

Compendium of promising practices on access to nationality for stateless children



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Compendium of promising practices on access to nationality for stateless children

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

Directorate General Human Rights and Rule of Law – DGI

**As adopted by the CDCJ
at its 105th plenary meeting
(18-20 November 2025)**

French edition:

*Recueil de pratiques prometteuses sur l'accès
à la nationalité pour les enfants apatrides*

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes, as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows: "© Council of Europe, year of the publication". All other requests concerning the reproduction/translation of all or part of the document should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex) or publishing@coe.int.

All other correspondence concerning this document should be addressed to the Division for Legal Co-operation, Directorate General Human Rights and Rule of Law (DGI-CDCJ@coe.int).

Cover design and layout:
Publications and Visual Identity
Division (DPIV), Council of Europe

Cover photo: © Shutterstock

This publication has not been copy-edited by the DPIV Editorial Unit to correct typographical and grammatical errors

© Council of Europe, January 2026
Printed at the Council of Europe

Contents

FOREWORD	5
INTRODUCTION	6
CHAPTER 1 – PREVENTING STATELESSNESS AMONG CHILDREN	7
1. The legal safeguards provided by nationality laws for children to acquire a nationality or to be given the nationality of the country where they are if they would otherwise be stateless	7
2. The guarantees of access to nationality for children in practice, including when the child's statelessness is not formally established	8
3. A specific nationality determination procedure for a child born on the country's territory if it is in doubt	9
4. The framework for co-operation with third countries in order to determine or confirm the child's nationality	10
CHAPTER 2 – CHILD-FRIENDLY NATIONALITY AND STATELESSNESS DETERMINATION PROCEDURES: LEGAL AID, REPRESENTATION, ACCESS TO INFORMATION AND JUSTICE FOR CHILDREN	12
1. Stateless children or children at risk of statelessness	12
2. Particular case of unaccompanied children	14
CHAPTER 3 – BIRTH REGISTRATION	17
1. Immediate and free of charge birth registration, including of the children of refugees or migrants, even if the period within which the birth should have been declared has already expired	17
2. Flexibility in evidentiary and documentation requirements in birth registration processes	18
3. A procedure for registering the birth of a child in the absence of proof of the exact place, time or date of birth	19
4. The information of both parents recorded in the birth certificate in all cases	20
5. The possibility for birth registration competent authorities not to be concerned with the child's residence status	21
CHAPTER 4 – AWARENESS-RAISING AND TRAINING OF RELEVANT ACTORS	22
1. The training and awareness-raising provided for migration officials, civil servants responsible for registering asylum seekers, refugees and migrants, civil registrars, guardians, judges on nationality and statelessness	22
2. The awareness-raising on the causes and consequences of statelessness provided for officials called upon to deal with statelessness	23

Foreword

Child statelessness remains a pressing issue across Europe as it undermines the basic right of every child to a nationality. Lack of nationality has far-reaching consequences for children, depriving them of a legal identity which creates serious obstacles to the enjoyment of such fundamental rights as the right to education, healthcare, legal protection and housing. Statelessness therefore prevents children from leading normal lives and increases their vulnerability. Stateless children are more likely to grow up in a cycle of poverty and hardship or, in the worst cases, to fall prey to human traffickers and other criminal networks.

Combatting statelessness has long been a priority of the Council of Europe, driven by the need to guarantee the effective enjoyment of human rights by the most vulnerable persons, including in the framework of its Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum (2021-2025). As the impact of statelessness on children is particularly acute, the Council of Europe is committed to exploring and developing practical, rights-based solutions with a view to ending child statelessness. This compendium of promising practices on access to nationality for stateless children is a reflection of this commitment.

The purpose of the compendium is to serve as a source of inspiration to emulate positive legal changes in member states to better address the challenges of child statelessness. By identifying and highlighting promising legal and administrative practices from various member states, it provides concrete examples of how to prevent child statelessness and ensure children have access to nationality determination procedures promptly. The compendium focuses primarily on the critical areas of legal aid and representation, access to information, and access to justice regarding nationality and statelessness determination.

