;

- to harmonise terminology in both language versions (e.g. “access”; “legal representative or guardian”; “competent authorities”);
- to improve the drafting of paras. 6, 17, 25, 29 and 41, and delete “material” in Section II.1;
- to adjust identified practices (Armenia, France, Georgia, Germany, UK), delete others (Denmark, Spain), and add Belgium as a promising practice on the procedures to determine or confirm a child’s nationality;
- to note differences in domestic practice concerning data exchange between civil registry and immigration services and to disconnect the registration from the residence status of the parents (para. 39);
- to distinguish between training and awareness-raising, and to reaffirm the importance of judicial training, including on statelessness and children’s rights.

## 5. Revised Recommendation CM/Rec(2009)13 on the nationality of children

5. The CDCJ-MIG examined the draft revised Recommendation and explanatory memorandum.

6. On the preamble of the draft revised Recommendation, one delegation, supported by another delegation<sup>1</sup>, proposed adding the following clause *“Bearing in mind that the people is one of the three constituent elements of the State and its sovereign body, determining the persons who belong to it is a sovereign competence of the national legislature. The latter has the ability to assess the specific circumstances (political, economic, social) in each case and to determine the conditions for acquiring the nationality of the state in question in a more relaxed or stricter manner.”* Most delegations opposed the proposal. The group agreed on an alternative formulation that addresses sovereignty concerns while maintaining the child-centred objectives of the Recommendation.

7. The proposal of one delegation to delete sub-paragraph o) was rejected.

8. The group agreed to include a reference to the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration.

9. Regarding the term “lawful” (principles 2, 5 and 11), the Chair recalled that its reintroduction had been asked at the last CDCJ plenary. It was noted that many member states do not require the condition of lawfulness of residence and that practical experience could be informative, as it affects a small group of at-risk children. One delegation considered that keeping the term would be contrary to existing international obligations. The group agreed to keep “lawful” in square brackets so that the CDCJ can take a final position and invited member states without this requirement to share their experience.

10. Concerning the principles, the CDCJ-MIG agreed, *inter alia*:

- to use “develop or further strengthen, as the case may be” in the operational statement and principle 19;

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<sup>1</sup> Croatia (mentioned at the request of the delegation throughout the list of decisions).

- to note proposals by two delegations to revert to “lawful and habitual residence of a parent” in principle 2;
- to replace “reasonably” with “with compelling reasons” in principle 4, noting one delegation’s reservations as to its scope;
- to note reservations on “habitual residence” (principle 5), and provide explanations in the explanatory memorandum;
- to delete “not exceeding five years” in principle 7 and request the CDCJ for a position, whilst providing further explanations in the explanatory memorandum;
- to retain “foundlings” (principle 8), add “unless proven otherwise”, and recall the established definition of “child”;
- to provide a general explanation on “medically assisted reproductive techniques” in the explanatory memorandum (principle 10);
- to clarify the scope and usefulness of principle 11 in the explanatory memorandum; and recall the broader context of the CDCJ’s and CDCJ-MIG’s terms of reference on statelessness and access to nationality *vis a vis* the limitations to the working group;
- to add “a specific period of time as defined by national legislation” in principle 12;
- to harmonise the terminology in principle 14 (“legal representative or guardian ad litem”);
- to delete “where necessary, legally represented as required by domestic law” in principles 17, 18 and 21, while acknowledging that in some member states children’s legal representation is mandatory; and, provide some explanations in the explanatory memorandum;
- to maintain principle 19, encouraging improvements even in states with existing procedures, while noting two delegations’ concerns<sup>2</sup>;
- to improve drafting on procedural guarantees on statelessness determination procedures (principles 17-22), including the right to appeal, and group them under a dedicated sub-section;
- regarding principle 23:
  - o to take note of concerns raised by one CDCJ delegation and distinguished between registration and proof of registration which should be free of charge and the delivery of birth certificates, which might not always be free of charge depending on the legal systems; decided to provide additional information in the explanatory memorandum in this regard;
  - o to delete the phrase “in order to safeguard their access to rights and in particular to a nationality” and request that the explanatory memorandum

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<sup>2</sup> Including Croatia.

provides clarifications; to amend the sub-section title to “Registration of birth to ensure children’s access to nationality”.

- to note concerns expressed by several delegations about the practical implementation of principle 25, with two delegations calling for its suppression,<sup>3</sup> in line with a previous proposal of one CDCJ’s delegation; recall that the best interests of the child remain the underlying principle in enabling “children born abroad” to access birth certificates; to seek a new formulation, in light of domestic differences, while safeguarding the essential right to birth registration as a precondition to other fundamental rights, including education, health care and, where applicable, nationality; to continue examining this principle at its next meeting.
- to note concerns expressed by several delegations on principle 26 regarding exchanges between the civil registry and immigration services, reflecting differences in domestic practice; to reformulate the principle to underline that civil registration should not be concerned with immigration matters.
- to add a principle on procedural safeguards in age-assessment procedures, taking into account relevant developments in the case-law of the European Court of Human Rights and the Committee of Ministers Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration, for examination at its next meeting.

11. Finally, the group asked for guidance from the CDCJ as to whether it should continue revising Recommendation CM/Rec(2009)13 on the nationality of children as a whole, as per the conclusion of the feasibility study adopted by the CDCJ and given the interconnectedness between access to nationality of children and child statelessness, or should the group focus exclusively on those principles of the aforementioned recommendation that deal expressly with statelessness.

