

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 2 October 2026

CDCJ-MIG(2026)PV2

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

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

6th meeting

22-23 September 2026

List of decisions

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

1. The Vice-chair, Ms. Katerina Radova (Czechia), 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 Vice-Chair and the secretariat concerning:

- The guidance provided to the group by the CDCJ at its 106th plenary meeting (2-4 June 2026) (document CDCJ(2026)16);
- The consultation held with the CDCJ, CDCJ-MIG and youth stakeholders over the summer on the draft revised recommendation, its draft explanatory memorandum and its draft checklists for policy maker; the outcome of this consultation appears in the compilation of comments (document CDCJ-2026)22Rev);
- the presentation by the secretariat of the Compendium of Promising Practices at a side event held during the 61st session of the United Nations Human Rights Council in Geneva on 2 March 2026, co-organised by the United Nations High Commissioner for Refugees (UNHCR) and Child Identity Protection (CHIP), and co-sponsored by the Council of Europe and the Global Alliance to End Statelessness.

4. Revised Recommendation CM/Rec on the nationality of children

3. The CDCJ-MIG reviewed the draft revised Recommendation (document CDCJ-MIG(2026)02 prov3) with a particular focus on the amendments and guidance provided by CDCJ at its 106th plenary meeting and the comments received from the CDCJ, CDCJ-MIG and youth stakeholders.

4. The CDCJ-MIG agreed, in particular, to:

Preamble

- add a new recital O on the impact of displacement, armed conflict, climate-related disasters, trafficking, family separation and other situations of mobility on children's ability to acquire, retain or prove their nationality and access legal identity; and note that one delegation was opposed to its inclusion;
- add a reference in recital P to the Council of Europe Youth Sector Strategy 2030 (Resolution CM/Res(2020)2), in particular its priority concerning young people's access to rights;
- consider the gender dimension throughout the text and add "gender-responsive" where relevant.

Appendix to the recommendation

- not include a general interpretative clarification that "The principles set out in the Appendix should be implemented with due regard to the competence of member States to determine the conditions for access to their nationality, in accordance with

their international obligations” as proposed by one delegation and supported by another;¹

- retain the wording of principle 2 and not to include a reference to the “lawful residence of the parents” suggested by one delegation, and supported by another;²
- retain the wording of principle 4, which concerns children who cannot reasonably be expected to complete procedures confirming their parents’ nationality, while noting one delegation’s disagreement and its proposal to delete the principle in its entirety, as currently worded;
- keep the reference in principle 5, to the maximum five-year period and not to retain the proposed wording “when possible, according to the national law”, while noting the disagreement of two delegations,³ including one delegation’s proposal to delete Principle 5 in its entirety, as currently worded, on the grounds that it goes beyond the existing international treaty framework;
- not refer in principle 8 to national law requirements regarding the definition of foundlings, while noting one delegation’s disagreement;
- keep principle 11 as it also encompasses stateless children;
- not retain in principle 15 the drafting “if possible, according to national law” proposed by one delegation and supported by two others;⁴
- not retain in principle 17 and 18 the drafting proposal “according to the procedural rules of national law” from one delegation and supported by two others;⁵
- to amend principle 19 to “facilitate” the right of children to apply for recovery of nationality, while noting one delegation’s disagreement with both the use of the word “right” and the omission of a reference to domestic law;
- not include in principle 21 an explicit reference that stateless children should have access to the statelessness determination procedures “regardless of their lawful residence” as proposed;
- keep principle 26 but delete the reference to “victims of human trafficking”, while noting the disagreement of two delegations with the principle,⁶ including one delegation’s proposal to delete principle 26 in its entirety;
- amend the wording of principle 27 to allow greater flexibility in its implementation while noting one delegation’s reservation.

5. The CDCJ-MIG agreed on a revised text of the draft recommendation (document CDCJ-MIG(2026)02 final / CDCJ(2026)19 prov) and instructed the Secretariat to make the final editorial changes, in consultation with the Vice-Chair and the Consultant, before its submission to the CDCJ for approval at its 107th plenary meeting to be held on 17-19 November 2026.

¹ Croatia.

² Including Croatia.

³ Including Croatia.

⁴ Including Croatia.

⁵ Including Croatia.

⁶ Including Croatia.

5. Explanatory memorandum to Recommendation on the nationality of children

6. The CDCJ-MIG carried out a careful examination of the draft explanatory memorandum (CDCJ-MIG(2026)03prov3) taking due account of the instructions given by the CDCJ and the written comments received from the CDCJ, CDCJ-MIG and youth stakeholders.