This compendium is not only a collection of legal and administrative practices gathered across member states on how best tackle child statelessness but also constitutes a direct contribution to the Council of Europe Strategy for the Rights of the Child (2022-2027), which champions a Europe where all children belong. It also responds to the new Global Alliance to End Statelessness, launched by UNHCR in 2024 and joined by the Council of Europe. Therefore, I invite all stakeholders to make use of this compendium as a tool for driving the necessary reforms aiming to ultimately eradicate child statelessness across Europe.

**Clare Ovey, Director of Human Rights,
Directorate General Human Rights and Rule of Law**

Introduction

1. As a follow-up to the international conference on “Statelessness and the right to a nationality in Europe: progress, challenges, and opportunities”, organised jointly with the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2021, and the updated [Analysis of current practices and challenges regarding the avoidance and reduction of statelessness in Europe](#), the European Committee on Legal Co-operation (CDCJ) decided to focus during the period 2024-2026 on the statelessness of children and their access to nationality. These activities contribute to the Council of Europe [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#) and its [Strategy for the Rights of the Child \(2022-2027\)](#) as well as the Global Alliance to End Statelessness launched by the UNHCR in 2024 and joined by the Council of Europe.
2. The CDCJ has been tasked by the Committee of Ministers to prepare a compendium of good practice in respect of legal aid and representation, access to information and to justice for children in procedures relating to the determination of nationality or statelessness. To this end, the Limited working group on migration (CDCJ-MIG) has prepared a questionnaire to collect information from member states regarding procedures governing statelessness and access to nationality in respect of children. A total of 29 states responded to the questionnaire.
3. The compendium, based on the responses of states to the questionnaire, is a reflection of their national situations and aims to inspire and encourage member states to adopt good practice to address and prevent the statelessness of children and to enable stateless children to access nationality. The examples illustrate particular aspects of promising practices that may be replicated or adjusted as necessary.

Chapter 1

Preventing statelessness among children

1. The legal safeguards provided by nationality laws for children to acquire a nationality or to be given the nationality of the country where they are if they would otherwise be stateless

4. Rules and practices to ensure that the nationality of a state is attributed to a child who would otherwise be stateless are essential. The activation of rules to prevent statelessness requires answering the preliminary question: has the child acquired another nationality?
5. Most respondent states¹ provide that a child born on their territory who would otherwise be stateless acquires by operation of law the nationality of the country of birth.²
6. However, a number of states limit this ground for access to nationality to cases where the parent(s) is(are) themselves stateless.³ Another limit is that at least one parent must be a legal resident of the state concerned.⁴
7. In several states, stateless children born on the territory are entitled to access to the nationality of their country of birth subject to a certain period of habitual or even lawful residence.⁵ The way in which this access takes place may vary from one state to another: the right to register as a national to acquire nationality by declaration of option or acquisition through entitlement to naturalisation.

1. Throughout the compendium, where the terms “states” or “countries” or the expression “member states” are used, they should be understood as referring to those member states that have provided replies to the questionnaire.
2. Albania, Andorra, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, France, Greece, Ireland, Italy, Luxembourg, Montenegro, Portugal, Serbia, Slovakia, Spain and Türkiye.
3. Azerbaijan, Croatia, Czechia, Estonia, Georgia (despite having several mechanisms against statelessness), Hungary, Latvia, Lithuania, Republic of Moldova, North Macedonia, Poland and Slovenia.
4. Republic of Moldova and Ukraine.
5. Austria (along with other requirements), Germany, Iceland, Liechtenstein, Malta, Netherlands, Norway, Sweden and United Kingdom.

8. Almost all states provide for the attribution of their nationality to children discovered on their territory. At the same time, state practice reveals a wide range of ages within which this provision applies; several states limit the granting of nationality to very young children (newborns in five states,⁶ under six months in one state,⁷ and under three years in one state⁸). Several other states do not specify the scope of application of their rules in favour of children discovered⁹ and also apply this ground for the attribution of nationality to older children, including in some cases up to the age of majority.

