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Statelessness in the Context of International Protection

This fact sheet provides an overview of the recent developments on statelessness in the context of international protection at the EU and national levels. It covers the period February 2024 to November 2025. For earlier developments, please consult the Asylum Report 2024, Section 3.12 on Statelessness in the context of asylum.

Statelessness is a legal anomaly which affects people who are not considered nationals by any state. Such individuals do not possess legal identity documents and therefore cannot prove their belonging to a specific nationality. States retain the sovereign right to regulate matters of nationality, but they must do so in accordance with international law, which upholds the right of every person to a nationality.

While stateless persons and asylum seekers are two distinct categories in international law, a person can be both. Statelessness in itself does not amount to persecution, but it may reach such a threshold. The EU Pact on Migration and Asylum incorporates aspects of statelessness, particularly within the Screening Regulation, the Asylum Procedure Regulation (APR), the Regulation on Asylum and Migration Management (AMMR) and the Eurodac Regulation.

Main highlights

- As of November 2025, only eight EU+ countries have a statelessness determination procedure established in law or policy. The majority of Member States lack such a mechanism.
- Between February 2024-November 2025, several EU+ countries implemented initiatives to reduce statelessness. For example, Slovenia ratified the 1961 Convention on the Reduction of Statelessness, Belgium adopted a new law on residence for stateless persons, and Iceland drafted standard operating procedures for statelessness determination. Adopting a more restrictive policy, Estonia revoked the voting rights of stateless people in local elections.
- The EUAA published new reports and guidance on statelessness to help national authorities with the processing of asylum applications. In addition, new reports focus on stateless populations, such as the Kurdish population in Syria, the Baha'i minority in Iraq, the Faili Kurds and Baluches in Iran, and the Biharis and Rohingyas in Bangladesh.
- Several courts in EU+ countries ruled on cases involving stateless persons, particularly asylum applicants from Palestinian territories from UNRWA's protection areas. Courts also pronounced judgments on stateless applicants of Kurdish ethnicity, the stateless Bihari minority, applicants from the Nagorno-Karabakh region, and children at risk of being born stateless.
- In October 2024, UNHCR launched the Global Alliance to End Statelessness, designed to address the inequalities faced by stateless individuals and ensure their access to fundamental rights.

Legal instruments on statelessness

The 1954 Convention relating to the Status of Stateless Persons establishes the legal definition of stateless as a "person who is not considered a national by any State under the operation of its law".[1] It outlines the minimum human rights to which stateless persons are entitled to, including access to employment, education, housing, freedom of association, and the right to identity papers, travel documents and the necessary administrative assistance. The 1961 Convention on the Reduction of Statelessness defines measures that states can adopt to provide nationality to those who are stateless.

At the European level, two important legal instruments have been adopted to protect individual's rights related to nationality and avoid, as far as possible, cases of statelessness. The European Convention on Nationality (Council of Europe, 1997) addresses several aspects of nationality law in Europe and aims to harmonise practices. The Convention on the Avoidance of Statelessness in relation to State Succession (Council of Europe, 2006), which was adopted after the dissolution of the Soviet Union, recognises that state succession remains a major source of statelessness and aims to ensure that individuals are not left without a nationality when one or more states of their nationality are replaced.

Statelessness in the legal framework of the EU Pact on Migration and Asylum

The EU Pact on Migration and Asylum, adopted in 2024, refers to statelessness specifically in numerous legislative acts:

Screening Regulation

- Recital 37 highlights the need to conduct a preliminary vulnerability assessment when identifying individuals who may be in a vulnerable situation and may require specific reception conditions or procedural safeguards, explicitly mentioning stateless persons.
- Article 2(5) defines a stateless person as "a person who is not considered as a national by any State under the operation of its law".
- Article 12(3) states that screening at the external border and within the territory should be subject to a preliminary vulnerability check, with a view to identifying whether a third-country national might be a stateless person.
- Article 17 refers to the screening form to use, which includes a section on "indication of nationalities or statelessness".