7. The CDCJ-MIG agreed, *inter alia*, to:⁷

- include in paragraph 31, examples of compelling circumstances relevant to the implementation of principle 4, while noting one delegation's disagreement, including its proposal to delete paragraphs 29–33 (new numbering) in their entirety, in connection with its corresponding proposal to delete Principle 4;
- note one delegation's proposal to delete paragraphs 35–37 (former 34-36) in their entirety, in connection with its corresponding proposal to delete principle 5;
- keep the wording of paragraph 39 (former 38) while noting one delegation's concerns regarding the use of the term "borderline case of statelessness";
- not refer in paragraph 90 (former 88), to domestic law as proposed by one delegation and supported by another⁸ and not include one delegation's proposal to replace this paragraph so that it refers to the facilitation of the recovery of nationality for persons who lost their nationality during childhood, rather than to a right to apply for recovery. This delegation considered that, according to the proposed wording, domestic law would determine the persons concerned and the applicable conditions, procedures and time limits, including, where appropriate, the possibility of seeking recovery after reaching the age of majority;
- note that one delegation⁹ has expressed some reservations on paragraph 109 (former 106);
- in paragraph 112 (former 109), add a reference to "identified child victims of trafficking", together with a footnote on the relevant report of the Special Rapporteur on trafficking in persons, especially women and children;
- note one delegation's proposal to delete paragraphs 109–112 (former 106-109) in their entirety, in connection with its corresponding proposal to delete principle 26.
- make an amendment to highlight that the authorities registering birth could share information later with the immigration authorities, and note one delegation's concerns regarding paragraphs 113 and 114 (former 110-111) concerning the exchange of information between birth registration and immigration services.

8. The CDCJ-MIG agreed on a revised text of the draft explanatory memorandum (document CDCJ-MIG(2026)03 final / CDCJ(2026)20 prov)¹⁰ and instructed the secretariat, with the assistance of the consultant, to make the final editorial changes to the draft

⁷ The paragraph numbers of the draft explanatory memorandum correspond to the version amended as a result of the meeting (document CDCJ-MIG(2026)03 final / CDCJ(2026)20 prov).

⁸ Croatia

⁹ Croatia

¹⁰ For the purpose of its examination by the CDCJ, this document makes apparent all amendments agreed by the CDCJ-MIG.

explanatory memorandum, before its submission to the CDCJ for adoption at its 107th plenary meeting to be held on 17-19 November 2026.

6. Checklist for policy makers

9. The CDCJ-MIG carried out a careful examination of the draft checklist for policy makers (CDCJ-MIG(2026)05 prov3) taking due account of the comments received from the CDCJ, CDCJ-MIG and youth stakeholders.

10. The CDCJ-MIG took note that the draft checklist should reflect the wording of the draft recommendation and, where relevant, its explanatory memorandum, and amended the draft questions accordingly. The CDCJ-MIG took note of the disagreements expressed by two delegations for:

- not including the proposed wording “in accordance with domestic law” in question 12;¹¹
- keeping the wording “present on the territory of the State”, in question 14 in line with principle 21.

11. The CDCJ-MIG agreed on a revised text of the draft checklist (document CDCJ-MIG(2026)05 final / CDCJ(2026)21 prov) and instructed the Secretariat to make the final editorial changes, in consultation with the Vice-Chair and the Consultant, before its submission to the CDCJ for adoption at its 107th plenary meeting to be held on 17-19 November 2026.

7. Update on key developments and other events by members and observers

12. The CDCJ-MIG was informed of:

- a “Regional Expert Roundtable on the Prevention of Childhood Statelessness in Europe and Central Asia” co-organised on 20-21 October in Warsaw by UNHCR, OSCE-ODIHR, ENS and the Council of Europe; and
- a multistakeholder meeting on “A Decade of Cooperation on Statelessness: From Knowledge Exchange to Future Action” organised on 24 November in Luxembourg by EMN to celebrate the 10 years of the EMN Platform on Statelessness (the Platform) and present the EMN Inform “Statelessness in the European Union, Norway, Georgia and Serbia”.

8. Any other business

13. The CDCJ-MIG warmly thank the youth stakeholders for their contribution and expressed its gratitude to the former Chair, Mr Francesco Crisafulli, and the Vice-Chair, Ms Katerina Radova, for their efficient chairmanship throughout the work of the group.

9. Adoption of the list of decisions

14. The CDCJ-MIG adopted the list of decisions by written procedure.

¹¹ Including Croatia.