Identified promising practices

In Armenia, the Law on Citizenship provides for access to citizenship for children so as to exclude situations where children would otherwise be considered stateless.

In Italy, the law provides that children born on the territory to stateless parents or parents who cannot confer a nationality to the child are Italian.

2. The guarantees of access to nationality for children in practice, including when the child's statelessness is not formally established

9. There is no unconditional *ius soli* provision in any member state. However, five of them provide for the attribution of nationality to a child of foreigners born on their territory subject to a specific residence condition for one parent.¹⁰ Two other countries provide that a person born on their territory can have access to the nationality of the country upon application, subject to a specific residence condition.¹¹

10. Three states have an unconditional double *ius soli* rule: the nationality of the country is conferred on the child of foreign parents if at least one of the parents was also born in the country.¹² Four other states have a similar rule, but with a specific residence requirement for the (grand-)parent.¹³

11. All states provide for the attribution or recognition of the nationality of the country when a child of a national is born there. However, one state

6. Belgium, Ireland, Portugal, Ukraine and United Kingdom.

7. Austria.

8. Czechia.

9. For example, Luxembourg, Norway and Sweden.

10. Belgium, Germany, Ireland, Portugal and United Kingdom.

11. Greece and Moldova.

12. France, Luxembourg and Spain.

13. Belgium, Greece, Netherlands and Portugal.

applies a dual nationality restriction: the rule does not apply automatically if the child also has another nationality.¹⁴

12. Most countries provide that the child of a national born abroad has access to the nationality of the parent. However, there are a number of exceptions. In five states there is a generational restriction on the transmission of nationality to children born abroad: the nationality of the parent is not attributed or recognised automatically if the parent was also born abroad (unless this would render the child stateless).¹⁵ However, the legislation of some of these states allows the nationality of the parent to be acquired by registration. In seven other states, the attribution or recognition of the nationality of the parent for the child born abroad is subject to the child's registration at a consulate or to an application for the parent's nationality, except in cases where the child would otherwise be stateless.¹⁶

Identified promising practice

*Luxembourg has an unconditional double *ius soli* provision: the nationality is attributed to the child of foreign parents if at least one of the parents was also born in Luxembourg regardless of whether the child's statelessness is established or not.*

3. A specific nationality determination procedure for a child born on the country's territory if it is in doubt

13. If the nationality of a child born on a country's territory is in doubt, establishing a specific nationality determination procedure, implemented by trained staff within the competent authorities, can be considered advisable. The staff concerned should possess the legal and language knowledge necessary to identify and record the nationality status.

Identified promising practice

Sweden has a nationality determination procedure applicable to children born on its territory and whose nationality is uncertain. The Swedish Migration Agency begins its assessment of whether a person is stateless by investigating whether that person has a citizenship. The focus of this investigation is on the countries with which they have relevant ties (country of birth, parents' citizenship, previous habitual residence).

14. North Macedonia.

15. Belgium, Germany, Ireland, Malta and United Kingdom.

16. Armenia, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Portugal and Romania.

4. The framework for co-operation with third countries in order to determine or confirm the child's nationality

14. Co-operation between states is key, as underlined in the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children of the Hague Conference on Private International Law.¹⁷ This is also recognised in Article 23 of the European Convention on Nationality (ETS No. 166) concerning information on relevant legislation and developments. Co-operation should notably address case-specific issues, in particular on the possible acquisition or non-acquisition of nationality. Lack of information may lead to situations of statelessness for the child concerned.

15. Co-operation is essential if a stateless child can access to the nationality of a parent's state. The state of birth or residence of such a stateless child should provide them with any necessary assistance to exercise that right.

16. However, a child's parent may face critical impediment in the exercise of the right to acquire a particular foreign nationality. If (the parents of) a child cannot, for compelling reasons, be expected to acquire that nationality, rules to avoid statelessness of the country of birth should apply, for instance if the parents have left the state of their nationality to become refugees.