Asylum Procedures Regulation (APR)

- Recital 24 explicitly mentions the 1954 Convention, emphasising the need to strengthen the protection of stateless persons by protecting their core fundamental rights and reducing the risk of discrimination or unequal treatment.
- Article 3(15) includes the legal definition of a stateless person.
- Article 27(1a) refers to the registration of applicants for international protection, stating that the screening form should include the nationality of the applicant or if he/she is stateless. Article 27(2) specifies that when an individual claims to have no nationality, this information must be duly recorded pending the determination of their stateless status.
- Article 29(4a) states that, after the lodging of the application, the competent authority should issue a document which should include whether the applicant is stateless.
- Article 61(5) considers statelessness in the safe country of origin concept, stating that the notion can be applied to stateless persons towards their formal habitual residence.

Regulation on Asylum and Migration Management (AMMR)

- Recital 49 mirrors Recital 24 of the APR, explicitly mentioning the 1954 Convention.
- Article 2(2) includes the legal definition of a stateless person.

Eurodac Regulation

- Recital 56 refers to the Union's pledge of September 2012, according to which all Member States "were to accede to the Convention relating to the Status of Stateless Persons done at New York on 28 September 1954 and were to consider acceding to the Convention on the Reduction of Statelessness done at New York on 30 August 1961".

The European Commission's Common Implementation Plan adopted in June 2024 is organised into Building Blocks and mentions statelessness in Building Block 2 (New system to manage migration flows at the EU external borders), Building Block 4 (Fair, efficient and convergent asylum procedures) and Building Block 9 (New safeguards for applicants for international protection and vulnerable persons, and increased monitoring of fundamental rights).[2]

1. Data on statelessness

According to the UNHCR Mid-Year Trends 2025, at the end of June 2025, 4.4 million people globally were considered stateless, of which 1.6 million were also displaced.[i] The increase of 71,400 stateless people since the end of 2024 derived mainly from the greater number of Rohingya reported in Bangladesh (1.1 million, +14%).[3] The Rohingya minority was reported as the largest stateless group worldwide, being subjected to discrimination and persecution in Myanmar. Globally, about 58% of the reported stateless population was in Asia and the Pacific, while 10% resided in Europe.[4]

However, the actual number of stateless persons worldwide could be much higher as gathering reliable data is extremely challenging due to the absence of systematic data collections by states and the hidden nature of statelessness, which is often hard to detect by governments and to declare by those affected.[5] According to Eurostat, around 3% of first-time asylum applications in Europe were lodged by stateless persons or of 'unknown nationality'.[6] A high share of refugees come from Syria, Iraq, Iran, Afghanistan, Eritrea, Somalia and Sudan (in descending order), where many may be stateless due to discriminatory nationality laws, state successions or deprivation of nationality.[7]

According to data exchanged by EU+ countries under the EUAA Early-Warning and Preparedness System (EPS),[ii] between January-September 2025, approximately 1,700 applications for international protection were lodged by stateless applicants across EU+ countries. During the same period, 6,400 applications were lodged by Palestinians.[iii] During this time, EU+ countries issued 1,600 decisions at first instance to stateless applicants, with a recognition rate of 61% (decisions granting refugee status or subsidiary protection). About 7,700 decisions at first instance were issued to Palestinian applicants during the same period, with a recognition rate of 50%.

2. Recent developments

- As of November 2025, eight EU+ countries (Bulgaria, France, Hungary, Italy, Luxembourg, Latvia, Spain and Switzerland) have a specific procedure defined in law or a policy to identify stateless individuals.[8] In addition, Belgium (though a judicial review), Czechia and the Netherlands have a stateless determination procedure in place, but it does not automatically result in a residence permit or access to rights.[9] While Slovakia does not have a determination procedure, it has a legal basis to grant permanent residence to stateless persons for a maximum of 5 years.[10]

- In January 2025, Slovenia ratified the 1961 Convention on the Reduction of Statelessness. As a result, provisions in the Act on Citizenship will be amended, for

[i] The number of stateless persons who are forcibly displaced is calculated based on the total population that UNHCR protects or assists to avoid double-counting.
[ii] Early-Warning and Preparedness System (EPS) data are exchanged between the EUAA and EU Member States plus Norway and Switzerland (EU+) through a standard template. These data are provisional, unvalidated data and therefore may differ from validated data submitted at a later date to Eurostat (according to Regulation (EU) 2020/851 amending Regulation (EC) No 862/2007).
[iii] It should be noted that since Palestine is not recognised as an independent state in all EU+ countries, applicants of Palestinian origin may also be reported as stateless and unknown citizenship in some EU+ countries. Therefore, the reported number of Palestinian applications in the EU+ is likely underestimated.

example Article 9 (conditions for acquiring citizenship) and Article 22 (conditions for the termination of citizenship by dismissal for a minor child).[11]

- In October 2024, Bulgaria strengthened its international commitments under the Global Compact on Refugees by pledging to regularly review its remaining reservations to the 1954 Convention, such as having a narrower definition of stateless persons.