Appendix 1

List of participants

MEMBERS / MEMBRES

AZERBAIJAN / AZERBAÏDJAN	Mr/M. Ruhlan NABIYEV Counsellor, Head of Division at the Consular Department, Ministry of Foreign Affairs / <i>Conseiller, Chef de division au département consulaire, ministère des affaires étrangères</i>
CROATIA / CROATIE	Ms/Mme Ivana LUČEV Senior Advisor – Specialist at the Ministry of the Interior, Directorate for Immigration, Citizenship and Administrative Affairs / <i>Conseillère principale au ministère de l'Intérieur, Direction de l'Immigration, de la Citoyenneté et des Affaires administratives</i>
CZECHIA / TCHÉQUIE	Ms/Mme Katerina RADOVA (Vice-Chair / Vice-Présidente) Deputy head of litigation unit, Office of the Government Agent of the Czech Republic 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>Cheffe adjointe de l'unité contentieux, Bureau de l'Agent du Gouvernement de la République tchèque 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>
FRANCE	Ms/Mme Estelle BRESTOVSKI Judge, Head of the Nationality Office, Civil Affairs and Seal Directorate, Ministry of Justice / <i>Magistrate, Cheffe du Bureau de la nationalité, Direction des affaires civiles et du Sceau, ministère de la Justice</i>
GEORGIA / GÉORGIE	Ms/Mme Ia BIGANISHVILI Lawyer / Project Manager, Public Service Development Agency, Ministry of Justice / <i>Juriste / Cheffe de projets, Agence de Développement du Service Public, ministère de la Justice</i>
ITALY / ITALIE	Ms/Mme Roberta NOCELLA Judge attached to the office of the Minister of Justice / <i>Magistrate auprès du Cabinet du Ministre de la Justice</i>
PORTUGAL	Ms/Mme Sandra Cristina DA SILVA MONTEIRO Registrar, Central Registry Office, Nationality, Registration and Civil Identification / <i>Officier de l'état civil, Bureau d'état civil central, Nationalité, Enregistrement et Identification Civile</i>

MEMBER STATES / ÉTATS MEMBRES

ALBANIA / ALBANIE	Ms Monika MEÇA Legal Expert Department of Regulatory Acts of Council of Ministers Prime Minister's Office
AZERBAIJAN / AZERBAÏDJAN	Mr/M. Tamerlan BABAYEV Head of the Citizenship Matters Unit Ministry of Foreign Affairs Ms/Mme Gunel MUSTAFAYEVA Senior inspector of Citizenship issues Head of Department State Migration Service
ESTONIA / ESTONIE	Ms/Mme Siiri LESKOV Adviser Border and Migration Department Ministry of the Interior
GEORGIA / GÉORGIE	Ms/Mme Tamta PETVIASHVILI Head of the Citizenship and Migration Department PSDA under the Ministry of Justice of Georgia
GREECE / GRÈCE	Ms/Mme Dimitra-Athina PAPADOPOULOU Administrative Judge Agrinion Administrative Court of First Instance Member of the 19th Independent Appeals Committee Ministry of Migration and Asylum
LITHUANIA / LITHUANIE	Ms/Mme Kristina KONDRUTE Chief Specialist Citizenship Division Migration Department Ministry of the Interior
SWEDEN / SUÈDE	Mr/M. Hampus FORSELL Desk Officer Government Offices Ministry of Justice
TÜRKİYE / TURQUIE	Mr/M. Yılmaz KARACA Division Chief D.G. of Civil Registration and Citizenship Ms/Mme Pakize KAÇAR Deputy Division Chief D.G. of Civil Registration and Citizenship Ms/Mme Hazal AKAY Migration Expert, Presidency of Migration Management Ms/Mme Nesibe BODUR Interpreter

PARTICIPANTS / PARTICIPANTS

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EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DES DROITS FONDAMENTAUX DE L'UNION EUROPEENNE (FRA)	Mr/M. Tamas MOLNAR Senior legal researcher - project manager Justice, Digital and Migration Unit
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) / HAUT COMMISSARIAT DES NATIONS UNIES POUR LES RÉFUGIÉS (HCR)	Mr/M. Sam MOSALLAI Statelessness Officer / <i>administrateur chargé de l'apatridie</i> UNHCR Regional Bureau for Europe / <i>Bureau régional pour l'Europe, UNHCR</i> Ms/Mme Jutta SEIDEL Senior Legal Associate / <i>Associée juridique principale</i> UNHCR Representation to the European Institutions in Strasbourg
STEERING COMMITTEE FOR THE RIGHTS OF THE CHILD / COMITÉ DIRECTEUR POUR LES DROITS DE L'ENFANT (CDENF)	Ms/Mme Ombeline LESSELIER Policy officer / <i>Chargée de mission</i> Directorate general for social cohesion / <i>Direction générale de la cohésion sociale (France)</i>

OBSERVERS / OBSERVATEURS

EUROPEAN MIGRATION NETWORK / RÉSEAU EUROPÉEN DES MIGRATIONS (EMN)	Mr/M. Adolfo SOMMARRIBAS Senior Legal Advisor and Senior Legal Migration Expert EMN Luxembourg platform on statelessness
EUROPEAN NETWORK ON STATELESSNESS / RÉSEAU EUROPÉEN SUR L'APATRIDIE (ENS)	Ms/Mme Nina MURRAY Head of Policy & Advocacy
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CONSULTANT TO THE CDCJ-MIG / CONSULTANT DU CDCJ-MIG	Mr/M. René De GROOT Professor emeritus Maastricht University (The Netherlands)

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