17. In the determination of whether a child would otherwise be stateless, decision-makers must adopt an appropriate standard of proof, and all relevant evidence must be assessed, including statements from the parents or experts and any information on how national legislation is applied in practice. In this regard, co-operation between states is essential to avoid statelessness. The competent authority should be able to directly contact consular representatives of other states to confirm the foreign nationality of a child, if necessary, except in cases where security or refugee law-related considerations would prohibit such contact.

17. HCCH Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

Identified promising practices

In Belgium, the attribution of nationality pursuant to Article 10 of the Belgian Nationality Code cannot be subject to the obligation to prove statelessness on the part of either the child or the parent(s).

In Portugal, in the specific case of persons born on Portuguese territory who do not hold another nationality, the law provides for the acquisition of nationality by operation of the law regardless of whether the residence of the parents and/or child is lawful or not.

In addition, Portuguese nationality can be acquired by operation of the law if a person is born on Portuguese territory, and the birth certificate indicates that he or she does not have another nationality.

Registration must be made if it is proven that the person does not have another nationality. Proof of statelessness and the person's birth certificate are submitted by the registrar to the Conservatória dos Registos Centrais (Registrar of the Central Registry), who is the competent authority to analyse them and decide whether to authorise the above-mentioned registration. In practice, if the parents have not been registered previously as stateless, they must provide proof of statelessness. The parents are required to submit statements from relevant embassies/consulates confirming that the child does not have the nationality of the relevant state. The Central Registry may establish direct contacts with relevant embassies/consulates so that the burden of proof does not rest solely on the applicant (or his/her representatives). If, at the end of the three-month period, no information has been provided on the acquisition of the nationality of the countries with which the person concerned has relevant links, as requested ex officio, it will be presumed that the person concerned has not acquired the nationality of any of these countries and Portuguese nationality will be granted.

Chapter 2

Child-friendly nationality and statelessness determination procedures: legal aid, representation, access to information and justice for children

1. Stateless children or children at risk of statelessness

i. A specific statelessness determination procedure, adapted to children, with procedural and evidentiary guarantees for children

18. At least 18 member states have a statelessness determination procedure.¹⁸ In some of these states, special attention is given to the determination of statelessness of children.
19. Almost all states have provisions for the appointment of a special legal representative or guardian when a child does not have legally recognised parents or has entered the country as an unaccompanied minor. The appointment of such a representative must be *ex officio*. The procedure is guided by the principle of protecting the best interests of the child.¹⁹

Identified promising practices

France has a statelessness determination procedure. In practice, the Stateless Office of the French Office for the Protection of Refugees and Stateless persons (OFPRA) implements this procedure under the aegis of the principle of the best interests of the child. A minor applying to the Office is invited to do so through his or her legal representative and, while the burden of proof is normally on the applicant to prove statelessness, it is shared in this case with the OFPRA. In addition, if co-operation with foreign authorities proves impossible or in case of doubt, the minor benefits and can be recognised as stateless.

18. Albania, Belgium, Bulgaria, Czechia, France, Georgia, Hungary, Iceland, Italy, Latvia, Republic of Moldova, Montenegro, Netherlands, Spain, Sweden, Türkiye, Ukraine and United Kingdom.
19. See the standards described in Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on effective guardianship for unaccompanied and separated children in the context of migration.

With regard to representation, minors are in principle represented by their legal representatives or by an ad hoc administrator or, if there is no one with parental authority, by a guardian appointed by the competent judge.

The United Kingdom also has a statelessness determination procedure. Applications in respect of children must be assessed within the duty of section 55 of the Borders, Citizenship and Immigration Act 2009 which requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK.

The Statutory Guidance which accompanies the legislation confirms that the statutory duty to children includes:

- ▶ *fair treatment which meets the same standard a British child would receive;*
- ▶ *the child's best interests being a primary (although not the only) consideration;*
- ▶ *no discrimination of any kind;*
- ▶ *timely processing of applications;*
- ▶ *identification of those who might be at risk from harm.*

ii. Accessible information on statelessness and its connections with access to nationality for stateless children and those assisting them

20. In almost all states, information on statelessness and access to nationality is available on the website of the competent ministry or other authority. However, it may be a challenge for the persons concerned to know which ministry or other authority is competent and how to access the website containing the relevant information. The language of the information may also hamper accessibility.