- In March 2024, Belgium adopted a new law establishing a specific procedure to apply for residence with the Immigration Office on the grounds of statelessness. This affected the organisation of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), its main responsibilities (for example within the COI unit) and assigning additional tasks to the Council for Alien Law Litigation (CALL) for appeals.[12] The rules for family reunification were also amended and expanded, allowing family reunification for people with a residence permit on the grounds of statelessness.

- With the support of UNHCR, Iceland drafted standard operating procedures for statelessness determination, which are in line with recent amendments to the Foreign Nationals Act.[13]

- Estonia's parliament passed a constitutional amendment in March 2025, revoking voting rights in local elections for all third-country nationals residing in the country, including stateless residents.[14] Stateless persons with the 'grey passport' will be able to vote in the next round of local elections, but they will be required to apply for Estonian citizenship within the following 4 years to participate in future elections.

- In Cyprus, children born into mixed marriages of a Cypriot citizen and a non-Cypriot national who entered or remained in the country unlawfully after 1974 can still be excluded from automatic citizenship, which may result in statelessness.[15] Between 2013-2023, the government adopted a more restrictive approach to processing citizenship applications from children of mixed marriages. However, in January 2024, the President introduced a 14-point proposal concerning Turkish Cypriots, and applications are now assessed in a less restrictive manner.[16]

- UNHCR published its key advocacy messages on Statelessness and the EU Pact on Migration and Asylum in February 2025.

- In October 2025, UNHCR released "Statelessness in Norway – 10 Facts", a fact sheet which provides facts on stateless individuals in Norway and recommendations for action, in addition to statistical trends for 2020-2024.

- In July 2025, OSCE and UNHCR published a report on childhood statelessness, emphasising good practices in the OSCE area.[17]

- In December 2024, UNHCR organised training on statelessness for key stakeholders in Belgium, following the adoption of the new law on residence permits for stateless persons.[18]

- In Croatia, UNHCR relaunched the Coordination for Statelessness initiative in November 2024 to foster collaboration between the government, civil society organisations, legal professionals and the Ombudsperson to end statelessness.[19]

- Through a grant agreement, UNHCR supported the stateless-led Association of Bhutanese Communities in Denmark to develop advocacy tools and collect personal testimonies to highlight the challenges stateless persons face in obtaining permanent residence and Danish citizenship.[20]

- In May 2024, UNHCR conducted training to the Directorate of Immigration in Iceland on the identification of stateless people and those at risk of statelessness.[21]

- UNHCR published a report analysing the social and legal dimensions of statelessness in Italy, the protection system and prevention measures, while highlighting the lived experiences of stateless people. It aims to raise awareness, strengthen stakeholder cooperation and provide recommendations to improve identification, protection, prevention and the legal framework.[22] In April 2025, UNHCR launched a pilot project in Italy to implement standard operating procedures for establishing a referral mechanism between the refugee status determination and statelessness determination procedures, with the goal of strengthening the protection framework for stateless individuals and those at risk of statelessness.[23]

- In October 2024, UNHCR launched the Global Alliance to End Statelessness to address inequalities faced by stateless individuals and ensure their access to fundamental rights.

- The European Network on Statelessness (ENS) published its briefing "Implementing the statelessness provisions in the EU Pact on Migration and Asylum" in October 2024.

- In October 2025, the ENS updated the Thematic Briefing on Statelessness Determination and Protection in Europe, which reflects on the latest legal, policy and practical developments based on data from the Statelessness Index.