12. On the explanatory memorandum, the CDCJ-MIG agreed, *inter alia*:

- to note one delegation’s wish to keep the word “genuine” in the expression “genuine and effective connection” in relevant paragraphs;
- to adjust and/or revisit drafting, in particular paragraphs 17-19, 20-23, 35-39, 43-46, in light of the discussions and to re-examine it during the next group’s meeting;
- to note one delegation’s suggestion to delete paragraph 27; to improve and clarify, where applicable, the drafting of paragraph 27, in light of the comments from delegations; take into account the distinction between children born in or outside the territory, acknowledging differences in responding to these situations across legal systems;
- to clarify “habitual residence” in paragraph 31, in light of the previous discussions;
- to note concerns from two delegations<sup>4</sup> regarding paragraph 31 about the need to emphasise the discretionary power of member states to set out the requirements regarding requests of nationality;

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<sup>3</sup> Including Croatia.

<sup>4</sup> Including Croatia.

- to note one delegation's proposal to delete paragraph 47.

**6. Update on key developments and other events by members and observers**

13. Owing to the time required for revising the draft compendium, the draft recommendation and its explanatory memorandum, this item could not be dealt with.

**7. Any other business**

14. No other business was raised.

**8. Date and place of next meeting**

15. The CDCJ-MIG took note of the date and place of its next meeting, which will take place on 24-26 February 2026.

**9. Adoption of the list of decisions**

16. The CDCJ-MIG adopted the list of decisions.

## Appendix 1

## List of participants

## MEMBERS / MEMBRES

<p><b>ARMENIA</b> <b>ARMENIE</b></p>	<p><b>Mr/M. Armen GHAZARYAN</b> <b>apologised / excusé</b> Head of Migration and Citizenship Service, Ministry of Internal Affairs / <i>Chef du Service des migrations et de la citoyenneté, ministère de l'Intérieur</i></p> <p><b>Mr/Mr Vardan MATEVOSYAN</b> Deputy Head of the Migration and Citizenship Service of the Ministry of Internal Affairs of the Republic of Armenia</p>
<p><b>AZERBAIJAN</b> <b>AZERBAÏDJAN</b></p>	<p><b>Mr/M. Ruhlan NABIYEV</b> <b>apologised / excusé</b> Head of Division at the Consular Department, Ministry of Foreign Affairs / <i>Chef de division au département consulaire, ministère des affaires étrangères</i></p>
<p><b>CROATIA</b> <b>CROATIE</b></p>	<p><b>Ms/Mme Ivana LUČEV</b> Senior Advisor – Specialist Ministry of the Interior</p>
<p><b>CZECHIA</b> <b>TCHÉQUIE</b></p>	<p><b>Ms/Mme Katerina RADOVA (Vice-Chair / Vice-Présidente)</b> Deputy head of litigation unit, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice and Member of the Committee on the Rights of Foreigners of the Government Council of Human Rights / <i>Chef adjoint de l'unité contentieux, Bureau de l'Agent du Gouvernement près la Cour européenne des droits de l'homme, ministère de la Justice et membre de la Commission sur les droits des étrangers du Conseil gouvernemental des droits humains</i></p>
<p><b>FRANCE</b></p>	<p><b>Ms/Mme Estelle BRESTOVSKI</b> Head of the Nationality Office, Civil Affairs and Seal Directorate, Ministry of Justice / <i>Cheffe du Bureau de la nationalité, Direction des affaires civiles et du Sceau, ministère de la Justice</i></p>
<p><b>GEORGIA</b> <b>GÉORGIE</b></p>	<p><b>Ms/Mme la BIGANISHVILI</b> <b>apologised / excusée</b> Lawyer / Project Manager, Public Service Development Agency, Ministry of Justice / <i>Juriste / Chef de projet, Agence de Développement du Service Public, ministère de la Justice</i></p> <p><b>Ms/Mme Tamta PETVIASHVILI</b> Deputy Director of Department of Civil Registry, Public Service Development Agency, Ministry of Justice / <i>Directrice Adjointe du Service de l'état civil, Agence de Développement du Service Public, ministère de la Justice</i></p>

<b>ITALY</b> <b>ITALIE</b>	<b>Mr/M. Francesco CRISAFULLI (Chair / Président)</b> Magistrate, Court of Rome, Member of the CDCJ / <i>Magistrat, Tribunal de Rome, membre du CDCJ</i>
<b>PORTUGAL</b>	<b>Ms/Mme Sandra Cristina DA SILVA MONTEIRO</b> <b>apologised / excusée</b> Registar, Central Registry Office, Nationality, Registration and Civil Identification / <i>Officier de l'état civil, Bureau d'état</i> <i>civil central, Nationalité, Enregistrement et Identification</i> <i>Civile</i>

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<b>AZERBAIJAN</b> <b>AZERBAÏDJAN</b>	<b>Mr/M. Orkhan TALIB-ZADE</b> Third Secretary in the Citizenship Affairs Unit of the Consular Department, Ministry of Foreign Affairs  <b>Mr/M. Elchin MAMMADOV</b> Head of Division in the Consular Department, Ministry of Foreign Affairs
<b>IRELAND / IRLANDE</b>	<b>Ms/Mme Rebecca CLARKE</b> Deputy to the Permanent Representative Permanent Representation of Ireland to the Council of Europe
<b>GREECE</b> <b>GRÈCE</b>	<b>Ms/Mme Dimitra Athina PAPADOPOULOU</b> Administrative Judge Member of the 19th Independent Appeals Committee Ministry of migration and Asylum
<b>TÜRKİYE</b>	<b>Ms/Mme Hazal AKAY</b> Immigration Expert, Presidency of Migration Management

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<b>CONSULTANT TO THE CDCJ-MIG / CONSULTANT DU CDCJ-MIG</b>	<b>Mr/M. René De GROOT</b> Professor emeritus Maastricht University

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