Identified promising practice

In Latvia, parents are provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality. The relevant information can also be found on the Office of Citizenship and Migration Affairs website in English and Latvian.

iii. Strengths identified in the implementation of the nationality determination procedure in the specific case of children

21. States should introduce dedicated child rights-based nationality and statelessness determination procedures, to allow them to identify and protect stateless children on their territory until they access to a nationality. Where

indications that a child (or their parents) may be stateless arise in migration or international protection procedures, a referral should be made at an appropriate point in proceedings to a procedure to determine their statelessness. The child and/or their legal representative or guardian should be provided with information and quality legal assistance throughout relevant procedures.

22. Principles of non-discrimination (including with regard to the residence status of the child or the parents), shared burden of proof and child-sensitive procedures should be implemented, including through the provision of quality legal assistance, as well as a legal representative or guardian for unaccompanied children. Making sure that children who are affected can share their views in procedures and decision making is important with a view to ensuring decisions are made in the best interests of the child and in line with international law establishing the child's right to be heard. The relevant safeguards for ensuring effective child participation should be followed in any procedure including those pertaining to determination of nationality.

Identified promising practice

Belgian nationality is granted to children born in Belgium who would otherwise have no nationality.

A legislative amendment in 2022 brought a number of improvements to the Belgian nationality code in order to bring procedures into line with children's rights. In particular, the term "stateless person" has been replaced by the words "has no other nationality". The previous wording seemed to suggest that the person concerned or his or her parents had to obtain statelessness status before nationality could be granted, which was contrary to the intention of the legal provision, as the statelessness determination procedure can be cumbersome.

2. Particular case of unaccompanied children

i. The procedure to determine an unaccompanied child's age when he or she does not have identity documents

23. Age assessment is a procedure to be used when there is reasonable doubt as to the age of an unaccompanied child. Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration²⁰ provides guidance and emphasises that age assessment procedures should respect the dignity and best interests of the child. It also underlines

20. Recommendation CM/Rec(2022)22 of the Committee of Ministers to member states on human rights principles and guidelines on age assessment in the context of migration.

that states should have in place a clearly established process for age assessment which uses a multidisciplinary approach, grounded in evidence-based knowledge, methods and practice, and which is child-centred. It goes on to say that a medical examination for age assessment purposes should only be undertaken when reasonable doubts remain about the person's estimated age once the other measures of the multidisciplinary approach have been exhausted, with the person's informed consent and with due respect for the principles of proportionality and the best interests of the child.

24. Before the examination is carried out, a legal representative or guardian should be appointed to help the person concerned decide whether to give consent. It is important that the explanation of the age determination procedure is given in a language that the person understands. During the procedure, the person concerned shall be treated as a minor. Age assessment should be carried out as soon as possible.

Identified promising practice

In the United Kingdom, if a person claims to be a child on arrival, immigration officers are required to make an initial age decision to determine whether the person should be treated as a child or an adult.

The "Assessing Age" guidance provides that immigration officers may only treat an individual as an adult where:

- ▶ *an age assessment has been conducted by either a local authority or the National Age Assessment Board and has assessed the individual to be 18 or over;*
- ▶ *two Home Office members of staff have independently assessed that the individual is an adult because his or her physical appearance and demeanour very strongly suggests that he or she is significantly over 18 years of age and there is little or no supporting evidence for their claimed age (the principle of the benefit of the doubt is key);*
- ▶ *there is credible and clear documentary evidence that the individual is 18 years of age or over.*

Individuals have access to legal aid and interpreters to support them through the process of legally challenging any age decision.

ii. A statelessness determination procedure adapted to unaccompanied children and the existing guarantees

25. It is very important to make a statelessness determination procedure or any other procedure easily accessible for children. If necessary, a legal

representative or guardian should be appointed to initiate such procedures and act as the child's legal representative in respect to the process, including to obtain documents by contacting embassies or other competent authorities.