- Access to nationality for children has been a key priority for the European Committee on Legal Co-operation (CDCJ) of the Council of Europe. As part of its contribution to the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021–2025) and the Council of Europe Strategy for the Rights of the Child (2022–2027), the CDCJ published a feasibility study in February 2025 which addresses key issues such as preventing childhood statelessness, ensuring child-friendly nationality determination procedures, implementing awareness-raising measures on statelessness, and providing training to relevant actors on access to nationality for children.[24]

- To raise awareness, the Latvian Centre for Human Rights published a fact sheet in December 2024, explaining what statelessness is, who non-citizens are, recent statistics in Latvia, relevant case law from the Supreme Court Senate and information on the Statelessness Index.[25]

3. EUAA work on statelessness

To assist practitioners, the EUAA has developed a training course on statelessness and inclusion in international protection. The course focuses on skills to recognise stateless persons, the human rights violations they face, understanding the legal concept of statelessness and why it is relevant in the context of international protection. It also highlights stateless-specific forms of persecution *(see Statelessness and inclusion in international protection)*.

In addition, the EUAA regularly produces practical guidance, tools, training material, country of origin information and country guidance to assist Member States and align practices across the Common European Asylum System. The material supports national authorities in assessing the protection needs of stateless persons, taking into account the particular vulnerabilities arising from their status in their country of habitual residence.

In March 2025, the EUAA published the Practical Guide on Nationality: Concepts related to nationality and statelessness in the context of international protection. The guide provides a comprehensive overview of the statelessness determination procedure and its interplay with the asylum procedure. It examines the concept of the country of former habitual residence in the context of stateless applicants, how it is determined and how to address cases when the applicant has multiple countries of former habitual residence. The practical guide focuses on assessing the risk upon a return for stateless applicants, noting that even if they do not qualify for refugee status nor for subsidiary protection, they may still be entitled to protection under the Stateless Persons Convention. See also: EUAA Practical Guide on Registration: Lodging of applications for international protection (December 2021) with guidance on identifying and recording data on stateless individuals during the registration process.

4. Countries in focus

Syria

Although it is challenging to collect reliable data, it is estimated that there are about 160,000 stateless people in Syria, amounting to almost 3% of its population.[26] A significant increase in the number of stateless individuals was noted after the 1962 census in the Hasakah province that stripped around 120,000 Syrian Kurds of their citizenship and the discriminatory provisions of the Nationality Law which is based on paternal *jus sanguinis*.

Although the Bashar al-Assed regime fell in December 2024, the situation of stateless individuals in the country remains critical. As of June 2025, stateless Kurds have not been naturalised and they do not possess the same rights attached to Syrian citizenship. Therefore, for Kurds from areas under the control of the Syrian National Army (SNA), a well-founded fear of persecution based on reasons of race, nationality or (imputed) political opinion are substantiated. Meanwhile, children of female heads of households lack legal documentation due to the inability of their mothers to register them at birth.

For more information see:

- EUAA Interim Country Guidance: Syria (June 2025)
- EUAA COI Report – Syria: Country Focus (July 2025)
- EUAA COI Report – Syria: Country Focus (March 2025)

Iraq

The Baha'i Faith is a religious minority that is currently recognised in the Kurdistan Regional Government (KRG) in Iraq but forbidden in Federal Iraq. According to the latest country of origin information and country guidance, members of this minority often struggle to obtain identity documents and become stateless. As Baha'i marriages are unregistered, the children born from such marriages do not possess a nationality.

The risk of statelessness in the country extends beyond Baha'i children. In Iraq, many minors lack birth certificates and other essential civil documentation, because they face obstacles to register due to factors such as birth out of wedlock, unregistered marriages and origins linked to ISIL-related violence or forced unions.[27] Moreover, women heading households that are perceived as affiliated with ISIL, along with their children, are at risk of persecution. They encounter significant issues in obtaining documentation, including threats, harassment and sexual exploitation, which may ultimately result in statelessness. Additionally, many Palestinians still remain stateless in Iraq, being subjected to aid cuts and significant limitations inscribed in Iraqi law.

For more information see:

- EUAA Country Guidance: Iraq (November 2024)
- EUAA COI Report - Iraq: Country Focus (October 2025)
- EUAA COI Report – Iraq: Country Focus (May 2024)

Iran

Faili Kurds are an ethnic group residing mainly at the border with Iraq and Iran. After the Baath Party's rise to power in Iraq in 1968, Faili Kurds were stripped of their Iraqi citizenship, rendered stateless and forcibly exiled to Iran. Due to their statelessness, they are subject to discrimination and could be exposed to acts that are of such severe nature that would amount to persecution.

