



AD HOC QUERY ON 2019.40 DE AHQ on Procedure to Certify Statelessness (only AT, DE, DK, FR, NL, SE & NO)

Requested by Heiko HECHT on 21 March 2019

Compilation produced on 25 September 2019

Responses from Austria, Germany, Netherlands, Sweden plus Norway (5 in Total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background information

In Germany a significant number of applicants claim in the asylum procedure that they are stateless. This assertion is primarily made by people who come from Syria and who state Kurdish or Palestinian ethnicity as their background. It is determined during the interview that is held as part of the asylum procedure that these individuals in fact come from Syria.

The Federal Office is currently reviewing the procedure, and would be grateful if you could answer the following questions in this connection. Remark: This Ad-Hoc is an urgent request. We would appreciate answers, if possible, until March 29, 2019.

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2. Questions

1. 1.Are you confronted with the same situation in your Member State?

2. 2.Do you register in the asylum procedure that the applicant is stateless only based on his/her claim? If that is not the case, what requirements are generally imposed for assuming that the individual is stateless during the asylum procedure?

3. 3.How do you register the applicant who claims s/he is stateless (i.e. stateless/undetermined/specific nationality)?

4. 4.Are there any special procedures in the Member State to clarify the question of statelessness in the interviews or in the proceedings as a whole? If so, what are they?

We would very much appreciate your responses by **18 April 2019**.

3. Responses

1



		Wider Dissemination ²	
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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 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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	EMN NCP Austria	No	
	EMN NCP Germany	Yes	<ol style="list-style-type: none"> 1. In Germany a significant number of applicants claim in the asylum procedure that they are stateless. This assertion is primarily made by people who come from Syria and who state Kurdish or Palestinian ethnicity as their background. It is determined during the interview that is held as part of the asylum procedure that these individuals in fact come from Syria. 2. According to the internal guidelines of the Federal Office, the mere fact of an applicant claiming to be stateless is not sufficient to assume that they indeed are stateless. Rather, statelessness must be proven by submitting appropriate documents. In accordance with the 1954 Convention relating to the Status of Stateless Persons, statelessness must be certified by one of the Contracting States to the Convention. The Federal Office therefore only assumes that applicants are stateless if this can be proven by means of corresponding documents. In accordance with Articles 27 and 28 of the Convention, only valid identity papers and travel documents are considered as proof of statelessness. 3. Since neither statelessness nor the nationality of a specific state can be established in these proceedings, these individuals are classified by the Federal Office as having “undetermined” nationality. Syria is taken as the basis for the review to be carried out by the Federal Office under asylum law. Given the situation in Syria, this practice has led to international protection being granted to a large number of individuals with “undetermined nationality”. 4. The Federal Office considers the immigration authorities in Germany to be responsible for recognizing statelessness; the Federal Office is not responsible in this respect. In cases in which applicants are unable to prove statelessness, the Federal Office will refrain from asking the immigration authority to clarify the matter of statelessness as part of the ongoing administrative procedure in order to speed up the procedure. The Office considers any determination on statelessness to be reserved for the procedure under immigration law, which normally follows on from the asylum procedure.


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	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes, the Netherlands receives asylum applications from stateless persons who claim to be Palestinians from Syria. 2. No, there are other measures being taken to determine the status of the application for statelessness. A statement by the applicant is not sufficient, proof is required. Stateless persons who are unable to prove to be stateless by documents, can get a statement by the Dutch municipality regarding their status. This is based on article 2.15 of the legislation of the Dutch population register, Wet basisregistratie personen Basisregistratie Personen (BRP). 3. Statelessness is being registered in the municipality. 4. A checklist is carried out by which questions are asked regarding the individual and his/her circumstances. In addition, documents are discussed that Palestinians and Syrians might possess.
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In Sweden too a not insignificant number of applicants claim to be stateless. They claim to come from the Gaza strip/West Bank and Syria, primarily. 2. Initially the applicant will be registered, including nationality, based on his/her claim. If the subsequent assessment finds otherwise the registration will be amended. If the claim seems doubtful, nationality may be registered as 'Under review'. 3. Nationality will be registered as 'Stateless'. 4. There is no guidance with regards to assessing statelessness specifically. Every application is handled on a case-by-case basis.

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	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. 1. Norway gets a number of stateless applicants. Their habitual residence varies, but most of them have been Palestinians and Kurds from Syria since the civil war in Syria started. We have not experienced that these applicants claim to be Syrian citizens, but we have cases where they claim to have Syria as their habitual residence when in fact they come from other countries. Most often they are from Iraq or Turkey.</p> <p>2. 2. Norway registers the applicants as stateless according to their claim, unless we discover otherwise. We consider the applicants' information about their identity as part of the case-handling. Norway does not have special procedures for stateless applicants. We consider the documents they have, we may try to verify their identity and we consider language-tests in some cases. We also check their information in social media. The police have additional tools in their work on identity. The tools we use varies depending on each case and the information we have.</p> <p>3. Norway registers the applicants primarily on citizenship, so stateless applicants are registered as stateless. We have additional registration based on their country of habitual residence.</p> <p>4. 4. The procedures we use to clarify an applicant's identity depends on the nature of each case and what is most relevant. A stateless Palestinian from Syria who delivers documents from Syria with high notoriety will not undergo special procedures only because he is stateless; unless there is other information indicating such a need. An applicant claiming he is an unregistered stateless Kurd from Syria with no documents will undergo a variety of procedures. He/she will undergo a language test in the languages they are expected to know. For this group they will do a language test in kurmanji and Arabic. They will also</p>