Identified promising practice

In Belgium, when a young person is identified as an unaccompanied foreign minor, the guardianship service appoints a guardian as soon as possible. Children are entitled to free legal representation.

Approved guardians are made aware of the issue of statelessness and of the assistance they can provide to the unaccompanied foreign minor during the procedure (help in obtaining documents by contacting embassies or other competent authorities, requesting the assistance of a lawyer to obtain the necessary advice and documents, etc.), ensuring that the lawyer has expertise in this area, ensuring that the young person is kept informed of the procedure and understands what is happening at each stage of the procedure, explaining the possibilities of appeal in the event of a negative decision, etc.).

Chapter 3

Birth registration

1. Immediate and free of charge birth registration, including of the children of refugees or migrants, even if the period within which the birth should have been declared has already expired

26. Any birth must be registered at the registry office or other institution responsible for birth registration. In most countries, the register office for the place of birth is responsible for registering births. The time limit within which the birth must be registered varies from three days to three months. In practice, however, the birth is often recorded by the health facility where the birth takes place or by the doctor/midwife attending the birth within a few hours. The actual birth registration is carried out by the civil registrar within a few working days after the birth.

27. If a midwife or doctor was not present at the birth, the parents or the person in whose house the birth took place, or any other person with knowledge of the birth, must report the birth to the civil registrar. Moreover, state institutions for the protection of the rights of the child have an obligation to do so if they discover a case of a birth that has not yet been reported.

28. In many countries, birth can be reported electronically to the civil registry office²¹ or even directly to a central electronic population register.²² In several countries, birth is recorded by the registry office in a central register.²³

29. The birth of all children born on the territory of a state, including the children of refugees or migrants, even if they do not meet the legal residency requirements, should be registered. In many countries, parental documentation is not a requirement for birth registration. Incomplete records are checked and completed at a later date. The right of the child to be registered is considered a human right, regardless of the residence status of the child and the parent(s).

21. For example, Georgia and Ireland.

22. For example, Estonia.

23. Austria, Azerbaijan and France.

30. In many states,²⁴ births that take place abroad are also entered into the civil registrar of the state of which the parents are nationals on the basis of an extract from the birth certificate issued by the competent foreign civil register. In some cases, a birth taking place abroad can also be entered in the civil register of the state of which the parents are nationals without a birth certificate. However, in such cases, a court decision is often required.

31. Birth registration is free of charge in all countries that replied to the questionnaire, and almost all countries do not charge for the first birth certificate issued for a child. In most states, birth registration will still take place after the set deadline when the civil registrar is informed of the birth.

Identified promising practice

In Spain, although deadlines for registration exist, even after these have expired, it is possible to file for a late registration before the civil registry. In no case would a birth remain unregistered. The only additional requirement is the need to file for a late registration before the competent authority.

2. Flexibility in evidentiary and documentation requirements in birth registration processes

32. In some countries a copy of an identity document is sufficient, but not an oral witness statement.²⁵ This is different in one member state, where information for a birth registration is obtained through a personal interview conducted by the registrar with a qualified informant, usually one or both of the child's parents.²⁶ This informant is not required by law to produce any form of identification. If the parents are not married or in a civil partnership and do not both attend the registration, a signed declaration is required to confirm their parentage.

33. If the mother cannot provide documentation, in the vast majority of countries the birth will still be registered, but the mother's information will be marked as uncertain in the civil registry and/or, where such a registry exists, in a central register of persons.

Identified promising practices

In Czechia, a declaration of honour is accepted in lieu of documentation for some groups, such as refugees and asylum seekers.

24. For example, France and Netherlands.

25. For example, Denmark.

26. United Kingdom.

In Portugal, parents who lack identification documents can confirm their identity through the testimony of two witnesses.

In Slovenia, if the parents have absolutely no possibility of providing the required documents (such as refugees, asylum seekers), the parents' data are registered on the basis of any available documents.