In addition, the Baluches are an ethnic and religious minority spread between Iran, Pakistan and Afghanistan. Individuals belonging to this group have been targeted by the Islamic Republic of Iran since 1979, thus facing discrimination and persecution. Currently, over 100,000 individuals in the Iranian Sistan and Baluchistan provinces lack official documents and are considered stateless.[28]

For more information see:

- EUAA Country Guidance: Iran (January 2025)
- EUAA COI Report – Iran: Country Focus (June 2024)

Bangladesh

Biharis are an Urdu-speaking Muslim minority who have faced discrimination since the independence of Bangladesh, being stripped of their nationality and becoming officially stateless. Despite the formal recognition of their right to vote and citizenship by the Bengali Constitutional Court's ruling in 2008, many of them still face barriers in accessing the same rights and benefits of citizens.

In addition, Rohingyas are an ethnic, linguistic and religious minority group in Myanmar who are denied citizenship and are considered stateless. For decades, they have been displaced in Bangladesh due to the violence perpetrated by the Myanmar military and the escalating

conflict in Myanmar's Rakhine state. However, in Bangladesh they are not granted refugee status but reside on temporary humanitarian grounds, not being able to work or move freely.

For more information see:

- EUAA COI Report - Bangladesh: Country Focus (August 2025)

5. Recent case law on statelessness from European and national courts

In 2024-2025, European and national courts in EU+ countries ruled on cases involving stateless persons, particularly asylum applicants from Palestinian territories under UNRWA's mandate by assessing whether UNRWA's assistance and protection had ceased to exist. The Tribunal of Trieste in Italy issued a judgment concerning the stateless Bihari minority in Bangladesh, recognising the systemic discrimination and marginalisation faced by this group. Other rulings addressed applicants from the Nagorno-Karabakh region who are often rendered stateless as they are not issued identity documents, individuals from the former Soviet Union who remain without effective nationality, and children at risk of being born stateless to asylum-seeking parents.

Palestinian territories

One of the largest and most protracted statelessness situations worldwide concerns Palestinians, whose status reflects a particularly complex and multifaceted reality. Following the outbreak of the war in the Gaza Strip in October 2023, the CJEU and several national courts in EU+ countries have examined UNRWA's capacity to provide assistance, as well as the protection needs of Palestinians originating from UNRWA's areas of operation.

In its most recent judgment concerning UNRWA's protection or assistance to Palestinians, the CJEU was asked by the Administrative Court of Sofia City in Bulgaria to interpret Article 12(1a) of the recast Qualification Directive (QD), which provides that people registered with UNRWA are, in principle, excluded from refugee status in the EU, unless UNRWA's protection or assistance has ceased. The case concerned a subsequent asylum application submitted by a mother and her minor daughter, both stateless persons of Palestinian origin who had left the Gaza Strip in 2018. In its judgment (*LN, SN* v *Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite*, C-563/22, June 2024), the CJEU ruled that UNRWA's assistance or protection must be considered to have ceased when UNRWA finds itself unable to ensure dignified living conditions or minimum security conditions in its area of operations where an applicant has habitually resided. The court observed that this would particularly be the case if a stateless person of Palestinian origin would find themselves in a situation of extreme material poverty that prevents them from meeting their most basic needs, such as, food, personal hygiene and a place to live, and that undermines their physical or mental health or puts them in a state of degradation incompatible with human dignity under Article 4 of the EU Charter. The CJEU finally noted that both the living conditions in the Gaza Strip and UNRWA's capacity to fulfil its mission have experienced an unprecedented deterioration following the events of 7 October 2023.

In the same judgment, the CJEU clarified that the assessment of whether UNRWA's assistance has ceased must be done from the time when the stateless person left UNRWA's area of operations in which they habitually resided to when the competent authority or court rule on the asylum application or an appeal against a negative decision. Thus, a court's examination of an appeal must provide a full and *ex nunc* examination of all the elements under Article 4 of the recast QD. Finally, the court highlighted that if the conclusion would be that UNRWA's

protection or assistance ceased for an applicant, the examination of the case could continue with an individual assessment of whether the applicant falls within an exclusion ground as set out in Article 12(1b) or Article 12(2) and (3) of the recast QD.

This CJEU reasoning was implemented by national courts in various judgments. One such example is the Dutch Council of State's judgment in *Applicant* v *The Minister for Asylum and Migration (de Minister van Asiel en Migratie)* (202307092/1/V2, May 2025), which applied the CJEU's conclusion that the assessment of an asylum request should not only consider the conditions at the time of departure of the applicant from UNRWA's area of operation but also the conditions prevailing there at the time of the decision on the asylum application. The council noted that the applicant, a stateless woman from Palestine from the West Bank registered as a refugee under UNRWA, was forced to leave due to factors beyond her control, namely UNRWA's inability to provide adequate support, thus falling within the inclusion ground under the recast QD. It emphasised the importance of considering the circumstances in UNRWA's area of operation at the time of the decision and whether its protection or assistance had effectively ceased due to a deterioration of conditions beyond the individual's control. The council concluded that a stateless Palestinian may fall under the inclusion ground even after a voluntary departure from the UNRWA's area of operation, if it is found that UNRWA's support in the area had ceased at that time due to other circumstances.

Similarly, citing the CJEU judgment in *LN, SN* v *Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite*, the application of the exclusion clause to stateless Palestinians registered with UNRWA was examined by the Council of State in the Netherlands in *Applicant* v *The Minister for Asylum and Migration (de Minister van Asiel en Migratie)* (202307738/1/V2, September 2025). The council held that the decisive factor in determining whether the ground for exclusion of Article 1(D) of the Geneva Refugee Convention and Article 12(1a) of the recast QD applied was not the mere registration with UNRWA, but mainly whether the applicant had actually received assistance from UNRWA immediately prior to or shortly before requesting international protection. The council held that the applicant's failure to seek UNRWA's protection in relation to her issues with Hezbollah did not negate that she had received UNRWA assistance. Furthermore, it found that the fact that she left Lebanon voluntarily and she did not apply for asylum until 6 months after her departure was insufficient to conclude that she did not actually receive assistance from UNRWA immediately before.

Finally, the Grand Chamber formation of the French National Court of Asylum (CNDA) pronounced in July 2025 a notable judgment extending refugee protection for Palestinian applicants from the Gaza Strip. It had already provided refugee status in September 2024 to a Palestinian couple from the Gaza Strip, in application of the CJEU judgment in *LN, SN* v *Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite*, considering that UNRWA was no longer able to effectively provide assistance and protection to any Palestinian residing in that territory. In *H.* v *French Office for the Protection of Refugees and Stateless Persons (Office Français de Protection des Réfugiés et Apatrides, OFPRA)* (No 24035619, July 2025), the CNDA ruled that, for a stateless Palestinian woman and her son, the Israeli military operations in the Gaza Strip amounted to persecution based on nationality. It first confirmed that the applicant and her minor son were not registered nor eligible for protection from UNRWA. The court then noted that the Israeli army controlled a significant part of the territory of the Gaza Strip, and its military tactics disproportionately affected women and children. It further stated that the large-scale destruction of infrastructure essential to the civilian population and the obstacles to deliver humanitarian aid created a crisis level of food insecurity for the entire population of the Gaza Strip. The court deemed the acts of the Israeli army sufficiently serious and systematic in nature to constitute a serious violation of human

rights from which no derogation is possible. The court held that the applicants' Palestinian identity constituted a 'nationality' within the meaning of Article 10 of the recast Qualification Directive, implying common cultural, ethnic and political characteristics, and as such, the applicants had a justified well-founded fear of persecution based on nationality.

Kurdish ethnicity

Statelessness must be assessed based on the ability to access citizenship and the rights attached to nationality, as the Federal Administrative Court (FAC) of Switzerland explained in *A. v State Secretariat for Migration (Staatssekretariat für Migration, SEM)* (F-622/2023, May 2025). FAC examined whether a woman of Kurdish ethnicity who was born in Türkiye and recognised as a refugee in Switzerland could be recognised as stateless. The court considered that, under the Turkish Nationality Act, any person born to Turkish parent(s) or born on Turkish soil and unable to acquire any other nationality through the parents acquires Turkish nationality by birth *(jus sanguinis)*. FAC stated that in principle the applicant could rely on the national law of Türkiye. However, considering that neither her parents' marriage nor her birth had been registered with the authorities, the applicant had not been able to obtain citizenship. FAC also observed that the applicant could not engage with the Turkish authorities to take steps to obtain the nationality due to her refugee status. In fact, such steps would put her at risk of being arrested, in view of the close links between her family and the PKK.