3. A procedure for registering the birth of a child in the absence of proof of the exact place, time or date of birth

34. A few different types of case, where the exact place, time or date of birth may be uncertain, have to be distinguished.

- **Birth in a means of transport**

35. Special rules exist in several states for births that took place on board of a means of transport.²⁷

Identified promising practice

In Lithuania, the law stipulates that if a child was born on a ship, a document stamped by the ship's captain which indicates the time and gender of the child's birth, mother's first name, surname, social security number or date of birth must be submitted. If possible, data on the child's mother's spouse should be indicated.

- **Birth abroad**

36. In several states,²⁸ the birth of children born abroad can be registered if the child is a national at the time of the application or is recognised as a foreign refugee or stateless person at that time. In cases where civil status information is missing, investigative procedures should be carried out. Any witness statements or other information should also be taken into account.

Identified promising practice

In Ukraine, the adoption of the Resolution of the Cabinet of Ministers of Ukraine No. 66 of January 24, 2023 "On Ensuring the Exercise of Powers by Foreign Diplomatic Missions of Ukraine in the Field of State Registration of Civil Status Acts under Martial Law" ensured the possibility for citizens of Ukraine who are abroad of accessing services in the field of registration of civil status acts using the State Register of Civil Status Acts in foreign diplomatic institutions designated by the Ministry of Foreign Affairs of Ukraine regardless of their place of residence.

27. For example, Croatia, Czechia, Denmark and Lithuania.

28. For example, Czechia, Germany and Netherlands.

- Other situations

Identified promising practices

In Azerbaijan, in the absence of a document from a medical institution confirming the time and place of birth, the fact of the child's birth will have to be established by the court.

In Georgia, a decision on the establishment of the legal fact of birth may be taken even in the absence of certain data except name, surname and year of birth required for the registration of a civil act, if such data cannot be established due to insufficient evidence or other compelling reasons.

4. The information of both parents recorded in the birth certificate in all cases

37. Information on persons who have been legally established as parents according to the relevant rules is recorded on the birth certificate. This includes, in several states,²⁹ the possibility of being registered for a same-sex spouse or partner of the mother who gave birth to the child, if this parentage is established under the national or foreign law applicable in accordance with private international law. The non-birth parent is registered as such on the basis of a legal presumption of parentage, in the case of recognition of the child or adoption, or if parentage is established by a court. It is important to note that birth registration should not be prevented due to the lack of information about one or both parents.

38. In a number of states,³⁰ the child's nationality is automatically registered on the birth certificate and in the civil status register. In some other states,³¹ nationality is mentioned on the birth certificate only if this is the nationality of the state in question; any foreign nationality is not mentioned. Several other states³² never mention the nationality in birth certificates.

Identified promising practice

In Norway, the birth certificate is issued with the relevant information that is registered in the National Registry. The determining factor is that parenthood has been established or determined in accordance with the rules of the Children Act, or through adoption. Both unmarried and LGBTQIA+ parents can therefore be included on the certificate once parenthood is established. Furthermore, a birth certificate without the parents' names can also be issued upon request.

29. For example, Austria, Czechia, Denmark, Estonia, Netherlands, Switzerland and United Kingdom.

30. Croatia, Denmark, Sweden.

31. Georgia, Germany, Lithuania and Serbia.

32. Czechia, Estonia, Montenegro, Netherlands, North Macedonia and United Kingdom.

5. The possibility for birth registration competent authorities not to be concerned with the child's residence status

39. A relevant question is whether a registrar will report to the immigration authorities the registration of the birth of a child of an irregular migrant born in the country. If so, it is argued that this possibility may run the risk of discouraging an irregular migrant from registering the birth of their children, making them extremely vulnerable, for example to trafficking. However, in some states, preventing such sharing of information can be construed as an obstacle to effective immigration control.

40. Therefore, attitudes of states differ considerably on this issue. While in a number of states,³³ immigration authorities receive information from the civil registry office, in some states³⁴ the registry office does not verify the legality of the stay of the child or its parents in the territory of the state. As a result, the birth certificate does not contain information that would be of interest to immigration control authorities.