FAC held that a potential right to naturalisation was not sufficient to deny a situation of statelessness; rather, it was necessary to ensure that the person could effectively exercise this right in practice and benefit from the rights attached to nationality – which was not the case in the applicant's situation. FAC then considered the applicant's possible acquisition of Iraqi nationality, given that she resided in the country for several years. However, the court observed that such a hypothesis should be excluded, as the Iraqi government refused to grant nationality to Kurdish refugees. Therefore, the court recognised the applicant as stateless.

Bangladesh

The systemic discrimination and marginalisation of stateless minorities in Bangladesh constituted a well-founded fear of persecution according to the Tribunal of Trieste in Italy in *X v Ministry of the Interior (Territorial Commission of Trieste/Udine)* (R.G. 5089/2019, December 2024). The tribunal found that the applicant, a stateless member of the Bihari group, was able to describe his life in the 'Geneva camp' in Bangladesh, the poor living conditions and the discrimination and differential treatment he experienced compared to recognised nationals.

The tribunal noted that the applicant's statements were consistent with country of origin information, which confirmed that Biharis in Bangladesh have been *de facto* rendered stateless, with significant implications for every aspect of life. Despite the formal recognition of their right to vote and citizenship by the Bengali Constitutional Court's ruling in 2008, in practice they faced difficulties in exercising these rights. Moreover, the tribunal considered that even after the recognition of citizenship rights, economic and social discrimination persisted, along with the lack of state initiatives to promote the genuine integration of the Bihari community.

Nagorno-Karabakh

Certain regions in the world may be difficult to classify under international law because they are disputed conflict zones inhabited by different national and ethnic groups, a situation that often renders individuals stateless. The Nagorno-Karabakh region exemplifies this complexity since it is considered part of Azerbaijan but predominantly inhabited by ethnic Armenians.

On this matter, the Administrative Court of Kassel of Germany in *Applicants v Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF)* (1 K 1819/23.KS.A, September 2024) ruled that the refusal to recognise the civil status and issue travel documents to a married couple and their child from Nagorno-Karabakh constituted an act of persecution. The court found that the nationality of the applicants could not be easily clarified, as they were ethnically Armenians but not Armenian nationals. The court considered that the passports issued by Armenia to the applicants did not offer any recognition of citizenship, and they did not possess any papers linking them to Azerbaijan. It then noted that the place of habitual residence, Nagorno-Karabakh, was considered a part of Azerbaijan, even though the classification of the region under international law was not unanimously assessed. The court found that in Azerbaijan the applicants, as ethnic Armenian, could face systemic discrimination by Azerbaijani authorities. The court found that the refusal to issue identity document to ethnic Armenians of Azerbaijani origin rendered them stateless and amounted to an act of persecution, in view of the long-standing discrimination against Armenians in Azerbaijan. Moreover, as the applicants were not recognised by either Azerbaijan or Armenia, if returned to their country of origin, they would face severe difficulties accessing essential services.

Potential stateless children born by asylum-seeking parents

In *Applicant v Migration Department of the Ministry of the Interior of the Republic of Lithuania, State Child Rights Protection and Adoption Service of the Ministry of Social Security and Labor* (eA-1190-1188-2025, February 2025), the Supreme Administrative Court of Lithuania emphasised shortcomings in the assessment of a child's best interests and in considering the potential statelessness of minors born to asylum-seeking parents. Two applicants with different nationalities requested international protection for them and their son, highlighting that their child was a Lithuanian-born stateless minor who could acquire citizenship by naturalisation. Following the rejection of the parents' asylum requests, the Supreme Administrative Court stated that the circumstances invoked by the applicants did not constitute grounds for granting their son Lithuanian citizenship because none of the requirements related to naturalisation of a stateless person were fulfilled.

However, the court found that the first instance decision failed to consider the potential for the child to acquire the citizenship of both parents and did not evaluate whether the child and the mother would be safe in the father's country of origin. Therefore, the court found that the expulsion of the mother and her child to a third country where she was not a national, to which she did not consent and where it was not established that she would be admitted, was unlawful. The court considered that the first instance court did not properly assess in which of the countries (provided that the child was also entitled to the nationality of the mother's country of origin) the best interests of the child would be ensured.

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