Identified promising practices

In Portugal, the law does not establish reporting requirements and in practice the information on children without residence status is not shared. Although there is no explicit prohibition on sharing information from birth registration with immigration authorities, Article 101-A of the Civil Registration Code requires that medical facilities record birth data in software that can be accessed only by health facilities, the Institute of Registration and Notary Affairs, and the Institute of Social Security.

The Portuguese Nationality Act grants Portuguese nationality by birth to children born in the territory if at least one of the foreign parents has resided in Portugal for at least one year, regardless of legal status. The law does not mention any reporting requirements and even offers novel options in terms of proof of stay for those who have resided in Portugal irregularly.

In Switzerland, if the domicile details are not proven, the corresponding field remains empty, and the civil registrar refers to the place of residence. If this is not known, no place of residence data is entered, so communication to the migration services is not possible.

33. For example, Lithuania, Netherlands and Slovenia.

34. For example, Azerbaijan, Poland and United Kingdom.

Chapter 4

Awareness-raising and training of relevant actors

1. The training and awareness-raising provided for migration officials, civil servants responsible for registering asylum seekers, refugees and migrants, civil registrars, guardians, judges on nationality and statelessness

41. Most states report that they provide training and awareness-raising for migration officials, civil servants responsible for registering asylum seekers, refugees and migrants, civil registrars, guardians and judges on nationality and statelessness. Training and awareness-raising activities are often prepared in co-operation with civil society, such as the European Network on Statelessness (ENS), and international organisations, such as the European Union Agency for Asylum (EUAA), the European Union European Migration Network (EMN), the International Centre for Migration Policy Development (ICMPD), the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations International Children's Emergency Fund (UNICEF). However, it is important to stress that the effectiveness of training and awareness-raising activities depends on their regularity for the public, which is most likely to recognise statelessness, especially of children.

Identified promising practice

In Germany, civil servants working in the field of asylum are trained in interviewing techniques. Methods to conduct child-sensitive asylum interviews and the variety of possible child-specific reasons for granting asylum/international protection are part of specific training. Registrars in Germany receive training on a regular basis and are therefore aware of problems around statelessness and nationality.

Civil servants conducting asylum interviews and deciding on an asylum application are provided with general information about statelessness in the context of asylum and migration and, where relevant, specific information about statelessness in countries of origin.

2. The awareness-raising on the causes and consequences of statelessness provided for officials called upon to deal with statelessness

42. Officials called upon to deal with statelessness should be provided with clear and accessible information at the national and local level on the causes and consequences of statelessness, country of origin information and common profiles of stateless people in Europe.

Identified promising practices

In Croatia, workshops, training courses and events aimed at raising awareness on the causes and consequences of statelessness as well as different profiles of stateless persons in Europe are organised.

In Denmark, the Country of Origin Unit (COI) of the Danish Immigration Service (DIS) has a dedicated team that monitors developments related to statelessness issues in countries relevant to the Refugee Status Determination (RSD) process. The unit produces internal and public country-specific reports on a number of countries dealing with statelessness and possible consequences of statelessness in a given country. The unit is also part of the EUAA child-focused COI network established in 2023.

This compendium of promising practices on child statelessness was prepared by the European Committee on Legal Co-operation (CDCJ) and adopted in November 2025.

Based on the responses of member states of the Council of Europe to a questionnaire regarding procedures governing statelessness and access to nationality in respect of children, the compendium aims to inspire and encourage states to adopt good practice to address and prevent the statelessness of children and to enable stateless children's access to nationality.

It is divided into four sections that are essential in the access to nationality for stateless children, namely the prevention of statelessness amongst children; child-friendly nationality and statelessness determination procedures (legal aid, representation, access to information and justice for children); birth registration; and awareness-raising and training of relevant actors.

The examples illustrate particular aspects of promising practices that may be replicated or adjusted as necessary in the member states of the Council of Europe and beyond to best address child statelessness.



www.coe.int/cdcj

PREMIS 001226

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE